

The Oregonian

Portland wants to pay for sidewalks with new fee

By Brad Schmidt

March 30, 2016

Portland transportation officials want to strategically build sidewalks – and maybe even pave some gravel roads – with up to \$1 million a year from a new program that the City Council will consider Wednesday.

If approved, the program would allow home builders to put money into a city-controlled fund instead of paying to pave gravel streets or build sidewalks on streets that lack curbs.

The rules would apply only to homebuilders who develop infill projects along those types of substandard streets.

In turn, transportation officials could use the money to build sidewalks where they make the most sense – such as along busier roads that lack them, or routes that lead to schools.

"Better off one main street with sidewalks than dozens of side streets with bits and pieces of sidewalk," said an excited Portland Commissioner Steve Novick, who oversees the Transportation Bureau, three years ago when the concept was first floated.

But the proposed fees aren't cheap: \$600 a linear foot.

For a homebuilder working on an infill-project, that amounts to \$30,000 for a lot with 50 feet of frontage along a substandard road. That would come on top of existing city development charges, which include about \$2,800 for the city's transportation fund.

A homebuilder could still decide to make the required improvements instead of paying into the fund, under the city proposal.

Developers building along such substandard routes were always supposed to pay for street and sidewalk improvements. About 3 percent of city roads are gravel. Some 15 percent lack curbs.

But over the years, transportation officials waived those requirements for about 12,500 builders at their request, according to city statistics.

"We've said for years this is a problem," said Dylan Rivera, a spokesman for the Portland Bureau of Transportation.

Over the decades, the city didn't require improvements that today would be worth an estimated \$375 million worth, Rivera said.

"That's a lot of money," he said.

Wednesday's proposal would help ensure the city receives some money, even if the funding doesn't pay for improvements where a new house is built.

But as for the city's decision to provide 12,500 waivers to builders? It's complicated, Rivera said.

First, a builder would need to challenge the need for street or sidewalk improvements. The city would then evaluate the challenge. In the event that officials agreed, the city would have the right to form a taxing district to pay for eventual improvements – and the eventual property owner would be required to pay because of a deed restriction.

But requiring future homeowners to pay for such improvements is easier said than done. It's rarely happened.

Waivers could have been issued for a number of reasons, Rivera said: hilly terrain, prohibitive costs or a desire to avoid building a patch of sidewalks on a portion of road where none otherwise existed – often called "floating" or "orphan" sidewalks.

If the new program – officially called the Local Transportation Infrastructure Charge – is approved, officials estimate revenues of \$500,000 to \$1 million annually.

But building sidewalks isn't cheap.

In 2014, for instance, the city budgeted money to build sidewalks along about three-quarters of a mile of Southeast 122nd Avenue where none existed. The cost: about \$3 million.

Citing anti-LGBT law, Portland to block employee trips to North Carolina

By Brad Schmidt

March 29, 2016

For the second time in a year, Portland city leaders are making a political statement by preparing a travel embargo against a state deemed to have discriminatory laws.

This time it's North Carolina, where the governor last week signed a law that prevents protections for gay and lesbian residents.

Last year, it was Indiana's "religious freedom" bill.

In both cases, the move would block travel by city employees to those states -- a move more symbolic than tangible.

Other governments have already announced boycotts of North Carolina, including New York and Seattle.

Portland's travel ban is being introduced at Wednesday's City Council meeting. All five members of the council are introducing the resolution, indicating unanimous support.

The City Council plans to join others who "condemn" the "Public Facilities Privacy and Securities Act" and will temporarily suspend travel to North Carolina until the bill is overturned.

The City Council also is calling on civic and business leaders throughout Portland, "who have long been stalwart supporters for LGBTQ rights and against discrimination of any kind, to join us in saying no to discrimination."

The Portland Tribune

Portland blocks travel to North Carolina until discriminatory law is overturned

By Pamplin Media Group

March 29, 2016

Portland's City Council may not allow city employees to travel to North Carolina on business because of that state's new Public Facilities Privacy and Securities Act, which Portland officials say continues discrimination against gay people.

City officials say the North Carolina law forbidding local governments from enacting their own ordinances against discrimination of gay, bi-sexual and transsexual people is "disheartening and frustrating" and pushes the issue of LGBTQ rights "backwards."

In a new resolution added to the City Council agenda Tuesday afternoon, Portland officials say that because the Rose City has a "long history of recognizing that discriminatory practices only serve to weaken communities and tear holes in the fabric of our city," Portland will "stand with the citizens of North Carolina and throughout the country who condemn the 'Public Facilities Privacy & Securities Act.'"

