

Hendrickson, Nancy

From: Sjulín, Jim
Sent: Friday, March 29, 2002 2:45 PM
To: Hendrickson, Nancy
Cc: 'Jim Morgan'; 'Elaine Stewart'; Everhart, Gregg; 'Pam Arden'; 'Houck, Mike'
Subject: RE: Port Trail Application Status

Nancy,

I appreciate very much Jim Morgan's comments and offer to assist in getting the trail alignment issue resolved. However, it appears to us that after this court enforced project is complete, the consent decree closes the window on the development of ANY trail alignment along the Columbia Slough downstream of the landfill. Secondly, all plans adopted since 1990 show the trail on the north-east side of the Slough downstream of the landfill. Thirdly, the Port is prepared to fund the planning, permitting and construction of the trail within the next 18 months. For these reasons plus (at least in my view) the fact that the more critical choice regarding trail alignment (landfill or Bybee side of the North Slough) is uncomplicated by what the Port is obligated to build at the present time, gives us every reason to proceed with trail development now.

I know that there are also concerns about building a piece of trail that "goes nowhere". While this is not ideal, I believe that this situation can be managed. Until the alignment is selected and completed connecting the Port segment either along the lakes, across the landfill, or along the slough to St. Johns and Portsmouth neighborhoods, trail use will be light. (Over the years we have had numerous temporary "dead ends" in the 40 Mile Loop and Willamette Greenway trail systems. Unlike sewers and roads, in general we have been building the regional trail system piece by piece.) In any event, managing public use is part of the duty of any parks and open space agency that manages land. After 11-1/2 years, I think it's time to get started.

Nancy, thanks very much for facilitating this discussion.

Respectfully,
Jim Sjulín

-----Original Message-----

From: Hendrickson, Nancy
Sent: Thursday, March 28, 2002 3:54 PM
To: Sjulín, Jim; Everhart, Gregg
Subject: FW: Port Trail Application Status

Jim, Gregg, looks like the Mini-master plan trail IGA is coming your way. Also looks like the window for changing the Port's trail alignment is swiftly closing. If we do want to change it, we will have to move fast. Please reply to all on this email chain with your thoughts.

Thanks, Nancy

-----Original Message-----

From: Jim Morgan [mailto:morganj@metro.dst.or.us]
Sent: Thursday, March 28, 2002 3:20 PM
To: NANCYH@BES.CI.PORTLAND.OR.US
Cc: Elaine Stewart; rennid@portptld.com
Subject: RE: Port Trail Application Status

Nancy,

Thanks for the research. As the manager of the refuge area in which the trail will be constructed, Metro will comment on the LUR application. It would be important to speak in concert with the Committee.

Port of Portland is obligated to build the trail by Consent Decree and City Comprehensive Plan. The City can withdraw trail requirement as specified in the Consent Decree but the Comp Plan requirement stands.

To achieve the goals of (1) aligning the trail in the best location that provides access to the natural resources while minimizing impacts, (2) constructing the trail in a timely fashion, (3) providing a connection to the regional trail system, and (4) assist in expedition of the Port's LUR permit application, I promote the following:

1. City of Portland enter into an agreement with Port of Portland and Metro that places the current estimated cost of trail construction on the Consent Decree alignment and place that in a escrow fund (i.e. Lakes Trust Fund) dedicated to this trail segment construction;
2. City of Portland relinquish the current Consent Decree requirement only after the above referenced agreement is signed.
3. The future trail construction will occur on an alignment determined by the "mini-master trail plan" for the area.

The draft IGA between Metro and City of Portland Parks for developing the area's trail alignment is being sent to the City next week for their signature.

A MOA, MOU, or IGA locking funds into escrow would have to move through approval process quickly. There is the rub. This is achievable if Port, City, and Metro staff is truly willing. I will volunteer to assist in this effort in any way to make it happen.

