

Plum 2-letter to S+B
no by lake
note

Fuel Processors Inc.

Petroleum Recycling Since 1979

4150 N. Suttle Rd. Portland, OR 97217 EPA# ORD 980975692
(503) 286-8352, 1-800-367-8894, Fax (503) 286-5027

July 16, 1996

Mr. Charlie Hales, Commissioner
City of Portland
1220 S.W. Fifth Ave. Room 404
Portland, Oregon 97204

Dear Commissioner Hales:

Thanks for your efforts to date concerning my request for review of what was considered a mapping error on our property in North Portland.

I have reviewed the supplied material. We have worked with it before with the Smith and Bybee Lakes development. We continue to work with that group as we believe there is much that can be done to improve our area.

I discussed the matter with Mr. Brown and he was a good listener, but it became clear that to include our heavily zoned industrial property which was owned by us before the zoning has impacted our land at our expense. The fact that the Port of Portland was willing to give up their property rights to obtain a permit to build additional railroad should not affect other's rights to private property. That is, in effect the net result of the zoning change. If the government (City or other) takes property rights, they need to pay for these rights. I believe when you review the Smith Bybee development, in that other than governmental or donated lands, they have purchased the affected lands within this needed recreation district to gain these rights. They have not from us.

Mr. Brown explained that since all of my property, not just the incorrectly mapped area, is within 75' of the zoning therefore has been impacted. I believe that the city should correct the problem at their expense, not mine or my company's.

(1st) Correct the mapping error which clearly includes part of our property and if that is not done to re-open the matter to remove all property N.E. of the railroad as it was not included in the original management zones, public maps or environmental study as shown in the City of Portland Bureau of Planning report adopted by the City of Portland 11-8-90.

(2nd) If the Smith & Bybee Lakes District would like to include the wet land area owned by Fuel Processors, Inc., a related company, for what they paid for it, prior to the Smith/Bybee development, \$65,000.00 then they should discuss how this could be done as we believe it would be a good addition to their development.

Mr. Hales, you are welcome to tour and see the problem first hand. The simple way is to correct the mapping plan now!

I am happy to work with anyone you suggest, but this matter needs to be corrected before we are damaged further and therefore we all get into unnecessary litigation. Please have someone call by 7-25-96.

