



City of Tualatin

Attachment H4:

Public Comment Record 2017



Tualatin Plan Com Meeting 1-19-17

Hi Grace,

This line should not be on this map and I am sorry I didn't catch it before it went out. I have asked multiple time for this line to be removed and it keeps showing up. I'll ask our consultant again to take this line off as I do not know where it came from or what it represents.

My apologies.

Aquilla Hurd-Ravich, AICP

Planning Manager

City of Tualatin | Community Development Department

503.691.3028 | www.tualatinoregon.gov.

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

Sent: Thursday, January 12, 2017 4:43 PM

To: Karen Perl Fox; Aquilla Hurd-Ravich; Bateschell, Miranda; Karushaar, Nancy

Subject: Trail or Road Markings on Basalt Creek Concept Plan Map-Posted Tualatin Plan Com Meeting 1-19-17

Karen, Aquilla, Miranda, and Nancy,

I know we have previously discussed maps which have indicated various public (or other) access through existing residential properties within the Basalt Creek Concept Area.

My understanding of these discussions was that no trail or other public access-- were anticipated or intended to be placed through my property.

I have included a copy of a map which is being presented to the Tualatin Planning Commission on Jan. 19, 2017 as part of the Basalt Creek Concept Planning Update Agenda Item. I have drawn a red circle around a broken grey line which meanders in a general north-south direction either through or next to my property.

<image001.jpg>

Would you provide me information as to what this line is to indicate-a proposed road, trail, utility?

Has there been a change in anticipated use/ access to this area of privately owned property, as part of the Basalt Creek Concept Planning?

If the broken grey line does not have any anticipated use, I request that it be removed from this and any future maps produced for public dissemination.

I also ask that contractors and subcontractors of the Basalt Creek Concept Planning process be informed of this and previous requests pertaining to the removal of unnecessary and/or unapproved markings on Basalt Creek Concept Planning maps produced for public dissemination.

I look forward to hearing back from you.

Thanks,
Grace Lucini

From: [Herb Koss](#)
To: [Alice Cannon](#); [Aquila Hurd-Ravich](#); kperlfox@ci.tualatin.or.us
Cc: logden@ci.tualatin.or.us; fbubenik@ci.tualatin.or.us; jdavis@ci.tualatin.or.us; ngrimes@ci.tualatin.or.us; [Paul Morrison](#); [Jeff Dehaan](#); [Robert Kellogg](#); [Lois Fox](#); [Heather Hutchinson](#); [Matthew Johansen](#); [Lark Leitgeb](#); [Hannah Childs](#); [DonHanson](#); [Sherman Leitgeb](#); [Grace Lucini](#); [Herb Koss](#); [John andGrace Lucini](#); [Marvin Mast \(marvinmast@gmail.com\)](mailto:marvinmast@gmail.com); [Mehdi A-Sanaei \(mehdiasanaei@yahoo.com\)](mailto:mehdiasanaei@yahoo.com); nicksummersfs00@gmail.com; r.alvstad@comcast.net; srcs6914@aol.com
Subject: FW: Basalt Creek
Date: Tuesday, January 17, 2017 1:01:46 PM

Alice, Aquilla, or Karen

Could you please make sure that the Planning Commission receives this memo.
Thank you
Herb Koss 503 730 2431

Subject: Zoning of land not suited for an employment zone

Memo to the Tualatin Planning Commission Chair and Members of the Commission

CC : Mayor Ogden, Tualatin City Council, Alice Cannon, Aquila Hurd- Ravich, Karen Fox, Property owners affected by a proposed Employment Zone.

Testimony submitted by Herb Koss the managing member of the 10 acres just north of Basalt Creek Parkway.

Property location:

Property located between Victoria Gardens on the North, Basalt Creek Parkway on the South, Grahams Ferry on the West and Basalt Creek on the East.

I am unable to attend the Planning Commission meeting on January 19th. Don Hanson, a principle at Otak will be attending the meeting weather permitting. Don was hired to assist in helping to plan the property described above for a zone that was conducive to the topography and the factor of limited access to the property. The site grading for an employment use would not be feasible due to the vast amounts of Basalt Rock. Access from Basalt Creek Parkway will be limited and Washington County plans a 18 to 20 foot cut on the south end of the property owned by the LLC that I manage and represent.

A month has almost passed since I was informed that Washington County was going to retain the services of EcoNW to visit the site and provide their opinion as to whether the property was suited for an employment zone. As of Jan 13th according to the administrative director of EcoNW the County had not retained the services of EcoNW to visit the site. **This is troublesome, because all of us want to make sure that Washington County understands the challenges associated with the site, so that it is zoned properly.**

I was informed that Tualatin Staff had a tour of the site arranged by Lois Fox a property owner. A site visit is certainly the best way to determine and experience what property owners have been stating about the problems with an employment zone. The elevation from the low to the high

Point is 60 feet and the access to the South from Basalt Creek Parkway is not feasible.

I would also like to point out that in order to ensure an employment zone was not the correct zone, a well-known office park developer was contacted. PacTrust is well known and a quality developer. A senior VP visited the site and reviewed topography and the feasibility of mass grading the site. His comment upon visiting the site was mass grading of the site was not feasible because of the vast amounts of Basalt Rock and the 60 foot elevation. Mayor Ogden has had conversations with Tony Weller of CES engineering and a past Council Member, Ken Leahey a site development contractor, and John Fregonese of Fregonese and Associates. After these conversations Mayor Ogden contacted Andy Dyck at Washington County. Mayor Ogden told me the conversation was why does everyone he has talked to not support an employment zone and the county still maintained the land was well suited for employment. This is a very good question and we were encouraged that EcoNW was being retained. The disappointment is to our knowledge no contract has been entered into and time continues to pass by.

It would be very unfair to property owners to improperly place a zone land that will never be developed and restrict the use of the land to the property owners presently living on the land. The County Loses, The City Loses and the land owners are treated unfairly after many months of planning, public meetings, and a large financial commitment to pay for the planning.

The property can be developed into supportive housing and become as asset to the City and the County.

A residential zone is adaptable to elevation changes and access is not as restricted compared to the access requirements needed for truck traffic. All of the property owners within the acreage described and the land owners to the east of this land support a residential zone.

I realize that a formal vote is not taking place on Jan 19th, 2017, however I wanted to enter our concerns into the record.

Sincerely

Herb D Koss

From: [Herb Koss](#)
To: [Alice Cannon](#)
Cc: [Sherman Leitgeb](#); [Don Hanson](#); [Ed Trompke \(Ed.Trompke@jordanramis.com\)](#)
Subject: RE: Mackenzie Study of Basalt Creek/Grahams Ferry Site
Date: Thursday, January 19, 2017 1:49:21 PM

Alice

Thank you for emailing me the information. Like I said it was disappointing to have Andy Duyck tell Ed Trompke one thing and then have signed a letter like he did.

If you really read the detail in the GM letter some data that they assumed is incorrect. First of all no residential zone on the North was taken into consideration. The North South Road connecting to Basalt Creek Parkway is not feasible --- 20 foot cut will be made to accommodate Basalt Creek Parkway. Basalt Creek Parkway is shown in the wrong location – It is on the south property line of Our 10 acres.

Don Hanson will attend tonight’s PC meeting as well as Sherman Leitgeb. Don will present our Concerns and recommendations at the PC meeting.

Again thank you for forwarding me the information.

Sincerely
Herb Koss

From: Alice Cannon [mailto:acannon@tualatin.gov]
Sent: Thursday, January 19, 2017 12:21 PM
To: Herb Koss
Subject: Mackenzie Study of Basalt Creek/Grahams Ferry Site

Herb,

Here is the latest information from information from Washington County.

Thanks for the conversation just now.

Kind regards,

Alice

Alice Cannon
Assistant City Manager
City of Tualatin | Community Development
503.691.3018 | acannon@ci.tualatin.or.us | www.tualatinoregon.gov

Citizen Comments to Tualatin Planning Commission 1-19-2017

Agenda Item 5 B-Basalt Creek Concept Planning -Update

Grace Lucini

23677 SW Boones Ferry Road, Tualatin Oregon

My home is within the Basalt Creek Concept Planning area. I do not have elected representation within the Basalt Creek Concept Planning process, as I am not a resident of either the cities of Tualatin or Wilsonville- which are the governmental entities determining the process.

I appreciate that additional reviews of the Central Sub-Area continues- but evaluations for use need to be done within the context of the plan --for the successful health of the entire concept plan area.

I understand members of the City staff did an on-site visit to the area- which is necessary to understand the topography and uniqueness of the area. Let me express my appreciation of this action.

I also appreciate the actions the staff, stated they will take action to remove unnecessary or out dated markings on Concept Planning Maps which are disseminated to the public.

In this case the removal of some markings which overlay and potentially indicate actions to private properties west of SW Boones Ferry Road and north of the proposed Parkway. A map with these markings was included within the informational packet provided to this Commission, and was available for public review.

1-11-17 Mackenzie Report Evaluation of Central Sub Area- Analysis for Industrial Use- commissioned by Washington County

However, I question the usefulness of an evaluation commissioned by Washington County which resulted in the 1-11-17 Report by Mackenzie.

1. The Mackenzie Report did very little to address the actual question this Commission is discussing-which is: ***what is the most appropriate land use for the land in question.***

2. The Mackenzie Report specifically states the topic of the report is ---for "planning and design for development of industrial and employment lands in the Portland region".

These are two very distinctly different questions and issues- and any information gained from the Mackenzie Report should be utilized only within the context of the question it addresses... that question is simply if any of the land COULD be used for employment ---The answer to that question is yes, but very little land is appropriate for industrial use.

- A. The report did not address what should happen to the balance of the land not appropriate for industrial use.
 - Will this land become waste land?
 - An eye sore- who will be responsible for maintaining so many acers of land which is zoned for industrial use, but cannot be developed?

In addition, there are several factual problems which are presented within the Mackenzie Report as it is written...

- B. A major issue is the location of the limited access Parkway--- which is a major focal point of the entire Basalt Creek Concept Planning Process.
- C. The potential concept planning maps created and provided by Mackenzie indicate road access north from the Parkway – which is again contrary to previous primary planning concepts.
- D. There is no indication of any effort to co-exist with existing neighborhoods or adjacent properties the Mackenzie Report:
 - does not indicate or state any attempt to have compatible of zoning with adjacent residential properties
 - does not indicate or state any attempt to provide buffering of existing neighborhoods- which was another primary guiding principle of the planning process
 - There is no indication of roads to the developable acreage east of the site being examined. As utilities are preferably laid along roads the proposed use maps within the Mackenzie Report effectively blocks any development west of the wetlands and east of the area due to the lack of any road to the area east of the study area.
 - There is little comment within the Mackenzie Report on the cost involved in resolving the topography and solid basalt rock benches which are found within this area--- to make it compatible for grading for industrial use. Cost is a significant factor when planning any development. If the cost is too high, the land will be the last to be developed -if ever
- E. Consequently, the information gained from this report should only be used within the context of the question it addresses.
- F. The ability to use this report for determining the best use of the land is extremely limited.

EXISTING PROPERTY OWNERS WITHIN BASALT CREEK AREA

1. Existing property owners directly affected by the planning process should be heard as to their goals, and should be respected for the knowledge they provide about the limitations of the land they own.
2. Existing neighbors within the Tualatin City limits, and those existing outside the current limits should be heard and their comments incorporated into the concept plans as a basic livability issue.

I request that the Planning Commission acknowledges the extensive limitations of the Mackenzie Report when considering what is the best land use for this area- within the context of the entire Tualatin area and forward these concerns to the Tualatin City Council.

Respectfully,

Grace Lucini



City of Tualatin

www.tualatinoregon.gov

OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF January 19, 2017

TPC MEMBERS PRESENT:

Alan Aplin
Bill Beers
Angela Demeo
Travis Stout
Mona St. Clair
Janelle Thompson
Kenneth Ball

STAFF PRESENT

Aquilla Hurd-Ravich
Karen Perl Fox
Jeff Fuchs
Lynette Sanford

TPC MEMBER ABSENT:

GUESTS: Don Hanson, Grace Lucini, Sherman Leitjab, Tom Childs, Lois Fox, Jim Odams, George DeDoux, and Marrin Mast.

1. CALL TO ORDER AND ROLL CALL:

Alan Aplin, Chair, called the meeting to order at 6:30 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Aplin asked for review and approval of the October 20, 2016 TPC minutes.
MOTION by Thompson SECONDED by St.Clair to approve the minutes as written.
MOTION PASSED 7-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

A. Elect a Chair and Vice Chair to Represent the Tualatin Planning Commission

Mr. Aplin asked the Commission members if they would like to become the Chairman and Vice Chairman of the Planning Commission. Bill Beers offered to be the Chairman and Kenneth Ball volunteered to be the Vice Chairman. MOTION PASSED 7-0.

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

5. COMMUNICATION FROM CITY STAFF:**A. Capital Improvement Plan 2018-2027**

Jeff Fuchs, City Engineer, presented the Capital Improvement Plan (CIP) which included a PowerPoint presentation. Mr. Fuchs stated that he is filling in for Kelsey Lewis who was unable to attend the meeting. Mr. Fuchs noted that the CIP is a ten year project roadmap and is more of a planning tool than a schedule. This plan is reviewed and revised annually.

The project categories of the CIP are Facilities and Equipment, Parks and Recreation, Technology, Transportation and Utilities. Mr. Fuchs noted that Ms. Lewis programmed the Transportation System Plan (TSP) into the CIP to balance revenue against planned expenditures.

Mr. Fuchs stated that the priorities are Council goals, health and safety, regulatory requirements, master plans, and service delivery needs. Funding sources include system development charges, water, sewer and storm rates, gas taxes, general fund, and grants and donations. The summary total is \$6,029,000.

Mr. Fuchs went through the slides that detailed the project categories and the costs for each. The CIP schedule includes presenting to the various Committees in January and it goes to Council for approval in February.

Mr. Aplin asked if the new City Hall is part of this plan. Mr. Fuchs replied that it does not fall within a 10 year window so it was not included.

Mr. Stout asked how the five year portion compares to last year. Mr. Fuchs replied that the projects shift around depending on the delivery. The general fund is the category that changes the most. Mr. Fuchs added that the majority of the transportation projects are on a sliding schedule.

Ms. Thompson asked if the developer was supporting the project on 65th & Sagert or if it is derived from City funds. Mr. Fuchs replied that the Sagert project is a System Development Charge (SDC) reimbursement expense - they will pay for the impact of their development and we will reimburse them for the portion above and beyond their development. Mr. Fuchs added that the traffic signal in that area should be installed by early summer.

Ms. Demeo asked if the Sagert and Martinazzi intersection project will surface next year. Mr. Fuchs responded that they will take a midterm look at the traffic study and reexamine the high traffic areas.

B. Update on Basalt Creek Land Use Concept Plan Map

Karen Perl Fox, Senior Planner, and Aquilla Hurd-Ravich, Planning Manager, presented an update on the Basalt Creek Land Use Concept Map. This includes an overview of the work staff carried out on the exploration of the central subarea as directed by City Council at their October 10, 2016 work session. This update will also include Council's confirmation on the Concept Map at the November 28, 2016 work session.

Ms. Hurd-Ravich stated that Metro brought the Basalt Creek Planning area into the Urban Growth Boundary in 2004 as employment land and Metro was awarded the CET Grant to fund the concept planning. In 2011-2013 Tualatin worked with partners Washington County, Metro and Wilsonville, and ODOT to define the transportation spine. This resulted in a transportation refinement plan and two intergovernmental agreements (IGAs) at the beginning and towards the end of the project. In 2013, the concept planning kicked off with a joint meeting with Wilsonville.

In 2014 staff worked through the guiding principles list which included:

- Maintain and complement the cities unique identities
- Meet regional responsibility for jobs and housing
- Design cohesive and efficient transportation and utility systems
- Maximize assessed property value
- Capitalize on the area's unique assets and natural location
- Explore creative approaches to integrate jobs and housing
- Create a uniquely attractive business community unmatched in the metro region
- Ensure appropriate transitions between land uses
- Incorporate natural resource areas and provide recreational opportunities as community amenities and assets

Ms. Hurd-Ravich presented the maps which detailed the progression and the revisions from the feedback received. This proposed jurisdictional boundary was discussed at a joint council work session in December 2015 and both councils agreed on the proposed jurisdictional boundary following Basalt Creek Parkway. Ms. Hurd-Ravich added that this information was presented to Council on June 13, 2016. Council feedback posed the question of how this concept could support campus industrial and how the trip cap would be managed.

Ms. Perl Fox stated that feedback from the public, Council, and the intergovernmental partners led to minor refinements. These include 93 acres of Manufacturing Park, 3 acres of neighborhood commercial, and 88 acres of residential – which represents a balance between employment and residential land.

Ms. Perl Fox added that public input prompted questions on the Basalt Creek central subarea – the area immediately south of Victoria Gardens to the jurisdictional

boundary. This represents approximately 42 buildable acres. Council directed the land to match the same planning district as Victoria Gardens, which is RML (Medium low density). For the central subarea on the Tualatin side, Council directed exploration of the OTAK proposal to determine if the land is suitable for employment uses.

Ms. Perl Fox noted that staff met with OTAK to explore the property owner's proposal, consider opportunities for employment and constraints in the area, and consider infrastructure needed for different proposed uses. Ms. Perl Fox emphasized that we are in partnership with other agencies and they do not want to reduce employment land for more residential. We received a letter from Washington County in October emphasizing that the land is prime for industrial and employment uses.

Ms. Perl Fox continued presenting the slides that detailed the summary of acres and trips, and the most recent land use concept map. Ms. Hurd-Ravich added that based on all the information, staff's position is to recommend that Council accept the land use map as presented.

Ms. St. Clair asked about the area designated for high density and how many homes are expected. Ms. Perl Fox responded that it's approximately 2-3 acres of land, so it would be around 100 units. Ms. St. Clair asked if there will be enough housing for the people who will be working in the industrial/employment area. Ms. Hurd-Ravich responded that the group didn't plan on a housing unit for each employee. Ms. St. Clair stated that the people in the employment area will expect to live where they work. Mr. Aplin asked if we are limited on high density zoning areas. Ms. Hurd-Ravich responded that we are constrained by trip numbers.

Mr. Beers asked if the trip model took into account the different business sectors in the area. He was concerned about the high price of housing in the area and as a result, many employees may have to commute in from other areas. Ms. Hurd-Ravich added that the models accounted for bike and pedestrian transportation as well as public transportation, but doesn't narrow down trip times.

Don Hanson, OTAK, 808 SW 3rd, Portland, OR 97204

Mr. Hanson works for OTAK and was hired to assist the property owners in the ten acres in the southern portion of the study area, north of Basalt Parkway. He has been tracking this process and is concerned about this area being zoned employment land due to the vast amount of Basalt rock. Mr. Hanson distributed a map which detailed the topography concerns. This map has been added as an attachment to the minutes.

Mr. Hanson stated that they consulted an excavator and a broker to obtain their opinion on the area and both expressed concern about the conditions. Mr. Hanson noted that Washington County and the engineering firm Mackenzie viewed the

property. They submitted a map and evaluated the property strictly for employment uses; they did not take into account the residential transition area. Mr. Hanson stated that they were unaware that there is no access road and the access points are limited to Grahams Ferry Rd and Tonquin Rd. Mr. Hanson acknowledged that there should be additional residential land in this area which would be more adaptable to the difficult topography.

Grace Lucini, 23677 SW Boones Ferry Rd

Ms. Lucini is a resident of the unincorporated area of Washington County directly adjacent to the east of the study area. Ms. Lucini has questions and concerns regarding the report evaluation of the central subarea that she bought to the Planning Commission. The handout has been added to the minutes as an attachment.

Sherman Leitgeb, 23200 SW Grahams Ferry Rd

Mr. Leitgeb noted that he is concerned about the subarea because he lives there. Mr. Leitgeb stated that 329 acres is already zoned industrial which has not been built on. He's concerned that the land will not be developed. Mr. Leitgeb noted that experts from Pactrust and excavation companies have stated that they are not interested in the land due to the amount of rock and slope.

Tom Childs, 23470 SW Grahams Ferry Rd

Mr. Childs stated that the people living in the Basalt area need to be acknowledged and if the land is designated industrial, it will not be built upon. Mr. Childs mentioned that there is not enough housing to support retail or small businesses. If this land is developed into industrial property, he will not be able to sell his home for a profit and find another place to live. Mr. Childs believes that the decisions considered should benefit the current homeowners, not Metro, Wilsonville, or Washington County.

Lois Fox, 23550 SW Grahams Ferry Rd

Ms. Fox stated that she toured the property with City staff and acknowledged that there is rock throughout her property which makes it unsuitable to build on. Ms. Fox mentioned that she was taken aback when the City Council mentioned that they will revisit the zoning if it doesn't work out or is not saleable. She has not heard from anyone other than a government official who thinks this is a good use for this property. She added that she would like to invite Washington County staff to tour her property.

Mr. Hanson added that moving forward, it makes sense to have a peer review or workshop for everyone to get together to express ideas clearly and have comments.

Jim Odams, 24005 SW Boones Ferry Rd

Mr. Odams lives in unincorporated Washington County and is not a resident of Wilsonville or Tualatin. He stated that he has not been approached by anyone for permission to tour his property even though the proposed bridge and alignment go through his property. Mr. Odams commented that it is frustrating to be a property owner in the proposed development area without representation.

Ms. Hurd-Ravich added that the alignment is though Washington County and the City can point out to them that the property owners have not been approached. The cities have not been involved in the geotechnical study, but will bring it up with the other agencies.

Ms. Demeo stated that Metro brought the Basalt area in as employment land and asked if the intent was to zone the entire area for employment. Ms. Hurd-Ravich replied that the Council fought back and the City didn't want the land at all. There was a concession to allow some residential to provide transition between employment and residential. Ms. Demeo asked if there was a dictated amount of acreage or percentage for residential and employment in the whole area, including Wilsonville. Ms. Hurd-Ravich replied that it is 70-30 percentage split. Ms. Lucini added that there is a Metro ordinance (04-1040B) which recommends the dividing line at Basalt Creek Parkway should be zoned residential to the north. Mr. Leitgeb added that Tualatin is the only City which stated they need additional housing.

Mr. Ball asked if the land has been surveyed by geotechnical engineers. Ms. Hurd-Ravich said at a concept plan level, they don't go into that detail – this happens in future steps.

Mr. Beers inquired about the jobs goal for the Basalt area and if there is a target to reach. Ms. Hurd-Ravich responded that Metro completes the analysis of population employment growth and projects the numbers. The jobs numbers are reflective of the scenario modeling and employment types, and jobs per acre. Tualatin met the Metro target in terms of employment. Ms. Thompson asked if the targets have to be met for jobs per residence. Ms. Hurd-Ravich responded that Metro has design types, but they don't have an employee per acre type.

Mr. Leitgeb mentioned that he met with a Wilsonville council member and the council member stated that Wilsonville only cares about the trip counts and not receiving Tualatin's sewage. The projected jobs is based on all of the land being developed into employment, if it doesn't get developed because of unsuitable conditions of slope and rock, you will need to take the jobs out of the equation for that section of the property. Ms. Perl Fox stated that she heard from the City of Wilsonville that they are concerned with the clustering of employment as well as the trip counts.

Mr. Childs stated that if the land is designated commercial and doesn't get developed, there will be no SDC fees or taxes collected. If it's developed residential, there will be sewer, water, taxes, and revenue generated. There will also be less land annexed into the City.

Mr. Aplin asked what the next steps were. Ms. Hurd-Ravich responded that this will return to Council on February 13. There are new Council members so there may be different views regarding this process. The concept plan cannot be completed until the land use map is agreed upon.

Ms. Lucini asked the Planning Commission what their thoughts are regarding moving forward. Mr. Aplin responded that the Council will hear feedback from the Commission members, but it is up to them to decide. Ms. Hurd-Ravich added that the minutes will be available to the Council members regarding the comments received.

Mr. Hanson asked if the Planning Commission will make a recommendation to Council. Ms. Hurd-Ravich said that they will eventually do so. Once the draft is complete it will return to the Planning Commission. When it's adopted into the Comprehensive Plan, the recommendation will be made.

C. Framing for Priority Project: Update the Tualatin Development Code

Ms. Perl Fox presented the Framing for Priority Project: Update the Tualatin Development Code, which included a PowerPoint presentation. Ms. Perl Fox stated that at the 2014 Council Advance, the Council identified the Tualatin Development Code (TDC) update as a priority project. This is focused on the TDC - not the Municipal Code or other City requirements.

Ms. Perl Fox provided background information about the Tualatin Community Plan (Comprehensive Plan). This covers Chapters 1-30 of the TDC and provides land use goals and policies for the City. This was adopted in 1979; some chapters were updated in 2012.

Ms. Perl Fox stated that the Development Code (Land Use Regulations) covers Chapters 31-80 of the TDC. These chapters include planning districts (zoning), natural resource and floodplain requirements, community design standards, procedures and application requirements, subdivisions and partitions, and sign regulations.

Ms. Perl Fox noted that there are three phases of approach. These include:

- Phase 1: Code Clean up (Audit and Amendments)
- Phase 2: Outreach and Policy Review
- Phase 3: Writing a Work Program

Mr. Ball asked if the code is written and amended by a committee. Ms. Perl-Fox responded that consultants are involved as well as input from the Planning Commission.

Ms. Perl Fox noted that the amendment process can be a complicated process. The current code has many errors that need to be corrected, as well as it being confusing to read. This process may require several years to implement in total.

Ms. Perl Fox stated that the schedule includes:

- Quarter 1 – Audit
- Quarters 2 and 3 – Draft Code
- Quarter 4 – Hearing
- Quarters 5 and 6 – Outreach
- Quarter 7 – Policy Review
- Quarter 8 – Work program

Ms. Hurd-Ravich added that the Commissioners have an active role in this project and that their advice and comments will be taken to Council. We are almost ready to sign a contract with Angelo Planning Group. They will complete the bulk of the work, but the Planning staff will be working with them directly.

Ms. St. Clair asked if the consultant is an attorney firm. Ms. Hurd-Ravich responded that they are land use planners, but we will be working closely with our City Attorney. Ms. Demeo asked when Quarter 1 will kick off; Ms. Hurd-Ravich answered February 1, 2017.

Mr. Beers asked if the end product will be in printed form or on the web. Ms. Hurd-Ravich responded that it used to be in printed form, but is now exclusively web based. Ms. Demeo asked who our main customer is – business or residents. Ms. Hurd-Ravich responded that our customer is a good cross section of developers, businesses, and residents.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that future action items include review of the Annual Report, which will be presented to Council. There will also be a Basalt Creek update.

Mr. Ball asked if there is a plan for the development off SW Nyberg Street - the former RV Park of Portland site. Ms. Hurd-Ravich responded that the application for the Plan Map Amendment is incomplete. Once deemed complete, it will come to the Planning Commission.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Mr. Beers asked what is going in next to Cabela's. Ms. Hurd-Ravich responded that Cracker Barrel Restaurant is currently under construction, as well as a retail shell which

will house a bank and a mattress store. Mr. Aplin asked if Cabela's is changing to Bass Pro Shops. Ms. Hurd-Ravich replied that she has not heard anything regarding that.

