

Case CU 0-2 - Application Timeline and Exhibit List

Timeline:

- Application received with full fees: January 27, 2000
- Application determined to be complete: May 1, 2000 (**Begin "150 day timeline"**)
- Staff Report Available to the Public: May 10, 2000 (**Day 9 of timeline**)
- Public Hearing before Hearings Officer: May 17, 2000 (**Day 16 of timeline**)
- Decision received from the Hearings Officer: July 2, 2000 (**Day 62 of timeline**)
- Hearings Officer decision mailed to parties: July 7, 2000 (**Day 67 of timeline**)
- Decision appealed to the Board of County Commissioners: July 19, 2000 (**Day 79 of timeline**)
- Original date for County Commissioners Hearing: August 24, 2000 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from August 24, 2000 to October 26, 2000**
- Public Hearing before the County Commissioners as rescheduled per the applicant's request: October 26, 2000 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from October 26, 2000 to January 4, 2001**
- Public Hearing before the County Commissioners set over from October 26, 2000 and as rescheduled per the applicant's request: January 4, 2001 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from January 4, 2001 to January 30, 2001**
- Public Hearing before the Board of County Commissioners as rescheduled per the applicant's request: January 30, 2001 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from January 30, 2001 to September 18, 2001**
- Public Hearing before the County Commissioners continued from January 30, 2001 per the applicant's request: September 18, 2001 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from September 18, 2001 to January 15, 2002**
- Public Hearing before the County Commissioners as rescheduled per the applicant's request: January 15, 2002 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from January 15, 2002 to February 5, 2002 to allow for two week open record and one week rebuttal period**
- Deliberation and decision by the County Commissioners: February 7, 2002 (**Day 117 of timeline**)

Exhibit List:

(Note: A Complete Set of All Exhibits is Included in the Case File)

<u>Label</u>	<u>Pages</u>	<u>Description</u>
B1	50	Staff Report

Attachments to the Report:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
1	1	Location Map
2	1	Existing Conditions Map
3	6	Proof of Ownership
4	1	Current Assessment and Taxation Map
5	1	Vegetative Communities Map
6	188	Howell Territorial Park Master Plan, Metro, April 1997
7	1	Utility Plan, Revised April 24, 2000

8	1	Proposed Site Plan, Revised April 24, 2000
9	8	Planning Director Decision, Property Line Adjustment Case #PLA 8-96, Issued August 9, 1996
10	38	Traffic Study, Kittelson & Associates, Inc., December 28, 1999, with Attachments
11	2	Parking and Loading Plans, Revised April 24, 2000
12	34	Wetland Delineation of Howell Territorial Park, Shapiro and Associates, Inc., January 21, 2000
13	3	Metro letter to the County, dated April 18, 2000
14	1	Impact Area Map
15	1	Police Services Review Form, Signed January 5, 2000
16	1	Fire Service Review Form, Signed January 9, 2000
17	2	E-mail from Ed Abrahamson, Transportation Division, dated April 28, 2000
18	24	Description and Construction Specifications for Gravelpave ² Reinforced Gravel Road Surface
19	34	Drainage Analysis, Howell Territorial Park, OTAK, April 14, 2000
20	3	Division of State Lands Confirmation of Howell Territorial Park Wetland Delineation, dated April 27, 2000
21	2	Comprehensive Framework Plan Land Use Location Policies
22	7	Certification of Water Service Form, with Attachments
23	2	On-site Sewage Disposal Form, Signed April 24, 2000

Other Applicant Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
A1	1	General Land Use Application Form
A2	1	Assessment And Taxation (A&T) Sheet For The Parcel
A3	1	Copy of the Check for the Application Deposit
A4	1	Land Use Permit Application Cover Sheet, Dated January 27, 2000
A5	1	Copy of a Current Multnomah County Zoning Map of the Subject Property
A6	155	Conditional Use Application with attachments, dated January 2000
A7	6	Copy of a City of Portland Sanitarian Land Feasibility Study Application
A8	13	April 14, 2000 letter from Otak, Discussing the Water Supply and Septic System for Howell Territorial Park (with attachments)
A9	2	April 24, 2000 Fax from Lora Price, Metro, Requesting a Status Letter from the County for Purposes of Grant Application
A10	1	Fax copy of Affidavit of Posting, Received May 5, 2000

Other Staff Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
B2	2	Aerial Photographs of the Subject Property
B3	1	February 24, 2000 letter to Lori Warner, Division of State Lands, Requesting Confirmation of the Howell Territorial Park Wetland Delineation
B4	2	February 25, 2000 Completeness Review Letter
B5	1	E-mail to Ed Abrahamson, Transportation Division, dated April 20, 2000
B6	2	Second Completeness Review Letter, dated April 20, 2000
B7	1	April 25, 2000 Land Use Status Letter to Oregon State Parks and Recreation, Regarding Metro's Grant Application
B8	1	Sheet Confirming Posting Signs Received by the Applicant May 3, 2000
B9	19	Notice of Public Hearing, Mailed May 4, 2000

Documents Submitted for the Hearings Officer Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
H1	1	Applicant's Affidavit of Posting for the May 17, 2000 Hearing
H2	1	Letter dated May 15, 2000, from Richard D. Roberts, Preston Gates & Ellis, LLP, Representing the Sauvie Island Drainage District
H3	12	Staff Photographs of Howell Territorial Park
H4	4	Warranty Deed of the Subject Property, Recorded October 2, 1996 with Instrument #96149904
H5	9	Copy of METRO Resolution #97-2539B, Adopted November 6, 1997
H6	3	Photographs of the Subject Property taken by an Adjoining Property Owner in Attendance at the Hearing
H7	1	Letter from Jean Fears, Sauvie Island resident, dated May 18, 2000
H8	4	May 22, 2000 Memorandum from Ed Abrahamson, Multnomah County Transportation Division
H9	1	Letter dated May 22, 2000 from Dick Matthews, Oregon Historical Society
H10	1	May 23, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department with cover sheet
H11	9	Letter dated May 23, 2000 from Robert W. Wiley with photographs
H12	22	Packet of Information, Faxed May 23, 2000, from Lora Price, Metro, Responding to a Request from staff for Documentation on Prior Land Use approvals at Howell Territorial Park, with cover sheet
H13	66	Copies of Four Prior Conditional Use Approvals at Howell Territorial Park, Referenced under Case File #CS 37-63, #C 3-67, #CS 23-69, and #CS 3-74
H14	5	Fax Received May 24, 2000 from Lora Price, Metro, with cover sheet
H15	1	Fax from Dave Koennecke, President, Sauvie Island Bridge Committee, received May 24, 2000
H16	1	Sign-in Sheet Listing Parties that Testified at the May 17, 2000 Public Hearing
H17	2	Letter from Staff to the Hearing's Officer dated May 24, 2000
H18	1	May 31, 2000 Fax from Lora Price, Metro, Requesting Additional Time to Respond to Materials Submitted to the Record During the Seven Days Following the Hearing
H19	2	May 31, 2000 Fax, with cover, from Liz Fancher, Hearings Officer, Outlining a Revised Schedule for Submittal of Additional Evidence
H20	2	June 7, 2000 Fax, with cover, from R.W. Wiley, an Adjoining Property Owner
H21	5	June 7, 2000 faxed letter, with cover, from Lora Price, Metro, Responding to Materials Submitted to the Record During the Seven Days Following the Hearing

