

The Oregonian

East Portland park and sidewalk projects to move forward: Portland City Hall Roundup

By Brad Schmidt

Two notable projects in east Portland totaling more than \$10 million should receive key blessings this month, with sidewalk improvements slated for Southeast 122nd Avenue and a new or expanded park soon to be announced.

On Thursday, the city's urban renewal agency, the Portland Development Commission, is expected to authorize \$1 million toward a \$2.9 million sidewalk project in the Powellhurst-Gilbert neighborhood.

Most notably, the project will add about one mile of sidewalks where none currently exist along Southeast 122nd Avenue, between Holgate Boulevard and Foster Road. It will also widen existing sidewalks along the corridor – the epicenter of a major housing boom tied to a 1996 city plan that promoted higher densities but didn't prompt basic road improvements, as highlighted by The Oregonian last month during its ongoing east Portland series, Broken Promises.

City officials in 2012 realized they designated too much land for dense apartments and rowhomes and shifted some zoning to encourage commercial development. Officials now say the sidewalk improvements should benefit future commercial development.

"The improved infrastructure, coupled with the zone change, will make SE 122nd Avenue more attractive to commercial development that should result in an increase of commercial investment along the corridor," according to the PDC's funding proposal, which estimates the project will be complete in December.

City Commissioner Amanda Fritz, meanwhile, is on the verge of announcing funding for a new or improved park in east Portland.

Fritz is weighing two recommendations from a parks advisory board: expanding the Centennial neighborhood's Parklane Park, the board's first choice, or developing Beech Park, in the Argay neighborhood.

Parklane, at Southeast 155th Avenue and Main Street, already includes a playground and basketball court on about five acres. But city officials bought about 20 acres of neighboring property, which is currently blocked off by a barbed-wire fence. Making improvements to the 20 acres, including a community garden, sports court and spray water feature would cost about \$9.9 million.

Beech, acquired during annexations in 1984 but still undeveloped 30 years later, is located in one of the city's park-deficient neighborhoods where the nearest park is more than a quarter-mile walk away. The city established a goal in 2001 to provide easy access to all city residents by 2020, but in east Portland, the percent of homes with access is just 63 percent – the lowest in the city.

If developed, the 16-acre park, near Northeast 122nd Avenue and Fremont Street, would provide access to about 965 homes that lack nearby parks. That's 600 more new homes than Parklane would serve.

Costs for Beech are estimated at \$7.8 million, money that would pay for sports fields and a skate area.

Portland Parks & Recreation plans to tap into fees paid by new development to pay for a new park in east Portland.

For several years both projects had been included in the city's five-year capital improvement plan, but Beech was removed from the priority list during the 2013-14 budget process.

The Oregonian in October highlighted Beech Park – home to blackberry bushes and weeds – as part of its ongoing east Portland series, Broken Promises.

Fritz is expected to make an announcement in January.

West Hayden Island: Port of Portland drops development push when city leaders wouldn't back off mitigation

By Brad Schmidt

Port of Portland officials said Wednesday they would not proceed with developing marine terminals on West Hayden Island, blaming the city for requirements that would price the land out of the market.

In a letter to Portland Mayor Charlie Hales, Port Executive Director Bill Wyatt withdrew consent for city annexation of its property on the Columbia River island. The Port's move ends a four-year planning process that envisioned 300 acres of auto and bulk-product marine terminal development and 500 acres for recreation and wildlife habitat.

Wyatt briefed Port commissioners on the decision Wednesday at their monthly meeting.

"This is a disappointing development," Wyatt said. But he added, "This is not a 'no.' It's just not now."

Proponents of development say deep-water terminals would create thousands of jobs and annual state and local tax revenues of as much as \$30 million.

Environmentalists describe the land as a unique and irreplaceable wildlife area, with wetland, grassland, forest, beaches and shallow-water salmon habitat. Some residents of the island also oppose development.

Hales on Wednesday said he supported Port development on West Hayden Island but also supported mitigation efforts recommended by the Portland Planning and Sustainability Commission in July.

"I was comfortable with what they came up with and the Port's not," Hales said. "So I think this is a case of reasonable people disagreeing about what the balance is between mitigation and development."

"I tried, I encouraged," he said. "I didn't, again, intervene personally and say, 'Well let me rewrite section 12' (of a proposed agreement). I deliberately didn't go there."

Hales said the prospect of jobs at the Port was a long-term proposition, anyway, and this doesn't rule out development in the future. But he said he doesn't expect the issue to resurface anytime in the next three years, during his term as mayor.

"There are lots of opportunities to grow the economy in ways that will happen a lot quicker than anything would have ever happened on West Hayden Island," Hales said. "Even by the Port's own estimates, these jobs were years and years away."

Bob Sallinger, conservation director for the Audubon Society of Portland, welcomed the Port's move as "a tremendous win for the environment and the community."

Sallinger pointed to the Planning and Sustainability Commission's decision as a key turning point. Although commissioners supported annexation, they also recommended mitigation efforts that the Port said were too expensive. "It would have been a very significant mitigation package," he said.

Sallinger said community members fought hard to make sure that impacts of the Port's proposed project wouldn't be "externalized on the community and the environment."

The environmental mitigation package quantified impacts on such things as floodplains, wetlands, meadows and shallow-water salmon habitat, he said. "The package truly did try to capture what it would have cost to replace those lost values," said Sallinger, adding that a health-impact study also calculated what it would cost to make community members whole.

