

The Oregonian

Portland City Council approves confidentiality for arts tax

By Brad Schmidt

March 2, 2016

A divided Portland City Council voted Wednesday to shield from scrutiny the identities of residents who pay – and those who don't pay – the city's controversial arts tax.

The annual, \$35 arts tax has been plagued with problems since its inception, perhaps none more noticeable than its paltry collection rates. As a result, annual collections are far less than the \$12 million that officials originally expected.

Money from the tax helps pay for teachers and non-profit arts programs.

Under rules the City Council approved in 2012, names and addresses of people who pay the tax are a matter of public record. But the City Council voted 4-1 Wednesday to end that practice, a decision that came in response to a public records request from The Oregonian/OregonLive.

Last year, The Oregonian/OregonLive requested a list of residents who paid the arts tax, plus a database of all residents who received an arts tax notice and those who received late fees.

The city initially refused to release the database records for notices and late fees. The Oregonian/OregonLive appealed that decision to the Multnomah County District Attorney, who ordered release.

But the city never provided the records, instead requiring \$1,208 to perform the work.

Mayor Charlie Hales, who oversees revenue office collecting the arts tax, said changing the city's disclosure rules is now appropriate. The arts tax applies to all city residents 18 years and older who live above the federal poverty level and report at least \$1,000 of taxable income.

"This is the right move when it comes to protecting reasonable taxpayer privacy," Hales said.

But Commissioner Dan Saltzman voted against the change. Saltzman said the city has a "problem" collecting money and he sees some value in the media publicly shaming residents who refuse to pay.

Because the tax is flat, Saltzman also said he also didn't think disclosing names would violate privacy issues surrounding individual income.

"I'm uncomfortable with the fact that the District Attorney ruled this information is public record," Saltzman said. "And our response is to come back and amend the ordinance. That just doesn't strike me as being the right approach."

City officials originally projected that 85 percent of residents who are required to pay the arts tax would pay. Instead, rates have been significantly less: 72 percent for 2012, 70 percent for 2013 and 68 percent for 2014.

Collection rates will continue to increase as the city sends more notices for delinquent taxes, said Thomas Lannom, who oversees revenue collections.

"The oldest tax year will likely always have the highest compliance rate because there have been more letters sent and more time to collect than other tax years," he wrote in an email.

Lannom didn't respond to a question about where the public can track annual compliance rates. As of last week, they weren't available on the city's website.

Portland fought water customers for 2 years over 'very small disagreement'

By Brad Schmidt

March 2, 2016

The Portland Water Bureau spent two years fighting with two of its wholesale customers over a funding formula that ultimately will cost the city about \$11,000 a year in lost revenue.

The long-simmering dispute began in 2013 when the Portland Water Bureau changed terms of its agreement to sell some of its water to the Tualatin Valley Water District and the city of Tualatin.

City officials say the standoff was tied not to water guaranteed under contract but instead for a special type of water – interruptible water, which carries a complicated formula for peak water usage during the summer.

Portland's original contract allowed suburban customers to get a discount through the "unintended lowering of peaking factors," Jaymee Cuti, a Water Bureau spokeswoman, said in an email to The Oregonian/OregonLive.

The City Council had been scheduled to vote on the agreement March 9 with no discussion because Commissioner Nick Fish, who oversees the Water Bureau, placed it on the non-controversial consent agenda. But after The Oregonian/OregonLive asked questions, Fish moved it to Wednesday's regular agenda for debate.

"We each, in our own way, tried to do the best we could for our ratepayers," Michael Stuhr, the Water Bureau's director, told the City Council.

Portland officials and wholesale customers had to call in a mediator to help resolve the dispute.

The Water Bureau did not provide specific figures for the impacts to Tualatin and Tualatin Valley because, Cuti said, the changes will create "small effects on the costs of all wholesale customers."

Ultimately, the Water Bureau proposed a billing methodology that could result in revenues of \$50.6 million from all wholesale buyers over three years. Tualatin Valley and Tualatin proposed a plan that would have totaled \$50.3 million.

In the end, Portland will collect about \$33,000 less over three years than the \$50.6 million that city officials originally proposed.

That's .0007 percent, according to the Water Bureau.

"It's a very, very small disagreement," Stuhr said. "And I think very worth it for our relationship with our customers."

Portland, Tualatin and the Tualatin Valley Water District spent \$10,000 on mediation, splitting expenses in thirds.

