



City of Tualatin

Attachment H5:

Public Comment Record 2018 (to July 11, 2018)





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

From: tom.re@comcast.net
To: [LouOgden](#); [Aquilla Hurd-Ravich](#); [Sherilyn Lombos](#)
Cc: [Alice Cannon](#); [Sean Brady](#); [Karen Perl Fox](#); ["Brian Harper"](#); ["Tom Hughes"](#); ["Craig Dirksen"](#)
Subject: RE: Metro
Date: Wednesday, February 07, 2018 8:19:44 PM
Attachments: [image001.jpg](#)

Mayor Ogden – thank you for taking the time to respond to my inquiry.

I understand that it is still early in the process but I wanted to stay on top of things regarding Basalt Creek moving forward and if there may be any citizen or property owner input then I would like to be involved please.

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

From: Lou Ogden [<mailto:lou@louogden.com>]
Sent: Wednesday, February 7, 2018 6:07 PM
To: tom.re@comcast.net; 'Aquilla Hurd-Ravich'; 'Sherilyn Lombos'
Cc: 'Alice Cannon'; 'Sean Brady'; 'Karen Perl Fox'; 'Brian Harper'; Tom Hughes; Craig Dirksen
Subject: Re: Metro

I had heard back in Dec that Metro would move quickly on this and perhaps done by March. I certainly hope they can do that. It really isn't all that complicated. There is a dispute about the facts but there really aren't any new facts to discover. I would hope Metro would look at what has been presented to the two City Councils and make their decision. That is essentially what we asked them to do

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, February 7, 2018 3:35 PM
To: 'Aquilla Hurd-Ravich'; 'Sherilyn Lombos'; Lou Ogden
Cc: 'Alice Cannon'; 'Sean Brady'; 'Karen Perl Fox'; 'Brian Harper'
Subject: RE: Metro

Hi Aquilla - thank you for your response.

I know that you all are very busy with many more issues / projects than this one. It's early but I appreciate you reaching out to Metro and for Brian's contact info so I may stay involved in the process. I will be all ready when Brian calls me "begging" for all my input (just kidding ☺)

Thank you very much,
Tom

From: Aquilla Hurd-Ravich [<mailto:AHURD-RAVICH@tualatin.gov>]
Sent: Wednesday, February 7, 2018 3:17 PM
To: tom.re@comcast.net; Sherilyn Lombos; LouOgden
Cc: Alice Cannon; Sean Brady; Karen Perl Fox; Brian Harper
Subject: RE: Metro

Hi Tom,
I wanted to let you know that I reached out to Metro to get some feedback on your question. Our contact Brian Harper, who is copied on this email, is happy to talk with you. Metro has not sorted out their process yet but in the meantime you can chat with Brian.

Brian's email:
Brian.harper@oregonmetro.gov

Thanks,

Aquilla Hurd-Ravich
503.691.3028

From: tom.re@comcast.net [<mailto:tom.re@comcast.net>]
Sent: Wednesday, February 07, 2018 2:36 PM
To: Sherilyn Lombos; LouOgden
Cc: Alice Cannon; Sean Brady; Aquilla Hurd-Ravich
Subject: RE: Metro

Thank You Sherilyn – I very much appreciate your reply and interested in staying involved.

Tom Re

From: Sherilyn Lombos [<mailto:slombos@tualatin.gov>]
Sent: Wednesday, February 7, 2018 2:11 PM
To: tom.re@comcast.net; LouOgden
Cc: Alice Cannon; Sean Brady; Aquilla Hurd-Ravich
Subject: RE: Metro

Good afternoon Tom,

As far as I know, Metro has not made that decision yet; we are still waiting to hear what the process will be.

Sherilyn Lombos

Tualatin City Manager

Desk: 503.691.3010 | Mobile: 971.998.4127

From: tom.re@comcast.net [<mailto:tom.re@comcast.net>]

Sent: Wednesday, February 07, 2018 10:02 AM

To: LouOgden <lou@louogden.com>; Sherilyn Lombos <slombos@tualatin.gov>

Subject: Metro

Good Morning Mayor / City Manager:

Hope this note finds you both doing great – seems amazing we are a week into February 2018!

Just a quick note please – if Metro decides (have they?) to take citizen / Basalt Creek property owner input regarding Central Sub Area how will we be notified?

Thank you for your time,
Tom Re

23500 SW Boones Ferry Rd.
503-482-5157

From: [Herb Koss](#)
To: [Lou Ogden](#); [Alice Cannon](#); [Aquilla Hurd-Ravich](#); [Frank Bubenik \(fbubenik@ci.tualatin.or.us\)](#); [jeff DeHaan](#); [Joelle Davis \(jdavis@ci.tualatin.or.us\)](#); [lou ogden \(logden@ci.tualatin.or.us\)](#); [nancy grimes \(ngrimes@ci.tualatin.or.us\)](#); [paul morrison](#); [robert kellogg](#); [Sherilyn Lombos](#)
Cc: [Sherman Leitgeb](#); [Don & Barb Hanson \(don.hanson@otak.com\)](#); [Tony Weller](#); [Peter Watts](#); [Peter Watts](#)
Subject: FW: Metro Staff Recommendations- Basalt Creek Central Sub Area
Date: Friday, February 23, 2018 6:56:14 AM
Attachments: [Scan0190.pdf](#)

Good Morning Lou

Started saying good morning, but it certainly the property owners involved in the Wilsonville challenge are not having a good morning. Lou yesterday we received a copy of the Metro staff report, which is attached to this email. I just attached the staff report without the many exhibits since the file is so large the attachment may not open. I am confident the staff has the full report. Sherman Leitgeb after reading the report found errors in the report and it is obvious to me that the Wilsonville staff has worked diligently to direct the Metro Planning staff to slant the staff report in their favor. The real issue here is the process that the Planning Staff has recommended to the Metro Council. We as property owners have no idea what information was submitted to the Planning Staff at Metro. In reading the process suggested to Martha Bennett Metro will not consider evidence or argument presented by other parties. Only the cities will have the opportunity to submit information. Lou this is certainly not fair to us the owners of the land involved. Peter Watts is contacting Roger Alfred the Metro attorney and Martha Bennett on the process that the Planning staff has proposed. I have been in the development business for many years and never in my career has such a closed process occurred.

Our request to you is for the City of Tualatin to let us know what they are planning to submit or have submitted to Metro. We would like to make sure that our submittals and appropriate exhibits are sent to Metro, which based the Tualatin City Council's decision to recommend our land being zoned Residential. It would be appreciated if the Alice or Sherilyn would provide that information to us and make sure all of the record to sent to Metro. The staff report includes the KPFF report paid for by Wilsonville, but I am confident that the cost factors as analyzed by Tony Weller's firm CESNW was not. KPFF when testifying stated they did not analyze the costs of grading or the necessary retaining walls for their proposed site plan.

Of the many incorrect facts presented in the Staff Report they even state that a residential zone would negatively impact the traffic in the area. We have always stated that their will be no additional trips and the density approved will address that fact. They also mention the millions of dollars of infrastructure and planning - \$65,000,000. Yes a big number, but if our land is never developed the revenue is zero from SDC fees.

Lou I would appreciate your reviewing the staff report and directing staff per our request above. I am confident that the Metro Planning staff has not seen the facts that the Tualatin City Council based their decision on. Basalt Rock creating huge unfeasible grading costs., Lack of Access- 18 to 20 foot cut on the southern tip of what you referred to as the base of the Arrowhead, incorrect

assumption that our land is not presently next to residential product – two sides North and East are zoned residential and the Basalt Creek Parkway with a 18 to 20 cut with no access allowed is a great transition buffer.

I am going to contact Roy Rogers too. Washington County after speaking with you did not retract their letter, but Andy acknowledged the letter was sent without their consultant visiting the site. I will bet that no one from the Metro Planning staff has visited the site either. Zoning land that will never be developed is not in anyone's interest since it does not create tax base or create SDC revenue. Supportive housing is needed in this area and we are willing to allow our land to be zoned for more affordable product.

Lou your help on this would be appreciated. The city council voted 7 – 0 in favor of a residential zone and Tualatin's recommendation should be approved. We also believe that Metro should allow testimony from the property owners that are affected by this very important decision.

Sincerely
Herb Koss

From: Sherman Leitgeb [<mailto:sherman@equityoregon.com>]
Sent: Thursday, February 22, 2018 1:40 PM
To: Herb Koss <herb@kossred.com>
Cc: Ed Trompke <Ed.Trompke@jordanramis.com>; Peter Watts <Peter.Watts@jordanramis.com>; Peter Watts <peterowatts02@gmail.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>
Subject: Re: Metro Staff Recommendations- Basalt Creek Central Sub Area

Herb and all,

The attached recommendation has errors that are very notable and quite important.

- 1). On Page 4, Item 2, Line #3, the 7th word should say "North". It currently says "South". This is critical to be corrected. It almost seems to me like it was an intentional error as nobody except those of us involved would know the difference.
- 2). Page 4/5, Item 3, the last sentence of that section is factually incorrect.
- 3). Page 4/5, item 4, the last 2 sentences are completely incorrect as well.
- 4). Page 17, Exhibit G, paragraph 3, clearly states that if the North South Connector falls "close" to the South alignment, land would be Residential to the North of the alignment and Industrial to the South of the alignment. It did fall "close" so it should be Residential.

Maybe I'm nit-picking this thing but aren't facts important? We need to remember that none of the people involved in writing any of this have ever been to the property. Metro Staff is completely uninformed on the facts and the lay of the land. Metro Staff simply looked at Wilsonville Staff info

and made a decision not based on facts. They even put in their recommendation that putting a neighborhood in the middle of an Industrial area would be an issue. It's not in the middle of an Industrial area! What are they thinking? And who would make such a glaring mistake? Only the uninformed. The Central Subarea borders Basalt Creek Canyon on the East and beyond the canyon is Residential. It borders an existing Tualatin neighborhood, Victoria Gardens, on the North. Victoria Gardens is Residential. It borders the Parkway on the South which is supposed to be the buffer between Residential and Industrial zoning according to their very own documents attached.

This is simply another opportunity for us to correct the uninformed who are not living in reality. We all know the enormous costs to develop the Central Subarea into Industrial, the lack of access, the rock, the elevation changes and the overhead Power Lines make this land un-developable for Industrial use. We all know it! I believe in our experts and their testimony. So we thought our fight was over. It was not. We need to make sure the process is fair and all of the facts are presented. Metro should allow additional testimony and we need to make sure that the evidence presented to the Tualatin City Council has been reviewed by the Metro Staff.

SHERMAN LEITGEB

Principal Broker/ Owner

Sherman@EquityOregon.com

503-704-9280

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: February 21, 2018
To: Martha Bennett, Chief Operating Officer
From: Brian Harper, Senior Regional Planner
Subject: Staff Report Regarding Basalt Creek Planning Area

This memorandum provides the staff report to the Metro Chief Operating Officer (COO) regarding resolution of the dispute between the City of Wilsonville and the City of Tualatin concerning the appropriate land use designation for the Central Subarea of the Basalt Creek Planning Area.

PROCESS

In 2017 the cities of Wilsonville and Tualatin reached an impasse regarding concept planning for a 52-acre portion of the Basalt Creek Planning Area known as the “Central Subarea” and asked Metro to take on the role of mediating their dispute. To that end, the cities, Metro, and Washington County entered into an Intergovernmental Agreement (IGA) in January of 2018 that assigns Metro the task of making a final and non-appealable decision regarding the appropriate land use designation for the Central Subarea. The IGA provides:

“Metro will have sole discretion to determine what to call this decision making process, where and when to hold the process, who Metro will appoint to make the decision, a briefing schedule, whether or not to hear oral argument, and ground rules that must be adhered to by the cities and county throughout the process.”

The decision making process to be employed by Metro is initiated with the issuance of this staff report. The cities and the county will have 14 days from the date of this staff report to submit written evidence and argument in support of their positions to the Metro COO. Those materials must be received no later than 5:00 pm on March 7, 2018. The cities and county will then have seven additional days to submit written evidence and argument in rebuttal to the first round of submittals. Those materials must be received no later than 5:00 pm on March 14, 2018. The COO will prepare and issue a recommendation to the Metro Council by no later than March 23, 2018.

At the first available Metro Council hearing in April, the Council will review the COO recommendation and deliberate to a decision regarding whether to accept, reject, or modify the recommendation. The Metro Council’s review will be based on the record of written materials submitted by the cities, county, and Metro staff. The Council will adopt a resolution to memorialize its decision regarding the appropriate land use designation for the Central Subarea, and directing the cities to prepare concept plans consistent with Metro’s final decision and with Title 11 of the Urban Growth Management Functional Plan.

The scope of Metro’s review and decision in this process is limited to the issue described in the IGA: that is, whether the land use designation of the Central Subarea should be for housing or employment. Metro will not consider any other issues related to the Basalt Creek Planning Area. Metro’s review will be limited to materials submitted by the cities and the county. Metro will not consider evidence or argument presented by other parties.

BACKGROUND FACTS

In 2002 Metro expanded the UGB to add 17,458 acres of land, with 15,047 acres added for residential purposes and 2,411 acres for employment. In that decision, Metro acknowledged that the amount of land being added for employment purposes was not sufficient to meet the identified 20-year need, and therefore requested that the Land Conservation and Development Commission (LCDC) assign a new work task that would allow Metro to complete its work and accommodate the region's need for industrial land. *See* Metro Ordinance 02-969B, Exhibit P. Accordingly, LCDC approved the majority of the decision, and returned the matter to Metro with instructions to satisfy the unmet 20-year need for industrial land.

Metro responded in 2004 by adopting Ordinance No. 04-1040B, the stated purpose of which is "to increase the capacity of the boundary to accommodate growth in industrial employment." (Exhibit A). That decision expanded the UGB to include 1,940 acres of land for industrial purposes, including the 646 acres now known as the Basalt Creek area between the cities of Tualatin and Wilsonville. The Metro Council adopted the following findings in support of adding the Basalt Creek area to the UGB:

"The Council chose this area because it is exception land (rural residential and rural industrial) with characteristics that make it suitable for industrial use. It lies within two miles of the I-5 corridor and within one mile of an existing industrial area, and portions of the area are relatively flat. These characteristics render it the most suitable exception area under consideration for warehousing and distribution, a significant industrial need facing the region." Metro Ordinance 04-1040B, Exhibit G, page 17.

During the Metro proceedings, the City of Tualatin and some of its residents expressed concerns about compatibility between future industrial uses in the Basalt Creek area and residential neighborhoods at the south end of the city, and about preserving the opportunity to choose an alignment between Tualatin and Wilsonville for the then-planned connector between Interstate 5 and Highway 99W. In response, the Metro Council adopted the following condition of approval:

"2. Title 11 planning shall incorporate the general location of the projected right of way alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the 'south alignment,' as shown on the Region 2040 Growth Concept Map, ... the portion of the Tualatin Area that lies north of the right-of-way shall be designated 'Outer Neighborhood' on the Growth Concept Map; the portion that lies south shall be designated 'Industrial.'" Metro Ordinance 04-1040B, Exhibit F, page 3.

A copy of the 2004 version of the 2040 Growth Concept Map showing the two proposed alignments for the I-5/99W connector is attached as Exhibit B. The connector concept was later abandoned based in part on the findings of the Basalt Creek Refinement Transportation Plan, which called for a focus on utilizing existing and planned arterials to move traffic. However, the location of the "south alignment" alternative for the proposed I-5/99W connector was in the vicinity of the northern boundary of the Central Subarea land that is the subject of this dispute. The Metro Council adopted the following findings describing the purpose of the condition:

"Second, the Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer

between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)." Metro Ordinance 04-1040B, Exhibit G, pages 17-18.

As stated in the findings, the intent of the Metro Council in 2004 was for the "south alignment" to create a separation between residential development to the north and industrial development to the south. The former "south alignment" was located at the north end of the Central Subarea.

In 2006, Metro awarded a \$365,000 CET Grant to the cities of Tualatin and Wilsonville to perform concept planning for the Basalt Creek area. After several stops and starts in the process, in 2011 the cities, Metro, and Washington County entered into an IGA that outlines the requirements and responsibilities of the parties regarding their coordinated efforts on the Basalt Creek concept plan. The IGA defines a decision-making process that requires all four parties to agree to the final decisions about the jurisdictional boundary between the two cities and the appropriate land use designations for the entire area.

The concept plan was put on hiatus from 2011 to 2013 while transportation planning issues for the larger South County Industrial Area were being resolved via the Basalt Creek Transportation Refinement Plan. The stakeholders concluded that it was important to address transportation issues for the area prior to any industrial development occurring. As part of that transportation planning effort, the Basalt Creek Parkway was one of several options identified as critical to the success of the transportation system. The Parkway was seen as one of the vital connectors for truck traffic from the Tonquin and Southwest Tualatin Industrial areas to the north down to Interstate 5, in order to mitigate the traffic impacts on Tualatin-Sherwood Road and the Tualatin Town Center.

Upon completion of the Basalt Creek Transportation Refinement Plan in 2013, the cities of Wilsonville and Tualatin resumed their concept planning efforts, utilizing Metro's CET grant funds. In December of 2015, the City Councils of Wilsonville and Tualatin reached an agreement regarding a jurisdictional boundary between the cities and general land use designations for the area that were agreeable to all four parties to the IGA. Following a public open house in April of 2016, the plan was ready for final edits and adoption by the two cities. At that time, both Metro and Washington County agreed that the plan was viable and could be adopted for Metro's Title 11 approval and for Washington County's transfer of urban planning authority to each city. The "Preferred Basalt Creek Land Use Map" that emerged from this process by September of 2016 designated the majority of the proposed industrial area north of the Basalt Creek Parkway, including the Central Subarea, with a Manufacturing Park zoning classification.

CURRENT DISPUTE AND METRO STAFF RECOMMENDATION

In October of 2016, a property owner presented the City of Tualatin with a proposal to change the designation of the Central Subarea from Industrial/Employment to Residential. The land is located at the NE intersection of Grahams Ferry Road and Basalt Creek Parkway. The property owner asserted that development of employment uses on the land would be cost prohibitive due to slopes and geologic conditions.

Based on testimony that occurred at a Tualatin City Council work session and a Planning Commission meeting in October of 2016, Washington County agreed to commission an independent study to determine the viability of employment uses in the Central Subarea. The study was completed in January of 2017 and concluded that employment uses are viable in that location, specifically for flex business park, office campus, manufacturing, and commercial support services. The county shared the results with the cities in January of 2017. In February of 2017, the Tualatin

City Council directed their staff to proceed with changing the Central Subarea to a residential designation. In July of 2017, the City of Wilsonville commissioned an independent study from the engineering firm KPFF to evaluate the feasibility of development for employment uses in the Central Subarea. The study showed several scenarios where employment uses were viable, taking into consideration the slope and geologic composition of the site.

Under the 2011 IGA regarding concept planning for the Basalt Creek area, all parties must agree regarding the jurisdictional boundary between the cities and the land use designations. Because the cities cannot agree, the area cannot be planned and annexed by either city. Accordingly, the cities asked Metro to resolve the dispute.

Metro planning staff believes that the change to residential being proposed by the City of Tualatin is problematic for the following reasons:

1. The Central Subarea was brought into the UGB in 2004 in order to satisfy a regional need for industrial and employment land; accordingly, it is designated as an employment area on Metro's Title 4 map. The findings adopted by the Metro Council in 2004 regarding this area being well suited for employment uses were not challenged by any party and still apply today.
2. The condition of approval included by the Metro Council regarding the location of the "south alignment" of the I-5/99W connector supports an industrial designation for the Central Subarea. The Central subarea is located immediately south of the proposed "south alignment," which is identified in the Metro Council findings as serving as a "buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)."
3. The region has made a large infrastructure commitment for this area in the Basalt Creek Parkway. Metro and Washington County estimate that more than \$65 million has been spent on the planning and construction of this regionally important roadway. The purpose of this limited-access arterial is to provide a more fluid connection to I-5 from industrial and employment lands to the north, and to relieve much of the truck traffic burden that is currently placed on Tualatin-Sherwood Road and the Tualatin Town Center. The addition of increased residential trips on the Parkway from a housing development will negatively impact traffic operations in the area.
4. The insertion of a residential community in this area creates compatibility issues with the surrounding employment uses. Given the intended uses for the area, as well as the high volume of truck traffic planned for the Parkway, residents in the area would be faced with noise, traffic, and other livability issues. Similarly, the addition of a housing development in the middle of an employment district will negatively impact the viability of employment uses. It would be short sighted to insert housing in an area that will create compatibility issues with surrounding land uses and give rise to land use conflicts in the future.

Staff Recommendation:

Based on the project background and the findings stated above, staff recommends that the Central Subarea move forward with the previously agreed upon Manufacturing Park designation.

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: [Sherman Leitgeb](#); [Don & Barb Hanson \(don.hanson@otak.com\)](#); [Tony Weller](#); [Peter Watts](#); [Peter Watts](#); [Roy Rogers](#)
Subject: RE: Metro Staff Recommendations- Basalt Creek Central Sub Area
Date: Saturday, February 24, 2018 4:02:27 PM
Attachments: [image001.jpg](#)

Lou

Thanks for getting back to me. The reason for my concern is if the Metro staff had the KPFF site plan and they did not have the cost analysis I believe this would have affected the Metro Planning staffs recommendation. Cost of the site development and lack of access has to be taken into consideration.

I also do not think any one from the Metro staff visited the site or they would have seen that the 41 acres is next to an adjacent residential area. A site visit and actually walking up the Tonquin road access to the top elevation would demonstrate the grade differential. Approximately 50 Feet. Another very important point is standing a three or four hundred feet east of the Basalt Creek Parkway and Grahams Ferry Road intersection and knowing there will be a 18 to 20 foot vertical cut eliminating any access onto Basalt Creek Parkway is something hard to visualize unless you are on the site. You referred to this as the base of the arrowhead.

Otak also brought up the current ADA requirements for an employment site and the 41 acre site would be a challenge to meet ADA requirements. By Metro's own slope standards our site does not meet what grades are acceptable for an employment site.

Lou for just the few issues that I listed above I do not think the CESNW, Otak, Stu Peterson – MaCadarn Forbes, Ken Leahy data was in the Metro files when the staff recommendation was made.

Could you have staff let us know if the Metro Planning staff had this information and if not will the City of Tualatin be submitting the data that the council based their decision on to recommend a residential zone for our property? In looking at the Metro memo it appears that the Cities will have a specific time deadline to present the facts relevant to each of the city councils recommendation. Our property owners just want to make sure that the Metro Council has all of the available facts so they as the Tualatin City Council did make the correct decision seeing our site is not conducive for any employment site.

Thanks
Herb Koss

From: Lou Ogden [mailto:lou@louogden.com]
Sent: Saturday, February 24, 2018 3:17 PM
To: Herb Koss <herb@kossred.com>; Alice Cannon <Acannon@ci.tualatin.or.us>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Frank Bubenik (<fbubenik@ci.tualatin.or.us>)

<fbubenik@ci.tualatin.or.us>; jeff DeHaan <jdehaan@tualatin.gov>; Joelle Davis (jdavis@ci.tualatin.or.us) <jdavis@ci.tualatin.or.us>; lou ogden (logden@ci.tualatin.or.us) <logden@ci.tualatin.or.us>; nancy grimes (ngrimes@ci.tualatin.or.us) <ngrimes@ci.tualatin.or.us>; paul morrison <pmorrison@tualatin.gov>; robert kellogg <rkellogg@tualatin.gov>; Sherilyn Lombos <SLOMBOS@ci.tualatin.or.us>

Cc: Sherman Leitgeb <sherman@equityoregon.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>; Peter Watts <peterowatts02@gmail.com>; Peter Watts <Peter.Watts@jordanramis.com>; Roy Rogers <Roy_Rogers@co.washington.or.us>

Subject: Re: Metro Staff Recommendations- Basalt Creek Central Sub Area

Thx for the email Herb, and I do appreciate your concerns. I believe we are best served by Metro only looking at the record that was submitted to both cities rather than starting the debate from ground zero. It appears to me that probably everything has been said and everyone has said it. That said (pardon the pun) I believe it is very important the Metro receive ALL the pertinent information of the record already established by the cities. To that end, I believe we will be diligent to be sure all the factors are presented to metro such that there will be little doubt of the facts as presented by both sides. From there they will have to decide, objectively, without bias, based upon their application of the facts toward their deliberations. It appears there may be other misconstruction in the Metro staff report but I have yet to be briefed by Tualatin staff so I'll not comment just yet. Our staff and our council will be on top of it.

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: Herb Koss <herb@kossred.com>

Sent: Friday, February 23, 2018 6:56 AM

To: Lou Ogden; Alice Cannon; Aquilla Hurd-Ravich; Frank Bubenik (fbubenik@ci.tualatin.or.us); jeff

DeHaan; Joelle Davis (jdavis@ci.tualatin.or.us); lou ogden (logden@ci.tualatin.or.us); nancy grimes (ngrimes@ci.tualatin.or.us); paul morrison; robert kellogg; Sherilyn Lombos

Cc: Sherman Leitgeb; Don & Barb Hanson (don.hanson@otak.com); Tony Weller; Peter Watts; Peter Watts

Subject: FW: Metro Staff Recommendations- Basalt Creek Central Sub Area

Good Morning Lou

Started saying good morning, but it certainly the property owners involved in the Wilsonville challenge are not having a good morning. Lou yesterday we received a copy of the Metro staff report, which is attached to this email. I just attached the staff report without the many exhibits since the file is so large the attachment may not open. I am confident the staff has the full report. Sherman Leitgeb after reading the report found errors in the report and it is obvious to me that the Wilsonville staff has worked diligently to direct the Metro Planning staff to slant the staff report in their favor. The real issue here is the process that the Planning Staff has recommended to the Metro Council. We as property owners have no idea what information was submitted to the Planning Staff at Metro. In reading the process suggested to Martha Bennett Metro will not consider evidence or argument presented by other parties. Only the cities will have the opportunity to submit information. Lou this is certainly not fair to us the owners of the land involved. Peter Watts is contacting Roger Alfred the Metro attorney and Martha Bennett on the process that the Planning staff has proposed. I have been in the development business for many years and never in my career has such a closed process occurred.

Our request to you is for the City of Tualatin to let us know what they are planning to submit or have submitted to Metro. We would like to make sure that our submittals and appropriate exhibits are sent to Metro, which based the Tualatin City Council's decision to recommend our land being zoned Residential. It would be appreciated if the Alice or Sherilyn would provide that information to us and make sure all of the record to sent to Metro. The staff report includes the KPFF report paid for by Wilsonville, but I am confident that the cost factors as analyzed by Tony Weller's firm CESNW was not. KPFF when testifying stated they did not analyze the costs of grading or the necessary retaining walls for their proposed site plan.

Of the many incorrect facts presented in the Staff Report they even state that a residential zone would negatively impact the traffic in the area. We have always stated that their will be no additional trips and the density approved will address that fact. They also mention the millions of dollars of infrastructure and planning - \$65,000,000. Yes a big number, but if our land is never developed the revenue is zero from SDC fees.

Lou I would appreciate your reviewing the staff report and directing staff per our request above. I am confident that the Metro Planning staff has not seen the facts that the Tualatin City Council based their decision on. Basalt Rock creating huge

unfeasible grading costs., Lack of Access- 18 to 20 foot cut on the southern tip of what you referred to as the base of the Arrowhead, incorrect assumption that our land is not presently next to residential product – two sides North and East are zoned residential and the Basalt Creek Parkway with a 18 to 20 cut with no access allowed is a great transition buffer.

I am going to contact Roy Rogers too. Washington County after speaking with you did not retract their letter, but Andy acknowledged the letter was sent without their consultant visiting the site. I will bet that no one from the Metro Planning staff has visited the site either. Zoning land that will never be developed is not in anyone's interest since it does not create tax base or create SDC revenue. Supportive housing is needed in this area and we are willing to allow our land to be zoned for more affordable product.

Lou your help on this would be appreciated. The city council voted 7 – 0 in favor of a residential zone and Tualatin's recommendation should be approved. We also believe that Metro should allow testimony from the property owners that are affected by this very important decision.

Sincerely
Herb Koss

From: Sherman Leitgeb [<mailto:sherman@equityoregon.com>]
Sent: Thursday, February 22, 2018 1:40 PM
To: Herb Koss <herb@kossred.com>
Cc: Ed Trompke <Ed.Trompke@jordanramis.com>; Peter Watts <Peter.Watts@jordanramis.com>; Peter Watts <peterowatts02@gmail.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>
Subject: Re: Metro Staff Recommendations- Basalt Creek Central Sub Area

Herb and all,

The attached recommendation has errors that are very notable and quite important.

- 1). On Page 4, Item 2, Line #3, the 7th word should say "North". It currently says "South". This is critical to be corrected. It almost seems to me like it was an intentional error as nobody except those of us involved would know the difference.
- 2). Page 4/5, Item 3, the last sentence of that section is factually incorrect.
- 3). Page 4/5, item 4, the last 2 sentences are completely incorrect as well.
- 4). Page 17, Exhibit G, paragraph 3, clearly states that if the North South Connector falls "close" to the South alignment, land would be Residential to the North of the alignment and Industrial to the South of the alignment. It did fall "close" so it should be Residential.

Maybe I'm nit-picking this thing but aren't facts important? We need to remember that none of the people involved in writing any of this have ever been to the property.

Metro Staff is completely uninformed on the facts and the lay of the land. Metro Staff simply looked at Wilsonville Staff info and made a decision not based on facts. They even put in their recommendation that putting a neighborhood in the middle of an Industrial area would be an issue. It's not in the middle of an Industrial area! What are they thinking? And who would make such a glaring mistake? Only the uninformed. The Central Subarea borders Basalt Creek Canyon on the East and beyond the canyon is Residential. It borders an existing Tualatin neighborhood, Victoria Gardens, on the North. Victoria Gardens is Residential. It borders the Parkway on the South which is supposed to be the buffer between Residential and Industrial zoning according to their very own documents attached.

This is simply another opportunity for us to correct the uninformed who are not living in reality. We all know the enormous costs to develop the Central Subarea into Industrial, the lack of access, the rock, the elevation changes and the overhead Power Lines make this land un-developable for Industrial use. We all know it! I believe in our experts and their testimony. So we thought our fight was over. It was not. We need to make sure the process is fair and all of the facts are presented. Metro should allow additional testimony and we need to make sure that the evidence presented to the Tualatin City Council has been reviewed by the Metro Staff.

SHERMAN LEITGEB

Principal Broker/ Owner

Sherman@EquityOregon.com

503-704-9280

From: [Herb Koss](#)
To: [Sherilyn Lombos](#); [Alice Cannon](#)
Cc: [LouOgden](#); [Peter Watts](#)
Subject: FW: Basalt Creek
Date: Tuesday, February 27, 2018 3:22:56 PM
Attachments: [CESNW Analysis.pdf](#)
[Otak CES review.pdf](#)

Good Afternoon

As you are aware the city of Wilsonville paid KPFF to prepare a site plan and this plan was presented to the Tualatin City Council.

Tony Weller of CESNW and Don Hanson – Otak were retained to prepare a cost estimate for the costs of grading and necessary retaining walls needed for the KPFF site plan. I have attached Mr. Weller’s analysis and the letter from Don Hanson - Otak.

The result of the analysis confirmed that the site development costs were not financially feasible. The costs to prepare the site using the KPFF plan exceeded the value of the property. This fact alone should have shown the Metro Planning staff the site was not suited for an employment use.

I just want to make sure that this information was forwarded to Metro and if not please make sure it is included in the information that you forward to Metro. At this point in time only the cities can submit information.

If you have any questions please let me know.

Sincerely

Herb Koss



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

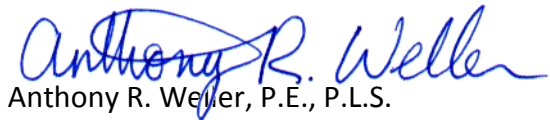
Page 2 of 2

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



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

May 19, 2017

Herb Koss
2643 South Shore Blvd
Lake Oswego, OR 97034

RE: Basalt Creek Central Area - KPFF Concept Plan

Hello Herb,

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

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

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

Please feel free to call with any questions or comments.

Thanks,

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

Don Hanson
Principal
Otak, Inc.

From: [Herb Koss](#)
To: [Sherilyn Lombos](#); [Alice Cannon](#)
Cc: [Peter Watts](#); [Don & Barb Hanson \(don.hanson@otak.com\)](#); [LouOgden](#)
Subject: FW: Metro Staff Recommendations- Basalt Creek Central Sub Area
Date: Tuesday, February 27, 2018 3:30:50 PM
Attachments: [image001.jpg](#)
[Basalt Creek_CESNW_170720.pdf](#)

Sherilyn and Alice

I am in California and some of my files are not in my laptop. Tony had sent the attached letter, which represents a clearer picture of the site development costs.

From my standpoint so much information has been submitted it is difficult to sort through our files so I can easily see how some of the record could be missed.

As I stated in my last email the CESNW analysis of the KPFF plan is critical to any decision on our land.

Herb Koss

From: Tony Weller [mailto:tweller@cesnw.com]
Sent: Tuesday, February 27, 2018 2:07 PM
To: Herb Koss <herb@kossred.com>
Subject: RE: Metro Staff Recommendations- Basalt Creek Central Sub Area

Herb – See if this is the letter/package you were looking for.

Regards – Tony

Tony Weller, P.E., P.L.S.
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From: Herb Koss [mailto:herb@kossred.com]
Sent: Saturday, February 24, 2018 4:15 PM
To: Lou Ogden <lou@louogden.com>; Alice Cannon <Acannon@ci.tualatin.or.us>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Frank Bubenik (fbubenik@ci.tualatin.or.us) <fbubenik@ci.tualatin.or.us>; jeff DeHaan <jdehaan@tualatin.gov>; Joelle Davis

(jdavis@ci.tualatin.or.us) <jdavis@ci.tualatin.or.us>; lou ogden (logden@ci.tualatin.or.us) <logden@ci.tualatin.or.us>; nancy grimes (ngrimes@ci.tualatin.or.us) <ngrimes@ci.tualatin.or.us>; paul morrison <pmorrison@tualatin.gov>; robert kellogg <rkellogg@tualatin.gov>; Sherilyn Lombos <SLOMBOS@ci.tualatin.or.us>

Cc: Sherman Leitgeb <sherman@equityoregon.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>; Peter Watts <peterowatts02@gmail.com>; Peter Watts <Peter.Watts@jordanramis.com>; Roy Rogers <Roy_Rogers@co.washington.or.us>

Subject: RE: Metro Staff Recommendations- Basalt Creek Central Sub Area

Lou

I forgot to mention that we appreciate the fact that the Tualatin Staff and Council will be on top of the situation. The Tualatin residents living next to or near the property like us want Metro to make the right decision.

Herb

From: Lou Ogden [<mailto:lou@louogden.com>]

Sent: Saturday, February 24, 2018 3:17 PM

To: Herb Koss <herb@kossred.com>; Alice Cannon <Acannon@ci.tualatin.or.us>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Frank Bubenik (fbubenik@ci.tualatin.or.us) <fbubenik@ci.tualatin.or.us>; jeff DeHaan <jdehaan@tualatin.gov>; Joelle Davis (jdavis@ci.tualatin.or.us) <jdavis@ci.tualatin.or.us>; lou ogden (logden@ci.tualatin.or.us) <logden@ci.tualatin.or.us>; nancy grimes (ngrimes@ci.tualatin.or.us) <ngrimes@ci.tualatin.or.us>; paul morrison <pmorrison@tualatin.gov>; robert kellogg <rkellogg@tualatin.gov>; Sherilyn Lombos <SLOMBOS@ci.tualatin.or.us>

Cc: Sherman Leitgeb <sherman@equityoregon.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>; Peter Watts <peterowatts02@gmail.com>; Peter Watts <Peter.Watts@jordanramis.com>; Roy Rogers <Roy_Rogers@co.washington.or.us>

Subject: Re: Metro Staff Recommendations- Basalt Creek Central Sub Area

Thx for the email Herb, and I do appreciate your concerns. I believe we are best served by Metro only looking at the record that was submitted to both cities rather than starting the debate from ground zero. It appears to me that probably everything has been said and everyone has said it. That said (pardon the pun) I believe it is very important the Metro receive ALL the pertinent information of the record already established by the cities. To that end, I believe we will be diligent to be sure all the factors are presented to metro such that there will be little doubt of the facts as presented by both sides. From there they will have to decide, objectively, without bias, based upon their application of the facts toward their deliberations. It appears there may be other misconstruction in the Metro staff report but I have yet to be briefed by Tualatin staff so I'll not comment just yet. Our staff and our council will be on top of it.

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: Herb Koss <herb@kossred.com>

Sent: Friday, February 23, 2018 6:56 AM

To: Lou Ogden; Alice Cannon; Aquilla Hurd-Ravich; Frank Bubenik (fbubenik@ci.tualatin.or.us); jeff DeHaan; Joelle Davis (jdavis@ci.tualatin.or.us); lou ogden (logden@ci.tualatin.or.us); nancy grimes (ngrimes@ci.tualatin.or.us); paul morrison; robert kellogg; Sherilyn Lombos

Cc: Sherman Leitgeb; Don & Barb Hanson (don.hanson@otak.com); Tony Weller; Peter Watts; Peter Watts

Subject: FW: Metro Staff Recommendations- Basalt Creek Central Sub Area

Good Morning Lou

Started saying good morning, but it certainly the property owners involved in the Wilsonville challenge are not having a good morning. Lou yesterday we received a copy of the Metro staff report, which is attached to this email. I just attached the staff report without the many exhibits since the file is so large the attachment may not open. I am confident the staff has the full report. Sherman Leitgeb after reading the report found errors in the report and it is obvious to me that the Wilsonville staff has worked diligently to direct the Metro Planning staff to slant the staff report in their favor. The real issue here is the process that the Planning Staff has recommended to the Metro Council. We as property owners have no idea what information was submitted to the Planning Staff at Metro. In reading the process suggested to Martha Bennett Metro will not consider evidence or argument presented by other parties. Only the cities will have the opportunity to submit information. Lou this is certainly not fair to us the owners of the land involved. Peter Watts is contacting Roger Alfred the Metro attorney and Martha Bennett on the process that the Planning staff has proposed. I have been in the development business for many years and never in my

career has such a closed process occurred.

Our request to you is for the City of Tualatin to let us know what they are planning to submit or have submitted to Metro. We would like to make sure that our submittals and appropriate exhibits are sent to Metro, which based the Tualatin City Council's decision to recommend our land being zoned Residential. It would be appreciated if the Alice or Sherilyn would provide that information to us and make sure all of the record to sent to Metro. The staff report includes the KPFF report paid for by Wilsonville, but I am confident that the cost factors as analyzed by Tony Weller's firm CESNW was not. KPFF when testifying stated they did not analyze the costs of grading or the necessary retaining walls for their proposed site plan.

Of the many incorrect facts presented in the Staff Report they even state that a residential zone would negatively impact the traffic in the area. We have always stated that their will be no additional trips and the density approved will address that fact. They also mention the millions of dollars of infrastructure and planning - \$65,000,000. Yes a big number, but if our land is never developed the revenue is zero from SDC fees.

Lou I would appreciate your reviewing the staff report and directing staff per our request above. I am confident that the Metro Planning staff has not seen the facts that the Tualatin City Council based their decision on. Basalt Rock creating huge unfeasible grading costs., Lack of Access- 18 to 20 foot cut on the southern tip of what you referred to as the base of the Arrowhead, incorrect assumption that our land is not presently next to residential product – two sides North and East are zoned residential and the Basalt Creek Parkway with a 18 to 20 cut with no access allowed is a great transition buffer.

I am going to contact Roy Rogers too. Washington County after speaking with you did not retract their letter, but Andy acknowledged the letter was sent without their consultant visiting the site. I will bet that no one from the Metro Planning staff has visited the site either. Zoning land that will never be developed is not in anyone's interest since it does not create tax base or create SDC revenue. Supportive housing is needed in this area and we are willing to allow our land to be zoned for more affordable product.

Lou your help on this would be appreciated. The city council voted 7 – 0 in favor of a residential zone and Tualatin's recommendation should be approved. We also believe that Metro should allow testimony from the property owners that are affected by this very important decision.

Sincerely
Herb Koss

From: Sherman Leitgeb [<mailto:sherman@equityoregon.com>]

Sent: Thursday, February 22, 2018 1:40 PM

To: Herb Koss <herb@kossred.com>

Cc: Ed Trompke <Ed.Trompke@jordanramis.com>; Peter Watts <Peter.Watts@jordanramis.com>; Peter Watts <peterowatts02@gmail.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>

Subject: Re: Metro Staff Recommendations- Basalt Creek Central Sub Area

Herb and all,

The attached recommendation has errors that are very notable and quite important.