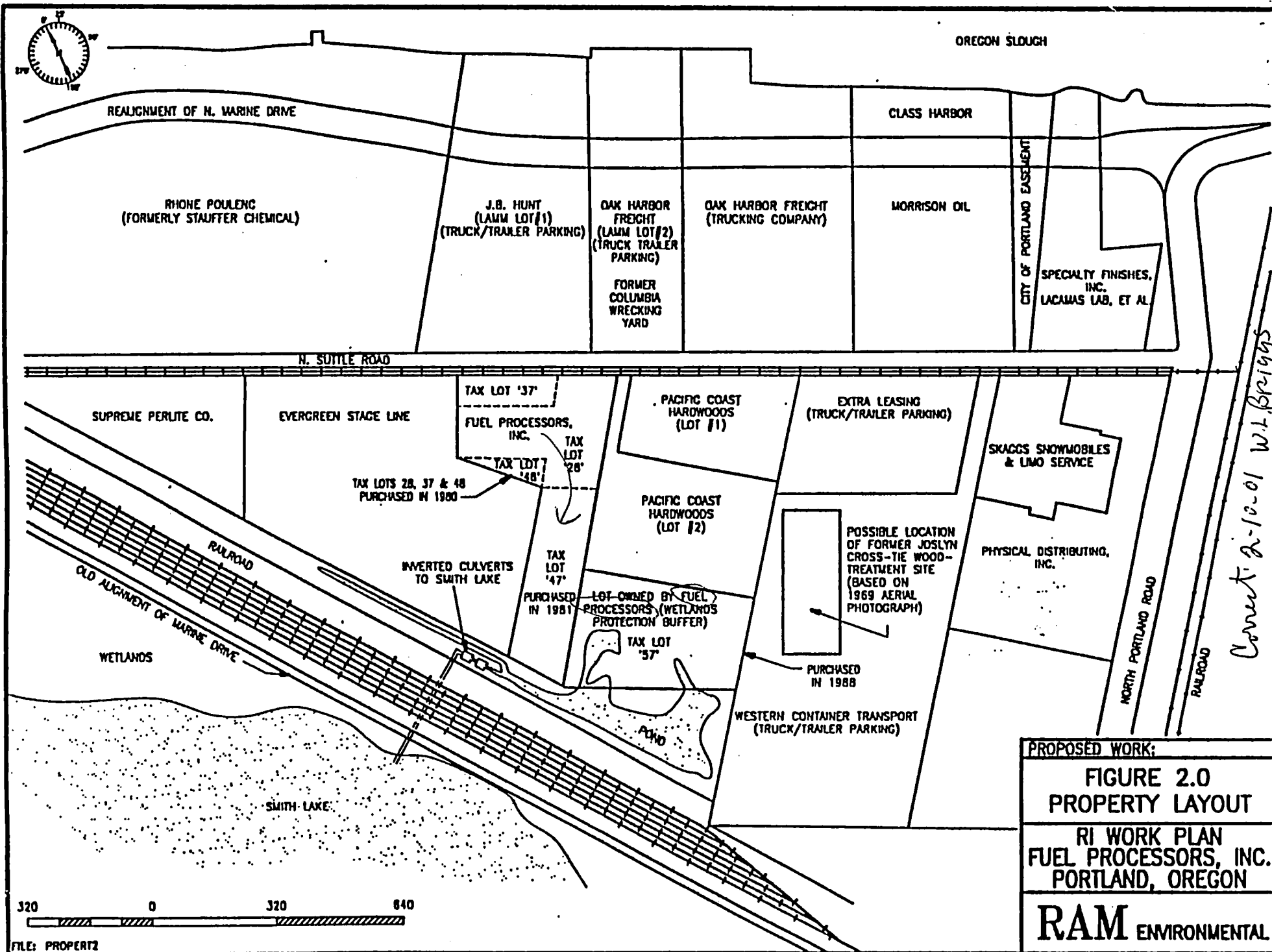
Yours Truly,

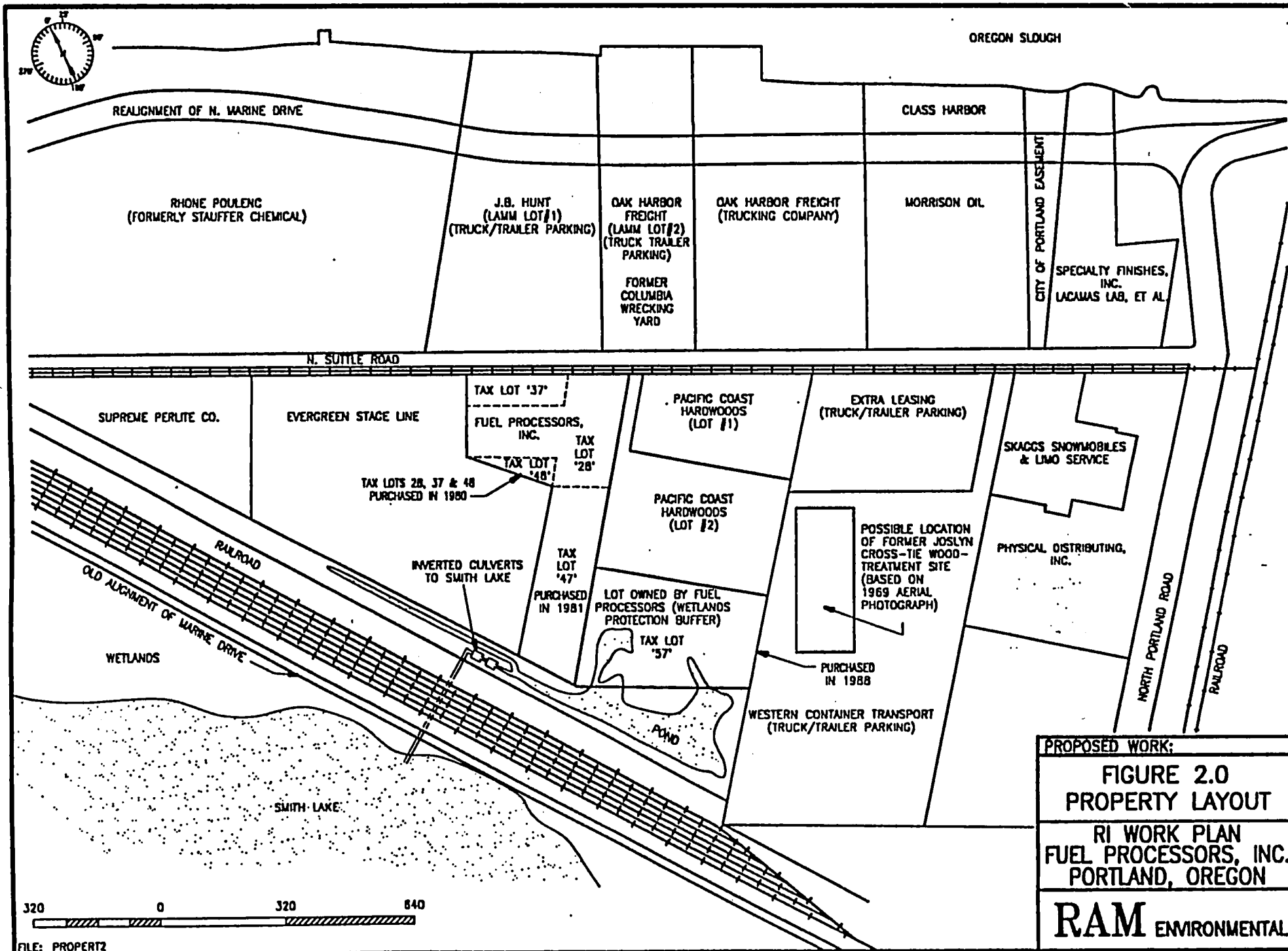
A handwritten signature in dark ink, appearing to read "Bill Briggs", with a stylized flourish at the end.

