

From: Leon, Christine [mailto:Christine.Leon@portlandoregon.gov]
Sent: Friday, February 27, 2015 11:33 AM
To: baack@q.com
Cc: Nebel, Erika; Schooley, Sara; Krueger, Kurt; Eisenhauer, Richard; Pearce, Art
Subject: Re: Additional information related to Coronado

Hi Don,

My team and I met. We have decided that the private property owner's fence that is presently encroaching in the unimproved right of way will be allowed to remain for an interim period during the Trails program development. As you know, PBOT is in the midst of creating a trails process that individuals or groups could use to build trails in the right of way. Until we finalize the process and rules for locating, formalizing, designing and improving trails in the public right of way, PBOT acknowledges both the desire of the abutting property for a fence as well as a desire for the recreation path.

When we assess whether or not an encroachment should and could remain on a unimproved right of way, we look at the condition and use of the ROW with the element to be certain there is compatibility. In this situation, the right of way does not include a permitted trail, but there is indeed a passageway for a lesser path. There is no formal conflict of use compelling us to require the fence to be removed at this point. That said, I do fully understand the path meanders through the forest, and is currently within public ROW (although I understand there could be a few exception spots). Given the overall condition and roughness of the path we have categorized the fence as not impeding this path's overall function.

Public comment on the draft trail plan closes this week. After comments are deciphered, a redraft should be posted in April for review by the public. In May, rules would be formalized, but; depending on public input the Commissioner could direct PBOT to bring the rules before Council under Resolution to finalize the program.

Once program rules finalized, I see this playing out in two general ways:

- A formal request is made for an improved trail and ultimately gets approved. As part of the design, the preferred alignment within the right of way corridor is determined. If the preferred alignment and approved design is where a fence or minor encroachment is located, PBOT would likely require the property owner to relocate it outside the trail envelope, and the trail to be constructed under permit. If the alignment does not affect the fence, PBOT would allow the fence to remain, require an encroachment permit for the fence, and the trail to be constructed under permit.
- The formal request for a trail also has the potential of ending in denial if the application doesn't meet the requirements of the process.

I hope this helps explain what we have decided to be the best course for multiple interests in the right of way. Please do continue to work with Sara Schooley who is our lead on this if you need more updates on the Trails program development.

In reply/forwarded from:

Christine Leon, P.E.

Portland Bureau of Transportation

Development Permitting & Transit Group Manager

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