- 1). On Page 4, Item 2, Line #3, the 7th word should say "North". It currently says "South". This is critical to be corrected. It almost seems to me like it was an intentional error as nobody except those of us involved would know the difference.
- 2). Page 4/5, Item 3, the last sentence of that section is factually incorrect.
- 3). Page 4/5, item 4, the last 2 sentences are completely incorrect as well.
- 4). Page 17, Exhibit G, paragraph 3, clearly states that if the North South Connector falls "close" to the South alignment, land would be Residential to the North of the alignment and Industrial to the South of the alignment. It did fall "close" so it should be Residential.

Maybe I'm nit-picking this thing but aren't facts important? We need to remember that none of the people involved in writing any of this have ever been to the property.

Metro Staff is completely uninformed on the facts and the lay of the land. Metro Staff simply looked at Wilsonville Staff info and made a decision not based on facts. They even put in their recommendation that putting a neighborhood in the middle of an Industrial area would be an issue. It's not in the middle of an Industrial area! What are they thinking? And who would make such a glaring mistake? Only the uninformed. The Central Subarea borders Basalt Creek Canyon on the East and beyond the canyon is Residential. It borders an existing Tualatin neighborhood, Victoria Gardens, on the North. Victoria Gardens is Residential. It borders the Parkway on the South which is supposed to be the buffer between Residential and Industrial zoning according to their very own documents attached.

This is simply another opportunity for us to correct the uninformed who are not living in reality. We all know the enormous costs to develop the Central Subarea into Industrial, the lack of access, the rock, the elevation changes and the overhead Power Lines make this land un-developable for Industrial use. We all know it! I believe in our experts and their testimony. So we thought our fight was over. It was not. We need to make sure the process is fair and all of the facts are presented. Metro should allow additional testimony and we need to make sure that the evidence presented to the Tualatin City Council has been reviewed by the Metro Staff.

SHERMAN LEITGEB

Principal Broker/ Owner

Sherman@EquityOregon.com

503-704-9280



July 20, 2017

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

RE: BASALT CREEK CENTRAL AREA – EMPLOYMENT VERSES RESIDENTIAL DEVELOPMENT

Dear Mr. Koss:

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

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

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

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

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

Mr. Herb Koss

BASALT CREEK CENTRAL AREA

Page 2 of 2

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

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

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

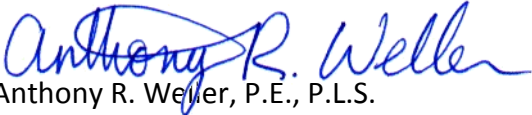
It is important not to overlook the other constraint that impacts this area, Access. The lack of access to the southerly and upper portion of the area increases the amount of grading and rock excavation required to develop the property. If Basalt Creek Parkway had been a local street that would provide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

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

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

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

Sincerely,


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



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

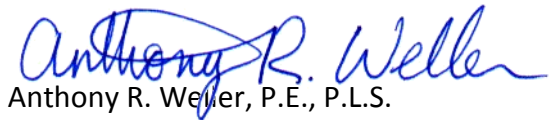
Page 2 of 2

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,

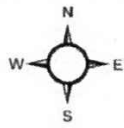


Anthony R. Weller, P.E., P.L.S.

President

\3273_CESNW_KPFF

Topographic Map: Central Subarea on Tualatin side of Basalt



RF 1:3,000

Tonquin Loop

Graham's Ferry Rd

Tonquin Rd



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

USGS, NGA, NASA, USIA, N
Robinson, NCEAS, NLS, OS, NMA © data by Jensen and the GIS User Community

Source: ESRI 2016

From: [Herb Koss](#)
To: [Alice Cannon](#); [Sherilyn Lombos](#)
Cc: [LouOgden](#)
Subject: FW: Testimony for Monday's Work Session
Date: Tuesday, February 27, 2018 1:34:17 PM
Attachments: [Attachments 1-3.pdf](#)
[Attachment 4-10.pdf](#)

Dear Sherilyn and Alice

Mayor Ogden asked me to have Peter Watts forward the email that he sent to Roger Alfred at Metro. Peter just informed me that he just emailed that email to you.

I also would like for you to confirm that Metro was sent the email Peter wrote below along with the attachments included with this email. If you have any trouble opening the attachments please let me know.

At this point in time the Metro Planning staff has restricted any input from any body except the cities. This is very disturbing to the property owners involved in this dispute. We are still hopeful that Metro will allow testimony.

Please let me know if you have any questions.

Sincerely

Herb Koss 503 730 2431

From: Peter Watts [mailto:Peter.Watts@jordanramis.com]
Sent: Tuesday, February 27, 2018 9:35 AM
To: Herb Koss <herb@kossred.com>
Subject: FW: Testimony for Monday's Work Session

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

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

I, along with others, own land North of the planned Basalt Creek Parkway, and East of Grahams Ferry Drive. I am writing this letter solely on my own behalf, specifically to provide background information, address the report provided to Washington County by McKenzie, and also

provide information from local experts who have walked the site, so that you can make the best possible determination regarding the most appropriate designation of the land.

Executive Summary

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

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

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

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

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

Background Information And Why We Are Here Today

Although, I have significant experience representing both jurisdictions and developers in land use matters, I have never previously experienced the process from the perspective of a land owner, so this has been an eye opening experience. At the time that I decided to invest as a part owner in one of the subject properties, I did due diligence by looking at satellite images, reviewing

the plans prepared by the cities and John Fregonese, and driving to the site. I didn't, however, walk the site, because of extremely bad weather.

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

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

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

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

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

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

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

Mike Diamond of the Real Estate Investment Group submitted a letter on November 21, 2016 opining that the site was unlikely to develop as industrial or flex space because of the inability to provide large drive access for truck loading and turning radius. (*See attachment 4*) He also determined that office park use was not feasible because the steep topography would have a

negative impact on the proximity of parking and could pose an issue with American's Disabilities Act requirements. In short, all of the experts, were in agreement that there were significant issues with ever developing the property as employment land.

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

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

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

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

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

Expert Opinions and Assessment of the McKenzie Letter

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

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

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

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

Their letters are attached for your review.

A Summary of Relevant Data

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

1. Metro's own benchmark for employment land contemplates a slope of less than 10%, with less than 5% preferred. This site has slope in excess of 20% throughout;
2. PacTrust has provided a written opinion that the topography and basalt soil of the site mean it can't be feasibly developed for employment purposes;
3. OTAK has indicated in writing that the comparable property that Washington County used in their analysis, had half as much slope as this site, and could not be built under current American's with Disabilities Act rules/regulations;
4. Site preparation specialists in the area confirm the high cost of site preparation, due to soil conditions. The amount of blasting that can occur on this site is compromised by the high capacity power lines that bisect the site;
5. There is no access off of Basalt Creek road, and the deletion of Kinsman Road directly, and negatively impacts truck circulation on the southern portion of the site;
6. The northern portion of the site, adjacent to the existing neighborhood is currently planned to be zoned residential, contrary to what McKenzie's renderings show, and that designation

has a major impact on the large footprint, employment, buildings that can/cannot be constructed. OTAK believes that only 11% of the site can be feasibly constructed as employment;

7. A residential designation and orderly transition to employment/industrial was always contemplated adjacent to the existing residential neighborhood, and is allowed under the findings that brought the Basalt Creek area into the UGB.
8. The county believes that an 18-20 foot curb cut, will be necessary on Basalt Creek Parkway. That curb cut means that the mirror image view that Wilsonville contemplated cannot occur. The view will either be of a graded slope or a 20 foot retaining wall.

Conclusion

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

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

Thank you for your time and consideration.

Peter

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

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1

BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon

August 23, 2016, Revised November 21, 2016

Introduction

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

Project Concerns

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

Land Use Context

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

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

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

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

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

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

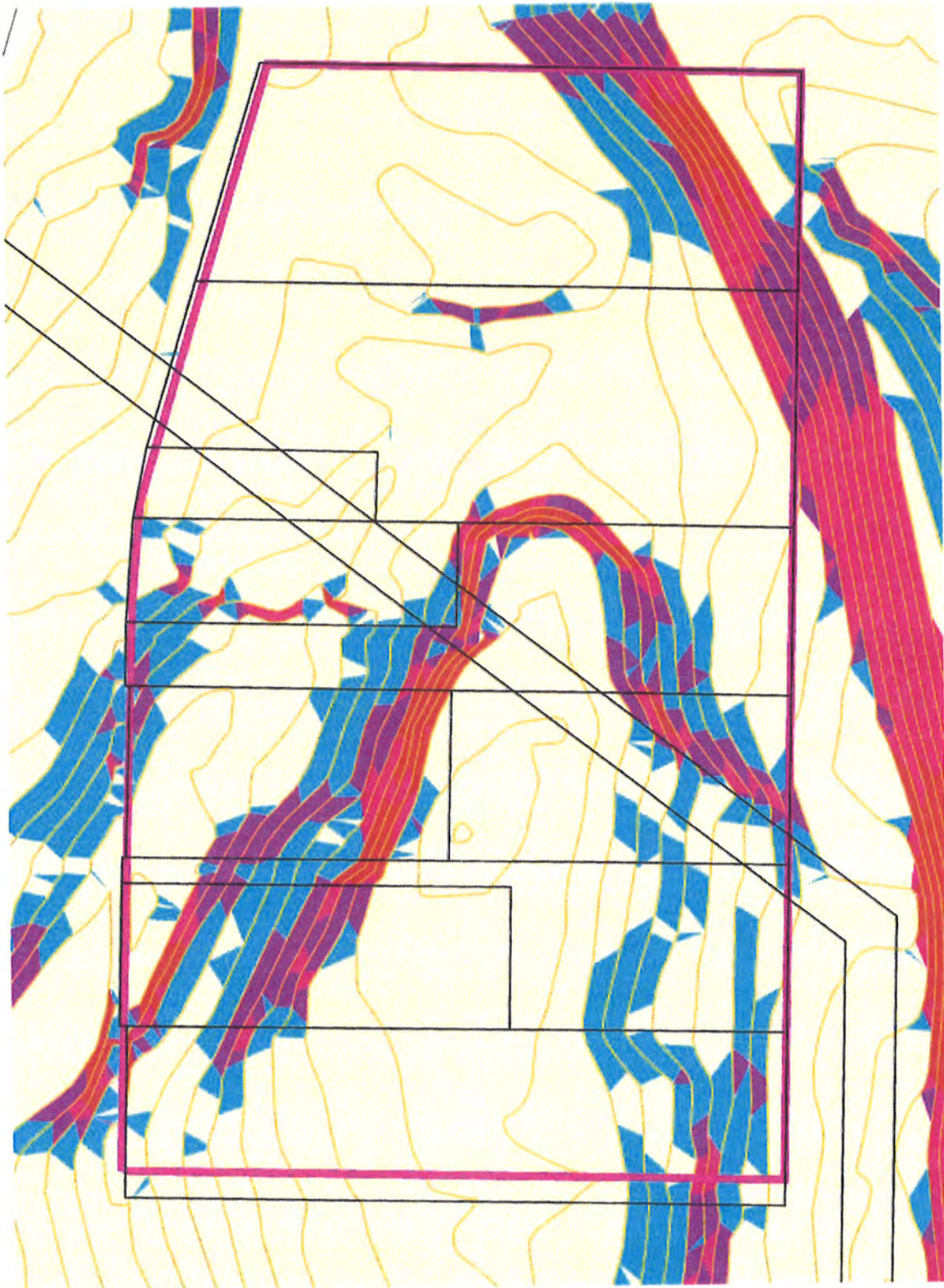
Amended Plan Options

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

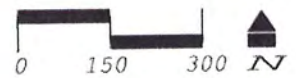
Benefits

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

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



11-16-2016

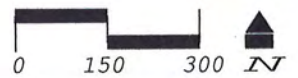


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Yellow
2	10.00%	15.00%	Blue
3	15.00%	20.00%	Purple
4	20.00%	25.00%	Pink
5	25.00%	357.23%	Red

BASALT CREEK SLOPES ANALYSIS

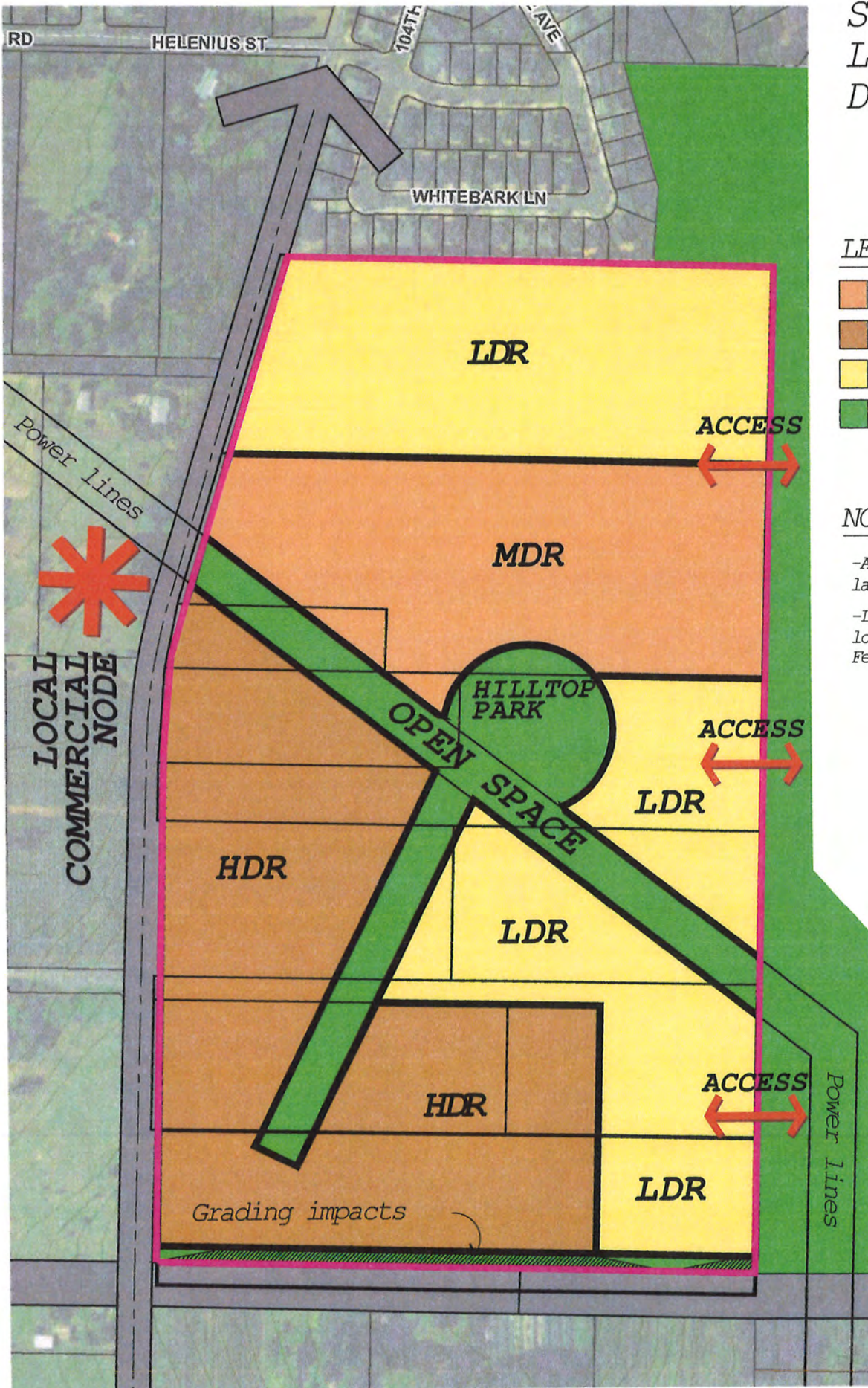


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

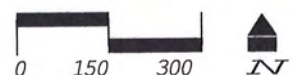
-  Mid Density Residential
-  High Density Residential
-  Low Density Residential
-  Open space

NOTES

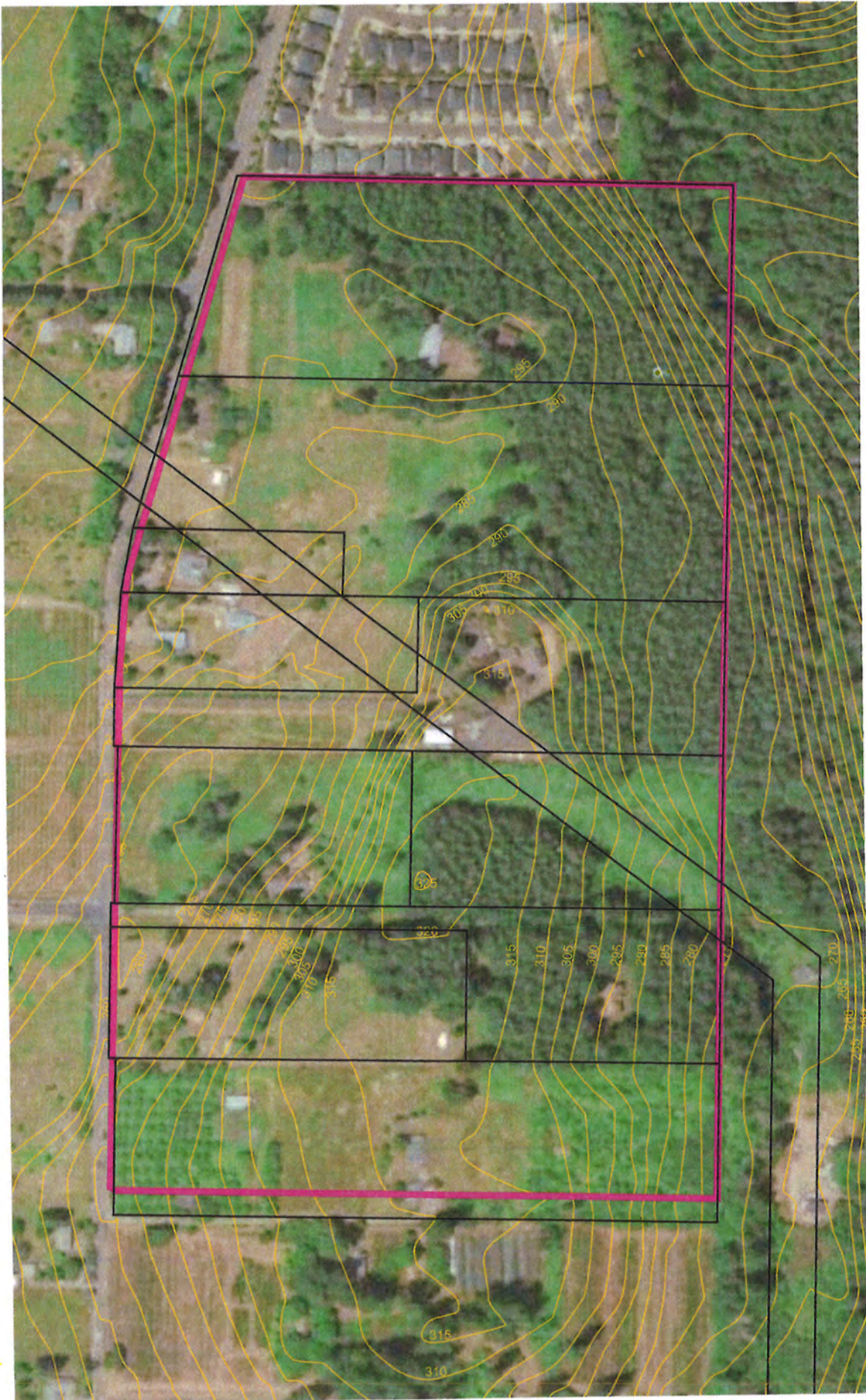
- Access provided for landowners to East
- Local commercial node located across Graham's Ferry Road



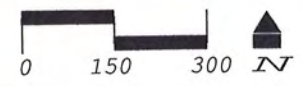
11-21-2016



Basalt Creek Concept Plan



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

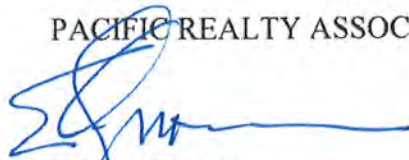
Dear Herb,

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.

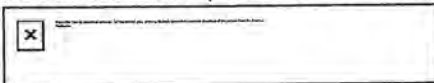
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for 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

8

2/10/17

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

Dear Mayor Ogden and Tualatin City Councilors:

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

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

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

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

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

Sincerely

Ken Leahy



HanmiGlobal Partner

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

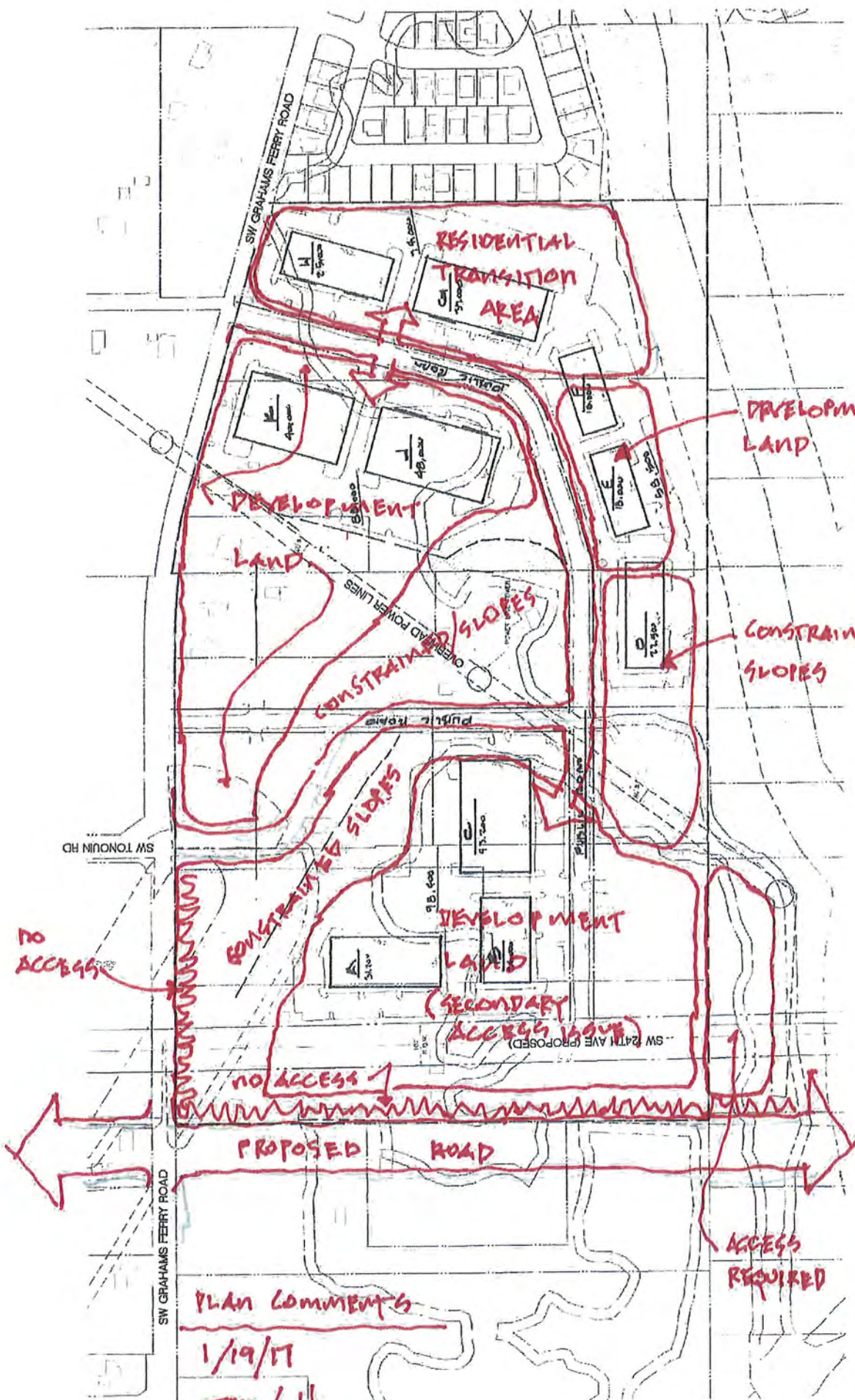


The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

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

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



PLAN COMMENTS
 1/19/17
 ORK/dh

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

LEGEND

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

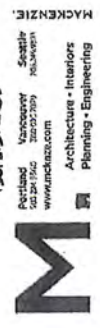
SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (ACRES)
PROPOSED BUILDINGS A, D & L	100,000 SF	100,000 SF	100	1:1000	2.0
PROPOSED BUILDINGS B, C & F	100,000 SF	100,000 SF	100	1:1000	2.0
PROPOSED BUILDINGS G, H & I	100,000 SF	100,000 SF	100	1:1000	2.0
PROPOSED BUILDINGS J, K & M	100,000 SF	100,000 SF	100	1:1000	2.0
TOTAL	400,000 SF	400,000 SF	400	1:1000	8.0

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

SCALE: 1" = 50'

NOTE: CONTOUR SHOWN AT 5' FT INTERVALS
 72, 82, 92, 102, 112, 122



318,500 SF

10

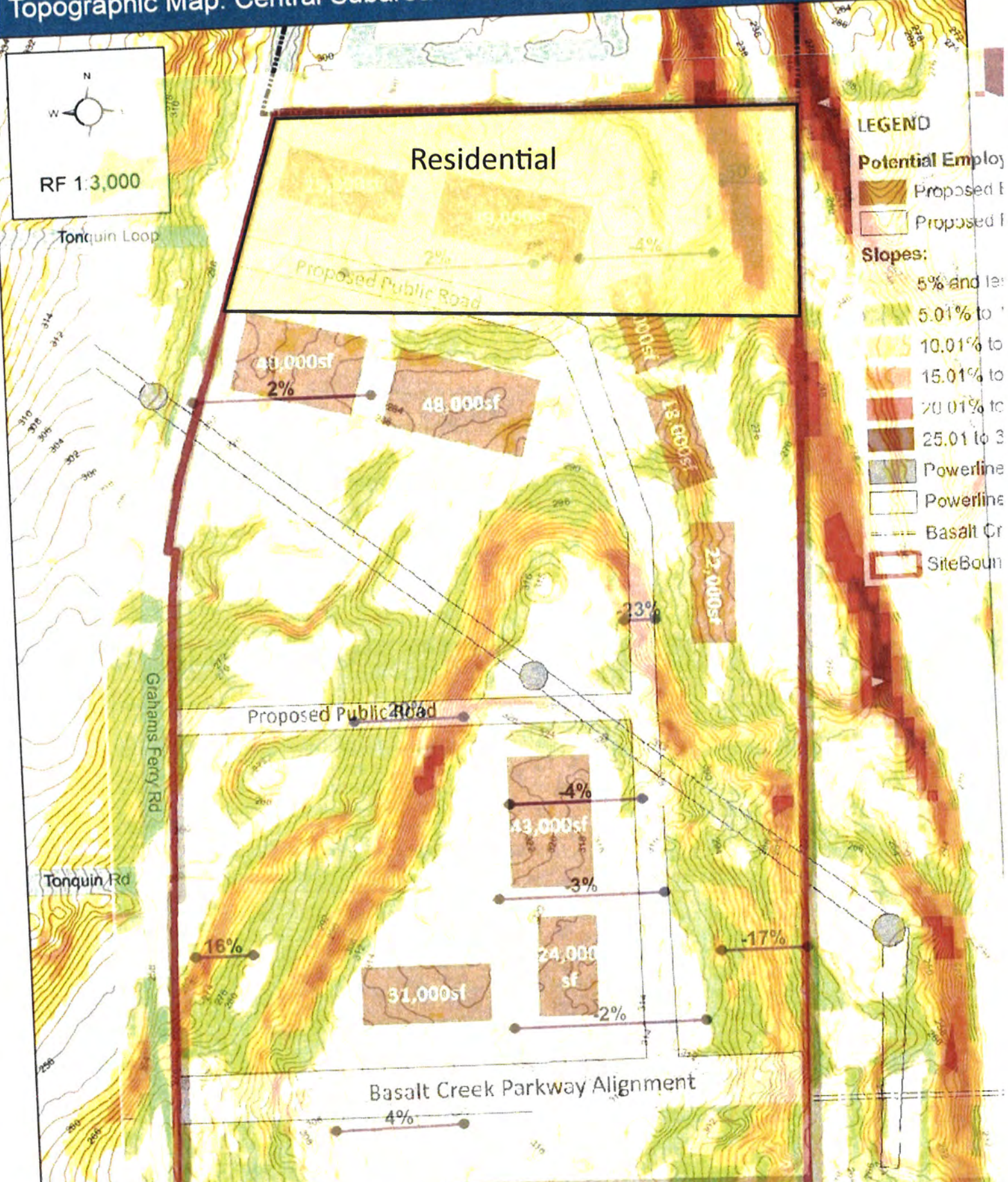
Topographic Map: Central Subarea on Tualatin side of Basalt



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

LEGEND

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



From: [Herb Koss](#)
To: [Sherilyn Lombos](#); [Alice Cannon](#)
Cc: [LouOgden](#)
Subject: RE: Testimony for Monday's Work Session
Date: Tuesday, February 27, 2018 3:06:24 PM

Sorry for the poor communication. What I meant to say was we wanted to make sure that the email Peter sent along with the attachments had been forwarded to Metro as part of the record. This was the email dated 2/12/17 and is at the bottom of this email.

I also am forwarding another email with the analysis that Tony Weller and Don Hanson made for the site preparation costs for the site plan prepared by KPFF for Wilsonville. The Metro Planning staff if they had read this information I am certain their summary conclusion would have been different.

Thank you for your confirmation that you received the email and that the attachments opened.

Herb Koss

From: Sherilyn Lombos [mailto:slombos@tualatin.gov]
Sent: Tuesday, February 27, 2018 2:11 PM
To: Herb Koss <herb@kossred.com>; Alice Cannon <acannon@tualatin.gov>
Cc: LouOgden <lou@louogden.com>
Subject: RE: Testimony for Monday's Work Session

Hi Herb,

I just received the email that Peter sent to Roger Alfred.
I'm unclear what you mean when you say you would like confirmation that Metro was sent the email Peter wrote below along with the attachments. Do you mean that you sent the email to Metro?
I did not have any trouble opening the attachments.

Sherilyn Lombos
Tualatin City Manager
Desk: 503.691.3010 | Mobile: 971.998.4127

From: Herb Koss [mailto:herb@kossred.com]
Sent: Tuesday, February 27, 2018 1:34 PM
To: Alice Cannon <acannon@tualatin.gov>; Sherilyn Lombos <slombos@tualatin.gov>
Cc: LouOgden <lou@louogden.com>
Subject: FW: Testimony for Monday's Work Session

Dear Sherilyn and Alice

Mayor Ogden asked me to have Peter Watts forward the email that he sent to Roger Alfred at

Metro. Peter just informed me that he just emailed that email to you.

I also would like for you to confirm that Metro was sent the email Peter wrote below along with the attachments included with this email. If you have any trouble opening the attachments please let me know.

At this point in time the Metro Planning staff has restricted any input from any body except the cities. This is very disturbing to the property owners involved in this dispute. We are still hopeful that Metro will allow testimony.

Please let me know if you have any questions.

Sincerely

Herb Koss 503 730 2431

From: Peter Watts [<mailto:Peter.Watts@jordanramis.com>]

Sent: Tuesday, February 27, 2018 9:35 AM

To: Herb Koss <herb@kossred.com>

Subject: FW: Testimony for Monday's Work Session

From: Peter Watts

Sent: Sunday, February 12, 2017 12:42 PM

To: 'council@ci.tualatin.or.us'; 'council@tualatin.gov'

Cc: 'slombos@ci.tualatin.or.us'

Subject: Testimony for Monday's Work Session

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

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

Executive Summary

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

pages.

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

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

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

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

Background Information And Why We Are Here Today

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

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

At the time of my ownership, the most pressing issue was the boundary between the two cities. There seemed to be a logical boundary between Tualatin and Wilsonville, at Basalt Creek

Parkway. I met with staff from Wilsonville to discuss the boundary, as well as Wilsonville's vision for mirror image zoning, which I believed, at the time, was feasible, and would work.

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

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

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

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

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

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

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

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

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

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

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

Expert Opinions and Assessment of the McKenzie Letter

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

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

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

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

Their letters are attached for your review.

A Summary of Relevant Data

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

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

Conclusion

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

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

Thank you for your time and consideration.

Peter

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

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From: tom.re@comcast.net
To: "Brian Harper"
Cc: [LouOgden](#); [Sherilyn Lombos](#); [Alice Cannon](#); [Sean Brady](#); [Karen Perl Fox](#); "Tom Hughes"; "Craig Dirksen"; "Andy Duyck"; metro council@oregonmetro.gov
Subject: Basalt Creek Project
Date: Tuesday, February 27, 2018 11:18:03 AM

2/27/18

Brian:

Thank you very much for your swift action rendering a very detailed recommendation for the land designation of the central sub area of Basalt Creek.

I strongly hope that upon completion of Metro's final decision of land designation of the central sub area, provisions are included to allow the Cities to proceed to adopt the Concept Plan as designated and move forward with their individual Comprehensive Plans without restraint so infrastructure, annexation and building permits may ensue regardless of any private appeal.

Thank you,

Tom & Kathy Re
23500 SW Boones Ferry Rd.
Tualatin, OR. 97062
503-482-5157

From: [Peter Watts](#)
To: [Sherilyn Lombos](#)
Cc: [Herb Koss](#); [Don & Barb Hanson \(don.hanson@otak.com\)](#); [LouOgden](#); [Alice Cannon](#)
Subject: Re: FW: Metro Staff Recommendations- Basalt Creek Central Sub Area
Date: Wednesday, February 28, 2018 3:40:36 PM
Attachments: [image001.jpg](#)

Hi Sherilyn,

Thanks so much for all of the city's help! The last two sentences on page 1 of the staff report indicate that "Metro's review will only include materials submitted by the cities and the county. Metro will not consider evidence or argument presented by other parties."

I've asked Metro for clarification, since this seems the complete opposite of their, and Oregon's, public engagement process, but right now, it doesn't appear we can put anything in the record. And, we can't tell what's in the record. Only the cities and county are allowed to participate. Again, thanks for helping us correct the record.

Peter

On Tuesday, February 27, 2018, Sherilyn Lombos <slombos@tualatin.gov> wrote:

Herb,

Thank you for making sure we have all of this information.

Sean Brady, our City Attorney is working diligently to prepare the City of Tualatin brief that will make our best case for residential in the sub-area according to Metro's outlined process.

I do want to point out that you, and anyone else, are free (and encouraged) to make your arguments directly to the Metro Council. The Metro Council will be making the ultimate decision at a public meeting in April. Attached is a document we put together for our Council (I know you are attuned to all of this information, but it puts it in one spot).

Sherilyn Lombos

Tualatin City Manager

Desk: 503.691.3010 | Mobile: 971.998.4127

From: Herb Koss [mailto:herb@kossred.com]
Sent: Tuesday, February 27, 2018 3:31 PM
To: Sherilyn Lombos <slombos@tualatin.gov>; Alice Cannon <acannon@tualatin.gov>
Cc: Peter Watts <peterowatts02@gmail.com>; Don & Barb Hanson

(don.hanson@otak.com) <don.hanson@otak.com>; LouOgden <lou@louogden.com>
Subject: FW: Metro Staff Recommendations- Basalt Creek Central Sub Area

Sherilyn and Alice

I am in California and some of my files are not in my laptop. Tony had sent the attached letter, which represents a clearer picture of the site development costs.

From my standpoint so much information has been submitted it is difficult to sort through our files so I can easily see how some of the record could be missed.

As I stated in my last email the CESNW analysis of the KPFF plan is critical to any decision on our land.

Herb Koss

From: Tony Weller [<mailto:tweller@cesnw.com>]
Sent: Tuesday, February 27, 2018 2:07 PM
To: Herb Koss <herb@kossred.com>
Subject: RE: Metro Staff Recommendations- Basalt Creek Central Sub Area

Herb – See if this is the letter/package you were looking for.

Regards – Tony

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

President

CESNW, INC.

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Tigard, OR 97223

503.968.6655 p

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503.866.6550 c

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

Sent: Saturday, February 24, 2018 4:15 PM

To: Lou Ogden <lou@louogden.com>; Alice Cannon <Acannon@ci.tualatin.or.us>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Frank Bubenik (fbubenik@ci.tualatin.or.us) <fbubenik@ci.tualatin.or.us>; jeff DeHaan <jdehaan@tualatin.gov>; Joelle Davis (jdavis@ci.tualatin.or.us) <jdavis@ci.tualatin.or.us>; lou ogden (logden@ci.tualatin.or.us) <logden@ci.tualatin.or.us>; nancy grimes (ngrimes@ci.tualatin.or.us) <ngrimes@ci.tualatin.or.us>; paul morrison <pmorrison@tualatin.gov>; robert kellogg <rkellogg@tualatin.gov>; Sherilyn Lombos <SLOMBOS@ci.tualatin.or.us>

Cc: Sherman Leitgeb <sherman@equityoregon.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>; Peter Watts <peterowatts02@gmail.com>; Peter Watts <Peter.Watts@jordanramis.com>; Roy Rogers <Roy_Rogers@co.washington.or.us>

Subject: RE: Metro Staff Recommendations- Basalt Creek Central Sub Area

Lou

I forgot to mention that we appreciate the fact that the Tualatin Staff and Council will be on top of the situation. The Tualatin residents living next to or near the property like us want Metro to make the right decision.

Herb

From: Lou Ogden [<mailto:lou@louogden.com>]

Sent: Saturday, February 24, 2018 3:17 PM

To: Herb Koss <herb@kossred.com>; Alice Cannon <Acannon@ci.tualatin.or.us>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Frank Bubenik

(fbubenik@ci.tualatin.or.us) <fbubenik@ci.tualatin.or.us>; jeff DeHaan <jdehaan@tualatin.gov>; Joelle Davis (jdavis@ci.tualatin.or.us) <jdavis@ci.tualatin.or.us>; lou ogden (logden@ci.tualatin.or.us) <logden@ci.tualatin.or.us>; nancy grimes (ngrimes@ci.tualatin.or.us) <ngrimes@ci.tualatin.or.us>; paul morrison <pmorrison@tualatin.gov>; robert kellogg <rkellogg@tualatin.gov>; Sherilyn Lombos <SLOMBOS@ci.tualatin.or.us>

Cc: Sherman Leitgeb <sherman@equityoregon.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>; Peter Watts <peterowatts02@gmail.com>; Peter Watts <Peter.Watts@jordanramis.com>; Roy Rogers <Roy_Rogers@co.washington.or.us>

Subject: Re: Metro Staff Recommendations- Basalt Creek Central Sub Area

Thx for the email Herb, and I do appreciate your concerns. I believe we are best served by Metro only looking at the record that was submitted to both cities rather than starting the debate from ground zero. It appears to me that probably everything has been said and everyone has said it. That said (pardon the pun) I believe it is very important the Metro receive ALL the pertinent information of the record already established by the cities. To that end, I believe we will be diligent to be sure all the factors are presented to metro such that there will be little doubt of the facts as presented by both sides. From there they will have to decide, objectively, without bias, based upon their application of the facts toward their deliberations. It appears there may be other misconstruction in the Metro staff report but I have yet to be briefed by Tualatin staff so I'll not comment just yet. Our staff and our council will be on top of it.

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: Herb Koss <herb@kossred.com>
Sent: Friday, February 23, 2018 6:56 AM
To: Lou Ogden; Alice Cannon; Aquilla Hurd-Ravich; Frank Bubenik (fbubenik@ci.tualatin.or.us); jeff DeHaan; Joelle Davis (jdavis@ci.tualatin.or.us); lou ogden (logden@ci.tualatin.or.us); nancy grimes (ngrimes@ci.tualatin.or.us); paul morrison; robert kellogg; Sherilyn Lombos
Cc: Sherman Leitgeb; Don & Barb Hanson (don.hanson@otak.com); Tony Weller; Peter Watts; Peter Watts
Subject: FW: Metro Staff Recommendations- Basalt Creek Central Sub Area

Good Morning Lou

Started saying good morning, but it certainly the property owners involved in the Wilsonville challenge are not having a good morning. Lou yesterday we received a copy of the Metro staff report, which is attached to this email. I just attached the staff report without the many exhibits since the file is so large the attachment may not open. I am confident the staff has the full report. Sherman Leitgeb after reading the report found errors in the report and it is obvious to me that the Wilsonville staff has worked diligently to direct the Metro Planning staff to slant the staff report in their favor. The real issue here is the process that the Planning Staff has recommended to the Metro Council. We as property owners have no idea what information was submitted to the Planning Staff at Metro. In reading the process suggested to Martha Bennett Metro will not consider evidence or argument presented by other parties. Only the cities will have the opportunity to submit information. Lou this is certainly not fair to us the owners of the land involved. Peter Watts is contacting Roger Alfred the Metro attorney and Martha Bennett on the process that the Planning staff has proposed. I have been in the development business for many years and never in my career has such a closed process occurred.