Hearings Officer Decision:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
J1	55	Hearings Officer Decision, with cover, mailed July 7, 2000

Documents Submitted For October 26, 2000 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
K1	5	July 12, 2000 Fax from Staff to Metro, Containing Notice of Review Appeal Forms
K2	5	Notice Of Review Filed By The Applicant July 19, 2000, with copy of the Check for the Appeal Fee and Transcript Deposit

K3	1	July 24, 2000 letter from Laura Price, Metro, Requesting that the Appeal Hearing Before the Board of County Commissioners be Rescheduled to September 14, 2000
K4	61	August 17, 2000 Request For Board of County Commissioners Appeal Hearing Date of September 14, 2000, with attachments
K5	4	Notice of September 14, 2000 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed August 24, 2000
K6	1	Receipt for Posting Signs, dated August 24, 2000
K7	2	Faxed letter dated August 30, 2000, with cover, from Metro to Staff Summarizing Their Main Issues for the Appeal Hearing
K8	1	Applicant's Affidavit of Posting for the September 14, 2000 Hearing
K9	1	September 6, 2000 fax from Metro requesting that the September 14, 2000 hearing be rescheduled to October 26, 2000
K10	1	September 6, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department, to the Board of County Commissioners
K11	63	Request For rescheduling of the Board of County Commissioners Appeal Hearing Date to October 26, 2000, with attachments
K12	4	Notice of October 26, 2000 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed September 7, 2000
K13	1	October 2, 2000 letter from Staff to Metro, Containing Posting Instructions for the October 26, 2000 Hearing
K14	1	Notice of Corrected Hearing Location for the Board of County Commissioners Appeal Hearing, mailed October 3, 2000
K15	4	September 25, 2000 letter from Metro's Traffic Engineer, Marc Butorac, P.E., Kittelson and Associates, with attachments
K16	12	October 10, 2000 faxed letter from Laura Price, Metro, Responding to the Hearings Officer Decision Denying their Application for Conditional Use Permit
K17	4	October 10, 2000 faxed letter from Metro's Traffic Engineer, Marc Butorac, P.E., Kittelson and Associates, with attachments
K18	2	October 12, 2000 letter from Ed Abrahamson, with Multnomah County Transportation
K19	3	Key Issues And Recommendation Matrix Prepared By Staff for the October 26, 2000 Public Hearing
K20	2	Staff cover letter for Board of County Commissioners Hearing Packet, prepared October 16, 2000
K21	10	Mailing Lists Used for Public Notices
K22	2	Memorandum from Ed Abrahamson to Planning Staff, received June 15, 2000, Requesting Right-Of-Way Dedications, Deed Restrictions, and Easements
K23	1	Letter from Drew Hansen, Sauvie Island Resident, received October 23, 2000
K24	6	Letter to Ed Abrahamson from Ali Eghtedari, P.E. dated October 24, 2000 with attachments
K25	30	Metro Presentation Packet for the Board of County Commissioners October 26, 2000 Hearing
K26	1	Letter from Bruce Hansen, Sauvie Island Resident, received October 26, 2000
K27	1	Applicant's Affidavit of Posting for the October 16, 2000 Hearing

Documents Submitted For January 4, 2001 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
L1	3	October 30, 2000 letter from Metro describing Public Involvement Activities for the Howell Territorial Park Master Planning Process

L2	3	November 9, 2000 fax from Metro discussing Issues to be Resolved following the October 26, 2000 Hearing
L3	2	Fax from Metro, received November 27, 2000, requesting the follow-up Hearing date be rescheduled to January 4, 2001
L4	1	December 1, 2000 e-mail from Ed Abrahamson, indicating that Transportation Division Issues are addressed with the revised Transportation Management Plan for Howell Territorial Park
L5	2	Agenda Placement Form requesting the Board reschedule the follow-up Hearing date to January 4, 2001
L6	5	December 13, 2000 letter from the Sauvie Island Boosters listing their concerns with this application
L7	22	Metro analysis to support supplemental Findings prepared for the January 4, 2001 Hearing, with attachments
L8	1	Staff Response to December 14, 2000 e-mail from Julie Cleavland, regarding the applicability of ORS 215.283(2)(d)
L9	3	Fax letter from the Sauvie Island Fire Department, received December 20, 2000
L10	4	Farm Management Plan for Howell Territorial Park prepared by Metro, received December 26, 2000
L11	11	Supplemental Findings and Proposed Conditions of Approval, Prepared by Metro for the January 4, 2001 Hearing
L12	2	Staff Seven Points Summary for the January 4, 2001 Hearing
L13	3	Key Issues And Recommendation Matrix Prepared By Staff for the January 4, 2001 Hearing
L14	4	Draft Motion with Recommended Conditions of Approval, Prepared by Staff for the January 4, 2001 Hearing
L15	11	Revised Supplemental Findings Prepared by Metro and Presented at the January 4, 2001 Hearing
L16	6	Revised December 13, 2000 letter from the Sauvie Island Boosters, Presented at the January 4, 2001 Hearing
L17	4	January 3, 2001 Letter from Donna Matrazzo to the Board of County Commissioners, Presented at the January 4, 2001 Hearing
L18	60	Agenda Placement Form for October 26, 2000 Board of County Commissioners Hearing, with attached Hearings Officer Decision and Notice of Review
L19	3	Agenda Placement Form for January 30, 2001 Board of County Commissioners Hearing, with cover and table of contents for the board packet

Documents Received Prior to the January 30, 2001 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
M1	2	December 18, 2001 Letter from Sheilah Toomey to the Board of County Commissioners
M2	2	E-mail from Sandra Duffy, County Counsel to Ray Horton, dated January 4, 2001
M3	4	E-mail messages from citizens forwarded from Chair Stein's Office Following the January 4, 2001 Hearing
M4	27	E-mail messages from citizens forwarded from Commissioner Linn's Office Following the January 4, 2001 Hearing
M5	1	January 10, 2001 Letter from Susan Muir, Principal Planner to the Board of County Commissioners regarding Measure 7 and Quasi-Judicial Actions
M6	2	Notice of January 30, 2001 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed January 17, 2001