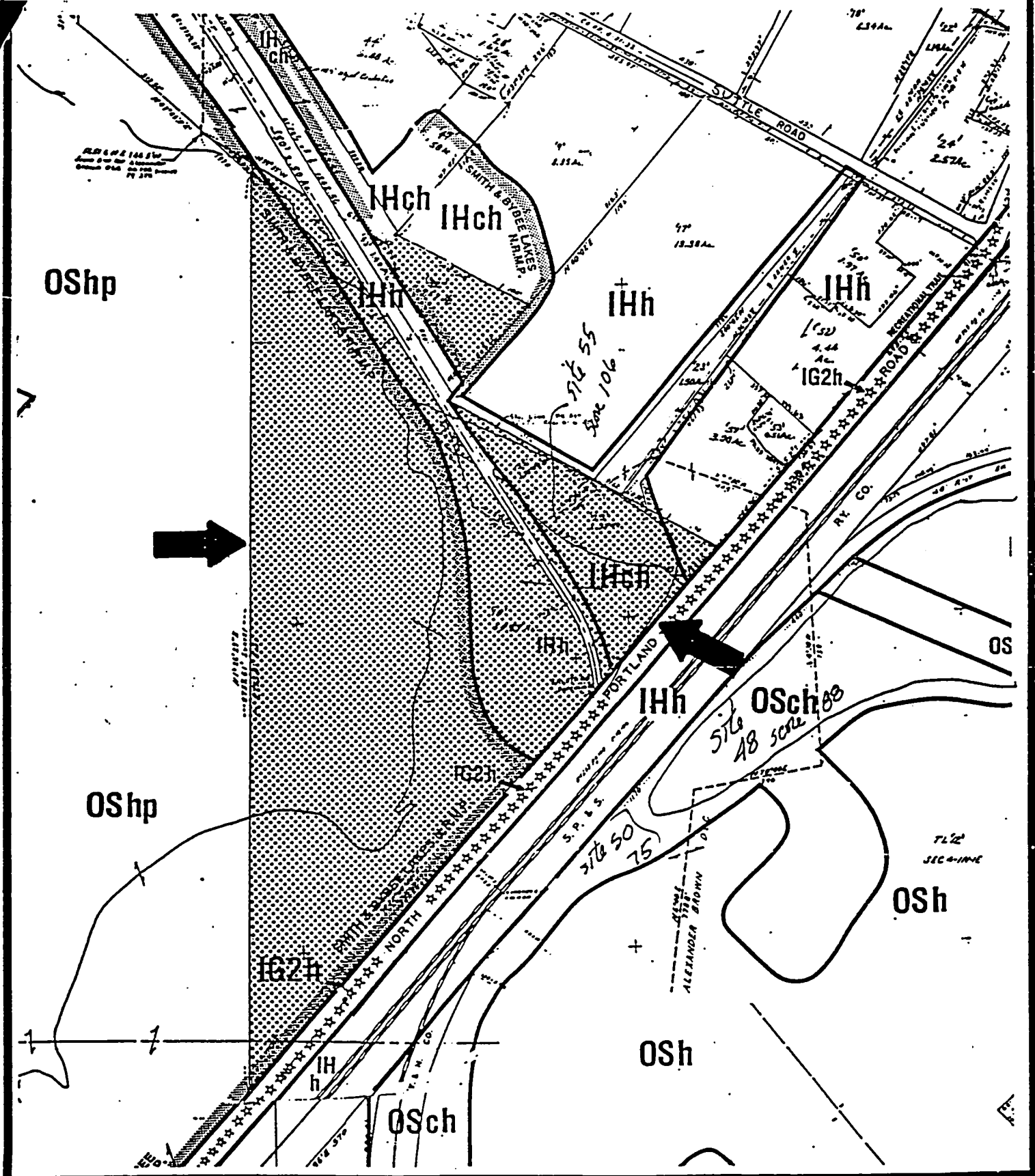
W. L. Briggs
President

WLB:gw

Enclosure: Copy of City original approval







Zoning

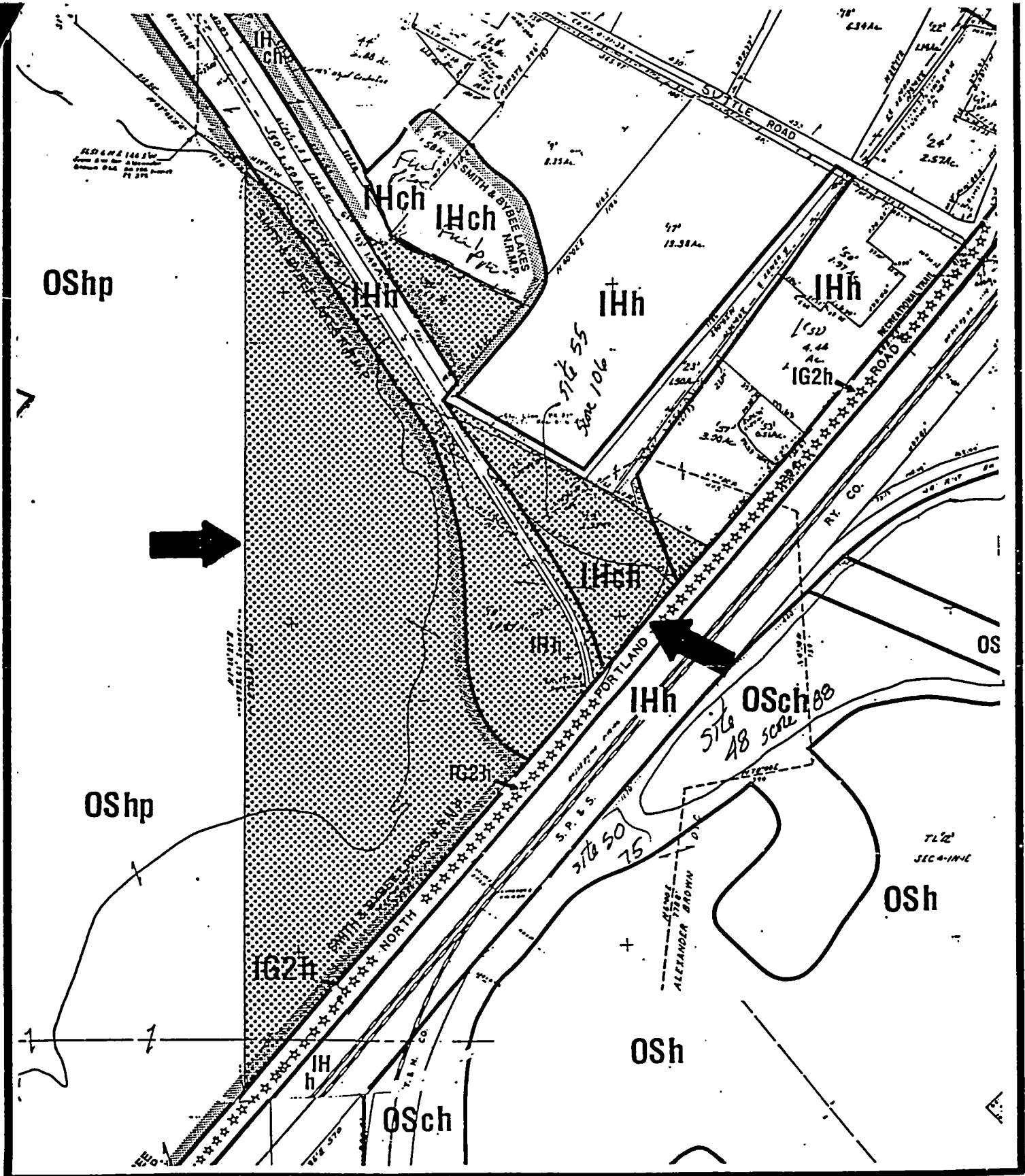


This site lies within the
SMITH & BYBEE LAKES N R M P

Enclosed
2-10-01

W. Briggs

File No. LUR 96-00113 EN
1/4 Section 1826
Scale 1" = 400'
Request
Exhibit



Zoning



This site lies within the
SMITH & BYRREE LAKES N R M P.

File No. LUR 96-00113 EN
 1/4 Section 1826
 Scale 1" = 400'
 Request _____
 Exhibit _____

**NATURAL RESOURCES MANAGEMENT PLAN
for
SMITH AND BYBEE LAKES**

PREPARED BY

PORTLAND BUREAU OF PARKS AND RECREATION

Charles Jordan, Superintendent
Jim Sjulín, Project Supervisor

PORT OF PORTLAND

Bob Woodell, Executive Director
Brian Campbell, Planning Manager

ALSO PARTICIPATING

PORTLAND BUREAU OF PLANNING

Duncan Brown, City Planner
Susan McKinney, City Planner

Adopted by the
Portland Planning Commission
May 8, 1990

Adopted by the
Portland City Council
November 8, 1990

Effective November 8, 1990

Ordinance Number 163610

ISSUES

During the creation of the Management Plan many issues were discussed before the recommended set of policies and specific actions were developed. This "Issues" section of the Management Plan outlines these discussions and provides the background and the rationale for the recommendations brought forward.

Ownership of Property

The issue of property ownership is a critical one to the successful management of Smith-Bybee. The present ownership pattern is not conducive to coordinated management of the environment, nor does it make very possible the public recreation uses envisioned in the Management Plan.

Many private property owners appear to be very interested in selling property to an appropriate public entity. Reasons include their desire to end property tax payment obligations on property that does not provide economic return, their desire to reinvest in other areas, and their recognition that the most appropriate use of their property is for a more general public benefit (in agreement with the goals and objectives of the Management Plan) which is most appropriately provided through public ownership. Some private property owners have clearly expressed their desire to sell as soon as possible to the appropriate public agency. It should be the Policy of the Management Plan for the appropriate public agency to purchase property from willing sellers as the first priority. It should be the Policy of the Management Plan to purchase for fair market value as determined by an independent party.

