



CITY OF West Linn

PLANNING COMMISSION WORK SESSION Minutes of July 6, 2011

Members present: Chair Robert Martin, Vice Chair Michael Babbitt, Gail Holmes, Laura Horsey, Holly Miller, Christine Steel, Laura Horsey and Dean Wood
Staff present: John Sonnen, Planning Director; Ken Worcester, Parks and Recreation Director; Zach Pelz, Associate 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 6:45 p.m.

APPROVAL OF MINUTES

Commissioner Steel **moved** to approve the Minutes of May 18, 2011. Commissioner Miller **seconded** the motion and it **passed** 3:0:2. Vice Chair Babbitt and Commissioner Wood abstained. Commissioner Steel **moved** to approve the Minutes of June 15, 2011. Commissioner Wood **seconded** the motion and it **passed** 4:0:1. Vice Chair Babbitt abstained. Commissioners Horsey and Holmes arrived after the votes.

PUBLIC COMMENTS (None)

WORK SESSION

2011 West Linn Trails Plan and Associated Comprehensive Plan Amendments

Chair Martin polled the Commissioners. Vice Chair Babbitt wanted to wait until the joint Parks Board/ Planning Commission meeting and hear the Board's responses to testimony before he commented on the plan. Ken Worcester, Parks and Recreation Director, explained the Board did not yet have all the testimony and was not ready to meet. It would be helpful for them to hear the Commissioners' comments first, engage more of the community, and then consider revising the plan.

Commissioner Horsey suggested offering guidance to the Board to help it revise the plan. She wanted to ensure the code called for an appropriate level of public review of proposed trail segments. Crime and safety were big enough issues in the community to warrant being addressed separately from the plan. In addition, each proposed trail segment should be required to address them. She explained the first phase of master planning was aspirational. She did not expect detailed cost information until a later phase. She wanted to see higher priority placed on alignments that were safe routes to schools. She did not understand why

parallel primary routes were proposed along both rivers. That raised private property and habitat issues. She suggested more spur routes and access points instead. She wanted to know more about the biological classifications of rivers. She suggested addressing the maintenance issue by including a guideline that trails were not to be put under water. She wanted to know if there was a way to plan trails 50 years out without putting a dotted line across private property today. She wanted to know if saying trails on private property were at the lowest priority meant the City would not take a "takings" approach. She wanted to better understand how the trails plan related to the TSP.

Commissioner Holmes explained her primary concern was safety: fire, crime and injury. People might get hurt on a secluded segment where no one would see them. There had been a lot of testimony about garbage, drug use and other things happening on trails that should not be going on there. It was not feasible for the police to monitor them all the time. She questioned why "connectedness" had to always mean trails that might be hidden and wind behind homes. Walkable, open, streets were more important. She was concerned that dotted lines across private property affected its value and might make it hard to sell - whether or not a trail was actually put across it. Based on what she heard in testimony, she questioned whether the Parks Board had really assessed environmental impacts on animals, vegetation and the condition of trails. She was concerned the cost of putting in so many trails over 50 years would be very high and the City would not be able to afford it. Current trails did not appear to be consistently maintained and volunteers tried to do that work. But there might not be enough volunteers when the City had many more miles of trails. She was concerned that the Parks and Recreation Department would be able to classify a segment as a 200' trail that would not be subject to public review. She questioned whether parking had been addressed. She knew it had not been addressed at Fields Bridge Park. Going forward, she wanted the Commission to discuss the plan with the Parks Board to find out if it had looked at the issues and determined how to resolve them.

Commissioner Steel observed the plan was incorrectly coming across to people as a "park to park" connection plan. She did not believe the City needed a primary bike path from Fields Bridge Park all the way down the Tualatin and the Willamette to Mary S. Young or beyond. That needed to be rethought. She opined it would be great to have access to the rivers at certain points. But it was not necessary to make it possible for people to ride their bikes along the bank and run over habitat in the process. She agreed with written testimony that suggested making trail completion a density bonus condition for a conditional use permit for development of condos and commercial projects. Steel related her general feeling that the plan needed to be reworked and reorganized. Priorities needed to be made clearer. When it talked about connectivity it should be about sidewalk connections, neighborhood connections and safe routes to school. Citizens should be assured there would be a process in the code that subjected all new trails to a public review and approval process. She wanted more information about local and state goals and regulations related to the rivers. She said the best way to move forward was to go through the staff's compilation of all the issues raised in testimony; identify the ones the Commissioners were most concerned about; and address them.