The resolution forbids city employees from using public funds to travel to North Carolina until the new law is overturned.

City commissioners will discuss the resolution during their regular meeting, 9:30 a.m., March 30, at City Hall, 1221 S.W. Fourth Ave. The resolution is the last item on the agenda.

San Francisco bans travel

North Carolina's General Assembly approved the new law, House Bill 2, known as the "public facilities law," during a March 23 special session. It was drafted in response to a February ordinance adopted by the city of Charlotte, N.C., expanding non-discrimination rules to cover sexual orientation and sexual identity. The expanded Charlotte ordinance allowed transgender people to use public bathrooms of the gender they identified as, not the gender listed on their birth certificates.

The new law reversed Charlotte's ordinance and required transgender people to use public facilities for their "biological gender."

The law has touched off a national uproar, and set off alarms among large companies doing business in North Carolina, including Apple, Facebook, PayPal, the National Basketball Association and IBM.

So far, San Francisco and the state of New York are the first to ban travel by public employees to North Carolina.

Ruling could boost Portland police shortage

By Nick Budnick

March 29, 2016

The city is wrestling with how to pay for a recent arbitrator's ruling that could make an existing shortage of police officers worse.

About 10 percent of the city's 903 sworn officers are eligible to retire this year. And the arbitrator's ruling in favor of the union representing Portland police will make leaving the department more attractive, essentially giving a nearly 4 percent retirement bump to those who retire by October.

The arbitrator essentially overturned the heart of a ballot measure proposed by the Portland City Council and approved by voters in 2012, calling it "disingenuous."

The ruling will cost the city about \$40 million over 25 years and potentially add to a staffing shortage that officers say increasingly makes it hard to do their jobs. The bureau already is down about 55 officers, according to a Portland Police Bureau spokesman.

Significantly, the arbitrator's ruling also suggests that future city reforms of the police and fire retirement fund can't be as ambitious, lest they make the same mistake the city did in 2012.

Not only that, but the ballot measure approved now prohibits the independent city retirement fund for police and firefighters from paying the tab. And as a result, the city may have to turn to its own finances, not the Fire & Police Disability & Retirement fund, to pick up the increased costs in a tight budget year.

"The City, however, cannot abdicate its management responsibilities and obligations to the voting public," wrote the arbitrator, Sylvia Skratek. "A collective bargaining agreement is between the City and one of its respective unions. While there are certainly political forces that may attempt to influence negotiations between the parties it is ultimately the agreement struck by the parties that is binding."

The Portland Police Association and its lawyer, Anil Karia, could not be reached for comment. Chief Larry O'Dea declined to comment on the arbitrator's ruling, as did the Portland City Attorney's Office.

The ruling essentially restores an anomaly that voters tried to eliminate in 2012, that choosing to retire at certain periods allows the officer's final base pay for retirement purposes to be based on 27 pay periods, not the usual 26.

Those windows of increased retirement pay hit twice in 2012, as well as once in 2013 and 2015. It will hit twice in 2016 and once in 2017, then won't come again until February 2019, according to the arbitrator.

For just one officer, leaving in April or October 2016 could mean an additional \$60,000 over the next 25 years based on the typical cop's life expectancy, according to the ruling.

In November 2012, Portland voters approved a ballot measure that was billed as modernizing the city's retirement fund for fire and police, while cutting costs. It passed easily, winning about three-quarters of the vote.

But on March 16, arbitrator Sylvia Skratek blasted the initiative as disingenuous and unlawful. And she accused the city of promoting the measure as a back-door effort to overrule previous arbitrator findings.

"The City is now attempting to hide behind a so-called voters' mandate to change the determination of Final Pay," she wrote. "The Arbitrator can find nothing within the information that was put forward by the City to the voting public that clearly delineates how the change would affect long serving police and fire fighters. The emphasis is placed on the \$45 million dollar savings and a decrease in taxpayer liabilities. Human nature in today's volatile political environment leads most voters to support anything that smacks of a tax reduction. To put an issue as important as pension benefits before the voters without a full and honest explanation of the effect of the change is unconscionable."

The city had argued to the arbitrator that it has the same ability to use legislative approved reforms to change retirement pay as does the Oregon PERS system.

But Skratek disagreed, writing that while the state has certain powers to reform retirement benefits, the city does not. The city's argument otherwise "is a significant misrepresentation of the statute," she wrote, adding that the ballot measure amounted to the city "disingenuously attempting to evade its responsibilities and obligations."

In a recent budget hearing, members of the Portland City Council considered possible ways to boost new officer pay as well as other steps to try and combat staffing problems at the bureau.