It should be made known to all private property owners that an acquisition program exists to acquire property from willing sellers on a fair market value basis.

Provided that the policies and actions of the Management Plan are recognized, adopted, and implemented by all public agencies involved in the Management Area (Metro, City, Port), it does not appear to matter which public agency actually holds title to properties. It is likely that considerations such as the renewed Agreement between the City and Metro regarding responsibilities for the St. Johns Landfill, environmental mitigation programs (committed or planned) by the Port, and the desire by public agencies to remain involved on a property ownership basis will, for the foreseeable future, mean that the City, the Port, and Metro will be involved as property owners.

Some private property owners may also want to remain involved to preserve environmental mitigation options or because their objectives are in line with the goals and objectives of the Management Plan (e.g., PGE, Oregon Parks Foundation). Protection of remaining private property from unwanted access will be considered prior to construction of facilities and as levels of use increase over time.

(Since the divided ownership situation will not be resolved quickly, implementation of the Management Plan will require agreements with cooperating property owners to enable overall management and use.)

The Trust Fund Manager should acquire property and should be responsible for execution of the property acquisition program. Funds for the acquisition program covering costs of property and transaction costs should be appropriated by the Trust Fund Manager.

Actions

Specific management actions have been identified, prioritized, and assigned with an identified funding source in order that implementation of the Management Plan might begin without delay. Actions should be considered as guidance to implementing agencies and not legally binding. Actions not identified here should be developed by the Management Committee as recommendations for approval of the Trust Fund Manager. All Policies developed and actions taken shall be consistent with the Management Plan. Many Actions will be subject to review through the Implementation Procedures described in this Plan. Figure 5 indicates the approximate location for many of the Plan's activities and projects.

Action 1 Establishment of a "Smith and Bybee Lakes Trust Fund", which implements Policy 4. Includes appropriations consistent with the terms and conditions of any in-force agreement between the City of Portland and Metro.

Priority/Timing: Highest/Immediate.

Responsible Organization: Portland City Council and Metro Council.

Funding Sources: Transfer of monies from the City of Portland Refuse Disposal Fund are expected to be \$2,233,522 as of June 30, 1990; all subsequent payments from Metro collected as "tipping fees" (\$.40 per ton) dedicated to St. Johns Landfill End Use; and 40% of all subsequent St. Johns Landfill lease payments from Metro to the City (or an equal amount if lease payments cease) until solid waste disposal ceases at St. Johns Landfill; any interest earned on the aforementioned Trust Fund will become part of the Trust Fund; and any additional funds described in any landfill/lease or ownership agreement between the City of Portland and Metro in effect on the effective date of a Metro Ordinance adopting the *Smith and Bybee Lakes Management Plan*.

Action 2 Establish a Smith and Bybee Lakes Management Committee which is responsible for the overall management of the Management Area, for the execution of the Management Plan, and for the development of budgets for approval of the Trust Fund Manager which implements Policy 5.

Priority/Timing: Very high/Immediate.

Responsible Organization: Trust Fund Manager.

Action 3 Provide staff support for the Management Committee and carry out specific actions authorized by the Trust Fund Manager through this Management Plan.

Cost Estimate: \$55,000/year.

Priority/Timing: Very high/Immediate.

Responsible Organization: City of Portland Bureau of Parks or Metro as determined by the Trust Fund Manager

Funding Source: Smith and Bybee Lakes Trust Fund.

Action 4 Acquisition of property from willing sellers, which implements Policy 7. Property to be acquired includes all parcels which are needed for public recreational use.

Estimated Cost: \$250,000 to \$500,000.

Priority/Timing: Very High/Immediate.

Responsible Organization: City of Portland Bureau of Parks or Metro as determined by the Trust Fund Manager.

Funding Source: Smith and Bybee Lakes Trust Fund.

- Executive Officer of Metro
- Metro Councilor
- President of Portland General Electric
- President of the Friends of Smith and Bybee Lakes
- President of the 40 Mile Loop Land Trust
- President of the Board of the Portland Audubon Society
- A representative of other private landowners within the Management Plan boundary, if any.
- President of Peninsula Neighbors

The Management Committee is the principal advisory body to the Trust Fund Manager. A primary responsibility of the Management Committee is to develop and recommend a budget to the Trust Fund Manager for approval. Duties of the Management Committee shall include:

- review and recommend for approval acquisition of land within the Management Area;
- general oversight for development, maintenance, and operation of recreational and educational facilities within the Management Area; and
- recommendations for environmental programs within the Management Area except as provided for or required elsewhere (e.g., the *Revised Closure and Financial Assurance Plan*, *St. Johns Landfill*, by Oregon D.E.Q. permit, etc.).

The Trust Fund Manager will be responsible for designating the chair of the Management Committee or the process through which the chair will be determined.

Policy 6 The Smith and Bybee Lakes Trust Fund Manager may enter into agreement with landowners for the purpose of obtaining public recreational use of lands within the Smith-Bybee area. Such agreements are limited to a term of 5 years but may be renewed.

Policy 7 The Trust Fund Manager may negotiate with owners of land within the Smith-Bybee area for the purpose of acquiring such land in order to better achieve the goals and objectives of the *Smith and Bybee Lakes Management Plan*. Such negotiations shall be limited to willing sellers with every effort being made to accommodate sellers without delay. Funds reserved for the implementation of the *St. Johns Landfill End Use Plan* shall be made available to accomplish these acquisitions.

Policy 8 The City of Portland, as authorized by the Trust Fund Manager, shall construct the projects designated in this plan which facilitate recreation access to Smith Lake and its periphery. These include a parking lot, canoe/small boat launch facilities, trails, and an interpretive center. Funds originally reserved for the construction of facilities as part of the implementation of the *St. Johns Landfill End Use Plan* shall be made available to accomplish these projects to the extent funding limitations allow.



4150 N. Suttle Rd. • Portland, Oregon 97217 • 1 (503) 286-8352

April 29, 1998

Ms. Susan Payne
Assistant Regional Planner
METRO
600 N.E. Grand Ave.
Portland, Oregon 97232-2736

Dear Ms Payne:

In our letter of 4-6-98, we asked for your help to correct the effects of errors and the damage caused to the value of our industrial property.

You will find photos showing part of the problem and a copy of our original request.

One can see from Exhibit #1 that the line drawn with arrow was to show the points where the wetlands were, not a line by itself. From that, an error was made which increased the boundary to include what someone thought was the wetland boundary. Exhibit #2 shows the correct wetland and lot 47 should never been part of the wetland boundary. Someone needs to check the original survey.

