

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
June 20, 2011**

CALL TO ORDER

President Walsh called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Walsh
Vice President Anderson
Commissioner Doherty
Commissioner Hasman
Commissioner Muldoon
Commissioner Rogers
Commissioner Ryan
Commissioner Schmidt
Commissioner Shavey

Absent: Commissioner Hasman

Staff Present: Caren Frykland, Sr. Admin. Assistant; Cheryl Caines, Associate Planner; Doreen Laughlin, Confidential Executive Assistant; Duane Roberts, Project Planner; Steve Martin, Parks & Facilities Manager; Susan Hartnett, Assistant Community Development Director

COMMUNICATIONS - None

CONSIDER MEETING MINUTES

June 6, 2011 Meeting Minutes: President Walsh asked if there were any additions, deletions, or corrections to the June 6 minutes; there being none, Walsh declared the minutes approved as submitted.

**PUBLIC HEARING OPENED
PLANNED DEVELOPMENT REVIEW (PDR) 2011-00002- BLACK ROCK
COFFEE SHOP**

REQUEST: The applicant is requesting approval for a Detailed Plan to construct a 462 square foot, drive-through coffee shop on a .45-acre site. This application is part of a previously approved concept plan for the Sonic Drive-In restaurant to the south.

LOCATION: SW Pacific Highway at SW Naeve Street (no site address)

QUASI-JUDICIAL HEARING STATEMENTS

President Walsh read the required statements and procedural items from the quasi-judicial hearing guide. There were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: Matthew Muldoon, Dave Walsh; No challenges of the jurisdiction of the commission; no conflicts of interest.

STAFF REPORT

Cheryl Caines, Associate Planner, went over the staff report (the staff report is available to the public one week before the hearing.)

A letter from Pride Disposal was entered into the record and distributed to the commissioners as **(Exhibit A)**.

Criteria are generally satisfied – there are a few areas staff recommends discussion:

1. Concept/detailed plan consistency
2. Stacking lane
3. Signage
4. Pride Disposal Letter received – condition #1

STAFF RECOMMENDATION

Proposed plan meets or can be conditioned to meet the applicable standards, but there are a couple of areas of note. Therefore, staff recommends approval of the proposed Detailed Plan subject to the recommended conditions of approval.

QUESTIONS FOR STAFF

There was a question regarding topsoil and the type used. Ms. Caines stated that the City Arborist had no issues with any of the information given regarding topsoil.

APPLICANT'S PRESENTATION

Justin Lesher, Applicant, introduced himself. He spoke to the Commission about how he and his family live in Tigard and how they would be involved in Tigard in different areas (schools, local programs, etc.). He said he was looking forward to getting involved in the Tigard business community.

Bryan Cole, Project Manager from MacKay & Sposito, Inc. spoke about the establishment and the fact that it is ADA compliant and has a safe and accessible route. He went through the alternatives on getting the cars to the establishment. He talked about the use of parking spaces by the employees. He noted that most of the customers are drive-thru and that parking is not needed for those customers. Mr. Cole distributed a letter from Ryan Hagler of Black

Rock Coffee Bar (**Exhibit B**), and also a drawing and photograph (**Exhibit C**) that showed the elevation of Black Rock Coffee and what the area looks like that contains the trash.

QUESTIONS FROM COMMISSIONERS

Regarding sign placement: Mr. Cole said Sonic has a free standing sign already that's been permitted – it has a blank spot for Black Rock to come into – so they will use that blank spot for that purpose.

Regarding irrigation: Mr. Cole said that the irrigation plan had been provided to Mr. Leshar for implementation and that it's a combination of water saving irrigation design for the lawn – not only for establishment but for long-term use. He said it's a permanent system, not temporary.

Regarding peak hours and how they compare to Sonics (next door): Black Rock's peak hours occur first thing in the morning. They're pretty much done with the rush by 9:30am. Sonic, while they do have breakfast served there, would not consider those hours to be their peak hours. Their peak hours are mainly during lunch and dinner time.

PUBLIC COMMENT

TESTIMONY IN FAVOR – Jess Wetzel, 10110 SW Nimbus Ave., Tigard 97223 testified as the property owner and franchise lessee of the Sonic Drive In next door to where Black Rock would be located. He believes the peak hours for the two establishments would complement each other and not present a problem. He didn't believe there would be any issues with regard to the single drive lane.

TESTIMONY IN OPPOSITION – None

CLOSED PUBLIC HEARING

President Walsh opened the meeting up for deliberations.

