

## The Oregonian

# Portland developer of city-owned apartment complex surprised roof failed so soon

*By Everton Bailey Jr.  
December 4, 2019*

The developer of a Southwest Portland apartment complex owned by the city that gave top-floor residents three days' notice to leave their homes because of a failing roof said he wasn't aware of any issues and that he's "chagrined" by the situation.

Jim Winkler, president of Winkler Development, said Wednesday that the city hasn't contacted him about problems with the roof at the Headwaters Apartments and wasn't aware of any until he read about it in local news reports. He said he reached out to officials involved in the construction and learned they weren't aware of any concerns either.

Winkler, whose development work includes Adidas' North American headquarters in North Portland, acknowledged that needing to replace the roof of an apartment complex that opened in 2007 is "highly unusual."

"I don't know what to say and unfortunately I just don't have any information," Winkler said. "This is all very surprising."

Randy Williams, a vice president and chief financial officer for Portland-based R&H construction, the general contractor for the apartments, declined comment Wednesday, saying his company only recently became aware of the roof issues and that he is trying to get more information.

Residents of 22 apartments in the four-story, 100-unit complex were notified Nov. 24 that they would have to leave their homes by Nov. 27 — the day before Thanksgiving — because of concerns the roof was deteriorating and might not withstand potential snowfall. City housing officials haven't specified what's wrong with the roof, but they said damage was first spotted during a routine inspection in August and more examination led to the city learning on Nov. 21 that the roof needed to be replaced.

The city estimates it could take nine to 11 months to be fixed.

The apartments are designated for tenants who earn between 80% and 100% of the area's median income. According to federal data, that range for a Portland-area one-person household in 2019 would be \$49,280 to \$61,530 and for a four-person household would be \$70,320 to \$87,900.

The city is paying temporary relocation fees for displaced tenants, including hotel stays and storage costs, said Martha Calhoun, a Portland Housing Bureau spokesperson. City staff is also helping residents find more stable housing. She said fourth-floor tenants won't be charged rent for December or the last week of November and will have their security deposits refunded.

Most displaced tenants have been placed in extended-stay hotels, Calhoun said, and some are staying with family and friends. She said she didn't know how much has been spent so far in relocating residents.

Calhoun said Wednesday that city officials are expecting displaced residents to get permanent new housing within around 30 to 45 days. For residents who plan to return to Headwaters, the city plans to cover the differential between their Headwaters rent and any higher rent they are charged for a similar unit while away, Calhoun said.

Tenants who don't return will receive a lump-sum relocation payment. Residents on the remaining three floors are not in any apparent danger and haven't been required to move, Calhoon said.

One displaced resident who spoke to The Oregonian/OregonLive on Wednesday described the short-notice move as "awful" and said that she didn't know what her next steps would be. She declined to be identified because she said she was concerned of possible repercussions.

Darby Yandell lived in the Headwaters Apartments for about five years and said having to leave her home didn't negatively impact her Thanksgiving plans.

She said she left her apartment that Wednesday, telling city officials that she wanted to figure out hotel accommodations on her own. She stayed in a downtown Portland hotel for four days, paying for one night out of her own pocket which she said the city plans to reimburse her for. She was able to find a new apartment in Southwest Portland near Beaverton in the meantime and moved in on Sunday.

All of Yandell's belongings remained in her Headwaters unit until the weekend, she said. Workers packed all her things for her and movers transported her items from her old apartment to her new one. She said the new place costs \$275 more but her first month's rent was waived.

Yandell, 31, estimated around 30 people had to be relocated and that most weren't happy about the circumstances during a meeting held the Sunday when they all were notified. Some tenants were out of town and didn't find out until later, she said.

"I truly feel that everyone who helped me move did everything they could to make me feel comfortable and taken care of, but I was in a position that I didn't have to rely entirely on them," said Yandell, who works as an accountant. "But there's a lot of questions, like why is the roof bad?"

## **Appeals court throws out stalking order Chief Danielle Outlaw obtained against Portland cop watcher**

*By Maxine Bernstein  
December 4, 2019*

The Oregon Court of Appeals on Wednesday threw out the stalking order that Portland Police Chief Danielle Outlaw obtained two years ago against Oregon cop watcher Eli Richey, finding insufficient evidence of repeated unwanted contact or violent threats.

In December 2017, then-Multnomah County Judge Adrienne C. Nelson granted Outlaw an indefinite stalking protective order against Richey.

Outlaw at the time took the witness stand and said she was alarmed and intimidated by Richey's behavior, describing how he followed her and filmed her on Dec. 8, 2017, while she was walking from City Hall back to her office in the Justice Center while she was on duty. Two days later, she said Richey followed her to her car in the parking garage of the downtown Safeway grocery store while she was off duty with a family member. He filmed her personal car and its license plate as she drove off and posted the video on his YouTube site.

Richey argued that he has the right to film the chief while she's on duty and in uniform and said he was "nonaggressive" and stayed at a reasonable distance in both December encounters. He

argued that the two incidents cited don't rise to the level of alarming an individual or warrant a stalking order.

The state Court of Appeals reviewed video that Richey filmed of his encounters with the chief.

To obtain a stalking protective order, state law requires two or more unwanted contacts with someone within a two-year period and that each gives rise to "objectively reasonable alarm" that would cause "apprehension or fear resulting from the perception of danger."

Further, any speech-based contact would rise to an element of stalking only if it "constitutes a threat," according to the Oregon Supreme Court. The state's high court defined "threat" to mean any communication that instills a "fear of imminent and serious personal violence from the speaker" and is "objectively likely to be followed by unlawful acts."

The Court of Appeals found Outlaw's two encounters with Richey "involve expressive communication and nonexpressive conduct that fail to meet the respective standards for causing objectively reasonable alarm," according to its 24-page ruling.

During the first encounter, the Appeals Court found Richey shouted a name, acronym or "something like Nazi" and "wheel of fortune" from across the street at the chief, who was with two other officers. When the chief crossed the intersection, Richey raised issues of traffic safety and policing while filming Outlaw, who was in uniform, on duty and on a public sidewalk outside Central Precinct.

Although the chief may have found it "concerning that (Richey) was 'screaming' from across the street and he 'wasn't whispering' or 'speaking in a normal conversation[al] voice' after she crossed," nothing Richey said threatened violence, the court ruled.

The court noted that the encounter was brief and occurred "in the bustling downtown of a sizable urban area in broad daylight."

Outlaw failed to show how Richey "trailing a city block and then walking in front of her as he filmed would reasonably 'cause apprehension or fear resulting from the perception of ... a threat of physical injury,'" Judge Joel S. DeVore wrote for the Court of Appeals.

"The encounter involved the sort of peaceful and lawful exchange that officials in positions like petitioner's commonly face and expect in going about their work," the opinion said.

During the interaction at Safeway, Richey kept several feet of distance from the chief and neither what he said nor his actions gave rise to "objectively reasonable alarm," the court found.

Although Richey approached the chief while she was off duty, "he was engaging with her public persona, addressing her by her formal title. The record contains no evidence to suggest that (Richey's) presence was unlawful, and (Richey) did not follow petitioner beyond the Safeway store or otherwise indicate an intent to further intrude into her private life."

The chief had argued that his actions were alarming in light of his past activities and his alleged "fixation" with her. She also noted that Richey had posted a video online that captured part of the license plate on her personal car.

But the Appeals Court found that none of Richey's videos contained or espoused threats of violence. While the bureau's criminal intelligence division has found Richey's behavior "bizarre" or his presence as a cop watcher who films officers "distracting," no one has alleged he's committed a crime or caused harm "beyond mere annoyance," the court ruling said.

While the court said it recognizes "vigorous advocacy of conflicting viewpoints may create feelings of anger, fear, annoyance or loss of control" to a police chief or similar public officials,

a stalking order is warranted only when actions or speech involve a threat or fear of imminent and serious personal injury.

Attorney Jesse Merrithew, who represented Richey in the appeal, said, "I think the court got it right. This was not the kind of conduct that warranted a stalking order." Richey had represented himself in Multnomah County Circuit Court when the chief sought the order.

Lt. Tina Jones, a spokeswoman for Outlaw, said, "The Chief will be meeting with the City Attorney's Office staff to discuss next steps."

## **Portland-area students will walk out of class Friday as part of national climate strike**

*By Eder Campuzano  
December 5, 2019*

Portland-area students plan to walk out of class Friday for the second time this school year to urge their local governments to take action on climate policy.

The demonstrations are part of a national strike organized by the activist organization Sunrise Movement, which has gained attention in the last year for mobilizing young people and for video clips in which members confront candidates and elected officials over climate policy.

Local leaders have organized demonstrations to be held Friday in Portland, Beaverton and Lake Oswego. A demonstration is also planned for Eugene.

It'll be the third such mass climate demonstration staged by Oregon students this year.

The Portland event will kick off with a rally at Shemanski Park at 10:30 a.m. before participants march to Terry Schunk Plaza in front of City Hall at noon by way of Southwest Salmon Street and Third Avenue.

Portland Public Schools officials have advised middle and high school students that their absences will be excused as long as they notify their teachers in advance. District officials in a note to parents said the demonstration "involves learning opportunities" that align with the climate curriculum adopted earlier this year.

Students had long pressured the district to make good on a resolution the school board approved in 2016 promising such a curriculum.

In Lake Oswego, demonstrators have raised more than \$150 for buses to shuttle participants to the rally in Portland. But first, activists say they'll meet with Lake Oswego city councilors and Mayor Kent Studebaker at City Hall at 8:30 a.m.

Thousands turn out in Portland, demand greener climate policies during student-led protest

The event began with a rally at Terry Schunk Federal Plaza before demonstrators made their way across the Willamette for a climate festival at OMSI.

Teen protesters in Beaverton will also meet at Beaverton City Hall. The rally in the Washington County suburb is planned to start at 9 a.m.

Friday's demonstrations come three months after thousands of people of all ages filled Portland's streets as part of a global strike timed to coincide with a climate summit in Geneva at the urging of Greta Thunberg, a 16-year-old activist from Sweden.

Those protests also saw students in Portland demand that their elected representatives in Salem adopt policies that would phase out fossil fuel infrastructure and invest in renewable energy.

They also pressed Portland leaders to fully fund TriMet's YouthPass program and deny permits to Zenith Energy, which had been receiving, shipping and storing tar sands crude at its terminal along the Willamette River.

The local Sunrise Movement is also hosting a rally at the Oregon Department of Transportation's Northwest Portland headquarters Tuesday. Demonstrators are pushing the agency to conduct a full environmental impact study on a proposed plan to expand the Interstate 5 ramps at the Rose Quarter.

That protest is scheduled days after Oregon House Speaker Tina Kotek, D-Portland, and the Portland school board officially voiced their opposition to the project in the absence of such a study.

## Willamette Week

### Portland Bureau of Transportation Unveils Map of 20 Roads Picked for Bus-Only "Rose Lanes"

*By Sophie Peel  
December 4, 2019*

**The Rose Lane Project aims to create faster public transportation times by making stretches of congested roads bus-only lanes.**

On Dec. 3, the Portland Bureau of Transportation released tentative blueprints for where it hopes to set road lanes aside to move TriMet buses past rush-hour traffic.

PBOT want to present details of the plan, called the Rose Lane Project, to City Council by February 2020. The agency used TriMet data and an advisory panel to determine which roads would be improved, and based the decisions on which corridors had the most congestion and largest number of riders. Twenty streets were named in the preliminary plans announced yesterday, as BikePortland first reported.

The blueprints are part of City Commissioner Chloe Eudaly's vision to get more Portland commuters using public transport rather than driving motor vehicles, a vision that would carve out miles of public transit-only lanes to cut down on travel times.

The roads named in yesterday's blueprints east of the Willamette River include Belmont, Southeast Hawthorne, Northeast MLK Boulevard and Northeast 122nd Ave.

Roads west of the river include Southwest Capitol Highway, Southwest Washington and several streets along Southwest Terwilliger Road.

[The full list—ordered from 1 to 20—here.](#)

Eudaly debuted her plan in June, as WW first reported—but with it came an outcry from motorists who believe that fewer available roads for motorists in a city where the population continues to rise and road congestion leaves commuters frustrated daily would only increase the city's worst bottlenecks.

The success of Eudaly's plan hinges on convincing motorists to switch to public transit.

In June, Eudaly told WW that the plan was a critical step in reducing carbon emissions and increasing access for historically secluded communities near the outskirts of town who are more likely to use the bus.

"I feel an urgency to act on these issues because people are struggling and suffering right now, because the clock is ticking on climate catastrophe, and because I only have a finite amount of time to get this work done," Eudaly told WW in June.

In October the first of the bus-only lanes included in the plan were painted bright red in downtown Portland, sandwiched between 1st and 2nd avenues along Southwest Main Ave. The bright paint aims to alert drivers that only buses, streetcars and bikes can use the lanes—no cars or motorcycles allowed.

To reach the city's ambitious climate action goals, 25 percent of Portlanders need to be riding public transportation by 2035. Currently, only 13 percent of Portlanders reliably use public transportation.

## **The Portland Mercury**

### **Hall Monitor: Schnitzer's Blitz**

*By Alex Zielinski  
December 5, 2019*

#### **Jordan Schnitzer isn't used to losing.**

Schnitzer, the Portland real estate investor buoyed by his family's financial success in the steel industry, is easily one of the city's wealthiest residents. Whether it's through massive campaign donations or pressuring powerful pals for favors, Schnitzer usually gets his way.

But it appears no amount of string-pulling or hobnobbing will get Schnitzer's latest crusade off the ground.

To cringeworthy results, Schnitzer has spent the past year lobbying to turn the long-empty Wapato Jail—a remote North Portland detention center he purchased from Multnomah County in 2018—into a massive homeless shelter. Despite his deep pockets, Schnitzer says he needs extra funding to get the project off the ground and wants the cash-strapped public sector to pitch in.

For Schnitzer, who owns more than 20 downtown buildings, the proposal makes his campaign to remove homeless locals (or, as Schnitzer calls them, "unfortunate people") from the streets of Portland feel a little less sinister. But Schnitzer's plan to shuttle homeless people to an isolated compound 10 miles from the city center (where the vast majority of homeless services are located) has never gained traction.

Zero local public officials support Schnitzer's proposal. Multnomah County Commissioners voted to sell the costly property in 2018, after a report on the feasibility of turning the jail into a homeless shelter found it would cost more than \$6 million to remodel the facility and get it up to code. The commissioners have instead directed public dollars toward the construction of permanent housing for formerly homeless people and opening a peer-run drop-in shelter downtown, blocks from the city's major homeless service providers.

The City of Portland has echoed the county's dismissal of the idea of using Wapato as a shelter, despite Mayor Ted Wheeler's efforts to avoid completely disavowing the project. (That might have something to do with Wheeler's upcoming reelection campaign: Over the past decade, the

Schnitzer family has been a faithful and generous contributor to Wheeler, having donated over \$9,000 to his past campaigns. A member of the family has yet to sign a check for Wheeler's 2020 run.)

More importantly, the region's leading homeless service providers and advocacy groups—from Street Roots to Transition Projects—have come out strongly against the proposal, arguing that the plan will further push members of the homeless community to the margins of society.

Instead of acknowledging and understanding local leaders' concerns and criticism, Schnitzer has instead made empty claims that TriMet has agreed to fund a bus line from downtown Portland to Wapato (it hasn't) and that homeless service providers are being bullied out of supporting his Wapato plan (they aren't). Insinuating that the mere sight of homeless Portlanders would scare away visitors, Schnitzer's also claimed that the county's new drop-in homeless shelter is too close to Powell's Books, "one of the state's biggest tourist attractions."

In the past year, Schnitzer's made at least three grandiose announcements that he's about to demolish Wapato—unless the government or a private donor makes a financial contribution to get the idea off the ground. No one has.

Instead of taking the hint—let alone using his resources and purported compassion to invest in established programs that are already working—Schnitzer's dug in his heels, putting more pressure on monied connections to fund his pipe dream.

On a recent Monday afternoon, Schnitzer led local investors, business leaders, and developers on a tour of the sprawling detention center. Attendees included Oregon Senator Betsy Johnson (who's received over \$20,000 in campaign donations from the Schnitzer family); Kay Toran, the Oregon chapter president of Volunteers of America (a nonprofit kept afloat with Schnitzer family dollars); and John DiLorenzo, Schnitzer's sometimes-lawyer who's known for taking the city to court over policy decisions.

The guest of honor was Jeffery McMorris, a US Housing and Urban Development (HUD) administrator who oversees HUD projects in the Pacific Northwest. In an email sent to Wheeler and other local leaders announcing the tour, Schnitzer said he has a buddy who's pals with HUD Secretary Ben Carson, who helped get McMorris on the ground.

Schnitzer also said Carson is interested in using Wapato as "a pilot program for the homeless." But, McMorris tells the Mercury, "no one's really talked about doing a pilot program there." He says that HUD has no extra funding to aid a program that doesn't have the support of local government.

But the pride of a wealthy white man knows no bounds. Based on Schnitzer's past claims, Wapato should have been demolished two months ago. He's still not ready to give it up.

When a guest joked about getting lost in the labyrinthine jail during the Monday tour, Schnitzer flashed a smile. "Write a check," he said, "and we'll show you where the door is."

## **The Daily Journal of Commerce**

### **Filtration plant project advances despite cost increase**

*By Sam Tenney*

*December 3, 2019*

The city of Portland is moving forward with a plan to construct a state-mandated water filtration plant despite an unexpected increase in the estimated cost that left some city councilors reeling from sticker shock.

During a council work session with Portland Water Bureau officials in September, bureau director Michael Stuhr revealed that the project's cost – originally estimated in 2017 at about \$350 million to \$500 million – could now potentially be more than \$850 million.

The main reason, explained Stuhr, is that original estimates didn't include construction of pipelines to service the plant. That portion was not included in early estimates because at that point the city had not decided where to locate the facility.

Mayor Ted Wheeler, taken aback by the price escalation, let his displeasure with the omission be known.

"It would have been very helpful for me to know that what we were talking about at that time was not the total project cost – that we were talking about merely one component of an overall system," Wheeler told Stuhr. "We needed to know that we were talking about a piece of a system that could not operate, work or function in any reasonable manner in the absence of the rest of the system.

"I just want to put that on the table," he continued. "I'm disappointed in that."

The project is being undertaken to address regulatory requirements and potential impacts of natural disasters on the Bull Run watershed. After multiple tests in 2017 revealed the continued presence of the pathogen cryptosporidium in the watershed, the Oregon Health Authority revoked Portland's variance from federal rules requiring treatment of cryptosporidium. The city then entered a compliance agreement with OHA requiring construction of a treatment facility that is operable by September 2027.

During the September work session, Stuhr and bureau officials presented city councilors with three options for the project, with cost estimates ranging from an estimated \$670 million to meet minimum requirements to \$850 million for a more robust version.

After Wheeler and Commissioner Jo Ann Hardesty balked at the price, Water Bureau officials solicited feedback from the Portland Utility Board and Citizens Utility Board before returning in front of City Council Nov. 13 to recommend an \$820 million option.

The recommended option would include most of the features of the full implementation option – including ozone and conventional filtration, two pipelines into and out of the facility for redundancy, and clear well storage – but would have a slightly lower treatment capacity of 145 million gallons per day, resulting in a \$30 million cost savings.

City councilors on Nov. 27 approved adopting the recommended option to guide design and implementation. They also voted to authorize a \$51 million maximum contract with Stantec Consulting Services Inc. for design of the water treatment facility, which will be located on a 95-acre parcel in unincorporated eastern Multnomah County. Both items passed with 3-0 votes; Hardesty and Chloe Eudaly were absent.