8. **ADJOURNMENT**

MOTION by Aplin to adjourn the meeting at 8:39 pm.



_____ Lynette Sanford, Office Coordinator

Citizen Comments to Tualatin Planning Commission 1-19-2017

Agenda Item 5 B-Basalt Creek Concept Planning -Update

Grace Lucini

23677 SW Boones Ferry Road, Tualatin Oregon

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 - An eye sore- who will be responsible for maintaining so many acers of land which is zoned for industrial use, but cannot be developed?

In addition, there are several factual problems which are presented within the Mackenzie Report as it is written...

- B. A major issue is the location of the limited access Parkway--- which is a major focal point of the entire Basalt Creek Concept Planning Process.
- C. The potential concept planning maps created and provided by Mackenzie indicate road access north from the Parkway – which is again contrary to previous primary planning concepts.
- D. There is no indication of any effort to co-exist with existing neighborhoods or adjacent properties the Mackenzie Report:
 - does not indicate or state any attempt to have compatible of zoning with adjacent residential properties
 - does not indicate or state any attempt to provide buffering of existing neighborhoods- which was another primary guiding principle of the planning process
 - There is no indication of roads to the developable acreage east of the site being examined. As utilities are preferably laid along roads the proposed use maps within the Mackenzie Report effectively blocks any development west of the wetlands and east of the area due to the lack of any road to the area east of the study area.
 - There is little comment within the Mackenzie Report on the cost involved in resolving the topography and solid basalt rock benches which are found within this area--- to make it compatible for grading for industrial use. Cost is a significant factor when planning any development. If the cost is too high, the land will be the last to be developed -if ever
- E. Consequently, the information gained from this report should only be used within the context of the question it addresses.
- F. The ability to use this report for determining the best use of the land is extremely limited.

EXISTING PROPERTY OWNERS WITHIN BASALT CREEK AREA
--

1. Existing property owners directly affected by the planning process should be heard as to their goals, and should be respected for the knowledge they provide about the limitations of the land they own.
2. Existing neighbors within the Tualatin City limits, and those existing outside the current limits should be heard and their comments incorporated into the concept plans as a basic livability issue.

I request that the Planning Commission acknowledges the extensive limitations of the Mackenzie Report when considering what is the best land use for this area- within the context of the entire Tualatin area and forward these concerns to the Tualatin City Council.

Respectfully,

Grace Lucini

From: [G Lucini](#)
To: [Aquilla Hurd-Ravich](#); [Karen Fox \(City of Tualatin\)](#)
Cc: ["Lou Ogden"](#); [Joelle Davis](#); [Frank Bubenik](#); [pmorrison@tualatin.gov](#); [jdehaan@tualatin.gov](#); [rkellogg@tualatin.gov](#); [ngrimes@tualatin.gov](#)
Subject: Questions -Basalt Creek Parkway Ext- WA County 2019-2021 RFFA Project Evaluation
Date: Monday, January 30, 2017 3:52:45 PM
Attachments: [2016 11-7 WCCC -BC Parkway Ext - Evaluation- Freight Access-Air-Economic.pdf](#)

Aquilla, and Karen,

I saw in the Informational Packet for the **11-7-2016 WCCC Meeting** an Evaluation Matrix for Washington County 2019-2021 RFFA Projects- please see the attachment.

The second item on the matrix, under Regional Freight Initiatives, includes a listing for:

Basalt Creek Extension- Grahams Ferry Road to Boones Ferry Road (ROW)-

The project received a ranking of #3 by Washington County

While looking at the evaluating criteria within this document, I am at a quandary as to how this project ranked as high as it did using the stated criteria, and was also extremely interested in the stated evaluation statements specific to the Basalt Creek Extension-Grahams Ferry Road to Boones Ferry Road Project.

A few of the evaluating factors provided in the document are listed below – with associated comments listed for the Basalt Creek Extension-Grahams Ferry Road to Boones Ferry Road Project:

Freight Delay:

- I gave this score based on the criteria, but would score higher as this provides a new route with safer turn movements.
- Doesn't address delay specifically (focus on reliability)
- Future delay anticipated

Freight Access:

- Not much data given
- Difficult to full assess project impact

EJ Economic Opportunity

- The answer seems speculative
- I also know that lower-income, EJ communities have a hard time accessing Tualatin jog centers. If they had provided specific benefit numbers/strategies to bring people to this area for jobs, my score would be higher.
- Not much data given
- Difficult to full access project impact

Air Toxics

- Project reduces freight VMT; but adds new connection introducing pollutants into project area

Multiple Freight Modes

- Project does not directly improve freight mode connectivity.

This report does not appear to substantiate the effectiveness or utility of the Basalt Creek Parkway Extension project in meeting the stated purpose of the entire project – which was to facilitate the flow of regional freight traffic. The report specifically states, "Project does not directly improve freight mode connectivity."

The document did not substantiate or provide conclusive information of improvement of Economic Opportunities resulting from the Basalt Creek Parkway Extension.

However, the document does identify the Basalt Creek Parkway Extension may introduce pollutants into the project area- although the type and amount are not quantified. Residential properties directly abut the Parkway Extension, and a school yard and day care facility and an anticipated residential development will be in very close proximity along Greenhill Lane.

- Did the City of Tualatin receive this report?
- Is the City of Tualatin satisfied with the information contained in the document- and the ramifications/impact the Basalt Creek Parkway Extension may have upon the local residents?
- Is the City of Tualatin satisfied with the level of Freight Delay anticipated with the Basalt Creek Parkway Extension- in relationship to the stated purpose to improve the flow of regional freight traffic?
- When new information becomes available (which may possibly negate previous assumptions)- is there a process in place for reassessing the proposed location of the Basalt Creek Parkway Extension?

For reference, the following link accesses the entire 11-7-2016 WCCC informational packet.

http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/PlanningPrograms/TransportationPlanning/upload/WCCC_Packet_110716.pdf

I look forward to hearing your response.

Regards,

Grace

From: [Lynette Sanford](#)
To: [G Lucini](#)
Subject: RE: Copy of My Citizen Comments to Tualatin Planning Commission Meeting 1-19-2017
Date: Friday, January 20, 2017 8:15:52 AM

Thank you – I'll include it with my minutes.

Lynette Sanford

Office Coordinator
City of Tualatin | Planning Division
503.691.3026 | www.tualatinoregon.gov

From: G Lucini [mailto:grluci@gmail.com]
Sent: Thursday, January 19, 2017 9:26 PM
To: Lynette Sanford
Subject: Copy of My Citizen Comments to Tualatin Planning Commission Meeting 1-19-2017

Hi Lynette,

Attached is a copy of the Citizen Comments I read to the Tualatin Planning Commission this evening.

Thanks,
Grace



City of Tualatin

www.tualatinoregon.gov

UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF January 19, 2017

TPC MEMBERS PRESENT:

Alan Aplin
Bill Beers
Angela Demeo
Travis Stout
Mona St. Clair
Janelle Thompson
Kenneth Ball

STAFF PRESENT

Aquilla Hurd-Ravich
Karen Perl Fox
Jeff Fuchs
Lynette Sanford

TPC MEMBER ABSENT:

GUESTS: Don Hanson, Grace Lucini, Sherman Leitjab, Tom Childs, Lois Fox, Jim Odams, George DeDoux, and Marrin Mast.

1. CALL TO ORDER AND ROLL CALL:

Alan Aplin, Chair, called the meeting to order at 6:30 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Aplin asked for review and approval of the October 20, 2016 TPC minutes.
MOTION by Thompson SECONDED by St.Clair to approve the minutes as written.
MOTION PASSED 7-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

A. Elect a Chair and Vice Chair to Represent the Tualatin Planning Commission

Mr. Aplin asked the Commission members if they would like to become the Chairman and Vice Chairman of the Planning Commission. Bill Beers offered to be the Chairman and Kenneth Ball volunteered to be the Vice Chairman. MOTION PASSED 7-0.

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

5. COMMUNICATION FROM CITY STAFF:**A. Capital Improvement Plan 2018-2027**

Jeff Fuchs, City Engineer, presented the Capital Improvement Plan (CIP) which included a PowerPoint presentation. Mr. Fuchs stated that he is filling in for Kelsey Lewis who was unable to attend the meeting. Mr. Fuchs noted that the CIP is a ten year project roadmap and is more of a planning tool than a schedule. This plan is reviewed and revised annually.

The project categories of the CIP are Facilities and Equipment, Parks and Recreation, Technology, Transportation and Utilities. Mr. Fuchs noted that Ms. Lewis programmed the Transportation System Plan (TSP) into the CIP to balance revenue against planned expenditures.

Mr. Fuchs stated that the priorities are Council goals, health and safety, regulatory requirements, master plans, and service delivery needs. Funding sources include system development charges, water, sewer and storm rates, gas taxes, general fund, and grants and donations. The summary total is \$6,029,000.

Mr. Fuchs went through the slides that detailed the project categories and the costs for each. The CIP schedule includes presenting to the various Committees in January and it goes to Council for approval in February.

Mr. Aplin asked if the new City Hall is part of this plan. Mr. Fuchs replied that it does not fall within a 10 year window so it was not included.

Mr. Stout asked how the five year portion compares to last year. Mr. Fuchs replied that the projects shift around depending on the delivery. The general fund is the category that changes the most. Mr. Fuchs added that the majority of the transportation projects are on a sliding schedule.

Ms. Thompson asked if the developer was supporting the project on 65th & Sagert or if it is derived from City funds. Mr. Fuchs replied that the Sagert project is a System Development Charge (SDC) reimbursement expense - they will pay for the impact of their development and we will reimburse them for the portion above and beyond their development. Mr. Fuchs added that the traffic signal in that area should be installed by early summer.

Ms. Demeo asked if the Sagert and Martinazzi intersection project will surface next year. Mr. Fuchs responded that they will take a midterm look at the traffic study and reexamine the high traffic areas.

B. Update on Basalt Creek Land Use Concept Plan Map

Karen Perl Fox, Senior Planner, and Aquilla Hurd-Ravich, Planning Manager, presented an update on the Basalt Creek Land Use Concept Map. This includes an overview of the work staff carried out on the exploration of the central subarea as directed by City Council at their October 10, 2016 work session. This update will also include Council's confirmation on the Concept Map at the November 28, 2016 work session.

Ms. Hurd-Ravich stated that Metro brought the Basalt Creek Planning area into the Urban Growth Boundary in 2004 as employment land and Metro was awarded the CET Grant to fund the concept planning. In 2011-2013 Tualatin worked with partners Washington County, Metro and Wilsonville, and ODOT to define the transportation spine. This resulted in a transportation refinement plan and two intergovernmental agreements (IGAs) at the beginning and towards the end of the project. In 2013, the concept planning kicked off with a joint meeting with Wilsonville.

In 2014 staff worked through the guiding principles list which included:

- Maintain and complement the cities unique identities
- Meet regional responsibility for jobs and housing
- Design cohesive and efficient transportation and utility systems
- Maximize assessed property value
- Capitalize on the area's unique assets and natural location
- Explore creative approaches to integrate jobs and housing
- Create a uniquely attractive business community unmatched in the metro region
- Ensure appropriate transitions between land uses
- Incorporate natural resource areas and provide recreational opportunities as community amenities and assets

Ms. Hurd-Ravich presented the maps which detailed the progression and the revisions from the feedback received. This proposed jurisdictional boundary was discussed at a joint council work session in December 2015 and both councils agreed on the proposed jurisdictional boundary following Basalt Creek Parkway. Ms. Hurd-Ravich added that this information was presented to Council on June 13, 2016. Council feedback posed the question of how this concept could support campus industrial and how the trip cap would be managed.

Ms. Perl Fox stated that feedback from the public, Council, and the intergovernmental partners led to minor refinements. These include 93 acres of Manufacturing Park, 3 acres of neighborhood commercial, and 88 acres of residential – which represents a balance between employment and residential land.

Ms. Perl Fox added that public input prompted questions on the Basalt Creek central subarea – the area immediately south of Victoria Gardens to the jurisdictional

boundary. This represents approximately 42 buildable acres. Council directed the land to match the same planning district as Victoria Gardens, which is RML (Medium low density). For the central subarea on the Tualatin side, Council directed exploration of the OTAK proposal to determine if the land is suitable for employment uses.

Ms. Perl Fox noted that staff met with OTAK to explore the property owner's proposal, consider opportunities for employment and constraints in the area, and consider infrastructure needed for different proposed uses. Ms. Perl Fox emphasized that we are in partnership with other agencies and they do not want to reduce employment land for more residential. We received a letter from Washington County in October emphasizing that the land is prime for industrial and employment uses.

Ms. Perl Fox continued presenting the slides that detailed the summary of acres and trips, and the most recent land use concept map. Ms. Hurd-Ravich added that based on all the information, staff's position is to recommend that Council accept the land use map as presented.

Ms. St. Clair asked about the area designated for high density and how many homes are expected. Ms. Perl Fox responded that it's approximately 2-3 acres of land, so it would be around 100 units. Ms. St. Clair asked if there will be enough housing for the people who will be working in the industrial/employment area. Ms. Hurd-Ravich responded that the group didn't plan on a housing unit for each employee. Ms. St. Clair stated that the people in the employment area will expect to live where they work. Mr. Aplin asked if we are limited on high density zoning areas. Ms. Hurd-Ravich responded that we are constrained by trip numbers.

Mr. Beers asked if the trip model took into account the different business sectors in the area. He was concerned about the high price of housing in the area and as a result, many employees may have to commute in from other areas. Ms. Hurd-Ravich added that the models accounted for bike and pedestrian transportation as well as public transportation, but doesn't narrow down trip times.

Don Hanson, OTAK, 808 SW 3rd, Portland, OR 97204

Mr. Hanson works for OTAK and was hired to assist the property owners in the ten acres in the southern portion of the study area, north of Basalt Parkway. He has been tracking this process and is concerned about this area being zoned employment land due to the vast amount of Basalt rock. Mr. Hanson distributed a map which detailed the topography concerns. This map has been added as an attachment to the minutes.

Mr. Hanson stated that they consulted an excavator and a broker to obtain their opinion on the area and both expressed concern about the conditions. Mr. Hanson noted that Washington County and the engineering firm Mackenzie viewed the

property. They submitted a map and evaluated the property strictly for employment uses; they did not take into account the residential transition area. Mr. Hanson stated that they were unaware that there is no access road and the access points are limited to Grahams Ferry Rd and Tonquin Rd. Mr. Hanson acknowledged that there should be additional residential land in this area which would be more adaptable to the difficult topography.

Grace Lucini, 23677 SW Boones Ferry Rd

Ms. Lucini is a resident of the unincorporated area of Washington County directly adjacent to the east of the study area. Ms. Lucini has questions and concerns regarding the report evaluation of the central subarea that she bought to the Planning Commission. The handout has been added to the minutes as an attachment.

Sherman Leitgeb, 23200 SW Grahams Ferry Rd

Mr. Leitgeb noted that he is concerned about the subarea because he lives there. Mr. Leitgeb stated that 329 acres is already zoned industrial which has not been built on. He's concerned that the land will not be developed. Mr. Leitgeb noted that experts from Pactrust and excavation companies have stated that they are not interested in the land due to the amount of rock and slope.

Tom Childs, 23470 SW Grahams Ferry Rd

Mr. Childs stated that the people living in the Basalt area need to be acknowledged and if the land is designated industrial, it will not be built upon. Mr. Childs mentioned that there is not enough housing to support retail or small businesses. If this land is developed into industrial property, he will not be able to sell his home for a profit and find another place to live. Mr. Childs believes that the decisions considered should benefit the current homeowners, not Metro, Wilsonville, or Washington County.

Lois Fox, 23550 SW Grahams Ferry Rd

Ms. Fox stated that she toured the property with City staff and acknowledged that there is rock throughout her property which makes it unsuitable to build on. Ms. Fox mentioned that she was taken aback when the City Council mentioned that they will revisit the zoning if it doesn't work out or is not saleable. She has not heard from anyone other than a government official who thinks this is a good use for this property. She added that she would like to invite Washington County staff to tour her property.

Mr. Hanson added that moving forward, it makes sense to have a peer review or workshop for everyone to get together to express ideas clearly and have comments.

Jim Odams, 24005 SW Boones Ferry Rd

Mr. Odams lives in unincorporated Washington County and is not a resident of Wilsonville or Tualatin. He stated that he has not been approached by anyone for permission to tour his property even though the proposed bridge and alignment go through his property. Mr. Odams commented that it is frustrating to be a property owner in the proposed development area without representation.

Ms. Hurd-Ravich added that the alignment is through Washington County and the City can point out to them that the property owners have not been approached. The cities have not been involved in the geotechnical study, but will bring it up with the other agencies.

Ms. Demeo stated that Metro brought the Basalt area in as employment land and asked if the intent was to zone the entire area for employment. Ms. Hurd-Ravich replied that the Council fought back and the City didn't want the land at all. There was a concession to allow some residential to provide transition between employment and residential. Ms. Demeo asked if there was a dictated amount of acreage or percentage for residential and employment in the whole area, including Wilsonville. Ms. Hurd-Ravich replied that it is 70-30 percentage split. Ms. Lucini added that there is a Metro ordinance (04-1040B) which recommends the dividing line at Basalt Creek Parkway should be zoned residential to the north. Mr. Leitgeb added that Tualatin is the only City which stated they need additional housing.

Mr. Ball asked if the land has been surveyed by geotechnical engineers. Ms. Hurd-Ravich said at a concept plan level, they don't go into that detail – this happens in future steps.

Mr. Beers inquired about the jobs goal for the Basalt area and if there is a target to reach. Ms. Hurd-Ravich responded that Metro completes the analysis of population employment growth and projects the numbers. The jobs numbers are reflective of the scenario modeling and employment types, and jobs per acre. Tualatin met the Metro target in terms of employment. Ms. Thompson asked if the targets have to be met for jobs per residence. Ms. Hurd-Ravich responded that Metro has design types, but they don't have an employee per acre type.

Mr. Leitgeb mentioned that he met with a Wilsonville council member and the council member stated that Wilsonville only cares about the trip counts and not receiving Tualatin's sewage. The projected jobs is based on all of the land being developed into employment, if it doesn't get developed because of unsuitable conditions of slope and rock, you will need to take the jobs out of the equation for that section of the property. Ms. Perl Fox stated that she heard from the City of Wilsonville that they are concerned with the clustering of employment as well as the trip counts.

Mr. Childs stated that if the land is designated commercial and doesn't get developed, there will be no SDC fees or taxes collected. If it's developed residential, there will be sewer, water, taxes, and revenue generated. There will also be less land annexed into the City.

Mr. Aplin asked what the next steps were. Ms. Hurd-Ravich responded that this will return to Council on February 13. There are new Council members so there may be different views regarding this process. The concept plan cannot be completed until the land use map is agreed upon.

Ms. Lucini asked the Planning Commission what their thoughts are regarding moving forward. Mr. Aplin responded that the Council will hear feedback from the Commission members, but it is up to them to decide. Ms. Hurd-Ravich added that the minutes will be available to the Council members regarding the comments received.

Mr. Hanson asked if the Planning Commission will make a recommendation to Council. Ms. Hurd-Ravich said that they will eventually do so. Once the draft is complete it will return to the Planning Commission. When it's adopted into the Comprehensive Plan, the recommendation will be made.

C. Framing for Priority Project: Update the Tualatin Development Code

Ms. Perl Fox presented the Framing for Priority Project: Update the Tualatin Development Code, which included a PowerPoint presentation. Ms. Perl Fox stated that at the 2014 Council Advance, the Council identified the Tualatin Development Code (TDC) update as a priority project. This is focused on the TDC - not the Municipal Code or other City requirements.

Ms. Perl Fox provided background information about the Tualatin Community Plan (Comprehensive Plan). This covers Chapters 1-30 of the TDC and provides land use goals and policies for the City. This was adopted in 1979; some chapters were updated in 2012.

Ms. Perl Fox stated that the Development Code (Land Use Regulations) covers Chapters 31-80 of the TDC. These chapters include planning districts (zoning), natural resource and floodplain requirements, community design standards, procedures and application requirements, subdivisions and partitions, and sign regulations.

Ms. Perl Fox noted that there are three phases of approach. These include:

- Phase 1: Code Clean up (Audit and Amendments)
- Phase 2: Outreach and Policy Review
- Phase 3: Writing a Work Program

Mr. Ball asked if the code is written and amended by a committee. Ms. Perl-Fox responded that consultants are involved as well as input from the Planning Commission.

Ms. Perl Fox noted that the amendment process can be a complicated process. The current code has many errors that need to be corrected, as well as it being confusing to read. This process may require several years to implement in total.

Ms. Perl Fox stated that the schedule includes:

- Quarter 1 – Audit
- Quarters 2 and 3 – Draft Code
- Quarter 4 – Hearing
- Quarters 5 and 6 – Outreach
- Quarter 7 – Policy Review
- Quarter 8 – Work program

Ms. Hurd-Ravich added that the Commissioners have an active role in this project and that their advice and comments will be taken to Council. We are almost ready to sign a contract with Angelo Planning Group. They will complete the bulk of the work, but the Planning staff will be working with them directly.

Ms. St. Clair asked if the consultant is an attorney firm. Ms. Hurd-Ravich responded that they are land use planners, but we will be working closely with our City Attorney. Ms. Demeo asked when Quarter 1 will kick off; Ms. Hurd-Ravich answered February 1, 2017.

Mr. Beers asked if the end product will be in printed form or on the web. Ms. Hurd-Ravich responded that it used to be in printed form, but is now exclusively web based. Ms. Demeo asked who our main customer is – business or residents. Ms. Hurd-Ravich responded that our customer is a good cross section of developers, businesses, and residents.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that future action items include review of the Annual Report, which will be presented to Council. There will also be a Basalt Creek update.

Mr. Ball asked if there is a plan for the development off SW Nyberg Street - the former RV Park of Portland site. Ms. Hurd-Ravich responded that the application for the Plan Map Amendment is incomplete. Once deemed complete, it will come to the Planning Commission.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Mr. Beers asked what is going in next to Cabela's. Ms. Hurd-Ravich responded that Cracker Barrel Restaurant is currently under construction, as well as a retail shell which

will house a bank and a mattress store. Mr. Aplin asked if Cabela's is changing to Bass Pro Shops. Ms. Hurd-Ravich replied that she has not heard anything regarding that.

8. **ADJOURNMENT**

MOTION by Aplin to adjourn the meeting at 8:39 pm.

_____ Lynette Sanford, Office Coordinator

Citizen Comments to Tualatin Planning Commission 1-19-2017

Agenda Item 5 B-Basalt Creek Concept Planning -Update

Grace Lucini

23677 SW Boones Ferry Road, Tualatin Oregon

My home is within the Basalt Creek Concept Planning area. I do not have elected representation within the Basalt Creek Concept Planning process, as I am not a resident of either the cities of Tualatin or Wilsonville- which are the governmental entities determining the process.

I appreciate that additional reviews of the Central Sub-Area continues- but evaluations for use need to be done within the context of the plan --for the successful health of the entire concept plan area.

I understand members of the City staff did an on-site visit to the area- which is necessary to understand the topography and uniqueness of the area. Let me express my appreciation of this action.

I also appreciate the actions the staff, stated they will take action to remove unnecessary or out dated markings on Concept Planning Maps which are disseminated to the public.

In this case the removal of some markings which overlay and potentially indicate actions to private properties west of SW Boones Ferry Road and north of the proposed Parkway. A map with these markings was included within the informational packet provided to this Commission, and was available for public review.

1-11-17 Mackenzie Report Evaluation of Central Sub Area- Analysis for Industrial Use- commissioned by Washington County

However, I question the usefulness of an evaluation commissioned by Washington County which resulted in the 1-11-17 Report by Mackenzie.

1. The Mackenzie Report did very little to address the actual question this Commission is discussing-which is: ***what is the most appropriate land use for the land in question.***

2. The Mackenzie Report specifically states the topic of the report is ---for "planning and design for development of industrial and employment lands in the Portland region".

These are two very distinctly different questions and issues- and any information gained from the Mackenzie Report should be utilized only within the context of the question it addresses... that question is simply if any of the land COULD be used for employment ---The answer to that question is yes, but very little land is appropriate for industrial use.

- A. The report did not address what should happen to the balance of the land not appropriate for industrial use.
 - Will this land become waste land?
 - An eye sore- who will be responsible for maintaining so many acers of land which is zoned for industrial use, but cannot be developed?

In addition, there are several factual problems which are presented within the Mackenzie Report as it is written...

- B. A major issue is the location of the limited access Parkway--- which is a major focal point of the entire Basalt Creek Concept Planning Process.
- C. The potential concept planning maps created and provided by Mackenzie indicate road access north from the Parkway – which is again contrary to previous primary planning concepts.
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 - There is little comment within the Mackenzie Report on the cost involved in resolving the topography and solid basalt rock benches which are found within this area--- to make it compatible for grading for industrial use. Cost is a significant factor when planning any development. If the cost is too high, the land will be the last to be developed -if ever
- E. Consequently, the information gained from this report should only be used within the context of the question it addresses.
- F. The ability to use this report for determining the best use of the land is extremely limited.

EXISTING PROPERTY OWNERS WITHIN BASALT CREEK AREA
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1. Existing property owners directly affected by the planning process should be heard as to their goals, and should be respected for the knowledge they provide about the limitations of the land they own.
2. Existing neighbors within the Tualatin City limits, and those existing outside the current limits should be heard and their comments incorporated into the concept plans as a basic livability issue.

I request that the Planning Commission acknowledges the extensive limitations of the Mackenzie Report when considering what is the best land use for this area- within the context of the entire Tualatin area and forward these concerns to the Tualatin City Council.

Respectfully,

Grace Lucini

From: [G Lucini](#)
To: [Aquilla Hurd-Ravich](#); [Karen Fox](#)
Subject: FW: Copy of My Citizen Comments to Tualatin Planning Commission Meeting 1-19-2017
Date: Tuesday, February 07, 2017 1:41:44 PM
Attachments: [RE Copy of My Citizen Comments to Tualatin Planning Commission Meeting ... \(4.92 KB\).msg](#)
[2017 1-19 Tual Plan Com Minutes Draft.pdf](#)
[2017 1-19 Citizen Comments to Tualatin Planning Com.docx](#)

Aquilla and Karen,

The informational packet provided to the Tualatin City Council, to prepare prior to their discussion on Basalt Creek Concept Planning during the Work Session on 2-13-17, includes Plan “Attachment E: DRAFT Planning Commission Minutes 01.19.17”.

Within the draft of these minutes of the Tualatin Planning Commission 1-19-17 meeting, it states my comments to the Planning Commission is attached as part of the minutes. However I do not see a copy of my comments attached – nor are my comments summarized in lieu of attaching a copy of the comments from which I read.

To provide for accuracy and ease of transcription, I forwarded by email, in a very timely manner, a copy of my Citizen Comments to the Planning Commission (on Basalt Creek Concept Planning)---- to the City of Tualatin. That email was acknowledged and included within.

As the minutes of the 1-19-17 Planning Commission (as Attachment E) are included within the informational packet- thereby being considered relevant to the City Council for preparation prior to their discussions during the 2-13-17 Council Work Session on Basalt Creek Concept Planning --- I request the Planning Commission 1-19-17 minutes be fully reflective of the discussion held during the meeting- including an accurate reflection of all issues presented from all of the citizens who spoke. This request is in accordance with the rules and laws pertaining to Public Records and Public Meetings.

