

## The Oregonian

# Portland officials ignored a commitment, belittled a constituent and compromised pedestrian safety: Editorial Agenda 2016

*By The Oregonian Editorial Board  
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Portland's carefully cultivated reputation is that of a livable city that encourages walking and cycling and seeks to keep those who do these things safe — especially in the sidewalk-deficient outer east side. There's plenty of evidence to support this gauzy, people-first image. For that reason, the city's treatment of Lents residents Robert Culver and Michael Cummings is particularly puzzling. They have been victimized by bureaucratic stupidity, indifference and even, perhaps, dishonesty. City commissioners owe them better.

About 20 years ago, following a period of flooding, the city's Bureau of Environmental Services set about acquiring land in the Johnson Creek watershed from willing property owners. By moving people out of these areas, the city hoped to mitigate the effects of flooding in Southeast Portland and restore habitat along the creek.

One such area, now known as the Foster Floodplain Natural Area, occupies land south of Southeast Foster Road and west of Southeast 112th Avenue. Cummings and Culver were among the families who lived here, and they didn't want to move. They agreed to do so, however, following an August 2009 meeting with then-Mayor Sam Adams and various city officials. Culver and Cummings were persuaded to relocate, they say, after being promised at that meeting that they'd retain access to the property with their dogs.

Culver and Cummings subsequently moved to a home on Southeast 108th Avenue abutting the floodplain, which the city reshaped and replanted. The city also installed a paved path across the floodplain connecting the small neighborhood in which Cummings and Culver live with Southeast Foster Road at a point where the Springwater Corridor crosses. Because traffic on Southeast Foster Road is heavy, users of the Springwater Corridor enjoy the protection at this point of a marked and signalized crossing.

So far, so good. Culver and Cummings walked their dogs regularly through the floodplain to the Springwater Corridor without having to worry about being hit by cars. But in late 2012, staff with the Bureau of Environmental Services, which owns the property, and the city's parks department, which manages the natural area, decided to ban dogs for environmental reasons. Naturally, Culver and Cummings were shocked when no-dog signs popped up in 2013. And when they reminded the city about the promise of continued access made in 2009, says Culver, officials "just acted like none of this ever happened."

One person who does remember is Adams, who now directs the World Resources Institute's U.S. Climate Initiative. In 2015, Adams sent an email to various city officials confirming the promise to grant access to the property and pointing out that "BES staff did not raise ... any

concerns to me/us about this commitment." In an email to The Oregonian/OregonLive editorial board Thursday, Adams wrote that "Giving up their home was a very difficult decision for them. ... The fact that they did so voluntarily with this very modest accommodation saved City ratepayers tens of thousands of dollars: We avoided a costly court case using eminent domain."

The city is unmoved. In a July 1, 2015 memo to Commissioner Nick Fish, who oversees the bureau, BES Director Michael Jordan acknowledges Adams' email, but writes that "BES staff does not recall making such a commitment." Besides, he notes, "details regarding long-term access to the property are not included" in the purchase and sale agreement signed by Culver and Cummings in 2010.

Jordan's memo, meanwhile, utterly dismisses Culver, characterizing him as a pest and a crank. In March 2013, Jordan writes, "BES and Parks staff started receiving emails from Robert Culver expressing his lack of support for keeping dogs out of the project area." It notes that Culver has placed flyers and signs in the area, has distributed CDs of photos, and has appealed to the neighborhood association for support. "To date," Jordan concludes, "BES has heard no concerns from other constituents regarding the no-dog policy at Foster Floodplain Natural Area."

A couple of weeks after receiving this memo, Fish sent Culver an email.

"I have consulted with Commissioner (Amanda) Fritz about this issue, and we will not be changing the policy," Fish writes. "Therefore, dogs will continue to be excluded from the natural area."

Fritz oversees the city's parks bureau. To drive the point home, Fish concludes by writing, "my response to you ... is final."

The city's position, explained in Jordan's memo and echoed in Fish's email, is that Cummings and Culver "are free to access their former home site at any time without their dogs and have a new road available to them to connect to the Springwater Trail and other parts of their community."

One wonders whether Jordan, Fish and Fritz have tried to walk to the Springwater Corridor using this new road. Culver and Cummings can access Springwater Trail by means of a circuitous route along busy Southeast 112th Avenue. But if they want the protection of a sidewalk, they have to cross 112th at the end of a bridge in an area of imperfect visibility without the benefit of a marked crosswalk. To do that every day, especially in the company of an old and enfeebled dog, is risky.

The couple's dogs have died since their battle with the city began, and they would like to get new ones for companionship and for safety on their daily walk on the Springwater Corridor. But they don't want to have to drive their dogs to a suitable location, Culver explains, and they shouldn't have to. The city should grant the access Culver and Cummings certainly were promised, notwithstanding staffers' amnesia. Portland's treatment of the couple has the feel of a petty power trip by city staff enabled by elected commissioners, who owe their constituents better.

Among the many absurdities of the city's behavior is the fact that its dog ban is, in most cases, virtually unenforceable. In fact, the first person we saw during a visit to the floodplain

Wednesday was a guy with a dog. And why not? For occasional dog walkers, the odds of being cited are fairly low, as the city doesn't station someone at the site 24 hours a day. But the odds are high, ironically, that daily users — people like Culver and Cummings — will be cited sooner or later. The best and simplest solution to the problem is to do away with the dog ban entirely.

## **Willamette Week**

### **Portland Gas Tax Campaign Reports \$40,000 in Contributions** Construction companies and developers pony up.

*By Beth Slovic*  
*March 20, 2016*

The campaign to pass a 10-cent per gallon Portland gas tax—Fix our Streets Portland—reported more than \$40,000 in contributions in its first fundraising disclosure over the weekend.

Perhaps not surprisingly, the campaign's war chest draws heavily from construction companies and developers, including many familiar names such as Shiels Obletz Johnson (the streetcar contractor, which gave \$1,000) and Williams & Dame Development (which gave \$1,500).

Also on the list are Portland commissioners Dan Saltzman (who gave \$2,500) and Amanda Fritz (who gave \$500). Mayor Charlie Hales gave \$1,000 from his abandoned re-election campaign.

The gas tax proposal heads to the May ballot now that a Multnomah County judge has cleared the ballot title language.

If approved, the tax would raise an estimated \$64 million over four years and would pay for road repair, sidewalks, crosswalks and bicycle lanes.