At the conclusion of Wednesday's hearing, Mayor Charlie Hales praised the compromise. After the agreement is approved by the City Council next week, Water Bureau officials say it may prompt wholesale customers to buy more water from Portland.

"Thank you Commissioner Fish," Hales said, "for bringing peace to the valley."

The Portland Tribune

Drivers to be lowest priority?

By Jim Redden

March 3, 2016

Portland officials are considering a "radical" new ranking of who should be given priority for using city streets.

The new priority list puts pedestrians and bicyclists above TriMet buses, MAX trains and the Portland Streetcar. It places conventional single-occupancy vehicles at the bottom, after taxis and electric vehicles.

The new ranking would be an official reversal of historic policies that favored cars and trucks after the demise of the city's original streetcar system in the 1950s. It is intended to reduce greenhouse gas emissions and encourage walkable neighborhoods.

"The ordered list is a radical change for the community, to say this is the direction we're going," says Dr. Gary Oxman, a member of the Portland Planning and Sustainability Commission.

The list is included in the recommended Comprehensive Plan update the commission approved last year and sent to the City Council for adoption. Oxman spoke to the council about the list during a work session on the update last week. He warned that sticking to the list could anger motorists, and he urged the council to educate the public about it.

"I think we're going in the right direction, but there is some fine-tuning to do," said Oxman, the former tri-county health officer for Multnomah, Clackamas and Washington counties.

Oxman also said the council should prioritize people with disabilities covered by the Americans with Disabilities Act.

Another Planning and Sustainability Commission member, alternative transportation advocate Chris Smith, told the council the priorities were developed to protect the most vulnerable street users and encourage alternatives to single-occupancy vehicles. According to Smith, congestion is going to continue increasing on city streets as the population increases, because there is not enough space to widen them.

“We are not going to increase our lane miles, so as we add people and jobs, we must increase the use of alternative modes,” Smith said.

The Comp Plan — as it is commonly called — is a state-required land-use document intended to guide growth in the city over the next 20 years. The current Comp Plan was adopted more than 20 years ago and does not have such a list. Other city plans adopted over the years favor transit and bikes over single-occupancy vehicles, including the Streetcar System Concept Plan and Bicycle Plan for 2030.

Commissioner Steve Novick, who is in charge of the Portland Bureau of Transportation, explained the priorities are intended to guide those planning future transportation projects. He said it would result in more elevated sidewalks and bicycle paths that are physically separated from streets.

According to Novick, one goal is to encourage Portlanders to walk on trips up to a mile, use bikes on trips up to three miles, and take transit for longer trips.

Commissioner Amanda Fritz was the only council member to question the rankings during the work session. She said transit should be the top priority because everyone can take it, but not everyone can ride a bike. Novick said there are other policies to encourage more transit throughout the recommended Comp Plan update.

A separate proposal prioritizes freight movement over single-occupancy vehicles, but encourages multimodal projects.

The council did not take a vote on the priority list at the work session. The Planning and Sustainability Bureau staff will be directed to finalize amendments to the update following the last work session, which was scheduled for Tuesday, March 1.

After that, the Bureau of Planning and Sustainability, which is staffing the update, will publish a report with the specifics of each proposed amendment in March. The council has reserved April 14 and 20 for public hearings on the amendments, with votes set for April 28.

The council then will vote on the amended Comp Plan update, most likely on May 25 or June 15.

New kings of the road

Proposed priority uses for city streets, in order:

1. Walking
2. Bicycling
3. Transit
4. Taxi/ commercial transit/shared vehicles
5. Zero-emission vehicles
6. Other single-occupancy vehicles

According to the strategy, implementing this prioritization is intended to ensure that:

- The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users.
- All users' needs are balanced with the intent of optimizing the right of way for multiple modes on the same street.
- When necessary to ensure safety, accommodate some users on parallel streets as part of multistreet corridors.
- Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.
- Policy-based rationale is provided if modes lower in the ordered list are prioritized.

The most current information on the Comp Plan update can be found at www.portlandoregon.gov/bps/69938.

THE AIR WE BREATHE: Dangerous contaminants found hovering over the city

*By Paul Koberstein
March 1, 2016*

On a hazy summer day, sometimes you can see toxic substances in Portland's air. In some neighborhoods throughout the year, you can smell them.

Some Northwest Portland residents report they can even taste the metallic tinge that toxics leave on the palate, and they stay indoors to avoid it, even on hot days.

