

ZONING CONFIRMATION AND AFFIRMATION OF RIGHT TO DREAM 2 MOVING TO SITEIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
✓ 1	ANDY JAMES	810 SE BELMONT PORTLAND OR 97214	ajames@wyseread.com
✓ 2	TERRY PARKER	P.O. Box 13503 97223 114 NE 7th	parker12012@gmail.com
✓ 3	Debbie Kitchin	Portland OR 97232	dkitchin@interworksllc.com
✓ 4	M. Meo	2925 NE Weidler Portland 97232	meoforcongress@gmail.com
✓ 5	Lightning Watchdog PDX	PDX	PDX
✓ 6	Gary Rehnberg Rehnberg	2616 NE 3rd Portland OR 97212	
✓ 7	SCOTT HENDRIKSEN	7537 O SYRACUSE ST PORTLAND, OR 97203	
✓ 8	Jeremy Horn		
✓ 9	Tracy Finck		
✓ 10	Tim Lamb	19675 SE Chitwood Rd Damascus, OR 97089	

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
✓ 11	Linda Crossen	8421 SE 66th Portland 97206	
✓ 12	Dan Yates	116 SE Carlton street	
✓ 13	Michael Withey	3808 SW Mt. Adams drive	
✓ 14	Christie White	111 SW Columbia St., Ste 1100	cwhite@vaderwhite.com
✓ 15	Susan Keil	OMSI	
✓ 16	Lance Killian	500 Broadway, Vancouver, WA	
NO 17	Thomas Bartlett	1209 S.W. 6 th apt 904	
✓ 18	Brad Gibson	10 N. Weidler park.	
✓ 19	WADE A Varner	333 NW 4 th Ave #611 Portland 97209	
✓ 20	Sarah Carlston	2977 NE RENE AVE 97030	s.m.carlston@gmail.com

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
✓ 21	MR (Katie) Bretsch	3336 SE Yamhill Hed OR 97214	Kbretsch @gmail.com
✓ 22	Joe Levesque	2682 N.W. NORWOL ST CAMAS	360-834-6645
✓ 23	TIM MCCORMICK	PORTLAND & SAN FRANCISCO	r2dtoohearing@ tjm.org
✓ 24	MIKE SUMMERS	4th & BURNSIDE	MWSUMMERS500 @GMAIL.COM
14 ✓ 25	LISA FAY	4635 NE GARFIELD 97211	
✓ 26	MIKE JENKINS ^{PARKING}	655 NE HOIT ST	4206955
No 27	Rodney WALL		
28	Earl Tammy Moody		
✓ 29	Earl TAMMY Moody		
✓ 30	Earl Moody		

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Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
✓ 31	Ibrahim Mubarak		Ltpope@hotmail.com
✓ 32	LEO Rhodes		
✓ 33	Sue Stahl		
✓ 34	Robert Jackson		
✓ 35	DAVID KIF DAVIS		
No 36	SARAH IANNARONE		
✓ 37	Marion Haynes		
38	Kirk Rea		
✓ 39	Jerry Lieght		
No 40	Trillium Shannon		

Moore-Love, Karla

From: Peter Stark <ptstark@ceic.cc>
Sent: Thursday, February 18, 2016 10:25 AM
To: Council Clerk – Testimony; Moore-Love, Karla
Cc: Kitchin Debbie; Brad Malsin
Attachments: TESTIMONY Feb 18, 2016.doc

Attached is testimony for today's city council agenda items 161,162 and 163. Thank you.
Peter Stark

Peter Stark, TPAC Executive Director
Central Eastside Industrial Council
2939 NW Cornell Road, Portland OR 97210
503/274-4111
503/274-4409 fax
503/805-4141 cell

161 **TIME CERTAIN: 2:00 PM** – Vacate a portion of SE Harrison St east of SE 3rd Ave subject to certain conditions and reservations (Previous Agenda 119; Hearing; Ordinance introduced by Commissioner Novick; VAC-10106) 4 hours requested for items 161-163

162 Approve and adopt zoning confirmation letter responding to request for zoning confirmation on SE 3rd and Harrison, submitted by Right 2 Dream Too (Previous Agenda 120; Resolution introduced by Mayor Hales and Commissioner Fritz)

163 Affirm the City of Portland's intent to relocate Right 2 Dream Too onto City property located on SE 3rd and Harrison (Previous Agenda 121; Resolution introduced by Mayor Hales and Commissioner Fritz)

TESTIMONY REGARDING AGENDA ITEMS 161, 162 and 163

February 18, 2016

Peter Stark, 2939 NW Cornell Road, Portland 97210

I represent the Central Eastside Industrial Council (CEIC) and I am a member of the SE quadrant plan.

First let me say I appreciate the concern of Mayor Hales and Council members regarding the homeless issue. The CEIC takes this issue seriously and supports efforts to solve the problem. However what you are voting on today is not a solution. You are ignoring zoning code that is intended to protect the public. We believe the homeless have the same rights as any Portland citizen.

1. For the past few years the City of Portland Staff many volunteers, including myself participated in the SE quadrant plan as part of the Comprehensive Plan update. That discussion led to a well-vetted plan with support from the City, Businesses, Residents and other representatives of the central eastside.
2. Through this process we established the primary focus of the Industrial zoned lands as Employment opportunity. Considerable discussion was raised about the concern where residential uses are adjacent to industrial activities.

3. Our group went as far as to request planning create language to protect industrial activities where adjacent residential uses could create conflict.
4. The intent was not only to protect the viability of the industrial use but also to protect the public living in proximate location to industrial activities.
5. The suggestion to locate a homeless camp at this site was never discussed during our planning efforts and had it been would have been dismissed immediately by our committee and I believe the planning staff.
6. Zoning was created primarily to restrict uses that create conflict and preserve areas for similar uses. In the case of Industrial zones, zoning prohibits residential use, given its conflict with industrial uses.
7. Industrial activities by nature rely heavily on movement of freight, the ability to produce product – even if doing so is noisy, smelly or in some cases dangerous.
8. So zoning is also a way to protect the public from industrial activities, which could be by the nature of their activity harmful to adjacent non-similar uses.
9. This is why residential use is strictly forbidden within an industrial zoning.
10. The ZCL hides behind the definition of residential use – but ignores the intent of the code, which was to protect the public by avoiding conflict of uses. People that live and sleep primarily in one location

are a resident at that location regardless of word play. You can ignore the definition if you wish but you can't ignore the safety concern.

11. Specific to the site at SE 3rd and Harrison, the parcel is an island surrounded by industrial uses including uses with volatile or poisonous materials. It is assumed many of the residents at this site will need to walk through these industrial activities to get to their tent.
12. Ironically the tenting activity is already prevalent in the industrial sanctuary. A quick drive through the district uncovers dozens of camps and campsites. Yet the Police are hesitant to address the issue.
13. It is anticipated, as has been seen at Overlook and other areas, once R2D2 is at capacity residents will find other shelter proximate to this site compounding the problem in our district.
14. I have weekly complaints from employees who don't feel safe walking to their car or can't park because that location has been permanently taken up by a tent.
15. This will only increase conflict until heaven forbid; someone is exposed to toxic chemicals or killed by a freight driver unaware there is a tent in the right-of-way.
16. The city would assume liability for placing its citizens in harms way if there were a tragic event.
17. The proposed R2D2 site is counter to the efforts of the Central Eastside Quadrant Plan, counter to sound planning in general and places private citizens in harms way.

18. I urge council to consider a delaying this vote so the CEIC, working with council and R2D2 can find a more suitable site away from industrial uses.

**Testimony on the Potential Relocation of the Right to Dream Too, Homeless
Camp to the Central Eastside**

Submitted by Christe White on Behalf of Central Eastside Coalition

February 18, 2016

1. We can all agree that homelessness is one of the great moral challenges facing our community and one in need of a humane and timely solution.
2. I understand that our objections to the current solution may be uncomfortable but I have faith that the Council will, as it has in the past, listen to our concerns and hear our pledge to support an alternative.
3. The City's land use opinion calls the use a community service use, but not a residential use. That City finding is essential to allowing the camp at this location.
4. Let me outline a few of the reasons this conclusion is not lawful.
5. The ZCL goes to great interpretive lengths to call the use a community service use, but not a residential use. That finding is essential to allowing the camp at this location. The fatal flaw with this analysis is the following:
6. The definition of community service use includes two uses where people reside at the use: mass shelter and short term housing. All other listed uses under that category are not residential in nature. The code expressly prohibits the residential community service uses on industrial land and expressly permits the non-residential community service uses on industrial land with a limitation of 3,000 square feet in floor area.
7. So the simple question here is this: are the tent campers residents of the site and are they using the site for residential purposes. Put another way, are they living there? Yes. They are. The City is therefore permitting a

residential community service use of industrial land in direct conflict with the code prohibition on that use.

8. The ZCL attempts to blur this simple line by arguing that the tent camps are more like a non-residential community service use than a residential community service use. But this too is not plausible.
9. The ZCL plainly states that a structure that contains one or more sleeping areas or is divided by non-permanent partitions is a mass shelter and would be prohibited. The ZCL then acknowledges that the fence that will surround the site is a structure under the code. Thus, the non-permanent tent partitions surrounded by a fence fit squarely in the definition of mass shelter and are prohibited. To avoid that result, the ZCL concludes that what the code meant, but did not say, is that the definition of mass shelter includes the implied term “indoor space” and therefore to be a mass shelter you must have a roof. Since there is no roof on the camp it is a permitted residential camp and not a prohibited mass shelter.
10. The ZCL depends then on the insertion of a new term “indoor” into the definition of mass shelter that does not appear in the definition and is directly counter to the plain language of the definition.
11. Further, the result turns the code on its head. If you are a residential mass shelter in an enclosed building you are not allowed on industrial land, but if you take the roof off, or the fence away, creating more opportunities for conflict with the industrial uses and more exposure of residents to industrial operations, you are not prohibited and in fact become a permitted use.
12. The ZCL also states that multiple temporary tents are not like “sleeping areas separated by non-permanent partitions.” Tents are exactly that:

sleeping areas separated by non-permanent divisions. The ZCL specifically acknowledges that the tents are non-permanent.

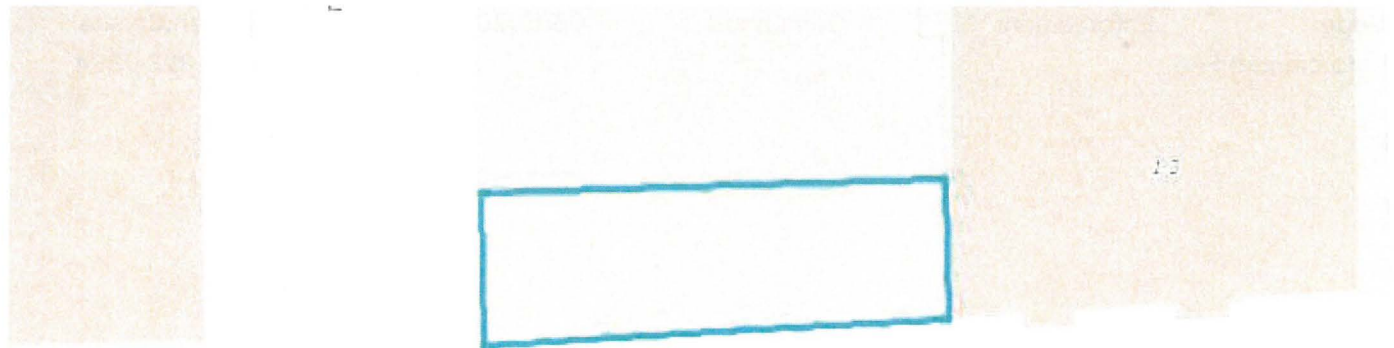
13. The ZCL also acknowledges that uses where tenancy is arranged on a month to month basis or for a longer period is residential use and prohibited. The ZCL then states that tenancy is not arranged at R2DToo and some people may stay for one day, weeks or months. The ZCL concludes because there are no “arrangements” it is not residential even if people stay longer than 30 days. The clear intent of the code is that stays longer than 30 days are residential. The definition of “arrange” is “to bring about an agreement or understanding.” If the rules or understandings of R2DToo are to allow people to stay more than 30 days, and not terminate their stay after 30 days, then they have an agreement, an understanding, an arrangement and it is residential use and it is prohibited.

14. Further and more importantly, R2DToo has stated that 14 “resident dreamers” would be long term residents on the site. That is an arrangement for residential use over 30 days and is an outright prohibited use under the zoning code as acknowledged by the ZCL.

15. We could continue making the legal argument here, as others will also do, but the simple question is whether a residential use of the site is allowed under the zoning code. And the simple answer is this: no other residential use of the site is allowed under the zoning code. Not a mass shelter, not short term living, not tenancy greater than 30 days, not a hotel, not a house, not an apartment, none of them. If all of these uses are prohibited, how can residents, in tents, without a roof plausibly be non-residential and permitted outright.

16. I want to turn towards a pledge and a solution. Elevate and equalize this issue by addressing it in the zoning code. Amend your zoning code in a collaborative planning process, much like the one we just completed for the Central Eastside. Address this need, develop rules for these kind of uses that are enforceable through the zoning code and part of our social contract with each other. That is the job of the zoning code, to consider the user's needs, the impact of the use and appropriate regulations for the use. We can pledge our support for that process.
17. If we can do that, we may have a real solution that breeds cooperation and support amongst these communities and presents a real and successful Portland solution.

Because this is the initial evidentiary hearing on this decision to permit a tent camp as a community service use and is a land use decision under ORS 197.015, we request a continuance for the submittal of additional evidence. Thank you.



Complaints lodged at existing site of Right to Dream Too.

City of Portland, Oregon

PERMIT

2011-184318-000-00-CC

337 W BURNSIDE ST

IVR Number 3116950

Permit/Case Type Code Compliance
Zoning
Business in Wrong Zone

Work/Case Description Complaint Received: Construction and operation of homeless camp facility.

Issue Date

Final Date 11/07/2013

Latest Activity 11/07/2013

Status Closed

Activity

Activity	Type	Must Check	Activity Status	Last Activity	Completed	Staff Contact
Close - CC	Request	Y	Completed	11/07/2013	11/07/2013	Liefeld, Michael 503-823-7332
Mailed Notices-CC	Under Inspection	Y	Completed	06/21/2013		Staff Contact
Mailed Notices-CC	Under Inspection	Y	Completed	06/26/2012		Staff Contact
Mailed Notices-CC	Under Inspection	Y	Send Fee Doubling Letter	01/24/2012		Liefeld, Michael 503-823-7332
CC - Admin Review	Under Inspection	N	In Progress	01/06/2012		Cowen, Crystle 503-823-7324

2/3/2016

PortlandMaps - 2011-184318-000-00-CC

Code Enforcement N
Enforcement Fee

Completed

06/19/2013 06/19/2013

Cowen,Crystle
503-823-7324

Testimony for Portland City Council
February 18th, 2016

Subject Homeless Camps

Commissioners, Good afternoon, I am Daniel Yates, property owner in the Central Eastside Industrial District. I am not here to discuss the inappropriateness of legalized camping in the City, but rather to propose solid alternatives that eliminate the need for the city to authorize camping.

The City has an underutilized public asset in Governor Tom McCall Waterfront Park that is directly adjacent to the bulk of city services located in Old Town that directly support the homeless community in all stages of their situation. I propose mooring at least one and possibly more vessels to provide dignified housing.

I have tried to interest various City managers in purchasing an available Ex-navy Repair Barge located in Seattle. This vessel has over 6,400 square feet of living space, is fully plumbed with restrooms and showers and could easily house over 300 plus people in its two enclosed decks. The vessel costs is \$249,000..less than \$900 per bunk bed for temporary housing and is 1/10th the cost of outdoor camping sites. As men are the vast majority of homeless I would use this for single males.

