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Portland, Oregon

March 16, 2021

Dear Mayor Wheeler and City Council Commissioners:

This letter is submitted as testimony on the Recommended Draft Report for the Shelter to Housing Continuum Project.

The Report recommends revisions to the zoning code to address issues relating to housing the houseless population – presumably to provide a continuum of shelter options to help houseless people to permanent housing.

I commend you all and the Report participants for devoting time and energy to addressing this important issue. Houselessness is often described as a “problem.” It is, however, an unfortunate circumstance that many individuals and families find themselves in without a way out. I believe that Portlanders overwhelmingly have compassion for the houseless. Portlanders, however, also want these circumstances to be addressed in a way that removes the deleterious effects of people living on the streets and in open spaces: unsanitary conditions, accumulation of trash and rubbish, noise, drug use, theft, violence and other criminal activity. The most serious of these – theft and violence – are often perpetrated by one homeless person against another.

I want to focus first on the Report’s treatment of Outdoor Shelters in Open Space zones, because I am, and many of my neighbors are, concerned about, and opposed to, anything that would permit camping and other outdoor sheltering to occur in our city parks and other open spaces. The City’s parks are mostly located in residential or adjoining residential areas, and are important outlets for all of the City’s residents.

The Report introduces Outdoor Shelters as a new concept – one not previously recognized in the zoning code. The definition includes “tents, yurts, cabins ... vehicles and recreational vehicles” that are “grouped together.” The Outdoor Shelter must be “managed by a public agency or a non-profit agency.”

It is clear from the Report that Outdoor Shelters are to be prohibited in the OS zone. Vol 1, pp 13-16; Vol 2, p 6. The Report, however, also states that temporary uses are permitted in all zones, with a reference to 33.296, Temporary Uses. The Report, at Vol 2, page 97, proposes to add Open Shelters as a permitted temporary use under Code Section 33.296.30, for up to 180 days *in the case of an emergency*. Since temporary uses are permitted in all zones, this would allow Outdoor Shelters in city parks for up to 180 days, if an emergency exists.

Based on these provisions, the Outdoor Shelters are only permitted in parks (a) if there is an emergency, (b) for up to 180 days, (c) if they are organized - i.e., grouped together, and (d) as long as they are managed by a public agency or non-profit agency.

These elements would seem to make this use a very narrow circumstance, and would not (and should not) permit someone from pitching a tent and camping in the parks on their own. I hope that the City will enforce these conditions in this manner.

I do have a concern, however, with the "emergency" requirement. The Report says that, in 2015, the City declared a "housing emergency" and it has gone on for 5+ years now. This is an emergency will never end. It is a self-proving condition that serves no purpose unless it has definition. Whenever anyone thinks that open space should be used for an Outdoor Shelter, they need only say that, because a demand exists, more housing is needed and, therefore, an emergency exists.

To be frank, I do not trust the City to work within parameters that are supposed to exist and that in reality are just a charade. I am fearful that these regulations are a foot in the door, to allow City officials to employ City parks in any way they see fit to address houseless issues, to the detriment of, and in disregard of the needs and desires of, other citizens.

For this reason, I urge you to revise the temporary use of Open Space zones for Outdoor Shelters, so that this use is permitted only for emergencies involving natural disasters or widespread health emergencies (such as our current pandemic). It should not apply for the subjective housing emergency that you have declared and that is now ongoing for 5+ years without criteria to determine if and how it should be considered ended.

Aside from the issue of Open Spaces, the breadth of allowed uses of Mass Shelters, Short Term Shelters and Open Shelters in other zones is also disconcerting. Everyone would like to see the problems of houselessness addressed in a compassionate way. I do not believe that is controversial. What is controversial is how the proposed solutions impact others. Most Portlanders have their lives, their life's effort and their dreams fully invested in the City. The proposed allowed sheltering uses in all of the zones will have a significant impact on both the existing allowed uses that people have relied on over decades. The deleterious effects that houseless living has does not occur in a vacuum. There are collateral consequences to the community, both in the existing state of affairs and in the shelter options that you are considering – less desirable neighborhoods, lower property values, loss of business investment in the community, stagnant business activity, a declining tax base, and loss of funding for all types of civic programs (including helping the houseless). Yes, money plays a part – like it or not. If you are not careful and considerate of the needs of taxpaying citizens, you will see Portland in a downward spiral. It has already started. Don't let it be the death knell.

Sincerely,

David Lokting
Portland, Oregon