In past industrial projects, "neighbors have suffered tremendously and the environment has been degraded tremendously," Sallinger said. "My hope was that West Hayden Island would mark a turning point where we would start holding industry more accountable."

But Port officials said that resulting added costs of between \$30 million and \$40 million would have priced the developable land at double the cost of industrial land in the region. City officials were unwilling to amend the terms.

The Port owns more than 800 acres on the island that are currently part of Multnomah County and lack zoning and city services needed for development. Port officials began their process in 2009 after then-Mayor Sam Adams urged them to request annexation.

In his letter delivered to Hales on Wednesday, Wyatt blamed development costs and the city's unwillingness to budge as the driving forces behind the Port's decision.

"From our conversation, I understand that you believe the Council is unwilling to take action on a modified proposal," Wyatt wrote. "Based upon your assessment that the Council's policy choice is to not bring forward a package that is viable in the market, the Port will not continue with the annexation process at this time and withdraws its consent to annexation. The city, unfortunately, will now have to deal with the consequences of a severe shortfall in industrial land."

Wyatt noted at the commission meeting that Portland is significantly short of its obligation to provide industrial land. He said the Port had spent several million dollars on the West Hayden Island planning process.

"We could fill this property easily if it were available to us," Wyatt said. "But we can't fill it if it's going to cost us about twice what the market will bear."

City forecasts from 2012 suggest that Portland will, indeed, lack enough industrial land to keep pace with job growth through 2035. The shortage included about 630 acres of industrial land and 356 acres of land accessible to the Portland harbor.

Portland planners this year are drafting a sweeping rewrite of the city's land-use map and policies as part of its new comprehensive plan, which should be reviewed by the state in 2015. They'll need to address that projected deficiency, particularly now that West Hayden Island has been taken off the table.

But Susan Anderson, director of the Bureau of Planning and Sustainability, said the city has many options for industrial land, including brownfield redevelopment and higher densities in the Central Eastside.

"The need in the comprehensive plan is not for acreages," she said. "It's for a certain number of jobs."

The Port had proposed a plan to spend \$3.45 cents a square foot for meeting normal mitigation requirements. The Port's cost would rise to \$8.50 a square foot to make the land suitable for development. The property's unique attributes would make it marketable at that range, even though Portland-area industrial land generally sells for \$5 to \$7 a square foot, said Martha Richmond, a Port spokeswoman.

But mitigation requirements proposed by the city, plus land development expenses, would bring total Port costs to between \$10.40 and \$11.66 a square foot – more than the market could bear, Port officials said.

Commissioners at Wednesday's meeting supported Wyatt's position. "I'm very disappointed in the city of Portland," said Commissioner Tom Chamberlain, president of the Oregon AFL-CIO. He said West Hayden Island represented one of the area's best opportunities to create jobs.

"This is a sad day," said Commissioner Bruce Holte, secretary-treasurer of International Longshore and Warehouse Union Local 8. "It's very disgraceful."

Jim Carter, the Port commission chairman, said it was a frustrating moment for all the commissioners. "We simply can't do this at an exorbitant cost. It's just unfortunate," said Carter, former general counsel for Nike Inc.

Sandra McDonough, president and chief executive of the Portland Business Alliance, said her members were disappointed by Wednesday's development.

"We don't understand, and we hope to learn, how the city is going to meet its projected needed industrial land supply," McDonough said. "We haven't had a chance to talk to the mayor about it. We'll be asking, 'How are you going to get to that 635 acres that your own planners have identified the need for.'"

Portland Commissioner Amanda Fritz said a years-long process ultimately evaluated economic and jobs benefits versus community and health issues, and the cost-benefit analysis didn't ultimately pencil out.

"This was a matter of looking at the facts and coming to a reasoned decision instead of a political decision," she said.

Portland City Council deflects calls for delay, approves deal with CUB to serve as water, sewer watchdog

By Andrew Theen

The Portland City Council officially granted the "keys to the kingdom" of the water and sewer bureaus to the nonprofit Citizens' Utility Board of Oregon on Wednesday after deflecting some requests from the public to delay a vote.

Commissioner Nick Fish touted the five-year deal with CUB as a key step toward transparency and accountability at both the Water Bureau and Bureau of Environmental Services.

The two bureaus have faced considerable scrutiny in recent years about spending ratepayers' money on projects such as downtown's public restrooms (the Portland Loos), the renovations of a building for the Rose Festival Foundation Headquarters, an expensive and high-tech water demonstration house in

outer Northeast Portland and other questionable projects. The city is also embroiled in a lawsuit and faces two potential ballot measures that would take control of the departments from the City Council.

CUB, the nonprofit with a 30-year track record primarily in advocating for residential customers of private utilities, will start working on behalf of public customers in Portland this year.

The organization will have access to the bureaus' leaders, documents and other public records, according to the five-year agreement. CUB will hire a full-time consumer advocate as soon as possible to focus on Portland's utility bill. The city won't contribute to CUB financially.

CUB will then offer recommendations to the City Council on topics such as capital spending, project priorities, rates and customer service issues.

Fish's co-sponsor, Commissioner Steve Novick, started his remarks by playing off another "cub." Legendary Chicago Cubs infielder Ernie Banks once said, "It's a beautiful day for a game, let's play two."

Novick started, "It's a beautiful day to pass good, solid, constructive legislation."

"And I wish we could vote for it twice, but that's not within the rules."

Wednesday's vote comes less than a week after Fish first mentioned the idea of bringing in an outside watchdog publicly. Not everyone was pleased with the speed of the vote.

