



CITY OF West Linn

PLANNING COMMISSION SPECIAL MEETING Minutes of June 22, 2011

Members present: Chair Robert Martin, Vice Chair Michael Babbitt, Gail Holmes, Holly Miller, Laura Horsey, Christine Steel and Dean Wood

Members absent: None

Council Liaison: Teri Cummings

Staff present: John Sonnen, Planning Director; Ken Worcester, Director, Parks and Recreation Department; Zach Pelz, Special Projects Planner; and Damian Hall City Attorney

CALL TO ORDER

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:00 p.m.

PUBLIC COMMENTS

Lynn Fox, PO Box 236, Marylhurst, Oregon, 97036, reported she had found it challenging and expensive to gain access to public records to research why the Palomino Trail was not in the inventory. There was a minimum charge of \$9.00 and the Planning Director had not been available when she asked for access. She suggested the fee should be waived whenever the research would benefit the broader population. Her second concern was that the staff had not been able to clearly explain how to achieve standing. Chair Martin assured her that anyone who filled out a testimony form had standing, even if he/she did not testify.

An unidentified man in the audience shouted out a request that the staff and Commissioners give their names, positions and address of residence. Hall advised there was no legal standard associated with that kind of disclosure. Then the staff and City Attorney reported they resided in Washington County, Portland, Happy Valley, and Northeast Portland and all of the Commissioners reported they resided in West Linn.

PUBLIC HEARINGS

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

2011 West Linn Trails Plan: A 50-year Vision for the Future and Associated Comprehensive Plan Amendments Continued from June 15, 2011.

Chair Martin opened the public hearing. Vice Chair Babbitt stated that he had reviewed the record of the previous hearing and would participate. Chair Martin reported that he had been a founder of the West Linn Riverfront Association; served on the technical committee for the

trails plan; and could decide without bias. City Attorney Hall advised that Chair Martin might have a potential conflict, but did not have an actual conflict. That did not disqualify him from hearing the proposal because it was only a policy document. There were no implementing ordinances or regulations and it did not offer certainly about if, when and where trails would be. No one present challenged the authority of any Commissioner to hear the matter.

Public Testimony

Chair Martin invited anyone who had testified at the previous hearing to testify at the current hearing after the Commissioners heard parties who had not yet had an opportunity to testify.

Proponent

Norm King, 19420 Wilderness Dr., supported the trails he saw on the map that created a Hidden Springs loop and that ran from Haskins up Salamo using mostly existing trails and streets. The latter segment was along a roadway that did not current have a pathway or sidewalk for pedestrians to use. He said he was happy to see a connection from Arbor to Old River Road and the two connections next to Robinwood Park. He acknowledged that he had not previously been aware that there was an existing trail between Lazy River Road and the park.

Opponents

Brendon McVicker, 2990 Beacon Hill Dr., held the City needed to fix the trails and sidewalks it already had and should "file away" the proposed master plan. He related that on his daily walks he had to duck for branches and encountered mosquito breeding areas. He did not want to make West Linn the trailhead for people from elsewhere who would walk through residents' yards.

Prescott Garner, 3525 Riverknoll Way, showed the Department of Geology and Mineral Industries' Landslide Inventory Map. It predicted a 75% or greater risk of significant landslide where trails were proposed. The Civic Northwest Geological Mapping and Urban Hazards website indicated that the area of West Linn along the Willamette River was littered with underground faults that put the area at great risk from landslides.

Audrey Lazar, 6555 Failing St., held the City needed to maintain existing trails instead of spending money on new trails that brought more problems. If the City tried to install a walking connection between Burnside and Mary S. Young Parks and over her property that would be an unjustified "taking." She possessed riparian rights to the low water mark. It was impractical and dangerous to put a trail there due to holes in the storm drains and flooding. She was very concerned security. She did not want strangers coming into her yard.

Gary Swanson, 25425 Swiftshore Dr., related he had been relieved to hear the Commissioners wanted to use the process that would ensure the community and the neighbors were involved as each segment was implemented. His was one of three homes on Swiftshore that were so close to the river they would be very seriously affected by a trail through their properties and might have to be condemned. He indicated he would be happy to have a trails system to use as long as the process did not take away individual landowners' rights and they had an opportunity to have input into the process and were not railroaded. He reported it was not easy to bike to other places in the City and he would love to be able to walk along the river, as long as it was not through someone's backyard.

