

# Bootleg stairway issue dominates Hillsdale neighborhood meeting

By Mark Ellis  
The Southwest Portland Post

Generally speaking, the Southwest Trails Group is seen as exerting a positive influence in the southwest area by acting as stewards and advocates for the vast system of trails which all agree are a part of the area's livability quotient.

But even head trail-maker Don Baack admits he erred when he and members of his group uprooted some venerable junipers and constructed an unapproved stairway on an embankment which leads to Sunset Blvd. via Seymour Drive and 25th Avenue.

"In retrospect," Baack told the May 7th meeting of the Hillsdale Neighborhood Association, "I should have divulged my intentions to the neighborhood before constructing the stairway."

At issue is the right of way down a 100-foot slope, which Seymour Drive neighbors claim began as a quick shortcut for immediate neighbors only and over time has morphed into a regular route for local walkers and hikers.

People have been using an unimproved step system which all agreed was on private property, until Baack and company carved out a slot on what all agree is adjacent public property

and installed a creosote railroad-tie staircase.

Neighborhood resident David Barberis and others, acting on behalf of aggrieved nearby homeowners concerned about liability, foot traffic volume, and privacy issues, removed the staircase after receiving the following communiqué from PDOT Development Services Division Manager Christine Leon:

"(The stairs) were installed without PDOT's knowledge, without permit, without abutting property owner consent, and with what appears to be creosote railroad ties, and improper material for this application, and to a steepness beyond what PDOT stair details indicate."

The loggerhead has generated bruised feelings on both sides. One element contributing to the disagreement has to do with the real-time value of the shortcut. Those opposed to making the embankment a public route claim they have timed the difference between the shortcut and the conventional route—proceeding down SW 19th Ave. to Sunset—and determined that the time saved is less than a minute.

In a follow-up email Barberis spelled out his neighborhood's desire for a return to the preexisting situation: "a way for us and our neighbors to gain

quick access to Sunset Blvd."

Voices in favor of the route's viability claim that it is not just quicker, but also safer and more pleasant than the SW 19th alternative. There were also complaints that the new junipers planted by nearby homeowners now impede foot traffic down the slope not just on private property, but on public as well.

"This route was approved as a pedestrian connection by the HNA several years ago," said Baack in his follow-up email, "when we were asking for pedestrian markers along several pedestrian connections in Hillsdale." He insisted that the public is free to use this right of way anytime, and that it cannot be blocked by adjacent neighbors.

But Seymour Drive residents and surrounding neighbors stressed concerns about property rights infringement, and the possibility that they could be sued in the event of an injury on the slope. Citing City Code Chapter 17.42 Barberis affirmed that, "The fact that we, the abutting property owners, were liable for use of the hazardous stairs constructed by the Southwest Trails Group was confirmed to us by the City Attorney's Office."

Barberis further explained that the juniper replanting was done to address erosion concerns on the suddenly

barren embankment. He especially bemoaned what he sees as the waste of public monies which will likely be spent looking into the situation and implementing whatever plan is ultimately reached. "The \$20,000 dollar estimated cost of a City Code staircase could provide 50 tons of food to the Oregon Food Bank," he said.

Affected neighbors also provided anecdotes which suggest that not only had the staircase been built illegally, but that the SWTG construction party treated them rudely on the day the stairs were installed. Baack could not recall any such rude treatment, but added that if there was any, that he considered it regrettable.

"The next step will be will be up to the City of Portland," concluded Baack, who noted that PDOT's Mark Lear had attended the meeting and is planning a process to clarify the issues and decide under what conditions to move ahead. "I look forward to working with the city in getting this resolved."

But Barberis was last to weigh in with his charge that, "The liability that SWTG has exposed us to cannot be tolerated and must be exposed. Any property owner who has a SWTG trail abutting their property should check with the city regarding liability issues."