I request the City of Tualatin correct this apparent oversight by including/attaching a summary or a copy of the comments I read at the 1-19-17 Tualatin Planning Commission- as part of the minutes of that meeting, and update “Attachment E: DRAFT Planning Commission Minutes 01.19.17” to fully and accurately reflect the discussion held and information provided during that meeting.

Once Attachment E is updated, I request “Attachment E” be as identified as “Revised”--- and posted as such:

- As a revised correspondence to be sent to the Council ----in a timely manner, prior to the 2-13-17 Work Session-
- And updated on the City’s website informational packet link for the meeting.

Please contact me should you have questions, or if there are difficulties in fulfilling my request.

I have also attached Attachment E, and separate copy of the Citizen Comments from which I read at the Tualatin Planning Commission Meeting on 1-19-17 for your use.

I appreciate your assistance,
Grace

503 629 9890

From: [Herb Koss](#)
To: [Lou Ogden](#); [Sherilyn Lombos](#); [Alice Cannon](#); [Aquila Hurd-Ravich](#); kperlfox@ci.tualatin.or.us; [Frank Bubenik](#) (fbubenik@ci.tualatin.or.us); [jeff DeHaan](#); [Joelle Davis](#) (jdavis@ci.tualatin.or.us); [lou ogden](#) (logden@ci.tualatin.or.us); [nancy grimes](#) (ngrimes@ci.tualatin.or.us); [paul morrison](#); [robert kellogg](#)
Cc: [Peter Watts](#); [Herb Koss](#); [Don Hanson](#); tweller@cesnw.com
Subject: FW: Basalt Creek Zoning for land Between Victoria Gardens south to Basalt Creek Parkway
Date: Sunday, February 12, 2017 1:57:25 PM
Attachments: [CESNW ltr..pdf](#)
[FW Basalt Creek Renus \(13.0 KB\).msg](#)

Dear Mayor Ogden, Tualatin City Councilors, and City Staff

Washington County retained the services of McKenzie in order to determine if the land described above was feasible for employment zoning. I received a copy of the report and immediately saw an error that I am confident would have changed the end conclusion. The exhibit that Washington County sent to McKenzie showed a road connection know as Kinsman Rd connecting the Basalt Creek Parkway. This is incorrect as verified by the attached memo from Renus Kelkens, which confirms no access to Basalt Creek Parkway or the 18 to 20 foot road cut making the connection shown impossible.

The frustration of the study was further disappointing when Todd Johnson with McKenzie informed me that the County did not want to pay for McKenzie to make a site visit. I am confident that a site visit would have greatly modified the conclusion made on the McKenzie Report.

Mr. Tony Weller – CESNW was retained in order to have an engineering firm review the access and topographic issues. I have included it in this email as an attachment since it really summarizes the issues relating zoning and grades.

I would also like to add and enter into the record that I know the John Fregonese – Fregonese and Associates has had conversations with both Mayor Ogden, the staff, and me stating that in his

opinion the land described above should be zoned supportive housing with a density that does not increase trip counts.

I will be attending both the upcoming workshop and council meeting on Feb 13th, 2017 and will be happy to answer any questions that you may have.

Herb Koss

Attachments:

1. Email from County verifying the lack of a road connection to Basalt Creek Parkway
2. Letter from Tony Weller – CES dated 2/10/17



February 10, 2017

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

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

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

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

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

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

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

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

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

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

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

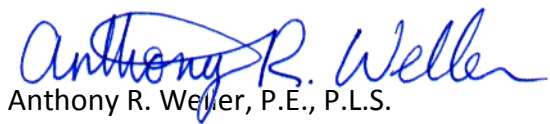
This area is also well known for the hard rock that is very near the surface. We were the design engineers for Victoria Gardens where we had about 2-feet of fill brought into the site to reduce the rock excavation costs. Unfortunately, filling the area does not provide better access.

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

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

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

Sincerely,



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

President



February 10, 2017

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Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

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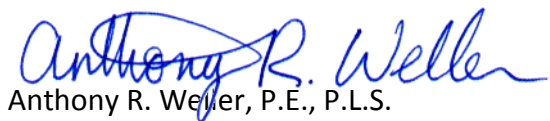
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Sincerely,



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

President

Peter Watts

From: Peter Watts
Sent: Sunday, February 12, 2017 12:42 PM
To: 'council@ci.tualatin.or.us'; 'council@tualatin.gov'
Cc: 'slombos@ci.tualatin.or.us'
Subject: Testimony for Monday's Work Session
Attachments: POW-20170211-183942.pdf; POW-20170211-184052.pdf

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

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

Executive Summary

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

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

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

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

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

Background Information And Why We Are Here Today

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Expert Opinions and Assessment of the McKenzie Letter

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

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

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

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

Their letters are attached for your review.

A Summary of Relevant Data

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

1. Metro's own benchmark for employment land contemplates a slope of less than 10%, with less than 5% preferred. This site has slope in excess of 20% throughout;
2. PacTrust has provided a written opinion that the topography and basalt soil of the site mean it can't be feasibly developed for employment purposes;
3. OTAK has indicated in writing that the comparable property that Washington County used in their analysis, had half as much slope as this site, and could not be built under current American's with Disabilities Act rules/regulations;
4. Site preparation specialists in the area confirm the high cost of site preparation, due to soil conditions. The amount of blasting that can occur on this site is compromised by the high capacity power lines that bisect the site;
5. There is no access off of Basalt Creek road, and the deletion of Kinsman Road directly, and negatively impacts truck circulation on the southern portion of the site;
6. The northern portion of the site, adjacent to the existing neighborhood is currently planned to be zoned residential, contrary to what McKenzie's renderings show, and that designation has a major impact on the large footprint, employment, buildings that can/cannot be constructed. OTAK believes that only 11% of the site can be feasibly constructed as employment;
7. A residential designation and orderly transition to employment/industrial was always contemplated adjacent to the existing residential neighborhood, and is allowed under the findings that brought the Basalt Creek area into the UGB.
8. The county believes that an 18-20 foot curb cut, will be necessary on Basalt Creek Parkway. That curb cut means that the mirror image view that Wilsonville contemplated cannot occur. The view will either be of a graded slope or a 20 foot retaining wall.

Conclusion

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

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

Thank you for your time and consideration.

Peter

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



HanmiGlobal Partner

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

1

BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon
August 23, 2016, Revised November 21, 2016

Introduction

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

Project Concerns

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

Land Use Context

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

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

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

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

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

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

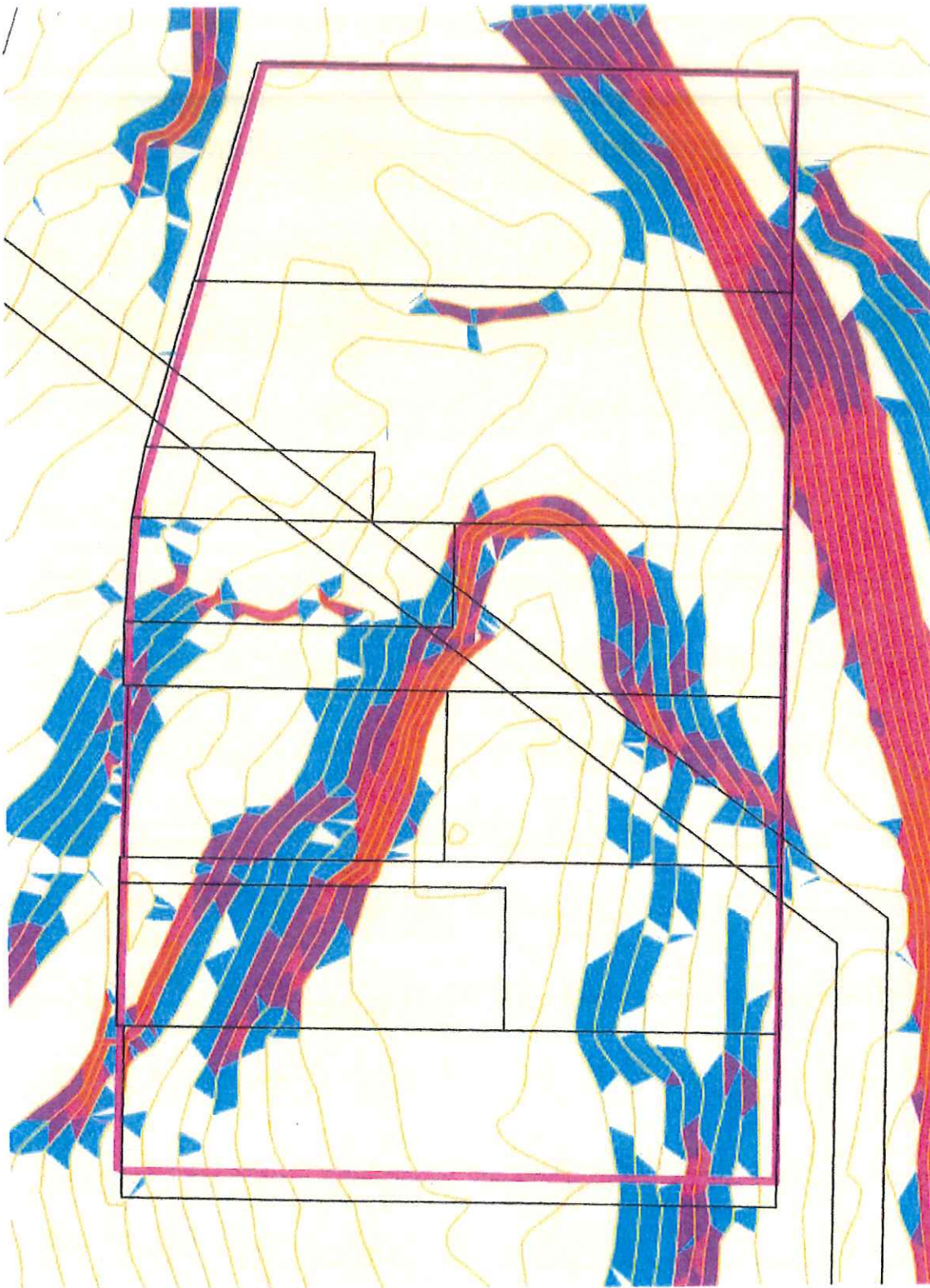
Amended Plan Options

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

Benefits

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

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



11-16-2016

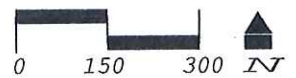


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	
2	10.00%	15.00%	■
3	15.00%	20.00%	■
4	20.00%	25.00%	■
5	25.00%	357.23%	■

BASALT CREEK SLOPES ANALYSIS

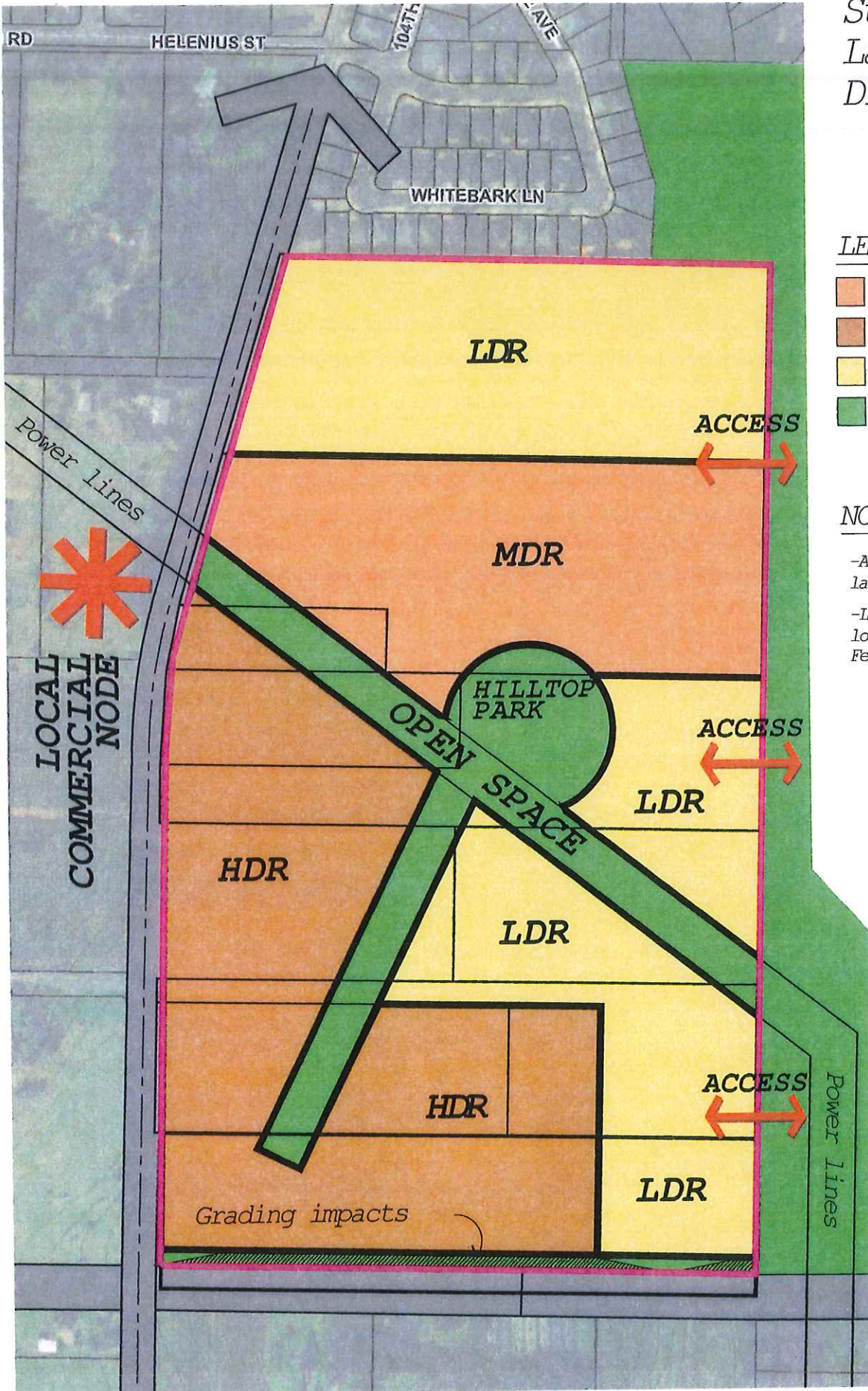


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

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

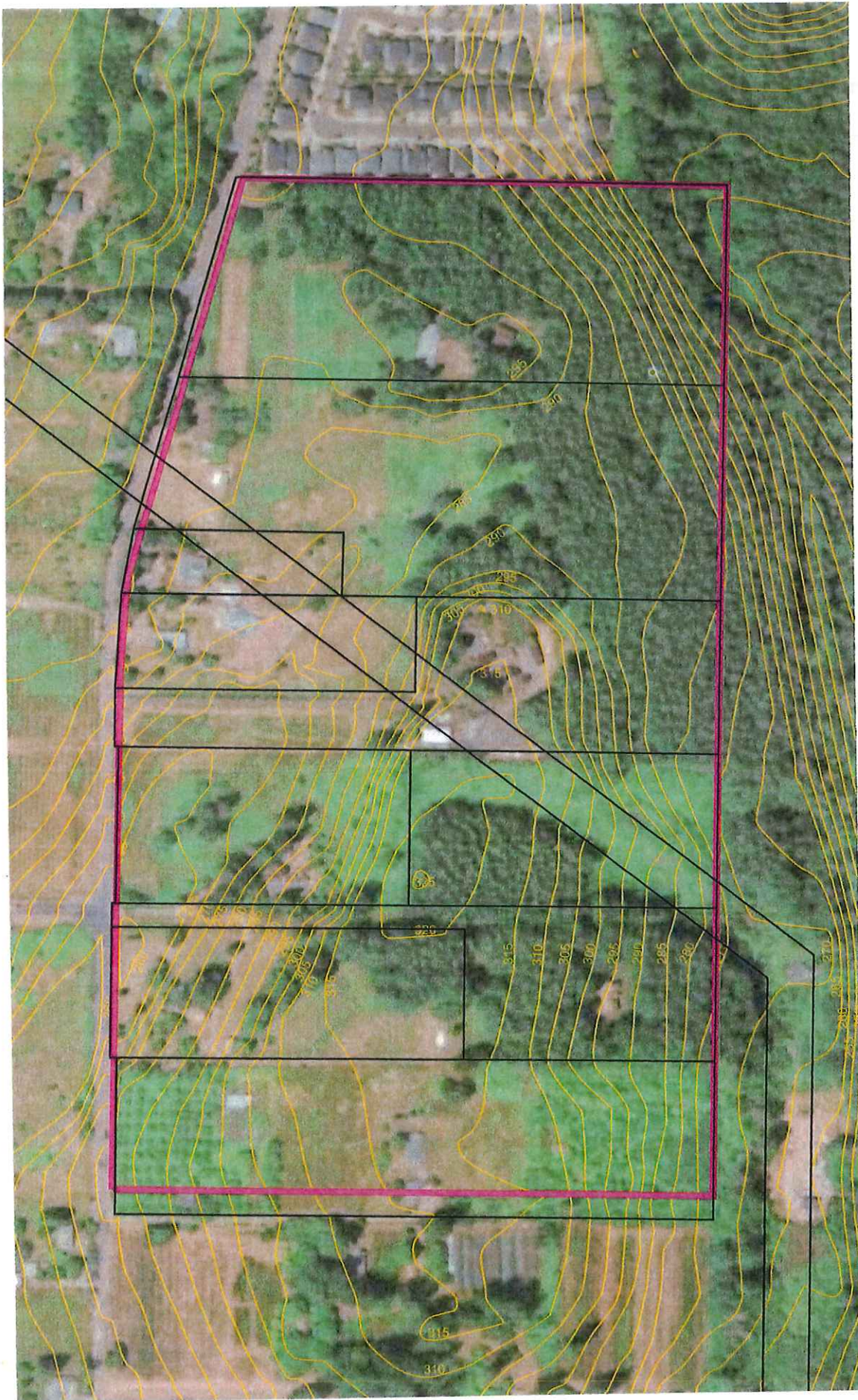
NOTES

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

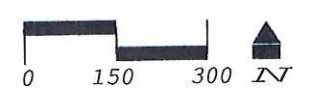


11-21-2016





11-16-2016



BASALT CREEK SITE TOPO



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

2

November 18, 2016

Dear Mr. Koss

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

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

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

If you require any additional information please let me know.

Sincerely

Brian Clopton

President/Owner

PACTRUST
Pacific Realty Associates, L.P.

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

3

November 14, 2016

VIA EMAIL

Herb Koss
2643 South Shore Boulevard
Lake Oswego, OR 97034

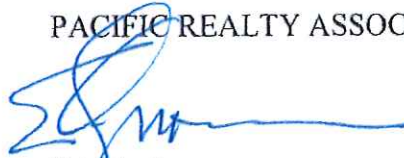
Dear Herb,

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

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

Yours very truly,

PACIFIC REALTY ASSOCIATES, L.P.



Eric A. Sporre
Vice President



4

November 21, 2016

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

VIA: EMAIL

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

Dear Herb,

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

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

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

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

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

Let me know if you have any questions.

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

Michael N Diamond
Principal Broker

Peter Watts

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



Thanks Herb Koss

Begin forwarded message:

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

Hi Herb,

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

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

Thanks,

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

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

Dear Renus

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

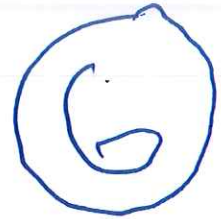
Would you be willing to confirm that there is no planned access off of Basalt Creek Parkway, and that the curb cut is expected to be 18-20 feet? I think that that information will be enough for Mackenzie to retract their site evaluation. Please correct me, if anything that I have indicated isn't

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

Herb

Peter Watts

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



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

Hi Herb-

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

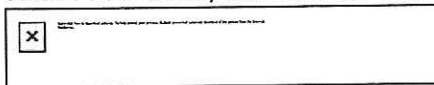
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for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

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

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

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

Todd Johnson
Senior Associate / Director of Planning



Architecture · Interiors · Engineering · Planning

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

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

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



February 10, 2017

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

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

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

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

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

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

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

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

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

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

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

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

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

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

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

Sincerely,



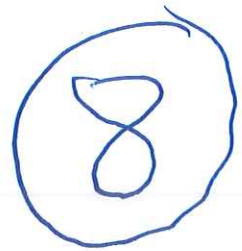
Anthony R. Weller, P.E., P.L.S.

President



Construction, Inc.

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



2/10/17

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

Dear Mayor Ogden and Tualatin City Councilors:

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

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

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

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

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

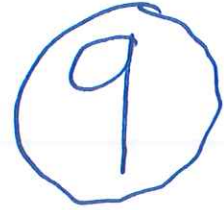
Sincerely

Ken Leahy



HanmiGlobal Partner

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



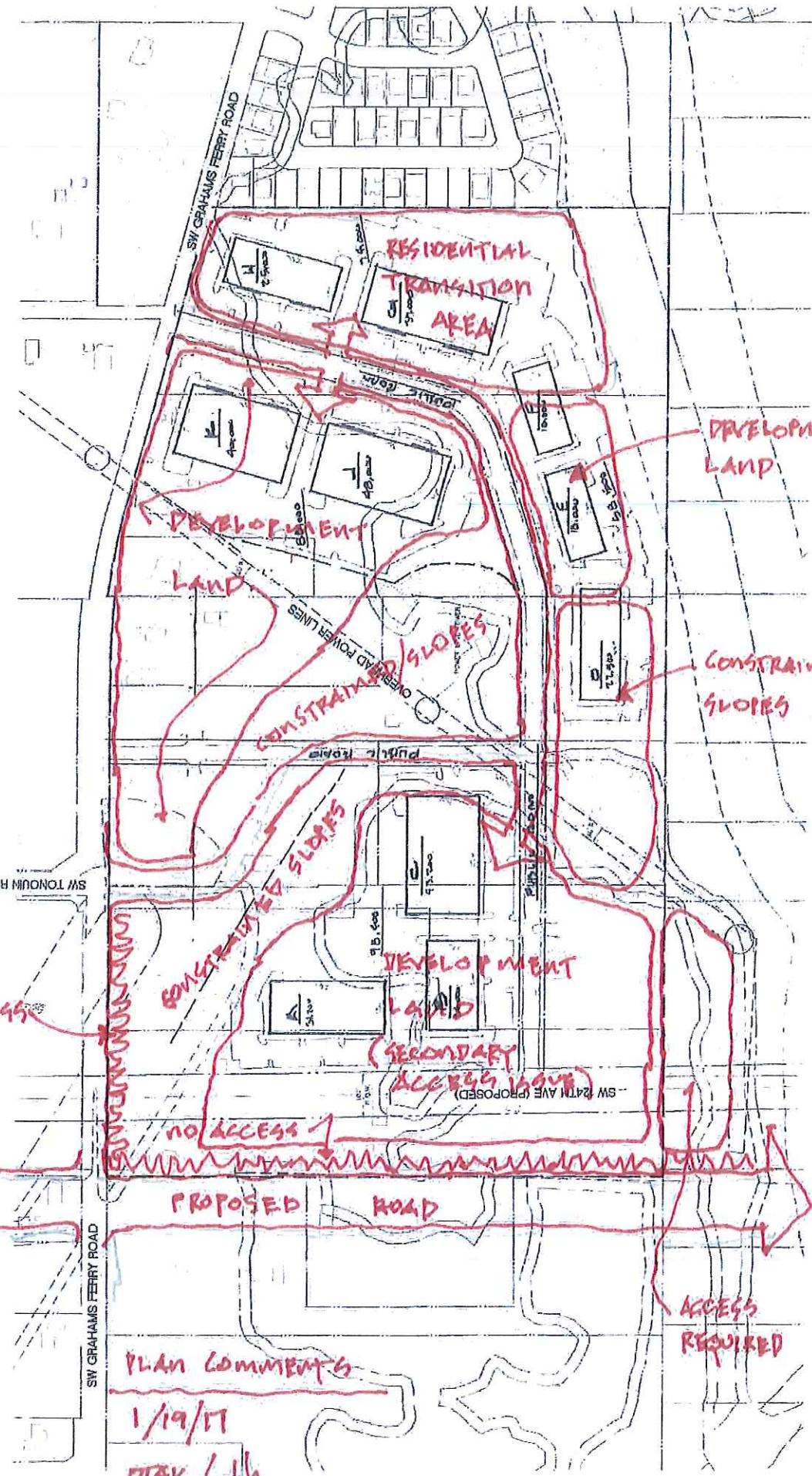
The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

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

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

OPTION ONE
 DEC. 21, 2016
 518,500 SF
 "EMPLOYMENT BUILDINGS"



LEGEND

- SITE BOUNDARY
- INDUCED 1:5% ELEVATION CONTOUR (10')
- SPURious ANGLAS

SITE DATA

BUILDINGS	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA AND %
PROPOSED BUILDING A	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
PROPOSED BUILDING B	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
PROPOSED BUILDING C	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
PROPOSED BUILDING D	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
PROPOSED BUILDING E	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
PROPOSED BUILDING F	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
PROPOSED BUILDING G	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
PROPOSED BUILDING H	18,000 SF	18,000 SF	18	1.00	18,000 SF (10.0%)
TOTAL	144,000 SF	144,000 SF	144	1.00	144,000 SF (10.0%)

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



NOTE: DIMENSIONS SHOWN AT 1/4" = 100' INTERVALS
 1/2" = 200' - 250' (1:1)