Dan Dunstan, 960 Rancho Lobo Ln., resided near Fields Bridge Park. A trail was in his backyard. He had already mailed concerns to the Planning Director, but he had new concerns since last week about this section of trail: reduced property values; the impact on wildlife and nesting areas; crime; and threat of fire from human activity. He opposed condemning private property in order to build trails. He said the proposed plan did not consider other important community projects that could achieve a lot of the same goals. He believed the proposed plan reflected one department's wish list, but all City departments should weigh in and recommend how to mitigate those concerns. The current plan should not be approved just because prior plans were approved. More study and evaluation was necessary of each proposed trail. Some of the proposed trails would be great additions.

William Weber, 3545 Riverknoll Way, submitted written testimony. He related that before he retired he was responsible for corporate business planning. He observed the City did not have a detailed financial plan for the project. Residents' were opposed to some trails due to concerns about the impacts of crime, environment and fire danger. The Sunset to Salamo trail in particular, did not make economic, safety or environmental sense. He cautioned that the trail system could cost as much as \$45 million to \$65 million to build and then the ongoing cost of maintaining the trails could exceed the initial cost and jeopardize other priorities, such as a new police station and aquatic center. He asked the Commissioners to consider the financial impact. The City should use the maintenance funds it had to maintain existing connections, like streets.

Nancy Inman, 3540 Riverknoll Way, testified that she and her husband were opposed to any kind of a trail behind Barrington Heights. They were concerned about security and fire danger. The City should focus on maintaining existing trails.

Lois Streimer, 2019 Maple Terr., asked the Commission to reassess the community's need and desire to add 27.3 miles of public trails and to do that by acquiring private property. She held the proposed plan was contrary to the goal to protect riparian zones and wildlife habitat. She noted a majority of the public comments submitted expressed a preference for connecting existing trails via public streets and focusing on neighborhood and business connections along well-traveled routes. She pointed out the Technical Work Group recommended preparing recommendations that were realistic, fiscally constrained, and had the support of the community. She asked the Commission to consider whether the proposed plan sufficiently

addressed and limited environmental impacts and preservation of wildlife habitat; whether the staff recommendation was realistic; and whether the plan had overwhelming support of the entire community.

David Campanaugh, 25345 Swiftshore Dr., advised the segment along the Tualatin River from Pete's Mountain Bridge to Fields Bridge should be classified as a local trail, not a primary route. It did not provide continuous connections throughout the city and it did not serve as access to transit. To put a trail there would affect wildlife and irrevocably impact a complex and fragile ecosystem. His experience with flooding along that segment indicated that if a trail were built there it would not survive a flood. His immediate neighbor's house was so close to the river it would need to be removed to build the trail. He did not agree with the statement in the report that indicated that people liked to bike to work. He explained West Linn residents were mostly recreational bikers who just wanted to get out of town to ride 30 to 50 mile loops on trails. A bike trail along the river would not help his neighbor, who was a bike commuter, get to work. Bike commuters liked to use the streets. He disagreed with the statement that children would ride their bikes to Willamette Primary School. They would have to bike to the top of the hill at Willamette Park and no responsible parent would let their children ride along the river to school. He did not anticipate that people would walk and bike to Starbucks and Safeway.

Tod Tolan, 3410 Riverknoll Way, was concerned about fire danger. The segment shown on the map that paralleled I-205 would be in the ODOT owned area that had experienced a wild fire in August 2003. It had threatened his and other homes on the ridge top. He advised if there was to be a trail there it should be a paved path like the one along Highway 224. It should be positioned as close to I-205 as possible and buffered by fencing.

Francis Hannah, 3500 Riverknoll Way, had concerns about fire, safety and traffic on Riverknoll Way. It was used as a cut-through from Salamo to Sunset. It was a dangerous speedway where traffic averaged 40 mph.

Lynn Fox, PO Box 236, Marylhurst, Oregon, 97036, advised that trails could be a good resource for a community when they were properly managed. But her experience with the City was it did not manage its parks and trails well. When people camped out and tromped through her yard and used a trail to gain access, the Police did nothing. She submitted written testimony, including photographs. She reported that the City had allowed private use of City-owned property along the Palomino Loop Trail. She understood that no notice had been sent to the Hidden Spring Neighborhood Association and its membership had not been invited to participate in the process. She observed only a tiny fraction of the community had participated in the process. She asked the Commission to give the community more time for real public participation.