Chris Liddle, the chairman of a Portland City Club committee currently studying spending at the two bureaus, asked for a delay. Liddle's group is midway through a six-month analysis.

"If you're feeling reasonable, I'll ask you for one week," he said. If commissioners were feeling "compassionate," he added, they should delay the vote two weeks. Liddle said that would give the City Club committee just enough time to finish their report.

Fish and other city commissioners said they could have it both ways.

They declined to delay the decision, but welcomed Liddle and his committee members to return and present their study's findings at a later date.

"Let's move forward," Fish said, while adding that City Council members are looking forward to hearing recommendations from the nonprofit, nonpartisan City Club.

North Portland resident Sharon Maxwell used Wednesday's vote to formally announce her plans to run against Fish, who is up for reelection this year.

She said the effort to provide outside oversight of the bureaus is "a bit too late" and "falls short" of necessary reforms.

"We need to see the will of the democratic process," she said, calling the CUB deal hastily put together behind closed doors.

Some have questioned the need for another watchdog, citing the independent volunteer citizen group, the Portland Utility Review Board.

Bob Jenks, CUB's executive director, said CUB isn't trying to replace PURB, or the duties of the City Budget Office and Budget Advisory Committees. "We think our work and the activism we do will benefit all those entities," he said.

He also decried criticism that the reform would be mere "window-dressing."

"I don't think we do window-dressing," Jenks said, mentioning the organization's belief that it has saved utility ratepayers more than \$5 billion over the years.

Susan Ackerman, chairwoman of the state's Public Utility Commission, told City Council that CUB is a serious and credible organization. The PUC regulates utilities in Oregon and frequently pays CUB to intervene on behalf of ratepayers.

Ackerman said CUB always is straightforward and doesn't oppose issues simply to be obstructionist.

"They will always tell you why," she said. "I am very high on CUB as a consumer advocate. I think they will help you."

Joe Walsh, a frequent citizen voice at City Council meetings, questioned the timing of the announcement. Walsh said the council is embracing CUB because doing so will bail them out ahead of a possible May ballot initiative to take control of the utilities away from City Council and give it to a separate board. "Why now?" Walsh asked.

Novick responded, "because Jenks walked into my office last March."

"This organization cannot mandate anything, it can only recommend," Walsh said. "I think you're just postponing stuff, you're going to get really good recommendations and do nothing."

Walsh offered to take Novick and his colleagues "out for a drink," if the county responds to difficult recommendations from the CUB watchdogs.

Jenks said he expects the City Council to listen to his group's recommendations, because CUB will have the ability to rally ratepayers through bill inserts, giving CUB "thousands of customers behind us."

When Portlanders are informed and organized, they tend to get involved," he said.

Portland City Council approves proposed reforms to strengthen police oversight

By Maxine Bernstein

Portland's City Council Wednesday afternoon voted 4-0 to approve the city auditor's package of proposed reforms intended to strengthen oversight of the city's police.

Despite last-minute pleas by community members and the police union president to hold off on a vote, the council moved ahead. Commissioner Amanda Fritz was out sick.

Mayor Charlie Hales, who serves as police commissioner, said he would not wait until a Feb. 18 hearing is held in federal court on the city's settlement agreement with the U.S. Department of Justice, which ruled in late 2012 that Portland police engaged in a pattern of excessive force against people with mental illness.

Hales said if there are additional changes that need to be made in the future, that's fine.

"How do you change big organizations and how they operate? You establish clearly where you want to go...And make steady changes," Hales said. "I expect the relationship of the Portland Police Bureau with the citizens to be one of trust and mutual respect."

Constantin Severe, director of the Independent Police Review Division, urged the council to vote Wednesday, saying the reforms were crucial to allow his civilian investigators to conduct meaningful independent investigations.

"This is the third hearing we've had on these code changes," Severe said. "But the proposition that we do nothing at this point, I don't think that's a tenable position for the city at this point."

The other commissioners agreed that there was no compelling reason to hold off.

"I think there's a benefit in acting ... it should never signal that we're done reforming," Commissioner Nick Fish said.

Under the auditor's City Code changes, civilian investigators from the auditor's Independent Police Review Division would be able to conduct their own inquiries into alleged police misconduct and directly question officers, but only after a Police Bureau liaison orders an officer to speak.

It's one of several compromises made by city auditor LaVonne Griffin-Valade after the police chief, union and some city commissioners objected to the auditor's original proposals in October.

The Portland Police Association last month argued that the proposed reforms, even with the revisions, couldn't proceed without mandatory bargaining. Police watchdog activists have complained that the package of reforms was "watered down."

Also under the revised reforms, the police chief would have to explain his rationale for discipline in his final letter to an officer if the discipline falls outside new guidelines the bureau expects to adopt. That discipline letter would not be made public, but could be sought in a public records request.

The original proposal was to require the chief to explain in writing to the police commissioner every time his discipline doesn't follow that recommended by the bureau's Performance Review Board, which reviews investigations of police misconduct. The chief had objected.

A third change affects the proposal to make sure internal investigations of alleged police misconduct are completed within 180 days. Instead, someone in the Police Bureau will have to write a memo to the police commissioner explaining the need for an extension if needed. The case wouldn't be dropped. Commissioner Amanda Fritz last month recommended several amendments, including having the auditor notified as well if the timeline isn't met.

