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January ¹⁷~~19~~, 2018

City Council of City of Portland
City Hall
Portland, Oregon

RE: City Council Meeting, January 19, 2018

Honorable Ted Wheeler and Fellow Commissioners:

I testify today to oppose the proposed Off-Road Cycling Master Plan ("proposed ORCMP") to the extent it relates to any further development of biker trails in Forest Park.

I live in Northeast Portland, and have practiced law for 29 years. My family has a deep appreciation for Portland Parks and Recreation that goes back many years. For instance, my children learned to swim at Grant Pool, I learned at Montavilla, and my parents at Buckman.

First and foremost, Forest Park is much more than the nation's largest urban forest, always much more than just another "asset" ripe for plucking by off-road biker developers. Forest Park represents a unique habitat and wildlife sanctuary that is simply unparalleled anywhere else in the country, a place where pedestrians and animals alike, quote, "can enjoy the peace, solitude, ruggedness, variety, beauty, unpredictability and unspoiled naturalness of an urban wilderness." End quote. This, then, is the vision that Portlanders affirmed and, by ordinance, the Portland City Council adopted in the "Forest Park Natural Resources Management Plan" in 1995. Ordinance No. 168509 and amended Official Zoning Maps. ("the Plan.")

The Plan mandates the protection of Forest Park habitat, its soils and its water resources. And, the Plan charges park managers with the duty, quote, to "advocate at every level for the protection of Park resources where Forest Park resources may be affected by the outcome." End quote. The Plan, pp. ii., iv.

Briefly, I'd like to present to the Council **four** grounds for opposing any proposed Off-Roads Cycling Master Plan that seeks to further develop biker trails in Forest Park.

1. First of all, biker trail development in Forest Park has already been fully implemented under the Forest Park Management Plan. Bikers' interests in developing routes in Forest Park were fully considered years ago as an part of a 3-year comprehensive planning process, and they were resolved in the Plan when the City Council adopted it by ordinance. During the process of developing the Plan, representatives of the off-road biker community sat around the same table with biologists and the other members of the Technical Advisory Committee, and with the members of the Citizens Advisory Committee. ***As a recommendation, the Plan authorized the tracks allowed for bikers to now extend more than 29 miles within Forest Park, itself.*** Plan, pg. 74. That recommendation, by the way, remains one of the few recommendations of the Plan the City has implemented.

2. Second, biker trail development in Forest Park has already been fully implemented under the Parks 2020 Vision. The *Parks 2020 Vision* makes a sole recommendation concerning Forest Park. It directs ~~this~~ ^{the} Board simply to "Continue to implement the recommendations of the Forest Park Natural Resources Management Plan." *Parks 2020 Vision*, pg. 44. The City implemented the recommendation for further biker development many years ago.

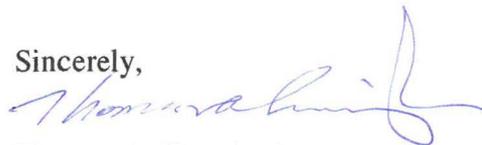
3. Third, promoting further biker trail development in Forest Park breaches the duty to protect Forest Park resources, and it does so by failing to first to develop "other recreation areas" in order to "relieve pressure on Forest Park. The Plan, pg. 110. Turning first to develop recreation facilities at other sites is, and I quote the Plan, "a critical strategy for protection of natural resources in Forest Park and for reduction of users conflicts." *Id.*

4. And, fourth, as determined by experts hired by the City, Forest Park is not a suitable site for further off-road biker development. Almost a year ago, in February 2017, experts hired by the City of Portland Bureau of Planning and Sustainability determined that the poor soil conditions found throughout Forest Park made the entire park simply unsuitable for further off-road development.

In their assessment of "Forest Park - South," the experts determined "This site is not suitable for off-road cycling trails ... because "Soils on the property do not infiltrate water well and there is a very high risk of landslides." The experts made the identical determination for "Forest Park - Central."

At that point, nearly a year ago, based on the assessments and determinations of its experts, alone, the Bureau of Planning and Sustainability should have simply abandoned any and all further efforts to include Forest Park in any Off-Road Cycling Master Plan.

Sincerely,



Thomas A. Cunningham,
Attorney at Law

A Vision for Forest Park

Forest Park represents an unparalleled resource where citizens can enjoy the peace, solitude, ruggedness, variety, beauty, unpredictability and unspoiled naturalness of an urban wilderness environment; a place that maintains this wilderness quality while allowing appropriate passive recreational and educational use without degrading natural resources; an urban laboratory for environmental research and resource enhancement and restoration; America's premier urban ancient forest.

*In seven generations,
an ancient forest of
national renown*

- Formulation of goals, strategies and actions
- Compilation of specific projects to achieve goals and strategies.