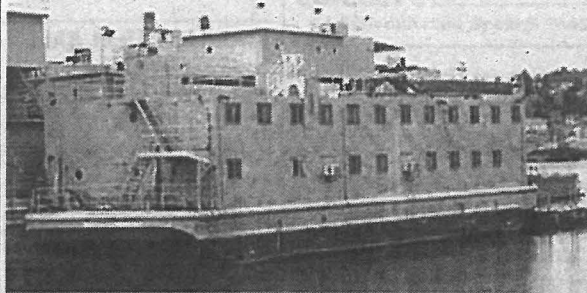
There are two Quarter Barges for rental or purchase. The 56 person Quarter Barge is for sale for about \$700,000 and a 90 person Quarter Barge is available for about \$1.1 million. These units are completely self contained with temperature controlled interiors, full galley, restrooms, four person cabins and a laundry. I would reserve these barges for single women.

A real game changer would be buying the Catfish Bend River Boat. This is an inactive Casino boat that is about 210 foot long and has a beam of 60 feet giving her over 24,000 square feet of potential living area. She is fully plumbed and could have its open decks converted to a multitude of configurations to allow housing for families on one deck and large bunk rooms on the other. This one vessel could easily house in a climate controlled environment over 1,000 people. The vessel is available for less than \$700,000 or less than \$700 a berth. This one asset would make a significant impact on providing dignified alternative housing for those presently homeless.

If all four vessels were purchased the total investment would be about \$3 million dollars and provide transitional housing for about 1,500 people. An inexpensive solution and one that will not result in endless, expensive legal action between neighborhoods and the city. An added benefit would be the city would have large mobile, housing units that can act as support units during natural disasters like our projected earthquake. These vessels are available now.

I encourage the city to look for alternatives that provide real solutions and also protect every citizen's rights. The Willamette River is more than a static display and can play an important role in providing transitional housing while the city constructs more permanent housing on shore.

I have included additional pages with greater detail about these options.

110' x 34' 1943 STEEL • EX-NAVY REPAIR BARGE

All steel construction Appears to be in Very Good or better condition throughout! CLEAN: Used for Electronics repair. 96' two-story house w/ 7' 2" ceiling height. 7' open deck at each end. Approx. 3,250 sq. ft. on each of two decks & below main deck which has refrigerated storage & water integral tank approx. 2500 gal. Fully plumbed w/heads & showers on 2 decks, 500 cu. ft. holding tank. Fully

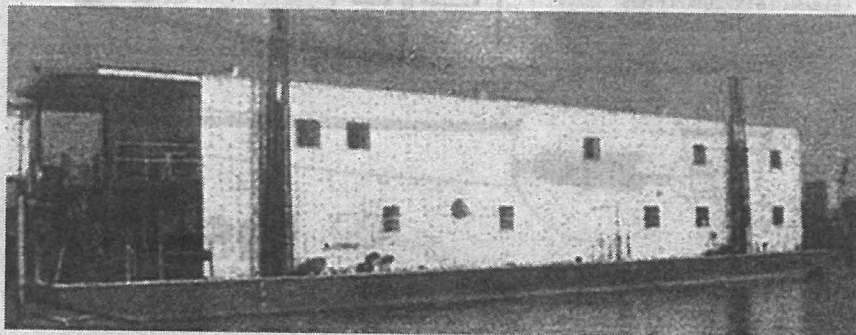
MODERNIZED electrical w/480/240/110 shore power & transformers. Fire suppression sys., Fiber optic wired thruout, vapor proof DOANE lighting. No propulsion or gen set. All interior walls on upper decks removed, totally open space ready for your EASY reconfiguration. Perfect conv. to camp, quarters barge, shops, display, retail, floating residence, etc. Loc. in fresh water at Seattle, WA.

\$249,500.00

**ALL Details • Photos: www.PacificMarine.org
Email: david@pacificmarine.org • (206) 225-3360**

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Catfish Bend Riverboat Casino II



General Specifications

Regulatory File – Insert Official Number 989886 in the Vessel Number box and click “search”

Deck Arrangements

■ Drawings

Name	CATFISH BEND RIVERBOAT CASINO II
Style	Sternwheeler
Builder	Leevac Shipbuilders
Hull	Displacement
USCG Certified	Not Current
USCG Dry Dock	Due
Passenger Capacity	1,389
Dining Capacity	1,000
Gross Tonnage	1,321 (3,410 ITC)
Net Tonnage	898 (1,087 ITC)
Built	1993
LOA	210'
LWL	190.9'
Beam	60'
Hull Depth	11'
Freeboard Depth	6'
Draft	Water 5' Air Draft: 53'
USCG Official Number	989886
Route Certification	Rivers
Hull Material	Steel
Deckhouse Material	Steel
Tank Capacities	Fuel: 20,000 gallons-steel Waste: 18,000 gallons Potable Water: 20,000 gallons

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Wheelhouse

- Control station with engine instrumentation (i.e., tachometer, engine oil pressure, ammeters, hour meters)
- Two Parker model D3W8CY 14 10 HP @ 1745 RPM hydraulic steering pump
- ECH clutch and throttle controls with port and starboard wing controls
- Kahlenberg model M-463 air horn
- Upholstered helm seat
- ICOM model IC-M120 VHF/FM marine radio with antenna
- Sytex model WR77 VHF/FM marine radio with antenna
- Furuno model 1331 radar with antenna
- Loud hailer
- Murphy high alarm system
- AM/FM radio
- Windshield wiper
- Henschel model DR 70-551 type 17 intercom system
- Two lever operated Carlisle & Finch searchlights
- Carver model TX8 AM/FM digital synthesizer tuner, Sony model CDP-M14 compact disc player, Three Peavey model 1PA 150T amplifiers and one Peavey model 1PA 300 T amplifier

Salon (Main Deck)

- 278 metal chair

Salon (01 Deck)

- 34 chairs (tan)
- 8 metal chairs (blue)
- 77 stools with backs (purple)
- 77 stools with backs (purple)
- 207 stools with backs (black)
- 10 swivel stools with backs
- 20 high stools with backs
- 2 podiums

TEXAS DECK (03 DECK)

- Hard top canopy (40' x 22')

BEVERAGE BAR (MAIN)

- Laminated base with solid composite top
- Stainless steel sinks

BEVERAGE BAR (01 DECK)

- Two cocktail stations
- M Del model MTT-10 auto fryer
- Single partition sink

BEVERAGE/SNACK BAR (03 DECK)

- White freezer
- Auto Fryer model MTT-10 (480 watts/20 amp)
- Two cocktail stations
- NSF model AF-3D commercial dishwashing with entry and exit tables and prewash station and grease trap
- 80 gallon American Standard and 50 gallon Whirlpool waters heaters

RETAIL SHOP (MAIN DECK)

- Cabinetry with solid surface counters
- Cash register

PANTRY (02 DECK)

- Caged storage (locked)
- Single compartment sink

CREW LOUNGE (BELOW DECKS)

- Refrigerator
- Cabinetry
- Single partition sink
- Locker

VAULT (BELOW DECKS)

- Desk

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- Shelving

STATE OFFICE (BELOW DECKS)

- Desk
- 2 two drawer file cabinets

SURVEILLANCE OFFICE (BELOW DECKS)

- Robot MV16i multiplexor (5)
- Sensormatic Quads
- American Dynamic Super Quad (5)
- Kalatel 53-16 Time Date generators (2)
- Tripp Lite Data Center 5000 UPS (2)
- Louroe audio monitors and mics (3)
- 7 foot monitor racks (7)
- 4 foot monitor rack

COMPUTER ROOM (BELOW DECKS)

- Two desks – corner style

CASINO OFFICE (BELOW DECKS)**SECURITY OFFICE (BELOW DECKS)**

- Two Desks

SLOT OFFICE (BELOW DECKS)**COUNT ROOM – HARD/SOFT (BELOW DECKS)****HEADS (BELOW DECKS)****STORAGE LOCKER (BELOW DECKS)****BEER COOLER (BELOW DECKS)**

- Three Perlic Corporation model 421OUL condensers
- Copeland model CRD1-200 PFU 270 condenser

LIQUOR LOCKER (BELOW DECKS)

- Freezer unit
- Caged storage (locked)
- Plumbing for ice machine

ELECTRICAL SYSTEM

- Two Magnamax manufactured by Marathon Electric model 574RDL4522BA 720 kW @ 1800 generator powered each powered by a dedicated MTU 8V396 model TE54 1,000 HP @ 1,800 RPM marine diesel engine (hours: port 16,596, starboard 25,994) in January 2016)
- Magnamax manufactured by Marathon Electric model 431RSL4005005 BFA 120 kW @ 1800 auxiliary generator powered each powered by a dedicated MTU 6V183 model 6R183 AA32 174 HP @ 1,500 RPM marine diesel engine
- 1,200 AMP shore outlet
- Power Panels Inc. model 392-737 480 voltage switchboard
- Power Panels Inc. model 392-738 480 voltage switchboard
- Square D model 3305921-AO 208 Volt switchboard (breaker)
- Square D model 500T684 208 volt transformer
- Square D model 150T3H 208volt transformer
- 120 VAC lighting
- 120 VAC duplex outlets
- 9 12 VDC 8D enclosed heavy duty batteries
- Internationally approved navigation lights (i.e., port light, starboard light, stern light, masthead light, anchor light) – 2 sets

HULL, SUPERSTRUCTURE AND DECKS

- Welded steel plate hull
- 10 watertight compartments formed by 9 transverse bulkheads
- Boarding doors: 2 port and 1 starboard with one service entry port
- Gangplank and winch
- Four sets of timberheads
- Seven D chocks

MECHANICAL EQUIPMENT AND ENGINE DETAILS

- Two MTU 12V183 model TE62 735 hp @ 2,000 rpm (hours – port 13,535, 13,571 starboard in January 2016)

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- Grid cooler system
- Twelve Carrier model 42CE 7.5 HP air conditioning heater units
- Eleven Carrier model 39LC 5 HP air conditioning heater units
- Four Carrier model 39LD 7.5 HP air conditioning heater units
- Two Carrier model 30HR120-D610 460 volt 120 ton air conditioning chillerv
- Two Gould model 3755 30 HP @ 3,510 air conditioning chiller pumps
- Two Crown model 3COVD-0005F-001 7.5 HP @ 3,450 RPM 3" x 3" air conditioning cooling pump
- Qmark model MUH-10-4 480 volt heater
- Two Qmark model MUH-07-4 480 volt heater
- Four Qmark model MUH-05-41 480 volt heaters
- Columbia Boiler model WL 180 3/4 HP 3,450 RPM boiler
- Central vacuum system
- Two four blade bronze propellers
- Bow thruster powered by 400 hp @ 1800 rpm MTU model 424.900-000-013 546 marine diesel engine (7,400 hours in January 2016) with a Twin Disc model MG-5091 reduction gear (1.71:1)
- Viking model HJ475 1.5 HP fuel pump – bow thruster day tank
- Fairbanks Morse model 2873A 15 hp water pump – sprinkler system
- Two Burkes model 350GA7-1-1/4 5 HP pumps – sanitary system
- Gorman model T3A3-B 7.5 HP 3" x 3" pump – sewage
- Hydromatic model 30MP 1.5 HP @ 1,150 RPM, 3" x 3" pump – sewage
- Two Burkes model 310GA6-1-1/4 1 HP pump – fresh water system
- MP Davidson model 24415 3" x 3" 3505 RPM pump – bilge system
- Gorman model T3A3-B 7.5 HP @ 1,745 RPM 3" x 3" pump – gray water
- Montgomery model S431-150 40 HP elevator power plant – elevator
- Four 40 gallon Ruud model PES40-2 A-3 water heaters
- Two Quincy model 325 5 HP @ 1,740 RPM air compressors
- Twelve Dayton model 7C037 1/4 HP exhaust fan blowers
- Fifteen Dayton model 7C453 3/4 HP exhaust fan blowers
- Aerovent model 27W8738-VW-1750-7.5 1,740 RPM blower vent

HEADS

The vessel is equipped with six heads, each containing the following:

- Two stalls, three urinals and two sinks – Mens head – main deck
- Three stalls with six sinks – Female Head – main deck
- Two stalls and three urinals – male head – 01 deck
- Four stalls, six sinks female head – 01 deck
- Two stalls and two sinks – male head – 02 deck
- Three stalls and three sinks – female head – 02 deck
- One sink with faucet
- Toilet paper dispenser
- Exhaust fan

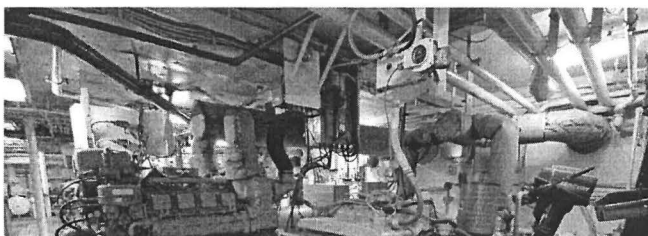
SAFETY EQUIPMENT

- 1,500 type II adult size personal flotation devices
- 150 type II child size personal flotation devices
- 2 Jim Buoy 30" life rings
- 4 B-I fire extinguishers
- 6 B-II fire extinguishers
- 1 B-IV fire extinguishers
- Pyrotechnic distress signals
- Anchor
- Twenty fire stations including: approved rubber lined hoses with brass or bronze fittings, brass or bronze nozzles, brass or bronze hose bibs – powered by two Marlow 50 hp 230 VDC pumps
- Rescue boat – flat – no motor

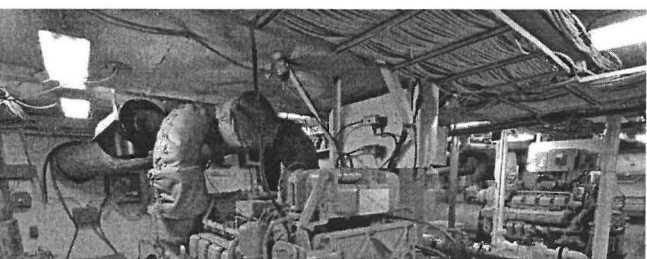
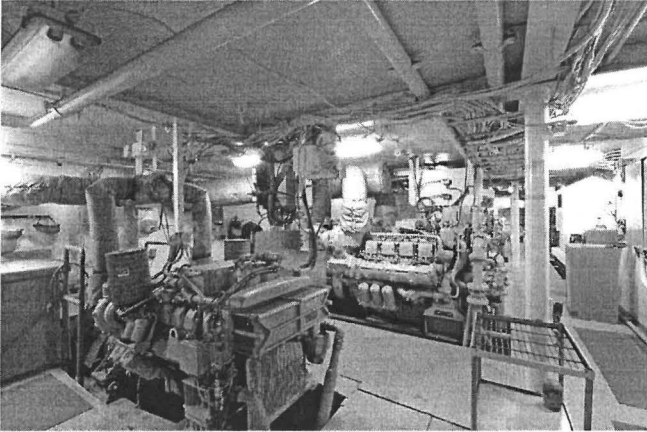
EXCLUSIONS

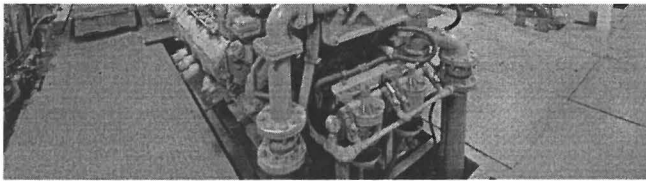
- Diesel fuel, landing barges piers and table games
- Details are deemed reliable but are not guaranteed. Offer subject to change, prior sale, taxes, freight and launch are applicable. Measurements are in United States units.

Media Gallery



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Pinnacle Marine Corporation offers the details of this vessel in good faith but cannot guarantee or warrant the accuracy of this information nor warrant the condition of the vessel. A buyer should instruct their agents, or their surveyor(s), to investigate such details as the buyer desires validated. This vessel is offered subject to prior sale, price change, or withdrawal without notice.

