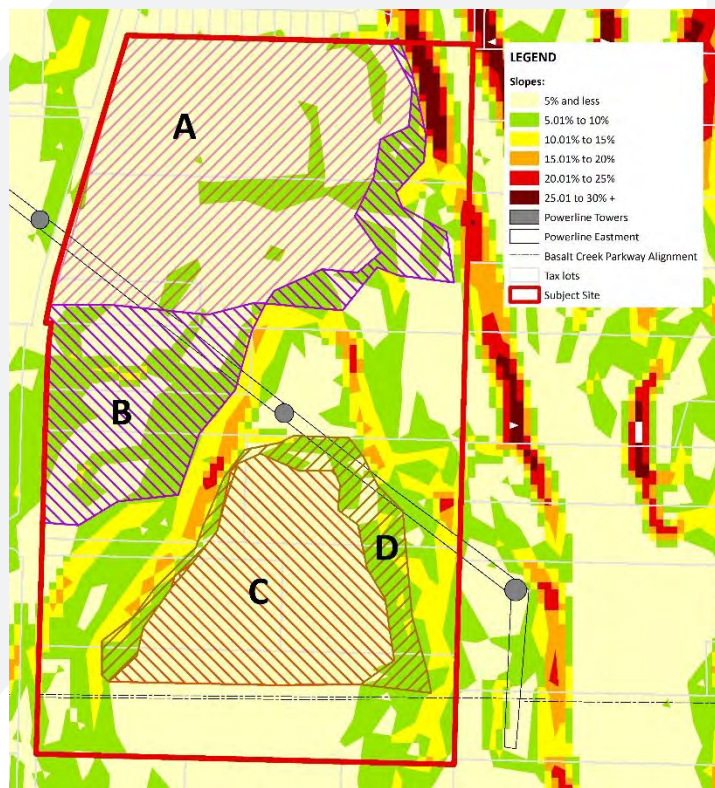


Table 1: Estimated Development Area			
	Estimated Development Area with Slopes mostly 5% and less	Estimated Development Area with Slopes above 5% to 10%	Total potential development area
Northern Development Area (Areas A and B)	16 acres (Area A)	+ additional 10 acres (Area B)	26 acres
Southern Development Area (Areas C and D)	8 acres (area C)	+ additional 3 acres (area D)	11 acres
Total:	24 acres	+ additional 13 acres	37 acres

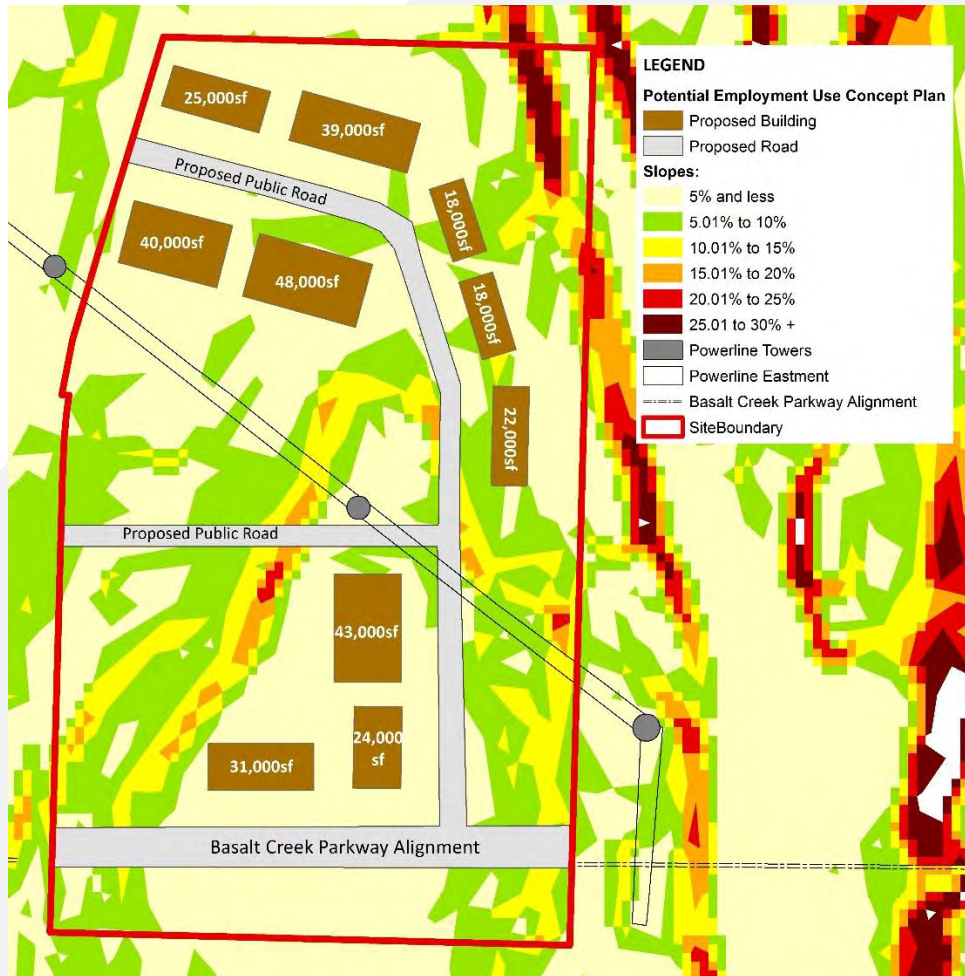
Figure 2: Estimated Development Area Acreages and Slopes Map



However, the difficulty with utilizing only the high-level planning approach is that number of acres don't necessarily tell the whole story regarding the developability of the subject site. Size and configuration of sites usually results in less building coverage because buildings are rectangular and physical site conditions are usually not. Therefore, a second approach to testing the site was utilized to provide a better picture of potential for industrial/employment uses. A Mackenzie architect experienced in industrial/employment development evaluated existing site conditions and created a conceptual site plan responding to size, configuration and access considerations. Given the topography challenges, existing power lines and structures, the future Basalt Creek Parkway alignment (and required right-of-way dedications) and access limitations, we determined that the subject site could potentially support approximately 315,000 sf of

industrial/employment uses in 10 buildings, ranging in size from 18,000 sf to 43,000 sf. The conceptual plan below results in approximately 40% developable area, which includes the public roads, buildings, and associated parking areas, and is based on a building coverage factor that would result in the potential for approximately 315,000 sf of building area. This conceptual plan is shown in Figure 3 below and Exhibit B.

Figure 3: Conceptual employment use concept plan



OTHER CONSIDERATIONS

When comparing the land use concept of Basalt Creek, as shown on the Basalt Creek Concept Plan website¹ as of April 2016, the plan identifies the majority of the subject site as Employment with some Light Industrial/ Tech Flex and the northern taxlot as Multi-Family Residential. The property directly to the east is identified as the Basalt Creek Canyon, to the south is identified as a Light Industrial District, to the west is identified as Light Industrial/Tech Flex District, and

¹ http://www.basaltcreek.com/wp-content/uploads/2016/04/Basalt-Posters_042816_small.pdf

Residential is designated to the north. Proximity to other industrial development will be important for industry synergies and future market growth.

CONCLUSION

The site is certainly feasible for employment, and given the existing site conditions and subject site location, the following employment uses may be suitable for this site:


- Flex business park (health services, professional services, support services, administration/back office support operations, incubator space)
- Office or office campus
- Manufacturing (food processing, metals, chemicals, equipment, machinery, product/components assembly)
- Commercial support services (restaurants, coffee shops, print shops) along the future Basalt Creek Parkway

NEXT STEPS

Significant transportation and utility planning must occur during the concept planning process to identify infrastructure needed to support the development of this site and adjacent uses. Infrastructure needs analysis, transportation analysis, and/or costing are not a part of this effort, however, we caution that this information is necessary along with a geotechnical report and ALTA survey to provide a complete analysis and recommendation.

Lastly, a market study to determine the need for employment uses and others (retail, commercial, residential, etc.) may assist the County and the cities of Wilsonville and Tualatin in determining the appropriate amount of industrial, employment, commercial, retail, and residential land requirements in the Basalt Creek Planning Area. The market study would further bring clarity to the market's ability to execute development across varying uses and determine the highest and best use of the subject property.

Sincerely,






Gabriela Frask
Land Use Planner, Associate
Assistant Department Head

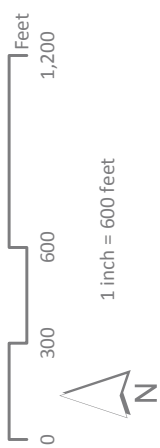
Enclosure(s): Existing conditions map
Concept plan

c: Todd Johnson - Mackenzie

Basalt Creek Employment Site Washington County, Oregon

LEGEND

-  Subject Site
-  Tax lots
-  Urban Growth Boundary (UGB)

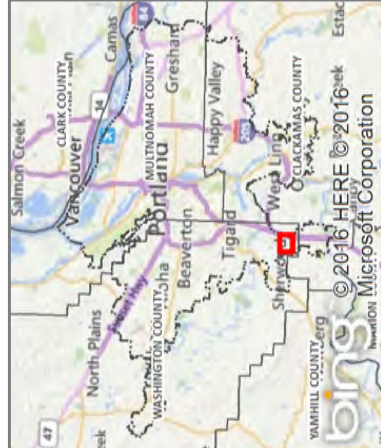


SOURCE DATA:
Metro PLUS Lite Base Data,
Nov 2016

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North
Lambert Conformal Conic

Date: 12/22/2016
File: SiteAerial_11x17_ExhibitA

Map Created By: GF
Project No: 2150111.01



MACKENZIE.

P 503.224.9560 • F 503.228.1285 • W MCKENZIE.COM
RiverEast Center 1515 SE Water Avenue, #100, Portland, OR 97214
Portland, Oregon • Vancouver, Washington • Seattle, Washington

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EXHIBIT G

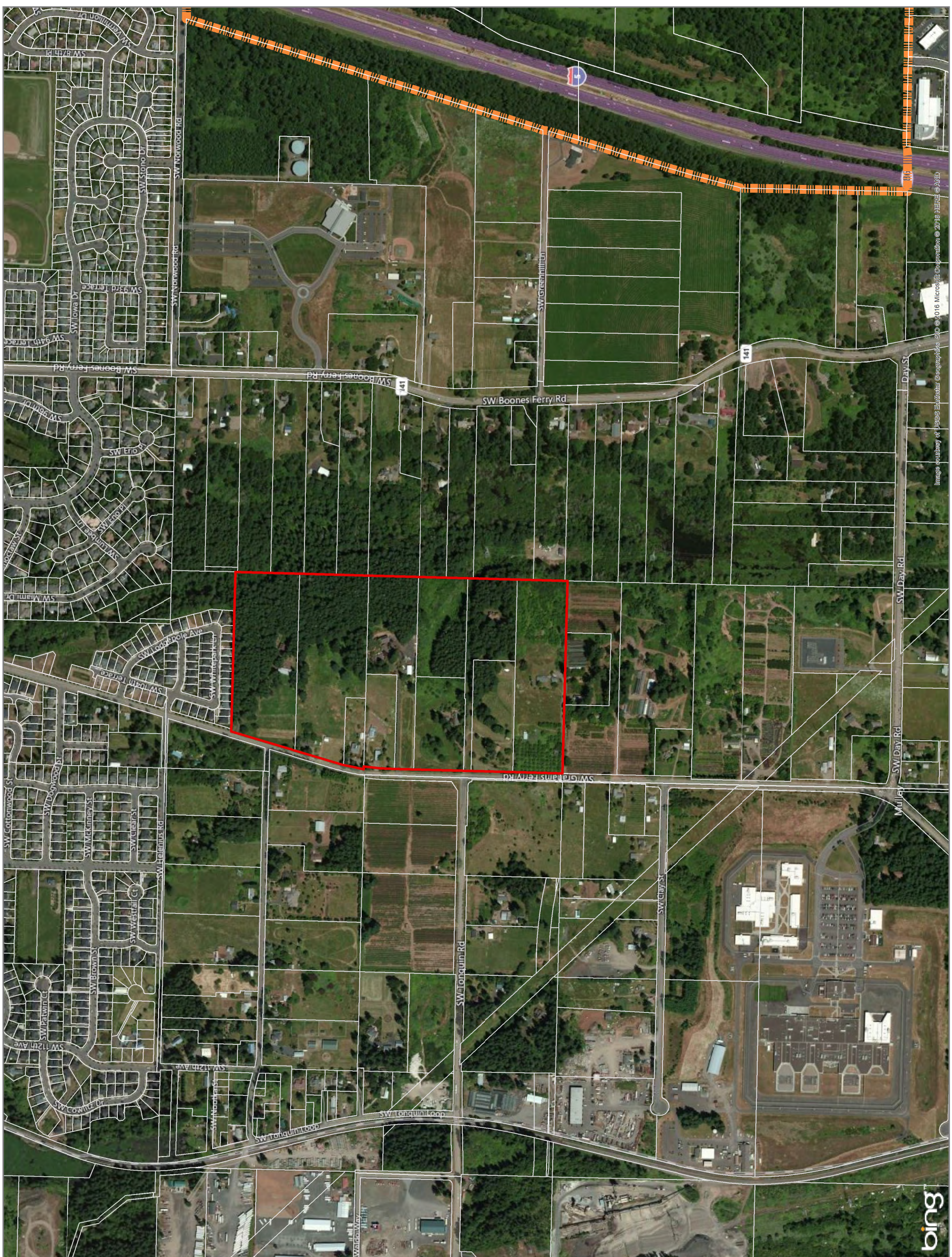
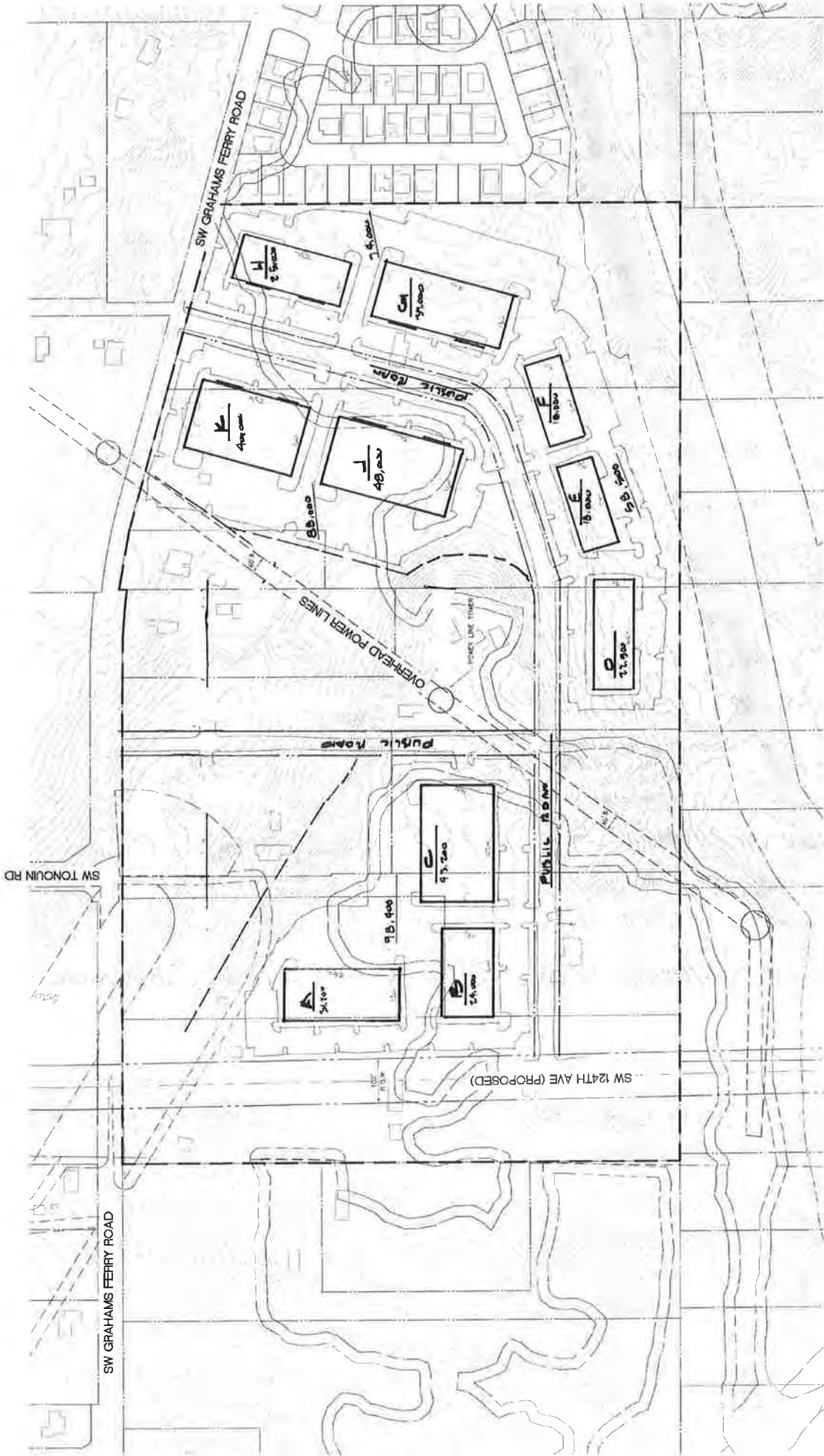


Image courtesy of Jesses Edmister Geographics SPO © 2016 Microsoft Corporation © 2013 HERE and



SITE XX
BASALT CREEK SITE
 SW 124TH AVE
 WASHINGTON COUNTY, OREGON

NOTE: CONTOURS SHOWN AT 2-FT INTERVALS
 12.20.2016 - 2:50:11.01

SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (AND %)
PROPOSED BUILDING A, D, & C	3000	95,400 SF	100	1/1000	10000
PROPOSED BUILDING B, E, & F	1000	93,300 SF	100	1/1000	10000
PROPOSED BUILDING G, H	2000	71,200 SF	100	1/1000	10000
PROPOSED BUILDING I, J, & K	500	88,000 SF	100	1/1000	10000
TOTAL	10000	347,900 SF	400	1/1000	40000

318,500 SF

LEGEND

[Symbol]	SITE BOUNDARY
[Symbol]	PROPOSED R.O.W.
[Symbol]	ELEVATION CONTOUR (10')
[Symbol]	SPARIAN AREAS

OPTION ONE
 DEC. 21, 2016
 318,500 SF
 "EMPLOYMENT BUILDINGS"



McKenzie
 2022A 8500 3RD FLOOR
 SEATTLE WA 98148
 www.mckenz.com
 Architecture • Interiors
 Planning • Engineering



Hanmi Global Partner

808 sw third avenue, suite 300 • portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

1

BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon

August 23, 2016, Revised November 21, 2016

Introduction

- Otak Inc. (Otak) represents The Sherwood Grahams Ferry Investors LLC, headed by Herb Koss, who hold 10 acres in the 41 acre northeast quadrant of the overall district. The property is located near the northeast corner of Grahams Ferry Road and extends over to the Basalt Creek Canyon along the proposed new east-west arterial road. This summary of concerns and the amended concept plan lay out our intended direction moving forward.

Project Concerns

- Otak’s concern is that the northeast quadrant area is not well suited to industrial zoning or employment transition proposed by the concept plan.
 - **Topography.** Much of the site contains slopes in excess of 10 percent (10%) and 25 percent (25%). The site would be extremely difficult to flatten out to accommodate industrial or employment transition site development requirements. Attached is a topographic map of the South Center project provided to City of Tualatin (City) staff. Otak designed this flex-space project. The topography is half as severe as portions of the 41 acres site. The site would be extremely difficult to develop given today’s American with Disabilities Act (ADA) requirements.
 - **Access.** Vehicular access will be limited to Grahams Ferry Road and extending Tonquin Loop into the site. No access will be permitted on the proposed new east-west arterial road.
 - **Basalt Creek Canyon.** The industrial land abuts the Basalt Creek Canyon with no transition.
 - This is not a big change but rather a refinement to the concept plan. It is a defined site area that makes up about 3 to 5 percent (3-5%) of the total Basalt Creek Study Area. Also there are currently 329 acres of undeveloped industrial land within a one mile radius of the study area.

Land Use Context

- The following shows a comparison of Metro’s initial goal for the district, the City’s current plan, and the proposed amended plan.

Metro	2500 Jobs	1200 Households
City Plan	4500 Jobs	600 Households
Amended Plan	4070 Jobs	1194 Households

The amended plan proposes a more balanced approach that is well within the intended mix proposed by Metro when the land came into the Urban Growth Boundary (UGB).

A group of mayors in our region have gone to Metro and asked Metro for flexibility related to UGB expansions. They have asked Metro to look at lands and appropriate zoning designations on a sub-regional basis. They have asked that Metro consider factors such as slope, and proximity to infrastructure, to help avoid situation like Damascus. We are asking you to do the same. We recognize that the region anticipated that the Basalt Creek area would primarily be zoned employment uses.

It is certainly anticipated that the vast majority of the land will be used for that purpose. But, within the Basalt Creek Planning Area, there are sub-areas that cannot reasonably be developed as employment land because of topographic and other issues. The 41 acres that we have asked the City to zone for residential purposes is one of those sub-areas. There is land to the west and south of this land that is zoned employment, that land is flatter than the subject 41 acres, and it is closer to transportation infrastructure than the subject 41 acres. Neither PacTrust Pacific Realty Associates, LP nor Brian Clopton Excavating believed that an employment designation was possible given the slope and soil quality. Instead of designating the property with a designation that will result in it never developing, we ask that you give it a designation that will make development feasible. If you do not do so, it will sit vacant; counting as developable employment land, just as Damascus has sat vacant, counting as available housing stock. Its designation will prevent further necessary expansions.

There is a housing crisis in our region and the latest modeling has demonstrated the importance of having residential land and employment land in close proximity. This is an opportunity to provide housing, on land which cannot be feasibly developed as employment land.

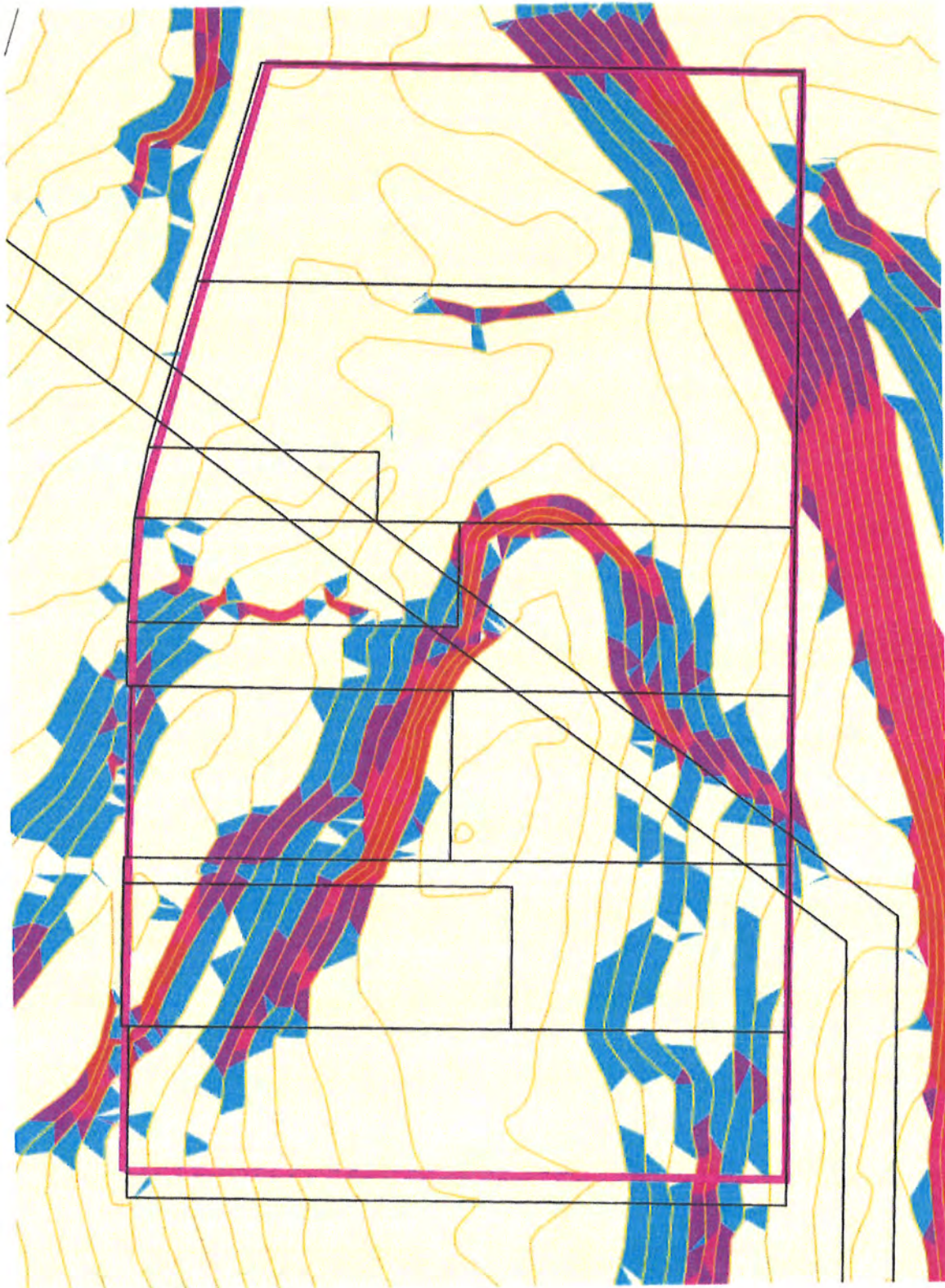
Amended Plan Options

- The attached concept plan option summarizes the requested amendment for proposed land uses that fit the site and its unique conditions.
- The plan anticipates building Tonquin Loop as an actual loop with two access points on Grahams Ferry Road. This road extension will provide complete access to the properties and also access to property owners east of the site.
- Three densities of residential are shown as transition to the neighborhood to the north and canyon to the east and also along the new east-west arterial, which is down 25 vertical feet from the site area. A center core area of potential retail, high density residential, and open space could serve as a walkable destination in the neighborhood. Also secondary access can be provided to the developable lands to the east above the canyon.
- Property uses can be molded to fit actual site conditions and provide a mix of housing (including workforce housing) close to jobs anticipated to the south and west.
- The programmed development will “be trip cap neutral” compared to the current city concept plan.

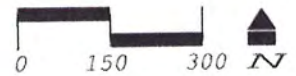
Benefits

- A walkable neighborhood with appropriate transitions and destinations
- Land uses that are adaptable to actual site conditions. The mix of uses will act as a **catalyst to create activity in the district**. The high-density residential (HDR) land provides the best opportunity for workforce housing next to employment lands. Residents won't need a car to commute.
- A plan that meets Metro's initial objectives when the land was brought into the UGB.
- A more complete quality neighborhood for the City of Tualatin.

Attachments: Basalt Creek Site Topo
Basalt Creek Slope Analysis
South Center Site Topo (Comparison)
Basalt Creek Land Use Concept
Letter from PacTrust Pacific Realty Associates, L.P.
Letter from Brian Clopton Excavating
Letter from Micheal Diamond, Real Estate Investment Group
Basalt Creek nearby Job Lands Map



11-16-2016

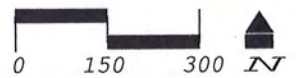


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Yellow
2	10.00%	15.00%	Blue
3	15.00%	20.00%	Purple
4	20.00%	25.00%	Pink
5	25.00%	357.23%	Red

BASALT CREEK SLOPES ANALYSIS

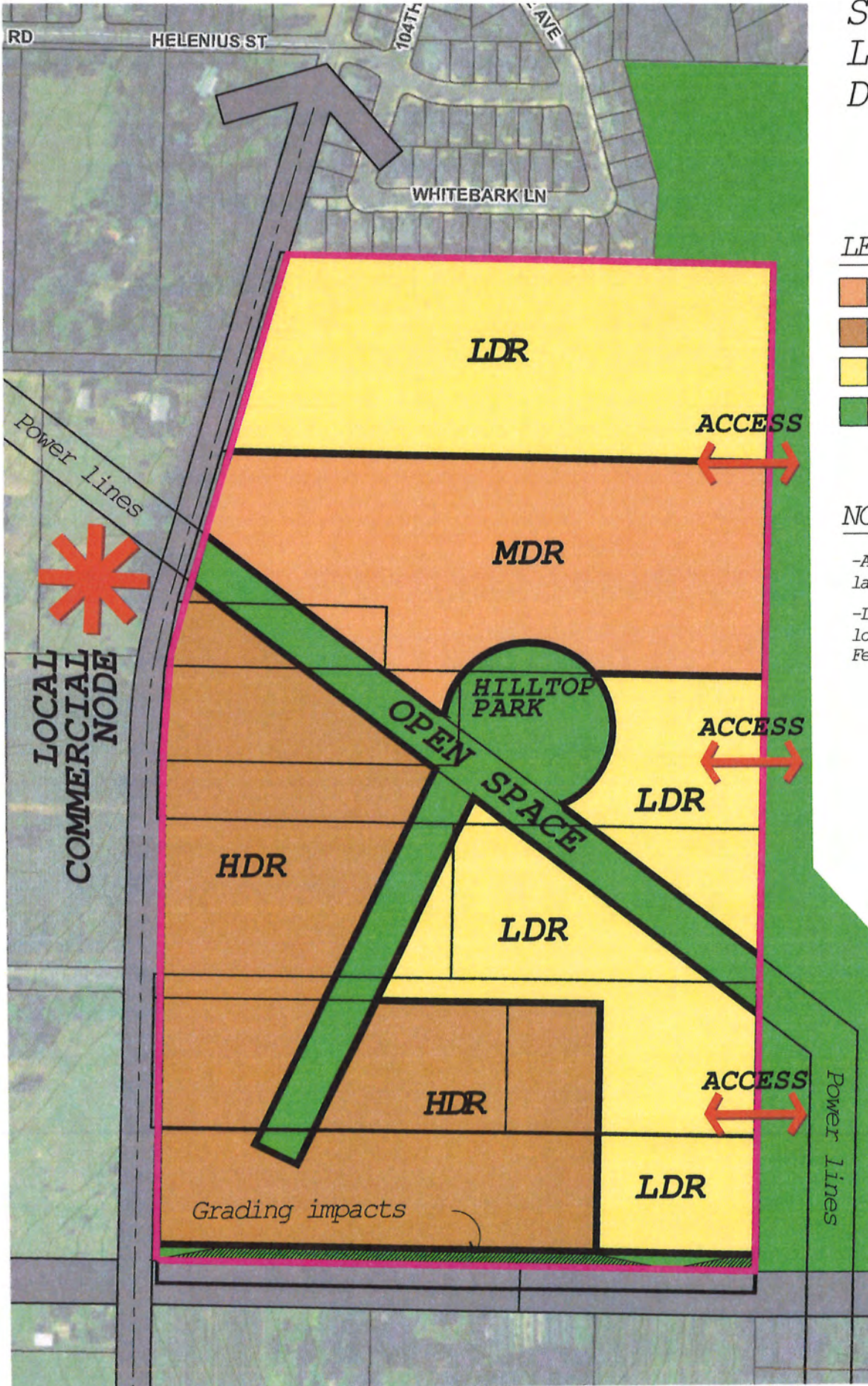


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

- Mid Density Residential
- High Density Residential
- Low Density Residential
- Open space

NOTES

- Access provided for landowners to East
- Local commercial node located across Graham's Ferry Road

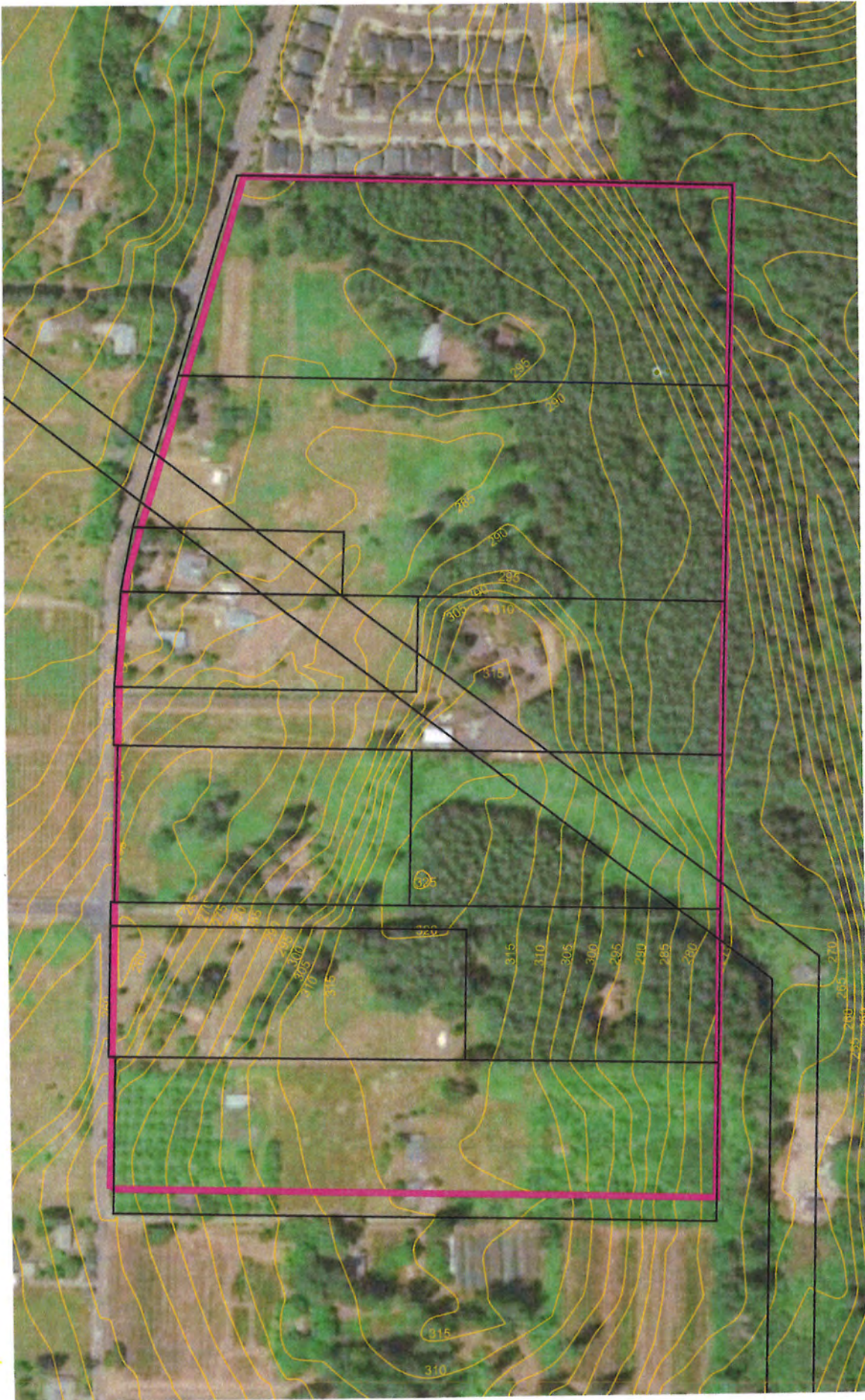


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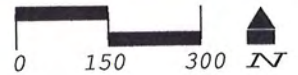


Basalt Creek Concept Plan

EXHIBIT H



11-16-2016



BASALT CREEK SITE TOPO



PO Box 509
Wilsonville, OR 97070
P: 503-682-0420
F: 503-570-3235
www.cloptonexcavating.com

2

November 18, 2016

Dear Mr. Koss

You have asked me to visit the 41 acre site located in the Basalt Creek Planning area. Your question was the feasibility of grading this site for employment land vs. a residential zone.

For your information my company has just purchased another four acres next to our Clay Street property. With this acquisition we now have 16 acres of land on Clay Street. I am very familiar with this area and as you know my company has mass graded many sites in the Portland Metro Area. I have been asked many times to inspect potential projects in order to determine problems that may be associated with a developer's site plans --- slopes, access and feasibility.

Thank you for providing me with topography of the site. It was very helpful and to be honest the slopes on the site were more severe then I first thought. The other big issue is the amount of rock that would be encountered with any grading necessary to accommodate any development on this site. This site is far better suited for Residential use since grading for this does not require the same topographic grading in comparison to employment uses. The Basalt Creek area does feature other land that is suited for employment; however the 41 acres you have asked me to visit is not in that category. I was also surprised by the 18 to 20 foot cut in order to accommodate the extension of Basalt Creek Parkway.

If you require any additional information please let me know.

Sincerely

Brian Clopton

President/Owner

PACTRUST
Pacific Realty Associates, L.P.

15350 S.W. Sequoia Pkwy., Suite 300
Portland, Oregon 97224
503/624-6300 • Facsimile: 503/624-7755

3

November 14, 2016

VIA EMAIL

Herb Koss
2643 South Shore Boulevard
Lake Oswego, OR 97034

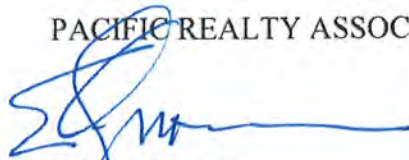
Dear Herb,

At the request of Peter Bechen, I toured your site north of the future Basalt Creek Parkway last week. PacTrust is developing an industrial park several miles north at 115th Avenue and Tualatin-Sherwood Road in Tualatin known as Koch Corporate Center. We are interested in locating a site to develop in the Coffee Creek area for light industrial uses. Unfortunately, the topography of your site makes development of industrial or flex buildings uneconomic. We believe housing would be a more appropriate use for the site. The smaller floor plates for housing enable it to work with slope conditions present on your property. Industrial/employment land requires sites to be much more flat due to dramatically larger floor plates, parking requirements, loading areas for trucks and ingress/egress concerns for trucks. There are several sites in the area that are more appropriate for industrial/employment development.

Let me know if you would like to discuss this further.

Yours very truly,

PACIFIC REALTY ASSOCIATES, L.P.



Eric A. Sporre
Vice President



4

November 21, 2016

Herb Koss
2643 South Shore Blvd.
Lake Oswego, Or 97034

VIA: EMAIL

RE: 41-acre Basalt Creek southern boarder 23960 SW Grahams Ferry Rd.

Dear Herb,

I visited the site and spent a considerable amount of time driving the area. It is an exciting development area especially when the Basalt Creek Parkway is completed.

The topography of the site is such that developing an industrial project would be very difficult and if done would be at best marginal and very inefficient. Industrial, flex buildings require large foot prints, large drive areas for loading and turning radius. There are better sites in the area for this type of use.

I also looked at the site for office park use and concluded that due to the steep topography of the site it could have a negative impact on the proximity of the parking that may pose an issue with ADA requirements. I also believe that the extraordinary site cost and small office footprints would not be cost effective and competitive in the office market. Furthermore, the location does not readily lend itself to that use.

This site lends itself to smaller foot print buildings such as housing and multifamily that can be planned around the steep grades and terraced into the topography. It is my opinion that the highest and best use for this site are single family homes buffered along the frontage with multifamily housing.

Our office has forty years of experience in commercial real estate and have procured sites for commercial developers such as Gramor, Holland Development LLC and West Hills.

Let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Michael N Diamond", written in a cursive style.

Michael N Diamond
Principal Broker

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:56 PM
To: Peter Watts
Subject: FW: Basalt Creek Renus



Thanks Herb Koss

Begin forwarded message:

From: Renus Kelfkens <Renus_Kelfkens@co.washington.or.us>
Date: February 1, 2017 at 12:02:54 PM PST
To: Herb Koss <herb@kossred.com>
Subject: RE: Basalt Creek

Hi Herb,

Yes, Basalt Creek Parkway is a limited access road. The only access will be from Grahams Ferry Rd, and Boones Ferry Rd. Currently we have not done any topographic survey, or design but it is reasonable to expect an 18-FT to 20-FT cut. This will be investigated during the design phase of the project.

Sorry for the delayed response. Please let me know if there are any other questions or comments.

Thanks,

Renus Kelfkens | Project Manager
503-846-7808 renus_kelfkens@co.washington.or.us

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Friday, January 27, 2017 12:40 PM
To: Renus Kelfkens
Subject: Basalt Creek

Dear Renus

I wanted to pass along the employment site evaluation prepared by Mackenzie. After our conversation earlier this week it seems clear to me that some of the assumptions that Mackenzie made, are not consistent with the transportation plan for the area. Although, the site evaluation shows access off of Basalt Creek Parkway, my understanding is that the county will not allow access. Additionally, the evaluation has Basalt Parkway in the wrong area, does not reflect the 18-20 foot curb cut, onto the property, nor does it show the residential that is planned on the northern portion of the site to transition from the existing neighborhood. I spoke to Mackenzie this week, and they indicated that they had not contacted the county regarding the transportation access, or the residential at the northern portion of the site.

Would you be willing to confirm that there is no planned access off of Basalt Creek Parkway, and that the curb cut is expected to be 18-20 feet? I think that that information will be enough for Mackenzie to retract their site evaluation. Please correct me, if anything that I have indicated isn't

accurate. My goal is to make sure that everyone is working off of the same assumptions, so that we can properly assess the site suitability. Thanks for all of your help, and taking the time to talk.

Herb

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:49 PM
To: Peter Watts
Subject: FW: Proposal - Basalt Creek McKenzie
Attachments: PRO-Koss Real Estate-Scope and Fee-170209.pdf



From: Todd Johnson [mailto:TJohnson@mcknze.com]
Sent: Friday, February 10, 2017 12:04 PM
To: Herb Koss
Cc: Dennis Woods; Gabriela Frask
Subject: FW: Proposal - Basalt Creek McKenzie

Hi Herb-

I've been in meetings all morning. Sorry for the delay in getting this to you.

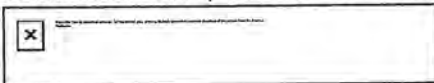
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for resource lands, geotechnical conditions, and topography. This scope includes developing site specific data to allow cost feasibility analysis to our previous study. By improving the accuracy of the data we have through onsite study and mapping, we will be able to determine if the site is economically viable for employment use, or also look at residential uses as alternates for economic viability.

It's my understanding that you have new information for the road connections and locations that we did not use in our previous report. That type of data would be collected as part of our work and would be incorporated into the scope we propose in the attached scope and budget letter.

Let me know if you have any questions about the attached scope, or if you would like us to change the proposal in any way. If the scope we outlined in the attached letter is satisfactory, I'd suggest we have a meeting with you and the project team to refine the tasks we identify prior to us commencing work.

Thanks for the opportunity to present this scope of work. I'll call you to discuss it.

Todd Johnson
Senior Associate / Director of Planning



Architecture · Interiors · Engineering · Planning

P 503.224.9560 W mcknze.com C [vcard](#)

RiverEast Center, 1515 SE Water Ave., Suite 100, Portland OR 97214

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February 10, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

In response to your request I have reviewed the Basalt Creek Concept Plan materials with regards to the suitability of employment/light industrial development on the 63 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway. These materials included:

1. Tualatin Staff Reports
2. Mackenzie Study
3. Email from Washington County Basalt Creek Parkway project manager Renus Kelfkens regarding access to Basalt Creek Parkway.
4. DKS preliminary profile of the extension Basalt.
5. OTAK Basalt Creek Concept Plan.

We understand that the City, Metro and Washington County's desire is to zone this area for employment land. Development potential of land for employment uses, as stated in the MacKenzie report, is generally assumed to have less than 5% slopes. This is to allow for larger building footprints, parking, loading areas and truck access.

The two areas that meet that criteria for this property is the northerly 1/3 adjacent Victoria Gardens and the top of the plateau area in the lower middle of the site. The northerly area would be well served with access from Grahams Ferry Road at Tonquin Loop and potentially a secondary access from Tonquin Road at Grahams Ferry Road. These to access points would appear to have good separation and sight distance on Grahams Ferry. The northerly area is very developable as employment land, however the City has set aside approximately 10 acres (almost half) as residential to buffer the Victoria Gardens lots.

The southerly plateau area's best access would come from the southerly property line and Grahams Ferry. However, this is the location of Basalt Creek Parkway which the County will not allow access. We also understand that the County has deleted the proposed Kinsman Road crossing of Basalt Creek Parkway shown on the Tualatin Concept and MacKenzie plans thereby eliminating the only at grade potential access coming from the southerly portion of the site. Therefore any access to the plateau area must come from the north (Tonquin Road or Tonquin

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

Road Loop). The plateau area is almost completely surrounded by steeply sloped land. The slopes range from over 10% to over 20%. The over 40 vertical rise needed to get from Tonquin Road to the top of the plateau area will take 800 feet at 5% not accounting for access to the lower property on either side or the potential impacts to wetlands.

There is slightly over 25 feet vertical rise from Tonquin Loop to the top of the plateau. This does not account for the low area just north of the plateau that drops down another 15 feet that this road would have to cross. While the grading is more manageable the result would be truck traffic routed through a residential area.

Neither access point can provide a secondary access to the plateau area. This is a negative for both traffic flow patterns and emergency access. In addition as these roads are raised to provide access to the plateau area, the access to land on either side of the road becomes more difficult.


This area is also well known for the hard rock that is very near the surface. We were the design engineers for Victoria Gardens where we had about 2-feet of fill brought into the site to reduce the rock excavation costs. Unfortunately, filling the area does not provide better access.

Employment land requires flatter slopes to serve larger building footprints and then adjacent parking/loading areas. Providing for truck access and typical development footprint will severely limit the development efficiency for this portion of the property. Residential uses are more flexible with access grades and smaller footprints however the site will still be difficult to development without access to the south.

In summary, the northerly one third of the property is well suited to employment land. However, contrary to the MacKenzie report, Tualatin's current plan reserves the northerly 10 acres or so (almost half) of the northerly area for residential to buffer the Victoria Gardens lots. The southerly plateau area is not well suited for employment land. This is due to access constraints, surrounding steep slopes, lack of secondary access and grading costs.

It has also been our experience that if property is forced into a development pattern it is not well suited for, it will end up being one of the last parcels developed and the quality of that development is usually below expectations. If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,


Anthony R. Weller, P.E., P.L.S.
President

\3273_CESNW_itr



Construction, Inc.

P.O. Box 489 • 915 S 12th Ave • Cornelius, Oregon 97113 • (503) 357-2193 • FAX (503) 357-3649

8

2/10/17

Subject: The Land South of Victoria Gardens to Basalt Creek Parkway

Dear Mayor Ogden and Tualatin City Councilors:

I am the owner of Ken Leahy Construction Inc., our firm specializes in all aspects of site preparation projects including full site development that require erosion control, clearing, grubbing, stripping, earthwork, cement soil stabilization, storm water detention facilities, bio swales, underground utilities (storm sewer, sanitary sewer, water distribution and franchise utilities), sanitary sewer lift stations and force mains. Our firm is celebrating its 50th year in the business and has been involved in many developments in the Portland Metro area.

At the request of Herb Koss and I toured the site on 2/10/17, to give him an idea of the feasibility of full site development for employment use. I also was given topography site maps detailing the slopes and grades on the property.

I personally have developed sites that contain large volumes of rock. Based on my personal experience I estimate that the cost of land preparation for the land described above would surpass the \$5.00 per foot range.

I looked at site access, and am basing my opinion about access on the understanding that no access will be allowed onto Basalt Creek Parkway. If there is no access from Basalt Creek Parkway, traffic will have to come from the intersection of Tonquin Road and Grahams Ferry Road. There is approximately 50 feet of elevation rise, from that access point, which creates major issues for truck traffic.

Limited access, topography, and the large quantity of basalt rock are all major issues. A single one of them might not prevent the site from being developed as employment land, but the combination of all three cannot be overcome. Mass grading of Basalt Rock is not financially feasible.

Sincerely

Ken Leahy

A diversified excavation, utility, street and site development company



HanmiGlobal Partner

808 sw third avenue, suite 300 • portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

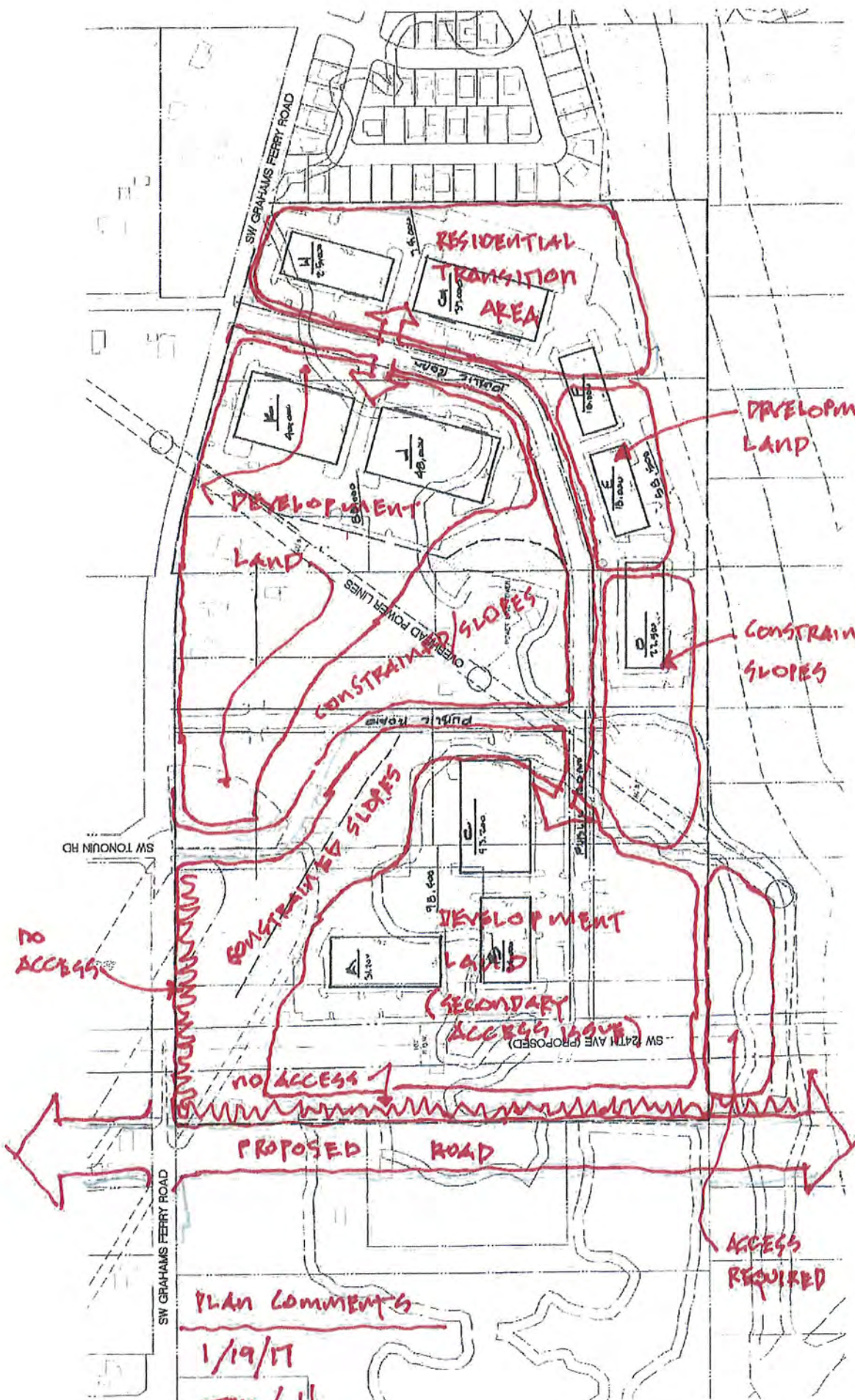


The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

- **Items/information not made available to MacKenzie**
 - Residential transition land at north end.
 - Correct location for the future Basalt Creek Parkway road.
 - No road connection/access onto the future Basalt Creek Parkway road.
 - No access is shown to properties to the southeast.

- **Plan Comments**
 - The comments on slope suitability are well stated for employment uses. Less than 5% slopes are best, 5-10% present challenges, and greater than 10% slopes are not feasible.
 - Sites A, B and C are somewhat feasible but would need a second access for emergency vehicles.
 - Sites D, E and F are not feasible for employment.
 - Sites G and H are in the proposed residential zone.
 - Sites L and K are workable.
 - There are about 18-20 acres of feasible land for employment development, but without good access a successful employment development is not feasible.
 - No consideration for costs of grading the site.
 - What about ADA?



PLAN COMMENTS
 1/19/17
 ORK/dh

OPTION ONE
 DEC. 21, 2016
 318,500 SF "EMPLOYMENT BUILDINGS"

LEGEND

SITE BOUNDARY	NET DEVELOPABLE AREA (M ²)
PROPOSED 4:0:0	ELEVATION INTERVAL (1:0)
	SPANNAN AREAS

SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (M ²)
PROPOSED BUILDINGS A, D & L	10,000 SF	10,000 SF	100	1:100	10,000
PROPOSED BUILDINGS B, C & F	10,000 SF	10,000 SF	100	1:100	10,000
PROPOSED BUILDINGS G, H & I	10,000 SF	10,000 SF	100	1:100	10,000
PROPOSED BUILDINGS J, K & M	10,000 SF	10,000 SF	100	1:100	10,000
TOTAL	40,000 SF	40,000 SF	400	1:100	40,000

SITE XX
 BASALT CREEK SITE
 SW 124TH AVE
 WASHINGTON COUNTY, OREGON

SCALE: 1" = 100'

NOTE: CONTOUR SHOWN AT 2' FT INTERVALS
 72, 82, 92, 102, 112, 122

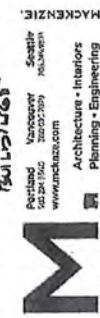


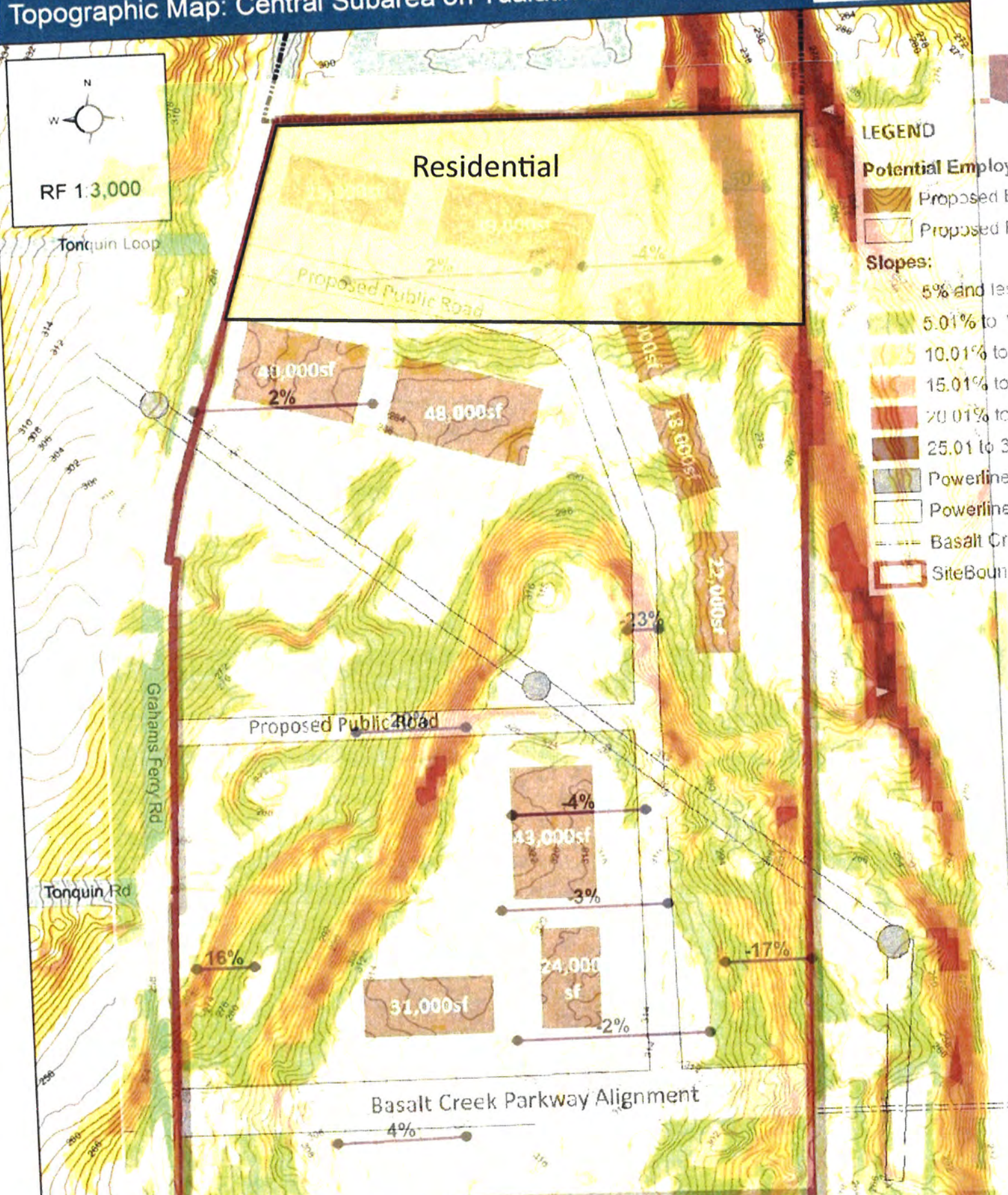
EXHIBIT H

10

Topographic Map: Central Subarea on Tualatin side of Basalt



North arrow pointing North (N), West (W), and East (E).
 RF 1:3,000



LEGEND

Potential Employ

- Proposed E
- Proposed f

Slopes:

- 5% and less
- 5.01% to
- 10.01% to
- 15.01% to
- 20.01% to
- 25.01 to 3

Powerline

Powerline

Basalt Cr

SiteBound

MEMORANDUM

Basalt Creek: Guiding Principles and Evaluation Criteria

TO: Basalt Creek Project Management Team (Cities of Tualatin and Wilsonville)

FROM: Leila Aman, Project Lead, Fregonese Associates

DATE: December 29, 2014

RE: Guiding Principles and Evaluation Criteria for the Basalt Creek Concept Plan

Purpose of Guiding Principles

Guiding Principles are intended to represent the collective interests and goals for the Basalt Creek planning area. The guiding principles provide a framework for gathering input and developing transparent and meaningful measures that can help inform the decision making process.

Purpose of Scenario Indicators

Indicators are the outputs of evaluation criteria which are created near the beginning of the scenario planning process. They generally reflect the guiding principles as well as previously adopted community goals. Indicators may also be related to new or emerging community goals or issues: such as transit access, housing costs, or air quality.

The indicators will be used during the development and evaluation of the scenarios within Envision Tomorrow to communicate the benefits, impacts and tradeoffs of different policy choices and investments. Using Envision Tomorrow, alternative scenarios are tested and refined, and then compared and evaluated based on their indicator performance. Indicators enable Envision Tomorrow users to tie the scenario results to the community values and guiding principles.

In practice, this approach not only allows the public to visualize their region's future, final plans created using our scenario planning process will come with a dashboard of indicators so policymakers can monitor their progress and make adjustments along the way, in concert with established guiding principles and long-term vision.

Guiding Principles

Qualitative Guiding Principles

1. Maintain and complement the Cities' unique identities

The cities of Wilsonville and Tualatin each have unique qualities that draw people to live and work there. Those qualities should be maintained and enhanced by development in the Basalt Creek planning area.

2. Capitalize on the area's unique assets and natural location

Development in the planning area should preserve and leverage the natural beauty of Basalt Creek by protecting key natural resources and sensitive areas while minimizing the negative impacts of new development. Recreation opportunities should be made accessible in the area through the creation of new open spaces and trails and integrating them with existing regional networks.

3. Explore creative approaches to integrate jobs and housing

Long distances between centers of employment and residential neighborhoods can cause long travel times, congestion and pollution. Planning for the Basalt Creek area should consider a range of methods (and the feasibility of those methods) for integrating residential and employment land uses to create more high quality living and working environments.

4. Create a uniquely attractive business community unmatched in the metropolitan region

Planning for the Basalt Creek area should capitalize on its unique assets - the location of the planning area near the center of one of the region's largest clusters of employment land, projections for rapid employment growth in the local market, and superior access to major transportation routes (I-5, I-205 and Highway 217) – to facilitate development of high quality employment facilities and opportunities that will benefit both the local and regional economies.

5. Ensure appropriate transitions between land uses

While integration of housing and employment can enrich a community, there remains a need for physical separation between uses that might negatively impact one another. Land uses should be arranged within the study area to minimize these impacts, such as excessive noise, traffic, nighttime light, or air pollution. Use of buffers to mitigate auditory, aesthetic, and safety impacts may include swaths of vegetated land, sound walls, or commercial development (among others).

Quantitative Guiding Principles

Associated measures from Envision Tomorrow and other quantitative analysis that will be conducted as part of the concept planning process are described.

6. Meet regional responsibility for jobs and housing

Population and employment forecast performance

Using output from the Envision Tomorrow scenario modeling tool added jobs and housing units will be compared back to the regional forecast estimate (from Metro's Gamma model) for jobs and households within the planning area.

7. Design cohesive and efficient transportation and utility systems

Evaluation of Wet Infrastructure

Aggregate water and sewer requirements will be developed for each of the three (3) alternatives. A comparison will be provided indicating required capacity and potential infrastructure elements based on each alternative land use plan and the existing systems inventory.

Performance of transportation systems

Motor vehicle transportation system for each of three alternatives will be evaluated including the development of future year 2035 PM peak hour volumes using a focus-area travel demand model. Intersection operation analysis (level of service and v/c ratios) based on the forecasted 2035 PM volumes will be conducted using Synchro.

Internal water consumption and Landscaping water consumption

Water consumption has a major impact both financially and environmentally. Water bills can make up a large proportion of household or business utility costs, and excessive water consumption can put a strain on water supplies and infrastructure, especially in regions with water scarcity. Anticipated domestic and irrigation water consumption by residential households and commercial or industrial businesses will be estimated based on existing usage patterns within Tualatin and Wilsonville."

8. Maximize assessed property value

Building value and local revenue

Adding new housing and employment space to a community brings additional tax revenue that can be used for new infrastructure and services to support new and existing residents and businesses. Different scenarios can produce different amounts of tax

revenue (property tax, sales tax and transportation impact fee (TIF)) due to the differing values of particular building types and locations. .

9. Incorporate natural resource areas and provide recreational opportunities as community amenities and assets

Percent of Natural Area Protected within the planning area

Types of natural areas to be considered for protection from development include:

- Wetlands and Floodplains
- Metro Title 3 Lands
- Metro Title 13 Lands

Some development may occur in these areas. However, the proportion of total development planned for non-environmentally sensitive areas should be maximized in order to preserve habitat, ecosystem services, open space, and recreation opportunities in the planning area.

Environmentally sensitive lands are identified and described in the Basalt Creek Existing Conditions Report.

Total jobs allocated to prime flat industrial lands within the planning area

The largest proportion possible of new jobs forecasted for the planning area should be allocated to lands identified as suitable for industrial and/or office development, one factor of which is the absence of sensitive environmental features and constraints.

Land suitable for industrial and/or office development is identified and described in the Basalt Creek Existing Conditions Report.

Acres of impervious surface

Impervious surface can have a negative impact on the health of a region's waterways. Instead of soaking in and filtering through the soil, rainwater runs off impervious surfaces, washing many polluting substances such as pesticides and oils into streams and other aqueous habitats. Increasing impervious surface runoff also increases the volume of runoff, and the speed which the water is delivered to streams, resulting in higher peak flows.



City of Tualatin

www.tualatinoregon.gov

REPLY BRIEF ON LAND DESIGNATION

Tualatin reasserts the arguments presented in *Tualatin's Brief*. Tualatin replies to *Wilsonville's Brief* to correct the multiple inaccuracies asserted by Wilsonville and to respond to Wilsonville's arguments.

1. Metro Should Designate the Subarea for Housing with the Parkway as a Buffer.

Metro Ordinance 04-1040B requires all areas north of the Basalt Creek Parkway to be designated "Outer Neighborhood." See, Exhibit 101 (Metro Ordinance No. 04-1040B, Exhibit F, page 3). The purpose of the condition of approval, as stated in the findings, was for the Parkway "[to] serve as the buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)." See, Exhibit 101 (Metro Ordinance No. 04-1040B, Exhibit G). The Subarea is north of the Basalt Creek Parkway and, therefore, must be designated "Outer Neighborhood."

A. Designating the Subarea for Housing is Consistent with the Parties' Guiding Principles.

To implement the Ordinance, Wilsonville and Tualatin agreed on a set of planning principles called the *Basalt Creek: Guiding Principles and Evaluation Criteria*. These *Guiding Principles* provided for the parties to "integrat[e] residential and employment land uses to create more high quality living and working environments" while at the same time ensuring a "physical separation between uses that might negatively impact one another." Exhibit 125, p. 2 (Basalt Creek Guiding Principles and Evaluation Criteria). Wilsonville now wants to eliminate the physical buffer of the Parkway in violation of the Ordinance and the parties' *Guiding Principles*.

Wilsonville agrees housing and industrial/employment lands should be sufficiently separated. See, Exhibit 125, p. 2 (Basalt Creek Guiding Principles and Evaluation Criteria). Wilsonville also agrees "incompatibility issues [] arise when industrial land and traffic is located in close proximity to residential neighborhoods." *Wilsonville Brief*, p. 4. Wilsonville also states,

Planners study adjacency to ensure compatible uses and prevent negative consequences. Development patterns that place residential neighborhoods in close proximity to industrial land more often than not result in significant complaints from residents concerning noise, pollution, and safety. *Wilsonville Brief*, p. 4.

Despite Wilsonville’s statements about the need for separation and compatibility, Wilsonville argues for placing housing directly adjacent to industrial/employment uses. Wilsonville’s logic is incongruent. Somehow, placing incompatible uses immediately adjacent to one another makes these uses more compatible? Eliminating the Parkway as a physical buffer between housing and industrial/employment uses would not assist with compatibility. Placing housing and industrial/employment directly adjacent to each other increases the impacts industrial/employment lands have on housing, including “noise, pollution, and safety.” See, *Wilsonville Brief*, p. 4. The logical basis for Wilsonville’s argument supports the Subarea being designated for housing.

Metro should take Wilsonville’s statements at face value that appropriate physical barriers are needed between housing and industrial/employment uses. As a result, Metro should declare the Subarea for housing and utilize the Parkway as a clear buffer between housing and industrial/employment uses. Again, this is consistent with both the Ordinance and the parties *Guiding Principles*.

B. Wilsonville’s Plan Map and Development Patterns Support Designating the Subarea for Housing.

Wilsonville also claims that designating the Subarea for housing will have “a dramatic detrimental impact on the industrial development this Basalt Creek Planning Area was aimed at achieving” and “detract[s] from the industrial viability of the entire Basalt Creek area.” See, *Wilsonville Brief*, p. 6. However, Wilsonville’s own Planning Map and development pattern proves a physical buffer at the Parkway is an effective means to ensure compatible transition from housing to industrial/employment development, as contemplated by the Ordinance.

Within Wilsonville today, there are multiple examples of housing separated by a physical buffer from industrial/employment uses. See, Exhibit 127 (Wilsonville Comprehensive Plan Map). These areas include:

- Road Buffer
 - Xerox - SW Canyon Creek Road
 - RevMedX - SW Canyon Creek Road
 - ADI - SW Canyon Creek Road
 - Fortes Laboratories - SW Canyon Creek Road
 - Mentor Graphics – Boeckman Rd/SW Parkway Avenue/SW Canyon Road

- Natural Buffer
 - tna North America – Coffee Creek
 - Braber Equipment – Coffee Creek
 - US Crane and Hoist– Coffee Creek
 - Marten Transport– Coffee Creek

These examples prove a physical buffer, such as the Parkway, will not “detrimentally impact” the industrial/employment development, but actually enhance that development. The Parkway buffer will be even more substantial than the buffer that currently exists at these Wilsonville properties. Metro should declare the Subarea for housing and make the Parkway the buffer between the north housing areas and south industrial/employment areas. This is consistent with the Ordinance, its conditions of approval and findings, and even Wilsonville’s own development patterns.

2. No Agreement Existed Regarding the Land Use for the Subarea.

Wilsonville repeatedly claims throughout its brief there was an “agreement” on the land use designation for the Subarea. See, *Wilsonville Brief*. Wilsonville’s statements are legally and factually incorrect and contradict Wilsonville’s own records.

A. No Land Use Agreement Occurred at the December 2015 Joint Council Meeting.

Wilsonville does not cite meeting minutes, votes, or intergovernmental agreements to prove the existence of this claimed “agreement.” The closest Wilsonville comes is a statement that the December 2015 Joint Council Work Session meeting is where the agreement occurred. See, *Wilsonville Brief*, p. 2. However, the December 2015 Joint Work Session was not focused on land uses at all, but about the location of a jurisdictional boundary, which the parties selected as the Parkway. See, Exhibit 128 (Agenda and Materials of Joint Council Meeting, December 16, 2015).¹ See, also Exhibit 129, p. 2 (Wilsonville Planning Commission Meeting Minutes, January 13, 2016); Exhibit 130 (Basalt Creek Planning Website). And, since the December 2015 Joint Work Session meeting was a Work Session, no agreement could have been made. See, *Wilsonville Council Protocol Manual*.²

The records from the December 2015 Joint Work Session proves no agreement on land uses occurred. The *Agenda* for the December 2015 Joint Council Meeting lists the discussion topics as the “Preferred Boundary Option” and “Concept Plan Function Elements & Essential Agreements.” Exhibit 126 (Agenda and Materials of Joint Council Meeting, December 16, 2015). Furthermore, the PowerPoint presentation focused on the jurisdictional boundary issue. See, Exhibit 128 (Agenda and Materials of Joint Council Meeting, December 16, 2015). Additionally, after the December 2015 meeting, the parties’ jointly posted to the *Basalt Creek Website* that the December 2015 Joint Meeting resulted in a settled jurisdiction boundary. See, Exhibit 130 (Basalt Creek Planning Website).

Wilsonville’s claim that an agreement on land uses occurred at the December 2015 Joint Council meeting is simply incorrect and completely contradicts the Joint Council Work Session records.

¹ Available at <http://www.ci.wilsonville.or.us/DocumentCenter/View/9486>

² Available at <https://www.ci.wilsonville.or.us/DocumentCenter/View/12134>

B. The So-Called “Option 5” Was Not Even Presented at the December 2015 Council Meeting.

Wilsonville claims the December 2015 meeting included an agreement on a so-called “Option 5.” See, *Wilsonville Brief*, p. 2; *Wilsonville Exhibit C*. Again, the evidence proves Wilsonville is mistaken.

The records of the December 2015 Joint Work Session prove the so-called “Option 5” was not even presented to the two Councils. See, Exhibit 128 (Agenda and Materials of Joint Council Meeting, December 16, 2015). As stated previously, this meeting discussed the jurisdictional boundary. This so-called “Option 5” was not discussed at all. Exhibit 128 (Agenda and Materials of Joint Council Meeting, December 16, 2015). Wilsonville’s claim that an “Option 5” was presented at the December 2015 Joint Council Meeting, let alone agreed to, is untrue.

C. Wilsonville’s Claims that an Agreement on Land Uses was made in December 2015 Contradicts its Own Documents.

Wilsonville’s claim that an “agreement” was made in December of 2015 not only contradicts the evidence and records from the meeting, but even what Wilsonville told its own Planning Commission. On January 13, 2016, Wilsonville staff provided an update about the December 2015 Joint Council meeting to the Wilsonville Planning Commission. The Wilsonville staff explained the purpose of the December 2015 Joint Council Meeting was to discuss a boundary line, which was chosen at the Parkway. See, Exhibit 129, p. 2 (Wilsonville Planning Commission Meeting Minutes, January 13, 2016). Specifically, the Wilsonville Planning Commission meeting minutes state:

Miranda Bateschell, Long-Range Planning Manager, presented the update on the Basalt Creek Concept Plan Update and Next Steps via PowerPoint, noting that in December, the Joint City Council of the Cities of Tualatin and Wilsonville identified a preferred jurisdictional boundary for the Basalt Creek Planning area. See, Exhibit 129, p. 2 (Wilsonville Planning Commission Meeting Minutes, January 13, 2016) (emphasis added).

The Wilsonville Planning Commission meeting minutes also state:

Next steps included working with the consultant team to scope out how to get to a preferred or final concept plan. One of the first things to be done would be to get public input on the land use and concept plan around the Preferred Jurisdictional Boundary. Exhibit 129, p. 4. (Wilsonville Planning Commission Meeting Minutes, January 13, 2016) (emphasis added)

Wilsonville's own records prove no agreement occurred at the December 2015 Joint Council Meeting. The records also show the parties contemplated future "public input" on land uses. See, Exhibit 129, p. 4. (Wilsonville Planning Commission Meeting Minutes, January 13, 2016). Wilsonville's repetitive statements in its brief that in December 2015 there was an "agreement" on the land uses is completely inaccurate.

3. Wilsonville Mistakenly Claims the Basalt Creek Planning Area is Designated RSIA.

Wilsonville repeatedly makes the mistaken assertion that the Basalt Creek Planning Area is a Regionally Significant Industrial Area (RSIA). See, *Wilsonville Brief*, p. 4, 5, and 8. None of the Basalt Creek Area is designated RSIA. See, Exhibit 101 (Ordinance 04-1040B); see also Title 4 Map.³ It is unknown why Wilsonville makes this mistaken claim throughout its brief. Regardless, any argument Wilsonville makes that the current Title 4 designation prevents the Subarea from being developed for housing purposes is completely without merit. See, Metro Title 4; see also, Exhibit 131 (Email of Brian Harper, August 9, 2016).

4. The Only Evidence that Exists Proves the Subarea is Feasible for Housing.

Wilsonville argues the Subarea is not suitable for housing development. See, *Wilsonville Brief*, p. 5-6. In support of its argument, Wilsonville relies completely on its commissioned KPFF study and the Mackenzie study commissioned by Washington County. See, *Wilsonville Brief*, p. 5-6. However, neither report studied housing feasibility at all.

Wilsonville's KPFF study purposely avoided analyzing the area for residential uses. See, Exhibit 117, p. 2 (KPFF Report). And, Mackenzie did not analyze the area for housing either. See, Exhibit 116 (Mackenzie Report). Wilsonville's reliance on these studies to prove infeasibility of housing is meritless and not based on evidence.

What the evidence does show is that housing is feasible. All of the experts and studies that analyzed housing feasibility concluded the area was feasible for housing, including both single family and multifamily development. See, Exhibit 119 (Real Estate Development Group, Letter of November 21, 2016) ("[it] is my opinion that the highest and best use for this site are single family homes buffered along the frontage with multifamily housing."). Exhibit 115 (PacTrust Letter, November 14, 2016)("[w]e believe housing would be a more appropriate use for the site."); Exhibit 124 (Herb Koss Letter, November 28, 2016)("housing supply for the surrounding employment land is the highest and best use of the land."); Exhibit 126 (Peter Watts Email, February 12, 2017.) These studies also examined housing in comparison to industrial/employment use and concluded housing was the more appropriate use for the Subarea due to cost and slopes. See, Exhibit 119 (Real Estate Development Group, Letter of November 21, 2016); Exhibit 115 (PacTrust Letter, November 14, 2016); Exhibit 124 (Herb Koss Letter, November 28, 2016); Exhibit 126 (Peter Watts Email, February 12, 2017.).

³ Available at <https://databasin.org/maps/new#datasets=78d6517f3c1a4fc39f9c14be54d8d811>

Contrary to Wilsonville's claims, the only evidence that exists shows the Subarea is feasible for housing.

5. The Experts Concluded the Subarea is Not Feasible for Industrial/Employment Use.

Wilsonville claims the Subarea is feasible for industrial/employment and relies on the KPFF and Mackenzie reports. See, *Wilsonville Brief*, p. 5-6. As discussed in *Tualatin's Brief*, the KPFF study is severely flawed and the Mackenzie report relied on incorrect information. The significant problems with both studies are discussed in detail in *Tualatin's Brief*, and revisited briefly below.

First, to the extent Wilsonville relies on the Fregonese Report, that report was an "Existing Conditions Report" as required by the Concept Plan process. The report does not analyze the actual feasibility of the Subarea for industrial/employment development at all. See, *Wilsonville Exhibit E*.

The KPFF study, relied upon by Wilsonville, is flawed. Wilsonville specifically commissioned the study to show industrial/development was feasible and KPFF ignored the possibility of residential development on the site. Exhibit 117, p. 2 (KPFF Report). As such, the report is biased. More importantly, however, is what KPFF ignored in its analysis. KPFF did not analyze cost feasibility of any of its "schemes" and ignored both the topography and the law. All of KPFF's "schemes" show an internal cul de sac or t-road that traverses slopes from 10% to over 20%, which is in violation of the Oregon Fire Code. See, Exhibit 117, p. 7, 11, 16, and 20 (KPFF Report); See also, Oregon Fire Code, D103.2 and D104.2. KPFF's analysis completely ignores construction costs and the navigational reality of industrial truck traffic ascending and descending steep slopes. The slope constraints, along with the blatant omissions in KPFF's report, show the report cannot be relied upon for its conclusion that the Subarea is feasible for industrial/employment.

Similarly, the Mackenzie report's conclusion that the site was feasible for industrial/employment was based on flawed information. The "site" examined by Mackenzie included flat land outside of the Subarea. Mackenzie also showed road connections that will not occur, including the direct access onto Basalt Creek Parkway and the north-south Kinsman road extension. Additionally, the Mackenzie report showed industrial access through a residential neighborhood to the north that cannot handle industrial traffic. Mackenzie was not aware of these realities and Washington County did not authorize Mackenzie to conduct a site visit. See, Exhibit 126 (Peter Watts Email, February 12, 2017). The Mackenzie analysis relied on flawed assumptions and insufficient information and its conclusion that the site is feasible for industrial/employment development is unreliable.

All of the reliable evidence points to the area not being feasible for industrial/employment development. Wilsonville attacks this evidence as "paid consultant[s] of the developer." See,

Wilsonville Brief, p. 6. If being paid somehow eliminates the reliability of the conclusion, under Wilsonville's logic, no study is reliable.⁴ Regardless of who "paid the bill," the evidence shows the property owners' consultants actually conducted a site visit and thoroughly analyzed the site conditions, unlike the KPFF and Mackenzie reports. The overwhelming evidence, as discussed and submitted in *Tualatin's Brief*, shows the Subarea is not feasible for industrial/employment development. This includes:

- Metro's own analysis of industrial/employment lands shows that tax lots with slopes over 25% are "deemed unbuildable." Exhibit 110, p 2 (Appendix 9);
- Metro's statement that properties with slopes over 7% as "an impediment to industrial uses with larger development footprints." Exhibit 110, p. 2 (Appendix);
- CES/NW's conclusion that "[t]he southerly plateau area is not well suited for employment land. This is due to access constraints, surrounding steep slopes, lack of secondary access and grading costs." Exhibit 112 (CES/NW Letter, February 10, 2017);
- PacTrust's conclusion that "the topography of [the Subarea] makes development of industrial or flex buildings uneconomic." Exhibit 115 (PacTrust Letter, November 14, 2016);
- Mackenzie's conclusion that "[n]early a third of this site, approximately 22 acres, contain slopes greater than 10% or are surrounded by 10% and greater slopes, which is extremely difficult to develop for industrial/employment uses." See, Exhibit 116, p. 3 (Mackenzie Report);
- Ken Leahy Construction Inc.'s conclusion that site preparation will exceed \$5.00 per foot. See, Exhibit 118 (Ken Leahy Construction Letter, February 10, 2017);
- CES/NW's conclusion that the cost of grading will be \$10.5 million and \$1.5 million for retaining walls. Exhibit 114 (CES/NW Letter, July 20, 2017);
- OTAK Engineering's conclusion that "[t]he hard costs [provided by CES/NW] are actually on the low side for grading the site based on [] recent experience on similar sites." See, Exhibit 109 (OTAK Letter, May 19, 2017); and
- Real Estate Development Group's conclusion that "[t]he topography of the site is such that developing an industrial project would be very difficult and if done would be at best marginal and very inefficient. Industrial, flex buildings require large foot prints, large drive areas for loading and turning radius. There are better sites in the area for this type of use." Exhibit 119 (Real Estate Development Group Letter, November 21, 2016).

In sum, the Subarea contains slopes in excess of 25% and over one-third of the site is constrained by slopes over 7%. The costs of site preparation will be more than \$10.5 million, and

⁴ KPFF was paid by Wilsonville and Mackenzie was paid by Washington County.

the area would be immediately adjacent to housing without a buffer. As such, the Subarea is not feasible as an industrial/employment site and should be designated for housing.

6. The Transportation Impacts are the Same Regardless of the Land Designation.

Wilsonville argues the Subarea should be designated for industrial/employment because “[t]he road was not build for, and was never intended to be compatible with, residential use.” *Wilsonville Brief*, p. 5. As stated in *Tualatin’s Brief*, the trip impacts to the area will remain unchanged regardless of the land designation. *Tualatin’s Brief*, p. 12-13. Furthermore, there will be no direct access from the Subarea to the Parkway no matter what Metro selects as the land designation. Therefore, the Parkway remains unaffected by the land designation decision. Additionally, the Parkway is quite simply “a road” that can accommodate all types of vehicle traffic, including passenger vehicles and buses. To say differently defies transportation engineering and design reason.

7. Tualatin did not “Unilaterally” designate the Subarea for Housing or “Thwart” the Process.

Wilsonville claims Tualatin somehow “unilaterally” declared the Subarea for housing and “thwarted” the process. *Wilsonville Brief*, p. 1-2. Wilsonville also claims Tualatin’s position of advocating housing in the Subarea is “disingenuous.” *Wilsonville Brief*, p. 4. Like Wilsonville’s other claims, these claims are also incorrect.

A Concept Plan has not been agreed to by the parties, and is not finalized. Therefore, Tualatin could not “unilaterally” decide anything. If it could, this dispute resolution process would not be needed. Needless to say, Tualatin worked diligently with Wilsonville on the land use designation for the Subarea, accepted public feedback, reviewed the intent of the Metro Ordinance, and made a determination of Tualatin’s position to advocate for housing as the land use designation for the Subarea. The fact that the parties do not agree on the designation for the Subarea does not mean either party acted “unilaterally,” “thwarted” the process, or is “disingenuous.” Wilsonville’s characterization of Tualatin’s motives is inaccurate and unfortunate.

8. Property Owners Should be Heard.

Wilsonville claims declaring the Subarea for housing violates “environmental justice and social equity” and one paragraph later advocates for Metro to ignore the voices of the property owners who currently own the land. See, *Wilsonville Brief*, p. 5. This is completely contradictory. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.⁵ Social

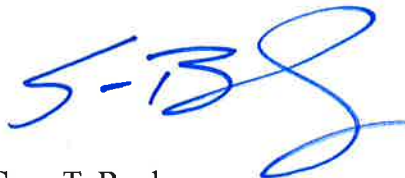
⁵ <https://www.epa.gov/environmentaljustice>

equity promises to hear the voices of all people, regardless of status. Rather than ignore voices, as advocated by Wilsonville, environmental justice and social equity demand hearing all voices, including current property owners. The current property owners are the people most at risk and most impacted by this decision. Rather than ignore voices, Metro should acknowledge the property owners' voices, as they are completely consistent with the Ordinance's intent and the planning principles adopted by Wilsonville and Tualatin.

9. Conclusion

For the reasons stated in *Tualatin's Brief*, as well as this reply, the Subarea must be designated for housing. Designating the Subarea for housing is consistent with the original intent of Metro Ordinance No. 04-1040B, its conditions of approval, and its adopted findings. It is also consistent with the parties' *Guiding Principles*. Furthermore, the evidence shows the Subarea is not economically feasible for industrial/employment development due to topography and costs. Additionally, as stated in *Tualatin's Brief*, the Metro region is in a housing crisis. Both the City of Tualatin and the Basalt Creek area need housing lands to accommodate the housing needs of the region and the housing needs within Basalt Creek. Metro should designate the Subarea for housing and retain the Parkway as the buffer between housing to the north and industrial/employment to the south. Doing so is consistent with Ordinance and the parties *Guiding Principles*, consistent with development feasibility of the property, and consistent with the housing goals for the region.

Respectfully Submitted,



Sean T. Brady,
Tualatin City Attorney

**CITY OF TUALATIN
BASALT CREEK
SUPPLEMENTAL EXHIBIT LIST**

Exhibit 127 – Wilsonville Comprehensive Plan Map

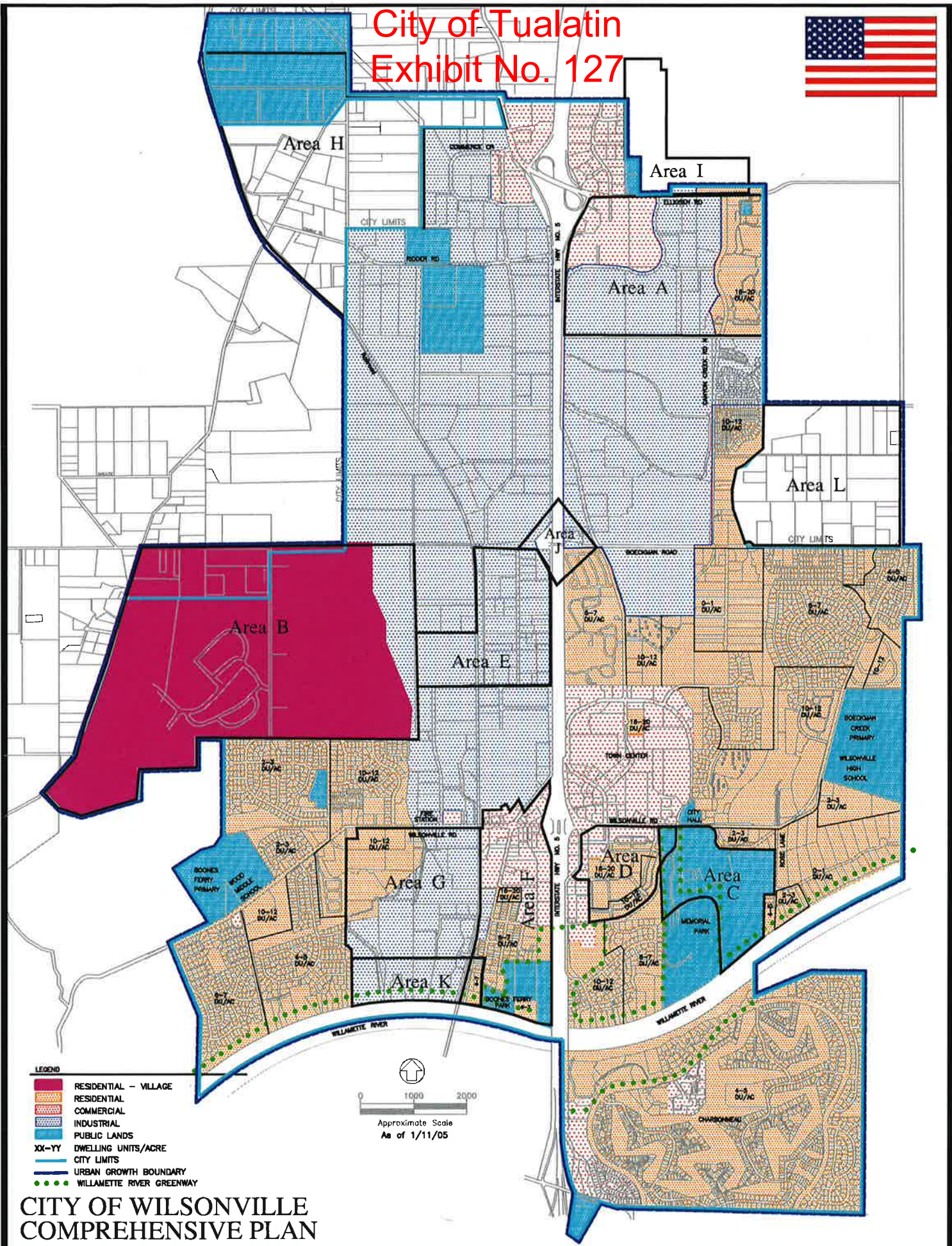
Exhibit 128 – Agenda and Materials of Joint Council Meeting, December 16, 2015

Exhibit 129 – Wilsonville Planning Commission Meeting Minutes, January 13, 2016

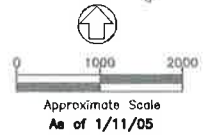
Exhibit 130 – Basalt Creek Planning Website

Exhibit 131 – Email of Brian Harper, August 9, 2016

City of Tualatin Exhibit No. 127



- LEGEND**
- RESIDENTIAL - VILLAGE
 - RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - PUBLIC LANDS
 - XX-YY DWELLING UNITS/ACRE
 - CITY LIMITS
 - URBAN GROWTH BOUNDARY
 - WILLAMETTE RIVER GREENWAY



City of Tualatin Exhibit No. 128

12/10/2015 8:16 AM Last Updated



JOINT WILSONVILLE CITY COUNCIL AND TUALATIN CITY COUNCIL MEETING



City of Tualatin

BASALT CREEK CONCEPT PLAN MEETING NOTICE AND AGENDA

**DECEMBER 16, 2015
6 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

The Wilsonville City Council will meet with the City of Tualatin City Council on Wednesday, December 16, 2015 starting at 6 p.m. The meeting is open to the public.

The purpose of the joint meeting is to:

1. Hear about the continued Basalt Creek Planning efforts.
2. Provide direction on the latest boundary option and functional elements of the Basalt Creek Concept Plan.

6:00 P.M.	CALL TO ORDER (Mayor Knapp, Mayor Ogden)	[10 min.]
6:10 P.M.	WELCOME & INTRODUCTIONS (Councils)	[5 min.]
6:15 P.M.	PRESENTATION (Fregonese)	[15 min.]
6:30 P.M.	DISCUSSION (Fregonese, Councils) A. Preferred Boundary Option B. Concept Plan Functional Elements & Essential Agreements	[75 min.]
7:45 P.M.	SUMMARY & NEXT STEPS (Fregonese)	[15 min.]

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JOINT CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 16, 2015	Subject: Basalt Creek Concept Plan Staff Members: Miranda Bateschell, Wilsonville Cindy Hahn & Aquilla Hurd-Ravich, Tualatin
Action Required	Advisory Board/Commission Recommendation
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:
Staff Recommendation: Staff recommends the City Councils provide direction to staff on a jurisdictional boundary and essential agreements for functional elements of the Basalt Creek Concept Plan.	
Recommended Language for Motion: N/A	
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>	
<input checked="" type="checkbox"/> Council Goals/Priorities Basalt Creek Concept Plan	<input type="checkbox"/> Adopted Master Plan(s)
<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Staff will provide Council with an update on the Basalt Creek Concept Plan and seek direction on next steps for the project.

EXECUTIVE SUMMARY:

At the Joint Council meeting, the project team will briefly summarize all land use and boundary options considered to date (presentation included as Attachment A). The Joint Councils will then be asked to discuss priorities for the planning area, agreed upon elements of the plan, and remaining issues needing resolution in the Concept Plan. Staff seeks direction on a boundary option to present as a preferred alternative for public input and what essential agreements need to

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be part of the functional elements of the Concept Plan (such as land uses, transportation, stormwater, etc.). If a preferred alternative is not reached at the December Joint Council meeting, staff seeks direction on next steps and a list of expectations toward achieving that goal.

BACKGROUND:

The Basalt Creek Concept Plan will establish a vision and jurisdictional boundary for the 847 acres between the cities of Wilsonville and Tualatin. At the Wilsonville-Tualatin Joint Council meeting in June, the project team presented two boundary and land use alternatives (Boundary Options 1 and 2) to the base-case scenario (originally presented December 2014). The Joint Council directed staff to develop a third alternative addressing interests and concerns discussed at the meeting. Staff developed Boundary Option 3 as a response to the Joint Council input and presented this option at individual work sessions in August. The Tualatin City Council expressed concerns about the limited employment land opportunities for the City of Tualatin and directed city staff to prepare information for a Boundary Option 4, which would follow Tonquin Road west of the Basalt Creek Canyon area. In total, five boundary options have been developed during the planning process (Attachment B).

The land use scenario in all options is conceived to complement existing development patterns in both cities, have robust and efficient infrastructure systems that are not cost prohibitive and generally, development “pays its way.” Performance indicators were generated using Envision Tomorrow modeling software to evaluate the Boundary Options and a summary is included as Attachment C.

POTENTIAL IMPACT or BENEFIT TO THE COMMUNITY:

The Basalt Creek area is important for the long-term growth of Tualatin, Wilsonville, and the Metro region. Conducting a thorough and thoughtful planning process will identify and resolve each city’s vision for the area and potential impacts on the community. The Basalt Creek area presents an opportunity to maximize assessed property value, integrate jobs and housing, develop efficient transportation and utility systems, create an attractive residential and business community, incorporate natural resource areas, and provide recreational opportunities as community amenities and assets.

EXPECTED RESULTS:

At the Joint Council meeting, the project team is seeking direction on a preferred jurisdictional boundary and essential agreements that will be part of the Basalt Creek Concept Plan.

TIMELINE:

The Joint Council meeting on December 16, 2015, will be the fourth Wilsonville and Tualatin Joint Council Meeting for the Basalt Creek Concept Plan. Based on the discussion and guidance received at the upcoming Joint Council meeting, the project team will refine a preferred land use alternative for the Basalt Creek Concept Plan. That preferred alternative will be presented at a Public Open House and drafting of the Concept Plan will begin with expected completion in 2016.

COMMUNITY INVOLVEMENT PROCESS:

The project includes participation from affected residents, businesses, and property owners. Citizens will be asked to share ideas about the preferred land use alternative at a Public Open House. Additionally, the website is updated to reflect the most recent work and staff sends out monthly updates to an interested parties list and property owners via email and U.S. postal mail.

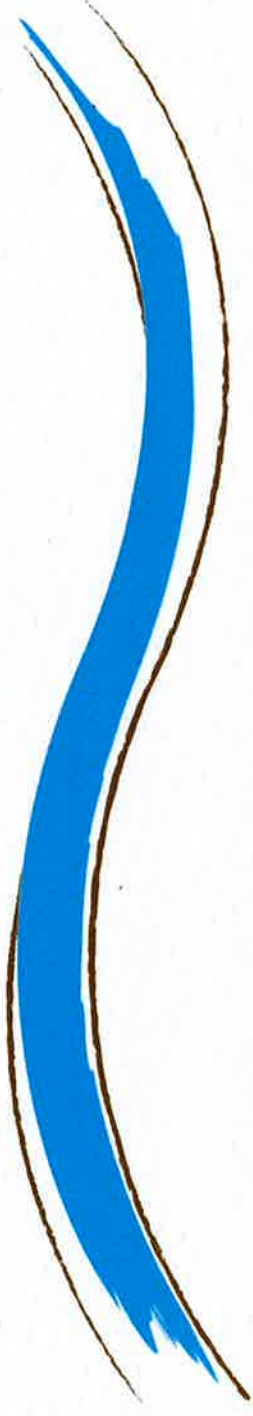
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ATTACHMENTS:

- A. December 16, 2015 Joint Council Presentation
- B. Basalt Creek Plan Area Boundary Options
- C. Performance Indicators Summary for all Boundary Options

Basalt Creek
C O N C E P T P L A N



Boundary Options

Tualatin and Wilsonville Joint City Council Meeting
December 16, 2015

Attachment A

What is the Purpose of Tonight's Meeting?

- Discuss priorities for each City
- Discuss alternatives for achieving those goals
- Agree on a preferred boundary option





Agenda for Tonight:

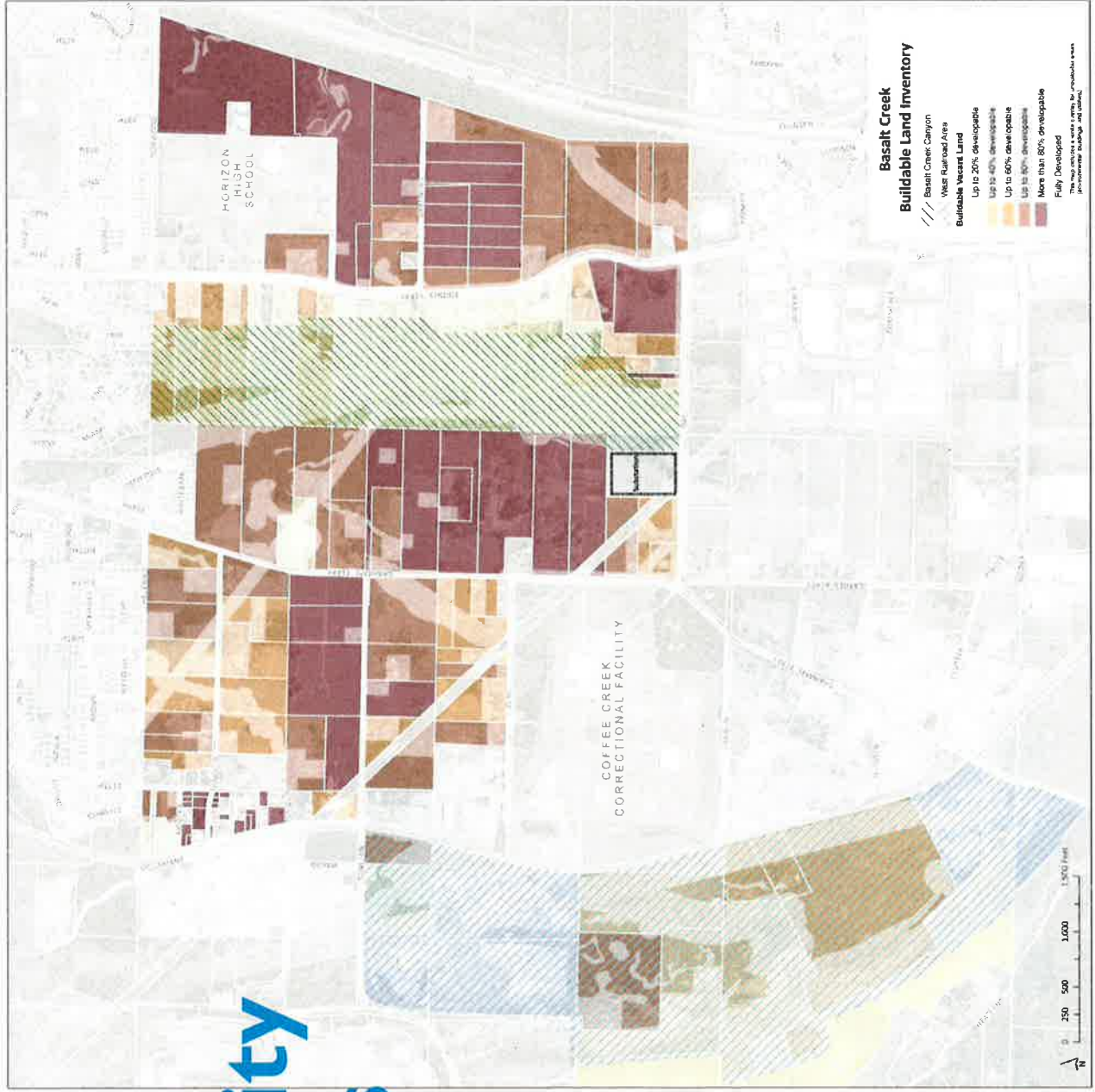
- Review boundary options evaluated to date
- Facilitated discussion
- Identify next steps



Where Have We Been?

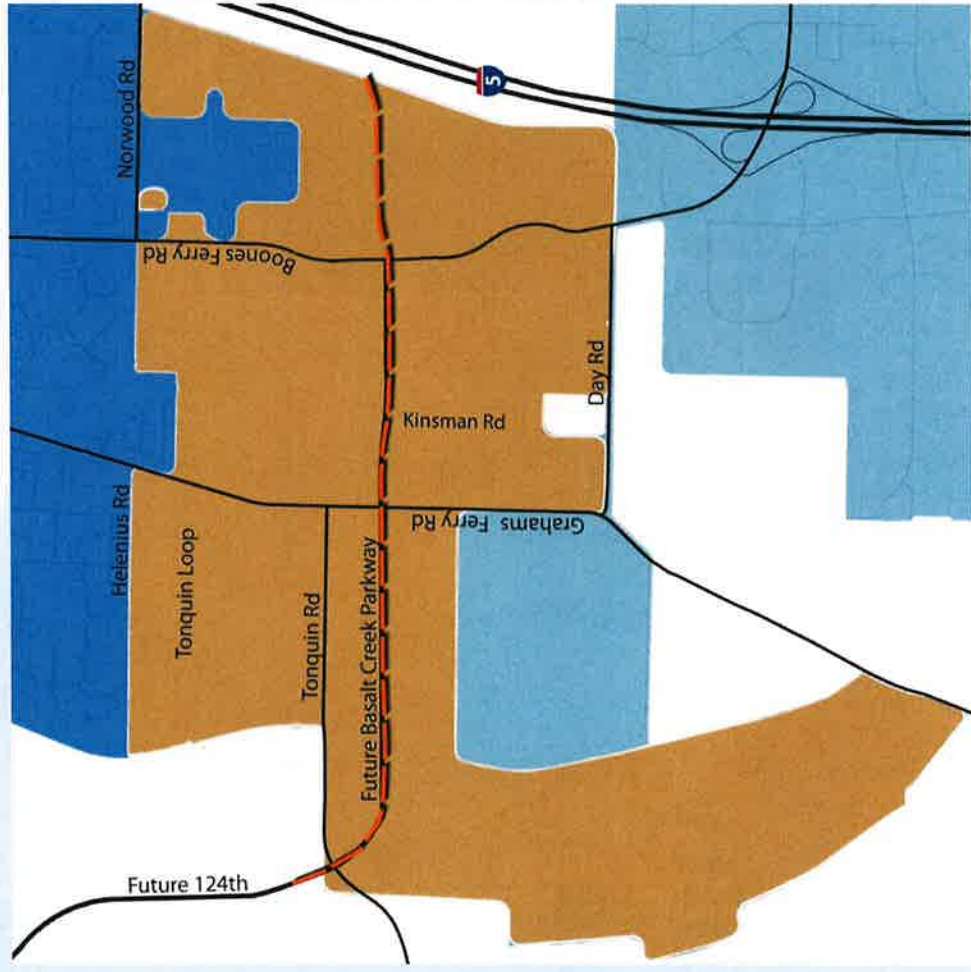
- Land Suitability
- Guiding Principles
- Base Case
- Utility Design
- Evaluations
- 4 Options Plus Base Case Studied

Land Suitability Analysis



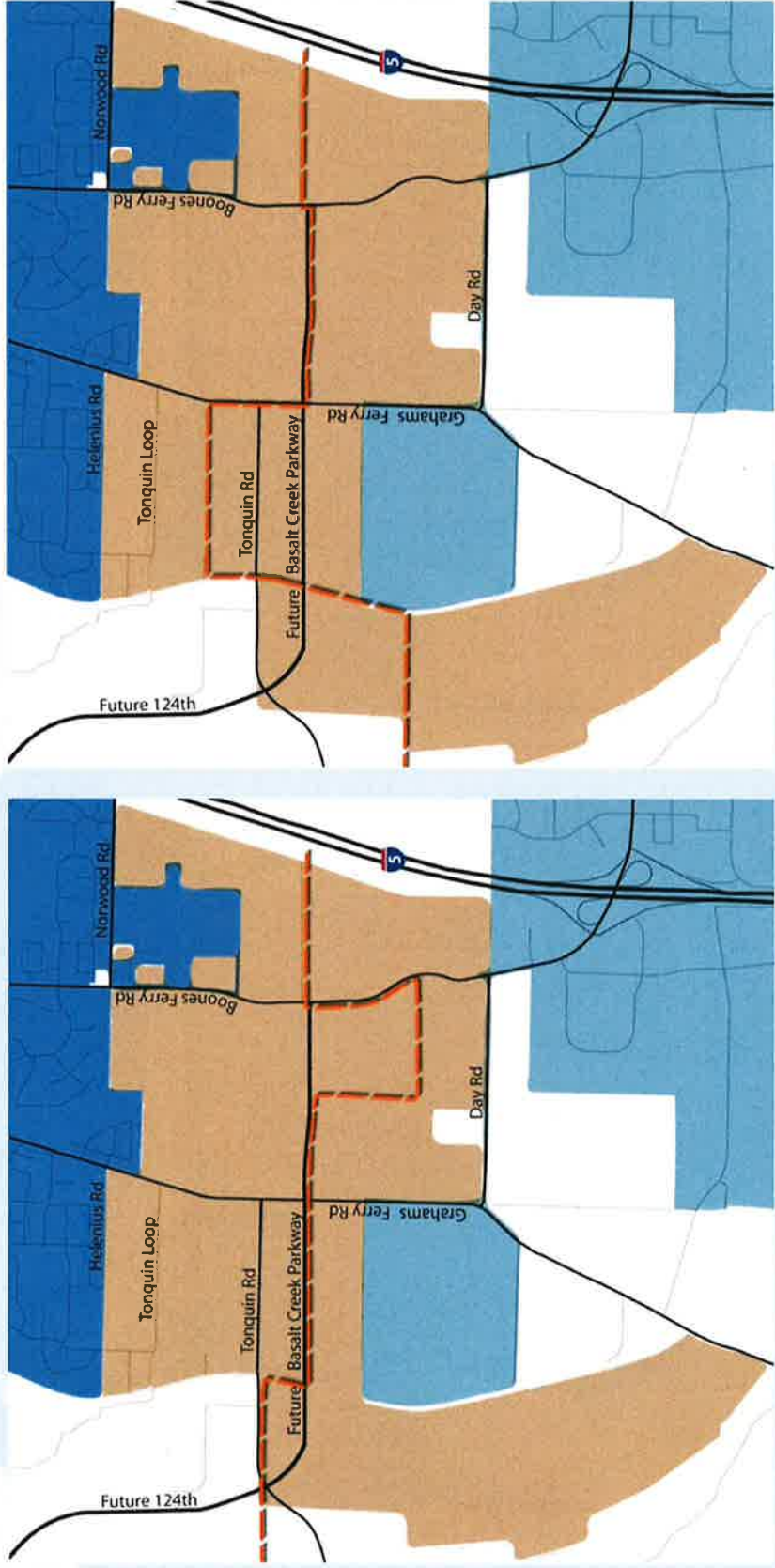
Base Case Boundary Option

December 2, 2014 Joint Council Meeting



Boundary Options 1 and 2

June 17, 2015 Joint Council Meeting



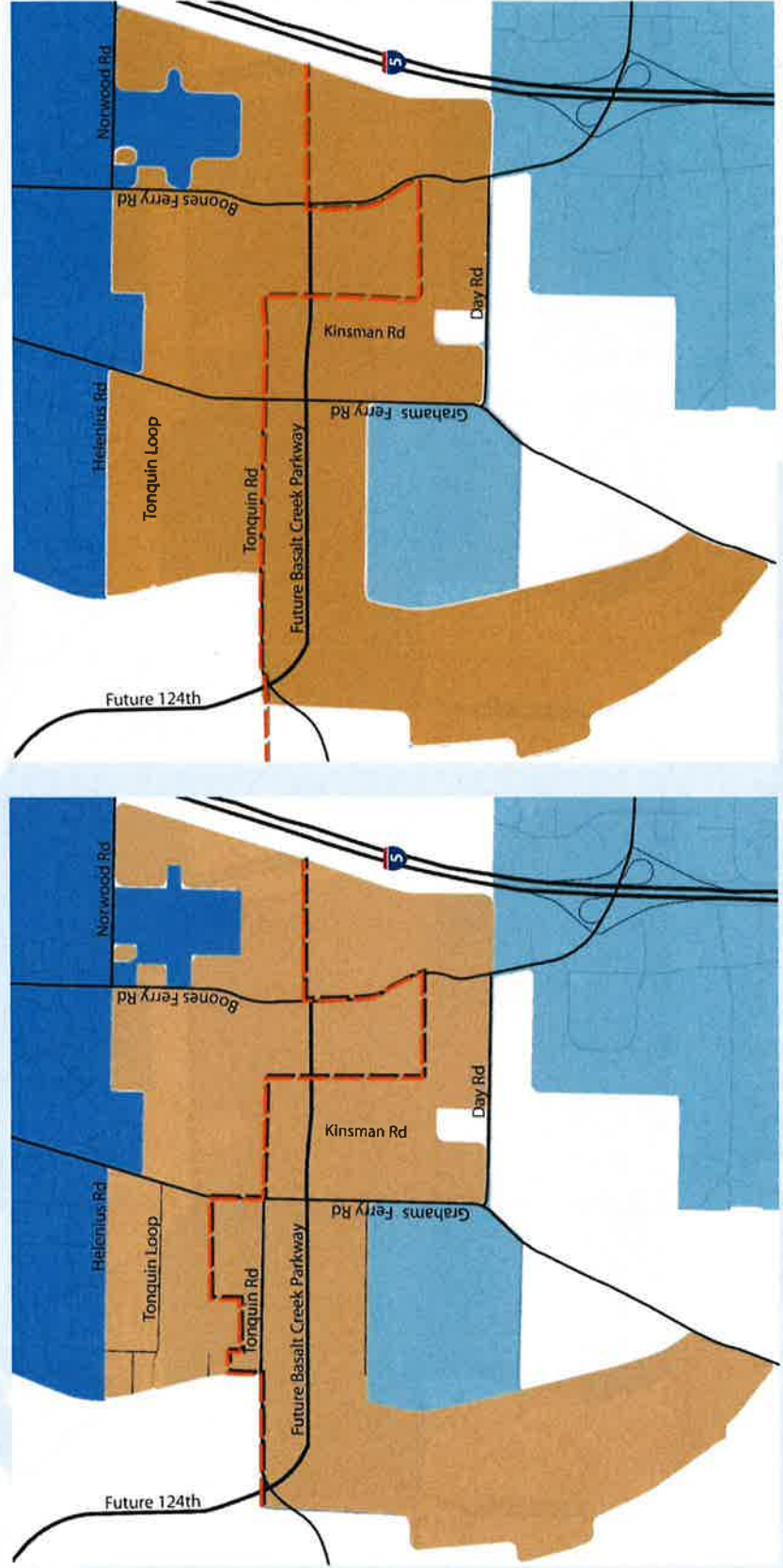
Boundary Option 1

Boundary Option 2



Boundary Options 3 and 4

August 2015 Individual Work Sessions

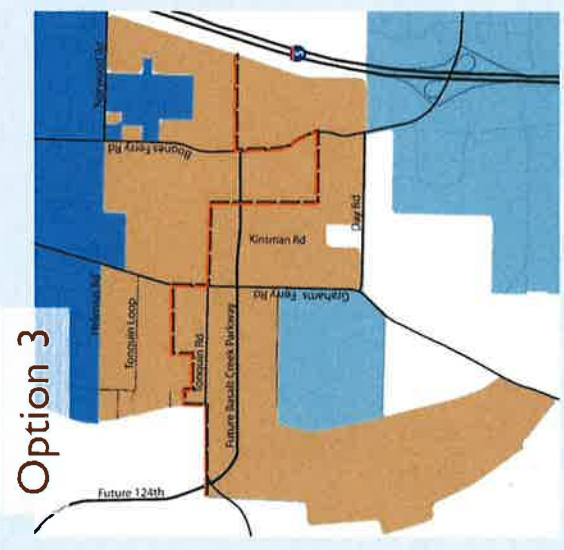
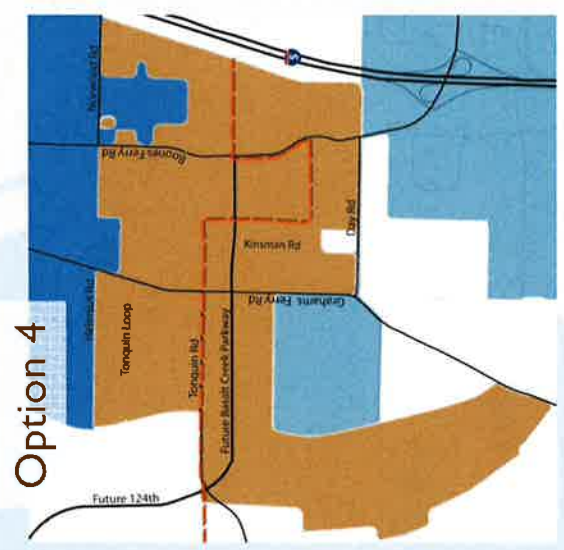
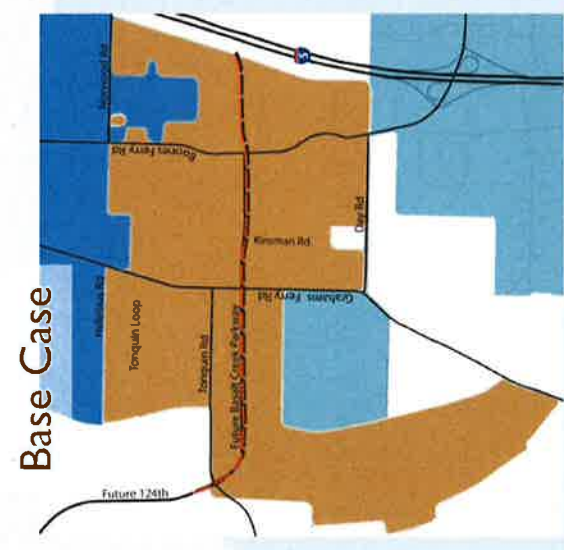
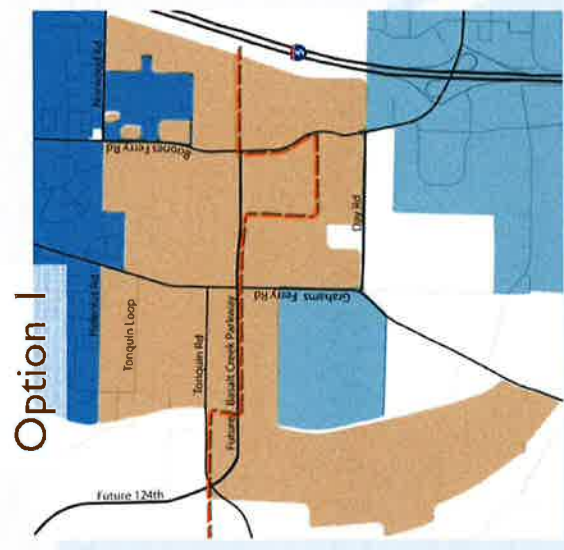
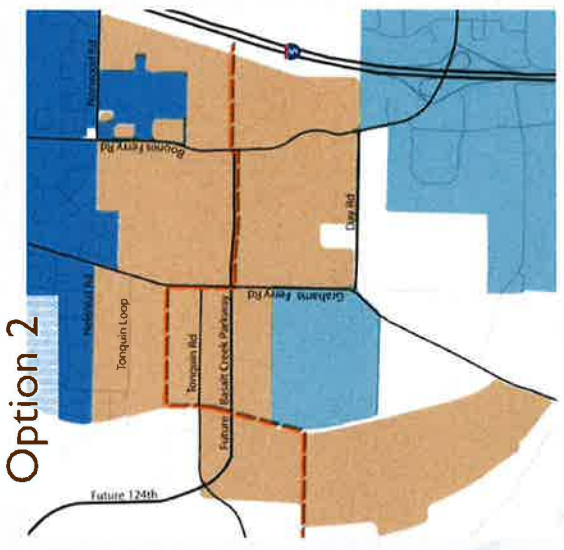


Boundary Option 3

Boundary Option 4



Boundary Options



How Do We Move Forward?

- Focus on project deliverables
- Look at what has been decided (no longer controversial)
- Look at what remains to be decided (remaining items of controversy)
- Lay out a process to reach consensus and finalize project



Project Deliverables/Next Steps

- Concept Plan (summary of planning process)
- Title 11 memo (findings to comply with Metro's Regional Framework Plan)
- Draft Comprehensive Plan Amendment for Wilsonville
- Draft Comprehensive Plan Amendment for Tualatin
- Amendments are processed by individual Cities independently, with coordination

Contents of the Concept Plan

- Process documentation
- Land Use Plan
- Services Plan
- Transportation plan
- Implementation Strategies
 - Agreements between Cities
 - Metro Title 11
 - Urban Planning Area Agreements with Washington County
 - Other Agreements

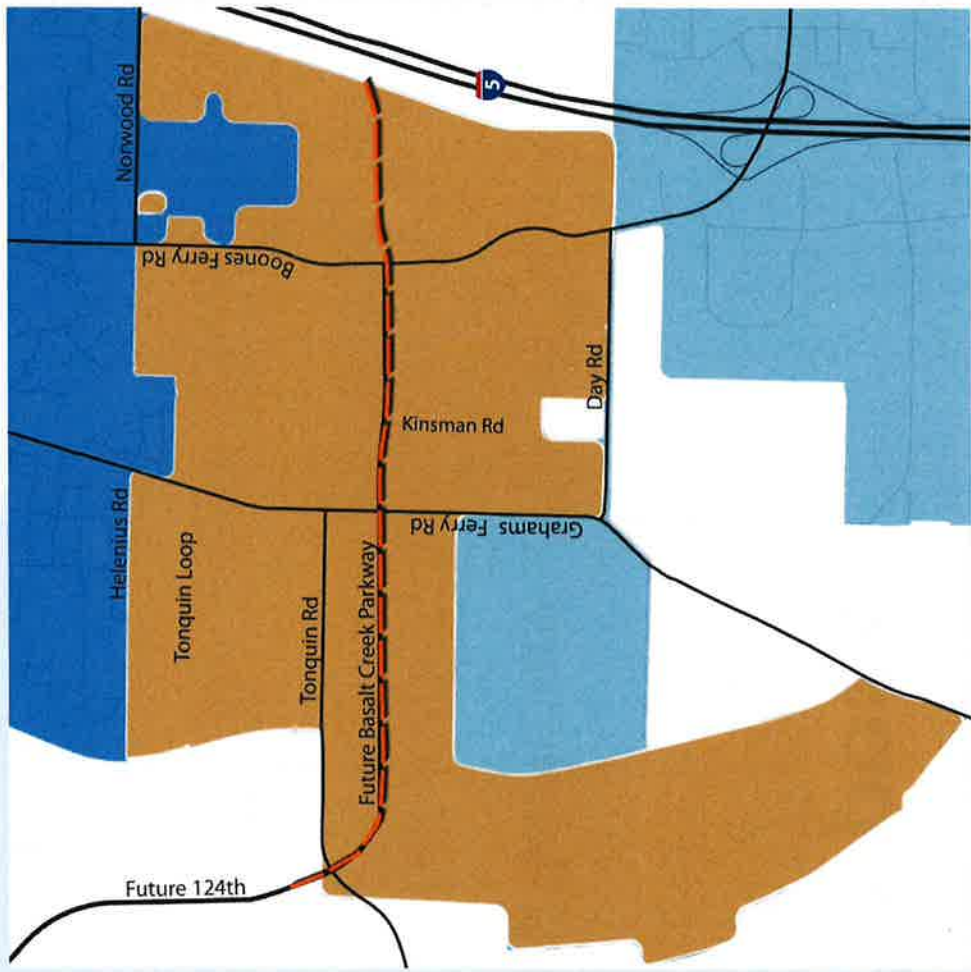


Joint Proposal

1. Proposed Boundary
2. Essential Agreements



Proposed Boundary





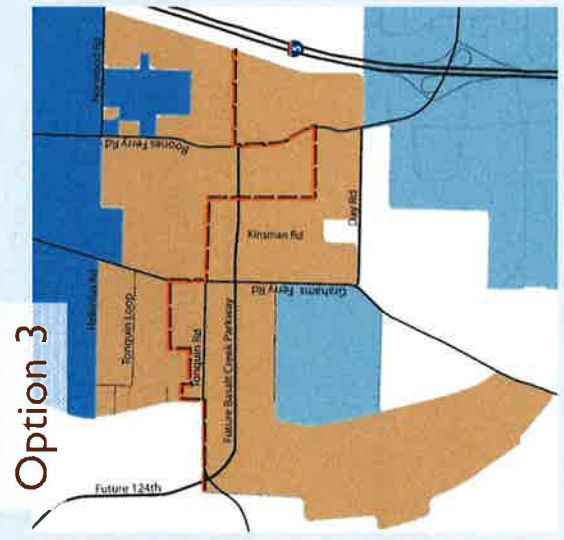
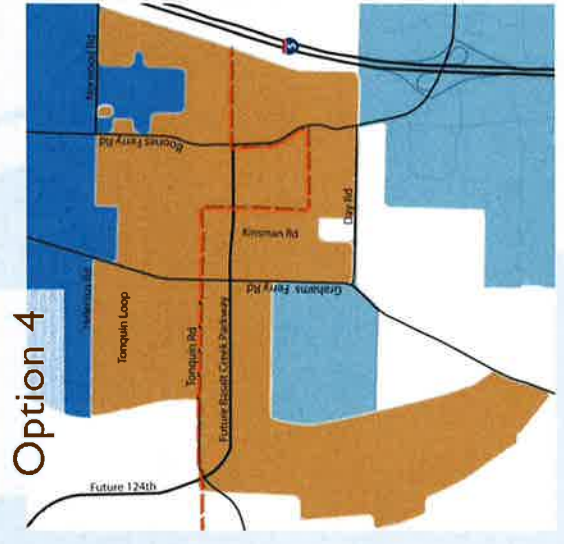
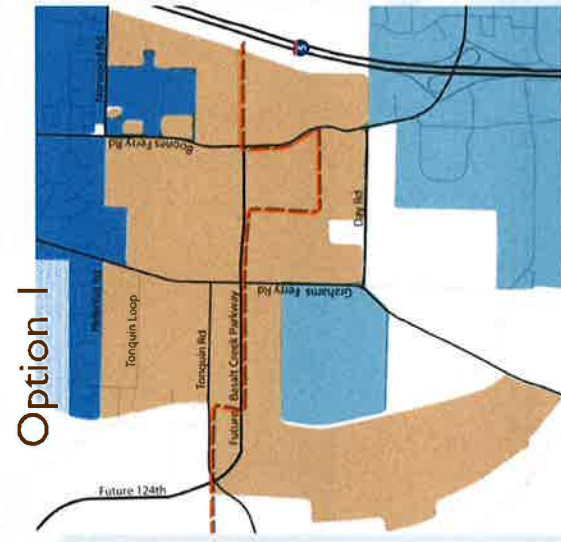
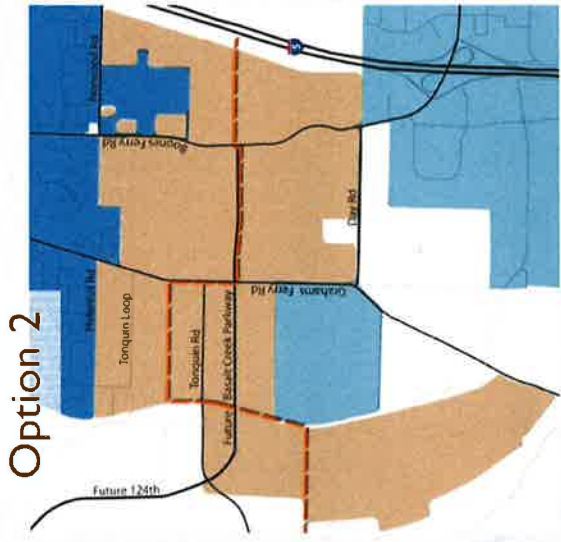
Essential Agreements

- Land Use Plan
- Transportation Financing
- Sanitary Sewer
- Stormwater Management
- Transit
- Basalt Creek Canyon



Discussion

Boundary Options



Attachment B





Performance Indicators Summary for all Boundary Options

COMPARISON BY BOUNDARY OPTION

INDICATORS	BASE CASE			OPTION 1			OPTION 2			OPTION 3			OPTION 4		
	Tualatin Base Case	Wilsonville Base Case	Total Base Case	Tualatin Option 1	Wilsonville Option 1	Total Option 1	Tualatin Option 2	Wilsonville Option 2	Total Option 2	Tualatin Option 3	Wilsonville Option 3	Total Option 3	Tualatin Option 4	Wilsonville Option 4	Total Option 4
Developable Acres	194 ac	137 ac	331 ac	201 ac	190 ac	391 ac	155 ac	236 ac	391 ac	144 ac	188 ac	332 ac	168 ac	163 ac	331 ac
WRR & BCC Acres*	10 ac	6 ac	16 ac	10 ac	63 ac	73 ac	12 ac	61 ac	73 ac	13 ac	3 ac	16 ac	13 ac	3 ac	16 ac
Unconstrained Dev. Acres	184 ac	131 ac	315 ac	191 ac	127 ac	318 ac	143 ac	175 ac	318 ac	131 ac	185 ac	316 ac	155 ac	160 ac	315 ac
Households	640	6	646	906	36	942	755	75	830	800	80	880	647	37	683
Jobs	2,281	2,064	4,345	1,600	2,000	3,600	1,000	2,800	3,800	400	2,900	3,300	1,576	2,475	4,051
Trips (TRP trip cap = 1,989)	1,274	781	2,055	1,137	777	1,914	832	1,132	1,964	664	1,178	1,842	1,008	967	1,975
Assessed Value	not available	not available	not available	\$483 M	\$305 M	\$788 M	\$371 M	\$423 M	\$754 M	\$398 M	\$420 M	\$758 M	not available	not available	not available

COMPARISON BY JURISDICTION (same data)

INDICATORS	TUALATIN				WILSONVILLE				COMBINED BASALT CREEK AREA						
	Tualatin Base Case	Tualatin Option 1	Tualatin Option 2	Tualatin Option 3	Tualatin Option 4	Wilsonville Base Case	Wilsonville Option 1	Wilsonville Option 2	Wilsonville Option 3	Wilsonville Option 4	Total Base Case	Total Option 1	Total Option 2	Total Option 3	Total Option 4
Developable Acres	194 ac	201 ac	155 ac	144 ac	168 ac	137 ac	190 ac	236 ac	188 ac	163 ac	331 ac	391 ac	391 ac	352 ac	331 ac
WRR & BCC Acres*	10 ac	10 ac	12 ac	13 ac	13 ac	6 ac	63 ac	61 ac	3 ac	3 ac	16 ac	73 ac	73 ac	16 ac	16 ac
Unconstrained Dev. Acres	184 ac	191 ac	143 ac	131 ac	155 ac	131 ac	127 ac	175 ac	185 ac	160 ac	315 ac	318 ac	318 ac	316 ac	315 ac
Households	640	906	755	800	647	6	36	75	80	37	646	942	830	880	683
Jobs	2,281	1,600	1,000	400	1,576	2,064	2,000	2,800	2,900	2,475	4,345	3,600	3,800	3,300	4,051
Trips (TRP trip cap = 1,989)	1,274	1,137	832	564	1,008	781	777	1,132	1,178	967	2,055	1,914	1,964	1,842	1,975
Assessed Value	not available	\$483 M	\$371 M	\$338 M	not available	not available	\$305 M	\$423 M	\$420 M	not available	not available	\$788 M	\$794 M	\$758 M	not available

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PLANNING COMMISSION
WEDNESDAY, JANUARY 13, 2016
6:00 P.M.

Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon

2/10/2016
Approved as
Presented

Minutes

I. CALL TO ORDER - ROLL CALL

Acting Chair Greenfield called the meeting to order at 6:00 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Al Levit, Peter Hurley, Simon Springall, and Phyllis Millan.
City Councilor Charlotte Lehan was absent.

City Staff: Chris Neamtzu, Michael Kohlhoff, Miranda Bateschell

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

III. ELECTION OF CHAIR AND VICE CHAIR 2016

Al Levit nominated Jerry Greenfield as the 2016 Planning Commission Chair. Phyllis Millan seconded.

Peter Hurley moved to close nominations for Chair. Eric Postma seconded and the motion passed unanimously.

Jerry Greenfield was unanimously elected as the 2016 Planning Commission Chair.

Phyllis Millan nominated Eric Postma as the 2016 Planning Commission Vice Chair. Simon Springall seconded.

Peter Hurley moved to close nominations for Vice Chair. Al Levit seconded and the motion passed unanimously.

Eric Postma was unanimously elected as the 2016 Planning Commission Vice Chair.

IV. CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

V. CITY COUNCIL LIAISON REPORT

There was no City Council Liaison Report due to Councilor Lehan's absence.

Commissioner Millan asked Staff for a brief update on where things stood with regard to the City Council's vote on the Frog Pond Master Plan, and where the City was with that process.

Chris Neamtzu, Planning Director, said at the November 16, 2015 meeting, Council deliberated based upon several hours of testimony at the prior meeting and asked many questions of Staff. The item was continued at that time to ensure maximum City Councilor exposure. Staff proposed additional modifications to the Frog Pond Master Plan to enhance some of the recommendations from the Planning Commission hearing. Specific language was added to revisit the density of the attached row home product and the specific location of the retail center as part of master planning. Additionally, the Grange site was to have specific reference to arts

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and culture rather than just environmental types of uses. The Council was comfortable adding more specificity and detail into the concept plan as placeholders. The text was very clear that this was not a unanimous position and that different points of view existed amongst the community members. Because the process was many years into the future, it made sense to try to codify that in specific language that anyone could pick up, read, understand, and then address when the time was more appropriate. The vote was 4 to 1 with Councilor Starr dissenting and the final document had been reposted on the project web page.

Commissioner Millan said she had read the information on the web page, but wanted to make sure she was reading it correctly, especially with regard to the density issue with which the Commission had struggled.

Chair Greenfield believed the changes made the recommendation stronger than the Commission had been comfortable with in its initial recommendation to City Council and he was pleased with the result.

VI. CONSIDERATION OF THE MINUTES

A. Consideration of the December 9, 2015 Planning Commission minutes

Chair Greenfield cited Robert's Rules of Order regarding the approval of minutes, noting that the minutes could be approved as distributed with any noted corrections without a formal motion. He confirmed the Commissioners did not object to implementing this change of procedure.

The December 9, 2015 Planning Commission minutes were approved as presented.

VII. WORK SESSION

A. Basalt Creek Concept Planning Update (Bateschell)

Miranda Bateschell, Long-Range Planning Manager, presented the update on the Basalt Creek Concept Plan Update and Next Steps via PowerPoint, noting that in December, the Joint City Council of the Cities of Tualatin and Wilsonville identified a preferred jurisdictional boundary for the Basalt Creek Planning Area.

Discussion and feedback from the Planning Commission was as follows with responses by Staff to various Commissioner questions, as noted:

- TDT was the acronym for Transportation Development Tax, and TLT was the Transit Lodging Tax; both were referenced in the Considerations for Success document (Page 4 of 5 of the Staff report). Mayor Knapp presented the Considerations for Success at December 16, 2015 Joint Council meeting and the Joint Council agreed to the document at that meeting. The Transit Lodging Tax was not specifically discussed at that meeting, but would likely be considered. Most of that tax was supposed to go to tourism.
- Item 5 in the Considerations for Success document stated that any substantial additional traffic loads from external locations would likely overload the system. A lot of regional traffic was expected from the development of 124th Ave in addition to the parkway. Traffic loads were projected in the study for the 124th Ave Extension, but the external locations mentioned in Item 5 regarded the issue of other regional facilities potentially connecting to 124th Ave, and the regional impacts that might create to this planning area.
 - The Joint Council wanted the Planning Commission to be attentive and aware of this in the event that those discussions took place because it would directly impact the planning area. The Joint Council wanted to be unified on those issues to ensure the planning area was protected moving forward.
 - A transportation model had been done for the planning area with the development projected in terms of the land uses. That study was available for the Commission. Traffic from the planning area was pretty well split between those traveling north and south. Impacts were definitely seen in the 20-year horizon from the 124th Ave Extension that would require upgrades to the City's intersections and to Grahams Ferry Rd, Boones Ferry Rd, and Day Rd.
 - The 124th Ave Extension would pass through the Sherwood industrial area. All the areas adjacent to Basalt Creek had master plans in place, including the Tonquin Employment Area, Southwest Tualatin

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Concept Plan, and Coffee Creek Basalt Creek would be the last to be master planned. The entire area was approximately 2,000 cumulative acres.

- The study done was done in the spring of 2015, so to avoid the traffic congestion around the new Cabela's shopping area development.
- The 124th Ave Connector was a big concern for Wilsonville. They were intending to route traffic off the Tualatin/Sherwood Hwy south towards I-5 at the Elligsen junction. Including that in the model would be pertinent to the Basalt Creek development because the parkway and 124th Ave Extension went directly through the subject area. The 124th Ave Extension was to relieve traffic through the congested downtown area of Tualatin, not traffic on Tonquin Rd. Having a unified approach between Tualatin and Wilsonville was a challenge due to the Cities' opposing interests in the area with regard to traffic. It would be important to be specific with the traffic caps, although that might not be enough.
- Washington County's role in the traffic routing was important because Tonquin Rd was a local road and the parkway would be a County road. The County is the lead on the 124th Ave Extension and Basalt Creek Parkway and had the modeling completed and shared the results with the City. The County sits on the Basalt Creek Technical Advisory Board.
- There was a long-term plan for an overpass, enabling the Basalt Creek Parkway to cross over I-5 at Greenhill Lane. The overpass was not shown on the Preferred Jurisdictional Boundary Map, as it was along the planning horizon at Greenhill on the current map's printed boundaries.
- The future Basalt Creek Parkway would split Frontage Road along Boones Ferry Rd and will serve as the dividing line, requiring two access points for the both sides of the residential community.
 - The residential area along Boones Ferry Rd south would remain Wilsonville residential. The City's long-term vision for the area was employment and industrial uses, so the area was anticipated to be some type of employment use. Residential property owners would remain in the County and when they wanted the opportunity to develop into something else that change would occur with a City of Wilsonville annexation.
 - The residential area east of Boones Ferry was pretty small. The full parcel appeared larger, but most of the back sides of the parcels were in the Basalt Creek Canyon and what would be the sensitive resource overlay. The frontage was about 10 acres.
- Staff clarified the locations of the prison, Coffee Creek Area, and Horizon School property, which was in the City of Tualatin on the Preferred Jurisdictional Boundary map (Slide 11). The teal color represented existing City of Wilsonville lands and the white between the teal areas indicated the Coffee Creek Area.
 - Staff reviewed the boundary options discussed to date, confirming the dividing line east of Boones Ferry Rd remained the same throughout the discussion, which was to follow Greenhill Ln, partly due to the anticipated overpass and because it seemed to be a clear dividing line.
- The elevation of the parkway coming over the railroad in the western portion of the planning area would be about 30 ft high. The parkway would return to grade shortly and then rise to about 5 to 10 feet above grade at the BPA easement. The parkway would be about 5 to 10 feet above grade, but would rise to about 20 or 25 feet above grade on a low grade property with drainage, and then return to grade when it hit the Basalt Creek Parkway/Grahams Ferry intersection.
 - Once the parkway was at full build-out, there would be vertical retaining walls on the west side of Grahams Ferry Rd, but for now, it would have side slopes. The parkway would affect the view from either side, almost like a massive berm. Envisioning the road profile in three dimensions and recognizing what a physical barrier the parkway would be in the interim and at final build-out was a turning point for both City Councils with regard to what made sense as a boundary. There was no relationship across it from one side of the other.
- Noting Consideration for Success Item 3, concern was expressed about the City finding some way to have a consistent industrial look on both sides of the parkway; otherwise it would be detrimental to the community. The assumption was that the Form-based Code planning being done on Day Rd would likely to shift to Basalt Creek, so coordinating with the City of Tualatin on look, design, feel, and a concept plan similar to the Form-based Code, even if Tualatin mimicked some of Wilsonville's concepts, would be beneficial to ensure a consistent look. . Even with similar aesthetics, each side of the road could have very different developments.

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- With regard to SMART, there was no intention to combine efforts or integrate SMART into Tualatin; however, expanding SMART past the existing Wilsonville city limit was important to Wilsonville for the success of the Basalt Creek area. The City wanted to ensure employers in Basalt Creek received the services promised to other Wilsonville employers.
 - Expanding SMART would require a proposal to TriMet. The two Councils discussed the City of Tualatin willingness to support efforts to work with TriMet or any other entities to get SMART's service expanded in Wilsonville. The City of Tualatin would be responsible for determining TriMet or their own local service within their jurisdictional boundary. Stephan Lashbrook, SMART Director would discuss the process to expand SMART at the next City Council meeting.
 - Michael Kohlhoff, City Attorney, explained the petition and withdrawal process involved with TriMet being removed from a territory, which property owners had to support by State statute. TriMet could only be petitioned to be removed from a territory once every five years and this was the fifth year, so the horizon to do the petition fell into the latter part of this summer and fall. Mr. Lashbrook would be presenting that process and timing to City Council. As stated, if Tualatin supported the withdrawal, they would have to consider what that would mean for their city. For businesses in Basalt Creek, there would be a different rate structure because SMART's rate structure was less than TriMet. Although, TriMet would be able to compensate for that, TriMet would need to look at the service currently being provided, what service they could provide in the future, and the subsequent impacts on TriMet's rate base.
 - The prospect of TriMet providing service to SMART's central locations was one of many considerations being discussed in determining how the two transit entities could best cooperate and work toward a complete strategy and plan.
 - TriMet was trying to determine whether to have bus service into Portland, and Wilsonville already had a TriMet bus not coming to the transit center. The least expensive option seemed to be for TriMet to continue the route from Commerce Circle to the transit center, rather than SMART coming up with a new bus line.
 - Mr. Kohlhoff noted there were many issues to consider when trying to determine the best approach, such as the prison did not contribute to SMART, and yet TriMet was not serving the prison at all. Mr. Lashbrook was working diligently with respect to all the issues, legislation, etc.
- Considering that the parkway was projected to be dead ended for a while, all the traffic on the parkway would come down Boones Ferry Rd and possibly Grahams Ferry Rd resulting in a huge amount of traffic, especially with the southwest connector. Even if the parkway crossed I-5, there would be no reason to go over I-5 and people would still come south to get onto I-5. A few might use the parkway to access shopping if they could not get through the short way.
 - The Grahams Ferry Rd and Day Rd improvements outlined in the Basalt Creek Transportation Refinement Plan were connected to concerns about that extra traffic and were in the planning horizon.
 - The improvements were part of the concept plan's implementation, which was partly why the City was talking with its partners to the north about getting additional funds directed to Basalt Creek for those improvements. The City wanted to see the majority of the County's TDT directed to those specific projects in the Basalt Creek planning area.
- The extension to Tonquin Rd was omitted from the plan in favor of improvements to Grahams Ferry Rd. Staff was uncertain of the extent of the planned improvements and make the Basalt Creek report available to the Commission. Grahams Ferry Rd would become a major arterial to Day Rd.
- Improvements to the railroad underpass were also identified as projects in the concept plan.
- Staff confirmed the Preferred Boundary would not require the City to install a pumping station in Basalt Creek.
- Next steps included working with the consultant team to scope out how to get to a preferred or final concept plan. One of the first things to be done would be to get public input on the land use and concept plan around the Preferred Jurisdictional Boundary. Additionally, the project team would begin refining the ideas, tools, and implementation actions needed to address the ten considerations to ensure they were integrated into the final concept plan as well as the implementation actions for both cities and other potential parties, for example, if the City pursued using the County's TDT.

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- Staff planned to return in the fall for the adoption of a single concept plan. Both cities would adopt the same Concept Plan, which was expected in the fall, and then each City would have its own implementing regulations since each city had different existing development codes, so the implementing ordinances and language in each city's code would be unique per city.
- The role of the Planning Commission was still being discussed as Staff worked with the City's partners on rescoping how the concept plan would be adopted. Wilsonville's City Staff envisioned that the Planning Commission would review the Concept Plan in a work session and hold a hearing on the draft Concept Plan prior to City Council's work sessions and hearings.
- Ground had already been broken on the first phase of the Basalt Creek Parkway, and the section from 124th Ave to Grahams Ferry Rd was envisioned being completed in the summer of 2018. Some additional improvements to Grahams Ferry Rd and Tonquin Rd would be part of that project. The County's goal was to finish the section between Grahams Ferry Rd and Boones Ferry Rd in 10 years, and they were currently working on a proposal for the environmental work on that phase.
- The City of Tualatin was the proposer for the project with Metro and received a substantial grant for the Basalt Creek planning, but an intergovernmental agreement was in place between Metro, both cities, and the County, that all the entities would work together on the concept planning and that both cities were responsible for the concept plan. Tualatin was also contributing Staff time.

VIII. INFORMATIONAL

A. Town Center Master Plan (Bateschell)

Miranda Bateschell, Long-Range Planning Manager, explained that considering a redevelopment plan for Town Center was identified as a project in the Urban Renewal Plan and had been set as a Council priority when City Council set its goals last spring. The City was awarded a \$320,000 Community Development Planning Grant (CDPG) to do the Town Center Master Plan with a City match of \$100,000 from the Urban Renewal Fund. The goal was to build on the vision established through the pilot project done by the City a few years ago with Portland State University. She read the vision from the Project Narrative, provided on Page 4 of 20 of the Staff report, and reviewed the diagram on Page 5 that identified the key outcomes of the Master Plan.

- Staff envisioned having a strong, innovative and highly engaged public involvement plan and wanted the master planning process to be exciting for the community. Everyone used Town Center and Staff wanted that tie to Town Center not only to continue, but be further enhanced and strengthened.
- An important piece resulting from the process would be an identified strategy and outline of action items to implement the Master Plan. To make Town Center a successful place, Staff envisioned having implementation actions for various interested parties in the community. As a first step, the City would likely have actions to implement, but actions were also envisioned for local businesses, and perhaps, a phase two demonstration project, but it all depended on how the master planning project took shape.
- The timeline for completing the project was expected to be about two years, perhaps longer.
- Staff would like to present the project to the public this summer to begin discussions about how Town Center functioned and what citizens wanted or would like to see, and get them excited and engaged on a regular basis with new communication tools.
- First steps included developing an RFP for consultant services to provide needed expertise and to develop a scope of work for the master planning project. The City had received a lot of interest about the project and hoped to get innovative ideas about how to engage the public and create the Master Plan.
- Staff anticipated returning to the Planning Commission in May to discuss and get input on the public involvement plan. Tonight, Staff sought ideas about events or methods to best engage Wilsonville's residents and business owners, as well as input about what results the Commission would like to see from project.

Comments from the Commission and discussion continued as follows:

- During the recent public meetings for Frog Pond, there was a lot of frustration because the public did not feel like they were being heard. The City needed to be careful to respect and acknowledge even opposing

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views. The public input process seemed to fall apart because there were a couple meetings and then the process was over without any type of wrap up session in that forum to indicate what would happen next and provide closure, which was frustrating for many citizens who attended those meetings. There were some skeptical citizens now.

- It was important to acknowledge everyone's input and not just those on a task force because some citizens were shut down when making comments on Frog Pond because they were not on the task force. Keeping the lines of communication open was important.
 - One thing to consider was whether to have a task force or use different alternatives for public engagement and how you get advisory input. Being early in the process, choosing those methods was still open to conversation. With a task force, certain members were often perceived as being appointed, resulting in questions as to why they were chosen. Though voicing their own opinions, task force members are often expected in some ways to represent many other voices.
 - One alternative model focused on mass public engagement, which involved a lot more social media and web-based platforms that track people's comments so people could respond to one another's suggestions or project ideas. This model promoted more interaction and helped facilitate conversation about those ideas that would not occur otherwise.
 - Other models included focus groups of 10 to 15 people; hosting bigger, more charrette-based events for people to provide input; and setting up a storefront. For example, a tenant space in Town Center could be rented two or three times during the process where the consultants would be available so people could stop by when they could, such as on a lunch or coffee break, to get an update or provide input into the process.
 - Staff was exploring what public engagement options might be available and looking to get a lot of input and ideas from those responding to the RFP about what was working now. The world of communication and engagement was shifting drastically and the City sought input about how to best engage the community so the Master Plan would be successful, which would integrate input from the citizens and interested parties. The City needed to acknowledge all that input and figure out how to work in as much as possible in a balanced way to create a Master Plan about which everyone could be excited.
- The Memorial Park planning process seemed to go very well using mostly open houses to get grass roots input, and no task force. The process felt open and the mass meeting with the display boards seemed to be very engaging for people. The open houses were also a short term commitment, which was another issue with community involvement as no one had time to commit to weeks of planning. Providing opportunities for shorter time commitments would be better for a lot of Wilsonville's citizens.
- The Project Narrative mentioned getting input from a diversity of the community, which was extremely important but also a challenge, so it would be interesting to see what the consultants would suggest.
- Renting a storefront was a good idea and would draw in people who currently frequented Town Center.
- From the Chamber of Commerce's perspective, businesses were very interested in participating on a two-fold front. While the tendency was to focus on the land owners, many people had invested extensively in being long-term tenants, even well into the future, and they needed to be engaged as well as the land owners to have a successful process.
 - While diversity was certainly needed, one thing that was concerning about this approach from the business front was that business owners could not be as open as they wanted and may fear negative reactions from the citizenry who may have different interests or a different approach for Town Center. The City might want to consider opportunities for businesses to provide input in a different forum where they could speak openly. Businesses in the Town Center area were extremely interested in having a voice in the process, but they might not be overly honest about their business concerns if they believed it might negatively impact business.
 - There was no way to gauge or involve potential business tenants, but there must be a way to create excitement about what might happen in Town Center to attract potential businesses.
 - Citizens might want certain businesses in Town Center, but people did not realize the City could not force someone to open a particular business.

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- Landlords of multi-tenant units tend to promote or work to attract certain businesses because the mix of business tenants was extremely important. Landlords spend a lot of money on consultants to figure out the right mix of businesses to have in a particular area.
- Given the overlay of Town Center, it was hard to imagine how achieve a grid pattern without massive reconstruction.
 - Per recent travel opportunities, it was witnessed that successful city centers had grid patterns that created a lot of vitality. A pedestrian-only section also seemed to work in successful places with parking toward the periphery.
 - Getting the right businesses with the right physical features to attract people was a consideration. For example, Kansas City had a strip mall with a beautiful walking area and water features but one restaurant had a dinosaur theme the emitted amplified dinosaur sounds, which were not appealing.
- Ms. Bateschell clarified that when the Project Narrative was written, the Regal Cinema structure was listed for sale, which was why Page 5 discussed it being recently vacated. She understood it had been taken off the market.
- Having Clackamas Community College involved in the process was important. The City should find a way to leverage the college, which was a great resource that many people were unaware of.
 - Clackamas Community College was definitely included on the list of people/entities the City would engage in this project, as well as OIT, especially with regard to the newer, more creative approaches using technology as part of the City's public engagement plan. The City would contact the college to determine how they wanted to be engaged, which also depended on the format used for public involvement. The formats might change based on who was engaged. For example, the tendency was to have smaller, more private focus groups for business owners.
- A task force format locked the City in, but not having a task force would enable the City to try a lot of different approaches for public involvement depending on the stage of the project.
 - Given the diverse uses of the land, the focus group approach would seem to be very appropriate and productive.
- If the storefront concept was utilized, architectural renderings, street plans, and other concepts could be displayed via video when the office was closed. A digital display could be changed as more information and public input was received. Providing flyers or a QR Code to enable cell phone users to be added to an email distribution list was also suggested.
 - During the Frog Pond process, people were required to attend meetings and make their comments at that time. In the end, when no closure was provided, people used social media to vent their frustrations.
 - Being able to insert an idea and have conversations about that specific idea without mixing or competing with other ideas for Town Center would be helpful.
 - Having tangible museum-like displays in a storefront would not necessarily require the storefront to be staffed by the consultants; even Planning Commissioners or other board members could volunteer to be at the storefront.
- The Parks and Recreation building could be an option for the storefront concept, but it would be out of the traffic loop and having the storefront in Town Center would be most beneficial. Perhaps, one of the vacant Town Center spaces could be donated.
- Ms. Bateschell added some of Staff's ideas for this summer included tapping into existing community events to spread the word and get people engaged, whether through some type of social media outlet, storefront, farmers market, etc. that would evolve over the time of the project.
 - The City also had the opportunity to use other events to launch the project unlike a standard hearing or public open house, such as tactical urbanism which put ideas and concepts of the master plan on the ground temporarily to give people a sense of what they might feel like and enable citizens to engage and respond to the concept. One example was creating a temporary greenway solely for pedestrians and bikes, where AstroTurf was laid out to reflect potential designs. All kinds of events were planned on this temporary greenway with balloons and activities and people in the community were able to give real feedback about what felt good, what seemed to fit the environment, what they liked and would not like to see in the area. Such concepts provide the opportunity to be creative and play out the types of

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potential changes in Town Center so people had the opportunity to engage with these potential concepts and respond accordingly.