Chair Martin related that the Commission had invited the Police Chief to attend the hearing to answer questions about security, but he had only offered to answer written questions.

William Buan, 6585 Failing St., testified the proposed trail would displace wildlife in wetlands. One of the effects could be that Failing Street property owners could lose their riparian rights forever. He questioned how the City could justify building a trail there. He said the dotted lines going through private property on the maps diminished property values even though there was no trail there now. He observed the police could not realistically promise to monitor so many miles of trail with the current force. He reasoned that after the City had purchased \$20 million easements and spent \$40 million to develop the system it would have to allocate additional funds to maintain it. He questioned why staff who did not live in West Linn and had no skin in the game should be allowed to decide the City needed to enhance access to the rivers. He stressed there was no mandate forcing the City to establish the trail system. He was not comfortable relying on staff's statement that trail classifications could be changed. He noted the segment that would cross his property would be on land that was currently ten feet under water. He observed the input the City had received so far indicated less than a half percent of the population wanted the proposed trails.

Arnold Peterson, 25435 Swiftshore, related that he was a retired forester who was familiar with environmental regulations. He had submitted written testimony outlining his concerns about the general environmental analysis and property rights. He asked the Commissioners to consider the economic, political and legal consequences.

Robert Miller, 1500 Ostman Rd., submitted written testimony. He related he was an environmental consultant. He advised that the 50 year horizon was excessive. Parks and Recreation could not project costs beyond 10 years and no city master plan should exceed 5-10 years. He advised the plan should be reviewed by other City departments, including Police, Fire and Public Works. The potential for increased crime, fire danger, traffic congestion and the social impact needed to be assessed. He related that a rowdy crowd along the Clackamas River created problems for property owners there. He saw a need for the City to address unfinished projects, including segments of Ostman Road and Dollar Street where pedestrians had to walk in the street and the unfinished sidewalk segment going toward the business area along Willamette Falls Drive. He held the linear park concept was in complete and direct opposition to Goal 13, which called for preserving wildlife habitat. He advised the segment at Fields Bridge Park was a nesting area. He asked where the parking was to be for increased use of that area.

Ron Brown, 25565 Katherine Ct., resided along a proposed primary trail route between Fields Bridge Park and Willamette Park. He submitted written testimony to show the proposed trail through his property would negatively impact 390 feet of Class 1 riparian land and 25% of his property. He said it would affect basic landowners' rights to a safe home, solitude and no trespassers. It was unacceptable and almost criminal. He held there were three existing routes between parks that could be alternatives. They would have no additional impacts or costs and were better for making connections. He saw no need or desire to have this trail segment; it was not necessary for connectivity; and it would not serve a transportation need. He disputed a contention that the Tualatin River was a navigable river. He advised owners along parts of the segment owned the land to the center of the River. They had a legal right to keep it undisturbed. He asked Planning Commission to reject the proposal in its present form.

John Hutchinson, 6541 Failing St., related that the maps showed a primary trail through his front yard. The red line seemed to have been drawn along the waterfronts regardless of whether it made sense or not. He understood Metro would be satisfied if the City connected via streets in proximity to waterways. The City had that kind of connection in his neighborhood for years, but never improved it. It went from Burnside Park to Failing Street. The City also had a second access through Edgewater Court. He said the proposed trail was not in an appropriate location. It was currently underwater. Studies in the record showed it would interfere with wildlife habitat and concluded that trails should be set back from water resources. This one was right along the edge. He held the siting of a trail should be subject to Commission and Council hearings, not left up to staff.

Michael Reagan, 41 Mapleton Dr., testified that he supported long term goals for safe pathways and better walking and bike routes in the City if they utilized the existing right-of-way. He opposed the current plan because it would require acquisition of private property and devalue private property. He noted public input was sparse and did not demonstrate a public mandate. He reasoned that some public input had been ignored because one of the maps indicated the waterfront trail was of low public interest but another showed it as a primary off street route. He said it was contrary to the Willamette Greenway Plan in that it would require construction in a riparian habitat. He talked about sustainability. He said the plan tried to do too much: it proposed too many miles of trail; it proposed to acquire 25 miles of new right-of-way, and it proposed high maintenance trails over land in the riparian area that was under water part of the year. He suggested the City focus its resources on maintaining the existing public right-of-way

