

The Oregonian

Portland Will Fill Potholes, Level Out 50 Miles of Dirt Streets – But No Paving

*By Andrew Theen
January 7, 2019*

When friends visit Amy Charbonneau's house in Southeast Portland for the first time, she makes sure they ignore the GPS.

The computer directs drivers to take Southeast 60th Avenue onto Harney Street. But that end of Harney – an unpaved road in the middle of the city -- is like a pock-marked lunar landscape.

"I just tell people don't even bother," she said. "It's just terrible."

That will soon change.

On Monday morning, Charbonneau's Brentwood-Darlington neighborhood turned into a construction zone and a miniature city transportation news conference. Portland was taking charge, city officials said, and leveling out Harney Street and filling in its cavernous potholes.

"You have finally been heard," Portland Commissioner Chloe Eudaly said as equipment roared behind her, turning the unpaved road into a level street suitable for pedestrians, cars and bikes.

But the gaggle of transportation leaders assembled weren't overseeing a paving program for the nearly 60 miles of dirt roads in Portland's mid-city neighborhoods. Instead, they were there to watch crews level out a small section of an unpaved street, then add a new layer of gravel to make it smoother and passable.

Portland is trying to draw attention to its modest effort to level out and fill potholes on this stretch of Harney and throughout town. Work began quietly in November, but residents on affected streets have been notified.

All told, about 50 miles of unpaved streets will get level ground, no potholes and a promise to return in three years.

But about 10 miles of the city's unpaved streets are not even suitable for such treatment. The city says that's because they are in steep Southwest Portland, have trees in the middle of the road or are infrequently used or maintained by private businesses.

Officials took pains Monday to say they weren't maintaining streets like Charbonneau's. They pitched the gravel program as a "free service" to homeowners. After all, city policy states adjacent property owners are responsible for the unpaved streets. Only if the streets are paved and brought up to city engineering standards will the city formally accept responsibility and take over maintenance duties.

But paying to pave your own street is not practical for most Portland neighborhoods, let alone underserved areas where, because of the state's tax system, neighbors may pay higher property taxes than gentrified inner Portland neighborhoods.

On dozens of streets like Charbonneau's, however, neighbors have been doing what they can, in lieu of banding together to finance multi-million-dollar paving projects from private construction firms.

That means leaning on you neighbors. Most pay to fill potholes on their own dime and make the street navigable. Because neighbors maintain it on their own, Charbonneau said, it's been fine in front of her home. "But down there," she said nodding toward 60th, "Oh Lord, it's bad."

Residents got together a few years back to discuss if they could find a way to pave their section of Harney.

"We would all have to take out a loan, and it was far too expensive," she said.

She's pleased Portland is taking steps to improve the road. It's better than nothing.

"But wouldn't you want to pave it, to improve everybody's property values and improve the city?" she asked during an interview with The Oregonian/OregonLive. "I would think they would want to put the money into a final solution."

Chris Warner, Bureau of Transportation interim director, said the leveling and graveling program would cost about \$1 million to \$1.5 million, with money coming from the city's share of the record \$5.3 billion statewide transportation package passed in 2017. The city will put its summer paving crews to work in the winter to use existing staff.

Warner, who worked on this same issue as chief of staff to then-Commissioner Steve Novick, said surveys of homeowners on gravel streets showed neighbors in east Portland in particular were frustrated. Before Portland annexed these east Multnomah County neighborhoods in the 1980s, those homeowners said the county would grade and gravel the streets. Warner said he "didn't know why" that didn't continue under city control.

"We don't keep a maintenance record on these unpaved roads," he said.

According to the city's own records, a residential task force asked the city in 1988 to "offer more flexible less costly street standards."

On Monday, a Brentwood Darlington board member called the gravel project "essential maintenance" in the long-neglected neighborhood.

Portland estimates it would cost \$6.3 million per mile to pave gravel roads and add sidewalks.

That's a cool \$315 million to improve all of the roads being treated by the city's gravel service.

There are 200 more miles of paved roads without curbs or sidewalks. Those streets are all around Charbonneau's home, and in large swaths of Southwest and east Portland. Adding curbs and sidewalks to those streets would cost more than \$1 billion.

Portland will start with leveling out streets south of Division on the east side, then move north of Division. The third year it will move to the westside.

Eudaly, who recently was assigned to oversee the Transportation Bureau, wondered -- who knew how exciting gravel could be?

"This neighborhood has made the best of the giant pond that was in the middle of it, but I think they're ready to actually use this road as it was intended," she said.

