



CITY OF West Linn

PLANNING COMMISSION

Minutes of October 16, 2013

Members present: Chair Michael Babbitt, Vice Chair Christine Steel, Russell Axelrod, Lorie Griffith, Robert Martin and Holly Miller

Members absent: Nancy King

Staff present: John Sonnen, Planning Director; Ken Worcester, Parks Director; and Zach Pelz, Associate Planner

PREMEETING WORK SESSION

Chair Babbitt convened the session at 6:30 p.m. in the Rosemont Room of City Hall, 22500 Salamo Road, West Linn, Oregon. The Commissioners discussed having a joint meeting with the Economic Development Committee and neighborhood associations and the rebranding of cut the red tape code amendments. Staff pointed out recently received Trails Master Plan testimony. Mr. Worcester related that the Parks Board had resolved two of the three pinch points, leaving the I-205 trail as the last issue. The Commissioners discussed that they might make potential, related, CDC changes. They asked staff to review the notice to determine whether it cited the related CDC chapters. The session ended at approximately 6:55 p.m.

REGULAR MEETING - CALL TO ORDER

Chair Babbitt called the meeting to order in the Council Chambers of City Hall at 7:03 p.m.

PUBLIC COMMENT

Alice Richmond, 3939 Parker Rd., thanked the Commissioners for their effort and integrity in serving the city.

APPROVAL OF MINUTES

Vice Chair Steel **moved** to approve the Minutes of July 31, 2013. Commissioner Martin **seconded** the motion and it **passed** 4:0:2. Commissioners Miller and Axelrod abstained.

Commissioner Miller **moved** to approve the Minutes of August 7, 2013 as edited by Commissioner Martin. Commissioner Martin **seconded** the motion and it **passed** 6:0.

PUBLIC HEARING

PLN 11-01, West Linn Trails Plan and associated amendments to the Comprehensive Plan

Chair Babbitt opened the public hearing and outlined the applicable criteria and procedure. Commissioner Griffith reported that she had previously served on the Parks Advisory Board and had no conflicts. Commissioner Martin disclosed he had served on the technical advisory committee in the past.

Alice Richmond objected to Commissioner Griffith hearing the matter because she had served on the Parks Advisory Board and might be biased. None of the Commissioners objected to Commissioner Griffith participating. Chair Babbitt announced she would participate.

Staff Report

Mr. Worcester recalled the 2011 hearing had uncovered three major pinch points in the plan as well as other areas that could be improved upon. He reported that after that hearing the Parks and Recreation Advisory Board (PRAB) had worked with the Transportation Advisory Board (TAB) to refine the plan. They had hosted a public open house on July 23, 2013. They had utilized subcommittees to try to resolve the concerns of neighbors at the pinch points.

Mr. Worcester talked about the pinch points. The I-205 Trail had been moved as much as 900 feet south and lowered to as low as the 225 foot elevation so it was not visible from Barrington Drive, Imperial Drive, and Riverknoll Way. This had been done in response to concerns about privacy and safety. The grades now were at the desired percentages. The proposed route was closer to the freeway. It avoided the areas identified as potential habitat areas. It would be designed utilizing current fire defensible space guidelines. The trail itself could serve as a fire break and fire suppression access. The Parks Department would partner with ODOT and others to work on ladder fuels reduction and trail design. The implementation section in Appendix B would ensure that adequate public involvement and land use was part of the process any time any trail project was added to the Capital Improvement Program (CIP). He said Tualatin River Greenway Trail and Willamette River Greenway Trail segments that were not currently built or in public parks had been moved off of private properties to on-street routes. There could be kiosks for renting kayaks. A statement had been added to specify that trail easements or right-of-way would be based on negotiations with willing sellers. The implementation section addressed the design review process.

Mr. Worcester described more general changes made to the plan, which included revised maps; editing tables to match text; and adding information about how the plan had been developed and revised with the TAB. They had added statements endorsing Safe Routes to Schools; that the Police Department would respond to any call generated on or off the trail; and that safety was a value for both trail users and trail neighbors. They had added a statement that the final alignment, configuration and design would be considered as trail segments came up for development. They had deleted a proposed trail connection from Rosemont Drive to Marylhurst Circle in response to public comments and added a trail connection from Maddox Woods to the Library.

Mr. Worcester clarified that approval of the proposed Trails Master Plan did not automatically throw the trails into development mode. This was the second of many steps. The first step had been the 1979 approval of the Parks Master Plan with updates every ten years since then. They had just about completed everything that had been in the 1987 update. The only trail that

remained in the CIP queue for the next couple of years was a Willamette River Trail segment from the Falls to Willamette Park. He reported Parks had tried to more accurately and realistically address funding and costs. Some trail segments were likely to be built in connection with development along that segment.

Mr. Worcester detailed the outreach done to ensure people were notified about the July 23 open house. He had sent a letter or an email to those who had testified. He indicated that a lot of people had attended and the meeting had gone pretty well. He indicated the result of all the meetings and the open house was that most of the issues related to the two river trails had been resolved. However, they were not as successful resolving all the neighborhood concerns about the I-205 trail. He advised many of those issues could be resolved during design review. He opined that there might be some people who just did not want a trail there at all. He reported they had received endorsements from the Sunset and Willamette Neighborhood Associations. He clarified there was nothing in the record from the Barrington Heights Neighborhood Association.