TERRY PARKER
P.O. BOX 13503
PORTLAND, OREGON 97213-0503

371 92

**Subject: Testimony to the Portland City Council related to moving R2DToo,
February 4, 2016**

To illustrate my concerns, I am going to tell you a short story. Within the past few years, homeless people broke into four vintage railroad passenger cars that were stored in Willits, California. They started fires inside the cars to keep warm. Three of the four cars were so badly damaged they were eventually scrapped.

These cars were originally part of Southern Pacific's Daylight fleet and actually have a Portland connection. In addition to when a Daylight trains served Portland; in 1984 these cars were leased as part 13 car consist for the Louisiana World's Fair Daylight from Portland to New Orleans and return. This special train was powered by the only remaining Daylight steam locomotive which is now housed at the Oregon Rail Heritage Center. When this re-creation of a full length red and orange Daylight train traversed Tehachapi Loop near Los Angeles, Interstate 5 became a parking lot, there were three TV news helicopters overhead, and the media estimated there were 100 thousand people who lined the track to watch this train travel over what is a marvel of railroad engineering.

My primary concern about moving R2DToo to the SE 3rd and Harrison site is the close proximity to the Oregon Rail Heritage Center. In the 80's and early 90's, I spent numerous volunteer hours working on and helping to restore the steam locomotives and the rail passenger cars now at the center. Since R2DToo will be a sanctioned camp on City property, and since the camp will likely attract other homeless people to the area; what liability will the City take on to help protect the irreplaceable historic rail equipment that is on the nearby museum property?

Secondly and just as important, the public process has been stifled and is broken. City Council agendas carry the statement: "Testimony is taken on all agenda items except Communications and Second Readings." Shame on any of you that supported disallowing public testimony about the use of the property at the City Council hearing related to it's purchase - specifically when the reason for the purchase and the move of R2DToo was already predetermined.

Without enhanced neighborhood protections associated with the close proximity of the Oregon Rail Heritage Center, and on the grounds that far too much of the public process has been bypassed and not followed, I am opposed to moving R2DToo to the SE 3rd and Harrison site. You might perceive this as NIMBYism, however, the insistence by the City Council to move R2DToo out of Old Town is far more the manifestation of a NIMBY mindset.

Respectively submitted,

Terry Parker
Northeast Portland



HOSFORD-ABERNETHY
NEIGHBORHOOD DISTRICT ASSOCIATION

August 3, 2015

Mayor Charlie Hales
Commissioner Amanda Fritz
1221 SW 4th Avenue
Portland, Oregon 97204

Anne Dufay, Director, Southeast Uplift
Robert McCullough, Chair, Southeast Uplift Board of Directors
3534 SE Main Street
Portland, Oregon 97214

Dear Mayor Hales, Commissioner Fritz, Ms Dufay, and Mr. McCullough,

The Hosford-Abernethy Neighborhood District (HAND) was taken by surprise when we were advised in late April that the Right 2 Dream Too (R2D2) encampment/community would be moving to a property at SE 3rd Ave and Harrison St. We were told that the site was chosen after a year-long search, and that the decision was final.

Over the intervening months the HAND board has made an effort to learn all we can about the Right 2 Dream Too community and the City of Portland plan to move it into the Central Eastside Industrial District (CEID) segment of our neighborhood. The issue has been a board meeting agenda item for each of three monthly meetings, as well as the focus of a special meeting. Members of the board have met with Mayor Hales and Commissioner Fritz, members of the Central Eastside Industrial Council, Southeast Uplift, and members of the R2D2 board. Some of us have toured the current R2D2 site at NW 4th Avenue and W Burnside Street. The neighborhood residents were notified at the time of the initial announcement, and we have made an effort to keep the residents of the neighborhood informed of any developments. We have heard responses from neighbors in verbal and e-mail form, and have sought the opinions of others who did not speak out.

HAND re: R2D2 pg 1



HOSFORD-ABERNETHY
NEIGHBORHOOD DISTRICT ASSOCIATION

HAND Board members and residents share many concerns:

1. The lack of any public engagement process on the part of the City

We were advised that after a year-long search a decision had been made. The leadership of HAND, the Central Eastside Industrial Council, and SE Uplift were left to try to inform and engage their members about a situation they themselves had not created, and to address the resulting ire.

There was no apparent effort by the City to engage the community during the process. Thus the community did not have an opportunity to learn about the need and issues, nor to engage in problem-solving. The community did not have ample time to absorb and respond to the City's plan, and the City lost an opportunity for input, ideas, skills, resources, and knowledge that may have been useful and could have saved time and dollars.

This is Portland, where transparent public process is the expectation. A policy for providing accurate information to stakeholders in a timely fashion and allowing fair and public debate is necessary for the citizenry to maintain trust in city leadership. Now trust has been lost.

It is our hope that there will be transparency as the establishment of a new home for R2D2 goes forward, and in future decisions affecting Portland's citizens and neighborhoods.

2. Lack of clarity in the City's interpretation of the zoning regulations regarding tent camping within PDX.

Please see the letter from the CEIC to Mayor Hales, cited with permission from CEIC President Debbie Kitchin, in which they express concern that the City's interpretation of zoning code to allow tent camping at the SE 3rd and Harrison site could apply in many other zones, creating the potential for multiple unregulated tent camps throughout the City. (Many, perhaps all of you have seen that letter, which will be forwarded under separate email.)

In relevant segments of City code provided in a legal brief that is part of that letter, it appears that tent camping on publically-owned property is legal only when the camper is reserving a spot for watching a parade. If the City purchases a parcel for use by R2D2, does that not become a tent camp on public property? There is confusion regarding whether R2D2 on the site would be classified as Community Service Use or Recreational Camping.

HAND re R2D2 pg2



HOSFORD-ABERNETHY
NEIGHBORHOOD DISTRICT ASSOCIATION

We are told that placing R2D2 in an existing empty structure would trigger the need for expensive seismic upgrades, which cannot be exempted.

This gives the appearance that the City is "bending" some of the code to suit its own purposes, while rigidly following other parts of the code.

If tent cities are to become sanctioned as a means of providing housing, the City should enact amendments to the code that clarify how and where a tent camp such as R2D2 is to be used, following standard procedure including public testimony and debate.

3. The City's failure to demonstrate how the R2D2 community fits into the larger City/County A Home for Everyone Initiative

The fact that people are sleeping on the streets embodies a complex and many-faceted problem. Financial instability, lack of housing affordable to people earning the minimum wage or on public assistance, inadequately treated mental illness and substance addiction, efforts to escape from an abusive situation in one's home, and PTSD affecting veterans are just some of the causes of this social crisis. The ability to address the issue effectively has been complicated by legislation at the City, County, State, and Federal levels over many years.

We have seen a series of plans to provide affordable housing and to end homelessness in Portland, and then watched them languish as elected officials and city leadership changed. Housing quotas are not enforced. Eventually plans are forgotten.

The HAND Board desires to see a comprehensive, humane approach to homelessness that addresses the core issues of:

- Economic opportunity disparity
- Housing prices that do not meet the needs of the poor
- Mental health and addiction policies and services that have failed the populace
- Geographic inequities relating to services for the poor and homeless

We have not seen much evidence of coordination between City and County regarding R2D2 as well as the short- and long-range efforts to address homelessness.

We believe such efforts will be more effective if the two jurisdictions work as a team, such as the A Home for Everyone Initiative proposes to do. The conversations and work must continue and be on-going.



HOSFORD-ABERNETHY
NEIGHBORHOOD DISTRICT ASSOCIATION

4. Lack of a clear timetable and assessment mechanisms

HAND board members and residents as well as members of the R2D2 board, perhaps for different reasons, express strong concerns that the R2D2 community will be moved to the CEID and forgotten. R2D2 board members cite Dignity Village, which was once expected to be a temporary site for a similar community, but today continues to exist--apparently successfully--but forgotten by all but a few.

There has been no mention of a timetable to assess how well the project is working, whether agreements are being honored and goals met, and what additional support the tent camp might need. The City has described no formal plan that will measure the effectiveness and impacts of the camp. This data should be used to evaluate whether the camp and/or supporting service agencies should modify practices, mitigate negative impacts, or improve services to clients.

Metrics should be negotiated among all stake-holders and embedded in a city ordinance or resolution, as well as a Good Neighborhood Agreement that clearly define the expectations and long- and short-term goals for R2D2. Residents have asked that benchmarks include measurements of adjacent homeless camping, public safety, and property-crime impacts in the surrounding area.

The R2D2 project should have a time limit of 12 or 24 months. A review of the success of the project will be evaluated against goals established at the outset of the relocation.

5. Lack of adequate community policing to help manage current camping throughout the Central Eastside

During an initial meeting with business owners and neighborhood leaders, attendees inquired about an increased Portland Police Bureau presence in the CES, already beset with informal camping with tents, sleeping bags, and aging motor homes. Mayor Hales' response was to urge the CEIC to form a Business Improvement District to pay for security in the district. The timing of that suggestion was unfortunate, suggesting to some of those present that they would have little or no City support while taking on a new challenge imposed by the City.

Some neighbors in our area have requested that should the planned R2D2 move occur, the City at least initially should provide more police coverage until there is evidence that public safety is not in jeopardy.

After the loss last year of key PPB officers and Crime Prevention Specialists who worked in the CES, community policing efforts the area were greatly diminished. It is our hope that the community policing programs that have been so effective with people on the streets in the CES and along Hawthorne Blvd can be reestablished. Pg 4

HOSFORD-ABERNETHY NEIGHBORHOOD DISTRICT ASSOCIATION

Sue Pearce, Chair | 3534 SE MAIN St, Portland, OR 97293 | www.HANDpdx.org | chair@handpdx.org



HOSFORD-ABERNETHY
NEIGHBORHOOD DISTRICT ASSOCIATION

There is no clear consensus among HAND residents regarding acceptance, or lack thereof, of the plan to move R2D2 into the CEID within half a mile from the residential part of the neighborhood. A group of approximately ten people who live in or near Ladd's Addition have stridently voiced their opposition. Their objections have been heard by the board. Other HAND residents who have written emails, or spoken at meetings, or whose opinions have been solicited have reported acceptance of and/or sympathy toward the R2D2 community. They also have been heard.

The HAND board has been impressed with what we have heard and seen of the organization, we support their core tenet that all individuals deserve safe and uninterrupted sleep, and we would like to see R2D2 provided a home that will best serve them and their constituents.

After the proposed move was made public, R2D2 board members told us that they were reluctant to move to the Central Eastside. They are concerned about separation from resources such as social-service agencies primarily located in the downtown area, about leaving current clientele who are unlikely to follow them to the new site, and about becoming invisible to the City and forgotten, again citing Dignity Village.

Because of the concerns listed above, we are not convinced that SE 3rd and Harrison, or perhaps even the CES as a region, is the best home for R2D2.

We have learned that there is a potential alternative to SE 3rd and Harrison: a moth-balled fire station at NW 3rd and Glisan that would seem to meet the needs of R2D2 and allow them to expand and include space for more people, permanent restrooms, showers and laundry facilities, and for placement of tiny houses. The position of the parcel between MAX tracks, on-ramps to the Steel Bridge, and Naito Parkway makes it a challenging property for a traditional development. Further, it is already owned by the City. We are aware that the site has been proposed by others as a home for R2D2. Moving there would keep them near their current constituency, social services, and transit. We wonder why the City objects to this site?

If there is no viable alternative to the SE 3rd and Harrison site as the future home of R2D2, and if the concerns enumerated above and below are addressed, HAND is willing to work with the City, CEIC, and R2D2 to make the effort succeed. Members of the R2D2 board have recently told us that if the SE 3rd and Harrison site is the only option for them that they can and will make it work.

However we need assurances that the plans are well thought-out, and that safety and livability for all parties involved are considered.

HAND re R2D2 pg 5



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HOSFORD-ABERNETHY
NEIGHBORHOOD DISTRICT ASSOCIATION

As stated above, concerns that need to be addressed are:

- Transparency and public involvement
- Clarity and/or relevant changes to zoning code
- Consistent use of zoning codes
- Demonstration of coordination with Multnomah County in on-going and continued effort to address housing needs for the very-low-income demographic
- A clear time-table and metrics for assessment of effectiveness of R2D2
- Community Policing and additional police coverage until metrics on safety are established

Thank you for your attention.

Sincerely,

Susan E. Pearce, Hosford-Abernethy Neighborhood District Board Chair

CC:

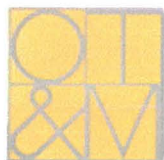
Debbie Kitchin, President, CEIC

Brad Malsin, Vice President, CEIC

Marc Jolin, Executive Director, A Home For Everyone Initiative

HAND Board (to be forwarded to NextDoor Ladd's)

HAND re R2D2 pg 6



OREGON
TILE &
MARBLE

AUDITOR 02/18/16 AM11:14

1845 SE 3rd Avenue Portland, Oregon 97214

February 16, 2016

Portland City Council
1221 S.W. 4th Avenue #110
Portland, Oregon 97204

Dear Mayor and City Commissioners:

I am writing to you about my concern and opposition to the both the street vacation of SE Harrison Street in SE Portland along SE 3rd Avenue (Item # 161) as well as the city's assertion in their Zoning Confirmation Letter that contends that the R2DToo homeless camp is permitted use in the industrial zone where the site is located (Items # 162 and 163). My name is Hector Marquez and I own a growing company Oregon Tile and Marble as well as a large property of over 80,000 sf consisting of a warehouse, offices and showroom which is located directly across the street from this proposed action. We have been in Portland for over 30 years and have built a thriving business with a stellar reputation based upon unsurpassed quality, selection and customer service and employ over 50 people at our Portland Headquarters. Both our company and our employees are involved in various charitable activities throughout the year and we feel the Central Eastside and this area is our home. Therefore the potential move to the former ODOT property across the street from us next to a freeway and heavy industrial uses that handles caustic and highly flammable chemicals is totally unsuitable, illegal and will cause more problems than it solves. We all understand and dearly want to solve the problem of homelessness and the situation where we have hundreds of people sleeping outside in the winter in a given night. I also applaud how Right to Dream Too has developed an admirable and progressive model to address a small part of this huge problem but moving their camp from northwest Portland where there are multiple city services for this population to an isolated site in the industrial sanctuary in the Central Eastside. This action degrades and disrespects the efforts of R2DToo and their hard fought efforts and will only seek to cause more issues than it solves and begs for a much more creative, longer term and humane solution.

I would also like to address the process. I found out about this possible relocation last summer from a newspaper reporter and never throughout the process had any contact with city officials or anyone involved in this potential relocation. When I called no response. When we did have a meeting with Commissioner Fritz and staff from the Mayor's office the attitude and temperament was not engaging or collaborative but rather dictatorial and uncooperative. The very evident tone of the meeting was that "This is going to happen and you really have to accept it" We understand that there had to be a bit of confidentiality to the situation but much more outreach (especially early on), honest communication and soliciting of the concerns of the people, business and property owners that have spent their lives and money next door to this potential camp could have potentially let to a better result or another much better solution. This attitude and lack of outreach has only exacerbated the situation and made

many of us close by and in the Central Eastside more resolute to opposing or slowing down this inappropriate and short sited plan.

I have owned and invested in this neighborhood for over 20 years and built a successful and thriving business creating over 50 well- paying jobs. Additionally, I have dozens of people a day and hundreds in a week that come to our beautiful showroom which will be less than a block from this homeless camp. Though Right to Dream Too (R2DToo) has shown to be an organized and peaceful group I sincerely believe in this less dense location with less police presence and fewer eyes on their operation than where they are in close Northwest, it will harm our business and create substantial anxiety for my employees and customers. One reason is that it is inevitable that this encampment will attract additional numerous other campers and unsheltered people who will be interacting with those in the camp and because of the camps presence will feel comfortable setting up operations nearby. This will be especially be borne out by the fact that R2DToo will be allowing anyone to use their shower, bathroom and kitchen facilities. Many of these individuals will reside nearby either because the camp is full or more likely they will not be (nor do they want to be) under the auspices, supervision and rules of Right to Dream. Additionally according to the documentation the contention is made in the Zoning Confirmation that this Community Service use is allowed in the Industrial zone because residents will be residing there for less than 30 days. Will they be kicked out on the 29th day? Where will they go? Who and how this be monitored? This reality and situation will only increase the potential of conflict with businesses and their employees and customers nearby, not to mention the accompanying issues regarding sanitation, junk, vagrant dogs, panhandling, drug/alcohol use. This serves no one and only increases the possibility of a major serious incident.