PLAN COMMENTS
 1/19/17
 ORAK/dh

518,500 SF

10

Topographic Map: Central Subarea on Tualatin side of Basalt

TUALGIS

N
W

RF 1:3,000

LEGEND

Potential Employ

- Proposed E
- Proposed I

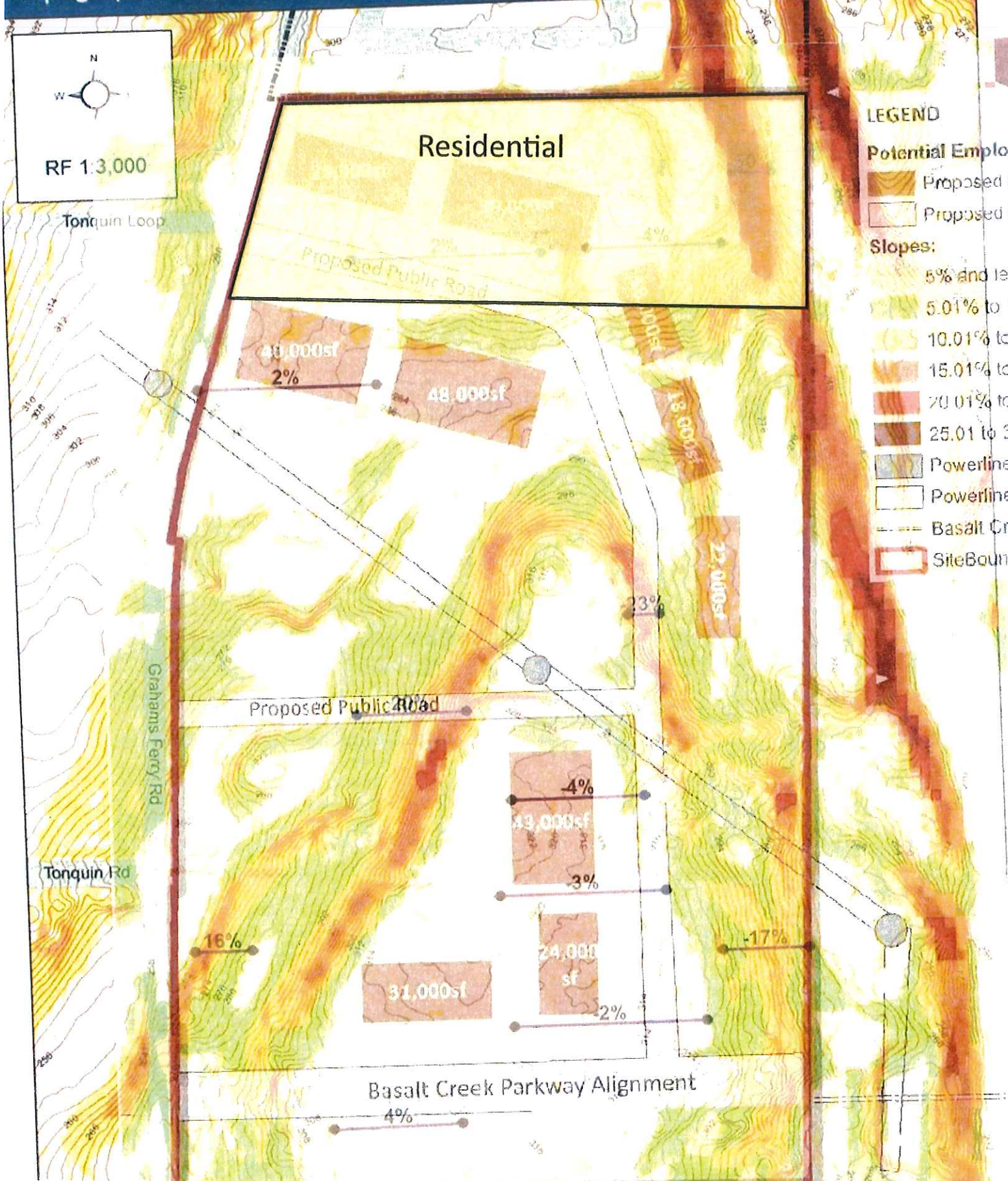
Slopes:

- 5% and less
- 5.01% to 10%
- 10.01% to 15%
- 15.01% to 20%
- 20.01% to 25%
- 25.01% to 30%

Powerline

Basalt Cr

Site Bound



RE: Project number 2150111.01
63 acre parcel with extreme topography

Mayor Ogden, City Council and Staff

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

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

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

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

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

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

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

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

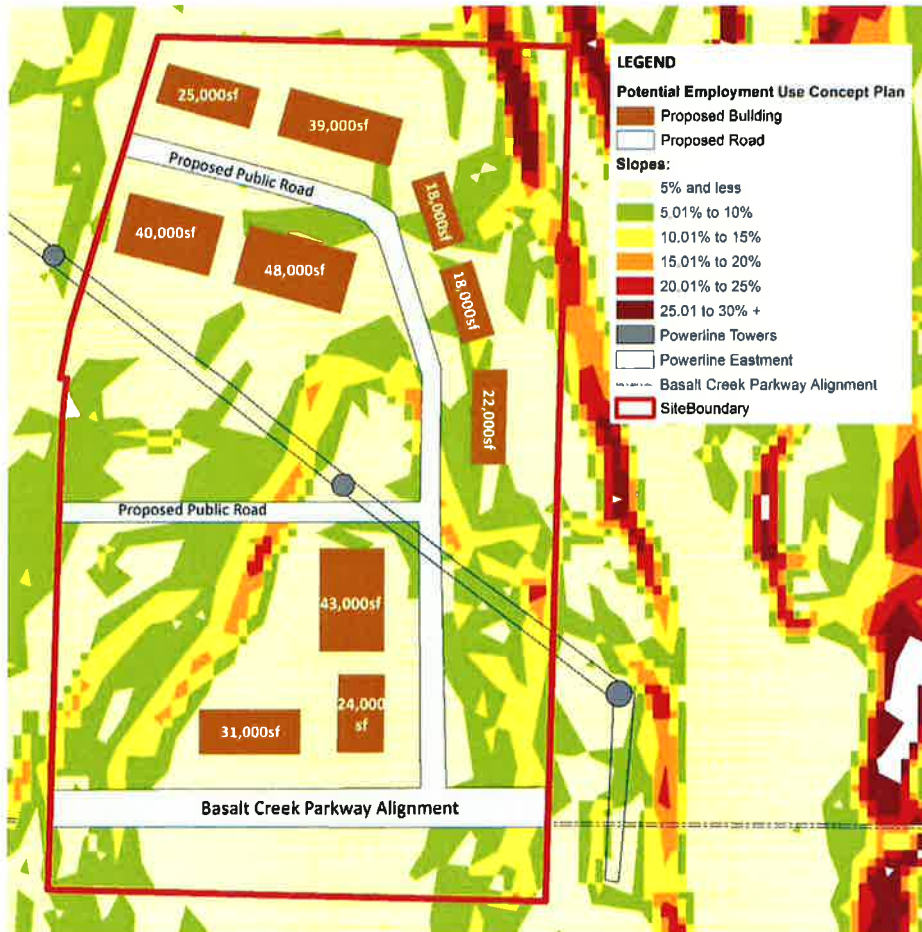
In short It appears to me this study was conscripted with the intent to answer a question "if the site could be developed as an Industrial site" and not whether its highest and best and most practical use is as an industrial site. My 35 years experience in this type of development leads me to the inescapable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

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

Stu Peterson SIOR
Partner
Macadam Forbes Commercial Real Estate

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

Figure 3: Conceptual employment use concept plan



OTHER CONSIDERATIONS

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

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



From: [Herb Koss](#)
To: [LouOgden](#); [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Frank Bubenik](#); [Jeff Dehaan](#); [Joelle Davis](#); [Lou Ogden](#); [Nancy Grimes](#); [Paul Morrison](#); [Robert Kellogg](#); [Sherilyn Lombos](#)
Cc: [Peter Watts](#); [Ed Trompke \(Ed.Trompke@jordanramis.com\)](#)
Subject: FW: Basalt Creek Land --- Victoria Gardens to the north to Basalt Creek Parkway to the south.
Date: Monday, February 13, 2017 10:08:14 AM
Attachments: [Koss letter.docx](#)
[JRUTILITY01_Dino_0179_001_EXH.3.pdf](#)

Mayor Ogden brought to my attention that I had not included Figure 3, which Mr. Peterson referred to in his letter.

I have included the Map with this email.

I apologize for missing including the Exhibit.

Herb Koss

From: Herb Koss
Sent: Sunday, February 12, 2017 2:49 PM
To: 'Lou Ogden'; 'Sherilyn Lombos'; Alice Cannon; 'Aquilla Hurd-Ravich'; Frank Bubenik (fbubenik@ci.tualatin.or.us); jeff DeHaan; Joelle Davis (jdavis@ci.tualatin.or.us); lou ogden (logden@ci.tualatin.or.us); nancy grimes (ngrimes@ci.tualatin.or.us); paul morrison; robert kellogg
Cc: Peter Watts; 'Don Hanson'; JOHN FREGONESE (john@frego.com); tweller@cesnw.com; Sherman Leitgeb
Subject: Basalt Creek Land --- Victoria Gardens to the north to Basalt Creek Parkway to the south.

Mayor Ogden, Tualatin City Councilors, and Tualatin Staff

I have attached a letter from a very seasoned Commerical Real Estate broker concerning the zoning for the land described above.

Mr. Peterson will be attending the work session if you have any questions.

Thank You

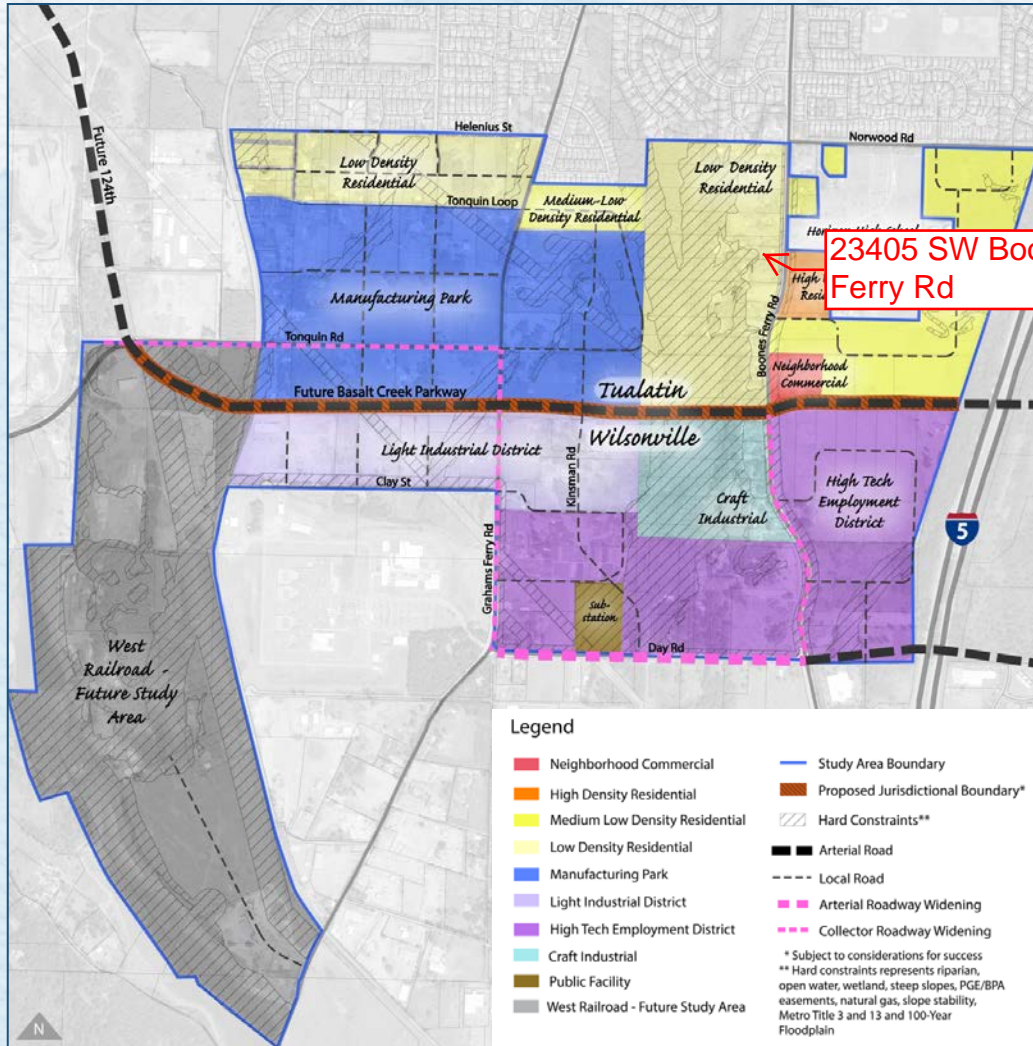
Herb Koss

From: Stu Peterson [<mailto:stu@macadamforbes.com>]
Sent: Sunday, February 12, 2017 2:18 PM
To: Herb Koss
Subject: Re: Email with Exhibits

Stu Peterson SIOR

Macadam Forbes
1800 SW First Suite 650
Portland OR 97201
503 972 7288 direct
503 227 2500 switchboard
503 730 2875 cell

Option 6 – October 2016



Aligned with Planning Districts and reflective of direction from August 2015 through June 2016:

Manuf. Park (Light Ind./Tech Flex)

- Manufacturing
- Warehousing
- Allows limited office and retail

Residential

- Low-medium residential density just south of Victoria Gardens
- Slightly decreased multifamily

Neighborhood Commercial

- Concentrated in one easily accessible location

Council direction:

- Explore Tualatin central subarea further including OTAK Proposal C

Basalt Creek Land Use Concept Map presented at Council work session October 10, 2016



From: [G Lucini](#)
To: ["Alice Cannon"](#); [Aquilla Hurd-Ravich](#); [Karen Fox](#)
Subject: Basalt Creek Parkway Extension Project (Washington County Project #100272) NEPA Classification
Date: Monday, March 27, 2017 2:58:54 PM
Attachments: [2017 3-10 Citizen Comments.pdf](#)

Alice, Aquilla and Karen,

I have attached a copy of my Citizen Comments sent on 3-10-17, to ODOT and FHWA, requesting a NEPA Environmental Impact (EI) classification be determined for the Basalt Creek Parkway Extension Project (Washington County Project #100272).

As there are requirements and responsibilities identified for the City of Tualatin regarding the protection of the Natural Resources within the Basalt Creek Area, I hope the City of Tualatin will also advocate for an Environmental Impact Assessment (EI) NEPA Classification to be required for the Basalt Creek Parkway Extension Project.

An assessment during the initial assessment and design phase of this project will assist in the identification of negative effects caused by the location, design, construction and continued use, of this regional freight expressway directly through known Significant Natural Resources.

The information gained from this full assessment would assist the City in the development of a framework for future protection of this area, without having to duplicate assessment data when the City assumes jurisdiction.

Please feel free to contact me, should you have questions.

Regards,
Grace Lucini

From: [Herb Koss](#)
To: [mayor@ci.wilsonville.or.us](#); [scottstarr97070@gmail.com](#); [stevens@ci.wilsonville.or.us](#); [lehan@ci.wilsonville.or.us](#); [akervall@ci.wilsonville.or.us](#); [LouOgden](#); [kraushaar@ci.wilsonville.or.us](#); [Alice Cannon](#); [Aquila Hurd-Ravich](#); [Frank Bubenik](#); [Jeff Dehaan](#); [Joelle Davis](#); [Lou Ogden](#); [Nancy Grimes](#); [Paul Morrison](#); [Robert Kellogg](#); [Sherilyn Lombos](#)
Cc: [Don Hanson](#); [Gordon Root \(gordonroot@aol.com\)](#) ([gordonroot@aol.com](#)); [Peter Watts](#); [Ed Trompke \(Ed.Trompke@jordanramis.com\)](#); [Grace Lucini](#); [Hannah Childs](#); [Heather Hutchinson](#); [Herb Koss](#); [Howard Houston](#); [John and Grace Lucini](#); [Lark Leitgeb](#); [Lois Fox](#); [Marvin Mast \(marvinmast@gmail.com\)](#); [Matthew Johansen](#); [Mehdi A-Sanaei \(mehdiasanaei@yahoo.com\)](#); [Peter Shames](#); [r_alvstad@comcast.net](#); [Sherman Leitgeb](#); [srcs6914@aol.com](#); [Steve Summers \(Nickstevensfs00@gmail.com\)](#)
Subject: FW: Basalt Creek - Traffic analysis
Date: Saturday, April 15, 2017 10:26:39 AM
Attachments: [17713A Memo BasaltCreekPlanningArea 04.14.17.pdf](#)

Dear Mayor Knapp and Wilsonville City Councilors and Staff

The owners of the 41 + acres that desire a residential zone for the land that is North of Basalt Creek Parkway and East of Graham Ferry retained the services of Otak to provide a trip count study comparing an employment zone to a residential zone. The results of this study are attached. It is our understanding that traffic issues are a concern of the Wilsonville Council. The attached study shows that a reduction of up to 37.5% can be accomplished.

The Tualatin City Council voted 7 – 0 In favor of a residential zone for this land. They made their decision based upon facts that greatly affected the 41 acres. You have been provided the documents and testimony that was also provided to the Tualatin City Council and Staff via separate email. This information was forwarded to each council member and staff via separate emails.

In looking at our request and the approval by the City Council of Tualatin it was stated that the trip count would result in a neutral number, therefore no additional trip counts would result from a change to a residential zone. Since there seems to be so much concern over trip counts I retained the services of Otak. Data from Fregonese and Asso. was used in the preparation of the attached study. The results of the study shows that there is a reduction of trips counts both under Scenario A or B. Metro would prefer the higher density under Scenario A, but if the city of Wilsonville prefers Scenario B our land owners will accept a lower density for our site. The Scenario B will result in a 37.5% reduction in trip counts vs the land being zoned for employment.

So much time effort and money has been spent on the Basalt Creek Study. Our request for support of a residential zone for our land has been approved by the City of Tualatin. The Basalt Creek Parkway has been constructed to the South end of the land described in this Otak document. The road will result in an 18 to 20 cut on our southern border resulting in no access to Basalt Creek Parkway. The land is constrained with Basalt Rock ridges and there is a Basalt layer under much of the 41 acres making it financially not feasible to grade for employment uses. This is the reason that the city of Tualatin supported a residential zone for our land – limited access, grades, and needed buffers to the present neighborhood to the north.

We believe it is time to move on and allow for an orderly development of the Basalt Creek area. The total targeted jobs numbers for the Basalt Creek Study area exceed the Metro targeted number, therefore a residential Zone for the 41 acres has no negative effect on the targeted employment Goal. The 41 acres should be developed for the badly needed supportive housing.

If you have any questions pertaining to the Otak study I can be contacted at herb@kossred.com or 503 730 2431.

Thank you.

Herb Koss
Land Owner

cc: Metro, Wilsonville Staff, Mayor Ogden, Tualatin City Council, Tualatin Planning Staff
Don Hanson – Otak

Memorandum



808 SW 3rd Avenue
Suite 300
Portland, OR 97204
Phone (503) 287-6825
Fax (503) 415-2304

To: Herb Koss
From: Don Hanson
Copies: Glen Bolen, AICP
Kate Rogers
Date: April 14, 2017
Subject: Basalt Creek Planning Area Projected Traffic
Project No.: 17713A

This memorandum presents analysis in support of the residential land use designation for a portion of the Basalt Creek Planning Area: a roughly 41¹ acre site at northeast corner of Grahams Ferry Road and the proposed Basalt Creek Parkway.

One of the tenets of the Basalt Creek Planning Area has been to limit traffic generation that results from new development to a level commensurate with the existing and planned infrastructure's capacity. For the site in question, the City of Tualatin provided direction to designate roughly 33 acres of land for residential use, differing from the Concept Plan's recommendation of tech/flex employment. This memo quantifies the changes to traffic generation that could result from this change. The data support our supposition that designating the properties for residential uses would not result in more traffic than if the land is designated for employment.

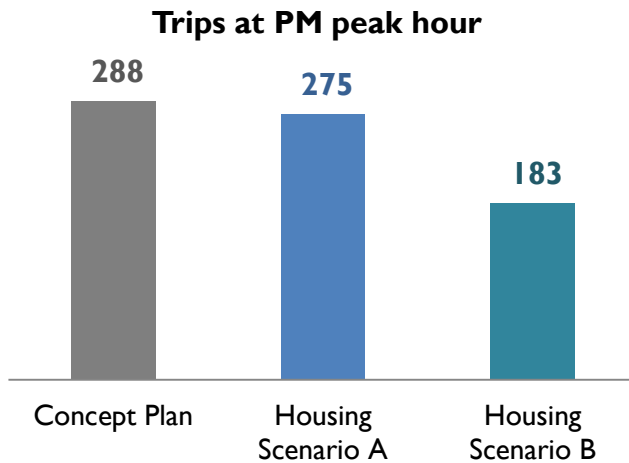
In addition to the 33 acres initially slated for tech/flex employment, the northern 7 acres of the site was considered for residential use. We created a trip generation comparison for this combined 41 acre area based on several land use scenarios for the site, utilizing the same per-unit trip factors and housing densities as those utilized by the Concept Plan team in their traffic and Envision Tomorrow models. Using these data, we were able to compare expected PM peak hour traffic counts for the existing Concept Plan and for two alternative scenarios with only residential land uses. The results are summarized in the table and chart below.

The existing concept plan calls for 33.2 acres of light industrial / low-density tech flex land and 7.4 acres of residential land with a mix of small- and medium-lot single-family housing. Under this scenario, 288 trips are generated at PM peak.

Alternative Housing Scenario A includes a mix of higher-and lower-density housing types (2-story garden apartments, townhomes, small-lot single-family, and medium-lot single-family), with an

average net density of 15 units per net residential acre². Under this scenario, 275 trips are generated at PM peak. At 18 fewer trips, this represents a small reduction in PM peak trips. Housing Scenario B includes a lower-density mix of housing types (townhomes, small- and medium-lot single-family) that result in an average net density of 10 units per net acre. Scenario B results in only 183 trips during PM peak.

	Concept Plan	Housing Scenario A	Housing Scenario B
Developable Acres	41	41	41
Households	46	436	290
Jobs	678	-	-
Average Net Density (units/acre)	9	15	10
Trips at PM peak hour	288	275	183



¹ We have used 41 acres in our analysis – this is the City of Tualatin’s base acreage for the site in the study presented. If more acres are used, the trip counts are reduced even further.

² Assumes 25% reduction of land to accommodate roads, utilities, and other public facilities.

From: [Herb Koss](#)
To: [Don Hanson](#); [C Lehan](#); [Council Akervall](#); [Mayor Knapp](#); [Scott Starr](#); [stevens council member](#); [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Frank Bubenik \(fbubenik@ci.tualatin.or.us\)](#); [jeff DeHaan](#); [Joelle Davis \(jdavis@ci.tualatin.or.us\)](#); [lou ogden \(logden@ci.tualatin.or.us\)](#); [Louogden](#); [nancy grimes \(ngrimes@ci.tualatin.or.us\)](#); [paul morrison](#); [robert kellogg](#); [Sherilyn Lombos](#)
Cc: [Gordon Root \(gordonroot@aol.com\) \(gordonroot@aol.com\)](#); [Peter Watts](#); [Ed Trompke \(Ed.Trompke@jordanramis.com\)](#)
Subject: FW: Basalt traffic/trip counts.
Date: Monday, April 17, 2017 1:44:35 PM

Mayor Knapp and Wilsonville city Council members

Trip counts: Please read the mail dated 4/17 1:05 PM from Otak below my comments.

I was advised earlier today that Otak's report on trip counts was not done by a certified Traffic Engineer. In speaking to Don Hanson of Otak he advised me that the traffic trip counts were based upon DKS data. The reason for a range is the fact that different housing mixes result in different trip counts. Our suggestion is that the land in question can reduce trip counts 37.5%.

Mr. Hanson will be at the work session this evening and will be available to answer any of the Council's questions.

Herb Koss
Land Owner

From: Don Hanson [mailto:don.hanson@otak.com]
Sent: Monday, April 17, 2017 1:05 PM
To: Herb Koss
Cc: Kate Rogers; Glen Bolen
Subject: Basalt traffic/trip counts.

Hello Herb

As I understand questions have arisen over the trip counts used for the April 14th, 2017 memo that I sent you on Basalt Creek Planning Area Projected Traffic.

We derived our numbers from the Basalt Creek Area plan prepared by Tualatin and their consultant team headed up by Fregonese associates. In particular we referenced an "Envision Tomorrow" spread sheet that defined proposed land use mix for the entire study area. It also included traffic generation numbers by land use type. It is also important to note that DKS traffic engineers are part of the consultant team. DKS serves as the on call traffic engineer for the city of Wilsonville, so they certainly have detailed knowledge of the study area and entire region.

Let me know if further questions arise that we can help with.

Don



Don Hanson | Principal
808 SW Third Ave., Suite 300 | Portland, OR 97204
v. 503.415.2317 | f. 503.415.2304
www.otak.com



at Otak, we consider the environment before printing emails.

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From: Herb Koss <herb@kossred.com>
Sent: Tuesday, April 18, 2017 9:19 AM
To: tom.hughes@oregonmetro.gov; Jim Bernard (jbernard@co.clackamas.or.us); Lou Ogden; LouOgden; kstudebaker@ci.oswego.or.us; raxelrod@westlinnoregon.gov; bernardjim@ymail.com; Fischer, Sonya; Ken Humberston (khumberston@co.clackamas.or.us); Martha Schrader; Paul Savas; Bob Stacey; Carlotta.Collette@oregonmetro.gov; Craig Dirksen; Kathryn.Harrington@oregonmetro.gov; METRO; Sam Chase; Shirley.Craddick@oregonmetro.gov
Cc: CouncilDistribution@ci.oswego.or.us; citycouncil@westlinnoregon.gov; jeff.condit@millernash.com; Peter Watts; Ed Trompke (Ed.Trompke@jordanramis.com); Fritzie, Martha; mikem@co.clackamas.or.us; dkrupp@co.clackamas.or.us; Jay Minor (jayminor2@gmail.com); Dave Adams Dave; Walt Gamble; Alice Cannon; Aquilla Hurd-Ravich; Frank Bubenik; Jeff Dehaan; Joelle Davis; Nancy Grimes; Paul Morrison; Robert Kellogg; Sherilyn Lombos
Subject: FW: Dave Adams: Metro's secret density for Stafford?

President Hughes, Metro Councilors, Chair Bernard and Clackamas County Commissioners, Mayor Ogden, Mayor Studebaker, Mayor Axelrod

Subject: FW: Dave Adams: Metro's secret density for Stafford?

I am writing this to respond to Dave Adams email. I'm out of state, not returning for a month. All of my papers are in Oregon. It's been over ten years. My recollection is that Brian Newman and David Bragdon were both in conversations about a reduced density for Stafford. I am quite sure that Dave Adams was involved with the discussions about lower density, but after 10 years my memory is not good enough to recall the time and place.

I called Brian Newman today. He remembered discussing a lower density, he couldn't remember if the number was eight. I called David Bragdon today. He too remembered the discussions about a lower density for Stafford and he too did not remember if the number was 8, but said that was a logical number. Remerging the exact dates and where the discussions were held is way beyond my memory bank. It is my honest recollection that the number 8 was discussed and over the 10 years that is the number I have always thought was the right number. One thing for sure is we were not talking about RRF5 zone for all of Stafford.

Brian has been gone from Metro for almost 10 years, David has been gone for close to 7. I appreciate that both of them are willing to pick up the phone. Ten years later, Dave Adams is still calling us the Stafford Land Speculators Association. Staff retires, Metro Councilors retire. I remember eight, and I remember the discussions as outlined above. It is possible that Dave Adams remembers something different, but I know five acre zoning was never discussed for all of Stafford as being the target. I guess I am confused is he saying it should be 10 to 12 to the acre?

I do not understand why Mr. Adams does not get behind the concept of a density transfer agreement that would allow a much lower density next to the present city limits of Lake Oswego, Tualatin and West Linn. If a density transfer agreement is not in place before each city completes their plan the result would be that each city would have to meet the Metro Target of 8 10 12 or ?. Bringing up who said what and when about 8 units to the acre and who was at a meeting is a waste of time.

Upon my return I was search my files, but will not spend a lot of time doing so when as explained about there are other priorities.

Herb Koss
Chair of the SLOA

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

From: Roger Alfred [<mailto:Roger.Alfred@oregonmetro.gov>]
Sent: Monday, April 17, 2017 11:30 AM
To: Peter Watts
Subject: FW: Dave Adams: Metro's secret density for Stafford?