- Providing people an opportunity to see how different features or ideas, like an amphitheater or meandering creek, might look virtually would also be beneficial. Examples would not have to be tactical, but providing a virtual rendition of how certain concepts and features might look would help because people may not be good at envisioning certain features.
 - Ms. Bateschell assured \$420,000 was a decent budget and visualization was discussed in the grant proposal, so with technology evolving so quickly, Staff would be able to execute some cool ideas at the right moments in the project, but obviously, it could not be done with every iteration.
- Portable digital terminals were to be used to get input for the Transit Master Plan which would enable the consultants to poll people immediately with specific questions no matter the location. This would provide another way to receive input from different locations.
 - Reaching out through social media would not reach everyone, but talking to people on the ground and collecting data would be very valuable, and would possibly get people involved in businesses at the ground level as well. Land owners and tenants had been mentioned, but employees would provide another perspective that had not really been discussed.
- No official tally had been taken of the landowners in this area, but the significant property owners in the 100-acre Town Center area included the community college, post office, shopping center, Fry's, and the apartment complex.
- The technical boundary for the Master Plan was Town Center Loop and Wilsonville Rd, but the grant application also discussed influence areas, so adjacent properties, such as those south of Wilsonville Rd and possibly farther, as well as the Art Tech School and City Community Center, were included to really understand the impacts. The City wanted to see more connections between both sides of Wilsonville Rd.
- The open land in the planning area was owned by Kaiser and the City.
- Portions of Town Center did fall within the urban renewal zone. The matching funds were coming from the East Side Urban Renewal District, which was scheduled to close in 2020, so the concept was that a new urban renewal area would likely be created if that was an appropriate funding mechanism to use.
- Having built new business areas like Fred Meyer and Argyle Square, the process should also include finding opportunities for businesses in Town Center to upgrade as well. The Development Code should be reviewed to ensure it included things that encourage redevelopment, not just on a macro level, but at micro levels as well to encourage tenant improvements and not just new developments with new buildings.
- Concern was expressed about development, like the three-story storage building being built opposite the post office, conflicting with the future vision of Town Center.
 - One way to prevent development outside the preferred scope would be to impose a planning moratorium for the area; however, the rationale for such a policy would have to be very solid. A moratorium would stop development during the master planning process, but given the past recessionary and new market times such a policy could be very difficult to implement and might not be practical.
 - Generally speaking, land owners who wanted to develop would probably want to wait and see how the master plan developed because it would affect the marketability of their land and the type of development they could bring in. On the other hand, people do make their own decisions on such things.

IX. OTHER BUSINESS

A. 2016 Planning Commission Work Program

Chris Neamtzu, Long-Range Planning Manager, noted a partial work program was included in the packet, but he and Ms. Bateschell had completed a 12-month work program that was quite robust. He noted an informational item regarding directional bike signage had been added to next month's agenda and that additional items were being added daily.

- He confirmed the Commission would begin work on the Frog Pond Area Plan in February, discussing different concepts, diagrams, and urban form with regard to developing the West Neighborhood. He was uncertain what the consultant would be presenting, but a presentation was scheduled for next month.

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- The Citywide signage and wayfinding program was a high priority project on the work program, but it had not started partly because the City logo had not been finalized yet.
- With regard to the Old Town Bypass, Community Development Director Nancy Kraushaar had been talking with consultants about a corridor plan for that road. Determining which railroad crossing to use would be an important part of the corridor plan, but the project had not reached that point yet so the City did not know which crossing ODOT Rail preferred. The Old Town Bypass was listed on the yearlong work program.
- The Kinsman Road project between Boeckman Rd and Barber Rd was at about 90 percent design.

Michael Kohlhoff, City Attorney, added the Kinsman Road project was still on schedule to begin this summer. The City was currently considering a three-party utility provider agreement with Tualatin Valley Water District, the City of Hillsboro and ODOT to allow the Tualatin Valley/Hillsboro pipeline to be put in at the same time as the Kinsman Road project to avoid having to tear up a segment of Kinsman Rd in another couple years. That agreement was subject to some other cost and payment negotiations the City hoped to complete by May. The project was scheduled to go out to bid in April with construction to begin in May.

Staff had no further updates regarding the French Prairie Bridge but anticipated launching the public involvement plan in the summer, with an initial Planning Commission work session on the alternatives and a public open house likely in October.

X. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 7:50 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant - Planning

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Navigation



Joint Councils Settle on Proposed Jurisdictional Boundary

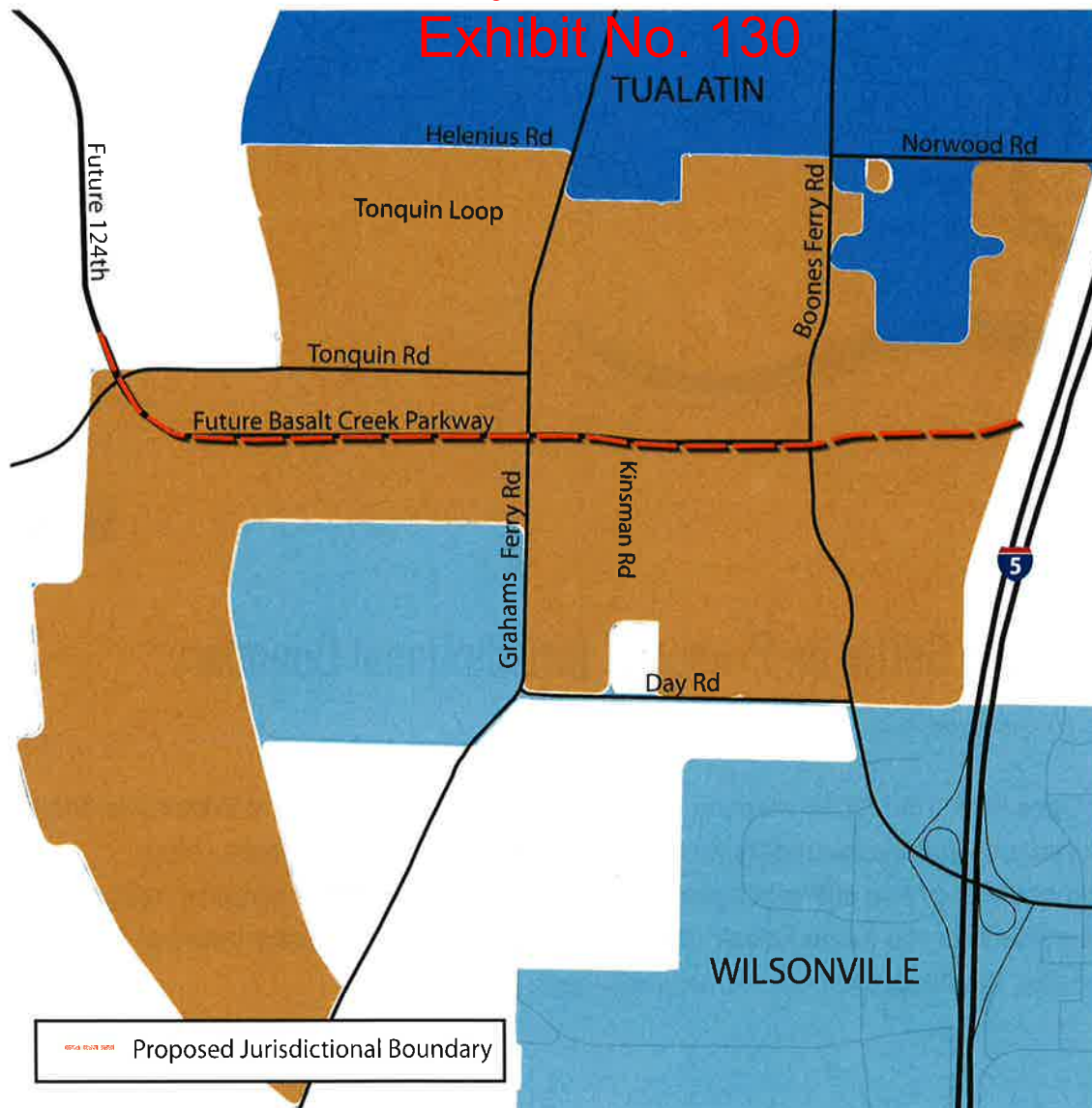
February 11, 2016 in [News](#)

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During its December 16th, 2015 meeting, the Joint Councils of Tualatin and Wilsonville settled on a preferred jurisdictional boundary for the Basalt Creek Concept Plan area. After considering analysis of five different options, consensus was reached to propose using the planned alignment for the future Basalt Creek Parkway road as a boundary between Tualatin and Wilsonville. Meeting materials are available [here](#).

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Proposed jurisdictional boundary between cities of Tualatin and Wilsonville along the future Basalt Creek Parkway alignment

The proposed land use plan for the area, in addition to correlating utilities and infrastructure plans, will be finalized following a public open house to be held April 28th at the [Juanita Pohl Center](#) in Tualatin at 5:30 pm. More [event details](#) will be announced shortly.

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Related Posts:

- [April 28, 2016 Public Open House](#)

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Exhibit No. 131

From: [Brian Harper](#)
To: [Aquilla Hurd-Ravich](#)
Cc: [Karen Perl Fox](#); [Bateschell, Miranda](#)
Subject: RE: Confirming Title 4 requirements
Date: Tuesday, August 09, 2016 11:20:32 AM

No problem, Aquilla. Your assessment below is pretty spot on.

I can confirm that there is no portion of Title 4 that expressly prohibits residential uses. Title 4 was meant to protect important Industrial and Employment lands from large scale retail uses that would have a negative impact on traffic and movement of goods and services from areas that were deemed critical for regional employment outcomes. Changing your underlying zoning in these areas to Residential will not trigger any need to change the Title 4 map, assuming you place the necessary retail sq ft. restrictions in those zoning districts.

Let me know if you have any other questions about the Functional Plan as it applies to the area. Looking forward to moving this project along and getting both jurisdictions closer to breaking ground in the area.

Brian Harper
Planning & Development Department
Metro
600 NE Grand Ave
Portland, OR 97232
Office: 503-797-1833
Fax: 503-797-1930

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From: Aquilla Hurd-Ravich [<mailto:AHURD-RAVICH@ci.tualatin.or.us>]
Sent: Tuesday, August 09, 2016 11:01 AM
To: Brian Harper
Cc: Karen Perl Fox; Bateschell, Miranda
Subject: Confirming Title 4 requirements

Hi Brian,

Thanks for talking with me this morning about Title 4: Industrial and Other Employment Areas. This email is to confirm our conversation and loop in Karen and Miranda.

Title 4 does not preclude residential uses and the ordinance that brought Basalt Creek into the UGB anticipated some residential uses in the area; therefore there is no need to change the designation from Title 4 to something else. Also, Basalt Creek falls into the Industrial Areas designation of Title 4 (3.07.430 Industrial Areas) which does place limits on the size of commercial uses.

“...new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than **5,000 square feet of sales or service area in a single outlet**, or **multiple outlets that occupy more than 20,000 square feet** of sales or service

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area in a single building or in multiple buildings that are part of the same development project...”

The above limitations are reflected elsewhere in Tualatin’s Development Code governing industrial land.

In conclusion, at this time there is no need to make a change to the Title 4 designation to allow residential uses. Additionally, the concept plan and future implementing ordinances will have to comply with size limitations on commercial uses. Tualatin intends to provide neighborhood commercial nodes that will meet Metro’s code requirements.

Please confirm if the above is accurate.

Thanks again,

Aquilla Hurd-Ravich, AICP

Planning Manager

City of Tualatin | Community Development Department

503.691.3028 | www.tualatinoregon.gov

CITY OF WILSONVILLE REBUTTAL TO TUALATIN'S BRIEF

TO: Arbitrator Martha Bennett, Metro Chief Operating Officer
FROM: Barbara Jacobson, City Attorney for the City of Wilsonville
DATE: March 14, 2018
RE: City of Wilsonville Rebuttal Brief
Central Subarea, Basalt Creek Planning Area



Wilsonville's rebuttal to Tualatin's Brief, in the order presented:

1. Tualatin Assertion: The Parkway Serves as a Buffer Between the Residential Areas to the North and Industrial Areas to the South.

Wilsonville Response: A busy freight arterial located adjacent to a residential neighborhood is not a buffer.

Tualatin claims that the Basalt Creek Parkway ("Parkway") should serve as the natural dividing line between residential development to the north and industrial development to the south. If that were the case then, by implication, everything north of the Parkway, i.e. everything on the Tualatin side of the Parkway, should be reclassified as residential. That is clearly not what either city is proposing and it is not the case in any of the concept plan land use options considered during the planning process. In fact, Tualatin advocated to move the jurisdictional boundary south to the Parkway location, not as a buffer between industrial and residential, but as a dividing line between Wilsonville and Tualatin as a means to give Tualatin more industrial property within its boundary, consisting of all land north of the Parkway.

At the August 24, 2015 Tualatin City Council work session (see Minutes pages 1-2 of 5, attached hereto as **Exhibit A**), Mayor Ogden stated that he did not believe the mix of residential and industrial in the proposed Boundary **Option 3** was a good value for the people of Tualatin. He further stated that the proposed mix of residential and industrial creates more trips and, in turn, more congestion. While he understands the need for residential capacity, he stated it should not be achieved at the expense of other options and recommended moving the boundary line further down to accommodate for more job-producing land options for Tualatin, thereby "*creating a more balanced growth option.*" Boundary **Option 3**, referred to by Mayor Ogden, is attached hereto as **Exhibit B**. It should be noted that **Option 3** showed the portion of the Central Subarea within the Tualatin boundary as residential and the portion within the Wilsonville boundary as industrial.

At that same meeting, Council President Beikman expressed dissatisfaction with Boundary **Option 3**, noting that, for Tualatin, **Option 3** removes all industrial land and converts it to residential, leaving no room for job growth. (See **Exhibit A** Minutes, pp. 1-5.)

Throughout the planning process, Tualatin's Mayor Lou Ogden fought for more industrial land, not for residential land. In fact, following that August 24, 2015 meeting, his argument, along with Council President Beikman's, was Tualatin's motivation to move the jurisdictional boundary further south in order to give Tualatin more industrial land, immediately adjacent to and directly north of the Parkway. While the planners for Tualatin and Wilsonville (with support from Washington County and Metro planners through the Agency Review Team) had worked on three different options and boundaries, Tualatin, on its own, came up with what has become known as **Option 4** after that August 2015 meeting (attached hereto as **Exhibit C**). Boundary **Option 4** moves the boundary to the south and clearly shows all of the Central Subarea exclusively within Tualatin's boundary and designated by Tualatin exclusively as industrial land.

In a 2015 Tualatin staff report prepared for the December 16, 2015 Joint City Council meeting (rescheduled from September 8, 2015), staff states, on page 2 of 3 of the staff report: "*The Tualatin City Council expressed concerns about the limited employment land opportunities for the City of Tualatin and directed city staff to prepare information for a boundary **Option 4**....*" (See Tualatin staff report and Joint City Council minutes attached hereto as **Exhibit D**.) **Option 4** was then presented by Tualatin as the preferred alternative, but was not agreed to by the other parties.

Ultimately, **Option 5** (attached hereto as **Exhibit E**), was negotiated and agreed upon by both Wilsonville and Tualatin at the Joint City Council meeting held December 16, 2015. At that meeting, Mayor Ogden stated: "*We recognize an arterial with limited access will be moving traffic from Tualatin and Wilsonville in both directions; however, it is not a major arterial that will emulate the I-5/99W connector.... By default, we are precluding a future for a 99W connector, so all the more important to recognize the transportation piece has to work there and it cannot be overloaded nor can Basalt Creek Parkway be overloaded.*" Supporting that comment, on pages 5-6 of the **Exhibit D** Minutes, Council President Beikman stated that funding was limited and it was important for the two cities to work out plans for SDCs and TDTs and to emphasize this area "*is a regionally significant industrial area and that the regional government needs to recognize that significance with adequate dollars for the infrastructure so that the project can function properly.*" At the conclusion of that meeting, Wilsonville City Council unanimously voiced support of **Option 5**, and Tualatin City Council, with only one dissenting voice by Councilor Joelle Davis, also voiced full support of **Option 5**. (See **Exhibit D**.) **Option 5** shows the movement of the jurisdictional boundary to the Basalt Creek Parkway to the south, giving more land to Tualatin, placing all of the Central Subarea within Tualatin, and making all of the Central Subarea industrial.

As noted in the Metro staff report and Wilsonville's Arbitration Brief ("Wilsonville Brief"), the sole purpose of the annexation and development of the Basalt Creek Area was to allow for the development of land that had been identified as regionally significant industrial land, not residential land. In Tualatin's Brief, much is made of the fact that the Metro 2040 Plan showed the I-5/99W connector road, which might have served as a buffer between industrial and

residential land. This road never came to be and no public process was held to adopt plans supporting that concept. The reality is that former conceptual alignment for the connector road would have been located to the north of the Central Subarea and would have allowed approximately 110 acres above the line to be designated as “outer neighborhood,” including some additional residential plus buffer between the existing residential and future industrial and employment uses to the south.

Given where the Parkway is now located, according to Tualatin’s argument, that residential acreage number would now expand to approximately 380 acres (adding an additional 270 acres) – far exceeding what was anticipated for residential in an area that was being planned primarily as regionally significant industrial lands. Not only is the Parkway not the connector that was then anticipated, but the Parkway is not the “approximate course” of the connector, as depicted on the map included in Metro’s Ordinance, as argued in Tualatin’s Brief. Adding an additional 270 acres of land to the originally proposed 110 acres (for a total of 380 acres) is well beyond the acreage limits to qualify for a Metro minor UGB adjustment. Additionally, moving a potential road alignment over 1,500 feet, under any city project, would not be seen as a minor adjustment and, as such, would require new analysis and a new notification process and public outreach process. No public meetings or open houses ever occurred showing 380 acres of the Basalt Creek Industrial Area as residential. (See overlay map, showing both road locations, attached hereto as **Exhibit F** – see two maps).

Contrary to the position now being taken by Tualatin concerning the Parkway as a “natural buffer,” in its November 28, 2016 staff report to the Tualatin City Council, staff wrote: “*While there are some hilly areas, the Manufacturing Park designation can be made flexible enough to include some smaller scale employment uses. In addition, bringing residential further south in this subarea than shown on the October 2016 Land Use Concept Map will create buffering issues with industrial land in Wilsonville as they work to market property south of the future Basalt Parkway.*” (See staff report, **Exhibit G.**) This statement directly contradicts Tualatin’s Position 2 in its brief that the Central Subarea is not suitable for industrial/employment park development.

Finally, if Tualatin’s argument that the Parkway should be the natural buffer area between residential and industrial is taken at face value, then all of Tualatin’s nearly 200 acres of Basalt Creek, including the one remaining manufacturing parcel of approximately 96 acres immediately north of and adjacent to the Parkway and immediately west of and adjacent to the Central Subarea (now re-designated by Tualatin as residential land), should also be re-designated as residential land. Along with that re-designation, Tualatin’s Concept Plan could aptly be entitled the *Basalt Creek Residentially Significant Planning Area*. (See hypothetical map showing all land above the Parkway “natural buffer” as residential, attached as **Exhibit H.**)

2. Tualatin Assertion: The Subarea is Not Suitable for Industrial/Employment Development.

Wilsonville Response: This area is well suited for “Industrial/Employment Development.”

Tualatin’s assertions are based on statements from those few developers who will profit from the residential designation, in lieu of the industrial designation, with no professional study or analysis to back up such assertions.

A March 21, 2017 newspaper article appearing in the *Portland Tribune* (attached hereto as **Exhibit I**), summed up Tualatin’s sudden change of heart with respect to what the Central Subarea was suitable for:

“The debate over whether to reclassify the central subarea between Victoria Garden and the future Basalt Creek Parkway as residential found Ogden in an odd position. The mayor had been the leading advocate on the Tualatin City Council throughout the planning process to maximize the share of land on Tualatin’s side of the line to be developed as industrial. But despite advice from Tualatin city planners that the subarea could support industrial development at some point in the future, and an analysis commissioned by Washington County suggesting the same, he said in February he had come to strongly believe the land is unsuitable for it.”

What Mayor Ogden failed to state in that meeting or to the reporter was how or why he had come to suddenly change his mind so dramatically.

The Wilsonville Brief already offers numerous strong arguments and studies as to why the Central Subarea is well suited to an industrial designation. If slopes had stopped industrial/commercial developers, the numerous highly successful projects Wilsonville has already cited in its Brief would never have happened. If there is any doubt slope cannot be overcome at a reasonable cost, one only need make a site visit to the new Beaverton High School (aptly named Mountainside High School), where even the football field is located on what was a severe slope that had to be cut, retained, and filled.

With respect to rock, with industrial development, fewer sewer and water lines need to be installed and can be strategically located to avoid areas of high rock concentration. With residential development, every single house needs its own service lateral. Wilsonville therefore submits that the overall site geology may be far more conducive to industrial development than it is to residential development.

Tualatin challenges two of the professional studies conducted regarding the viability of the Central Subarea for industrial development because they both support industrial development. Tualatin, however, fails to discuss other earlier studies that also supported industrial development for the Central Subarea or to commission its own study. With respect to the Mackenzie study, commissioned by Washington County in 2016, Tualatin takes one sentence out of context to state that Mackenzie found that nearly a third of the site contains slopes greater than

10%, or are surrounded by slopes greater than 10%, which are extremely difficult to develop for industrial/employment uses. What Tualatin fails to point out is that most of the highly sloped areas are contained in the canyon, which is not planned for industrial or residential development.

What Tualatin also fails to acknowledge is that, after looking at all factors, the Mackenzie report concludes:

“The site is certainly feasible for employment, and given the existing site conditions and subject site location, the following employment uses may be suitable for this site:

- *Flex business park (health services, professional services, support services, administration/back office support operations, incubator space)*
- *Office or office campus*
- *Manufacturing (food processing, metals, chemicals, equipment, machinery, product/components assembly)*
- *Commercial support services (restaurants, coffee shops, print shops) along the future Basalt Creek Parkway” (See Exhibit J, Mackenzie Conclusion.)*

As noted in the Wilsonville Brief and the November 28, 2016 Tualatin staff report, while the site may not be suitable for one large industrial warehouse complex, that is not the type of industrial use primarily envisioned for the Basalt Creek Planning Area. Basalt Creek planning is looking toward new cutting edge industrial development that offers more jobs at higher wages than the run-of-the mill industrial warehouse development. As also noted in the Wilsonville Brief, as well as in the Mackenzie and KPFF reports, while this site does have slope and rock in certain locations, the perfect flat industrial land parcel near freeway access is an endangered, if not extinct, species. Developers have therefore adapted well to more challenging topography, especially in locations with excellent I-5 access, transportation infrastructure, larger parcels, and complementary surrounding uses.

After attempts to rebut the Mackenzie study, Tualatin next turns its attention to the KPFF study, commissioned by Wilsonville in 2017, claiming that KPFF’s analysis completely ignores the need to comply with the Oregon Fire Code. This is not true. Attached as **Exhibit K** is the response from KPFF Engineer Matt Dolan. In **Exhibit K**, Mr. Dolan responds to all of the false and faulty assertions made by Tualatin. Without repeating everything contained in **Exhibit K**, highlights include: KPFF disagrees with Tualatin’s assertion that *“the area is useful, at best for ‘split elevation’ office use.”* To the contrary, KPFF asserts that the study suggests a different building type could be utilized in areas with steeper slopes and does not suggest this approach for the entire area. *“All of the scenarios and building typologies imagined in the study support employment opportunities within the study area and are creative/adaptive solutions for modern development in a robust metro environment.”*

With respect to ignoring the fire code, Mr. Dolan wrote: *“The Oregon Fire Code was not ignored.”* He goes on to state: *“The site lies within the Tualatin Valley Fire & Rescue (TVFR) Service Area. ORS 368.039 allows road standards adopted by local government to supersede standards in the fire codes and requires consultation with the local fire agency. Per the TVFR*

'New Construction Fire Code Applications Guide for Commercial and Multi-Family Development,' revised 10/26/2017, Version 3.5, Fire Apparatus Access Roadway grades shall not exceed 15%. With respect to a secondary access, there are a multitude of ways to satisfy the requirement." The need for secondary access will be dependent on the actual development ultimately proposed and, like with any new development projects, TVFR will be consulted.

Finally, Mr. Dolan summed up the principals of any development and long range planning efforts: *"The study completed by KPFF was intended to demonstrate that it is feasible to develop the study area in a manner that supports employment opportunities. It was not intended to be definitive as to how the development would actually occur.... The discussion regarding economic feasibility does not seem pertinent or relevant to the determination of long range planning goals for the area."*

Without repeating what is already contained in the Wilsonville Brief, numerous studies were conducted throughout the Basalt Creek planning process to determine that this land was suitable for industrial development. In addition to the Mackenzie and KPFF studies, there were also the Industrial Needs Analysis conducted by Metro when the area was brought in for industrial development planning; the Leland Consulting Group Market Analysis; and the Fregonese Existing Conditions Report, which included the buildable lands inventory map, which shows the Central Subarea as some of the most developable land and well-suited for industrial development (ranked just behind the property already designated by Tualatin as residential along I-5 and the Koss property that is located in the Central Subarea). (See **Exhibit L.**) In development, one can always look toward the worst-case scenario, i.e., the hardest and most expensive way to do something, but that is not how successful site planning is done. To the contrary, experienced developers will always look for the easiest and most economical alternative and, when a location is desirable, for all of the reasons listed above, they tend to get creative and find successful paths forward, even if the cost might be higher.

3. Tualatin Assertion: Designating the Subarea for Housing Responds to the Housing Crisis.

Wilsonville Response: No, it does not.

The housing crisis discussion at Metro is about affordable housing. It is not about an overall shortage of housing. In fact, in the last UGB cycle, Metro did not add land to the UGB for residential need. While there is a shortage of affordable housing in the Metro area, Wilsonville has seen nothing in any Tualatin designation for the Central Subarea or any of the lands in Tualatin already designated as residential to require any percentage of that housing to be "affordable." Moreover, significant other land exists for residential development in Tualatin. Stafford is an area clearly designated exclusively for housing for Tualatin. No industrial designation is planned for any of this area. The Stafford Urban Reserve Area 4E (north of Frobase and west of 65th to I-5, bound by I-205 to the north) also has over 800 acres of possible residential land, and the nearby Area 4D consists of approximately 1,600 acres.

Although Tualatin's Stafford community has historically been an area marketed more for the affluent buyer, definitely not those seeking affordable housing, attempting to market the Basalt Creek Central Subarea as affordable housing (despite no evidence of what the housing type and

price will be) is the opposite of what Tualatin should be offering as an affordable housing alternative. The Central Subarea is located next to a freight arterial on the south, industrial land on the west, in close proximity to a prison to the southwest, and across the Parkway from all industrial land. This location brings with it the typical concerns of truck noise, air pollution, traffic congestion, safety issues, and the fact that the children will be required to be bussed or driven a long distance to schools in Sherwood, which is the Central Subarea's designated school district.

Rather than helping solve a "housing crisis," this feels like a future social equity and environmental justice issue. As an alternative, Wilsonville would like to offer an already master planned and shovel ready new housing development that is an easy commute from the Basalt Creek Area and Tualatin, called Frog Pond. Frog Pond West and its potential future East and South neighborhoods will offer a variety of economic housing types and is in close proximity to services, schools, and significant open space and park. It is not near any industrial lands, prisons, or truck routes, and is in walking distance to the designated schools.

At Item D in Tualatin's Brief, Tualatin argues that it has more than enough industrial land. This argument directly contradicts Tualatin's insistence for more industrial land in August 2015, and its consensus on the Concept Plan Land Use Map on November 28, 2016. (See November 28, 2016 Minutes, pages 2-3, attached hereto as **Exhibit M.**)

Tualatin's argument that there is a need for more residential land in Tualatin, specifically in the Basalt Creek Planning Area and Central Subarea, is unsubstantiated. Evidence of an acknowledged Goal 10 Housing Needs Analysis has not been provided by Tualatin. A Housing Needs Analysis outlines a city's supply and demand for housing and provides the basis for understanding future planning efforts related to residential growth.

Tualatin's argument in Item E, stating that the Central Subarea should be reclassified as residential because "*The Property Owners want the Subarea Designated for Housing,*" can only be summarized as astounding yet obvious. To that argument Wilsonville can only reply, "*Of course they do.*" Residential land is worth substantially more than industrial land. Residential land is more marketable and quickly developable. To that end, it should also be noted that the developer who retained OTAK to convince Tualatin Councilors to change their position on the Central Subarea owns a parcel of land located within the Central Subarea and adjacent to the Parkway. Surely this developer knows, as do Tualatin officials, that Washington County must acquire a substantial portion of his Central Subarea land in the near future in order to complete the Basalt Creek Parkway. If this developer can succeed in having his land designated as residential, he stands to obtain a much higher appraised value that Washington County will be forced to pay for that land at the expense of the Washington County taxpayers, a large number of whom reside in Tualatin (and a few in Wilsonville). As noted in the Wilsonville Brief, what matters here is not higher profits for a handful of people whose property would otherwise remain primarily agricultural, but rather preservation of Title 4's primary goal to protect regionally significant and dwindling industrial land that brings jobs to the region and better the overall economy of Tualatin, Wilsonville, Washington County, the Metro region, and the State of Oregon as a whole.

4. Tualatin Assertion: Tualatin Did Not Agree to a Land Use Designation for the Subarea.

Wilsonville Response: We all thought you did, but apparently you did not.

Metro, Washington County, Wilsonville, and Tualatin have been working on the Basalt Creek planning project since 2014. All negotiation and planning for the area culminated when, at a Joint City Council meeting in December of 2015, both Tualatin and Wilsonville City Councils voiced overwhelming support and commitment to **Option 5**.

Many months later, due to heavy lobbying efforts by a few and a turnover in some Tualatin Council members, Tualatin's resolve to adopt **Option 5** appeared to falter and then correct at Tualatin's November 28, 2016 work session. According to those work session minutes, Councilor Davis stated she would like to see more residential land and less industrial land, to address citizen concerns. Councilor Bubenik, on the other hand, stated he supported staff's recommendation to retain the manufacturing designation for the Central Subarea. Councilor Grimes concurred with Councilor Bubenik, stating staff had created an equitable balance with room for growth. Mayor Ogden spoke in support of flipping the designation to residential over concerns with the area "*being able to develop manufacturing.*" Council President Truax stated that if Council did not accept staff's recommendation, he feared there would be no end to the process. At the end of the work session, Council consensus was reached to adopt staff's recommendation to retain the manufacturing designation. (See **Exhibit M**.)

In Tualatin's November 28, 2016 staff report, staff had concluded that, despite the OTAK report, staff continued to believe that the Central Subarea could be developed for employment land over the long term and, therefore, staff's position was to accept the Land Use Concept Map as presented on October 10, 2016. That presented map was the **Option 5** map. (See **Exhibit G**.)

Unfortunately, less than three months later, on February 13, 2017, a different Tualatin City Council consensus was reached, without consultation with any of its partners of many years, to unilaterally re-designate the Central Subarea to residential.

As noted in the March 21, 2017 *Portland Tribune* article:

"Throughout the process Wilsonville has largely stuck to its vision of having almost all development on its side of the line be industrial.... Tualatin has seesawed between the proposals, including varying mixes of residential and industrial lands.

"The map had appeared settled as of last October, but after three new city councilors came aboard in Tualatin after the November election, the Tualatin City Council decided to change its designation for the central subarea in spite of warnings from Washington County Chairman Andy Dyke and other intergovernmental partners."

Finally, under Item C, Tualatin makes the broad assertion that "*The Metro Staff Conclusions Are Not Supported by the Evidence.*" To the contrary, as already outlined in detail in the Wilsonville Brief, Metro's conclusions are well supported. What is not supported by any evidence is

Tualatin’s eleventh hour flip-flop on the Central Subarea designation, to the detriment of Wilsonville, Washington County, and the region, in order to benefit a few influential developers and landowners.

To the extent Wilsonville has not addressed any other assertions by Tualatin under Item C, all responses are already well documented in the Wilsonville Brief, which fully supports the Metro staff report.

Conclusion:

Tualatin’s unilateral decision, after years of cooperative work among Metro, Washington County, Wilsonville, and Tualatin staff, is without reason or merit. Tualatin’s decision can only be summarized as a last minute attempt to designate the Central Subarea as residential for the direct financial benefit of a few, at a great cost to the region. The decision is inconsistent with the Metro Ordinance, the Transportation Refinement Plan, Title 4 and Title 11 of the Urban Growth Management Functional Plan, the joint Council conclusions, and the recommendations and decisions made throughout the extensive public process. This last minute about-face in the land use designation of the Central Subarea by Tualatin creates profound uncertainty as to the viability of any portion of the Basalt Creek Area as an employment district. The Central Subarea should remain designated as industrial/employment land.

Attachments:

- Exhibit A: August 24, 2015 Tualatin City Council Work Session Minutes
- Exhibit B: Boundary Option 3
- Exhibit C: Boundary Option 4
- Exhibit D: December 16, 2015 Tualatin Staff Report and Joint City Council Minutes
- Exhibit E: Boundary Option 5
- Exhibit F: Basalt Creek Area Road Overlay Map (concept road and Basalt Creek Parkway overlay)
- Exhibit G: November 28, 2016 Tualatin Staff Report
- Exhibit H: Map showing all land above the “natural buffer” as residential
- Exhibit I: March 21, 2017 *Portland Tribune* newspaper articles
- Exhibit J: Mackenzie Conclusion
- Exhibit K: March 9, 2018 Response from KPFF Engineer
- Exhibit L: Buildable Lands Map (Fregonese)
- Exhibit M: November 28, 2016 Tualatin City Council Work Session Minutes



Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Economic Development Manager Ben Bryant; Assistant City Manager Alice Cannon; Management Analyst II Zoe Monahan; Public Works Director Jerry Postema

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:05 p.m.

1. **Basalt Creek Concept Plan Briefing.**

Assistant City Manager Alice Cannon and Planning Manager Aquilla Hurd-Ravich briefed the Council on the Basalt Creek Concept Plan project updates. Manager Hurd-Ravich presented boundary option three and preliminary analysis results for consideration. Key points from the last joint meeting with Wilsonville were recapped. It was noted boundary option three was created in response to the feedback from the meeting. Boundary option three was presented and transition areas along the boundary for buffering were highlighted. The next steps for decisions regarding the new boundary will occur at the next joint meeting on September 8. Future decision points for the fall include the refinement of preferred land use alternatives followed by open houses and the preparation of the draft Basalt Creek Concept Plan.

Manager Hurd-Ravich presented additional information including three boundary options total developable acres, land use mixes, total number of jobs and households, total trips, assessed value at buildout, and annual property tax at buildout. The consultant team summary was briefly reviewed.

Councilor Truax referenced a letter sent from Mr. Cross. He asked about Mr. Cross's concerns regarding his properties being split between cities. Manager Hurd-Ravich stated Mr. Cross's properties are located solely in Wilsonville. Manager Cannon noted boundary option three does not split any property lines.

Manager Hurd-Ravich recapped the difference between the three boundary options.

Mayor Ogden stated he did not believe the mix of residential and industrial in this option is a good value for the people who live in Tualatin. This mix creates more trips in turn creating more congestion. He understands the need for residential capacity but does not believe it should be done at the exclusivity of other options. His

recommendation would be to move the boundary line further down to accommodate for job producing land options creating a more balanced growth option.

Councilor Grimes entered the meeting at 5:33 p.m

Councilor Bubenik would like to see more land in this option converted to light industrial.

Council President Beikman expressed dissatisfaction with boundary option three. She stated boundary option three removes all industrial land and converts it to residential leaving no room for job growth.

Councilor Bubenik added he does not feel option three is equitable or balanced equally.

Councilor Davis stated boundary option 3 gives Wilsonville everything they wanted while excluding Tualatin's requests. She believes the road should be placed further to the south as its current placement is limiting everyone's options. She added the road should be placed outside of residential and wetland areas.

Council President Beikman wants to ensure Tualatin is given the proper amount of land to buffer the transition between residential and industrial.

Assistant City Manager Cannon asked if it was Council's desire to see the road dropped down to Tonquin Road. Councilor Davis stated it would be the natural decision for citizens to understand the boundary.

Councilor Grimes asked if moving the boundary to Tonquin Road would split property lines. Manager Hurd-Ravich stated she did not believe it would split any property lines.

Mayor Ogden referenced the land suitability map that was presented at a previous meeting. He stated he would like to see the boundary drawn based upon that map.

Manager Cannon stated staff is getting close to the end of the budget for this project so it is important to find resolution to this plan relatively soon.

2. Election Ordinance Discussion.

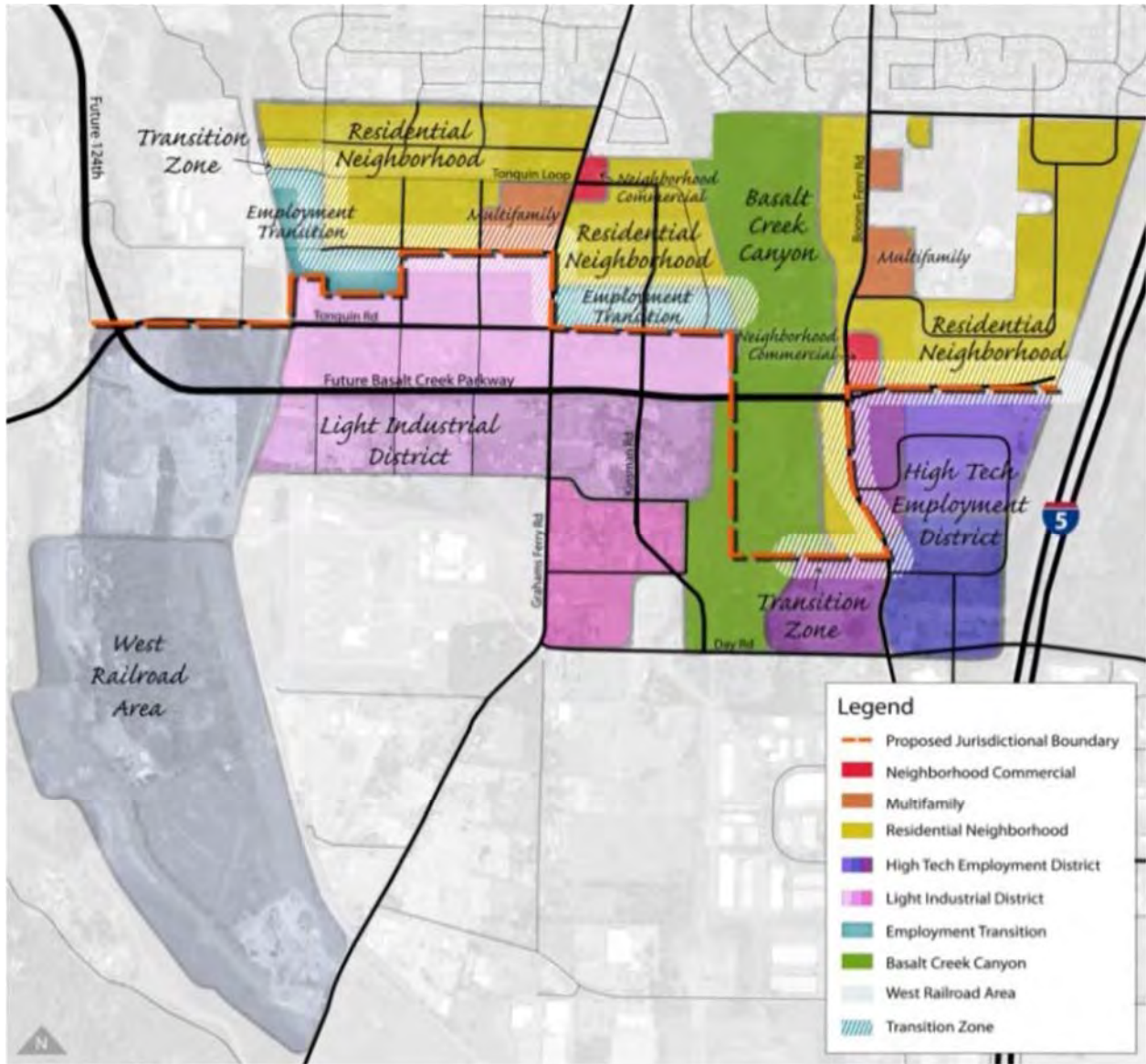
Councilor Brooksby was phoned into the meeting.

Councilor Davis stated Councilor Bubenik and herself would like to correct what they feel was a lack of public comment allotted for Ordinance No. 1381-15. They are requesting an additional public comment period be opened to allow citizens to make further public comment.

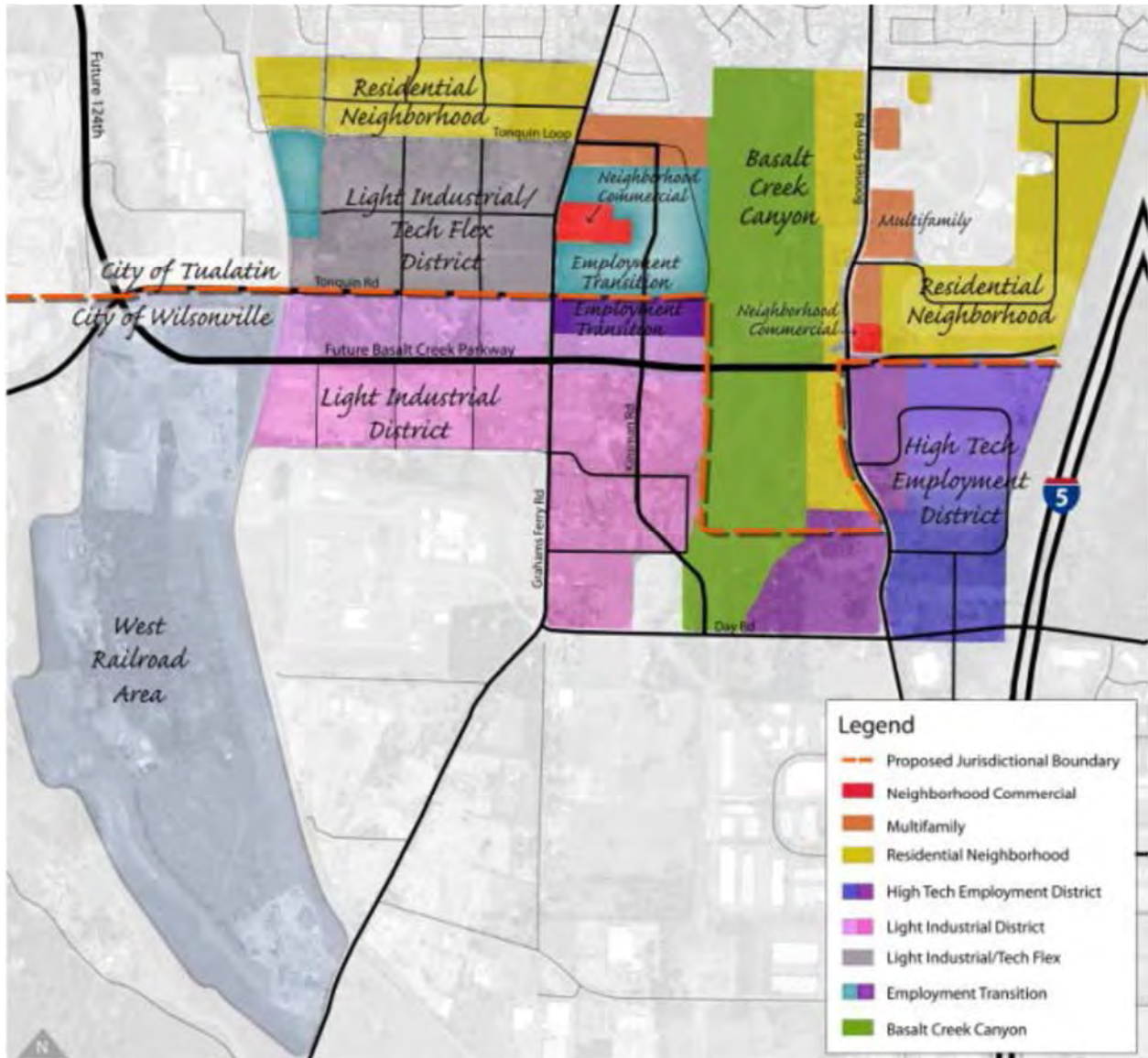
Councilor Bubenik stated the extended citizen comment period would be a time where citizens could make suggestions to Council regarding the ordinance. After the comment period then Council could then consider potential amendments if appropriate.

Mayor Ogden stated he feels only those who feel negatively toward the ordinance

OPTION 3



OPTION 4





JOINT CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 16, 2015	Subject: Basalt Creek Concept Plan Staff Members: Miranda Bateschell, Wilsonville Cindy Hahn & Aquilla Hurd-Ravich, Tualatin	
Action Required	Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends the City Councils provide direction to staff on a jurisdictional boundary and essential agreements for functional elements of the Basalt Creek Concept Plan.		
Recommended Language for Motion: N/A		
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities Basalt Creek Concept Plan	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Staff will provide Council with an update on the Basalt Creek Concept Plan and seek direction on next steps for the project.

EXECUTIVE SUMMARY:

At the Joint Council meeting, the project team will briefly summarize all land use and boundary options considered to date (presentation included as Attachment A). The Joint Councils will then be asked to discuss priorities for the planning area, agreed upon elements of the plan, and remaining issues needing resolution in the Concept Plan. Staff seeks direction on a boundary option to present as a preferred alternative for public input and what essential agreements need to

be part of the functional elements of the Concept Plan (such as land uses, transportation, stormwater, etc.). If a preferred alternative is not reached at the December Joint Council meeting, staff seeks direction on next steps and a list of expectations toward achieving that goal.

BACKGROUND:

The Basalt Creek Concept Plan will establish a vision and jurisdictional boundary for the 847 acres between the cities of Wilsonville and Tualatin. At the Wilsonville-Tualatin Joint Council meeting in June, the project team presented two boundary and land use alternatives (Boundary Options 1 and 2) to the base-case scenario (originally presented December 2014). The Joint Council directed staff to develop a third alternative addressing interests and concerns discussed at the meeting. Staff developed Boundary Option 3 as a response to the Joint Council input and presented this option at individual work sessions in August. **The Tualatin City Council expressed concerns about the limited employment land opportunities for the City of Tualatin and directed city staff to prepare information for a Boundary Option 4, which would follow Tonquin Road west of the Basalt Creek Canyon area. In total, five boundary options have been developed during the planning process (Attachment B).**

The land use scenario in all options is conceived to complement existing development patterns in both cities, have robust and efficient infrastructure systems that are not cost prohibitive and generally, development “pays its way.” Performance indicators were generated using Envision Tomorrow modeling software to evaluate the Boundary Options and a summary is included as Attachment C.

POTENTIAL IMPACT or BENEFIT TO THE COMMUNITY:

The Basalt Creek area is important for the long-term growth of Tualatin, Wilsonville, and the Metro region. Conducting a thorough and thoughtful planning process will identify and resolve each city’s vision for the area and potential impacts on the community. The Basalt Creek area presents an opportunity to maximize assessed property value, integrate jobs and housing, develop efficient transportation and utility systems, create an attractive residential and business community, incorporate natural resource areas, and provide recreational opportunities as community amenities and assets.

EXPECTED RESULTS:

At the Joint Council meeting, the project team is seeking direction on a preferred jurisdictional boundary and essential agreements that will be part of the Basalt Creek Concept Plan.

TIMELINE:

The Joint Council meeting on December 16, 2015, will be the fourth Wilsonville and Tualatin Joint Council Meeting for the Basalt Creek Concept Plan. Based on the discussion and guidance received at the upcoming Joint Council meeting, the project team will refine a preferred land use alternative for the Basalt Creek Concept Plan. That preferred alternative will be presented at a Public Open House and drafting of the Concept Plan will begin with expected completion in 2016.

COMMUNITY INVOLVEMENT PROCESS:

The project includes participation from affected residents, businesses, and property owners. Citizens will be asked to share ideas about the preferred land use alternative at a Public Open House. Additionally, the website is updated to reflect the most recent work and staff sends out monthly updates to an interested parties list and property owners via email and U.S. postal mail.

ATTACHMENTS:

- A. December 16, 2015 Joint Council Presentation
- B. Basalt Creek Plan Area Boundary Options
- C. Performance Indicators Summary for all Boundary Options

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

The Wilsonville City Council met with the City of Tualatin City Council on Wednesday, December 16, 2015 starting at 6 p.m. at the Wilsonville City Hall.

Wilsonville City Council members present:

Mayor Knapp
Council President Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Wilsonville Staff present:

Bryan Cosgrove, City Manager	Nancy Kraushaar, Community Development Director
Jeanna Troha, Assistant City Manager	Miranda Bateschell, Long Range Planner
Barbara Jacobson, City Attorney	Steve Adams, Engineering Manager
Mike Kohlhoff, Special Projects Attorney	Susan Cole, Finance Director
Sandra King, City Recorder	

City Councilors from the City of Tualatin included:

Lou Ogden, Mayor
Monique Beikman, Council President
Wade Brooksby, Councilor
Frank Bubenik, Councilor
Joelle Davis, Councilor
Nancy Grimes, Councilor
Ed Truax, Councilor

Staff representing Tualatin:

Sherilyn Lombos, City Manager	Cindy Hahn, Associate Planner
Alice Cannon, Assistant City Manager	Jeff Fuchs, City Engineer
Colin Cortes, Assistant Planner	

Consultants involved in the work effort:

Jon Fregonese, President, Fregonese Associates
Andy Cotugno, Metro Planning Director

The purpose of the joint meeting is to:

1. Hear about the continued Basalt Creek Planning efforts.
2. Provide direction on the latest boundary option and functional elements of the Basalt Creek Concept Plan.

CALL TO ORDER

Mayor Knapp called the joint Council meeting to order at 6:05 p.m. Roll call was completed via self-introductions.

CITY OF WILSONVILLE
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PRESENTATION (Fregonese)

John Fregonese commented the purpose of the meeting was to review the boundary option evaluations since the cities were at the point where agreement on the boundary was critical, and to review the next steps. Over the past two years work has been done to evaluate land suitability, guiding principles, a number of scenarios were considered and many issues worked out to where he was confident about the ability to move forward.

Mr. Fregonese identified the base case and four boundary options that had been considered, analyzed, and evaluated. Through that evaluation process service provisions and transportation issues have been worked out. The project was at the point where a decision had to be made on the boundary to move ahead in the process.

Andy Cotugno discussed the history of Basalt Creek and the regional significance of the area. Thirty years ago discussion began about the possibility of an I-5/99W connector, which led to talk about building a “western bypass” freeway to Hillsboro. Although the western bypass was not built, the I-5/99W connector idea remains on the table. When Metro added land to the UGB, one of the conditions was to figure out where that road was to be located and not to allow urbanization in this area until the location of this road was identified to insure the possibility of the connector was not precluded because of urbanization.

That led to the examination of the I-5/99W connector with the proposal on the table at the time for a freeway connection; however, it was concluded this was not the best idea for organization of the land in Tualatin and Wilsonville and Sherwood. Rather, an arterial based approach would be a better option. This arterial based approach was included in the regional plan although the location of the road was not identified. The process with Basalt Creek presented a good solution for the transportation system plan for the area while recognizing future extensions to the west and east may be possible.

When the area was added to the UGB Metro was looking for additional job lands, but heard concerns about neighborhoods from Tualatin and the incompatible development being alongside Tualatin’s boarder. The challenge is to determine land uses while recognizing what is already built and taking into consideration the natural features and neighborhood conflict areas.

Mr. Fregonese stated it was important to understand how significant the barrier Basalt Creek Parkway will be.

Mayor Knapp added staff felt the elected officials needed to understand the Parkway concept better, what is it going to look like and how it will interface with the surrounding properties and how it will affect the flow of traffic and industry in that vicinity.

Miranda Bateschell, Long Range Planning Manager, explained staff had met with Washington County about what the Parkway would look like, and in particular the elevation changes and the profile of the Parkway. Ms. Bateschell described the elevation changes from the western edge to Grahams Ferry for the phase one design plan.

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Mayor Knapp commented it was clear that the Parkway is a significant physical feature that will frame interaction. Three intersections were planned for the parkway: Tonquin Road, Grahams Ferry and eventually at Boones Ferry. He noted no driveways will be coming onto the Parkway; all driveways will be oriented to the north on Tonquin, and on the south Clay Street. Grahams Ferry Road will become a significant route with industry facing onto Grahams Ferry. When the Transportation Refinement Plan was being addressed one of the things discussed was the need to be sure the existing transportation facilities on the ground are capable of accepting the impact of the traffic that will be on the Parkway and he felt it was critical that it is developed in a way that enables the area to be successful.

The Mayor referred to the handout titled “Basalt Creek Development – Considerations for Success” which listed nine elements. He noted the Mayors and Council Presidents of both cities along with staff from both cities, met and talked about the nine items listed on the handout as matters that needed to be kept in mind if the area is to be successful economically and meet the needs of the region. The Considerations for Success talks about some of the things that need to happen for the area to be a success.

Mayor Knapp addressed the nine items:

1. Sewer – each city serve its own area, as much as possible. This will help each city operate independently, without needing to coordinate on each development in their jurisdictional part of Basalt.
2. Stormwater – all flows received by Wilsonville to be guided by Wilsonville protocols and design standards. Wilsonville must meet the standards for discharge under the Wilsonville permits.
3. Recognize Regional need for industrial lands drove the Basalt designation in 2004. Consider Regional all Title 4 designations on the Basalt lands best suited and concept planned for industrial in both cities. Assurance of consistent follow through on industrial/employment development in both cities will be of joint benefit, and help such development to be successful.
4. Recognize the critical need for receiving roadways to be improved BEFORE the Parkway sends transportation load onto them. Invest SDC’s, TDT (transportation development tax), and potential supplemental SDCs generated by Basalt development in both cities, INTO Basalt improvements. (Past Washington County precedent has been to spend 75% of such supplemental SDC’s and TDT in the originating area.)

Mayor Knapp would like to see 100% of the SDC’s and TDT funds go to the transportation improvement in Basalt Creek, and for both cities to agree to that.

5. Recognize that the transportation improvements agreed to and planned (in the Basalt Creek Transportation Refinement Plan) are based on projected loads from the identified system. Any substantial additional traffic loads from external locations will likely overload the system and cause it to fail. Therefore major re-evaluation and additional system capacity improvements will be necessary in the event the Region decides to direct other traffic through Basalt.

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CITY COUNCIL MEETING MINUTES

6. It is important that both cities respect the trip cap for the area and find a way to preserve each city's share. Additional review of trip caps with land uses should occur moving forward.
7. Recognize the need for both cities to be jointly committed to seeking Regional investment in future I-5 crossings. Those crossings will become critical to allowing industrial/employment growth in Basalt, thereby meeting Regional objectives. Without Regional involvement, the crossings will never get built.
8. Strongly consider not building Kinsman Road north of Day. Constraints on its intersection location with Day, high cost of new construction, and fact it would serve only development on its west side all indicate a poor return for the investment. Invest in Grahams Ferry Road improvements instead, which will serve the same lands.
9. Plan on having a joint city agreement on managing the Natural Area along Basalt Canyon. Development is eventually expected along the west side of the canyon which would then be an appropriate location for a bike/pedestrian trail connecting the cities. Such connection would be an asset to both residents and employees in the area, if thoughtfully planned and connected to "through" trails on both north and south.

Mayor Knapp indicated these nine items were the focus of the discussion that took place a week and a half ago. He felt the participants had a good understanding and agreement on why these considerations were important to the overall project. Mayor Knapp asked Council Presidents Starr and Beikman if they had any comments.

Council President Beikman said that transit was talked about. And that it was in both of the jurisdictions interests to lobby Tri-Met and any other regional provider to provide transit services to the area since it was a significant regional industrial area.

Council President Starr added if the funds the businesses pay to Tri-Met could go to SMART that would make the most sense. He noted number three and number six, and that there was substantial discussion about protecting the integrity of the plan so it would stand from election to election and not be changed to protect the amount of money invested in developing the plan, and that each city would find success in the plan as it is built out. Regarding number six both cities agreed it was vital that both cities find a way the trip cap remains in place so the transportation plan will not fail.

Mayor Ogden echoed Council President Beikman's comments that the ideals presented here are important. For the area to function as planned with respect to the land use and transportation capacity that is likely to be in place, and the ability to serve that area and recognizing the transportation system that Washington County is putting into place that facility is really there to serve the region of Tualatin east, Sherwood, and north Wilsonville. **We recognize an arterial with limited access will be moving traffic from Tualatin, and Wilsonville in both directions; however it is not a major arterial that will emulate the I-5/99W connector.** To the extent that anything like that is considered in the future it will have to honor the land use and planning that is in place here and we're not going to be providing a corridor for that. **By default we are precluding a future for a 99W connector, so all the more important to recognize that the transportation piece has to work there and it cannot be overloaded nor can Basalt Creek Parkway be overloaded.** Mayor Ogden supported the ideals.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Regarding transit Mayor Ogden recognized a system will be needed to serve the area, and serve it “blind” to the user. It should be a transit system that works regardless of the provider, and is efficient from a tax and return standpoint. A detailed discussion would be necessary in the future on transit services.

Mayor Knapp stated Wilsonville reoriented its entire SMART system toward the WES Station and committed to meet every train and promised Wilsonville employers that their employees would be at their place of employment in ten minutes from when the train arrived. Wilsonville is committed to continuing to provide that type of service to the Basalt Creek area employers. Details regarding transit providers will need to be worked out since Tri-Met controls some of that decision. If the two cities speak jointly to Tri-Met there may be a higher possibility of success.

Mayor Ogden responded whatever is the best solution as long as the two cities are in concert with each other there is a better chance of success in dealing with TriMet. That needs to be the motto on whatever we are doing in that area with extraterritorial money. There should be a coordinated effort between the two jurisdictions, to represent the best interests of our citizens. As we lay the foundation for the mutual agreements we lay the underpinnings of how we proceed in the future on the needs in that area.

Mayor Knapp wanted to know if the councilors had questions or comments.

Councilor Truax expressed his pleasure in the nine Considerations of Success, and the willingness for the two adjoining jurisdictions to enter into an agreement dealing with sewer and stormwater was unique. He applauded the participants of the small group meeting, and with the positive tone that runs through this and felt they were close to having the framework.

Councilor Lehan seconded Councilor Truax’s remarks. She thought the small group players distilled out the essential pieces, and while they are not agreed to in detail it clearly states what the cities are intending to do in a general sense, and what the goals are. She was glad to see the commitment, in particular numbers three and six, about the trip caps and the need for the land use piece to follow along. Councilor Lehan pointed out the other partner necessary was the regional government, Metro, to rise to this level of commitment in terms of the trip caps and in terms of the land uses. This whole development grew out of the industrial lands study of 2004, and at that time she recalled Tualatin and Wilsonville were always vying for the most land zoned industrial. Both cities were at 31-32% of land zoned industrial while no other city in the region was close to 30%. Tualatin and Wilsonville lead in terms of industrial percentage and capacity for the size of the cities. What we are looking for besides recognizing that Tualatin and Wilsonville are carrying the region in terms of industrial land, is that regional recognition in terms of trip caps and further industrial and to back up the cities in terms of making this project work.

Councilor Beikman felt funding is limited and it was important for the two cities to work out plans for the SDCs and TDTs and emphasize this area is a regionally significant industrial area and that the regional government needs to recognize that with dollars for the infrastructure so the

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project can function properly. Regarding item number six and the traffic trip cap, the city of Tualatin had no interest in adding additional traffic to areas that are not planned for; it was important to buffer the neighborhoods in Tualatin.

Councilor Davis expressed her disagreement with the location of Basalt Creek Parkway in that it should not cut across the canyon, it is too far north, the boundary will split the neighborhood and the responsibility for caring for and maintaining the canyon. The neighborhood on the Wilsonville side will become an island when Wilsonville has been clear its intent for Basalt Creek is industrial and not residential. Councilor Davis' intent is to maintain the area around the east side of the canyon, and to protect the canyon and insure the neighborhood is saved as a cohesive piece on the Tualatin side.

Councilor Lehan said she would not have chosen the current boundary until she realized the elevation of the Parkway and how access to the Parkway was limited. When a road is between 5-30 feet in the air it becomes a significant barrier.

Mayor Knapp stated because of the physical constraints of the Parkway and because of the need to have development clustered around roads that at will serve the nodes of industrialization, overlaid by the physical characteristics of the Parkway have led to the decision that the Parkway location is the most logical jurisdictional boundary line between the two cities. The slide showing the jurisdictional boundary line between the two cities was displayed again.

Mayor Knapp said the direction to staff would incorporate the Considerations for Success, including the addition of number ten which mentions transit service, as drafted the language reads, "Cities will work jointly to secure transit service for business and residents of Basalt Creek through SMART or Tri-Met."

Mr. Cosgrove recommended councilors to state their general support or raise their concerns, and direct staff to bring back a resolution on what they have seen this evening.

Regarding the transit issue Mayor Ogden felt the language should be less specific; rather the language could suggest something that is jurisdictionally blind to the user, cost effective, and has some mutual relationship to both districts.

Mayor Knapp did not want the transit service to be locked into only one possible provider. He understood if Wilsonville expanded its boundary to the Parkway and annexed that area the City would still not have a right to not collect Tri-Met taxes in the new expansion area.

Mayor Ogden did not want to walk away with any conceptions that may come back and be a surprise. For example, the notion of 75% of the SDCs or TDT money going to the district but that will not be enough for transportation and additional financing tools will need to be found. He thought the shortage of transportation funding and the need for transportation should be expressed and that all of the money raised in this area should benefit the area; but placing a number on it tonight may be restrictive.

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Mayor Knapp did not think what was written contradicted that, it recognizes the need and investing those funds generated in the district back into the district is what it says in concept. The other is a footnote regarding the Washington County's past precedent. The Mayor asked each council member to provide their thoughts.

Councilor Bubenik shared some of the concerns raised by Councilor Davis about Basalt Creek being two jurisdictions and the neighborhoods split into two different cities. Other than that he thought the plan was good. Consideration number nine protects the canyon to insure it is maintained. He was in support of moving forward in the process and the Considerations for Success and the boundary proposal.

Councilor Lehan saw the logic in the boundary being Parkway. She was comfortable with the Considerations for Success. Regarding the canyon she was committed to protecting the natural area. The Councilor noted Wilsonville's zoning did not put pressure on property owners to develop any faster than they wanted to. The Elligsen property south of Costco is an example, it is still being farmed and there is no pressure to change its use. She thought the canyon was a beautiful asset and having trails connecting the area to both cities was a good idea. Councilor Lehan supported the boundary.

Councilor Brooksby felt the same as Councilors Davis and Bubenik, he supported the current boundary as chosen reluctantly and thought it should be lower, he is concerned the Parkway could be further south to be more effective. The Councilor agreed that property owners should not be pressured to develop.

Councilor Fitzgerald supported the boundary and thought it was a good plan. She identified number eight as a good element to focus on Grahams Ferry Road rather than Kinsman. She supported the idea of the cities working together for regional transportation money for road improvements. Regarding transit, item number ten, the Councilor hoped an efficient and appealing system is developed that gets people to use it, alleviating congestion.

Councilor Beikman agreed.

Councilor Starr agreed and asked who decided to locate the Parkway where it is.

Mr. Cotugno said Washington County led the process but it was carried out through this joint city planning process.

Councilor Starr confirmed it was a neutral third party (Washington County) that determined where the road went. This is a deviation from where some may have remembered, the west side of the area and north of the Parkway is more land that was added into Tualatin with good industrial potential which is a 'win' recognizing Tualatin was giving up some of the canyon area. Referring to item four, the Councilor wanted 100% because there is never enough money for transportation. He supported the idea of jointly approaching the state and region for funding. Councilor Starr suggested wording item number ten to recognize and support SMART and/or another transportation service; however, in the Wilsonville boundary it would be SMART, and in

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Tualatin we would support what Tualatin wanted to do. He supported the placement of the boundary.

Councilor Truax indicated his support of the boundary. He was in general support of the whole proposal with the understanding that each item of consideration for success will merit a lot of work. Regarding transit, we should take SMART from the Parkway north; Tualatin will work to support servicing the area in the most efficient way, both from a service and economic standpoint.

Councilor Davis agreed with Councilor Truax's transit comments. There were elements of the Considerations for Success she agreed with, the sewer and stormwater pieces, the discussions around the SDCs and TDT is going in the right direction. The Councilor has fundamental disagreements with the project in terms of the canyon, the neighborhood to the east of the canyon and the alignment of the Basalt Creek Parkway.

Councilor Grimes was in general agreement for the proposed boundary. She was concerned about the canyon and the green space and the elevated bridge/roadway cutting across the canyon; however those concerns were mitigated to some degree by the commitments from both councils to protect the green space, which provides protection to the Tualatin neighborhood. The desire for jobs needs to be balanced with the need to protect Tualatin livability. Councilor Grimes appreciated the Considerations for Success and the framework as long as they are not viewed as narrow constraints.

Councilor Stevens would like the decisions to be memorialized quickly so funds will not be wasted should it be decided to do something differently in the future. Items that there is agreement on should be the first to be memorialized, an IGA to protect the canyon as a natural resource between the two cities; likewise the bike/ped pathway. Another element that can be memorialized is the decision not to build Kinsman Road. The Councilor liked the fact that the Parkway will be identified as the boundary between the two communities. She felt the Considerations for Success are close to being goals for success, and the document should be memorialized so that decisions are known in the future.

Mayor Knapp thought the two city managers had received clear direction from their councilors on what direction staff needs to take. He asked Mr. Fregonese how to take the general consensus and what to expect in way of documentation and how to build something that will memorialize the ideas expressed.

Mr. Fregonese explained a concept plan will memorialize these ideas in concept. He will prepare the concept plan for the two cities to adopt. A Title 11 memo to Metro governs the regional aspects of the concept plan. Each city will adopt a comprehensive plan amendment which will have implementation components to it. Agreements between the two cities outlining what each city will be responsible for need to be written. Both cities will have urban planning area agreements with Washington County. He thought both cities would want the area to remain rural and not develop until it has been annexed into each city. Additional agreements with Tri-Met, Clean Water Services may be necessary, and the concept plan will list those. The concept plan will have the foundation for each city to take on and sign the more formal agreement

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starting with the concept plan and IGA between the two cities in terms of where you go from here.

Councilors will see a draft of the concept plan that has all the ideas in one document with a list of how each item will be implemented and be put into force.

Mayor Knapp thought there were a lot of things to be accomplished which falls to each city's staff. He asked if Washington County rules enabled things to happen that we don't want to happen, and how to keep that from happening; do we have control over that.

Mr. Fregonese said each city has an existing Urban Services Agreement with Washington County, and he thought the agreement could be review and a discussion held with the County.

Councilor Truax stated he was willing to have a discussion on the future of Kinsman Road.

Councilor Lehan wanted councilors from both cities to keep in mind I-5 is the life blood arterial for both cities, and nothing we do should cause the interchanges or I-5 to fail.

Mayor Ogden thanked Mayor Knapp for his leadership throughout the process. This was the first time there has been a jurisdictional planning effort addressing the concerns of both cities.

Mayor Knapp felt a good basis was in place for moving forward. He expressed appreciation to the staffs of both cities for their work. While there are concerns, they will try to mitigate those concerns and find the best way to handle them.

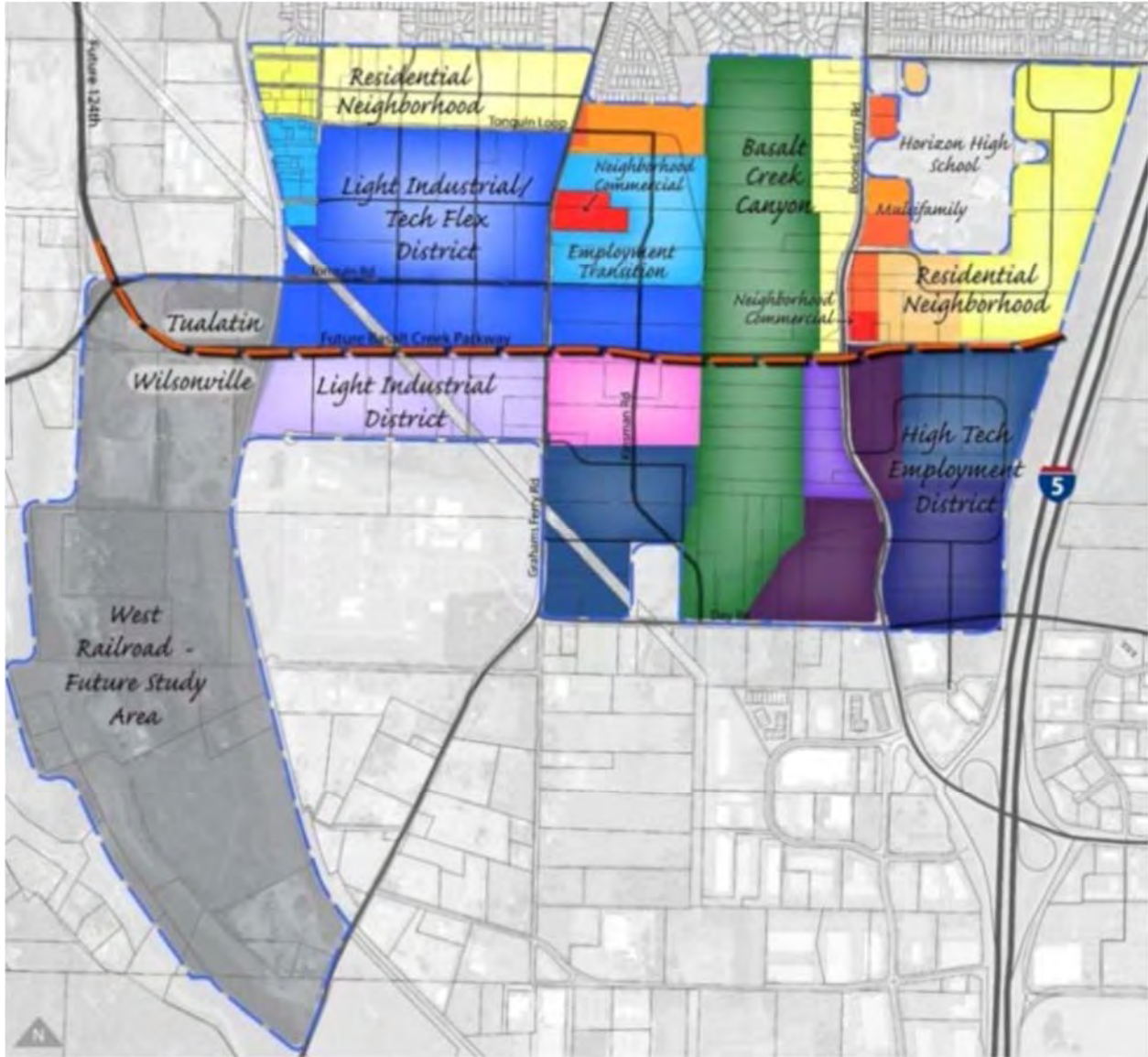
Mayor Knapp adjourned the meeting at 7:37 p.m.

Sandra C. King, MMC, City Recorder

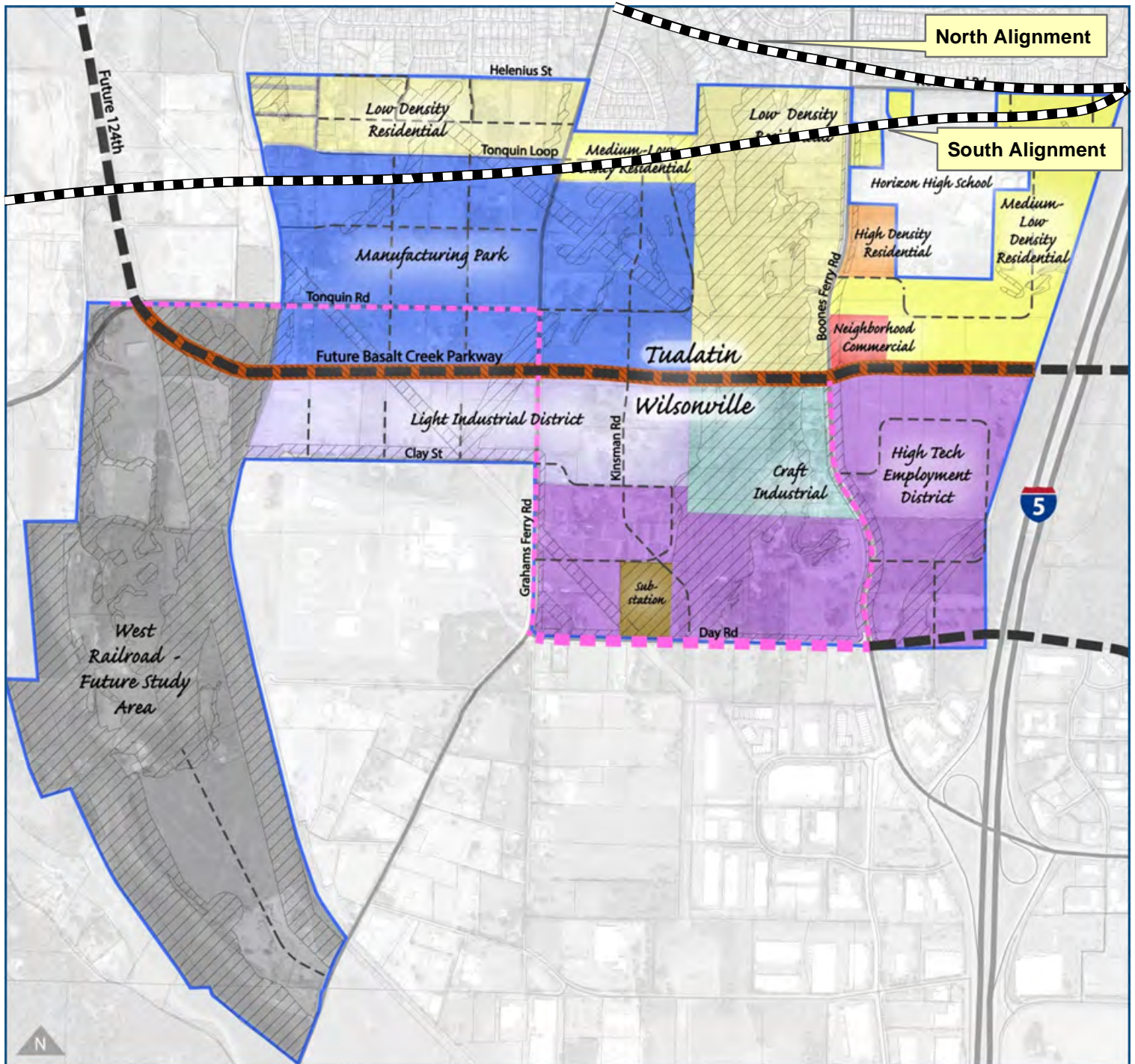
ATTEST:

Tim Knapp, Mayor

OPTION 5



Preferred Basalt Creek Land Use Map with North and South I-5/99W Connector Alignments



**Area North =
110 Gross Acres**

**1300 feet
.25 miles**

**1770 feet
.33 miles**

**1970 feet
.37 miles**

**Area between Parkway and South
Connector =
270 Gross Acres**



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Karen Perl Fox, Senior Planner
Alice Cannon, Assistant City Manager

DATE: 11/28/2016

SUBJECT: Basalt Creek Land Use Concept Map. Confirmation of land uses.

ISSUE BEFORE THE COUNCIL:

At the Tualatin City Council work session on October 10, 2016, Council directed staff to undertake an exploration of a land use proposal for the central subarea of Basalt Creek on the Tualatin side that was prepared by OTAK on behalf of a property owner.

Subsequently, staff carried out the exploration of the central subarea and will report back to Council at the November 28th work session.

POLICY CONSIDERATIONS:

Staff seeks Council's confirmation on the Basalt Creek Concept Land Use Map originally presented at Council work session on October 10, 2016.

EXECUTIVE SUMMARY:

At the Tualatin City Council work session on October 10, 2016, staff provided Council with a refinement of the draft Land Use Concept Map following a period of feedback from the public, Council and the project partners under the Intergovernmental Agreement for the Basalt Creek Planning Area. At that work session, Council directed staff to undertake an exploration of a land use proposal for the central subarea of Basalt Creek on the Tualatin side that was prepared by OTAK on behalf of a property owner, referred to as OTAK Proposal C. The OTAK proposal departs from what staff prepared in that it included substantially more residential land uses in the central subarea.

Staff met with OTAK and the property owner and discussed OTAK's Proposal C including land use opportunities and constraints as well as sanitary sewer needed to serve the area. In addition, staff considered the following major factors:

- The Basalt Creek Planning Area was brought into the UGB as employment land
- The proposed Land Use Concept Map:
 - Represents a balanced approach to employment and residential land with majority of

- land designated for employment
- Has support from Tualatin's Intergovernmental Agreement partners
- Provides for a long-term supply of land

After consideration of OTAK's proposal and all of the above factors together, staff's believes the central subarea can be developed for employment over the long-term. While there are some hilly areas, the Manufacturing Park designation can be made flexible enough to include some smaller scale employment uses. In addition, bringing residential further south in this subarea than shown on the October 2016 Land Use Concept Map will create buffering issues with industrial land in Wilsonville as they work to market property south of the future Basalt Parkway.

Therefore, staff's position is to accept the Land Use Concept Map as presented on October 10, 2016.

DISCUSSION:

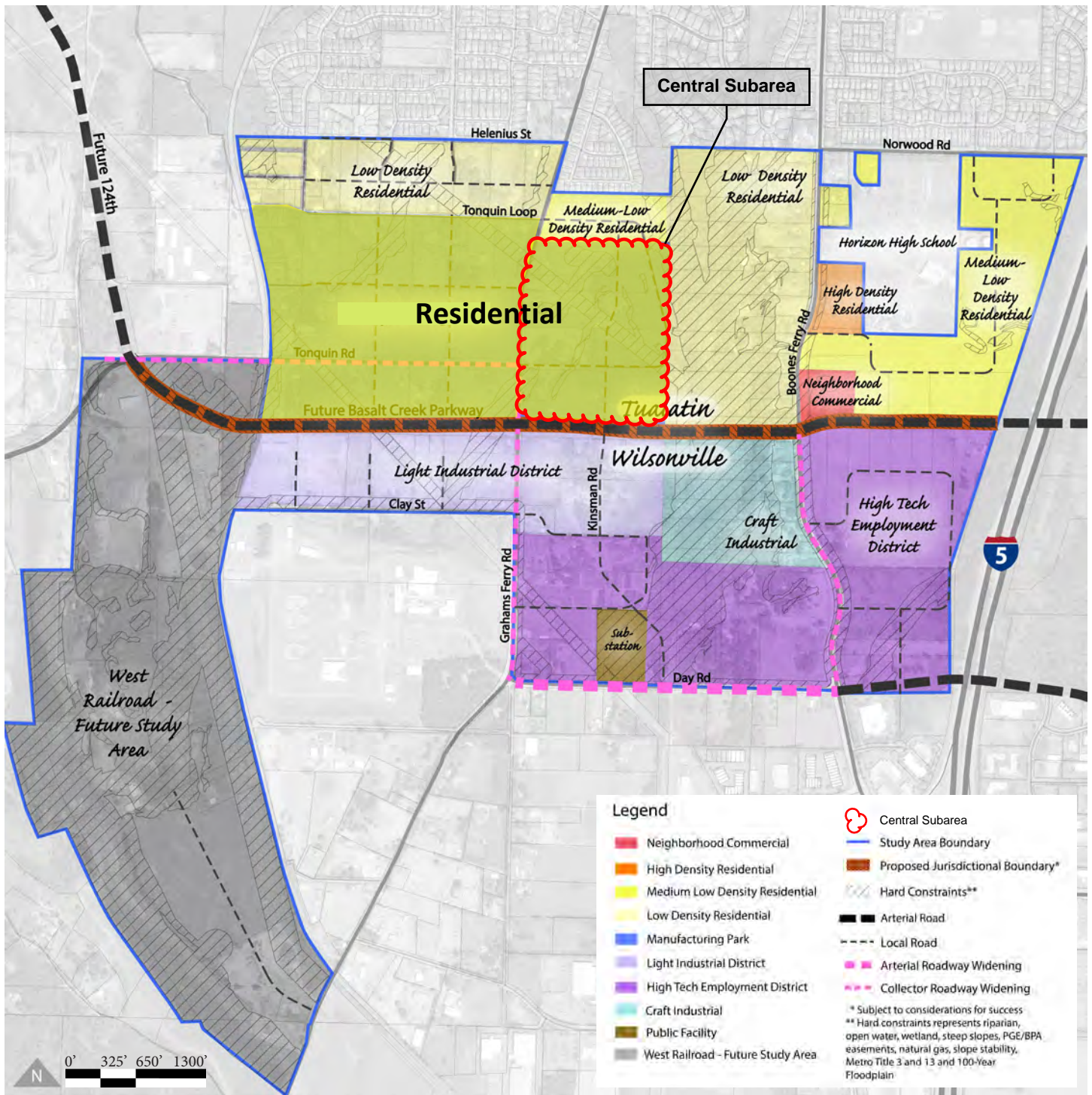
Staff has provided an extensive review of the land use progression of the Basalt Creek Planning project and provided points that support its position in the attached presentation.

Recently, the City has heard concerns from our Intergovernmental Agreement partners related to exchanging more employment land for residential land as was proposed in OTAK Proposal C. See attached letter from Washington County.

RECOMMENDATION:

Staff proposes that Council accept and confirm the Basalt Creek Land Use Concept Map originally presented on October 2016.

Attachments: Basalt Creek Land Use Map with Land Use Progression
 Letter from Washington Co. on Basalt Land Use. Duyck.10.28.16



Basalt Creek Parkway Serving as Buffer

Residential Uses North in Tualatin, Industrial Uses South in Wilsonville

depiction re-designating the Manufacturing Park land use to Residential on the agreed upon option 5 preferred alternative map
March 12, 2018

<http://cni.pmgnews.com/ttt/89-news/351050-230714-basalt-creek-planning-efforts-could-be-headed-back-to-the-drawing-board>

Basalt Creek planning efforts could be headed 'back to the drawing board'

Created on Tuesday, 21 March 2017 | Written by [Claire Green and Mark Miller](#) |

[0 Comments](#)

The Wilsonville City Council was not happy with a change Tualatin made to its side of a draft land use concept map last month, suggesting it broke an agreement between the cities.



FILE - Mayor Lou Ogden, left, and Tim Knapp, right, of Tualatin and Wilsonville respectively, discuss Basalt Creek planning at a December 2015 meeting. Comity between the cities appears to have broken down, with Knapp forcefully rejecting an adjustment to the land use concept map sought by Tualatin this winter.

The future of joint planning on the Basalt Creek area between Tualatin and Wilsonville appears to be in serious jeopardy.

The Wilsonville City Council strongly rejected a change that the Tualatin City Council made to its side of the map, north of the future jurisdictional boundary that the cities [agreed to](#) in December 2015, at a work session Monday — with some council members, including Mayor Tim Knapp, suggesting that the boundary agreement could be voided by the change.

The Tualatin City Council decided in February to [redesignate](#) a 63-acre quadrangle previously slated for future industrial development as residential land, after local property-owners [complained](#) about the potential impact of industry on their neighborhood and argued that the terrain is too rugged to support

manufacturing parks anyway. That parcel is located just south of the Victoria Gardens neighborhood — and just north of the future route of Basalt Creek Parkway, an east-west road under construction through the area.

Knapp calls change in designation 'not acceptable'

Meeting in a fairly amicable joint session back in December 2015, the Tualatin and Wilsonville councils agreed that it made the most sense to consider the parkway as the dividing line between their shares of the Basalt Creek area, an 847-acre swath of unincorporated Washington County that lies between the two cities. The plan has been for each city to figure out what it wants to see developed on its side of the line, jointly approve a land use concept map and get approval from the county to start annexing land.

But on Monday, the Wilsonville City Council unanimously agreed to reject Tualatin's redesignation of the 63-acre "central subarea" on its side of the agreed-upon boundary, citing regional industrial needs and the desire not to "squander industrial lands" by choosing to use it for residential.

Miranda Bateschell, Wilsonville's long-range planning manager, told her City Council that Tualatin's proposal doesn't fit with the reason Metro established the area, which is meant to build a regionally beneficial economic and transportation-friendly area. The proposal also conflicts with guiding principles developed jointly before the project began, she said.

"My staff conclusion is that it's inconsistent with the Metro ordinance, the transportation refinement plan, the joint council conclusions, recommendations and decisions made throughout the process, and it could raise questions about the future of this area as an employment district," Bateschell said.

Knapp said he was "profoundly disappointed" by the Tualatin City Council's decision to change course and designate the subarea for residential development instead of industrial. He said the change, in his view, is "not acceptable."

The rest of the council mirrored Knapp's sentiments and added their concerns surrounding minimization of the employment-specific sections of the plan, the possibility of increased traffic and safety of the possible future residents on the Tualatin side.

"Our prior offer to set the boundary at the parkway is contingent on the rest of that agreement that has, apparently, disappeared," Knapp said. "So the proposal to put the boundary at the parkway is no longer operative."

"We did have a verbal agreement, as the mayor noted," Councilor Scott Starr said. "And the agreement was subsequently broken, and in my mind, now we have no agreement."

Balance between industrial, residential sought in Tualatin

The joint planning project has been ongoing for about three years. The area was originally added to the urban growth boundary by Metro in 2004 to accommodate increased development throughout the region for the next 20 years. The plan for the site includes creating new city limits for Tualatin and Wilsonville, land use codes for future development, improved transportation networks and provision for urban services.

Throughout the process, though, while Wilsonville has largely stuck to its vision of having almost all development on its side of the line be industrial in one form or another, Tualatin has seesawed between proposals including varying mixes of residential and industrial lands.

The map had appeared settled as of last October, but after three new city councilors came aboard in Tualatin after the November election, the Tualatin council decided to change its designation for the central subarea in spite of [warnings](#) from Washington County Chairman Andy Duyck and other intergovernmental partners.

That may have been the straw that broke the camel's back for Wilsonville.

"There's a regional need for jobs and a job area, and Metro designated that as Basalt Creek," Starr said. "For us to sign on as a joint partner for employment lands is one thing. For us to sign on and then, and this would be my opinion, be more than generous with how we split the land — I'm talking about the December 2015 meeting — to then (have Tualatin) turn around and have that land be used to create more traffic to ram right down our throat onto I-5 makes no sense. And I don't think that we'd be doing a very good service to the people of (Wilsonville) if that's the way that we operated."

"Wilsonville is competent and able to work with developing industrial employment land, and if our neighbors to the north don't have the ability to foster employment land there, then it would suggest that perhaps more of it should be Wilsonville's," Knapp said. "I doubt that that would be popular with them, yet that is the regional purpose of this land, and to drop a large chunk of residential right in the middle of the industrial is detrimental to the overall goals, the overall plans, and I don't see how we can agree to this."

Councilor Charlotte Lehan suggested that if Tualatin is unwilling to alter its mix again, "then we need to go back to the drawing board on a number of issues."

If the two cities can't come to an agreement, the issue will fall into the hands of Metro. Several members of the Wilsonville City Council agreed that if the project goes back to the drawing board, so be it, but Wilsonville will hold firm to its commitment to retain the area's status as an employment zone.

"I think that we have received some very clear direction," City Manager Bryan Cosgrove said.

Ogden: 'If someone feels aggrieved, let's figure out why and how to fix it'

Tualatin Mayor Lou Ogden was not at Monday's council work session in Wilsonville, but he said he had read the staff report.

The debate over whether to reclassify the central subarea between Victoria Gardens and the future Basalt Creek Parkway as residential found Ogden in an odd position. The mayor had been the leading advocate on the Tualatin City Council throughout the planning process to maximize the share of land on Tualatin's side of the line to be developed as industrial. But despite advice from Tualatin city planners that the subarea could support industrial development at some point in the future and an analysis commissioned by Washington County suggesting the same, he said in February he had come to strongly believe the land is unsuitable for it.

"I struggle to figure out how you can use it," he said at that Feb. 13 work session.

Ogden reiterated that Tuesday, speaking with The Times.

"I don't like that it's steep slopes and there's no access to the flat land, but it is. That's just what it is," he said, adding, "It's not unbuildable for residential. The land, it does have value. So it has a useful purpose. It's just not for a manufacturing or office space, or manufacturing park."

Ogden stressed that he would rather discuss the matter with his counterparts in Wilsonville than comment at length on what happened at Monday's work session.

"I've got a longstanding working relationship with the mayor and a couple of other folks on the city council, so I really don't want to have a debate in the newspaper," he said.

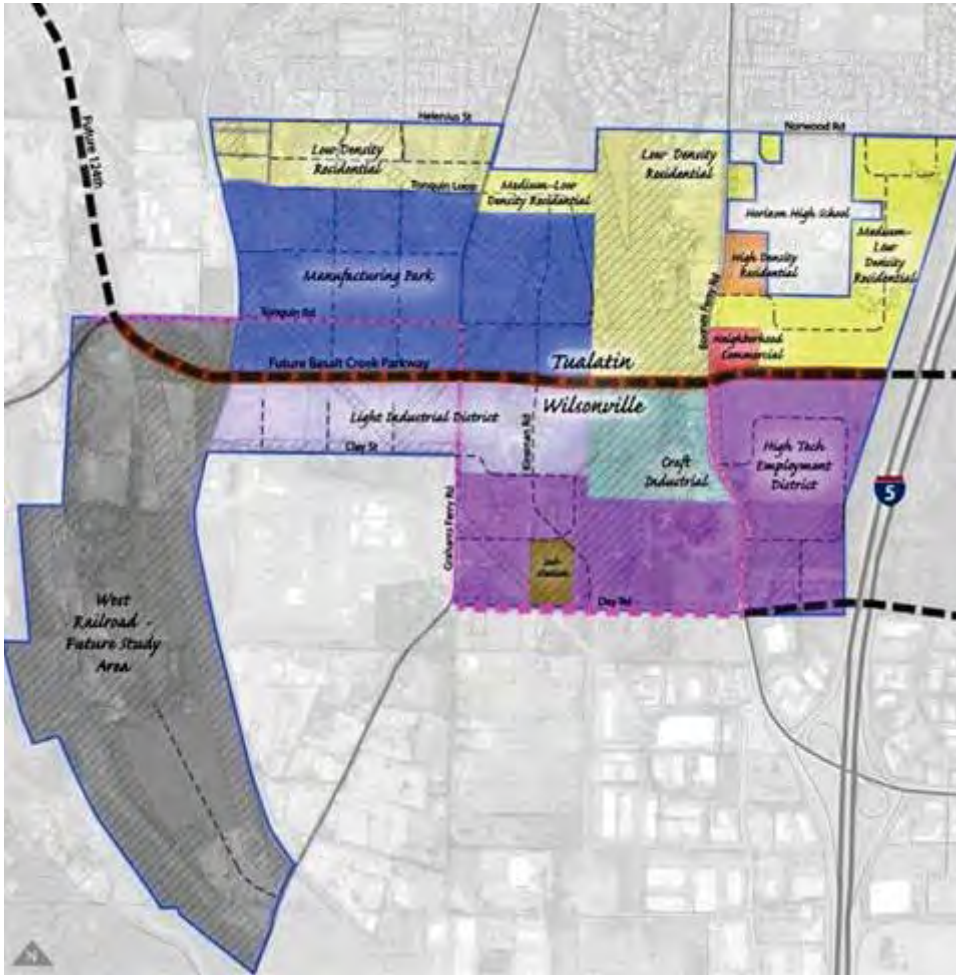
Asked for his thoughts on Knapp's suggestion that the boundary agreement may be inoperative due to Tualatin's change to the map, Ogden responded, "I hadn't heard that, but that surprises me."

Ogden noted that he has publicly expressed the sentiment that Knapp's leadership has been critical to the Basalt Creek planning process thus far.

"At this moment, the fact that there is a point of contention, I take that as a legitimate concern and I'm very interested in trying to work through it with a solution that Wilsonville feels good about ... reiterating that this is not a political decision on our part ... it's a physical reality of the site," Ogden said.

He added, "If Wilsonville feels that it has negative adverse impacts to them, we've got to figure out a way to address that and mitigate that. ... If someone feels aggrieved, let's figure out why and how to fix it."

Editor's note: This story has been updated with comments from Tualatin's mayor.



COURTESY OF THE CITY OF TUALATIN - Wilsonville city councilors are upset about a change in the 'preferred' draft land use concept map for Basalt Creek made by Tualatin, redesignating the easternmost section of its manufacturing park area (in blue) as residential.

Residential is designated to the north. Proximity to other industrial development will be important for industry synergies and future market growth.

CONCLUSION

The site is certainly feasible for employment, and given the existing site conditions and subject site location, the following employment uses may be suitable for this site:

- Flex business park (health services, professional services, support services, administration/back office support operations, incubator space)
- Office or office campus
- Manufacturing (food processing, metals, chemicals, equipment, machinery, product/components assembly)
- Commercial support services (restaurants, coffee shops, print shops) along the future Basalt Creek Parkway

NEXT STEPS

Significant transportation and utility planning must occur during the concept planning process to identify infrastructure needed to support the development of this site and adjacent uses. Infrastructure needs analysis, transportation analysis, and/or costing are not a part of this effort, however, we caution that this information is necessary along with a geotechnical report and ALTA survey to provide a complete analysis and recommendation.

Lastly, a market study to determine the need for employment uses and others (retail, commercial, residential, etc.) may assist the County and the cities of Wilsonville and Tualatin in determining the appropriate amount of industrial, employment, commercial, retail, and residential land requirements in the Basalt Creek Planning Area. The market study would further bring clarity to the market's ability to execute development across varying uses and determine the highest and best use of the subject property.

Sincerely,



Gabriela Frask
Land Use Planner, Associate
Assistant Department Head

Enclosure(s): Existing conditions map
Concept plan

c: Todd Johnson - Mackenzie

From: Matt Dolan <Matt.Dolan@kpf.com>
Sent: Friday, March 09, 2018 10:24 AM
To: Callaway, Tamara
Cc: Jacobson, Barbara
Subject: RE: Basalt Creek Central Subarea
Attachments: Basalt Creek Land Designation.docx

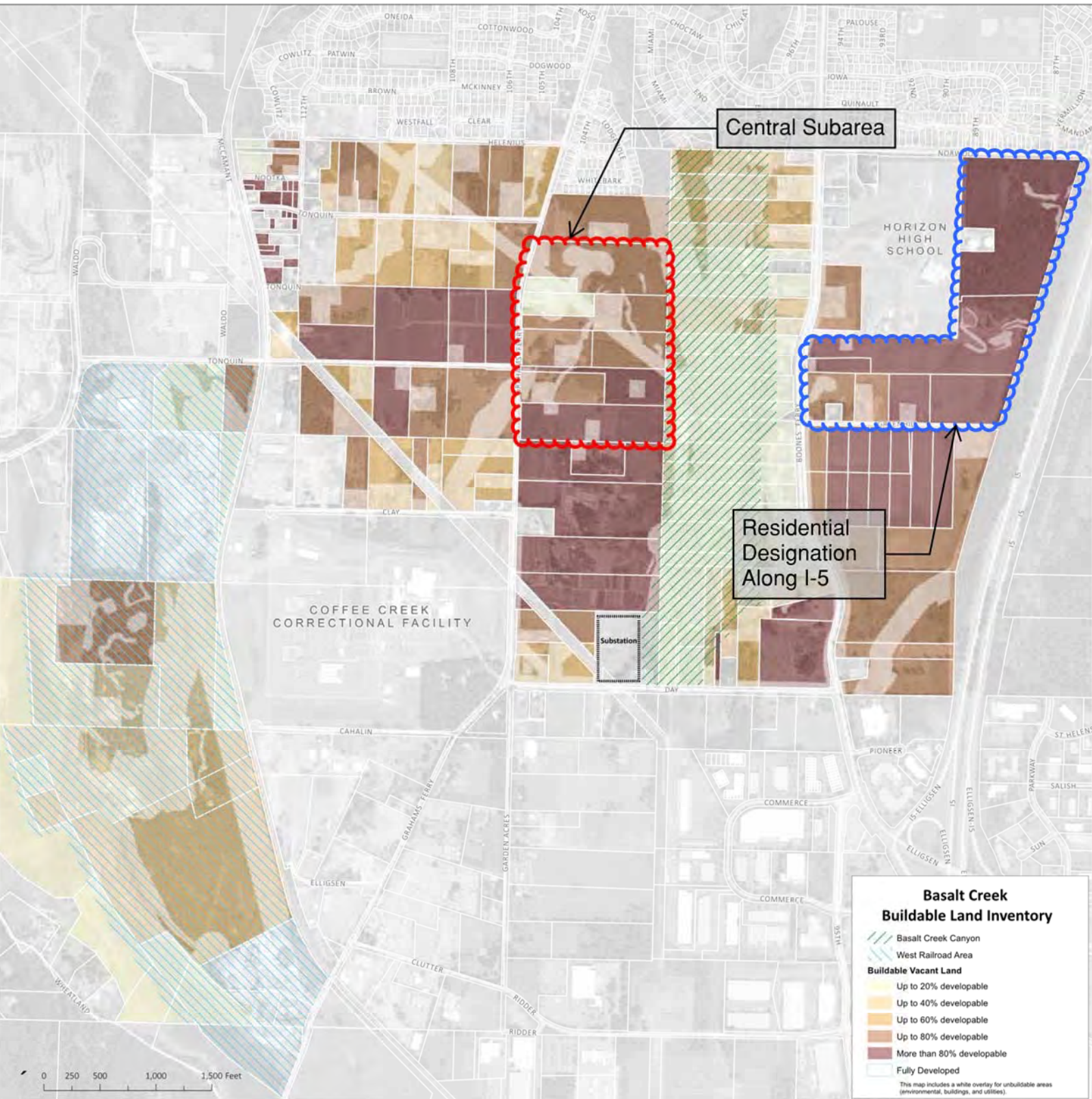
Hi Barbara/Tamara,

Attached are a few bullets/thoughts regarding the Tualatin memo. Please don't hesitate to call with any question, comments or additional needs.

Thanks,
Matt D.

Basalt Creek Land Designation – Response to Tualatin Memo

- A. In response to the City of Tualatin’s memo, it seems prudent to restate the purpose of the Basalt Creek Concept Plan – Feasibility Study. “The intent of this feasibility study is to take a further look at approximately 60 acres within the Basalt Creek Concept area to evaluate the potential to develop these properties to support increased employment opportunities in the region.” Page 1 of KPFF study.
- B. Page 5 of the Tualatin memo states “KPFF then concludes the area is useful, at best, for ‘split elevation’ office use.” To the contrary, the study suggests that a different building type could be utilized in areas with steeper slopes and does not suggest this approach for the entire area. All of the scenarios and building typologies imagined in the study support employment opportunities within the study area and are creative/adaptive solutions for modern development in a robust metro environment.
- C. With respect to the discussion around the Oregon Fire Code – The site lies within the Tualatin Valley Fire & Rescue (TVFR) Service Area. ORS 368.039 allows road standards adopted by local government to supersede standards in the fire codes and requires consultation with the local fire agency. Per the TVFR “New Construction Fire Code Applications Guide for Commercial and Multi-Family Development,” revised 10/26/2017, Version 3.5, Fire Apparatus Access Roadway grades shall not exceed 15%. With respect to a secondary access, there are a multitude of ways to satisfy the requirement. The need for secondary access will be dependent on the actual development being proposed and consultation with TVFR may be required. The Oregon Fire Code was not ignored.
- D. The study completed by KPFF was intended to demonstrate that it is feasible to develop the study area in a manner that supports employment opportunities. It was not intended to be definitive as to how the development would actually occur. There are many other factors that will ultimately determine how the property is developed at some future date.
- E. The discussion regarding economic feasibility does not seem pertinent or relevant to the determination of the long range planning goals for the area. If they are to be considered, a much more impartial and holistic approach would need to be applied to some sort of criteria that can equally evaluate long term economics for varying development scenarios. This is well beyond the scope of the feasibility study or any conclusions that could be extrapolated from the report and development scenarios envisioned.



Basalt Creek Buildable Land Inventory



Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:36 p.m.

1. ***Metro Update with Councilor Craig Dirksen.***

Metro Councilor Craig Dirksen provided the Council with handouts on regional highlights on housing, jobs, transportation, and changing communities. He presented an update on the renewed Parks and Natural Areas Levy. The renewed levy will fund planning on the Chehalem Ridge, restoration on the River Island Natural Area, and allow the ability to award \$205,000 in community restoration grants. The Regional Leadership Forums was held and focused on transportation challenges and potential solutions. Metro was granted \$130 million in Regional Flexible Funds to be spent on active transportation and freight movement. JPACT will be making a decision in January on how the funds will be spent in 2019-21. Councilor Dirksen noted the Herman Road Project has been submitted as a priority project for funding.

Councilor Dirksen updated the Council on the Equitable Housing Grants. \$575,000 will be awarded to assess and reduce barriers to affordable housing in seven cities in the region. Metro has adopted the Strategic Plan for Racial Equity and Diversity. Design work on the River Walk at the Willamette Falls is still underway. An open house was held in November to review design options. The Convention Center Hotel design has been approved with an official groundbreaking to be held in the spring of next year.

2. ***Basalt Creek Land Use Map.***

Assistant City Manager Alice Cannon and Senior Planner Karen Fox presented an update on the Basalt Creek Concept Plan. Manager Cannon stated staff is looking for two actions from Council tonight: confirm land use concept map and accept staff recommendations. A brief overview of the project history was presented. A scenario progression from 2014 to concurrent was reviewed.

Planner Fox spoke to concept map refinements. Staff took feedback from the public, Council and Intergovernmental partners to make minor refinements. Staff

sought to achieve a balanced land use solution responsive to feedback and supported by IGA partners. A well balance approached was reached between employment and residential land: 93 acres of Manufacturing Park, 3 acres of Neighborhood Commercial, and 88 acres of Residential. Through further public input it prompted questions regarding the Basalt Creek central subarea and its zoning. Council direction on the issue was to match the same Planning District as Victoria Gardens and determine if land is suitable for employment uses.

Manager Cannon met with OTAK to further explore the property owner's proposal. She stated OTAK is supportive of the plan for the area remaining residential. It was also noted that Washington County does not support the change from industrial to residential. Planner Fox stated staff examined the South Center Complex as an example of similar topography and sanitary sewer restraints. The updated summary of acres and trips was presented. The trip capacity did not change significantly and fits within the margin of error. The most recent land use concept map was summarized.

Manager Cannon presented staff's position on the Basalt Central Subarea. She stated the budget is getting lean on the project and staff is looking for Council to move forward so work can begin on the concept plan.

Mayor Ogden asked about the power line easement. Manager Cannon stated the area could be used for commercial parking or storage units but the area is very restrictive towards residential use.

Mayor Ogden asked about the inability to meet ADA requirements in the area because of the grading. Manager Cannon stated excavation on the site would be challenging but she couldn't speculate further without having plans to review.

Councilor Davis stated she would like to see more residential in the area and less industrial to address citizen concerns.

Councilor Grimes would like to prevent the area from becoming land locked and not having the proper utilities to the area.

Councilor Davis asked for clarification on the projects budget. Manager Cannon stated the budget is running low and decisions need to be made on land uses to keep the project moving forward.

Councilor Grimes asked what would happen if the City changed direction on the zoning based on the letter the Council received from Washington County. Manager Cannon stated ultimately the County has to sign off on the agreement, so everyone has to be on the same page.

Councilor Truax asked what would happen if Washington County decided to not agree. Manager Cannon stated the City then runs the risk of not being able to urbanize the area.

Council President Beikman stated the letter they received stated the area needs to be zoned for employment land or they were going to hold up the process. Planner Fox stated Washington County feels they have made a huge investment into the infrastructure in the area and choosing something other than employment land

would be going against their expectation for the area.

Councilor Davis stated she is frustrated because residential zoning for the area would reduce the traffic load on the area. She added the City already has residential developers ready to break ground in the area.

Councilor Bubenik stated he supports staff's recommendations.

Councilor Grimes concurred with Councilor Bubenik stating staff has created a equitable balance with room for growth.

Councilor Davis asked if mixed use would work in the area. Planner Fox stated it would depend and would have to be worked out in the design phase.

Mayor Ogden spoke in support of the OTAK proposal because he has concerns with the area being able to develop manufacturing.

Councilor Truax stated if Council does not accept staff's recommendations tonight he fears there will be no end to the process.

Council Consensus was reached to adopt staff's recommendations

Councilor Davis asked when the process will be finished. Planner Fox stated it is anticipated to wrap-up in April. Councilor Davis asked what the process would be for future changes to the area. Planner Fox stated a process will need to be worked out with the City of Wilsonville.

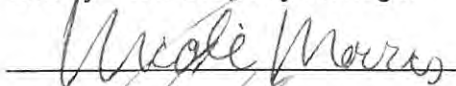
Council Meeting Agenda Review, Communications & Roundtable.

Councilor Davis requested the Council release a statement on community unity. Council consensus was to move forward. Councilor Davis will provide the Council with a statement for review and will have it prepared for the next meeting.

ADJOURNMENT

The work session adjourned at 6:54 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor

From: Peter Watts [mailto:peterowatts02@gmail.com]
Sent: Wednesday, March 07, 2018 4:31 PM
To: Roger Alfred
Subject: Fwd: Basalt Creek Submission

Dear Roger-

I'm asking that this email and exhibits be added to the Basalt Creek Record, related to the Staff Report issued on February 21, 2018. I understand that Metro's position is that the record is not open to the general public. And, despite participating in this process in front of both jurisdictions, providing written testimony, and being a land owner who owns a portion of the property affected by the decision, Metro's decision is that I cannot participate in front of Metro, or advocate on my own behalf. I believe that this determination is in clear violation of Oregon Land Use Goal 1, as well as Metro's Public Engagement Guide, adopted in November of 2013. Metro has identified that the levels of participation are to Inform, Consult, Involve, Collaborate, and Empower. While I have been informed, by what I consider a factually inaccurate Metro Staff Report, there is no ability for me to participate in the other four steps including providing written testimony to correct the factually inaccurate record. Instead I am having to hope that one of the jurisdictions will submit materials that I have previously provided, and other materials that I may want into the record.

I have been disempowered, as have many other property owners who are simply asking for a voice in a process that will have a huge impact on them financially, and otherwise. Oregon Land Use system contemplates that impacted parties can appeal an adverse ruling. If you do not allow impacted parties to participate in the process you are abrogating their rights, in violation of both the letter and the spirit of our land use laws.

The record that we submitted to Tualatin and Wilsonville clearly demonstrates that the subject land cannot be feasibly be developed as employment land do to the topography, basalt rock, and property access.

Executive Summary

These materials concern a 41 acre site, in the approximately 847 acre Basalt Creek Planning Area. Basalt Creek is an area located between the cities of Tualatin and Wilsonville. It was brought into the Urban Growth Boundary in 2004. The Basalt Creek name derives the ridges and caps of basalt rock. These materials demonstrate the difficulty of getting a residential designation for property, even when there is a willing government, and empirical data demonstrating that other uses are not feasible.

In summary, Don Hanson of OTAK, and Tony Weller of CES NW, have both provided letters stating significant reservations with the feasibility of developing this 41 acre site as employment land, and provided detailed analysis of topographic and access limitations associated with the site, for your review. The letter from Tony Weller succinctly describes the issues with the McKenzie Report and the site in two pages.

Ken Leahy of Ken Leahy Construction, and Brian Clopton of Brian Clopton Excavating, both who have significant experience providing site preparation in the region, have walked the property, and

believe that site preparation for the large building footprints required by employment designations, will be cost prohibitive due to the site slope and basalt rock soil.

Eric Sporre of PacTrust believes that there is an inability to develop industrial or flex buildings based on the site topography and soil conditions. Mike Diamond of the Real Estate Investment Group opined that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. He also determined that office park use was not feasible, because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. Stu Peterson, who has significant experience with employment properties in the area, says that it is not suited for an employment designation. In short, all of the experts were in agreement that there were significant issues with ever developing the property as employment land.

Although, McKenzie provided a report to Washington County, that the land could be feasibly developed as employment land, that report was based on a series of assumptions regarding site access, road construction, and zoning on the northern portion of the property, that will not occur under the current plan. Washington County staff has confirmed that the access off Basalt Creek Parkway, and the north south Kinsman road, will not be built. Both, Don Hanson and Tony Weller, have provided letters based on the most recent Washington County data, that contradict the conclusions reached in the McKenzie report.

Despite that the Basalt Creek planning area was brought into the UGB for the primary purpose of providing employment land, Metro has confirmed that there is no prohibition in the findings for non-employment designations. John Fregonese has confirmed that even if the subject property was zoned residential, the employment capacity for the planning area, will still far exceed Metro's estimates by 1,000, or more.

Don Hanson of OTAK prepared a site plan that includes, high density residential, medium density residential, and low density residential. The back acres of the site are already contemplated to be low density residential, this the proposed plan does not represent a change for those acres. His plan would front load the density along the plan area transportation corridors.

The Tualatin City Council unanimously supported the residential designation, so long as it did not generate additional trip counts. Don Hanson believes that the plan as drawn will result in net neutral trip count numbers, but can adjust the plan as needed.

Upon receiving our analysis and materials, the Wilsonville City Council strongly opposed the residential designation. They hired a planner from KPPF to come up with an "employment" designation scenario. That plan did not take into account site development costs. Don Hanson and Tony Weller determined that the cost of site preparation necessary for the KPPF plan substantially exceeded land sale comps in the area. Under questioning from Mayor Ogden, the KPPF planner acknowledged that the site preparation cost estimates provided by Tony Weller and Don Hanson were reasonable. But he disagreed with what the land was worth. Stu Peterson, who has a substantial number of listings in the Tualatin Sherwood area, provided comps that showed multiple listings with a price per square foot cost of less than the site preparation costs.

The Intergovernmental Agreement ("IGA") signed by Wilsonville, Tualatin, and Washington County has no mediation clause. As a result, without Wilsonville's cooperation, the current impasse cannot be resolved, until the IGA expires in approximately two years. This subject land was brought into the UGB in 2004, and we are already thirteen years into the planning process.

While the record in this proceeding demonstrates that this land is not necessary to meet Plan Area employment needs, the record related to Metro's Urban Growth Report, demonstrates that the City of Wilsonville has strongly advocated that there is a need for additional residentially zoned property, and has argued that Metro needs to look at housing on a sub-regional basis, instead of region wide. The overwhelming record demonstrates the subject property cannot be developed as employment land. The Tualatin council has made findings to that effect, and has tasked Tualatin staff with proceeding with a residential designation. Given Wilsonville's position on the need for residential land, and the proposed plan that includes high, medium, and low density residential, it is difficult to reconcile Wilsonville's opposition to the residential designation.

Background Information And Why We Are Here Today

What is not obvious from satellite imagery, or from the road, is immediately apparent, on the ground. There are significant slope issues with the property and the adjacent properties, and there was very little topsoil, and a lot of rock. I am familiar with the impact of topography and soil conditions through my past representation of the former city of Damascus, and this property did not seem well suited for the large footprints necessary for an employment designation.

After discussions with Herb Koss, we contacted adjacent property owners, and received their permission to have experts look at the parcels of property as a whole, to help determine feasibility. At that time, concerned whether there was a prohibition on non-employment land zoning, I had preliminary discussions with Metro staff regarding whether there had been a requirement that the land be zoned employment, when it was brought into the UGB.

Preliminary Analysis From Experts And Washington County's Letter Opinion From McKenzie

Herb Koss arranged for Don Hanson from OTAK to analyze the site for slope issues and potential zoning, and he has previously submitted materials regarding his findings. (See *attachment 1*) Brian Clopton, of Brian Clopton Excavating submitted a letter on November 18, 2016 regarding the soil conditions and topography. (See *attachment 2*) Eric Sporre of PacTrust submitted a letter on November 14, 2016 regarding the inability to develop industrial or flex buildings based on the topography. (See *attachment 3*)

Mike Diamond of the Real Estate Investment Group submitted a letter on November 21, 2016 opining that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. (See *attachment 4*) He also determined that office park use was not feasible because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land. Those concerns were echoed by Stu Peterson. (See *Attachment 12*)

Don Hanson shared Mike Diamond's concerns regarding compliance with ADA standards. He noted that the site that Washington County used as a comp, South Center, which was designed by OTAK had half the slope of the subject site, and could not be built under current ADA standards. (See page 1 of attachment 1)

At the same time, Mayor Ogden, and staff, asked John Fregonese for his opinion. He expressed reservations regarding the employment designation, and believed that it would be better suited as residential land. This, and other data, prompted Washington County to hire McKenzie to provide a letter opinion.

Upon receiving a copy of the McKenzie Letter, I had significant concerns that their report regarding feasibility was predicated on four inaccurate assumptions. Specifically:

1. The McKenzie letter contemplated access off of Basalt Creek Parkway, and did not take into account the 18-20 foot curb cut off of Basalt Creek Parkway (Washington County Project Manager, Renus Kelfkens, confirmed via email on 2/1/17 that the only access onto Basalt Creek Rd., will be from Grahams Ferry Rd., and Boones Ferry Rd., and that there will likely be an 18-20 foot curb cut); (See *Attachment 5*)
2. The McKenzie letter contemplated Kingsman Rd., as a North South connector, allowing truck access to the southern portion of the site (Washington County Planner Erin Wardell confirmed via a phone call to Herb Koss on 2/9/17 that this road had been deleted over a year ago);
3. The McKenzie letter contemplated an Employment designation in the northern quadrant of the property, despite the fact that it has been designated by the city as residential transition;
4. The McKenzie letter did not rely on site specific geotechnical conditions or

topography, relying on regional mapping instead (Todd Johnson confirmed that they had not used site specific data via email on 2/10/17) (*See Attachment 6*)

I have had discussions with Gabriela Frask, who prepared the McKenzie report, and learned that she was not provided with the site transportation access information, nor was she aware that the northern portion of the property, which is relatively flat, was planned as residential transition. She was also unaware that Kinsman Rd., was deleted from the area planning approximately a year ago. Additionally, Washington County did not authorize a site visit, within her scope of work, which I believe negatively impacted her ability consider other factors impacting feasibility. Regardless of the skill of an individual planner or agency, their work can only be as accurate as the information that they rely upon, and in this case I believe that Gabriela and McKenzie did not receive sufficiently detailed information to assess the property as accurately as possible.

Expert Opinions and Assessment of the McKenzie Letter

We asked Tony Weller of CES NW, to consider the Tualatin staff reports, McKenzie Study, email from Washington Co., regarding access, the DKS preliminary profile of the extension of Basalt Creek Parkway, and the OTAK Basalt Creek Concept Plan. In a comprehensive letter dated February 10, 2017, he opined that while the northerly third of the site is very developable as employment land, almost half of that property is reserved for residential use. And, that the deletion of the planned Kinsman Road, eliminates the only at grade potential access coming from the southerly portion of the site. The plateau portion of the property is surrounded by steep slopes of over 10% and over 20%. He further opined that neither access point can provide a secondary access to the plateau area which is a negative for both traffic flows and emergency access. (*See Attachment 7*)

Ken Leahy of Ken Leahy Construction Inc., was asked to provide a more comprehensive look at site preparation costs. He provided his opinion, in a letter dated February 10, 2017 that the cost of site preparation will exceed \$5.00 per foot. (*See Attachment 8*)

Don Hanson, of OTAK has provided a letter, and marked-up the McKenzie map based on the actual location of Basalt Creek Parkway, the lack of access off of Basalt Creek, the elimination of Kinsman road, and the residential designation at the top of the property. The result of those additional facts, eliminates a significant portion of the property that McKenzie deemed developable. (*See Attachment 9*)

Additionally, I have included a map that combines the McKenzie Plan with the residential zone and topographic map. (*See Attachment 10*)

After encountering opposition from Wilsonville, and after Wilsonville hired KPFF to come up with a concept for the subject property, we had Tony Weller and Don Hanson analyze the KPFF plan. (*See Attachments 10 and 11*), they determined that it was not feasible.

Housing Needs in the Region

It is also clear that there is an extreme need for more available residential land in our region. Day after day, the headlines in our papers are about the housing emergency, and the lack of housing stock. Metro is the jurisdiction tasked with ensuring that there is a sufficient buildable lands inventory in our region. In order to successfully complete this task Metro must make determinations regarding future population growth, demand for housing type, as well as capacity within the current Urban Growth Boundary. Metro does this as part of its Urban Growth Report.

Just three years into the UGR, it is clear that the predictions by Metro are not reflected by today's market. The 2015 Urban Growth Report (UGR) was based on several preceding analyses by Metro. Including the Housing Needs Analysis (HNA) and The Buildable Lands Inventory (BLI). While the

HNA predicted that the split between rental and ownership housing would be substantially unchanged from the present (about 36% rental housing), it predicted that a massive change would occur in the form of home ownership, from single family detached to about 40% of future home ownership in condominium housing.

The 2015 Urban Growth Report (UGR) was based on several preceding analyses by Metro. Including the Housing Needs Analysis (HNA) and The Buildable Lands Inventory (BLI). While the HNA predicted that the split between rental and ownership housing would be substantially unchanged from the present (about 36% rental housing), it predicted that a massive change would occur in the form of home ownership, from single family detached to about 40% of future home ownership in condominium housing.

A close reading of ORS 197.296, Factors to establish sufficiency of buildable lands within urban growth boundary shows that the state law requires a much more conservative and trend based forecast of Metro than they used in their UGR. In fact, just three years into the UGR, it is clear that Metro's predictions were horribly off. Assuming a straight line 25 year population growth number, in Metro's cities with populations over 5,000, predicted population growth was in 2016 was 15,728. The U.S. Census department provided 2016 estimates in those same cities at 57,677, more than 3.5 times what was predicted by Metro.

A close examination highlights some of the salient problems with the previous forecast. Such as, comparing the 27% of predicted housing allocated to high rise condo with the recent housing market since 2015, which shows a negligible number of units built. The 2015 UGR also predicted a distribution that shifted new population growth heavily to Portland over the suburbs. Of cities with populations of over 5,000, Portland was expected to take 10,006 people, or over 63% of the 15,728 predicted increase.

In reality, Portland took 26,508 or 45% of the 57,677 population growth estimated by the U.S. Census Bureau. Since Portland has adopted inclusionary zoning laws filed applications for new multi-family projects have decreased significantly, while applications in close in cities such as Milwaukie have increased. That will add further pressure on suburbs who have little buildable land. Metro's 2015 UGR predicted that Tualatin's population in 2040 would be 27,372. The U.S. Census Bureau estimated Tualatin's 2016 number at 27,545, which means that Tualatin exceeded its 25 years of growth in 2016 alone.

Metro's predictions of relatively low growth, a condo building boom, and not looking recent market trends as required by ORS 197.296.

The combination of all three decisions by Metro has resulted in there being an inadequate amount of available unconstrained buildable land in the region. King City, a city which has seen population growth of 96% over the last 17 years or an annual increase of 4.2% recently had ECONorthwest complete a housing needs analysis, which found that the city had 1.5 unconstrained buildable acres in the city.

As a result large subdivisions are being constructed in satellite communities outside of Metro's jurisdiction like Estacada, North Plains, and Newberg. Communities such as North Plains are outside of TriMet's service district meaning that all of the new population will be traveling by car, further clogging our region's infrastructure, and resulting in long commutes for working Oregonians.

Faced with current market realities a decision by Metro to zone the subject land employment, while all signs point that it can't be developed, not only fails to aid in our housing crisis, it will also prevent necessary employment land from coming in the future. Because this land will remain undeveloped, it will be counted as available employment land, even though it is the land's topography, rather than market demand, that determine that it won't develop.

The Plan prepared by OTAK is designed to be trip count neutral, and to comply with all elements of Goal 10.



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BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon

August 23, 2016, Revised November 21, 2016

Introduction

- Otak Inc. (Otak) represents The Sherwood Grahams Ferry Investors LLC, headed by Herb Koss, who hold 10 acres in the 41 acre northeast quadrant of the overall district. The property is located near the northeast corner of Grahams Ferry Road and extends over to the Basalt Creek Canyon along the proposed new east-west arterial road. This summary of concerns and the amended concept plan lay out our intended direction moving forward.

Project Concerns

- Otak’s concern is that the northeast quadrant area is not well suited to industrial zoning or employment transition proposed by the concept plan.
 - **Topography.** Much of the site contains slopes in excess of 10 percent (10%) and 25 percent (25%). The site would be extremely difficult to flatten out to accommodate industrial or employment transition site development requirements. Attached is a topographic map of the South Center project provided to City of Tualatin (City) staff. Otak designed this flex-space project. The topography is half as severe as portions of the 41 acres site. The site would be extremely difficult to develop given today’s American with Disabilities Act (ADA) requirements.
 - **Access.** Vehicular access will be limited to Grahams Ferry Road and extending Tonquin Loop into the site. No access will be permitted on the proposed new east-west arterial road.
 - **Basalt Creek Canyon.** The industrial land abuts the Basalt Creek Canyon with no transition.
 - This is not a big change but rather a refinement to the concept plan. It is a defined site area that makes up about 3 to 5 percent (3-5%) of the total Basalt Creek Study Area. Also there are currently 329 acres of undeveloped industrial land within a one mile radius of the study area.

Land Use Context

- The following shows a comparison of Metro’s initial goal for the district, the City’s current plan, and the proposed amended plan.

Metro	2500 Jobs	1200 Households
City Plan	4500 Jobs	600 Households
Amended Plan	4070 Jobs	1194 Households

The amended plan proposes a more balanced approach that is well within the intended mix proposed by Metro when the land came into the Urban Growth Boundary (UGB).

A group of mayors in our region have gone to Metro and asked Metro for flexibility related to UGB expansions. They have asked Metro to look at lands and appropriate zoning designations on a sub-regional basis. They have asked that Metro consider factors such as slope, and proximity to infrastructure, to help avoid situation like Damascus. We are asking you to do the same. We recognize that the region anticipated that the Basalt Creek area would primarily be zoned employment uses.

It is certainly anticipated that the vast majority of the land will be used for that purpose. But, within the Basalt Creek Planning Area, there are sub-areas that cannot reasonably be developed as employment land because of topographic and other issues. The 41 acres that we have asked the City to zone for residential purposes is one of those sub-areas. There is land to the west and south of this land that is zoned employment, that land is flatter than the subject 41 acres, and it is closer to transportation infrastructure than the subject 41 acres. Neither PacTrust Pacific Realty Associates, LP nor Brian Clopton Excavating believed that an employment designation was possible given the slope and soil quality. Instead of designating the property with a designation that will result in it never developing, we ask that you give it a designation that will make development feasible. If you do not do so, it will sit vacant; counting as developable employment land, just as Damascus has sat vacant, counting as available housing stock. Its designation will prevent further necessary expansions.

There is a housing crisis in our region and the latest modeling has demonstrated the importance of having residential land and employment land in close proximity. This is an opportunity to provide housing, on land which cannot be feasibly developed as employment land.

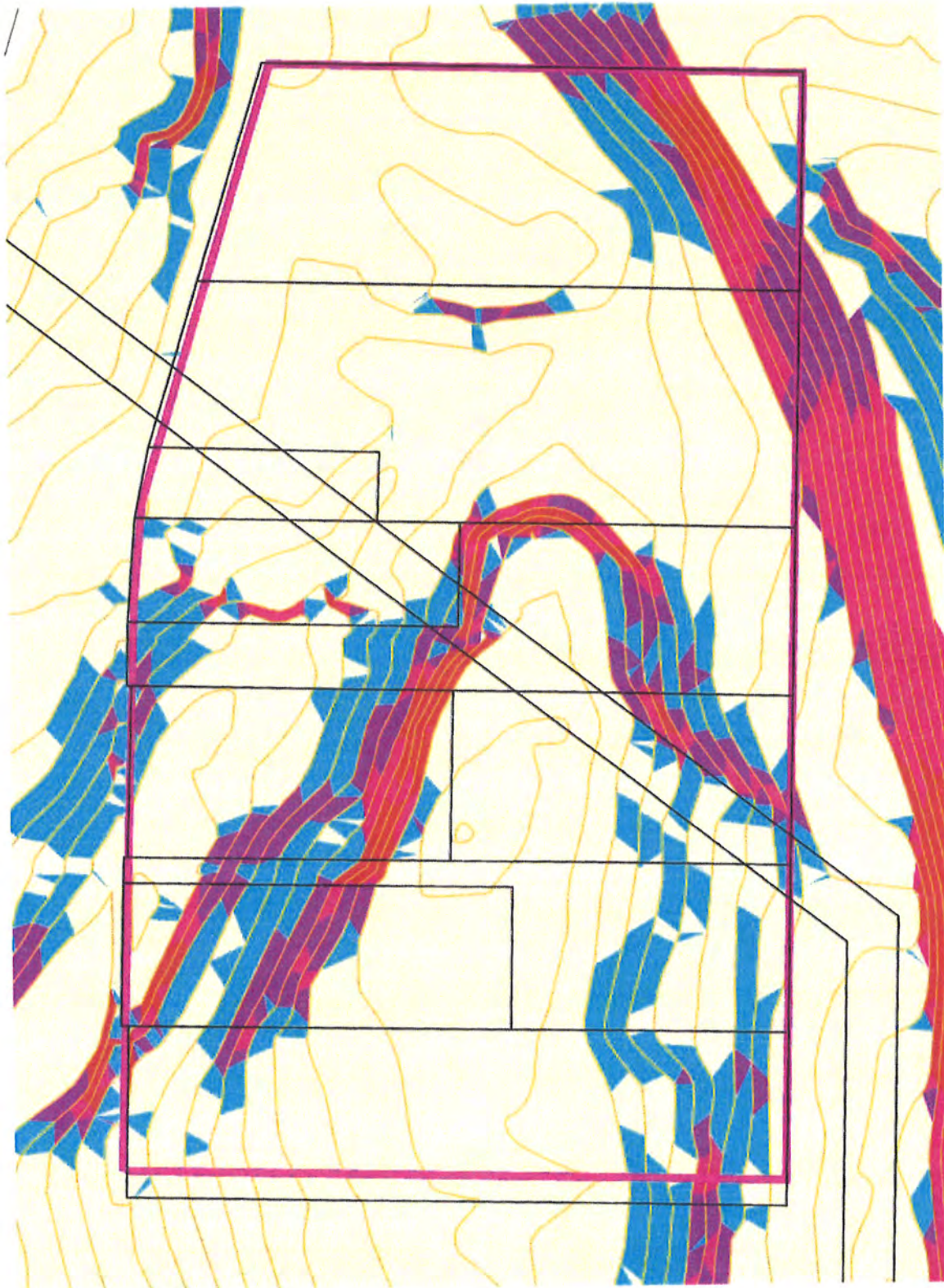
Amended Plan Options

- The attached concept plan option summarizes the requested amendment for proposed land uses that fit the site and its unique conditions.
- The plan anticipates building Tonquin Loop as an actual loop with two access points on Grahams Ferry Road. This road extension will provide complete access to the properties and also access to property owners east of the site.
- Three densities of residential are shown as transition to the neighborhood to the north and canyon to the east and also along the new east-west arterial, which is down 25 vertical feet from the site area. A center core area of potential retail, high density residential, and open space could serve as a walkable destination in the neighborhood. Also secondary access can be provided to the developable lands to the east above the canyon.
- Property uses can be molded to fit actual site conditions and provide a mix of housing (including workforce housing) close to jobs anticipated to the south and west.
- The programmed development will “be trip cap neutral” compared to the current city concept plan.

Benefits

- A walkable neighborhood with appropriate transitions and destinations
- Land uses that are adaptable to actual site conditions. The mix of uses will act as a **catalyst to create activity in the district**. The high-density residential (HDR) land provides the best opportunity for workforce housing next to employment lands. Residents won't need a car to commute.
- A plan that meets Metro's initial objectives when the land was brought into the UGB.
- A more complete quality neighborhood for the City of Tualatin.

Attachments: Basalt Creek Site Topo
Basalt Creek Slope Analysis
South Center Site Topo (Comparison)
Basalt Creek Land Use Concept
Letter from PacTrust Pacific Realty Associates, L.P.
Letter from Brian Clopton Excavating
Letter from Micheal Diamond, Real Estate Investment Group
Basalt Creek nearby Job Lands Map



11-16-2016

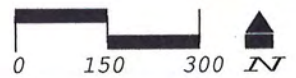


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	
2	10.00%	15.00%	Blue
3	15.00%	20.00%	Purple
4	20.00%	25.00%	Pink
5	25.00%	357.23%	Red

BASALT CREEK SLOPES ANALYSIS

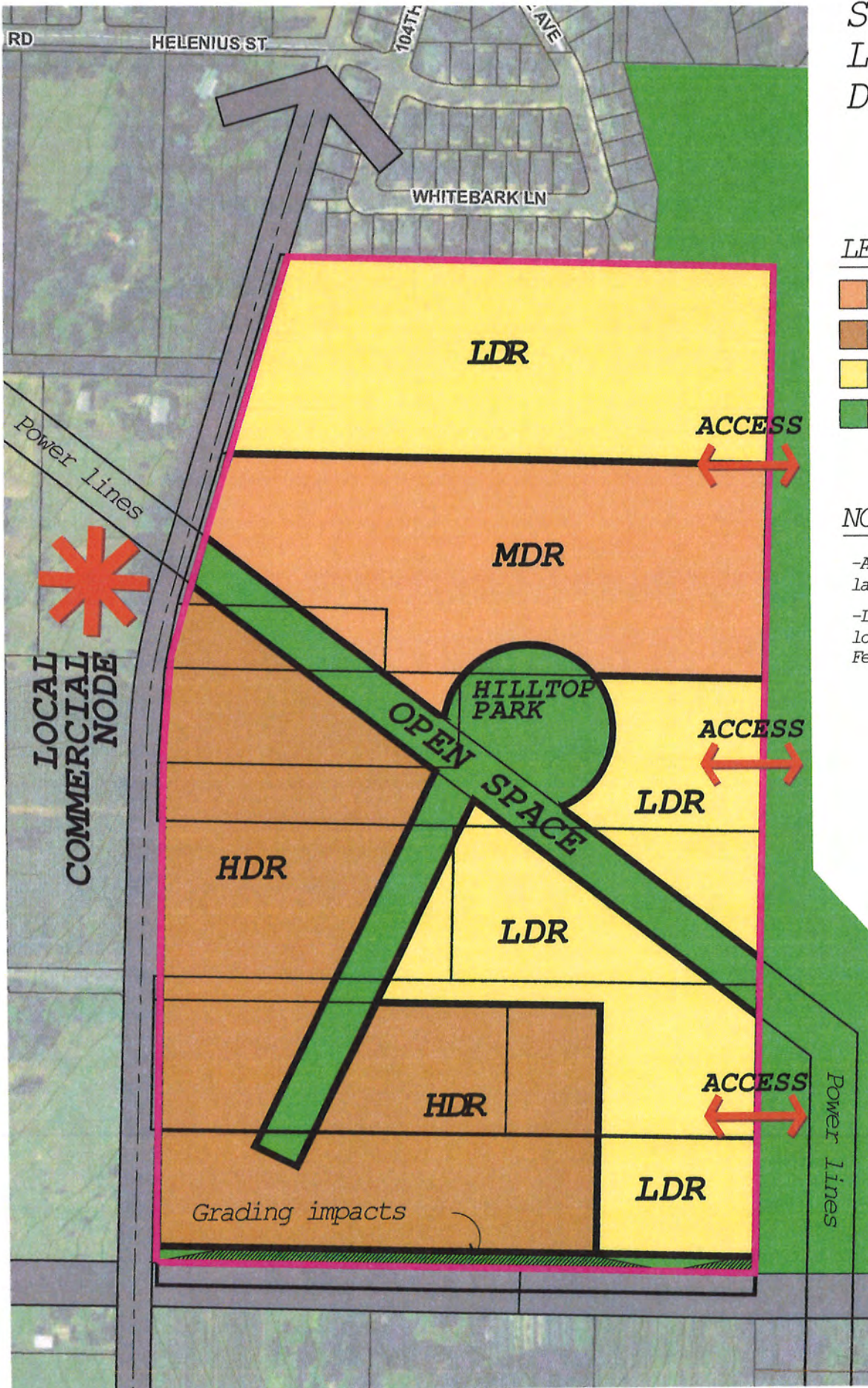


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

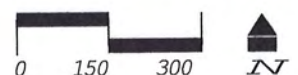
- Mid Density Residential
- High Density Residential
- Low Density Residential
- Open space

NOTES

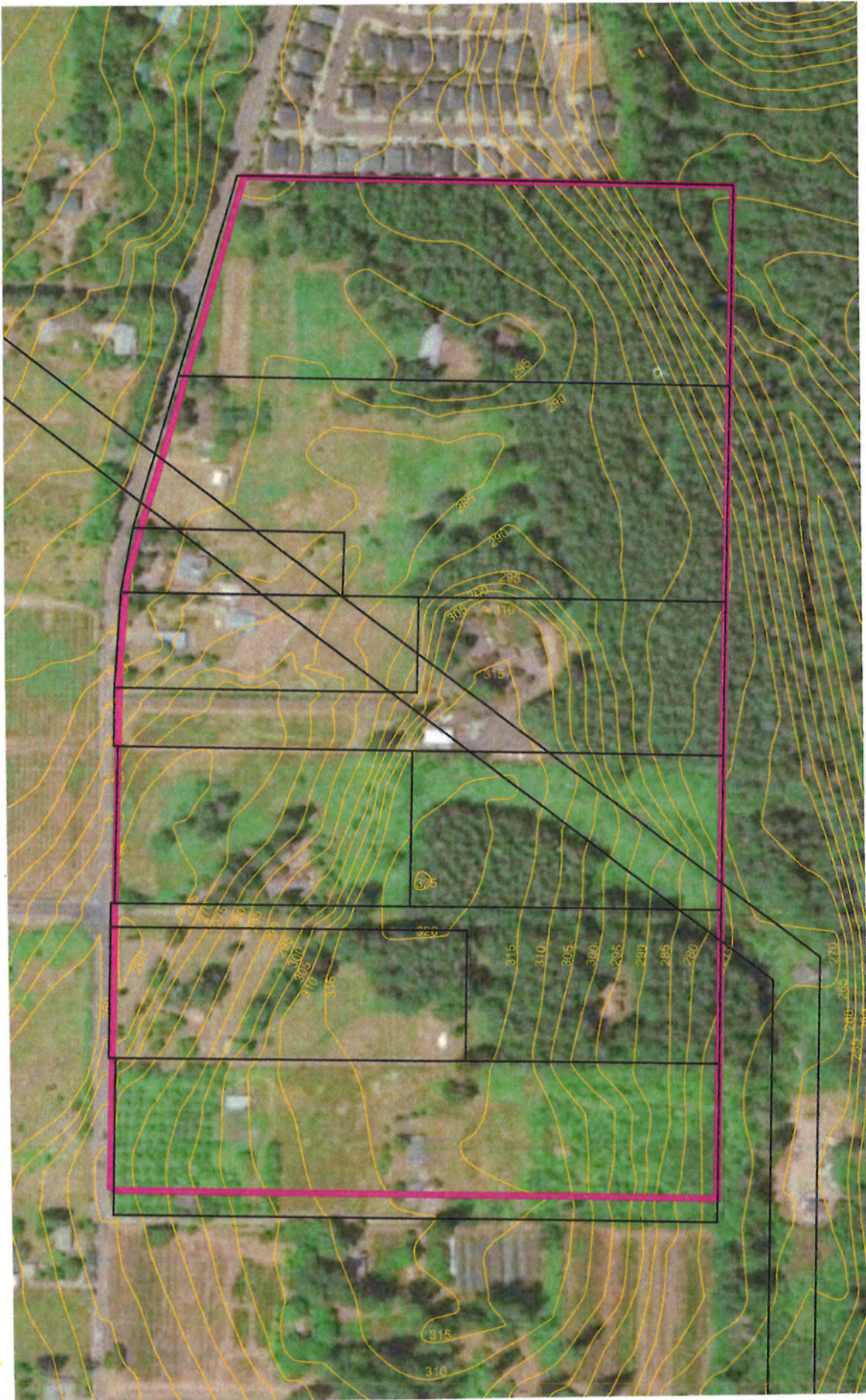
- Access provided for landowners to East
- Local commercial node located across Graham's Ferry Road



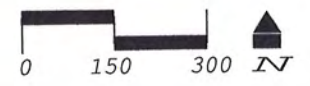
11-21-2016



Basalt Creek Concept Plan



11-16-2016



BASALT CREEK SITE TOPO



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November 18, 2016

Dear Mr. Koss

You have asked me to visit the 41 acre site located in the Basalt Creek Planning area. Your question was the feasibility of grading this site for employment land vs. a residential zone.

For your information my company has just purchased another four acres next to our Clay Street property. With this acquisition we now have 16 acres of land on Clay Street. I am very familiar with this area and as you know my company has mass graded many sites in the Portland Metro Area. I have been asked many times to inspect potential projects in order to determine problems that may be associated with a developer's site plans --- slopes, access and feasibility.

Thank you for providing me with topography of the site. It was very helpful and to be honest the slopes on the site were more severe then I first thought. The other big issue is the amount of rock that would be encountered with any grading necessary to accommodate any development on this site. This site is far better suited for Residential use since grading for this does not require the same topographic grading in comparison to employment uses. The Basalt Creek area does feature other land that is suited for employment; however the 41 acres you have asked me to visit is not in that category. I was also surprised by the 18 to 20 foot cut in order to accommodate the extension of Basalt Creek Parkway.

If you require any additional information please let me know.

Sincerely

Brian Clopton

President/Owner

PACTRUST
Pacific Realty Associates, L.P.

15350 S.W. Sequoia Pkwy., Suite 300
Portland, Oregon 97224
503/624-6300 • Facsimile: 503/624-7755

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November 14, 2016

VIA EMAIL

Herb Koss
2643 South Shore Boulevard
Lake Oswego, OR 97034

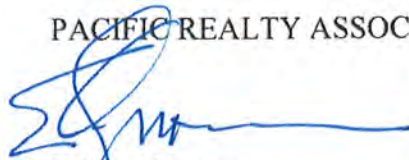
Dear Herb,

At the request of Peter Bechen, I toured your site north of the future Basalt Creek Parkway last week. PacTrust is developing an industrial park several miles north at 115th Avenue and Tualatin-Sherwood Road in Tualatin known as Koch Corporate Center. We are interested in locating a site to develop in the Coffee Creek area for light industrial uses. Unfortunately, the topography of your site makes development of industrial or flex buildings uneconomic. We believe housing would be a more appropriate use for the site. The smaller floor plates for housing enable it to work with slope conditions present on your property. Industrial/employment land requires sites to be much more flat due to dramatically larger floor plates, parking requirements, loading areas for trucks and ingress/egress concerns for trucks. There are several sites in the area that are more appropriate for industrial/employment development.

Let me know if you would like to discuss this further.

Yours very truly,

PACIFIC REALTY ASSOCIATES, L.P.



Eric A. Sporre
Vice President



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November 21, 2016

Herb Koss
2643 South Shore Blvd.
Lake Oswego, Or 97034

VIA: EMAIL

RE: 41-acre Basalt Creek southern boarder 23960 SW Grahams Ferry Rd.

Dear Herb,

I visited the site and spent a considerable amount of time driving the area. It is an exciting development area especially when the Basalt Creek Parkway is completed.

The topography of the site is such that developing an industrial project would be very difficult and if done would be at best marginal and very inefficient. Industrial, flex buildings require large foot prints, large drive areas for loading and turning radius. There are better sites in the area for this type of use.

I also looked at the site for office park use and concluded that due to the steep topography of the site it could have a negative impact on the proximity of the parking that may pose an issue with ADA requirements. I also believe that the extraordinary site cost and small office footprints would not be cost effective and competitive in the office market. Furthermore, the location does not readily lend itself to that use.

This site lends itself to smaller foot print buildings such as housing and multifamily that can be planned around the steep grades and terraced into the topography. It is my opinion that the highest and best use for this site are single family homes buffered along the frontage with multifamily housing.

Our office has forty years of experience in commercial real estate and have procured sites for commercial developers such as Gramor, Holland Development LLC and West Hills.

Let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Michael N Diamond", written in a cursive style.

Michael N Diamond
Principal Broker

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:56 PM
To: Peter Watts
Subject: FW: Basalt Creek Renus



Thanks Herb Koss

Begin forwarded message:

From: Renus Kelfkens <Renus_Kelfkens@co.washington.or.us>
Date: February 1, 2017 at 12:02:54 PM PST
To: Herb Koss <herb@kossred.com>
Subject: RE: Basalt Creek

Hi Herb,

Yes, Basalt Creek Parkway is a limited access road. The only access will be from Grahams Ferry Rd, and Boones Ferry Rd. Currently we have not done any topographic survey, or design but it is reasonable to expect an 18-FT to 20-FT cut. This will be investigated during the design phase of the project.

Sorry for the delayed response. Please let me know if there are any other questions or comments.

Thanks,

Renus Kelfkens | Project Manager
503-846-7808 renus_kelfkens@co.washington.or.us

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Friday, January 27, 2017 12:40 PM
To: Renus Kelfkens
Subject: Basalt Creek

Dear Renus

I wanted to pass along the employment site evaluation prepared by Mackenzie. After our conversation earlier this week it seems clear to me that some of the assumptions that Mackenzie made, are not consistent with the transportation plan for the area. Although, the site evaluation shows access off of Basalt Creek Parkway, my understanding is that the county will not allow access. Additionally, the evaluation has Basalt Parkway in the wrong area, does not reflect the 18-20 foot curb cut, onto the property, nor does it show the residential that is planned on the northern portion of the site to transition from the existing neighborhood. I spoke to Mackenzie this week, and they indicated that they had not contacted the county regarding the transportation access, or the residential at the northern portion of the site.

Would you be willing to confirm that there is no planned access off of Basalt Creek Parkway, and that the curb cut is expected to be 18-20 feet? I think that that information will be enough for Mackenzie to retract their site evaluation. Please correct me, if anything that I have indicated isn't

accurate. My goal is to make sure that everyone is working off of the same assumptions, so that we can properly assess the site suitability. Thanks for all of your help, and taking the time to talk.

Herb

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:49 PM
To: Peter Watts
Subject: FW: Proposal - Basalt Creek McKenzie
Attachments: PRO-Koss Real Estate-Scope and Fee-170209.pdf



From: Todd Johnson [mailto:TJohnson@mcknze.com]
Sent: Friday, February 10, 2017 12:04 PM
To: Herb Koss
Cc: Dennis Woods; Gabriela Frask
Subject: FW: Proposal - Basalt Creek McKenzie

Hi Herb-

I've been in meetings all morning. Sorry for the delay in getting this to you.

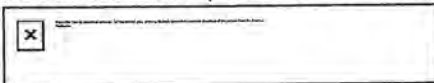
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for resource lands, geotechnical conditions, and topography. This scope includes developing site specific data to allow cost feasibility analysis to our previous study. By improving the accuracy of the data we have through onsite study and mapping, we will be able to determine if the site is economically viable for employment use, or also look at residential uses as alternates for economic viability.

It's my understanding that you have new information for the road connections and locations that we did not use in our previous report. That type of data would be collected as part of our work and would be incorporated into the scope we propose in the attached scope and budget letter.

Let me know if you have any questions about the attached scope, or if you would like us to change the proposal in any way. If the scope we outlined in the attached letter is satisfactory, I'd suggest we have a meeting with you and the project team to refine the tasks we identify prior to us commencing work.

Thanks for the opportunity to present this scope of work. I'll call you to discuss it.

Todd Johnson
Senior Associate / Director of Planning



Architecture · Interiors · Engineering · Planning

P 503.224.9560 W mcknze.com C [vcard](#)

RiverEast Center, 1515 SE Water Ave., Suite 100, Portland OR 97214

This email is confidential, may be legally privileged, and is intended solely for the addressee. If you are not the intended recipient, access is prohibited. As email can be altered, its integrity is not guaranteed.



February 10, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

In response to your request I have reviewed the Basalt Creek Concept Plan materials with regards to the suitability of employment/light industrial development on the 63 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway. These materials included:

1. Tualatin Staff Reports
2. Mackenzie Study
3. Email from Washington County Basalt Creek Parkway project manager Renus Kelfkens regarding access to Basalt Creek Parkway.
4. DKS preliminary profile of the extension Basalt.
5. OTAK Basalt Creek Concept Plan.

We understand that the City, Metro and Washington County's desire is to zone this area for employment land. Development potential of land for employment uses, as stated in the MacKenzie report, is generally assumed to have less than 5% slopes. This is to allow for larger building footprints, parking, loading areas and truck access.

The two areas that meet that criteria for this property is the northerly 1/3 adjacent Victoria Gardens and the top of the plateau area in the lower middle of the site. The northerly area would be well served with access from Grahams Ferry Road at Tonquin Loop and potentially a secondary access from Tonquin Road at Grahams Ferry Road. These to access points would appear to have good separation and sight distance on Grahams Ferry. The northerly area is very developable as employment land, however the City has set aside approximately 10 acres (almost half) as residential to buffer the Victoria Gardens lots.

The southerly plateau area's best access would come from the southerly property line and Grahams Ferry. However, this is the location of Basalt Creek Parkway which the County will not allow access. We also understand that the County has deleted the proposed Kinsman Road crossing of Basalt Creek Parkway shown on the Tualatin Concept and MacKenzie plans thereby eliminating the only at grade potential access coming from the southerly portion of the site. Therefore any access to the plateau area must come from the north (Tonquin Road or Tonquin

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

Road Loop). The plateau area is almost completely surrounded by steeply sloped land. The slopes range from over 10% to over 20%. The over 40 vertical rise needed to get from Tonquin Road to the top of the plateau area will take 800 feet at 5% not accounting for access to the lower property on either side or the potential impacts to wetlands.

There is slightly over 25 feet vertical rise from Tonquin Loop to the top of the plateau. This does not account for the low area just north of the plateau that drops down another 15 feet that this road would have to cross. While the grading is more manageable the result would be truck traffic routed through a residential area.

Neither access point can provide a secondary access to the plateau area. This is a negative for both traffic flow patterns and emergency access. In addition as these roads are raised to provide access to the plateau area, the access to land on either side of the road becomes more difficult.


This area is also well known for the hard rock that is very near the surface. We were the design engineers for Victoria Gardens where we had about 2-feet of fill brought into the site to reduce the rock excavation costs. Unfortunately, filling the area does not provide better access.

Employment land requires flatter slopes to serve larger building footprints and then adjacent parking/loading areas. Providing for truck access and typical development footprint will severely limit the development efficiency for this portion of the property. Residential uses are more flexible with access grades and smaller footprints however the site will still be difficult to development without access to the south.

In summary, the northerly one third of the property is well suited to employment land. However, contrary to the MacKenzie report, Tualatin's current plan reserves the northerly 10 acres or so (almost half) of the northerly area for residential to buffer the Victoria Gardens lots. The southerly plateau area is not well suited for employment land. This is due to access constraints, surrounding steep slopes, lack of secondary access and grading costs.

It has also been our experience that if property is forced into a development pattern it is not well suited for, it will end up being one of the last parcels developed and the quality of that development is usually below expectations. If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,


Anthony R. Weller, P.E., P.L.S.
President



Construction, Inc.