There was ongoing public participation during this work. Technical Advisory and Citizens Advisory Committees met frequently and numerous neighborhood meetings took place. Public hearings were held before the Portland Planning Commission and City Council between December 1994 and February 1995.

Summary of Specific Problems

In recent years, use of Forest Park has increased dramatically, with detrimental consequences to the park and its resources. Among the major problems are:

- Threats to the natural resources including recreational overuse, invasive non-native plants, off-site development
- Low staffing levels and funds
- Conflicts in recreational use—both between recreational users and between recreational users and local residents
- An increasing need to accommodate additional recreation use in the long- and short-term future

If current levels of staffing, funding, maintenance and management are continued, both the recreation facilities and the natural resources of Forest Park will suffer.

Forest Park Natural Resources Management Plan Goals

The plan presents and seeks to balance two goals which are sometimes in conflict: *to protect Forest Park natural resources*, and *to enhance Forest Park's recreational and educational resources*.

Conservation Goals

Parks and Recreation has two primary conservation goals:

1. Protect Forest Park's native plant and animal communities, and its soil and water resources while managing the forest ecosystem in order to grow a self-sustaining ancient forest for the enjoyment and benefit of future generations.
2. Design management and restoration efforts to:
 - Maintain and enhance regional biodiversity
 - Provide wildlife habitat and migration opportunities
 - Improve water quality and aquatic habitat
 - Repair damaged and fragmented natural systems.

determine if resources are being sustained, improved or degraded over time.

Land Acquisition. Acquire land for six distinct purposes: preserve interior forest habitat; protect Balch Creek watershed; protect other watersheds; create connections to the Willamette River; improve connections to rural areas to the north and west of the park; and provide better public access.

Advocacy. Portland Parks and Recreation will be an active advocate for protection of Forest Park resources. As the region continues to grow, there will be many opportunities for Park managers to participate in planning processes affecting urban form, transportation facilities and land use. Park managers will advocate at every level for the protection of park resources where Forest Park resources may be affected by the outcome.

Education. Provide information to park users about resource protection stating reasons for particular management actions.

Use

Improved Access. Improve access to support resource protection objectives; minimize conflicts with surrounding residential areas; make Forest Park available to all people.

Recreation Monitoring. Gather information on the types and levels of recreational use in each management unit. Formulate appropriate user policy from this information and that obtained from the natural resource monitoring program.

Other Recreation Opportunities. Support the acquisition and development of other natural area recreation opportunities to reduce user pressure on Forest Park.

Recreation Management. Control recreation use in order to protect and enhance the high quality of this natural resource.

Facility Development. Provide facilities appropriate to the management unit.

Management

Enhanced Management. Increase staffing, especially in the areas of natural resource management, public outreach and liaison work.

Public Involvement. Continue to encourage public involvement especially in the areas of park advocacy, park policy, fundraising and hands-on volunteer activities.

Regional Cooperation. Work with Metro to ensure that recreation needs of the region are addressed and met.

*Burnside to
Firelane 1*

South Unit: Heaviest use occurs in the south unit of the park, closest to the more densely populated areas of the city. Users consist primarily of walkers, runners and hikers, many of whom come from other parts of the city or even other parts of the state. Many cyclists access the bike trails from the southern section but often they disperse into the central unit of the park where they ride on the fire lanes.

*Firelane 1 to
Germantown*

Central Unit: A moderate amount of use occurs in the central unit of the park, consisting mostly of mountain bikers with some equestrian use. Hikers also use this area and local residents access the park from their neighborhoods to use the walking trails.

*Germantown to
Newberry*

North Unit: The north unit of the park is lightly used by equestrians, hikers and walkers. Generally the natural resources in this area show the least effects from human activity, partly because there is less recreational use.

Trail Systems in Forest Park

Trails in Forest Park have evolved over time to become a comprehensive system for pedestrians, cyclists and equestrians.

Before 1979, the 11.22 miles of Leif Erikson were open to vehicular traffic. Illegal dumping became such a problem that the road was closed to vehicles and opened to all recreational trail uses. In 1982, Springville Road was closed and in 1987, Saltzman Road was closed to vehicular traffic.

As a result of the popularity of mountain biking in the 1980s, many fire lanes in the park have been opened up for cyclists. Since 1986 when cycling was allowed only on Leif Erikson, Springville and Saltzman, the number of miles of track available to cyclists has gone from 15.15 to 25.86 and is proposed to increase to 29.23 when projects identified in the NRMP are completed.

Because of the various needs of the recreational trail users, it is necessary to restrict some trails to single uses only. Other trails are wide enough and have adequate site distance for all uses to share the trail.