Questions

During the questioning period Mr. Worcester explained 'defensible space guidelines' and 'ladder fuels.' The Forest Service and rural fire districts followed 'defensible space guidelines' that included things like at least 25-foot separation and a buffer area between the pavement and areas of tall, dry grass in areas where there was more potential risk of fire. He recalled during the most recent fire TVF&R had been delayed getting equipment in there. He confirmed the segment along I-205 would be paved so a vehicle could use it. He explained that 'ladder fuels' were types of vegetation that helped fire jump up into a tree, for example. He noted there were techniques to reduce that threat. Mr. Worcester clarified he had talked to Police but did not have a letter in the record to the effect that they would respond when they got called. He anticipated they would be willing to put a statement to that effect into the record.

Mr. Worcester was asked to confirm the Master Trails Plan would not require a bond or something that would affect people's taxes. He indicated he could not say there would never be a bond because if the City Council decided to do the full trail they would need the upfront money from a bond. They could repay it from SDCs collected over subsequent years. He recalled they had done that in 1998 to purchase park property. He advised there were many ways to fund trails. Two-thirds of them would be incorporated into the Transportation System Plan (TSP) as transportation projects. Most of those would be paid for with SDCs. He reported that the five to six miles of off-street trails they had built recently had cost less than \$25,000 because of the work of volunteers. He anticipated in most cases the trail segment would be part of some other project. If it was in a park it would be part of the cost of that park. In many cases it would be as simple as just putting up a sign or striping the street to indicate it was a route. He clarified they had not gone to the level of detailed costing because there were so many variables. He acknowledged the overall price tag might be \$60 million if all the segments were built at the highest price possible. However, he could only get to \$45 million doing that.

He advised that amount was not realistic because the city was not going to go out and build every trail 16 feet wide and out of concrete.

Mr. Worcester confirmed that before any trail was built it would be subjected to design review by the Planning Commission. At that time the Commission would review the particulars, including location and cost. He confirmed approval of the master plan did not obligate any funds. He advised a Comprehensive Plan Goal 8 action measure called for the city to develop a comprehensive trails master plan. This was step two in a multi-step process that included City Council approval, budget approval for each capital project; and design review. He confirmed that many of the questions related to fire and trail design would be finalized during design review. The master plan was a higher level view of the plan.

Commissioner Martin asked if Parks would change a route at the design review stage. Mr. Worcester advised that could sometimes happen. However, he did not anticipate the I-205 route would change very much because they now had a route that seemed to make the most sense and solved a lot of the issues people had raised and the grades met ODOT and Federal Highway Administration design standards.

Mr. Pelz reported staff had done more work on costs since the last hearing. He referred to the map showing the 62 miles of on- and off-street trails. He said 70% of them would be on-street segments which would be incorporated into the TSP and funded through transportation dollars. There were only 17 miles of off-street trails which would be funded by recreation dollars.

Commissioner Griffith explained she was concerned about fire. She asked how wide the trails were to be and who did ladder fuels reduction. Mr. Worcester clarified the total width was 40 feet wide. The components were the 12-ft. wide paved trail bed; 2-ft. wide shoulders; and a buffer area that created defensible space. He said there were many ways to approach maintenance and there would be a plan for it. He noted ODOT owned the property. He reported last year the city had worked with the Department of Forestry, which provided fuels reduction.

Public Testimony

[See 'Testimony Submitted at the 10/16/13 PC Meeting' under Supporting Meeting Documents on the website <http://westlinnoregon.gov/planning/planning-commission-meeting-86>]. Chair Babbitt noted the Planning Commission had received additional written testimony that day from Alma Coston, Sandy Streeter, and Sally McLarty, who were in favor of approval; and written testimony regarding Key Objectives and Key Points of Concern (submitted by Bradley C. Arms).

44:00

In Support

Todd Jones, 1223 11th St., who served on the Parks and Recreation Advisory Board, reminded the Commission that two years ago he had submitted over 100 maps from over 100 different

individuals in the community who had indicated on them which trails in the draft master plan they were enthusiastic about. He clarified he supported the whole plan, but was testifying specifically about why the I-205 trail should be included in the master plan. He read aloud from his October 16, 2013 Memorandum to the Planning Commission, highlighting the following:

- The I-205 trail had been moved twice further down the hill toward the highway and away from Barrington Heights homes. No homes could be seen from the trail.
- The Willamette Neighborhood Association had voted 17-3 in favor of the I-205 trail.
- The Sunset Neighborhood Association had voted unanimously in favor of the trail in concept.
- 40 members of the high school cross country team had signed a petition indicating interest in such a trail. They were enthusiastic about having the trail to train on.
- One of his neighbors, a professional fire fighter, had testified to the Willamette Neighborhood Association that the trail would aid fire-fighting efforts by providing access to the hillside and serving as a fire break.
- A 2009 survey of 104 households on or near West Linn parks and trails showed that 91 percent were very or somewhat satisfied with West Linn parks and trails; 72 percent used trails near their homes at least once per month; 73 percent did not associate crime with the trail near their homes; 86 percent did not associate “interruption of privacy” with the trail near their homes; and 68 percent said they would like current trails to connect with other trails. They had responded to the question how the city could improve local trails by indicating “no improvements” (34), and “wider, longer trails” (22).
- The Parks and Recreation Department had advised the I-205 trail had been laid out specifically in all three Park Master Plans adopted since 1987 and as such it had been part of the city’s Comprehensive Plan for 26 years. It was also part of the Regional Transportation Plan and the West Linn Transportation System Plan.