Commissioner Miller saw the benefit of having a vision for the future and supported having a trails plan. But the testimony made her very concerned about this particular plan. It needed more work. She wanted answers regarding cost and safety. What did it cost to maintain the trails and parks the City had now? How would the City pay for even more parks and trails in the future? She wanted to ensure property owners had the right to a say about things that impacted their property and their neighborhood. She was disappointed the Commission had not heard from the Police and she wanted to hear from the Fire Department too. She wanted to know more about how to protect habitat. It did not seem necessary to have trails on both sides of the river. She asked if there should be access points instead of trails there. She saw a need for more citizen involvement. She believed there was public support for trails that the Commission was not hearing. She wanted to know what types of things the citizens prioritized. Her kids did not have safe passage to school so she personally prioritized connectivity.

Commissioner Wood suggested there had not been enough public involvement when the plan was fashioned. It was a very general plan which lacked specifics that would be factors in whether it was feasible or not. He suggested routing trails over private property, along rivers or through the Savannah Oaks was not going to be feasible. Environmental impact ratings on Map 5 likely meant segments there would never be implemented. He questioned why there should be a plan that was not even realistic. Some of the missing information was related to safety and maintaining trails. Property owners had a right to know who would be legally responsible if someone tripped on a trail over their property. He wanted to have more work sessions with neighborhood associations. He observed that it was not the Commission's job to redo the master plan, but it could offer specific suggestions and influence the revision. He agreed the code should subject new trails to a design review process. He wanted to see those code changes made before the Council voted on the plan.

Chair Martin said he appreciated that Parks and Recreation Director Worcester had done an excellent job implementing the vision and creating the parks system the City had now. Property values reflected that. He said his biggest fear was that the City would build the wrong trails, do it poorly, and end up not accomplishing its goals. That could happen as a result of building too many trails that people did not use. They would be deserted and dangerous. He reported he had only seen one family using Mary S. Young Park on the Fourth of July. They had never even heard of Robinwood Park. The City had to figure out what was the right number of trails and it had to maintain them. The Commission had not heard much about the cost of maintenance, but he had found articles about that on the internet. The estimates were generally around \$4,000 per year per mile. At that rate maintaining the trail system could cost \$350,000 per year. The current budget for it was \$10,000 per year. He wanted more information from experts regarding what was the necessary level of staffing so that could be factored into the plan. He was disappointed the police did not come to talk about it. He wanted to hear about fire danger from TVF&R. He wanted to hear about maintenance from Public Works. He wanted to hear what they considered a reasonable budget for maintaining the trails system after it was built out. He related he had been surprised when only two parties had testified in favor of the plan. But one had been mainly "pro sidewalk" and the other had suggestions for connections if the system were built. He suggested employing a formal survey

to find out if the citizens really wanted the trails and what they would be willing to pay for them. It would demonstrate whether there was enough support to justify the investment. He wanted the Parks Board to address the question of how much was enough. He had read that one-third of the trails (over 17 miles of off-street trails) was over private property. Worcester clarified that about 15 miles of those trails were over public property and only two miles were over private property. Chair Martin suggested accomplishing the plan incrementally: build the trails over public property first and assess how they were used and if more were needed. That would avoid the risk of overbuilding and remove the prospect of condemnation of property.

Chair Martin asked the Commissioners what they wanted to do next. Horsey suggested they look to other experts than those skilled in current operations for help planning for 50 years out. Those were different skill sets. Wood recalled a lot of testimony about the lack of sidewalk connectivity. He opined the plan's highest priority should be to fill in the existing gaps. That was very feasible. He had put in a gravel sidewalk so his kids could walk to the school bus. Chair Martin suggested addressing sidewalks separately in the TSP. Wood anticipated then TSP funding could be used to put in sidewalks – the money did not necessary have to come from parks funds. Steel suggested establishing very clear priorities instead of having two separate plans. That way the mechanism would be in place to allow the City to take advantage of opportunities to buy property whenever one came up; dedicate an easement; and then resell the property. Miller agreed that would be better than having separate plans. It would be important to have the vision in place when property came up for sale. Wood suggested putting sidewalks in a different section of the same plan. When the right piece of land came up for sale the City could consider buying it. He advised the practical approach was to start with the simplest, easiest to understand actions. Chair Martin observed the plan already talked about priorities, but they could be made more specific. Property owners might be more supportive if they knew that buying property from willing sellers was the only way the City could get trails property. They would also know they would have at least one offer [from the City] if they wanted to sell. Babbitt observed the City was not limited to having to buy property, it could also gain trail easements via development. He liked the way the Sustainability Plan staged what the City would do in the near term and then incrementally over the longer term in just one plan. He wanted answers to the hundreds of questions that had been raised. Holmes recalled private property had been condemned for Rosemont School. Just drawing a line across property scared people. They feared their land might be condemned or they might not be able to sell it. That was wrong. Chair Martin agreed that for the plan to work people had to trust what was going to happen. He asked if something could be inserted into the CDC to prevent the City from using condemnation to implement the trails plan. City Attorney Hall advised the Council could bind itself from using condemnation to establish a trail in the future, but it could also change its mind in the future. He explained the plan was a policy level document, but after it was adopted implementing code standards would need to be adopted into the CDC to accomplish it. Those standards could describe the implementing methods the City would use. When asked, Hall confirmed the plan and the implementation code could be fashioned as parallel efforts and adopted together.