Shared Recreation Use

Leif Erikson, Saltzman Road, Springville Road, Newton Road, and BPA Road and Fire Lanes 1, 10, 12, and 15 are open to all recreational trail use—pedestrians, cyclists and equestrians.

The following trails are also for shared use, but only between two kinds of uses that are compatible—either pedestrians and cyclists or

Central City Northwest Recommendations

ACQUIRE LAND AND DEVELOP PARKS

- Acquire land and develop new parks in park deficient areas, such as the River District, and the transitional industrial area near downtown.
- Acquire a neighborhood park site in the Skyline Boulevard Corridor to serve this rapidly growing sector.
- Consider park acquisition and development in non-traditional areas such as marginal industrial land, rooftops, land under freeways and as part of the proposed I-5 Freeway capping project.
- Develop pocket parks and urban plazas in new developments in Old Town/China Town, the West End and the Lloyd District. Include park and recreation facilities in areas of new development.
- Renovate existing parks in the downtown area, particularly O'Bryant Square. Coordinate parks planning projects with River Renaissance planning efforts.
- Look at adjacent sub-areas to accommodate the demand for adequate sports fields since there are few parcels of flat land in many parts of the sub-area.
- Develop an imaginative vision and plan for Waterfront Park to preserve the value of one of Portland's most visible and important assets and to create a vibrant urban waterfront park.
- Develop new parks along the Willamette River that take advantage of that resource, especially in the area of the Waterfront Park in the River District, the Centennial Mill area and North Macadam.
- Develop a master plan for Hoyt Arboretum that addresses management, capacity and facilities.

PROTECT AND IMPROVE NATURAL RESOURCES

- Continue to implement the recommendations of the Forest Park Natural Resource Management Plan.
- Develop additional access points into Forest Park to relieve pressure on existing entries located in residential areas. Develop a major entrance off of US 30.
- Work with Metro to acquire additional resource lands in and around Forest Park to retain a strong, forested connection to rural forest lands. Protect and restore natural areas on the Northwest Slope.
- Reestablish and strengthen the connections between Balch, Miller and other Forest Park creeks and the Willamette River. Explore the feasibility of day-lighting the mouth of Balch Creek and disconnecting it from the sewer system.

- Redevelop riverbanks to improve habitat for salmonids and provide appropriate public access to the rivers.
- Look for opportunities to acquire, develop and improve habitat as industrial sites change use, especially along the river.

PROTECT AND IMPROVE URBAN FOREST

- Retain existing trees and vegetation on slide-prone slopes to help stabilize the slopes.
- Encourage tree plantings on private and public properties, especially in the Central City.

EXPAND AND DEVELOP RECREATION FACILITIES AND PROGRAMS

- Develop a full-service community center with aquatic facilities to meet the needs of an increasingly dense urban environment.
- Enhance classroom and multi-purpose space at Hillside Community Center.
- Investigate the potential for partnerships with the numerous institutions in the area (e.g., Portland State University, Lincoln High School, Friendly House and/or Good Samaritan Hospital) as a cost-effective way to take advantage of complementary services and to expand recreation programs.
- Develop a 'River Center' near the Eastbank Esplanade for river recreation and education.

DEVELOP PARK ACCESS, TRAILS AND CONNECTIONS

- Create a network of pedestrian corridors linking Waterfront Park and the Park Blocks and other areas of the downtown core.
- Enhance connections from the Eastbank Esplanade to the adjacent residential neighborhoods.
- Expand recreation opportunities and connections in the CC/NW area:
 - Willamette River and adjacent neighborhoods – on both sides of the river
 - Forest Park and adjacent Northwest Slope neighborhoods
 - North Park Blocks and O'Bryant Square
 - North Park Blocks to the River District Parks and the Waterfront.
 - Pacific Greenway

Prevent Illegal Dumping.

1. Continue installation of physical barriers to prevent dumping.
2. Work with transportation engineers to assure public safety.

Strategy 8. Develop Recreation Opportunities at Other Sites.

Create other recreation opportunities outside Forest Park

Development of other recreation areas and facilities will relieve the pressures on Forest Park. This is a critical strategy for protection of natural resources in Forest Park and for reduction of user conflicts. This strategy requires near-term action, since land acquisition opportunities for these developments will decrease and population will increase substantially over the next 20 years.

Regional Recreation Facilities.

1. Acquire other open space and natural area parks in the Portland-Vancouver area.
2. Develop other parks with recreation opportunities similar to those at Forest Park to slow the increase in use of the park.

Strategy 9. Improve Park Staffing and Funding.

Increase staff and budget

Forest Park is managed with low staffing levels and a small budget. Increased pressures to protect resources and provide improved recreation opportunities will necessitate increased staff and development of a stable funding source.

Parks and Recreation Staffing.