Since 2009, the number of crime reports handled by Portland officers has climbed from about 190,000 calls to 250,000 calls in the last fiscal year, according to bureau statistics.

A new way to bankroll street improvements

*By Jim Redden
March 29, 2016*

The City Council will consider creating a Local Transportation Infrastructure Charge on Wednesday to help improve substandard city streets.

The charge would apply to subdivisions of residential properties and new single-family construction projects, including those replacing demolished homes. It would supplement existing options for upgrading streets outside new housing developments on dirt and partly improved streets. Some developers pay for sidewalks in front of their new houses, but others attach liens known as waivers of remonstrances to the properties. Roughly 12,500 liens have been issued to date, but they are hardly ever collected, meaning they never finance any improvements.

The Portland Bureau of Transportation believes many developers will pay the LTIC instead of seeking the waiver, which can cost tens of thousands of dollars and take up to nine months to process. The LTIC is estimated to raise between \$500,000 and \$1 million a year.

If the council approves the LTIC, PBOT will work with neighborhoods and other stakeholders to determine where and how the funds should be spent. Bringing all unimproved streets up to current standards would cost \$600 million, so the funds will have to be targeted to achieve any significant results.

The LTIC would be \$600 per linear foot of frontage, although PBOT might adjust it to better reflect actual construction costs. It has been developed by PBOT and a group of community stakeholders, including developers and neighborhoods, over the past two years.

According to the ordinance, approximately 3 percent of the 2,066 miles of city streets in Portland are dirt and gravel, and about 15 percent are under-improved, with some pavement and/or sidewalks, but no street curb.

The Portland Mercury

Hall Monitor: If You Charge It, Will They Pay?

By Dirk VanderHart

March 30, 2016

IT FEELS LIKE a pointless cliché these days to say so, but too many of the city's roads are terrible.

The Portland Bureau of Transportation (PBOT) says nearly 60 miles of city streets lack any pavement at all. Others don't have sidewalks, or curbs, or proper drainage.

And it turns out there's a pretty big reason so many roads still lack these basic improvements: The city often doesn't require anyone to pay for fixes.

Under city code, developers are supposed to provide things like sidewalks and curbs in front of the projects they build. But in at least 12,500 cases over the last two decades or so, the city's let them slide.

That's because developers have found it easy to win something called a "waiver of remonstrance" that pushes the onus for improvements onto the eventual owner of the property. It's up to the city to collect money to make fixes. The city rarely does, if ever.

I learned all of this last week, when PBOT unveiled a project it's been quietly working on to right this untenable situation. The bureau is proposing a new street fee aimed at ensuring that developers pay for the improvements the city needs.

It won't be cheap, either.

An ordinance slated to go before Portland City Council on March 30 would create a new charge developers can choose to pay: \$600 per foot of road frontage for single-family homes they build

on many unimproved roads. Given a typical Portland lot size of 50 feet by 100 feet, that's \$30,000 a pop.

If developers opt for that so-called Local Transportation Infrastructure Charge (LTIC), they'll be free of any obligation to improve roads in front of their projects. And PBOT thinks it's going to be quite popular.

Spokesperson Dylan Rivera says the fee should draw between \$500,000 and \$1 million a year, which would go into a pot that pays for high-priority road improvements around the city. If the charge had been around for the last two decades, PBOT believes it would have generated a whopping \$375 million—enough to fix roughly 63 percent of the city's under-improved roadways.

But there's a big question attached to the new fee: Can it fix the problem?

According to Rivera, it's fairly easy, if time consuming, for developers to get a waiver absolving them of responsibility for fixing up roads. Two-thirds of the people who apply for those waivers win them, in some form or another.

Despite that success rate, PBOT's assuming that developers will gladly fork over \$30,000 or more for the convenience of skipping the waiver process. But evidence for that is hard to find in the historical record the city's offered up.

Essentially, the choice developers will have under the new charge is: pay thousands of dollars more for a project, or apply for a waiver.

That's the same choice they've had for the last two decades. You know, when 12,500 of them won waivers, and the city never saw a dime for road improvements.

But, hey, maybe it'll work.

Everyone's Waiting on Instructions for Cleaning Up the Willamette

By Dirk VanderHart

March 30, 2016

AFTER MORE THAN 15 years, Portland's finally about to receive a detailed chore list for cleaning its river.

At some point in the next few weeks, the US Environmental Protection Agency (EPA) will release a proposed plan for how the city and potentially more than 150 other entities must attack a century's worth of dangerous pollution sitting in sediment at the bottom of the Portland Harbor.