Jim Morgan

>>> "Hendrickson, Nancy" <NANCYH@BES.CI.PORTLAND.OR.US> 03/27/02 05:27PM >>>

I just talked with Denise Rennis. They have not yet submitted the LUR application, so the comment period has not yet begun. When it does begin, it will be either 14 or 30 days, depending on how OPDR (Office of Planning and Development Review) interprets the application. Denise thinks the permit may be ready to submit in a couple of weeks, which may be ideal for SBLMC timing.

Furthermore, the Consent Decree stipulates that the trail must be constructed on the north and East sides of the Slough, within the 50-foot buffer **UNLESS THE CITY WITHDRAWS THE TRAIL REQUIREMENT**. Therefore, if an entity wanted to propose that the trail be constructed in a different location than that specified by the Consent Decree, they would have to get a separate agreement between the Port and the City as to the location of the trail, and then the city would have to withdraw the trail requirement for the Consent Decree. In that case, the trail would not be built under the Consent Decree, but it would be built under this other agreement.

That is the way I understand it. Denise, please correct me if I've muddled it up somehow.

-----Original Message-----

From: Jim Morgan [mailto:morganj@metro.dst.or.us]
Sent: Wednesday, March 27, 2002 1:49 PM
To: NANCYH@BES.CI.PORTLAND.OR.US
Cc: Elaine Stewart
Subject: Port Trail Application Status

Nancy,

In your usual gracious manner, you volunteered to ascertain the status of the Port's land use application for trail construction. Most importantly, we need to know the comment period.

Thanks,
Jim Morgan

Hendrickson, Nancy

From: Jim Morgan [morganj@metro.dst.or.us]
Sent: Wednesday, May 01, 2002 1:30 PM
To: NANCYH@BES.CI.PORTLAND.OR.US
Subject: Port Trail

Nancy,

I apologize for being a week late in responding to your inquiry regarding my lack of endorsement of the Port's trail land use application. Thank you for your attentiveness to the committee process. My reluctance to endorse the motion made by Pat Opdyke at the last Smith & Bybee Committee meeting was based on the wording of the motion: it was broad and unconditional. Without Pat there to debate the wording, I felt compelled to not support the motion as expressed.

What really sticks in my craw is the Port's role. For many years, a number of us "urged" the Port to pull its dredge spoils from the slough banks but to no avail. We assumed and vocally expressed the City's requirement for landowners with the trail line on the comp plan overlying their property would be obligated to construct their trail segment when development occurs. In our view, development occurred when Port filled the northwestern corner of Bybee in 1993 or the rail bridge was constructed in 1997. Only after litigation based on a federal act unrelated to local land use does the Port show willingness to construct.

At our recent meeting, I seem the same disingenuous presentation by the Port, where they speak of being "really excited by this trail" in one breath and stating clearly that if the lawful requirement is dropped, they will not build the trail segment at all. While Port messengers may be sincere, its decision makers remain true to their standard vision.

I recognize the need to acknowledge gains when the Port acts responsibly but do not wish to patronize them when we are thrown a few bones. In my wary opinion, to unconditionally endorse the Port's land use application sends the wrong message. The deed is done. Let's move on.

--Jim Morgan

From: troy clark <brillobrain@ureach.com>
To: <NancyH@bes.ci.portland.or.us>
Date: 5/2/02 12:22PM
Subject: POP trail alignment

Hi Nancy, the Friends of Smith and Bybee Lakes (Friends) met last night. One of the subjects we discussed was the decision that was voted on at the 4-23 Smith and Bybee Lakes Management Committee (SBLMC) meeting to send a letter to the city supporting the LUR for the Port of Portland (POP) concerning the trail they must build along the Columbia Slough in the Wildlife Management Area. The Friends feel strongly that insufficient discussion has been had at the SBLMC on the ramifications of this trail. We urge more evaluation and discussion on the impacts of this trail and the possible mitigation strategies be had at the next regular SBLMC meeting before a letter of support is sent. Some of our concerns involve the impacts of uses in the Wildlife Area that are posted as not allowed elsewhere but may become common practice because of the nature and location of this trail. Such practices as bike riding and dog walking are expressly forbidden on the interlakes trail, but how they will be deterred on this segment of trail has not been defined. Therefore we request revisiting the trail issue at the 5-28 SBLMC meeting. Thank you for your careful consideration to our request.

Troy Clark, President of the Friends

Get your own "800" number
Voicemail, fax, email, and a lot more
<http://www.ureach.com/reg/tag>

From: "Hendrickson, Nancy" <NANCYH@BES.CI.PORTLAND.OR.US>
To: Bill Briggs <BillB@bio-stim.com>, Denise Rennis <rennid@portptld.com>, Elaine Stewart <stewarte@metro.dst.or.us>, "Emily Roth (hevanet)" <emroth@hevanet.com>, Frank Opila <FrankO@hevanet.com>, Frank Opila 2 <fopila@hotmail.com>, Holly Michael <Holly.B.Michael@state.or.us>, Jim Morgan <MorganJ@metro.dst.or.us>, Pam Arden <npdarden@teleport.com>, Pat Sullivan <SullivanP@metro.dst.or.us>, Patt Opdyke <popdyke@pacifier.com>, Peter Teneau <tenwa@jps.net>, Ray Piltz by paper copy <none>, "Sjulin, Jim" <PKJIMS@ci.portland.or.us>, Troy Clark <brillobrain@ureach.com>
Date: 6/20/02 4:14PM
Subject: RE: issues discussed at the 4/23 and 5/28 meetings

To all:

Here is the letter that incorporates everyone's comments that I received from the last draft. The LUR has been submitted, but we have not yet received notification for comment.. I'm going to be out of town from 6/21/02 - 7/6/02. During that time, Troy will be able to submit the letter once we have the LUR number, etc. So you may have one last chance to indicate whether you think this letter captures the essence of our discussions, depending on the timing. Please email your comments, if any, to all.

Have a fun time out at the Lakes in June, Cheers, Nancy

By majority vote, the Smith & Bybee Lakes Management Committee (SBLMC) recommends support for the trail proposed in LUR 02-xxxxxx EN. It should be noted that the vote was not unanimous. Several concerns were raised on both sides:

In support:

- * The trail is consistent with the NRMP. It is shown as a potential project on the Figure 5 map.
- * It is very important to connect with the 40-Mile Loop trail in this area. The neighborhoods want access. Trails have been planned for this area and should be constructed as soon as possible.
- * The Consent Decree requires that the Port build the trail in this location unless the City withdraws the trail requirement with respect to the Port. The City has not withdrawn the requirement. Furthermore, once work to fulfill the requirements of the Consent Decree is finished, the Port is prohibited from disturbing the restoration areas by any activities that are inconsistent with the Consent Decree. Therefore any future trail alignment would be prohibited in this area.
- * The number of trees eliminated due to trail design has been reduced from 200 to less than 10.
- * The number of days of trail closure due to high water has been reduced from 180 to 15.

Not in support:

- * The trail is inconsistent with aspects of the NRMP, specifically on page 48, paragraph 6, which states that, "another strategy employed by the Plan is intentionally not providing access facilities (e.g. nearby parking, trails, directional information to Bybee Lake."
- * The trail does not fulfill the objectives of the 40-mile Loop trail because bicycling and dogs are not allowed within the Wildlife Area. How these activities will be deterred on the Lakes segment of the proposed trail

has not been defined.

* The final and optimum placement for the trail in the Wildlife Area has not yet been determined. The design of the proposed trail should be integrated in the final design of the trail in the Wildlife Area.

The final recommendation of the SBLMC is to support the proposed trail, but would like the design to include deterrents at the east "dead end" of the trail and along the trail itself where it borders Bybee Lake. Deterrents would discourage people from leaving the trail to wander in the Wildlife Area. Deterrents should include signage and vegetative and/or structural impediments along the trail and at the cul-de-sac, which currently represents the trail's end. We urge you to take these concerns into consideration.