## POST A TO Z BUSINESS CARD DIRECTORY 503-244-6933

**Other Worlds Games & Bookshop**  
Hillsdale's Finest Selection of Hobby Games & Used Books

Magic, the Gathering    Computer LAN Gaming  
HeroClix    Pirates  
Dungeons & Dragons    Warhammer  
Eurogames    Used Books and more!

CASH, Credit, Computer Time for your QUALITY Books

6327A SW Capitol Hwy, Portland, OR 97239  
otherworlds@integraonline.com    503.244.0290

**PRECISION HOME REPAIR & DRYWALL**

**JON A. GOSCH**  
Phone: 503-643-3517  
Pager: 503-441-8940

website: <http://users.myexcel.com/precision1>

**Quality work at affordable rates**  
Licensed • Bonded • Insured • CCB #77073

River City  
**Gardens**  
SUSTAINABLE GARDEN DESIGN

Moonlight gardens  
for long lazy days

Call Kathryn at 503-293-6114

Kathryn Leech, APLD    [rivercitygardens.com](http://rivercitygardens.com)

**ROBERTSON PAINTING LLC**

- Interior/Exterior
- Commercial/Residential
- Powerwashing
- Wallcovering
- Patina Stained Concrete

James Robertson  
5425 SW Illinois St.  
Portland, OR 97221  
(503) 516-1223  
(503) 293-6586 (Fax)

CCB# 169852 Insured • Bonded

We dig the Southwest Portland Post!

The Historic  
**St. Johns REVIEW**

For advertising or subscription information contact  
Gayla Patton  
PO Box 83068, Portland, Or. 97238  
[reviewnewspaper@comcast.net](mailto:reviewnewspaper@comcast.net) - (503) 283-5086

Quality dentistry in a caring, relaxed environment.

**JOHN SHAW DMD**    **FAMILY & COSMETIC DENTISTRY**  
**503-246-2564**

7717 SW 34th Avenue • Portland, OR 97219  
(Multnomah Village • SW Capitol Highway & 34th Ave.)

**SIGNS BY TOMORROW**  
SIGNS & GRAPHICS NATIONWIDE

The IDEA Today ... The SIGN Tomorrow!

- SIGNS
- BANNERS
- GRAPHICS
- MAGNETICS
- LETTERING
- LOGOS & MORE

**503.244.0980**  
9220 SW Barbur Blvd. #111 - Portland - OR - 97219

skin by Corie Riser  
Facials - Waxing - Microdermabrasion - Hot Stone Therapy

Bellezza Salon at Fordham Plaza  
8565 SW Beaverton-Hillsdale Hwy, Suite 05    503.952.6710  
Portland, Oregon 97225    [www.corieriser.com](http://www.corieriser.com)

mention this ad and get \$10 off your first facial treatment!

Cultivating healthy gardens for over 17 years

*Smiling Gardens*

maintenance • design  
consultation • renovation

[SmilingGardens.com](http://SmilingGardens.com) • 971-275-4204

**Sun Dog Construction**

Remodeling ... Interiors-Exteriors  
design, basements, attics,  
kitchens, bathrooms, additions  
From start to finish ...  
Big jobs, small jobs, more ...



Autumn Sun Pardee  
18+ yrs experience

**503.957.7559**    CCB # 173347

Tree pruning & preservation  
Tree & stump removals  
Arborist reports & Consulting

**MULTNOMAH Tree Experts, LTD.**

Peter Torres, M.F.  
ISA Certified Arborist (PN-650B)  
CCB #154349  
Southwest Portland, Oregon



(503) 452-8160  
[Peter@MultnomahTree.com](mailto:Peter@MultnomahTree.com)

**WEST HILLS HOMES, INC.**  
Real Estate Acquisitions

*We buy: Houses • Building Lots • Acreage*



503-293-0007  
Fax: 503-892-2007  
E-mail: [westhillshomes@comcast.net](mailto:westhillshomes@comcast.net)