"That, after 15 years, is pretty awesome," is how Kim Cox of the Portland Bureau of Environmental Services puts the anticipation around the plan. It is a very big deal.

The 10-mile federally listed "Superfund" site—stretching roughly from the Fremont Bridge to the Columbia River—encompasses nearly 2,200 acres. Because of decades of industrial activity along the river, a lot of those acres are infected with dozens of nasty acronyms like DDT and PCB that find their way into local fish, birds, river mammals—and potentially humans (mostly via eating fish), where they can pose a cancer risk.

So there are a lot of people anxiously waiting to see what sort of cleanup will be mandated. And, obviously, there are a lot of people eyeing the price tag.

But it turns out you don't have to look too far to get a sense of what the EPA has in mind. Back in November, the agency unveiled its "preferred alternative" for sprucing up the Willamette, in a presentation to a national board tasked with reviewing such cleanup plans.

That option will probably be tweaked before it reappears in April, but it's a good bet whatever the EPA proposes won't be too far off. And it's of vital interest to Portlanders not just because our local fish are splashing health hazards.

The city—which dumped sewage and stormwater into the river for decades—will almost certainly be asked to pay for a segment of the cleanup. That means you'll be asked to pay for a segment of the cleanup (you've already paid millions to study the river bottom).

So what can you expect? Here are some basics of the plan the EPA has signaled it likes:

- **It will be expensive**

The plan will likely cost more than anyone might have guessed when the Portland Harbor was first designated a federal Superfund site back in 2000. At the time, the full extent of the contamination wasn't known. Officials figured it ran for around six miles and that the most extensive cleanup could top out at a little more than \$1 billion.

A lot has changed. Today, extensive sediment sampling [pdf] has revealed the Superfund site is miles longer, and the estimates for cleanup seem to shoot up by hundreds of millions every year. The City of Portland now says cleanup could cost between \$800 million and \$2.5 billion.

The option the EPA likes would nearly split the difference between those two figures. It's estimated that it will be a \$1.4 billion operation that would take seven years to construct.

Who foots that bill will become a heated topic of discussion once the feds finalize a cleanup plan later this year. More than 150 potentially responsible parties the EPA has identified will haggle over how cleanup costs should be split up.

That means it's unclear how much of the burden will fall to the city, or where the funds will come from to pay for it. One possibility: increases to Portlanders' sewer bills.

"It hasn't been decided," Cox says. "We don't know how much, if at all, we have liability."

- **It won't actually do much to most of the harbor**

The plan the EPA likes would leave a whopping 86 percent of the Superfund site—1,882 acres—completely untouched. That's a strategy you might hear described as "monitored natural recovery"—a fancy way of saying that officials are planning on letting new sediment gradually cover the more mildly contaminated parts of river muck on its own.

Not surprisingly, the ratio is unacceptable to the environmental groups who've been obsessively watching the cleanup process.

"We want an aggressive cleanup that gets us toward levels that are considered safe for people and wildlife within a matter of years, rather than a matter of generations," says Bob Sallinger, conservation director for the Audubon Society of Portland. "Nobody expects every square inch of the river is going to be cleaned up, but the option they're considering is very weak."

Sallinger and Travis Williams, executive director of Willamette Riverkeeper, favor other options the EPA has in its toolkit—chiefly dredging, which involves digging up toxic sediment and either treating or disposing of it. The EPA's preferred plan would dredge only 167 acres of river bottom, much of it just north of the St. Johns Bridge.

Another option, capping, involves topping toxic muck with sand, gravel, or other materials to reduce contact with contaminants. The EPA's preferred plan would cap 83 acres of river bottom.

Once the proposed cleanup plan is released, entities will begin debating how best to line up these options. Sallinger and Williams will certainly argue for far more extensive cleanup—including, potentially, dredging up to 1,400 acres. Don't be surprised if the Lower Willamette Group, a coalition of 14 polluters including the City and Port of Portland, argues that more dredging and capping will produce negligible benefits at a sharply increased price.

"There's certainly a point where you can throw a lot more money at the project, but you won't get appreciable reductions in actual risk," says the group's spokesperson, Barbara Smith. "It's a 2,000-acre site, and not every acre is contaminated like the next."

- **It might involve a toxic waste dump on the riverbank**

At least initially. For years, the EPA and Lower Willamette Group have had their eyes on sites that might be suitable spots to dump contaminated muck and isolate it from the wider river.

