



TUALATIN CITY COUNCIL MEETING

MONDAY, APRIL 26, 2021

JUANITA POHL CENTER
8513 SW TUALATIN ROAD
TUALATIN, OR 97062

Mayor Frank Bubenik
Council President Nancy Grimes
Councilor Valerie Pratt Councilor Bridget Brooks
Councilor Maria Reyes Councilor Cyndy Hillier
Councilor Christen Sacco

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, April 26. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so: either by calling in using the number below or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

Work Session

- 1. 5:00 p.m. (30 min) – Climate Action Plan Scoping.** Tonight, staff would like to hear from Council regarding the proposed goal, guiding principles, and proposed timeline for the Climate Action Plan. The next step is to update the draft Request for Proposals (RFP) based on your feedback and advertise an RFP so a consultant can be selected to help develop the Plan.
 - 2. 5:30 p.m. (60 min) – Urban Renewal | District 2 Study Area Visioning.** Tonight's workshop, as well as one planned for May 24, will assist staff in crafting a scope of work and needed resources moving forward with the overall visioning for the proposed study area.
 - 3. 6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the April 26 City Council meeting and brief the Council on issues of mutual interest.
-

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

Announcements

1. Proclamation Declaring the Week of May 2 – May 8, 2021 as “Public Service Recognition Week”
2. State of the City Announcement
3. Statement Condemning Anti-Asian Racism

Public Comment

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Consent Agenda

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.

1. Consideration of **Resolution No. 5539-21** Authorizing the City Manager to Execute a Grant Agreement with the YMCA; and Appropriating Special Purpose Revenues in the City’s General Fund During the FY 2020-21 Budget
2. Consideration of Approval of a New Liquor License Application for Three Mermaids Public House
3. Consideration of Approval of a Change in Liquor License Application for Buffalo Wild Wings

Special Reports

1. Borland Free Clinic Update
2. Update from the Regional Water Providers Consortium
3. Tualatin Planning Commission Annual Report

Public Hearings - Quasi-Judicial

1. Consideration of **Ordinance No. 1456-21** Annexing Approximately 4.66 acres of Property Located 23500 SW Boones Ferry Road (Tax ID 2S135D000303); Annexing the Territory into the Boundary of Clean Water Services, and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District (File No. ANN 20-0004)

General Business

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Resolution No. 5538-21** Authorizing the City Manager to Execute an Intergovernmental Agreement with the Tigard-Tualatin School District No. 23J Related to the School Resource Officer Program
2. Consideration of **Resolution No. 5540-21** Setting a Parks Utility Fee

Items Removed from Consent Agenda

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

Council Communications

Adjournment

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at www.tualatinoregon.gov/council.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit www.tvctv.org/tualatin.

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Jeff Fuchs, Director of Public Works
Nic Westendorf, Deputy Director of Public Work
Ariel Kane, Intern

DATE: April 26, 2021

SUBJECT:
Climate Action Plan Scoping Update

EXECUTIVE SUMMARY:

Background

In 2020, the City Council identified development of a Climate Action Plan as a priority and directed staff begin work on scoping for a plan.

At the December 14, 2020 City Council workshop, staff presented their findings and received feedback from Council on the various plan components. At that meeting Council favored Option C, pursuing a climate action plan that included three main components:

1. **Greenhouse Gas inventory** - inventory of current emissions to use as a baseline.
2. **Community Climate Action Plan** - external plan focused on community actions such as supporting solar energy development.
3. **Operational Climate Action Plan** – internal plan focused on City operational actions such as increased solar production at City facilities.

Council also selected target areas for the Climate Action Plan which include: Buildings and Energy; Urban Form and Land Use; Transportation; Natural Systems and Resources; Consumption and Waste/Materials Management; Climate Resilience and Emergency Preparedness; and Public Health and Community Wellbeing.

Since the December decision, staff have been working to develop a scope of work, identifying key goals, guiding principles, and a potential timeline.

Recommended Climate Action Plan Contents

Goal. The Climate Action Plan will be a community-centric and action-oriented plan to identify and address the impacts of climate change in Tualatin. The plan will establish a clear baseline for action and identify concrete approaches to mitigate the impacts of climate change.

Community Engagement. In addition to the three components identified by Council, staff recommends creating a community engagement plan to guide the process, inform the project team, and work with the public to understand the needs of the whole community. The plan would be created by the consultant we select with input from the public and City.

The plan will recommend tools and methods we can use to successfully get wide, meaningful engagement from our community. Using a variety of engagement tools we hope to make participate easy and accessible for as many people as possible. Examples of potential communication tools could include project webpages, establishing advisory group(s), surveys, forums, or open houses.

Guiding Principals

The climate action plan will be based on guiding principles. These will be top of mind for our work on all components of the Climate Action plan.

- **Equity** – engage the whole community and create a plan that works for the whole community.
- **Benefits** – focus on benefits that will consider the cost of action and inaction.
- **Partnerships** – leverage existing community, regional, and state partnerships to build a strong, actionable plan that builds on existing work when possible.

Phased Approach

Staff recommends developing the Climate Action Plan in two phases.

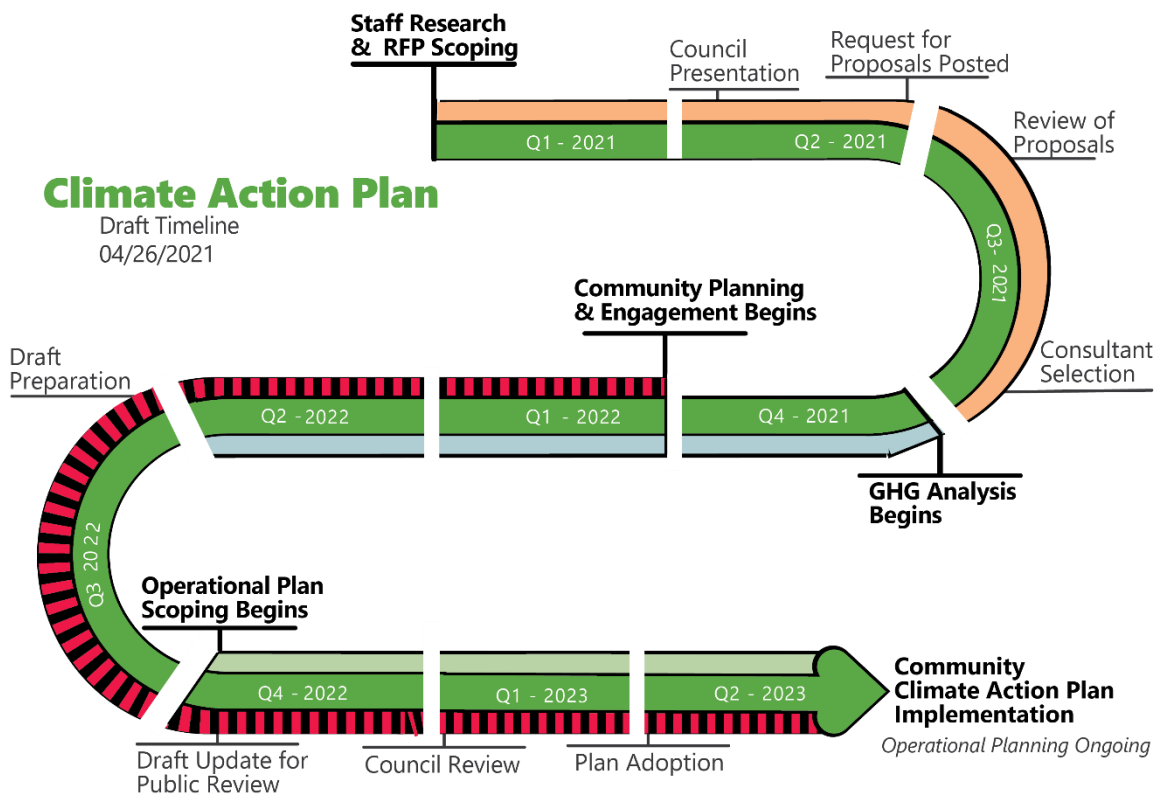
Phase 1:

- Greenhouse gas inventory/analysis
- Engagement plan
- Community Climate Action Plan

Phase 2:

- Community Climate Action Plan implementation
- Operational Climate Action Plan

We have drafted a timeline to help illustrate the potential scope of work and timeline the City Council could expect development to take.



DISCUSSION:

Staff would like to hear from Council regarding the proposed goal, guiding principles, and proposed timeline for the Climate Action Plan.

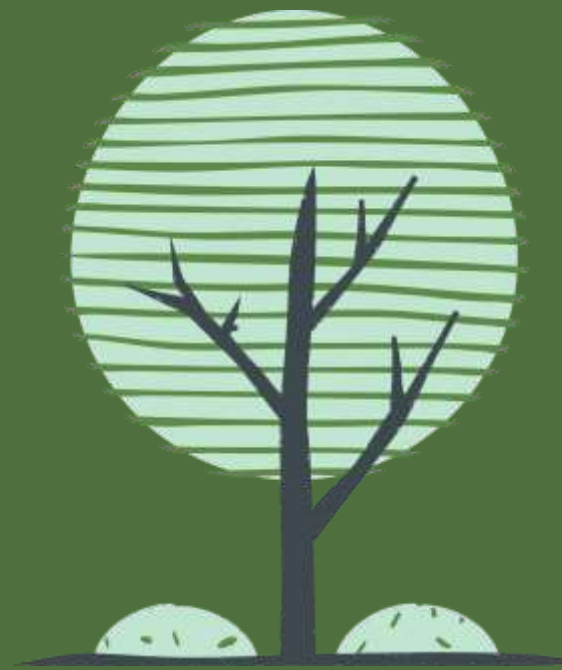
The next step is to update the draft Request for Proposals (RFP) based on your feedback and advertise an RFP so we can select a consultant to help develop Tualatin's Climate Action Plan.

FINANCIAL IMPLICATIONS:

The estimated cost to develop a Climate Action Plan as proposed is \$200,000.

ATTACHMENTS:

- PowerPoint Presentation



Climate Action Plan

Project Update
April 26th – City Council

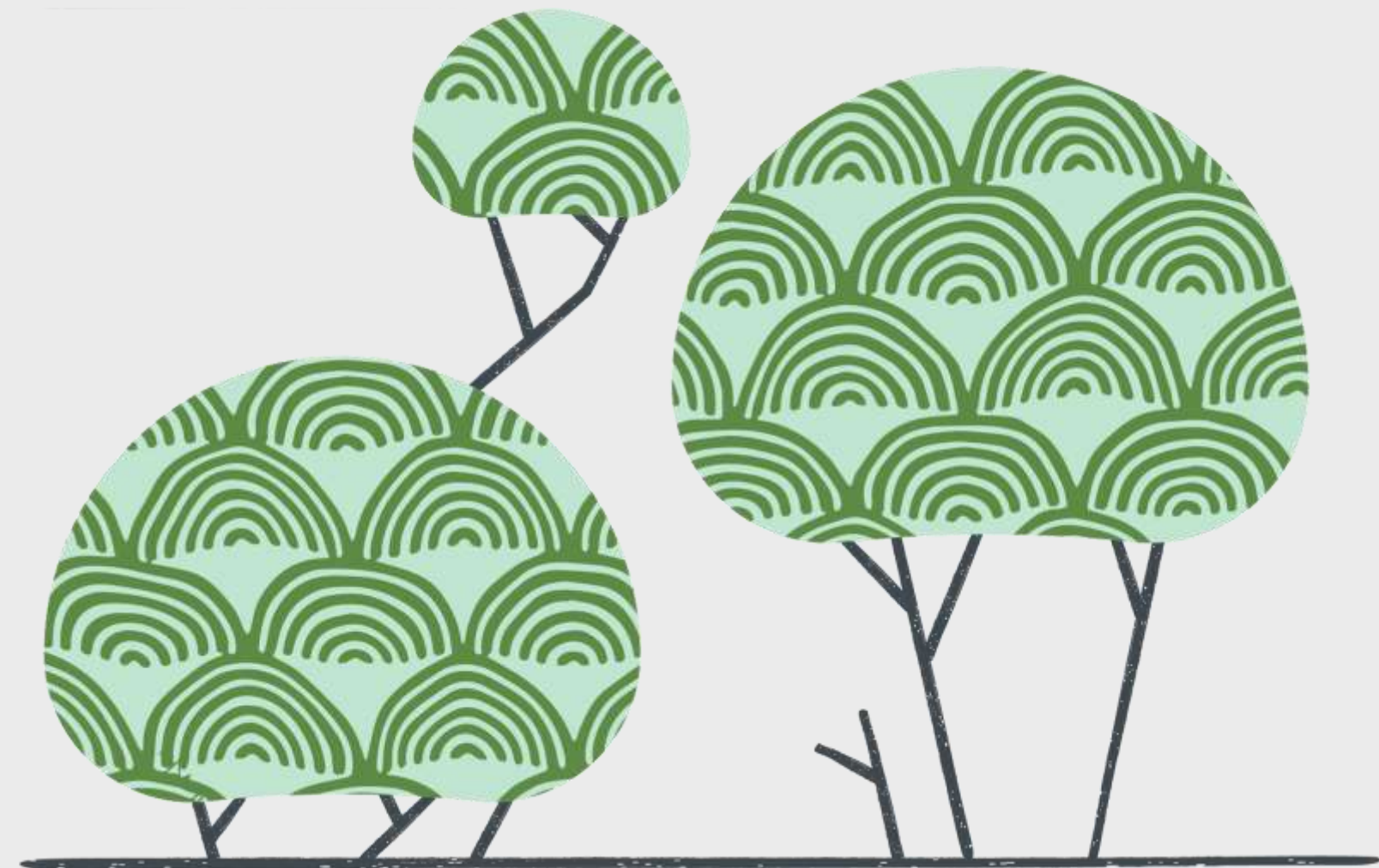
Overview

We are here tonight to get feedback on the proposed goal, guiding principles, and timeline for our Climate Action Plan.



Overview

- **Quick Refresh**
 - Previous Decisions
 - Resources Used
- **Project Update**
 - Goal
 - Guiding Principles
 - Phased Approach
- **Next steps**
- **Discussion**



Refresh

City Council Discussions, December 2020

OPTION C

- Community Plan**
- Greenhouse Gas (GHG) Inventory**
- Operational Plan**

TARGET AREAS

- Buildings & Energy**
- Urban Form & Land Use**
- Transportation**
- Consumption & Waste**
- Natural Resources**
- Resilience/Preparedness**
- Public Health**

Resources Used

City of Ashland

- Similar characteristics
- Similar scope and priorities
- Previously reviewed Climate Action Plan

Clackamas County

- Connection to Tualatin
- Reflection of similar priorities
- Only a few steps ahead

Greenhouse Gas Inventory RFPs

- Midpeninsula Regional Open Space District (California), Lane County (Oregon), Portland (Maine) City of Oakland Park (Florida), City of West Hollywood (California)
- Develop an RFP that includes the GHG inventory component



The Goal

Create a Climate Action Plan that is community-centric and action-oriented, which will establish a clear baseline for action to adapt to and mitigate the impacts of climate change in the City of Tualatin.



Engagement Plan

Purpose

- Guide planning process
- Use public input to inform project team
- Understand the needs of the whole community

The Plan

- Created by consultant with input from Public and City
- Tools for wide, meaningful engagement
- Points in process for engagement
- Example tools could be project webpage, advisory groups, surveys, forums, or open houses



Guiding Principles

Equity

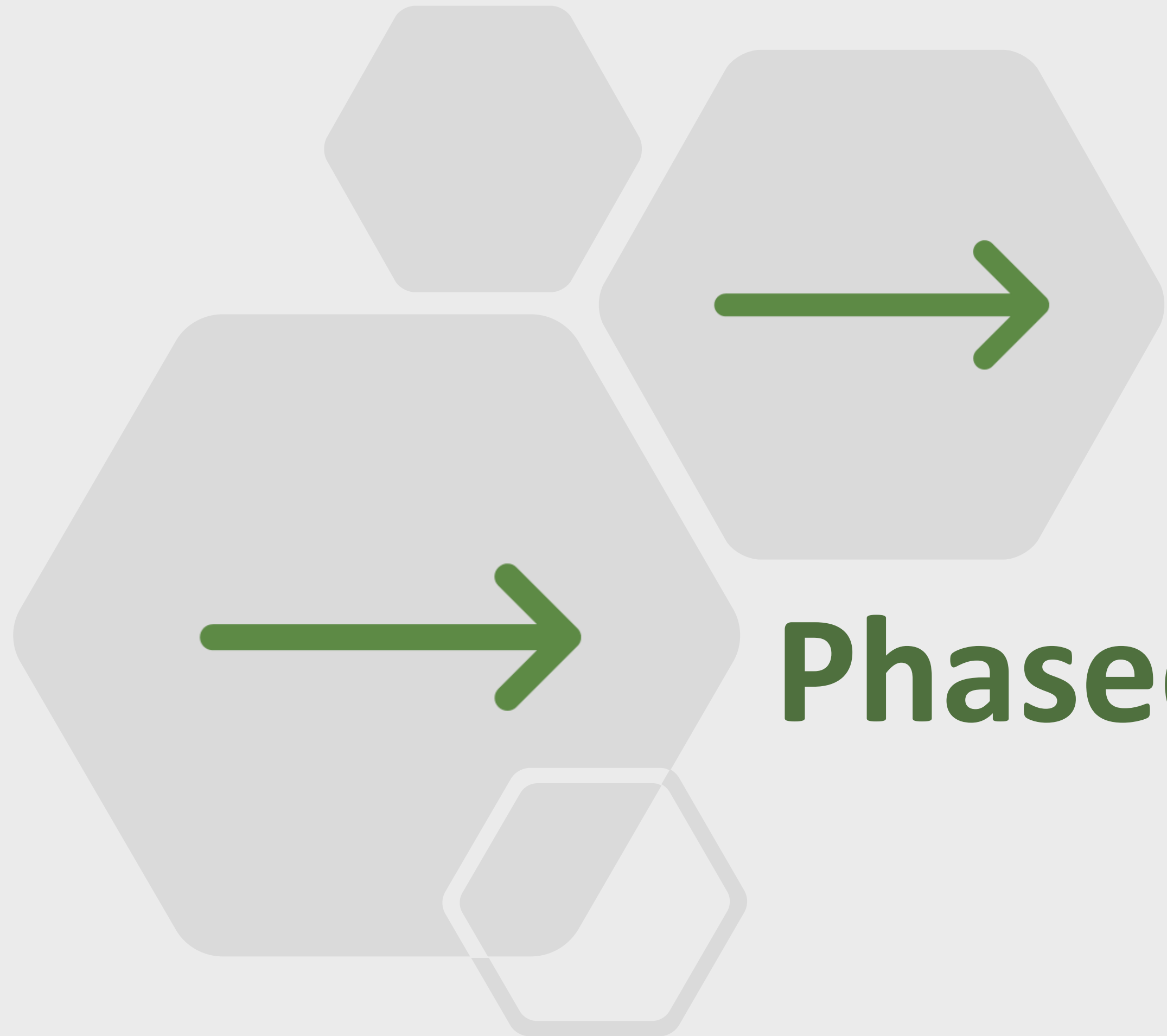
- Ensure we hear from and make a plan that works for everyone
- Consider who is benefited or harmed by plan implementation
- Be mindful of unintended impacts

Benefits

- Focus on benefits to community well-being
- Identify benefits which the community or city has deemed a priority
- Identify cost of action and inaction

Partnership

- Leverage partnerships with the community and across the region for strong, actionable plans
- Leverage existing work and regional standards when possible



Phased Approach

Phase 1

1. Greenhouse Gas (GHG) Inventory

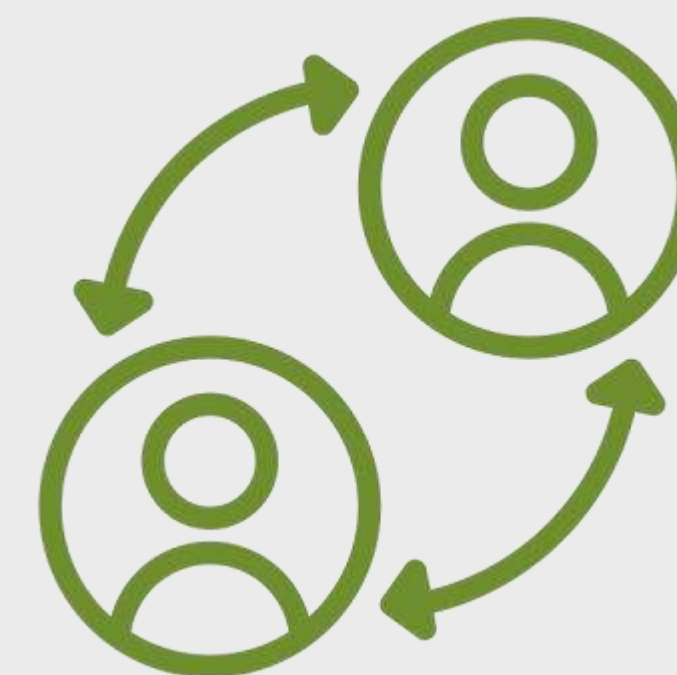
A study that quantifies greenhouse gas emissions generated within a specific boundary, analyzes the source and establishes the baseline for action.

3. Community Climate Action Plan

A community-based plan that focuses on community infrastructure, development, and action to reduce community-based emissions.

2. Engagement Plan

Development will include public input from across the entire community using tools such as a project webpage, online surveys, public forums, open houses, etc.



Types of Actions/ Strategies

Mitigation

Strategies aim to reduce greenhouse gas emissions by targeting the source of production.

Example:

Work with Clackamas County, TriMet and Metro to develop micro-transit from park-and-ride or light rail station to local destinations. (Milwaukie)

Sequestration

Strategies focus on developing/increasing “sinks” that capture or store gases, such as forests and soil.

Example:

Increase tree canopy to 40% by 2040. (Milwaukie)

Adaptation

Strategies focus on long-term actions to adapt to climate change impacts.

Example:

Manage forests to retain biodiversity, resilience, ecosystem function and services. Use best available science to inform fire management and planning. (Ashland)



Phase 2



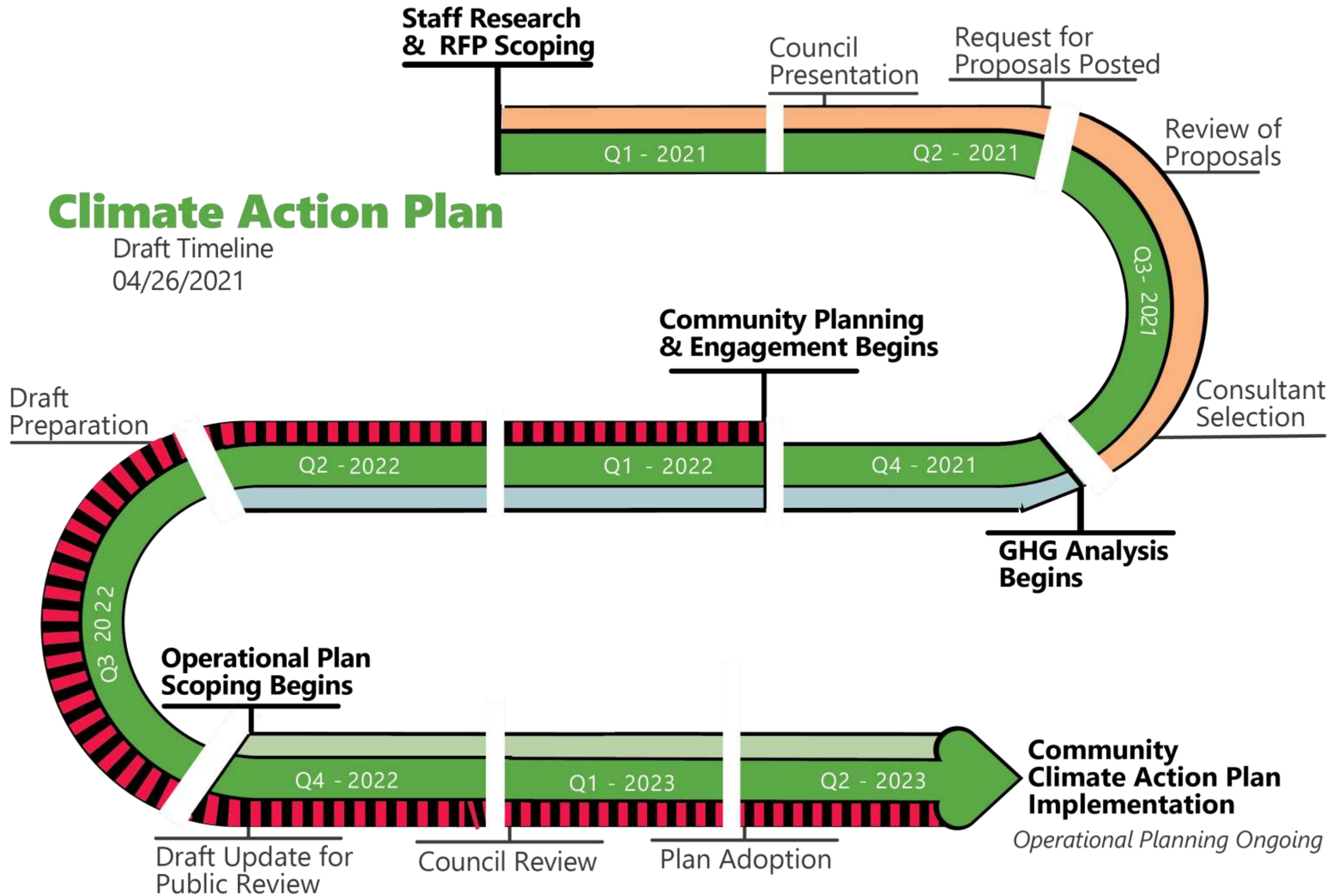
Operational Climate Action Plan

Operational, internal plan focused on actions City operations undertake to mitigate effects of and adapt to climate change.

Example:

- Enhance production of on-site solar energy from City facilities. (Ashland)

Next Steps



We'd like your feedback

- Does this feel like the right path forward?
- Did we miss anything?
- Any comments or questions?





CITY OF TUALATIN Staff Report

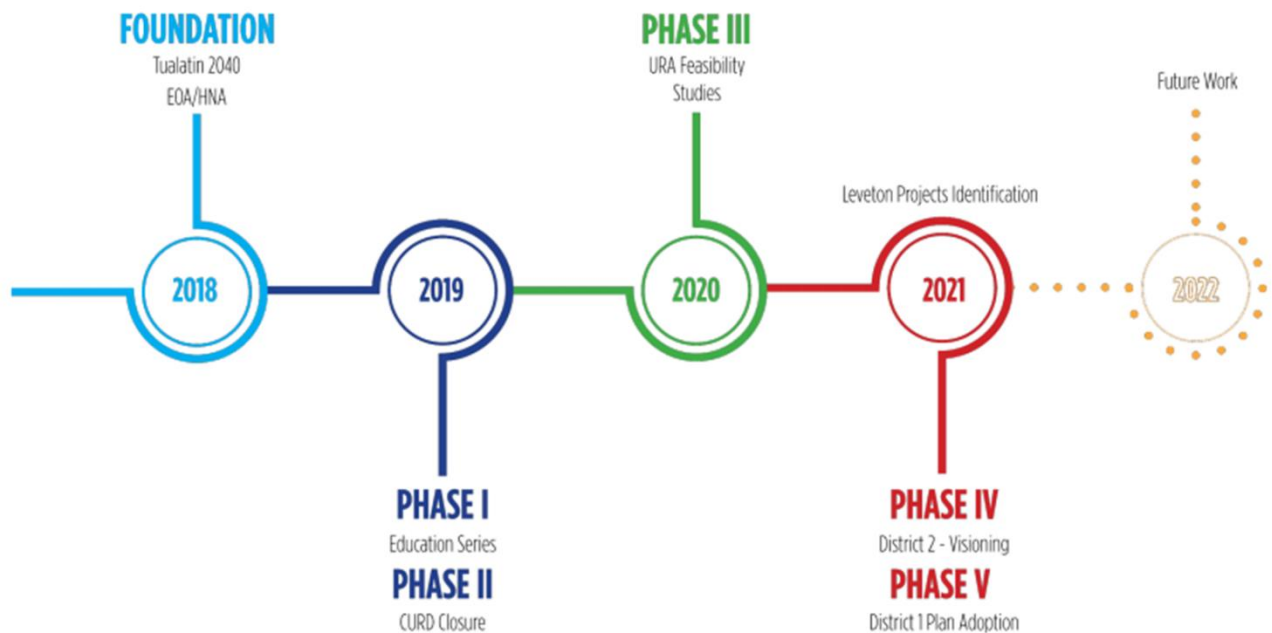
TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Jonathan Taylor, Economic Development Manager
DATE: April 26, 2021

SUBJECT:
Proposed District 2 Study Area Visioning Discussion

EXECUTIVE SUMMARY:

Background

In December 2018, the City of Tualatin began a multi-phased process to work towards community revitalization and development of financing tools – beginning with the Tualatin 2040 Project.



Foundation

Beginning in December 2018, the City began the Tualatin|2040 initiative with the intent of providing a needs analysis for economic and residential short and long-term development, along with a code modernization effort.

Phase 1: Education Series.

This four-part series provided an overview of urban renewal and tax increment financing; the history of Tualatin's urban renewal areas, and how to close down an urban renewal area; what

to do with the remaining assets of Central Urban Renewal District and Leveton Tax Increment Finance District; and to explore the feasibility of new districts based on Council-identified community and economic development goals.

Phase 2: Urban Renewal Area Official Closure.

In January 2020, the City Council and Tualatin Development Commission completed the closure of the Central Urban Renewal District (CURD), transferred remaining assets to the City of Tualatin, and adopted the final report on CURD.

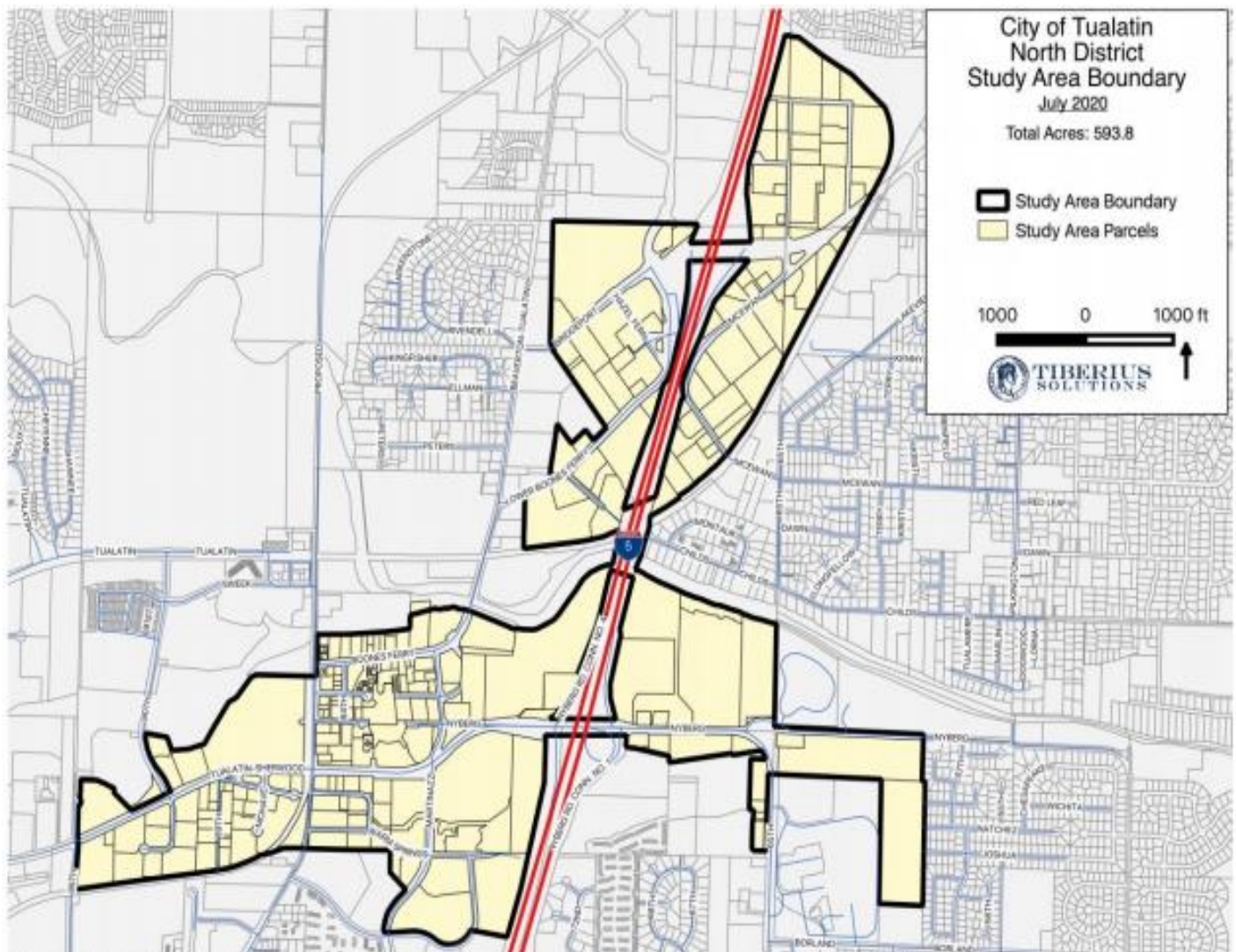
Phase 3: Technical Study of the Feasibility of Urban Renewal Areas.

On September 28, 2020, the City Council approved the feasibility study for proposed study area 2 and directed staff to present a project timeline for implementation of these districts. The timeline indicated that work would begin in March 2021.

Phase 4: Visioning (Study Area 2)

Tonight’s workshop, as well as one planned for May 24th, will assist City staff in crafting a scope of work and needed resources moving forward with the overall visioning for the proposed study area.

PROPOSED STUDY AREA



Source: Tiberius Solutions

IDENTIFIED PRIORITIES/GOALS/THEMES:

The following priorities, goals, and themes have been identified to include in the visioning process for the proposed study area:

Common Identity

Outside the “town center”, the study area has no unifying identity or “personality.”

Topics Discussed:

- New Zoning and Design standards
- New Town Center Plan or expand existing plan.

Connectivity

Two primary concerns with the lack of connectivity of the study area centers on pedestrian safety and reducing barriers of mobility between different areas.

Topics Discussed:

- Transportation needs to be improved.
- Creating safety for runners, walkers, and cyclists.
- Creating and exploring safer ways to cross Tualatin-Sherwood Road.

Collaborative Approach

Soliciting resident, business and property owner input at each stage of plan development will be a primary component of all City efforts.

Topics Discussed:

- Public input should be important, broad, and inclusive.

Promotion of the Natural Environment

With over 30% of paved surfaces, less than 1% of park space, and lack of attention of development oriented around the Tualatin River, efforts should be developed that encourages development that promotes or reorients around the natural environment.

Topics Discussed:

- The river is removed from the area due to development.
- Focusing on the natural environment may create a common identity.

Mixed Use Development

To create a more vibrant town center, mixed use development should be encouraged. This could include first floor commercial/employment related tenant with upper residential options. Increasing height allowances and zoning usages should be examined.

Topics Discussed:

- Development should focus on being family friendly.
- Increased density will help with vibrancy.
- We should make the area attractive to live and work in.

Expanded Housing Options

Understanding the regional lack of housing, ensuring access to all levels of housing and housing costs should be a priority in the redevelopment of this study area. This has been a top priority of the City Council.

SCOPE OF WORK OPTIONS

To explore identified themes (above) for the proposed study area, the City may consider a variety of options to further understand the area, identify what we want the area to be, and how the area can be transformed to meet the desired vision and/or goals. The following are an example list, but not necessarily limited to, of methods to assist in the overall process.

UNDERSTANDING THE AREA

Understanding the area as it currently exists will help identify opportunities and challenges for proposed redevelopment and determine the level of feasibility for identified themes and goals. Gaining additional insight to how and why the area has developed will guide the community on realistic expectations crafting guiding principles and desired outcomes for the area.

The following methods are options in providing additional understanding of the area:

- *Plan Review*
Reviewing existing plans that may have already identified a particular vision of the area. These plans may have already identified required infrastructure or development patterns. Reviewing existing plans could assist future work by determining if past work is adequate with existing conditions today – even if those plan visions are out-of-date, disjointed, or unintentional.
- *SWOT Analysis*
Identifying and understanding the area’s strengths, weaknesses, opportunities and threats could provide a well-established framework for understanding how existing conditions affect the ability to achieve a future vision or goal.
- *Market Study*
Using quantitative data to deliver a snapshot on the market feasibility of different development types or projects in the area. This data assists with identify historical trends and comparisons to the broader economic region. These studies are very helpful, but have a limited shelf life. Past market studies are irrelevant, even more so with COVID-19 economic conditions.
- *Existing Conditions Analysis*
A holistic summary of today’s conditions that informs the future vision and the opportunities and challenges for achieving that vision. An existing conditions analysis pulls together various data from a plan review, SWOT analysis, and market study into one document. Can also include specific site analyses, regulatory burden indexes.

WHAT DO WE WANT THE AREA TO BE?

Council has indicated that public input is a top priority for any visioning or redevelopment projects for the proposed study area. The following options are best practices:

- *Open Houses*
This opportunity allows the City to educate the community on the project while soliciting structured input. These can held in a variety of ways including: in-person, small or large groups, web-based, and/or hybrid.

- *Design Charrettes*
Visual designs of the area that capture community input to create potential visions for the purpose of evaluation. These are produced from in-depth input from extended and collaborative efforts.
- *Surveys*
Capturing public opinion on specific questions in a quick and efficient manner.
- *Community Events*
Similar to open-houses, these events can be tailored to fit the target audience. These can be small-group stakeholder events, roadshows, participation in partner events, or other general public access that solicits public input.
- *Advisory Committees*
These select groups allow for more in-depth input on complicated topics from community members. These can allow community oversight of proposed or potential avenues of the overall project.
- *Focus Groups*
Unlike open houses and broad community events, this allows more facilitated conversations with selected participants that provides more information than surveys or open houses. Groups can be randomly selected or targeted.
- *Educational Materials*
Overall messaging or informational documents/advertising that can assist in supporting with other outreach efforts.
- *Illustrated Design Concepts*
Unlike design charrettes which are quick to render, these provide detailed visual examples of the ideal future development consisted with area's goals, values and principles. These can include photos of real buildings, 3D block massing, graphics of hypothetical developments on opportunity sites, etc.
- *Opportunity Site Analysis*
Determines the highest and best use for key sites and identifies any financial gap in the development proforma. These can be paired with illustrated design concepts with each site or sites.

HOW CAN WE TRANSFORM THE AREA?

“A dream is only successful with a viable plan and strategy.” Once the City determines the specific vision, goals, objectives, and outcomes for the proposed study area, creating viable, realistic plans of action is important. The following are examples:

- *Action Plan*
Road map for implementing the long-term vision. These help identify the actions the City will take to implement the overall vision, timeline and steps for implementing identified actions.
- *Concept Plan*
An overarching report that incorporates all outreach and visioning tasks described in this memo. This plan will establish a clear and detailed vision for the area.
- *Urban Renewal Plan*
The urban renewal plan is a potential funding source to implement the subset of projects

needed to achieve the desired vision for the area. This is not a visioning document.

- *Land Use and Transportation Plan*
These provide specifically described changes in land-use and transportation infrastructure that should occur to implement the area vision.
- *Comprehensive Plan Amendment*
The vision must conform to the controlling land use document for the City. Amending the Comprehensive Plan may be necessary to accommodate these new approaches.
- *Zoning Code Amendment*
Amending the zoning code, if needed, to allow or encourage proposed projects.
- *Other Administrative Actions*

Next Steps:

A second City Council workshop will be held on May 24, 2021 to finalize the key components for a scope of work. This will allow City Staff to return at a later date to present a final product and resources needed to move forward.

ATTACHMENTS:

- Power Point

City of Tualatin Community Vision for Urban Renewal

Nick Popenuk and Elaine Howard

April 26, 2021

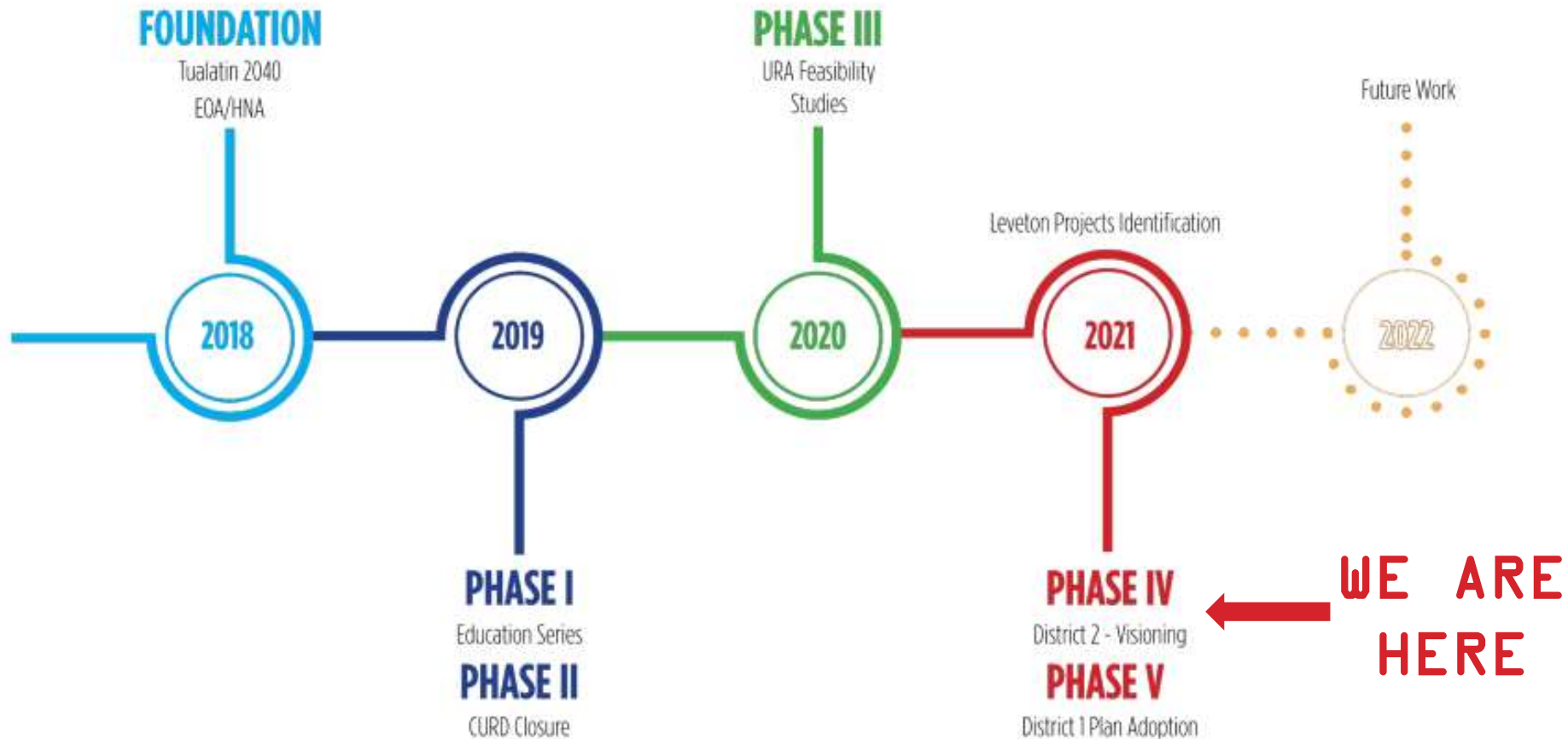
Agenda

- Background
- Possible Approaches for Visioning
- Questions/Discussion

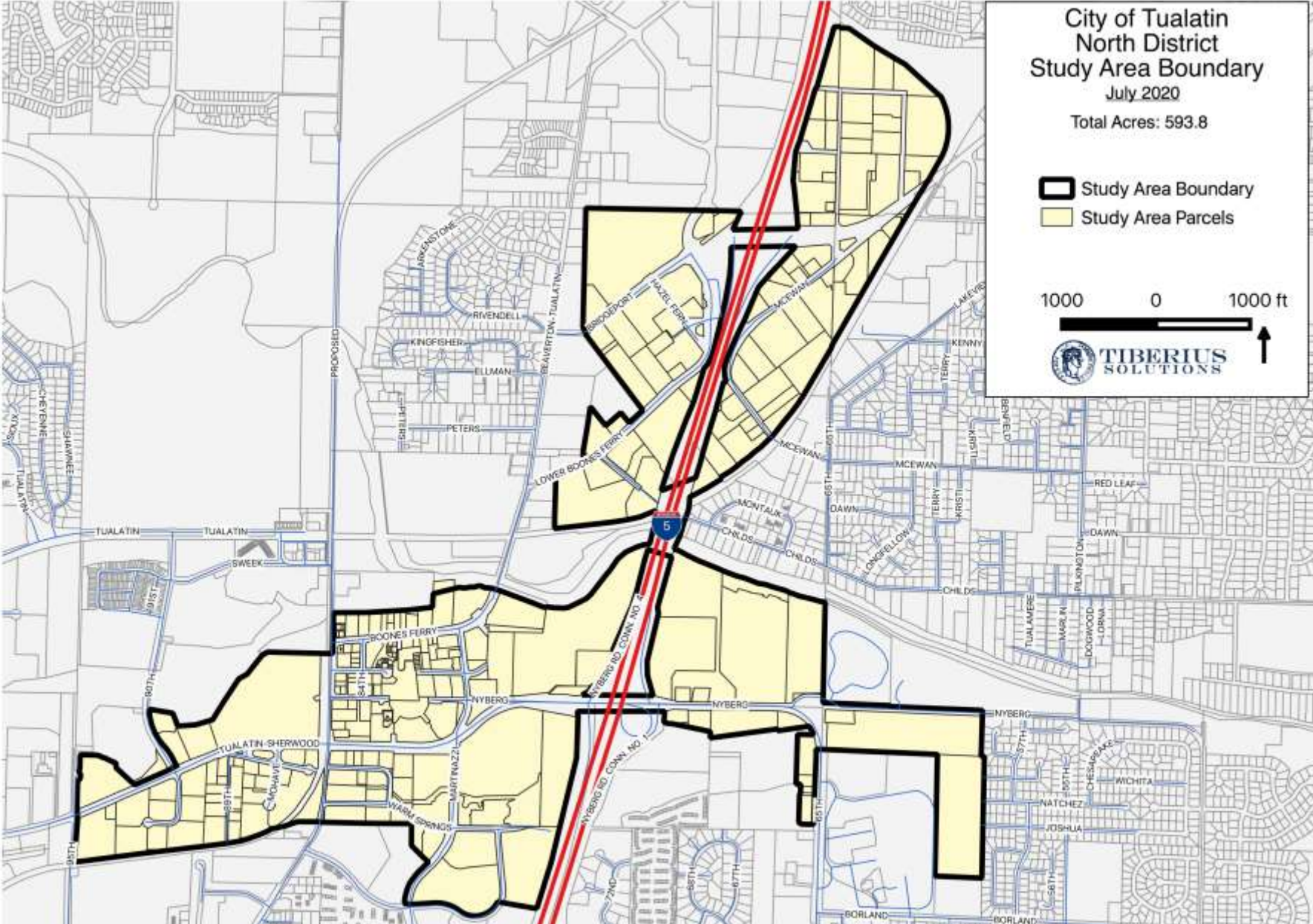
Question for Council Tonight

- What approaches would the City Council like to consider to establish a vision for the Study Area 2 boundary?

Background



Study Area 2 – Boundary



Study Area 2 – Desired Outcomes

- Identified Themes/Outcomes:
 - Additional Housing Options
 - Improve Transportation Systems
 - Prepare for Increased Density
 - Address Long-Term Vacant Buildings
 - Provide Redevelopment Opportunities (Mixed Use Development)
 - Natural Environment Promotion
 - Property Acquisition
 - Establish Common Identity (Personality)

Approaches to Visioning

- What is a vision?
 - How do we view the area now?
 - What do we want the area to be in the future?
 - How can we transform the area from what it is to what we want it to be?

How do we view the area now?

- Plan Review
- SWOT Analysis
- Market Study
- Existing Conditions Analysis
- Walking Tours

Plan Review

- Purpose: Identify the infrastructure and development patterns called for in existing plans
- Lead: Planners
- Cost: \$
- Comments: Existing plans may already articulate a vision for an area, even if that vision is out-of-date, disjointed, or unintentional.

SWOT Analysis

- Purpose: Identify strengths, weaknesses, opportunities, and threats facing an area.
- Lead: Planners
- Cost: \$
- Comments: Well-established framework for understanding how existing conditions affect the ability to achieve a future vision.

Market Study

- Purpose: Snapshot of quantitative data on the market feasibility of different development types in an area, as well as historical trends, and comparisons to the broader region.
- Lead: Economists
- Cost: \$ - \$\$
- Comments: Very helpful, but limited shelf-life.

Existing Conditions Analysis

- Purpose: Holistic summary of conditions today that inform the future vision and the opportunities and challenges for achieving that vision.
- Lead: Planners
- Cost: \$ - \$\$
- Comments: Pulls together information from plan review, SWOT analysis and market study into one document.

Walking Tours – This area is pretty well understood

- Purpose: Provide first-hand knowledge of the area for community members, planners & developers.
- Lead: Planners & Communications
- Cost: \$
- Comments: Excellent for involving people unfamiliar with the area. Unnecessary for people already familiar with the area.

What do we want the area to be?

- Open Houses
- Design “charettes”
- Surveys
- Community Events
- Advisory Committees
- Focus Groups
- Educational
- materials
- Guiding Principles
- Illustrated Design Concepts
- Opportunity Site Analysis

Open Houses

- Purpose: Educate the community on the project, while soliciting structured input.
- Lead: Planners and Communications
- Cost: \$ - \$\$
- Comments: You get out what you put in. Challenging to ensure big crowds and diverse participants.

Design Charettes

- Purpose: In-depth, extended, collaborative process to identify and resolve issues and create and evaluate potential visions.
- Lead: Architects and Designers
- Cost: \$\$ - \$\$\$
- Comments: Excellent at quickly producing visual designs that capture community input. However, expensive and not the right venue for addressing detailed/technical challenges.

Surveys

- Purpose: Quickly and efficiently capture public opinion on specific questions.
- Lead: Surveyors
- Cost: \$ - \$\$
- Comments: Differences in cost/utility of statistically significant surveys vs online/community surveys. One of the best ways to engage non-English speakers.

Community Events

- Purpose: Similar to a mini-open-house or road-show that occurs at a variety of community events put on by the public.
- Lead: Communications
- Cost: \$
- Comments: Easier to reach large numbers of people if you go them, rather than expecting them to come to you.

Advisory Committee

- Purpose: Provides more in-depth input on complicated topics from a select group of community members.
- Lead: Planners
- Cost: \$
- Comments: Need to identify which issues are best addressed by broad public outreach, and which benefit from more focused community input.

Focus Groups

- Purpose: Facilitated conversations with selected participants. More depth than surveys and open house feedback.
- Lead: Communications and Surveyors
- Cost: \$
- Comments: Groups can be either randomly selected, or targeted audiences.

Educational Materials

- Purpose: Some educational materials may need to be prepared in advance to support other outreach efforts.
- Lead: Communications & Graphic Designers
- Cost: \$ - \$\$\$
- Comments: Cost can vary greatly, depending on the type and amount of materials (e.g., computer animated short videos vs handouts and poster boards).

Guiding Principles

- Purpose: Establish high-level, short-list of key components of the vision.
- Lead: Planners
- Cost: \$
- Comments: The first step in establishing/communicating a vision based on community input and technical analysis.

Illustrated Design Concepts

- Purpose: Visual examples of ideal future development consistent with the guiding principles.
- Lead: Architects
- Cost: \$\$ - \$\$\$
- Comments: Can include photos of real buildings in other communities, 3D block massing, illustrations of hypothetical new buildings on opportunity sites, etc.

Opportunity Site Analysis

- Purpose: Determine the highest and best use for key sites, and identify any financial gap in the development proforma.
- Lead: Economists, Architects, Planners
- Cost: \$\$
- Comments: Budget affected by the number of opportunity sites, and number of development scenarios on each site. Can pair illustrated design concepts with each site.

How can we transform the area?

- Action and Implementation Plan
- Concept Plan
- Urban Renewal Plan
- Land Use and Transportation Plan
- Comprehensive Plan Amendment
- Zoning Code Amendment
- Other Administrative Actions

Action and Implementation Plan

- Purpose: Roadmap for implementing the vision long-term
- Lead: Planners
- Cost: \$ - \$\$
- Comments: Helpful for identifying all of the actions the City will take to implement the vision, the timeline for those actions, and the steps for implementing each action.

Concept Plan

- Purpose: Establish a clear and detailed vision for the area.
- Lead: Planners
- Cost: \$\$\$
- Comments: An overarching report that incorporates many of the outreach and visioning tasks described in this presentation.

Urban Renewal Plan

- Purpose: Create a funding source (TIF) to fund implementation of a subset of projects to achieve the new vision for the area.
- Lead: Urban renewal specialists
- Cost: \$\$ - \$\$\$
- Comments: Doing visioning work early makes URA Plan adoption faster, more efficient, and with stronger support from community and taxing districts.

Land Use and Transportation Plan(s)

- Purpose: Specifically describe changes in land use and transportation infrastructure that should occur to implement the vision.
- Lead: Planners and Engineers
- Cost: \$\$ - \$\$\$
- Comments: Land use and transportation can be such important parts of a vision that they may benefit from their own plans, providing more detail on necessary changes.

Comprehensive Plan Amendment

- Purpose: Ensure that the vision is in conformance with the controlling land use document for the City
- Lead: Planners
- Cost: \$ - \$\$
- Comments: Changes to the comprehensive plan map may be necessary to accommodate the new vision. Goal and policy language may also be updated. More detailed language on the vision can also be included.

Zoning Code Amendment

- Purpose: Ensure land use regulations allow/encourage development consistent with the vision
- Lead: Code specialists
- Cost: \$ - \$\$\$
- Comments: Can range from minor tweaks of existing code to complete overhaul (i.e., switching from traditional zoning to form-based code)

Other Administrative Actions

- Purpose: Miscellaneous actions that don't fit neatly under zoning code or comprehensive plan amendments
- Lead: Planners
- Cost: \$ - \$\$
- Comments: Actions can include changes to budget and staff allocations, drafting development agreements, initiating work on additional implementation actions.

Questions?

Nick Popenuk

Tiberius Solutions LLC

503-740-0501

popenuk@tiberiussolutions.com



TIBERIUS
SOLUTIONS

Elaine Howard

Elaine Howard Consulting LLC

503-206-7060

elainehowardconsulting@gmail.com





City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Stacy Ruthrauff, Human Resources Director
DATE: April 26, 2021

SUBJECT:
Proclamation Declaring the Week of May 2 – May 8, 2021 as “Public Service Recognition Week.”

RECOMMENDATION:
In honor of the hard work performed by the dedicated employees of the City of Tualatin, it is recommended that the Council adopt the Proclamation recognizing May 2 – 8, 2021 as Public Service Recognition Week.

FINANCIAL IMPLICATIONS:
none

ATTACHMENTS:
-Public Service Recognition Week Proclamation 2021

Proclamation

*Declaring the Week of May 2 - May 8, 2021 as
"Public Service Recognition Week"*

In Honor of the Public Employees of the City of Tualatin

WHEREAS, public service is an honorable calling that involves a wide variety of challenging and rewarding professions, including providing recreational services, maintaining public safety, improving transportation, protecting our environment, and performing administrative and management activities which are essential to efficient and effective operation of government; and

WHEREAS, Tualatin's city employees contribute significantly to the quality of life for the Tualatin community, with their commitment to excellence, high ethical standards, and diversity of skills; and

WHEREAS, excellence in the delivery of public service helps keep Tualatin strong, prosperous, and a wonderful place in which to live, work, play and volunteer; and

WHEREAS, this commemoration provides an opportunity to express our appreciation for the many contributions public employees make to our daily lives.

NOW, THEREFORE, IT IS PROCLAIMED by the Tualatin City Council that the week of May 2-8, 2021 be Public Service Recognition Week in the City of Tualatin and the Council encourages all citizens to recognize the accomplishments and contributions of public employees.

INTRODUCED AND ADOPTED this 26th day of April, 2021.

CITY OF TUALATIN, OREGON

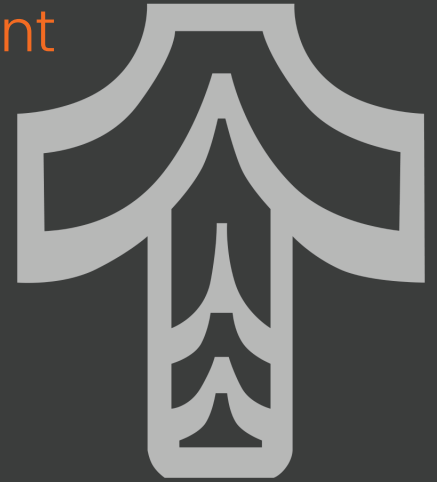
BY _____
Mayor

ATTEST:

BY _____
City Recorder

The City of Tualatin

& Mayor **Frank Bubenik**
present



STATE OF THE

City

A VIRTUAL EVENT

Wednesday, May 12

6pm-7pm

TualatinOregon.gov/StateoftheCity

Tualatin City Council

Statement Condemning Anti-Asian Racism

The Tualatin City Council is shocked and deeply saddened by the violent attacks in Atlanta last month which took the lives of eight people, including six women of Asian descent. This, and other recent incidents, come in the context of a broader trend of anti-Asian racism which has been increasing since the pandemic began.

Racism and hatred have no place in Tualatin. The Tualatin City Council supports a diverse, inclusive, and equitable City. We believe it is our responsibility to provide unwavering support to all the people of Tualatin.

We strongly condemn anti-Asian racism and violence and stand with our Asian American and Pacific Islander residents. We commit to actively seek to be informed, aware, and engaged with our community.

READ and AFFIRMED this 26th day of April, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Ross Hoover, Parks and Recreation Director
Julie Ludemann, Recreation Manager

DATE: April 26, 2021

SUBJECT:

Consideration of Resolution No. 5539-21 Authorizing the City Manager to execute a grant agreement with the YMCA; and appropriating special purpose revenues in the City's general fund during the FY 2020-21 budget.

RECOMMENDATION:

Staff recommends approval of Resolution 5339-21

EXECUTIVE SUMMARY:

Resolution No. 5339-21 authorizes the City to enter into a grant agreement with Oregon Alliance of YMCAs on behalf of the State of Oregon to accept grant funding in the amount of \$23,000 to support expenditures related to necessary operating, personnel or facility expenses related to camps and early learning programs.

Grant funding will be used to offset expenses related to the operation of summer camps offered by the City of Tualatin, serving 330 children.

OUTCOMES OF DECISION:

Approval of the resolution will enable staff to utilize grant funding for summer camp program supplies, staff, and facility improvements.

FINANCIAL IMPLICATIONS:

The grant funds will cover all expenditures.

ATTACHMENTS:

1. 2021 Oregon Camps Relief State Funding Subrecipient Grant Agreement
2. Resolution No. 5339-21

RESOLUTION NO. 5539-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE YMCA; AND APPROPRIATING SPECIAL PURPOSE REVENUES IN THE CITY'S GENERAL FUND DURING THE FY 2020-21 BUDGET.

WHEREAS, the Oregon Alliance of YMCAs ("YMCA"), on behalf of the State of Oregon, acting through its Early Learning Division of the Department of Education, has certain grant funds available for camps and early learning programs;

WHEREAS, the City has been awarded grant funds to be used for necessary operating, personnel or facility expenses, related to camps and early learning programs; which were not accounted for from other revenue in the City's budget; and which were or are incurred during the period between January 1, 2021 through June 30, 2021;

WHEREAS, under ORS 294.338(2), during the year the Council may authorize the acceptance of special purpose revenues and the associated appropriations through a special purpose revenue budget adjustment resolution; and

WHEREAS, the City received \$23,000 in special purpose revenues from the YMCA.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute the grant agreement with the YMCA, which is attached as Exhibit A and incorporated by reference. The City Manager is authorized to make administrative modifications to the agreement to fully implement its intent.

Section 2. The City Manager is authorized and instructed to adjust the General Fund's budget to reflect receipt of the special purpose revenue and the associated appropriation:

General Fund Revenues: \$23,000.

General Fund Expenditures, Parks and Recreation: \$23,000.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this ____ day of _____, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

EXHIBIT A
RESOLUTION NO. 5539-21

2021 OREGON CAMPS RELIEF STATE FUNDING
SUBRECIPIENT GRANT AGREEMENT

Grant Number: **2021ORCAMPS**

This grant agreement (“Agreement”), dated as of the date the Agreement is fully executed, is between the Oregon Alliance of YMCAs (“YMCA”), with the YMCA of Columbia Willamette as its fiscal agent, on behalf of the State of Oregon, acting through its Early Learning Division of the Department of Education (“ODE”) and **City of Tualatin** (“Subrecipient”). This Agreement becomes effective only when fully signed and approved as required by applicable law (“Effective Date”). Unless extended or terminated earlier in accordance with its terms, this Agreement shall expire **June 30, 2021**.

This Agreement includes Exhibit A - Use of Funds/ Project Description.

SECTION 1 - KEY GRANT TERMS

The following capitalized terms have the meanings assigned below.

Grant Amount: \$23,000

Performance Period: Grant funds must be applied toward eligible expenditures accrued between January 1, 2021 and June 30, 2021.

SECTION 2 - FINANCIAL ASSISTANCE

The YMCA shall provide Subrecipient, and Subrecipient shall accept from YMCA, a grant (“Grant”) in an aggregate amount not to exceed the Grant Amount.

SECTION 3 – DISBURSEMENT

- A. Full Disbursement. Upon execution of this Agreement and satisfaction of all conditions precedent, YMCA shall disburse the full Grant to Subrecipient.
- B. Conditions to Disbursements. YMCA has no obligation to disburse funds unless the ODE provides YMCA sufficient funds currently allocated for this Agreement. In addition, payment of funds by YMCA is contingent on YMCA receiving state appropriations, limitations, allotments or other expenditure authority sufficient to allow YMCA, in the exercise of its reasonable administrative discretion, to make payment, and notwithstanding anything in the Agreement, the failure to make payment based on the exercise of this reasonable administrative discretion does not constitute a default. In such an event, YMCA has no further obligation to disburse funds to Subrecipient.

SECTION 4 - USE OF GRANT

The Subrecipient will use the Grant for the purposes described in Exhibit A. The Subrecipient may not use the Grant to cover costs scheduled to be paid for from another State of Oregon agency or any third party.

SECTION 5 - REPRESENTATIONS AND WARRANTIES OF SUBRECIPIENT

The Subrecipient represents and warrants to YMCA:

A. Organization and Authority.

- (1) The Subrecipient is validly organized and existing under the laws of the State of Oregon.
- (2) The Subrecipient has all necessary right, power and authority under its organizational documents and applicable Oregon law to execute and deliver this Agreement and incur and perform its obligations under this Agreement.
- (3) This Agreement has been authorized by an ordinance, order or resolution of Subrecipient's governing body if required by its organizational documents or applicable law.
- (4) This Agreement has been duly executed by Subrecipient, and when executed by YMCA, is legal, valid and binding, and enforceable in accordance with its terms.

B. Grant. Subrecipients must use the Grant Funds to cover only those costs that (1) are necessary operating, personnel or facility expenses, related to camps and early learning programs; (2) were not accounted for from other revenue in the Subrecipient's budget most recently approved as of February 1, 2021; and (3) were or are incurred during the period from January 1, 2021 through June 30, 2021.

C. Full Disclosure. The Subrecipient has disclosed in writing to YMCA all facts that materially adversely affect the Grant, or the ability of Subrecipient to perform all obligations required by this Agreement. The Subrecipient has made no false statements of fact, nor omitted information necessary to prevent any statements from being misleading. The information contained in this Agreement, including Exhibit A, is true and accurate in all respects.

D. Tax Compliance. Subrecipient is not in violation of any Oregon tax laws, including but not limited to a state tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250 and ORS chapters 118, 314, 316, 317, 318, 321 and 323 and local taxes administered by the Department of Revenue under ORS 305.620.

E. Subrecipient represents that it has never been in violation of any criminal law involving fraud or bribery.

SECTION 6 - COVENANTS OF SUBRECIPIENT

The Subrecipient covenants as follows:

A. Notice of Adverse Change. The Subrecipient shall promptly notify YMCA of any adverse change in the activities, prospects or condition (financial or otherwise) of Subrecipient related to the ability of Subrecipient to perform all obligations required by this Agreement.

B. Compliance with Laws.

- (1) Subrecipient will comply with the requirements of all applicable federal, state and local laws, rules, regulations, and orders of any governmental authority, except to the extent an order of a governmental authority is contested in good faith and by proper proceedings.
- (2) Subrecipient is responsible for all federal or state tax laws applicable to its implementation of the Project described in Exhibit A and its use of the Grant or compensation or payments paid with the Grant.