FYI re alleged agreement on density.

From: Adams Family [<mailto:aadamsfam4@gmail.com>]
Sent: Friday, April 14, 2017 11:53 AM
To: Tom.Hughes@oregonmetro.gov; RAxelrod@westlinnoregon.gov; kestude@comcast.net; metro council@oregonmetro.gov; logden@tualatin.gov; jeff.condit@millernash.com
Cc: Bernard, Jim <JBernard@co.clackamas.or.us>; BCCMail <BCCMail@co.clackamas.or.us>; CouncilDistribution@ci.oswego.or.us; citycouncil@westlinnoregon.gov; council@ci.tualatin.or.us
Subject: Metro's secret density for Stafford?

President Hughes,

Has Metro engaged in housing density negotiations with The Stafford Land Speculators Association and established a target density of 8 units per acre for the Stafford Triangle?

Mr. Herb Koss, chair of SLSA, makes this claim in written testimony submitted to Clackamas County and on the record of the Stafford Reserves Remand hearing ZDO-265?

I have provided a screen shot of the exact paragraph and a link to the county exhibit file where you can read his comment. His letter is exhibit 36, these remarks are on page 2.

Mr. Koss claims that I was present and participated in these negotiations. I have to admit that at my age I do not have the best of memories, but I have absolutely no memory of any such

meeting. Hopefully you, or someone on Metro staff that has a better memory than I, can confirm or deny Mr. Koss's claim. If indeed such meetings did take place, Metro will no doubt have record of those in attendance and a copy of any density agreement reached in these negotiations.

If Mr. Koss's claim is true, this housing density agreement needs to be brought to the attention of every stakeholder in the Stafford Reserves Remand debate and entered in the ZDO-265 record immediately before the record on this matter closes next week. It seems to me that if the claim is not true Metro needs to enter a comment to that effect on the ZDO-265 record as well.

Having observed Metro's operations for many years I find his claim highly unlikely. However, I can not dismiss his claim that he and Metro have secretly negotiated a housing density of 8 units per acre for the Stafford triangle as false as I have no knowledge or memory of these negotiations.

I am sure you are aware I have become a favorite target of Mr. Koss's frequent nasty-grams. For the record, I have never once mentioned crime, gangs or that people will be forced out of the homes at any time during 25 years of debate on Stafford Hamlet's future. In these days of "Alternative Facts" it's hard to know how one should respond to false allegations. Mr Koss makes these allegations in his testimony. These allegations, I can assure, you flat out lies.

Looking forward to your response, hopefully we can clarify this issue asap.

Respectfully
Dave Adams
Stafford Hamlet vice chair.

<http://www.clackamas.us/planning/documents/meetings/landuse/lu20170412packetb.pdf>

their homes, is provably false
a missed opportunity. I believe
with Metro to get eight units
in agreement. Given his role
the acre are inexcusable.

From: [G Lucini](#)
To: ["Bateschell, Miranda"](#); ["Kraushaar, Nancy"](#); ["Aquilla Hurd-Ravich "](#); ["Karen Fox"](#)
Subject: RE: Questions on Notice regarding Public Meetings -Basalt Creek
Date: Wednesday, April 26, 2017 2:49:26 PM
Attachments: [image001.png](#)
[image003.png](#)

Hi Miranda,

It appears presentation on Basalt Creek Concept Planning has been placed on next Monday's (May 1st) Wilsonville City Council Work Session agenda.

- 30 Minutes of information/discussion has been allocated for the topic. I don't see an information packet included within the posting on the City's website.*
- Will there be any supporting documents provided to the public via the City's posting?*

Has Actual Notice provided to Interested Persons regarding this Public Meeting on May 1st.

- I've included a screenshot of calendar from the BasaltCreek.com website taken today (Wednesday May 26th)- and there is no public meeting listed for Monday May 1st.*
- This scheduled meeting was not included on the hard copy mailed April 2017 Notice of Upcoming Public Meetings Basalt Creek Concept Plan (received 4-14-17)*
- Nor have I received any notice via the group email regarding the May 1, 2017 meeting. The last group email I received regarding a Public Meeting on Basalt Creek Concept Planning was sent on 4-13-17 providing Notice for the 4-17-17 Public Meeting.*

As there has been significant public interest in this project- as demonstrated by citizen attendance at the last City of Wilsonville Council Work Session when this topic is discussed, as well as recent Citizen Comments made during the Council Meeting- is there a solution which can be found to provide the public appropriate advanced notice of planned Public Meetings on Basalt Creek Concept Planning--- on an ongoing basis--- especially to those who have provided their contact information via the BasaltCreek.com website, or who have provided written request to receive Notice on this topic.

*Thanks,
Grace Lucini*

AGENDA

WILSONVILLE CITY COUNCIL MEETING

MAY 1, 2017

7:30 P.M.

CITY HALL

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

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Kristin Akervall
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- 5:00 P.M. EXECUTIVE SESSION** [60 min.]
- A. Pursuant to ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation
- 6:05 P.M. REVIEW OF AGENDA** [5 min.]
- 6:10 P.M. COUNCILORS' CONCERNS** [5 min.]
- 6:15 P.M. PRE-COUNCIL WORK SESSION**
- A. Judge Weinhouse – Red-light Camera and Adult Diversion Program (Cole) [15 min.] Page 1
 - B. Basalt Creek Concept Plan (Bateschell) [30 min.] Oral Report
 - C. Transit Funding (Brashear/Cole) [20 min.] Page 21
 - D. French Prairie Bridge Evaluation Criteria (Weigel) [20 min.] Oral Report
- 7:25 P.M. ADJOURN**
-

Basalt Creek Concept Plan

About the Plan | Get Involved | News & Updates | Documents & Resources | Contact Us

Get Involved

We value and encourage your input. Public Involvement opportunities will be posted on the calendar of events below. You can also sign up to receive updates and meeting notices about the Concept Plan on the right-hand side of the page.

Contact Us

Visit the Basalt Creek [Contact Us](#) page and submit your questions, comments, or suggestions.

Calendar of Events

For event documents and materials, please go to [Documents & Resources](#)

MON	TUE	WED	THU	FRI	SAT	SUN
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

Concept Plan Updates

- [April 28, 2016 Public Open House](#)
- [Joint Councils Settle on Proposed Jurisdictional Boundary](#)
- [Upcoming Planning Commission Briefings](#)
- [Joint Council Meeting Dec. 18th](#)
- [Postponed – Tualatin City Council Work Session](#)

Sign up to receive email updates about the Basalt Creek Concept Plan!

Email address:

[SIGN UP](#)

Upcoming Events

View the monthly calendar of events [here](#).

- No upcoming events

Watch a Video About Basalt Creek

From: Bateschell, Miranda [mailto:bateschell@ci.wilsonville.or.us]

Sent: Thursday, April 13, 2017 1:03 PM

To: G Lucini <grluci@gmail.com>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>; Aquilla Hurd-Ravich <ahurd-ravich@ci.tualatin.or.us>; Karen Fox <kperlfox@ci.tualatin.or.us>

Subject: RE: Questions on Notice regarding Public Meetings -Basalt Creek

Grace,

Thanks for reaching out. It slipped my mind as I originally thought I would be going back for the May 1st work session. We added it last Friday as a quick agenda item to provide the Council with an update on the next steps. You should see an e-mail shortly going out to the Interested Parties list and being posted on our website informing every one of the upcoming meeting.

The other meeting is not among elected officials and primarily for coordination between the four

agencies. It will not be a public meeting.

Thank you again.

Regards,
Miranda

Miranda Bateschell
Long Range Planning Manager
City of Wilsonville
503.570.1581

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

From: G Lucini [<mailto:grluci@gmail.com>]
Sent: Thursday, April 13, 2017 9:19 AM
To: Kraushaar, Nancy; Bateschell, Miranda; Aquilla Hurd-Ravich ; Karen Fox
Subject: Questions on Notice regarding Public Meetings -Basalt Creek

Hi Nancy, Miranda, Aquilla, and Karen,

Will Actual Notice be sent notifying Interested Persons about the Basalt Creek Concept Planning public meeting to be held by the City of Wilsonville, during their City Council Work Session next Monday evening, 4-17-17? Discussion appears to be on the agenda as Pre Council Work Session Item E "Basalt Creek Concept Plan".

It appears another meeting has been arranged by the City of Wilsonville, "In addition, a meeting is scheduled between the city managers and staff, director of land use and transportation at the county, and chief operating officer of Metro". Is this a Public Meeting, and will Notice be provided to Interested Persons?

Look forward to hearing from you.

Regards,
Grace Lucini

From: [Herb Koss](#)
To: [LouOgden](#)
Cc: [Sherilyn Lombos](#); [Alice Cannon](#); [Peter Watts](#); [Don Hanson](#)
Subject: FW: Basalt Creek 5/01/17 Recap Novel.
Date: Tuesday, May 02, 2017 1:34:03 PM

Lou

I was not at the Wilsonville Council Meeting last night. Peter Watts and Don Hanson attended to represent our interests.

Lou I was so upset after reading the summary of the meeting I had to take another blood pressure Pill – my second of the day. The city hired KPFF giving them one mission. Can the site be developed into an employment site---- Yes it could by spending more money on the site then it would sell for. In fact it would have a negative value.

Lou I would like to talk to you about our options including annexing this land to Tualatin. We know where the utilities are ---- water and sewer is available.

Maybe Tualatin should consider taking the land down to Day Road. The bypass is built to Grahams Ferry ---- Washington County is not going to move the road. My respect for the Wilsonville staff and council is at an all-time low --- but do they care?

Please let me know when we could talk.

Thanks
Herb

From: Sherman Leitgeb [mailto:sherman@equityoregon.com]
Sent: Tuesday, May 2, 2017 8:47 AM
To: cgreen@pamplinmedia.com
Cc: Herb Koss; don.hanson@otak.com; Peter.Watts@jordanramis.com; gordonroot@aol.com
Subject: Basalt Creek 5/01/17 Recap Novel.

Claire,

We missed you at the Wilsonville City Council Meeting last night. Quite interesting. Miranda from Wilsonville made a presentation on the findings of their "new" Basalt Creek Central Sub Area study. The study/presentation was done by Matt Dolan with KPFF Consulting Engineers in Portland (503-542-3860/matt.dolan@kpff.com). Matt seemed like a good man and very capable. Gordon Root and I were outside before they would let the public into the work session and had a chance to ask Matt a few questions. Gordon asked him "did Miranda or anyone ask you for your opinion on the properties highest and best use?". To that Matt said "absolutely not". I then asked Matt "did Miranda ask you for any kind of a cost analysis or did you do any kind of a cost analysis of what it would take to level the property and do what is in this report?" Matt said "no, absolutely not". He kind of chuckled at the time. He knows it will be incredibly expensive and not economically feasible to develop. Matt told us "I was just specifically asked if it was at all possible to develop this land into

employment." We all know that anything is "possible" but this is not the least bit "practical" which is why development of this land is completely economically impractical.

When they finally let us into the work session, Miranda started her presentation by admitting that Matt had not been asked about highest and best use, nor had he been asked about cost analysis.

Matt had only been asked if it was at all possible to develop into employment. Now, unless you don't want to hear the answer from the "expert", why on earth wouldn't Miranda or anyone in Wilsonville ask the specific questions? "What's the lands highest and best use?" And "Is it economically feasible to develop into employment land?" Miranda was quite specific that they purposely did not ask Matt those two questions although Gordon Root and I did ask him right outside the Council Room. Obviously Miranda and Wilsonville do not want to know the answers.

Matt did note in his report on Page 7 that there are major site constraints with many slopes in the 15-25% grade (most employment land is less than 5%). Also on page 7 of his report he noted that "the rock in the area is basalt per GRI's findings and it is decomposed rock that is soft to very soft. However, the boring equipment did experience drill chatter while excavating the 2 deep boring holes within the feasibility limits, suggesting the rock does provide resistance to excavation and may require heavier construction equipment to remove or blasting. Rock excavation can be a costly undertaking." Matt's words, not mine. You should get a copy of this report. I believe it's supposed to be up on Wilsonville website today. I could make you a copy if you would like although it's on like 14x17 sized paper.

Then in talking between the Council Members, Mayor Knapp was steering the Council with language like "doesn't this report give you the information you need to make a decision on a resolution?" This entire deal is very clear, this is Wilsonville's way of doing a jurisdictional land grab of land that is supposed to be in Tualatin. Even the 2004 Metro Ordinance says specifically that all land north of the parkway will be Tualatin and Residential and all land south will be Wilsonville and employment.

The Wilsonville Council talked about moving the dividing line from the current Basalt Creek Parkway and moving it way north since "Tualatin obviously doesn't know how to do employment land and we do so maybe that land should be Wilsonville." They really aren't thinking about this at all. Years ago there were upwards of 7 different "options" on where to put the Basalt Parkway. Several of the options were north of its current location and several were south. The entire reason Washington County and ODOT sited the bypass exactly where it is is because they did site specific cost analysis of each route. Where it has been sited was by far the cheapest place to build it. And here Wilsonville won't listen to experts and won't do a cost analysis of this property to see if it really is feasible to do employment land. They won't do the cost feasibility analysis because they know it's not economically feasible but they don't want to admit it and they certainly don't want an "experts" report saying such.

At one point the Wilsonville Council started talking about how they should take over all the land and show Tualatin how to do it. That's hysterical but I'm not sure they realize how hysterical. You see, in Oregon a property owner must ask a city to be brought into it. A city cannot simply say now this land is Wilsonville. It's State Law. Wilsonville couldn't bring our land in and do anything with it unless we all formally ask for annexation. I can tell you right now that myself and most if not all of the other property owners dislike Wilsonville and will not ask to be part of it. We still all remember

16-18 years ago when the then Wilsonville Mayor Charlotte Lehan made back room deals with the Crooked Governor John Kitzhauber and they put a Prison in our back yards. We do not want to be part of Wilsonville and will never ask. I personally know property owners just south of the Basalt Parkway that are sick to their stomachs about being in Wilsonville and they wish they were not. And the Wilsonville Council thinks everyone will just flock to them and we are all jumping at the chance to be in Wilsonville? What have they been smoking? Nothing could be further from the truth. Only problem is that most of the Wilsonville Council including Mayor Knapp is ignorant on this point. The only one around from back then is Councilor Lehan and she's not going to bring up the topic.

Then came the 3 minute public input period. Don Hansen with OTAK made his points and Peter Watts made a good presentation as well. It was quite obviously that the Council wasn't listening. Then I got my 3 minutes. I stated my name and said my address was on the card just like everyone else. Mayor Knapp stopped me and said "what city do you live in?" and I said Sherwood just like on the card but depending on what happens with this entire process, I don't know which city I will be in." I found Mayor Knapp to be his usual arrogant, condescending self. Just like always and I'm not surprised. He's done that to me before. It's like he wants to point out that since I'm in Sherwood, what I say doesn't matter. I would urge you to get the taped version of the meeting so you can see for yourself what was said.

Obviously there was a lot more said but in consideration of your time, I will end it here. If I can answer any question, please don't hesitate to contact me. I would urge you to get a hold of the recordings of last night's meetings and listen for yourself. I've left out more than I've written here. Sorry for the novel.

Have a great day!

SHERMAN LEITGEB

Principal Broker/ Owner

Sherman@EquityOregon.com

503-704-9280

Equity Oregon Real Estate
16325 SW Boones Ferry RD.
Lake Oswego, OR 97035

www.JoinEquityOregon.com

On Apr 21, 2017, at 8:34 AM, <cgreen@pamplinmedia.com> <cgreen@pamplinmedia.com> wrote:

Good morning Sherman,

Looks like it's going to be a great day for walking the land and getting some photos.

Do you have the address at which I should park with my photographer? He has a session right before our meeting so I'm hoping to give him the address before he leaves the office this morning.

Thanks so much,

Claire Green

Reporter

Wilsonville Spokesman

T: 503-636-1281 ext. 113

C: 971-998-7509

cgreen@pamplinmedia.com

5/1/17

The Stafford Land Owners Association (SLOA) represents the owners of the majority of acreage within the Stafford Basin. SLOA has been an active participant in the planning process in Stafford for years, and has retained expert consultants to assist in creating a vision for the area that will preserve the character of Stafford while allowing a reasonable amount of growth.

We support the adoption of an Intergovernmental Agreement (IGA) for the basin and welcome the efforts of all the parties to resolve the status of Stafford and include it within the Urban Reserve area.

SLOA has reviewed the proposed IGA and have underlined the sentences that we are commenting on and our comments are in bold italic.

We appreciate the opportunity to provide comments to the Cities, Clackamas County and Metro.

INTERGOVERNMENTAL AGREEMENT STAFFORD URBAN RESERVE AREAS

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this ____ day of April 2017, by Clackamas County ("County"), Metro, the City of Lake Oswego, the City of Tualatin, and the City of West Linn (individually a "City", collectively the "Cities") (together the "Parties"). This is an addendum to the Intergovernmental Agreement between Metro and Clackamas County to Adopt Urban and Rural Reserves entered into pursuant to ORS 195.141 and ORS 190.010 to 190.110 and dated March 3, 2010 ("Reserves IGA").

RECITALS

1. The Metro Council and the Clackamas County Commission are working together to finalize the designation of urban and rural reserves by adopting findings in support of the decisions made by the Metro, Clackamas County, Multnomah County, and Washington County in 2010;
2. Under state law, Metro and the three counties in the region are tasked with identifying those areas adjacent to the existing urban growth boundary (UGB) that are best suited for providing land to accommodate urban growth in the region over the next 40 to 50 years;
3. The Cities have long opposed the designation of Metro study areas 4A, 4B, 4C and 4D ("Stafford") as urban reserve because of concerns with regard to efficient use of existing and currently planned future public infrastructure investments and whether urban level public services can be efficiently and cost-effectively provide by appropriate and financially capable service providers;

4. The Parties recognize that resolving the dispute over the designation of Stafford will enable the parties to focus collaboratively on planning for and providing urban services and prioritizing the needed regional improvements to the transportation system, such the widening of I-205 from Oregon City to Stafford Road;
5. The Parties enter into this IGA in order to alleviate the concerns of the Cities and better support the designation of Stafford under the Factors by ensuring an orderly process for the urbanization of Stafford where the Cities will have control over the planning, process and timing for the urbanization of Stafford, that the Parties will coordinate with one another, and that Stafford will not be urbanized before appropriate urban services will be available; and

SLOA Comments: No IGA or agreement can “alleviate” all concerns. The more appropriate word should be “address” the concerns. Second, Metro and Clackamas County should not turn over all control of the planning process and in particular the urbanization of Stafford. This allows each city a veto over all regional and county concerns with development in Stafford, and the impacts of non-action by the Cities on other areas of the region will be unfair to other cities, and the region as a whole. This language could result in prime farmland being brought into the UGB because of the lack of action by the Cities.

The Basalt Creek Study Area is a prime example of what can happen when two or more cities are given shared responsibility for planning an area. Basalt Creek was brought into the UGB in 2004 and there is still not an agreement between Wilsonville and Tualatin, even after over \$800,000 has been spent on planning.

6. The Parties also desire to recognize that the Stafford Hamlet and surrounding area is a unique enclave in Clackamas County that has a long standing agricultural heritage, significant environmental assets, and valued open space that should be preserved through the concept planning process;

SLOA Comments: The tree canopies, riparian and wildlife corridors should be protected. The language in this IGA may result in a legal challenge to development in open areas where development should occur due to the vague standard of “valued”.

NOW, THEREFORE, it is mutually agreed that the Parties voluntarily enter into this Intergovernmental Agreement addressing issues and concerns raised by the Cities regarding the designation of Stafford as an urban reserve. Specifically, the Parties agree as follows:

1. **City Governance.** The Parties agree that Stafford will be governed by one or more the Cities upon expansion of the urban growth boundary and annexation. The governing City will have the authority to decide what land uses should be planned for, and when and how municipal services will be provided. Notwithstanding anything to the contrary in the Reserves IGA, Exhibit B, Section 4, or Metro Code Sections 3.07.1105 to 3.07.1130 ("Title 11"), Metro and the County will oppose any future effort to incorporate a new city or create service districts to provide water or sanitary sewer services in Stafford outside of a city.

SLOA Comments: This language gives the Cities a veto power over all development with no penalty if they take no action. The only way Clackamas County or Metro can encourage planning by the Cities is if there is the threat of a potential new city for Stafford. This sentence should read “ Metro and the County will oppose any future effort to incorporate a new city of create service districts as long as the Cities make reasonable progress in planning for the urbanization of Stafford.” The current language relies totally on the good will of three cities that have consistently opposed the inclusion of Stafford as an Urban Reserve in the past.

This language may well violate the Oregon constitution, Article XI section 2, which gives the residents of any area the constitutional right to organize a city and enact a charter. State laws also pre-empt and govern local governments in this regard.

2. Completion of a City Concept Plan.

- a. The Cities will have exclusive local control over any future urbanization of Stafford. Prior to adding any part of Stafford to the UGB, the City that will be responsible for annexing that part of Stafford must first have developed a concept plan for the area describing how the area will be planned and developed after inclusion in the UGB. The timing for commencement and completion of a concept plan will be up to the City.

SLOA Comments: Again, this gives the three Cities unfettered control without any penalty for not planning Stafford. The paragraph in fact, states that the timing of the planning work is totally up to the Cities. Are Metro and Clackamas County willing to accept that the Stafford area will never develop? If so, Stafford should simply be taken off the table and farmland in Washington County should be added to the UGB, as that is the result of this language.

- b. The Cities will coordinate concept planning with one another and with the County to determine which City is the appropriate urban services provider for each part of Stafford. The Parties agree to develop a preliminary concept plan to address transportation, density, community character, and infrastructure issues to help ensure that future, more detailed sub-area "concept plans" can be developed and coordinated. The parties agree to participate in good faith in future planning efforts for the Stafford Basin, in coordination with each other and other public, private, and community stakeholders.

SLOA Comments: If the Cities do not “act in good faith” what is the recourse for Clackamas County and Metro? Another lawsuit? Appeal to the LCDC?

- c. Concept plans will plan for:
 - i. The appropriate distribution of various land uses;

- ii. The protection of desired community character in the Stafford Hamlet area, other Stafford communities, and adjacent neighborhoods currently within the Cities;
- iii. Transportation improvements;
- iii. Preservation of open space and park acquisition;
- iv. Clustering of housing/density transfers to protect natural resources and community character; and
- v. Protections of environmentally sensitive areas, such as riparian areas, habitat corridors, steep slopes, wetlands, and the Tualatin River and its tributaries.

SLOA Comments: Sewer is needed now for the Mossy Brea and Shadow Woods areas of Stafford. With the prohibition on service districts included in the IGA, there may be no practicable manner to alleviate this environmental issue within a reasonable time period.

- d. Each governing City will be responsible for determining the pace and timing of future development within an area to be incorporated into the UGB. The form and character of development will be determined through the concept planning process under Title 11 and Section 2 of this Agreement, and will be consistent with community values and environmental requirements.

SLOA Comments: Consistency with environmental requirements is an obvious requirement for future development. How can any development be “consistent with community values” when almost everyone in Stafford has a different idea of what development should look like? If the currently leadership of the Stafford Hamlet is asked, the answer will be no development except for five to ten acre sites north of the Tualatin River and limited development along I 205, which, besides not being the practicable in order to fund infrastructure, is also inconsistent with the LCDC Goals which discourage development of freeway interchanges unless part of an overall developed area.

- e. The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning designations:
 - i. To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those uses mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves.
 - ii. To allow within Urban Reserve areas, the creation of new lots or parcels smaller than allowed on the date Urban Reserve areas were

designated, except as mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves. The purpose of the designation is to preserve lands for potential future urban development, not to facilitate or expedite their development under County zoning.

- f. Notwithstanding anything to the contrary in Metro Code 3.07.1110(d), Metro agrees that the concept plan or plans developed pursuant to Section 2 of this Agreement will be used to designate 2040 design types for Stafford and to develop conditions in the Metro ordinance that adds any Stafford territory to the UGB. The Parties agree that the concept plans will govern amendments to the Cities and County comprehensive plans and land use regulations following addition of the area to the UGB.
3. **Citizen Involvement.** The Parties agree that future decision-making regarding the timing and content of concept planning and the expansion of the UGB must involve the participation of citizens from the Stafford community, as well as other stakeholders, and will take into account public testimony when developing the concept plans.
4. **Grant Funding for Transportation Planning.** Metro and the County will undertake a transportation planning project using the \$170,000 Community Planning and Development Grant from Metro to the County to study and plan for transportation and other public infrastructure in the Stafford area. Work on this planning project will begin once Metro and the County have finalized the decision on urban reserves.

SLOA Comments: This is a positive part of the IGA, as we strongly support the planning work to begin as soon as the urban reserves are finalized, and we appreciate Metro committing to this grant.
5. **Support for Widening I-205.** The Parties agree to continue to support the Joint Policy Advisory Committee on Transportation's decision to make widening I-205 from Oregon City to Stafford Road a top priority for regional transportation projects in order to help address the significant transportation infrastructure issues related to future urbanization of Stafford as well as other regional transportation needs.
6. **Transportation and Infrastructure Improvements.** Urbanization and urban development will be planned to coincide with transportation and infrastructure improvement necessary to serve such development.
7. **The Findings.** This IGA will be entered into the record of the Metro and Clackamas County proceedings on the remand of the 2010 Stafford urban reserve designation. The Metro and County remand findings will cite this IGA as evidence necessary to meet the designation requirement under ORS 195.145(5)(c) and OAR 660-027-0050(3) that the Stafford area can be served by urban level public facilities and

services efficiently and cost-effectively by appropriate and financially capable service providers.

8. No Appeal by the Cities. In consideration for the promises and commitments made herein, the Cities agree that the Cities will not challenge the designation of Stafford as Urban Reserve either before the State of Oregon Land Conservation and Development Commission or by appeal to the Oregon Court of Appeals.

9. Governing Law. The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon. .

SLOA Comments: Courts should not be necessary to resolve disputes among governments, if they arise. We recommend mediation and arbitration, on a timely basis.

10. Amendments. This Agreement may be amended at any time with the written consent of all Parties.

11. Severability. If any covenant or provision of this Agreement is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.

12. Term. This Agreement will terminate on the same date as the Reserves IGA, December 31, 2060, unless terminated earlier by agreement of the Parties. If during the term of this Agreement there is a change in applicable law or other circumstance that materially affects compliance with one or more provisions of this Agreement, the Parties agree to negotiate in a good faith a revision to this Agreement to address such law or circumstance in manner consistent with the intent of this Agreement.

City of West Linn

Comments/Summary:

First, SLOA strongly supports the adoption of an IGA with all the parties. However, , given the contentious history of planning in Stafford, the agreement must include language that allows Metro and Clackamas County to retain the ability to take action if the agreement is not followed.

Second, the Cities, Metro and Clackamas County should include in the IGA language support for a density transfer that will allow for clustering of development. SLOA supports the development of 1,008 acres of the 4,200 acres in Stafford. Our plan, with density transfer, can

support the cost of necessary infrastructure and still leave the majority of Stafford in open space and low density development. We ask that the IGA include language that Metro agrees to the use of density transfers in the planning for Stafford.

Herb Koss
Chair of the SLOA

IN WITNESS WHEREOF, each party has caused this Intergovernmental Agreement to be executed by its duly authorized representative on the date first mentioned above.

Metro Council

Dated: April __, 2017

Clackamas County

Dated: April __, 2017

City of Lake Oswego

Dated: April __, 2017

City of Tualatin

Dated: April __, 2017

Dated: April __, 2017

From: [Herb Koss](#)
To: [LouOgden](#); [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Frank Bubenik](#); [Jeff Dehaan](#); [Joelle Davis](#); [Lou Ogden](#); [Nancy Grimes](#); [Paul Morrison](#); [Robert Kellogg](#); [Sherilyn Lombos](#)
Subject: Stafford IGA
Date: Tuesday, May 02, 2017 2:40:51 PM
Attachments: [SLOA Stafford Comments Final.docx](#)

Dear Mayor Ogden, Tualatin City Council and Staff

The Stafford Land Owners Association (SLOA) has reviewed the proposed IGA for the Stafford area.

The SLOA is not against an IGA, but feels some changes and additions need to be made per the attached.

Some of you may have received a draft of the SLOA comments. Please accept the Attached Final IGA comments for the public record pertaining to the Stafford IGA.

Thank you.

Herb Koss

From: [Herb Koss](#)
To: [Alice Cannon](#); [Aquila Hurd-Ravich](#); [Frank Bubenik \(fbubenik@ci.tualatin.or.us\)](#); [jeff DeHaan](#); [Joelle Davis \(jdavis@ci.tualatin.or.us\)](#); [lou ogden \(logden@ci.tualatin.or.us\)](#); [Louogden](#); [nancy grimes \(ngrimes@ci.tualatin.or.us\)](#); [paul morrison](#); [robert kellogg](#); [Sherilyn Lombos kraushaar@ci.wilsonville.or.us](#); [Gordon Root \(gordonroot@aol.com\)](#) ([gordonroot@aol.com](#)); [roger.alfred@oregonmetro.gov](#); [C Lehan](#); [Council Akervall](#); [Mayor Knapp](#); [Scott Starr](#); [stevens council member](#); [Bob Stacey](#); [Carlotta.Collette@oregonmetro.gov](#); [Craig Dirksen](#); [Kathryn.Harrington@oregonmetro.gov](#); [METRO](#); [Sam Chase](#); [Shirley.Craddick@oregonmetro.gov](#); [Tom.Hughes@oregonmetro.gov](#)
Cc:
Subject: FW: Basalt site development costs. CESNW letter.
Date: Friday, May 19, 2017 5:09:00 PM
Attachments: [CESNW Letter.pdf](#)
[2017-05-19 Herb Koss Basalt Creek - KPFF Concept Plan.pdf](#)

Re: Wilsonville's Study for the Basalt Central Property

Dear Mayor Ogden and Tualatin City Councilors

The landowners of the above captioned property have appreciated Tualatin's fair and objective consideration, regarding our property, and ultimate directive to staff that it be zoned residential, due to site constraints.

We have asked Don Hanson to prepare trip count data, to insure that the residential density results in less trips than the employment designation.

We had not anticipated that Wilsonville would take issue with the residential designation, since they have repeatedly pointed to a shortage of residential land in the Tualatin Wilsonville sub-area, and asked for Urban Growth Boundary expansions to add residential land. However, Wilsonville has strongly objected to the designation and retained the firm of KPFF to provide a site plan based upon an employment use. The site plan prepared by KPFF did not include an estimate of site costs associated with preparing the site for an employment use. To make sure that the Tualatin City Council had the most accurate information possible, we have asked both CES and Otak, to calculate the site costs associated with KPFF's plan. Both, Tony Weller of CES and Don Hanson of Otak have analyzed the costs involved for grading and the required retaining walls. I have included their cost evaluations in the letter and email attached to this email. Their work, once again, confirms that the steep topography and basalt ridges make it unfeasible to develop the land in the way envisioned by KPFF.

Brian Clopton and Ken Leahey provided the per yard costs, which were confirmed by both Tony Weller and Don Hanson. We feel that the \$30.00 per yard estimate is on the low side, but we are trying to be as conservative

as possible, given the amount of scrutiny that this has received. The costs of the necessary retaining walls envisioned by KPFF, are also conservatively calculated at \$1,200,000.

We believe that the total site costs for the KPFF plan are \$11,700,000, which results in a negative value based on the rates that employment land are currently achieving in the market. We firmly believe that Tualatin arrived at the right result with the residential designation. Throughout this process we have been committed to transparency. We plan on sending our data and analysis to KPFF, so that they can peer review it, in advance of the meeting.

We would very much like to move forward, and are willing to take any steps necessary, including a mediated process. If necessary our professionals will be available to answer any additional questions.

Sincerely
Herb Koss

cc: Mayor Knapp and Wilsonville City Council
Wilsonville City Staff
Tualatin City Staff
Washington Planning Staff
Washington County Commission
Metro Attorney



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

May 19, 2017

Herb Koss
2643 South Shore Blvd
Lake Oswego, OR 97034

RE: Basalt Creek Central Area - KPFF Concept Plan

Hello Herb,

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

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

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

Please feel free to call with any questions or comments.

Thanks,

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

Don Hanson
Principal
Otak, Inc.



May 18, 2017

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

RE: BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

Dear Mr. Koss:

In response to your request we have reviewed the Basalt Creek Concept Plans prepared by KPFF with regards to the approximately 50 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway.

The KPFF study outlines three potential development schemes that share similarities between each scheme. Each scheme includes a single access point on Grahams Ferry Road at Tonquin Loop and no secondary or emergency access provided. The study also provides concept finish floor elevations and access road grades for each scheme. The summary shows either Scheme A or B as the higher rated concepts. We chose Scheme B to evaluate as the most highly ranked scheme.

Using the proposed grading plan for Scheme B, we calculated rough grading quantities and costs. Our estimate shows estimated grading totaling about 350,000 cubic yards. We also looked at the existing grades around the proposed parking and building areas for the potential need of retaining walls. The grading plan for this scheme showed some retaining walls but we believe additional walls would be required along the parking areas adjacent to the easterly property line and the downhill sides of Building B and Building D. We estimated the need for approximately 2400 lineal feet of retaining walls for these walls and the ones shown on the plan. We also believe additional smaller walls will likely be required for this plan as it is further developed. We did not provide any allowance for the smaller walls.

Our experience in this area on the site to the north, leads us to expect a significant amount of rock that is very near the surface. The proposed grading plan also includes significant depths of cut and fill. The fill in the south east corner of the site would be about 20-feet and cuts on the site that could be over 10-feet. Rock excavation is not very efficient and therefore more costly. Also to use the excavated rock materials as fill, will require additional processing or it may need to be supplemented with imported materials to accomplish the grading as proposed.

Mr. Herb Koss

BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

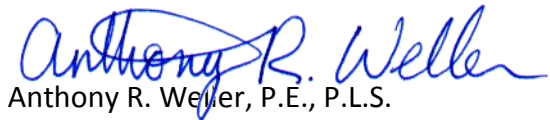
Page 2 of 2

For budgetary purposes, we would estimate \$30 per cubic yard for grading to reflect the rock excavation and potential imported fill needs for this site. This results in an estimated grading cost of \$10,500,000. At the anticipated wall heights, we have estimated \$1,200,000 for the retaining walls.

In summary, we feel the proposed grading plan is possible but it puts parking lot and access way slopes at the near maximums for industrial development. If you were to the reduce slopes to improve the usability, it would require even more excavation and the costs would be even higher.

If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,



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

President

\3273_CESNW_KPFF

From: [Herb Koss](#)
To: [Sherilyn Lombos](#); [AliceCannon \(acannon@tualatin.gov\)](mailto:AliceCannon@tualatin.gov); [Aquilla Hurd-Ravich](mailto:kperlfox@ci.tualatin.or.us); kperlfox@ci.tualatin.or.us
Cc: [Lou Ogden](#); [Peter Watts](#); [Ed Trompke \(Ed.Trompke@jordanramis.com\)](mailto:Ed.Trompke@jordanramis.com)
Subject: Basalt Creek
Date: Tuesday, May 23, 2017 10:19:51 AM

Good Morning

Last night at the council work shop Lou asked me to contact staff Regarding the Wilsonville Situation. As you are aware KPFF has prepared a site plan that for lack of better terms is way too costly and not financially feasible.

I do not think that KPFF was given the task of calculating the costs to grade the site nor calculate the cost of the retaining walls and extra foundations. Grading dirt and basalt rock is very expensive.

Now that we have their plan and our professionals have calculated the costs to grade and prepare the site. Now it is up to them to prove us wrong.

Peter Watts is going to reach out to the HBA and meet with Washington County. Peter has been in contact with Metro Council.

Is there a time that we could meet? I prefer early AM if possible.

Thanks
Herb Koss

From: [Herb Koss](#)
To: [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Karen Perl Fox](#)
Cc: [LouOgden](#); [Gordon Root \(gordonroot@aol.com\)](#) ([gordonroot@aol.com](#)); [Sherilyn Lombos](#)
Subject: FW: Basalt Creek
Date: Wednesday, May 31, 2017 9:45:42 AM

Good Morning,

I sent the email below on May 23rd per Mayor Ogden's suggestion. I have not had any reply.

I realize that the entire Basalt Creek Study plan cannot be finalized until the zoning issues are agreed upon.

Wilsonville had even challenged the dividing line at one point in their last council session. This was a totally uncalled for remark.

Our land basically has no economic value if zoned employment, which is grossly unfair to the land owners.

The KPFF report gave our professionals the information that they needed to prove that our land, as well

as our neighbors land, would have no economic value if zoned employment. Land with no value does not benefit the city or county on their tax roles either.

It is difficult for us to believe why Wilsonville has not accepted the facts as were presented to the Tualatin Council and Staff. The Metro target for jobs has been exceeded without our land being zoned for employment.

This process has been very frustrating to our land owners and any assistance that the City of Tualatin can provide should be provided.

I will willing to meeting asap.

Sincerely
Herb Koss

From: Herb Koss
Sent: Tuesday, May 23, 2017 10:19 AM
To: Sherilyn Lombos (slombos@tualatin.gov); Alice Cannon (acannon@tualatin.gov); 'Aquilla Hurd-Ravich'; kperlfox@ci.tualatin.or.us
Cc: 'Lou Ogden'; Peter Watts; Ed Trompke (Ed.Trompke@jordanramis.com)

Subject: Basalt Creek

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Thanks

Herb Koss

From: [Herb Koss](#)
To: [LouOgden](#)
Cc: [Sherilyn Lombos](#); [Alice Cannon](#); [Aquila Hurd-Ravich](#); [Karen Perl Fox](#); [Gordon Root \(gordonroot@aol.com\)](#) ([gordonroot@aol.com](#)); [Peter.Watts@jordanramis.com](#); [Ed Trompke](#); [Don & Barb Hanson](#); [tweller@cesnw.com](#)
Subject: RE: Basalt Creek
Date: Thursday, June 01, 2017 7:20:47 PM

Lou

The bottom line to your analysis is the costs involved to make this site employment land. Isn't the simple approach to have Wilsonville, since they retained KPFF, ask this firm to review CES numbers? CES used their layout and came up with the costs. The costs were at the bottom of the scale not the top.

A presentation of the KPFF plan to the Tualatin Council is not the answer. Who is the right person to contact Wilsonville to make that suggestion?

Herb

From: Lou Ogden [mailto:lou@louogden.com]
Sent: Thursday, June 1, 2017 11:54 AM
To: Herb Koss
Cc: [Sherilyn Lombos](#); [Alice Cannon](#); [Aquila Hurd-Ravich](#); [Karen Perl Fox](#); [Gordon Root \(gordonroot@aol.com\)](#) ([gordonroot@aol.com](#)); [Peter.Watts@jordanramis.com](#); [Ed Trompke](#); [Don & Barb Hanson](#); [tweller@cesnw.com](#)
Subject: Re: Basalt Creek

I wanted to make the point that land use designation isn't always about highest and best use. If that were the case perhaps every acre would be retail in a hot area like Tualatin. Rather, it is about long term vision for a community and functional relationships such as jobs, housing, transportation, services, etc. That said, there is, in my mind, the issue of viable uses. A designated area may not be highest or best use but it must be an economically viable use. That is what I believe breaks down on this site; not so much highest and best use, but viable or non viable. Finally I don't equate feasible with viable. Most anything is feasible given enough \$\$ but that doesn't mean it is necessarily viable. If not viable then the land languishes indefinitely until some extraneous use perhaps becomes the ultimate waste of land like a construction materials storage site or similar

Thanks,



Lou Ogden
Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for
Businesses and Individuals
21040 SW 90th Ave. Tualatin, OR 97062
Phone 503.692.0163; Fax 503.385.0320
lou@louogden.com

On May 31, 2017, at 11:23 AM, Herb Koss <herb@kossred.com> wrote:

Sherilyn

Thank you for your response

Two things--First of all you need to ask KPFF what is their estimate of the costs to prepare the site with their plan including retaining walls. CES and Otak prepared our cost estimates

This should not even require a presentation.

Second -- Their thought on Highest and Best Use

The process has taken long time and at a great deal of expense. Gordon Root as other property owners have been very patient with the process probably too patient

I would think asking KPFF for the costs would answer the question of Highest and Best Use and costs affecting economic value of the acreage involved

For Wilsonville to hold up the process without all of the facts is ridiculous

Sent from my iPhone

On May 31, 2017, at 10:50 AM, Sherilyn Lombos <slombos@tualatin.gov> wrote:

Hi Herb,

Please forgive me; it was on my to-do list to respond back.

Our next step is to get the KPFF folks to come present their report to the Tualatin Council. We all think it would be a good thing for the Tualatin Council to get the skinny on the work they did and what they came up with. So before any other meetings are scheduled or discussions occur regarding jurisdiction lines or really any other areas of agreement or disagreement, we're going to get that scheduled. We're currently looking at July 10, but I don't have that confirmed quite yet.

Sherilyn Lombos

Tualatin City Manager

Desk: 503.691.3010 | Mobile: 971-998-4127

slombos@tualatin.gov

www.tualatinoregon.gov

From: Herb Koss [<mailto:herb@kossred.com>]

Sent: Wednesday, May 31, 2017 9:46 AM
To: Alice Cannon; Aquilla Hurd-Ravich; Karen Perl Fox
Cc: LouOgden; Gordon Root (gordonroot@aol.com) (gordonroot@aol.com);
Sherilyn Lombos
Subject: FW: Basalt Creek

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It is difficult for us to believe why Wilsonville has not accepted the facts as were presented to the Tualatin Council and Staff. The Metro target for jobs has been exceeded without our land being zoned for employment.

This process has been very frustrating to our land owners and any assistance that the City of Tualatin can provide should be provided.

I will willing to meeting asap.

Sincerely
Herb Koss

From: Herb Koss
Sent: Tuesday, May 23, 2017 10:19 AM
To: Sherilyn Lombos (slombos@tualatin.gov); Alice Cannon (acannon@tualatin.gov); 'Aquilla Hurd-Ravich'; kperlfox@ci.tualatin.or.us

Cc: 'Lou Ogden'; Peter Watts; Ed Trompke (Ed.Trompke@jordanramis.com)
Subject: Basalt Creek

Good Morning

Last night at the council work shop Lou asked me to contact staff Regarding the Wilsonville Situation. As you are aware KPFF has prepared a site plan that for lack of better terms is way too costly and not financially feasible.

I do not think that KPFF was given the task of calculating the costs to grade the site nor calculate the cost of the retaining walls and extra foundations. Grading dirt and basalt rock is very expensive.

Now that we have their plan and our professionals have calculated the costs to grade and prepare the site. Now it is up to them to prove us wrong.

Peter Watts is going to reach out to the HBA and meet with Washington County. Peter has been in contact with Metro Council.

Is there a time that we could meet? I prefer early AM if possible.

Thanks
Herb Koss

From: [Herb Koss](#)
To: matt.dolan@kpff.com
Cc: [Lou Ogden](#); [Don & Barb Hanson](#); [Peter Watts](#); [Ed Trompke \(Ed.Trompke@jordanramis.com\)](mailto:Ed.Trompke@jordanramis.com); [Gordon Root \(gordonroot@aol.com\)](#) (gordonroot@aol.com); [Grace Lucini](#); [Hannah Childs](#); [Heather Hutchinson](#); [Herb Koss](#); [Howard Houston](#); [John and Grace Lucini](#); [Lark Leitgeb](#); [Lois Fox](#); [Marvin Mast \(marvinmast@gmail.com\)](mailto:MarvinMast@gmail.com); [Matthew Johansen](#); [Mehdi A-Sanaei \(mehdiasanaei@yahoo.com\)](mailto:MehdiA-Sanaei@yahoo.com); [Peter Shames](#); r.alvstad@comcast.net; [Sherman Leitgeb](#); srcs6914@aol.com; [Steve Summers \(Nickstevensfs00@gmail.com\)](mailto:SteveSummers@nickstevensfs00@gmail.com); [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Frank Bubenik \(fbubenik@ci.tualatin.or.us\)](mailto:FrankBubenik@ci.tualatin.or.us); [jeff DeHaan](mailto:jeffDeHaan); [Joelle Davis \(jdavis@ci.tualatin.or.us\)](mailto:JoelleDavis@ci.tualatin.or.us); [lou ogden \(logden@ci.tualatin.or.us\)](mailto:louogden@ci.tualatin.or.us); [nancy grimes \(ngrimes@ci.tualatin.or.us\)](mailto:nancygrimes@ci.tualatin.or.us); [paul morrison](#); [robert kellogg](#); [Sherilyn Lombos](#); [C Lehan](#); [Council Akervall](#); [Mayor Knapp](#); [Scott Starr](#); [stevens council member](#)
Subject: FW: Basalt
Date: Tuesday, June 06, 2017 12:23:59 PM
Attachments: [3273_CESNW_KPFF..pdf](#)
[Otak CES.pdf](#)

Dear Matt:

Thank you for taking my call today. Per our conversation I have attached the letter from CESNW that analyzes the costs involved in grading the site for employment land. I also have attached a memo from Don Hanson at Otak.

As I informed you today after I found that our land and the land to the north was being considered for an employment zone I first contacted Peter Bechen the CEO of PacTrust. He sent his VP to the site whose name is Eric Sporre. Eric has extensive Development experience in the development of industrial parks. Both Eric and Peter confirmed that our land was of no interest to them and in fact Peter Bechen told me you could give us your land and we would not be interested because of the grading Issues and limited access. I do not like to spend money on challenging a city's or county's plan unless I confirm that my feelings are correct. Brian Clopton of Clopton Excavation, Ken Leahey, Stu Peterson a seasoned industrial Broker, Tony Weller – CESNW and Don Hanson – Otak all confirmed my opinion and reasons for opposing an employment land designation. John Fregonese who was the lead planner of the Basalt Creek Study also agreed that a supportive housing zone was the proper zoning as long as there was no increase in the trip counts.

My hope is that Wilsonville will pay your firm to analyze and determine if the costs to grade our site for employment is accurate. As we discussed the land on the south end has no access to Basalt Creek Parkway, which is a huge negative for zoning our land for employment. Lou Ogden referred to our land as the base of the arrowhead with no good access.

Matt I know your firm was just asked ----can you prepare a layout for employment on the acreage in

question

with no consideration for costs or highest and best use. The cost factor is of course our major concern as our land would have no value and no marketability if zoned for employment.

McKenzie was involved in the process earlier than your firm was. Washington County asked them the same question and McKenzie provided a layout that again was cost prohibitive. The Tualatin Council voted 7 – 0 in favor of a residential zone. Tualatin's decision was based on facts that were provided by use from professionals in the business. In correctly zoning land so it will never be developed is unfair to the land owners, the city and the county.

After the Tualatin City council meeting our land owners thought that the process to complete the Basalt Study could be completed. Your firm was hired by the City of Wilsonville-----again to lay out a plan for employment use without any consideration for costs of blasting, grading or the required retaining walls.

In summary I am hopeful that the City of Wilsonville will pay your firm to analyze the costs involved with your site plan. If you concur the question of zoning should be easy to determine. Since the CESNW letter was written Ken Leahey told me that the \$30.00 per yard was low and in his opinion the grading costs could be closer to \$40.00 per yard. This of course really affects the grading costs in the wrong direction.

If Wilsonville approves our suggested course of action please feel free to contact Tony Weller at CESNW for any information. We will pay for his time. I have copied all stakeholders with this email.

My phone number is 503 730 2431 email: herb@kossred.com

Again thanks for taking my call.

Sincerely

Herb Koss

Cell 503 730 2431 email: herb@kossred.com

From: [Tony Weller](#)
To: [Alice Cannon](#)
Cc: [Herb Koss \(herb@kossred.com\)](#); [Don Hanson](#); [Aquilla Hurd-Ravich](#); [Sherilyn Lombos](#)
Subject: RE: Basalt Creek Planning Area
Date: Thursday, July 20, 2017 3:53:00 PM

Hi Alice –

Currently there isn't a proposed residential plan. The approach to this site will be to respect the existing topography. This approach (not product) would be very similar to how Forest Rim Apartments was able to accommodate the rock outcrop into the site plan. Smaller buildings and more flexible access grades will be used to reduce the grading and retaining walls.

Our purpose in providing the grading and wall costs (which I realize we really didn't explain) was not compare development costs between the two uses but to show that with about 40 usable acres, the \$11,000,000 (for only grading and walls and not all the other costs and land) equates to about \$6/sf. What we understand is \$6 to \$6.50/sf is the market value of a finished employment/industrial lot. This cost makes it impossible to deliver a finished product at market value.

Regards – Tony

Tony Weller, P.E., P.L.S.
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tweller@cesnw.com
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From: Alice Cannon [<mailto:acannon@tualatin.gov>]
Sent: Thursday, July 20, 2017 11:58 AM
To: Tony Weller
Cc: Herb Koss (herb@kossred.com); Don Hanson; Aquilla Hurd-Ravich; Sherilyn Lombos
Subject: RE: Basalt Creek Planning Area

Tony,

Thanks for this summary.

I noticed that you have given a grading and retaining wall cost estimate for employment land. I'm wondering if you can revise this memo to give a grading and retaining wall cost estimate for one of Herb's development concepts. That way the Council can see the delta between the two costs. This will be an important consideration to Council.

Let me know if this is possible and when you may be able to make that adjustment to the memo.

Thank you,

Alice

Alice Cannon

Assistant City Manager

City of Tualatin | Community Development

503.691.3018 | acannon@tualatin.gov | www.tualatinoregon.gov

From: Tony Weller [<mailto:tweller@cesnw.com>]

Sent: Thursday, July 20, 2017 10:50 AM

To: Alice Cannon

Cc: Herb Koss (herb@kossred.com); Don Hanson

Subject: Basalt Creek Planning Area

Hi Alice –

Don Hanson asked me to prepare and forward this letter to you regarding our work on the central Basalt Creek Planning area and the upcoming Council Work Session. Let me know if you have questions.

Regards – Tony

Tony Weller, P.E., P.L.S.

President

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503.968.2595 f

503.866.6550 c

tweller@cesnw.com

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From: [Don Hanson](#)
To: [Alice Cannon](#); [Tony Weller](#)
Cc: [Herb Koss \(herb@kossred.com\)](#); [Aquilla Hurd-Ravich](#); [Sherilyn Lombos](#)
Subject: RE: Basalt Creek Planning Area
Date: Friday, July 21, 2017 1:04:21 PM
Attachments: [20170721123442487.pdf](#)

Hello Alice.

I've attached a land use diagram that summarizes our residential approach in a simplistic manner. The plan avoids site constraints and results in density that fits within the trip cap limits agreed upon between the cities. It also proposes relatively low densities which again will reduce conflicts with site constraints and costly construction.

It shows 25 acres of land at 6du/ac for townhome and single family residential .150 units.

It shows 15 acres of land for multi family residential at 15 du/ac.270 units.

These numbers are approximate at this point but it's easy to recognize that this can be implemented in a feasible manner.

I will be there with Tony Weller Monday evening and can certainly explain this further and respond to any questions from council. Please include this land use diagram in a power point if one is being prepared. I believe Tony may also have a few images to include.

Thanks Alice

Don

Don Hanson | Principal
v. 503.415.2317 | f. 503.415.2304
www.otak.com



at Otak, we consider the environment before printing emails.

From: Alice Cannon [mailto:acannon@tualatin.gov]
Sent: Friday, July 21, 2017 8:35 AM
To: Tony Weller; Alice Cannon
Cc: Herb Koss (herb@kossred.com); Don Hanson; Aquilla Hurd-Ravich; Sherilyn Lombos
Subject: Re: Basalt Creek Planning Area

Thank you. Sorry for the typos in my last message. Mr. Koss and Don Hanson produced several development concepts. 😊

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

From: Tony Weller <tweller@cesnw.com>
Date: 7/21/17 8:29 AM (GMT-08:00)
To: Alice Cannon <acannon@tualatin.gov>
Cc: "Herb Koss (herb@kossred.com)" <herb@kossred.com>, Don Hanson <don.hanson@otak.com>, Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>, Sherilyn Lombos <slombos@tualatin.gov>
Subject: RE: Basalt Creek Planning Area

Thank you Alice - I will check with Don and Herb and see what we can do.

Have a great weekend! – Tony

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From: Alice Cannon [<mailto:acannon@tualatin.gov>]
Sent: Friday, July 21, 2017 8:25 AM
To: Tony Weller; Alice Cannon
Cc: Herb Koss (herb@kossred.com); Don Hanson; Aquilla Hurd-Ravich; Sherilyn Lombos
Subject: Re: Basalt Creek Planning Area

Thank you, Tony.

I still think Council will want to compare employment vs residential development costs. Mr. Koss and Hanson several development concepts. I think it would be good to pick one and present some comparative grading and retaining wall costs so Council can see the cost differences more concretely. Without this, the concepts you are discussing are bit more abstract. You can present your point much more clearly with this comparison. Don and I spoke by phone about this last Friday.

Let me know what you might be able to do. Thanks for being thoughtful about this.

Alice

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

From: Tony Weller <tweller@cesnw.com>
Date: 7/20/17 3:52 PM (GMT-08:00)
To: Alice Cannon <acannon@tualatin.gov>
Cc: "Herb Koss (herb@kossred.com)" <herb@kossred.com>, Don Hanson <don.hanson@otak.com>, Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>, Sherilyn Lombos <slombos@tualatin.gov>
Subject: RE: Basalt Creek Planning Area

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Regards – Tony

Tony Weller, P.E., P.L.S.

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Cc: Herb Koss (herb@kossred.com); Don Hanson; Aquilla Hurd-Ravich; Sherilyn Lombos

Subject: RE: Basalt Creek Planning Area

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Let me know if this is possible and when you may be able to make that adjustment to the memo.

Thank you,

Alice

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Subject: Basalt Creek Planning Area

Hi Alice –

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Regards – Tony

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LAND USE DIAGRAM

1" = 300'

ETAK
JULY '17





OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 24, 2017

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant City Manager Alice Cannon; City Engineer Jeff Fuchs; IS Director Bates Russell; Associate Planner Charles Benson; Economic Development Manager Melinda Anderson

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:15 p.m.

B. ANNOUNCEMENTS

1. New Employee Introduction- Terrance Leahy, Water Division Manager

Public Works Director Jeff Fuchs introduced Water Division Manager Terrance Leahy. The Council congratulated him on his promotion.

C. CITIZEN COMMENTS

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.

City of Wilsonville Mayor Tim Knapp shared insight from their City Council regarding the Basalt Creek project. He stated the original intent of the plan was to preserve and encourage the use of employment land over the next 20 years. They believe this land can serve the cities in the future as high quality employment lands. He stated places to build employment are constrained in the Metro and this land needs to be preserved for employment.

Tom Childs expressed he would like to see the Basalt Creek parcel in question designated residential.

Debbie Luster stated there has been increased noise in the industrial park off of 105th. She would like the City to address the noise concerns.

Herb Koss stated the cost to keep the parcel of land in question industrial is not financially feasible as the land can't be developed as employment land.

Gordon Root referenced Metro's original ordinance for the Basalt Creek area. He stated the parcel in question needs to be deemed residential because Tualatin does not have any more developable residential land. He added the demand for residential land in Tualatin is high.

Ashley Leigh, owner of Whole Babies Preschool, addressed concerns that had been raised by her neighbors. She assured the Council the school is doing everything they can to ease neighborhood concerns.

Scott Powell spoke in favor of a residential designation for the parcel in Basalt Creek.

Sherman Leitgeb spoke in opposition of the City of Wilsonville's proposal. He would like to see the area deemed residential.

Hannah Childs spoke in favor of the Basalt Creek parcel in question being deemed residential.

D. 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. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Councilor Frank Bubenik, SECONDED by Council President Joelle Davis to approve the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of July 10, 2017

E. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of a Conditional Use Permit for MITCH Charter School to Expand the Campus and Operations of a Kindergarten through Grade 12 School in the Light Manufacturing (ML) Planning District at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200) (CUP-17-0001).

From: [Herb Koss](#)
To: [Alice Cannon](#); [Tony Weller](#)
Cc: [Don Hanson](#)
Subject: RE: Basalt Creek Planning Area
Date: Monday, July 24, 2017 10:30:05 AM

Alice

Don and Tony both can address the any cost question verbally tonight.

Grading costs for a residential zone will be much less and we will design to avoid constraints as much as possible. In other words work with the existing grades and use some rock ridges as open space.

Please feel free to contact either Tony or Don before the meeting although Don is headed back from the Oregon Coast.

Herb

From: Alice Cannon [mailto:acannon@tualatin.gov]
Sent: Monday, July 24, 2017 9:24 AM
To: Tony Weller
Cc: Herb Koss; Don Hanson
Subject: RE: Basalt Creek Planning Area

Tony,

Thanks for the note.

So I'm reading into this that you won't have a grading and retaining wall cost estimate for Mr. Koss's development concept for the sake of comparison.

I think the Council may ask about that. It certainly isn't required to provide it but I think it is always good to anticipate and prep for Council questions. If you have provided estimates for the KPFF study, Council will likely want estimates for Mr. Koss's proposal for the sake of comparison.

I won't raise this again because I've repeated this message a few times. Ultimately, Council has to make decisions about the data they receive.

I know we're all hoping we can reach resolution on this Concept Plan.

Thanks!

Alice

Alice Cannon
Assistant City Manager

From: Tony Weller [<mailto:tweller@cesnw.com>]
Sent: Monday, July 24, 2017 9:17 AM
To: Alice Cannon; Don Hanson; Herb Koss (herb@kossred.com)
Subject: RE: Basalt Creek Planning Area

Hi Alice –

Don is currently at the coast and will be making his way back for the meeting tonight. Here are the slides we would like to be available for us tonight. Let me know if you have any questions or need anything else.

Thank you – Tony

Tony Weller, P.E., P.L.S.
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From: Alice Cannon [<mailto:acannon@tualatin.gov>]
Sent: Monday, July 24, 2017 8:49 AM
To: Don Hanson; Tony Weller; Herb Koss (herb@kossred.com)
Subject: FW: Basalt Creek Planning Area

Don,

Thanks for your note this morning.

Here you go. Let us know if we can expect a PowerPoint by noon today. If so, we will make sure it is available on our laptop and also post it online.

Happy Monday to you all!

Thank you.

Alice

Alice Cannon
Assistant City Manager

From: Alice Cannon
Sent: Friday, July 21, 2017 1:18 PM
To: Don Hanson; Alice Cannon; Tony Weller
Cc: Herb Koss (herb@kossred.com); Aquilla Hurd-Ravich; Sherilyn Lombos
Subject: Re: Basalt Creek Planning Area

Thank you, Don. You and Tony are welcome to prepare thought own Powerpoint and supply it to us by noon Monday. We will make sure it is availae on our computer for your use and also post it online too.

I assume this convept plan becomes tge basis for the grading and retsining wall cost estimates for this plan? Maybe Tony will supply that next?

Thank you.

Alice

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

From: Don Hanson <don.hanson@otak.com>
Date: 7/21/17 1:04 PM (GMT-08:00)
To: Alice Cannon <acannon@tualatin.gov>, Tony Weller <tweller@cesnw.com>
Cc: "Herb Koss (herb@kossred.com)" <herb@kossred.com>, Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>, Sherilyn Lombos <slombos@tualatin.gov>
Subject: RE: Basalt Creek Planning Area

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From: Alice Cannon [<mailto:acannon@tualatin.gov>]
Sent: Friday, July 21, 2017 8:25 AM
To: Tony Weller; Alice Cannon
Cc: Herb Koss (herb@kossred.com); Don Hanson; Aquilla Hurd-Ravich; Sherilyn Lombos
Subject: Re: Basalt Creek Planning Area

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To: Alice Cannon <acannon@tualatin.gov>

Cc: "Herb Koss (herb@kossred.com)" <herb@kossred.com>, Don Hanson <don.hanson@otak.com>, Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>, Sherilyn Lombos <slombos@tualatin.gov>

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Tony Weller, P.E., P.L.S.

President

CESNW, INC.

13190 SW 68th Parkway, Suite 150

Tigard, OR 97223

503.968.6655 p

503.968.2595 f

503.866.6550 c

tweller@cesnw.com

www.cesnw.com

The following information has been provided to the staffs and councils at both the City of Tualatin and the City of Wilsonville. Washington County has been provided the information as well as Metro. Since the process at both the city of Tualatin and Wilsonville at times limits public input at the work sessions the land owners felt that a summary package of information would be helpful.

Chair Duyck and Commissioners

Subject: Basalt Creek Study (41 acres North of Basalt Creek Parkway to Victoria Gardens)

Dear Chair Duyck and Commissioners

I am a property owner within the Basalt Creek area, with an interest in the 10 acres just north of the extension of 124th (Basalt Creek Parkway). I wanted to first compliment the work of Renus Kelfkens, a project manager for the Basalt Creek extension of Basalt Creek Parkway. He's been incredibly responsive and just great to work with, as have many others on your staff.

Throughout this process, I've been in touch with the Mr. Kelfkens to understand the impacts of the transportation system on our property. I was told that no access to Basalt Creek Parkway would be allowed and an 18 to 20 foot vertical cut was necessary in to minimize the height of the bridge needed to cross Basalt Creek when connecting the section between Grahams Ferry Road and Boones Ferry Road. I completely understand the lack of access to our property, but the transportation issues as well as other factors impact how the 41 acres north of Basalt Creek Parkway can be developed.

In the 40 years that I've spent as a developer, I've learned that elected officials can only make a decision that is as good as the information that they have in front of them. When I looked at the amount of basalt on our parcel and the adjoining parcels, I began to question whether it was feasible to develop the site with an employment designation. I reached out to firms/professionals that I knew had excellent reputations in Tualatin and our region including PacTrust – Eric Sporre / Peter Bechen, Macadam Forbes – Stu Peterson, Leahy Construction – Ken Leahy, Clopton Excavation – Brian Clopton, Real Estate Investment Group – Mike Diamond, CESNW – Tony Weller, Otak – Don Hanson. These people are all experts in their fields and universally they concluded that the land could not be feasibly developed with an employment designation.

Mr. John Fregonese who was hired to assist with the Basalt Creek Study also concluded that our land would not support an employment use. While McKenzie and KPFF have provided analysis, that analysis did not include the costs associated with site grading and retaining walls. The cost per square foot of grading and retaining walls exceed the list price of Tualatin area employment property currently being marketed.

After receiving our data and expert letters, the Tualatin City Council unanimously supported our land would be zoned for a residential use with one condition ---no additional trip counts. It was not long after the City of Tualatin's council meeting that the Wilsonville Council and staff decided that Tualatin was wrong. To make a long story short the City of Wilsonville retained the services of KPFF – Matt Dolan to design a site plan for employment.

We then retained the engineering services of Tony Weller of CESNW and Don Hanson – Otak to provide us with the costs to prepare the site for the plan prepared by KPFF. **The results of the study confirmed that the cost of preparing the site --- grading and retaining walls would exceed the value of the land.** The results of the analysis are included with

this letter. At the last Tualatin City council meeting Mayor Ogden asked Matt Dolan if the CESNW costs were correct. The answer was he "did not believe the cost analysis was out of line." Mayor Knapp has stated that over time our land will be financially feasible for an employment site. That statement, ignores that the American's with Disabilities Act, and other federal, state, and local regulations have increased the cost of site preparation, and those regulations have increased over time not decreased. He uses OHSU as an example of what can be built, but that facility could never be feasibly built today. The access issues with our site will never go away. **We have provided** all of the materials from our engineers regarding site prep costs to Wilsonville. Our numbers were purposefully conservative, because we expected Wilsonville to comprehensively review. Mr. Dolan did not disagree with any of our site preparation numbers. Our comps regarding what the site would be worth, after site prep were done in tandem with a broker with multiple active listings in the Tualatin. Those current listings are without the added Basalt Creek lands on the market. Given supply and demand, adding Basalt Creek is unlikely to result in a higher overall price per square foot. Our property is upside down by nearly \$1,000,000.

Commissioner Rogers mentioned in conversations with me that the county had invested millions in the extension of 124th (Basalt Creek Parkway) and they wanted a return on their investment sooner than later. If our land was improperly zoned employment it would not be developed for many years or ever if zoned for employment. On the other hand if our land was zoned for supportive housing and the Basalt Creek Study could be completed just the residential System Development Charges between our 41 acres Gordon Root Property and his neighbor that has a 10 acre Multifamily parcel would be estimated to be \$7,500,000. **This amount is only for the transportation fee, which in Tualatin goes directly to Washington County.** I am sure that you will concur that this is a substantial number and this revenue along with a substantial increase in the property tax base cannot and should not be ignored. Commissioner Rogers informed me that the county wanted a return on their investment from the 124th/Basalt Creek Road improvement. The SDC revenue resulting from a residential zone for the 120 acres outlined above is certainly a good start.

When I am having a difficult time deciding a business or personal decision I use the base analysis of the Pros and Cons. I have also attached an abbreviated list which demonstrates in simple terms why our land should be zoned for a residential use.

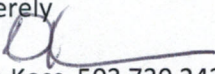
I have attached a topographic map and notes regarding the access issues. Our request is to zone the 41 acres for supportive residential housing. Our 41 acres represent only 4.8% of the Basalt Creek Study area. The Metro jobs numbers have been exceeded even without our neighborhood through an industrial park.

The land east of the property, and the northern portion of the property are both zoned residential, and both require site access through the remainder of the property. These owners will not be able to develop their property without access through the site. The lack of access off of Basalt Creek Parkway, and lack of ability to develop the 41 acres, will make site access incredibly difficult and expensive. There are a myriad of reasons why this land should be zoned residential, and almost no reason for it to be zoned employment. Whether it is because of common sense, need for SDC's, future property tax revenue, or simply to help alleviate what has been termed a housing crisis, all reasons point to a residential designation.

Unfortunately the Basalt Creek Study has no mediation or arbitration section. The agreement expires in September of 2019, but until then there is no way to get resolution between the two cities. We have kept Metro in the loop throughout this process. We believe there is a critical need for Multifamily housing in the Tualatin sub-region, as well as the region overall. We are willing to accept a condition that our 10 acres be high density residential. The density will have to taper down across the site in order to keep the trip counts at a net neutral.

We will agree to any reasonable conditions including trip counts. We simply ask for your help in coming to a reasonable solution. Tualatin can wait out the IGA, but the only effect of that will be to delay housing that is badly needed as well as SDC's that would really benefit the county. Thank you for your consideration.

Sincerely


Herb Koss 503 730 2431 email: herb@kossred.com

Attachments and/ or Enclosures:

Basalt Creek Study-Summary of the Process

Letter from CESNW – Tony Weller analyzing the costs of preparing the site per the KPFF plan. Letter dated 5/18/17

Otak Letter 5/19/17

Testimony from professionals provided for the Feb. 2017 Tualatin Council meeting:
PacTrust – Peter Bechan/Eric Sporre, Macadam Forbes- Stu Peterson,
CESNW – Tony Weller, Otak- Don Hanson, Clopton Excavation- Brian Clopton,
Leahy Excavation – Ken Leahy, Real Estate Investment Group- Mike Diamond

Letter to Mayor Odgen, Tualatin Staff and Tualatin City Council From Peter Watts 2/13/17

Pro and Con list

Map – Topo and Access issues

Memo from County regarding Road cut for Basalt Creek Parkway 2/1/17
Verifies the cut to be 18 to 20 with no access



May 18, 2017

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

RE: BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

Dear Mr. Koss:

In response to your request we have reviewed the Basalt Creek Concept Plans prepared by KPFF with regards to the approximately 50 acres north and east of the intersection of Grahams Ferry road and Basalt Creek Parkway.

The KPFF study outlines three potential development schemes that share similarities between each scheme. Each scheme includes a single access point on Grahams Ferry Road at Tonquin Loop and no secondary or emergency access provided. The study also provides concept finish floor elevations and access road grades for each scheme. The summary shows either Scheme A or B as the higher rated concepts. We chose Scheme B to evaluate as the most highly ranked scheme.

Using the proposed grading plan for Scheme B, we calculated rough grading quantities and costs. Our estimate shows estimated grading totaling about 350,000 cubic yards. We also looked at the existing grades around the proposed parking and building areas for the potential need of retaining walls. The grading plan for this scheme showed some retaining walls but we believe additional walls would be required along the parking areas adjacent to the easterly property line and the downhill sides of Building B and Building D. We estimated the need for approximately 2400 lineal feet of retaining walls for these walls and the ones shown on the plan. We also believe additional smaller walls will likely be required for this plan as it is further developed. We did not provide any allowance for the smaller walls.

Our experience in this area on the site to the north, leads us to expect a significant amount of rock that is very near the surface. The proposed grading plan also includes significant depths of cut and fill. The fill in the south east corner of the site would be about 20-feet and cuts on the site that could be over 10-feet. Rock excavation is not very efficient and therefore more costly. Also to use the excavated rock materials as fill, will require additional processing or it may need to be supplemented with imported materials to accomplish the grading as proposed.

Mr. Herb Koss

BASALT CREEK CENTRAL AREA – KPFF CONCEPT PLAN

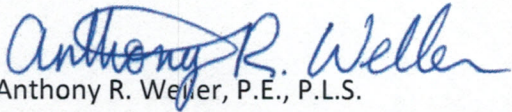
Page 2 of 2

For budgetary purposes, we would estimate \$30 per cubic yard for grading to reflect the rock excavation and potential imported fill needs for this site. This results in an estimated grading cost of \$10,500,000. At the anticipated wall heights, we have estimated \$1,200,000 for the retaining walls.

In summary, we feel the proposed grading plan is possible but it puts parking lot and access way slopes at the near maximums for industrial development. If you were to reduce slopes to improve the usability, it would require even more excavation and the costs would be even higher.

If you have any questions in regards to our analysis, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Anthony R. Weller". The signature is fluid and cursive, with the first name being the most prominent.

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

President

\3273_CESNW_KPFF

PACTRUST
Pacific Realty Associates, L.P.

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

November 14, 2016

VIA EMAIL

Herb Koss
2643 South Shore Boulevard
Lake Oswego, OR 97034

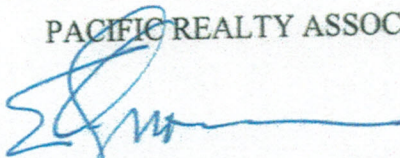
Dear Herb,

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

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

Yours very truly,

PACIFIC REALTY ASSOCIATES, L.P.



Eric A. Sporre
Vice President

7/27/17

Pros and Cons for Residential Zoning for 41+ acres in Basalt Creek

Pros:

Land Originally brought into the UGB for employment land over 10 years ago. It should be noted that no specific site analysis was made at that time. No housing crisis existed when the land was brought in.

The current study already includes residential land. 4.8% of the land is only in question and being fought by Wilsonville.

Cons:

Land is not suited for employment since the site preparation costs and needed retaining walls exceed the value of the land.

Poor access for employment since no access will be allowed from Basalt Creek Parkway.

Land is needed for supportive housing.

The land in question is only 4.8% of the land in the Basalt Creek Study area.

All of the land owners support a residential zone.

All of the neighboring land owners to the east support a residential zone.

The land owners to the east deserve good access to their land that can be developed between the 41 acres and Basalt Creek. Access through an industrial park is not an answer to this needed access.

Minimum grading would be needed if the land is zoned residential, which is not the case for an employment use.

The Metro jobs target has not only been met, but exceeded without the 41 acres being zoned for employment.

Fregonese and Asso. the lead land planning firm has stated that this land is not suited for Employment in his direct conversations with Mayor Ogden

Land that is zoned incorrectly will never be sold for development. Therefore no Property Tax revenue, no collections of SDC's, Some of the land is in Farm and Forest deferral which if developed would generate property tax revenues. It should be noted that Washington County has invested millions of dollars in this project with the intention of generating an employment based land supply --- problem is this 41 acres will never be developed for employment, but would generate tax revenue and SDC income if zoned for a residential use. Improper zoning generates no increase in property tax revenue and no income from SDC revenue.

\$7,500,000 in Transportation fee revenue is being held up by delaying the final zoning for the Basalt Creek area.

From: [Herb Koss](#)
To: [Alice Cannon](#); [Aquila Hurd-Ravich](#); [Frank Bubenik\(fbubenik@ci.tualatin.or.us\)](#); [Jeff Dehaan](#); [Joelle Davis \(jdavis@ci.tualatin.or.us\)](#); [lou ogden \(logden@ci.tualatin.or.us\)](#); [Louogden](#); [nancy grimes\(ngrimes@ci.tualatin.or.us\)](#); [Paul Morrison](#); [Robert Kellogg](#); [SherilynLombos](#)
Subject: FW: Basalt Creek
Date: Wednesday, August 30, 2017 8:41:58 AM
Attachments: [CCE08292017.pdf](#)

Dear Council and Tualatin Staff

I sent an email with a large amount of data so in some cases the servers will not Deliver the email.

I have prepared an abbreviated package, which is attached.

After sending Chair Duyck and the Washington County commissioners the full package I received an email, which stated that the County would not oppose a residential zone for the land in question, but since the IGA required all parties to concur it was too bad that no arbitration or mediation Clause was not in the agreement.

This process is and continues to be very frustrating. As I understand it the IGA expires in 9/2019.

It is still our hope that a resolution can be made. I had our professionals look at other options pertaining to our land, but the access issues, topography, buffers and extreme costs just cannot be overcome.

Sincerely
Herb Koss -

From: tom.re@comcast.net
To: [LouOgden](#); [Frank Bubenik](#); [Paul Morrison](#); [Jeff Dehaan](#); [Robert Kellogg](#); [Nancy Grimes](#); [Joelle Davis](#); [Sherilyn Lombos](#); [Alice Cannon](#); [Aquila Hurd-Ravich](#); [Karen Perl Fox](#); "Andy Duyck"; cao@co.washington.or.us; Craig.Dirksen@oregonmetro.gov; mayor@ci.wilsonville.or.us; scottstarr97070@gmail.com; stevens@ci.wilsonville.or.us; lehan@ci.wilsonville.or.us; akervall@ci.wilsonville.or.us; cosgrove@ci.wilsonville.or.us; "Bateschell, Miranda"; kraushaar@ci.wilsonville.or.us
Cc: "Kathy Re"; GORDONROOT@aol.com; gordon@staffordlandcompany.com
Subject: The Times 9/13/2017 "Metro could arbitrate Basalt Creek Dispute"
Date: Monday, September 18, 2017 8:43:10 PM

Tualatin Mayor Ogden, Council President Davis, Councilors Bubenik, Morrison, DeHaan, Kellogg, Grimes, City Manager Lombos, Asst. City Manager Cannon, Planning Manager Hurd-Ravich, Senior Planner Perl Fox, Wa. County Commission Chairman Duyck, Vice Chair District 3 Representative Rogers,
Metro District 3 Councilor Dirksen, Wilsonville Mayor Knapp, Councilors Starr, Stevens, Lehan, Akervall, City Manager Cosgrove, Long Range Planning Manager Bateschell, City Engineer Kraushaar:

First, I sincerely thank you all for your service and dedication to the common goal – the betterment of our region, our great cities and our citizens – I respect you all – I could not do your job.

After many years of Basalt Creek Project meetings, planning, consultants, hashing and rehashing that due to the fact that everyone wanting the best for the area and to “do it right”- we find ourselves at a roadblock - a stalemate - (“the Central Sub Area **CAN** feasibly be developed for jobs” – “the Central Sub Area **CANNOT** feasibly be developed for jobs” thus holding up the entire Basalt Creek Project with virtually no end in sight. As mayor Ogden summed it up “... we’re good friends and we just haven’t been able to come to the same comprehension of this ink blot...”.

We have followed this area since before it was voted into the UGB – attended many meetings and ideas may differ but there is always one common thread – everyone wants to do what is best for the area.

So we can do nothing and wait until the extended IGA runs out in September of 2019 – but then what – we are still at an impasse or – but we have thoughtful alternatives.

- **Change the Boundary Line** - Wilsonville has done independent studies to show this area can be developed into jobs and are ready and willing and able to absorb the property.
- **Adopt the Concept Plan AS IS with the exclusion of the Sub Area** – the sub area is out of the discussion until further exhaustive / independent studies can done to see if the land can or cannot be feasibly developed for jobs (“make sure we get it right”) and this is the alternative we feel is best and we absolutely fully support.

Everybody has spent countless hours and efforts to make this project successful and it’s a great Concept Plan - it’s time to make a decision and move forward with The Basalt Creek Project.

Thank you very much,
Tom & Kathy Re
23500 SW Boones Ferry Rd.
Tualatin, OR. 97062

503-482-5157

From: [G Lucini](#)
To: [Aquilla Hurd-Ravich](#); [Karen Perl Fox](#); [Bateschell, Miranda](#)
Subject: RE: Basalt Creek - Notice of Upcoming Meetings for November
Date: Wednesday, November 15, 2017 6:35:43 PM
Attachments: [image006.png](#)
[image002.png](#)
[image004.jpg](#)
[image009.jpg](#)

Aquilla, Karen and Miranda,

It became apparent at the end of the Tualatin Council Work Session and the beginning of the Tualatin Council Meeting on Monday 11-13-17, that the Basalt Creek IGA Agenda topic had been removed from the Council agenda. The Mayor of Tualatin made an announcement indicating the Basalt Creek IGA agenda item had been removed from the evening's agenda, and would be placed back on the Tualatin Council and the Wilsonville Council agendas in December.

In the interest of encouraging transparency, of improving public involvement, and for the inclusion of the "Interested Persons regarding Basalt Creek Concept Planning", it should be noted that timely and accurate communication with the public via the previously publicized means of communication, are diminished or not functional.

A Notice of two Public Meetings on Basalt Creek Concept Planning scheduled for November 2017 was sent via email and snail mail at the beginning of the month.

An Intergovernmental Agreement (IGA) between the Cities of Tualatin and Wilsonville, Metro and Washington County is proposed for consideration by the two City Councils. The IGA provides a process to determine the land use designation for the Central Subarea of the Basalt Creek Planning Area:

Tualatin City Council Meeting: November 13, 2017 at 7PM at the Juanita Pohl Center, 8513 SW Tualatin Road, Tualatin, OR 97062 (materials will be posted one week in advance on the City's website at <https://www.tualatinoregon.gov>).

Wilsonville City Council Meeting: November 20, 2017, 7PM at City Hall, 29799 SW Town Center Loop E, Wilsonville, OR 97070 (materials will be posted one week in advance of the meeting on the City's website at <http://www.ci.wilsonville.or.us>).

This Notice was followed by a General Notice as part the Tualatin City Council 11-13-17 Meeting Agenda on the City of Tualatin website. On Monday 11-6-2017 the City of Tualatin posted the Council 11-13-17 Agenda with Topic F3 "Consideration of Basalt Creek Intergovernmental Agreement".

It is questionable if either of these Notices regarding Basalt Creek Concept Planning, meet the intent of the Oregon Public Meeting Laws as to the depth of information to be provided in Notice- per the Oregon Public Meetings Manual 2014. The Notice and the Tualatin agenda topic did not provide information about the important issues within the IGA being presented for discussion—what was the anticipated action, change or

issue up for clarification?

The agenda topic as presented was extremely broad regarding a long term planning process which involves hundreds of acres of land, changes in jurisdiction, changes in land use and has significant expenses associated with the project .

The Public Meetings Law requires that the notice of any meeting “include a list of the principal subjects anticipated to be considered at the meeting.” ORS 192.640(1). This list should be specific enough to permit members of the public to recognize the matters in which they are interested. This requirement ordinarily would be met by dissemination of an agenda. The agenda need not go into detail about subjects scheduled for discussion or action, but it should be sufficiently descriptive so that interested persons will get an accurate picture of the agenda topics.

For example, “public works contract” probably is not a sufficient description when the governing body intends to let a contract for demolition of a landmark building.

The Public Meetings Law does not require that every proposed item of business be described in the notice.

The law requires a reasonable effort to inform the public and interested persons, including news media, of the nature of the more important issues (“principal subjects”) coming before the body

While it is understandable that adjustments might be made to agenda items--due to the unforeseen events, it would be helpful to citizens who might attend Public Meetings on this topic ---to have been provided advance notice of a change in the Tualatin City Council 11-13-17 agenda- when the Basalt Creek IGA topic was removed from the agenda. The decision to remove the topic from that night’s Council meeting had already been made prior to close of business that day.

Apparently, Tualatin City staff notified only some members of the public by email at 4:44Pm about the change in that night’s Council agenda.

However, the email was never distributed to the entire Basalt Creek Interested Persons list, as neither I nor my husband received a copy directly from the City of Tualatin and both of us have submitted written request for Notice, and we have been included on previous distribution lists for Basalt Creek Concept Planning. A copy of the email below was forwarded to me by another citizen.

Two days later, neither my husband nor I have received a copy of the email below from the City of Tualatin--nor have we been provided the dates for the re-scheduled Public Meetings----directly from either city. This may be the case for many other Interested Persons.

Out of respect for all citizens, and as a method for improving communication- it would have been reasonable for all members of the Interested Persons list to have received this email prior to the Tualatin Council Meeting on 11-13-17 and prior to the upcoming Wilsonville Council Meeting on 11-20-17.