When asked, Worcester said he expected some revisions of the map, but he was not sure if the trails opponents testified against would come completely off the map. The Parks Board expected the plan to come back to them because it realized it needed to be better organized and clearer regarding priorities. For example, the plan should be clearer regarding what a primary route was. If a sidewalk connection was clearly shown on the plan it could be painted on the street during a water line project. He related the planners had accumulated a lot of information, including information from TV F&R and the Police Department. It all needed to be digested. He wanted to get the Park Board's take on the testimony too. They would address cost and make the plan more understandable. He acknowledged the system did seem massive: 65 miles of new trails. But a lot of that was sidewalks and bike lanes. Most of the sidewalks would happen anyway. It would be nice to separate those that had a recreational focus from those that would serve as safe routes to schools.

Chair Martin observed the Commissioners had offered a lot of feedback and would like to see the plan revised. He agreed with Worcester that he should hold a stakeholder's meeting with the people who would be directly affected when he was revising the plan. Worcester explained the planners had not had the time or budget to take to plan to design level. He recalled concern about the Tualatin pathway. He explained that he never thought it was anyone's intent to have a 16' paved path all the way up the Tualatin. But that was what people heard. So there was more work to do. The Parks Board would try to make sure it heard from as many people as possible. That would take time. Miller recalled the testimony she heard was not about how to make a trail better, but that they did not want the segment at all. Wood agreed testimony made it clear that some trails were not wanted. He wanted to know if the trail map was going to be revised to remove trails or if they were going to be reclassified. Horsey indicated she wanted to know why the Parks Board proposed primary trails along the river. She suggested giving the Board a short list of what the Commissioners thought were the most important revisions. Wood agreed the plan needed to explain the underlying reasoning. Holmes was concerned there would not be a win/win attitude at the stakeholders' meeting. She saw a need to specifically look at the Tualatin River trail. It made no sense to plan a 16' trail there. It would make more sense to just have a bike trail along Willamette Falls Drive. It could drop down into Swiftshore and then go back up to continue on. Willamette Falls Drive was a good route to take one around the other side of the hill. It would be more of a sidewalk system, not right along the river where it was impractical because the land was rocky and areas were falling off.

Chair Martin questioned whether the planners had really asked property owner stakeholders what kind of a trail could be built there that would respect the environment and have the least impact – or even if a trail was possible there. He suggested that many of them might be willing to consider allowing a trail across their land if it were built correctly. He wanted to ensure that every affected party was heard. He believed that a stakeholders' meeting would help work toward a solution. Babbitt wanted to meet with the Parks Board and hear it respond to the issues raised in testimony (summarized in the Public Comment Summary) and by the Commissioners. Those answers needed to be answered before a stakeholder meeting for the meeting to be effective. He asked Worcester what the Board had heard and discussed so far.

Worcester reported almost all the members had attended at least part of a hearing. One of them who had been present for almost all of it had reported back to the Board that more work and a revision would be necessary. Some Board members took the position that the plan was just aspirational. The Board would look at all the testimony and work on answering the questions. Horsey agreed it was premature to hold a stakeholders' meeting. She suggested first screening out environmentally sensitive lands so there would be a much smaller set of stakeholders. Chair Martin observed the Commissioners were not ready to vote to recommend the plan. He and Horsey suggested the options were to take the position that it was not the Planning Commission's job to revise it – that was what the staff and the Parks Board needed to do; get actively involved in revising it; or focus on the related code changes. Horsey still needed to know how much of the trails plan was going to be in the TSP. Wood stressed it was a public process and the Commission should ensure the Parks Board heard the public so it could put a plan together that answered the questions; provided cost information; and reflected what the public wanted. The Commission needed to ensure the code was revised so it implemented the plan in the right way. Babbitt suggested the plan needed to be adopted before implementation code could be written. But Sonnen explained that the two efforts could be done concurrently. Whenever the draft plan was modified the draft implementation regulations would also be modified. Both could be adopted at the same time. Babbitt held the City was not close enough to the final product to do that. Wood wanted to hear the responses to testimony and keep the public involved. Holmes wanted the questions raised in the Public Comment Summary answered. Chair Martin suggested addressing the questions ("roadblocks") in a manner that allowed public feedback prior to a stakeholders' meeting. Steel advised the plan needed to be both revised and reorganized. The next version should have an educational element. Chair Martin advocated using a scientific survey to compare the cost and benefits and find out whether the citizens of West Linn wanted the plan. He noted just to build the system would be more expensive than the aquatic center and police station combined. After that there would be a significant cost to maintain it. Wood observed that citizens would have a better understanding once the questions were answered. He had heard general support for a trails plan in testimony, but not for the plan that was currently laid out.