- C. Financial Records. Subrecipient will cooperate with YMCA to provide all necessary financial information and records to comply with the requirements of this Agreement and any auditing or reporting requirements authorized or permitted by state law. Subrecipient are required to provide, and YMCA will obtain from Subrecipient, any information necessary for such reporting and compliance. Subrecipient is required to keep proper books of account and records on all activities associated with the Grant, including, but not limited to, invoices, cancelled checks, payroll records, instruments, agreements and other supporting financial records documenting the use of the Grant. Subrecipient is required to maintain these books of account and records in accordance with generally accepted accounting principles and in sufficient detail to permit YMCA and the State of Oregon to verify how Grant Funds were expended. Subrecipient are required to retain these books of account and records until five years after the expiration of termination of this Agreement or the date that all disputes, if any, arising under this Agreement have been resolved, whichever is later.
- G. Inspection. The Subrecipient shall permit YMCA, and any party designated by YMCA, the Oregon Secretary of State's Office, and their duly authorized representatives, at any reasonable time, to inspect and make copies of any accounts, books and records related to the administration of this Agreement. The Subrecipient shall supply any Agreement-related information as YMCA may reasonably require.
- H. Notice of Event of Default. The Subrecipient shall give YMCA prompt written notice of any Event of Default, or any circumstance that with notice or the lapse of time, or both, may become an Event of Default, as soon as Subrecipient becomes aware of its existence or reasonably believes an Event of Default is likely.
- I. Indemnity. Subrecipient shall defend (subject to ORS chapter 180), indemnify, save and hold harmless YMCA and its officers, employees and agents from and against any and all claims, suits, actions, proceedings, losses, damages, liability and court awards including costs, expenses, and attorneys' fees incurred related to any actual or alleged act or omission by Subrecipient, or its employees, agents or contractors, that is related to this Agreement; however, the provisions of this section are not to be construed as a waiver by YMCA of any defense or limitation on damages provided for under Chapter 30 of the Oregon Revised Statutes or under the laws of the United States or other laws of the State of Oregon.
- K. Continued Tax Compliance. Subrecipient shall, throughout the duration of this Agreement, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state.

SECTION 7 – DEFAULT

Any of the following constitutes an "Event of Default":

- A. Misleading Statement. Any material false or misleading representation is made by or on behalf of Subrecipient, in this Agreement or in any document provided by Subrecipient related to this Grant.
- B. The Subrecipient fails to perform any obligation required under this Agreement, other than those referred to in subsection A of this section, and that failure continues for a period of 30 calendar days after written notice specifying such failure is given to Subrecipient by YMCA. YMCA may agree in writing to an extension of time for correction if it determines Subrecipient instituted and has diligently pursued corrective action.

SECTION 8 – REMEDIES

Upon the occurrence of an Event of Default, YMCA may pursue any remedies available under this Agreement, at law or in equity. Such remedies include, but are not limited to, termination of YMCA's

obligations to make the Grant or further disbursements, return of all or a portion of the Grant amount, payment of interest earned on the Grant amount, and declaration of ineligibility for the receipt of future awards from YMCA.

If, as a result of an Event of Default, YMCA demands return of all or a portion of the Grant amount or payment of interest earned on the Grant amount, Subrecipient shall pay the amount upon YMCA's demand. The ODE may also recover all or a portion of any amount due from Subrecipient by deducting that amount from any payment due to Subrecipient from the State of Oregon under any other contract or agreement, present or future, unless prohibited by state or federal law. YMCA reserves the right to turn over any unpaid debt under this Section 8 to the ODE, the Oregon Department of Revenue or a collection agency and may publicly report any delinquency or default. These remedies are cumulative and not exclusive of any other remedies provided by law.

In the event YMCA defaults on any obligation in this Agreement, Subrecipient's remedy will be limited to injunction, special action, action for specific performance, or other available equitable remedy for performance of YMCA's obligations.

SECTION 9 - TERMINATION

In addition to terminating this Agreement upon an Event of Default as provided in Section 8, YMCA may terminate this Agreement with notice to Subrecipient under any of the following circumstances:

- A. The Oregon Department of Administrative Services notifies ODE and the YMCA of any anticipated shortfall or reduction in applicable revenues or YMCA fails to receive sufficient funding, appropriations or other expenditure authorizations to allow YMCA, in its reasonable discretion, to continue making payments under this Agreement.
- B. There is a change in federal or state laws, rules, regulations or guidelines so that the uses of the Grant are no longer eligible for funding.

This Agreement may be terminated at any time by mutual written consent of the parties. All funds used up until the date of the termination may be used to reimburse costs for necessary operating, personnel or facility expenses, related to camps and early learning programs which were not accounted for from other revenue in the Subrecipient's budget most recently approved as of February 1, 2021, and were or are incurred during the period between January 1, 2021 through June 30, 2021. All other funds must be returned to YMCA via check or ACH transfer within 15 days. A full report of any funds is required.

SECTION 10 – MISCELLANEOUS

- A. No Implied Waiver. No failure or delay on the part of YMCA to exercise any right, power, or privilege under this Agreement will operate as a waiver thereof, nor will any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege.
- B. Choice of Law; Designation of Forum; Federal Forum. The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement. Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

Notwithstanding the prior paragraph, if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This paragraph applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This paragraph is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

- C. Notices and Communication. Except as otherwise expressly provided in this Agreement, any communication between the parties or notices required or permitted must be given in writing by personal delivery, email, or by mailing the same, postage prepaid, to Subrecipient or YMCA at the addresses listed in Exhibit A, or to such other persons or addresses that either party may subsequently indicate pursuant to this Section.

Any communication or notice by personal delivery will be deemed effective when actually delivered to the addressee. Any communication or notice so addressed and mailed will be deemed to be received and effective five (5) days after mailing. Any communication or notice given by email becomes effective 1) upon the sender's receipt of confirmation generated by the receiver's email system that the notice has been received by the receiver's email system or 2) the receiver's confirmation of receipt, whichever is earlier. Notwithstanding this provision, the following notices may not be given by email: notice of default or notice of termination.

- D. Amendments. This Agreement may not be altered, modified, supplemented, or amended in any manner except by written instrument signed by both parties.
- E. Severability. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding will not invalidate or render unenforceable any other provision.
- F. Successors and Assigns. This Agreement is binding upon and inure to the benefit of ODE, YMCA, Subrecipient, and their respective successors and assigns, except that Subrecipient may not assign or transfer its rights, obligations or any interest without the prior written consent of YMCA.
- G. Counterparts. This Agreement may be signed in several counterparts, each of which is an original and all of which constitute one and the same instrument.
- H. Integration. This Agreement (including all exhibits, schedules or attachments) constitute the entire agreement between the parties on the subject matter. There are no unspecified understandings, agreements or representations, oral or written, regarding this Agreement.
- I. No Third Party Beneficiaries. YMCA and Subrecipient are the only parties to this Agreement and are the only parties entitled to enforce the terms of this Agreement. Nothing in this Agreement gives or provides, or is intended to give or provide, to third persons any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise.
- J. Survival. All provisions of this Agreement that by their terms are intended to survive shall survive termination of this Agreement.
- K. Time is of the Essence. Subrecipient agrees that time is of the essence under this Agreement.
- L. Attorney Fees. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Agreement will be entitled to recover from the other its reasonable attorney fees and costs and expenses at trial, in a bankruptcy, receivership or similar proceeding, and on appeal. Reasonable attorney fees shall not exceed the rate charged to YMCA by its Department of Justice attorneys.
- M. Public Records. YMCA's obligations under this Agreement, and all related records, are subject to the Oregon Public Records Laws.

The Subrecipient, by its signature below, acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.



Oregon Alliance of YMCAs
with YMCA of Columbia-Willamette
as its fiscal agent

City of Tualatin

By: _____
Marisa Fink, Ed.D.

By: _____
Julie Ludemann

Date: _____

Date: _____

APPROVED AS TO LEGAL
SUFFICIENCY IN ACCORDANCE
WITH ORS 291.047:

Joshua Nasbe
Assistant Attorney General
4/2/2021 by email

EXHIBIT A - USE OF FUNDS/ PROJECT DESCRIPTION

Subject to Sections 1 to 10 of this Agreement, these Grant Funds may be used to reimburse those costs that: (1) are necessary operating, personnel or facility expenses, related to camps and early learning programs; (2) were not accounted for from other revenue in the Subrecipient's budget most recently approved as of February 1, 2021; and (3) were or are incurred during the period between January 1, 2021 through June 30, 2021.

The Subrecipient shall deliver to YMCA no later than July 30, 2021 a final report accounting for the use of the Grant Funds accompanied by a certification statement that all such costs, including no more than 3% of the Grant Amount for the Subrecipient's administrative costs paid by this Grant, are not excluded from funding, are not excluded from funding, either by the terms of this Agreement or by any exclusion identified by YMCA in writing.

Grant Funds may not be used for construction of buildings, entertainment, fines and penalties, fundraising, goods or services for personal use, political activities, promotional gifts and prizes, and purchase of land, buildings or vehicles.

Grant funds may not be used to pay for any costs incurred after June 30, 2021. For any unexpended Grant funds, YMCA will direct Subrecipient on how to return or expend any such funds.

Notices, questions and communication shall be directed to Marisa Fink at marisa@oregonymcas.org. Reports shall be delivered to YMCA via Google Form provided by YMCA by the deadline described in Exhibit A.

Certificate Of Completion

Envelope Id: 6294506D0AD5442185B0BE9346EF6284

Status: Sent

Subject: Please DocuSign: City of Tualatin.pdf

Source Envelope:

Document Pages: 7

Signatures: 0

Envelope Originator:

Certificate Pages: 1

Initials: 0

Marisa Fink

AutoNav: Enabled

610 Stillwell Ave

Envelopeld Stamping: Enabled

nil

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Tillamook, OR 97141

marisa@oregonymcas.org

IP Address: 47.39.39.12

Record Tracking

Status: Original

Holder: Marisa Fink

Location: DocuSign

4/10/2021 1:35:34 PM

marisa@oregonymcas.org

Signer Events

Signature

Timestamp

Julie Ludemann

Sent: 4/10/2021 1:38:17 PM

jludemann@tualatin.gov

Viewed: 4/12/2021 1:27:14 PM

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Marisa Fink

marisa@oregonymcas.org

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent

Hashed/Encrypted

4/10/2021 1:38:17 PM

Payment Events

Status

Timestamps



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 4/26/2021

SUBJECT:

Consideration of Approval of a New Liquor License Application for Three Mermaids Public House

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Three Mermaids Public House.

EXECUTIVE SUMMARY:

Kat's Ladie LLC, DBA Three Mermaids Public House, has submitted a new liquor license application under the category of limited on-premises. This would permit them to sell factory-sealed malt beverages, wine, and cider at retail to individuals in Oregon for consumption on the license premises. The business is located at 18041 SW Lower Boones Ferry Road, Suite 1B. The application is in accordance with provisions of Ordinance No. 680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

- Application
- Vicinity Map



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date 3-20-2021

IMPORTANT: *This is a three-page form. You are required to complete all sections of the form.* If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): THREE MERMAIDS PUBLIC HOUSE

Business address 18041 SW Lower Boones City Tigard State OR Zip Code 97224

Mailing address Ferry Rd #1B City _____ State _____ Zip Code _____

Telephone # 503-352-5091 Fax # _____

Email KATYA@THREEMERMAIDSPUB.COM

Name(s) of business manager(s) First Katya Middle _____ Last Kishinevsky



(attach additional pages if necessary)

Type of business Restaurant

Type of food served NW Pub Fare

Type of entertainment (dancing, live music, exotic dancers, etc.) ambient live music

Days and hours of operation 9am - 11pm

Food service hours: Breakfast MFL time only 9-2 Lunch 11-3 Dinner 3-11

Restaurant seating capacity 76 Outside or patio seating capacity 18

How late will you have outside seating? 11pm How late will you sell alcohol? 11pm

How many full-time employees do you have? 3 Part-time employees? 2

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Kat's Ladle LLC

Type of liquor license (refer to OLCC form) c/o

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).

(a) Name and business address of registered agent.

Full name _____

Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

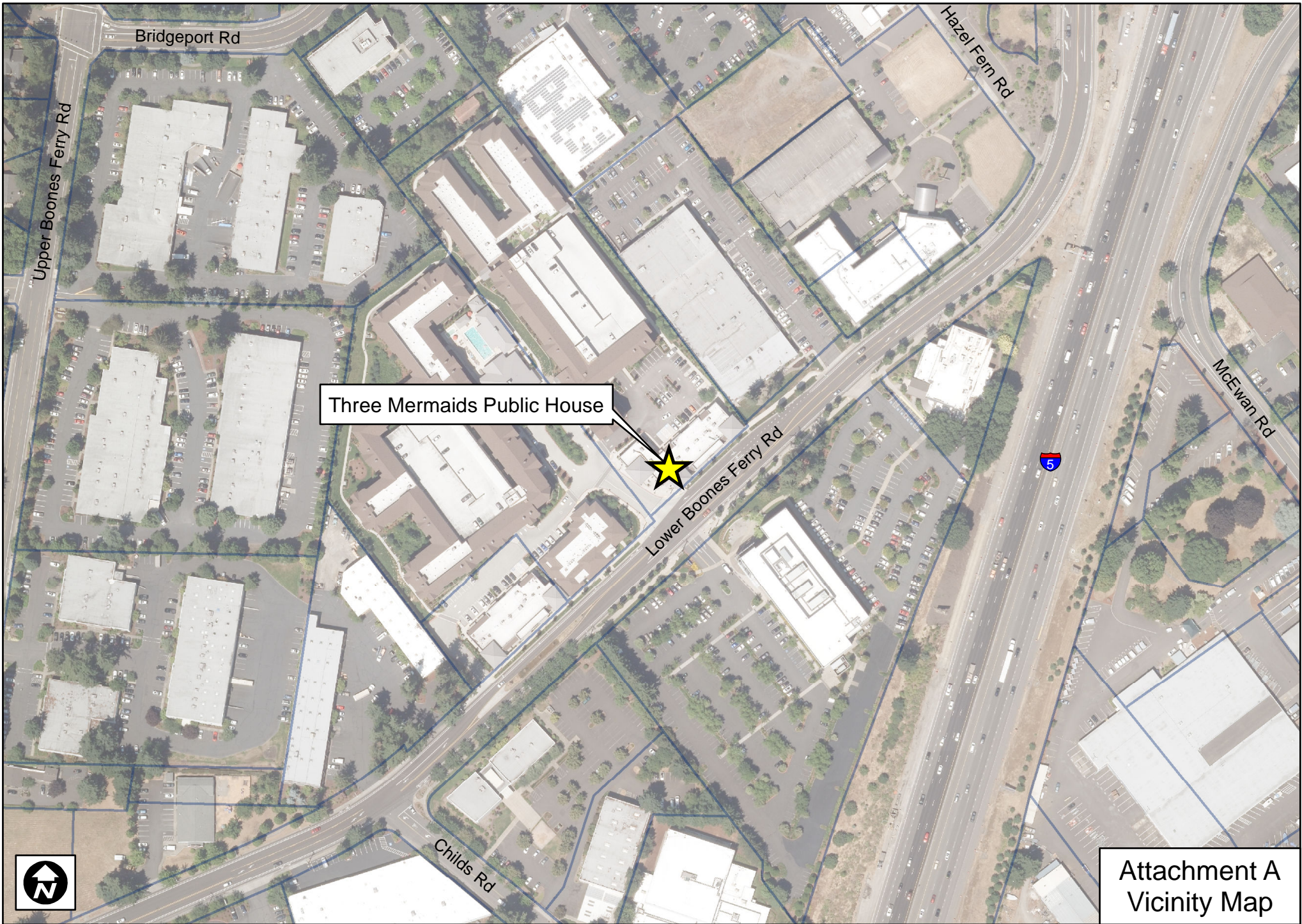
Full name of secretary: _____ Date of birth: _____

Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: Katya Kishinevsky Date of birth: 





Three Mermaids Public House

Attachment A
Vicinity Map



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 4/26/2021

SUBJECT:

Consideration of Approval of a Change in Liquor License Application for Buffalo Wild Wings

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Buffalo Wild Wings.

EXECUTIVE SUMMARY:

Buffalo Wild Wings has submitted a change in application under the liquor license category of full off-premises. Under the category of off-premise sales, they may sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. In addition this category allows for providing sample tastings of malt beverages, wine, and cider for consumption on the premises. The business is located at 8505 Tualatin-Sherwood Road. The application is in accordance with provisions of Ordinance No.680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

- Application
- Vicinity Map



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date April 6, 2021

IMPORTANT: This is a three-page form. You are required to complete all sections of the form.
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Buffalo Wild Wings

Business address 8505 Tualatin Sherwood Rd City Tualatin State OR Zip Code 97062

Mailing address _____ City _____ State _____ Zip Code _____

Telephone # (503)486-5295 Fax # _____

Email bww3574@buffalowildwingsus.com

Name(s) of business manager(s) First Samuel Middle Wray Last Hutchinson

Date of birth [REDACTED] Social Security # _____ ODL# [REDACTED] [REDACTED]

Home address [REDACTED] City [REDACTED] State [REDACTED] Zip Code [REDACTED]

(attach additional pages if necessary)

Type of business Limited Liability

Type of food served Bar & Grill

Type of entertainment (dancing, live music, exotic dancers, etc.) Recorded Music, TV Sports

Days and hours of operation Sun-Sat 11am-10pm (Current)

Food service hours: Breakfast N/A Lunch 11am-2pm Dinner 2pm-7pm

Restaurant seating capacity 219 Outside or patio seating capacity No

How late will you have outside seating? N/A How late will you sell alcohol? 10pm

How many full-time employees do you have? 3 at location _____ Part-time employees? <50

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Wingmen V, LLC

Type of liquor license (refer to OLCC form) Off Premise

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).

(a) Name and business address of registered agent.

Full name _____

Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: _____ Date of birth: _____

Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: Thomas M Cook Date of birth:

Residence address:

Full name: Samuel Wray Hutchinson Date of birth: [REDACTED]
Residence address: [REDACTED]

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Fallon L Broman 04/06/2021
Signature of Applicant Date

For City Use Only

Sources Checked:

- DMV by [Signature]
- LEADS by [Signature]
- TuPD Records by [Signature]
- Public Records by [Signature]

- Number of alcohol-related incidents during past year for location.
- Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

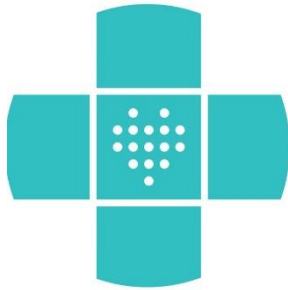
- ~~Granted~~
 - Denied
- Cause of unfavorable recommendation: _____

[Signature] 4.12.21
Signature Date

Bill Steele
Chief of Police
Tualatin Police Department



2020 Report to the Community



BORLAND FREE CLINIC

HOPE + HEALTH + COMMUNITY



www.borlandclinic.org/503-974-8887/info@borlandclinic.org

IT TAKES A COMMUNITY

*To provide hope and healing to vulnerable people in our community
as an expression of Christ's love*

It takes a community to provide:

- Medical and diabetes prevention services to over 300 individuals without access to or the ability to pay for healthcare in the South Portland Metro area.
- More than \$170,000 of in-kind services and materials to help us keep our expenses low.
- Over 4000 volunteer hours for medical services, administrative support, governance, and fundraising.
- Over \$135,000 in cash support for our mission through the generosity of individuals, foundations, and others.

In this *Report to the Community*, you will read how we are using the community's resources to help people obtain the healthcare that they need. Borland Free Clinic gives back to the community by providing an educational environment for students pursuing medicine including Physician Assistant students through a partnership with Pacific University.

Despite our society's best efforts to ensure health coverage for all, thousands of local residents are uninsured, cannot afford the deductibles or co-pays for an insurance plan, or simply cannot navigate the complex world of the health care system. With the support of our community, we are here to help.



PATIENT DEMOGRAPHICS

The Borland Free Clinic serves uninsured adults with household incomes at or below 200% of the federal poverty guidelines.

746

TOTAL PATIENT VISITS

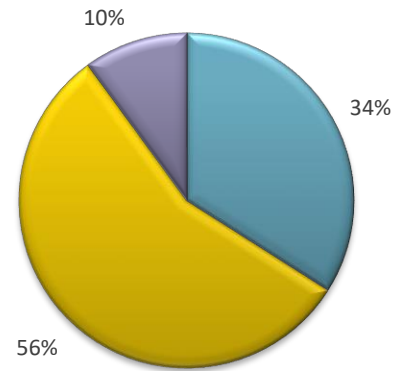
317

UNDUPLICATED PATIENTS

9 %

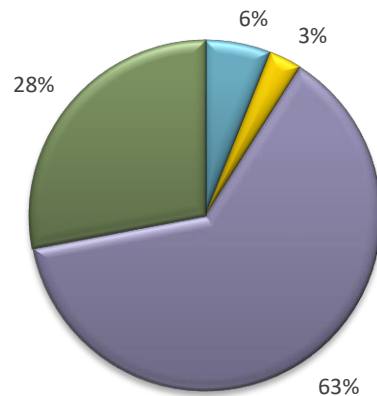
IDENTIFY AS HOMELESS

Ethnicity



■ Hispanic or Latino ■ Not Hispanic or Latino ■ Other

Race



■ Asian
■ Black
■ White
■ Native American/Pacific Islander/Other

PATIENT SERVICES

Comprehensive medical care including primary and specialty care are provided. In 2021 we will be providing free mobile dental and vision services through a partnership with Pacific University.

507

SPIRITUAL CONSULTS

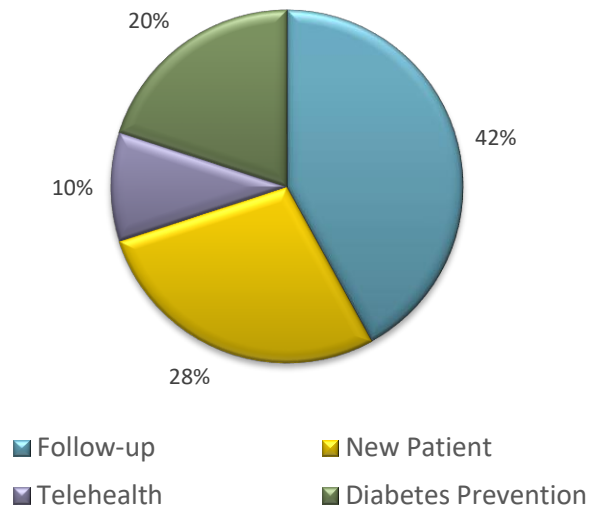
Patients were prayed for during their clinic visit.

\$49,074

COMMUNITY BENEFIT DOLLARS

Amount of free medical care provided to the Community.

Visit Type



FINANCIALS AND

IN-KIND

DONATIONS

In-kind contributions include donated equipment, medications, supplies and medical services.

\$135,976

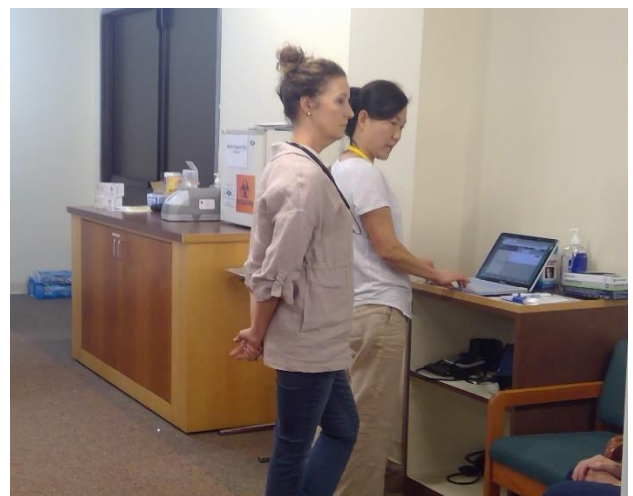
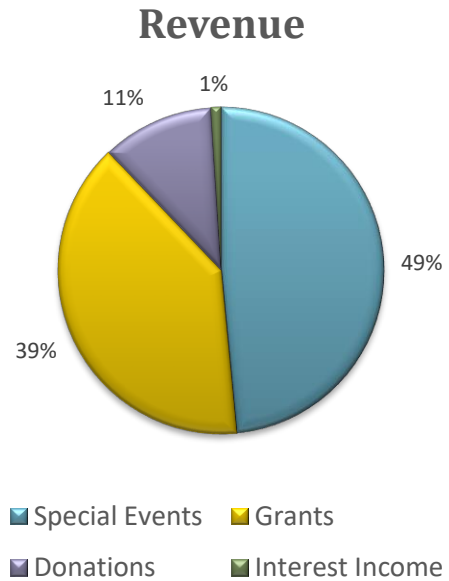
Donations, Grants and Events

Our community gave generously to help us continue our mission.

4283

VOLUNTEER HOURS

76 individuals donated \$116,498 of in-kind service.



IT TAKES A COMMUNITY

*Volunteer Board Members and committed staff power the mission of providing
compassionate, quality care*

Board of Directors

Don Carter, JD
Board Chair
Partner, McEwen Gisvold

Manny Trujillo
Board Vice-Chair
Design Project Manager
Western Region
PGE

Dave Carr
Community & Global Outreach Pastor,
Rolling Hills Community Church

Faith Carter
Retired Community & Global Outreach
Pastor,
Rolling Hills Community Church

Matt Presjak
Financial Advisor/Partner
Encompass Wealth Advisor

Cathi Presjak
Community Volunteer

John Geffel
Board Secretary
Lead Administrative Pastor,
Rolling Hills Community Church

Jerry Robinson
Board Treasurer
Vice President & Relationship Manager,
Key Bank

Sue Neal, RN
Executive Director,
Battle Ground Healthcare

Mike Garrison, JD
Providence Health Systems
Human Resources

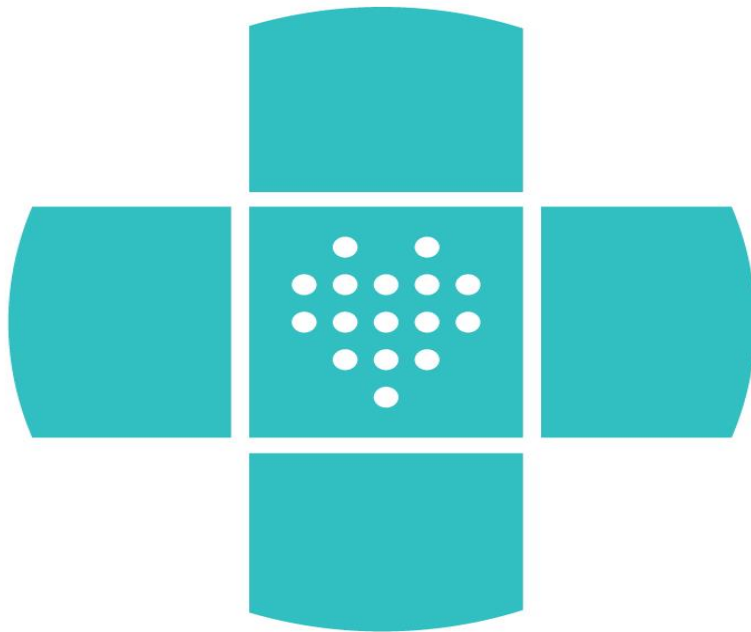
David Bartz, Jr
Chair Emeritus
Schwabe Williamson Wyatt, PC

Staff

Sandy Kosik, Executive Director
Chelsea Ban MD, Medical Director
Sue Bartz, Volunteer Coordinator

Jordan Skornik, Development and
Communications Director
Marsha Cristales-Fontaine, DPP
Rezhna Rasheed, Phone Scheduler

The Borland Free Clinic is much more than a health care facility in Tualatin. It's a community where many dedicated people and organizations come together for a common purpose- it's a community of hope, a community of caring and a community of respect- it's a community of partners. The individuals and groups that support us are our partners and form our community- they are the reasons Borland Free Clinic is able to provide exceptional care to our neighbors. We are grateful to all of them.



Borland Free Clinic

3550 SW Borland Rd.

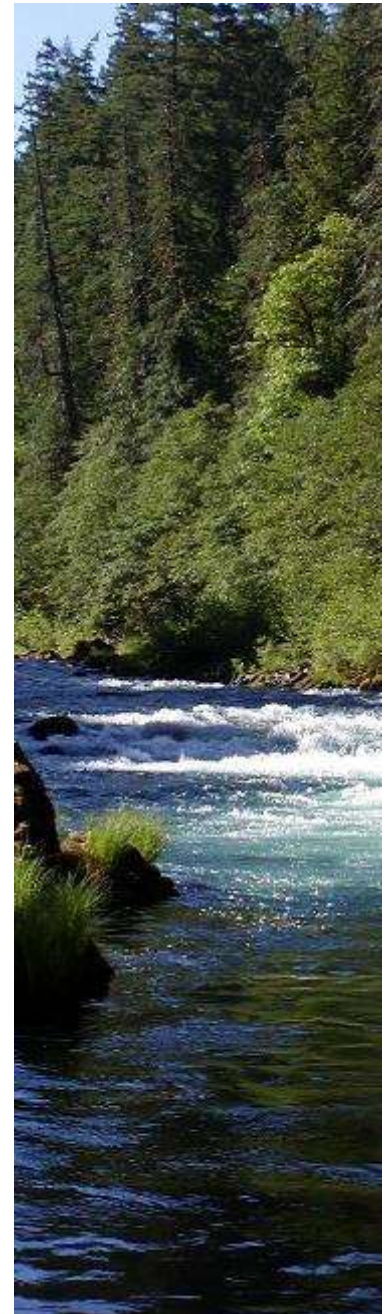
Tualatin, Oregon 97062

Regional Water Providers Consortium

Year in Review: Fiscal Year 2019 – 2020 Highlights

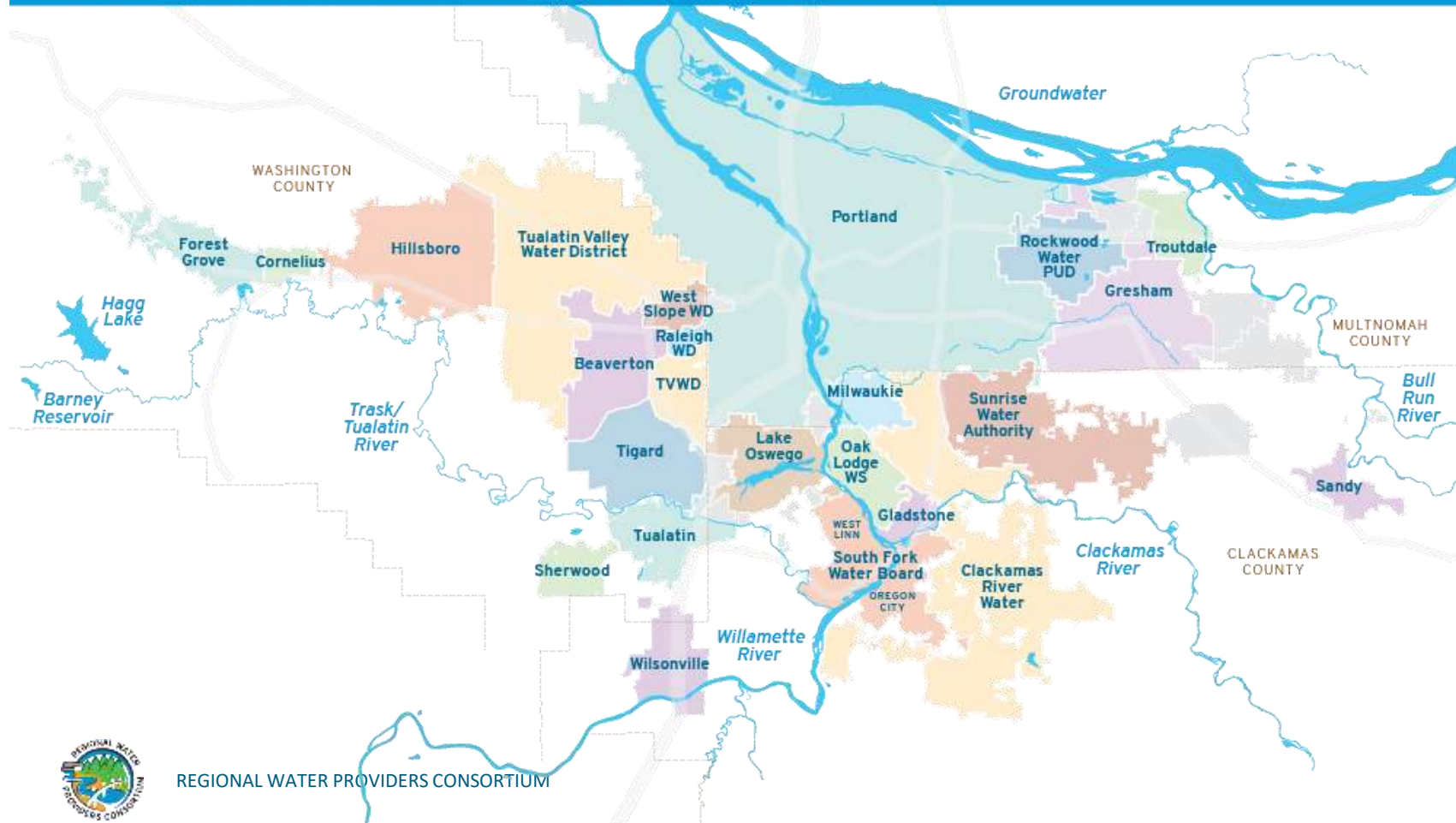


REGIONAL WATER PROVIDERS CONSORTIUM



Who We Are

Consortium Members and Regional Water Sources



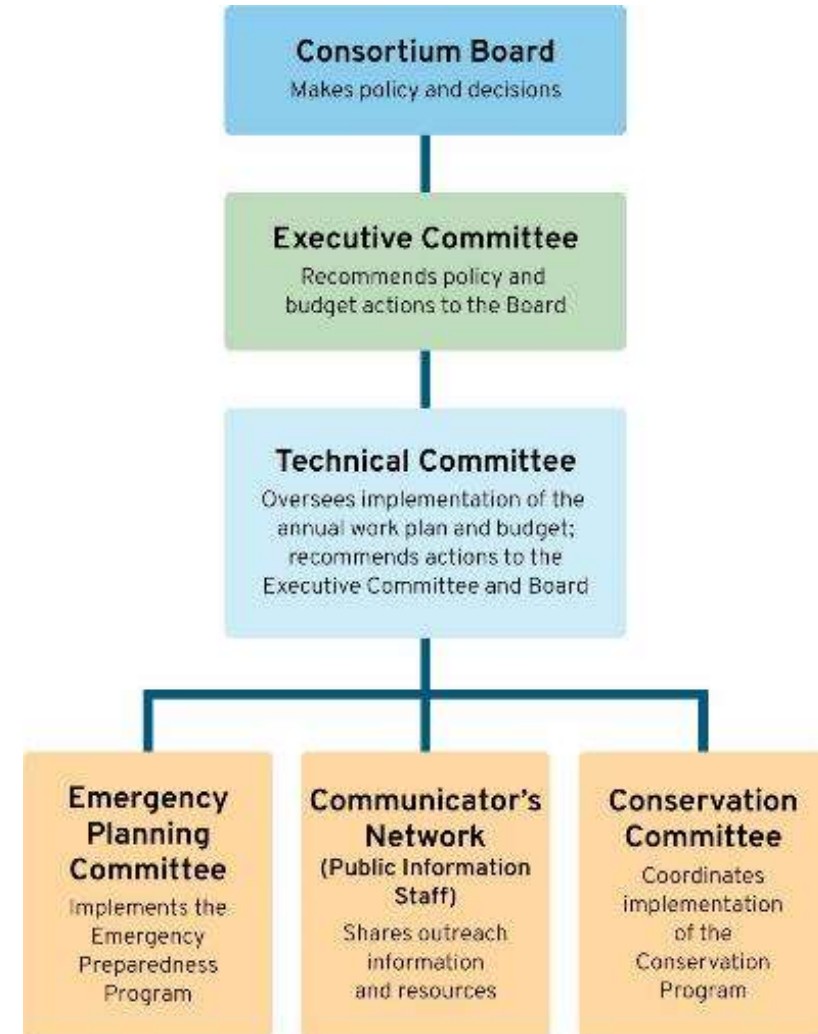
Beaverton, City of
Clackamas River Water
Cornelius, City of
Forest Grove, City of
Gladstone, City of
Gresham, City of
Hillsboro, City of
Lake Oswego, City of
Milwaukie, City of
Newberg, City of
Oak Lodge Water District
Portland, City of
Raleigh Water District
Rockwood Water PUD
Sandy, City of
Sherwood, City of
South Fork Water Board
Sunrise Water Authority
Tigard, City of
Troutdale, City of
Tualatin, City of
Tualatin Valley Water District
West Slope Water District
Wilsonville, City of

About the Consortium

Mission: To provide leadership in the planning, management, stewardship, and resiliency of drinking water in the Portland metropolitan region.

Strategic Focus Areas:

- Meeting Water Needs
- Emergency Preparedness and Resiliency
- Strengthening Regional Partnerships



About the Consortium, Continued

Benefits:

- Speak with a unified voice on water issues
- Learn from each other through an established network of peers
- Represent collective interests of members and their customers
- Save money and reduce risk by pooling resources and working together around common goals

Funding: Membership dues

Annual Budget: \$1 million



Focus Area: Meeting Water Needs

Make best use of water resources by implementing:

- Multimedia campaigns focused on conservation, source water protection, and value of water
- School assemblies and co-sponsorship of the Children's Clean Water Festival (virtual this year)
- Workshops and events
- Meet state requirements for Water Management and Conservation Plans



Focus Area: Meeting Water Needs, Continued

Provide programs and resources to help members:

- Increase accessibility of messaging and resources to diverse audiences
- Print and digital resources focused on meeting diverse needs of public
- Prepare population estimates and forecasts for supply planning
- Learn about climate change and impacts to water systems



Focus Area: Emergency Preparedness and Resiliency

- Coordinate training, exercises, and drills
- Create and support mutual aid and data sharing agreements
- Develop resources, studies, and tools to support water provider preparedness
 - For example, helped members meet regulatory requirements for risk and resiliency and emergency response planning under America's Water Infrastructure Act through training and resource sharing



Focus Area: Emergency Preparedness and Resiliency, Continued

- Apply for grants to support our work, buy equipment, and conduct studies
- Promote public preparedness with multimedia campaigns and other programming



14 gallons per person = WATER FOR 2 WEEKS

BEFORE THERE'S AN EMERGENCY
Get ready. Get water.
GET PREPARED AT regionalH2O.org



Helping Others


- All members of the Consortium are members of ORWARN: the Oregon Water/Wastewater Agency Response Network
- Developed Shared Worker Agreement
- Members deployed water distribution equipment to Salem during their water quality event in 2018



Focus Area: Strengthening Regional Partnerships

- Expand awareness of Consortium and its value
- Build strong community relationships
- Be trusted source for drinking water related information
- Facilitate network of peers
- Legislative advocacy

Drinking Water Advisory Tool

 **Who is my water provider?**

This lookup tool only works for customers whose water providers are members of the [Regional Water Providers Consortium](#).

- ✓ Find out which water provider serves your address
- ✓ Check here for boil water and other emergency notices



Year in Review



2019 Equipment Drill



Spanish Language Outreach

Your water is safe to drink.



Learn More

Your Water is Safe to Drink Messaging



Updated Website



www.Regionalh2o.org/es



Working Virtually

Emergency Water Equipment Drill

September 26, 2019

104 Participants from 25 Agencies

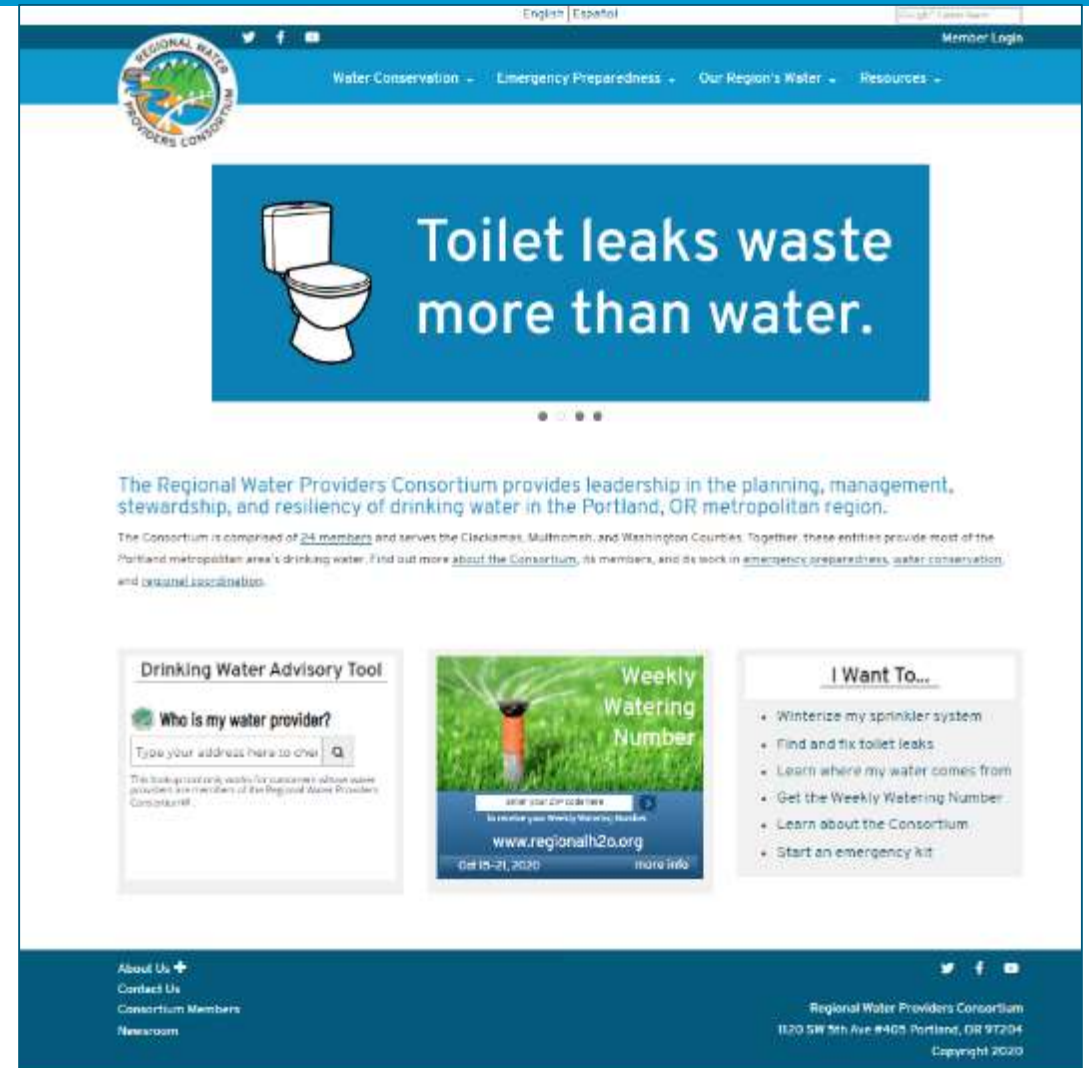
Drill Objectives:

- Exercise regional water treatment and distribution equipment
- Identify gaps, issues, and opportunities to learn from each other
- Mentor and train new staff
- Practice interoperable communication by using radios to communicate with each other
- Use the Incident Command System (ICS) to plan and implement exercise objectives



Makeover of Regionalh2o.org

- Better site navigation
- ADA compliant
- More information in Spanish
- Built in scalability for multiple screen sizes
- More user-friendly
- Updated member page



Increased Spanish Language Outreach

Conservation and Emergency Preparedness Messaging in Español

- Television ads and interviews
- Three e-newsletters
- Radio ads
- Social media ads and web content
- Reviewed by staff and community partners for cultural competency



COVID-19 Response

- “Your Water is Safe to Drink” messaging campaign delivered via web, social media ads, and radio ads in multiple safe harbor languages (also used during wildfires)
- Moved all meetings to virtual format
- Served as forum for regional information and resource sharing

Your water is safe to drink.



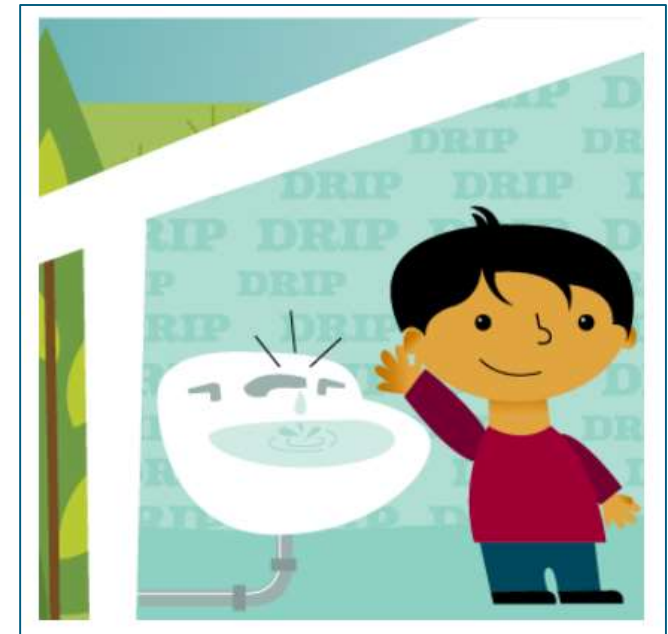
Learn More



What we are working on

- Water by the Numbers for Web/Social
- Messaging Tool Kits for Members
- Emergency Drinking Water Framework
- Virtual Children's Clean Water Festival
- Summer outreach campaign

42,357  fire hydrants



Consortium Staff



(from left to right)

Patty Burk - Management Analyst
Bonny Cushman - Outreach Coordinator
Rebecca Geisen - Managing Director
Riley Berger - Program Specialist





regional H₂O.org



1120 SW 5th Avenue #405 | Portland, OR 97204



503-823-7528



rwpcinfo@portlandoregon.gov



City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Bill Beers, Tualatin Planning Commission Chair
Steve Koper, Assistant Community Development Director

DATE: April 26, 2021

SUBJECT:
Presentation of the 2020 Tualatin Planning Commission Annual Report

EXECUTIVE SUMMARY:
Planning Commission Chair Bill Beers will present the 2020 Annual Report.

ATTACHMENTS:

- Presentation
- Tualatin Planning Commission Annual Report (2020)



PLANNING COMMISSION



ANNUAL REPORT

March 19, 2021



YOUR PLANNING COMMISSIONERS

Bill Beers, Chair

Mona St. Clair, Vice Chair

Alan Aplin

Janelle Thompson

Daniel Bachhuber

Mitch Green

Ursula Kuhn





PLANNING COMMISSION ROLE

- Tualatin's official Committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program.
- Serves as an Advisory Committee to the City Council on land use matters by reviewing and making recommendations on comprehensive plan amendments.
- Also serves as Hearing Body to approve or deny certain quasi-judicial land use decisions (Conditional Use Permits, Variances, Industrial Master Plan, etc.)



PLANNING COMMISSION RECOMMENDATIONS

- Mixed Use Commercial Zone Creation
- Basalt Creek RML Residential Text Changes
- Housing Comprehensive Plan Update
- Cannabis Development Code Update





PLANNING COMMISSION ACTION ITEMS

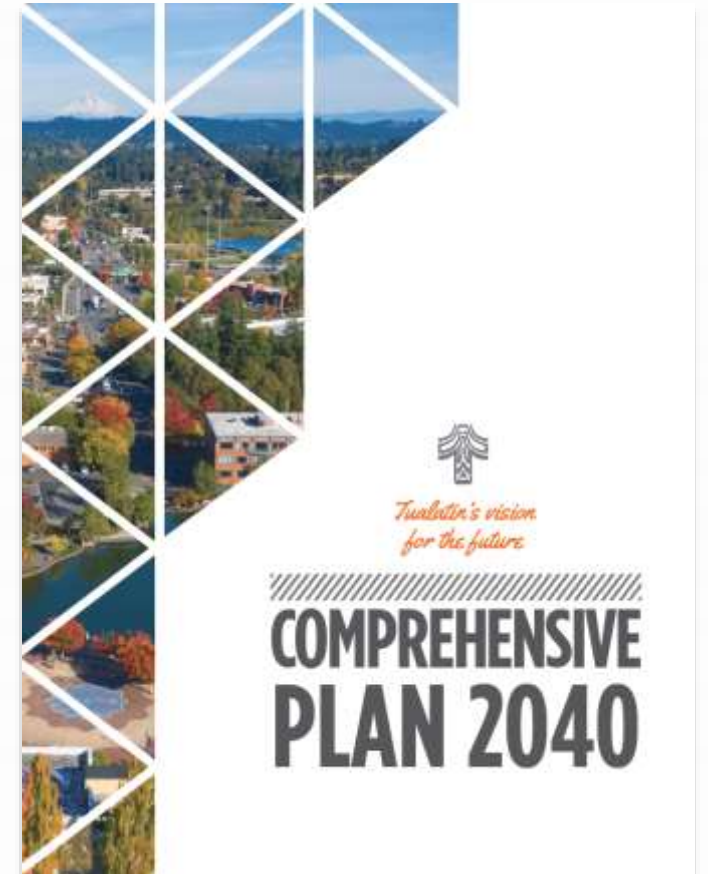
- Banfield Pet Hospital Conditional Use Permit – *Approved 7-0*





STAFF UPDATES TO PLANNING COMMISSION

- Continued work from Housing Needs Analysis & Economic Opportunity Analysis
- Revised Comprehensive Plan with Housing Element Update
- Development Code Updates: High Policy Priorities & Diversity of Housing Type
- Virtual Meetings and Electronic Application Submittal in response to COVID
- Continual updates to Tualatin 2040 web page
- Annual Cost-Burdened Housing Event
- Annual CIO Meetings





QUESTIONS?





City of Tualatin

2020 ANNUAL REPORT

TUALATIN PLANNING COMMISSION

April 26, 2021

Planning Commissioners:

Bill Beers, Chair
Mona St. Clair, Vice Chair
Alan Aplin
Janelle Thompson
Daniel Bachhuber
Mitch Green
Ursula Kuhn

2020 ANNUAL REPORT OF THE TUALATIN PLANNING COMMISSION

BACKGROUND

The Tualatin Planning Commission, formerly the Tualatin Planning Advisory Committee, was established on July 26, 1976 (Ord. 1339-12 and Ord. 342-76). The Planning Commission's membership, organization and duties are prescribed in Tualatin Municipal Code Chapter 11-1. The Planning Commission is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. This annual report covers activities conducted by the Planning Commission in 2020.

This report will address a section of the Tualatin Municipal Code Chapter 11-1.

11-1-080: Not later than April 1 of each year, the Commission shall file its annual report of the activities of the Commission with the City Council. The annual report shall include a survey and report of the activities of the committee during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council.



2020 Planning Commission

*Left to Right: William Beers, Mona St. Clair, Ursula Kuhn, Alan Aplin,
Janelle Thompson, Daniel Bachhuber, Mitch Green*

CITIZEN INVOLVEMENT AND INPUT

The Planning Commission is Tualatin's official Committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program. The purpose of Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the land use planning process. Goal 1 is specific to land use and involving citizens in land use making decisions. The Planning Commission serves two functions in Tualatin's land use planning program. Their first and original function is to serve as an advisory committee to the City Council by reviewing and making recommendations on comprehensive plan amendments. Plan amendments implement policy direction and are essentially legislative decisions. The second function of the Planning Commission is decision making authority over a specified set of quasi-judicial land use decisions. In other words, the Planning Commission has the authority to approve or deny projects tied to specific properties.

At all Planning Commission meetings, community members are given the opportunity to make comments either in writing or verbally at the public meeting prior to the Planning Commission making a recommendation to the City Council. All Planning Commission meetings regardless of the agenda items are published on the City website and notices of the meetings are posted in two different locations in City buildings. Lastly, the Planning Commission provides room on each agenda for community members to makes comments related to items not on the agenda that are within the Planning Commissions' purview. Additionally, the Community Development staff meets with the Citizen Involvement Organization Land Use Officers as topics arise. The purpose of the meetings is to provide updates on land use items such as projects under construction, upcoming decisions and long range planning. These meetings are held directly before the Planning Commission meetings, and they provide a forum for CIO officers to ask questions and get more information about community development processes.

PLANNING COMMISSION MEETINGS:

In 2020, the Planning Commission met nine times during the calendar year. Three meetings were cancelled, one due to COVID-19 restrictions.

PLANNING COMMISSION RECOMMENDATIONS

Planning Commissions role as an Advisory Committee to City Council involves it making recommendations to the Council on comprehensive plan amendments such as Plan Map and Plan Text Changes Committee. In 2020, the Planning Commission made a recommendation to the City Council on the following items:

- Mixed Use Commercial Zoning District creation (PTA 20-0001)
- Medium Low Density Residential Zone (RML) to allow for a mix of 20 percent attached and 80 percent detached single family with a 5% set-aside for open space (PTA 20-0003)
- Housing Comprehensive Plan Update (File Nos. PTA 20-0004).
- Cannabis Development Code Update (PTA 20-0006)

Notice for these items was given in accordance with the Tualatin Development Code and citizens were afforded the opportunity to comment at the Planning Commission meetings and the City Council public hearings.

PLANNING COMMISSION ACTION ITEMS

In addition to the Planning Commissions role as an Advisory Committee to City Council on comprehensive plan amendments such as Plan Map and Plan Text Changes, the Planning Commission has the authority to decide the following quasi-judicial land use application, types, appeals to which can be made to the City Council:

- Industrial Master Plan
- Reinstatement of Use
- Sign Variance
- Variance
- Transitional Use Permit
- Conditional Use Permit

In 2020 the Planning Commission made a decision on a single Conditional Use Permit:

- CUP 20-0001: Benfield Pet Hospital (Approved 7-0)

STAFF UPDATES TO THE PLANNING COMMISSION

- Continued work from Housing Needs Analysis & Economic Opportunity Analysis
- Revised Comprehensive Plan with Housing Element Update
- Development Code Updates: High Policy Priorities & Diversity of Housing Type
- Virtual Meetings and Electronic Application Submittal in response to COVID
- Continual updates to Tualatin 2040 web page
- Annual Cost-Burdened Housing Event
- Annual CIO Meetings

COMMISSIONER TRAININGS

None due to COVID-19.



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tabitha Boschetti, AICP, Assistant Planner
Steve Koper, AICP, Planning Manager

DATE: April 26, 2021

SUBJECT:

Consideration of Ordinance No. 1456-21, requesting the annexation of approximately 4.66 acres of property located at 23500 SW Boones Ferry Road (Tax ID 2S135D000303); annexing the territory into the boundary of Clean Water Services, and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District (File No. ANN 20-0004).

RECOMMENDATION:

Staff recommends that Council adopt Ordinance No. 1456-21.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing.

The applicant and property owner, Community Partners for Affordable Housing, requests approval to annex approximately 4.66 acres of property located at 23500 SW Boones Ferry Road (Tax ID 2S135D000303). The property is currently developed with two detached homes addressed as 23500 and 23550 SW Boones Ferry Road. No public right-of-way is part of the subject territory to be annexed; adjacent right-of-way has been incorporated into the City of Tualatin since 2007 through ANN 06-06. No development or other modifications to the property are proposed as part of this request.

The land is contiguous to the existing Tualatin city limits on all sides. The property is currently located within unincorporated Washington County and the City of Tualatin Urban Planning Area.

If approved, in conjunction with approval of the proposed annexation, the subject properties would be annexed into the Clean Water Services district, and withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD). Upon annexation, the High Density Residential (RH) zoning would be applied, consistent with the Comprehensive Plan Map, 10-1.

Before granting the proposed annexation, the City Council must find that the annexation conforms to the applicable criteria of TDC Section 33.010, Metro Code Section 3.09, and ORS 222. The Analysis and Findings (Exhibit 3) examines the application in respect to the requirements for granting an annexation. Staff finds that the annexation meets the applicable criteria.

OUTCOMES OF RECOMMENDATION:

Approval of the annexation request and adoption of Ordinance No. 1456-21 will result in the following:

- Annexation of the property to the City of Tualatin.
- Designation of the property with the High Density Residential (RH) zone;
- Concurrent annexation into the Clean Water Services District;
- Concurrent withdrawal of the property from the Washington County Enhanced Sheriff Patrol District.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation include:

- Continuation of the hearing to a date certain in the future; or
- Denial of the annexation request.

FINANCIAL IMPLICATIONS:

The City will receive an increased share in property tax revenue.

ATTACHMENTS:

Ord 1456-21 Property Annexation

Exhibit 1. Legal Description

Exhibit 2. Map

Exhibit 3. Analysis, Findings, and Exhibits

A. Application Form, Petition, Supporting Materials

B. Communication from Clean Water Services

C. Comprehensive Plan Map 9-1

D. Comprehensive Plan Map 9-2

E. Comprehensive Plan Map 10-1

Attachment 1. Council Presentation

Attachment 2. Public Testimony

ORDINANCE NO. 1456-21

AN ORDINANCE ANNEXING TERRITORY AT 23500 SW BOONES FERRY ROAD TAX MAP 2S135D LOT 303, INTO THE CITY OF TUALATIN; WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT; AND ANNEXING TERRITORY INTO THE BOUNDARY OF CLEAN WATER SERVICES (ANN 20-0004)

WHEREAS, Community Partners for Affordable Housing (owner and applicant) as represented by Rachel Duke and Jilian Saurage Felton submitted a petition for annexation of approximately 4.66 acres of property located at 23500 SW Boones Ferry Road, Tax Map 2S135D Lot 303, hereafter called the "Property," into the City of Tualatin;

WHEREAS, the City of Tualatin is authorized to annex territory under ORS Chapter 222 and Metro Code Chapter 3.09;

WHEREAS, the annexation of the Property has been requested by 100 percent of the property owners, 100 percent of the electors, and qualifies for annexation under ORS 222.125;

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City;

WHEREAS, Metro does not oppose the annexation;

WHEREAS, under ORS 199.510(2)(c), when a city receives services from a district and is part of that district, any territory annexed to the city is to be included in the boundaries of the district and subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district;

WHEREAS, the City receives sewer, storm, and surface water management services from Clean Water Services and is part of the Clean Water Services district, as referenced ORS 199.510(2)(c);

WHEREAS, the Property is in the Washington County Enhanced Sheriff Patrol District;

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision;

WHEREAS, notice of public hearing on the annexation petition was given as required by Tualatin Development Code 32.260;

WHEREAS, the Council conducted a public hearing relating to the annexation where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Property identified in the legal description attached as Exhibit 1 and as more fully depicted in the map in Exhibit 2, which are both incorporated by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 2. The findings attached as Exhibit 3, which are incorporated herein by reference, are hereby adopted.

Section 3. The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

Section 6. On the effective date of the annexation, the Property is withdrawn from the Washington County Enhanced Sheriff Patrol District.

Section 7. On the effective date of the annexation, under ORS 199.510(2)(c), the property is also being annexed into the boundaries of Clean Water Services for the provision of sanitary sewer, storm, and surface water management.

Section 8. The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Adopted by the City Council this ____ day of _____, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

BY _____
City Attorney

ATTEST:

BY _____
City Recorder

SE 1/4 SECTION 35 T2S RIW W.M.

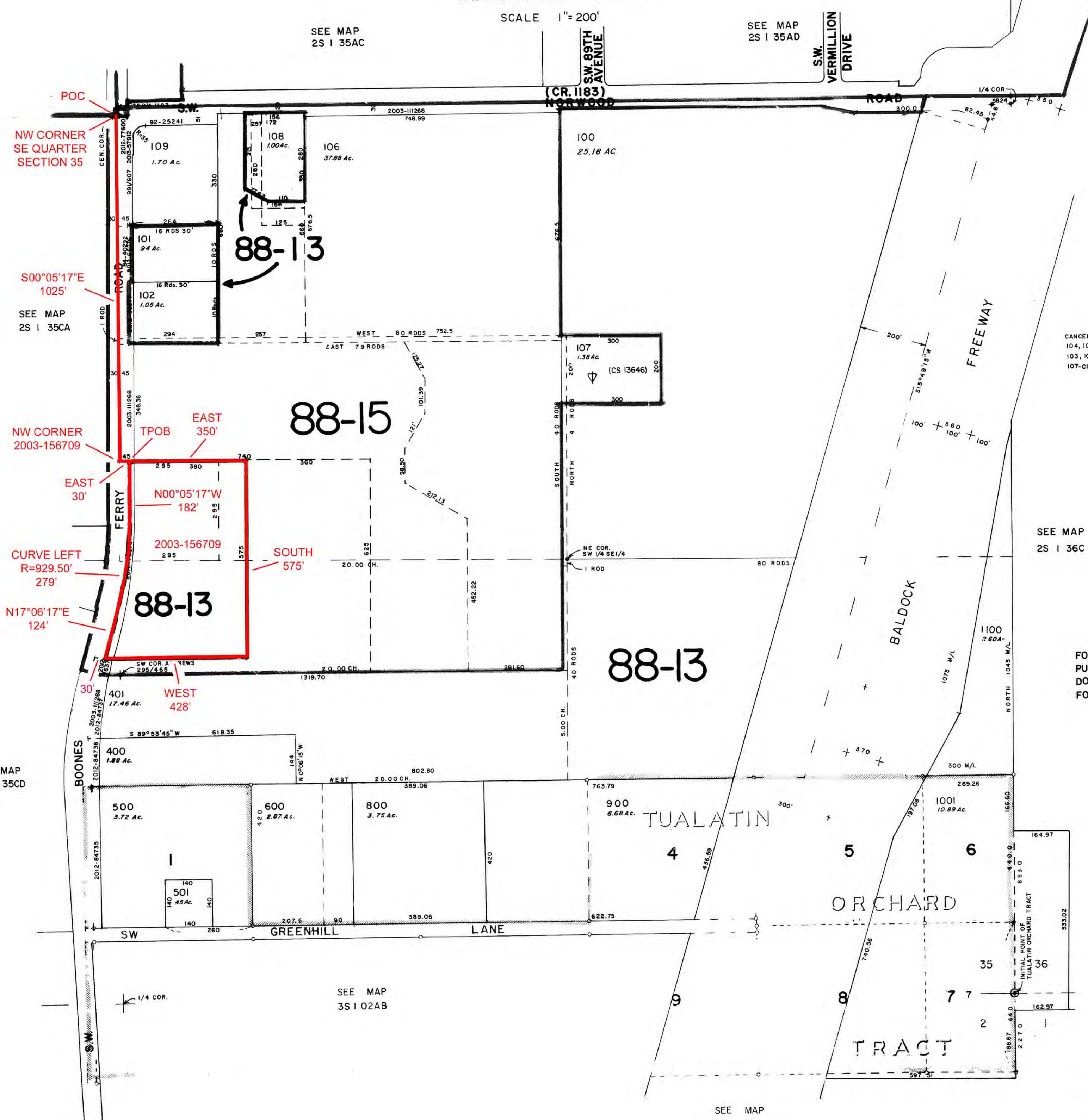
2S 1 35D
TUALATIN

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

SEE MAP
2S 1 35AC

SEE MAP
2S 1 35AD



POC
NW CORNER
SE QUARTER
SECTION 35

S00°05'17"E
1025'
SEE MAP
2S 1 35CA

NW CORNER
2003-156709

EAST
30'

CURVE LEFT
R=929.50'
279'

N17°06'17"E
124'

SEE MAP
2S 1 35CD

SEE MAP
3S 1 02AB

SEE MAP
3S 1 02A

CANCELLED TAX LOTS
104, 105, 200, 301, 700, 1000 T-1,
103, 1000, 1002, 1003, 110, 300, 302,
107-C1, 502, 402, 403.

SEE MAP
2S 1 36C

FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

ANNEXATION CERTIFIED BY
WASHINGTON COUNTY
CARTOGRAPHY
1/20/21

TUALATIN
2S 1 35D

J.B.M. 9/20/19

LEGAL DESCRIPTION FOR ANNEXATION

A parcel of land in Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; described as follows:

Commencing at the Northwest Corner of the Southeast quarter of said Section 35, thence South $00^{\circ} 05' 17''$ East along the centerline of SW Boones Ferry Road 1025' to the Northwest corner of Washington County document 2003-156709, thence East 30' to the True Point of Beginning; Thence following the boundary of said document the following 3 courses: East 350', South 575', and West 428' to a point 30' East of the centerline of SW Boones Ferry Road when measured radially; thence along a line parallel and 30' East of said centerline the following 3 courses: North $17^{\circ} 06' 17''$ East 124' to a point of curvature, 279' along a tangent curve to the left with a radius of 929.50' to a point of tangency, and North $00^{\circ} 05' 17''$ West 182' to the point of beginning.

ANNEXATION CERTIFIED

BY



NOV 12 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

610
475
LAWYERS
90g0911376w



After Recording, Return to:
Thomas J. Re
19035 SW Chesapeake Dr
Tualatin, OR 97062

Until a change is requested, tax statements shall be sent to the following address: same as above

STATUTORY WARRANTY DEED
(Individual)

Steven E. Willey and Catherine Willey

conveys and warrants to
Thomas J. Re and Kathryn S. Re, Husband and Wife

the following described real property in the State of Oregon and County of Washington free of encumbrances, except as specifically set forth herein:

Beginning at a point which is 295 feet North of the Southwest corner of the Northwest one-quarter of the Southeast one-quarter of Section 35, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon; thence East 380 feet to a point; thence South 575 feet to a point; thence West to a point in the center of SW Boones Ferry Road (State Highway No. 271); thence in a Northerly direction along the center line of SW Boones Ferry Road to the point of beginning.