Sarah Brown, 25565 Katherine Ct., submitted written testimony, including a map that showed the proposed trail over her lot would take 25% of it. She opposed trails through private property and habitat conservation areas. She noted that attendees at the workshops had not been advised that the CDC called for respecting private lands in protection areas. Participants had been instructed to just draw routes on maps. Some of them had said they preferred to connect trails through public streets. She recalled she and many others had testified against the 2007 trail plan. Her grandchildren were concerned about "stranger danger" if the trail came through her property. She noted a conflict between the Parks and Recreation director's report that the trail along the river would probably be four feet wide and the CDC, which called for a much wider path. Her written testimony contained photos of erosion on Fields Bridge trail due to unsanctioned trails. It also contained *Oregonian* articles about the high mortality rate of young trees in Forest Park; the spider web of trails there; and the large amount of dog excrement picked up. She advised the current proposal should be revised to a less invasive system using existing streets, not private property. The 2007 plan and the Metro model ordinance allowed that. She asked the Commissioners to not recommend the proposed plan.

Cammy Pierson, 2880 Beacon Hill Dr., called the proposal "excessive." She reported that few in her neighborhood biked. She found it hard to imagine that would change if there were more bike paths over the hilly topography. She questioned the assumption that the proposed plan

was what the community wanted and needed because prior plans had been approved. She said she did not understand how the recommendation had jumped from a minimum number of miles to the exorbitant number of miles of trails now proposed. She related that she had to deal with transients and crime at her Portland workplace, so building the Savannah Oaks trail did not make sense to her. She recommended the Commission hear from the agencies responsible for protecting the paths. She said the trails were neither wanted nor needed. The funding that would be necessary to maintain them should be used to maintain existing paths and sidewalks.

Randy Eggen, 1830 Radcliffe Ct., questioned how the City could maintain the vast number of miles of trails proposed. He reported that parents mowed the field at Mary S. Young Park to make the field playable for their children. He noted the resounding majority of people at the hearing did not favor more trails. Some trails could devalue homes.

Carol Yoshida, 4202 Imperial Dr., reported she had found the hearing notice on her driveway. The City had not mailed one to her. She compared the estimated cost of \$65 million with the City's \$75 million biennial budget. She noted the City had a hard time keeping up its existing parks. She asked the Commissioners not to recommend the proposal. She was concerned that when she retired and wanted to sell her home the traffic coming in and out of the trail by her home would discourage potential purchasers.

Diana Starkus, 2453 Marylhurst Dr., supported the proposed bike paths but opposed a trail over the View Drive unimproved right-of-way. She explained that route did not qualify as a secondary route and there were alternative existing routes that did not cut through the Greenway. She reported that she had found it unsafe to cross the street with her son on the Marylhurst secondary route. She suggested the plan should focus on primary routes that she could use to go to the dentist, the pediatrician, and pet care.

Andy Rocchia, 957 Willamette Falls Dr., read aloud written testimony from Carol DeJargon, 951 Willamette Falls Dr. She wrote that high water marks, steep terrain, and private property lines had not been identified when participants at the public meeting drew routes on maps. She advised the Tualatin was not listed as a navigable river. She noted the proposal did not address private property rights. She wrote that an 8-foot wide asphalt trail was ridiculous. She held that West Linn should not be compared with a large metropolitan city with a city center. She knew from her experience living on the river that the proposal was unrealistic and biased. It appeared to be trying to create a need for trails. She held the community did not need a biased, special agenda, government. She advised the City to leave the Tualatin River natural environment alone. The topography did not lend itself to 8' wide asphalt pathway. She asked where the funding was to come from to maintain the pathways. She addressed the issue of private property rights and called the proposal unacceptable, inconsiderate and disrespectful.

Stacy Carman, 4220 Calaroga Ct., reported the public trail past her home that was proposed to be part of a primary route was currently under water. She questioned how it could be maintained. She was concerned about the safety of her young children. She had already

experienced noise, garbage, parking problems and fireworks on the existing public access at her house and had called the police multiple times. She said the City already had wonderful parks. But it rained a lot and the community needed a place for indoor recreation, like an aquatic center.

Ed Lindquist, 160 Glen Dr., Oregon City, related he had family in West Linn and had served on the Board of County Commissioners. He was concerned about the process. Safety questions had not been addressed. He had walked a trail site with a deputy fire marshal. They saw a steep, brush covered hillside with no access and no hydrant. He was concerned about crime that happened when an area was opened up to outsiders. He recalled the rest area had been closed due to crime. He observed the plan did not address the impact on wildlife. He recalled geologists had advised a big earthquake was overdue. Trail segments were in the slide areas. He was also concerned about having level trails for mature runners and bikers; having parking at the start and end of trails; and lighting (which the proposal did not address). He advised that the cost of maintaining county trails and parks was significant. He felt the proposal was an effort to infringe on individual property rights. He advised the Commission to turn it down based on common sense.

