



PLANNING COMMISSION

Minutes of June 15, 2011

Members present: Chair Robert Martin, *Vice Chair Michael Babbitt (left prior to the public hearing); Gail Holmes, Holly Miller, Laura Horsey, Christine Steel and Dean Wood

Members absent: *See above

Council Liaison: Teri Cummings

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

CALL TO ORDER

Chair Martin called the meeting to order in the Council Chambers of City Hall at 7:30 p.m.

APPROVAL OF MINUTES

Steel **moved** to approve the Minutes of May 4, 2011. Horsey **seconded** the motion and it **passed** 6:0:1. Wood abstained.

PUBLIC COMMENTS (None)

PUBLIC HEARING

(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

Chair Martin opened the public hearing and outlined the applicable procedure and criteria. He was the only Commissioner to declare a potential conflict: a potential trail segment was mapped across his property. No one challenged the ability of the Commission or any Commissioners to hear the matter. However, someone in the audience wanted to know how many members of the City Council owned property that might be affected. Chair Martin explained that no one was sure, but he had declared because his property could potentially be affected.

Staff Report

Ken Worcester, Parks and Recreation Department Director; and Zach Pelz, Planner; presented the proposed plan. Worcester reported the trails in the proposed plan were fairly consistent with those in past plans. Public comments indicated the City needed a transportation plan as well as a recreational trails plan. Transportation could be addressed in the upcoming

Transportation System Plan update process. Outreach was accomplished via the project management team; a technical work group; the website; workshops; intercept events and neighborhood association meetings. The plan suggested primary routes; secondary routes (connecting neighborhoods); and local routes (within neighborhoods). It did not establish specific standards for each trail type. Each segment would be designed around existing conditions and constraints. Where it was necessary to make it fit, pedestrians and bikes would share a segment. Each segment that was not within a park would be reviewed in a separate design review process. Pelz discussed Comprehensive Plan and CDC amendments that would be necessary. Some of them were to add a new classification, "Linear Park" to park types; create pedestrian policies; fashion updated standards for trails; and update the TSP to implement trails in the right-of-way. He advised the proposed master plan met a number of Comprehensive Plan goals, including goals that called for a comprehensive trail plan; a range of modes of transportation to reduce reliance on automobiles and accomplish energy conservation; and ensuring public access along the Willamette River. He reported that the proposed network would have 87 miles of non-motorized routes. 70% of them were in the public right-of-way. Staff concluded that the proposed plan was consistent with state, regional and local policies and recommended approval.

During the questioning period, Pelz reported approximately 15 additional letters had been received and a copy of a June 8, 1995 *Tidings* article about closure of the rest area on I-205 had been submitted since the staff report was published. Chair Martin reported that a couple of people had handed him letters before the meeting began. He anticipated they would be read into the record in the course of the hearing. He alerted those present that the hearing would very likely be lengthy and have to be continued. When Horsey asked how protection of wildlife habit had been addressed Worcester anticipated that would be addressed as the design of each segment was considered. For example, the conceptual design for the Upper Willamette Trail kept it away from the river, except in places where it was routed to viewing platforms. Worcester clarified for Steel that a Linear Park would be subject to Class 2 design review, like any new park. Trail segments in existing parks and open spaces that were over 200 feet long would be subject to Class 1 design review. He assured the Commissioners that the Parks and Recreation Department typically worked closely with the affected neighborhood during Class 1 review. He confirmed for Steel that the City could require Class 2 design review and Planning Commission approval of any trail. But he cautioned that a lot of little projects were accomplished as Eagle Scout projects, which could be addressed in a list of exceptions. Worcester confirmed for Wood that "existing green space" included existing parks and it was currently subject to Class 1 review. Pelz and Worcester clarified for Steel that the recommendation for way-finding signs was in the Education and Outreach section of Chapter 5 Recommendations. They could be on neighborhood sidewalks. They could be stenciling. Worcester clarified for the Commissioners that Chapter 56 language would be adopted to define a trail as a linear park. Any new park was subject to a Planning Commission Class 2 design review hearing and approval. Horsey noted that required public notice and opportunity for the public to comment.

Proponents

Kevin Bryck, 18840 Nixon Ave., stressed that the proposal was an aspirational plan for 50 years in the future. The City needed to have a plan for trail connections if it was ever to get them. He noticed the Mapleton to Mary S. Young Park trail was not on all the maps. He saw a need for that connection. He recalled concern that the City could not afford the plan. If the City designated a trail route where one was needed he was sure it would eventually get built and be maintained. His neighborhood association had graveled and maintained the narrow, muddy path his sons had used to get to elementary school

Neither for nor Against

Margaret Tolan, 3410 Riverknoll Way, asked that the segment that ran through ODOT land near I-205 be relocated. It was a fire hazard. It would cross land was not maintained; was overgrown; was hard to access; and which did not have a water supply. The steep slope had caught on fire in 2003 and the flames had raced uphill, threatening nearby homes.