Tax Account Number(s): R1136023

This property is free of encumbrances, EXCEPT:

- 1. 2003-04 taxes, a lien in an amount to be determined, but not yet payable.
- (Continued)

The true consideration for this conveyance is \$475,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 12 day of September, 2003.

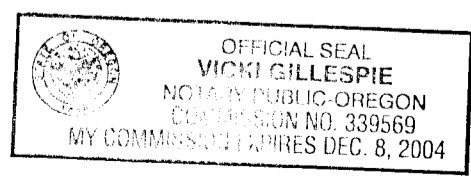
Steven E. Willey
Steven E. Willey

Catherine Willey
Catherine Willey

STATE OF OREGON, COUNTY OF Multnomas.
The foregoing instrument was acknowledged before me this

12 day of September, 2003, by Steven E. Willey and Catherine Willey.

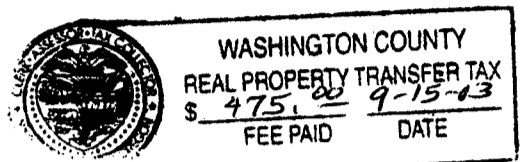
UBILSON
Notary Public for Oregon
My Commission Expires: 12/8/04



Washington County, Oregon
09/15/2003 03:26:25 PM
D-DW Cnt=1 Stn=3 TEAKIN
\$10.00 \$6.00 \$11.00 \$475.00 - Total = \$502.00



00441190200301567090020028
I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



(Above Space Reserved for Recorder's Use)

STATUTORY WARRANTY DEED
(Continued)

Order No.: 90g0911376

ENCUMBRANCES (Continued)

2. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
Account No. : R1136023
3. The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.
4. An easement created by instrument, including the terms and provisions thereof,
Dated : July 28, 1948
Recorded : August 14, 1948
Book/Volume : 288
Page : 14
In favor of : Pacific Telephone and Telegraph Company
For : Utility



April 26, 2021

Analysis and Findings

Case #:	ANN 20-0004
Project:	23500 SW Boones Ferry Road Annexation
Location:	23500 SW Boones Ferry Road (Tax ID 2S135D000303)
Owner/Applicant:	Community Partners for Affordable Housing (CPAH)

Introduction

A. Applicable Criteria

Annexations are reviewed under Tualatin Development Code (TDC) Chapter 33.010, *Annexations*. This code refers to Metro Code 3.09, *Local Government Boundary Changes*, and the applicable provisions of ORS Chapter 222, which also govern annexations.

B. Project Description

The subject property is a 4.66-acre parcel located 23500 SW Boones Ferry Road, a location east of SW Boones Ferry, south of SW Norwood Road and north of SW Greenhill Lane. The subject property is within unincorporated Washington County, fully surrounded by the existing City of Tualatin boundary on all sides of the parcel. Adjacent public right-of-way designated as SW Boones Ferry Road, while referenced in the legal description for this property, is already situated within the City of Tualatin, as established under previous land use review ANN 06-06, Ordinance No. 1233-07, effective April 30, 2007. The adjacent right-of-way is also within the Clean Water Services Service District.

The property owner has petitioned for annexation into the City of Tualatin. Simultaneous annexation into the Clean Water Services Service District is also under review as a necessary component to effective future development review (Exhibit B). The scope of this review is limited to the suitability of annexing the parcel into the City of Tualatin and Clean Water Services Service District. No development is being reviewed as part of this application. If annexed, future development would be subject to all applicable standards applied by the City of Tualatin.

In conjunction with approval of the proposed annexation, the subject property would be withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD).

C. Site Description

The subject property is a 4.66 acre quadrilateral parcel, developed with two detached dwellings, with the majority of the parcel in open field with some mature trees throughout. There are no mapped natural resource areas recognized by the City or Metro on this site. The topographical high point of the site is toward the northeast corner at 364 feet in elevation; the property generally slopes down toward the west, down to an elevation of about 334 feet in elevation at the northwest corner, and 344 feet at the southeast elevation, meeting a retaining walls.

On the north, east, and south property lines, the subject territory borders a parcel owned by the Horizon Community Church which is used as a school and church campus. This property is within the City of Tualatin. The west property line fronts on SW Boones Ferry Road, a major arterial under jurisdiction of Washington County though within the City of Tualatin city limits.

More broadly, the property is situated within the Basalt Creek Concept Plan area. The area south of SW Norwood consists largely of detached dwellings on larger parcels and abutting a natural resource stream area on the west side of SW Boones Ferry Road. East of Boones Ferry lies the Horizon campus, several detached dwellings, and a mix of open and wooded land stretching west to I-5. Many parcels in this area have been recently annexed into the City of Tualatin, including approximately 63 acres annexed in 2020; the adjacent Horizon Community Church campus was annexed in 2006. North of SW Norwood Road are developed residential neighborhoods with a mix of attached and detached dwellings, primarily constructed in the 1990s.

D. Public Testimony

During the public comment period and prior to the submittal of these findings in advance of the scheduled hearing for April 26, 2021 (Attachment 3), staff have received public comments related to transportation planning and traffic impacts related to new development. Broad transportation analysis during the Basalt Creek Concept Plan phase studied the transportation capacity of the area when applying future zoning designations that control the permissible density and range of allowed uses within the subject territory. More specific transportation analysis would also be required at the time of proposed development through the Architectural Review process to identify specific public improvements necessitated by the related transportation demand. Staff are also aware of ongoing concerns from neighboring property owners related to stormwater management in this area.

This report addresses the City's general capacity for future infrastructure including sanitary sewer, stormwater management, and transportation, and development regulations including requirements to provide adequate infrastructure and on-site facilities, such as stormwater detention facilities, that would be applied to future development. The more specific impacts of future development would be further evaluated and regulated through the Architectural Review process applicable to new development.

Exhibits

- A. Application Form, Petition, and Supporting Materials
- B. Communication from Clean Water Services 3-22-21
- C. Comprehensive Plan Map 9-1 (Water System Master Plan)
- D. Comprehensive Plan Map 9-2 (Sewer System Master Plan)
- E. Comprehensive Plan Map 10-1

TDC Chapter 33, Applications and Approval Criteria

Section 33.010 Annexations

To grant an annexation application, the Council must find:

(a) The territory to be annexed is within the Metro Urban Growth Boundary;

Finding:

As shown in Exhibit E, the subject property is within the Metro Urban Growth Boundary and within Tualatin's Urban Planning Area. This standard is met.

(b) The owners of the territory to be annexed have petitioned to be annexed;

Finding:

As shown in Exhibit A, the property owners have petitioned to have the territory annexed. This standard is met.

(c) The application conforms to the applicable criteria in Metro Code 3.09; and

Chapter 3.09 Local Government Boundary Changes

Chapter 3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

[...]

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

Finding:

Sanitary Sewer:

The City's Sewer Master Plan (2019) identifies improvements including pump stations in the Basalt Creek area that would be needed to ensure sufficient capacity throughout the system including service to the subject territory. The City of Tualatin Sewer Master Plan (2019) plans for these improvements and new sewer connections in the vicinity of the subject territory; upon development, this infrastructure would need to be constructed and the developer would be required to provide these connections.

The nearest sanitary sewer mains are an 8" main located near the intersection of SW 89th Ave and SW Norwood Rd, and an 8" main located near the intersection of SW Vermillion Drive and SW Norwood Rd. The Sewer Master Plan shows a new force main in SW Boones

Ferry Road and new pump station in the vicinity of the subject territory; the City of Tualatin is working with Clean Water Services on the funding and planning details to realize these improvements. The extension of these facilities consistent with the City's Sewer Master Plan would need to be constructed prior to construction of new development.

Upon annexation, the territory would be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin.

Stormwater:

Clean Water Services also evaluates stormwater management needs at the time of development.

As noted by the Basalt Creek Concept Plan, on-site stormwater detention and treatment at local facilities is a requirement of the development review process and is expected to be funded by private development. Additional new stormwater infrastructure in the Basalt Creek area is expected to be primarily integrated with the local road network. Tualatin and Clean Water Services additionally implement stormwater management standards as required by the National Pollution Discharge Elimination System (NPDES) and Municipal Separate Storm Sewer System (MS4) permits. Stormwater facilities, including on-site detention facilities consistent with City and CWS standards, will be required with any future development. Public stormwater systems for road networks will be developed concurrent with road development. The Basalt Creek Concept Plan notes the existence of roadside drainage ditches and culverts, which will need to be re-evaluated with new development.

To this extent, the annexation is consistent with the Basalt Creek Concept Plan as it applies to the 1975 Tualatin Drainage Plan and Tualatin Community Plan Chapter 14.

Potable Water:

The City of Tualatin Water System Master Plan (TDC Map 12-1) shows future system improvements serving the subject territory. A 12" water main is located in SW Norwood Road, adjacent to the property over the full extent of the northern property line, and adjacent to the western property line south from SW Norwood Road to the adjacent City of Tualatin water towers located west of the subject territory. Upon development, the applicant would be required to provide these new service lines. As a result, the property is able to connect to water service consistent with the City's Water Master Plan.

Transportation and Streets:

The subject territory abuts SW Boones Ferry Road, which is classified as a Major Collector, and is under Washington County jurisdiction though it is also within the City of Tualatin. SW Boones Ferry Road is developed as a 3-lane road with center turning lane, bicycle lanes, and developed sidewalk on the west side of the right-of-way in the area that where this property fronts on the roadway. Access from SW Boones Ferry is limited, and future development may need to pursue opportunities for shared access, but the property is ultimately positioned to

connect to the existing transportation network consistent with the City's Transportation System Plan.

The territory is currently with the TriMet transit district and would be continue to be so upon annexation. The property is directly adjacent to the current route for TriMet bus line 96, which places this property in position for superior transit service compared with many other areas of Tualatin.

Additional Services:

The territory is currently served by the Washington County Enhanced Sheriff Patrol District; upon annexation, the property would be directly served by the City of Tualatin Police Department.

The territory is currently within the Tualatin Valley Fire and Rescue district, and would continue to be so upon annexation into the City.

The territory is currently with the Sherwood School District and would be continue to be so upon annexation.

The territory is currently under the jurisdiction of Washington County for planning, zoning, building, and related services; jurisdiction would transfer to the City of Tualatin upon annexation. The subject property is not currently within an independent parks district, and would be served by the City of Tualatin for parks services and facilities.

This standard is met.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Finding:

The proposed boundary change will withdraw the property from the Washington County Enhanced Sheriff Patrol District. City of Tualatin police services will be provided. City of Tualatin would provide future services to future roads created by private development within the subject territory. This standard is met.

3. The proposed effective date of the boundary change.

[...]

Finding:

The annexation of the subject territory is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180. This standard is met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Finding:

These standards are addressed below.

3.09.045 Expedited Decisions

D. To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

a. Any applicable urban service agreement adopted pursuant to ORS 195.065;

Finding:

ORS 195.065 considers urban services agreements pertaining to sanitary sewer, water, fire protection, parks, open space, recreation, and streets, roads, and mass transit.

The City of Tualatin has an established Urban Planning Area Agreement (UPAA) with Washington County, which currently has jurisdiction over the subject property. The UPAA acknowledges that the City of Tualatin is responsible for comprehensive planning, including public facility planning, within the Urban Planning Area. It also establishes a process for determining the likely provider for urban services through concept planning; this is generally the City except where the City holds Intergovernmental Agreements (IGAs) with other service providers.

The subject territory is within, and would remain within, the Tualatin Valley Fire and Rescue district. The territory is not within an independent parks, open space or recreation district other than Metro, of which it will remain a part.

The City of Tualatin has an established IGA with CWS delineating responsibilities for public sanitary sewer and stormwater management. Simultaneous annexation into the Clean Water Services District is proposed with assent from CWS staff.

No additional urban services agreements apply. This standard is met.

b. Any applicable annexation plan adopted pursuant to ORS 195.205;

Finding:

No applicable annexation plan exists for this area. This standard is not applicable.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Finding:

No applicable cooperative planning agreement exists for this area. This standard is not applicable.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Finding:

Transportation System Plan: *The City of Tualatin Transportation System Plan (TSP) identifies SW Boones Ferry Road as a major arterial; the subject territory directly fronts on this road, and there are plausible opportunities for shared access with neighboring properties to establish a safe and appropriate access to the existing transportation network. The property is able to connect to the transportation network consistent with the City's TSP.*

Sewer Master Plan: *The City of Tualatin Sewer Master Plan (2019) plans for new sewer connections in the vicinity of the subject territory; upon development, the developer(s) would be required to provide these connections.*

An extension of sanitary sewer services would be required prior to development in the subject territory. Future development will require connection to these services. The nearest sanitary sewer mains are approximately 1,200 feet away: an 8" main located near the intersection of SW 89th Ave and SW Norwood Rd, and an 8" main located near the intersection of SW Boones Ferry Road and SW Norwood Rd. The Sewer Master Plan shows a new force main in SW Boones Ferry Road and new pump station in the vicinity of the subject territory; the City of Tualatin is working with Clean Water Services on the funding and planning details to realize these improvements.

Nearby sites to the north, east, and farther south have also recently annexed into the City of Tualatin and Clean Water Services Service District, which share a common need for extension of these services. The timing of this annexation is supported by the fact that neighboring properties are actively planning the engineering details on extending lines and constructing appropriate infrastructure, prompting the opportunity for more efficient designs through collaboration while continuing to correspond with the Sewer Master Plan.

Upon annexation, the territory would also be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin. The subject territory would be able to connect to sanitary sewer service consistent with the City's Sewer Master Plan.

Water Master Plan:

An extension of water services would be required prior to development in the subject territory. Future development will require connection to these services. The nearest existing water mains are in SW Norwood Road approximately 1,000 feet north. Existing reservoirs for the city are located approximately 1,000 feet east-northeast of the subject

territory. The City of Tualatin Water System Master Plan (Comprehensive Plan Map 9-1, Exhibit C) includes the subject property within "Service Area C." The Water Master Plan including this property indicated that the water distribution system as a whole is generally able to provide for maximum day demand under build-out scenarios; while the plan recommends continuing to evaluate capacity is light of large industrial users, that would not directly apply to the subject property which is zoned for residential use. The Water Master Plan indicates future system improvements serving the subject territory along SW Boones Ferry Road and through parcels to the south and east that were annexed into the City of Tualatin in 2020.

Upon development, the applicant would be required to provide these new service lines. As a result, the property is able to connect to water service consistent with the City's Water Master Plan. The proposed annexation is consistent with these plans. This standard is met.

e. Any applicable comprehensive plan;

Finding:

The City of Tualatin's Comprehensive Plan contains the Comprehensive Plan Map 10-1, (Exhibit E) showing this territory as part of the Urban Planning Area and indicating planned zoning of High-Density Residential (RH) for this parcel.

The provisions of the Comprehensive Plan that relate to annexations, include:

Goal 3.6: Residential growth. *Residential growth by annexation or expansion to the Urban Planning Area or Urban Growth Boundary will be coordinated with local, state, and regional governments, districts, and stakeholders.*

- **Policy 3.6.1 Consent-driven annexation.** *Only property owners may initiate annexation of property within Tualatin's Urban Planning Areas, including cases involving unincorporated "islands" of property surrounded by land annexed previously.*
- **Policy 3.6.2 Coordination.** *Coordination will be made with local, state, and regional governments, districts, and stakeholders on residential growth.*

As discussed above, this consideration for annexation is driven by petition from the property owner. The process is consistent with the specifications under Tualatin Development Code Chapter 33.010 and 32.260. Staff have notified relevant agencies and neighboring jurisdictions regarding the annexation, and are actively coordinating with regard to future service provision.

Comprehensive Plan Chapters 8, Transportation, and 9, Public Facilities Services provide additional details about service provision in this vicinity. Map 9-1 (Exhibit C) outlines the future provision of water service over the subject territory. Map 9-2 (Exhibit D) shows

connections and future provision for sewer service to the subject territory. Chapter 9 establishes a method for cooperation with DEQ and Clean Water Services with the Storm Water Management Ordinance applied at the time of future development.

Additionally, the City's goals and policies on housing and residential growth further prompt the City to ensure that a 20-year land supply is designated and planned with urban services to support the housing types and densities identified in the Housing Needs Analysis.

This standard is met.

f. Any applicable concept plan; and

Finding:

The City of Tualatin has adopted the Basalt Creek Concept Plan through Resolution 5392-18 and Ordinance No. 1418-19. The subject property is with the Basalt Creek Concept Plan area. The land use designation of High Density Residential (RH), identified in the plan, would be applied upon annexation. The proposed annexation is consistent with this plan. This standard is met.

2. Consider whether the boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;**
- b. Affect the quality and quantity of urban services; and**
- c. Eliminate or avoid unnecessary duplication of facilities or services.**

Finding:

The boundary change would promote the timely, orderly, and economic provision of public facilities and services. As detailed under discussion of 3.09.050 (B)(1), there is adequate potential for the provision of connecting services, and additional infrastructure can be provided primarily through future development. Given the recent annexation of properties to the south and east of this parcel, namely ANN 19-0002 and ANN 20-0003, annexing this parcel at this time increases the capacity for collaboration across multiple developers and agencies in the more efficient and effective provision of infrastructure, avoiding unnecessary duplication of facilities or services that may be more likely if this property were not annexed in a near timeframe.

Standards A through C are met.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Finding:

The subject territory is wholly within the Urban Growth Boundary. This standard is met.

(d) The application is consistent with applicable provisions of ORS Chapter 222.

ORS 222.111(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

Finding:

As shown on the Comprehensive Plan Map 10-1 (Exhibit E), the subject property is not within a city and is contiguous to the City of Tualatin. This standard is met.

ORS 222.520(1) Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.

Finding:

The subject property is in the Washington County Enhanced Sheriff Patrol District. As part of this annexation, the subject properties will be withdrawn from the Enhanced Sheriff Patrol District. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this standard is met.

Conclusion and Recommendation:

Based on the application and the above analysis and findings, the proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC. Accordingly, staff recommends City Council approval of File No. ANN 20-0004 and adoption of corresponding Ord. No. 1456-21.



Land Use Application

Project Information		
Project Title: CPAH Basalt Creek project		
Brief Description: Requesting to annex the property into the City of Tualatin		
Property Information		
Address: 23550 and 23500 SW Boones Ferry Road		
Assessor's Map Number and Tax Lots:		
Applicant/Primary Contact		
Name: Jilian Saurage Felton	Company Name: Community Partners for Affordable Housing	
Address: 6380 SW Capitol Hwy, Suite 151		
City: Portland	State: OR	ZIP: 97239
Phone: 503-293-4038	Email: jsaurage@cpahoregon.org	
Property Owner		
Name: Community Partners for Affordable Housing, Rachael Duke, Executive Director		
Address: 6380 SW Capitol Hwy, Suite 151		
City: Portland	State: OR	ZIP: 97239
Phone: 503-293-4038	Email:	
Property Owner's Signature: 		Date: Nov 5, 2020
<i>(Note: Letter of authorization is required if not signed by owner)</i>		
AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.		
Applicant's Signature:	Date:	

Land Use Application Type:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Annexation (ANN)
<input type="checkbox"/> Architectural Review (AR)
<input type="checkbox"/> Architectural Review—Single Family (ARSF)
<input type="checkbox"/> Architectural Review—ADU (ARADU)
<input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Historic Landmark (HIST)
<input type="checkbox"/> Industrial Master Plan (IMP)
<input type="checkbox"/> Plan Map Amendment (PMA)
<input type="checkbox"/> Plan Text Amendment (PTA)
<input type="checkbox"/> Tree Removal/Review (TCP) | <input type="checkbox"/> Minor Architectural Review (MAR)
<input type="checkbox"/> Minor Variance (MVAR)
<input type="checkbox"/> Sign Variance (SVAR)
<input type="checkbox"/> Variance (VAR) |
|---|---|---|

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 2S 1 3S D) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

TED FOSTER

Printed Name

GIS TECH

Title

ANNEXATION CERTIFIED

BY

TF

[Signature]

Signature

11/12/20

Date

NOV 12 2020

CARTOGRAPHY

Department

WASHINGTON

County of

WASHINGTON COUNTY A & T
CARTOGRAPHY

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

<u>TED FOSTER</u>	<u>GIS TECH</u>	<u>ANNEXATION CERTIFIED</u>
Printed Name	Title	BY <u>TF</u>
<u>[Signature]</u>	<u>11/12/20</u>	<u>NOV 12 2020</u>
Signature	Date	<u>WASHINGTON COUNTY A & T</u>
<u>CARTOGRAPHY</u>	<u>WASHINGTON</u>	<u>CARTOGRAPHY</u>
Department	County of	

*Owner means the owner of the title to real property or the contract purchaser of the real property.

ANNEXATION PROPERTY INFORMATION SHEET

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

Land area, in acres: 4.66 acres

General description of territory *(Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal)*: _____

Generally flat, not in a flood plain nor basin, no wetlands, no development restraints or constraints
_____ pertaining to this application

Describe land uses on surrounding parcels *(Use tax lots as reference points)*

North: Horizon High School/Church entrance/ Tualatin City

South: Undeveloped Property/ City of Tualatin

East: Horizon High School/ City of Tualatin

West: Boones Ferry Road Frontage

EXISTING LAND USE:

Number of existing units/structures:

Single-family: 2 Multi-family: _____ Commercial: _____ Industrial: _____

Describe existing units/structures: Two single Family houses and 1 outbuilding/ barn/ shop

What is the current use(s) of the land proposed to be annexed: _____
Two single family homes currently rented

Public facilities or other uses: n/a

Total current year assessed valuation – Land \$: \$961,020 Structures \$: \$130,560

Total existing population: 5

Is the territory contiguous to the City limits: Yes

Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary: Inside

URBAN SERVICE PROVIDERS:

If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please indicate so by stating the name or names of the governmental units involved.

County: Washington County

Highway Lighting District: Not in an assessment area

Fire District: TVFR

Sanitary District: Septic

Water District: Sherwood/Wilsonville groundwater, property currently served by well water

Grade School District: Sherwood

High School District: Sherwood

Library District: Tualatin

Drainage District: CWS

Parks & Recreation District: Not currently in park district

Other: _____

Is the territory served by any of the providers listed above *(describe existing connections to public services)*: _____

Gas - NW Natural

Electric - PGE



**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

- 1 Number of signatures on petition.
- 2 Number of active registered voters within the territory to be annexed.
- 0 Number of Valid signatures of active registered voters on the petition.

Tax lot number(s): **2S135D000303**
Address: **23500 & 23550 SW Boones Ferry Rd**
Tualatin, OR 97062

DIVISION: ELECTIONS
COUNTY: WASHINGTON
DATE: November 13, 2020
NAME: Angie Muller
TITLE: Senior Administrative Specialist



Angie Muller
(Signature of Election Official)

*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev2-032906

WFG Title
Acco - 2113
Comm

Washington County, Oregon **2021-023722**
D-MEAS
Stn=7 C LOUCKS 02/24/2021 01:03:44 PM
\$35.00 \$11 00 \$5.00 \$60 00 \$111.00
I, Joe Nelson, Interim Director of Assessment and Taxation and Ex-
Officio County Clerk for Washington County, Oregon, do hereby
certify that the within instrument of writing was received and
recorded in the book of records of said county
Joe Nelson, Interim Director of
Assessment and Taxation. Ex-Officio

AFTER RECORDING RETURN TO:

***** RE-RECORDING AT THE REQUEST OF**
WFG National Title
Commercial Division
25 NW 23rd St. #1
Portland OR 97210

TO CORRECT: Washington County record 21-023453 by adding page 2, which was
omitted from previous recording.

PREVIOUSLY RECORDED:
Washington County record 2021-023453

Re-Recording Cover Sheet

1. NAME(S) OF THE TRANSACTION(S), described in the attached instrument
and required by ORS 205.234(A):
Measure 37 & 49 Waiver of Rights and Remedies

2. Grantor(s) as described in ORS 205.160:
Community Partners for Affordable Housing (Petitioner)

3. Grantee(s) as described in ORS 205.160:
City of Tualatin

4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or
contracting to convey title to any real estste and all memoranda of such
instruments, reference ORS 93.030:

NONE

**5. UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING NAME AND ADDRESS:** for instruments
conveying or contracting to convey fee title to any real estate reference 93.260.:
NO CHANGE

Washington County, Oregon **2021-023453**
D-MEAS
Stn=11 C WHITE **02/24/2021 08:44:41 AM**
\$20 00 S11 00 \$5 00 \$60 00 **\$96.00**
I, Joe Nelson, Interim Director of Assessment and Taxation and Ex-
Officio County Clerk for Washington County, Oregon, do hereby
certify that the within instrument of writing was received and
recorded in the book of records of said county

Joe Nelson, Interim Director of
Assessment and Taxation. Ex-Officio

NAME OF DOCUMENT FOR RECORDING:
Waiver Of Rights And Remedies
Grantor: (Petitioner(s))

Grantee: City of Tualatin
Consideration: None.
Tax Statement to be mailed to: No change.
After Recording, Return To: City of Tualatin,
Attn: City Recorder, 18880 SW Martinazzi,
Tualatin, OR 97062

(F)

WFG Title ACCO - 2113 Comm

MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES

Community Partners for

Whereas, Affordable Housing ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), as amended by Ballot Measure 49 (effective December 6, 2007), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable land use regulations and overlay zones and districts, which may include, but are not limited to the Mixed Use Commercial Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and

Accommodation Recording only.
No liability assumed.

<p>NAME OF DOCUMENT FOR RECORDING: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062</p>	<p><i>(For County Recording Use Only)</i></p>
--	---

MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES

Community Partners for

Whereas, Affordable Housing ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

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Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable land use regulations and overlay zones and districts, which may include, but are not limited to the Mixed Use Commercial Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and

WFG Title ACCO - 2113 Comm

Accommodation Recording only.
No liability assumed.

forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) and Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This covenant, waiver, release, and discharge binds the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release, and discharge will run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 5th day of November, 2020

<p>_____ (signature)</p> <p>Petitioner Name: Jillian Saurage Felton, Director of Housing Development</p> <p>Date Signed: _____</p>	<p>_____ (signature)</p> <p>Petitioner Name: _____</p> <p>Date Signed: _____</p>
--	--

Petitioner (corporation, etc.) Name: Community Partners for Affordable Housing
By: *Jilian Saurage Felton*
Name of Signor: Jilian Saurage Felton
Office/Title of Signor: Director of Housing Development

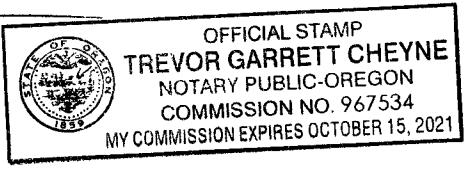
State of Oregon _____
County of Multnomah

On this 18 day of February, 2021, before me the undersigned Notary Public, personally appeared Jilian Saurage Felton as Director of Housing Development for Community Partners for Affordable Housing.

(Name of Petitioner's signing; not Notary name)

- Personally known to me
- Proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument
- As Director of Housing or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

** Deceitful*

WITNESS my hand and official seal <i>(Do not write outside of the box)</i>	Place Notary Seal Below
Notary Signature: <u><i>Trevor Garrett Cheyne</i></u> Notary name (legible): <u>Trevor Garrett Cheyne</u>	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

City Manager

Petitioner (corporation, etc.) Name: Community Partners for Affordable Housing

By: [Signature]

Name of Signor: Jilian Saurage Felton

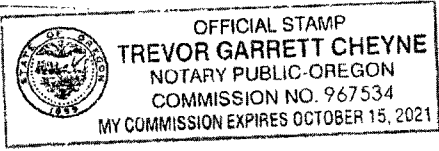
Office/Title of Signor: Director of Housing Development

State of Oregon)
County of Multnomah

On this 18 day of February, 2021, before me the undersigned Notary Public, personally appeared Jilian Saurage Felton as Director of Housing Development for Community Partners for Affordable Housing.

[Signature]
(Name of Petitioner's Signor, not Notary name)

- Personally known to me
 - Proved to me on the basis of satisfactory evidence
 - To be the person who executed the within instrument
 - As Director of Housing or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.
- Delegated

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature: <u>[Signature]</u>	
Notary name (legible): <u>Trevor Garrett Cheyne</u>	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

[Signature]

Digitally signed by Sherilyn Lombos
DN: cn=Sherilyn Lombos, o, ou,
email=slombos@tualatin.gov, c=US
Date: 2021.02.21 17:42:44 -08'00'

City Manager

LEGAL DESCRIPTION FOR ANNEXATION

A parcel of land in Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; described as follows:

Commencing at the Northwest Corner of the Southeast quarter of said Section 35, thence South $00^{\circ} 05' 17''$ East along the centerline of SW Boones Ferry Road 1025' to the Northwest corner of Washington County document 2003-156709, thence East 30' to the True Point of Beginning; Thence following the boundary of said document the following 3 courses: East 350', South 575', and West 428' to a point 30' East of the centerline of SW Boones Ferry Road when measured radially; thence along a line parallel and 30' East of said centerline the following 3 courses: North $17^{\circ} 06' 17''$ East 124' to a point of curvature, 279' along a tangent curve to the left with a radius of 929.50' to a point of tangency, and North $00^{\circ} 05' 17''$ West 182' to the point of beginning.

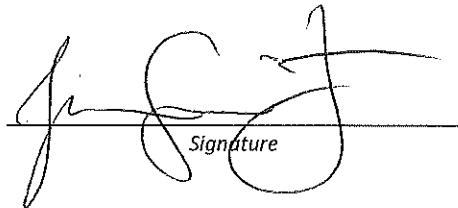


AFFIDAVIT OF MAILING NOTICE

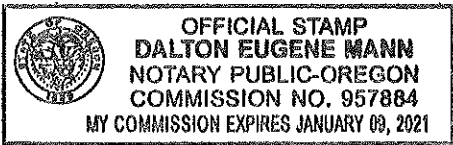
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)


I, Jilian Saurage Felton being first duly sworn, depose and say:

That on the 15th day of October, 2020, I served upon the persons shown on Exhibit "A" (Mailing Area List), attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer Meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.


Signature

SUBSCRIBED AND SWORN to before me this 19 day of November, 2020.




Notary Public for Oregon
My commission expires: 01/09/2021

RE: _____

CERTIFICATION OF SIGN POSTING

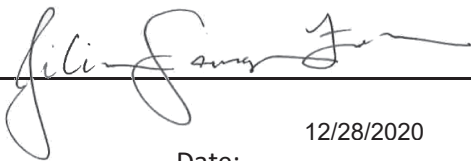


The applicant must provide and post a sign pursuant to Tualatin Development Code (TDC 32.150). The block around the word "NOTICE" must remain purple composed of the RGB color values Red 112, Green 48, and Blue 160. A template is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>

NOTE: For larger projects, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the Community Partners for Affordable Housing project, I hereby certify that on this day, December 28th, 2020 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Jilian Saurage Felton, Housing Development Director (Please Print)

Applicant's Signature: 
Date: 12/28/2020

From: Elle Allan <AllanE@CleanWaterServices.org>
Sent: Monday, March 22, 2021 11:49 AM
To: Tabitha Boschetti; Andy Braun
Subject: RE: Tualatin Annexation for 23500 SW Boones Ferry Road/CPAH-- (ANN20-0004)

Hi Tabitha,

Thank you for reaching out about the proposed simultaneous annexation of the subject property. CWS has no comments or concerns.

Thank you,

Elle Allan, PE | Development Services Program Manager
Clean Water Services | Planning and Development Services
2550 SW Hillsboro Hwy | Hillsboro OR 97123
o 503.681.3650 | f 503.681.4439
[engage permits](#) | [news](#) | [facebook](#) | [twitter](#)

From: Tabitha Boschetti <tboschetti@tualatin.gov>
Sent: Friday, March 19, 2021 3:29 PM
To: Elle Allan <AllanE@CleanWaterServices.org>; Andy Braun <BraunA@CleanWaterServices.org>
Subject: Tualatin Annexation for 23500 SW Boones Ferry Road/CPAH-- (ANN20-0004)

Elle and Andy,

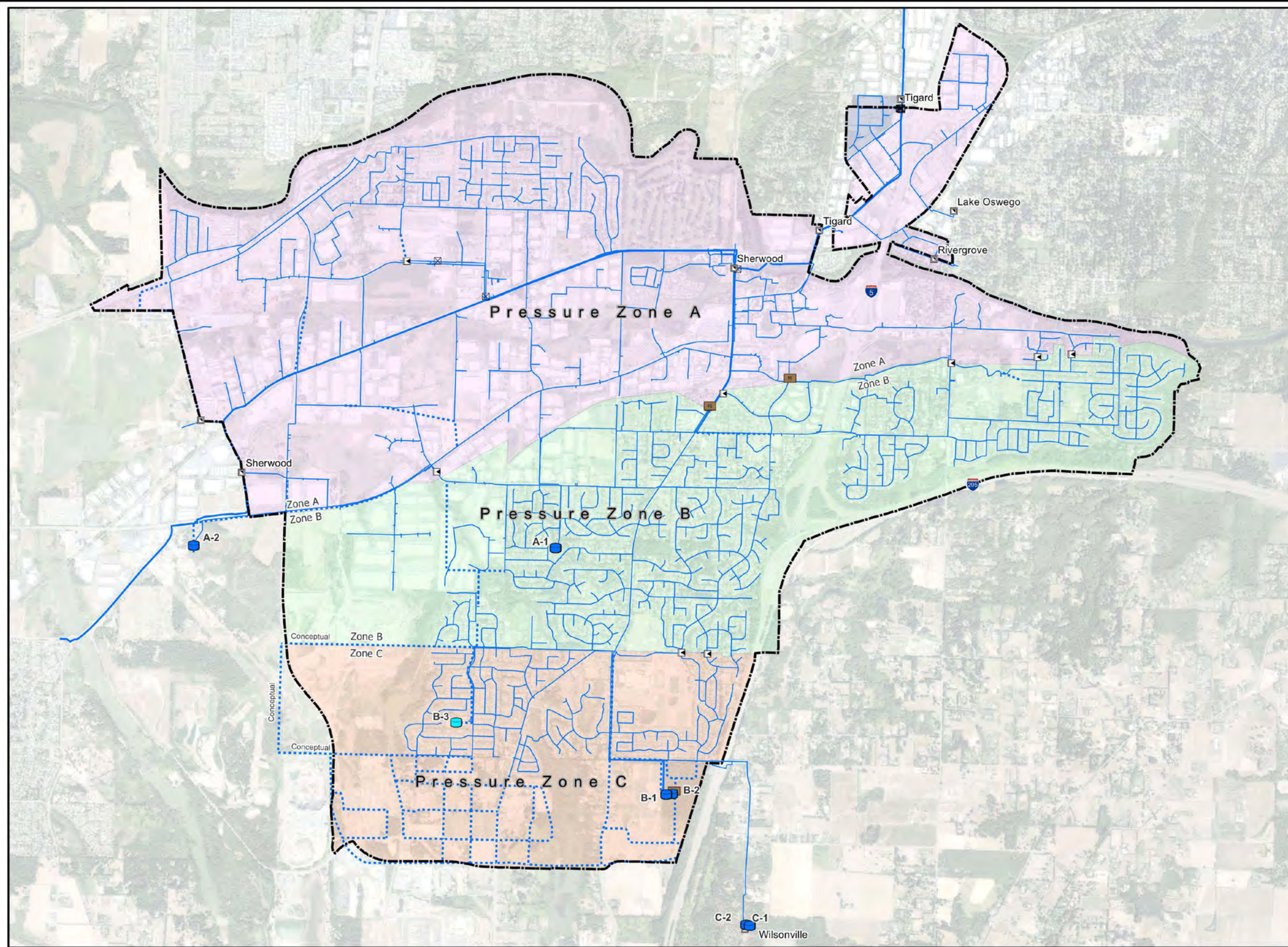
I wanted to reach out because the City of Tualatin is once again considering a proposed annexation in the Basalt Creek area, and would like to do a simultaneous CWS annexation. The property is 23500 SW Boones Ferry Road, about 4.66 acres owned by Community Partners for Affordable Housing (CPAH). Our hearing date is currently scheduled for April 26th. The materials are posted online here: <https://www.tualatinoregon.gov/planning/ann-20-0004-annexation-23500-sw-boones-ferry-road>. I'm happy to discuss any comments or concerns.

Thank you,

Tabitha Boschetti, AICP
Assistant Planner
City of Tualatin | Community Development
503.691.3029
www.tualatinoregon.gov
tboschetti@tualatin.gov
My pronouns are she/her



City of Tualatin
Water System Master Plan
Map 9-1



- Pump Stations
- Pressure Reducing Valve
- Pressure Reducing-Sustaining Valve
- Existing Reservoirs
- Future Reservoirs
- Water System Interties
- Transmission Lines
- Distribution System
- Future System Improvements
- A-Level
- B-Level
- C-Level
- Bridgeport
- Planning Area Boundary










RF 1:26,500

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS



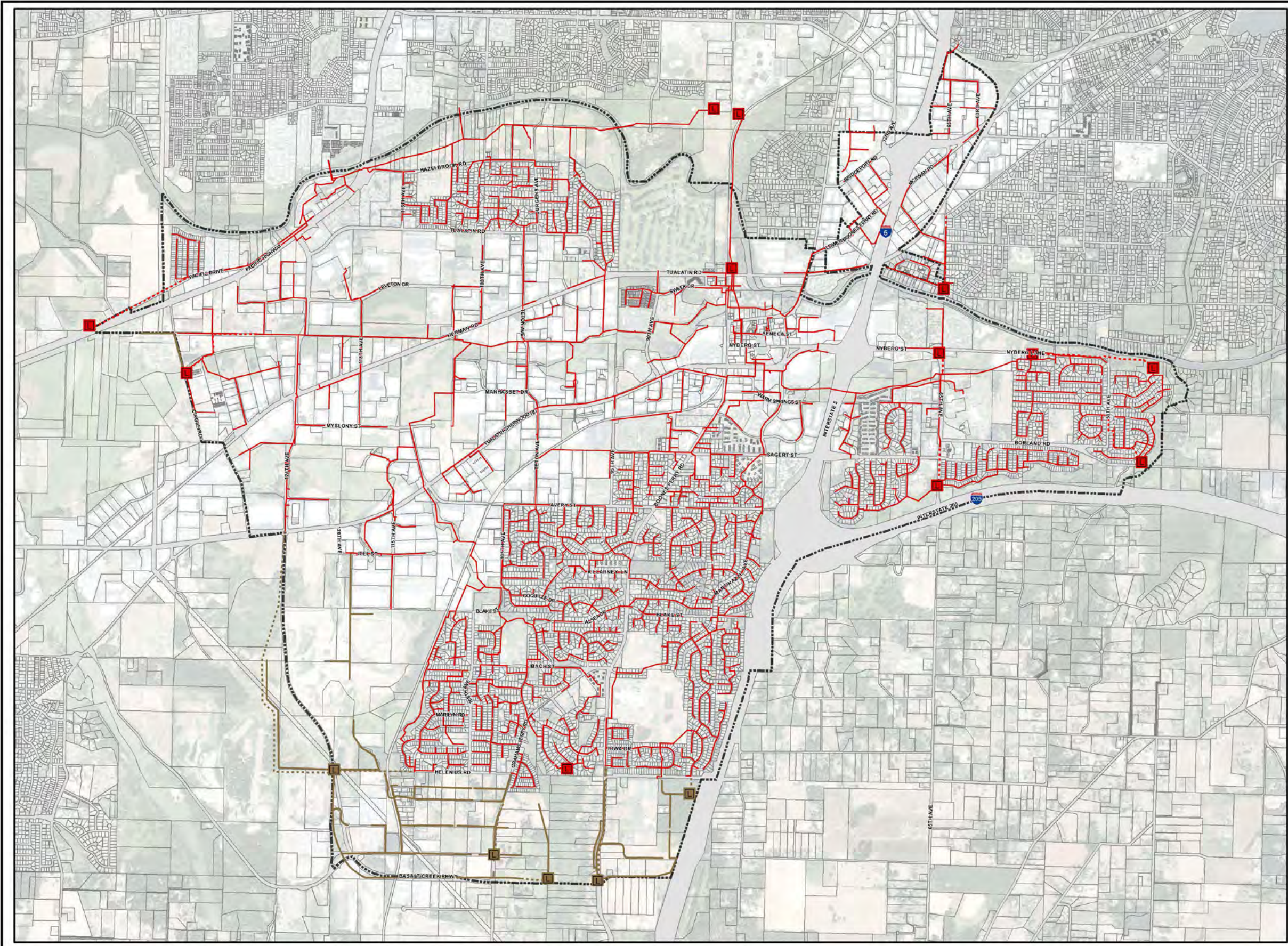
City of Tualatin
Sewer System Master Plan
Map 9-2

-  Conceptual Lift Station
-  Lift Station
-  Gravity Pipe
-  Force Main
-  Conceptual Gravity Pipe
-  Conceptual Force Main
-  Planning Area Boundary

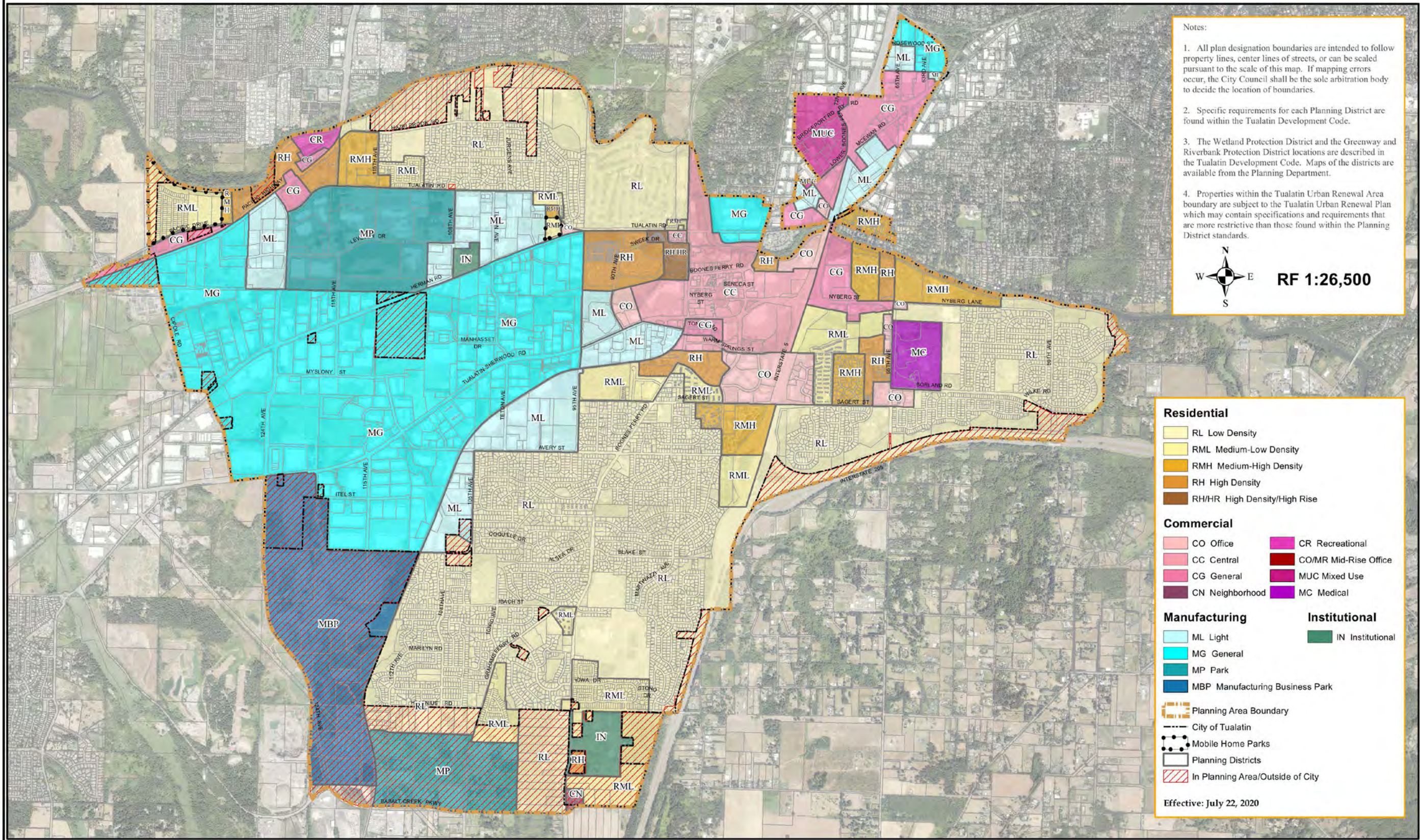


RF 1:26,500

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS



Map 10-1 Comprehensive Plan Map



Notes:

1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
2. Specific requirements for each Planning District are found within the Tualatin Development Code.
3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.

N
W E S
RF 1:26,500

Residential

- RL Low Density
- RML Medium-Low Density
- RMH Medium-High Density
- RH High Density
- RH/HR High Density/High Rise

Commercial

- CO Office
- CC Central
- CG General
- CN Neighborhood
- CR Recreational
- CO/MR Mid-Rise Office
- MUC Mixed Use
- MC Medical

Manufacturing

- ML Light
- MG General
- MP Park
- MBP Manufacturing Business Park

Institutional

- IN Institutional

Planning Area Boundary
 City of Tualatin
 Mobile Home Parks
 Planning Districts
 In Planning Area/Outside of City

Effective: July 22, 2020

ANN 20-0004
23500
SW Boones Ferry Rd
Annexation

April 26, 2021



CITY OF
TUALATIN OREGON

PURPOSE

Public hearing to review a request for annexation to the City for property at 23500 SW Boones Ferry Rd (Tax ID 2S135D000303)

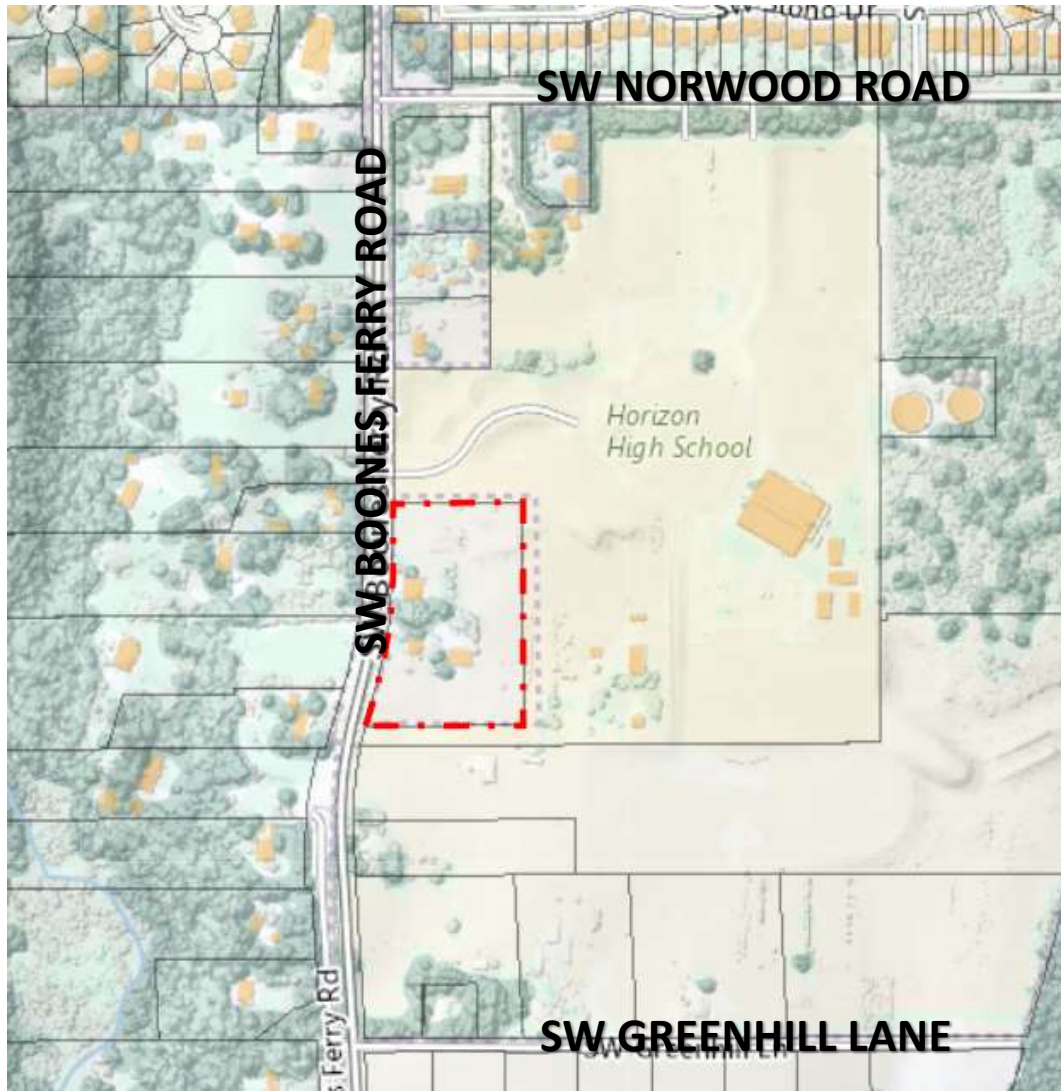


CITY OF

TUALATIN OREGON

SUBJECT PROPERTY





REQUEST

- Annexation of 4.66 acres of private property
- Designated High Density Residential (RH)
- Withdrawal from the Washington County Sheriff Extended Law Enforcement boundary
- Annexation into Clean Water Services District
- No development is proposed with this application



CITY OF

TUALATIN OREGON

FUTURE ZONING



APPLICABLE CRITERIA

- TDC 33.010 Annexations
 - Within Urban Growth Boundary
 - Owner has petitioned to be annexed
 - Meets Metro Code 3.09
 - Meets ORS Chapter 222
- No development proposed



CONCLUSION & RECOMMENDATION

The proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC.

Staff recommends City Council approve File No. ANN 20-0004 and adoption of Ordinance 14XX-21.



COUNCIL OPTIONS

- Approve ANN 20-0004 and adopt Ordinance 1456-21 as drafted;
- Deny ANN 20-0004;
- Continue discussion of ANN 20-0004.



QUESTIONS & DISCUSSION



From: edkcnw@comcast.net
Sent: Wednesday, March 24, 2021 12:51 PM
To: Tabitha Boschetti
Cc: Lindsey Hagerman; Steve Koper
Subject: RE: Public Comments- Notice ANN 20-0004- 23500 SW Boones Ferry Rd.

Follow Up Flag: Flag for follow up
Flag Status: Completed

Thanks Tabitha. My concern about the traffic also pertains to Washington County plans to extend the new 124th roadway to connect from Grahams Ferry Rd through to Boones Ferry Rd. In their public meeting a while ago, they showed alternative routes primarily ending on BFR near the new development. This too would create a massive traffic problem on Boones Ferry Rd. When I asked the WashCo planner, he said "they don't do traffic studies until the plans are written and in their hands. Seems somewhat backward to me. I believe the planning department should look at traffic at the start so if large scale development is planned, there will be adequate traffic flow to begin with, not after a large scale problem occurs. The same with the planned development on Nyberg Lane where it intersects with Nyberg and 65th. Have they resolved this issue as of yet?

Thanks,
Ed Casey

On 03/24/2021 11:39 AM Tabitha Boschetti <tboschetti@tualatin.gov> wrote:

Thank you for your questions about the recent email notice for Annexation case ANN 20-0004 at 23500 SW Boones Ferry Road. I apologize that the formatting clearly presented some legibility issues when it hit your inbox. The hearing notice was meant to appear in the body of the email. I am attaching a PDF version of the notice to hopefully address that legibility issue. We will also work on the formatting of future notices to be more universally compatible with different email clients, so thank you for bringing that to our attention.

This land use case under consideration is the annexation of this property into the City of Tualatin, described in the notice as:

Proposal to annex a 4.66-acre parcel located at 23500 SW Boones Ferry Road (Tax ID 2S135D000303) (Highlighted in Figure 1) into the City of Tualatin from unincorporated Washington County. Any future development or construction is not considered as part of this application.

The application materials are online here:

<https://www.tualatinoregon.gov/planning/ann-20-0004-annexation-23500-sw-boones-ferry-road>.

To elaborate, this proposal is only considering a change to the City boundary and associated service districts at this time. The more specific transportation impacts of future development would be evaluated at the time of proposed development through the Architectural Review (AR) process. The applicant would need to prepare and submit a study of the transportation impacts as part of that future anticipated process. For Annexation, the applicant does still need to demonstrate a more general availability of nearby infrastructure consistent with local area plans.

I will keep a copy of your statements as part of the case record; if you have further comments about the proposal, please contact me at tboschetti@tualatin.gov.

Sincerely,

Tabitha Boschetti, AICP

Assistant Planner

City of Tualatin | Community Development

503.691.3029

www.tualatinoregon.gov

tboschetti@tualatin.gov

My pronouns are she/her

From: edkcnw <edkcnw@comcast.net>

Sent: Wednesday, March 24, 2021 10:36 AM

To: Lindsey Hagerman <lhagerman@tualatin.gov>

Subject: RE: Notice ANN 20-0004- 23500 SW Boones Ferry Rd.

Lindsey,

Your e-mail makes no sense. 1st attachment is blank COT letterhead, 2nd is map with small lot outlined and no explanation. 3rd won't open...

Please re-send so we can understand what's going on next to proposed large development.

Also, has a traffic study been completed for that development to show the impact on BFR by the cars that will enter an already overburdened N. Wilsonville I-5 access as well as adding to the northbound traffic heading toward Tualatin-Sherwood Rd?

Sent from Samsung Galaxy smartphone.

----- Original message -----

From: Lindsey Hagerman <lhagerman@tualatin.gov>

Date: 3/24/21 9:40 AM (GMT-08:00)

To: Sheri_Esser@outlook.com, stan.jernberg@outlook.com, dan@danhardyproperties.com, hgeorge@gmail.com, doug_ulmer@comcast.net, jeanine@julianafamily.com, jeanine@julianafamily.com, MartinazziWoodsCIO@gmail.com, delmoore@frontier.com, jeremiah.baldwin@lamresearch.com, ardyth@comcast.net, janet7531@gmail.com, edkcw@comcast.net, Patricia.Parsons@ctt.com, jmakarowsky@comcast.net, pdxalex@icloud.com, robikelly@earthlink.net, mwestenhaver@hotmail.com, deb.fant@gmail.com, tualatincommercialcio@gmail.com, scottm@capacitycommercial.com, scottm@capacitycommercial.com

Cc: neamtzu@ci.wilsonville.or.us, Naomi Vogel <Naomi_Vogel@co.washington.or.us>, theresa_cherniak@co.washington.or.us,

landusenotifications@oregonmetro.gov,
Region1_DEVREV_Applications@odot.state.or.us,
humphreysj@cleanwaterservices.org, thomas.mooney@tvfr.com,
trose1@ttsd.k12.or.us, pjohanson@sherwood.k12.or.us,
Roy@tualatinchamber.com, grluci@gmail.com, JWLuci@gmail.com

Subject: Notice ANN 20-0004- 23500 SW Boones Ferry Rd.



NOTICE OF HEARING
CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, April 26, 2021, held online over Zoom and additionally accessible at the Juanita Pohl Center (8513 SW Tualatin Road, Tualatin, OR 97062).

You are invited to attend and participate in the public hearing. Under consideration is **File No. ANN 20-0004:**



Proposal to annex a 4.66-acre parcel located at 23500 SW Boones Ferry Road (Tax ID 2S135D000303) (Highlighted in Figure 1) into the City of Tualatin from unincorporated Washington County. Any future development or construction is not considered as part of this application.

Figure 1

The public is invited to comment by e-mail, writing or by testifying at the hearing. Written comments can be made by email to Tabitha Boschetti at tboschetti@tualatin.gov or submitted at the hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the City Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Legislative hearings begin with the Mayor opening the hearing, presentation of the staff report, public testimony, questions of staff or anyone who testified by Council, after which the Mayor closes the public hearing, and Council may then deliberate to a decision and a motion would be made to either *approve*, *deny*, or *continue* the public hearing. The time of individual testimony may be limited.

For those who would prefer to make verbal comment at the hearing, there are two options:

- **Zoom teleconference.** Instructions on how to provide comment will be provided during the meeting itself.
 - Full instructions and a current link are available at:
<https://www.tualatinoregon.gov/citycouncil/council-meetings>
- **Attend in person at the Juanita Pohl Center.** Physical distancing measures will be implemented for those attending in person, and City staff will be available to answer any questions.

To view the application materials

visit: <https://www.tualatinoregon.gov/planning/ann-20-0004-annexation-23500-sw-boones-ferry-road>

A staff report will available seven day prior to the public hearing. This meeting and any materials being considered can be made accessible upon request.

To grant the amendment, Council must find the proposal meets the applicable criteria of Tualatin Development Code (TDC) 33.010, and Metro Code 3.09.045.

CITY OF
TUALATIN,
OREGON

Lindsey Hagerman

Office Coordinator

City of Tualatin | Community Development Department

503.691.3053 | lhagerman@tualatin.gov

4-26-2021

To the Members of the Tualatin City Council – Individually and Collectively

RE: City of Tualatin City Council Hearing 4-26-2021

Consideration of Ordinance No. 1456-21, requesting the annexation of approximately 4.66 acres of property located at 23500 SW Boones Ferry Road (Tax ID 2S135D000303); annexing the territory into the boundary of Clean Water Services, and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District (File No. ANN 20-0004).

FOR THE PUBLIC RECORD

We appreciate the opportunity to provide Citizen Comments regarding the proposed ANN 20-0004 - Annexation of 23500 SW Boones Ferry Road by CPAH into the City of Tualatin.

We are property owners within unincorporated Washington County. The property upon which our home is located, is within 1000 feet, and is west and slightly south from the lands proposed for annexation into the City of Tualatin.

Due to the existing topography and the existing stormwater catchment area on the east side of SW Boones Ferry Road our home and property is also downstream from the southern portion of the CPAH property. We present our written testimony to the City of Tualatin City Council for consideration during the Council Hearing scheduled for April 26, 2021 on ANN 20-0004 - Annexation of 23500 SW Boones Ferry Road by CPAH.

(Please see **APPENDIX A- MAPS OF PROPOSED LAND FOR ANNEXATION 23500 SW BOONES FERRY ROAD**)

- We understand the Hearing scheduled before the City Council on 4-26-2021 is an annexation request.
- We also understand this hearing is not a property development request.
- We are not opposed to this Annexation per se, but the City needs to comply with the land use laws and good urban planning principles.
- The process by which the proposed Land Use Action should also be conducted in an openly transparent manner, and in accordance with State and Local Governmental requirements for notification and inclusion of the public within the process.

Our comments are based upon State, Regional and Local requirements.

CITY OF TUALATIN -APPLICABLE EVALUATION CRITERIA FOR ANNEXATION
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Compliance to City of Tualatin Development Code TDC 32.150

The proposed application for ANN 20-0004 - Annexation of 23500 SW Boones Ferry Road by CPAH includes a CERTIFICATION OF SIGN POSTING – required in TDC 32.150

CERTIFICATION OF SIGN POSTING



The applicant must provide and post a sign pursuant to Tualatin Development Code (TDC 32.150). The block around the word "NOTICE" must remain purple composed of the RGB color values Red 112, Green 48, and Blue 160. A template is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>

NOTE: For larger projects, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the Community Partners for Affordable Housing project, I hereby certify that on this day, December 28th, 2020 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Jillian Saurage Felton, Housing Development Director
Applicant's Signature: (Please Print)
Date: 12/28/2020

However, no signs matching the description within the Certification Of Sign Posting were seen along 23500 SW Boones Ferry Road on multiple days prior to the scheduled 4-26-2021 City of Tualatin City Council Hearing Agenda Item.

Please see photos in **APPENDIX B -PHOTOS TAKEN FROM SW BOONES FERRY ROAD – OF 23500 SW BOONES FERRY ROAD** taken from SW Boones Ferry Road looking east towards 23500 SW Boones Ferry Road. These photos were taken on 4-15-2021; 4-17-2021 and 4-23-2021.)

The absence of City of Tualatin specified posted signs on the property and along the public street of SW Boones Ferry Road is not compliant with

TDC 32.150. - Sign Posting.

(1)When Signs Posted. Signs in conformance with these standards must be posted as follows:

(b)Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.

(3)On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs.) The applicant cannot place the sign within public right-of-way.(

4)Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first.

(Ord. 1414-18;12-10-18)

CITIZEN INVOLVEMENT – STATE OF OREGON GOAL #1 OAR 660-015-0000(1)

As the proposed lands for annexation are currently outside of the City Limits, and within unincorporated Washington County, lacking the posted signs at the site, Citizens may not even be aware of the proposed Land Use Action by the City of Tualatin, may not know where to locate information on the proposed annexation, or know when the only scheduled Land Use Hearing on ANN 20-0004 - Annexation of 23500 SW Boones Ferry Road by CPAH would be held.

Limited Citizen Involvement outreach on proposed Land Use Actions potentially impacting Basalt Creek Citizens and property owners has been previously identified as problematic. During the 3-8-2021 City of Tualatin City Council Hearing on City of Tualatin (File No. PMA 20-0002 and PTA 20-0005) the Chair of the Tualatin Planning Commission provided comments within his verbal testimony of the need to

address the provision of Citizen Involvement due to among other issues -the City's Citizen Involvement Organization membership limitations excluding non-City residents.

This statement by the Chair of the Tualatin Planning Commission is significant, as the City has stated the City of Tualatin Planning Commission is the official Committee to fulfill Goal 1 Citizen Involvement of Oregon's statewide land use planning program; and also serves as an Advisory Committee to the City Council on land use matters by reviewing and making recommendations on comprehensive plan amendments. (Tualatin Planning Commission March 19, 2021).

Lacking a City of Tualatin CIO for the Basalt Creek Area for non-City residents, Basalt Creek Citizens were not provided the opportunity to have the proposed ANN 20-0004 - Annexation of 23500 SW Boones Ferry Road by CPAH brought before the Tualatin Planning Commission prior to the 4-26-2021 City Council Hearing. As the City states the Tualatin Planning Commission fulfills Goal #1 Citizen Involvement requirements, it would have seemed appropriate for the role of the Planning Commission to conduct and promote effective outreach to the Basalt Creek Area- which will be impacted by this proposed Land Use Action.

It is also important to note, the majority of residents in the Basalt Creek Area are not residents of the City of Tualatin, and therefore have no elected representation within the proposed annexation and change in Land Use Zoning designation for approximately 5 acres within the Basalt Creek Area.

STATE OF OREGON -APPLICABLE EVALUATION CRITERIA FOR ANNEXATION

ORS 197.175 requires cities and counties to exercise their planning and zoning responsibilities in compliance with the Statewide Planning Goals.

This includes, but is not limited to, new or amended plans as a result of a city or special district boundary change including the incorporation or annexation of unincorporated territory (emphasis added).

The purpose of this rule is to clarify the requirements of Goal 14 and to provide guidance to cities, counties and local government boundary commissions regarding urban development on rural lands, planning and zoning of newly incorporated cities, and the application of statewide goals during annexation proceedings (emphasis added).

STATE OF OREGON STATEWIDE LAND USE GOAL #2: LAND USE PLANNING OAR 660-015-0000(2)

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions

The City of Tualatin lacks adoption of two required documents which are needed in the evaluation of Land Use Planning Actions within the Basalt Creek Area. The absence of these required documents is relevant to the proposed ANN 20-0004 - Annexation of 23500 SW Boones Ferry Road by CPAH.

Lacking the ability to reference and utilize the two required documents, the factual basis for the evaluation of the proposed annexation cannot be adequately determined.

- 1. The City of Tualatin lacks an adopted Stormwater Management Plan as identified in OAR Chapter 660 Div. 11 Public Facilities Planning for the Basalt Creek Area.**

Various State mandates require a formal plan for providing Key Public Services- including Stormwater Management- to be based upon current and future assessments, analysis and forecasting for services and facilities based upon designated Land Uses for the entire area- to be included within the Comprehensive Plan. The City has not adopted such a Plan for the Basalt Creek Area.

Lacking a Stormwater Management Plan for the Basalt Creek Area during an annexation Land Use Action, places the City in the position of accepting responsibility for providing safe and effective Stormwater Management without the required due diligence including: assessment of any existing Stormwater system within the lands proposed for annexation, limitations and constraints of the stormwater system and treatment facilities in the surrounding areas, forecasting costs, or establishment of clear formalized coordination with overlapping governments who also have jurisdiction over a majority of the existing Stormwater System and also have Land Use Planning jurisdiction within the Basalt Creek Area.

Lacking a Stormwater Management Plan for the Basalt Creek Area, the City lacks a regional integrated comprehensive plan which ensures the provision of safe and effective Stormwater Management throughout the area. The absence of an adopted mandated Stormwater Management Plan for the Basalt Creek Area is not resolved by the reliance on use of Clean Water Services Standards which are applied as part of an individual land development process.