Laura Hecht, 18340 Nixon, advised that 60% of the waterfront was already publically owned. She had lived in the area since 1972 and had regularly cleaned the boat landing and the little nearby island because the City did not. She reported there was a lot of vandalism; signs did not last long; dogs were not on leashes; there had been fires every year; and youth used the landing to party. She reported that even though the City had spent \$1 million to purchase and improve Robinwood Park and it cost around \$5,000 per acre to maintain it, hardly anyone used it. She concluded that the City should not spend any more money on linear parks/trails.

Troy Buzalsky, 1228 14th St., lived on the Tualatin River near a new trailhead built last summer. The increased activity was negatively impacting his family. People used his back yard features and let their dogs roam off leash. There was graffiti and tagging under the bridge. People under the bridge frightened his child.

Maureen Bonfiglio, 955 Willamette Falls Dr., submitted written testimony including photographs. She lived near Fields Bridge Park. She reported the park did not look like the Parks and Recreation Director had told residents it would look. It was still under construction and featured 20-foot poles, netting year round, artificial turf, fencing, dugouts and permanent batting cages. Parking was not adequate, so users parked anywhere and everywhere all summer and locals could not use the park or trails. She related that her property included certified natural wildlife habitat. She was totally opposed to any more parks and trails. She suggested the City should finish what it had started and make it right.

Claude Bonfiglio, 955 Willamette Falls Dr., testified that the Parks and Recreation Department had misled him. Fields Bridge Park was an example of a mini nature park being used for the wrong type of activity. It was not what residents wanted to see or what they were promised.

He said that area of the river was special because of the wildlife there. He imagined the impact of the trail would be the loss of osprey, eagles, geese and even beavers. He wanted it protected.

Trisha Glad, 3981 Calaroga Dr., testified that she regularly ran from Mary S. Young Park to Lewis & Clark College and she biked that segment with her kids. But she saw few others using it, so she questioned the need for more parks and trails. She questioned whether a trail could logistically be positioned near her house. Rocks fell off the cliff and trees would have to be removed. She related that an intruder had once accessed her house via the public access. Public access users came to the river at night and used her backyard play equipment and her kids' toys. She stressed that to allow people to hang out on the river without policing them put citizens at risk. She promised to do everything legally possible to prevent that if the City went forward with the plan. It was not fair.

Mark Hinrichs, 25445 Swiftshore Dr., wanted to know the basis the staff used to recommend the proposed plan. He questioned whether the high cost made sense when there were so many other things to spend money on. He suggested starting by installing sidewalks from the police station to Fields Bridge Park. He explained he commuted by bicycle, but not during the dark, rainy season. Money could be spent to improve bike paths and enhance public safety – especially along Willamette Falls Drive past Fields Bridge Park. When cars were parked there there was very little room for cyclists and that made it dangerous. There were many other places where bike paths were needed. He cautioned that it was dangerous to plan to have strollers, children and adult cyclists share pathways. He noted that each person who had testified understood the problems in their own particular area and why it did not make sense to plan a trail there. In total, the plan had problems everywhere. It was not just a “not in my backyard” issue. It was a flawed plan. He observed someone had drawn a trail through his backyard. But he questioned whether it would be physically possible to build one there. He asked who directed staff to propose that.

Gary Hitesman said he used the trails every day. That was why he had moved to West Linn. The City had maintained the trail past his house for years. But each trail had its own nuances to be looked at. Some needed to be maintained and some should not be trails. He advised the scope of the current plan was too large to approve as it was. History showed the City was not good at implementing plans. Fields Bridge Park was a good example of that. It had originally been approved with a left hand turn. But that had not been installed and drivers violated the law by crossing the double yellow lines to enter and leave the park. Hitesman suggested there was a hidden agenda in the plan that the Commissioners should daylight. He said the scope made no sense unless the intent was to give the City Manager the ability to cherry pick politically advantageous projects. The Solar Trail Highway was one of them. The City had already paid to have it surveyed. He suggested the Commission break the plan apart and remove the river trails and the Barrington Heights trail, which were contentious and deserved more discussion time. He advised the Commissioners to listen to the residents.