Charles Heath, 19220 Nixon Ave., agreed the City should have a long range plan for trails. But aspects of it concerned him. It proposed a 250% increase (to 85 miles) in miles of trails during a period when the population was projected to increase 33%. He anticipated property taxes would go up to pay for creating and maintaining lineal parks. He questioned the need for the strong focus on interconnectivity between neighborhoods because neighborhoods were very diverse and the trails would be over steep topography. He questioned whether the plan had a high level of support of residents. He noted the segment between Mary S. Young and Cedar Parks was close to the river where high water levels and winter debris would impact the trail. He opined that to route a trail through backyards would affect the livability of neighborhoods.

Opponents

Robert Jester, 3475 Riverknoll Way, had formerly resided on Michael Drive. He described all the problems residents on Michael Drive had been faced with after the City put the entrance to a trail there: parking problems, trash, spent fireworks, fires, campers, all-terrain vehicles, and discharge of firearms. The problems did not stop after the City put up a sign to indicate the area closed at dusk. The Police had advised the residents they could not enforce what they could not see, so enforcement was essentially in the hands of the residents. Jester and his wife had sold that house and purchased the one on Riverknoll. There was ODOT land behind it. Now the proposed plan would put a trail through there. He stressed that the City needed to use tax dollars prudently and invest them in existing infrastructure during the current recession. Cindy Garner did not favor the Oaks Savannah trail segment. She recalled the nearby rest stop had been closed because of all the criminal activity that took place there. She was concerned having a trail through backyards would offer criminals easy access to homes. She noted that ODOT planned to protect its solar installation with security cameras, lights and a razor-wire fence. She asked who would protect her property. She recalled the fire on the hillside ten years ago. She explained that she would chose to run along a trail through a quiet, scenic, park

area rather than one that ran through backyards and along a noisy freeway. She had talked to many residents who would be directly affected but were not aware of the plan. When they heard about it most of them had concerns about safety. She suggested putting "transportation" related trails money into fixing sidewalks. One segment that needed attention was the segment between Barrington and Safeway.

Steve Garner, 3525 Riverknoll Way, President of the Barrington Heights/Hidden Creek Estates/Tanner Woods Neighborhood Association said he represented over 1,000 residents. He submitted a written copy of his testimony. He asked the Commission to delay or deny the master trails plan and specifically excise the Oaks Savannah trail from the plan. He calculated that the City received input and feedback about the proposal from one-half of one percent of residents of voting age. That was not enough citizen input. He said the costs of both the master trails plan and the Oaks Savannah segment were prohibitive. He indicated his neighborhood association had not been directly invited to provide input or received adequate information when it asked for it. Residents in some areas had not been sent the notice of the meetings at the schools. Only one citizen attended two of the three technical work group meetings. Garner asked the City conduct a vote on the plan instead of jamming it down residents' throats. He opined that the plan was an unwise and an improper use of limited resources in the current economy.

Brad Arms, 1873 Radcliffe Ct. asked the Commission not to approve the master plan until the Oaks Savannah segment was removed. It said it was unsafe because of the risk of wildfire and landslides and because it could not be patrolled from the street. It was not needed to meet connectivity goals or to support of other pieces of the plan. He said it was not wanted. Last year an unusual number of homeowners association members had come to association meetings to talk about how to stop the trail segment through their neighborhood. He said the segment was too expensive. He estimated it would cost at minimum of \$1.4 million. If the Oaks Savannah segment were removed from the plan that would benefit the rest of the plan.

Doug Ainslie, 2951 Beacon Hill Dr., asked the Commission to scale back the project and remove the Oaks Savannah segment. The trails plan was too aggressive. The proposed increase in miles of trail was mindboggling. It was the City's duty to preserve and care for the sidewalks and streets it already had in current economic times. The Oak savannah segment did not meet any of the three goals; it was costly; and it jeopardized security and safety.

Gorham Nicol, 3891 Calaroga Dr., asked the City to shelve the proposal for another five years. These were difficult times. The cost of maintaining and policing the trails would be high. If they became popular they would generate traffic from a large number of users (and abusers) coming from outside West Linn. Sunriver employed eight officers to police its 35 miles of trails. He related that the City had condemned and paid him \$840 for one-third of an acre for the land under the Calaroga pump station. He held that property owners should be fairly compensated for their loss of land and loss of property value. He noted the County would experience reduced revenue due to reduced property values.