My employees and customers (many which are women) will undoubtedly feel uncomfortable, nervous and unsafe in this environment. The well-being, safety and welfare of both my employees and customers is tantamount to my business. The presence of R2DToo across the street will severely jeopardize the secure, welcoming and professional environment to work and patronize my business that I have spent years and millions of dollars to create and cultivate. But even more it shows an immense lack of respect and leadership to find much better solution for these displaced people. I understand we need immediate solutions but instead of engaging and asking for broader in- put, ideas and resources from a much larger audience and namely the business community many months ago, the city has elected a go it alone approach that only seeks to ram through a bad and misguided plan. As several involved, intelligent and civically concerned citizens said on the Planning Commission when faced with the facts and dangers of this move and who voted against the street vacation request in December said, "This is the wrong place and we can do much better as a city"

I ask that you show leadership, concern for everyone including both the disposed we need to help as well as the people that have through their efforts, creativity, investment and hard work have made this city successful.

Sincerely,

Hector Marques

Hector Marques
Founder & Owner

Oregon Tile and Marble

by Todd DeNeff

Peter Finley Fry AICP Ph.D.

February 18, 2016

RUDITCP 02/18/16 09:11:04

Mayor Hales
Portland City Council
City Hall; Room 340
1221 SW 4th
Portland, OR 97204

RE: Portland City Council for adoption by Resolution at Portland City Council Hearing
Agenda Item 162 – February 18, 2016
Zone Code Confirmation Letter – January 22, 2016
Portland Bureau of Development Service to Mark Kramer, attorney
for Right 2 Dream Too
Site: Stephens Addition, Block 45, Lots 3-5 including proposed vacated
right-of-way formerly SE Harrison Street, Portland, OR.

Please find attached, my analysis of the January 22, 2016 Zone Code Confirmation Letter. In my opinion, the letter does not support the legality of any action establishing the “camp” without a legislative process to amend Zoning Code Title 33.

Zoning was created to protect the health, safety and welfare of people. The Industrial Sanctuary Policy and implementing zoning is precisely directed to exclude residential activities from industrial uses.

My comments are silent on the wisdom of allowing legal camping as a habitable option.

In this specific case, the site is in the Industrial Sanctuary and adjacent to industrial uses. The City Council would be creating a situation where people, many with disabilities, would be attracted into a dangerous situation.

Sincerely,



Peter Finley Fry

February 18, 2016

AUDIENCE: Portland City Council
SUBJECT: Zone Code Confirmation Letter – January 22, 2016
Portland Bureau of Development Service to Mark Kramer, attorney
for Right 2 Dream Too
SITE: Stephens Addition, Block 45, Lots 3-5 including proposed vacated
right-of-way formerly SE Harrison Street, Portland, OR.
PRESENTED TO: Portland City Council for adoption by Resolution at
Portland City Council Hearing – Agenda Item 162 – February 18, 2016

CRITICAL RESPONSE

Respondent: Peter Finley Fry

Standing: Peter Finley Fry, as a professional land use planner and as a former Central Eastside Industrial Council Executive Director, participated in the formation of the Central City Plan; application of the industrial sanctuary policy to the Central Eastside Industrial District, and the adopted Portland Homeless Reconfiguration Plan. The Zone Code confirmation letter, as written, will cause professional damage to Peter Finley Fry and the Central Eastside Industrial District Industrial Sanctuary where the “camp” is proposed to be located.

Summary of Error: The City of Portland has adopted as part of Portland’s Comprehensive Plan; the Industrial Sanctuary policy. This policy has been applied through Portland’s Title 33 Zoning Code.

“Portland Comprehensive Plan: Goal 10 Plan Review and Administration

(21) Industrial Sanctuary This designation is intended for areas where City policy is to reserve land for existing and future industrial development. A full range of industrial uses are permitted and encouraged. Nonindustrial uses are limited to prevent land use conflicts and to preserve land for industry. The corresponding zones are General Industrial 1 (IG1), General Industrial 2 (IG2), and Heavy Industrial (IH).”

Non industrial uses are limited to prevent land use conflicts. Industrial uses create externalities including air and water pollution, noise, trucks, twenty-four hour activities. These impacts cannot be easily regulated, nor should they, as zoning is designed to keep residential uses separated from industrial activities. The protection of health, safety, and welfare is the purpose of zoning.

The result is that residential uses are prohibited, office and retail are limited. Community services uses are limited to 3,000 square feet with the allowance for a conditional use for more than 3,000 square feet with criteria that requires findings that the use does not adversely impact surrounding industrial uses. Short Term Housing and Mass Shelters are prohibited.

The Zone Code conformation letter argues that a camp site (that was illegal at the time that the code was formulated and, arguable still illegal) avoids the prohibition because it is not short term housing or a mass shelter and does not require a conditional use because the use does not exceed 3,000 square feet of net building area.

Peter Finley Fry
Portland City Council
Portland Zone Code Confirmation Letter – January 22, 2016

City Bureau of Development staff argues that the use is a Community Service use and is less than 3,000 square feet because none of the structures except the wooden buildings are considered net building area.

This logic would allow any church or school to occupy any size site in the industrial sanctuary regardless of impact on surrounding industrial uses and the health of those using the site as long as wooden or concrete structures were less than 3,000 net building area.

The proposed intensity of use is for at least 100 overnight campers on twenty thousand feet, a density of one person for every 200 square feet - a density that equals or exceeds that of a typical residential or office use. The proposed use also provides services to an undisclosed number of customers. The site is also occupied by an undisclosed number of human support staff housed on and off site.

The Zone Code Confirmation letter asserts that a tent is not a structure or net building area, the camping area is temporary, and that the primary use is temporary and allows permanent accessory uses.

The determination of the use as a community service use is defined as similar to other uses identified in the Portland Zone Code as Community Service.

First: The determination that the use is not a mass shelter or short term housing relies on a single assumption that tents are not structures or building area.

Second: The determination that the community services on a 20,000 square foot site with building area far exceeding 3,000 square feet of building area if tent were included in building area is based on the assumption that the tents are habitable under state and city law, but are temporary and not considered building area.

No basis or similar examples in the Portland Zoning Code for these two determinations have been provided. The basis for the determination is fiction; asserted without fact. The Zoning Code is silent whether a tent can be or not be net building area.

The staff (and City Council) is attempting to use the guise of a Planning Director interpretation to legislatively amend the Portland Zoning Code without the due process required by the Portland Zoning Code.

Portland Zoning Code CHAPTER 33.740

LEGISLATIVE PROCEDURE 33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

Assignment of Error One:

**Oregon Revised Statutes
Chapter 227 — City Planning and Zoning
2015 EDITION**

227.160 Definitions for ORS 227.160 to 227.186. As used in ORS 227.160 to 227.186:

Peter Finley Fry
 Portland City Council
 Portland Zone Code Confirmation Letter – January 22, 2016

February 18, 2015

(2) "Permit" means discretionary approval of a proposed development of land, under ORS 227.215 or city legislation or regulation. "Permit" does not include:

(b) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

Portland Zoning Code Title 33

33.700 Administration and Enforcement

33.700.070 General Rules for Application of the Code Language

The rules of this section apply to this Title and any conditions of a land use approval granted under this Title. A. Reading and applying the code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Applications of the regulations that are consistent with the rules of this section are nondiscretionary actions of the Director of BDS to implement the code. The action of the Director of BDS is final.

B. Ambiguous or unclear language. Where the language is ambiguous or unclear, the Director of BDS may issue a statement of clarification processed through a Type III procedure, or initiate an amendment to Title 33 as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

C. Situations where the code is silent. Proposals for uses, development, or land divisions where the Code is silent or where the rules of this section do not provide a basis for concluding that the proposal is allowed are prohibited. The Planning and Sustainability Director may initiate an amendment to Title 33 to add a new use category, or make other amendments, as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

No criteria or performance standards are provided to identify if a tent is or is not a structure or is or is not net building area for the purpose of Title 33. Title 33 is completely silent on any determination that a tent is not a structure or net building area. A tent contains the same characters of structure and buildings as defined by Title 33. The inclusion of a tent in Title 33 as something that allows a habitable use, but is not a structure or building would require a legislative procedure as described and defined by Chapter 33.740.

Assignment of Error Two: A tent is not a structure or net building area.

Portland Zoning Code Title 33 defines:

Building - A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

A tent has four sides, a roof, and is secured to the ground. Tents, at this site, are permanent for at least ten years.

Portland Zoning Code Title 33 defines:

Structure - Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

A tent is an object constructed on the ground. Tents, at this site, are permanent for at least ten years.

Multnomah County Development Code § 33.0005

DEFINITIONS.

Habitable Dwelling – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights;
- (d) Has a heating system; and
- (e) Was lawfully established.

Peter Finley Fry
Portland City Council
Portland Zone Code Confirmation Letter – January 22, 2016

Multnomah County, where the camp is proposed to be located, defines a habitable dwelling with characteristics that none of the tents meet except exterior walls and roof structure. The site does have these characteristics that would argue that the tents are not habitable without the other utilities provided on the site establishing the entire site as the habitable unit or "shelter". The City does not classify the site as a community services and essentially argues that people sleep outside without shelter from a building or structure. The City has not established that a tent is not a building or structure and if not a building or structure whether a tent is habitable which is not under Multnomah County's code. Multnomah County has jurisdiction over health issues in the City of Portland (Resolution A adopted by Multnomah County Board of Commissioners on March 15, 1983).

Portland Title 8

8.20.250 Minimum Heat Requirements. Every person leasing or renting to another, space in any building under an agreement, express or implied, which includes the furnishing of heat by such person, shall at any time that the outside temperature is below 68 degrees Fahrenheit furnish heat in such space so leased or rented, heat sufficient to maintain a temperature of not less than 68 degrees Fahrenheit at a height of 3 feet from the floor, between the hours of 7:00 a.m. and 10:30 p.m. of each day; except in buildings which are regularly and customarily occupied only during the day by the lessees or tenants thereof, said minimum heat shall be furnished between the hours of 8:00 a.m. and 5:30 p.m. of each day except Sundays, and in buildings occupied at irregular intervals, the minimum heat shall be furnished during the period of occupancy.

8.20.020 Dwelling as Unlawful Structure. If any dwelling or part thereof is occupied by more persons or families than provided for in this Code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure. The Health Officer shall give due notice to the owner or his agent and the occupant requiring him, within a reasonable time, to comply with the law. Upon failure to comply with the law as required, the Health Officer shall institute appropriate legal action. Any dwelling vacant or thereafter vacated shall not again be occupied until it or its occupancy shall have been made to conform to the law.

Portland Title 8 dictates minimum heat requirements that the tents do not have, therefore requiring the tents to be removed as an unlawful dwelling.

Assignment of Error Three: The camping area is temporary

The camping area is not temporary. The Webster's Dictionary defines "Temporary as Lasting used or enjoyed for a limited time." A Space Use Agreement Agenda Item 163 – February 18, 2016 (Exhibit A) prepared for signature by the City of Portland and Right 2 Dream Too extends for a term of ten years with the right for extensions upon approval by the City Council thus unlimited.

Assignment of Error Four: The site's use is not a mass shelter or short term housing.

The determination that the use is not a mass shelter or short term housing relies on a single assumption that tents are not structures or building area. The determination that the community services on a 20,000 square foot site with building area far exceeding 3,000 square feet of building area if tent were included in building area is based on the assumption that the tents are habitable under state and city law, but are temporary and not considered building area.

The difference between a mass shelter and short term housing is whether the individuals are housed in a single space or individual units. The City argues that the individuals are neither

February 18, 2015

Peter Finley Fry
Portland City Council
Portland Zone Code Confirmation Letter – January 22, 2016

housed in a single space or in individual units. The question is where are they housed? The City does not answer the question that their own logic raises.

Assignment of Error Five: The primary use is temporary and allows permanent accessory uses.

PZC33 : Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Accessory Use. A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

The Zone Code Confirmation letter asserts that the camping area is the primary use of the site and that the showers, operational, and communal areas are accessory to the primary use. They assert that the primary use is a temporary use; therefore the accessory use that is a subordinate part of a primary use is also a temporary use. However the accessory uses are permanent structures which require building permits. An accessory use cannot be permitted if the primary use is temporary as the temporary use by its very nature could vanish at any time, leaving permanent, permitted accessory uses with no use to be accessory to.

Conclusion

The Zoning Code did not anticipate the establishment of camping areas in the Industrial Sanctuary as camping was and is illegal. The use is not a Mass Shelter as it is not a single structure, nor is it short term housing as the individual rooms (tents) are not considered structure.

The City Council is not interpreting Portland's Zoning code. The City Council is being asked to amend the Zoning Code without following the legislative procedures outlined in Portland Zoning Code Title 33.

The determination that the use is not a mass shelter or short term housing relies on a single assumption that tents are not structures or building area. The determination that the community services on a 20,000 square foot site with building area far exceeding 3,000 square feet of building area if tent were included in building area is based on the assumption that the tents are habitable under state and city law, but are temporary and not considered structures or building area.

Moore-Love, Karla

From: Todd DeNeffe <Cascadecommercial@integraonline.com>
Sent: Wednesday, February 17, 2016 5:35 PM
To: Council Clerk – Testimony
Subject: Testimony to the Portland City Council
Attachments: HectorMarqueztestimonytoCityCouncilRighttoDreamToo.pdf

Please find a letter/testimony to the Portland City Council for tomorrow's agenda items: 161, 162, 163 which addresses the street vacation, adoption of the Zoning Confirmation Letter and the intention of moving the Right to Dream Too homeless camp to the property located at SE 3rd and Harrison in Portland.

This testimony is from Hector Marquez the owner of the Property and the Business (Oregon Tile and Marble Company) located at 1845 S.E. 3rd which is directly across the street from the proposed actions.

A hard copy of this testimony/letter will be delivered to the Council clerk prior to the hearing.

Moore-Love, Karla

From: Mark D. Twietmeyer <mark.twietmeyer@ursele.com>
Sent: Wednesday, February 17, 2016 4:06 PM
To: Council Clerk – Testimony
Cc: Moore-Love, Karla; Central Eastside Industrial Council
Subject: City Council Feb 18, 2016 Agenda Item 161, 162, 163
Attachments: URS - City Council Feb 18 2016 item 161 162 163.pdf

Dear City Council,

I will be unable to attend the public hearing tomorrow at 2pm, and request that the attached letter be submitted as public comment.

Mark Twietmeyer
President
URS Electronics
123 NE 7th Ave.
Portland, OR 97232 USA
Direct# 503.820.6113
Fax# 503.820.6143



----- Electronic Communications Disclaimer -----

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P.O. Box 14040, Portland, Oregon 97293-0040
February 18, 2016

Mayor Charlie Hales
1221 SW Fourth Ave, Suite 340
Portland, Oregon 97204

RE: City Council agenda items 161, 162, 163 on February 18, 2016

Dear Mayor Hales and City Council Members,

As a second generation small business and a Central Eastside Industrial District property owner for 47 years, I oppose the:

1. Vacating SE Harrison Street at SE 3rd street.
2. Categorizing this residential use as a non-residential community service use.
3. Considering a use agreement that cannot by its terms turn an illegal use into a legal use with conditions.