Mark Russell, 6543 Failing St., was opposed to the plan as written. He suggested alternatives that would encourage people to use the parks and the river that would not cost private property owners their rights. One alternative could be that the City would rent kayaks to people to use to kayak between Burnside and Mary S. Young Parks. He noted the \$40,000 the City spent to purchase an easement over his neighbor's property could have been used to purchase 40 kayaks. The Fields Bridge situation demonstrated the need for more places for youth sports activities in the City. Baseball activity brought money into the community. He advocated using an already mapped park for a nice sports complex.

Steve Garner, submitted written testimony in which he estimated the cost of implementing the proposed plan to be \$65 million (in 2011 dollars) over 50 years. He estimated trail maintenance would cost between \$45 million and \$65 million. He observed that others had raised issues related to safety, property rights and the environment. But he sensed the undercurrent was a larger issue of frustration with the process. People were wondering who runs West Linn and on what basis was it being operated. He suggested the Commissioners consider that.

The following parties did not come forward to testify when called:

Mark Schaeffer
Cameron Ainslie
Madison Garner
Gail Carnahan
David Carr
Lynn Bridges
Maggie O'Brien
David Hannah
Ted Freeman
Mary Ann Schmeltzer
Nancy Stevenson
Kent Prior
Margaret Juarez
Gary Powell

Motion to close public testimony

The Commissioners discussed whether to leave the record open. Horsey reported that some who had hoped to testify had to leave before they had that opportunity. Sonnen confirmed the staff was compiling all comments, analyzing them and categorizing them into points by topic for the benefit of the Commissioners. Chair Martin observed a consensus to close the record for that evening and allow time for the Commission to digest the testimony and get answers to the questions. He anticipated the current proposal would be modified. He anticipated the Commission would reopen the public hearing later in order to give the public an opportunity to comment on a modified plan.

Commissioner Horsey **moved** to close public testimony for that night and keep the record open for written testimony for six days in order to give the staff time to compile written testimony for the Commissioners to consider when they met again. The Commissioners could consider reopening public testimony on a modified plan later. Babbitt **seconded** the motion and discussion followed. He was concerned about what was to happen with written testimony that came in after the deadline or verbal testimony that was offered to a Commissioner outside the meeting. Hall advised the Commission could put a firm deadline on written testimony. If it came in after that it would be forwarded to become part of the Council hearing record and not given to the Commission. He confirmed that this was not a quasi-judicial matter and the Commissioners were free to receive input and discuss the proposal outside of the hearing forum. **The vote was conducted and the motion passed 7:0.**

Response from staff

Ken Worcester explained the staffs' agenda was the Parks and Recreation Mission Statement. He read it aloud. It said Parks and Recreation was to provide life-enhancing experiences and to promote a healthy community. This was to be accomplished by providing safe, attractive, well-maintained parks facilities, trails and open spaces as well as creative and challenging recreational programs for the leisure time enjoyment of West Linn citizens of all ages. He explained the Department worked from plans and updated them fairly regularly. The projects it undertook were to accomplish the plan in place at the time. The benefit of having a plan in place was it allowed the City to take advantage of opportunities created by new development to have new pathways and trails. Existing paths that were in place because of that did not cost the City much money. For that reason it was difficult to pin down the cost until each specific segment was designed. He anticipated some segments could fall out of the plan because they were cost prohibitive. He recalled that almost all the testimony had been focused on three basic routes. He clarified that he had not heard anything about the City going out and condemning property to install trails any time soon - if ever. He anticipated the system would continue to evolve over time through development or other means. He confirmed there were six or seven sites on the Tualatin River bottom besides PGE property and they were all centerline deeds. But things changed over time and as they did the City would try to acquire property along there as development and other opportunities happened. A potential downstream Willamette River opportunity was the 40 acre former Blue Heron paper mill site. It was a potential opportunity because the City had a plan in place it could rely on if that land was redeveloped. He agreed the proposed plan was not perfect. He wished the Department had heard the testimony offered at the hearing during the 18 months it worked on the plan. He had described its public involvement process at the previous hearing. He welcomed the new information submitted at the hearing. He confirmed that the City owned about 60% of it Willamette River frontage. It wanted to install trails along the river where it made sense to do that. But it was not going to try to condemn every property to do that. It would look for opportunities to take advantage of over time, as things changed.

