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Is the City Trying to Soak Houseboat Residents?

By Steve Law

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Floating home residents say the Bureau of Environmental Services is trying to tax the rain

Portland houseboat residents say the city is trying to tax the rain that falls on their roofs.

City officials insist they're just trying to treat everyone equitably, but they appear to be clouding over an attempt to raise more money from 1,000 households that own or rent floating homes.

At issue is a few innocuous-sounding wording changes in an obscure city ordinance that governs how the Bureau of Environmental Services collects fees to support the stormwater drainage system.

Floating home residents say the proposed ordinance will slap them with a new \$25 monthly fee, in perpetuity. That's \$300 a year, perhaps \$4,000 over a decade if rates go up.

"We're being taxed on rain water that falls on our roofs and goes directly into the river," said Nikki Charlton, one of a couple dozen or more angry floating home residents who packed a City Council hearing Wednesday afternoon.

"In November of 2015, ratepayers in Portland floating home moorages saw their stormwater fees double, and in some cases quadruple, without warning," said Ron Schmidt, who lives in a floating home on Jantzen Beach and helped mobilize others to protest, as president of the Waterfront Organizations of Oregon.

"Our membership views this ordinance, and the pretense that it is a clarification, as a veiled attempt to permanently raise stormwater fees on a targeted group of ratepayers," Schmidt testified.

Other floating homeowners said rain falling on their roofs would otherwise fall directly into the adjoining river — bypassing the city's stormwater system — as would dirt and dust collecting on their roofs.

At the outset of Wednesday's hearing, three city staff framed the ordinance for city commissioners, explaining what it does and why it was proposed — without ever mentioning who it would affect.

The ordinance "does not affect the charges paid by the typical ratepayer," said Kaitlin Lovell, the Bureau of Environmental Services science integration division manager.

The proposed new billing methodology "aims to treat all ratepayers fairly," added Jonas Biery, business services manager for the bureau, which provides sewer and stormwater management services.

City attorney Eric Shaffner said the ordinance was designed to eliminate "ambiguous language" in the city code about what's an "impervious area."

After sitting through more than a hour of angry testimony from floating homeowners and representatives of Vigor, a Portland-based ship-repair company, city commissioner Amanda Fritz complained the issue hadn't been accurately framed by the city.

"This is an issue about floating homes and riverside businesses," Fritz said.

Back in 2015, Vigor and floating home residents were shocked by huge increases in their stormwater management fees. (Bills are sent by the Portland Water Bureau, but cover water, sewer and stormwater management.)

The BES changed the way it calculated surfaces over water, such as docks, walkways and roofs of floating homes, and starting counting them the same way it counts roads, sidewalks and other "impervious" surfaces that collect water and send it onto streets and ultimately into the city's storm drainage system. The ordinance proposed to the City Council essentially puts that new way of thinking into city code.

Environmentalists support city

Bob Sallinger of the Portland Audubon Society and Ted Labbe of the Urban Greenspaces Institute were the lone defenders of the changes at Wednesday's hearing, and implied that houseboat owners and Vigor were trying to shirk their responsibility for supporting the citywide stormwater drainage system.

"We're not changing anything," Labbe insisted, adding that one party — presumably Vigor — had "stirred the pot up."

Mayor Ted Wheeler seemed to concur, saying critics' arguments reminded him of people who don't have any children in school and so oppose paying for schools.

Critics said they already pay for citywide storm drainage services, and are only contesting the city's abrupt change in 2015, a reversal of 40 years of past practice.

Alan Sprott, Vigor vice president for environmental affairs, said the 2015 changes added \$70,000 to the company's annual stormwater management charges. Those now total \$400,000 a year, Sprott said, even though it processes all its stormwater on site, before it gets to the city stormwater system.

Vigor appealed the added charges to the BES's Administrative Review Committee in 2015. That panel finally ruled in late-2017, in Vigor's favor. The city wound up refunding about \$160,000 to Vigor.

The floating home communities, which are managed centrally like condo or apartment complexes, also complained in 2015, but only filed appeals after Vigor prevailed.

The city then quickly came out with the proposed code revisions, which would write its post-2015 billing practice into city code.

City 'transparent'

"We've been utterly transparent" about the reasons for the code change, said Commissioner Nick Fish, who oversees the Bureau of Environmental Services. "To frame this as a money grab is, I think, unfortunate."

Fish said the floating home residents are in a different situation than industrial companies.

BES staff explained that floating home communities can seek waivers from the chunk of their stormwater fees that pertain to their on-site features, just as other homeowners do under the Clean River Rewards program.

Biery said the floating homes qualify for "100 percent" credits for their on-site stormwater fees. All but two of the roughly 24 floating home communities already take advantage of those, he said.

After the hearing, Sherri Peterson, the BES revenue program manager, noted that the vast majority of those testifying don't pay the on-site portion of the fee.

So why are so many people complaining?

Tricky math

A little math lesson may help explain.

On Portland utility bills, about 40 percent of the sewer/stormwater part of the bill goes to pay for stormwater services. Of that portion, 65 percent is billed for city-wide stormwater services, such as handling water running down Portland streets and into streams. The other 35 percent is billed for water accumulating on-site that drains into the system.

Homeowners get an exemption from the 35 percent on-site share, under Clean River Rewards, by diverting rainwater to their gardens or into underground extensions of their downspouts so the water doesn't flow into public streets.

Similarly, Peterson said, if water simply falls onto floating homeowners' roofs and then into the river below, they're fully eligible for the on-site exemption.

But concluding that the new BES billing method won't cost floating homeowners misses a crucial point, says Sam Galbreath, treasurer of the Macadam Bay floating home community in Johns Landing.

The 34-home community had already invested more than \$100,000 in flow-through planters and other mechanisms designed to handle water on the land portion of their property, including parking areas.

That exempted Macadam Bay from the on-site portion of the bill, Galbreath said.

Those paved or "impervious" areas took up about 30,000 square feet, on which its system-wide charges were based.

When the BES started counting rooftops and decks from the floating homes in 2015, Macadam Bay's impervious surfaces more than tripled, to just over 100,000 square feet. Though Macadam Bay retained its on-site fee exemption, the larger square footage more than tripled its systemwide stormwater fee. That cost each household an extra \$26 a month.

"The entire assessment is based on this inflated number," Galbreath says.

In this case, Macadam Bay protested and got the decks excluded, but the rooftops remained, leaving them on the hook for about 70,000 square feet of space. That still more than doubled their off-site payments, costing households an extra \$16 a month.

Other floating home communities likely haven't asked to have the deck square footage removed, Galbreath said, which is why they're paying about \$25 a month more per household.

Even if 1,000 households are levied an additional \$25 monthly fee, that amounts to a relatively paltry \$300,000 a year for BES. But some critics say the new fee came as the agency was under intense pressure to keep its rate increases down.

Fish, who has taken credit for getting rate increases below those of prior years, said Wednesday that he wants to understand better how the new billing system has affected monthly rates. At his urging, the council agreed to hold another public hearing at 3 p.m. Wednesday, Jan. 31.

A final City Council vote on the ordinance could take place the following week.

Speed Limits Expected to Drop on Residential Streets

By Jim Redden

January 12, 2018

City Council to consider lowering speed limit from 25 to 20 miles per hour on Wednesday as part of Vision Zero Action Plan.

Speed limits on up to 70 percent of residential Portland streets would be lowered to 20 miles per hour under an ordinance to be considered by the City Council on Wednesday.

The decrease would be relatively small because the limit is currently 25 miles per hour. But Mike Crebs, captain of the Portland Police Bureau's Traffic Division, says it could save lives. According to AAA, a pedestrian hit by a driver at 25 mph is nearly twice as likely to die compared to someone hit at 20 mph.

"Fatality and serious injuries go up almost exponentially when the speeds in crashes increase from 20 to 25 miles an hour. Driving just a little but slower might add a few seconds to your drive, but it could save a life," says Crebs, adding that he already drives that slow in his neighborhood.

The 2017 Oregon Legislature gave the city the authority to lower speeds on residential streets without first seeking state approval. The Portland Bureau of Transportation (PBOT) already has approximately 2,000 signs with the lower speed ready to be installed, says Vision Zero coordinator Donna Dickman,

The ordinance has an emergency clause, meaning it will take effect upon approval.

The decrease is intended to help reach the Vision Zero goal adopted by the council in June 2015 to eliminate all fatal and serious injury crashes by 2025. It is among 32 steps in the Vision Zero Action Plan approved by the council in December 2016.

Despite the efforts, fatal accidents have continued to increase since the plan was approved, however. Crebs says 51 people were killed in Portland crashes last year compared to 44 in 2016. PBOT, which uses slightly different criteria adopted by the National Highway Traffic Safety Administration (NHTSA), says fatalities increased from 43 in 2016 to 45 last year.

Portland is far from the only city experiencing an increase in traffic fatalities. They are up across the country, according to the NHTSA. Experts say that is largely because many more people are driving because of the economic recovery and relatively low gas prices.

Crebs says the economic recovery is contributing to the increase in two ways. First, more people are driving to and from work. And second, more people are also going out for dinners, movies and other forms of entertainment.

But, according to Crebs, the biggest factors in the increase in fatalities are speed and intoxicated driving.

"If we could reduce speeds and stop people from drinking and driving, we would see a dramatic decrease in fatalities," says Crebs.

Crebs says he has personally witnessed the tragic toll taken on both victims and drivers involved in fatal crashes over the year.

"I've told families that their loved ones have been killed, and their reaction is sudden and terrible. But for the drivers, they are either suddenly in jail or being sued. And almost all of these crashes were preventable," says Crebs.

Other Vision Zero steps include safety improvements on busy streets funded by the temporary 10-cent-a-gallon gas tax increase approved by Portland voters at the May 2016 primary election.

The decrease is unlikely to significantly reduce fatalities by itself, however. According to Crebs, the vast majority of fatal crashes take place on streets with higher speed limits. Officially classified as "high crash corridors," they include such major thoroughfares as Martin Luther King and Powell boulevards, Division and Stark streets, and Marine Drive. The 2017 law does not allow the city to reduce speed limits on them without state approval.

The Vision Zero concept originated in Sweden in 1997, with the idea being that government agencies can work together to improve traffic safety through increased enforcement, engineering and education. It since has been adopted in numerous American cities, including Chicago, where PBOT Director Leah Treat served as managing deputy commissioner of the Chicago Department of Transportation. She brought the concept to town when she was hired as PBOT director in 2013.

You can read the ordinance [here](#).