From: Lynette Sanford [<mailto:LSanford@tualatin.gov>]

Sent: Monday, November 13, 2017 4:44 PM

Subject: Second November Basalt Creek Notice

November 13, 2017

Greetings,

Thank you for your continued interest in the Basalt Creek Concept Plan project.

An Intergovernmental Agreement (IGA) between the Cities of Tualatin and Wilsonville, Metro and Washington County is proposed for consideration by the two City Councils. The IGA provides a process to determine the land use designation for the Central Subarea of the Basalt Creek Planning Area:

The Tualatin City Council agenda item below has been postponed from tonight's City Council meeting, and will be rescheduled to the December 11, 2017 Tualatin City Council meeting. Tualatin City Council Meeting: November 13, 2017 at 7PM at the Juanita Pohl Center, 8513 SW Tualatin Road, Tualatin, OR 97062 (materials will be posted one week in advance on the City's website at <https://www.tualatinoregon.gov>).

The Wilsonville City Council agenda item listed below will also be postponed and will be rescheduled to the December 18, 2017 Wilsonville City Council meeting. Wilsonville City Council Meeting: November 20, 2017, 7PM at City Hall, 29799 SW Town Center Loop E, Wilsonville, OR 97070 (materials will be posted one week in advance of the meeting on the City's website at <http://www.ci.wilsonville.or.us>).

Please stay current on concept planning news by signing up for email updates on the project website at www.BasaltCreek.com. Information about upcoming meetings will be included in future email updates as well as on the website project calendar. If you have questions or desire more information, please feel free to contact:

Karen Perl Fox

Senior Long-Range Planner

City of Tualatin | Community Development Dept | Planning Division

Phone: 503-691-3027 | Email: kperlfox@ci.tualatin.or.us

Miranda Bateschell

Planning Manager

City of Wilsonville | Community Development Dept | Planning Division

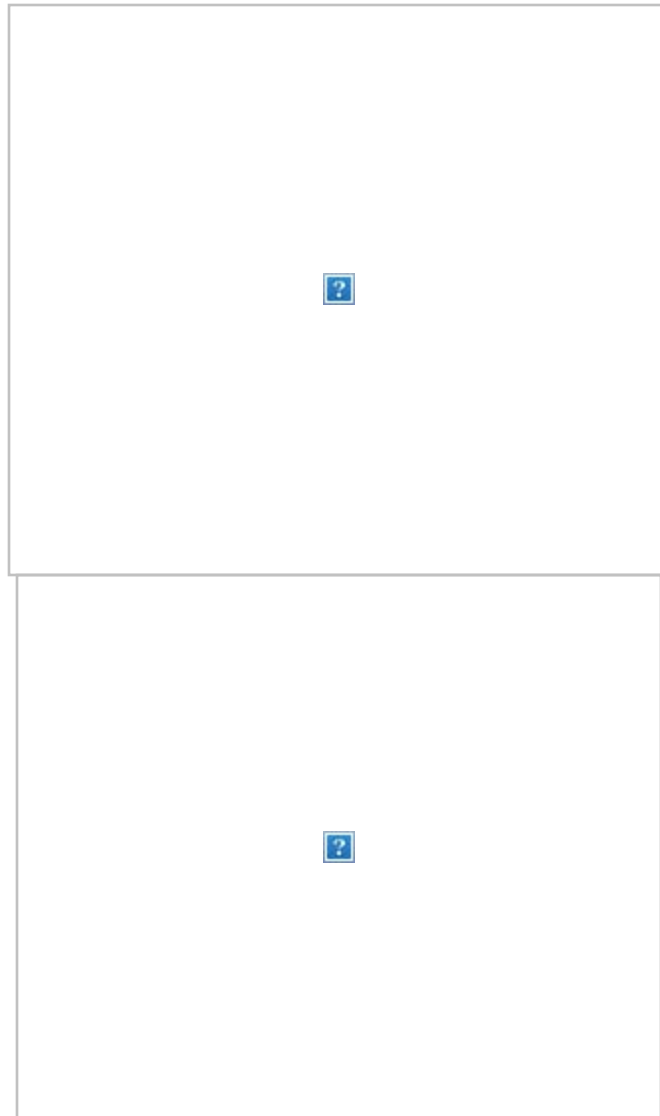
Phone: 503-570-1581 | Email: bateschell@ci.wilsonville.or.us

Another vehicle which had been publicized by both cities as a method to provide General Notice on Basalt Creek Concept planning events and information, was the BasaltCreek.com website.

However, the BasaltCreek.com website never posted any Public Meetings for the month of November 2017 within the website Calendar of Events, nor does it indicate any Public Meetings for the

upcoming month of December. It is apparent the website is not being updated.

By the lack of current information within the Events Calendar, the public is not being provided proper Notice. In fact, if one were to look at the website, the lack of any posted Public Meetings, implies there are no Public Meetings on Basalt Creek Concept Planning happening- when the opposite is actually the case.



As a property owner within the Basalt Creek Area, as a person directly affected by Basalt Creek Concept Planning, and as a citizen who is not represented by an elected official within the negotiations of the cities of Tualatin and Wilsonville Concept Planning process, I have to rely upon the cities of Tualatin and Wilsonville to provide adequate communication regarding Public Meetings, and of any significant changes in documents or anticipated changes in the process stated for Basalt Creek concept planning. For transparency, this type of information should be updated, handled and distributed in a timely manner, to all who have provided written request for Notice, and to the public sites which have been identified by the cities in the past.

As I have requested previously, the methods of communication with the citizens of the area need to be done in spirit of providing and improving governmental transparency of the Concept Planning process- in an effort to promote better understanding of the issues which may affect local citizens.

This concept was stated as the only inclusion in the Partnership Agreement Revision of April 2014.

DATE: 04/28/2014

SUBJECT: Basalt Creek Concept Plan Project - Update and Presentation of Partnering Agreement and Public Involvement Plan

PARTNERING AGREEMENT The Partnering Agreement (Attachment A) presented tonight is substantially the same as that presented to City Council at the January 13, 2014 work session; however, it has been revised to include a statement about compliance with Oregon Public Meetings Law (ORS 192.610-192.690) in notice and conduct of all public meetings for the project.

“Staff members will follow Oregon Public Meetings Law (ORS 192.610 -192.690) in notice and conduct of public meetings for the project.”

Consequently I am submitting a list of actions which I hope may improve communication, transparency, and Notice with citizens- including Interested Persons- regarding Basalt Creek Concept Planning:

1. General Notice -BasaltCreek.com website- Options available for consideration:

- a. *Remove the website- to remove the possibility the public will assume the information on the website is timely or accurate- **OR***
- b. *Boldly and clearly post on the BasaltCreek.com – that it is no longer a reliable source of current information, that it is not being maintained nor updated-**OR***
- c. *Maintain the website:*
 - I. *Assign responsibility to a staff member to post accurate updated information which provides citizens pertinent of all data/reports/ documents reflective of all points of view which have been presented in Public Meetings- to allow for fully informed citizens*
 - II. *Assign responsibility to a staff member to make timely updates the Calendar of Events in order to provide General Notice of all known future Public Meetings on Basalt Creek Concept Planning.*

2. Notice to known and identified Interested Persons

- a) *Distribute Notice to ALL identified Interested Persons- of changes &/or new postings of ALL known Public Meetings on Basalt Creek Concept Planning*
 - I. *The distribution list should be checked for accuracy and updated in a timely manner with revisions or additions to the list*
 - III. *Effort should be made to ensure ALL members of the distribution list receive Notice*
 - IV. *All known Public Meetings- including meetings held by the cities of Tualatin, Wilsonville, Washington County, Metro- or other agencies where Basalt Creek Concept Planning will be an agenda item should be included within the Notice- as*

an identified responsibility of the project administrator.

- *Basalt Creek Project staff retain the main distribution list of Interested Persons who have provided written request for individual Notice of Public Meetings on Basalt Creek Concept Planning.*
- *Basalt Creek Project staff will most likely be aware of Public Meetings of various governmental agencies on the topic- when information is requested of them from outside agencies, or when staff members present information to those agencies.*

b) Distribution of Notice in a timely manner

- I. *Notice should be distributed in a timely manner when ALL Public Meetings on Basalt Creek Concept Planning are scheduled (see also 2-a-iv above)*
- II. *It would be respectful to citizens- as time allows- for distribution of changes to a previous Notice - be provided when Basalt Creek Concept Planning discussion topic is removed or reschedule from an agenda of a Public Meeting.*
 - *Apparently the decision to remove the topic from the 11-13-17 Tualatin agenda was made the day of the Council meeting, yet some citizens were informed of the change prior to the meeting- and other Interested Persons were not notified.*

c) Include specific links to or embed critical documents pertinent to the Public Meeting within Notice, City websites, and/or BasaltCreek.com website.

- I. *If available--- including easily assessable links to specific documents will assist in making an informed public-*
- II. *A significant change in Basalt Creek concept planning is apparently being proposed and/or a revision to the existing IGA is to be presented to the Councils.*
 - *It would improve transparency and improve public understanding- if the proposed document was distributed to Interested Persons and posted to the BasaltCreek.com website-- --- as soon as it is available.*
 - *The public would be assisted by receiving access to the proposed document in a sufficient amount of time to review the proposed IGA revision prior to a Public Meeting*

There are other actions which can be taken to improve communication and transparency of process- these are just a few suggestions.

Let me know should you have any questions.

*Regards,
Grace Lucini*

From: G. Lucini [mailto:grluci@gmail.com]
Sent: Monday, November 6, 2017 6:22 PM
To: Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>

Subject: Re: Basalt Creek - Notice of Upcoming Meetings for November

Thanks- I would appreciate receiving any updates.

Hope all is well with you.

Will I see you at the meeting on the 13th?

Grace

Sent from my iPhone

On Nov 6, 2017, at 4:54 PM, Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov> wrote:

Hi Grace,

Good to hear from you. Yes there should be more information prior to the meeting. We can send you a link when the information is added.

Thanks,

Aquilla Hurd-Ravich

503.691.3028

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

Sent: Monday, November 06, 2017 4:44 PM

To: Karen Perl Fox; Aquilla Hurd-Ravich

Subject: FW: Basalt Creek - Notice of Upcoming Meetings for November

Hi Karen and Aquilla,

I saw the minutes for the Council Meeting for 11-13-2017 have been posted, as indicated would be done, in the Basalt Creek Update Notice for November 2017.

Is it anticipated there will be an informational packet or *any* supporting documents/information posted for the 11-13-17 Tualatin City Council Meeting Agenda Item – F- GENERAL BUSINESS #3 Consideration of Basalt Creek Intergovernmental Agreement, prior to 11-13-17?

Thanks,

Grace Lucini

From: tom.re@comcast.net
To: LouOgden; mayor@ci.wilsonville.or.us; Aquilla Hurd-Ravich; Alice Cannon; Karen Perl Fox; "Andy Duyck"; Craig.Dirksen@oregonmetro.gov; cao@co.washington.or.us; "Bateschell.Miranda"
Cc: gordonroot@aol.com; gordon@staffordlandcompany.com; levi@staffordlandcompany.com
Subject: Basalt Creek Project / Dispute Resolution
Date: Wednesday, November 15, 2017 11:28:32 AM

Good Morning / Afternoon all:

1st – thank you for all your diligence with this project – seemingly everyone has the same goal:

- To get Basalt Creek right.
- To get Basalt Creek adopted and moving forward.

That said, I am extremely disappointed once again to be getting somewhere then take a step (or two backward). Case in point – Metro arbitrating the Sub Area with City meetings scheduled ... then the Basalt Agenda removed from City meeting day of(?).

If my understanding is correct that to go forward with Basalt Creek Project all parties must agree with land use plan (with Metro arbitrating the Sub Area) – if that is correct my absolute concern is that we did not learn from the original (and then extended) IGA agreement that did not include disagreement resolution arbitration issues.

Regarding Sub Area – I do not know what the area is suitable for or actually feasible for (residential or employment) I just listen to both Wilsonville and Tualatin's consultant's findings but it is absolutely as crystal clear as crystal clear could possibly be that if the Sub Area is not designated Residential that an ownership group will litigate it until it is designated to their satisfaction – thus holding up the ENTIRE Basalt Creek Project – all of the other properties and owners.

Please, strongly consider adopting the Concept Land Use Plan as stated – with Metro arbitrating the sub Area, that includes a Disagreement Resolution that **Does Not** include holding up the entire area until a group of owners are happy with your decision.

Thank you for your time,

Tom Re
23500 SW Boones Ferry Rd.
503-482-5157

From: [Herb Koss](#)
To: [Alice Cannon](#)
Cc: peter.watts@jordanramis.com; [LouOgden](#)
Subject: FW: Basalt Creek - Notice of Upcoming Meetings for November
Date: Thursday, November 09, 2017 1:27:01 PM
Attachments: [image002.png](#)

Hello Alice

I have had some text messages from Mayor Ogden and he has said that Metro will be making the decision on our Land Zoning for the land North of Basalt Creek Parkway on the East side of Grahams Ferry Road.

Can you provide some additional details on this please? Is the Basalt Creek Plan going to be completed without the zone being determined? Is Metro going to have a hearings process? Who at Metro should we be in contact with?

Some additional information would be appreciated.

Thank you.

Herb Koss

Begin forwarded message:

From: Lynette Sanford <LSanford@tualatin.gov>
Date: November 3, 2017 at 8:15:34 AM PDT
To: Undisclosed recipients;;
Subject: Basalt Creek - Notice of Upcoming Meetings for November

Greetings,

Thank you for your continued interest in the Basalt Creek Concept Plan project.

An Intergovernmental Agreement (IGA) between the Cities of Tualatin and Wilsonville, Metro and Washington County is proposed for consideration by the two City Councils. The IGA provides a process to determine the land use designation for the Central Subarea of the Basalt Creek Planning Area:

Tualatin City Council Meeting: November 13, 2017 at 7PM at the Juanita Pohl Center, 8513 SW Tualatin Road, Tualatin, OR 97062 (materials will be posted one week in advance on the City's website at <https://www.tualatinoregon.gov>).

Wilsonville City Council Meeting: November 20, 2017, 7PM at City Hall, 29799 SW Town Center Loop E, Wilsonville, OR 97070 (materials will be posted one week in advance of the meeting on the City's website at <http://www.ci.wilsonville.or.us>).

Please stay current on concept planning news by signing up for email updates on the project website at www.BasaltCreek.com. Information about upcoming meetings will be included in future email updates as well as on the website project calendar. If you have questions or desire more information, please feel free to contact:

Karen Perl Fox

Senior Long-Range Planner

City of Tualatin | Community Development Dept | Planning Division

Phone: 503-691-3027 | Email: kperlfox@ci.tualatin.or.us

Miranda Bateschell

Planning Manager

City of Wilsonville | Community Development Dept | Planning Division

Phone: 503-570-1581 | Email: bateschell@ci.wilsonville.or.us

From: gordonroot@aol.com
To: lou@louogden.com; slombos@ci.tualatin.or.us; acannon@ci.tualatin.or.us; ahurd-ravich@ci.tualatin.or.us; fbubenik@ci.tualatin.or.us; jdavis@ci.tualatin.or.us; logden@ci.tualatin.or.us; ngrimes@ci.tualatin.or.us; [Paul Morrison; rkellog@tualatin.gov](mailto:PaulMorrison@kellog.tualatin.gov); lehan@ci.wilsonville.or.us; akervall@ci.wilsonville.or.us; mayor@ci.wilsonville.or.us; scottstarr97070@gmail.com; stevens@ci.wilsonville.or.us; [Jeff Dehaan](mailto:Jeff.Dehaan@grluci@gmail.com)
Cc: grluci@gmail.com; Tomreinc@aol.com
Subject: IGA
Date: Wednesday, December 06, 2017 1:46:01 PM

Hello All:

While I applaud the effort to come up with a solution to the current stalemate, I have had the opportunity to review the proposed IGA and have the following comments:

1. While the parties to this Agreement include Metro, Washington County, the City of Tualatin and the City of Wilsonville, it is noticeably missing the Property Owners.
2. Without the Property Owners as a Party to this Agreement, it is not really Binding or Non-Appealable. While the Agreement may be binding upon the parties to the Agreement, it is not on the Property Owners.
3. There is no time limit in here for Metro's decision. It is crucial that Metro commit to a schedule. The part of this paragraph this is most troubling to me is that Metro is tasked with establishing, among other things, "...a briefing schedule, whether or not to hear oral argument, and the ground rules that must be adhered to by the Cities and County throughout the process. Metro may require the Cities and County to sign ground rules and decision protocol, as determined by Metro."

Call be a cynic here, but I have been involved in this process since 2002. I have heard that Metro "would like to render a decision by the end of March", and if so, put it in the document!

Otherwise, the language referred to above sounds like a whole lot of government involvement, which does not move fast, and could take on a life of it's own...the crafting of the language and rules by Metro, if these have to be read and approved at City Council meetings, etc. Then add on top of that, a "briefing schedule", and possible oral arguments. This process is sure to protract without specific time periods.

4. The time periods once Metro arrives at a decision. 120 days to Adopt the Concept Plan, then one year to amend the City's Concept Plan. Really? Another 16 months after Metro reaches a decision.

5. If Metro determines the Central Sub Area should be designated as Employment Lands, I can say with absolute certainty that the property owners will appeal the decision by Metro, in the event that Metro designates this property as anything other than residential. In anticipation of such an event, I feel that language should be added that to this IGA, that anticipates this happening:

"In the event of any appeal of the decision by Metro by others not party to this

Agreement, the balance of the Basalt Creek Plan shall be adopted and the Cities of Tualatin and Wilsonville are free and to move forward with the annexation of the properties outside of the Central Sub Area, consistent with the Plan".

The addition of this language is paramount in my mind to move the properties not in the Central Sub Area, but which are included in the Basalt Creek Plan forward. There has been so much time pass, every deadline in the original Metro Ordinance has failed to be met and we need to have the freedom to not be held hostage by the property owners in the Central Sub Area. It was actually my understanding that this was going to be the case, but somehow that concept was derailed.

Thank you for you time and consideration,

Gordon Root | Principal

STAFFORD
LAND COMPANY
INC

StaffordLandCompany.com

[503.720.0914](tel:503.720.0914) | [Cell](tel:503.720.0914)

gordon@staffordlandcompany.com

[485 South State Street, Lake Oswego, OR 97034](https://www.staffordlandcompany.com/485-South-State-Street-Lake-Oswego-OR-97034)

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From: Tomreinc@aol.com
To: gordonroot@aol.com; lou@louogden.com; slombos@ci.tualatin.or.us; acannon@ci.tualatin.or.us; ahurd-ravich@ci.tualatin.or.us; fbubenik@ci.tualatin.or.us; jdavis@ci.tualatin.or.us; logden@ci.tualatin.or.us; ngrimes@ci.tualatin.or.us; [Paul Morrison](mailto:Paul.Morrison@tualatin.gov); rkello@tualatin.gov; lehan@ci.wilsonville.or.us; akervall@ci.wilsonville.or.us; mayor@ci.wilsonville.or.us; scottstarr97070@gmail.com; stevens@ci.wilsonville.or.us; [Jeff Dehaan](mailto:Jeff.Dehaan)
Cc: grluci@gmail.com
Subject: RE: IGA
Date: Thursday, December 07, 2017 10:47:52 AM

Great Morning Mayors / Council Presidents / Councilors / City Managers (Everybody ☺)

Gordon Root's message is concise and spot on. I do not know what designation is best or actually even feasible for the Central Sub Area and after listening to both Cities' paid outside consultants – interestingly, I still don't. I do know Tualatin needs more developed residential lands.

While I absolutely commend Metro for stepping in and resolving an impasse what our two great, neighboring Cities could not, I am more than concerned with the wording of the IGA that is being proposed. Based on past IGA agreements I think before anything is signed it is imperative to have at the absolute very least a very clear understanding of what information and facts that Metro will require to make a decision and how long it will take for Metro to render it and those specifics be included in the IGA.

Another large concern is that if Metro does not designate the Central Sub Area as a property owners group see fit, they will most certainly litigate and appeal until they are satisfied with the designation, thus holding up the entire Basalt Creek Project for both Cities, property owners and residents once again.

In this new IGA please consider these concerns. Please do not handcuff this entire Project. Please include (it has to be possible) a Dispute Resolution Claus that allows the Cities to go forward with this Project, without restriction, if Metro's Central Sub Area designation is protested. The Central Sub Area is specific and it can take a life on its own and may take years until further studies are completed to make a decision.

It's time to move forward.
Thank you,

Tom Re
23500 SW Boones Ferry Rd.
Tualatin
503-482-5157

From: gordonroot@aol.com [mailto:gordonroot@aol.com]
Sent: Wednesday, December 6, 2017 1:46 PM
To: lou@louogden.com; slombos@ci.tualatin.or.us; acannon@ci.tualatin.or.us; ahurd-ravich@ci.tualatin.or.us; fbubenik@ci.tualatin.or.us; jdavis@ci.tualatin.or.us; logden@ci.tualatin.or.us; ngrimes@ci.tualatin.or.us; pmorrison@tualatin.gov; rkello@tualatin.gov; lehan@ci.wilsonville.or.us; akervall@ci.wilsonville.or.us; mayor@ci.wilsonville.or.us; scottstarr97070@gmail.com; stevens@ci.wilsonville.or.us; jdehaan@tualatin.gov

Cc: grluci@gmail.com; Tomreinc@aol.com

Subject: IGA

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Thank you for you time and consideration,

Gordon Root | Principal

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From: [Herb Koss](#)
To: logden@ci.tualatin.or.us; [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Frank Bubenik \(fbubenik@ci.tualatin.or.us\)](mailto:fbubenik@ci.tualatin.or.us); [jeff DeHaan](#); [Joelle Davis \(jdavis@ci.tualatin.or.us\)](mailto:jdavis@ci.tualatin.or.us); [Louogden](#); [nancy grimes \(ngrimes@ci.tualatin.or.us\)](mailto:nancy.grimes@ci.tualatin.or.us); [paul morrison](#); [robert kellogg](#); [Sherilyn Lombos](#)
Subject: FW: IGA Basalt Creek
Date: Saturday, December 09, 2017 3:24:37 PM

Regarding IGA on agenda 12/11/17

Dear Mayor Ogden and Council Members

All of the land owners involved in the disputed area (41 acres) are very appreciative of the Council support for our land being zoned residential.

Having Metro make the decision seems to be a good resolution to the present impasse created by the City of Wilsonville.

The IGA seems to be well written and I support the IGA being signed by the City of Tualatin.

Sincerely
Herb Koss – Property owner



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
DECEMBER 11, 2017**

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Associate Planner Erin Engman; City Engineer Jeff Fuchs

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:02 p.m.

B. ANNOUNCEMENTS

1. Update on the Tualatin Youth Advisory Council's Activities for December

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC members participated in the Starry Nights and Holiday Lights event on December 1. Upcoming events include Park After Dark and preparations for Project FRIENDS.

2. New Employee Introduction- Betsy Ruef, Community Engagement Coordinator

Assistant to the City Manager Tanya Williams introduced Community Engagement Coordinator Betsy Ruef. The Council welcomed her.

3. New Employee Introduction- Jonathan Taylor, Economic Development Program Manager

Assistant City Manager Alice Cannon introduced Economic Development Program Manager Jonathan Taylor. The Council welcomed him.

4. Proclamation Declaring December 10, 2017 as Human Rights Day in the City of Tualatin

Council President Joelle Davis read the proclamation declaring December 10, 2017 as Human Rights Day in the City of Tualatin.

C. CITIZEN COMMENTS

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.

Scott Chamburg spoke to concerns of the proposed location of the bridge in the basalt creek area. He spoke to the potential affects it could have on his property value.

Dorothy Cofield, legal representative for the Tualatin Professional Center, spoke to concerns they have regarding the IGA with Clackamas County on the consent agenda. They believe it will affect the north accesses to their properties. She requested the item be heard separately.

D. 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. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Councilor Jeff DeHaan, SECONDED by Council President Joelle Davis to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of November 13, 2017
2. Consideration of Approval of a New Liquor License Application for Benza Vineyards
3. Consideration of the System Development Charge (SDC) Annual Reports on Sewer, Storm, Water, and Transportation Development Tax (TDT) for Fiscal Year 2016/2017
4. Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2016/2017

E. PUBLIC HEARINGS – Quasi-Judicial

1. Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Located at 6464 SW Borland Road

From: tom.re@comcast.net
To: LouOgden; mayor@ci.wilsonville.or.us; Aquilla Hurd-Ravich; Alice Cannon; Karen Perl Fox; "Andy Duyck"; Craig.Dirksen@oregonmetro.gov; cao@co.washington.or.us; "Bateschell, Miranda"
Cc: gordonroot@aol.com; gordon@staffordlandcompany.com; levi@staffordlandcompany.com; "Kathy Re"
Subject: Thank You
Date: Tuesday, December 12, 2017 9:43:43 AM
Attachments: [image001.jpg](#)

Mayor:

My thank you for your asking and to Councilor Dirksen for sticking around a bit longer and also for letting me ask a few questions (albeit not very eloquently). When my wife got home she asked me how many people I offended --- I don't think I did this time 😊.

After listening to Councilor Dirksen I trust a Basalt Creek Central Sub Area resolution will be under way promptly and decision rendered in early 2018. I also have trust and full faith that no matter what Metro decides - Tualatin will be moving forward unencumbered toward adopting the Concept Plan.

It's time to move forward.

Thank you,
Tom Re
23500 SW Boones Ferry Rd.
Tualatin, OR. 97062
503-482-5157

From: Lou Ogden [mailto:lou@louogden.com]
Sent: Wednesday, November 15, 2017 11:35 AM
To: tom.re@comcast.net; mayor@ci.wilsonville.or.us; 'Aquilla Hurd-Ravich'; acannon@ci.tualatin.or.us; 'Karen Perl Fox'; 'Andy Duyck'; Craig.Dirksen@oregonmetro.gov; cao@co.washington.or.us; 'Bateschell, Miranda'
Cc: gordonroot@aol.com; gordon@staffordlandcompany.com; levi@staffordlandcompany.com
Subject: Re: Basalt Creek Project / Dispute Resolution

Thanks Tom, I have expressed that very point, that no matter what Metro decides, we are DONE! And we will be moving forward unencumbered toward adopting the c Concept Plan, updating our individual Comprehensive Plans, and begin annexing and issuing building permits, where the necessary infrastructure is in place or in the process of building

Thanks,

1473988944821_RSP



Resource Strategies Planning Group

Group Benefits & Life, Health, Disability, & Long Term Care Insurance for
Businesses and Individuals
21040 SW 90th Ave. Tualatin, OR 97062
Phone 503.692.0163; Fax 503.385.0320
lou@louogden.com

From: tom.re@comcast.net <tom.re@comcast.net>
Sent: Wednesday, November 15, 2017 11:28 AM
To: Lou Ogden; mayor@ci.wilsonville.or.us; 'Aquilla Hurd-Ravich'; acannon@ci.tualatin.or.us; 'Karen Perl Fox'; 'Andy Duyck'; Craig.Dirksen@oregonmetro.gov; cao@co.washington.or.us; 'Bateschell, Miranda'
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Good Morning / Afternoon all:

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To get Basalt Creek right.

To get Basalt Creek adopted and moving forward.

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