Questions

During the questioning period Mr. Jones talked about his most recent volunteer trail work and advised that PRAB members volunteered on a regular basis in Mary S. Young Park. Commissioner Martin thanked them.

George Schmeltzer, 4055 Calaroga Dr., reminded the Commission that he had testified against the original plan because it was invasive into neighborhoods and caused numerous community concerns. He commended the city for revising that plan. However, he explained he was still concerned that it was not clear that private property was out of the plan. He suggested they should define ‘easement.’ If it was a passage between two homes that was open to the public that created a safety concern. He noted the statement from Police was not in writing. He described problems that Astoria, Oregon had with its walkway, including that vagrants used it after dark. He anticipated the trail would place an extra burden on the Police. He was concerned that residents would only be able to charge that someone had sat there for hours staring at their home. He and his wife did not want a trail after dark anymore. They objected to easements for trails that passed between the homes in their neighborhood. Some of their

neighbors were elderly and would be uncomfortable with people coming into their neighborhood. He called the revised plan a step in the right direction. He advised maintenance had to be ongoing. There was an issue of who was going to clean up the area. Astoria wanted trail neighbors to pay for it because trail users would not clean up after their dogs or pick up their beer cans. He noted the Parks portion of their water bill had increased from \$9 to \$11. When Mr. Worcester said the work would be shared by a number of people, Mr. Schmeltzer interpreted that to mean nobody would do it. Mr. Schmeltzer advised they had to watch the money and it had to be justified. Chair Babbitt asked staff to offer an overview of what 'easement' meant later in the hearing. He anticipated the Commissioners were going to discuss the issue of private property.

Vicky Handy, 960 Rancho Lobo, did not come forward when called to testify.

Neither for nor Against

Audrey Lazar, 6555 Failing Street, pointed out the trail route near her home went down Failing Street and up Dillow. She suggested it was too steep and not safe. She asked why the trail was not over an existing easement for a trail instead of going all the way down to Failing Street. Chair Babbitt asked staff to respond later in the hearing. When asked if she supported the route as proposed Ms. Lazar clarified that she was for the trail (as she understood it) if it was necessary. She questioned why the city would spend so much money on it. She advised there was a lot of vandalism down there.

In Opposition

Troy Buzalsky, 1228 14th St., indicated that he resided near the Pete's Mountain Bridge and the trail went through his back yard. He clarified that he was opposed to the plan, but he was satisfied it was a secondary route and not a primary route. He indicated he appreciated Mr. Worcester's offer to meet with him to talk about mitigating some of his concerns. They had not met yet. He described problems the trail in his back yard created, which included off leash dogs, kids with pellet guns, horses, an ATV, flashlights in the middle of the night, and a drinking, partying couple. He related that mountain bikers had walked their bikes through his back yard to connect to a trail from his driveway up 14th. He indicated he understood the easement going through his back yard was a PGE high-water easement and not an easement for a trail. He wanted to know if the city had a legal right to encourage using it as a trail through his backyard.

Michael Vossen, 3450 Riverknoll Way, testified he sometimes rode his bicycle between his work in Portland and Barrington Heights. He described his route home. His experience was that bicyclists and pedestrians enjoyed using it. One concern was that trash built up in secluded areas and never got cleaned up. He said he liked the idea of having the trail in West Linn, but the better route was along Willamette Falls Drive. He advised that walkers and bikers would not have to climb as much; Willamette Falls Drive was more scenic and an easier ride; that route would probably be cheaper and more enjoyable; and using that route would take the trail away from the Barrington Heights area. As a resident he liked the fact there was not any

activity down there because there had been a lot of problems over the years. He related the fire that had happened there had come too close for comfort.

Questions

Commissioner Griffith asked about the safety of the Willamette Falls Drive route. Mr. Vossen recalled the existing segments of the I-205 trail and indicated he assumed if a trail was put down there the right-of-way would have to be wider. He noted the I-205 trail had some very secluded areas and in other areas bike lanes were right along the road. Commissioner Martin referred to Map 4: TSP – Pedestrian & Bicycle Projects (page 99) and noted the plan might be to do what Mr. Vossen was suggesting because there was a bicycle trail below I-205 identified as 'Bicycle Lane – 2 side.' Mr. Vossen indicated that was fine with him.

Michael Eaton, 25415 Swiftshore Dr., noted that trail [the trail Commissioner Martin had pointed to] went up Swiftshore to Willamette Falls Drive and then down to Fields Bridge Park. He responded to Commissioner Griffith's question about the safety of Willamette Falls Drive. He said it was one of the most dangerous streets for an automobile or a cyclist. He stated they really needed a bike path with the trail on Willamette Falls Drive.