1. Provide well-trained staff to maintain natural resources and recreational facilities in safe and healthy manner.
2. Create and staff full-time natural resource specialist position.
3. Create and staff a full-time park ranger position to be shared with other park areas.
4. Hire additional permanent and seasonal staff as needed.

Special Programs. Staffing and funding for special resource management programs has been erratic. Resources are currently pooled from a variety of sources including the Private Industry Council, Oregon Youth Conservation Corps, Bureau of Environmental Services, NW Service Academy, Metro's Central Enhancement Fund, Multnomah County Alternative Community Service and Columbia Regional Corrections Institution.

1. Develop a stable funding source for special programs.
2. Commit additional city staff time to the programs.

Forest Park - South

Site ID # 1650

Site Size 2401.14 acres

The site has good conditions for off-road cycling trails or facilities. It was identified as an opportunity site by the project team or Project Advisory Committee.

Slope

The site has moderate slopes (average slope of less than 50%). Off-road cycling trails or facilities could be built sustainably.

Soil

Soils on the property do not infiltrate water well and there is a very high risk of landslides. This site is not suitable for off-road cycling trails or facilities.

Streams & Wetlands

The site is either in the 100-year floodplain or has very shallow groundwater (less than 10 feet). Off-road cycling trails or facilities would need to avoid impacted areas and/or limit impacts to water resources.

Wildlife Habitat

The majority (> 70%) of this site has a high Natural Resources Inventory rating. This site is not suitable for bicycle parks. Off-road cycling trails would need to be carefully designed to avoid and/or limit negative impacts to these areas to protect key wildlife habitat.

Funding Conditions & Regulations

Regulations or funding conditions place conditions on use of property for recreation and/or the development of off-road cycling trails or parks. Developing trails or parks will require additional planning and approval.

Artboard 17

Existing Plans

Existing plans place conditions on use of the site for recreation and/or the development of off-road cycling trails or parks.

Forest Park - Central

Site ID #1250

Site Size 3969.93 acres

The site has good conditions for off-road cycling trails or facilities. It was identified as an opportunity site by the project team or Project Advisory Committee.

Slope

The site has moderate slopes (average slope of less than 50%). Off-road cycling trails or facilities could be built sustainably.

Soil

Soils on the property do not infiltrate water well and there is a very high risk of landslides. This site is not suitable for off-road cycling trails or facilities.

Streams & Wetlands

The site has limited wetlands, streams or other riparian areas. Proper trail design can ensure minimal impacts to these places.

Wildlife Habitat

Site does not have high value natural resources or habitat. Development of a trail could provide an opportunity to restore or enhance currently degraded habitat or resources.

Funding Conditions & Regulations

Regulations or funding conditions place conditions on use of property for recreation and/or the development of off-road cycling trails or parks. Developing trails or parks will require additional planning and approval.

Artboard 17

Existing Plans

Existing plans place conditions on use of the site for recreation and/or the development of off-road cycling trails or parks.

Comment on this site.

Parsons, Susan

To: Tom Cunningham
Cc: Catherine Thompson
Subject: RE: Testifying at City Council during public comment period = Jan 17

Thank you Tom. With your request in writing below, I can confirm your spot for Jan 17. I have your subject "Forest Park."

Here is further information for you on the Communications portion of the agenda:

- You will have three minutes to address the Council and may also submit written material (please provide seven copies).
- We start the meeting at 9:30 and Communications are the first item on the agenda.
- Please note communications allow the Council to hear issues that interest our citizens, but do not allow an opportunity for dialogue.
- The Council meeting takes place at City Hall, 1221 SW 4th Ave., 2nd Floor, Council Chambers.

Susan Parsons
Assistant Council Clerk
City of Portland
susan.parsons@portlandoregon.gov
503.823.4085

From: Tom Cunningham [mailto:thomascunninghamlaw@gmail.com]
Sent: Wednesday, January 03, 2018 4:24 PM
To: Parsons, Susan <Susan.Parsons@portlandoregon.gov>
Cc: Catherine Thompson <thomsoca@gmail.com>
Subject: Testifying at City Council during public comment period = Jan 17

Hi Sue,

I wanted to confirm my spot to testify on Jan. 17th at City Council during the public comment period.

Thanks,

Thomas Cunningham, JD, MBA
Attorney at Law

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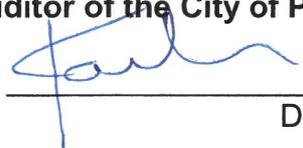
Request of Tom Cunningham to address Council regarding Forest Park
(Communication)

JAN 17 2018

PLACED ON FILE

Filed JAN 09 2018

MARY HULL CABALLERO
Auditor of the City of Portland

By  Deputy

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Eudaly		
Wheeler		