In an email received from CPAH on 4-8-2021, in response our questions and concerns regarding their annexation proposal, CPAH replied, "[While we cannot meet the requirement to infiltrate all stormwater onsite, due to soil conditions, any runoff will be equal to or less than if the site were an undeveloped grassy field, regardless of how much impermeable surface there is currently](#)". We appreciated Jilian Saurage Felton's willingness to provide a response to our inquiries. Unfortunately, because past assurances of a similar nature by local governments have turned out not to be reliable, we remain concerned. (Please see **APPENDIX C COPY OF EMAIL CHAIN 2021 4-2 to 4-22 BETWEEN LUCINI AND CPAH ANN 20-0004**)

At the time the email was written, it was apparent from the comments, the company had not conducted a full assessment of the existing conditions including effects of topography; local land hydrology; limitations for local off site management; the limitations of the existing stormwater intake, conveyance and treatment facilities as to capacity and condition and configuration system within the area; constraints on land available and suitable for off-site treatment facilities; or the impacts of other potential Land Use Plans by Washington County which may add additional stormwater management needs within the area.

Due to the topography about half of the stormwater on the CPAH property flows to the north, and stormwater from the southern portion of the CPAH lands flow in a southwesterly direction. It should be noted, the CPAH lands do not have a Stormwater Intake integrated into the existing Washington County system on the property. The CPAH property is essentially "landlocked" from access to existing off-site intakes and Stormwater Management and treatment facilities.

(Please see **APPENDIX A- MAPS OF PROPOSED LAND FOR ANNEXATION 23500 SW BOONES FERRY ROAD**)

Stormwater from the southern portion of the CPAH property flows onto surrounding several properties, then flows down steep slopes into known wetlands and high valued habitats within the Basalt Creek Canyon. CPAH will have to rely upon coordination of stormwater planning with the surrounding property owners for off-site management.

Depending upon the phasing of the Autumn Sunrise/Lennar Developments, upgrades to the existing Stormwater system needed to accommodate the higher stormwater management needs which comes with higher density development, might provide some off-site treatment facilities. However, if CPAH desires to start development prior to the Autumn Sunrise initiation of development of their stormwater system along SW Boones Ferry Road, it will be problematic.

As the City lacks a Stormwater Management Plan for the Basalt Creek Area, and the existing Stormwater system may be at capacity, the sequencing of when CPAH can access connections into existing or new off-site conveyance and treatment facilities is not established, nor is funding identified should the City have to participate in the development of a regional stormwater facility, conveyance system and/or treatment facility.

To compound problems, Washington County is proposing the Basalt Creek Parkway Extension to intersect SW Boones Ferry Road. It is not publicly known at this time where Washington County plans to construct their stormwater management system along SW Boones Ferry Road to address the additional stormwater runoff generated by the major intersection planned at Greenhill Lane.

As the hydrology of the land is only able to absorb a finite amount of stormwater, CPAH is left in a position to compete for stormwater treatment facilities with not only other developments, but also another local government.

2. **The City of Tualatin lacks inclusion of data developed with clear and objective standards, conditions and procedures from a Goal #5 Natural Resources Inventory of the Basalt Creek Area into the City's adopted Natural Resources Maps.**

It is questionable if the City is in compliance with its standards and responsibilities in the collection, evaluation and documentation of Goal 5 Natural Resources in the Basalt Creek Area into the City's Governing Documents.

The City lacks factual information of various Natural Resources known to exist within the Basalt Creek Area within the City Maps:

- City of Tualatin Map 72-1 Natural Resources Protection Overlay District (NRPO) and Greenway
 - City of Tualatin Map 72-3 Natural Resources
- adopted in adopted 2019 as part of ORD 1427-19 which included the City of Tualatin Basalt Creek Comprehensive Plan.

It is unclear what clear and standard facts regarding the Natural Resources in the Basalt Creek Area the City utilizes to evaluate proposed Land Use Actions within the Basalt Creek Area as to their compliance to Goal #5 to fulfill requirements of the City's role and responsibility to protect and conserve various Natural Resources in the Basalt Creek Area.

It is extremely unclear how the City of Tualatin is able to assess and minimize the potential impact of Stormwater flow and possible erosion from the upstream lands of the of the proposed CPAH annexation which are at a higher elevation than the wetlands, and high valued habitats known to exist downstream at the bottom of steep slopes— when the City has not conducted either the regional Stormwater

Management Plan for the Basalt Creek Area, nor documented within the City Maps the identification, location and condition of these and other Natural Resources in the Basalt Creek Area.

We therefore request the members of the Tualatin City Council to continue the hearing to a date certain in the future when the City has complied with the development and adoption of a Stormwater Management Plan pursuant to OAR Chapter 660 Div 11-for the Basalt Creek Area which should address a multitude of stormwater management issues which present themselves.

We would like to make it clear, this is a City issue, not a CPAH issue-but the City of Tualatin and/or CPAH should address the need for identification of how CPAH will provide safe and effective offsite Stormwater Management for the property at 23500 SW Boones Ferry Road as part of the annexation process in compliance with Federal, State and Regional mandates.

STORMWATER MANAGEMENT PLAN REQUIRED FOR BASALT CREEK AREA
APPLICABLE EVALUATION CRITERIA FOR ANNEXATION

METRO

TITLE 10: FUNCTIONAL PLAN DEFINITIONS

"Public facilities and services" means sewers, water service, **stormwater services** (EMPHASIS ADDED) and transportation.

"Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, **stormwater**, (EMPHASIS ADDED) telephone and cable television.

3.07.1110 Planning for Areas Designated Urban Reserve

A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:

(H) Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

A concept plan shall:

(1) Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph (2);

(2) For proposed sewer, park and trail, water and **stormwater systems** (EMPHASIS ADDED) and transportation facilities, provide the following:

(A) The general locations of proposed sewer, park and trail, water and stormwater systems;

(B) The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;

(C) The proposed connections of these systems and facilities, if any, to existing systems;

(D) Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;

(E) Proposed methods to finance the systems and facilities; and

(F) Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

(d) Concept plans shall guide, but not bind:

(1) The designation of 2040 Growth Concept design types by the Metro Council;

(2) Conditions in the Metro ordinance that adds the area to the UGB; or

(3) Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

Title 12: Protection of Residential Neighborhoods

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept.

The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods.

The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.
[Ord. 02-969B, Sec. 3.]

STATE OF OREGON STATEWIDE LAND USE GOALS:

#6 AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6)

Goal To maintain and improve the quality of the air, water and land resources of the state.

#7: AREAS SUBJECT TO NATURAL HAZARDS OAR 660-015-0000(7)

Goal To protect people and property from natural hazards.

9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9)

Goal To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.
Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; **availability of key public Facilities** (EMPHASIS ADDED); **necessary support facilities** (EMPHASIS ADDED); current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and **pollution control requirements**. (EMPHASIS ADDED).

#10: HOUSING OAR 660-015-0000(10) OAR chapter 660, division 7

Goal To provide for the housing needs of citizens of the state.
Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11) OAR chapter 660, division 11

Goal To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.
Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan.

14: URBANIZATION OAR 660-015-0000(14) OAR chapter 660, division 11; ORS 197.175; 660-014-0000

Goal To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.
Urbanizable Land-Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services.
Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

DISCUSSION:

This proposed annexation application is a Land Use Action which will not only bring lands from within the Basalt Creek Area directly into the City Limits but will also change the Land Use Zoning designation for the property. Upon annexation (High Density Residential (RH) zoning would be applied, consistent with the Comprehensive Plan Map, 10-1).

STORMWATER MANAGEMENT REQUIREMENTS PER STATE OF OREGON

This proposed change in Land Use Designation will change anticipated stormwater management needs from those which currently exist on the Future Development 20 (FD 20) zoning- to the higher stormwater management needs identified with increased impervious surfaces which is caused by buildings, streets, parking lots and sidewalks which occur with RH zoning designations.

The City has not complied with the State requirements for a Stormwater Management Plan within the Basalt Creek Area which has significant ramifications as to the City's proposed Land Use Action.

State of Oregon Department of Environmental Quality,
Preparing Stormwater Planning Documents-A Guide for Clean Water State Revolving Fund Loan Applicants
5.1 Public facilities planning in Oregon

Last Updated: 06/03/2019

Stormwater master planning is public facilities planning under Oregon Administrative Rules 660-011-0010. By definition, a public facilities plan is a support document to a local comprehensive land use plan, required in Oregon. Certain elements of this plan must be adopted as part of the comprehensive plan (see Oregon Administrative Rule 660-011-0045).

Oregon Revised Statutes 197.712(2) (e) requires cities and counties develop and adopt a public facility plan for areas within an urban growth boundary with a population greater than 2,500.

A stormwater master plan/public facilities plan must contain the following:

- (a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;
- (b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;
- (c) Rough cost estimates of each public facility project;
- (d) A map or written description of each public facility project's general location or service area;
- (e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;
- (f) An estimate of when each facility project will be needed; and,
- (g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

According to Oregon Administrative Rule 660-011-0020, the public facility inventory noted in subsection (a) above of the public facilities planning requirements must adhere to the following:

- (1) The public facility plan shall include an inventory of significant public facility systems. Where the acknowledged comprehensive plan, background document or one or more of the plans or programs listed in OAR 660-011-0010(3) contains such an inventory, that inventory may be incorporated by reference. The inventory shall include:
 - (a) Mapped location of the facility or service area;
 - (b) Facility capacity or size; and
 - (c) General assessment of condition of the facility (e.g., very good, good, fair, poor, very poor).

The City has responsibility and accountability for stormwater management planning within the Basalt Creek Area. The process for the development of a Stormwater Management Plan (meeting or exceeding State requirements) should have begun in 2004 when the "Tualatin Area" (now known as the Basalt Creek Area) was brought into the Urban Growth Boundary (UGB) with Metro 04-10400B, and should have resulted in the City adopting a Stormwater Management Plan for the Basalt Creek Area to be implemented and utilized as part of the City's annexation evaluation process and other land use planning actions impacting Lands within the Basalt Creek Area.

The City's statements of compliance to Clean Water Services standards -when a development application is proposed for adoption--to fulfill the lack of an adopted Stormwater Management Plan for the Basalt Creek Area does **not** meet all of the requirements of the ensurance for the provision of Public Facility Services as mandated by the State. The City has known for many years of the limitations of the existing stormwater management system within the Basalt Creek Area, that the design and construction of the existing system was based and implemented for rural undeveloped lands, and that the existing system has already proven to have failed.

The City of Tualatin Basalt Creek Concept Plan adopted by the City in 2018 acknowledged upgrades to the existing Stormwater Infrastructure would likely be need within the Basalt Creek Area with the onset of development. The Concept Plan did not include all of the requirements for a Stormwater Management 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 when the location of public drainage or the topography of the site make connection to the system not economically feasible

CITY OF TUALATIN RECEIVED MULTIPLE SUBMISSIONS ON THE FAILURE OF THE EXISTING SYSTEM AND NEED FOR THOUGHTFUL SAFE AND EFFECTIVE STORMWATER MANAGEMENT FOR THE BASALT CREEK AREA.

(Please see **APPENDIX E -CITIZEN COMMENTS -CITY OF TUALATIN STORMWATER MASTER PLANNING- BASALT CREEK AREA 2020**)

The City was provided written notification of the failure of the existing stormwater system within the Basalt Creek Area in 2016 and has on numerous times has received requests from us to address the need for safe and effective Stormwater Management Planning within the Basalt Creek Area.

2012-2015 Washington County designed and installed a stormwater system along SW Boones Ferry Road as part of the Washington County SW Boones Ferry Road Improvement Project.

The stormwater management calculation needs for the County's project were based upon undeveloped rural land within the area.

On 5-18-2015, the County's stormwater management system failed, flooding our property from upstream stormwater collected within the catchment basin east of SW Boones Ferry Road- which includes the southern portion of the land within this proposed annexation.

On 10-26-2016 the City acknowledged receiving written communication from us which included notification of the failure of the existing stormwater system within the Basalt Creek Area, information from an environmental engineer we hired to determine the cause of the flooding, and a request to include this information within the Basalt Creek Concept Planning process as to the need for thoughtful stormwater management planning within the Concept Land Use Planning process.

Washington County has made no significant changes or improvements to the existing stormwater system in the NE portion of the Basalt Creek Area to address the stormwater system failure we experienced in 2015.

We have continued to submit Citizen Comments and Concerns to the City for the need of a Stormwater Management Plan for the Basalt Creek Area throughout the years:

- the Basalt Creek Concept Planning process,
- the City of Tualatin Basalt Creek Comprehensive Planning process,
- the ANN 19-0002 Annexation of the Autumn Sunrise properties,
- the City of Tualatin proposed Stormwater Master Plan Update
- the adoption of PTA 20-0005 & PMA 20-0002 changing Land Use Designations and Code Changes in the Basalt Creek Area.

We have submitted to city staff in writing, verbally and during on-site inspections of the Stormwater Management system within the NE portion of the Basalt Creek Area our concerns regarding the existing stormwater system and treatment facilities:

- the limited capacities of the system designed for rural undeveloped land- and not the higher needs of more impervious surfaced which come with development,
- the known failure of the existing system,
- the erosion concerns due to existing topography with steep slopes and local geology/hydrology
 - the land's hydrology and finite amount of land able to absorb stormwater runoff
 - the anticipated removal of existing lands which currently function as stormwater catchment basin which will come with development
 - the **erosion concerns from peak flows** of stormwater and
 - the **erosion concerns of constant average flow** draining from retention facilities down steep slopes into downstream properties and multiple Natural Resources known to exist downstream.

MULTIPLE NATURAL RESOURCES KNOWN TO EXIST WITHIN BASALT CREEK AREA REQUIRE PROTECTION

DOCUMENTATION OF CLEAR STANDARDIZED FACTS AND ASSESSMENT OF MANDATED GOAL #5 INVENTORY OF NATURAL RESOURCES WITHIN THE BASALT CREEK AREA NOT BEEN ADOPTED OR IDENTIFIED ON CITY'S OFFICIAL NATURAL RESOURCES MAPS – YET NEEDED FOR EVALUATION OF COMPLIANCE TO GOAL #5 CRITERIA

(Please see APPENDIX A- MAPS OF PROPOSED LAND FOR ANNEXATION 23500 SW BOONES FERRY ROAD)

(Please see APPENDIX D- STATE OF OREGON DOCUMENTS-MANDATES- ADDITIONAL INFORMATION)

METRO 04-1040b –

Adopted in 2004 allowed for the inclusion of the "Tualatin Area" -now known as the Basalt Creek Area into the Urban Growth Boundary- with conditions and provisions for the protection and/or conservation of multiple Natural Resources. Some of these requirements were applicable to all lands being brought into the UGB, while other requirements for protection of Natural Resources were specific to the "Tualatin Area".

METRO TITLE 13: NATURE IN NEIGHBORHOODS

3.07.1310 INTENT

The purposes of this program are to

- (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and
- (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

METRO 3.07.340 PERFORMANCE STANDARDS

MAP ADMINISTRATION.

Cities and counties shall amend their comprehensive plans and implementing ordinances to provide a process for each of the following:

- (1) Amendments to city and county adopted Water Quality and Flood Management Area maps to correct the location of Protected Water Features, Water Quality Resource Areas and Flood Management Areas. Amendments shall be initiated within 90 days of the date the city or county receives information establishing a possible map error.
- (3) Amendments to city and county adopted Water Quality and Flood Management Area maps to add Title 3 Wetlands when the city or county receives significant evidence that a wetland meets any one of the following criteria: (A) The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or The wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology

METRO 3.07.1340 PERFORMANCE STANDARDS AND BEST MANAGEMENT PRACTICES FOR HABITAT CONSERVATION AREAS

Administering the Habitat Conservation Areas Map and Site-Level Verification of Habitat Location.

- (1) Each city and county shall be responsible for administering the Habitat Conservation Areas Map, or the city's or county's map that has been deemed by Metro to be in substantial compliance with the Habitat

Conservation Areas Map, within its jurisdiction, as provided in this subsection (d) of this section.

- (2) The comprehensive plan and implementing ordinances amended, adopted or relied upon to comply with this subsection (d) of this section shall comply with Metro Code Section 3.07.1330(g).

- (3) Verification of the Location of Habitat Conservation Areas. Each city and county shall establish a verification process consistent with subsections (d)(4) through (d)(6) of this section.

STATE OF OREGON STATEWIDE LAND USE GOALS:

#5 NATURAL RESOURCES AND OPEN SPACES; OAR chapter 660, division 23,

Goal To protect natural resources and conserve scenic and historic areas and open spaces

#6 AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6)

Goal To maintain and improve the quality of the air, water and land resources of the state.

#10: Housing OAR 660-015-0000(10) OAR chapter 660, division 7

Goal To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

(See also Appendix B- 2

2020 8-27 LCDC Enforcement Order Advisory: Local Government to Correct Regulations That Limit Housing Development in Natural Resource Areas- Washington County)

11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11)

Goal To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

We appreciate your time and consideration in reviewing our concerns.

Respectfully submitted,

John and Grace Lucini

23677 SW Boones Ferry Road

Tualatin, Oregon 97062

APPENDICES

APPENDIX A- MAPS OF PROPOSED LAND FOR ANNEXATION 23500 SW BOONES FERRY ROAD

- 1. Location of land proposed for annexation in relationship to the Lucini home and property**
- 2. Topographical Map of location of land proposed for annexation with steep slopes downstream of southern portion of proposed annexation**
- 3. Map of location of land proposed for annexation- stormwater from southern portion flows southwesterly direction to steep slopes (greater than 10% and greater than 25%) and downstream into federally identified wetlands**
- 4. Aerial Map downstream of southern portion of proposed land for annexation**
- 5. Map of downstream locations of Metro Identified High Valued Habitat- downstream from southern portion of proposed land for annexation.**
- 6. Metro Title #13 Map of the Basalt Creek Area**
- 7. City of Tualatin City Maps- adopted 2019 ORD 1427-19 with City of Tualatin Basalt Creek Comprehensive Plan do NOT include information on multiple Natural Resources in the Basalt Creek Area which the City is mandated to protect and/or conserve**
 - a. City of Tualatin Map 72-1 Natural Resources Protection Overlay District (NRPO) and Greenway
 - b. City of Tualatin Map 72-3 Natural Resources
- 8. Relevant Bid Set Plans from Existing Stormwater System in Basalt Creek Area designed and constructed by Washington County**
 - a. SW Boones Ferry Road Improvement Project 2012-2015
 - b. Design based upon undeveloped land use needs
 - c. Bid Plans for Stormwater Management System along SW Boones Ferry Road
 - d. No stormwater Intakes provided or installed for Re Property- now CPAH Property
 - e. Stormwater runoff from portion of CPAH Property flows Southwesterly direction
 - i. 2 Intakes in Right of Way on East side of SW Boones Ferry Road and Curb adjacent to Autumn Sunrise- Horizon Community Church Properties
 - ii. System conveys stormwater under SW Boones Ferry Road
 - iii. Discharges into Right of Way on Lucini Property which Washington County has easement.
 - iv. Lucini property is in unincorporated Washington County and has not requested annexation of any portion of their property into the City of Tualatin.

APPENDIX B -PHOTOS TAKEN FROM SW BOONES FERRY ROAD – OF 23500 SW BOONES FERRY ROAD

1. PHOTOS TAKEN 4-15-2021 – NO SIGNAGE OF NOTICE OF PROPOSED LAND USE ANNEXATION VISIBLE
 2. PHOTOS TAKEN 4-17-2021 – NO SIGNAGE OF NOTICE OF PROPOSED LAND USE ANNEXATION VISIBLE
- PHOTOS TAKEN 4-23-2021 – NO SIGNAGE OF NOTICE OF PROPOSED LAND USE ANNEXATION VISIBLE

APPENDIX C COPY OF EMAIL CHAIN 2021 4-2 to 4-22 BETWEEN LUCINI AND CPAH ANN 20-0004

APPENDIX D- STATE OF OREGON DOCUMENTS-MANDATES- ADDITIONAL INFORMATION

1. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces OAR 660-015-0000(5)

- Natural Resources Inventory requirements
- Various Natural Resources known to exist within the Basalt Creek Area are included within the State's required Inventory.

2. 2020 8-27 LCDC Enforcement Order Advisory: Local Government to Correct Regulations That Limit Housing Development in Natural Resource Areas- Washington County

- Local government waiving application of code standards that are subjective, (not clear and objective) was no longer in compliance with its responsibilities to protect natural resources under Goal 5.
- When subjective standards are the only option for a local program to implement a statewide land use goal, a local government must amend its code to include a path with clear and objective standards.

APPENDIX E -CITIZEN COMMENTS -CITY OF TUALATIN STORMWATER MASTER PLANNING- BASALT CREEK AREA 2020

1. 2020 12-15 Citizen Comments – Draft City of Tualatin Master Plan Update During Public Comment Period

- PART 1
 - a. 2020 12-15 Citizen Comments – Draft City of Tualatin Master Plan Update
 - b. 2020 12-14 Review and Summary Draft Brown & Caldwell 2019 City of Tualatin Stormwater Master Plan Update with Supplements
 - c. Maps City of Tualatin Draft Stormwater Master Plan Update
 - d. 2016 11-1 Effects of Construction SW Boones Ferry Improvement Project - Washington County by Liberte Environmental Associates Inc.
- PART 2
 - a. 2016 11-1 Effects of Construction SW Boones Ferry Improvement Project – Appendices

Lucini Property

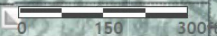
23515

23605

23677

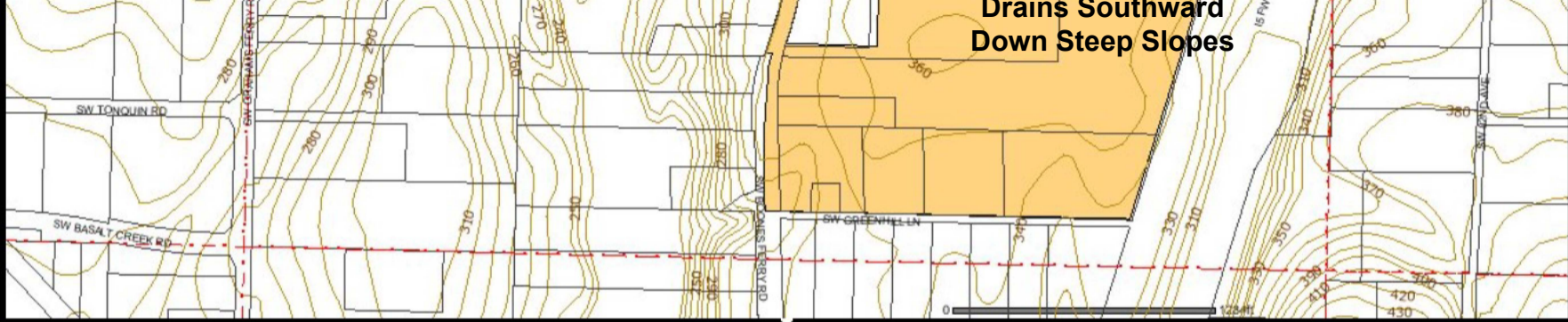
23745

23740



POWERED BY
esri

**Drains Southward
Down Steep Slopes**

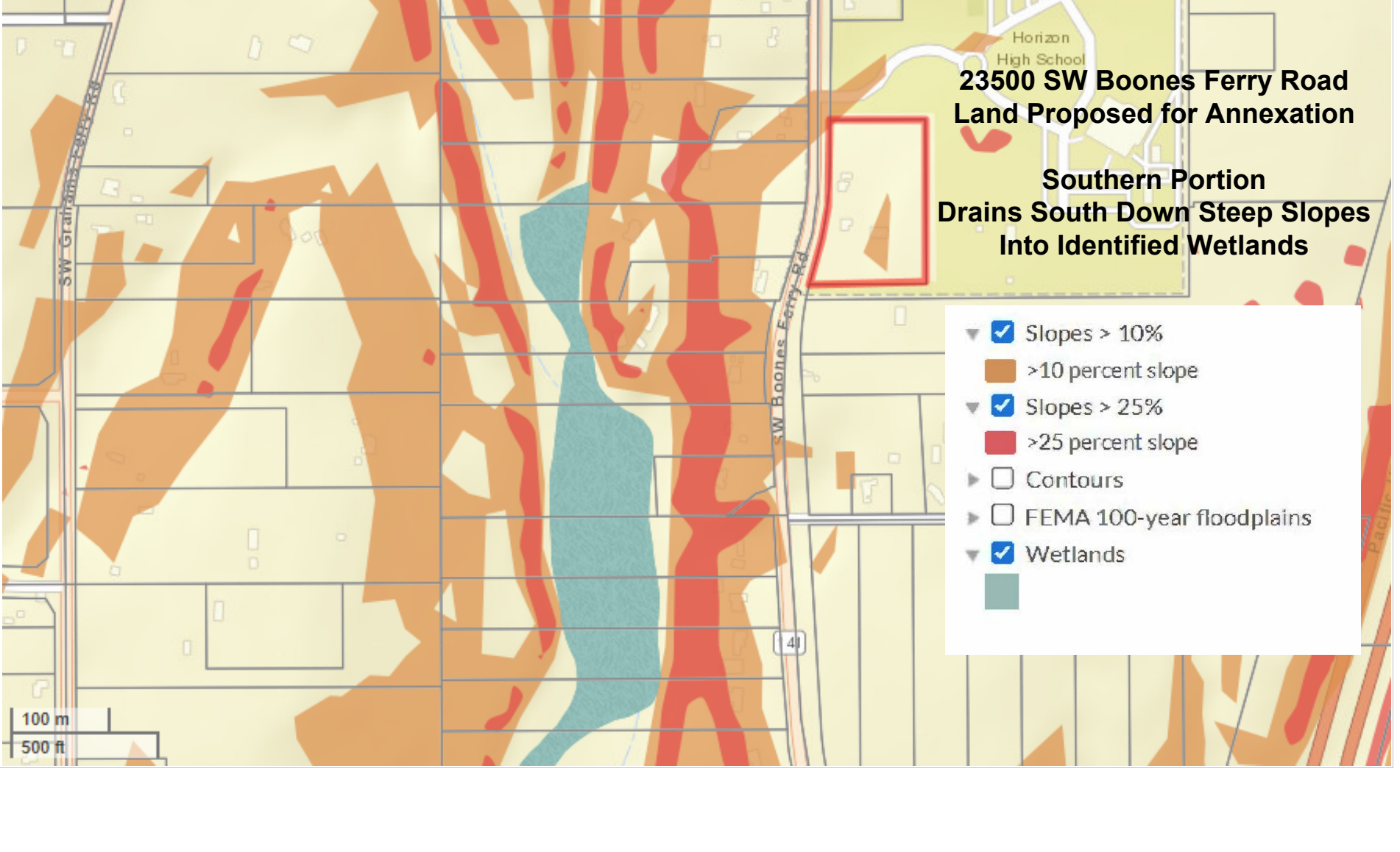


**23500 SW Boones Ferry Road
Land Proposed for Annexation**

**Southern Portion
Drains South Down Steep Slopes
Into Identified Wetlands**

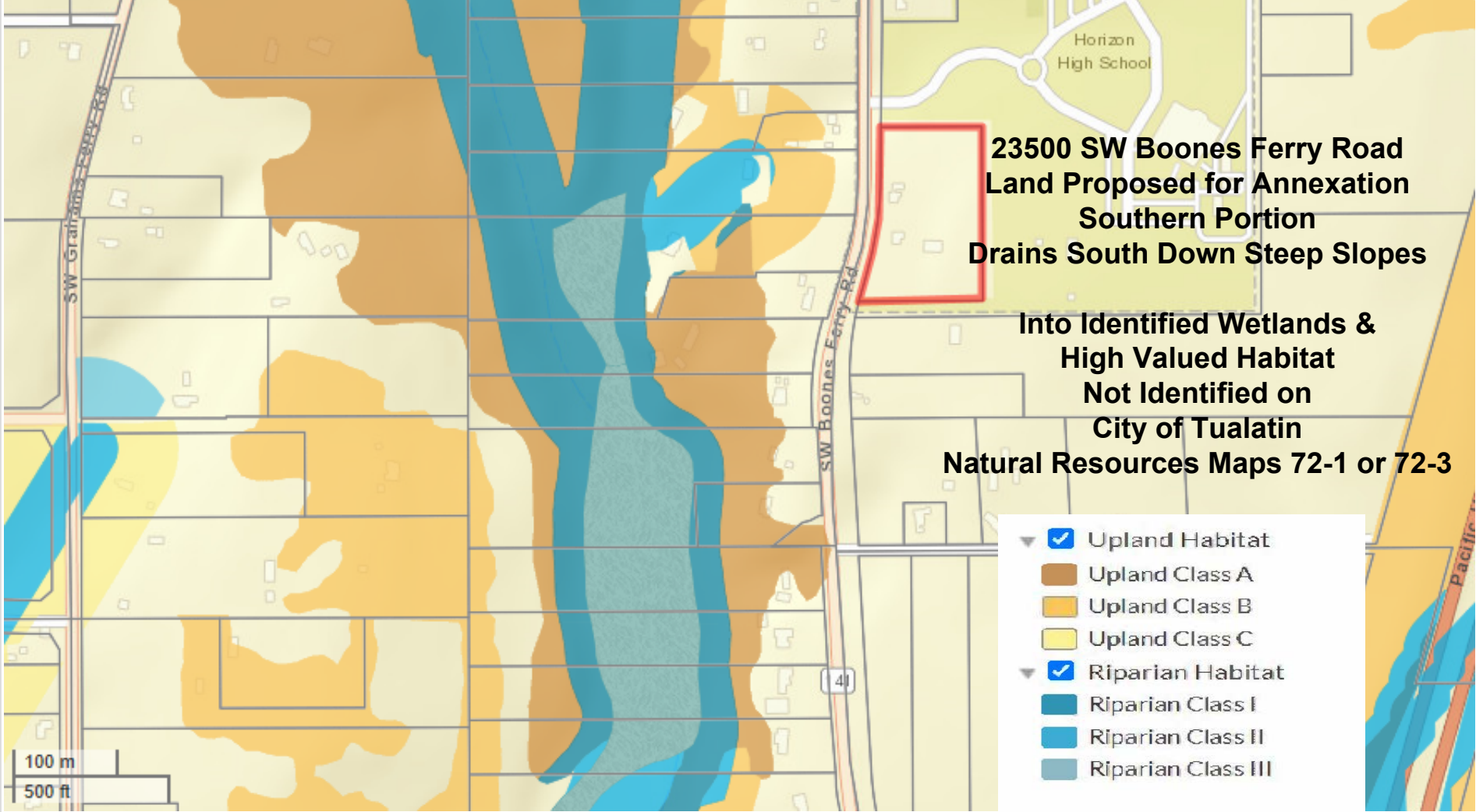
- ▼ Slopes > 10%
- >10 percent slope
- ▼ Slopes > 25%
- >25 percent slope
- ▶ Contours
- ▶ FEMA 100-year floodplains
- ▼ Wetlands
-

100 m
500 ft





**23500 SW Boones Ferry Road
Land Proposed for Annexation
Southern Portion
Drains South Down Steep
Slopes
Into Identified Wetlands &
High Valued Habitat**



**23500 SW Boones Ferry Road
Land Proposed for Annexation
Southern Portion
Drains South Down Steep Slopes**

**Into Identified Wetlands &
High Valued Habitat
Not Identified on
City of Tualatin
Natural Resources Maps 72-1 or 72-3**

- ▼ Upland Habitat
- Upland Class A
- Upland Class B
- Upland Class C
- ▼ Riparian Habitat
- Riparian Class I
- Riparian Class II
- Riparian Class III

Map 72-1: Natural Resources Protection Overlay District (NRPO) and Greenway Locations

[s://mcclibrary.blob.core.usgovcloudapi.net/codecontent/15715/372389/Map72-1.png](https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/15715/372389/Map72-1.png)

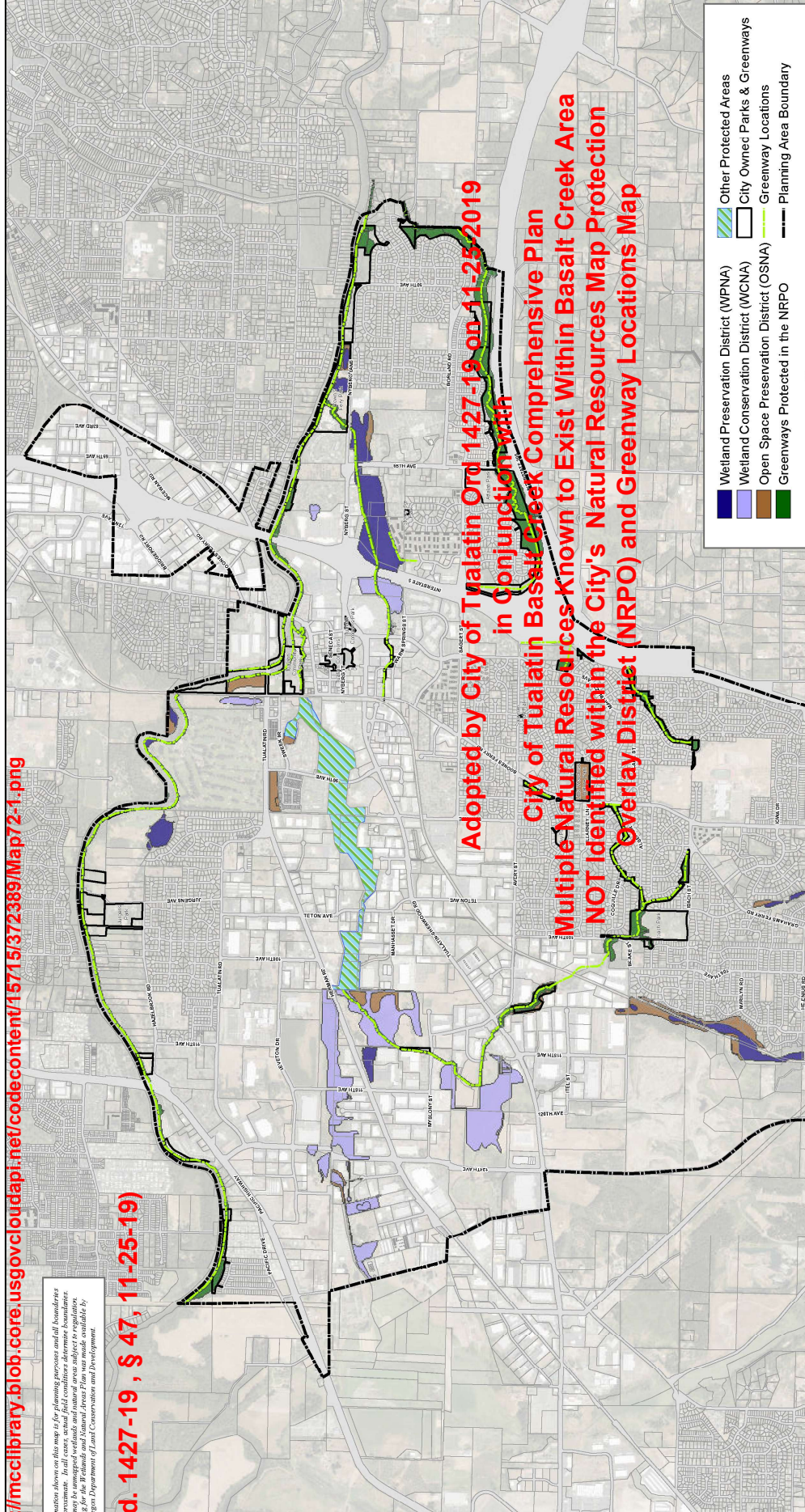
Information shown on this map is for planning purposes and all boundaries are approximate. In all cases, actual field conditions determine boundaries. Maps may be prepared, updated and revised or amended subject to regulation, approval by the Oregon Department of Land Conservation and Development.

Ord. 1427-19, § 47, 11-25-19)

Adopted by City of Tualatin Ord 1427-19 on 11-25-2019

in Conjunction with

**City of Tualatin Basalt Creek Comprehensive Plan
Multiple Natural Resources Known to Exist Within Basalt Creek Area
NOT Identified within the City's Natural Resources Map Protection
Overlay District (NRPO) and Greenway Locations Map**



- Other Protected Areas
- Wetland Preservation District (WPNA)
- Wetland Conservation District (WCNA)
- Open Space Preservation District (OSNA)
- Greenway Locations
- Planning Area Boundary

**WASHINGTON COUNTY
SW BOONES FERRY ROAD
IMPROVEMENT PROJECT**

BID SET PLANS

**STORMWATER DRAINAGE SYSTEM INSTALLED ALONG
SW BOONES FERRY ROAD
BASALT CREEK AREA**

**TOM RE PROPERTY
ON EAST SIDE SW BOONES FERRY ROAD NOW OWNED BY CPAH**

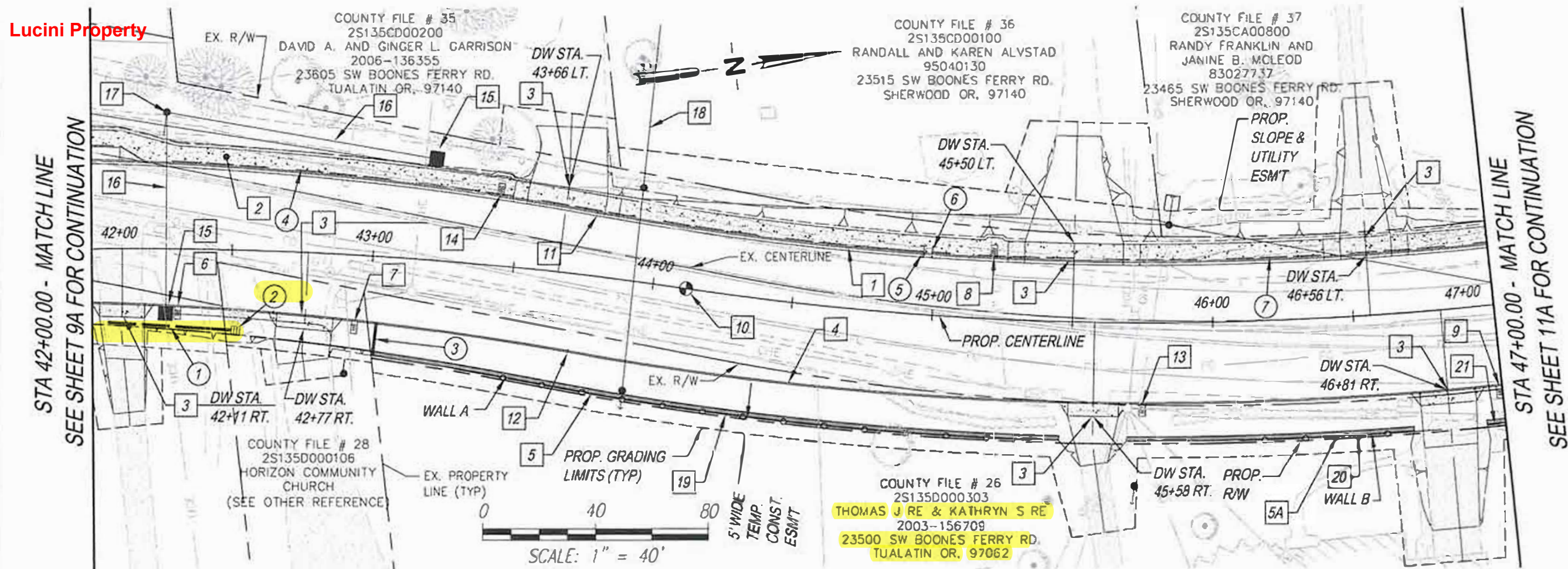
NO STORMWATER INTAKES CONSTRUCTED ON TOM RE PROPERTY

**TOPOGRAPHY OF SOUTHERN PORTION OF TOM RE PROPERTY
CAUSES STORMWATER RUNOFF TO DRAIN IN SOUTH WESTERNLY DIRECTION
INTO EXISTING CATCHMENT AREA**

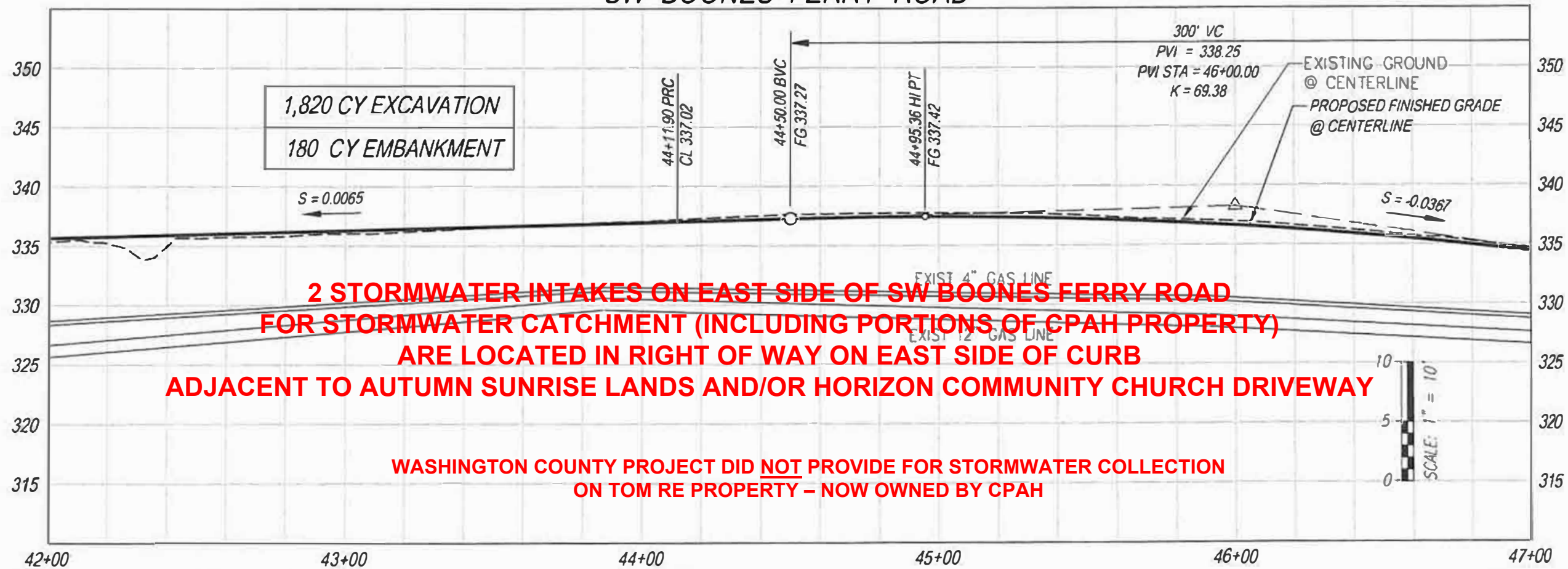
**THEN FLOWS INTO TWO INTAKES EAST BFR
IN RIGHT OF WAY NEXT TO AUTUMN SUNRISE LANDS /HORIZON CHURCH**

**STORMWATER IS THEN CONVEYED WEST UNDER SW BOONES FERRY ROAD
AND DISCHARGES ONTO RIGHT OF WAY ON THE LUCINI PROPERTY
ON THE WEST SIDE OF SW BOONES FERRY ROAD**

CONSTRUCTION PLAN AND PROFILE



SW BOONES FERRY ROAD



2 STORMWATER INTAKES ON EAST SIDE OF SW BOONES FERRY ROAD FOR STORMWATER CATCHMENT (INCLUDING PORTIONS OF CPAH PROPERTY) ARE LOCATED IN RIGHT OF WAY ON EAST SIDE OF CURB ADJACENT TO AUTUMN SUNRISE LANDS AND/OR HORIZON COMMUNITY CHURCH DRIVEWAY

WASHINGTON COUNTY PROJECT DID NOT PROVIDE FOR STORMWATER COLLECTION ON TOM RE PROPERTY - NOW OWNED BY CPAH



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NO. REVISIONS

SW BOONES FERRY RD.
SW DAY RD. TO SW NORWOOD RD.
WASHINGTON COUNTY

CONSTRUCTION PLAN AND PROFILE

Mackay Spósito
ENERGY PUBLIC WORKS LAND DEVELOPMENT
www.mackaysposito.com

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147 of 274

SHEET TITLE
10A

CONSTRUCTION NOTES

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ENGINEERING



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WASHINGTON COUNTY

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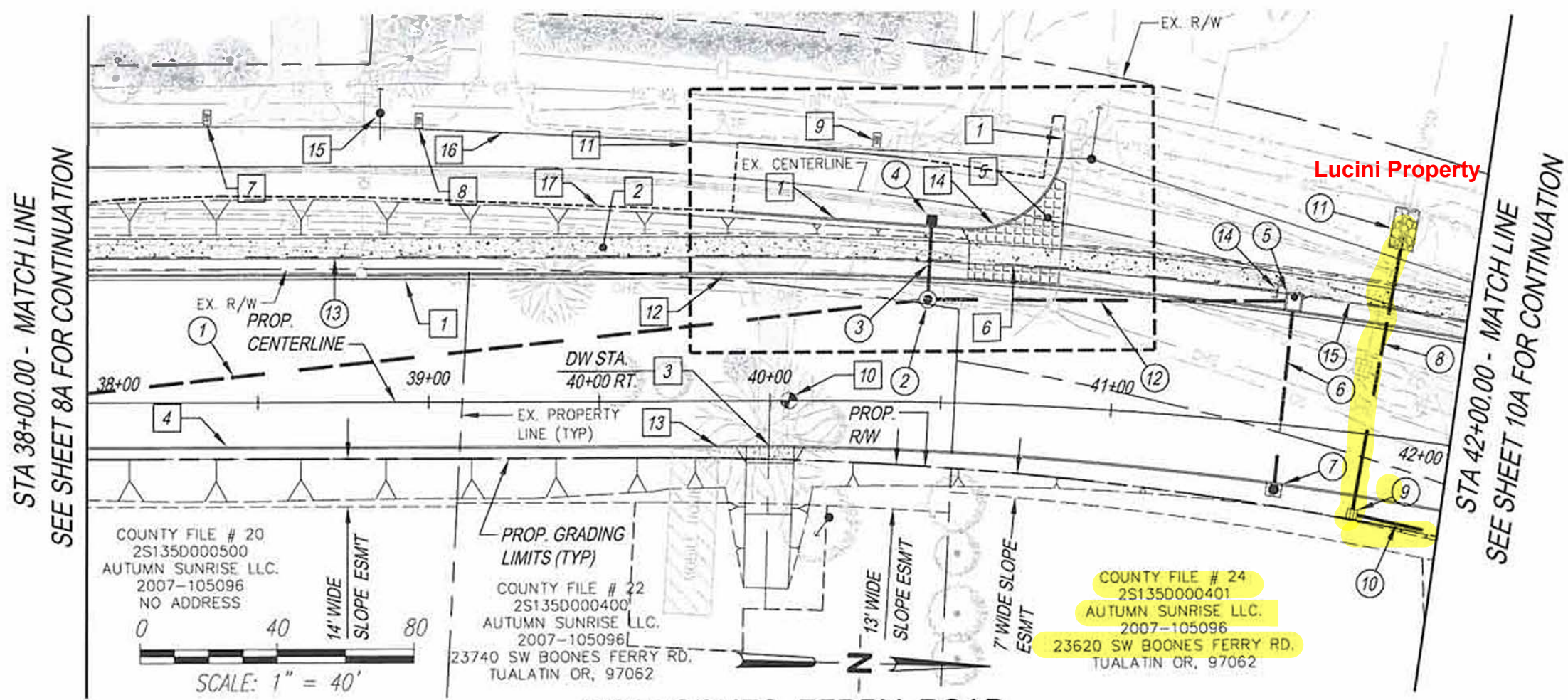
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146 of **274**

SHEET TITLE
10

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- | | | |
|--|---|--|
| <p>1 CONST. P.C. CONC. CURB & GUTTER
SEE SHEET 2B-4 FOR DETAILS</p> <p>2 CONST. POROUS P.C. CONC. WALK
SEE SHEET 2B-6 FOR DETAILS</p> <p>3 CONST. P.C. RESIDENTIAL DRIVEWAY
SEE SHEET 2B-1 & 2B-2 FOR DETAILS</p> <p>4 CONST. P.C. CONC. MOUNTABLE VERTICAL CURB
SEE SHEET 2B-4.1 FOR DETAILS</p> <p>5 CONST. PREFAB. MODULAR RETAINING WALL A
SEE SHEET 28A FOR DETAILS</p> <p>5A CONST. PREFAB. MODULAR RETAINING WALL B
SEE SHEET 28A FOR DETAILS</p> <p>6 CONST. SINGLE MAILBOX
STATION 42+31
MB ADDRESS * 23620 *
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS</p> <p>7 CONST. DOUBLE MAILBOX
STATION 42+95
MB ADDRESS * 23560 *
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS</p> <p>8 CONST. SINGLE MAILBOX
STATION 45+21
MB ADDRESS * 23515 *
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS</p> <p>9 CONST. SINGLE MAILBOX
STATION 46+99
MB ADDRESS * 23500 *
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS</p> <p>10 INSTALL CENTERLINE SURVEY MONUMENT
WITH FRAME AND COVER
@ STA 44+11.90 - CL PRC
SEE SHEET NO 2B-7 FOR DETAIL</p> <p>11 43+77.26 PRC (22.52' LT)
TC 336.58</p> <p>12 43+58.83 PRC (34.82' LT)
TC 336.30</p> | <p>13 CONST. SINGLE MAILBOX
STATION 45+75
MB ADDRESS * 23550 *
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS</p> <p>14 CONST. SINGLE MAILBOX
STATION 43+43
MB ADDRESS * 23605 *
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS</p> <p>15 PROPOSED POWER VAULT BY PGE</p> <p>16 PROPOSED POWER CONDUIT BY PGE</p> <p>17 POWER POLE BY PGE (TYP)</p> <p>18 OVERHEAD POWER BY PGE (TYP)</p> <p>19 BLACK VINYL COATED CHAINLINK FENCE
WALL A: STA. 0+30 TO STA. 2+37
3" FROM BACK OF WALL</p> <p>20 BLACK VINYL COATED CHAINLINK FENCE
WALL B: STA. 0+40 TO STA. 1+12
3" FROM BACK OF WALL</p> <p>21 BLACK VINYL COATED CHAINLINK FENCE
WALL C: STA. 0+00 TO STA. 0+36
3" FROM BACK OF WALL</p> | <p>1 12" STM SEWER L = 77' S = 0.0101</p> <p>2 STM INLET # 33 (DITCH INLET)
@ STA 42+52 (29' RT)
TC 335.83
IE 331.58 - 12" OUT (S)</p> <p>3 4" D.I.P. FOOTING DRAIN CONNECTION
THRU CURB FACE - L = 12'</p> <p>4 4" PP STM SEWER L = 349'</p> <p>5 STA 44+95 (23' LT)
PLUG 4" PP</p> <p>6 STA 44+98 (23' LT)
PLUG 4" PP</p> <p>7 4" PP STM SEWER L = 335'</p> |
|--|---|--|

CONSTRUCTION PLAN AND PROFILE



STA 38+00.00 - MATCH LINE
SEE SHEET 8A FOR CONTINUATION

STA 42+00.00 - MATCH LINE
SEE SHEET 10A FOR CONTINUATION

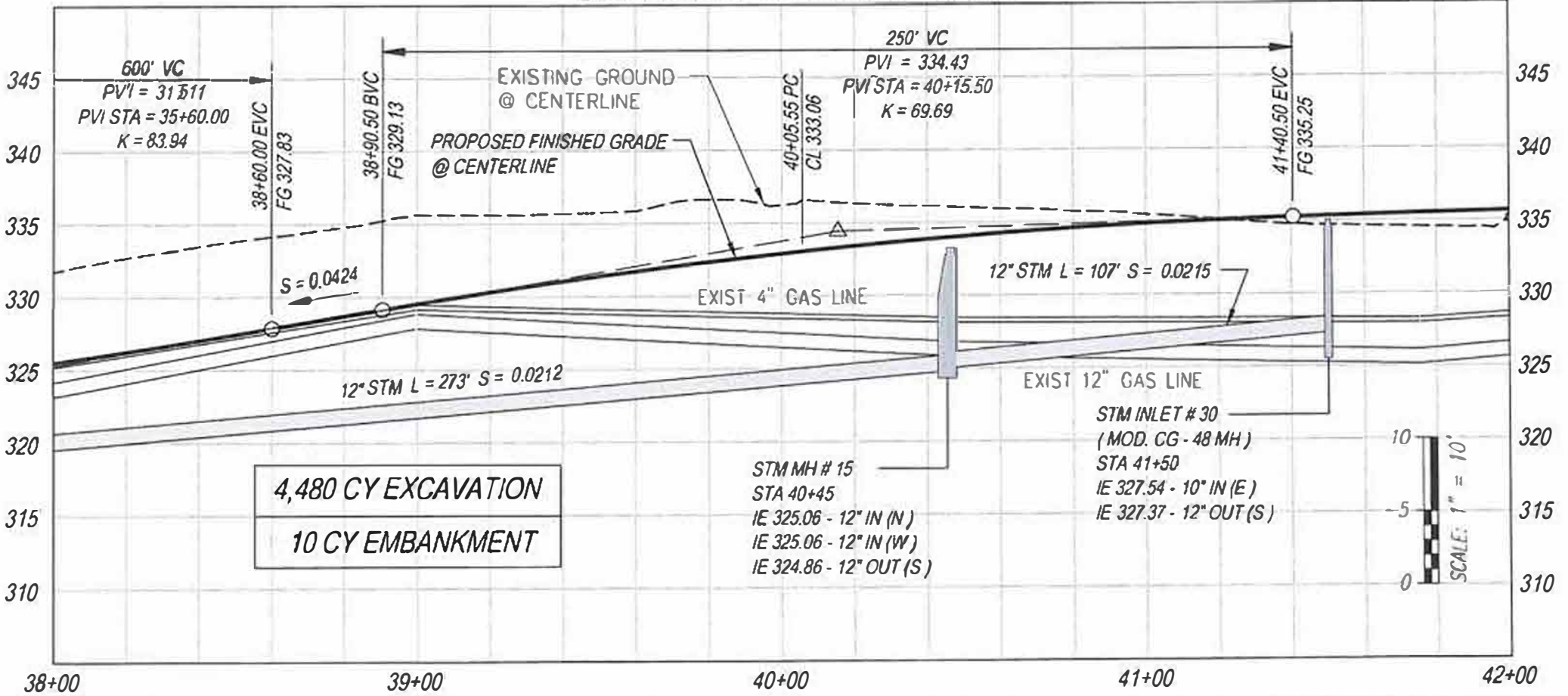
COUNTY FILE # 20
2S135D000500
AUTUMN SUNRISE LLC.
2007-105096
NO ADDRESS

PROP. GRADING LIMITS (TYP)

COUNTY FILE # 22
2S135D000400
AUTUMN SUNRISE LLC.
2007-105096
23740 SW BOONES FERRY RD.
TUALATIN OR, 97062

COUNTY FILE # 24
2S135D000401
AUTUMN SUNRISE LLC.
2007-105096
23620 SW BOONES FERRY RD.
TUALATIN OR, 97062

SW BOONES FERRY ROAD



4,480 CY EXCAVATION
10 CY EMBANKMENT

STM MH # 15
STA 40+45
IE 325.06 - 12" IN (N)
IE 325.06 - 12" IN (W)
IE 324.86 - 12" OUT (S)

STM INLET # 30
(MOD. CG - 48 MH)
STA 41+50
IE 327.54 - 10" IN (E)
IE 327.37 - 12" OUT (S)



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WASHINGTON COUNTY

CONSTRUCTION PLAN AND PROFILE

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144 of **274**

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- 1 CONST. P.C. CONC. CURB & GUTTER
SEE SHEET 2B-4 FOR DETAILS
- 2 CONST. POROUS P.C. CONC. WALK
SEE SHEET 2B-6 FOR DETAILS
- 3 CONST. P.C. RESIDENTIAL DRIVEWAY
SEE SHEET 2B-1 & 2B-2 FOR DETAILS
- 4 CONST. P.C. CONC. MOUNTABLE VERTICAL CURB
SEE SHEET 2B-4.1 FOR DETAILS
- 5 INSTALL UNIT PAVERS AS SPECIFIED IN BOOK 2
- 6 CONST. CONC. COMMERCIAL DRIVEWAY
SEE SHEET 2B-6 FOR DETAILS
- 7 CONST. SINGLE MAILBOX
STATION 38+35
MB ADDRESS " 23845 "
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS
- 8 CONST. SINGLE MAILBOX
STATION 38+97
MB ADDRESS " 23745 "
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS
- 9 CONST. SINGLE MAILBOX
STATION 40+30
MB ADDRESS " 23677 "
SEE SHEETS 2B-7, 2B-8, AND 2B-9 FOR DETAILS
- 10 INSTALL CENTERLINE SURVEY MONUMENT
WITH FRAME AND COVER
@ STA 40+05.55 - CL PC
SEE SHEET NO 2B-7 FOR DETAIL
- 11 SEE SHEET 17A FOR DETAIL
OF THIS AREA.
- 12 39+85.89 PC (37.00' LT)
TC 332.05
- 13 39+65.87 PC (13.00' RT)
TC 332.62
- 14 CONST LOW PROFILE MOUNTABLE CURB
SEE SHEET 2B-6 FOR DETAILS
- 15 POWER POLE BY PGE (TYP)
- 16 OVERHEAD POWER BY PGE (TYP)
- 17 SAWCUT EXIST AC PAVEMENT
AND REMOVE (N)
- 1 12" STM SEWER L = 273' S = 0.0212
- 2 STM MH # 15
@ STA 40+45 (30' LT)
RIM = 333.22
IE 325.06 - 12" IN (N)
IE 325.06 - 12" IN (W)
E 324.86 - 12" OUT (S)
- 3 10" STM SEWER L = 23' S = 0.1270
- 4 STM CB # 29 (AREA DRAIN TYPE II)
@ STA 40+50 (53' LT)
TC 334.27
IE 330.00 - 10" OUT (E)
- 5 STM CB # 30 (MOD. CG - 48 MH)
@ STA 41+50 (36' LT)
RIM = 334.98
IE 327.54 - 10" IN (E)
IE 327.37 - 12" OUT (S)
- 6 10" STM SEWER L = 58' S = 0.0483
- 7 STM CB # 31 (CG-30)
@ STA 41+50 (22' RT)
TC 335.32
IE 330.32 - 10" OUT (W)
- 8 12" STM CULVERT L = 83' S = 0.0162
STM OUTFALL #5
- 9 **STM INLET # 32 (DITCH INLET)**
@ STA 41+74 (24' RT)
TC 335.45
IE 330.81 - 12" IN (N)
IE 330.61 - 12" OUT (W)
- 10 **12" STMSEWER L = 77' S = 0.0101**
- 11 **RIP RAPPAD**
CLASS 50 RIP RAP
8' LONG x 7' WIDE x 1.5' DEEP
PLACE 1' ABOVE PIPE CROWN
- 12 12" STM SEWER L = 107' S = 0.0215
- 13 4" PP STM SEWER L = 373'
- 14 STA 41+45 (39' LT)
PLUG 4" PP
- 15 4" PP STM SEWER L = 349'

CONSTRUCTION NOTES

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SW DAY RD. TO SW NORWOOD RD.
WASHINGTON COUNTY

CONSTRUCTION NOTES

PROJECT NUMBER

100096

SHEET NO.
178 of 274

SHEET TITLE
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- ① EX 12" CMP STM IE=328.92
- ② ODOT CLASS 50 RIPRAP PAD
8' LONG x 7' WIDE x 1.5' DEEP
PLUS 1' ABOVE PIPE CROWN
- ③ EX 12" CONC PIPE L=40' S=0.0166
- ④ 12" STM SEWER L = 83' S = 0.0162
- ⑤ EX CB
TOG 334.21
IE 329.94 - 12" OUT (W)
- ⑤ STM CB # 32 (DITCH INLET)
@ STA 41+74 (24' RT)
TC 335.62
IE 330.81 - 12" IN (N)
IE 330.61 - 12" OUT (W)
- ⑦ 12" STM L = 77' S = 0.0101



PHOTOS TAKEN FROM SW BOONES FERRY ROAD

4-15-2021

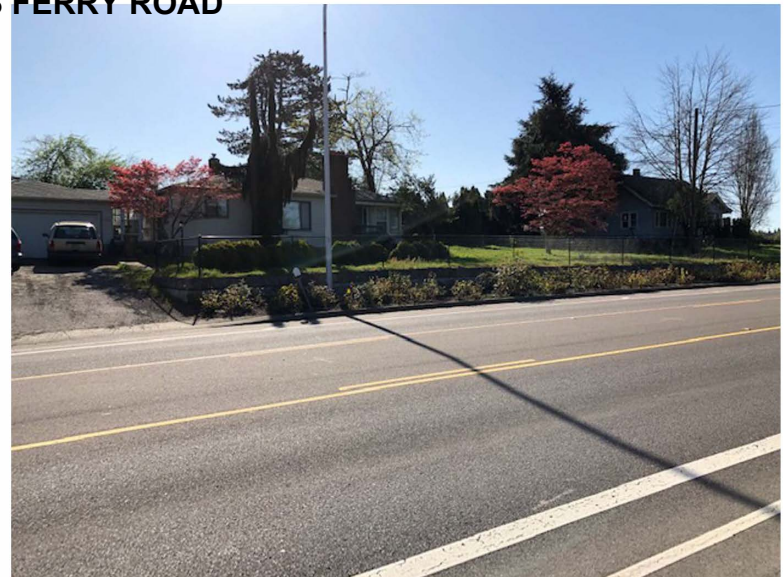
**NO SIGNAGE NOTIFYING OF PROPOSED ANNEXATION OF
235000 SW BOONES FERRY ROAD**



PHOTOS TAKEN FROM SW BOONES FERRY ROAD

4-17-2021

**NO SIGNAGE NOTIFYING OF PROPOSED ANNEXATION
OF 235000 SW BOONES FERRY ROAD**





PHOTOS TAKEN FROM SW BOONES FERRY ROAD

4-23-2021

**NO SIGNAGE NOTIFYING OF PROPOSED ANNEXATION OF
235000 SW BOONES FERRY ROAD**

Re: Proposed City of Tualatin ANN 20-0004 /CPAH Annexation Request

1 message

G Lucini <grluci@gmail.com>
To: Jilian Saurage Felton <jsaurage@cpahoregon.org>
Cc: John Lucini <JWLuci@gmail.com>
Bcc: Grace Lucini <GrLuci@gmail.com>

Thu, Apr 22, 2021 at 12:28 PM

Jilian,

Thank you for your email.

My husband and I appreciated your comments made to assure us of your company's and your intentions. Unfortunately, because past assurances of a similar nature by local govt's have turned out not to be reliable, we remain concerned.

As you may know, the City of Tualatin has not adopted a Stormwater Management Plan for the Basalt Creek Area and has failed to meet many other requirements...

- The City lacks a stormwater management plan and has not produced an existing local regional plan to assure the safe and effective provision for off site management.
- The City is not compliant with Goal #11 for Provision of Public Services <https://www.oregon.gov/lcd/OP/Documents/goal11.pdf>
- The City is not compliant OAR Chapter 660 Public Facilities Planning

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175246>

- The City is not compliant with DEQ for Stormwater Management Planning <https://www.oregon.gov/deq/wq/Documents/CWSRFStormwaterManual.pdf>

3.2 Code development for stormwater management

3.2.1 Authority to develop stormwater requirements in code

The local comprehensive land-use plan should provide the policy framework and authority for municipalities to protect water quality as well as control local flooding. The plan guides a municipality's activities in areas such as land use, conservation, economic development and public facilities such as the development and management of stormwater, wastewater and transportation systems. It also provides the legal authority to regulate these systems while municipal code or ordinance provide the details on how a municipality will implement this authority.

Oregon Revised Statute 197.175 requires municipalities to adopt a local comprehensive plan, zoning and ordinance.

This comprehensive plan must be consistent with the Statewide Planning Goals in the Oregon Administrative Rules. Several of these goals are applicable to water quality and public facilities such as stormwater systems. In particular, Statewide Planning Goal 11 specifically addresses the planning and development of orderly and efficient public facilities such as stormwater systems to serve as a framework for urban and rural development. Planning Goal Number 5 addresses natural resources and Planning Goal Number 6 addresses water quality.^{35 36 37} Planning Goal Number 1 requires public involvement in the implementation of all the planning goals.³⁸

5. Master planning

5.1 Public facilities planning in Oregon Stormwater master planning is public facilities planning under Oregon Administrative Rules 660-011- 0010. By definition, a public facilities plan is a support document to a local comprehensive land use plan, required in Oregon. Certain elements of this plan must be adopted as part of the comprehensive plan (see Oregon Administrative Rule 660-011-0045). Oregon Revised Statutes 197.712(2) (e) requires cities and counties develop and adopt a public facility plan for areas within an urban growth boundary with a population greater than 2,500. A stormwater master plan/public facilities plan must contain the following: (a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan; (b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary; (c) Rough cost estimates of each public facility project; (d) A map or written description of each public facility project's general location or service area; (e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated; (f) An estimate of when each facility project will be needed; and, (g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.⁵⁴ According to Oregon Administrative Rule 660-011-0020, the public facility inventory noted in subsection (a) above of the public facilities planning requirements must adhere to the following: (1) The public facility plan shall include an inventory of significant public facility systems. Where the acknowledged comprehensive plan, background document or one or more of the plans or programs listed in OAR 660-011- 0010(3) contains such an inventory, that inventory may be incorporated by reference.