Horsey wanted to know how much of the trails plan was also in the TSP. Pelz advised Metro's Regional Transportation Plan (RTP) had a planning horizon of 2035. It required the City to update its TSP by December 2012. It required a local TSP to eliminate gaps in the existing system so the result would be a more efficient system and reduced single occupancy vehicle trips. The trails plan would maximize coordination of on- and off-street trails to fill in gaps and encourage more walking and bicycling. About 70% of the newly proposed trail mileage was in existing right-of-way. Those would be addressed in the TSP. However, the benefit of putting them in the trails plan was that part of the plan would be migrated to the TSP during the TSP update process. Horsey recalled there were "stub sidewalks" all over town. Pelz clarified for Horsey that completing existing sidewalks, filling gaps in bike paths and safe routes to school comprised the vast majority of the 70% of the trails plan that would become part of the TSP. He clarified that Metro's criteria was general, policy level, criteria. He clarified for Holmes that Metro did not say a trail was more efficient than a sidewalk. It called for multiple connections that would give people more options for the pedestrian/bicycle modes.

Worcester recalled the 2010 Community Attitudes Survey results showed that street repair and maintenance (est. \$6 million) was citizens' highest priority; trails, pathways and sidewalks (est. \$5 million) was the second highest priority; and an aquatic center (est. \$25 million) had the lowest priority. Babbitt observed there was a consensus on the direction to go; all the testimony and Commissioners' comments were well documented; and the Commissioners should now let the staff and the Parks and Recreation do their jobs. The staff agreed to email the answers to the questions to everyone on the email list. Miller wanted the staff to try to reach out to inform and educate more people. Worcester agreed to look for ways to reach more citizens. The staff clarified they would group the questions into categories and respond to the point that were made, but they could not respond to purely rhetorical remarks. Chair Martin suggested attaching the questions and responses to the revised plan. He observed that two of the seven Parks Board members were present. He observed a consensus to meet with the Board only if they requested a joint meeting. Wood asked what the Board's role had been in putting the plan together. Worcester clarified it had not been "hands on" the whole time. The Board had participated in open houses and formation of general guidelines. Some members served on the technical working group and checked in with the Board. The composition of the Board had changed during the process and some of its members had only seen the plan for a few months. It had not yet formally voted to recommend the plan. Chair Martin announced a ten-minute break at 9 p.m. and reconvened it at 9:10 p.m.

Confirmation of draft Planning Commission procedures

Planning Director Sonnen asked if the proposed Planning Commission Procedures captured the Commissioners' intent. The rules established that all work sessions would be held in Council Chambers. Stand-alone work sessions were to start at 6:45 p.m. They clarified when public comments or citizen responses to Commissioners' questions would be allowed at work sessions. The Commissioners agreed to modify the rules to say that work sessions would not be televised except when the Commission voted unanimously to televise one. The consensus was to make it a practice not to hold a work session on an unrelated topic following a hearing unless there was a consensus to hold the work session. That would not be codified. The Commissioners wanted to avoid having too many late night meetings. They generally agreed not to use the term, "audience." They agreed to make it a practice to post the agenda and related materials for a special meeting on the Friday prior to the meeting. The code allowed as little as one day notice when the chair called a special meeting. This procedure would typically be used when the Commission was up against a deadline to get something done. The staff was to put the vote on the rules on the next regular meeting agenda and explain the changes to the public before the Commissioners voted on them.