Intruder Pulled Martial Arts-Type Knife Before Portland Police Officer Shot Him, Tenant Says

By Maxine Bernstein

January 7, 2019

Desmond Pescaia wasn't feeling great and had been looking forward to a relaxing day at home Sunday.

But sometime between 12:30 p.m. and 1 p.m., a stranger started banging on his front door.

Pescaia's peace-and-quiet soon turned to horror as the man wound up shot on the floor of his home, fatally wounded by a Portland police officer who was trying to arrest him.

Pescaia had opened the door to find the man on his doorstep, dressed in a blue shirt, khaki pants, socks but no shoes with a multicolored blanket.

The man told him that "some guy named Ernest" had directed him to the house to get help. The stranger claimed someone was after him, trying to kill him. He also told Pescaia he had been released from a hospital.

Pescaia gave the man some water as he waited outside. Pescaia also offered him \$10 to catch a MAX train and to get something to eat, but the man didn't oblige. Pescaia told the man he needed to go, then closed the door.

About 15 to 20 minutes later, Pescaia looked out and saw the man sleeping on the front stoop right outside his door under an awning.

Pescaia contacted his landlord, Lidiya Omelchenko, who lives next door, and she advised him to call police. She also called police.

Pescaia told a 911 dispatcher that he asked the man three times to leave his property but now the man was sleeping on the front porch.

"I just wanted police to have him trespassed from here," Pescaia said Monday.

According to Portland police, an East Precinct officer responded about 2 p.m. to a report of an "unwanted person" at the home in the 9600 block of Southeast Market Street. They later identified the officer as Consider Vosu, who has been with the Police Bureau for a year and 11 months.

Pescaia said the uniformed officer arrived about 10 minutes after his call.

Once Vosu pulled up in a marked car, the man on the porch started pounding again on Pescaia's front door. The man was shouting that he wouldn't go with the officer because he had a fake badge, Pescaia recalled.

Pescaia said he grabbed a walking stick and threatened the stranger, still outside.

"I tell this kid you need to leave or I'm going to beat you with it," said Pescaia, who at 50, is about 6 feet tall and 280 pounds. Pescaia described the stranger as a young African American man, about 6 feet tall and thin. Police said the man was 36 years old but haven't yet released his name.

The officer, now at the base of the front stairwell outside Pescaia's home, advised Pescaia to put down the walking stick because he didn't want to have to arrest him as well. The officer also

advised Pescaia to close the door and that he'd handle it, but Pescaia remained in the doorway with the door open.

When Pescaia put down the stick, he said the stranger burst through the front door and into the home.

Vosu followed and started to wrestle with the man in the front living room, Pescaia said. Vosu was on top of the man trying to turn him onto his stomach to place handcuffs on him. Pescaia said he stood nearby, trying to help.

Then the stranger broke loose and kind of kicked the officer backward and into the rear bedroom, Pescaia said.

The man started coming toward Vosu, who remained in the back bedroom. Pescaia said he tried to hold the intruder as Vosu ordered the man to stand down. Vosu told the stranger that he would use his Taser if he didn't follow orders, Pescaia said.

Shortly after, the officer fired the stun gun.

The stranger fell onto the floor at the doorway between the living room and bedroom, but the Taser didn't stop him for long, Pescaia said.

"He goes down and starts right back up, yelling ain't no Taser was going to stop him," Pescaia said.

At some point, the intruder pulled out a martial arts-type throwing knife and ran toward the officer, the tenant said.

Vosu, still in the back bedroom, this time fired three shots from his handgun -- "at close range," Pescaia said. He estimated the stranger was less than 2 feet from the officer.

"All I heard was 3 pops," said Pescaia, who was standing in the living room. He saw the stranger fall on his back at the entry to the bedroom and a knife fall to his right side. The knife had double blade, he said. Police later said they seized a knife found inside the home as evidence. They released a photo of it that shows a 3 1/2-inch blade.

"I ran outside, and I was dry heaving," Pescaia said. "'I thank God I wasn't shot."

Vosu had requested backup, but the shooting occurred before any backup arrived, police said. The officer alerted emergency dispatchers that he had fired shots and a man was injured.

The man was taken by ambulance to a local hospital, where he was declared dead, according to police.

Pescaia said he sat in a TriMet bus for about six hours outside his house as he was interviewed by a homicide detective and spoke to a police chaplain.

"All he had to do was leave," Pescaia said of the stranger. "I think he was hopped on something."

Pescaia said he's struggled with drug and alcohol abuse in his own life and was tempted to grab a bottle of vodka or whiskey Sunday night to deal with his anguish but didn't. When he returned home, he found one of the officer's bullets had pierced the rose-decorated wallpaper in a corner of his living room.

Pescaia said the officer's actions were justified.

But the deadly outcome haunts him, he said.

"Why me? Why this? Could I have done more? Could I have done better?" he said he keeps asking himself. "It's really overwhelming to know I had 40 officers on my side to take care of this" once the officer radioed that shots were fired.

"At the same time, I really don't know what more I could have done," Pescaia said.

Police Chief Danielle Outlaw and Mayor Ted Wheeler responded to the scene Sunday. Vosu has been placed on paid administrative leave under standard police policy. Police will identify the man after relatives are notified, they said. An autopsy has been completed.

It was the first fatal shooting by Portland police this year.

"Based on witness statements and physical evidence, detectives believe the officer deployed his Taser," police said in a news release Monday. "Detectives believe the Taser was not effective and the officer then fired his duty firearm, striking the suspect."

The Police Bureau remains under a federal settlement reached after a U.S. Justice Department investigation found officers often used excessive force against people with mental illness. In 2018, Portland police shot and killed three people and wounded two others in confrontations.

The Portland Tribune

City's Infill Plan Faces Legal Challenge

By Jim Redden

January 8, 2019

Neighborhood group says council violated land use planning laws, City Attorney's Office denies it.

The Portland City Council is on track to consider the most ambitious plan to encourage additional housing in single-family neighborhoods in the nation.

But, as the appointed Planning and Sustainability Commission prepares to refer the plan to the council, the process is under a legal attack. The Multnomah Neighborhood Association is challenging it at the Oregon Court of Appeals. The association believes the council violated state land use planning laws and city rules when it approved a policy encouraging so-called missing middle housing late in a lengthy land use planning process that concluded in 2016.

"The missing middle housing policy was adopted as an amendment at the last minute in a multi-year process of producing the 2035 Comprehensive Plan," says James Peterson the association's land use committee chair. "It is extremely far reaching and it should not have been adopted without the due process guaranteed by Tom McCall's historical Senate Bill 100, the foundation of Oregon's land use decisions."

The City Attorney's Office declined to comment on the appeal because it is pending, but has previously argued the council did nothing wrong.

The rezoning is based on the findings of the Residential Infill Project being undertaken by the Bureau of Planning and Sustainability. The current recommendations would rezone 96 percent of single-family neighborhoods to allow as many as four housing units to be built on virtually every lot. It would allow duplexes, triplexes and four-plexes to be up to 1,000 square feet larger than a single-family house.

That is more ambitious than the plan to rezone single-family neighborhoods recently adopted by the Minneapolis City Council that is being hailed as the biggest move by any city to address the affordable housing crisis. That plan would allow only up to three units per lot, and duplexes and triplexes could not be larger than single-family houses, however.

The current infill project recommendations are even more ambitious than what the Portland council previously called for. The comprehensive plan update approved in June 2016 included a policy to encourage missing middle housing within a quarter mile of designated centers, transportation corridors with frequent service transit, and high-capacity transit stations. The policy also called for "a scale transition between the core of the mixed use center and surrounding single-family areas."

When the project staff first mapped those proposed changes, only 60 percent of single-family neighborhoods would be rezoned. Parts of East Portland were intentionally excluded because they do not have enough infrastructure — streets, sewers, water lines and schools — to support that much additional development.

But an economic analysis conducted of that version concluded it would create little additional housing over the next 20 years. In response, the commission directed the staff to study rezoning nearly all single-family neighborhoods and offering size bonuses for new duplexes, triplexes and four-plexes. The new Johnson Economics analysis released in early December concluded those changes would result in almost twice as many new homes being built in Portland over the next two decades, although most will be smaller rental units.

The commission is scheduled to approve the plan on March 12, sending it to the council for a series of hearings and a final vote this summer. Oregon House Speaker Tina Kotek (D-Portland) also plans to ask the 2019 Oregon Legislature to require all larger cities to adopt such changes.

The current project recommendations are being praised by affordable housing and smart growth advocates, who say it will encourage a greater variety of more affordable housing throughout the city, including in the most desirable parts of town, where relatively few people can currently afford to live.

Opponents say it will destroy the character of many city neighborhoods without any guarantee that much truly affordable new housing will be built. The Johnson Economics report estimates the average rent of the new units at \$1,823 per month.

The Multnomah Neighborhood Association challenged missing middle housing policy when the Comprehensive Plan update went to the state Department of Land Conservation and Development for approval, as required by state land use planning laws. .

The update was upheld on appeal by the appointed Land Conservation and Development Commission. The association then retained Portland-based land use attorney Michael Gelardi and appealed that decision to the Oregon Court of Appeals, as allowed by state law.