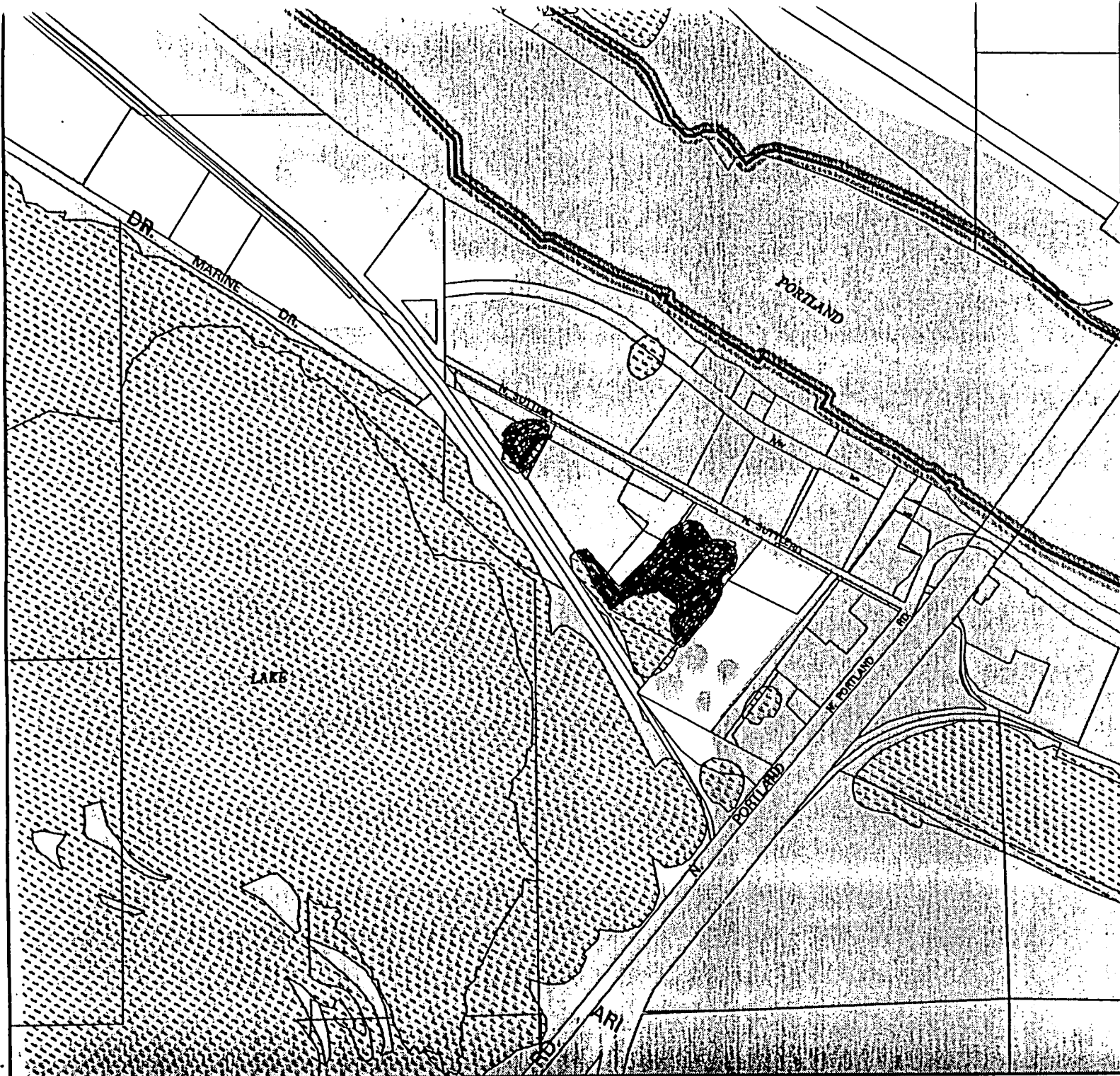
Our next step must be to seek legal help since the error was made by some governmental party, not us.

Why can't you help first, instead of causing us to spend time and funds we need for other methods of protecting our environment?

Yours Truly,

W. L. Briggs
President

WLB:gw



R L I S
 REGIONAL LAND INFORMATION SYSTEM

Title 3 DRAFT Section 2n1e32

Proposed Protection Areas Growth Management Functional Plan

NOTE:
This map, which represents proposed protection areas, is not an independent, legal document. It is intended to be used as a guide for delineating sensitive areas, in conjunction with the Title 3 ordinance language, adopted by the Metro Council.

Water Quality and Flood Management Areas
Oregon Statewide Planning Goals 6 & 7

- Flood Hazard Area
- Water Quality Resource Areas:**
- Riparian Corridors
- Wetland Areas
- Primary Protected Water Features
- Secondary Protected Water Features
- Tax Lot Lines
- Metro Boundary

NOTE: Due to positional error inherent in mapped data, a field survey is required to determine the precise location of natural boundaries (i.e. wetlands) in relation to tax lot boundaries.

FLOOD HAZARD AREAS
 Army Corps of Engineers, FEMA maps, 1991.
 Feb. 1994 Flood inundation line (from aerial photos) (scale 1" = 2111').
 Local professional input.

WETLANDS
 U.S. Department of Fish and Wildlife, 1983-1990.
 Local professional wetland inventory.
 SOURCE: USFWS.

TAX LOT MAP
 Office of Assessment, Multnomah County and Tigard.
 Source: CIP, 1994. Map accuracy: control point positional accuracy is plus or minus five feet or better. Data resolution is 1" = 100'.
 Multnomah County Land of Clad Am.
 Source: Multnomah County Assessor, 1995. Map accuracy: based on existing cadastral data. Lines mark actual using ground-to-ground survey.
 Source: Portland General Electric and Midco, 1994. Map accuracy: control point positional accuracy is plus or minus ten feet. Data resolution is 1" = 100', 1" = 200' or 1" = 400'.

The information on this map was derived from digital data on Metro's CIP. Can not take on the scale of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

Scale in Feet

1-30-98 As it should be the black area is not part of wetland on Field Plain

Title 3 DRAFT Section 2n1e32

Proposed Protection Areas
Growth Management
Functional Plan

NOTE:
This map, which represents proposed protection areas, is not an independent, legal document. It is intended to be used as a guide for delineating sensitive areas, in conjunction with the Title 3 ordinance language, adopted by the Metro Council.

Water Quality and
Flood Management Areas
Oregon Statewide Planning Goals 6 & 7

 Flood Hazard Area

Water Quality
Resource Areas:

 Riparian Corridors

 Wetland Areas

 Primary Protected
Water Features

 Secondary Protected
Water Features

 Tax Lot Lines

 Metro Boundary

NOTE: Due to positional error inherent in mapped data, a field survey is required to determine the precise location of natural boundaries (i.e. wetlands) in relation to tax lot boundaries.