Our request to you is for the City of Tualatin to let us know what they are planning to submit or have submitted to Metro. We would like to make sure that our submittals and appropriate exhibits are sent to Metro, which based the Tualatin City Council's decision to recommend our land being zoned Residential. It would be appreciated if the Alice or Sherilyn would provide that information to us and make sure all of the

record to sent to Metro. The staff report includes the KPFF report paid for by Wilsonville, but I am confident that the cost factors as analyzed by Tony Weller's firm CESNW was not. KPFF when testifying stated they did not analyze the costs of grading or the necessary retaining walls for their proposed site plan.

Of the many incorrect facts presented in the Staff Report they even state that a residential zone would negatively impact the traffic in the area. We have always stated that there will be no additional trips and the density approved will address that fact. They also mention the millions of dollars of infrastructure and planning - \$65,000,000. Yes a big number, but if our land is never developed the revenue is zero from SDC fees.

Lou I would appreciate your reviewing the staff report and directing staff per our request above. I am confident that the Metro Planning staff has not seen the facts that the Tualatin City Council based their decision on. Basalt Rock creating huge unfeasible grading costs., Lack of Access- 18 to 20 foot cut on the southern tip of what you referred to as the base of the Arrowhead, incorrect assumption that our land is not presently next to residential product – two sides North and East are zoned residential and the Basalt Creek Parkway with a 18 to 20 cut with no access allowed is a great transition buffer.

I am going to contact Roy Rogers too. Washington County after speaking with you did not retract their letter, but Andy acknowledged the letter was sent without their consultant visiting the site. I will bet that no one from the Metro Planning staff has visited the site either. Zoning land that will never be developed is not in anyone's interest since it does not create tax base or create SDC revenue. Supportive housing is needed in this area and we are willing to allow our land to be zoned for more affordable product.

Lou your help on this would be appreciated. The city council voted 7 – 0 in favor of a residential zone and Tualatin's recommendation should be approved. We also believe that Metro should allow testimony from the property owners that are affected by this very important decision.

Sincerely

Herb Koss

From: Sherman Leitgeb [<mailto:sherman@equityoregon.com>]
Sent: Thursday, February 22, 2018 1:40 PM
To: Herb Koss <herb@kossred.com>
Cc: Ed Trompke <Ed.Trompke@jordanramis.com>; Peter Watts <Peter.Watts@jordanramis.com>; Peter Watts <peterowatts02@gmail.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>
Subject: Re: Metro Staff Recommendations- Basalt Creek Central Sub Area

Herb and all,

The attached recommendation has errors that are very notable and quite important.

- 1). On Page 4, Item 2, Line #3, the 7th word should say "North". It currently says "South". This is critical to be corrected. It almost seems to me like it was an intentional error as nobody except those of us involved would know the difference.
- 2). Page 4/5, Item 3, the last sentence of that section is factually incorrect.
- 3). Page 4/5, item 4, the last 2 sentences are completely incorrect as well.
- 4). Page 17, Exhibit G, paragraph 3, clearly states that if the North South Connector falls "close" to the South alignment, land would be Residential to the North of the alignment and Industrial to the South of the alignment. It did fall "close" so it should be Residential.

Maybe I'm nit-picking this thing but aren't facts important? We need to remember that none of the people involved in writing any of this have ever been to the property. Metro Staff is completely uninformed on the facts and the lay of the land. Metro Staff simply looked at Wilsonville Staff info and made a decision not based on facts. They even put in their recommendation that putting a neighborhood in the middle of an Industrial area would be an issue. It's not in the middle of an Industrial area! What are they thinking? And who would make such a glaring mistake? Only the uninformed. The Central Subarea borders Basalt Creek Canyon on the East

and beyond the canyon is Residential. It borders an existing Tualatin neighborhood, Victoria Gardens, on the North. Victoria Gardens is Residential. It borders the Parkway on the South which is supposed to be the buffer between Residential and Industrial zoning according to their very own documents attached.

This is simply another opportunity for us to correct the uninformed who are not living in reality. We all know the enormous costs to develop the Central Subarea into Industrial, the lack of access, the rock, the elevation changes and the overhead Power Lines make this land un-developable for Industrial use. We all know it! I believe in our experts and their testimony. So we thought our fight was over. It was not. We need to make sure the process is fair and all of the facts are presented. Metro should allow additional testimony and we need to make sure that the evidence presented to the Tualatin City Council has been reviewed by the Metro Staff.

SHERMAN LEITGEB

Principal Broker/ Owner

Sherman@EquityOregon.com

503-704-9280

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](#)
Subject: FW: Testimony for Monday's Work Session BASALT CREEK
Date: Thursday, March 08, 2018 9:06:26 AM
Attachments: [Attachments 1-3.pdf](#)
[Attachment 4-10.pdf](#)
[CESNW Letter Analysis.pdf](#)

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

Metro Council President Hughes and Metro Councilors

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

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

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

A residential zone can use the rock ridges and topography as open space, build some housing with garage under product and access to the site can be dealt with for a residential zone unlike what an

industrial/employment site

would require. A well thought out plan for supportive housing would be planned not to increase the trip counts.

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

I believe that the CESNW letter is the best summary of the facts involving our position of desiring a residential zone.

Mr. Weller is willing to attend the Metro hearing, but it appears no public testimony will be allowed. We are asking that the Metro Council alters the Metro Planners recommendation and allows a more open process. Property owners that will be greatly affected should be allowed to testify.

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

Sincerely

Herb Koss – Property owner Basalt Creek

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

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

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

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

Executive Summary

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

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

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

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

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

Background Information And Why We Are Here Today

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

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

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

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

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

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

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

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

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

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

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

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

1. The McKenzie letter contemplated access off of Basalt Creek Parkway, and did not take into account the 18-20 foot curb cut off of Basalt Creek Parkway (Washington County Project Manager, 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 Kinsman Road, eliminates the only at grade potential access coming from the southerly portion of the site. The plateau portion of the property is surrounded by steep slopes of over 10% and over 20%. He further opined that neither access point can provide a secondary access to the plateau area which is a negative for both traffic flows and emergency access. (*See Attachment 7*)

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

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

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

Their letters are attached for your review.

A Summary of Relevant Data

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

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

capacity power lines that bisect the site;

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

Conclusion

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

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

Thank you for your time and consideration.

Peter

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

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November 21, 2016

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

VIA: EMAIL

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

Dear Herb,

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

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

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

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

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

Let me know if you have any questions.

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

Michael N Diamond
Principal Broker

Peter Watts

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



Thanks Herb Koss

Begin forwarded message:

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

Hi Herb,

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

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

Thanks,

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

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

Dear Renus

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

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

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

Herb

Peter Watts

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



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

Hi Herb-

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

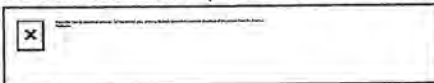
Attached is a scope and budget letter to further develop the work we did previously for Washington County. As we discussed, the letter report we prepared for Washington County relied on data available at the time we prepared the letter, and also relied on regional mapping, not site specific mapping for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

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

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

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

Todd Johnson
Senior Associate / Director of Planning



Architecture · Interiors · Engineering · Planning

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

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

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February 10, 2017

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

RE: BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Dear Mr. Koss:

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

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

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

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

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

Mr. Herb Koss

BASALT CREEK CONCEPT PLAN – (CENTRAL AREA)

Page 2 of 2

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

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

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


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

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

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

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

Sincerely,


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



Construction, Inc.

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

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2/10/17

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

Dear Mayor Ogden and Tualatin City Councilors:

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

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

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

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

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

Sincerely

Ken Leahy



HanmiGlobal Partner

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

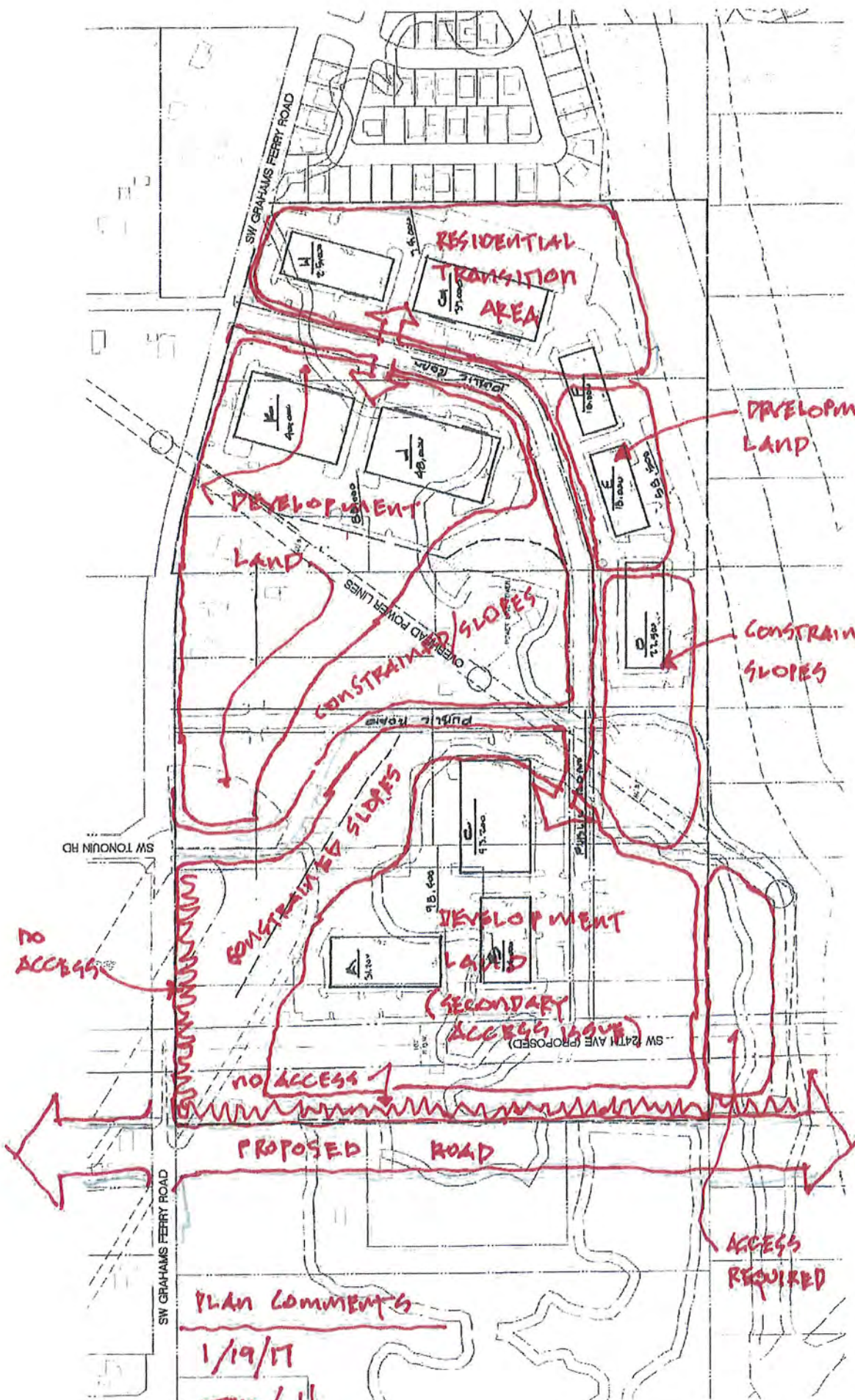


The following summarizes Don Hanson's testimony for the City Council meeting on Monday, February 13, 2017.

Comments on MacKenzie Study

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

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



PLAN COMMENTS
1/19/17
OTAK/dh

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

LEGEND

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

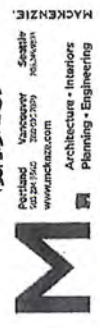
SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA (sq. ft.)	NET DEVELOPABLE VOLUME (cu. ft.)
PROPOSED BUILDINGS A, D & L	10,000 SF	10,000 SF	100	10:1000	10,000	10,000
PROPOSED BUILDINGS B, S & F	10,000 SF	10,000 SF	100	10:1000	10,000	10,000
PROPOSED BUILDINGS G, H & I	10,000 SF	10,000 SF	100	10:1000	10,000	10,000
PROPOSED BUILDINGS J, K & M	10,000 SF	10,000 SF	100	10:1000	10,000	10,000
TOTAL	40,000 SF	40,000 SF	400	10:1000	40,000	40,000

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

SCALE: 1" = 20'

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



318,500 SF



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BASALT CREEK/TUALATIN CONCEPT PLAN

Amendment Request to the Concept Plan

Tualatin, Oregon

August 23, 2016, Revised November 21, 2016

Introduction

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

Project Concerns

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

Land Use Context

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

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

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

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

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

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

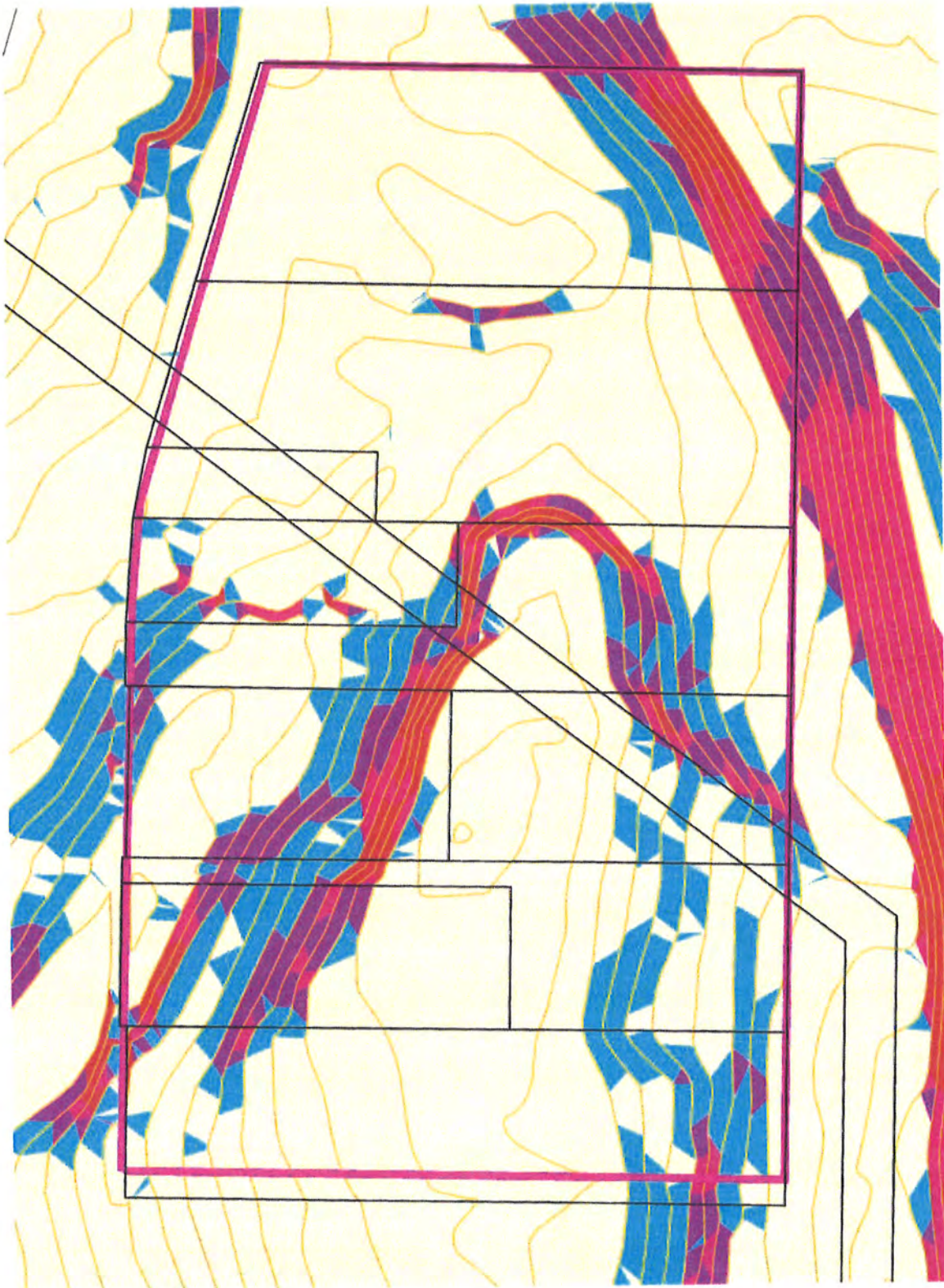
Amended Plan Options

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

Benefits

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

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



11-16-2016

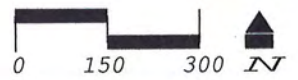


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	
2	10.00%	15.00%	Blue
3	15.00%	20.00%	Purple
4	20.00%	25.00%	Pink
5	25.00%	357.23%	Red

BASALT CREEK SLOPES ANALYSIS

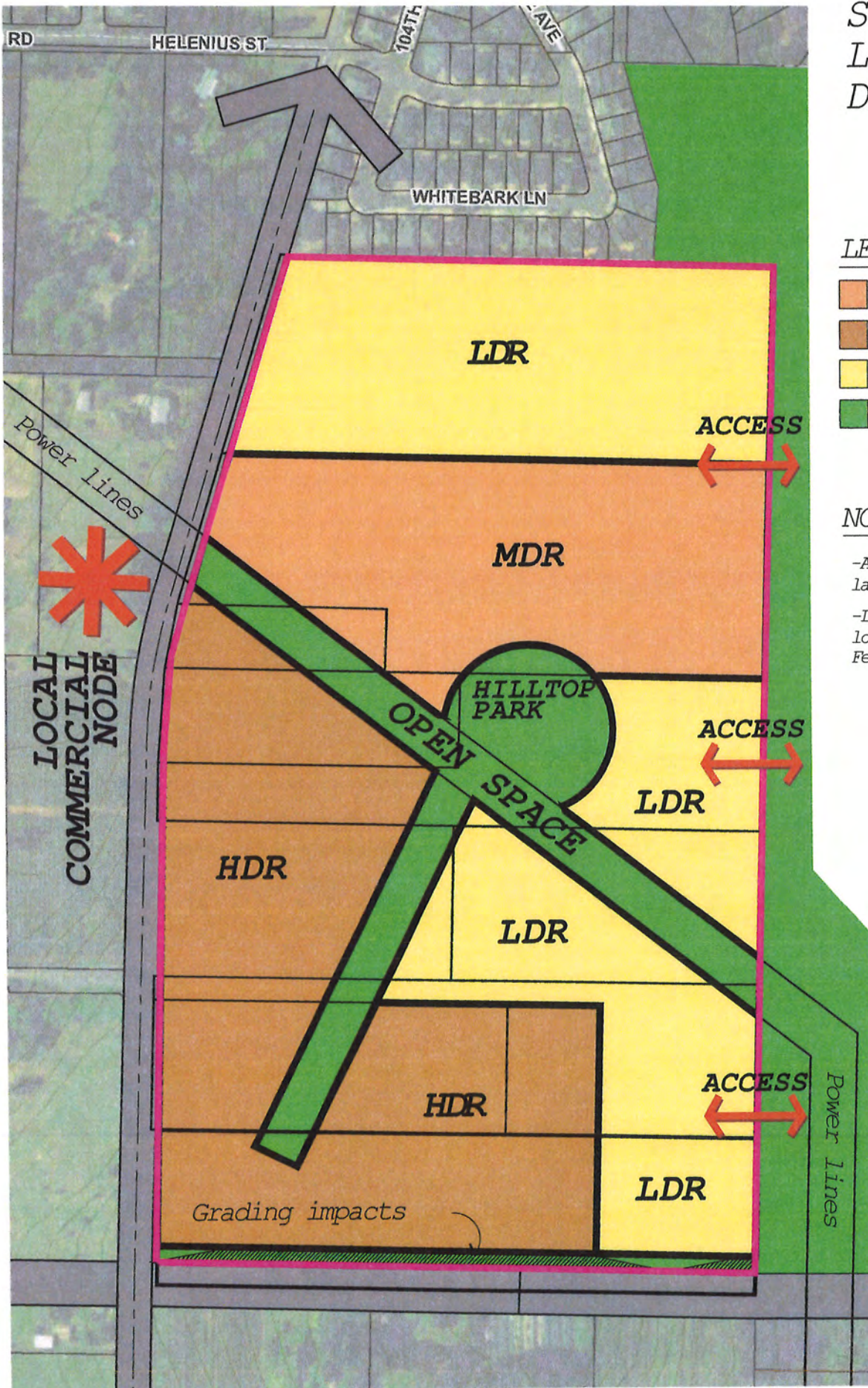


11-16-2016



SOUTH CENTER SITE TOPO

Subdistrict Land Use Diagram



LEGEND

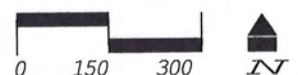
-  Mid Density Residential
-  High Density Residential
-  Low Density Residential
-  Open space

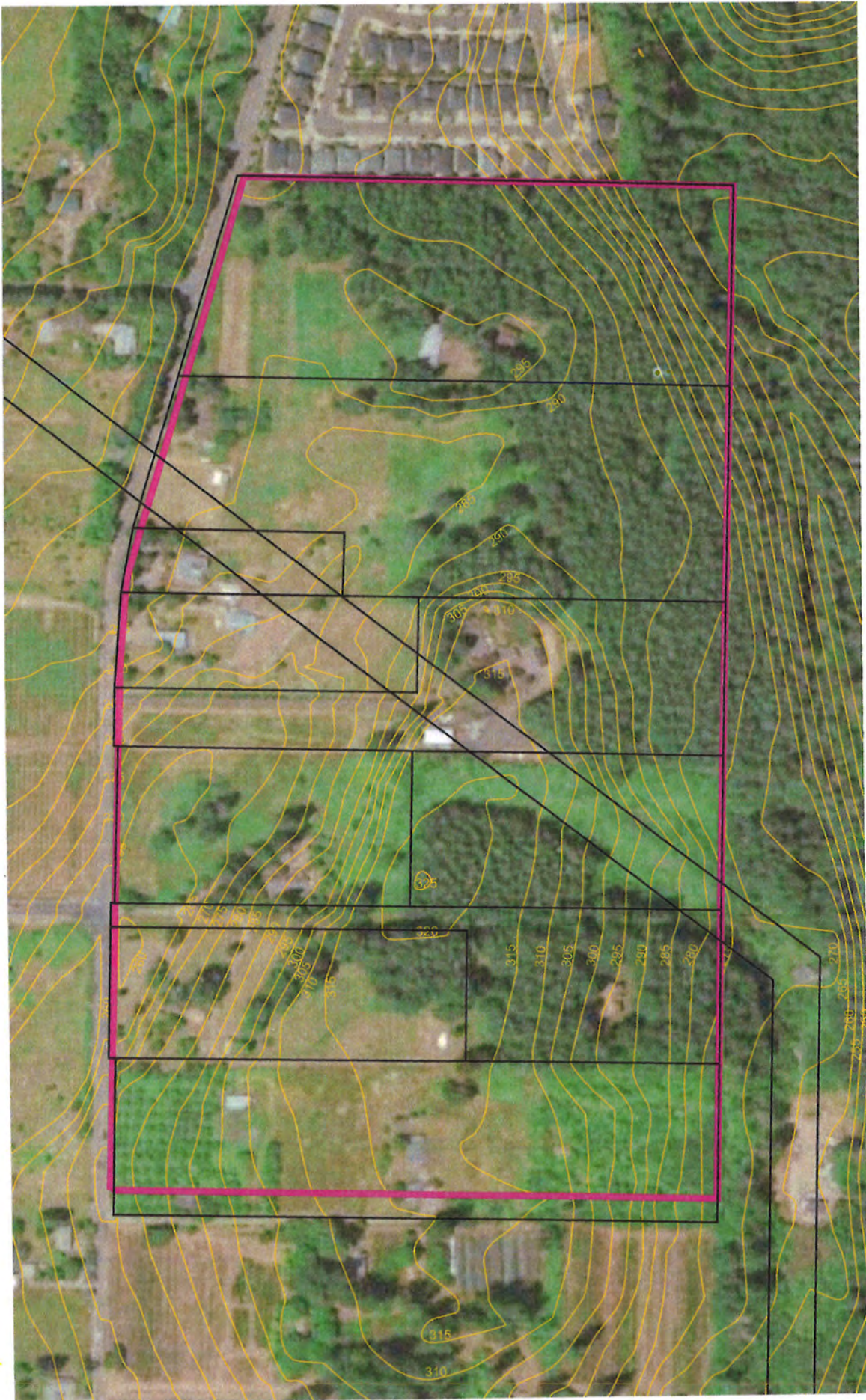
NOTES

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

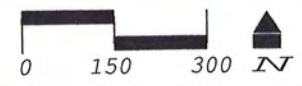


11-21-2016





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

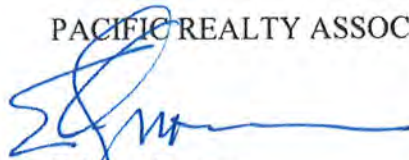
Dear Herb,

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



July 20, 2017

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

RE: BASALT CREEK CENTRAL AREA – EMPLOYMENT VERSES RESIDENTIAL DEVELOPMENT

Dear Mr. Koss:

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

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

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

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

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

Mr. Herb Koss

BASALT CREEK CENTRAL AREA

Page 2 of 2

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

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

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

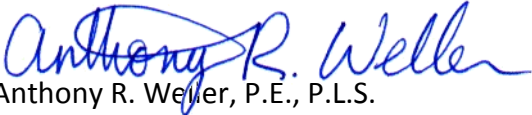
It is important not to overlook the other constraint that impacts this area, Access. The lack of access to the southerly and upper portion of the area increases the amount of grading and rock excavation required to develop the property. If Basalt Creek Parkway had been a local street that would provide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

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

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

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

Sincerely,


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

From: [Herb Koss](#)
To: [Aquilla Hurd-Ravich](#)
Subject: FW: Basalt Creek - April Notice of Upcoming Meetings
Date: Tuesday, April 03, 2018 1:09:57 PM
Attachments: [image001.png](#)
[image003.png](#)

I apologize I forgot and left you out of the message I sent below.
Sincerely

Herb

From: Herb Koss
Sent: Tuesday, April 3, 2018 1:02 PM
To: 'Sherilyn Lombos' <slombos@tualatin.gov>
Cc: Alice Cannon <acannon@tualatin.gov>; 'Lou Ogden' <lou@louogden.com>; Peter Watts <peterowatts02@gmail.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>
Subject: FW: Basalt Creek - April Notice of Upcoming Meetings

Sherilyn

As I expected Metro has recommended against the 52 acres being zoned residential. Can you provide what information was forwarded to Metro by the City of Tualatin?

I am sure no site visits or real evaluation of the facts that were presented to the Tualatin City Council in making the recommendation.

In my entire career of developing and the financing of developments when I worked for US Bank have I ever witnessed such poor recommendations pertaining to the zoning of land.

We are going to work to provide additional exhibits and data, but knowing what Metro already has been sent by the City of Tualatin would be appreciated.

Thanks
Herb Koss 503 730 2431

From: Lynette Sanford <LSanford@tualatin.gov>
Sent: Tuesday, April 3, 2018 11:09 AM
Subject: Basalt Creek - April Notice of Upcoming Meetings

April 3, 2018

Greetings,

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

Metro's Chief Operating Officer issued a recommendation to the Metro Council on March 27, 2018 regarding the matter of the land use designation for the Central Subarea located within the Basalt Creek Planning Area. That recommendation is posted on the project website at www.BasaltCreek.com.

A decision by the Metro Council on this issue is anticipated at their meeting on April 19, 2018 between 2 - 5PM. Meeting materials are anticipated to be available online from Metro by end of day April 12th at <https://oregonmetro.legistar.com/Calendar.aspx>.

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: [G Lucini](#)
To: [Aquilla Hurd-Ravich](#); [Karen Fox \(City of Tualatin\)](#); [Nancy Karushaar](#); [Bateschell, Miranda](#)
Subject: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item----Notice Provided ??
Date: Thursday, April 05, 2018 11:25:01 AM
Attachments: [2018 04-04 BasaltCreek.comwebsite- April 2018 Calendar- Missing Public Meetings in April.pdf](#)
[2018 3-27 Wilsonville PlanCom-2018 Future Calender-Basalt Creek.pdf](#)

 **2018 04-11 Wilsonville Plan Com Agenda- Basalt ...**

Hi Aquilla, Karen, Nancy, and Miranda,

I see that the Wilsonville Planning Commission will be having a Public Meeting on April 11 - where Basalt Creek Concept Planning will be an agenda item, yet this Public Meeting was not included in the Joint Cities April Notice of Public Meetings for Basalt Creek, which was mailed to the public earlier this month.

----Please see the attached Google Link of 40+ pages of information provided by staff to the Wilsonville Planning Commission for their 4-11-2018 Meeting---to support their Basalt Creek Concept Planning Update agenda item.

I also notice that the BasaltCreek.com website- (which has been identified as the resource for the public to use to learn about upcoming events regarding Basalt Creek Concept Planning Public Meetings):

- Does not include the 4-11-2018 -Wilsonville Planning Com. Public Meeting on the [BasaltCreek.com --- Calendar Page](#) (the April page actually states “No Up Coming Events”),
- Does not include the Metro Public Meeting scheduled for April 19, 2018 on the on the [BasaltCreek.com --- Calendar Page](#) (the April page actually states “No Up Coming Events”), and
- Does not include the Wilsonville Planning Com. Public meeting on Basalt Creek Concept Planning scheduled for their April 11, 2018 meeting within [the BasaltCreek.com--- Main Page Narrative – \(Updated on 4-3-2018\) --- yet the upcoming April 19, 2019 Metro Public Meeting is listed.](#)
- Please see the attached screenshots of the BasaltCreek.com website taken on 4-4-2018.

As Interested Persons – especially property owners within the affected area- have limited input into the decision-making process, it is extremely important that the public be notified of these Public Meetings.

The lack of accurate or current Notice of Public Meetings to Interested Persons who have provided in writing their desire to receive Notice is very concerning—especially when the Joint Cities [have specifically stated the BasaltCreek.com website should be utilized by the Public for Notice on upcoming Public Meetings on Basalt Creek Concept Planning.](#)

The same concern applies to the monthly newsletter sent by the Joint Cities on Basalt Creek Concept Planning regarding the lack of accurate or updated Notice of Public Meetings on Basalt Creek Concept Planning.

The last page of the informational packet for the 4-11-2018 Wilsonville Planning Commission agenda, lists various dates the Planning Commission has scheduled to discuss Basalt Creek Concept Planning during future Public Meetings.

I bring this document to your attention, to assist the Joint Cities --- in providing timely and accurate Notice of all future Public Meetings on Basalt Creek Concept Planning- to all Interested Persons- and especially those who have requested Notice per the Oregon Public Meeting Laws.

Please remember the Partnering Agreement between the Joint Cities of Wilsonville and Tualatin, was revised in April 2014. The only revision to the Partnering Agreement, was the addition of a statement of compliance to meet Oregon Public Meetings Law (ORS 192.610-192.690) in notice and conduct of all public meetings for the project. The inclusion of the statement was due in part to public comments which identified numerous previous instances where proper Notice had not been provided for Public Meetings on Basalt Creek Concept Planning. It was hoped the inclusion of the statement would remind and assist future Basalt Creek Concept Planning staff members of the need for proper Notice in the future, and the need for encouraging transparency during this lengthy decision making process affecting hundreds of acres of privately owned land.

Should the staff know of additional Public Meetings being held where Basalt Creek Concept Planning is a planned agenda item, it is hoped the specifics of the meeting be included in future Notice provided to the Public- and routinely updated to those informational outlets stated by the Joint Cities as being the resource for Notice of Public Meetings on the subject.

If the Monthly Basalt Creek Concept Planning Update Notices which are sent by USPS, and electronically; and/or if the BasaltCreek.com website---are no longer going to be updated in a timely manner to reflect future Public Meetings- please change the wording within these communications, and also notify the public of the change in provision of Notice.

Regards,
Grace Lucini

Attachments:

- PDF 4-4-2018 screenshots BasaltCreek.com webpages -2 pages----Main page & Calendar page

PDF 4-11-2018 Wilsonville Planning Com Agenda Item- Basalt Creek Concept Planning Update
(attached via google link)

- PDF Wilsonville Planning Com 2018 Work Schedule- Basalt Creek Concept Planning – multiple dates where Basalt Creek Concept Planning is listed as proposed agenda item during a Public Meeting on specific dates: April 2018; May 2018 & June 2018-(listed as a Public Hearing)

From: [G Lucini](#)
To: "[Bateschell, Miranda](#)"; [Aquila Hurd-Ravich](#); [Karen Perl Fox](#); "[Kraushaar, Nancy](#)"
Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item----Notice Provided ??
Date: Thursday, April 05, 2018 4:10:52 PM
Attachments: [~WRD001.jpg](#)
[image001.png](#)
[image003.jpg](#)

Hi Miranda,

Thanks for your prompt reply. Yes, I do have continuing questions.

I guess I am still unclear as to why the specified public resource for the Basalt Creek Concept Plan decision making process-- [BasaltCreek.com](#) website is not current with the posting of a known Public Meeting.

Basalt Creek Concept Planning is an agenda item on the 4-11-2018 Wilsonville Planning Commission Meeting. Information on the topic is being disseminated to a public body who may eventually make recommendations to other public bodies on any one of various aspects of the Concept Plan.

As you mentioned, the multiple pages of information being provided to the Wilsonville Planning Commission is for preparation for their Work Program- which includes several additional future meetings on Basalt Creek Concept Planning.

- The **Wilsonville Planning Commission 2018 Work Program** document updated on 3-27-2018, lists Basalt Creek Concept Plan as an agenda item for several future meetings- including future Work Session May 9, 2018; and another under the heading of "Public Hearing" for June 13, 2018.
- The Wilsonville Planning Commission may eventually provide recommendations to the Wilsonville City Council on one or more aspects of the Basalt Creek Concept Plan, based upon the accumulative information provided to them during various Public Meetings on the topic.
- If the Wilsonville Planning Commission has the authority to make recommendations to a public body on policy or administration – then it is most likely a governing body and subject to the Public Meeting Laws ORS 192.610(3)
- As interpreted within the STATE OF OREGON DEPARTMENT OF JUSTICE- ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 2014 page 139 (highlight added)

b. Subject of Meetings and Social Gatherings

The Public Meetings Law applies to all meetings of a quorum of a governing body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. **Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply.** 307 This requirement serves the policy expressed at ORS 192.620 that

an informed public must be aware not only of the decisions of government, but also of "the information upon which such decisions were made." Hence, except for on-site inspections, discussed below under Statutorily Exempt Public Meetings, information gathering and investigative activities of a governing body are subject to the law

Should there be any questions, or any discussion on the Basalt Creek Concept Plan (or on the decision-making process for the Concept Plan) during the April 11, 2018, the public should be given the opportunity to be informed of the Public Meeting and hear the questions or concerns of any of the Commission members- and the response/s provided.

An addition item which was not address within your response- was the inaccurate information stated on the BasaltCreek.com website. All 5 pages include the statement "No upcoming events"



This statement is posted on all 5 pages of BasaltCreek.com website:

- <http://www.basaltcreek.com/contact-us/>
- <http://www.basaltcreek.com/get-involved/--->
 - the April 2018 calendar imbedded within this page is blank- and
 - does not include known Public Meetings on the topic
- <http://www.basaltcreek.com/category/news/>
- <http://www.basaltcreek.com/documents-resources/>
- <http://www.basaltcreek.com/contact-us/>

The repeated statement of "No upcoming events" is contradictory to known facts.

This incorrect information being broadcast as part of the Public Notice for Basalt Creek Concept Planning-may unintentionally mis lead the Public about future Public Meetings on Basalt Creek Concept Planning which are already known and already scheduled as an agenda item during Public Meeting/s of one or more governmental bodies.

Members of the Public may consequently miss their opportunity to hear how determinations were made which may directly affect themselves and/or their property.

Grace

From: Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Sent: Thursday, April 5, 2018 2:01 PM

To: G Lucini <grluci@gmail.com>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Karen Fox (City of Tualatin) <KPerlFox@ci.tualatin.or.us>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>

Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item----Notice Provided ??

Dear Grace,

My sincere apologies for the lack of communication and clarity.

The next upcoming Wilsonville Planning Commission work session for Basalt Creek is currently anticipated to take place on May 9, 2018. However, the City of Tualatin, along with us, is working with the consultant team to outline a work schedule for adoption of the Basalt Creek Concept Plan. That schedule is not finalized / agreed to as of yet, but an outline we are working with which will meet the required schedule set by Metro. As soon as we confirm those dates, they will be noticed.

The item on the April 11 PC meeting is only informational. The Planning Commission packets are the means by which to provide our commissioners with updates related to their completed or upcoming work program. I have provided the Metro COO Recommendation in their packet, as we noticed and shared with all interested parties, and I will not be presenting anything at the meeting. A Commissioner may ask me a question about the upcoming process, but this is not a work session item and is not intended for discussion. It is merely a heads up to the Commission that Metro will be making a decision on April 19 and that we will then be working on adopting the Concept Plan and coming before them for their review over the summer.

As always, thank you for your attention to this project.
Do not hesitate to contact me with any other questions.

Miranda

Miranda Bateschell

Planning Manager
City of Wilsonville
503.570.1581

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

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

Sent: Thursday, April 05, 2018 11:25 AM

To: Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Karen Fox (City of Tualatin) <KPerlFox@ci.tualatin.or.us>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

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[2018 04-11 Wilsonville Plan Com Agenda- Basalt ...](#)

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- PDF Wilsonville Planning Com 2018 Work Schedule- Basalt Creek Concept Planning – multiple dates where Basalt Creek Concept Planning is listed as proposed agenda item during a Public Meeting on specific dates: April 2018; May 2018 & June 2018- (listed as a Public Hearing)

From: Tomreinc@aol.com
To: gordonroot@aol.com; Tom.Hughes@oregonmetro.gov; Craig.Dirksen@oregonmetro.gov;
Andy_Duyck@co.washington.or.us; metro council@oregonmetro.gov; LouOgden; Brian.Harper@oregonmetro.gov
Cc: LouOgden; Sheryl.Lombos; Alice.Cannon; Sean.Brady; Aquilla.Hurd-Ravich; Karen.Perl.Fox
Subject: RE: Basalt Creek
Date: Monday, April 09, 2018 5:08:04 PM
Attachments: [image002.jpg](#)

Greetings:

My wife and I are in 100% absolute agreement with Gordon Root's message of moving forward with Metro's decision (albeit not official until Council vote on 4/19) of land designation of the Basalt Creek central sub area, unencumbered by a few nuts *continuing* to hold Metro / Wa. County / the cities of Tualatin and Wilsonville and the vast majority of property owners hostage (really?) – until they are happy with your decision; absolutely no question it is unfair to the property owners. That area was brought into the UGB for employment lands - then after much, much time and much due diligence and multiple outside studies it still is deemed to be employment land suitable. Side note – interestingly enough I have never seen any of these few people nor heard of them at any of the countless Metro / WA County / Tualatin & Wilsonville meetings that my wife and I have attended until the very night of Tualatin's Council to vote on Tualatin Staff's recommendation of the sub area being designated as planned – Employment Lands.

It is (way) past time to move this project forward. We have been involved in this area since before it was brought into the UGB – the David Bragdon / Rod Park / Carl Hosticka days – anyone involved with this area then besides Lou Ogden? Very few if any.

Thank you for your consideration to this very important decision to include provisions to move Basalt Creek forward unencumbered by any private land owner appeals.

Respectfully,
Tom & Kathy Re
23500 SW Boones Ferry Rd.
Tualatin, OR. 97062

From: gordonroot@aol.com [mailto:gordonroot@aol.com]
Sent: Monday, April 9, 2018 3:45 PM
To: Tom.Hughes@oregonmetro.gov; Craig.Dirksen@oregonmetro.gov;
Andy_Duyck@co.washington.or.us; metro council@oregonmetro.gov; lou@louogden.com;
Brian.Harper@oregonmetro.gov
Cc: lou@louogden.com; slombos@tualatin.gov; acannon@tualatin.gov; sbrady@tualatin.gov; AHURD-RAVICH@tualatin.gov; kperlfox@tualatin.gov
Subject: Basalt Creek

Hello All:

I am writing with a very specific common sense request that I would urge the Metro Council to consider.

The Basalt Creek Concept Planning area was brought into the UGB in 2004 and was one of the first to be funded by the CET pool of funds. Yet, not a spade of dirt has been turned.

You now have the opportunity in front of you to make certain that the Cities of Tualatin and Wilsonville are able to move forward with the adoption of the Basalt Creek Plan and begin to process annexations of the property therein, even in the event of an appeal of the land use designation assigned to the Central Sub Area.

While the decision to be made is binding upon the Parties to the Agreement, the Property Owners of the Central Sub Area are not a Party to the Agreement.

Therefore, and in the event that the Metro Council adopts the Staff recommendation to assign an Employment Lands designation, there is little doubt in my mind that the property owners will appeal the decision.

Therefore, I request that you incorporate a provision in the Metro decision that directs the Cities of Tualatin and Wilsonville to adopt and move forward with the balance of the Basalt Creek Concept Plan, even if the designation for the Central Sub-Area is appealed.