M7	2	Mailing List for Public Notice of the January 30, 2001 Hearing
M8	1	Receipt for Posting Signs for the January 30, 2001 Hearing
M9	2	Affidavit of Posting for the January 30, 2001 Hearing
M10	2	Staff Seven Points Summary for the January 30, 2001 Hearing
M11	4	Draft Motion with Recommended Conditions of Approval, Prepared by Staff for the January 30, 2001 Hearing
M12	3	Confirmation of Newspaper Notice of January 30, 2001 Hearing
M13	2	Letter from Chet Orloff, dated January 24, 2001
M14	18	Metro Testimony for January 30, 2001 Hearing, with attachments
M15	3	Fax copy of a letter from Kathy Nelson, dated January 25, 2001
M16	2	Letter from Don Anderson, Grange Master with Sauvie Island Grange #840, dated January 25, 2001
M17	28	January 26, 2001 testimony from Julie Cleveland, with cover letter and attachments
M18	5	January 26, 2001 letter from Robert Wiley with attached photographs
M19	1	Letter from Mike Houck, Urban Naturalist with the Audubon Society of Portland, dated January 28, 2001
M20	19	E-mail messages from citizens, forwarded from the Board of County Commissioners Office, dated January 23, 2001 through January 30, 2001
M21	14	Speaker sign up cards for January 30, 2001 Hearing
M22	4	Undated letter titled "Howell Park Transportation Issues," with attachments
M23	9	Hearing memorandum for the Sauvie Island Boosters, prepared by Daniel Kearns, Attorney, dated January 30, 2001
M24	5	Letter prepared by William Kabeiseman, on behalf of the Sauvie Island Drainage District, dated January 30, 2001
M25	2	Letter from Cameron Tyler, not dated

Documents Received Prior to the September 18, 2001 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
N1	1	Letter to Lora Price, with Metro from Dennis Grande, Robert Wiley, and Shirley Wilson, dated February 5, 2001
N2	2	Letter prepared by Daniel Kearns, Attorney, on behalf of the Sauvie Island Boosters, dated January 30, 2001
N3	2	Fax copy of a letter from Charles Ciecko, with Metro, dated August 17, 2001
N4	1	Letter from Charles Ciecko, dated August 23, 2001
N5	1	E-mail from Lora Price, with Metro, dated August 28, 2001
N6	5	E-mail from Board of County Commissioners staff, dated August 28, 2001
N7	2	Fax copy of a letter from Lora Price, with Metro, dated August 29, 2001
N8	3	E-mail messages from Board of county Commissioners staff, dated August 29, 2001
N9	1	E-mail from Kathy Busse, County Land Use Planning, to Charles Ciecko, Metro, dated August 29, 2001
N10	1	E-mail message from Deborah Bogstad, Board Clerk, dated August 30, 2001
N11	2	Public notice of rescheduled Hearing, mailed August 31, 2001
N12	2	Mailing labels for August 31, 2001 mail notice of rescheduled hearing

Documents Received Prior to the January 15, 2002 Board Of County Commissioners Hearing:

Label Pages Description

P1	4	E-mails from Julie Cleveland, dated September 13, 2001 and September 14, 2001
P2	2	E-mail from Derrick Tokos, County Land Use Planning, dated September 25, 2001
P3	1	E-mail from Lora Price, Metro, dated September 27, 2001
P4	1	E-mail from Derrick Tokos, County Land Use Planning, dated September 27, 2001
P5	2	E-mail from Board of County Commissioners staff, dated September 27, 2001
P6	2	E-mail from Derrick Tokos, County Land Use Planning, dated October 9, 2001
P7	4	October 3, 2001 letter from Charles Ciecko, Metro, with attachments
P8	3	October 25, 2001 letter from Lora Price, Metro to Dale Blanton, State Department of Land Conservation and Development, dated October 25, 2001
P9	3	Letter prepared by Lynnda Steenslid, Secretary for Sauvie Island Grange #840, dated October 30, 2001
P10	5	Letter received November 27, 2001 from Richard Ford, Ford Farms, LLC, with attachments
P11	1	E-mail from Susan Muir, County Land Use Planning, dated November 21, 2001
P12	26	List of prospective mediators, submitted by Lora Price, with cover, on November 28, 2001
P13	1	E-mail from Lora Price, Metro, dated December 3, 2001
P14	2	Fax copy of letter from Lora Price, Metro, dated December 18, 2001
P15	1	E-mail from Board of County Commissioners staff, dated December 21, 2001
P16	1	Letter from Derrick Tokos, County Land Use Planning, dated December 26, 2001
P17	1	E-mail from Gertrude Thompson, Secretary, Redland Grange #796
P18	2	Staff seven points summary for the January 15, 2002 hearing
P19	3	List of Proposed Park Improvements taken from Finding #5 of the Hearings Officer Decision, with maps

Documents Received Immediately in Advance of or at the January 15, 2002 Board Of County Commissioners Hearing or after the Hearing Within the Open Record Period that Expired January 29, 2002:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
Q1	1	E-mail from J. Richard Forester, dated January 7, 2002
Q2	1	Letter from the Columbia Grange, received January 11, 2002
Q3	2	January 9, 2002 letter from Mike Houck, on behalf of the Audubon Society, with e-mail cover
Q4	3	Letter from the Sauvie Island Grange, received January 11, 2002
Q5	3	January 10, 2002 fax from Metro, with attached November 11, 2001 letter from Chip Bubl, Oregon State Extension Agent
Q6	3	January 11, 2002 fax from Richard Benner, Metro, with attachment
Q7	9	E-mails between Julie Cleaveland and Land Use Planning staff, dated December 31, 2001 through January 10, 2002
Q8	2	E-mail containing correspondence from Lora Creswick, dated January 10, 2002
Q9	3	Faxed letter from David Hunnicutt, on behalf of Oregonians in Action, dated January 15, 2002, with cover
Q10	22	Metro Supplemental Findings presented at the January 15, 2002 Hearing, with attachments
Q11	2	January 9, 2002 letter from Cameron Vaughan-Tyler
Q12	9	Speaker sign up cards for January 15, 2002 Hearing
Q13	7	E-mail from Julie Cleaveland, dated January 17, 2002
Q14	1	Letter from Clair and Beverly Klock, dated January 19, 2002
Q15	1	Fax from Rick Ford, received January 19, 2002

Q16	2	January 23, 2002 letter from Charles Ciecko, Metro
Q17	2	E-mail containing correspondence from Sheilah Toomey, dated January 25, 2002
Q18	5	Letter from Donna Matrazzo, dated January 25, 2002, with attachments
Q19	13	January 28, 2002 letter from Julie Cleaveland, with attachments
Q20	2	E-mail from Julie Cleaveland dated January 28, 2002
Q21	9	January 28, 2002 letter from Julie Cleaveland, responding to Metro's January 23, 2002 letter, along with additional testimony and attachments
Q22	3	Fax from Julie Cleaveland, received January 28, 2002
Q23	1	Fax letter from Ric Catron, received January 28, 2002
Q24	1	Letter from Caroline Skinner, received January 29, 2002
Q25	1	Letter from Wendy Clark, received January 29, 2002
Q26	1	Letter from Patricia Denny, received January 29, 2002
Q27	1	Letter from Rose Thrush-Pederson, received January 29, 2002
Q28	1	Fax from Bailey Nurseries, received January 29, 2002
Q29	1	Fax letter from Jay Hamlin, received January 29, 2002
Q30	1	Letter from Kathleen Baldwin and William Tomlinson, received January 29, 2002
Q31	1	Letter from Adrienne Keith, received January 29, 2002
Q32	1	Letter from J. Boyd, received January 29, 2002
Q33	1	Letter from Jean Adams, received January 29, 2002
Q34	1	Letter from Andee Carlstrom, received January 29, 2002
Q35	1	Letter from Mark Valeske, received January 29, 2002
Q36	1	Letter from Ed Larch, received January 29, 2002
Q37	1	Letter from Carol Sherman-Rogers, received January 29, 2002
Q38	1	Letter from A.J. Colasurdo, received January 29, 2002
Q39	1	Fax letter from Lora Creswick, received January 29, 2002
Q40	16	January 29, 2002 testimony from Daniel Kearns, Attorney, on behalf of the Sauvie Island Boosters, with attachments
Q41	4	Fax letter from Kathy Andersen, 1000 Friends of Oregon, received January 29, 2002