Steve Garner, 3525 Riverknoll Way, President of the Barrington Heights Tannler Neighborhood Association (BHTNA) indicated Parks had done a wonderful job of revising the 2011 Master Trails Plan. The changes seemed reasonable. As an avid hiker he thought the trails were attractive with one exception. That was that moving the I-205 trail in an attempt to resolve some of their issues had ironically created a bigger issue because it elevated the fire hazard. He advised fire brands could travel miles in the prevailing south wind and be a danger to areas well beyond Barrington Heights. He disagreed that the proposed trail would be a fire break because people caused fires. He described the challenges fire fighters had faced during two fires in two years, including one on July 31. They had to use respirators because there was poison oak; they had to drag a lot of hose a long way because of the locations of fire hydrants; in order to fight the fires from the top of the hill they had to go through yards with arborvitae, which were highly flammable; and he understood the fire hydrants were designed for fighting residential fires, not wildfires. He noted the fire reports said they could not conclusively determine the source of the fires, but saw evidence of smoking lighters and broken glass (which could start fires because of the magnifying affect). He held that building defensible space on the trail would not solve the fire issue. Using the trail as an access to fight a fire would have minimal impact because fire fighters did not fight a hillside fire from the bottom of the hill with the wind at their backs.

Mr. Garner reported that fire hydrants at the top of the hill that could be sources of water for fighting wildfires were few and far between. There were nine in Barrington Heights and another six within 4/10ths of a mile of Barrington Heights. He understood the hydrants were built for fighting residential fires, not wild fires. He pointed out the map showed the distance between a blue trail and an orange trail was less than 600 feet. He questioned funding,

designing, constructing and maintaining three trails within 600 feet. He clarified that the neighbors' proposal to Parks was to move the trail to the south side of I-205. They had walked it, taken photographs, and submitted a report. However, it was not in the Master Trails Plan – not even mentioned as an option. He pointed out the proposed plan did not mention 'fire' and it only mentioned 'crime' once in relation to 'crime prevention through ecological design.' He was not sure what that meant. He said ladder fuel reduction was a great idea. He noted ODOT had never remediated the hillside after it built I-205. He suggested looking at Savannah Oaks Park, which was less likely to throw off embers.

When Mr. Garner asked for a show of hands of those in the audience who opposed the trail Chair Babbitt advised the neighborhood association could pass and submit a resolution to that effect. Mr. Garner indicated that even if many people wanted this trail those who were educated to the hazards and lived next to it did not want it and they proposed an alternative. He questioned why the city would be inflexible and fight them. He said his neighborhood asked the Commission to insist that the Master Trails Plan include a clause that said "Any trail to be constructed will have direct input by the people most affected by the trail: those adjacent to it, contiguous to it, and impacted by what could go on on it." They did not want approval of the plan to ever be construed as approval to construct any trail in the document. He clarified that did not include existing trails.

Questions

Commissioner Martin advised that approval of the Master Trails Plan was not the last step and the trail was subject to design review before it was built. He noted there was fire vulnerability whether or not a trail was built there. He suggested looking at this as an opportunity to build a trail in a way that lessened the danger to their homes from fire. It could be wide enough to accommodate firefighting equipment and offer a better chance to stop fires than there was now. He asked if the neighborhood had any ideas about how to use this as such an opportunity. Mr. Garner clarified that the neighborhood had proposed the alternative of putting it on the other side of I-205. They had never asked that it be moved down or anywhere on the north side. Fires were human caused, except those caused by lightning. Putting the trail on the south side of the freeway removed the human element from the north side. It allowed fire fighters to fight from the freeway above the fire on the south side instead of from below the fire on the north side.

Mr. Garner clarified for Commissioner Miller that his association had not passed and submitted a resolution yet, but they would do that. He noted there was a petition signed by several association members and residents on Imperial Drive which asked for the clause to be inserted to the effect that nothing got built without impacted citizens having direct input. He noted the Parks and Recreation Department had not reached out to them – it had waited for them to reach out to the Department. He related that Mr. Jester and Ms. Tolan had been assigned to attend PRAB subcommittee meetings. Mr. Jester had indicated it was less than pleasant. Ms. Tolan had indicated that communication was really difficult to maintain with Mr. Worcester.

Her questions were not answered. She had raised the issue related to the build-up of cut debris around the water tower on Salamo that was still there.