Among the other reforms:

- Public reports on alleged police misconduct cases heard by the Portland Police Review Board, which recommends discipline to the chief, would be expanded to include the board's recommended findings, the police chief's proposed discipline and the final discipline.
- The Citizen Review Committee, now a nine-member volunteer group that hears appeals from people who have filed complaints against an officer and seek to challenge the bureau's findings, would grow to 11 members. Members would have to sign a confidentiality agreement.
- A police discipline matrix would be created to guide managers and ensure fair and consistent discipline

- Citizen Review Committee members would be appointed to serve on Police Review Boards in use of force cases.
- The Independent Police Review Division could oversee investigations into high-ranking, civilian police bureau employees.

Portland won't ask Legislature for more latitude on sidewalk enforcement

By Brad Schmidt

The city of Portland won't ask lawmakers in 2014 for more latitude to crackdown on panhandlers or homeless people who congregate on city sidewalks.

Dana Haynes, a spokesman for Mayor Charlie Hales, said Tuesday that political uncertainty prompted the decision.

"You don't want to take (a bill) if you don't think it's going to be a slam dunk in an even-numbered year, and we don't know that," Haynes said.

The Oregon Legislature meets next month for its brief 2014 session, and city officials had been considering support of bills that would "manage sidewalk use and safety."

Haynes said the city will evaluate existing rules, such as the provisions that enabled police to oust homeless campers from City Hall and downtown parks in summer 2013.

If those rules are insufficient, Haynes said, the city could seek stronger provisions during the 2015 legislative session.

Portland's on-again, off-again attempts to enforce sidewalk rules have been in flux since 2009, when a judge ruled that the city's so-called "sit-lie" ordinance was unconstitutional. Before the ruling, Portland cops could ticket people sitting and sleeping on sidewalks.

The city's new rules aren't so simple.

Although city rules prohibit overnight camping, police in 2013 went to lengths to establish that homeless Portlanders were indeed camping in front of City Hall and nearby parks.

To make enforcement efforts easier, city officials labeled the sidewalk in front of City Hall as a high-pedestrian traffic area. That move prohibited homeless from staying on the sidewalk between the hours of 7 a.m. and 9 p.m.

Haynes said the city plans to evaluate those rules in 2014 to see if they're effective. Officials could also pursue other options locally. If neither is deemed sufficient, the city could pursue legislative options during the full 2015 session.

"You can do it well or you can do it quickly," Haynes said of the potential legislation. "And we should probably do it well."

Last year, the Oregon House overwhelmingly passed a bill to ensure local government had control over sidewalk rules. But the bill, promoted by the Portland Business Alliance, never made it to the Senate for a vote.

In October, the Portland Business Alliance wrote to Hales to urge action in the 2014 legislative session. The group also frowned on a proposal to extend park boundaries to sidewalks -- a move that would prohibit overnight camping on sidewalks next to parks -- because of fears that homeless Portlanders would sleep in front of nearby stores and businesses.

Sandra McDonough, president of the Portland Business Alliance, said Tuesday that she hopes the city looks at all its options to ensure clear rules and enforcement.

Portland Building: \$95 million price tag includes temporary relocation, rent costs

By Brad Schmidt

The eye-popping \$95.4 million price tag to renovate Portland's administrative headquarters includes far more than just construction costs.

Only about one-third of the estimate -- or \$30.4 million -- is directly tied to construction costs to repair The Portland Building to fix water problems and seismic deficiencies, The Oregonian has learned.

Also included in the projected cost: \$19.5 million to rent office space for two years while The Portland Building is renovated, plus more than \$6 million for temporary moving expenses.

The budget also includes more than \$20 million in contingencies and about \$8 million for professional services tied to the overhaul.

Those budget estimates were shared with members of the Portland City Council in late 2013 but so far have not been released publicly by the city's Office of Management & Finance, despite a public records request filed last week by The Oregonian.

Information shared with members of the City Council during private briefings also quantifies the extent of problems at The Portland Building.

Nearly every exterior portion of the 1982 building, known for its distinct post-modern design, is plagued by moisture problems.

An outside consultant found that 70 percent of the ceramic tile system has severe damage, with the remainder considered moderately damaged.

All of the building's ribbon windows have severe damage, while 70 percent of the punched windows are listed as severely damaged and 20 percent are moderately damaged.

The building's curtain wall is listed at 85 percent severely damaged, with 10 percent moderate damage. Storefront areas at the buildings lowest level are considered 30 percent severely damaged and 50 percent moderately damaged.

The building's concrete and stucco exterior are in the best conditions.

City leaders were told that no less than nine major maintenance projects have been completed over the years to address water infiltration. But continuing such efforts without addressing the underlying problems would be a waste, officials from the Office of Management & Finance have argued.

An outside consultant also found that The Portland Building is expected to perform poorly in most earthquakes but nonetheless should not be considered a dangerous building. Under existing standards, upgrades are not required.

But if seismic improvements are made, the consultant recommended new concrete columns at 20 locations within The Portland Building, among other things.

City officials late Monday released more than 400 pages of technical reports to The Oregonian in response to the newspaper's public records request. Those reports listed construction costs totaling \$29.5 million -- \$16.8 million for seismic upgrades and \$12.7 million to fix the building's exterior, but officials have not released the full budget or explained costs in context of the total price.

The Oregonian reported Thursday that city officials pitched a \$95 million overhaul instead of building a new facility. Cost estimates for a new facility are between \$110 million and \$400 million.

Officials within the Office of Management & Finance initially suggested an aggressive timeline to begin construction this summer. But that's received little excitement among elected officials -- whose preferences range from tearing down the building to brokering a mega-office with Multnomah County.

City responsible for West Hayden Island failure: Guest opinion

By Tom Chamberlain

Two years ago a report commissioned by business groups and the state's economic development agency, the "Land Availability, Limited Options" report, stated that there were only five sites ready for immediate industrial development in the Metro region. Within the city of Portland, the industrial land supply is even more limited. Portland's economy continues to depend on service sector jobs which don't attract the outside capital or pay the high wages that we need to create a strong base for our local economy. Without growth in our industrial base we will continue to fall harder, and recover more slowly, with each recession. We will not provide opportunities for the growing number of students participating in the shop classes that we are bringing back to Oregon schools. And Oregon's average wages will remain stagnant and below the national average.

That's why this week's announcement that the Port of Portland will not continue to work with the city on a plan to annex and develop West Hayden Island is so disappointing. I believe the city lies at fault.

The city of Portland includes over 400 acres of West Hayden Island in their industrial reserves -- the land that we are required to have on hand for industrial development well into the future. But for that land to be developed it would need to be brought within the city limits.

Broad negotiations between stakeholders groups created a viable plan to bring all of West Hayden Island into the city of Portland and use 300 acres of the annexed area for industrial development while preserving 500 acres for habitat and recreation. This left the city of Portland with 100 acres of lost industrial land supply that they would need to find elsewhere in the city.

The plan received broad support. Predictably, there were some who wanted more industrial development and others who sought preservation of the entire area, but a broad consensus was reached in the middle. As the city fleshed out plans for annexation they added a list of requirements and limitations that made future development near impossible.

I, along with others watching this process, began to wonder if the city's goal was not development but the ability to maintain land in industrial reserves that they knew would never be developed.

The inevitable move by the Port of Portland this week will force the city to find a full 400-plus acres of industrial reserves elsewhere. I hope that land will be appropriate for the large-scale industrial development our city needs.

The Metro region had only seven sites available for industrial development that were over 100 acres at the time of the "Land Availability" report. Most of these sites include significant challenges before they will be ready for industrial development including, expensive brownfield cleanup, lack of access to roads and utilities, and the aggregation of parcels under multiple ownerships.

West Hayden Island would have been one of the most-usable parcels of its size in our region once annexed by the city of Portland. It was uniquely valuable as the only option available to expand Oregon's grain exports and give Oregon businesses another option to grow their exports. Without this land we don't have another place to expand our Portland port facilities.

Now, our city leaders must face up to the consequences of preventing the creation of good jobs on West Hayden Island. They must explain to out-of-work Portlanders how we are going to create the good jobs we need to provide a strong base for a growing region.

Mayor Charlie Hales talks a lot about livability. A good job is the first step to creating a livable community.

Tom Chamberlain is president of Oregon AFL-CIO.

Make Portland the city that works: Editorial Agenda 2014

By The Oregonian Editorial Board

If you've ever tried to dine late in downtown Hartford or park in San Francisco or buy a house in Los Angeles or send a child to public school in Dallas or even walk amid aggressive panhandlers in Seattle, you know what a relief it can be to come home to Portland. Across the city and in the downtown core, restaurants hum. Parking isn't always easy, but it's available. Houses aren't cheap, but they can be bought by folks with solid jobs. And while Portland has its share of homeless people who sometimes claim downtown sidewalk space, for the most part the city is navigable at all hours of the day.

If Portland isn't quite the city that works, it is increasingly celebrated as one of a vanishing breed in America: an urban center that is habitable, kind at heart, with a proud independent streak that informs governance. Portland loves to diss Seattle as just another megalopolis gone to crime, traffic and stratospheric cost. Portlanders smile when they deride brash, monied Californians. But keep Portland weird? That's an aberration of the would-be anarchic, a romantic notion that fails to cram onto a bumper sticker Portland's distinctive, small-town ethos. The saying should be simpler and for everyone: Keep Portland Portland.

It will be more difficult than it looks, however. Population continues to grow as the supply of available land for housing and businesses remains small. That puts pressure on housing, walled in by an urban growth boundary and sliced and diced into smaller units on smaller lots – this while pushing prices up on older homes with roomy lots and something increasingly difficult to plan for: driveways. Finding a large lot for manufacturing, and the jobs it would bring, is very, very tough.

Public schools, meanwhile, have set the trajectory of urban fortunes nationwide. As white flight ravaged school systems in Detroit and New Haven and Dallas, those cities were left with populations skewed to the poor, who couldn't afford to move out; and the rich, always ready to keep a Tudor tidy and spend

money for private schools. Not Portland. Schools here still work, though they are challenged by aging facilities, large class sizes, a dwindling number of in-class days, and tiring disputes between teachers and administrators over pay and benefits. But public schools remain anchors in so many of Portland's neighborhoods that their vitality – and the retention of middle class children to attend them – is essential to keeping Portland Portland.

Environmental concern is a part of the city's brand. But safeguarding natural resources as Portland expands costs money: Portlanders angered by their high utility bills often forget that most of their payments are applied to debt on a \$1.4 billion, court-ordered, unseen pipe that keeps sewage out of the Willamette River. Would a utilities district with elected representatives help? That question will be decided by voters later this year. Separately, a polluted Portland Harbor faces a federally supervised cleanup with possibly more than 100 companies, many of them no longer operating in Portland, on the hook for as-yet unknown cleanup costs – putting cold fear into several employers looking for certainty. Those employers need to stay and keep Portlanders working so that Portland can work.

Yet the challenges keep coming. Roads and bridges are at capacity and in many cases disrepair, raising the ante on the choice to rebuild and expand or to promote mass transit. (It should be both.) Should the Portland Building be overhauled by taxpayers and ratepayers for \$95 million or replaced for much more? (We're working on that.) What about homeless people and seasonal vagrants, who sometimes clog downtown sidewalks, frustrating some business owners and pedestrians while mocking City Hall for failing to find a way to enforce a no-camping rule? (Portland leaders must do what it takes to ensure Portland police can lawfully clear sidewalks as needed.)

Through all of it, businesses must flourish. Yet Portland's inadvertently punishing edicts, such as compulsory sick time for employees of small businesses, can make the difference between narrow profitability and negative cash flow – and suddenly make Tigard or Troutdale seem like rosy alternatives. Potentially burdensome city codes and fees, too, threaten to tip things in favor of elsewhere, which is no destination for a city hanging on to its center.

Portland, in all its wrinkles, is a keeper. But keeping Portland Portland will take work from informed citizens and more courage from elected leaders who must avoid minor issues and get ahead of some gnarly, unpopular urban challenges. As Portland grows, so will the complexity of the very forces that can work against it. Seattle knows. Los Angeles knows. Portland can and must protect itself by paying attention and defining for itself another kind of sustainability: the city that won't be the victim of its own success.

The Portland Tribune

Portland water, sewer ratepayers to get independent advocate

by Steve Law

Portland water and sewer ratepayers will get a new advocate on their side — the Citizens Utility Board — which already works to keep their gas, electric and phone bills in check.

The Portland City Council unanimously agreed Wednesday to ask the Citizens Utility Board, known as CUB, to step into new territory by becoming an independent watchdog for city water and sewer operations. CUB will delve into complicated capital improvement projects and other matters, and advocate for the lowest possible rates for residents. The nonprofit, created by voters in a 1984 state ballot initiative, will try to pay for its work by making pitches to Portland residents to become CUB donors and members. The city agreed to allow CUB to send fundraising solicitations along with the water and sewer bills.

"The CUB is going to call it as they see it," without a dime of money from the city, said Commissioner Nick Fish, who oversees the Water Bureau and Bureau of Environmental Services. He put forth the CUB resolution along with Commissioner Steve Novick.

The idea first surfaced publicly on Jan. 2, and passed in remarkably short order for a city that prizes public participation and vetting of new policies. Few doubt why the CUB idea passed so speedily, though. City commissioners are feeling pressure from a likely initiative measure on the May city ballot, which would ask voters to yank the water and sewer bureaus from City Council control and hand that authority to a new Portland Public Water District with its own elected board.

Sharon Maxwell, who filed last month to run against Fish in the May primary, panned the CUB proposal as a feeble response to the ballot initiative.

"This effort is a bit too late and falls short of what our city needs to reinstate the trust of its citizens," Maxwell said.

The Portland City Club, which commissioned a committee to study city water and sewer operations that will release its findings in March, asked for a one- or two-week delay in approving the CUB proposal.

But Fish and other commissioners said the city should move quickly, to take advantage of CUB's expertise in rate-setting proceedings for the water and sewer bureaus. They promised to be all ears when the City Club committee is ready to provide its feedback.

"I'd like all the help we can get from independent well-informed reviewers, whether it's the City Club or CUB," said Mayor Charlie Hales.

'Do our homework'

Kent Craford, co-petitioner for the measure to create the Portland Public Water District, has dismissed the idea of bringing CUB in as just another committee the City Council can ignore when it makes water and sewer spending and rate decisions.

But Bob Jenks, the well-respected executive director of CUB, took issue with those who suggest the move is just a token effort to fend off the ballot measure.

Jenks said he's a Portland resident and has noted the steady climb of water and sewer rates, to the point where they amount to the third-highest bill he has to pay regularly. Many CUB members have asked his organization to expand its work to represent city water and sewer ratepayers, Jenks told the City Council Wednesday.

In March, Jenks brought the idea to Novick, who later discussed it with Fish.

With CUB, sewer and water ratepayers can be assured "we'll do our homework," Jenks said. And, by communicating with residents regularly on what's going on in the two bureaus, CUB will have "thousands of customers behind us," he said.

Anyone who thinks CUB's presence will be mere "window dressing" should ask the folks at NW Natural, Jenks said. "I don't think they would tell you our role in their rate case was window dressing."

The Portland-based natural gas company recently asked for a 6.2 percent rate increase before the Oregon Public Utility Commission, but CUB and others opposed such a rate hike. The PUC eventually agreed to a 1.2 percent gas rate increase instead.

Susan Ackerman, the chairwoman of the PUC, testified on CUB's behalf Wednesday. "I am very high on CUB as a consumer advocate," she said.

Still, it's pretty clear from the rapid approval of the CUB idea, and the relatively little public vetting of the idea, that there was some political calculations behind the decision.

Novick, in summing up why he supports the CUB idea, ended by contrasting it with folks who want to "turn over the Water Bureau and Bureau of Environmental Services to a group of unidentified amateur politicians."

That was a clear reference to the Portland Public Water District initiative.

By moving CUB quickly into an advocacy role for residential ratepayers, the city might have some results to show for the idea by May. That's when new rates might be set for 2014-15, and when the water district idea is likely to go before voters.

City Won't Try to Revive Sit-Lie Law This Year

By Aaron Mesh

Mayor Charlie Hales' office says the City of Portland is abandoning any effort to revive the sit-lie law in Salem during the February legislative session.

"We are not taking a sidewalk ordinance to the legislature in 2014," says Hales' spokesman Dana Haynes. "We're not ready. And it's just such a high hurdle that we're not going to try it."

Hales spent the summer sweeping homeless camps from city sidewalks. He wants more authority to regulate downtown camping and panhandling.

In November, draft copies of the city's state legislative agenda obtained by WW showed Portland planned to lobby at the February special session for authority to "manage sidewalk use and safety"—code words for a revival of sit-lie laws.

The Oregonian reported last month that Sen. Ginny Burdick (D-Portland) was preparing to sponsor the bill.

A similar bill, backed by the Portland Business Alliance, died last May in a Senate committee.

Then-Mayor Tom Potter pushed through a city ordinance in 2007 that outlawed sitting or lying on the sidewalk from 7 am to 9 pm. A judge later ruled the sit-lie ordinance violated the Oregon Constitution and conflicted with state laws.

Haynes says the mayor has decided another attempt in the brief February legislative session would be fruitless.

"We're going to see what powers we have inside the city to look at our sidewalk maintenance," Haynes says, "spend a year making sure we're doing all of that right, and talk to our legislators and see if we can find some consensus."

Willamette Week

Port of Portland Pulls Out of West Hayden Island Annexation Deal

UPDATE: Hales says he'll let the deal die.

By AARON MESH

The Port of Portland has pulled out of talks to annex West Hayden Island, saying city environmental demands are too high.

Port Executive Director Bill Wyatt sent a letter to Mayor Charlie Hales this morning, saying City Council's unwillingness to budge on environmental mitigation is a deal-breaker for the Port's long-desired deep-water marine terminal.

"The port will not continue with the annexation process at this time and withdraws its consent to annexation," Wyatt wrote. "The city, unfortunately, will now have to deal with the consequences of a severe shortfall in industrial land." The news was first reported today by The Oregonian.

Hales' office provided the letter to WW after a records request.

"The mayor has heard the Port's opinion and totally understands the perspective from which they approach this," says Hales spokesman Dana Haynes. "But he hasn't had the opportunity to read, analyze and respond to today's letter."

Port officials say that a 300-acre marine terminal on West Hayden Island could generate more than 1,000 new jobs—a claim WW examined last summer.

The Portland Sustainability Commission approved annexation in August, but added environmental mitigation requirements the Port found onerous.

UPDATE, 1:45 pm: Mayor Charlie Hales' office tells WW the mayor does not want to see West Hayden Island annexation revisited any time soon.

"He does not," says Dana Haynes, the mayor's spokesman. "The proposal meant hundreds of jobs, many years in the future... West Hayden Island was a spot, but not the spot, for job growth in the city."

Haynes says when Wyatt met with Hales last week, the Port did not present the mayor with a counter-offer to the recommendations made by the Portland Sustainability Commission.

(Haynes has written WW to say the Port did send an offer in October, though Wyatt did not bring it last week. The mayor's office did not have the Port's offer immediately available.)

"As I understand it," Haynes says, "the Port wanted the mayor to intercede with the Planning and Sustainability Commission, and the mayor said he wasn't going to do that."

Portland Business Journal

Port drops plan to develop West Hayden Island

By Matthew Kish

The Port of Portland on Wednesday told Portland Mayor Charlie Hales that it's withdrawing a controversial plan to have the city annex West Hayden Island for development of a future marine terminal.

Port of Portland Executive Director Bill Wyatt said the project lacks support at City Hall.

"The terms under which annexation has been proposed by the city would simply render a future development on the property impossible," Wyatt said in a news release. "We understand from the mayor that Portland City Council is unwilling to take action to modify these proposals at this time, so we cannot justify the investment of more time and money into the process."

A spokesman for Hales said a letter about the decision arrived this morning and the mayor hasn't read it yet. The mayor is currently in a City Council meeting.

Environmentalists applauded the news.

"It's a tremendous win for the environment and the community," Bob Sallinger, conservation director for the Audubon Society of Portland, told The Oregonian.

The Port owns more than 800 acres on the island and proposed 500 acres of open space and 300 acres for a future marine terminal. The land is in unincorporated Multnomah County and needs to be annexed by the city in order to pave the way for development by making essential services such as water, sewer and public safety available on the island.

The city started the annexation process in 2009 and its Planning and Sustainability Commission recommended annexation in July 2013. However, the recommendation included an additional \$30 million to \$40 million in costs to mitigate environmental damage.

Wyatt said that would make any future development "double the cost of industrial land in the region."

"This is a disappointing and unfortunate outcome on several levels including lost economic opportunity for our region, implications for current and future land use planning, and lost social and environmental benefits," Wyatt said in a news release. "Despite this action, I believe that West Hayden Island remains viable for the future as an ideal place to grow the city's tax base and family jobs while providing space for public recreation and wildlife habitat."

The Port has not ruled out future annexation and development of the land.

Portland Mercury

Council Approves Police Reforms—Tries to Assuage Critics by Promising More Reforms Later

BY DENIS C. THERIAULT

It only took more than a year of planning, three decreasingly contentious public hearings, and a handful of 11th-hour changes before the holiday break.

Portland City Council this afternoon handed the city's Independent Police Review Division a long-awaited victory—voting 4-0 on a package of code reforms meant to shine more light on the police bureau's famously opaque discipline process, speed up investigations, and give civilian investigators, for the first time, the explicit right to interview all police employees when looking into misconduct cases.

The vote, with Commissioner Amanda Fritz absent, moves forward a key piece of the city's police reform settlement with the US Department of Justice, which rapped Portland's current system as "byzantine" and "self-defeating." But it also came despite continued criticism on very different two fronts.