P.O. Box 489 • 915 S 12th Ave • Cornelius, Oregon 97113 • (503) 357-2193 • FAX (503) 357-3649

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2/10/17

Subject: The Land South of Victoria Gardens to Basalt Creek Parkway

Dear Mayor Ogden and Tualatin City Councilors:

I am the owner of Ken Leahy Construction Inc., our firm specializes in all aspects of site preparation projects including full site development that require erosion control, clearing, grubbing, stripping, earthwork, cement soil stabilization, storm water detention facilities, bio swales, underground utilities (storm sewer, sanitary sewer, water distribution and franchise utilities), sanitary sewer lift stations and force mains. Our firm is celebrating its 50th year in the business and has been involved in many developments in the Portland Metro area.

At the request of Herb Koss and I toured the site on 2/10/17, to give him an idea of the feasibility of full site development for employment use. I also was given topography site maps detailing the slopes and grades on the property.

I personally have developed sites that contain large volumes of rock. Based on my personal experience I estimate that the cost of land preparation for the land described above would surpass the \$5.00 per foot range.

I looked at site access, and am basing my opinion about access on the understanding that no access will be allowed onto Basalt Creek Parkway. If there is no access from Basalt Creek Parkway, traffic will have to come from the intersection of Tonquin Road and Grahams Ferry Road. There is approximately 50 feet of elevation rise, from that access point, which creates major issues for truck traffic.

Limited access, topography, and the large quantity of basalt rock are all major issues. A single one of them might not prevent the site from being developed as employment land, but the combination of all three cannot be overcome. Mass grading of Basalt Rock is not financially feasible.

Sincerely

Ken Leahy



HanmiGlobal Partner

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503.287-6825 • fax 503.415-2304
www.otak.com

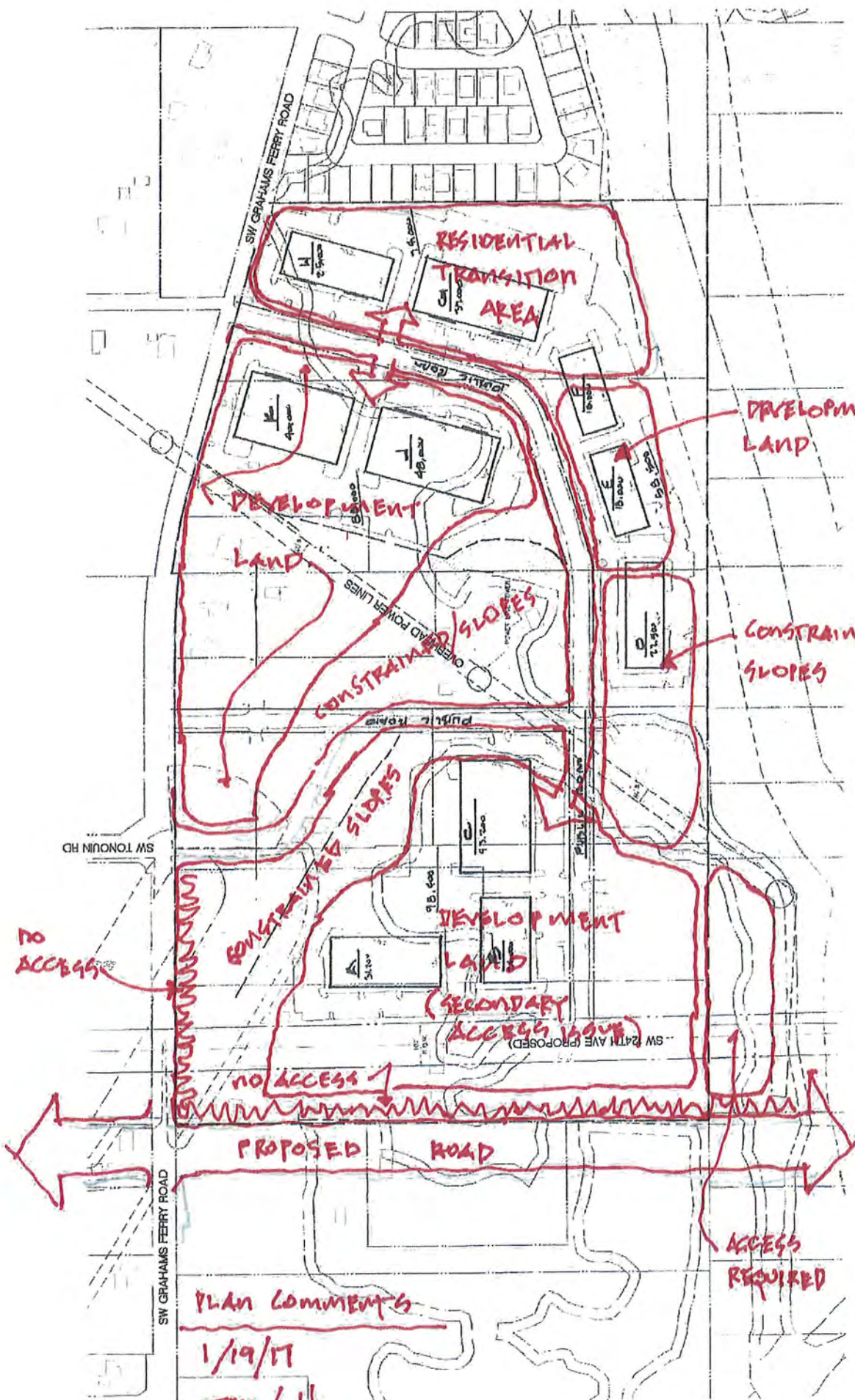


The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

- **Items/information not made available to MacKenzie**
 - Residential transition land at north end.
 - Correct location for the future Basalt Creek Parkway road.
 - No road connection/access onto the future Basalt Creek Parkway road.
 - No access is shown to properties to the southeast.

- **Plan Comments**
 - The comments on slope suitability are well stated for employment uses. Less than 5% slopes are best, 5-10% present challenges, and greater than 10% slopes are not feasible.
 - Sites A, B and C are somewhat feasible but would need a second access for emergency vehicles.
 - Sites D, E and F are not feasible for employment.
 - Sites G and H are in the proposed residential zone.
 - Sites L and K are workable.
 - There are about 18-20 acres of feasible land for employment development, but without good access a successful employment development is not feasible.
 - No consideration for costs of grading the site.
 - What about ADA?



OPTION ONE
 DEC. 21, 2016
 318,500 SF "EMPLOYMENT BUILDINGS"

M
 Mackenzie
 Architecture • Interiors
 Planning • Engineering

LEGEND

- SITE BOUNDARY
- PROPOSED 4' D.W.
- ELEVATION INTERVAL (10')
- SPANNING AREAS

SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (sq. ft.)
PROPOSED BUILDING A, D & L	10,000 SF	10,000 SF	100	1:100	10,000 SF
PROPOSED BUILDING B, S & F	10,000 SF	10,000 SF	100	1:100	10,000 SF
PROPOSED BUILDING G, H & I	10,000 SF	10,000 SF	100	1:100	10,000 SF
PROPOSED BUILDING J, K & M	10,000 SF	10,000 SF	100	1:100	10,000 SF
TOTAL	40,000 SF	40,000 SF	400	1:100	40,000 SF

SITE XX
 BASALT CREEK SITE
 SW 124TH AVE
 WASHINGTON COUNTY, OREGON

SCALE: 1" = 20'

NOTE: CONTOUR SHOWN AT 5' INTERVALS
 72.25' TO 72.50'

PLAN COMMENTS
 1/19/17
 ORK/dh

318,500 SF

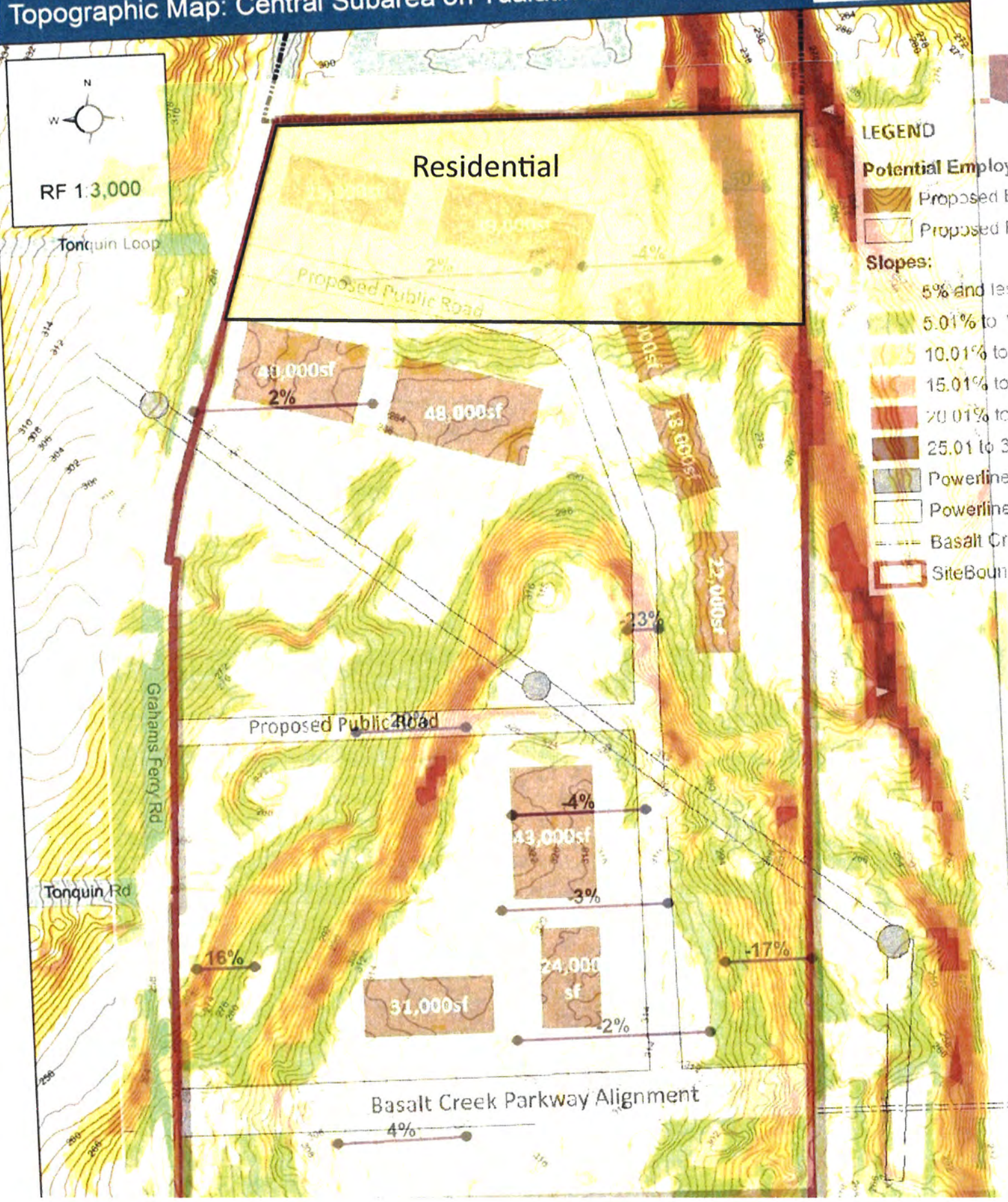
10

Topographic Map: Central Subarea on Tualatin side of Basalt



N
W

RF 1:3,000



LEGEND

- Potential Employ**
- Proposed E
 - Proposed f
- Slopes:**
- 5% and less
 - 5.01% to
 - 10.01% to
 - 15.01% to
 - 20.01% to
 - 25.01 to 3
- Powerline
Powerline
Basalt Cr
SiteBound



July 20, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CENTRAL AREA – EMPLOYMENT VERSES RESIDENTIAL DEVELOPMENT

Dear Mr. Koss:

In response to your request we have prepared a summary on the differences between development of employment type uses verses residential uses on the central area of Basalt Creek Concept Plans. When we evaluate property for development we look at zoning, transportation/access, utility service availability, topography, environmental constraints, soil conditions and adjacent uses.

The Basalt Creek Central Area faces development constraints that impact any development regardless of use (employment verses residential). These development constraints are:

- Limited access (only from Grahams Ferry Road).
- Wetlands
- Powerline easement that bisects the area
- Significant slope and topography to access the southerly portion.
- Shallow hard rock soil conditions.

The most significant differences between employment development and residential is how they can respond to these constraints. Residential development typically has smaller building footprints and can accept steeper grades for access. In addition attached residential buildings can have split floor elevations and parking underneath, both of which allow this type of building to be more responsive to the topographic and access issues.

Conversely, employment development has larger building footprints, must have flatter access grades for trucks, wider maneuvering areas for turning movements and parking. It is also undesirable to split building floor elevations as that can limit the use or size of tenant. **This flatter and wider footprint requires more grading and retaining walls on property like this than any competitive property without these constraints. Add rock excavation at six to ten times the normal cost of grading to the excessive amount of grading required, and this property may not be economically feasible to develop.**

Mr. Herb Koss

BASALT CREEK CENTRAL AREA

Page 2 of 2

Two residential projects we have been involved in are examples of how residential development can be more responsive to site constraints. Forest Rim apartments on Nyberg Road in Tualatin had wetlands and large rock outcrop in the middle of the site. The access roads and buildings were able to be wrapped around these features that turned them into amenities rather than limitations. A condominium project in Happy Valley, Greystone at Altamont was able to be wrapped around the top of the knoll with parking underneath both the upper and lower side of the units.

Most of the competitive employment land along the I-5 corridor in Tigard and Wilsonville or western Tualatin is relatively flat and/or does not require the rock excavation for development. We prepared rough cost estimates for the grading and retaining walls this property based on the KPFF Option B plan for basic site prep. These costs are in addition to the paving and utility costs that will also be needed for this site. The rough grading and retaining wall costs are:

Grading	350,000 Cubic Yards	\$10,500,000.00 (assumes significant rock excavation)
Retaining Walls	2,400 Lineal Feet	\$ 1,200,000.00

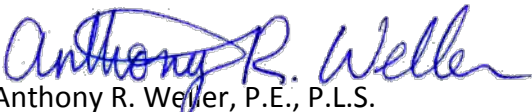
It is important not to overlook the other constraint that impacts this area, Access. The lack of access to the southerly and upper portion of the area increases the amount of grading and rock excavation required to develop the property. If Basalt Creek Parkway had been a local street that would provide at grade access to the upper portion of the area, employment uses could be feasible. Similar to variance criteria, this is not a self-imposed hardship but one that is unique to this portion of the planning area.

Another consideration is how this area relates to the adjacent uses (both existing and future). There is existing single family detached housing to the north. There is also underdeveloped property east of the planning area as well as the creek itself along the northeasterly portion of the area.

The City of Tualatin is proposing additional single family detached adjacent the existing single family housing to the north. Higher density residential provides an excellent transition between lower density residential, commercial and/or industrial uses. Basalt Creek Parkway with its deep cut and wide right of way provides additional transition area to the south.

Per your request, I will be present at the 7/24 work session and will be happy to answer any questions at that time.

Sincerely,


Anthony R. Weller, P.E., P.L.S.
President

11



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www.otak.com

May 19, 2017

Herb Koss
2643 South Shore Blvd
Lake Oswego, OR 97034

RE: Basalt Creek Central Area - KPFF Concept Plan

Hello Herb,

I've read Tony Weller's letter regarding the extra costs required to develop the subject property with employment uses. Tony is a very experienced and capable engineer. He also has very relevant experience in the area.

I agree with Tony's letter and believe it summarizes the situation quite well. The hard costs are actually on the low side for grading the site based on my recent experience on similar sites.

The other concern both Tony and I share is access for cars, trucks and emergency vehicles. A second access point will be extremely difficult to provide.

Please feel free to call with any questions or comments.

Thanks,

A handwritten signature in black ink, appearing to read "Don Hanson". The signature is fluid and cursive, with a large initial "D" and "H".

Don Hanson
Principal
Otak, Inc.

12

RE: Project number 2150111.01
63 acre parcel with extreme topography

Mayor Ogden, City Council and Staff

I have read the Mackenzie report regarding the above site, looked at on Google earth and examined the topo map. As a Commercial Real Estate Broker of 35 years the bulk of it spent in Southwest Portland, I can unequivocally say this is a poor site for industrial development and would be better suited as a residential development site.

My experience with sites like this is extensive. I represented the Robbins Sharp property on 115th in Tualatin and the ORR property at the Southwest Corner of 124th and Tualatin Sherwood Rd in Sherwood. Both properties had extensive site development costs due to topography, but probably not as dramatic as the subject parcel.

Industrial development requires sights to be nearly flat to achieve the large contiguous floor plates suitable for single story utilization for warehouses, manufacturing assembly etc. Residential sites can utilize the subject property much more efficiently, cheaper and develop a higher tax base in a much shorter time frame than the site would if left as an industrial development.

Those sites languished on the market for years while other sites sold. Their eventual sales prices were far below other similarly zoned parcels in the same area to overcome their substantial development costs. For years their cost to cure the slope issues exceeded the market value of Industrial property thereby rendering them economically infeasible for development.

These sites will be the last sites to develop in the new Basalt Creek region if left zoned as industrial and even then it will require an abnormal purchaser/developer as the sites will take years to ready for development due to the extensive and time consuming development process. Developing land like this takes invasive and disruptive methods to ready the site for large industrial floor plates. These methods will include years of heavy equipment, likely "cut and shoot" (blasting), methods of overcoming underground rock and will still result in inefficient use of the site.

To highlight this please consider Figure 3 "Conceptual employment use Concept Plan" this plan shows multiple small buildings that are prohibitively expensive to construct and results in approx.. 300,000 SF of development on a 63 acre site or approx.. 11% site coverage. Most industrial sites result in coverage 3.5 to 4 times

that ratio. Further, the small buildings and their shape, (long rectangular), will be expensive and will attract low employment ratio uses. To create job density in industrial regions large buildings with deeper bays are required. The job density on a site with this low of site coverage, this amount of buildings will defeat many of the objectives of Goal 5.

Further rendering the site ineffective is the natural resource areas on the site which are much more compatible with residential uses than they are with industrial. Another question I have is whether or not there will be direct access to Basalt Creek Parkway as it shows in the study. I have always heard this street was meant to be an expressway with limited direct accessibility.

In short it appears to me this study was scripted with the intent to answer a question "if the site could be developed as an industrial site" and not whether its highest and best and most practical use is as an industrial site. My 35 years experience in this type of development leads me to the inescapable conclusion it is not. I have attached my biography describing my qualifications to render this type of opinion.

For the record I have no economic interest in any adjacent properties, I do not even have any listings for sale near this property. In fact, given my particular expertise most people would think that I would be all for zoning this property for industrial use. However, it is clearly not an efficient use of this site and it would be best left to residential use.

Stu Peterson SIOR
Partner
Macadam Forbes Commercial Real Estate

From: [Herb Koss](#)
To: [Martha Bennett](#)
Cc: [Roger Alfred](#); [Roy Rogers](#)
Subject: FW: Testimony for Monday's Work Session BASALT CREEK
Date: Thursday, March 08, 2018 9:10:35 AM
Attachments: [Attachments 1-3.pdf](#)
[Attachment 4-10.pdf](#)
[CESNW Letter Analysis.pdf](#)

Subject: *Pertinent data regarding the Basalt Creek Zoning – Important to read the email dated 2/12/17 from Peter Watts at the bottom of this email and the attachments. The CESNW attachment is Direct and to the point --- cost and access issues.*

Metro Council President Hughes and Metro Councilors

I had a conversation with Councilor Harrington and during our conversation unrelated to my call Councilor Harrington told me that Mayor Knapp had sent her a packet of information late Dec 2017. The information was forwarded by Mayor Knapp I believe at the request of Councilor Harrington.

Recently I received a memo that included a Metro Planning Staff recommendation, which included the planning staff's recommendation for the council to zone the Basalt Creek land in question as Employment Land. First of all in reading the staff report there is no way the decision they reached would be recommended if the Planning Staff had made arrangements to visit the site or had reviewed the information that was presented to the Tualatin City Council when the city council voted 7 – 0 in favor of a residential zone. I have been assured that the Tualatin Staff will be providing all of the Testimony and professional data that our land owners presented. Please note the date of the memo below was 2/21/17.

In addition to the memo below and the attachments included with this email I have also attached the Cost Analysis prepared by CESNW- Mr. Tony Weller. This analysis was done after the city of Wilsonville retained the services of KPFF to provide a site plan for the land in question. As indicated the site not only has major access issues, but the cost to prepare the site for the plan provided by KPFF is more than the land is worth.

A residential zone can use the rock ridges and topography as open space, build some housing with

garage under
product and access to the site can be dealt with for a residential zone unlike what an
industrial/employment site
would require. A well thought out plan for supportive housing would be planned not to increase the
trip counts.

My concern is the record for the testimony on this site has been years in the making and we as
property owners
have no idea what has been submitted or will be submitted. Mayor Ogden has assured us that the
Tualatin Staff
will provide their records and the reasons why a residential zone is warranted. With that said I find it
unreasonable
that the Metro Planning Staff is recommending what we consider a closed hearing. This is not in the
spirit of what the
Metro Council has supported in the past and should not be allowed.

I believe that the CESNW letter is the best summary of the facts involving our position of desiring a
residential zone.
Mr. Weller is willing to attend the Metro hearing, but it appears no public testimony will be allowed.
We are asking
that the Metro Council alters the Metro Planners recommendation and allows a more open
process. Property owners
that will be greatly affected should be allowed to testify.

We can arrange site visits or if you have any other questions please contact me at 503 730 2431 or
herb@kossred.com

Sincerely
Herb Koss – Property owner Basalt Creek

cc: Mayor Ogden and Council
Alice Cannon
Sherilyn Lombos
Aquilla Hurd- Ravich
Karen Fox
Martha Bennett COO Metro
Roger Alfred

From: Peter Watts
Sent: Sunday, February 12, 2017 12:42 PM
To: 'council@ci.tualatin.or.us'; 'council@tualatin.gov'
Cc: 'slombos@ci.tualatin.or.us'

Subject: Testimony for Monday's Work Session

Dear Mayor Ogden, Members of the Tualatin City Council, and City Staff,

I, along with others, own land North of the planned Basalt Creek Parkway, and East of Grahams Ferry Drive. I am writing this letter solely on my own behalf, specifically to provide background information, address the report provided to Washington County by McKenzie, and also provide information from local experts who have walked the site, so that you can make the best possible determination regarding the most appropriate designation of the land.

Executive Summary

Don Hanson of OTAK, and Tony Weller of CES NW, have both provided letters stating significant reservations with the feasibility of developing this site as employment land, and provided detailed analysis of topographic and access limitations associated with the site, for your review. The letter from Tony Weller succinctly describes the issues with the McKenzie Report and the site in two pages.

Ken Leahy of Ken Leahy Construction, and Brian Clopton of Brian Clopton Excavating, both who have significant experience providing site preparation in the region, have walked the property, and believe that site preparation for the large building footprints required by employment designations, will be cost prohibitive due to the site slope and basalt rock soil.

Eric Sporre of PacTrust believes that there is an inability to develop industrial or flex buildings based on the site topography and soil conditions. Mike Diamond of the Real Estate Investment Group opined that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. He also determined that office park use was not feasible, because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land.

Although, McKenzie provided a report to Washington County, that the land could be feasibly developed as employment land, that report was based on a series of assumptions regarding site access, road construction, and zoning on the northern portion of the property, that will not occur under the current plan. Washington County staff has confirmed that the access off Basalt Creek Parkway, and the north south Kinsman road, will not be built. Both, Don Hanson and Tony Weller, have provided letters based on the most recent Washington County data, that contradict the conclusions reached in the McKenzie report.

Despite that the Basalt Creek planning area was brought into the UGB for the primary purpose of providing employment land, Metro has confirmed that there is no prohibition in the findings for non-employment designations. John Fregonese has confirmed that even if the subject property was zoned residential, the employment capacity for the planning area, will still far exceed Metro's estimates by 1,000, or more.

Background Information And Why We Are Here Today

Although, I have significant experience representing both jurisdictions and developers in land use matters, I have never previously experienced the process from the perspective of a land owner, so this has been an eye opening experience. At the time that I decided to invest as a part owner in one of the subject properties, I did due diligence by looking at satellite images, reviewing the plans prepared by the cities and John Fregonese, and driving to the site. I didn't, however, walk the site, because of extremely bad weather.

I believed based on my review of the planning materials that the site would develop as employment land, and am very familiar with the regional needs analysis. In short, I did what everyone else did which was look at it from a bird's eye view, instead of on the ground.

At the time of my ownership, the most pressing issue was the boundary between the two cities. There seemed to be a logical boundary between Tualatin and Wilsonville, at Basalt Creek Parkway. I met with staff from Wilsonville to discuss the boundary, as well as Wilsonville's vision for mirror image zoning, which I believed, at the time, was feasible, and would work.

It was only when winter turned to summer, that I actually walked the property. What was not obvious from satellite imagery, or from the road, was immediately apparent, when I was on the ground. There are significant slope issues with the property and the adjacent properties, and there was very little topsoil, and a lot of rock. I am familiar with the impact of topography and soil conditions through my past representation of the former city of Damascus, and this property did not seem well suited for the large footprints necessary for an employment designation.

After discussions with Herb Koss, we contacted adjacent property owners, and received their permission to have experts look at the parcels of property as a whole, to help determine feasibility. At that time, concerned whether there was a prohibition on non-employment land zoning, I had preliminary discussions with Metro staff regarding whether there had been a requirement that the land be zoned employment, when it was brought into the UGB.

Metro's land use attorney, Roger Alfred, and I, both reviewed the findings and determined that although there was a strong desire for employment land, an orderly transition from residential to employment was contemplated at all times during the process. There is nothing in the findings that prevents a residential designation. This is particularly true if the factors on the ground do not support an employment designation. With that information and the consent of adjacent land owners we moved forward with the process of bringing in experts for site suitability analysis.

Preliminary Analysis From Experts And Washington County's Letter Opinion From McKenzie

Herb Koss arranged for Don Hanson from OTAK to analyze the site for slope issues and potential zoning, and he has previously submitted materials regarding his findings. (*See attachment 1*) Brian Clopton, of Brian Clopton Excavating submitted a letter on November 18, 2016 regarding the soil conditions and topography. (*See attachment 2*) Eric Sporre of PacTrust submitted a letter on

November 14, 2016 regarding the inability to develop industrial or flex buildings based on the topography. (See *attachment 3*)

Mike Diamond of the Real Estate Investment Group submitted a letter on November 21, 2016 opining that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. (See *attachment 4*) He also determined that office park use was not feasible because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land.

Don Hanson shared Mike Diamond's concerns regarding compliance with ADA standards. He noted that the site that Washington County used as a comp, South Center, which was designed by OTAK had half the slope of the subject site, and could not be built under current ADA standards. (See page 1 of attachment 1)

At the same time, Mayor Ogden, and staff, asked John Fregonese for his opinion. He expressed reservations regarding the employment designation, and believed that it would be better suited as residential land. This, and other data, prompted Washington County to hire McKenzie to provide a letter opinion.

Upon receiving a copy of the McKenzie Letter, I had significant concerns that their report regarding feasibility was predicated on four inaccurate assumptions. Specifically:

1. The McKenzie letter contemplated access off of Basalt Creek Parkway, and did not take into account the 18-20 foot curb cut off of Basalt Creek Parkway (Washington County Project Manager, Renus Kelfkens, confirmed via email on 2/1/17 that the only access onto Basalt Creek Rd., will be from Grahams Ferry Rd., and Boones Ferry Rd., and that there will likely be an 18-20 foot curb cut); (See *Attachment 5*)
2. The McKenzie letter contemplated Kingsman Rd., as a North South connector, allowing truck access to the southern portion of the site (Washington County Planner Erin Wardell confirmed via a phone call to Herb Koss on 2/9/17 that this road had been deleted over a year ago);
3. The McKenzie letter contemplated an Employment designation in the northern quadrant of the property, despite the fact that it has been designated by the city as residential transition;
4. The McKenzie letter did not rely on site specific geotechnical conditions or topography, relying on regional mapping instead (Todd Johnson confirmed that they had not used site specific data via email on 2/10/17) (See *Attachment 6*)

I have had discussions with Gabriela Frask, who prepared the McKenzie report, and learned that she was not provided with the site transportation access information, nor was she aware that the northern portion of the property, which is relatively flat, was planned as residential transition. She was also unaware that Kingsman Rd., was deleted from the area planning approximately a year ago. Additionally, Washington County did not authorize a site visit, within her scope of work, which

I believe negatively impacted her ability consider other factors impacting feasibility. Regardless of the skill of an individual planner or agency, their work can only be as accurate as the information that they rely upon, and in this case I believe that Gabriela and McKenzie did not receive sufficiently detailed information to assess the property as accurately as possible.

Expert Opinions and Assessment of the McKenzie Letter

We asked Tony Weller of CES NW, to consider the Tualatin staff reports, McKenzie Study, email from Washington Co., regarding access, the DKS preliminary profile of the extension of Basalt Creek Parkway, and the OTAK Basalt Creek Concept Plan. In a comprehensive letter dated February 10, 2017, he opined that while the northerly third of the site is very developable as employment land, almost half of that property is reserved for residential use. And, that the deletion of the planned Kinsman Road, eliminates the only at grade potential access coming from the southerly portion of the site. The plateau portion of the property is surrounded by steep slopes of over 10% and over 20%. He further opined that neither access point can provide a secondary access to the plateau area which is a negative for both traffic flows and emergency access. (*See Attachment 7*)

Ken Leahy of Ken Leahy Construction Inc., was asked to provide a more comprehensive look at site preparation costs. He provided his opinion, in a letter dated February 10, 2017 that the cost of site preparation will exceed \$5.00 per foot. (*See Attachment 8*)

Don Hanson, of OTAK has provided a letter, and marked-up the McKenzie map based on the actual location of Basalt Creek Parkway, the lack of access off of Basalt Creek, the elimination of Kinsman road, and the residential designation at the top of the property. The result of those additional facts, eliminates a significant portion of the property that McKenzie deemed developable. (*See Attachment 9*)

Additionally, I have included a map that combines the McKenzie Plan with the residential zone and topographic map. (*See Attachment 10*)

Their letters are attached for your review.

A Summary of Relevant Data

With so many different letters from various experts, and communications from owners, neighbors, and other jurisdictions, over the last six months, it can be hard to keep track of the relevant information. So, I would offer the following:

1. Metro's own benchmark for employment land contemplates a slope of less than 10%, with less than 5% preferred. This site has slope in excess of 20% throughout;
2. PacTrust has provided a written opinion that the topography and basalt soil of the site mean it can't be feasibly developed for employment purposes;
3. OTAK has indicated in writing that the comparable property that Washington County used in their analysis, had half as much slope as this site, and could not be built under current American's with Disabilities Act rules/regulations;

4. Site preparation specialists in the area confirm the high cost of site preparation, due to soil conditions. The amount of blasting that can occur on this site is compromised by the high capacity power lines that bisect the site;
5. There is no access off of Basalt Creek road, and the deletion of Kinsman Road directly, and negatively impacts truck circulation on the southern portion of the site;
6. The northern portion of the site, adjacent to the existing neighborhood is currently planned to be zoned residential, contrary to what McKenzie's renderings show, and that designation has a major impact on the large footprint, employment, buildings that can/cannot be constructed. OTAK believes that only 11% of the site can be feasibly constructed as employment;
7. A residential designation and orderly transition to employment/industrial was always contemplated adjacent to the existing residential neighborhood, and is allowed under the findings that brought the Basalt Creek area into the UGB.
8. The county believes that an 18-20 foot curb cut, will be necessary on Basalt Creek Parkway. That curb cut means that the mirror image view that Wilsonville contemplated cannot occur. The view will either be of a graded slope or a 20 foot retaining wall.

Conclusion

Although, the primary purpose of the Basalt Creek UGB expansion was to bring in employment land, the on ground conditions on this property don't support that designation. During the thirteen year period since this land was brought into the UGB, there has been a trend of locating workforce housing close to employment lands to lessen commute time to work, and there are other lands in the Basalt Creek Planning Area that are zoned residential.

John Fregonese was asked if this property was needed for employment capacity. His response was that if the subject property was zoned residential, the employment capacity for the planning area, will still far exceed Metro's estimates by 1,000, or more. In short, this land does not need to be zoned employment in order for the planning area as a whole to exceed Metro's employment capacity estimates.

Thank you for your time and consideration.

Peter

Peter O. Watts |
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

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Hanmi Global Partner

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1

BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon

August 23, 2016, Revised November 21, 2016

Introduction

- Otak Inc. (Otak) represents The Sherwood Grahams Ferry Investors LLC, headed by Herb Koss, who hold 10 acres in the 41 acre northeast quadrant of the overall district. The property is located near the northeast corner of Grahams Ferry Road and extends over to the Basalt Creek Canyon along the proposed new east-west arterial road. This summary of concerns and the amended concept plan lay out our intended direction moving forward.

Project Concerns

- Otak’s concern is that the northeast quadrant area is not well suited to industrial zoning or employment transition proposed by the concept plan.
 - **Topography.** Much of the site contains slopes in excess of 10 percent (10%) and 25 percent (25%). The site would be extremely difficult to flatten out to accommodate industrial or employment transition site development requirements. Attached is a topographic map of the South Center project provided to City of Tualatin (City) staff. Otak designed this flex-space project. The topography is half as severe as portions of the 41 acres site. The site would be extremely difficult to develop given today’s American with Disabilities Act (ADA) requirements.
 - **Access.** Vehicular access will be limited to Grahams Ferry Road and extending Tonquin Loop into the site. No access will be permitted on the proposed new east-west arterial road.
 - **Basalt Creek Canyon.** The industrial land abuts the Basalt Creek Canyon with no transition.
 - This is not a big change but rather a refinement to the concept plan. It is a defined site area that makes up about 3 to 5 percent (3-5%) of the total Basalt Creek Study Area. Also there are currently 329 acres of undeveloped industrial land within a one mile radius of the study area.

Land Use Context

- The following shows a comparison of Metro’s initial goal for the district, the City’s current plan, and the proposed amended plan.

Metro	2500 Jobs	1200 Households
City Plan	4500 Jobs	600 Households
Amended Plan	4070 Jobs	1194 Households

The amended plan proposes a more balanced approach that is well within the intended mix proposed by Metro when the land came into the Urban Growth Boundary (UGB).

A group of mayors in our region have gone to Metro and asked Metro for flexibility related to UGB expansions. They have asked Metro to look at lands and appropriate zoning designations on a sub-regional basis. They have asked that Metro consider factors such as slope, and proximity to infrastructure, to help avoid situation like Damascus. We are asking you to do the same. We recognize that the region anticipated that the Basalt Creek area would primarily be zoned employment uses.

It is certainly anticipated that the vast majority of the land will be used for that purpose. But, within the Basalt Creek Planning Area, there are sub-areas that cannot reasonably be developed as employment land because of topographic and other issues. The 41 acres that we have asked the City to zone for residential purposes is one of those sub-areas. There is land to the west and south of this land that is zoned employment, that land is flatter than the subject 41 acres, and it is closer to transportation infrastructure than the subject 41 acres. Neither PacTrust Pacific Realty Associates, LP nor Brian Clopton Excavating believed that an employment designation was possible given the slope and soil quality. Instead of designating the property with a designation that will result in it never developing, we ask that you give it a designation that will make development feasible. If you do not do so, it will sit vacant; counting as developable employment land, just as Damascus has sat vacant, counting as available housing stock. Its designation will prevent further necessary expansions.

There is a housing crisis in our region and the latest modeling has demonstrated the importance of having residential land and employment land in close proximity. This is an opportunity to provide housing, on land which cannot be feasibly developed as employment land.

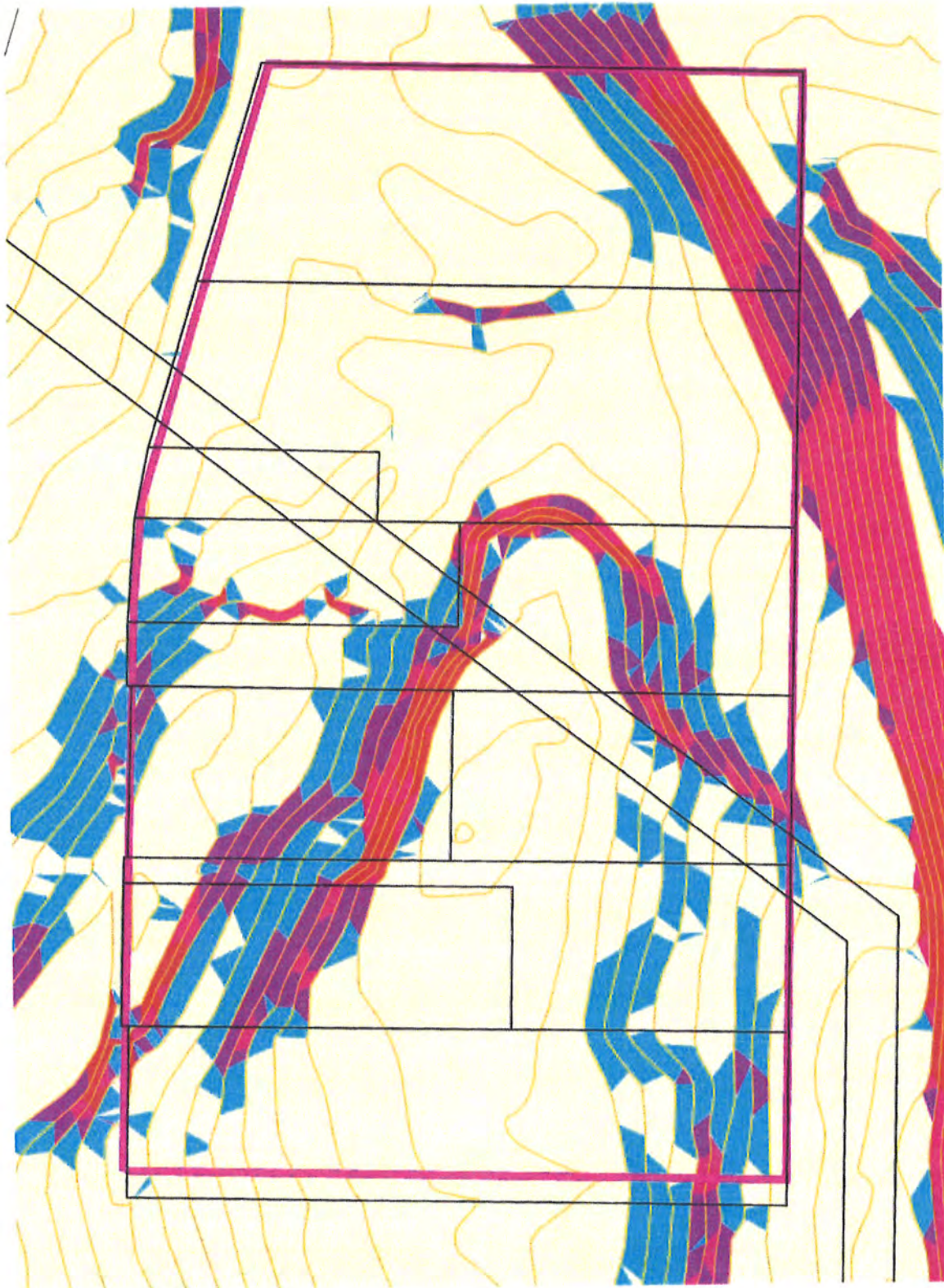
Amended Plan Options

- The attached concept plan option summarizes the requested amendment for proposed land uses that fit the site and its unique conditions.
- The plan anticipates building Tonquin Loop as an actual loop with two access points on Grahams Ferry Road. This road extension will provide complete access to the properties and also access to property owners east of the site.
- Three densities of residential are shown as transition to the neighborhood to the north and canyon to the east and also along the new east-west arterial, which is down 25 vertical feet from the site area. A center core area of potential retail, high density residential, and open space could serve as a walkable destination in the neighborhood. Also secondary access can be provided to the developable lands to the east above the canyon.
- Property uses can be molded to fit actual site conditions and provide a mix of housing (including workforce housing) close to jobs anticipated to the south and west.
- The programmed development will “be trip cap neutral” compared to the current city concept plan.

Benefits

- A walkable neighborhood with appropriate transitions and destinations
- Land uses that are adaptable to actual site conditions. The mix of uses will act as a **catalyst to create activity in the district**. The high-density residential (HDR) land provides the best opportunity for workforce housing next to employment lands. Residents won't need a car to commute.
- A plan that meets Metro's initial objectives when the land was brought into the UGB.
- A more complete quality neighborhood for the City of Tualatin.

Attachments: Basalt Creek Site Topo
Basalt Creek Slope Analysis
South Center Site Topo (Comparison)
Basalt Creek Land Use Concept
Letter from PacTrust Pacific Realty Associates, L.P.
Letter from Brian Clopton Excavating
Letter from Micheal Diamond, Real Estate Investment Group
Basalt Creek nearby Job Lands Map



11-16-2016

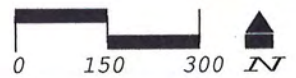


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Yellow
2	10.00%	15.00%	Blue
3	15.00%	20.00%	Purple
4	20.00%	25.00%	Pink
5	25.00%	357.23%	Red

BASALT CREEK SLOPES ANALYSIS

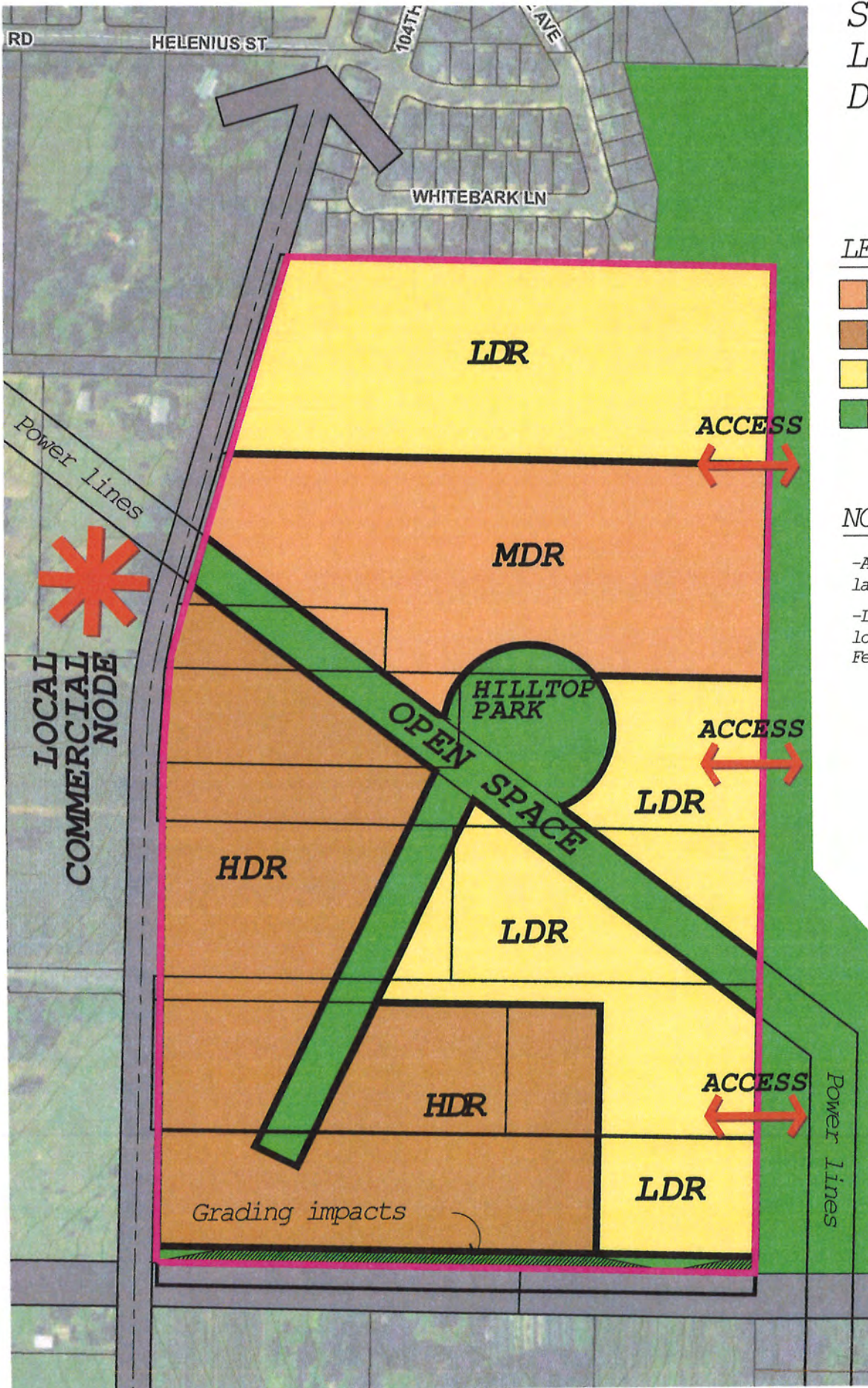


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

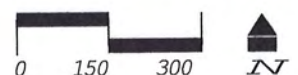
-  Mid Density Residential
-  High Density Residential
-  Low Density Residential
-  Open space

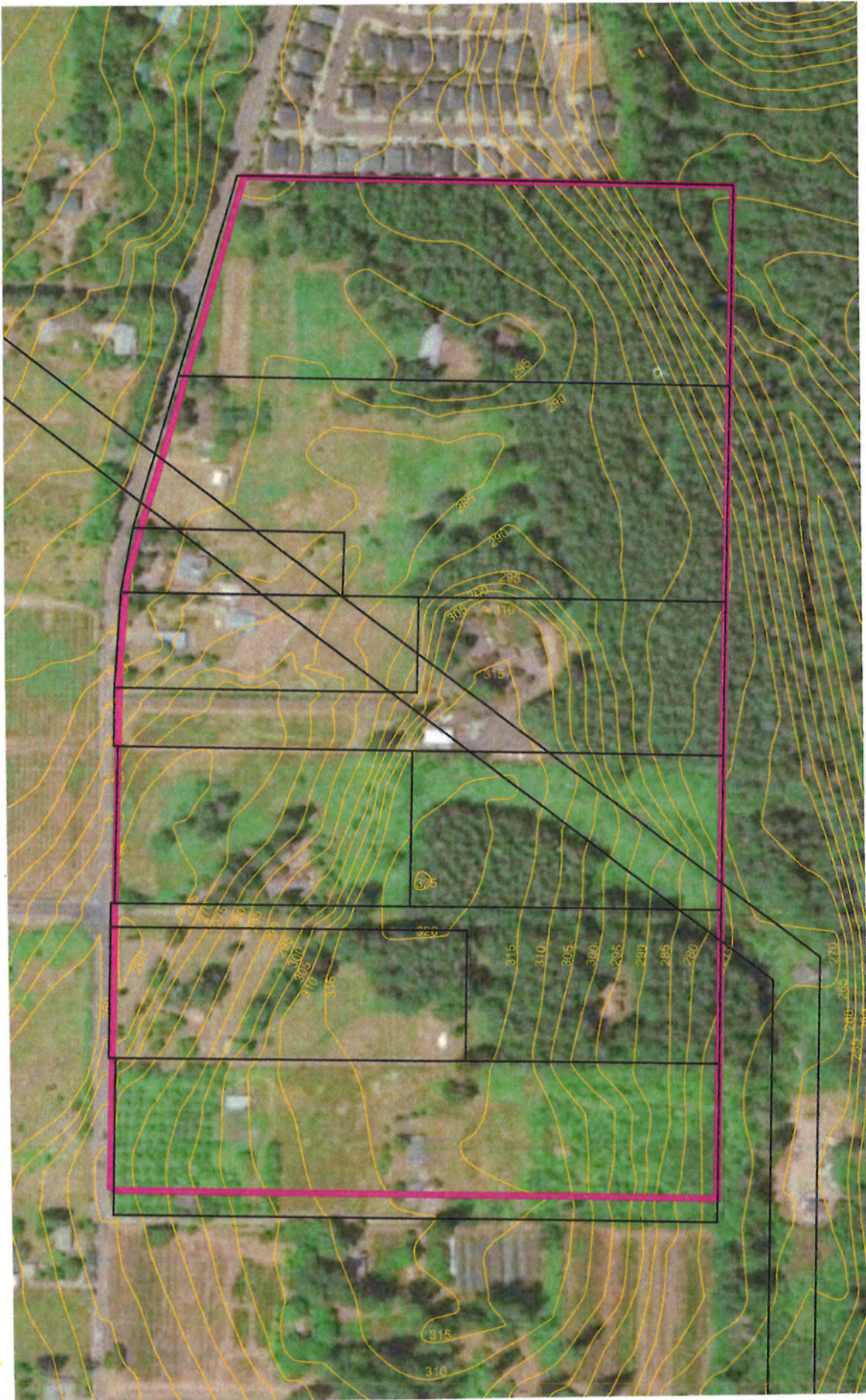
NOTES

- Access provided for landowners to East
- Local commercial node located across Graham's Ferry Road

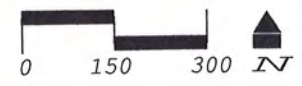


11-21-2016





11-16-2016



BASALT CREEK SITE TOPO



PO Box 509
Wilsonville, OR 97070
P: 503-682-0420
F: 503-570-3235
www.cloptonexcavating.com

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November 18, 2016

Dear Mr. Koss

You have asked me to visit the 41 acre site located in the Basalt Creek Planning area. Your question was the feasibility of grading this site for employment land vs. a residential zone.

For your information my company has just purchased another four acres next to our Clay Street property. With this acquisition we now have 16 acres of land on Clay Street. I am very familiar with this area and as you know my company has mass graded many sites in the Portland Metro Area. I have been asked many times to inspect potential projects in order to determine problems that may be associated with a developer's site plans --- slopes, access and feasibility.

Thank you for providing me with topography of the site. It was very helpful and to be honest the slopes on the site were more severe then I first thought. The other big issue is the amount of rock that would be encountered with any grading necessary to accommodate any development on this site. This site is far better suited for Residential use since grading for this does not require the same topographic grading in comparison to employment uses. The Basalt Creek area does feature other land that is suited for employment; however the 41 acres you have asked me to visit is not in that category. I was also surprised by the 18 to 20 foot cut in order to accommodate the extension of Basalt Creek Parkway.

If you require any additional information please let me know.

Sincerely

Brian Clopton

President/Owner

PACTRUST
Pacific Realty Associates, L.P.

15350 S.W. Sequoia Pkwy., Suite 300
Portland, Oregon 97224
503/624-6300 • Facsimile: 503/624-7755

3

November 14, 2016

VIA EMAIL

Herb Koss
2643 South Shore Boulevard
Lake Oswego, OR 97034

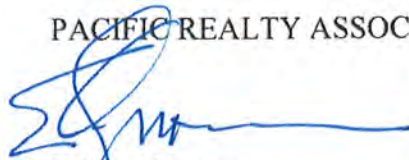
Dear Herb,

At the request of Peter Bechen, I toured your site north of the future Basalt Creek Parkway last week. PacTrust is developing an industrial park several miles north at 115th Avenue and Tualatin-Sherwood Road in Tualatin known as Koch Corporate Center. We are interested in locating a site to develop in the Coffee Creek area for light industrial uses. Unfortunately, the topography of your site makes development of industrial or flex buildings uneconomic. We believe housing would be a more appropriate use for the site. The smaller floor plates for housing enable it to work with slope conditions present on your property. Industrial/employment land requires sites to be much more flat due to dramatically larger floor plates, parking requirements, loading areas for trucks and ingress/egress concerns for trucks. There are several sites in the area that are more appropriate for industrial/employment development.

Let me know if you would like to discuss this further.

Yours very truly,

PACIFIC REALTY ASSOCIATES, L.P.



Eric A. Sporre
Vice President



4

November 21, 2016

Herb Koss
2643 South Shore Blvd.
Lake Oswego, Or 97034

VIA: EMAIL

RE: 41-acre Basalt Creek southern boarder 23960 SW Grahams Ferry Rd.

Dear Herb,

I visited the site and spent a considerable amount of time driving the area. It is an exciting development area especially when the Basalt Creek Parkway is completed.

The topography of the site is such that developing an industrial project would be very difficult and if done would be at best marginal and very inefficient. Industrial, flex buildings require large foot prints, large drive areas for loading and turning radius. There are better sites in the area for this type of use.

I also looked at the site for office park use and concluded that due to the steep topography of the site it could have a negative impact on the proximity of the parking that may pose an issue with ADA requirements. I also believe that the extraordinary site cost and small office footprints would not be cost effective and competitive in the office market. Furthermore, the location does not readily lend itself to that use.

This site lends itself to smaller foot print buildings such as housing and multifamily that can be planned around the steep grades and terraced into the topography. It is my opinion that the highest and best use for this site are single family homes buffered along the frontage with multifamily housing.

Our office has forty years of experience in commercial real estate and have procured sites for commercial developers such as Gramor, Holland Development LLC and West Hills.

Let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Michael N Diamond", written in a cursive style.

Michael N Diamond
Principal Broker

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:56 PM
To: Peter Watts
Subject: FW: Basalt Creek Renus



Thanks Herb Koss

Begin forwarded message:

From: Renus Kelfkens <Renus_Kelfkens@co.washington.or.us>
Date: February 1, 2017 at 12:02:54 PM PST
To: Herb Koss <herb@kossred.com>
Subject: RE: Basalt Creek

Hi Herb,

Yes, Basalt Creek Parkway is a limited access road. The only access will be from Grahams Ferry Rd, and Boones Ferry Rd. Currently we have not done any topographic survey, or design but it is reasonable to expect an 18-FT to 20-FT cut. This will be investigated during the design phase of the project.

Sorry for the delayed response. Please let me know if there are any other questions or comments.

Thanks,

Renus Kelfkens | Project Manager
503-846-7808 renus_kelfkens@co.washington.or.us

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Friday, January 27, 2017 12:40 PM
To: Renus Kelfkens
Subject: Basalt Creek

Dear Renus

I wanted to pass along the employment site evaluation prepared by Mackenzie. After our conversation earlier this week it seems clear to me that some of the assumptions that Mackenzie made, are not consistent with the transportation plan for the area. Although, the site evaluation shows access off of Basalt Creek Parkway, my understanding is that the county will not allow access. Additionally, the evaluation has Basalt Parkway in the wrong area, does not reflect the 18-20 foot curb cut, onto the property, nor does it show the residential that is planned on the northern portion of the site to transition from the existing neighborhood. I spoke to Mackenzie this week, and they indicated that they had not contacted the county regarding the transportation access, or the residential at the northern portion of the site.

Would you be willing to confirm that there is no planned access off of Basalt Creek Parkway, and that the curb cut is expected to be 18-20 feet? I think that that information will be enough for Mackenzie to retract their site evaluation. Please correct me, if anything that I have indicated isn't

accurate. My goal is to make sure that everyone is working off of the same assumptions, so that we can properly assess the site suitability. Thanks for all of your help, and taking the time to talk.

Herb

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:49 PM
To: Peter Watts
Subject: FW: Proposal - Basalt Creek McKenzie
Attachments: PRO-Koss Real Estate-Scope and Fee-170209.pdf



From: Todd Johnson [<mailto:TJohnson@mcknze.com>]
Sent: Friday, February 10, 2017 12:04 PM
To: Herb Koss
Cc: Dennis Woods; Gabriela Frask
Subject: FW: Proposal - Basalt Creek McKenzie

Hi Herb-

I've been in meetings all morning. Sorry for the delay in getting this to you.

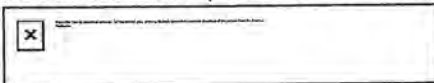
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for resource lands, geotechnical conditions, and topography. This scope includes developing site specific data to allow cost feasibility analysis to our previous study. By improving the accuracy of the data we have through onsite study and mapping, we will be able to determine if the site is economically viable for employment use, or also look at residential uses as alternates for economic viability.

It's my understanding that you have new information for the road connections and locations that we did not use in our previous report. That type of data would be collected as part of our work and would be incorporated into the scope we propose in the attached scope and budget letter.

Let me know if you have any questions about the attached scope, or if you would like us to change the proposal in any way. If the scope we outlined in the attached letter is satisfactory, I'd suggest we have a meeting with you and the project team to refine the tasks we identify prior to us commencing work.

Thanks for the opportunity to present this scope of work. I'll call you to discuss it.

Todd Johnson
Senior Associate / Director of Planning



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P 503.224.9560 W mcknze.com C [vcard](#)

RiverEast Center, 1515 SE Water Ave., Suite 100, Portland OR 97214

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February 10, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

In response to your request I have reviewed the Basalt Creek Concept Plan materials with regards to the suitability of employment/light industrial development on the 63 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway. These materials included:

1. Tualatin Staff Reports
2. Mackenzie Study
3. Email from Washington County Basalt Creek Parkway project manager Renus Kelfkens regarding access to Basalt Creek Parkway.
4. DKS preliminary profile of the extension Basalt.
5. OTAK Basalt Creek Concept Plan.

We understand that the City, Metro and Washington County's desire is to zone this area for employment land. Development potential of land for employment uses, as stated in the MacKenzie report, is generally assumed to have less than 5% slopes. This is to allow for larger building footprints, parking, loading areas and truck access.

The two areas that meet that criteria for this property is the northerly 1/3 adjacent Victoria Gardens and the top of the plateau area in the lower middle of the site. The northerly area would be well served with access from Grahams Ferry Road at Tonquin Loop and potentially a secondary access from Tonquin Road at Grahams Ferry Road. These to access points would appear to have good separation and sight distance on Grahams Ferry. The northerly area is very developable as employment land, however the City has set aside approximately 10 acres (almost half) as residential to buffer the Victoria Gardens lots.

The southerly plateau area's best access would come from the southerly property line and Grahams Ferry. However, this is the location of Basalt Creek Parkway which the County will not allow access. We also understand that the County has deleted the proposed Kinsman Road crossing of Basalt Creek Parkway shown on the Tualatin Concept and MacKenzie plans thereby eliminating the only at grade potential access coming from the southerly portion of the site. Therefore any access to the plateau area must come from the north (Tonquin Road or Tonquin

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

Road Loop). The plateau area is almost completely surrounded by steeply sloped land. The slopes range from over 10% to over 20%. The over 40 vertical rise needed to get from Tonquin Road to the top of the plateau area will take 800 feet at 5% not accounting for access to the lower property on either side or the potential impacts to wetlands.

There is slightly over 25 feet vertical rise from Tonquin Loop to the top of the plateau. This does not account for the low area just north of the plateau that drops down another 15 feet that this road would have to cross. While the grading is more manageable the result would be truck traffic routed through a residential area.

Neither access point can provide a secondary access to the plateau area. This is a negative for both traffic flow patterns and emergency access. In addition as these roads are raised to provide access to the plateau area, the access to land on either side of the road becomes more difficult.


This area is also well known for the hard rock that is very near the surface. We were the design engineers for Victoria Gardens where we had about 2-feet of fill brought into the site to reduce the rock excavation costs. Unfortunately, filling the area does not provide better access.

Employment land requires flatter slopes to serve larger building footprints and then adjacent parking/loading areas. Providing for truck access and typical development footprint will severely limit the development efficiency for this portion of the property. Residential uses are more flexible with access grades and smaller footprints however the site will still be difficult to development without access to the south.

In summary, the northerly one third of the property is well suited to employment land. However, contrary to the MacKenzie report, Tualatin's current plan reserves the northerly 10 acres or so (almost half) of the northerly area for residential to buffer the Victoria Gardens lots. The southerly plateau area is not well suited for employment land. This is due to access constraints, surrounding steep slopes, lack of secondary access and grading costs.

It has also been our experience that if property is forced into a development pattern it is not well suited for, it will end up being one of the last parcels developed and the quality of that development is usually below expectations. If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,


Anthony R. Weller, P.E., P.L.S.
President



Construction, Inc.

P.O. Box 489 • 915 S 12th Ave • Cornelius, Oregon 97113 • (503) 357-2193 • FAX (503) 357-3649

8

2/10/17

Subject: The Land South of Victoria Gardens to Basalt Creek Parkway

Dear Mayor Ogden and Tualatin City Councilors:

I am the owner of Ken Leahy Construction Inc., our firm specializes in all aspects of site preparation projects including full site development that require erosion control, clearing, grubbing, stripping, earthwork, cement soil stabilization, storm water detention facilities, bio swales, underground utilities (storm sewer, sanitary sewer, water distribution and franchise utilities), sanitary sewer lift stations and force mains. Our firm is celebrating its 50th year in the business and has been involved in many developments in the Portland Metro area.

At the request of Herb Koss and I toured the site on 2/10/17, to give him an idea of the feasibility of full site development for employment use. I also was given topography site maps detailing the slopes and grades on the property.

I personally have developed sites that contain large volumes of rock. Based on my personal experience I estimate that the cost of land preparation for the land described above would surpass the \$5.00 per foot range.

I looked at site access, and am basing my opinion about access on the understanding that no access will be allowed onto Basalt Creek Parkway. If there is no access from Basalt Creek Parkway, traffic will have to come from the intersection of Tonquin Road and Grahams Ferry Road. There is approximately 50 feet of elevation rise, from that access point, which creates major issues for truck traffic.

Limited access, topography, and the large quantity of basalt rock are all major issues. A single one of them might not prevent the site from being developed as employment land, but the combination of all three cannot be overcome. Mass grading of Basalt Rock is not financially feasible.

Sincerely

Ken Leahy



HanmiGlobal Partner

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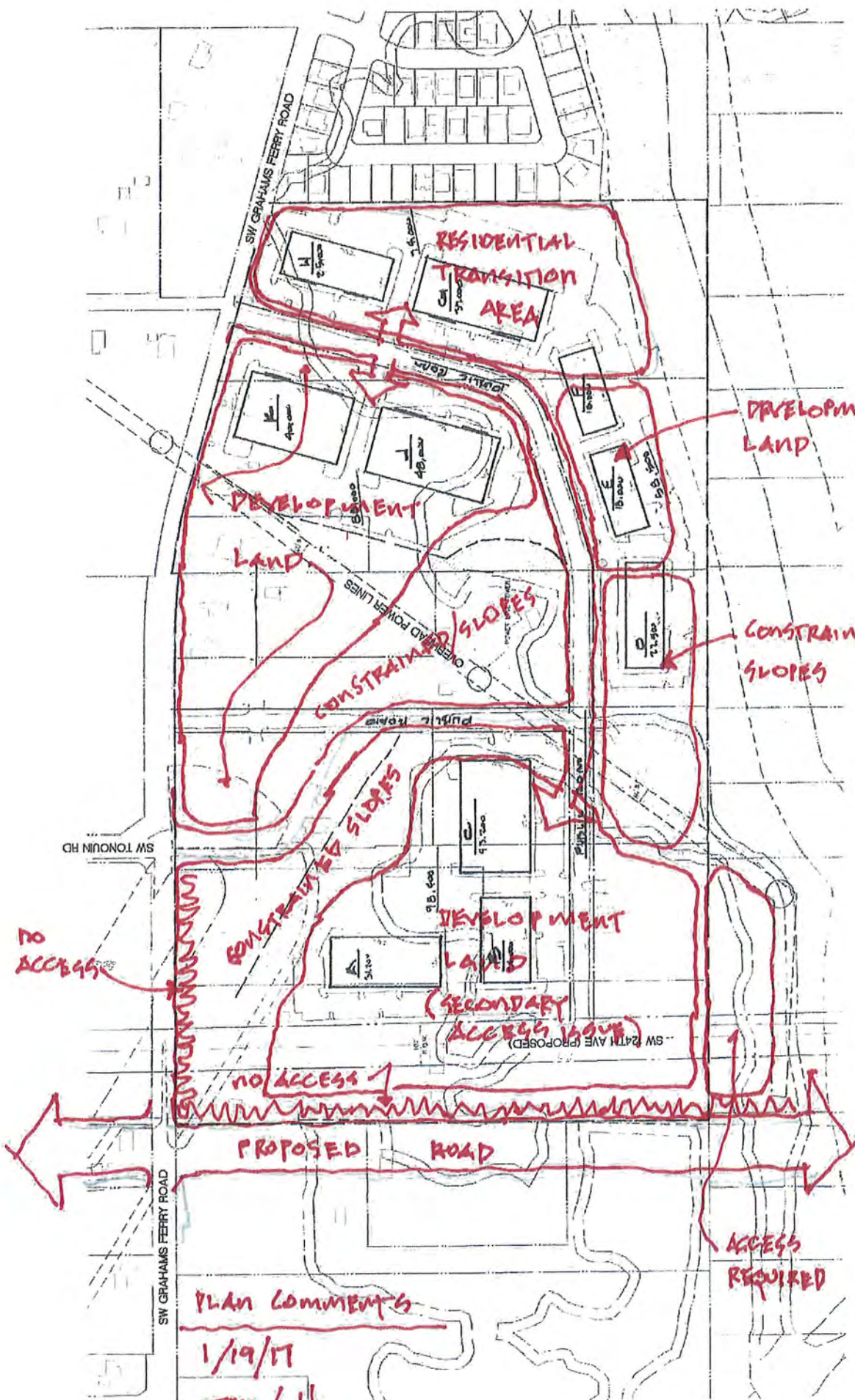


The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

- **Items/information not made available to MacKenzie**
 - Residential transition land at north end.
 - Correct location for the future Basalt Creek Parkway road.
 - No road connection/access onto the future Basalt Creek Parkway road.
 - No access is shown to properties to the southeast.

- **Plan Comments**
 - The comments on slope suitability are well stated for employment uses. Less than 5% slopes are best, 5-10% present challenges, and greater than 10% slopes are not feasible.
 - Sites A, B and C are somewhat feasible but would need a second access for emergency vehicles.
 - Sites D, E and F are not feasible for employment.
 - Sites G and H are in the proposed residential zone.
 - Sites L and K are workable.
 - There are about 18-20 acres of feasible land for employment development, but without good access a successful employment development is not feasible.
 - No consideration for costs of grading the site.
 - What about ADA?



PLAN COMMENTS
 1/19/17
 ORK/dh

OPTION ONE
 DEC. 21, 2016
 318,500 SF "EMPLOYMENT BUILDINGS"

LEGEND

SITE BOUNDARY	NET DEVELOPABLE AREA (sq. ft.)
PROPOSED 4' D.W.	ELEVATION INTERVAL (10')
	SPANNAN AREAS

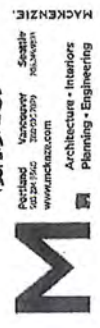
SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (sq. ft.)
PROPOSED BUILDINGS A, D & L	100,000 SF	100,000 SF	100	1:1000	100,000 SF
PROPOSED BUILDINGS B, C & F	100,000 SF	100,000 SF	100	1:1000	100,000 SF
PROPOSED BUILDINGS G, H & I	100,000 SF	100,000 SF	100	1:1000	100,000 SF
PROPOSED BUILDINGS J, K & M	100,000 SF	100,000 SF	100	1:1000	100,000 SF
TOTAL	400,000 SF	400,000 SF	400	1:1000	400,000 SF

SITE XX
 BASALT CREEK SITE
 SW 124TH AVE
 WASHINGTON COUNTY, OREGON

SCALE: 1" = 20'

NOTE: CONTOUR SHOWN AT 5' INTERVALS
 72.25.2318 - 218011.01



318,500 SF

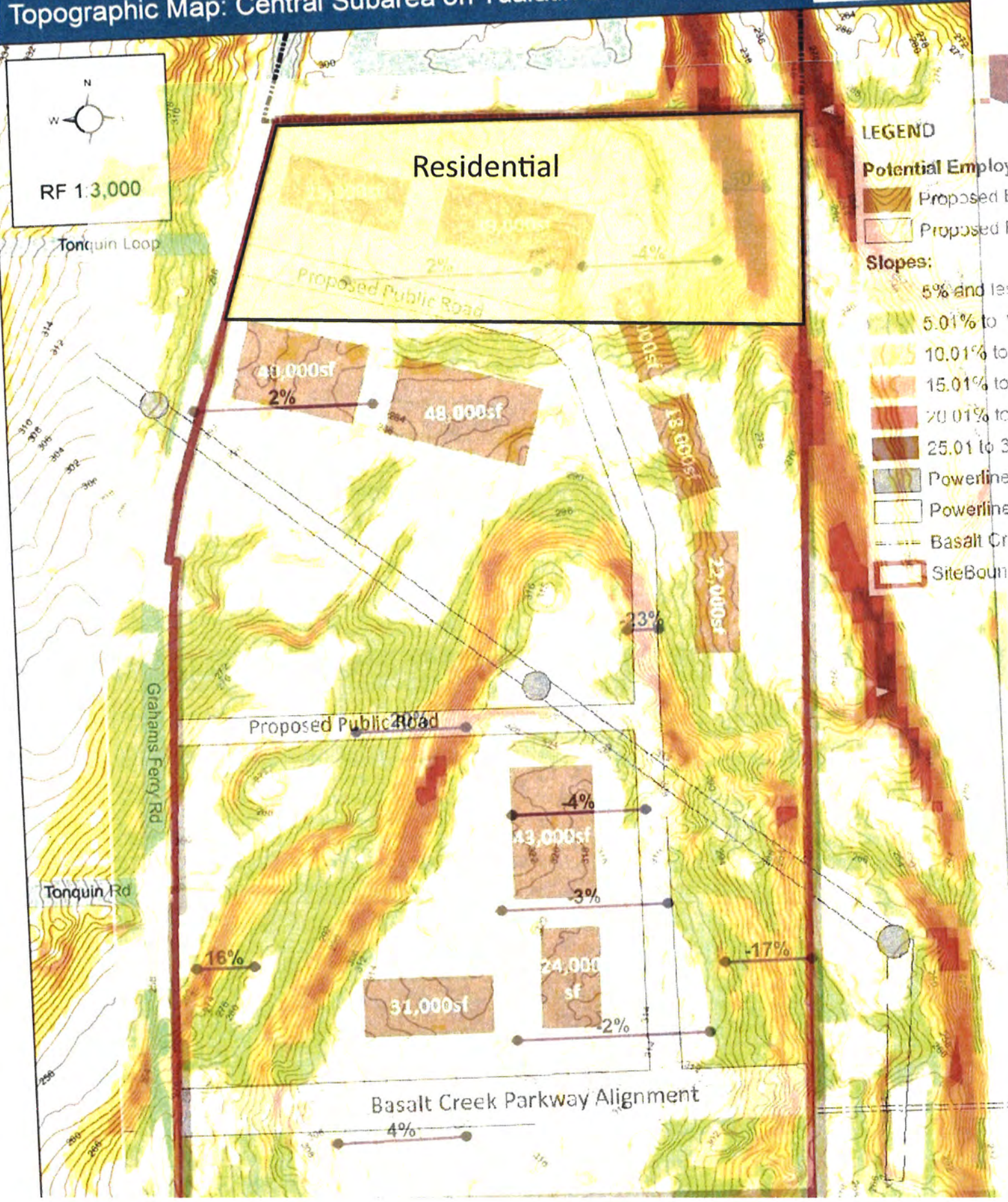
10

Topographic Map: Central Subarea on Tualatin side of Basalt



N
W

RF 1:3,000



LEGEND

- Potential Employ**
- Proposed E
 - Proposed f
- Slopes:**
- 5% and less
 - 5.01% to
 - 10.01% to
 - 15.01% to
 - 20.01% to
 - 25.01 to 3
- Powerline
- Powerline
- Basalt Cr
- SiteBound



July 20, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CENTRAL AREA – EMPLOYMENT VERSES RESIDENTIAL DEVELOPMENT

Dear Mr. Koss:

In response to your request we have prepared a summary on the differences between development of employment type uses verses residential uses on the central area of Basalt Creek Concept Plans. When we evaluate property for development we look at zoning, transportation/access, utility service availability, topography, environmental constraints, soil conditions and adjacent uses.

The Basalt Creek Central Area faces development constraints that impact any development regardless of use (employment verses residential). These development constraints are:

- Limited access (only from Grahams Ferry Road).
- Wetlands
- Powerline easement that bisects the area
- Significant slope and topography to access the southerly portion.
- Shallow hard rock soil conditions.

The most significant differences between employment development and residential is how they can respond to these constraints. Residential development typically has smaller building footprints and can accept steeper grades for access. In addition attached residential buildings can have split floor elevations and parking underneath, both of which allow this type of building to be more responsive to the topographic and access issues.

Conversely, employment development has larger building footprints, must have flatter access grades for trucks, wider maneuvering areas for turning movements and parking. It is also undesirable to split building floor elevations as that can limit the use or size of tenant. **This flatter and wider footprint requires more grading and retaining walls on property like this than any competitive property without these constraints. Add rock excavation at six to ten times the normal cost of grading to the excessive amount of grading required, and this property may not be economically feasible to develop.**

Mr. Herb Koss

BASALT CREEK CENTRAL AREA

Page 2 of 2

Two residential projects we have been involved in are examples of how residential development can be more responsive to site constraints. Forest Rim apartments on Nyberg Road in Tualatin had wetlands and large rock outcrop in the middle of the site. The access roads and buildings were able to be wrapped around these features that turned them into amenities rather than limitations. A condominium project in Happy Valley, Greystone at Altamont was able to be wrapped around the top of the knoll with parking underneath both the upper and lower side of the units.

Most of the competitive employment land along the I-5 corridor in Tigard and Wilsonville or western Tualatin is relatively flat and/or does not require the rock excavation for development. We prepared rough cost estimates for the grading and retaining walls this property based on the KPFF Option B plan for basic site prep. These costs are in addition to the paving and utility costs that will also be needed for this site. The rough grading and retaining wall costs are:

Grading	350,000 Cubic Yards	\$10,500,000.00 (assumes significant rock excavation)
Retaining Walls	2,400 Lineal Feet	\$ 1,200,000.00

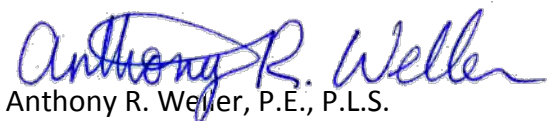
It is important not to overlook the other constraint that impacts this area, Access. The lack of access to the southerly and upper portion of the area increases the amount of grading and rock excavation required to develop the property. If Basalt Creek Parkway had been a local street that would provide at grade access to the upper portion of the area, employment uses could be feasible. Similar to variance criteria, this is not a self-imposed hardship but one that is unique to this portion of the planning area.

Another consideration is how this area relates to the adjacent uses (both existing and future). There is existing single family detached housing to the north. There is also underdeveloped property east of the planning area as well as the creek itself along the northeasterly portion of the area.

The City of Tualatin is proposing additional single family detached adjacent the existing single family housing to the north. Higher density residential provides an excellent transition between lower density residential, commercial and/or industrial uses. Basalt Creek Parkway with its deep cut and wide right of way provides additional transition area to the south.

Per your request, I will be present at the 7/24 work session and will be happy to answer any questions at that time.

Sincerely,



Anthony R. Weller, P.E., P.L.S.

President

Memo

Date: February 21, 2018
To: Martha Bennett, Chief Operating Officer
From: Brian Harper, Senior Regional Planner
Subject: Staff Report Regarding Basalt Creek Planning Area

This memorandum provides the staff report to the Metro Chief Operating Officer (COO) regarding resolution of the dispute between the City of Wilsonville and the City of Tualatin concerning the appropriate land use designation for the Central Subarea of the Basalt Creek Planning Area.

PROCESS

In 2017 the cities of Wilsonville and Tualatin reached an impasse regarding concept planning for a 52-acre portion of the Basalt Creek Planning Area known as the “Central Subarea” and asked Metro to take on the role of mediating their dispute. To that end, the cities, Metro, and Washington County entered into an Intergovernmental Agreement (IGA) in January of 2018 that assigns Metro the task of making a final and non-appealable decision regarding the appropriate land use designation for the Central Subarea. The IGA provides:

“Metro will have sole discretion to determine what to call this decision making process, where and when to hold the process, who Metro will appoint to make the decision, a briefing schedule, whether or not to hear oral argument, and ground rules that must be adhered to by the cities and county throughout the process.”

The decision making process to be employed by Metro is initiated with the issuance of this staff report. The cities and the county will have 14 days from the date of this staff report to submit written evidence and argument in support of their positions to the Metro COO. Those materials must be received no later than 5:00 pm on March 7, 2018. The cities and county will then have seven additional days to submit written evidence and argument in rebuttal to the first round of submittals. Those materials must be received no later than 5:00 pm on March 14, 2018. The COO will prepare and issue a recommendation to the Metro Council by no later than March 23, 2018.

At the first available Metro Council hearing in April, the Council will review the COO recommendation and deliberate to a decision regarding whether to accept, reject, or modify the recommendation. The Metro Council’s review will be based on the record of written materials submitted by the cities, county, and Metro staff. The Council will adopt a resolution to memorialize its decision regarding the appropriate land use designation for the Central Subarea, and directing the cities to prepare concept plans consistent with Metro’s final decision and with Title 11 of the Urban Growth Management Functional Plan.

The scope of Metro’s review and decision in this process is limited to the issue described in the IGA: that is, whether the land use designation of the Central Subarea should be for housing or employment. Metro will not consider any other issues related to the Basalt Creek Planning Area. Metro’s review will be limited to materials submitted by the cities and the county. Metro will not consider evidence or argument presented by other parties.

BACKGROUND FACTS

In 2002 Metro expanded the UGB to add 17,458 acres of land, with 15,047 acres added for residential purposes and 2,411 acres for employment. In that decision, Metro acknowledged that the amount of land being added for employment purposes was not sufficient to meet the identified 20-year need, and therefore requested that the Land Conservation and Development Commission (LCDC) assign a new work task that would allow Metro to complete its work and accommodate the region's need for industrial land. *See* Metro Ordinance 02-969B, Exhibit P. Accordingly, LCDC approved the majority of the decision, and returned the matter to Metro with instructions to satisfy the unmet 20-year need for industrial land.

Metro responded in 2004 by adopting Ordinance No. 04-1040B, the stated purpose of which is “to increase the capacity of the boundary to accommodate growth in industrial employment.” (Exhibit A). That decision expanded the UGB to include 1,940 acres of land for industrial purposes, including the 646 acres now known as the Basalt Creek area between the cities of Tualatin and Wilsonville. The Metro Council adopted the following findings in support of adding the Basalt Creek area to the UGB:

“The Council chose this area because it is exception land (rural residential and rural industrial) with characteristics that make it suitable for industrial use. It lies within two miles of the I-5 corridor and within one mile of an existing industrial area, and portions of the area are relatively flat. These characteristics render it the most suitable exception area under consideration for warehousing and distribution, a significant industrial need facing the region.” Metro Ordinance 04-1040B, Exhibit G, page 17.

During the Metro proceedings, the City of Tualatin and some of its residents expressed concerns about compatibility between future industrial uses in the Basalt Creek area and residential neighborhoods at the south end of the city, and about preserving the opportunity to choose an alignment between Tualatin and Wilsonville for the then-planned connector between Interstate 5 and Highway 99W. In response, the Metro Council adopted the following condition of approval:

“2. Title 11 planning shall incorporate the general location of the projected right of way alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the ‘south alignment,’ as shown on the Region 2040 Growth Concept Map, ... the portion of the Tualatin Area that lies north of the right-of-way shall be designated ‘Outer Neighborhood’ on the Growth Concept Map; the portion that lies south shall be designated ‘Industrial.’” Metro Ordinance 04-1040B, Exhibit F, page 3.

A copy of the 2004 version of the 2040 Growth Concept Map showing the two proposed alignments for the I-5/99W connector is attached as Exhibit B. The connector concept was later abandoned based in part on the findings of the Basalt Creek Refinement Transportation Plan, which called for a focus on utilizing existing and planned arterials to move traffic. However, the location of the “south alignment” alternative for the proposed I-5/99W connector was in the vicinity of the northern boundary of the Central Subarea land that is the subject of this dispute. The Metro Council adopted the following findings describing the purpose of the condition:

“Second, the Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer

between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)." Metro Ordinance 04-1040B, Exhibit G, pages 17-18.

As stated in the findings, the intent of the Metro Council in 2004 was for the "south alignment" to create a separation between residential development to the north and industrial development to the south. The former "south alignment" was located at the north end of the Central Subarea.

In 2006, Metro awarded a \$365,000 CET Grant to the cities of Tualatin and Wilsonville to perform concept planning for the Basalt Creek area. After several stops and starts in the process, in 2011 the cities, Metro, and Washington County entered into an IGA that outlines the requirements and responsibilities of the parties regarding their coordinated efforts on the Basalt Creek concept plan. The IGA defines a decision-making process that requires all four parties to agree to the final decisions about the jurisdictional boundary between the two cities and the appropriate land use designations for the entire area.

The concept plan was put on hiatus from 2011 to 2013 while transportation planning issues for the larger South County Industrial Area were being resolved via the Basalt Creek Transportation Refinement Plan. The stakeholders concluded that it was important to address transportation issues for the area prior to any industrial development occurring. As part of that transportation planning effort, the Basalt Creek Parkway was one of several options identified as critical to the success of the transportation system. The Parkway was seen as one of the vital connectors for truck traffic from the Tonquin and Southwest Tualatin Industrial areas to the north down to Interstate 5, in order to mitigate the traffic impacts on Tualatin-Sherwood Road and the Tualatin Town Center.

Upon completion of the Basalt Creek Transportation Refinement Plan in 2013, the cities of Wilsonville and Tualatin resumed their concept planning efforts, utilizing Metro's CET grant funds. In December of 2015, the City Councils of Wilsonville and Tualatin reached an agreement regarding a jurisdictional boundary between the cities and general land use designations for the area that were agreeable to all four parties to the IGA. Following a public open house in April of 2016, the plan was ready for final edits and adoption by the two cities. At that time, both Metro and Washington County agreed that the plan was viable and could be adopted for Metro's Title 11 approval and for Washington County's transfer of urban planning authority to each city. The "Preferred Basalt Creek Land Use Map" that emerged from this process by September of 2016 designated the majority of the proposed industrial area north of the Basalt Creek Parkway, including the Central Subarea, with a Manufacturing Park zoning classification.

CURRENT DISPUTE AND METRO STAFF RECOMMENDATION

In October of 2016, a property owner presented the City of Tualatin with a proposal to change the designation of the Central Subarea from Industrial/Employment to Residential. The land is located at the NE intersection of Grahams Ferry Road and Basalt Creek Parkway. The property owner asserted that development of employment uses on the land would be cost prohibitive due to slopes and geologic conditions.

Based on testimony that occurred at a Tualatin City Council work session and a Planning Commission meeting in October of 2016, Washington County agreed to commission an independent study to determine the viability of employment uses in the Central Subarea. The study was completed in January of 2017 and concluded that employment uses are viable in that location, specifically for flex business park, office campus, manufacturing, and commercial support services. The county shared the results with the cities in January of 2017. In February of 2017, the Tualatin

City Council directed their staff to proceed with changing the Central Subarea to a residential designation. In July of 2017, the City of Wilsonville commissioned an independent study from the engineering firm KPFF to evaluate the feasibility of development for employment uses in the Central Subarea. The study showed several scenarios where employment uses were viable, taking into consideration the slope and geologic composition of the site.

Under the 2011 IGA regarding concept planning for the Basalt Creek area, all parties must agree regarding the jurisdictional boundary between the cities and the land use designations. Because the cities cannot agree, the area cannot be planned and annexed by either city. Accordingly, the cities asked Metro to resolve the dispute.

Metro planning staff believes that the change to residential being proposed by the City of Tualatin is problematic for the following reasons:

1. The Central Subarea was brought into the UGB in 2004 in order to satisfy a regional need for industrial and employment land; accordingly, it is designated as an employment area on Metro's Title 4 map. The findings adopted by the Metro Council in 2004 regarding this area being well suited for employment uses were not challenged by any party and still apply today.
2. The condition of approval included by the Metro Council regarding the location of the "south alignment" of the I-5/99W connector supports an industrial designation for the Central Subarea. The Central subarea is located immediately south of the proposed "south alignment," which is identified in the Metro Council findings as serving as a "buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)."
3. The region has made a large infrastructure commitment for this area in the Basalt Creek Parkway. Metro and Washington County estimate that more than \$65 million has been spent on the planning and construction of this regionally important roadway. The purpose of this limited-access arterial is to provide a more fluid connection to I-5 from industrial and employment lands to the north, and to relieve much of the truck traffic burden that is currently placed on Tualatin-Sherwood Road and the Tualatin Town Center. The addition of increased residential trips on the Parkway from a housing development will negatively impact traffic operations in the area.
4. The insertion of a residential community in this area creates compatibility issues with the surrounding employment uses. Given the intended uses for the area, as well as the high volume of truck traffic planned for the Parkway, residents in the area would be faced with noise, traffic, and other livability issues. Similarly, the addition of a housing development in the middle of an employment district will negatively impact the viability of employment uses. It would be short sighted to insert housing in an area that will create compatibility issues with surrounding land uses and give rise to land use conflicts in the future.

Staff Recommendation:

Based on the project background and the findings stated above, staff recommends that the Central Subarea move forward with the previously agreed upon Manufacturing Park designation.

EXHIBIT A

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 04-1040B
METRO URBAN GROWTH BOUNDARY, THE)
REGIONAL FRAMEWORK PLAN AND THE)
METRO CODE TO INCREASE THE CAPACITY)
OF THE BOUNDARY TO ACCOMMODATE)
GROWTH IN INDUSTRIAL EMPLOYMENT) Introduced by the Metro Council
)

WHEREAS, by Ordinance No. 02-969B (For The Purpose Of Amending The Urban Growth Boundary, The Regional Framework Plan And The Metro Code In Order To Increase The Capacity Of The Boundary To Accommodate Population Growth To The Year 2022), the Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan to increase the capacity of industrial land to accommodate industrial jobs; and

WHEREAS, the Metro Council adopted an Employment and Industrial Areas Map as part of Title 4 (Retail in Employment and Industrial Areas) in Ordinance No. 96-647C (For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept) on November 21, 1996; and

WHEREAS, the Council amended the Regional Framework Plan (RFP) by Exhibit D to Ordinance No. 02-969B (For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in Order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022), adopted on December 5, 2002, to establish a new 2040 Growth Concept design type entitled "Regionally Significant Industrial Area" (RSIA) and to add Policies 1.4.1 and 1.4.2 to protect such areas by limiting conflicting uses; and

WHEREAS, by Exhibit F to Ordinance No. 02-969B the Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP) to implement Policies 1.4.1 and 1.4.2 of the RFP; and

WHEREAS, by Exhibit E of Ordinance No. 02-969B the Council adopted a "Generalized Map of Regionally Significant Industrial Areas" depicting certain Industrial Areas that lay within the UGB prior to its expansion as part of Task 2 of periodic review as RSIA's; and

EXHIBIT A

WHEREAS, Title 4 calls upon the Council to delineate specific boundaries for RSIA's derived from the "Generalized Map of Regionally Significant Industrial Areas" after consultation with cities and counties; and

WHEREAS, by Ordinance No. 02-969B, the Council added capacity to the UGB but did not add sufficient capacity to accommodate the full need for land for industrial use; and

WHEREAS, the Metro Council submitted Ordinance No. 969B, in combination with other ordinances that increased the capacity of the UGB, to the Land Conservation and Development Commission (LCDC) as part of Metro's periodic review of the capacity of its UGB; and

WHEREAS, on July 7, 2003, LCDC issued its "Partial Approval and Remand Order 03-WKTASK-001524" that approved most of the Council's decisions, but returned the matter to the Council for completion or revision of three tasks: (1) provide complete data on the number, density and mix of housing types and determine the need for housing types over the next 20 years; (2) add capacity to the UGB for the unmet portion of the need for land for industrial use; and (3) either remove tax lots 1300, 1400 and 1500 in Study Area 62 from the UGB or justify their inclusion; and

WHEREAS, the Council completed its analysis of the number, density and mix of housing types and the need for housing over the planning period 2002-2022 and incorporated its conclusions in a revision to its Housing Needs Analysis; and

WHEREAS, the Council increased the capacity of the UGB both by adding land to the UGB and by revising the Regional Framework Plan and Title 4 of the UGMFP to meet the previously unmet portion of the need for land for industrial use; and

WHEREAS, a change in design type designation of a portion of Study Area 12 added to the UGB on December 5, 2002, by Ordinance No. 02-969B from residential to industrial will help the region accommodate the need for industrial use without reducing the region's residential capacity below the region's residential need; and

WHEREAS, the Council decided to remove tax lots 1300, 1400 and 1500 in Study Area 62 from the UGB; and

EXHIBIT A

WHEREAS, the Council consulted its Metropolitan Policy Advisory Committee and the 24 cities and three counties of the metropolitan region and considered comments and suggestions prior to making this decision; and

WHEREAS, prior to making this decision, the Council sent individual mailed notification to more than 100,000 households in the region and held public hearings on Title 4 and the efficient use of industrial land on December 4 and 11, 2003, public workshops at six locations around the region in March, 2004, on possible amendments to the UGB, and public hearings on the entire matter on April 22 and 29, May 6, May 27, and June 10 and 24, 2004; now, therefore

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Policy 1.12 of the Regional Framework Plan is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance, to guide the choice of farmland for addition to the UGB when no higher priority land is available or suitable.
2. Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan is hereby amended, as indicated in Exhibit B, attached and incorporated into this ordinance, to improve implementation of Title 4 by cities and counties in the region.
3. The Employment and Industrial Areas Map is hereby amended, as shown in Exhibit C, attached and incorporated into this ordinance, to depict the boundaries of Regionally Significant Industrial Areas pursuant to Policy 1.4.1 of the Regional Framework Plan in order to ensure more efficient use of the areas for industries reliant upon the movement of freight and to protect the function and capacity of freight routes and connectors in the region.
4. The Revised Housing Needs Analysis, January 24, 2003, is hereby further revised, as indicated in Exhibit D, Addendum to Housing Needs Analysis, April 5, 2004, attached and incorporated into this ordinance, to comply with the first item in LCDC's "Partial Approval and Remand Order 03-WKTASK-001524."
5. The Metro UGB is hereby amended to include all or portions of the Study Areas shown on Exhibit E with the designated 2040 Growth Concept design type, and more precisely identified in the Industrial Land Alternative Analysis Study, February, 2004, Item (c) in Appendix A, subject to the conditions set forth in Exhibit F, and to exclude tax lots 1300, 1400 and 1500 in Study Area 62 and the southeast portion of Study Area 9 from the UGB, also shown on Exhibit E and more precisely identified in the Staff Report, "In Consideration of Ordinance No. 04-1040, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the capacity of the Boundary to Accommodate Growth in Industrial Employment", Item (a) in Appendix A. Exhibits E and F are attached and incorporated into this ordinance to comply with the second and third items in LCDC's "Partial Approval and Remand Order 03-WKTASK-001524."

EXHIBIT A

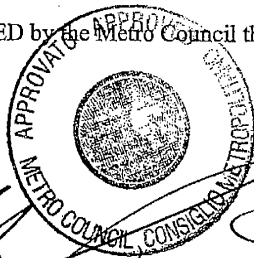
6. Ordinance No. 02-969B is hereby amended to change the 2040 Growth Concept design type designation for that 90-acre portion of Study Area 12 that projects from the rest of the study area to the southeast along Highway 26 from "Inner Neighborhood" to "Regionally Significant Industrial Area."
67. The Appendix, attached and incorporated into this ordinance, is hereby adopted in support of the amendments to the UGB, the Regional Framework Plan and the Metro Code in sections 1 through 3 of this ordinance. The following documents comprise the Appendix:
 - a. Staff Report, 'In Consideration of Ordinance No. 04-1040, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the capacity of the Boundary to Accommodate Growth in Industrial Employment', April 5, 2004.
 - b. 2002-2022 Urban Growth Report: An Employment Land Need Analysis, June 24, 2004 Supplement.
 - c. Industrial Land Alternative Analysis Study, February, 2004.
 - d. Measure 26-29 Technical Report: Assessment of the Impacts of the June, 2004, UGB Expansion on Property Owners.
 - e. Industrial Land Expansion Public Comment Report, March, 2004.
 - f. "An Assessment of Potential Regionally Significant Industrial Areas"; memorandum from Mary Weber to Dick Benner, October 21, 2003.
 - g. "Recommended Factors for Identifying RSIA's", memorandum from Mary Weber to MTAC, June 30, 2003.
 - h. "Slopes Constraints on Industrial Development", memorandum from Lydia Neill to David Bragdon, November 25, 2003.
 - i. "Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use", prepared by the Metro Agricultural Lands Technical Workgroup, April, 2004.
 - j. "Technical Assessment of Reducing Lands within Alternatives Analysis Study Areas", memorandum from Lydia Neill to David Bragdon, October 30, 2003.
 - k. Agriculture at the Edge: A Symposium, October 31, 2003, Summary by Kimi Iboshi Sloop, December, 2003.
 - m. "Industrial Land Aggregation Methodology, Test and Results", memorandum from Lydia Neill to David Bragdon, September 24, 2003.
 - n. "Industrial Areas Requested by Local Jurisdictions", memorandum from Tim O'Brien to Lydia Neill, July 29, 2003.

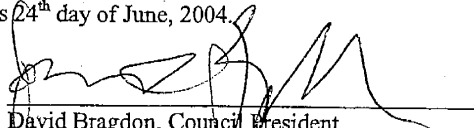
EXHIBIT A

- o. 'Industrial Land Locational and Siting Factors', memorandum from Lydia Neill to David Bragdon, June 9, 2003.
- p. 'A Review of Information Pertaining to Regional Industrial Lands', memorandum from Dick Benner to David Bragdon, January 26, 2004.
- q. Map of Freight Network and Freight Facilities, Metro, November, 2003.
- r. 'Evaluating the Industrial Land Supply with Projected Demand', memorandum from Lydia Neill to David Bragdon, May 14, 2003.
- s. 'Identifying 2003 Industrial Land Alternatives Analysis Study Areas', memorandum from Tim O'Brien to Lydia Neill, July 9, 2003.
- t. 'For the Purpose of Reducing the Land Under Consideration in the 2002 and 2003 Alternatives Analysis for Meet the Remaining Need for Industrial Land through Urban Growth Boundary Expansion', Staff Report, November 18, 2003.
- u. 'Formation of Industrial Neighborhoods', memorandum from Lydia Neill to David Bragdon, October 24, 2003.
- v. 'Developed Lots 5 Acres and Smaller Outside the UGB', memorandum from Amy Rose to Lydia Neill, November 18, 2003.
- w. 'Employment Land Included in the 2002 Urban Growth Boundary Expansion', memorandum from Andy Cotugno to David Bragdon, March 10, 2003.
- x. 'Identifying Additional Land for Industrial Purposes', memorandum from Tim O'Brien to Lydia Neill, March 7, 2003.
- y. Staff Report, 'In Consideration of Ordinance No. 04-1040B, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment', June 21, 2004.

78. The Findings of Fact and Conclusions of Law in Exhibit G, attached and incorporated into this ordinance, explain how this ordinance complies with state law, the Regional Framework Plan and the Metro Code.

ADOPTED by the Metro Council this 24th day of June, 2004.




David Bragdon, Council President

Approved as to Form:

ATTEST:


Christina Billington, Recording Secretary

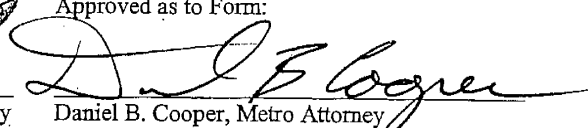

Daniel B. Cooper, Metro Attorney

EXHIBIT A

Exhibit F to Ordinance No. 04-1040B Conditions on Addition of Land to the UGB

I. GENERAL CONDITIONS APPLICABLE TO ALL LANDS ADDED TO THE UGB

A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (“UGMFP”), section 3.07.1120 (“Title 11 planning”) for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years after the effective date of this ordinance. Specific conditions below identify the city or county responsible for each study area.

B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit E of this ordinance to the planning required by Title 11 for the study area.

C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area until the effective date of the comprehensive plan provisions and land use regulations adopted to implement Title 11.

D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.

E. Each city or county with land use planning responsibility for an area included in the UGB by this ordinance shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area (“RSIA”), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit C). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.

G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission (“LCDC”) to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider, in the city or county’s application of Goal 5 to its Title 11 planning, any inventory of regionally significant Goal 5 resources and any preliminary decisions to allow, limit or prohibit conflicting uses of those resources that is adopted by resolution of the Metro Council.

H. Each city and county shall apply the Transportation Planning Rule (OAR 660 Div 012) in the planning required by subsections F (transportation plan) and J (urban growth diagram) of Title 11.

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II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS

A. Damascus Area

1. Clackamas County and Metro shall complete Title 11 planning requirements through the incorporation of this area into the greater Damascus/Boring Concept Plan planning effort currently underway. This planning shall be completed within the same time frame as specified in Ordinance No. 02-969B.
2. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.
3. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.

B. Beavercreek Area

1. Clackamas County or, upon annexation to Oregon City, the city and county, with Metro, shall complete Title 11 planning for the area.
2. This area shall be planned in conjunction with the adjoining tax lot added to the UGB in 2002, under Ordinance No. 02-969B.

~~C. Borland Area North of I-205~~

- ~~1. Clackamas County or, upon annexation to the City of Tualatin, the city and county, in coordination with the Cities of Lake Oswego, Tualatin, and West Linn and Metro, shall complete Title 11 planning within four years following the effective date of Ordinance No. 04-1040. The county and city, in conjunction with Lake Oswego and West Linn and Metro shall recommend long range boundaries in the Stafford Basin and general use designations for consideration by the Council in future expansions of the UGB.~~
- ~~2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~DC. Tualatin Area~~

- ~~1. Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.~~

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2. Title 11 planning shall incorporate the general location of the projected right of way ~~location~~ alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment," as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "InnerOuter Neighborhood" on the Growth Concept Map; the portion that lies south shall be designated "Industrial."
3. The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area.

~~ED.~~ Quarry Area

1. Washington County or, upon annexation to the cities of Tualatin or Sherwood, the cities, and Metro shall complete Title 11 planning for the area.
2. Title 11 planning shall, if possible, be coordinated with the adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B.
3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.
4. Title 11 planning shall incorporate the general location of the projected right-of-way for the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

~~FE.~~ Coffee Creek Area

1. Washington and Clackamas Counties or, upon annexation of the area to the ~~City~~ cities of Tualatin or Wilsonville, the city, and in conjunction with Metro, shall complete the Title 11 planning for the area ~~within four two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040B, whichever occurs earlier.~~
2. ~~The concept~~ Title 11 planning shall incorporate the general location of the projected right of way location for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

~~G.~~ Wilsonville East Area

1. ~~Clackamas County or, upon annexation of the area to the City of Wilsonville, the city, and Metro shall complete the Title 11 planning for the area within two years of the effective date of Ordinance No. 04-1040.~~
2. ~~In the planning required by Title 11 a buffer shall be incorporated to mitigate any adverse effects of locating industrial uses adjacent to residential uses located southwest of the area.~~

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- ~~3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~HF.~~ Cornelius Area

1. Washington County, or, upon annexation of the area to the City of Cornelius, the city and Metro shall complete the Title 11 planning for the area.

~~IG.~~ Helvetia Area

1. Washington County, or upon annexation of the area to the City of Hillsboro, the city, and Metro shall complete the Title 11 planning for the area.
2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.

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Exhibit G to Ordinance No. 04-1040B Findings of Facts, Conclusions of Law

Introduction

The Metro Council adopted Ordinance 04-1040B in response to LCDC Partial Approval and Remand Order 03-WKTASK-001524, entered July 7, 2003. LCDC's order followed its review of seven ordinances (Nos. 02-969B, 02-983B, 02-984A, 02-985A, 02-986A, 02-987A and 02-990A) adopted by the Metro Council as part of Periodic Review Work Task 2. The findings of fact and conclusions of law that explained how those ordinances complied with state planning laws, together with the supplemental findings and conclusions set forth in this exhibit, are part of the explanation how Ordinance No. 04-1040B complies with those laws. These findings also explain how Ordinance No. 04-1040B complies with the three requirements of the remand order.

REQUIREMENT NO. 1:

REMAND ORDER ON SUBTASK 17: COMPLETE THE ACCOMMODATION OF THE NEED FOR THE INDUSTRIAL LAND NEED COMPONENT OF EMPLOYMENT LAND THAT REMAINS APPROVAL OF WORK TASK 2.

I. GENERAL FINDINGS FOR TASK 2 REMAND DECISION ON UGB

A. Coordination with Local Governments

Metro worked closely with the local governments and special districts that comprise the metropolitan region. The Metro Charter provides for a Metropolitan Policy Advisory Committee ("MPAC") composed generally of representatives of local governments, special districts and school districts in the region. MPAC reviewed all elements of this periodic review decision. MPAC made recommendations to the Metro Council on most portions of the decision. All recommendations were forwarded formally to the Council and the Council responded. Metro Councilors and staff held many meetings with local elected officials in the year since LCDC's remand (July 7, 2003).

The record of this decision includes correspondence between local governments and Metro, including Metro's responses to concerns and requests from local governments and local districts related to industrial land.

Metro accommodated the requests and concerns of local governments as much as it could, consistent with state planning laws and its own Regional Framework Plan (Policy 1.11) and Regional Transportation Plan (Policy 2.0).

B. Citizen Involvement

These findings address Goal 1 and Regional Framework Plan Policy 1.13.

To gather public input on this Task 2 remand decision, Metro conducted an extensive citizen involvement effort. The findings for Ordinance No. 02-969B set forth Metro's effort leading to adoption of that ordinance on December 5, 2002. Those findings are incorporated here. Since that time, the Metro notified by mail nearly 75,000 people of the pending decision to expand the UGB for industrial land. Metro also provided individual mailed notice to nearly 5,000 landowners of possible revisions to Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan ("UGMFP"). In March, 2004, Metro held six workshops on industrial land throughout the region, attended by some 1,200 people. Finally, the Council held public hearings on the UGB expansion and Title 4 on December 4 and December 11 of 2003 and April 22 and 29, May 6 and 27, and June 10 and 24 of 2004.

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These efforts bring Metro into compliance with Goal 1 and Metro's Regional Framework Plan. More important, this work to involve Metro area citizens has contributed greatly to their understanding of the importance of this set of decisions for the region and have brought Metro invaluable comment on options available to it.

C. Need for Land

These findings address ORS 197.296; ORS 197.732(1)(c)(A); Goal 2, Exceptions, Criterion (c)(1); Oregon Administrative Rules 660-004-0010(1)(c)(B)(i) and 660-004-0020(2)(a); Goal 9 (local plan policies); Goal 10; Goal 14, Factors 1 and 2; Metro Regional Framework Plan ("RFP") Policies 1.2, 1.4, 1.4.1 and 1.4.2; and Metro Code 3.01.020(b)(1) and (2).

The findings for Ordinance No. 02-969B set forth Metro's analysis of the need for land for new jobs through the year 2022. The Urban Growth Report-Employment ("UGR-E") provides the details of that analysis. The analysis indicates that the region will need approximately 14,240 acres to accommodate an additional 355,000 jobs (all employment, commercial and industrial). Based upon new information that came to the Council during hearings on Title 4 revisions and UGB expansion, Metro completed a supplement (Ordinance No. 04-1040B, Appendix A, Item b) to the UGR-E that describes emerging trends in industrial use.

Leading to adoption of the ordinances that expanded the UGB in December, 2002, Metro analyzed the capacity of the existing UGB to accommodate this employment growth. The analysis determined that the UGB contained a surplus of land (759.6 acres) for commercial employment and a deficit of land (5,684.9 acres) for industrial development. The UGR-E provides the details of this analysis.

Following adoption of the December, 2002, ordinances, Metro analyzed the capacity of the expanded UGB. Those ordinances left Metro with a deficit of 1,968 acres of industrial land and a surplus of 393 acres of commercial land. From this analysis, the Council concluded that the UGB, as expanded by ordinances in December, 2002, did not have sufficient capacity to accommodate the remaining unmet need for industrial land. This deficit was one reason for LCDC's July 7, 2003, remand order directing Metro to complete the accommodation of this need for industrial land.

Based upon interviews with industrial developers, brokers and consultants, the Regional Industrial Land Survey ("RILS") and Metro's UGR-E, Metro refined the need for industrial land. Not just any land will satisfy the need for industrial use. Metro defined the need as 1,968 acres of land composed generally of less than 10 percent slope that lies either within two miles of a freeway interchange or within one mile of an existing industrial area. RILS and the UGR-E also calculate the need for parcels of varying sizes by sectors of the industrial economy. Table 13 of the UGR-E shows a need for 14 parcels 50 acres or larger for the warehouse and distribution and tech/flex sectors (page 25).

D. Alternatives: Increase Capacity of the UGB

These findings address ORS 197.732(c)(B); Goal 14, Factors 3 and 4; Goal 2, Exceptions, Criterion 2; OAR 660-004-0010(1)(B)(ii) and 660-004-0020(2)(b); Metro Code 3.01.020(b)(1)(E); and RFP Policies 1.2, 1.3, 1.4, 1.6, 1.7, 1.8 and 1.9.

To address the shortfall in employment capacity, Metro considered measures to increase the efficiency of land use within the UGB designated for employment. Metro's UGMFP Title 4, first adopted in 1996, limited non-employment uses in areas designated Industrial and Employment. Analysis of results of local implementation of Title 4 indicates that commercial uses and other non-industrial uses are converting land designated for industrial use to non-industrial use.

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In response to this information, the Metro Council amended the RFP in Ordinance No. 02-969B in December, 2002, to improve the protection of the existing industrial land base. The Council created a new 2040 Growth Concept design type – “Regionally Significant Industrial Land” (“RSIA”) – and revised Title 4 to establish new limitations on commercial office and commercial retail uses in RSIA. Metro estimated that these new measures would reduce the shortfall in industrial land by 1,400 acres by reducing encroachment by commercial uses. The Council counted this “savings” of industrial land in its determination that the deficit of industrial land following the December, 2002, expansion of the UGB was 1,968 net acres.

Following adoption of the December ordinances, the Council began implementation of the new policy and code, including the mapping of RSIA. The process of developing the map with cities and counties in the region uncovered implementation difficulties with the provisions of the new Title 4 that limited commercial retail and office uses. With Ordinance No. 04-1040B, the Council once again revised Title 4 with two objectives: greater flexibility for traded-sector companies and retention of the 1,400-acre “savings” estimated from the December, 2002, revisions. Based upon the analysis of Title 4 revisions in the supplement to the UGR-E (Ordinance No. 04-1040B, Appendix A, Item b), the Council estimates that the revisions, in combination with conditions placed upon areas added to the UGB for industrial use, will continue to “save” 1,400 acres of industrial land from intrusion by commercial uses.

During hearings on the remand from LCDC, the Council received testimony that an increasing number of industrial jobs is finding space in office buildings rather than in traditional industrial buildings. The Council relied upon this testimony to revise Title 4 limitations on offices in industrial areas. The Council also relied upon the testimony to apply the 393-acre surplus of commercial land taken into the UGB by the December, 2002, ordinances to the need for 1,968 acres of industrial land. The Council assumed that offices in the region’s designated Employment Areas, Centers, Corridors, Station Communities and Mains Streets would absorb industrial jobs. This assumption reduced the need for industrial land from 1,968 to 1,575 net acres.

Also during the hearings, the cities of Wilsonville, Oregon City and Fairview brought news of recent plan amendments (adopted after completion of Metro’s inventory of industrial land) adding land to the industrial land supply. The Council concluded that the land added by Wilsonville (127 acres) and Oregon City (74 acres) are actually available for industrial use, subject to timing and infrastructure requirements. The Council concluded that the Fairview land, though designation industrial in the city’s comprehensive plan, is not yet appropriately zoned to make it available for industrial use. These actions reduced the need for industrial land from 1,575 to 1,374 net acres.

The City of Gresham requested a change to the 2040 Growth Concept Map and the Title 4 Employment and Industrial Areas map for a 90-acre tract that is part of Study Area 12 and adjacent to land added to the UGB in December, 2002, for industrial use. The city says further planning work on its part has revealed that some 20 acres of the tract are suitable for industrial use. The Council makes this change in Ordinance No. 04-1040B, reducing the need from 1,374 to 1,354.

In a further effort to accommodate industrial development more efficiently within the UGB, the Council discovered that it had assumed a commercial development refill rate of 50 percent, lower than the most recently observed rate of 52 percent. For the reasons stated above, the Council concludes that this infill and re-development of lands in designated Employment Areas, Centers, Corridors, Station Communities and Mains Streets will accommodate some of the increasing number of industrial jobs that is locating in offices rather than factories or other traditional industrial buildings. Correction of the commercial refill rate assumption reduces the need for industrial land from 1,354 to 1,180 acres.

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E. Alternatives: Expand the UGB

These findings address ORS 197.732(c)(B), (C) and (D) and Goal 2, Exceptions; ORS 197.298(1); Goal 11; Goal 14, Factors 3-7; OAR 660-004-0010(1) and 660-004-0020(2); RFP Policies 1.2, 1.3.1, 1.4, 1.4.1, 1.7, 1.7.2, 1.9, 1.12.1, 1.12.2 and 5.1.1; Regional Transportation Plan Policy 3.0 and Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d)

The measures taken by the Council to increase the capacity of the existing UGB for industrial use, described above leave an unmet need for industrial land of 1,180 acres.

Metro began the search for the most appropriate land for inclusion in the UGB by applying the priorities in ORS 197.298(1). Because Metro has not re-designated "urban reserve" land since its 1997 designation was invalidated on appeal, the highest priority for addition of land is exception land.

Metro first included for consideration all exception land that was studied for inclusion in the December, 2002, ordinances, but not included at that time (59,263 acres). Metro then expanded the search to consider all other land, resource land included, that met the siting characteristics that help define the need for industrial land (less than 10 percent slope and within two miles of a freeway interchange or one mile of an existing industrial area (9,071 acres). In all, Metro looked at approximately 68,000 acres to find the most appropriate land.

Once Metro mapped land by its statutory priority, Metro analyzed the suitability of the land for industrial use, considering the locational factors of Goal 14, the consequences and compatibility criteria of the Goal 2 and statutory exceptions process, the policies of the Regional Framework Plan (RFP) and the criteria in the Metro Code that are based upon Goal 14. This analysis is set forth in the Alternatives Analysis Study, Item (c) in Appendix A of Ordinance No. 04-1040B and subsequent staff reports [Appendix A, Items (a) and (y)].

The Alternatives Analysis and testimony from the hearings gave the Council few easy or obvious choices among the lands it considered. The land most suitable for the types of industrial use forecast in the region for the next 20 years is flat land near freeway interchanges or near existing industrial areas. In addition, the region needs parcels 50 acres or larger for the warehouse and distribution and tech/flex sectors. The land most likely to meet these needs at the perimeter of the UGB is agricultural land, the last priority for inclusion under ORS 197.298(1).

The highest priority for inclusion, under the priority statute, where no urban reserves have been designated, is exception land. But the character of most exception areas makes them unable to fill the region's needs for industrial use. The great majority of exception land outside the UGB is designated for residential use, and most of that is settled with residences. Parcels are generally small (five acres and smaller), the topography is usually rolling and often steep, and streams, small floodplains and wildlife habitat are common. And residents, as evidenced by testimony at Council hearings, are often vigorously opposed to industrial intrusions into what they consider their neighborhoods.

The Council excluded from further consideration those exception lands that lie further than two miles from a freeway interchange and more than one mile from existing industries for the reason that these areas cannot meet the identified need for industrial land. The Staff Report [Appendix A, Item (a)] describes these specific areas in detail at pages 13 to 18.

The Council excluded other study areas (or portions of them) from further consideration even though they could meet the identified need (less than 10 percent slope and either within two miles from a freeway interchange or within one mile from existing industries) because they are unsuitable for industrial use. Further analysis showed that some combination of parcelization, existing development, limitations on use

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imposed by Title 3 of the UGMFP (Water Quality, Flood Management and Fish and Wildlife Conservation), poor road access, difficulty in providing public services and negative effects of urbanization on nearby agricultural practices renders the areas unsuitable for industrial use. Portions of the areas contain designated farm or forest land. The Staff Report [Appendix A, Item (a)] describes these specific areas in detail at pages 18 to 25 (and portions of other areas at pages 13 to 18).

The Council also excluded those exception areas that are not contiguous to the UGB, or to areas added to the UGB for industrial use, and do not contain enough suitable land to comprise a minimum of 300 gross acres. Based upon an analysis of industrial areas within the pre-expansion UGB and reasoning set forth in "Formation of Industrial Neighborhoods", memorandum from Lydia Neill to David Bragdon, October 24, 2003, the Council concludes that these small areas cannot satisfy the need for industrial land.

The Council looked next to resource land, beginning with land of lowest capability. The Council included 354 acres (236 net acres) designated for agriculture in the Quarry Study Area, composed predominantly of the poorest soils (Class VII) in the region. Other land with poor soils in the vicinity were rejected due to steep slopes. The Council included 63 acres (30 net acres) designated for forestry in the Beavercreek Study Area composed of Class IV and VI soils and 102 acres (69 net acres) of Class III and IV soils in the Damascus West Study Area. No other land with soil capability lower than Class II can meet the need for industrial use identified by the Council.

Finally, the Council turned to the many lands under consideration with predominantly Class II soils. To choose among thousands of acres of this flat farmland near urban industrial areas or near freeway interchanges, the Council considered the locational factors of Goal 14 and policies in its Regional Framework Plan ("RFP") and Regional Transportation Plan ("RTP"). Further, the Council sought advice from a group of farmers and agriculturalists in the three counties, assembled by the Oregon Department of Agriculture ("ODA"). This group submitted a report to the Council entitled "Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use." [Appendix A, Item (i).] Preliminary guidance from ODA led the Council to consider an amendment to Policy 1.12 of the RFP on agricultural land, adopted and applied in Ordinance No. 04-1040B: "When the Council must choose among agricultural lands of the same soil classification for addition to the UGB, the Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region." (Exhibit A.)

The Council finds that the region will be able to urbanize the lands it has added to the UGB in an efficient and orderly fashion. The Council concludes that the overall consequences of urbanization of these lands are acceptable, especially given the protections in place in the RFP and Metro Code for sensitive resources. Through mitigation measures required by the conditions in Exhibit F, the Council believes it can achieve compatibility between urbanization of the land added to the UGB and adjacent land outside the UGB.

The Council also believes that it is able to maintain separations between communities at the urban fringe sufficient to allow each community to retain a sense of place. The Council chose ridgelines, streams, power lines, roads and property lines to define the boundaries of the UGB in an effort to provide a distinct boundary and a clear transition between urban and rural uses.

The Council also finds that the lands it added to the UGB for industrial use contribute to a compact urban form. The lands are adjacent to the existing UGB. Many involve exception lands that are already partially urbanized and contain some components of public facilities needed to serve urban industrial uses. The Council rejected some areas of exception land that extend far from the UGB and would require long extensions of linear services such as sewer, water and stormwater lines. The Council chose land that adheres closely to siting characteristics needed by the industries likely to grow during the planning period: proximity

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to existing industrial areas and accessibility to freeway interchanges. These choices contribute to the region's urban form which, among other things, calls for siting uses with higher densities (commercial and residential) in Centers and other design types served by high-capacity public transit.

Combined with areas added to the UGB for employment in the December, 2002, periodic review ordinances, areas added by Ordinance No. 04-1040B for industrial use are distributed round the region. Most of the jobs land was added to the east side of the region in December, 2002. This ordinance adds industrial land mostly to the south and west sides of the region. In particular, addition of 262 acres north of Cornelius will add jobs, income, investment and tax capacity to a part of the region with disproportionately little of those resources.

F. Water Quality

Each local government responsible for an area added to the UGB must complete the planning requirements of Title 11, Urban Growth Management Functional Plan ("UGMFP"), including compliance with the water quality provisions of Title 3 of the UGMFP.

G. Areas Subject to Natural Disasters and Hazards

The Council has excluded environmentally constrained areas from the inventory of buildable land (see UGRs) and from its calculation of the housing and jobs capacity of each study area (see Alternatives Analysis). Each local government responsible for an area added to the UGB must complete the planning requirements of Title 11, Urban Growth Management Functional Plan ("UGMFP"), including compliance with Title 3 of the UGMFP on floodplains and erosion control.

The Council considered the best information available on known hazards, including earthquake hazard. The study areas with the highest earthquake hazard have been rejected. The are small portions of several study areas with known earthquake hazards added to the UGB. Local governments responsible for Title 11 planning are required by that title (and Goal 7) to take these portions into account in their comprehensive plan amendments.

H. Economic Development

As part of Task 2 of periodic review, Metro reviewed the economic development elements of the comprehensive plans of each of the 24 cities and three counties that comprise the metro area. Metro used the review in its determination of the region's need for employment land and for coordination with local governments of its choices to add land to the UGB for employment purposes.

Revisions to Title 4 (Industrial and Other Employment Areas) of the UGMFP and the conditions placed upon lands added to the UGB (Exhibit F of Ordinance No. 04-1040B and exhibits to December, 2002, ordinances) add significant protection to sites designated for industrial use, both those added to the UGB and those within the UGB prior to expansion, to help ensure their availability for that purpose.

Inclusion of these areas adds 1,920 acres (1,047 net acres) to the UGB for industrial use. Combined with the efficiency measures described in Section D of these Findings (Alternatives: Increase Capacity of the UGB), above, and actions taken in December, 2002, these additions to the UGB accommodate approximately 99 percent of the need for industrial land [identified in the 2002-2022 Urban Growth Report: An Employment Land Need Analysis (9,366 net acres)]. Given the unavoidable imprecision of the many assumptions that underlie the determination of need for industrial land – the population forecast; the employment capture rate; the industrial refill rate; employment density (particularly given changes in building types used by industry over time); the rate of encroachment by non-industrial uses; and the vintage

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industrial relocation rate – the Council concludes that its actions in the December, 2002, ordinances and in this Ordinance No. 04-1040B provide a 20-year supply of industrial land for the region and comply with part 2 (periodic review Subtask 17) of LCDC's Partial Approval and Remand Order 03-WKTASK-001524, July 7, 2003.

II. SPECIFIC FINDINGS FOR PARTICULAR AREAS ADDED TO UGB IN TASK 2 REMAND DECISION

These findings address ORS 197.298; ORS 197.732(1)(c)(B), (C) and (D); Goal 2, Exceptions, Criteria (c)(2), (3) and (4); Oregon Administrative Rules (OAR) 660-004-0010(1)(B)(ii), (iii) and (iv); OAR 660-004-0020(2)(b), (c) and (d); Goal 5; Goal 11; Goal 12; Goal 14, Factors 3 through 7; Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d); Metro RFP Policies 1.2, 1.3, 1.4, 1.6, 1.7, 1.11 and 1.12; and Regional Transportation Plan Policies 2.0, 3.0, 4.0 and 14.0.

A. Damascus West

The Council relies upon the facts and analysis in the Industrial Land Alternative Analysis Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 21-23; 111; A-1 – A-4] and the Staff Report [Appendix A, Item (a), p. 27] to support its conclusion that addition of a portion of Damascus West will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area of resource land because it contains a concentration of larger parcels (five parcels between 10 and 20 acres). Parcels of this range are needed for the types of industries Metro expects will grow during the planning period (UGR-E, p. 25) and are generally unavailable in exception areas. Also, soils in the area are Class III and IV, of lower capability than other resource land under consideration. In addition, the area lies within a ground-water restricted area designated by the Oregon Department of Water Resources. Finally, it occupies a small notch that extends into land within the UGB and is relatively isolated by topography and forested land from other agricultural lands to the south, as noted in the report of the Metro Agricultural Lands Technical Workgroup led by the Oregon Department of Agriculture [“Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use”, Appendix A, Item (i)].

1. Orderly Services

The Council relies upon the Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Alternative Analysis Study (Appendix A, Item 6, pages 111 and Table A-2, respectively) for its determination that these services can be provided to the Damascus West area in an orderly and economic manner by extending services from existing serviced areas. Condition IIA(1) of Exhibit F calls for transportation and public facility and service plans within the same four years allowed for Title 11 planning of the entire Damascus area by Condition IIA(1) of Exhibit M of Ordinance No. 02-969B.

The Alternative Analysis Study (p. 20) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the larger Damascus Study Area. Serviceability generally ranges from “easy” to “difficult” to serve (Table 1, p. 111) and compares favorably with areas not included (such as Borland Road South, Norwood/Stafford and Wilsonville West). Transportation services will be only moderately difficult to provide for reasons set forth in the Alternative Analysis Study, p. 21.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above for its conclusion that the area can urbanize efficiently, particularly knowing that Damascus West will be planned in conjunction with the greater Damascus area added to the UGB in December, 2002. The Council

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also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on the Damascus West area set forth in the Alternative Analysis Study, pp. 21-22 and Table A-3. The analysis indicates that the consequences will be low, especially considering the requirements of Title 11 of the UGMFP that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of Ordinance No. 04-1040B.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro's adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local governments will eventually adopt provisions to implement Metro's Goal 5 program following the Council's adoption of that program, if the local government's ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Damascus West area would have low adverse consequences for nearby agriculture (Alternative Analysis Study, p. 21; Table A-4). This is, in part, due to the facts that the area occupies a small notch that extends into land within the UGB and is relatively isolated by topography and forested land from other agricultural lands to the south, as noted in the report of the Metro Agricultural Lands Technical Workgroup led by the Oregon Department of Agriculture ["Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use", Appendix A, Item (i)]. Ordinance No. 04-1040B, Exhibit F, imposes Condition IE upon urbanization of Damascus West to reduce conflict and improve compatibility between urban use in the area and agricultural use on land to the south.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Damascus West area protected by Clackamas County in its acknowledged comprehensive plan (p. 22). The county will be responsible for protecting these resources in the area when it amends its comprehensive plan and zoning ordinance to implement expansion of the UGB. Condition IG of Exhibit F requires the county to consider Metro's inventory of Goal 5 resources in their application of Goal 5 to the Damascus area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires Clackamas County to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county planning for the area.

6. Public Utilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Clackamas County from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public

EXHIBIT A

8. Regional Framework Plan

This addition of industrial land will be planned in combination with adjoining industrial land to the east added by Ordinance No. 02-969B to comprise a more efficient industrial area. The Coffee Creek Study Area will provide employment to support the Tualatin and Wilsonville Town Centers, to the north and south respectively. Given that the developable portion of the area is exception land and is suitable for the types of industry likely to grow in the future, the Council includes the Coffee Creek area notwithstanding that this part of the region is relatively well-endowed with employment.

Adding the Coffee Creek area to the UGB, lying between and adjacent to the Cities of Tualatin and Wilsonville, following addition of the area to the east, keeps the form of the region compact and efficient.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan ("RTP") adopted a "Priority System" of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements are improvements to Boones Ferry Road from Durham Road in the north to Elligsen Road in the south, east of the Coffee Creek Study Area.

The RTP also includes "The Tualatin-Sherwood Major Investment Study", to complete environmental design for the I-5 to 99W principal arterial connector, and the "Tualatin-Sherwood Connector", to construct the four-lane tollway connection (pages 5-65 to 5-67). Although a final corridor for this facility has not yet been chosen, it is almost certain that it will pass through or just to the north of the Coffee Creek area, likely enhancing its access to I-5. Finally, the principal north-south rail line that lies along the eastern boundary of the area will offer an additional mode of transport for movement of freight in the area.

E. Tualatin

The Council relies upon the facts and analysis in the Industrial Land Alternative Analyses Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 61-63; 111; A-1 – A-4] and the Staff Reports [Appendix A, Item (a), pp. 27-28] to support its conclusion that addition of a portion of the Tualatin Study Area will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area because it is exception land (rural residential and rural industrial) with characteristics that make it suitable for industrial use. It lies within two miles of the I-5 corridor and within one mile of an existing industrial area, and portions of the area are relatively flat. These characteristics render it the most suitable exception area under consideration for warehousing and distribution, a significant industrial need facing the region.

The City of Tualatin and many residents of the area expressed concern about compatibility between industrial use and residential neighborhoods at the south end of the city. They have also worried about preserving an opportunity to choose an alignment between Tualatin and Wilsonville for the I-5/99W Connector; the south alignment for this facility passes through the northern portion of the Tualatin Study Area.

In response to these concerns, the Council placed several conditions upon addition of this area to the UGB. First, the Council extended the normal time for Title 11 planning for the area: two years following the identification of a final alignment for the Connector, or seven years after the effective date of Ordinance No. 04-1040B, whichever comes sooner. This allows Title 11 planning by Washington County, the cities of Tualatin and Wilsonville and Metro to accommodate planning for the Connector alignment. Second, the

EXHIBIT A

Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)

1. Orderly Services

The Council relies upon the Tualatin Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Industrial Land Alternative Analysis Study (Appendix A, Item (c), pages 111 and Table A-2, respectively) for its determination that urban services can be provided to the area in an orderly and economic manner by extending services from existing serviced areas.

The Alternatives Analysis (pp. 61-62) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the Tualatin Study Area. Serviceability ranges from “easy” to “difficult” to serve (Table 1, p. 111). Throughout Task 2 of periodic review the Council has found, however, that provision of services to almost every exception area is difficult and expensive. The City of Wilsonville anticipates further industrial development in the portion of the study area north and northwest of the existing city, in part due to the siting of the Coffee Creek Correctional Facility, and expects to be the service provider over time. Given the critical need for sites proximate to interchanges on I-5 and the rarity of such sites, the Council has decided to include the Tualatin Study Area notwithstanding.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above (Orderly Services) for its conclusion that the area can urbanize efficiently. The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

This area lies between two cities and among areas added to the UGB for industrial use in December, 2002, making urbanization of the area more efficient than projecting urbanization from the UGB into a rural area. Given the likelihood that the region will build the I-5/99W Connector through this area, industrial development in the area will ensure efficient use of that facility.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on the Tualatin Study Area set forth in the Alternative Analysis Study, pp. 62-63 and Table A-3). The analysis indicates that the consequences will be low to moderate, especially considering the requirements of Title 11 of the UGMFP that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of Ordinance No. 04-1040B.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro’s adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local governments will eventually adopt provisions to implement Metro’s Goal 5 program following the Council’s adoption of that program, if the local government’s ordinance do not already comply.

EXHIBIT A

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Tualatin Study Area would have low adverse consequences for agriculture (Alternative Analysis Study, p. 62; Table A-4). Although there are a few agricultural uses in the study area itself, the area is designated entirely for rural residential and rural industrial uses, pursuant to exceptions from statewide planning Goals 3 and 4. The area is isolated from land designated for agriculture by the UGB, I-5 and mining operations to the west. Hence, it is unlikely that industrial use will conflict with agricultural activities on land designated for agricultural or forest use.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Tualatin Study Area protected by Washington County in its acknowledged comprehensive plan (pp. 62-63). There are aggregate mines in the vicinity; portions of Washington County's Mineral and Aggregate Overlay District B cover small portions of the study area in the northwest and southwest corners and the top central portion.

The county, or the City of Wilsonville or Tualatin upon annexation to one of the cities, will be responsible for protecting these resources when it amends its comprehensive plan and zoning ordinance to implement expansion of the UGB. Condition IG of Exhibit F requires the county or city to consider Metro's inventory of Goal 5 resources in their application of Goal 5 to the Tualatin Study Area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county or city to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county or city to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county or city planning for the area.

6. Public Facilities and Service

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County and the cities of Wilsonville and Tualatin from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of the area; and (2) requires the county or city to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the area.

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Tualatin Study Area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County and the cities of Tualatin and Wilsonville from upzoning and from land divisions into lots or parcels smaller than 20 acres in the area until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land added to the UGB; and (2) requires the county or city to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area. Metro began this work with the evaluation of the serviceability of the area in the Alternative Analysis Study (pp. 61-62 and Table A-2) and consideration of how to provide services as part of the analysis required to satisfy Goal 14, factors 3 and 4.

Table A-2 recognizes that provision of transportation to new industrial uses in the area will be difficult. The Oregon Department of Transportation, Region 1 ("ODOT"), expects the volume-to-capacity ratio on I-5 in the vicinity of the North Wilsonville interchange to be "extremely poor" by 2025, and states

EXHIBIT A

that the interchange “may need to be reviewed for impact” if the Council adds land to the UGB dependent upon the interchange. The “Priority System” in Metro’s RTP calls for improvement to Boones Ferry Road from Durham Road in Tualatin to Elligsen Road in Wilsonville and for construction of a four-lane tollway between I-5 and Highway 99W, the southern and most likely alignment of which passes through the study area. There is no planned improvement to the capacity of the freeway or the interchange in the RTP or either city’s TSP. In 2002, however, a joint ODOT/Wilsonville study concluded that in 2030, widening of I-5 to eight lanes would be required to meet interstate freeway capacity standards set by Metro and ODOT. This study will help Metro, ODOT, Wilsonville and Tualatin understand the improvements needed to accommodate industrial use in the study area. The 2004 Federal RTP also identifies a corridor refinement study for I-5 in the vicinity. These studies will inform Title 11 planning for the study area.

8. Regional Framework Plan

The Tualatin Study Area lies midway between the Tualatin and Wilsonville Town Centers, and is nearly as close to the Sherwood Town Center as to Tualatin and Wilsonville. Industrial development in the study area will provide additional employment to support businesses in those centers. The Council includes this area, notwithstanding that this part of the region is relatively well-endowed with employment, because it has more of the characteristics needed for warehousing and distribution than other areas considered. The Wilsonville South Area has many of the same characteristics. But it lies on the opposite side of the Willamette River and requires a trip on I-5 across the river to gain access to the Wilsonville Town Center. The Council concludes that addition of the north portion of the Tualatin Study Area provides better urban form to the city and the region than adding land on the south side of the Willamette River.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan adopted a “Priority System” of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements in the vicinity of the Tualatin Study Area are improvement to Boones Ferry Road from Durham Road in Tualatin to Elligsen Road in Wilsonville and construction of a four-lane tollway between I-5 and Highway 99W, the southern and most likely alignment of which passes through the study area.

F. Helvetia (Partial)

The Council relies upon the facts and analysis in the Industrial Land Alternative Analyses Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 104-06; 111; A-1 to A-4] and the Staff Reports [Appendix A, Item (a), p. 28] to support its conclusion that addition of a 249-acre portion of the Helvetia Study Area will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area because it has several characteristics that render it among the most suitable sites under consideration for industrial use: a large parcels; relatively flat land; and proximity to a freeway interchange. The Urban Growth Report-Employment (UGR-E) identifies a specific need for large parcels (50 acres or larger) (Ordinance No. 02-969B, Appendix A, Item 4, page 25). This portion of the Helvetia Study Area contains one parcel between 50 and 100 acres.

Two-thirds of this area (162 acres) is designated for agriculture in Washington County’s comprehensive plan (predominantly Class II soil). The farmland portion lies between the existing UGB (to the south and east) and the exception land portion to the west. West Union Road separates the included farmland from excluded farmland to the north. The Council includes this farmland because the exception land portion (87 acres) contains some land suitable for industrial use. Also, among farmlands considered,

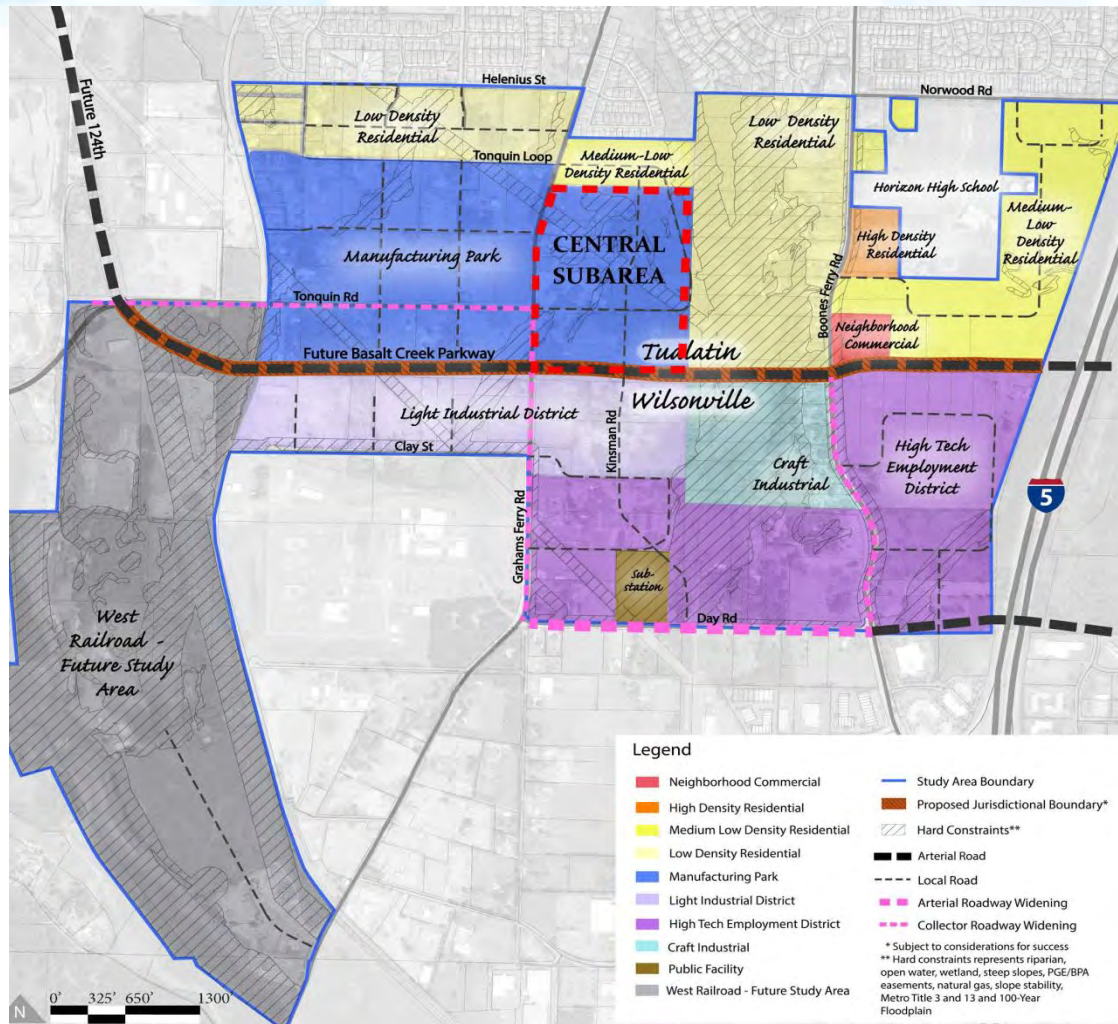
EXHIBIT B

2014 Growth Concept Map from Ordinance 04-1040B

Red dotted line shows overlay with Figure 1



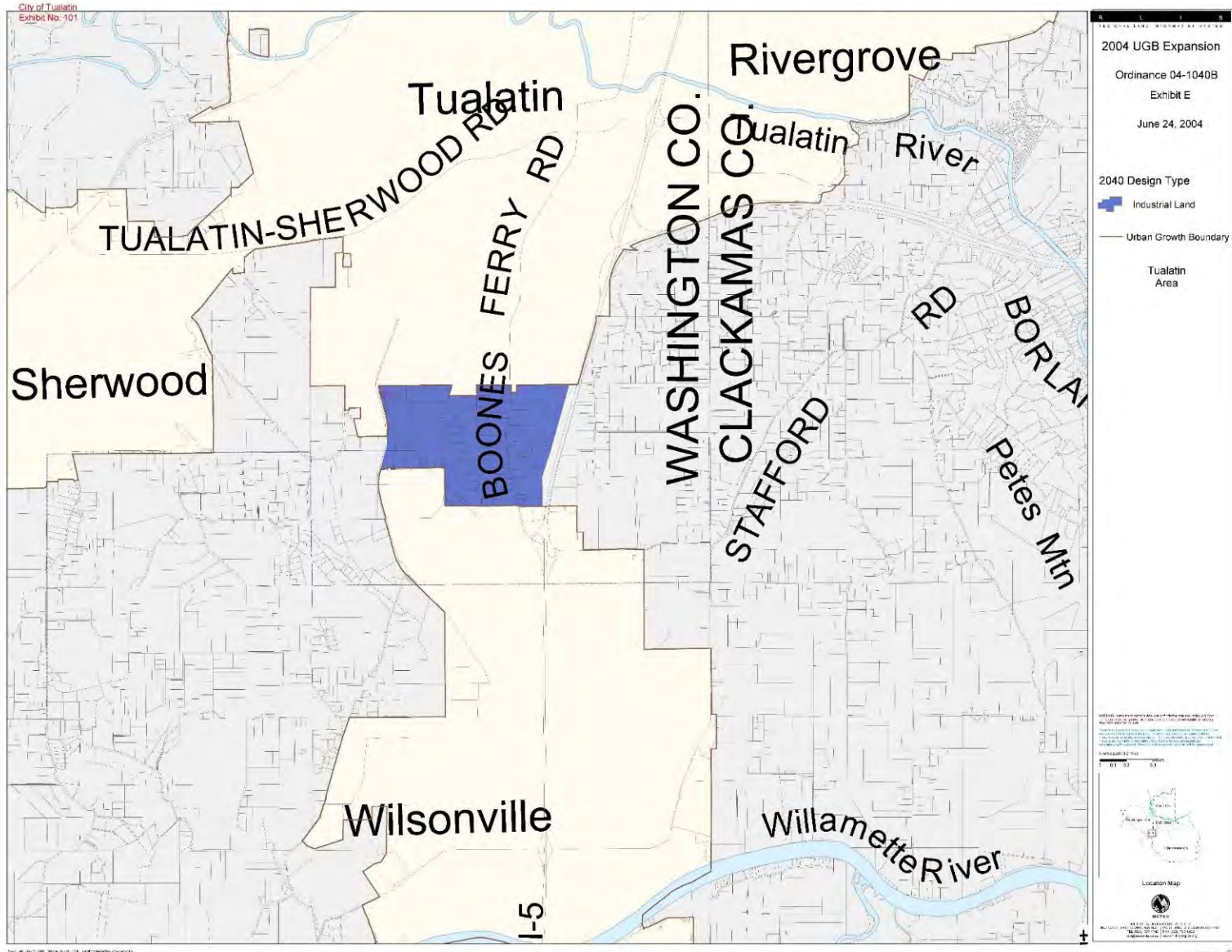
Basalt Creek Planning Area Recommendation

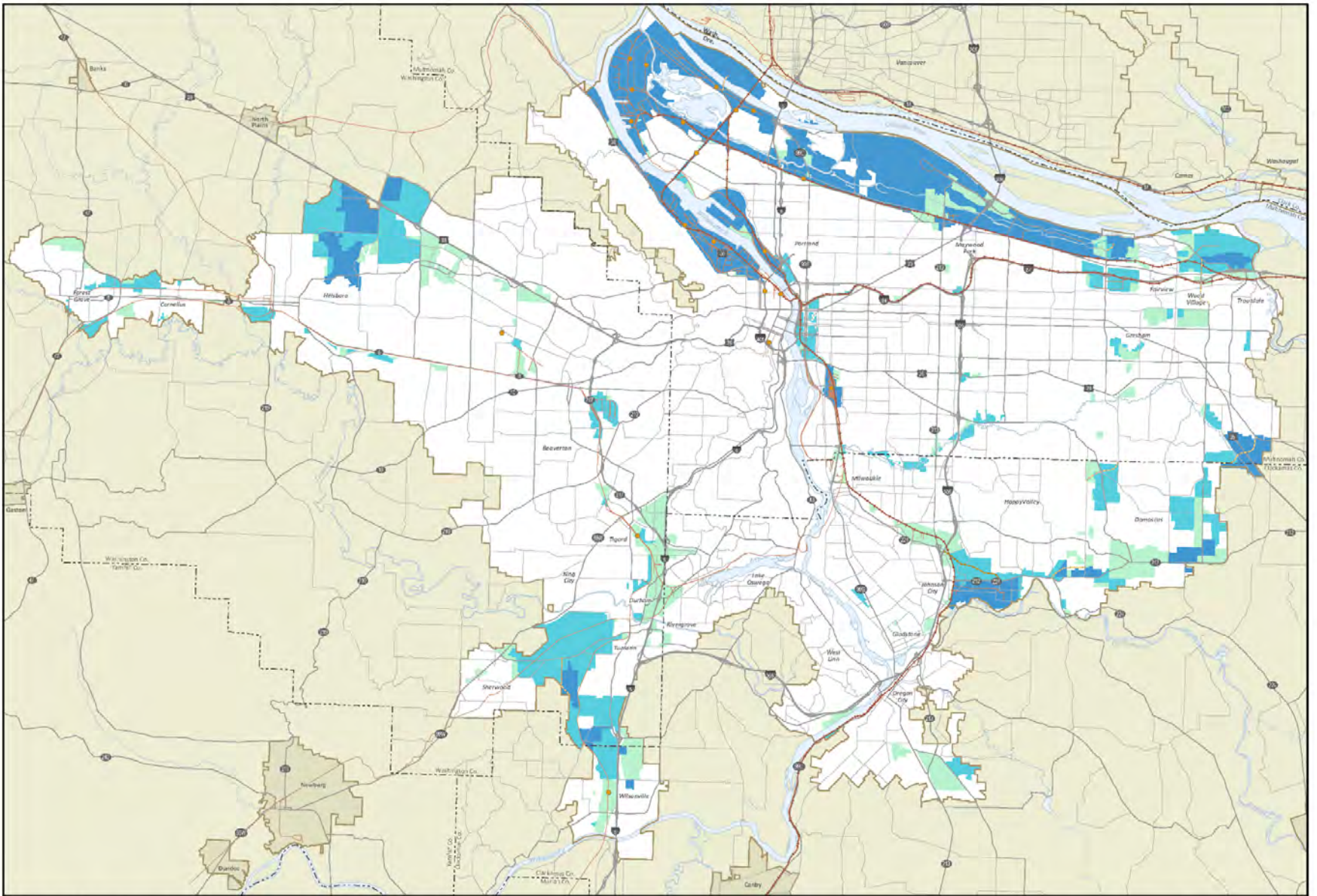


Arbitration Process

- IGA with Wilsonville, Tualatin and Washington County:
 - Gives Metro authority to create the process
 - Outcome = resolving a dispute, not making a final land use decision
- Cities must make the final land use decisions by adopting the concept plan and zoning
- Process: “Metro Council’s review will be based on the record of written materials submitted by the cities, county, and Metro staff.”

2004 UGB Expansion Area





Title 4, Industrial and Other Employment Areas

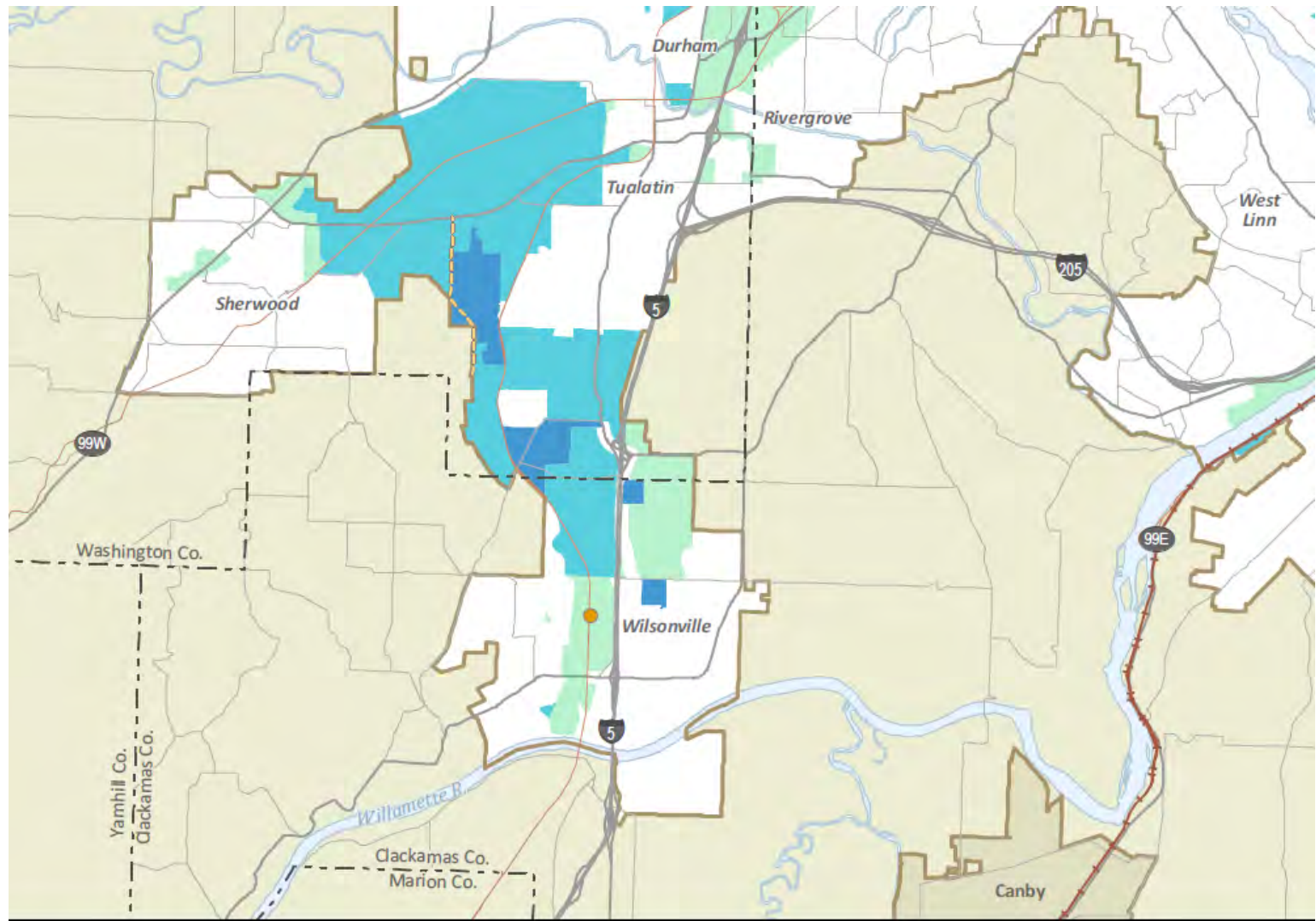
October 2014



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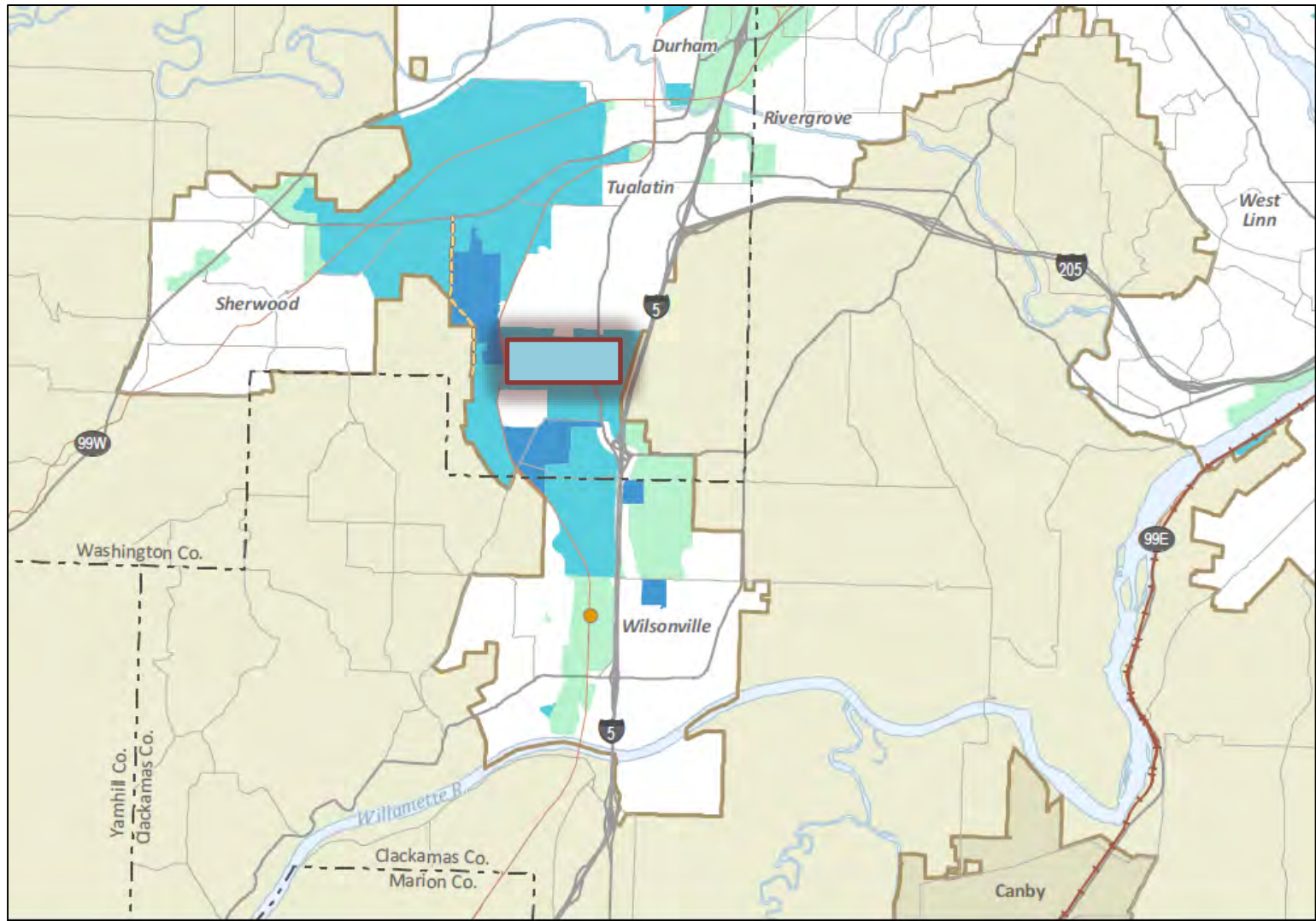
- Employment areas
- Industrial areas
- Regionally significant industrial areas
- Proposed main roadway routes
- Proposed road connectors
- Mainline freight
- Branch line freight
- Rail yards
- County boundaries
- Urban growth boundaries
- Neighbor cities





nt Areas

- Employment areas
- Industrial areas
- Regionally significant industrial areas



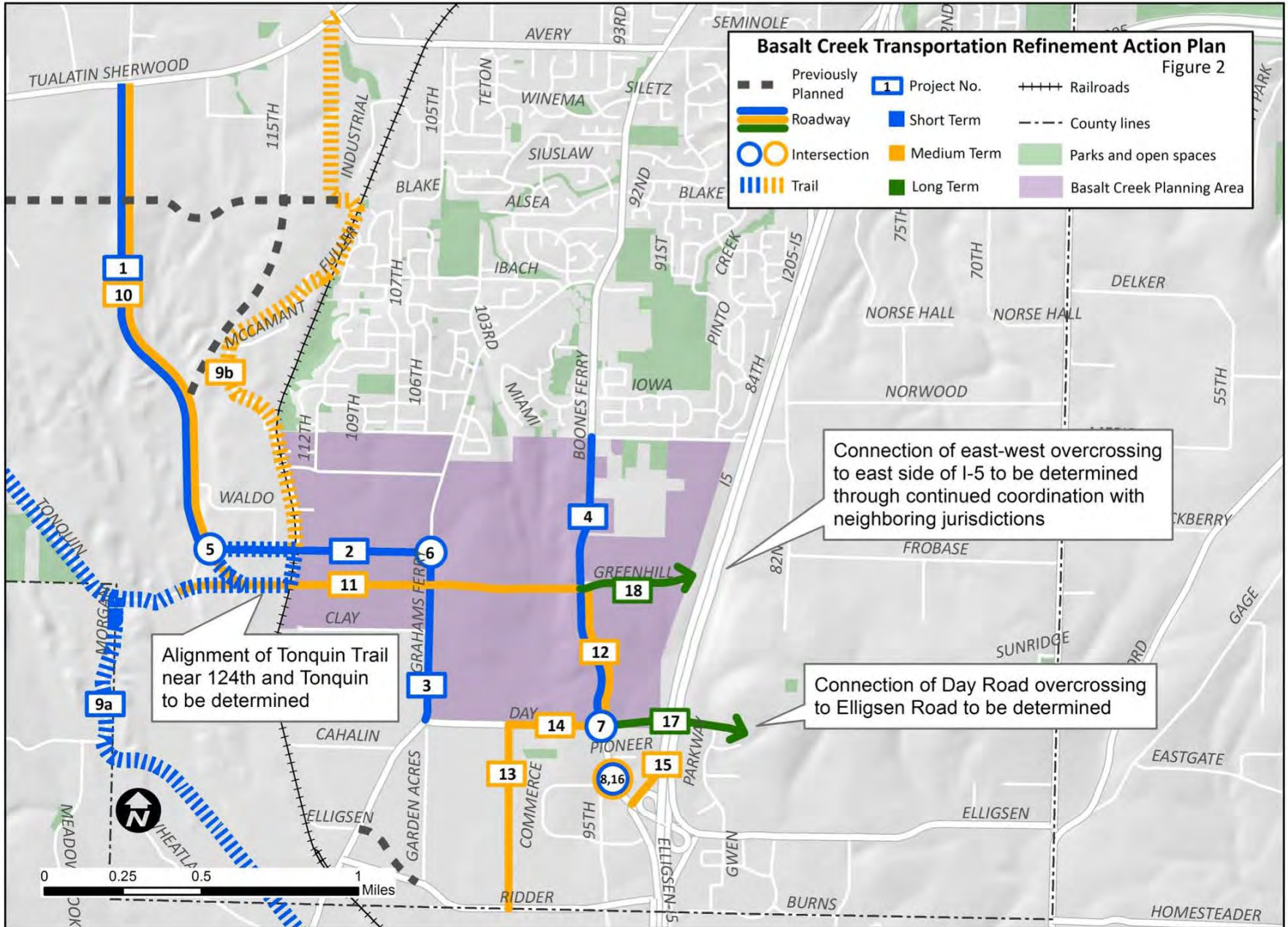
nt Areas

- Employment areas
- Industrial areas
- Regionally significant industrial areas

Basalt Creek Transportation Refinement Action Plan

Figure 2

	Previously Planned		Project No.		Railroads
	Roadway		Short Term		County lines
	Intersection		Medium Term		Parks and open spaces
	Trail		Long Term		Basalt Creek Planning Area

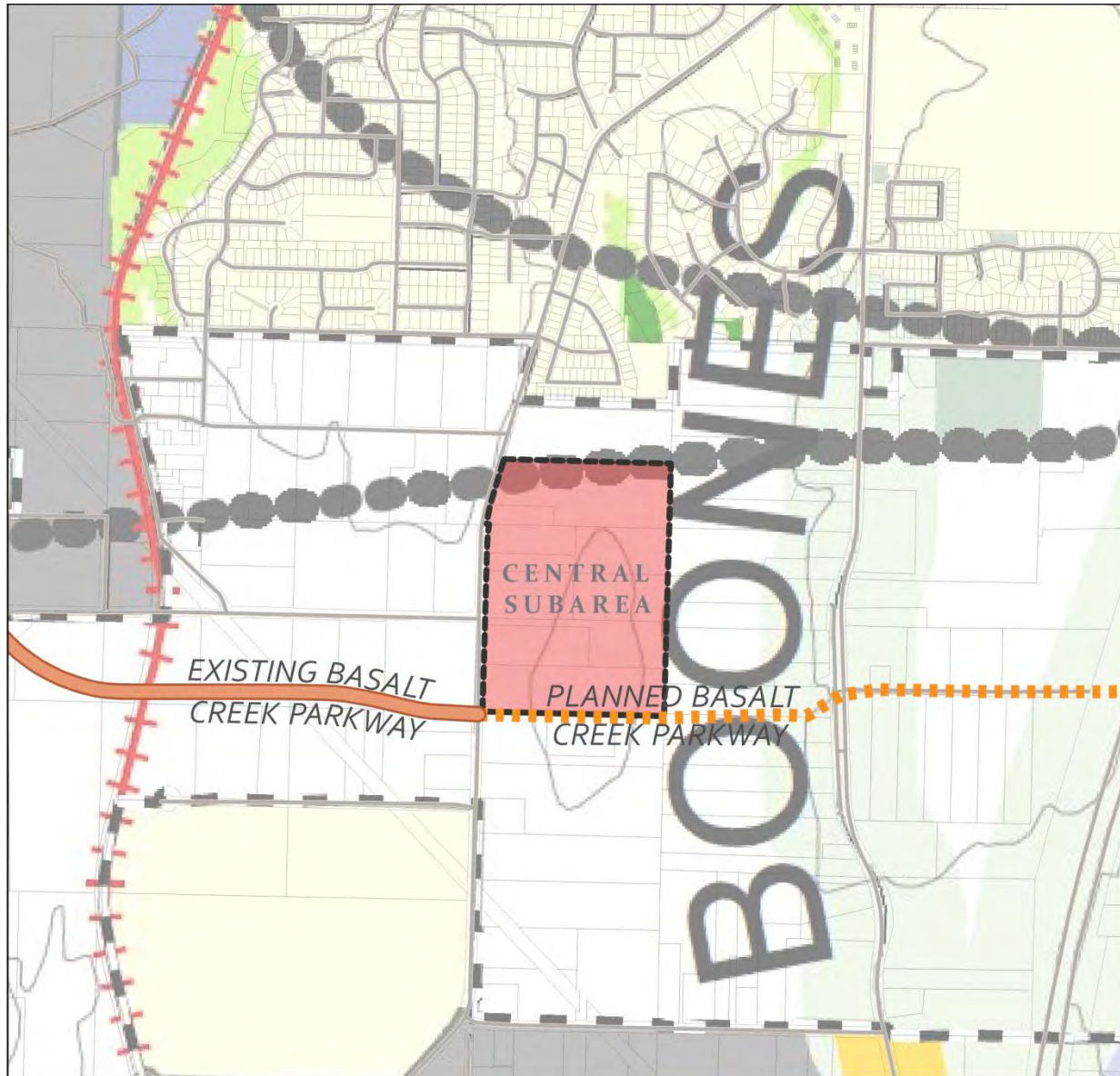


Alignment of Tonquin Trail near 124th and Tonquin to be determined

Connection of east-west overcrossing to east side of I-5 to be determined through continued coordination with neighboring jurisdictions

Connection of Day Road overcrossing to Elligsen Road to be determined





Central Subarea and Basalt Creek Parkway
overlaid on 2040 Growth Concept Map





BASALT CREEK CONCEPT PLAN

Attachment 7: [Citizen Input](#)

File path:

<https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c.bc.record.attachment.07.citizen.input.pdf>



BASALT CREEK CONCEPT PLAN

Attachment 7: Citizen Input

From: [Bateschell, Miranda](#)
To: [White, Shelley](#)
Subject: FW: Citizen Comments-Tualatin Council Wrk Ses 6-27-2018-Agenda Item -Basalt Creek Concept Plan -Please Include as Part of Public Record
Date: Monday, June 25, 2018 2:21:49 PM
Attachments: [2018 6-22 Lucini Comments-Basalt Creek Concept Plan of 6-13-2018.pdf](#)
[2018 6-11 Citizen Comments Wilsonville Plan Com- Basalt Creek 6-13-2018.pdf](#)

Miranda Bateschell

Planning Manager
City of Wilsonville
503.570.1581

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

From: G Lucini <grluci@gmail.com>
Sent: Friday, June 22, 2018 5:36 PM
To: 'Lou Ogden' <logden@ci.tualatin.or.us>; 'Joelle Davis' <jdavis@ci.tualatin.or.us>; 'Frank Bubenik' <fbubenik@ci.tualatin.or.us>; 'Robert Kellogg' <rkellogg@tualatin.gov>; 'Jeff DeHaan' <jdehaan@tualatin.gov>; pmorrison@tualatin.gov; council@tualatin.gov; jdavis@tualatin.gov; ngrimes@tualatin.gov; 'Nancy Grimes' <ngrimes@ci.tualatin.or.us>; fbubenik@tualatin.gov; logden@tualatin.gov
Cc: 'Hurd-Ravich Aquilla' <ahurd-ravich@ci.tualatin.or.us>; 'Karen Fox (City of Tualatin)' <KPerlFox@ci.tualatin.or.us>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Veliz, Kim <veliz@ci.wilsonville.or.us>; 'Lynette Sanford' <LSanford@tualatin.gov>; Mayor Tim Knapp <knapp@ci.wilsonville.or.us>; Councilor Susie Stevens <stevens@ci.wilsonville.or.us>; 'Starr Scott' <scottstarr97070@gmail.com>; Councilor Charlotte Lehan <lehan@ci.wilsonville.or.us>; Councilor Kristin Akervall <akervall@ci.wilsonville.or.us>
Subject: Citizen Comments-Tualatin Council Wrk Ses 6-27-2018-Agenda Item -Basalt Creek Concept Plan -Please Include as Part of Public Record

Please include this email and the two attachments (Lucini Citizen Comments dated 6-22-18, and 6-11-2018) as part of the Public Record for Basalt Creek Concept Planning

On 6-25-2018, The Tualatin City Council Work Session has the Basalt Creek Concept Plan as an agenda item. This will be the first public discussion by the Tualatin City Council, of the newly revised 6-13-2018 Draft of the Basalt Creek Concept Plan and implementation.

I request the members of the Tualatin City Council, to read the attached file - Lucini Citizen Comments dated 6-22-2018- which may provide the Council an understanding of the continuing issues which I have had to face as a property owner within the Basalt Creek Area.

Included are specific requests generated by the posting of the 6-13-2018 revision of the Basalt Creek Concept Plan, and by the recent comments and discussions of the Concept Plan during the recent Public Meetings of the Wilsonville Planning Commission, and the Wilsonville Council.

I previously submitted Citizen Comments on 6-11-2018 to both Cities, a copy of which is also

attached.

Only the City of Tualatin has provided me a written response to a few of the issues I presented in my 6-11-2018 communication. I have not received substantial response to many of the remaining issues on which I requested a response.

The most recent iterations of the proposed Basalt Creek Concept Plan were only made public this month which included significantly greater levels of information than previously available from the previous revision- which was posted several months prior.

Yet, with much more specific information contained within these recent versions of the Plan, the BasaltCreek.com website does not indicate any Public Involvement Events scheduled to receive feedback from the Public, or formal outreach to the affected property owners, prior to the start of public hearings to adopt the Plan.

CITIZEN COMMENTS -GRACE LUCINI

6-22-2018

TUALATIN CITY COUNCIL WORK SESSION 6-25-2018- Basalt Creek Concept Planning

Please Include as part of public record- Basalt Creek Concept Planning

On 6-25-2018, The Tualatin City Council Work Session has the Basalt Creek Concept Plan as an agenda item. This will be the first public discussion by the Tualatin City Council, of the newly revised 6-13-2018 Draft of the Basalt Creek Concept Plan and implementation.

After 2 years without Concept Plan updates posted for public review, a draft revision of the document was posted for public access on 6-4-2018; with another revision posted 6-14-2018.

The adoption of the Basalt Creek Concept Plan must be completed by both cities prior to the end of August 2018 to be in compliance with the IGA.

The public, and particularly affected property owners have been given little time to respond to these revisions of the Concept Plan as we start to receive Notice of Public Hearings from the Cities to Adopt the Concept Plan.

(Please see Attachments # 4A-B)

I submitted written concerns to staff/s of both the City of Wilsonville and the City of Tualatin, to both Planning Commissions, and to both City Councils on 6-11-2018- requesting a response to my concerns.

(Please see separate copy attachment- Lucini Citizen Comments 6-11-2018)

I also presented oral testimony to the Wilsonville Planning Commission on 6-13-2018 with additional material supporting my previously stated concerns.

On 6-21-18 the City staff in Tualatin responded to some of the concerns I identified on pp.3-4 of my 6-11-18 comments but provided no substantive response to my concerns on pp.6-7 & 9 of that same communication.

(Please see Attachment 1A)

Yet both cities continue preparing for the adoption of the Basalt Creek Concept Plan deadline in August 2018.

I now request the Council to consider 3 issues as they review the most newly released draft of the Basalt Creek Concept.

#1 Public Notice and Active Involvement of Affected Property Owners.

Historically throughout the entire concept planning process, and continuing to the present, Interested Persons have not consistently received proper Notice of Public Meetings regarding the Basalt Creek Concept Plan as per the Oregon Public Meetings Law, as restated in the Wilsonville Tualatin Partnering Agreement- Addendum of April 2014, and as included within the Public Involvement Plan Basalt Creek Concept Plan 2014.

Various Public Meetings leading to the development of the Concept Plan, and Public Meetings including information/discussions leading to the implementation (i.e. Master Plan Updates to include Basalt Creek Area) of the Concept Plan have not been properly Noticed--- denying Interested Persons (many whom are affected

property owners) adequate access to understand how the decisions are being made which may directly affect them. Two of the more recent examples are provided as attachments.

(Please see Attachments #1 A-B)

Contrary to expressed comments of members of the Tualatin Council during Public Meetings- to include affected property owners within the development of the Concept Plan- the affected property owners have received minimal formal involvement other than that provided to the general public.

I REQUEST THE COUNCIL:

- A. Remind staff of the need to comply with Oregon Public Meetings Law, to assist with transparency of process, for proper Notice to be provided to include (but not limited to) any Public Meeting involved with Updates to Comprehensive Plans, Master Plans, or other similar municipal documents being revised which incorporates any portion of the Basalt Creek Area
- B. Direct their staff reach out throughout the remaining phases of the process to consistently seek open dialog and involvement of property owners within the Basalt Creek Concept Area as the Basalt Creek Concept Plan is being finalized, and strategies are being developed for implementation. Formal efforts to work collaboratively with affected property owners has been noticeably absent to this point.

#2 Inclusion of a Public Trails Map Specifically Siting the “Canyon” Public Pedestrian and Bike Trail – Without the of Appropriate Level of Due Diligence and Evaluation of Impact on Effected Property Owners

A map indicating the location of a Public Pedestrian and Bike Trail on the west side of the Basalt Creek Canyon was only publicly distributed within the last 30 days as part of the Informational Packet to the Wilsonville Planning Commission Meeting on 6-13-2018.

(Please see Attachments # 2 A-C-MAPS)

- This new map includes a proposed Public Pedestrian and Bike Trail as a “Trail Opportunity” located North-South centrally located referred to by staff as the “Canyon Trail”.

(Pease see Attachment 2A)

- Unlike the other “Trail Opportunity” delineated on the Trail Map ---the more eastern “Trail Opportunity” is sited on the ODOT ROW ---the potential “Canyon Trail” is sited through what appears to be almost entirely privately owned properties.
 - The location of the “Canyon Trail” has been drawn along the western edge of the lot lines of most property owners whose homes face SW Boones Ferry Road within the Basalt Creek Area.
 - Most of these properties include most of the Basalt Creek Canyon from SW Boones Ferry Road west including the Canyon and wetlands, and varying amounts of property west of the Canyon.

On 6-11-2018, I presented written concerns about the placement of the “Canyon Trail” to Wilsonville’s City Basalt Creek staff, Council and their Planning Commission; and to Tualatin’s Basalt Creek staff, and their City Council, and Planning Commission. My comments included concerns as to governance over a trail through multi-jurisdictional and privately owned land; construction constraints; environmental impact; development and

enforcement of unauthorized/ unintended trail use; lack of identified short and long term funding for-- trail maintenance; provision of monitoring and police services; and lack of visual and vehicular access for safety and emergencies. I questioned the level of due diligence done on locating a public trail through known significant natural resources- when the governing document Metro 04-1040b required protections of these resources.

In addition, I provided Public Testimony at the City of Wilsonville's Planning Commission on 6-13-2018. I substantiated my concerns by supplying the Commission information from the literature search published in 2017 by Metro on the negative effects of recreational ecology by pedestrians and bikes on Natural Areas.

During the Wilsonville Planning Commission Meeting on 6-13-2018, I listened to the staff and the Planning Commission discuss the location of the Canyon Trail and hear members reiterate their goal to provide the public visual and physical access into the natural area within the Canyon.

I also listened to the Wilsonville Council Work Session on 6-17-2018 discuss the Basalt Creek Concept Plan and the discussion of the newly proposed "Canyon Trail", with the Mayor asking how to preserve easements, or Right of Way access for the Trail - due to concerns expressed by property owners along Basalt Creek Canyon regarding the amenities of the bike or pedestrian Trail which the property owners might not be ready to accept or did not think appropriate. After additional discussion on methods to protect the Trail easement and use of Master Plans, the Mayor then asked if Wilsonville "will become the Master Plan developer within the whole Plan Concept".

I have not yet received a written response from either City to many of the concerns presented in my email of 6-11-2018 on which I specifically requested a reply-- including comments about the proposed "Canyon Trail". On 6-21-18, the City of Tualatin responded to a few of my Citizen Comments- but not to all of my concerns .

(Please see separate copy attachment- Lucini Citizen Comments 6-11-2018)

(Please see Attachment 1A)

The repeated discussion of providing and encouraging active/passive connection to the natural areas in and around the natural areas, and in the Canyon, does not address the impact on the natural areas. Nor does it address the impact to affected property owners, or the expense to the Cities of trying to obtain right of way agreements, complete, maintain, and police a Trail, where most, if not all, of the Basalt Creek Canyon and the wetlands at issue are within privately owned properties.

As mentioned previously, my property includes portions of the wetlands, the Canyon, and both ridges and sides of the Canyon. My husband and I spend unmeasurable amounts of time working on the restoration of the wetlands on our property. As has been discussed with staff of both Cities, and within my Citizen Comments of 6-11-2018, our goal is to preserve the natural areas on our property for future generations to enjoy.

While we try to be good stewards of our property, it is difficult to accept that the local governments are doing the same regarding the natural area and ecosystem within the Basalt Creek Area. Metro, Washington County, Wilsonville and Tualatin all voted to bisect the Basalt Creek Canyon with the placement of a 5-6 lane Basalt Creek Parkway Extension East-West through the entire canyon with a bridge through the wetlands.

The cities of Wilsonville and Tualatin as part of Concept Planning are also plotting additional north- south local roads; east-west local roads; and diagonal local roads--- with each one creating an additional linear bisection of what was once one cohesive ecosystem. The addition of yet another linear bisection of a public trail (which is not located in proximity to a planned road), would cause even more fragmentation.

The current Location of the contemplated "Canyon Trail" bisects portions of the Canyon which contain:

- Slopes in some places exceed 20%
- Wetlands and creeks with water depth which changes with the season and as to topography of the canyon floor.
- Highest valued riparian and upland habitats

IF the canyon and wetland property are ultimately purchased into public ownership, THEN my husband and I would certainly strongly support a path to or through that area – IF it was properly sited and properly policed to protect both the wetlands and the neighbors.

Until such time, the location of the proposed "Canyon Trail" has also been chosen so that it is on- or adjacent to -the entire western edge of my property, with the primary goal to encourage unlimited Public visual and/or physical access to of parts of the canyon and natural areas located **on my property**. Such an approach would place an undue burden on me, and on my property.

I am not a lawyer, but I wonder if the location of the proposed "Canyon Trail" might be viewed by some land owners as a veritable exaction, or as a cloud on their Title if they go to sell.

- The location of the "Canyon Trail" as currently mapped, will potentially contribute to trespass on and damage to my property
- Metro has identified multiple causes for degradation and damage to natural areas by creation of unauthorized trails, *"Unauthorized trails may comprise more than half of the trails in a natural area" "Users frequently create unauthorized trails to access special features such as view, streams and wetlands of for secret activities such as bathroom break hideouts"*. (Metro "Hiking, Mountain Biking and Equestrian Use in Natural Areas" A Recreation Ecology Literature Review," September 2017)
- In the same publication, Metro identified additional detrimental effects resulting from unauthorized trails by trampling- on vegetation; soil compaction; and erosion.

These factors lead to the conclusion that the Concept Plan now includes a plan to provide the public visual and/or public access on to my property- which could cause both my property and the natural resources of the canyon that the City is required to protect, to be degraded and/or damaged.

The location of the "Canyon Trail" on the western "ridge" of the canyon would also open safety and liability issues for adjacent property owners, and the City - especially in those areas with steep slopes or water on the property.

Location of the "Canyon Trail" in its currently proposed route, would potentially decrease privacy and of use/enjoyment of my property and my home- which is located within the Canyon.

All of these issues result in additional burdens and de-facto taking of my property, to which I object

I REQUEST THE COUNCIL:

- A. Remove from the Trails Map any siting of the “Canyon Trail” until the location of the trail integrates natural areas and high valued natural resources into the placement of the trail. On 6-13-2018, during the discussion of the Basalt Creek Concept Plan and the location of the “Canyon Trail”, a member of the Wilsonville Planning Commission requested more extensive evaluation of the natural areas as to the types of animals etc. found within the natural area. I do not see this action presented within the current Concept Plan narrative but obtaining this information would be of great assistance prior to proposing a public trail in to the area.
- B. Remove from the Trails Map any siting of the “Canyon Trail” until the purpose to the locating the trail and encouraging the public to use the trail to access views or other attributes located on private property can be more thoughtfully decided.
- C. Remove from the Trails Map any siting of the “Canyon Trail” until issues surrounding policing, maintenance and related issues are squarely evaluated and addressed.
- D. Remove from the Trails Map any siting of the “Canyon Trail” until funding and acquisition of the canyon and wetland property are in place for public ownership.
- E. Replace the Trails Map with a narrative within the Concept Plan, stating the desired goal of North-South Connectivity between the two cities and the goal of creating public access to natural areas in a way that does not harm either the natural area or adjoining land owners - without the inclusion of a map.

#3. STORM DRAINAGE WITHIN BASALT CREEK CONCEPT AREA- IDENTIFIED FOR FUTURE INCLUSION INTO THE CITY OF TUALATIN

- **Stormwater:** New stormwater infrastructure will be primarily integrated with the local road network. Tualatin, Wilsonville and CWS acknowledge they must follow requirements established for their respective stormwater MS4 permits. Much of the area is in a basin that drains toward Wilsonville. Each City will serve its own jurisdictional area.

(Slide 23 Tualatin Presentation 6-25-18 - Basalt Creek concept Plan)

Stormwater

Existing stormwater infrastructure consists of roadside drainage ditches and culverts. Culverts in the planning area are under the jurisdiction of Washington County and may not have capacity for future urban conditions. Culverts to the south of the planning area are part of the City of Wilsonville stormwater system. The City of Tualatin has jurisdiction over the stormwater conveyance system to the north of the planning area. Culverts may need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite retention or infiltration is required.

Locations where stormwater runoff from the Basalt Creek plan area could connect to existing stormwater infrastructure will require evaluation of the conveyance systems at time of development.

(Page 23 Basalt Creek Concept Plan Draft 6-13-2018)

In light of the information stated within the current draft of the Basalt Creek concept Plan (copied above), I am reminding the City of Tualatin, as they are finalizing their portion of the Storm Water Drainage portion of the Basalt Creek Concept Plan, and during all phases of implementation of the Concept Plan – of a storm water flooding event which occurred on my property on May 18, 2015.

(Please see Attachment #3 Letter from Karl Anuta dated 10-23-2015).

Unfortunately, this matter resulted in a law suit being filed against Washington County (among others). That law suit ultimately resulted in a settlement that required the County (as well as others) to pay a substantial amount. As an outcome, we are in the process of implementing a project on our property to deal with the current peak storm water flows from the SW Boones Ferry Road Improvement Project Out Flow #5(a storm water system Outfall which discharges onto my property). Please be aware that the remedy being designed will only buffer the current peak flow drainage on to my property, based upon the current design and construction of the SW Boones Ferry Road Improvement Project. If the City were to allow any further addition to that storm water system, it will potentially harm or take a portion of my property, which might lead to even more litigation.

I REQUEST THE COUNCIL:

- A. Recognize formally that the storm water system as currently designed for Outflow #5, will not be able to handle any additional storm water being added to the catchment area or any increase of volume or flow to Outflow #5 without possible negative results.
- B. Direct staff, that when the Basalt Creek Concept Plan is adopted, and the City updates its Storm Water Master plan to incorporate portions of the Basalt Creek Area, the City of Tualatin will prohibit any changes to the storm water system at Outflow #5 which might increase the volume or flow of water as development of the area begins- with specific concern as to the main catchment area for Outflow #5 which is east of SW Boones Ferry Road.
- C. Direct staff that I be promptly notified of any proposal, design plan or permit submitted to the City which may affect the catchment area for Outflow #5, or of any potential changes to the system as it currently stands.

Respectfully Submitted,

Grace Lucini
23677 SW Boones Ferry Road, Tualatin Oregon 97062

ATTACHMENTS:

(# 1 A-B) Copies of Chain Emails 6-21-2018 City of Tualatin (3 pages); 4-6-2018 City of Wilsonville (5 pages)

(# 2 A-C) Maps of Basalt Creek Area- Proposed Trails; Natural Resources; Proposed Trail Over Laying Metro Natural Resources; Proposed Transit Framework

(# 3) 10-25-2015 Letter Karl G. Anuta to City of Wilsonville and to City of Tualatin (2 Pages)

(# 4 A-B) Notice of Public Hearing on 7-11-2018 Wilsonville Planning Commission; Future Steps Toward Adoption of Basalt Creek Concept Plan (2 pages)

SENT AS ATTACHMENT TO THIS EMAIL- 6-11-2018 Citizen Comments- Grace Lucini- Basalt Creek Concept Plan as posted 6-4-2018

Attachment # 1 A

Email Chain 2018 6-21 City of Tualatin -Lucini-Notice (3 Pages)

G Lucini

From: G Lucini <grluci@gmail.com>
Sent: Thursday, June 21, 2018 3:49 PM
To: 'Aquilla Hurd-Ravich'; 'Karen Perl Fox'; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; 'Lynette Sanford'
Cc: 'Tim Knapp'; 'Stevens Susie'; 'Starr Scott'; 'Lehan Charlotte'; akervall@ci.wilsonville.or.us; 'Council'; 'Lou Ogden'; 'Nancy Grimes'; 'Paul Morrison'; 'Robert Kellogg'; 'Joelle Davis'; 'Frank Bubenik'; 'Jeff Dehaan'
Subject: RE: Citizen Comments-Basalt Creek Concept Plans - As Being Presented to Wilsonville Planning Commission 6-13-2018
Attachments: 2014 1-7 Request for Notice all Meetings-Basalt Creek.pdf
Flag Status: Flagged

Aquilla,
Thank you for your email.

Unfortunately, it appears your records do not reflect the numerous times I have submitted written requests to be notified of any and all Public Meetings regarding planning of the Basalt Creek Area— dating back to 2013.

You may remember I started to submit my requests for Notice in 2013, when the City of Tualatin updated the Water Master Plan- which included the Basalt Creek Area with a proposed water main located through my home/property.

I have attached a copy of a written request which was submitted 1-7-2014 to both cities via the BasaltCreek.com website, which requests Notice...

"for any and all Public Meetings relating to the planning, development, zoning, transportation, changes to infrastructure, and/or changes or potential impact to natural resources within the surrounding area."

I can provide copies of other requests for Notice if this would be of assistance.

Please let me know if it is necessary for me to submit additional requests for Notice for any and all Public Meetings regarding Basalt Creek Planning- including and not limited to any updates to city Master Plans, Development Plans, Comprehensive Plans, etc.

I anticipate the future Actual Notices I receive as an Interested Person, will include all Public Meetings-(including but not limited to those which might be considered "informational" or might be "high level") as provided by the Oregon Public Meetings Law.

Regards,
Grace

From: Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>
Sent: Thursday, June 21, 2018 12:30 PM
To: G Lucini <grluci@gmail.com>; Karen Perl Fox <kperlfox@tualatin.gov>; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; Lynette Sanford <LSanford@tualatin.gov>
Cc: 'Tim Knapp' <Knapp@ci.wilsonville.or.us>; 'Stevens Susie' <stevens@ci.wilsonville.or.us>; 'Starr Scott' <scottstarr97070@gmail.com>; 'Lehan Charlotte' <lehan@ci.wilsonville.or.us>; akervall@ci.wilsonville.or.us; Council <council@tualatin.gov>; Lou Ogden <logden@tualatin.gov>; Nancy Grimes <ngrimes@tualatin.gov>;

Paul Morrison <pmorrison@tualatin.gov>; Robert Kellogg <rkellogg@tualatin.gov>; Joelle Davis <jdavis@tualatin.gov>; Frank Bubenik <fbubenik@tualatin.gov>; Jeff Dehaan <jdehaan@tualatin.gov>
Subject: RE: Citizen Comments-Basalt Creek Concept Plans - As Being Presented to Wilsonville Planning Commission 6-13-2018

Grace,

Thank you for submitting comments about Basalt Creek and Tualatin's Park and Recreation Master Plan. This response is specific to your questions posed on page 3 of 14.

A little background on concept planning first. One of the aspects a concept plan is required by Metro to address is Parks and Open Space. So in any new urban areas cities are required to at least think about how we might serve residents in these expansion areas. Tualatin did this by including the Basalt Creek Area in our Parks and Recreation Master Plan Update. The Parks and Recreation Master Plan is a system wide 20 year plan that identifies how to serve the needs of all of Tualatin's current and future residents. We recognize that all land in the Basalt Creek area is currently privately owned and any future identified facilities will require the City to work with property owners. We also recognize that the Basalt Creek Canyon is an important natural resource that needs protection.

Last summer there was a significant public involvement effort for the Parks and Recreation Master Plan and the project team continues to accept comments. You can sign up [here](#) to be on the interested parties list. (After you click on the link, scroll to the bottom of the page) There have not been meetings to specifically address Basalt Creek but rather the system as a whole given this is a system wide plan. That said at the last meeting a brief high level description for a potential new park in the Basalt Creek Area was presented to the Project Advisory Committee. You can read the materials from that meeting [here](#) (Scroll to the bottom of page 33). These meetings are public meetings and have all been properly noticed. There will be another opportunity to review the draft plan this coming fall and if you sign up as an interested party you will receive notice when that draft is available.

As you requested we forwarded your comments to the Tualatin Planning Commission.

Thank you,

Aquilla Hurd-Ravich
503.691.3018
Check out my new# !

From: G Lucini [<mailto:grluci@gmail.com>]
Sent: Monday, June 11, 2018 2:24 AM
To: Aquilla Hurd-Ravich; Karen Perl Fox; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; Lynette Sanford
Cc: 'Tim Knapp'; 'Stevens Susie'; 'Starr Scott'; 'Lehan Charlotte'; akervall@ci.wilsonville.or.us; Council; Lou Ogden; Nancy Grimes; Paul Morrison; Robert Kellogg; Joelle Davis; Frank Bubenik; Jeff Dehaan
Subject: Citizen Comments-Basalt Creek Concept Plans - As Being Presented to Wilsonville Planning Commission 6-13-2018

The attached PDF Document are Citizen Comments regarding the Basalt Creek Concept Plan -as being presented within the Informational Packet for the Wilsonville Planning Commission Meeting scheduled for 6-13-2018.

Ms. Veliz, Would you kindly forward this email and attached document to the members of the City of Wilsonville Planning Commission members prior to the Wilsonville Planning Commission Meeting on 6-13-2018.

Should there be any difficulty in forwarding the document, I would appreciate being notified prior to 6-13-2018.

It is requested the attached document become part of the Record for the Wilsonville Planning Commission Meeting for 6-13-2018 Agenda Item II- Work Session – Basalt Creek Concept Plan

Ms. Sanford, Would you kindly forward this email and attached document to the members of the Tualatin Planning Commission.

It is requested the attached document become part of the Record for Basalt Creek Concept Planning file.

Your assistance is greatly appreciated.
Regards, Grace Lucini
503 692 9890

Attachment # 1 B

Email Chain 2018 4-6 City of Wilsonville -Lucini- Notice (5 Pages)

G Lucini

From: G Lucini <grluci@gmail.com>
Sent: Friday, April 6, 2018 6:46 PM
To: 'Bateschell, Miranda'; 'Aquilla Hurd-Ravich'; 'Karen Fox (City of Tualatin)'; 'Kraushaar, Nancy'
Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item----Notice Provided ??

Flag Status: Flagged

*Miranda,
Thank you for your phone call today.*

I have received an Updated electronic April Notice for the Basalt Concept Plan-- which now includes the upcoming 4-11-2018 Wilsonville Planning Com. Meeting.

The BasaltCreek.com website has also been updated to include the 4-11-18 meeting, and now also lists 7 additional Public Meetings to be held in the next few months by the City of Wilsonville on Basalt Creek Concept Planning. These meetings have been placed on the Calendar page of the website, and also listed individually - under Up Coming Events on the right side of each webpage

Your efforts are greatly appreciated.

I know that providing this information through these various modalities will greatly assist the public in obtaining access to current information, while we all try to understand and integrate the changes to come.

Grace

From: G Lucini <grluci@gmail.com>
Sent: Thursday, April 5, 2018 4:11 PM
To: 'Bateschell, Miranda' <bateschell@ci.wilsonville.or.us>; 'Aquilla Hurd-Ravich' <AHURD-RAVICH@ci.tualatin.or.us>; 'Karen Fox (City of Tualatin)' <KPerlFox@ci.tualatin.or.us>; 'Kraushaar, Nancy' <kraushaar@ci.wilsonville.or.us>
Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item----Notice Provided ??

*Hi Miranda,
Thanks for your prompt reply. Yes, I do have continuing questions.*

I guess I am still unclear as to why the specified public resource for the Basalt Creek Concept Plan decision making process-- BasaltCreek.com website is not current with the posting of a known Public Meeting.

Basalt Creek Concept Planning is an agenda item on the 4-11-2018 Wilsonville Planning Commission Meeting. Information on the topic is being disseminated to a public body who may eventually make recommendations to other public bodies on any one of various aspects of the Concept Plan.

As you mentioned, the multiple pages of information being provided to the Wilsonville Planning Commission is for preparation for their Work Program- which includes several additional future meetings on Basalt Creek Concept Planning.

- The **Wilsonville Planning Commission 2018 Work Program** document updated on 3-27-2018, lists Basalt Creek Concept Plan as an agenda item for several future meetings- including future Work Session May 9, 2018; and another under the heading of "Public Hearing" for June 13, 2018.
- The Wilsonville Planning Commission may eventually provide recommendations to the Wilsonville City Council on one or more aspects of the Basalt Creek Concept Plan, based upon the accumulative information provided to them during various Public Meetings on the topic.
- If the Wilsonville Planning Commission has the authority to make recommendations to a public body on a policy or administration – then it is most likely a governing body and subject to the Public Meeting Laws ORS 192.610(3)
- As interpreted within the STATE OF OREGON DEPARTMENT OF JUSTICE- ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 2014 page 139 (highlight added)

b. Subject of Meetings and Social Gatherings

The Public Meetings Law applies to all meetings of a quorum of a governing body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply. 307 This requirement serves the policy expressed at ORS 192.620 that an informed public must be aware not only of the decisions of government, but also of the information upon which such decisions were made. Hence, except for on-site inspections, discussed below under Statutorily Exempt Public Meetings, information gathering and investigative activities of a governing body are subject to the law

Should there be any questions, or any discussion on the Basalt Creek Concept Plan (or on the decision-making process for the Concept Plan) during the April 11, 2018, the public should be given the opportunity to be informed of the Public Meeting and hear the questions or concerns of any of the Commission members- and the response/s provided.

An addition item which was not address within your response- was the inaccurate information stated on the BasaltCreek.com website. All 5 pages include the statement "No upcoming events"

Upcoming Events

View the monthly calendar of events [here](#).

• No Upcoming events

This statement is posted on all 5 pages of BasaltCreek.com website:

- <http://www.basaltcreek.com/contact-us/>
- <http://www.basaltcreek.com/aet-involved/>

- the April 2018 calendar imbedded within this page is blank- and
- does not include known Public Meetings on the topic
- <http://www.basaltcreek.com/category/news/>
- <http://www.basaltcreek.com/documents-resources/>
- <http://www.basaltcreek.com/contact-us/>

The repeated statement of "No upcoming events" is contradictory to known facts.

This incorrect information being broadcast as part of the Public Notice for Basalt Creek Concept Planning-may unintentionally mis lead the Public about future Public Meetings on Basalt Creek Concept Planning which are already known and already scheduled as an agenda item during Public Meeting/s of one or more governmental bodies.

Members of the Public may consequently miss their opportunity to hear how determinations were made which may directly affect themselves and/or their property.

Grace

From: Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Sent: Thursday, April 5, 2018 2:01 PM

To: G Lucini <grluci@gmail.com>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Karen Fox (City of Tualatin) <KPerlFox@ci.tualatin.or.us>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>

Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item----
Notice Provided ??

Dear Grace,

My sincere apologies for the lack of communication and clarity.

The next upcoming Wilsonville Planning Commission work session for Basalt Creek is currently anticipated to take place on May 9, 2018. However, the City of Tualatin, along with us, is working with the consultant team to outline a work schedule for adoption of the Basalt Creek Concept Plan. That schedule is not finalized / agreed to as of yet, but an outline we are working with which will meet the required schedule set by Metro. As soon as we confirm those dates, they will be noticed.

The item on the April 11 PC meeting is only informational. The Planning Commission packets are the means by which to provide our commissioners with updates related to their completed or upcoming work program. I have provided the Metro COO Recommendation in their packet, as we noticed and shared with all interested parties, and I will not be presenting anything at the meeting. A Commissioner may ask me a question about the upcoming process, but this is not a work session item and is not intended for discussion. It is merely a heads up to the Commission that Metro will be making a decision on April 19 and that we will then be working on adopting the Concept Plan and coming before them for their review over the summer.

As always, thank you for your attention to this project
Do not hesitate to contact me with any other questions.

Miranda

Miranda Bateschell
Planning Manager
City of Wilsonville
503.570.1581

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

From: G Lucini [mailto:grluci@gmail.com]

Sent: Thursday, April 05, 2018 11:25 AM

To: Aquilla Hurd-Ravich <AHURD-RAMCH@ci.tualatin.or.us>; Karen Fox (City of Tualatin) <KPerlFox@ci.tualatin.or.us>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Subject: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item---Notice Provided ??

2018 04-11 Wilsonville Plan Com Agenda- Basalt ...

Hi Aquilla, Karen, Nancy, and Miranda,

I see that the Wilsonville Planning Commission will be having a Public Meeting on April 11 -where Basalt Creek Concept Planning will be an agenda Item, yet this Public Meeting was not included in the Joint Cities April Notice of Public Meetings for Basalt Creek, which was mailed to the public earlier this month.

---Please see the attached Google Link of 40+ pages of information provided by staff to the Wilsonville Planning Commission for their 4-11-2018 Meeting---to support their Basalt Creek Concept Planning Update agenda item.

I also notice that the BasaltCreek.com website- (which has been identified as the resource for the public to use to learn about upcoming events regarding Basalt Creek Concept Planning Public Meetings):

- Does not include the 4-11-2018 -Wilsonville Planning Com. Public Meeting on the BasaltCreek.com --- Calendar Page (the April page actually states "No Up Coming Events"),
- Does not include the Metro Public Meeting scheduled for April 19, 2018 on the on the BasaltCreek.com --- Calendar Page (the April page actually states "No Up Coming Events"), and
- Does not include the Wilsonville Planning Com. Public meeting on Basalt Creek Concept Planning scheduled for their April 11, 2018 meeting within the BasaltCreek.com-- Main Page Narrative-- (Updated on 4-3-2018) --- yet the upcoming April 19, 2019 Metro Public Meeting is listed.
- Please see the attached screenshots of the BasaltCreek.com website taken on 4-4-2018.

As Interested Persons – especially property owners within the affected area- have limited input into the decision-making process, it is extremely important that the public be notified of these Public Meetings.

The lack of accurate or current Notice of Public Meetings to Interested Persons who have provided in writing their desire to receive Notice is very concerning—especially when the Joint Cities have specifically stated the BasaltCreek.com website should be utilized by the Public for Notice on upcoming Public Meetings on Basalt Creek Concept Planning.

The same concern applies to the monthly newsletter sent by the Joint Cities on Basalt Creek Concept Planning regarding the lack of accurate or updated Notice of Public Meetings on Basalt Creek Concept Planning.

The last page of the informational packet for the 4-11-2018 Wilsonville Planning Commission agenda, lists various dates the Planning Commission has scheduled to discuss Basalt Creek Concept Planning during future Public Meetings.

I bring this document to your attention, to assist the Joint Cities --- in providing timely and accurate Notice of all future Public Meetings on Basalt Creek Concept Planning- to all Interested Persons- and especially those who have requested Notice per the Oregon Public Meeting Laws.

Please remember the Partnering Agreement between the Joint Cities of Wilsonville and Tualatin, was revised in April 2014. The only revision to the Partnering Agreement, was the addition of a statement of compliance to meet Oregon Public Meetings Law (ORS 192.610-192.690) in notice and conduct of all public meetings for the project. The inclusion of the statement was due in part to public comments which identified numerous previous instances where proper Notice had not been provided for Public Meetings on Basalt Creek Concept Planning. It was hoped the inclusion of the statement would remind and assist future Basalt Creek Concept Planning staff members of the need for proper Notice in the future, and the need for encouraging transparency during this lengthy decision making process affecting hundreds of acres of privately owned land.

Should the staff know of additional Public Meetings being held where Basalt Creek Concept Planning is a planned agenda item, it is hoped the specifics of the meeting be included in future Notice provided to the Public- and routinely updated to those informational outlets stated by the Joint Cities as being the resource for Notice of Public Meetings on the subject.

If the Monthly Basalt Creek Concept Planning Update Notices which are sent by USPS, and electronically; and/or if the BasaltCreek.com website---are no longer going to be updated in a timely manner to reflect future Public Meetings- please change the wording within these communications, and also notify the public of the change in provision of Notice.

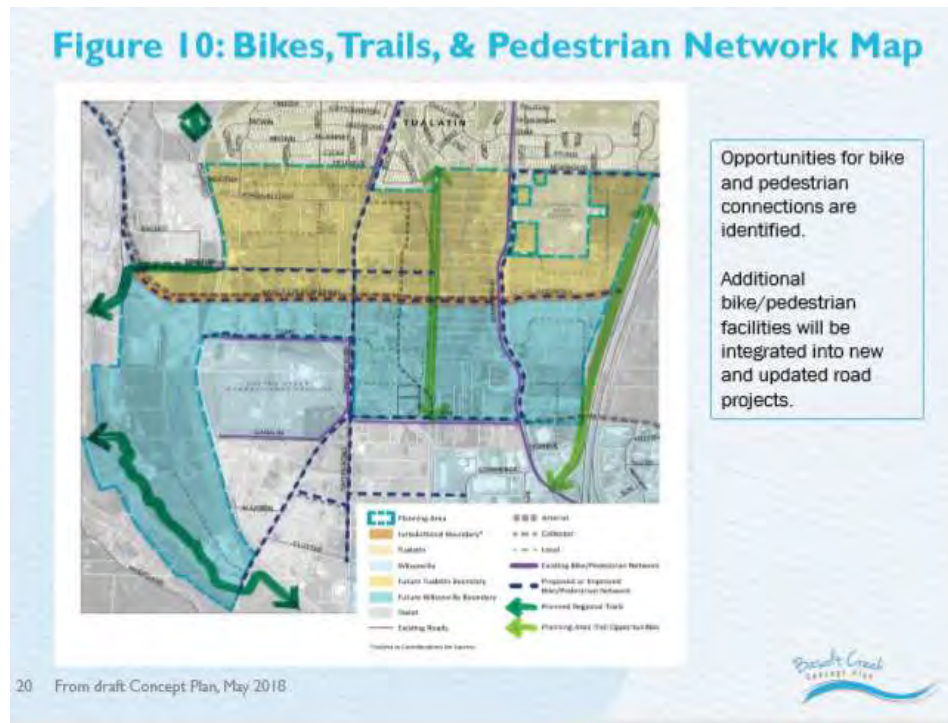
Regards,
Grace Lucini

Attachments:

- PDF 4-4-2018 screenshots BasaltCreek.com webpages -2 pages----Main page & Calendar page
- PDF 4-11-2018 Wilsonville Planning Com Agenda Item- Basalt Creek Concept Planning Update (attached via google link)
- PDF Wilsonville Planning Com 2018 Work Schedule- Basalt Creek Concept Planning – multiple dates where Basalt Creek Concept Planning is listed as proposed agenda item during a Public Meeting on specific dates: April 2018; May 2018 & June 2018-(listed as a Public Hearing)

6-13-2018 Basalt Creek Concept Plan – MAP Public Trails- Pedestrians & Bike

- “Canyon” Public Trail – sited- North-South Green Arrow Center of Map- West Edge of Basalt Canyon



6-13-2018 Basalt Creek Concept Plan – Natural Resources Map

- Indicating Multiple significant Natural Resources along western edge of Basalt Canyon



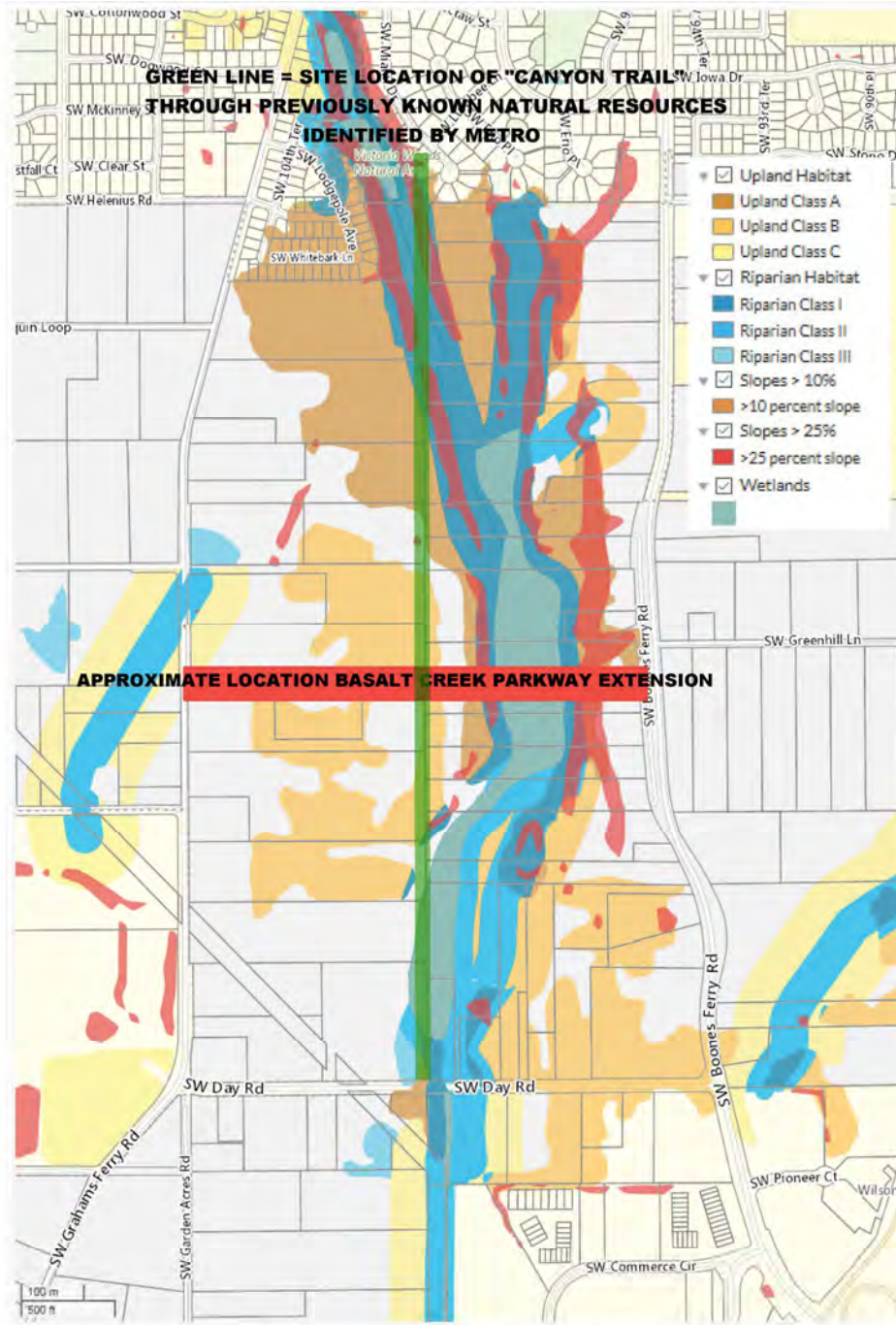
Attachment # 2B

The proposed location of the “Canyon Trail” when superimposed over a Metro Natural Resources Map- Proposed “Canyon Trail” bisects multiple known natural resources.

Metro 04-1040B requires both cities to protect the natural resources (including slopes) within the Basalt Creek Area

The location of the proposed “Canyon Trail” affects approximately 30 privately owned properties

The northern half of the proposed “Canyon Trail” is within the future jurisdiction of the City of Tualatin



 **Metro**
Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

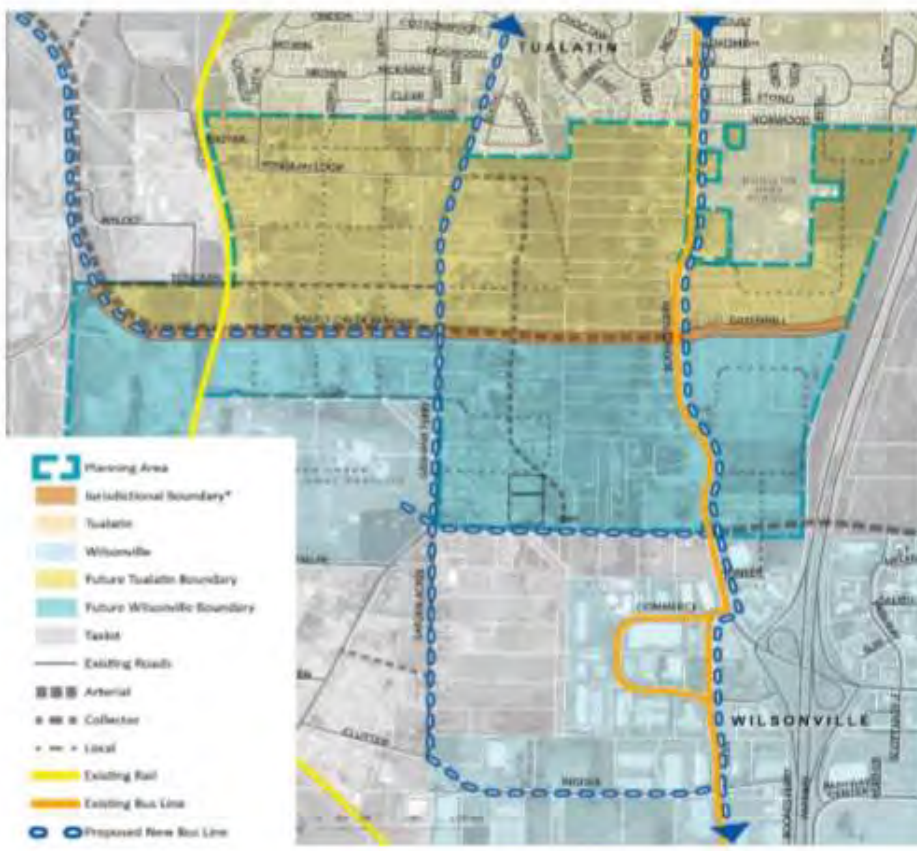
This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clatsop, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) is included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

6-13-2018 Map Basalt Creek Future Transit Framework

The location of the “Canyon Trail” centrally located within the Basalt Creek Area, is not located along local North-South Roads planned for the Basalt Creek Area.

However, there are various North-South roads which are planned for the Basalt Creek area, which could easily accommodate the inclusion of a Pedestrian Bike Connection as part of the ROW land acquisition and design process, while also reducing additional linear bifurcation and impact upon the natural resources within the canyon area.

Figure 11: Future Transit Framework



Transit service in area will be coordinated between TriMet and SMART.

Service will build on existing bus routes to enhance service and provide good connectivity both north-to-south and east-to-west through the planning area.

Basalt Creek

Attachment # 3

10-25-2015 Letter Karl G. Anuta to City of Wilsonville and to City of Tualatin (2 Pages)

Re: Basalt Creek Planning Area- Storm Water Run Off Issues

KARL G. ANUTA

LAW OFFICE OF KARL G. ANUTA, P.C.

735 SW FIRST AVENUE, 2ND FLOOR

PORTLAND, OREGON 97204

(503) 827-0320

FACSIMILE (503) 228-6551

TRIAL ATTORNEY
LICENSED IN
OREGON & WASHINGTON

E-MAIL
KGA@INTEGRA.NET

October 23, 2015

VIA REGULAR MAIL

City of Wilsonville
297997 SW Town Center Loop E
Wilsonville, Oregon 97070

City of Tualatin
18880 SW Martinazzi Ave
Tualatin, Oregon 97062

**Re: Basalt Creek Planning Area
Storm Water Run Off Issues**

To Whom It May Concern:

This office has been retained by John and Grace Lucini to assist them with drainage and water run off issues at their residence located in unincorporated Washington County at 23677 SW Boones Ferry Rd, Tualatin, Oregon 97062. The property is within the Basalt Creek concept planning area.

I write just to advise (or in some cases remind) you that the Lucinis have earlier this year had significant storm water flooding or drainage issues on their property. As the City of Wilsonville and the City of Tualatin proceed with planning for the surrounding area, you should keep in mind that further development upslope from the Lucini's will most likely produce further compacted or impervious surfaces. That will likely increase the stormwater run off in the vicinity. That will potentially affect the Lucini's property.

When you develop concept plans, or consider development approvals, be sure that those plans fully address the handling of drainage and storm water run off so that the stormwater flows do not harm or burden down slope and downstream neighbors (which includes but is not limited to the Lucini's). It would not be fair, appropriate, or lawful for either City to allow or approve development that causes additional storm water flows to run onto or over Lucini (or any down slope/stream neighboring) property in a way that causes or potentially causes damage.

The Lucinis have obtained the services of LaLiberte Environmental Associates Inc., to investigate the cause of the most recent flooding of their property, that occurred during a rain storm on May 18, 2015. Enclosed is a report from LEA, Inc., addressing the causes of that flooding, which appear to be associated with the recent re-development and movement of Boons Ferry Road in Washington County.

Page 1 of 2

We provide copies of this report simply as a reminder to the Cities that there needs to be **careful** planning and **careful and accurate** analysis, before any development is approved or undertaken. Failure to do so can create significant problems, both for neighboring landowners and taxpayers, and for any local government that does not properly take into account the potential effects on those neighbors/taxpayers.

We trust you will take these concerns into account, when doing your future planning in and around this same area. If you have any questions, or you wish to tour the Lucini property, please feel free to contact them directly.

Sincerely,

Karl G. Anuta

KGA/ev
Enclosures

ATTACHMENT # 4A

Notice from City of Wilsonville Planning Commission
Public Hearing Adoption of Basalt Creek Concept Plan



June 20, 2018

Greetings,

On **Wednesday, July 11, 2018, beginning at 6:00 p.m.**, the Wilsonville Planning Commission will hold a public hearing regarding adoption of the Basalt Creek Concept Plan (Case File #LP18-0005). The Planning Commission will consider whether to recommend adoption of the Plan to the City Council. No additional mailed notice will be sent to you unless you either:

- Submit testimony or sign in at the Planning Commission hearing, or
- Submit a request, in writing or by telephone, to the Planning Division.

The Wilsonville City Council is scheduled to hold a public hearing on the Basalt Creek Concept Plan (Case File #LP18-0005) on **August 6, 2018, at 7:00 p.m.** after which it may make the final decision.

The hearings will take place at **Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.** A complete copy of the relevant file information, including the staff report, findings, and recommendations, will be available for viewing seven days prior to each public hearing at Wilsonville City Hall and at the Wilsonville Public Library. The draft plan is also available **at the project website: www.Basaltcreek.com.**

Oral or written testimony may be presented at the public hearing. Written comment on the proposal to be submitted into the public hearing record is welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on Tuesday, July 10, 2018. Direct written comments or testimony and any questions you have to:

Miranda Bateschell, Planning Manager
29799 SW Town Center Loop East, Wilsonville, Oregon, 97070
bateschell@ci.wilsonville.or.us, (503) 682-4960

Next Steps

To Conclude Adoption of Basalt Creek Concept Plan:

Tualatin Upcoming Meetings

- July 19, 2018 Tualatin Planning Commission: Informational
- July 23, 2018 Tualatin City Council Meeting: Adoption
- Aug 13, Tualatin City Council Meeting: Resolution

Wilsonville Upcoming Meetings

- July 11, 2018 Wilsonville Planning Commission (Hearing)
- Aug 6, 2018 Wilsonville City Council: Adoption



After Concept Plan Adoption, each City completes:

- Comprehensive Plan Amendments and Adoption
 - by May 3, 2019/1 year from Metro decision on Central Subarea
- Urban Planning Area Agreement (UPAA) Amendment with Washington County
- Annexation process starts after the above completed
- Annexation into City of Tualatin will be at the option of property owner in Basalt Creek



6-11-2018

Issues Regarding Information Provided Within

Wilsonville Planning Commission 6-13-2018 -Basalt Creek Concept Planning Update Informational Packet

Aquilla Hurd-Ravich and Karen Fox- City of Tualatin, Tualatin Planning Commission
Nancy Karushaar and Miranda Bateschell- City of Wilsonville, Wilsonville Planning Commission,
Cc: Wilsonville City Council, and members
Tualatin City Council, and members

There are several references within the 6-13-18 Wilsonville Planning Commission Informational Packet on the actions being taken by one- or both- cities regarding the Basalt Creek Concept Plans, which I am requesting your comments, and/or response.

1. BACKGROUND

At the current time, my property is within the Basalt Creek concept Area, but is not within the City limits of either city, and is outside the jurisdiction of either city. It is located on the western side of SW Boones Ferry Road and east of the Canyon and is one of many other single- family homes which were built prior to the adoption of Metro 04-1040b.

My property extends west of the wetlands and past the western edge of the Canyon -including both sides of the canyon, with additional land extending west of the canyon.

My husband and I spend many hours personally studying and working to restore the wetlands and surrounding area. It is my goal to leave for many generations to come---a healthy ecosystem which will support the various types of wild life which use the area to forage and for shelter.

Property owners and residents within the Basalt Creek Concept Area will most directly feel the effects of this concept planning. Yet we were not provided an elected representative to routinely represent us during Public discussions as part of the decision-making process being made by the City Councils of Tualatin and Wilsonville.

The Cities of Tualatin and Wilsonville have orchestrated most aspects as to how Basalt Creek Concept Planning would be determined, planned and implemented.

Formal Public Involvement has been minimal, and non- existent for over 2 years- after which time concept planning continued.

No formal Public Involvement Event has been held specifically for affected property owners (who as mentioned, had no elected representation within the Basalt Creek Joint Cities Governing Body). As Concept Planning details progressed with time, affected groups of property owners requested formal meetings with staff and/or Council but were rebuffed.

The property owners and residents within the Basalt Creek Concept Area were only allowed 3 minutes (as are all citizens) during the Citizens Comment Sections of Council Meetings, to present very complex and multi-faceted issues/concerns which were created by and during the concept planning process.

The determination of the future city limits of either city within the Basalt Creek Area has not yet come to fruition within the legal process.

It is unknown when this process will finally be completed, as an Appeal has been filed regarding the Concept Plan which has not yet been heard.

2. INFORMATIONAL PACKET BEING PROVIDED TO THE WILSONVILLE PLANNING COMMISSION

I understand the complexity many of the issues which need to be resolved. I appreciate the attempts of the staff to present many issues within the Informational Packet which were taken into consideration when developing this concept plan.

It is my understanding that the property owners within the Basalt Creek Area, will not be automatically be annexed into either of the two cities, but may request to be annexed in the future or-- may elect to forgo any annexation into their identified city.

I request a response to this question: *I do not see any information within the Informational Packet which addresses possible impacts to the implementation of the Concept Plan, should one or more property owners within the Basalt Creek Area decline to annex their property into the City Limits--- What affect this may have upon the implementation of concept plans which include use of un annexed properties?*

3. IDENTIFICATION OF RECREATIONAL NEEDS/GOALS TO BE IMPLEMENTED WITHIN THE BASALT CREEK CONCEPT AREA

Many pages within the Informational Packet relate to plans for public recreational use of the land within the Basalt Creek Area. The Informational Packet includes the following statement:

At the time of this writing, Tualatin is going through a Park and Recreation Master Plan update. This update has considered the Basalt Creek area in the types of services and facilities that will be needed to serve residents and business in this area.

I request a response to these issues:

- Is the City of Tualatin in the process of updating the Park and Recreation Master Plan- and including portions of the Basalt Creek Concept Planning area within the update-as stated within the Information Packet?
 - If so, what type of recent outreach has the City taken to contact property owners within the Basalt Creek Concept Planning area to seek their involvement, or discuss potential impacts any proposed changes to the Parks and Recreation Master Plan might generate?
- Have there been any Public Meetings on any update changes to the Tualatin Park and Recreation Master Plan where Basalt Creek Concept Planning - or its inclusion into the Master Plan Update were an identified topic?
 - I have not seen any General Notice postings on the *BasaltCreek.com* regarding Public Meetings on updating the Tualatin Park and Recreation Master Plan which included the topic of the Basalt Creek Concept Area.
- As an Identified Interested Person who has provided numerous written requests to both cities, requesting to be Noticed on any Public Meeting relating to the Basalt Creek Concept Planning Area--- have I ***not*** received any communication or Actual Notice that several hundred acers within the Basalt Creek Concept Planning Area (including my property), were being actively included into an update to a City Recreation and Parks Master Plan.
 - Please provide me information as to the status of the Tualatin Parks and Recreation Master Plan Update, and when the next Public Meeting will be held regarding this.
- The Basalt Creek Concept Planning Partnering Agreement was amended to reaffirm a commitment to abide by Oregon Public Meetings Law to promote transparency of the process.
 - Historically throughout this entire concept process, there has been many instances where proper Notice has not been provided to the public, and/or to Interested Persons who have provided written request to be provided Notice on Public Meetings related to Basalt Creek Concept Planning.
 - The outcome of Basalt Creek Planning involves hundreds of acers, and directly affects hundreds of citizens, and is of importance to the general public.
 - The Basalt Creek Area is not yet within the jurisdiction of either city. Finalization of the Concept Plan has not been completed and is now under appeal.
 - Even after finalization and adoption, Individual Property owners may not wish to annex into a city. This may affect or influence Master Planning needs.
 - Consequently, the adoption of an Update to any of either city's various Master Plans to include any portion of the Basalt Creek Area seems premature at this time.
 - Any update to either city's Master Plans which to include portions of the Basalt Creek Area, can reasonably be assumed to be a component of (or implementation of) Basalt Creek Concept Planning which should had triggered Notice be given on Public Meetings regarding either city's Update to Master Plans to include portions of the Basalt Creek Area.

It is therefore requested that in effort to promote transparency and uphold the only amendment to the Basalt Creek Concept Planning Partnering Agreement and Oregon Public Meeting Laws (ORS 192.610 to 192.710), efforts be redoubled to provide proper Notice on ALL Public Meetings regarding Basalt Creek Concept Planning, including city

Master Plan Updates -or any other actions which may involve current or future implementation of any portion of the Basalt Creek Concept Planning.

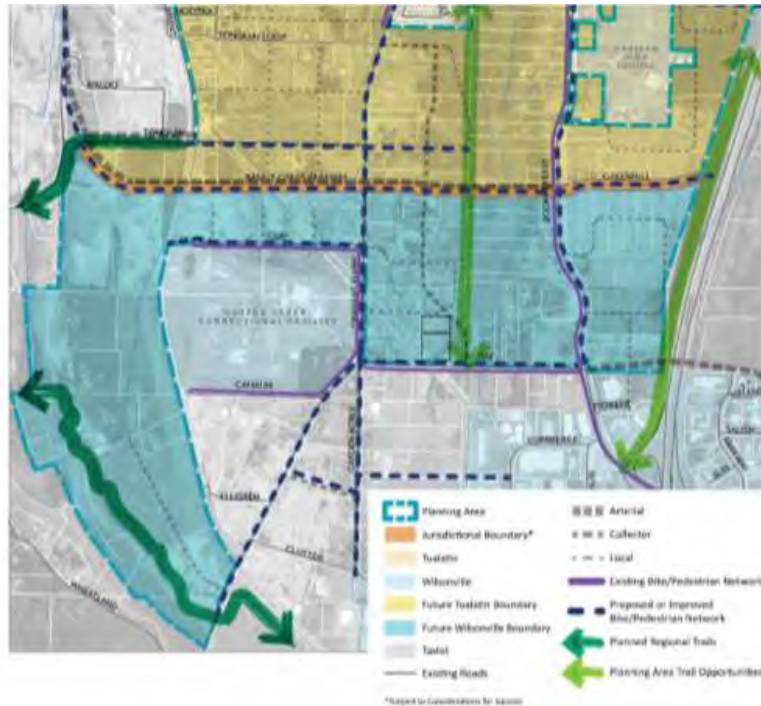
- **This should include, but not be limited to:**
 - **Posting these meetings in a timely manner on the identified website: BasaltCreek.com**
 - **Providing proper timely Actual Notice to identified Interested Persons- electronically and/or mail.**

4. IDENTIFICATION AND SPECIFIC LOCATION/ PLACEMENT OF DESIRED PUBLIC TRAILS ON PROPERTY CURRENTLY OWNED BY PRIVATE CITIZENS.

The narrative within the Informational Packet states a goal of the planners is to develop pedestrian and bike connectivity between the two cities.

The Informational Packet also provided the following statements:

- **“bike/pedestrian facilities will be integrated into new and updated road projects in accordance with State, County and City standards,**
- **“Identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.”**



While existing bike and pedestrian facilities run along Boones Ferry Road, Day Road, and sections of Basalt Creek Parkway, planned improvements will increase safety and completeness. The additional facilities will offer significant east/west connections along the new Basalt Creek Parkway and Tonquin

What is referred to within the Informational Packet as the Canyon Trail- currently placed North-South along the western side of the Canyon - runs entire western boundary of my property- and along the properties of approximately 29 other property owners.

I have not provided any indication of having interest in the locating Public Trails along or through my property. In fact, I have previously provided written objections to similar proposed takings of my property for Public Trails---I can provide upon request copies of these written communications –copies of which should also be available within your files.

It was therefore disconcerting to me to see another new document being disseminated to the Public in which the document labels a portion of my property being identified and listed as a “Public Trail Opportunity”.

I have not been approached by any staff member regarding this proposed new taking of my property. I have never received any indication if and how much I might be reimbursed for my property, if any funding is available, or when this proposed action might happen.

Yet as a direct consequence of the inclusion of this map with a specific Trail identified across privately-owned properties- immediately places a cloud over all of these properties, causing the owners immediately economic and legal impact.

My previous objections to providing Public Trails within the Basalt Creek Canyon and/or through my property centered around the protection of the natural resources within the area, and concerns of damage to the wetlands and other natural areas which I and my husband have been working to restore.

I also expressed concern as to the need for thoughtful planning of the location of any public pedestrian corridor due to the well documented news reports regarding a very similar Public Trail created for pedestrians and bikes to connect two cities- the Springwater Corridor. Unfortunately, the Springwater Corridor has developed into an unsafe public health and safety issue; has caused damage to previously identified sensitive natural areas; and requires routine monitoring for unplanned/anticipated types of public use.

The following statements are also included within the Informational Packet:

“Parks and Open Space One of the guiding principles of the Basalt Creek Concept Plan is to protect key natural resources and sensitive areas while making recreational opportunities accessible by integrating new parkland, open spaces, natural areas and trails in the planning area and connecting to existing regional networks.

This Canyon is very valuable to the area and it needs to be protected, while also having public access points in appropriate locations in order to connect to the bicycle, pedestrian and recreational facilities of the area and to serve the needs of residents and local employees.

If the planners truly believe in the statements they have included within the Informational Packet on upholding their goal to protect these natural resources, it would be noticeable in their efforts to reduce the number times and locations this natural area is being bisected and encroached upon by multiple roads; proposed over or under crossings, various utilities, and now in addition-- Public Trails not integrated along other proposed transportation routes.

I request a response to these issues: There are numerous governing documents stating requirements to protect identified elements found within the Canyon Area including the protections of slopes, and other natural resources---

Would you explain why on the Public Trails Map above---the “Canyon Trail” does not run in proximity to local roads (which are also in concept planning), but instead--has been placed in a completely separate location -deeper into the natural areas which results in even a greater number of bifurcations of the natural areas, and increasing fragmentation of the existing habitats?

I request a response to these issues:

- Are both cities in agreement with the information provided within the Public Trails map?
- Who authored/ generated the Public Trails indicating Public Trail “Opportunities” over multiple properties which are privately owned near the Basalt Creek Canyon?
- Which agency or government will be providing and funding for ongoing routine maintenance; police services; or emergency services to the “Canyon Trail”-a trail which runs through multiple jurisdictions, and possibly through islands of unannexed properties?
- And what provisions are being made to secure continuous sources of funding for these services over the entire length of the Trail?

I question how much due diligence was done prior to creating a Public Document which indicates only one location for the Public Trail within the Basalt Creek Canyon- without any alternative locations provided during its first public issuance, and without prior discussion with affected property owners.

- Just a minimal amount of research would show that the location of the proposed Public Trail within the Canyon is hampered by significant topographical constraints. The impact of these constraint seemed to be minimized within the Informational Packet. (Please see additional information provided in Section #5 regarding known significant natural constraints and limitations within the Basalt Creek Area which were authored and memorialized by various governments). The proposed location of the Canyon Trail encroaches through these natural resources.
- Construction and ongoing use of a Public Trail – open all day/year-round will create yet another bifurcation and fragmentation of the local eco system- which will directly and negatively affect the high valued riparian and upland habitats currently found in the area. These actions would be in direct conflict with the stated goals of protecting the existing natural resources within the area and within the canyon.
- Due to the current topographical location of the Public Canyon Trail, the land along the trail will most likely require leveling of the proposed pathway to be compliant with Federal ADA guidelines. This type of alteration of the area increases negative impact to surrounding habitats.
- The leveling of the trail would require high cost expenditures to minimize significant grade changes found along the proposed trail.
- Geological formations of Basalt rock along the proposed trail may require extensive construction equipment or blasting which increases negative impact to surrounding habitats and increases costs.
- The Public Trail runs along privately-owned land, with very little access to roads for construction of the path, which will also increase construction costs.
- It is also not clear how or what safety protections can be provided to a Public Trail which with very limited vehicular access, nor how the Trail would be monitored in the future to ensure appropriate use of the Trail or provide timely response to emergencies either police or medical.
- The stated location of the Trail along the Canyon is in direct conflict with another stated goal of maximizing assessed property value. The Trail on this map bisects and isolates buildable acreage located on the eastern side of the trail (on the western border of “SW Boones Ferry Rd” properties).

The inclusion of this detailed Trail map is in very sharp contrast to how information was presented for another much more significant and complex land acquisition-- future public school site locations within the Basalt Creek Area. The location of potential school sites require large acreage, complex and are highly constrained site-specific needs.

Whereas the staff elected to include a map with site specific land acquisition “locks” for the Public Trails in the Basalt Creek Area, the staff specifically stated a map which would identify potential school sites *would not be included* within the Information Packet- *thus eliminating any land “locks” which might improve land acquisition for future school sites in the area at this time.*

It is also unclear why Public Trail paths were so exactly identified as to site location within the Informational Packet at this phase of the concept planning process. A narrative of need, functional goals and general location should have been sufficient, as there are several other locations within the same area, which will provide the same connectivity; at less cost; more easily constructed; more accessible to emergency and safety and maintenance vehicles; can be more easily visually monitored; and significantly less negative impact upon the Natural Areas, - as well as being closer to the local roads which are also still in the concept stage of planning.

The Informational Packet states “identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.” If the Canyon Trail is considered a recreational use, then the planners have gone beyond the scope of the Concept Plan and exceeded their mandate.

If the Canyon Public Trail is considered a means of transportation, it would then seem appropriate the Public Trail would be more closely aligned with the proposed local roads, located on a more direct North South route between the two cities, with significant considerations given to costs relating to excessive numbers of land acquisition negotiations with approximately 30 individual property owners (over and above all other negotiations needed for road and other infrastructure negotiations), land acquisition costs, constructions costs, and ADA compliance issues.

Since we are still in the conceptual stages of this process- planners have the most flexibility to be able to incorporate the design of a Public Trail along separate paths--- but within proximity to the location of local roads (which are also being planned) --- and be able to also provide pleasant visual surroundings within the design.

In light of the extensive number of factors listed about, the only rational I can determine which justifies the recommendation of the Canyon Public Trail at its current location is that the staff wanted to ensure they could implement a goal stated numerous times during Wilsonville Council Meetings.

During multiple Wilsonville Council meetings statements were made as to the desire to increase the marketability of their nearby future industrial area, by including unique enticements to potential developers/employers --such as providing access to the natural areas within the Canyon so that “employees will have somewhere to walk during lunch.” If this is the case---this one-sided self-serving goal with short term benefits, should not outweigh all the other considerations previously identified and the numerous governmental requirements to protect the natural resources of the area.

This supposition is supported by the statement within the Wilsonville Summary portion of the Information Packet (Attachment B page 4 of 6) ... “Locate north to south trails near the Basalt Creek Canyon and provide bicycle connections that would connect to other cities and trail systems, serving as an asset for both residents and employees in the area.”

Unfortunately, all of the comments listed within Sections #3 and #4 are just an example of the lack of concern, consideration and respect the Basalt Creek Concept planners have shown to the existing property owners and the natural resources within area.

5. REQUESTING FUTURE INFORMATION BE PROVIDED TO THE PUBLIC AND TO THE APPROPRIATE DECISION MAKERS--- TO GIVE CLEAR, REPRESENTATIVE, AND ACCURATE INFORMATION REGARDING THE EXISTING SIGNIFICANT NATURAL RESOURCES WHICH ARE LOCATED WITHIN THE BASALT CREEK AREA- AND SPECIFICALLY THE BASALT CREEK CANYON.

It is unclear to me why the following statement was included within the Informational Packet:

No land within the planning area is identified by the Washington County Comprehensive Plan as a Significant Natural Resource. The nearest Significant Natural Resource area is comprised of the Tonquin Scablands, to the west of Coffee Lake Creek.

Relationship of County significant natural resources and cities to be clarified.

The inclusion of this statement within the Informational Packet seems to only muddy information which has previously been documented and substantiated by multiple governmental bodies - including Washington County-which have clearly identified Significant Natural Resources within the Basalt Creek Concept Area.

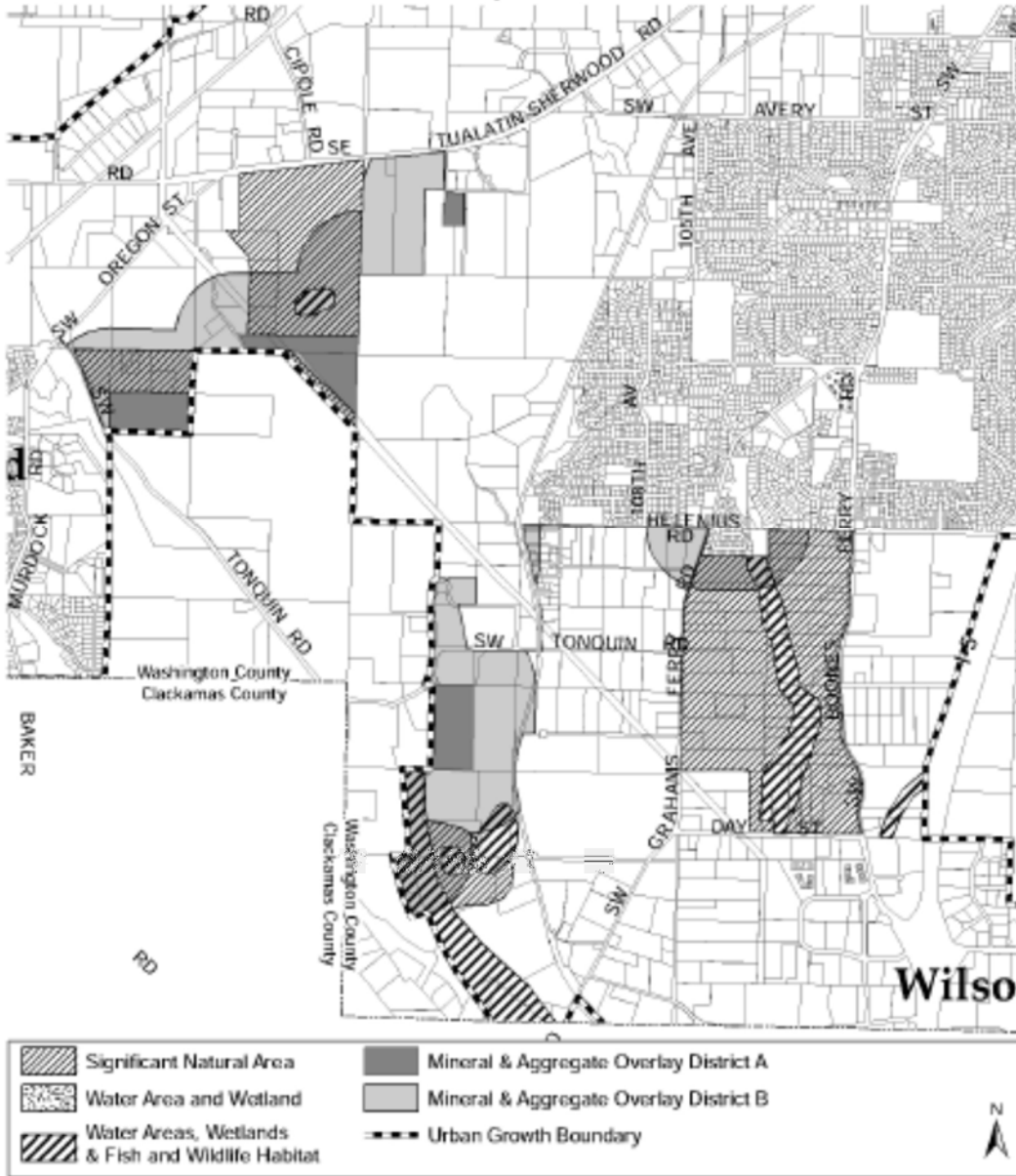
There have been multiple documents provided to the Basalt Creek staff which details the unique resources located within the entire Basalt Creek Area- many which are located near or within the Basalt Creek Canyon.

Copies of all of the following documents were provided the Basalt Creek Staff during the beginning of the Concept Planning process, and should be available within your files:

The Basalt Creek Canyon Area was clearly identified as a Significant Natural Resource by Washington County

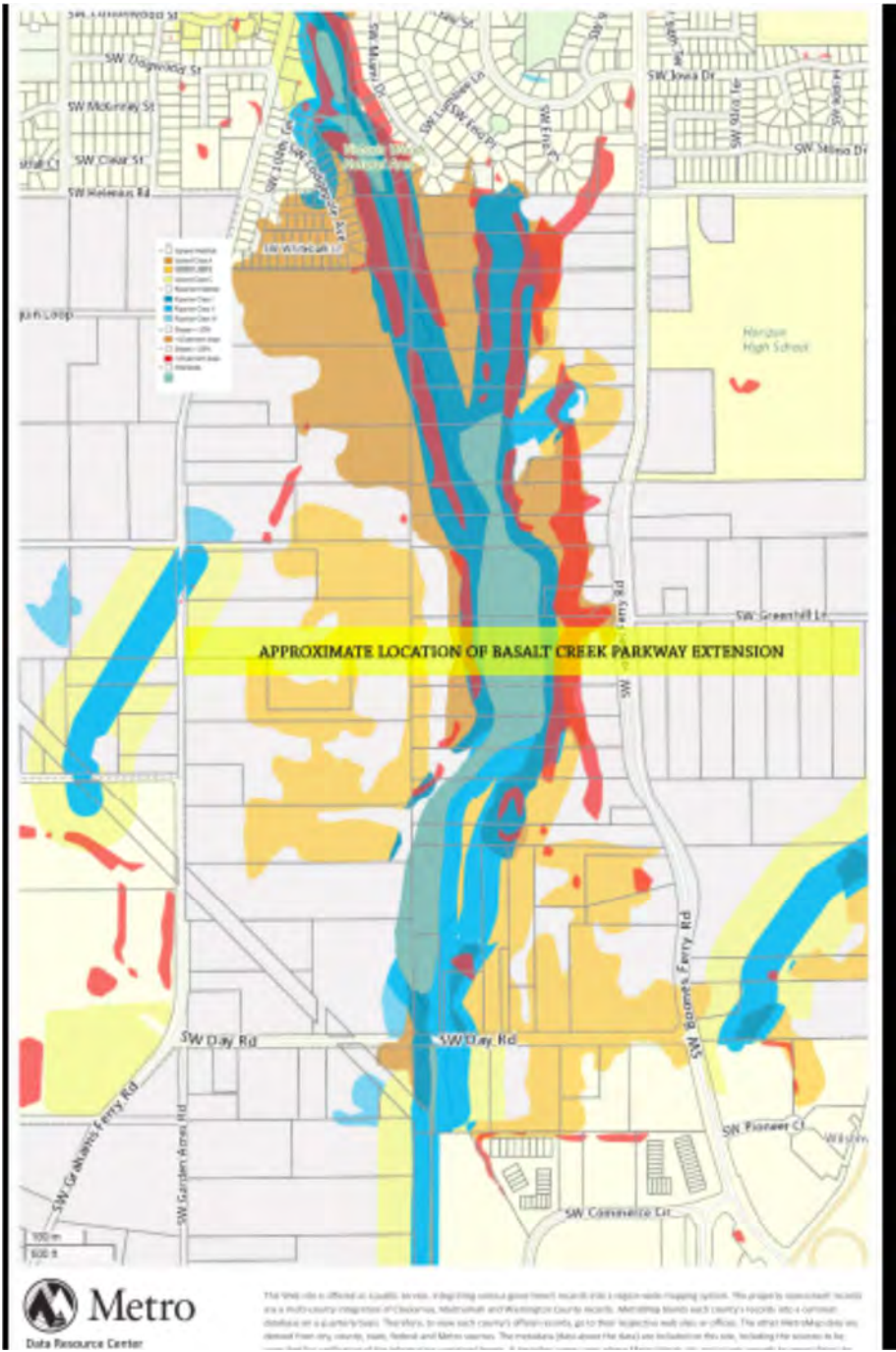
Ordinance 671
 Exhibit 2
 Page 3 of 9
 January 18, 2007

Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



C:\GIS_MAPS_TEMP\STAFF\paw\2007\8664_urb04.mxd\8664_urb04.dwg 1/18/07

Metro has documented the existence of the highest valued Class 1 Riparian Habitat, and the highest valued Class A Upland Habitat within the Basalt Creek Area- Including a large portion of the Basalt Creek Canyon



- ▼ Upland Habitat
- Upland Class A
- Upland Class B
- Upland Class C
- ▼ Riparian Habitat
- Riparian Class I
- Riparian Class II
- Riparian Class III
- ▼ Slopes > 10%
- >10 percent slope
- ▼ Slopes > 25%
- >25 percent slope
- ▼ Wetlands
-

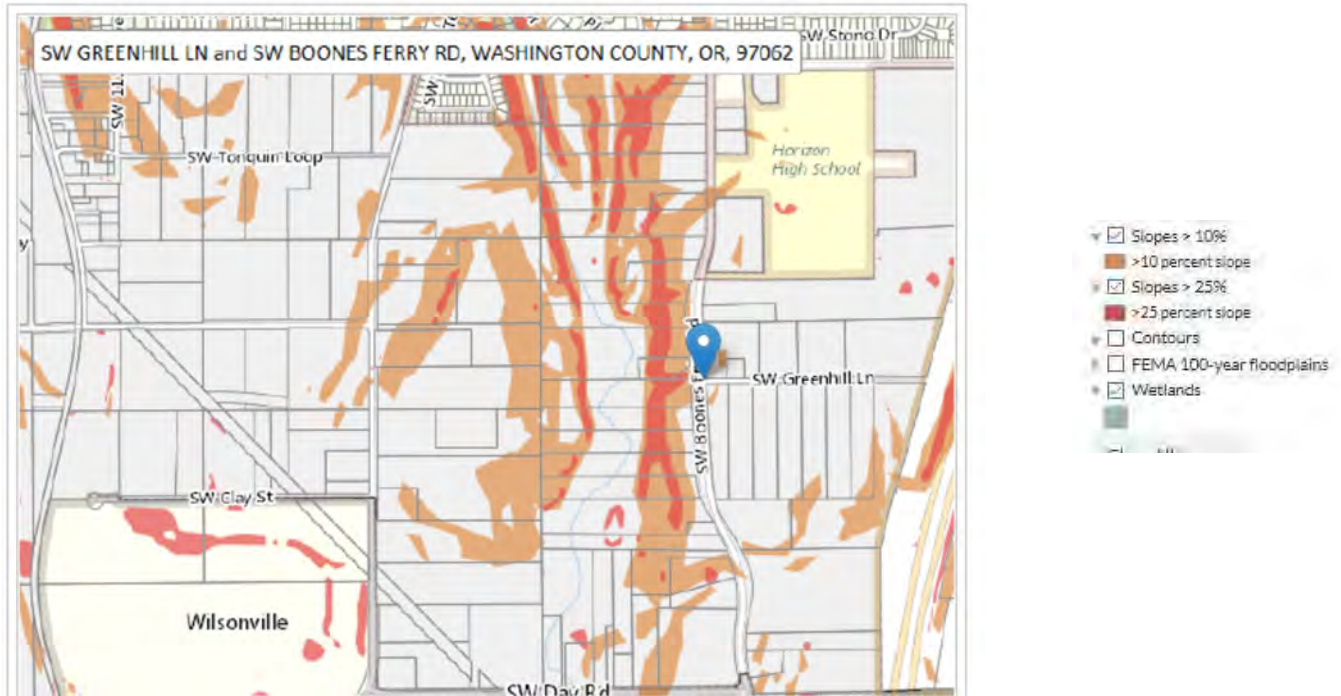


The Web site is offered as a public service. It displays critical government records in a region-wide mapping system. The shapes to represent records are a multi-county integration of Clatsop, Multnomah and Washington County records. Metro has divided each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other maps on this site are derived from city, county, state, federal and Metro sources. The metadata (file above the data) are inclusive of this site, including the sources to be used for verification of the information.

Metro has also provided data as to the significant slopes which are located within the Basalt Creek Area which in part creates the Basalt Creek Canyon.

In 2004 Metro charged both Wilsonville and Tualatin with the requirement to protect the steep slopes found within what was referred to in Metro 04-2010B, as the “Tualatin Area” during concept Planning for the area.

From the following two maps, it can be easily determined there are significant topographical changes within the Basalt Creek Area, which result in dramatically steep slopes.



Metro has also provided a map of the significant grade changes within the Basalt Creek Area in relationship to the wetlands



As can be seen within these 2 maps- the rugged topography sheltered and protected the Basalt Canyon and its resources. There is a reason why this land has not been already been densely developed over the past years even though it is located close to many other attractive locations.

Care and thoughtful planning have to take place to protect this local resource for the future.

This fact was recognized when the governing tool (Metro 04-1040B) placed multiple requirements upon the cities of Wilsonville and Tualatin specifically addressing each city's responsibility to protect during Concept Planning and after – the various natural resources within the Basalt Creek Area.

The Federal government has identified and included the wetlands within the Basalt Canyon within the Federal Wetland Inventories.



The numerous plans for the construction of large expressways, arterials, collectors and local roads and, public trails within what is currently one confined natural area will now be permanently bisected at multiple locations-- causing fragmentation. This fragmentation will permanently damage the health of the existing habitats and ecosystem. *This issue cannot be emphasized enough.*

I remind the Basalt Creek Concept Area planners and their respective Councils of their responsibilities for the protection of the area's natural resources. It is hoped that short sighted economic goals to gain rapid development advantages will not cloud nor distort the need to protect fragile natural resources and ecosystems for future generations.

Respectfully submitted,
Grace Lucini

Gary Nebergall
(503) 969-7917

Daniel Nebergall
(503) 997-9757
Certified Arborist
PN 7179-A

CCB # 100699
December 29, 2017

City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070
Attn: Chris Neamtzu, AICP
neamtzu@ci.wilsonville.or.us



16090 SE McLoughlin Blvd.
Milwaukie, OR 97267
(503) 653-6873

Liability Policy # 52HHUOK3579

Andrew Nebergall
(503) 793-5090

Chris Ritschard
(503) 793-5087
Certified Arborist
PN 0164-A

SAIF Policy # 485761

RE: Gary & Catherine Nebergall Property 24680 SW Boones Ferry Rd.

Thank you for taking the time to speak with me on 11-01-17 at City Hall.

I am concerned that at our property, at the above address, we will need to remove dead and dying Port Orford cedars. These trees are on the south side and the east side of the house. Port Orford cedars are dying readily in the Portland Metro area. They have phytophthora root rot.

Even though we are not in the city at the present time, I would like to stay in good standing. Please acknowledge receipt of this letter and let me know if I need to do anything further to be in compliance. I am enclosing pictures and because of the fire concerns, would like to remove any dead trees as soon as possible.

Again as usual thank you for your time and help.
Please don't hesitate to call with any questions or if we can help.
My cell number is (503) 969-7917.

Sincerely,

Gary Nebergall

Gary Nebergall, President
City Wide Tree Service, Inc.









From: [Kraushaar, Nancy](#)
To: [Cosgrove, Bryan](#)
Cc: [Neamtzu, Chris](#); [Bateschell, Miranda](#)
Subject: FW: Basalt
Date: Tuesday, June 06, 2017 12:36:11 PM
Attachments: [3273_CESNW_KPFF..pdf](#)
[Otak CES.pdf](#)

From: Herb Koss [mailto:herb@kossred.com]
Sent: Tuesday, June 06, 2017 12:26 PM
To: Kraushaar, Nancy
Subject: FW: Basalt

FYI

From: Herb Koss
Sent: Tuesday, June 6, 2017 12:24 PM
To: 'matt.dolan@kpff.com'
Cc: 'Lou Ogden'; Don & Barb Hanson; Peter Watts; Ed Trompke (Ed.Trompke@jordanramis.com); Gordon Root (gordonroot@aol.com) (gordonroot@aol.com); Grace Lucini; Hannah Childs; Heather Hutchinson; herb@kossred.com; Howard Houston; John and Grace Lucini; Lark Leitgeb; Lois Fox; Marvin Mast (marvinmast@gmail.com); Matthew Johansen; Mehdi A-Sanaei (mehdiasanaei@yahoo.com); Peter Shames; r.alvstad@comcast.net; Sherman Leitgeb; srcs6914@aol.com; Steve Summers (Nickstevensfs00@gmail.com); Alice Cannon; Aquilla Hurd-Ravich; Frank Bubenik (fbubenik@ci.tualatin.or.us); jeff DeHaan; Joelle Davis (jdavis@ci.tualatin.or.us); lou ogden (logden@ci.tualatin.or.us); nancy grimes (ngrimes@ci.tualatin.or.us); paul morrison; robert kellogg; Sherilyn Lombos; C Lehan; Council Akervall; Mayor Knapp; Scott Starr; stevens council member
Subject: FW: Basalt

Dear Matt:

Thank you for taking my call today. Per our conversation I have attached the letter from CESNW that analyzes the costs involved in grading the site for employment land. I also have attached a memo from Don Hanson at Otak.

As I informed you today after I found that our land and the land to the north was being considered for an employment zone I first contacted Peter Bechen the CEO of PacTrust. He sent his VP to the site whose name is Eric Sporre. Eric has extensive Development experience in the development of industrial parks. Both Eric and Peter confirmed that our land was of no interest to them and in fact Peter Bechen told me you could give us your land and we would not be interested because of the grading Issues and limited access. I do not like to spend money on challenging a city's or county's plan unless I confirm that my feelings are

correct. Brian Clopton of Clopton Excavation, Ken Leahey, Stu Peterson a seasoned industrial Broker, Tony Weller – CESNW and Don Hanson – Otak all confirmed my opinion and reasons for opposing an employment land designation. John Fregonese who was the lead planner of the Basalt Creek Study also agreed that a supportive housing zone was the proper zoning as long as there was no increase in the trip counts.

My hope is that Wilsonville will pay your firm to analyze and determine if the costs to grade our site for employment is accurate. As we discussed the land on the south end has no access to Basalt Creek Parkway, which is a huge negative for zoning our land for employment. Lou Ogden referred to our land as the base of the arrowhead with no good access.

Matt I know your firm was just asked ----can you prepare a layout for employment on the acreage in question with no consideration for costs or highest and best use. The cost factor is of course our major concern as our land would have no value and no marketability if zoned for employment.

McKenzie was involved in the process earlier than your firm was. Washington County asked them the same question and McKenzie provided a layout that again was cost prohibitive. The Tualatin Council voted 7 – 0 in favor of a residential zone. Tualatin’s decision was based on facts that were provided by use from professionals in the business. In correctly zoning land so it will never be developed is unfair to the land owners, the city and the county.

After the Tualatin City council meeting our land owners thought that the process to complete the Basalt Study could be completed. Your firm was hired by the City of Wilsonville-----again to lay out a plan for employment use without any consideration for costs of blasting, grading or the required retaining walls.

In summary I am hopeful that the City of Wilsonville will pay your firm to analyze the costs involved with your site plan. If you concur the question of zoning should be easy to determine. Since the CESNW letter was written Ken Leahey told me that the \$30.00 per yard was low and in his opinion the grading costs could be closer to \$40.00 per yard. This of course really affects the grading costs in the wrong direction.

If Wilsonville approves our suggested course of action please feel free to contact Tony Weller at CESNW for any information. We will pay for his time. I have copied all stakeholders with this email.

My phone number is 503 730 2431 email: herb@kossred.com

Again thanks for taking my call.

Sincerely

Herb Koss

Cell 503 730 2431 email: herb@kossred.com



May 18, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

Dear Mr. Koss:

In response to your request we have reviewed the Basalt Creek Concept Plans prepared by KPFF with regards to the approximately 50 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway.

The KPFF study outlines three potential development schemes that share similarities between each scheme. Each scheme includes a single access point on Grahams Ferry Road at Tonquin Loop and no secondary or emergency access provided. The study also provides concept finish floor elevations and access road grades for each scheme. The summary shows either Scheme A or B as the higher rated concepts. We chose Scheme B to evaluate as the most highly ranked scheme.

Using the proposed grading plan for Scheme B, we calculated rough grading quantities and costs. Our estimate shows estimated grading totaling about 350,000 cubic yards. We also looked at the existing grades around the proposed parking and building areas for the potential need of retaining walls. The grading plan for this scheme showed some retaining walls but we believe additional walls would be required along the parking areas adjacent to the easterly property line and the downhill sides of Building B and Building D. We estimated the need for approximately 2400 lineal feet of retaining walls for these walls and the ones shown on the plan. We also believe additional smaller walls will likely be required for this plan as it is further developed. We did not provide any allowance for the smaller walls.

Our experience in this area on the site to the north, leads us to expect a significant amount of rock that is very near the surface. The proposed grading plan also includes significant depths of cut and fill. The fill in the south east corner of the site would be about 20-feet and cuts on the site that could be over 10-feet. Rock excavation is not very efficient and therefore more costly. Also to use the excavated rock materials as fill, will require additional processing or it may need to be supplemented with imported materials to accomplish the grading as proposed.

Mr. Herb Koss

BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

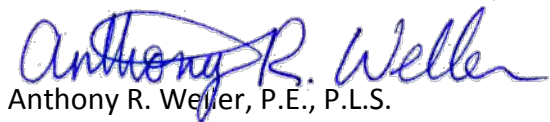
Page 2 of 2

For budgetary purposes, we would estimate \$30 per cubic yard for grading to reflect the rock excavation and potential imported fill needs for this site. This results in an estimated grading cost of \$10,500,000. At the anticipated wall heights, we have estimated \$1,200,000 for the retaining walls.

In summary, we feel the proposed grading plan is possible but it puts parking lot and access way slopes at the near maximums for industrial development. If you were to the reduce slopes to improve the usability, it would require even more excavation and the costs would be even higher.

If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,



Anthony R. Weller, P.E., P.L.S.

President

\3273_CESNW_KPFF



808 sw third avenue, suite 300 • portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

May 19, 2017

Herb Koss
2643 South Shore Blvd
Lake Oswego, OR 97034

RE: Basalt Creek Central Area - KPFF Concept Plan

Hello Herb,

I've read Tony Weller's letter regarding the extra costs required to develop the subject property with employment uses. Tony is a very experienced and capable engineer. He also has very relevant experience in the area.

I agree with Tony's letter and believe it summarizes the situation quite well. The hard costs are actually on the low side for grading the site based on my recent experience on similar sites.

The other concern both Tony and I share is access for cars, trucks and emergency vehicles. A second access point will be extremely difficult to provide.

Please feel free to call with any questions or comments.

Thanks,

A handwritten signature in black ink, appearing to read "Don Hanson". The signature is fluid and cursive, with a large initial "D" and "H".

Don Hanson
Principal
Otak, Inc.

From: [Kraushaar, Nancy](#)
To: [Neamtzu, Chris](#); [Bateschell, Miranda](#); [Cosgrove, Bryan](#)
Subject: FW: Basalt site development costs. CESNW letter.
Date: Friday, May 19, 2017 5:13:07 PM
Attachments: [CESNW Letter.pdf](#)
[2017-05-19 Herb Koss Basalt Creek - KPFF Concept Plan.pdf](#)

From: Herb Koss [mailto:herb@kossred.com]
Sent: Friday, May 19, 2017 5:09 PM
To: Alice Cannon; Aquilla Hurd-Ravich; Frank Bubenik (fbubenik@ci.tualatin.or.us); jeff DeHaan; Joelle Davis (jdavis@ci.tualatin.or.us); lou ogden (logden@ci.tualatin.or.us); Louogden; nancy grimes (ngrimes@ci.tualatin.or.us); paul morrison; robert kellogg; Sherilyn Lombos
Cc: Kraushaar, Nancy; Gordon Root (gordonroot@aol.com) (gordonroot@aol.com); roger.alfred@oregonmetro.gov; Councilor Charlotte Lehan; Councilor Kristin Akervall; Mayor; Scott Starr; Councilor Susie Stevens; Bob Stacey; Carlotta.Collette@oregonmetro.gov; Craig Dirksen; Kathryn.Harrington@oregonmetro.gov; METRO; Sam Chase; Shirley.Craddick@oregonmetro.gov; Tom.Hughes@oregonmetro.gov
Subject: FW: Basalt site development costs. CESNW letter.

Re: Wilsonville's Study for the Basalt Central Property

Dear Mayor Ogden and Tualatin City Councilors

The landowners of the above captioned property have appreciated Tualatin's fair and objective consideration, regarding our property, and ultimate directive to staff that it be zoned residential, due to site constraints.

We have asked Don Hanson to prepare trip count data, to insure that the residential density results in less trips than the employment designation.

We had not anticipated that Wilsonville would take issue with the residential designation, since they have repeatedly pointed to a shortage of residential land in the Tualatin Wilsonville sub-area, and asked for Urban Growth Boundary expansions to add residential land. However, Wilsonville has strongly objected to the designation and retained the firm of KPFF to provide a site plan based upon an employment use. The site plan prepared by KPFF did not include an estimate of site costs associated with preparing the site for an employment use. To make sure that the Tualatin City Council had the most accurate information possible, we have asked both CES and Otak, to calculate the site costs associated with KPFF's plan. Both, Tony Weller of CES and

Don Hanson of Otak have analyzed the costs involved for grading and the required retaining walls. I have included their cost evaluations in the letter and email attached to this email. Their work, once again, confirms that the steep topography and basalt ridges make it unfeasible to develop the land in the way envisioned by KPFF.

Brian Clopton and Ken Leahey provided the per yard costs, which were confirmed by both Tony Weller and Don Hanson. We feel that the \$30.00 per yard estimate is on the low side, but we are trying to be as conservative as possible, given the amount of scrutiny that this has received. The costs of the necessary retaining walls envisioned by KPFF, are also conservatively calculated at \$1,200,000.

We believe that the total site costs for the KPFF plan are \$11,700,000, which results in a negative value based on the rates that employment land are currently achieving in the market. We firmly believe that Tualatin arrived at the right result with the residential designation. Throughout this process we have been committed to transparency. We plan on sending our data and analysis to KPFF, so that they can peer review it, in advance of the meeting.

We would very much like to move forward, and are willing to take any steps necessary, including a mediated process. If necessary our professionals will be available to answer any additional questions.

Sincerely
Herb Koss

cc: Mayor Knapp and Wilsonville City Council
Wilsonville City Staff
Tualatin City Staff
Washington Planning Staff
Washington County Commission
Metro Attorney



May 18, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

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Mr. Herb Koss

BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

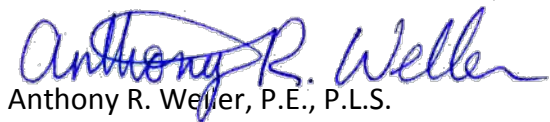
Page 2 of 2

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If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,



Anthony R. Weller, P.E., P.L.S.

President

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May 19, 2017

Herb Koss
2643 South Shore Blvd
Lake Oswego, OR 97034

RE: Basalt Creek Central Area - KPFF Concept Plan

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Please feel free to call with any questions or comments.

Thanks,

A handwritten signature in black ink, appearing to read "Don Hanson". The signature is fluid and cursive, with a large initial "D" and "H".

Don Hanson
Principal
Otak, Inc.

From: [Councilor Kristin Akervall](#)
To: [Kraushaar, Nancy](#)
Cc: [Cosgrove, Bryan](#); [Bateschell, Miranda](#)
Subject: Fwd: Attachment which is pertinent to Basalt Creek for Work Session.
Date: Tuesday, April 18, 2017 11:03:03 PM
Attachments: [KeyPagesofMetroOrdinance04-1040B.pdf](#)
[ATT00001.htm](#)

Sent from my iPad

Begin forwarded message:

From: "GORDONROOT@aol.com" <GORDONROOT@aol.com>
To: "herb@kossred.com" <herb@kossred.com>, "don.hanson@otak.com" <don.hanson@otak.com>, "Councilor Charlotte Lehan" <lehan@ci.wilsonville.or.us>, "Councilor Kristin Akervall" <akervall@ci.wilsonville.or.us>, "Mayor" <Mayor@ci.wilsonville.or.us>, "scottstarr97070@gmail.com" <scottstarr97070@gmail.com>, "Councilor Susie Stevens" <stevens@ci.wilsonville.or.us>, "Acannon@ci.tualatin.or.us" <Acannon@ci.tualatin.or.us>, "AHURD-RAVICH@ci.tualatin.or.us" <AHURD-RAVICH@ci.tualatin.or.us>, "fbubenik@ci.tualatin.or.us" <fbubenik@ci.tualatin.or.us>, "jdehaan@tualatin.gov" <jdehaan@tualatin.gov>, "jdavis@ci.tualatin.or.us" <jdavis@ci.tualatin.or.us>, "logden@ci.tualatin.or.us" <logden@ci.tualatin.or.us>, "lou@louogden.com" <lou@louogden.com>, "ngrimes@ci.tualatin.or.us" <ngrimes@ci.tualatin.or.us>, "pmorrison@tualatin.gov" <pmorrison@tualatin.gov>, "rkellogg@tualatin.gov" <rkellogg@tualatin.gov>, "SLOMBOS@ci.tualatin.or.us" <SLOMBOS@ci.tualatin.or.us>
Cc: "Peter.Watts@jordanramis.com" <Peter.Watts@jordanramis.com>, "Ed.Trompke@jordanramis.com" <Ed.Trompke@jordanramis.com>
Subject: Attachment which is pertinent to Basalt Creek for Work Session.

Hello All:

I have watched in amazement through many meetings where the subject matter and intent of the Metro Ordinance 04-1040B, has been discussed, but it has become quite clear to me that many of those discussing the Ordinance have never read the Ordinance, which has led to it being mis-quoted and mis-interpreted, so much so, that the actual intent has all but been lost or confounded by many.

Yes, the lands now referred to as the "Basalt Creek Concept Planning Area", were brought in to the UGB were a part of the Industrial Lands expansion, BUT there is a specific carve out permitting, (or as some would argue requiring), the land that is north of the I-5/99 Connector, now the "Basalt Creek Parkway", which is to become part of Tualatin, "shall be designated "Outer Neighborhood" residential.

Therefore, I have attached 2 items:

A. The entire Metro Ordinance #04-1040B, as adopted. This is the Metro Ordinance that

brought the Basalt Creek lands into the UGB, which was adopted on June 24, 2004, and for easy reference

B. The Key Pages, which are pages to the Ordinance, which state that:

- 1. Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier. (Page 3 - Exhibit F to Ordinance No. 04-1040B)*
- 2. Title 11 planning shall incorporate the general location of the projected right of way alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment," as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Outer Neighborhood" on the Growth Concept Map; the portion that lies south shall be designated "Industrial." (Page 4 Exhibit F)*
- 3. The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area. The Timeline for for the Title 11 Planning was to be complete "within two years following the selection of the right of way alignment for the I-5/99W Connector, or within seven years of the effective date of the Ordinance No. 04-1040, whichever occurs earlier; (Page 4 Exhibit F)*

Furthermore, on page 17 and 18 of Exhibit G it states:

The City of Tualatin and many residents of the area expressed concern about compatibility between industrial use and residential neighborhoods at the south end of the city. They have also worried about preserving an opportunity to choose an alignment between Tualatin and Wilsonville for the I-5/99W Connector; the south alignment for this facility passes through the northern portion of the Tualatin Study Area.

In response to these concerns, the Council placed several conditions upon addition of this area to the UGB. First, the Council extended the normal time for Title 11 planning for the area: two years following the identification of a final alignment for the Connector, or seven years after the effective date of Ordinance No. 04-1040B, whichever comes sooner. This allows Title 11 planning by Washington County, the cities of Tualatin and Wilsonville and Metro to accommodate planning for the Connector alignment. Second, the
(Page 18 - Exhibit G to Ordinance No. 04-1040B)

Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)

Therefore, it is clear that the Ordinance bringing these land into the UGB anticipated a mix of residential and industrial uses, with the residential uses being those lands to the north of the connector being brought into the City of Tualatin, and those lands to the south becoming Wilsonville and Industrial in nature.

The Tualatin City Council had the benefit of this information in coming to their decision as to applying a residential zoning to select lands within their jurisdictional boundary, which is clearly within the scope of Metro's expectations.

Thank you,

Gordon Root | Principal



StaffordLandCompany.com

503.720.0914 | Cell

gordon@staffordlandcompany.com

[485 South State Street, Lake Oswego, OR 97034](https://www.staffordlandcompany.com/485-South-State-Street-Lake-Oswego-OR-97034)

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In a message dated 4/17/2017 1:44:36 P.M. Pacific Daylight Time, herb@kossred.com writes:

Mayor Knapp and Wilsonville city Council members

Trip counts: Please read the mail dated 4/17 1:05 PM from Otak below my comments.

I was advised earlier today that Otak's report on trip counts was not done by a certified Traffic

Engineer. In speaking to Don Hanson of Otak he advised me that the traffic trip counts were based

upon DKS data. The reason for a range is the fact that different housing mixes result in different

trip counts. Our suggestion is that the land in question can reduce trip counts 37.5%.

Mr. Hanson will be at the work session this evening and will be available to answer any of the

Council's questions.

Herb Koss

Land Owner

From: Don Hanson [<mailto:don.hanson@otak.com>]

Sent: Monday, April 17, 2017 1:05 PM

To: Herb Koss

Cc: Kate Rogers; Glen Bolen

Subject: Basalt traffic/trip counts.

Hello Herb

As I understand questions have arisen over the trip counts used for the April 14th, 2017 memo that I sent you on Basalt Creek Planning Area Projected Traffic.

We derived our numbers from the Basalt Creek Area plan prepared by Tualatin and their consultant team headed up by Fregonese associates. In particular we referenced an "Envision Tomorrow" spread sheet that defined proposed land use mix for the entire study area. It also included traffic generation numbers by land use type. It is also important to note that DKS traffic engineers are part of the consultant team. DKS serves as the on call traffic engineer for the city of Wilsonville, so they certainly have detailed knowledge of the study area and entire region.

Let me know if further questions arise that we can help with.

Don



Don Hanson | Principal

808 SW Third Ave., Suite 300 | Portland, OR 97204

v. 503.415.2317 | f. 503.415.2304

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II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS

A. Damascus Area

1. Clackamas County and Metro shall complete Title 11 planning requirements through the incorporation of this area into the greater Damascus/Boring Concept Plan planning effort currently underway. This planning shall be completed within the same time frame as specified in Ordinance No. 02-969B.
2. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.
3. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.

B. Beavercreek Area

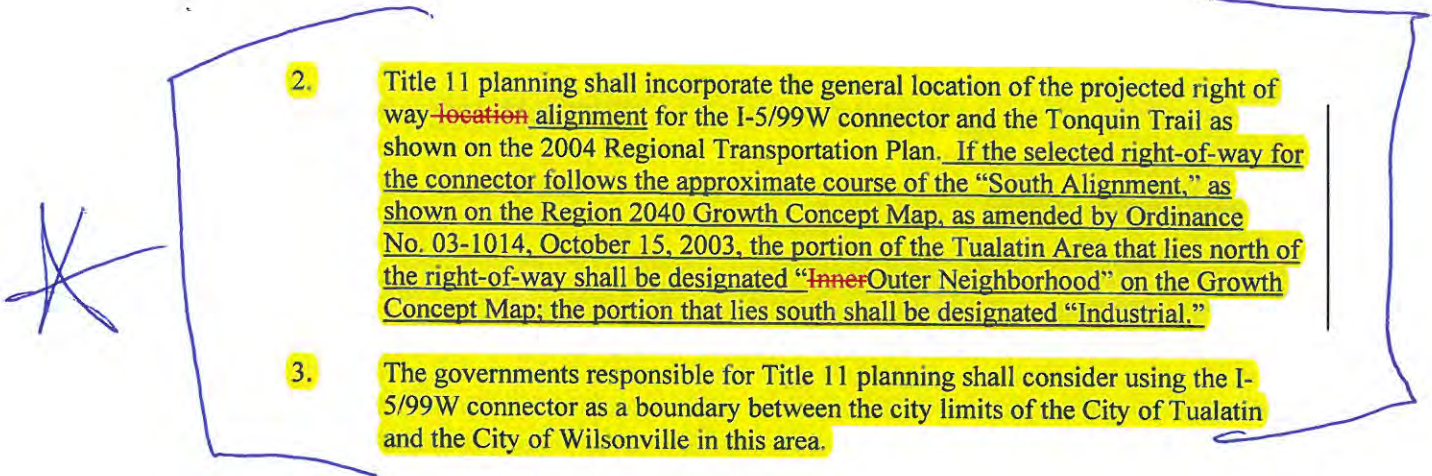
1. Clackamas County or, upon annexation to Oregon City, the city and county, with Metro, shall complete Title 11 planning for the area.
2. This area shall be planned in conjunction with the adjoining tax lot added to the UGB in 2002, under Ordinance No. 02-969B.

~~C. Borland Area North of I 205~~

- ~~1. Clackamas County or, upon annexation to the City of Tualatin, the city and county, in coordination with the Cities of Lake Oswego, Tualatin, and West Linn and Metro, shall complete Title 11 planning within four years following the effective date of Ordinance No. 04-1040. The county and city, in conjunction with Lake Oswego and West Linn and Metro shall recommend long range boundaries in the Stafford Basin and general use designations for consideration by the Council in future expansions of the UGB.~~
- ~~2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

DC. Tualatin Area

1. Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within ~~four~~ **two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.**



2. Title 11 planning shall incorporate the general location of the projected right of way ~~location~~ alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment," as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Inner/Outer Neighborhood" on the Growth Concept Map; the portion that lies south shall be designated "Industrial."
3. The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area.

ED. Quarry Area

1. Washington County or, upon annexation to the cities of Tualatin or Sherwood, the cities, and Metro shall complete Title 11 planning for the area.
2. Title 11 planning shall, if possible, be coordinated with the adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B.
3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.
4. Title 11 planning shall incorporate the general location of the projected right-of-way for the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

FE. Coffee Creek Area

1. Washington and Clackamas Counties or, upon annexation of the area to the ~~City~~ cities of Tualatin or Wilsonville, the city, and in conjunction with Metro, shall complete the Title 11 planning for the area within ~~four~~ two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040B, whichever occurs earlier.
2. ~~The concept~~ Title 11 planning shall incorporate the general location of the projected right of way location for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

~~**G.** Wilsonville East Area~~

- ~~1. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city, and Metro shall complete the Title 11 planning for the area within two years of the effective date of Ordinance No. 04-1040.~~
- ~~2. In the planning required by Title 11 a buffer shall be incorporated to mitigate any adverse effects of locating industrial uses adjacent to residential uses located southwest of the area.~~

8. Regional Framework Plan

This addition of industrial land will be planned in combination with adjoining industrial land to the east added by Ordinance No. 02-969B to comprise a more efficient industrial area. The Coffee Creek Study Area will provide employment to support the Tualatin and Wilsonville Town Centers, to the north and south respectively. Given that the developable portion of the area is exception land and is suitable for the types of industry likely to grow in the future, the Council includes the Coffee Creek area notwithstanding that this part of the region is relatively well-endowed with employment.

Adding the Coffee Creek area to the UGB, lying between and adjacent to the Cities of Tualatin and Wilsonville, following addition of the area to the east, keeps the form of the region compact and efficient.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan ("RTP") adopted a "Priority System" of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements are improvements to Boones Ferry Road from Durham Road in the north to Elligsen Road in the south, east of the Coffee Creek Study Area.

The RTP also includes "The Tualatin-Sherwood Major Investment Study", to complete environmental design for the I-5 to 99W principal arterial connector, and the "Tualatin-Sherwood Connector", to construct the four-lane tollway connection (pages 5-65 to 5-67). Although a final corridor for this facility has not yet been chosen, it is almost certain that it will pass through or just to the north of the Coffee Creek area, likely enhancing its access to I-5. Finally, the principal north-south rail line that lies along the eastern boundary of the area will offer an additional mode of transport for movement of freight in the area.

E. Tualatin

The Council relies upon the facts and analysis in the Industrial Land Alternative Analyses Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 61-63; 111; A-1 – A-4] and the Staff Reports [Appendix A, Item (a), pp. 27-28] to support its conclusion that addition of a portion of the Tualatin Study Area will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area because it is exception land (rural residential and rural industrial) with characteristics that make it suitable for industrial use. It lies within two miles of the I-5 corridor and within one mile of an existing industrial area, and portions of the area are relatively flat. These characteristics render it the most suitable exception area under consideration for warehousing and distribution, a significant industrial need facing the region.

The City of Tualatin and many residents of the area expressed concern about compatibility between industrial use and residential neighborhoods at the south end of the city. They have also worried about preserving an opportunity to choose an alignment between Tualatin and Wilsonville for the I-5/99W Connector; the south alignment for this facility passes through the northern portion of the Tualatin Study Area.

In response to these concerns, the Council placed several conditions upon addition of this area to the UGB. First, the Council extended the normal time for Title 11 planning for the area: two years following the identification of a final alignment for the Connector, or seven years after the effective date of Ordinance No. 04-1040B, whichever comes sooner. This allows Title 11 planning by Washington County, the cities of Tualatin and Wilsonville and Metro to accommodate planning for the Connector alignment. Second, the

Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)

1. Orderly Services

The Council relies upon the Tualatin Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Industrial Land Alternative Analysis Study (Appendix A, Item (c), pages 111 and Table A-2, respectively) for its determination that urban services can be provided to the area in an orderly and economic manner by extending services from existing serviced areas.

The Alternatives Analysis (pp. 61-62) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the Tualatin Study Area. Serviceability ranges from “easy” to “difficult” to serve (Table 1, p. 111). Throughout Task 2 of periodic review the Council has found, however, that provision of services to almost every exception area is difficult and expensive. The City of Wilsonville anticipates further industrial development in the portion of the study area north and northwest of the existing city, in part due to the siting of the Coffee Creek Correctional Facility, and expects to be the service provider over time. Given the critical need for sites proximate to interchanges on I-5 and the rarity of such sites, the Council has decided to include the Tualatin Study Area notwithstanding.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above (Orderly Services) for its conclusion that the area can urbanize efficiently. The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

This area lies between two cities and among areas added to the UGB for industrial use in December, 2002, making urbanization of the area more efficient than projecting urbanization from the UGB into a rural area. Given the likelihood that the region will build the I-5/99W Connector through this area, industrial development in the area will ensure efficient use of that facility.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on the Tualatin Study Area set forth in the Alternative Analysis Study, pp. 62-63 and Table A-3). The analysis indicates that the consequences will be low to moderate, especially considering the requirements of Title 11 of the UGMFP that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of Ordinance No. 04-1040B.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro’s adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local governments will eventually adopt provisions to implement Metro’s Goal 5 program following the Council’s adoption of that program, if the local government’s ordinance do not already comply.

From: [Kraushaar, Nancy](#)
To: [Neamtzu, Chris](#); [Bateschell, Miranda](#); [Cosgrove, Bryan](#)
Cc: [Jacobson, Barbara](#)
Subject: FW: Basalt Creek - Traffic analysis
Date: Sunday, April 16, 2017 4:57:12 PM
Attachments: [17713A Memo BasaltCreekPlanningArea_04.14.17.pdf](#)

FYI. -Nancy

From: Herb Koss [mailto:herb@kossred.com]
Sent: Saturday, April 15, 2017 10:26 AM
To: Mayor; scottstarr97070@gmail.com; Councilor Susie Stevens; Councilor Charlotte Lehan; Councilor Kristin Akervall; Lou Ogden; Kraushaar, Nancy; Alice Cannon; Aquilla Hurd-Ravich; Frank Bubenik (fbubenik@ci.tualatin.or.us); jeff DeHaan; Joelle Davis (jdavis@ci.tualatin.or.us); lou ogden (logden@ci.tualatin.or.us); nancy grimes (ngrimes@ci.tualatin.or.us); paul morrison; robert kellogg; Sherilyn Lombos
Cc: Don Hanson; Gordon Root (gordonroot@aol.com) (gordonroot@aol.com); Peter Watts; Ed Trompke (Ed.Trompke@jordanramis.com); Grace Lucini; Hannah Childs; Heather Hutchinson; Herb Koss; Howard Houston; John and Grace Lucini; Lark Leitgeb; Lois Fox; Marvin Mast (marvinmast@gmail.com); Matthew Johansen; Mehdi A-Sanaei (mehdiasanaei@yahoo.com); Peter Shames; r.alvstad@comcast.net; Sherman Leitgeb; srcs6914@aol.com; Steve Summers (Nickstevensfs00@gmail.com)
Subject: FW: Basalt Creek - Traffic analysis

Dear Mayor Knapp and Wilsonville City Councilors and Staff

The owners of the 41 + acres that desire a residential zone for the land that is North of Basalt Creek Parkway and East of Graham Ferry retained the services of Otak to provide a trip count study comparing an employment zone to a residential zone. The results of this study are attached. It is our understanding that traffic issues are a concern of the Wilsonville Council. The attached study shows that a reduction of up to 37.5% can be accomplished.

The Tualatin City Council voted 7 – 0 In favor of a residential zone for this land. They made their decision based upon facts that greatly affected the 41 acres. You have been provided the documents and testimony that was also provided to the Tualatin City Council and Staff via separate email. This information was forwarded to each council member and staff via separate emails.

In looking at our request and the approval by the City Council of Tualatin it was stated that the trip count would result in a neutral number, therefore no additional trip counts would result from a change to a residential zone. Since there seems to be so much concern over trip counts I retained the services of Otak. Data from Fregonese and Asso. was used in the preparation of the attached study. The results of the study shows that there is a reduction of trips counts both under Scenario A or B. Metro would prefer the higher density under Scenario A, but if the city of Wilsonville prefers Scenario B our land owners will accept a lower density for our site. The Scenario B will result in a 37.5% reduction in trip counts vs the land being zoned for employment.

So much time effort and money has been spent on the Basalt Creek Study. Our request for support of a residential zone for our land has been approved by

the City of Tualatin. The Basalt Creek Parkway has been constructed to the South end of the land described in this Otak document. The road will result in an 18 to 20 cut on our southern border resulting in no access to Basalt Creek Parkway. The land is constrained with Basalt Rock ridges and there is a Basalt layer under much of the 41 acres making it financially not feasible to grade for employment uses. This is the reason that the city of Tualatin supported a residential zone for our land – limited access, grades, and needed buffers to the present neighborhood to the north.

We believe it is time to move on and allow for an orderly development of the Basalt Creek area. The total targeted jobs numbers for the Basalt Creek Study area exceed the Metro targeted number, therefore a residential Zone for the 41 acres has no negative effect on the targeted employment Goal. The 41 acres should be developed for the badly needed supportive housing.

If you have any questions pertaining to the Otak study I can be contacted at herb@kossred.com or 503 730 2431.

Thank you.

Herb Koss
Land Owner

cc: Metro, Wilsonville Staff, Mayor Ogden, Tualatin City Council, Tualatin Planning Staff
Don Hanson – Otak

Memorandum



808 SW 3rd Avenue
Suite 300
Portland, OR 97204
Phone (503) 287-6825
Fax (503) 415-2304

To: Herb Koss
From: Don Hanson
Copies: Glen Bolen, AICP
Kate Rogers
Date: April 14, 2017
Subject: Basalt Creek Planning Area Projected Traffic
Project No.: 17713A

This memorandum presents analysis in support of the residential land use designation for a portion of the Basalt Creek Planning Area: a roughly 41¹ acre site at northeast corner of Grahams Ferry Road and the proposed Basalt Creek Parkway.

One of the tenets of the Basalt Creek Planning Area has been to limit traffic generation that results from new development to a level commensurate with the existing and planned infrastructure's capacity. For the site in question, the City of Tualatin provided direction to designate roughly 33 acres of land for residential use, differing from the Concept Plan's recommendation of tech/flex employment. This memo quantifies the changes to traffic generation that could result from this change. The data support our supposition that designating the properties for residential uses would not result in more traffic than if the land is designated for employment.

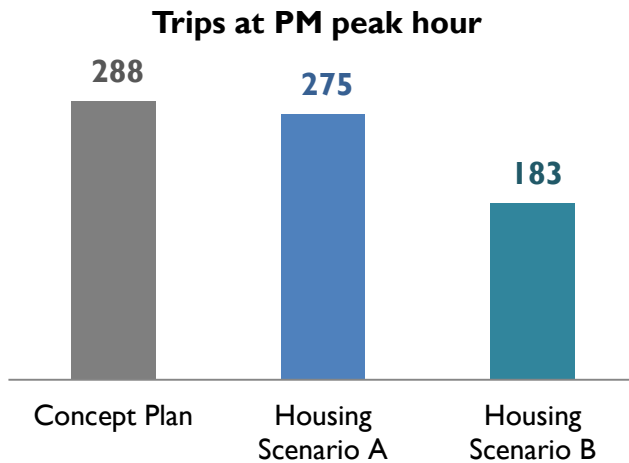
In addition to the 33 acres initially slated for tech/flex employment, the northern 7 acres of the site was considered for residential use. We created a trip generation comparison for this combined 41 acre area based on several land use scenarios for the site, utilizing the same per-unit trip factors and housing densities as those utilized by the Concept Plan team in their traffic and Envision Tomorrow models. Using these data, we were able to compare expected PM peak hour traffic counts for the existing Concept Plan and for two alternative scenarios with only residential land uses. The results are summarized in the table and chart below.

The existing concept plan calls for 33.2 acres of light industrial / low-density tech flex land and 7.4 acres of residential land with a mix of small- and medium-lot single-family housing. Under this scenario, 288 trips are generated at PM peak.

Alternative Housing Scenario A includes a mix of higher-and lower-density housing types (2-story garden apartments, townhomes, small-lot single-family, and medium-lot single-family), with an

average net density of 15 units per net residential acre². Under this scenario, 275 trips are generated at PM peak. At 18 fewer trips, this represents a small reduction in PM peak trips. Housing Scenario B includes a lower-density mix of housing types (townhomes, small- and medium-lot single-family) that result in an average net density of 10 units per net acre. Scenario B results in only 183 trips during PM peak.

	Concept Plan	Housing Scenario A	Housing Scenario B
Developable Acres	41	41	41
Households	46	436	290
Jobs	678	-	-
Average Net Density (units/acre)	9	15	10
Trips at PM peak hour	288	275	183



¹ We have used 41 acres in our analysis – this is the City of Tualatin’s base acreage for the site in the study presented. If more acres are used, the trip counts are reduced even further.

² Assumes 25% reduction of land to accommodate roads, utilities, and other public facilities.

From: [Councilor Kristin Akervall](#)
To: [Kraushaar, Nancy](#)
Cc: [Cosgrove, Bryan](#); [Bateschell, Miranda](#)
Subject: Fwd: Testimony for Monday's Work Session
Date: Tuesday, April 18, 2017 10:57:28 PM
Attachments: [Attachments 1-3.pdf](#)
[ATT00001.htm](#)
[Attachment 4-10.pdf](#)
[ATT00002.htm](#)

Sent from my iPad

Begin forwarded message:

From: Herb Koss <herb@kossred.com>
Date: April 11, 2017 at 10:08:28 AM PDT
To: "mayor@ci.wilsonville.or.us" <mayor@ci.wilsonville.or.us>, "scottstarr97070@gmail.com" <scottstarr97070@gmail.com>, "stevens@ci.wilsonville.or.us" <stevens@ci.wilsonville.or.us>, "lehan@ci.wilsonville.or.us" <lehan@ci.wilsonville.or.us>, "akervall@ci.wilsonville.or.us" <akervall@ci.wilsonville.or.us>
Cc: Lou Ogden <lou@louogden.com>, Peter Watts <Peter.Watts@jordanramis.com>, "Ed Trompke (Ed.Trompke@jordanramis.com)" <Ed.Trompke@jordanramis.com>, Sherman Leitgeb <sherman@equityoregon.com>, "JOHN FREGONESE (john@frego.com)" <john@frego.com>, Don Hanson <don.hanson@otak.com>
Subject: FW: Testimony for Monday's Work Session

Mayor Knapp and Wilsonville City Councilors

For some reason it was pointed out to me that the attachments mentioned in my Email yesterday did not go out with email that is sent yesterday.

I have attached them and feel it is very important that you have them.

Sincerely
Herb Koss

From: Tony Weller [<mailto:tweller@cesnw.com>]
Sent: Thursday, March 23, 2017 8:55 AM
To: Nancy Kraushaar (kraushaar@ci.wilsonville.or.us)
Cc: Herb Koss; Don Hanson
Subject: FW: Testimony for Monday's Work Session

Hi Nancy –

Herb Koss asked me to send you a quick email regarding the Basalt Creek planning area

for the property around Herbs. Here is an email below from Peter Watts that pretty much outlines their position on the property.

We were brought into the discussion late to review what had been done and to get our thoughts regarding development potential of the property as employment land. A copy of our letter is in the above attachments from Peter (the 4-10 group).

The key issue we saw was access. The County is not going to allow any connections to the Parkway from this property. The County's preliminary profile for the Parkway extension also shows an 18-foot cut along the property boundary. With the steep slopes and wetlands surrounding the upper terrace area we couldn't see a way to get good access to the upper area and no way to get secondary access.

Residential development allow for steeper road grades so access is improved but still would be difficult. If you have any questions or would like to discuss my review of this area further, I would be happy to do so.

Take care – Tony

Tony Weller, P.E., P.L.S.
President
CESNW, INC.
13190 SW 68th Parkway, Suite 150
Tigard, OR 97223
503.968.6655 p
503.968.2595 f
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tweller@cesnw.com
www.cesnw.com

From: Peter Watts
Sent: Sunday, February 12, 2017 12:42 PM
To: 'council@ci.tualatin.or.us'; 'council@tualatin.gov'
Cc: 'slombos@ci.tualatin.or.us'
Subject: Testimony for Monday's Work Session

Dear Mayor Ogden, Members of the Tualatin City Council, and City Staff,

I, along with others, own land North of the planned Basalt Creek Parkway, and East of Grahams Ferry Drive. I am writing this letter solely on my own behalf, specifically to provide background information, address the report provided to Washington County by McKenzie, and also provide information from local experts who have walked the site, so that you can make the best possible determination regarding the most appropriate designation of the land.

Executive Summary

Don Hanson of OTAK, and Tony Weller of CES NW, have both provided letters stating significant reservations with the feasibility of developing this site as employment land, and provided detailed analysis of topographic and access limitations associated with the site, for your review. The letter from Tony Weller succinctly describes the issues with the McKenzie Report and the site in two pages.

Ken Leahy of Ken Leahy Construction, and Brian Clopton of Brian Clopton Excavating, both who have significant experience providing site preparation in the region, have walked the property, and believe that site preparation for the large building footprints required by employment designations, will be cost prohibitive due to the site slope and basalt rock soil.

Eric Sporre of PacTrust believes that there is an inability to develop industrial or flex buildings based on the site topography and soil conditions. Mike Diamond of the Real Estate Investment Group opined that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. He also determined that office park use was not feasible, because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land.

Although, McKenzie provided a report to Washington County, that the land could be feasibly developed as employment land, that report was based on a series of assumptions regarding site access, road construction, and zoning on the northern portion of the property, that will not occur under the current plan. Washington County staff has confirmed that the access off Basalt Creek Parkway, and the north south Kinsman road, will not be built. Both, Don Hanson and Tony Weller, have provided letters based on the most recent Washington County data, that contradict the conclusions reached in the McKenzie report.

Despite that the Basalt Creek planning area was brought into the UGB for the primary purpose of providing employment land, Metro has confirmed that there is no prohibition in the findings for non-employment designations. John Fregonese has confirmed that even if the subject property was zoned residential, the employment capacity for the planning area, will still far exceed Metro's estimates by 1,000, or more.

Background Information And Why We Are Here Today

Although, I have significant experience representing both jurisdictions and developers in land use matters, I have never previously experienced the process from the perspective of a land owner, so this has been an eye opening experience. At the

time that I decided to invest as a part owner in one of the subject properties, I did due diligence by looking at satellite images, reviewing the plans prepared by the cities and John Fregonese, and driving to the site. I didn't, however, walk the site, because of extremely bad weather.

I believed based on my review of the planning materials that the site would develop as employment land, and am very familiar with the regional needs analysis. In short, I did what everyone else did which was look at it from a bird's eye view, instead of on the ground.

At the time of my ownership, the most pressing issue was the boundary between the two cities. There seemed to be a logical boundary between Tualatin and Wilsonville, at Basalt Creek Parkway. I met with staff from Wilsonville to discuss the boundary, as well as Wilsonville's vision for mirror image zoning, which I believed, at the time, was feasible, and would work.

It was only when winter turned to summer, that I actually walked the property. What was not obvious from satellite imagery, or from the road, was immediately apparent, when I was on the ground. There are significant slope issues with the property and the adjacent properties, and there was very little topsoil, and a lot of rock. I am familiar with the impact of topography and soil conditions through my past representation of the former city of Damascus, and this property did not seem well suited for the large footprints necessary for an employment designation.

After discussions with Herb Koss, we contacted adjacent property owners, and received their permission to have experts look at the parcels of property as a whole, to help determine feasibility. At that time, concerned whether there was a prohibition on non-employment land zoning, I had preliminary discussions with Metro staff regarding whether there had been a requirement that the land be zoned employment, when it was brought into the UGB.

Metro's land use attorney, Roger Alfred, and I, both reviewed the findings and determined that although there was a strong desire for employment land, an orderly transition from residential to employment was contemplated at all times during the process. There is nothing in the findings that prevents a residential designation. This is particularly true if the factors on the ground do not support an employment designation. With that information and the consent of adjacent land owners we moved forward with the process of bringing in experts for site suitability analysis.

Preliminary Analysis From Experts And Washington County's Letter Opinion From McKenzie

Herb Koss arranged for Don Hanson from OTAK to analyze the site for slope issues and potential zoning, and he has previously submitted materials regarding his findings. (*See attachment 1*) Brian Clopton, of Brian Clopton Excavating submitted a

letter on November 18, 2016 regarding the soil conditions and topography. (See *attachment 2*) Eric Sporre of PacTrust submitted a letter on November 14, 2016 regarding the inability to develop industrial or flex buildings based on the topography. (See *attachment 3*)

Mike Diamond of the Real Estate Investment Group submitted a letter on November 21, 2016 opining that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. (See *attachment 4*) He also determined that office park use was not feasible because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land.

Don Hanson shared Mike Diamond's concerns regarding compliance with ADA standards. He noted that the site that Washington County used as a comp, South Center, which was designed by OTAK had half the slope of the subject site, and could not be built under current ADA standards. (See page 1 of attachment 1)

At the same time, Mayor Ogden, and staff, asked John Fregonese for his opinion. He expressed reservations regarding the employment designation, and believed that it would be better suited as residential land. This, and other data, prompted Washington County to hire McKenzie to provide a letter opinion.

Upon receiving a copy of the McKenzie Letter, I had significant concerns that their report regarding feasibility was predicated on four inaccurate assumptions. Specifically:

- <!--[if !supportLists]-->1. <!--[endif]-->The McKenzie letter contemplated access off of Basalt Creek Parkway, and did not take into account the 18-20 foot curb cut off of Basalt Creek Parkway (Washington County Project Manager, Renus Kelfkens, confirmed via email on 2/1/17 that the only access onto Basalt Creek Rd., will be from Grahams Ferry Rd., and Boones Ferry Rd., and that there will likely be an 18-20 foot curb cut); (See *Attachment 5*)
- <!--[if !supportLists]-->2. <!--[endif]-->The McKenzie letter contemplated Kingsman Rd., as a North South connector, allowing truck access to the southern portion of the site (Washington County Planner Erin Wardell confirmed via a phone call to Herb Koss on 2/9/17 that this road had been deleted over a year ago);
- <!--[if !supportLists]-->3. <!--[endif]-->The McKenzie letter contemplated an Employment designation in the northern quadrant of the property, despite the fact that it has been designated by the city as residential transition;
- <!--[if !supportLists]-->4. <!--[endif]-->The McKenzie letter did not rely on site specific geotechnical conditions or topography, relying on regional mapping

instead (Todd Johnson confirmed that they had not used site specific data via email on 2/10/17) (*See Attachment 6*)

I have had discussions with Gabriela Frask, who prepared the McKenzie report, and learned that she was not provided with the site transportation access information, nor was she aware that the northern portion of the property, which is relatively flat, was planned as residential transition. She was also unaware that Kinsman Rd., was deleted from the area planning approximately a year ago. Additionally, Washington County did not authorize a site visit, within her scope of work, which I believe negatively impacted her ability to consider other factors impacting feasibility. Regardless of the skill of an individual planner or agency, their work can only be as accurate as the information that they rely upon, and in this case I believe that Gabriela and McKenzie did not receive sufficiently detailed information to assess the property as accurately as possible.

Expert Opinions and Assessment of the McKenzie Letter

We asked Tony Weller of CES NW, to consider the Tualatin staff reports, McKenzie Study, email from Washington Co., regarding access, the DKS preliminary profile of the extension of Basalt Creek Parkway, and the OTAK Basalt Creek Concept Plan. In a comprehensive letter dated February 10, 2017, he opined that while the northerly third of the site is very developable as employment land, almost half of that property is reserved for residential use. And, that the deletion of the planned Kinsman Road, eliminates the only at grade potential access coming from the southerly portion of the site. The plateau portion of the property is surrounded by steep slopes of over 10% and over 20%. He further opined that neither access point can provide a secondary access to the plateau area which is a negative for both traffic flows and emergency access. (*See Attachment 7*)

Ken Leahy of Ken Leahy Construction Inc., was asked to provide a more comprehensive look at site preparation costs. He provided his opinion, in a letter dated February 10, 2017 that the cost of site preparation will exceed \$5.00 per foot. (*See Attachment 8*)

Don Hanson, of OTAK has provided a letter, and marked-up the McKenzie map based on the actual location of Basalt Creek Parkway, the lack of access off of Basalt Creek, the elimination of Kinsman road, and the residential designation at the top of the property. The result of those additional facts, eliminates a significant portion of the property that McKenzie deemed developable. (*See Attachment 9*)

Additionally, I have included a map that combines the McKenzie Plan with the residential zone and topographic map. (*See Attachment 10*)

Their letters are attached for your review.

A Summary of Relevant Data

With so many different letters from various experts, and communications from owners, neighbors, and other jurisdictions, over the last six months, it can be hard to keep track of the relevant information. So, I would offer the following:

1. Metro's own benchmark for employment land contemplates a slope of less than 10%, with less than 5% preferred. This site has slope in excess of 20% throughout;
2. PacTrust has provided a written opinion that the topography and basalt soil of the site mean it can't be feasibly developed for employment purposes;
3. OTAK has indicated in writing that the comparable property that Washington County used in their analysis, had half as much slope as this site, and could not be built under current American's with Disabilities Act rules/regulations;
4. Site preparation specialists in the area confirm the high cost of site preparation, due to soil conditions. The amount of blasting that can occur on this site is compromised by the high capacity power lines that bisect the site;
5. There is no access off of Basalt Creek road, and the deletion of Kinsman Road directly, and negatively impacts truck circulation on the southern portion of the site;
6. The northern portion of the site, adjacent to the existing neighborhood is currently planned to be zoned residential, contrary to what McKenzie's renderings show, and that designation has a major impact on the large footprint, employment, buildings that can/cannot be constructed. OTAK believes that only 11% of the site can be feasibly constructed as employment;
7. A residential designation and orderly transition to employment/industrial was always contemplated adjacent to the existing residential neighborhood, and is allowed under the findings that brought the Basalt Creek area into the UGB.
8. The county believes that an 18-20 foot curb cut, will be necessary on Basalt Creek Parkway. That curb cut means that the mirror image view that Wilsonville contemplated cannot occur. The view will either be of a graded slope or a 20 foot retaining wall.

Conclusion

Although, the primary purpose of the Basalt Creek UGB expansion was to bring in employment land, the on ground conditions on this property don't support that designation. During the thirteen year period since this land was brought into the UGB, there has been a trend of locating workforce housing close to employment lands to lessen commute time to work, and there are other lands in the Basalt Creek Planning Area that are zoned residential.

John Fregonese was asked if this property was needed for employment capacity. His response was that if the subject property was zoned residential, the employment capacity for the planning area, will still far exceed Metro's estimates by

1,000, or more. In short, this land does not need to be zoned employment in order for the planning area as a whole to exceed Metro's employment capacity estimates.

Thank you for your time and consideration.

Peter

Peter O. Watts |
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070



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1

BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon

August 23, 2016, Revised November 21, 2016

Introduction

- Otak Inc. (Otak) represents The Sherwood Grahams Ferry Investors LLC, headed by Herb Koss, who hold 10 acres in the 41 acre northeast quadrant of the overall district. The property is located near the northeast corner of Grahams Ferry Road and extends over to the Basalt Creek Canyon along the proposed new east-west arterial road. This summary of concerns and the amended concept plan lay out our intended direction moving forward.

Project Concerns

- Otak’s concern is that the northeast quadrant area is not well suited to industrial zoning or employment transition proposed by the concept plan.
 - **Topography.** Much of the site contains slopes in excess of 10 percent (10%) and 25 percent (25%). The site would be extremely difficult to flatten out to accommodate industrial or employment transition site development requirements. Attached is a topographic map of the South Center project provided to City of Tualatin (City) staff. Otak designed this flex-space project. The topography is half as severe as portions of the 41 acres site. The site would be extremely difficult to develop given today’s American with Disabilities Act (ADA) requirements.
 - **Access.** Vehicular access will be limited to Grahams Ferry Road and extending Tonquin Loop into the site. No access will be permitted on the proposed new east-west arterial road.
 - **Basalt Creek Canyon.** The industrial land abuts the Basalt Creek Canyon with no transition.
 - This is not a big change but rather a refinement to the concept plan. It is a defined site area that makes up about 3 to 5 percent (3-5%) of the total Basalt Creek Study Area. Also there are currently 329 acres of undeveloped industrial land within a one mile radius of the study area.

Land Use Context

- The following shows a comparison of Metro’s initial goal for the district, the City’s current plan, and the proposed amended plan.

Metro	2500 Jobs	1200 Households
City Plan	4500 Jobs	600 Households
Amended Plan	4070 Jobs	1194 Households

The amended plan proposes a more balanced approach that is well within the intended mix proposed by Metro when the land came into the Urban Growth Boundary (UGB).

A group of mayors in our region have gone to Metro and asked Metro for flexibility related to UGB expansions. They have asked Metro to look at lands and appropriate zoning designations on a sub-regional basis. They have asked that Metro consider factors such as slope, and proximity to infrastructure, to help avoid situation like Damascus. We are asking you to do the same. We recognize that the region anticipated that the Basalt Creek area would primarily be zoned employment uses.

It is certainly anticipated that the vast majority of the land will be used for that purpose. But, within the Basalt Creek Planning Area, there are sub-areas that cannot reasonably be developed as employment land because of topographic and other issues. The 41 acres that we have asked the City to zone for residential purposes is one of those sub-areas. There is land to the west and south of this land that is zoned employment, that land is flatter than the subject 41 acres, and it is closer to transportation infrastructure than the subject 41 acres. Neither PacTrust Pacific Realty Associates, LP nor Brian Clopton Excavating believed that an employment designation was possible given the slope and soil quality. Instead of designating the property with a designation that will result in it never developing, we ask that you give it a designation that will make development feasible. If you do not do so, it will sit vacant; counting as developable employment land, just as Damascus has sat vacant, counting as available housing stock. Its designation will prevent further necessary expansions.

There is a housing crisis in our region and the latest modeling has demonstrated the importance of having residential land and employment land in close proximity. This is an opportunity to provide housing, on land which cannot be feasibly developed as employment land.

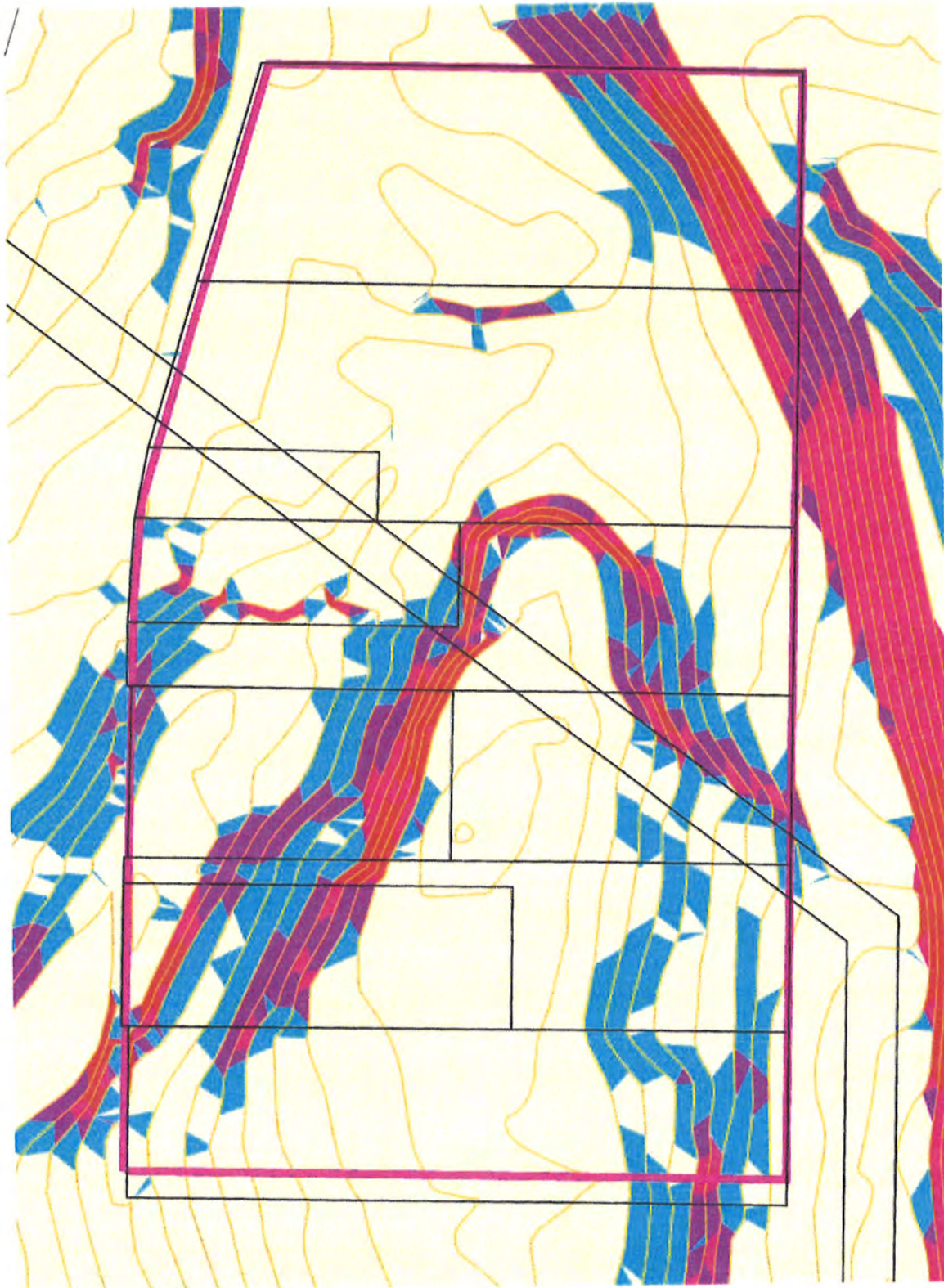
Amended Plan Options

- The attached concept plan option summarizes the requested amendment for proposed land uses that fit the site and its unique conditions.
- The plan anticipates building Tonquin Loop as an actual loop with two access points on Grahams Ferry Road. This road extension will provide complete access to the properties and also access to property owners east of the site.
- Three densities of residential are shown as transition to the neighborhood to the north and canyon to the east and also along the new east-west arterial, which is down 25 vertical feet from the site area. A center core area of potential retail, high density residential, and open space could serve as a walkable destination in the neighborhood. Also secondary access can be provided to the developable lands to the east above the canyon.
- Property uses can be molded to fit actual site conditions and provide a mix of housing (including workforce housing) close to jobs anticipated to the south and west.
- The programmed development will “be trip cap neutral” compared to the current city concept plan.

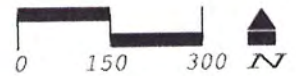
Benefits

- A walkable neighborhood with appropriate transitions and destinations
- Land uses that are adaptable to actual site conditions. The mix of uses will act as a **catalyst to create activity in the district**. The high-density residential (HDR) land provides the best opportunity for workforce housing next to employment lands. Residents won't need a car to commute.
- A plan that meets Metro's initial objectives when the land was brought into the UGB.
- A more complete quality neighborhood for the City of Tualatin.

Attachments: Basalt Creek Site Topo
Basalt Creek Slope Analysis
South Center Site Topo (Comparison)
Basalt Creek Land Use Concept
Letter from PacTrust Pacific Realty Associates, L.P.
Letter from Brian Clopton Excavating
Letter from Micheal Diamond, Real Estate Investment Group
Basalt Creek nearby Job Lands Map



11-16-2016

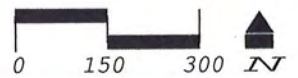


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Yellow
2	10.00%	15.00%	Blue
3	15.00%	20.00%	Purple
4	20.00%	25.00%	Pink
5	25.00%	357.23%	Red

BASALT CREEK SLOPES ANALYSIS

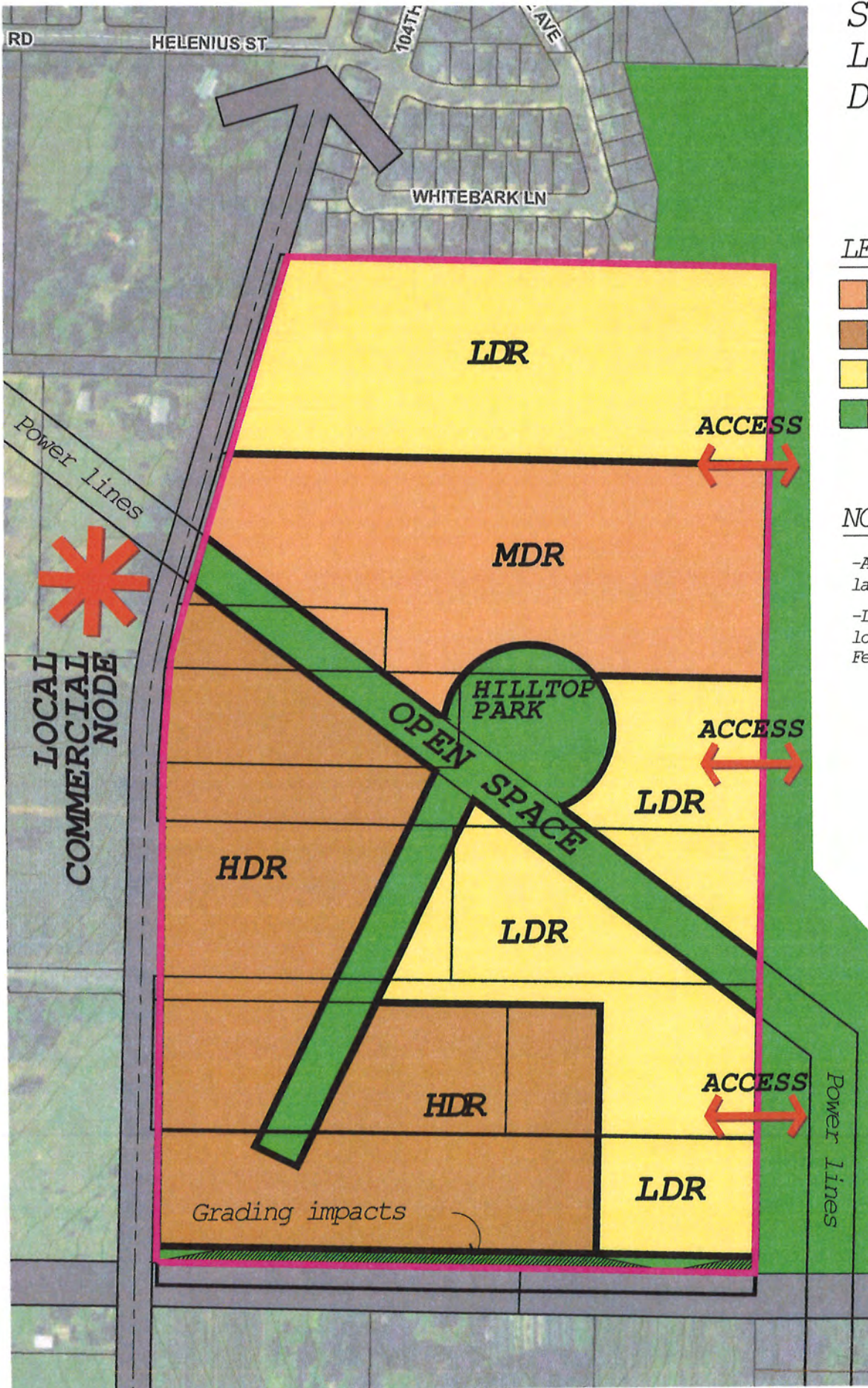


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

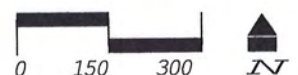
-  Mid Density Residential
-  High Density Residential
-  Low Density Residential
-  Open space

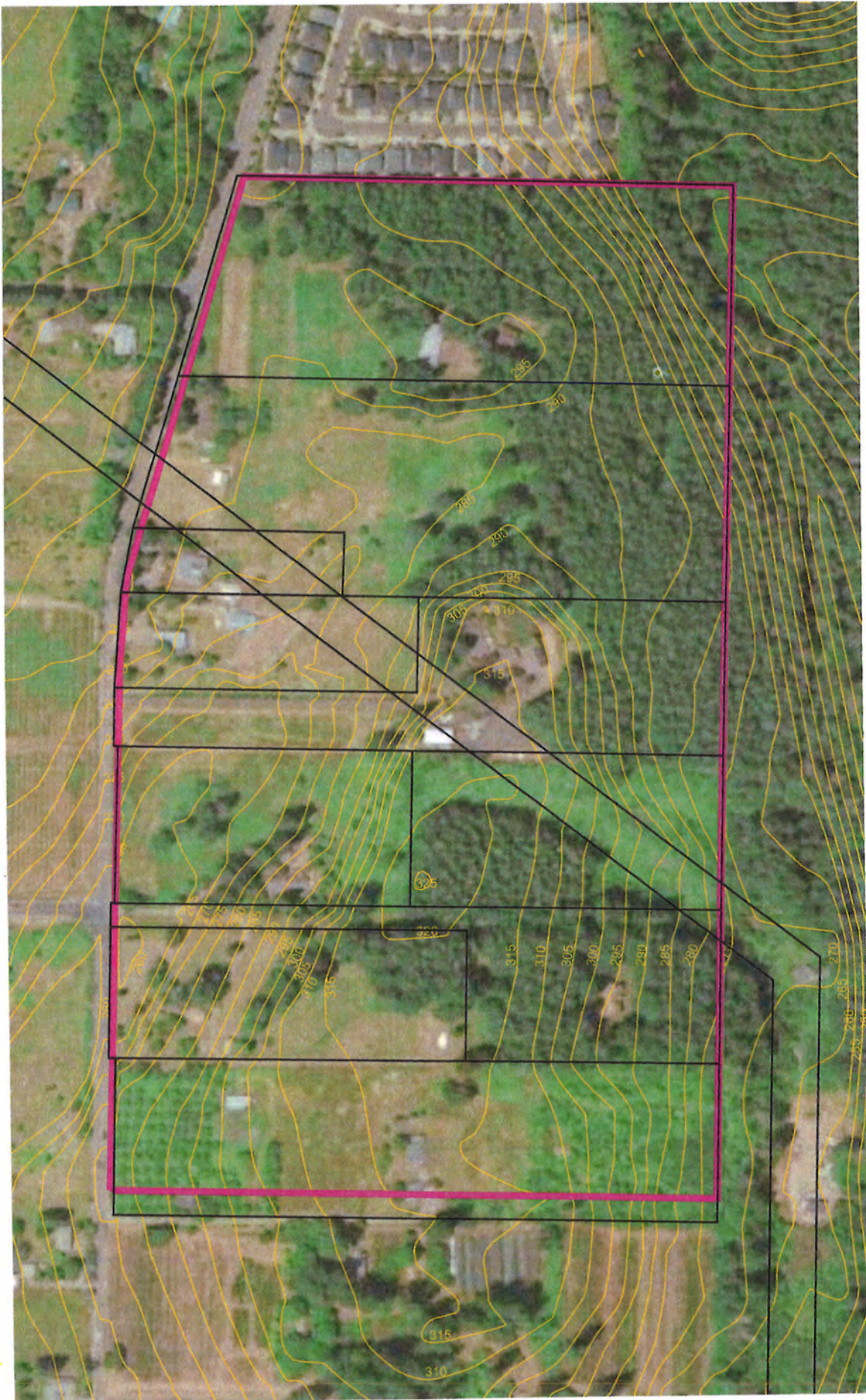
NOTES

- Access provided for landowners to East
- Local commercial node located across Graham's Ferry Road

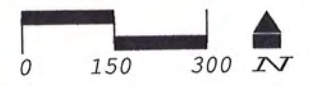


11-21-2016





11-16-2016



BASALT CREEK SITE TOPO



PO Box 509
Wilsonville, OR 97070
P: 503-682-0420
F: 503-570-3235
www.cloptonexcavating.com

2

November 18, 2016

Dear Mr. Koss

You have asked me to visit the 41 acre site located in the Basalt Creek Planning area. Your question was the feasibility of grading this site for employment land vs. a residential zone.

For your information my company has just purchased another four acres next to our Clay Street property. With this acquisition we now have 16 acres of land on Clay Street. I am very familiar with this area and as you know my company has mass graded many sites in the Portland Metro Area. I have been asked many times to inspect potential projects in order to determine problems that may be associated with a developer's site plans --- slopes, access and feasibility.

Thank you for providing me with topography of the site. It was very helpful and to be honest the slopes on the site were more severe then I first thought. The other big issue is the amount of rock that would be encountered with any grading necessary to accommodate any development on this site. This site is far better suited for Residential use since grading for this does not require the same topographic grading in comparison to employment uses. The Basalt Creek area does feature other land that is suited for employment; however the 41 acres you have asked me to visit is not in that category. I was also surprised by the 18 to 20 foot cut in order to accommodate the extension of Basalt Creek Parkway.

If you require any additional information please let me know.

Sincerely

Brian Clopton

President/Owner

PACTRUST
Pacific Realty Associates, L.P.

15350 S.W. Sequoia Pkwy., Suite 300
Portland, Oregon 97224
503/624-6300 • Facsimile: 503/624-7755

3

November 14, 2016

VIA EMAIL

Herb Koss
2643 South Shore Boulevard
Lake Oswego, OR 97034

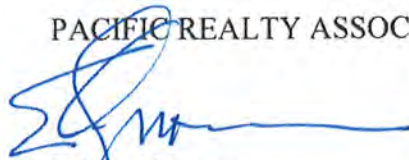
Dear Herb,

At the request of Peter Bechen, I toured your site north of the future Basalt Creek Parkway last week. PacTrust is developing an industrial park several miles north at 115th Avenue and Tualatin-Sherwood Road in Tualatin known as Koch Corporate Center. We are interested in locating a site to develop in the Coffee Creek area for light industrial uses. Unfortunately, the topography of your site makes development of industrial or flex buildings uneconomic. We believe housing would be a more appropriate use for the site. The smaller floor plates for housing enable it to work with slope conditions present on your property. Industrial/employment land requires sites to be much more flat due to dramatically larger floor plates, parking requirements, loading areas for trucks and ingress/egress concerns for trucks. There are several sites in the area that are more appropriate for industrial/employment development.

Let me know if you would like to discuss this further.

Yours very truly,

PACIFIC REALTY ASSOCIATES, L.P.



Eric A. Sporre
Vice President



4

November 21, 2016

Herb Koss
2643 South Shore Blvd.
Lake Oswego, Or 97034

VIA: EMAIL

RE: 41-acre Basalt Creek southern boarder 23960 SW Grahams Ferry Rd.

Dear Herb,

I visited the site and spent a considerable amount of time driving the area. It is an exciting development area especially when the Basalt Creek Parkway is completed.

The topography of the site is such that developing an industrial project would be very difficult and if done would be at best marginal and very inefficient. Industrial, flex buildings require large foot prints, large drive areas for loading and turning radius. There are better sites in the area for this type of use.

I also looked at the site for office park use and concluded that due to the steep topography of the site it could have a negative impact on the proximity of the parking that may pose an issue with ADA requirements. I also believe that the extraordinary site cost and small office footprints would not be cost effective and competitive in the office market. Furthermore, the location does not readily lend itself to that use.

This site lends itself to smaller foot print buildings such as housing and multifamily that can be planned around the steep grades and terraced into the topography. It is my opinion that the highest and best use for this site are single family homes buffered along the frontage with multifamily housing.

Our office has forty years of experience in commercial real estate and have procured sites for commercial developers such as Gramor, Holland Development LLC and West Hills.

Let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Michael N Diamond", written in a cursive style.

Michael N Diamond
Principal Broker

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:56 PM
To: Peter Watts
Subject: FW: Basalt Creek Renus



Thanks Herb Koss

Begin forwarded message:

From: Renus Kelfkens <Renus_Kelfkens@co.washington.or.us>
Date: February 1, 2017 at 12:02:54 PM PST
To: Herb Koss <herb@kossred.com>
Subject: RE: Basalt Creek

Hi Herb,

Yes, Basalt Creek Parkway is a limited access road. The only access will be from Grahams Ferry Rd, and Boones Ferry Rd. Currently we have not done any topographic survey, or design but it is reasonable to expect an 18-FT to 20-FT cut. This will be investigated during the design phase of the project.

Sorry for the delayed response. Please let me know if there are any other questions or comments.

Thanks,

Renus Kelfkens | Project Manager
503-846-7808 renus_kelfkens@co.washington.or.us

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Friday, January 27, 2017 12:40 PM
To: Renus Kelfkens
Subject: Basalt Creek

Dear Renus

I wanted to pass along the employment site evaluation prepared by Mackenzie. After our conversation earlier this week it seems clear to me that some of the assumptions that Mackenzie made, are not consistent with the transportation plan for the area. Although, the site evaluation shows access off of Basalt Creek Parkway, my understanding is that the county will not allow access. Additionally, the evaluation has Basalt Parkway in the wrong area, does not reflect the 18-20 foot curb cut, onto the property, nor does it show the residential that is planned on the northern portion of the site to transition from the existing neighborhood. I spoke to Mackenzie this week, and they indicated that they had not contacted the county regarding the transportation access, or the residential at the northern portion of the site.

Would you be willing to confirm that there is no planned access off of Basalt Creek Parkway, and that the curb cut is expected to be 18-20 feet? I think that that information will be enough for Mackenzie to retract their site evaluation. Please correct me, if anything that I have indicated isn't

accurate. My goal is to make sure that everyone is working off of the same assumptions, so that we can properly assess the site suitability. Thanks for all of your help, and taking the time to talk.

Herb

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:49 PM
To: Peter Watts
Subject: FW: Proposal - Basalt Creek McKenzie
Attachments: PRO-Koss Real Estate-Scope and Fee-170209.pdf



From: Todd Johnson [<mailto:TJohnson@mcknze.com>]
Sent: Friday, February 10, 2017 12:04 PM
To: Herb Koss
Cc: Dennis Woods; Gabriela Frask
Subject: FW: Proposal - Basalt Creek McKenzie

Hi Herb-

I've been in meetings all morning. Sorry for the delay in getting this to you.

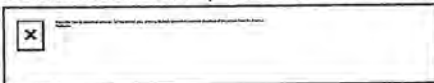
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for resource lands, geotechnical conditions, and topography. This scope includes developing site specific data to allow cost feasibility analysis to our previous study. By improving the accuracy of the data we have through onsite study and mapping, we will be able to determine if the site is economically viable for employment use, or also look at residential uses as alternates for economic viability.

It's my understanding that you have new information for the road connections and locations that we did not use in our previous report. That type of data would be collected as part of our work and would be incorporated into the scope we propose in the attached scope and budget letter.

Let me know if you have any questions about the attached scope, or if you would like us to change the proposal in any way. If the scope we outlined in the attached letter is satisfactory, I'd suggest we have a meeting with you and the project team to refine the tasks we identify prior to us commencing work.

Thanks for the opportunity to present this scope of work. I'll call you to discuss it.

Todd Johnson
Senior Associate / Director of Planning



Architecture · Interiors · Engineering · Planning

P 503.224.9560 W mcknze.com C [vcard](#)

RiverEast Center, 1515 SE Water Ave., Suite 100, Portland OR 97214

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February 10, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

In response to your request I have reviewed the Basalt Creek Concept Plan materials with regards to the suitability of employment/light industrial development on the 63 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway. These materials included:

1. Tualatin Staff Reports
2. Mackenzie Study
3. Email from Washington County Basalt Creek Parkway project manager Renus Kelfkens regarding access to Basalt Creek Parkway.
4. DKS preliminary profile of the extension Basalt.
5. OTAK Basalt Creek Concept Plan.

We understand that the City, Metro and Washington County's desire is to zone this area for employment land. Development potential of land for employment uses, as stated in the MacKenzie report, is generally assumed to have less than 5% slopes. This is to allow for larger building footprints, parking, loading areas and truck access.

The two areas that meet that criteria for this property is the northerly 1/3 adjacent Victoria Gardens and the top of the plateau area in the lower middle of the site. The northerly area would be well served with access from Grahams Ferry Road at Tonquin Loop and potentially a secondary access from Tonquin Road at Grahams Ferry Road. These to access points would appear to have good separation and sight distance on Grahams Ferry. The northerly area is very developable as employment land, however the City has set aside approximately 10 acres (almost half) as residential to buffer the Victoria Gardens lots.

The southerly plateau area's best access would come from the southerly property line and Grahams Ferry. However, this is the location of Basalt Creek Parkway which the County will not allow access. We also understand that the County has deleted the proposed Kinsman Road crossing of Basalt Creek Parkway shown on the Tualatin Concept and MacKenzie plans thereby eliminating the only at grade potential access coming from the southerly portion of the site. Therefore any access to the plateau area must come from the north (Tonquin Road or Tonquin

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

Road Loop). The plateau area is almost completely surrounded by steeply sloped land. The slopes range from over 10% to over 20%. The over 40 vertical rise needed to get from Tonquin Road to the top of the plateau area will take 800 feet at 5% not accounting for access to the lower property on either side or the potential impacts to wetlands.

There is slightly over 25 feet vertical rise from Tonquin Loop to the top of the plateau. This does not account for the low area just north of the plateau that drops down another 15 feet that this road would have to cross. While the grading is more manageable the result would be truck traffic routed through a residential area.

Neither access point can provide a secondary access to the plateau area. This is a negative for both traffic flow patterns and emergency access. In addition as these roads are raised to provide access to the plateau area, the access to land on either side of the road becomes more difficult.


This area is also well known for the hard rock that is very near the surface. We were the design engineers for Victoria Gardens where we had about 2-feet of fill brought into the site to reduce the rock excavation costs. Unfortunately, filling the area does not provide better access.

Employment land requires flatter slopes to serve larger building footprints and then adjacent parking/loading areas. Providing for truck access and typical development footprint will severely limit the development efficiency for this portion of the property. Residential uses are more flexible with access grades and smaller footprints however the site will still be difficult to development without access to the south.

In summary, the northerly one third of the property is well suited to employment land. However, contrary to the MacKenzie report, Tualatin's current plan reserves the northerly 10 acres or so (almost half) of the northerly area for residential to buffer the Victoria Gardens lots. The southerly plateau area is not well suited for employment land. This is due to access constraints, surrounding steep slopes, lack of secondary access and grading costs.

It has also been our experience that if property is forced into a development pattern it is not well suited for, it will end up being one of the last parcels developed and the quality of that development is usually below expectations. If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,


Anthony R. Weller, P.E., P.L.S.
President



Construction, Inc.

P.O. Box 489 • 915 S 12th Ave • Cornelius, Oregon 97113 • (503) 357-2193 • FAX (503) 357-3649

8

2/10/17

Subject: The Land South of Victoria Gardens to Basalt Creek Parkway

Dear Mayor Ogden and Tualatin City Councilors:

I am the owner of Ken Leahy Construction Inc., our firm specializes in all aspects of site preparation projects including full site development that require erosion control, clearing, grubbing, stripping, earthwork, cement soil stabilization, storm water detention facilities, bio swales, underground utilities (storm sewer, sanitary sewer, water distribution and franchise utilities), sanitary sewer lift stations and force mains. Our firm is celebrating its 50th year in the business and has been involved in many developments in the Portland Metro area.

At the request of Herb Koss and I toured the site on 2/10/17, to give him an idea of the feasibility of full site development for employment use. I also was given topography site maps detailing the slopes and grades on the property.

I personally have developed sites that contain large volumes of rock. Based on my personal experience I estimate that the cost of land preparation for the land described above would surpass the \$5.00 per foot range.

I looked at site access, and am basing my opinion about access on the understanding that no access will be allowed onto Basalt Creek Parkway. If there is no access from Basalt Creek Parkway, traffic will have to come from the intersection of Tonquin Road and Grahams Ferry Road. There is approximately 50 feet of elevation rise, from that access point, which creates major issues for truck traffic.

Limited access, topography, and the large quantity of basalt rock are all major issues. A single one of them might not prevent the site from being developed as employment land, but the combination of all three cannot be overcome. Mass grading of Basalt Rock is not financially feasible.

Sincerely

Ken Leahy



HanmiGlobal Partner

808 sw third avenue, suite 300 • portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

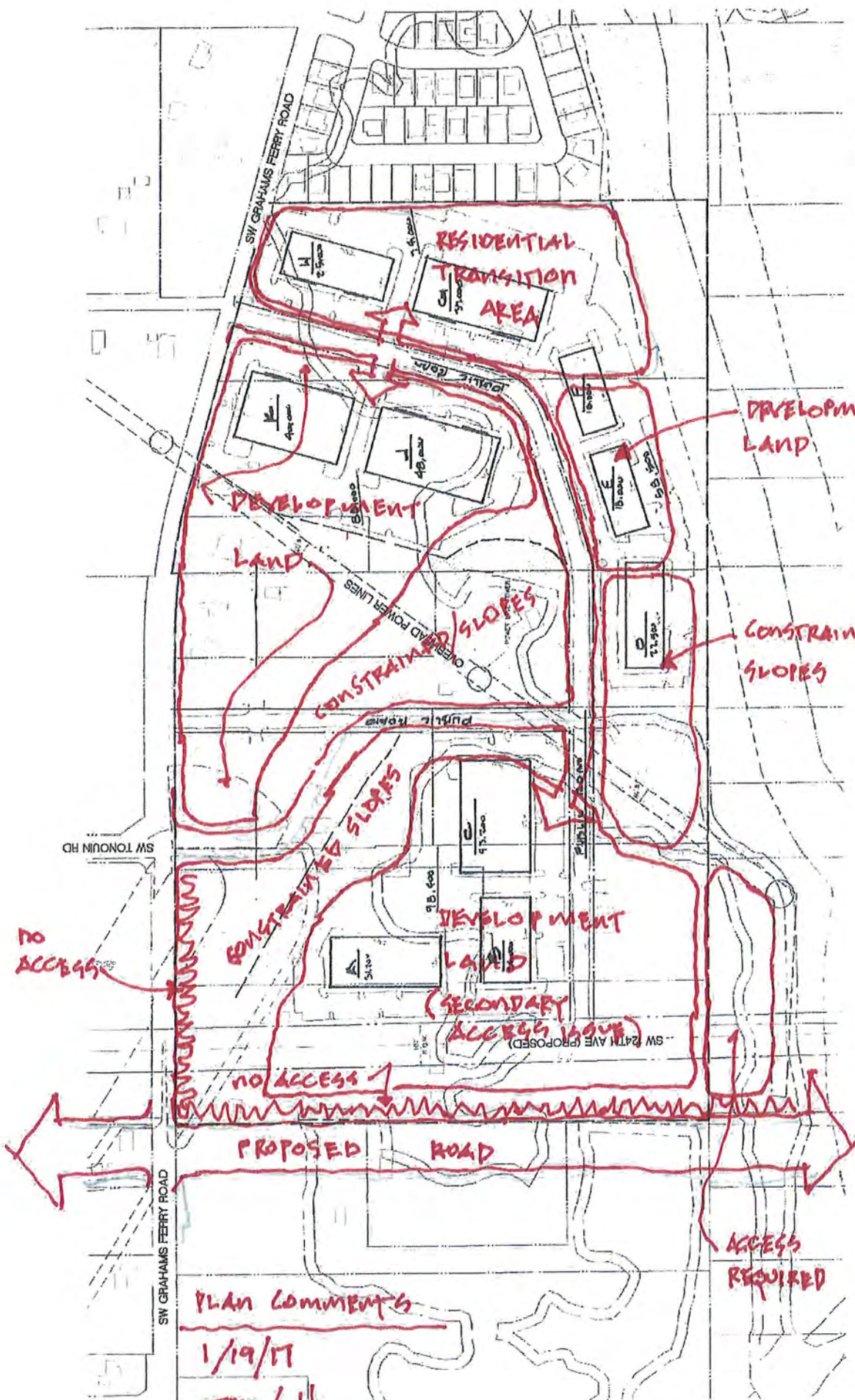


The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

- **Items/information not made available to MacKenzie**
 - Residential transition land at north end.
 - Correct location for the future Basalt Creek Parkway road.
 - No road connection/access onto the future Basalt Creek Parkway road.
 - No access is shown to properties to the southeast.

- **Plan Comments**
 - The comments on slope suitability are well stated for employment uses. Less than 5% slopes are best, 5-10% present challenges, and greater than 10% slopes are not feasible.
 - Sites A, B and C are somewhat feasible but would need a second access for emergency vehicles.
 - Sites D, E and F are not feasible for employment.
 - Sites G and H are in the proposed residential zone.
 - Sites L and K are workable.
 - There are about 18-20 acres of feasible land for employment development, but without good access a successful employment development is not feasible.
 - No consideration for costs of grading the site.
 - What about ADA?



PLAN COMMENTS
 1/19/17
 ORK/dh

OPTION ONE
 DEC. 21, 2016
 318,500 SF "EMPLOYMENT BUILDINGS"

LEGEND

- SITE BOUNDARY
- PROPOSED 4' D.W.
- ELEVATION INTERVAL (10')
- SPANNAN AREAS

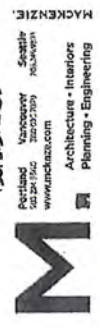
SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (ACRES)
PROPOSED BUILDINGS A, D & L	100,000 SF	100,000 SF	100	1:1000	2.0
PROPOSED BUILDINGS B, C & F	100,000 SF	100,000 SF	100	1:1000	2.0
PROPOSED BUILDINGS G, H & I	100,000 SF	100,000 SF	100	1:1000	2.0
PROPOSED BUILDINGS J, K & M	100,000 SF	100,000 SF	100	1:1000	2.0
TOTAL	400,000 SF	400,000 SF	400	1:1000	8.0

SITE XX
 BASALT CREEK SITE
 SW 124TH AVE
 WASHINGTON COUNTY, OREGON

SCALE: 1" = 100'

NOTE: CONTOUR SHOWN AT 5' FT INTERVALS
 72, 82, 92, 102, 112, 122



318,500 SF

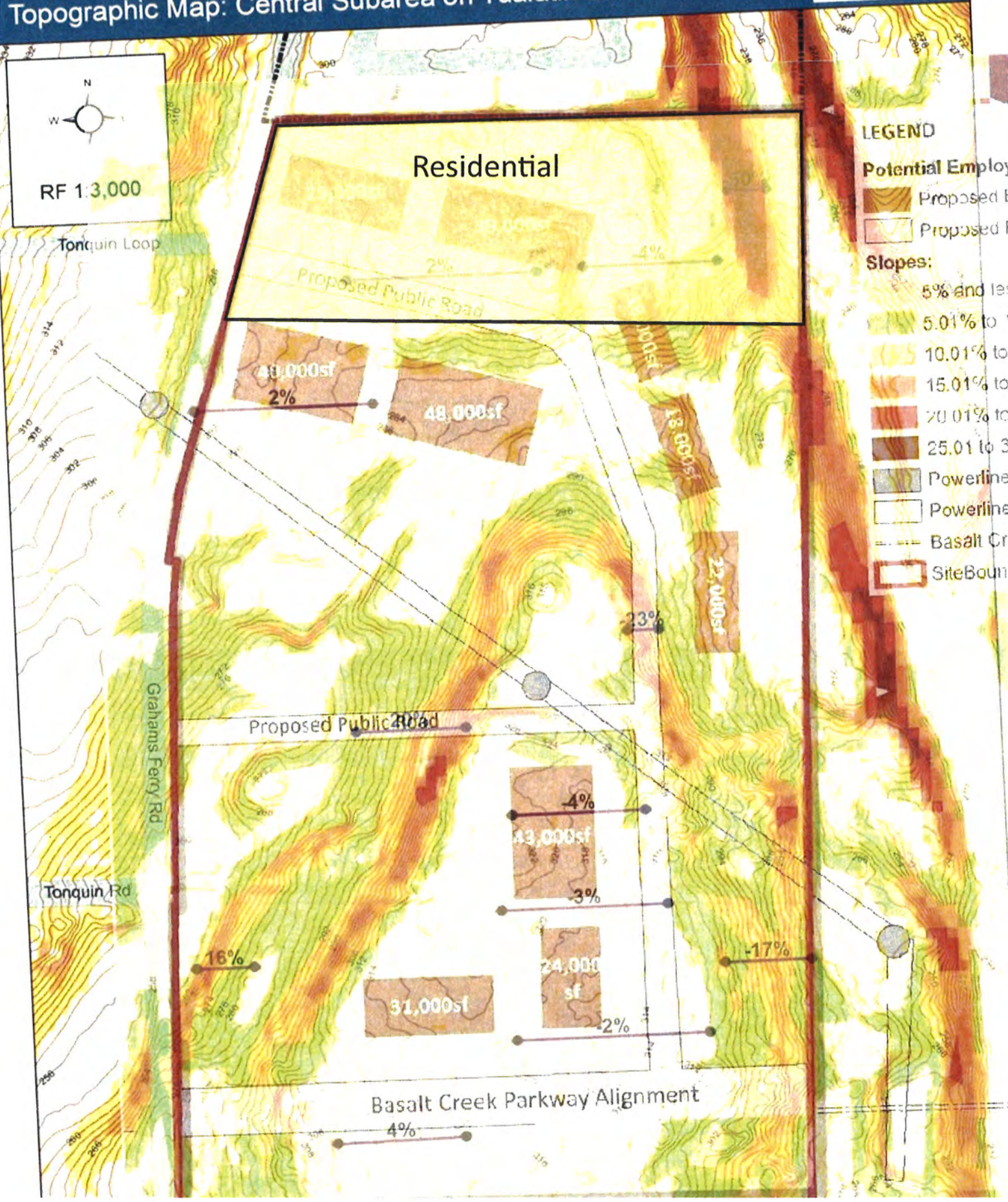
10

Topographic Map: Central Subarea on Tualatin side of Basalt



N
W

RF 1:3,000



LEGEND

Potential Employ

- Proposed E
- Proposed f

Slopes:

- 5% and less
- 5.01% to
- 10.01% to
- 15.01% to
- 20.01% to
- 25.01 to 3

Powerline

Powerline

Basalt Cr

SiteBound

From: [Ottenad, Mark](#)
To: [Kraushaar, Nancy](#); [Bateschell, Miranda](#)
Cc: [Neamtzu, Chris](#)
Subject: FW: Landowner Koss - Basalt Creek land assessments
Date: Thursday, March 16, 2017 4:40:32 PM
Attachments: [Attachments 1-3.pdf](#)
[Attachment 4-10.pdf](#)

For you all from the attorney representing Herb Koss.

From: Peter Watts [mailto:Peter.Watts@jordanramis.com]
Sent: Thursday, March 16, 2017 4:14 PM
To: Ottenad, Mark
Subject: FW: Testimony for Monday's Work Session

Hi Mark-

I previously submitted the memo, below, along with attachments to the Tualatin City Council. I believe it was one of the reasons for their decision to direct staff to move forward with certain properties zoned residential. I wanted to send it your way in case there are questions, from the Wilsonville Mayor and Council. Hope all is going well for you, and that the legislature is not keeping you too busy.

Peter

Peter O. Watts | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

From: Peter Watts
Sent: Sunday, February 12, 2017 12:42 PM
To: 'council@ci.tualatin.or.us'; 'council@tualatin.gov'
Cc: 'slombos@ci.tualatin.or.us'
Subject: Testimony for Monday's Work Session

Dear Mayor Ogden, Members of the Tualatin City Council, and City Staff,

I, along with others, own land North of the planned Basalt Creek Parkway, and East of Grahams Ferry Drive. I am writing this letter solely on my own behalf, specifically to provide background information, address the report provided to Washington County by McKenzie, and also provide information from local experts who have walked the site, so that you can make the best possible determination regarding the most appropriate designation of the land.

Executive Summary

Don Hanson of OTAK, and Tony Weller of CES NW, have both provided letters stating significant reservations with the feasibility of developing this site as employment land, and provided detailed analysis of topographic and access limitations associated with the site, for your review. The

letter from Tony Weller succinctly describes the issues with the McKenzie Report and the site in two pages.

Ken Leahy of Ken Leahy Construction, and Brian Clopton of Brian Clopton Excavating, both who have significant experience providing site preparation in the region, have walked the property, and believe that site preparation for the large building footprints required by employment designations, will be cost prohibitive due to the site slope and basalt rock soil.

Eric Sporre of PacTrust believes that there is an inability to develop industrial or flex buildings based on the site topography and soil conditions. Mike Diamond of the Real Estate Investment Group opined that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. He also determined that office park use was not feasible, because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land.

Although, McKenzie provided a report to Washington County, that the land could be feasibly developed as employment land, that report was based on a series of assumptions regarding site access, road construction, and zoning on the northern portion of the property, that will not occur under the current plan. Washington County staff has confirmed that the access off Basalt Creek Parkway, and the north south Kinsman road, will not be built. Both, Don Hanson and Tony Weller, have provided letters based on the most recent Washington County data, that contradict the conclusions reached in the McKenzie report.

Despite that the Basalt Creek planning area was brought into the UGB for the primary purpose of providing employment land, Metro has confirmed that there is no prohibition in the findings for non-employment designations. John Fregonese has confirmed that even if the subject property was zoned residential, the employment capacity for the planning area, will still far exceed Metro's estimates by 1,000, or more.

Background Information And Why We Are Here Today

Although, I have significant experience representing both jurisdictions and developers in land use matters, I have never previously experienced the process from the perspective of a land owner, so this has been an eye opening experience. At the time that I decided to invest as a part owner in one of the subject properties, I did due diligence by looking at satellite images, reviewing the plans prepared by the cities and John Fregonese, and driving to the site. I didn't, however, walk the site, because of extremely bad weather.

I believed based on my review of the planning materials that the site would develop as employment land, and am very familiar with the regional needs analysis. In short, I did what everyone else did which was look at it from a bird's eye view, instead of on the ground.

At the time of my ownership, the most pressing issue was the boundary between the two

cities. There seemed to be a logical boundary between Tualatin and Wilsonville, at Basalt Creek Parkway. I met with staff from Wilsonville to discuss the boundary, as well as Wilsonville's vision for mirror image zoning, which I believed, at the time, was feasible, and would work.

It was only when winter turned to summer, that I actually walked the property. What was not obvious from satellite imagery, or from the road, was immediately apparent, when I was on the ground. There are significant slope issues with the property and the adjacent properties, and there was very little topsoil, and a lot of rock. I am familiar with the impact of topography and soil conditions through my past representation of the former city of Damascus, and this property did not seem well suited for the large footprints necessary for an employment designation.

After discussions with Herb Koss, we contacted adjacent property owners, and received their permission to have experts look at the parcels of property as a whole, to help determine feasibility. At that time, concerned whether there was a prohibition on non-employment land zoning, I had preliminary discussions with Metro staff regarding whether there had been a requirement that the land be zoned employment, when it was brought into the UGB.

Metro's land use attorney, Roger Alfred, and I, both reviewed the findings and determined that although there was a strong desire for employment land, an orderly transition from residential to employment was contemplated at all times during the process. There is nothing in the findings that prevents a residential designation. This is particularly true if the factors on the ground do not support an employment designation. With that information and the consent of adjacent land owners we moved forward with the process of bringing in experts for site suitability analysis.

Preliminary Analysis From Experts And Washington County's Letter Opinion From McKenzie

Herb Koss arranged for Don Hanson from OTAK to analyze the site for slope issues and potential zoning, and he has previously submitted materials regarding his findings. (*See attachment 1*) Brian Clopton, of Brian Clopton Excavating submitted a letter on November 18, 2016 regarding the soil conditions and topography. (*See attachment 2*) Eric Sporre of PacTrust submitted a letter on November 14, 2016 regarding the inability to develop industrial or flex buildings based on the topography. (*See attachment 3*)

Mike Diamond of the Real Estate Investment Group submitted a letter on November 21, 2016 opining that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. (*See attachment 4*) He also determined that office park use was not feasible because the steep topography would have a negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land.

Don Hanson shared Mike Diamond's concerns regarding compliance with ADA standards. He noted that the site that Washington County used as a comp, South Center, which was designed by OTAK had half the slope of the subject site, and could not be built under current ADA standards. (*See page 1 of attachment 1*)

At the same time, Mayor Ogden, and staff, asked John Fregonese for his opinion. He expressed reservations regarding the employment designation, and believed that it would be better suited as residential land. This, and other data, prompted Washington County to hire McKenzie to provide a letter opinion.

Upon receiving a copy of the McKenzie Letter, I had significant concerns that their report regarding feasibility was predicated on four inaccurate assumptions. Specifically:

1. The McKenzie letter contemplated access off of Basalt Creek Parkway, and did not take into account the 18-20 foot curb cut off of Basalt Creek Parkway (Washington County Project Manager, Renu Kelfkens, confirmed via email on 2/1/17 that the only access onto Basalt Creek Rd., will be from Grahams Ferry Rd., and Boones Ferry Rd., and that there will likely be an 18-20 foot curb cut); (*See Attachment 5*)
2. The McKenzie letter contemplated Kingsman Rd., as a North South connector, allowing truck access to the southern portion of the site (Washington County Planner Erin Wardell confirmed via a phone call to Herb Koss on 2/9/17 that this road had been deleted over a year ago);
3. The McKenzie letter contemplated an Employment designation in the northern quadrant of the property, despite the fact that it has been designated by the city as residential transition;
4. The McKenzie letter did not rely on site specific geotechnical conditions or topography, relying on regional mapping instead (Todd Johnson confirmed that they had not used site specific data via email on 2/10/17) (*See Attachment 6*)

I have had discussions with Gabriela Frask, who prepared the McKenzie report, and learned that she was not provided with the site transportation access information, nor was she aware that the northern portion of the property, which is relatively flat, was planned as residential transition. She was also unaware that Kingsman Rd., was deleted from the area planning approximately a year ago. Additionally, Washington County did not authorize a site visit, within her scope of work, which I believe negatively impacted her ability consider other factors impacting feasibility. Regardless of the skill of an individual planner or agency, their work can only be as accurate as the information that they rely upon, and in this case I believe that Gabriela and McKenzie did not receive sufficiently detailed information to assess the property as accurately as possible.

Expert Opinions and Assessment of the McKenzie Letter

We asked Tony Weller of CES NW, to consider the Tualatin staff reports, McKenzie Study, email from Washington Co., regarding access, the DKS preliminary profile of the extension of Basalt Creek Parkway, and the OTAK Basalt Creek Concept Plan. In a comprehensive letter dated February 10, 2017, he opined that while the northerly third of the site is very developable as employment land, almost half of that property is reserved for residential use. And, that the deletion of the planned Kingsman Road, eliminates the only at grade potential access coming from the southerly portion of the site. The plateau portion of the property is surrounded by steep slopes of over 10% and over 20%. He further opined that neither access point can provide a secondary access to the

plateau area which is a negative for both traffic flows and emergency access. (See Attachment 7)

Ken Leahy of Ken Leahy Construction Inc., was asked to provide a more comprehensive look at site preparation costs. He provided his opinion, in a letter dated February 10, 2017 that the cost of site preparation will exceed \$5.00 per foot. (See Attachment 8)

Don Hanson, of OTAK has provided a letter, and marked-up the McKenzie map based on the actual location of Basalt Creek Parkway, the lack of access off of Basalt Creek, the elimination of Kinsman road, and the residential designation at the top of the property. The result of those additional facts, eliminates a significant portion of the property that McKenzie deemed developable. (See Attachment 9)

Additionally, I have included a map that combines the McKenzie Plan with the residential zone and topographic map. (See Attachment 10)

Their letters are attached for your review.

A Summary of Relevant Data

With so many different letters from various experts, and communications from owners, neighbors, and other jurisdictions, over the last six months, it can be hard to keep track of the relevant information. So, I would offer the following:

1. Metro's own benchmark for employment land contemplates a slope of less than 10%, with less than 5% preferred. This site has slope in excess of 20% throughout;
2. PacTrust has provided a written opinion that the topography and basalt soil of the site mean it can't be feasibly developed for employment purposes;
3. OTAK has indicated in writing that the comparable property that Washington County used in their analysis, had half as much slope as this site, and could not be built under current American's with Disabilities Act rules/regulations;
4. Site preparation specialists in the area confirm the high cost of site preparation, due to soil conditions. The amount of blasting that can occur on this site is compromised by the high capacity power lines that bisect the site;
5. There is no access off of Basalt Creek road, and the deletion of Kinsman Road directly, and negatively impacts truck circulation on the southern portion of the site;
6. The northern portion of the site, adjacent to the existing neighborhood is currently planned to be zoned residential, contrary to what McKenzie's renderings show, and that designation has a major impact on the large footprint, employment, buildings that can/cannot be constructed. OTAK believes that only 11% of the site can be feasibly constructed as employment;
7. A residential designation and orderly transition to employment/industrial was always contemplated adjacent to the existing residential neighborhood, and is allowed under the findings that brought the Basalt Creek area into the UGB.
8. The county believes that an 18-20 foot curb cut, will be necessary on Basalt Creek Parkway. That curb cut means that the mirror image view that Wilsonville contemplated cannot

occur. The view will either be of a graded slope or a 20 foot retaining wall.

Conclusion

Although, the primary purpose of the Basalt Creek UGB expansion was to bring in employment land, the on ground conditions on this property don't support that designation. During the thirteen year period since this land was brought into the UGB, there has been a trend of locating workforce housing close to employment lands to lessen commute time to work, and there are other lands in the Basalt Creek Planning Area that are zoned residential.

John Fregonese was asked if this property was needed for employment capacity. His response was that if the subject property was zoned residential, the employment capacity for the planning area, will still far exceed Metro's estimates by 1,000, or more. In short, this land does not need to be zoned employment in order for the planning area as a whole to exceed Metro's employment capacity estimates.

Thank you for your time and consideration.

Peter

Peter O. Watts |
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070



Hanmi Global Partner

808 sw third avenue, suite 300 • portland, oregon 97204
503.287-6825 • fax 503.415-2304
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BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon

August 23, 2016, Revised November 21, 2016

Introduction

- Otak Inc. (Otak) represents The Sherwood Grahams Ferry Investors LLC, headed by Herb Koss, who hold 10 acres in the 41 acre northeast quadrant of the overall district. The property is located near the northeast corner of Grahams Ferry Road and extends over to the Basalt Creek Canyon along the proposed new east-west arterial road. This summary of concerns and the amended concept plan lay out our intended direction moving forward.

Project Concerns

- Otak’s concern is that the northeast quadrant area is not well suited to industrial zoning or employment transition proposed by the concept plan.
 - **Topography.** Much of the site contains slopes in excess of 10 percent (10%) and 25 percent (25%). The site would be extremely difficult to flatten out to accommodate industrial or employment transition site development requirements. Attached is a topographic map of the South Center project provided to City of Tualatin (City) staff. Otak designed this flex-space project. The topography is half as severe as portions of the 41 acres site. The site would be extremely difficult to develop given today’s American with Disabilities Act (ADA) requirements.
 - **Access.** Vehicular access will be limited to Grahams Ferry Road and extending Tonquin Loop into the site. No access will be permitted on the proposed new east-west arterial road.
 - **Basalt Creek Canyon.** The industrial land abuts the Basalt Creek Canyon with no transition.
 - This is not a big change but rather a refinement to the concept plan. It is a defined site area that makes up about 3 to 5 percent (3-5%) of the total Basalt Creek Study Area. Also there are currently 329 acres of undeveloped industrial land within a one mile radius of the study area.

Land Use Context

- The following shows a comparison of Metro’s initial goal for the district, the City’s current plan, and the proposed amended plan.

Metro	2500 Jobs	1200 Households
City Plan	4500 Jobs	600 Households
Amended Plan	4070 Jobs	1194 Households

The amended plan proposes a more balanced approach that is well within the intended mix proposed by Metro when the land came into the Urban Growth Boundary (UGB).

A group of mayors in our region have gone to Metro and asked Metro for flexibility related to UGB expansions. They have asked Metro to look at lands and appropriate zoning designations on a sub-regional basis. They have asked that Metro consider factors such as slope, and proximity to infrastructure, to help avoid situation like Damascus. We are asking you to do the same. We recognize that the region anticipated that the Basalt Creek area would primarily be zoned employment uses.

It is certainly anticipated that the vast majority of the land will be used for that purpose. But, within the Basalt Creek Planning Area, there are sub-areas that cannot reasonably be developed as employment land because of topographic and other issues. The 41 acres that we have asked the City to zone for residential purposes is one of those sub-areas. There is land to the west and south of this land that is zoned employment, that land is flatter than the subject 41 acres, and it is closer to transportation infrastructure than the subject 41 acres. Neither PacTrust Pacific Realty Associates, LP nor Brian Clopton Excavating believed that an employment designation was possible given the slope and soil quality. Instead of designating the property with a designation that will result in it never developing, we ask that you give it a designation that will make development feasible. If you do not do so, it will sit vacant; counting as developable employment land, just as Damascus has sat vacant, counting as available housing stock. Its designation will prevent further necessary expansions.

There is a housing crisis in our region and the latest modeling has demonstrated the importance of having residential land and employment land in close proximity. This is an opportunity to provide housing, on land which cannot be feasibly developed as employment land.

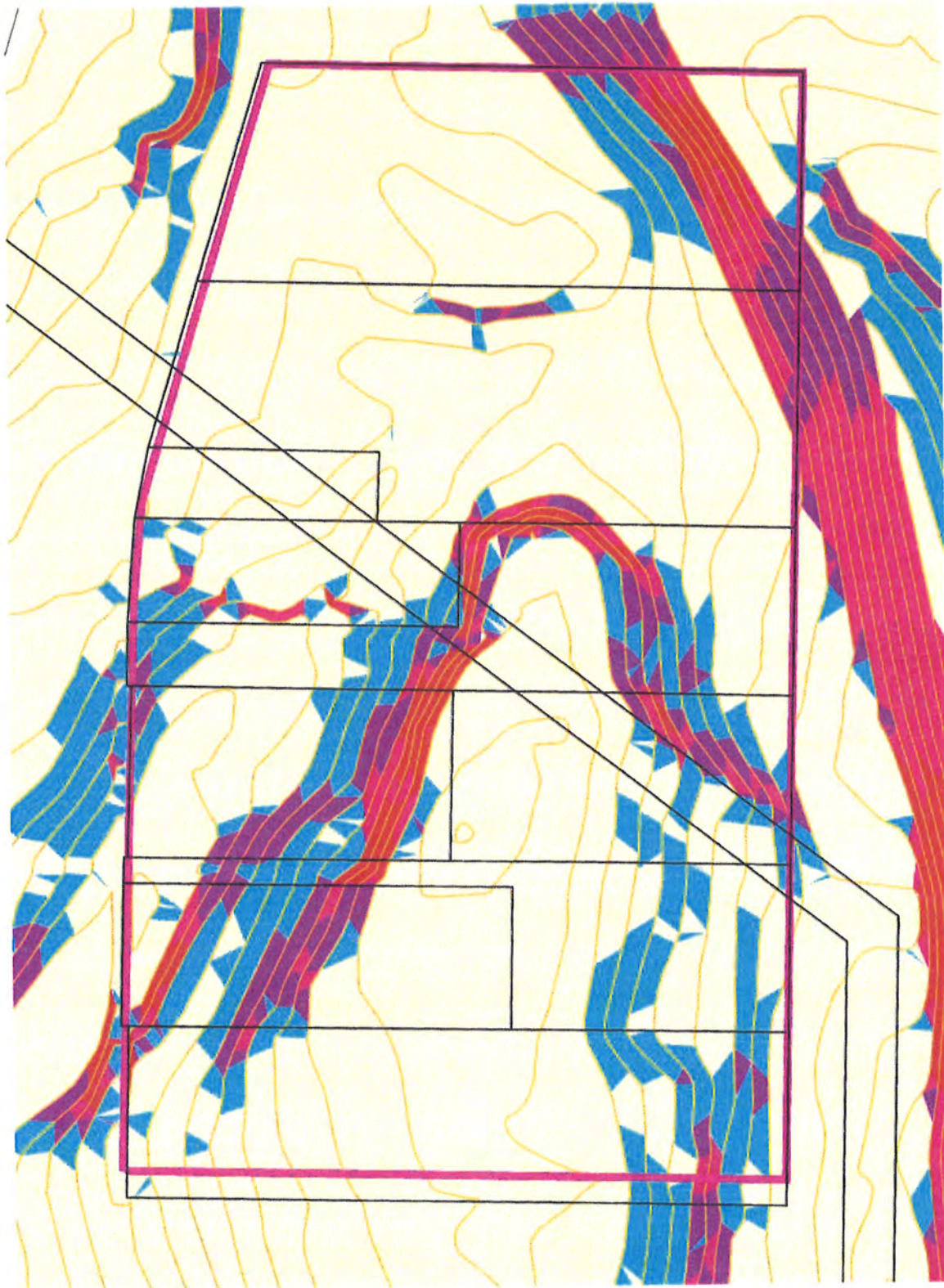
Amended Plan Options

- The attached concept plan option summarizes the requested amendment for proposed land uses that fit the site and its unique conditions.
- The plan anticipates building Tonquin Loop as an actual loop with two access points on Grahams Ferry Road. This road extension will provide complete access to the properties and also access to property owners east of the site.
- Three densities of residential are shown as transition to the neighborhood to the north and canyon to the east and also along the new east-west arterial, which is down 25 vertical feet from the site area. A center core area of potential retail, high density residential, and open space could serve as a walkable destination in the neighborhood. Also secondary access can be provided to the developable lands to the east above the canyon.
- Property uses can be molded to fit actual site conditions and provide a mix of housing (including workforce housing) close to jobs anticipated to the south and west.
- The programmed development will “be trip cap neutral” compared to the current city concept plan.

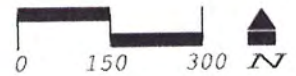
Benefits

- A walkable neighborhood with appropriate transitions and destinations
- Land uses that are adaptable to actual site conditions. The mix of uses will act as a **catalyst to create activity in the district**. The high-density residential (HDR) land provides the best opportunity for workforce housing next to employment lands. Residents won't need a car to commute.
- A plan that meets Metro's initial objectives when the land was brought into the UGB.
- A more complete quality neighborhood for the City of Tualatin.

Attachments: Basalt Creek Site Topo
Basalt Creek Slope Analysis
South Center Site Topo (Comparison)
Basalt Creek Land Use Concept
Letter from PacTrust Pacific Realty Associates, L.P.
Letter from Brian Clopton Excavating
Letter from Micheal Diamond, Real Estate Investment Group
Basalt Creek nearby Job Lands Map



11-16-2016

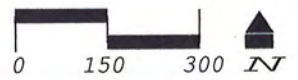


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Yellow
2	10.00%	15.00%	Blue
3	15.00%	20.00%	Purple
4	20.00%	25.00%	Pink
5	25.00%	357.23%	Red

BASALT CREEK SLOPES ANALYSIS

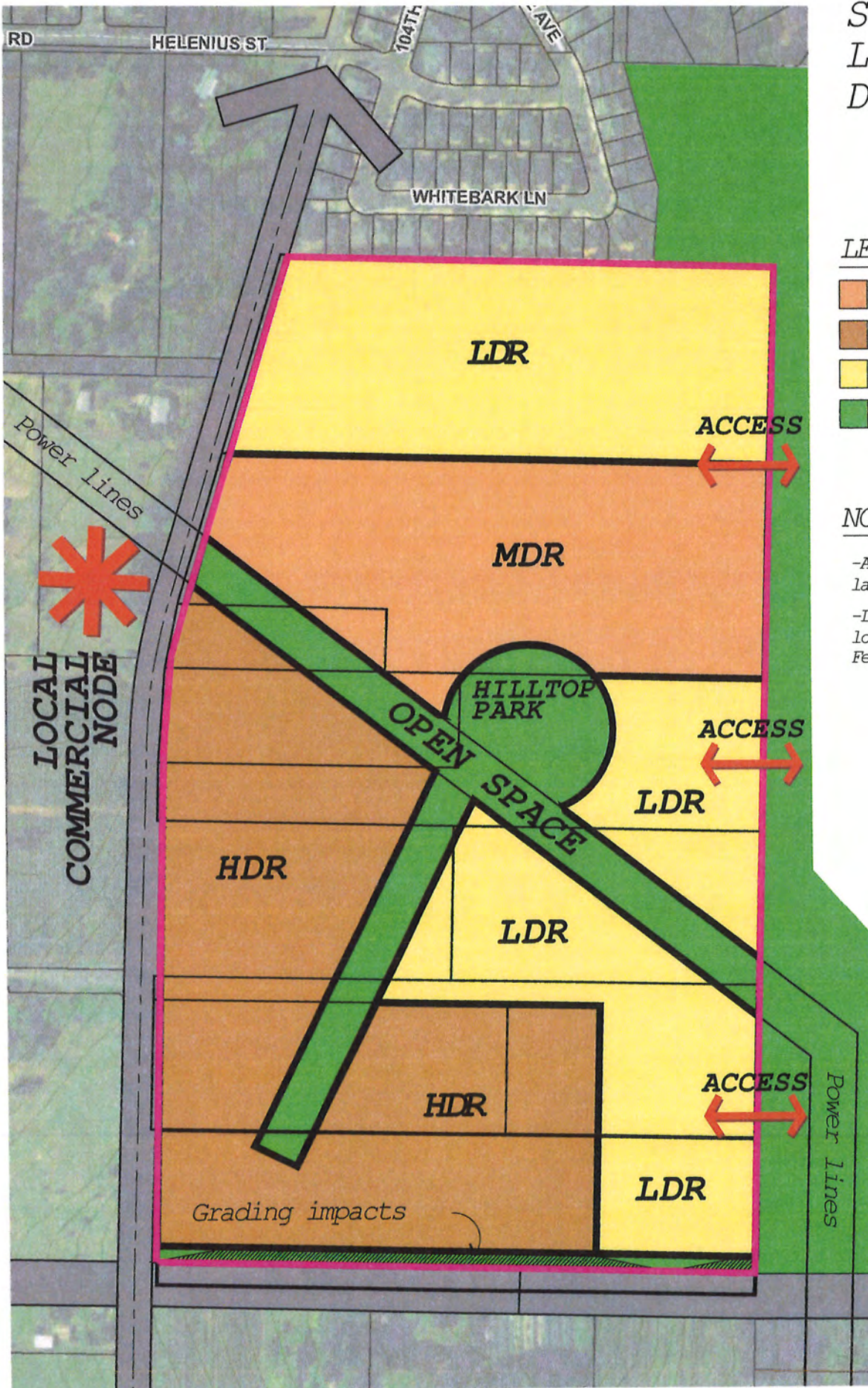


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

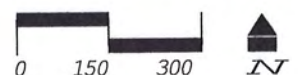
- Mid Density Residential
- High Density Residential
- Low Density Residential
- Open space

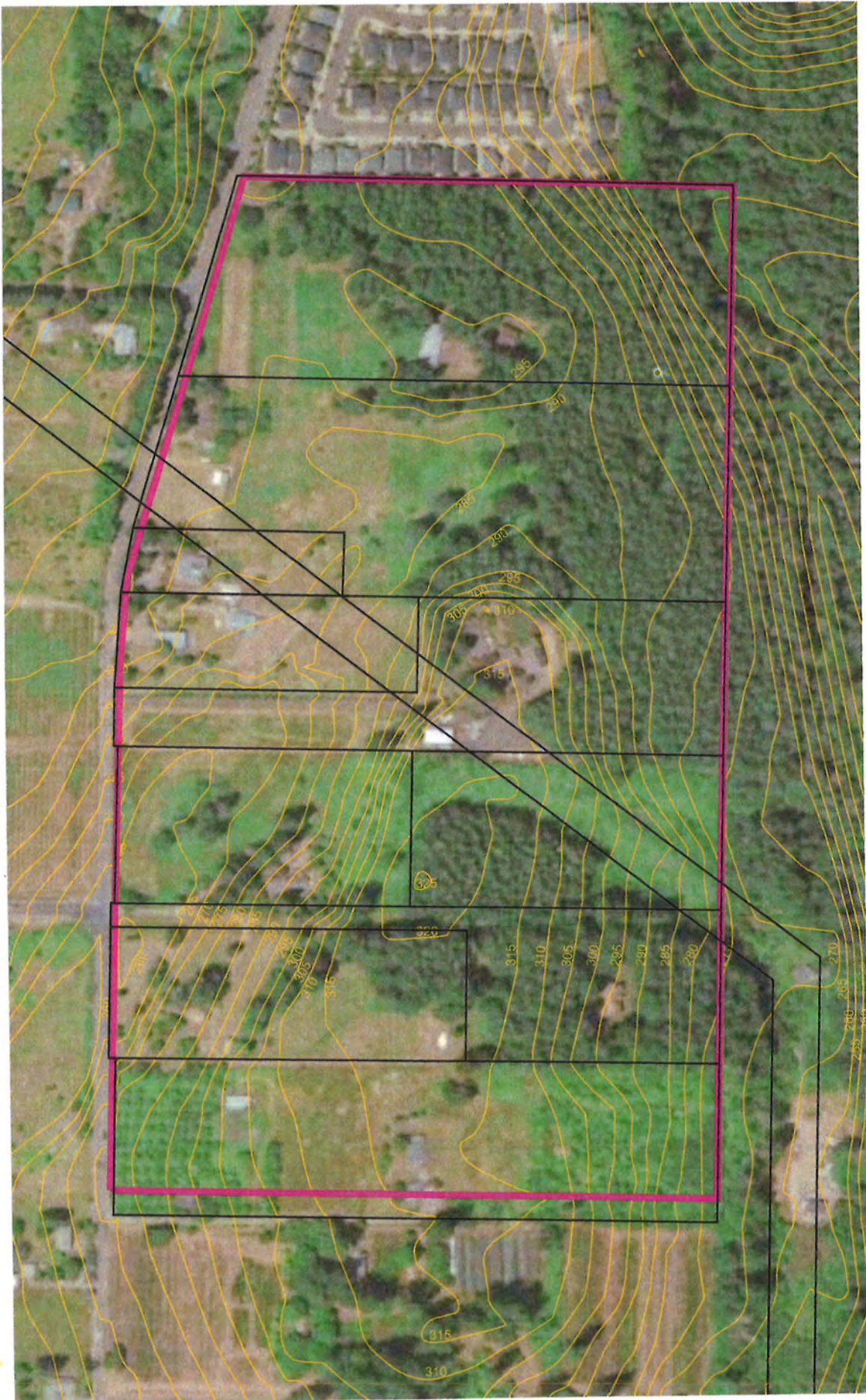
NOTES

- Access provided for landowners to East
- Local commercial node located across Graham's Ferry Road

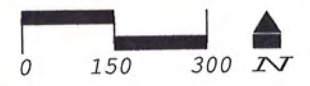


11-21-2016





11-16-2016



BASALT CREEK SITE TOPO



PO Box 509
Wilsonville, OR 97070
P: 503-682-0420
F: 503-570-3235
www.cloptonexcavating.com

2

November 18, 2016

Dear Mr. Koss

You have asked me to visit the 41 acre site located in the Basalt Creek Planning area. Your question was the feasibility of grading this site for employment land vs. a residential zone.

For your information my company has just purchased another four acres next to our Clay Street property. With this acquisition we now have 16 acres of land on Clay Street. I am very familiar with this area and as you know my company has mass graded many sites in the Portland Metro Area. I have been asked many times to inspect potential projects in order to determine problems that may be associated with a developer's site plans --- slopes, access and feasibility.

Thank you for providing me with topography of the site. It was very helpful and to be honest the slopes on the site were more severe then I first thought. The other big issue is the amount of rock that would be encountered with any grading necessary to accommodate any development on this site. This site is far better suited for Residential use since grading for this does not require the same topographic grading in comparison to employment uses. The Basalt Creek area does feature other land that is suited for employment; however the 41 acres you have asked me to visit is not in that category. I was also surprised by the 18 to 20 foot cut in order to accommodate the extension of Basalt Creek Parkway.

If you require any additional information please let me know.

Sincerely

Brian Clopton

President/Owner

PACTRUST
Pacific Realty Associates, L.P.

15350 S.W. Sequoia Pkwy., Suite 300
Portland, Oregon 97224
503/624-6300 • Facsimile: 503/624-7755

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November 14, 2016

VIA EMAIL

Herb Koss
2643 South Shore Boulevard
Lake Oswego, OR 97034

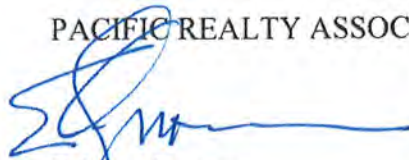
Dear Herb,

At the request of Peter Bechen, I toured your site north of the future Basalt Creek Parkway last week. PacTrust is developing an industrial park several miles north at 115th Avenue and Tualatin-Sherwood Road in Tualatin known as Koch Corporate Center. We are interested in locating a site to develop in the Coffee Creek area for light industrial uses. Unfortunately, the topography of your site makes development of industrial or flex buildings uneconomic. We believe housing would be a more appropriate use for the site. The smaller floor plates for housing enable it to work with slope conditions present on your property. Industrial/employment land requires sites to be much more flat due to dramatically larger floor plates, parking requirements, loading areas for trucks and ingress/egress concerns for trucks. There are several sites in the area that are more appropriate for industrial/employment development.

Let me know if you would like to discuss this further.

Yours very truly,

PACIFIC REALTY ASSOCIATES, L.P.



Eric A. Sporre
Vice President



4

November 21, 2016

Herb Koss
2643 South Shore Blvd.
Lake Oswego, Or 97034

VIA: EMAIL

RE: 41-acre Basalt Creek southern boarder 23960 SW Grahams Ferry Rd.

Dear Herb,

I visited the site and spent a considerable amount of time driving the area. It is an exciting development area especially when the Basalt Creek Parkway is completed.

The topography of the site is such that developing an industrial project would be very difficult and if done would be at best marginal and very inefficient. Industrial, flex buildings require large foot prints, large drive areas for loading and turning radius. There are better sites in the area for this type of use.

I also looked at the site for office park use and concluded that due to the steep topography of the site it could have a negative impact on the proximity of the parking that may pose an issue with ADA requirements. I also believe that the extraordinary site cost and small office footprints would not be cost effective and competitive in the office market. Furthermore, the location does not readily lend itself to that use.

This site lends itself to smaller foot print buildings such as housing and multifamily that can be planned around the steep grades and terraced into the topography. It is my opinion that the highest and best use for this site are single family homes buffered along the frontage with multifamily housing.

Our office has forty years of experience in commercial real estate and have procured sites for commercial developers such as Gramor, Holland Development LLC and West Hills.

Let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Michael N Diamond", written in a cursive style.

Michael N Diamond
Principal Broker

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:56 PM
To: Peter Watts
Subject: FW: Basalt Creek Renus



Thanks Herb Koss

Begin forwarded message:

From: Renus Kelfkens <Renus_Kelfkens@co.washington.or.us>
Date: February 1, 2017 at 12:02:54 PM PST
To: Herb Koss <herb@kossred.com>
Subject: RE: Basalt Creek

Hi Herb,

Yes, Basalt Creek Parkway is a limited access road. The only access will be from Grahams Ferry Rd, and Boones Ferry Rd. Currently we have not done any topographic survey, or design but it is reasonable to expect an 18-FT to 20-FT cut. This will be investigated during the design phase of the project.

Sorry for the delayed response. Please let me know if there are any other questions or comments.

Thanks,

Renus Kelfkens | Project Manager
503-846-7808 renus_kelfkens@co.washington.or.us

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Friday, January 27, 2017 12:40 PM
To: Renus Kelfkens
Subject: Basalt Creek

Dear Renus

I wanted to pass along the employment site evaluation prepared by Mackenzie. After our conversation earlier this week it seems clear to me that some of the assumptions that Mackenzie made, are not consistent with the transportation plan for the area. Although, the site evaluation shows access off of Basalt Creek Parkway, my understanding is that the county will not allow access. Additionally, the evaluation has Basalt Parkway in the wrong area, does not reflect the 18-20 foot curb cut, onto the property, nor does it show the residential that is planned on the northern portion of the site to transition from the existing neighborhood. I spoke to Mackenzie this week, and they indicated that they had not contacted the county regarding the transportation access, or the residential at the northern portion of the site.

Would you be willing to confirm that there is no planned access off of Basalt Creek Parkway, and that the curb cut is expected to be 18-20 feet? I think that that information will be enough for Mackenzie to retract their site evaluation. Please correct me, if anything that I have indicated isn't

accurate. My goal is to make sure that everyone is working off of the same assumptions, so that we can properly assess the site suitability. Thanks for all of your help, and taking the time to talk.

Herb

Peter Watts

From: Herb Koss <herb@kossred.com>
Sent: Saturday, February 11, 2017 5:49 PM
To: Peter Watts
Subject: FW: Proposal - Basalt Creek McKenzie
Attachments: PRO-Koss Real Estate-Scope and Fee-170209.pdf



From: Todd Johnson [mailto:TJohnson@mcknze.com]
Sent: Friday, February 10, 2017 12:04 PM
To: Herb Koss
Cc: Dennis Woods; Gabriela Frask
Subject: FW: Proposal - Basalt Creek McKenzie

Hi Herb-

I've been in meetings all morning. Sorry for the delay in getting this to you.

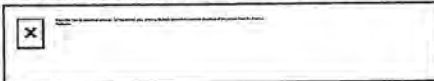
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for resource lands, geotechnical conditions, and topography. This scope includes developing site specific data to allow cost feasibility analysis to our previous study. By improving the accuracy of the data we have through onsite study and mapping, we will be able to determine if the site is economically viable for employment use, or also look at residential uses as alternates for economic viability.

It's my understanding that you have new information for the road connections and locations that we did not use in our previous report. That type of data would be collected as part of our work and would be incorporated into the scope we propose in the attached scope and budget letter.

Let me know if you have any questions about the attached scope, or if you would like us to change the proposal in any way. If the scope we outlined in the attached letter is satisfactory, I'd suggest we have a meeting with you and the project team to refine the tasks we identify prior to us commencing work.

Thanks for the opportunity to present this scope of work. I'll call you to discuss it.

Todd Johnson
Senior Associate / Director of Planning



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P 503.224.9560 W mcknze.com C [vcard](#)

RiverEast Center, 1515 SE Water Ave., Suite 100, Portland OR 97214

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February 10, 2017

Mr. Herb Koss
Sherwood Grahams Ferry LLC
22400 Salamo Road, Suite 106
West Linn, Oregon 97068

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

In response to your request I have reviewed the Basalt Creek Concept Plan materials with regards to the suitability of employment/light industrial development on the 63 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway. These materials included:

1. Tualatin Staff Reports
2. Mackenzie Study
3. Email from Washington County Basalt Creek Parkway project manager Renus Kelfkens regarding access to Basalt Creek Parkway.
4. DKS preliminary profile of the extension Basalt.
5. OTAK Basalt Creek Concept Plan.

We understand that the City, Metro and Washington County's desire is to zone this area for employment land. Development potential of land for employment uses, as stated in the MacKenzie report, is generally assumed to have less than 5% slopes. This is to allow for larger building footprints, parking, loading areas and truck access.

The two areas that meet that criteria for this property is the northerly 1/3 adjacent Victoria Gardens and the top of the plateau area in the lower middle of the site. The northerly area would be well served with access from Grahams Ferry Road at Tonquin Loop and potentially a secondary access from Tonquin Road at Grahams Ferry Road. These to access points would appear to have good separation and sight distance on Grahams Ferry. The northerly area is very developable as employment land, however the City has set aside approximately 10 acres (almost half) as residential to buffer the Victoria Gardens lots.

The southerly plateau area's best access would come from the southerly property line and Grahams Ferry. However, this is the location of Basalt Creek Parkway which the County will not allow access. We also understand that the County has deleted the proposed Kinsman Road crossing of Basalt Creek Parkway shown on the Tualatin Concept and MacKenzie plans thereby eliminating the only at grade potential access coming from the southerly portion of the site. Therefore any access to the plateau area must come from the north (Tonquin Road or Tonquin

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

Road Loop). The plateau area is almost completely surrounded by steeply sloped land. The slopes range from over 10% to over 20%. The over 40 vertical rise needed to get from Tonquin Road to the top of the plateau area will take 800 feet at 5% not accounting for access to the lower property on either side or the potential impacts to wetlands.

There is slightly over 25 feet vertical rise from Tonquin Loop to the top of the plateau. This does not account for the low area just north of the plateau that drops down another 15 feet that this road would have to cross. While the grading is more manageable the result would be truck traffic routed through a residential area.

Neither access point can provide a secondary access to the plateau area. This is a negative for both traffic flow patterns and emergency access. In addition as these roads are raised to provide access to the plateau area, the access to land on either side of the road becomes more difficult.


This area is also well known for the hard rock that is very near the surface. We were the design engineers for Victoria Gardens where we had about 2-feet of fill brought into the site to reduce the rock excavation costs. Unfortunately, filling the area does not provide better access.

Employment land requires flatter slopes to serve larger building footprints and then adjacent parking/loading areas. Providing for truck access and typical development footprint will severely limit the development efficiency for this portion of the property. Residential uses are more flexible with access grades and smaller footprints however the site will still be difficult to development without access to the south.

In summary, the northerly one third of the property is well suited to employment land. However, contrary to the MacKenzie report, Tualatin's current plan reserves the northerly 10 acres or so (almost half) of the northerly area for residential to buffer the Victoria Gardens lots. The southerly plateau area is not well suited for employment land. This is due to access constraints, surrounding steep slopes, lack of secondary access and grading costs.

It has also been our experience that if property is forced into a development pattern it is not well suited for, it will end up being one of the last parcels developed and the quality of that development is usually below expectations. If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,


Anthony R. Weller, P.E., P.L.S.
President



Construction, Inc.

P.O. Box 489 • 915 S 12th Ave • Cornelius, Oregon 97113 • (503) 357-2193 • FAX (503) 357-3649

8

2/10/17

Subject: The Land South of Victoria Gardens to Basalt Creek Parkway

Dear Mayor Ogden and Tualatin City Councilors:

I am the owner of Ken Leahy Construction Inc., our firm specializes in all aspects of site preparation projects including full site development that require erosion control, clearing, grubbing, stripping, earthwork, cement soil stabilization, storm water detention facilities, bio swales, underground utilities (storm sewer, sanitary sewer, water distribution and franchise utilities), sanitary sewer lift stations and force mains. Our firm is celebrating its 50th year in the business and has been involved in many developments in the Portland Metro area.

At the request of Herb Koss and I toured the site on 2/10/17, to give him an idea of the feasibility of full site development for employment use. I also was given topography site maps detailing the slopes and grades on the property.

I personally have developed sites that contain large volumes of rock. Based on my personal experience I estimate that the cost of land preparation for the land described above would surpass the \$5.00 per foot range.

I looked at site access, and am basing my opinion about access on the understanding that no access will be allowed onto Basalt Creek Parkway. If there is no access from Basalt Creek Parkway, traffic will have to come from the intersection of Tonquin Road and Grahams Ferry Road. There is approximately 50 feet of elevation rise, from that access point, which creates major issues for truck traffic.

Limited access, topography, and the large quantity of basalt rock are all major issues. A single one of them might not prevent the site from being developed as employment land, but the combination of all three cannot be overcome. Mass grading of Basalt Rock is not financially feasible.

Sincerely

Ken Leahy



HanmiGlobal Partner

808 sw third avenue, suite 300 • portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

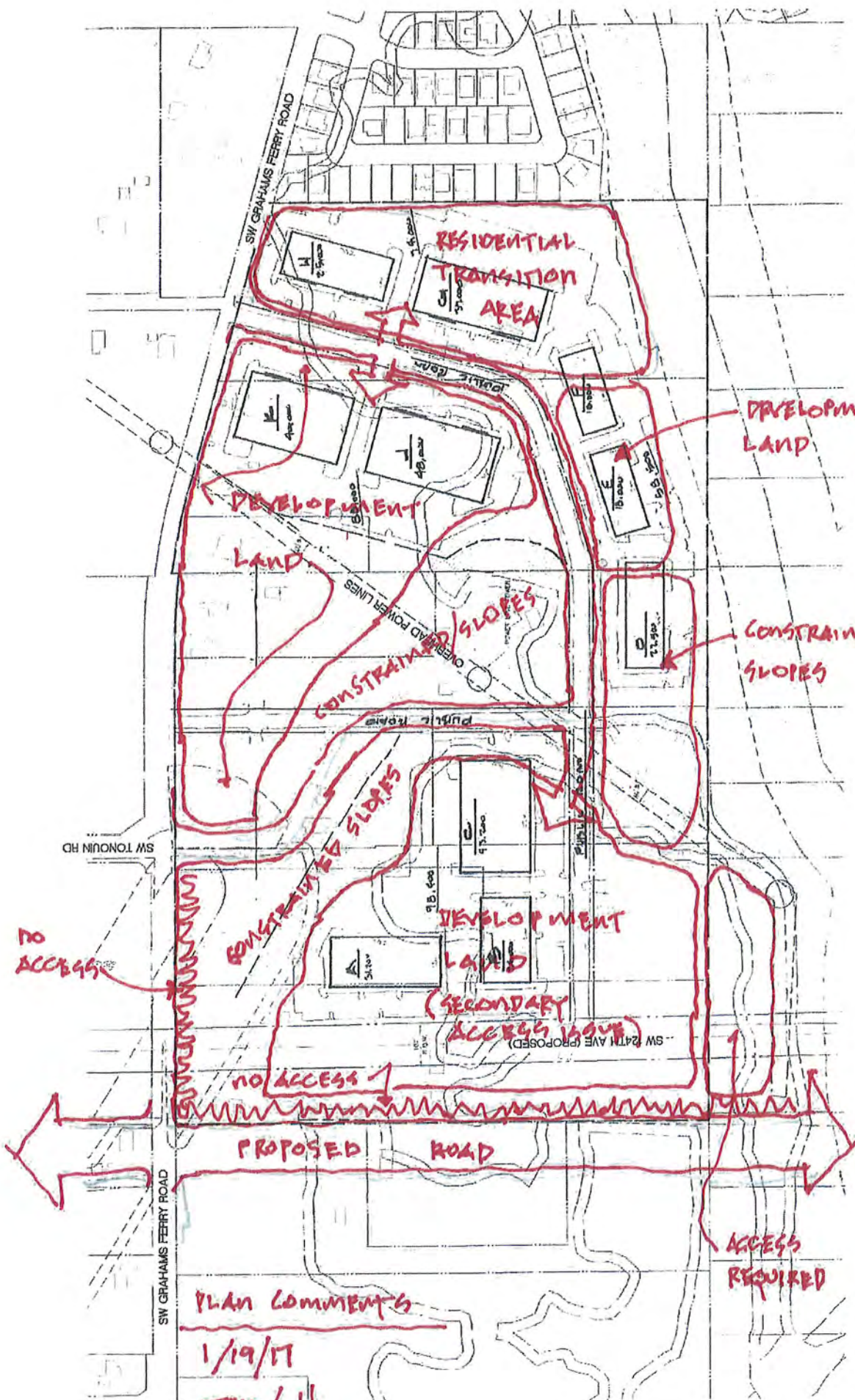


The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

- **Items/information not made available to MacKenzie**
 - Residential transition land at north end.
 - Correct location for the future Basalt Creek Parkway road.
 - No road connection/access onto the future Basalt Creek Parkway road.
 - No access is shown to properties to the southeast.

- **Plan Comments**
 - The comments on slope suitability are well stated for employment uses. Less than 5% slopes are best, 5-10% present challenges, and greater than 10% slopes are not feasible.
 - Sites A, B and C are somewhat feasible but would need a second access for emergency vehicles.
 - Sites D, E and F are not feasible for employment.
 - Sites G and H are in the proposed residential zone.
 - Sites L and K are workable.
 - There are about 18-20 acres of feasible land for employment development, but without good access a successful employment development is not feasible.
 - No consideration for costs of grading the site.
 - What about ADA?



PLAN COMMENTS
 1/19/17
 ORK/dh

OPTION ONE
 DEC. 21, 2016
 318,500 SF "EMPLOYMENT BUILDINGS"

LEGEND

SITE BOUNDARY	NET DEVELOPABLE AREA (sq. ft.)
PROPOSED 4' D.W.	ELEVATION INTERVAL (10')
	SPANNAN AREAS

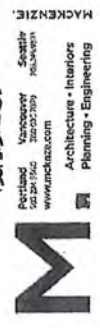
SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (sq. ft.)
PROPOSED BUILDINGS A, D & L	100,000 SF	100,000 SF	100	1:1000	100,000 SF
PROPOSED BUILDINGS B, C & F	100,000 SF	100,000 SF	100	1:1000	100,000 SF
PROPOSED BUILDINGS G, H & I	100,000 SF	100,000 SF	100	1:1000	100,000 SF
PROPOSED BUILDINGS J, K & M	100,000 SF	100,000 SF	100	1:1000	100,000 SF
TOTAL	400,000 SF	400,000 SF	400	1:1000	400,000 SF

SITE XX
 BASALT CREEK SITE
 SW 124TH AVE
 WASHINGTON COUNTY, OREGON

SCALE: 1" = 20'

NOTE: CONTOUR SHOWN AT 5' FT INTERVALS
 72.25.2318 - 2/18/17 E.O.



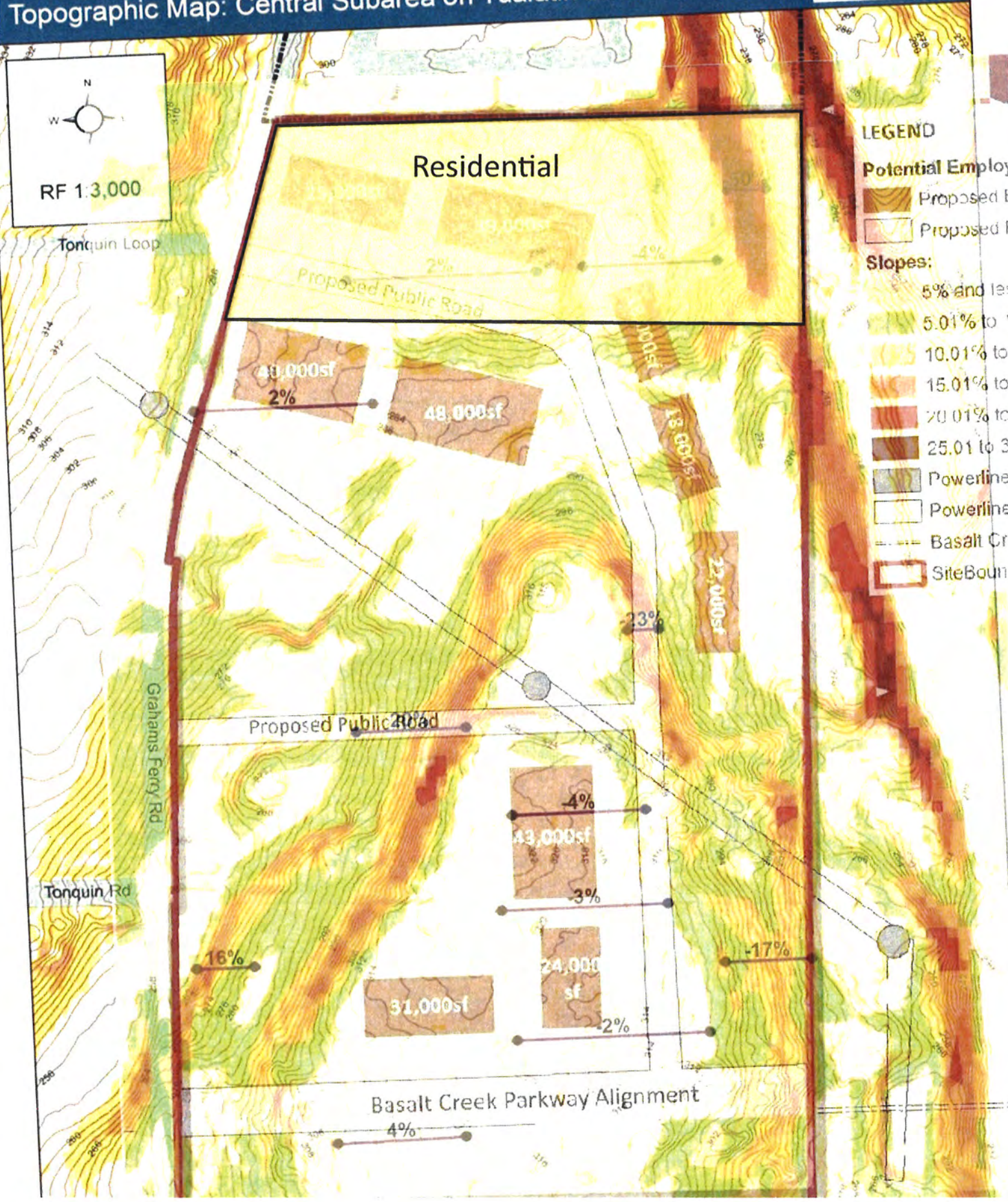
10

Topographic Map: Central Subarea on Tualatin side of Basalt



N
W

RF 1:3,000



LEGEND

Potential Employ

- Proposed E
- Proposed f

Slopes:

- 5% and less
- 5.01% to
- 10.01% to
- 15.01% to
- 20.01% to
- 25.01 to 3

Powerline

Powerline

Basalt Cr

SiteBound

TUALATIN PLANNING COMMISSION MEETING

10-20-2016

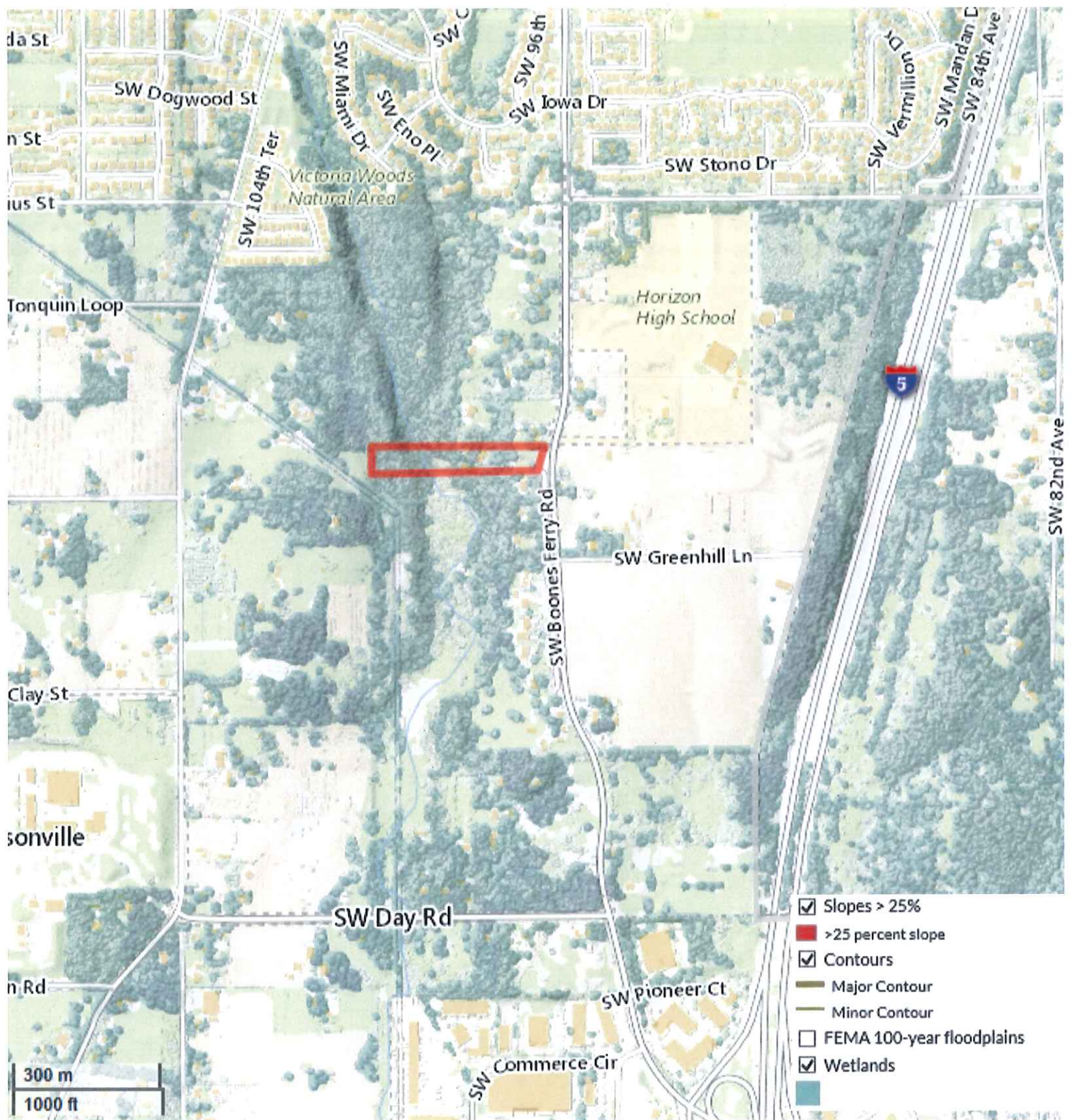
Basalt Creek Update- Koss/Otak Proposal "C"

Citizen Comments- Grace Lucini

1. Give consideration to gradient residential housing from the NE to the SW to buffer existing neighborhoods.
2. Include future concept planning for--- local road access and infrastructure for all buildable land west of wetlands- please see maps attached.
3. Recognize that major constraints within the area for development
 - a. Topography
 - b. Wetlands and Storm/Road Drainage
 - c. BPA power lines
 - d. Volume, Speed, Type (freight vs residential), and potential destination of traffic adjacent to residential area
 - e. Size and Scope of Area with multiple property owners
4. Develop recommendation as to how to incorporate health and safety concerns into Concept Plan for residential areas for Items 2a through 2d
5. Do not limit ideas for future development plans to one plan (Proposal "C") at this time
 - a. Allow ONLY Concept planning at the appropriate level at this time
 - b. Provide a level playing field for all property owners and/or developers once Concept Planning is established.
 - i. Allow individual property owners to decide when they and how they want to develop their property.
 - ii. Allow property owners to present their vision for their property for development either individually/ in groups/ or through a developer- through existing due process.
 - iii. Many developers are beginning to contact existing property owners-
 1. Why should only one property owner/developer be able to forward his business proposal at this time?
 2. Several viable development ideas may arise once the Concept Plan is established.
6. Due to the fact the area under consideration is not currently within the jurisdiction of the City of Tualatin, but is within the Concept Planning stage, a greater responsibility is placed on the City to be cognizant of the various claimant groups within the area, which requires a continuing need to provide transparency of the process.

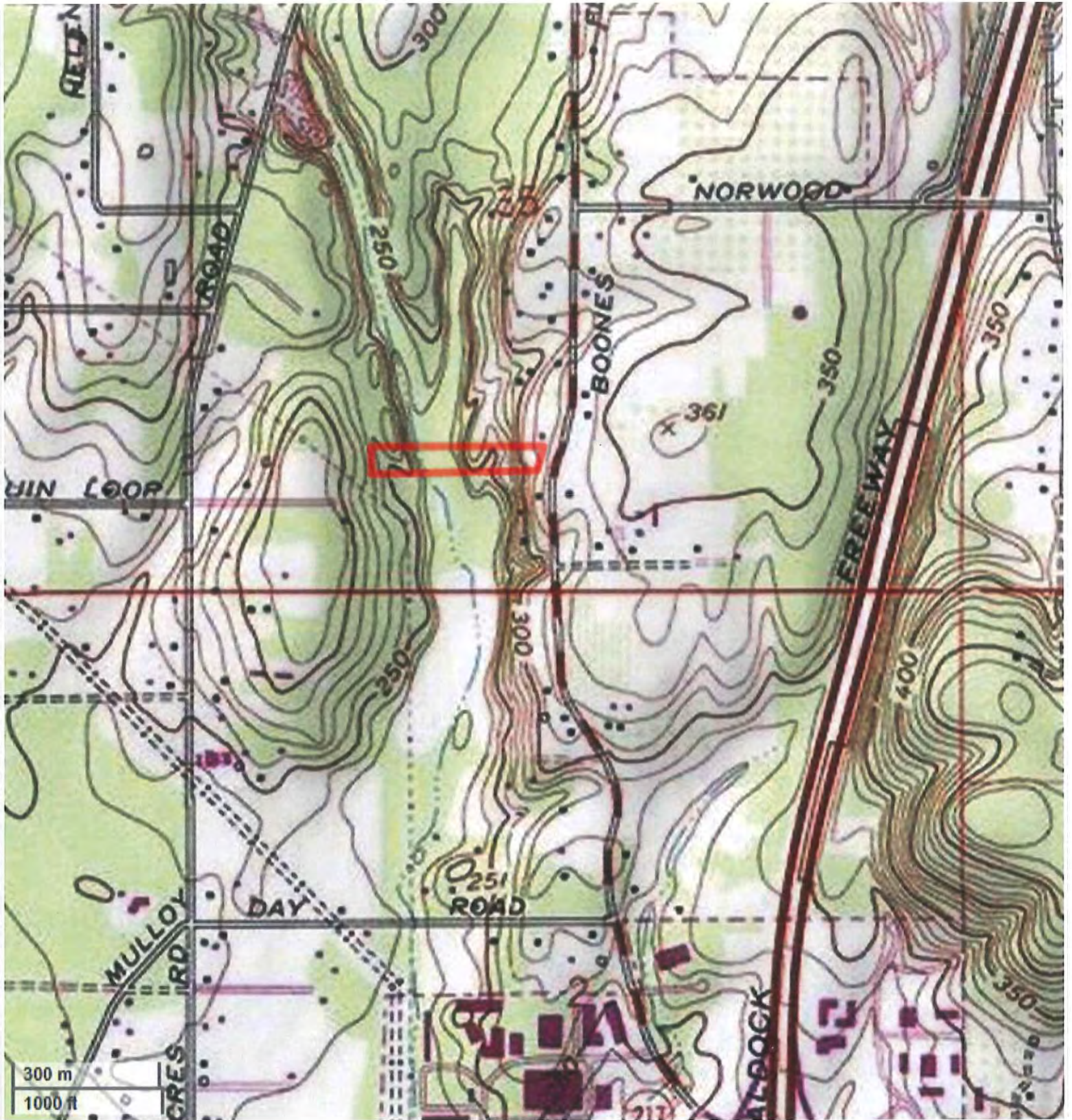
It is requested the all members of the Basalt Creek Concept Planning staff, their consultants and the City of Tualatin (now and in the future) encourage collaborative communication between affected property owners and potential developers prior to presenting development proposals to the city. This may help avoid existing property owners from being blindsided by a development proposal which directly impacts their property-being prematurely presented for consideration to the City Council.

Attachments- Maps (5)

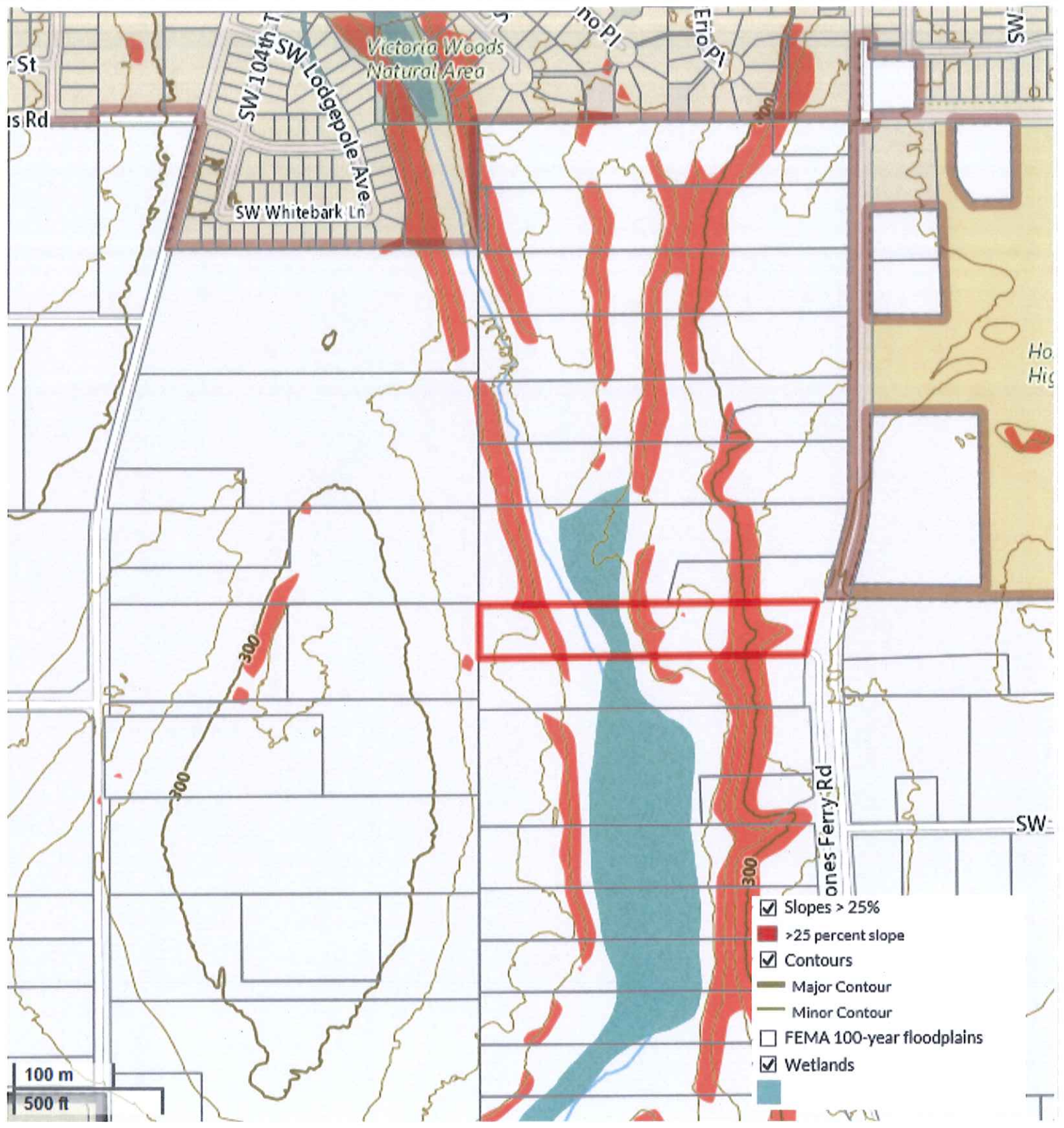


LOCATION OF LUCINI PROPERTY WITHIN BASALT CREEK AREA

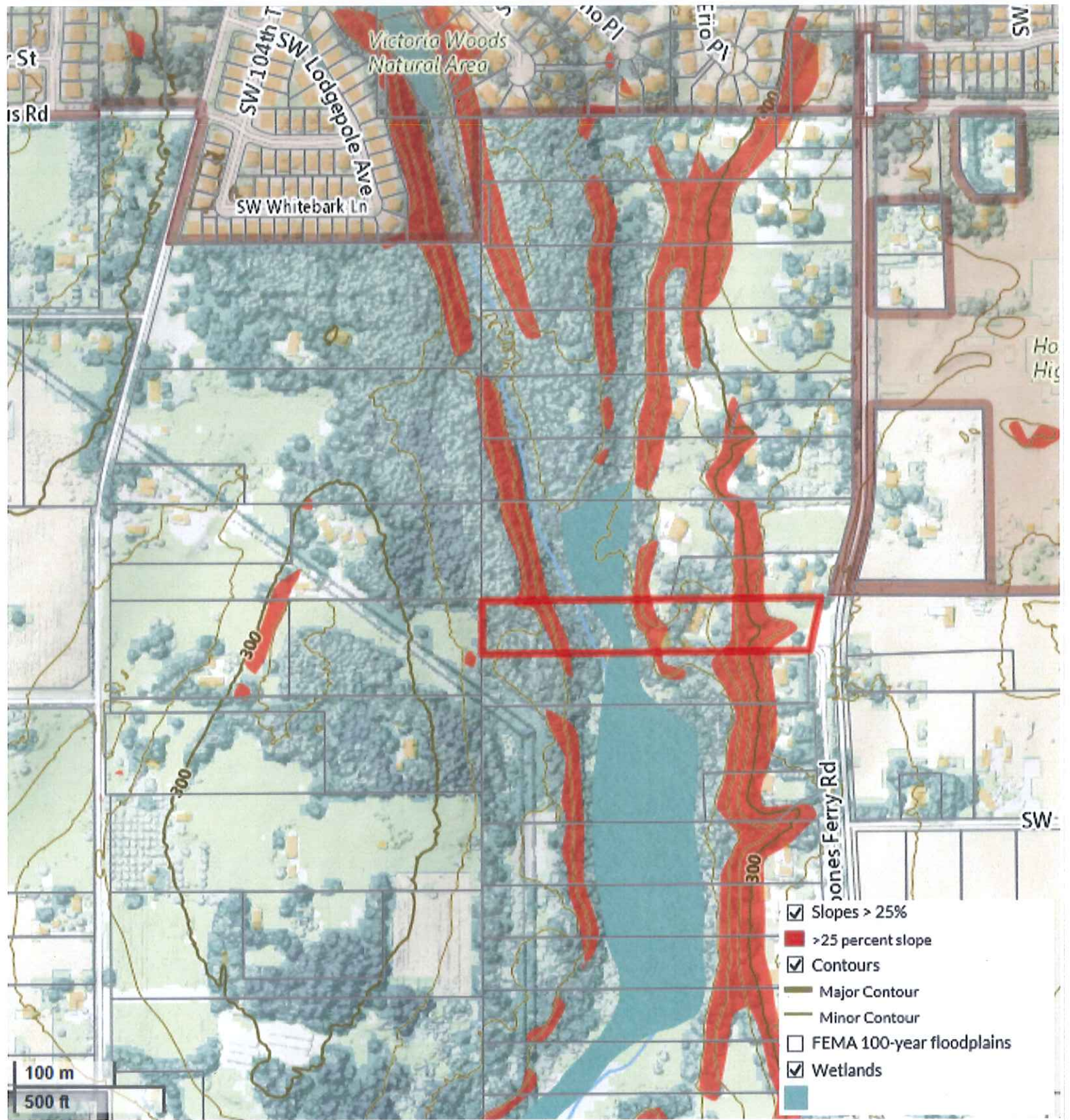
Provides Road Identification Between Boones Ferry Road & Grahams Ferry Road
BPA Power Lines



LOCATION OF LUCINI PROPERTY WITHIN BASALT CREEK AREA
Topographical View (Same Perspective As Road Identification & BPA Lines Map)



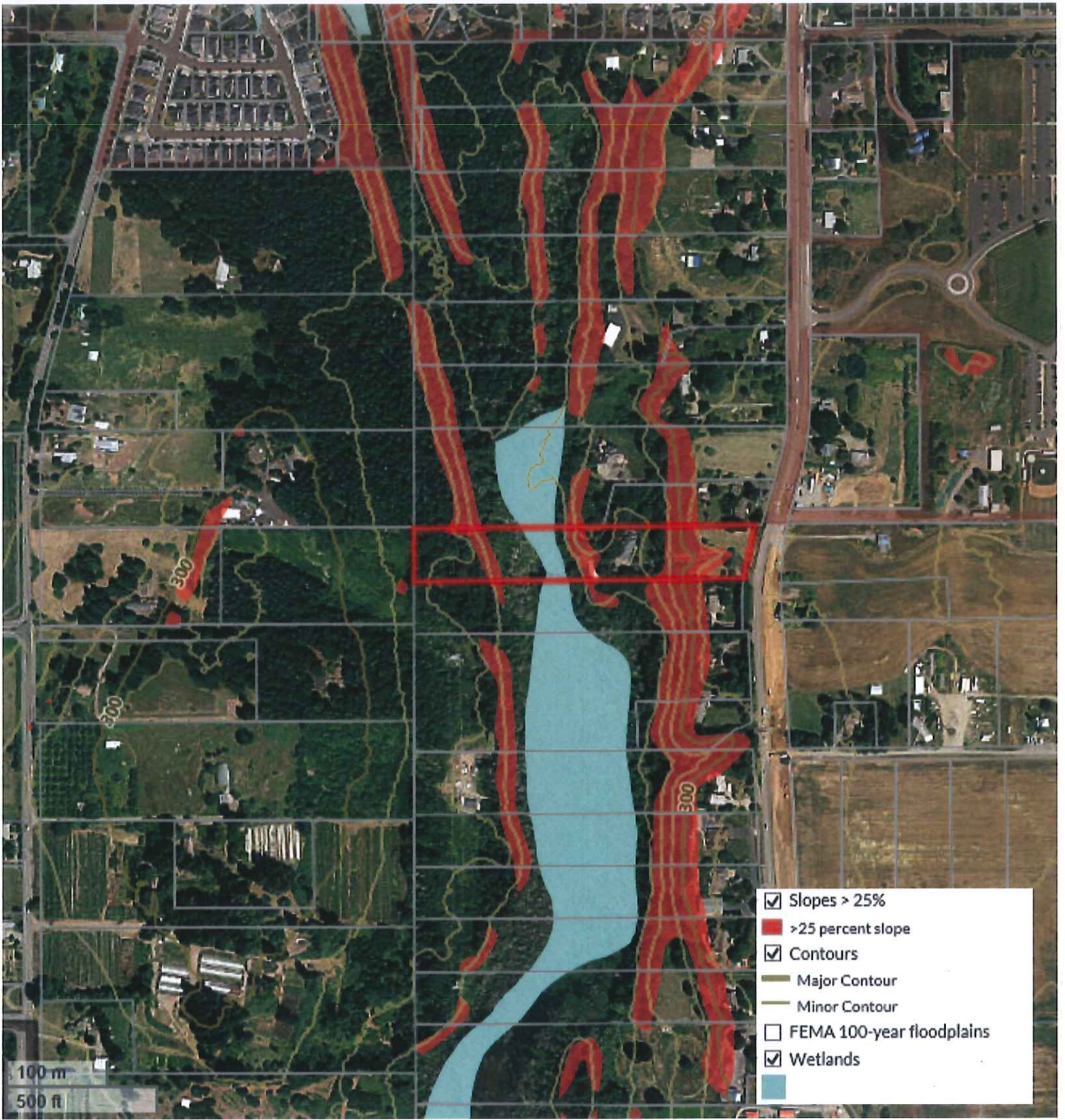
CLOSER VIEW OF LUCINI PROPERTY WITHIN BASALT CREEK AREA
 Property Lines –Contours- Slopes Greater than 25%- Wetlands



CLOSER VIEW OF LUCINI PROPERTY WITHIN BASALT CREEK AREA

Development

Same Perspective as Property Lines –Contours- Slopes Greater than 25%- Wetlands



CLOSER VIEW OF LUCINI PROPERTY WITHIN BASALT CREEK AREA

Aerial View

Same Perspective as Property Lines –Contours- Slopes Greater than 25%- Wetlands

From: G Lucini <grluci@gmail.com>

Date: September 19, 2016 at 1:57:13 PM PDT

To: "Bateschell, Miranda" <bateschell@ci.wilsonville.or.us>, "Cosgrove, Bryan" <cosgrove@ci.wilsonville.or.us>

Cc: <scottstarr97070@gmail.com>, "Jacobson, Barbara" <jacobson@ci.wilsonville.or.us>, "Neamtzu, Chris" <neamtzu@ci.wilsonville.or.us>, "Kraushaar, Nancy" <kraushaar@ci.wilsonville.or.us>, "Aquilla Hurd-Ravich" <AHURD-RAVICH@ci.tualatin.or.us>

Subject: RE: Basalt Creek

Hi Miranda,

I appreciate the fact you took time to respond to my concern regarding transparency within the Basalt Creek Concept Planning process. I know you are also working on concept planning for Frog Pond, so your efforts did not go unnoticed.

The Concept Planning for the Basalt Creek Area is solely the responsibility of the cities of Wilsonville and Tualatin, with Tualatin assuming the administrative and fiduciary duties.

However, both cities are responsible and accountable for work towards a common goal. The original agreement between the two cities provided for completion of the concept plans within a 5-year period, ending this year. It is appropriate to have an accounting of the process and why the planning was not completed prior to the end of the grant and the terms of the current IGA- prior to a vote to renew an agreement of this large of scope and expense.

The vote on the IGA renewal directly affects the viability and therefore outcome of jurisdictional, zoning, transportation and infrastructure of over 800 acers- directly affecting large numbers of property owners and citizens on a project which has already had significant cost to taxpayers through various governmental funds.

Open discussion of ramifications related to renewal of the agreement is necessary for Councilors to make a truly informed decision to renew the IGA prior to voting.

Information which needs to be exchanged---should include:

- Any additional expenses related to extending the IGA----including but not limited to contractors or sub-contractor costs; additional staff time; or costs for the acquisition of additional funding to replace the funding of the current grant.
- A list of factors which caused delays in the current IGA; how these factors might impact the proposed renewal and how they will be addressed.
- A discussion on actions which can be taken to help ensure the completion of the project within the terms of the renewal.

I agree the Basalt Creek Concept Planning needs to be continued and completed in a timely manner.

At the same time, the inability of the two cities to reach an accord within the 5 year term of the current IGA, does not constitute an unknown deadline or an emergency situation. Expediency for times sake should not negate the need for transparency when there should be an accounting for the failure of completion of the first agreement; an understanding of any additional costs/ ramifications relating to the proposed renewal; and discussion of factors necessary for successful completion within terms and timeframe of the proposed renewal---- in a public forum.

The transparency of the process in a Public Meeting is particularly important- especially when there are the governments of two city involved in the process; and the property owners directly affected by the concept planning do not have elected representation within the process.

A modification to the Partnering Agreement for this IGA was specifically included to convey the intent of both cities to comply with the Oregon Public Meetings Law. I do not see a reason this information exchange should not be carried out in a Public Meeting ----prior to a vote by an informed City Council.
Grace

From: G Lucini [mailto:grluci@gmail.com]

Sent: Friday, June 03, 2016 8:40 PM

To: Mayor Tim Knapp; 'Councilor Starr Scott'; Councilor Susie Stevens; Councilor Julie Fitzgerald; Councilor Charlotte Lehan

Cc: Bateschell, Miranda; Kraushaar, Nancy; Rappold, Kerry; King, Sandy

Subject: Citizen Comments for Wilsonville City Council Work Session 6-6-2016 - Item E Basalt Creek Update

Wilsonville City Council Meeting

Jun 6, 2016

AGENDA ITEM-

PRE COUNCIL WORK SESSION---- ITEM E ---BASALT CREEK UPDATE

CITIZEN COMMENTS – Please include in the minutes for the Wilsonville City Council Work Session for 6-6-2016 and within the Basalt Creek Concept Planning file.

I am a resident of unincorporated Washington County within the Basalt Creek Concept Planning Area.

Since 2011, I have attended or viewed almost all of the public meetings held on the Basalt Creek Transportation Refinement Planning by Washington County, the City of Wilsonville, and the City of Tualatin. I have done the same for the Basalt Creek Concept Planning meetings by the City of

Wilsonville and the City of Tualatin.

On several occasions, I have extended an invitation to the Wilsonville City Council to visit my property to gain first-hand information as to this unique area on which they will determine its eventual fate. The ravine and wetlands which compose a significant portion of the Basalt Creek area are extremely difficult to see from either Grahams Ferry Road or from Boones Ferry Road. As of yet, no members of the Wilsonville City Council have accepted my invitation to see the wetlands and the surrounding area deemed by Metro to contain both Class 1 Riparian and also Class A Upland Habitat.

Within this same area there are many people who have long standing existing homes. One development/ neighborhood with very nice homes – homes which would make any city proud- was built before many of the neighborhoods in Wilsonville including the entire Villebois development, or other neighborhoods such as Arbor Crossing.

1. When our homes were built-- they were appropriately zoned for residential use at that time.
2. Many of us have lived in these homes for 10 or 20+ years.
3. I take a very high interest in my home and the property it sits on. I am working to restore the wetlands on my property.
4. We have the attributes of a neighborhood, but have not been given the same consideration or protections from negative impacts or requirements for “buffering” from the Basalt Creek Transportation plans or Concept Planning.
5. Yet- with the construction of the Grahams Ferry Road- Boones Ferry Connector- a majority of this neighborhood -will be demolished or significantly and negatively impacted with the building

of the connector bridge. This neighborhood was not given the same considerations as neighborhoods in Tualatin.

My neighbors and I have no elected representation within the concept planning process- no one to advocate for our homes or our property rights.

After attending the Basalt Creek Concept Planning Open House on April 28, 2016, and reading the **“10 CONSIDERATIONS FOR SUCCESS FOR THE BASALT CREEK CONCEPT PLAN”**, I request the Wilsonville City Council consider the following issues.

CONSIDERATION NUMBER 2 -STORM WATER DRAINAGE

1. The area within the natural area west of Boones Ferry Road is within the Willamette Watershed.
 - i. Maps presented at the Open House indicate water runoff from east of Boones Ferry Road will be diverted to drain west or south west.
 - ii. How will contaminated water from streets and sediment which flows into the ravine on the west side of Boones Ferry Road be treated prior to flowing to the Willamette?
2. After viewing the storm water map presented at the Basalt Creek Open House, I have concerns as to where the storm water flow will be directed east of my property on the east side of SW Boones Ferry Road. The map presented at the Open House indicated the flow would be west- towards my property.
3. As project staff may remember during an onsite visit, we discussed the fact we experienced high peak water flow from this area. Our property was flooded from the flow of water from the discharge outlet under SW Boones Ferry Road in May 2015.
4. At the Open House, I did not see any areas within the storm water map set aside for areas designated for
 - i. upstream and on-site retention with *reabsorption*, or
 - ii. for water runoff treatment prior to discharge west ---towards the wetlands on the west side of SW Boones Ferry Road.
 - iii. Planned on site reabsorption which will assist in refilling our local aquifers and also reduce the need for handling of water run off by municipalities prior to discharge into the wetlands and eventually the Willamette River.
5. These elements should be required as part of the concept planning especially when large tracks of currently undeveloped land are being blocked out for zoning and development.
6. The size and scope of proposed developments will require incrementally larger areas set aside for storm water management and by their size may influence how parcels of land can be utilized.

CONSIDERATIONS 4,5, 6, 7, and 8 -- TRANSPORTATION ISSUES

1. Grahams Ferry- Boones Ferry Connector

- a. A major premise of the Basalt Creek Concept Planning-- is based upon the location of the future connector between Grahams Ferry Road and Boones Ferry Road

- b. At what point in time will geo technical testing be done on the “basalt 100’ island” in the middle of the wetland which is the planned footing for the connector bridge? This island is the primary basis upon which WA County determined the location of the future connector bridge.
- c. It is my understanding that basalt rock and basalt rock formations have varying degrees of density and strength- and not all basalt rock used from nearby quarries can be used in road construction due to internal strength issues.
- d. What happens should the testing of the basalt island prove to be less than suitable for use as the footing for the bridge? If the bridge cannot be built with reasonable cost at the proposed (untested) location – what impact will this have on all aspects of the concept planning?

2. **Kinsman Road Extension**

- a. At the last Basalt Creek Joint Cities Meeting of both Tualatin and Wilsonville City Councils Meeting- it was discussed and agreed upon that the Kinsman extension north of Day Road would be tabled.
- b. Why is the extension still on the April 28th Open House maps?
- c. If there are still plans for the extension- how will the extension cross the Grahams Ferry -Boones Ferry Connector?
 - i. Proposed design for the connector will require a significantly large V cut into the ridge running north to south.
 - ii. The width of the “V” cut would be wide enough to accommodate a 5-6 lane expressway with bike and pedestrian lanes with all of the supportive infrastructure.
 - iii. The Kinsman extension would have to cross the entire 5-6 lane expressway V cut- either above or below- at a significant cost.
- d. To facilitate better understanding of the impact of proposed roads and the ability to actually implement- I have previously requested the staff provide a topographical overlay in their presentations. I again request this additional topographical information be provided during presentations so that informed decisions can be made with respect to future road locations and other infrastructure changes within the Basalt Creek Area.

2. **Access to I-5 at Exit 286- Day Road & Boones Ferry Road Intersection**

- a. The intersection and interchange is already congested at peak hours.
- b. During a WA County presentation to the Tualatin City Council in 2012, (on the WA County recommended location for the Grahams Ferry Road/ Boones Ferry Rd Connector) the project engineer acknowledged the anticipated volume of traffic at the Day Road- Boones Ferry intersection, will be 2 ½ times the volume currently seen on

the Tualatin Sherwood Highway when the proposed Grahams Ferry-Boones Ferry Connector is built.

- i. During the April 28th Open House, when there were multiple questions asked about the existing and anticipated congestion at this intersection- the comment that ***we have to get use to waiting for more than one signal change*** does not seem to understand the importance of local knowledge and the magnitude of the current problem.
- ii. Waiting more than one signal rotation is not a generally accepted standard by most municipalities
- iii. Does the City of Wilsonville accept waiting more than one signal rotation at an intersection as an acceptable standard now, and/or in future planning decisions?

CONSIDERATION 9 -BASALT CREEK CANYON

“The Cities recognize the Basalt Creek Canyon natural resource value and will work together to reach agreement on joint management practices for the canyon. The Cities also recognize the benefits of locating north to south trails near the Basalt Creek Canyon and bicycle connections that would connect the cities and other trail systems and be an asset for both residents and employees in the area.”

1. Please keep in mind- the canyon and the wetlands between Grahams Ferry Road and Boones Ferry Road are privately owned by several different property owners.
2. The current tax lots are long and narrow-running east – west. The canyon and wetlands run north and south and are located within the middle of the tax lots.
3. The map presented at the April 28th Open House indicates a public trail along the western edge of my property.
 - a. This location is not adjacent to the wetlands, nor on the same level as the wetlands.
 - b. In light of the recent news articles regarding the Spring Water Trail, I am not extremely interested in creating a similar situation on or along my property unless actions and funding would be provided to monitor the trail at all times of the day- 7 days a week.
4. The wetlands are in the middle of my property- with useable property on the east and west sides of the wetlands.
 - a. If a walking trail is envisioned along the wetlands – it will require the public acquisition of privately owned land from many different property owners.
 - b. If the trails are planned along the wetlands, the trail would cut my property in half, infringe upon my backyard and reduce the private use and enjoyment of my property.
 - c. As I am actively working to restore the wetlands on my property, how would the restored area be protected from misuse or residual pollution from public access?

5. While it might be a desirable marketing tool, providing unlimited public access and trails into sensitive wetlands may not be in the best interest of this significant natural resource.

Please keep in mind, while some of the area being discussed within the Basalt Creek Area is undeveloped land, there are many preexisting homes already established within the area being discussed.

While broad stroke conceptual planning is necessary to plan for future development, consideration should also be given as to how these plans may impact the existing home owners.

I appreciate your consideration of the issues I have presented as you listen to the Basalt Creek Concept Planning Update.

Many of these issues have been presented to the project staff on multiple occasions- and yet the issues remain without resolution.

Respectfully submitted,

Grace Lucini
23677 SW Boones Ferry Road
Tualatin, Oregon 97062

From: [Herb Koss](#)
To: [Louogden](#); council@ci.tualatin.or.us; [Cindy Hahn](#); [Sherilyn Lombos](#); [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Bateschell, Miranda](#); [Mayor](#)
Cc: [John Fregonese](#); [Don & Barb Hanson \(don.hanson@otak.com\)](mailto:Don & Barb Hanson (don.hanson@otak.com))
Subject: FW: BASALT CREEK PLANING DISTRICT
Date: Friday, September 11, 2015 2:59:42 PM
Attachments: [17713 - Basalt Creek Parkway - Cross Section.pdf](#)
[17713 - South Tualatin Neighborhood -Option 4 09-09-15.pdf](#)
[17713 - South Tualatin Neighborhood -Option 4 09-09-15.pdf](#)
[17713 - Basalt Creek Parkway - Cross Section.pdf](#)

I apologize for a misspelling on the first line --- I meant **If you--- not I you.**

Herb Koss

From: Herb Koss
Sent: Friday, September 11, 2015 2:47 PM
To: Louogden; council@ci.tualatin.or.us; chahn@ci.tualatin.or.us; ahurd-ravich@ci.tualatin.or.us; Sherilyn Lombos; [Bateschell, Miranda \(bateschell@ci.wilsonville.or.us\)](mailto:bateschell@ci.wilsonville.or.us); 'mayor@ci.wilsonville.or.us'
Cc: 'John Fregonese'
Subject: FW: BASALT CREEK PLANING DISTRICT

If you feel that I have missed anyone that this should be forwarded to I would appreciate your assistance. I believe that I have copied all of the council members. I also did not know who I should forward to in Wilsonville. I did send this to Miranda Bateschell and Mayor Knapp

PLEASE LET ME KNOW IF THE ATTACHMENTS DO NOT OPEN

Subject: FW: BASALT CREEK PLANING DISTRICT

Dear Mayor Ogden, Council Members and Tualatin Staff:

Please find attached a modified plan that was prepared by Mr. Don Hanson a senior planner with Otak. After several site visits I decided that I would retain the services of a professional planner to help prepare a 4th option for the Basalt Creek planning area. I realize that the plan that Otak has prepared is a step above the general planning done on most of the Basalt Creek area, but we felt the opportunity to create a great neighborhood was an important element to show on the plan and how it fits into the remainder of the planning area.

I am the managing member of the LLC that owns the land on the Northeast Corner of Grahams Ferry and the proposed Basalt Creek Parkway. One of the attachments with this email illustrates the potential transition between the light industrial use and a residential zone. Other buffers including setbacks and landscaping are often used, but in this case the parkway is a great buffer and transition between land uses.

The option 4, which we call South Tualatin Neighborhood shows the ability to create a great neighborhood. The plan demonstrates how housing densities can transition from the lower densities that match existing neighborhoods to the north to higher densities at the south end where there is an interface with employment lands.

The topography of the site illustrated by the Otak plan utilizes the sloped topography. A visit to the Basalt Creek Planning area and viewing the land from Tonquin Road from West to the East

clearly shows that a housing zone is a much better use of the land. Residential land uses are shown on the Otak plan where there is more varied topography because a residential use can be easily adapted to the slopes. Employment/Light Industrial Land uses require fairly level ground to accommodate large flat buildings and site improvements that can accommodate truck loading and circulation.

Two retail pockets are shown in locations that are easy to walk to for both residents and workers in the district.

The power line happens to be an amenity for pedestrians and bikers and is connected to the Basalt Creek Canyon, which will include bike and pedestrian trails.

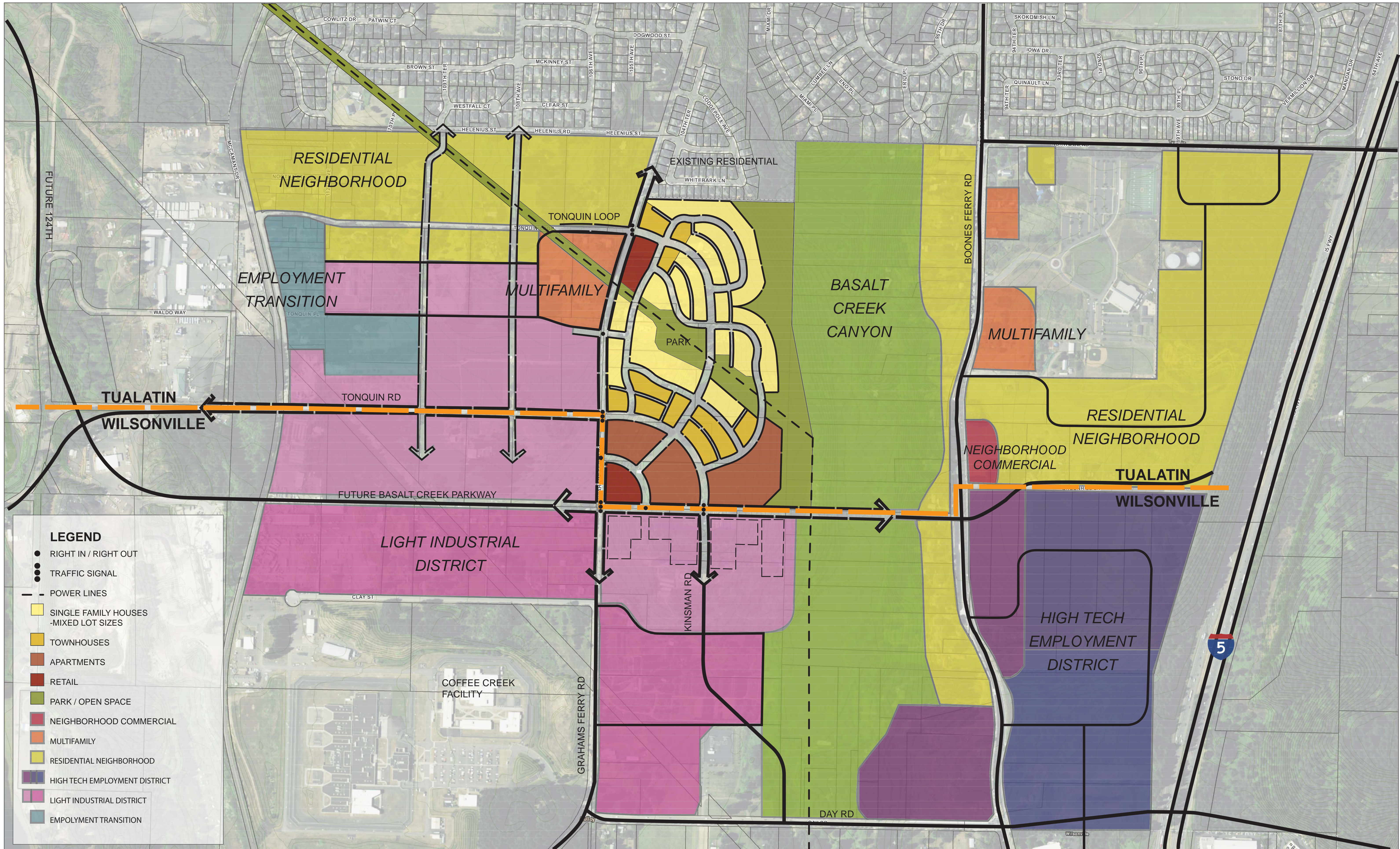
I believe that the city boundaries shown are logical--- along collector streets with a clear delineation. Both cities get a fair balance of land. Wilsonville benefits from the High Tech Zoning and Tualatin benefits from a modest increase in Light Industrial Zoning to Tonquin Road.

I sincerely hope that the plan is modified to include what I consider to be an opportunity to create a great neighborhood as illustrated by the attached plan.

Sincerely

Herb Koss
Managing Member of Sherwood Grahams Ferry LLC
503 730 2431





LEGEND

- RIGHT IN / RIGHT OUT
- TRAFFIC SIGNAL
- POWER LINES
- SINGLE FAMILY HOUSES - MIXED LOT SIZES
- TOWNHOUSES
- APARTMENTS
- RETAIL
- PARK / OPEN SPACE
- NEIGHBORHOOD COMMERCIAL
- MULTIFAMILY
- RESIDENTIAL NEIGHBORHOOD
- HIGH TECH EMPLOYMENT DISTRICT
- LIGHT INDUSTRIAL DISTRICT
- EMPLOYMENT TRANSITION

From: [Aquilla Hurd-Ravich](#)
To: [Bateschell, Miranda](#); [Neamtzu, Chris](#)
Cc: [Alice Cannon](#); [Kraushaar, Nancy](#)
Subject: FW: Basalt Creek
Date: Thursday, August 20, 2015 10:10:57 AM
Attachments: [17713 - South Tualatin Neighborhood Diagram 08-18.pdf](#)
[17713 - Basalt Creek Parkway - Cross Section.pdf](#)

Aquilla Hurd-Ravich, AICP

Planning Manager

City of Tualatin | Community Development Department

503.691.3028 | www.tualatinoregon.gov.

From: Herb Koss [mailto:herb@kossred.com]
Sent: Wednesday, August 19, 2015 4:40 PM
To: Aquilla Hurd-Ravich; Cindy Hahn; LouOgden; Lou.ogden@juno.com; John Fregonese
Cc: Don & Barb Hanson (don.hanson@otak.com)
Subject: RE: Basalt Creek

Good Afternoon Aquilla, Cindy, Lou and John

After our meeting I decided to hire Otak to draw up a plan that I had described to tie into the Tualatin existing residential housing from 124th North.

Note that the power line corridor is now a lineal parkway that links to the existing proposed open space. **This land is far better suited for housing since there is considerable slopes on some of the land that do not make light industrial very feasible.**

I know this maybe a bit ahead of the zoning process, but I wanted to send this to you now so you had a better idea of my suggested plan.

The Multifamily is a good use across from the light industrial use shown south of 124th.

Please let me know if you have any questions or suggestions.

Sincerely
Herb Koss

PS: Otak may be making some small changes to the plan, but I wanted to get this to you asap.

From: Herb Koss

Sent: Wednesday, July 08, 2015 7:38 AM

To: 'ahurd-ravich@ci.tualatin.or.us'; chahn@ci.tualatin.or.us; Louogden; Lou.ogden@juno.com

Subject: FW: Basalt Creek

Dear Cindy and Aquilla

Thank you for taking your time to meet with me today. First of all I sincerely hope that the land that my LLC owns is annexed into Tualatin vs Wilsonville. As I pointed out the 10 acres that our LLC owns is the corner of 124th and Grahams Ferry (the north east corner). I have highlighted it on the attached map. My preference would be a boundary a shown on Option 1 or a boundary that I would call option 3.

I have always thought that a natural boundary line would be 124th, however I have not taken into consideration the sewer service that may alter that desire.

I did drive by the proposed commercial site and looked at the grades. If the commercial was located on our property it would necessitate a cut . The one site next to Tonquin Road would need to be filled.

My personal desire is to have most of our land designated residential with the potential of our corner being commercial although a commercial designation is not important to me.

As we discussed I believe that with a parkway road (124th) a higher density residential zone would be a good transition from 124th and allow for a lower density as development occurs to the North. The commercial activity to the south of our land can be buffered with appropriate landscaping.

Is their time for me to have a planner draw up some more detailed plans for our 10 acres and how it would work in concert with the property to our north. I would be happy to do so if time permits.

Again thanks for meeting with me on such a short notice.

Sincerely

Herb Koss

Herb Koss | Owner & Broker
Koss Real Estate Development and Investment Co.
22400 Salamo Rd. Suite 106, West Linn, OR 97068
herb@kossred.com | (503)730-2431





From: [Herb Koss](#)
To: [Cindy Hahn](#)
Cc: [Aquilla Hurd-Ravich](#); [Alice Cannon](#); [Sherilyn Lombos](#); [Bateschell, Miranda](#)
Subject: RE: Basalt Creek
Date: Tuesday, August 04, 2015 10:38:52 AM

Cindy

Thank you for your email. I happened to run into Lou Ogden this am and he confirmed that I have some time on the actual zoning issues.

When we spoke yesterday I suggested that I provide a tour of Stafford along with a side trip to the land I own in the Basalt Creek area. Most are probably very familiar with Basalt Creek, but not Stafford.

The County and Metro have now retained the services of a mediator to help resolve the remand on Stafford. As I mentioned to you I think crossing the Tualatin River would offer some opportunities for more housing for employers and their employees working in Tualatin, retirement communities, 55+ housing (single Level), etc.

Again I would like to know who would be interested in a Stafford Tour and a side trip to Grahams Ferry where 124th ends?

The Stafford tour takes 1.5 hours.

My time is fairly flexible.

Sincerely
Herb Koss 503 730 2431

From: Cindy Hahn [mailto:CHAHN@ci.tualatin.or.us]
Sent: Monday, August 03, 2015 5:07 PM
To: Herb Koss
Cc: Aquilla Hurd-Ravich; Alice Cannon; Sherilyn Lombos; Bateschell, Miranda
Subject: RE: Basalt Creek

Hi Herb,

As we discussed, I have copied Aquilla Hurd-Ravich, Planning Manager, and Alice Cannon, Assistant City Manager, on this email so they are aware that you called about Basalt Creek. Aquilla's phone is 503-691-3028 and Alice's is 503-691-3018. If you arrange a site visit of your property as you discussed with Sherilyn Lombos, City Manager, either Aquilla or Alice may be interested in participating.

I have also copied Miranda Bateschell, Long Range Planning Manager, at the City of Wilsonville who is managing the Basalt Creek project on their end so she is aware of your interest.

Our City Council will receive a briefing on the latest alternative for a jurisdictional boundary and potential land uses at work session on August 24. The public is welcome to attend, however, Council does not take public comment during the meeting. Materials will post on the City website one week before the meeting (on August 17). Work session usually starts at 5:00 pm at the Juanita Pohl Center. Please check the agenda in advance to see if there is a change to the start time as occurs occasionally.

Thank you for your interest in this project and please let me know if I can be of further assistance.

Cindy

Cindy Luxhoj Hahn, AICP

Associate Planner

City of Tualatin | Community Development Dept | Planning Division

Phone: 503-691-3029 | Email: chahn@ci.tualatin.or.us

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Wednesday, July 08, 2015 3:44 PM
To: Aquilla Hurd-Ravich; Cindy Hahn; LouOgden; Lou.ogden@juno.com
Subject: RE: Basalt Creek

Aquilla

Would it be helpful if I had a planner draw up some options for our land?

Herb

From: Aquilla Hurd-Ravich [<mailto:AHURD-RAVICH@ci.tualatin.or.us>]
Sent: Wednesday, July 08, 2015 9:48 AM
To: Herb Koss; Cindy Hahn; LouOgden; Lou.ogden@juno.com
Subject: RE: Basalt Creek

Dear Mr. Koss,

We appreciate you coming by yesterday to share your input on the future of your property. We will take these comments into consideration as we move forward.

Thank you,

Aquilla Hurd-Ravich, AICP

Planning Manager

City of Tualatin | Community Development Department

503.691.3028 | www.tualatinoregon.gov.

From: Herb Koss [<mailto:herb@kossred.com>]

Sent: Wednesday, July 08, 2015 7:38 AM
To: Aquilla Hurd-Ravich; Cindy Hahn; LouOgden; Lou.ogden@juno.com
Subject: FW: Basalt Creek

Dear Cindy and Aquilla

Thank you for taking your time to meet with me today. First of all I sincerely hope that the land that my LLC owns is annexed into Tualatin vs Wilsonville. As I pointed out the 10 acres that our LLC owns is the corner of 124th and Grahams Ferry (the north east corner). I have highlighted it on the attached map. My preference would be a boundary a shown on Option 1 or a boundary that I would call option 3.

I have always thought that a natural boundary line would be 124th, however I have not taken into consideration the sewer service that may alter that desire.

I did drive by the proposed commercial site and looked at the grades. If the commercial was located on our property it would necessitate a cut . The one site next to Tonquin Road would need to be filled.

My personal desire is to have most of our land designated residential with the potential of our corner being commercial although a commercial designation is not important to me.

As we discussed I believe that with a parkway road (124th) a higher density residential zone would be a good transition from 124th and allow for a lower density as development occurs to the North. The commercial activity to the south of our land can be buffered with appropriate landscaping.

Is their time for me to have a planner draw up some more detailed plans for our 10 acres and how it would work in concert with the property to our north. I would be happy to do so if time permits.

Again thanks for meeting with me on such a short notice.

Sincerely
Herb Koss

Herb Koss | Owner & Broker
Koss Real Estate Development and Investment Co.
22400 Salamo Rd. Suite 106, West Linn, OR 97068
herb@kossred.com | (503)730-2431

From: [Zander Prideaux](#)
To: [Bateschell, Miranda](#)
Cc: "[Cindy Hahn](#)"; molly.prideaux@gmail.com
Subject: RE: Basalt Creek follow-up
Date: Wednesday, July 29, 2015 8:31:59 AM

Miranda,

Thank you for the update. I will do my best to participate in the upcoming meetings and open house. Time is always a factor in my level of participation. It is a constant challenge running my own business, raising our kids, and trying to enjoy some free time. So I am including a letter with my official request.

Please let me know if you have any questions.

Thanks,

Zander

503.702.2507

From: Bateschell, Miranda [mailto:bateschell@ci.wilsonville.or.us]
Sent: Tuesday, July 21, 2015 6:56 PM
To: zprideaux@gmail.com
Cc: 'Cindy Hahn'
Subject: Basalt Creek follow-up

Xander,

Nice chatting with you on the phone last Friday. Sorry it has taken a while to follow-up with you. As I mentioned, the two Councils moved for staff to revisit the proposed boundary and make some edits. We are currently in the process of conducting an alternative boundary and land use scenario based on that input, which will go back to another Joint Council meeting anticipated for September 8, 6-8pm, City of Wilsonville City Hall (keep in tune on the project page for any updates and materials: www.basaltcreek.com). I am currently scheduled to go to Wilsonville City Council work session on 8/17 in preparation for that Joint Council meeting. I will also be at the 8/12 Wilsonville Planning Commission meeting to provide an update on the overall project.

As I mentioned on the phone there was not a recording of the June Joint Council. However, in response to your questions about the boundary near Boones Ferry Road, the Tualatin City Council expressed significant interest in maintaining the residential parcels to the west of Boones Ferry Road as residential parcels, keeping that residential community whole. City of Wilsonville Councilors acknowledged that position. The next scenario will be presented at the upcoming meetings described above and will likely reflect this discussion with the residential parcels spanning across the Basalt Creek Canyon proposed to be designated as future City of Tualatin. However, this will be under further discussion by the Councils.

In terms of public participation and input: You are welcome to testify at any City Council or Planning Commission meeting under general business. You are also welcome to submit written testimony for us to provide to Council at either the upcoming work sessions or for the Joint Council meeting where Basalt Creek is on the agenda (you can submit written testimony to me or Cindy (cc:d). The other avenue, which I encourage, is to participate in the upcoming public open house. It is not scheduled yet but we anticipate it will occur late September or October and will be posted on the website and an e-mail notification sent.

Thank you again for your interest in the project. Let me know if I can answer any more questions.

Best regards,
Miranda

Miranda Bateschell

Long Range Planning Manager
City of Wilsonville | Community Development Department
503-570-1581 | bateschell@ci.wilsonville.or.us

7-29-15

Basalt Creek Planning Area:

To whom it may concern,

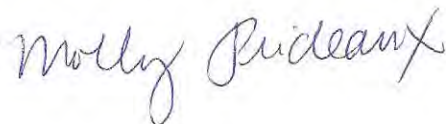
I am writing for a request to reconsider the decision to include our property in the City of Tualatin jurisdiction.

If a map is studied closely you will notice a natural division in property type on our northern border. Most houses to the North of us have a very nice residential layout to them. Our property and the ones to the south are much more organic in nature. It is our preference that our property be included in the Wilsonville jurisdiction. We feel our property would not be conducive to residential, due to the geography and proximity to the road.

Also we have strived over the years to maintain a native landscape surrounding the wetland that dominates our lower property, and would like to see it maintained long into the future.

I welcome any feedback.

Sincerely,

Handwritten signature in blue ink, appearing to be 'Arthur and Molly Prideaux'.Handwritten signature in blue ink, appearing to be 'Molly Prideaux'.

Arthur and Molly Prideaux

24305 SW Boones Ferry Rd

Tualatin, Or 97062

503.702.2507

From: [Aquilla Hurd-Ravich](#)
To: [Bateschell, Miranda](#); [Neamtzu, Chris](#); [Kraushaar, Nancy](#)
Cc: [Alice Cannon](#); [Cindy Hahn](#)
Subject: FW: Basalt Creek
Date: Wednesday, July 08, 2015 9:49:56 AM
Attachments: [CCE07082015.pdf](#)

Hi Wilsonville team,

I'm forwarding this correspondence along to keep you in the loop of our interactions with Basalt Creek property owners.

Aquilla Hurd-Ravich, AICP

Planning Manager

City of Tualatin | Community Development Department

503.691.3028 | www.tualatinoregon.gov.

From: Herb Koss [mailto:herb@kossred.com]
Sent: Wednesday, July 08, 2015 7:38 AM
To: Aquilla Hurd-Ravich; Cindy Hahn; LouOgden; Lou.ogden@juno.com
Subject: FW: Basalt Creek

Dear Cindy and Aquilla

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our 10 acres and how it would work in concert with the property to our north. I would be happy to do so if time permits.

Again thanks for meeting with me on such a short notice.

Sincerely

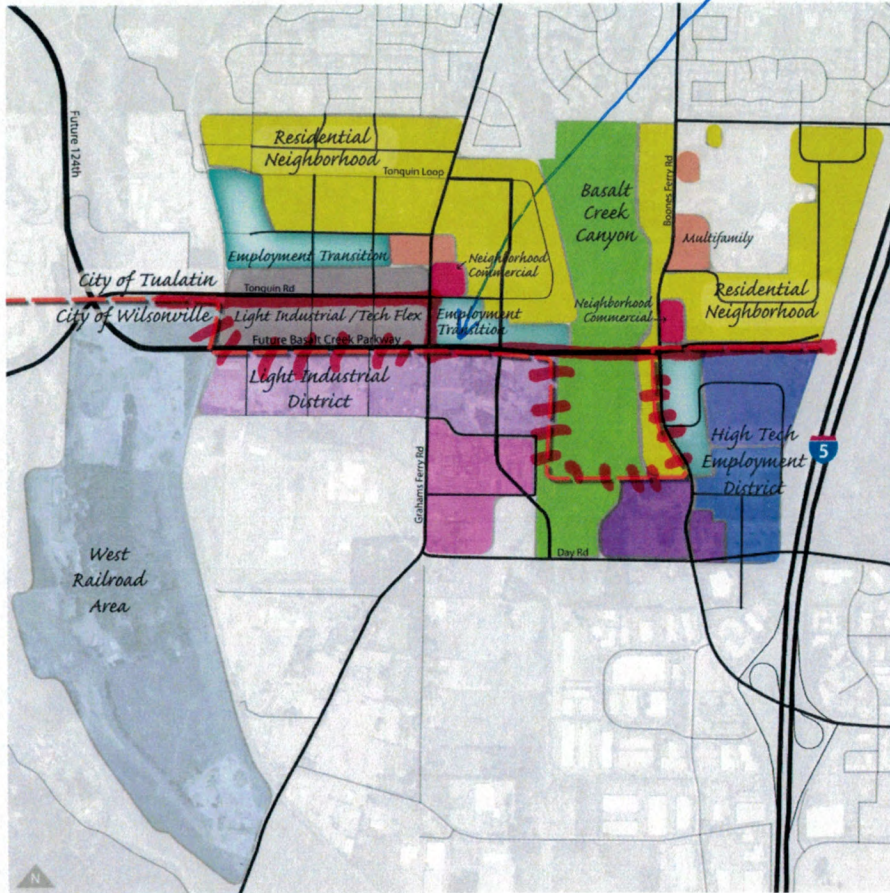
Herb Koss

Herb Koss | Owner & Broker
Koss Real Estate Development and Investment Co.
22400 Salamo Rd. Suite 106, West Linn, OR 97068
herb@kossred.com | (503)730-2431

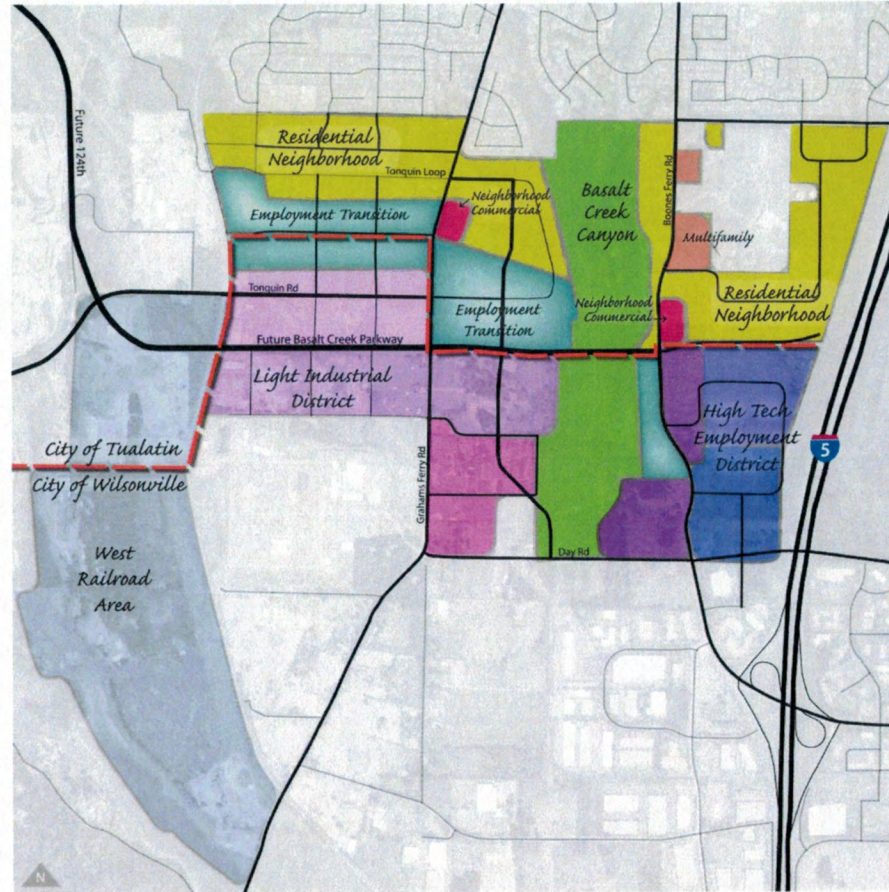
Basalt Creek Concept Plan Jurisdictional Boundary Options

Boundary Option 1 3

Higher Density Res



Boundary Option 2



From: [G. Lucini](#)
To: [Mayor Tim Knapp](#); [Councilor Starr Scott](#); [Councilor Julie Fitzgerald](#); [Councilor Charlotte Lehan](#); [Councilor Susie Stevens](#); [Lou Ogden](#); [Beikman Monique](#); [Nancy Grimes](#); [Wade Brooksby](#); [Joelle Davis](#); [Frank Bubenik](#); [Ed Truax](#); council@ci.tualatin.or.us; [King, Sandy](#)
Cc: [Alice Rouyer](#); [Cindy Hahn](#); [Aquila Hurd-Ravich](#); [Neamtzu, Chris](#); [Kraushaar, Nancy](#); [Bateschell, Miranda](#)
Subject: City Council Work Session-May 2015---Basalt Creek Land Use Scenarios-Impact on Property Owners West Side of SW Boones Ferry Road
Date: Monday, June 15, 2015 1:47:07 PM
Attachments: [2015 6-15- Land Use Options- Impact SW Boones Ferry Property Owners.pdf](#)

As the cities of Wilsonville and Tualatin discuss the two proposed Land Use Options for the Basalt Creek Concept Planning, as local property owners without elected representation within the decision making process, and who will be directly affected by this process- we wish to bring to your attention an important issue which may affect us and some other property owners along SW Boones Ferry Road.

We direct your attention to one of many differences ---between proposed Land Use Option 1 and Land Use Option 2.

Land Use Scenario for Option 1 provides a consistent land use of Residential Neighborhood for our home which is on a parcel of 4.81 acers.

- The proposed land use is consistent on both sides of the Basalt Creek Canyon
- Both the east and the west portions of our property is indicted as Residential Neighborhood
- The center portion of our property includes wetlands designation.

Land Use Scenario for Option 2 indicates two different land uses for our property in addition to the wetlands.

- The east end of our property as proposed in Option 2 is the same as for Option 1- Residential Neighborhood.
- The west end of our property in this scenario differs from Option 1, and changes the land use to Employment Transition – and may also include a triangle of Neighborhood Residential.
- The center portion of our property remains designated as wetlands.

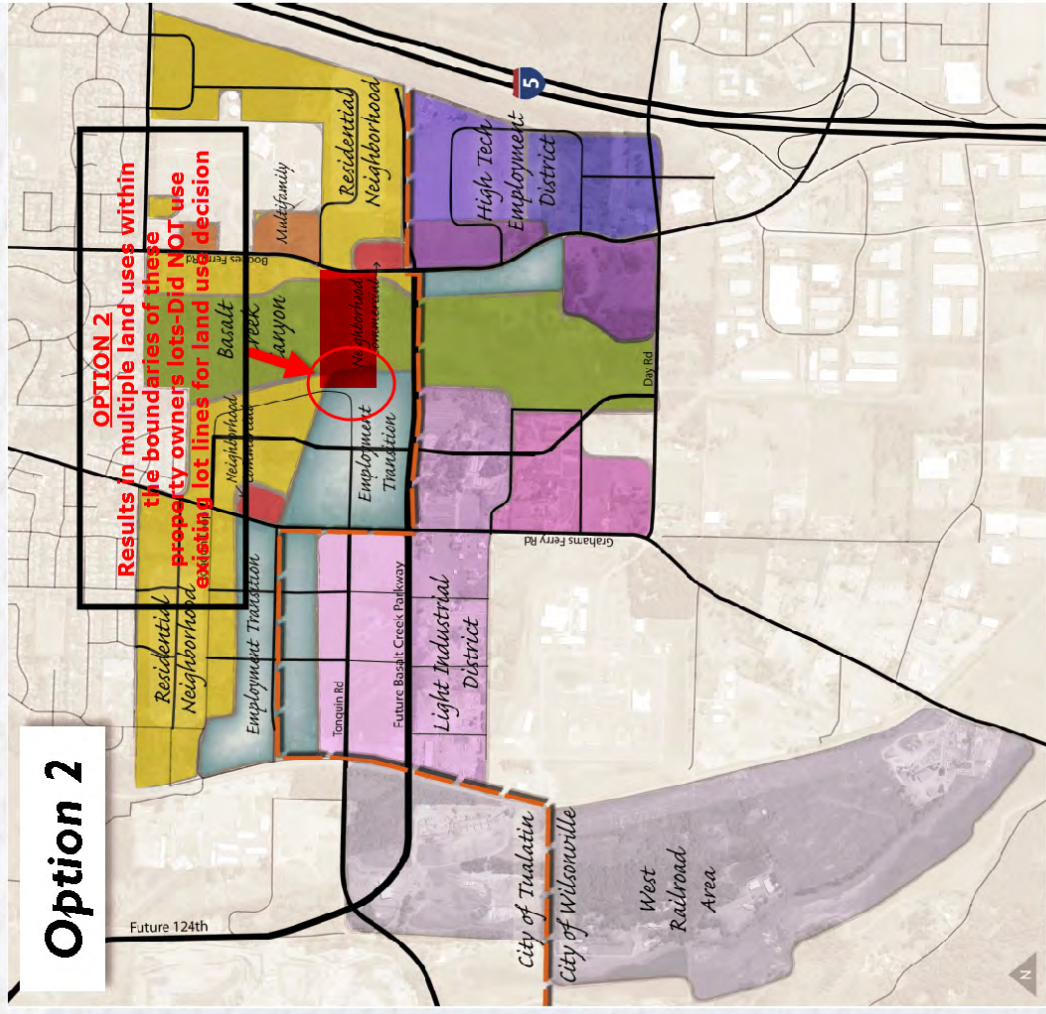
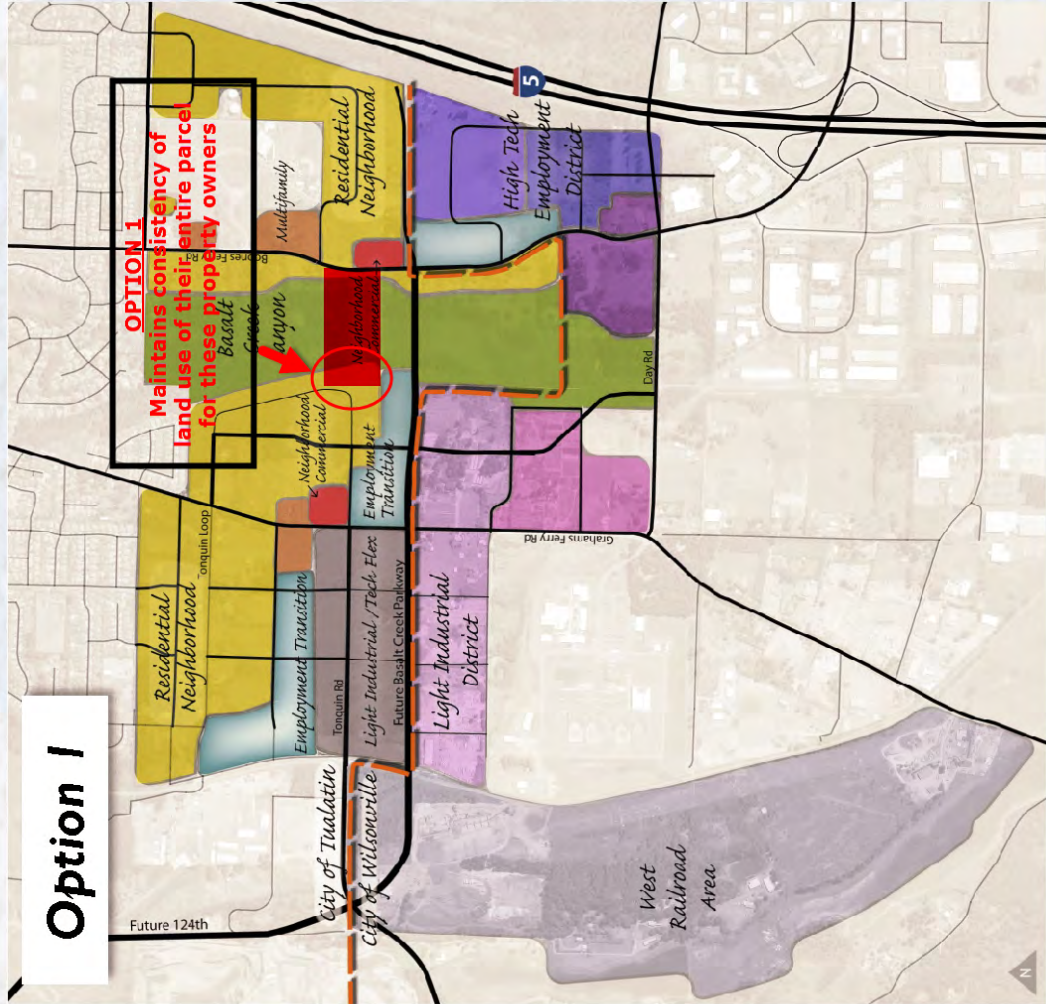
It is apparent in the development of Option 2 – use of existing parcel lot lines was not considered when creating this part of the land use scenario. Multiple land uses and/or the recommendation of arbitrary diagonal use lines within existing parcels----- places additional burdens on existing individual property owners.

Please see the attached copy of proposed maps for Option1 and Option 2 with identification of the issues and properties in discussion.

We would appreciate your consideration of these issues when evaluating land use options for the property owners on the west side of SW Boones Ferry Road.

Respectfully submitted,
John and Grace Lucini
23677 SW Boones Ferry Road
Tualatin, Oregon 97062

Discussion & Questions



From: [G. Lucini](#)
To: [Councilor Susie Stevens](#); [Councilor Charlotte Lehan](#); [Councilor Julie Fitzgerald](#); [Councilor Starr Scott](#); [Mayor Tim Knapp](#)
Cc: [Council](#); [Bateschell, Miranda](#); [Joelle Davis](#); [Cindy Hahn](#)
Subject: PLEASE INCLUDE AS PART OF PUBLIC RECORD -Basalt Creek and Compliance with ADA within Public ROW and Public Trails-- for City of Wilsonville Council Work Session 4-20-15
Date: Friday, April 17, 2015 6:11:23 PM
Attachments: [2015-04-16 Proposed Basalt Creek Trail Map Comments.pdf](#)

As residents of the Basalt Creek Area, and without elected representation within the decision making Basalt Creek Concept Planning IGA, we request the City Council of Wilsonville to take into consideration the following information when the Council convenes on April 20, 2015.

During the Council Work Session on 4-20-15, information will be presented on Basalt Creek Concept Planning – as well as on Wilsonville’s’ ADA Transition Plan. It is somewhat ironic and yet helpful that information on both of these issues will be presented during the same Council Work Session.

1. GRAHAMS FERRY ROAD- BOONES FERRY ROAD CONNECTOR-

The issue of the grade on proposed East West Connector between Grahams Ferry Road and SW Boones Ferry Road has been brought to the Council previously, but should be brought to the Council’s attention again.

- The current design of the Connector will be approximately 1/2 of a mile in length and includes a bridge which will be 100 feet above ground at the east end. According to the presentation by Washington County Engineer Russell Knoeble at the Tualatin City Council Work Session on 4-13-15, the County is attempting to “not exceed a 6% grade on this bridge” by raising the level of the proposed intersection at Grahams Ferry Road and the planned Boones Ferry Connector.
- While implementing the goal of increasing the flow and volume of regional freight traffic through this specific location, what protections will be provided to pedestrians and bicyclists from this planned regional freight traffic- on the bridge and at the intersections at the top and the bottom of the 6% grade?
- What was not discussed during the Tualatin Council 4-13-15 meeting was the additional costs involved to build the bridge (which is part of the public ROW system) to be ADA compliant considering the anticipated 6% grade.
- These issues are in addition to other grade and safety issues for a bridge constructed over wetlands; a bridge which will be more prone to freezing and ice than the surrounding surface streets; and a design/ location problem which will delay timely emergency services response due to the height of the bridge and the two limited street access point along the 124th –Boones Ferry Expressway.
- Knowledgeable truckers will not voluntarily use routes which slow their speed (i.e. a 6% grade with intersections at the top and bottom) or which increase fuel costs (i.e. accelerating up a 6% grade) when other local options are available.
- The current plan will continue to increase the flow and volume of regional freight traffic along SW Boones Ferry Road to the intersections at Day Road and the I-5 Interchange all the way up until the year 2035- and only when the Frobase Road Overcrossing is authorized, and issues surrounding the UBG in the area, are resolved.
- All of these factors again question the feasibility and utility of the planned location of the Grahams Ferry –Boones Ferry Connector as a regional freight route for year round use.
- Yet, all efforts of the current Concept Planning for the Basalt Creek Area are all predicated on the location of the East West Connector as currently planned. Should the location of the bridge be found to be inappropriate due to wetland instability,

negative impact upon significant natural resources and wetland /water quality, increased safety issues, lack of AGA compliance, or lack of use by knowledgeable truckers due to increased fuel costs and increased then the time, effort and taxpayer expense of most of the current concept planning will have been wasted.

2. APPARENT LACK OF THE APPROPRIATE DUE DILIGENCE AND THE INTEGRATION OF THIS INFORMATION DURING THE DEVELOPMENT AND PRESENTATION PHASE OF PROPOSED SCENARIOS

At the Wilsonville Council Work Session on 4-20-15, information on the current concept planning will be provided.

Maps which are included within the informational packet include proposed suggestions which are contrary to normal construction practice or not in compliance with local or Federal laws.

- o Sanitary System Map places CWS line across multiple privately owned properties without ROW access available by road.

On page 158 "Attachment B Sanitary System Alternative Maps: BASE CASE," indicates a proposed CWS Service System west of SW Boones Ferry Road and running in a North-South direction.

- The location of the southern portion of this proposed line is not along a current or proposed future street and through the middle of several privately owned lots--which makes obtaining ROW, access, and maintenance of the line extremely problematic and therefore outside the usual and customary placement.
- The location of the southern portion of this proposed line is either through the existing wetlands, through a basalt cliff, through our home, or through our septic drain field/ or reserve drain field.
- All of these are previously known limiting factors which are problematic in placing this CWS line in the location as indicated on the map on page 158.

- o Public Trail Included in Basalt Creek Concept Planning Maps-Through Numerous Parcels Of Privately Owned Property.

Maps on pages 157, 159, 160, and 161 indicate a proposed public trail west of SW Boones Ferry Road which fragments our property as well as several other property owners. The proposed public trail runs north along the wetlands and into our backyard. The public trail then turns east through our barn and either through our home (or next to our home) and then up our driveway to connect to SW Boones Ferry Road.

(Please see the attached PDF file which provides a copy of the proposed public trail through the wetlands and up, into and through a significant portion of our homestead and property. This map was obtained from the City of Wilsonville City Council Work Session Information Packet 4-20-15, page 161 "Attachment B. Sanitary System-Alternatives Maps: Hybrid")

- Our driveway rises approximately 100 feet to reach Boones Ferry Road within approximately a 300 foot span----- with grades reaching 10-20%.
- This grade would cause the trail to exceed Federal ADA Standards- as well as Wilsonville's own ADA Transition Plan for public trails.
- Costs to come into ADA compliance would need to be critically evaluated due to the constraints of the topography.

- The driveway where the proposed trail is located- is the only vehicular access to our home. Because of the topography, there is limited room for expansion on either side of the driveway to accommodate a public trail as well as vehicles.
 - The proposed trail also limits free access to a large section of our property in addition to removing our use and the enjoyment of our home and all our property.
 - There are also obvious trespassing issues with the proposed location of the trail through our property and other privately owned lots.
- Are the Cities of Wilsonville and Tualatin as part of the Basalt Creek Concept Planning IGA proposing to purchase our home (in good condition and built in 2002) and all of our property of 4.8 acres?
 - Is any funding available to be utilized for the purchase- with a reasonable belief that funding will be readily available for such a purchase?
 - If so, what timeframe would this purchase be envisioned?
 - Would it be reasonable and respectful to discuss a proposal of this nature with a property owner prior to public distribution of plans which significantly impact their property?

3. INCONSISTENT APPLICATION OF MAJOR DESIGN/PLANNING PRINCIPLES.

It has been stated by project staff members- A primary determination in the selection of the present location of the east-west connector over the hybrid alternative was due to the fewer number of property owners affected and need to obtain fewer numbers of ROW.

- Yet, as evidenced by the Base Case Scenario Maps, and the various maps contained within the Wilsonville City Council Informational Packet for Council Meeting 4-20-15- there appears to be a total disregard to the number of property owners impacted by the location of various pipe lines and/or other public infrastructure and trails fragmenting private property.
- Due to the planned location of the East-West Connector an entire neighborhood/residential development will be destroyed at the proposed intersection of the East West Connector and Boones Ferry Road- without apparent concern for the property owners involved.

While we realize the concept planning process is still developing alternative scenarios- interim maps which are placed within the public domain and disseminated can have significant negative impact upon property owners- even if the proposed plans are not adopted.

The Basalt Creek Area consists of over 800 acres. Therefore planning for the area will affect many property owners. Out of consideration and respect for the many local property owners we are requesting the development and drafting of plans be reviewed for reasonable feasibility, and evaluated for known limitations--- *prior to moving to a formal public presentation to prevent undue hardship on local property owners.*

We have already been affected by other Basalt Creek Planning projects, and are very interested in seeing that property owners within the Basalt Creek Area are not subjected to impractical or unfeasible public presentation of plans and/or maps which may then inadvertently cause undue negative financial impact upon the property owners (i.e. clouding the property title, limiting salability of property due to potential public use etc.)

4. WOULD THIS BE AN APPROPRIATE TIME TO LOOK FORWARD AND INTEGRATE WITH OTHER NEWLY DEVELOPING MAJOR PUBLIC WORKS PROJECTS WHICH ARE BEING PLANNED WITHIN THE AREA?

- The location and route of the Willamette Water Supply Program Pipeline from Wilsonville to Hillsboro and Beaverton was not yet identified when the East-West Connector was voted upon in December 2012.
- Tualatin City Council Member Joelle Davis suggested at their 4-13-15 City Council Work Session that a consideration be given for placing the regional freight connection between 124th towards Interstate 5 along the same route as the Willamette Water Supply Program Pipeline---- at a cost savings which affects fewer residential properties. This location would also eliminate the need to construct a 6% grade bridge through known significant natural resources and wetlands and associated problems.

After the informational packet for the Wilsonville Council Meeting of 4-20-15 was posted on Tuesday 4-14-15 we submitted our concerns after business hours on 4-16-15, to the Wilsonville project manager for Basalt Creek Concept Planning, but have not yet received a response.

We are asking those who are involved in proposing various scenarios to come to our home to see first-hand the significant changes in topography of the area west of Boones Ferry Road and of the wetlands.

The ability to see the large basalt cliffs and steep slopes on the north end of the ravine (including our property) may help in the development of realistic and feasible alternatives.

We are yet again inviting the City Councilors to also do a site visit – that they may also understand the unique natural constraints within this specific section of the Basalt Creek Area. These constraints are difficult to visualize on a 2 dimensional map and cannot be seen from Boones Ferry Road above.

Respectfully submitted,

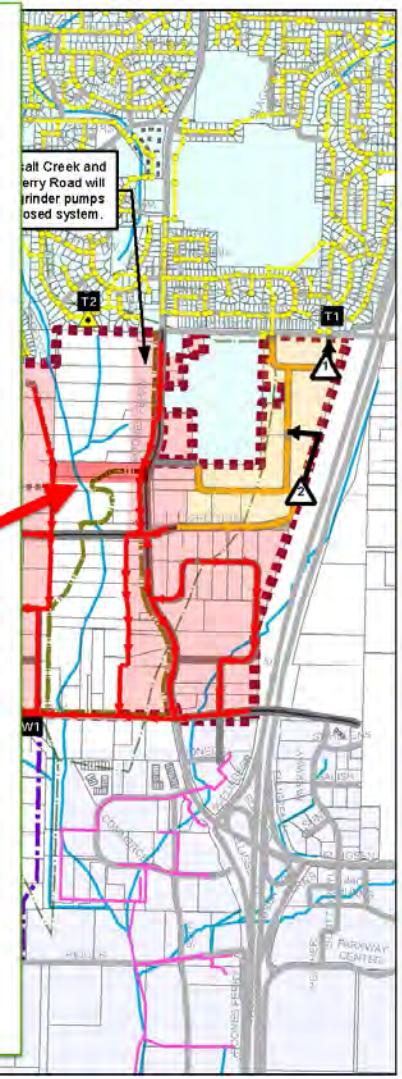
John and Grace Lucini
23677 SW Boones Ferry Road
Tualatin, OR 97062
503 692 9890

Attachment B. Sanitary System Alternatives Maps: HYBRID

THE PROPOSED TRAIL THROUGH OR NEAR THE WETLANDS WITHIN THE BASALT CREEK AREA
 -AS INDICATED ON THE MAPS ON PAGES 157, 159-161
 OF THE CITY OF WILSONVILLE CITY COUNCIL MEETING 4-20-15
 BASALT CREEK UPDATE AGENDA AND INFORMATIONAL PACKAGE-
ENCROACHES UPON 12 PRIVATELY OWNED PARCELS OF PROPERTY

SEVERAL ISSUES ARE RAISED BY THE LOCATION OF THIS PROPOSED TRAIL.

1. The proposed location of the trail fragments and/or bisects large portions of privately owned properties- reducing the owners' access, use and enjoyment of large portions of their property and land.
2. The proposed trail appears to create trespass issues through private property.
3. Is the Basalt Creek IGA proposing to compensate each of the 12 affected property owners for loss of access, use and enjoyment of their property?
 - One of the main rationales against the location of the East-West Hybrid Alignment - was the number of property owners which ROW issues would need to be resolved. Yet, this proposed trail impacts as many, or more property owners who will need to be involved with ROW issues.
4. The northeast portion of the proposed trail is directly located through the wetlands. The trail runs north through our backyard, then turns east and runs through our barn, beside our home, and up our driveway to SW Boones Ferry Road.
 - There is no other vehicular access to our home other than the existing driveway.
 - Is the Basalt Creek IGA proposing to purchase our entire house (built in 2002) and all of the property?
 - The length and grade of the NE portion of the proposed trail which utilizes our driveway is approximately 300 feet long- rising approximately 100 vertical feet within this span.
 - The driveway grade at places is between 10-20 %.
 - The driveway grade does not meet the goals or specifications within the City of Wilsonville's own ADA Transition Plan (as presented to the City of Wilsonville City Council Work Session Information packet of 4-20-15).
 - The driveway grade significantly exceeds the ADA recommendations for access to public trails.
5. Public distribution of hypothetical proposals for public structures on private property without incorporating the appropriate level of due diligence or consideration of known topographical or other known limitations ---places an undue burden on potentially affected property owners and negatively impacts those property owners.
 - The current process by which the Basalt Creek IGA conducts its concept planning process jeopardizes potentially affected property owners- by publically disseminating proposed concept plans which do not meet known local of federal standards---- may unfairly cause a cloud on a property title and may cause negative financial impact for affected owners who maybe considering selling their property.



Legend

- △ Proposed Pump Stations
- Proposed Force mains
- Proposed CWS Service System
- Proposed Wilsonville Service System
- CWS Service Boundary
- Wilsonville Service Boundary
- Connections to Existing Sanitary Systems
- Planned SW Kinsman Rd Extension
- ▲ Existing CWS/Tualatin Pump Stations
- Existing CWS/Tualatin Gravity System
- Existing CWS/Tualatin Force mains
- Existing Wilsonville System
- Proposed Main E-W Arterial Roads
- Proposed Collector Roads
- Proposed Local Access Roads
- Proposed Trails
- Existing Railroad
- Existing Roads
- Existing Trails
- Drainage Basins
- Taxlots
- Streams
- Planning Area
- City Boundaries**
- Sherwood
- Tualatin
- Wilsonville

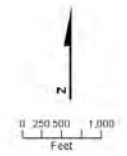


FIGURE 8
Alternative 3: Hybrid Alternative
Conceptual Sanitary System Design
 Basalt Creek Planning Area

GRACE LUCINI
23677 SW Boones Ferry Road
Tualatin, Oregon 97062
December 7, 2014

To: All Tualatin City Council Members and Wilsonville City Council Members -Joint Cities Basalt Creek Concept Planning Meeting -**Meeting December 2, 2014**
All Wilsonville Planning Commission Members -Commission Meeting -**December 10, 2014**
All Tualatin Planning Commission Members -Commission Meeting - **December 18, 2014**

Re: Basalt Creek Area Concept Planning

Please Include this communication as part of the public record for the Basalt Creek Area Concept Planning-- to be associated with the Public Meetings listed above.

I have been observing the Basalt Creek Concept Planning process. Several unaddressed issues become apparent as the Basalt Creek Area Base Case Scenario is presented. These issues are created when the comments and presentations on the concept planning process are compared to the stated intent of Metro Ordinance 04-1040B----which is the basis for the entire concept planning process.

Unaddressed issues are:

1. The entire Basalt Creek Concept Planning process is based upon the current designated location of the East West Connector
2. The utility, safety, feasibility, and cost of the East-West Connector has not been established due to the lack of the appropriate level of due diligence
3. Due to lack of appropriate level of due diligence, if the location or design of the East-West Connector needs to be revised-planning based upon the current location will be of questionable use---- at the expense of the taxpayers.
4. Current presentations on conceptual planning for the Basalt Creek Area do not appear to conform to statements which are specific to the future development of the Tualatin Study Area within Metro Ordinance 04-1040B, which is the basis and authorizing tool for the Basalt Creek planning process.
5. The Base Case presentation – the first of three alternative scenarios to be presented for consideration-includes road and infrastructure detail which will need to accommodate the stated primary purpose of the 124th-East West Connector – which is to have limited local access /cross traffic to increase the volume and flow of regional freight traffic from Highway 99 to Interstate 5 unless overpasses are constructed for local roads across the 5-6 lane 6% grade East-West Connector –adding significant design and construction costs.
6. The Base Case Scenario presentation provides an extremely high level magnitude discrepancy factor for anticipated cost factors on construction through known masses of large basalt rock formations and mountain

ridges and steep grades. Topographical maps and onsite inspection of the location of the proposed concept plan (as presented) - easily suggests cost factors will weigh significantly towards the upper end of construction costs.

An update on the Basalt Creek Concept Planning Project is being presented on the progress on the staff and consultants' findings and to present their Base Case primary Base Case scenario for Concept Planning. Two additional scenarios are to be developed within the next month based upon the feedback provided by the City Councils, and their respective Planning Commissions.

When Metro authorized the process of the concept planning for the Basalt Creek Area in 2004, Metro Ordinance 04-1040B included remarks specific to the Basalt Creek Concept Planning process including:

- Establishment of a Highway 99-I-5 Regional Freight Transportation Connection
- Utilizing the Connection as a basis for jurisdictional boundaries
- Zoning on the north side of the Connector to be "Outside Residential Neighborhoods"
- Zoning on the south side of the Connector to be "Industrial"
- Acknowledged and Identified over ½ of the acreage within the Tualatin Study area and the Coffee Creek Study area was not conducive for Industrial Development
- And provided for the Evaluation and Protection of the Natural Resources within the Basalt Creek Area as part of the process

METRO ORDINANCE 04-1040B

II. Specific Findings for Particular Areas Added To UGB in Task 2 Remand Decision - Metro Ordinance 04-1040B

E. Tualatin

"The City of Tualatin and many residents of the area expressed concern about compatibility between industrial use and residential neighborhoods at the south end of the city. They have also worried about preserving an opportunity to choose an alignment between Tualatin and Wilsonville for the I-5/99W Connector; the south alignment for this facility passes through the northern portion of the Tualatin Study Area."

"In response to these concerns, the Council placed several conditions upon addition of this area to the UGB. First, the Council extended the normal time for Title 11 planning for the area: two years following the identification of a final alignment for the Connector, or seven years after the effective date of Ordinance No. 04-1040B, whichever comes sooner. This allows Title 11 planning by Washington County, the cities of Tualatin and Wilsonville and Metro to accommodate planning for the Connector alignment. "

"Second, the Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)"

II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS - Metro Ordinance 04-1040B

C. Tualatin Area

"Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within two years following the selection of the right-of-way alignment for

the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.

Title 11 planning shall incorporate the general location of the projected right of way alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the “South Alignment,” as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, **the portion of the Tualatin Area that lies north of the right-of-way shall be designated “Outer Neighborhood” on the Growth Concept Map; the portion that lies south shall be designated “Industrial.”**

The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area.”

Staff Report Suitability for Industrial Development- Metro Ordinance 04-1040B

Table 2. Chief Operating Officer’s Recommendation

EXPANSION AREAS	Total Acres	Net Acres	Dominant Earthquake Zone ⁴	SUITABILITY FACTORS		
				Access	Proximity	Slope less 10%
<i>Damascus West</i>	102	69	D	✓	✓	✓
<i>Tualatin (MPAC-partial)</i>	646	339	D	✓	✓	✓
<i>Quarry (partial)</i>	354	236	D	✓	✓	✓
<i>Borland Rd N. (partial)</i>	575	164	A	✓	✓	✓
<i>Beavercreek (partial)</i>	63	30	D	--	✓	✓
<i>Coffee Creek (partial)</i>	264	97	D	✓	✓	✓

(Indicates approximately ½ of the Tualatin Study Area and less than ½ of the Coffee Creek Study Area was appropriate and/or anticipated to be Industrial Development)

Condition IG of Exhibit F - Metro Ordinance 04-1040B

“Requires the county or city to consider Metro’s inventory of Goal 5 resources in their application of Goal 5 to the Tualatin Study Area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county or city to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county or city to protect fish and wildlife habitat and water quality.”

Entire Concept Planning process based upon location on East West Connector

It has been stated the location of the East West Connector as adopted by the Basalt Creek Concept Planning PAG Group in December 2012, and then adopted by Washington County Ordinance 767 in 2013, is to be incorporated and included as an existing factor within the Basalt Creek Concept Plan.

This is an important factor, as the East-West Connector is geographically located in the middle of the Basalt Creek Area, and includes a bridge which will tower approximately 100 feet into the air at the eastern end where it is anticipated the width of the bridge will be 5-6 lanes wide (to make accommodations for slow acceleration of freight trucks due to the steep grade).

(Please see attached Preliminary Design for East West Connector including topographical cross-section)

- A. It should be noted, the 124th East West connector does not in fact terminate at Interstate 5, nor do plans include any direct connection onto Interstate 5. All of the Interstate 5 regional freight traffic will be directed onto surface arterials and collectors which will then feed into an already compromised Elligsen/ Interstate-5 Interchange, competing with other local commercial and residential traffic.
- B. Preliminary design of the East West Connector indicates cut and fill of large amounts of land in order to achieve a minimum 6% road grade for regional freight traffic (which is within Washington County standards, but exceeds Federal Highway recommendations for design of highways for freight traffic).
- C. Preliminary design of the East West Connector indicates the East West Connector requires traffic stop lights at the top and bottom of a 6% grade bridge --- a known significant factor which will decrease speed and flow of freight traffic through the intersections and surrounding area.
- D. The steep expressway grade of the East West Connector will significantly and negatively impact local traffic when the 6% grade bridge over the wetlands becomes icy and the East-West Connector becomes slick and unsafe. Due to the above and below ground-level design of the East-West Connector (road cut and lengthy 100 foot bridge elevation); timely emergency vehicle access to attend accidents will be reduced due to limited access roads or off road access.
- E. The 6% grade of the Connector exceeds Federal ADA Recommendations may limit multimodality use of the East West Connector which is contrary to the current emphasis of State, Regional and local transportation goals. Design changes to accommodate ADA recommendations may increase design and construction costs which were not included during East-West Connector location discussions.
- F. Due to the need to cut and fill large amounts of land to construct the East-West Connector (which may also include an additional cross traffic proposed local road) in this area of known and identified - wetlands, high value riparian, and high value uplands habitat---- Have the appropriate State and Federal agencies been consulted and these projects properly vetted as to impact on known wetlands and Significant Natural Resources identified within Goal 5, 3 and 13 standards?
- G. Was the specific location and design of the East-West Connector as identified in Washington County Ordinance 767 reviewed or vetted by those agencies responsible for protection of local, state and federal natural resources- as addressed in Metro 04- 1040B.

If the appropriate reviews by the appropriate State and Federal agencies was not done during and as part of the Tualatin –Wilsonville IGA and/or PAG evaluation process (as to the specific location and design of the East West Connector within the Basalt Creek Area) and its impact upon identified Significant Natural Resources has not been determined-- it is not known if the present location of the Connector will require changes in location or design to comply with water quality standards or other environmental constraints.

If there are additional design features which are needed to reduce the 6% grade of the East-West Connector, or significant bridge design accommodations needed to increase multi-modal use- the ability and cost to achieve these changes---this information needs to be identified and included in the Concept Planning process for purpose of funding and to ensure compatibility with future planning.

Has the integrity and stability of the one basalt rock formation within the known wetlands upon which Washington County plans to use as the center footing for large 5-6 lane regional freight bridge ---has the appropriate level of due diligence been done to determine its feasibility for its intended use?

It seems appropriate these basic feasibility issues should be addressed and resolved immediately if the entire concept design process for the Basalt Creek Area revolves upon the viability of the specific location of this 5-6 lane connector and bridge before any concept scenario is presented for evaluation to the Cities or public.

Based upon the above, the design and location of the East-West Connector seems extremely counter intuitive for an expressway whose main purpose is to increase the flow of regional freight through this area- especially when other alternative scenarios did not pose such problems.

Spending time, effort and costs in concept planning based upon the location of the East-West Connector when appropriate feasibility studies specific to the connector's planned location may not have been obtained ---may be a significant oversight in the planning process. This may eventually cause a significant and unnecessary expense to taxpayers and may cause an unnecessary delay in resolution and implementation of the plan--- should the present location of the East West Connector be deemed inappropriate for construction.

Boundary and Zoning Issues

1. Comments continue to be raised regarding the utilization of the East-West Connector as a basis for jurisdictional boundaries (as suggested in Metro Ordinance 04-1040B)--due to concerns about different types of zoning on the north and south sides of the Connector.

If the current location of the East-West Connector remains as indicated- a significant portion bisects land with known wetlands, and Significant Natural Resources which pose constraints upon development limiting development on approximately ½ of either side of the East-West Connector. And, due to the topography of the area, the eastern bridge portion of the East West Connector is anticipated to rise 100 feet above the ground. Consequently there will not be development at face to face street level on a large portion of the East-West Connector. Both of these issues should ease some concerns expressed about driving along the East West Connector and seeing different types of development abutting the expressway at street level and should be able to remove this concern as a limiting factor in the decision making process.

2. Those preparing concept zoning plans within the Basalt Creek Area should be cognizant and respectful of the numerous existing homes and neighborhoods which were built under the zoning, the laws and the regulations in place at time. It is these people and families who will bear significant impact by changes in governance or zoning implemented by this process. It is again important to recognize the residents and property owners within the Basalt Creek Area have no elected representation within the Basalt Creek Concept Planning process.

Issues which should be addressed regarding the proposed Basalt Creek Base Case Scenario:

If the entire basis of the 124th East-West Connector is predicated on increasing the flow of Regional Freight Traffic from Highway 99 to Interstate 5 –in part by limiting the number of local access points interrupting the speed and flow of truck

traffic—then questions should be asked regarding the Base Case Scenario proposing a local road which intersect the East-West Connector and not included within the preliminary design plan for the East West Connector

- What type of traffic control is intended at the intersection of the 5 lane East-West Connector and the Base Case proposed local road which runs north and south parallel and between SW Boones Ferry Road and SW Grahams Ferry Road (as identified in the December 2014 Basalt Creek Concept Plan Base Case Scenario)?
- is a less expensive traffic light sufficient to meet the local traffic needs without significantly interrupting truck east-west truck traffic (which is estimated by Washington County Staff will be twice the volume of current Tualatin Sherwood Highway traffic)?
- will an overpass/s be required for proposed local north south roads, and
- who will pay for significant design and construction upgrade improvements to the East-West Connector plans, as well as the additional design & construction costs for the local road for any overpass across the 6% grade 5-6 lane Expressway through undulating topography?

Please see the attached topographical map –Indicating the approximate locations of the East-West Connector and the proposed Base Case north-south local road which intersects the Connector in the middle of a steep ridge.

A Recommendation for future Basalt Creek Concept Planning discussions and presentations:

As the topography of this area presents important constraints to the entire concept planning due to an extremely wide range of topographical features including steep grades and natural wetlands, it seems reasonable future concept plans should be presented with topographical overlays when making presentations to city officials and to the public-- to provide greater understanding and visual conceptualization of this complex project.

I appreciate your consideration of these issues when you forward your comments, recommendations or suggestions to the Basalt Creek Concept Planning staff and consultants as they make their revisions and create the next- and last- two alternative scenarios to be presented in February 2015.

Respectfully submitted,

Grace Lucini

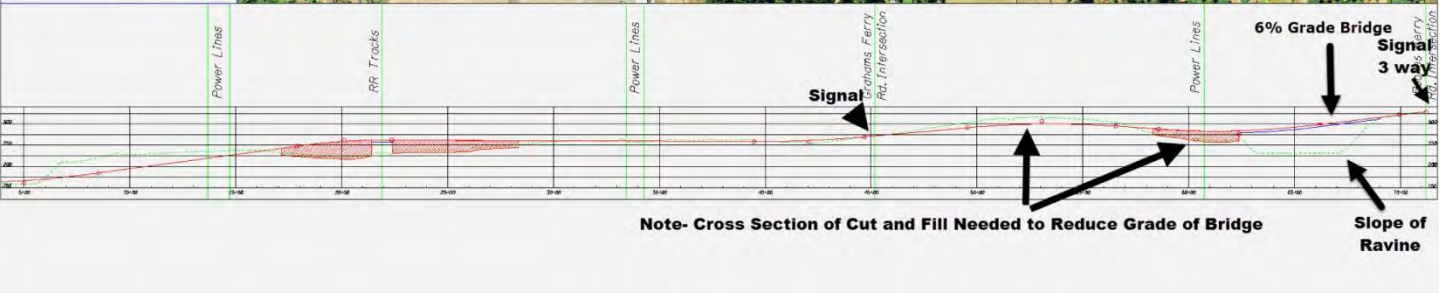
Attachments:

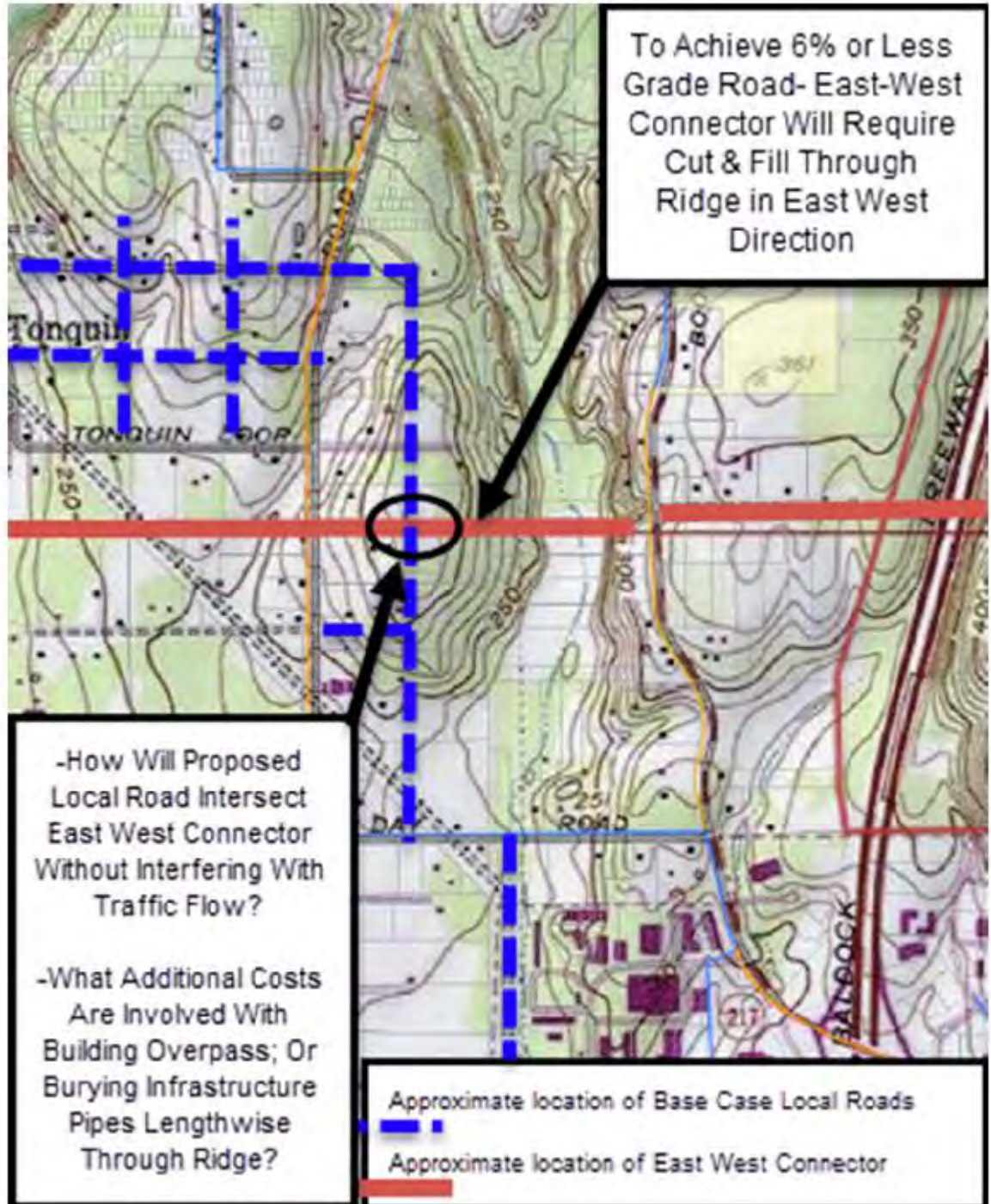
Preliminary Design for East West Connector-Washington County
Topographical Map East West Connector with Base Case Local Road Overlay

CC: Cindy Hahn, City of Tualatin
Aquilla Hurd-Ravich, City of Tualatin
Chris Neamtzu, City of Wilsonville

Basalt Creek Preliminary Design - East-West Connector

January 2012





CITIZEN COMMENTS REGARDING-

GUIDING PRINCIPLES TO DETERMINE THE FUNCTION AND DIRECTION OF BASALT CREEK CONCEPT PLANNING- AN AREA OF OVER 800 ACRES IN UNINCORPORATED WASHINGTON COUNTY

At the Wilsonville Council Work Session on July 7th as part of their discussion on the Guiding Principles for Basalt Creek Concept Planning, comments were made regarding their goal to increase the amount of industrial use and questioning residential use for concept planning within the Basalt Creek area.

I am seeking understanding or clarification on the wording on some of the Guiding Principles being presented for evaluation at tonight's work session- which is scheduled for discussion, acceptance and/or negotiation with the City Council of Wilsonville in 2 days- during the Wednesday Joint Cities Meeting on July 16th.

1. Guiding Principle #6 --Protect *existing city* neighborhoods and employment areas from impacts created by growth.

I request the Council to realize:

- The existing homes and neighborhoods within the Basalt Creek Area were permitted and built under the State and local laws in existence at the time of their construction.
- Most of these homes were built prior to being brought into the UBG.
- Most of the residences along SW Boones Ferry road between Day Road and the Tualatin City Limits to the north- are located on the west side of the road for a reason:
 - As I presented during discussions on the Tualatin Water Master Plan, and also the planned location of the Grahams Ferry --to Boones Ferry Connector and Bridge- now referred to as the East-West Connector
 - The area includes extreme topography and Significant Natural Resources
 - The ravine on the west side of Boones Ferry Road- also known as Seeley Ditch includes steep slopes and large Basalt Cliffs- which are not conducive to industrial use due to the grade
 - Most of the existing homes along Seeley Ditch are
 - single family
 - owner occupied homes
 - Most of these people have lived in these homes for 5, 10 or 15 years.
 - Their homes -- *and the future use of their home and property* ---are as important to them as your home and neighborhood is to you.
 - Zoning changes will have a significant impact upon their future livability within their home and neighborhood
 - These home and property owners within the Basalt Creek Area do not have an elected representative within this planning process to speak on their behalf.
- I request the Council to examine the wording of Principle #6 with regards to the wording "protection of city neighborhoods"- to be clarified

- I request the wording to provide-
 - The same respect and equal consideration be given to those homeowners and neighborhoods who have long term legally established and existing homes and neighborhoods within the Basalt Creek area--- which are being extended to existing city neighborhoods.

2. I also request additional clarification regarding the **Guiding Principles #7 & 8-** which deal with Natural resources within the Basalt Creek Area:

Principle # 7 -Ensure natural resource areas are incorporated into the plan as **community amenities and assets.**

Principle # 8 -**Increase equitable access** to nature and active recreation opportunities”

- While the quality and quantity of the Significant Natural Resources – particularly along the west side of Boones Ferry Road was not quantified as part of the decision making matrix on the location of the East-West Connector; almost all of the maps identifying various Environmental Constraints being presented for the upcoming Joint Cities Meeting, clearly demonstrate the wealth of high quality natural resources within this unique area- including the existence of:
 - highest valued riparian areas;
 - highest valued upland wildlife habitat;
 - And large wetlands.
 - This is the same area which Metro has identified and qualified under Title 3 and Title 13 regulations
 - all of this exists within the deep ravine west of Boones Ferry Road within Seeley Ditch
- There are several individual property lots along Seeley Ditch which are long and narrow – extending from west from Boones Ferry Road and bracketing both the east and west sides of the wetlands – with extremely limited vehicular access to the wetland solely from Boones Ferry Road.
- There are homeowners such as myself, who recognized these unique and beautiful natural resources, and gone to various lengths to be good stewards of the land and its wildlife.
 - Just for an example- On two different occasions within the last year,
 - I have had to remove a large live animal trap from my property placed there by unknown persons, and
 - I also stop a hunter from shooting either a shotgun or rifle while wading through the wetlands approximately 100 feet from the back of my house (he did not have permission)
- I request the Council to be thoughtful of the wording of their stated goals for the areas - especially with regard to the area west of Boones Ferry Road within Seeley Ditch.
 - What does “increase equitable access to nature and active recreation opportunities” mean?
 - Does “equitable access” refer to equal partitioning between the Cities of Wilsonville and Tualatin---- or
 - Does “equitable access” refer to public access to private land?
 - Will “Natural Areas” be preserved and not developed?
 - Are large **un-fragmented** Natural Areas which current wildlife requires for their existence- being included as “community amenities and assets” – as stated in Principle #7?
 - How much loss of local Significant Natural Resources including wetlands and known High Quality Natural Wildlife Habitat will the Council allow to be purchased *in remote counties* to mitigate and offset local land infill and construction resulting from changes in zoning land use in this unique area.

The Council has been given an opportunity to create a plan which can incorporate residential needs along with the need for employment opportunities while still respecting the homes and neighborhoods of existing families.

A distinct part of this planning should also include preservation of areas which are known to be unique Significant Natural Resources – including un-fragmented Natural Areas large enough to maintain and preserve existing wildlife. If this is not done it will be an opportunity forever missed by future generations.

Please be clear in the directions given to project staff as they further develop the Guiding Principles in conjunction with the City of Wilsonville ---as to the implications created by the Guiding Principles and the long term impact upon various parts of the Basalt Creek Area.

Thank you for your time and consideration.

I hope I will hear further discussion and clarification on the points I presented.

Respectfully submitted,

Grace Lucini

From: Mayor Tim Knapp <knapp@ci.wilsonville.or.us>
Date: July 9, 2014 at 3:46:36 PM PDT
To: "Kraushaar, Nancy" <kraushaar@ci.wilsonville.or.us>, "Scottstarr97070@gmail.com" <Scottstarr97070@gmail.com>
Subject: Fw: Basalt Creek Concept Plan

FYI, citizen input. Thx/TK

Sent from my Verizon Wireless Droid

-----Original message-----

From: Tim Davis <pdxfan@gmail.com>
To: logden@ci.tualatin.or.us, mayor@ci.wilsonville.or.us, council@ci.tualatin.or.us
Sent: Wed, Jul 9, 2014 20:19:53 GMT+00:00
Subject: Basalt Creek Concept Plan

Dear Mayor Lou Ogden, Tualatin City Council, and Mayor Tim Knapp,

This is Tim Davis, and below is a letter that I wrote to Cindy Hahn about the incredibly important and sensitive Basalt Creek area. It's written in a blunt style that's meant to challenge us to do real placemaking in our outer suburban areas. I meant to mention the mistakes made in Damascus and the beautiful counterexample of Villebois as something we should emulate and improve upon to the greatest extent possible.

As you can see, the letter I wrote is quite long, but it could have easily been triple the length. For example, I skipped one of the most important mathematically proven arguments that developing existing shopping areas ALWAYS presents a far, far greater return on investment than developing new areas. Every single elected official in the U.S. should really listen to this amazing "Strong Towns" podcast episode called "Moneyhall" that's based somewhat on the wonderful "Moneyball" movie that showed an entirely new way to get high value for minimum investment on a baseball team. It proves that our current suburban model cannot work in the long run, but our metro area at least has some hope of turning it around. Here's the critically important (and highly entertaining!) podcast episode:

<http://www.strongtowns.org/strong-towns-podcast/2013/8/29/show-149-moneyhall.html>

Anyway, below is my letter to Ms. Hahn; I hope that you enjoy my suggestions and don't mind the occasional bluntness in trying to get some points across!! :)

Thank you so much for everything you do; I know that your jobs are NOT at all easy!! I really can't thank you enough!

Cheers,
Tim

This is Tim Davis, and I closely follow every single development in the entire Portland area; it's admittedly incredibly time-consuming. :)

My main worry is that Basalt Creek will turn into another unbelievably awful suburban wasteland, to put it perhaps too bluntly. :) There's really no way that this area should have been included by Metro in 2004 into the UGB; we still have an unbelievable amount of undeveloped and very, very low-density housing everywhere you look, including throughout Portland. We have WAY more than enough room to accommodate growth within our existing UGB for at least 50 years.

Plus, Basalt Creek is the very definition of exurban: exceedingly far from both downtown Portland and any kind of decent transit. Plus, probably half of the area is in a floodplain and should be preserved as parks and farmland. It's also just north of an incredibly important wetland (Coffee Lake), the last remaining wetland of any decent size for many miles.

If we really, REALLY need to develop Basalt Creek at all, it has GOT to be with the highest-density, most attractive mixed-use development possible. Bethany did a decent job with the 15325 NW Central Drive area, for example, and Orenco Station is fascinating both to live in and visit.

We simply have way, way, way more than enough hideous big-box, character-less, soul-less development (not to mention countless miles of lookalike oversized homes) in the area. We just cannot afford to keep doing this. It's a Ponzi scheme, and the infrastructure will collapse under the weight of debts due to a failure to plan for maintenance costs 30-40 years out. We're already seeing the suburban model starting to fail miserably in many places.

Basalt Creek could be one of the last chances the metro area gets to preserve the beauty of an exurban-but-still-not-too-far-out area. I LOVE driving and biking down pastoral roads like SW Frobase Road or SW Day Road, and we must not lose the character of places like this, even though (or maybe because) they're super remote from almost any job location.

We have to think holistically. I really like that Tualatin and Wilsonville are approaching this development carefully and very collaboratively, but we need to consider the much bigger picture of the metro area as a whole. Our biggest mistake has been our failure to develop holistically, and now we have countless suburbs that have almost zero character. Fortunately we still have a tiny bit of time before we start looking like almost every other large metro area in the U.S. Portland is truly THE last hope for a semi-decent metro area left in this country; all other cities have completely sold out to giant corporations and Anytown, USA cookie-cutter looks.

This area really needs to be a recreational corridor, with its great proximity to beautiful rivers and vistas in all directions. The Banks-Vernonia corridor has (at last) discovered this, and now eco-minded cycling visitors are greatly improving the economy there--and supporting the LOCAL economy rather than some fat cat's pockets back in New York or Dallas.

We need to always, always be thinking about growing a LOCALLY based economy. The Willamette Valley can grow 32 types of edible greens in January alone! That's more than anywhere else on Earth without irrigation. We need to take advantage of our unparalleled access to food and natural beauty!

We have *way* more than enough multi-national big-box chain stores and beige, covenant-controlled huge family homes. We don't need any more. Besides, once the next economic crash occurs, those large homes will be subdivided--and people will be completely screwed because there will be zero sources of food, jobs or outside entertainment to WALK or BIKE to because everything was built around the single-occupancy or family car.

Instead, let's do the only thing that makes sense in the long term: growing companies that are based right in Tualatin and Wilsonville and keeping the money as local as possible. And build an amazing bike trail network through the Basalt Creek area--and include educational signs about wetlands, rivers, animals and other wonderful things people will see while improving both their health and their quality of life!

And if we have to pave over paradise, then make it incredible dense development (preferably with permeable concrete, as well). Rather than yet another Walmart or Supertarget that's surrounded by 20 acres of mostly empty concrete (with no stormwater mitigation at all), encourage local businesses to set up shop in a beautiful, walkable little area with housing above the shops (like they do in all great neighborhoods throughout the world!).

I'll end (for now LOL!) with a question that I always propose to city planners: what is the ONE common trait that every single great neighborhood or public space has in common? It's not great architecture, historical features, high density, low density, parks or anything like that. Rather, the ONE common trait that absolutely all great places have in common throughout the world is: pedestrian-friendliness!! Simply put, if you're approaching an area containing numerous pedestrians, you are *always* naturally drawn to that area. If instead (like in nearly every suburb) you just see cars or empty pavement, you're inclined to skip the area and just keep moving along.

So, the real solution for Basalt Creek is to make the area as pedestrian-friendly as possible; really attract people to get OUT of their cars, walk around, support the businesses, smell the air, walk a trail, and enjoy the place!!

Thank you so very much for your consideration, Cindy and everyone involved with the exciting Basalt Creek planning process!! I'll be keeping close track of what happens with this beautiful area, as you can no doubt imagine! :)

Cheers,
Tim

From: G Lucini [<mailto:grluci@gmail.com>]

Sent: Monday, January 27, 2014 12:26 AM

To: COUNCIL

Cc: Lou Ogden; Monique Beikman; Frank Bubenik; Ed Truax; Nancy Grimes; Joelle Davis; Wade Brooksby

Subject: PLEASE INCLUDE AS PART OF PUBLIC RECORD-For Tualatin City Council Meeting 1-27-14- Basalt Creek Planning

FOR INCLUSION AS PART OF PUBLIC RECORDED

TUALATIN CITY COUNCIL MEETING 1-27-14 ---

CONSENT AGENDA ITEM D-3 ---Resolution No. 5178-14 ----Fregonese Contract Basalt Creek Concept Planning--

Basalt Creek Concept Planning- Natural Resources- Water Quality

Dated: 1-26-14

Resolution No. 5178-14 is included on a Tualatin City Council Meeting agenda for the first time---for the 1-27-14 Meeting. This resolution is to authorize a Personal Services Agreement for Concept Planning for the Basalt Creek / West Railroad Areas.

Resolution No. 5178-14 is scheduled as a consent agenda item.

The City staff is requesting acceptance and authorization to execute a Contract with Fregonese Associates during this initial presentation on a Tualatin City Council Meeting Agenda.

The Fregonese Contract is the main framework for the entire decision making process on Basalt Creek Concept planning. The Contract Scope of Work provides specific services will be provided from creation of a Public Involvement Plan; the depth of the initial evaluation of existing conditions; how alternative scenarios will be determined; how the alternatives will be compared; how the Concept Plan will be selected; and recommendations as to how to implement the plan- from changes to jurisdictional boundaries, infrastructure and transportation. This is the governing tool for the entire planning process.

There are two issues I wish to bring to the attention of the Tualatin City Council regarding Resolution No. 5178-14, the Fregonese Contract, and the actions of the Basalt Creek Concept Planning staff.

1. There are already important administrative problems relating to the public notification and governmental transparency of the planning process and compliance with the laws of the State of Oregon
2. A related issue involves content within the Fregonese Contract. The stated scope of services to be provided in the Fregonese Contract does not provide for the appropriate level of due diligence of the Significant Natural Resources which exist

within the Basalt Creek Area- starting from the very initial Existing Conditions Assessment. The Fregonese Contract needs to be modified to provide a higher level of assessment.

BASALT CREEK CONCEPT PLANNING PROCESS- ISSUES WITH GOVERNMENTAL TRANSPARENCY AND COMPLIANCE WITH OREGON'S PUBLIC MEETINGS LAW

The Basalt Creek Concept Planning Project staff has taken several actions which have already clouded the public's perceptions of governmental transparency with the Basalt Creek Concept Planning process. Oregon's Public Meetings Law provides legal requirements which provide for citizens to have access to the exchange of information as part of a decision making within a governmental process.

Oregon Public Meetings Law (ORS 192.610 -192.690) have been interpreted and explained in State of Oregon Department of Justice Attorney Generals Public Records and Meeting Manual January 2011

"The key requirements of the Public Meetings Law are to hold meetings that are open to the public unless an executive session is authorized, to give notice of meetings and to take minutes or otherwise record the meeting. In addition there are requirements regarding location, voting and accessibility for disabled persons."...

"Subject of Meetings and Social Gatherings- Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply. This requirement serves the policy expressed at ORS 192.620 that an informed public must be aware not only of the decisions of government but also of "the information upon which such decisions were made"..."

..."It does not matter that the discussion is "informal" or that no decision is made; it is still a meeting for the purposes of the Public Meetings Law"..."

"...If two or more members of any public body have "the authority to make decisions for or recommendations to a public body on policy of administration" , they are a "governing body" for the purposes of the meetings law. ORS 192.610(3)"..."

..."The public notice requirements apply to any "meeting" of a "governing body" subject to the law, including committees, subcommittees and advisory groups"..."

..."Governing bodies are cautioned not to misuse the committee appointment process or decision making process to subvert the policy of the Public Meetings Law"..."

...We have acknowledged that strict compliance with the substantive requirements of the Public Meetings Law frequently may "sacrifice speed and spontaneity for more process and formality." Nonetheless, we believe that the law's requirements generally will not interfere with a public body's administration"..."

THE PUBLIC HAS DEMONSTRATED THEIR DESIRE TO WITNESS THE DECISION MAKING PROCESS

Project staff has knowledge of existing public interest in monitoring the Basalt Planning Process.

- Citizens have previously established their interest in receiving information about the Basalt Creek Concept Planning process.
 - o Local citizens and residents attended the only Joint Cities Basalt Creek Concept Planning meeting held to date -on 10-29-13.
 - o Citizens expressed their desire to project staff to be informed of meetings on the Basalt Creek Planning both verbally and in writing - qualifying as "Interested Persons"*(Please see attached email chain September 2013 to January 2014)*.
- A review of the video tape of the Citizen Comment portion of the Tualatin City Council Meeting of 1-13-14, documents a citizen request for governmental transparency within the Basalt Creek planning -especially due the affect upon the residents of the area who are not residents of either the City of Wilsonville or the City of Tualatin.

PROBLEMS IN GOVERNMENTAL TRANSPARENCY HAVE ALREADY BEEN DEMONSTRATED, AND CONTINUE TO EXIST

The City of Tualatin previously demonstrated compliance problems with public notification of public meetings as part of the Water Master Plan revision process in January 2013.

During the first and only meeting of the Joint Cities Basalt Creek Concept Planning Project on 10-29-13, the City Councils voted to authorize and direct a subcommittee consisting of two City Council members from each of the two cities and staff to “establishing a decision-making framework and identifying community engagement techniques to be used throughout the project”. The Subcommittee was directed to bring back a “robust” report back to their respective City Councils.

Apparently during the Subcommittee Meetings in December 2013, Council Representatives either generated, discussed, or directives were given to Project staff on to topics be included within the Fregonese Contract. The importance and significance of this document generated/vetted by the Subcommittee and being presented to the Councils for acceptance and execution cannot be understated.

1. There was no Public Notification of the December 2013 Councils' Subcommittee. This lack of public notification prevented public attendance and prevented public access to the discussions on this document which will direct the entire decision process- which prohibited citizen attendance due to lack of notice.
 - The Project staff was contacted 1-6-14 regarding the lack of and Public Notification of the Subcommittee December 2013 meetings. *(Please see attached email chain September 2013 to January 2014)*
 - On 1-7-14 the Project Manager stated the Subcommittee Meetings were "informal working meetings, therefore, no public notification was made". *(Please see attached email chain September 2013 to January 2014)*
 - After discussion, the Project Manager on 1-7-14 agreed to take actions to rectify previous problems with public notification on planning meetings – *(Please see attached email chain September 2013 to January 2014)*
 - including future postings of public meetings regarding Basalt Creek planning on BasaltCreek.com-which is administered by the Project Manager/ City of Tualatin.
 - Public Meetings for the Tualatin City Council and for the Wilsonville City Council -relating to Basalt Creek Planning -would be also be posted to the BasaltCreek.com website
2. The minutes of the Joint Council's December 2013 Subcommittee meetings:
 - Have not been posted to either of the cities' official websites (as are other minutes of Council Subcommittees, Commissions, or Advisory Groups), or
 - Have not been posted to the BasaltCreek.com website. *(Please see 1-21-14 BasaltCreek.com screenshot)*
 - The lack of written documentation of the Subcommittee minutes prevented citizens from access to written information about any discussion which occurred on Basalt Creek planning which occurred during the Subcommittee meetings
3. The "robust" report which the Joint City Councils directed the Subcommittee to provide on their meetings- did not include any documentation of the minutes of the meeting, content on all issues or documents discussed, or actions to be taken.
 - Tualatin Council meeting on 1-13-14- Agenda included the initial presentation of the Basalt Creek Process Diagram and the Partnering Agreement- which were apparently generated or vetted by the Council Subcommittee

- There were no minutes from Joint Councils' Subcommittee attached to the City Council Meeting informational packet providing information on the discussions or deliberations from which these documents apparently generated.
 - During the Wilsonville Council Meeting on 1-23-14 the Partnering Agreement and the Fregonese Contract were presented by the Project staff for endorsement
 - There were no minutes from Joint Councils' Subcommittee attached to the City Council Meeting informational packet providing information on the discussions or deliberations from which these documents apparently generated
 - Tualatin Council meeting for 1-27-14 will be the first presentation of the Fregonese Contract draft to a Tualatin City Council Meeting
 - There were again no minutes from Joint Councils' Subcommittee, or other documents of public meetings attached to this agenda informational packet- providing background on the discussions or the deliberations which generated the Fregonese Contract
4. During the Tualatin City Council Meeting on 1-13-14,
- Project staff presented the Project Process Diagram, and the Partnering Agreement which were apparently part of the results of the deliberations of the Joint Councils' Subcommittee
 - Although there were references made to the Fregonese Contract during the Tualatin Council Meeting on 1-13-14- a copy of the contract draft was not provided as part of the Council Meeting's informational pack, nor was a copy of the Fregonese contract draft available on City of Tualatin Website, or on the BasaltCreek.com website at the time.
 - The Tualatin Joint Council Subcommittee members – reported upon their comments/ recommendations made to the Project staff during the Subcommittee meetings- These comments emphasized their intentions to involve the public in the planning process- especially those residents within the planning area.,
 - At the 1-13-14 meeting Council President Beikman restated the comments she made to the December Subcommittee meetings-- of her intention the public be given notification of meetings on Basalt Creek planning

- Contrary to the comments / directives given by the Council Members Subcommittee members -- there are no statements- or goals- indicating the need or requirement for Public Notification of public meetings within the draft of Partnering Agreement .
- As previously stated, the minutes of the Joint Councils' Subcommittee meetings are not included within the informational pack for the agenda item
 - There is no record of any directives made by the Subcommittee to the Project staff provided –
 - Lack of this information hinders clarification on possible omissions or conflicting information in the resulting documents generated as a result of the Council's Subcommittee Meetings.
- The transparency and integrity of the decision making process was compromised

5. Project staff scheduled Resolution No. 5178-14 Authorizing a Personal Services Agreement for Concept Planning for the Basalt Creek/Wets Railroad Areas on the consent agenda for the City of Tualatin City Council Meeting for -27-14

- This Tualatin City Council Meeting- a public meeting on the Basalt Creek Concept planning was not posted on the BasaltCreek.com website until after 1-21-14 (Please see 1-21-14 BasaltCreek.com screenshot). The BasaltCreek.com was later updated to include a reference to a Tualatin City Council Meeting with a link to the Tualatin City- website for the Council Meeting for 1-27-14.
- Resolution No. 5178-14 and the Fregonese Contract were only posted to the City of Tualatin Website the week of 1-20-14
- This is the first time Resolution No. 5178-14 will be presented to the Council as part of a Tualatin City Council meeting
- This is the first time the Fregonese Contract draft will be presented to the Council as part of a Tualatin City Council Meeting
- The Fregonese Contract is a significant document of large scope and impact- involving multiple agencies and jurisdictions
 - The Fregonese Contract is the governing tool for the entire Basalt Creek Planning process

- The Fregonese Contract will develop a Concept Plan and make recommendation to change the governance , infrastructure and transportation of multiple jurisdictions
- The Fregonese Contract when implemented will affect a large geographic area of hundreds of acres including residential and industrial land
- The Fregonese Contract was posted on the City website the week of 1-20-14 for the first time-

6. Due to lack of compliance to the Oregon Public Meetings Law- citizens have not been given appropriate public notice, or access to the discussions or deliberations during public meetings which generated the Fregonese Contract and placement of Resolution No. 5178-14 on the Consent agenda for the Tualatin City Council Meeting 1-27-14.

- It is unclear when the following discussions were held as part of a Tualatin City Council Work Session or Meeting Agenda Item –listing Basalt Creek Concept Planning as a topic –

- The method of concept planning to be selected for Basalt Creek Concept Planning

- i. The rationale for selecting the proposed method of concept planning utilizing only one consultant who creates the entire framework for decision making, facilitates and then implements the entire plan

- ii. Versus other methods of concept planning which are primarily directed by the Governing body utilizing various consultants

- The goals, scope, requirements or specifications needed as part of the Basalt Creek Concept Planning process

- If the Fregonese Contract actually meets the goals, requirements and/or specifications needed to develop and execute the Concept Planning for the Basalt Creek Area.

- Project staff elected to place of Resolution No. 5178-14 and the Fregonese Contract on the Consent agenda for the Tualatin City Council Meeting on 1-27-14.

- Project staff are aware this is the first time the draft of the Fregonese Contract has been presented at a Tualatin City Council Meeting

- The City of Tualatin, as the fiduciary partner within the Joint Cities Partnering Agreement –Basalt Creek Concept Planning –should require that appropriate public due-diligence of the Fregonese Contract is done.
- Project staff is aware the City of Wilsonville is a partner with the City of Tualatin in the concept planning
 - Project staff is aware the draft of the Fregonese Contract was to be presented for the first time to the Wilsonville City Council Meeting on 1-23-14
 - Project staff's placement of Resolution No. 5178-14 and the Fregonese Contract on the Consent agenda for the Tualatin City Council meeting on 1-27-14 did not provide for public discussion by the Tualatin Council of any feedback from generated either verbally or in writing from the Wilsonville Council.
 - i. Project staff placement of Resolution No. 5178-14 and the Fregonese Contract on the consent agenda – limits Tualatin Council members from discussion of any issues, concerns or modifications requested by the Wilsonville Council on the Basalt Creek planning process
 - ii. Due to the encompassing scope of the Fregonese Contract, any concerns with the process, services, or implementation relating to Basalt Creek Planning perceived by the City of Wilsonville should be fully explored- as to any potential need for modification of the Fregonese Contract draft.
 - iii. As part of their fiduciary responsibilities, Tualatin Council members should discuss if Wilsonville has any concerns with the any phase of the planning process, or services provided by the Contract, and if any modifications to the contract are necessary or appropriate to make prior to giving authorization to execute the Contract.
 - iv. Citizens should have knowledge of these discussions- even if no action is taken- or if modifications to the contract will be made.

The transparency of the governmental process in the development and implementation of the Basalt Creek Concept Planning process has been greatly damaged. The spirit and the letter of Oregon Public Meetings Law have been compromised.

Based upon numerous examples of actions taken by the Project staff clouding the transparency of the decision making process- from virtually the start of the planning process- I request a critical look be taken at the Project administration.

Even after a citizen approached the Project staff as to concerns about transparency and public notification issues- there are continuing problems with compliance with the requirements of the Public Meetings Law

The explanations provided by the staff as to the reasons for non-compliance with the requirements for Public Notification of Public Meetings, are without legal merit.

The actions, discussions and deliberations of public meetings on Basalt Creek Concept Planning have not been documented to include the minimum information as delineated in State of Oregon Department of Justice Attorney Generals Public Records and Meeting Manual January 2011.

Due to the actions of the Project staff, and the lack of acknowledgement of the requirements of the Public Meetings Law within the drafts of the Projects governing documents, it is also requested the City Council evaluate if the Partnering Agreement and the Fregonese Contract clearly indicate the intentions and services to be provided comply with the Public Meetings Law.

The size and professionalism of the governments of the City of Tualatin and of Wilsonville should not be tainted by the inability to conform and provide the basic service of providing public access to the discussions, and deliberations which will occur as part of this decision making process.

The City Council should provide clear direction to the project staff, resolve previous record keeping omissions, and take corrective actions to avoid future occurrences.

I request the City Council to include in their actions:

1. Review if the staff actions are in accordance with the spirit and/or letter of Oregon's Public Meetings Law.
2. Take actions to gain compliance with Oregon Public Meetings Law – including
 - a rectify existing issues including omissions in documentation of public meeting minutes and record keeping , and
 - b Immediately enforcing public notification (as specified by the law) of future public meetings on the planning process.

3. The Project staff should be provided additional education as to what constitutes a public meeting and the actions which are required by law- and provide support as necessary
4. Prior to acceptance of the governing documents for the Basalt Creek Concept Plan ---evaluate if the Partnering Agreement; and the documents which constitutes Resolution 5178-14 clearly indicate intentions to comply with the Oregon Public Meetings Law during the Basalt Creek Concept planning process.
5. Provide a clear statement within the two governing documents of intent to provide governmental transparency- including specific actions to be taken to comply with Oregon Public Meetings Law.
 - a Identify a person to be accountable for monitoring compliance issues during the planning process.
 - b develop a procedure to assist the public as to whom to contact when compliance concerns arise

These actions may help provide clarification of expectations for staff, the Consultant, and the public regarding governmental transparency and intention to comply with Public Meetings Law.

Due to the factors identified above, the following comments are provided - that they are given consideration prior to the acceptance and execution of the Fregonese Contract as posted to the Tualatin City website the week of 1-20-14.

LACK OF APPROPRIATE LEVEL OF DUE-DILIGENCE IN THE INITIAL ASSESSMENT AND FOLLOWING ANALYSIS OF SIGNIFICANT NATURAL RESOURCES FOR BASALT CREEK AREA PLANNING.

In the review of Fregonese Contract it is apparent there is a lack in the appropriate level of due-diligence relating to assessment and evaluation of impact to the Significant Natural Resources and/or water quality with the Basalt Creek Area within the planning process.

Additionally, State and Federal agencies involved with the monitoring, protection and/ or enforcement of statues relating to Water Quality and/or Natural Resources are

absent from the "Invited Agencies List" of participating agencies within the Partnering Agreement. These agencies should be included in the same "Invited Agencies List"- as is Clean Water Services.

Based the decision making process utilized with the Grahams Ferry – Boones Ferry Road Connector Location Project- it is apparent there is a need for a change in the method natural resources within the Basalt Creek area are evaluated and information gained used in the analysis process. Appropriate level of assessment of the known Significant Natural Resources, needs to be included in the decision making process.

To have the sole determinant of “environmental impact” based solely upon the square footage of the wetlands impacted – as was previously done- will produce misleading information. This method of natural resource assessment should not be considered the appropriate level of due-diligence in this planning process if a meaningful outcome of the evaluation process is to be expected.

The Fregonese Contract needs to be modified to achieve a reasonable level of due-diligence as to existing Significant Natural Resources and water quality.

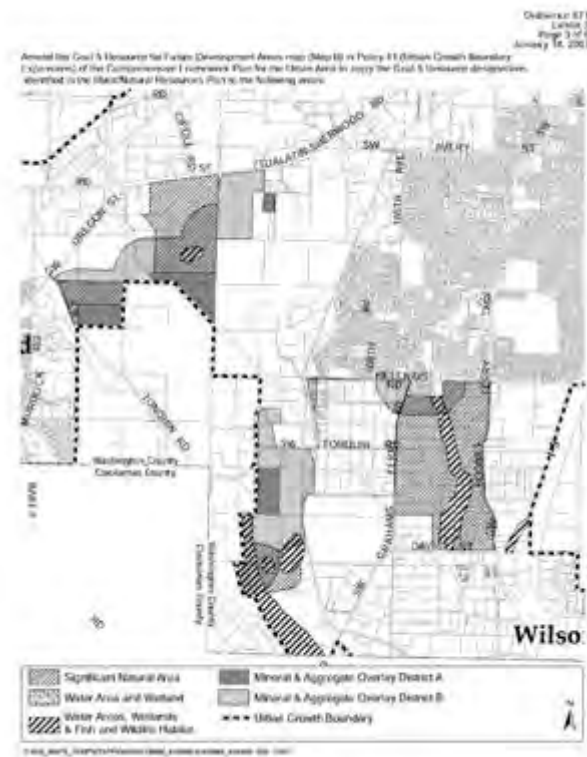
Specific data collection, quantification, and qualification of the various known resources- including impact to water quality locally and downstream-is necessary to be able to establish a hierarchy of importance, protection requirements and potential future utilization. The assistance and expertise of State and National agencies need to be included as participants in the Partnering Agreement and added as resources for assessment and analysis in the Fregonese Contract.

Assessment of the known wetlands which cover a large area of the Basalt Creek Area specifically needs to be completed to be able to provide some qualified estimate of the various levels of wetland mitigation which will become a factor in planning and future development.

All of this type of information needs to be compiled to allow a definable and consistent criterion to be developed as part of the comparative analysis with the alternatives.

It is already known and documented the Basalt Creek area contains large areas of Goal 5 Resources. When the Basalt Creek area was brought into the Urban Growth Boundary, a large portion of the area was identified as containing “Significant Natural Areas”, as well as “Water Areas, Wetland & Fish and Wildlife Habitat”. Please see the attached map:

Washington County, Ordinance 671, Exhibit 2 Page 3 of 9 January 18, 2007



The scope of any development or construction constraints placed upon portions of the area due to the potential impact upon natural resources or water quality should be quantified and included within the decision making matrix. Any of these construction or development limitations should also be quantified and utilized as part of the comparison of proposed alternative scenarios. At any stage along the decision making process, the lack of accurate quantifiable information on the impact on water quality and natural resource, or resulting development limitations and/or the lack of the appropriate level of alternative analysis of this information ---may produce inaccurate results.

The Fregonese Contract identifies a subcontractor who will obtain and review “published or ready to use natural resource inventories and mapping”, and interviews of staff from Wilsonville, Tualatin, and Clean Water Services, and Metro to identify “important areas of special consideration, especially in and near existing receiving waters”. This assessment is very limited as to subject matter, scope of study and quality/source of information to be obtained.

It is important to point out---many of the entities which the Fregonese Contract has identified as the source of information on “natural resources” do not currently have jurisdiction, or provide limited service to the area being evaluated. The Basalt Creek area is outside the city limits of Wilsonville and of Tualatin---and are actually the

entities requesting the information and review. Clean Water Services does not currently provide services to all the Basalt Creek Area.

The Fregonese Contract does not specify State or Federal Agencies who have pertinent information; conducted studies; or who have jurisdictional authority or other monitoring/protection responsibilities over water quality or other natural resources in the Basalt Creek Area ---are to be included as sources of information, or consultation within the decision making process.

The Partnering Agreement lists numerous "Required" and "Invited" agencies to be included in the decision making process. This list also lacks State or Federal agencies that have jurisdiction, authority or responsibility for monitoring or protecting water quality or other natural resources within the Basalt Creek area as participating agencies.

The inclusion of these State or Federal agencies as part of the decision making process, would provide a wealth of information, expertise, and advice directly related to statutory constraints limiting development, and could provide recommendations on actions which may advert negative impact to the existing resources.

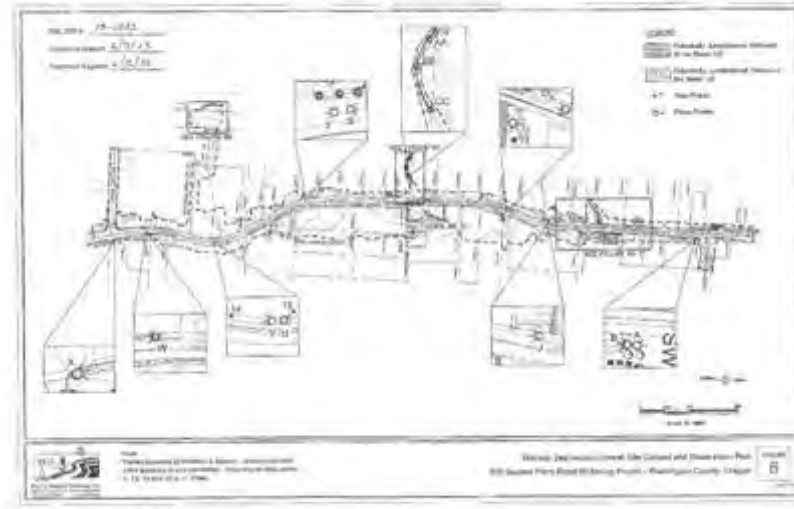
The attached documents provide evidence of portions of the Basalt Creek area have already been identified as having Significant Natural Resources and/or may be under the jurisdiction of State and Federal agencies responsible for protection of natural resources.

- US Department of Fish and Wildlife Service- National Wetlands Inventory- Map of Identified Wetlands

NATIONAL WETLANDS INVENTORY- BASALT CREEK AREA
Global View- Basalt Creek Area-Without Smaller Identified Wetlands Indicated



- Oregon Dept. of State Lands/US Army Corp Engineers- Wetland Delineation SW Boones Ferry Road Improvement Project



In addition to Metro, additional agencies should be utilized by the Consultant and Subcontractor to obtain accurate data collection on Significant Natural Resources in the Basalt Creek area as well as during the decision making process:

- US Department of Fish and Wildlife- National Wetland Inventory
- Oregon Department of Fish and Wildlife

- US Army Corp of Engineers-Portland District
- Oregon Department of Land Services
- CETAS (Oregon's Collaborative Environmental and Transportation Agreement for Streamlining)
- DEQ (State of Oregon Department of Environmental Quality)
- Other Agencies as necessary (i.e. United States Environmental Protection Agency)

For consistency, agencies from this list should be included within the list of "Invited" agencies within the Partnering Agreement to provide input and to participate in the planning process

An important aspect of community planning and development is the health of its natural resources. The lack of appropriate evaluation of the potential effects of future development upon the natural resources – and potential constraints upon development - within this planning process may lead to the selection of an alternative which may not be able to meet the needs of the citizens or eventually become detrimental to the community.

It would an unfortunate expenditure of time and taxpayer money if the entire planning process lacked an important determinant in the decision making process which needed to be included from the start.

Respectively Submitted,
Grace Lucini
23677 SW Boones Ferry Road
Tualatin, Oregon 97062



G Lucini <grluci@gmail.com>

Basalt Creek Area Planning

G Lucini <grluci@gmail.com>

Wed, Jan 8, 2014 at 1:09 PM

To: Grace Lucini <grluci@gmail.com>

Hi Cindy,

Thank you for your follow-up phone call yesterday --to the email below.

I appreciated the opportunity to discuss the merits of informing citizens of public meetings-- which can be beneficial to the goal of the Basalt Creek -Joint Cities Planning.

Residents of the Basalt Creek area have proven their interest in the planning of the area by attendance at meetings which have been posted publicly, as well as having requested notification either directly or through the BasaltCreek.com website over the past years.

Providing potentially affected citizens an opportunity to hear the discussions and limitations on this project now that the Joint Cities is refining the planning allows a greater understanding of the constraints and limitations within the decision making process.

By encouraging public involvement within the process, providing ample opportunities for public input and most importantly utilizing and incorporating the wealth of information and feedback which the citizens of the area are willing to share into the plans which will ultimately develop from this process---- will most likely promote and encourage community support and buy-in.

And, by providing the notification on meetings where two or more members, with the authority to make decisions for or recommendations to their respective City Councils on policy or administration, will assist in addressing the publics' need for transparency as the Basalt Creek planning progresses.

As I understand from yesterday's conversation, future public meetings on Basalt Creek planning will be posted on the BasaltCreek.com website.

These notifications will include City Council meetings (including work sessions) for both Tualatin and Wilsonville, as well as other public meetings (ORS 192.610 to 192.690) relating to the Basalt Creek- Joint Cities Planning.

As we discussed, I forwarded your email from yesterday to many of my neighbors - to provide them access to the information on the additional public meetings scheduled regarding the Basalt Creek-Joint Cities Planning which had not yet been posted to the BasaltCreek.com website.

A suggestion I poised in my email to Ben Bryant (but we did not discuss in yesterday's call) is the creation of a ListServe

specifically for the Basalt Creek Planning. I bring this suggestion up again, as you mentioned during our conversation--the citizen comment and request for notification from BasaltCreek.com is apparently co-mingled with a much larger generic community transportation database.

Since the scope and impact of the Basalt Creek Planning spans multiple jurisdictions, zoning issues, development codes, and affects property owners outside the city limits of Tualatin and Wilsonville, it may warrant a separate ListServe.

While I do not know the limitations of how the current database is structured and the difficulties involved in creating a separate list for Basalt Creek, I do know the benefits would include improved direct communication to interested citizens- as they will not be bombarded with extraneous notifications on transportation projects relating to other communities.

An additional benefit of a separate ListServe will be the ability to document early stage community outreach specifically for Basalt Creek when necessary for all stages of development and implementation.

I appreciate the time you took to call me and your offer to call you should I have future questions or concerns.

Please let me know if I miss-understood any parts of our conversation.

Thanks again for your phone call.

Grace
503 692 9890

On Tue, Jan 7, 2014 at 2:22 PM, CINDY HAHN <CHAHN@ci.tualatin.or.us> wrote:

> Hi Grace,

>

>

>

> You are correct that there were two Joint Council Subcommittee meetings, on
> December 12 and 30, 2013, to discuss a decision making framework and
> community engagement for the Basalt Creek Concept Planning process. These
> were informal working meetings, therefore, no public notification was made.

>

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>

> Tualatin staff and Subcommittee members will be providing an update on the
> Basalt Creek Concept Plan process to the Tualatin City Council at work
> session on January 13, 2014. An agenda and packet for this presentation can
> be found here:

> <http://www.tualatinoregon.gov/citycouncil/city-council-work-session-44>.

> Scroll to page 91 of the packet to read the staff memorandum and
> attachments. The draft Partnering Agreement and a process diagram are
> included as attachments and I encourage you to review these at your
> convenience.

>

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>

> Tualatin staff will be taking the consultant contract, scope of work, and
> budget to City Council at the meeting on January 27, 2014. This agenda and
> packet will be posted on January 17, 2014, at this location:

> <http://www.tualatinoregon.gov/citycouncil/city-council-meeting-140>.

>

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>
> Wilsonville staff will be providing an update to the Wilsonville City
> Council at work session on January 23, 2014. Please check the Wilsonville
> website for the staff report and attachments.
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>
> You are on the contact list to receive email updates on the Basalt Creek
> Concept Planning project in the future once the process is underway. Updates
> also will be posted to the Basalt Creek website:
> <http://www.basaltcreek.com/>.

>
>
> Thank you for your interest in this project. Please let me know if you have
> any other questions.

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>
>
> Best regards,

>
>
>
> Cindy

>
>
> Cindy L. Hahn, AICP

>
> Associate Planner

>
> City of Tualatin | Community Development Department, Planning Division

>
> 18880 SW Martinazzi Avenue, Tualatin, OR 97062

>
> 503-691-3029 | chahn@ci.tualatin.or.us | www.tualatinoregon.gov

>
>
> From: G Lucini [<mailto:grluci@gmail.com>]

> Sent: Monday, January 06, 2014 7:53 PM

> To: BEN BRYANT

> Cc: Alice Cannon; AQUILLA HURD-RAVICH; CINDY HAHN

> Subject: Re: Basalt Creek Area Planning

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>
> Hi Ben,

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>
> Hope you had a good New Year.

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>
> I am following up on the planning of the Basalt Creek area by the Cities of
> Tualatin and Wilsonville. I see there is an agenda item on Basalt Creek
> Planning on the Jan. 13, 2014 Tualatin Council Work Session.

>
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>
> Since my neighbors and I do not have any elected representation within the

> Tualatin-Wilsonville Joint Planning Project, it is extremely important to us
> that we hear discussion which is held on all phases of the planning for this
> area.

> I attended the Basalt Creek Joint City meeting on October 29, as did my
> husband and some of my other neighbors who live within the area being
> discussed.

> It appears that there were two subsequent meetings on December 12 and on
> December 30, 2013 of a Joint Council subcommittee comprised of two elected
> officials from the City of Tualatin and two elected officials from the City
> of Wilsonville (as well as staff and consultants) where a decision making
> framework was discussed, as was community engagement techniques for the
> Basalt Creek Area.

> Although I previously requested to be included in any public notification
> regarding any planning for the Basalt Creek Area, I did not see any posting
> of either of these two meetings.

> Would you let me know where and how I will be able to find in the future -
> the posting for any other public meetings relating to the planning of the
> Basalt Creek area-especially those involving 2 or more elected
> officials-prior to the date of the meetings.

> Since the residents of this area do not have an elected official
> participating in these meetings, would it be reasonable to at least provide
> a list serve to the potentially affected residents, to provide us some
> enlightenment as to what the future may hold.

> Looking forward to hearing from you.

> Grace Lucini
> 503 692 9890

> On Thu, Sep 26, 2013 at 8:29 AM, BEN BRYANT <BBRYANT@ci.tualatin.or.us>
> wrote:

> Hi Grace,

> Thanks as always for your interest. We haven't quite started the outreach

> meetings yet, but we definitely will make sure you are involved. The next
> meeting for the Basalt Creek Concept Planning (land use phase) is October 29
> at Wilsonville City Hall. That meeting is scheduled as a joint Council
> meeting with both City of Tualatin and Wilsonville Councils. It should mark
> the kick-off of concept planning work. Once we are closer to that date, we
> will post an announcement on our website.

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>
> In the meantime, we are developing our staff team and getting ready for the
> next phase if this project.

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>
> Thanks, Ben

>
> Sent from my iPhone

>
> On Sep 25, 2013, at 3:23 PM, "G Lucini" <grlucini@gmail.com> wrote:

> Hi Ben,

>
>
> I remember the last time we discussed Basalt Creek Planning, it was
> mentioned formation of public input groups would start around September
> 2013.

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>
> Can you tell me how the process is going?

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>
> Let me know if there someone I should contact, or any action I should take,
> to become involved in any meetings/ groupings / planning--- involving the
> Basalt Creek area.

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>
> I am interested in all aspects of planning for the area-- including (but not
> limited to) transportation, zoning, environmental impact etc.

>
>
>
> Thanks,

> Grace Lucini

>
> 503 692 9890

[Home](#)[Project Description](#)[Transportation Refinement Plan](#)[Citizen Involvement](#)[Highlights & Updates](#)[Documents & Resources](#)[Contact Us](#)

The Cities of Tualatin & Wilsonville

Project Highlights/Updates

Draft Partnering Agreement

A subcommittee of the Tualatin and Wilsonville City Councils has worked with staff to develop a Basalt Creek Concept Plan Partnering Agreement and Process Diagram. The Agreement outlines how the cities of Tualatin and Wilsonville will generally approach decision-making and public involvement for the project. Each Council will discuss the draft Agreement during worksessions in January 2014:

- City of Tualatin work session: January 13, 2014. Meeting packet is available at:
* [Tualatin Jan. 13 Meeting Documents](#).
- City of Wilsonville work session: January 23, 2014. Meeting packet will be available at:
* [Wilsonville Jan. 23 Meeting Materials](#).

On October 29, 2013, Wilsonville and Tualatin City Councils held a joint work session to kickoff the Basalt Creek / West Railroad Concept Plan project. The discussion informed the scope of work for the project, and framed the collaboration on the process to come.

- * [October 29 Meeting Documents](#)
- * [October 29 Meeting Notes](#)

Boones Ferry Road Improvements:

Washington County is improving safety and capacity for all modes of travel along Boones Ferry Road between Norwood Road and Day Street. For more information on this project please visit: [Washington County Boones Ferry Road Project Website](#).

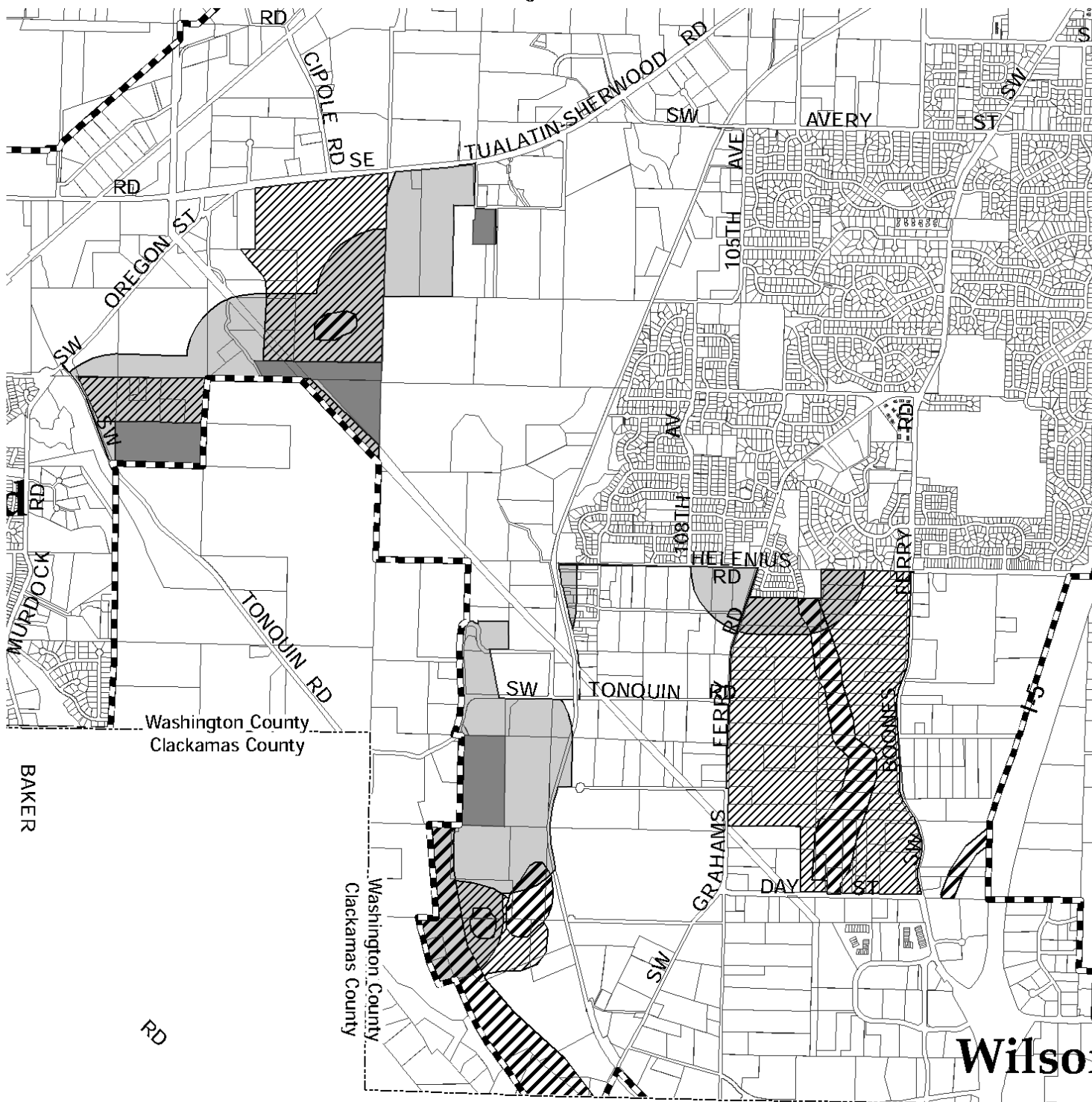
SW 124th Avenue Extension:







The 124th Avenue Project will construct an extension of SW 124th Avenue from Tualatin-Sherwood Road to Tonquin Road. Construction is anticipated to begin in 2013 depending on the availability of funding. Design and construction of this project is funded through the county [Major Streets](#) and [Transportation Improvement Program \(MSTIP\)](#). For more information, visit <http://124thproject.com>, or send an e-mail to comment@124thproject.com.


Future Council Updates

N/A





Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:

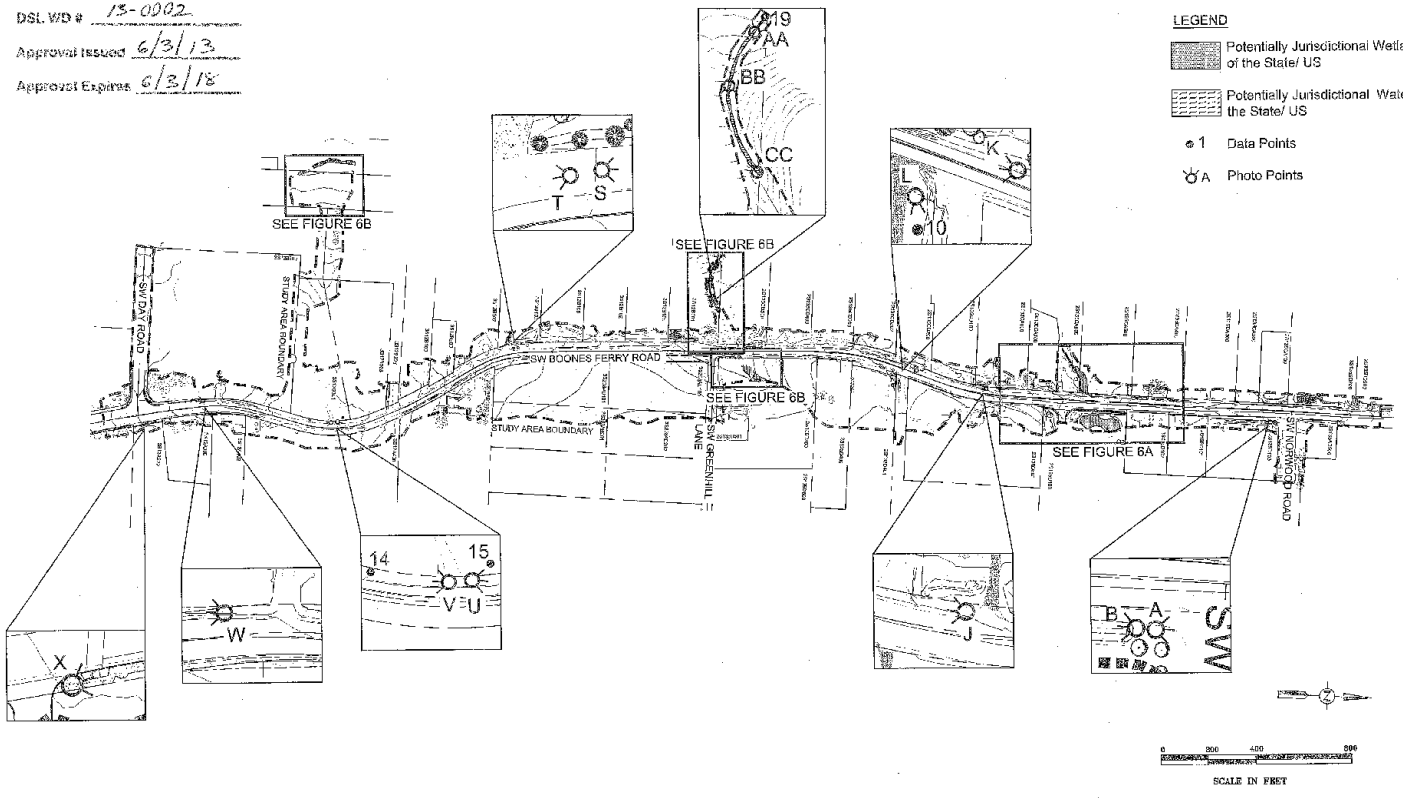


	Significant Natural Area		Mineral & Aggregate Overlay District A
	Water Area and Wetland		Mineral & Aggregate Overlay District B
	Water Areas, Wetlands & Fish and Wildlife Habitat		Urban Growth Boundary



DSL WD # 13-0002
 Approval Issued 6/3/13
 Approval Expires 6/3/18

- LEGEND**
-  Potentially Jurisdictional Wetlands of the State/ US
 -  Potentially Jurisdictional Waters of the State/ US
 -  1 Data Points
 -  A Photo Points



Note:
 Survey provided by Mackey & Sposito. Survey and data point accuracy is sub-centimeter. Accuracy for data points 4, 13, 14 and 15 is +/- 3 feet.

Wetland Delineation Overall Site Context and Sheet Index Plan
 SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
 6

01/2/13

NATIONAL WETLANDS INVENTORY- BASALT CREEK AREA

Global View- Basalt Creek Area-Without Smaller Identified Wetlands Indicated



From: G Lucini <grluci@gmail.com>
To: Wilsonville Council President Scott Starr <scottstarr97070@gmail.com>, "Fitzgerald, Julie" <fitzgerald@ci.wilsonville.or.us>, Wilsonville Councilor Richard Goddard <richardgoddard2010@gmail.com>, "Stevens, Susie" <stevens@ci.wilsonville.or.us>, Mayor Tim Knapp <knapp@ci.wilsonville.or.us>
Sent: Tue, Jan 21, 2014 21:43:29 GMT+00:00
Subject: Basalt Creek Planning-Wilsonville Council Meeting 1-23-14- Issues Relating to Partnering Agreement & Consultant Contract

To: Wilsonville City Council /
Wilsonville City Council Members/
Wilsonville Members of Joint Cities Basalt Creek Planning Project

Date: Tuesday, January 21, 2014

RE: City Council Meeting 1-23-14 - Basalt Creek Planning- Presentation of Governing Documents

Basalt Creek Partnering Agreement- December 2013 -DRAFT- Staff Request for Endorsement

Basalt Creek Consultant Contract- Fregonese Associates- DRAFT Staff Request for Endorsement

When the discussion regarding the Basalt Creek –Joint Cities Planning Project is brought to the table for discussion during the Wilsonville City Council Meeting – Work Session on January 23, 2014, I would like to bring to your attention concerns regarding compliance with Oregon Public Meetings Laws (**ORS 192.610 to 192.990**) due to the actions already taken by project staff, current deficits, and potential for future non- compliance of these laws.

There are additional questions at the close of this communication regarding concerns with the Partnership Agreement and with the Consultants Contract as they are currently drafted. It is not apparent a review or evaluation of the Significant Natural Resources which are already documented within the Basalt Creek area, are included within the services being purchased from Fregonese Associates. This omission may impact the validity of planning process as these resources may cause substantial constraints and limitations on future development and should be included as a criteria at the very beginning of the planning process. These appear to be important omissions within both of these documents.

OREGON PUBLIC MEETINGS LAW- COMPLIANCE ISSUES-TRANSPARANCY OF THE GOVERNMENTAL PROCESS

As stated in, State of Oregon Department of Justice Attorney General's ---Public Records and Meetings Manual -January 2011:

The key requirement of the Public Meetings Law are to hold meetings that are open to the public unless an executive session is authorized, to give notice of meetings and to take minutes or otherwise record the meeting. In addition there are requirements regarding location, voting and accessibility for disabled persons."

"Subject of Meetings and Social Gatherings- Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply. This requirement serves the policy express are ORS 192.620 that an informed public must be aware not only of the decisions of government but also of "the information upon which such decisions were made".

"...the scope of the Public Meetings Laws extends even to private citizens, employees and others without any decision-making authority, when they serve on a group that is authorized to furnish advice to a public body."

..."It does not matter that the discussion is "informal" or that no decisions are made; it is still a "meeting" for the purposes of the Public Meetings Law"...

"The public notice requirements apply to any "meeting" of a "governing body" subject to the law, including committees, subcommittees and advisory groups" page 127

..."Governing bodies are cautioned not to misuse the committee appointment process or decisions-making process to subvert the policy of the Public Meetings Law" ... Page 121

"The goal of notice for any meeting is two-fold: to provide general notice to the public at large and to provide actual notice to specifically interested persons". Page 128

"We have acknowledged that strict compliance with the substantive requirements of the Public Meetings Law frequently may "sacrifice speed and spontaneity for more process and formality." Nonetheless, we believe that the law's requirements generally will not interfere with a public body's administration".

Due to the large scope of the planning project, the number of jurisdictions involved, and the potential impact to local property owners, magnifies the need for compliance to Oregon Public Meetings Law, and the public perception of governmental transparency in the planning process.

The City of Tualatin already demonstrated lack of compliance regarding notification of public meetings on another major city planning project in January- March of 2013 (which also included the Basalt Creek area within the scope of the project throughout most of that Project). Similar issues are being observed with the Joint Cities Basalt Creek planning project. (Please see email- City of Tualatin City Attorney 1-16-14)

When a citizen inquiry was made as to lack of Public Notification of the Basalt Creek Planning Project December 2013 Sub Committee Meetings, the Project Manager stated the meetings were "Informal working meetings, therefore, no public notification was made" (Please see email chain September 2013-January 2014)

The rationale of the formality or informality of a meeting as the criteria for excluding a meeting from the jurisdiction of Public Meetings Law is not supported by the opinions of the Oregon Attorney General (State of Oregon Department of Justice Attorney General's Public Records and Meetings Manual January 2011).

The continued inability to meet the requirements of the Public Meetings Law, by staff of the same city government- which is a partner in the Basalt Creek Planning – points out additional oversight of the Project Staff is needed. Explicit directions to include compliance with the Oregon Public Meetings Laws should be incorporated into the two governing documents to provide Project staff and the Consultant clear understanding of the Councils' expectations.

One recent example of the lack of commitment by the Project staff to the spirit of governmental transparency (if not lacking compliance to the law) was demonstrated how the project staff handled the directives of the Joint City Councils to convene a City Council Subcommittee "establishing a decision-making framework and identifying community engagement techniques to be used throughout the project" and then to bring "a robust" report back to the full Joint Council.

In addition to the lack of Public Notification of public meetings on Basalt Creek planning, there are no minutes of the two meetings of the Councils' own Basalt Creek Planning Subcommittee posted for general public access- even though the content has potential impact upon a large number of citizens and/or geographic area.

- Due to lack of Public Notification – citizens were denied attendance at the Subcommittee meetings- due to absence of notification.
- There are no minutes of the December 2013 City Councils' Subcommittee meetings attached to the January 2014, City Councils' Agenda Packets -discussion on Basalt Creek Planning- even though the City Councils directed the Subcommittee to provide "robust" feedback of the meetings.
- There is no posting of minutes on the BasaltCreek.com Website or on the Official websites of either City- although it is usual and customary to post minutes of Council meetings, subcommittee meetings, and advisory group meetings on these websites.
- The public lacks reference to any of the documents discussed during the December 2013 Subcommittee meetings - which should be part of the minutes (ORS 192.650(1)).

RESULTING IMPACT DUE TO LACK OF PUBLIC NOTICE AND THE LACK OF MINUTES OF MEETINGS OF THE JOINT CITY COUNCIL'S SUBCOMMITTEE DECEMBER 2013 MEETINGS

- Due to lack of minutes from the Sub Committee meetings, it is unknown what information or directives the four elected Council members gave the Basalt Creek project staff during the December meetings- which generated the legal documents being presented at the Wilsonville Council Meeting 1-23-14, and will become the framework and basis for future decision making for planning the Basalt Creek area.
 - At the Tualatin City Council Meeting on 1-13-14, there was a staff presentation on the results of the December 2013 sub-committee meetings- including the decision making structure and process diagram.
 - Two Tualatin City Council members who were on the Subcommittee also made comments about the discussions held during the Sub Committee meetings- indicated they were sensitive to the concerns of local residents of the Basalt Creek area.
 - Sub Committee member, and Tualatin Council President Beikman, specifically stated Basalt Creek residents, “were to be notified of meetings”.
 - However, contrary to the directives apparently given by City Council members during the Subcommittee meetings---there is no statement within either documents being presented (requiring or identified as a guiding principal)- indicating the need for Public Notification of Public Meetings on Basalt Creek Planning.
 - The transparency of this process therefore became very clouded. While in January 2014, the public heard specific directions were apparently given to the project staff during the December meetings--- the staff apparently not complete the directives which they were given. The requirement of Citizen Notification of Public Meetings were not incorporated into the two documents drafted, and which are now before you for approval.
 - This conflicting information should be of concern to the governing body of the Basalt Creek Planning Project- the two City Councils of Tualatin and Wilsonville.
 - Apparently an important concept (legally mandated) action was requested to be specifically included into the governing documents for the Basalt Creek Planning- which did not occur.
 - Due to the lack of recordkeeping- there is a break in the flow of information where the directives apparently given by Council Members which were the basis of the discussion during the December 2013 meetings was not documented.

- Due to the lack of recordkeeping- there is a void in the ability to identify where the apparent break in communication occurred which inhibits correction of the current issues and for operational issues in the future.
- If it was the intention of the Council members to include the need for public notification of public meetings---
 - The two documents being presented are still in draft form
 - The documents contain statements of assurances and compliance that other actions (which are also legally mandated) will be performed as part of the services to be provided. The inclusion of statements or goals requiring compliance to Oregon Public Meetings Law would not be out of precedence.

The City of Wilsonville publicly posted the Fregonese Contract Draft- Dated 12-22-13, as part of the Information Packet for the Council Work Session 1-23-14 on the City website.

- The 1-23-14 Council Meeting notice was posted to the BasaltCreek.com website late in the week of 1-7-14 (after public request- (Please see email chain September 2013- January 2014).
- Due to the logistics of Council Work Sessions, is no option allowed for public comment prior to the time the Fregonese Contract is scheduled to be presented to the Wilsonville City Council for endorsement and request for action to forward-on a primary document which determines the entire decision making process and provides the services to implement the process.
- This document was apparently generated during the December 2013 Council Subcommittee meetings- for which there was no public notice provided, and no minutes of the meetings have been publicly posted.

The City of Tualatin has not posted their next scheduled Council Meeting for 1-27-14 on the BasaltCreek.com website. Only with a search of the City of Tualatin website produces the Agenda Item – Consideration of Resolution No. 5178-14 Authorizing a Personal Services Agreement for Concept Planning for the Basalt Creek/West Railroad Areas. The Tualatin City Staff report recommends the Council accept the scope and budget and authorize the City Manager to enter in to a contract.

- This is the first and only public posting by the City of Tualatin of Resolution 5178-14, the Personal Services Agreement the Scope of the Work or the Budget
- The City Staff report recommends the Council accept the scope and budget and authorize the City Manager to enter in to a contract.

- The City staff report does not include any stated provisions for considering comments which may be generated from the City of Wilsonville (a partner in the planning process) from the Wilsonville City Council Meeting of 1-23-14 where the Fregonese Contract is also on their agenda.
- Due to the logistics of the Tualatin City Council Meetings – the timing and presentation of Resolution 5178-14 and the attached budget, does not allow for *any* public comment prior to presentation for adoption by the Tualatin Council.

The citizens should not have to take additional actions with the Basalt Creek Planning staff- to have information regarding the scheduling of Public Meetings on the Basalt Creek Planning posted publicly, "Interested Persons" should automatically receive notification of Public Meetings on Basalt Creek Planning after submitting a request.

Citizens should be expected to have public access to the Public Meetings; and the list of meeting participants, the topics, the substance of information discussed on any matter, a reference to any document discussed, the actions to be taken at the meetings--- all documented and available for public access in a timely manner after the meeting as provided by law.

The lack of compliance by the Basalt Creek Planning staff to the spirit and letter of the Oregon Public Meetings Law has been demonstrated. The outcome from this lack of transparency of governmental process has impacted the public's ability to provide comments into the legal documents which are very tools and method by which the governance of hundreds of acres will change. This has significant impact upon the residents of the area.

As a resident and property owner within the Basalt Creek Area, I am directly affected by the lack of access to public meetings on Basalt Creek planning. I have actively monitored the progress of this project and attend the Public Meetings for which there was public notification. The failure of the staff to follow the requirements of the Public Meetings Law limited my ability to personally hear the discussions and deliberations (as mandated by law), even after I had previously identified myself as an interested individual and requested notification of all meetings relating to the Basalt Creek Planning, and had additionally discussed my desires with project staff.

As a resident of the Basalt Creek area, I am not within the jurisdiction of either the City of Tualatin, nor the City of Wilsonville. Yet the elected officials within these two cities are

determining the future of the area in which I live. I have no elected representation within the decision making process.

The identified CPO for the Basalt Creek Area is not currently active, and therefore provides no support to the residents of the Basalt Creek Area.

Coincidentally, there are a disproportionate number of public projects which have been planned or constructed in the Basalt creek Area which have impact on our homes and on our live hoods. The Coffee Creek Correctional Center and the Boones Ferry Road Improvement Project are already constructed. The Grahams Ferry to Boones Ferry Road Connector project which was greatly rebuffed by local residents was written into Washington County Ordinance in 2013.

Now two City Governments are in the process of making plans to make significant changes to most aspects of the local infrastructure and governance of the area- without the affected citizens having elected representation in the process.

The need for governmental transparency is extremely necessary.

The Fregonese Associates Contract states as part of the services they will provide:

“On-going communications via email (using an email distribution list) will generate goodwill and enthusiasm for expanded stakeholder participation. On-going communications will highlight positive momentum toward achieving community goals.”

It should be noted there are Oregon Laws are written to assist citizens with witnessing and understanding governmental decision making process such as the Basalt Creek Planning Project. The Fregonese Contract should include this requirement to be written into the services to be provided.

Once the public gains clear insight into the planning process, and access to information is provided -due to actual compliance to Public Meetings Laws - the amount of citizen “enthusiasm” will most likely go up when communication is a two way process.

Please assist me in correcting existing compliance problems and take action to rectify future problems regarding governmental transparency as the documents are still in draft form.

It is only by the actions of the City Councils directing governmental transparency to be a stated goal -within the project documents- will it be officially recognized as an important tenant of the process; with documentation of implementation part of the required tasks of the planning project.

ADDITIONAL ISSUES –LACK OF EVALUATION OF SIGNIFICANT NATURAL RESOURCES AND INCLUSION OF RELATED AGENCIES WITHIN THE PLANNING PROCESS, MAY CAUSE INACURATE OR LIMITED UTILITY OF RESULTS

The Agreement lists agencies to be included within the planning process (page 2 of 3) –

- A. It should be noted portions of the Basalt Creek area are outside the jurisdiction of Clean Water Services
- B. Tapman Creek which runs within the Basalt Creek Area- is a tributary to the Willamette.
- C. It should be noted following agencies are not included within the scope of these documents:
 - o CETAS (Oregon's Collaborative Environmental and Transportation Agreement for Streamlining),
 - o US Army Corps of Engineers,
 - o DEQ,
 - o Department of Fish and Game- (National Wetlands Inventory) and
 - o Oregon Department of Land Services
 - A significant portion of the Basalt Creek Area contains wetlands are already identified in the National Wetland Inventory
 - The Basalt Creek Area contains wetlands listed on the SW Boones Ferry Road Improvement Project (within the Basalt Creek area) included wetlands under the jurisdiction or authority of the Army Corp of Engineers.
 - all or a combination of these agencies will be required to evaluate the impact of construction and the installation of infrastructure within most of the Basalt Creek area
 - These agencies should be involved to determine at the beginning of planning for the Basalt Creek Area- what portions of the area will future development be feasible due to the topography and significant natural resources- including wetlands which comprise a large portion of the area being studied?

Respectfully,

Grace Lucini

23677 SW Boones Ferry Road Tualatin, Oregon 97062

ATTACHMENT TO 1-20-14 CORRESPONDENCE Wilsonville City Council- Council Meeting 1-23-14

SPECIFIC COMMENTS RELATING TO DOCUMENTS FOR REVIEW:

BASALT CREEK CONCEPT PLAN- DRAFT PROJECT PARTNERING AGREEMENT – DECEMBER 2013

The Draft Partnering Agreement identifies roles and requirements for exchanging information and communicating information between agencies, staff, and City Councils.

The Draft Agreement does not establish any requirements for public notification of Public Meetings (as defined under ORS 192.610 to 192.690) which was established to facilitate and mandate the inclusion of the public as a witness to the decision making process.

THE PARTNERING AGREEMENT-

Roles and Responsibilities Section Pages 1 and 2

The Fregonese Contract states, “The Partnering Agreement sets the decision making framework and process necessary to complete the Public Involvement Plan and detailed schedule”. It is therefore important the Partnering Agreement clearly specifies the Council’s intent – as this will be the tool by which the consultant will implement Public Involvement.

The Partnering Agreement does not comment as to how the Public will notified of meetings held by these various agencies as per Oregon’s Public Meetings Law, when public meetings are held to discuss or deliberate on issues which will culminated in the document which will be the Basalt Creek Plan:

1. **Council Subcommittee-** December 2013 meetings

a Request Posting of Minutes of the Council Subcommittee Meetings

1. Post Past Minutes of Meetings – December 2013-including documents discussed during the meeting

b Any Future Meetings of this Subcommittee- – Include statement within the Partnering Agreement- “Subcommittees or other Council authorized / designated Advisory Group to the Councils be kept in compliance with Oregon Public Meetings Law.”

2. For the Following Groups and Agencies identified within the Partnering Agreement-It is suggested the following statement be included when Public Meetings are scheduled: *Public Notification of Public Meetings -should be provided as per requirements/recommendations Public Meetings Laws including public notification and notification of interested parties who have previously requested notification and appropriate Documentation of Public Meeting events will be completed and made available for Public review in a timely manner according to Oregon Public Meetings Law.*

a. Joint City Councils- individually and jointly

b. City Planning Commissions - individually and jointly

c. Community Engagement

d. Agency Review team-

e. Public Meetings of other groups or agencies- meeting under the direction of the Basalt Creek Planning Project

3. Cities Project Management Team (PMT)-not is listed in Partnering Agreement- yet decision making power given within the Fregonese Contract-
To provide continuity and consistency between the two documents :

a It is suggested the Project Management Team (PMT) be included within the lists of other contributing groups and agencies in the Partnering Agreement.

b It is suggested the Partnering Agreement list the members of the Project Management Team (PMT)- their roles and responsibilities as was done with other groups/agencies within the Partnering Agreement

c Since it appears the Project Management Tear (PMT) is being given decision making authority in the Fregonese Associates Contract by the Partnership Agreement-

- *Public Notification of the public meetings of the Project Management Team (PMT) -should be provided as per requirements/recommendations Public Meetings Laws including public notification and notification of interested parties who have previously requested notification*

4. Since the stated requirement of the Fregonese Consultant Contract is to implement the Public Involvement Plan as based upon the Partnering Agreement-

- *It is suggested there be consistency and compatibility between the two documents*
- *It Is suggested The Partnering Agreement include the goal of governmental transparency as a guiding principal, and*
- *It is suggested The Partnering Agreement include a directive to meet compliance requirements of Oregon Public Meetings Law.*

5. There is an omission of evaluation of the Significant Natural resources some of which have been previously documented.

a this factor has the potential for greatly limiting the development of lands and the construction of infrastructure within the Basalt Creek Area

b The omission of this factor within the beginning planning process places the accuracy and utility of future decisions in jeopardy.

c It should be asked why- CETAS (Oregon's Collaborative Environmental and Transportation Agreement for Streamlining), US Army Corps of Engineers, DEQ, or Oregon Department of Land Services, US Department of Fish and Game (National Wetlands Inventory) are all agencies not listed under Required or Invited Agencies –

- *It should be noted portions of the Basalt Creek area are outside the jurisdiction of Clean Water Services*
- *Tapman Creek which runs within the Basalt Creek Area- is a tributary to the Willamette.*
- *A significant portion of the Basalt Creek Area contains wetlands identified in the National Wetland Inventory*

- *The Basalt Creek Area contains wetlands listed on the SW Boones Ferry Road Improvement Project (within the Basalt Creek area) included wetlands under the jurisdiction or authority of the Army Corp of Engineers.*
- *all or a combination of these agencies will be required to eventually evaluate the impact of construction and the installation of infrastructure within most of the Basalt Creek area*

THE PARTNERING AGREEMENT-

Community Engagement Section Page 2 .

6. Sharing and exchange of information with the Public is relegated primarily to the section on Community Engagement.
 - a. The Agreement Draft identifies the public's source of information as through engagement opportunities such as interviews, focus groups, workshops, online survey and comment opportunities.
 - The Draft Agreement specifically addresses how information will be provided to the public and controlled by staff members
 - "Staff members from the cities will keep others informed during this process and coordinate information that is distributed to the community",
 - "Any information that will be distributed for the Basalt Creek Concept Plan will be reviewed by one key staff member from each of the cities".
 - b. Rather than giving the appearance of transparency of the governmental process, this Draft Agreement can be perceived to be attempting to specifically control flow of information to the public. There is NO statement identifying or implementing public access to meetings where information, discussion and deliberations about the Basalt Creek will take place, which will eventually develop into the Concept Plan for the area upon which the Councils will vote.

7. *It is requested the following issues be addressed prior to acceptance of this document -to promote Public access to the decision making process and to document compliance with Public Meeting Laws:*

a There is no comment within this section to denote the project commitment to compliance with Oregon's Public Meetings Law .

COMMENTS----BASALT CREEK CONSULTANT CONTRACT- FREGONESE ASSOICATES-DRAFT

Fregonese Associates Consultant Scope of Work Concept Planning for New Urban Areas: Basalt Creek/ West Railroad- December 22, 2013

Similar to the approach to the Partnering Agreement Draft, there is little -if any- emphasis on the need for governmental transparency.

If it is the desire or intent of the City Councils to indicate support of governmental transparency in the decision making process on Basalt Creek Planning-- it would appropriate to state these expectations, and include such directions and goals within the contract. (I.e. assist with establishing and maintaining compliance with Oregon Public Meetings Law) -as this is not included as part of the services listed to be provided.

**FREGONESE ASSOCIATES CONTRACT
CONSULTANT SCOPE OF WORK**

Task 1 Project Launch 1.3 Page 1

Develop Public Involvement Plan (PIP) under the expected elements .

1. If the Council wishes to indicate the importance and desire to improve transparency of the planning process- the goal and expectation should be included within the expected elements- and within the Public Involvement Plan (PIP) (i.e. "Include/ enhance public notification of public meetings as per Oregon Public Meetings Law to promote transparency within the planning process"

a It is suggested the Council direct the inclusion of the stated goal of governmental transparency – at the onset and within the final draft of the contract- so as to reduce additional costs to include the goal in subsequent draft revisions of the Public Involvement Plan.

2. The Contract includes a statement about the *Cities Project Management Team (PMT)* (Page 1 – bottom)

a This team (PMT) is not listed or identified within the Partnering Agreement-as are other groups or agencies

b There is no identification of team members or their respective employers

c There is no identification of the scope or limit of work this group is being authorized to implement.

d There should be consistency between the Partnering Agreement and the Fregonese Contract with regards to identification of collaborating groups or teams within the planning process

e The Cities Project Management Team (PMT) should be listed and members identified within the Partnering Agreement- especially if this group is being given decision making authority as indicated within this portion of the Fregonese Contract.

f The Fregonese Associates Contract gives the Cities Project Management Team (PMT) decision making authority to develop the Public Involvement Plan (PIP) with the Consultant- clarification of the scope of this decision making authority should be requested.

g Due to the Decision making authority of this group- applicable Public Meetings Laws should be strictly enforced

h Under “expected elements include”--- a statement should be added regarding the compliance with... Public Notification of Public Meetings (as per Oregon Public Meeting Laws). This will provide the consultant the information necessary to incorporate the communication, as well as the logistical needs required by the law.

Task 2. Develop Guiding Principles, Evaluation Measures Fregonese Contract page 2 of 11

3. If it is the desire of the Joint Cities Basalt Creek Planning Project to identify governmental transparency as a of the planning process --- this information should be specified and included within Task 2. Develop Guiding Principles, Evaluation Measures as a guiding principle within the consultant's contract.

Task 3 Inventory Existing Conditions and Draft Report page 3 of 11

4. The Consultant's contract neglects to specify services to be include assessment of the significant natural resources within the Basalt Creek area-

5. There are significant natural resources currently documented within the Basalt Creek Area by US Army Corps of Engineers and the Oregon Department of Land Services.

6. The Council should direct the Consultant to obtained input from CETAS, Us Army Corps of Engineers, Oregon Department of Land Services or DEQ as to the feasibility of development and the anticipated impact upon the natural resources in the area. These agencies should be listed along with other agencies within the Partnering Agreement-

7. The Consultants Contract should include services for obtaining information from Metro, and State and National agencies (i.e. [U.S. Fish and Wildlife Service-National Wetlands Inventory](#); US Corps of Engineers; Oregon Department of Land Services; CETAS; and DEQ) as to the documenting the significant natural resources within the Basalt Creek area- including water quality, wetlands, Uplands, and riparian habitat.

8. The Consultants Contract should include services for determining potential limitations to future development or construction of infrastructure may develop due to the significant natural resources known to currently exist in the Basalt Creek area.

9. The Consultants Contract should include services for determining potential impact to the significant natural resources due to the construction of infrastructure and development.

10. The Consultants Contract should include the potential impact to significant natural resources as one of the evaluation criteria when evaluating various alternative scenarios..

11. This information gained should be qualified and included as one of the analysis criteria for each proposed scenario.

Develop Alternative Scenarios Task 4 Page 4 of 11

12. The consultant team and CH2M HILL should be directed to include the Significant Natural Resources located within the Basalt Creek area in addition to other existing constraints in the development of Alternative Scenarios

13. The comment needs to be made--- Public Engagement is not a one way street.

- a Information needs to flow from the public and well as to the public.
- b The public should have access to the data obtained and any statistical analysis from public input which is utilized in the formulation of the development of alternatives

ALTERNATIVE CONCEPTS TASKS 5, 6 AND 7 Pages 5-9 OF 11

14. The public should have access to the discussions and deliberations of the alternative analysis- which will provide for and informed public. This understanding the constraints and limitations of the alternative scenarios and the factors which goes in to the decision making process.

RECOMMENDED POSSIBLE JURISDICTIONAL BOUNDARIES TASK 8 Page 9 of 11

15. CH2M HILL should be directed to include the Significant Natural Resources located within the Basalt Creek area in addition to the topography in the preparation of options for jurisdictional boundaries.

16. The public should have access to the discussions and deliberations of the alternative analysis- which will provide for and informed public. This understanding the constraints and limitations of the alternative scenarios and the factors which goes in to the decision making process



G Lucini <grluci@gmail.com>

Meetings on Basalt Creek Planning

3 messages

G Lucini <grluci@gmail.com>

Thu, Jan 16, 2014 at 2:16 PM

To: "Sean Brady, City Attorney Tualatin" <SBrady@ci.tualatin.or.us>

Cc: Grace Lucini <grluci@gmail.com>

Sean,

I appreciate your efforts in assisting me at Monday's Council Work Session and following Council Meeting- in understanding the tangent the City of Tualatin/ Joint Cities Planning Project staff utilized in applying Oregon's Public Meeting Laws to the December 2013 Sub Committee's meetings on Basalt Creek Planning.

As I previously mentioned, I have now experienced difficulties with two different departments within the city government of Tualatin regarding posting and/or notification on Public Meetings- after I identified myself as a interested party, provided written notice via the identified staff contact person and requested notification of meetings on a specific topic and of significance and large potential impact--- 1) Tualatin's' Master Water Plan Revision, and 2) on the Joint Cities Basalt Creek Planning.

I recently discovered the difficulty I experienced in receiving notice on specific Public Meetings after providing a request --is not unique to me. Another property owner within the Basalt Creek Area told me they also requested notification on Public Meetings on the Joint Cities Planning- did not receive advance notification of the scheduled City Council Work Sessions on Basalt Creek Planning-and stated follow up contacts to City staff were necessary to obtain discussion of the problem.

There is apparently a culture within the City offices which does not embrace the philosophy of governmental transparency, public observation of governmental process or need for public notification of Public Meetings.

At the Tualatin City Council Meeting 1-13-14, City of Tualatin staff members acknowledged the lack of Public Notification regarding previous meetings held on the Basalt Creek Planning within the last months, but again attempted to minimize the lack of compliance with the law-- by saying it was due to the absence of a public relations consultant who will be hired in the near future.

The Co-Coordiators of the Basalt Creek Planning Project are both City Planners; employed by the cities of Tualatin and Wilsonville, as are their support staff; and should be knowledgeable of the requirements of the Public Meetings Laws. Lack of additional support staff does not negate their legal responsibilities regarding the Public Meeting Laws- especially considering the established size of the cities and governments, and the large scope of the project.

There are additional concerns with respect to the Joint Cities Planning Project for Basalt Creek Planning.

Recognizing additional work is needed to fulfill the requirements of the Oregon Public Meeting Laws may cause a reduction in the speed at which an agency or department may wish to forward a project--is not a valid reason for resistance to fulfilling the requirements of the law and is not supported by the State Government.

State of Oregon Department of Justice Attorney General's Public Records and Meeting Manual January 2011, page 115,

We have acknowledged that strict compliance with the substantive requirements of the Public Meetings Law frequently may "sacrifice speed and spontaneity for more process and formality." Nonetheless, we believe that the law's requirements generally will not interfere with a public body's administration".

As a result of our discussion after the Council Work Session on Monday, I realized I was unaware of the stipulation allowing for individual reporting of meetings' activities to a governmental body could influence the determination of a prior meeting's Public Meeting status. In retrospect, this type of action appears to be either a circumstance where the group

who is orchestrating the meeting, knows in advance they do not want any public review (and purposely not post a meeting notice), or a post-event strategy to attempt to correct noncompliance of Public Meeting Laws.

So I spent a few days reading –in order to become more familiar with the subject of Oregon’s Public Meeting Laws.

The best which can be said about the actions of the Basalt Creek Planning Project Planners – (who are employees of the cities of Tualatin and Wilsonville) is that taking the actions such as...

- Stating the December 2013 Subcommittee meetings were “informal working meetings” and therefore Public Meeting Laws were not applicable (Email from Cindy Hahn, Project Co-Coordinator , Tualatin City employee 1-7-14)
- Making individual presentations to the Tualatin City Council on 1-13-14- relating their perceptions of the December 2013 Sub Committee meetings

-- has caused a negative beginning to a long planning process, which dulled the appearance of governmental transparency at the very start of the process---- and causes concern as to the limiting the public’s ability to be informed about the process (including discussions which may be the basis of future deliberations), as well as public involvement in the future planning process.

In reading the “State of Oregon Department of Justice Attorney General’s Public Records and Meeting Manual (January 2011)”, I did see the citation which provides the basis of your comments on individual presentations ...

“A gathering of less than a quorum of a committee, subcommittee, advisory group or other governing body is not a “meeting” under the Public Meetings Law. Moreover, if the members of a committee, subcommittee or advisory group are charged to form their recommendations individually rather than collegially through a quorum requirement, the Public Meetings Law does not apply.” (Page 121).

Yet, following this very citation- the Manual provides cautions about misuse when meeting participants are instructed to provide individual rather than joint presentation to subvert the policy of Public Meeting Laws:

“In other words, the application of the Public Meetings Laws to meetings of a committee, subcommittee or advisory group depends on whether the appointing body directs the committee members to make their findings and recommendations individually or as a recommendation of the group. If the decision or recommendation is to be made by the group, whether by consensus or majority vote, the Public Meeting Law applies. However, if committee members are instructed to make individual rather than group decisions or recommendations, the “meetings” of the committee are outside the scope of the meetings law. This unquestionably is a difficult area of interpretations, and governing bodies are cautioned not to misuse the committee appointment process or decision-making process to subvert the policy of the Public Meetings Law.”

The scope, intent and interpretation of Oregon’s Public Meeting Laws is explained in several sections of the Public Meeting Laws Manual.

The Manual provides citations of previous Attorney Generals’ interpretation of Oregon’s Public Meeting Laws ----some citations seem very relevant to the Inter-governmental meetings which took place in December 2013 on Basalt Creek Planning meetings.

The scope and long term goal of these meetings and the future deliberations of the Joint Cities Planning Project- including important issues such as future growth, zoning, infrastructure, transportation, annexation and changing city limits of a very large geographic area --- all requiring substantive inter-governmental discussions and decisions -- should have caused the Project Planners to post Public Notice of the December 2013 meetings- including specific information sent to Interested Persons who requested notification of Public Meetings on the subject.

Definitions as per the Manual:

The Public Meeting Law applies to meetings of the “governing body of a public body.” ORS 192.630(1). A “public body” is the state, any regional council, county, city or district, or any municipal or public corporation. A “public

body is also a board, department, commission, council, bureau, committee, subcommittee or advisory group of any of the entities in the previous sentence. ORS 192.610(4). We interpret the definition of a "public body" to require that the body be created by or pursuant to the state constitution, a statute, administrative rule, order, intergovernmental agreement, bylaw or other official act. If two or more members of any public body have "the authority to make decisions for or recommendations to a public body on policy or administration, "they are a "governing body" for the purposes of the meeting law. ORS 192.610(3)."

Public Meeting Law Identifies Participants including employees without decision making authority as included within the scope of the laws as provided by the Manual

"...the scope of the Public Meetings Laws extends even to private citizens, employees and others without any decision-making authority, when they serve on a group that is authorized to furnish advice to a public body."

The Manual provides explanation of Quorum Requirements

"Quorum" is not defined in the Public Meetings Law. Special statutes often define "quorum" for state governing bodies. Local city and county governing bodies may have "quorum" defined by charter, bylaws or rules of order. ORS 174.130 defines "quorum" as a majority: Any authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by law."

Types of Public Meetings which are included within Public Meeting Laws – Formal, Informal, Informational, or meetings for Gathering Information for subsequent decision (with or without decisions being made) all qualify under Public Meeting Laws as per Manual

"Subject of Meetings and Social Gatherings- The Public Meetings Law applies to all meetings of a quorum of a governing body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply. This requirement serves the policy express are ORS 192.620 that an informed public must be aware not only of the decisions of government but also of "the information upon which such decisions were made". (Bold font added)...

"...Governing bodies sometimes want to have retreats of goal-setting sessions. These types of meetings are nearly always subject to the Public Meetings Law because the governing body is deliberating toward a decision or official business or gathering information for making a decisions. For example, members of a commission may wish to have an informal, long-range planning session to help guide (in general terms) the future priorities of the commission. Because the discussion at such a session is very likely to lay the foundation for subsequent decisions, whether a decisions on which general issues to pursue over the next year or a decision on how to approach particular issues, it would be subject to the meetings law. Even an informal "get together between a state commission and state legislators or the Governor would be subject to all of the requirements of the meetings law."...

"...It does not matter that the discussion is "informal" or that no decisions are made; it is still a "meeting" for the purposes of the Public Meetings Law".

Additionally, the Manual provides a FAQ section-- with a response provide by the Oregon State's Attorney General's office.

Two questions presented as examples of how to interrupt the Open Public Meeting Laws are very similar to the situation at hand:

Oregon Attorney General's Public Records and Meetings Laws Manual- Appendix A Frequently Asked Questions

1) "Q. May a three-member governing body meet with staff in carrying out its administrative functions, without complying with all the notice and other requirements of the Public Meetings Law?"

A If the governing body is meeting in order to obtain information on which it later will deliberate, or to deliberate or decide on substantive matters, it must comply with the notice, public attendance and recordkeeping requirements of the Public Meetings Law."

2) "Q. As a member of a three-member governing body, must I notify the press and public and arrange for their attendance every time I drop into a colleague's office or make a phone call to another member?"

A Yes, if you discuss the business of the governing body. The law requires that the public have access to any meeting or a quorum of a governing body when the governing body meets to gather information, on which it will alter deliberate, or to deliberate or make a decision on any matter of policy or administration."

While it is apparent there are potentially conflicting interpretations of laws regarding the classification of the two meetings which were held in December 2013, regarding the Basalt Creek Planning, the Manual also addresses cases of conflict in the opening comments under Policy of the Public Meeting Law (Page 115):

All substantive provisions of the Public Meetings Law should be read in light of the policy declaration in ORS 192.620. In case of questions about the application of the Public Meetings Law to particular circumstances, the policy section of the law ordinarily will require a decision favoring openness"

The key requirement of the Public Meetings Law are to hold meetings that are open to the public unless an executive session is authorized, to give notice of meetings and to take minutes or otherwise record the meeting. In addition there are requirements regarding location, voting and accessibility for disables persons."

As a result of my attempts to understand and gain a working knowledge of the requirements of Oregon's Open Meeting Laws, I think a fair argument can be made to substantiate the reasons why the two December 2013 meetings held over a 2 weeks period of the Joint City's Basalt Creek Planning Subcommittee – did not comply with the Attorney Generals interpretation of the Public Meeting Laws with respect to notification and posting of the minutes of the meetings- based upon-

- The Basalt Creek Joint Cities Sub Committee was selected and developed to comprise of two elected council members from two different city governments for a total of four elected officials established to expedite the goals of the Basalt Creek Joint Cities Planning project...
- The minutes of the 10-29-13 Joint Cities meeting provides the scope and authority of the Sub Committee..."
 - *Will provide input to structure and timeline and then come back.*
 - *Okay with subcommittee setting up structure of the process and recommendation*
 - *on how to get other peoples' input throughout process*
 - *Need robust information brought back to both Councils from the subcommittee*
 - *Councilors Monique Beikman and Joelle Davis volunteered for the subcommittee from the City of Tualatin.*
 - *Councilors Richard Goddard and Susie Stevens volunteered to represent the City of Wilsonville'*
- During the December meetings, discussions were held as to how to start the planning of the future of a significant intergovernmental project---the changing of governance over hundreds of acres of residential and industrial land.
- During the two December 2013 meetings, the Sub Committee was "*convened charged with establishing a decision making framework and identifying community engagement techniques to be used throughout the project.*" (Tualatin City Memorandum Work Session Agenda of 1-13-14)
- Specific documents were discussed at the meeting and subsequent drafts generated which will provide the basis and time line for all future deliberations on the Joint Cities Planning.

The method by which the Project Planners orchestrated the two meetings in December 2013 does not meet the spirit of the laws as stated in the Public Meetings Manual, *"The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly."*

The Public Meetings Manual is very informative in providing clarification as to how to implement notification; to whom public notice should be given- and how specific the subject matter of the public notice should be given.

It is apparent the Project Planners did not originally comply with this portion of the law with respect to the scheduled January 2014 City Council Work Sessions for Tualatin and for Wilsonville where the Project Planners submitted content for inclusion into the agendas. Now several days after this issue was brought to their attention, there is only partial compliance.

Requirements of the Law- Notice

The Public Meetings Law requires that public notice be given of the time and place of meetings. This requirement applies to regular, special and emergency meetings as those terms are used in ORS 192.640. The public notice requirements apply to any "meeting" of a "governing body" subject to the law, including committees, subcommittees and advisory groups."...

The Public Meetings Law does not require that every proposed item of business be described in the notice. The law requires a reasonable effort to inform the public and interested persons, including news media, of the nature of the more important issues ("principal subjects") coming before the body." ...

The Public Meetings Law requires that the notice of any meeting "include a list of the principal subjects anticipated to be considered at the meeting" ORS 192.640(1). This list should be specific enough to permit members of the public to recognize the matters in which they are interested."... *"For example, "public works contract" probably is not a sufficient description when the governing body intends to let a contract for demolition of a landmark building."*...

"The goal of notice for any meeting is two-fold: to provide general notice to the public at large and to provide actual notice to specifically interested persons. The following are suggested methods of meeting the" requirements..."

"Press Releases- Local Media Representatives- *If a meeting involves matters that affect a particular geographic area, press releases should be sent to the local media."*...

"Mailing Lists- *Agencies maintaining mailing lists of licensees or other persons or groups for notice purposes, wither as a regular practice or under the requirements of ORS 183.335(8), should mail for fax notices of regular meetings to persons on those lists."*

"Interested Persons- *If a governing body is aware of persons having a special interest in a particular action, those persons generally should be notified, unless doing so would be unduly burdensome or expensive."*

After a Public Meeting- the Manual provides clarification on the requirement for all Public Meetings to generate minutes of the meeting

"Minutes and Recordkeeping- the Public Meetings Law requires that the governing body of a public body provide for sound, video, or digital recording or written minutes of its meetings ORS 192.650(1). The record of a meeting, whether preserved in written minutes or a sound, video, or digital recording, shall include at least the following information:

- *Members present*
- *Motions proposals, resolutions, orders, ordinances and measures proposed and their disposition:*

- *Results of all votes and except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;*
- *The substance of any discussion on any matter; and*
- *Subject to the Public Records Law ORS 192.410 to 192.505, a reference to any document discussed at the meeting. (Such reference does not change the statute of the document under the Public Records Law. ORS 192.650(3).)“...*

"Written minutes or a sound, video or digital recording of a meeting be made available to the public "within a reasonable time after the meeting." ORS 192.650(1). If written minutes are prepared, they cannot be withheld from the public merely because they will not be approved until the next meeting of the governing body. If minutes have not been approved, they may be so identified. In any event, any completed minutes or sound, video or digital recordings are public records subject to disclosure under the Public Records Law."

It is my hope and intent that actions be taken to ensure future meetings on Basalt Creek Planning are carried out in the spirit of Oregon Public Meeting Laws which are intended to provide transparency in governmental activities.

I request:

Notification:

- The Project Planners, staff and their respective departments make a concerted effort to fulfill all written requests for Notification of Interested Parties of Public Meetings on Basalt Creek Planning.
- Provide the public clear instructions as to the procedure for requesting for Notification of Interested Parties on public meetings on Basalt Creek Planning
- Establish a designated staff member or entity and procedure (with accountability required) for ensuring requested notification has been sent prior to a Public Meeting on Basalt Creek Planning
- Develop an electronic mail list
 - specifically for Basalt Creek Planning –
 - including all future Public Meetings, dates, locations ;
 - identified as and containing sufficient pertinent information as to be meaningful on the subject.
 - The City of Tualatin has previously established and disseminated electronic postings to individuals on specific subject matters- so the development of an electronic notification list specifically for Basalt Creek Planning should not be financially burdensome or difficult.
- Include dissemination of notification of Public Meetings regarding Basalt Creek Planning to the News Media
- If the Basalt Creek Joint Cities Planning Project elects to continue to utilize the BasaltCreek.com website to disseminate information –
 - provide written notice of this website to interested parties—including but not limited to those owning property within the Basalt Creek Area, and to recognized neighborhood associations in the near proximity.
 - provide reference to the BasaltCreek.com in public notifications on the planning
 - provide cross reference between the BasaltCreek.com website and the posting of meetings and meeting minutes to the websites of both cities.

Planning of Meetings

- Staff should expect public attendance at any Public Meeting on Basalt Creek Planning. Future Public Meetings on Basalt Creek Planning be located in locations and rooms with facilities to accommodate public attendance.
- Information be provided in the public notice on Basalt Creek Public Meetings indicating if public comment/testimony will be allowed at the public meeting.
 - This request is not based upon a legal requirement,
 - The request is an attempt to clarify expectations for citizens who are not familiar with governmental process, and the Public Meeting Laws and the rights of citizens to attend does not also infer participation.
 - The benefits of this request may provide assistance to
 - keeping the public informed and setting their expectations for participation as to the mechanics of the various meetings--- some which allow public testimony and some which do not.
 - sets the establishment of a meetings ground rules by those directing a meeting – by addressing the issue prior to a meeting, and can assist in reducing time taken during a meeting to address a citizen's request

Minutes and Record Keeping

- Due to the large scope of the project- involving a large geographic area, multiple governmental jurisdictions and agencies-demonstrates the broad need for general public dissemination of the Minutes of Public Meetings on Basalt Creek Planning
 - Minutes of Public Meetings to be posted in a timely manner
 - Minutes be disseminated in a manner similar to other Public Meetings held by the City's Councils, Subcommittees, or other Advisory Groups (i.e. City Website) which are available for free public electronic access-
 - Minutes of Public Meetings on Basalt Creek Planning should include information as identified in the Oregon Attorney Generals Public Records and Meetings Manual – Public Meetings- Minutes and Record Keeping.
- Post the minutes of the two December 2013 Sub Committee Meetings

Implementation

- Review of the purpose and need for Public Notice of Public Meetings with City of Tualatin staff - to address the apparent lack of compliance within the City government.
 - Staff members should be provided the knowledge that "informational" meetings are also included within the scope of Public Meeting Laws, and should not be used as a rational for lack of providing Public Notice.
- Provide additional education to other members of the Basalt Creek Planning Project who are not employees of the City of Tualatin regarding Public Meeting Laws.
- Include emphases on the need and goal for governmental transparency-
 - as an important criteria within the planning process and
 - a working principle for consultants hired for the project

Continuing Concerns

As a result of my previous written requests for notification of Public Meetings as an Interested Person for a public project; the type of responses I received from the staff of the City of Tualatin, and staff of the Basalt Creek Joint Cities Planning Project; and their apparent lack of knowledge/compliance with the Oregon Public Meetings Laws, I continue to have concerns as to future compliance issues and who will be responsible for monitoring these issues.

- I do have continuing concerns regarding the development of the "Agency Reviews Team" as identified in the Basalt Creek Concept Plan – Project Partnering Agreement- December 2013 Draft.
- I would appreciate the City Attorneys of Tualatin and Wilsonville clarifying the various entities listed in the Roles and Responsibilities section of the Basalt Creek Concept Plan – Project Partnering Agreement- December 2013 Draft and how any meetings held by these entities will comply with the Public Meetings Laws.
 - Council Subcommittees
 - Joint City Councils
 - Tualatin City Council
 - Wilsonville City Council
 - Tualatin Planning Commission
 - Wilsonville Planning Commission
 - Community Engagement
 - Agency Review Team
 - Tualatin and Wilsonville Staff Members
- I would appreciate the City Attorneys of Tualatin and Wilsonville to clarify the statements within these documents with regard to Oregon's Public Meeting Laws ----and an identification of who will be responsible for monitoring compliance as the Joint Planning progresses.
 - Basalt Creek Concept Plan – Project Partnering Agreement- December 2013 Draft states –*"Major agreements will be discussed at meetings, but some elements of decisions for moving forward with technical work may be made outside of meetings. As appropriate, the Agency Review team will be consulted with and informed. As requested, additional staff from each agency will be copies on communications for meetings, review of materials and general coordination when other related area projects may be involved. "*

- The Minutes of the Basalt Creek Planning Joint Cities Meeting held 10-29-13 stated, *"Staff should develop the structure; do not have issue with staff coming up with plan and then the Councilors can provide input on that"-which appears to exclude the public from witnessing the deliberations taking place involving the discussions on the creation of the eventual plan.*

I have attached a copy of the Public Meetings Checklist should the City staff find the information helpful.

I hope you will bear with me as I attempt to understand this process and learn how to navigate through two different City Governments; in a process in which I have no representation; while the two cities work on developing methods to cooperate and jointly solve this planning project; over future governance of land in which they may have conflicting goals. The outcome of these deliberations and planning will directly impact my home.

I am attempting to work with the Cities in resolving my concerns.

My goal is to try to promote transparency and restore some trust which some residents of the local area feel has been broken- based on actions taken by various governments (including the cities of Tualatin and Wilsonville) over the past years which have or may have a negative impact on our homes and livelihoods.

As always, thank you for your time,

Grace

503 692 9890

Published Citations by Oregon Attorney Generals – Opinions and Advice on Public Meeting Laws-

State of Oregon Department of Justice Attorney General's Public Records and Meeting Manual, January 2011

Letter of Advice (OP-6292), September 12, 1988

The Public Utility Commission must comply with the Public Meetings Law when a quorum of the commission meets with staff to receive informational briefings on general topics of public utility regulation and agency administration. Even if information conveyed at the briefing did not relate to a matter requiring immediate action, the information could have some bearing on future decisions, the responsibility for which is placed upon a quorum of the commission"

38 OP Attn Gen 1471, November 4, 1977

Information-gathering sessions of a public body (except on-site inspections) are "meetings" under the Public Meetings Law

41 OP Atty Gen 28, July 14, 1980

Home-rule cities and counties are subject to the Public Meetings and Records Laws. Regular or special meetings between members of administrative staff and a county governing body are "public meetings". Notation of regular and special meeting dates on a master calendar in the board's office is not sufficient notice of meetings. Notice is not specifically required to contain an agenda but other statutes governing specific subject matter may require an agenda. (Note: ORS 192.640(1) has since been amended to require "a list of the principal subjects anticipated to be considered at the meeting.") Any meeting of two or more members of a three-member governing body is a "public meeting" if the purpose is to decide or deliberate toward a decision on matters within the jurisdiction of the board, regardless of who may or may not be present"

 **Public Meeting Check List - OR Attorney Generals Public Meeting Manual.pdf**
103K

Sean T. Brady <SBrady@ci.tualatin.or.us>
To: G Lucini <grluci@gmail.com>

Thu, Jan 16, 2014 at 3:07 PM

Hi Grace,

Thank you for your email. I completely understand your concerns and the issues you've raised. I forwarded a copy to Ms. Sherilyn Lombos (City Manager) and Ms. Alice Cannon, Assistant City Manager, who supervises the Planning Department. My understanding is that this particular subcommittee is no longer meeting. If there are meetings in the future and the meetings are such that the public meeting law applies, they will be appropriately noticed. For those meetings where the public meeting law does not apply, it is not my individual decision whether to still notice these meetings to the public, so I cannot make any commitments to you on that issue. I certainly understand where you are coming from and I have notified City staff of your concerns. Thank you.

Sean T. Brady

City Attorney

City of Tualatin | Legal Services

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sbrady@ci.tualatin.or.us

From: G Lucini [<mailto:grluci@gmail.com>]
Sent: Thursday, January 16, 2014 2:16 PM
To: Sean T. Brady
Cc: Grace Lucini
Subject: Meetings on Basalt Creek Planning

[Quoted text hidden]

G Lucini <grluci@gmail.com>
To: Tualatin Councilor Joelle Davis <jdavis@ci.tualatin.or.us>
Bcc: Grace Lucini <grluci@gmail.com>

Thu, Jan 16, 2014 at 6:32 PM

Joelle,

Thought you might be interested in the follow-up to my communications with City Attorney Sean Brady regarding Basalt Creek Planning-lacking compliance with Oregon Public Meeting Laws

- impacting an "informed public which must be aware not only of the decisions of government but also of "the information upon which such decisions were made".

Grace

[Quoted text hidden]

 **Public Meeting Check List - OR Attorney Generals Public Meeting Manual.pdf**
103K



G Lucini <grluci@gmail.com>

Basalt Creek Area Planning

G Lucini <grluci@gmail.com>

Wed, Jan 8, 2014 at 1:09 PM

To: Grace Lucini <grluci@gmail.com>

Hi Cindy,

Thank you for your follow-up phone call yesterday --to the email below.

I appreciated the opportunity to discuss the merits of informing citizens of public meetings-- which can be beneficial to the goal of the Basalt Creek -Joint Cities Planning.

Residents of the Basalt Creek area have proven their interest in the planning of the area by attendance at meetings which have been posted publicly, as well as having requested notification either directly or through the BasaltCreek.com website over the past years.

Providing potentially affected citizens an opportunity to hear the discussions and limitations on this project now that the Joint Cities is refining the planning allows a greater understanding of the constraints and limitations within the decision making process.

By encouraging public involvement within the process, providing ample opportunities for public input and most importantly utilizing and incorporating the wealth of information and feedback which the citizens of the area are willing to share into the plans which will ultimately develop from this process---- will most likely promote and encourage community support and buy-in.

And, by providing the notification on meetings where two or more members, with the authority to make decisions for or recommendations to their respective City Councils on policy or administration, will assist in addressing the publics' need for transparency as the Basalt Creek planning progresses.

As I understand from yesterday's conversation, future public meetings on Basalt Creek planning will be posted on the BasaltCreek.com website.

These notifications will include City Council meetings (including work sessions) for both Tualatin and Wilsonville, as well as other public meetings (ORS 192.610 to 192.690) relating to the Basalt Creek- Joint Cities Planning.

As we discussed, I forwarded your email from yesterday to many of my neighbors - to provide them access to the information on the additional public meetings scheduled regarding the Basalt Creek-Joint Cities Planning which had not yet been posted to the BasaltCreek.com website.

A suggestion I poised in my email to Ben Bryant (but we did not discuss in yesterday's call) is the creation of a ListServe

specifically for the Basalt Creek Planning. I bring this suggestion up again, as you mentioned during our conversation--the citizen comment and request for notification from BasaltCreek.com is apparently co-mingled with a much larger generic community transportation database.

Since the scope and impact of the Basalt Creek Planning spans multiple jurisdictions, zoning issues, development codes, and affects property owners outside the city limits of Tualatin and Wilsonville, it may warrant a separate ListServe.

While I do not know the limitations of how the current database is structured and the difficulties involved in creating a separate list for Basalt Creek, I do know the benefits would include improved direct communication to interested citizens- as they will not be bombarded with extraneous notifications on transportation projects relating to other communities.

An additional benefit of a separate ListServe will be the ability to document early stage community outreach specifically for Basalt Creek when necessary for all stages of development and implementation.

I appreciate the time you took to call me and your offer to call you should I have future questions or concerns.

Please let me know if I miss-understood any parts of our conversation.

Thanks again for your phone call.

Grace
503 692 9890

On Tue, Jan 7, 2014 at 2:22 PM, CINDY HAHN <CHAHN@ci.tualatin.or.us> wrote:

> Hi Grace,

>

>

>

> You are correct that there were two Joint Council Subcommittee meetings, on
> December 12 and 30, 2013, to discuss a decision making framework and
> community engagement for the Basalt Creek Concept Planning process. These
> were informal working meetings, therefore, no public notification was made.

>

>

>

> Tualatin staff and Subcommittee members will be providing an update on the
> Basalt Creek Concept Plan process to the Tualatin City Council at work
> session on January 13, 2014. An agenda and packet for this presentation can
> be found here:

> <http://www.tualatinoregon.gov/citycouncil/city-council-work-session-44>.

> Scroll to page 91 of the packet to read the staff memorandum and
> attachments. The draft Partnering Agreement and a process diagram are
> included as attachments and I encourage you to review these at your
> convenience.

>

>

>

> Tualatin staff will be taking the consultant contract, scope of work, and
> budget to City Council at the meeting on January 27, 2014. This agenda and
> packet will be posted on January 17, 2014, at this location:

> <http://www.tualatinoregon.gov/citycouncil/city-council-meeting-140>.

>

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>
> Wilsonville staff will be providing an update to the Wilsonville City
> Council at work session on January 23, 2014. Please check the Wilsonville
> website for the staff report and attachments.
>
>
>
> You are on the contact list to receive email updates on the Basalt Creek
> Concept Planning project in the future once the process is underway. Updates
> also will be posted to the Basalt Creek website:
> <http://www.basaltcreek.com/>.

> Thank you for your interest in this project. Please let me know if you have
> any other questions.

> Best regards,

> Cindy

> Cindy L. Hahn, AICP

> Associate Planner

> City of Tualatin | Community Development Department, Planning Division

> 18880 SW Martinazzi Avenue, Tualatin, OR 97062

> 503-691-3029 | chahn@ci.tualatin.or.us | www.tualatinoregon.gov

> From: G Lucini [<mailto:grluci@gmail.com>]

> Sent: Monday, January 06, 2014 7:53 PM

> To: BEN BRYANT

> Cc: Alice Cannon; AQUILLA HURD-RAVICH; CINDY HAHN

> Subject: Re: Basalt Creek Area Planning

> Hi Ben,

> Hope you had a good New Year.

> I am following up on the planning of the Basalt Creek area by the Cities of
> Tualatin and Wilsonville. I see there is an agenda item on Basalt Creek
> Planning on the Jan. 13, 2014 Tualatin Council Work Session.

> Since my neighbors and I do not have any elected representation within the

> Tualatin-Wilsonville Joint Planning Project, it is extremely important to us
> that we hear discussion which is held on all phases of the planning for this
> area.

> I attended the Basalt Creek Joint City meeting on October 29, as did my
> husband and some of my other neighbors who live within the area being
> discussed.

> It appears that there were two subsequent meetings on December 12 and on
> December 30, 2013 of a Joint Council subcommittee comprised of two elected
> officials from the City of Tualatin and two elected officials from the City
> of Wilsonville (as well as staff and consultants) where a decision making
> framework was discussed, as was community engagement techniques for the
> Basalt Creek Area.

> Although I previously requested to be included in any public notification
> regarding any planning for the Basalt Creek Area, I did not see any posting
> of either of these two meetings.

> Would you let me know where and how I will be able to find in the future -
> the posting for any other public meetings relating to the planning of the
> Basalt Creek area-especially those involving 2 or more elected
> officials-prior to the date of the meetings.

> Since the residents of this area do not have an elected official
> participating in these meetings, would it be reasonable to at least provide
> a list serve to the potentially affected residents, to provide us some
> enlightenment as to what the future may hold.

> Looking forward to hearing from you.

> Grace Lucini
> 503 692 9890

> On Thu, Sep 26, 2013 at 8:29 AM, BEN BRYANT <BBRYANT@ci.tualatin.or.us>
> wrote:

> Hi Grace,

> Thanks as always for your interest. We haven't quite started the outreach

> meetings yet, but we definitely will make sure you are involved. The next
> meeting for the Basalt Creek Concept Planning (land use phase) is October 29
> at Wilsonville City Hall. That meeting is scheduled as a joint Council
> meeting with both City of Tualatin and Wilsonville Councils. It should mark
> the kick-off of concept planning work. Once we are closer to that date, we
> will post an announcement on our website.

>
>
>
> In the meantime, we are developing our staff team and getting ready for the
> next phase if this project.

>
>
>
> Thanks, Ben

>
> Sent from my iPhone

>
> On Sep 25, 2013, at 3:23 PM, "G Lucini" <grlucini@gmail.com> wrote:

> Hi Ben,

>
>
> I remember the last time we discussed Basalt Creek Planning, it was
> mentioned formation of public input groups would start around September
> 2013.

>
>
>
> Can you tell me how the process is going?

>
>
>
> Let me know if there someone I should contact, or any action I should take,
> to become involved in any meetings/ groupings / planning--- involving the
> Basalt Creek area.

>
>
>
> I am interested in all aspects of planning for the area-- including (but not
> limited to) transportation, zoning, environmental impact etc.

>
>
>
> Thanks,

> Grace Lucini

>
> 503 692 9890

From: GORDONROOT@aol.com
To: [Mangle, Katie](#)
Subject: South Tualatin Sewer Study
Date: Tuesday, November 05, 2013 5:46:07 PM
Attachments: [SouthTualatinSewerStudy.pdf](#)

Hi Katie:

It was a pleasure to meet you at the joint work session kick-off for the Basalt Creek Concept Planning effort. Attached is the South Tualatin Sewer Study I spoke briefly to you about at the work session.

As you may recall, I own the 36.5 acres on Boones Ferry Road, on the northerly border of Greenhill Lane. I commissioned West Yost, which is the preferred waste water systems engineer preferred by Clean Water Services, and worked hand in hand with CWS during this study. CWS has agreed to adopt this study and agrees that my property and the adjoining property to the north can be served with gravity flow sewer into Tualatin's existing system with the upgrades proposed and as agreed to by CWS.

Some of the upgrades are the responsibility of CWS, some the City and other fall to the developer, based on a formula they have in the IGA between CWS and the City of Tualatin, ASSUMING that this area is determined to come into the City of Tualatin.

At the very least, this is great base line data which should be incorporated into the Concept Planning for the Basalt Creek area. I have previously provided this to the City Engineering Department, but should be forwarded to those heading up the Concept Planning effort.

Please feel free to contact me with any questions.

Gordon

503-720-0914 Direct

FINAL

South Tualatin Sewer Study

Prepared for

Autumn Sunrise, LLC

September 2010



380-03-09-01

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1.0 INTRODUCTION

Autumn Sunrise, LLC contracted with West Yost Associates to perform a sewer study for the South Tualatin Study Area. This report serves as a summary of the work completed for the South Tualatin Sewer Study. The report includes the following sections:

- 1.0 Introduction
- 2.0 Land Use and Sanitary Flow
- 3.0 Hydraulic Model Update
- 4.0 Capacity Analysis
- 5.0 Connection Alternative

The South Tualatin Sewer Study generally encompasses the area to the west of Interstate 5, east of Boones Ferry Road, south of SW Norwood Road, and north of Day Road and is illustrated in Figure 1-1. There is a small area west of Boones Ferry Road, between SW Norwood Road and Green Hill Lane that is also included in the study area. Autumn Sunrise is interested in connecting a proposed development to Clean Water Services (District) sanitary sewer system. The purpose of this study is to evaluate the impacts the Autumn Sunrise proposed development will have on existing sanitary sewer facilities.

Recently, the District adopted a Sanitary Sewer Master Plan (West Yost, March 2009) defining how anticipated growth can be accommodated by its existing sanitary sewer facilities. The master plan also defined how the collection system can be extended into growth areas to provide sewer service outside of their current service area. The area encompassing the Autumn Sunrise proposed development was included in the recent master plan as part of the District study area. For the District master plan, land uses assumed for the South Tualatin Sewer Study Area were based on available information from Metro's Regional Land Information System (RLIS) and discussions with Washington County and City of Tualatin Staff.

Autumn Sunrise has prepared preliminary development plans for the South Tualatin Study Area providing more detail than was available for the District master plan. West Yost used these preliminary development plans as the basis for determining if and how the project would change the District's master planned trunk sewer improvements and anticipated cost of service. Additionally, potential impacts on smaller diameter sewer mains, operated and maintained by the City of Tualatin, were evaluated to ensure enough capacity is available to service the proposed Autumn Sunrise development prior to reaching the District's large diameter trunk sewers.

1.1 Scope of Work

The scope of work for the South Tualatin Sewer Study was divided into 5 major tasks:

Task 1: Review Data

Autumn Sunrise, LLC supplied West Yost with information compiled by Planning & Land Design, LLC and Harris-McMonagle Associates, Inc. regarding the proposed development, including various maps, topographic data, proposed land uses, aerial photographs, and record drawings for the City of Tualatin small sewer mains.

Task 2: Flow Load Generation

Flow loads were developed based on land use information provided to West Yost by Autumn Sunrise. District master planning criteria were used to predict dry and wet weather flows from the proposed development. Infiltration and inflow (I&I) rates were based on parameters that generate a peak I&I rate of 1,650 gallons per day per acre (gpd/acre), for the purposes of evaluating the impacts of the proposed development on existing downstream facilities. The District peak I&I rate design standard of 4,000 gpd/acre was used to determine the size of replacement sewers required to accommodate the proposed development.

Task 3: Hydraulic Model Update

The hydraulic model was updated to include three reaches of small diameter pipelines that were previously not included in the District's collection system model. Record drawing information was provided to West Yost for rim and invert elevations, length and size of pipe. The District's geographical information system was used to define the alignment of existing sewers.

Flow loads from the new development were input into the hydraulic model at the upstream end of the small diameter reaches. Various build-out basins and flow loads, used for the master plan, were adjusted in the hydraulic model to reflect the updated level-of-detail available for the South Tualatin Sewer Study.

Task 4: Capacity Analysis

A build-out scenario capacity analysis was analyzed with the new flow loads and piping network in the hydraulic model. The capacity analysis evaluated the presence and severity of downstream capacity restrictions during the 5-Year 24-Hour design storm, based on District planning criteria. If existing pipelines were not adequate based on the planning criteria, recommendations for increasing system capacity were provided. The "new" recommendations were compared with the recommended improvement projects from the District's master plan to determine how the cost of providing service might change under the revised collection system configuration.

Task 5: Alternatives Analysis

Task 5.1 – Connection Alternative: Based on the results of the initial build-out scenario capacity analysis, other connection alternatives were evaluated for providing sewer service to the proposed South Tualatin development. The connection alternatives were selected based on minimizing impacts to the existing collection system facilities (District and City of Tualatin). The alternative analysis distributed flows where sewer capacity was available. If improvements were still required after distributing the flows, a recommendation was made for increasing capacity in the existing collection system.

Task 5.2 – Victoria Woods: Another option for providing sewer service to the South Tualatin development is through the Victoria Woods Pump Station. The pump station, force main, and downstream gravity sewers were evaluated to determine if sufficient capacity exists to accommodate flows for the South Tualatin development. If existing infrastructure did not have sufficient capacity, a recommendation was made for improving the infrastructure based on CWS’s planning criteria.

The alternative with the least impact to the existing collection system facilities is presented in this report.

Task 6: Master Plan Addendum Report

This report is structured such that it may be adopted by the District as an addendum to the District’s Sanitary Sewer Master Plan Update.

2.0 LAND USE AND SANITARY FLOW

Wastewater collection system master planning compares predicted flows to capacity in existing sanitary sewers to determine where improvements are needed in the future. Predicted flows are used to estimate the size of those replacement facilities, as well as the size of future collection system extensions into areas of planned growth. Predicted flows are generated based on land uses. The basis of the South Tualatin Sewer Study is presented as follows:

- Land Use
- Flows

2.1 Land Use

The Autumn Sunrise development encompasses an area to the west of Interstate 5, south of Norwood Road, and along the Boones Ferry Rd and Greenhill Lane corridors. The topography of the development generally slopes from the south to the north and mostly from east to west. South of Greenhill Lane, the topography slopes from north to south. The preliminary plan for the development consists of approximately 96 acres developed into 519 single family residences, 180 multi-family residences, and an 8-acre commercial area. In addition, the Grace Community Church property currently occupies 45-acres of land adjacent to Norwood Road and Boones Ferry Road. At full development, this 45-acre property is expected to include a High School (1,200 student capacity), ball fields, and an administration building. The Grace Community Church property is not part of the Autumn Sunrise development but is included in the analysis to accommodate ultimate build-out conditions for the study area. Figure 2-1 presents the preliminary plan for the development in the South Tualatin Study Area. Figure 2-2 presents the topography and preliminary sewer layout within the development. A summary of the development is provided in Table 2-1.

Table 2-1. Summary of Autumn Sunrise Development

Land Use	Area, acres	Dwelling Units (DU)	Density, DU/acre
Single Family Residential	8	56	7.0
Single Family Residential	35	260	7.4
Single Family Residential	21	147	7.0
Single Family Residential	14	56	4.0
Multi-Family Residential	1	20	20.0
Multi-Family Residential	9	180	20.0
Neighborhood Commercial	8	N/A	N/A
Total	96	719	N/A

2.2 Flows

Wastewater unit factors were used to project average dry weather flows within the development. The following wastewater unit flow factors were used and are based on District planning criteria and current modeling parameters:

- Single Family Residential – 162 gpd per dwelling unit (DU)
- Multi-Family Residential – 200 gpd per DU
- Commercial – 3,659 gpd per acre (gpad)
- High School – 20 gpd per student

Peak dry weather flow (PDWF) is calculated by multiplying average dry weather flow by a peaking factor of 2.2. I&I is calculated using a factor of 1,650 gpd per acre (gpad). I&I is then added to PDWF to generate peak wet weather flow (PWWF). It should be noted that the stated I&I factor is only used to assess existing infrastructure. The District uses an I&I factor of 4,000 gpad for design of new facilities and for sizing improvements to their existing collection system. The flow projections for the South Tualatin Sewer Study Area, based on the development presented in Figure 2-1, are:

- Average Dry Weather Flow: 0.18 mgd (million gallons per day)
- Peak Dry Weather Flow: 0.39 mgd
- Peak Wet Weather Flow: 0.58 mgd

Table 2-2 presents the flows generated from the South Tualatin Study Area.

Table 2-2. Flow Projections

Land Use	Area, acres	Units	Quantity	Unit Flow Factor, gpd/unit	Average DWF, mgd	Peak DWF, mgd	Peak WWF, mgd
Church & School	45	Students	1,200	20	0.024	0.053	0.088
Multi-Family Res.	10	DU	200	200	0.040	0.088	0.105
Single Family Res.	78	DU	519	162	0.084	0.185	0.314
Commercial	8	acre	8	3,659	0.029	0.064	0.078
Total	141				0.177	0.390	0.584

Note:
Church and school peak wet weather flow calculation based on 16.5 acres of development. The remaining 23.5 acres has been designated for ball fields.

The South Tualatin Sewer Study Area is considered built-out with the development presented in Figure 2-1. The area south of the proposed development is expected to connect to the City of Wilsonville’s collection system.

2.3 Original Master Plan Flows

The original master plan flows were based on land use data within the District’s service area. The master plan land use designations within the South Tualatin Study Area consisted of 224 acres of Rural or Future Urban (RRFU) and 51.4 acres of public facilities. The rural or future urban land use designation is defined as residential uses permitted on rural lands or areas designated for future urban development, with minimum lot sizes of one acre or more. The public facilities land use area encompassed the church property as displayed on Figure 2-1. Wastewater unit factors were used to project average dry weather flows within the master plan area. The following wastewater unit flow factors were used and are based on District planning criteria and current modeling parameters:

- RRFU – 3,800 gpd per acre.
- Public Facilities – 3,659 gpd per acre, with an 87% contribution factor.

Peak dry weather flow (PDWF) was calculated by multiplying average dry weather flow by a peaking factor of 2.2 for residential and 1.53 for public facilities. I&I is calculated using a factor of 1,650 gpd per acre (gpad). I&I is then added to PDWF to generate peak wet weather flow (PWWF). The master plan flow projections for the Study Area are:

- Average Dry Weather Flow: 1.01 mgd (million gallons per day)
- Peak Dry Weather Flow: 2.12 mgd
- Peak Wet Weather Flow: 2.56 mgd

Table 2-3. Master Planned Flow Projections

Land Use	Area, acres	Units	Unit Flow Factor, gpd/unit	Average DWF, mgd	Peak DWF, mgd	Peak WWF, mgd
Public Facilities	51.4	acre	3,659	0.16	0.25	0.33
RRFU	224	acre	3,800	0.85	1.87	2.23
Total	275.4			1.01	2.12	2.56

Notes:
 The master planned public facility encompasses the church property.
 RRFU – Rural or Future Urban land use designation.

The flows from the master plan area were routed to two different reaches of pipeline. Approximately 36.2 acres of RRFU and the 51.4 acres of public facility were routed to the Victoria Woods Pump Station, for an average dry weather flow of 0.30 mgd. The remaining 187.8 acres of RRFU (approximately 0.71 mgd of average dry weather flow) was routed to the Cipole/Bluff sewer to the east and north of study area in the master plan. Thus, in the master plan, there were no flows generated from the Study Area connected to the Martinazzi Trunk Sewer. The master planned Study Area is presented in Figure 2-3, and included area north of Day Street, south of Norwood Road, west of I-5, and east of the property line between Grahams Ferry and Boones Ferry Road. The area between south of Greenhill Lane and Day Street was included in the master plan, but not the South Tualatin Sewer Study. Autumn Sunrise believes that this area will be tributary to the City of Wilsonville’s collection system, based on several factors including topography and the interest in developing the Day Street corridor as a transportation thoroughfare and commercial area.

3.0 HYDRAULIC MODEL UPDATE

The District’s hydraulic model (Durham model) was used for the South Tualatin Sewer Study. The model includes facilities maintained by the District as well as the District’s member cities, including existing gravity sewers 10-inches in diameter and larger, diversions (or flow splits) within the modeled pipe system, and District pump stations and force mains. In general, smaller diameter pipelines are not included in the District model unless they provided connectivity to pump stations and/or diversions and flow splits.

For the South Tualatin Sewer Study, the District’s Durham model was updated to include three reaches of City of Tualatin 8-inch diameter pipelines and associated manholes. Each of the three reaches begin near SW Norwood Road and are routed north until they combine with the 12-inch diameter Martinazzi Trunk Sewer. City record drawings were used to obtain length, rim and invert elevations for the 8-inch diameter pipelines.

City record drawing rim and invert elevation data was also reviewed for two sewers previously included in the model to verify slope and pipe size:

- Martinazzi Trunk Sewer
- Victoria Woods Trunk Sewer

After the pipelines were updated in the model, dry and wet weather flows were adjusted to reflect the level of detail necessary to evaluate sewer connection alternatives for the South Tualatin Sewer Study Area. The basin delineation and flow distribution were refined in the following areas: (1) Martinazzi Trunk Sewer tributary area, (2) Victoria Woods Pump Station tributary area, and (3) Victoria Woods Trunk Sewer. Figure 3-1 presents the sewers that were evaluated in detail for the South Tualatin Sewer Study.

4.0 CAPACITY ANALYSIS

A capacity analysis was performed to determine whether adequate sewer capacity was available to accommodate flows from the proposed development. The capacity analysis is based on the District's criteria for evaluating hydraulic capacity and their hydraulic grade line (HGL) ranking system. The analysis is presented as follows:

- Evaluation Criteria
- HGL Priority Ranking System
- Martinazzi Trunk Sewer Capacity Analysis
- Master Planned CIP Projects

4.1 Evaluation Criteria

The collection system model generates a peak flow for each link of the modeled system, estimates the hydraulic conditions resulting from that peak flow and predicts a hydraulic grade line. Where the peak flow exceeds the gravity flow capacity of a pipeline, surcharging is predicted and the estimated HGL is above the crown of the pipe. Surcharging can affect the HGL in upstream pipes, even if those upstream pipes have adequate capacity to convey the flow. Within the model, certain hydraulic evaluation criteria are applied to predict the HGL under each flow condition analyzed. Outside the model, the HGL information is used to rank sewers and identify the need for capacity improvements.

Hydraulic Evaluation Criteria

The collection system model uses average sanitary flows derived from unit flow rates which are then imposed on a diurnal curve to generate peak sanitary flows. In addition, peak wet weather flows include I&I contributions based on a simulated response from each sanitary basin to the 5-Year, 24-Hour storm event. Existing pipe capacities and replacement sewer sizing were calculated within the model based on the following criteria:

- Manning's equation (applicable to steady, uniform flow)
- Manning's n coefficient = 0.013
- Minimum velocity = 2.3 ft/sec where feasible
- Full pipe flow (depth-to-diameter ratio = 1)

4.2 HGL Priority Ranking System

The hydraulic model produces average and peak flows for each pipe segment in the model. In addition, the model uses an approximation method to provide a rough estimate of the hydraulic grade line (HGL), which is the level to which water would rise in manholes under the modeled flow condition. The current master plan classifies the hydraulic condition of each pipeline segment by comparing the predicted HGL to the ground surface elevation as a measure of capacity deficiencies and risk of outflows.

The HGL ranking is generated in a spreadsheet that uses the HGL value, other elevation information, and the relative slope of the HGL to assign a ranking category. Results of the HGL ranking can be expressed in tabular form using a two character code, and graphically using color coding. The HGL ranking criteria is summarized in Table 4-1, and illustrated in Figure 4-1. The HGL freeboard is the difference between the HGL elevation and the ground elevation. A significance test is used to determine if the difference between the slope of the HGL and the pipe slope is significant, indicating that the predicted peak flow significantly exceeds the gravity flow capacity of the pipeline.

Table 4-1. Definition of Hydraulic Grade Line Ranking

Rank	Description	Improve?	HGL Freeboard
LS	HGL daylights with significant HGL increase (HGL elevation > ground elevation)	Yes	Less than zero feet
LH	HGL daylights (HGL elevation > ground elevation)	Yes	Less than zero feet
HS	High HGL with significant HGL increase	Yes	Between 0 and 3 feet
HH	High HGL	Yes	Between 0 and 3 feet
IS	Intermediate HGL with significant HGL Increase	Yes	Between 3 and 10 feet
IH	Intermediate HGL	No ^(a)	Between 3 and 10 feet
DS	Deep HGL with significant HGL increase	No	Greater than 10 feet
DH	Deep HGL	No	Greater than 10 feet
OK	No surcharging	No	HGL is within pipe crown

^(a) Cumulative effects over long runs of pipe must be considered, and may trigger an improvement.

4.3 Martinazzi Trunk Sewer Capacity Analysis

Providing sewer service to the South Tualatin Sewer Study Area, via the Martinazzi Trunk Sewer, appeared advantageous due to its proximity to the development and a desire to service the development via gravity sewers. However, the recent master plan showed capacity deficiencies in the Martinazzi Trunk Sewer. Because the service area is essentially built-out, a capital improvement project was not recommended for the Martinazzi Trunk Sewer, and instead, it was recommended that the Martinazzi Trunk Sewer be monitored in the future.

Projected PWWF's from the South Tualatin Sewer Study Area and the church property were input into three separate locations along Norwood Road, at SW Boones Ferry Road, SW 89th Avenue, and SW Vermillion Drive. The distributed flows were then routed in three reaches of small diameter City sewer mains until reaching the Martinazzi Trunk Sewer near SW Dakota Drive. Due to the capacity limitations along the Martinazzi Trunk Sewer, the addition of the South Tualatin Sewer Study PWWF's yielded model results with the HGL rising above the ground elevation during the 5-Year 24-Hour design storm. The slope of the modeled HGL was also significantly steep, categorizing the Martinazzi Trunk Sewer with a "LS" and "HS" HGL ranking, per Table 4-1. The results of the capacity analysis, showing the extent of surcharging and HGL ranking, is presented in Appendix A. In addition to the Martinazzi Trunk Sewer capacity deficiencies, some of the City of Tualatin 8-inch diameter pipelines were capacity deficient. The deficiencies in the smaller diameter pipes were categorized with a "DH" and "IH" HGL ranking, with minor surcharging occurring in the area. The City of Tualatin sewers are also presented in Appendix A.

With the addition of the entire South Tualatin Sewer Study Area flows, the capacity deficiencies along the Martinazzi Trunk Sewer are substantial and would require numerous improvements. Due to the extent of improvements required along the Martinazzi Trunk Sewer, other connection alternatives were evaluated in order to decrease the impacts on the existing District and City of Tualatin collection systems. The most viable of these alternatives is a connection to the Victoria Woods Pump Station, which is presented in the following section.

5.0 CONNECTION ALTERNATIVE

The Victoria Woods Connection Alternative is presented below, including a discussion of impacts on four master planned CIP projects. The alternative is presented as follows:

- Victoria Woods Alternative
- Impact on Master Planned CIP Projects
- Recommended Improvements
- Remaining Available Sewer Capacity

5.1 Victoria Woods Alternative

The topography of the South Tualatin Sewer Study Area generally slopes from the south to the north and mostly from east to west. Much of the study area can be routed in new gravity sewers west towards SW Boones Ferry Road and then north along SW Boones Ferry Road towards Norwood Road. West of Boones Ferry Road, the topography slopes from east to west towards a ravine where a small pump station (Victoria Woods Pump Station) services an existing development. The Victoria Woods Pump Station is located at 22960 SW Miami Place, which is just north of the ravine. The Victoria Woods Pump Station services a small subdivision at the southern end of the current District boundary. Flows from Victoria Woods Pump Station flow into the Victoria Woods Trunk Sewer and eventually into the Tualatin Reservoir Trunk Sewer.

Alternative No. 1: Much of the South Tualatin Sewer Study Area can be routed by gravity to the Victoria Woods Pump Station. The preliminary sewer facilities within the South Tualatin Study Area is shown in Figure 2-2. The remainder of the study area would be connected to the Martinazzi Trunk Sewer. Two areas would be served by the Martinazzi trunk: (1) the 45-acre church property (the church is currently being serviced by the Martinazzi Trunk Sewer) and (2) the one-acre high density residential development (see Figure 2-1). The remaining 87-acres of residential and 8-acres of commercial area can be routed, via gravity, towards the Victoria Woods Pump Station. This configuration was analyzed in the hydraulic model to determine the impacts on existing District and City of Tualatin sewer infrastructure. With this configuration, approximately 0.10 mgd of flow would be routed to the Martinazzi Trunk Sewer and 0.48 mgd of flow would be routed towards the Victoria Woods Pump Station. Sending 0.10 mgd of flow to the Martinazzi Trunk Sewer would increase the flow an additional 5.8%. The most capacity deficient section of the Martinazzi Trunk Sewer is over capacity by 34%. Thus, the addition of 0.10 mgd of flow would increase the deficiency to 40% over capacity.

Routing 0.48 mgd of PWWF to the Victoria Woods Pump Station from the proposed development results in capacity deficiencies at the pump station and along the Victoria Woods Trunk Sewer. However, the impact on the existing facilities is much less than would occur under the original Martinazzi Trunk Sewer connection alternative. Some of the 8-inch diameter pipelines comprising a portion of the Victoria Woods Trunk Sewer are capacity deficient and surcharging is predicted. The capacity analysis for the Victoria Woods Trunk Sewer is presented in Figure 5.1.

The shallowest section of the Victoria Woods trunk is 6.2 feet deep, from the ground elevation to the crown of the pipe. During the 5-Year 24-Hour Design Storm, the system is surcharging 1.4 feet at the shallowest location, yielding an HGL freeboard of 4.8 feet at District Manhole ID 97117. At District Manhole ID 97532, the HGL freeboard is 8.1 feet, however the extent of surcharging in this section is more significant. These two sections of pipeline are ranked with a "IS" designation, per Table 4-1. The hydraulic profile for a portion of this section, illustrating the highest surcharge levels along the Victoria Woods Trunk Sewer, is presented in Figure 5.2.

Alternative No. 2: To reduce the impact to the Martinazzi Trunk Sewer, only the 1-acre high density residential (HDR) development would be connected to the Martinazzi Trunk Sewer, with an estimate peak wet weather flow of 0.01 mgd. The 1-acre HDR development would increase the flows in the Martinazzi Trunk Sewer by 0.58%. When the church property is fully developed and the South Tualatin gravity sewer system is in-place, the church flows should be routed to the Victoria Woods Lift Station. This would increase flows to the Victoria Woods Lift Station by 0.088 mgd and yield a total peak wet weather flow of 0.67 mgd into the lift station at build-out. The 0.67 mgd of build-out flow consists of 0.10 mgd of existing flow, 0.48 mgd from the Autumn Sunrise development, and 0.088 mgd from the church property.

5.2 IMPACT ON MASTER PLANNED CIP PROJECTS

The Districts master plan identified a need for improvements to the Victoria Woods Pump Station and force main, and four trunk sewer projects (Projects D-270, D-275, D-280 and D-285) downstream of the Victoria Woods Pump Station, based on projected build-out PWWF. Projects D-270 and D-275 are located on the Victoria Woods Trunk Sewer, and are presented on Figure 5-1. Projects D-280 and D-285 are located on the Bluff/Cipole Trunk Sewer and Tualatin Reservoir Trunk Sewer, respectively. The estimated build-out PWWF into the Victoria Woods Trunk Sewer, based on the District master plan, was 0.76 mgd. The more detailed proposed development plan for the South Tualatin study area would produce a lower projected build-out PWWF into the Victoria Woods Trunk Sewer, estimated to be 0.58 mgd.

Based on information provided by the District, the Victoria Woods Pump Station currently has a rated capacity of 200 gallons per minute (gpm). The pump station is configured as a submersible type pump station, with a 10-foot diameter wet well. A 475-foot 4-inch diameter force main routes flows from the pump station to the Victoria Woods Trunk Sewer. The Victoria Woods Pump Station and force main do not have sufficient capacity to accommodate the planned PWWF, even though the revised projected PWWF based on the proposed project would be lower than the master plan flows. The projected total PWWF into the Victoria Woods Pump Station for the Victoria Woods Alternative No. 2 is approximately 400 gpm (0.66 mgd). The estimated PWWF of 0.66 mgd includes the church property.

Master planned project D-275 will be necessary to accommodate the proposed development, if it is developed per Figure 2-1. The planned improvements consist of replacing 1,490 lineal foot of pipeline from District manhole 97116 to 97520. The master plan recommended increasing the diameter of the affected pipeline from an 8-inch to a 12-inch pipeline, to accommodate a PWWF of 0.76 mgd. With the reduction in the projected build-out PWWF, a 10-inch diameter improvement along the Victoria Woods Trunk Sewer would be sufficient to accommodate the flows from the proposed development.

Master planned project D-270 may not be necessary at all with the reduced build-out flow projections. Project D-270 encompassed approximately 540 feet of 8-inch diameter trunk sewer between District Manhole 97924 and 97926. This sewer is surcharging slightly with 0.58 mgd of PWWF. It is classified with an “IH” HGL ranking per Table 4-1, and would typically not be considered for an improvement project. The hydraulic profile for this section of the Victoria Woods Trunk Sewer is presented in Figure 5-3 to illustrate the level of surcharging.

Farther downstream are master planned Projects D-280 (Bluff/Cipole Sewer) and D-285 (Tualatin Reservoir Trunk Sewer). The majority of the flows into these sewers at build-out is not from the Victoria Woods Trunk Sewer, but rather the 10-inch diameter Bluff/Cipole sewer to the west. Thus, the flows from the proposed development have little impact on master planned projects D-280 and D-285, and these improvements would be required at build-out with or without the additional flow from the Autumn Sunrise Development.

The Victoria Woods connection alternative has less impact on the existing collection system facilities than the Martinazzi Trunk Sewer alternative. Improvements needed to accommodate the Victoria Woods connection are already included as master planned projects to accommodate future growth. The proposed development reduces the projected build-out PWWF into the four downstream master planned projects, reduces the size required from Project D-275, can potentially eliminate Project D-270, and reduces the ultimate capacity needed at the Victoria Woods Pump Station.

5.3 Recommended Improvements

In order to provide sewer service to the Autumn Sunrise Development, via Victoria Woods Pump Station, approximately 1,490 feet of 8-inch diameter sewers (CIP Project D-275) needs to be replaced with 10-inch diameter pipe from District manhole ID 97116 to 97520. Also, the Victoria Woods Pump Station will require improvements. The existing 4-inch diameter, 475-foot force main should be replaced with a 6-inch diameter force main. The pumping capacity at Victoria Woods Pump Station should be increased to a firm capacity of 460 gpm (0.66 mgd). The recommended improvements are presented in Figure 5-4.

An alternative to the recommended improvements mentioned above, is to extend the force main north an additional 540 feet, effectively making an improvement to District CIP Project D-270. Extending the force main would increase the capacity in this trunk sewer to at least 0.76 mgd (which was the projected build-out peak wet weather flow from the 2009 master plan update for CIP Project D-270 and D-275). The improvement to the CIP Project No. D-275 pipelines should be increased to a 12-inch diameter pipeline, rather than a 10-inch diameter improvement. This increase in diameter would increase the capacity of this reach of pipeline to greater than 0.76 mgd. The Victoria Woods Lift Station improvements should be based on the “final” development plans for the South Tualatin Sewer Study Area, including estimated peak wet weather flows for build-out of the school and church property. The recommended alternative is presented in Figure 5-4A, showing the extension of the force main to encompass CIP Project D-270, and a change in diameter of CIP Project D-275 from 10-inches to 12-inches.

5.4 Remaining Available Sewer Capacity

An evaluation was performed to determine the remaining available capacity in the Victoria Woods Trunk Sewer. The remaining available capacity evaluation was completed for two scenarios:

1. No improvements to the gravity sewers along Victoria Woods Trunk Sewer, for projected build-out flows without the South Tualatin Sewer Study Area.
2. Improvements as described for master planned Project No. D-275 only (as modified above), for projected build-out flows (without the South Tualatin Sewer Study Area).

The remaining available capacity evaluation provides an estimation of allowable flow that can be routed towards the Victoria Woods Trunk Sewer under these two scenarios. The capacity available can be expressed as a number of residential units that can be developed using certain assumptions. It was assumed that 8-acres of commercial area would be developed regardless of the number of residential units developed. The remaining available capacity is 0.21 mgd for Scenario No. 1, with no CIP improvements along the Victoria Woods Trunk Sewer. The remaining available capacity is

0.39 mgd for Scenario No. 2, with improvements to CIP Project No. D-275 only. The available capacity is limited to 0.39 mgd due to the capacity restrictions along 540-feet of 8-inch pipeline (CIP Project No. D-270 on Figure 5-1) just downstream of the Victoria Woods Lift Station force main. Table 5-2 presents the maximum number of connections that can be accommodated by the Victoria Woods Trunk Sewer based on remaining available capacity.

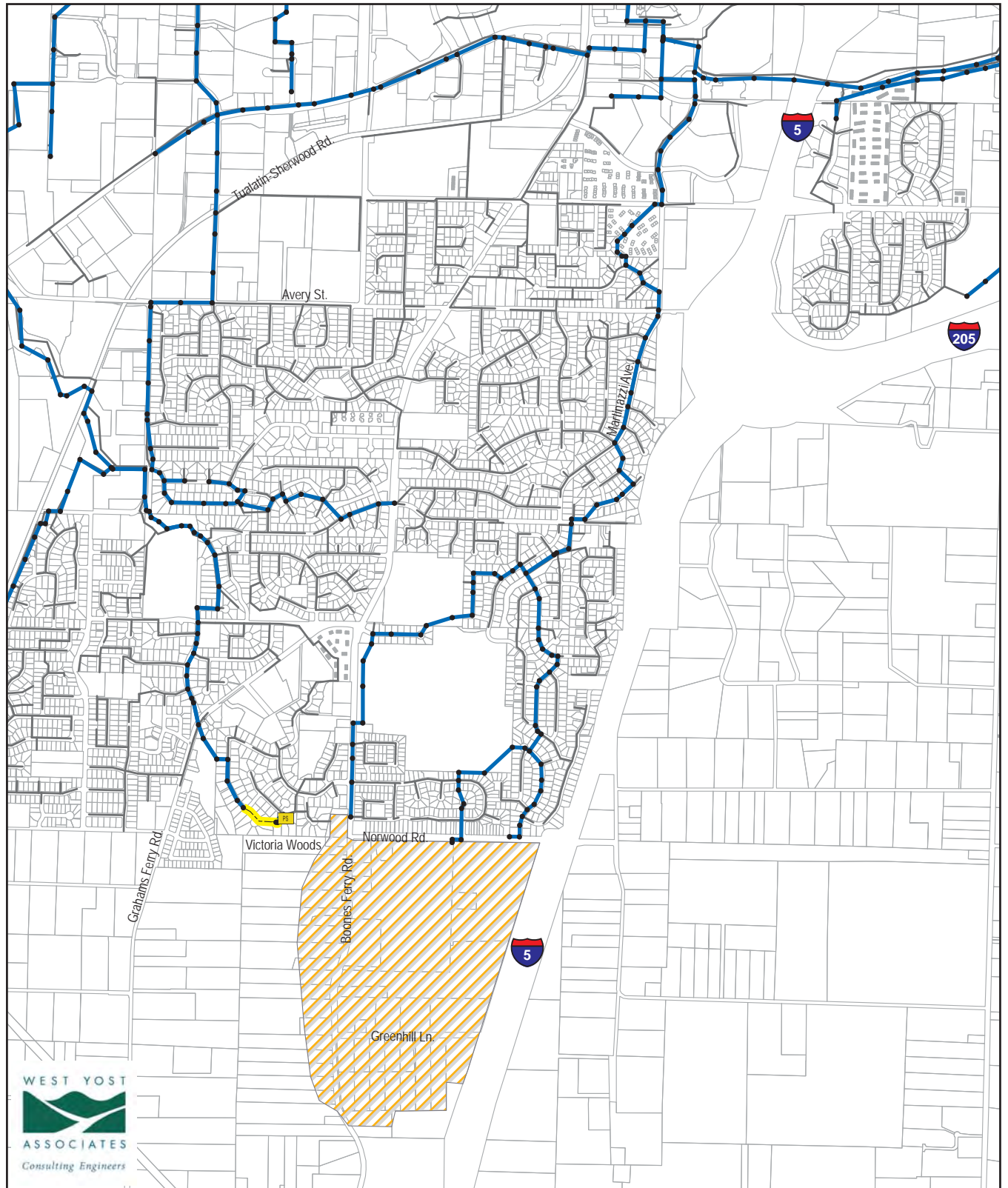
Table 5-2. Remaining Available Capacity Evaluation

Scenario	Land Use	Area, acre	DU/acre	Dry Weather Flow Design Criteria, gpd/acre or gpd/DU	
				Dry Weather Flow Design Criteria, gpd/acre or gpd/DU	Maximum No. of Connections, DU
1	Commercial	8	N/A	3,659	N/A
	Single Family Residential	37	5.4	162	200
2	Commercial	8	N/A	3,659	N/A
	Single Family Residential	87	5.4	162	470






Notes:
 The I&I allowance is calculated using 1,650 gpd/acre.
 Maximum No. of connections are calculated based on area, density (du/acre), I&I allowance, and remaining PWWF capacity.
 Scenario No. 2 requires 1,490 feet of 8-inch diameter pipeline be replaced with 10-inch diameter pipe.

It should be noted that changes to the density of the development and incorporation of multi-family residential (MFR) units will change the maximum number of connections. There is not a direct correlation between the number of DU and available capacity. This is due to the I&I calculations dependence on density of development (units per acre) and the MFR land use having different design criterion of 200 gpd/DU. The assumptions used for developing the maximum number of connections presented in Table 5-2 are:

1. 8 acres of commercial would be developed.
2. 87 acres of residential would be developed for Scenario No. 2. The 1-acre MFR development would be routed to the Martinazzi Trunk sewer along with the 45-acre Church property.
3. The design criteria for single family residential density calculated from Scenario No. 2 was used as the residential density for Scenario No. 1. The developable acreage that can be serviced by the Victoria Woods Trunk sewer is calculated using the number of connections, residential density, and I&I rate (based on area).
4. Only the single family residential land use category was used to determine the maximum number of connections.
5. The remaining available capacity, in mgd, was based on the results from the Durham Collection System Hydra Model.



LEGEND

-  Trunk Sewers
-  Other Sewers
-  Study Area
-  Pump Station
-  Force Main

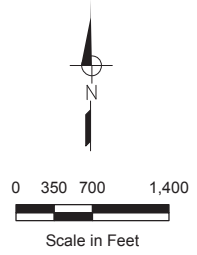


FIGURE 1-1
Autumn Sunrise
South Tualatin Sewer Study
Project Study Area

SOUTH TUALATIN SANITARY SEWER STUDY

1-28-10

FLOWS to the VICTORIA PUMP STATION

180 - MULTIPLE FAMILY UNITS

519 - SINGLE FAMILY ATTACHED and DETACHED UNITS

8 ACRE - NEIGHBORHOOD SHOPING CENTER

← NORTH
1' = 400'

SEWER DIRECTED to the MARTINAZZI TRUNK LINE

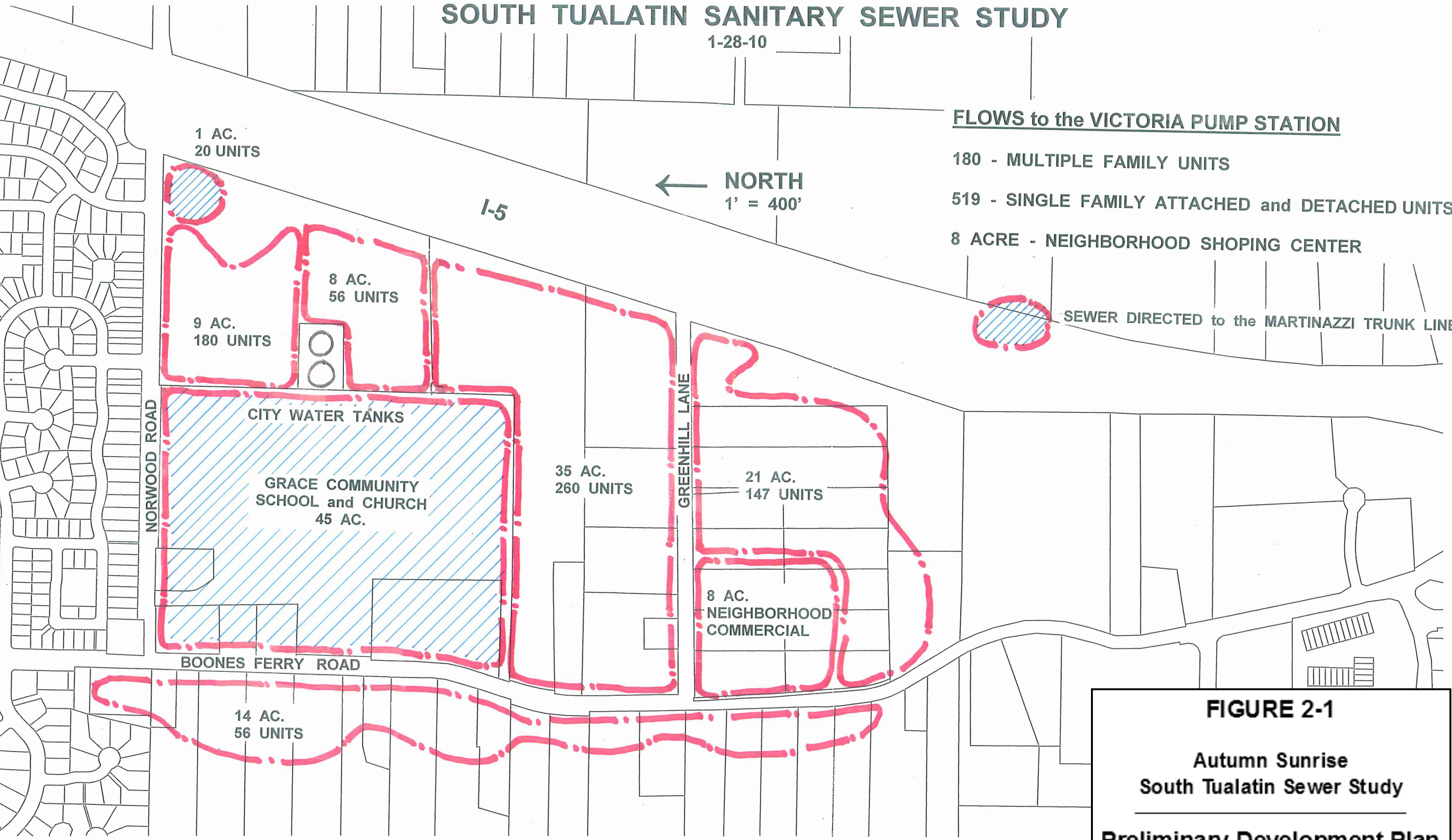


FIGURE 2-1
Autumn Sunrise
South Tualatin Sewer Study
Preliminary Development Plan

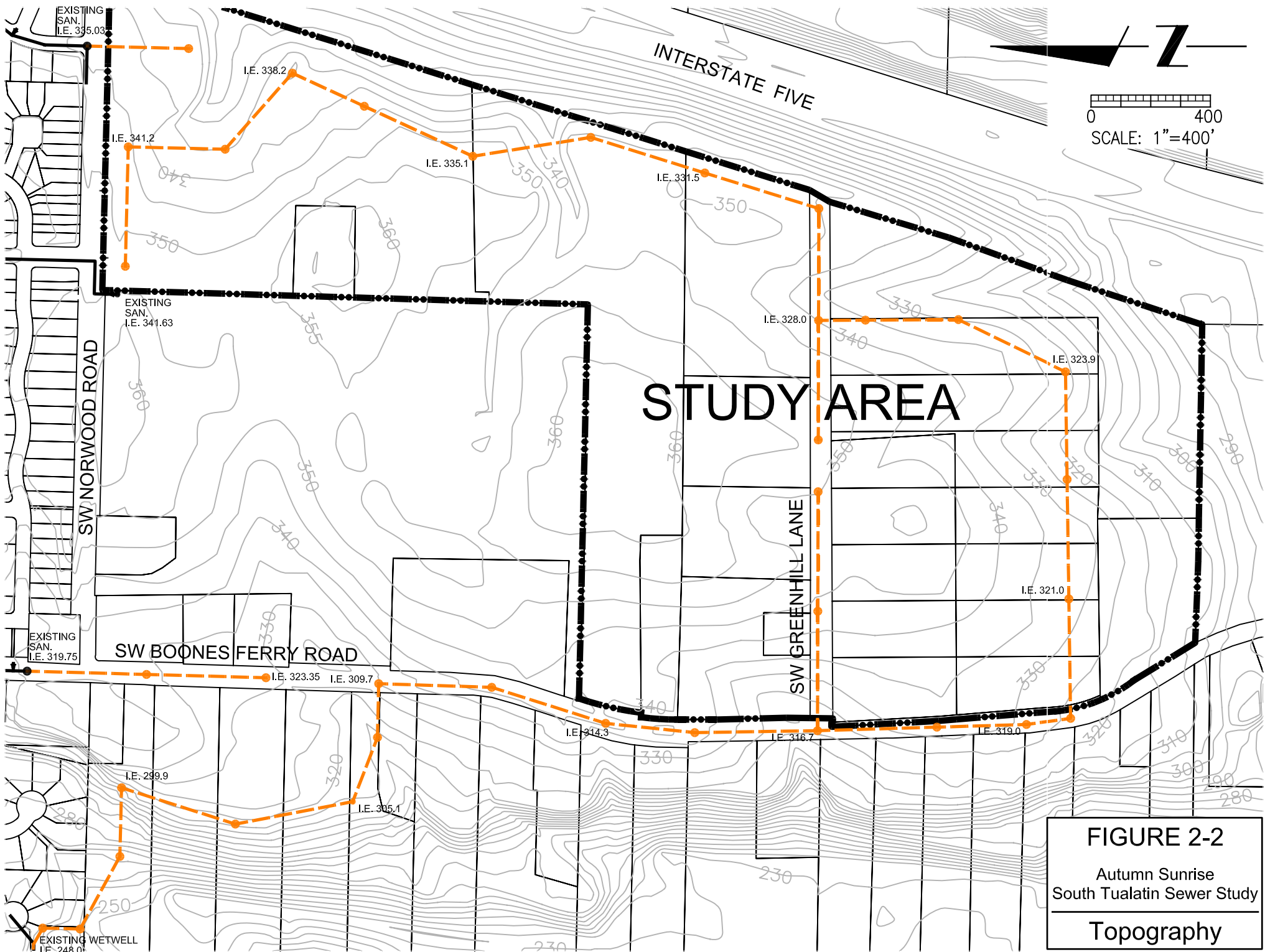
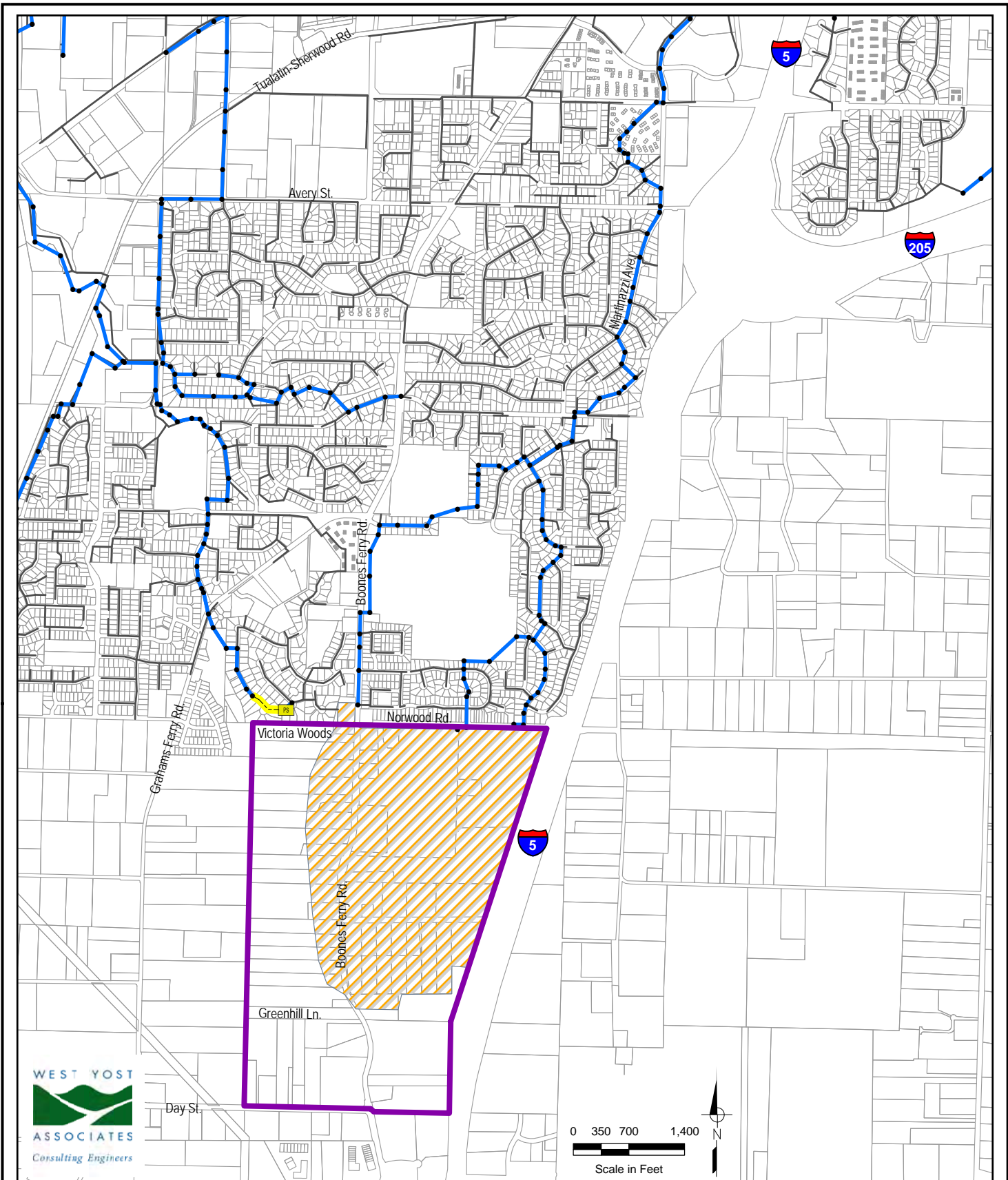


FIGURE 2-2
 Autumn Sunrise
 South Tualatin Sewer Study
 Topography



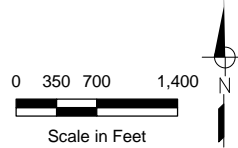
LEGEND

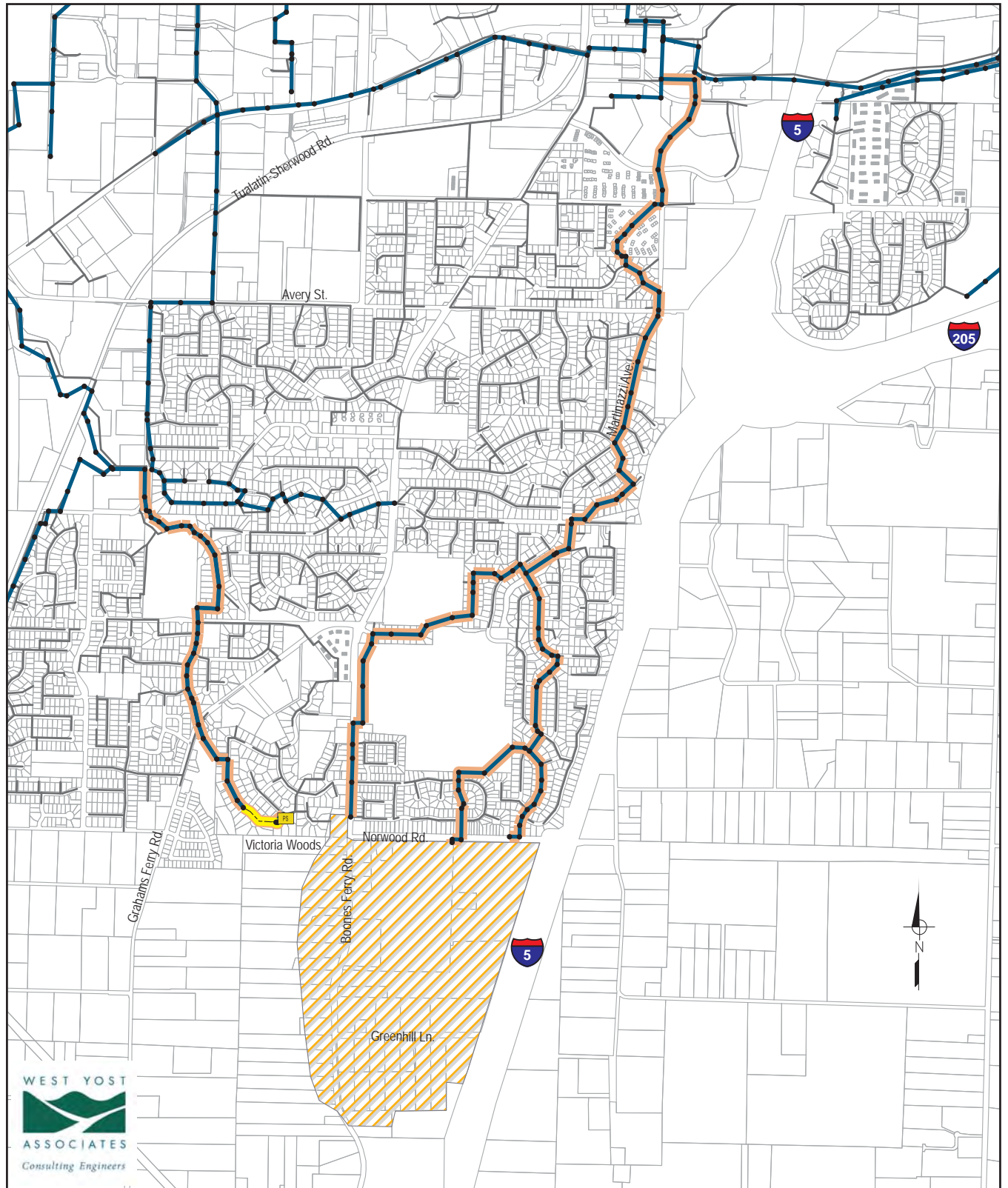
- Trunk Sewers
- Other Sewers
- South Tualatin Study Area
- Master Plan Project Area
- Pump Station
- Force Main

FIGURE 2-3

**Autumn Sunrise
South Tualatin Sewer Study**

Master Plan Study Area





LEGEND







-  Sewers Evaluated in Study
 -  Trunk Sewers
 -  Other Sewers
 -  Study Area
 -  Pump Station
 -  Force Main
- 0 350 700 1,400
Scale in Feet

FIGURE 3-1

**Autumn Sunrise
South Tualatin Sewer Study**

Sewers Evaluated for the Study

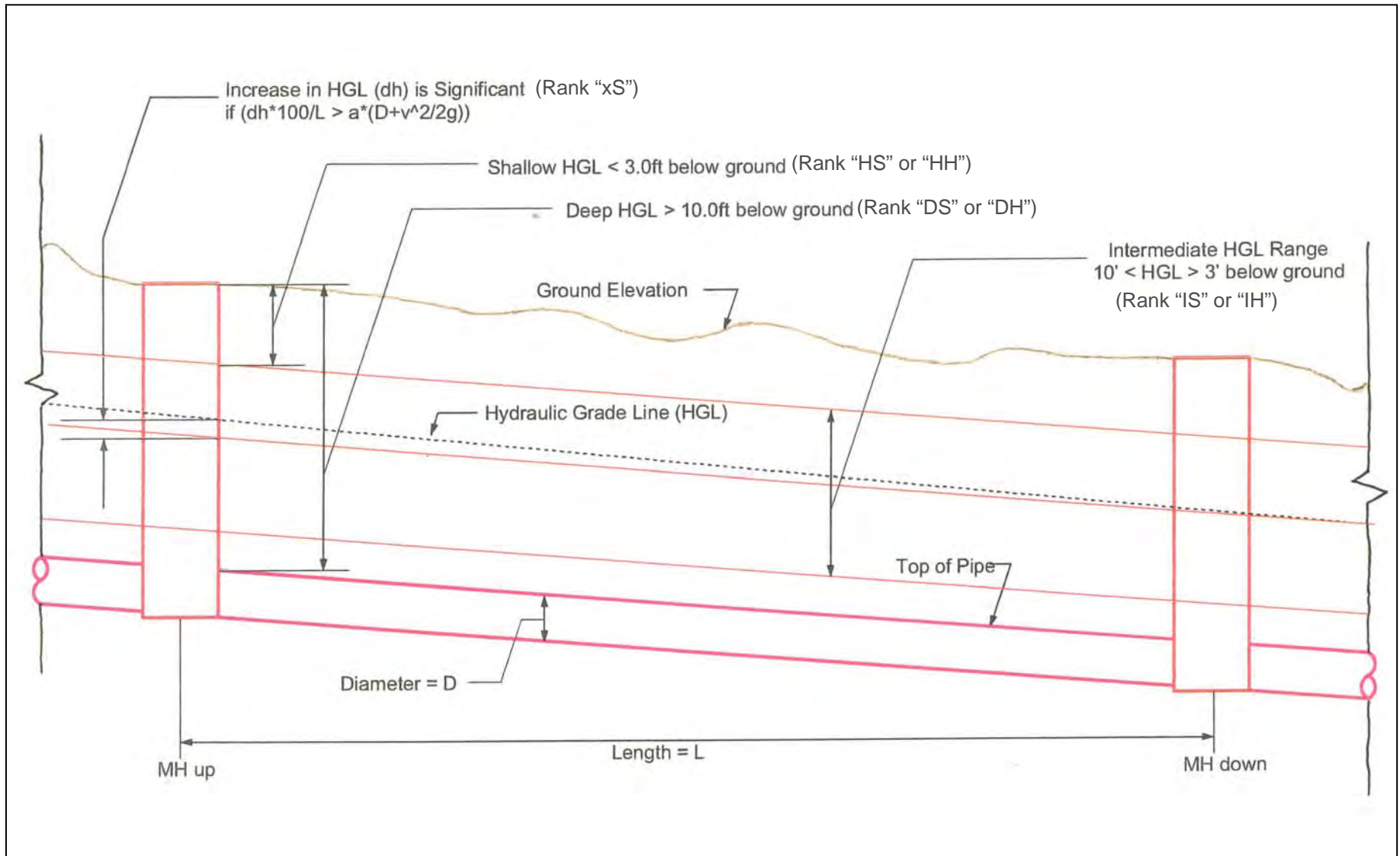
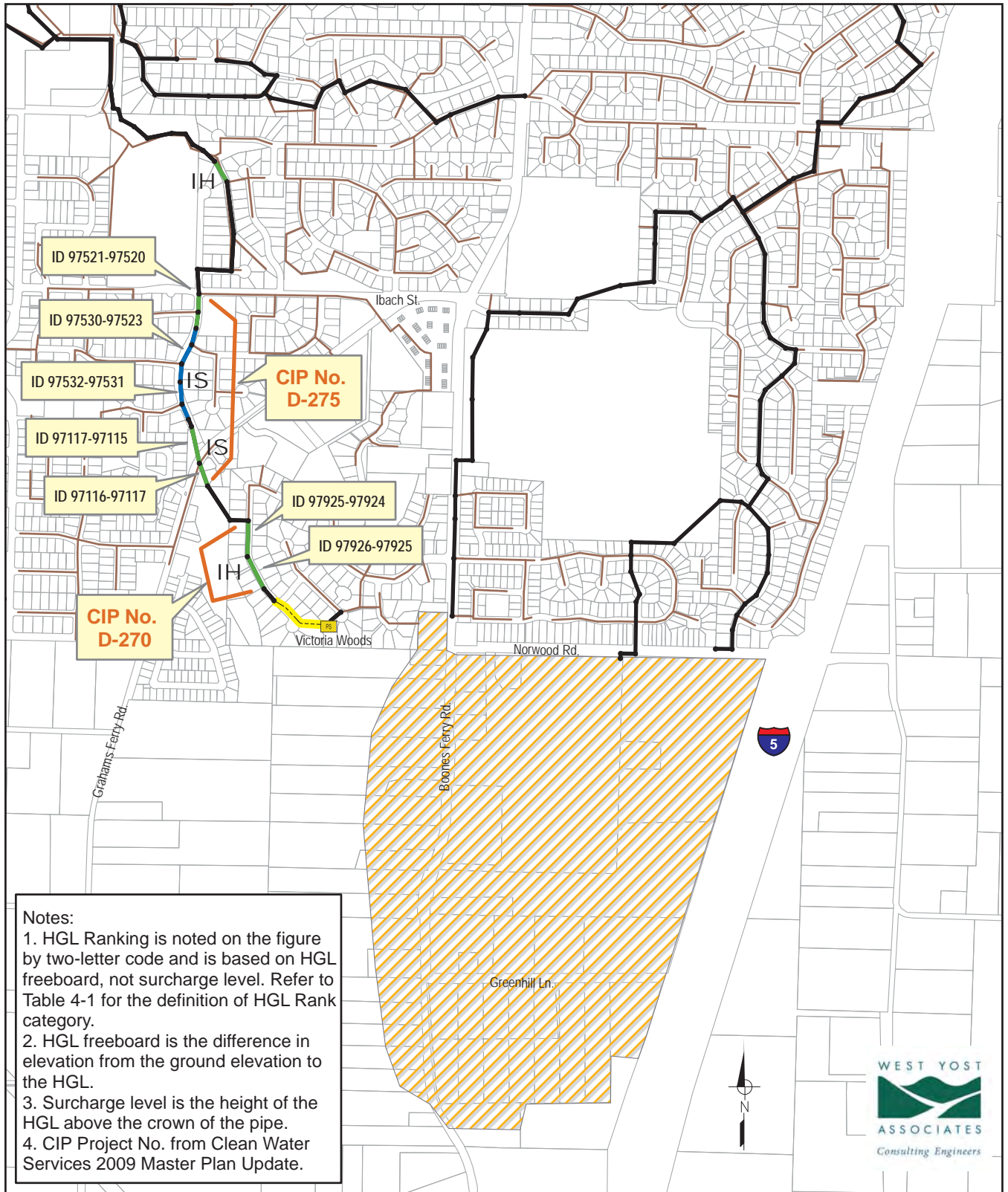


FIGURE 4-1

Autumn Sunrise
South Tualatin Sewer Study

Graphical Illustration of Hydraulic
Grade Line Ranking Criteria



Notes:
 1. HGL Ranking is noted on the figure by two-letter code and is based on HGL freeboard, not surcharge level. Refer to Table 4-1 for the definition of HGL Rank category.
 2. HGL freeboard is the difference in elevation from the ground elevation to the HGL.
 3. Surcharge level is the height of the HGL above the crown of the pipe.
 4. CIP Project No. from Clean Water Services 2009 Master Plan Update.

LEGEND

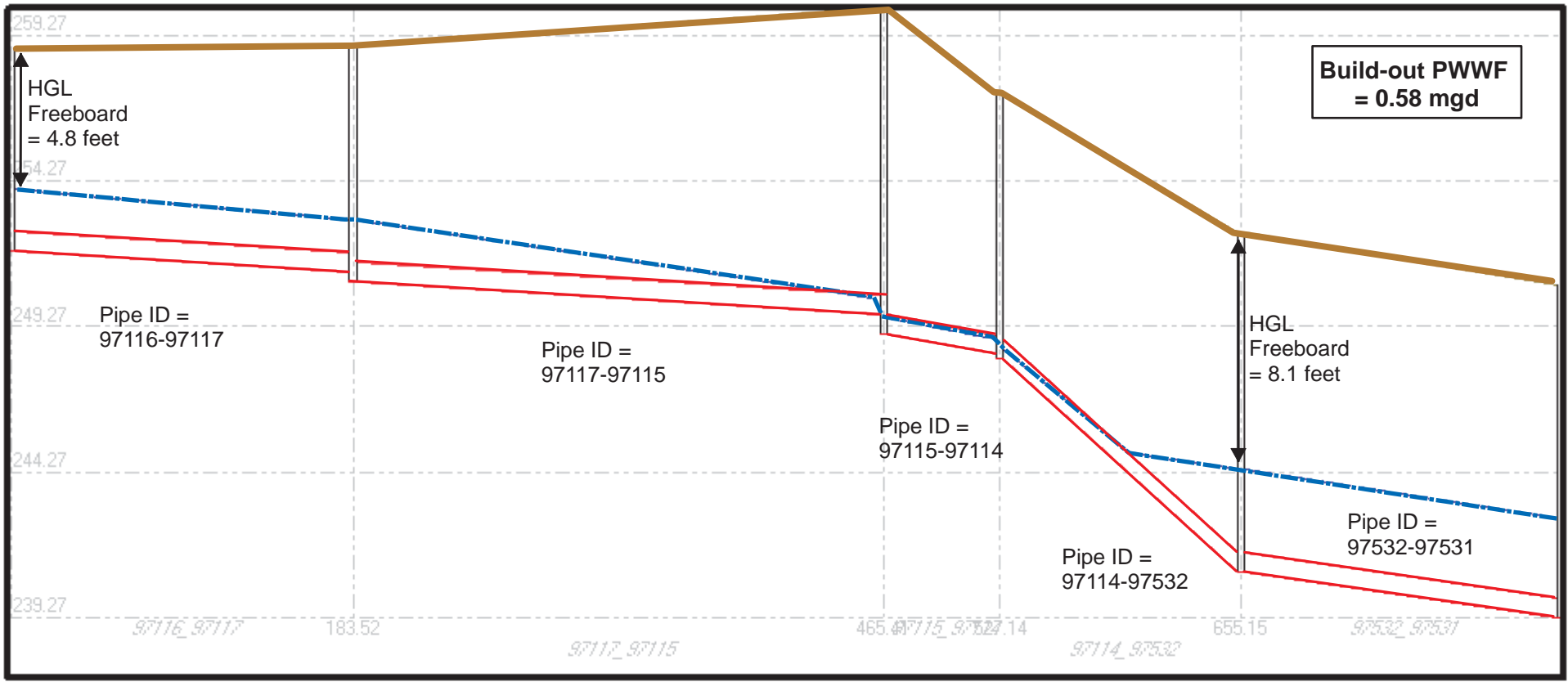
- | | |
|-----------------------------------|----------------|
| Victoria Woods Trunk Sewer | — Trunk Sewers |
| — No Surcharging | — Other Sewers |
| — 0.1 - 2 feet | ▨ Study Area |
| — 2 - 5 feet | |
| — 5 - 10 feet | |
| — > 10 feet | |
- 0 350 700 1,400
 Scale in Feet

FIGURE 5-1

**Autumn Sunrise
 South Tualatin Sewer Study**

**Capacity Analysis -
 Victoria Woods Trunk Sewer**





LEGEND

- Ground Elevation
- - - Hydraulic Grade Line

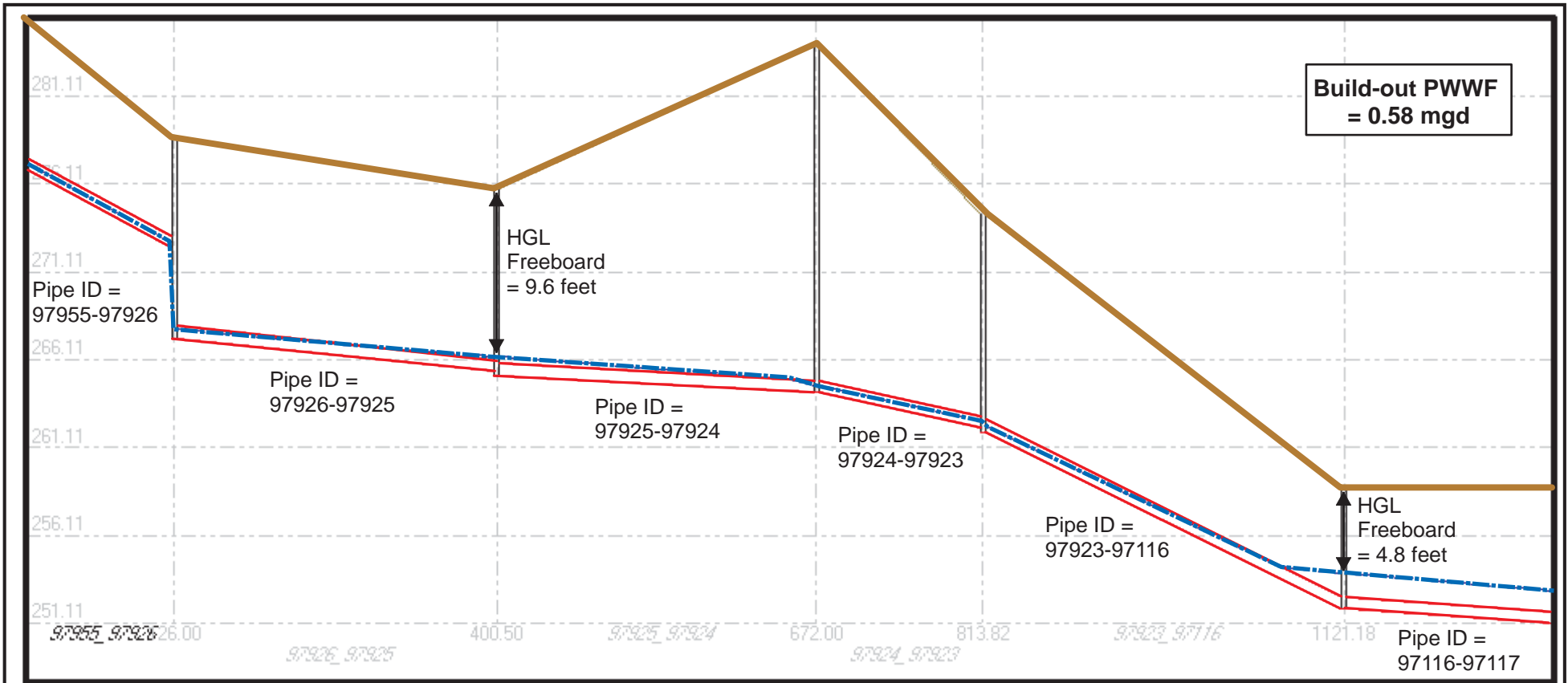
Notes:

1. Hydraulic profile for a section of 5 pipelines along the Victoria Woods Trunk Sewer. Approximately 0.48 mgd of flow from the South Tualatin Sewer Study Area and 0.10 mgd of flow from the neighborhood currently served by Victoria Woods Lift Station.



FIGURE 5-2
Autumn Sunrise
South Tualatin Sewer Study

Hydraulic Profile
Manhole ID 97116 - 97531



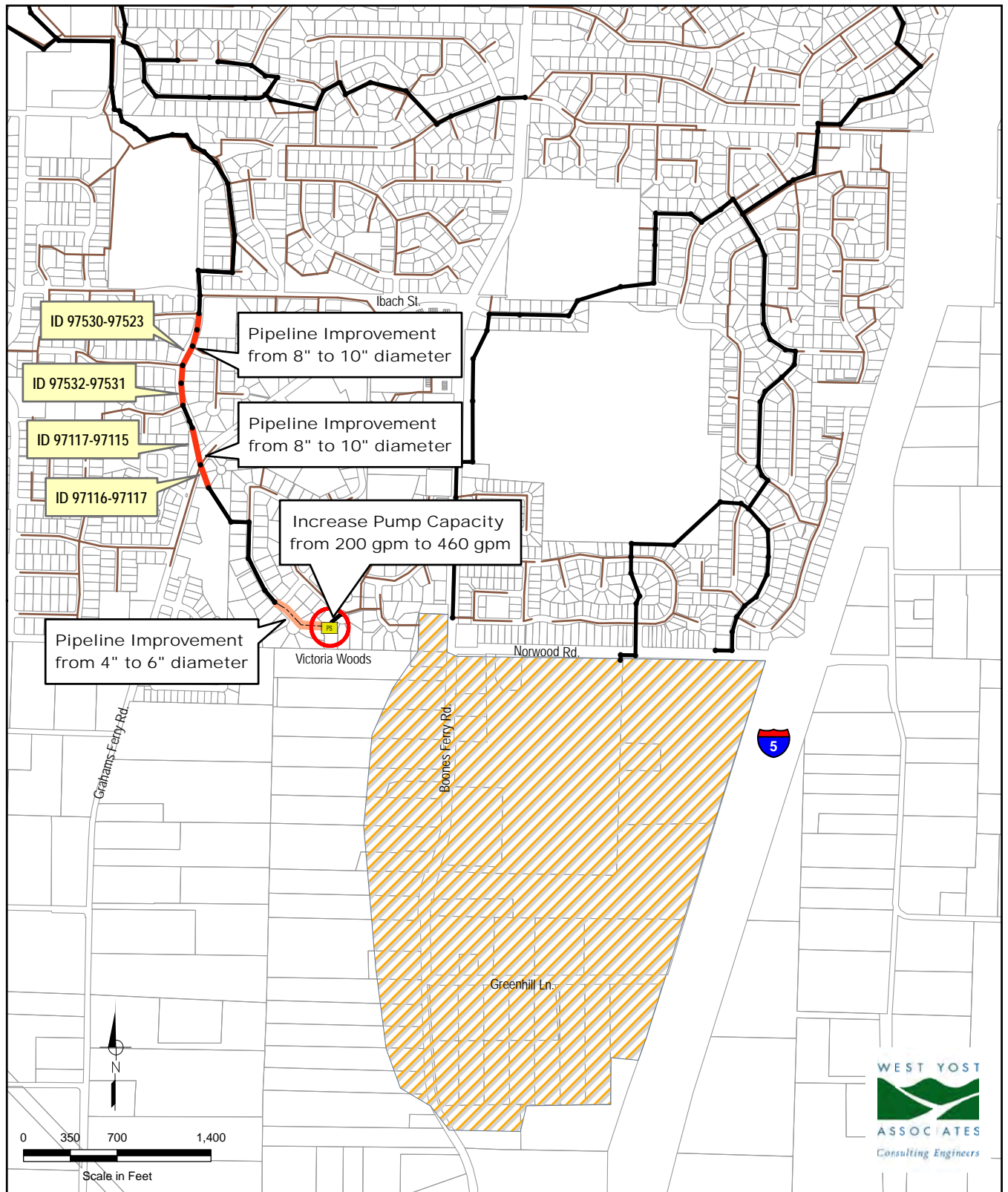
LEGEND

- Ground Elevation
- - - Hydraulic Grade Line

Notes:
 1. Hydraulic profile for a section of 6 pipelines along the Victoria Woods Trunk Sewer. Approximately 0.48 mgd of flow from the South Tualatin Sewer Study Area and 0.10 mgd of flow from the neighborhood currently served by Victoria Woods Lift Station.



FIGURE 5-3
Autumn Sunrise
South Tualatin Sewer Study
Hydraulic Profile
Manhole ID 97955 - 97117



LEGEND

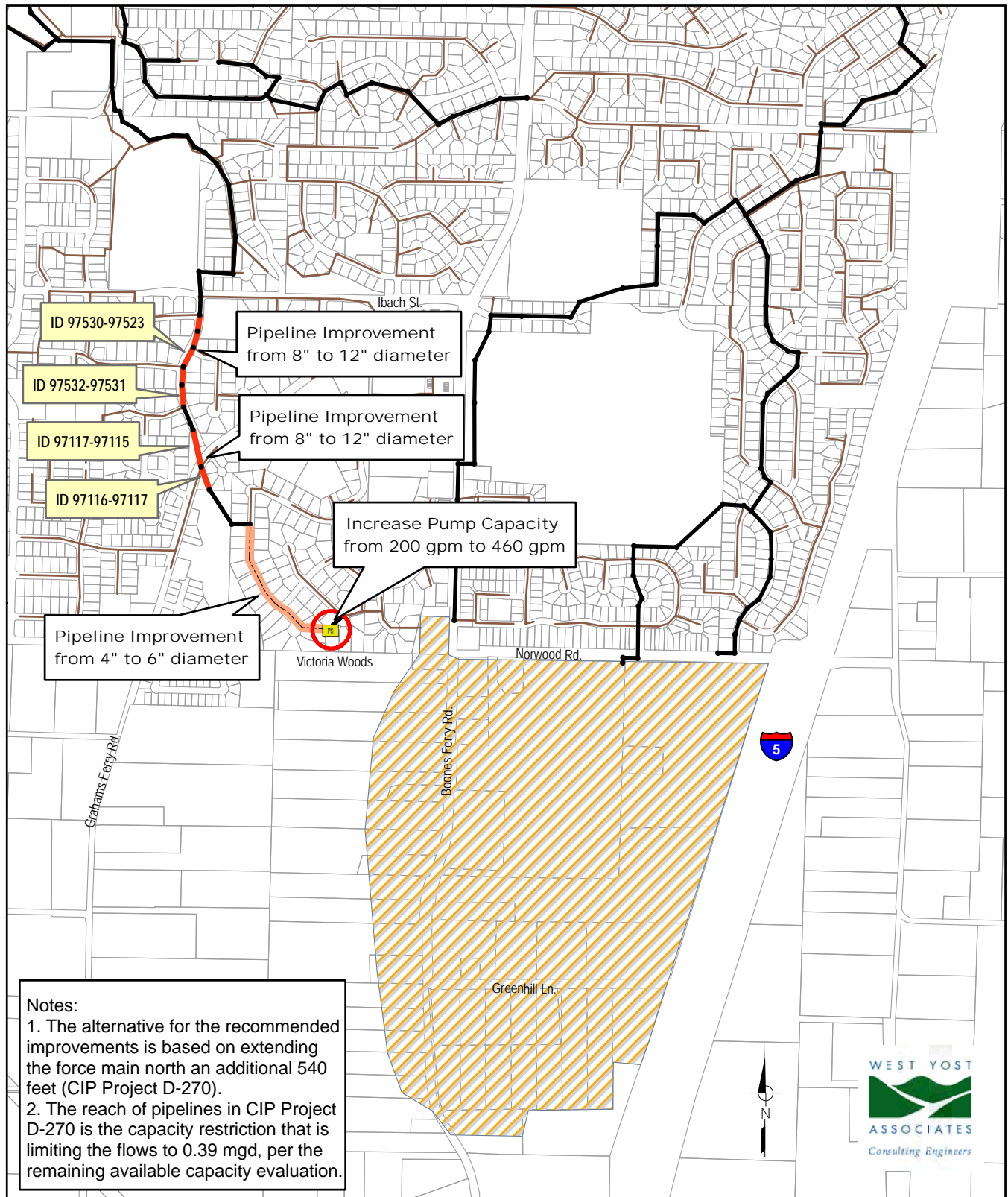
- Gravity Sewer Imp. (1,490 feet)
- Other Sewers
- Lift Station Improvement
- Study Area
- Force Main Imp. (475 feet)
- Trunk Sewers

FIGURE 5-4

**Autumn Sunrise
South Tualatin Sewer Study**

**Recommended Improvements -
Victoria Woods Trunk Sewer**





Notes:
 1. The alternative for the recommended improvements is based on extending the force main north an additional 540 feet (CIP Project D-270).
 2. The reach of pipelines in CIP Project D-270 is the capacity restriction that is limiting the flows to 0.39 mgd, per the remaining available capacity evaluation.

LEGEND

- Gravity Sewer Imp. (1,490 feet)
- Other Sewers
- Lift Station Improvement
- Study Area
- Force Main Imp. (1,015 feet)
- Trunk Sewers

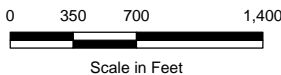


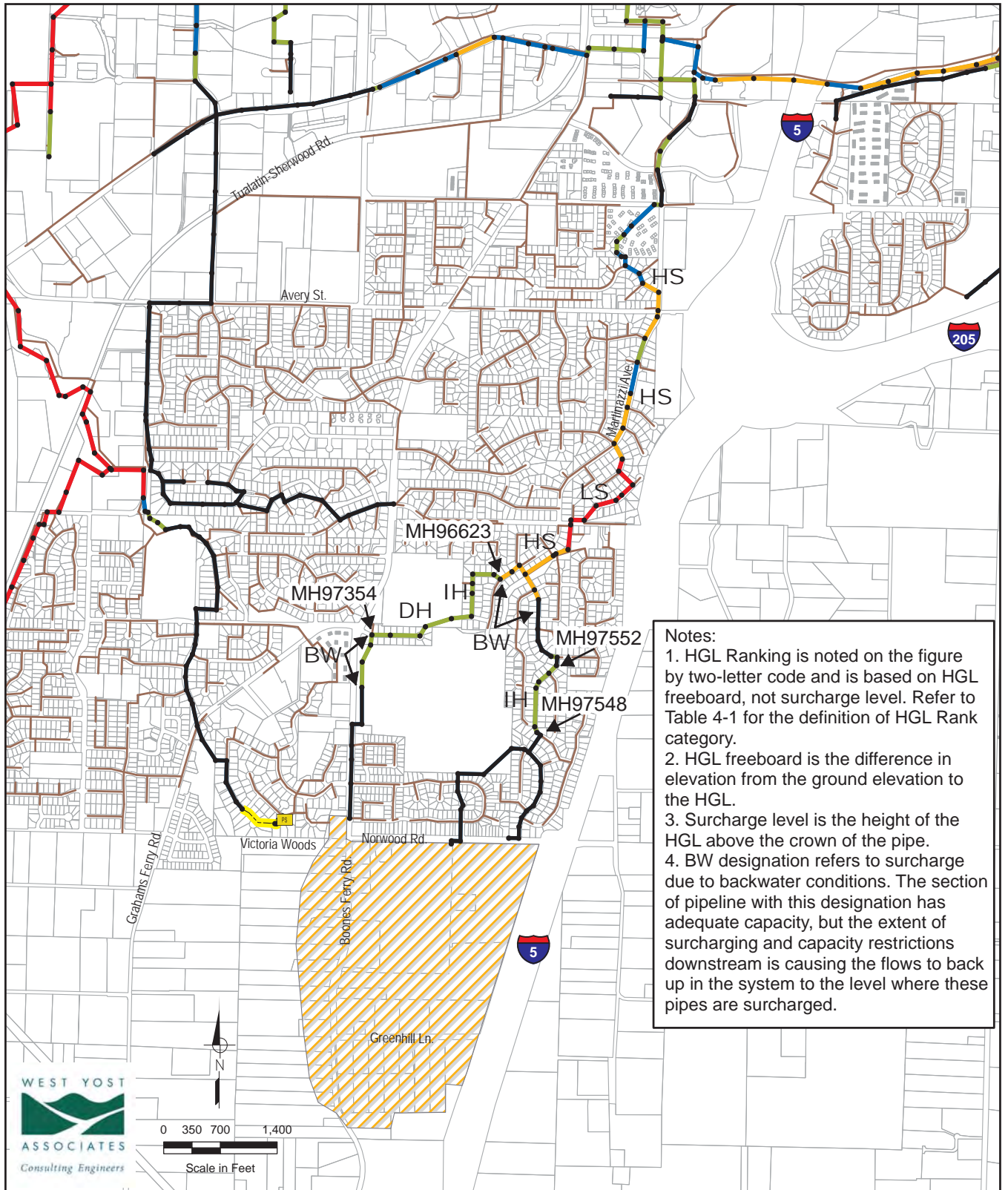
FIGURE 5-4A
Autumn Sunrise
South Tualatin Sewer Study

Alternative
Recommended Improvements
Victoria Woods Trunk Sewer



APPENDIX A

Figure A-1. Capacity Analysis for Martinazzi Trunk
Sewer Connection



Notes:
 1. HGL Ranking is noted on the figure by two-letter code and is based on HGL freeboard, not surcharge level. Refer to Table 4-1 for the definition of HGL Rank category.
 2. HGL freeboard is the difference in elevation from the ground elevation to the HGL.
 3. Surcharge level is the height of the HGL above the crown of the pipe.
 4. BW designation refers to surcharge due to backwater conditions. The section of pipeline with this designation has adequate capacity, but the extent of surcharging and capacity restrictions downstream is causing the flows to back up in the system to the level where these pipes are surcharged.

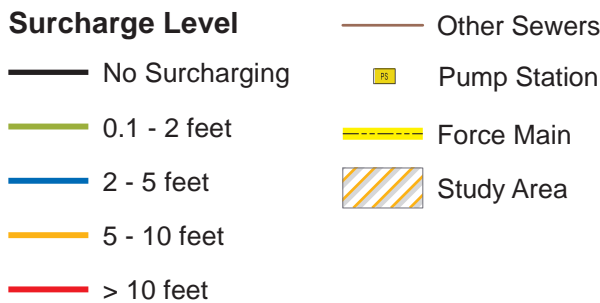


FIGURE A-1

**Autumn Sunrise
 South Tualatin Sewer Study**

**Capacity Analysis for Martinazzi
 Trunk Sewer Connection**

From: G Lucini <grluci@gmail.com>
To: Mayor Tim Knapp <knapp@ci.wilsonville.or.us>
Sent: Wed, Oct 30, 2013 22:10:16 GMT+00:00
Subject: Follow-up Joint Meeting Basalt Creek Planning - Topography & Natural Resources

Thank you for the time you spent talking with my husband and me after the Joint Meeting on the Basalt Creek Area Planning- discussing the need for representation in the planning process for Washington County residents within the affected area.

We also discussed the significant natural resources and topography within the Basalt Creek Area which will cause limitations upon utilization-especially industrial development.

You mentioned the City of Wilsonville has a Natural Resource Program and a staff member who oversees these issues for the city.

I have attached copies of a few documents which validate the existence of significant topography and natural resources within the Basalt Creek Area which should be considered when planning zoning and development:

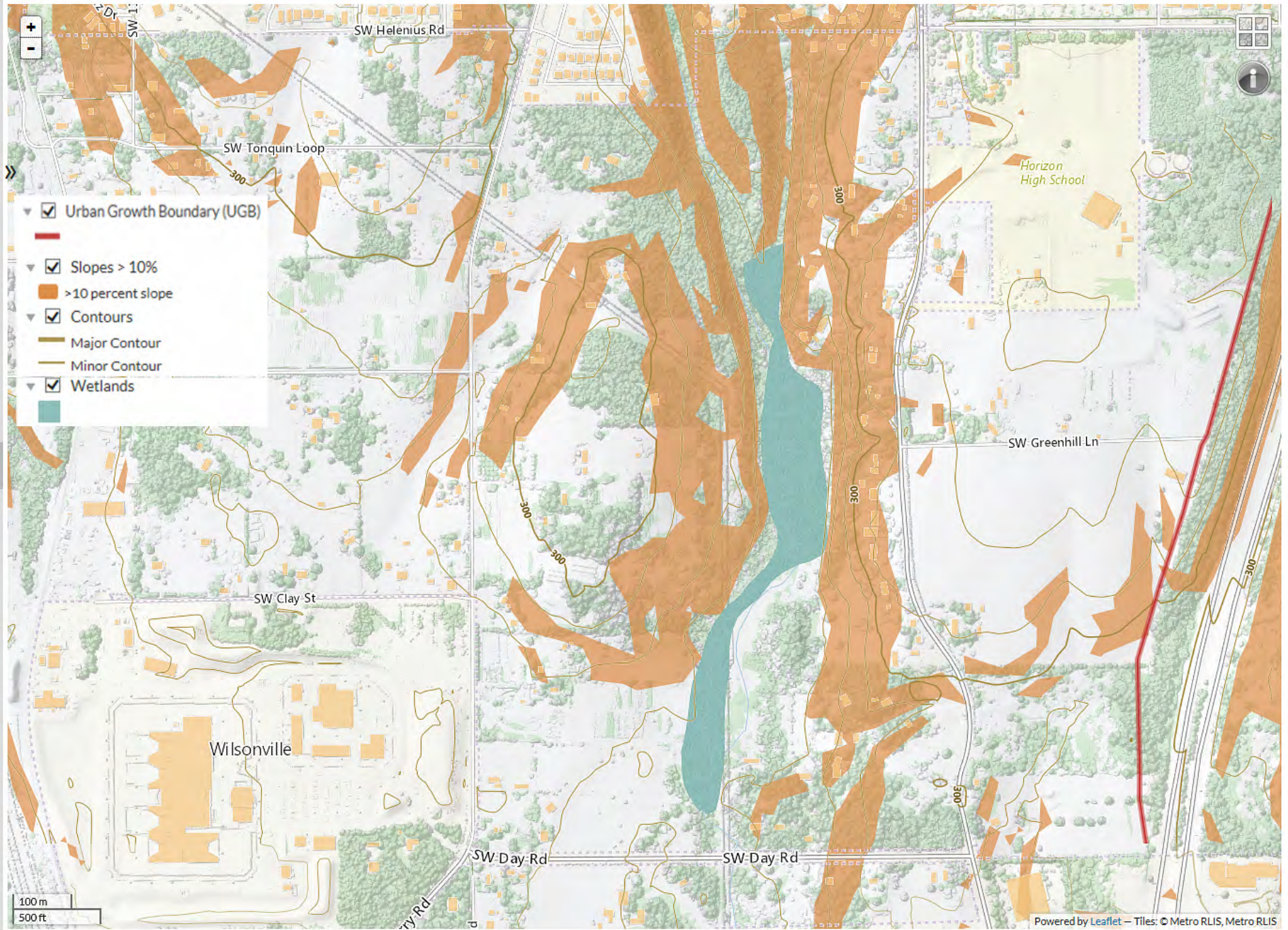
- Metro maps showing slopes greater than 10% in Basalt Creek Area
- Metro maps showing topography of Basalt Creek Area
- Metro maps showing Highest Valued Habitat in Basalt Creek Area
- Oregon DSL & Army Corps Identification Wetlands from Boones Ferry Rd Project
- Goal 5 Significant Resources west of SW Boones Ferry Rd
- National Wetlands Inventory- Basalt Creek Area
- Tonquin Geologic Area- Tier 2 Designation within Basalt Creek Area
- City of Wilsonville - Willamette River TMDL - Overview of Wilsonville's Watershed- including Seely Ditch Watershed

I cordially extend an invitation to you, the other members of the Wilsonville City Council, and/or your staff, to visit my home which is located within ravine of the Basalt Creek- Seely Ditch.

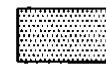
I think this first hand experience would provide a unique visual perspective to the various natural resources and constraints which need to be understood when planning for zoning and development of this area.

Grace Lucini
23677 SW Boones Ferry Road
Tualatin Oregon

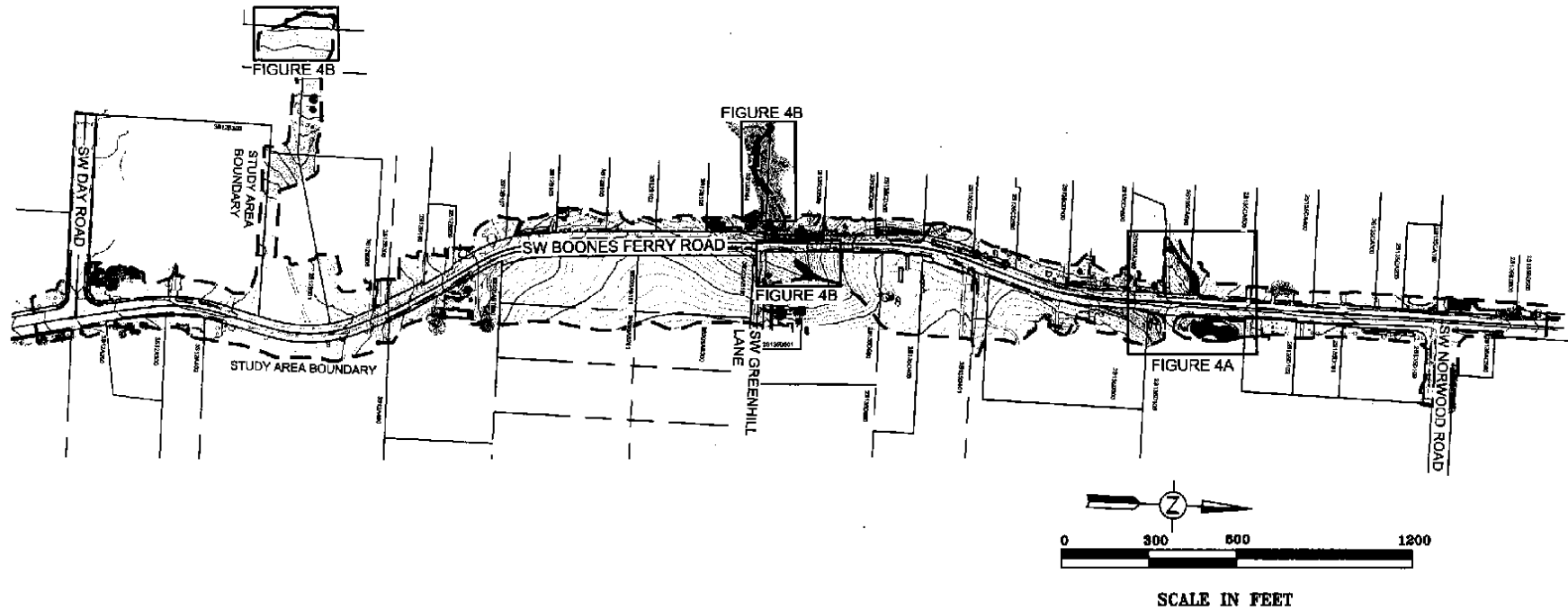
503 692 9890



LEGEND



Potentially Jurisdictional Wetlands/
Waters of the State/ US



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180, Wilsonville, Oregon 97070
Phone: (603) 670-6800 Fax: (603) 670-0885

Note:
Survey provided by MacKay & Sposito.
Survey accuracy is sub-centimeter.

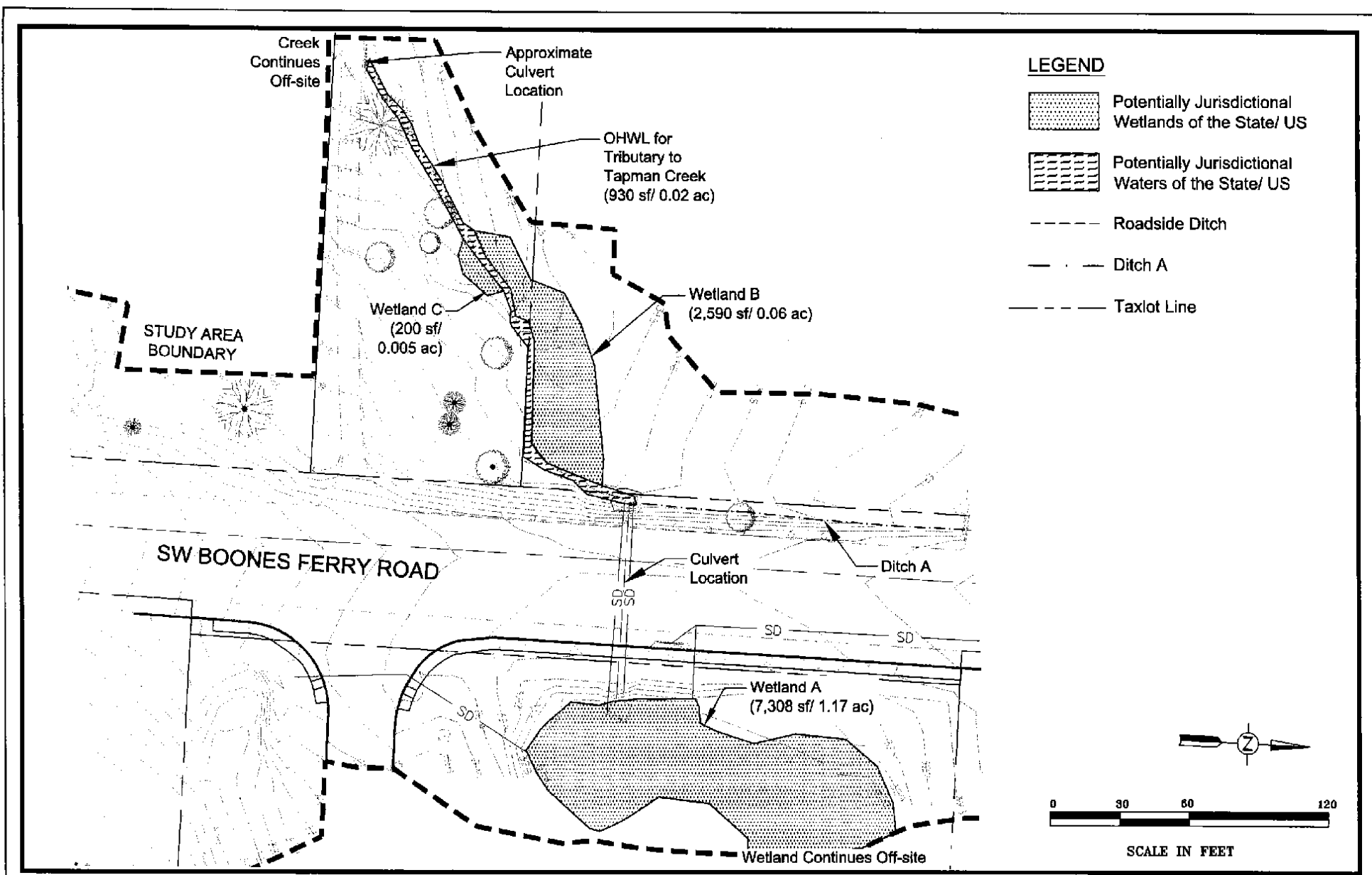
Existing Conditions Sheet Index

SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE

4

01/15/13



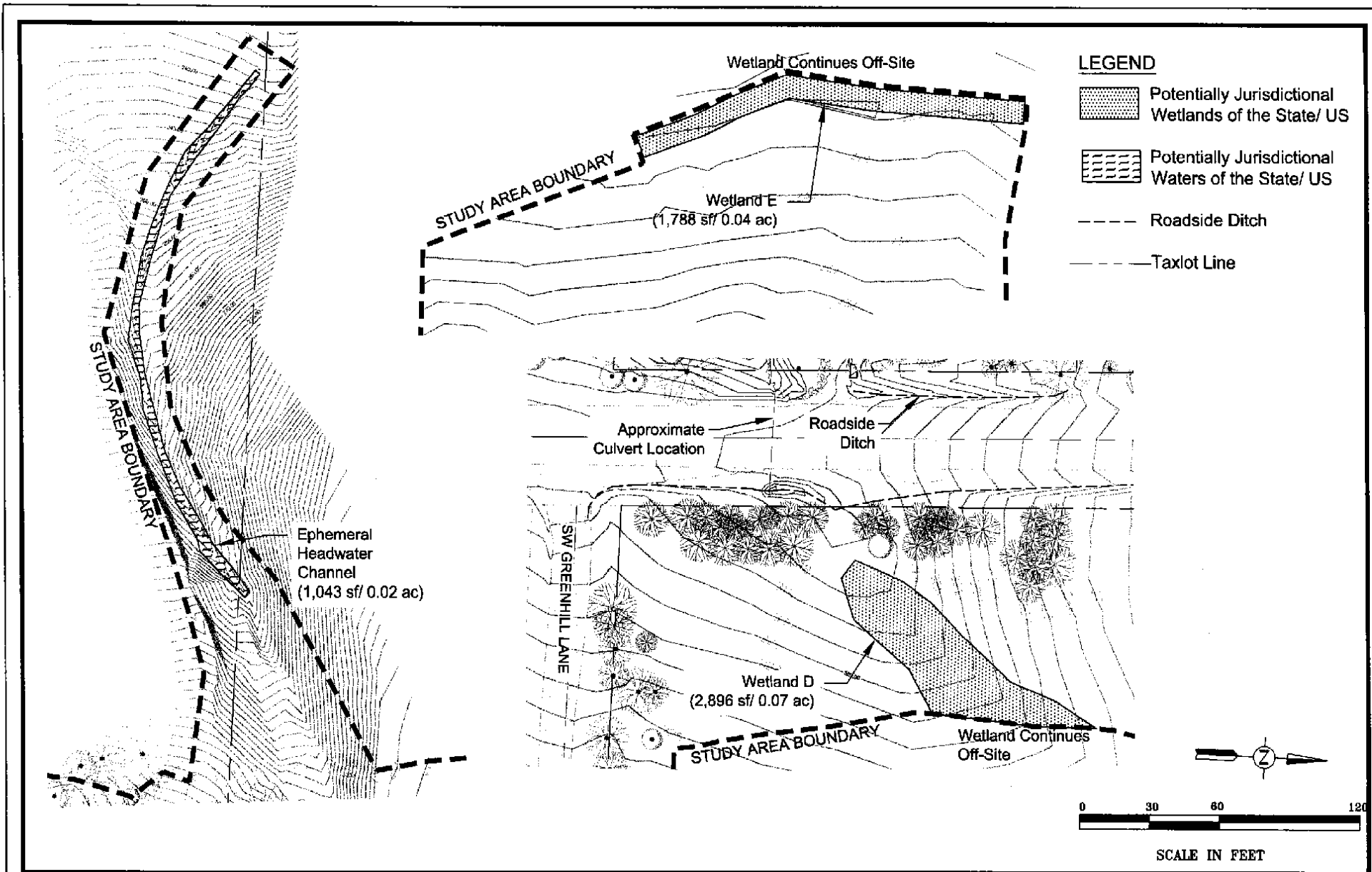
Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 100, Wilsonville, Oregon 97070
 Phone: (503) 570-0800 Fax: (503) 570-0855

Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

Existing Conditions
 SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
4A

01/15/13



Pacific Habitat Services, Inc.
 1490 SW Commerce Circle, Suite 150 Wilsonville, Oregon 97070
 Phone: (503) 570-0800 Fax: (503) 570-0856

Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

Existing Conditions
 SW Boones Ferry Road Widening Project - Washington County, Oregon

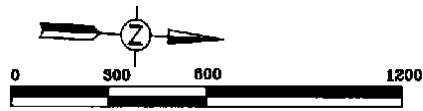
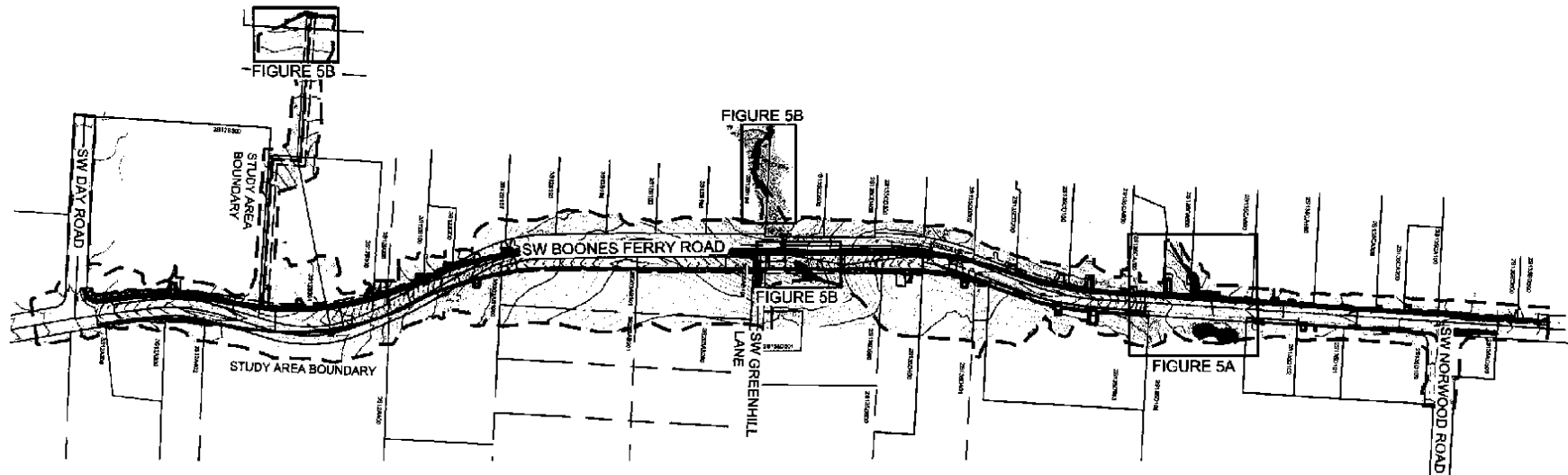
FIGURE
4B

01/15/13

LEGEND



Potentially Jurisdictional Wetlands/
Waters of the State/ US



SCALE IN FEET



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 100 Wilsonville, Oregon 97071
Phone: (503) 570-0800 Fax: (503) 570-0855

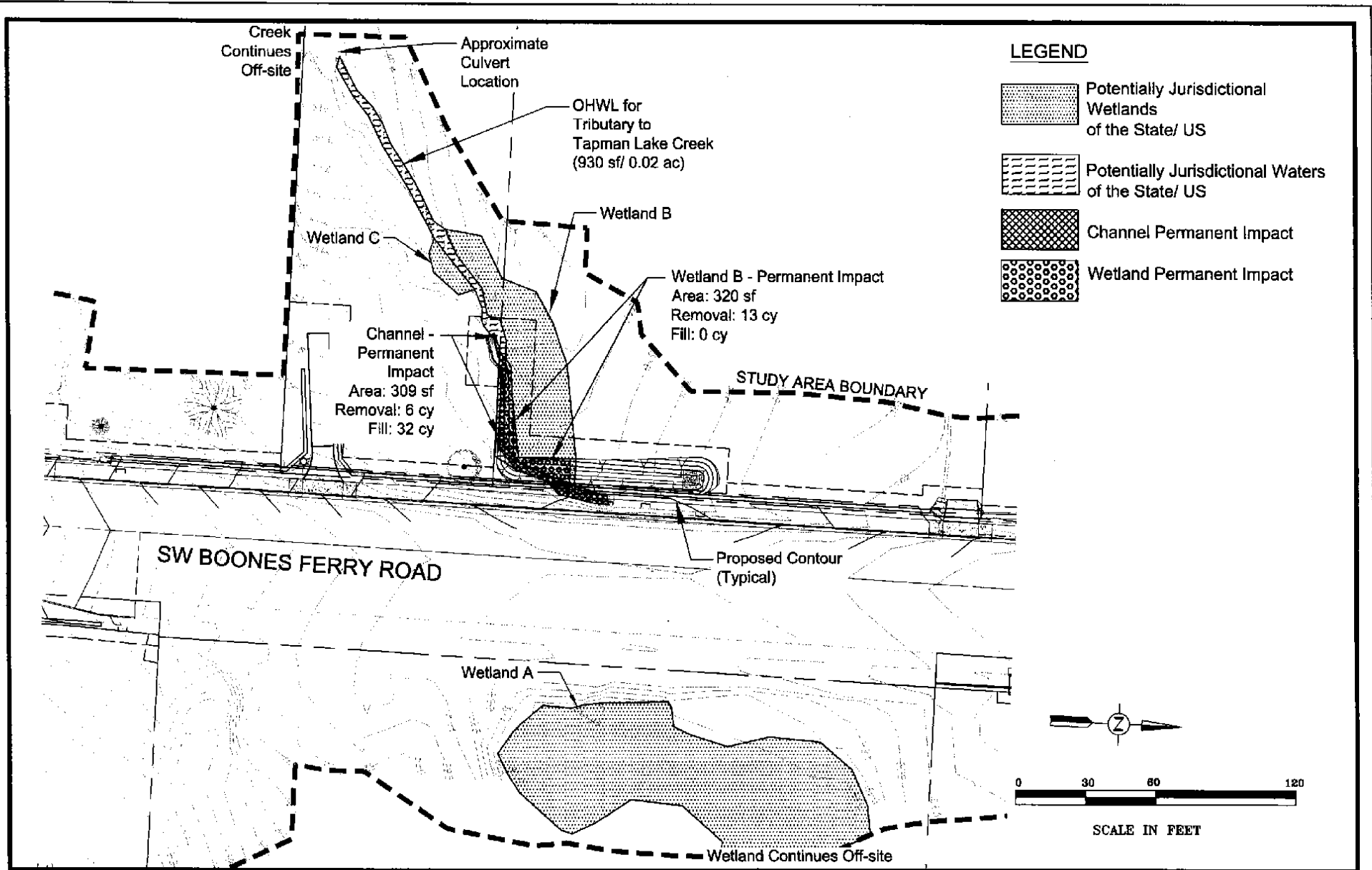
Note:
Survey provided by MacKay & Sposito.
Survey accuracy is sub-centimeter.

Proposed Site Plan/ Wetland Impacts Sheet Index

SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
5

01/15/13



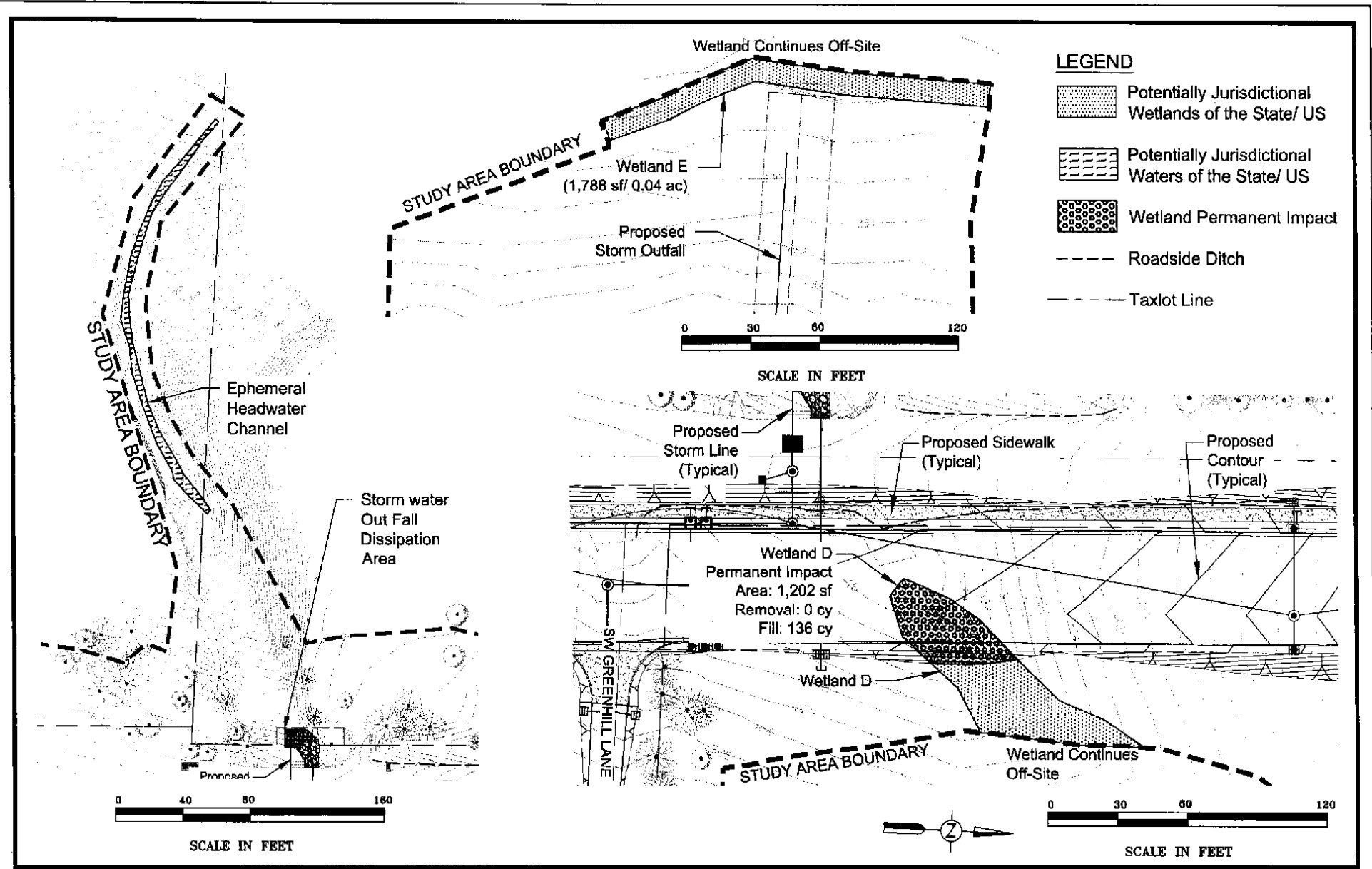
Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
 Phone: (503) 570-0600 Fax: (503) 570-0855

Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

Proposed Site Plan/ Wetland Impacts
 SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
5A

01/15/13



Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 160 Wilsonville, Oregon 97070
 Phone: (503) 570-0800 Fax: (503) 570-0626

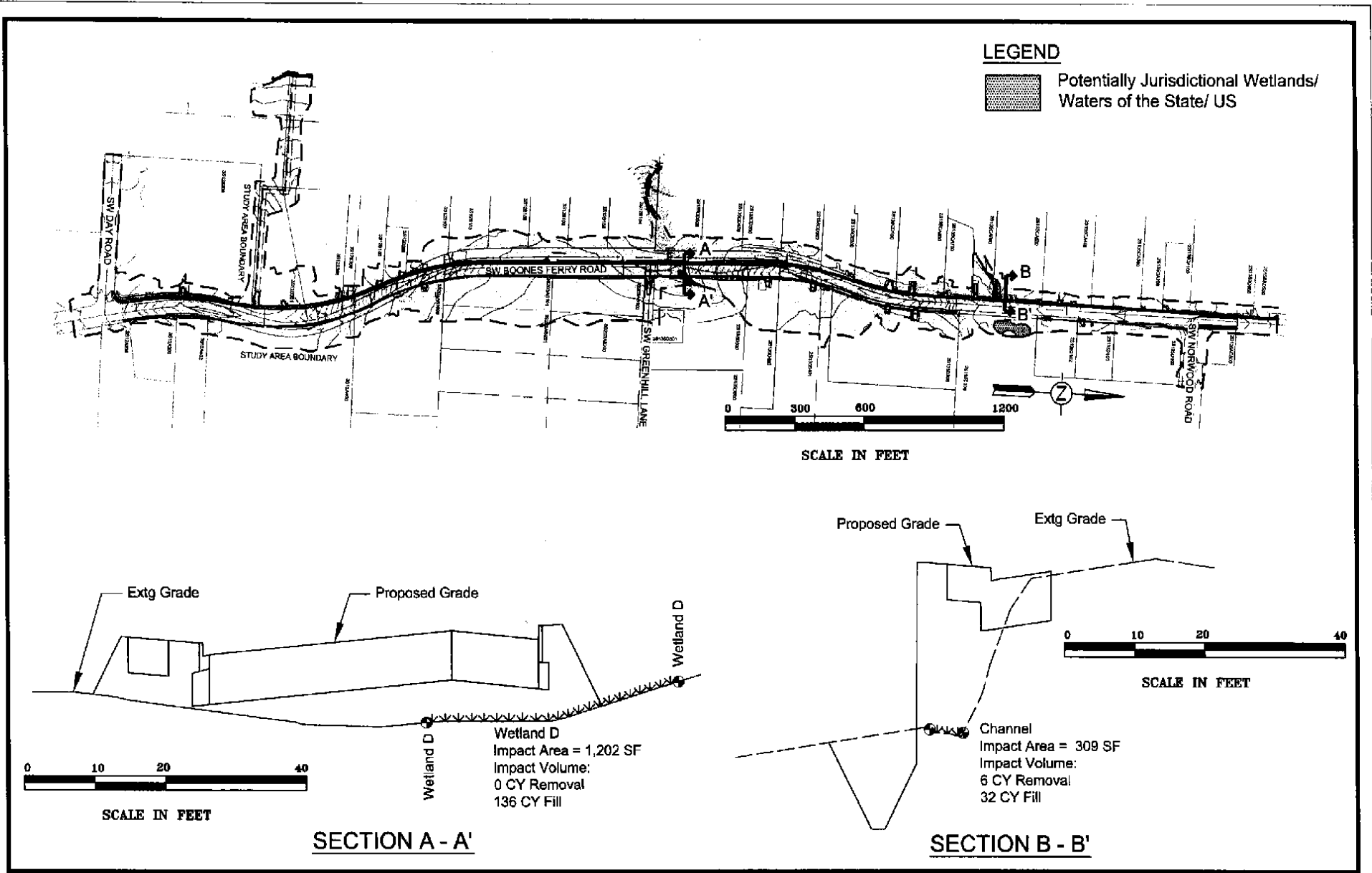
Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

Proposed Site Plan/ Wetland Impacts

SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
5B

01/15/13



Pacific Habitat Services, Inc.
9450 SW Commerce Drive, Suite 100 Wilsonville, Oregon 97070
Phone: (503) 570-0900 Fax: (503) 570-0655


Note:
Survey provided by MacKay & Sposito.
Survey accuracy is sub-centimeter.

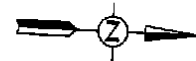
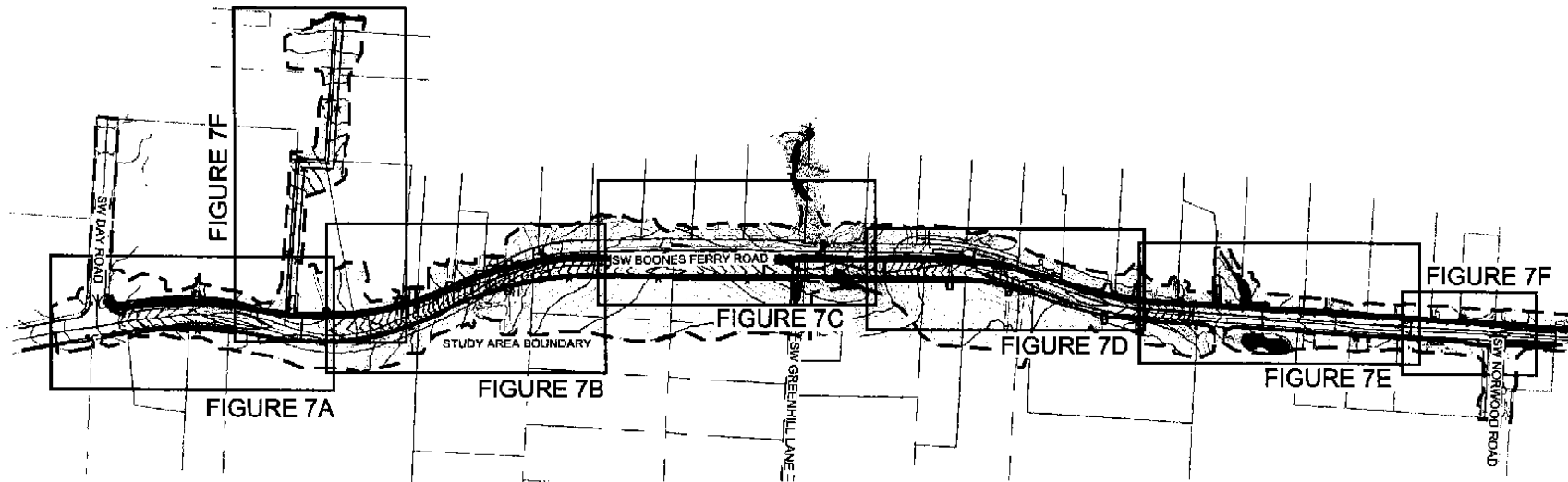
Cross Sections of Wetland Impacts
SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
6

01/17/13

LEGEND

 Potentially Jurisdictional Wetlands/
Waters of the State/ US



SCALE IN FEET



Pacific Habitat Services, Inc.
9460 SW Commerce Circle, Suite 100 Wilsonville, Oregon 97170
Phone: (503) 670-0800 Fax: (503) 570-0855

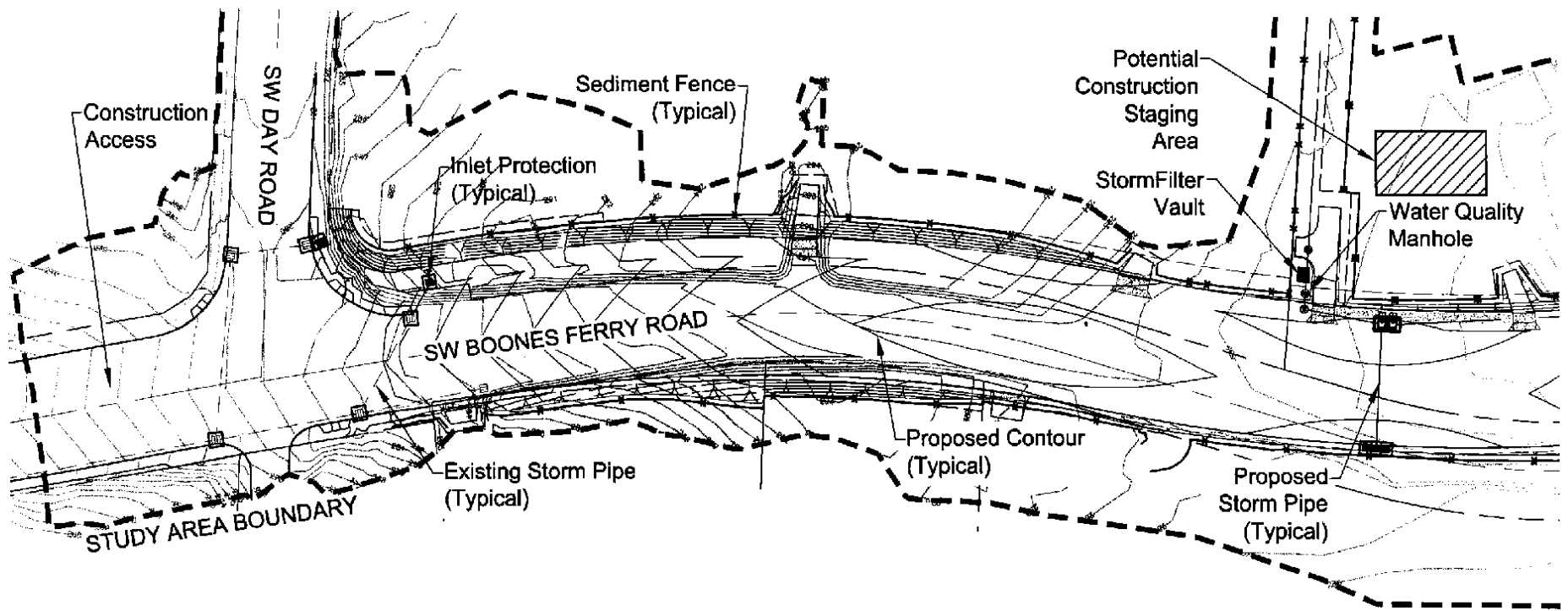
Note:
Survey provided by MacKay & Sposito.
Survey accuracy is sub-centimeter.

Erosion Control and Stormwater Sheet Index

SW Boones Ferry Road Widening Project - Washington County, Oregon

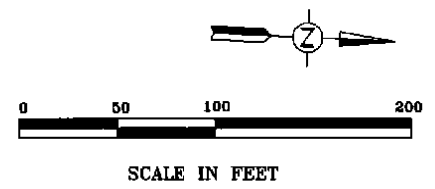
FIGURE
7

01/17/13



LEGEND

- | | | | |
|---|---|---|---------------------|
|  | Potentially Jurisdictional Wetlands/
Waters of the State/ US |  | Existing Storm Pipe |
|  | Tax Lot Lines |  | Proposed Storm Pipe |
|  | Study Area Boundary |  | Inlet Protection |
| | |  | Sediment Fence |

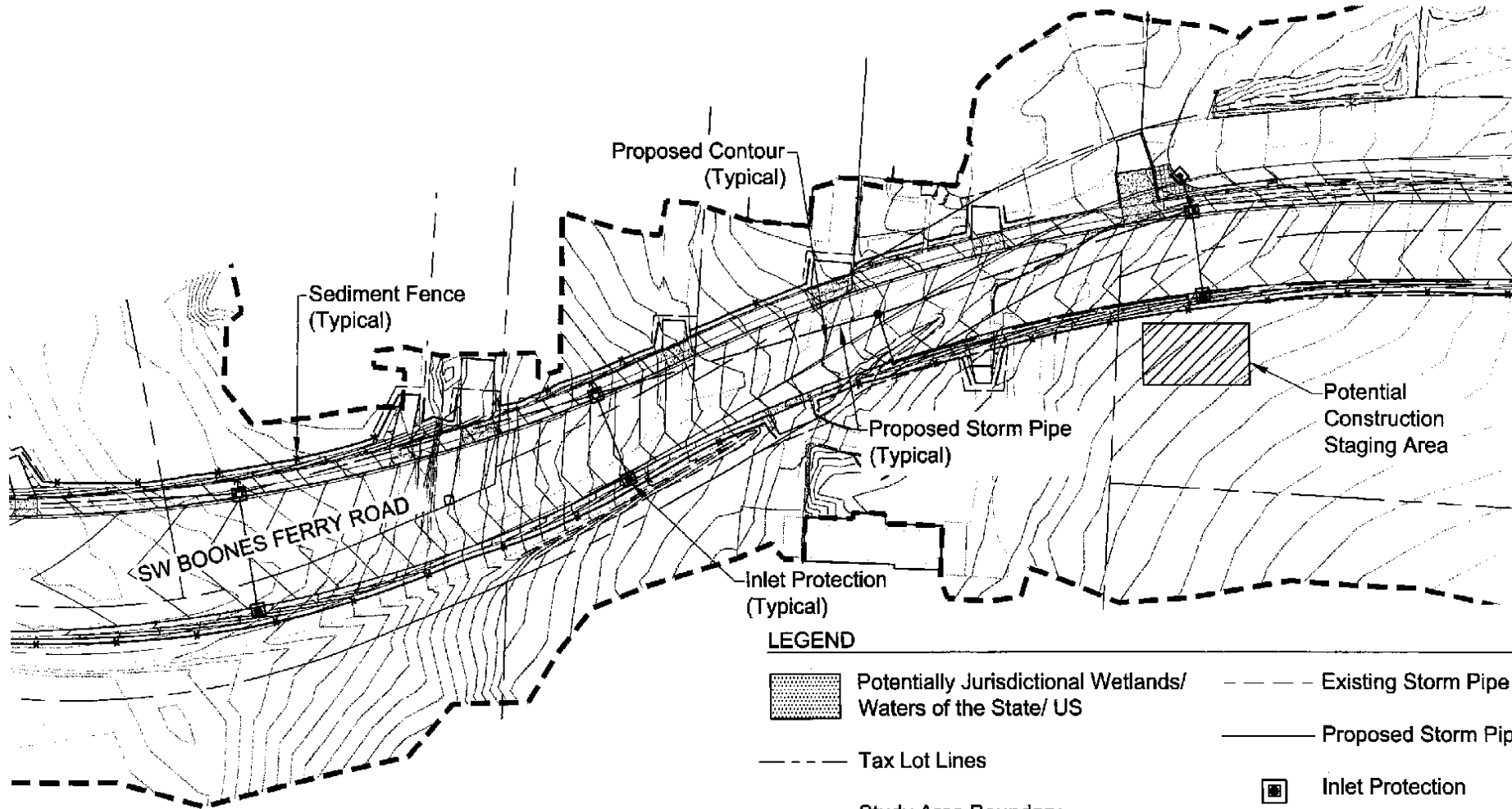


Note:
Survey provided by MacKay & Sposito.
Survey accuracy is sub-centimeter.








Erosion Control and Stormwater Plan
SW Boones Ferry Road Widening Project - Washington County, Oregon

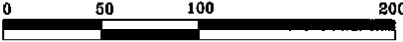
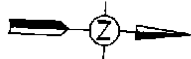
FIGURE
7A

01/17/13



LEGEND

-  Potentially Jurisdictional Wetlands/ Waters of the State/ US
-  Existing Storm Pipe
-  Tax Lot Lines
-  Proposed Storm Pipe
-  Study Area Boundary
-  Inlet Protection
-  Sediment Fence



SCALE IN FEET



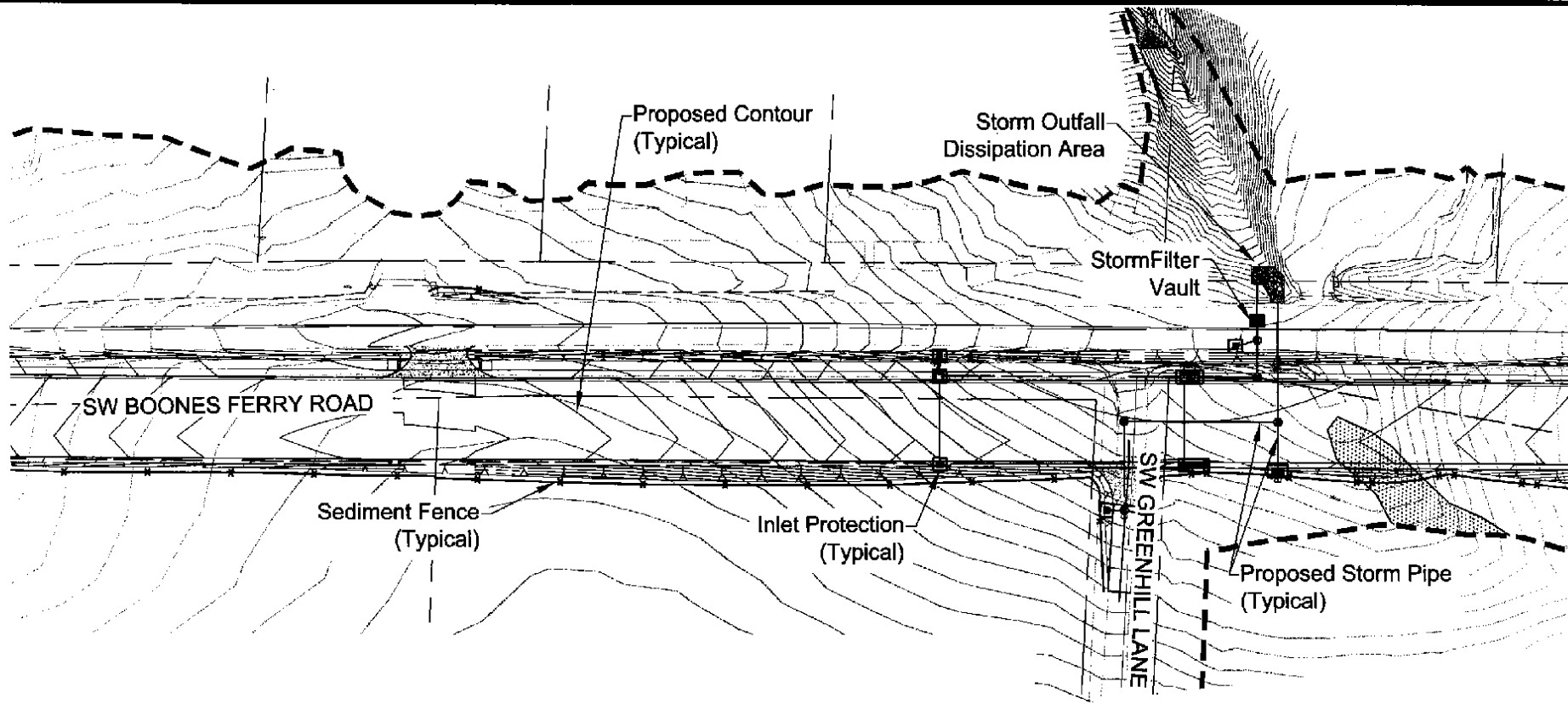
Pacific Habitat Services, Inc.
 5450 SW Commercial Circle, Suite 100 Wilsonville, Oregon 97070
 Phone: (503) 970-0800 Fax: (503) 670-8886

Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

Erosion Control and Stormwater Plan
 SW Boones Ferry Road Widening Project - Washington County, Oregon

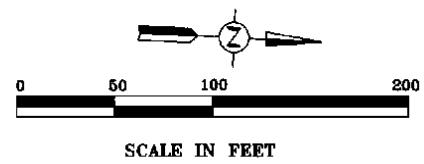
FIGURE 7B

01/17/13



LEGEND

-  Potentially Jurisdictional Wetlands/ Waters of the State/ US
-  Tax Lot Lines
-  Study Area Boundary
-  Existing Storm Pipe
-  Proposed Storm Pipe
-  Inlet Protection
-  Sediment Fence

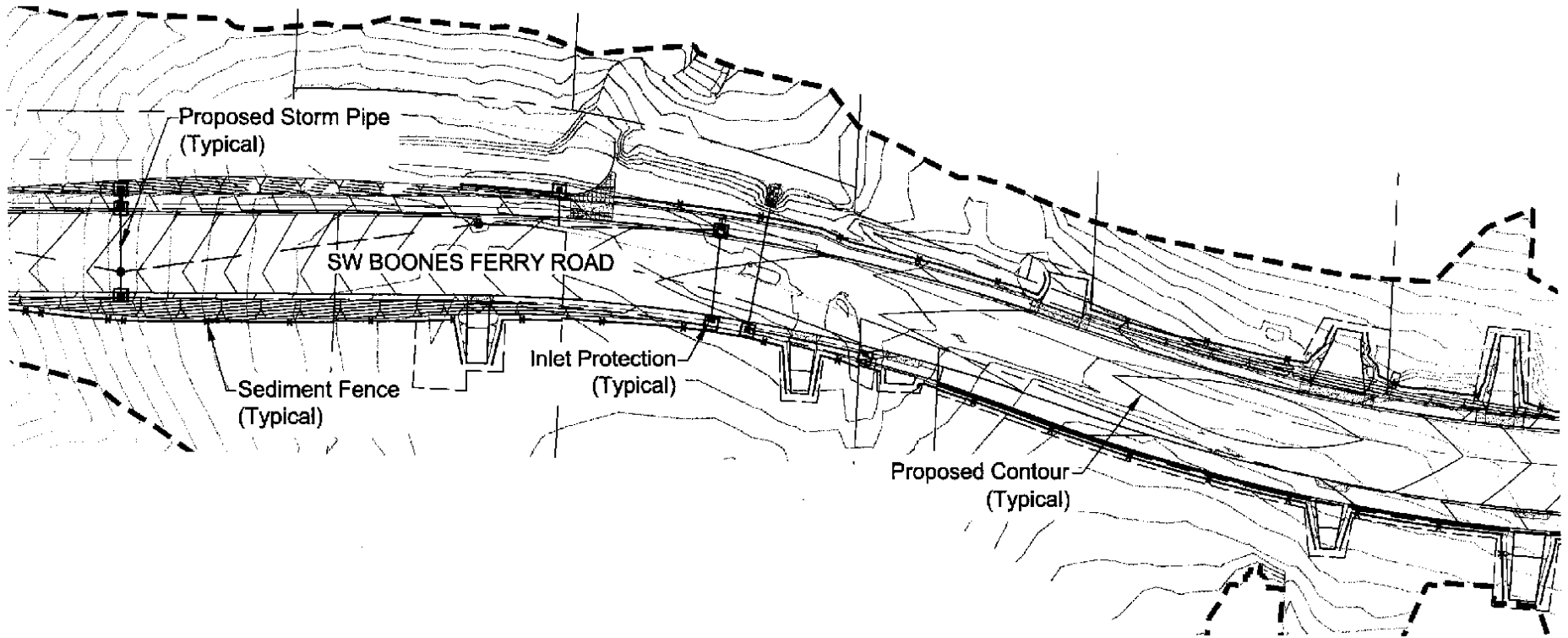


Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

Erosion Control and Stormwater Plan
 SW Boones Ferry Road Widening Project - Washington County, Oregon

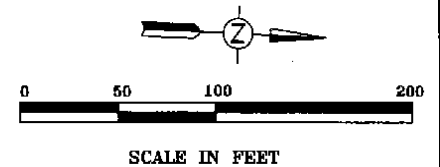
FIGURE
7C

01/17/13



LEGEND

- | | | | |
|---|---|---|---------------------|
|  | Potentially Jurisdictional Wetlands/
Waters of the State/ US |  | Existing Storm Pipe |
|  | Tax Lot Lines |  | Proposed Storm Pipe |
|  | Study Area Boundary |  | Inlet Protection |
| | |  | Sediment Fence |



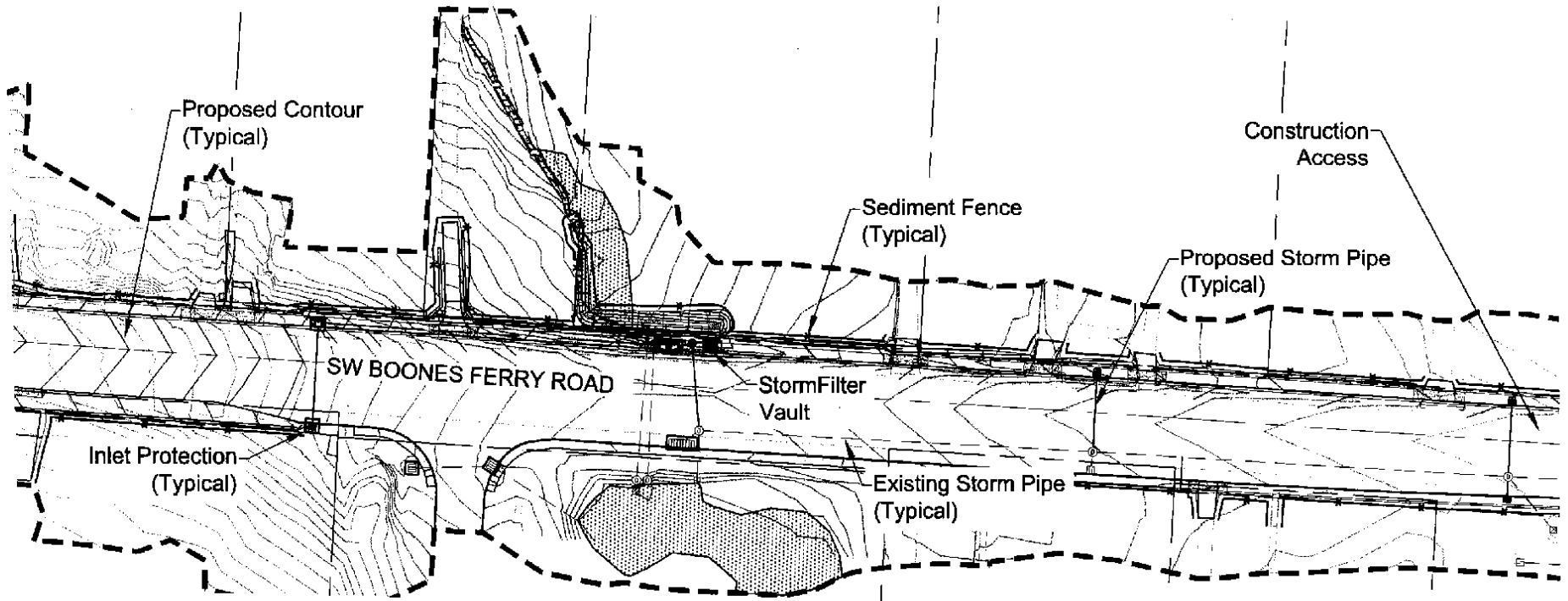
Note:
Survey provided by MacKay & Sposito.
Survey accuracy is sub-centimeter.

Erosion Control and Stormwater Plan

SW Boones Ferry Road Widening Project - Washington County, Oregon

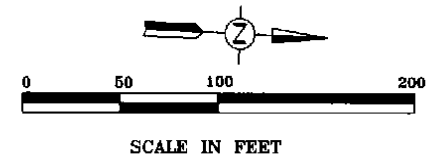
FIGURE
7D

01/17/13



LEGEND

- | | | | |
|---|---|---|---------------------|
|  | Potentially Jurisdictional Wetlands/
Waters of the State/ US |  | Existing Storm Pipe |
|  | Tax Lot Lines |  | Proposed Storm Pipe |
|  | Study Area Boundary |  | Inlet Protection |
| | |  | Sediment Fence |



Pacific Habitat Services, Inc.
 5450 SW Commerce Circle, Suite 160 Wilsonville, Oregon 97070
 Phone: (503) 570-0800 Fax: (503) 570-0855

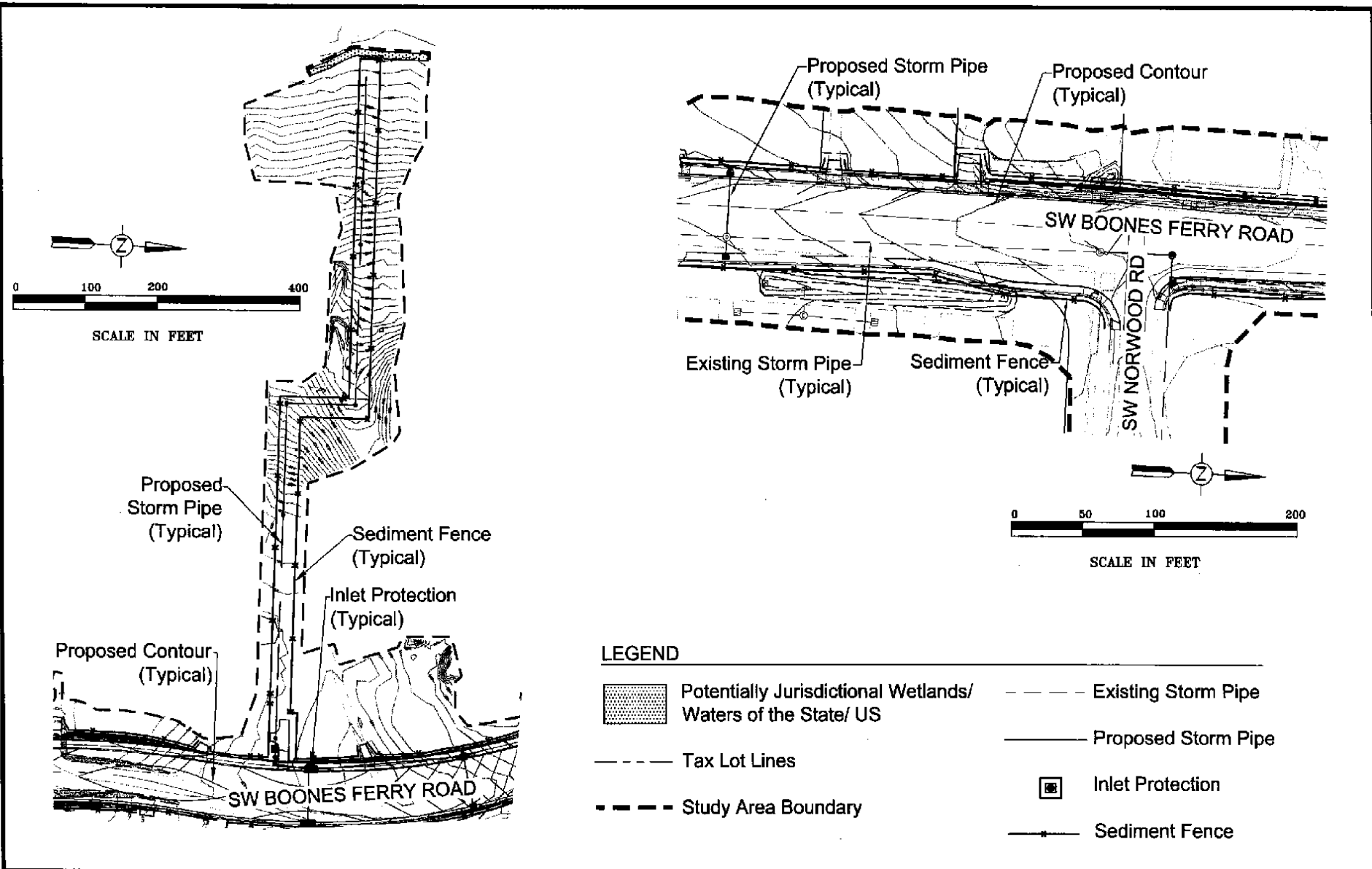
Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

Erosion Control and Stormwater Plan








SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
7E

01/17/13



LEGEND

-  Potentially Jurisdictional Wetlands/ Waters of the State/ US
-  Tax Lot Lines
-  Study Area Boundary
-  Existing Storm Pipe
-  Proposed Storm Pipe
-  Inlet Protection
-  Sediment Fence

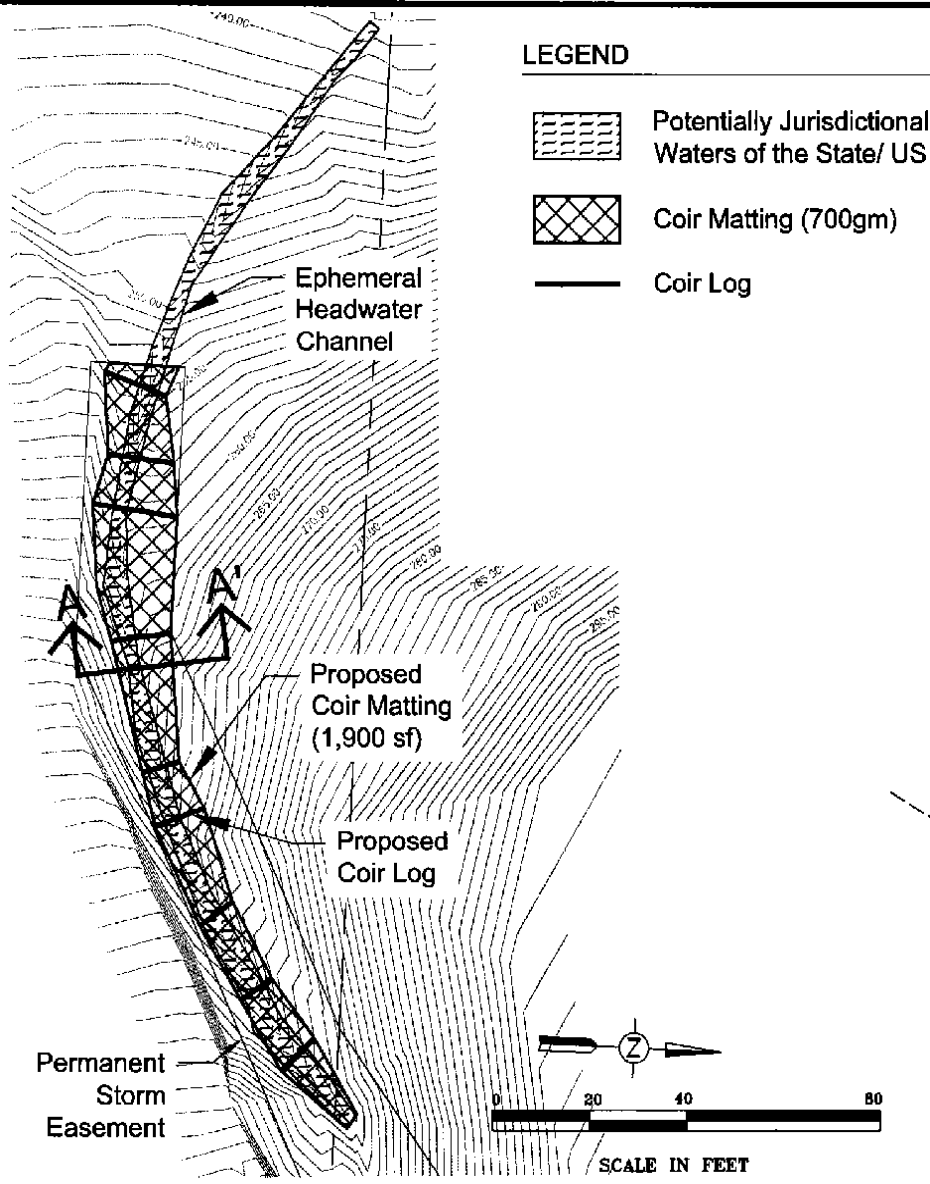


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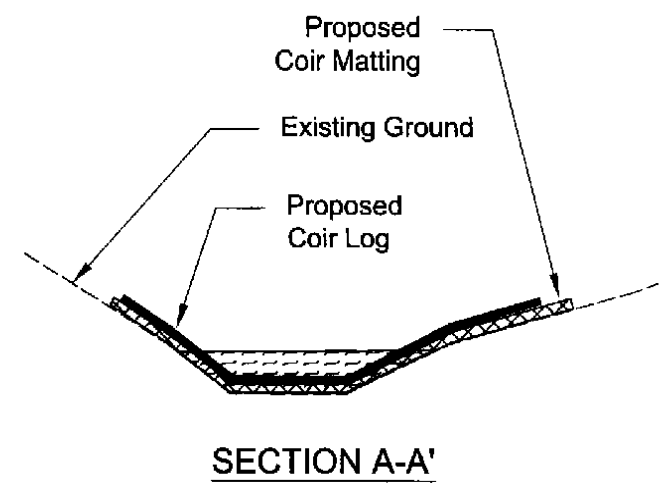
Erosion Control and Stormwater Plan
SW Boones Ferry Road Widening Project - Washington County, Oregon

FIGURE
7F

01/17/13



Note: The ephemeral channel will be lined with woven coir matting. The approximately 1,900 square feet of coir matting will be planted with *Cornus alba* cuttings during the winter dormancy. Two hundred dormant cuttings 3-foot long with a diameter of 0.5 inches at base will be inserted into interstices in the coir to a depth of 1 foot in the soil. Stems will be planted with an average spacing of 3.65 feet. The stems will be treated with a weak aqueous auxin solution to promote rooting prior to being pushed into the soil. Dormant cuttings should be planted in early February prior to leaf emergence.



Note:
 Survey provided by MacKay & Sposito.
 Survey accuracy is sub-centimeter.

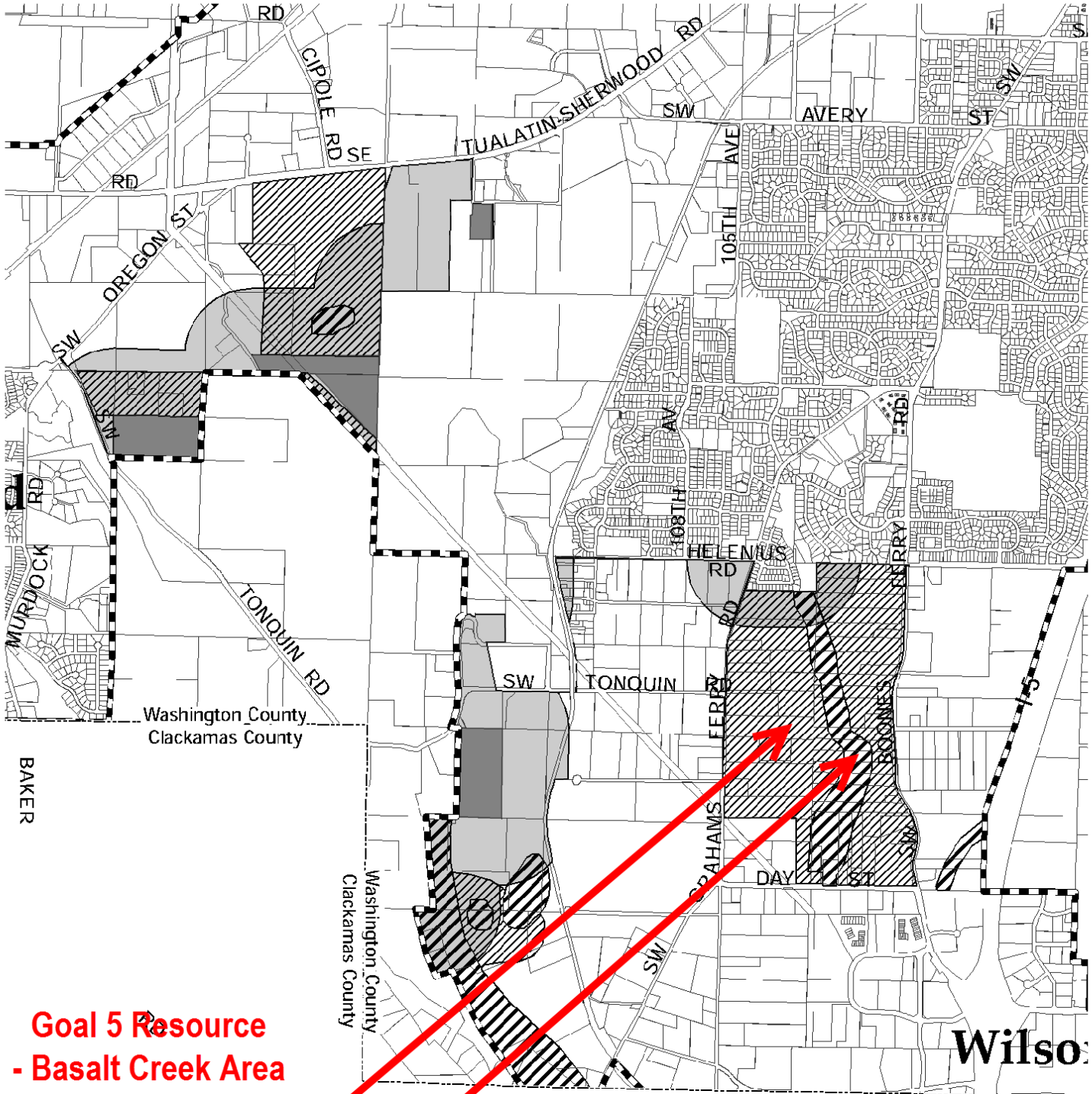
SW Boones Ferry Road Widening Project - Washington County, Oregon

Planting Plan

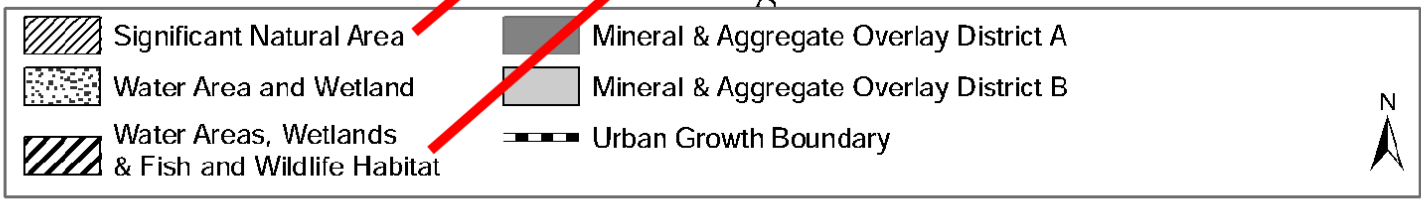
FIGURE
8

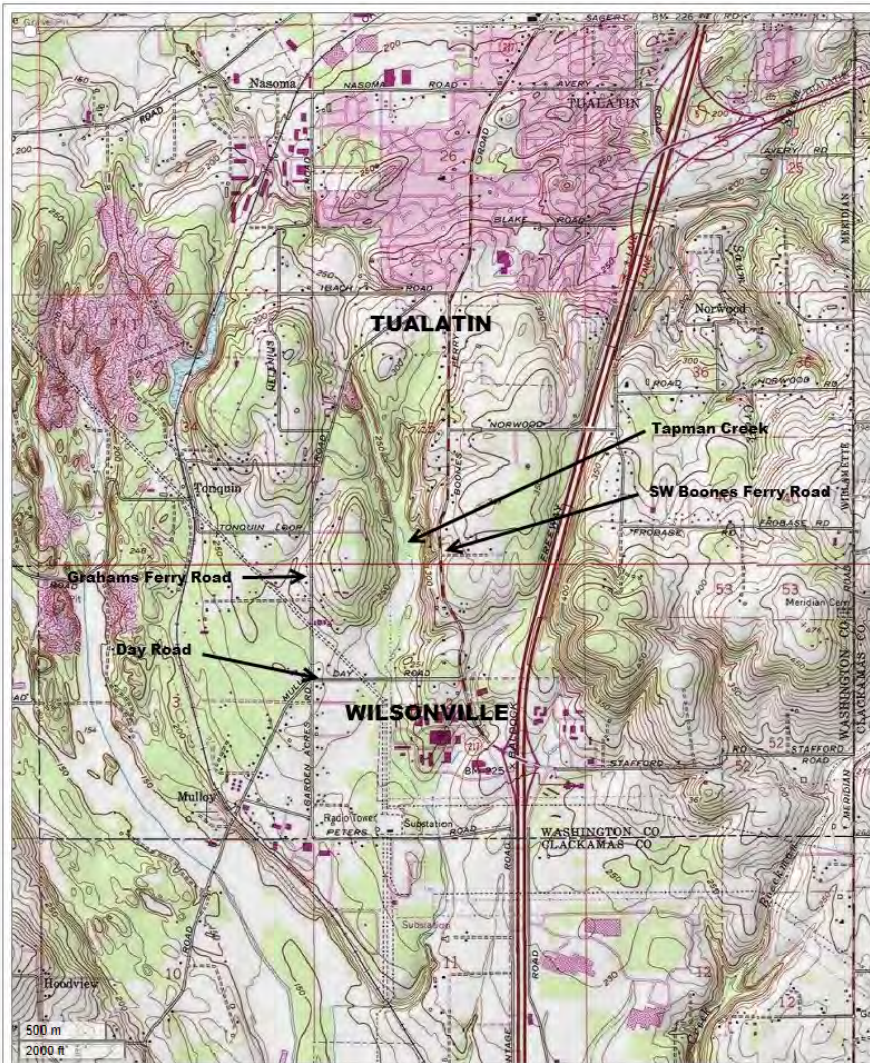
01/31/13

Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



**Goal 5 Resource
 - Basalt Creek Area**





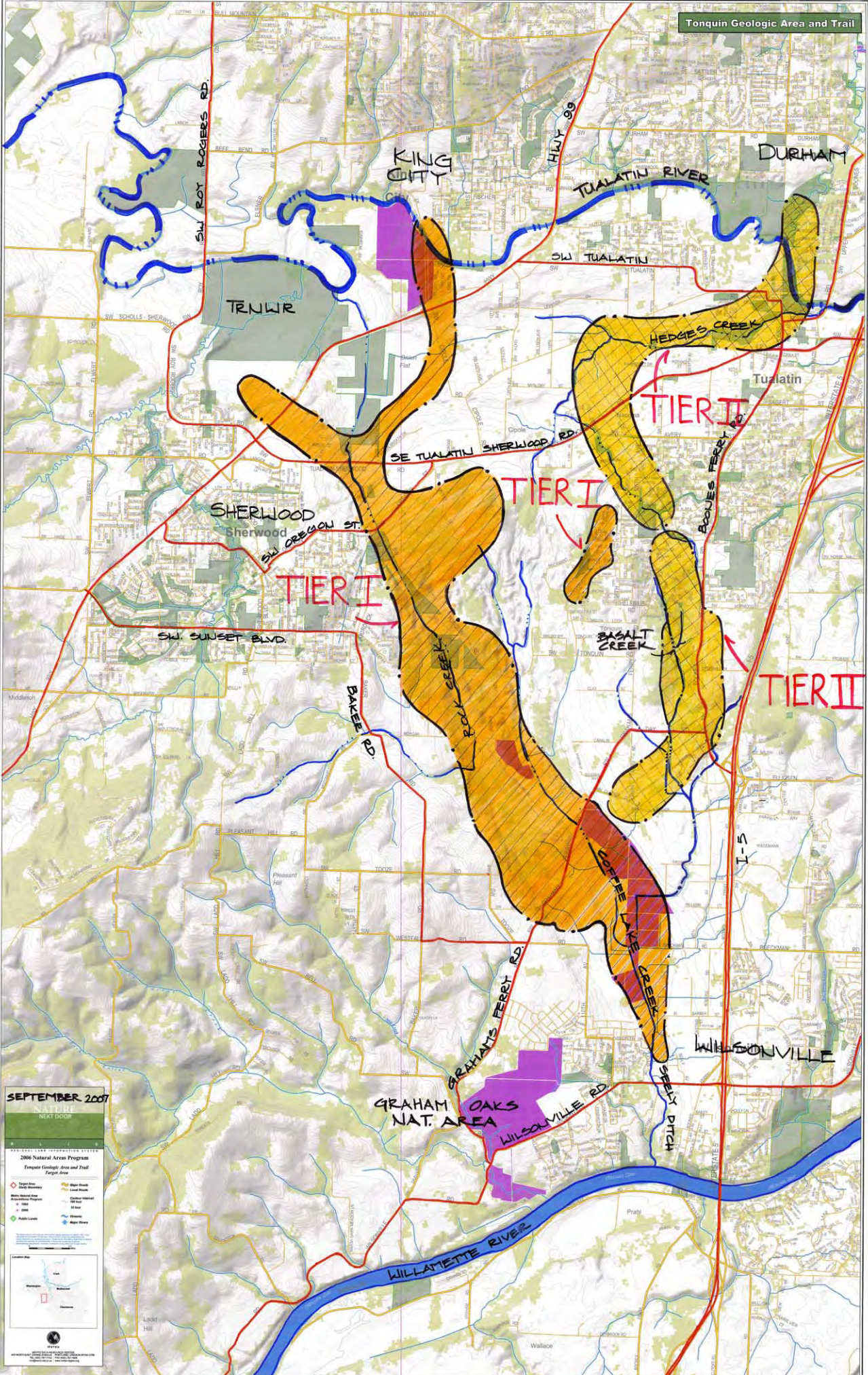
Metro
Data Resource Center
500 NE Grand Avenue, Portland, OR 97232
503.737.1742 - drc@oregonmetro.gov

© Oregon Metro www.oregonmetro.gov/it
This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the completion of multi-source government information displayed by MetroMap. Users of this information are cautioned to verify all information.

NATIONAL WETLANDS INVENTORY- BASALT CREEK AREA

Global View- Basalt Creek Area-Without Smaller Identified Wetlands Indicated





SEPTEMBER 2007

NEXT DRAFT

2006 National Area Program
 Tonquin Geologic Area and Trail
 Target Area

<ul style="list-style-type: none"> Open Space Study Boundary 2006 National Area Program Public Lands 	<ul style="list-style-type: none"> Algebra House Local House Contour Interval 100 Feet 10 Feet 50 Feet 100 Feet Algebra House
---	--

Legend

Scale

North Arrow

Map Information

Prepared by: Oregon Department of Geology and Mineral Industries
 Date: September 2007
 Contact: Oregon Department of Geology and Mineral Industries, 100 NE Oregon Street, Portland, OR 97232
 Phone: 503-725-3300
 Website: www.oregon.gov/odeg

Tonquin Geologic Area Target Area

Goal

- Protect unique geologic features that provide valuable wildlife habitat. Acquire additional lands needed for a future regional trail corridor connecting Wilsonville to Tualatin.

Objectives

Tier I Objectives

- Acquire lands within the Coffee Lake Creek and Rock Creek for completing restoration on Coffee Creek and on permanent protection of the unique geologic features.
- Acquire lands within the Coffee Lake Creek and Rock Creek areas for regional trail connections.

Tier II Objectives

- Acquire lands to protect unique geologic features within the Basalt Creek area.
- Acquire land for the trail corridor, particularly along Hedges Creek, Basalt Creek and adjacent to Tonquin Road.



Willamette River TMDL Implementation Plan

City of Wilsonville, Oregon

March 2008

Updated December 2008

Updated June 2009

Prepared by:

URS

111 S.W. Columbia, Suite 1500

Portland, Oregon 97201-5814

25696563

significant shade benefits to surface waters. System potential vegetation is considered by DEQ to be necessary to achieve “system potential effective shade,” and is defined for purpose of the TMDL as “the potential near-stream vegetation that can grow and reproduce on a site, given the climate, elevation, soil properties, plant biology, and hydrologic processes.” This definition considers the vegetation types historically known to be present throughout the eco-region. These vegetation types would include those species still found in remnant patches of forest throughout Wilsonville’s natural areas. System potential does not consider management or land use as limiting factors; it is an estimate of the vegetated condition where the human-generated impacts to riparian vegetation that cause stream warming are minimized. System potential is **not** an estimate of pre-settlement conditions. Although it is helpful to consider historic land cover patterns, channel conditions, and hydrology, many areas have been altered to the point that the historic condition is no longer attainable given drastic changes in stream location and hydrology (channel armoring, wetland draining, urbanization, etc.).

DEQ expects that DMAs will focus initial temperature TMDL implementation efforts on improving shade conditions through establishing and/or enhancing riparian vegetation conditions and in ensuring that existing and future development practices allow the attainment of shade targets. While it is recognized in the Willamette TMDL that it may take several years to several decades after full implementation of shade-producing measures to achieve the shade targets identified by DEQ, consistent progress toward achievement of the shade target is expected.

3.4 Overview of Wilsonville’s Watersheds

Several stream systems, all tributary to the Willamette River, are present within the study area that is the subject of this report. Coffee Lake Creek/Seely Ditch and Boeckman Creek are the largest watersheds within the study area, and most of the land within the study area drains to these two systems. Other watersheds within the study area include Meridian Creek, Mill Creek, unnamed tributaries to Corral Creek and Newland Creek and several short unnamed tributaries that flow directly to the Willamette River. Brief descriptions of each of these stream systems and the existing conditions within the riparian corridors associated with them are provided below.

3.4.1 Coffee Lake Creek/Seely Ditch Watershed

The Coffee Lake Creek/Seely Ditch Watershed contains the largest stream system within the City of Wilsonville. In addition to Coffee Lake Creek and Seely Ditch, streams within this system include several unnamed tributary streams, a tributary known locally as Basalt Creek, and Arrowhead Creek.

3.4.1.1 Coffee Lake Creek and Seely Ditch

Coffee Lake Creek and Seely Ditch comprise the largest wetland complex within the City of Wilsonville. Between Grahams Ferry Road (located to the west of the limits of the study area) and Wilsonville Road, much of the wetland bordering Coffee Lake Creek and Seely Ditch was ditched to drain the lands for agricultural uses. Much of the stream has been channelized, and the channel is confined by short, linear, steep-sided banks.

Within the study area, the upstream reaches of Coffee Lake Creek and Seely Ditch are bordered by an extensive emergent wetland. The stream buffer is not forested, and the vegetation is dominated by herbaceous species such as reed canarygrass with scattered thickets of willows, Douglas spiraea, and Himalayan blackberry. To the south, the stream is bordered by a mix of residential and commercial/industrial uses, and the stream buffer is largely non-forested. The southernmost reaches of Coffee Lake Creek/Seely Ditch, just upstream of its confluence with the Willamette River, pass through a forested riparian corridor dominated by Douglas fir, Oregon ash, and western red cedar.

The Streamnet database does not indicate that Coffee Lake Creek or Seely Ditch provide breeding or migratory habitat for salmonids.³ However, the City's fish survey indicated Chinook salmon near the mouth of the creek.⁴

3.4.1.2 Tributaries to Coffee Lake Creek/Seely Ditch

Three unnamed tributaries to Coffee Lake Creek/Seely Ditch are present in the northern portion of the study area. These streams are referred to as the "North, Middle, and South Tributaries" in the "City of Wilsonville Natural Resources Plan". Brief descriptions of each of the tributary systems are provided below.

The North Tributary, which is known locally as Basalt Creek, originates north of the study area, near Grahams Ferry Road and flows south through the commercial/industrial areas west of Interstate 5 before flowing into Coffee Lake Creek/Seely Ditch. North of Day Road, the stream channel is largely natural and much of the stream buffer is forested. Portions of the stream have been impounded and large areas of forested and scrub-shrub wetlands border the stream. Dominant trees within the stream buffers include Douglas fir, bigleaf maple, Oregon ash, red alder, and willows.

Between Day Road and its confluence with Coffee Lake Creek/Seely Ditch, much of the North Tributary and its smaller tributary streams have been channelized and piped through existing commercial/industrial development. The stream buffer is vegetated with a mix of herbaceous and scrubby woody vegetation with scattered trees. Commercial/industrial development and its associated infrastructure have encroached into the stream buffer in many areas. South of Ridder Road, the stream channel is more natural and less channelized, and the stream flows through a narrow steep-sided ravine. Small remnant forest patches dominated by Douglas fir, Oregon

³ <http://www.streamnet.org>

⁴ *Surveys of Fish Species and Habitat in Wilsonville Streams. ODFW. February 2006.*

white oak, and western redcedar with a dense understory of Himalayan blackberry occur within the stream buffer south of Ridder Road.

The Middle Tributary originates in an Oregon ash-dominated wetland east of I-5. The stream flows through stormwater management ponds east of SW Parkway Avenue before being culverted for approximately 950 feet under Parkway Avenue and I-5. West of I-5 the Middle Tributary flows through a small remnant forest patch dominated by Oregon white oak with a dense understory of Himalayan blackberry and then through existing commercial/industrial development before flowing into a culvert, which discharges the stream to the wetlands associated with Coffee Lake Creek/Seely Ditch. The majority of the stream buffer associated with the Middle Tributary is non-forested, and commercial/industrial development and its associated infrastructure and landscaping have encroached into the buffer in some areas.

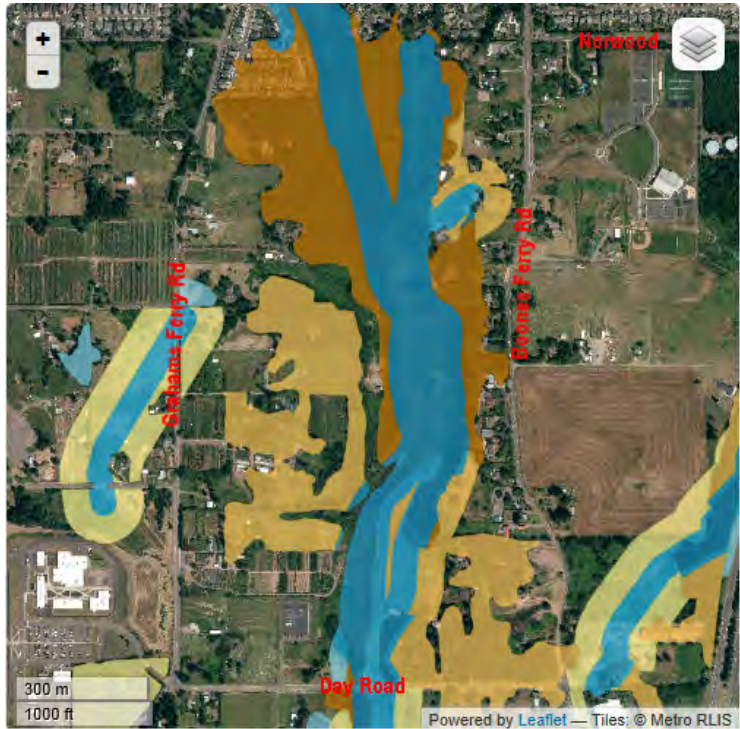
The South Tributary originates in a scrub-shrub wetland dominated by Douglas spiraea, willow and rose on relatively flat terrain under the BPA powerlines near the intersection of the unimproved Weideman Road and Canyon Creek Road. The stream flows generally southwest from this wetland through a forested area dominated by Oregon ash, Oregon white oak, cascara, and crabapple. The stream continues through several ponds within an industrial campus development before being culverted under Boeckman Road. South of Boeckman Road the stream flows through grassy fields with a narrow fringe of woody vegetation between the fields and the stream. The stream is then culverted under Parkway Avenue, and between Parkway Avenue and I-5, the three-foot wide stream passes through a former mobile home park where it is bordered by mowed lawns with scattered Douglas fir, ponderosa pine, western red cedar and Oregon white ash. After emerging from a culvert under I-5 and existing commercial/industrial development, the stream flows through a channelized ditch with a non-forested buffer dominated by herbaceous vegetation and shrubby thickets of black cottonwood, willow, and Oregon ash.

The Streamnet database does not indicate that the Coffee Lake Creek/Seely Ditch tributaries provide breeding or migratory habitat for salmonids.⁵

3.4.1.3 Arrowhead Creek

Arrowhead Creek is a tributary of Coffee Lake Creek in the southwestern portion of Wilsonville. Arrowhead Creek flows through relatively gently sloped lands, except for the central reach, which is contained within a steep ravine. North and west of Wilsonville Road, Arrowhead Creek has been ditched and channelized, and the channel is approximately five feet wide. In this area, much of the Arrowhead Creek corridor is bordered by open areas associated with the Inza R. Wood Middle School and residential neighborhoods, and much of the stream buffer has little or no forest cover. North of the middle school, Arrowhead Creek is bordered by a forested wetland dominated by Oregon ash. Between Wilsonville Road and Seely Ditch, the stream buffer is largely forested. Dominant trees include Douglas fir, western red cedar, red alder, and black cottonwood. The lowest portion of the stream, just upstream of its confluence with Seely Ditch and adjacent to an existing gravel quarry, is culverted for approximately 200 feet. The Streamnet







⁵ <http://www.streamnet.org>



BASALT CREEK AREA

INCLUDES AREAS CONTAINING
WETLANDS
AND
HIGHEST VALUED HABITATS (METRO)
Class A Uplands
Class 1 Riparian

Legend

	Riparian class I		Upland class A
	Riparian class II		Upland class B
	Riparian class III		Upland class C

Healthy riparian habitat keeps our water cool and clean

Riparian habitat is the area located adjacent to a water body or in the active floodplain. Healthy, intact riparian habitat performs key ecological functions critical to fish and wildlife, providing shade, moderating streamflow, storing water, filtering sediments and pollutants and stabilizing stream banks.

Healthy upland habitat sustains native plants and wildlife

Upland habitat is typically located further away from water sources. Healthy upland wildlife habitat provides food and shelter for urban wildlife and improves the health of water resources downstream. The best upland wildlife habitats include larger habitat patches with extensive interior habitat areas. These areas minimize lower quality edge habitat, provide connectivity and proximity to streams or wetlands and/or contain habitats for unique and sensitive species.



BASALT CREEK CONCEPT PLAN

Attachment 8: [Open House Summaries](#)

File path:

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/84121/c_bc_record_attachment.08_open_house_summaries.pdf



BASALT CREEK CONCEPT PLAN

Attachment 8: Open House Summaries

Open house provides Basalt Creek update

Concept plan expected to wrap up this year

By JAKE BARTMAN
The Spokesman

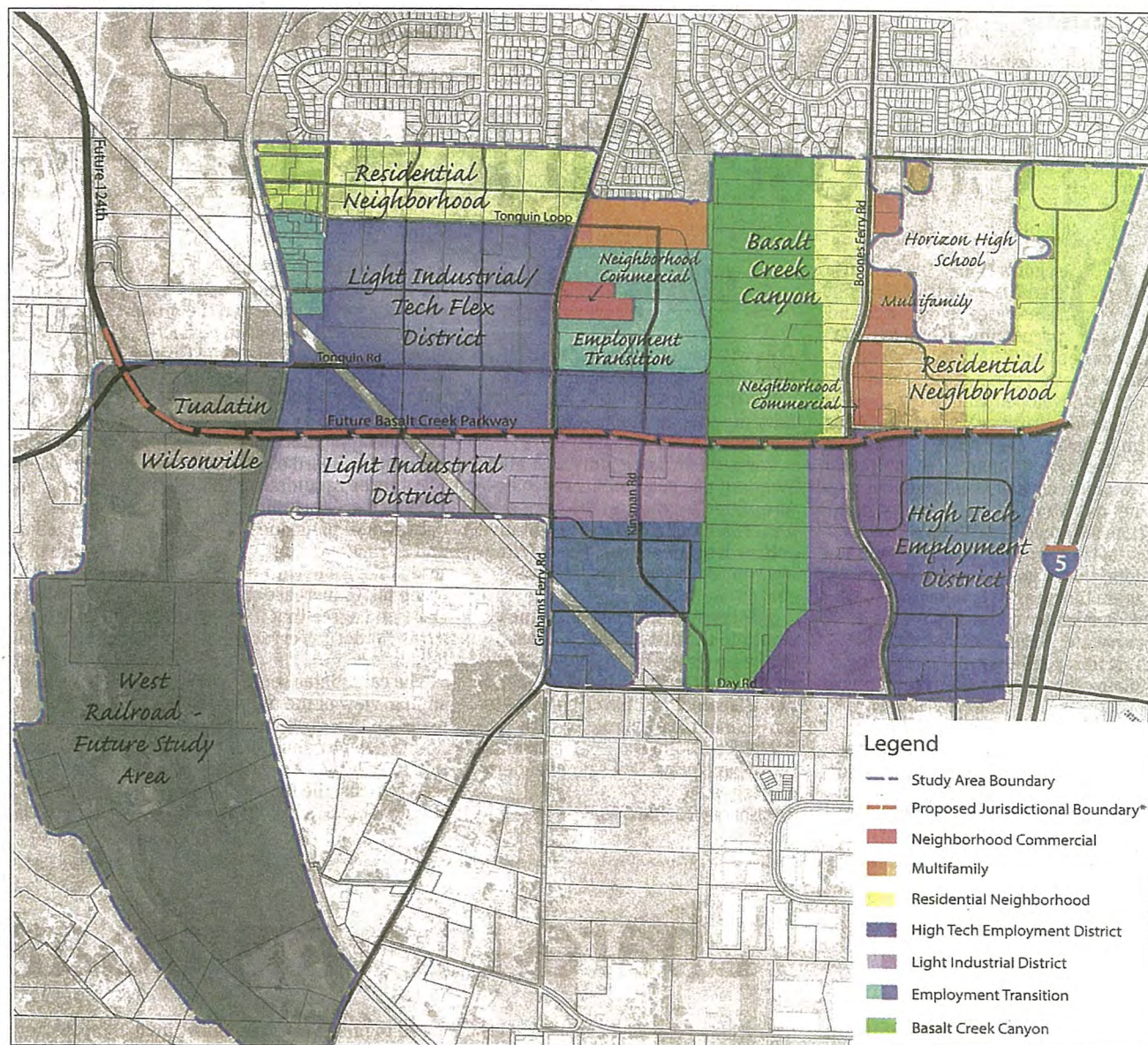
Though the audience consisted mostly of Tualatin residents, a mixed crowd of Wilsonville and Tualatin citizens turned out to Tualatin's Juanita Pohl Center Thursday, April 28, for an open house that marks a milestone in a plan to develop the 847-acre Basalt Creek between the two cities.

The Basalt Creek area, which was brought into the urban growth boundary in 2004, has remained rural while its neighboring cities develop a concept plan for development there. The planning process began in earnest in 2014, and has involved the work of consultants and staff from both cities.

The most recent public phase of the project was in December, when the Wilsonville and Tualatin city councils met to discuss details of the plan. Of particular note was an agreement reached on a possible boundary between the two jurisdictions, with the planned Basalt Creek Parkway — which will run east-west across the area — identified as a suitable divide.

"We tried a lot of different boundaries, up and down," said John Fregonese at the open house. Fregonese is a consultant with Fregonese Associates, and a member of the team of consultants and staff from both cities who are developing a concept plan for Basalt Creek development.

"And actually, in the end, it came back to that: the most



A map of the Basalt Creek area presented at the open house April 28.

SUBMITTED PHOTO

logical way, the cleanest way to do it is to go down the parkway," he added.

Although the cities have reached a consensus on the boundary, that consensus depends on the fulfillment of 10 "considerations for success" agreed upon by the councils.

Among those considerations are agreements that each city should provide its own sewer infrastructure, and that the cities should work with one another and with "regional partners" — like Washington County, the Oregon Department of Transportation and regional governance agency Metro — to ensure that traffic doesn't overwhelm infrastructure.

Other considerations include stipulations that the cities collaborate on developing a stormwater system, on protecting the

Basalt Creek Canyon natural area, on deciding whether to extend Kinsman Road north of Day Road and on determining how Wilsonville's South Metro Area Regional Transit (SMART) and TriMet will work in tandem.

The audience had many questions for Fregonese and other project team members after they gave a presentation on the state of the project. A number of attendees were concerned about the traffic that will be generated by developing the area, especially since the proposed Basalt Creek Parkway would connect with Boones Ferry Road.

Fregonese replied that modeling indicated no intersection would be pushed past capacity by development, and noted that the project team was working

to plan the area so that it would not generate more than 2,000 peak hour trips — that is, more than 2,000 vehicles passing through during the busiest hour of the day.

Ray Delahanty of consulting firm DKS Associates said that the planned widening of Day Road to five lanes, along with the expansion of nearby intersections, would help to address some concerns.

"There's no expectation that the network you have out there now is going to be adequate to deal with the traffic 20 years from now. So we do include some improvements in the plan," Delahanty said.

He also discussed the eastern terminus of the proposed Basalt Creek Parkway, which on current maps dead-ends at I-5, and noted that someday a

bridge may be built to connect the parkway with the Stafford area. But that the connection is so far out as to be "just a dream at this point."

The concept plan will guide creation of a master plan that more explicitly lays out plans for development. The concept plan is expected to be completed and adopted by the two councils by the end of this summer.

Contact Jake Bartman at 503-636-1281 ext. 113 or jbartman@pamplinmedia.com.

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SPOKESMAN PHOTO: JAKE BARTMAN

Consultants and staff from the cities of Wilsonville and Tualatin collected feedback from citizens on development of the Basalt Creek area at an open house April 28.

Basalt Creek
concept Plan



**Concept Plan
Open House**

April 28, 2016

Tonight's Agenda

**Project
Update –
Draft
Concept
Plan**

1

**Interactive
Polling –
Give your
feedback!**

2

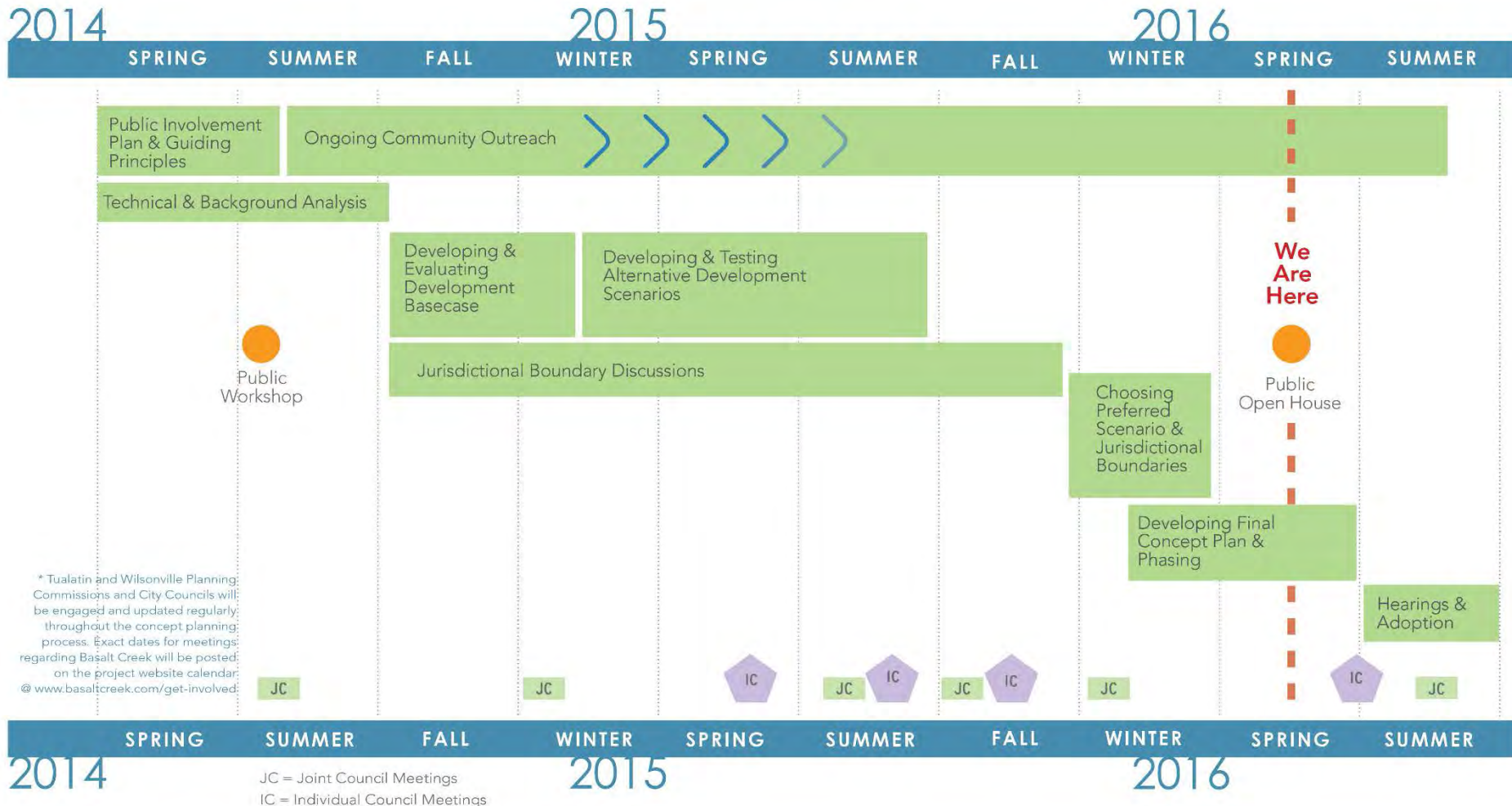
**Question
&
Answer**

3

**Poster
Session
with
Project Staff**

4

Project Status Update



* Tualatin and Wilsonville Planning Commissions and City Councils will be engaged and updated regularly throughout the concept planning process. Exact dates for meetings regarding Basalt Creek will be posted on the project website calendar: @ www.basaltcreek.com/get-involved

Where we've been...

- Land Suitability
- Guiding Principles
- Base Case
- Utility Design
- Evaluations
- Four Options and Base Case studied

Public Involvement



Mapping workshop (June 2014)

- 40 attended
- Wide range of ideas
- Housing to the north, industrial to south
- Protect existing neighborhoods
- Open to a range of employment and commercial uses
- Appropriate transitions between land uses

Public Involvement

Online survey

- 160 responses
- Less focus on housing compared to workshop participants
- Some support for retail in general, especially restaurants
- Less support for warehousing, industrial flex space
- Strong interest in public access to natural resources



Public Involvement

Focus groups and interviews

Developers

- Industrial development types changing
- Housing preferences changing
- Employers consider amenities
- Land assembly is a challenge

Property owners

- Desire for flexibility in land use
- Concerns about development impacts on quality of life



Public Involvement

Email, website and social media updates

- Monthly email and mailing updates
- 300 people on interested parties list



Themes from Joint Council

- Meet regional responsibility for jobs & housing
- Capitalize on area's assets
- Protect existing neighborhoods
- Maintain Cities' unique identities



City of Tualatin

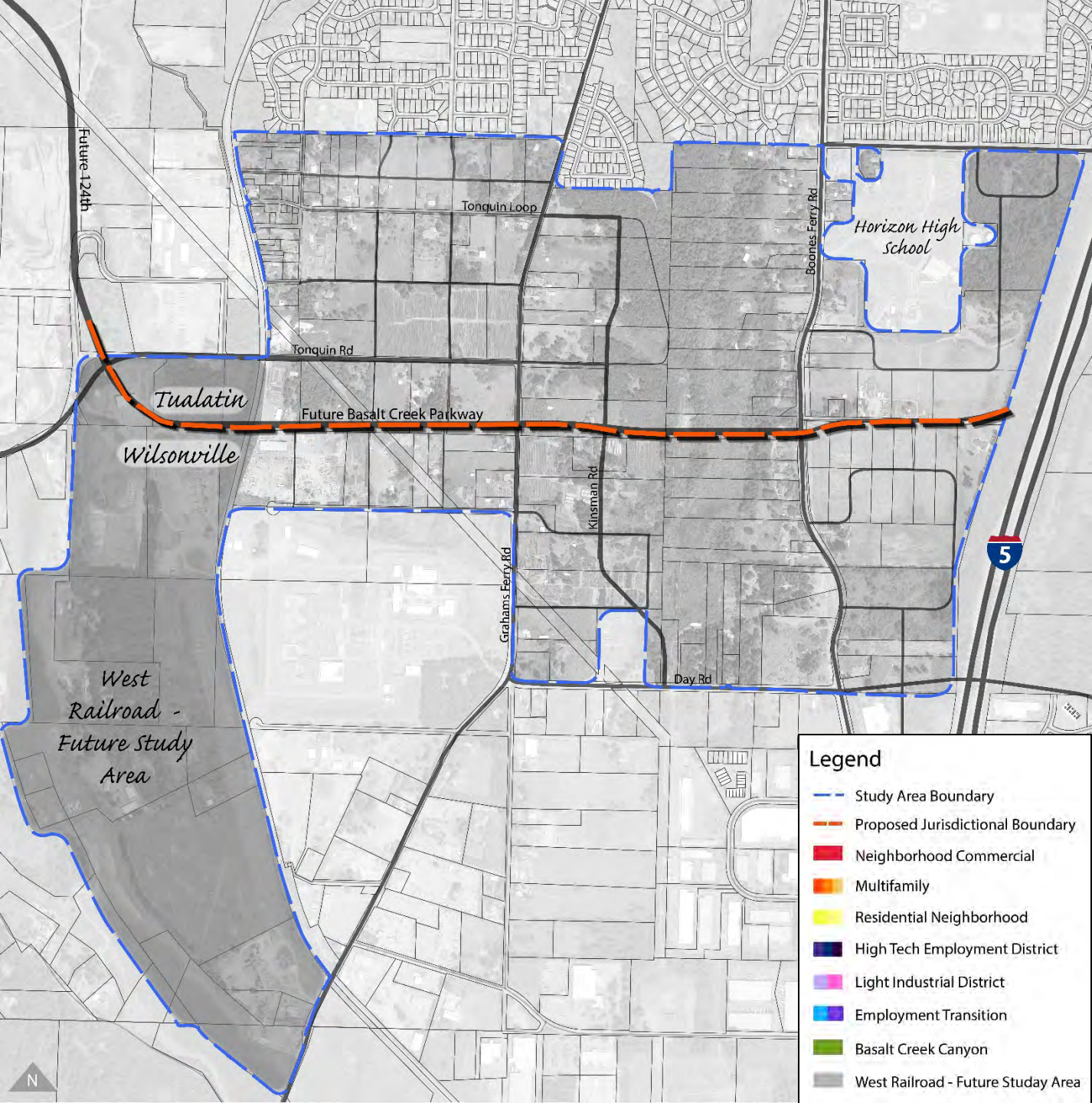
Themes from Joint Council

- Explore creative approaches, integration of employment and housing
- Ensure appropriate transitions between land uses
- High quality design and amenities for employment



City of Tualatin

Preferred Boundary

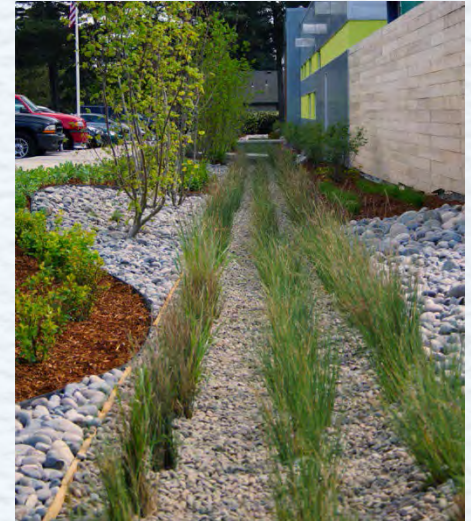


Preferred boundary subject to the Considerations for Success

- Legend**
- Study Area Boundary
 - Proposed Jurisdictional Boundary
 - Neighborhood Commercial
 - Multifamily
 - Residential Neighborhood
 - High Tech Employment District
 - Light Industrial District
 - Employment Transition
 - Basalt Creek Canyon
 - West Railroad - Future Study Area

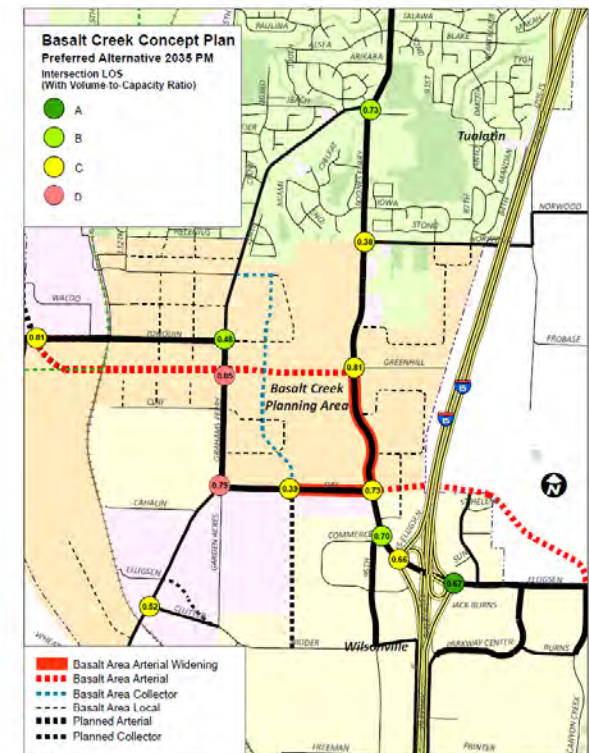
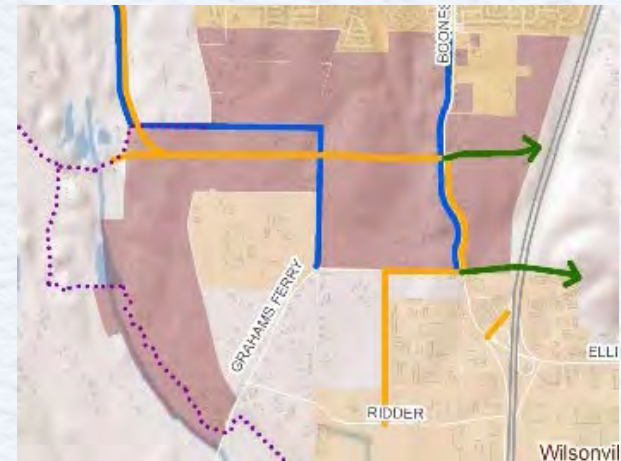
Ten Considerations for Success

1. **Sewer** – Cities serve own areas
2. **Stormwater** – Work jointly between the Cities and Clean Water Services to ensure requirements for each city's stormwater permits are met.
3. **Regional industrial land**– Employment land envisioned for the region benefits both cities



Ten Considerations for Success

- 4. Roadway improvements**– Work together with the region to assure needed upgrades are funded.
- 5. Traffic levels**– The Basalt Creek Transportation Refinement Plan modeled traffic totals in the area. Proposed new traffic loads would need to be evaluated.
- 6. Auto trips** – Ensure land uses support development that won't exceed transportation system capacity in each city.



Ten Considerations for Success

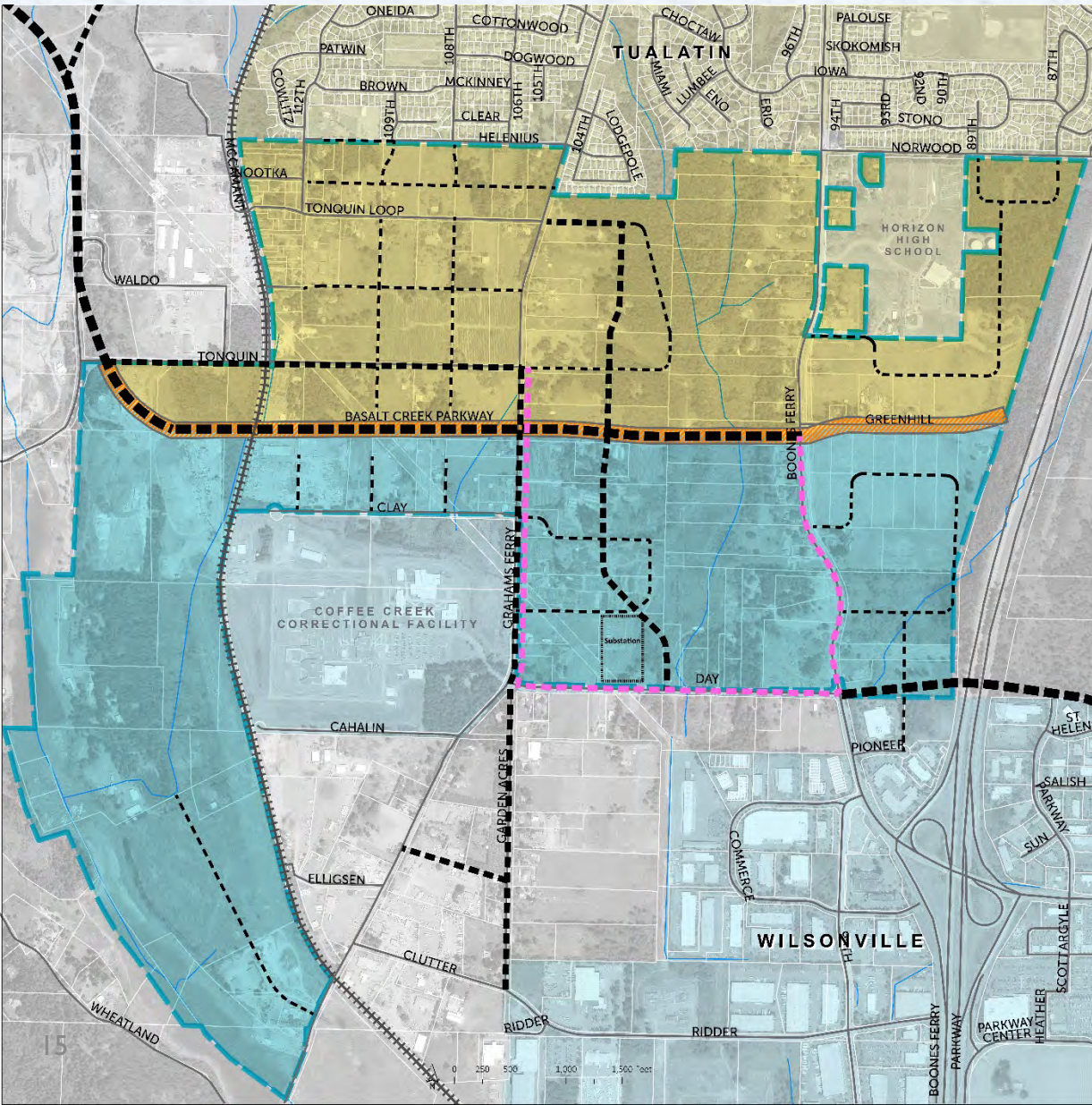
7. **I-5 Crossings** – Regional investment needed for more I-5 crossings
8. **Kinsman Rd.** – Cities will evaluate whether Kinsman Road extension north of Day Road is needed.
9. **Natural Area management** – Develop joint management practices for the Basalt Creek Canyon natural area.
10. **Transit service** – Determine how SMART and TriMet will provide most effective transit service to this area.



SMART
SOUTH METRO AREA REGIONAL TRANSIT

Basalt Creek
Concept Plan

Road Network Concept

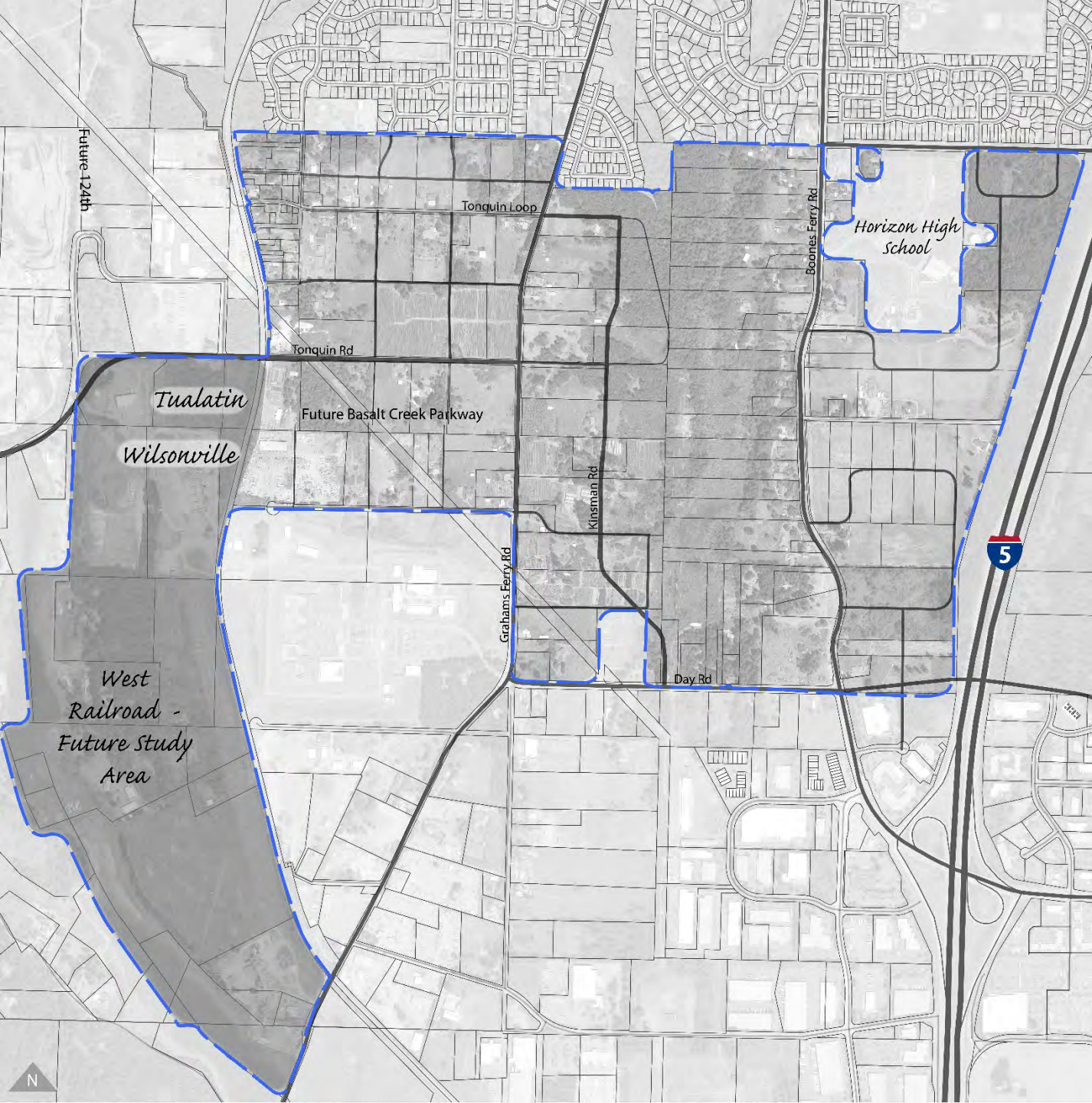


-  Planning Area
-  Jurisdictional Boundary*
-  Current Tualatin Boundary
-  Current Wilsonville Boundary
-  Future Tualatin Boundary
-  Future Wilsonville Boundary
-  Taxlot
-  Existing Roads
-  WES Commuter Rail
-  Arterial
-  Collector
-  Local
-  Collector Widening

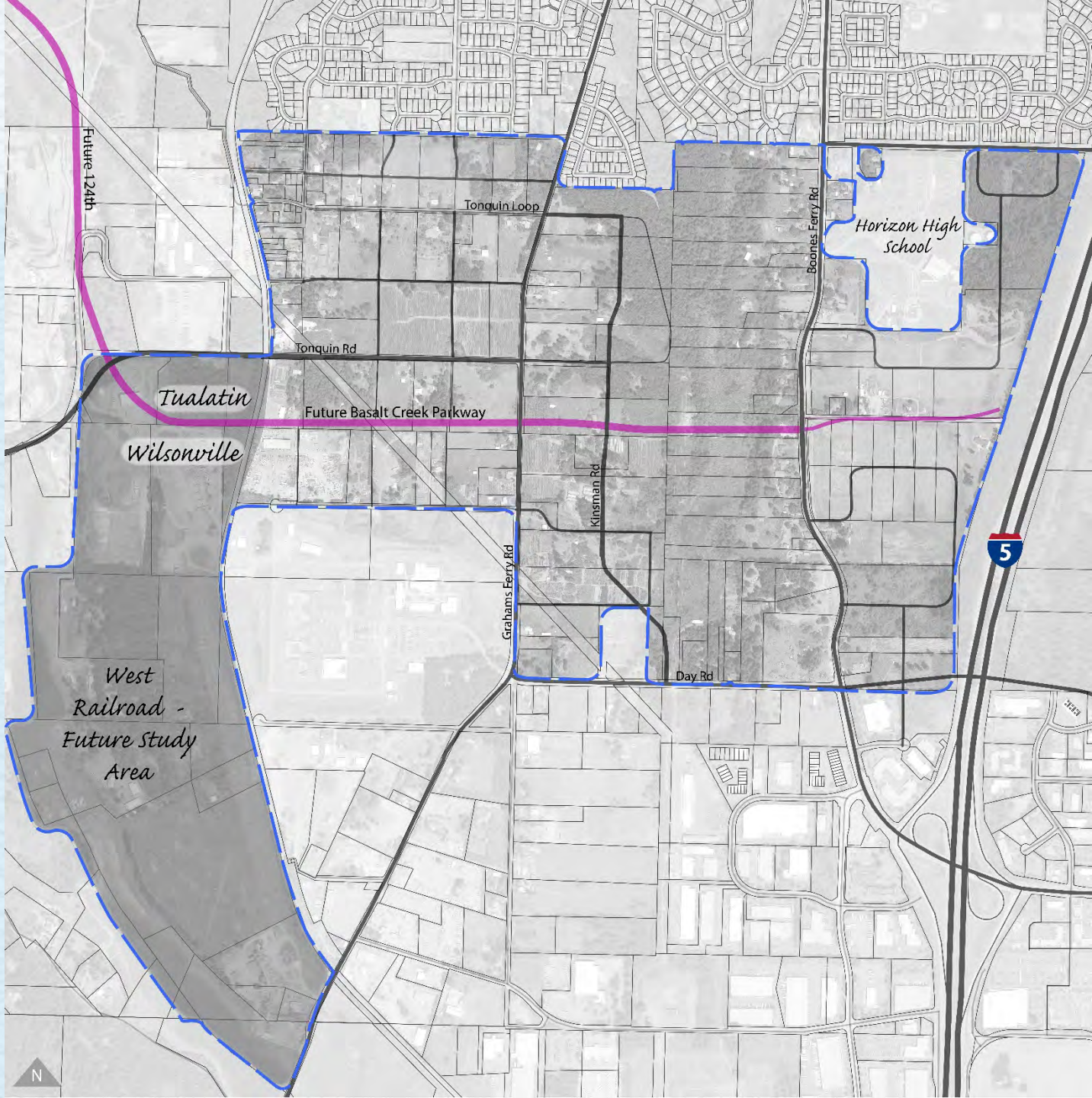
*Subject to Considerations for Success

Study Area Boundary

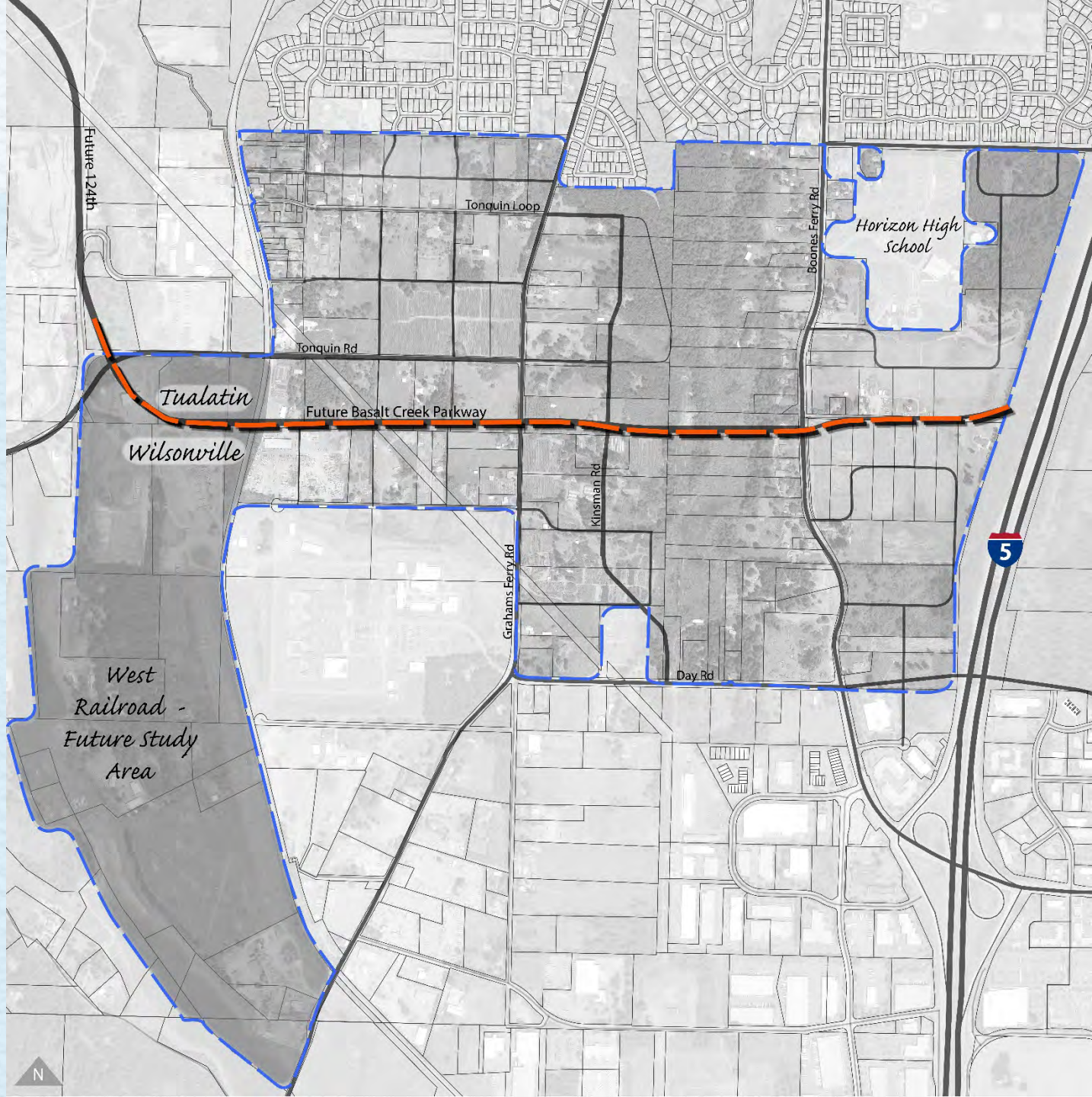
- Basalt Creek
- West Railroad Future Study Area



- **Basalt Creek Parkway:**
Tualatin north,
Wilsonville south

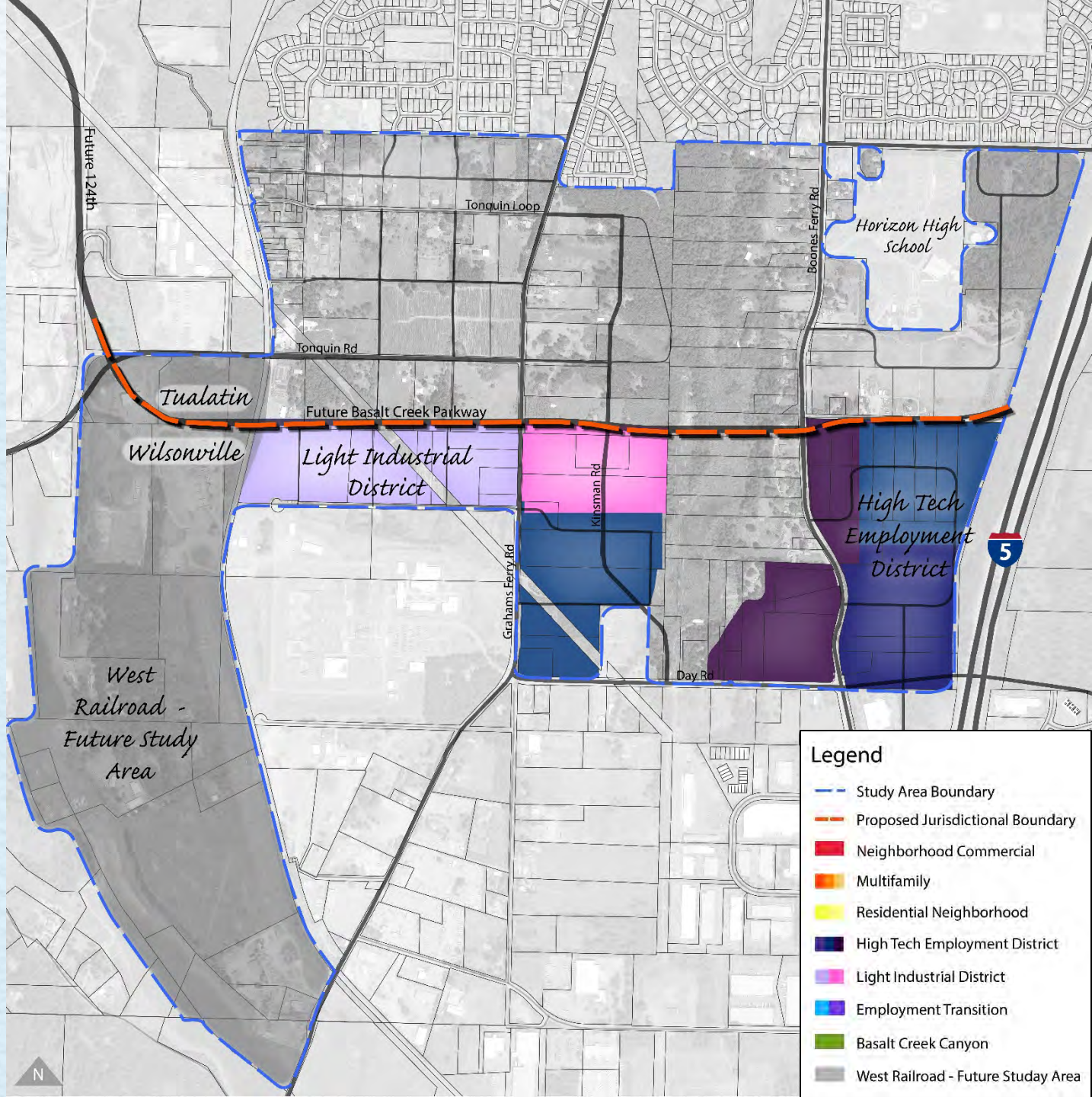


- Proposed Jurisdictional Boundary follows Basalt Creek Parkway



Wilsonville Land Uses

- Light Industrial
- High Tech Employment



Legend	
	Study Area Boundary
	Proposed Jurisdictional Boundary
	Neighborhood Commercial
	Multifamily
	Residential Neighborhood
	High Tech Employment District
	Light Industrial District
	Employment Transition
	Basalt Creek Canyon
	West Railroad - Future Study Area

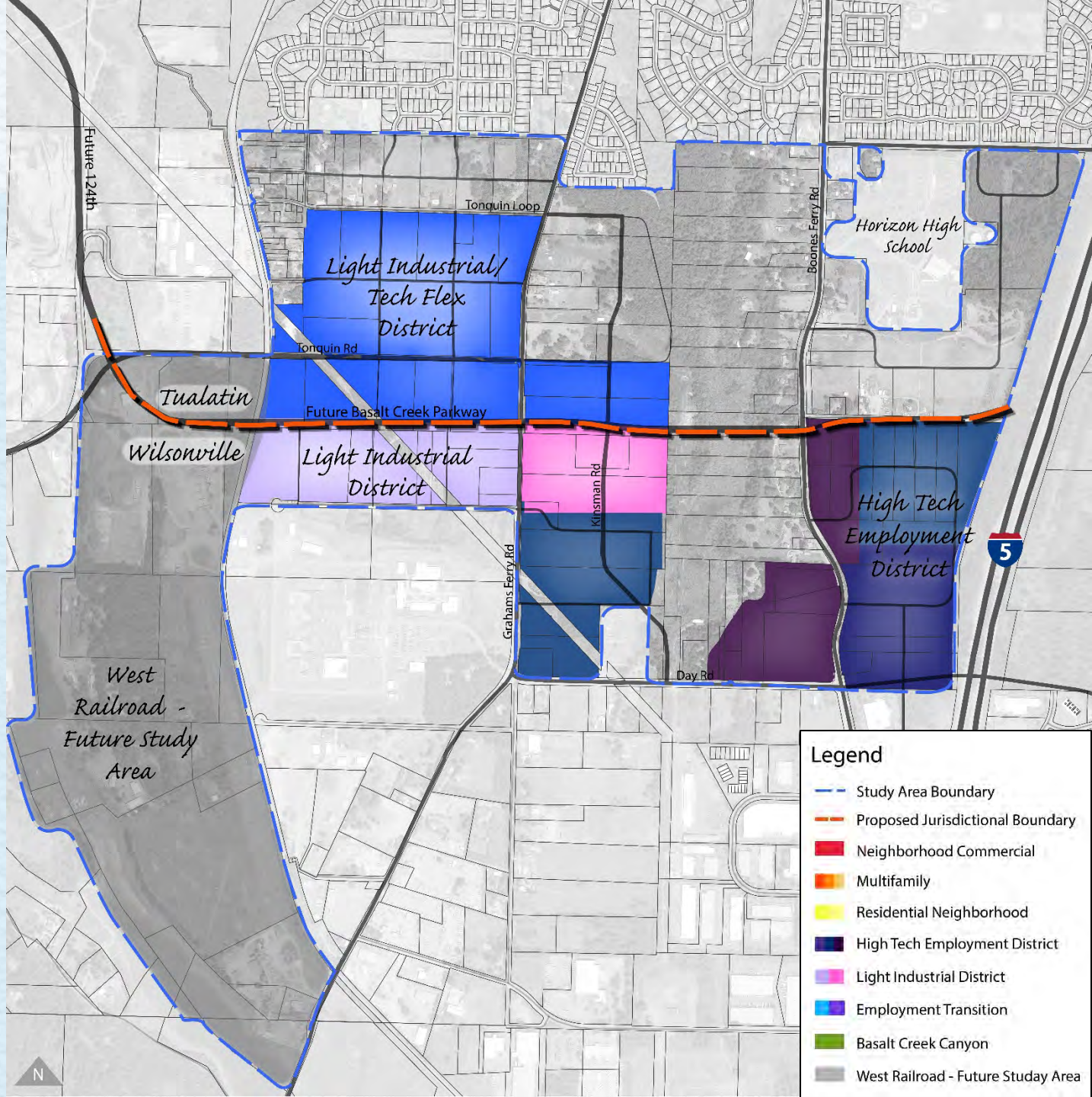
Tualatin Land Uses

- Light Industrial and Tech Flex

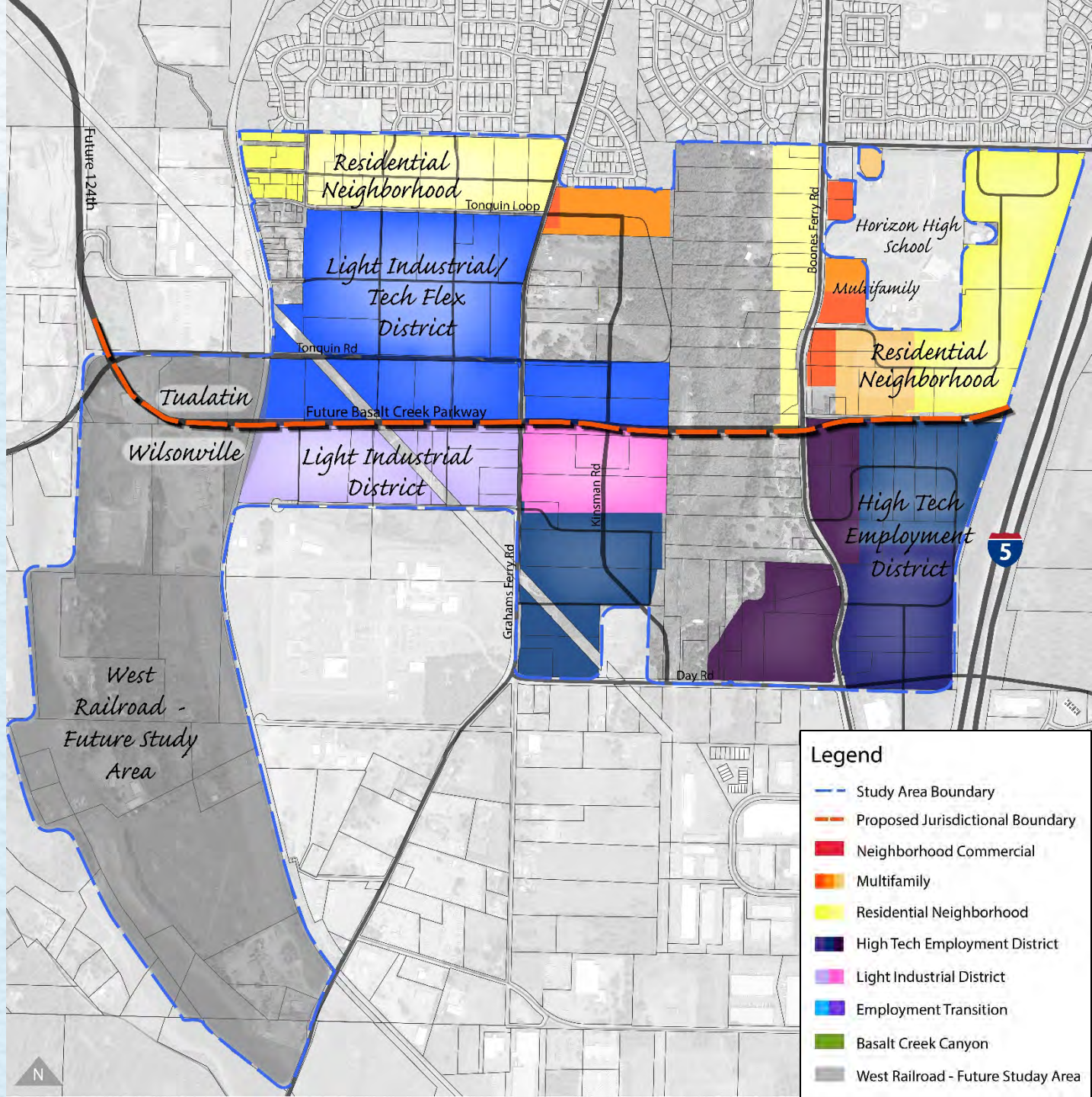
Wilsonville Land Uses

- Light Industrial
- High Tech Employment

Placement based on land suitability

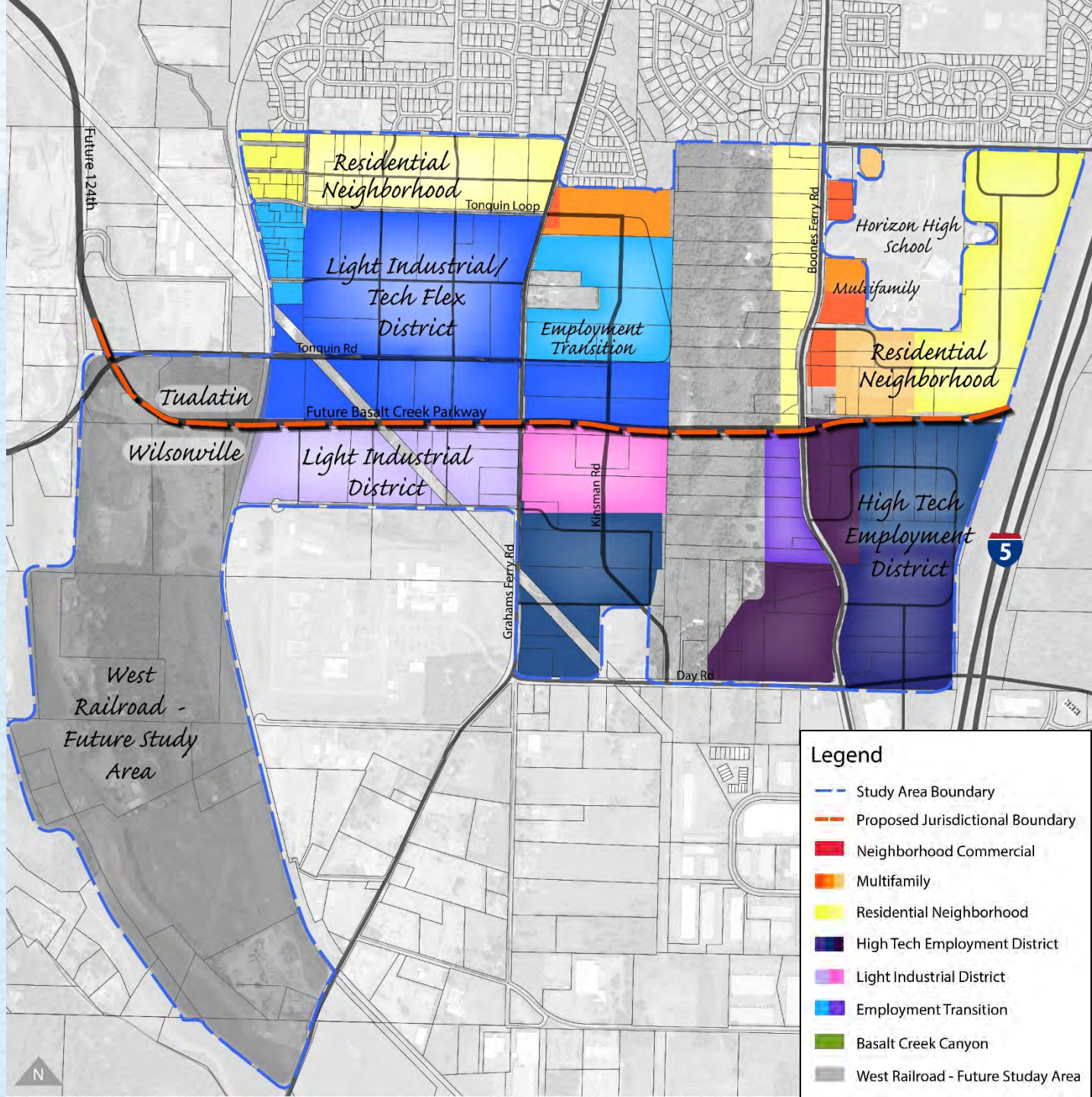


- **Housing to the north:** Buffers existing residential in the City of Tualatin

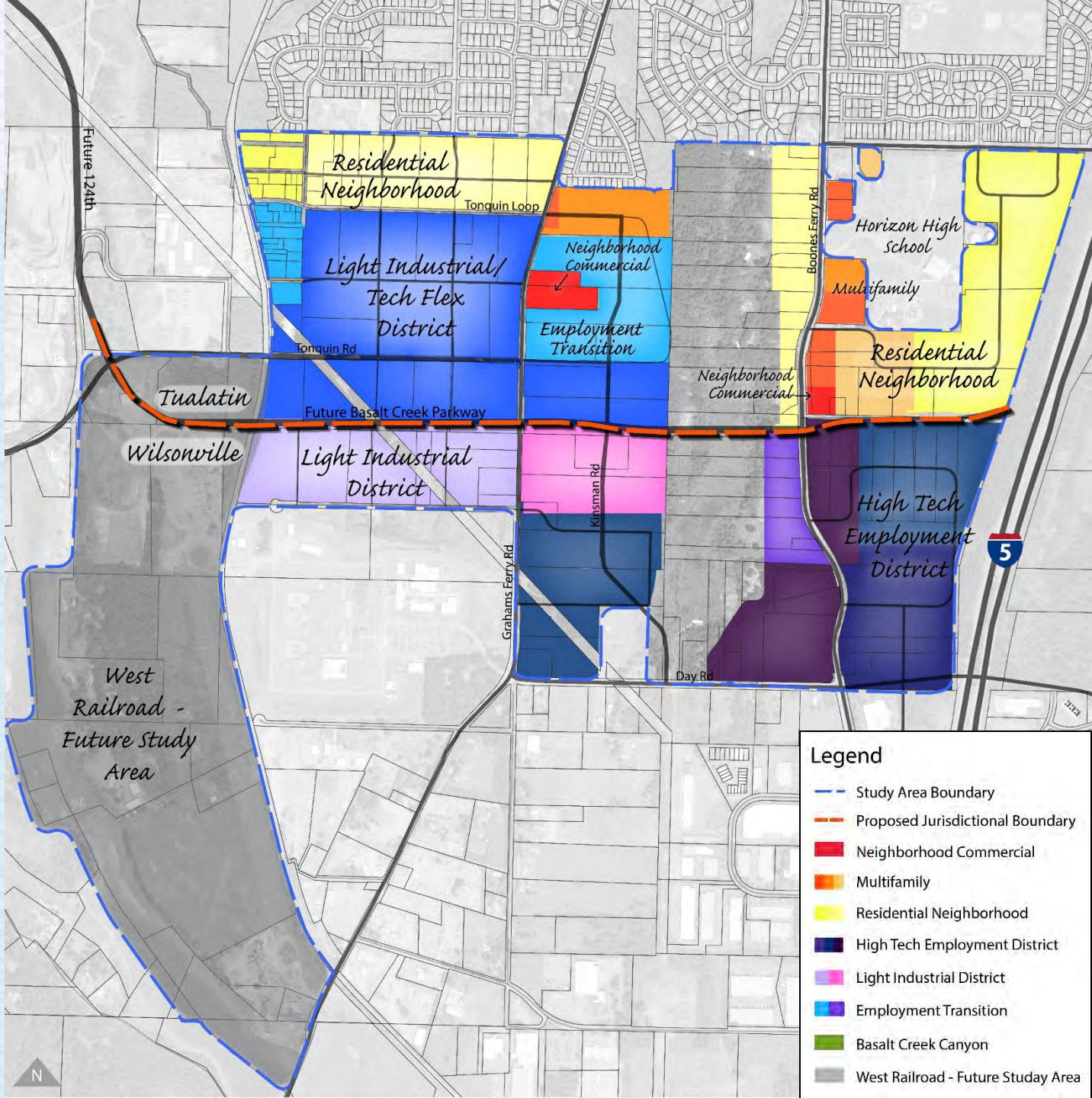


Legend	
	Study Area Boundary
	Proposed Jurisdictional Boundary
	Neighborhood Commercial
	Multifamily
	Residential Neighborhood
	High Tech Employment District
	Light Industrial District
	Employment Transition
	Basalt Creek Canyon
	West Railroad - Future Study Area

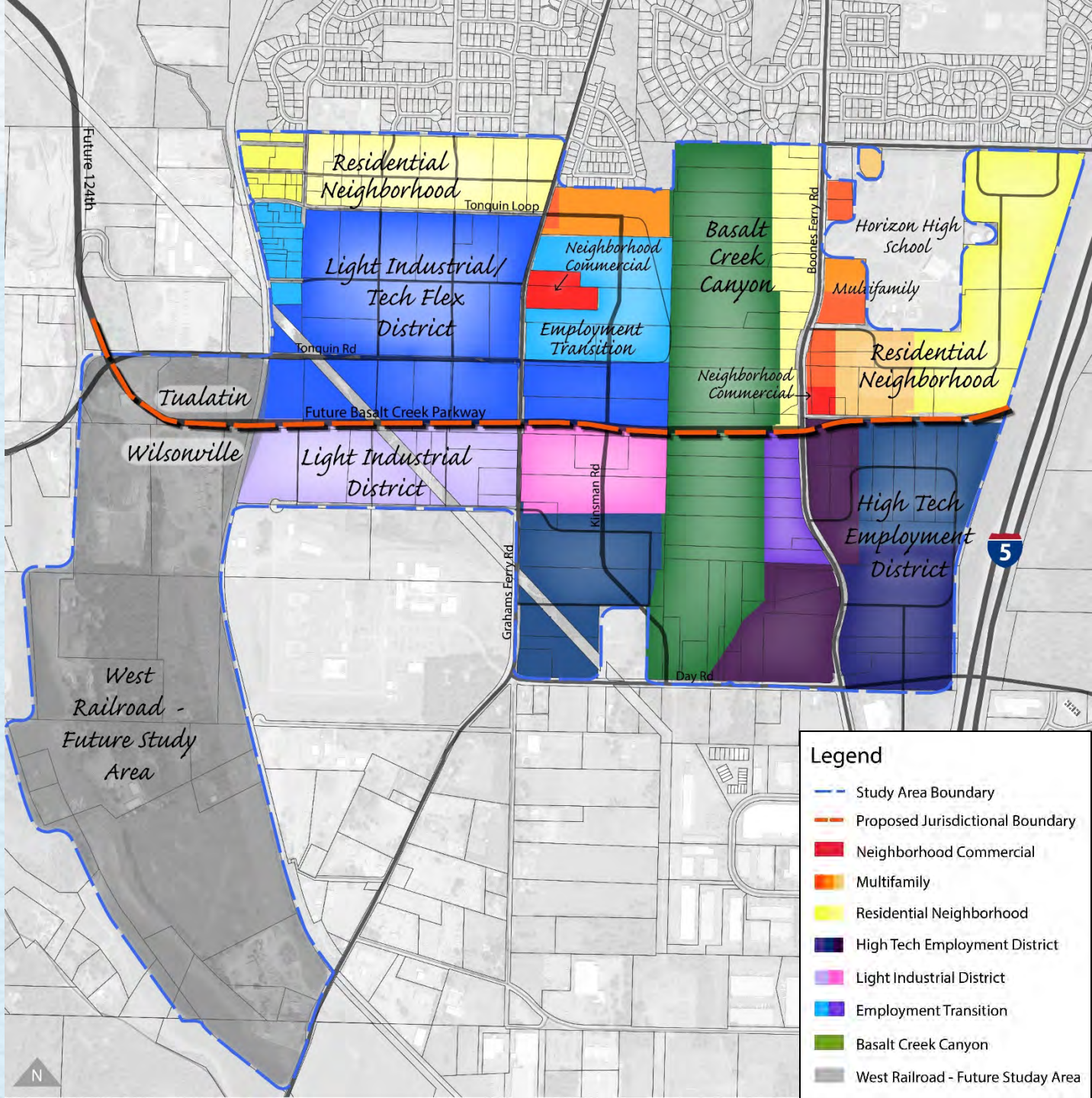
- **Employment Transition:**
Buffers new residential



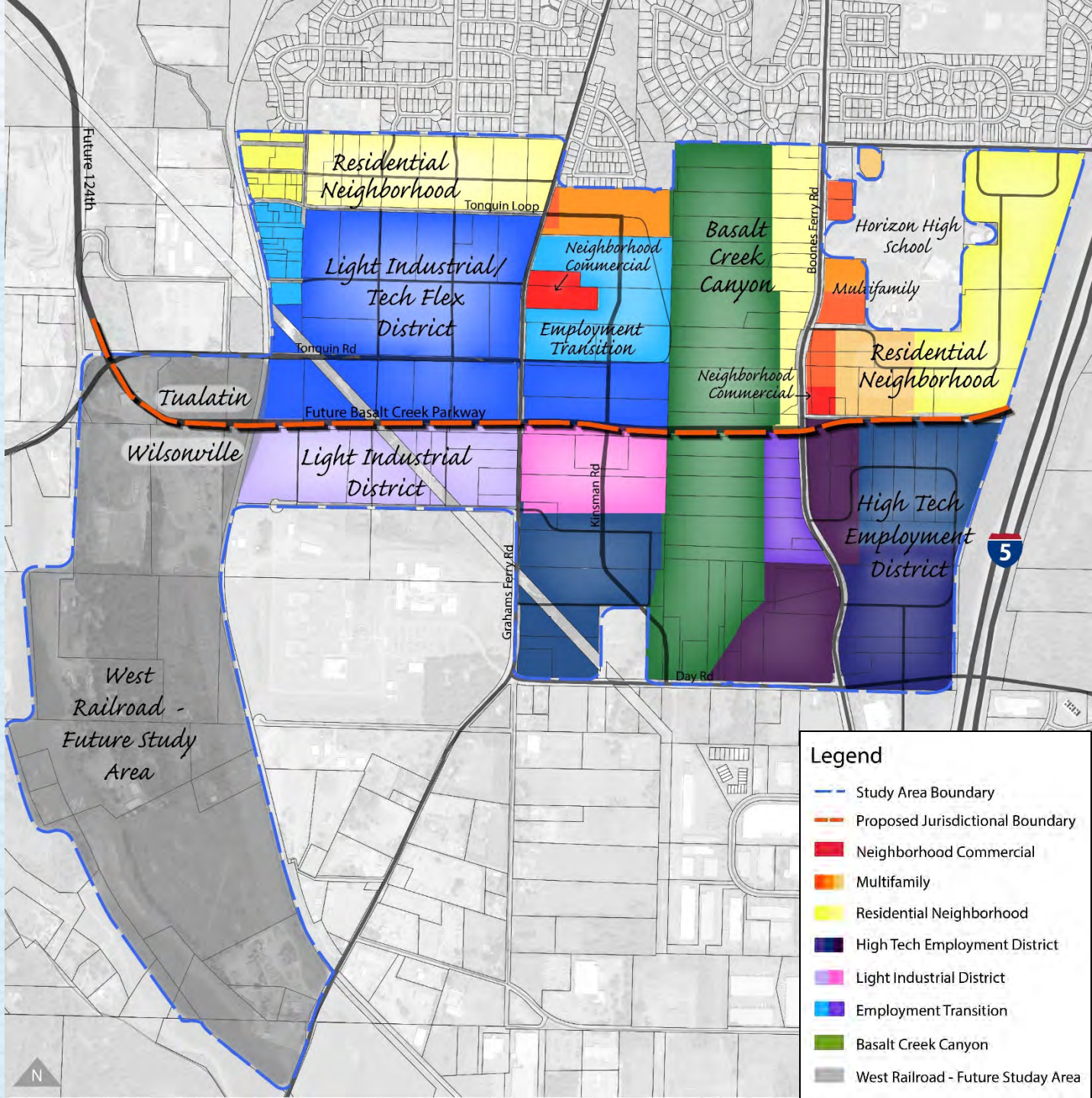
- **Small Retail Node:** Serves local residents & workers



- **Basalt Creek Canyon:** Open space spans both cities



Basalt Creek Land Use Concept Map

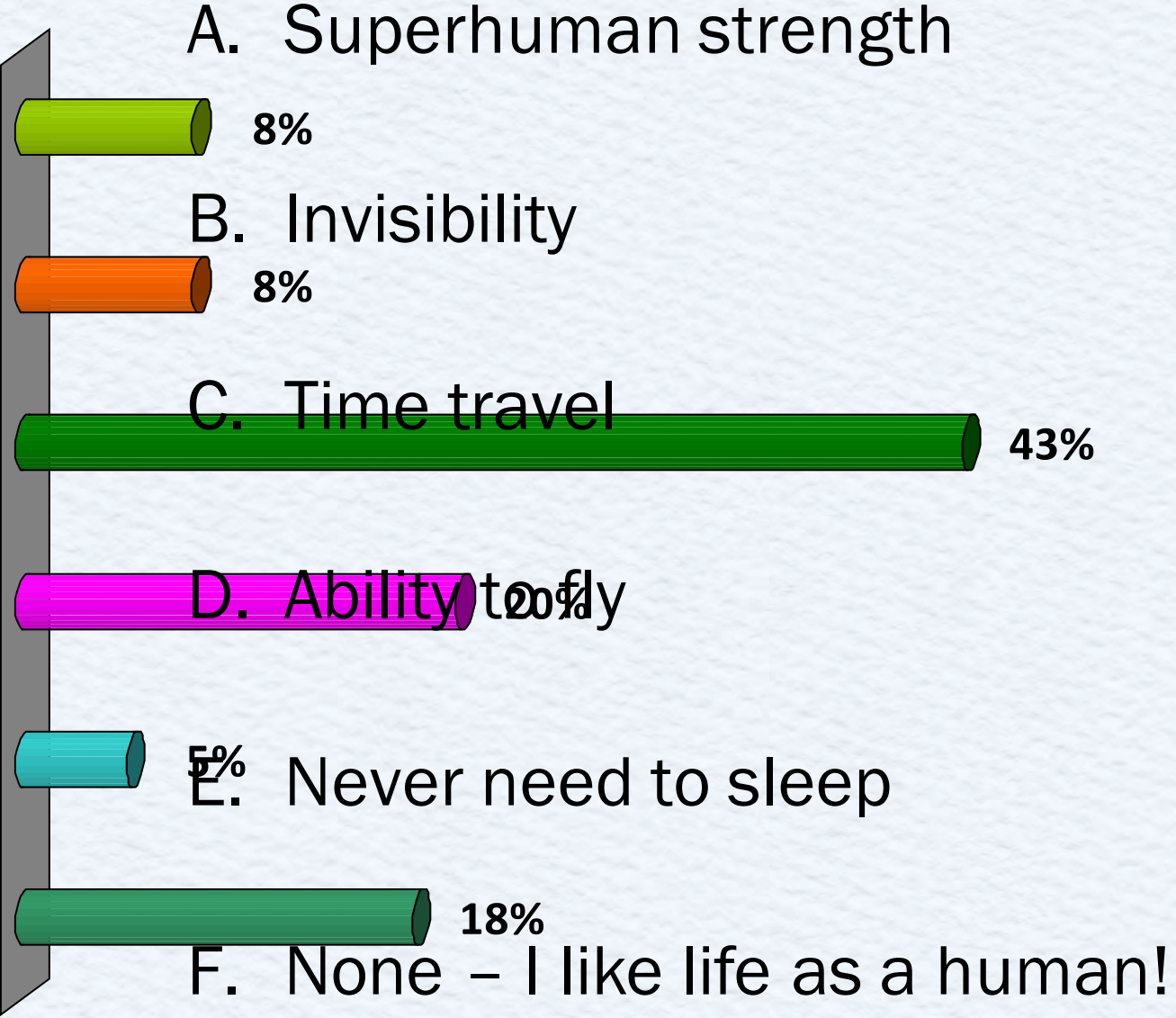


Instant Polling

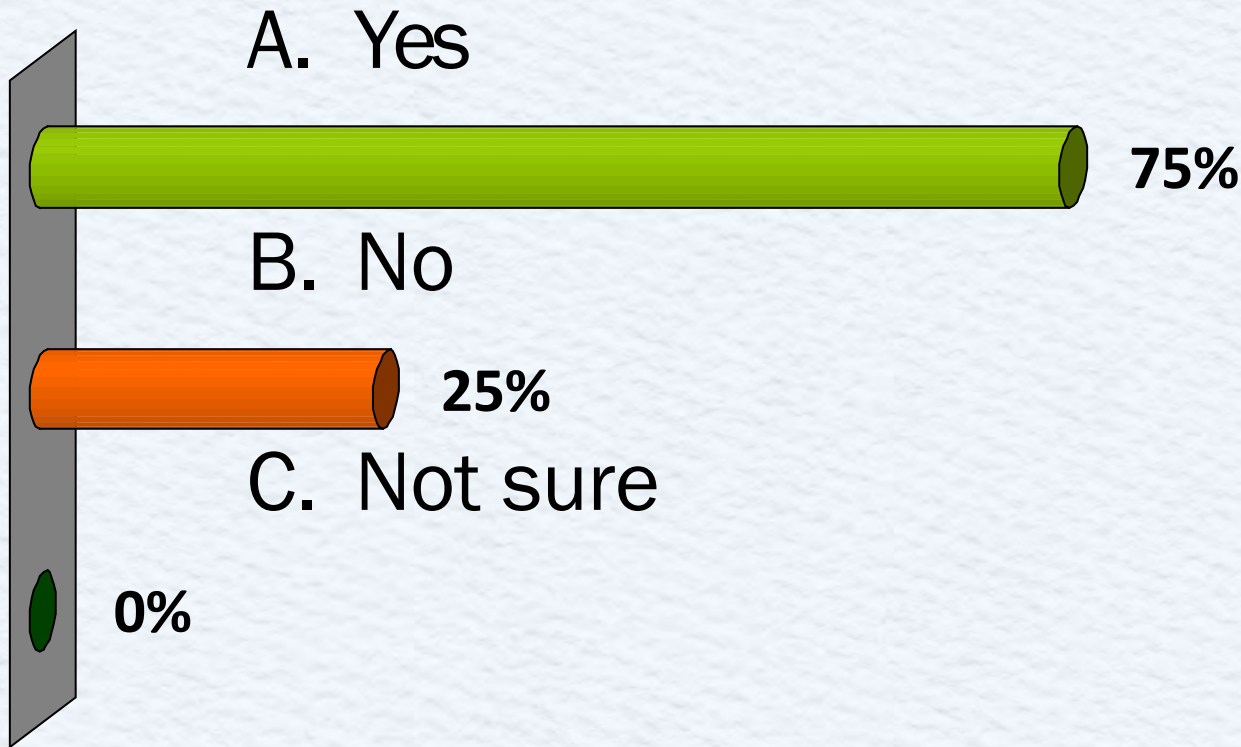
- Go with your gut!
- No right or wrong answers
- Responses are anonymous



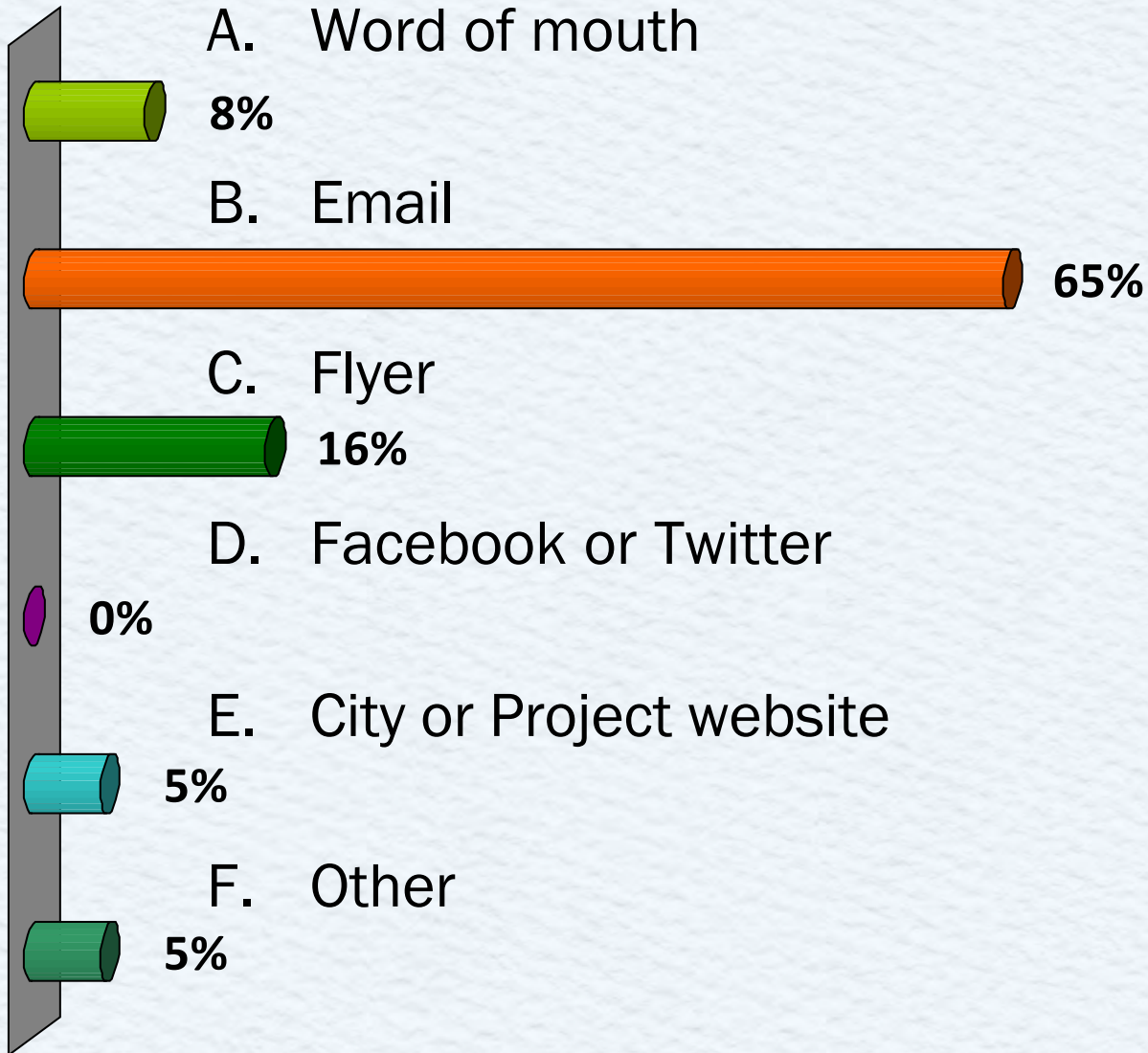
Which superpower would you rather have?



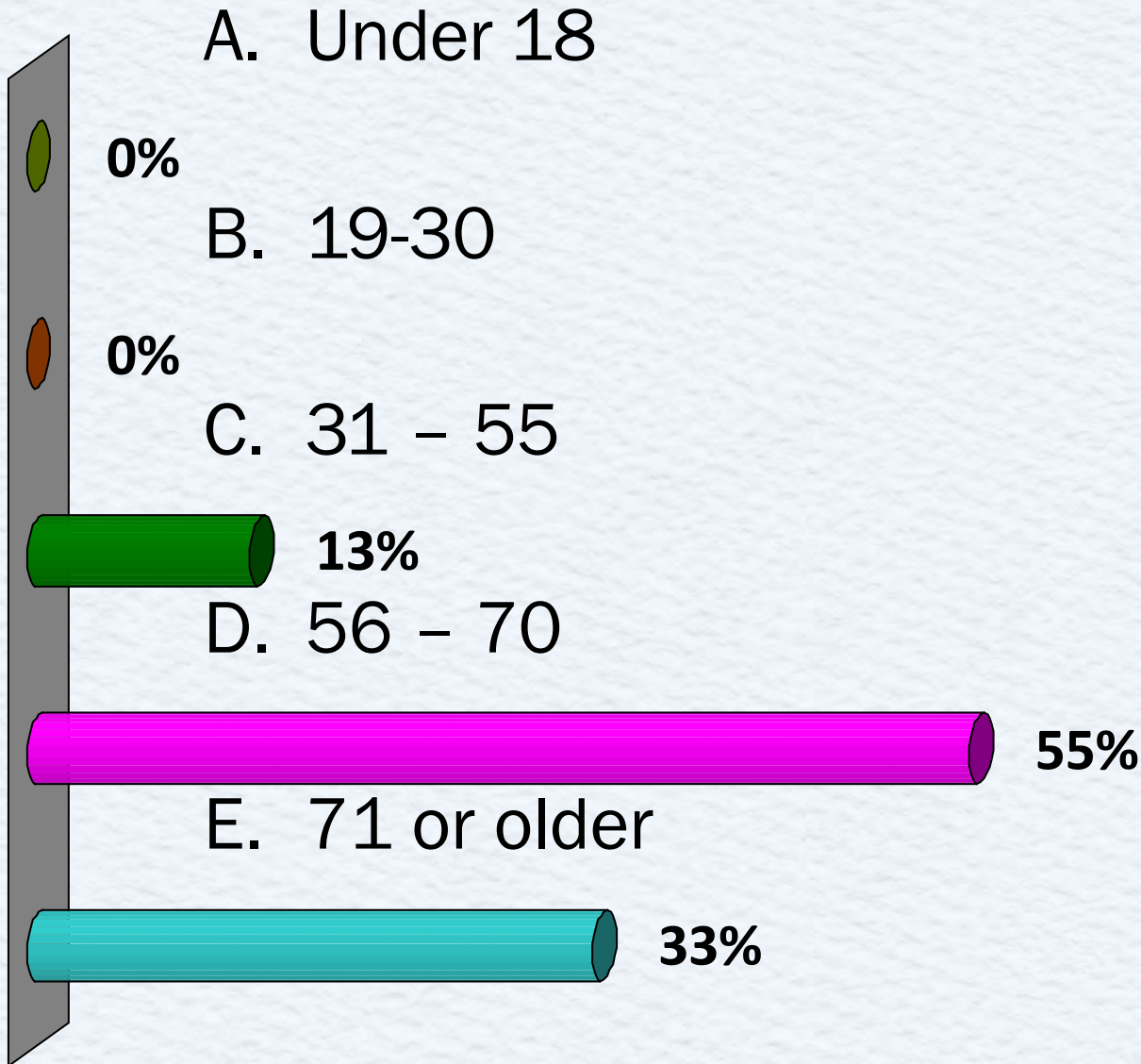
Have you been involved in the Basalt Creek project before today?



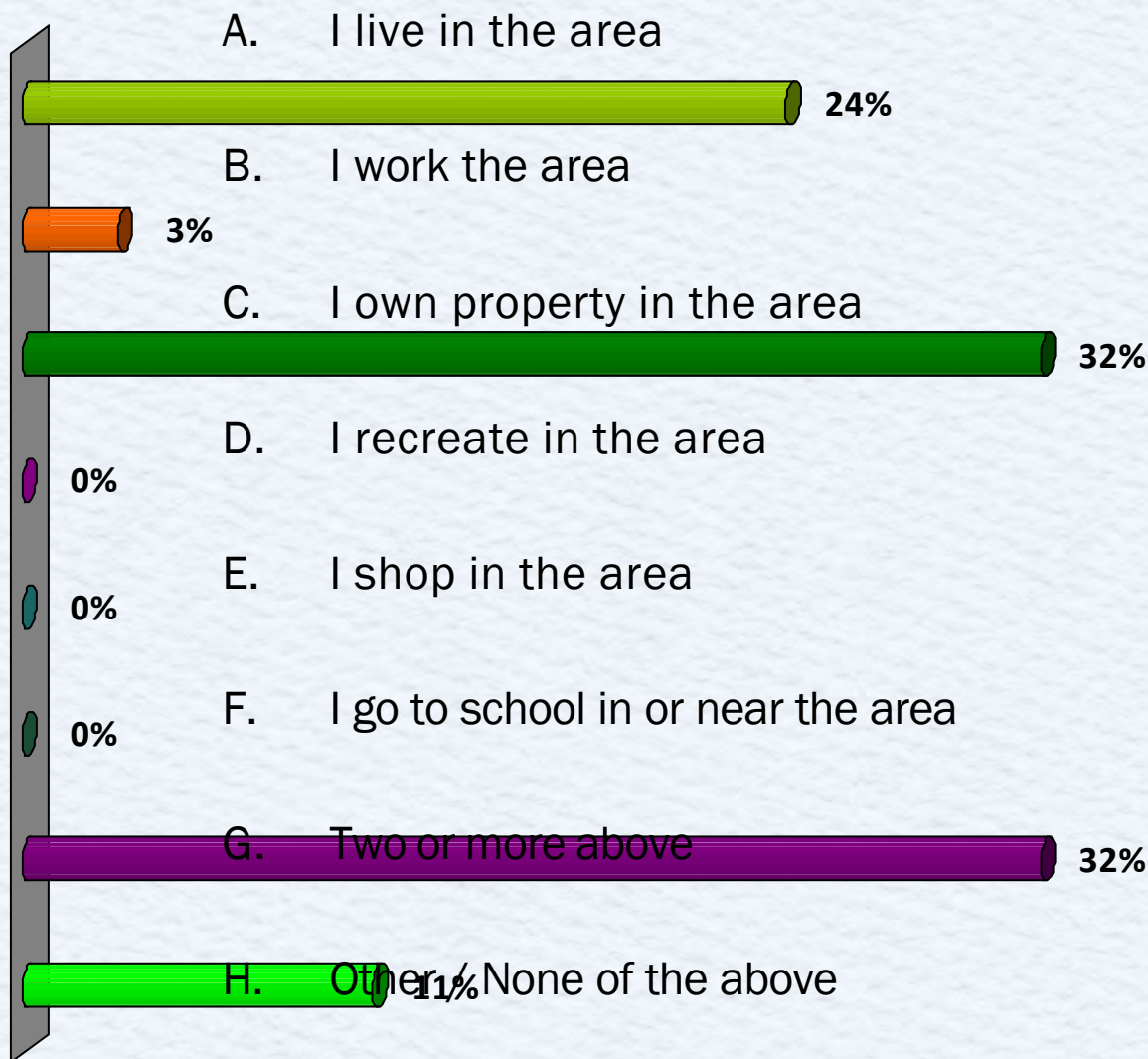
How did you hear about today's event?



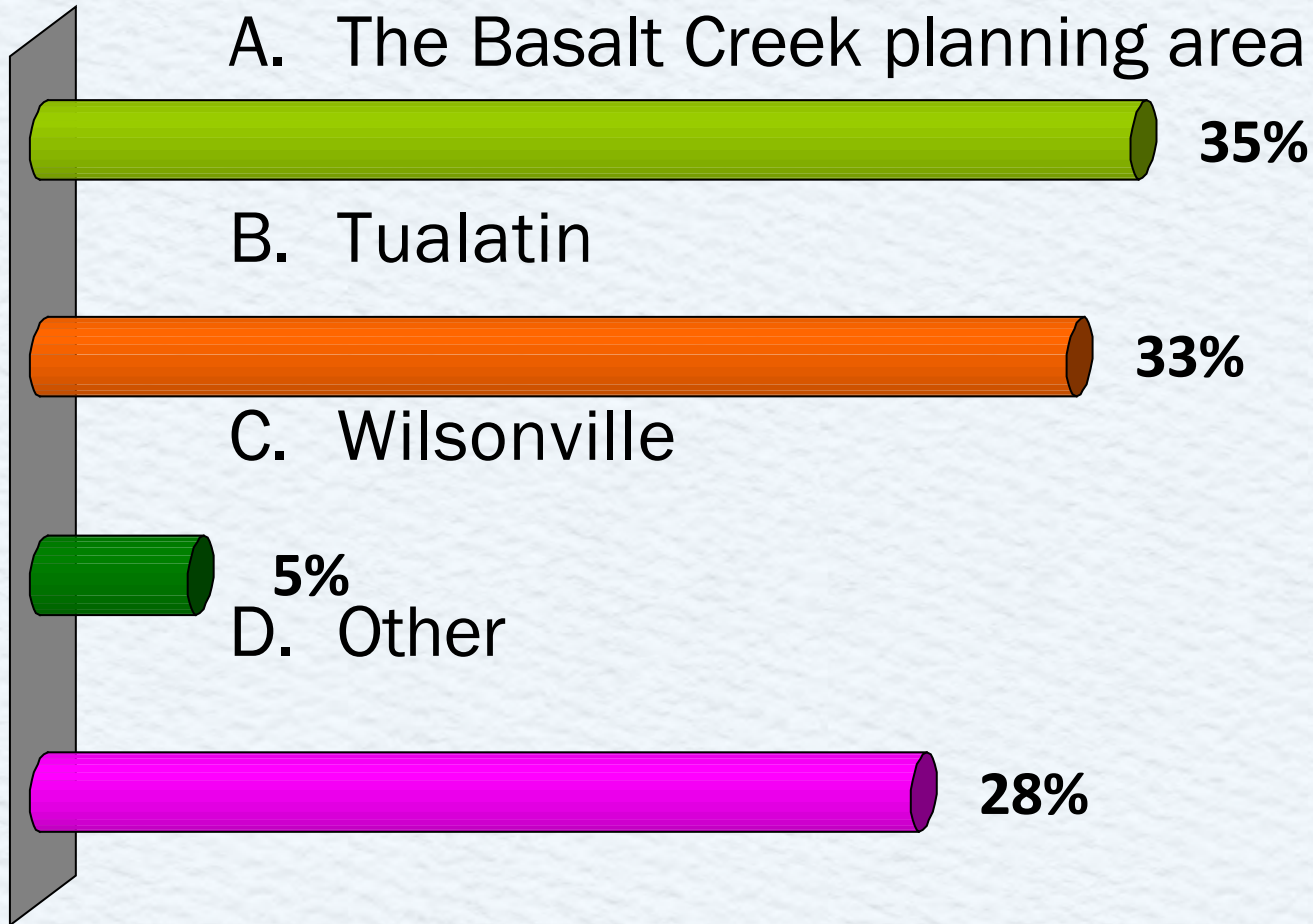
What is your age?



What is your primary connection to the Basalt Creek Planning Area?



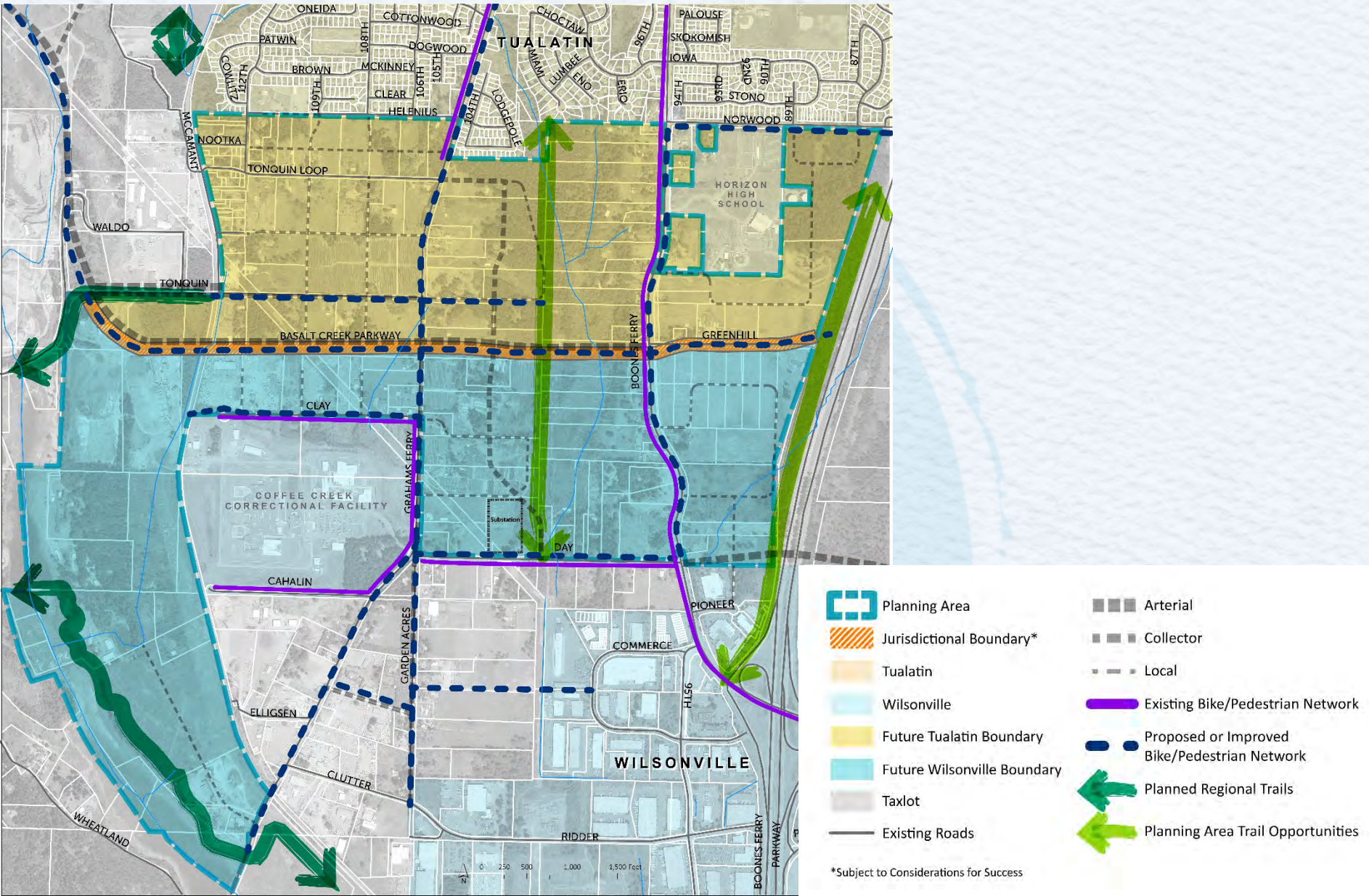
Where do you live?



Bike, Pedestrian and Trail Network



Bikes, Trails and Pedestrian Network



In the future, how might you walk or bike through the Basalt Creek area? (choose one)

- 5% A. Commuting to and from work
- 3% B. To get to transit (bus or WES)
- 3% C. To run errands
- 50% D. For exercise or recreation
- 21% E. To access recreation / natural areas
- 18% F. Other / Not sure

How often do you think you would walk or bike in Basalt Creek in the future?

15% A. Daily

29% B. At least once a week

17% C. At least once a month

15% D. Less than once a month

24% E. Rarely or never

How often do you currently walk or bike?

23% A. Daily

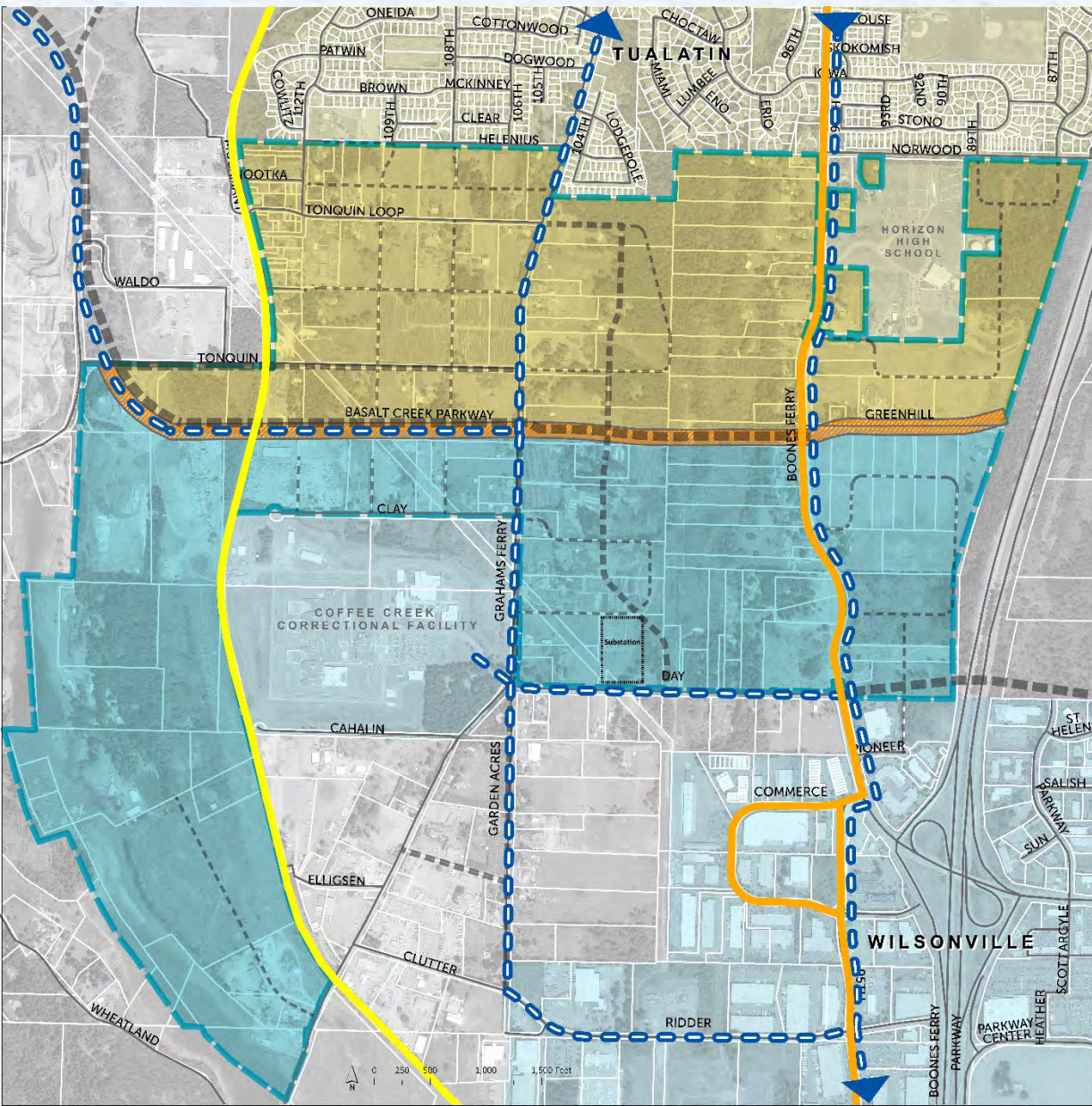
36% B. At least once a week

15% C. At least once a month

13% D. Less than once a month

13% E. Rarely or never

Transit Network

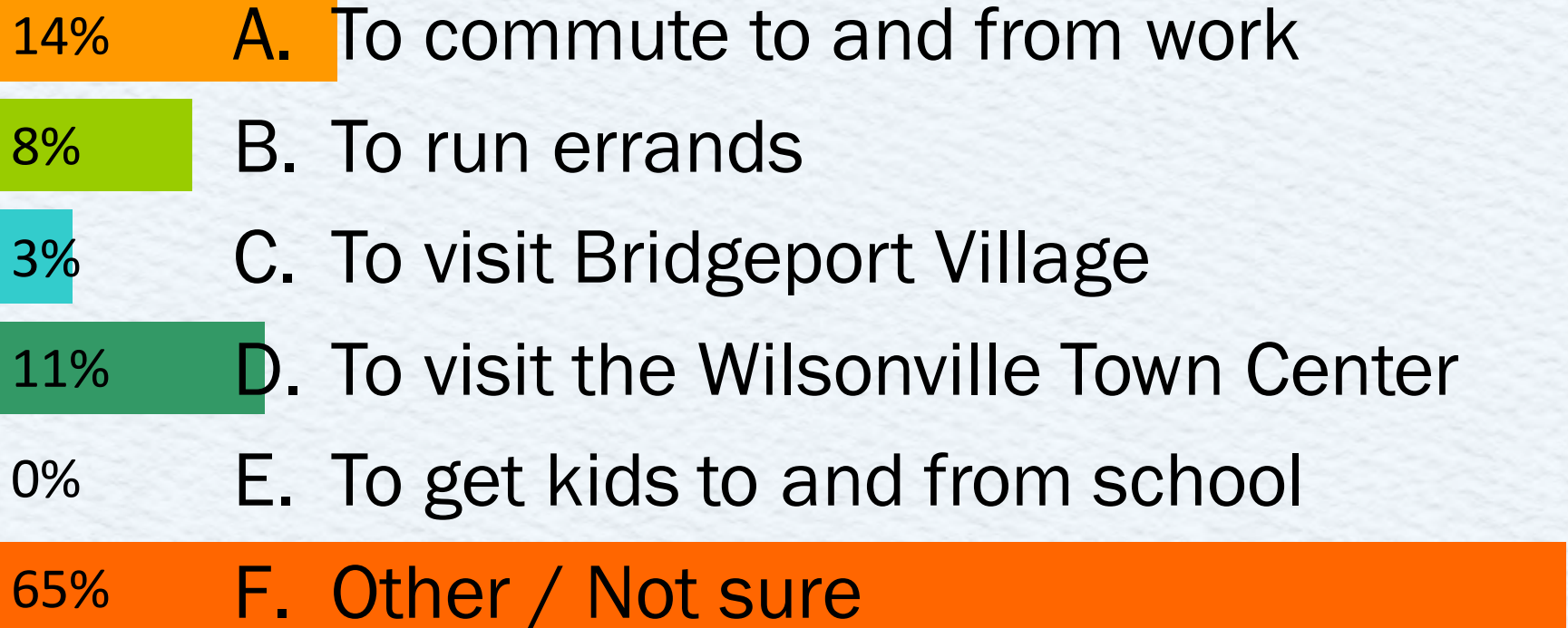


Legend

- Planning Area
- Jurisdictional Boundary*
- Tualatin
- Wilsonville
- Future Tualatin Boundary
- Future Wilsonville Boundary
- Taxlot
- Existing Roads
- Arterial
- Collector
- Local
- Existing Rail
- Existing Bus Line
- Proposed New Bus Line

*Subject to Considerations for Success

In the future, how might you use transit in the Basalt Creek area?



How often do you think you would use transit in Basalt Creek in the future?

3%

A. Daily

17%

B. At least once a week

28%

C. At least once a month

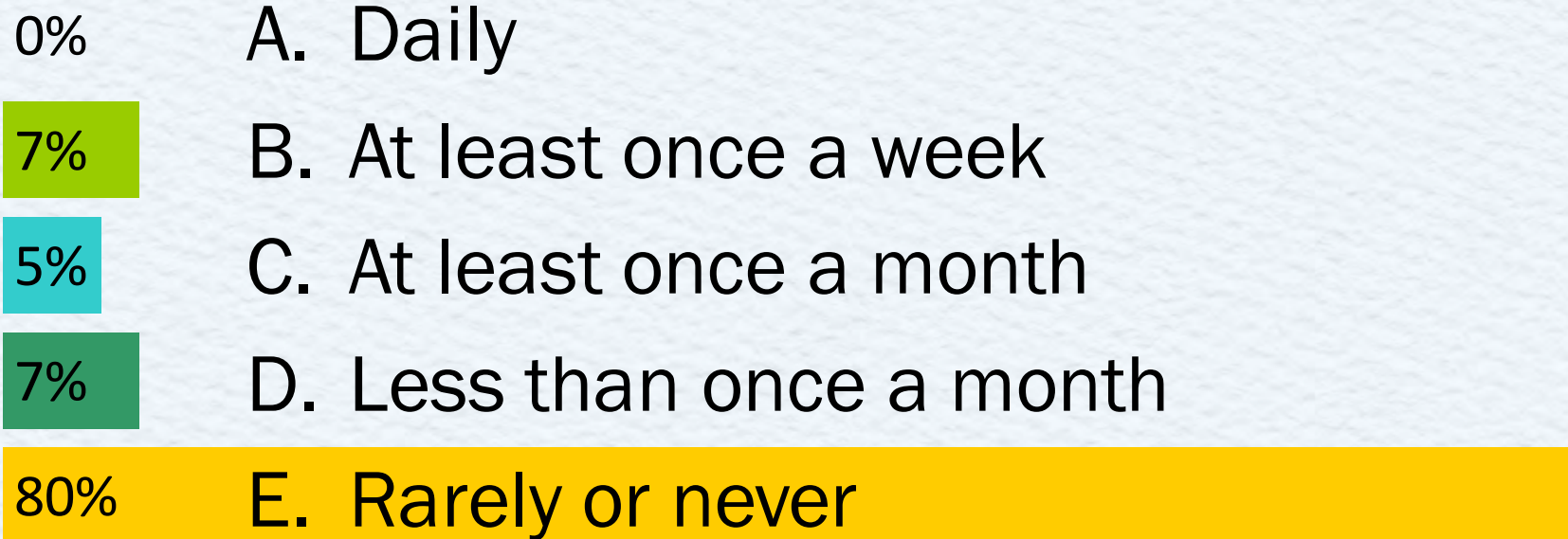
3%

D. Less than once a month

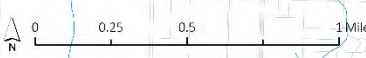
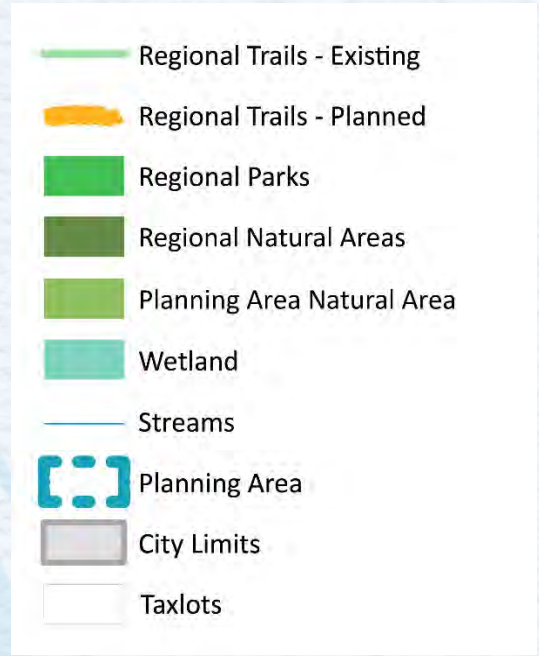
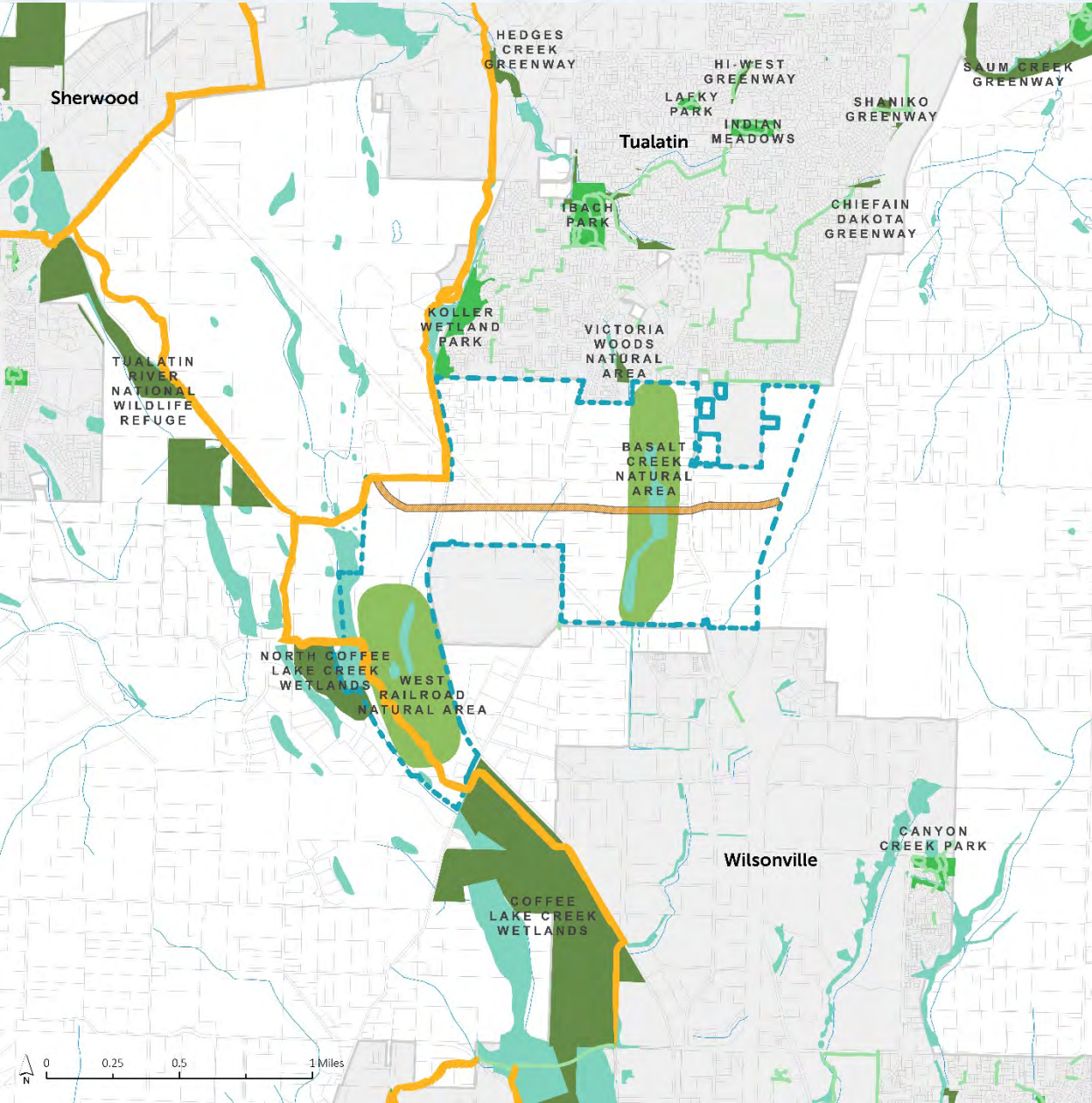
50%

E. Rarely or never

How often do you currently use transit?



Parks & Natural Areas



A variety of parks facilities and amenities are possible...



Neighborhood Park



15 to 20 acres

Pocket Parks



Less than an acre

Nature Interpretive Areas



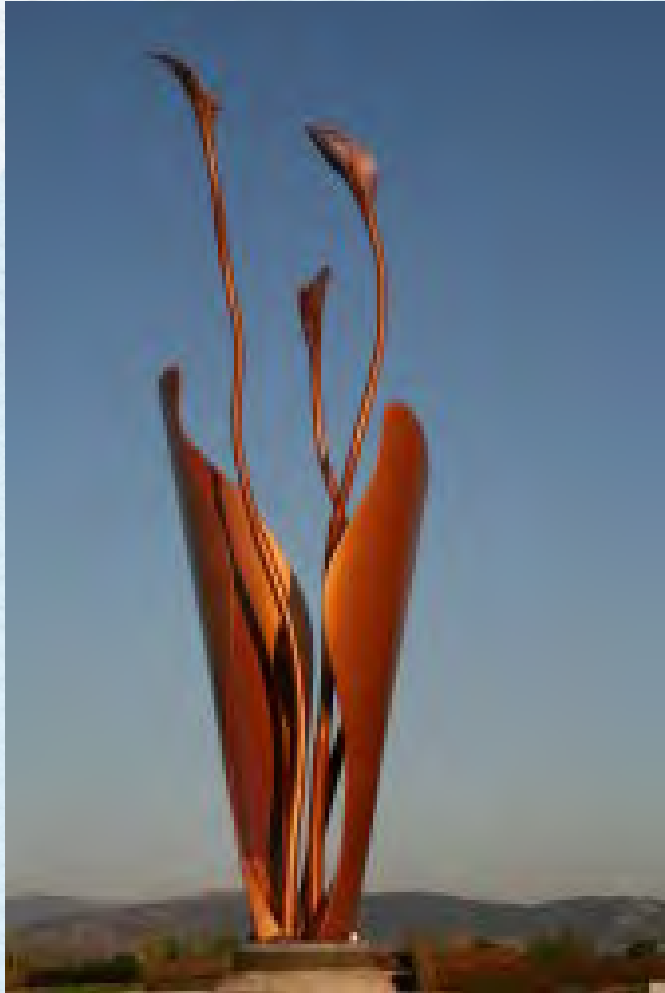
Conservation Areas



Outdoor Education



Public Art



Which type of amenity would you like best in Basalt Creek?

31% A. Neighborhood Park

5% B. Pocket Parks

26% C. Nature Interpretive Areas

18% D. Conservation Areas

3% E. Outdoor Education

3% F. Public Art

15% G. Other / Not sure

WHAT TYPES OF PARK FACILITIES & AMENITIES WOULD YOU LIKE TO SEE IN THE BASALT CREEK AREA?

PLACE A DOT STICKER BELOW THE FACILITY AND/OR AMENITY YOU PREFER!



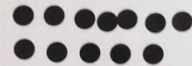
NEIGHBORHOOD PARK
15-20 ACRES



15



POCKET PARKS
< 1 ACRE



12



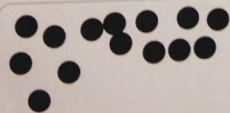
NATURE INTERPRETIVE
AREAS (E.G. CENTERS,
KIOSKS, OVERLOOKS)



8



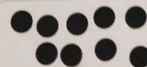
CONSERVATION AREAS



14



OUTDOOR EDUCATION



9

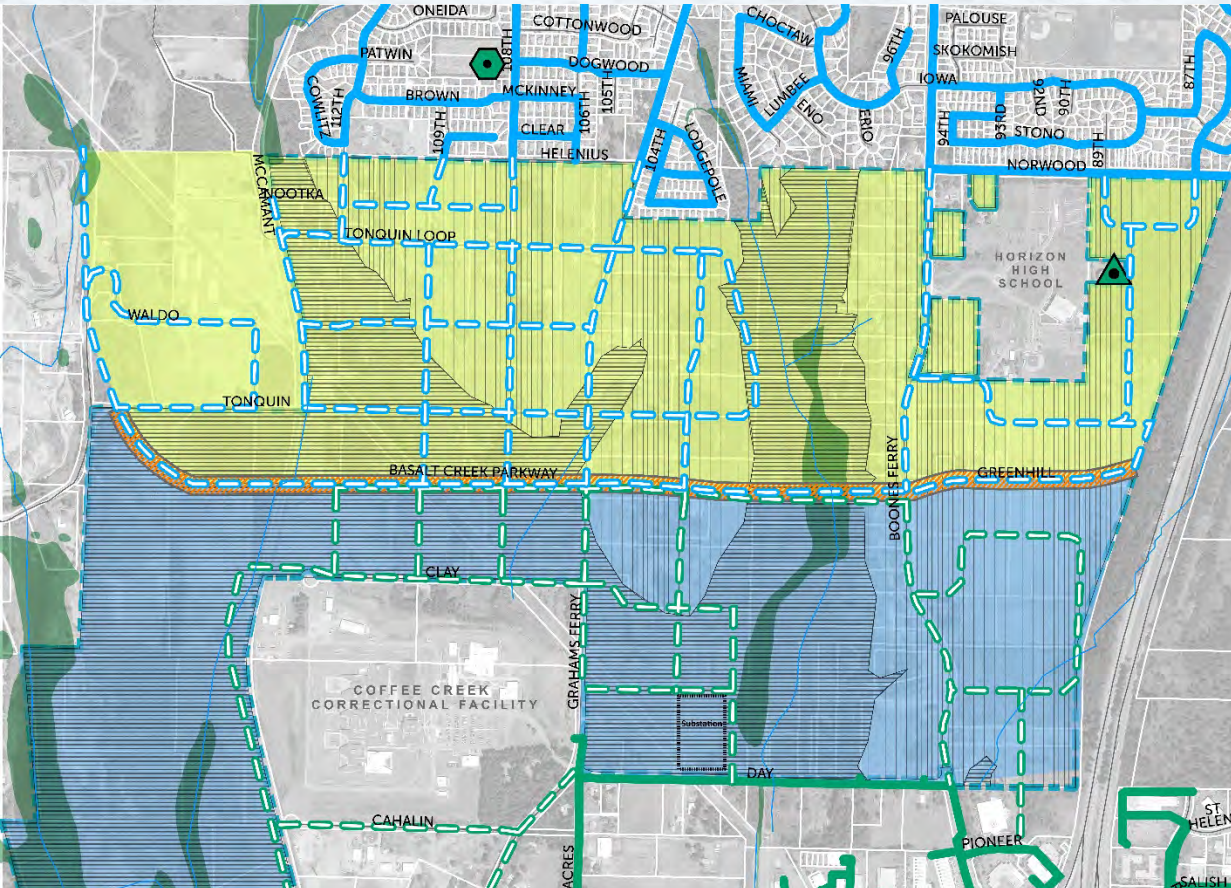


PUBLIC ART




4

Infrastructure: Water





 Planning Area

 Jurisdictional Boundary


 Taxlot


 Roads

 Pressure Zone B


 Pressure Zone C


Proposed


 Proposed Tualatin Water System


 Proposed Wilsonville Water System

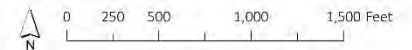
Existing

 Existing Tualatin Norwood PS and Reservoirs

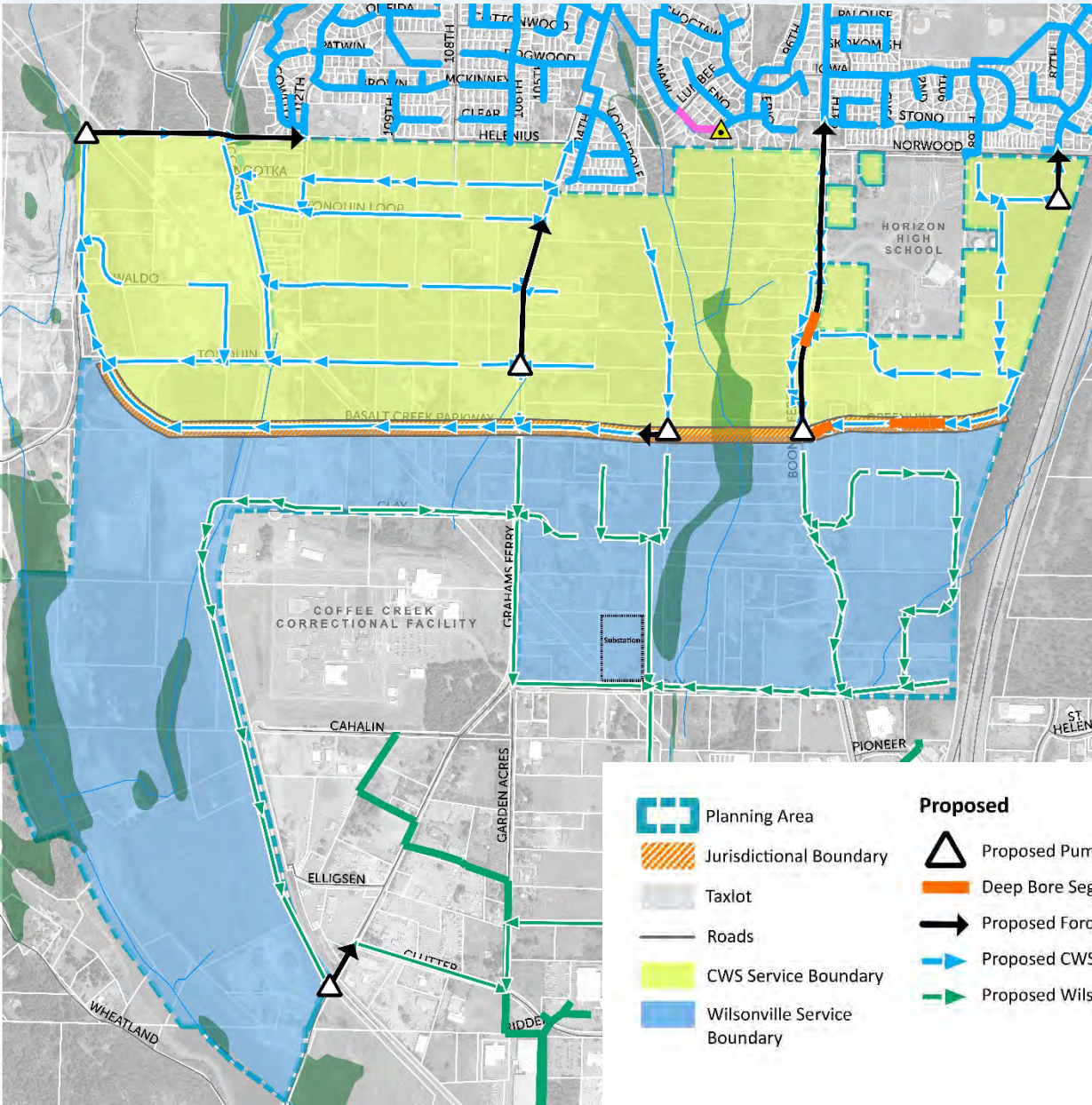
 Existing Tualatin ASR

 Existing Tualatin Water System






 Existing Wilsonville Water System







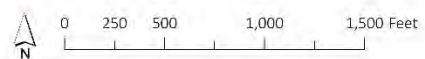
Infrastructure: Sanitary



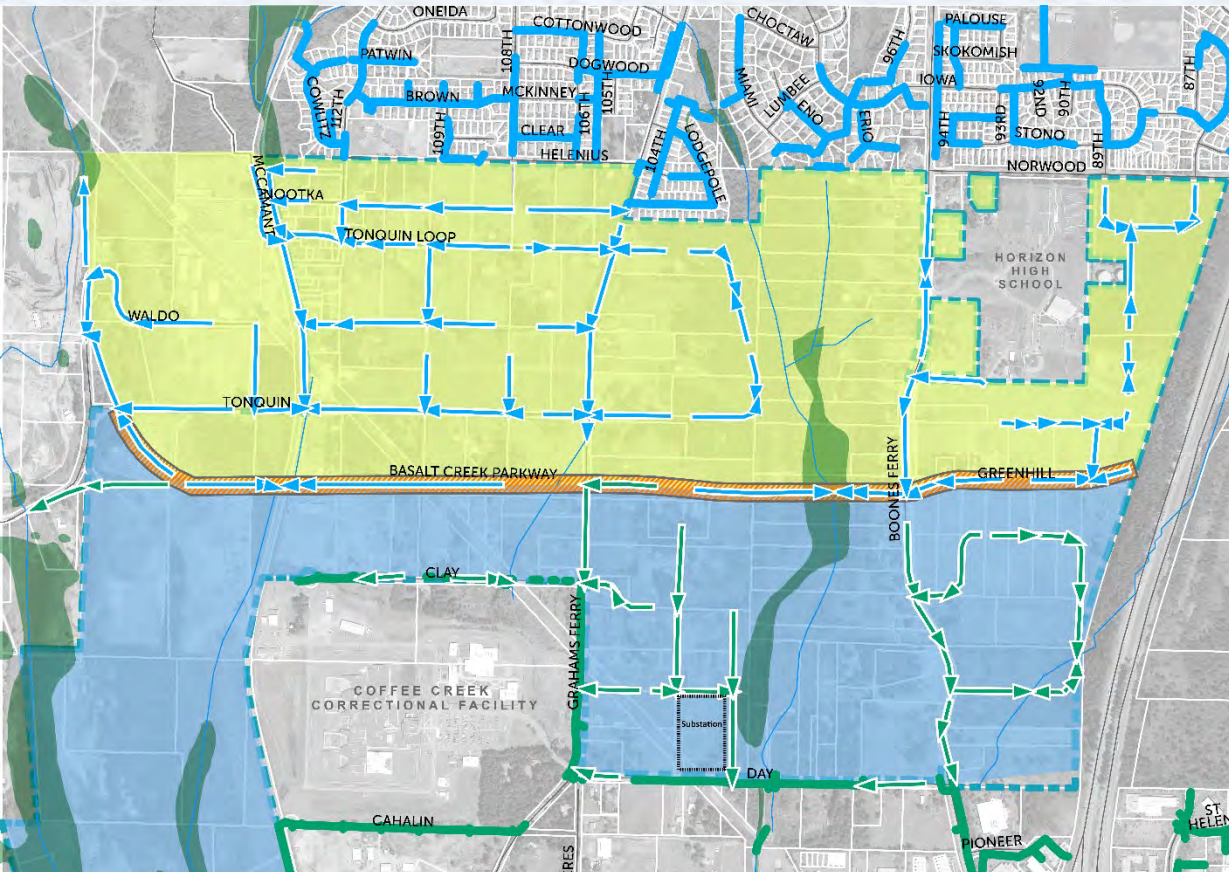
-  Planning Area
-  Jurisdictional Boundary
-  Taxlot
-  Roads
-  CWS Service Boundary
-  Wilsonville Service Boundary

- Proposed**
-  Proposed Pump Stations
 -  Deep Bore Segment (over 25' deep)
 -  Proposed Forcemains
 -  Proposed CWS Service System
 -  Proposed Wilsonville Service System

- Existing**
-  Existing CWS/Tualatin Pump Stations
 -  Existing CWS/Tualatin Gravity System
 -  Existing CWS/Tualatin Forcemains
 -  Existing Wilsonville System



Infrastructure: Stormwater



	Planning Area	Proposed		Proposed Tualatin Stormwater System	Existing		Existing Tualatin Stormwater System
	Jurisdictional Boundary		Proposed Wilsonville Stormwater System			Existing Wilsonville Stormwater Mainlines	
	Taxlot						
	Roads						
	CWS Service Boundary						
	Wilsonville Service Boundary						
	Wetland						
	Streams						