I opposed moving Right to Dream Too to the site at SE 3rd and Harrison. This property is zoned industrial and is part of an industrial sanctuary. It is also located in a part of the sanctuary that is proving to be a very successful area for businesses to locate and thrive. The original intent of this right of way was limited to a transportation-related use such as:

- Provide critical freight access to the district.
- Provide access by emergency vehicles to the district.
- Provide parking which is already in short supply.

The site is not zoned for housing, whether temporary or permanent. Since the agreement is for 10 years, these actions are a permanent change to the status of this property. It will cause irreparable harm to the surrounding businesses and to the district's ability to increase employment and to fulfill the vision of the Comprehensive Plan.

If the City Council decides to move forward with the relocation of Right to Dream Too, you are not following established zoning laws.

So I guess that means I don't have to follow the laws and codes of Portland?



Mark Twietmeyer
URS Electronics, Inc
President / Property Owner
123 NE 7th Ave
Portland, OR 97232

Office 503.233.7151
FAX 503.232.3373
Sales 503.233.5341
sales@ursele.com



Moore-Love, Karla

From: Nebel, Erika
Sent: Thursday, February 11, 2016 8:50 AM
To: Council Clerk – Testimony
Subject: FW: Portland Business Alliance letter Re: Right 2 Dream Too
Attachments: Mayor Hales R2Dtoo letter.02_03_16.pdf

Erika Namioka Nebel
 Policy Advisor & West Portland Liaison
 Office of Commissioner Steve Novick
 1221 SW 4th Ave., Suite 210
 Portland, Oregon 97204
 503-823-3114
www.portlandoregon.gov/novick

From: Hanson, Laura
Sent: Friday, February 05, 2016 4:58 PM
To: Nebel, Erika <Erika.Nebel@portlandoregon.gov>
Subject: FW: Portland Business Alliance letter Re: Right 2 Dream Too

Laura Hanson
 Scheduler & Constituent Relations Coordinator
 Office of Commissioner Steve Novick
 503-823-4682
portlandoregon.gov/novick

From: Karen VanVleck [<mailto:KVanVleck@portlandalliance.com>] **On Behalf Of** Sandra McDonough
Sent: Wednesday, February 03, 2016 3:04 PM
To: Hales, Mayor <mayorcharliehales@portlandoregon.gov>
Cc: Commissioner Fish <nick@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; Commissioner Saltzman <dan@portlandoregon.gov.onmicrosoft.com>; Commissioner Novick <novick@portlandoregon.gov>; Dietz, Susan <Susan.Dietz@portlandoregon.gov>; Wulffenstein, JoAnna <Jo.Wulffenstein@portlandoregon.gov>; Nieves, Cristina <Cristina.Nieves@portlandoregon.gov>; Martin, Lyne <Lyne.Martin@portlandoregon.gov>; Hanson, Laura <Laura.Hanson@portlandoregon.gov>
Subject: Portland Business Alliance letter Re: Right 2 Dream Too

Mayor Hales,

Attached please find a letter from the Portland Business Alliance regarding the Right 2 Dream Too encampment. Please don't hesitate to contact me if you have questions. Thank you for your consideration.

Sandra McDonough

Sandra McDonough
 President & CEO

371 92

Portland Business Alliance
200 SW Market Street, Suite 150
Portland, Oregon 97201
(503) 552-6762 (direct)
(503) 224-8684 (general)
(503) 323-9186 (fax)
www.portlandalliance.com

connect with the Alliance on:



and on the PBA Blog



PORTLAND
BUSINESS ALLIANCE
Commerce • Community • Prosperity

February 3, 2016

The Honorable Charlie Hales
1221 SW Fourth Avenue, Suite 340
Portland, Oregon 97204

Dear Mayor Hales:


The Portland Business Alliance ("Alliance") has a long history of supporting social services and efforts to address homelessness. We are participating on the Home for Everyone Coordinating Board and helped to facilitate the temporary downtown shelter on SW 4th and Washington, made possible through the generosity of the Barry Menashe family. Through Clean and Safe, we work with Central City Concern to employ formerly homeless individuals and have provided significant resources to bolster emergency shelter, shower and storage facilities.

Since well before the Housing Emergency was declared last year, the Alliance has urged the city to find safe, indoor shelter space for those experiencing homelessness. We do not believe the appropriate solutions to our city's homelessness crisis are outdoor encampments, such as we are seeing in neighborhoods throughout Portland. According to the city's code, camping is illegal on public property and public rights of way, but this provision apparently is not being enforced based on the pervasiveness of illegal camps on streets and in open spaces across the city. Further, the city's zoning code states that industrial zones "provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry." Mass shelters and short-term housing of any type are prohibited in industrial zones.

The zoning confirmation letter under consideration seeks to avoid this prohibition by stating that Right 2 Dream Too (R2DT) is not a mass shelter or short-term housing because those uses contemplate a structure. If the goal of industrial zones is to prevent conflicts and preserve land for industry, it is difficult – if not impossible – to read the code in totality to say that mass shelters and short-term housing occurring in structures are prohibited because they present a conflict while encampments that arguably provide greater exposure to industrial uses do not. Because the zoning confirmation letter broadly defines encampments as community-service uses allowed on industrial zoned land, it creates the potential for more conflicting uses on extremely limited industrial land throughout the city.

Right 2 Dream Too (R2DT) should not be relocated; the proposal to relocate R2DT from Old Town/Chinatown to the Central Eastside Industrial District simply shifts the burden from one neighborhood onto another. For the same reasons that R2DT is problematic for Old Town/Chinatown, it is for the Central Eastside Industrial District (CEIC). The Hazelnut Grove encampment is generating similar concerns from neighbors in the area. Encampments are a short-sighted attempt to solving homelessness in our community. We urge City Council to pursue a more humane approach, focusing on safe, indoor options for this very vulnerable population.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra McDonough". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Sandra McDonough
President & CEO

cc: Portland City Council

Moore-Love, Karla

From: Audrey Dell <adell@wyserea.com>
Sent: Thursday, February 11, 2016 9:00 AM
To: Council Clerk – Testimony
Subject: Agenda Items 120 and 121
Attachments: R2DT Letter to City Council 02 04 2016.pdf

Please see the attached letter regarding agenda items 120 and 121.

Audrey Dell
Property Manager
Direct: 503-595-9699



Wyse Real Estate Advisors

810 SE Belmont St, Suite 100, Portland, OR 97214
(503) 294-0400 / WyseREA.com

February 4, 2016

Sent via email cctestimony@portlandoregon.gov

The Honorable Mayor Charlie Hales
City of Portland Commissioners
1221 SW 4th Avenue, Suite 340
Portland, Oregon 97204

RE: Agenda Items 120 and 121

Dear Mayor Hales and City Commissioners:

As the property manager of the building located at 1805 SE Martin Luther King Jr. Blvd, I would like to express my opposition to the vacation of SE Harrison Street at 3rd Avenue, and subsequent relocation of Right 2 Dream Too (R2DT).

To begin, I very much believe in the need for change concerning the houseless community; however, I am concerned that the relocation will not only cause irreparable harm to local property values and tenant's ability to thrive, but will result in exacerbation of tensions between the houseless community and the business community at large.

While the current R2DT camp is well managed, its existence results in collateral damage to the neighborhood in the form of improperly disposed urine, feces, trash and belongings as well as illegally camped people which materially threatens the businesses surrounding.

The Central Eastside Industrial District is home to many successful businesses who are already experiencing problems directly related to a growing number of houseless camps. Having the R2DT camp located within the CEID will only be an invitation to more houseless individuals to come to the area in an attempt to stay at the rest area, further exacerbating this problem. The rest area has guidelines and rules for its residents, but our concern lies with overflow from the camp and troublesome individuals who are excluded from the camp itself. The rest area will also have permanent showers, laundry, kitchen facilities and storage for non-campers, undoubtedly drawing even more houseless individuals to the neighborhood. These people will of course remain close to R2DT and its facilities.

Our tenant, Eastside Distilling, plans to open a small retail tasting room in its primary manufacturing location and headquarters. Eastside Distilling has shared concerns regarding the safety and security of its customers, employees and business. If R2DT is relocated to the location on SE 3rd & Harrison, the city has also committed to providing the streetcar passes to the campers. The streetcar stop next to our client's building will be a hub for campers traveling to and from the camp, likely crossing the parking lot servicing Eastside Distilling.



The central eastside has long been reporting a lack of Portland police response and presence in the area with respect to crime and violence in the area. Although R2DT reports strict self-policing in the area immediately surrounding its current camp, this is not an appropriate or adequate response. This burden should not fall on the "dreamers" within the camp, rather by trained officers. The shortage of Portland Police officers have been heavily felt by businesses in the central eastside already, and will undoubtedly be amplified by increased outdoor encampments and the vulnerable visitors drawn to them.

As a central eastside business employee and property manager of this neighboring building, I am adamantly against the vacation of SE 3rd & Harrison and the relocation of the R2DT camp to the central eastside. I strongly urge the city to consider alternate options and to address the larger issue of houselessness in our community through long term, safe solutions.

Sincerely,

A handwritten signature in black ink that reads 'Audrey Dell'.

Audrey Dell
Property Manager

Parsons, Susan

From: Jocelyn Burmester <jburmester@wyserea.com>
Sent: Thursday, February 04, 2016 2:35 PM
To: Council Clerk – Testimony
Subject: City Council Agenda Item 120 and 121
Attachments: Testimony R2DT 02-04-16.pdf

Dear Mayor Hales and City Council Members:

Attached is my testimony related to the proposed relocation of R2DT from Old Town to the Central Eastside Industrial District.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jocelyn

Jocelyn M. Burmester, CPM®
Senior Property Manager
Office: (503) 294-0400
Direct: (503) 595-9690



Wyse Real Estate Advisors

810 SE Belmont St, Suite 100, Portland, OR 97214
(503) 294-0400 / WyseREA.com

February 4, 2016

VIA EMAIL: cctestimony@portlandoregon.gov

The Honorable Charlie Hales
1221 SW Fourth Avenue, Suite 340
Portland, OR 97204

Re: City Council Agenda Item 120 and 121 for February 4, 2016

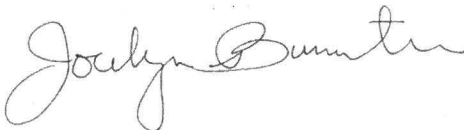
Dear Mayor and City Council Members:

I am an employee of Wyse Real Estate Advisors whose office is located in the Central Eastside Industrial District. I am also a Commercial Property Manager for an industrial property located approximately 200 yards of the proposed Right to Dream Too (R2DT) site on SE 3rd and Harrison. I agree that homelessness is a community-wide concern requiring a community-wide solution and understand the City's desire to remove the current R2DT camp off of PDC land in Old Town in order to redevelop the land, however, the City's proposed plan to move the camp to the Central Eastside is not a tenable solution.

The proposed R2DT camp will provide structures for toilets, showers, a kitchen and laundry room with an outdoor encampment that will most likely attract more people experiencing homelessness than the camp can hold on any given night resulting in people sleeping on and around the surrounding properties. There have been increasing incidents of graffiti, unenforced long-term parking and semi-permanent campsites that impact the immediate neighborhood and businesses. With the Portland PD instructed not to enforce any laws related to homelessness, I am concerned for the safety of businesses and employees in the Central Eastside. Furthermore, property owners and businesses will suffer irreparable damages.

As an employee and property manager in the Central Eastside Industrial District, I oppose the relocation of the R2DT camp from Old Town and support a safe, humane and long-term solution for homelessness.

Sincerely,



Jocelyn Burmester, CPM®
Senior Property Manager

Parsons, Susan

From: Andrew James <ajames@wyserea.com>
Sent: Thursday, February 04, 2016 11:21 AM
To: Council Clerk – Testimony
Cc: Commissioner Fritz; Commissioner Fish; Commissioner Saltzman; Commissioner Novick; Hales, Mayor
Subject: RE: Right to Dream Too - City Council Agenda Item 120 & 121 for February 4, 2016
Attachments: Letter responding to City of Portland Council Agenda Item 120 and 121 on February 4, 2016.pdf

The attached PDF file contains a letter to the Mayor and the City Commissioners regarding agenda items 120 and 120 for February 4, 2016.

Thank you for considering my testimony on this issue.

Andy James
Vice President of Construction
Direct: (503) 595-9687
Cell: (503) 313-9973



Wyse Real Estate Advisors

810 SE Belmont St, Suite 100, Portland, OR 97214
(503) 294-0400 / WyseREA.com



WyseREA.com
(503) 294-0400

810 SE Belmont St, Suite 100
Portland, OR 97214

February 3, 2016

The Honorable Charlie Hales
1221 SW Fourth Ave, Suite 340
Portland, OR 97204

Re: City Council Agenda Item 120 & 121 for February 4, 2016

Dear Mayor and City Council Members:

The zoning confirmation letter for the SE 3rd and Harrison site should not be approved and relocation of Right 2 Dream Too to this site should not be approved based on the following reasons.

Industrial zoning is in place to protect the health and wellbeing of all the citizens and visitors to the City. Separation of the residential and industrial uses makes sense because people should not live next to potentially noisy, smelly and hazardous industrial operations. The City has one of the best land use planning codes and processes in the world but today you are considering throwing that out the window to put a tent camp in an area which is not permitted by the code and would be dangerous to its residents. Moving a group of some of the most vulnerable people in our community to an industrial zone, away from the vital services they depend on and are currently located close to demonstrates that the Council is making a mistake.

The innovative language of this zoning confirmation letter manipulating the underlying residential use does not change the facts: Right 2 Dream Too has people living full time in the camp to manage and operate it and people are invited to live at the camp both uses are prohibited by the code in this zone. Mr. Mayor and City Council Members you can find a better safer solution to this problem and for these reasons and others you should vote against the zoning confirmation letter for this site and against the movement of Right 2 Dream Too to this location.

Additionally, since this is an evidentiary hearing on this decision to permit a tent camp as a community service use and is a land use decision under ORS 197, I request a continuance or that the record be help open for at least 7 days for the submittal of additional evidence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy James', is written over a horizontal line.

Andy James

Vice President of Construction

Parsons, Susan

371 92

From: Chad Rheingold <crheingold@wyserea.com>
Sent: Thursday, February 04, 2016 10:56 AM
To: Council Clerk – Testimony
Cc: Commissioner Fritz; Commissioner Fish; Commissioner Saltzman; Commissioner Novick; Hales, Mayor
Subject: Right to Dream Too - City Council Agenda Items 120 and 121 for February 4, 2016
Attachments: Right To Dream Too - Letter to City Council - 2-4-2016.pdf

The attached PDF file contains a letter to the Mayor and City Commissioners regarding the proposed relocation of Right to Dream Too to SE 3rd and Harrison.

Thank you,

Chad Rheingold, CPM®
Vice President
Direct: (503) 595-9683



Wyse Real Estate Advisors

810 SE Belmont St, Suite 100, Portland, OR 97214
(503) 294-0400 / WyseREA.com



WyseREA.com
(503) 294-0400

810 SE Belmont St, Suite 100
Portland, OR 97214

February 3, 2016

VIA EMAIL: cctestimony@portlandoregon.gov

The Honorable Charlie Hales
1221 SW Fourth Avenue, Suite 340
Portland, OR 97204

Re: City Council Agenda Item 120 and 121 for February 4, 2016

Dear Mayor and City Council Members:

Wyse Real Estate Advisors has conducted real estate advisory and property management services in the City of Portland since 1988; we manage several properties throughout the City and a number located in the Central Eastside Industrial District, including one building within 200 feet of the proposed Right to Dream Too site on SE 3rd and Harrison. We are acutely aware of the problems that affect individuals without homes, including a high preponderance of mental health and addiction issues.

Our company has a long history supporting, through donations and volunteerism, a number of social service organizations that assist our City's most vulnerable, including Loaves and Fishes, JOIN, the Portland Food Bank, Cascadia Behavioral Health and Catholic Charities. We believe houselessness in our City is a crisis that deserves all stakeholder's attention in finding long-term, safe, humane and sustainable options. We do not, however, believe that organized or unorganized tent encampments should be part of the solution, especially in the Industrial Zone.