Documents Received During the Rebuttal Period Between January 30, 2002 and February 6, 2002:

R1	7	E-mail from Julie Cleveland, dated February 1, 2002
R2	12	February 4, 2002 fax letter from Metro, with cover and attachments

ROMERO Shelli D

From: Cleaveland Julie L. [juliecleland@columbia-center.org]

Sent: Friday, February 01, 2002 10:46 AM

To: ROMERO Shelli D

Subject: Submitted Tesimony

Hi Shelli: Here is a copy of my rebuttal to Metro. I think I was the only one who submitted thru Derrick and didn't copy the Commissioners. I am only sending this to you. My testimony basically mirrors to testimony submitted by the Boosters Community Assoc. lawyer - except I pony up a solution. FYI: I recieved this bit of info after my submittsion.

Metro will be closing on the adjacent 20 arce parcel on Feb. 22. You will see the significance of this fact when you read my letter. I did submit to others (short ones) that hit on other topics. I will email them to you separately. I do not think this breeches exparte conduct. Laura Bridges attended several of our meetings last year and it wasn't an issue.

Julie

€€€€€€

Julie Cleveland
27448 NW St Helens Rd #300
Scappoose, OR 97056

January 28, 2002

Multnomah County Board of Commissioners
501 SE Hawthorne
Portland, OR 97214

Dear Commissioners:

I would like to express my heart felt support of Metro and wish them success in making improvements to Howell Territorial Park. It just can't be done with this application and with the proposed level of development. In this letter I will:

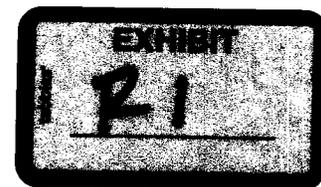
€ Respond to Metro's concession letter of 1/23/02,

€ Provide additional information to deny the application,

€ Provide solutions that will allow improvements at Howell Park and achieve Metro's goals in a way that will satisfy not only the criteria, but hopefully, Metro's opponents too.

INTRODUCTION

2/4/2002



The problems with this application are:

€ It does not provide sufficient factual information to support the criteria and does not meet all applicable state land use laws that were in effect at the time this application was made.

€ It adds new uses that are not allowed on EFU lands and new developments that will increase traffic on the Island. The Island already is beyond its carrying capacity for what a rural collector road is designed to handle. The Island already sees negative impacts to farming practices due to visitors. Metro so aptly identifies visitor conflicts in its master plan narrative: *³Unfortunately, some of these visitors create problems which include traffic, crime, trespassing, littering and emergency response needs which in some cases exceed the capabilities of the Island's resources.²*

Metro started off on the right foot with its Master Plan back in 1997. Metro proposed that Howell Park be the orientation center for Island visitors. In the master plan Metro identified visitor conflict occur and proposed to develop the park in a manner to help reduce those conflicts. I have not met anyone from Sauvie Island or West Multnomah County who does not want Metro to be a successful land steward and property owner on the Island. I have not met anyone who does not want Metro to make facility improvements at the park. I have not met anyone opposed to increase visitor use of the park by directing existing Island visitors there. I applaud Metro's Howell Park Master Plan goals to:

1) Protect, preserve and enhance natural and cultural resources of Howell Territorial Park while maintaining its pastoral quality.

2) Provide recreational facilities and opportunities which are consistent with the character of Howell Territorial Park and compatible with its natural and cultural resources.

3) Provide educational opportunities which enhance visitor understanding and appreciation of Sauvie Island's natural and cultural history.

4) Serve as an orientation center for Sauvie Island.

These are terrific goals that can be reached - but not with the application before you. As Chair Linn stated at the beginning of the hearing on January, 15th, the task before the board is to determine if the application meets all applicable criteria.

The merits of wanting to improve a public park facility is a noble one. But the merits of wanting to improve Howell Park does not outweigh the need to meet the required state and county codes. And even with Metro's recent submission reducing the number of picnic shelters and special events, the fact remains, the application does not meet all applicable

criteria.

It concerned me when one commissioner said she was inclined to just go with the planning staff recommendation. Please remember, planning staff deemed the application complete and recommended approval to the hearings officer, Liz Fancher. Ms. Fancher denied the application after reviewing the criteria and taking into consideration additional written and oral testimony that was not submitted prior to the planning staff decision. The de Novo process is identical. Planning staff is recommending approval based on the evidence provided to him by a certain date. But since his decision, additional evidence, both oral and written, has been entered into the record from both sides. Just like the hearings officer, the board must weigh this new testimony in their decision making.

Metro Proposal Submitted 1/23/02 (highlights)

€ Metro proposes to eliminate the large group picnic shelter and keeping two group picnic shelter for rentals (1400 sq ft combined, plumbed with water, electricity and lights) and eliminate one special event a year (capped at 1000 participants).

€ Metro states, ³This proposal is intended to further reduce and minimize the perceived (although unsubstantiated) impacts on agricultural operations, emergency services and island traffic.²

€ ³...we remain committed to seeking a balance between the public's ability to access and enjoy Howell Park and the island's ability to accommodate ever-growing numbers of visitors.²

RESPONSE TO PROPOSAL OF 1/23/02

Reducing the number of shelters and events does not eliminate the need for Metro to do an adequate farm analysis and required traffic study. Metro needs both of these to address the hearings officer's concerns.

It is not our job to substantiate the impacts this application will have on farming practices, emergency service, or Island traffic. It is Metro who must shoulder the burden of proof. It is their application. Metro failed to meet the burden of proof by submitting:

- 1) an inadequate farm analysis that does not analyze all commercial and non-commercial farms that will be impacted by the proposed development,
- 2) a farm analysis that requests farmers change their transportation routes and farm activities when special event occur,
- 3) the farm analysis submitted by Metro was for commercial farms only. Metro failed to meet state and county codes requiring such an analysis include non-commerical farms,

4) a traffic study taken at the wrong time of year to support the application.

Metro acknowledges the Island's visitor population is ever-growing. Yet Metro's application lists visitor use projection of only 20,000 visitors annually. It would be a logical assumption that park visitor use will increase over time, especially since Metro acknowledges the Island visitor population is ever-growing. Will the intersection of Howell Park Rd and Sauvie Island Rd be adequate to serve the park 5 years from now? How about 10 years? What is the visitor use projections for the park in 10 years?