The inventory shall include:

- (a) Mapped location of the facility or service area;
- (b) Facility capacity or size; and
- (c) General assessment of condition of the facility (e.g., very good, good, fair, poor, very poor).

- **The City is not compliant with Goal #14 Urbanizable Land OAR 660-015-0000(14)**
<https://www.oregon.gov/lcd/OP/Documents/goal14.pdf>

Goal To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

Neither John or I are opposed to the annexation per se, but the City needs to comply with the land use laws and good urban planning principles.

As the southern portion of the CPAH property is "landlocked" for off-site stormwater management and does not have direct access to the County's existing intake system and conveyance system...

Would CPAH agree to a Condition on their annexation approval that expressly requires that any and all subsequent development must decrease rather than increase downstream stormwater flow?

If an on-site visit would assist your company's or your understanding of our concerns, we are very open and willing to schedule this. Please let us know if you are interested.

Best Regards,

Grace
503 692 9890

On Thu, Apr 8, 2021 at 4:06 PM Jillian Saurage Felton <jsaurage@cpahoregon.org> wrote:

Grace,

That title is confusing! The study is for the CPAH site, but it is the City of Tualatin that hired AKS. We are working with Vega for our civil engineering. The project teams are meeting regularly to coordinate efforts.

As a value, CPAH is committed to limiting our environmental impact and shrinking our carbon footprint. We share your commitment to the preservation of natural environments and local wetlands and take seriously the impact development has on our ecology. Our two most recent developments are certified Earth Advantage Platinum, and our team has been nominated for the Earth Advantage Project Team of the year.

Due to having federal funding associated with the project, we are held to a stormwater quality standard that exceeds the CWS standard. We have not yet completed all of the stormwater engineering or studies yet, but I did want to share some information about the planned stormwater treatment, even though I cannot share specific plans at this time.

While we cannot meet the requirement to infiltrate all stormwater onsite, due to soil conditions, any runoff will be equal to or less than if the site were an undeveloped grassy field, regardless of how much impermeable surface there is currently.

As far as the current stormwater management approach, we are planning to provide stormwater storage on site in vegetated basins to hold the stormwater runoff and then release the stormwater at a rate that is equal to the discharge rate from an undeveloped site. Therefore, stormwater runoff rate will be **reduced** from the current conditions, where there is no stormwater management for the existing site.

The HUD/ESA storm water quality criteria requires treatment of a larger storm event than CWS requires in order to protect the downstream habitat.

The stormwater management for the CPAH site will be very different from the Boones Ferry road improvement. as the road improvements provided no flow control for the stormwater runoff from Boones Ferry. When Vega reviewed the information you sent they observed that the Boones Ferry stormwater is intercepted by catch basins and then discharged to existing open channels without any flow control. Our system will detain stormwater and control the flow to less than or equal to an undeveloped site.

I can be reached via email or cell phone (503-781-0911) if you have any additional questions for us.

Jilian Saurage Felton

Director of Housing Development

Community Partners for Affordable Housing, Inc. (CPAH)

503-293-4038 ext. 302 phone

jsaurage@cpahoregon.org PLEASE NOTE NEW EMAIL ADDRESS

Pronouns: she/her



Please consider the environment before printing this e-mail.

people will forget what you said, people will forget what you did, but people will never forget how you made them feel.

–Maya Angelou

Community Partners for Affordable Housing cares about our residents, our staff, and the community. We continue to take proactive and precautionary measures to guard against contraction spread of COVID-19. Although there are times that staff will be at the office or at our properties, and following social distancing guidelines, we will generally be working from home and meeting remotely.

Please be safe.

From: G Lucini [mailto:grluci@gmail.com]

Sent: Monday, April 5, 2021 1:15 PM

To: Jilian Saurage Felton <jsaurage@cpahoregon.org>

Cc: Rachael Duke <rduke@cpahoregon.org>; John Lucini <JWLuci@gmail.com>

Subject: Re: Proposed City of Tualatin ANN 20-0004 /CPAH Annexation Request

Hi Julian,

I appreciated hearing from you, and knowing you received the email. (I do note your email was sent on Saturday evening- for which I am even more appreciative!)

Thank you for the clarification regarding your current relationship with AKS.

The information you have provided is helpful. I guess I was confused by the title of the document (attached)

CPAH SITE W/GRAVITY TO DEEPER AUTUMN PH2

CPAH SEWER ANALYSIS
CITY OF TUALATIN
TUALATIN, OREGON

If I am reading this draft for the provision of Sewer Service for CPAH correctly, it appears to indicate a possible sequencing of implementation for CPAH sewer service in the 2nd phase of the Lennar Autumn Sunrise development. If this is correct, we would be interested in hearing from you- if CPAH agrees with and supports this timing and phasing into Lennar's construction of phase 2 of the Autumn Sunrise Development.

Yes, there was a lot of information included within the email, which I understand may take time to review.

It is John and my desire to initiate open effective communication with you and CPAH in enough time that we may be able to identify and resolve any issues prior to the City Council Hearing on April 26th.

Looking forward to seeing you during our meeting on Thursday.

Grace

On Sat, Apr 3, 2021 at 7:32 PM Jilian Saurage Felton <jsaurage@cpahoregon.org> wrote:

Dear Grace,

Thank you for your very detailed message, as well as the report and video.

I wanted to respond to you right away so you would know we received your message and the attachments. We appreciate it.

To fully digest this information however may take a while so I hope it's okay if we take this week to really consider your concerns and respond with the same level of thoughtfulness?

I did want to share that AKS is contracted by the City of Tualatin and Lennar, but not CPAH at this time. We are currently working with Tualatin, Horizon, and Lennar to come up with a sanitary sewer and water route for the proposed development.

It is good to see that you on the Task Force for the URA as well. I look forward to working with you. Also, It is so important to have local community voices represented when these decisions are being made.

See you on the 8th.

-jsf

Jilian Saurage Felton

Director of Housing Development

Community Partners for Affordable Housing, Inc. (CPAH)

503-293-4038 ext. 302 phone

jsaurage@cpahoregon.org PLEASE NOTE NEW EMAIL ADDRESS

Pronouns: she/her



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—Maya Angelou

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Please be safe.

From: G Lucini [mailto:grluci@gmail.com]

Sent: Friday, April 2, 2021 8:05 PM

To: Jilian Saurage Felton <jsaurage@cpahoregon.org>

Cc: John Lucini <JWLuci@gmail.com>; alex@aks-eng.com; Kim McMillan <kmcmillan@tualatin.gov>

Subject: Proposed City of Tualatin ANN 20-0004 /CPAH Annexation Request

Hello Jilian,

It was good to meet you during the virtual meeting of the City of Tualatin Urban Renewal Task Force on 3-18-21. I appreciated hearing your comments and learned a great deal about the goals of the proposed CPAH project in Tualatin. I agree with you about the need for Stormwater Management planning and stormwater infrastructure within the NE portion of the Basalt Creek Area.

My husband and I understand that CPAH has submitted an application for annexation into the City of Tualatin for the property at 23500 SW Boones Ferry Road. We received Notice on 3-24-21 -that the City of Tualatin ANN-20-0004 annexation request is scheduled on April 26, 2021, for a hearing before the City of Tualatin City Council.

Recently, Kim McMillan from the City of Tualatin Engineering Department, and the Community Development Department, provided me a copy of what was apparently the most current rendition (9th version) of the Sewer Analysis by AKS Engineering. This Sewer Analysis plan was apparently submitted by your company as part of the City's vetting process, to try to ensure the provision of this Public Service prior to annexation.

It appears your corporation, AKS and the City are still in the active phase of preliminary assessment of provision of key Public Services to this project. My husband and I would like to gain understanding of how stormwater management will be provided onsite- and if not feasible on site --how and where will stormwater from the project be treated and discharged from the proposed annexation area.

The preliminary Sewer Analysis Map Version #9 for the CPAH project does not indicate stormwater detention facilities on the southern portion of the project. Nor does it appear to show other mechanisms for addressing the stormwater which would normally flow in a southerly direction from the property.

We are downstream property owners from the project. We have in the past been flooded from waters coming from the existing stormwater catchment basin into which the southern portion of the CPAH property drains.

We have attached a short video of the 3-18-2015 flooding of our property to provide an understanding as to the basis for our concern.

[1. 2015 3-18 outflow.MOV](#)

We are also attaching a report from our Environmental Engineering Consultant which we retained to learn the cause of the 3-18-2015 flooding of our property.

[a_LEA_review_BoonesFy-Lucini_8-3-15_all.pdf](#)

[2016 11-2 Effects Of Construction BFR Lucini Pr...](#)

As the City of Tualatin currently lacks a regional Stormwater Master Plan for the Basalt Creek Area and considering the location and topography of the CPAH property- it is unclear to us how the City and CPAH intend to ensure for the provision of safe and effective stormwater management at that property. As you know, Stormwater Management planning is a key Public Service which should be addressed per Land Conservation and Development Department Chapter 660 Division 11 PUBLIC FACILITIES PLANNING 660-011-0000.

We are reaching out to you and your company to open discussions and to hopefully provide us understanding of how on-site stormwater management will be provided on the proposed site. As you no doubt know, on site Stormwater Management is required by the City of Tualatin Basalt Creek Comprehensive Plan that was adopted by the City of Tualatin in 2019. As you likely also know, if on site treatment is not feasible the applicant needs to address how and where Stormwater Management will be conducted off site. This includes any stormwater which may flow due to topography in a southerly direction from the CPAH property.

The current topography of the CPAH property as we understand it, causes approximately 1/2 of the stormwater to flow to the south. Any potential development on the southern portion of the CPAH property which has stormwater that is not handled on site, may cause downstream impacts to the south. That includes impacts to the Shared Road identified in Tualatin PMA 20-0002, the Lennar Autumn Sunrise Development, the Lennar Autumn Sunrise Commercial Neighborhood Zone, our property and eventually the Basalt Creek Canyon wetlands which discharge ultimately to the Willamette River.

The current stormwater system along SW Boones Ferry Road was designed by Washington County, to accommodate a specific amount of stormwater generated from undeveloped lands. It was not designed for the higher stormwater management needs of developed lands, which have higher amounts of impervious surfaces. A portion of the current stormwater system along SW Boones Ferry Road- downstream from the CPAH property has already proven to have failed.

The City of Tualatin and Washington County have overlapping jurisdictions over the existing stormwater intake, conveyance, treatment and discharge system along SW Boones Ferry Road and in the ROW along SW Boones Ferry Road. The City of Tualatin has a need for the clear identification for the provision of safe effective stormwater management within the NE portion of the Basalt Creek Area, as a component to be addressed during the City's Land Use Annexation vetting process for the proposed annexation of the CPAH property into the City of Tualatin.

We have had an opportunity to meet Mr. Alex Hurley, Principal at AKS Engineering and Forestry within the last few weeks due to his company's involvement with the Lennar Autumn Sunrise Development and Neighborhood Commercial Zone. Mr. Hurley has knowledge of our concerns as to stormwater management for the Lennar project.

It appears that Mr. Hurley's company is also providing engineering and planning services to CPAH . We have included him in this email, in hopes that he may be able to help provide timely additional information about the planned provision of stormwater management within the NE portion of the Basalt Creek Area from a more comprehensive regional perspective. Mr. Hurley may also be able to provide insight as to the timeframes as to when and how stormwater management is anticipated to be installed along western portion of the Autumn Sunrise lands along SW Boones Ferry Road.

It is not yet clear to us, how the timing, sequencing, and/or phasing of the development of the CPAH property, the Shared Road, the Lennar/ Autumn Sunrise Residential Development, and/or the Lennar/ Autumn Sunrise Neighborhood Commercial Development will be planned in a way that will also protect our existing downstream home, property and ourselves – to say nothing of the multiple downstream wetlands and Natural Resources. Hopefully you and/or Mr. Hurley, can inform us how all of the proposed changes to the existing "undeveloped land" conditions, upon which the current stormwater management system was designed and constructed, will be completed in a way that protects us and the important downstream Goal 5 resources.

The City of Tualatin will want to ensure the provision of Stormwater Management within the Basalt Creek Area based upon State and DEQ requirements are met as part of the City's annexation process. Consequently, we have also included the City's Engineer and Director of Community Development, Kim McMillan, on this email.

IMPORTANT BACKGROUND FACTS

To provide some background, Washington County designed and constructed the SW Boones Ferry Road Improvement Project in 2012-2015. That project shifted a portion of SW Boones Ferry Road to the east from its previously existing location.

The County's project had multiple impacts ---among those are:

- The County redesigned the stormwater system along SW Boones Ferry Road.
 - The County's system was designed and constructed using calculations for undeveloped land-and not for the higher stormwater management demands resulting from increased impervious surfaces which occur with more and higher density buildings; streets; parking lots and sidewalks etc.
 - The County's design created 2 more highly efficient stormwater intakes to service a portion of the stormwater catchment area (east of SW Boones Ferry Road which includes the southern portion of the CPAH property) and located these intakes in a different location and configuration from where a single historic horizontal culvert was once located.
 - These 2 intakes currently collect stormwater from portions of the "undeveloped" CPAH property,
 - However, these 2 intakes are not located on CPAH property- but are located on lands to the south and outside the proposed annexation
 - Upstream changes may negatively impact either of these 2 intakes, the stormwater conveyance system, treatment facilities or downstream outflow
 - The County's design continued to utilize the single outflow location for these two new stormwater intakes utilizing longer, upgraded more efficient conveyance pipe under SW Boones Ferry Road to discharge stormwater onto our property (County Stormwater Outflow #5) on the WEST side of SW Boones Ferry Road. That discharge is into an easement the County has on our property.
 - The stormwater which discharges out of County Stormwater Outflow #5 flows through our property and down steep slopes into important wetlands identified in the Federal Wetlands Inventory.
 - As can be seen in the attached 3-18-2015 video, the color of the stormwater indicates a high amount of sediment. The aftereffects of this flooding also showed erosion of the drainage ditch along our steep sloped driveway, and displacement of soil and debris downstream.
 - We had contacted Washington County on multiple occasions during the design and construction of their project, and we were provided assurances the County's design would *decrease* stormwater output by 10% onto our property from prior levels.
 - As the video and the Engineering Report show, that turned out not to be the case.
 - The County has not made significant changes or corrections to the stormwater system in the northern portions of the Basalt Creek Area since completion of the SW Boones Ferry Road Improvement Project.
 - This leaves us concerned that history might repeat itself when further development is authorized and occurs.
- Over the subsequent years:
 - We have informed the City of Tualatin- multiple times since 2016 -of the need for thoughtful planning for Stormwater Management within the Basalt Creek Area. We did this during the Basalt Creek Concept Land Use Planning, during the City of Tualatin Basalt Creek Comprehensive Land Use Planning, during ANN 19-0002 Autumn Sunrise Annexation, subsequent Autumn Sunrise Land Use Actions, and during the City of Tualatin Stormwater Master Plan Update Land Use process.
 - We and our Environmental Engineering Consultant attempted to obtain from the City of Tualatin- their projected Stormwater Management needs for the northern portion of the Basalt Creek Area based upon full build out- as we worked to design on our property additional protection from upstream stormwaters being discharged from County Outflow #5. We were not able to obtain this information, and as a result we built the additional protection for our property based upon the current existing conditions--- of undeveloped upstream land.

- The City has recently indicated their intent to generate a Stormwater Master Plan for the Basalt Creek Area within their Land Use Planning jurisdiction, but funding for such a study or a Service Contract for conducting such a study has not yet been obtained.

We look forward to hearing from you, that we may gain a better understanding of your proposed annexation plans, and that we may be able to open-up 2-way communications in advance of the hearing scheduled for April 26th.

Regards

John and Grace Lucini

23677 SW Boones Ferry Road

Tualatin, OR 97062

503 692 9890

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

OAR 660-015-0000(5)



Goal

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;
- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources;
- l. Cultural areas.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

3. Historic Resources;

4. Open Space;
5. Scenic Views and Sites.

Following procedures, standards and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

Guidelines

A. Planning

1. The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.
2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.
3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.
4. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.
6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.
7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(24).

B. Implementation

1. Development should be planned and directed so as to conserve the needed amount of open space.

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.
3. The efficient consumption of energy should be considered when utilizing natural resources.
4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.
5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.
6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.
7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.
8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.
9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

Original Adoption: 12/27/74; Effective: 1/25/75

Amended: 2/17/88; Effective: 3/31/88

Amended: 6/14/96; Effective: 9/1/96

Administrative Rules Applicable to Goal 5:

[OAR chapter 660, division 16](#), Requirements and Application Procedures for Complying with Statewide Goal 5 (applicable to cultural resources)

[OAR chapter 660, division 23](#), Procedures and Requirements for Complying with Goal 5 (applicable to resources except cultural resources)



RELEASED: August 27, 2020

LCDC ENFORCEMENT ORDER ADVISORY: LOCAL GOVERNMENT TO CORRECT REGULATIONS THAT LIMIT HOUSING DEVELOPMENT IN NATURAL RESOURCE AREAS

Update

In 2017, the Oregon Legislature passed [Senate Bill \(SB\) 1051](#). This legislation extended the requirement for clear and objective standards to all housing inside an urban growth boundary. This new law has created challenges for local governments with subjective code provisions. A local petition for enforcement against Washington County for failure to apply habitat protection measures adopted under Statewide Land Use Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), resulted in a Land Conservation and Development Commission (LCDC) enforcement order in May of this year.

In their order, LCDC held that a local government waiving application of code standards that are subjective, (not clear and objective) was no longer in compliance with its responsibilities to protect natural resources under Goal 5. This means that when subjective standards are the only option for a local program to implement a statewide land use goal, a local government must amend its code to include a path with clear and objective standards.

LCDC set a May 1, 2021 deadline for Washington County to complete code amendments so that the code provides clear and objective standards. LCDC also imposed a temporary injunction on permitting new housing development in some Goal 5 protected areas until development code amendments are adopted.

Accordingly, Department of Land Conservation and Development (DLCD) staff encourage local governments to review their residential development codes to ensure that there is an option for clear and objective review standards for residential development.

Background

Section 5 of SB 1051 amended Oregon Revised Statute (ORS) 197.307(4) and expanded the requirement to apply only clear and objective standards, conditions, and procedures to regulate **all** housing development inside an urban growth boundary (UGB). Previously the statutory requirement was limited to “needed housing”. A consequence of the amendment was the loss of distinction between lands defined as “buildable land” in Oregon Administrative Rules (OAR) 660-008-0005 and 660-007-0005 and all other lands within a UGB. As a result, local code provisions that rely solely on discretion to resolve conflicts between new housing development and other land use priorities, such as reducing risks posed by natural hazards or protecting natural resources, are no longer compliant with state law.

Intersect with Oregon’s land use statute, rules, and local codes

LCDC rules implementing Statewide Land Use Goal 10 (Housing) [OAR chapter 660, divisions 7 and 8], describe a methodology for cities to maintain sufficient area zoned for residential development to accommodate projected housing demand for twenty years. The methodology includes calculating the amount of available “buildable” land”. The rules exclude various categories of constrained lands from this calculation, including areas subject to codes that implement [Goals 5, 6, 7, 15, 16 and 17](#). In the past, the requirement for clear and objective standards for housing applied to “buildable lands”, as the majority of housing was to be developed in these areas. This structure aligned with the use of subjective standards in local codes, which are either prescribed by Goals 15-17 or serve well to implement Goal 5 and 7 objectives. SB 1051 has changed this structure by requiring a local government to provide at least an option for application of clear and objective standards in the context of housing development applications to protect resources or mitigate hazards on these lands.

Washington County and LCDC enforcement order

The specifics of the Washington County case focus on three particular code provisions, adopted in the 1980s as protection measures to implement Goal 5. The provisions required mitigation of impacts to significant natural resource (SNR) areas identified in the county’s comprehensive plan. The Oregon Court of Appeals held that Washington County’s practice of prescribing mitigation measures based on a biologist’s report and review by Oregon Department of Fish and Wildlife was unenforceable under ORS 197.307(4) because it was not clear and objective. LCDC’s [enforcement order](#), held that Washington County is no longer compliant with existing Goal 5 comprehensive plan provisions if the county does not apply development code standards adopted as part of a Goal 5 protection program. The Order directs the county to amend its code and imposes an injunction on the processing of new applications for housing in some of Washington County’s SNR areas. The enforcement order is based on the statutory requirements that local plans and codes be compliant with all applicable land use goals. Since the three code provisions invalidated by SB 1051 were adopted and acknowledged to implement Goal 5, LCDC found that the county is out of compliance with Goal 5.

Implications for other Oregon cities and counties

DLCD staff believe Washington County is one of many jurisdictions with existing housing development code provisions which could be subject to challenges for lack of clear and objective review criteria. Furthermore, the order highlights a potential problem with goal compliance if a jurisdiction does not apply development code standards adopted as part of a Goal’s implementation (protection program).

LCDC and department staff recognize that SB 1051 has placed local governments in a difficult position and that code amendments are the remedy currently available for resolving the problem. However, creating clear and objective housing standards which implement Goals 5, 6, 7, 15, 16 or 17, may be challenging. If you have concerns or if you would like to discuss these issues, please reach out to your DLCD [regional representative](#).

LUCINI COMMENTS -Proposed Update to Tualatin Stormwater Master Plan

1 message

G Lucini <grluci@gmail.com>

Tue, Dec 15, 2020 at 4:37 PM

To: Kim McMillan <kcmillan@tualatin.gov>, Hayden Ausland <hausland@tualatin.gov>

Cc: Tualatin City Council <council@ci.tualatin.or.us>, Frank Bubenik <fbubenik@tualatin.gov>, Robert Kellogg <rkellogg@tualatin.gov>, Paul Morrison <pmorrison@tualatin.gov>, Bridget Brooks <bbrooks@tualatin.gov>, Maria Reyes <mreyes@tualatin.gov>, Valerie Pratt <VPratt@tualatin.gov>, Nancy grimes <ngrimes@tualatin.gov>, John Lucini <JWLuci@gmail.com>

Bcc: Grace Lucini <GrLuci@gmail.com>

Please find 5 attachments to this email providing Citizen Comments on the proposed City of Tualatin Stormwater Master Plan Update.

- 2020 12-15 LUCINI COMMENTS Attachment and DRIVE LINK

 [2020 12-15 LUCINI Comments Stormwater Master Pl...](#)

- Attachments #1, #2 and #3 LIBERTE ENVIRONMENTAL ASSOCIATES DRIVE LINKS

 [ATT #1 Tual-SWMP_LEA_Comments_w-Supplements_a.pdf](#) [ATT #2 Supplement- B_Part1_LEA_Lucini_DrainageA...](#) [ATT # 3 Supplement-B_Part2_RptAppendix_LEA_Nov1...](#)

- MAPS DRIVE LINK (AND INCLUDED WITHIN COMMENT DOCUMENT PAGES 13-20)

 [ATT #4 MAPS Tualatin Stormwater Master Plan U...](#)

Please let me know if you have difficulty opening any of these files.

Please forward this email and all attachments to the City of Tualatin Planning Commission, as I do not have a direct email address for them.

My husband and I appreciate the opportunity to be able to participate in the review of the proposed Update to this Master Plan.

Regards,
Grace Lucini

2 attachments **2020 12-15 LUCINI Comments Stormwater Master Plan Update Tualatin.pdf**
3217K **2020 12-15 LUCINI Comments Stormwater Master Plan Update Tualatin.pdf**
3626K

12-15-2020

For Public Record- Proposed Update to City of Tualatin Stormwater Management Master Plan

To: The City of Tualatin Department of Engineering

Cc: Members of the Tualatin City Council and City of Tualatin City Council
City of Tualatin Planning Commission

RE: Proposed Update to City of Tualatin Stormwater Management Master Plan

My husband and I appreciate the opportunity to provide Citizen Comments on this first opportunity for Public access and Comment Period on the proposed update to the City of Tualatin's Stormwater Management Master Plan being undertaken by the City. We support the efforts of the City to acknowledge and attempt to respond to the various changes and philosophies regarding Stormwater Management which have occurred since the current Master Plan was adopted several years ago.

We also recognize the City of Tualatin has undergone various changes since the City's Stormwater Master Plan was adopted in 1972. It would be expected the scope of the Land Use Master Plan would include all lands within the City limits- as well as lands identified within the future jurisdiction of the City- and assessment, analysis and stormwater management planning would be applied to all the lands within the scope of the project for both current and future needs.

The need for coordination of Land Use Planning between overlapping governments is necessary and mandated. As the northern portion of the Basalt Creek Area is identified as under the future jurisdiction of the City of Tualatin, and the City has already started the urbanization process, it is important for the City of Tualatin to identify a method for ensuring the effective coordination of Land Use Planning with other local governments- especially those with overlapping jurisdictions or responsibilities. The majority of the Basalt Creek Drainage flows south eventually through the City of Wilsonville and into the Willamette River. Very little of Stormwater drainage from the Basalt Creek Area flows north into the City's existing catchment and conveyance system.

Since Washington County currently has ownership and jurisdiction over the existing stormwater system within the Basalt Creek Area, and the County's stormwater conveyance and treatment systems are within lands under various ownerships, it is important for the City provide a well-crafted Stormwater Management Plan for the Basalt Creek Area.

The City already acknowledged in the Basalt Creek Concept Plan of the potential need to upgrade the existing stormwater system within the Basalt Creek Area to accommodate future development within the Area.

Neither my husband nor I are against development.

As citizens and residents of the Basalt Creek Area the ability to participate in this first solicitation for input/feedback by potentially affected Citizens on this proposed update to a City's Land Use Plan is welcomed. We are particularly interested in the creation of a well written fact-based Update to the City's Stormwater Management Master Plan, as our home and property is within the Basalt Creek Area –in an area which the City has future jurisdiction, and downstream from lands recently annexed into the City and are coming under consideration for development.

As potentially affected Citizens and property owners within unincorporated Washington County, my husband and I have for many years attempted to work with both the City of Tualatin and with Washington County in recognizing and addressing our concerns regarding Stormwater Management within the Basalt Creek Area.

We have presented our concerns as to the need for a fact-based Stormwater Management Plan for the Basalt Creek Area for use as part of Land Use Planning Actions within the area. We have submitted these concerns numerous times, to the staff of the Cities of Tualatin and Wilsonville, to the City of Tualatin Planning Commission, and to the Tualatin City Council including:

- during the development of the Basalt Creek Concept Plan by the Cities of Tualatin and Wilsonville (2012-2018)
- written fact-based testimonies to the City of Tualatin during the City Council 2019 Hearings on the Basalt Creek Comprehensive Plan proposed adoption and integration into the City's governing documents as to the need for further- identification and documentation of Natural Resources, and the need for a Stormwater Plan --to specifically access and address the current and future needs within the scope of the lands to be included within the Comprehensive Plan
- on 3-21-2020 my husband and I submitted written testimony to the Tualatin City Council, again supported by documentation, as to the lack of pertinent facts and information on Land Use Planning for the Public Service of Stormwater Management relating to the application for annexation of 40+acres of lands within the Basalt Creek Area into the City of Tualatin.

My husband and I now present our concerns regarding the proposed Stormwater Management planning within the Basalt Creek Area as presented within the proposed Master Plan Update to the City of Tualatin, the City of Tualatin Planning Commission, and to the City of Tualatin City Council.

This is first opportunity provided by the City for Citizen review and comment on the proposed Update to the City's Stormwater Master Plan.

We note there are inconsistent, conflicting or omitted information between the proposed Update and the City's existing Governing Documents. The lack of relevant, accurate, consistent and necessary information between the proposed Stormwater Master Plan and many of the City's current documents may result in difficulties in the safe effective implementation of Stormwater Management by the City and coordination of Land Use Planning with other governmental units.

Recognizing that my husband and I do not have a professional working knowledge of Stormwater Management or hydraulic dynamics, we have obtained the services of Dave La Liberte, Principal Engineer of Liberte Environmental Associates to review and comment upon the technical aspects of the proposed Update to the City's Master Plan. David M. LaLiberte, P.E., Civil and Environmental Engineer is licensed in the State of Oregon, has compiled these comments under contract with us. Mr. La Liberte' has over 30 years of experience in stormwater, water quality and design solution analysis. His Cumuli Vitae (CV) identifying his education and experience are attached as (Attachment #1 Supplement C). He has personally conducted various hydrodynamic modeling scenarios within the Basalt Creek Area. We believe Mr. La Liberte to be highly qualified to provide relevant comments upon the proposed Update to the City of Tualatin Stormwater Management Master Plan (SWMP).

Mr. La Liberte's comments regarding the City's proposed Update to the SWMP are to be considered a part of our Citizen Comments and are attached.

Also included as an embedded Google Link are additional documents including studies and analysis conducted by Mr. La Liberte' in 2016, ***"Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon"***.

To offer identification of issues and assistance in a Land Use planning action – allowing the City of Tualatin to gain future jurisdiction over the northern portion of the Basalt Creek Area--this Stormflow Analysis was submitted to the Cities of Tualatin and Wilsonville during the Basalt Creek Concept Planning process. This study has also been provided to the City of Tualatin staff on other subsequent occasions.

SEE EMAIL ATTACHMENT --LA LIBERTE' ENVORONMENTAL ATTACHMENTS #1, #2 & #3 (INCLUDES SUPPLEMENTS)

**TECHNICAL COMMENTS RELATING PROPOSED UPDATE TO THE CITY'S MASTER PLAN
(Summarization)**

A summarization of Review of Document Comments

by Mr. La Liberte, Principle Engineer La Liberte' Environmental Associates:

Significant problems in the Plan for the BFR south area are:

- lack of identified stormwater facilities
- omission of hydrologic and hydraulic modeling analysis
- potential for misapplication of design alternatives
- absence of stormwater problem acknowledgement and evaluation
- no assessment of stormflows on steep slopes
- topography and soils suggest that infiltration is not a likely future runoff design solution in the Boones Ferry Road area
 - This is an important issue as to the elevation of lands, steep slopes, and drainage into Basalt Creek
 - The elevation of lands above the drinking water wells is of concern with impact upon the well from which the Lucini's obtain their water
- effect of stormflows on the Basalt Creek Concept Plan are neglected
- no existing and future development stormwater flows are compared
- protection of natural resources is unclear
- no designation of Capital Improvement Projects (CIPs9) in the BFR south area
- There is no assessment of peak and average stormflows on the steep slopes, which constitute the west flank of the BFR south area
 - These Tualatin stormflows discharge to the Basalt Creek Concept Plan area and their existence is not established in the SWMP.
 - Stormflows on these steep slopes have excessive peak and average flow velocities, which cause erosion
SEE: Supplement B Part 1 Analysis Report Section 4.
Stormflow Hydraulics and Part 2 Appendices A2 and I
- The Tualatin SWMP makes no provisions for temporary stormwater storage and discharge facilities when phasing-in large developments such as the Autumn Sunrise property in BFR south.
 - The concern is that arbitrary storage and discharge locations could occur in the interim, before the final stormwater facility is operable.
 - It needs to be specified in the Tualatin SWMP that new construction developments must use stormwater facilities and outfalls consistent only with its final specifications and drawings.

ADDITIONAL COMMENTS -MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

- CONTAIN DATED INFORMATION
- OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING

SEE EMAIL ATTACHMENT #4 MAPS or Pages 13-20

CITIZEN COMMENTS- NARRATIVE

PROPOSED UPDATE TO STORMWATER MASTER PLAN – CITY OF TUALATIN

My husband and I are submitting these Citizen Comments regarding the newly posted first draft (December 1, 2020) of the proposed City of Tualatin Stormwater Management Master Plan Update. Utilizing the State's Land Use Planning Goals as a basis for our concerns. We mention there are multiple other related local, State and Federal mandates which exist and provide additional measures to address stormwater management, property rights and protections, safety, conservation and protection of Natural Resources, and coordination and integration of Public Services with other governmental units or agencies.

STATE OF OREGON STATEWIDE LAND USE GOALS- Used as basis and support of concerns being presented

OAR 660-015-0000 Oregon Statewide Land Use Planning Goals

The state of Oregon has established goals and provided mandates for Land Use Plans – including specific requirements which should be included within the Land Use Plans of local city governments- including City Master Plans.

These Land Use Planning Goals not only provide a framework for creating a Land Use Plan, but they also provide a method for evaluation of various Land Use elements to be included within a potential Plan, as well as mandates for compliance.

Included within our comments are references to these Land Use Planning requirements to provide a common understanding of the basis for our comments and as support for request for resolution to concerns provided within this correspondence.

Land Use Planning Goal #2- LAND USE PLANNING OAR 660-015-0000 (2) provides the framework for the development and requirements for the development of a Land Use Plan- such as the City's proposed Stormwater Management Master Plan Update. Included with Goal #2 are the following goals and mandates apropos to these comments: *(emphasis added)*

- To establish a land use planning process and policy framework ***as a basis for all decision and actions related to use of land*** and ***to assure an adequate factual base*** for such decisions and actions.
- City, county, state and federal agency and special district plans, and actions related to land use **shall be consistent with the comprehensive plans of cities and counties and regional plans** adopted under ORS Chapter 268.
- All land use plans shall include:
 - ***identification of issues and problems, inventories and other factual information*** for each applicable statewide planning goal,
 - **evaluation of alternative courses of action and ultimate policy choices**, taking into consideration social, economic, energy ***and environmental needs***.

- The required information *shall be contained in the plan document or in supporting documents*
- **The plans shall be the basis for specific implementation measures.**
 - **These measures shall be consistent with and adequate to carry out the plans.**
 - All land-use plans, and implementation ordinances shall... be reviewed and as needed, revised on a periodic cycle *to take into account changing public policies and circumstances*

It is important that accurate fact-based information relating to potential Land Use actions are obtained and provided as part of any Land Use action. Both Citizens and those who may ultimately be making Land Use decisions require accurate representative unbiased information so that they may understand and comprehend issues pertaining to proposed Land Use issues. This process assists and promotes the transparency of the governmental process, and informed decision making.

Unfortunately, after review of the City of Tualatin's proposed Update to the Stormwater Management Master Plan, my husband and I have found multiple issues which reduce compliance with the Oregon Land Use Planning Goals, as well as other local, State and Federal mandates-particularly with respect to the Land Use Planning for the Basalt Creek Area under the current or future jurisdiction of the City of Tualatin, and/or under other overlapping governmental units or agencies.

HISORICAL LAND USE PLANNING ACTIONS-BASALT CREEK AREA & STORMWATER MANAGEMENT
--

My husband and I strongly support the City's efforts to review and revise the City's dated Stormwater Management Master Plan which according to the City's website was adopted in 1972

https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/page/13099/tualatin_drainage_plan_sept_1972.pdf

A request had to be submitted to the City for access to the Appendices for the proposed Plan.

In the decades since the City's Stormwater Management Plan was adopted in 1972, the type and level of assessment, knowledge and implementation of stormwater management has greatly expanded, and the potential impacts more fully understood. The relevance of impact of Land Use Actions upon the environment has also become more greatly understood, expanding the need for a more comprehensive assessment and analysis of potential outcomes as part of the Land Use Planning process.

In 2004 Metro 04-1040B authorized the addition of the "Tualatin Area" (part of which is now known as the Basalt Creek Area) into the UGB. Metro imposed multiple conditions and requirements for the conservation and protection of multiple natural resources as part of Metro 04-1040B as part of the responsibilities of the local governments.

In 2018 the Basalt Creek Concept Plan jointly authored and adopted by the Cities of Wilsonville and Tualatin -taking the initial steps in the Land Use Planning of over 800 acres within the Basalt Creek Area and included various assessments of Natural Resources within the Basalt Creek Area.

Included within the Basalt Creek Concept Plan are various statements relating to Land Use Planning within the Basalt Creek Area including:

"New stormwater infrastructure will be primarily integrated with the local road network"

..."It is assumed that the existing culverts may not have capacity for future urban conditions and will need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite detention or

infiltration is required when the location of public drainage or the topography of the site make connection to the system not economically feasible." (emphasis added)

"The Cities and CWS will adopt an Intergovernmental Agreement that will address areas where cooperative stormwater management is needed."

It is unclear if and when such Stormwater Management Planning for the Basalt Creek Area between these three entities was conducted.

Both Cities also stated within the Concept Plan- they would have "Joint Management" of the "Natural Area" within the Basalt Creek Canyon.

It is unknown what further action has been taken to implement the "Joint Management" of the lands in the center portion of the Basalt Creek Area- where a high percentage of the Natural Resources are located within the Basalt Creek Canyon.

It is not known what Land Use elements of "management" were intended to be the focus of this joint statement, but the potential involvement of the City of Wilsonville within the Land Use Planning of the Basalt Creek Area may result in additional complexities in the determination and implementation of Land Use planning within the Basalt Creek Area.

As the Basalt Creek Canyon receives a majority of the stormwater drainage from the area, the potential involvement and coordination of the City of Wilsonville should be included within any Stormwater Management plan within the Basalt Creek area. The identification of this information was not included within the City's proposed Update to the Stormwater Master Plan.

Included within the Basalt Creek Concept Plan are numerous maps identifying the location of multiple Natural Resources existing within the Basalt Creek Area mainly generated from Metro 2001 data. This type of information regarding Natural Resources within the Basalt Creek Area was not included within the maps the City elected to adopt within the City of Tualatin Basalt Creek Comprehensive Plan and the subsequent adoption and integration into the City's Governing Documents.

A few examples of the maps from the Basalt Creek Concept Plan are included as attachments to this correspondence to help substantiate:

- the existence of these Resources,
- the need for the City of Tualatin to conduct a more current assessment and analysis of multiple Natural Resources known to exist within the Basalt Creek Area for fact-based decision making,
- the need for the City to memorialize the information into the City's Governing Documents to:
 - establish fact-based documents which have evaluated significant factors which exist within lands the City sought to gain future jurisdiction -which are equal to or exceeding the level provided to the majority of the lands within the City.
 - Provide consistency of fact-based documents within the City which various departments can utilize as part of a decision-making process
 - Provide an accurate fact-based reference for use by the Public to gain understanding of the basis for future decisions

These actions will provide greater consistency within all proposed Land Use Plans -including the Stormwater Management Master Plan and may provide greater compliance and positive outcomes in subsequent implementation actions.

Attachment #4 Maps

In 2019, the City of Tualatin Basalt Creek Comprehensive Plan, did not provide stormwater management plans specific for the Basalt Creek Area or a stormwater system map specific to the Basalt Creek Area.

The City has left developers to be responsible for on-site Stormwater Management.

But the City did not identify what actions will be taken if financial costs become too high, if stormwater management requirements exceed onsite management and/or treatment capabilities or should other factors which might preclude full onsite stormwater management and/or treatment develop.

The City did not provide specific guidance as to:

- feasibility of integration into the County's existing stormwater management system (which is already known to be at capacity)
- mechanisms for cooperative planning and integration into the County's existing stormwater management system
- the process and funding to collect, convey, treat and dispose of excess stormwater runoff off site, or
- the role for Citizen Involvement by downstream property owners or other stakeholders.

The proposed Update to the City of Tualatin's Stormwater Management Master Plan does not acknowledge these issues nor provide information as to this issue.

There are questions as to the consistency of the City's Land Use Plans for Stormwater Management planning and implementation for development.

Contrary to the efforts taken to meet compliance requirements within the Basalt Creek Concept Plan, the City of Tualatin elected as part of the Basalt Creek Comprehensive Planning process, to omit maps within the Basalt Creek Area which denoted the existence of multiple Natural Resources within the Basalt Creek Area- which had been included in the Concept Plan.

The lack of information as to the assessment and location of multiple Natural Resources which have requirements for their conservation and protection, causes significant issues as to the ability to comply and implement various Metro, State and Federal requirements to conserve and protect Natural Resources based upon facts.

Consequently, lacking the inclusion of the assessment of the Natural Resources within the City's Governing Documents, inhibits the ability to effectively identify and mitigate negative impacts from Stormwater Drainage as part of the Master Plan for Stormwater Management and in the planning and implementation of any Land Use Action.

Within the City's Basalt Creek Comprehensive Plan -included as a supporting document- is a letter dated 12-5-2006, titled "[City of Tualatin Title 13 and Tualatin Basin Plan Compliance Review.](#)" (Exhibit 6 to Ordinance No. 1418-19

There are several concerns presented by the inclusion of this letter with issues relating to the Basalt Creek Area:

- Although the City has posted this letter on the City's Planning Department's Basalt Creek website, it is unclear as to the relevance of this letter to issues related to the Basalt Creek Area
- The letter is date specific and does not provide information as to changes which may have occurred within the 14 year since it was authored.
- The letter is dated 12-5-2006, prior to the City of Tualatin's right to conduct Land Use Planning for lands within the Basalt Creek area-outside its jurisdiction at the time. It is not known if the scope of subject matter within the review included lands within the Basalt Creek Area.
- It appears the intent of the letter was to evaluate a program, and not an evaluation of Title 13 resources- the letter clearly makes that statement.
- The letter included several statements as to additional actions required for compliance- including issues relating to the need for documentation of identification of various Natural Resources.
- The City did not attach documentation of successful implementation of actions required within the letter, nor application of results of the Tualatin Basin Program and application to the Basalt Creek Area.
- Of most importance the letter states: *"The compliance review by Metro is a review only of whether the amendments Tualatin is proposing are consistent with the UGMFP and is not a review of whether Tualatin has complied, or will comply with the other requirements of Option 5 and the Tualatin Basin Program.*
(emphasis added)

In relevance to the proposed Stormwater Management Master Plan Update, the 2006 Metro letter included the following information:

Stream crossings and detention ponds: We also note that for a number of HFDPs - such as minimizing stream crossings, encouraging perpendicular crossings, using habitat sensitive bridge and culvert designs, use of detention ponds, and allowance of narrow road widths through stream corridors - the City does not propose any code changes. Instead, the City states that its code is silent on such practices, but does not prohibit them, and mostly relies on its adoption of Metro's Title 3 and CWS requirements to meet Title 13's "encourage and facilitate" requirement.

Recommendation: We recommend that the City amend its code to affirmatively support these HFDPs. Doing so would leave no doubt that the City is encouraging and facilitating these HFDPs.

It is not known if the City implemented this recommendation- or if the recommendation is still relevant.

If the use of this letter is intended to indicate compliance to mandates for the conservation and protection of Natural Resources within the Basalt Creek Area, it would seem prudent for the City to establish documentation of an assessment of the Natural Resources within the Basalt Creek Area, and documentation of actions taken by the City to comply with such mandates- based upon current facts and standards to meet compliance needs.

In 2020, the City of Tualatin started actions to annex large acres of land within the NE portion of the Basalt Creek Area. A large portion of these lands currently act as the stormwater catchment, retention, and reabsorption basin for the greater area. The City is currently taking Land Use Planning actions which will allow the development of over 60 acres of this current stormwater catchment area.

Along with the removal of several acres which contain many characteristic factors of a natural stormwater catchment area (which have decreased the flow and velocity of stormwater and increase its reabsorption), future development may remove these factors while significantly increasing impervious surfaces with the creation of buildings, streets, and parking lots.

CURRENT CONCERNS REGARDING THE PROPOSED STORMWATER MASTER PLAN UPDATE

TECHNICAL ISSUES

A summary of the Technical Issues presented within the Stormwater Master Plan Update are summarized at the beginning of this correspondence, with the full review included as a Google Link attachment #1, #2 #3.

It is readily apparent when reading the proposed Master Plan Update, that much of the information contained with the draft is dated, and not reflective of current issues, or needs.

Page 5-2 includes the following information:

*"Basalt Creek runs north-south in the southern portion of the City. Much of the contributing land use is low-density and rural residential, **but with pending adoption of the Basalt Creek Concept Plan concept plan [sic], future development is anticipated to impact the contributing land use and stream condition. Ownership is currently private and public (City).**" (emphasis added)*

The Basalt Creek Concept Plan was adopted by the Cities of Wilsonville and Tualatin in 2018, indicating the proposed plan may not have been revised as to changes within the Basalt Creek Area for over two years. Since that time, the City of Tualatin generated and adopted the Basalt Creek Comprehensive Plan.

Although the proposed Stormwater Management Plan readily identified and anticipated the negative impact future development within the Basalt Creek Area would have upon the stream condition- the proposed Plan did not identify actions to be taken to provide further assessment and/or alternative solutions to attempt to address and mitigate stormwater impact upon the "stream condition".

IMPACT NATURAL RESOURCES

A review of the City's newly proposed draft to Update the City of Tualatin Stormwater Management Master Plan, does not currently identify the evaluation of Natural Resources within the Basalt Creek Area, nor the methods to be utilized to ensure compliance with the various mandates for the conservation and protection of numerous Resources. The State Land Use Goal requires documentation of compliance with State Goal #5 NATURAL RESOURCES AND OPEN SPACES, and State Goal #6 AIR, WATER AND LAND RESOURCES QUALITY which are the basis upon many of our concerns regarding the proposed Update to the City's Stormwater Master Plan.

NEED FOR COORDINATION OF LAND USE PLANNING WITH OVERLAPPING GOVERNMENTS- STATE GOAL #2

While both Cities had knowledge of, and participated within the decision making Land Use Planning process in planning the location of Washington County's proposed Basalt Creek Parkway Extension regional transportation 5+ lane expressway through the middle of the Basalt Creek Area--- neither the Basalt Creek Concept Plan nor the City of Tualatin

Basalt Creek Comprehensive Land Use Plans acknowledged, addressed or provided guidance as to coordination of stormwater management planning within the Basalt Creek Area for Washington County's proposed major transportation project within overlapping jurisdictions.

It is unclear as to the amount of land Washington County will require for their proposed project which will be needed not only for road construction, but also a proportionally large amount of land for stormwater management and treatment within wetlands and other lands within the future jurisdiction of the City of Tualatin. Nor did either plan address or provide guidance (and intended compliance) as to how all local governments would ensure conservation and protection of various Natural Resources within the Basalt Creek Area from direct or indirect effects of stormwater or stormwater management which might be caused by the proposed project and potential impact upon Natural Resources within the future jurisdiction of the City of Tualatin.

Compounding the lack of a clear plan for a coordinated Stormwater Management plan to address the permanent installation of this major transportation project through multiple Natural Resources, the Basalt Creek Concept Plan states, "joint management" management of the "Natural Area" within the Basalt Creek Area by the Cities of Wilsonville and Tualatin and introduces a possible intergovernmental agreement between the two Cities for stormwater management within the Basalt Creek Area.

Due to the proximity of the eastern terminus of the proposed Washington County Basalt Creek Parkway Extension on SW Boones Ferry Road, and the anticipated City of Tualatin major residential development of 400+ units and Commercial Neighborhood development within approximately 1/4 mile, of each other on SW Boones Ferry Road, there will be significantly increased need and demand for Stormwater Management and treatment with a limited geographic area and in lands with overlapping governmental jurisdictions.

As my husband and I are potentially affected property owners, we have on multiple occasions reached out to the staff of both the City of Tualatin and of Washington County to gain a better understanding how the Land Use planning actions by both governments are coordinating Land Use planning within the area. We have expressed our desire to be able to have potentially affected property owners participate in the coordinated planning of major Land Use Projects on lands near overlapping jurisdictions due to various direct and indirect impacts upon our property. We have not gained much success in these actions.

Unfortunately, there appears to be a continued lack of coordination and communication between these two entities as to the conception, planning and design of major Land Use Projects within the Basalt Creek Area.

Recognizing the lack of effective coordination in Land Use Planning by these two local governments, and to promote better compliance with mandates for the coordination of planning for Public Services by local governments, a well authored Stormwater Management plan would include clear requisites to:

- identify major Land Use Projects under consideration by another government (as a potential constraint or added factor in Land Use Planning)
 - provide guidance as to how to coordinate the provision of Public Services within overlapping jurisdictions.
- The proposed Stormwater Management Plan does not address this issue or provide clear guidance for implementation.

CURRENT STORMWATER MANAGEMENT SYSTEM WITHIN BASALT CREEK AREA

- HAS PREVIOUSLY FAILED AND IS A LIMITATION AND CONSTRAINT FOR FUTURE DEVELOPMENT

- IS UNDER THE JURISDICTION OF --OR IMPACTED BY--

LAND USE PLANNING ACTIONS OF OTHER LOCAL GOVERNMENT

The current Stormwater Management System along SW Boones Ferry Road within the Basalt Creek Area was designed and constructed as part of Washington County's SW Boones Ferry Road Improvement Project (2012-2015). During the design phase of this Land Use transportation project, my husband and I contacted the County on multiple occasions regarding our concerns of potential negative downstream stormwater impacts we identified within the proposed design. We were assured the outflow from the County's design would be equal or 10 % less than stormwater outflow which we previously experienced from a more primitive/less sophisticated stormwater system.

The 2016 Stormwater Analysis within the Basalt Creek Area by Mr. La Liberte' which was the basis of the report, *"Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon"*, was generated due to my husband's and my desire to understand the cause of flooding into our property from stormwater emitting from a Washington County Stormwater Outflow an apparent failure of the stormwater management system in 2015. There have been no significant changes made to the County's Stormwater system since 2015 upstream from our property.

Currently a large percentage of the stormwater drainage from the NE portion of the Basalt Creek Area flows south- eventually through the City of Wilsonville and into the Willamette River. Much of the stormwater within the NE portion of the Basalt Creek Area is captured within a stormwater catchment basin on undeveloped lands east of SW Boones Ferry Road, and collected within Washington County's stormwater collection, conveyance and treatment system. A majority of the stormwater catchment basin on the east side of SW Boones Ferry Road and north of Greenhill Lane is on lands recently annexed into the City of Tualatin.

The stormwater drainage from this area flows away from the majority of lands within the City of Tualatin and outside of the City of Tualatin's existing stormwater collection, conveyance and/or treatment facilities.

Mr. La Liberte's study identified multiple factors which lead to the flooding of our property from the stormwater system which currently exists within Basalt Creek Area in the area around SW Boones Ferry Road.

From this investigation we gained knowledge that the **County's design and planning for the stormwater management system installed along SW Boones Ferry Road as part of the SW Boones Ferry Road Improvement Project, was:**

- **based upon drainage needs of undeveloped land, and**
- **not designed to meet anticipated drainage needs of developed lands with higher nonporous surfaces (buildings, streets, and sidewalks etc.) which cause higher stormwater runoff and less reabsorption into the land which has previously acted as a major stormwater catchment area.**

Both the City of Tualatin, and Washington County are undertaking Land Use planning actions within the Basalt Creek Area affecting properties under overlapping jurisdictions. My husband and I have on multiple occasions attempted to gain insight as to the coordination of Stormwater Management Planning within the Basalt Creek Area from these two local governments.

As downstream property owners within Washington County, we have specifically expressed concerns and requested Land Use Planning information from the City of Tualatin as to the City's Stormwater Management Plan within the Basalt Creek Area and of potential impacts upon the current existing system under the jurisdiction of Washington County - during the Basalt Creek Concept Planning, during the City of Tualatin Basalt Creek Comprehensive Planning and as part of the City's annexation process for ANN 19-2002- without fact based information which would provide us understanding of the City's proposed Land Use actions and potential impacts caused by increased needs or changes to this Public Service. The Basalt Creek Concept Plan adopted by the City in 2018 acknowledged limitations within the existing Stormwater Management system within the Basalt Creek Area and identified the need for system upgrades with development of the Basalt Creek Area.

We have specifically asked the City of Tualatin and Washington County on multiple occasions how both of these two local governments have coordinated the Land Use Planning Goals for Washington County's proposed Basalt Creek Parkway Extension Project. Our questions have included how Stormwater Management will be integrated into the County's existing Stormwater System, how or where additional conveyance and/or treatment facilities will be located within lands with overlapping jurisdictions and of potential impacts to the City of Tualatin's Land Use Planning for the urbanization of the Basalt Creek Area and associated increased stormwater management needs on private or public lands. Again, my husband and I have received little fact-based information as to how these two local governments with overlapping jurisdictions have conducted Land Use Planning for a key Public Service of Stormwater Management within an area containing multiple known constraints and limitations.

My husband and I have reasonable concerns as to potential negative impacts from stormwater due to poorly planned and executed Land Use actions. The need for a well-developed integrated Stormwater Management plan for the Basalt Creek Area is necessary for the safety and protection of Citizens, property and surrounding Natural Resources.

Thank you for the opportunity for participating in this first Citizen Involvement Public event for the City's Proposed Update for the Stormwater Master Plan.

My husband and I look forward to hearing what steps the City will be taking the City's adoption process for this proposed Land Use Plan Action

As Citizens and potentially affected property owners, we request Actual Notice of any future Public Meetings-where this proposed Land Use Action may be an agenda topic--- including but not limited to the City of Tualatin Planning Commission, and/or the Tualatin City Council.

Respectfully submitted,
Grace Lucini
John Lucini
23677 SW Boones Ferry Road
Tualatin, OR 97062

ATTACHMENTS #1, #2, & #3 Documents La Liberte' Environmental Associates (Google Link)
#4 MAPS (Google Link) & (Hard Copy Pages 13-20)

ATTACHMENT #4

MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

-CONTAIN DATED INFORMATION

-OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING

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However, there is no indication of the wetlands, and multiple Natural Resources known to exist within the Basalt Creek Area and within the Basalt Creek Canyon.

Many of these types of Natural Resources may be negatively affected by stormwater drainage, and an accurate assessment as to the quantity, quality and location of Natural Resources which are to be conserved and protected should be assessed, evaluated and memorialized within a Stormwater Management Plan and integrated into the City's Governing Documents for to provide and assure consistency within the City's various Land Use Plans.

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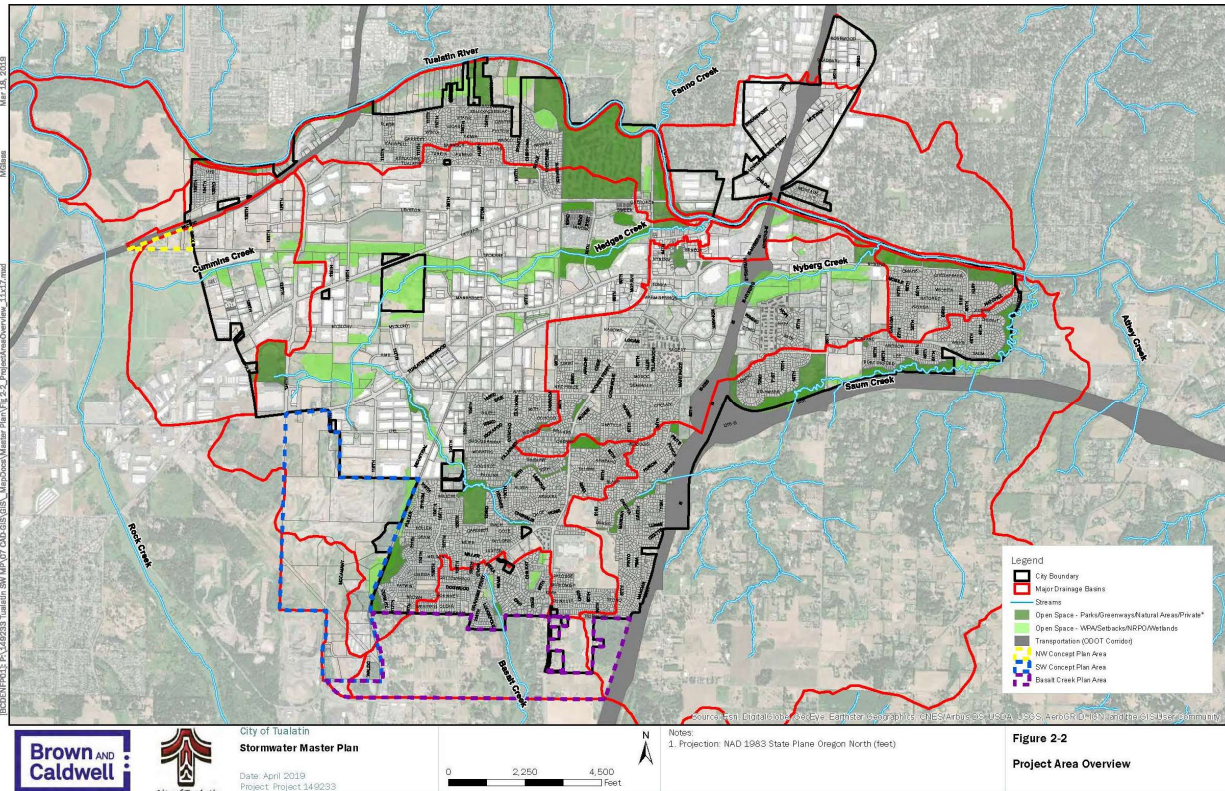


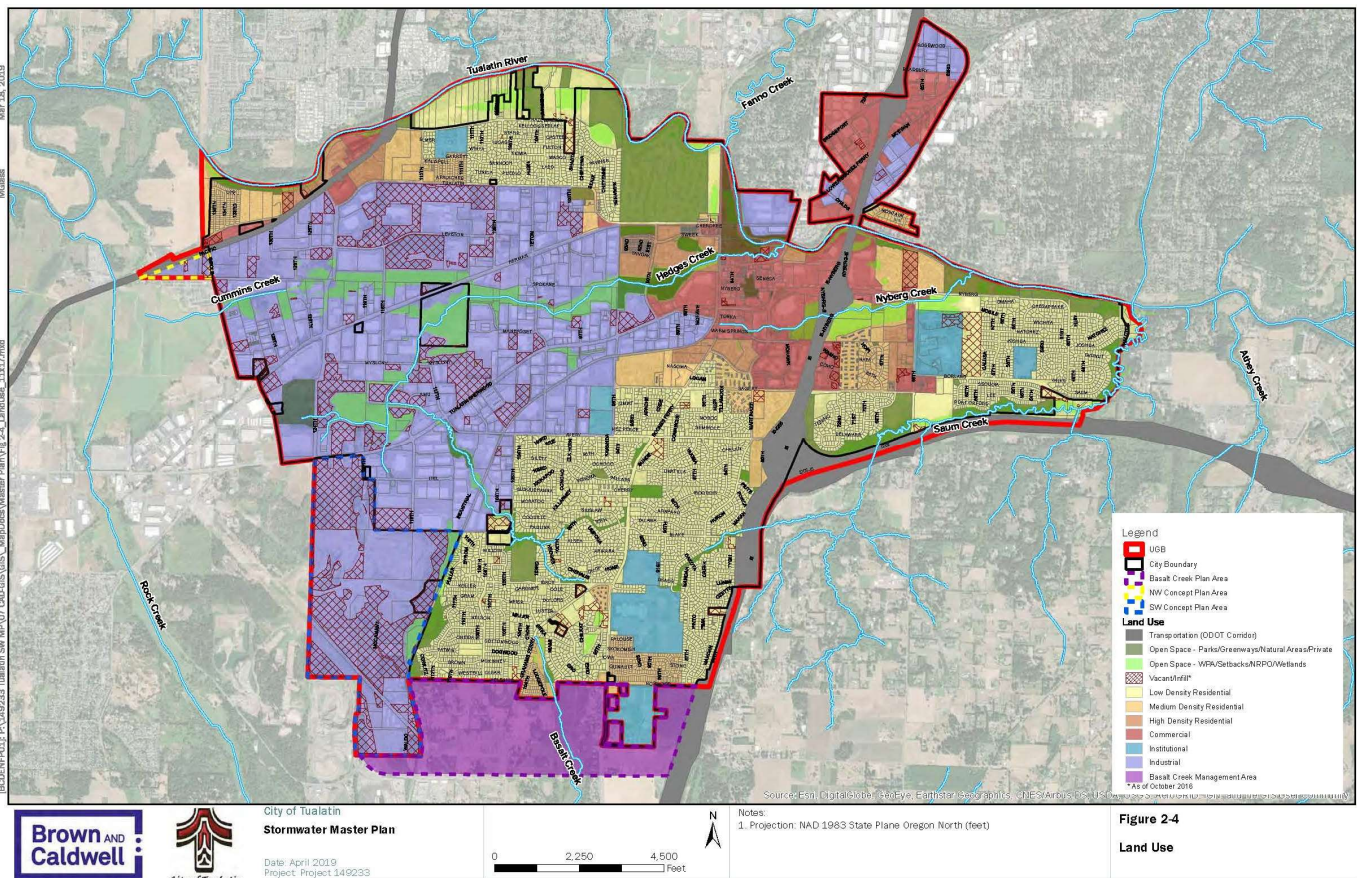
Figure 2-4 "Land Use" Map Not Consistent with City's Current Land Use Zoning

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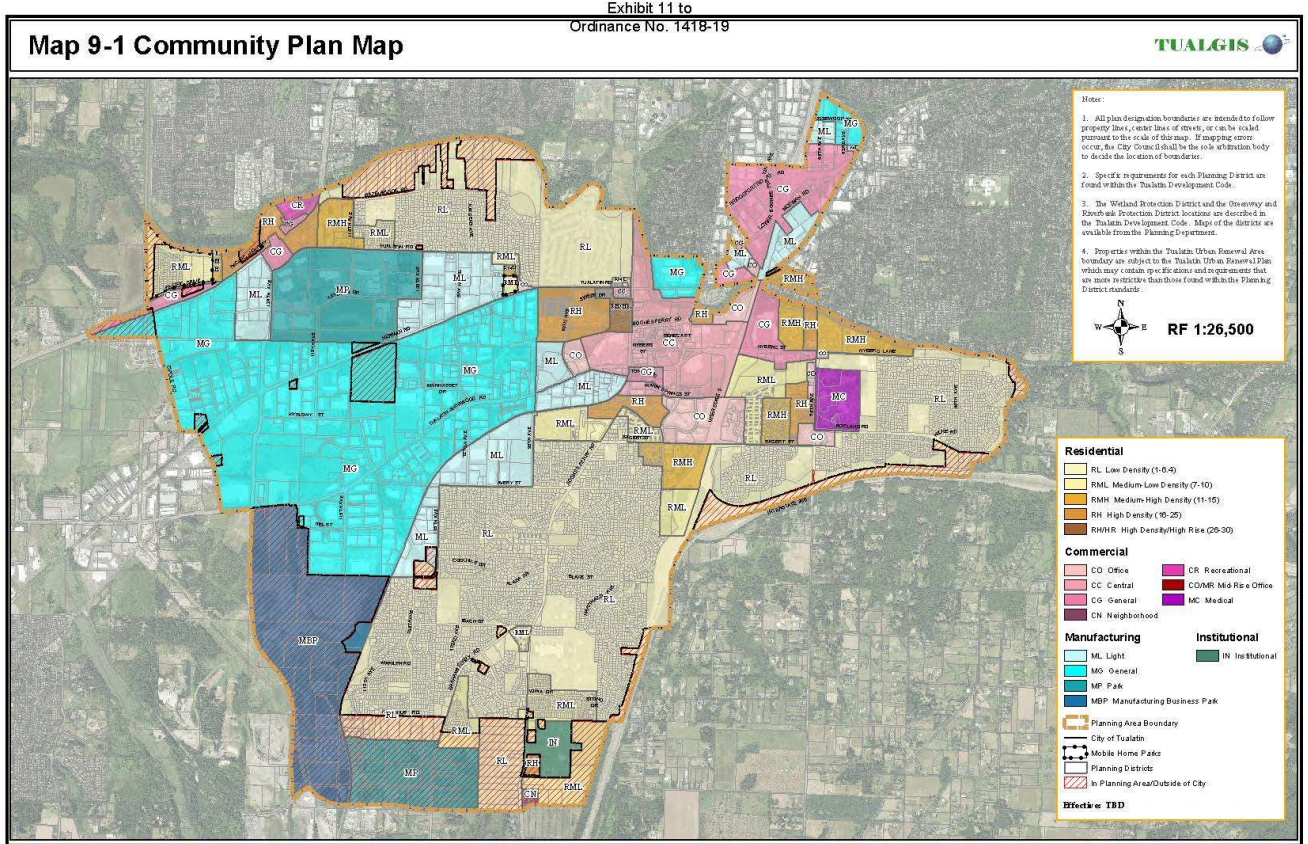
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Major changes have occurred as to Land Use within the City of Tualatin in the four years since this map was apparently generated.

The information provided as to the Land Use zoning or designations do not accurately reflect the Land Use Planning Actions of the Basalt Creek Concept Plan adopted in 2018, nor the City of Tualatin Basalt Creek Comprehensive Plan. Land Use Zoning within the Basalt Creek Area does not provide accurate information of current Land Use Zoning and Planning within the Basalt Creek Area and may hinder the planning for Stormwater Management in the assessment of current and future needs based upon type of land use. Approximately 60 acres within the Basalt Creek Area have already been annexed into the City of Tualatin, and into the responsibilities and regulations of the City for Land Use planning- including Stormwater Management.