DELIBERATIONS

One of the commissioners thought the plan looked nice and appeared to be very well designed. He believes it's the best use for the area. The general consensus was it looks good and has more room than was originally envisioned.

Condition #1 – Pride Disposal Waste letter - not needed as it was already received.

Condition #2 – To revise their site plan or submit further information regarding circulation – no longer needed.

MOTION

The following motion was made by Commissioner Doherty, seconded by Commissioner Shavey:

“I move for approval of application PDR2011-00002 and adoption of the findings and conditions of approval contained in the staff report, striking conditions 1 and 2.”

The motion **CARRIED** on a recorded vote; the Commission voted as follows:

AYES: Commissioner Anderson; Commissioner Doherty;
Commissioner Hasman; Commissioner Muldoon;
Commissioner Rogers; Commissioner Ryan; Commissioner
Schmidt; Commissioner Shavey, and President Walsh

NAYS: None.

ABSTAINERS: None.

ABSENT: Commissioner Hasman

PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00003 - GREENWAY TRAILS STANDARDS

REQUEST: The City of Tigard is proposing Comprehensive Plan Amendments to amend the Comprehensive Plan (Policy 8.1.20 Action xix; 8.2.2 Action i, iii, and vi; and adding Actions viii and ix; Transportation System Plan, Policies 1.9; 3.8; and Tigard Development Code 18.810.110.C. The proposed amendments and additions support the development of greenway trail projects in Tigard. **LOCATION:** Citywide

STAFF REPORT

Duane Roberts, Project Planner, went over the staff report (the staff report is available to the public one week before the hearing.) Duane entered into the record some public comment letters that had been submitted by Sue Beilke (**Exhibit D**).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to City Council (1) **APPROVAL** of the proposed Comprehensive Plan, Community Development and, Transportation System Plan Amendments (2) **ACCEPTANCE** of the Greenway Trail System Master Plan; and (3) **ADOPTION** of the Prioritized Project List.

QUESTIONS FOR STAFF - None

PUBLIC COMMENT

TESTIMONY IN FAVOR – Dr. Gene Davis – 10875 SW 89th Tigard, OR 97223

He said this area will be growing and that the more trails the better.

TESTIMONY IN OPPOSITION – Frank Gruelle 12190 SW Merstone, Tigard said he’s here in regards to the beaver dam removal. He wants reassurance that there’s no plan to put in another trail from Summer Lake to 221st. He’s not interested in a walking path. Mr. Roberts answered that the walking path would not go through that area.

Heidi Brenneman – 11680 SW Tigard Dr. Tigard - was also there to speak about the beaver dam removal. She’s interested in public involvement or the lack thereof. She believes the Merstone Pond is devastated. She spoke against signage back there. She’s concerned about what she believes to be a lack of notification.

George Thompson – 11630 SW Tigard Dr. Tigard, OR 97223 is against the trail on Tigard Drive.

Kevin Brenneman, 11680 SW Tigard Dr., Tigard 97223 asked about the types of assessments and evaluations that had been done. Staff explained the types of studies that would be done when the actual trails would be considered for installment. The property owners within the affected area would be notified.

Patricia Newth 12180 SW Merestone Ct., Tigard 97223 is a Tigard resident of 30 years. She asked about the trail survey that had been done and wondered how many people participated in the count. Duane Roberts gave her the numbers. She was also very interested in better notification such as email to the people who care about what’s happening. She believes she’s “not in the loop.” She suggests better notification.

CLOSED PUBLIC HEARING

At this point, President Walsh opened the meeting up for deliberations.

DELIBERATIONS

There was some discussion about a transmittal memo. There was discussion about the engagement of citizens – communication - perhaps the city can improve on communication. They brainstormed some ways communication can be improved upon. One of the commissioners suggested that people utilize the city website and the Cityscape newsletter. She stated that the website particularly, is very comprehensive and an excellent tool to get information about what’s going on. The Cityscape newsletter also does a good job of that.

There was a general consensus that there looked to be good connectivity – good priorities. The commissioners were impressed with the Greenway Trails System Master Plan.

MOTION

The following motion was made by Commissioner Muldoon, seconded by Commissioner Rogers:

“I move the Planning Commission forward a recommendation of approval to City Council for the application before us - Comprehensive Plan Amendment CPA2011-00003 – Greenway Trails Standards. I recommend approval of the proposed Comprehensive Plan Amendments and Zone Changes to City Council; acceptance of the GTSMP (Greenway Trail System Master Plan); and approval of the project priority list with a follow up for a study of overlook opportunities; feasibility to the extent possible; and, specifically, a follow up study of the Davis land segment.”

The motion **CARRIED** on a recorded vote; the Commission voted as follows:

AYES: Commissioner Anderson; Commissioner Doherty;
Commissioner Muldoon; Commissioner Rogers; Commissioner
Ryan; Commissioner Schmidt; Commissioner Shavey, and
President Walsh
NAYS: None.
ABSTAINERS: None.
ABSENT: Commissioner Hasman

President Walsh noted this agenda item would be going before the City Council on July 26.

OTHER BUSINESS – Susan Hartnett invited the commissioners to attend the July 12th Council meeting if they’d like to.


The commissioners talked amongst themselves about self-assessment and how they believe the meeting went. They also discussed how the city can use email to better communicate with the citizens.

ADJOURNMENT

President Walsh adjourned the meeting at 9:03 p.m.



Doreen Laughlin, Planning Commission Secretary



ATTEST: President Dave Walsh

EXHIBIT A



P★R★I★D★E

DISPOSAL COMPANY

P.O. Box 820 Sherwood, OR 97140

Phone: (503) 625-6177 Fax: (503) 625-6179

RECEIVED
JUN 15 2011
CITY OF TIGARD
PLANNING/ENGINEERING

June 14, 2011

MacKay & Sposito, Inc.
1325 SE Tech Center Dr. #140
Vancouver, WA 98683

RE: Black Rock Coffee, Tigard Oregon

At your request this letter is for the approval of your enclosure. You have expressed that you would like to use totes (roll carts) service for garbage and recycling at this location. You have indicated that you will have the totes at curbside for pick up. Due to the placement that is required, the size of the enclosure does not affect our access or collection so is therefore not a factor.

If at any time Black Rock Coffee wishes to change to container service, the access, enclosure size, etc. will need to be reevaluated.

If you have any questions, feel free to contact us.

Sincerely,

Kelsey Williams
Pride Disposal Co.
(503) 625-6177 ext: 105
kelseyw@pridedisposal.com

Exhibit B

black  **rock**
c o f f e e b a r

15757 SW 74th Avenue
Tigard, OR 97224

The basis of the Black Rock concept, is to serve the community with a coffee service that exceeds all expectations. We operate between the hours of 5am-9pm. Our concept is to serve the community around us with the best quality beverage in a quick and enjoyable atmosphere. Our revenue is based around 90% through our drive thru window and around 10% from our walk up. The walk up window is for people who bike, take public transportation, and for those walking. Historically peak time for our business is from 6:30-10:30. Expectation from the history of other Black Rock Coffee Bar locations have shown the peak hours to move about 120 vehicles in this time period. We are looking forward to be a part of the Tigard community!

Sincerely,

Ryan Hagler
Black Rock Coffee Bar
ryan@blackrockcoffeebar.com

black  **rock**
c o f f e e b a r

Exhibit C

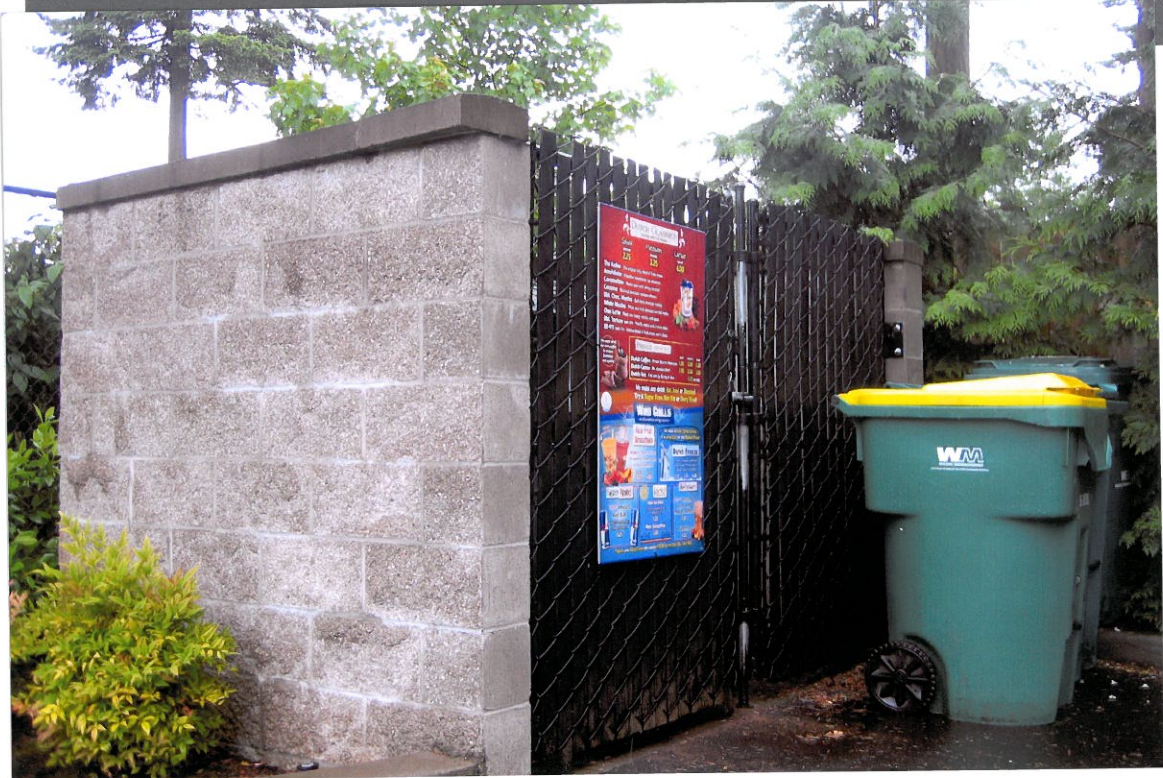


EXHIBIT D

June 19, 2011

Planning Commission
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

To: Planning Commission President and members:

Re: Greenway Trail Standards; Comprehensive Plan Amendment CPA2011-00003 and
Development Code Amendment DCA2011-00001

I am writing to provide comments on the above proposed amendments and the acceptance of the Greenway Trail system Master Plan. I am a long time resident (21 years) of Tigard and an advocate for wildlife, and a board member of the Fans of Fanno Creek, which works to protect and restore the natural resources in the Fanno Creek basin. I also served on the citizen committee that rewrote the Parks, Recreation, Trails and Open Spaces section of the CP.

Proposed Changes:

- **Comprehensive Plan; Chapter 8, Action measure 8.1.20xix:** If the city is going to change this action measure, it needs to drop the last words, “where possible”. Metro trail guidelines specifically state that trail placement should “avoid” riparian areas and stream crossings. This is important to adhere to, as I state here and as staff has stated in their report, most of what is left of natural resources in Tigard are streams and riparian corridors, and hence it is CRUCIAL that these areas that currently don’t have trails stay TRAIL FREE, in order for wildlife to have a safe and undisturbed area to feed, rest, reproduce, etc. If people want to walk or bike somewhere they can use the street and sidewalks, that is what they are there for. In addition, the city needs to add sidewalks to streets so that people can walk. It is a waste of time and money to put trails in sensitive wetlands, etc. when these areas should be protected for wildlife, water quality, etc.

This issue was discussed repeatedly when I served on the CP committee, and as a result we added **Policy 6 that states “The City shall acquire and manage some open spaces to solely provide protection of natural resources...”** This means and as we all agreed, some areas should NOT have trails!! I saw nothing in the staff report that address this important Policy and hence because of this failure, I ask the Planning Commission to deny the request to amend the CP or adopt the GTSMP.

Policy 17 of this section of the CP states that “The City shall maintain and manage its parks and open space resources in ways that preserve, protect, and restore Tigard’s natural resources, including rare, or state and federal listed species,...”. This proposal for new trails and the Amendments fails to adequately address both of these policies and what impacts the changes may have, specifically to rare and state listed species (turtles, frogs, etc.) in significant habitat including nesting habitat along both Summer and Fanno Creeks.

- **CP, Action measure 8.2.2.ix:** This new proposed measure is relatively meaningless and we oppose it based on the knowledge that signage does not work in reducing the number of people going off trail, etc. Is the city going to walk the trails and make sure people follow their signage? I doubt it. We even have a parks board member who routinely runs his two dogs loose at the Fowler property into the wetlands. How do we stop that? What we need is NO NEW TRAILS.
- **We oppose the acceptance of the GTSMP based on a number of factors:** 1)
When we commented on the Transportation Plan in October of 2010 (see our comments added below at the end) we saw and were told by Planner Darren Weiss that the Summer Creek Trail was NOT on the transportation plan. We also note that when the neighborhood trails group met, the Summer Creek Trail was a LOW priority due to cost and negative impacts to wildlife, etc. Now in this GTSMP, we see that this same trail has become a high priority and that it is even in the “planning stages”, despite huge opposition from this entire neighborhood and what we were told by Mr. Weiss. The fact that this trail is now back in the plan and that it is in the planning stages is a huge violation of trust between citizens and staff of the city of Tigard. We OPPOSE the Summer Creek trail, period. It is a bad idea, in great part due to the fact that this stream corridor still support rare painted turtles, wood duck, red-legged frogs and other species that MUST have quiet, backwater habitat to survive.
 - We also oppose the acceptance of the GTSMP because it has included Kruger Creek trail, which is a stream that has inadequate buffers already and putting a trail in this already too small buffer will have huge negative impacts to wildlife.
 - We also oppose the GTSMP acceptance because it proposes a sidewalk and nature trail in the Fowler property, also known as the Summer Creek Natural Area. This site is already loaded with trails, many of which have caused great damage to the camas prairie and other plants on the site. IF any new trail is proposed, then we need to look at what existing, illegal trails in sensitive areas should first be closed, and then determine where a new trail might be appropriate. Most of the site is wetlands and is TOO WET to have a trail in it.

- The GTSMP has failed in that it has not conducted a full analysis of what these new proposed trails may have on wildlife, including rare species such as turtles and frogs, birds, etc. Until this is thoroughly done, NO new trails should be proposed. We note that in all of the work done on this Plan, NO expert wildlife biologist was consulted. The Lower Willamette Turtle Working Group, of which I am a founding member, opposes trails in areas that support turtles or turtle populations and this includes both Summer and Fanno Creeks, due to their high level of disturbance and negative impacts to turtles and habitats from humans, dogs, etc.

Sincerely,

Sue Beilke
11755 SW 114th Place
Tigard, OR 97223
Board member, Fans of Fanno Creek
President, Friends of Summer Creek
Director, The Oregon Turtle Conservancy

Staff Responses to Sue Beilke's letter to Planning Commission, dated 6/19 received 6/20/11

Action Measure 8.1.20.xix

Make parks, trails, and open spaces universally accessible by as many people as possible by adhering to the United States Access Board accessibility guidance and standards, AASHTO design guidance, and Metro trail standards, where possible.

. . . **drop the last words, 'where possible'.**

RESPONSE: We have some instances where existing greenway trails do not meet ADA standards, such as the connection from the main stem Fanno Creek Trail to the Senior Center. The slope of the area makes it difficult to achieve compliance without excessive switch backs that would increase the area disturbed by the trail. Staff does not recommend deleting "where possible", given the topography of the city and instances where the choice may be between no trail and one that is not ADA compliance.

Policy 6 The City shall acquire and manage some open spaces to solely provide protection of natural resources . . .

RESPONSE: Beyond the ellipsis are the words "*and other open spaces to additionally provide nature-oriented outdoor recreation and trail-related activities.*"

There is a well-documented history of the greenways providing routes for the greenway trail system. The greenway trail network was first delineated in 1974 in the Tigard Area Comprehensive Pedestrian-Bicycle Pathway Plan, which identified proposed on- and off-street bike/ped facilities. The off-street trails followed the Greenway System proposed in the 1971 Tigard Community Plan. Later, Tigard's first park system master plan, adopted in 1987 as the Tigard Park Plan, identified a network of proposed greenway trails within the City as did the updated Tigard Park System Master Plan adopted in 1999. The current park system master plan, adopted in 2009, contains the now official map of the greenway trail system, upon which the GTSMP is based. The network includes eight trails: Fanno Creek Trail, Tualatin River Trail, the Westside Trail, Washington Square Loop Trail, Summer Creek Trail, Pathfinder-Genesis trail, Krueger Creek Trail, and the "Tigard Street" Trail (see map attached).

The Community Development Code implements this policy by requiring developers under 18.774.070.B.4 to provide an easement for trail as a condition of development approval. Under 18.775.070.B.4, a land form alteration or development plan must include a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the Hearings Officer as untimely.

FINDING: The open spaces included in the greenway system have historically been identified in adopted city documents as providing routes for greenway trails and not as areas to be managed solely for the protection of natural resources. Moreover, any proposed site-specific greenway trail

development activities must be approved under a separate application and will be required to meet application standards, including city, regional, state and federal environmental regulations.

Staff does not recommend any changes to the proposed acceptance of the GTSMP.

Policy 17: The City shall maintain and manage its parks and open space resources in ways that preserve, project, and restore Tigard's natural resources, including rare, or state and federally listed species, and provide "Nature in the City" opportunities.

RESPONSE: As noted in the staff report, the trail segments under consideration were routed and designed to be sensitive to the natural environment. An environmental consultant (Mason, Bruce & Girard) was included on the project team. This consultant provided an assessment of the potential environmental impacts of the alignment options under consideration for filling trail gaps. The consultant also looked at conformity with environmental permitting and regulations. The reason for the emphasis on minimizing conflicts and consistency with regulations is that the Tigard greenway corridors contain the city's major streams, along with most of its wetlands and wildlife habitat. The end result is that, in some cases, where environmental impacts and construction costs are high, the GTSMP identifies on-street trail segments as the preferred route. This includes four segments where on-street routes are identified as the recommended route option.

The issue of rare and endangered species is addressed in the environmental report which is included as an appendix to the *GTSMP*, along with others.

Additionally the *GTSMP* calls for the use of boardwalk over as opposed to the use of fill to cross wetlands within a trail alignment. Fill is much less expensive than boardwalk, but is less disturbing to the environment.

Staff does not recommend any changes to the proposed acceptance of the GTSMP.

Action Measure 8.2.2.ix: This new proposed measure is relatively meaningless and we oppose it based on the knowledge that signage does not work in reducing the number of people going off trail, etc.

Provide interpretive signage along greenway trails for its educational value and as a means of keeping trail users on the trail to reduce encroachment into greenway natural areas. eople going off the trail, etc.

RESPONSE: Whether and to what degree interpretive signage is effective in keeping trail users from wandering into natural areas is a matter of opinion. This action measure is based on the recommendation of the Tualatin Riverkeepers representative on the master plan stakeholder advisory committee and on staff observation of visitor behavior at the THPRD Nature Park. Using interpretive signs as a means of keeping trail users on the trail also was recommended by the *GTSMP* consultant team, who have many years of experience with all aspects of trails. Interpretive signs certainly are valuable in their own right because of their educational benefit.

Staff does not recommend any changes to the proposed adoption of this action measure.

We oppose the acceptance of the *GTSM*P based on a number of factors: because it includes the Summer Creek and Kueger Creek Trails . . .

RESPONSE: Contrary to this statement the *GTSM*P calls for an on-street alignment for the majority of the Summer Creek and Krueger Creek Trails. Along Summer Creek it does include a segment connecting crossing from 116th to Katherine Street and the nature trail on the Fowler property. Along Krueger Creek it includes a short trail from to the fire station parking lot to Jack Park.

The Kruger Creek Trail greenway portion that in the Greenway Plan connects a City owned parking lot to Jack Park. The short trail and bridge crosses the creek and riparian area to allow public access from an off-street parking area to an existing public park. The trail does not run down a narrow portion of greenway, but crosses the creek as quickly as possible as recommended in Metro trail guidelines. The bridge will be much less impactful than the damaged culvert that is still in the creek at this crossing

The proposed nature trail has existed on the property for at least a decade (and probably longer). The proposed interpretive trail is a centerpiece of the education plan that will meet the terms of two grants used to fund the purchase of the property, and will comply with the conservation easement that are included in the grants agreements. There is no “new” trail proposed, though the existing trail may be moved if a better alignment with less impact on the environment can be found. A sidewalk is also proposed along Tigard Street, where none presently exists. This sidewalk likely will be required as part of approval conditions for the development of the park.

The crossing at 116th was proposed because the recommended Summer Creek Trail is to the north of the greenway and located along Tigard Drive. The nearest crossings that provide access are at 121st, and at Fowler Middle School, to the existing interpretive trail. Pedestrians presently are using the greenway to cross Summer Creek as a shortcut. The proposed crossing would “elevate” the public out of the stream and riparian corridor with a boardwalk and bridge.

The Greenway Trail Master Plan was not intended as a final analysis for wildlife impacts or engineering feasibility. It is simply the best alignment based on the partial analysis that could be included in this overarching study. More extensive studies of all kinds will need to be conducted before permitting and construction can occur.

Staff does not recommend any changes to the proposed acceptance of the *GTSM*P.

No expert wildlife biologist was included on the consultant team.

As noted, the environmental consultant, Mason, Bruce & Girard was part of the consultant team. And any individual trail segments would be required to go through the land use approval process and meet any relevant environmental standards.

Staff recommends acceptance of the *GTSM*P.