A separate contract for design of the pipelines servicing the plant, estimated to cost \$20 million more, is expected to be issued in spring 2020. Design work is set to begin next year and run through the end of 2022.

The bureau ought to have a more concrete number on the project's cost by the middle of 2021, when the design is anticipated to be about 30 percent complete. Construction is expected to begin in 2022 and run through the end of 2026.

The filtration facility will come without the bells and whistles that have led to cost overruns on other city projects, according to Commissioner Amanda Fritz, who oversees the water bureau.

“I have directed the water bureau staff to work toward a no-frills facility,” she said at last week’s council meeting. “No interpretive center, no fancy finishes except landscaping and exterior improvements designed to fit into the surrounding area.”

Wheeler, recognizing the importance of the project, called it the best long-term option for maintaining a safe drinking water supply. At the same time, he cautioned that the council had yet to solidify a cost estimate, and the current \$820 million price tag is a low-confidence approximation that is likely to increase.

“The cost of construction, the cost of labor are going up, and so it is my expectation that the cost of the project will go up,” he stated before voting to move forward.

## OPB

# Portland Adopts Sweeping Changes To Rules Regarding Bike Parking

*By Rebecca Ellis  
December 4, 2019*

**Portland’s newest buildings will soon be some of the city’s most bike-friendly.**

The City Council has approved a sweeping set of changes to Portland’s zoning code that will require developers of larger buildings — as well as those making major renovations — to carve out space for residents’ bicycles.

In the last two decades, the percentage of Portlanders opting to commute by bike has grown to about 7%. But the city’s rules regarding bike parking haven’t been changed significantly since they were written in 1996.

Tenants said a lack of mandated bike storage had left them lugging muddy bikes into their apartments, occasionally losing their security deposit as a result. Developers who did provide in-unit parking sometimes saw fit to hang bike racks over beds and couches.

The old zoning code wasn’t helping the city reach its stated goal of ensuring a quarter of all commutes in the city would be made by bike by 2035. So, a few years ago, the city Bureau of Planning and Sustainability and the Bureau of Transportation began considering a major update to bike parking code. Those changes were approved Wednesday and will take effect next March.

“The availability and design of bike parking has a real impact on whether people can choose to use a bike to travel around Portland or not,” said Commissioner Chloe Eudaly, who oversees the Bureau of Transportation. “We can’t expect people to replace car trips with bike trips if they don’t have an easily accessible place to store their bike.”

The approved changes mean large buildings will now need to have a dedicated bike room, capable of fitting bikes for at least half of its residents. Space needs to be reserved for large bikes and ones that need to charge with electric outlets. All spaces will need to be covered and well-lit.

“The goal of updating the bike parking code is to make sure we have enough bike parking in new buildings, and to make sure the new bike parking is safe from theft and convenient to all types of bikes,” PBOT spokesperson John Brady said. “From road bikes all the way up to cargo bikes.”

Buildings with 12 units or less will still be able to put parking in the apartment, a turnaround from the initial plan to ban in-unit parking outright.

But the city said it “heard loud and clear from the development community” that such a stringent requirement would waste too much valuable floor space.

Developers weren’t the only ones raising concerns about how the city’s desire to increase bike ridership could reduce housing stock. Diane Linn, the executive director of affordable housing provider Proud Ground and a member of the Portland Housing Advisory Commission, had spoken out at City Council last month, saying she was concerned the restrictions could overload those building affordable housing and result in the loss of much-needed units.

In a review of the ordinance, the city said the final changes could still cause a slight increase in the cost of development, and, in some cases, a building might lose a unit. The Bureau of Planning and Sustainability has estimated that the changes could lead to a loss in “net operating income” from the building of between 1% and 4%.

The city also passed an ordinance Wednesday to ensure that the new requirements won’t impact 18 affordable housing projects in the pipeline. That includes nine projects funded through the Portland Housing Bond.