Worcester discussed the Oaks Savannah trail. It had been on a map for at least 20 years. When ODOT developed the idea of a solar highway they had to pay attention to that trail because it

was in the West Linn master plan. During Department meetings with neighbors and residents of Riverknoll Way the originally proposed trail alignment evolved and was moved one-tenth of a mile away from and 125 feet below the nearest house on Riverknoll Way. That was how trail segments would ultimately get designed through public participation. ODOT planned to build a bike trail all the way from Vancouver as the freeway was widened. Since they would build it anyway, it benefitted West Linn to be able to participate in the design process and end up with its planned trail. The design process would consider what the best alignment was and look at fire breaks; fire access; and water. He related there was a trail past his own home. He had the same concerns as others who had testified. He said the staff planned to compile all the comments received and develop reasonable responses to them.

Questions from the Commissioners

Chair Martin recalled testimony that used the numbers offered in the proposal to estimate that the cost was \$65 million – almost as much as the City's biennial budget. Worcester agreed that it was likely that if the system were built right now the cost would be close to that. But it would be built over time and it was likely that not every segment would be a full-width, fully improved path. So \$65 million was not reasonable. The one-mile, average 4 foot wide, Palomino Loop Trail, for example, was built over time by volunteer labor, and it probably cost the City less than \$500 in materials. The proposed plan was intentionally versatile. It talked about routes, not trails. It did not dictate design standards. How each trail got developed was yet to be determined. Chair Martin questioned whether the routes could be developed by exacting easements in exchange for permission to develop. He noted a great deal of the system was on land that was already built on. There would not be sufficient nexus and proportionality to justify an easement in exchange for allowing a homeowner to build a deck. One or two pieces of property that the City could not acquire could mean the entire trail segment could not be built unless the City acquired them through other means. He said cost would be a major factor in his decision. Worcester differentiated between the upper and lower river. He anticipated the industrial property on the upper river would turn over and that would mean the City would be able to develop a trail there at almost no cost. He acknowledged that along parts of the system, especially along the lower river, the reality was it was more likely to be a seasonal use wear route than a full-width, paved path.

The Commissioners indicated they each had many questions and many notes to review. They wanted time to collect their thoughts and review additional staff research. They planned to meet jointly with PRAB, but first they wanted to meet in a separate work session. They wanted to hear from the Police Department and TVF&R. Babbitt recalled seeing City of Lake Oswego officers patrolling pathways on bikes. Steel wanted to know the status of the south side of the Tualatin and the law regarding classifications and usage of rivers. She favored aspects of the plan that called for using existing sidewalks and right-of-way to connect neighborhoods, but she would not vote for it as currently proposed. She and Wood agreed it needed to be modified. The staff agreed to schedule a Commission work session on July 6 and arrange for a joint meeting with PRAB a week later. They agreed to also urge PRAB to view the DVD of the hearing.

Horsey clarified for those present that the Commissioners were looking at a proposal that was currently in the citywide conceptual policy and vision stage. Details would be worked out later, in a second stage and affected adjacent property owners would be notified. She pointed out that the recommendations on page 81 gave highest priority to alignments that passed through City-owned land. The lowest priority was given to nonpublic ownership. She acknowledged that the dots on the maps that passed through private land had an impact on today's values. The proposed plan might not be the right plan but the benefit of having a plan in place was it gave the City standing to take advantage of opportunities to ask for trails related to development. Otherwise those trails might be lost or too expensive. She related that she was not bothered that staff members were not always residents of West Linn. The City recruited the best talent region wide and nationwide.

Chair Martin observed a consensus to adhere to the work session procedures the Commissioners had fashioned. That meant the Planning Commission separate work session would be held in the Council Chambers and an audio recording would be made and put on the website. But the special joint meeting with PRAB was different and would be televised. The Planning Director said the staff would compile all the written testimony, post it on the internet, and summarize it. Anyone who found it did not accurately reflect his/her testimony could send an email to the staff to correct it. Babbitt advised the public that it was easy to track what PRAB was discussing on by going to the home page of the City website and clicking on the Agendas and Meetings link. Chair Martin advised them the questions of how property owners could handle trespassers were answered on the City website.

ITEMS OF INTEREST FROM STAFF (None)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Chair Martin agreed to Horsey's request to add a discussion of the Water Resources Subcommittee to the agenda for the next work session.

ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at 9:35 p.m.

APPROVED:



Robert Martin, Chair

8/3/2011
Date