The appeals court is in the process of determining which issues can be considered in the appeal. Gelardi and the City Attorney's Office are filing briefs on the matter. It is unclear whether the court will rule before the council considers the rezoning plan this summer.

City Hall Update: Grant Will Aid Those Displaced By MAX

*By Jim Redden
January 8, 2019*

Plus, parasite found again in Bull Run water and constructive dialogues program launched.

Because the planned Southwest Corridor MAX line is expected to displace low-income households between Portland and Tigard, both cities are offering a one-year, \$100,000 grant to form a community-based group to help organize such residents around anti-displacement strategies.

The funding is available through the Equitable Housing Strategy adopted by Portland, Tigard and Metro, the elected regional government that is planning the project. Applications are due by Jan. 22, the funding decision will be made on Jan. 29, and the money will be available in February.

To learn more and apply, go to www.portlandoregon.gov/bps/article/707693

Parasite found again in Bull Run water

The return of rainy weather has been accompanied by an increase in cryptosporidium detected in water from the Bull Run Watershed.

In December alone, crypto — as the potentially disease-causing microorganism is commonly called — was found in samples taken on at least six separate days. The parasite is found in animal feces. The Water Bureau says the strains being found do not harm humans.

The Portland City Council has approved the construction of a filtration plant to remove crypto and other contaminants from Bull Run water. It is being required by the U.S. Environmental Protection Agency and Oregon Health Authority, and is expected to be completed in 2027.

You can track the findings at www.portlandoregon.gov/water/article/628763

Constructive dialogues program launched

The Office of Community and Civic Life is launching a Constructive Civic Dialogues program to train volunteers to identify and diffuse potentially divisive situations in their neighborhoods.

The free program includes more than 70 events from January to June co-sponsored by five community partners. They are intended to help participants learn about different communities and gain conflict resolution skills.

The office, formerly known as the Office of Neighborhood Involvement, also is continuing to conduct an online survey about civic engagement. You can learn more at www.portlandoregon.gov/civic/60549

Willamette Week

City Commissioner Chloe Eudaly, a Leading Backer of Rent Control, Calls Proposed Concepts for a State Bill “Disappointing”

By Rachel Monahan

January 7, 2019

Eudaly ran on rent control. Now she's saying she wants to preserve Portland's ability to limit rent increases.

City Commissioner Chloe Eudaly ran for office on a platform of instituting rent control in Portland.

Once elected, she quickly pivoted, and accepted that the Oregon Legislature would need to act before rent control could be instituted in Portland.

Now as the Legislature is moving closer to instituting a limit on how fast landlords can raise the rent, she has weighed in, criticizing the written concepts for a bill.

As WW reported last week, the Legislature's leadership has reached a specific proposal. They've settled on a cap of 7 percent plus inflation and will require landlords to provide cause for evictions after the first year in a unit.

Eudaly took to Facebook to declare she's not satisfied with that number.

"It was 5% when I first heard about it. This is disappointing," Eudaly posted in Facebook comments on a tenants advocates' page.

Eudaly added that her biggest concern was discussions that the new state limits would eliminate local rules—like the Portland requirement that landlords pay tenants' moving costs in many eviction cases.

"If they want to set a minimum for [relocation costs] and a maximum for rent increases statewide but allow local jurisdictions to set their own standards above or below that would be fine," she added further in a comment thread. "Anything else is interfering with local power and it needs to stop."

In the comment thread, she boldly says: "stay tuned."

But in a statement to WW, she was more measured:

"The overall policies proposed by Speaker Kotek are a step forward for Oregon; however, my primary concern is maintaining our relocation policy in Portland. I plan to connect with the leadership in Salem to discuss next steps before moving forward."

Gov. Kate Brown (D) has signed onto the concepts outlined last week.

"The Governor's team is comfortable with the framework of this concept, but needs to see the particulars of a bill to understand whether it hits the mark in balancing the needs of the vulnerable who struggle with housing instability today and accelerating the growth of Oregon's housing supply to meet the needs of our growing state," Brown spokeswoman Kate Kondayen tells WW.

A coalition of tenant groups, the Stable Homes for Oregon Families, is also supportive.

"Oregon's lack of tenant protections are devastating children and families," Felisa Hagins, political director of SEIU Local 49, in a statement for the coalition. "Our coalition-over 70 plus organizations strong, representing tenants, landlords, housing advocates, labor unions, education and health professionals, and businesses-supports the protections outlined in this bill. While we haven't the full bill text, we're supportive of the policy outline we've seen. Tenants deserve at least this level of protections.

"We've been working to pass tenant protections for years," she added. "We cannot wait any longer."