Metro fails to provide any analysis with their application to show how they came up with their visitor use projections. It seems logical that with over 1.5 million visitors a year to the Island, and with Metro's goal of being the ³orientation center² for Island visitors, that even with a 50 percent reduction in picnic shelter capacity and special events - 20,000 annually is a low figure.

Visitor use data supplied by Metro in their application depicts more than 17,000 visitors currently use Howell Park (pg 52 of 54 in Hearings Officer Report). This is a dramatic difference from what Metro submitted during the appeal.

Please remember, Howell Park is located in a highly visible location. Once a parking lot is built in easy eyesight from the road, Howell Park, which currently looks more like a rural farm than a public park, will be noticed by visitors and will become a tourist destination. Especially in the summer months when tourism is high and farming activities are in full swing. Since Metro's traffic study was not taken during the peak visitor season of the park, Metro does not have the required data to adequately analyze the impacts the new park developments/improvements will have, or project visitor use.

ADDITIONAL INFORMATION TO DENY THE APPLICATION

€ **Master Plan Update Required by Metro Council** - Metro Council Resolution No. 97-2479 states Metro must update the Howell Park Master Plan if land is added to the park (Attachment 1). Metro is in the process of purchasing an adjoining 20-acre parcel. The property is a part of the Marge Tabor (deceased) estate. Mrs. Tabor gave Metro the first right of refusal for this parcel years ago to expand park property.

€ **Comprehensive Framework Plan Policy 31: Community Facilities and Uses**

This policy has several components to it:

1) *Regional park developments must be within 1/4 mile of mass transit.*

Metro fails to meet this criteria. Planning staff gives Metro some flexibility on this policy by finding that the proposal is in the public interest and is capable of harmonious integration into the Sauvie Island Community. I submit that Metro fails to meet this criteria because as you heard during the public hearing; the proposal is not capable of harmonious integration

into the community and is not in the best interest of the local rural public.

2) *Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion considering the following: Road capacities, existing and projected traffic counts, speed limits, and number of turning points.*

In Metro's supplemental findings of January 15, 2002 (pg 11 of 11), Metro asks the board to find the October 18, 2000 analysis from Kittelson & Associates, demonstrates that during normal peak park operations, the road capacities, traffic counts, speed limits and turning points at the intersection of Sauvie Island Road and Howell Park Road will not cause safety problems on the roadway.

I am asking the board to refuse Metro's traffic study because it was not taken at normal peak park operations Metro identified as being the months of July, August and September. The traffic study was conducted the first and last weekends in October, when traffic volumes were down. Metro does not have a traffic study that will adequately address this criteria or any of the criteria that Metro relies on this study to meet, including MCC 11.15.2026, EFU Access Requirements.

€ **Inadequate Parking Drainage Analysis** - Metro identifies soil compaction from overflow parking could be a problem over time. They did not identify this in their application, but in an assessment of environmental impacts required by Oregon State Parks in a grant Metro applied for and received to develop Howell Park (Attachment 2, section 6).

Metro contracted with OTAK for a parking drainage analysis for their permit application.

This report can be found in the body of evidence submitted to the County. OTAK analyzed surface water runoff and treatment in the 27 vehicle 2 bus parking lot proposed by Metro.

OTAK briefly mentions the use of fields for overflow parking during the dry season, but no surface water runoff analysis was done associated with this parking use.

Metro has submitted in their application and in supplemental findings that the fields will be used 10-12 weeks out of the year , averaging 75 vehicles per weekend day. Metro has stressed that use of the parking area in the dry season will not have a negative impact on natural resources. However, Metro did not supply the analysis to support this assumption.

Nor did they adequately analyze the impacts of surface water runoff from soil compaction due to field parking could have on natural areas and the dike.

The dike borders (to the west) the main parking field Metro intends to use so heavily in the dry season. Rural Area Plan Policy 32 is a requirement of this application. This policy makes protection of flood waters the highest priority among competing uses on Sauvie Island. Without proper analysis Metro cannot meet this criteria or others concerning, natural resources, flood hazards, impacts to farming, hazardous conditions, and requirements not to increase public service.

€ **Visitor Use Numbers** - Metro has thrown around so many figures on what the current park use is. At the hearing, Metro testified to 8,000 visitors a year. Five thousand of those coming during the 2-day Wintering-In Festival held by the Oregon Historical Society. This visitor use figure significantly differs from what Metro submitted in their application.

On page 52 in the hearings officer report you have with your board packet, Metro states that currently the park averages 20 vehicles per day - spring, late spring, and early fall. That is an average of 600 vehicles a month for six months. That calculates to 3600 vehicles a year at the park. Using Metro's traffic consultants figure of 2.5 to 3 people per car, that translates to 10,800 visitors to the park. Add in the 25 buses of school kids at 60 kids per bus that Metro identifies, that is brings the total up to 12,300 visitors annually. If you add on top of that the 5,000 visitors from Wintering-In, Metro's own figures they have submitted show current park use at 17,300 visitors a year. Adequate current visitor use statistics and adequate visitor use projections are needed to assess traffic impacts at the Sauvie Island Rd/Howell Park Rd intersection.

€ **Traffic Management Plans** - During Metro's rebuttal testimony at the last hearing, they used the Pumpkin Patch as a testament that Traffic Management Plans work on the Island. Metro claimed TMP's will be effective at managing traffic from Howell Park special events. Attached are newspaper clippings from 1999 (Attachment 3). The congestion pictured backed up on all three rural collector roads for hours as traffic tried to use the narrow two lane bridge to exit the Island. A TMP was in place. A Multnomah County Sheriff Deputy was on HWY 30 directing traffic off the Island. Even with all this in place - traffic was in a gridlock. Traffic management plans do not always work. Especially when they are implemented during the height of tourist season. This year, I observed backups on Island rural collector roads a mile long. That was with a TMP in place. The reality of it is, the roads have no shoulders and if there is a fire/EMS call during these traffic jams the results could be tragic. The reality is farmers need to get through this traffic to get their produce off Island.

SOLUTION

There is a solution (assuming this application is denied or withdrawn). There is a way for Metro apply for a new Conditional Use Application that will achieve the goals of the Howell Park Master Plan, meet all applicable criteria, and ³harmoniously integrate into the community.²

- 1) Metro can meet its goals by eliminating any new developments that increase tourism to the Island and instead focus on being an orientation center for existing Island visitors.
- 2) Metro's Master Plan will soon be outdated and required to be updated. This is the perfect opportunity to Metro to use citizen involvement to build community support for the current goals of the master plan. An updated master plan would meet today's needs of island visitors and this community. The last community involvement took place in 1995. This will give Metro a great opportunity to work with citizens to resolve park design

issues the local community has concerns with.