Herb Chow, PO Box 16516, Portland, OR 97292, asked the Commission to table the proposal. He stressed the cost of the proposed system included the cost to maintain it. He stressed the decision should be the City's, not Metro's. He advised that during the current bad times the priority should be existing infrastructure.

Andy Rocchia, 957 Willamette Falls Dr., owned a waterfront lot. He related that he had served on the Parks board and worked on the parks plan in the past. He was opposed to the proposed system. If there had to be such a trail system it should be unpaved and on the south shore of the river down to its mouth. However, a bike path was more needed. It could be installed in lieu of a trail. Its alignment could parallel and be close to the highway in the Willamette District. He said the City should think more about future years' maintenance costs. He questioned whether it was prepared to expand the budget to police the network; ensure safety at the eleven sets of rapids; and have work crews to give consistent care to the large trees along the Tualatin River bank. He added that he believed Fields Bridge Park should not have been developed as a conventional park with paved parking. Rocchia submitted a copy of a recent New York Times article that reported that public parks across the nation had to severely cut back on programs and charge user fees. He questioned why West Linn taxpayers had to subsidize programs in parks that were sponsored by non-profit sports clubs. He submitted a photograph to show the effect of pollution on the asphalt trails in Fields Bridge Park.

George Schmeltzer, 4055 Calaroga Dr., encouraged the Commissioners to vote against the proposal for environmental reasons. The trail system would put significant pressure on wildlife and salmon habitat. He questioned whether the community was calling for more connectivity of trails. He hoped the Commission would think about long term costs associated with the program.

Armin Buholzer, 3047 Riverknoll, stressed that he had paid good money to purchase a property where he could raise his family in privacy and security and enjoy a beautiful view. He did not want to have to worry about perverts and pedophiles looking through the windows. He advised that many crimes were committed on foot and with bikes. The trail would be the perfect place to commit a crime and take off on a bike.

Dianne Froode, 19340 Nixon Ave., agreed with previous testimony about fire and safety risk. She lived near a river access from a dead end street. Drivers did not pay attention to the No Parking signs and the City did not ticket them. She was concerned the illegal parking would impede emergency access. Police had advised her they could not do anything about what they could not see. She reported the people started campfires and accidents happened at the river. She said she was a hiker, but would never expect to be able to hike through someone's back yard. But she thought the proposed network that connected through public right-of-way was a good idea. She reported the water was extremely high and if there were a trail through her yard now it would be completely under water. she said the Parks and Recreation already had a difficult time maintaining what it had (fishing platforms on Cedar Island were in poor condition) so she anticipated it would not be able to maintain an extended trails system. This was not the right way to spend money in West Linn.

Matt Markstaller, 5455 River St., explained the fundamental issue was the staff was driving the proposal even though it was fairly clear that the message from citizens was they did not favor it. He reported the river was high now and the only flat place in his yard to put a trail on was right next to his house. He recalled he had testified against installing a greenway trail on private property a few years ago. He posed the question: Even if there was the greatest reason in the world to put in the trail system, why do it if the citizens did not support it?

Chair Martin observed the consensus of Commissioners was to continue with the meeting until 11:00 p.m. Steel asked him to explain why the Commission was asking for names and addresses. Chair Martin explained that testifying and providing a name and address would give a party the right ("standing") to appeal the decision. The staff would mail the notice of decision to them all. But a party did not have to disclose his/her address in oral testimony as long as he/she had written it on the testimony form.

Gwen Sieben, 4950 Mapleton Dr., resided near the dead-end access to Mary S. Young Park. She reported what happened in the park at night included screams, vandalism, tagging, gunshots and illegal fires. She had read in the newspaper that a rape had occurred in the park. Most of the people parking on the street to access the area were not residents of West Linn. They parked there outside of the posted hours. She held the City should not create more remote, hidden, trails that would go through ravines and behind houses where people could lurk unseen. She questioned whether parents would allow their kids to bike through there. She held it would be better to spend the money making it safer to walk along Highway 43. She indicated that every affected property on the map was already devalued, so the City was already taking away the value of property.

Fred Streimer, 2019 Maple Terr., submitted written testimony. He and his wife were opposed to the plan. They resided on the Willamette River between Mary S. Young and Burnside Parks. The bank was in a natural state and supported wildlife. People enjoyed walking along the bank, but after a lot of rain when the water rose the area was difficult or impossible to traverse. He questioned how it could serve as a primary trail. He contended the proposed system was too huge and no one fully understood the potential impacts. It ignored private property rights. It was not clear what the estimated cost of construction would be - he had heard it could be as much as \$63 million. There was no estimate of what it would cost to maintain it. He had attended public meetings about the proposed trail system. He understood that in most cases the desired connectivity between open spaces could be accomplished using existing streets and sidewalks. He noted that people had submitted comments that indicated they were uneasy about drawing in trails when they did not know who owned the underlying property.