Sincerely,

Troy Clark
Vice-Chair, Smith & Bybee Lakes Management Committee

cc Charles Cieccko, Director of Parks and Greenspaces, Metro
Elaine Stewart, Smith & Bybee Lakes Wildlife Area Manager, Metro
SBLMC members and staff
<<2002-06-25 letter OPDR Port Trail LUR.doc>>

coordinated by:

**Smith & Bybee Lakes Wildlife Area
Management Committee**

*Nancy Hendrickson, Chair
Troy Clark, Vice Chair*

Metro

600 NE Grand Ave.
Portland, OR 97232
(503) 797-1515

June 25, 2002

Stacey Wenger
Planner
OPDR
1200 SW 4th Avenue
Portland, OR 97204

Re: LUR 02-xxxxxx EN

Dear Ms. Wenger,

By majority vote, the Smith & Bybee Lakes Management Committee (SBLMC) recommends support for the trail proposed in LUR 02-xxxxxx EN. It should be noted that the vote was not unanimous. Several concerns were raised on both sides:

In support:

- The trail is consistent with the NRMP. It is shown as a potential project on the Figure 5 map.
- It is very important to connect with the 40-Mile Loop trail in this area. The neighborhoods want access. Trails have been planned for this area and should be constructed as soon as possible.
- The Consent Decree requires that the Port build the trail in this location unless the City withdraws the trail requirement with respect to the Port. The City has not withdrawn the requirement. Furthermore, once work to fulfill the requirements of the Consent Decree is finished, the Port is prohibited from disturbing the restoration areas by any activities that are inconsistent with the Consent Decree. Therefore any future trail alignment would be prohibited in this area.
- The number of trees eliminated due to trail design has been reduced from 200 to less than 10.
- The number of days of trail closure due to high water has been reduced from 180 to 15.

Not in support:

- The trail is inconsistent with aspects of the NRMP, specifically on page 48, paragraph 6, which states that, "another strategy employed by the Plan is intentionally not providing access facilities (e.g. nearby parking, trails, directional information to Bybee Lake.)"
- The trail does not fulfill the objectives of the 40-mile Loop trail because bicycling and dogs are not allowed within the Wildlife Area. How these activities will be deterred on the Lakes segment of the proposed trail has not been defined.
- The final and optimum placement for the trail in the Wildlife Area has not yet been determined. The design of the proposed trail should be integrated in the final design of the trail in the Wildlife Area.

The final recommendation of the SBLMC is to support the proposed trail, but would like the design to include deterrents at the east "dead end" of the trail and along the trail itself where it borders Bybee Lake. Deterrents would discourage people from leaving the trail to wander in the Wildlife Area. Deterrents should include signage and vegetative and/or structural impediments along the trail and at

the cul-de-sac, which currently represents the trail's end. We urge you to take these concerns into consideration.

Sincerely,

Troy Clark
Vice-Chair, Smith & Bybee Lakes Management Committee

cc Charles Ciecko, Director of Parks and Greenspaces, Metro
Elaine Stewart, Smith & Bybee Lakes Wildlife Area Manager, Metro
SBLMC members and staff

Everyone- FYI

-Elaine

-----Original Message-----

From: Rennis, Denise [<mailto:rennid@portptld.com>]

Sent: Wednesday, August 14, 2002 9:52 AM

To: 'Elaine Stewart'; 'Nancy Hendrickson'

Subject: Submittal of 40 mile loop LUR application

You may already know this from Gerry, but the 40 mile loop application was submitted to OPDR last week while I was on vacation. The usual process is for OPDR to review for completeness. Records show they ALWAYS have more questions and we expect to get this returned. Then, after they are satisfied all the information is there, they put it out for public comment. So, don't expect to be seeing anything from them for a while. I will try and let you know when we have heard that it is going out for public comment.