The proposed Stormwater Master Plan Update is not consistent with the Land Use Plan adopted by the City in 2019 in Ordinance 1418-19, and consequently would not be compliant with Statewide Planning Goal #2



72-1 Natural Resources Protection Overlay district (NRPO) and Greenway Locations

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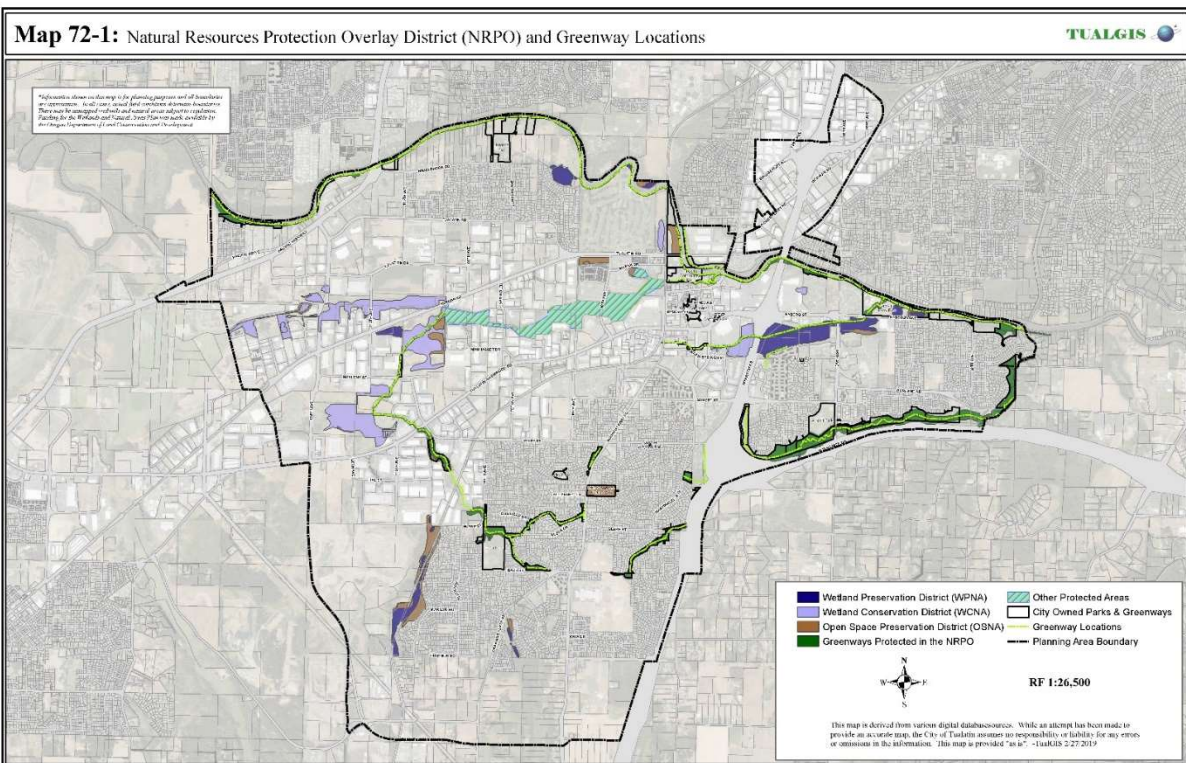
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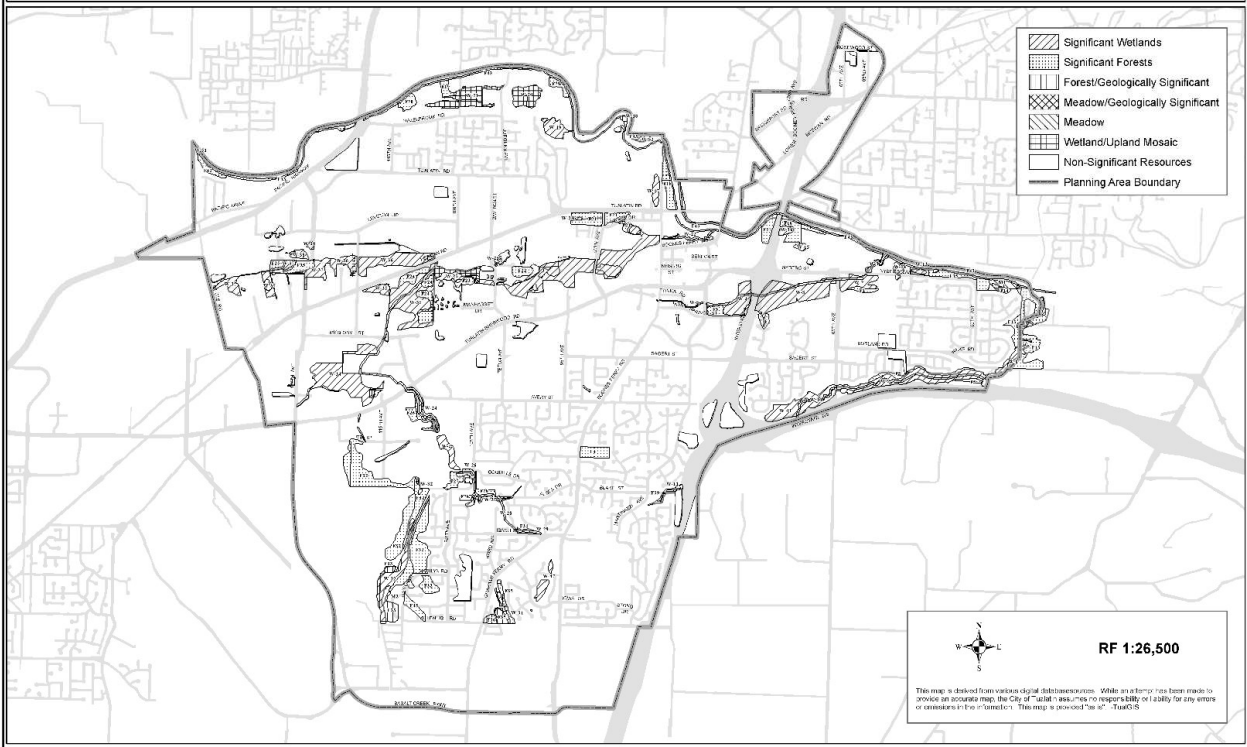
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also lack essential information necessary for the development of a Land Use Plan, or effective implementation of a Land Use Action within the Basalt Creek Area and are not suitable support documents for the proposed Update to the City's proposed Stormwater Management Master Plan Update.





There are significant inconsistencies in the level of acknowledgement and identification of various Natural Resource which are required to be evaluated for potential impact within all Land Use Plans, and Planning Actions. The omission of pertinent information regarding the existence of multiple Natural Resources within the northern portion of the Basalt Creek Area as presented within the City's Governing Documents, and within the City's proposed Stormwater Master Plan update are notable.

However, the City included the Basalt Creek Concept Plan document adopted by the City in 2018, and utilized as a supporting document to the Basalt Creek Comprehensive Plan in 2019 did provide needed information as to Land Use evaluative factors such as the Natural Resources and constraints which exist within the Basalt Creek Area.

Examples of pertinent documentation from the Basalt Creek Concept Plan as to the quantity and quality of these Natural Resources is provided including a summary of a rationale for inclusion of this information into the Basalt Creek Land Use Concept Plan.

Metro Title 13: Nature in Neighborhoods

Title 13 requires local jurisdictions to protect and encourage restoration of a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape. Metro's regional habitat inventory in 2001 identified the location and health of fish and wildlife habitat based on waterside, riparian and upland habitat criteria. These areas were named Habitat Conservation Areas.

Table 7 Title 13 HCA Categories with Acreage

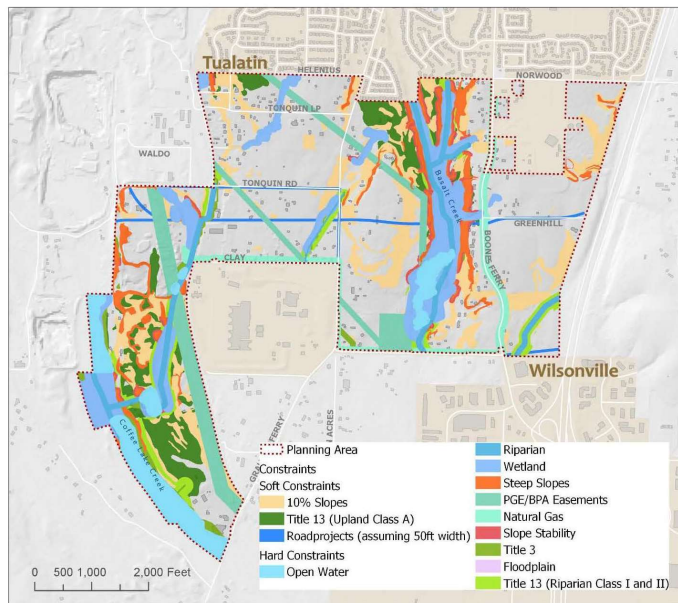
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Exhibit 2 to Ordinance No. 1418-19

Environmental constraints are summarized below and unless otherwise noted were fully excluded from the developable land input in the scenario testing for the Basalt Creek Concept Plan:

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Figure 13 Natural Resources Map



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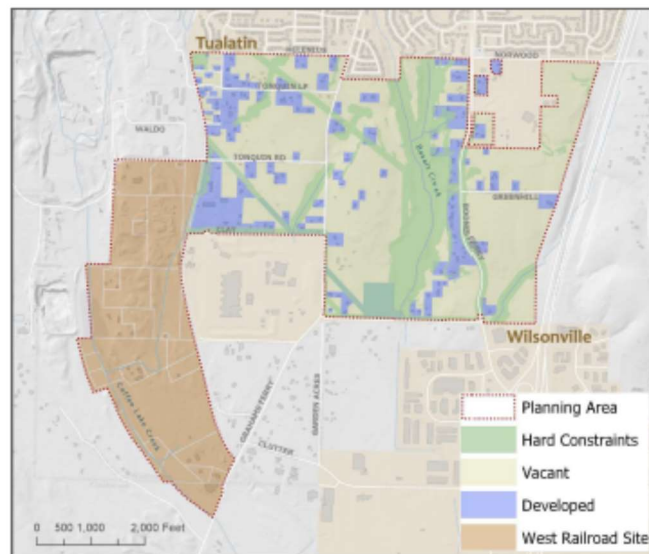
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Figure 6 Land Supply by Type.



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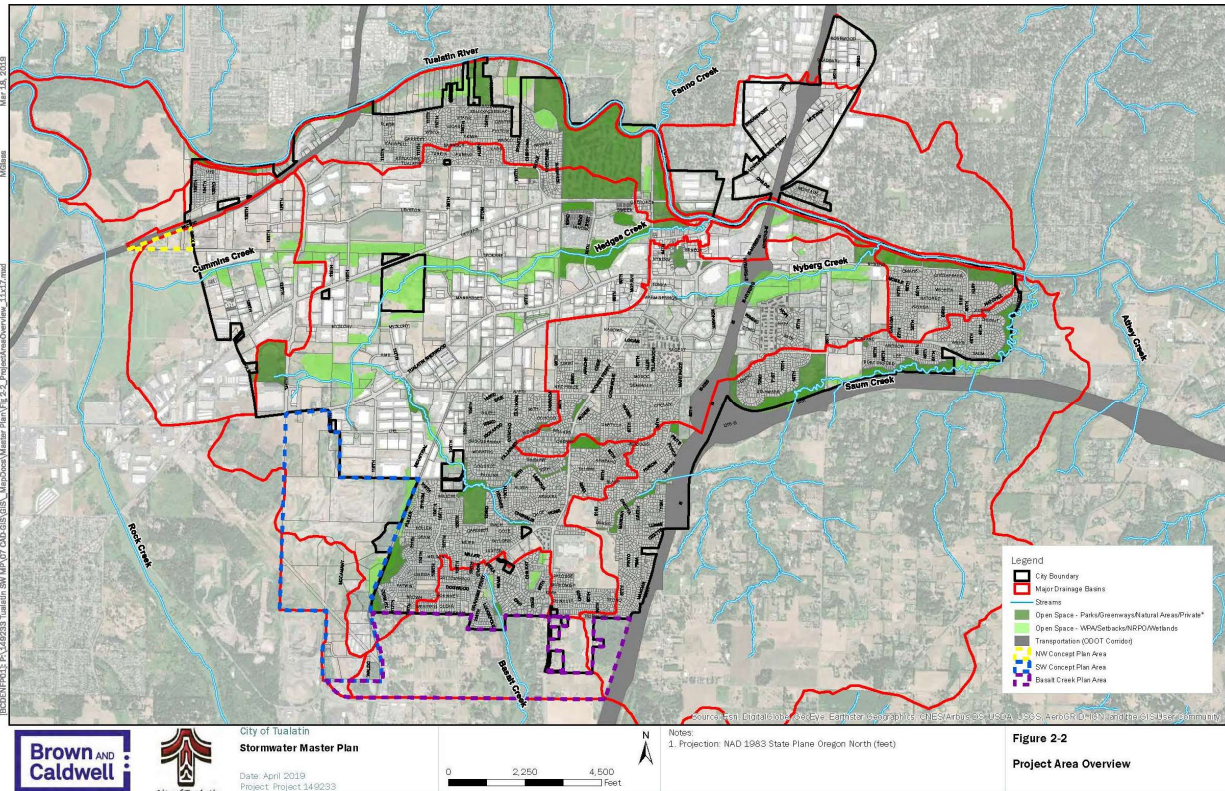


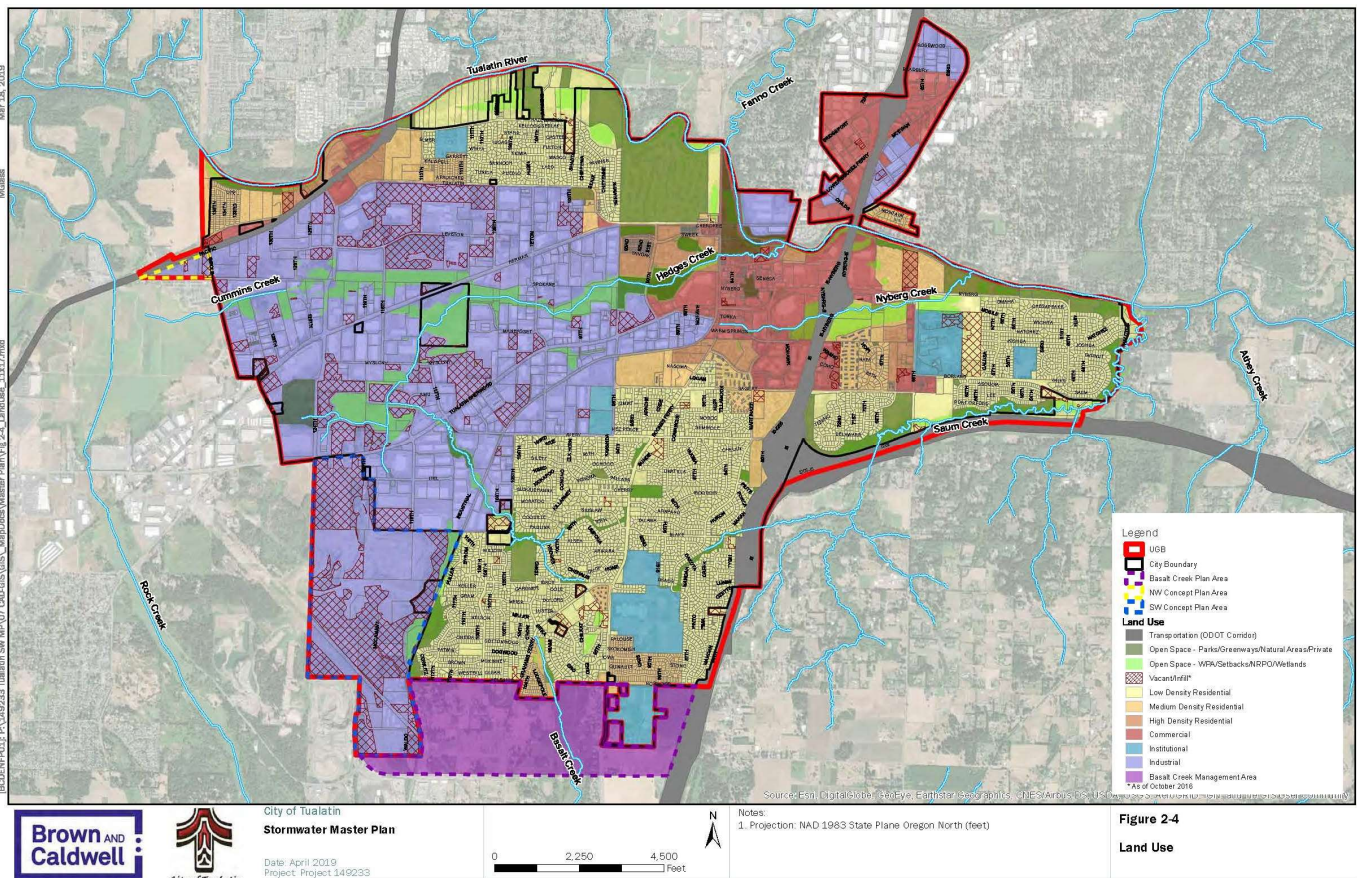
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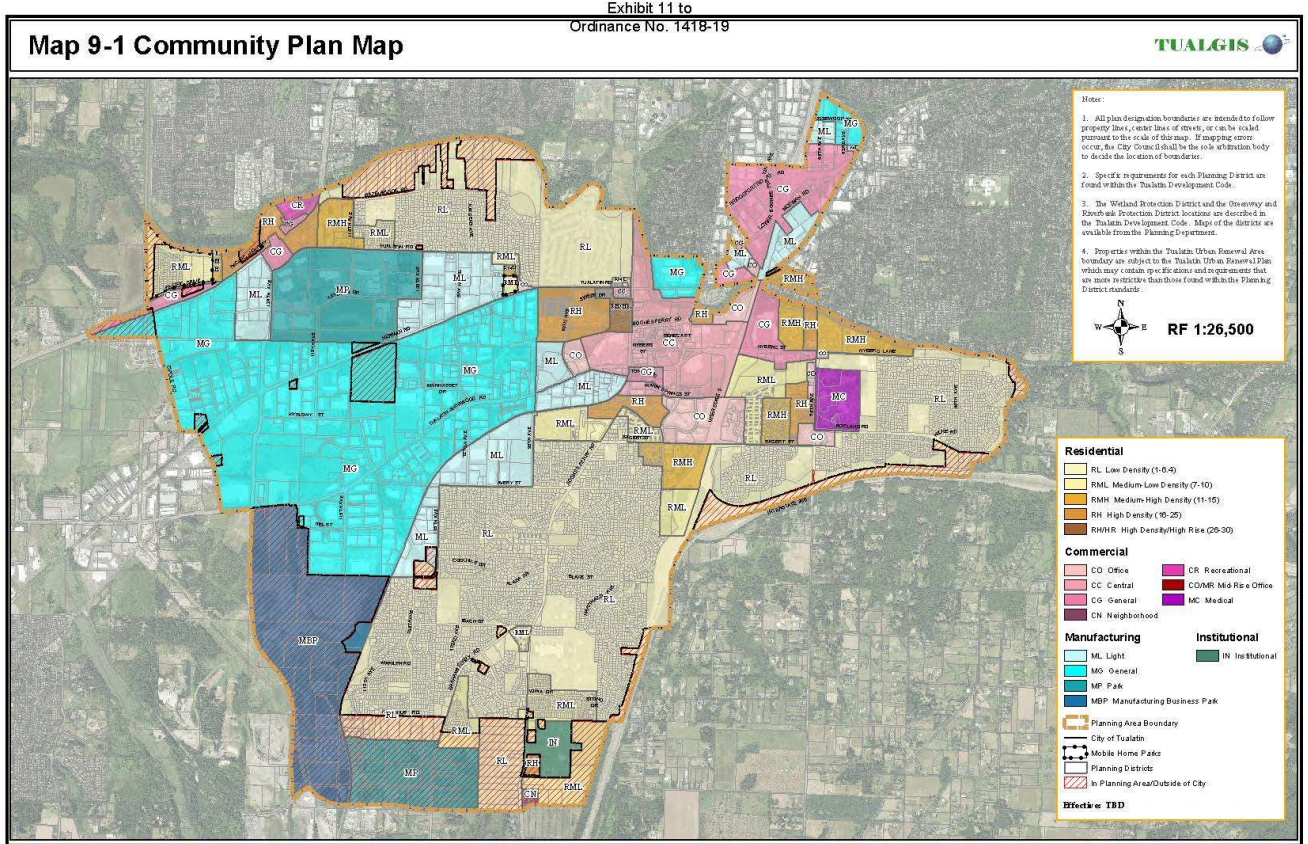
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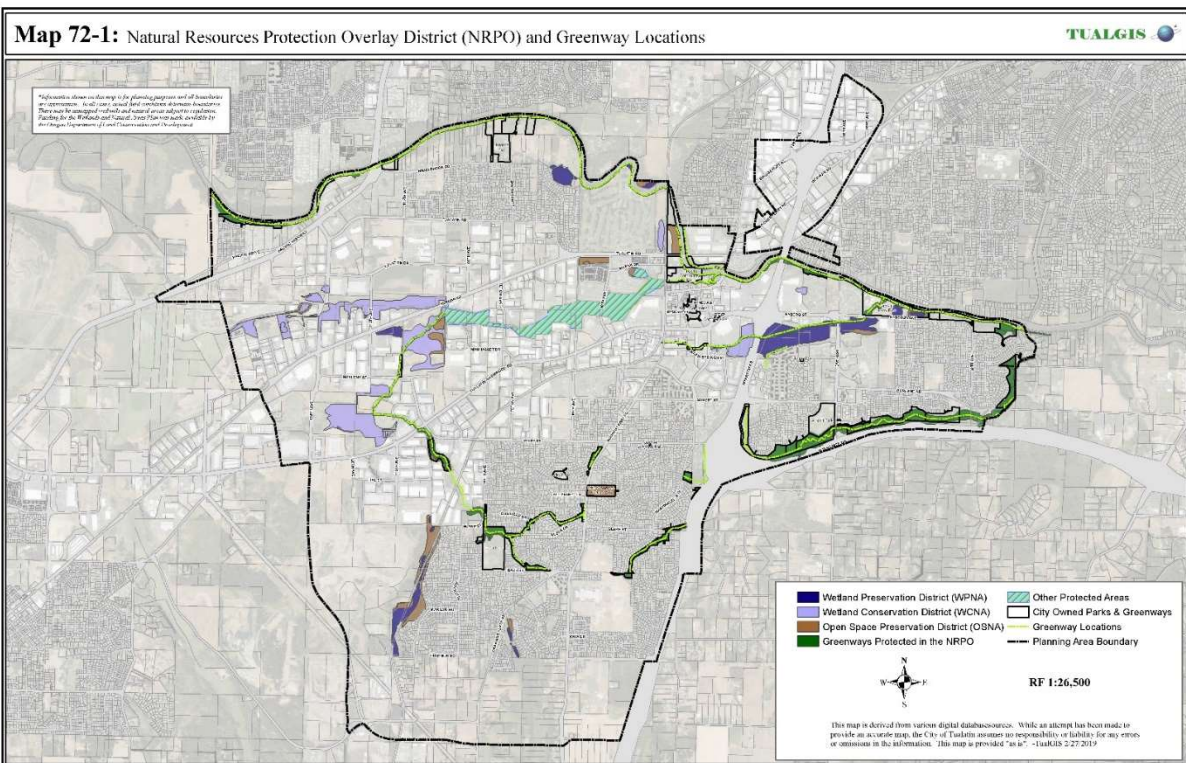
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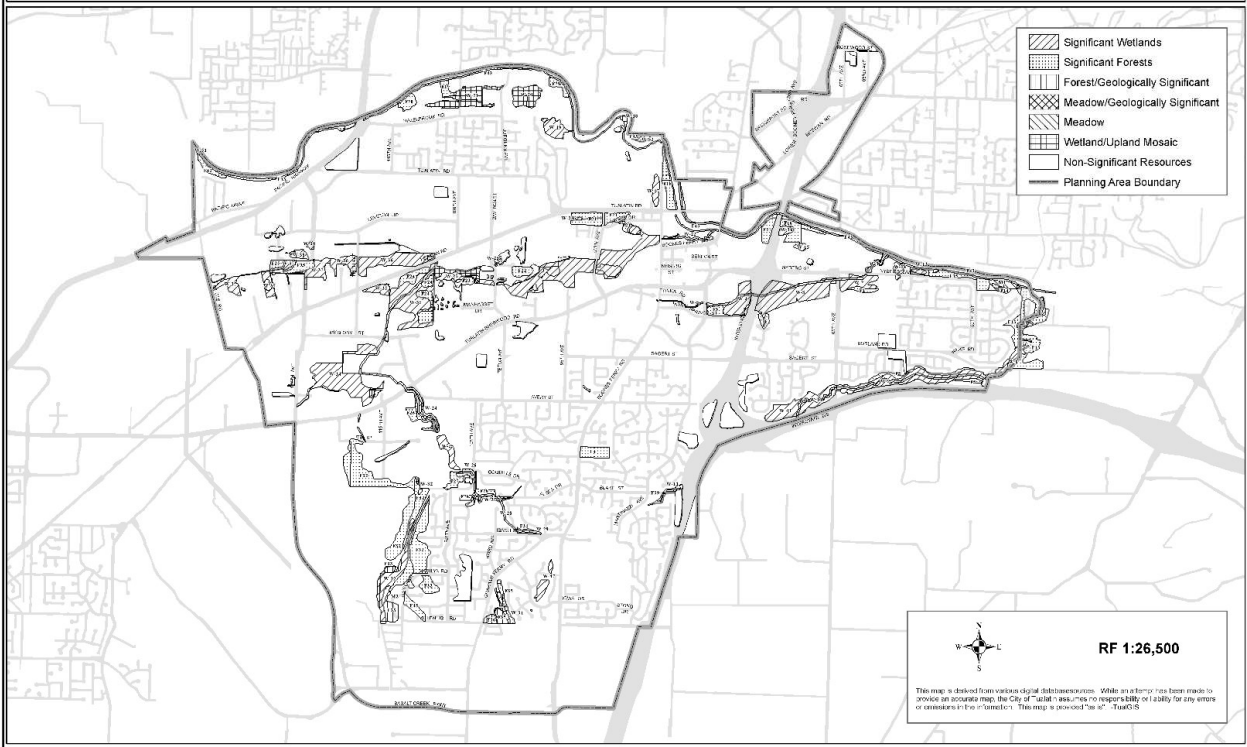
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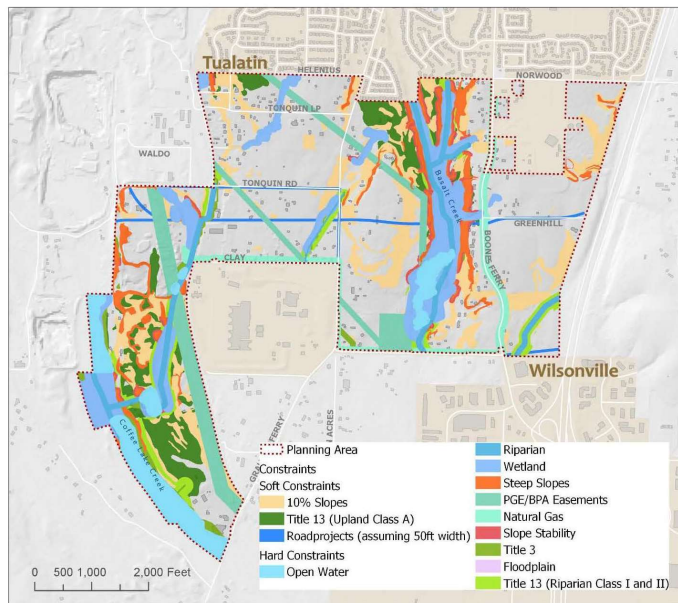
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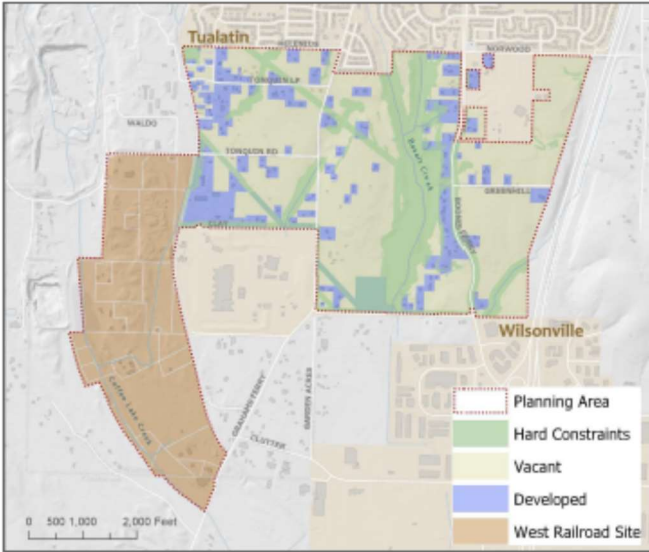
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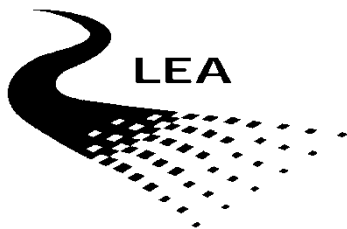
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LEA Comments
On the Draft Tualatin Stormwater Master Plan
(Dated April 2019)

Prepared for
John and Grace Lucini
23677 SW Boones Ferry Road
Tualatin, Oregon
97140

Prepared by
Dave LaLiberte
Principal Engineer
Liberte Environmental Associates, Inc.
Wilsonville, Oregon



December 14, 2020

Draft Comments on the Tualatin Stormwater Master Plan (Draft, April 2019)

Due December 15, 2020, by Dave LaLiberte, P.E., Liberte Environmental Associates (LEA)

Summary Comments

These comments are based on the Draft Tualatin Stormwater Master Plan (SWMP) dated April 2019. Comments highlight issues in the Plan concerning Southwest Boones Ferry Road (BFR) south of Norwood Road, referred to as “BFR south”.

Significant problems in the Plan for the BFR south area are: lack of identified stormwater facilities¹ omission of hydrologic and hydraulic modeling analysis², potential for mis-application of design alternatives³, absence of stormwater problem acknowledgement and evaluation⁴, no assessment of stormflows on steep slopes⁵, effect of stormflows on the Basalt Creek Concept Plan are neglected⁶, no existing and future development stormwater flows are compared⁷, protection of natural resources is unclear⁸, no designation of Capital Improvement Projects (CIPs⁹) in the BFR south area, and other Plan related problems.

Supplement documents collected by Liberte Environmental Associates (LEA) for these comments are identified as:

Supplement A - LEA Request for Tualatin SWMP Appendices

Supplement B - *Effects of SW Boones Ferry Road Construction (2013-2015): Stormflow Analysis for the Lucini Property* (LEA, November 2016).

This report is included in two parts: Supplement B Part 1 (Report) and Part 2 (Appendices) under separate cover because of their size.

Supplement C –David M. LaLiberte, P.E., Cumuli Vitae (CV)

David M. LaLiberte, P.E., Civil and Environmental Engineer licensed in the State of Oregon, has compiled these comments under contract with John and Grace Lucini (see Comment LEA2 below). Dave has over 30 years of experience in stormwater, water quality and design solution analysis. His education and experience are attached as Supplement C – Cumuli Vitae (CV).

¹ See Specific Comment LEA6.

² See Specific Comment LEA5.

³ See Specific Comment LEA9.

⁴ See Specific Comments LEA9, 11 and 14 as they pertain to the SWMP Table 3-1 and Figure 7-1.

⁵ See Specific Comments LEA5, 7 and 8.

⁶ See Specific Comments LEA6, 7, 8, 12 and 15.

⁷ See Specific Comment LEA5.

⁸ See Specific Comment LEA6.

⁹ See Specific Comment LEA4, 9, 10 and 11.

Specific Comments

Comment LEA1. Many of the questions raised in these Tualatin SWMP comments focus on the area along BFR south. The BFR south area is shown within the city limits in all of the corresponding master plan figures. That is: Figures ES-1, 2-2 through 2-6 and 7-1.

Comment LEA2. Many of these comments refer to *Effects of SW Boones Ferry Road Construction (2013-2015): Stormflow Analysis for the Lucini Property* (LEA, November 2016), contracted by John and Grace Lucini, 23677 SW Boones Ferry Road, Washington County, Oregon, Tualatin, Oregon, 97140. This report is referred to as the “Stormflow Analysis” and is attached to these comments as Supplement B Part 1 (Report) and Part 2 (Appendices).

Comment LEA3. The Tualatin SWMP Appendices were obtained (Dec 10, 2020) from the City of Tualatin as part of this comment period ending December 15, 2020. A description of the SWMP Appendix request is contained in LEA Supplement A.

Comment LEA4. Some of the comments reference procedures in other areas of Tualatin. For example, Project Opportunity Area 6 – Alesia, aka Capital Improvement Project #17 (CIP17), calls for infiltration/retention that could be erroneously applied to the BFR south area. These procedures will potentially be applied to the hydrologic and hydraulic modeling in BFR south, and possibly any resulting CIP and stormwater design considerations.

Comment LEA5. The Tualatin SWMP does not include any hydrologic or hydraulic (H/H) modeling for stormwater flows in BFR south. The SWMP must include H/H modeling of the BFR south and affected areas such as the Basalt Creek corridor. Stormwater piping, channels, inlets, outfalls and other stormwater related facilities exist in BFR south (see LEA Supplement B Part 2: Appendices B through E) but are undocumented and un-analyzed in the SWMP. A perusal of the Tualatin SWMP Appendices A through C demonstrates that engineering data and analyses have all been omitted for the BFR south area. The SWMP must include stormwater facilities in Figure 2-6 – Stormwater System Overview for the BFR south and affected areas such as the Basalt Creek corridor. Comparison existing and developed future stormwater flow conditions are not performed. Evaluation of stormflows on hazardous steep slopes is omitted. Assessment of downstream conveyances below Tualatin outfalls is not conducted for the BFR south impacted areas.

Comment LEA6. The Tualatin SWMP does not include any wetlands in BFR south although they do exist. The SWMP Figure 2-5 - Stream Ownership omits the majority of stormwater impacted wetlands in Tualatin. Metro’s Title 13 – Nature in Neighborhoods is intended to protect natural resources in urban areas but none of these opportunities are identified in the Plan for BFR south. The SWMP calls for protecting natural resources in subsections 1.1 Stormwater Master Plan Objectives and 2.2 Future Planning Areas. None of these opportunities are evaluated in the Plan for BFR south especially for the Basalt Creek Concept Plan area.

Comment LEA7. SWMP Figure 2-3 - Topography and Soils map contains too many TEXT overlays in the vicinity of Boones Ferry Road South of Norwood Road and the Lucini Property.

The sensitive steep slope topography in this vicinity can't be read. The "Boones Ferry" and "Basalt Creek" labels need to be moved from this visually important area of this map.

Comment LEA8. SWMP Table 2-1 (Page 2-3) in combination with Figure 2-3 - Topography and Soils suggests that infiltration is not a likely future runoff design solution in the BFR south. This is particularly important since this area is perched above steep slopes draining to Basalt Creek. This area is also above drinking water wells in the area including the Lucini property.

Comment LEA9. When the SWMP Appendix A - CIP Fact Sheets documentation is accessed for the Siuslaw Water Quality Retrofit, which includes the Alsea Road area (CIP17), there is no mention of infiltration in the design. But Table 3-1, Opportunity Area 6, aka CIP17, plainly refers to infiltration. The potential application of infiltration at the CIP17 site is of concern because it is inappropriate based on poorly draining soils (see next comment). As it relates to the BFR south area, applying the same inappropriate infiltration design approach will potentially cause significant problems (see next comment).

Comment LEA10. The BFR south area needs to exclude infiltration facilities as an alternative to reducing surface flow. Figure 7-1 (Page 3-2) does not show any CIP in the vicinity of BFR south although potential problems exist (see LEA Supplement B Part 2: Appendix A.2).

Comment LEA11. SWMP Figure 7-1 does show the location of CIP17, which is additionally described in Table 3-1 - City of Tualatin Stormwater Project Opportunities Number 6 as Alsea/BF Rd and 99th/Siuslaw Greenway. This CIP17 would drain to Hedges Creek and is comprised of "C" type soils as identified by Hydrologic Soil Group (see Section 2.4 -Soils, Table 3-1 and Figure 2-3). "C" type soils poorly drain and do not support functional infiltration facilities. The concern is that the "C" type soils above the Lucini property may be subjected to the same contradictory conclusion as the CIP17 site. This problem of misapplying design solutions may also exist for other conditions because BFR south has not been evaluated by Tualatin for hydrology and hydraulics as well as CIP.

Comment LEA12. SWMP Figure 2-6 - Stormwater System Overview omits the stormwater inlets, piping and other stormwater facilities in and around BFR south. The Stormwater Outfalls to the Basalt Creek Management Area and Greenhill Lane are not indicated (see LEA Supplement B Part 2: Appendix A.2). Downstream channels below the outfalls are not shown.

Comment LEA13. The SWMP Section 9 has incomplete References to Clean Water Services (CWS). The CWS document date and title are not current. For consistence in citing standards, the CWS reference must read "Design and Construction Standards" dated December 2019.

Comment LEA14. Nowhere in the Tualatin SWMP is a Stormwater Field Monitoring or Sampling program identified or proposed. This is despite the fact that Table 3-1 indicates numerous flooding and water quality problems resulting from stormwater flows. Table ES-1 – Capital Project Summary is being proposed without monitoring and sampling program basis.

Comment LEA15. There is no assessment of peak and average stormflows on the steep slopes, which constitute the west flank of the BFR south area. These Tualatin stormflows discharge to the Basalt Creek Concept Plan area and their existence is not established in the SWMP. Stormflows on these steep slopes have excessive peak and average flow velocities, which cause erosion (see Supplement B Part 1 Analysis Report Section 4. Stormflow Hydraulics and Part 2 Appendices A2 and I).

Comment LEA16. The Tualatin SWMP makes no provisions for temporary stormwater storage and discharge facilities when phasing-in large developments such as the Root property in BFR south. The concern is that arbitrary storage and discharge locations could occur in the interim, before the final stormwater facility is operable. It needs to be specified in the Tualatin SWMP that new construction developments must use stormwater facilities and outfalls consistent only with its final specifications and drawings.

Supplements

Supplements Contents

Supplement A

LEA Request for Tualatin SWMP Appendices

Supplement B: Part 1 - LEA Analysis Report

Under separate cover because of its size.

Effects of SW Boones Ferry Road Construction (2013-2015):

Stormflow Analysis for the Lucini Property (LEA, November 2016)

Supplement B: Part 2 -Report Appendices

Appendices - *Effects of SW BFR Construction (2013-2015):*

Stormflow Analysis for the Lucini Property (LEA, November 2016)

Supplement C

CV for David M. LaLiberte, P.E.

Supplement A

LEA Request for Tualatin SWMP Appendices

Subject:
Re: Review of Draft Tualatin SWMP by LEA
From:
Dave LaLiberte <dave@ee83.com>
Date:
12/10/2020 10:33 AM
To:
Hayden Ausland <hausland@tualatin.gov>
CC:
"grluci@gmail.com" <grluci@gmail.com>

Thanks Hayden.

The files downloaded just fine.

Dave

On 12/10/2020 10:05 AM, Hayden Ausland wrote:

> Good morning Dave,
>
> Due to large files sizes, I've had to upload the appendices to an
online file sharing system. The appendices come in two separate files
and I'm hoping both hyperlinks below will work for you. Please let me
know if you have any issues or problems with accessing these files.
>
> - Appendices A-D: https://cityoftualatin-my.sharepoint.com/:b:/g/personal/hausland_tualatin_gov/EYCg3fA-dVpMrk_014xs9KwB0o-idAlEolMdnnKw6fufZw?e=u0CnNH
>
> - Appendices E-I: https://cityoftualatin-my.sharepoint.com/:b:/g/personal/hausland_tualatin_gov/ESQumWDMfCdGrAIq_nTWEgQBNGIFcmZuGrb670B-KzxMow?e=jwjpn9
>
> Regards,
>
> Hayden Ausland, EIT, CPSWQ
> Engineering Associate - Water Quality
> City of Tualatin
> P 503.691.3037 | C 971.978.8217
>
> -----Original Message-----
> From: Dave LaLiberte <dave@ee83.com>
> Sent: Thursday, December 10, 2020 8:55 AM
> To: Hayden Ausland <hausland@tualatin.gov>
> Subject: Review of Draft Tualatin SWMP by LEA
>
> Hi Hayden,
>
> I am an Engineer working with John and Grace Lucini reviewing the Draft
Tualatin Stormwater Master Plan (April 2019). I need to obtain the
Appendices that are referenced in the report but not included by the City
in the report. These are:
>

> Appendix A: CIP Fact Sheets
>
.....
.....
> A-1
> Appendix B: Data Compilation and Preliminary Stormwater Project
Development (TM1) ... B-1 Appendix C: Hydrology and Hydraulic Modeling
Methods and Results (TM2)
>C-1
> Appendix D: Nyberg Creek Flood Reduction Modeling (TM3)
..... D-1 Appendix E:
Capital Project Modeling
Results.....
.....
> E-1
> Appendix F: Stream Assessment (TM4)
>
.....
.....
> F-1
> Appendix G: CIP Detailed Cost Estimates
.....
.....
> G-1
> Appendix H: Staffing Analysis
>
.....
.....
> H-1
> Appendix I: Clean Water Services Review Comments
..... I-1
>
> Please let me know at your earliest convenience when I may receive
these documents for my review.
>
> Thanks,
> David (Dave) LaLiberte, P.E.
> LLiberte Environmental Associates, Inc. (LEA) Wilsonville, Oregon
> 503.582.1558
>

Supplement B: Part 1 – Analysis Report

Included under separate cover because of size.

*Effects of SW Boones Ferry Road Construction (2013-2015):
Stormflow Analysis for the Lucini Property (LEA, November 2016)*

Contracted by John and Grace Lucini, 23677 SW Boones Ferry Road,
Washington County, Oregon, Tualatin, Oregon, 97140.

This report is referred to as the “Stormflow Analysis” throughout these comments.

Supplement B: Part 2 – Rpt Appendices

Included under separate cover because of size.

*Appendices - Effects of SW Boones Ferry Road Construction (2013-2015):
Stormflow Analysis for the Lucini Property (LEA, November 2016)*

Supplement C

CV for David M. LaLiberte, P.E.

David M. LaLiberte, P.E.
Principal Engineer



Summary:

Mr. LaLiberte's qualifications comprise over 30 years of experience in surface water quality analysis and evaluation, hydrology and hydraulics, stormwater system analysis, biological criteria for water and sediments, environmental quality control, sewage and industrial pollution abatement, effluent treatment alternatives and design, discharge requirements for NPDES wastewater and stormwater permits, mixing zone assessment, water intake and thermal discharges and environmental design. He has managed and performed on many environmental project teams assisting state and federal agencies, as well as municipal and industrial facilities, and non-governmental organizations in Oregon, California, Washington, Alaska and throughout the USA.

Education: M.S., Civil Engineering, Portland State University, 1990
B.S., Civil Engineering, Portland State University, 1988

Registration: Professional Engineer, Oregon (Civil and Environmental)

Liberte Environmental Associates, Inc. Experience:

Water Quality Evaluation of the Stormwater Management Plan (SWMP) Proposed for The Dalles, Oregon Wal-Mart Super Center for Karl Anuta, Attorney representing the plaintiff Citizens for Responsible Development in The Dalles. The effect on receiving water quality from stormwater discharges from a large retail facility was assessed in a report submitted to the Circuit Court of the State of Oregon. The detailed Expert Report was developed identifying the discharge conditions, storm flows based on local precipitation, storm flow mapping and routes, potential treatment levels using mechanical filtration and swales and other WQ issues. Water quality effects on receiving wetlands and tributaries of the Columbia River were investigated because of increased solids, toxics and bacterial loadings to be released from the proposed facility. Expert Testimony was provided in court supporting the evaluation report. This project was conducted in 2012 and 2013.

NPDES Mixing Zone and Water Quality Evaluations for Trident Seafoods Corporation, Alaska – Effluent characterization, discharge system configuration, receiving waterbody consideration, biological criteria and mixing zone evaluations were performed. Acting as subconsultant for Steigers Corporation. Facility operations generating wastewater discharges include: stormwater runoff inflow, seafood-processing wastewater, non-contact cooling water, treated sanitary effluent and other sources of industrial effluents. The MZ evaluations conformed to NPDES permit requirements and mixing zone guidelines for Trident facilities in Alaska at Akutan and Sandpoint. This project was performed from 2010 through 2012.

NPDES Water Quality Technical Assistance and Alternative Design Evaluations for North Slope Borough, Alaska – Evaluation of US Environmental Protection agency NPDES permit for discharges from oil and gas facilities including discharges from: stormwater system,

David M. LaLiberte (Continued)

drilling operations, cooling water intake and discharge, storage facilities, pipelines, gravel pits, treated sewage discharges, maintenance requirements, and other types of discharges. These discharges include stormwater affected deck drainage, cooling water intake and thermal discharges, treated sewage discharges and drill cuttings disposal to marine sediments. Water quality evaluation of the Camden Bay Exploration Plan for the Beaufort Sea of the Arctic Ocean was conducted for discharge impacts on the marine aquatic environment and relative to BOEMRE/MMS EIS. Analysis of the Chukchi Sea Exploration Plan of the Arctic Ocean was conducted for discharge impacts on the marine aquatic environment and relative to BOEMRE/MMS EIS. These evaluations were based on water quality and treatment alternatives assessment, and comparison to biological criteria. This project was conducted in 2010 through 2011.

Aurora STP NPDES Assessment for CRAG Law Center - Review of documents related to the design, operation and monitoring of the Aurora, Oregon Sewage Treatment Plant. Documents include: NPDES permit; stormwater inflow and infiltration, design related plans and specifications including recent headworks unit design; discharge monitoring reports, irrigation using effluent reuse, biosolids monitoring reports; effluent reuse plan and additional information relating to the design and operation of the Aurora STP. The review provided a basis for assessing potential causes of facility underperformance and discharge violations. An STP site visit was performed during this project to investigate facility aeration treatment, reuse equipment and capacities. This project was conducted from 2008 through 2010.

Review of the Medford STP Nutrient Related Discharges, for CRAG Law Center in Portland, Oregon. Evaluation of treatment facility and nutrient discharges from the Medford Sewage Treatment Plant (STP) into the Rogue River in Jackson County, Oregon. Existing discharges were evaluated for nutrient concentrations based on the discharger's CORMIX mixing zone analysis. Facility costs to upgrade for nutrient removal, including nitrogen and phosphorus, were developed. This project was performed in 2015 through 2017.

Evaluation of Sewage Treatment Plant Discharges to the Illinois River, Oregon, for the City of Cave Junction. Mixing zone analysis using EPA CORMIX was performed to determine the effects of temperature and other discharge parameters on river quality. Hydraulic analysis of river flow conditions was conducted to support the MZ analysis particularly for critical summertime conditions. This project was performed in 2013 through 2014.

Draper Valley Farms, Inc. Chicken Processing Industrial Discharge to Municipal Sewage System, for Smith and Lowney, PLLC representing the plaintiff Waste Action Project Citizens Suit. The effects on sewage treatment processes were evaluated relative to high biochemical oxygen demand (BOD) from Draper Valley Farms (DVF). A key focus of this analysis was the operational consequences of excess BOD on treatment in the aeration basins of the Mt. Vernon, WA municipal facility. The pass-through impact on the Skagit River was assessed for increased BOD from the industrial discharge. This project was conducted in 2014 and 2015.

Coal Discharge Investigation for the Columbia River and Selected Tributaries, for the Sierra Club supported by the Columbia Riverkeepers. Prospective coal samples were collected from sediments along 18 miles of the Columbia River located at the confluences of selected tributaries from Rock Creek (RM 150.0) to the White Salmon River (RM 168.3). Sampling locations corresponded to Burlington Northern Santa Fe (BNSF) railroad crossings at or near

David M. LaLiberte (Continued)

tributaries. The distribution of coal discharges into the Columbia River were mapped. Samples were analyzed by a third-party laboratory. Sample parameters were: moisture content, fixed carbon, volatile matter, ash and total sulfur. This was based on ASTM Proximate Analysis plus sulfur. Coal identification, to determine potential sources of coal, was completed for this investigation with the support of supplemental analysis advised by the laboratory. Supplemental analysis included ASTM D-388 requirements for heating value, sulfur in ash, free swelling index (carbonization physical characteristic) and classification of coal by rank. A deposition was provided in 2016 to defend the results of coal report. This project was performed in 2012 through 2013 and 2016.

*Oregon Department of Environmental Quality - WQ Technical Assistance: Industrial discharge effluent evaluation of the Port of St. Helens, Oregon ethanol and power generating plants. Outfall mixing zone analysis with design assessment was developed. Provided water quality evaluation and environmental engineering assistance to the Oregon DEQ. Work included receiving WQ analysis, operations review, thermal discharge evaluation, biological criteria comparison and mixing zone analysis. NPDES requirements were based on EPA *Quality Criteria for Water*, EPA *Technical Support Document for Water-based Toxics Control (TSD)* and State Administrative Rules. The mixing zone models CORMIX and PLUMES were evaluated relative to the cases at hand. Potential discharge chlorine residual and temperature requirements were evaluated. The effect of potential temperature Total Maximum Daily Loads (TMDLs) in the Columbia River was also evaluated. This project was performed in 2003 through 2004.*

Wauna Pulp and Paper Mill Outfall 003 and Columbia River Field Survey Locations and Sampling Results for Columbia Riverkeeper including sampling. In coordination with staff and volunteers, water samples were collected in the vicinity of the paper mill outfall for laboratory analysis. The physical outfall mixing zone was mapped using in-situ Hydrolab water quality measurements taken with depth for temperature, dissolved oxygen, pH, conductivity and turbidity. Laboratory samples were analyzed for potentially toxic concentrations of dioxins, total residual chlorine (TRC) and metals including aluminum, arsenic, copper, iron, lead, mercury and zinc. Additional information sources were investigated using the Oregon DEQ permit file and including the mill's NPDES permit and the mutual agreement and order (MAO) compliance schedule. This project was conducted in 2004.

Review of Draft and Final NPDES General Permit Cook Inlet, Alaska Oil and Gas Operators for Cook Inletkeeper - Evaluation of the draft National Pollutant Discharge Elimination System (NPDES) permit proposed by the U.S. Environmental Protection Agency (EPA) authorizing wastewater discharges from oil and gas exploration, development, and production facilities into Cook Inlet, Alaska. There are 18 existing facilities discharging into Cook Inlet with new facilities capable of being brought on line under the draft permit. Technical analysis of these discharges, which can contain toxic and bioaccumulating contaminants, was performed relative to the potential to adversely affect Cook Inlet water quality and sediments. This project was conducted from 2007 through 2009.

Water Quality Evaluations and NPDES Permit Requirements for the four (4) WES publicly owned treatment works (POTW) discharges (2000-2004, 1999) performed for Water Environment Services, Clackamas County, Oregon. These included evaluation of discharge

David M. LaLiberte (Continued)

effects on the Willamette River (2 outfalls), Sandy River and a tributary of the Clackamas River. Field water quality sampling including detailed outfall mixing zone investigations. Water quality assessment was conducted relative to effluent temperature, disinfection and ammonia requirements to protect fish and aquatic organisms. Effluent mixing zone simulation and analysis was performed. Treatment alternatives analysis and costing were undertaken to ensure existing and future discharge conditions were protective of river WQ. River outfall piping alignment and diffuser design was provided including construction management of river installation.

Expert Analysis of Surimi and Seafood Industrial Wastewater Discharge into the Skipanon and Columbia Rivers, Oregon (2003-2006) was conducted for the National Environmental Law Center. Water quality analysis evaluating the effects of seafood and surimi wastewater discharges on the Skipanon and Columbia Rivers, Oregon. Field data collection was performed to support water quality technical analysis. Investigation included mixing zone analysis of historic seafood and surimi wastewater discharges into the Skipanon River, and new discharges to the Columbia River. Evaluations were performed for various discharge scenarios, monitoring and sampling requirements, potential treatment options, and alternative outfall pipeline alignments. Effluent and instream dissolved oxygen (DO), biochemical oxygen demand (BOD), ammonia, hydrogen sulfide, nutrients nitrogen and phosphorus, oil and grease, and total suspended solids (TSS) were evaluated in detail. Expert witness analysis and reporting was provided.

Westport Sewer Service District, Clatsop County, Oregon - MZ Evaluation with Alternative Disinfection (2003-2004). This project assessed water quality and mixing zone effects of disinfected treated wastewater discharged to Westport Slough, a segment of the Columbia River. Chlorine residual reduction or elimination was a key evaluation concern to satisfy Oregon DEQ requirements. Comparisons of alternative disinfection treatment scenarios and costs were performed that would allow the discharger to continue to meet WQ requirements. Ultraviolet disinfection, chlorination-dechlorination, and outfall diffuser feasibility were all investigated with comparison costs. In particular, the existing chlorination system was evaluated relative to how easily it could be retrofitted to function with dechlorination. The alternatives analysis aided the discharger in making a determination as to course of action.

Public Employees for Environmental Responsibility preparation of report *Effect On Puget Sound Chinook Salmon of NPDES Authorized Toxic Discharges as Permitted by Washington Department of Ecology* (2005-2006). Industrial, municipal, stormwater and general facility NPDES permits were reviewed and analyzed relative to the presence of toxic contaminants in Puget Sound. Toxic contaminants evaluated included metals, hydrocarbons, and chlorinated hydrocarbons.

Citizens for Responsibility v. Izaak Walton League, Circuit Court of the State of Oregon for Lane County, Expert Analysis for Plaintiff evaluating the effects of lead contamination from shooting range into South Fork Spencer Creek (2004-2005). Sediment sampling was conducted for metals including lead, arsenic, copper and polynuclear aromatic hydrocarbons (PAH). This information was evaluated for pollutant distribution and transport from the contaminated site and relative to upstream and downstream properties. Expert testimony was given at trial in 2004. Expert analysis and testimony was also provided in the subsequent equitable relief phase. Participation in the settlement conference was also provided.

David M. LaLiberte (Continued)

Canby Utility Board - Industrial Discharge from Water Treatment Plant Study and Predesign (1999-2000) addressing Molalla River water quality issues with Oregon DEQ including treatment alternatives: filter backwash sedimentation basin, disinfected effluent de-chlorination, river infiltration gallery design, intake piping system, and sediment and riparian effects mitigation.

Water Environment Services of Clackamas County Hoodland WWTP Outfall Project Descriptions and Costs (2000); FEMA engineering, budgeting and negotiations is intended to reimburse Clackamas County for flood damage to their wastewater treatment plant outfall on the Sandy River. Numerous regulatory issues affected costs including an ACE 404 permit for instream construction work, NMFS ESA Section 7 Consultation, and NEPA documentation including environmental and biological assessments.

City of Bremerton, CSO Projects --A comprehensive review of the City of Bremerton, Washington collection system model was performed (2000). Hydraulic modeling was used to update information for the main sewer lines, combined sewer overflows and discharge conditions. Selected CSO reduction alternatives were evaluated and implemented. The purpose of the CSO reduction alternatives was accomplished and potential early action projects were identified. These projects yielded substantial CSO reductions while being quickly implemented at reasonable cost. Revised CSO baselines were produced conforming to Washington Department of Ecology requirements for Bremerton's 17 CSO outfalls. Expert witness testimony supporting the findings of the CSO baselines was provided in a hearing at the Federal Court in Seattle.

Previous Experience (Montgomery Watson Americas)

In addition, I have performed as project manager and/or project engineer on the following undertakings:

- Project Manager/Engineer evaluating stormwater hydrologic, hydraulic and quality conditions in Balch Creek Basin for the City of Portland, Bureau of Environmental Services, Oregon. The Army Corps of Engineers (COE) hydrographic model, (HEC-1) and hydraulic model (HEC-2) were applied to establish design criteria for flood magnitude, stormwater detention, water quality facility hydraulics and fish passage culvert hydraulics.
- Project Engineer evaluating stormwater hydrologic, hydraulic and quality conditions in Clackamas County for the CCSD#1. The graphically enhanced model, XP-SWMM, was used to develop the hydrology and hydraulics for the Kellogg and Mt. Scott Creeks basins in CCSD#1.
- *City of Portland, Bureau of Environmental Services* included Water Quality Evaluations and Diffuser Designs (2000-2001, 1997,1994) for wet and dry weather flows with chlorine residual discharges, and wet weather stormwater runoff for suspended solids and metals with potentially affected agencies including US Corps of Engineers, Oregon Division of State Lands, NOAA Fisheries, Oregon Dept. of Fish and Wildlife and US Fish and Wildlife.

David M. LaLiberte (Continued)

- Project Manager/Engineer for the Kensington Mine in Alaska. PLUMES mixing zone modeling was used to evaluate the conditions affecting this industrial outfall. Sedimentation basin design for removal of mine tailings prior to discharge to Lynn Canal.
- City of Bremerton Corrosion and Fluoridation Facility detention facility design. An on-site detention facility was designed pursuant to Washington Department of Ecology's requirements as specified in the *Puget Sound Stormwater Management Manual*.
- Project Engineer for Water Environment Services of Clackamas County Kellogg Creek WWTP Odor Control Project. Participated as team engineer to design malodorous air collection system for headworks, primary clarifiers, secondary clarifiers, and dissolved air floatation thickening (DAFT) building. Malodorous air was passed through a biofilter for treatment.
- Project Engineer for Crescent City, California WWTP outfall mixing zone analysis. A major consideration of this project was developing alternative outfall pipeline alignments and an effective discharge location to optimize mixing.
- Project Manager/Engineer for the Hoodland WWTP Outfall project, which includes outfall diffuser design and construction (1998) in a sensitive Sandy River corridor.
- Project Task Manager—Jefferson County (Birmingham, Alabama) stream water quality analysis was performed relating to recommended NPDES permit limits for dry and wet weather conditions. Collection system analysis and treatment plant design constraints are also considerations in this potentially very large project.
- Project Engineer using Pizer's HYDRA, data compatible with the City of Portland, Oregon's XP-SWMM format, to evaluate gravity flow conditions in the proposed dual outfall system consisting of two connected parallel outfall systems over one mile each and including wet weather (CSO) hydraulic structures such as flow control structures, mix boxes and outfall diffusers.
- *City of Madison, Wisconsin* - stream water quality modeling analysis of POTW discharge relative to NPDES permitting requirements (1995-1996). A key objective of this study was restoration of base flows to the Sugar River Basin using high quality POTW effluent. An EPA QUAL2E model was developed for Badger Mill Creek and the Sugar River. Physical, chemical and biological simulation included temperature, algae, dissolved oxygen (DO), biochemical oxygen demand (BOD), total suspended solids (TSS) and ammonia. Particular attention was focused on the inter-relationships between temperature, climatological conditions, stream shading and channel conditions, DO, BOD and algal activity. Temperature and discharge point design alternatives were investigated using the model. It was demonstrated that, with minimal WWTP facility upgrading and cost, the City could beneficially discharge high quality effluent to surface streams. This assurance was primarily accomplished through detailed modeling analysis and model approach consensus building with regulators (WDNR). Some keys to the success of this project were in identifying important NPDES permitting issues, evaluating them with the model, recommending permit effluent limits and negotiating with regulators.

David M. LaLiberte (Continued)

- *Washington Beef, Incorporated* in Toppenish, Washington – Development of an NPDES permit under the direction of the EPA (1993-94). The project objective was development of receiving water based permit effluent limits for this food-products industry discharger using dissolved air floatation (DAF) treatment. Important project elements were: interfacing with regulatory (EPA Region 10 and Washington Ecology) and public agencies; evaluation of the effect of effluent parameters on receiving water using modeling analysis (EPA QUAL2E and EPA CORMIX); and providing long-term treatment system design recommendations. Fishery issues were of key concern for this project. Receiving water modeling was used to analyze the discharge effects of on stream dissolved oxygen and temperature on the aquatic environment. The inter-relationship between temperature, climatological conditions, stream shading and channel conditions, DO and algal activity were thoroughly investigated. Temperature and discharge design alternatives were evaluated using the water quality model.

Previous Experience (Other Firm)

- *Oregon Department of Environmental Quality and Oregon Department of State Land Conservation and Development* - Non-point Source Pollution Control Guidebook for Local Government (1994) evaluation of non-point runoff pollution and control measures including detention facilities, sedimentation basins, water quality ponds and marshes; City of Portland, Bureau of Environmental Services (1989-90) - evaluated effects of combined sewer overflows and stormwater discharges on the Columbia Slough of the Columbia River. Hydrologic and water quality modeling support was provided including sampling.
- Project Engineer for NPDES waste discharge permit review and support related to permit effluent limits for the City of Vancouver, Washington. Two tracer dye studies were performed at their two municipal WTP outfalls. The key project objective was to determine actual outfall dilution and provide a physical, receiving water basis for setting permit effluent limits. The mixing zone evaluations showed that actual dilution was greater than estimated by the regulatory agency (Washington Department of Ecology) and higher permit effluent limits were recommended.
- Project Task Manager and Engineer for a comprehensive hydraulic and water quality compliance evaluation and recommendations. The City of Portland's Columbia Boulevard WTP, the largest municipal discharger in Oregon (300 MGD), required assistance in meeting their water quality compliance needs. A highly detailed Columbia River tidal flow evaluation was performed in the outfall vicinity to serve as the basis for the mixing zone simulation and diffuser design. EPA CORMIX, and the EPA supported PLUME model family (including UDKHDEN), were used in the modeling analysis. A thorough investigation of water quality compliance options led to regulatory (ODEQ) approval of the multi-port diffuser design, the lowest cost compliance option.
- Project Engineer for Kehei, Hawaii Water Reuse Facility (1992). Participated as team engineer to design upgrades to the facility's aeration basin including aeration blower design and aeration basin air piping with small bubble diffusion.
- Project Engineer for the Columbia Slough flow augmentation project for the City of Portland Bureau of Environmental Services, Oregon. Dynamic water quality modeling (COE CE-QUAL-W2), water quality sampling, and hydrodynamic sampling were

David M. LaLiberte (Continued)

performed for this dynamic “freshwater” estuary. This project was driven by the City’s need to evaluate the impact of water quality limited conditions on the Columbia Slough and was coupled to the City’s EPA SWMM model. The objective was to propose best management practices (BMP) and evaluate design alternatives. The effect of temperature on the aquatic environment was examined in detail. The sophisticated two-dimensional (vertical and longitudinal) dynamic model evaluated temperature regimes and their effect on in-stream water quality. In-stream temperature design alternatives were investigated via simulation of climatological conditions, stream shading and channel conditions, algal processes and kinetics, and instream DO.

- Project Engineer conducting stormwater hydrologic and hydraulic simulation to evaluate flood effects for the City of Beaverton, Oregon. HEC-1 hydrographic modeling was conducted to generate peak flow values from surface runoff for existing and future conditions. HEC-1 model results for 2, 5, 10, 25, 50 and 100-year storm events were supplied to the HEC-2 model for detailed hydraulic analysis. The HEC-2 modeling was required as part of a cost assessment that included potential flood damage of key storms.
- Project Manager and Engineer for a mixing zone evaluation and diffuser design for the City of Albany, Oregon. An outfall pipeline and 40 MGD capacity multi-port diffuser was designed for this municipal discharger using EPA CORMIX. Simulation was performed to optimize the diffuser design. The DEQ approved design will meet water quality compliance needs for chlorine and ammonia.
- Project Engineer mixing zone modeling and design for the City of Gresham, Oregon. Alternative disinfection and multiport diffuser design were evaluated. Modeling (EPA CORMIX) was utilized to optimize multiport diffuser design for this WWTP outfall. Simulation offered the flexibility to test numerous design conditions.
- Project Manager and Engineer for a mixing zone evaluation and diffuser design for the Unified Sewerage Agency, Washington County, Oregon. Analysis of four municipal treatment facility outfalls was conducted according to DEQ NPDES requirements. Model simulation was performed to determine revised wet weather chlorine residual effluent limits. The models were calibrated to dye study results. Wet weather stream surveys were also performed at two sites, Hillsboro and Forest Grove. Alternative disinfection was evaluated and diffuser design recommendations were also made.
- Project Manager and Engineer for outfall mixing zone simulation and water quality compliance evaluation for the Oak Lodge Sanitary District, Oregon. As part of NPDES permit requirements, model simulation was performed to characterize the municipal discharge-mixing zone. Available dilution values and recommended permit effluent limits for chlorine, ammonia and metals were derived from the study.
- Project Manager for a mixing zone evaluation and diffuser recommendations for Electronic Controls Devices, Incorporated. A mixing zone field evaluation of this circuit board manufacturer's discharge was performed. Very low amounts of organics and metals from the facility discharge needed to be discharged to a small stream in a responsible manner. This study illustrated that the discharge was well within compliance requirements.

David M. LaLiberte (Continued)

Previous Experience (Portland State University Research Assistant)

City of Portland, Bureau of Environmental Services (1989-90) - evaluated effects of combined sewer overflows and stormwater discharges on the Columbia Slough of the Columbia River. Hydrologic and water quality modeling support was provided including field sampling.

