

## Nelle Moffett

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**From:** Nelle Moffett <moffett@speak-peace.com>  
**Sent:** Monday, December 9, 2019 4:45 PM  
**To:** Kathleen Sullivan; Lianne Thmpson; Mark Kujala; Pam Wev; Sarah Nebeker  
**Cc:** dbohn@co.clatsop.or.us; 'comdev@co.clatsop.or.us'; 'Jan Mitchell'; Roger Rocka (rogerrocka@icloud.com); Rick Bowers  
**Subject:** consequences of enforcement of Section 2.052(4) of the Clatsop County Land and Water Development and Use Ordinance  
**Attachments:** Notice of Infraction - NOI11419.pdf  
**Importance:** High

Clatsop County Commissioners,

I am writing to inform you of a situation that was sent to me on Nov 7<sup>th</sup> to see if I could offer any assistance. A property owner near Jewell received a notice from the county to remove a tiny home that was on his property within 30 days. This notice was written based on a county ordinance that was passed fairly recently (approximately a year ago?). <https://www.co.clatsop.or.us/county/page/code-regulations>. See the "Notice of Infraction" attached. The property owner was in a panic because of the huge fines potentially imposed on him (\$500/day) and he thought it would take effect immediately. After clarifying with Nancy Mendoza that he had 30 days to move the tiny home, from my understanding, he began to threaten the person living in the tiny home to get her (Jane Doe) to move it immediately. Was this his first notice? The problem was that Jane Doe had neither a vehicle to move it, money to hire someone to move it, nor a legal place to move it to.

I began to research this issue to see if I could find any solution for Jane Doe. I put out requests to see if someone could help move her tiny home and/or had a place where she would be welcome to put the tiny home. One comment I received from a person who lives in Brownsmead: "[Wherever she takes her tiny home she will be harassed. Even the private property owners will be notified by the county to file the proper permits requiring much permitting and engineering \(only if the property is zoned properly.\) It's a difficult situation for a person who has already invested in this path. I wish I had some answers.](#)"

Through a long string of official "mishaps," Jane Doe has lost her property and house, her driver's license, her truck full of food and belongings, and now her tiny home and place to live. She has no place to go and no means of getting there. She receives \$900 per month from SSD, she worked as a carpenter until she became disabled, and she has been trying to take care of herself with the means that she has available to her. Similar to the City of Astoria's effort to remove homeless campers from the woods surrounding the city, the county has not identified any place where Jane Doe can legally put her tiny home, which is her home and shelter. There is no housing that Jane Doe can afford. She got on the NOHA list and received a letter stating that she was on the list. But when she came up to the top of the list, NOHA apparently sent the notice to the wrong address and by the time she got the letter and went into the office, she was told that she had to start all over from the bottom. This is not the first time we have heard this scenario. She tried to live out in the woods but was told that was illegal, so she got permission from a property owner in Jewell to live on his property. Jane Doe lives at a very low survivalist level, but she has made a place for herself to be and to take care of herself within her means.

In a county with the highest per capita rate of homelessness in Oregon, it certainly appears to me that city and county governments have a big hand in creating this problem. Legislation has been used as a way to disempower people at the low end of the scale without providing any alternatives to meet their needs. People cannot just be "enforced" or "fined" or "legislated" out of existence. Jane Doe described how laws and special interests have already deprived her of the property and house that she owned as well as her life savings. There are laws that have, hopefully, unintended consequences and there must be discretion

used when they prevent people from their right to life, liberty and the pursuit of happiness. When all recourse is removed and people feel hopeless and disempowered, that is when people fall into depression, addiction, violence, or suicide. I would say that County officials have a responsibility to look into how county ordinances create homelessness and how you can instead begin to be part of the solution. Of course, we need low-cost housing and there is no developer who can build our way out of this dilemma – construction is too expensive. We have lots of RV parks for tourists, but even in the winter months these are too expensive for people like Jane Doe. What are people in Jane Doe’s position supposed to do? Where can they go? In my view, it is inhumane to evict people at the start of winter when they have nowhere to go.

I request therefore a county-wide **pause on enforcement at least until spring**. This additional time during a pause would allow the people who are living in mobile housing to look for a suitable location or transitional housing. Beyond this individual case, there are other property owners who have been given notices and homeless people who are traumatized without a place to go. I got this note from Jane Doe: “I was also wondering if you are going to be able to help Nina and Mona and Dora and Cuba. They are supposed to be off the property **[by 12/12/19]** I think?” Here are four more people in the same predicament and no place to go, just to keep in the forefront that there are others who are also affected and anxious about this ordinance while you are sorting out what to do. There are many unanticipated consequences that the County Commissioners need to consider during this pause including the potentially unlawful penalties on the property owners. A pause in enforcement in the interim is a sensible and humane option while the slow wheels of politics turn....

In the meantime, Jane Doe was able to get someone to move her tiny home before her deadline of 12/4/19. However, it is only a matter of time before she is “discovered” again. And I might add that the stress, anxiety, and fear produced by the ticking clock on property owners and the people living in the mobile units has the potential to stimulate emotional and physical stress and violence. Please consider providing relief for these individuals, both the property owners who are faced with the threat of exorbitant fines and those who have nowhere they can legally go, in recognition of the role of the county to serve ALL of the county residents. We need to recognize and address the reasons behind the high level of homelessness in Clatsop County, and this ordinance is certainly a contributing factor. Please bring forward **a resolution for a moratorium on enforcement of Section 2.052(4) of the Clatsop County Land and Water Development and Use Ordinance** until the spring.

Thank you for your consideration.

Nelle Moffett  
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Astoria, Oregon