Daryl Turner, president of the Portland Police Association, repeated his disappointment that he wasn't consulted more deeply about changes he thinks will usurp police authority. (He threatened last month to file a labor complaint about it.) And advocates for police accountability kept up their call to go even further with reforms and delay changes until a federal judge takes up the settlement agreement with the feds at a community "fairness" hearing on February 18.

Those concerns, especially from advocates, weren't unexpected when I wrote this week's Hall Monitor on the vote. And Mayor Charlie Hales and city commissioners had a ready answer for them during today's short hearing: This vote, they said, won't be the end of changes to the city's police oversight system.

Advocates' wish list includes giving more time to a civilian panel charged with hearing misconduct appeals; the feds' have called for just a 21-day window that current members of the Citizen Review Commission call unworkable. (Steve Novick today also called it "ridiculous.") It also includes an independent civilian discipline panel, extending civilian oversight to police shootings, and the end of a 48-hour window protecting cops in force cases from giving statements.

"This is clearly not the last time we'll be taking these issues up," said Commissioner Nick Fish, first to vote yes. "There are more reforms to come. But there is a sense of urgency in moving these reforms forward."

Hales, speaking last, said as much in his remarks.

"It's perfectly reasonable that this council should revisit an important function of this city to see how it's working and adjust it over time," he said. "The buck stops with us. I don't want to give anyone the impression that by waiting for the fairness hearing, we're ceding to the federal government. If we have to do this again sometime soon because part of this doesn't work out, we'll be ready."

Why do these reforms matter? If the code changes had been approved last fall, today's batch of Police Review Board reports would have been a whole lot more meaningful. From now on, those reports will have to include final discipline given to officers in misconduct cases. Not just what the board recommends. Sometimes Police Chief Mike Reese doesn't fire cops the PRB thinks should be fired.

Reese will also now have to write an explanation whenever his discipline veers from a range spelled out in a new discipline matrix the police bureau is almost ready to adopt.

"It's important we have those conversations, but we can't stop the important work we do," said IPR Director Constantin Severe, touching on the transparency and investigative reforms approved this afternoon. "Today, an independent investigation won't be as strong as the independent investigation that will come under this proposed code."

Port of Portland Withdraws Plan to Develop West Hayden Island

BY DENIS C. THERIAULT

After six years of often contentious negotiations with city officials, neighbors, and dogged environmental advocates on an expensive and high-wire plan to build a new shipping terminal on West Hayden Island, the Port of Portland announced this morning that it's pulling its proposal for now. And maybe forever.

Word came down to the port's commissioners this morning—with a letter (pdf) also delivered to Mayor Charlie Hales. Bill Wyatt, the port's executive director, said the city's conditions for blessing the port's plan—targeting one of the region's last great expanses of raw nature—were too costly for the proposed development project to pencil out.

The city's Planning and Sustainability Commission recommended last summer that Portland City Council approve the deal with the port, but with stringent requirements for offsetting environmental damage as well as public health and traffic impacts for nearby residents.

Those conditions were expected to cost tens of millions of dollars—raising the bar for a project whose prospects were already touchy based on economic reports drafted before the planning commission made its vote. Sources and others had been saying the council was loath to budge on those conditions. Wyatt, in his letter to Hales this morning, wrote Hales had told him pretty much the same thing during a meeting the two had last month.

From our conversation, I understand that you believe the Council is unwilling to take action on a modified proposal. Based upon your assessment that the Council's policy choice is to not bring forward a package that is viable in the market, the Port will not continue with the annexation process at this time and withdraws its consent to annexation. We will continue to manage WHI as we have for decades, for uses supporting our strategic objectives, including the eventual development of marine terminal facilities. The city, unfortunately, will now have to deal with the consequences of a severe shortfall in industrial land.

The heart of the port's proposal was a plan to set aside 300 acres of the 800 it owns on West Hayden Island for a terminal and rail and road infrastructure—requiring fill and the disruption of some natural habitat—with the rest of the island's 500 acres mostly preserved but with paths and other amenities carved into it. The city needed to annex the land, long owned by the port, before approving the actual proposal for a terminal.

That 300/500 division was brokered by former Mayor Sam Adams' administration and set the table for discussions with groups like the Audubon Society and others about appropriate mitigation. If, indeed, such a thing existed. Adams tried to push through a deal before leaving office, but the planning commission balked over the compressed time frame and took much of 2013 to refine its findings and do further study.

A previous bid to annex and develop West Hayden Island fell apart in 2000, amid community outcry and partly because the port couldn't find a tenant for a new terminal.

"It would be a massive win for the environment and the community," the Audubon Society's Bob Sallinger said this morning, when asked about rumors the port was about to make an announcement. "It also would be the second time in 15 years they attempted to annex and rezone and failed, and it speaks to how flawed this project is and how strong the opposition is."

Wyatt, in a release sent out by the port this morning, said it's possible the port could try again.

Sallinger said that was unlikely—that the cost of mitigation and the hurdles of globalization, a big reason a new terminal might not deliver on promises of sustainable local jobs, would still be with us.

"It's not getting easier," he says. "It's getting more difficult."

Update 12:15 PM: Hales' spokesman, Dana Haynes, sent over a response when asked whether Hales was among the council majority supporting the planning commission's conditions or not. He said Hales was in presiding at city council when the letter came down.

"The mayor supports the commission.

It's always been a question of jobs vs. open spaces. No decision was going to make everyone happy. No surprises here.

The mayor has heard the Port's opinion and totally understands the perspective from which they approach this. But he hasn't had the opportunity to read, analyze and respond to today's letter."