While toxic air can make your daily life miserable, it also can give you cancer, as eastside residents recently learned after revelations of cadmium and arsenic lurking in their air for who knows how long, much of it apparently from two small glass companies.

Over the past two weeks, many residents have been troubled by a series of maps, generated from DEQ data, showing concentrations of various toxics in the air. However, a map created for the Portland Tribune using EPA data on cancer risks, shows that almost every neighborhood has air contaminated by dangerous levels of carcinogenic heavy metals and chemical compounds.

Though that news is bad enough, it gets worse. On Dec. 17, the U.S. Environmental Protection Agency released data indicating that Portland's air-quality problems extend far beyond the neighborhoods near the glass companies.

The National Air Toxics Assessment shows that Portland's airshed is bursting with a toxic stew consisting of dozens of heavy metals and chemical compounds, including 49 that are carcinogenic. The assessment was based on raw data collected in 2011 that took several years for the EPA to analyze and compile.

“There are hot spots here and there, but, generally, there’s an elevated risk throughout the Portland area,” says Kevin Downing, the Clean Diesel Program coordinator for Oregon’s Department of Environmental Quality.

The EPA looked at human health impacts from estimated exposure to outdoor sources ranging from tailpipes to industrial smokestacks. The agency examined the cancer risk from breathing 40 different toxic chemicals found in diesel exhaust — though it didn’t assess the cancer risk from breathing tiny particles of soot from that exhaust. That’s because the EPA, unlike many other health and environmental agencies around the world, has determined there are no health studies that it considers suitable for estimating diesel’s cancer potency.

As a result, critics say the EPA is dramatically underestimating the deadly potency of the nation’s — and Portland’s — air.

Even so, says one of those critics, Portland Clean Air founder Greg Bourget, the EPA data still makes it clear that Portland’s toxic air is dangerous throughout the city, and is among “the worst in the country.”

Portland is a major manufacturing center and, as a port city, a destination for freight trucks, trains and ships. Its hilly geography acts as a mixing bowl that traps the dangerous compounds emitted by industry and vehicles.

Portland also is relatively compact because of its urban growth boundary, so many people wind up living close to industrial and high-traffic areas, says Corky Collier, executive director of the Columbia Corridor Association. Collier says he’s not surprised by the latest EPA data showing widespread toxins in the air over Portland, and suspects diesel emissions are a major factor.

It’s unclear how the air quality has changed since the EPA’s 2011 air sampling. But since the end of the Great Recession, traffic, manufacturing and business activity have increased.

More cancer risks here

Some cancers are caused by genetic factors, but the World Health Organization estimates that half are caused by environmental factors, like air pollution, and are preventable. The EPA estimates that Portland’s air is capable of causing between 26 and 86 extra cancers per 1 million people. In six census tracts near the city center, this cancer rate is worse than 99 percent of the country.

The EPA encourages people to use the results of its assessment “cautiously,” due to uncertainties in the data, limitations in computer models, and variations in data collection methods from location to location. Nevertheless, the database shows that the air in only 58 of the nation’s 3,200 counties is deemed capable of causing more cancer than in Multnomah County. One of them is King County in Washington. The 24 carcinogens detected in Seattle’s air are capable of causing an estimated 166 extra cancers per 1 million people. The nation’s worst air, according to the database, is found in New Orleans, where 39 airborne carcinogens are capable of causing an estimated 826 extra cancers per million people.

The database shows that while the heaviest concentration of carcinogens in Portland's air are found in the downtown area, dangerous levels can be detected in every neighborhood throughout the city. Some of the heaviest concentrations occur along freeways, where diesel trucks belch a brew of carcinogens in their exhaust, as well as downwind from industrial polluters.

The DEQ also has prepared maps of air toxics in the area, though it factors in particulate matter from diesel as a carcinogen. Its maps also show widespread toxic air throughout the city.

Cancer is not the only health concern related to foul air. The EPA detected dangerous levels of another 17 toxics in Portland's air, such as the acrid industrial chemical acrolein, which causes respiratory diseases like asthma. Portland's air also is a dumping ground for low levels of lead, mercury and manganese, each of which can cause neurological and cognitive disorders in children, even at extremely small concentrations.

Neighbors target ESCO

Breathing the air in parts of Portland can be a little like drinking the water in Flint, Mich.