- Project Engineer for evaluation of fish screen approach velocities and hydraulic design analysis for the Eugene Water and Electric Board, Leaburg, Oregon. The effects of downstream baffles on velocities through fish screens at the Leaburg Power Canal Facility were evaluated for fish passage.
- Project Engineer evaluating combined sewer overflows (CSO) and stormwater discharges on the Columbia Slough. Hydrologic and water quality modeling, using the City's EPA SWMM model data, of urban runoff from sub-basins discharging to the Columbia Slough was supplied as input to the Army Corps of Engineers in-stream surface water model, CE-QUAL-W2. This study was performed for the City of Portland, Bureau of Environmental Services in Oregon.
- Project Engineer for the South Slough National Estuarine Reserve Hydrodynamic and Water Quality Study, State of Oregon, Division of State Lands, Charleston, Oregon. Dynamic water quality modeling, water quality sampling, and hydrodynamic sampling were performed for this southern section of the Coos Bay estuary. Tracer (rhodamine) dye study results were used to calibrate the Army Corps of Engineers CE-QUAL-W2 model.
- Project Engineer for design of stream flow measurement structures on two tributaries of the South Slough National Estuarine Reserve (State of Oregon, Division of State Lands) in Charleston, Oregon. Analysis and design of stream flow measurement structures was required as part of a study assessing the hydrology and hydraulics of this pristine estuary.
- Project Engineer for a hydrologic, hydraulic and water quality assessment of Smith and Bybee Lakes in Portland, Oregon. Lake sampling and modeling was performed. The objective of the study was to evaluate the potential for water quality impairment due to the close proximity of St. John's municipal landfill and Columbia (North) Slough inflow. A hydraulic model of possible flow control structures was incorporated into the Army Corps of Engineers CE-QUAL-W2 hydrodynamic and water quality model. Recommended actions were advanced for improving lake water quality based on simulation scenarios. This study was conducted as part of a larger study for the Port of Portland, Metropolitan Service District, and City of Portland, Bureau of Environmental Services, Portland, OR.
- Project Manager and Engineer assessing the water quality impact of urban runoff from the Leadbetter storm outfall discharge to Bybee Lake. This study was conducted for the Port of Portland, Portland, Oregon.
- Project Engineer assisting in initial field work and model development for assessing impact of landfill leachate on surrounding surface waters. Conducted for the Metropolitan Service District (METRO) as part of the St. Johns Landfill closure.

David M. LaLiberte (Continued)

Publications and Presentations

Stream Temperature Trading, Presented at the Pacific Northwest Pollution Control Annual Conference, 2001, Bend, Oregon.

Winter Temperature Gradients in Circular Clarifiers (January 1999), *Water Environment Research*, **70**, 1274.

Wet Weather River Diffuser Port Velocities: The Energetic Debate, Presented at the Pacific Northwest Pollution Control Annual Conference 1998, Portland, Oregon.

Near Field Mixing and Regulatory Compliance Implications Presented at Portland State University, February, 1998.

Whither the Wet Weather Flow, Presented at the Pacific Northwest Pollution Control Annual Conference 1997, Seattle, Washington.

Supplement B: Part 1 – Analysis Report

Included under separate cover because of size.

*Effects of SW Boones Ferry Road Construction (2013-2015):
Stormflow Analysis for the Lucini Property (LEA, November 2016)*

Contracted by John and Grace Lucini, 23677 SW Boones Ferry Road,
Washington County, Oregon, Tualatin, Oregon, 97140.

This report is referred to as the “Stormflow Analysis” throughout these comments.

Effects of SW Boones Ferry Road Construction (2013-2015)
Stormflow Analysis for the Lucini Property
Washington County, Oregon

Prepared for
John and Grace Lucini
23677 SW Boones Ferry Road
Tualatin, Oregon
97140



Prepared by
Dave LaLiberte
Principal Engineer
Liberte Environmental Associates, Inc.
Wilsonville, Oregon



November 1, 2016

1. Summary

Beginning in about 2015, Washington County, Oregon re-routed and increased the portion of stormwater flows passing through its road culvert (Outfall #5). These increased stormflows are associated with the County's SW Boones Ferry Road (BFR) Improvement Project. A location map is presented in Figure 1 showing the Lucini property relative to the County's road project. The re-routed portion and increased stormwater ultimately discharge onto the Lucini property¹. Figures 2 and 3 show the stormwater conveyance through the steeply sloped Lucini property, which is composed of pipes and ditches. The photos in Appendix A document drainage condition problems on the Lucini property associated with the road project.

Increased portions of stormflows are now routed to the Lucini property but the County did not acknowledge this condition in its planning document, which is identified throughout this report as the *Drainage Report* (2013).² Figure 4 shows the erroneous subbasin boundaries used by the County in its Drainage Report. Figure 5 shows the necessary corrections to the faulty subbasin boundaries. These corrected subbasin boundaries demarcate a smaller actual subbasin acreage draining to the Lucini property, which results in lower stormflows than those projected by the County for ORIGINAL conditions prior to 2013. Appendix B provides the Drainage Report figures pertaining to overall subbasin boundaries for "Existing Conditions Hydrology", called throughout this report as the ORIGINAL conditions; and the "Proposed Conditions Hydrology", i.e., IMPLEMENTED conditions.

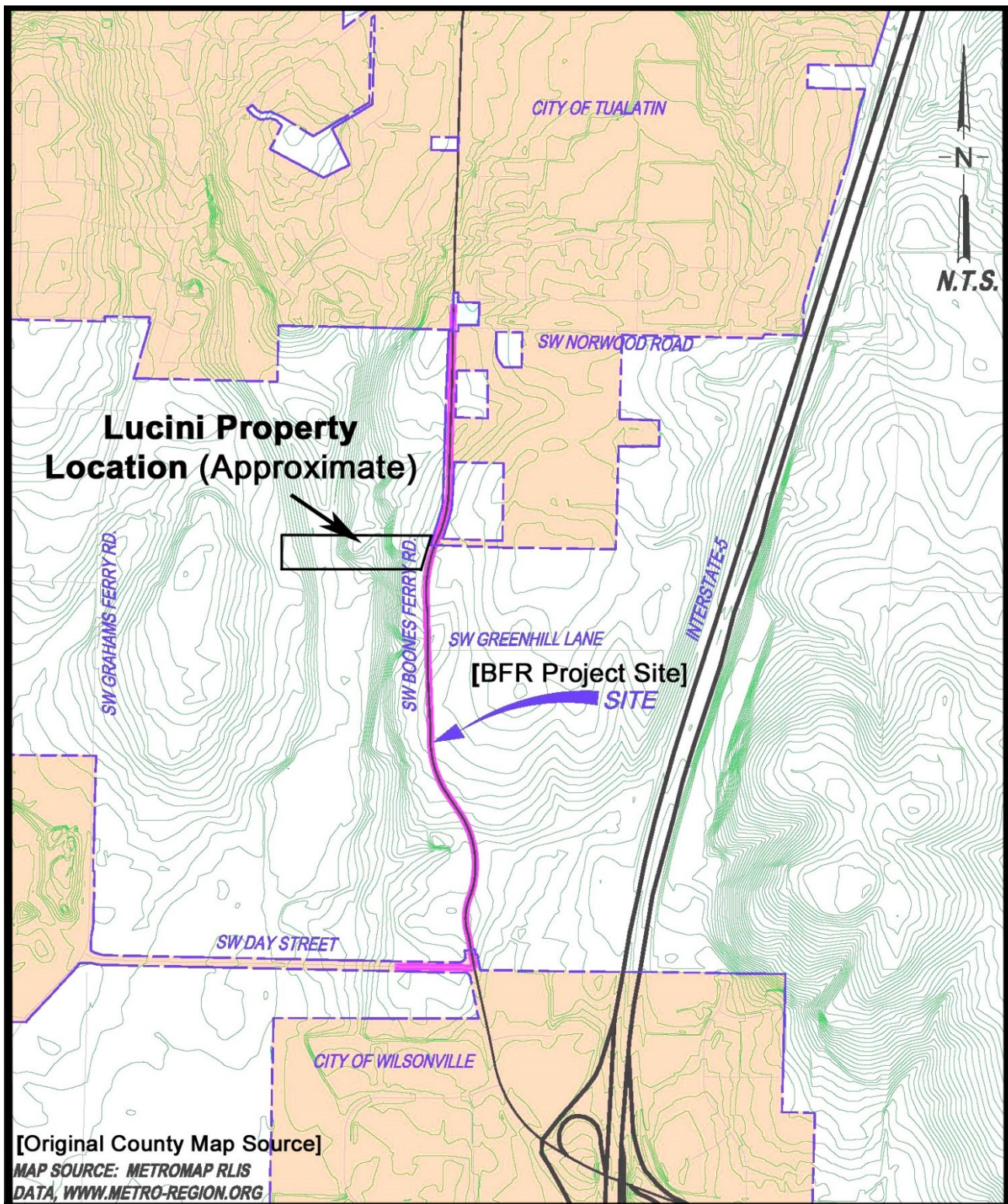
Photos and Drawings Documentation

The County claims in the Drainage Report that the ORIGINAL Boones Ferry Road above the Lucini property prior to 2013 was curbed and included storm sewers. However, the photos in Appendix A1 show that there are no curbs or storm sewer inlets. The County's mischaracterization of stormflow conditions, and depriving the public of accurate land contour information, allowed the County to shift a portion of flows from the adjacent and sensitive Greenhill Lane subbasin and into the subbasin above the Lucini property generating significant problems with erosion and flooding.

Appendix C contains the "Existing Conditions Plan" (June 2012) from the County's 70 percent drawings submittal related to the subbasin above the Lucini property. The drawings contain no elevation labeling nor do the unlabeled contour lines support the County's claim that the majority of stormflows in this area originally ended up passing onto the Lucini property.

¹ John and Grace Lucini property is located at: 23677 SW Boones Ferry Road, Tualatin, Oregon, 97140.

² Drainage Report (2013), Storm Drainage Report – SW Boones Ferry Road (SW Day Road to SW Norwood Road), by MacKay Sposito for Washington County, Capital Project Management (CPM), Final January 31, 2013.



Background Image from Washington County's Storm Drainage Report for SW Boones Ferry Road Appendix A2 - Site Map figure on PDF page 27 of 152 (January 31, 2013).

Figure 1. Location Map Showing Lucini Property Overlay and Proximity to the SW Boones Ferry Road Improvement Project

These problems were not corrected in the construction plans for the project related to the subbasin above the Lucini property as shown in the final as-built drawings (November 2014) available in Appendix D. The County's "Erosion and Sediment Control Plan" from the as-built drawings as it relates to the subbasin draining to the Lucini property are contained in Appendix E. These drawings show that the original contours allowed stormflow to enter the road right-of-way and then flow south into the adjacent Greenhill Lane subbasin, not the subbasin draining into the Lucini property.

The storm flow increases overwhelmed the existing downstream conveyance system causing substantial erosion and flood damage to the property in May 18, 2015. Photos of flood damage are presented in Appendix A2. Still more flood damage is threatened in future years as the County has not protected the Lucini property from increased flows in an area that is rapidly urbanizing. Appendix A3 contains photos of erosion damage on the Lucini property resulting from increased stormflows that erode soil, widen the conveyance ditch into the adjacent embankment and expose tree roots.

In its Drainage Report, the County has departed from its stated stormwater guidance identified in Clean Water Services (CWS).³ In particular, the County did not carry-out a Downstream System⁴ evaluation for the Lucini property as necessitated in its guidance. This evaluation process is used to determine the potential effects of increased storm flows on the property. The effects of ongoing and future development in the drainage above the Lucini property are neglected in the County's Drainage Report for the ORIGINAL (pre-2013) and IMPLEMENTED (2015) subbasin conditions.

The County disregarded increased stormflow effects, above the Lucini property, resulting from more intense ongoing and future urbanization in the subbasin. Near-term increases in land use intensity were also neglected as the Drainage Report did not acknowledge the County's own construction impact on the subbasin above the property. Increased stormflows, generated from the more intensely urban "Institutional" category associated with the City of Tualatin, are entirely overlooked by the County.

Purpose of this Stormflow Analysis

This Stormflow Analysis report is performed in lieu of Washington County carrying-out an accurate assessment of ORIGINAL (prior to 2013) and IMPLEMENTED (2015) drainage conditions upstream and through the Lucini property.

The U.S. Army Corps of Engineers (Corps) model, HEC-HMS⁵, is used in this analysis to evaluate rainfall hydrology. Model inputs include precipitation time distributions and amounts, drainage area sizes, land use and soil conditions, runoff time-of concentration,

³ CWS (2007), *Design and Construction Standards for Sanitary Sewer and Surface Water Management*, for Clean Water Services (CWS), Hillsboro, Oregon, June 2007.

⁴ Ibid, see Chapter 2, Page 12 under the 2.04.2 subsection heading "3. Review of Downstream System", i.e., this is subsection 2.04.2.3.

⁵ HEC refers to the U.S. Army Corps of Engineers Hydrologic Engineering Center; and the HMS refers to the Hydrologic Model System.

stormwater routing and other parameters are considered for evaluating storm flows onto and through the Lucini property.

The hydrologic analysis performed in this report was first adjusted to the Washington County hydrologic results presented in its Drainage Report for the corresponding Soil Conservation Service (SCS) Type IA 25-year design storm. Then the corrected subbasin areas and land use conditions were supplied to the HEC-HMS hydrologic model so that realistic storm flow conditions could be simulated.

The County's Drainage Report did not perform a hydraulic analysis to assess the effects of stormflows above and through the Lucini property. The Corps hydraulic model, HEC-RAS⁶, is used in this analysis to overcome the lack of hydraulic information. Peak flows from 25-year rainfall runoff, generated by the hydrologic model HEC-HMS, are supplied as inputs to the HEC-RAS hydraulic model. HEC-RAS is run in steady state mode, i.e., peak stormflows are held constant for each run. This process allows for the consideration of the impact of stormflows on piping, ditches and other features of the drainage system. Specifically, the hydraulic effects resulting from stormflows passing through the drainage system subbasins, stormflow routing, ditches, culverts (piping), land use conditions, ditch and piping materials, and other parameters can be assessed.

Hydrologic Modeling Results

The hydrologic simulation inputs and stormflow results generated by HEC-HMS for the subbasin above the Lucini property are contained in Appendix H.

The hydrologic modeling considered a number of probable realistic cases unexamined in the Drainage Report for the 25-year design storm. The ORIGINAL subbasin configuration as depicted in Figure 4, which is corrected as shown in Figure 5. The hydrologic model was then run with the more accurate drainage area as the ORIGINAL subbasin configuration. This comparison demonstrates that the realistic (actual) peak flow value of 0.89 cubic-feet-second (cfs) discharging to the Lucini property is 31.5 percent less (see the Figure 6 column chart) than peak flow of 1.17 cfs claimed in the County's Drainage Report. This is critically important because the County is inflating the ORIGINAL stormflows and makes it seem like the ORIGINAL condition had higher flows. This is an adverse condition for the Lucini's because the Drainage Report analysis later claims to reduce the ORIGINAL stormflow amount that it previously inflated as part of the IMPLEMENTED project.

Stormflow values are graphically compared in the Figure 6 through Figure 8 column charts. Figures 9 and 10 show the subbasin boundaries for IMPLEMENTED conditions, which permanently re-rout stormflows from a portion of the Greenhill Lane subbasin ultimately onto the Lucini property

Still greater stormflow inaccuracies are introduced by the County because it did not consider fundamental increases in impervious land areas resulting from ongoing and future land use. This is a basic necessity identified in the CWS (2007) guidance, which

⁶ HEC-RAS refers to the River Analysis System hydraulic model developed by the Corps.

the County is claiming it is relying upon. It can be seen that ongoing land use and future full build-out development conditions result in much larger stormflows being discharged to the Lucini property.

Ongoing land use considerations include road construction activities and large facility support conditions necessitated by the Horizon Community Church. These land use conditions can be seen in the aerial view presented in Figures 13 and 14. Appendix F also displays additional land use characteristics in the subbasin above the Lucini property. Road construction activities result in soil compaction from heavy equipment movement and parking as well as materials staging and other provisions necessitated by road construction. Figures 13 and 14 also show the sprawling Horizon Community Church complex that relies in part on the subbasin draining to the Lucini property. The church facilities include a driveway, service roads, vehicle parking, facility support buildings and other impervious features affecting runoff.

When realistic ongoing land use is considered, stormflows discharged to the Lucini property are projected to inflate to 92.1 percent of the ORIGINAL conditions (see middle column in Figure 7). When stormflows from ongoing land use are compared to IMPLEMENTED conditions, the Lucini property is projected to receive 204.7 percent of the realistic (actual) original stormflows based on implemented conditions (see middle column in Figure 8).

The majority of the subbasin above the Lucini property is slated for intense future development allowed within the 20-year future development (FD20) planning. The County disregarded this condition in its Drainage Report and is subjecting the Lucini property to significant burdens from future erosion and flooding. When realistic future full build-out development is considered, stormflows discharged to the Lucini property are projected to inflate to 220.2 percent of the ORIGINAL conditions (see right column in Figure 7). When stormflows from full build-out conditions are compared to IMPLEMENTED conditions, the Lucini property is projected to receive 414.1 percent of the realistic (actual) original stormflows based on implemented conditions (see right column in Figure 8).

Hydraulic Modeling Results

The hydraulic modeling presented in this analysis evaluates the ORIGINAL and IMPLEMENTED piping and ditches on the Lucini property (see Figures 2 and 3) as well as the County's system above the Lucini property (see Figures 11 and 12).

Figure 11 shows the hydraulic conditions for connecting piping and the original road culvert locations for the ORIGINAL configuration. Figure 12 illustrates the IMPLEMENTED hydraulic conditions consisting of connecting piping and the new culvert comprising the County's Outfall #5. Figure 12 also shows the juxtaposition of the old and new Boones Ferry Road that hydraulically affects flows to the Lucini property.

The hydraulic simulation inputs and results, including stormflow water surface profiles and velocities, generated by HEC-RAS are available in Appendix I. The hydraulic

modeling assessing pipe and ditch flow conditions shows that excessive stormflow velocities are created on the steep slopes of the Lucini property. The estimated land profiles of the storm water conveyance is illustrated in Figure 15 and Appendix I).

Stormflow velocities shown in Figure 16, for a range of land use conditions and the ORIGINAL subbasin configuration, demonstrate many instances where values exceed velocities that cause erosion on the Lucini property. These velocities exceed 4.0 feet-per-second (fps) and cannot be maintained. This deleterious situation requires measures to reduce peak flows coming through the County's culvert (Outfall #5) and onto the Lucini property. The physical conditions of excessive and increased streamflow on steep slopes existing on the Lucini property, and compared to the ORIGINAL conditions, were not evaluated by the County in its Drainage Report.

Stormflow velocities shown in Figure 17, for a range of land use conditions and the IMPLEMENTED subbasin configuration, demonstrate that values exceed velocities that cause erosion on the Lucini property for the ongoing land use and full build-out development conditions. These velocities exceed 4.0 feet-per-second (fps) and cannot be maintained. This harmful condition requires methods to reduce peak flows, including sediment and debris transport, passing through the County's culvert and onto the Lucini property. The physical conditions of excessive and increased streamflow on steep slopes existing on the Lucini property, and compared to IMPLEMENTED conditions, were not evaluated by the County in its Drainage Report.

Planning Level Costs

Three levels of estimated capital costs are related to remedying problems on the Lucini property resulting from the County's SW Boones Ferry Road widening project:

- 1) Immediate Shorter Term Remedy using Orifice Plate (\$4,500 to \$6,500 installed)
- 2) Ongoing Flow and Water Quality Control Facilities (\$12,157 to \$17,560 installed)
- 3) Longer Term Detention/Retention Facilities (to several hundred thousand dollars)

These capital costs include equipment, materials, labor, and construction contractor overhead and profit. Design, engineering and construction management costs are separately considered. An estimate of 20 percent of the final construction capital cost for this relatively small scale project is considered. For the high range estimates above, the design cost estimates are \$1,300 for number 1 and \$3,572 for number 2.

Notes:

- [1] Background aerial image source from 2012-04-02 Map Boones Fry Rd FINAL_EXHIBIT_AERIAL WA County.pdf. Five (5)-foot contours overlaid from 2013 Boones Ferry Road Wetlands and Contours from Metro Data Resource Center.
- [2] Original Culvert, approximately 40-foot long, 12-inch Concrete (CCP) discharging to the Lucini property. Overlaid from County Existing Conditions Plan drawing 2C-7 (June 2012, 70 percent drawings).
- [3] Original Connecting Piping, about 42-foot long, 15-inch corrugated metal pipe (CMP). Overlay from County Existing Conditions Plan drawings 2C-7 and 2C-8 (June 2012, 70 percent drawings).

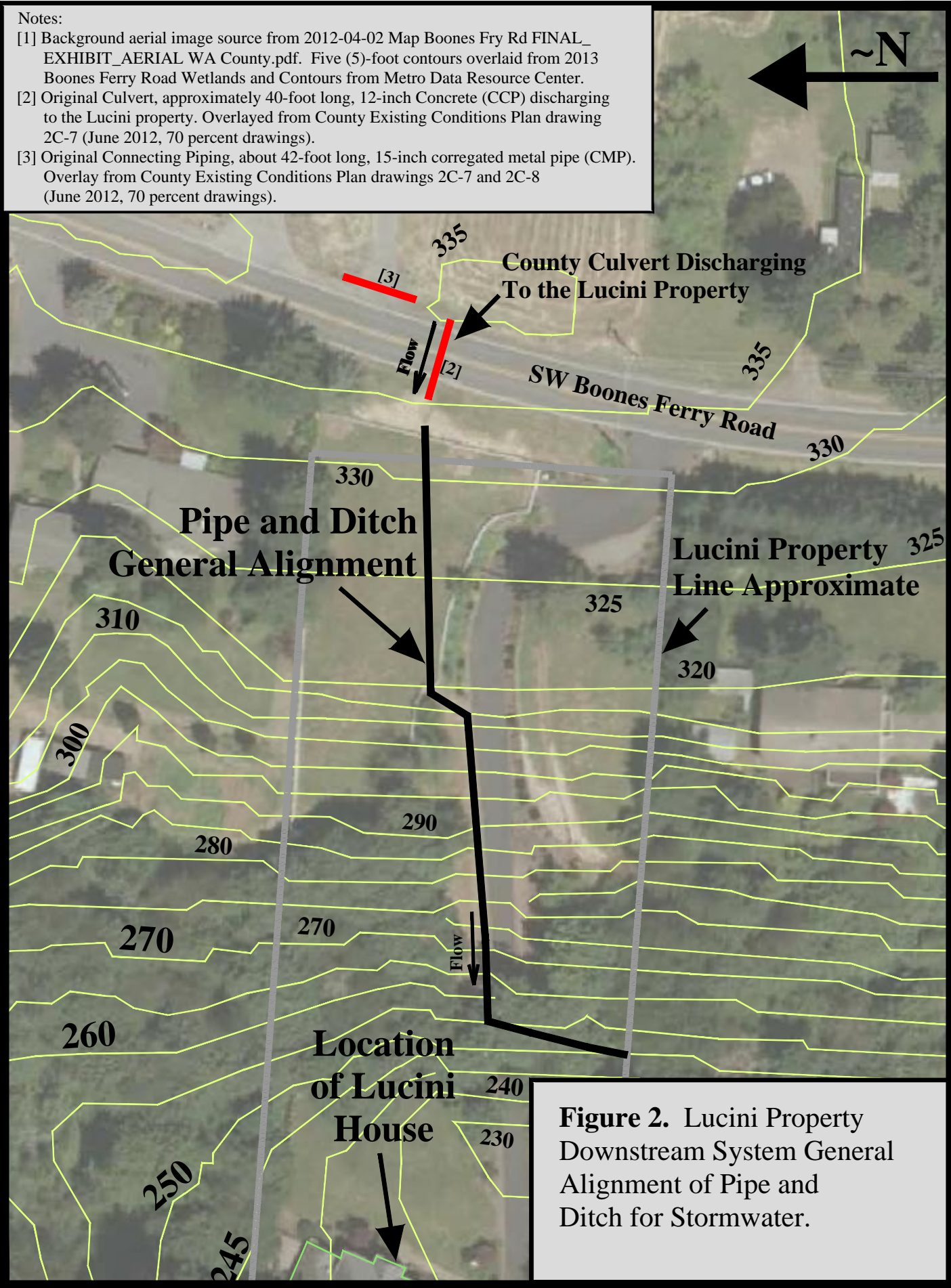


Figure 2. Lucini Property Downstream System General Alignment of Pipe and Ditch for Stormwater.

Notes:

- [1] Background aerial image source from 2012-04-02 Map Boones Fry Rd FINAL_EXHIBIT_AERIAL WA County.pdf. Five (5)-foot contours overlaid from 2013 Boones Ferry Road Wetlands and Contours from Metro Data Resource Center.
- [2] Original Culvert, approximately 40-foot long, 12-inch Concrete (CCP) discharging to the Lucini property. Overlaid from County Existing Conditions Plan drawing 2C-7 (June 2012, 70 percent drawings).
- [3] Original Connecting Piping, about 42-foot long, 15-inch corrugated metal pipe (CMP). Overlaid from County Existing Conditions Plan drawings 2C-7 and 2C-8 (June 2012, 70 percent drawings).

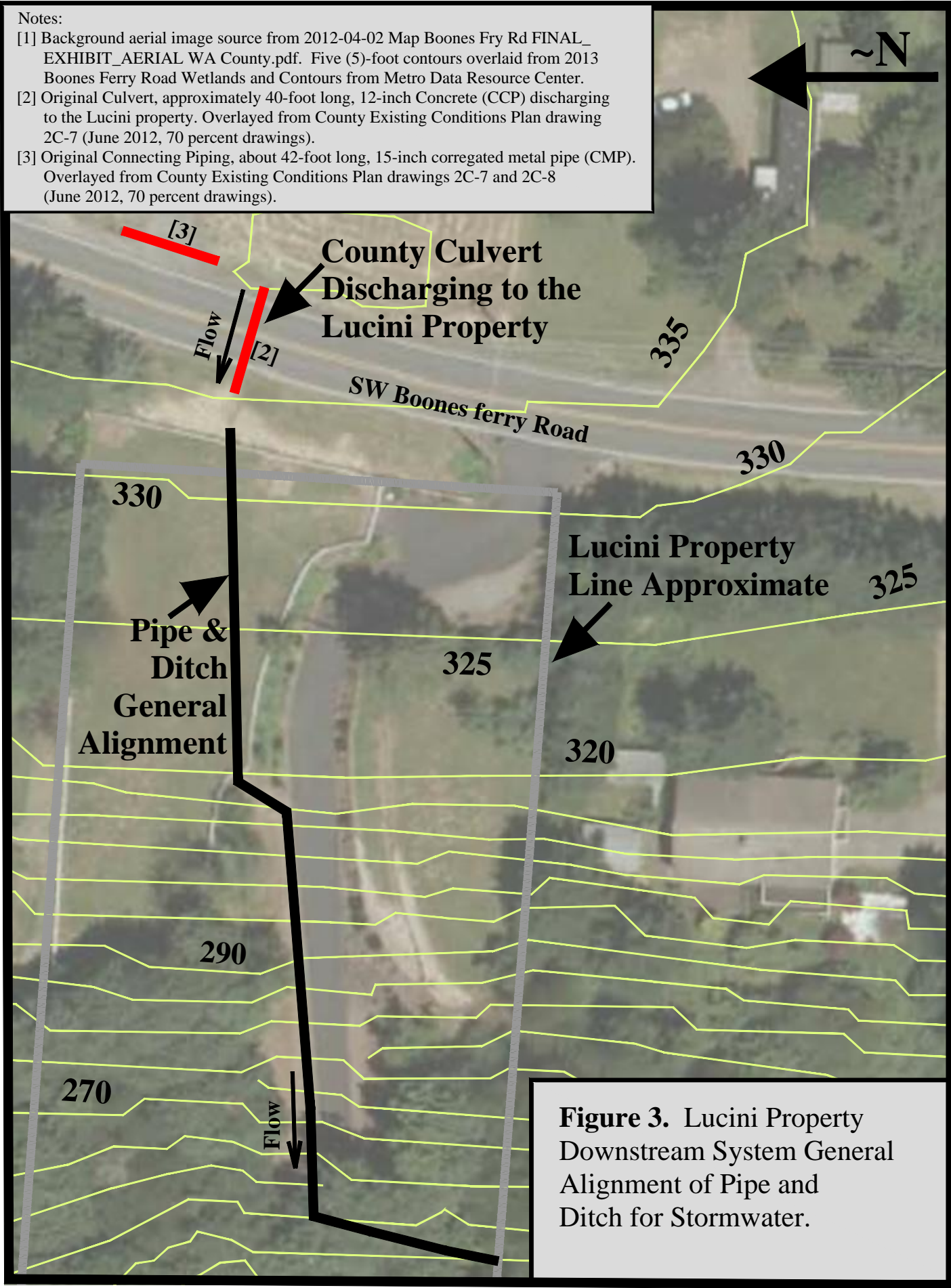


Figure 3. Lucini Property Downstream System General Alignment of Pipe and Ditch for Stormwater.

2. Background

This investigation begins with the ORIGINAL subbasin (Figures 4 and 5) stormflow conditions affecting the Lucini property and resulting from the SW Boones Ferry Road improvements project (approximately years 2013-2015). Unlike the County's Drainage Report (2013) that only considered very limited runoff hydrology, this study includes comprehensive stormflow hydrology and hydraulics comprised of the pipes and ditches upstream of, and on, the Lucini property.

Hydrology and Hydraulics

The hydrologic analysis performed in this report employs the U.S. Army Corps of Engineers (Corps) model called HEC-HMS.⁷ The LEA model analysis was adjusted to the Washington County results for the initial corresponding design storm. The same Soil Conservation Service (SCS) design storm event⁸ was used for both the Washington County and the LEA hydrologic analysis presented in this report.

The Washington County storm flow results affecting the Lucini property are compared in Tables 2 and 3, and are based on the SCS 25-year design storm event for ORIGINAL and IMPLEMENTED stormflow conditions, respectively.

For Original conditions, the County stated a peak storm flow of 1.17 cubic-feet-per-second (cfs) for the design storm event. The LEA hydrologic model analysis employing HEC-HMS produced the same storm flow results as the County. This LEA-County results calibration used the same model inputs as the County⁹, for the supposed ORIGINAL drainage area, runoff curve numbers, and other corresponding parameters.

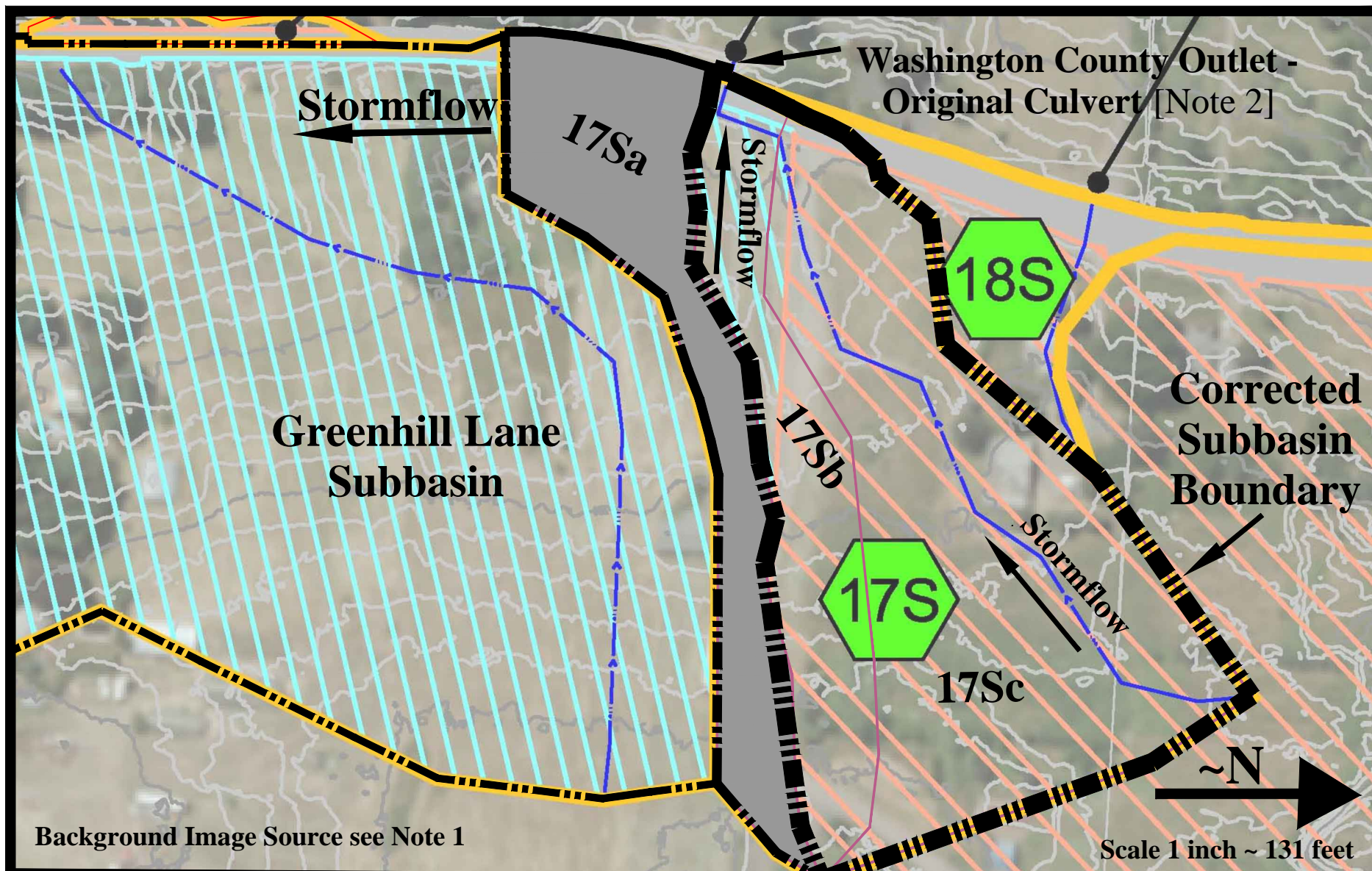
For IMPLEMENTED conditions, the County projected a peak storm flow of 0.85 cfs for the design storm event. The LEA hydrologic model analysis, employing HEC-HMS, produced the same storm flow results as the County. This LEA-County results calibration used the same inputs for the Implemented drainage area, runoff curve numbers, and other corresponding parameters.

Photos of the Lucini Property taken during the May 18, 2015 storm event are shown in Appendix A2. These photos demonstrate the excessive flow velocities generated at the site for storms even less than the 25-year event.

⁷ HEC refers to the U.S. Army Corps of Engineers Hydrologic Engineering Center. HMS refers to the Hydrologic Model System.

⁸ The design storm is defined herein as the 24-hour, 25-year Type IA developed by the Soil Conservation Service (SCS). This the same design storm event as used by Washington County in its Drainage Report.

⁹ The County employed the commercially available HydroCAD software program to carry out the hydrologic calculations using the SCS design storm method.



Background Image Source see Note 1

Notes:

- [1] Background image source from Washington County *Storm Drainage Report* (January 2013), Existing Conditions Hydrolgy Map on PDF Page 35 of 152.
- [2] Original Culvert, approximately 40-foot long, 12-inch Concrete (CCP) discharging to the Lucini property. Overlaid from County Existing Conditions Plan drawing 2C-7 (June 2012, 70 percent drawings).
- [3] Original Connecting Piping, about 42-foot long, 15-inch corrugated metal pipe (CMP). Overlaid from County Existing Conditions Plan drawings 2C-7 and 2C-8 (June 2012, 70 percent drawings).

Figure 5. Original County Subbasins - Erroneous Boundaries for Drainage above the Lucini Property. (Close-in View)

The County's Drainage Report (2013) indicates it is relying upon CWS 2007 for storm flow evaluation methodology, which requires a "Review of Downstream System"¹⁰, especially when flow increases are likely under present and future conditions. No Downstream System review exists in the Drainage Report for the storm water culvert flow draining to the Lucini property.

Despite supposed lower stormflows based on erroneous sub-basin delineation and land use conditions being reported in the Drainage Report¹¹, the storm inlet capacity for the culvert has been substantially increased. Stormflows are now conveyed to the storm inlets, and hence onto the property, much more rapidly than prior to the Boones Ferry Road widening project. This problem will worsen in the future because the Drainage Report and construction design did not take into account the future effects of full build-out conditions.

Flooding problems at the Lucini property are additionally aggravated because existing and future development conditions were disregarded in the Drainage Report. As CWS 2007 standards require:¹²

5.05 Storm Conveyance Design Considerations

5.05.1 Design for Full Build Out

Storm drainage facilities shall be designed and constructed to accommodate all future full build-out flows generated from upstream property.

The Drainage Report did not evaluate the full build out stormflow conditions that will affect the property. Increased discharges from future development, routed through the County's road culvert, will result in worse flooding than presently exists.

¹⁰ CWS 2007, see Chapter 2, Page 12 under the 2.04.2 subsection heading "3. Review of Downstream System", i.e., this is subsection 2.04.2.3.

¹¹ See Drainage Report on Page 11, Table under heading 5.5 - Hydrologic Analysis Results. Specifically, see the table results for Discharge Location 15L that indicates a reduction in stormflows.

¹² CWS 2007, Chapter 5, Page7, see 1st paragraph in section 5.05.

3. Drainage Boundaries and Hydrologic Modeling

An evaluation of the stormflow drainage above the Lucini property establishes that the County's delineation of subbasin boundaries is crucially inaccurate. As broken down numerically in Table 1 for ORIGINAL conditions, the south section area of the County's Subbasin 17S is erroneously depicted as draining to the Lucini property. The south section is labeled Subbasin 17Sa in Table 1 below.

The faulty subbasin delineations in the County's Drainage Report (2013) are illustrated in Figures 4 and 5. The ORIGINAL drawings in the County's report were digitized by LEA into the computer aided design software, AutoCAD. This allowed for the making of the scale model to evaluate the subbasins affecting the Lucini property. Conversion of subbasin area into HEC-HMS compatible units in square-miles (mi²) was also performed. The County's errors in its stated original runoff areas, draining to the Lucini property, overestimate the original stormflows that the property can convey.

Table 1. Land Area Inputs for Subbasins above the Lucini Property
For ORIGINAL and IMPLEMENTED Subbasin Boundaries

		Original Drainage Areas			
	Washington County Subbasin ID	Scale Model AutoCAD in ²	HEC-HMS Input mi ²	Subbasin Size ft ²	Subbasin Size acres
Corrected South Section	17Sa	9117253	0.002267	63314	1.45
Corrected North Section	17Sb+c	27264059	0.006781	189334	4.35
Original County Total	17S	36381312	0.009048	252648	5.8
Corrected South Section	17Sa	9117253	0.002267	63314	1.45
Central-Section	17Sb	7464200	0.001856	51835	1.19
North-Section	17Sc	19799859	0.004924	137499	3.16
Original County Total (OK, check on total above)	17S	36381312	0.009048	252648	5.8
		Implemented Drainage Areas			
	Washington County Subbasin ID	Scale Model AutoCAD in ²	HEC-HMS Input mi ²	Subbasin Size ft ²	Subbasin Size acres
South-Section	59Sa	7999004	0.001989	55549	1.28
North-Section	59Sb	23991460	0.005967	166607	3.82
Implemented County Total	59S	31990464	0.007956	222156	5.1

This resulted in erroneously concluding that the Boones Ferry Road right-of-way to the south of the original culvert¹³ flowed into the Lucini property. The actual Original subbasin excluded all of the rainfall runoff from the southern strip of the County’s wrongly depicted subbasin. This condition is illustrated in Figure 5, which more accurately shows the ORIGINAL stormflow from the southern strip as being routed to the Greenhill Lane subbasin.¹⁴

Original and Implemented Stormflows

Table 2 compares realistic ORIGINAL stormflows, as determined in this analysis, to the County’s erroneous stormflows based on faulty subbasin drainage boundaries. For Original peak storm flows, it is estimated that the increased drainage area depicted in the County’s Drainage Report results in a storm flow increase of about 31.5 percent that is discharged to the Lucini property. The hydrologic model inputs and results for HEC-HMS realistic Original conditions are contained in Appendix H.

**Table 2. ORIGINAL Peak Stormflows
County Values Compared to HEC-HMS**

Percent Increases for Projected County versus Actual Drainage Area Conditions

	Washington County Flows Based on Boones Fy. Road Drainage Analysis (cfs)	HEC-HMS Flows Based on Actual BFR Drainage Areas (cfs)	Increase of Storm Flows to Lucini Property (Percent)
Original Washington County - Pre-construction (prior to 2013)	1.17	0.89	31.5% ¹⁵
Original Wash. CO Land Area - Ongoing Land Use (LU)	<i>County did Not Consider</i>	1.71	92.1%
Original Wash. CO Land Area - Projected Full Build-out (BO)	<i>County did Not Consider</i>	2.85	220.2%

The County’s Drainage Report did not consider on-going land use changes other than the existing farming and single dwelling 2-acre lots. When actual ongoing urbanization and more intense land use are considered, the increased stormflows to the Lucini property are projected to increase by about 92.1 percent.

¹³ This is the original 12-inch diameter concrete cylinder pipe (CCP) culvert, which is about 40-foot long, and identified as the County’s Outfall #5.

¹⁴ This is identified in the County’s Drainage Report (2013) as Subbasin “17s”. See the background image of Figure 4, which uses HexBox labels to identify subbasins.

¹⁵ The calculation is: $[(0.1.17 - 0.89) / 0.89]$ equals 0.315 or 31.5 percent.

Figure 6. Actual Original versus County Stated Peak Stormflow Conditions

Comparison based on Actual ORIGINAL Hydrologic Conditions - Prior to 2013

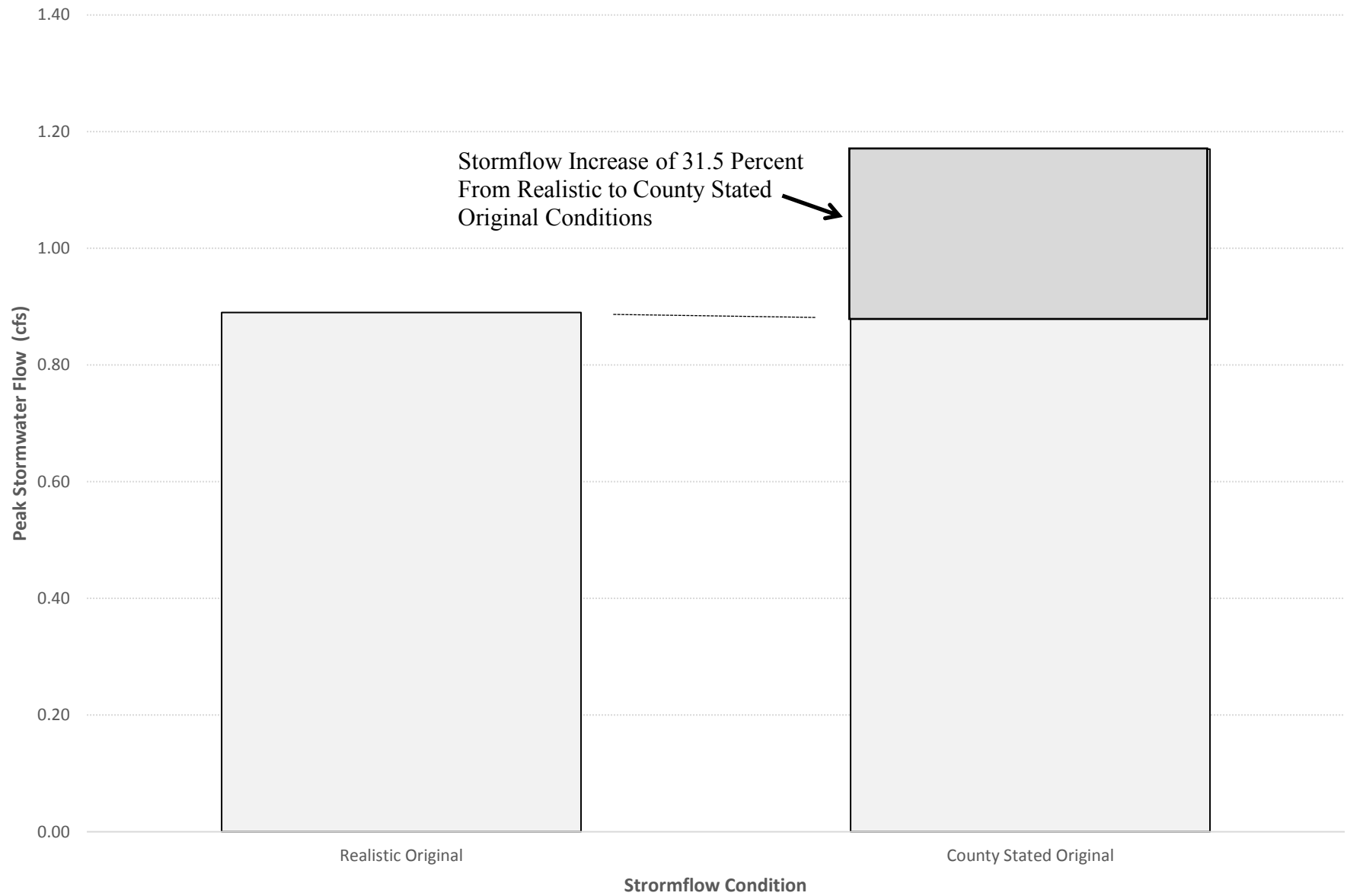
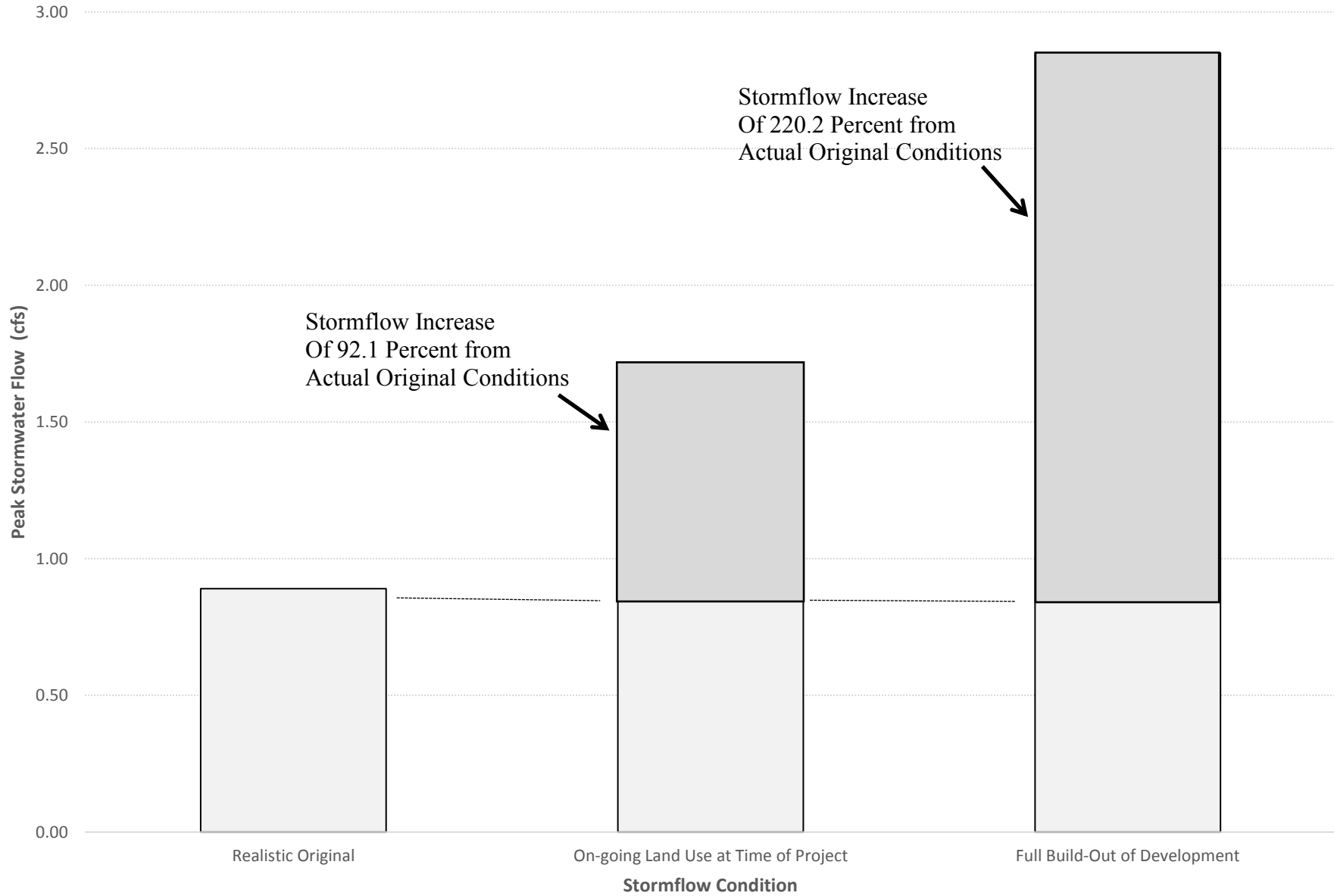


Figure 7. Increased Stormwater Peak Flows to the Lucini Property due to Ongoing Urban Land Use
Comparison based on Actual ORIGINAL Hydrologic Conditions - Prior to 2013



The County did not consider future full build-out construction conditions slated for the drainage above the Lucini property. When this necessary evaluation based on the CWS guidance is considered, the County will be increasing storm flows to the Lucini property by about 220.2 percent.

Table 3 compares IMPLEMENTED stormflows, as determined in this analysis, to the County’s stormflows based on faulty subbasin drainage boundaries (see Figures 9 and 10). For the Implemented condition under previous land use, the LEA analysis and the County’s analysis of peak flows are equal and no increase in flows is reported.

**Table 3. IMPLEMENTED Peak Stormflows
County Values Compared to HEC-HMS**

Percent Increases of Projected versus Actual Conditions

	Peak Storm Flow from HEC-HMS		
	Washington County Flows Based on Boones Fy. Road Drainage Analysis (cfs)	HEC-HMS Flows Based on Actual BFR Drainage Areas (cfs)	Increase of Storm Flows to Lucini Property (Percent)
Implemented Washington County - Post-construction (after about early 2015)	<i>County did not Consider</i> ^{16, 17}	0.64	32.8% ¹⁸
Implemented Wash. CO Land Area - Ongoing Land Use (LU)	<i>County did Not Consider</i>	1.95	204.7%
Implemented Wash. CO Land Area - Projected Full Build-out (BO)	<i>County did Not Consider</i>	3.29	414.1%

The County’s Drainage Report did not consider on-going land use changes. Only farming was evaluated. For Implemented peak storm flows, when on-going urbanization and more intense land use are considered, the increased storm flows to the Lucini property increase by about 204.7 percent.

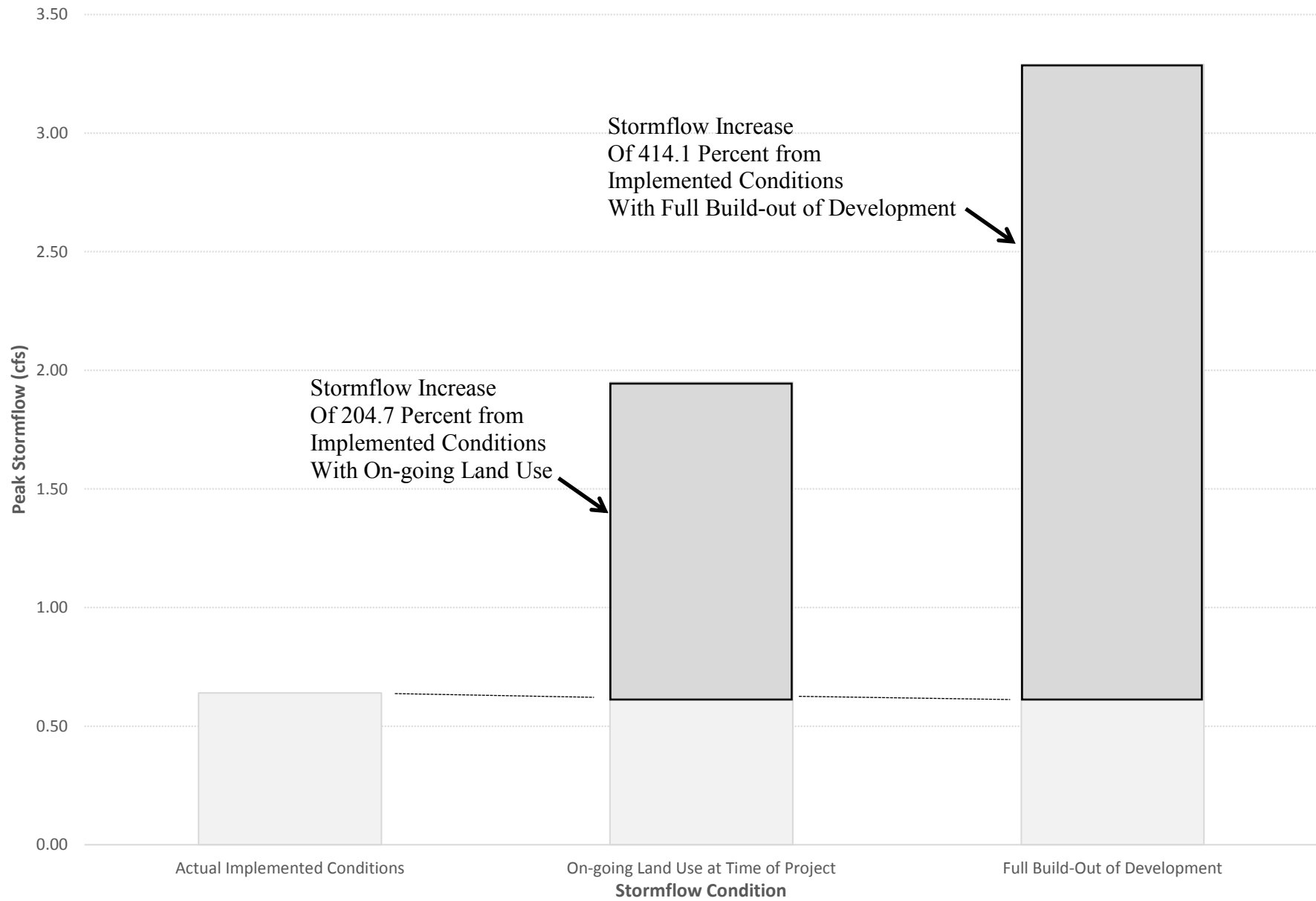
The County did not consider future full build-out conditions construction scheduled for the drainage above the Lucini property. When this necessary evaluation based on the CWS guidance is considered, the County will be increasing storm flows to the Lucini property by about 414.1 percent.

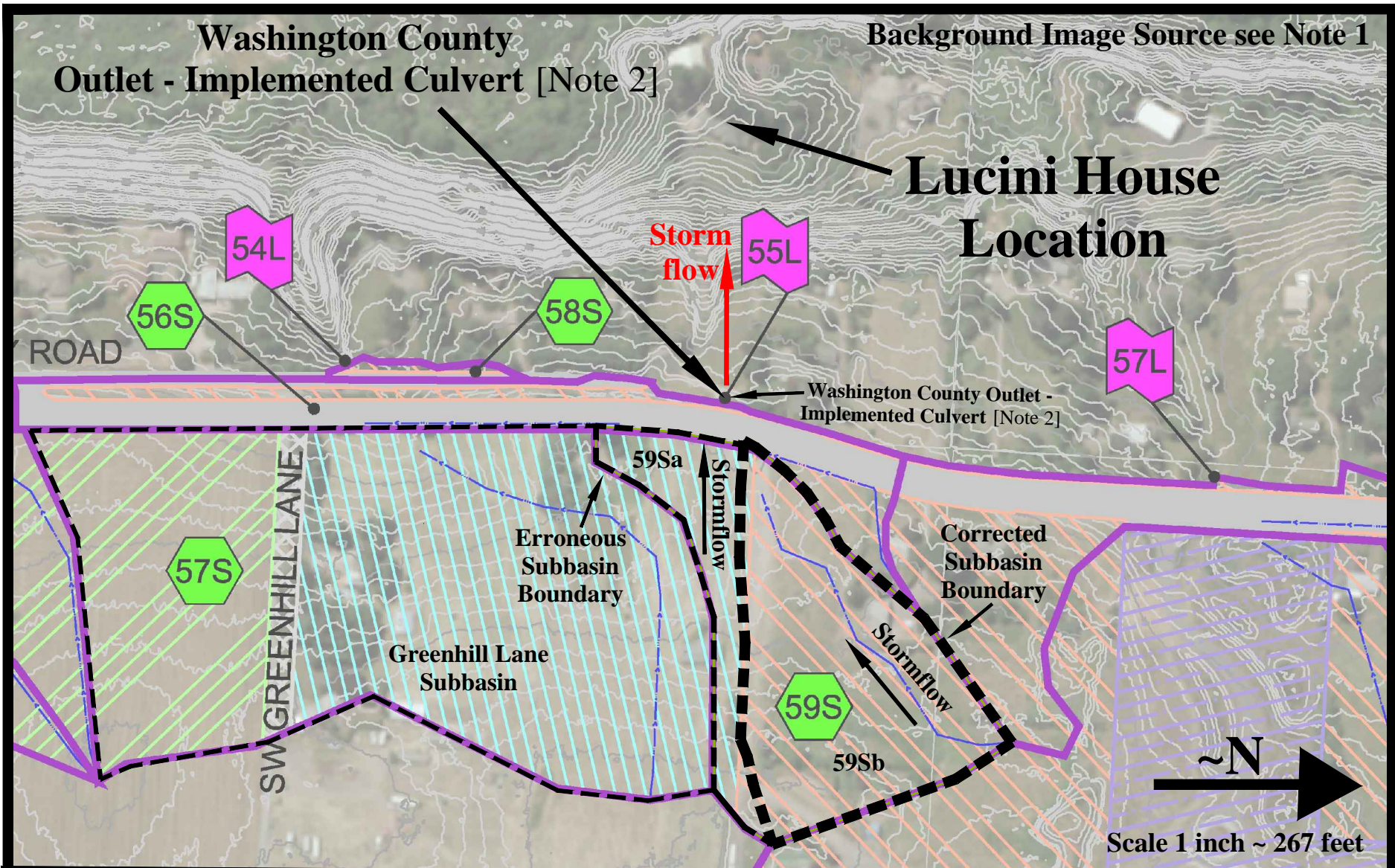
¹⁶ The County simulated Implemented conditions that resulted in a stormflow of 0.85 cfs. The LEA hydrologic model was adjusted to the County’s implemented conditions and stormflow of 0.85 cfs.

¹⁷ Stormflows less than Original conditions were not considered by the County. The County claimed in its Drainage Report (2013) that it was reducing Original stormflows by about 10 percent.

¹⁸ The calculation is $(0.85 - 0.64) / 0.64$ equals 0.328 or 32.8 percent. Where 0.85 cfs is the lowest velocity considered by Washington County.

Figure 8. Increased Stormwater Peak Flows to the Lucini Property due to Full Build-Out Land Use
IMPLEMENTED (post-2015) Hydrologic Conditions Comparison to Actual Implemented Hydrologic Conditions based on pre-2013

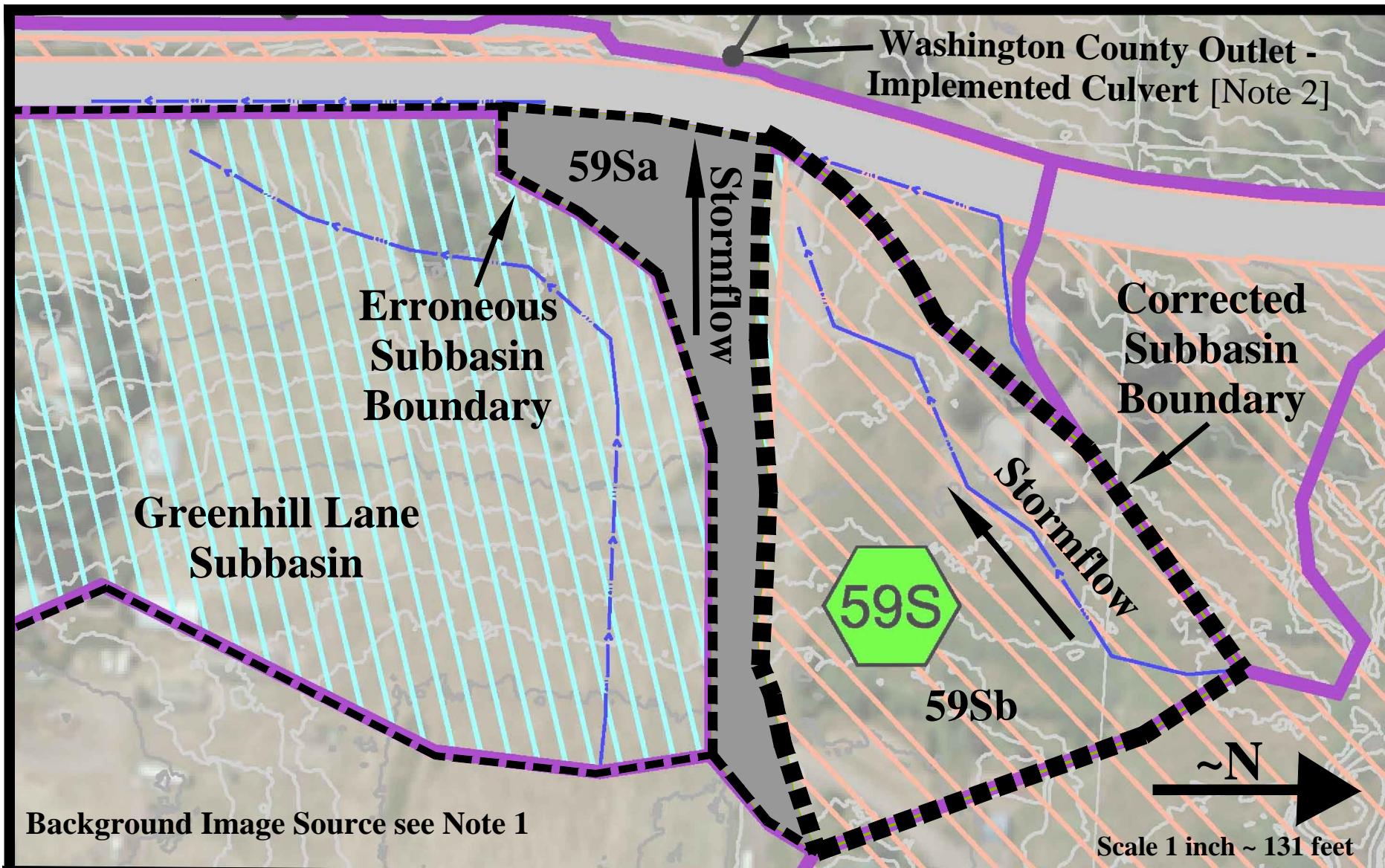




Notes:

- [1] Background image source from Washington County *Storm Drainage Report* (January 2013), Existing Conditions Hydrology Map on PDF Page 36 of 152.
- [2] Implemented Culvert, approximately 80-foot long, 12-inch Plastic (HDPE) discharging to the Lucini property. Overlaid from As-built construction plan drawings 232-233 of 385.

Figure 9. IMPLEMENTED County Subbasins - Erroneous Boundaries for Drainage above the Lucini Property.



Notes:

- [1] Background image source from Washington County *Storm Drainage Report* (January 2013), Existing Conditions Hydrology Map on PDF Page 36 of 152.
- [2] Implemented Culvert, approximately 80-foot long, 12-inch Plastic (HDPE) discharging to the Lucini property. Overlaid from As-built construction plan drawings 232-233 of 385.

Figure 10. IMPLEMENTED
County Subbasins - Erroneous
Boundaries for Drainage above
the Lucini Property. (Close-in
View)

Defective County Topography and Inaccurate Original Curb and Storm Sewer Claims
Stormflows originally directed south into the Greenhill Lane subbasin, through the road right-of-way, were re-routed by the road improvement project onto the Lucini property via the County's Storm Outfall #5. As shown in Figures 4 and 5, the subbasin drainage drawings for the ORIGINAL conditions¹⁹ do not show the actual topography affecting drainage conditions. The IMPLEMENTED drainage basin conditions then re-route increased storm flows to the Lucini property.²⁰

The County's Drainage Report says that the original road had curbs and storm sewers routing flows.²¹ This is incorrect as there were no curbs or storm sewers for SW Boones Ferry Road above the Lucini property. Drawings 2C-7 and 2C-8 excerpted in Appendix C demonstrate there were no curbs and storm sewers upstream of the Lucini property.²² Additionally, the photos in Appendix A1 taken by as part of the County's Wetland Delineation Report²³ and by the Lucini's also reveal the lack of curbs and storm sewers above the Lucini property. This is a crucial detail because it determines whether a portion of stormflows go south into the Greenhill Lane subbasin, or north into the subbasin above the Lucini property. In its Drainage Report the County erroneously claims that a portion of the Greenhill Lane subbasin stormwater drains into the Lucini property.

The photos contained in Appendix A1 show the ORIGINAL Drainage of Storm Water from SW Boones Ferry Road. Photo A1a was taken by Washington County September 28, 2012; and Photo A1b was taken by John & Grace Lucini on Dec. 20, 2012. Portions of the subbasins to the east (on the left) historically drained into the Road Alignment and then south away from the Lucini property. This is contrary to the analysis contained in the County's Drainage Report (2013), which wrongly states this road section is curbed including storm sewers, with portions of stormflows being directed into the Lucini property.