FLOOD HAZARD AREAS
Army Corps of Engineers, FEMA maps, 1992.
Feb. 1996 Flood inundation line (from aerial photos taken 2/9 - 2/11).
Local jurisdictional input.

WETLANDS
U.S. Department of Fish and Wildlife, 1983-1990.
Local jurisdictional wetland inventories.

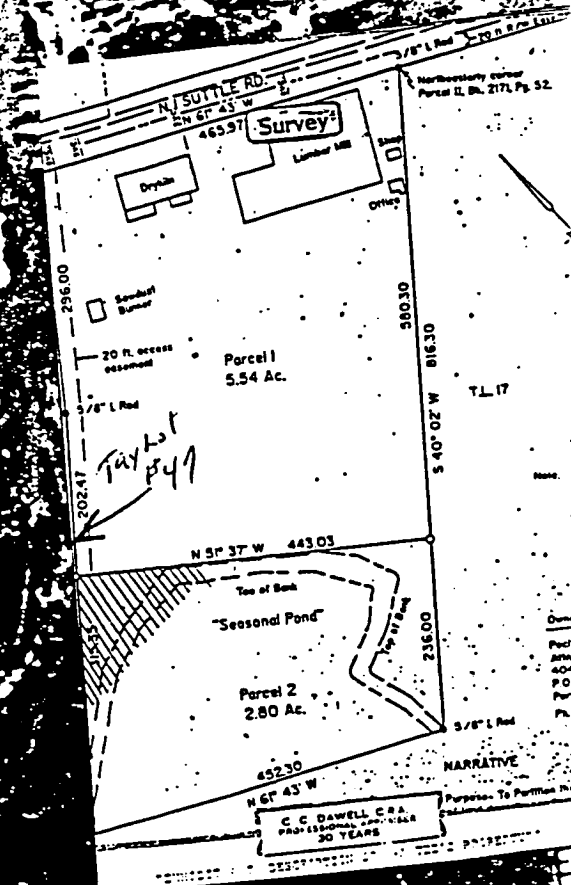
SOURCES:
TAX LOT MAP
Cities of Beaverton, Milwaukie, Oregon City and Tigard;
Source: City, 1996. Map accuracy: central point positional accuracy
is plus or minus five feet or better. Data collection scale: 1"=100'