- 3) ORS 215.283 (2)(d) was amended to allow a regional park on EFU lands. This law became effective 1/1/02. A new application will get Metro around this hurdle.
- 4) All Island commercial and non-commercial farmers can work with Metro to provide information necessary for Metro to develop an adequate Farm Analysis to support a future application. Perhaps the Sauvie Island Boosters Community Association could partner with Metro to ensure an adequate farm analysis is prepared for a future application.
- 5) Metro will have a perfect opportunity to conduct a traffic study during the Peak Visitor Season (summer 2002), and gather the proper data to analyze drainage impacts associated with overflow parking to the dike and natural areas.

CONCLUSION

I truly feel, Metro can be successful at reaching their goals for Howell Territorial Park. I know Metro was hoping that mediation would resolve all the issues concerning this application. I made it very clear from the beginning, that the mediation process would be a great way to resolve park design issues. However, code issues can not be mediated away.

Metro's standing as a regional government does not grant it leniency in how the land use laws are applied. The laws must be applied the same way whether the applicant is a private landowner or a regional government. I am confident the board will base its decision on the legal merits of this case.

Sincerely,

Attachments Julie Cleveland



METRO
Regional Parks and Greenspaces
600 NE Grand Ave. Portland OR 97232 (503) 797-1850
Metro Regional Parks and Greenspaces Department
FAX

DATE:	<u>December 18, 2001</u>	FROM:	<u>Lora Price <i>Lora Price</i></u>
TO:	<u>Derrick I. Tokos</u>		<u>ENVIRONMENTAL PLANNER</u>
PHONE:	<u>503-988-3043</u>	PHONE:	<u>797-1846</u>
FAX:	<u>503-988-3389</u>	FAX:	<u>797-1849</u>
		EMAIL:	<u>pricel@metro.dst.or.us</u>

COMMENTS:
Howell Territorial Park, CU 00-02. Rebuttal to arguments submitted after 1/15/02 hearing . Original to follow. Derrick, I have hand delivered individual copies to the 5 Commissioners so they have a better chance of reviewing prior to Thursday's vote.

NUMBER OF PAGES INCLUDING COVER SHEET 12



M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: February 4, 2002
TO: Multnomah County Board of Commissioners
FROM: Richard P. Benner, Office of General Counsel *RB*
RE: *Howell Territorial Park, CU 00-02*

Metro offers the following rebuttal to arguments submitted after your hearing.

The Scale Of Improvements And Their Impacts Are Very Modest

People who fear the impact of improvements to Howell Park continue to misunderstand or exaggerate the nature of improvements Metro proposes. The Sauvie Island Boosters characterizes the improved park as "Blue Lake Park West." But Blue Lake Park draws 15 times the visitation anticipated at Howell (300,000 versus 20,000), has 25 times the sheltered picnic capacity (3100 versus 120 persons), ball fields and a swim beach. Some base their opposition on structures and activities that are NOT in the application - structures for coffee shop, gift shop and wedding arbor, for example (see list of improvements¹, below, with Metro's January 23 reductions).

Norma Paulus of the Oregon Historical Society and Mike Houck of the Portland Audubon Society urge your approval because the nature of improvements is appropriate for the park's surroundings and for its role interpreting the cultural and natural history of the island. Ms. Paulus and Mr. Houck wrote their letters before Metro's proposal for additional limits on improvements.

¹ Improvements in Application

- Two 60-person picnic shelters
- Restroom building
- Entry booth and gate to secure and limit access to parking
- Wildlife viewing blind
- Maintenance shelter
- All weather parking for 25 cars, 2 buses, 2 vehicles for handicapped
- Turf parking for 500 cars (Wintering-In/one event/slight weekend overflow)
- Trails and access paths to ADA standards
- Signs
- House: replica of detached kitchen (in original house); secure cellar
- Barn renovations: office, space for sales, improved kitchen, expanded museum; multi-purpose room

Howell Territorial Park, CU 00-02 Memo
February 4, 2002
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Metro has working steadily and diligently to address legitimate concerns raised by opponents and identified by the hearings officer. Metro arranged for mediation services to pursue concerns of island residents. After island residents rejected mediation, Metro nonetheless proposed further limits on use to reduce already modest traffic generation. Now, Metro asks the Board to judge the application on its merits and the county criteria, as the County Planning Department has done, and approve park improvements.

Metro Proposes Additional Limits To Reduce Impact

By letter of January 23, 2002, Metro offered two further limits on public use of Howell Territorial Park:

- Remove the proposed large picnic shelter (125-person capacity), reducing the overall group facilities capacity by 50 percent.
- Reduce the limits on special events from three (including "Wintering-In") to two events.

These additional limitations on use will reduce the traffic generated by the park, the principal concern of island residents.

Traffic

Julia Kuhn of Kittelson & Associates has summarized traffic findings in the attached letter. She concludes that the modest increase in traffic can be handled through conditions and the traffic management plan required.

Please note that most of the visitation to the park comes at the Oregon Historical Society's "Wintering-In" Festival, the island Grange's largest fundraiser, on one weekend. Almost all other visitors come on summer and early fall weekends; with the two shelters, this means 50 to 100 cars on those weekends. The remainder of the year – some 330 days of 365 – there is almost no visitation at all. With proposed improvements and conditions, visitation to the park will amount to less than one percent of visits to the island. With elimination of the large picnic shelter and one of the three events, this small impact will be further reduced. Here are the conditions your Planning Department recommends to alleviate the effects of increased visitation (set forth in Board's January 15 agenda packet):

- No more than one group per picnic shelter per day (total of 120 persons maximum with elimination of large shelter).
- No more than two events (including "Wintering-In") a year.
- No more than 1000 persons at the one event in addition to Wintering-in.
- Traffic Management Plan for the two annual events.
- Metro responsible for Sheriff's Office expenses for two annual events.
- Three weeks advance notice of the two annual events.
- Expanded turning radius at NW Sauvie Island and Howell Park Roads.

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Farm Practices

People worry that nearby farmers will not be able to spray because of the proposed improvements at the park. But this fear is baseless. OSU Agricultural Extension Agent Chip Bubl said in his letter there is no detection of spray beyond 300 feet and, with the 600 to 2000 foot distance between park activities and agricultural operations, there is "an ample margin of safety."

To address farmer's concerns about management of the Howell property itself, Metro developed and implemented a Farm Management Plan. Agent Bubl visited the property and wrote that the plan is working and the situation has improved.

The real concern of farmers is traffic. In addition to the traffic conditions set forth above, the conditions below have been recommended by the County Planning Department to ensure there are no conflicts with island farm practices:

- Any event (other than Wintering-In) drawing more than 300 persons to the park must be planned outside peak harvest time (August 15-October 31).
- Advance notice of the event to farmers.
- Develop and implement a Farm Management Plan.
- All the conditions listed above to reduce traffic impacts.