Update: Water Resource Areas regulations

Horsey raised her concern that the process the City had used to purchase WRA-constrained property had not been transparent enough. The Council had taken action in a special meeting

under an agenda title regarding mitigating parking at the Library. Public perception might be that the WRA Subcommittee was relaxing WRA hardship provisions for the benefit of the City. She suggested the Commission stop Subcommittee work while the City was developing its land use application or ask the Council to appoint a task force instead. Hall advised there is was no legal conflict of interest. Sonnen said he believed everything was above board, but he acknowledged the action did raise a red flag. He clarified the Planning Director was not typically brought into City property negotiations. The administration had asked Engineering staff and a planner to perform due diligence and analyze constraints so the Council would know what it was getting into. He clarified their analysis applied existing regulations – not potential future regulations. He said he understood the City had looked at more than one alternative to address the parking shortage at the library.

Babbitt observed the Commission had formed the subcommittee on its own – the Council had not directed it to do that because it wanted to buy a specific property. He served on the subcommittee and had not seen any staff recommendations yet. The group had been talking about the scope and the process and had only talked about the hardship provisions at one meeting. At that meeting they had learned that some other cities limited the disturbance area to 3,000 sq. ft. and then they had considered making West Linn regulations that restrictive. But they had agreed to keep the 5,000 sq. ft. limit, which would count any disturbed land – not just the building footprint. That would actually be more restrictive. Horsey's recollection was different. The three Subcommittee members had also talked about expanding the hardship provision in some cases. She recalled the staff had distributed preliminary recommendations that would loosen restrictions before Subcommittee members even heard about the property acquisition. She clarified that she did not question staff intent – but the appearance was not good. Chair Martin agreed the problem was appearance. His experience taught him there were people who would always connect the dots in a way that would cast the worst possible light on an action. They bore a certain responsibility to be informed and make their judgment based on that. Horsey indicated the Council had contributed to that perception by holding a special meeting and not giving the matter a clear agenda title. The simple remedy would be to appoint a task force and daylight the issue. Since the subcommittee was finding issues of broader scope than its charge, that could fix both issues. Chair Martin suggested Horsey voice her concerns at a Council meeting and ask it to appoint a task force. He had lobbied for one in the past himself. Horsey indicated she preferred that the Planning Commission weigh in. She was not there to persuade the Commissioners, but to hear the perspective of the other Commissioners.

Sonnen observed the City owned a lot of properties that were potentially affected by WRA regulations, including the Parker Road tract and many properties along the rivers. The only difference between them and the newly acquired property was timing. Chair Martin anticipated that if subcommittee work was stopped public perception would be that it was stopped in the process of writing tighter restrictions that would affect the City's use of constrained property. Wood, Steel and Miller agreed the work should not be stopped. They did not think there was ill intent. Miller agreed Horsey should present her concerns to the City Council. Steel agreed the agenda title had been unfortunate, "government speak." Wood and

Holmes related each had been surprised when the Council took action to acquire the property for the police station. He had been sent a link to the meeting and saw nothing specific about it in the agenda titles. Sonnen suggested the Commissioners could raise the issue with the Council regarding titles for agenda items. Holmes stressed the importance of transparency. She agreed both the City and private land owners should be treated equally by the code. She explained she had been upset at the prospect the City might use condemnation to gain Library parking on another site. But she had been glad to hear the City and an owner had come to a shared parking agreement. Chair Martin agreed with Horsey that it was time for the subcommittee to check in with the full Commission to talk about scope of work and do more public outreach. He encouraged her to rejoin the subcommittee. Sonnen observed her withdrawal gave credence to those who suspected something was wrong. Horsey appreciated the vote of confidence, but explained this was the third time something the City was doing had caught her by surprise. She pledged to follow what was happening even more closely so she could be an even more effective Commissioner. Sonnen announced the joint meeting with the Council was on July 18. The Commissioners could take that opportunity to raise the issue of transparency and ask how the Commissioners could be kept better informed. However, he advised that executive sessions could not be too transparent. Hall advised the Council had more than one role. It delegated much of its role as land use regulator to the Planning Commission. But the Commission should remember that another Council role was property owner. That was outside the purview of the Planning Commission.

ITEMS OF INTEREST FROM STAFF (None)

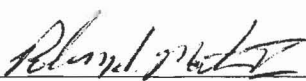
ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

Steel volunteered to work on rewriting the hearing script to make it more conversational. Hall would update it and clarify what "standing" was. Chair Martin planned to keep stricter control over unsolicited questions, comments or clapping from the gallery. Sonnen was to check on the status of business cards for the Commissioners. Planning staff was to check to ensure their emails to the Commissioners were going to the right addresses. Emails to the Commissioners were to go to the staff or be sent via the city website. Commissioners were to ignore and not distribute any emails they got after the record was closed.

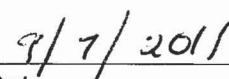
ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at approximately 10:45 p.m.

APPROVED:



Robert Martin, Chair



Date