

The Oregonian

Scrap Portland charter amendment, put street tax on ballot: Editorial Agenda 2014

By The Oregonian Editorial Board

Rather than imposing a street maintenance fee in heavy-handed fashion, Portland City Council decided on Tuesday to put it to a public vote. Mayor Charlie Hales and Commissioner Steve Novick, who have struggled to get the fee off the ground, explained their decision to head to the ballot by acknowledging, "There's a mistrust of local government out there."

Just kidding. It was Washington County's Board of Commissioners that decided to place a road fee on the ballot Tuesday. The \$30 vehicle-registration charge is more modest than the proposed Portland fee, which when fully implemented would cost the typical household about \$144 per year. It was county Chairman Andy Duyck, meanwhile, who acknowledged skepticism about local government.

The decision was the right one, and elected leaders in Portland should take note. Asking voters to raise taxes (oops, fees) is not such a foreign concept, after all. There's no guarantee taxpayers will say yes, but leaving the decision to them works wonders on the mistrust problem.

Portland's fee saga did see one significant development Tuesday. As reported by The Oregonian's Andrew Theen, Hales announced that a council vote on a proposed charter amendment limiting the use of street-fee funds would, again, be delayed. The current plan is for council to vote on the amendment next week, but it would be better off shelving the idea for a longer period. Like forever.

As initially proposed, the amendment would have required the city to use a "majority of funds" on maintenance and safety improvements. The "majority of funds" standard, which would do nothing to boost public confidence in the city's spending discipline, was later tightened up. But the new standard, 80 percent of funds, proved too prescriptive. The newest iteration, as reported by Theen, says the money will be spent "for transportation purposes, including associated administrative costs, relating to transportation safety, transportation maintenance" and so on. How such broad language would ensure spending discipline is unclear.

What it would do, on the other hand, is give city taxpayers something to vote on. Problem is, most voters probably would rather vote on the funding measure itself than on a charter amendment governing the use of a fee or tax they might not support in the first place. Sticking the latter on the ballot in the place of the former would merely generate cynicism, exacerbating a problem Hales, echoing Duyck, recognized Tuesday: "People don't trust government."

Hales should forget about the voter-engagement charade. He and Novick should focus on the core problem, street maintenance, and consider funding mechanisms that build trust and ensure accountability. Rather than imposing the tax or fee, they should put it to a vote. And rather than seeking a permanent source of funding at this point, they should consider a series of short-term measures, which give voters the chance to say "no" if they aren't satisfied that their money has been spent responsibly. One possible approach, we argued Sunday, is Eugene's, which allows voters to approve new bonding every five years.

Whatever mechanism the City Council chooses, it will do its cause no favors by larding up the November ballot with a charter amendment that accomplishes little and, in fact, encourages voters to believe the very worst of the city. Why, a voter might ask, would commissioners ask us to restrict their use of fee money unless they otherwise would spend it like drunken sailors?

No matter how you parse it, "save us from ourselves" is the wrong battle cry for a government bent on winning the trust of taxpayers.

East Portland: Slow growth, but don't stop it, city planners recommend

By Brad Schmidt

City planners want to undo some key zoning decisions from nearly 20 years ago that ushered in massive growth to east Portland.

As part of a sweeping update to the city's land-use plan, officials have proposed decreasing density on about 935 acres in east Portland — limiting the amount of potential new units built in a part of town that largely still lacks sidewalks or safe crossings.

In a city known for its smart growth, the downzoning would be the most dramatic in Portland's modern planning era. Officials say existing zoning, particularly in the central city and designated town centers, will accommodate many of the nearly 112,000 new homes, apartments and condos projected for Portland in the next 20 years.

In east Portland, downzoning is targeted to residential neighborhoods along Southeast 122nd Avenue and 136th Avenue — two corridors where city leaders steered dense multifamily construction as part of the 1996 Outer Southeast Community Plan.

Planners say the proposed changes aren't a mea culpa but they do acknowledge problems with previous efforts.

In some cases, new units were built on unpaved roads, construction sprouted along corridors without sidewalks and a flood of new residents burst the David Douglas School District to its seams.

"It's still possible to shut off the spigot and gain some breathing room," said Eric Engstrom, the principal planner for Portland who is leading the city's comprehensive plan update.

Officials aren't proposing to eliminate denser development in east Portland altogether, just limit it from creeping deeply into some neighborhoods, as current zoning allows.

Changes along 122nd are minimal, but abutting neighborhoods would maintain single-family homes instead of apartments. Virtually all of 136th, south of Powell Boulevard, would be downzoned from apartment and townhome designations to ensure single-family construction.

The 136th corridor serves as a prime example of poor planning.

Officials designated the area for apartments that could hold up to 32 units per acre. But needed improvements never followed. A project to build sidewalks along the two-lane road moved forward only after a 5-year-old girl died trying to cross the street in 2013.

Broken Promises

Follow The Oregonian's series on the future of east Portland, looking closely at promises not kept.

But we need your help. Do you live, work, study or own property east of 82nd Avenue? Tell us your story.

City officials hope to ease growth in areas that haven't reached a tipping point, Engstrom said. That means preserving neighborhoods with single family homes by reverting back to lower density zoning, particularly between Southeast Holgate Boulevard and Harold Street and Powell Boulevard and Holgate Street.

Proposed changes also include prohibiting development, or limiting development to very large lots, on the hills of Pleasant Valley.

Based on the revisions, the David Douglas School District would still add an estimated 12,600 new units through 2035 – essentially the same amount that sprouted to date as a result of the city's 1996 zoning plan.

But without changes, Engstrom said, the number of new units in the east Portland school district could be closer to 22,100.

Elsewhere in Portland, officials forecast 33,000 new units in the central city, stretching from Goose Hollow to Southeast 12th Avenue, from the Fremont Bridge to the South Waterfront. Another 28,000 new units would be built in town centers such as St. Johns, Hollywood and Gateway.

Portland's comprehensive update is the first citywide review of land-use planning since developing the original plan in 1980. Proposed changes will be made public by July 21, about a month later than officials originally planned. A spokeswoman blamed the delay on "technical and unforeseen challenges."

The Portland Planning and Sustainability Commission is expected to hold hearings this fall. The City Council would give final approval sometime in 2015.

The Portland Tribune

City irons out rules as Airbnb alters rental scene

By Steve Law

Portland city commissioners appear ready to legalize Airbnb here, the popular service that connects tourists with residents willing to rent out spare bedrooms, basements or entire homes for the night.

But the City Council still faces a lot of thorny questions about what to allow, and what not to allow, in this fast-growing segment of the "sharing economy."

Chief among them: Should someone renting an apartment or condo be allowed to rent out a bedroom or two, or their entire unit, using the web-based short-term rental service?

That's probably the biggest of several outstanding questions the City Council needs to address before approving an ordinance taking Airbnb and similar programs out of the underground economy, says Sandra Wood, supervising planner for the Portland Bureau of Planning and Sustainability. The ordinance would enable the city to inspect the dwellings to make sure they are safe and legal, and, not incidentally, enable the city and other government entities to capture lodging tax revenue from what has grown into a multimillion-dollar industry here.

An ordinance proposed by the planning bureau, and blessed by the guiding Planning and Sustainability Commission in late-April, legalizes short-term rentals such as those pioneered by Airbnb, but doesn't allow it in apartments, condos or mobile home parks where the residents don't own their own land.

That's a big hole.

"According to Airbnb," Wood says, "about 50 percent of their clients in Portland are in multi-dwelling structures."

A liability factor

The company reports that Portland is a popular place for its service, with about 1,600 properties listed for rent here. Those that are apartments and condos would remain illegal under the ordinance.

Airbnb mobilized dozens of its Portland hosts to testify at the City Council's initial June 4 hearing on the ordinance, many of them offering glowing tales about how the program helps them afford to stay in their homes, take care of senior parents, and meet foreigners. Many testified that Airbnb lets them serve as

goodwill ambassadors for the city, providing visitors a homey place to stay that makes them want to spend money here, come back as tourists, or even move to Portland.

Tom Melillo was one of a handful of those testifying who acknowledged they rent out condos or apartments. He urged the council to allow Airbnb rentals in such units.

There's a good reason to treat multifamily properties separately, Wood says. Many landlords and condo associations bar short-term rentals. And they may not be set up to have the kind of fire safety features required of hotels, which also cater to short-term renters.

A longer-term tenant in an apartment or condo likely knows where the fire escapes are, and other key emergency information, Wood says. But a tourist staying only a night or two might not.

The hotel industry has to provide fire escape plans and other features to protect short-term renters, notes Steve McCoid, president of the Oregon Restaurant and Lodging Association.

"They should be meeting the same requirements that the brick-and-mortar guys do," he says, referring to the traditional hotel and motel industry.

All the leases for Guardian Real Estate Services, which manages 12,000 apartment units in the Portland area, bar subletting of any kind, says Meghan Hill, a marketing specialist for the company.

"The biggest reason we would be concerned about allowing B&B-type rentals is the liability factor," Hill says.

Deborah Imse, executive director of the Portland area's leading apartment-owner trade group, Multifamily NW, suggests the city should not allow the service in rentals, at least initially.

"This expanded short-term rental proposal is a new program," Imse says. "It should be implemented and tested in the areas that are clear — where the host is the owner — before considering adding the complexity of multifamily, even for those few leases that allow it."

Additional questions

Another sticking point is city-required inspections of Airbnb hosts.

Airbnb and many of its hosts oppose allowing a city inspector to enter a home to make sure it meets basic safety standards and is a legal residence. Some objected to paying a \$180 licensing fee every two years.

Commissioner Amanda Fritz proposed allowing hosts to fill in a form in years after the first inspection, so they could verify they haven't made any changes to the dwelling. She also wants the Planning and Sustainability Commission to return with a report in two years documenting how the new program is working. Commissioner Steve Novick suggested there still be subsequent inspections every decade after the initial one. Commissioner Dan Saltzman proposed requiring carbon monoxide monitors as well as linked smoke detectors in Airbnb homes.

Tamara DeRidder, vice chair of the Rose City Park Neighborhood Association, was one of several neighborhood association leaders raising concerns about the widespread use of Airbnb in Portland. She worries that people will shift regular rental units into Airbnb sites, reducing the stock of rental housing and driving up rents here.

"Where is the housing and economic impact study?" DeRidder asked.

At least two university studies of the subject are underway, she said.

Robert McCulloch, chairman of the Southeast Uplift Board, said the proposed ordinance essentially eliminates a key theme in the city's comprehensive land-use plans that separate commercial activity from residential neighborhoods.

"This is a major change in policy," McCulloch testified. "It's a step toward Houston — where anything goes."

Terry Parker, a Northeast Portland resident, said Airbnb allows people to turn their homes into motels. "Homeowners could end up with hotel row across the street, or even in their backyards," Parker said.

Other outstanding questions facing the City Council:

- Can an outside party, such as a property manager, oversee Airbnb guests instead of the property owners? Airbnb's data shows one out of every six Portland properties is not managed by the primary resident.
- Should people be allowed to rent out more than just one or two bedrooms at a time?
- Should companies renting out second homes, or so-called vacation rentals, be legalized as well?
- And just how much is too much?

Many of the 78 people signing up to testify at the June 4 council hearing didn't get a chance to speak. And city commissioners wanted more time to hash out some of the issues.

So they resolved to meet again in an informal council work session, at 10 a.m. Tuesday, June 24, to discuss policy implications and proposed amendments.

Then a second public hearing will be held on July 2.

The Mercury

Hall Monitor

Silence Between the Lines

By Denis C. Theriault

JUSTIN NORTON-KERTSON, a co-founder of the campaign to bring a \$15 minimum wage to Portland, has been keen to focus on the brighter side of his dealings, so far, with Portland City Hall.

After scheduling a meeting with Commissioner Dan Saltzman's office for Monday, June 9, Norton-Kertson had steeled himself for disappointment when Saltzman's chief of staff called the Friday before and asked to reschedule.

Saltzman had embraced the minimum wage push this campaign season after one of his rivals, Nick Caleb, made it a signature issue. But with his fifth term in the bag?

"Oh, great. Here we go," Norton-Kertson remembers thinking.

Turns out, Saltzman had a decent reason: "He really wanted to have the meeting with us personally," Norton-Kertson says. "I expected to be blown off."

They met, instead, on June 12—the day after Norton-Kertson was supposed to make a three-minute appearance in front of city commissioners at the start of that week's Portland City Council meeting. Norton-Kertson showed up as promised, but his stay sprawled well beyond the allotted time—after a bout of banter with Commissioner Amanda Fritz and Mayor Charlie Hales. The mayor, especially, seemed game, suggesting the council might beseech Salem to lift Oregon's 13-year-old ban on local minimum wage laws.

"That was," Norton-Kertson graciously allowed, "one of the more interesting things about our presentation."

But for all the sympathetic whispers issuing from city hall, heartening as they may be, Norton-Kertson's also aware of all the substantial promises that aren't issuing from our elected leaders. And might not ever.

"It seems clear they don't like pre-emption and probably think the minimum wage in Portland is too low for the cost of living," he says—before mentioning something rather important, maybe even a deal-breaker, to a movement that calls itself \$15 Now.

"They don't seem too excited about the 15 thing specifically."

He's not far off the mark. It's not clear how hard anyone will push to lift the state pre-emption. Norton-Kertson says Saltzman promised he'd ask legislative leaders—Senator Diane Rosenbaum and House Speaker Tina Kotek—to spearhead that legislation. But Saltzman's office hasn't returned calls seeking comment on that pledge.

(The legislative leaders' spokesmen didn't call back either, for that matter.)

Sources throughout city hall have specifically cast doubt on the \$15 figure, using words like "arbitrary." Saltzman, says Norton-Kertson, raised similar concerns in their meeting. Just because it's the law of the land in Seattle, sources say, doesn't mean it fits Portland's economy.

And no one's much interested in giving city workers and contractors a raise or passing a living-wage tax on employers who pay less than \$15. Fritz specifically said she had other priorities for the parks bureau's already-stretched budget.

Norton-Kertson admits it could be worse. The council, prodded by Caleb's campaign and ongoing weekly rallies, might not be paying attention at all. But he's also realizing the movement's eventual route through city hall might first need to go around it.

That means lots of canvassing—door-to-door, worker-to-worker. That means finding allies in organized labor. That means building a bigger movement.

"We haven't built ourselves up to pressure them," Norton-Kertson says. "Rallies only go so far."

Mending the Gap

The Hunt for a Police Reform Monitor Is Back on Course

By Denis C. Theriault

PORTLAND'S HUNT for a federal police reform monitor—on hiatus since March after mental health advocates said they felt shut out—has quietly resumed after a Mercury report earlier this month looking into the delay.

After easing tensions among advocates, the city's now hoping to have its monitor in place sometime in August, according to interviews with officials and documents reviewed by the Mercury. That's two months later than officials had expected when soliciting applicants over the winter—and even that revised timeline is still tentative.

Adding to the uncertainty: Some of the eight or so applicants whose résumés made the first cut may no longer be available.

"The candidates have not heard from us for over a month and half," says Joe Wahl, assistant director of the Portland Office of Equity and Human Rights. "We need to make sure they're still interested."

And, in the meantime, the city has invited a handful of advocates to serve on a new panel expected to help vet applications and steer the overall hiring process.

"The goal isn't to start all over again," Wahl says, "but to evaluate what we've done so far and decide how we move this along."

The delay took root in late March, soon after the last of the applications had arrived. About a dozen altogether met minimum standards.

Mental health advocates told Commissioner Amanda Fritz—who's overseeing the process on behalf of Mayor Charlie Hales—that they felt left out of the recruitment work despite city promises they'd be included.

And that's no small issue. The US Department of Justice, in calling for reforms way back in 2012, specifically found Portland police officers had engaged in an unconstitutional pattern or practice of using force against people perceived to have mental illness. The reform monitor, known in city jargon as the "compliance officer/community liaison" (COCL), is supposed to check on the police bureau's progress.

Fritz and Wahl quickly added Kristi Jamison, a member of the city's disabilities commission, to an initial screening panel. But deeper concerns emerged that the candidate pool was too small and not sufficiently experienced with mental health [Hall Monitor, News, June 4]. Sources say the candidate pool seemed more familiar with working on issues related to biased policing and racial justice.

The city publicly insists its pool of applicants is sufficient. But it has privately acknowledged it could have done more to make sure mental health groups were actively recruiting potential candidates.

"There was nobody who inspired confidence," Jamison says.

The delay hasn't sat well with everyone. Jo Ann Hardesty, who served on the first screening panel, cited the Mercury's reporting in a stinging letter to city hall.

Hardesty said she didn't even realize the process had been held up. And she also disputes the idea that the monitor must specialize solely in mental health—pointing out that the proposed reforms also reference racial justice.

"It's a false argument to have either/or," she says.

But Hardesty says she's especially concerned that further delay means the police bureau will go on making changes it says are tied to federal reforms—without anyone outside the bureau actually checking to see if that's the case.

"There's a disconnect at city hall," Hardesty says. "It appears police reform has been turned over to [Chief Mike] Reese."

The Mercury has since learned that the next committee to help vet candidates will attempt to bridge what had loomed as a divide between police accountability advocates who have, for years, been publicly united. One potential member? Avel Gordly, the first African American woman elected to the Oregon Senate—and someone whose son has been hospitalized with mental illness and been shot by police, with a beanbag gun.

Hardesty says she sees room for "common ground." And so do mental health advocates. They all agree on the need for "culturally competent" mental health treatment—suggesting that a lack of available, comfortable services might be one reason (but certainly not the only one) African American men are disproportionately counted in police contacts.

"We should be allies," Jamison says. "Everybody is affected by mental health."

UPDATED: Cops No Longer Publicly Tracking Use of Force Against "Transients"

By Denis C. Theriault

Despite promising a deeper look of officers' use of force against "transients" and people with mental illness, prompted by an apparent spike in both categories in quarterly force reports last year, the Portland Police Bureau seems to be changing its mind.

Without releasing any findings from its promised review—meant to answer whether the rise was seasonal or tied to last summer's increased emphasis on camping and sidewalk violations—the bureau no longer lists a separate category for "transients" in its public force reports. The bureau's latest report, covering force incidents from January through March, now breaks out only mental health encounters. And a long summary of the data at the bottom of the report is silent about the change.

Other Elements Tracked:			
Taser over 2 cycles	0	ME issues flagged	28
Pointing Firearm with other Force	6	Force without custody	43
Number of Persons who had a firearm pointed at them	115	Canine captures	67

That data was included in a bureau report covering the final three months of 2013, and in three other reports filed that year. The bureau is filing the public reports as part of a proposed settlement agreement with the US Department of Justice over accusations Portland officers are too quick to escalate minor police contacts and also have engaged in a pattern or practice of using excessive force against people with mental illness.

Here's the final 2013 report:

Other Elements Tracked:			
Taser over 2 cycles	1	Transients	76
Pointing Firearm with other Force	6	ME issues flagged	17
Number of Persons who had a firearm pointed at them	148	Force without custody	11

I've asked two police spokesmen to comment on the omission and on what the promised review ever found, if anything. I'll update when I hear back.

The force report charting the late summer and early fall of 2013 specifically raised concerns about force against the homeless and people with mental illness—and said investigators would look at data from 2012 up through spring of 2014. Some 112 uses of force were against those two categories were reported that quarter, up from 93 three months before and 76 six months before. The number dropped back down to 93 at the end of 2013.

The most recent report does have a few other points worth mentioning. Overall force continues to drop—one reason the increase against the homeless and the mentally ill stood out.

But this time, the bureau focuses particular attention on Tasers, noting a 57 percent drop in Taser use overall when the first three months of 2014 are compared against the same span in 2013. More interestingly? No one, at least officially, received more than one Taser cycle in the first three months of this year, down from seven in early 2013. That may reflect the impact of new force policies, limiting Taser cycles and Taser use, that took effect late last year.

The new report also spends some time on another potentially sticky subject: all the times officers use force without actually arresting someone. That number went up significantly in this report, and the

summary attached to it says officers want to do a better job tracking what happens in those cases, whether that be a juvenile hold, civil commitment, or trip to detox.

Update 5:15 PM: The bureau's lead spokesman, Sergeant Pete Simpson, got back to me after talking to the bureau employees who compile and analyze crime and force data.

Why scrap the "transient" category? Simpson says analysts decided it wasn't specific enough—in that bureau officials especially want to track force used against unsheltered, chronically homeless Portlanders, and not people who refuse to list an address or are too out of it to provide an address or who are sheltered but staying with friends, without an address of their own.

The idea, he says, is to maybe add all of those categories to future reports—which would follow other refinements made over the months. It wasn't clear if that would happen in time for the next quarterly report, which comes out this summer. Simpson also says the bureau's struggling with a slow-going transition to a new record-keeping and report-writing system. Officials are hoping that system will more easily let officers record the kind of granular data that avoids vagueness while promoting meaningful conclusions.

"We're learning as we do each of these," Simpson says. "We want to make sure we're collecting data in such a way that we present it the right way so we can have an honest conversation."

He did allow that, maybe, next time, the bureau would use the report's summary to explain such a noticeable change. That issue, this time, was complicated by a new inspector assembling his first report as well as the looming records changes.

"If we see something, and take something out, and there's a change," he says, "let's just explain."