Quite simply, this process has gone on far too long and it is unfair to allow a small group of property owners who, quite frankly, were a late comer to the entire concept planning effort, to hold up the entirety of the area. The land is needed and we property owners have exercised extraordinary patience.

Thank you for your time and consideration,

Gordon Root | Principal



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: gordonroot@aol.com
To: Tom.Hughes@oregonmetro.gov; Craig.Dirksen@oregonmetro.gov; Andy.Duyck@co.washington.or.us; metro council@oregonmetro.gov; LouOgden; Brian.Harper@oregonmetro.gov
Cc: LouOgden; Sheryl yn.Lombos; Alice.Cannon; Sean.Brady; Aquilla.Hurd-Ravich; Karen.Perl.Fox
Subject: Basalt Creek
Date: Monday, April 09, 2018 3:44:43 PM
Attachments: [stafford%20land%20company.jpg](#)

Hello All:

I am writing with a very specific common sense request that I would urge the Metro Council to consider.

The Basalt Creek Concept Planning area was brought into the UGB in 2004 and was one of the first to be funded by the CET pool of funds. Yet, not a spade of dirt has been turned.

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Thank you for your time and consideration,

Gordon Root | Principal



StaffordLandCompany.com
[503.720.0914](tel:503.720.0914) | Cell
gordon@staffordlandcompany.com
[485 South State Street, Lake Oswego, OR 97034](http://485.South.State.Street.Lake.Oswego.OR.97034)

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From: [Herb Koss](#)
To: [Aquilla Hurd-Ravich](#)
Subject: RE:
Date: Thursday, April 12, 2018 1:50:24 PM

I wish that Tualatin could testify at the hearing. It looks now like they may not have an open public hearing.

In order to do so they would have to notice the property owners surrounding the site.

Hope common sense prevails.

I am sending the Metro council the letter certified today.

Herb

From: Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>
Sent: Thursday, April 12, 2018 1:08 PM
To: Herb Koss <herb@kossred.com>
Subject: RE:

Thank you

Aquilla Hurd-Ravich

503.691.3018

Check out my new# !

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Thursday, April 12, 2018 11:04 AM
To: Aquilla Hurd-Ravich
Subject: FW:

Aquilla

For your information.

Herb Koss

From: Herb Koss
Sent: Thursday, April 12, 2018 10:28 AM
To: Tom.Hughes@oregonmetro.gov; Lou Ogden <lou@louogden.com>; roger.alfred@oregonmetro.gov; JOHN FREGONESE (john@frego.com) <john@frego.com>; Sherilyn Lombos <slombos@tualatin.gov>; Roy Rogers <Roy_Rogers@co.washington.or.us>; Roy Rogers <royr@rascpas.com>; 'andy_ duyck@co.washington.or.us' <andy_ duyck@co.washington.or.us>; Sherman Leitgeb <sherman@equityoregon.com>; Don & Barb Hanson (don.hanson@otak.com) <don.hanson@otak.com>; Tony Weller <tweller@cesnw.com>; Mayor Knapp <mayor@ci.wilsonville.or.us>; Bob Stacey <Bob.Stacey@oregonmetro.gov>;

Carlotta.Collette@oregonmetro.gov; Craig Dirksen <craig.dirksen@oregonmetro.gov>; Kathryn.Harrington@oregonmetro.gov; METRO <Metrocouncil@oregonmetro.gov>; Sam Chase <Sam.Chase@oregonmetro.gov>; Shirley.Craddick@oregonmetro.gov
Cc: Dave Nielsen <daven@hbapdx.org>; Paul Grove <PaulG@hbapdx.org>; Ed Trompke (Ed.Trompke@jordanramis.com) <Ed.Trompke@jordanramis.com>; Grace Lucini <Grluci@gmail.com>; Hannah Childs <hannahchildsvoice@gmail.com>; Heather Hutchinson <heatherhutch286@gmail.com>; Herb Koss <Herb@kossred.com>; Howard Houston <hwhouston@comcast.net>; John and Grace Lucini <jwluci@gmail.com>; Lark Leitgeb <lark@equityoregon.com>; Lois Fox <lois@hosmerlake.com>; Marvin Mast (marvinmast@gmail.com) <marvinmast@gmail.com>; Matthew Johansen <matthew.johansen@yahoo.com>; Mehdi A-Sanaei (mehdiasanaei@yahoo.com) <mehdiasanaei@yahoo.com>; Peter Shames <lcm@gorge.net>; r.alvstad@comcast.net; srcs6914@aol.com; Steve Summers (Nickstevensfs00@gmail.com) <Nickstevensfs00@gmail.com>
Subject: FW:

4/12/18jim

Dear Council President Hughes, Metro COO Martha Bennett, and Metro Councilors

Subject: Basalt Creek

I am a land owner who is an owner of the southernmost portion of the land involved in the zoning dispute. I also have extensive background in the land development business and financing of projects having worked for US Bank prior to my involvement in the building and development business. I have been to many public hearings in different cities around the region, I am familiar with the public process and how it is supposed to work. Having a financial interest in the land in question I along with many of the adjoining property owners have been involved in attending the public hearings for many years. To be honest I have never seen a process that seemed more designed to prevent meaningful public participation, or that seemed more designed to get a specific result, regardless of the actual facts. Hundreds of thousands of dollars have been spent, countless meetings at Wilsonville and Tualatin. What I found most interesting, is the fact that many work sessions were held, but no public input from property owners was allowed during the council work sessions. The input that the property owners had was mostly through being allowed three minutes at the city council sessions after the work sessions were held.

In order to better have a voice in the process, we retained the services of Tony Weller CESNW and Don Hanson a senior planner with Otak. Both well respected firms in the Portland region. The Planning Staff of the city of Tualatin initially recommended the same employment zoning as the Metro Planning staff. Our group of land owners finally were able to make the case that our land was not suited for an employment zone when the City Council of Tualatin held an open public hearing on the zoning issue. The result of the open hearing was a complete turnaround of the staff recommendation 7 - 0 vote in favor of a residential zone. This decision was based on solid facts presented by CESNW/Tony Weller, Don Hanson/Otak, Eric Sporre/PacTrust, Ken Leahey/Excavation, Brian Clopton/Clopton Excavation, Stu Peterson/McCadam Forbes, Mike Diamond/REIG Real Estate Group and others who have submitted testimony that is in the record. A very important fact should also be considered was the conversation between Mayor Ogden and John Fregonese the hired consultant for the Basalt Creek Planning Process. Mr. Fregonese told Mayor Ogden the site in question should be zoned for supportive residential housing because of the topography and access issues and it adjoined present residential zoning. The basis for the Tualatin Decision was the fact that the site development costs exceeded the land value and the lack of access for an employment site was not conducive to an employment zone. At that point in time we thought the issue was resolved when the Tualatin City Council voted 7 - 0 in favor of a residential zone.

The City of Wilsonville decided that the Tualatin decision was wrong. Their decision was based upon a plan prepared by KPFF. To be honest the presentation was well done, but excluded one very important factor ---- Costs to prepare the site for the plan that was presented. Our land owners retained the services of CESNW and Otak to calculate the site preparation costs for the KPFF plan. The results have been submitted by the City of Tualatin's submission to the Metro Planning Staff. In simple terms the costs to prepare the site were more than the land was worth. Facts about topography and infrastructure costs were also ignored when the land in Damascus was brought into the UGB, we all know the results of this incorrect decision. Why the Metro planning staff ignored cost factors by recommending our land being zoned for employment is beyond simple reasoning. When land for open space is acquired with the Metro bond funds costs and benefit is always a major consideration as it should be, so why were the costs for site preparation not taken into consideration and a recommendation for employment zoning made in the case of the Basalt Creek zoning?

John Fregonese and Associates was the lead planning consultant for the Basalt Creek Study process. Mr. Fregonese in

direct conversation with Mayor Ogden confirmed that his recommendation of a residential zone was based on lack of access to the site for an employment zone, steep grades, known Basalt Rock grading costs and as an experienced land planner the site was adjacent to present residential zoning. If the land in question was zoned for employment the property owners to the east of the land in question would have no access to their residential land except going through and industrial zone. Another issue that the city of Wilsonville has raised is buffering between a residential zone and an employment zone. I am in the process of having Otak prepare a cross-section of Basalt Creek Parkway showing the 18 to 20-foot vertical cut and the land to the south. Basalt Creek Parkway is the perfect buffer between the two land uses.

We as property owners are asking that we have the opportunity for an open hearing to be held by the Metro Council. I am quite certain that none of the Metro Planning staff took the time to visit the land in question. If they had visited the site, they would have had to asked permission to access the land in question and no property owner was contacted. The extreme vertical road cut on the southern portion of the land is not easy to relate too unless you visit the site and someone explains the vertical cut that is planned by Washington County Transportation dept. We have submitted data that confirms this vertical cut provided by Renu Kelfkens who is the Washington County project manager for the Basalt Creek Parkway road extension.

In summary it is not fair to the City of Tualatin or the property owners not to hold an open hearing. Many exhibits, memos, letters, planning site layouts, etc. are now part of the record, but I am confident as are our other property owners, that there has been limited site visits or understanding of all of the factors involved in this zoning issue. Land that is improperly zoned will never be sold for development therefor no increase in tax base and no revenue from System Development Charge Revenue. The result is everyone loses. I also believe that the first map in the COO's report is misleading, it shows the canyon which is going to be open space as low density residential, making it look like there is far more residential than actually exists.

Another major fact to consider is the housing crisis in the region. The land in question can be developed without major site costs since the Basalt Rock ridges and topographic can easily be utilized as assets to a residential zone. Access issues involving grades are far easier to deal with when planning for residential development vs employment land.

Just as a matter of additional common sense reasoning statements have been made as to the huge investment made by the county to construct the Basalt Creek Parkway extension. Common sense would come to the conclusion that if the land in question is zoned for employment no permits or traffic impact fees would be collected for many years. On the other hand if the land was zoned for supportive residential housing Transportation Fees along with other systems development charges would be collected within a few years. I confirmed that the County Transportation fee for a single family residence is \$8458.00 per single family dwelling, \$16,916.00 per duplex, and \$5533.00 per unit if multifamily. I also understand that as of July 1,2018 the fees will be increased. Using a conservative approach for the a residential development and including some multifamily units on the acreage in question the results are as follows: 40 acres developed one half or 20 units of single family detached and 20 acres of Multifamily at 20 units per acre equals:

20 acres at 10 units to the acre single family 200 units X \$8458.00 per unit = \$1,691,600

20 acres at 20 units to the acre Multifamily 400 units X \$5533.00 per unit = \$2,213,200

Total Traffic Impact Fees \$3,904,800

Doesn't it make sense for these fees to be collected as soon as possible vs. maybe in the distant future or never? My example is only the transportation portion of the fees that will be collected.

I also believe that the adjoining property owners are confused as to the Basalt Creek Process. Some attended meetings, but few were given the opportunity at City Council Meetings or work sessions to be able to ask questions or more importantly voice their concerns to the City Councils. Works sessions were closed for questions from the public.

We are requesting that an **open public hearing** be held to ensure that all the facts involved in this zoning decision can be examined. The facts pertaining to the zoning were clearly presented when the Tualatin City Council voted 7 - 0 in favor of a residential zone. I would encourage a site visit hosted by one of our land owners be done before any decisions or hearings are held.

Sincerely

Herb D Koss - Property owner

cc: Mayor Ogden, Mayor Knapp, Roger Alfred, John Fregonese, Sherilyn Lombos, Roy Rogers, Andy Duyck, Sherman Leitgeb, Don Hanson, Tony Weller

This letter is also being sent via certified return receipt mail.

Herb Koss

From: Herb Koss
Sent: Thursday, April 12, 2018 10:17 AM
To: Herb Koss
Subject: FW:

4/12/18

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Subject: Basalt Creek

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Sincerely


Herb D. Koss - Property owner

cc: Mayor Ogden, Mayor Knapp, Roger Alfred, John Fregonese, Sherilyn Lombos, Roy Rogers, Andy Duyck, Sherman Leitgeb, Don Hanson, Tony Weller

This letter is also being sent via certified return receipt mail.

--

From: [Herb Koss](#)
To: [Aquilla Hurd-Ravich](#)
Subject: FW: Anticipated width of the Basalt Creek Parkway Extension (Grahams Ferry to Boones Ferry Roads)
Date: Friday, April 20, 2018 4:04:21 PM
Attachments: [2018-04-18 Basalt Creek Section 11x17.pdf](#)

Aquilla

As promised attached is the exhibit prepared by Otak. Yesterday's meeting disappointing but not over
Yet. Peter Watts is an excellent attorney.

Herb

From: Gabriel Kruse <Gabriel.Kruse@otak.com>
Sent: Wednesday, April 18, 2018 9:52 AM
To: Herb Koss <herb@kossred.com>
Subject: RE: Anticipated width of the Basalt Creek Parkway Extension (Grahams Ferry to Boones Ferry Roads)

[Herb,](#)

I've changed the direction to Southeast. Please find attached.

Gabriel Kruse, PLA, ASLA | Landscape Architect
Otak, Inc.

Direct: 503.415.2402 | Main: 503.287.6825

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Wednesday, April 18, 2018 8:47 AM
To: Gabriel Kruse
Subject: FW: Anticipated width of the Basalt Creek Parkway Extension (Grahams Ferry to Boones Ferry Roads)

Gabriel

I think the view is Southeast vs East. Only change I think we should make.

Herb

From: Gabriel Kruse <Gabriel.Kruse@otak.com>
Sent: Tuesday, April 17, 2018 10:54 AM
To: Herb Koss <herb@kossred.com>
Cc: Peter Watts <peterowatts02@gmail.com>
Subject: RE: Anticipated width of the Basalt Creek Parkway Extension (Grahams Ferry to Boones Ferry Roads)

Attachment this time...

Gabriel Kruse, PLA, ASLA | Landscape Architect
Otak, Inc.

Direct: 503.415.2402 | Main: 503.287.6825

From: Gabriel Kruse
Sent: Tuesday, April 17, 2018 10:52 AM
To: 'Herb Koss'
Cc: Peter Watts
Subject: RE: Anticipated width of the Basalt Creek Parkway Extension (Grahams Ferry to Boones Ferry Roads)

Herb,

Attached is the section draft for the Basalt Creek Parkway. Please feel free to markup or comment.

Thanks,

Gabriel Kruse, PLA, ASLA | Landscape Architect
Otak, Inc.

Direct: 503.415.2402 | Main: 503.287.6825

From: Herb Koss [<mailto:herb@kossred.com>]
Sent: Sunday, April 15, 2018 8:23 PM
To: Gabriel Kruse
Cc: Peter Watts
Subject: FW: Anticipated width of the Basalt Creek Parkway Extension (Grahams Ferry to Boones Ferry Roads)

Gabriel

I have attached the cross section that Evans and Asso provided during one presentation.

Can you show this one and add the following:

1. On the south side show building height of 30 foot tall. This is the tallest tilt building normally used in industrial parks.
2. Leave a 60 foot buffer from the right of way. Since the drawing shows only 72 feet being used I would rather show a planter between the curb and sidewalk with street trees on both sides.
3. On the left side the county told me that there would be an 18 to 20 foot cut.

A couple of options exist including a path vs a sidewalk, but that gets into ADA requirements so I think we go curb, planter with

Trees, then a 4 foot wall, eight foot planter, then a 8 foot wall and then just a 3 to 1 slope to the top of the bank.

If you have a better idea let me know.

Ed Trompke is taking a picture of a vertical block wall that was built not far from our site on Basalt Creek Parkway. Large concrete

Block panels were used. Not as attractive, but we wanted to shoe the scale of the vertical cut.

The purpose is to show the Metro Council how the transition from industrial to residential can be buffered. From what I think the

Cross section will show is the two story building MF or TH will look over the 30 foot walls of the buildings across the buildings to the south.

Some screening of HVAC units may have to be used but for the purpose of this exercise not needed.

Call me if you have questions. I am golfing at 8:30 until about 1 PM on Monday, but I will watch my phone.

The metro meeting is Thurs at 2 PM. I fly into PDX at 12:15 and will head to the meeting.

Herb

From: G Lucini <grluci@gmail.com>

Sent: Wednesday, July 26, 2017 1:13 PM

To: gordonroot@aol.com; Herb Koss <herb@kossred.com>

Subject: Anticipated width of the Basalt Creek Parkway Extension (Grahams Ferry to Boones Ferry Roads)

Hi Gordon and Herb,

Attached is a rendering of the "Future Basalt Creek Parkway Bridge" by David Evans for the 124th Ave Project. This project is in construction, and almost completed to Grahams Ferry Road- the most eastern terminus.

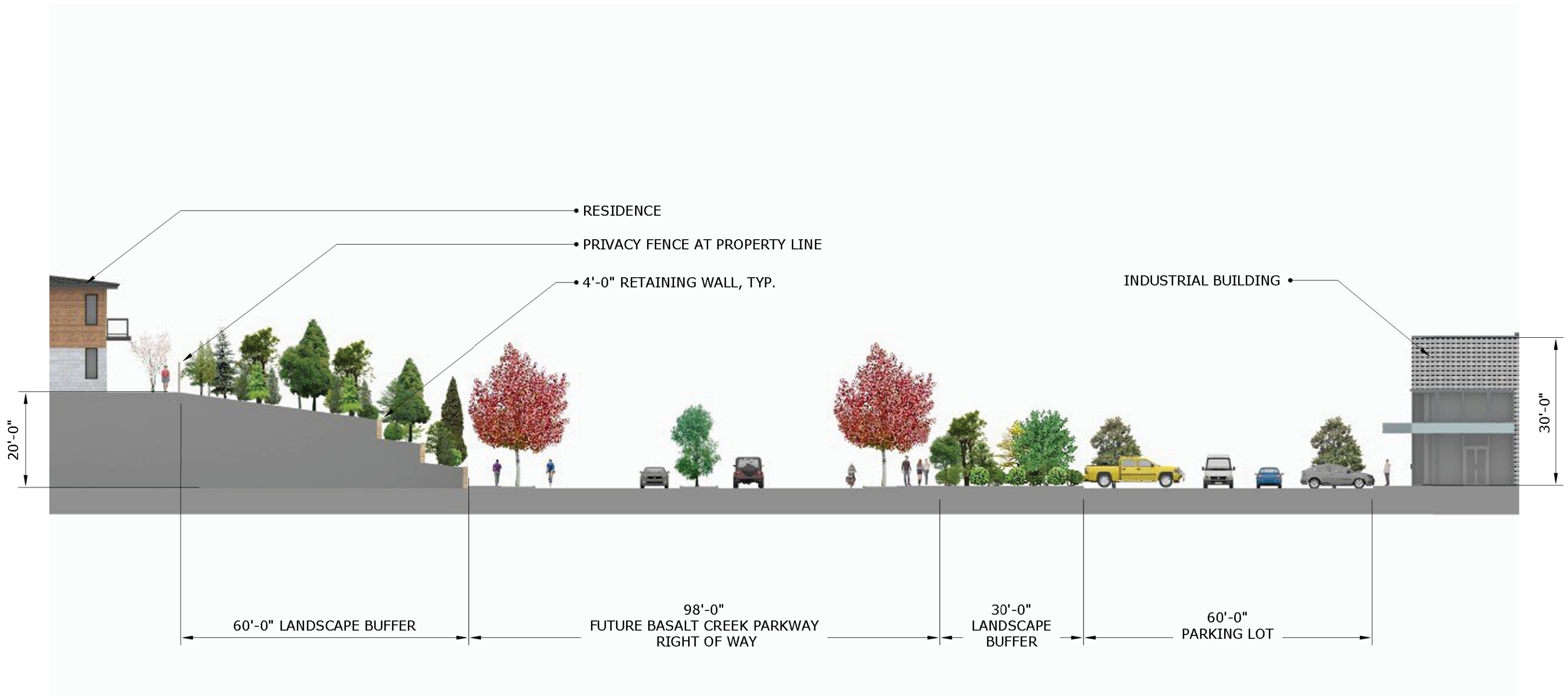
It is most likely the width of the Basalt Creek Parkway Extension will exceed the width of the 124th Ave Project bridge:

- The intersection at Grahams Ferry Road will most likely require additional turn lanes leading up to and including the intersection, which will enlarge the width of the road and ROW near and at the intersection.
- In 2012, during presentations by Washington County staff, it was stated the width of the bridge from Grahams Ferry Road to Boones Ferry Road may have additional lane/s added to accommodate the slower freight traffic attempting to ascend what was anticipated to be a 6% grade. (It should also be noted, the negative impact on the speed of regional freight traffic will be compounded due to the anticipated signaled intersection at Grahams Ferry Road- which requires trucks start an uphill ascent from a stopped position – without previous momentum). From this, it can be anticipated the width of the Basalt Creek Parkway Extension) would exceed the width of the 124th Ave bridge by at least one or more traffic lanes.
- Due to the 6% grade of the Basalt Creek Parkway Extension (as anticipated in 2102), I do not

know what design accommodations will be necessary for ADA compliance, and if this would increase the width of the sidewalks, and consequently impact and add to the overall width of the entire connection between Grahams Ferry and Boones Ferry Roads.

Just for visual orientation, I have also attached a very dated (2012) conceptual design and cross section of the East-West Connector- now known as the Basalt Creek Parkway Extension.

Grace



BASALT CREEK PARKWAY SECTION | LOOKING SOUTHEAST |

From: [Herb Koss](#)
To: [Aquilla Hurd-Ravich](#); [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: [Eric Sporre](#); [Stu Peterson](#); [Don & Barb Hanson \(don.hanson@otak.com\)](#); [Tony Weller](#); [brianc1957@gmail.com](#); ["kenl@kenleahy.com"](#); [Michael Diamond \(mdiamond@reig.com\)](#); [Peter Watts](#); [wendy@gardnerteam.net](#); [Peter Shames](#)
Subject: Metro Hearing
Date: Friday, April 20, 2018 3:57:00 PM

To All regarding the Metro Circus held on 4/19

Needless to say we were disappointed in the Metro Vote yesterday. The Metro Planning Staff and no doubt with lots of input from the Wilsonville Planning staff had the meeting stacked and rigged so the Council would vote to make recommend our land be zoned for employment. The CCO Recommendation showed only the far north road alignment and no mention of the other alignments that were discussed.

Thank you to the councilors to who attended the meeting and testified for a residential zone. We really appreciate your taking the time to come to the Metro hearing even if they tried their best for no open hearing. **The Metro Planning staff is definitely running Metro with no guidance from the Metro Council.**

I understand it has been this way for years.

Peter Watts is going to pursue the next legal step. It is so frustrating to prepare for a meeting and you are limited to 3 minutes and it is impossible to get the full story told. My presentation would have taken 11 minutes. The Tualatin City Council gave the land owners the time to testify and submit well documented testimony. Not the case with Metro. Bob Stacey demonstrated what a total jerk he can be both to Peter Watts and Myself. I was amazed how well Peter kept his cool.

Peter has been in contact with Roger Alfred the Metro attorney. There has been no legal presentient for the situation that has been created. I do feel as does Peter that the property owners most directly affected were not treated fairly. He also believes that several state goals were not followed. To me is simple terms if the land is going to annexed to the City of Tualatin and all of the directly affected land owners and those land owners to the east all agree we have a good chance of victory. At this point in time we really do not know if a LUBA appeal will stop the closure of the Basalt Creek study or just the land in question would be subject to the LUBA appeal.

In reality and agreed to by both Roger Alfred and Peter Watts this case has never been tested or heard at LUBA.

Again thank you to the City of Tualatin and to the councilors who attended the Metro session yesterday.

The Majority of the property owners are behind the next legal steps and one fact for sure Peter

Watts is an excellent attorney.

Herb Koss

From: [Aquilla Hurd-Ravich](#)
To: [Karen Perl Fox](#)
Subject: FW: Basalt Creek
Date: Monday, April 23, 2018 8:37:35 AM

FYI...

Aquilla Hurd-Ravich

503.691.3018

Check out my new# !

From: Herb Koss [mailto:herb@kossred.com]
Sent: Sunday, April 22, 2018 3:38 PM
To: Aquilla Hurd-Ravich; Frank Bubenik; Jeff Dehaan; Joelle Davis; Lou Ogden; LouOgden; Nancy Grimes; Paul Morrison; Robert Kellogg; Sherilyn Lombos
Cc: Peter Watts
Subject: Basalt Creek

To the Tualatin City Council and Tualatin City Management

I just wanted to thank the City of Tualatin for supporting a residential zone for the contested area in the Basalt Creek Study area.

As we testified at Metro an incorrect zoning decision will result in no SDC revenue or tax base increase for a number of years if ever. It seems that Metro never cares about costs or for that manner common sense. A housing crisis is upon the Metro region and they fail to realize they are mostly to blame.

You gave the property owners and those adjacent land owners to the east time to present the real facts about the access issues and costs pertaining to site plan prepared by Wilsonville's consultant KPFF. Metro did not want to hear the real facts. They also did not to show the other Basalt Creek Parkway road alignments that were shown in previous Basalt Creek sessions. The Metro ordinance 04 1040B stated that the land north of Basalt Creek Parkway would be zoned residential. Only showing one alignment was very unfair.

It definitely was an unfair process and we plan to appeal this decision. According to what I have heard there has never been a situation like the one we are in now. How can another city control the zoning of a neighboring city. Why were the property owners most directly affected not part of the process?

In closing your city attorney did a great job in providing the record to Metro. What none of us counted on was a closed Metro process and a very unfair Metro Planning Staff report to the Metro COO.

Again thank you for the decision that you made in recommending the land in question be zone residential.

Sincerely
Herb Koss
Property Owner

From: [G Lucini](#)
To: [Karen Perl Fox](#)
Cc: [Aquilla Hurd-Ravich](#)
Subject: RE: Requesting Clarification--- Basalt Creek Notice of Upcoming Meetings - June 2018
Date: Monday, June 04, 2018 1:10:23 PM
Attachments: [image001.png](#)
[image003.png](#)

*Thanks for your prompt reply!
I'll look forward to seeing you there.
Grace*

From: Karen Perl Fox <kperlfox@tualatin.gov>
Sent: Monday, June 4, 2018 12:54 PM
To: G Lucini <grluci@gmail.com>
Cc: Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>
Subject: RE: Requesting Clarification--- Basalt Creek Notice of Upcoming Meetings - June 2018

Grace:

Yes, a second Notice for the Basalt Creek Planning Area will be sent out promptly clarifying that the Tualatin City Council Work Session on June 25, 2018 will start at 5PM.

Thank you,

Karen

Karen Perl Fox
Senior Long-Range Planner
City of Tualatin | Community Development Department
503.691.3027 | www.tualatinoregon.gov.

From: G Lucini [<mailto:grluci@gmail.com>]
Sent: Monday, June 04, 2018 11:26 AM
To: Aquilla Hurd-Ravich; Karen Perl Fox
Subject: Requesting Clarification--- Basalt Creek Notice of Upcoming Meetings - June 2018

Hi Aquilla and Karen,

I wanted to check on the time being provided in the Notice of the Tualatin City Council Work Session on June 25, 2018- on the Basalt Creek Concept Planning- being forward with this email (please see below).

The Notice below states the time of the Work Session will be 7PM, yet previous postings listed the time of the meeting starting earlier. 7 PM has traditionally been the time the Tualatin City Council Meeting starts.

Would you be able to clarify if the Basalt Creek Concept Planning agenda item will be discussed during the City Council Work Session (usually convening at 5 or 5:50 PM); or during the City Council Meeting (which usually convenes at 7PM); or is the topic scheduled to be discussed during both Public meetings?

As an Interested person, who has requested Notice on this topic, it important for me (and the public) to know the correct time, and which type of Public Meeting the Basalt Creek Concept Plan is scheduled to be discussed- as there are significantly different rules for public involvement depending if the topic is scheduled for a Council Work Session vs a City Council Meeting.

Since there seems to be a slight discrepancy from previous postings- as to time and perhaps as to which Public Meeting the topic will be discussed, would it be possible for a clarification of the Notice be provided to the public.

*Thanks,
Grace Lucini*

From: Lynette Sanford <LSanford@tualatin.gov>
Sent: Monday, June 4, 2018 9:39 AM
To: Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>; 'bateschell@ci.wilsonville.or.us' <bateschell@ci.wilsonville.or.us>; Jeff Fuchs <jfuchs@tualatin.gov>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>; Neamtzu, Chris <neamtzu@ci.wilsonville.or.us>; Steve Adams <adams@ci.wilsonville.or.us>
Subject: Basalt Creek Notice of Upcoming Meetings - June 2018

June 4, 2018

Greetings,

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

The project team is preparing a final draft concept plan for the Basalt Creek Planning Area for adoption by both Councils in August 2018. Please note upcoming meetings scheduled for this project:

Wilsonville Planning Commission Work Session: June 13, 2018, 6PM at City Hall, 29799 SW Town Center Loop E.
(materials will be posted on the City website at <http://www.ci.wilsonville.or.us>).

Wilsonville City Council Work Session: June 18, 2018, 5PM at City Hall, 29799 SW Town Center Loop E. (materials will be posted on the City website at <http://www.ci.wilsonville.or.us>).

Tualatin City Council Work Session: June 25, 2018 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>).

Please stay current on concept planning news by signing up for email updates on the project website at www.BasaltCreek.com. Information about additional 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:

Miranda Bateschell

Planning Manager

City of Wilsonville | Community Development Dept | Planning Division

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

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

From: [G Lucini](#)
To: ahurd-ravich@ci.tualatin.or.us; KPerlFox@ci.tualatin.or.us; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; LSanford@ci.tualatin.or.us
Cc: ["Tim Knapp"](#); ["Stevens Susie"](#); ["Starr Scott"](#); ["Lehan Charlotte"](#); akervall@ci.wilsonville.or.us; council@tualatin.gov; logden@ci.tualatin.or.us; ngrimes@ci.tualatin.or.us; pmorrison@tualatin.gov; rkellogg@tualatin.gov; jdavis@ci.tualatin.or.us; fbubenik@tualatin.gov; jdehaan@tualatin.gov
Subject: Citizen Comments-Basalt Creek Concept Plans - As Being Presented to Wilsonville Planning Commission 6-13-2018
Date: Monday, June 11, 2018 2:24:48 AM
Attachments: [2018 6-11 Citizen Comments Wilsonville Plan Com- Basalt Creek 6-13-2018.pdf](#)

The attached PDF Document are Citizen Comments regarding the Basalt Creek Concept Plan -as being presented within the Informational Packet for the Wilsonville Planning Commission Meeting scheduled for 6-13-2018.

Ms. Veliz, Would you kindly forward this email and attached document to the members of the City of Wilsonville Planning Commission members prior to the Wilsonville Planning Commission Meeting on 6-13-2018.

Should there be any difficulty in forwarding the document, I would appreciate being notified prior to 6-13-2018.

It is requested the attached document become part of the Record for the Wilsonville Planning Commission Meeting for 6-13-2018 Agenda Item II- Work Session – Basalt Creek Concept Plan

Ms. Sanford, Would you kindly forward this email and attached document to the members of the Tualatin Planning Commission.

It is requested the attached document become part of the Record for Basalt Creek Concept Planning file.

Your assistance is greatly appreciated.

Regards, Grace Lucini
503 692 9890

6-11-2018

Issues Regarding Information Provided Within

Wilsonville Planning Commission 6-13-2018 -Basalt Creek Concept Planning Update Informational Packet

Aquilla Hurd-Ravich and Karen Fox- City of Tualatin, Tualatin Planning Commission
Nancy Karushaar and Miranda Bateschell- City of Wilsonville, Wilsonville Planning Commission,
Cc: Wilsonville City Council, and members
Tualatin City Council, and members

There are several references within the 6-13-18 Wilsonville Planning Commission Informational Packet on the actions being taken by one- or both- cities regarding the Basalt Creek Concept Plans, which I am requesting your comments, and/or response.

1. BACKGROUND

At the current time, my property is within the Basalt Creek concept Area, but is not within the City limits of either city, and is outside the jurisdiction of either city. It is located on the western side of SW Boones Ferry Road and east of the Canyon and is one of many other single- family homes which were built prior to the adoption of Metro 04-1040b.

My property extends west of the wetlands and past the western edge of the Canyon -including both sides of the canyon, with additional land extending west of the canyon.

My husband and I spend many hours personally studying and working to restore the wetlands and surrounding area. It is my goal to leave for many generations to come---a healthy ecosystem which will support the various types of wild life which use the area to forage and for shelter.

Property owners and residents within the Basalt Creek Concept Area will most directly feel the effects of this concept planning. Yet we were not provided an elected representative to routinely represent us during Public discussions as part of the decision-making process being made by the City Councils of Tualatin and Wilsonville.

The Cities of Tualatin and Wilsonville have orchestrated most aspects as to how Basalt Creek Concept Planning would be determined, planned and implemented.

Formal Public Involvement has been minimal, and non- existent for over 2 years- after which time concept planning continued.

No formal Public Involvement Event has been held specifically for affected property owners (who as mentioned, had no elected representation within the Basalt Creek Joint Cities Governing Body). As Concept Planning details progressed with time, affected groups of property owners requested formal meetings with staff and/or Council but were rebuffed.

The property owners and residents within the Basalt Creek Concept Area were only allowed 3 minutes (as are all citizens) during the Citizens Comment Sections of Council Meetings, to present very complex and multi-faceted issues/concerns which were created by and during the concept planning process.

The determination of the future city limits of either city within the Basalt Creek Area has not yet come to fruition within the legal process.

It is unknown when this process will finally be completed, as an Appeal has been filed regarding the Concept Plan which has not yet been heard.

2. INFORMATIONAL PACKET BEING PROVIDED TO THE WILSONVILLE PLANNING COMMISSION

I understand the complexity many of the issues which need to be resolved. I appreciate the attempts of the staff to present many issues within the Informational Packet which were taken into consideration when developing this concept plan.

It is my understanding that the property owners within the Basalt Creek Area, will not be automatically be annexed into either of the two cities, but may request to be annexed in the future or-- may elect to forgo any annexation into their identified city.

I request a response to this question: *I do not see any information within the Informational Packet which addresses possible impacts to the implementation of the Concept Plan, should one or more property owners within the Basalt Creek Area decline to annex their property into the City Limits--- What affect this may have upon the implementation of concept plans which include use of un annexed properties?*

3. IDENTIFICATION OF RECREATIONAL NEEDS/GOALS TO BE IMPLEMENTED WITHIN THE BASALT CREEK CONCEPT AREA

Many pages within the Informational Packet relate to plans for public recreational use of the land within the Basalt Creek Area. The Informational Packet includes the following statement:

At the time of this writing, Tualatin is going through a Park and Recreation Master Plan update. This update has considered the Basalt Creek area in the types of services and facilities that will be needed to serve residents and business in this area.

I request a response to these issues:

- Is the City of Tualatin in the process of updating the Park and Recreation Master Plan- and including portions of the Basalt Creek Concept Planning area within the update-as stated within the Information Packet?
 - If so, what type of recent outreach has the City taken to contact property owners within the Basalt Creek Concept Planning area to seek their involvement, or discuss potential impacts any proposed changes to the Parks and Recreation Master Plan might generate?
- Have there been any Public Meetings on any update changes to the Tualatin Park and Recreation Master Plan where Basalt Creek Concept Planning - or its inclusion into the Master Plan Update were an identified topic?
 - I have not seen any General Notice postings on the *BasaltCreek.com* regarding Public Meetings on updating the Tualatin Park and Recreation Master Plan which included the topic of the Basalt Creek Concept Area.
- As an Identified Interested Person who has provided numerous written requests to both cities, requesting to be Noticed on any Public Meeting relating to the Basalt Creek Concept Planning Area--- have I not received any communication or Actual Notice that several hundred acers within the Basalt Creek Concept Planning Area (including my property), were being actively included into an update to a City Recreation and Parks Master Plan.
 - Please provide me information as to the status of the Tualatin Parks and Recreation Master Plan Update, and when the next Public Meeting will be held regarding this.
- The Basalt Creek Concept Planning Partnering Agreement was amended to reaffirm a commitment to abide by Oregon Public Meetings Law to promote transparency of the process.
 - Historically throughout this entire concept process, there has been many instances where proper Notice has not been provided to the public, and/or to Interested Persons who have provided written request to be provided Notice on Public Meetings related to Basalt Creek Concept Planning.
 - The outcome of Basalt Creek Planning involves hundreds of acers, and directly affects hundreds of citizens, and is of importance to the general public.
 - The Basalt Creek Area is not yet within the jurisdiction of either city. Finalization of the Concept Plan has not been completed and is now under appeal.
 - Even after finalization and adoption, Individual Property owners may not wish to annex into a city. This may affect or influence Master Planning needs.
 - Consequently, the adoption of an Update to any of either city's various Master Plans to include any portion of the Basalt Creek Area seems premature at this time.
 - Any update to either city's Master Plans which to include portions of the Basalt Creek Area, can reasonably be assumed to be a component of (or implementation of) Basalt Creek Concept Planning which should had triggered Notice be given on Public Meetings regarding either city's Update to Master Plans to include portions of the Basalt Creek Area.

It is therefore requested that in effort to promote transparency and uphold the only amendment to the Basalt Creek Concept Planning Partnering Agreement and Oregon Public Meeting Laws (ORS 192.610 to 192.710), efforts be redoubled to provide proper Notice on ALL Public Meetings regarding Basalt Creek Concept Planning, including city

Master Plan Updates -or any other actions which may involve current or future implementation of any portion of the Basalt Creek Concept Planning.

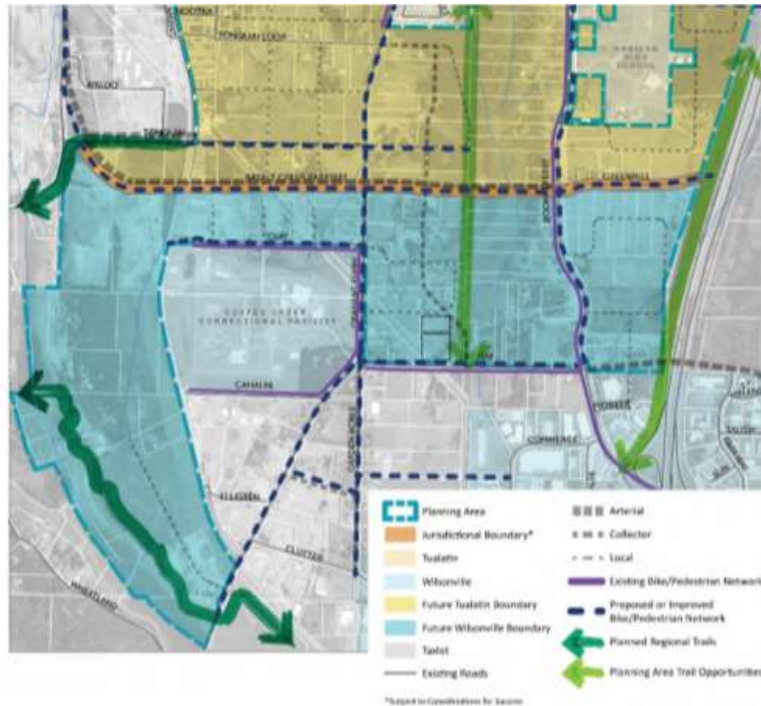
- **This should include, but not be limited to:**
 - **Posting these meetings in a timely manner on the identified website: BasaltCreek.com**
 - **Providing proper timely Actual Notice to identified Interested Persons- electronically and/or mail.**

4. IDENTIFICATION AND SPECIFIC LOCATION/ PLACEMENT OF DESIRED PUBLIC TRAILS ON PROPERTY CURRENTLY OWNED BY PRIVATE CITIZENS.

The narrative within the Informational Packet states a goal of the planners is to develop pedestrian and bike connectivity between the two cities.

The Informational Packet also provided the following statements:

- **“bike/pedestrian facilities will be integrated into new and updated road projects in accordance with State, County and City standards,**
- **“Identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.”**



While existing bike and pedestrian facilities run along Boones Ferry Road, Day Road, and sections of Basalt Creek Parkway, planned improvements will increase safety and completeness. The additional facilities will offer significant east/west connections along the new Basalt Creek Parkway and Tonquin

What is referred to within the Informational Packet as the Canyon Trail- currently placed North-South along the western side of the Canyon - runs entire western boundary of my property- and along the properties of approximately 29 other property owners.

I have not provided any indication of having interest in the locating Public Trails along or through my property. In fact, I have previously provided written objections to similar proposed takings of my property for Public Trails---I can provide upon request copies of these written communications –copies of which should also be available within your files.

It was therefore disconcerting to me to see another new document being disseminated to the Public in which the document labels a portion of my property being identified and listed as a “Public Trail Opportunity”.

I have not been approached by any staff member regarding this proposed new taking of my property. I have never received any indication if and how much I might be reimbursed for my property, if any funding is available, or when this proposed action might happen.

Yet as a direct consequence of the inclusion of this map with a specific Trail identified across privately-owned properties- immediately places a cloud over all of these properties, causing the owners immediately economic and legal impact.

My previous objections to providing Public Trails within the Basalt Creek Canyon and/or through my property centered around the protection of the natural resources within the area, and concerns of damage to the wetlands and other natural areas which I and my husband have been working to restore.

I also expressed concern as to the need for thoughtful planning of the location of any public pedestrian corridor due to the well documented news reports regarding a very similar Public Trail created for pedestrians and bikes to connect two cities- the Springwater Corridor. Unfortunately, the Springwater Corridor has developed into an unsafe public health and safety issue; has caused damage to previously identified sensitive natural areas; and requires routine monitoring for unplanned/anticipated types of public use.

The following statements are also included within the Informational Packet:

“Parks and Open Space One of the guiding principles of the Basalt Creek Concept Plan is to protect key natural resources and sensitive areas while making recreational opportunities accessible by integrating new parkland, open spaces, natural areas and trails in the planning area and connecting to existing regional networks.

This Canyon is very valuable to the area and it needs to be protected, while also having public access points in appropriate locations in order to connect to the bicycle, pedestrian and recreational facilities of the area and to serve the needs of residents and local employees.

If the planners truly believe in the statements they have included within the Informational Packet on upholding their goal to protect these natural resources, it would be noticeable in their efforts to reduce the number times and locations this natural area is being bisected and encroached upon by multiple roads; proposed over or under crossings, various utilities, and now in addition-- Public Trails not integrated along other proposed transportation routes.

I request a response to these issues: There are numerous governing documents stating requirements to protect identified elements found within the Canyon Area including the protections of slopes, and other natural resources---

Would you explain why on the Public Trails Map above---the “Canyon Trail” does not run in proximity to local roads (which are also in concept planning), but instead--has been placed in a completely separate location -deeper into the natural areas which results in even a greater number of bifurcations of the natural areas, and increasing fragmentation of the existing habitats?

I request a response to these issues:

- Are both cities in agreement with the information provided within the Public Trails map?
- Who authored/ generated the Public Trails indicating Public Trail “Opportunities” over multiple properties which are privately owned near the Basalt Creek Canyon?
- Which agency or government will be providing and funding for ongoing routine maintenance; police services; or emergency services to the “Canyon Trail”-a trail which runs through multiple jurisdictions, and possibly through islands of unannexed properties?
- And what provisions are being made to secure continuous sources of funding for these services over the entire length of the Trail?

I question how much due diligence was done prior to creating a Public Document which indicates only one location for the Public Trail within the Basalt Creek Canyon- without any alternative locations provided during its first public issuance, and without prior discussion with affected property owners.

- Just a minimal amount of research would show that the location of the proposed Public Trail within the Canyon is hampered by significant topographical constraints. The impact of these constraint seemed to be minimized within the Informational Packet. (Please see additional information provided in Section #5 regarding known significant natural constraints and limitations within the Basalt Creek Area which were authored and memorialized by various governments). The proposed location of the Canyon Trail encroaches through these natural resources.
- Construction and ongoing use of a Public Trail – open all day/year-round will create yet another bifurcation and fragmentation of the local eco system- which will directly and negatively affect the high valued riparian and upland habitats currently found in the area. These actions would be in direct conflict with the stated goals of protecting the existing natural resources within the area and within the canyon.
- Due to the current topographical location of the Public Canyon Trail, the land along the trail will most likely require leveling of the proposed pathway to be compliant with Federal ADA guidelines. This type of alteration of the area increases negative impact to surrounding habitats.
- The leveling of the trail would require high cost expenditures to minimize significant grade changes found along the proposed trail.
- Geological formations of Basalt rock along the proposed trail may require extensive construction equipment or blasting which increases negative impact to surrounding habitats and increases costs.
- The Public Trail runs along privately-owned land, with very little access to roads for construction of the path, which will also increase construction costs.
- It is also not clear how or what safety protections can be provided to a Public Trail which with very limited vehicular access, nor how the Trail would be monitored in the future to ensure appropriate use of the Trail or provide timely response to emergencies either police or medical.
- The stated location of the Trail along the Canyon is in direct conflict with another stated goal of maximizing assessed property value. The Trail on this map bisects and isolates buildable acreage located on the eastern side of the trail (on the western border of “SW Boones Ferry Rd” properties).

The inclusion of this detailed Trail map is in very sharp contrast to how information was presented for another much more significant and complex land acquisition-- future public school site locations within the Basalt Creek Area. The location of potential school sites require large acreage, complex and are highly constrained site-specific needs.

Whereas the staff elected to include a map with site specific land acquisition “locks” for the Public Trails in the Basalt Creek Area, the staff specifically stated a map which would identify potential school sites *would not be included* within the Information Packet- *thus eliminating any land “locks” which might improve land acquisition for future school sites in the area at this time.*

It is also unclear why Public Trail paths were so exactly identified as to site location within the Informational Packet at this phase of the concept planning process. A narrative of need, functional goals and general location should have been sufficient, as there are several other locations within the same area, which will provide the same connectivity; at less cost; more easily constructed; more accessible to emergency and safety and maintenance vehicles; can be more easily visually monitored; and significantly less negative impact upon the Natural Areas, - as well as being closer to the local roads which are also still in the concept stage of planning.

The Informational Packet states “identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.” If the Canyon Trail is considered a recreational use, then the planners have gone beyond the scope of the Concept Plan and exceeded their mandate.

If the Canyon Public Trail is considered a means of transportation, it would then seem appropriate the Public Trail would be more closely aligned with the proposed local roads, located on a more direct North South route between the two cities, with significant considerations given to costs relating to excessive numbers of land acquisition negotiations with approximately 30 individual property owners (over and above all other negotiations needed for road and other infrastructure negotiations), land acquisition costs, constructions costs, and ADA compliance issues.

Since we are still in the conceptual stages of this process- planners have the most flexibility to be able to incorporate the design of a Public Trail along separate paths--- but within proximity to the location of local roads (which are also being planned) --- and be able to also provide pleasant visual surroundings within the design.

In light of the extensive number of factors listed about, the only rationale I can determine which justifies the recommendation of the Canyon Public Trail at its current location is that the staff wanted to ensure they could implement a goal stated numerous times during Wilsonville Council Meetings.

During multiple Wilsonville Council meetings statements were made as to the desire to increase the marketability of their nearby future industrial area, by including unique enticements to potential developers/employers --such as providing access to the natural areas within the Canyon so that “employees will have somewhere to walk during lunch.” If this is the case---this one-sided self-serving goal with short term benefits, should not outweigh all the other considerations previously identified and the numerous governmental requirements to protect the natural resources of the area.

This supposition is supported by the statement within the Wilsonville Summary portion of the Information Packet (Attachment B page 4 of 6) ... “Locate north to south trails near the Basalt Creek Canyon and provide bicycle connections that would connect to other cities and trail systems, serving as an asset for both residents and employees in the area.”

Unfortunately, all of the comments listed within Sections #3 and #4 are just an example of the lack of concern, consideration and respect the Basalt Creek Concept planners have shown to the existing property owners and the natural resources within area.

5. REQUESTING FUTURE INFORMATION BE PROVIDED TO THE PUBLIC AND TO THE APPROPRIATE DECISION MAKERS--- TO GIVE CLEAR, REPRESENTATIVE, AND ACCURATE INFORMATION REGARDING THE EXISTING SIGNIFICANT NATURAL RESOURCES WHICH ARE LOCATED WITHIN THE BASALT CREEK AREA- AND SPECIFICALLY THE BASALT CREEK CANYON.

It is unclear to me why the following statement was included within the Informational Packet:

No land within the planning area is identified by the Washington County Comprehensive Plan as a Significant Natural Resource. The nearest Significant Natural Resource area is comprised of the Tonquin Scablands, to the west of Coffee Lake Creek.

Relationship of County significant natural resources and cities to be clarified.

The inclusion of this statement within the Informational Packet seems to only muddy information which has previously been documented and substantiated by **multiple governmental bodies - including Washington County-which have clearly identified Significant Natural Resources within the Basalt Creek Concept Area.**

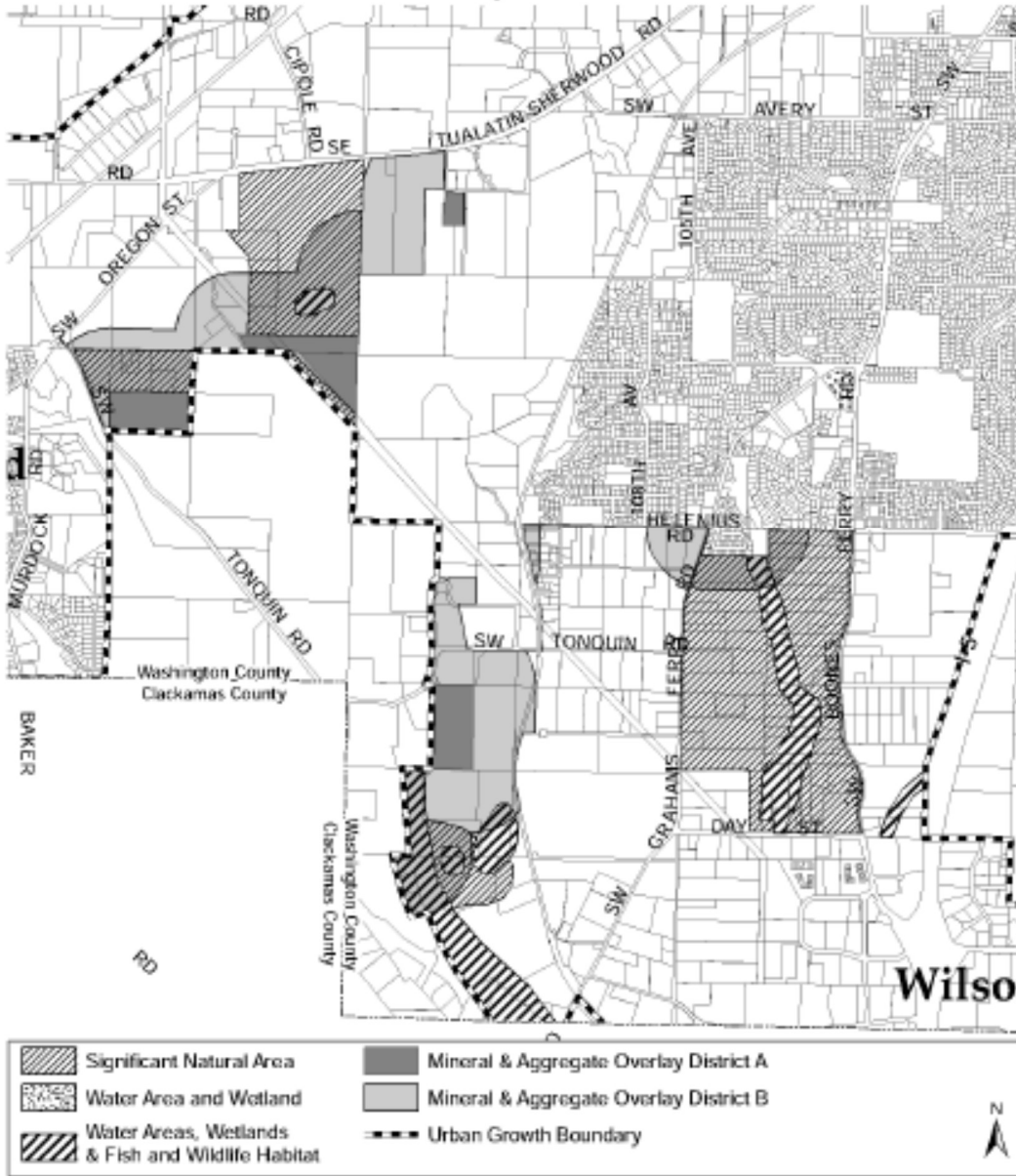
There have been multiple documents provided to the Basalt Creek staff which details the unique resources located within the entire Basalt Creek Area- many which are located near or within the Basalt Creek Canyon.

Copies of all of the following documents were provided the Basalt Creek Staff during the beginning of the Concept Planning process, and should be available within your files:

The Basalt Creek Canyon Area was clearly identified as a Significant Natural Resource by Washington County

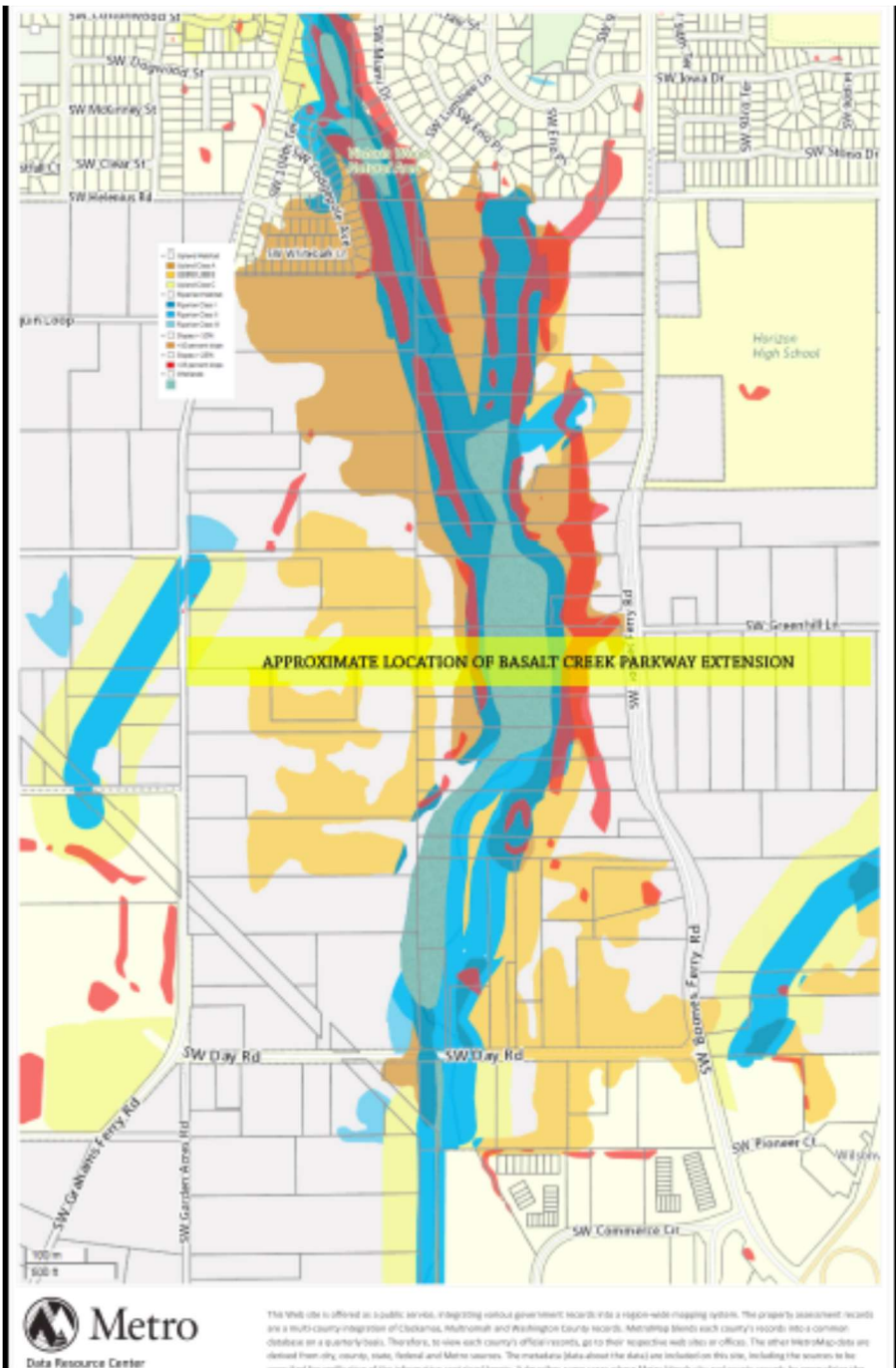
Ordinance 671
 Exhibit 2
 Page 3 of 9
 January 18, 2007

Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



C:\GIS_MAPS_TEMP\STAFF\paw\2007\864_cnhb4_cnhb4.dwg 1/18/07

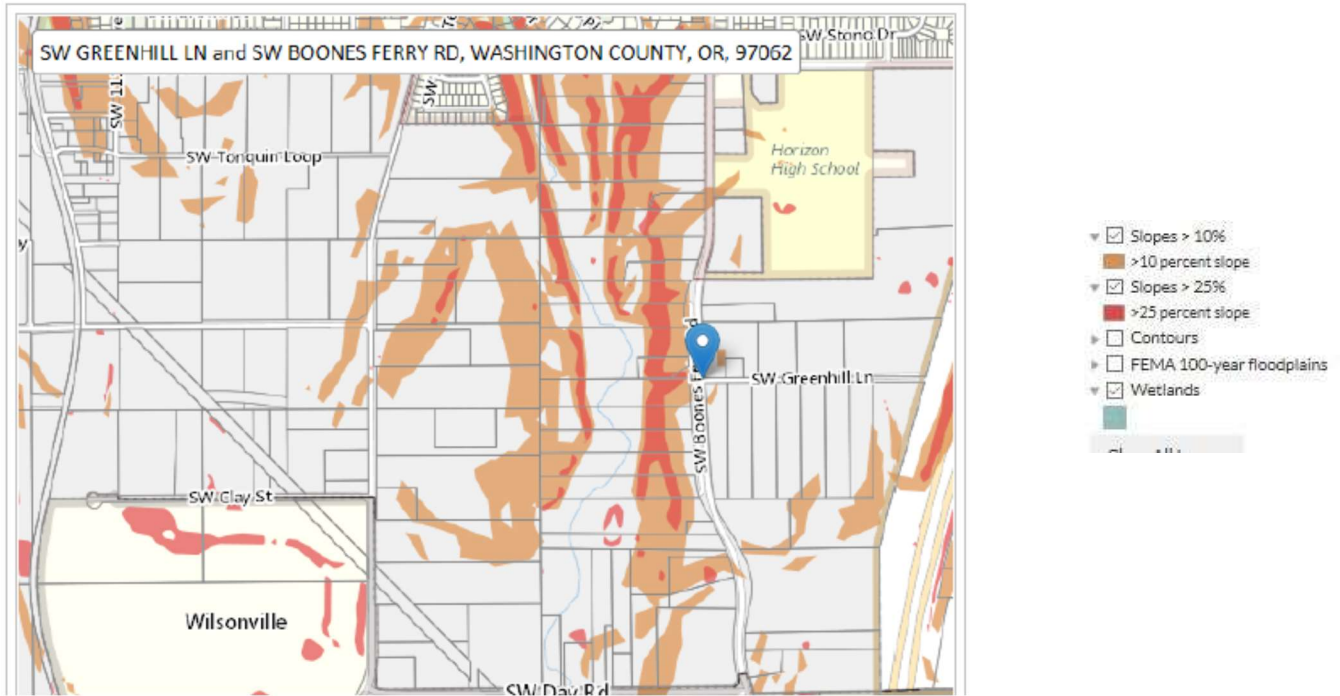
Metro has documented the existence of the highest valued Class 1 Riparian Habitat, and the highest valued Class A Upland Habitat within the Basalt Creek Area- Including a large portion of the Basalt Creek Canyon



Metro has also provided data as to the significant slopes which are located within the Basalt Creek Area which in part creates the Basalt Creek Canyon.

In 2004 Metro charged both Wilsonville and Tualatin with the requirement to protect the steep slopes found within what was referred to in Metro 04-2010B, as the “Tualatin Area” during concept Planning for the area.

From the following two maps, it can be easily determined there are significant topographical changes within the Basalt Creek Area, which result in dramatically steep slopes.



Metro has also provided a map of the significant grade changes within the Basalt Creek Area in relationship to the wetlands



As can be seen within these 2 maps- the rugged topography sheltered and protected the Basalt Canyon and its resources. There is a reason why this land has not been already been densely developed over the past years even though it is located close to many other attractive locations.

Care and thoughtful planning have to take place to protect this local resource for the future.

This fact was recognized when the governing tool (Metro 04-1040B) placed multiple requirements upon the cities of Wilsonville and Tualatin specifically addressing each city's responsibility to protect during Concept Planning and after – the various natural resources within the Basalt Creek Area.

The Federal government has identified and included the wetlands within the Basalt Canyon within the Federal Wetland Inventories.



The numerous plans for the construction of large expressways, arterials, collectors and local roads and, public trails within what is currently one confined natural area will now be permanently bisected at multiple locations-- causing fragmentation. This fragmentation will permanently damage the health of the existing habitats and ecosystem. *This issue cannot be emphasized enough.*

I remind the Basalt Creek Concept Area planners and their respective Councils of their responsibilities for the protection of the area's natural resources. It is hoped that short sighted economic goals to gain rapid development advantages will not cloud nor distort the need to protect fragile natural resources and ecosystems for future generations.

Respectfully submitted,
Grace Lucini

From: [G Lucini](#)
To: [Lou Ogden](#); [Joelle Davis](#); [Frank Bubenik](#); [Robert Kellogg](#); [Jeff Dehaan](#); [Paul Morrison](#); [Council](#); [Joelle Davis](#); [Nancy Grimes](#); [Nancy Grimes](#); [Frank Bubenik](#); [Lou Ogden](#)
Cc: [Aquilla Hurd-Ravich](#); [Karen Perl Fox](#); [Lynette Sanford](#)
Subject: #1 Citizen Comments-Tualatin Council Wrk Ses 6-27-2018-Agenda Item -Basalt Creek Concept Plan -Please Include as Part of Public Record
Date: Friday, June 22, 2018 5:54:47 PM
Attachments: [2018 6-22 Lucini Comments-Basalt Creek Concept Plan of 6-13-2018.pdf](#)

Due to the email load limitations apparently in place within the City of Tualatin mail boxes, the following documents will be sent within 2 emails.

The first email will contain a PDF file with

The second email will contain a PDF file my Citizen Comments - dated 6-11-2018-- Basalt Creek Concept Plan previously submitted, but provided for reference.

It appears the email below was received by the City of Wilsonville recipients with both PDF files attached.

From: G Lucini <grluci@gmail.com>
Sent: Friday, June 22, 2018 5:36 PM
To: 'Lou Ogden' <logden@ci.tualatin.or.us>; 'Joelle Davis' <jdavis@ci.tualatin.or.us>; 'Frank Bubenik' <fbubenik@ci.tualatin.or.us>; 'Robert Kellogg' <rkellogg@tualatin.gov>; 'Jeff DeHaan' <jdehaan@tualatin.gov>; pmorrison@tualatin.gov; council@tualatin.gov; jdavis@tualatin.gov; ngrimes@tualatin.gov; 'Nancy Grimes' <ngrimes@ci.tualatin.or.us>; fbubenik@tualatin.gov; logden@tualatin.gov
Cc: 'Hurd-Ravich Aquilla' <ahurd-ravich@ci.tualatin.or.us>; 'Karen Fox (City of Tualatin)' <KPerlFox@ci.tualatin.or.us>; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; 'Lynette Sanford' <LSanford@tualatin.gov>; 'Tim Knapp' <Knapp@ci.wilsonville.or.us>; 'Stevens Susie' <stevens@ci.wilsonville.or.us>; 'Starr Scott' <scottstarr97070@gmail.com>; 'Lehan Charlotte' <lehan@ci.wilsonville.or.us>; akervall@ci.wilsonville.or.us
Subject: Citizen Comments-Tualatin Council Wrk Ses 6-27-2018-Agenda Item -Basalt Creek Concept Plan -Please Include as Part of Public Record

Please include this email and the two attachments (Lucini Citizen Comments dated 6-22-18, and 6-11-2018) as part of the Public Record for Basalt Creek Concept Planning

On 6-25-2018, The Tualatin City Council Work Session has the Basalt Creek Concept Plan as an agenda item. This will be the first public discussion by the Tualatin City Council, of the newly revised 6-13-2018 Draft of the Basalt Creek Concept Plan and implementation.

I request the members of the Tualatin City Council, to read the attached file - Lucini Citizen Comments dated 6-22-2018- which may provide the Council an understanding of the continuing issues which I have had to face as a property owner within the Basalt Creek Area.

Included are specific requests generated by the posting of the 6-13-2018 revision of the Basalt Creek Concept Plan, and by the recent comments and discussions of the Concept Plan during the recent Public Meetings of the Wilsonville Planning Commission, and the Wilsonville Council.

I previously submitted Citizen Comments on 6-11-2018 to both Cities, a copy of which is also attached.

Only the City of Tualatin has provided me a written response to a few of the issues I presented in my 6-11-2018 communication. I have not received substantial response to many of the remaining issues on which I requested a response.

The most recent iterations of the proposed Basalt Creek Concept Plan were only made public this month which included significantly greater levels of information than previously available from the previous revision- which was posted several months prior.

Yet, with much more specific information contained within these recent versions of the Plan, the BasaltCreek.com website does not indicate any Public Involvement Events scheduled to receive feedback from the Public, or formal outreach to the affected property owners, prior to the start of public hearings to adopt the Plan.

CITIZEN COMMENTS -GRACE LUCINI

6-22-2018

TUALATIN CITY COUNCIL WORK SESSION 6-25-2018- Basalt Creek Concept Planning

Please Include as part of public record- Basalt Creek Concept Planning

On 6-25-2018, The Tualatin City Council Work Session has the Basalt Creek Concept Plan as an agenda item. This will be the first public discussion by the Tualatin City Council, of the newly revised 6-13-2018 Draft of the Basalt Creek Concept Plan and implementation.

After 2 years without Concept Plan updates posted for public review, a draft revision of the document was posted for public access on 6-4-2018; with another revision posted 6-14-2018.

The adoption of the Basalt Creek Concept Plan must be completed by both cities prior to the end of August 2018 to be in compliance with the IGA.

The public, and particularly affected property owners have been given little time to respond to these revisions of the Concept Plan as we start to receive Notice of Public Hearings from the Cities to Adopt the Concept Plan.

(Please see Attachments # 4A-B)

I submitted written concerns to staff/s of both the City of Wilsonville and the City of Tualatin, to both Planning Commissions, and to both City Councils on 6-11-2018- requesting a response to my concerns.

(Please see separate copy attachment- Lucini Citizen Comments 6-11-2018)

I also presented oral testimony to the Wilsonville Planning Commission on 6-13-2018 with additional material supporting my previously stated concerns.

On 6-21-18 the City staff in Tualatin responded to some of the concerns I identified on pp.3-4 of my 6-11-18 comments but provided no substantive response to my concerns on pp.6-7 & 9 of that same communication.

(Please see Attachment 1A)

Yet both cities continue preparing for the adoption of the Basalt Creek Concept Plan deadline in August 2018.

I now request the Council to consider 3 issues as they review the most newly released draft of the Basalt Creek Concept.

#1 Public Notice and Active Involvement of Affected Property Owners.

Historically throughout the entire concept planning process, and continuing to the present, Interested Persons have not consistently received proper Notice of Public Meetings regarding the Basalt Creek Concept Plan as per the Oregon Public Meetings Law, as restated in the Wilsonville Tualatin Partnering Agreement- Addendum of April 2014, and as included within the Public Involvement Plan Basalt Creek Concept Plan 2014.

Various Public Meetings leading to the development of the Concept Plan, and Public Meetings including information/discussions leading to the implementation (i.e. Master Plan Updates to include Basalt Creek Area) of the Concept Plan have not been properly Noticed--- denying Interested Persons (many whom are affected

property owners) adequate access to understand how the decisions are being made which may directly affect them. Two of the more recent examples are provided as attachments.

(Please see Attachments #1 A-B)

Contrary to expressed comments of members of the Tualatin Council during Public Meetings- to include affected property owners within the development of the Concept Plan- the affected property owners have received minimal formal involvement other than that provided to the general public.

I REQUEST THE COUNCIL:

- A. Remind staff of the need to comply with Oregon Public Meetings Law, to assist with transparency of process, for proper Notice to be provided to include (but not limited to) any Public Meeting involved with Updates to Comprehensive Plans, Master Plans, or other similar municipal documents being revised which incorporates any portion of the Basalt Creek Area
- B. Direct their staff reach out throughout the remaining phases of the process to consistently seek open dialog and involvement of property owners within the Basalt Creek Concept Area as the Basalt Creek Concept Plan is being finalized, and strategies are being developed for implementation. Formal efforts to work collaboratively with affected property owners has been noticeably absent to this point.

#2 Inclusion of a Public Trails Map Specifically Siting the “Canyon” Public Pedestrian and Bike Trail – Without the of Appropriate Level of Due Diligence and Evaluation of Impact on Effected Property Owners

A map indicating the location of a Public Pedestrian and Bike Trail on the west side of the Basalt Creek Canyon was only publicly distributed within the last 30 days as part of the Informational Packet to the Wilsonville Planning Commission Meeting on 6-13-2018.

(Please see Attachments # 2 A-C-MAPS)

- This new map includes a proposed Public Pedestrian and Bike Trail as a “Trail Opportunity” located North-South centrally located referred to by staff as the “Canyon Trail”.

(Pease see Attachment 2A)

- Unlike the other “Trail Opportunity” delineated on the Trail Map ---the more eastern “Trail Opportunity” is sited on the ODOT ROW ---the potential “Canyon Trail” is sited through what appears to be almost entirely privately owned properties.
 - The location of the “Canyon Trail” has been drawn along the western edge of the lot lines of most property owners whose homes face SW Boones Ferry Road within the Basalt Creek Area.
 - Most of these properties include most of the Basalt Creek Canyon from SW Boones Ferry Road west including the Canyon and wetlands, and varying amounts of property west of the Canyon.

On 6-11-2018, I presented written concerns about the placement of the “Canyon Trail” to Wilsonville’s City Basalt Creek staff, Council and their Planning Commission; and to Tualatin’s Basalt Creek staff, and their City Council, and Planning Commission. My comments included concerns as to governance over a trail through multi-jurisdictional and privately owned land; construction constraints; environmental impact; development and

enforcement of unauthorized/ unintended trail use; lack of identified short and long term funding for-- trail maintenance; provision of monitoring and police services; and lack of visual and vehicular access for safety and emergencies. I questioned the level of due diligence done on locating a public trail through known significant natural resources- when the governing document Metro 04-1040b required protections of these resources.

In addition, I provided Public Testimony at the City of Wilsonville's Planning Commission on 6-13-2018. I substantiated my concerns by supplying the Commission information from the literature search published in 2017 by Metro on the negative effects of recreational ecology by pedestrians and bikes on Natural Areas.

During the Wilsonville Planning Commission Meeting on 6-13-2018, I listened to the staff and the Planning Commission discuss the location of the Canyon Trail and hear members reiterate their goal to provide the public visual and physical access into the natural area within the Canyon.

I also listened to the Wilsonville Council Work Session on 6-17-2018 discuss the Basalt Creek Concept Plan and the discussion of the newly proposed "Canyon Trail", with the Mayor asking how to preserve easements, or Right of Way access for the Trail - due to concerns expressed by property owners along Basalt Creek Canyon regarding the amenities of the bike or pedestrian Trail which the property owners might not be ready to accept or did not think appropriate. After additional discussion on methods to protect the Trail easement and use of Master Plans, the Mayor then asked if Wilsonville "will become the Master Plan developer within the whole Plan Concept".

I have not yet received a written response from either City to many of the concerns presented in my email of 6-11-2018 on which I specifically requested a reply-- including comments about the proposed "Canyon Trail". On 6-21-18, the City of Tualatin responded to a few of my Citizen Comments- but not to all of my concerns .

(Please see separate copy attachment- Lucini Citizen Comments 6-11-2018)

(Please see Attachment 1A)

The repeated discussion of providing and encouraging active/passive connection to the natural areas in and around the natural areas, and in the Canyon, does not address the impact on the natural areas. Nor does it address the impact to affected property owners, or the expense to the Cities of trying to obtain right of way agreements, complete, maintain, and police a Trail, where most, if not all, of the Basalt Creek Canyon and the wetlands at issue are within privately owned properties.

As mentioned previously, my property includes portions of the wetlands, the Canyon, and both ridges and sides of the Canyon. My husband and I spend unmeasurable amounts of time working on the restoration of the wetlands on our property. As has been discussed with staff of both Cities, and within my Citizen Comments of 6-11-2018, our goal is to preserve the natural areas on our property for future generations to enjoy.

While we try to be good stewards of our property, it is difficult to accept that the local governments are doing the same regarding the natural area and ecosystem within the Basalt Creek Area. Metro, Washington County, Wilsonville and Tualatin all voted to bisect the Basalt Creek Canyon with the placement of a 5-6 lane Basalt Creek Parkway Extension East-West through the entire canyon with a bridge through the wetlands.

The cities of Wilsonville and Tualatin as part of Concept Planning are also plotting additional north- south local roads; east-west local roads; and diagonal local roads--- with each one creating an additional linear bisection of what was once one cohesive ecosystem. The addition of yet another linear bisection of a public trail (which is not located in proximity to a planned road), would cause even more fragmentation.

The current Location of the contemplated "Canyon Trail" bisects portions of the Canyon which contain:

- Slopes in some places exceed 20%
- Wetlands and creeks with water depth which changes with the season and as to topography of the canyon floor.
- Highest valued riparian and upland habitats

IF the canyon and wetland property are ultimately purchased into public ownership, THEN my husband and I would certainly strongly support a path to or through that area – IF it was properly sited and properly policed to protect both the wetlands and the neighbors.

Until such time, the location of the proposed "Canyon Trail" has also been chosen so that it is on- or adjacent to -the entire western edge of my property, with the primary goal to encourage unlimited Public visual and/or physical access to of parts of the canyon and natural areas located **on my property**. Such an approach would place an undue burden on me, and on my property.

I am not a lawyer, but I wonder if the location of the proposed "Canyon Trail" might be viewed by some land owners as a veritable exaction, or as a cloud on their Title if they go to sell.

- The location of the "Canyon Trail" as currently mapped, will potentially contribute to trespass on and damage to my property
- Metro has identified multiple causes for degradation and damage to natural areas by creation of unauthorized trails, *"Unauthorized trails may comprise more than half of the trails in a natural area" "Users frequently create unauthorized trails to access special features such as view, streams and wetlands of for secret activities such as bathroom break hideouts"*. (Metro "Hiking, Mountain Biking and Equestrian Use in Natural Areas" A Recreation Ecology Literature Review," September 2017)
- In the same publication, Metro identified additional detrimental effects resulting from unauthorized trails by trampling- on vegetation; soil compaction; and erosion.

These factors lead to the conclusion that the Concept Plan now includes a plan to provide the public visual and/or public access on to my property- which could cause both my property and the natural resources of the canyon that the City is required to protect, to be degraded and/or damaged.

The location of the "Canyon Trail" on the western "ridge" of the canyon would also open safety and liability issues for adjacent property owners, and the City - especially in those areas with steep slopes or water on the property.

Location of the "Canyon Trail" in its currently proposed route, would potentially decrease privacy and of use/enjoyment of my property and my home- which is located within the Canyon.

All of these issues result in additional burdens and de-facto taking of my property, to which I object

I REQUEST THE COUNCIL:

- A. Remove from the Trails Map any siting of the “Canyon Trail” until the location of the trail integrates natural areas and high valued natural resources into the placement of the trail. On 6-13-2018, during the discussion of the Basalt Creek Concept Plan and the location of the “Canyon Trail”, a member of the Wilsonville Planning Commission requested more extensive evaluation of the natural areas as to the types of animals etc. found within the natural area. I do not see this action presented within the current Concept Plan narrative but obtaining this information would be of great assistance prior to proposing a public trail in to the area.
- B. Remove from the Trails Map any siting of the “Canyon Trail” until the purpose to the locating the trail and encouraging the public to use the trail to access views or other attributes located on private property can be more thoughtfully decided.
- C. Remove from the Trails Map any siting of the “Canyon Trail” until issues surrounding policing, maintenance and related issues are squarely evaluated and addressed.
- D. Remove from the Trails Map any siting of the “Canyon Trail” until funding and acquisition of the canyon and wetland property are in place for public ownership.
- E. Replace the Trails Map with a narrative within the Concept Plan, stating the desired goal of North-South Connectivity between the two cities and the goal of creating public access to natural areas in a way that does not harm either the natural area or adjoining land owners - without the inclusion of a map.

#3. STORM DRAINAGE WITHIN BASALT CREEK CONCEPT AREA- IDENTIFIED FOR FUTURE INCLUSION INTO THE CITY OF TUALATIN

- **Stormwater:** New stormwater infrastructure will be primarily integrated with the local road network. Tualatin, Wilsonville and CWS acknowledge they must follow requirements established for their respective stormwater MS4 permits. Much of the area is in a basin that drains toward Wilsonville. Each City will serve its own jurisdictional area.

(Slide 23 Tualatin Presentation 6-25-18 - Basalt Creek concept Plan)

Stormwater

Existing stormwater infrastructure consists of roadside drainage ditches and culverts. Culverts in the planning area are under the jurisdiction of Washington County and may not have capacity for future urban conditions. Culverts to the south of the planning area are part of the City of Wilsonville stormwater system. The City of Tualatin has jurisdiction over the stormwater conveyance system to the north of the planning area. Culverts may need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite retention or infiltration is required.

Locations where stormwater runoff from the Basalt Creek plan area could connect to existing stormwater infrastructure will require evaluation of the conveyance systems at time of development.

(Page 23 Basalt Creek Concept Plan Draft 6-13-2018)

In light of the information stated within the current draft of the Basalt Creek concept Plan (copied above), I am reminding the City of Tualatin, as they are finalizing their portion of the Storm Water Drainage portion of the Basalt Creek Concept Plan, and during all phases of implementation of the Concept Plan – of a storm water flooding event which occurred on my property on May 18, 2015.

(Please see Attachment #3 Letter from Karl Anuta dated 10-23-2015).

Unfortunately, this matter resulted in a law suit being filed against Washington County (among others). That law suit ultimately resulted in a settlement that required the County (as well as others) to pay a substantial amount. As an outcome, we are in the process of implementing a project on our property to deal with the current peak storm water flows from the SW Boones Ferry Road Improvement Project Out Flow #5(a storm water system Outfall which discharges onto my property). Please be aware that the remedy being designed will only buffer the current peak flow drainage on to my property, based upon the current design and construction of the SW Boones Ferry Road Improvement Project. If the City were to allow any further addition to that storm water system, it will potentially harm or take a portion of my property, which might lead to even more litigation.

I REQUEST THE COUNCIL:

- A. Recognize formally that the storm water system as currently designed for Outflow #5, will not be able to handle any additional storm water being added to the catchment area or any increase of volume or flow to Outflow #5 without possible negative results.
- B. Direct staff, that when the Basalt Creek Concept Plan is adopted, and the City updates its Storm Water Master plan to incorporate portions of the Basalt Creek Area, the City of Tualatin will prohibit any changes to the storm water system at Outflow #5 which might increase the volume or flow of water as development of the area begins- with specific concern as to the main catchment area for Outflow #5 which is east of SW Boones Ferry Road.
- C. Direct staff that I be promptly notified of any proposal, design plan or permit submitted to the City which may affect the catchment area for Outflow #5, or of any potential changes to the system as it currently stands.

Respectfully Submitted,

Grace Lucini
23677 SW Boones Ferry Road, Tualatin Oregon 97062

ATTACHMENTS:

(# 1 A-B) Copies of Chain Emails 6-21-2018 City of Tualatin (3 pages); 4-6-2018 City of Wilsonville (5 pages)

(# 2 A-C) Maps of Basalt Creek Area- Proposed Trails; Natural Resources; Proposed Trail Over Laying Metro Natural Resources; Proposed Transit Framework

(# 3) 10-25-2015 Letter Karl G. Anuta to City of Wilsonville and to City of Tualatin (2 Pages)

(# 4 A-B) Notice of Public Hearing on 7-11-2018 Wilsonville Planning Commission; Future Steps Toward Adoption of Basalt Creek Concept Plan (2 pages)

SENT AS ATTACHMENT TO THIS EMAIL- 6-11-2018 Citizen Comments- Grace Lucini- Basalt Creek Concept Plan as posted 6-4-2018

Attachment # 1 A

Email Chain 2018 6-21 City of Tualatin -Lucini-Notice (3 Pages)

G Lucini

From: G Lucini <grluci@gmail.com>
Sent: Thursday, June 21, 2018 3:49 PM
To: 'Aquilla Hurd-Ravich'; 'Karen Perl Fox'; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; 'Lynette Sanford'
Cc: 'Tim Knapp'; 'Stevens Susie'; 'Starr Scott'; 'Lehan Charlotte'; akervall@ci.wilsonville.or.us; 'Council'; 'Lou Ogden'; 'Nancy Grimes'; 'Paul Morrison'; 'Robert Kellogg'; 'Joelle Davis'; 'Frank Bubenik'; 'Jeff Dehaan'
Subject: RE: Citizen Comments-Basalt Creek Concept Plans - As Being Presented to Wilsonville Planning Commission 6-13-2018
Attachments: 2014 1-7 Request for Notice all Meetings-Basalt Creek.pdf
Flag Status: Flagged

Aquilla,
Thank you for your email.

Unfortunately, it appears your records do not reflect the numerous times I have submitted written requests to be notified of any and all Public Meetings regarding planning of the Basalt Creek Area— dating back to 2013.

You may remember I started to submit my requests for Notice in 2013, when the City of Tualatin updated the Water Master Plan- which included the Basalt Creek Area with a proposed water main located through my home/property.

I have attached a copy of a written request which was submitted 1-7-2014 to both cities via the BasaltCreek.com website, which requests Notice...

“for any and all Public Meetings relating to the planning, development, zoning, transportation, changes to infrastructure, and/or changes or potential impact to natural resources within the surrounding area.”

I can provide copies of other requests for Notice if this would be of assistance.

Please let me know if it is necessary for me to submit additional requests for Notice for any and all Public Meetings regarding Basalt Creek Planning- including and not limited to any updates to city Master Plans, Development Plans, Comprehensive Plans, etc.

I anticipate the future Actual Notices I receive as an Interested Person, will include all Public Meetings-(including but not limited to those which might be considered “informational” or might be “high level”) as provided by the Oregon Public Meetings Law.

Regards,
Grace

From: Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>
Sent: Thursday, June 21, 2018 12:30 PM
To: G Lucini <grluci@gmail.com>; Karen Perl Fox <kperlfox@tualatin.gov>; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; Lynette Sanford <LSanford@tualatin.gov>
Cc: 'Tim Knapp' <Knapp@ci.wilsonville.or.us>; 'Stevens Susie' <stevens@ci.wilsonville.or.us>; 'Starr Scott' <scottstarr97070@gmail.com>; 'Lehan Charlotte' <lehan@ci.wilsonville.or.us>; akervall@ci.wilsonville.or.us; Council <council@tualatin.gov>; Lou Ogden <logden@tualatin.gov>; Nancy Grimes <ngrimes@tualatin.gov>;

Paul Morrison <pmorrison@tualatin.gov>; Robert Kellogg <rkellogg@tualatin.gov>; Joelle Davis <jdavis@tualatin.gov>; Frank Bubenik <fbubenik@tualatin.gov>; Jeff Dehaan <jdehaan@tualatin.gov>
Subject: RE: Citizen Comments-Basalt Creek Concept Plans - As Being Presented to Wilsonville Planning Commission 6-13-2018

Grace,

Thank you for submitting comments about Basalt Creek and Tualatin's Park and Recreation Master Plan. This response is specific to your questions posed on page 3 of 14.

A little background on concept planning first. One of the aspects a concept plan is required by Metro to address is Parks and Open Space. So in any new urban areas cities are required to at least think about how we might serve residents in these expansion areas. Tualatin did this by including the Basalt Creek Area in our Parks and Recreation Master Plan Update. The Parks and Recreation Master Plan is a system wide 20 year plan that identifies how to serve the needs of all of Tualatin's current and future residents. We recognize that all land in the Basalt Creek area is currently privately owned and any future identified facilities will require the City to work with property owners. We also recognize that the Basalt Creek Canyon is an important natural resource that needs protection.

Last summer there was a significant public involvement effort for the Parks and Recreation Master Plan and the project team continues to accept comments. You can sign up [here](#) to be on the interested parties list. (After you click on the link, scroll to the bottom of the page) There have not been meetings to specifically address Basalt Creek but rather the system as a whole given this is a system wide plan. That said at the last meeting a brief high level description for a potential new park in the Basalt Creek Area was presented to the Project Advisory Committee. You can read the materials from that meeting [here](#) (Scroll to the bottom of page 33). These meetings are public meetings and have all been properly noticed. There will be another opportunity to review the draft plan this coming fall and if you sign up as an interested party you will receive notice when that draft is available.

As you requested we forwarded your comments to the Tualatin Planning Commission.

Thank you,

Aquilla Hurd-Ravich

503.691.3018

Check out my new# !

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

Sent: Monday, June 11, 2018 2:24 AM

To: Aquilla Hurd-Ravich; Karen Perl Fox; kraushaar@ci.wilsonville.or.us; bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; Lynette Sanford

Cc: 'Tim Knapp'; 'Stevens Susie'; 'Starr Scott'; 'Lehan Charlotte'; akervall@ci.wilsonville.or.us; Council; Lou Ogden; Nancy Grimes; Paul Morrison; Robert Kellogg; Joelle Davis; Frank Bubenik; Jeff Dehaan

Subject: Citizen Comments-Basalt Creek Concept Plans - As Being Presented to Wilsonville Planning Commission 6-13-2018

The attached PDF Document are Citizen Comments regarding the Basalt Creek Concept Plan -as being presented within the Informational Packet for the Wilsonville Planning Commission Meeting scheduled for 6-13-2018.

Ms. Veliz, Would you kindly forward this email and attached document to the members of the City of Wilsonville Planning Commission members prior to the Wilsonville Planning Commission Meeting on 6-13-2018.

Should there be any difficulty in forwarding the document, I would appreciate being notified prior to 6-13-2018.

It is requested the attached document become part of the Record for the Wilsonville Planning Commission Meeting for 6-13-2018 Agenda Item II- Work Session – Basalt Creek Concept Plan

Ms. Sanford, Would you kindly forward this email and attached document to the members of the Tualatin Planning Commission.

It is requested the attached document become part of the Record for Basalt Creek Concept Planning file.

Your assistance is greatly appreciated.
Regards, Grace Lucini
503 692 9890

Attachment # 1 B

Email Chain 2018 4-6 City of Wilsonville -Lucini- Notice (5 Pages)

G Lucini

From: G Lucini <grluci@gmail.com>
Sent: Friday, April 6, 2018 6:46 PM
To: 'Bateschell, Miranda'; 'Aquilla Hurd-Ravich'; 'Karen Fox (City of Tualatin)'; 'Kraushaar, Nancy'
Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item---Notice Provided ??

Flag Status: Flagged

*Miranda,
Thank you for your phone call today.*

I have received an Updated electronic April Notice for the Basalt Concept Plan--- which now includes the upcoming 4-11-2018 Wilsonville Planning Com. Meeting.

The BasaltCreek.com website has also been updated to include the 4-11-18 meeting, and now also lists 7 additional Public Meetings to be held in the next few months by the City of Wilsonville on Basalt Creek Concept Planning. These meetings have been placed on the Calendar page of the website, and also listed individually - under Up Coming Events on the right side of each webpage

Your efforts are greatly appreciated.

I know that providing this information through these various modalities will greatly assist the public in obtaining access to current information, while we all try to understand and integrate the changes to come.

Grace

From: G Lucini <grluci@gmail.com>
Sent: Thursday, April 5, 2018 4:11 PM
To: 'Bateschell, Miranda' <bateschell@ci.wilsonville.or.us>; 'Aquilla Hurd-Ravich' <AHURD-RAVICH@ci.tualatin.or.us>; 'Karen Fox (City of Tualatin)' <KPerlFox@ci.tualatin.or.us>; 'Kraushaar, Nancy' <kraushaar@ci.wilsonville.or.us>
Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item---Notice Provided ??

*Hi Miranda,
Thanks for your prompt reply. Yes, I do have continuing questions.*

I guess I am still unclear as to why the specified public resource for the Basalt Creek Concept Plan decision making process-- BasaltCreek.com website is not current with the posting of a known Public Meeting.

Basalt Creek Concept Planning is an agenda item on the 4-11-2018 Wilsonville Planning Commission Meeting. Information on the topic is being disseminated to a public body who may eventually make recommendations to other public bodies on any one of various aspects of the Concept Plan.

As you mentioned, the multiple pages of information being provided to the Wilsonville Planning Commission is for preparation for their Work Program- which includes several additional future meetings on Basalt Creek Concept Planning.

- The **Wilsonville Planning Commission 2018 Work Program** document updated on 3-27-2018, lists Basalt Creek Concept Plan as an agenda item for several future meetings- including future Work Session May 9, 2018; and another under the heading of "Public Hearing" for June 13, 2018.
- The Wilsonville Planning Commission may eventually provide recommendations to the Wilsonville City Council on one or more aspects of the Basalt Creek Concept Plan, based upon the accumulative information provided to them during various Public Meetings on the topic.
- If the Wilsonville Planning Commission has the authority to make recommendations to a public body on policy or administration – then it is most likely a governing body and subject to the Public Meeting Laws ORS 192.610(3)
- As interpreted within the STATE OF OREGON DEPARTMENT OF JUSTICE- ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 2014 page 139 (highlight added)

b. Subject of Meetings and Social Gatherings

The Public Meetings Law applies to all meetings of a quorum of a governing body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply. 307 This requirement serves the policy expressed at ORS 192.620 that an informed public must be aware not only of the decisions of government, but also of the information upon which such decisions were made. Hence, except for on-site inspections, discussed below under Statutorily Exempt Public Meetings, information gathering and investigative activities of a governing body are subject to the law

Should there be any questions, or any discussion on the Basalt Creek Concept Plan (or on the decision-making process for the Concept Plan) during the April 11, 2018, the public should be given the opportunity to be informed of the Public Meeting and hear the questions or concerns of any of the Commission members- and the response/s provided.

An addition item which was not address within your response- was the inaccurate information stated on the BasaltCreek.com website. All 5 pages include the statement "No upcoming events"

Upcoming Events

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

• No upcoming events

This statement is posted on all 5 pages of BasaltCreek.com website:

- <http://www.basaltcreek.com/contact-us/>
- <http://www.basaltcreek.com/get-involved/-->

- the April 2018 calendar imbedded within this page is blank- and
- does not include known Public Meetings on the topic
- <http://www.basaltcreek.com/category/news/>
- <http://www.basaltcreek.com/documents-resources/>
- <http://www.basaltcreek.com/contact-us/>

The repeated statement of “No upcoming events” is contradictory to known facts.

This incorrect information being broadcast as part of the Public Notice for Basalt Creek Concept Planning-may unintentionally mis lead the Public about future Public Meetings on Basalt Creek Concept Planning which are already known and already scheduled as an agenda item during Public Meeting/s of one or more governmental bodies.

Members of the Public may consequently miss their opportunity to hear how determinations were made which may directly affect themselves and/or their property.

Grace

From: Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Sent: Thursday, April 5, 2018 2:01 PM

To: G Lucini <grluci@gmail.com>; Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Karen Fox (City of Tualatin) <KPerlFox@ci.tualatin.or.us>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>

Subject: RE: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item---- Notice Provided ??

Dear Grace,

My sincere apologies for the lack of communication and clarity.

The next upcoming Wilsonville Planning Commission work session for Basalt Creek is currently anticipated to take place on May 9, 2018. However, the City of Tualatin, along with us, is working with the consultant team to outline a work schedule for adoption of the Basalt Creek Concept Plan. That schedule is not finalized / agreed to as of yet, but an outline we are working with which will meet the required schedule set by Metro. As soon as we confirm those dates, they will be noticed.

The item on the April 11 PC meeting is only informational. The Planning Commission packets are the means by which to provide our commissioners with updates related to their completed or upcoming work program. I have provided the Metro COO Recommendation in their packet, as we noticed and shared with all interested parties, and I will not be presenting anything at the meeting. A Commissioner may ask me a question about the upcoming process, but this is not a work session item and is not intended for discussion. It is merely a heads up to the Commission that Metro will be making a decision on April 19 and that we will then be working on adopting the Concept Plan and coming before them for their review over the summer.

As always, thank you for your attention to this project.
Do not hesitate to contact me with any other questions.

Miranda

Miranda Bateschell
Planning Manager
City of Wilsonville
503.570.1581

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

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

Sent: Thursday, April 05, 2018 11:25 AM

To: Aquilla Hurd-Ravich <AHURD-RAVICH@ci.tualatin.or.us>; Karen Fox (City of Tualatin) <KPerlFox@ci.tualatin.or.us>; Kraushaar, Nancy <kraushaar@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Subject: Identified Various Public Meetings with Basalt Creek Concept Planning as Agenda Item----Notice Provided ??

2018 04-11 Wilsonville Plan Com Agenda- Basalt ...

Hi Aquilla, Karen, Nancy, and Miranda,

I see that the Wilsonville Planning Commission will be having a Public Meeting on April 11 -where Basalt Creek Concept Planning will be an agenda Item, yet this Public Meeting was not included in the Joint Cities April Notice of Public Meetings for Basalt Creek, which was mailed to the public earlier this month.

---Please see the attached Google Link of 40+ pages of information provided by staff to the Wilsonville Planning Commission for their 4-11-2018 Meeting---to support their Basalt Creek Concept Planning Update agenda item.

I also notice that the BasaltCreek.com website- (which has been identified as the resource for the public to use to learn about upcoming events regarding Basalt Creek Concept Planning Public Meetings):

- Does not include the 4-11-2018 -Wilsonville Planning Com. Public Meeting on the [BasaltCreek.com --- Calendar Page](#) (the April page actually states "No Up Coming Events"),
- Does not include the Metro Public Meeting scheduled for April 19,2018 on the on the [BasaltCreek.com --- Calendar Page](#) (the April page actually states "No Up Coming Events"), and
- Does not include the Wilsonville Planning Com. Public meeting on Basalt Creek Concept Planning scheduled for their April 11, 2018 meeting within [the BasaltCreek.com--- Main Page Narrative – \(Updated on 4-3-2018\) --- yet the upcoming April 19, 2019 Metro Public Meeting is listed.](#)
- Please see the attached screenshots of the BasaltCreek.com website taken on 4-4-2018.

As Interested Persons – especially property owners within the affected area- have limited input into the decision-making process, it is extremely important that the public be notified of these Public Meetings.

The lack of accurate or current Notice of Public Meetings to Interested Persons who have provided in writing their desire to receive Notice is very concerning—especially when the Joint Cities have specifically stated the BasaltCreek.com website should be utilized by the Public for Notice on upcoming Public Meetings on Basalt Creek Concept Planning.

The same concern applies to the monthly newsletter sent by the Joint Cities on Basalt Creek Concept Planning regarding the lack of accurate or updated Notice of Public Meetings on Basalt Creek Concept Planning.

The last page of the informational packet for the 4-11-2018 Wilsonville Planning Commission agenda, lists various dates the Planning Commission has scheduled to discuss Basalt Creek Concept Planning during future Public Meetings.

I bring this document to your attention, to assist the Joint Cities --- in providing timely and accurate Notice of all future Public Meetings on Basalt Creek Concept Planning- to all Interested Persons- and especially those who have requested Notice per the Oregon Public Meeting Laws.

Please remember the Partnering Agreement between the Joint Cities of Wilsonville and Tualatin, was revised in April 2014. The only revision to the Partnering Agreement, was the addition of a statement of compliance to meet Oregon Public Meetings Law (ORS 192.610-192.690) in notice and conduct of all public meetings for the project. The inclusion of the statement was due in part to public comments which identified numerous previous instances where proper Notice had not been provided for Public Meetings on Basalt Creek Concept Planning. It was hoped the inclusion of the statement would remind and assist future Basalt Creek Concept Planning staff members of the need for proper Notice in the future, and the need for encouraging transparency during this lengthy decision making process affecting hundreds of acres of privately owned land.

Should the staff know of additional Public Meetings being held where Basalt Creek Concept Planning is a planned agenda item, it is hoped the specifics of the meeting be included in future Notice provided to the Public- and routinely updated to those informational outlets stated by the Joint Cities as being the resource for Notice of Public Meetings on the subject.

If the Monthly Basalt Creek Concept Planning Update Notices which are sent by USPS, and electronically; and/or if the BasaltCreek.com website---are no longer going to be updated in a timely manner to reflect future Public Meetings- please change the wording within these communications, and also notify the public of the change in provision of Notice.

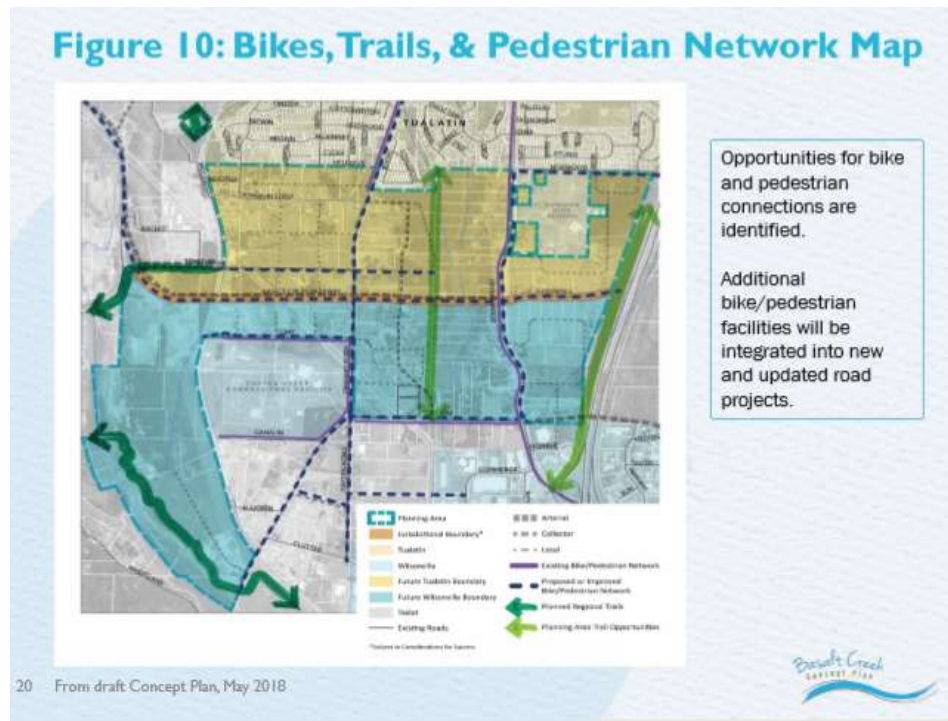
Regards,
Grace Lucini

Attachments:

- PDF 4-4-2018 screenshots BasaltCreek.com webpages -2 pages----Main page & Calendar page
- PDF 4-11-2018 Wilsonville Planning Com Agenda Item- Basalt Creek Concept Planning Update (attached via google link)
- PDF Wilsonville Planning Com 2018 Work Schedule- Basalt Creek Concept Planning – multiple dates where Basalt Creek Concept Planning is listed as proposed agenda item during a Public Meeting on specific dates: April 2018; May 2018 & June 2018-(listed as a Public Hearing)

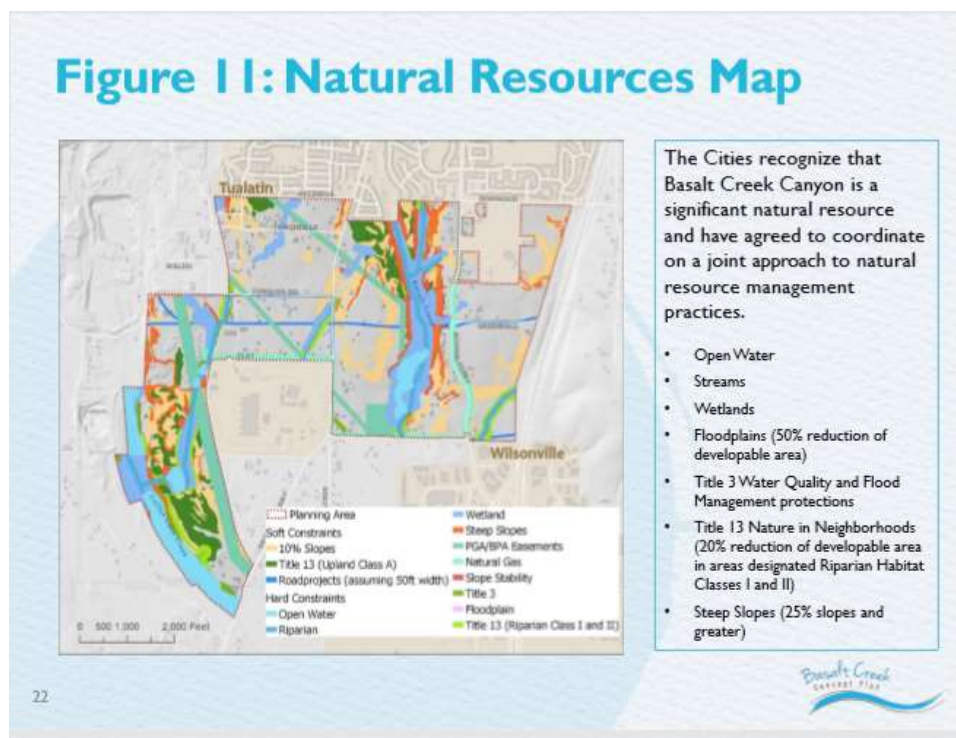
6-13-2018 Basalt Creek Concept Plan – MAP Public Trails- Pedestrians & Bike

- “Canyon” Public Trail – sited- North-South Green Arrow Center of Map- West Edge of Basalt Canyon



6-13-2018 Basalt Creek Concept Plan – Natural Resources Map

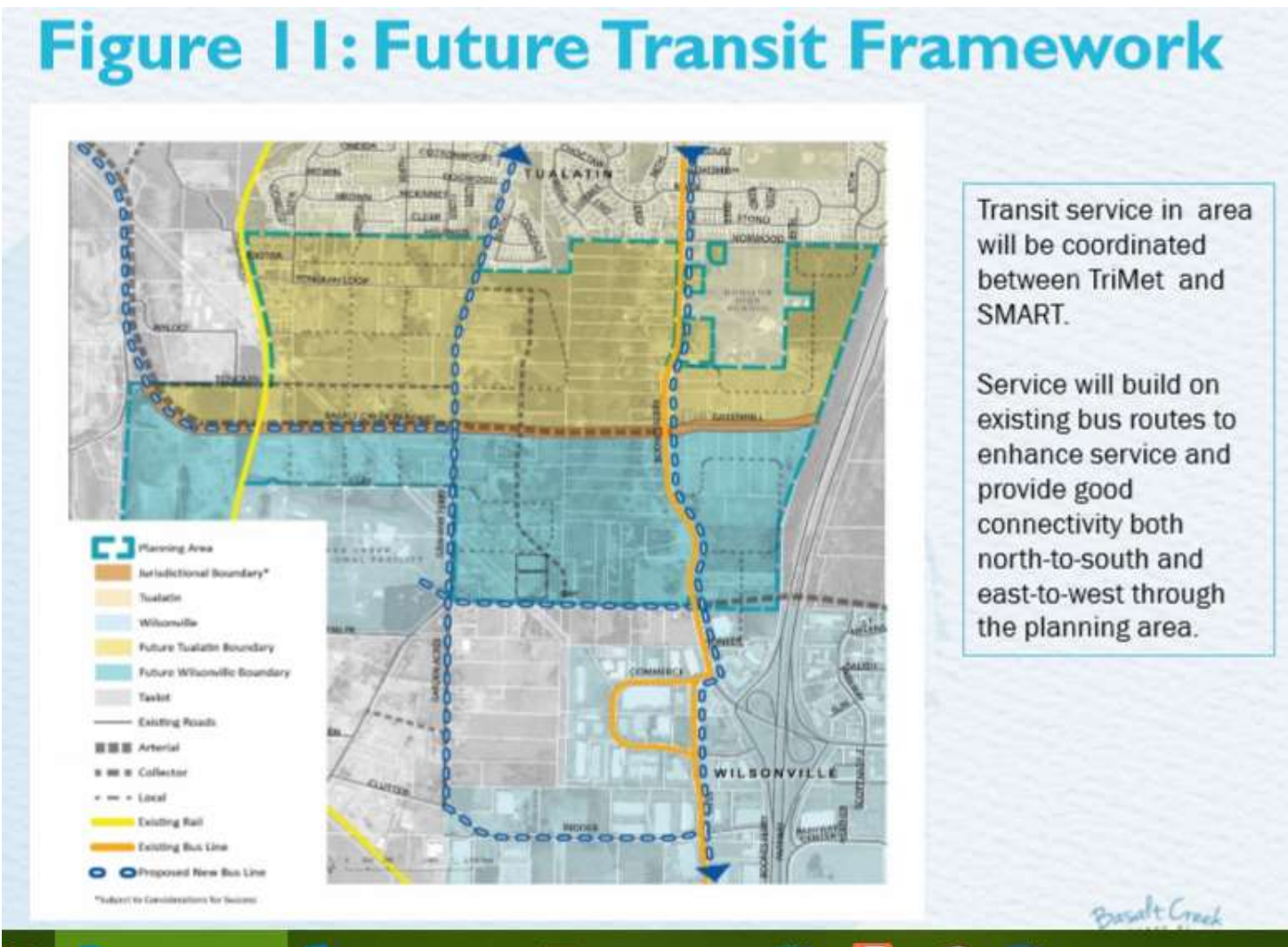
- Indicating Multiple significant Natural Resources along western edge of Basalt Canyon



6-13-2018 Map Basalt Creek Future Transit Framework

The location of the “Canyon Trail” centrally located within the Basalt Creek Area, is not located along local North-South Roads planned for the Basalt Creek Area.

However, there are various North-South roads which are planned for the Basalt Creek area, which could easily accommodate the inclusion of a Pedestrian Bike Connection as part of the ROW land acquisition and design process, while also reducing additional linear bifurcation and impact upon the natural resources within the canyon area.



Attachment # 3

10-25-2015 Letter Karl G. Anuta to City of Wilsonville and to City of Tualatin (2 Pages)

Re: Basalt Creek Planning Area- Storm Water Run Off Issues

KARL G. ANUTA

LAW OFFICE OF KARL G. ANUTA, P.C.

735 SW FIRST AVENUE, 2ND FLOOR

PORTLAND, OREGON 97204

(503) 827-0320

FACSIMILE (503) 228-6551

TRIAL ATTORNEY
LICENSED IN
OREGON & WASHINGTON

E-MAIL
KGA@INTEGRA.NET

October 23, 2015

VIA REGULAR MAIL

City of Wilsonville
297997 SW Town Center Loop E
Wilsonville, Oregon 97070

City of Tualatin
18880 SW Martinazzi Ave
Tualatin, Oregon 97062

**Re: Basalt Creek Planning Area
Storm Water Run Off Issues**

To Whom It May Concern:

This office has been retained by John and Grace Lucini to assist them with drainage and water run off issues at their residence located in unincorporated Washington County at 23677 SW Boones Ferry Rd, Tualatin, Oregon 97062. The property is within the Basalt Creek concept planning area.

I write just to advise (or in some cases remind) you that the Lucinis have earlier this year had significant storm water flooding or drainage issues on their property. As the City of Wilsonville and the City of Tualatin proceed with planning for the surrounding area, you should keep in mind that further development upslope from the Lucini's will most likely produce further compacted or impervious surfaces. That will likely increase the stormwater run off in the vicinity. That will potentially affect the Lucini's property.

When you develop concept plans, or consider development approvals, be sure that those plans fully address the handling of drainage and storm water run off so that the stormwater flows do not harm or burden down slope and downstream neighbors (which includes but is not limited to the Lucini's). It would not be fair, appropriate, or lawful for either City to allow or approve development that causes additional storm water flows to run onto or over Lucini (or any down slope/stream neighboring) property in a way that causes or potentially causes damage.

The Lucinis have obtained the services of LaLiberte Environmental Associates Inc., to investigate the cause of the most recent flooding of their property, that occurred during a rain storm on May 18, 2015. Enclosed is a report from LEA, Inc., addressing the causes of that flooding, which appear to be associated with the recent re-development and movement of Boons Ferry Road in Washington County.

Page 1 of 2

We provide copies of this report simply as a reminder to the Cities that there needs to be **careful** planning and **careful and accurate** analysis, before any development is approved or undertaken. Failure to do so can create significant problems, both for neighboring landowners and taxpayers, and for any local government that does not properly take into account the potential effects on those neighbors/taxpayers.

We trust you will take these concerns into account, when doing your future planning in and around this same area. If you have any questions, or you wish to tour the Lucini property, please feel free to contact them directly.

Sincerely,

Karl G. Anuta

KGA/ev
Enclosures

ATTACHMENT # 4A

Notice from City of Wilsonville Planning Commission
Public Hearing Adoption of Basalt Creek Concept Plan



June 20, 2018

Greetings,

On **Wednesday, July 11, 2018, beginning at 6:00 p.m.**, the Wilsonville Planning Commission will hold a public hearing regarding adoption of the Basalt Creek Concept Plan (Case File #LP18-0005). The Planning Commission will consider whether to recommend adoption of the Plan to the City Council. No additional mailed notice will be sent to you unless you either:

- Submit testimony or sign in at the Planning Commission hearing, or
- Submit a request, in writing or by telephone, to the Planning Division.

The Wilsonville City Council is scheduled to hold a public hearing on the Basalt Creek Concept Plan (Case File #LP18-0005) on **August 6, 2018, at 7:00 p.m.** after which it may make the final decision.

The hearings will take place at **Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.** A complete copy of the relevant file information, including the staff report, findings, and recommendations, will be available for viewing seven days prior to each public hearing at Wilsonville City Hall and at the Wilsonville Public Library. The draft plan is also available **at the project website: www.Basaltcreek.com.**

Oral or written testimony may be presented at the public hearing. Written comment on the proposal to be submitted into the public hearing record is welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on Tuesday, July 10, 2018. Direct written comments or testimony and any questions you have to:

Miranda Bateschell, Planning Manager
29799 SW Town Center Loop East, Wilsonville, Oregon, 97070
bateschell@ci.wilsonville.or.us, (503) 682-4960

Next Steps

To Conclude Adoption of Basalt Creek Concept Plan:

Tualatin Upcoming Meetings

- July 19, 2018 Tualatin Planning Commission: Informational
- July 23, 2018 Tualatin City Council Meeting: Adoption
- Aug 13, Tualatin City Council Meeting: Resolution

Wilsonville Upcoming Meetings

- July 11, 2018 Wilsonville Planning Commission (Hearing)
- Aug 6, 2018 Wilsonville City Council: Adoption



After Concept Plan Adoption, each City completes:

- Comprehensive Plan Amendments and Adoption
 - by May 3, 2019/1 year from Metro decision on Central Subarea
- Urban Planning Area Agreement (UPAA) Amendment with Washington County
- Annexation process starts after the above completed
- Annexation into City of Tualatin will be at the option of property owner in Basalt Creek



From: [G Lucini](#)
To: [Lou Ogden](#); [Joelle Davis](#); [Frank Bubenik](#); [Robert Kellogg](#); [Jeff Dehaan](#); [Paul Morrison](#); [Council](#); [Joelle Davis](#); [Nancy Grimes](#); [Nancy Grimes](#); [Frank Bubenik](#); [Lou Ogden](#)
Cc: [Aquilla Hurd-Ravich](#); [Karen Perl Fox](#); [Lynette Sanford](#)
Subject: #2 Citizen Comments-Tualatin Council Wrk Ses 6-27-2018-Agenda Item -Basalt Creek Concept Plan -Please Include as Part of Public Record
Date: Friday, June 22, 2018 5:56:23 PM
Attachments: [2018 6-11 Citizen Comments Wilsonville Plan Com- Basalt Creek 6-13-2018.pdf](#)

File #2 of 2

PDF file my Citizen Comments - dated 6-11-2018-- Basalt Creek Concept Plan previously submitted, but provided for reference.

From: G Lucini <grluci@gmail.com>
Sent: Friday, June 22, 2018 5:53 PM
To: 'Lou Ogden' <logden@ci.tualatin.or.us>; 'Joelle Davis' <jdavis@ci.tualatin.or.us>; 'Frank Bubenik' <fbubenik@ci.tualatin.or.us>; 'Robert Kellogg' <rkellogg@tualatin.gov>; 'Jeff DeHaan' <jdehaan@tualatin.gov>; pmorrison@tualatin.gov; council@tualatin.gov; jdavis@tualatin.gov; ngrimes@tualatin.gov; 'Nancy Grimes' <ngrimes@ci.tualatin.or.us>; fbubenik@tualatin.gov; logden@tualatin.gov
Cc: 'Hurd-Ravich Aquilla' <ahurd-ravich@ci.tualatin.or.us>; 'Karen Fox (City of Tualatin)' <KPerlFox@ci.tualatin.or.us>; 'Lynette Sanford' <LSanford@tualatin.gov>
Subject: #1 Citizen Comments-Tualatin Council Wrk Ses 6-27-2018-Agenda Item -Basalt Creek Concept Plan -Please Include as Part of Public Record

Due to the email load limitations apparently in place within the City of Tualatin mail boxes, the following documents will be sent within 2 emails.

The first email will contain a PDF file with

The second email will contain a PDF file my Citizen Comments - dated 6-11-2018-- Basalt Creek Concept Plan previously submitted, but provided for reference.

It appears the email below was received by the City of Wilsonville recipients with both PDF files attached.

From: G Lucini <grluci@gmail.com>
Sent: Friday, June 22, 2018 5:36 PM
To: 'Lou Ogden' <logden@ci.tualatin.or.us>; 'Joelle Davis' <jdavis@ci.tualatin.or.us>; 'Frank Bubenik' <fbubenik@ci.tualatin.or.us>; 'Robert Kellogg' <rkellogg@tualatin.gov>; 'Jeff DeHaan' <jdehaan@tualatin.gov>; pmorrison@tualatin.gov; council@tualatin.gov; jdavis@tualatin.gov; ngrimes@tualatin.gov; 'Nancy Grimes' <ngrimes@ci.tualatin.or.us>; fbubenik@tualatin.gov; logden@tualatin.gov
Cc: 'Hurd-Ravich Aquilla' <ahurd-ravich@ci.tualatin.or.us>; 'Karen Fox (City of Tualatin)' <KPerlFox@ci.tualatin.or.us>; kraushaar@ci.wilsonville.or.us;

bateschell@ci.wilsonville.or.us; veliz@ci.wilsonville.or.us; 'Lynette Sanford' <LSanford@tualatin.gov>; 'Tim Knapp' <Knapp@ci.wilsonville.or.us>; 'Stevens Susie' <stevens@ci.wilsonville.or.us>; 'Starr Scott' <scottstarr97070@gmail.com>; 'Lehan Charlotte' <lehan@ci.wilsonville.or.us>; akervall@ci.wilsonville.or.us

Subject: Citizen Comments-Tualatin Council Wrk Ses 6-27-2018-Agenda Item -Basalt Creek Concept Plan -Please Include as Part of Public Record

Please include this email and the two attachments (Lucini Citizen Comments dated 6-22-18, and 6-11-2018) as part of the Public Record for Basalt Creek Concept Planning

On 6-25-2018, The Tualatin City Council Work Session has the Basalt Creek Concept Plan as an agenda item. This will be the first public discussion by the Tualatin City Council, of the newly revised 6-13-2018 Draft of the Basalt Creek Concept Plan and implementation.

I request the members of the Tualatin City Council, to read the attached file - Lucini Citizen Comments dated 6-22-2018- which may provide the Council an understanding of the continuing issues which I have had to face as a property owner within the Basalt Creek Area.

Included are specific requests generated by the posting of the 6-13-2018 revision of the Basalt Creek Concept Plan, and by the recent comments and discussions of the Concept Plan during the recent Public Meetings of the Wilsonville Planning Commission, and the Wilsonville Council.

I previously submitted Citizen Comments on 6-11-2018 to both Cities, a copy of which is also attached.

Only the City of Tualatin has provided me a written response to a few of the issues I presented in my 6-11-2018 communication. I have not received substantial response to many of the remaining issues on which I requested a response.

The most recent iterations of the proposed Basalt Creek Concept Plan were only made public this month which included significantly greater levels of information than previously available from the previous revision- which was posted several months prior.

Yet, with much more specific information contained within these recent versions of the Plan, the BasaltCreek.com website does not indicate any Public Involvement Events scheduled to receive feedback from the Public, or formal outreach to the affected property owners, prior to the start of public hearings to adopt the Plan.

6-11-2018

Issues Regarding Information Provided Within

Wilsonville Planning Commission 6-13-2018 -Basalt Creek Concept Planning Update Informational Packet

Aquilla Hurd-Ravich and Karen Fox- City of Tualatin, Tualatin Planning Commission
Nancy Karushaar and Miranda Bateschell- City of Wilsonville, Wilsonville Planning Commission,
Cc: Wilsonville City Council, and members
Tualatin City Council, and members

There are several references within the 6-13-18 Wilsonville Planning Commission Informational Packet on the actions being taken by one- or both- cities regarding the Basalt Creek Concept Plans, which I am requesting your comments, and/or response.

1. BACKGROUND

At the current time, my property is within the Basalt Creek concept Area, but is not within the City limits of either city, and is outside the jurisdiction of either city. It is located on the western side of SW Boones Ferry Road and east of the Canyon and is one of many other single- family homes which were built prior to the adoption of Metro 04-1040b.

My property extends west of the wetlands and past the western edge of the Canyon -including both sides of the canyon, with additional land extending west of the canyon.

My husband and I spend many hours personally studying and working to restore the wetlands and surrounding area. It is my goal to leave for many generations to come---a healthy ecosystem which will support the various types of wild life which use the area to forage and for shelter.

Property owners and residents within the Basalt Creek Concept Area will most directly feel the effects of this concept planning. Yet we were not provided an elected representative to routinely represent us during Public discussions as part of the decision-making process being made by the City Councils of Tualatin and Wilsonville.

The Cities of Tualatin and Wilsonville have orchestrated most aspects as to how Basalt Creek Concept Planning would be determined, planned and implemented.

Formal Public Involvement has been minimal, and non- existent for over 2 years- after which time concept planning continued.

No formal Public Involvement Event has been held specifically for affected property owners (who as mentioned, had no elected representation within the Basalt Creek Joint Cities Governing Body). As Concept Planning details progressed with time, affected groups of property owners requested formal meetings with staff and/or Council but were rebuffed.

The property owners and residents within the Basalt Creek Concept Area were only allowed 3 minutes (as are all citizens) during the Citizens Comment Sections of Council Meetings, to present very complex and multi-faceted issues/concerns which were created by and during the concept planning process.

The determination of the future city limits of either city within the Basalt Creek Area has not yet come to fruition within the legal process.

It is unknown when this process will finally be completed, as an Appeal has been filed regarding the Concept Plan which has not yet been heard.

2. INFORMATIONAL PACKET BEING PROVIDED TO THE WILSONVILLE PLANNING COMMISSION

I understand the complexity many of the issues which need to be resolved. I appreciate the attempts of the staff to present many issues within the Informational Packet which were taken into consideration when developing this concept plan.

It is my understanding that the property owners within the Basalt Creek Area, will not be automatically be annexed into either of the two cities, but may request to be annexed in the future or-- may elect to forgo any annexation into their identified city.

I request a response to this question: *I do not see any information within the Informational Packet which addresses possible impacts to the implementation of the Concept Plan, should one or more property owners within the Basalt Creek Area decline to annex their property into the City Limits--- What affect this may have upon the implementation of concept plans which include use of un annexed properties?*

3. IDENTIFICATION OF RECREATIONAL NEEDS/GOALS TO BE IMPLEMENTED WITHIN THE BASALT CREEK CONCEPT AREA

Many pages within the Informational Packet relate to plans for public recreational use of the land within the Basalt Creek Area. The Informational Packet includes the following statement:

At the time of this writing, Tualatin is going through a Park and Recreation Master Plan update. This update has considered the Basalt Creek area in the types of services and facilities that will be needed to serve residents and business in this area.

I request a response to these issues:

- Is the City of Tualatin in the process of updating the Park and Recreation Master Plan- and including portions of the Basalt Creek Concept Planning area within the update-as stated within the Information Packet?
 - If so, what type of recent outreach has the City taken to contact property owners within the Basalt Creek Concept Planning area to seek their involvement, or discuss potential impacts any proposed changes to the Parks and Recreation Master Plan might generate?
- Have there been any Public Meetings on any update changes to the Tualatin Park and Recreation Master Plan where Basalt Creek Concept Planning - or its inclusion into the Master Plan Update were an identified topic?
 - I have not seen any General Notice postings on the *BasaltCreek.com* regarding Public Meetings on updating the Tualatin Park and Recreation Master Plan which included the topic of the Basalt Creek Concept Area.
- As an Identified Interested Person who has provided numerous written requests to both cities, requesting to be Noticed on any Public Meeting relating to the Basalt Creek Concept Planning Area--- have I ***not*** received any communication or Actual Notice that several hundred acers within the Basalt Creek Concept Planning Area (including my property), were being actively included into an update to a City Recreation and Parks Master Plan.
 - Please provide me information as to the status of the Tualatin Parks and Recreation Master Plan Update, and when the next Public Meeting will be held regarding this.
- The Basalt Creek Concept Planning Partnering Agreement was amended to reaffirm a commitment to abide by Oregon Public Meetings Law to promote transparency of the process.
 - Historically throughout this entire concept process, there has been many instances where proper Notice has not been provided to the public, and/or to Interested Persons who have provided written request to be provided Notice on Public Meetings related to Basalt Creek Concept Planning.
 - The outcome of Basalt Creek Planning involves hundreds of acers, and directly affects hundreds of citizens, and is of importance to the general public.
 - The Basalt Creek Area is not yet within the jurisdiction of either city. Finalization of the Concept Plan has not been completed and is now under appeal.
 - Even after finalization and adoption, Individual Property owners may not wish to annex into a city. This may affect or influence Master Planning needs.
 - Consequently, the adoption of an Update to any of either city's various Master Plans to include any portion of the Basalt Creek Area seems premature at this time.
 - Any update to either city's Master Plans which to include portions of the Basalt Creek Area, can reasonably be assumed to be a component of (or implementation of) Basalt Creek Concept Planning which should had triggered Notice be given on Public Meetings regarding either city's Update to Master Plans to include portions of the Basalt Creek Area.

It is therefore requested that in effort to promote transparency and uphold the only amendment to the Basalt Creek Concept Planning Partnering Agreement and Oregon Public Meeting Laws (ORS 192.610 to 192.710), efforts be redoubled to provide proper Notice on ALL Public Meetings regarding Basalt Creek Concept Planning, including city

Master Plan Updates -or any other actions which may involve current or future implementation of any portion of the Basalt Creek Concept Planning.

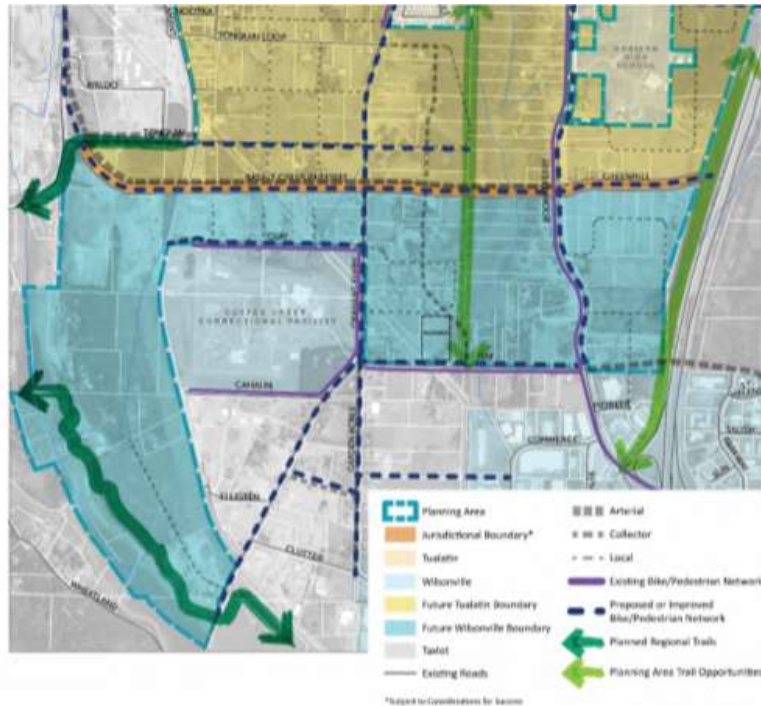
- **This should include, but not be limited to:**
 - **Posting these meetings in a timely manner on the identified website: BasaltCreek.com**
 - **Providing proper timely Actual Notice to identified Interested Persons- electronically and/or mail.**

4. IDENTIFICATION AND SPECIFIC LOCATION/ PLACEMENT OF DESIRED PUBLIC TRAILS ON PROPERTY CURRENTLY OWNED BY PRIVATE CITIZENS.

The narrative within the Informational Packet states a goal of the planners is to develop pedestrian and bike connectivity between the two cities.

The Informational Packet also provided the following statements:

- **“bike/pedestrian facilities will be integrated into new and updated road projects in accordance with State, County and City standards,**
- **“Identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.”**



While existing bike and pedestrian facilities run along Boones Ferry Road, Day Road, and sections of Basalt Creek Parkway, planned improvements will increase safety and completeness. The additional facilities will offer significant east/west connections along the new Basalt Creek Parkway and Tonquin

What is referred to within the Informational Packet as the Canyon Trail- currently placed North-South along the western side of the Canyon - runs entire western boundary of my property- and along the properties of approximately 29 other property owners.

I have not provided any indication of having interest in the locating Public Trails along or through my property. In fact, I have previously provided written objections to similar proposed takings of my property for Public Trails---I can provide upon request copies of these written communications –copies of which should also be available within your files.

It was therefore disconcerting to me to see another new document being disseminated to the Public in which the document labels a portion of my property being identified and listed as a “Public Trail Opportunity”.

I have not been approached by any staff member regarding this proposed new taking of my property. I have never received any indication if and how much I might be reimbursed for my property, if any funding is available, or when this proposed action might happen.

Yet as a direct consequence of the inclusion of this map with a specific Trail identified across privately-owned properties- immediately places a cloud over all of these properties, causing the owners immediately economic and legal impact.

My previous objections to providing Public Trails within the Basalt Creek Canyon and/or through my property centered around the protection of the natural resources within the area, and concerns of damage to the wetlands and other natural areas which I and my husband have been working to restore.

I also expressed concern as to the need for thoughtful planning of the location of any public pedestrian corridor due to the well documented news reports regarding a very similar Public Trail created for pedestrians and bikes to connect two cities- the Springwater Corridor. Unfortunately, the Springwater Corridor has developed into an unsafe public health and safety issue; has caused damage to previously identified sensitive natural areas; and requires routine monitoring for unplanned/anticipated types of public use.

The following statements are also included within the Informational Packet:

“Parks and Open Space One of the guiding principles of the Basalt Creek Concept Plan is to protect key natural resources and sensitive areas while making recreational opportunities accessible by integrating new parkland, open spaces, natural areas and trails in the planning area and connecting to existing regional networks.

This Canyon is very valuable to the area and it needs to be protected, while also having public access points in appropriate locations in order to connect to the bicycle, pedestrian and recreational facilities of the area and to serve the needs of residents and local employees.

If the planners truly believe in the statements they have included within the Informational Packet on upholding their goal to protect these natural resources, it would be noticeable in their efforts to reduce the number times and locations this natural area is being bisected and encroached upon by multiple roads; proposed over or under crossings, various utilities, and now in addition-- Public Trails not integrated along other proposed transportation routes.

I request a response to these issues: There are numerous governing documents stating requirements to protect identified elements found within the Canyon Area including the protections of slopes, and other natural resources---

Would you explain why on the Public Trails Map above---the “Canyon Trail” does not run in proximity to local roads (which are also in concept planning), but instead--has been placed in a completely separate location -deeper into the natural areas which results in even a greater number of bifurcations of the natural areas, and increasing fragmentation of the existing habitats?

I request a response to these issues:

- Are both cities in agreement with the information provided within the Public Trails map?
- Who authored/ generated the Public Trails indicating Public Trail “Opportunities” over multiple properties which are privately owned near the Basalt Creek Canyon?
- Which agency or government will be providing and funding for ongoing routine maintenance; police services; or emergency services to the “Canyon Trail”-a trail which runs through multiple jurisdictions, and possibly through islands of unannexed properties?
- And what provisions are being made to secure continuous sources of funding for these services over the entire length of the Trail?

I question how much due diligence was done prior to creating a Public Document which indicates only one location for the Public Trail within the Basalt Creek Canyon- without any alternative locations provided during its first public issuance, and without prior discussion with affected property owners.

- Just a minimal amount of research would show that the location of the proposed Public Trail within the Canyon is hampered by significant topographical constraints. The impact of these constraint seemed to be minimized within the Informational Packet. (Please see additional information provided in Section #5 regarding known significant natural constraints and limitations within the Basalt Creek Area which were authored and memorialized by various governments). The proposed location of the Canyon Trail encroaches through these natural resources.
- Construction and ongoing use of a Public Trail – open all day/year-round will create yet another bifurcation and fragmentation of the local eco system- which will directly and negatively affect the high valued riparian and upland habitats currently found in the area. These actions would be in direct conflict with the stated goals of protecting the existing natural resources within the area and within the canyon.
- Due to the current topographical location of the Public Canyon Trail, the land along the trail will most likely require leveling of the proposed pathway to be compliant with Federal ADA guidelines. This type of alteration of the area increases negative impact to surrounding habitats.
- The leveling of the trail would require high cost expenditures to minimize significant grade changes found along the proposed trail.
- Geological formations of Basalt rock along the proposed trail may require extensive construction equipment or blasting which increases negative impact to surrounding habitats and increases costs.
- The Public Trail runs along privately-owned land, with very little access to roads for construction of the path, which will also increase construction costs.
- It is also not clear how or what safety protections can be provided to a Public Trail which with very limited vehicular access, nor how the Trail would be monitored in the future to ensure appropriate use of the Trail or provide timely response to emergencies either police or medical.
- The stated location of the Trail along the Canyon is in direct conflict with another stated goal of maximizing assessed property value. The Trail on this map bisects and isolates buildable acreage located on the eastern side of the trail (on the western border of “SW Boones Ferry Rd” properties).

The inclusion of this detailed Trail map is in very sharp contrast to how information was presented for another much more significant and complex land acquisition-- future public school site locations within the Basalt Creek Area. The location of potential school sites require large acreage, complex and are highly constrained site-specific needs.

Whereas the staff elected to include a map with site specific land acquisition “locks” for the Public Trails in the Basalt Creek Area, the staff specifically stated a map which would identify potential school sites *would not be included* within the Information Packet- *thus eliminating any land “locks” which might improve land acquisition for future school sites in the area at this time.*

It is also unclear why Public Trail paths were so exactly identified as to site location within the Informational Packet at this phase of the concept planning process. A narrative of need, functional goals and general location should have been sufficient, as there are several other locations within the same area, which will provide the same connectivity; at less cost; more easily constructed; more accessible to emergency and safety and maintenance vehicles; can be more easily visually monitored; and significantly less negative impact upon the Natural Areas, - as well as being closer to the local roads which are also still in the concept stage of planning.

The Informational Packet states “identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.” If the Canyon Trail is considered a recreational use, then the planners have gone beyond the scope of the Concept Plan and exceeded their mandate.

If the Canyon Public Trail is considered a means of transportation, it would then seem appropriate the Public Trail would be more closely aligned with the proposed local roads, located on a more direct North South route between the two cities, with significant considerations given to costs relating to excessive numbers of land acquisition negotiations with approximately 30 individual property owners (over and above all other negotiations needed for road and other infrastructure negotiations), land acquisition costs, constructions costs, and ADA compliance issues.

Since we are still in the conceptual stages of this process- planners have the most flexibility to be able to incorporate the design of a Public Trail along separate paths--- but within proximity to the location of local roads (which are also being planned) --- and be able to also provide pleasant visual surroundings within the design.

In light of the extensive number of factors listed about, the only rationale I can determine which justifies the recommendation of the Canyon Public Trail at its current location is that the staff wanted to ensure they could implement a goal stated numerous times during Wilsonville Council Meetings.

During multiple Wilsonville Council meetings statements were made as to the desire to increase the marketability of their nearby future industrial area, by including unique enticements to potential developers/employers --such as providing access to the natural areas within the Canyon so that “employees will have somewhere to walk during lunch.” If this is the case---this one-sided self-serving goal with short term benefits, should not outweigh all the other considerations previously identified and the numerous governmental requirements to protect the natural resources of the area.

This supposition is supported by the statement within the Wilsonville Summary portion of the Information Packet (Attachment B page 4 of 6) ... “Locate north to south trails near the Basalt Creek Canyon and provide bicycle connections that would connect to other cities and trail systems, serving as an asset for both residents and employees in the area.”

Unfortunately, all of the comments listed within Sections #3 and #4 are just an example of the lack of concern, consideration and respect the Basalt Creek Concept planners have shown to the existing property owners and the natural resources within area.

5. REQUESTING FUTURE INFORMATION BE PROVIDED TO THE PUBLIC AND TO THE APPROPRIATE DECISION MAKERS--- TO GIVE CLEAR, REPRESENTATIVE, AND ACCURATE INFORMATION REGARDING THE EXISTING SIGNIFICANT NATURAL RESOURCES WHICH ARE LOCATED WITHIN THE BASALT CREEK AREA- AND SPECIFICALLY THE BASALT CREEK CANYON.

It is unclear to me why the following statement was included within the Informational Packet:

No land within the planning area is identified by the Washington County Comprehensive Plan as a Significant Natural Resource. The nearest Significant Natural Resource area is comprised of the Tonquin Scablands, to the west of Coffee Lake Creek.

Relationship of County significant natural resources and cities to be clarified.

The inclusion of this statement within the Informational Packet seems to only muddy information which has previously been documented and substantiated by **multiple governmental bodies - including Washington County-which have clearly identified Significant Natural Resources within the Basalt Creek Concept Area.**

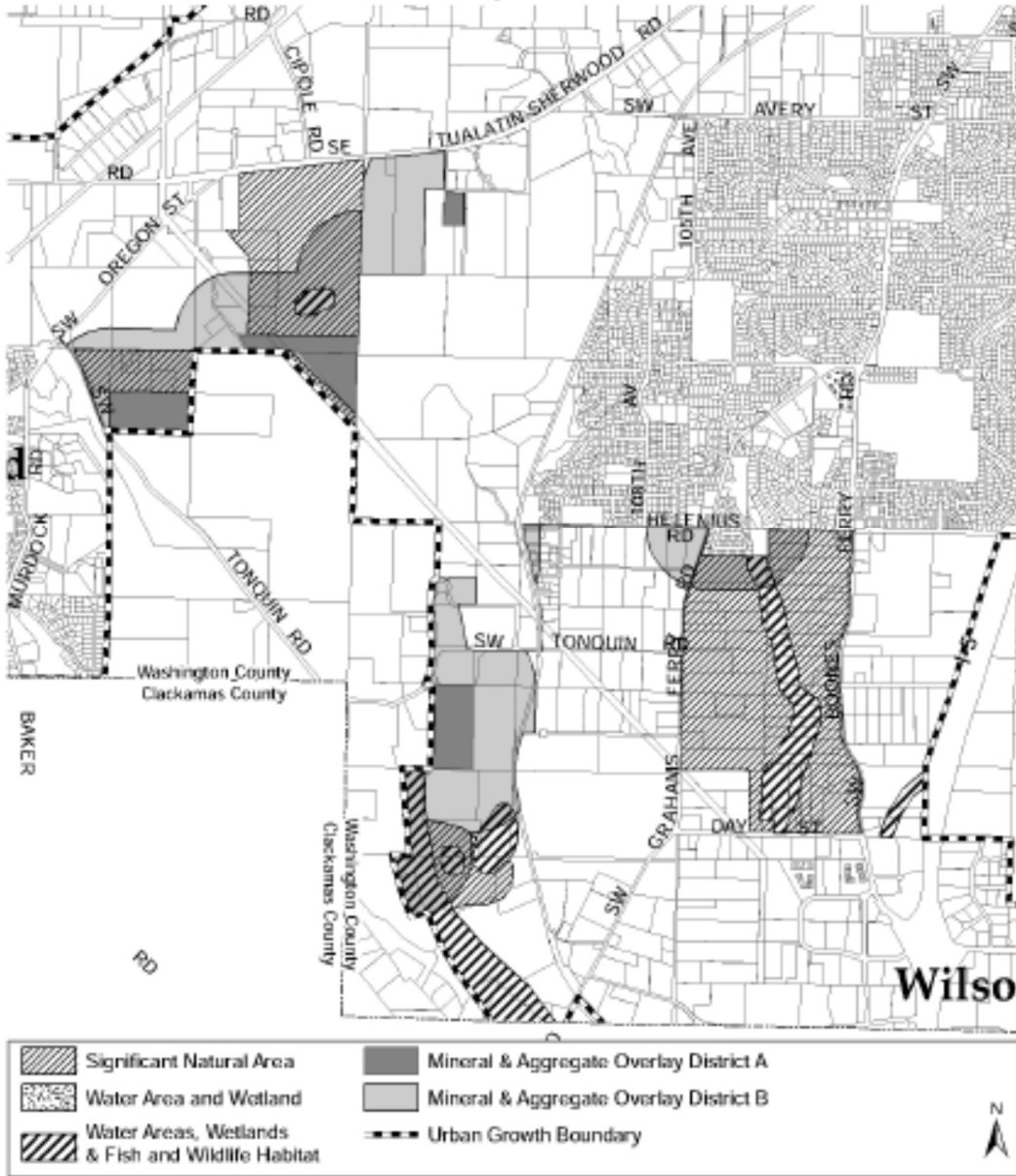
There have been multiple documents provided to the Basalt Creek staff which details the unique resources located within the entire Basalt Creek Area- many which are located near or within the Basalt Creek Canyon.

Copies of all of the following documents were provided the Basalt Creek Staff during the beginning of the Concept Planning process, and should be available within your files:

The Basalt Creek Canyon Area was clearly identified as a Significant Natural Resource by Washington County

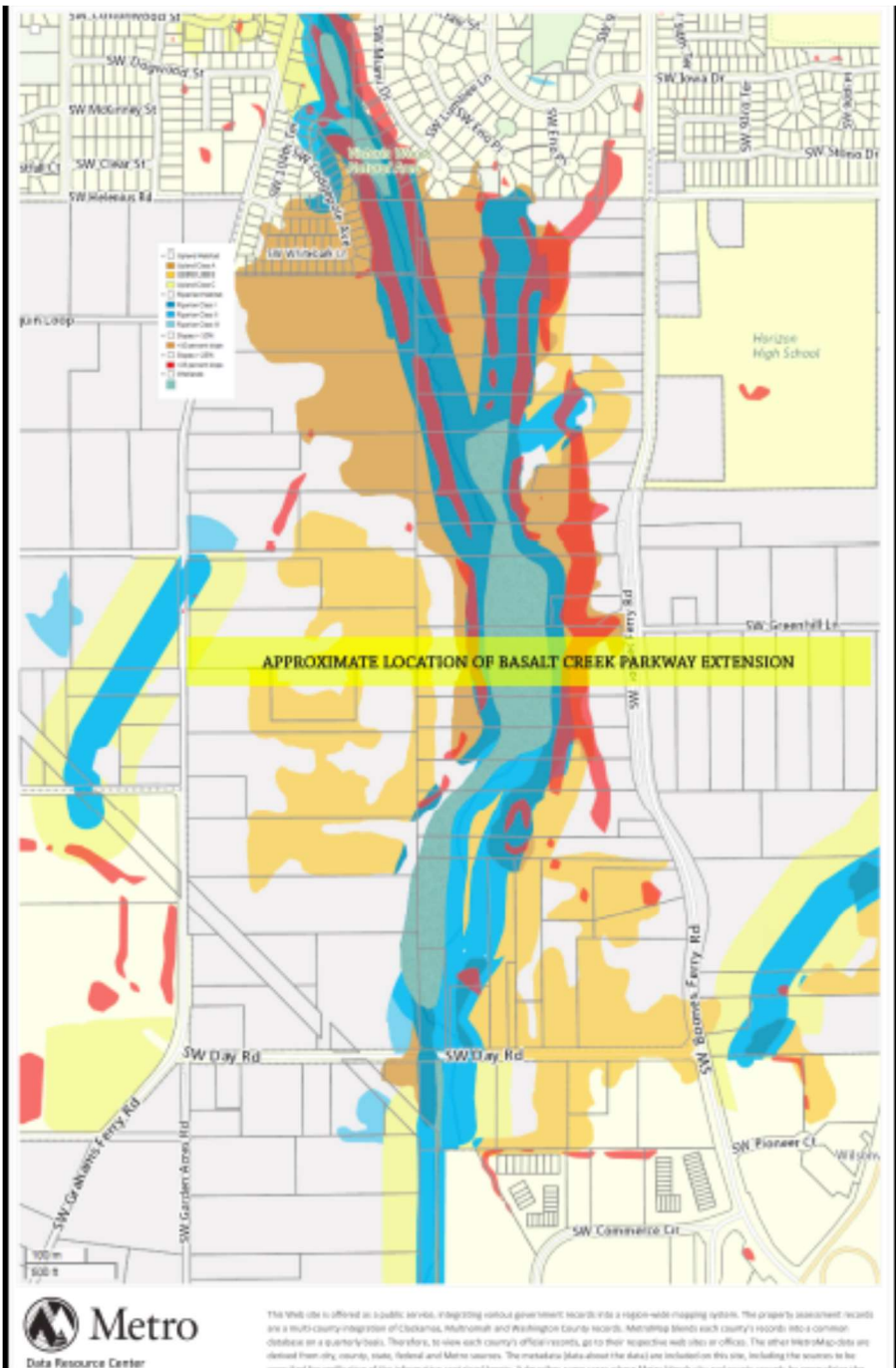
Ordinance 671
 Exhibit 2
 Page 3 of 9
 January 18, 2007

Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



C:\GIS_MAPS_TEMP\STAFF\paw\2007\864_cnhb4_cnhb4.dwg 1/17/07

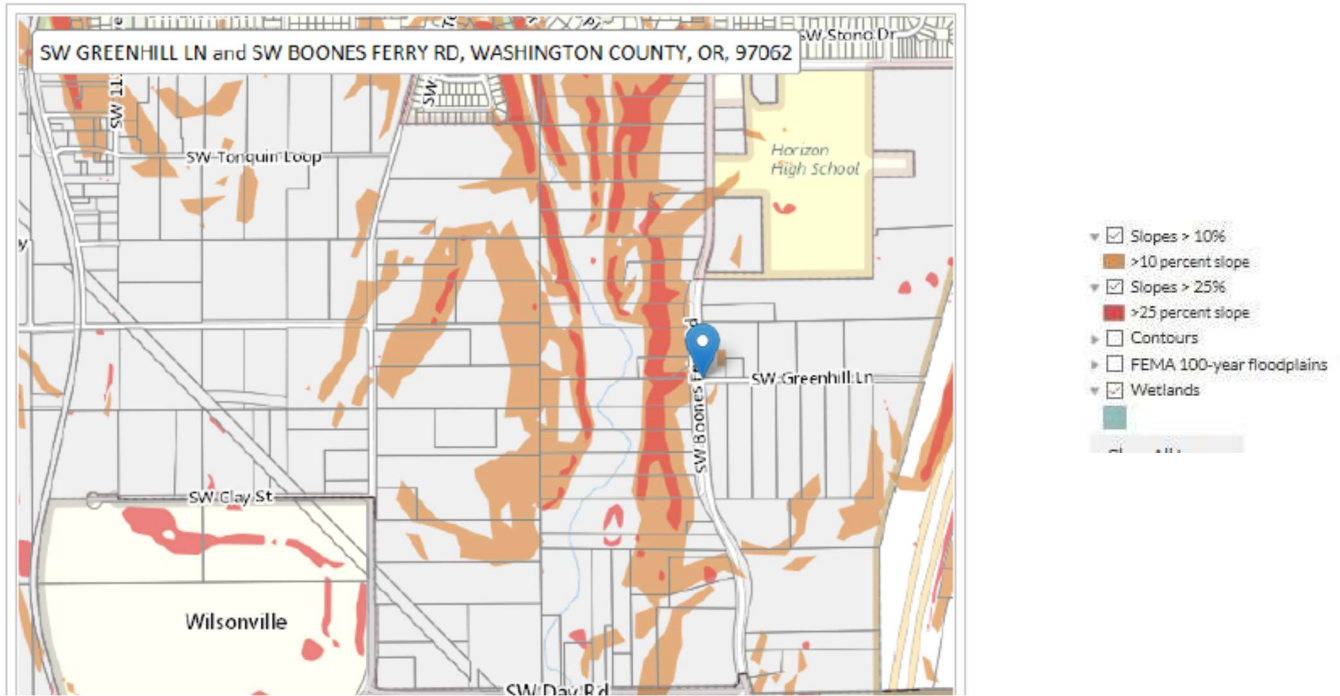
Metro has documented the existence of the highest valued Class 1 Riparian Habitat, and the highest valued Class A Upland Habitat within the Basalt Creek Area- Including a large portion of the Basalt Creek Canyon



Metro has also provided data as to the significant slopes which are located within the Basalt Creek Area which in part creates the Basalt Creek Canyon.

In 2004 Metro charged both Wilsonville and Tualatin with the requirement to protect the steep slopes found within what was referred to in Metro 04-2010B, as the “Tualatin Area” during concept Planning for the area.

From the following two maps, it can be easily determined there are significant topographical changes within the Basalt Creek Area, which result in dramatically steep slopes.



Metro has also provided a map of the significant grade changes within the Basalt Creek Area in relationship to the wetlands



As can be seen within these 2 maps- the rugged topography sheltered and protected the Basalt Canyon and its resources. There is a reason why this land has not been already been densely developed over the past years even though it is located close to many other attractive locations.

Care and thoughtful planning have to take place to protect this local resource for the future.

This fact was recognized when the governing tool (Metro 04-1040B) placed multiple requirements upon the cities of Wilsonville and Tualatin specifically addressing each city's responsibility to protect during Concept Planning and after – the various natural resources within the Basalt Creek Area.

The Federal government has identified and included the wetlands within the Basalt Canyon within the Federal Wetland Inventories.



The numerous plans for the construction of large expressways, arterials, collectors and local roads and, public trails within what is currently one confined natural area will now be permanently bisected at multiple locations-- causing fragmentation. This fragmentation will permanently damage the health of the existing habitats and ecosystem. *This issue cannot be emphasized enough.*

I remind the Basalt Creek Concept Area planners and their respective Councils of their responsibilities for the protection of the area's natural resources. It is hoped that short sighted economic goals to gain rapid development advantages will not cloud nor distort the need to protect fragile natural resources and ecosystems for future generations.

Respectfully submitted,
Grace Lucini

From: tom.re@comcast.net
To: [LouOgden](#); [Council](#)
Cc: [Aquilla Hurd-Ravich](#); [Karen Perl Fox](#); "[Bateschell, Miranda](#)"
Subject: 6/25/18 Work Session
Date: Tuesday, June 26, 2018 12:14:30 PM

Tom Re / 503-482-5157
23500 SW Boones Rd. Tualatin

Mayor / Tualatin Council:

There was a note of frustration coming from council during work session last night – well I am very frustrated. I have been involved with this area since BEFORE it was brought into the UGB so late comer I am not; I do have some background and knowledge of this area. Late comers are (now?) surprised that sub area was being planned for jobs? Really? I was on a property owner's focus groups with a sub area property owner and it was known to be slated for jobs then (4 years ago). The late comers that seemingly have no regard for Staff's recommendations is just totally disrespectful in my opinion.

I was absolutely taken back last night – hearing "is it possible to change the boundary line?" "what if we just don't vote to accept the concept plan?" Water? Sewer? Utilities? These are all issues that have been discussed and re-discussed by the Staff, community and the councils for both cities. Tualatin Council members jabbing at Wilsonville (and past Tualatin councils) / Wilsonville Council jabbing at Tualatin. I have attended numerous meetings for both cities (in addition to Metro and Wa County meetings) – why (and I have suggested this more than once) why is there not a representative from Tualatin at Wilsonville meetings and the same for Wilsonville? A lot of misunderstandings / misinterpretations could easily be eliminated.

Last night after the work session actually hearing a sub area property owner so happy that two Tualatin mayoral candidates are still advocating for a residential designation for the sub area and not supporting anything already agreed upon, that he (sub area property owner) is not sure who he will vote for but going to write a check to each candidate ... was very interesting to me.

Am I incorrect in understanding that both cities signed a contract with Metro and that a decision finally was made? If so, why is Tualatin council discussing "what happens if we just don't do that?".

It is way past time to move this project forward – adhering to the timeline and adopting the Concept Plan as is – is the right and correct thing to do. It is past time of holding this up for all the other property owners in both Tualatin and Wilsonville.

Thank you for your time.
Very Sincerely,

Tom Re
23500 SW Boones Ferry Rd.
Tualatin, OR. 97062
503-482-5157

Frank Bubenik

fbubenik@hotmail.com



[Visit my campaign website](#)

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From: G Lucini <grluci@gmail.com>

Sent: Wednesday, July 11, 2018 12:55 AM

To: fbubenik@tualatin.gov

Subject: Question on Acceptance of Basalt Creek Concept Plan 7-2-2018 Trail Map- Implications for City of Tualatin

Hi Frank,

I'm forwarding to you (below), an email I just sent to Ross Hoover, the new Tualatin Parks & Rec Director, regarding the newest revision of the Basalt Creek Concept Plan Draft dated 7-2-2018.

On 7-3-2018 I received a "Joint Response" email from Miranda Bateschell-Long Range Planning Director at Wilsonville, which referenced this 7-2-2018 Draft Plan as representing the most current desires of both the City of Tualatin, and of the City of Wilsonville.

However, many of the concerns I presented in my June emails to both Councils and the Planning Commissions, regarding the Trails Map within the June Drafts of the Plan--- continue to be of concern to me with the 7-2-2018 Draft. These concerns are for many of the same reasons previously identified--- centering around the siting of the north end of the Canyon Trail as depicted on the Trails Map --which is within the future jurisdiction of the City of Tualatin.

I would like to confirm with you-- if the revisions to the Trails Map within the 7-2-2018 Draft of the Plan (Copy of 7-2-2018 Concept Plan Draft- Trail Map -page 39- attached), accurately reflects the position, goals and future desires of the City of Tualatin and/or the Tualatin City Council.

Additionally, after my Citizen Comments to the Tualatin Council on June 25th--- regarding the

proposed Concept Plan Trails Map-- I had an opportunity to talk with Ross. I heard his perspective as to what level of detail/maps should or should not be included within a Concept Plan Map for Trails--verses what should be included in a City's Master Plan. This discussion caused me to generate the attached email to Ross.

Unfortunately, I will not be in town next week to attend to -and restate- the numerous concerns I have already presented in writing to the Tualatin Planning Commission- when they receive an Update on the new 7-2-2018 Draft of the Plan.

On July 23rd of the following week, the Tualatin City Council is scheduled for a Public Hearing on the most recent Concept Plan Draft.

The process to adopt a Concept Plan is obviously in full gear to meet a deadline. But, the plan should accurately reflect the goals and desires of both Cities and to provide meaningful guidance for each City when they develop their own Master Plans for implementation within their own jurisdictions.

I am available this week to discuss any questions you may have- either by phone or over coffee.

*Regards,
Grace Lucini
503 692 9890*

From: G Lucini <grluci@gmail.com>
Sent: Tuesday, July 10, 2018 10:00 PM
To: 'Ross Hoover Tualatin Parks & Rec-' <rhuover@tualatin.gov>
Cc: jdavis@tualatin.gov
Subject: RE: Basalt Creek (1 of 3)- Inclusion into Tualatin Parks & Rec Master Plan- Invite for Site Visit

*Hi Ross,
I received a response to my emails regarding the Trails Maps within the previously proposed Basalt Creek Concept Plans from June. The attached joint response from the Cities of Wilsonville and Tualatin referenced changes made to the Trails Map within the most current version of the Basalt Creek Concept Plan Draft dated July 2, 2018. However, after reviewing this revision of the Concept Plan Draft, most of the concerns I stated in my emails of 6-11 and 6-22 continue to remain.*

I bring this to your attention, as time is of the essence as both cities move towards finalizing and adopting the Plan. The Tualatin City Council will be holding their Hearing on Adoption of this version of the Concept Plan on 7-23-2018. The Tualatin Planning Commission is scheduled to receive an update on this draft during their meeting next week.

Specifics:

The 7-3-2018 email response from the Cities of Tualatin & Wilsonville provides more information than contained within the Trail Maps narrative in the current July 2nd Draft of the document:

The public Trail Opportunity along the Basalt Creek Canyon is high level concept in the Concept Plan, and is described as an opportunity when moving forward with development in this area. This opportunity was identified by the project team, which includes the consultant and both Cities, in conjunction with what we heard during public outreach and working with both City Councils. The idea and opportunity highlighted in plan is to locate the trail up on the bluff, providing visual access, but not locating the trail down below in the creek/wetlands. The plan does not call for bifurcating or impacting the habitat – any trail built would balance public access with protections, restoration and enhancement of the Canyon – additional language is being added to the Concept Plan to clarify this. There are examples of successful projects throughout the region that provide access while also preserving a natural area and this same care will be adhered to in this area. In addition, the trail is not intended to serve as the primary non-vehicular transportation route – the Concept Plan provides primary non-vehicular transportation routes along the roadway system in the Planning Area - but rather an opportunity to increase connectivity and connect people to this valuable resource.

The Concept Plan does not provide a detailed trail alignment. Specific alignment based on additional analysis (including topography and reducing both environmental and development impacts), and funding and maintenance plans, would all be determined later during infrastructure master planning and project design work. Thus, no takings are proposed. Typically right of way would be dedicated as part of development when annexation and development is proposed for those properties, even if that happens incrementally.

Please see edits to the Concept Plan (on page 38 of the July 2, 2018 draft) to further clarify the conceptual level of the trail, including modifying the depiction of the trail on the Trail map. Language was also added regarding enhancement strategies, and to clarify trails will not take priority over enhancement and protection of natural resources.

However, in the July 2, 2018 Draft of the Concept Plan Trails Map--there does not appear to be an appreciable change --the "Canyon Trail" (Centrally located on the Trails Map- running North-South) now appears as a dotted green line, as opposed to a solid green line. (ATTACHMENT)

The July 2nd Draft of the Basalt Creek Concept Plan page 38 Trail narrative (copied below)provides little guidance as to the goals or criteria or actual "strategies" to use in siting Trails within the Basalt Creek Area when each city develops their own Master Plans within their future jurisdictions.

With the conservation of significant natural areas, the plan outlines opportunities to connect these spaces to pedestrian and bike facilities in key locations to create active and passive recreation, outdoor education, and public art amenities. The two main opportunities for trails within the Basalt Creek Planning Area are a Basalt Creek Canyon Ridge Trail and the I-5 easement Trail, which are shown in Figure 11 as Planning Area Trail Opportunities marked by large light green arrows. When trail alignments are considered in the future, access to the natural resource will not take priority over protection and enhancement.

Currently, Basalt Creek Canyon is a barrier to east/west movement through the Planning Area. A north/south connection to the west of the Canyon would further improve the network and make connections to east/west roads that run north and south of the Canyon. The Basalt Creek Canyon Ridge Trail opportunity would be located upland, not within Basalt Creek, near or along the ridge of the Basalt Creek Canyon. This trail could be connected to the regional trail network by extending Tonquin Road with bike/pedestrian facilities across Graham's Ferry to the new ridge trail. There is also opportunity to create a trail parallel to I-5 in the ODOT regional easement that would provide an additional north/south connection that would connect to existing bike and pedestrian facilities.

Decision-making on investments should prioritize connections that link pedestrian and bike networks to transit stops and near locations with higher planned density. Potential funding sources for improving the bike/pedestrian network include Washington County (MSTIP) and Metro (i.e. MTIP, RFFA, SW Corridor, Natural Area Bonds).

In fact, the narrative as stated in the July 2nd Draft for Trails does not provide support for locating the Canyon Trail as sited on the Trails Map in the 7-2-2018 Draft of the Basalt Creek Concept Plan:

1. The location of the Canyon Trail as currently identified makes minimal connection to future transit network, as it is located primarily through the backyards of privately owned land with minimal intersections with other proposed roads or Bike Networks.
2. The location of the Canyon Trail as currently sited (and contrary to what is stated in the joint Cities email of 7-3-2018) does bifurcate the steep slopes, wetlands and other natural resources at the north end of the propose Trail.
 - The July 2nd Draft of the Concept Plan actually includes multiple maps -on pages 28 and 42- which indicate currently known natural resources and lists the hard constraints of riparian, open water, wetland, steep slopes which exist at same location as the currently proposed site of the north end of the Canyon Trail on page 37 of the same document.
 - This is contrary to the stated goal of protection of natural resources in current proposed placement of the Trail.

As you heard in my Citizen Comments made during the Tualatin City Council Meeting on June 25, 2018, I requested the Trails Map be removed from the Basalt Creek Concept Plan and replaced with a narrative. This action would allow each city in which the Trail will be located ---to do the proper level of due diligence and to incorporate that information into their own Master Planning for the location of trails, which meets that City's goals and needs.

If it is deemed that a Trails Map is required to be included into the Basalt Creek Concept Plan, then I request:

- the proposed location of the "Canyon Trail" be indicated as a wide swath running North-South which would provide the City of Tualatin greater flexibility in siting the proposed trail- as opposed to a dotted green line.
- I would suggest the width of the swath to be extended west to Grahams Ferry Road
 - to allow for increased flexibility in siting for optimal physical and transit connectivity – and may allow for locating the trail closer to the proposed location of the north end of Kinsman Road – and increase the ability to actually meet the stated goal of connectivity at transit stops.
 - to allow for increased flexibility in locating the north end of the Trail outside of known natural resources --which the City is responsible for protecting.

If I understood your previous comments correctly- 1) that Concept Plans should include narrative of goals/needs, and not contain maps with trails identified at specific locations; and 2) that siting of trails etc. should be done during the City's Master Plan Update- then I ask you if would be able to discuss these issues with the Tualatin staff assigned to drafting the Basalt Creek Concept Plan and/or other appropriate departments within the City.

Please let me know if you have any questions. I will be out of town next week, and will not be able to testify at the Tualatin Planning Commission when they receive an update on the July 2 draft of the Concept Plan.

Grace
503 692 9892

From: Ross Hoover <rhoover@tualatin.gov>

Sent: Wednesday, June 27, 2018 11:47 AM

To: G Lucini <grluci@gmail.com>

Subject: RE: Basalt Creek (1 of 3)- Inclusion into Tualatin Parks & Rec Master Plan- Invite for Site Visit

Hello Grace,

Thank you very much for this information! It was great to get a chance to meet you and chat at the recent Council Meeting.

As we discussed at the meeting, concept or master plans are at a high-level and are conceptual in nature. These plans stay at the vision and overview level and typically don't get into much detail.

Details, design elements, and amenities are developed and discussed through public input and engagement during specific site planning processes. To my knowledge, none of this detail work has happened in the Basalt Creek area. What I am aware of is the draft Concept Plan that was presented at the City Council Meeting that you attended.

I will read and view the information you sent. I'll let you know if I have any thoughts or questions.

Please let me know if you have any questions.

Thanks Grace!

Ross Hoover

From: G Lucini <grluci@gmail.com>

Sent: Tuesday, June 26, 2018 4:37 PM

To: Ross Hoover <rhuover@tualatin.gov>

Subject: Basalt Creek (1 of 3)- Inclusion into Tualatin Parks & Rec Master Plan- Invite for Site Visit

Hi Ross,

I was good to meet you last night during the Tualatin City Council Meeting. I appreciate you reaching out to me. Congratulations on your new job with the City, and welcome!

It looks like you are going to be stepping into a bit of a hornet's nest, with the Basalt Creek Concept Planning underway, and the multiple desires and needs of the two cities, the citizens, and the property owners within the Basalt Creek Area-- as we all look towards the future.

As I mentioned in my Citizen Comments last night during the Council Meeting, I have significant concerns regarding the two most recent drafts of the Concept Plan- (which were posted for the public this month--- after months without updates).

Of interest to you- are my concerns about the inclusion of a Trails Map with a specific location identified for what the City of Wilsonville is referring to as the “Canyon Trail”- located North-South on the western side of the Basalt Creek Canyon.

To provide you background of my concerns, I am forwarding three files. Due to their size, I will be sending you copies of the following documents- in 2 or 3 separate emails:

1) my most recent email of 6-22-2018 sent to the Councils and Staff of both Cities (PDF file)

(Page 2 start of #2 Inclusion of a Public Trails Map Specifically Siting the “Canyon” Public Pedestrian and Bike Trail – Without the of Appropriate Level of Due Diligence and Evaluation of Impact on Effected Property Owners)

2) my email of 6-11-2018 sent to the Councils, Planning Depts, and staff of both Cities (PDF file)

3) a copy of my Citizen Comments to the Wilsonville Planning Commission on 6-13-2018-a follow-up to my email of 6-11-2018, including their perspective and responses to my concerns regarding the location of the Canyon Trail- and requesting its removal from the map, and the map from the Concept Plan— being with a narrative. (Video from City of Wilsonville Planning Com. 6-13-18--- my comments start at minute 5).

Once you have had time to orient to your new position with the City, I invite you to come for an on-site visit to see my property- which includes portions of the deepest part of the Canyon and includes parts of the wetlands. Due to the significant changes of topography along the length of the Canyon – the conditions change--- as do the ecosystems throughout the area. Please feel free to email or call me when you would like to schedule a visit, or if you have questions.

As mentioned, in my verbal and written communications, I believe it is important for the affected property owners to be involved with the incorporation of the Basalt Creek Area in to the Master Plans, Development Plans, and Comprehensive Plans (and other similar documents) into the City of Tualatin.

One important step is providing Notice of all Public Meetings- to affected property owners -- when these documents are Updated to include the Basalt Creek Area. I would like to participate in the process to update the Parks and Rec Master Plan to include the Basalt Creek Area.

I look forward to working with you.

Regards,

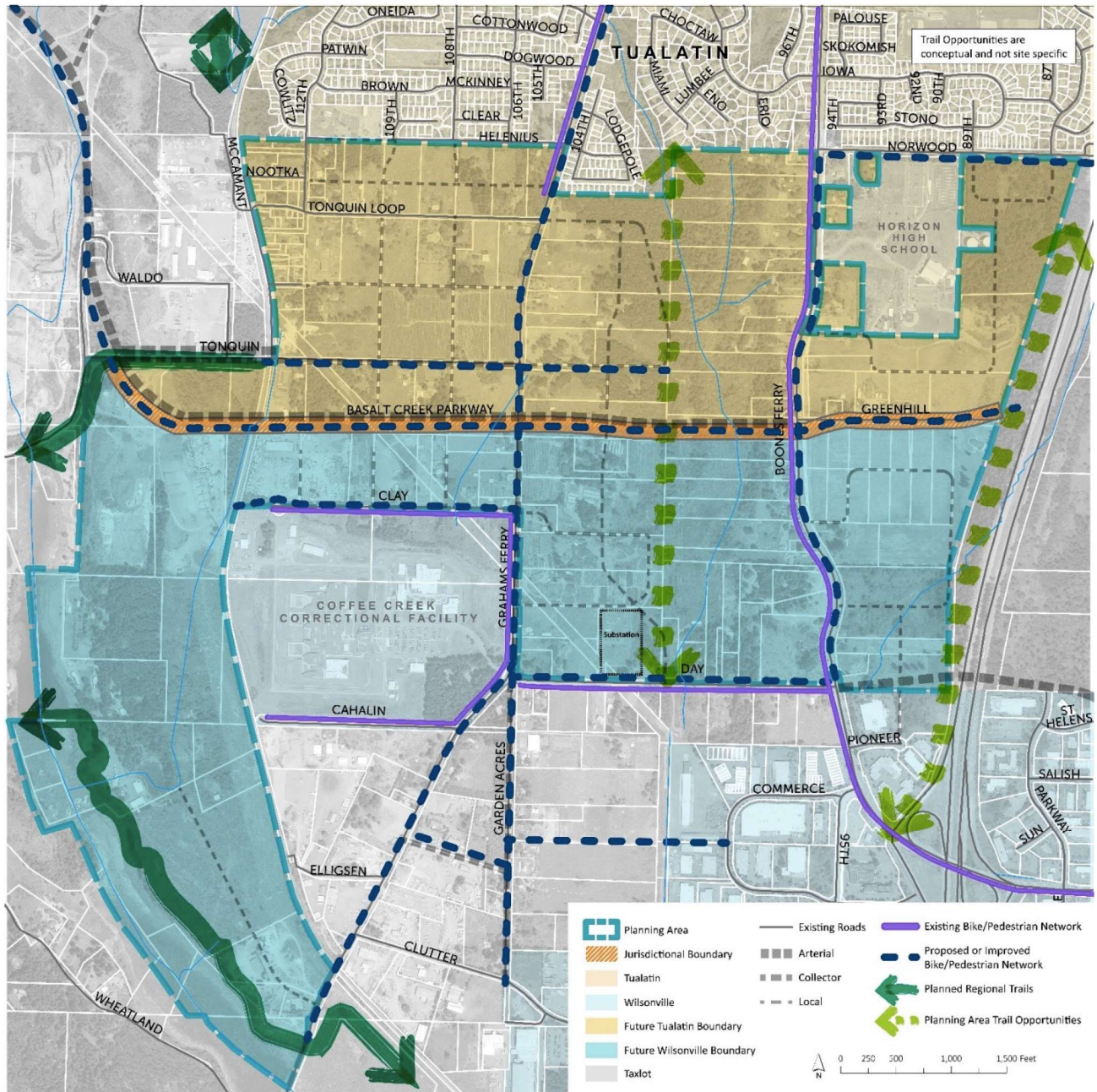
Grace Lucini

23677 SW Boones Ferry Road Tualatin OR 97062

503 692 9890

My email address is included with this email.

Figure 11 Bikes, Trails, and Pedestrian Network Map



While existing bike and pedestrian facilities run along Boones Ferry Road, Day Road, and sections of Grahams Ferry Road, planned improvements will increase safety and completeness. The additional facilities will offer significant east/west connections along the new Basalt Creek Parkway and Tonquin Road as well as an important north/south connection along the length of Graham’s Ferry Road within the Planning Area. These improvements will make connections between the proposed neighborhood commercial area on Boones Ferry Road with residential neighborhoods and employment areas as well as the future transit network. Given the nature of the Basalt Creek Parkway, an over or underpass may be preferred or necessary to make the best bike/pedestrian connections in the Planning Area.

6-11-2018

Issues Regarding Information Provided Within

Wilsonville Planning Commission 6-13-2018 -Basalt Creek Concept Planning Update Informational Packet

Aquilla Hurd-Ravich and Karen Fox- City of Tualatin, Tualatin Planning Commission

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Cc: Wilsonville City Council, and members

Tualatin City Council, and members

[This is a joint response from both cities \(Tualatin and Wilsonville\) to the June 11, 2018 comments sent by Grace Lucini to both City Councils and staff.](#)

There are several references within the 6-13-18 Wilsonville Planning Commission Informational Packet on the actions being taken by one- or both- cities regarding the Basalt Creek Concept Plans, which I am requesting your comments, and/or response.

1. BACKGROUND

At the current time, my property is within the Basalt Creek concept Area, but is not within the City limits of either city, and is outside the jurisdiction of either city. It is located on the western side of SW Boones Ferry Road and east of the Canyon and is one of many other single- family homes which were built prior to the adoption of Metro 04-1040b.

My property extends west of the wetlands and past the western edge of the Canyon -including both sides of the canyon, with additional land extending west of the canyon.

My husband and I spend many hours personally studying and working to restore the wetlands and surrounding area. It is my goal to leave for many generations to come---a healthy ecosystem which will support the various types of wild life which use the area to forage and for shelter.

Property owners and residents within the Basalt Creek Concept Area will most directly feel the effects of this concept planning. Yet we were not provided an elected representative to routinely represent us during Public discussions as part of the decision-making process being made by the City Councils of Tualatin and Wilsonville.

The Cities of Tualatin and Wilsonville have orchestrated most aspects as to how Basalt Creek Concept Planning would be determined, planned and implemented.

Formal Public Involvement has been minimal, and non- existent for over 2 years- after which time concept planning continued.

No formal Public Involvement Event has been held specifically for affected property owners (who as mentioned, had no elected representation within the Basalt Creek Joint Cities Governing Body). As Concept Planning details progressed with time, affected groups of property owners requested formal meetings with staff and/or Council but were rebuffed.

The property owners and residents within the Basalt Creek Concept Area were only allowed 3 minutes (as are all citizens) during the Citizens Comment Sections of Council Meetings, to present very complex and multi-faceted issues/concerns which were created by and during the concept planning process.

The determination of the future city limits of either city within the Basalt Creek Area has not yet come to fruition within the legal process.

It is unknown when this process will finally be completed, as an Appeal has been filed regarding the Concept Plan which has not yet been heard.

Staff Response:

First and foremost, the project team would like to thank you [Ms. Lucini] for your commitment to this project. There have been a number of times staff have benefited from your local knowledge and attentiveness to the Basalt Creek Concept Plan. There is no doubt your participation and attention to detail have added value to the Concept Plan.

Staff would also like to respond to your comments and address the outreach that has been conducted to property owners. At the beginning of the project, the team created a Public Involvement Plan that was implemented throughout the project. The majority of outreach, and plan analysis, occurred between 2014 and 2016. Property owners were invited specifically to participate in a land use workshop at the beginning of the project as well as the April 2016 Open House where the draft Concept Plan was presented. Furthermore, the project team provided mailed and e-mailed notices to property owners and interested parties, nearly monthly throughout the life of the project, notifying and inviting them to attend and participate in Planning Commission, City Council, and Joint Council meetings. Public input provided to the Councils and the project team shaped the final recommendations in the Concept Plan.

City of Wilsonville staff also met with affected property owners, at their homes in Basalt Creek, on a number of occasions upon invitation. At least two occasions were specific to the Concept Plan and pertaining to Basalt rock formations and the wetland. Another visit focused on stormwater drainage and one other was coordinated with Washington County to discuss the next stages of the Basalt Creek Parkway. City of Tualatin staff also met with property owners who requested meetings on a number of occasions including with you and your husband at your home.

Staff recognize the public engagement has been minimal last two years while final land use designations were determined for the Central Subarea. However, the draft Concept Plan now being presented to both Councils picks up right where it left off in 2016, which had been previously shared with the public and provided property owners opportunities to comment. The public is still encouraged to comment through the hearings process for the Basalt Creek Concept Plan.

The project team followed the public involvement plan and has met all state and city public notice requirements. While the three-minute limit at public hearings can be limiting, it is often necessary in order to provide all parties an opportunity to comment on a busy agenda. When it is possible, extended comments are allowed, such as during the June 2018 Wilsonville Planning Commission when comments and discussion with you [Ms. Lucini] exceeded twenty minutes and where staff was able to answer a number of these questions.

2. INFORMATIONAL PACKET BEING PROVIDED TO THE WILSONVILLE PLANNING COMMISSION

I understand the complexity many of the issues which need to be resolved. I appreciate the attempts of the staff to present many issues within the Informational Packet which were taken into consideration when developing this concept plan.

It is my understanding that the property owners within the Basalt Creek Area, will not be automatically be annexed into either of the two cities, but may request to be annexed in the future or-- may elect to forgo any annexation into their identified city.

I request a response to this question: *I do not see any information within the Informational Packet which addresses possible impacts to the implementation of the Concept Plan, should one or more property owners within the Basalt Creek Area decline to annex their property into the City Limits--- What affect this may have upon the implementation of concept plans which include use of un annexed properties?*

Staff Response:

It is not unusual to have properties in a UGB expansion area annex into a city at different times. This can present challenges and delay full implementation of the concept plan, but is not unusual. The affects and how this is handled really differ from place to place and is addressed uniquely in each location and situation. The project team anticipates this could occur in Basalt Creek as development interest will be the driving force on the timing of implementation of the Concept Plan. As development occurs, the two Cities will work to address any issues that do arise, including cohesiveness of development and infrastructure systems as well as implementation of public projects such as the trails.

3. IDENTIFICATION OF RECREATIONAL NEEDS/GOALS TO BE IMPLEMENTED WITHIN THE BASALT CREEK CONCEPT AREA

Many pages within the Informational Packet relate to plans for public recreational use of the land within the Basalt Creek Area. The Informational Packet includes the following statement:

At the time of this writing, Tualatin is going through a Park and Recreation Master Plan update. This update has considered the Basalt Creek area in the types of services and facilities that will be needed to serve residents and business in this area.

I request a response to these issues:

- Is the City of Tualatin in the process of updating the Park and Recreation Master Plan- and including portions of the Basalt Creek Concept Planning area within the update-as stated within the Information Packet?
 - If so, what type of recent outreach has the City taken to contact property owners within the Basalt Creek Concept Planning area to seek their involvement, or discuss potential impacts any proposed changes to the Parks and Recreation Master Plan might generate?
- Have there been any Public Meetings on any update changes to the Tualatin Park and Recreation Master Plan where Basalt Creek Concept Planning - or its inclusion into the Master Plan Update were an identified topic?
 - I have not seen any General Notice postings on the *BasaltCreek.com* regarding Public Meetings on updating the Tualatin Park and Recreation Master Plan which included the topic of the Basalt Creek Concept Area.
- As an Identified Interested Person who has provided numerous written requests to both cities, requesting to be Noticed on any Public Meeting relating to the Basalt Creek Concept Planning Area--- have I not received any communication or Actual Notice that several hundred acers within the Basalt Creek Concept Planning Area (including my property), were being actively included into an update to a City Recreation and Parks Master Plan.
 - Please provide me information as to the status of the Tualatin Parks and Recreation Master Plan Update, and when the next Public Meeting will be held regarding this.
- The Basalt Creek Concept Planning Partnering Agreement was amended to reaffirm a commitment to abide by Oregon Public Meetings Law to promote transparency of the process.
 - Historically throughout this entire concept process, there has been many instances where proper Notice has not been provided to the public, and/or to Interested Persons who have provided written request to be provided Notice on Public Meetings related to Basalt Creek Concept Planning.
 - The outcome of Basalt Creek Planning involves hundreds of acers, and directly affects hundreds of citizens, and is of importance to the general public.
 - The Basalt Creek Area is not yet within the jurisdiction of either city. Finalization of the Concept Plan has not been completed and is now under appeal.
 - Even after finalization and adoption, Individual Property owners may not wish to annex into a city. This may affect or influence Master Planning needs.
 - Consequently, the adoption of an Update to any of either city's various Master Plans to include any portion of the Basalt Creek Area seems premature at this time.
 - Any update to either city's Master Plans which to include portions of the Basalt Creek Area, can reasonably be assumed to be a component of (or implementation of) Basalt Creek Concept Planning which should had triggered Notice be given on Public Meetings regarding either city's Update to Master Plans to include portions of the Basalt Creek Area.

It is therefore requested that in effort to promote transparency and uphold the only amendment to the Basalt Creek Concept Planning Partnering Agreement and Oregon Public Meeting Laws (ORS 192.610 to 192.710), efforts be redoubled to provide proper Notice on ALL Public Meetings regarding Basalt Creek Concept Planning, including city

Master Plan Updates -or any other actions which may involve current or future implementation of any portion of the Basalt Creek Concept Planning.

- **This should include, but not be limited to:**
 - **Posting these meetings in a timely manner on the identified website: BasaltCreek.com**
 - **Providing proper timely Actual Notice to identified Interested Persons- electronically and/or mail.**

Staff Response:

A little background on concept planning first. One of the aspects a concept plan is required by Metro to address is Parks and Open Space. So in any new urban areas cities are required to at least think about how we might serve residents in these expansion areas. Tualatin did this by including the Basalt Creek Area in our Parks and Recreation Master Plan Update. The Parks and Recreation Master Plan is a system wide 20 year plan that identifies how to serve the needs of all of Tualatin's current and future residents. We recognize that all land in the Basalt Creek area is currently privately owned and any future identified facilities will require the City to work with property owners. We also recognize that the Basalt Creek Canyon is an important natural resource that needs protection.

Last summer there was a significant public involvement effort for the Parks and Recreation Master Plan and the project team continues to accept comments. You can sign up to be on the interested parties list. (tualatinoregon.gov/recreation/webforms/parks-recreation-master-plan-update, scroll to the bottom of the page) There have not been meetings to specifically address Basalt Creek but rather the system as a whole given this is a system wide plan. That said at the last meeting a brief high level description for a potential new park in the Basalt Creek Area was presented to the Project Advisory Committee. These meetings are public meetings and have all been properly noticed. There will be another opportunity to review the draft plan this coming fall and if you sign up as an interested party you will receive notice when that draft is available.

The Basalt Creek Concept Plan, like other projects in the Cities, has its own specific interested parties mailing list, for those interested in this specific project, which includes the property owners in the Planning Area. Then project specific information is sent out to that list. It is not customary for someone from one project list to be automatically added to other projects happening in the city or to be indefinitely added to every project or plan happening in a city.

For citizens interested in receiving news about all projects and announcements (including citywide plans) from the City of Wilsonville, they can sign up at <https://www.ci.wilsonville.or.us/subscribe>.

For citizens interested in Tualatin activities, anyone can sign up at www.tualatinoregon.gov/newsletter/subscriptions to receive Council Agenda packets, newsletters, and more.

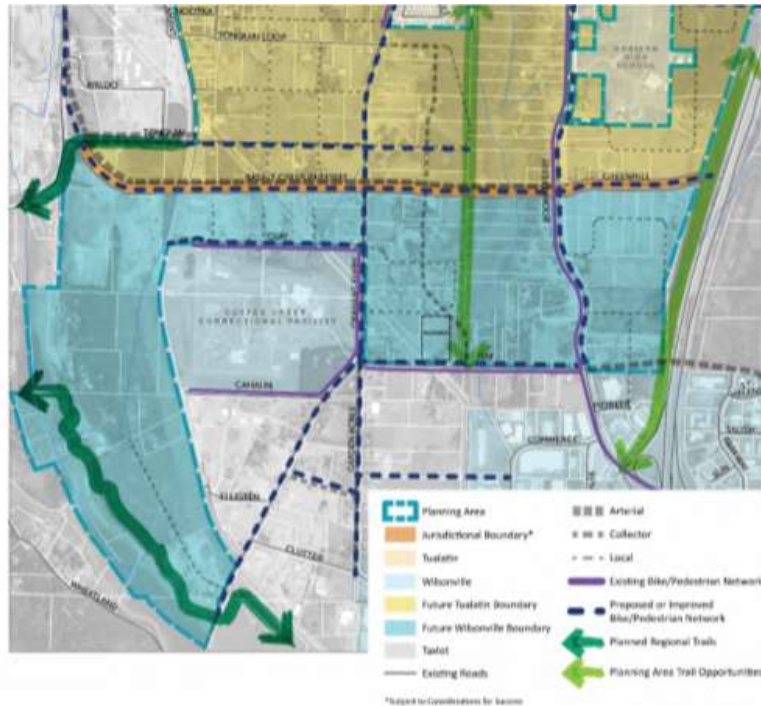
Meetings being held regarding Basalt Creek Concept Plan adoption are being notice in accordance with State law and being posted on the project website.

4. IDENTIFICATION AND SPECIFIC LOCATION/ PLACEMENT OF DESIRED PUBLIC TRAILS ON PROPERTY CURRENTLY OWNED BY PRIVATE CITIZENS.

The narrative within the Informational Packet states a goal of the planners is to develop pedestrian and bike connectivity between the two cities.

The Informational Packet also provided the following statements:

- **“bike/pedestrian facilities will be integrated into new and updated road projects in accordance with State, County and City standards,**
- **“Identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.”**



While existing bike and pedestrian facilities run along Boones Ferry Road, Day Road, and sections of Basalt Creek Parkway, planned improvements will increase safety and completeness. The additional facilities will offer significant east/west connections along the new Basalt Creek Parkway and Tonquin

What is referred to within the Informational Packet as the Canyon Trail- currently placed North-South along the western side of the Canyon - runs entire western boundary of my property- and along the properties of approximately 29 other property owners.

I have not provided any indication of having interest in the locating Public Trails along or through my property. In fact, I have previously provided written objections to similar proposed takings of my property for Public Trails---I can provide upon request copies of these written communications –copies of which should also be available within your files.

It was therefore disconcerting to me to see another new document being disseminated to the Public in which the document labels a portion of my property being identified and listed as a “Public Trail Opportunity”.

I have not been approached by any staff member regarding this proposed new taking of my property. I have never received any indication if and how much I might be reimbursed for my property, if any funding is available, or when this proposed action might happen.

Yet as a direct consequence of the inclusion of this map with a specific Trail identified across privately-owned properties- immediately places a cloud over all of these properties, causing the owners immediately economic and legal impact.

My previous objections to providing Public Trails within the Basalt Creek Canyon and/or through my property centered around the protection of the natural resources within the area, and concerns of damage to the wetlands and other natural areas which I and my husband have been working to restore.

I also expressed concern as to the need for thoughtful planning of the location of any public pedestrian corridor due to the well documented news reports regarding a very similar Public Trail created for pedestrians and bikes to connect two cities- the Springwater Corridor. Unfortunately, the Springwater Corridor has developed into an unsafe public health and safety issue; has caused damage to previously identified sensitive natural areas; and requires routine monitoring for unplanned/anticipated types of public use.

The following statements are also included within the Informational Packet:

“Parks and Open Space One of the guiding principles of the Basalt Creek Concept Plan is to protect key natural resources and sensitive areas while making recreational opportunities accessible by integrating new parkland, open spaces, natural areas and trails in the planning area and connecting to existing regional networks.

This Canyon is very valuable to the area and it needs to be protected, while also having public access points in appropriate locations in order to connect to the bicycle, pedestrian and recreational facilities of the area and to serve the needs of residents and local employees.

If the planners truly believe in the statements they have included within the Informational Packet on upholding their goal to protect these natural resources, it would be noticeable in their efforts to reduce the number times and locations this natural area is being bisected and encroached upon by multiple roads; proposed over or under crossings, various utilities, and now in addition-- Public Trails not integrated along other proposed transportation routes.

I request a response to these issues: There are numerous governing documents stating requirements to protect identified elements found within the Canyon Area including the protections of slopes, and other natural resources---

Would you explain why on the Public Trails Map above---the “Canyon Trail” does not run in proximity to local roads (which are also in concept planning), but instead--has been placed in a completely separate location -deeper into the natural areas which results in even a greater number of bifurcations of the natural areas, and increasing fragmentation of the existing habitats?

I request a response to these issues:

- Are both cities in agreement with the information provided within the Public Trails map?
- Who authored/ generated the Public Trails indicating Public Trail “Opportunities” over multiple properties which are privately owned near the Basalt Creek Canyon?
- Which agency or government will be providing and funding for ongoing routine maintenance; police services; or emergency services to the “Canyon Trail”-a trail which runs through multiple jurisdictions, and possibly through islands of unannexed properties?
- And what provisions are being made to secure continuous sources of funding for these services over the entire length of the Trail?

I question how much due diligence was done prior to creating a Public Document which indicates only one location for the Public Trail within the Basalt Creek Canyon- without any alternative locations provided during its first public issuance, and without prior discussion with affected property owners.

- Just a minimal amount of research would show that the location of the proposed Public Trail within the Canyon is hampered by significant topographical constraints. The impact of these constraint seemed to be minimized within the Informational Packet. (Please see additional information provided in Section #5 regarding known significant natural constraints and limitations within the Basalt Creek Area which were authored and memorialized by various governments). The proposed location of the Canyon Trail encroaches through these natural resources.
- Construction and ongoing use of a Public Trail – open all day/year-round will create yet another bifurcation and fragmentation of the local eco system- which will directly and negatively affect the high valued riparian and upland habitats currently found in the area. These actions would be in direct conflict with the stated goals of protecting the existing natural resources within the area and within the canyon.
- Due to the current topographical location of the Public Canyon Trail, the land along the trail will most likely require leveling of the proposed pathway to be compliant with Federal ADA guidelines. This type of alteration of the area increases negative impact to surrounding habitats.
- The leveling of the trail would require high cost expenditures to minimize significant grade changes found along the proposed trail.
- Geological formations of Basalt rock along the proposed trail may require extensive construction equipment or blasting which increases negative impact to surrounding habitats and increases costs.
- The Public Trail runs along privately-owned land, with very little access to roads for construction of the path, which will also increase construction costs.
- It is also not clear how or what safety protections can be provided to a Public Trail which with very limited vehicular access, nor how the Trail would be monitored in the future to ensure appropriate use of the Trail or provide timely response to emergencies either police or medical.
- The stated location of the Trail along the Canyon is in direct conflict with another stated goal of maximizing assessed property value. The Trail on this map bisects and isolates buildable acreage located on the eastern side of the trail (on the western border of “SW Boones Ferry Rd” properties).

The inclusion of this detailed Trail map is in very sharp contrast to how information was presented for another much more significant and complex land acquisition-- future public school site locations within the Basalt Creek Area. The location of potential school sites require large acreage, complex and are highly constrained site-specific needs.

Whereas the staff elected to include a map with site specific land acquisition “locks” for the Public Trails in the Basalt Creek Area, the staff specifically stated a map which would identify potential school sites *would not be included* within the Information Packet- *thus eliminating any land “locks” which might improve land acquisition for future school sites in the area at this time.*

It is also unclear why Public Trail paths were so exactly identified as to site location within the Informational Packet at this phase of the concept planning process. A narrative of need, functional goals and general location should have been sufficient, as there are several other locations within the same area, which will provide the same connectivity; at less cost; more easily constructed; more accessible to emergency and safety and maintenance vehicles; can be more easily visually monitored; and significantly less negative impact upon the Natural Areas, - as well as being closer to the local roads which are also still in the concept stage of planning.

The Informational Packet states “identifying specific locations of parks and outdoor recreation was beyond the Scope of the Concept Plan.” If the Canyon Trail is considered a recreational use, then the planners have gone beyond the scope of the Concept Plan and exceeded their mandate.

If the Canyon Public Trail is considered a means of transportation, it would then seem appropriate the Public Trail would be more closely aligned with the proposed local roads, located on a more direct North South route between the two cities, with significant considerations given to costs relating to excessive numbers of land acquisition negotiations with approximately 30 individual property owners (over and above all other negotiations needed for road and other infrastructure negotiations), land acquisition costs, constructions costs, and ADA compliance issues.

Since we are still in the conceptual stages of this process- planners have the most flexibility to be able to incorporate the design of a Public Trail along separate paths--- but within proximity to the location of local roads (which are also being planned) --- and be able to also provide pleasant visual surroundings within the design.

In light of the extensive number of factors listed about, the only rational I can determine which justifies the recommendation of the Canyon Public Trail at its current location is that the staff wanted to ensure they could implement a goal stated numerous times during Wilsonville Council Meetings.

During multiple Wilsonville Council meetings statements were made as to the desire to increase the marketability of their nearby future industrial area, by including unique enticements to potential developers/employers --such as providing access to the natural areas within the Canyon so that “employees will have somewhere to walk during lunch.” If this is the case---this one-sided self-serving goal with short term benefits, should not outweigh all the other considerations previously identified and the numerous governmental requirements to protect the natural resources of the area.

This supposition is supported by the statement within the Wilsonville Summary portion of the Information Packet (Attachment B page 4 of 6) ... “Locate north to south trails near the Basalt Creek Canyon and provide bicycle connections that would connect to other cities and trail systems, serving as an asset for both residents and employees in the area.”

Unfortunately, all of the comments listed within Sections #3 and #4 are just an example of the lack of concern, consideration and respect the Basalt Creek Concept planners have shown to the existing property owners and the natural resources within area.

The public Trail Opportunity along the Basalt Creek Canyon is high level concept in the Concept Plan, and is described as an opportunity when moving forward with development in this area. This opportunity was identified by the project team, which includes the consultant and both Cities, in conjunction with what we heard during public outreach and working with both City Councils. The idea and opportunity highlighted in plan is to locate the trail up on the bluff, providing visual access, but not locating the trail down below in the creek/wetlands. The plan does not call for bifurcating or impacting the habitat – any trail built would balance public access with protections, restoration and enhancement of the Canyon – additional language is being added to the Concept Plan to clarify this. There are examples of successful projects throughout the region that provide access while also preserving a natural area and this same care will be adhered to in this area. In addition, the trail is not intended to serve as the primary non-vehicular transportation route – the Concept Plan provides primary non-vehicular transportation routes along the roadway system in the Planning Area - but rather an opportunity to increase connectivity and connect people to this valuable resource.

The Concept Plan does not provide a detailed trail alignment. Specific alignment based on additional analysis (including topography and reducing both environmental and development impacts), and funding and maintenance plans, would all be determined later during infrastructure master planning and project design work. Thus, no takings are proposed. Typically right of way would be dedicated as part of development when annexation and development is proposed for those properties, even if that happens incrementally.

Please see edits to the Concept Plan (on page 38 of the July 2, 2018 draft) to further clarify the conceptual level of the trail, including modifying the depiction of the trail on the Trail map. Language was also added regarding enhancement strategies, and to clarify trails will not take priority over enhancement and protection of natural resources.

5. REQUESTING FUTURE INFORMATION BE PROVIDED TO THE PUBLIC AND TO THE APPROPRIATE DECISION MAKERS--- TO GIVE CLEAR, REPRESENTATIVE, AND ACCURATE INFORMATION REGARDING THE EXISTING SIGNIFICANT NATURAL RESOURCES WHICH ARE LOCATED WITHIN THE BASALT CREEK AREA- AND SPECIFICALLY THE BASALT CREEK CANYON.

It is unclear to me why the following statement was included within the Informational Packet:

No land within the planning area is identified by the Washington County Comprehensive Plan as a Significant Natural Resource. The nearest Significant Natural Resource area is comprised of the Tonquin Scablands, to the west of Coffee Lake Creek.

Relationship of County significant natural resources and cities to be clarified.

The inclusion of this statement within the Informational Packet seems to only muddy information which has previously been documented and substantiated by multiple governmental bodies - including Washington County-which have clearly identified Significant Natural Resources within the Basalt Creek Concept Area.

There have been multiple documents provided to the Basalt Creek staff which details the unique resources located within the entire Basalt Creek Area- many which are located near or within the Basalt Creek Canyon.

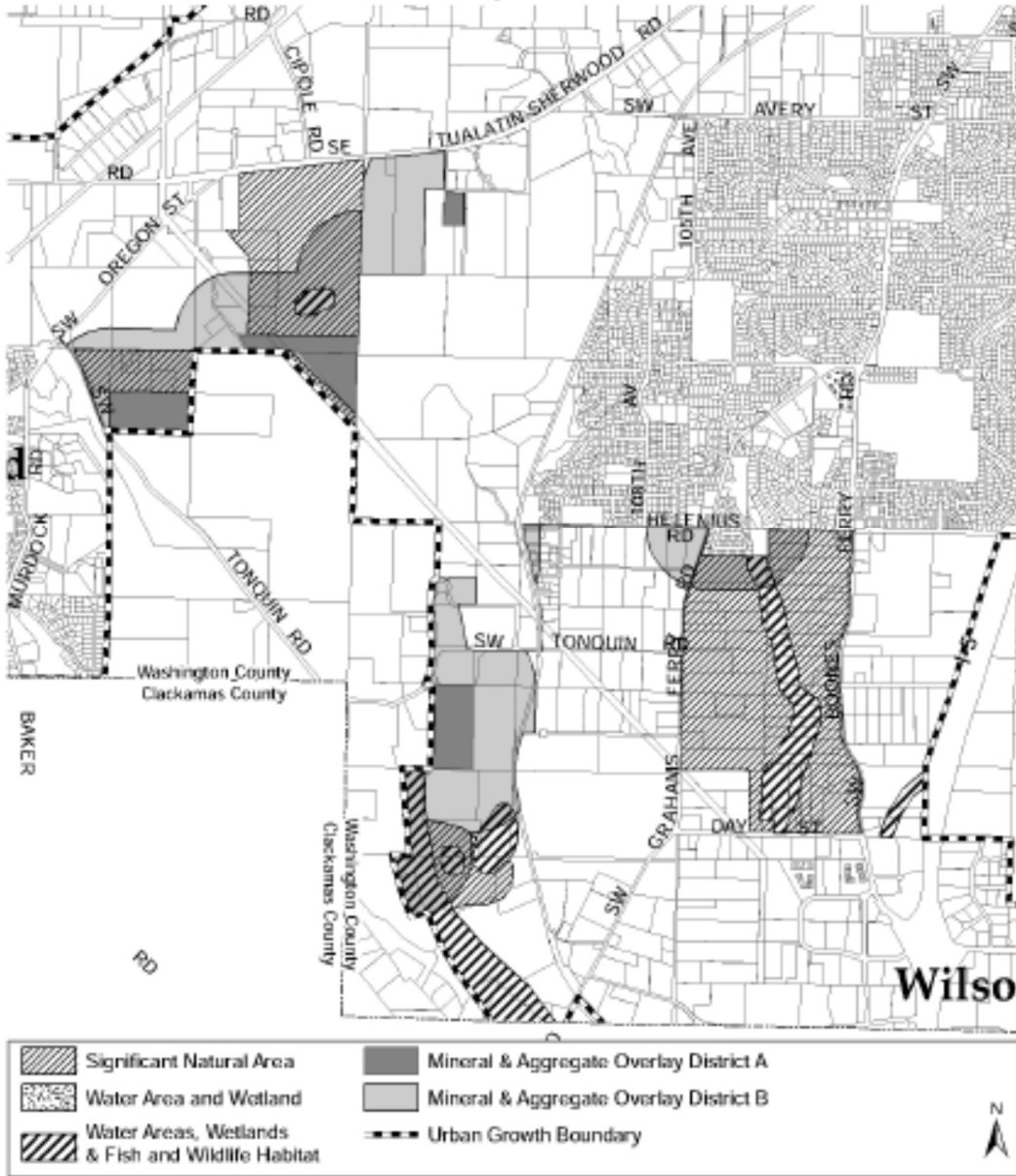
Copies of all of the following documents were provided the Basalt Creek Staff during the beginning of the Concept Planning process, and should be available within your files:

The Cities agree and the Basalt Creek Canyon is recognized as a Significant Natural Resource that will be protected and enhanced through implementation of the Basalt Creek Concept Plan. This language is draft and the Cities are still working with the consultant team to clarify this language. That is why it was highlighted in the draft included in the Wilsonville Planning Commission packet.

The Basalt Creek Canyon Area was clearly identified as a Significant Natural Resource by Washington County

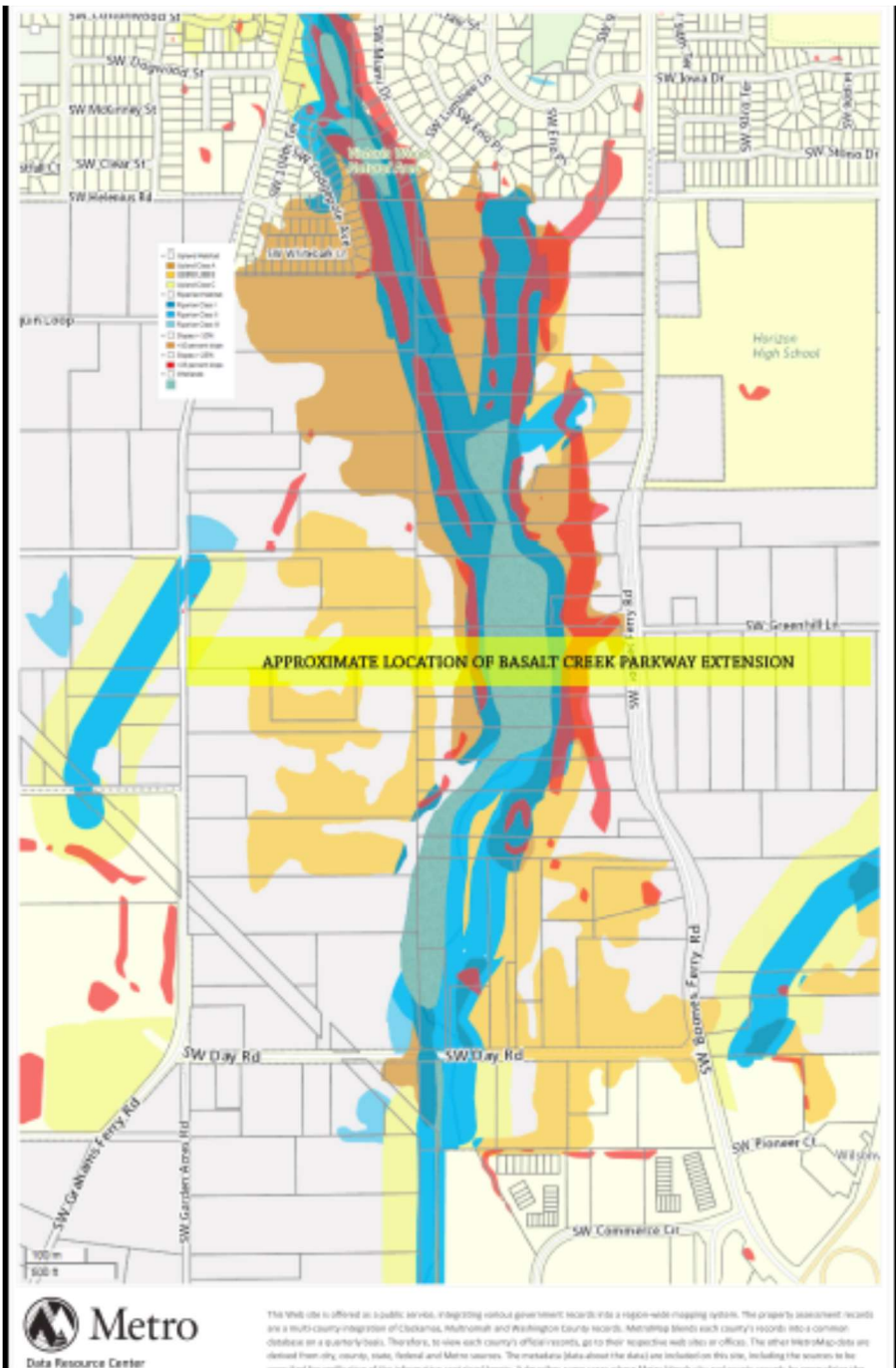
Ordinance 671
 Exhibit 2
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 January 18, 2007

Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



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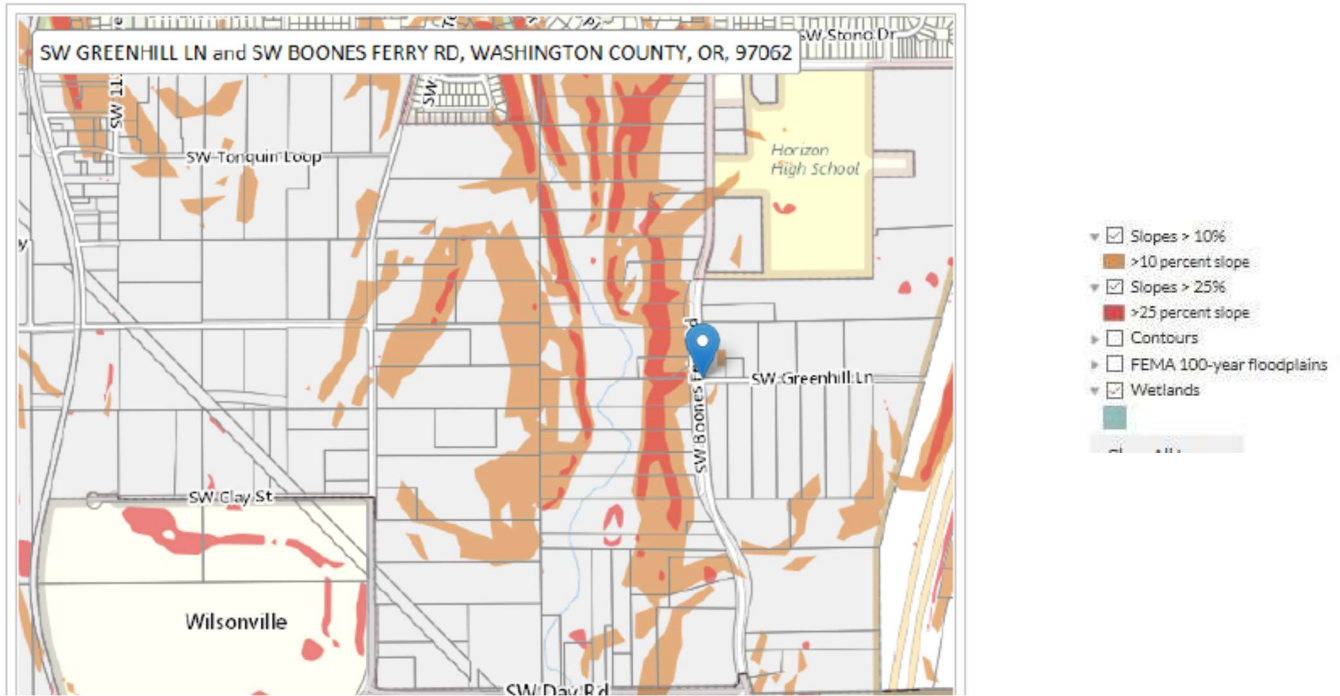
Metro has documented the existence of the highest valued Class 1 Riparian Habitat, and the highest valued Class A Upland Habitat within the Basalt Creek Area- Including a large portion of the Basalt Creek Canyon



Metro has also provided data as to the significant slopes which are located within the Basalt Creek Area which in part creates the Basalt Creek Canyon.

In 2004 Metro charged both Wilsonville and Tualatin with the requirement to protect the steep slopes found within what was referred to in Metro 04-2010B, as the “Tualatin Area” during concept Planning for the area.

From the following two maps, it can be easily determined there are significant topographical changes within the Basalt Creek Area, which result in dramatically steep slopes.



Metro has also provided a map of the significant grade changes within the Basalt Creek Area in relationship to the wetlands



As can be seen within these 2 maps- the rugged topography sheltered and protected the Basalt Canyon and its resources. There is a reason why this land has not been already been densely developed over the past years even though it is located close to many other attractive locations.

Care and thoughtful planning have to take place to protect this local resource for the future.

This fact was recognized when the governing tool (Metro 04-1040B) placed multiple requirements upon the cities of Wilsonville and Tualatin specifically addressing each city's responsibility to protect during Concept Planning and after – the various natural resources within the Basalt Creek Area.

The Federal government has identified and included the wetlands within the Basalt Canyon within the Federal Wetland Inventories.



The numerous plans for the construction of large expressways, arterials, collectors and local roads and, public trails within what is currently one confined natural area will now be permanently bisected at multiple locations-- causing fragmentation. This fragmentation will permanently damage the health of the existing habitats and ecosystem. *This issue cannot be emphasized enough.*

I remind the Basalt Creek Concept Area planners and their respective Councils of their responsibilities for the protection of the area's natural resources. It is hoped that short sighted economic goals to gain rapid development advantages will not cloud nor distort the need to protect fragile natural resources and ecosystems for future generations.

Respectfully submitted,
Grace Lucini