The good thing about such a plan: It'd probably be less expensive than shipping the waste to a disposal facility, and there are several areas of the river that might work—like a polluted slip in the Port's Terminal 4, a little less than two miles north of the St. Johns Bridge.

The bad news: Neighbors hate the idea of putting a waste repository along the riverbank, even if it would be covered with an enormous amount of clean dirt. There are also concerns about how safe the facility would be in an earthquake.

Nevertheless, the EPA has signaled it will suggest a waste site on the river, if only to stake a position it can later walk back as a bargaining chip.

"They're going to go with Terminal 4," Williams says.

This brings us to a final important point.

- **This could all change**

That's why it's important to pay attention to this hugely complex issue. If you don't like what the EPA unveils—because it's too kind to industrial polluters, or potentially too costly to taxpayers—Portlanders are able to make their voices heard.

For two months following the release of the cleanup proposal, there will be information sessions and the opportunity to lodge your opinion. You can bet the EPA's list of potentially responsible parties—outfits like Siltronic Corporation, ExxonMobil, and Kinder Morgan—will be offering theirs.

Williams of Willamette Riverkeeper is optimistic about what this input process can achieve. He thinks the EPA would like to press for more cleanup. That's just hard to do when cost-conscious industrial polluters are the ones making the most noise.

"They are hoping," Williams says, "that we can push them to a better option."

The Daily Journal of Commerce

Affordable housing project OK'd by City Council

By Garrett Andrews

March 30, 2016

The Portland City Council voted 4-0 last week to authorize a \$3.2 million Community Development Block Grant to help pay for an affordable housing project that will serve people with mental illness.

Construction is expected to start on the Park Hill Apartments next month, two years after the project was first conceived, said Sean Hubert, chief housing officer for Central City Concern.

Commissioner Nick Fish, before casting his vote, told project managers "congratulations to all of you."

"I think we could subject this one to two weeks of due diligence, and we wouldn't find one reason to criticize it," he said of the project.

The \$10.8 million development in the Lair Hill neighborhood will feature 39 residential units, including 14 reserved for households earning up to 30 percent of the area median income. The others will be set aside for households earning up to 60 percent of the area median income. Eight of the total will serve as independent living units for people with severe mental illnesses. Priority for leasing the remainder will go to people who have completed Central City Concern courses and attained employment through the nonprofit's Employment Access Center.

The project is being developed by CCC, with Gerding Edlen as the project manager. CCC is providing \$200,000 for the project, and will operate the housing following completion.

The project is receiving financial assistance from a number of sources, including the state's Addictions and Mental Health Services (\$2 million) and the U.S. Department of Housing and Urban Development. Home Forward is providing 10 Section 8 vouchers.

Due to its location, the development was exempt from design review. The site at 110 S.W. Arthur St. was considered as a possible location for the Right 2 Dream Too homeless camp.

The two months the project spent in permitting was much less time than expected, Gerding Edlen senior project manager Sarah Zahn said.

The Portland Business Journal

Portland considers North Carolina travel ban as state faces LGBT fallout

By Andy Giegerich

March 30, 2016

Portland's City Council is expected to approve a measure that would suspend any city employee from traveling to North Carolina.

The resolution, introduced by all five City Council members, comes after that state passed controversial laws related to sexual preference and identity. The "Public Facilities Privacy & Securities Act" has sparked similar protests from businesses nationwide.

The resolution "declares support for the citizens of North Carolina and those throughout the country" who have condemned the act. Portland would "temporarily suspend any public employee from travelling to ... North Carolina for city purposes" until the Act is overturned.

The Council also called on civic and business leaders to join it in condemning the North Carolina measure.

At the same time, 80-plus prominent CEOs, including Intel's Brian Krzanich, signed a Human Rights Campaign letter calling for a repeal of the new laws. Intel employs more than 18,000 workers in Hillsboro.

Facebook's Mark Zuckerberg and Microsoft President and Chief Legal Officer Brad Smith also signed the letter.

Several groups in North Carolina have also filed suit over the measure.

The issue arose after Charlotte's city council passed an LGBT nondiscrimination ordinance in February calling for equal treatment in public places. Among other provisions, it allowed people to use men's or women's restrooms based on the gender with which they identify.

The state's legislature subsequently passed a law that prohibits similar measures anywhere in North Carolina while also mandating no local governments can raise the minimum wage or create separate protections for LGBT employees.

The Business Journal took a look earlier this week at how 10 prominent local companies fare in terms of workplace protections. Each of the local companies in the Human Rights Campaign study has at least one stated protection for employees based on their sexual preference or identity.

Other companies with strong Oregon presences, including Bank of America, also logged perfect scores in the index.