Kathleen McDonald, 25435 Swiftshore Dr., did not support including the segment between Pete's Mountain Bridge and Fields Bridge Park. She questioned why it was proposed as a primary trail. It only connected the bridge to the park. She urged the Commissioners to walk through that area before they decided there should be a trail there. She suggested if anything,

it should be a local, gravel, pathway. She reported the river there was mostly rapids. Houses were very close to the water. Seven of them were 15 to 20 feet from the river and had to be sandbagged during high water. The path narrowed to four feet close to a residence window at a curve where one could not see a biker coming around the corner from the other direction. She lived on the river. The trail would be through her yard. As a Realtor, she knew that properties had already lost 30% of value and the proposed trail would further devastate property values. She described what she had seen during a walk through the area that day: bird houses shot down by BB guns; an unmaintained, narrow path with poison ivy; erosion and gang graffiti under the bridge; and owners had posted "No Trespassing" signs.

David Froode, 19340 Nixon Ave., Vice President of the West Linn Riverfront Owners' Association, recalled that the task force that created Chapter 28 to protect rivers and habitat put the first 30 feet off limits in order to protect the environment. But staff had inserted language that allowed waterfront trails. He recalled the task force had unanimously agreed that the greenway code would apply to property owners, commercial properties and the City. But since then the City had employed methods to exempt itself. In one case the City had paid \$42,000 for a 20' wide waterfront easement. That showed the City's "vision" was not just a complacent, flexible, 50-year plan, but intent by a select few. Once the trails were mapped they would become reality. He advised the City to only gain private land to fulfill the plan from willing sellers. He questioned whether the City had actually established that there was a need or want for the \$60 million plan. Only 9 of the entire population of 24,000 had expressed interest in accessing a river. Many had commented that they were satisfied with existing trails. Many had commented they did not want to adversely affect private property. He reported Metro staff had made it clear to him that Metro was not mandating the trails be along the waterfront, just proximate and parallel to the river. He summarized that he was asking the City to address the issues of those impacted; identify where existing right-of-way was adequate to serve; be specific how the city would obtain private property (it should not be by condemnation); establish priorities based on environmental impact; create a plan to protect adjacent property owners from liability, crime and safety issues; and focus on what the citizens needed and were willing to pay for, during the current difficult economic times.

Dylan Hinrichs, 25445 Swiftshore Dr., cautioned that installing a primary trail segment from the Willamette River to Fields Bridge Park would do more harm than good. It would adversely impact the wildlife, the environment and the ecosystem. He related that he did not see as much wildlife since development of the Park. He asked the City to respect the trail work done as Eagle Scout projects. They had put a lot of time and effort into them.

Kathy Hinrichs, 25445 Swiftshore Dr., was also concerned about designating the Willamette River to Fields Bridge Park path as a primary route because it would adversely affect wildlife habitat. The Commissioners should go look at that stretch of the Tualatin, which was a City treasure. They could consider the alternative type of path that Rocchia had suggested and consider using existing streets and sidewalks. To install a primary route path would not be consistent with the goals to protect the environment and wildlife habitat. She testified she had personally observed the impact on increased use of the Swiftshore area and Fields Bridget Park

of the past ten years. To make that a primary route would create even more impact. She urged the Commission not to approve the plan with that segment in it.

Arnold Peterson, 25435 Swiftshore Dr., advised the City had already met its objective to provide access to recreation and high value riparian zones. Many people used Swiftshore for access and there were other access points between the park and bridge. Many people walked past his house. There were two places downstream where fee land extended to mid-stream that was a separate issue for the City Attorney to look at if it came up. He suggested the segment be downgraded from primary to local trail or completely dropped from the plan. He suggested the Planning Commission ask the police chief how he would police the proposed trail system. He reported police had been called to Swiftshore to deal with rowdy kids; serious drug and alcohol abuse; and camping.

Sonnen confirmed for Chair Martin that the staff could ask the police chief to attend the next hearing to offer his views on security. Chair Martin confirmed for an audience member who asked that anyone who wanted to would be allowed to testify at the continued hearing on June 22, including a representative of the Tualatin Riverkeepers.

Lois Streimer deferred her testimony to next week meeting when she was called to testify. The following parties did not come forward when called to testify:

Mark Schaeffer
Prescott Garner
Madison Garner
Audrey Lazar
David Carr
Lynn Bridges
Maggie O'Brien
Gary Swanson
Dan Dunston
Cameron Ainslie
William Weber
Nancy Inman
Eugene Schoenheit

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at approximately 11:00 p.m.

APPROVED:



Robert Martin, Chair

7/6/2011

Date