Multnomah County East of 2nd Ave;
Source: Multnomah County Assessor, 1995. Map accuracy: based on
existing control points. Line work created using coordinate geometry.
Remainder of region;
Source: Portland General Electric and Metro, 1996. Map accuracy:
central point positional accuracy is plus or minus ten feet.
Data collection scale: 1"=100'; 1"=200' or 1"=400'

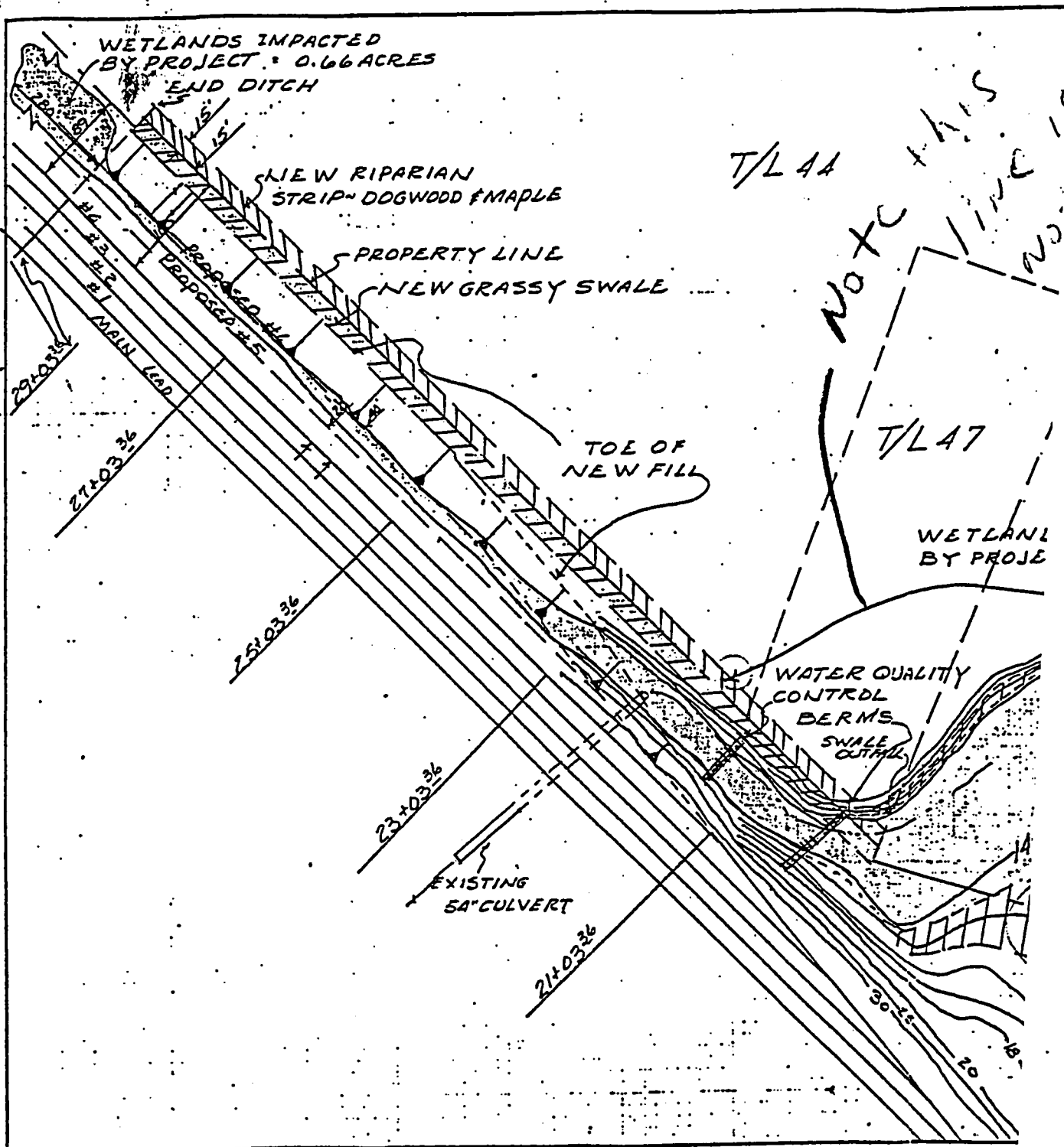
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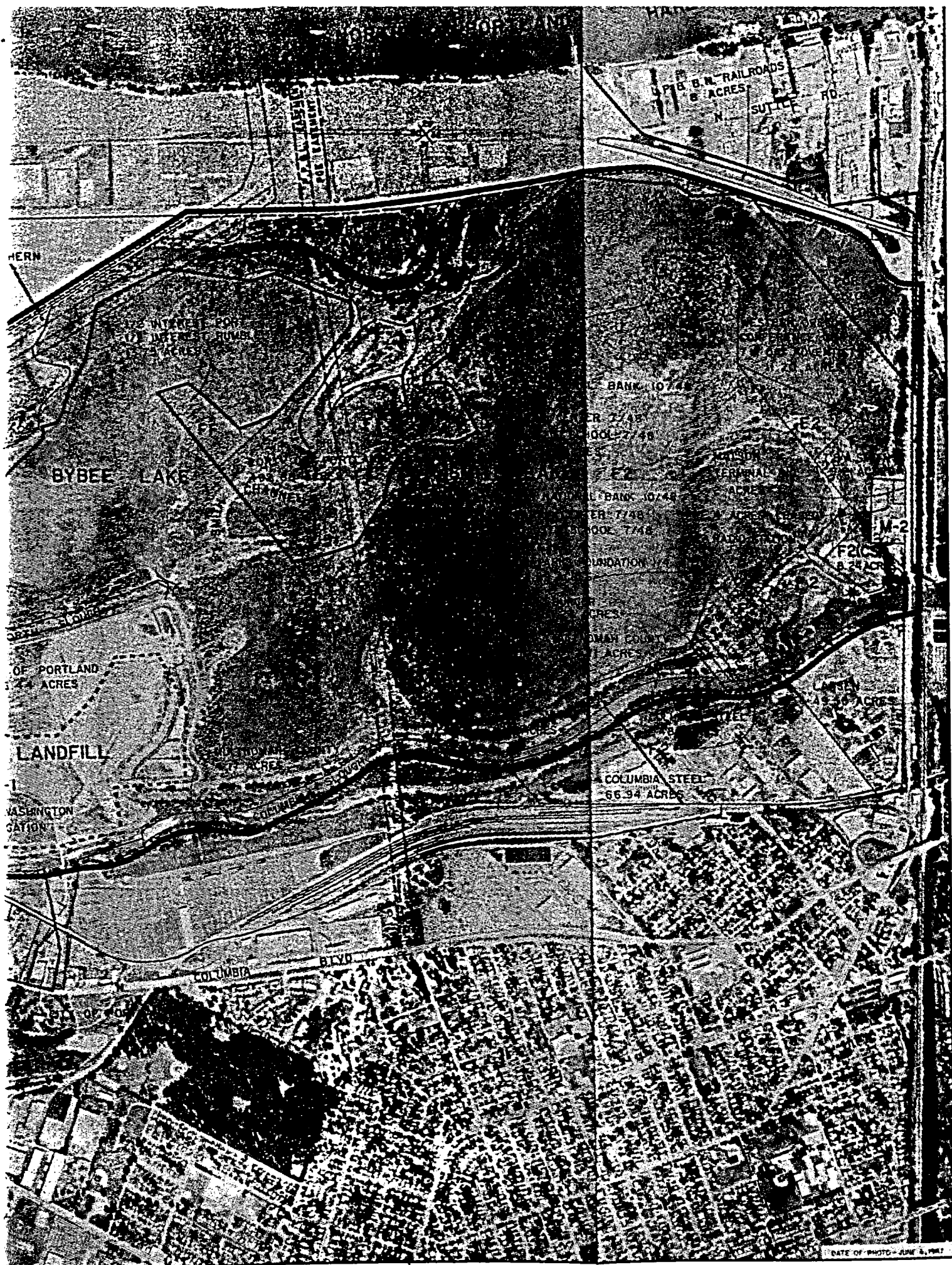


Scale in Feet
0 250 500



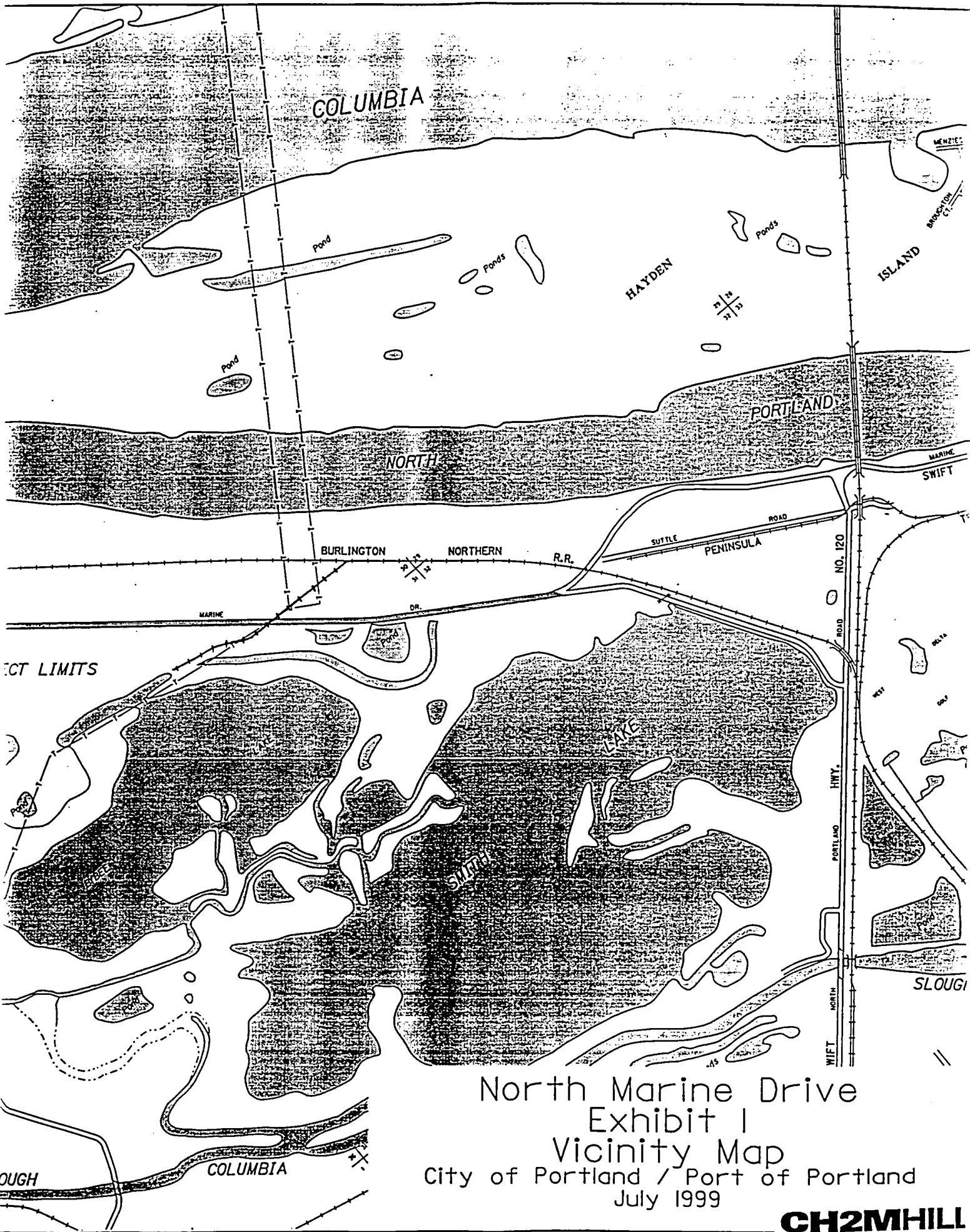






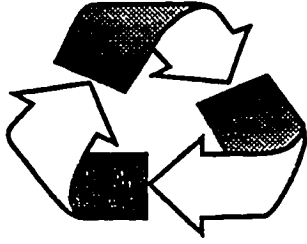
Port of Portland

SMITH AND BYBEE LAKES
MANAGEMENT PLAN



North Marine Drive
Exhibit I
Vicinity Map

City of Portland / Port of Portland
July 1999



Fuel Processors Inc.

Petroleum Recycling Since 1979

4150 N. Suttle Rd. Portland, OR 97217 EPA# ORD 980975692
(503) 286-8352, 1-800-367-8894, Fax (503) 286-5027

March 29, 1999

Ms. Emily Roth
Metro Regional Parks & Greenspaces
600 NE Grand Ave.
Portland, OR 97232

Re: Smith and Bybee Lakes Natural Area

Dear Ms. Roth:

Please review the Conceptual Recreation Master Plan, map page 22, verses the Recreation Master Plan, map page 23, and let us know how these relate.

The area which is highlighted on page 22 is property owned by our company and was only to be included in the Smith and Bybee Lakes Management Area if it was purchased from us. To date, it has not been purchased and is causing problems over zoning, flood plain restriction and storm water run-off.

Since we are not interested in selling but would be willing to work this area into a storm water retention area for all of Suttle road with help in the development from your district and the city to that end.

Perhaps you would like to hold your monthly meeting in our conference room and allow an hour for a tour and review of what we do to protect the environment.

Regards,

Bill Briggs

WLB:gw

NORTH PORTLAND HARBOR

Proposed North Marine Drive
Improvement

ENTRANCE TO HIKING TRAILS
EXISTING PARKING

FUTURE BOAT
ACCESS

OBSERVATION POINT

OBSERVATION POINT

SMITH LAKE

LAKE

BOAT ACCESS ROAD
BOAT ACCESS

ATION POINT

Water Control
Structure

INTERPRETIVE CENTER

CANOE ACCESS

ENTRANCE ROAD

40 MILE LOOP TRAIL

NORTH TOLUOPEA BOULEVARD

LEGEND

- ENTRANCE POINT
- HIKING TRAIL
- ACCESSIBLE HIKING TRAIL
- 3 MILE LOOP TRAIL
- OBSERVATION POINT
- CANOE ACCESS

SMITH & BYBEE LAKES CONCEPTUAL RECREATION MASTER PLAN

Metropolitan Service District
Portland Bureau of Parks and Recreation
Portland, Oregon

0 200 400 800



Date: June 1992

NORTH PORTLAND HARBOR

Proposed North Marine Drive
Improvement

FUTURE PARKING

FUTURE BOAT AND
CANOE LAUNCH
(As Needed)

TRAILHEAD

PARKING

TRAILHEAD

PENINSULA TRAIL

OBSERVATION PLATFORM

POND SPUR TRAIL

POND LOOP TRAIL

OBSERVATION
PLATFORM

SMITH LAKE

SWAMP
VEGETATION

LAKE

BOAT RAMP

INTERPRETIVE CENTER
SPUR TRAIL

ROAD TO BOAT RAMP

INTERPRETIVE CENTER
LOOP TRAIL

ENTRANCE
ROAD

SMITH CHANNEL SPUR TRAIL

SMITH LAKE SPUR TRAIL

SWAMP
VEGETATION

INTERPRETIVE CENTER
CANOE LAUNCH
PARKING

48 MILE LOOP TRAIL
COLUMBIA SLOUCH TRAIL

SMITH & BYBEE LAKES RECREATION MASTER PLAN

Metropolitan Service District
Portland Bureau of Parks and Recreation
Portland, Oregon

0 200 400 800



Date: June 1992



4150 N. Suttle Rd. • Portland, Oregon 97217 • 1 (503) 286-8352

May 30, 2000

Ms. Elaine Stewart
Smith & Bybee Lakes Wildlife Area Committee
600 NE Grand Ave
Portland, OR 97232

Dear Elaine

As you know our company has been concerned with what to do with the land we own North of the railroads. This land has been included in the boundary of Smith & Bybee Lake Park. We can not support that. That may have been an error, since there hasn't been any efforts to purchase it. This overlay prevents our use and income from development of 2 plus acres of the best heavy industrial land in Metro.

Perhaps, as a solution we should enter into discussion to developing the area into a community storm water receiving area for the city, all the property owners on Suttle Rd, etc. for protection of water that may enter Smith Lake; a Bioswayle so to speak.

We would need some consideration in clearing up the wetland questions on our other land and permanent variances to the set back on our properties at Suttle Rd and Force Ave. This would also encourage the needed recycling efforts our various companies are able to carry on.

Since this is causing continuous damage to our companies by not being able to develop our property, this must be something that gets completed in the next 6 months. Please keep this on a higher priority and get the committees input.

Yours Truly

Bill Briggs
President

Merit USA, Inc.
4150 N. Suttle Road
Portland, Oregon 97217
503-286-8352

February 12, 2001

% Metro
Ms. Nancy Hendrickson
Smith & Bybee Lake Wildlife Area
600 NE Grand Avenue
Portland, Oregon 97232

Dear Ms. Hendrickson;

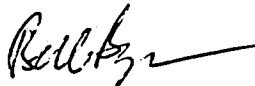
I was ready for the February meeting last Tuesday but no one was in Room 270 at 5:15 to 5:30 p.m. I must have missed something!

You will find a file on my Merit USA, Inc. property at 4150 N. Suttle Road, which is across the railroad north of Smith & Bybee Lake.

I have written twice to see what could be done to correct an error in mapping that includes our property as part of the wildlife area. Nothing has been done.

This has caused our company damage and needs to be addressed. It has kept us from using the valuable heavy zoned industrial land to complete our needed recycling facility. Before I go farther with the necessary legal action and expense, I need an eye-to-eye meeting in the next two weeks. Please call me so we can set it up.

Yours truly,



WL Briggs
President