The City is relying on the Director of Bureau of Development Services' Zoning Confirmation Letter ("ZCL") to justify the relocation of Right to Dream Too ("R2DT") to an industrial zoned site at SE 3rd and Harrison by going to great length to categorizing R2DT's use as non-residential community service rather than residential community service. As a residential use, the proposed relocation would not be lawful as the code expressly prohibits residential community services uses on industrial zoned land, however, people will be living on this site – some on a permanent basis – the "Dreamers".

The ZCL tries to categorize tents camps as more like a non-residential community services use rather than residential community service use. This categorization fails logic. The ZCL states that a structure that contains one or more sleeping areas is a mass shelter and would be prohibited. R2DT clearly contains multiple sleeping areas. The ZCL tries to interrupt the code by implying that mass shelters are indoor space and must have a roof and further depends on the inclusion of the newly inserted term "indoor" into the definition of mass shelter. This term does not appear in the definition. The goal of excluding residential uses in the industrial zones is to prevent conflicts in uses and ensure adequate land is available for industrial uses. In addition, by placing tent camping in the industrial zone, in this case directly adjacent to Eastside Plating, a user of highly volatile and caustic chemicals, you are creating the opportunity for far greater conflict and exposure risks than that of an indoor mass shelter.



The Honorable Charlie Hales
February 3, 2016
Page 2 of 2

Further establishing R2DT's use as residential in nature is the fact that fourteen "Dreamers" are permanent residents of the camp. If the "Dreamers" have the right to remain at the camp for longer than 30 days, they have an implied tenancy at the very least on a month-to-month basis. The ZCL acknowledges that uses where tenancy is arranged on a month-to-month basis or longer is residential in nature and prohibited.

The movement of R2DT from Old Town to SE 3rd and Harrison is a poor idea that only shifts the burden from one neighborhood onto another and will result in greater problems and animosity. For the same reasons R2DT has been problematic in Old Town, it will be for the Central Eastside. While we understand the City's desire to move R2DT off of PDC land so the site can be redeveloped, you are making a decision in what you believe is the City's best interest, but is at the cost of other property owners, who, like you, want to see the highest and best use of their property. This move will result in irreparable injury and economic damages to several of our clients and their tenants.

For the reasons outlined in this letter and various others, we urge City Council to vote against the approval of the Zoning Confirmation Letter and the move of R2DT to the SE 3rd and Harrison site, and instead focus its efforts in finding safe, indoor long-term options for the City's growing houseless population. The Council, at this time, has an opportunity to consider a creative, out of the box and significant "big picture" solution to the City's houslessness issue.

Because this is the initial evidentiary hearing on this decision to permit a tent camp as a community service use and is a land use decision under ORS 197, we request a continuance or that the record be held open for at least seven days for the submittal of additional evidence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Rheingold'.

Chad Rheingold, CPM®
Vice President

cc: Commissioner Amanda Fritz, via email amanda@portlandoregon.gov
Commissioner Nick Fish, via email nick@portlandoregon.gov
Commissioner Dan Saltzman, via email dan@portlandoregon.gov
Commissioner Steve Novick, via email: novick@portlandoregon.gov

Moore-Love, Karla

From: Debbie Kitchin <dkitchin@interworksllc.com>
Sent: Thursday, February 18, 2016 11:43 AM
To: Council Clerk – Testimony; Moore-Love, Karla
Cc: Debbie Kitchin
Subject: Testimony on Agenda item 162 and 163
Attachments: IW testimony on Agenda item 162+163-02182016.pdf; Right 2 Dream Too Camp Site-Map of Affected Surrounding Areas (00514463xC624A).pdf; addendum -IW testimony on Agenda item 162+163.pdf; Addendum 2 -IW testimony on Agenda item 162+163-02182016.pdf

Please find my testimony (4 documents) on Agenda items 162 and 163. Thank you.

Debbie Kitchin
InterWorks, LLC
Commercial Tenant Improvement and Renovation
Earth Friendly Remodeler
503-233-3500
971-563-0208 cell
www.interworksllc.com
www.facebook.com/InterWorksPortland
dkitchin@interworksllc.com

*clerk note:
Previously
submitted 2/4/2016
w/attachments*

February 18, 2016

Mayor Charlie Hales
City Commissioners
1221 SW Fourth Ave, Suite 340
Portland, Oregon 97204

RE: City Council agenda items 162 and 163, SE 3rd and Harrison
ZCL and Use Agreement

Dear Mayor Hales and Commissioners,

Homelessness is a pressing humanitarian issue, especially in our community where there are many needs and limited resources. We can all agree that much needs to be done to assist people who are dealing with the trauma of homelessness. Portland can do better and we should. We should provide more indoor emergency shelters and more long-term housing.

I am writing to oppose the adoption of the zoning confirmation letter and use agreement that would allow the City to locate the Right to Dream Too homeless camp at SE 3rd and Harrison. As an industrial property owner and business owner in the Central Eastside, I am concerned about the proposed use of the site. The primary use proposed for the site is residential and is explicitly not allowed in the industrial (IG1 zone) that applies to this site.

I served as co-chair of the SE Quadrant Stakeholder Advisory Committee. Through a long rigorous process, the committee, along with excellent leadership from City of Portland staff, developed the SE Quadrant Plan as part of the City's Comprehensive Plan. At no time during the process was the location of a homeless camp contemplated or planned for. In fact, the Plan focused on land use strategies that maintained and enhanced the viability of industrial users. I submit as evidence the following quote from the SE Quadrant Plan on one of its overarching land use objectives: "Maintain the viability of industrially zoned lands in the Central Eastside as a place where existing operations are protected from non-compatible land uses, where industrial operators can feel secure about investing in their businesses, and where all industrial sectors as well as those yet to emerge find a place to operate." The city's zoning code recognizes that residential uses are not compatible with industrial uses. As a result, residential uses are prohibited in industrial zones. Your "yes" vote on the proposed agenda items violates the goals of the Comprehensive Plan and is not consistent.

- The industrial sanctuary was created to support the industrial businesses and their employees. The City's Comprehensive Plan calls for continued protection of industrial uses in the district. This proposal and the intended use of the property that is zoned IG1 are not consistent with the Comprehensive Plan. These industrial businesses provide middle income jobs that are critical for supporting families and promoting equity in our community. Many elements of the Comprehensive Plan focus on the need for industrial lands to provide space for activities that can lead to good middle income jobs and help the community bridge the earnings gap for many Portlanders.
- The ZCL seeks to avoid the prohibition of housing in the industrial zone by stating that the tents contemplated for shelter are not "structures" under the code. However, it is clear that fences, platforms, decks and other attributes of the current site for Right to Dream Too are structures.

PO Box 14764
Portland, Oregon
97293
503.233.3500
503.233.1383
CCB#98655

fax

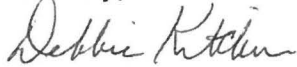
and do not comply with code. They would not be allowed under this ZCL. The primary use of the site is short-term housing, which is prohibited in the IG1 zone.

- This interpretation puts additional industrial lands at risk. It would be possible to have tent AirBnb sites pop up throughout the industrial lands in the city. These would deplete the use of industrial lands to create jobs, jeopardizing compliance with state land use laws.
- The location is not a safe place for a large residential camp because of proximity to industrial processes that are legally operating under the building code and other rules and regulations. This is why residential uses are not allowed in industrial zones. The solutions proposed in this action seem to be expedient but are not in the best interests of the people being served by the camp. Who will be responsible for ensuring that evacuation procedures are in place and that residents are being trained as soon as they arrive at the facility? Who will be liable in the case of an accident or other issues?
- I have a great deal of admiration and respect for the current leadership of Right to Dream Too. They have accomplished much with very limited resources. We could all learn from their experience. However, as a volunteer for many decades, I know that volunteer energy and abilities ebb and flow over time. How can the surrounding community be protected when the natural evolution of the organization leads to this common type of ebb and flow? The current use agreement does not protect the community enough. The City in particular has not shown itself willing to make hard decisions in the face of politics, concerns about optics, scrutiny from the press and other advocates.
- There is also evidence that once a camp is located, it is very difficult to move it. This has been shown in the experience surrounding the Hazelnut Grove camp on Greeley and the surrounding encampments. Even the fact that Right to Dream Too has been located at its current location for many years in the face of attempts to move it is evidence of the immovability of these camps once they are in place. This creates an irreparable harm to the community and businesses surrounding the camp.
- The ZCL acknowledges that stays of over 30 days are not allowed by this interpretation of the code. It was said at the community meeting on Saturday that there would be 14 resident “dreamers” staying at the camp and managing it. Will the Right to Dream Too organization be responsible for maintaining records to verify that the condition of longer-than-30-days stay is not being violated?
- Many aspects of the use agreement will contribute to irreparable harm to the surrounding community and businesses. The ability of anyone to come into the facility to use the showers, bathrooms, laundry and storage creates an unmanageable and likely chaotic situation. There is likely to be a huge impact to the surrounding area, as many people who are not able to sleep in the camp will likely camp in the vicinity to be close to these services. We believe the community will need additional police patrols in the area. There should be weekly police sweeps of camping outside of Right to Dream Too. The affected area is shown in an attached map.
- Ten years is too long for the agreement – it should be temporary if at all so the community has an opportunity to weigh in on how things are going and what new conditions need to be added. This should be considered a pilot program as it is far from the current site and in a very different type of location. At the current site, there are a lot of eyes on the street and a higher density of police services and other security services. There are also many homeless services nearby. These fundamental differences between the site at SE 3rd and Harrison and Right to Dream Too’s current site means that the experience to date is not relevant. It is too risky to set such a long-term commitment in place when we have no experience to guide us. This creates an irreparable harm to the surrounding community and businesses.

- Good Neighbor Agreements are not enforceable and are insufficient protections for the surrounding businesses and community. At the very least, the City as landlord should be party to the Good Neighbor Agreement. It creates an undue burden on surrounding businesses and organizations to negotiate and very few means to enforce.
- Records are incomplete and missing in Agenda Item 163. This should not be adopted until they are complete and there is a chance to review.
- Because this is the initial evidentiary hearing on this decision to permit a tent camp as a community service use and is a land use decision under ORS 197, we request a continuance or that the record be held open for at least 7 days for the submittal of additional evidence.

Thank you for the opportunity to comment.

Sincerely,



Debbie Kitchin
Principal, InterWorks LLC

From: Debbie Kitchin <dkitchin@interworksllc.com>
Sent: Thursday, February 04, 2016 10:45 AM
To: Council Clerk – Testimony; Hales, Mayor; Commissioner Fritz; Commissioner Fish; Commissioner Saltzman; Novick, Steve
Subject: Testimony for City Council agenda items 120 and 121 on Feb. 4th, 2016
Attachments: IW testimony on Agenda item 120 and 12102042016.pdf; Right 2 Dream Too Camp Site-Map of Affected Surrounding Areas (00514463xC624A).pdf; addendum -IW testimony on Agenda item 120 and 12102042016.pdf

Dear Mayor and Commissioners,
I would like to submit the following testimony for city council agenda items 120 and 121 on Feb. 4th, 2016. Thank you.

Debbie Kitchin
InterWorks, LLC
Commercial Tenant Improvement and Renovation
Earth Friendly Remodeler
503-233-3500
971-563-0208 cell
www.interworksllc.com
www.facebook.com/InterWorksPortland
dkitchin@interworksllc.com

February 4, 2016

371 92

Mayor Charlie Hales
City Commissioners
1221 SW Fourth Ave, Suite 340
Portland, Oregon 97204

RE: City Council agenda items 120 and 121, SE 3rd and Harrison
ZCL and Use Agreement

Dear Mayor Hales and Commissioners,

Homelessness is a pressing humanitarian issue, especially in our community where there are many needs and limited resources. We can all agree that much needs to be done to assist people who are dealing with the trauma of homelessness. Portland can do better and we should. We should provide more indoor emergency shelters and more long-term housing.

I am writing to oppose the adoption of the zoning confirmation letter and use agreement that would allow the City to locate the Right to Dream Too homeless camp at SE 3rd and Harrison. As an industrial property owner and business owner in the Central Eastside, I am concerned about the proposed use of the site. The primary use proposed for the site is residential and is explicitly not allowed in the industrial (IG1 zone) that applies to this site.

I served as co-chair of the SE Quadrant Stakeholder Advisory Committee. Through a long rigorous process, the committee, along with excellent leadership from City of Portland staff, developed the SE Quadrant Plan as part of the City's Comprehensive Plan. At no time during the process was the location of a homeless camp contemplated or planned for. In fact, the Plan focused on land use strategies that maintained and enhanced the viability of industrial users. I submit as evidence the following quote from the SE Quadrant Plan on one of its overarching land use objectives: "Maintain the viability of industrially zoned lands in the Central Eastside as a place where existing operations are protected from non-compatible land uses, where industrial operators can feel secure about investing in their businesses, and where all industrial sectors as well as those yet to emerge find a place to operate." The city's zoning code recognizes that residential uses are not compatible with industrial uses. As a result, residential uses are prohibited in industrial zones. Your "yes" vote on the proposed agenda items violates the goals of the Comprehensive Plan and is not consistent.

- The industrial sanctuary was created to support the industrial businesses and their employees. The City's Comprehensive Plan calls for continued protection of industrial uses in the district. This proposal and the intended use of the property that is zoned IG1 are not consistent with the Comprehensive Plan. These industrial businesses provide middle income jobs that are critical for supporting families and promoting equity in our community. Many elements of the Comprehensive Plan focus on the need for industrial lands to provide space for activities that can lead to good middle income jobs and help the community bridge the earnings gap for many Portlanders.
- The ZCL seeks to avoid the prohibition of housing in the industrial zone by stating that the tents contemplated for shelter are not "structures" under the code. However, it is clear that fences, platforms, decks and other attributes of the current site for Right to Dream Too are structures and

PO Box 14764
Portland, Oregon
97293

503.233.3500
fax 503.233.1383
CCB#98655

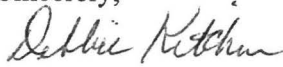
do not comply with code. They would not be allowed under this ZCL. The primary use of the site is short-term housing, which is prohibited in the IG1 zone.