The EPA calculates that about 1,315 pounds of lead is dumped into Portland's air yearly. Much of the lead enters the residential neighborhoods of Northwest Portland, including the Pearl District. The ESCO steel foundry at Northwest 25th and Vaughn Street can dump up to 207 pounds of lead into the air every year under its air pollution permit. Certain fuels and railroad locomotives also are sources of lead contamination in Portland, according to the EPA.

The air in parts of Northwest Portland violates a health-safety benchmark for lead, with unknown health impacts on residents, according to the DEQ. Many doctors believe there are no safe levels of these metals.

ESCO says that its lead emissions stem from recycling old scrap metals, which sometimes contain lead. In the near future, its emissions are likely to go down as the company closes two of its three plants, says company spokeswoman Scenna Shipley. Along with lead, mercury and manganese, ESCO releases 37 different types of toxic air pollution, according to the DEQ, including hexavalent chromium, cadmium and formaldehyde.

From 2009 to 2011, the DEQ attempted to reduce the amount of toxic chemicals in the air through its Portland Air Toxic Solutions project, which identified unhealthy levels of 14 toxic compounds in the city's air. But after a lengthy series of meetings, studies and public hearings, the project failed to find any solutions, disappointing many residents who demanded action.

Residents of Northwest Portland have been fighting a battle against toxic air for at least 20 years. In 2012, a citizen group, Neighbors for Clean Air, led by activist Mary Peveto, reached a Good Neighbor Agreement with ESCO, requiring the company to perform "technological fixes," Peveto says. However, she notes that the agreement did not specify how much pollution ESCO would be required to cut. Neither the agreement nor the DEQ required ESCO to stop emitting lead.

“They wouldn’t tie themselves to a reduction standard,” she says. “They agreed to take technology implementation actions. Then they agreed that we would be able to verify that each of those actions was implemented fully and was meeting intended goals. They would not agree to a number that said we are going to reduce pollution by x amount.”

All of the actions that ESCO agreed to were added to its air pollution permit, which is enforced by the DEQ.

Scenna says ESCO is still working on technological upgrades to reduce air pollution.

“We’re still actively engaged on that front through the Good Neighbor Agreement,” she says.

Chevron targeted

The Northwest neighborhood achieved a more clear-cut victory over pollution in 2001, when two residents, documentary filmmaker Sharon Genasci and her husband, Don Genasci, sued Chevron for releasing massive amounts of toxic vapors from its gasoline storage facilities near the west end of the St. Johns Bridge.

At the time, the DEQ often issued ozone alerts that warned the entire city about unsafe air caused when toxic vapors reacted with the heat from sunlight. These alerts often occurred on days that Chevron refilled its storage tanks with gasoline pumped from river barges. These gasoline transfers from barges allowed massive amounts of toxic vapors to escape. A settlement of the lawsuit forced Chevron and several other gasoline companies to control this pollution.

In addition, the Genascis won a \$75,000 judgment, which they spent on monitoring the neighborhood’s air pollution. This monitoring formed the basis of a concerted campaign for cleaner air that continues to this day.

Sharon Genasci, who investigated the air pollution in an award-winning documentary, “What’s in the Air?” today says the neighborhood’s air seems “just as bad as ever,” despite the ESCO agreement.

Until the toxic air is cleaned up, she adds, Portland’s reputation as a clean, environmentally sustainable city is more myth than reality.

“It’s so ironic, so infuriating,” she says of the recent revelations about carcinogens in Portland’s air attributed to glass companies. “Those are the same emissions we were complaining about 20 years ago, and nobody lifted a finger to help us.”

THE DIRTY 49

In December, the U.S. Environmental Protection Agency released its National Air Toxics Assessment, documenting measurable amounts of 49 carcinogenic substances in Portland’s air.

The multiyear study analyzed air samples from 2011, so some conditions have changed since then.

Here are the cancer-causing toxics the EPA detected in Portland air:

- 1,1,2-Trichloroethane, used in laboratory research
- 1,2-Dibromo-3-chloropropane, a banned pesticide
- 1,3-Butadiene, found in diesel exhaust
- 1,3-Dichloropropene, a pesticide
- 1,4-Dichlorobenzene, a pesticide
- 1,4-Dioxane, an ether
- 2,4-Dinitrotoluene, found in polyurethane foams
- 2,4-Toluene diisocyanate, found in polyurethane foams
- 2-Nitropropane, used in inks, paints, adhesives
- Acetaldehyde, found in diesel exhaust
- Acrylamide, used to manufacture various polymers
- Acrylonitrile, used to manufacture plastics
- Allyl chloride, an alkylating agent
- Arsenic compounds, found in diesel exhaust, ESCO emissions
- Benzene, found in diesel exhaust, ESCO emissions
- Benzidine, used to produce dyes
- Benzyl chloride, a plasticizer
- Beryllium compounds, found in diesel exhaust
- Bis (2-ethylhexyl)phthalate, found in diesel exhaust
- Bromoform, a solvent
- Cadmium compounds, found in diesel exhaust, ESCO's emissions
- Carbon tetrachloride, found in diesel exhaust
- Chloroprene, used to produce synthetic rubber
- Chromium vi (hexavalent), found in diesel exhaust, ESCO's emissions
- Epichlorohydrin, used to produce glycerol
- Ethylbenzene, found in diesel exhaust
- Ethylene dibromide, found in diesel exhaust
- Ethylene dichloride, found in diesel exhaust
- Ethylene oxide, found in diesel exhaust

- Ethylidene dichloride, a solvent
- Formaldehyde, found in diesel exhaust, ESCO's emissions
- Hexachlorobenzene, found in diesel exhaust
- Hexachlorobutadiene, used as a solvent
- Hydrazine, used in specialty fuels
- Methyl tert-butyl ether, found in diesel exhaust
- Methylene chloride, found in diesel exhaust
- Naphthalene, found in diesel exhaust, ESCO's emissions
- Nickel compounds, found in diesel exhaust, ESCO's emissions
- Nitrobenzene, found in diesel exhaust
- O-toluidine, found in diesel exhaust
- PAH/POM, found in diesel exhaust, ESCO's emissions
- Pentachlorophenol, a fungicide
- PCBs, used in coolant fluids
- Propylene oxide, used in polyurethane plastics
- Tetrachloroethylene, used in dry-cleaning
- Trichloroethylene, a solvent
- Vinyl chloride, used to produce pvc

The Portland Mercury

Dan Saltzman Wants To Give Developers A Cheaper, Quicker Path to Affordable Housing

By Dirk VanderHart

March 2, 2016

Commissioner Dan Saltzman says affordable housing needs a FastPass.

As the city council works to solve a housing emergency, and crosses its fingers that Salem will pass an inclusionary zoning (IZ) bill, the city's housing commissioner wants affordable housing projects in two swaths of the city to be able to dodge the sometimes-lengthy scrutiny built into the city's permitting process.

Under an ordinance Saltzman plans to bring before Portland City Council next week, apartments and condos could undergo less stringent review—provided they contain at least

five units, offer affordable housing subsidized by the city, and sit within the Portland's Central City or Gateway districts.

Property in those districts is often subject to increased scrutiny because of design standards embedded in the city code. So when an interested developer proposes building affordable units, the city throws what's known as a Type III review, which Saltzman's ordinance calls "the City's most time-consuming, expensive, and complicated land use review."

These reviews often take between 51 and 90 days, can cost more than \$30,000, and are scrutinized by the city's design commission, which can repeatedly poke holes in the aesthetics and layout of proposed projects. The project might also need to undergo a historic resource review as part of the Type III process.

Saltzman says that shouldn't be necessary in a city that needs to add nearly 25,000 affordable units.

"The Type III design review and historic resource review and approval process creates additional cost and delay, which can be a deterrent to the remodeling and construction of affordable housing units and frustrate efforts to address the City's urgent need for this type of housing," the ordinance says.

In place of a Type III review, Saltzman says qualifying affordable housing projects should go through a less stringent "Type IIx" process, which would largely cut out the design commission and historical review, and leave most of the scrutiny up to city staff. That could slash fees for developers by thousands, though it apparently wouldn't save all that much time. According to the ordinance, Type IIx reviews typically take between 42 and 80 days, compared to the 51-to-90-day range of Type III.

The ordinance is expected to come before Portland City Council a week from today and, if passed, would go into effect immediately. Saltzman's chief of staff, Brendan Finn, says the quick passage is necessary if the city's going to attract maximum interest in more than \$60 million in local and federal funds the Housing Bureau wants to use to subsidize affordable housing.

The proposed ordinance is only a start, by the way. Saltzman is also going to put a resolution before his colleagues that would direct the city's Bureau of Planning and Sustainability to look into ways to "simplify regulations, remove regulatory obstacles, and expedite processes for land use reviews and permits" for affordable housing projects and shelters.

"We're asking them to go further," Finn says. "Dan thinks that housing affordability is an issue that we're going to be struggling with for the next generation."