

The Oregonian

Portland reapproves city policy to limit size of new, existing fossil fuel terminals

*By Everton Bailey Jr.
December 18, 2019*

Portland officials on Wednesday reapproved a ban on creating or expanding large fossil fuel terminals in the city.

The city first amended its zoning code in December 2016 to ban expansion of existing fuel terminals and limit new terminals to two million gallons of storage. Officials at the time said one reason behind making the change was to lower carbon emissions.

The ordinance was later sent back to the Portland City Council for review after the Oregon Court of Appeals upheld part of a state land use board of appeals ruling that found the city didn't have an adequate factual basis for one of its findings supporting the zoning changes.

City leaders are currently concerned that fuel stored at terminals in Northwest Portland could cause serious public safety and environmental hazards to the Willamette River, the surrounding industrial district and the rest of the city in the event of a major earthquake.

The council voted 4-0 in approval. Commissioner Nick Fish was absent.

There are 11 fossil fuel terminals in the city, all along the Willamette River in Northwest Portland. The operators include Chevron, BP West Coast and Zenith Energy. Collectively, the terminals can store 388 million gallon of fuel and handle over 90 percent of the fossil fuels that serve and are sold in the state.

Under the reapproved ordinance, existing terminals can replace or reconfigure their existing storage capacity, for example, to consolidate storage.

City officials said the code changes wouldn't apply to gas stations or fossil fuel storage facilities for airports, rail yards, marine terminals and other entities.

Community group expresses deepest condolences to family of man killed by Portland police this month

*By Maxine Bernstein
December 18, 2019*

A Portland community group responsible for overseeing police reforms issued its "deepest condolences" to the family of Koben S. Henriksen, a 51-year-old man shot and killed by an officer this month after he was reported walking in Southeast Portland traffic waving knives at passing cars.

The Portland Committee on Community-Engaged Policing voted 6-0 Tuesday night to send a condolence message from the citizen group to Henriksen's family.

The group also voted to send a separate message to the mayor and chief of police, saying Henriksen's death "raises further questions" about police use of deadly force and officer interactions with people experiencing a behavioral health crisis.

The city formed the committee as part of its requirements under a 2014 settlement with the U.S. Justice Department prompted by police use of force against people suffering from mental illness.

Committee member Elliot Young, who teaches at Lewis & Clark College, said he's concerned police continue to use deadly force when de-escalation tactics may be more appropriate.

Police have released little information on the Dec. 8 shooting of Henriksen as an investigation continues.

Henriksen had two other encounters with police this year that had been resolved peacefully with officers who ensured Henriksen was taken to a hospital for mental health treatment.

But last week, Henriksen was seen walking in traffic on Southeast 103rd Drive near Stark Street and waving knives at passing cars in the early afternoon. Officer Justin Raphael fired fatal shots with an AR-15 rifle and Officer Daniel Leonard fired less-lethal foam-tipped projectiles.

Henriksen's death marked the fifth fatal Portland police shooting this year, the most since 2010. At least three of the people killed had suffered from mental illness.

Also Tuesday night, the community group endorsed a set of recommendations offered by a separate coalition that has urged changes in the next police union contract up for negotiation in January with the Portland Police Association. The committee, for example, supported strengthening the police oversight system and requiring officers who use deadly force to undergo mandatory drug tests.

The committee is not endorsing the use of body-worn cameras for police but has drafted and continues to debate recommendations on how the camera program should operate should the bureau ever begin its long-discussed pilot program outfitting a group of officers.

"Body cameras can increase trust if implemented properly. Transparency around the project and its implementation will be a deciding factor in whether the community sees body cameras as useful or not," the group's draft recommendation said.

The Portland Tribune

Sources: Portlanders losing faith in city's future

By Jim Redden

December 19, 2019

Plus, the long-running saga of the never-opened Wapato Jail isn't over yet and finger pointing over officer involved shooting.

The regional transportation funding measure poll released by Metro on Dec. 11 has bad news for some local elected leaders.

In addition to measuring voter reaction to various funding options, the FM3 Research poll also found Portlanders growing increasingly discouraged about the future of their city.

Between July 2016 and December 2019, the portion of residents who think the city is heading in the right direction fell from 46% to 34%. Those who think the city is on the wrong track increased from 43% to 48%.

Between June 2015 and December 2019, the favorability rating for all cities in the tricity region fell from 57% to 49%. Favorability ratings for the three counties fell from 58% to 53%

during that period. But they increased from 70% to 73% for TriMet and held steady at 51% for Metro, according to the poll.

Wapato back in play for homeless

The long-running saga of the never-opened Wapato Jail isn't over yet.

Owner Jordan Schnitzer now is working with Helping Hands Reentry Outreach to open it as a residential treatment facility for the homeless with mental health and addiction problems.

The nonprofit organization operates 11 facilities in four Oregon counties outside of the Portland region. Schnitzer has committed

\$1 million to the proposal if the organization raises another \$2 million to \$3 million in private funds.

Schnitzer bought Wapato in 2017 for \$5 million. Multnomah County built the 525-bed facility in 2004 for \$58 million but never opened it. Schnitzer has obtained a demolition permit but will wait 30 to 60 days to see whether the organization can raise the additional funds.

City, county spar over police shooting

The fatal officer-involved shooting of a mentally ill man on Dec. 8 has exposed longstanding tensions between Portland and Multnomah County.

Koben Henriksen was shot and killed near Mall 205 after apparently confronting officers with two knives. It was the third time this year that officers had encountered Henriksen when he was having a mental health crisis. Both previous times, he was taken into the public mental health system administered by Multnomah County.

In an unusual move, both Mayor Ted Wheeler and Police Chief Danielle Outlaw suggested the county bears some responsibility for Henriksen's death.

"By the time shots were fired on Sunday there were already multiple system failures, in my opinion. I feel quite strongly that the mental health system failed Mr. Henriksen. I agree with Chief Outlaw on this point," Wheeler said on Dec. 13.

The county pushed back with a statement that said, "Multnomah County will wait for the official review on the death of Koben Henriksen to bear out the facts. Ultimately, anyone experiencing a mental health crisis should not have to face a violent death at the hands of law enforcement."

Willamette Week

Portland Voters Were Asked to Rank Three Issues That Could Be Addressed With New Taxes in 2020. They Picked Homelessness.

*By Rachel Monahan
December 18, 2019*

Local officials and advocates are already throwing elbows over which tax measures should take precedence.

Portland's local governments are preparing to ring in the new decade with new taxes.

It's still 10 months before Portland voters will open their November 2020 ballots. But local officials and advocates are already throwing elbows over which tax measures should take precedence.

Regional government Metro is planning a massive measure to fund roads and light rail. But a coalition of housing advocates also want Metro to back a tax measure that would fund homeless services.

Last week, the rhetoric heated up. Housing advocate Israel Bayer declared it "mind-boggling" that Metro wasn't more enthusiastic about the homeless services tax measure. "Thousands of people's lives hang in the balance," he wrote. "Do better!"

Portland voters have approved every new tax presented to them since 2011, when they rejected a Portland Public Schools bond. They've since said yes to taxes for schools, the arts, road repair and solar roofs—not to mention two housing bonds.

That explains why advocates are so eager to present their preferred taxes to voters. In fact, WW has learned, Multnomah County and the Democratic Socialists of America are both exploring plans for a third 2020 tax measure, to fund universal pre-kindergarten. (Portland Public Schools is also expected to seek a third bond measure in nine years.)

WW has obtained polling results that show the backers of the homeless services coalition—a group called HereTogether—asked voters which issues they consider most important. A survey of 900 likely November 2020 voters in the metro region, conducted by Washington, D.C., polling firm GBAO Strategies on behalf of HereTogether, indicated Portlanders have the greatest appetite for aiding homeless people.

Here are three new tax proposals you can expect to see debated in the new year.

ISSUE: RELIEVING TRAFFIC CONGESTION

THE CONCEPT:

Reduce congestion, increase safety, support public transit. Specific recommendations on projects haven't been adopted, but a MAX line to Bridgeport Village is widely expected.

WHICH GOVERNMENT IS BACKING IT?

Metro, which has spent the past two years preparing for a region-wide transportation package.

FUNDING SOURCE:

A mix of taxes is likely, possibly including an increased payroll tax, a tax on high-income households, and higher vehicle registration fees.

HOW MUCH MONEY DO THEY WANT TO RAISE?

\$350 million to \$450 million a year.

HOW MANY VOTERS THINK IT'S A HIGH PRIORITY?

66 percent.

A homeless person sleeps on the Portland sidewalk during the recent cold snap. (Joe Riedl)A homeless person sleeps on the Portland sidewalk during the recent cold snap. (Joe Riedl)

ISSUE: REDUCING HOMELESSNESS

THE CONCEPT:

Ongoing funding to support getting people off the streets, including drug addiction treatment and mental health services.

WHICH GOVERNMENT IS BACKING IT?

It's just housing advocates for now, but they have wide-ranging support for the concept, from Multnomah County officials to the Portland Business Alliance. They want Metro to be the official backer, so the measure could tax people in three counties.

FUNDING SOURCE:

Unclear.

HOW MUCH MONEY DO THEY WANT TO RAISE?

\$300 million a year.

HOW MANY VOTERS THINK IT'S A HIGH PRIORITY?

86 percent.

ISSUE: PROVIDING UNIVERSAL PRE-K

THE CONCEPT: Universal preschool for 3- and 4-year-olds.

WHICH GOVERNMENT IS BACKING IT?

Multnomah County is exploring the concept. So are the Democratic Socialists of America—a political group, not a government. (DSA wants a slightly different concept: free access to preschool for all 4-year-olds.)

FUNDING SOURCE:

The DSA proposes an income tax on the top 5 percent of households. Multnomah County hasn't revealed a funding mechanism.

HOW MUCH MONEY DO THEY WANT TO RAISE?

\$150 million to \$250 million a year.

HOW MANY VOTERS THINK IT'S A HIGH PRIORITY?

41 percent.

Portlanders Can “Rest and Be Welcome” Outside Private Buildings, the Planning Commission Affirms

*By Camille Soleil
December 18, 2019*

The wording of a citywide design guideline provoked a PSC debates and raises the issue of how designers and planners will address limits on where houseless Portlanders can sleep.

The Portland Planning and Sustainability Commission took a second run at a controversial design guideline for private buildings on Dec. 17.

In a previous meeting on Nov. 12, the PSC wordsmithed Design Guideline 6, one of a dozen guidelines it is reviewing before passing a document along to the city's Design Commission, which is coming to the end of a three-year effort to streamline the city's design review process.

In that meeting, commissioners voted to add the words "rest and be welcome" to Guideline 6. Commissioner Oriana Magnera, the leading proponent of adding those words, argued that, given Portland's housing crisis, buildings should include design features that would allow people to pitch tents and sleep if necessary.

The PSC yesterday debated the meaning of the word "rest" in regard to the intended use of public space outside new private buildings downtown. The question at hand was whether or not "resting" implies houseless Portlanders can set up camp overnight.

After a vigorous debate, the PSC voted to keep the title of Guideline 6 as "Provide Opportunities to Rest and Be Welcome." A motion to return to the original language "Provide Opportunities to Pause, Sit and Interact" failed in a 5 to 4 vote.

Even after the vote a commissioners continued trying to clarify exactly what those words should communicate to developers.

What does "rest and be welcome" entail? Some commissioners say it's still vague.

"The conversation that we're having right now, to me, proves the point that we're not really clear about what the intent is, and I think it's important to be as clear as possible," said Commissioner Ben Bortolazzo. "Are we providing space for people to spend the night or not?"

Commissioner Jeff Bachrach echoed this concern and said that directly injecting ambiguity into a code is "always a mistake."

In contrast, Magnera argued the vagueness in language is intentional so that the city, citing the idea of "targeted universalism," can create space that makes it easier for the houseless population to rest and camp while also providing benefits to other members of the community.

"I'm comfortable with leaving the language a little bit more vague," she said. "Let's leave it up to interpretation."

Commissioner Eli Spevak, speaking in agreement with Magnera, said the commission wants to convey they are not supportive of "defensive architecture," which is design used to purposely make certain populations feel unwelcome (i.e. placing boulders in front of a property to prevent overnight camping).

"We want to reclaim the word 'rest'," Spevak said. "We did not say that 'rest' means you can set up a tent and sleep for the night," adding that if groups want to petition for this they can, but it is not a design requirement.

The PSC will pass its work along to the Design Commission, which will make recommendations next year to City Council.

The Portland Mercury

Portland City Council Renews Ban on New Fossil Fuel Terminals

*By Blair Stenvick
December 18, 2019*

Portland City Council voted to re-adopt a ban on new fossil fuel infrastructure on Wednesday.

The vote will ensure that no new large fossil fuel terminals can be built and no existing terminals can be expanded anywhere in Portland—including at the Critical Energy Infrastructure Hub (CEI Hub), a six-mile stretch along the Willamette River in Northwest Portland that houses most of the state’s fuel supply, and is vulnerable to a major spill or explosion in the event of an earthquake.

“Continuing to allow new fossil fuel terminals and additional storage tank capacity is a threat to our community from a public safety perspective, from a public health perspective, and from an environmental perspective,” Mayor Ted Wheeler said at Wednesday’s council meeting. “This is especially true in the event of a major Cascadia Subduction Zone earthquake. The first step to reduce the risk is to ensure the situation doesn’t get any worse.”

Held at the end of a year which saw fierce community activism around fossil fuel trains and terminals, the vote effectively reinstates a city policy first adopted in 2016, and which prohibited the “expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways.” That policy was halted during a legal challenge by the Western States Petroleum Association (WSPA). WSPA argued the ordinance violated the Interstate Commerce Clause, a part of the US Constitution that prohibits discrimination against interstate commerce.

While the Oregon Land Use Board of Appeals ruled in favor of WSPA in 2017, that decision was overturned the next year by the Oregon Court of Appeals. However, the appeals court did maintain the finding that language in the ordinance violated the state’s land use laws, so Portland City Council had to pass a new version with tweaks to the previously problematic language. Dan Serres, conservation director of Columbia Riverkeepers, said these changes of wording won’t lead to a “substantive” change in what the ordinance accomplishes: limiting the building of new fossil fuel infrastructure within Portland city limits.

The vote was applauded by many environmental organizations, including Columbia Riverkeeper, Oregon Physicians for Social Responsibility, and 350 PDX.

“Building new fossil fuel infrastructure should be seen as morally inconceivable now,” said Dineen O’Rourke, campaign director for 350PDX, in a press release sent after the vote. “Our city’s decision thankfully reflects this and sets a precedent for cities across the country.”

What the ordinance won’t accomplish, however, is halting the expansion of the Zenith Energy terminal along the Willamette River at the CEI Hub. Zenith, which began quietly increasing its terminal footprint and running oil trains through Portland in early 2019, obtained permits for that expansion in 2015, before the original ordinance passed, so its plans are already grandfathered in under Portland’s old regulations. But the city has found other ways to resist Zenith, including denying the company a new permit to build underground pipes.

All four council members present at Wednesday's meeting voted in favor of re-adopting the ordinance. (Commissioner Nick Fish was absent for health reasons.) Before casting his vote, Wheeler acknowledged that prohibiting new fossil fuel infrastructure was "in and of itself is hardly sufficient" for reaching the city's environmental goals.

"We intend to bring forward other ideas in 2020," Wheeler added.

The Portland Business Journal

Portland passes limits on fossil-fuel terminals — again

*By Pete Danko
December 19, 2019*

Portland's ordinance restricting new fossil-fuel infrastructure is back on the books.

The city passed the ordinance three years ago, and it survived a constitutional challenge. But a ruling by the Land Use Board of Appeals required the city to demonstrate that the zoning-law change was adopted with an adequate factual basis.

The City Council moved to address that issue Wednesday, passing the ban with a fuller record of review of the city's finding by a 4-0 vote.

"This has been a very complicated process, and we really want to make it right," Commissioner Amanda Fritz said before casting her vote. "While I might on occasion nitpick on various details, on this one our staff and city's attorney's office, and with the Bureau of Planning & Sustainability, have really dotted the all the i's and crossed all the t's."

Activists pushed hard for the limits on new or expanded fuel terminals, both on long-term climate grounds and as a safety measure amid concerns about seismic stability. The fuel infrastructure that serves Oregon is concentrated along a 6-mile stretch of the Willamette River in Northwest Portland, on land that geologists have identified as being at major risk for devastation when the inevitable Cascadia Subduction Zone quake strikes.

"Thousands of Portlanders have weighed in to support this policy, and thousands more have taken to the streets in recent months to demonstrate the need for action as bold as the scale of the climate crisis itself," Dineen O'Rourke, campaign director for 350PDX, said in a news release. "Building new fossil fuel infrastructure should be seen as morally inconceivable now, and our city's decision thankfully reflects this and sets a precedent for cities across the country."

The Skanner

Extra Patrols and Safe Ride Home Program Extended

*By The Skanner News
December 16, 2019*

A coalition of partners gathered Monday to stand in solidarity against driving impaired this holiday season. Too frequently, members of our community are negatively impacted by the poor decisions others make to operate a vehicle while under the influence of drugs or alcohol.

Participating in the event were Mayor Ted Wheeler, Portland Police Assistant Chief Chris Davis, Portland Bureau of Transportation, Oregon State Police, Multnomah County Sheriff's Office, Multnomah County District Attorney's Office, TriMet, and the Oregon Department of Transportation.

Starting this week, there will be extra police patrols focused on impaired driving. The Oregon State Police is providing a DUII trailer that contains breath test machines and personnel who can reduce the time it takes to process DUII arrests. The Multnomah County Sheriff's Office will also be providing personnel and transportation to streamline the booking process.

The PPB ask that if you are going to drink alcohol or if you are going to use anything that might affect your ability to drive safely, make another plan for getting around besides driving.

There are countless heartbreaking stories of loss attributed to driving impaired. PPB Sergeant Nick Newby recently shared a very personal encounter in the [video below](#).

TriMet buses and MAX trains, as well as Portland Streetcars, will be free on New Year's Eve after 8 p.m., and MAX will have extended late night service until about 3 a.m. Check schedules at trimet.org and portlandstreetcar.org.

The Safe Ride Home program has been extended in tandem with this additional holiday enforcement. With the Safe Ride Home program, you can save up to \$20 on a taxi ride, and \$10 on an Uber or Lyft ride. Discounts will be offered from Dec. 18 through Jan. 1. Visit www.SafeRideHomePdx.com for details.

OPB

\$4.5 Million Contract To Cleanup Portland's Homeless Campsites May Go To Hazardous Waste Company

*By Rebecca Ellis
December 18, 2019*

Each time the city of Portland decides to clear out a homeless encampment, work crews are dispatched to clean up the debris left behind — and, inevitably, disperse the people who were living there.

The work is two-part: Crews must dispose of the thousands of needles, shopping carts, trash and gallons of human waste on the site. And they must convince people who have not heeded warnings to leave — required by law to be posted at the campsite at least two days prior — to find somewhere else to spend the night.

Since 2014, the city has tapped Pacific Patrol Services, a local security company, to do the bulk of these cleanups. But the city allowed its \$650,000 annual contract with the firm to expire last month.

Portland City Council is now poised to offer a far bigger \$4.5 million annual contract to Rapid Response Bio Clean, a hazardous waste removal company the city has worked with since 2016 with purported expertise in cleaning up after everything from blood spills to superbugs. City staff says the high figure stems from high demand: The number of illegal encampments has swelled and the state now relies on Portland to disperse the campsites scattered along the city's interstates.

The council was expected to approve the contract Wednesday. But the agenda item was pulled at the last minute after outcry from homeless advocates, who say hazmat workers are ill-suited to be on the frontline with some of the city's most in-need and isolated populations.

"Rapid Response is trained to clean up after a traumatic event. These are living people, right, that they're dealing with," said Street Roots executive director Kaia Sand, who met with Commissioner Jo Ann Hardesty Tuesday to ask her to postpone a vote on the contract. "They're not trained for that."

But the city says it's working on it. Lucas Hillier, who runs the city program that oversees campsite cleanups — officially called the Homelessness and Urban Camping Impact Reduction Program — told commissioners at a council meeting this spring that he wanted to use this contract to require specialized training for the work crews.

The city went on to solicit proposals from contractors trained in "nonviolent conflict resolution," "assertive engagement" and "trauma informed communication." According to the proposal, work crews would be required to carry Naloxone, a drug that can halt opioid overdoses. They must be trained in basic first aid and CPR. And when the temperature drops dangerously low, they must conduct welfare checks and distribute hand warmers.

The proposal also requires work crews to be "polite, diplomatic and professional at all times, and treat all persons with dignity and respect."

But homeless advocates say no matter the updated language, the end result of the contract will be the same: Homeless individuals will continue to be uprooted and traumatized, left with nowhere to turn.

On Tuesday, Sand said she walked over to City Hall to voice her concern alongside a Street Roots' vendor, who, just that morning, had lost his personal belongings to a cleanup.

"He just talked about feeling exhausted because it's not like there was anywhere for him to go. He just basically had to make do with more loss and then re-pitch his tent and start over again. And I just hear that again and again," she said. "I just hear people that are very, very tired."

Sand is calling on the city to halt the contract's approval for half a year, while activists try to come up with a "constructive alternative" for the \$4.5 million. As of now, the council is expected to vote on the agreement in January.

Danielle Klock, the executive director of nonprofit Sisters of the Road, also pushed Hardesty to delay the contract — and said she believed the money would be better spent in a way that would allow the homeless camps to run themselves.

"The contract, for instance, could go to a small grassroots organization to train and hire residents of these camps to facilitate that governance — to monitor bathrooms, showers and trash and provide security," she said. "Instead of hiring these companies that are not trauma-informed and continue to, ultimately, what amounts to, terrorize people."

Reached by phone Tuesday, Lance Hamel, the owner of Rapid Response, seemed unsurprised to find his business in the crosshairs of larger debates over homeless sweeping. After three years conducting campsite clean-ups in Gresham, Vancouver and Portland, he said he's learned the public doesn't always look favorably on this line of work.

"We can't make anybody happy. We're either being too nice or we're being too mean. There's no middle ground. All we're trying to do is warn campers, we're trying to clean and hope that they move," he said. "We just have this very simple function."