- This interpretation puts additional industrial lands at risk. It would be possible to have tent AirBnb sites pop up throughout the industrial lands in the city. These would deplete the use of industrial lands to create jobs, jeopardizing compliance with state land use laws.
- The location is not a safe place for a large residential camp because of proximity to industrial processes that are legally operating under the building code and other rules and regulations. This is why residential uses are not allowed in industrial zones. The solutions proposed in this action seem to be expedient but are not in the best interests of the people being served by the camp. Who will be responsible for ensuring that evacuation procedures are in place and that residents are being trained as soon as they arrive at the facility? Who will be liable in the case of an accident or other issues?
- I have a great deal of admiration and respect for the current leadership of Right to Dream Too. They have accomplished much with very limited resources. We could all learn from their experience. However, as a volunteer for many decades, I know that volunteer energy and abilities ebb and flow over time. How can the surrounding community be protected when the natural evolution of the organization leads to this common type of ebb and flow? The current use agreement does not protect the community enough. The City in particular has not shown itself willing to make hard decisions in the face of politics, concerns about optics, scrutiny from the press and other advocates.
- There is also evidence that once a camp is located, it is very difficult to move it. This has been shown in the experience surrounding the Hazelnut Grove camp on Greeley and the surrounding encampments. Even the fact that Right to Dream Too has been located at its current location for many years in the face of attempts to move it is evidence of the immovability of these camps once they are in place. This creates an irreparable harm to the community and businesses surrounding the camp.
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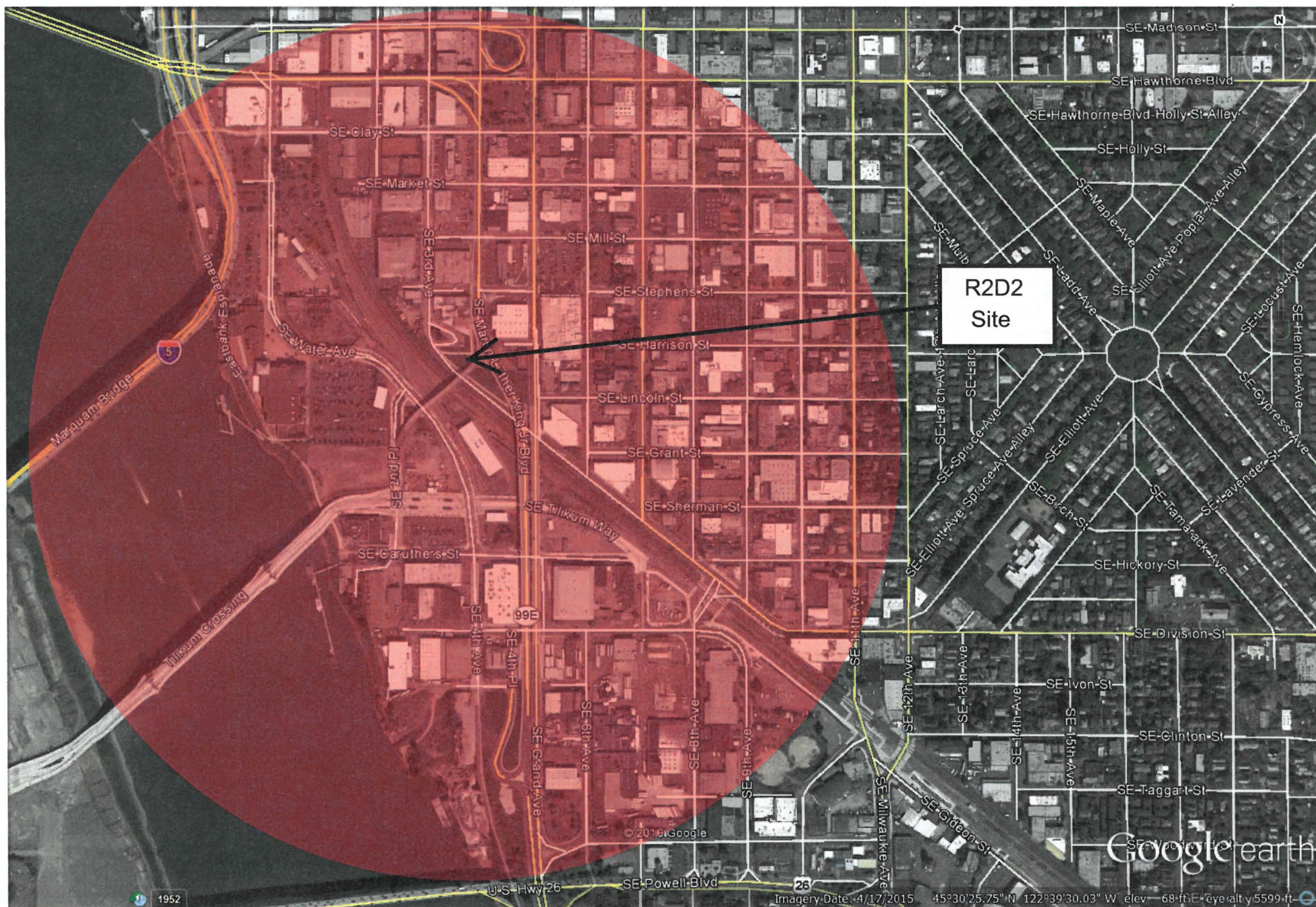
- Good Neighbor Agreements are not enforceable and are insufficient protections for the surrounding businesses and community. At the very least, the City as landlord should be party to the Good Neighbor Agreement. It creates an undue burden on surrounding businesses and organizations to negotiate and very few means to enforce.
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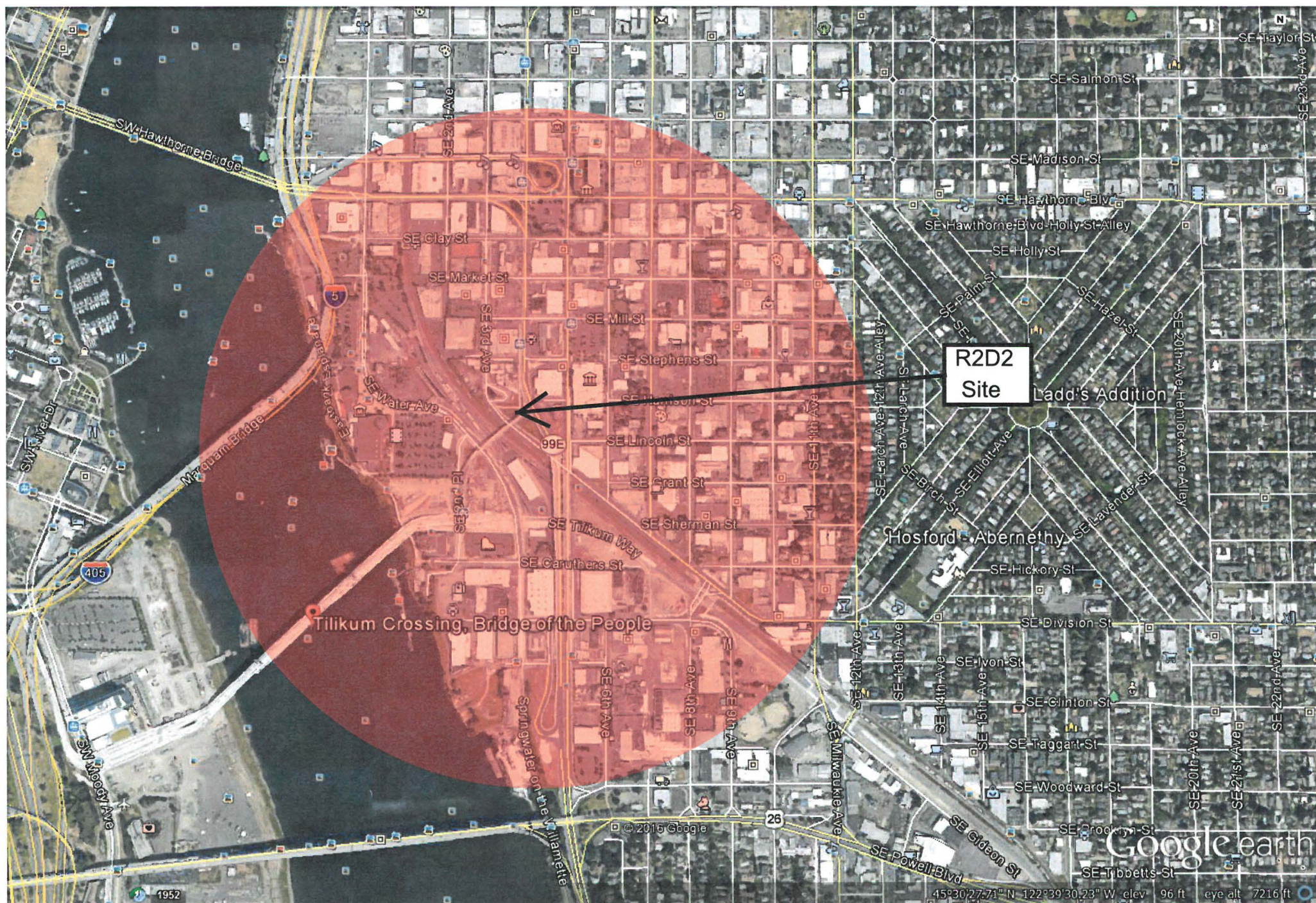
Thank you for the opportunity to comment.

Sincerely,




Debbie Kitchin
Principal, InterWorks LLC





Mayor's office rejects neighborhood request to move homeless camp

Created on Friday, 04 December 2015 13:03 | Written by [Jim Redden](#) | 

[24 Comments](#)

Mayor Charlie Hales' office is rejecting a request by the Overlook Neighborhood Association that the city move a growing homeless camp along North Greeley Avenue below Overlook Park.

The association made the request in a Dec. 3 letter to the City Council signed by chair Dannielle Herman. It said the city is allowing the camp to exist on city property and is not enforcing limits on the number of people using it that had been previously promised.

"Since sanctioning the initial 'temporary' encampment at this location with a group of residents numbering fewer than 20, the City has failed to provide any meaningful boundary or population limits, nor safety and enforcement support for the residents. The number of campers on City property at the site has ballooned beyond the 25 originally discussed for the original camp. By some estimates there are now 55 to 75 residents on the site, most not part of the original group," the letter reads in part.

But asked for comment by the Portland Tribune, Josh Alpert, Hales' chief of staff, said, "Nobody should have to sleep outside, but until we have enough indoor beds for people, our goal and responsibility is to ensure that people have a safe place to sleep and basic human needs met. We are aware of the growth at Greeley, and are working quickly to make sure that it continues to be a safe, temporary place to sleep and continues to be a good neighbor."

Hales is representing Portland in Paris at a summit of mayors being held in conjunction with the U.N. Climate Conference.

The camp sprung up around the time the council declared a state of housing emergency in August. It apparently marked an easing in the normal sweeps of crowded homeless camps existing on city property by the police. Neighborhood Coalition Office leaders are trying to develop a unified response to the change.

The North Portland camp — known as Hazelnut Grove — has nearly doubled in size in the past two weeks, according to KOIN 6 News, which says it is splitting into two and maybe three separate communities. The station's most recent report can be seen at <http://koin.com/2015/12/03/rules-hard-to-enforce-at-growing-n-greeley-camp/>

Here is the full text of the association's letter:

December 3, 2015

Dear Mayor Hales and Commissioners Fritz, Novick, Fish and Saltzman:

The Overlook Neighborhood Association opposes the City of Portland's continuing to allow homeless camps located at the south end of the Overlook Neighborhood along N Greeley Avenue near N Interstate Avenue. OKNA initially had serious concerns about the camp. After meeting with campers and after Mayor Charlie Hales' office pledged that the camp would be managed responsibly, we took a wait-and-see stance. During the last couple of months, we sought to work with the City to make this a success. Unfortunately, the City has not delivered on its pledge nor engaged with the neighborhood in any meaningful way.

Since sanctioning the initial "temporary" encampment at this location with a group of residents numbering fewer than 20, the City has failed to provide any meaningful boundary or population limits, nor safety and enforcement support for the residents. The number of campers on City property at the site has ballooned beyond the 25 originally discussed for the original camp. By some estimates there are now 55 to 75 residents on the site, most not part of the original group.

The encampment is at the base of a steep bluff, and the site is not suitable to ongoing camping. Pooled water and mud surrounded tents and crude structures during recent rains. With temperatures dipping into the low 20s, winds whipping through the camp, and weeks of winter rain ahead, living conditions at the site are inhumane and entirely inappropriate for a City that claims to care about all of its residents.

City Hall has failed to communicate its plans and strategies with Overlook Neighborhood. Although the original



KOIN 6 NEWS - The Hazelnut Grove homeless camp in North Portland is growing and splitting into separate communities.

intent was for a small campsite that would be self-regulating within a code of conduct, that did not last. Many new campers do not consider themselves beholden to the rules, and more arrive seemingly daily, often encouraged to go there by police, social groups and churches without any consideration of whether each person would be a suitable member of the camp. The result is conflicts between the campers and with neighbors, without the promised support from the City to address such problems.

Camp residents have been told by the City that they will not be moved during the winter, but the winter is precisely when they need adequate, safe, warm shelter from the elements. The pace at which the City is moving under the declared housing state of emergency is intolerable for the many people in North Portland and citywide living outside in this bitter weather.

The people struggling to survive the winter outdoors cannot wait for City Council to dither about developing a long-term strategy to address homelessness. If this truly is an emergency, the City must take emergency measures to provide shelter and services. OKNA strongly urges Portland to open emergency shelters throughout the city immediately.

In the meantime, the current short-term approach of allowing camping at the Greeley site has proven untenable. We ask that the City revoke the permission it has given to camp there and work with campers to find better alternatives throughout Portland without delay.

Sincerely,

Overlook Neighborhood Association Board

Dannielle Herman, Chair

KOIN 6 News contributed to this story.

News

CanYouIDME?

Behind the Badge

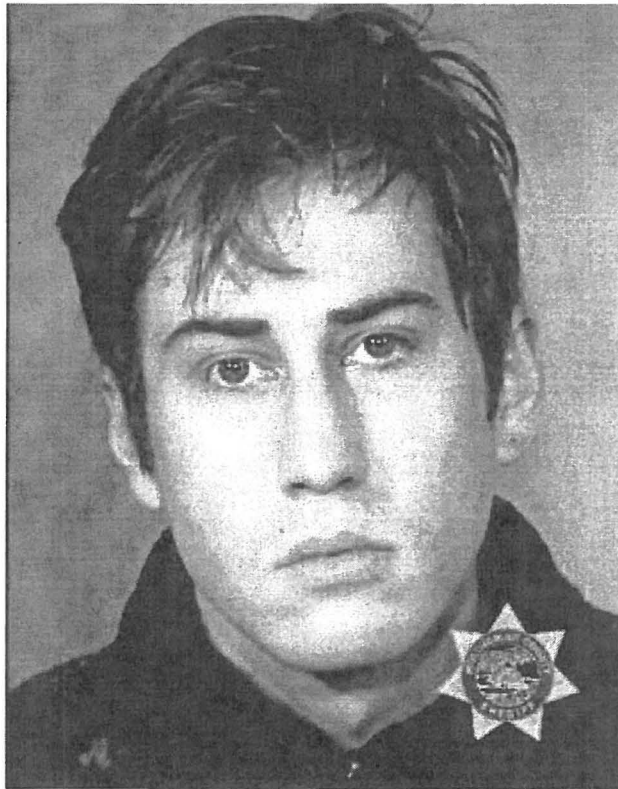
PPB Home

Portland Police Bureau

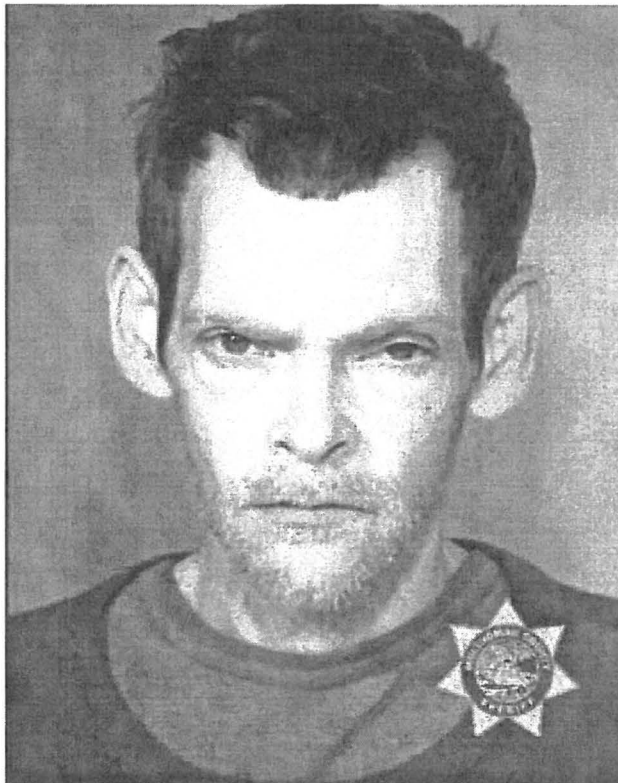
Stolen Rifles Seized from Tent in Northwest Portland -- Two People Arrested (Photo)



Stolen_Rifles_16-24184.jpg



Eric_Christian_Nunez_24.jpg



Jordan_Alexander_Clark_42.jpg

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On Saturday January 23, 2016, at 9:45 p.m., Central Precinct officers spotted a stolen car parked at Northwest 19th Avenue and Thurman Street. Officers watched the stolen car to see if anyone in the area returned to it and later observed a person approach the car, remove some items, and place them into a nearby tent.