Emergency Services

In the long history of activity at Howell Territorial Park, there have been no emergencies requiring service from the Sauvie Island Fire Department. The County Planning Department explains its conclusion that the Metro application meets the county criterion on public services by referring to conditions on approval and work Metro has done to reduce the impact of increased visitation to the park. Here are the additional conditions:

- On-site ambulance service for two events.
- First aid/CPR trained personnel on site each summer/fall weekend.
- A .5 FTE increase in park staffing during season.
- Limit events that draw more than 300 persons.
- Require a Traffic Management Plan for events.

Metro's proposed elimination of the large shelter and one of the three events further reduces the potential need for emergency services.

The Law Allows This Park Expansion In A Farm Zone

There is no question that the Multnomah County Zoning Code allows parks in a farm zone. It does. No one argues to the contrary. Several have argued, however, that the state Exclusive Farm Use statute does not allow this park. This argument is based upon the following provision

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in that statute (added in 1999) listing nonfarm uses that may be allowed in farm zones (ORS 215.283(2)):

“(d) Parks, playgrounds or community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.”

The grammar chosen by the legislature leaves this provision ambiguous, susceptible to two possible readings. One reading is that community centers are allowed only if they are operated by and for local residents. A second reading is that community centers and parks and playgrounds are allowed only if they are operated by and for local residents. It's too bad the legislature didn't use better grammar.

But there are two hints about which reading the legislature had in mind. First, the legislature amended this language the first chance it had (2001) to eliminate the ambiguity. By House Bill 2502, it changed the language to make clear that only community centers – not parks or playgrounds - must be limited to those operated by and for local residents. Second, there is no indication that the legislature, when it made the 1999 change, intended to eliminate public parks that serve more than local residents. To have done so would have been completely inconsistent with its recent legislation to make the process for siting state parks clearer and easier (ORS 195.120).

In short, the language of ORS 215.283(2)(d) that was in effect at the time of Metro's application for Howell Park expansion did NOT limit parks to only those operated by and for local residents. Please see Metro's Supplemental Findings, January 15, 2002, for further details.

Conclusion

Metro asks the Board to rise above the exaggerations and unsubstantiated fears of opponents to judge this proposal on the merits and the criteria.



OREGON
HISTORICAL
SOCIETY

January 8, 2002

Diane Linn, Chair
Multnomah County Board of Commissioners
501 SE Hawthorne, Suite 600
Portland OR 97214

Subject: Testimony Regarding Conditional Use Application
for Howell Territorial Park

Dear Commissioners:

I urge your support for the conditional use application submitted by Metro for improvements to Howell Territorial Park on Sauvie Island.

The Oregon Historical Society was an active partner in developing the master plan for the park and continues to partner in managing this significant cultural and natural resource. The improvements covered in the conditional use application are consistent with and complementary to the unique character of the park and its surrounding area.

In its current condition, Howell Territorial Park lacks even the most rudimentary public facilities. The proposed improvements for all-weather parking, rain shelter, adequate public restrooms, basic interpretive signage and disabled access are minimal. Without these basic improvements, visitors are deprived of an opportunity to appreciate and understand the cultural and natural history of Sauvie Island. From the Multnomah Indians to the Lewis and Clark Expedition and early settlers – Howell Territorial Park is poised to share important pieces of Oregon history.

Thousands of visitors are drawn to Sauvie Island annually. There is no facility right now to orient and educate them about island life and history. The island and its residents would be well served by such a facility. Howell Territorial Park provides the best location and opportunity to serve this purpose at a scale that is appropriate to the island and the park. I hope that Howell Territorial Park can achieve its potential to educate visitors and residents about the natural resources and cultural history of Sauvie Island.

Sincerely,



Norma Paulus
Executive Director

1200 Southwest Park Avenue, Portland, Oregon 97205-2483
Telephone 503.222.1741, Facsimile 503.221.2035
www.ohs.org

January 9, 2002

Diane Linn, Chair
Multnomah County Board of Commissioners
501 SE Hawthorne, Suite 600
Portland OR 97214

Chair Linn and Commissioners,

Dear Commissioners:

I am writing on behalf of the Audubon Society of Portland and its 10,000 members regarding your upcoming hearing on Sauvie Island regarding Metro's Conditional Use application for Howell Territorial Park. I attended a hearing over a year ago to support Metro's proposed management plan for Howell Park but the hearing was cancelled after brief testimony from Metro staff.

Today, I'm writing to urge your support of Metro's request for a Conditional Use Application for what we consider to be much-needed and modest improvements to Howell Territorial Park.

In our opinion Howell Territorial Park needs additional facilities for public use. We believe the proposed improvements are minimal in nature and in keeping with Metro's responsibility to manage natural resources at the site in a responsible manner. We have long supported a central location for educating the general public regarding the resources of Sauvie Island, and for Bybee Howell to be that site. Without the proposed improvements visitors will continue to come to the island without information regarding where the resources exist to meet their needs and interests.

We hope that Howell Territorial Park can serve to welcome and educate visitors and residents regarding natural resources and history of Sauvie Island. We also hope to partner with Metro Regional Parks and Greenspaces and Oregon Historical Society to utilize the site for our natural history educational programs and field trips. There is currently no location that provides us with such a resource. We hope you will support Metro's proposal to develop a facility that will meet these needs.

Respectfully,

Mike Houck,
Urban Naturalist

DATE: January 9, 2002

TO: Chair Diane Linn
Commissioner Cruz
Commissioner Naito
Commissioner Roberts
Commissioner Rojo de Steffey

RE: Support of the Bybee Howell Territorial Park Master Plan.

Every member of my family has, at some point, worked at the Bybee Howell House on Sauvie Island. My parents spent most weekends at the house in the early 1960's helping to bring the historic home to a condition that could be habitable by visitors. My brother and I volunteered on summer days for many years---pulling weeds and doing other odd jobs around the house and barn. Both of my sisters worked in the house giving tours during their high school summers. While I am not a resident of the Island, I feel that I can speak reasonably well as to this subject.

As I was Executive Assistant for Commissioner Saltzman at that time, Sauvie Island fell under our jurisdiction and I was involved with many issues that were going on around the Island. This included the Howell Territorial Park Master Plan, Sauvie Island Rural Area Plan, Birds of Prey, Happy Rock Moorage, and other issues of concern to the residents.

I am no stranger to public process. But this was my first dealing with METRO on a significant project and I was impressed with their staff and the way they worked to include the residents on every detail on the Howell Territorial Park Master Plan. Metro staff genuinely wanted Island members to have significant input on every detail and went to great lengths to include everyone in the design for the park. I haven't seen an effort like this on many other projects.

The process for the Howell Territorial Park Plan was very well thought out, inclusive of the members of the committee and open to all other residents who could have joined--but chose not to. The committee was made up predominantly of island residents, as well as Carla Simon--the curator of the Bybee Howell House at that time, Jane Hart from METRO, Jack Cleaver from the Oregon Historical Society, Bo Nevue-from Nevue/Ngan Landscape Architects, Terry Dufour from the Oregon Department of Fish and Wildlife and me.

Our meetings continued for several months with regular updates as to the progress for the designs of the park and ideas for ways to give the public a better feeling of the wildlife and nature that is such a special part of being out on-

the Island. Special attention was given to making nature trails that would be unobtrusive to birds and other wildlife around the park. Really, every step was taken to make this a very special park with great respect for the native birds and other wildlife.

