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Conversation: Violations of Portland Zoning Regulations & Re-Segregation of Portland Schools

Subject: Violations of Portland Zoning Regulations & Re-Segregation of Portland Schools

The Honorable Sam Adams, Mayor of Portland

The Honorable Randy Leonard, Portland City Commissioner

The Honorable Dan Saltzman, Portland City Commissioner

The Honorable Nick Fish, Portland City Commissioner

The Honorable Amanda Fritz, Portland City Commissioner

The Oregon Assembly for Black Affairs (OABA) is a statewide Organization that was found April 9, 1977. The purpose of the Oregon Assembly for Black Affairs (OABA) is to improve the political, educational, social, legal, and economic status of Blacks in Oregon. One of its objectives is to work for equal education opportunities for Blacks at all levels, and to eliminate all unequal education opportunities and inferior educational programs. OABA knows "**What Benefits Black Oregonians Benefits ALL Oregonians**" and this does not work in reverse.

At this time, OABA is concerned about how the violations of the City of Portland Zoning Regulations are causing the re-segregation of schools in the Portland Public Schools (PPS) District. It is OABA understanding that there have been 198 Zoning violation complaints filed with your Planning Bureau and that these violations will lead to unequal education opportunities and inferior educational programs for Black students, as well as all students, in the PPS District. In Portland Policy and Code Division Principal Planner Eric Engstrom's MEMO dated July 23, 2008, to Portland Planning Bureau Director Gil Kelly, SUBJECT: "**Emerging Schools/Parks Zoning Controversy**", he states: "The Zoning Code has very detailed thresholds identifying the changes in school activity that trigger Conditional Use Review. Because no Conditional Use Reviews were filed by PPS for the identified changes, there have been violations of the Zoning Code." Also in this MEMO, he states: " Most complaints relate to violations of the Zoning Code Conditional Use regulations, which govern the extent/nature of activities and land uses allowed on school and park sites. Specific issues raised include changes in grade levels, enrollment changes, and concerns about sports field activities (little league)." Also changes in grade levels, enrollment changes, and school closure issues are affected by the Portland Zoning Code and Oregon state law. OABA Researcher Lynn Schore studied Portland Zoning Ordinance, in particularly the Schools and School Sites Chapter, and determined that the Portland Public Schools District was in violation of the Portland Zoning Code at eleven schools. Ms. Schore has worked others to get your Planning Bureau and other City officials to enforce your zoning regulations. However, it is OABA understanding that your Planning Bureau is planning to come to Portland City Council to get you to change the Zoning Ordinance so that the City of Portland will not have to enforce Zoning Ordinance against PPS

for violations. It appears to OABA Board of Directors that your Planning Bureau wants to give PPS retroactive immunity so that City of Portland will not have to prosecute the 198 violations. Also it appears to OABA that the City of Portland might become part of a scheme to close schools and sell off PPS properties should the Portland City Council vote to change its Zoning Ordinance before there are prosecutions of the violations that are on file. Also this would lead to unequal education opportunities and inferior educational programs for Black students, as well as all students, in the PPS District.

On Thursday, September 3, 2009, I was in all of your offices to see if OABA could schedule a meeting with each of you concerning how the violations of your existing zoning regulations is causing re-segregation of public schools in Portland. I briefly exchanged greetings with Commissioner Dan Saltzman but he was going into a meeting. One of Commissioner Saltzman's staff and I talked briefly, and he indicated to me that Commissioner Saltzman was not aware of the issues surrounding the zoning violations. I talked with the Chief of Staff for Commissioner Nick Fish, and the Chief of Staff told me that Commissioner Fish was not aware of the issues surrounding the zoning violations. OABA Researcher Lynn Schore, with others, provided Commissioner Fish and Commissioner Fritz, each, with a professional notebooks with the details of the impact of these violations PPS District as well as their impact on parks. Also, it is OABA understanding that the Flynn/Blackmer Audit of September 2006 raises some of same issues, and OABA Researcher Schore with others provided Portland City Council with information on these issues. There are some serious issues that you need to hear from OABA about how your city staffs may be playing in the hands of outside interests for these interests to take over PPS school properties. This will lead to the re-segregation of Portland schools.

In accordance with your City Charter Codes and Policies, "**Law**" denotes applicable federal law, the Constitution of the United States, the Constitution and statutes of the State of Oregon, the Charter and Ordinances of the City of Portland, Oregon, and when appropriate, any and all rules and regulations which may be promulgated thereunder, and court decisions. " The Oregon Assembly for Black Affairs (OABA) urges the Portland City Council to make **no** changes to the "Schools and School Sites" Chapter of the Portland Zoning Code at this time.

I will be out of Oregon until September 15, 2009. Will you (all of you) meet with me and OABA Researcher Schore on or after September 17, 2009?

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A Better Oregon for the Black Community. What Benefits Black Oregonians Benefits ALL
Oregonians.--- OABA, P. O. BOX 12485, SALEM, OREGON 97309