Meredith Olmsted, 3560 Riverknoll Way, Vice President of the BHTNA, indicated she thought the plan was well thought out and addressed almost everything they could wish for in a trails system. She said she wished the hillside would be maintained, but it was not maintained below Riverknoll Way and Imperial Drive. That presented a hazard. She suggested it was only because of the lack of the human element they did not have more fires. The thought of introducing the human element to that hillside was terrifying to her and the neighbors along the hillside. She stressed that the fire threat was real, not imagined. She noted that areas outside of West Linn that had trails or vista points typically were magnets for individuals who collected there to spend the night and have discrete get-togethers. This would make the hillside more accessible to them and increase the level of problems such as those they had had in the past. She advised that the wind was very strong at the top of Barrington Heights. It was funneled between hills. It would carry embers. She talked about safety and security. She questioned why they would want to have a trail that would be a magnet for people. She stressed the security concern was real. When the rest stop was open there had been many arrests there. She questioned how the plan could achieve the city's goal to increase walking and biking if the trails fostered unsafe elements. She noted there were pathway systems to the north that would eventually connect to West Linn. There were many homeless people and transients living on them. People did not feel safe walking or bicycling on them. She asked the Planning Commission to reconsider and put the trail south of I-205. She related a big concern of neighbors was that once the master plan was accepted all of a sudden one day construction of the path would begin before it had been Okayed by the people who lived and worked closest to it. She indicated that had happened before in West Linn.

Questions

Commissioner Griffith inquired whether the neighborhood association had a fire suppression subcommittee or group in place and a plan in case of fire. Ms. Olmstead said she believed they had such a subcommittee, but she did not know the specifics regarding what had been put in place.

Richard Mishaga, 3320 Barrington Dr., a retired wildlife ecologist, asked the city to move the I-205 trail to the south side of the freeway. He advised the risk of a large and potentially devastating wildfire hazard on the north side was significant. The property had originally been white oak savannah. That type of area experienced fires but they were low-intensity fires. This property had not been managed for fire suppression for years and species that would not normally abound there had invaded it: Douglas fir, wild cherries, poison oak and some state-listed, non-native, invasive species like Scotch Bloom and blackberry. Arborvitae had been planted there. The state considered them all highly flammable. They occurred there at such high densities the fuel load was higher and spread over a larger area. When a fire went through there it would be an extremely hot and a rapidly moving fire, exacerbated by the steep slopes.

He advised that moving the trail closer to residences did not make any sense because wildfires moved so fast; the hillsides were extremely steep and had never been engineered; and the soils were highly friable. He advised it would be very expensive to build a stable trail on that hillside. It would be economically unfeasible. He related that the neighborhood association had met with ODOT. They had learned that ODOT did not have the money to control the area. ODOT had authorized the Association to take care of the property immediately adjacent to them. Mr. Mishaga advised that clearing a little break there would not solve the problem. Over a mile and hundreds of acres had not been managed for fire suppression. He explained there had not been fire problems at the old rest stop because it was paved. Along the trail there was a much larger chance of another event like the one in 2003 when a spark from a mower caused a fire. TVF&R had mentioned they were very lucky to be able to put out that fire because the winds were from the north. During the fire season the winds were from the south. Mr. Mishaga advised there was a need for a serious fire management plan. His association could not do that. The land belonged to ODOT. He suggested ODOT and the city work together on that.

Questions

Commissioner Martin observed that the fire danger would be there even if there were no path. He advised the trail had to have design review approval before it was built. The Commission could attach conditions of approval. For example, they could require the entire hillside to be replanted with the right kind of vegetation. He asked Mr. Mishaga if there was any way they could use the event of the construction of the trail to lessen the fire danger to below what it would be if the trail were not built. Mr. Mishaga explained that the problem was that the issues had not been addressed in a serious-enough way to date to give them enough comfort to go ahead with this trail. It did not make sense to build a fire break on a parcel of that size. His experience was wild fires moved very fast and could not be fought when they were moving away from fire fighters. He indicated that until there was a fire management plan, or at least some serious consideration of site-specific conditions there, it was asking for an awful lot to say go ahead with this program when basic issues had not been addressed in a meaningful way. Commissioner Martin clarified the Commission could make a fire management plan a condition of approval to be met before the trail could be built. He explained he did not want to lose the opportunity to make the area safer and this might be such an opportunity. He asked Mr. Mishaga if it would be possible to have a fire management plan that made it safer, assuming ODOT would cooperate and there was money to do it, and that the trail would not be built without one. Mr. Mishaga agreed a fire management plan should be put together for that hillside. He indicated he was not familiar enough with the mechanics of the city's process to say go ahead with it.

Commissioner Axelrod asked if the neighborhood had approached the city about approaching ODOT. Mr. Mishaga related that people in the neighborhood had met with the ODOT property manager. Then the agency had gone in and cleared a very small area adjacent to the neighborhood boundaries. That was not enough to stop a high-intensity fire throwing embers.

Alice Richmond, 3939 Parker Rd., indicated she did not approve of a commissioner arguing with a person who was testifying. She described a previous situation when there was a fire and firefighters had a problem getting through congested streets. She recalled the rest area had been closed because of crimes happening there. She cautioned about opening up another access.

William Webber, 3545 Riverknoll Way, referred to edits and changes in the summary in the staff report. He took exception to a statement that indicated the process had not resolved all concerns about the I-205 trail because for some the only resolution was no trail. He asked the Commission to get a detailed report from people who were fighting fires and to listen to Mr. Mishaga. They were not saying they did not want a trail. They were saying they wanted it south of I-205, not north of I-205. However, Parks and Recreation did not want to explore that or how to address fire danger. He held the Commission should do that before they approved the proposed plan. He anticipated the Commission would find the south side was the best alternative.

2:27

Questions of Staff

Chair Babbitt recessed the hearing for five minutes and then reconvened it. Mr. Pelz responded to questions raised during public testimony. He clarified there were many kinds of easements. They each preserved specific land for specific uses. He advised that Master Trails Plan language about 'willing sellers' meant that no one was forced to agree to a trail easement across their property. He pointed out Lot 1228 on the map and in an aerial photograph. He advised that Mr. Buzalsky might be under the impression that people were using his back yard to use the trail when in fact they were walking on the city's trail easement through PGE-owned property. Mr. Worcester was asked and confirmed that Mr. Buzalsky could put up a fence and "No Trespassing" sign if it was on his own property. Mr. Worcester intended to meet with him to get a better understanding of the issue. Commissioner Griffith asked if the applicant had heard other residents along the easement complain about trespassers. Mr. Worcester acknowledged that where there were no clear demarcations trail users might wander off and perhaps trail users did not always respect the boundaries.

Mr. Worcester recalled the question whether the trail could go through the Willamette View Terrace area open space and avoid climbing up Dillow. He indicated that was an example of where a route might be tweaked during the design phase. He explained that at the master plan level they just wanted to ensure there were ways to get from point A to point B. He advised that putting a trail on sidewalks was always an option, but it was sometimes not the best option. Commissioner Martin thanked Ms. Lazar for her suggestion about the route near Maple Terrace. He indicated it was incredibly dangerous for pedestrians and he would be very glad if the city could find a way to improve the situation. Mr. Worcester advised that the applicant would make a note of it now so that by the time they got to turning it into a project they would ensure they made the right choice there. Chair Babbitt noted this was a perfect example of

why the Commissioners wanted the Planning Commission to have authority to approve projects in an approved master plan: they could help work out the details.

Mr. Worcester clarified that not all trails had to be a full, 16-foot wide, off-street, trail. Some might just be stencils on the street. He confirmed that the city typically offered to build fencing along a trail easement (but not along a park) to give homeowners adjacent to it more privacy. An example of that was the Robinwood Park to Old River Drive easement. He confirmed there was a local connection with the east side of Barrington Heights and pointed it out on the map.

Commissioner Axelrod asked why the south of I-205 route had been dropped from the proposed Master Trails Plan if there was already a bike lane there and it would mean not having to climb the hill to connect to other areas of the city. Mr. Worcester explained that the applicant proposed to put it on the north side for reasons related to connectivity and terrain and because the Willamette Falls Drive right-of-way was now almost entirely asphalt. He noted the south side trail would be preferable for Willamette and Bolton, but did not necessarily do Sunset any good. He said there were other routes to connect the neighborhoods. He advised that ODOT standards would require a trail on the south side of I-205 to be at least 30 feet from the edge of the freeway, which ODOT planned to eventually widen. In addition, that route would require about 7,900 feet of retaining wall.

Commissioner Miller noted the I-205 trail had been lowered in response to residents' concerns about their privacy. Now they were concerned because they could not see it. She asked if the Commission could add a condition of approval calling for it to be lit. Mr. Worcester advised that almost the entire West Linn segment would be visible from I-205. He recalled the Gladstone segment was lit, but clarified that Parks had not talked with ODOT about whether the West Linn segment had to be lit. He noted the Commission could impose a condition related to whether it should or should not be lit.

Commissioner Griffith recalled Mr. Jester had talked about a trail where a lot of inappropriate activity occurred. She asked what trail that was and how the city would address that kind of problem. She asked how many miles of trails the city had. Mr. Worcester advised Mr. Jester had been referring to the access trail to Tualatin Wetlands Park. He advised that Parks staff responded to citizens' reports that a trail needed cleaning. Mr. Pelz estimated the city currently had about 25 miles of trails. He advised most of them were in city parks. Commissioner Martin noted the proposal would add 17 more miles of trails and almost double the amount of trails. He noted West Linn was almost built out and its population was not going to grow that much. He inquired if the applicant had looked at balancing miles of trails with population growth. He indicated he was concerned if city had too many trails with too few local users the trails might not be safe. Mr. Worcester advised the plan would accomplish at least eight Comprehensive Plan goals, including that a recreation facility would be within walking distance of every house. It would provide connections that were so accessible that people would actually use the trails to walk to a park or commercial area instead of driving there.

Vice Chair Steel asked who would use the I-205 trail alignment. Mr. Worcester anticipated it would be mainly cyclists; there would be a lot of walkers; and families would use it. He pointed out the record contained letters from residents of Barrington Heights who were excited about having that trail. He recalled seeing people using the Gladstone segment. He related the new Rosemont Trail was a huge success with walkers. He suggested this was a situation where "If you build it, they will come." Vice Chair Steel recalled when she commuted on I-205 she saw many cyclists. She recalled testimony from the person who said he commuted by bike along I-205 and then ended up on Willamette Falls Drive. She noted the TSP indicated that Willamette Falls Drive was targeted as a future primary bicycle lane (see page 99). She asked how close the city was to accomplishing that. Mr. Worcester advised the project had been in the TSP for many years and it might be another 20 years before the city could afford to make that \$8 million to \$9 million project happen. He confirmed the proposed north side of I-205 alignment was significantly lower cost and more cost-effective than the Willamette Falls Drive bike improvements. Mr. Pelz noted that each of the two alignments served slightly different population centers. One was an on-street connection and the other was a more recreation-oriented, off-street, facility. Vice Chair Steel recalled hearing that the soils on the hillside were very unstable. She asked if that area would ever be developed. Mr. Worcester did not anticipate it would be. He said ODOT would not allow it to be accessed from the freeway. The city had decided the soil, narrow terraces, and limited access meant it was not a place to put in a ball field.

Commissioner Axelrod inquired whether the applicant had a "wish list" of projects to be done in the initial five years and, if so, why those targeted projects were not identified in the plan. Mr. Worcester advised they wanted the transportation-related projects paid for with street/transportation dollars to be dealt with as the TSP was being updated. He anticipated TAB would prioritize projects according to safety, especially around schools. He anticipated TAB's number one project would be down Skyline Drive to the high school. Next, TAB would pick some "low-hanging fruit" projects that could be accomplished with a sign or a strip on the roadway. Then, TAB would prioritize "biggest bang for the buck" projects. He advised that Parks-related trail projects would be funded by parks dollars. He confirmed Parks had a wish list. The main project on it was the Willamette River trail. They still had funding for it from the 1998 bond measure. Mr. Pelz called attention to the projects prioritization scheme in the 'Recommendations' section of the Master Trails Plan (see pages 71 and 72). He advised that all of the on-street routes were to be forwarded to the TSP update process. He advised that Parks could be more flexible about prioritizing the other projects because there would be many opportunities to accomplish some of them using volunteers, dedicated or donated property, and grants. He pointed out the scheme placed highest priority on the category of alignments that passed through city-owned property and within public rights-of-way. Mr. Worcester advised that the Commission would start seeing the projects the city wanted to accomplish in the next five years rise to the top in the Capital Improvement Program (CIP) when it was updated every two years.

Commissioner Axelrod inquired about a trail going down along Salamo to Willamette. Mr. Worcester advised it was very steep and there were other, safer, options to get there.

Commissioner Martin then referred to the 'recommendations' section prioritization scheme and suggested adding a fifth category of trails (the lowest category) which were trails which could be considered only after certain conditions had been dealt with. He suggested the I-205 trail could be a conditional trail. The condition would be that the fire hazard was to be dealt with before the trail could be given any higher priority. Specifically, the trail was to reduce the risk of a fire and improve the ability to fight a fire from both above and below the trail. That could mean hydrants and other suppressants. A risk assessment by an expert was required to show it had reduced the risk of fire and increased the ability to fight fires from above and below, and the citizens were better off with regard to fire after the trail was built. That would address BHTNA concerns. He suggested a condition related to the problem on Failing could be to add a trail from the pump station to Mary S. Young Park so users did not have to climb the hill and to get easements for it where it went across five private lots. He related that he owned one of those lots and would offer to donate that easement.

Mr. Worcester confirmed he could agree to have a conditional list. He advised that making a trail lower priority might have an effect on an Intergovernmental Agreement and grant that provided that trail construction had to start within ten or 15 years of receiving the money. He noted the city might have to put in irrigation or fire hydrants. None of that had been looked at yet because this was the master planning level. Commissioner Martin indicated he would be satisfied to have the conditional category in the Master Trails Plan to ensure the condition would be looked at during design review.

Commissioner Martin discussed related code changes the Commissioners had talked about during the pre-hearing work session. He indicated they wanted to include the following changes to Chapters 56, 85 and 28 in another package of code going to the City Council.

- Changes to 56.020.C (C.2 and C.3) which would mean that the Commission (not the planning director) would review any trail or path project. That would ensure that before any trail was built people had an opportunity to testify about it at a public hearing and the Commission could make adjustments.
- Changes to 28.110.F.5 Access and Property Rights to clarify that the city would only pursue legal access to the river front "from willing sellers." He noted that was in the proposed Master Trails Plan so it should also be clear in the code.
- Changes to 56.100.I regarding fixed dimensions of trails to address a mismatch between the Master Trails Plan and the code. Commissioner Martin indicated he wanted to be sure the code referred to the same categories as the Master Trails Plan did and that the code did not require an 8-foot paved trail when the Plan intended it to be a 4-foot, bark dust trail.
- Staff was to recommend revised language for 85.200.C requirements for trails because it had been written with bicycles in mind and it conflicted with WRA code.

3:30

Chair Babbitt **moved to extend the meeting to 11:00 p.m.** Vice Chair Steel **seconded** the motion and it **passed** 6:0.

Vice Chair Steel suggested an alternative to creating a new category of trails was to just address the I-205 trail by describing the conditions to be attached to it. The Commissioners discussed what the conditions should be. Vice Chair Steel suggested a requirement to improve and maintain the hillside so was not as subject to fire risk. Commissioner Griffith suggested there should be a condition calling for a fire suppression plan. Commissioner Axelrod suggested there should be a condition calling for neighborhood associations to be involved in the design, which was to reduce the risk of fire. Commissioner Miller would say 'risk mitigation' rather than 'risk assessment' because they already knew there was risk. Chair Babbitt noted all of those would have to be addressed at the public hearing before the trail was built. Vice Chair Steel recalled BHTNA testimony suggested they should be involved earlier in the design process so they could influence the design. Their involvement should be more than just legal notice. Mr. Worcester advised that historically all park projects had involved the neighborhood in the design. Chapter 56 described the process. It required an applicant to either involve them through the regular neighborhood association meeting process or through a neighborhood design meeting. Vice Chair Steel wondered aloud if the citizens in that area knew that and if they felt reassured by it. Mr. Pelz indicated he was concerned that codifying individual neighborhood association notice requirements for specific projects based on geography was discriminatory. Commissioner Axelrod explained requiring involving participation of West Linn neighborhood associations would be reassuring to the associations. Commissioner Martin explained his intention at the master planning level was to identify the I-205 trail as a high risk trail where there should be a demonstration that the risk had been dealt with. He wanted the neighbors to know there was another mechanism, which was design review, where the neighborhood would be involved before the trail was built.

Commissioner Miller suggested adding something to address safety through aspects like lighting. Mr. Pelz advised Chapter 56 Class II Design Review of Trails design standards addressed aspects such as transparency, compatibility between adjoining uses, and crime prevention and safety along trails and paths. Mr. Pelz said fire could be considered a concern for all trails. They could add a code criterion calling for trails to be built with respect to perceived or real fire danger that would be addressed during design review when they had more details about what the project was going to look like. Chair Babbitt and Vice Chair Steel supported also adding something to the master plan regarding the I-205 connection in order to reassure the neighborhood. Mr. Worcester advised that cross references to the WRA code were not necessary in the master plan as it would have to be addressed during design review.

3:52

Deliberations

Chair Babbitt closed the public hearing. Commissioner Martin explained he wanted to have language in the master plan that clarified that the Commission did not unconditionally approve the I-205 trail at the master plan level, regardless of design review. Conditions regarding

aspects such as fire hazard and fire suppression had to be addressed. Mr. Pelz suggested specifying that TVF&R was to determine whether they were adequately addressed and if they thought that would reduce the fire risk in the area. Chair Babbitt asked staff to suggest the wording. Mr. Pelz and Mr. Worcester suggested adding a new I-205 section with a bullet that specified that approval of the design review application for a future I-205 alignment was contingent upon acceptance or demonstration of five aspects, including an adequate fire suppression plan approved by TVF&R. Commissioner Martin clarified that would be necessary in order for the application to be submitted for design review. Chair Babbitt advised master plans did not have specific criteria in them. Commissioner Martin explained he proposed to invent the idea of conditional approval at the master plan level to ensure those things were covered at the design review. That would reassure people.

The Commissioners and staff then agreed to add language to the Parks Master Plan to indicate that there was to be a new I-205 category that indicated that specifically in the case of the I-205 Trail, approval of the design review application was to only be with successful demonstration that the following had been addressed: A fire risk assessment; a fire suppression and prevention plan; a risk mitigation and maintenance plan; and overall trail safety. All of those aspects had to be addressed before a trail plan was submitted for design review. TVF&R was to determine that fire hazard and fire suppression had been adequately addressed.

Commissioner Martin **moved to approve** PLN 11-01 as modified during deliberations. Vice Chair Steel **seconded** the motion and it **passed** 6:0.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Vice Chair Steel asked staff to put a copy of ORS 197 in the Commissioners' electronic drop box. Mr. Sonnen explained that the Assistant City Attorney was not present because she was on vacation. Chair Babbitt noted the Commission had heard the Cut the Red Tape proposal on October 2 and voted 'no' to Commissioner Martin's motion to recommend it to the City Council. However, the Commission was technically still in deliberations because they had not voted to not recommend the proposal.

Chair Babbitt **moved to hold a work session on October 30, 2013 at 6:00 p.m.** to work out the final details of the draft regulatory streamlining package of October 2; invite the Chair of the Economic Development Committee and the neighborhood association presidents to sit in; and then set the date for the hearing. Vice Chair Steel **seconded** the motion and it **passed** 6:0.

ITEMS OF INTEREST PERTAINING TO THE COMMISSION FOR CITIZEN INVOLVEMENT

Commissioner Axelrod referred to the City Council meeting the previous night where the neighborhood had expressed concerns related to the Lake Oswego-Tigard water treatment plant project. He asked if the CCI had a role in helping with communication with the city. Mr. Sonnen reported neighborhood residents, two City Councilors, and others would meet with the

contractors the next morning to address the issues. Chair Babbitt suggested the Commission could look at the role of the CCI and codify it in the future.

ITEMS OF INTEREST FROM STAFF

Mr. Sonnen reported that he would be soliciting ideas for other work the Commissioners wanted to do so the City Council would be aware of them when it set goals in January. He indicated he did not believe the Council would give the Commission *carte blanche* authority to take on a project independent of the docketing process. Commissioner Axelrod thanked Mr. Worcester for the trails plan because it addressed a lot of the issues in the community.

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at approximately 11:25 p.m.

APPROVED:

Christine M Steel, vice chair
for Michael Babbitt, Chair

10-18-13

Date