Once the plan was taking shape, Metro conducted two well-publicized open houses for all of the Island residents and any other citizens who had an interest in the park and they were surprisingly well attended.

I reported regularly on the events of Sauvie Island at our weekly Board Staff meetings and spoke many times of the work being done on the Master Plan and how inclusive it was of the residents. There were no problems on the Committee and members were pleased with the progress that was taking place.

The one concern that was brought up then and that has been echoed for many decades prior to these new plans is that making improvements to the Bybee Howell House would change the integrity of the park and would attract too many visitors to the Island. My parents said that they listened to the same concerns back in 1962 when it was acquired by the Oregon Historical Society. They had but a small handful of Islanders supporting the efforts of the Oregon Historical Society at that time, the feelings have not changed much since then.

Most of the changes that have been suggested are in keeping with updating a 19th century house to the 21st century. The plan was extremely well thought out and painstakingly researched. Metro and the Nevue/Ngan group were sensitive to the wishes of the residents and to keeping the property as unspoiled as possible while making some necessary changes.

For every minor change that occurs on Sauvie Island, somehow, the birds, beaver, muskrats and other wildlife seem to figure it out. They continue to roost and make their homes on the island and around the park. The plan is respectful of that—and goes to great lengths to protect those animals from visitors far more than they are now—when people can tromp around as they please. I think you will find that the Bybee Howell House and METRO will continue to be a very desirable and caring neighbor. There are few organizations that are willing to go to the efforts they have in order to keep the neighbors, visitors and wildlife living in harmony.

Sincerely,

Cameron Vaughan-Tyler
3600 NE Klickitat Street
Portland, OR 97212
Klickitat3600@qwest.net

**KITTELSON & ASSOCIATES, INC.****TRANSPORTATION PLANNING/TRAFFIC ENGINEERING**

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

MEMORANDUM

Date: February 4, 2002**Project #:** 5171**To:** Dick Benner, Metro
Lora Price, Metro**From:** Julia Kuhn, P.E. and Marc Butorac, P.E.**Project:** Howell Territorial Park**Subject:** Response to Hearing Testimony

Per your request, the following memorandum has been prepared to respond to the written record for the Howell Territorial Park. Two letters were submitted that specifically address the adequacy of the traffic impact study. A number of residents testified with general concerns regarding the impact of additional traffic on the Sauvie Island environment. This letter presents a cumulative response to the testimony.

The two letters which will be specifically addressed here include the January 29, 2002 letter from Daniel Kearns and the January 15, 2002 testimony provided by Julie Cleveland. The issues raised in each related to transportation impacts are summarized below in italics. Our response follows.

- 1. The traffic counts used as part of the traffic study were conducted at non-peak times and therefore the study is not sufficient to rebut the testimony.*

Both the Kearns and Cleveland letters as well as several citizen testimonies claimed that the traffic counts were conducted after the peak harvest and recreational seasons. The counts used for the analysis of the affected intersections were conducted on Saturday, October 2, 1999. During this time, there were no special events occurring on the island however there was still a sufficient number of recreational and farming traffic onto and off of the island that were reflective of a summer/fall condition. In fact, Ms. Cleveland's testimony from January 29, 2001 actually supports this finding. In her 2001 letter, she states "eyewitnesses recall traffic was at a near standstill with the average wait time of one hour... This is a common occurrence on the island that is not precipitated by special events. During summer and fall weekends, traffic feeds onto the bridge..."

We are confused by the switch in Ms. Cleveland's testimony from January 2001. In her 2001 testimony, she argued that traffic was too high to obtain an accurate representation

whereas in her 2002 testimony she argues that we miss the peak times. Her testimony likely sparked others to echo the same concern. While her 2001 testimony overstates the conditions that we observed during our traffic counts, it does point to the fact that the counts were conducted at a time when recreational and farming traffic were still in the peak season.

The traffic study was conducted at the appropriate time to model non-peak events. On a typical, non-event Saturday afternoon, the level-of-service at the affected intersections is projected to operate at level-of-service "B." Based on this analysis, we concluded that the typical, non-event traffic from the park will have a negligible impact on these intersections. Therefore the park expansion can be accommodated.

During peak events, we recognize that the key to successful management of traffic is the implementation of a Traffic Management Plan (TMP). Per our previous testimony, a TMP should be implemented for any event attracting more than 300 people per day and should include the following elements.

- Temporary directional and congestion signing between US 30 and the Howell Park Road. The intent of the signing is to safely direct people between US 30 and the park, to optimize traffic flow to the extent possible, and to minimize potential wrong way movements at the site access driveway and the NW Sauvie Island Road/US 30 intersection, thereby minimizing out-of-direction travel
 - Temporary signing and striping within the special event overflow parking lot to maximize available parking while establishing a logical parking circulation pattern
 - Coordination with the Multnomah County Sheriff's office. The sheriff's office will be contacted 14 days in advance of any special event. If the services are needed, the sheriff's office will be compensated for any expenses incurred as a result of the event.
2. *County staff point out the inadequacy of the traffic study and the inability of the roadway system to accommodate the proposed demand.*

The letters submitted by Mr. Kearns from County staff were written in 2000. Since that time, County staff has since withdrawn their testimony and supported the application with the following conditions of approval associated with the expansion of the park.

- Dedication of 10 feet of right-of-way on Sauvie Island Road along the site frontage and the dedication of a 5 foot slope easement for construction and utilities. This condition will aid the County's widening of Sauvie Island Road in the future.
- An improved turning radius at the Howell Park Road/Sauvie Island Road intersection to facilitate easier turning movements for buses.
- A limit of three special events throughout the course of the year; special events are defined as any event with more than 300 people per day; two of these three events must be less than 1,000 people. Metro has since withdrawn their application for three special events. At this time, Metro is only proposing to support the Wintering-In festival and one event between 300 and 1,000 participants.

- The implementation of the TMP for all special events.
 - An agreement by Metro not to remonstrate against the formation of a LID for future improvements to Sauvie Island Road, like bicycle lanes.
3. *A right-turn lane is needed to accommodate the visitors to the park.*

During 2000, conversations between staff and Metro were conducted regarding the need for a northbound right-turn lane at the Howell Park Road/Sauvie Island Road intersection. In response to these conversations, Kittelson performed a right-turn lane warrant analysis in accordance with federal procedures. This warrant analysis evaluates warrants for three conditions: the need for an improved radius, the need for a taper to facilitate turns at an intersection, or the construction of a right-turn lane. In accordance with these federal procedures, the northbound right-turn at the Howell Park Road/Sauvie Island Road intersection only warrants an improved radius. This is included in the conditions of approval outlined in #2 above.

The traffic impact study and traffic management plan (TMP) are adequate to address the impacts of the proposed park expansion. No additional information is necessary to support the application. Metro concurs with the conditions of approval identified by County staff.

Please contact us if you need any additional information.