

## The Oregonian

### Portland Street Fund: Southeast Uplift agrees to pay \$2,720 for Transportation Bureau's records

*By Brad Schmidt  
December 12, 2014*

A neighborhood coalition trying to scrutinize the city of Portland's controversial transportation funding plan agreed in court Friday to pay \$2,720 to obtain public records.

Southeast Uplift requested documents on Nov. 12 for data sets tied to Portland's revenue plan, which at one point was projected to gross \$23 million annually from residential income taxes and \$23 million from business fees.

When the city didn't respond to the public records request as quickly as neighborhood leaders wanted, Southeast Uplift filed an injunction in Multnomah County Circuit Court to force the issue.

On Thursday, the Portland Bureau of Transportation told Southeast Uplift the documents could be provided within 10 business days for \$2,720. On Friday, Southeast Uplift agreed to pay, said Robert McCullough, the board president.

"Obviously this is intended as a measure to discourage open documents requests," McCullough said in an email Friday. "We will be contesting this in court at the appropriate time."

The city says that redacting confidential financial information from the requested spreadsheet will take hours of staff time.

McCullough, also president of the Eastmoreland neighborhood association and a respected energy consultant, has insisted that the city is cutting a break for big transportation entities such as railroads

He has maintained that those groups should pay more and others, as a result, should pay less.

Portland wants to create the new taxes and fees to pay for transportation maintenance and safety projects.

The plan is being pushed by Mayor Charlie Hales and Commissioner Steve Novick, who oversees transportation. But officials have repeatedly changed details of the plan and delayed a vote.

The City Council is now slated to vote in January.

### Portland commissioners should say 'no' to the tobacco-ban herd: Editorial Agenda 2014

*By The Oregonian Editorial Board  
December 14, 2014*

Such is Portland's reputation for nonconformity that the "Keep Portland Weird" mantra, a staple of the bumper-sticker set, has become an important element of the city's brand. Stubborn nonconformity can lead in unproductive directions, as it did in 2013 when voters opted not to fluoridate the city's water. But a willingness to question authority and resist herd thinking also can protect the politically unpopular from unreasonable treatment. In this spirit, Commissioner Amanda Fritz's colleagues should tap their inner wells of weirdness when they're asked, perhaps as early as next month, to ban all tobacco products in public parks.

At Fritz's request, the volunteer Portland Parks Board took up the issue and, earlier this month, issued its recommendations: Prohibit the use of tobacco products in all parks, natural areas and recreation areas. Covered areas include both Portland International Raceway and city golf courses, where the ban would be phased in over three years. Prohibited products include tobacco in smokable and chewable forms as well as electronic cigarettes.

The advisory group recommended a May 2015 adoption date "to coincide with World No Tobacco Day," noting that Portland would "join 64 other cities, counties, and other jurisdictions such as Metro across Oregon which have established smokefree parks policies ..." You know, conform.

Joining the public-health herd can be a good or a bad thing, depending upon the reason. Devising a credible rationale to ban tobacco use in most outdoor places is a challenge, to say the least. To argue that second-hand tobacco smoke or e-cigarette vapor endanger bystanders in open-air parks, natural areas and golf courses is to torture logic. Many smokers do throw their butts on the ground, but, then, plenty of other people litter, too. In any case, littering is already prohibited. Finally, chewable tobacco, though disgusting to some, poses no threat except to those who do it.

If the parks board were proposing to ban behavior that posed a believable threat to others, that would be one thing. But the first justification for the ban listed on the board's Dec. 3 recommendation to Fritz is to be "consistent with PP&R's mission: 'Healthy Parks, Healthy Portland.'" If tobacco use is unhealthy, the thinking goes, it shouldn't be happening in the city's "healthy parks," even if those using it are well-informed adults whose actions harm only themselves. That treating adults like children in this fashion is both creepy and deeply unhealthy, at least in a civic sense, doesn't seem to have occurred to the parks board.

The board, however, doesn't buy the argument that tobacco use is harmless to bystanders, even if they don't inhale so much as a molecule of secondhand smoke. That's because, the board believes, merely seeing an adult smoke is potentially hazardous to children. As chair Kathy Fong Stephens explained to The Oregonian editorial board Thursday, she and her colleagues want to save kids from the "compelling visual exposure of people smoking and using tobacco and using devices that are similar to tobacco." Because kids, having seen someone smoke, chew or vape, might want to do it.

Consider this argument from the perspective of a smoker, "vaper" or chewer: The parks board wants to bar you from engaging in a legal activity in a public space, even if you do so without littering or exhaling in someone's face, because another person's child might see you and think you look cool. Any reasonable person concerned with civil liberties should wonder where such thinking leads.

Commissioner Fritz supports the parks board's recommendations, though she sees no reason for a three-year phase in at golf courses and the raceway. Parks should be places where kids "see good role models," she told The Oregonian editorial board Thursday, and likened a comprehensive tobacco ban to the city's decision to remove sugary snacks from the parks department's community centers and pools. She intends to bring up a proposal for discussion in January.

It would be easy for Fritz's colleagues to do the popular thing, just like their peers in 64 other Oregon jurisdictions. Instead, they should do what – sadly – counts these days as the weird thing: Challenge the conventional wisdom by asking how, exactly, tobacco users harm others in parks and on golf courses. If the best argument ban proponents can produce is that smokers look cool, commissioners should do the courageous thing and stick up for them. Otherwise, they should order Portland some new bumper stickers: "Baaaaa."

## **Portland's lack of street tax transparency: Guest opinion**

*By Guest Columnist Robert McCullough  
December 15, 2014*

On Friday, Dec. 12, Southeast Uplift agreed to pay \$2,720 to see the calculations behind the Portland Street Fee. And, to add insult to injury, half down in advance in case the venerable community organization either flees the jurisdiction or closes its doors before Dec. 22.

This is bad public policy since it represents a defeat for transparency and public involvement. Southeast Uplift represents 20 Portland neighborhoods – roughly a quarter of the city. I first asked the questions about the street fee's seeming exemption of large road and fuel users on Oct. 21. With fierce determination, a lawsuit, and 35 years of litigation experience, we may see an answer on Dec. 22.

The fundamental question I first asked Fred Miller, the city's chief administrative officer, two months ago, and am still awaiting the answer to, is how can a tax that is focused on street repair exempt the largest road and fuel users? It does seem a bit like a bad practical joke – a tobacco tax that only applies to non-smokers or an alcohol tax that is only paid by teetotalers.

Economists (my day job) prefer "use" taxes as a general rule. There is a good argument that the best way to prevent global warming is to tax carbon users. This would normally mean an additional gasoline

tax. It would not mean an additional tax to homeowners and small business who well might not even own a car or place wear on the roads.

Southeast Uplift was not invited to the street fee discussions and we have not yet proposed a formal position on how the tax should be structured, but we do have questions. I should be clearer. We have a lot of questions. Even clearer. We have a lot of unanswered questions.

The street fee development materials provide few answers. According to the document released on Aug. 21, Portland has no large transportation companies or agencies. FedEx, UPS, TriMet, UPRR, Burlington Northern, Port of Portland? Who owns the 106,000 heavy trucks registered in Multnomah County? Should we be issuing an amber alert?

Humor aside, the proposed tax may well be adopted without a public vote. It is complex, expensive to administer, and there has been almost no explanation where the numbers came from.

So, stay tuned. With luck, Southeast Uplift will report where the missing major road users went in the calculation of the Portland Street Fee. You may not be able to get that question answered at city hall, but your neighbors are working hard to bring you an explanation.

*Robert McCullough, of Eastmoreland, is president of Southeast Uplift.*

## **The Mercury**

### **Housing Advocates Help Push Off Vote on Urban Renewal Changes**

By Denis C. Theriault  
December 15, 2014

The final weeks of 2014 had loomed like a marathon of consequential votes for Portland City Hall: Airbnb and short-term rental enforcement, the Portland Street Fund, rethinking the city's future with the the FBI's Joint Terrorism Task Force, police body cameras, and major changes to some of the city's urban renewal districts (pdf).

A few hearings have come up in recent weeks, and more are planned. But by last week, most of the final decisions on those items had been pushed into January, thanks to some amendments and unanswered questions—and the reality that time, always a precious thing, was particularly scarce because of holiday vacations.

Now comes news that the final item on the preceding list—urban renewal changes—also will be pushed back, to January 21. And when that vote happens, it will likely come only after changes that emphasize the city's ongoing conversation about—and deep struggles to construct—affordable housing for Portland's neediest residents.

That's largely the work of an old-guard housing advocates, who have been loudly troubled that despite an influx of money, the city's housing bureau seemed ready to back off from affordable housing goals in one of those districts: the North Macadam zone that wraps up booming South Waterfront and will include, someday soon, parcels around Portland State University.

It's also because of the city's restive Planning and Sustainability Commission (PSC), which also considered the urban renewal changes but held back on issuing an endorsement to city council. The PSC, meeting last week, also raised concerns about housing. Its chair, Andre Baugh, says the advisory panel instead asked the city's housing bureau to "come back to us with a strategy" on how to meet affordable housing goals. It also hinted strongly that one of the city's main funding mechanisms for affordable housing, setting aside 30 percent of the tax bounty generated by growth within urban renewal areas, is sometimes plainly not enough to keep pace with the demand.

"If housing is important, and it's a priority, and we know we're not meeting the goal," Baugh told me in an interview, "you've got to change the formula and be innovative on how you do that.... How do we increase the funding. That's the major issue. You need more money."

But maybe most consequentially, the delay also sprang from a late-announced shift in the city's political math.

Because his family owns land and concerns in North Macadam, the city's housing commissioner, Dan Saltzman, has received clearance to skip voting on North Macadam revisions to avoid the appearance of a conflict of interest.

Losing Saltzman means Mayor Charlie Hales—who oversees the Portland Development Commission and whose office is driving the policy changes for urban renewal in play here—now needs to court either Nick Fish or Amanda Fritz or both to give his agenda the minimum three votes it needs to pass. That willingness to do business is not surprising. Hales has counted urban renewal changes, scaling them back to put more money back into the city's general fund, among his major policy initiatives. If and when he succeeds, that could become a major talking point ahead of a potential re-election bid.

Given that suddenly opened door, Fish and Fritz have been working on housing-friendly amendments, sources say. And both appear to have found common cause with advocates like Debbie Aiona of the League of Women Voters, former city commissioner Gretchen Kafoury, Susan Emmons of NW Pilot Project, and Margaret Bax, a housing policy adviser for former city housing commissioner Erik Sten.

Fish, like all of those advocates, was especially critical of what had been a plan, since dropped, to formally soften housing goals in South Waterfront. In October, he criticized a memo in which the housing wanted to build just more 72 housing units for people making no more than 30 percent of the region's median family income. That would give it just 114, short of the 166 it pledged to build in 2003.

Housing director Traci Manning wrote in November that she'd be sticking with the 2003 goals, which were already seen as a compromise. (Housing advocates had initially insisted on a higher number of affordable units, not looking at cost but at ensuring that the housing profile in what would become South Waterfront would look like the rest of Portland and not price out lower- and middle-income neighbors.) But a memo released this month, reported on in the Oregonian shows the bureau looking at spending allocations that would see the city fall short of its goals for needy Portlanders while, at the same time, exceeding its target for people earning 30 to 60 percent of the city's median income.

Some of the amendments under discussion may take up that issue. They're also likely to spell out a council mandate for a specific project or two. The PSC also is hoping to craft some kind of policy on what to do when urban renewal areas do better than expected. Right now, extra money is parceled out just like budgeted money: with 30 percent of the bonus revenue also given to housing. The PSC wants to explore spending all or most of any unanticipated revenue on affordable housing.

In email Hales' office sent over the weekend to advocates and city commissioners' offices, policy advisor Jillian Detweiler summed up the timeline that led to the change and confirmed Hales' willingness to embrace housing-forward changes.

The mayor believes there's an opportunity to improve on [an urban renewal advisory panel's] recommendations by addressing concerns about affordable housing," Detweiler wrote. "We will take additional time to do that."

She offered to hold a meeting with one of Saltzman's advisers (since he and his staff still oversee the housing bureau, even if he's not voting on North Macadam, with city housing director Traci Manning, and others who had been part of the conversation.

Detweiler's timeline is below.

- *PDC formed an Urban Renewal Area Amendments Advisory Committee which met in June through October. During that period, an affordable housing subcommittee met and the Portland Housing Bureau proposed changing the affordable housing goals for the North Macadam URA.*
- *On December 1, PDC released a report on the URAAAC's recommendations.*
- *On December 3, Kimberly Branam and I presented the URAAAC report to the City Council. The Council heard considerable testimony about affordable housing goals in North Macadam*
- *On December 9, Kimberly Branam, Javier Mena and I presented the two substantial amendments (to North Macadam and the Central Eastside) to the Planning and Sustainability Commission (PSC). The PSC tabled adoption of a staff report finding that the amendments are in compliance with the Comprehensive Plan. PSC requested additional information about affordable housing and questioned whether the set aside of 30% of tax increment funds for housing is adequate. A letter from PSC will be forthcoming.*
- *On December 11, Tracy Manning of the Portland Housing Bureau provided recommendations for affordable housing goals in North Macadam to Commissioner Dan Saltzman. A copy of that*

*memo is attached. The memo describes that the proposed North Macadam amendments will increase tax increment financing set aside for affordable housing from \$7 million to \$40 million, but notes challenges in meeting all of the goals for affordable housing adopted by the City Council in 2003.*

- *On December 11, Kimberly Branam, Javier Mena and I reported to the Multnomah County Commission on the proposed amendments.*
- *Finally, also on December 11, the Board of the Portland Development Commission approved a development agreement with Portland State University. The Board received briefings on both the URA Amendments and the development agreement with ZRZ, but was not asked to take action on those.*

## **The Portland Business Journal**

### **Portland City Council to explore bevy of biz items this week**

*By Andy Giegerich  
December 15, 2014*

Portland's City Council will tackle a number of issues during three meetings set to take place Wednesday and Thursday.

At least two of the meetings could pack City Hall chambers as the Council rushes to clear its plate before 2014 ends.

Here are some of the marquis agenda items:

- On Wednesday morning, the Council will vote on whether to create the Socially Responsible Investment Committee, which Mayor Charlie Hales has espoused as part of the city's climate change initiatives.
- Also on Wednesday morning, the Council will consider a motion to adopt the state's 2014 Oregon Structural Specialty Code edition.
- At 2 p.m. on Wednesday, Council will dig into the so-called "street fee" proposals. The notions could require businesses and residents to pay more each month in order to help maintain Portland's roads.
- On Thursday at 2 p.m., the City Council will pore over the proposed demolition of the Buck-Prager Building, at 1727 N.W. Hoyt St. The Gerding-Edlen development firm is floating the move as it seeks to build a six-story apartment structure on the spot.
- Finally, at 3:30 p.m. on Thursday, the officials will examine whether to change short-term rental rules that affect such companies as Airbnb.