Officers approached the person and took him into custody without incident. He was later identified as 24-year-old Eric Christian Nunez, no residential address. Officers contacted a second person in the tent, identified as 42-year-old Jordan Alexander Clark, no residential address. Clark was taken into custody without incident and officers observed the stock of a rifle inside the tent.

Officers assigned to the Portland Police Bureau's Gun Task Force responded and wrote a search warrant for the contents of the tent. After serving the warrant, officers located five rifles inside that were reported stolen in a Clackamas County burglary. The stolen car, a 1996 Acura, was reported stolen in Vancouver, Washington. Inside the car, officers located a stolen handgun.

Investigators learned that Clark and Nunez have been living in the tent, sharing space.

Clark was booked into the Multnomah County Jail on five counts of Felon in Possession of a Firearm and an outstanding warrant for Theft in the Third Degree.

Nunez was booked into the Multnomah County Jail on charges of Felon in Possession of a Firearm (six counts), Unlawful Possession of a Firearm (six counts), Unlawful Use of a Motor Vehicle, and Possession of a Stolen Motor Vehicle. Additionally, Nunez was lodged on outstanding charge of Possession of Heroin, Escape in the Third Degree and a parole violation.

###PPB###

Media Relations:

Sgt. Pete Simpson

Peter.Simpson@portlandoregon.gov

Desk: 503-823-0830

Pager: 503-790-1779

Portland Police Bureau

1111 SW 2nd Ave, Suite 1526

Portland, Oregon 97204



Homelessness: Portland mayor quietly tolerating tent camping



By Brad Schmidt | The Oregonian/OregonLive
on January 29, 2016 at 5:01 AM, updated January 29, 2016 at 11:26 AM

Portland's homelessness crisis has become acutely visible over the past seven weeks because Mayor Charlie Hales quietly directed police to mostly stop enforcing anti-camping rules prohibiting tents.

The undisclosed policy shift has been something of an open secret among emboldened homeless Portlanders but is frustrating some residents and business leaders, who this week demanded an explanation from Hales.

The reprieve is temporary until new rules can be considered next month, Hales told The Oregonian/OregonLive on Thursday. He declined to discuss the proposed changes but hopes they'll provide balanced enforcement with new options for the nearly 1,900 residents estimated to sleep on the streets each night.

"We are in a transition," Hales said in an interview. "But it's a deliberate transition from playing whack-a-mole from having sweeps all the time."

Portland's visible surge in tents stems from the City Council's declared housing emergency last fall and new federal guidance discouraging the criminalization of homelessness. Portland's current anti-camping rules are

inhumane, Hales said, because they force homeless people to move from one place to another without any direction about where they can legally go.

Recognizing the need for change, Hales in December deputized his top aide to approve all homeless sweeps until new rules are crafted. As a result, police are now leniently enforcing tent rules except in cases of blatant law-breaking or extremely large camps.

That decision has encouraged a flock of new tents inside some city parks and along busy sidewalks, upsetting residents and business owners left confused about the city's long-term strategy. And it's created nervous energy among local politicians who worry that Hales' plan hasn't been vetted and could create a public backlash.

"They should be enforcing the laws that exist," said Sandra McDonough, president of the Portland Business Alliance. "If there's a change going on around that, around enforcement, they should be communicating that."

Hales will propose changes at a Feb. 8 City Council work session, but it's not immediately clear what they'll be or how they'll work. Portland's mayor, in his final year of office, said he wants to gauge support from city commissioners before publicly rolling out details. Any proposal will likely focus on the concept of "safe sleeping" rather than camping.

"I hope the new system offers balance and proportionality," Hales said, "that we will intervene on the street where the livability effects are egregious."

Homelessness in Portland hasn't dipped in recent years despite renewed political attention and its status as a central theme in this year's mayoral race.

Hales last year joined with Multnomah County Chairwoman Deborah Kafoury to pledge \$30 million toward housing and homelessness in 2016, and the city has opened 275 new shelter beds in recent months. Hales also authorized the Hazelnut Grove camp site in North Portland and is trying to find a permanent home for the Right 2 Dream Too camp, which opened in 2011.

But when the City Council unanimously declared a housing emergency in October, officials didn't hint that camping changes could be in the works. It wasn't until Dec. 10 when the mayor's chief of staff, Josh Alpert, began considering a new approach.

Homeless advocates frantically dialed Alpert's cell phone that morning questioning why campers were being roused amid heavy rains. From that point forward, Alpert began approving homeless sweeps on city-owned property.

Some unruly camps have been disbanded, according to the mayor's office, including one where two stabbings were reported in 10 days.

"Rumors that it's the wild west are not only greatly exaggerated, they're simply wrong," Hales said.

Homeless find refuge in Portland park Laura King says she's camped undisturbed in Creston Park since sometime after Thanksgiving.

But many homeless Portlanders have recognized that police no longer require tents to come down at daybreak.

Along Southwest Naito Parkway, for instance, seven tents lined the sidewalk underneath the Morrison Bridge at noon Thursday.

"They're not making us take 'em down," said Melissa Sayson, sitting inside her red-and-gray tent. "It's a lot less work and hassle."

A similar scene is playing out in other neighborhoods.

A large homeless encampment underneath the Steel Bridge prompted nearby condo owners to take matters into their own hands, blocking access to a public trail along the Willamette River. City officials have threatened legal action.

Meanwhile, residents who complained a week ago about a homeless camp in Sellwood Park are still waiting.

"It's not clear to us what's being done," said Jessica Almeida, 36, who made the complaint to Commissioner Amanda Fritz. "Is there a timeline? I think people are pretty much understanding if they know what's happening, they know what they're waiting for. ... Just be honest with everybody."

Inside the park, about 100 yards from a play area, two campers have set up a vast collection of belongings inside an old pavilion. One of the campers, who identified himself as Floyd, said he lost his painting job last year after a knee injury and has been homeless since.

Floyd said park rangers and police know he's been living there for months. His tent is new, he said, but no one has complained since it's gone up.

"They asked us to do everything we can to not piss the people off," he said, gesturing to nearby homes.

Fritz, who oversees Portland Parks & Recreation, said Thursday that "camping in parks is not allowed." The complaint has been referred to Hales' office for enforcement, she said.

Residents such as Almeida have been told to log objections online. Portland has created a website to track complaints, although its existence hasn't been publicized. Since Jan. 5, the city has received 178 complaints about 12 sites, according to the mayor's spokeswoman.

The Portland Business Alliance has also logged more direct gripes with Hales. In a letter this week, McDonough asked the city to clarify what appears to be "an extreme departure from past policy" that suggests the city is "turning a blind eye to camping."

Hales said he's now "done" trying to move homeless people from place to place, something he first attempted in 2013 when he hoped to shoo away campers in sleeping bags outside City Hall. Federal authorities last summer questioned that strategy in Boise, Idaho, Hales said, and he wants to be "more humane and smart with our resources."

Whether he'll have political support is unclear.

Commissioner Nick Fish said Thursday he's received little information about Hales' plan.

Fish said he's concerned about public health and safety for campers and nearby residents. He's also worried that widespread complaints will jeopardize efforts to approve a ballot measure this fall to raise taxes for affordable housing.

"We seem to be making it up now as we go along," Fish said, "and I think that's a big mistake."

At a makeshift campsite in Creston Park, homeless Portlander Laura King figures she eventually will be forced to leave but is grateful for the recent peace.

Homeless for two years, King said she and her girlfriend began camping in the Southeast Portland park sometime after Thanksgiving. At one point, parks officials told them they couldn't camp on nearby tennis courts, she said, but no one has told them to go.

"Hopefully," she said, "it'll last as long as they'll let us stay here."



The New York Times | <http://nyti.ms/1ISsgmR>

U.S.

Shooting at Seattle Tent City Coincides With Mayor's Homelessness Speech

By CHRISTINE HAUSER and ASHLEY SOUTHALL JAN. 27, 2016

As Seattle's mayor delivered a speech about homelessness on Tuesday night, a grim reminder of the crisis was unfolding in another part of the city as five people were shot — two fatally — at a makeshift homeless encampment known as the Jungle.

The police on Wednesday were searching for at least two people suspected of opening fire at the tent city in what they called a “targeted attack.” In addition to the deaths, three people were injured, the police said.

Seattle's police chief, Kathleen M. O'Toole, said at an afternoon news conference with Mayor Ed Murray and other officials that investigators believed the shooting was related to low-level drug dealing. Casings recovered at the scene indicate that two weapons were involved, she said.

No arrests were made. The police said they were not sure if the suspects had been living at the encampment.

The King County Medical Examiner's Office identified the victims as

James Q. Tran, 33, and Jeannine Zapata, 45. Both died from multiple gunshot wounds.

Harborview Medical Center said the wounded patients — two women and a man — were in serious condition in intensive care.

Chief O'Toole said that after reports of gunfire, officers arrived at the camp, which sprawls across a highway embankment in the Beacon Hill neighborhood, about 7:20 p.m.

At about the same time, Mr. Murray was in the northern part of the city at Mary's Place Family Center, a shelter, giving a televised address about what he called the city's "extraordinary crisis" of homelessness.

He emphasized that as many as 32,000 children statewide, 3,000 of them in Seattle's public schools, had no permanent housing.

"This is a difficult conversation that we as a city have been engaged in, not just in recent months, but for decades," he said.

In the speech, the mayor defended some of the actions he had taken to tackle the growing problem, referring to criticism that his administration has forced people out of encampments. The Seattle/King County Coalition on Homelessness and other advocates urged Mr. Murray in a letter last month to stop the "sweeps" of such encampments without offering alternative shelter.

"I do not believe it is humane to allow someone to camp on a freeway on-ramp where they easily could be struck and killed by a car," he said. "Or above a freeway where some have fallen to their deaths. Or in encampments where some have been murdered or raped. Instead, we go in and we offer services to get them out."

Informed of the shootings by his staff after the speech, he went to the scene, where he called the shootings a tragedy, saying the Jungle has been "unmanageable and out of control for almost two decades."

The mayor last fall declared a state of emergency after the King County medical examiner's office reported that 66 homeless people had died through September, including 47 on Seattle streets. The state of emergency freed up \$7 million in new, one-time funding for assistance programs.

"Maybe I should have issued the state of emergency months earlier," the mayor told reporters after the shooting. "We've tried to do the best that we can given the circumstances we have, but obviously I'm going to question, was I good enough at my own job. It's on me in the end."

When asked Wednesday about his emotional response, Mr. Murray said he probably "expressed a little too much frustration with about how slow it has been moving on this issue."

Seattle spends \$50 million annually to provide shelter and social services to its homeless population, he said. But the amount is hardly enough to meet the need, he added, saying it would cost \$49 million just to house the city's entire homeless population.

"Seattle stepped up, and has stepped up big time," he said. "And it is time for the state and the federal government to step up as well."

Officials spoke for nearly an hour Wednesday, with the mayor devoting much of the time to calling on state lawmakers and Congress to increase funding for cities across the country grappling with protracted crisis of homelessness. While homelessness has declined since President Obama carried out his strategy to tackle the problem in 2010, nearly 565,000 people, a quarter of them children, were estimated to be homeless in a January 2015 assessment conducted by the Department of Housing and Urban Development.

Federal funds to address homelessness have been cut in half since 1980, Mr. Murray said.

371 92

Mr. Murray, who was recently in Washington for the Conference of Mayors, said Mr. Obama's final budget proposal was expected to include "significant" increases for programs dealing with mental illness and homelessness.

Efforts to reach the residents of the Jungle encampment stretch back decades, but tapered off around 2005, Mr. Murray said. Officials have very little data about the encampment and have heard from aid groups that its problems with drug addiction have "shot through the roof."

Chief Harold Scoggins of the Seattle Fire Department said an interagency team would conduct an assessment of the encampment Thursday. The team will examine public health hazards and infrastructure, and try to determine the amount and range of services needed, he said.

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Parsons, Susan

From: Priscilla Morehouse <pjmorehouse-g@comcast.net>
Sent: Thursday, February 04, 2016 9:36 AM
To: Council Clerk – Testimony
Cc: Moore-Love, Karla
Subject: : City Council Agenda Item 120 and 121 for February 4, 2016

Subject: City Council Agenda Item 120 and 121 for February 4, 2016

February 3, 2016

VIA EMAIL: cctestimony@portlandoregon.gov

The Honorable Charlie Hales
1221 SW 4th Avenue, Suite 340
Portland, OR. 97204

Re: City Council Agenda Item 120 and 121 for February 4, 2016

Dear Mayor Hales,

I am a Property Owner with a building located less than 200 feet from the proposed location of the R2D2 Homeless Camp. The address is 1805 SE Martin Luther King Blvd. It covers one block. The current tenant is East Side Distilling.

I am very aware of the efforts you , Amanda Fritz, and others have gone to over the years to improve the conditions for the Homeless. Many of them have been helped by The City and its citizens, but this population seems to increase every year. I am very concerned about these people and contribute to several social agencies that strive to help them in various ways.

Many other business and property owners in The Central Eastside and beyond will be sending you innumerable zoning and legal reasons why having R2D2 move to the location at SE 3rd and Harrison is not an appropriate , or safe place for these people, nor a legal one relative to City Land Use Laws. I, however, would like to give you a glimpse of how your decision to move R2D2 to the southern end of the Central Eastside will affect me. My family, The Morehouse Family, has an 85 year history of having business endeavors in this district.

In 1931 my parents Byrum & Recella Morehouse started their business, Morehouse Glass Company, in a small office on SE Grand Avenue near SE Main.

By 1937 they built a building covering one-fourth of a block to house their growing business at 1234 S.E. Martin Luther King Blvd. For the forty-seven years we owned the business it was located in four different places at different times in The Central Eastside. Today, I maintain and lease two of these buildings. Both of which were built by my father. They were built well and are in very good condition for their years.

These properties which I have managed since 1980 are both located on Martin Luther King Blvd. One located 2 blocks north of the Hawthorne Bridge, and the other one is located two blocks south of the Hawthorne Bridge. So, for a total of 85 years we have been invested in The Central Eastside and have worked hard to keep our buildings attractive and in good shape inside and out. The following lists how your decision to move R2D2 very close to the 1805 building will cause immediate and irreparable injury and damage to my building, its tenant and unknown added business costs for me.

1. It will devalue my building for the purpose of leasing or selling . I doubt that the taxes will be lessened in consideration of this.
2. There will likely be additional graffiti abatement costs.
3. I will need to install light-sensitive lights around the perimeter of the building in the attempt to avert crime at night, and as a attempt to protect the building or its windows from damage.
4. I will have to consider hiring a Security Patrol.
5. I will have to consider hiring a Clean-up Crew to check the perimeter of the building on a regular basis.
6. The Street Car stops at the north east corner of my building, thus the members of R2D2 will walk north along SE 3rd and then will turn east and walk in front of a long line of Plate Glass Windows all along the north side of the building to get to the Street Car. This is where the main entrance and parking lot are. Current and perspective tenants may not like the view they may see through those windows.

Two additional concerns to add to those I have listed above are :

1. I understand that the police and business/property owners do not have clear legal guidelines to follow when having a problem with the homeless population. This needs to be printed and made clear to all promptly!
2. There have been many changes at The Portland Police Bureau since the end of 2015. Current manpower has been diminished for reasons most citizens do not know. Trespass Agreements are being received and processed, but there is only one person currently available to process them.

There has been instability among the homeless in The CEID of late. With minimum, if any police to help, the situation will get worse.

These are my concerns! I hope, that for a moment, you can put yourself in my place, and think how would you feel about your city government if it made a a decision that will last for ten years or longer and affect you in the ways I have described it will affect me and many other business people in The Central Eastside.

Sincerely,

Priscilla J, Morehouse
Property Owner &
Member of The CEIC

cc: karla.moore-love@portlandoregon.gov