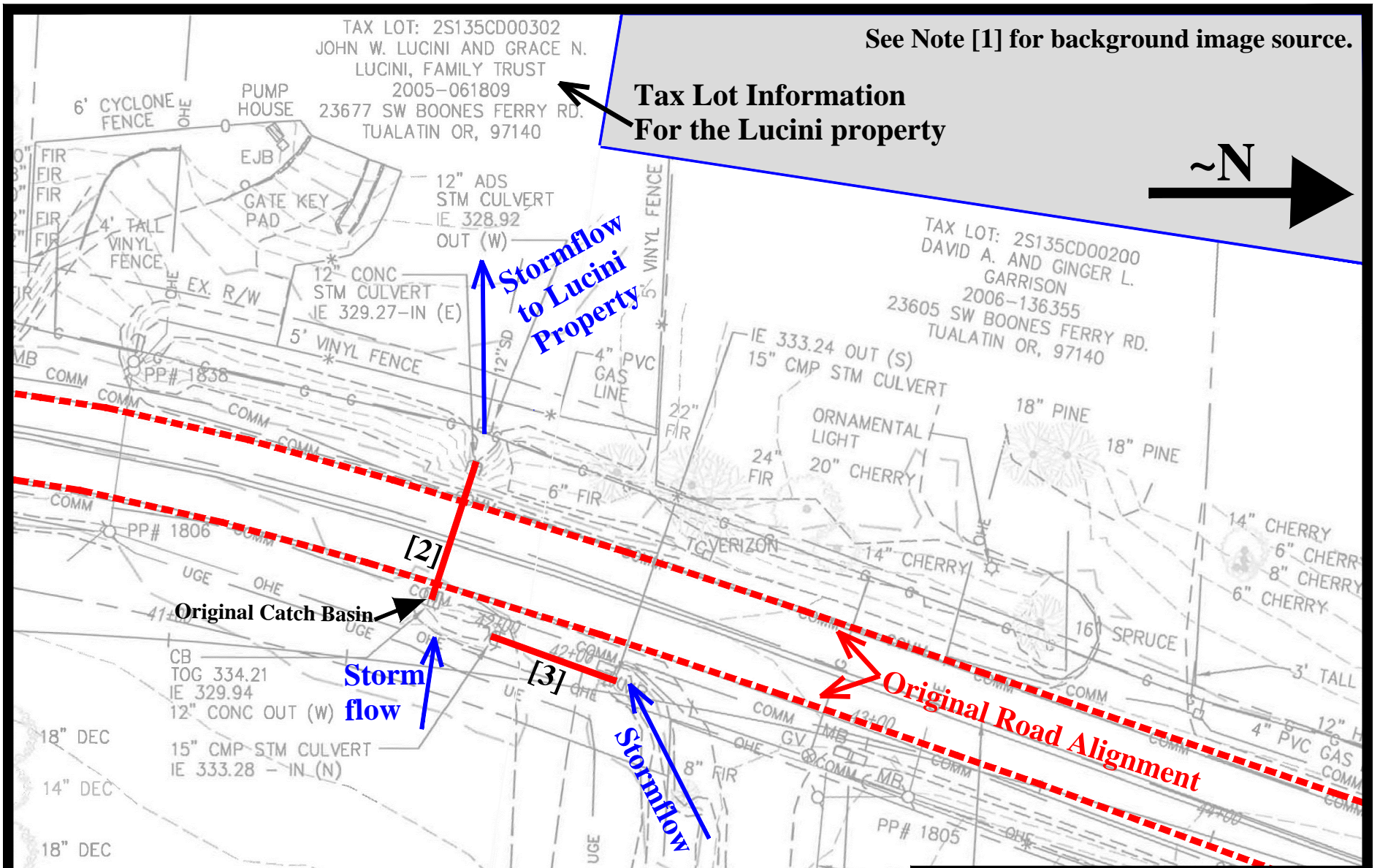
¹⁹ Drainage Report (2013), Sheet No. 1 of 3 labeled "Existing Conditions Hydrology Map" on PDF page 35 of 152.

²⁰ Ibid, see Sheet No. 2 of 3 labeled "Proposed Conditions Hydrology Map" on PDF page 36 of 152.

²¹ Drainage Report (2013), Storm Drainage Report – SW Boones Ferry Road (SW Day Road to SW Norwood Road), by MacKay Sposito for Washington County, Capital Project Management (CPM), Final January 31, 2013. See PDF page 59 of 152 under Summary of Subcatchment 17S, which is the drainage above the Lucini property. The Drainage Report erroneously states that the drainage is "w/curbs & sewers" which did not exist above the Lucini property. This faulty information and its implications were used in the County's hydrologic analysis.

²² County 2012a, Drawings from MacKay Sposito submittal to the County contained in file: 2012 June Existing Conditions 70% Plans.pdf.

²³ County 2012b, See PDF page 81 of 90 in file: 2012 Dec Wetland Delineation Report-Boones Ferry Rd Improvement Project WD2013-0002.pdf.

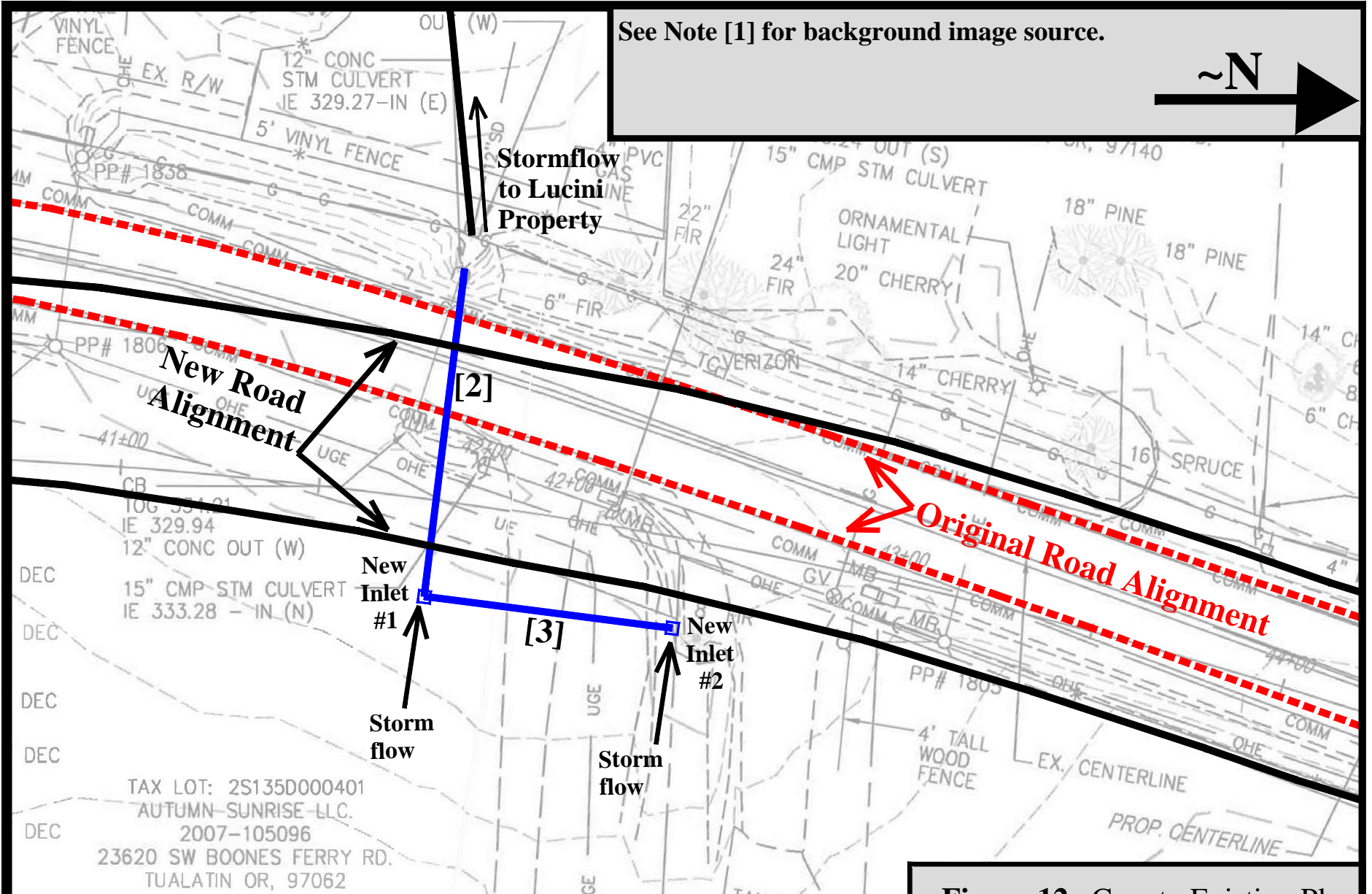


Notes:

- [1] Background image from County Existing Conditions Plan drawings 2C-7 and 2C-8 (June 2012, 70 percent drawings).
- [2] Original Culvert, approximately 40-foot long, 12-inch Concrete (CCP) discharging to the Lucini property. Overlaid from County Existing Conditions Plan drawing 2C-7 (June 2012, 70 percent drawings).
- [3] Original Connecting Piping, about 42-foot long, 15-inch corrugated metal pipe (CMP). Overlaid from County Existing Conditions Plan drawings 2C-7 and 2C-8 (June 2012, 70 percent drawings).

Figure 11. County Existing Plan Drawings with Annotations Highlighting the ORIGINAL Conditions and Piping

See Note [1] for background image source.



Notes:

- [1] Background image from County Existing Conditions Plan drawings 2C-7 and 2C-8 (June 2012, 70 percent drawings).
- [2] New Culvert, 80-foot long, 12-inch Plastic (HDPE) discharging to the Lucini property. Culvert and piping overlay from As-built construction plan drawings 232-233 of 385.
- [3] Connecting Piping, 74-foot long, 12-inch Plastic (HDPE) piping, under two driveways. Connecting Pipe overlay from As-built construction plan drawings 232-235 of 385.

Figure 12. County Existing Plan Drawings with Annotations Highlighting the IMPLENTED Piping Conditions

Hydrologic Modeling and Construction Development

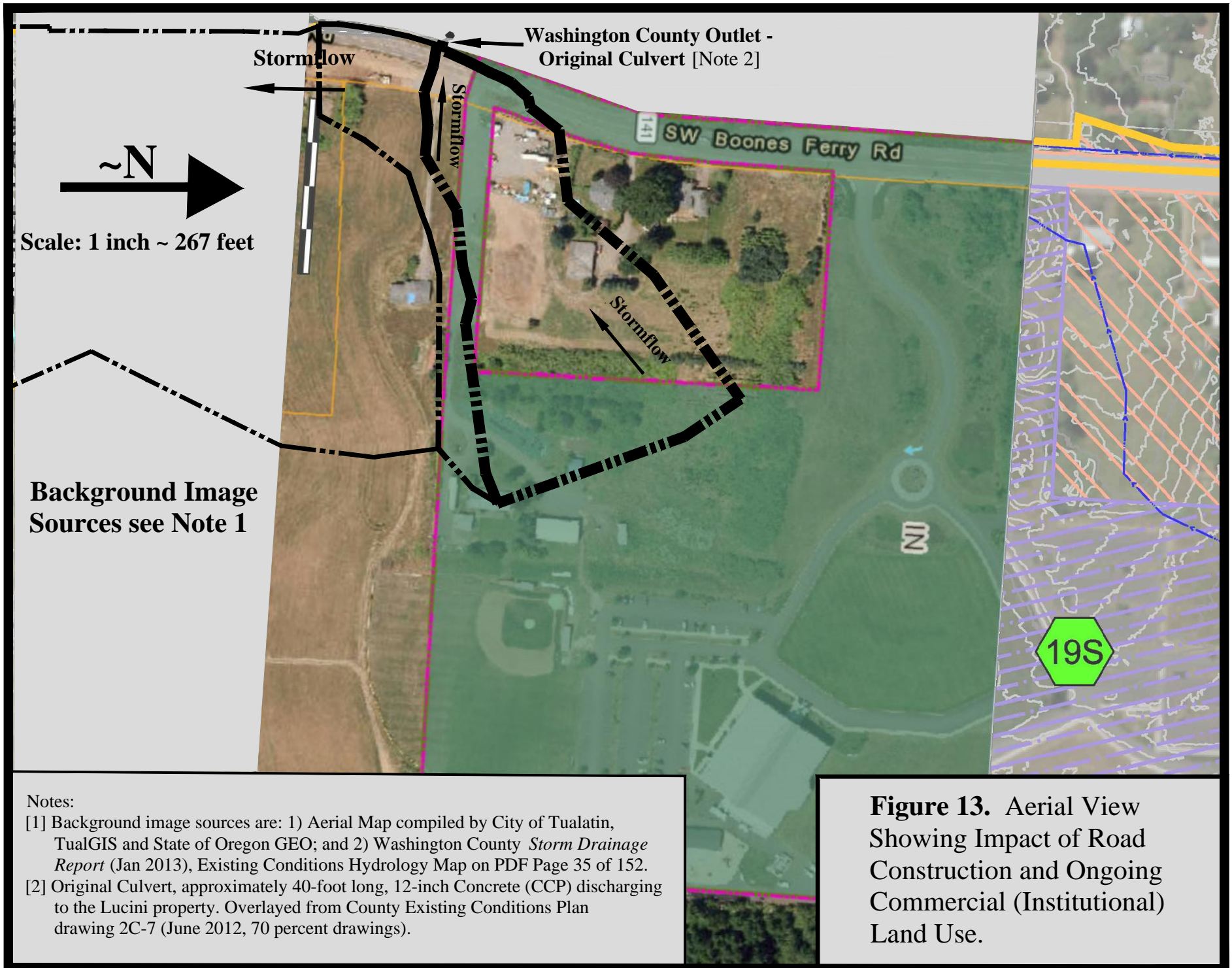
The County's Drainage Report disregarded construction development that increases runoff in the drainage upstream of the Lucini property. The County's hydrologic modeling of the upstream subbasin was characterized as "Farmstead" and single dwelling 2-acre lots. However, the actual additional use of a majority of the subbasin is to support heavy road construction and on-going use as commercial (Institutional), a more intense land-use from a stormwater generation standpoint. This relationship between the subbasin boundary delineation and active road construction (in 2012), equipment parking and material staging can be plainly seen in the aerial view presented in Figures 13 and 14.

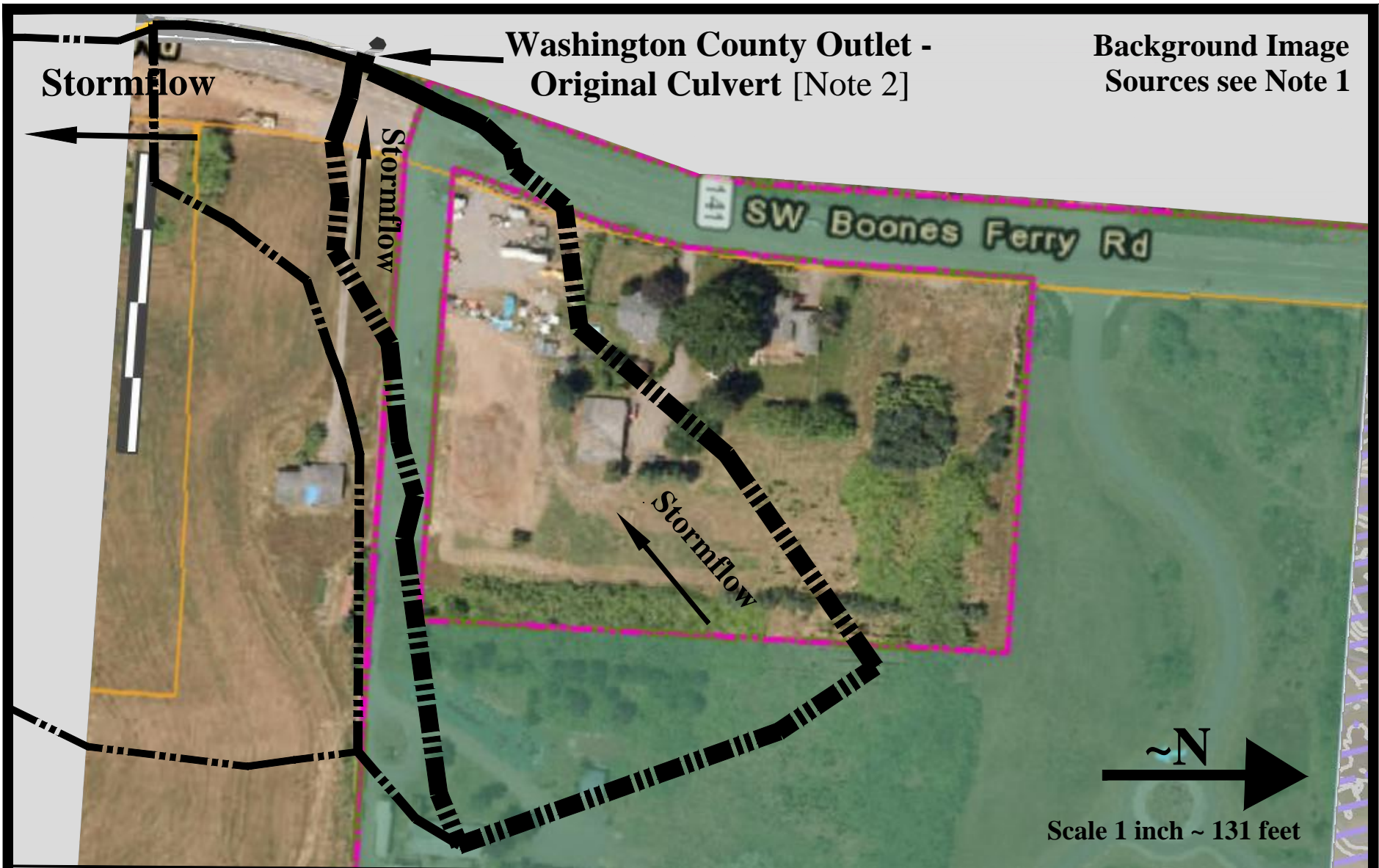
The Natural Resources Conservation Service (NRCS) has commented on this problem of disturbed soil effectively raising runoff flows and has stated:

630.0702 Disturbed soils

As a result of **construction and other disturbances**, the soil profile can be altered from its natural state and the listed group assignments generally no longer apply, nor can any supposition based on the natural soil be made that will accurately describe the **hydrologic properties of the disturbed soil**. In these circumstances, an onsite investigation should be made to determine the hydrologic soil group. A general set of guidelines for estimating **saturated hydraulic conductivity** from field observable characteristics is presented in the Soil Survey Manual (Soil Survey Staff 1993).

[Bold by LEA except subsection title.]





Notes:

- [1] Background image sources are: 1) Aerial Map compiled by City of Tualatin, TualGIS and State of Oregon GEO; and 2) Washington County *Storm Drainage Report* (Jan 2013), Existing Conditions Hydrology Map on PDF Page 35 of 152.
- [2] Original Culvert, approximately 40-foot long, 12-inch Concrete (CCP) discharging to the Lucini property. Overlaid from County Existing Conditions Plan drawing 2C-7 (June 2012, 70 percent drawings).

Figure 14. Aerial View Showing Impact of Road Construction and Ongoing Commercial (Institutional) Land Use. (Close-in View)

4. Stormflow Hydraulics

The County's Drainage Report did not perform a hydraulic analysis to assess the effects of its stormflow above and through the Lucini property. The Corps hydraulic model, HEC-RAS²⁴, is used in this analysis to partly²⁵ fill-in this crucial lack of stormflow hydraulic information.

Rainfall runoff flows generated by the hydrologic model HEC-HMS are supplied as inputs to the HEC-RAS hydraulic model to consider the impact on drainage channels, piping, and other features of the drainage system. Specifically, the hydraulic effects resulting from stormflows passing through the drainage system subbasins, stormflow routing, channels, culverts (piping), land use conditions, channel and piping materials, and other parameters can be assessed.

Cross-sections and Other Hydraulic Information

The HEC-RAS hydraulic model requires the input of cross-sectional information that demarcate the channel with elevation versus distance from the bank. Additional information supplied to the model includes distance between cross-sections, hydraulic losses and other stormflow parameters.

The County has not provided the public with complete topography of the subbasin draining to the Lucini property, and other properties, below its Boones Ferry Road project site. Accordingly, channel and pipe cross-section information are estimated for input into the HEC-RAS hydraulic model. Summary input and output hydraulic information for the HEC-RAS simulation is contained in Appendix I.

The County did not consider the hydraulic effects of increased stormflow conditions on the Lucini property resulting from its Boones Ferry Road Improvement construction project. As discussed previously, increased stormflows onto the Lucini project are likely because of inaccurate subbasin delineation by the County. The County also failed to consider the effects of ongoing and future development, with increasingly intense land use and full-build-out conditions, contributing to increased stormflows.

Hydraulic Analysis Results

The County did not consider stormflow cases that take into account greater land use conditions and future development above the Lucini property. For example, the County disregarded the impact of its own road construction efforts, plainly visible in the aerial views in Figures 13 and 14 as well as Appendix F, on lands draining to the Lucini property. The County characterizes these activities as "farming" or single dwelling 2-acre lots.

²⁴ HEC-RAS refers to the River Analysis System hydraulic model developed by the Corps.

²⁵ This hydraulic analysis using HEC-RAS performs a steady-state evaluation for a range of peak stormflow conditions inputted from the HEC-HMS hydrologic model. A more detailed time-varying analysis employing unsteady stormflow conditions, with stormflow storage, may be warranted in future evaluation with additional planning information but is beyond the timing and scope of this report.

The analysis presented herein does take into account actual land use intensity and development circumstances as previously discussed in the Hydrologic Modeling section. This analysis evaluates conditions for both ORIGINAL and IMPLEMENTED hydraulic configurations for the range of runoff conditions presented in Tables 2 and 3, respectively. Appendix I contains the results of the hydraulic analysis.

Figure 15 depicts the hydraulic profile generated by HEC-RAS for the ORIGINAL configuration using runoff stormflows based on future full build-out development conditions at 2.85 cfs. Stormflow existing prior to the County's road project²⁶ (0.89 cfs) and additional profiles are also contained in Appendix I.

A key consideration in reviewing these figures is that the ground slope goes from moderate above (east) the Lucini property to very steep (west) on the Lucini property. The County's Drainage Report (2013) analysis did not consider this substantial change of slope and its likely effect, which is to cause high stormflow velocities and extremely erosive conditions, on the Lucini property.

Comparing velocities with likely stormflows demonstrates the value of reducing runoff flow peaks. High stormwater flows cause erosion and clog ditch and pipe locations. In this HEC-RAS analysis, 25-yr design storm events were varied by correcting for actual subbasin areas and using genuine land use conditions as described in the hydrologic Tables 2 and 3 of this report for the ORIGINAL and IMPLEMENTED configurations, respectively.

Figure 16 for the ORIGINAL configuration illustrates velocities for the upstream and downstream stations along the Lucini property approximate 150-foot ditch²⁷. This figure shows that as stormflows increase from 0.89 cfs to 2.85 cfs, highly erosive storm velocities occur.

As charted in Figure 16, flow velocities in excess of 4.0 feet-per-second (fps) produce adverse conditions that erode soil.²⁸ This is consistent with the stormwater damage to the ditches, and pipe blockage, on the Lucini property (see photos in Appendix A2).

Figure 17 for the IMPLEMENTED configuration illustrates velocities for the upstream and downstream stations along the Lucini property approximate 150-foot ditch. This figure shows that as stormflows increase from 0.85 cfs to 3.29 cfs, highly erosive storm velocities will occur into the future.

The two lower flow conditions at 0.64 cfs and 0.85 cfs do not produce excessive storm velocities. The 0.64 cfs value is what the peak 25-year storm event should be if the County was actually reducing stormflows onto the Lucini property consistent with what it

²⁶ Prior to early 2013.

²⁷ This ditch is alongside the Lucini driveway and runs generally from east to west. See Figures 2 and 3 for the alignment of this drainage ditch relative to the County's road construction and the Lucini property.

²⁸ Linsley, Ray K. and Franzini, Joseph B., *Water-Resources Engineering*, published by McGraw-Hill, 1979.

is saying in its Drainage Report. The 0.85 cfs value simulated by the County is for farmland only and does not include actual urbanization and increased runoff in the subbasin above the Lucini property. When actual ongoing land use is considered, stormflow of 1.95 cfs more accurately reflects actual runoff being discharged from the County's culvert (Outfall #5) onto the Lucini property.

An orifice plate can be used to reduce storm pipe flow diameter and flow area during peak flow events. This physical measure decreases peak stormflows and lowers storm flow velocities on the Lucini property. The location of the proposed orifice plate is shown in Figure 12 as indicated in the IMPLEMENTED new storm inlet #1.

The construction and installation plans for the orifice plate is shown in the guidance document relied upon by the County (CWS 2007). For convenience, the orifice plate drawings are presented in Appendix G (see CWA Drawings Nos. 720 and 730).

Figure 15. HEC_RAS Hydraulic Profile of ORIGINAL Pipe and Ditch Conditions at 2.85 cfs Above and On the Lucini Property

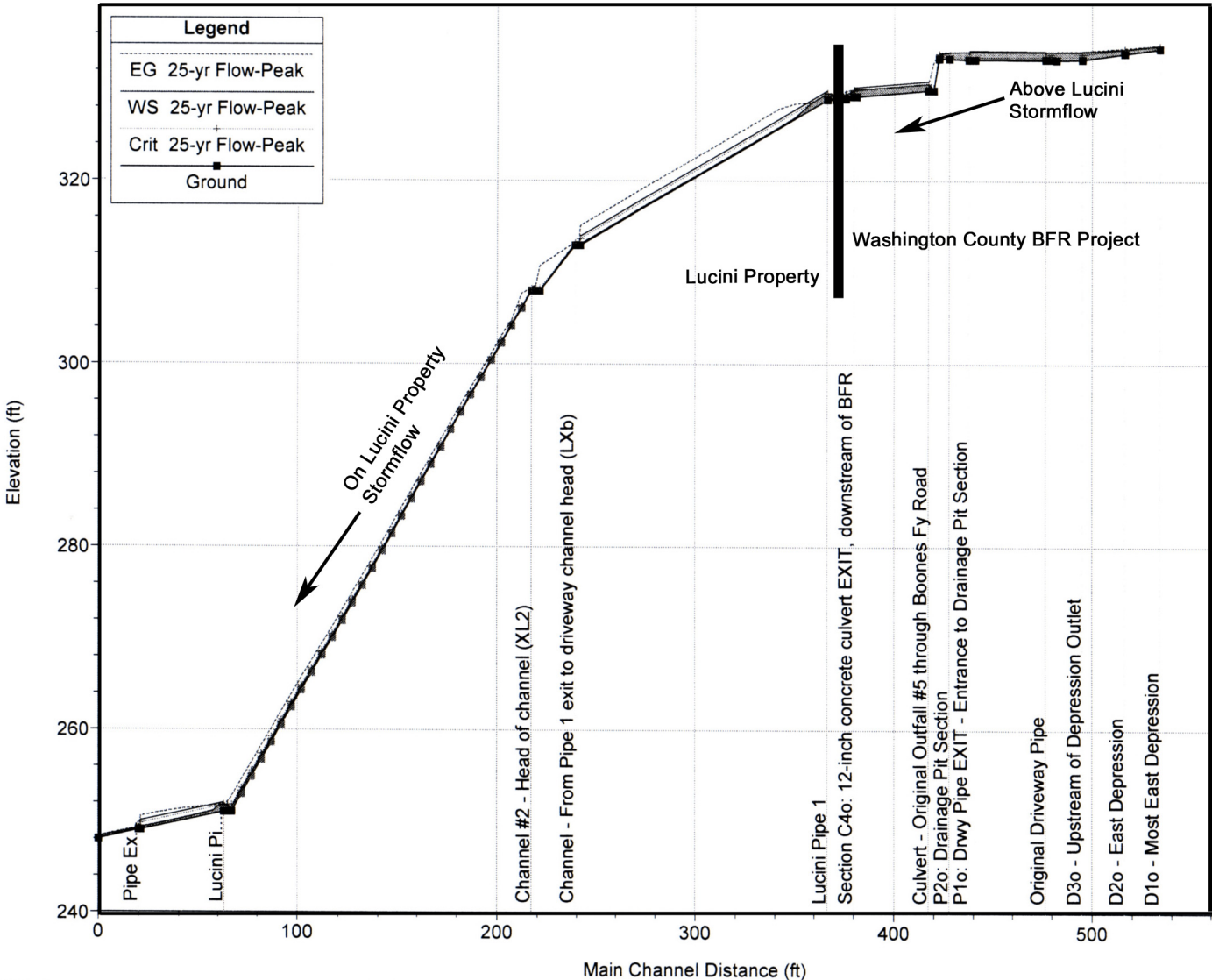


Figure 16. ORIGINAL Configuration - Velocities at Likely Flows 25-yr Design Storm Event
Upstream and Downstream Stations along the Lucini property approximate 150-foot Ditch

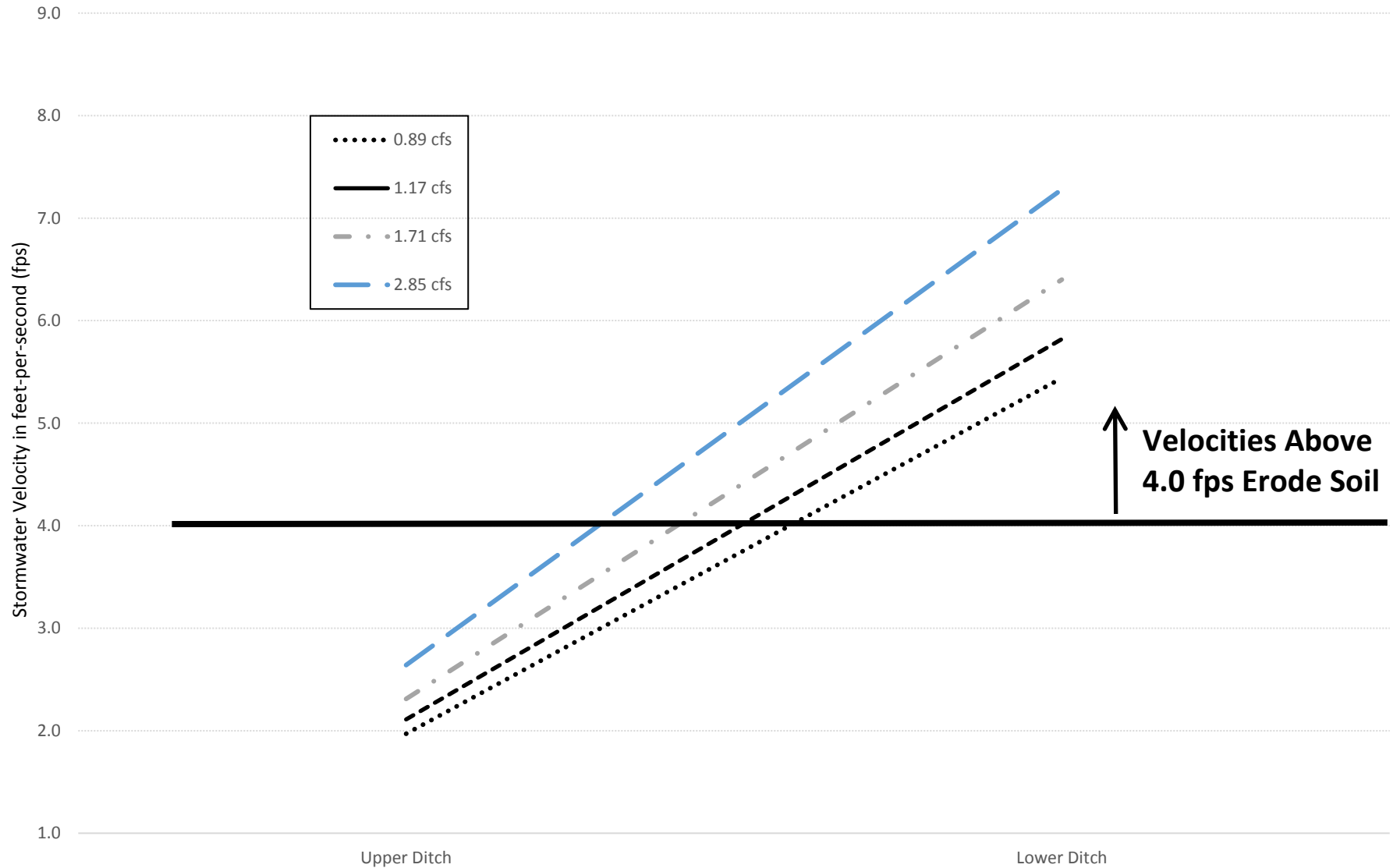
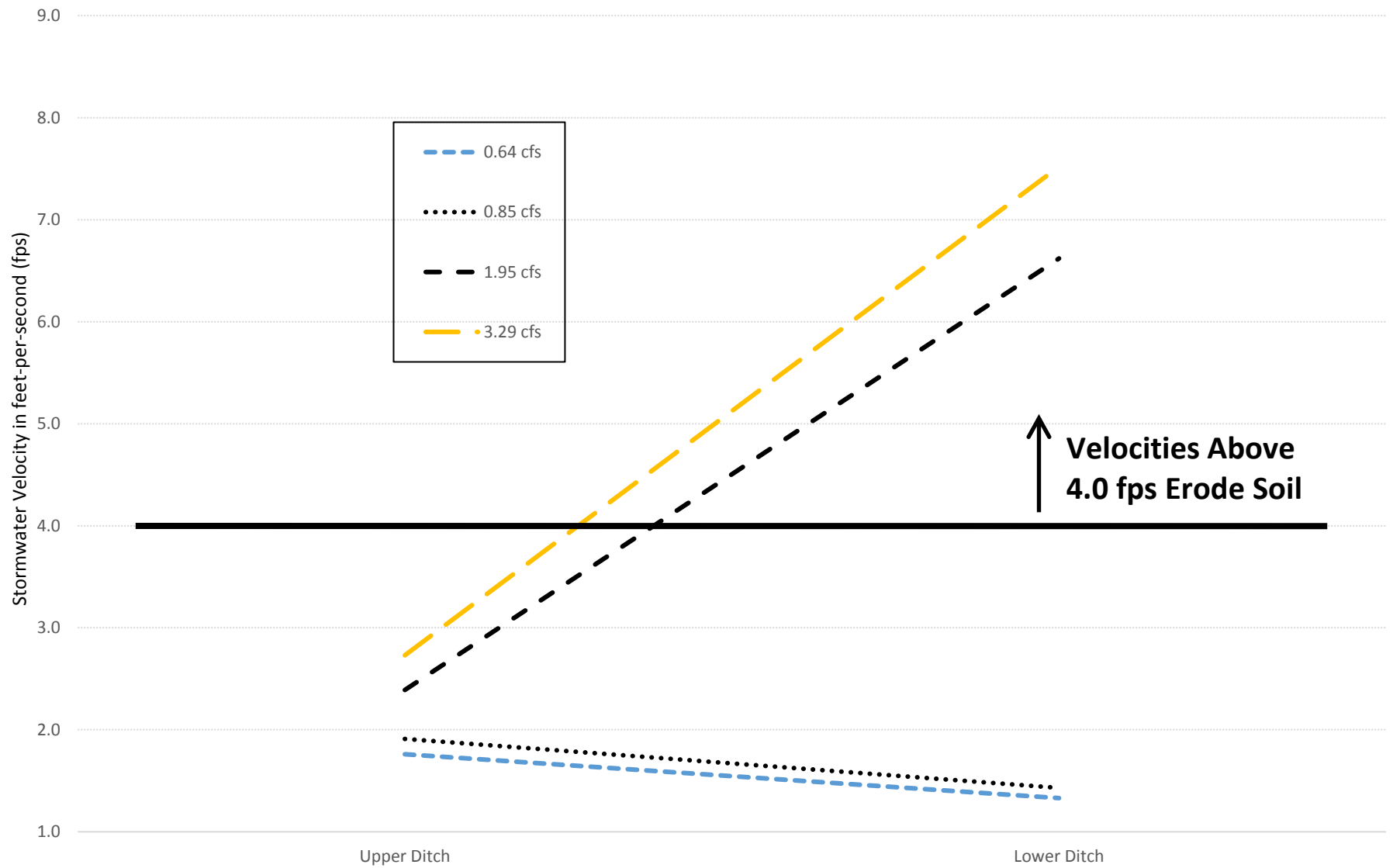


Figure 17. IMPLEMENTED Configuration - Velocities at Likely Flows 25-yr Design Storm Event
Upstream and Downstream Stations along the Lucini property approximate 150-foot Ditch



5. Planning Level Costs

There are three levels of estimated capital costs associated with fixing problems on the Lucini property resulting from the County's SW Boones Ferry Road project:

- 1) Immediate Shorter Term Remedy using Orifice Plate (\$4,500 to \$6,500 installed)
- 2) Ongoing Flow and Water Quality Control Facilities (\$12,157 to \$17,560 installed)
- 3) Longer Term Detention/Retention Facilities (to several hundred thousand dollars)

These capital costs include equipment, materials, labor, and construction contractor overhead and profit. Design, engineering and construction management costs are separately considered. An estimate of 20 percent of the final construction capital cost for this relatively small scale project is considered. For the high range estimates above, the design cost estimates are \$1,300 for number 1 and \$3,572 for number 2.

These are planning level capital costs and are presented in a range between the lower cost that is 10 percent below the estimated base cost; and the high cost that is 30 percent above the estimated base cost. Presenting only a single estimated base cost is not adequate for planning purposes and providing costs as a range is more convenient. Planning level costs for construction are presented using this cost range method because direct bid costs are not part of this study. While actual bid costs may come in lower (e.g., 10 percent), if actual potential bid costs are higher (e.g., up to 30 percent) then the outcome is undesirable if unaccounted for.

1) Immediate Shorter Term Remedy

This remedy alleviates the immediate problem on a short-term basis by reducing peak stormflows and consequent erosion on the Lucini property. This can be accomplished by using an orifice plate at the County's New Inlet #1 (this is the south inlet). The proposed orifice location is shown in Figure 12 at the New Inlet #1. The orifice would be installed at the upstream end of the implemented 80-foot long, 12-inch diameter culvert comprising the County's Outfall #5.

The County has indicated it is using CWS 2007 for guidance, which contains the Drawing No. 730 "Orifice Plate and Guide" that can be installed in New Inlet #1. For convenience, the CWS Drawing No. 730 is contained in Appendix G of this report. Orifice plate openings of 6, 8 and 10 inches can be fabricated and each used separately until it is determined which size best reduces peak flows and most efficiently uses storage in the IMPLEMENTED pipes, ditches and depressions.

The installed orifice fits into the new inlet without structural changes to the inlet. Construction materials are not extensive or expensive. Accordingly, the cost of installation of this immediate remedy is estimated in the range of \$4,500 to \$6,500.

2) Ongoing Flow and Water Quality Control Facilities

Estimated costs of the intermediate remedy facilities are listed in Table 4.²⁹ Both flow and water quality (WQ) control are needed because high stormflow velocities cause erosion upstream as well as on the Lucini property. Debris and sediment transport are a significant threat to the Lucini property because it clogs downstream piping and causes flooding. The County did not evaluate stormwater conveyance from its road project through the Lucini property. Increased amounts of runoff directed to the Lucini property, and its effects, were disregarded in the County’s drainage assessment.

Table 4. Capital Costs of Ongoing Flow and Water Quality Control Facilities

Control Unit	Base Cost
<i>Flow Control Manhole</i> Installed to the East of BFR at the south New Inlet #1 location.	\$8,046
<i>Water Quality Manhole</i> Installed to the West of BFR just above the Lucini property.	\$5,462
Total Estimated Base Costs	<u>\$13,800</u>
Estimation Range Between (-10% and +30%)	<u>\$12,157 to \$17,560</u>

The County provided storm grates on its two new stormwater inlets in the subbasin above the Lucini property as shown in Figure 12. The County neglected to provide a storm grate for the pipe entrance to the Lucini property (see Figure 12). The Lucini property drainage receives stormwater passing through SW Boones Ferry Road culvert (Outfall #5). The County supposed that its generated stormflow will be conveyed successfully through the Lucini property. The Corps HEC-HMS and HEC-RAS demonstrate that this is not the case for the 25-year design storm cases presented in this analysis.

It is important to note that the Greenhill Lane subbasin, to the south of the Lucini property, has received flow and water quality control. The Greenhill Lane subbasin and the Lucini property both drain to the Basalt Creek wetlands. For the Greenhill Lane subbasin, which has dual outfalls the County used at least three (3) manholes to control

²⁹ Costs are based on *RS Means Building Construction Cost Data* (2010). Costs are adjusted for inflation based on the cost index as published by the Engineering News Review (ENR). In this case the index is set at 8800.66 for 2010 and 10337.05 for 2016. This is calculated as an inflation ratio of 1.175, i.e., an inflation rate of 17.5 percent from 2010 to 2016.

flow and a water quality manhole to control pollution. The subbasin draining to the Lucini property has no manholes to control flow nor a water quality manhole to control pollution including eroded sediment and debris.

While the Greenhill Lane subbasin typically will have greater stormflows, the necessity of controlling excess stormflows to the Lucini property is no less significant. This is especially true because the County performed no downstream system evaluation for hydraulic conditions on the Lucini property and has no basis for discharging excess flows to the Lucini property.

The County has indicated it is using CWS 2007 for guidance, which contains: Drawing No. 270 “Flow Control Structure Detail” that can be installed at the New Inlet #1 location; and Drawing No. 240 “Water Quality Manhole (Mechanical)” that can be installed just upstream of the Lucini property pipe entrance. For convenience, CWS Drawing Nos. 270 and 240 are contained in Appendix G of this report. See Figure 12 for the locations of these proposed flow and water quality control facilities.

3) Longer Term Detention/Retention Facility

Future full build-out development in the subbasin draining to the Lucini property was not considered by the County’s Drainage Report (2013). This is surprising because the subbasin is zoned for future development (FD-20)³⁰ and includes Tualatin’s Institutional (IN) development as characterized by the Horizon Community Church with its large buildings, extensive driveways, parking lots, and numerous support facilities. Ongoing development in the subbasin above the Lucini’s, including the construction of the BFR widening project itself, demonstrate that the trend of more intense urban development is already underway and having an effect on the Lucini property.

As shown in the hydrologic and hydraulic evaluations in this report, ongoing urban development is already producing stormflows that exceed ORIGINAL conditions, by about 220 percent, that the Lucini property has historically been subjected to (see Figure 7). Urban development above the Lucini property, under full build-out conditions, pose a still greater threat. These stormflow projections exceed, by about 414 percent, the ORIGINAL stormflow conditions that the Lucini property has historically been subject to as depicted in Figure 8.

Stormflows with ongoing development and full build-out conditions draining to the Lucini property require substantial detention (flow control) and retention (WQ control) measures. These stormwater control units are absent from the Drainage Report (2013) and have not been considered by the County.

The design and detailed costing of detention/retention facilities is beyond the scope of this report but construction and land costs could be as high as several hundred thousand dollars.

³⁰ Washington County 20-year Future Development (FD-20), see PDF Page 33 of 152



City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Bill Steele, Chief of Police
DATE: April 26, 2021

SUBJECT:

Consideration of **Resolution No. 5538-21** Authorizing the City Manager to Sign an Intergovernmental Agreement between the Tigard-Tualatin School District 23J and the City of Tualatin

EXECUTIVE SUMMARY:

The District has requested, and the City has agreed, that the City provide police officers who will act as school resource officers (“SRO”). SROs fulfill a vital role in promoting communication and cooperation between the school district and law enforcement to support safe school communities and contribute to the learning process.

FINANCIAL IMPLICATIONS:

According to the IGA, the City will pay the costs of selection, salary, benefits, vehicle, and equipment for a minimum of two (2) SROs and the District will provide funding to offset approximately one half of the costs of the most senior SRO including benefits and overtime for nine months of the year. The District's funding will not exceed \$12,375 for the period through June 30, 2021 and \$71,180 for the period July 1, 2021 through June 30, 2022.

ATTACHMENTS:

- Resolution No. 5538-21
- Intergovernmental Agreement between City of Tualatin and Tigard-Tualatin School District 23J

RESOLUTION NO. 5538-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE TIGARD-TUALATIN SCHOOL DISTRICT NO. 23J RELATED TO THE SCHOOL RESOURCE OFFICER PROGRAM.

WHEREAS, the City of Tualatin is an Oregon municipal corporation;

WHEREAS, the Tigard-Tualatin School District, is an Oregon government entity;

WHEREAS, ORS 190 authorizes the City to enter into intergovernmental agreements with other government entities to perform cooperative services, as well as to delegate to each other authority to perform their respective functions as necessary;

WHEREAS, the Tigard-Tualatin School District has requested, and the City has agreed, that the City will provide police officers who will act as school resource officers and;

WHEREAS, School resource officers fulfill a vital role in promoting communication and cooperation between the school district and law enforcement to support safe school communities and contribute to the learning process;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute an Intergovernmental Agreement with the Tigard-Tualatin School District 23J related to the School Resource Officer Program, which is attached as Exhibit 1 and incorporated by reference. The City Manager is further authorized to make administrative amendments to the IGA to fully implement its intent.

Section 2. This resolution is effective upon adoption.

ADOPTED by the City Council this 26th day of April, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF TUALATIN
AND TIGARD-TUALATIN SCHOOL DISTRICT NO. 23J**

THIS AGREEMENT (this “Agreement”) is entered into and between the City of Tualatin (“City”), an Oregon municipal corporation, and Tigard – Tualatin School District No. 23J (“District”), a public school district in the State of Oregon, collectively referred to as the “Parties” and each a “Party.”

RECITALS

Oregon Revised Statutes (“ORS”) 190.010 confers authority upon local governments to enter into agreements for the performance of any functions and activities that a party to the agreement, its officers or agencies have authority to perform.

The District has requested, and the City has agreed, that the City provide police officers (“Officer”) who will act as school resource officers (“SRO”). SROs fulfill a vital role in promoting communication and cooperation between the school district and law enforcement to support safe school communities and contribute to the learning process.

In consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

TERMS

1. **Term.** This Agreement shall be effective upon execution by both parties, and shall expire on June 30, 2022 unless terminated earlier as provided in this Agreement.
2. **Scope of Work.** The City agrees to provide the services (“Work”) further identified in the Scope of Work and Additional Terms and Conditions, attached hereto as Exhibit A and incorporated herein. Parties will meet prior to the start of each school year to discuss anticipated needs, within the Scope of Work, in the upcoming school year.
3. **Consideration.** The District agrees to pay City, from available and authorized funds, the amount set forth on the schedule attached hereto as Exhibit B for accomplishing the Work required by this Agreement.
4. **Payment.** Unless otherwise specified, the City shall submit monthly invoices for Work performed. Invoices shall describe all Work performed with particularity, by whom it was performed, and shall itemize and explain all expenses for which reimbursement is claimed. The District shall pay the City following the District’s review and approval of the invoice. City shall not submit invoices for, and the District will not pay, any amount in excess of the maximum compensation amount set forth in Exhibit B.

5. Representations and Warranties.

A. District Representations and Warranties. District represents and warrants to City that District has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of District enforceable in accordance with its terms.

B. City Representations and Warranties. City represents and warrants to District that City has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of City enforceable in accordance with its terms.

C. The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

6. Termination.

A. Either the City or the District may terminate this Agreement at any time upon 30 days' written notice to the other Party.

B. Either the City or the District may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If, in the non-breaching Party's sole discretion, the breaching Party has not entirely cured the breach within 15 days of delivery of the notice to the breaching Party, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination.

C. The City or the District shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

D. Either Party may terminate this Agreement in the event it fails to receive expenditure authority sufficient to allow the Party, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement, or if federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the Work to be performed under this Agreement is prohibited or the Party is prohibited from paying for such Work from the planned funding source.

E. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

7. Indemnification. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City agrees to indemnify, save harmless and defend the District, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property arising out of or resulting

from the performance of the Work by the City or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the City has a right to control.

Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the District agrees to indemnify, save harmless and defend the City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the District or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the District controls.

However, neither District nor any attorney engaged by District shall defend the claim in the name of City or any department of City, nor purport to act as legal representative of City or any of its departments, without first receiving from the Tualatin City Attorney's Office authority to act as legal counsel for City, nor shall District settle any claim on behalf of City without the approval of the Tualatin City Attorney's Office. City may, at its election and expense, assume its own defense and settlement.

Similarly, neither City nor any attorney engaged by City shall defend the claim in the name of District or any department of the District, nor purport to act as legal representative of District or any of its departments, without first receiving from the District's legal counsel authority to act as legal counsel for District, nor shall City settle any claim on behalf of District without the approval of the District's legal counsel. District may, at its election and expense, assume its own defense and settlement.

8. Insurance. City shall maintain the following insurance coverage(s) (or equivalent self-insurance coverage), as applicable, for the term of the Agreement:

A. Workers' Compensation. As required by ORS 656.017, subject employers shall provide workers' compensation coverage in accordance with ORS Chapter 656 for all subject workers. City and all subcontractors of City with one or more employees shall have this insurance unless exempt under ORS 656.027. Agencies that are statutory subject employers shall submit a certificate of insurance to District showing proof of coverage.

B. General Liability. City shall maintain general liability insurance coverage of at least \$2,000,000 for each claim, incident, or occurrence, and at least \$3,000,000 annual aggregate coverage.

C. Motor Vehicle Liability. If City is providing services that require City to transport District personnel, students, or property, then in addition to any legally required insurance coverage, City shall maintain motor vehicle liability insurance of at least \$1,000,000 for each claim, incident, or occurrence.

D. Additional Requirements. All insurance coverage shall be provided by an insurance company having an A.M. Best rating of at least A- that is licensed to do business in Oregon. City alone is responsible for paying all deductibles and retentions. A cross-liability clause or separation of insureds condition shall be included in all general liability policies required by this Contract. City's coverage shall be primary in the event of loss.

E. Certificate of Insurance. Upon District request, City shall furnish to District a current certificate of insurance for each of the above coverages within 48 hours of District request. Each certificate must provide that there shall be no cancellation, termination, material change, or reduction of limits of the insurance coverage without 30 days prior written notice from City or its insurer to District. Each certificate shall also state the relevant deductible or retention level. For general liability coverage, the certificate shall also provide that District, its agents, officers, and employees are additional insureds with respect to City's services provided under this Contract. If requested by District, City shall also provide complete copies of insurance policies to District.

F. Self-Insured Agencies. If City is self-insured in full or in part, City shall submit proof of self-insurance coverage equal to or better than the insurance coverages required in this section.

9. Notices; Contacts. Legal notice provided under this Agreement shall be delivered personally, by email or by certified mail to the individuals identified below. Any communication or notice so addressed and mailed shall be deemed to be given upon receipt. Any communication or notice sent by electronic mail to an address indicated herein is deemed to be received two hours after the time sent (as recorded on the device from which the sender sent the email), unless the sender receives an automated message or other indication that the email has not been delivered. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. Either Party may change the Party contact information, or the invoice or payment addresses by giving prior written notice thereof to the other Party at its then current notice address.

The City:
City of Tualatin
Attn: Chief of Police
8650 SW Tualatin Rd.
Tualatin, OR 97062
bsteale@tualatin.gov

The District:
Tigard-Tualatin School District
Attn: Superintendent
6960 SW Sandburg St.
Tigard, OR 97062
sriekesmith@ttsd.k12.or.us

10. Control of Personnel. The City is the SRO's sole employer. Control of personnel, supervision, standards of performance, discipline, and all other aspects of performance shall be governed entirely by the City. Allegations of misconduct shall be investigated in accordance with City's Policy and Procedures. The City will be responsible for liabilities for salaries, wages, any other compensation or benefits, injury, or sickness arising from performance of the law enforcement services provided by the SRO.

11. General Provisions.

A. Oregon Law and Forum. This Agreement, and all rights, obligations, and disputes arising out of it will be governed by and construed in accordance with the laws of the State of Oregon and the ordinances of the City without giving effect to the conflict of law provisions thereof. Any claim between City and District that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Washington County for the State of Oregon; provided, however, if a claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this section be construed as a waiver by the City or the District of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court.

B. Compliance with Applicable Law. Both Parties shall comply with all applicable local, state and federal ordinances, statutes, laws and regulations. All provisions of law required to be a part of this Agreement, whether listed or otherwise, are hereby integrated and adopted herein. Failure to comply with such obligations is a material breach of this Agreement.

C. Non-Exclusive Rights and Remedies. Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.

D. Access to Records. District and City shall retain, maintain, and keep accessible all records relevant to this Agreement (“Records”) for a minimum of six years, following Agreement termination or full performance or any longer period as may be required by applicable law, or until the conclusion of an audit, controversy or litigation arising out of or related to this Agreement, whichever is later. District and City shall maintain all financial records in accordance with generally accepted accounting principles. The District and the city shall maintain other Records to the extent necessary to reflect actions taken and consistent with the applicable public records retention requirement. Subject to any requirements or limitations as described in Section 11.P of this Agreement, during this record retention period, District shall permit the City’s authorized representatives’ access to the Records at reasonable times and places for purposes of examining and copying. During this record retention period, City shall permit the District’s authorized representatives’ access to the Records at reasonable times and places for purposes of examining and copying.

E. Debt Limitation. This Agreement is expressly subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act, and is contingent upon appropriation of funds. Any provisions herein that conflict with the above referenced laws are deemed inoperative to that extent.

F. Severability. If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the

offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.

G. Integration, Amendment and Waiver. Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.

H. Interpretation. The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

I. Independent Contractor. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture, joint employer or any similar relationship, and each Party hereby specifically disclaims any such relationship.

J. No Third-Party Beneficiary. District and City are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

K. Counterparts. This Agreement may be executed in several counterparts (electronic or otherwise), each of which shall be an original, all of which shall constitute the same instrument.

L. Survival. All provisions in Sections 5, 7, and 11 (A), (C), (D), (E), (F), (G), (I), (J), (L), (Q), and (R) shall survive the termination of this Agreement, together with all other rights and obligations herein which by their context are intended to survive.

M. Necessary Acts. Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

N. Time Is of the Essence. District agrees that time is of the essence in the performance this Agreement.

O. Force Majeure. Neither District nor City shall be held responsible for delay or default caused by events outside of the District or City's reasonable control including, but not limited to, fire, terrorism, riot, acts of God, or war. However, District shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement.

P. FERPA. As required by the 20 USC 1232(g) (Family Educational Rights and Privacy Act, “FERPA”), and ORS 326.565, City shall not disclose any information or records regarding students or their families that City may learn or obtain in the course and scope of its performance of this Agreement. The Parties recognize that the Family Educational Rights and Privacy Act (FERPA) imposes strict penalties for improper disclosure or re-disclosure of confidential student information including but not limited to denial of access to personally identifiable information from education records for at least five years (34 CFR 99.33(e)). Consistent with the requirements of FERPA, personally identifiable information obtained by the Parties in the performance of this Agreement may not be re-disclosed to third parties without written consent of the students’ parent/guardian, and must be used only for the purposes identified in this Agreement.

Q. No Attorney Fees. In the event any arbitration, action or proceeding, including any bankruptcy proceeding, is instituted to enforce any term of this Agreement, each party shall be responsible for its own attorney fees and expenses.

IN WITNESS HEREOF, the Parties have executed this Agreement by as of the dates set forth below.

City of Tualatin

Tigard – Tualatin School District No. 23J

By: _____
Name: _____
Its: _____
Date: _____

By: _____
Name: _____
Its: _____
Date: _____

EXHIBIT A SCOPE OF SERVICES

The purpose of this exhibit is to identify services provided by the City to the District and the responsibilities of each party related to School Resource Officers.

1. The Parties agree as follows:

- a. The Tualatin Police Department's School Resource Officer Program will strive to enhance public safety through community policing within the schools, including crime prevention, enforcement of laws on school grounds, education and role modeling.
- b. The City shall provide a minimum of two (2) School Resource Officers (SRO) to be assigned to service District schools within the city limits of Tualatin. All SROs shall be sworn employees of the Tualatin Police Department.
- c. The Tualatin SRO's primary assignments will be Tualatin High School, Hazelbrook Middle School, Byrom Elementary School, Bridgeport Elementary School, Tualatin Elementary School, and any future District school site that falls within the Tualatin Police Department jurisdiction.
- d. The SRO's schedule will be developed by a Tualatin Police Department supervisor to address the needs of the SRO unit and the schools they serve.
- e. The SRO will work in cooperation with all school personnel students, parents, and community members to accomplish the Tualatin Police Department's mission.
- f. The school principals and the Police supervisor of the SRO unit shall coordinate activities and meetings related to the SROs in the schools. The following priorities will guide the activities of the SRO:
 - i. Police presence, crime prevention and enforcement of laws. To create and maintain a feeling of safety and security for the benefit of all students and staff and to deter crime and violence on all school grounds through police presence and enforcement of the law.
 - ii. Education and positive contact. To create and maintain educational opportunities for all students and staff which in turn creates a positive image of law enforcement.
 - iii. Student and staff assistance. To become and remain a resource for all students and staff. To that end the SRO will be available for special event security as necessary.
- g. The District shall make every effort to provide the SROs with a private work area containing a desk, computer, and telephone within the High School and Middle School.
- h. As part of the ongoing partnership between the City and District, each agrees to allow the other the use of any facilities as available for meetings, training, community events or other use as agreed upon by the parties, subject to each entity's facilities use policies and procedures.
- i. The cost of specialized training shall be shared by mutual agreement between the City and the District on a case-by-case basis.
- j. All equipment supplied by the District shall remain the property of the District; all equipment supplied by the City shall remain the property of the City.
- k. At the direction of District, City will immediately remove any SRO from all District premises where District determines, in its sole discretion that removal of such employee would be in the best interests of District.

New Responsibilities of Each Party Identified during the Community Process

2. District responsibilities.

- a. Include SROs in building level and district level trainings for equity, trauma informed practices, culturally responsive leadership, and restorative practices
- b. Include school resource officers in collaboration efforts around psychological, social emotional well-being and physical health and safety for TTSD students, staff, and families.
- c. Participate in cross organizational training to better partner for school safety
- d. Include SROs in meetings around multi-systems of support and provide data about student outcomes and needs.
- e. Work with Tualatin Police Departments to introduce School Resource Officers (SRO) and help inform their role and the new structure and framework of partnership to staff, students, families, and community members.
 - i. This can be co-constructed with work group members throughout the year.
 - ii. Include community events quarterly at the district level that focuses on listening sessions, information sessions, and questions and answering sessions with broader Tigard-Tualatin Community.
 - iii. Create space for families locally to meet School Resource Officers.
 - iv. Administrators will have a plan to include SROs in certain staff meetings, community events, and conferences and beginning of the year introductions and onboarding events chosen by the district.
 - v. Work to help facilitate opportunities for relationship development across historically underserved communities including staff, students, and families.
 - vi. Facilitate spaces for critical conversations around historical and socio-political context locally and nationally.
 - vii. Include School Resource Officers in Broad Communication to the community.

3. City responsibilities.

- a. Provide information regarding Drug and Alcohol prevention.
- b. Provide information about evolution and reasoning for uniform, gear, and weapons.
- c. Provide information about rights of students and families when faced with legal situations.
- d. Provide summarized data about referrals and arrests and other pertinent information for community to know and understand annually.
- e. Provide information about how SROs keep school communities and local communities safe centered on culturally and community responsiveness stance
- f. Provide services in creating positive relationships with historically underserved communities including but not limited to students of color, students in foster care, and students with varying abilities.
- g. Provide data about prevention efforts including but not limited to data about community relationship development and builders, consultation time for incidence responses, partnership with administrators, special education

- departments, student services department, and equity and inclusion department.
- h. Participate in 1-2 community events monthly directly related to serving, informing, and building relationships with historically underserved communities (i.e. affinity and alliance groups, students navigating housing insecurities, and leadership groups that work to prevent and educate about impacts of drug and alcohol).

4. Joint responsibilities.

- a. The SRO program shall be evaluated annually. As part of the continuous improvement plan as reviewed by an SRO Task Force (representative of stakeholders that will include city partners, student, families, and community partners).
- b. Including staff and student representatives shall be a part of the SRO selection process.
- c. Ongoing training in conjunction with school staff. This would be on relevant subjects such as the anti-racist policy, DEI initiatives.
- d. Work to create a framework for Restorative Justice and Incidence Response to ensure the concerted effort to effectively keep students out of the criminal justice system and foster positive relationships with students with intentional focus on those historically underserved.
- e. Create, develop, and monitor continuous improvement plans centered around District Priorities with an equity lens.
- f. Preserve safe spaces for students and families.

**EXHIBIT B
COMPENSATION**

1. The City shall pay the costs of selection, salary, benefits, vehicle, and equipment for a minimum of two (2) SROs. The District shall provide funding to offset approximately one half of the costs of the most senior SRO including benefits and overtime for nine months of the year. The District's funding shall not exceed \$12,375 for the period through June 30, 2021.

2. The City shall pay the costs of selection, salary, benefits, vehicle, and equipment for a minimum of two (2) SROs. The District shall provide funding to offset approximately one half of the costs of the most senior SRO including benefits and overtime for nine months of the year. The District's funding shall not exceed \$71,180 for the period July 1, 2021 through June 30, 2022.

Tualatin Police Department SRO Program



Program Update After
Community Review Process

History of the Tualatin Police Department SRO Program

- Tualatin Police Department has partnered with Tigard-Tualatin School District since 1987.
- Throughout those 34 years the SRO Program grew from one officer to three officers.
- In the last full school year two SRO's were assigned to Tualatin High School and one SRO was assigned to Hazelbrook Middle School.
- The SRO's are responsible for the three elementary schools in the city of Tualatin as well as one charter school and two private schools.
- Tualatin SRO's are all certified GREAT curriculum instructors and have taught Great during summer programs since 1994.
- SRO's role has constantly evolved over the past 30 years to include new responsibilities and training.
- In the Fall of 2020 the city of Tualatin partnered with the Tigard-Tualatin School District for a community review of the SRO program.

Summary of Community Process

In partnership with the Tigard Tualatin School District (TTSD), the City of Tigard and its Police Department, and the City of Tualatin and its Police Department, contracted facilitators were tasked to conduct group listening sessions and interviews.

These sessions occurred in the Fall of 2020 with students, staff, administrators, the police departments, parents and community members to learn more about the School Resource Officer (SRO) program in the schools.

Community surveys indicated overwhelming, but not 100%, support for the program. The facilitators encapsulated participants' experiences, perspectives, concerns, and hopes for the future of the SRO program.

After completing the process six key themes emerged from the listening sessions and interviews.

Key Themes from Facilitators Report

- Perception of Safety
- Student & Staff Interaction with SRO's
- Lack of Clarity Around SRO Roles and Responsibilities
- Feedback and Continuous Improvement
- Structural Issues
- Socio-Political Issues

SRO Return to School and Contract

- Two Tualatin PD SRO's will return to Tualatin High School May 3rd, 2021.
- The SRO's will also be responsible for responding to calls, presenting to classes, and addressing issues at all other schools in the city of Tualatin.
- The proposed contract is for the remainder of the 2020/2021 school year and the entirety of the 2021/2022 school year.
- Establishes SRO task force that ensures new responsibilities of the District and SRO's are being met.

Essential Responsibilities of SRO's

- Be present at the school to ensure safety of students and staff.
- Respond to emergency calls for service if within proximity of school.
- Investigate child abuse referrals that involve students at various schools within the district.
- Attend school related staff meetings and integrate with school staff.
- Attend bi-monthly meetings with student Affinity and Alliance groups.
- Participate with school district Diversity, Equity and Inclusion training.
- Investigate any criminal allegations that have a school nexus.

Questions?



City of Tualatin

**CITY OF TUALATIN
Staff Report**

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Ross Hoover, Parks and Recreation Director
Rich Mueller, Parks Planning and Development Manager

DATE: April 26, 2021

SUBJECT:
Consideration of **Resolution No. 5540-21** Setting a Parks Utility Fee

EXECUTIVE SUMMARY:

The Parks and Recreation Master Plan concluded that many of the current parks and facilities are 25 to 30 years old and in need of renovation, replacement, and improvement. During 2019 and 2020 staff presented data about the parks system condition, costs to maintain, prioritization, repair, and renovation of park assets. Council discussed and considered funding options. On December 14, 2020 Council adopted Ordinance No. 1447-20 authorizing a parks utility by creating Tualatin Municipal Code Chapter 3-7. During the April 12, 2021 work session, Council discussed the fee and directed staff to bring back a resolution setting the Parks Utility Fee at \$5 a month beginning July 1, 2021.

Attachments:
Resolution 5540-21

RESOLUTION NO. 5540-21

A RESOLUTION SETTING THE RATES FOR THE PARKS UTILITY FEE

WHEREAS, the City established a Parks Utility in Tualatin Municipal Code (TMC) Chapter 3-7;

WHEREAS, under TMC 3-7-040, the Council is to annually establish the Parks Utility Fee by resolution of the Council, based upon a per dwelling unit basis; and

WHEREAS, the Council wishes to set the rates for the Parks Utility Fee for Fiscal Year 2021/2022, consistent with TMC Chapter 3-7;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. For the fiscal year beginning July 1, 2021 and ending June 30, 2022, the Parks Utility Fee Rates are as follows:

<u>CATEGORY</u>	<u>PARKS UTILITY FEE</u>
Residential Properties	\$5.00 per dwelling unit per month
Non-Residential Properties	\$5.00 per equivalent dwelling unit per month

* Each non-residential property is one equivalent dwelling unit.

Section 2. This resolution is effective July 1, 2021.

INTRODUCED AND ADOPTED by the City Council this ____ day of _____, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder