



## - TRANSMITTAL -

May 12, 2005

**TO:** METRO COUNCIL

**FROM:** Brent Curtis, Planning Manager

**Subject:** TUALATIN BASIN FISH & WILDLIFE HABITAT PROTECTION PROGRAM

On behalf of the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) and the partnership of local governments they represent (Partners for Natural Places), I am pleased to submit the enclosed materials regarding the Tualatin Basin element of the Metro Regional Fish & Wildlife Habitat Protection Program / 'NATURE IN NEIGHBORHOODS'. The enclosed materials are the second of a series of submittals designed to provide Metro with a record of the Basin's adopted Program and related findings.

The following four sets of materials are included in this submittal:

1) - OPEN HOUSES / PUBLIC HEARINGS COMMENTS AND TESTIMONY for July 26, 28, 29, August 2, and September 2004 and additional COMMENTS RECEIVED THROUGH MAY 10, 2005

- Newsheets, Notices and Comment Cards
- Open Houses / Public Hearing Overview Summary
- Open Houses / Public Hearing Attendees
- Open House Comment Cards received at each event and via U.S. Mail
- August 2, 2004 Public Hearing Minutes
- August 2, 2004 Public Hearing Testimony List and Cards
- August 2, 2004 Public Hearing Testimony Letters (in order of testimony given)
- August 2, 2004 Taped Testimony List, Cards, Testimony Transcription and Testimony Letters (in order of testimony given)

- Comments received from April 6, 2004 through August 9, 2004 at 5:00 p.m. (in alphabetical order)
  - Late Comments received through May 10, 2005 (in chronological order)
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## 2) - PUBLIC HEARING - MEETING SUMMARIES

- March 29, 2004
  - April 12, 2004
  - August 2, 2004
  - September 27, 2004
  - March 28, 2005
  - April 4, 2005
- 

## 3) – PUBLIC TESTIMONY For The March 29, 2004 Hearing Received Through 5 PM, April 5, 2004

- Oral Testimony Summary
  - Public Hearing Testimony Cards
  - Written Testimony Submitted at Public Hearing
  - General Comment Letters and E-mail
  - Open House Comments
    - March 1, 2004 – Hillsboro
    - March 4, 2004 – Tualatin
    - March 29, 2004 – Beaverton
- 

## 4) – Tualatin Basin Natural Resources Coordinating Committee Meeting Agendas

- 2001
- 2002
- 2003
- 2004
- 2005

## **PMALGRMA Meeting**

**February 21, 2006**

### **AGENDA**

1) Introductions

2) Common Purpose of Organization:

What is the purpose/"public face" of the organization we are forming? (external opportunities/challenges)

How can we help each other? (internal strengths/opportunities for improvement)

3) How do you pronounce "PMALGRMA" (organization name)?

4) Structure:

Informal? Formal?

Others we can copy?

# TUALATIN BASIN GOAL 5

## NOTICES

### OPEN HOUSES / PUBLIC HEARING COMMENTS AND TESTIMONY July 26, 28, 29 and August 2, 2004

### COMMENTS RECEIVED THROUGH MAY 10, 2005

- Newsheets, Notices and Comment Cards
- Open Houses / Public Hearing Overview Summary
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- Late Comments received through May 10, 2005 (in chronological order)



# **Newsheets, Notices and Comment Cards**

**PARTNERS**

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*FOR NATURAL PLACES*

# ***Tualatin Basin Partners for Natural Places***

## **Goal 5/Natural Resources Project**



### **What is *Partners for Natural Places*?**

The natural environment is key to our communities' livability. Parks, greenspaces and natural areas contribute to clean and healthy waterways and habitat for fish, wildlife and people. *Partners for Natural Places* is the name of the collective community efforts underway to improve the natural environment. The Partners' work will lead to programs to conserve, protect and restore streams and waterways, to support healthy fish and wildlife habitat.

### **Who are the Tualatin Basin Partners?**

*Tualatin Basin Partners for Natural Places* is an alliance of local governments in Washington County working together with Metro to meet federal and state requirements for protecting natural resources in the Tualatin Basin. Partners include

- The Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin
- Clean Water Services
- Tualatin Hills Park and Recreation District (THPRD)
- Washington County

### **What are they hoping to achieve?**

Oregon's land use law requires that cities and counties meet statewide planning goals. Goal 5 calls for inventorying and protecting natural resources and conserving scenic and historic areas and open spaces. Metro is developing a regional natural resources program, concentrating on stream corridors and wildlife habitat. Washington County, its cities, Clean Water Services and THPRD have formed a working alliance to complete this important work in the Tualatin Basin, as they are already studying many of the same areas to comply with the Endangered Species and Clean Water Acts.

The Partners are analyzing important streamside and upland wildlife habitats in the Tualatin Basin watershed, based on a regional inventory, then determining if and how to protect these habitats while balancing economic, social and energy needs. The protections developed may include incentives, education, acquisition and regulation. Elected officials - the Tualatin Basin Natural Resources Coordinating Committee - will make the policy decisions to be acted on by the Metro Council.

### **Why work together?**

Interjurisdictional partnership is a hallmark of Washington County. The cities, the County government and the Special Service Districts know that citizens expect them to cooperate for the best use of public resources. Environmental protection programs should be well coordinated and consistent among all our responsible jurisdictions.

### **What effect will this have on private property?**

After the inventory and analysis are finished, the Tualatin Basin Partners will develop programs to *allow, limit or prohibit* development in significant natural resource areas. These programs will work to conserve and protect sensitive habitat. Much of this land is already protected under Metro's Title 3 program for water quality and flood management, or is in public ownership. Private owners may be offered incentives to protect their land and/or they may be required to meet new regulations.

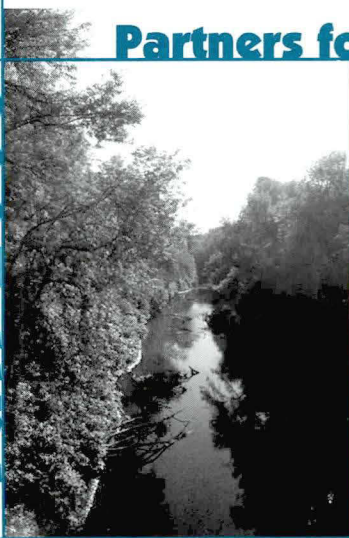
### **When will I be able to have input?**

There will be many opportunities for input from the general public and directly affected property owners as the project progresses. If your property might be affected, you will receive official notices of open houses and public hearings. If you would like to be added to this mailing list, call your local city or the County's planning department.

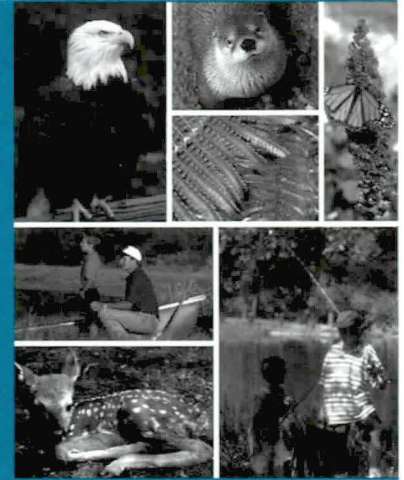
### **How can I learn more about the process?**

Call or e-mail any of the following Partners:

- **Beaverton**, Megan Callahan, 503-526-2243, [mcallahan@ci.beaverton.or.us](mailto:mcallahan@ci.beaverton.or.us)
- **Clean Water Services**, Mark Jockers, 503-846-4501, [jockersm@cleanwaterservices.org](mailto:jockersm@cleanwaterservices.org)
- **Forest Grove**, Jeff Beiswenger, 503-992-3226, [jbeiswenger@ci.forest-grove.or.us](mailto:jbeiswenger@ci.forest-grove.or.us)
- **Hillsboro**, Jennifer Wells, 503-681-6214, [jenniferw@ci.hillsboro.or.us](mailto:jenniferw@ci.hillsboro.or.us)
- **Metro**, 24-hour hotline, 503-797-1888, option 2; also check [www.metro-region.org](http://www.metro-region.org)
- **Tigard**, Barbara Shields, 503-639-4171, [barbaras@ci.tigard.or.us](mailto:barbaras@ci.tigard.or.us)
- **Tualatin**, Stacy Hopkins, 503-691-3028, [shopkins@ci.tualatin.or.us](mailto:shopkins@ci.tualatin.or.us)
- **Tualatin Hills Park and Recreation District**, David Endres, 503-645-6433, [dendres@thprd.com](mailto:dendres@thprd.com)
- **Washington County**, 503-846-3519 or [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)
- Cities not listed, call Washington County



## Protecting Natural Resources in the Tualatin Basin



### Why should I care about the condition of the Tualatin Basin Watershed?

The state of our watershed is one important attribute of our community's livability and our economic future. Surveys show that residents of the Tualatin Basin think that the values associated with a healthy watershed are very important to the region. These include clean water for people and wildlife, a place for fish and wildlife to thrive, and natural areas, parks, and green spaces that provide recreation and educational opportunities and scenic views for our community. The condition of the watershed also relates to managing surface water runoff and flooding problems in our cities and neighborhoods. Partners for Natural Places is working to protect these values for the people who live here today and in the future.

### How healthy is the Tualatin Basin Watershed?

It could be better. Tualatin Basin water quality has improved significantly over the last 30 years, but challenges remain due to pollution from human activities, changes in the hydrology of the watershed, the removal of streamside vegetation, and the loss of wildlife habitat. The lower 58 miles of the Tualatin River and 31 stream reaches are listed as "water quality limited" by the state. The steelhead and salmon that reside in the Basin are listed as threatened along with a number of other species that appear on state or federal lists.

### How have we improved the health of our watershed?

Public and private agencies have made watershed health a top priority for decades. County and city development regulations and road maintenance standards work to protect water quality. Clean Water Services implements streamside protection, erosion control and storm water management standards to protect water quality and manage flooding. In addition, Clean Water Services enhances streams, maintains storm water systems and educates the public about water resources issues. We have had clear successes - the Tualatin River is cleaner and healthier than it has been for many decades - but challenges remain. For example, how can we accommodate development for a growing population and protect the watershed?

### What efforts are underway now?

Washington County, its cities, Clean Water Services, the Tualatin Hills Park and Recreation District (THPRD), and Metro have formed a working alliance as Partners for Natural Places (Partners) to protect and enhance the natural environment. The Partners' work will lead to programs to further ensure conservation, protection and restoration of streams and habitat areas, to support healthy fish and wildlife habitat through Natural Resources planning under Goal 5. Metro is developing a regional natural resources program, concentrating on stream corridors and wildlife habitat. The Partners are working together to complete this important work in the urban portion of the Tualatin Basin,

*Continued on Page 2*

## Oregon Planning Context

Oregon is well known for its long-established land use planning regulations, dating back to the early 1970s. Governor Tom McCall and Senate Bill 100 set the course for a comprehensive, state-guided approach to protecting Oregon's livability by protecting farming, forestry and natural resources. SB 100 requires cities and counties to meet 19 statewide planning goals, ranging from citizen involvement to coastal resources. The goals are enforced by the Department of Land Conservation and Development, which requires local governments to adopt comprehensive plans and update them periodically to reflect changing conditions.

In the late 1990s Metro and our local governments implemented regulations to protect water quality and manage flooding (Title 3 of Metro's Urban Growth Management Functional Plan), in order to meet requirements of statewide Planning Goal 6 (Air, Water, and Land Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards).





Continued from Page 1

to capitalize on local expertise and because one of them, Clean Water Services, is already studying many of the same areas to comply with the federal Endangered Species Act (ESA) and State and Federal Clean Water Regulations. Because of legal requirements, Goal 5 work in the rural area will differ from the application in the urban area. Title 3 and water quality issues for the rural area will be addressed as a separate process.



## Phase Two: Conducting the ESEE Analysis

The Partners have begun a review of the economic, social, environmental and energy conditions of allowing, limiting or prohibiting development in the urban portion of the Tualatin Basin. They are drawing upon a variety of information sources to achieve this task. These include Metro, the Westside Economic Alliance, U.S. census data, recent local government Goal 5 work, and other efforts such as Washington County's VisionWest project and transportation and utilities long-range planning.

Positive and negative consequences which could result from a decision to allow, limit or prohibit development on or near significant resources will be drawn up and analyzed. Trade-offs will be discussed and possible program solutions reviewed.

## Phase Three: Defining a Protection Program



For each resource site, local governments must develop a program that prohibits, limits or allows uses that could conflict with significant natural resources, and incorporate that program in local regulations. Draft maps, along with the results of the ESEE analysis, will be presented for public review early in 2004.

Once it has been determined which lands will require further protection, programs to achieve the goal of conserving and protecting sensitive habitat will be drawn up. The program proposals will be presented for public review in the summer of 2004. Elected officials (the Tualatin Basin Natural Resources Coordinating Committee) will then make final recommendations to the Metro Council.

## What is Goal 5?

Goal 5 is the state-wide planning goal that requires the conservation of open space and protection of natural and scenic resources. Rather than targeting a specific program or product, Goal 5 specifies a process by which natural resources are inventoried, analyzed and protected. Trade offs are allowed, as state land use goals recognize the need for balance in the use of our resources (see Goal 9 - Economic Development, Goal 10 - Housing, and Goal 12 - Transportation).

### The Goal 5 process has three phases:

#### Phase One:

- Conduct an **inventory** of natural resources, including information about resource location, functions and values
- Determine the **significance** of the resources identified

#### Phase Two:

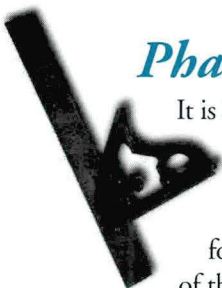
- Identify uses that may **conflict** with the resource
- Determine the **impact** areas around the resource
- Conduct an **economic, social, environmental and energy (ESEE) analysis** to identify consequences from allowing, limiting or prohibiting identified conflicting uses.
- Decide whether to **allow, limit or prohibit conflicting uses** based on the ESEE analysis.

#### Phase Three:

- Develop a **program** to achieve resource protection.



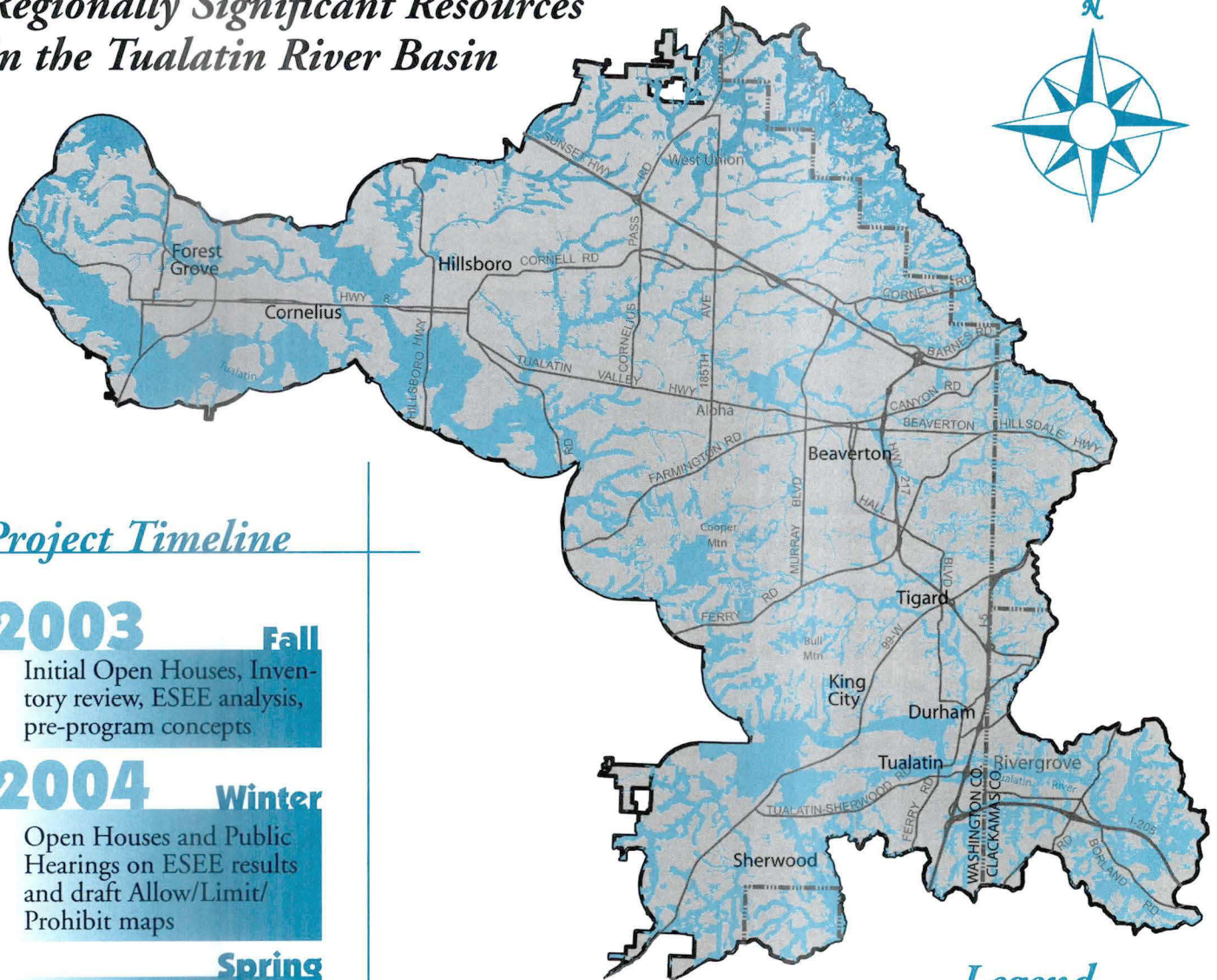
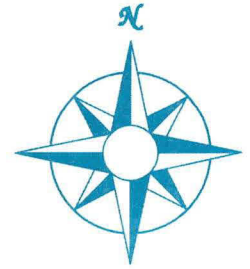
## Phase One: Mapping the Inventory



It is Metro's responsibility to manage the region's Urban Growth Boundary (Goal 14). In order to do that, Metro needs a clear understanding of the amount of developable land versus the amount of land that may require protection. Thus Metro undertook the Goal 5 process for wildlife and riparian resources and conducted a region-wide inventory of these resources. The Tualatin Basin Partners have accepted the Metro inventory to fulfill the requirements of Phase One of the Goal 5 process.

Clean Water Services has also done extensive data gathering and scientific analysis for watershed planning to fulfill the requirements of the Endangered Species and Clean Water Acts. This detailed set of scientific data is being used to assess the existing environmental health of riparian areas in the basin as well as to document the quality of the identified significant resources.

# Regionally Significant Resources in the Tualatin River Basin



## Project Timeline

**2003**

**Fall**

Initial Open Houses, Inventory review, ESEE analysis, pre-program concepts

**2004**

**Winter**

Open Houses and Public Hearings on ESEE results and draft Allow/Limit/Prohibit maps

**Spring**

ESEE - Allow/Limit/Prohibit decision

**Summer**

Open Houses and Public Hearings on Draft Program

**August**

Program decision

**December**

Metro Council adopts regional program and evaluates Tualatin Basin Plan for fish and wildlife habitat protection

**2005**

**Spring**

Board of County Commissioners and City Councils adopt implementing ordinances

## Legend



## What effect will this have on private property?

Much of the land being studied is already protected under existing regulations for water quality and flood management (vegetated corridor rules implemented by Clean Water Services under Metro Title 3), is in public ownership (such as parks), or is already protected under local governments' Goal 5 programs. Private owners may be offered incentives to protect their land and/or they may be required to meet new regulations. Possible program tools to protect Goal 5 resources include:

- Technical assistance to landowners to adopt voluntary conservation practices
- Incentives for resource protection
- Education and outreach to encourage resource protection practices
- Regulations to achieve additional resource protection
- Acquisition of key resource sites
- Improvements to enhance stream corridor conditions

# Partners for Natural Places

## Why work together?

Interjurisdictional partnership is a hallmark of Washington County. The cities, the County government and the Special Service Districts know that citizens expect them to

cooperate for the best use of public resources. Environmental protection programs should be well coordinated and consistent among all our responsible jurisdictions since the resources know no jurisdictional boundaries. And partnerships in decision making mean better decisions can be made. The partners include:

- The Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin
- Clean Water Services
- Tualatin Hills Park and Recreation District (THPRD)
- Washington County
- Metro

Private partner agencies are also involved, adding their expertise to be sure the final programs are acceptable to and workable for the community. Some of these are:

- Tualatin Riverkeepers
- Audubon Society of Portland
- Westside Economic Alliance
- Home Builders Association
- Associated General Contractors
- SOLV
- and more...



## How will I be able to have input?

There will be many opportunities for input from the general public and directly affected property owners as the project progresses. Mail or e-mail your elected officials and their staff (see contact list on the right). If your property might be affected, you will receive official notices of open houses and public hearings. If you would like to be added to this mailing list, call your local City or the County's Planning Division.

Our website <http://www.co.washington.or.us/goal5> offers information and convenient e-mail access to local planning staff. You may also attend the Tualatin Basin Natural Resources Coordinating Committee meetings and make comments. Call 503-846-3519 for a schedule.

## Partner contacts:



### Beaverton

Barbara Fryer  
503-526-3718  
bfryer@ci.beaverton.or.us



### Forest Grove

Jeff Beiswenger  
503-992-3226  
jbeiswenger@ci.forest-grove.or.us



### Hillsboro

Jennifer Wells  
503-681-6214  
jenniferw@ci.hillsboro.or.us



### Metro

24-hour hotline  
503-797-1888, option 2; also  
check [www.metro-region.org](http://www.metro-region.org)



### Tigard

Julia Hajduk  
503-639-4171  
julia@ci.tigard.or.us



### Tualatin

Stacy Hopkins  
503-691-3028,  
shopkins@ci.tualatin.or.us



### Clean Water Services

Sheri Wantland  
503-846-3601  
wantlans@cleanwaterservices.org



### Tualatin Hills Park and Recreation District

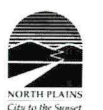
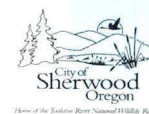
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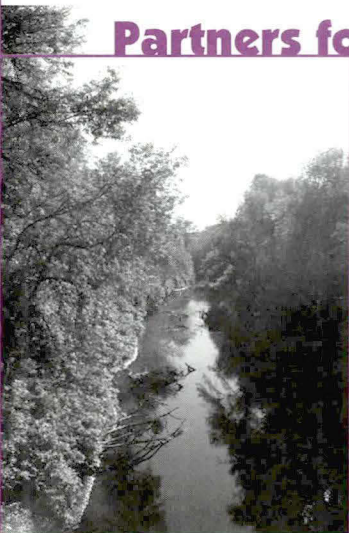


### Washington County

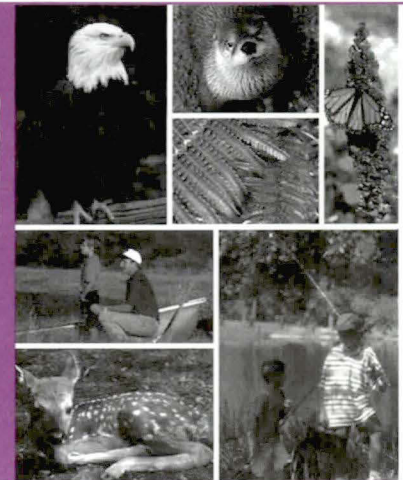
503-846-3519 or  
lutplan@co.washington.or.us

Cities not listed,  
call Washington County





# Protecting Fish & Wildlife Habitat in the Tualatin Basin



## Fish & wildlife habitat protection analysis underway

Ten Washington County cities have joined with the County, Clean Water Services and the Tualatin Hills Park and Recreation District to develop a fish and wildlife habitat protection program for the Tualatin River Basin. This collaborative effort, known as the Tualatin Basin Partners for Natural Places (Partners), is being completed in cooperation with Metro. The Partners' recommendation to improve the environmental health of the Tualatin Basin will be forwarded to Metro later this year for Metro Council action as part of their regional habitat protection efforts to meet statewide planning Goal 5 (Natural Resources).

Because of legal requirements, Goal 5 work in the rural area will differ from the application in the urban area. Riparian areas, floodplains and water quality issues for the rural area will be addressed as a separate process.

## Background

In 2001 Metro undertook a region-wide fish and wildlife habitat protection project to ensure a coordinated program for resource protection and enhancement, since fish and wildlife habitat does not fit neatly into city and county boundaries. The project is guided by statewide Planning Goal 5 and the federal Clean Water and Endangered Species Acts. In 2002 Metro approved an inventory of regionally significant fish and wildlife habitat.

During 2003 Metro identified the economic, social, environmental and energy (ESEE) consequences of protecting - or not protecting - habitat on a regional scale. The Tualatin Basin *Partners* are using Metro's inventory to conduct a more site-specific local ESEE analysis.

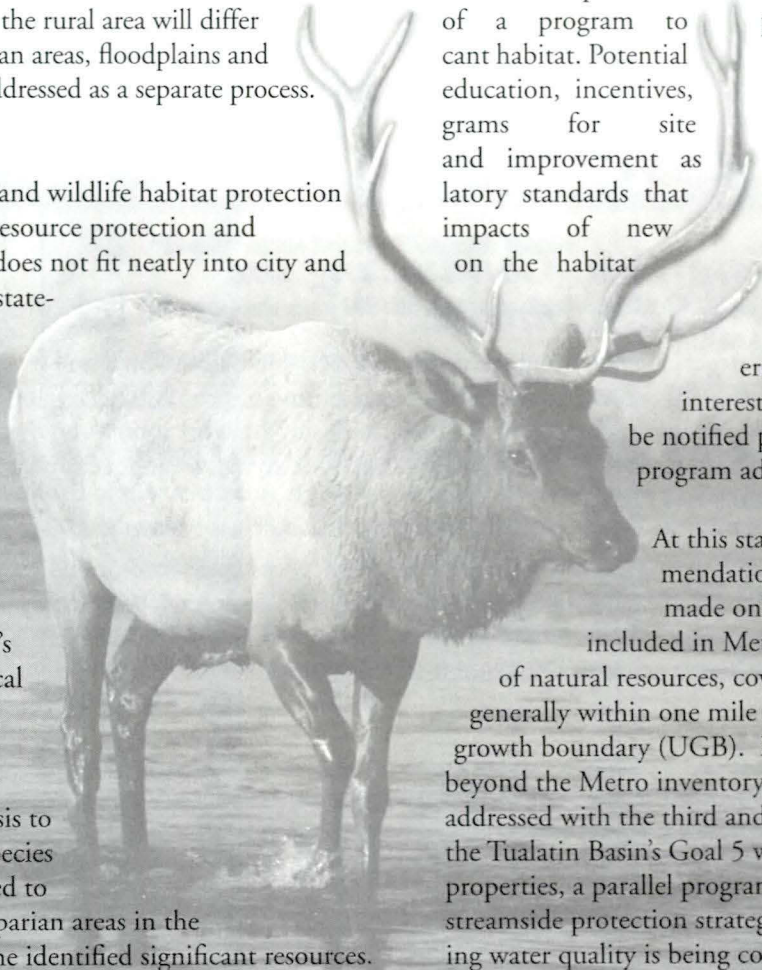
Clean Water Services has also done extensive watershed data gathering and scientific analysis to fulfill the requirements of the Endangered Species and Clean Water Acts. This data is being used to assess the existing environmental health of riparian areas in the Basin as well as to document the quality of the identified significant resources.

## Next Steps

In the spring of 2004 the *Partners* will complete the local ESEE analysis and recommend the degree of fish and wildlife habitat protection for the Tualatin Basin. Metro will also complete the regional ESEE analysis and adopt a map showing where future development may be affected around the region.

The final step will be the development of a program to protect significant habitat. Potential tools include education, incentives, grants for site and improvement as well as regulatory standards that limit the impacts of new development on the habitat. All potentially affected property owners and interested persons will be notified prior to final program adoption.

At this stage, recommendations have been made only for lands included in Metro's inventory of natural resources, covering areas generally within one mile of the urban growth boundary (UGB). Rural resources beyond the Metro inventory area will be addressed with the third and final phase of the Tualatin Basin's Goal 5 work. For these properties, a parallel program to encourage streamside protection strategies for improving water quality is being considered.



## What is Goal 5?

Goal 5 is the statewide planning goal that requires the conservation of open space and protection of natural and scenic resources. Rather than targeting a specific program or product, Goal 5 specifies a *process* by which fish and wildlife habitats are inventoried, analyzed and protected. Trade-offs are allowed, as statewide planning goals recognize the need for balance in the use of our resources.

### The Goal 5 process has three phases:

#### Phase One: completed in 2002

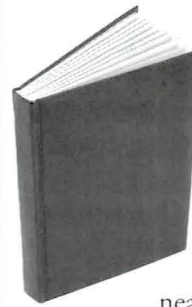
- Conduct an **inventory** of fish and wildlife habitats, including information about resource location, quality and quantity (region-wide inventory conducted by Metro)
- Determine the **significance** of the resources identified

#### Phase Two: underway fall 2003–spring 2004

- Identify uses that may **conflict** with the resource
- Determine the **impact** areas around the resource
- Conduct an **economic, social, environmental and energy (ESEE) analysis** to identify consequences that could result from allowing, limiting or prohibiting the conflicting uses
- Decide whether to **allow, limit or prohibit conflicting uses** based on the ESEE analysis (congruent efforts by Metro and Partners)

#### Phase Three: early spring–August 2004

- Develop a **program** to achieve resource protection (congruent efforts by Metro and Partners)



### Definitions of Allow - Limit - Prohibit

The *Partners* are reviewing the ESEE consequences of allowing, limiting or prohibiting development in or near significant fish and wildlife habitat areas. What does “allow”, “limit”, or “prohibit” mean?

- An “allow” decision means that development would be permitted to occur within or near significant fish and wildlife habitat areas, subject to existing regulations such as Clean Water Services’ Design and Construction Standards and local, state and federal wetland regulations.
- A “limit” decision means that there is a balance between allowing development within or near significant fish and wildlife habitat areas and protecting those areas from negative impacts that can result from development activities.
- A “prohibit” decision means that development would be prohibited within significant fish and wildlife habitat areas.



### Phase Two: Conducting the ESEE Analysis

The *Partners* are reviewing the economic, social, environmental and energy (ESEE) consequences of allowing, limiting or prohibiting development in the urban portion of the Tualatin Basin, drawing upon a variety of information sources. These sources include Metro and local government inventories and plans.

Positive and negative consequences which could result from a decision to allow, limit or prohibit development on or near significant resources have been drawn up and are being taken out to the public for review in March 2004. Trade-offs are being discussed and possible program solutions suggested.

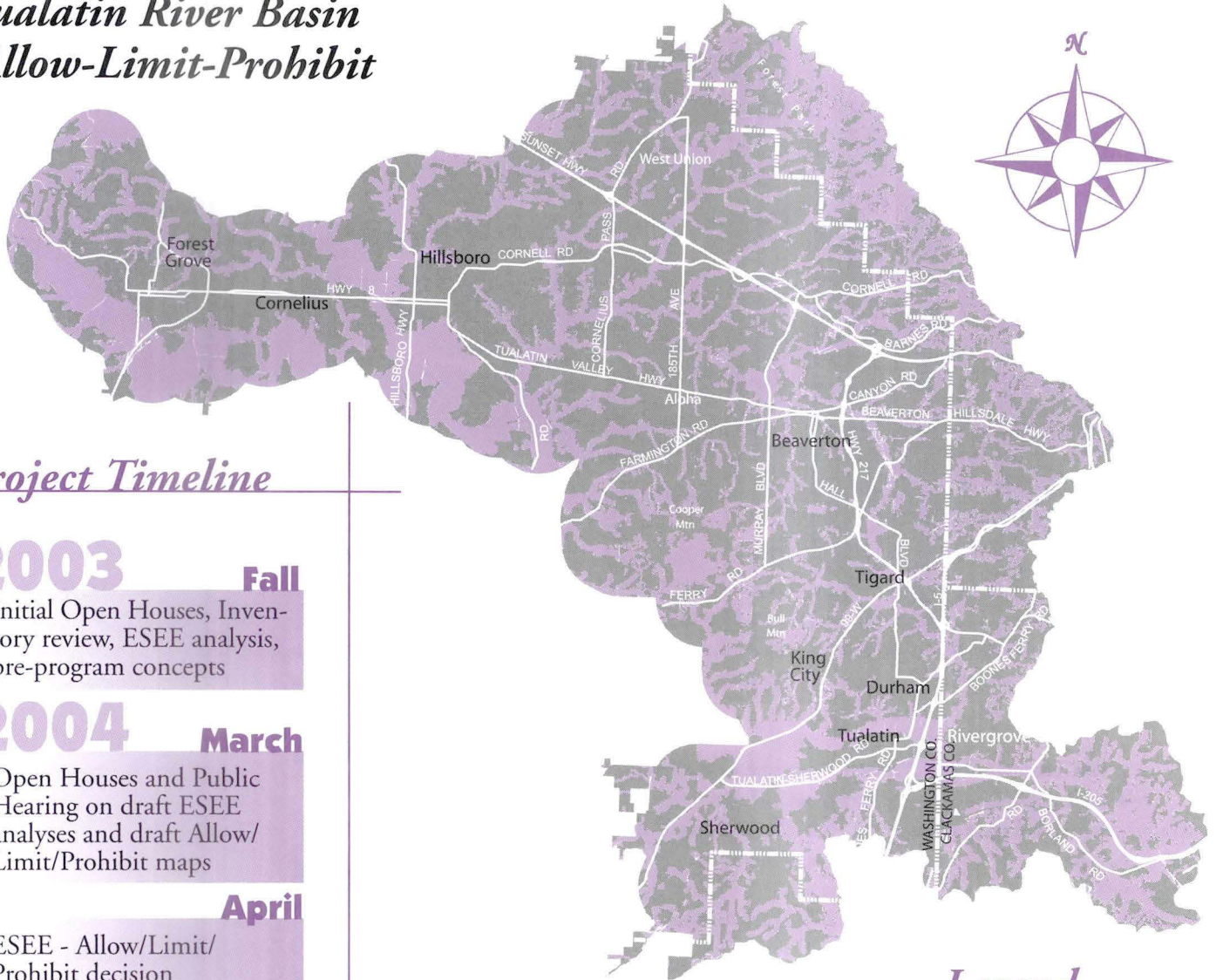
### Phase Three: Defining a Protection Program

For each resource site, local governments must develop a program that allows, limits or prohibits uses that could conflict with significant fish and wildlife habitats, and incorporate that program in local policies and regulations. Draft Allow-Limit-Prohibit (ALP) maps, along with the results of the ESEE analysis, are being presented for public review in March 2004.



*Metro's process is slightly different. Rather than propose one Allow-Limit-Prohibit map to which the public can react, Metro is suggesting six options for A-L-P which they are taking to the public in Open Houses in March of 2004. For each option, several hypothetical regulatory and non-regulatory approaches are being analyzed. The trade-offs associated with each option will be evaluated and results compared, providing information to the Metro Council as it considers where and how much to protect habitat.*

# Tualatin River Basin Allow-Limit-Prohibit



## Project Timeline

**2003**

**Fall**

Initial Open Houses, Inventory review, ESEE analysis, pre-program concepts

**2004**

**March**

Open Houses and Public Hearing on draft ESEE analyses and draft Allow/Limit/Prohibit maps

**April**

ESEE - Allow/Limit/Prohibit decision

**Summer**

Open Houses and Public Hearings on Draft Program

**August**

Preliminary program proposal finalized and forwarded to Metro for review

**December**

Metro Council acts on the regional program and Tualatin Basin Plan for fish and wildlife habitat protection

**2005**

**Spring**

Board of County Commissioners and City Councils act on local implementation for the new Tualatin Basin Goal 5 program

## Legend



## What effect will this have on private property?

Much of the land being studied is already protected under existing regulations for water quality and flood management (vegetated corridor rules implemented by Clean Water Services under Metro Title 3), is in public ownership (such as parks), or is already protected under local governments' Goal 5 programs. Under the *Partners'* efforts, private owners may be offered incentives to protect their land and/or they may be required to meet new regulations. Possible program tools to protect Goal 5 resources include:

- Technical assistance to landowners to adopt voluntary conservation practices
- Incentives for resource protection
- Education and outreach to encourage resource protection practices
- Regulations to achieve additional resource protection
- Funding programs for:
  - Acquisition of key resource sites
  - Improvements to enhance stream corridor conditions



Once the Partners have completed the analyses and determined which lands will require further protection, programs to achieve the goal of conserving and protecting sensitive habitat will be drawn up. The program proposals will be presented for public review and comment in the summer of 2004.

After public hearings, elected officials (the Tualatin Basin Natural Resource Coordinating Committee) will make final recommendations to the Metro Council on a Goal 5 program for the Tualatin River Basin. Following Metro's approval, local governments have 180 days to adopt implementing ordinances.

### Opportunities for public input

There will be many opportunities for input from the general public and directly affected property owners as the project progresses. You may *attend* Open Houses this spring and summer 2004, where you can fill out and submit a comment card, or you may *testify* in person at Public Hearings. At any time before the summer hearing, you may also *write* to:

**The Tualatin Basin Natural Resource Coordinating Committee**  
**Washington County's Department of Land Use and Transportation**  
**Planning Division, 155 N. 1st Avenue, Suite 350-14**  
**Hillsboro, OR 97124**

If your property might be affected, you will receive official notices of open houses and public hearings. If you would like to be added to this mailing list, call or e-mail your local City or the County's Planning Division (see contact information on the right).

If your property might be affected, you will receive official notices of open houses and public hearings. If you would like to be added to this mailing list, call your local City or the County's Planning Division, 503-846-3519.

Our website <http://www.co.washington.or.us/goal5> offers information and convenient e-mail access to local planning staff. You may also attend the Tualatin Basin Natural Resource Coordinating Committee meetings and make comments. Call 503-846-3519 for a schedule.

### Participating Partner Agencies

- The Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin
- Clean Water Services
- Tualatin Hills Park and Recreation District (THPRD)
- Washington County
- Metro

Private organizations are also involved, adding their expertise to be sure the final programs are acceptable to and workable for the community. Some of these are:

- Tualatin Riverkeepers
- Audubon Society of Portland
- Westside Economic Alliance
- Home Builders Association
- Associated General Contractors
- SOLV
- and more...

### Partner contacts:



#### Beaverton

Barbara Fryer  
 503-526-3718  
 bfryer@ci.beaverton.or.us



#### Forest Grove

Jeff Beiswenger  
 503-992-3226  
 jbeiswenger@ci.forest-grove.or.us



#### Hillsboro

Jennifer Wells  
 503-681-6214  
 jenniferw@ci.hillsboro.or.us



#### Metro

24-hour hotline  
 503-797-1888, option 2; also  
 check [www.metro-region.org](http://www.metro-region.org)



#### Tigard

Julia Hajduk  
 503-639-4171  
 julia@ci.tigard.or.us



#### Tualatin

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 503-691-3028,  
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#### Clean Water Services

Sheri Wantland  
 503-846-3601  
 wantlans@cleanwaterservices.org



#### Tualatin Hills Park and Recreation District

David Endres, 503-645-6433,  
 dendres@thprd.com



#### Washington County

503-846-3519 or  
 lutplan@co.washington.or.us

Cities not listed,  
 call Washington County



**Partners for Natural Places**

c/o Metro  
600 NE Grand Ave.  
Portland, OR 97232



**Tualatin Basin  
Natural Resource  
Coordinating  
Committee**

Washington County  
Department of Land Use  
and Transportation Planning Division  
[www.co.washington.or.us/goals5](http://www.co.washington.or.us/goals5)



**Metro**

Metro, the regional  
government that serves  
1.3 million people  
who live in Clackamas,  
Multnomah and  
Washington counties  
and the 24 cities in the  
Portland metropolitan  
area, provides planning  
and services that  
protect the nature of our region.

**METRO  
PEOPLE PLACES  
OPEN SPACES**

[www.metro-region.or](http://www.metro-region.or)

*Printed on recycled-content paper.*  
03679 - Published February 2004

*Public notice*

**Protecting fish  
and wildlife habitat  
in your community**

**Attend an open house to  
learn more**

**Attention interested persons  
and property owners:  
upcoming recommendations  
may impact your property**

You are receiving this notice because  
of Metro's commitment to provide early  
and ongoing opportunities for public  
participation in public policy decisions.

You (or someone at this address) may  
own one or more properties in an area  
that has been identified as having fish  
and wildlife habitat. Property addresses  
were generated from computerized  
county assessor maps.



February 2004

*Public notice*

**Protecting fish and  
wildlife habitat in your  
community**

**Attend an open house to learn more**



WASHINGTON COUNTY, its cities,  
Clean Water Services and the Tualatin  
Hills Park and Recreation District  
have joined together to develop a fish  
and wildlife habitat protection plan for  
the Tualatin Basin. This collaborative  
effort, known as Tualatin Basin  
Partners for Natural Places, is being  
completed in cooperation with Metro.  
The Tualatin Basin recommendation  
will be forwarded to the Metro  
Council for final approval as part of a  
regional habitat protection plan.

**Habitat inventory**

Development of Metro's habitat  
protection plan is guided by statewide  
land-use planning Goal 5 (OAR-660-  
023) and supports the federal Clean  
Water and Endangered Species acts. In  
2000, Metro began a community-wide  
planning effort to ensure a coordinated  
program for fish and wildlife habitat  
protection. In 2002, Metro approved  
an inventory identifying 80,000 acres  
of regionally significant fish and wildlife  
habitat. This inventory is the basis for  
the next phase of analysis.

**Analysis of options**

During 2003, Metro studied the  
economic, social, environmental  
and energy (ESEE) consequences of  
protecting – or not protecting – habitat  
on a regional scale. The Tualatin Basin

**What is habitat?**

An area upon which fish and wild-  
life depend for food, water, shelter  
and reproduction.

**Attention interested persons  
and property owners:  
upcoming recommendations  
may impact your property**

You are receiving this notice  
because your property is located in  
or near the regional habitat  
inventory, or you have expressed  
an interest in being informed about  
fish and wildlife habitat protection.

Properties generally within one  
mile of the urban growth  
boundary are part of Metro's fish  
and wildlife habitat inventory.

Partners are using Metro's inventory to  
conduct a more detailed local analysis.

**Next steps**

In spring 2004, the Tualatin Basin  
Partners will complete the local ESEE  
analysis and determine degrees of  
habitat protection. Metro also will  
complete the regional analysis and  
recommend areas where development  
would be limited to protect fish  
and wildlife habitat. Tools such as  
education, incentives, willing-seller  
acquisition and regulation will be  
considered.

The final step is to develop a program  
to protect regionally significant  
habitat. Metro and the Tualatin Basin  
Partners will provide additional public  
participation opportunities and publish  
a notice to inform interested residents  
of potential impacts as required by  
state law.

**Learn more**

**Open houses**

**Tualatin Basin and Metro open  
houses March 1 and 4, 2004**

Join us at an open house to learn  
more about the Tualatin Basin Partners'  
and Metro's analysis and preliminary  
recommendations. Share your views  
and advice on where and how fish and  
wildlife habitat should be protected.

**West metro area**

4 to 8 p.m. Monday, March 1  
Washington County Public Services  
Building cafeteria and room 140  
155 N. First Ave., Hillsboro  
MAX light rail and TriMet bus 46

**Southwest metro area**

4 to 8 p.m. Thursday, March 4  
Tualatin Police Department  
community room  
8650 SW Tualatin Rd.  
TriMet bus 76 and 96 (at peak times)

**Metro open houses  
March 11 to 18, 2004**

Metro, with support from local  
government partners, will hold  
additional open houses

**East metro area**

4 to 8 p.m. Thursday, March 11  
Gresham City Hall  
Oregon and Springwater Trail rooms  
1333 NW Eastman Parkway  
MAX light rail and TriMet bus 4

**South metro area**

4 to 8 p.m. Monday, March 15  
Pioneer Community Center  
615 Fifth St., Oregon City  
TriMet bus 33 and 99

**Southeast metro area**

4 to 8 p.m. Tuesday, March 16  
Sunnybrook Service Center auditorium  
9101 SE Sunnybrook Blvd., Clackamas  
TriMet bus 29 and 31

**North metro area**

4 to 8 p.m. Wednesday, March 17  
Airport Holiday Inn, Salon B  
8439 NE Columbia Blvd., Portland  
TriMet bus 72 and 86

**Central metro area**

4 to 8 p.m. Thursday, March 18  
Mittleman Jewish Community  
Center auditorium  
6651 SW Capitol Hwy., Portland  
TriMet bus 44 and 45

**Public hearing**

**Tualatin Basin public hearing  
March 29, 2004**

The Tualatin Basin Partners also will  
hold a public hearing where you  
can comment on the preliminary  
recommendations.

**Beaverton**

Beaverton Library  
12375 SW Fifth Ave.  
TriMet bus 76 and 78

4 to 7:30 p.m.  
Information displays  
meeting rooms A and B

6 to 8 p.m.  
Public hearing  
auditorium

If you cannot attend the public hearing  
but would like to comment, you can  
submit a card at one of the open  
houses or write to the Tualatin Basin  
Natural Resources Coordinating  
Committee at Washington County,  
155 N. First Ave., Suite 350-14,  
Hillsboro, OR 97124.

Metro will hold public hearings on  
April 15, May 4 and May 20, 2004,  
to take comments on a preferred  
habitat protection option.

*Metro currently is considering an  
upcoming amendment to the urban  
growth boundary to set aside land  
for industrial uses. You may receive  
a notice about this next week.*



# Tualatin Basin Partners for Natural Places



**Beaverton**  
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bfryer@ci.beaverton.or.us

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wantlands@cleanwaterservices.org

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jbeiswenger@ci.forest-grove.or.us

**Hillsboro**  
Jennifer Wells  
(503) 681-6214  
jenniferw@ci.hillsboro.or.us

**Metro**  
24-hour hotline  
(503) 797-1888 option 2  
www.metro-region.org

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wechnerd@sherwood.or.us

**Tigard**  
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julia@ci.tigard.or.us

**Tualatin**  
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shopkins@ci.tualatin.or.us

**Tualatin Hills Park and  
Recreation District**  
David Endres  
(503) 645-6433  
dendres@thprd.com

**Washington County**  
(503) 846-3519  
lutplan@co.washington.or.us

*If your city is not listed, call  
Washington County.*

## Tualatin Basin recommendation

Map on the right identifies Tualatin Basin preliminary recommendation for areas where development would be allowed or limited.

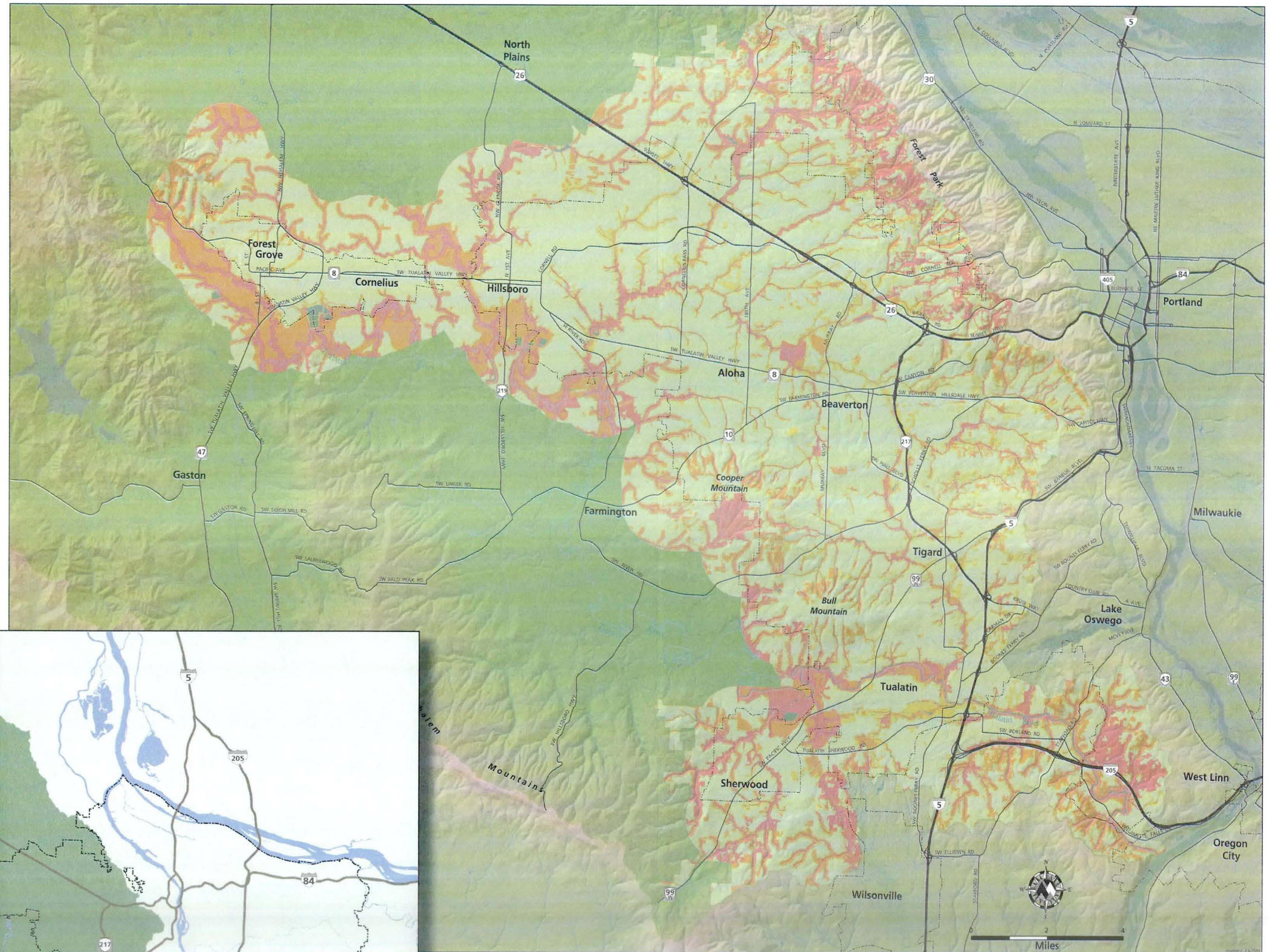


Map below shows the urban growth boundary (black dashed line). The large shaded area west of the Willamette River shows the full extent of the Tualatin Basin.

**To find out more about specific property, use the interactive map tool at [www.metro-region.org/habitat](http://www.metro-region.org/habitat).**



**Tualatin Basin**



### What if my property is outside the urban growth boundary and Metro's habitat inventory?

For the most part, properties within one mile of Metro's jurisdictional boundary (generally aligned with the urban growth boundary) are part of Metro's fish and wildlife habitat inventory and are included in the Tualatin Basin plan.

For rural properties in the Tualatin Basin but outside the Metro inventory area, a parallel program to encourage streamside protection may be implemented in order to improve water quality. For more information, call (503) 846-3519.

# COMMENTS

*Thank you for taking the time to comment on the Tualatin Basin Goal 5 Planning Process. Your comments will become a part of the official public record. By submitting your signed comment today, you do not need to testify at the public hearing on March 29, 2004 (If you choose not to sign, your comments will be considered but will not become a part of the official record.).*

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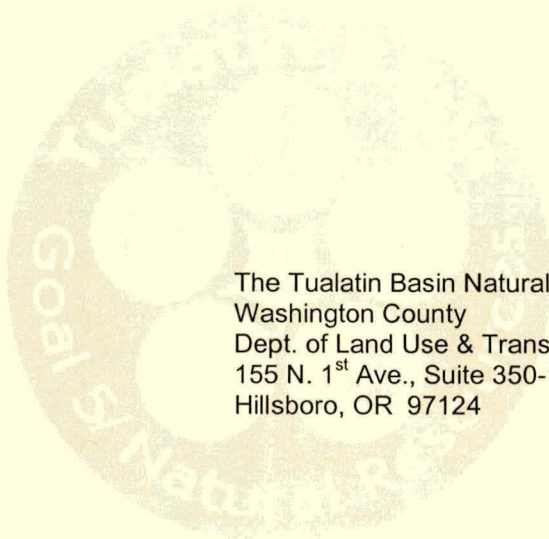
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**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

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1<sup>st</sup> Class  
Stamp  
Required



The Tualatin Basin Natural Resource Coordinating Committee  
Washington County  
Dept. of Land Use & Transportation, Planning Div.  
155 N. 1<sup>st</sup> Ave., Suite 350-14  
Hillsboro, OR 97124

The Tualatin Basin Natural Resources  
Coordinating Committee  
Washington County/ DLUT, Planning Division  
155 N. 1st Avenue, Suite 350-14  
Hillsboro, OR 97124

[www.co.washington.or.us/goal5](http://www.co.washington.or.us/goal5)

## Public Notice

### Protecting fish and wildlife habitat in your community

Attention property owners and other interested residents

You received this notice for one of two reasons:

- Your property is located in or near the regional habitat inventory area
- You have expressed an interest in being informed about fish and wildlife habitat protection



*Please come and learn about habitat protection in the Tualatin Basin. A proposed new program will affect our natural resources and may affect your property and your pocketbook.*

## Public Notice

### Attention:

- **Property owners: this may affect your property**
- **Interested residents: this will affect the environmental health of the Tualatin Basin**

July 2004



### Natural resource protection program developing

Ten Washington County cities have joined with the County, Clean Water Services and the Tualatin Hills Park and Recreation District to develop a fish and wildlife habitat protection program for the Tualatin River Basin. This collaborative effort, known as the Partners for Natural Places, is being completed in cooperation with Metro. The Partners' recommendation to protect natural areas in the Tualatin Basin will be forwarded to Metro this August for consideration by Metro as part of the regional habitat protection plan.

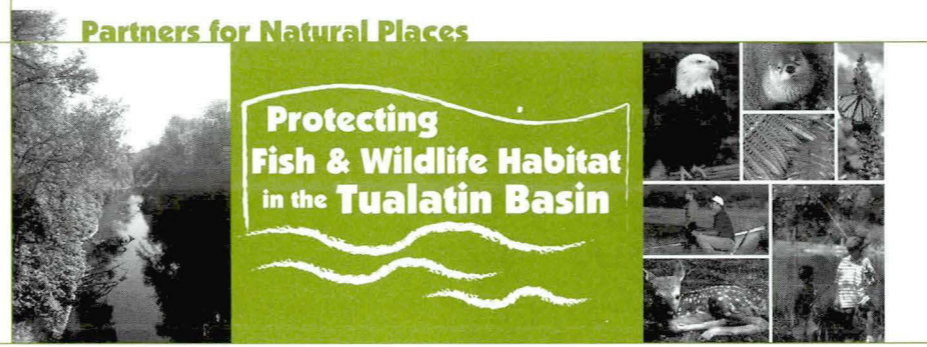
### Invitation

You are invited to attend an open house where you can learn more about the Tualatin Basin Goal 5 Program, and to a public hearing where you can offer oral testimony on the recommendations. You may also submit written testimony to the Tualatin Basin Natural Resources Coordinating Committee at any time up to 5 pm on August 9. (Be sure to include your name and address.) Write to:

The Tualatin Basin Natural Resources Coordinating Committee  
Washington County/ DLUT, Planning Division  
155 N. 1st Avenue, Suite 350-14  
Hillsboro, OR 97124

E-mail address: [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

### Partners for Natural Places



### Background

In 2001 Metro began development of a fish and wildlife habitat protection program to ensure regionally coordinated resource protection and enhancement. Metro did this because fish and wildlife habitat does not fit neatly into city and county boundaries. The work is guided by statewide planning Goal 5 and the federal Clean Water and Endangered Species Acts. In 2002 Metro approved an inventory of regionally significant fish and wildlife habitat.

During 2003 Metro identified the economic, social, environmental and energy (ESEE) consequences of protecting - or not protecting - habitat on a regional scale. The Tualatin Basin Partners used Metro's inventory to conduct a more site-specific local ESEE analysis. In April 2004 the Partners recommended areas where development would be subject to new standards designed to protect fish and wildlife habitat.

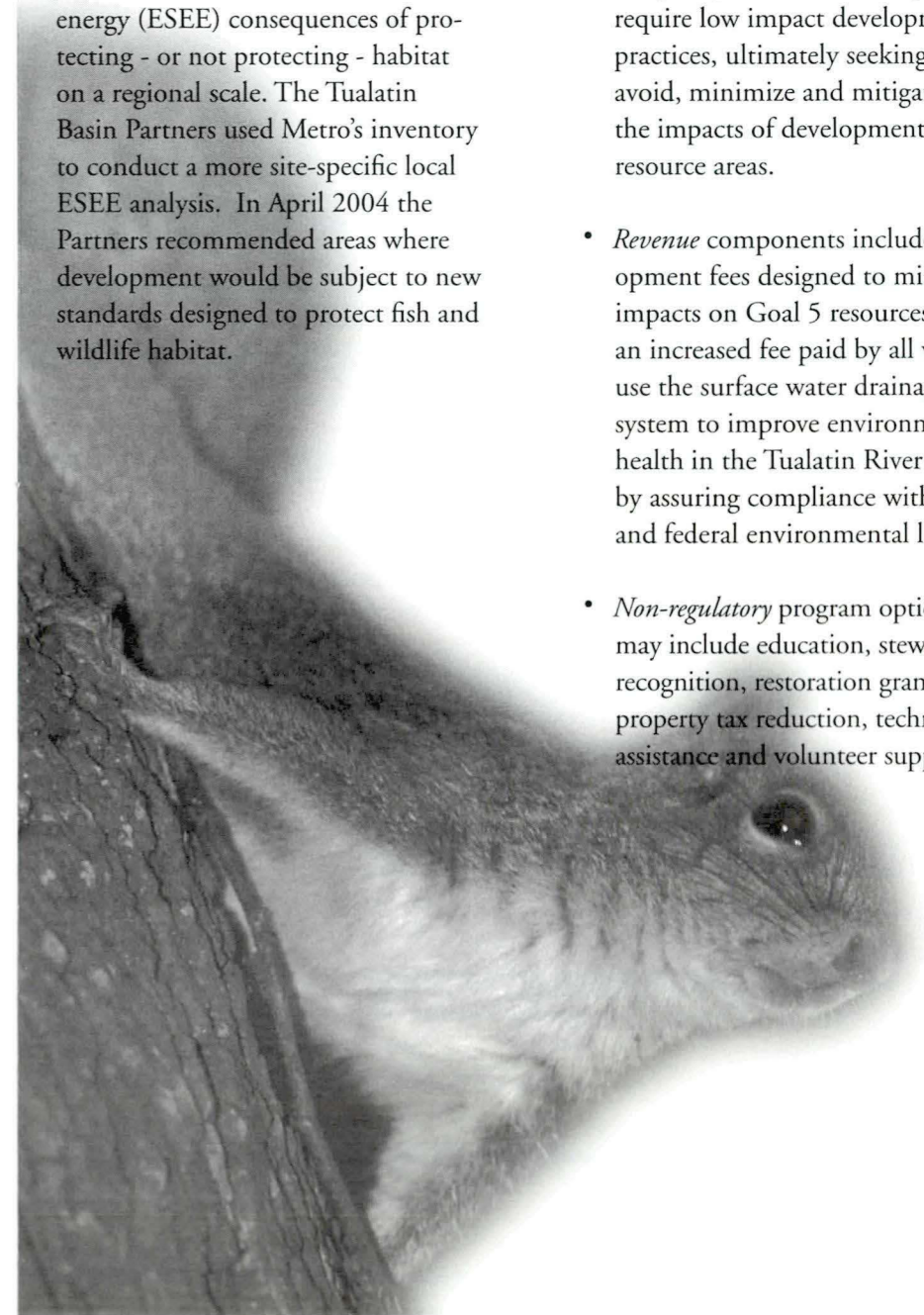
### Next Step

The Partners are now developing a program to protect regionally significant habitat. They are guided by two principles:

- Improve the environmental health of the watershed
- Recognize the need to allow economic use of land in accord with adopted Comprehensive Plans

The program has design standards, revenue and non-regulatory components.

- *Design* regulations encourage or require low impact development practices, ultimately seeking to avoid, minimize and mitigate the impacts of development in resource areas.
- *Revenue* components include development fees designed to mitigate impacts on Goal 5 resources and an increased fee paid by all who use the surface water drainage system to improve environmental health in the Tualatin River Basin by assuring compliance with state and federal environmental laws.
- *Non-regulatory* program options may include education, stewardship recognition, restoration grants, property tax reduction, technical assistance and volunteer support.



# Tualatin Basin Partners for Natural Places



## Beaverton

Barbara Fryer  
503-526-3718  
bfryer@ci.beaverton.or.us

## Cornelius

Richard Meyer  
503-357-7099  
rmeyer@ci.cornelius.or.us

## Clean Water Services

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wantlands@cleanwaterservices.org

## Forest Grove

Jeff Beiswenger  
503-992-3226  
jbeiswenger@ci.forest-grove.or.us

## Hillsboro

Jennifer Wells  
503-681-6214  
jenniferw@ci.hillsboro.or.us

## Metro

24-hour hotline 503-797-1888,  
option 2 www.metro-region.org

## Sherwood

Ed Murphy  
503-625-4205  
murphye@ci.sherwood.or.us

## Tigard

Julia Hajduk  
503-639-4171  
JULIA@ci.tigard.or.us

## Tualatin

Stacy Hopkins  
503-691-3028  
shopkins@ci.tualatin.or.us

## Tualatin Hills Park and Recreation District

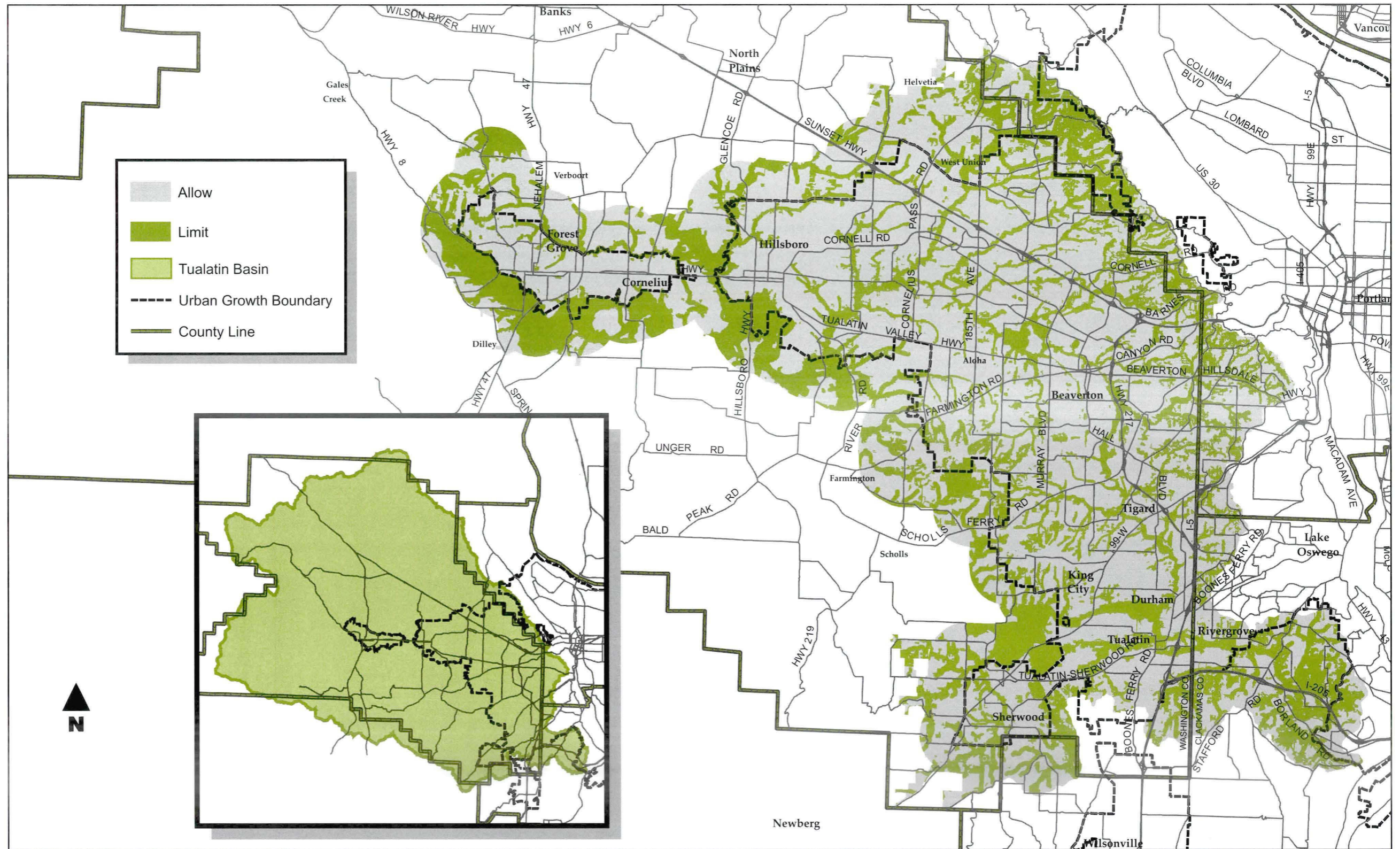
David Endres  
503-645-6433  
dendres@thprd.com

## Washington County

503-846-3519 or  
lutplan@co.washington.or.us

*If your city is not listed, call  
Washington County*

*Thank you for your interest in the Tualatin Basin watershed. <http://www.co.washington.or.us/goal5>*



### What if my property is outside the Urban Growth Boundary?

If your property is located outside the Urban Growth Boundary (UGB), then it falls within one of two categories. Properties generally within one mile of the UGB are part of Metro's natural resource inventory and are being included in the Tualatin Basin's Goal 5 work. For properties outside the Metro inventory area, a parallel program designed to improve water quality and riparian habitat will be developed. Call 503-846-3519 for more information.



## Tualatin Basin Governments Crafting Program Phase of Goal 5 Fish and Wildlife Habitat Protection

### How to keep informed:

Visit our website at <http://www.co.washington.or.us/goal5>

Features on the web site include the Interim Decision for Tualatin Basin Goal 5 Draft ESEE Analysis and Draft Allow-Limit-Prohibit Recommendation, Maps depicting the Interim Allow-Limit-Prohibit Decision, an Interactive Map and the Fall 2003 and Winter 2004 newsheets.

### Open Houses

July 26 Monday	4:00 – 8:00 pm	Beaverton City Library, 12375 SW 5 <sup>th</sup> St, Beaverton
July 28 Wednesday	4:00 – 8:00 pm	Forest Grove Community Auditorium, 1915 Main St, Forest Grove
July 29 Thursday	4:00 – 8:00 pm	Tualatin High School, 22300 SW Boones Ferry Rd, Tualatin

### Public Hearing

Aug 2 Monday	6:00 – 8:00 pm	Public Services Bldg Auditorium, 155 N 1 <sup>st</sup> Ave, Hillsboro
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Staff contacts:

- **Beaverton**, Barbara Fryer, 503-526-3718 [bfryer@ci.beaverton.or.us](mailto:bfryer@ci.beaverton.or.us)
- **Clean Water Services**, Sheri Wantland, 503-681-3600 [wantlands@cleanwaterservices.org](mailto:wantlands@cleanwaterservices.org)
- **Forest Grove**, Jeff Beiswenger, 503-992-3226, [jbeiswenger@ci.forest-grove.or.us](mailto:jbeiswenger@ci.forest-grove.or.us)
- **Hillsboro**, Jennifer Wells, 503-681-6214, [jenniferw@ci.hillsboro.or.us](mailto:jenniferw@ci.hillsboro.or.us)
- **Metro**, 24-hour hotline, 503-797-1888, option 2; also check [www.metro-region.org](http://www.metro-region.org)
- **Sherwood**, Ed Murphy, 503-625-4205 [murphye@ci.sherwood.or.us](mailto:murphye@ci.sherwood.or.us)
- **Tigard**, Julia Hajduk or Beth St.Amand, 503-639-4171 [julia@ci.tigard.or.us](mailto:julia@ci.tigard.or.us)
- **Tualatin**, Stacy Hopkins, 503-691-3028 [shopkins@ci.tualatin.or.us](mailto:shopkins@ci.tualatin.or.us)
- **Tualatin Hills Park and Recreation District**, David Endres, 503-645-6433 [dendres@thprd.com](mailto:dendres@thprd.com)
- **Washington County**, 503-846-3519 or [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

# COMMENTS

*Thank you for taking the time to comment on the Tualatin Basin Goal 5 Planning Process. Your comments will become a part of the official public record. By submitting your signed comment today, you do not need to testify at the public hearing on August 2, 2004.  
(If you choose not to sign, your comments will be considered but will not become a part of the official record.)*

**Comments must be received by 5:00 pm on August 9, 2004.**

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**Name:** \_\_\_\_\_

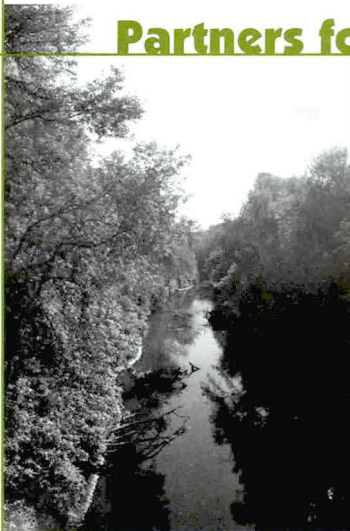
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**Signature:** \_\_\_\_\_

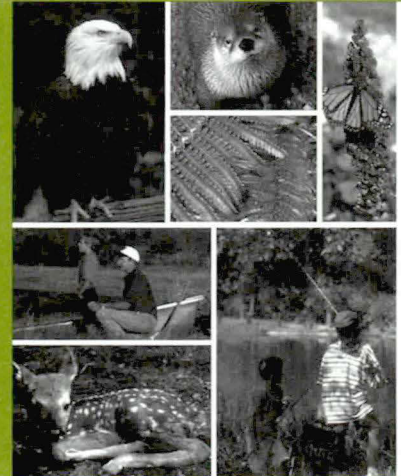


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The Tualatin Basin Natural Resource Coordinating Committee  
Washington County  
Dept. of Land Use & Transportation, Planning Div.  
155 N. First Ave., Suite 350-14  
Hillsboro, OR 97124



**Protecting  
Fish & Wildlife Habitat  
in the Tualatin Basin**



**Natural resource protection program developing**

Ten Washington County cities have joined with the County, Clean Water Services and the Tualatin Hills Park and Recreation District to develop a fish and wildlife habitat protection program for the Tualatin River Basin. This collaborative effort, known as the Partners for Natural Places, is being completed in cooperation with Metro. The Partners' recommendation to protect natural areas in the Tualatin Basin will be forwarded to Metro this August for consideration by Metro as part of the regional habitat protection plan.

Because of legal requirements, Goal 5 work in the rural area will differ from the application in the urban area. Riparian areas, floodplains and water quality issues for the rural area will be addressed as a separate process.

**Background**

In 2001 Metro began development of a fish and wildlife habitat protection program to ensure regionally coordinated resource protection and enhancement. Metro did this because fish and wildlife habitat does not fit neatly into city and county boundaries. The work is guided by statewide planning Goal 5 and the federal Clean Water and Endangered Species acts. In 2002 Metro approved an inventory of regionally significant fish and wildlife habitat.

During 2003 Metro identified the economic, social, environmental and energy (ESEE) consequences of protecting - or not protecting - habitat on a regional scale. The Tualatin Basin Partners used Metro's inventory to conduct a more site-specific local ESEE analysis. Clean Water Services had done extensive watershed data gathering and scientific analysis to fulfill the requirements of the Endangered Species and Clean Water Acts. This data was used to assess the existing environmental health of riparian areas in the Basin as well as to document the quality of

the identified significant resources. In April 2004 the Partners recommended areas where development would be subject to new standards designed to protect fish and wildlife habitat.

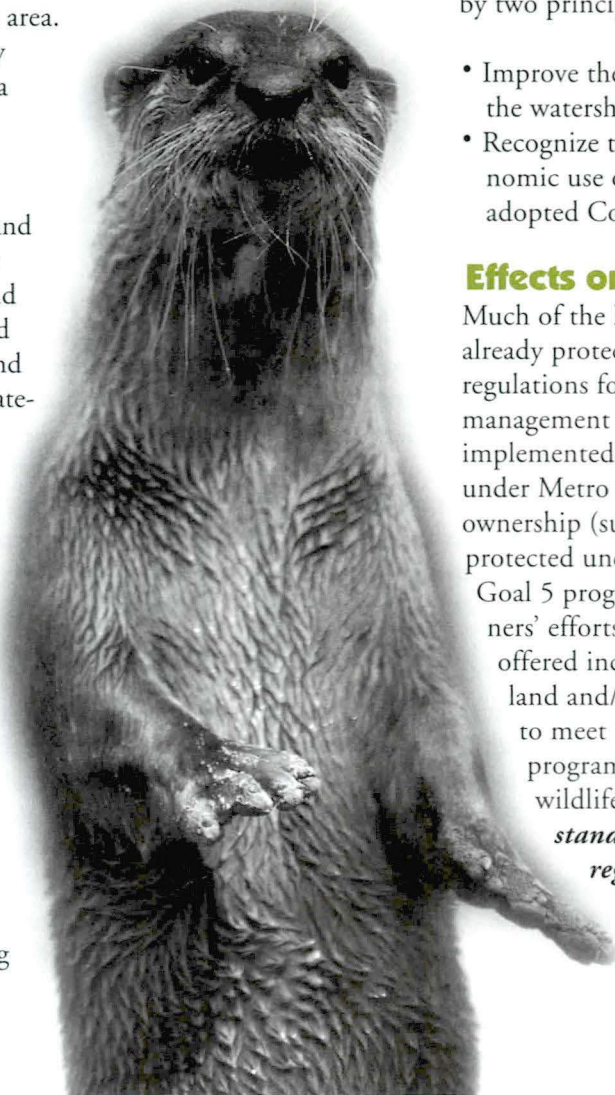
**Next Steps**

The Partners are now developing a program to protect regionally significant habitat. They are guided by two principles:

- Improve the environmental health of the watershed
- Recognize the need to allow economic use of land in accord with adopted Comprehensive Plans

**Effects on private property**

Much of the land being studied is already protected under existing regulations for water quality and flood management (vegetated corridor rules implemented by Clean Water Services under Metro Title 3), is in public ownership (such as parks), or is already protected under local governments' Goal 5 programs. Under the Partners' efforts, private owners may be offered incentives to protect their land and/or they may be required to meet new regulations. Possible program tools to protect fish and wildlife habitat include *design standards, revenue and non-regulatory components.*



## What is Goal 5?

Goal 5 is the statewide planning goal that requires the conservation of open space and protection of natural and scenic resources. Rather than targeting a specific program or product, Goal 5 specifies a process by which fish and wildlife habitats are inventoried, analyzed and protected. Trade-offs are allowed, as statewide planning goals recognize the need for balance in the use of our resources.

### The Goal 5 process has three phases:

#### Phase One: completed in 2002

- Conduct an **inventory** of fish and wildlife habitats, including information about resource location, quality and quantity (region-wide inventory conducted by Metro).
- Determine the **significance** of the resources identified.

#### Phase Two: fall 2003-spring 2004

- Identify uses that may **conflict** with the resource.
- Determine the **impact** areas around the resource.
- Conduct an **economic, social, environmental and energy (ESEE) analysis** to identify consequences that could result from allowing, limiting or prohibiting the conflicting uses.
- Decide whether to **allow, limit or prohibit conflicting uses** based on the ESEE analysis (congruent efforts by Metro and Partners).

#### Phase Three: spring-August 2004

- Develop a **program** to achieve resource protection (congruent efforts by Metro and Partners).



### Definitions of Allow - Limit - Prohibit

The Partners reviewed the ESEE consequences of allowing, limiting or prohibiting development in or near significant fish and wildlife habitat areas. What does “allow”, “limit”, or “prohibit” mean?

- An “allow” decision means that development would be permitted to occur within or near significant fish and wildlife habitat areas, subject to existing regulations such as Clean Water Services’ Design and Construction Standards and local, state and federal wetland regulations.

- A “limit” decision means that there is a balance between allowing development within or near significant fish and wildlife habitat areas and protecting those areas from negative impacts that can result from development activities.

- A “prohibit” decision means that development would be prohibited within significant fish and wildlife habitat areas.



### Phase Two: Conducting the ESEE Analysis

The Partners reviewed the economic, social, environmental and energy (ESEE) consequences of allowing, limiting or prohibiting development in the urban portion of the Tualatin Basin, drawing upon a variety of information sources. These sources included Metro and local government inventories and plans.

Positive and negative consequences which could result from a decision to allow, limit or prohibit development on or near significant habitat areas were drawn up and taken to the public for review in March 2004. Trade-offs were discussed and possible program solutions suggested.

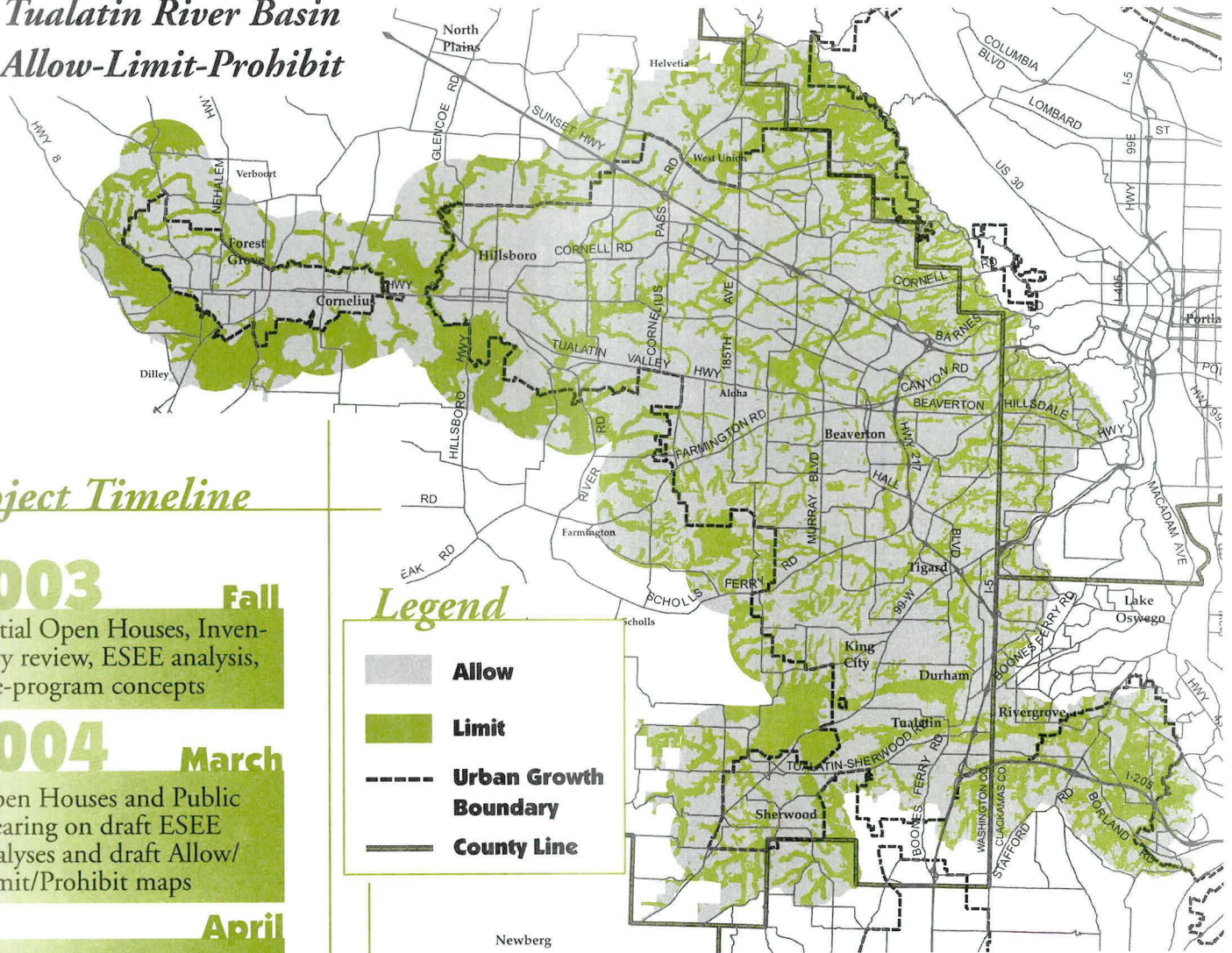
### Phase Three: Defining a Protection Program

For each resource site, local governments must develop a program that allows, limits or prohibits uses that could conflict with significant fish and wildlife habitats, and incorporate that program in local policies and regulations. Draft Allow-Limit-Prohibit (ALP) maps, along with the results of the ESEE analysis, were presented for public review in March 2004.

In April 2004 the Partners’ Coordinating Committee (Tualatin Basin elected officials) accepted the analyses and determined which lands require further protection. They then directed staff to draw up a program to achieve the goal of conserving and protecting sensitive habitat. The program proposals are being presented for public review and comment this summer. After a public hearing, the Coordinating Committee will make final recommendations to the Metro Council on a Goal 5 program for the Tualatin River Basin. Following Metro’s approval, local governments have 180 days to adopt implementing ordinances.



# Tualatin River Basin Allow-Limit-Prohibit



## Project Timeline

### 2003 **Fall**

Initial Open Houses, Inventory review, ESEE analysis, pre-program concepts

### 2004 **March**

Open Houses and Public Hearing on draft ESEE analyses and draft Allow/Limit/Prohibit maps

### **April**

ESEE - Allow/Limit/Prohibit decision

### **Summer**

Open Houses and Public Hearings on Draft Program

### **August**

Preliminary program proposal finalized and forwarded to Metro for review

### **December**

Metro Council considers the regional program and Tualatin Basin Plan for fish and wildlife habitat protection

### 2005

Board of County Commissioners and City Councils act on local implementation for the new Tualatin Basin Goal 5 program

## Legend

- Allow**
- Limit**
- Urban Growth Boundary**
- County Line**

## Design Approaches

Design regulations are meant to hold the line on further environmental degradation in the Basin. They include low impact development practices, ultimately seeking to avoid, minimize and mitigate the impacts of development in resource areas. This involves providing financial and other incentives for avoiding direct resource disturbances on site.

- *On-site Design Flexibility:* If a property owner or developer chooses to or cannot avoid disturbance of the habitat areas, minimization of disturbance can be encouraged with financial incentives and by providing tools for minimizing disturbance areas, which may include density reduction, on-site density transfers, height and setback variances. Any areas that are disturbed will require mitigation.
- *Low Impact Development:* Beyond the limits of identified resource areas are inner and outer impact areas. The design approaches under consideration for impact areas are based upon a “low impact development” (LID) approach that requires indirect impacts to habitat to be mitigated through on-site water quality management. Low-impact development includes a variety of environmentally sensitive design techniques, such as vegetated rooftops, rain gardens, green streets, bio-retentive landscape areas and permeable pavements. This approach may require either complete or partial mitigation of these impacts.

## Revenue components

Revenue tools will be used to enhance, improve and restore the overall environmental health of the Basin. Revenue components include development fees designed to mitigate impacts on fish and wildlife habitat and an increased fee paid by all who use the surface water drainage system to improve environmental health in the Tualatin River Basin by assuring compliance with state and federal environmental laws.

- **Development Fee in Lieu of On-site Mitigation:**

This new fee would provide remedy for property owners & developers who are unable to avoid impact to the designated habitat areas when they develop and also are unable or decide not to fully mitigate impacts on site. Revenue collected from this program would be pooled and spent on mitigation projects designed to compensate for the lost functional value of impacted resources. Mitigation projects would be targeted to the watershed within which the fee is collected. The amount of fee would be based upon the estimated cost to replace the functional value of the impacted habitat resource off-site. Credits may be offered as incentives to utilize low-impact (green) design.

- **Surface Water Management (SWM)-type Fee:**

Surface Water Management (SWM) Fees are currently collected by Clean Water Services. Paid by all urban area residents and businesses, they are used to improve the environmental health of the Tualatin River Basin. Raising this fee moderately would provide financing to improve fish and wildlife habitat in accord with Clean Water Services' Healthy Streams Plan. SWM fees have proven themselves to be legally sound and a fair and affordable method of improving the quality of life in the Tualatin Basin.

## Non-regulatory components

Non-regulatory program options may include education, stewardship recognition, restoration grants, property tax reduction, technical assistance and volunteer support. A small portion of the enhanced SWM fee could be dedicated to support some of these options.

## Opportunities for public input

There have been many opportunities for input from the general public and directly affected property owners since 2003. You may attend Open Houses this summer (July 26, 28 and 29), where you can fill out and submit a comment card, or you may testify in person at the August 2 Public Hearing. At any time before August 9 at 5 pm, you may also write to:

**The Tualatin Basin Natural Resource Coordinating Committee**  
**Washington County's Department of Land Use and Transportation**  
**Planning Division, 155 N. 1st Avenue, Suite 350-14**  
**Hillsboro, OR 97124**

If your property might be affected, you will continue to receive official notices of public hearings. If you would like to be added to this mailing list, call or e-mail your local City or the County's Planning Division (see contact information on right).

Our website <http://www.co.washington.or.us/goal5> offers information and convenient e-mail access to local planning staff.

## Participating Partner Agencies

The Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin; Clean Water Services, Tualatin Hills Park and Recreation District (THPRD), Washington County, Metro.

Private organizations are also involved, adding their expertise to be sure the final programs are acceptable to and workable for the community. Some of these are: Tualatin Riverkeepers, Audubon Society of Portland, Westside Economic Alliance, Home Builders Association, Associated General Contractors, SOLV and the Wetlands Conservancy.

## Partner contacts:

### Beaverton

Barbara Fryer  
503-526-3718  
[bfryer@ci.beaverton.or.us](mailto:bfryer@ci.beaverton.or.us)

### Cornelius

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### Forest Grove

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### Hillsboro

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### Metro

24-hour hotline  
503-797-1888, option 2  
[www.metro-region.org](http://www.metro-region.org)

### Tigard

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### Tualatin

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### Clean Water Services

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### Tualatin Hills Park and Recreation District

David Endres  
503-645-6433  
[dendres@thprd.com](mailto:dendres@thprd.com)

### Washington County

503-846-3519  
[lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

Cities not listed,  
call Washington County



# Partners for Natural Places

## Protecting Fish & Wildlife Habitat in the Tualatin Basin



### Introduction

Washington County local governments are known for decades of cooperation and partnership to make progress for their citizens. An example is our Major Streets Transportation Improvement Program, which has built \$350 million of transportation infrastructure since 1986 with local property taxes, under the guidance of a Coordinating Committee made up of elected officials from all over the county.

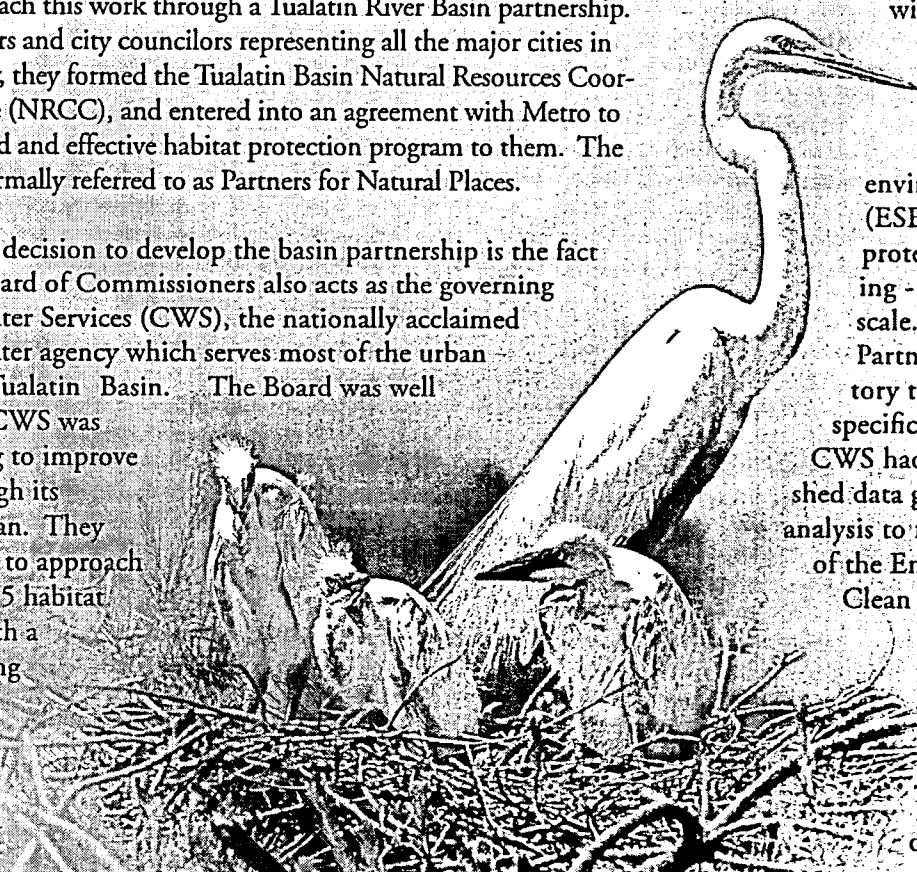
In 2000 Metro, our regional government, began undertaking a thorough review of fish and wildlife habitat protection, to address important elements of state planning Goal 5. Realizing the special characteristics of our county (burgeoning growth, a valley drained by one river, local governments with a history of successful cooperation to address common issues, a very large urban unincorporated area served by strong special service districts), the Board of County Commissioners decided to approach this work through a Tualatin River Basin partnership. Together with mayors and city councilors representing all the major cities in Washington County, they formed the Tualatin Basin Natural Resources Coordinating Committee (NRCC), and entered into an agreement with Metro to present a coordinated and effective habitat protection program to them. The collaboration is informally referred to as Partners for Natural Places.

A key factor in this decision to develop the basin partnership is the fact that the County Board of Commissioners also acts as the governing board for Clean Water Services (CWS), the nationally acclaimed sewer and storm water agency which serves most of the urban portions of the Tualatin Basin. The Board was well aware of the work CWS was already undertaking to improve water quality through its Healthy Streams Plan. They saw an opportunity to approach this necessary Goal 5 habitat protection work with a united front, creating a protection plan that would be more achievable due to its unity and relative simplicity.

### History

In 2000 Metro began development of a fish and wildlife habitat protection program to ensure regionally coordinated resource protection and enhancement. Metro did this because fish and wildlife habitat does not fit neatly into city and county boundaries. Metro's work is guided by statewide planning Goal 5; the Basin's Goal 5 work also takes into account the federal Clean Water and Endangered Species Acts. In 2002 Metro completed an inventory of regionally significant fish and wildlife habitat.

During 2003 Metro identified the economic, social, environmental and energy (ESEE) consequences of protecting - or not protecting - habitat on a regional scale. The Tualatin Basin Partners used Metro's inventory to conduct a more site-specific local ESEE analysis. CWS had done extensive watershed data gathering and scientific analysis to fulfill the requirements of the Endangered Species and Clean Water Acts. This data was used to assess the existing environmental health of riparian areas in the Basin as well as to document the quality of the identified significant resources.



## What is Goal 5?

Goal 5 is the statewide planning goal that requires the conservation of open space and protection of natural and scenic resources. Rather than targeting a specific program or product, Goal 5 specifies a process by which fish and wildlife habitats are inventoried, analyzed and protected. Trade-offs are allowed, as statewide planning goals recognize the need for balance in the use of our resources.

## The Goal 5 process has three phases:

### Phase One: completed in 2002

- Conduct an inventory of fish and wildlife habitats, including information about resource location, quality and quantity (region-wide inventory conducted by Metro).
- Determine the significance of the resources identified.

### Phase Two: completed spring 2004

- Identify uses that may conflict with the resource.
- Determine the impact areas around the resource.
- Conduct an economic, social, environmental and energy (ESEE) analysis to identify consequences that could result from allowing, limiting or prohibiting the conflicting uses.
- Decide whether to allow, limit or prohibit conflicting uses based on the ESEE analysis (congruent efforts by Metro and Partners).

### Phase Three: winter 2004 - summer 2006

- Develop a program to achieve resource protection (congruent efforts by Metro and Partners).
- Carry out Program implementation activities.

## Latest News

On April 4, 2005 the NRCC voted to send a recommendation to Metro for a Goal 5 Program designed to improve the environmental health of the Tualatin Basin. By mid May, the Metro Council is scheduled to decide whether or not to accept the Tualatin Basin program as recommended, and to fold it into a regional Goal 5 program to be submitted later in 2005 to Oregon's Land Conservation and Development Commission (LCDC). If Metro approves the NRCC recommended program, the Basin local governments have committed to adopt ordinances within one year to make it effective.

The Tualatin Basin Program recommendation includes the vital provision that the NRCC will not sunset as a governing body, but will continue to function for the long term, coordinating natural resource protection throughout the Tualatin Basin. The NRCC will develop recommendations on natural resource improvements to local boards and councils and will coordinate the prioritization of capital projects needed to meet the overall goal of improving the environmental health of the Tualatin Basin.

Funding for this work will be derived primarily from Surface Water Management (SWM) Fees. SWM fees are paid by all urban area residents and businesses, and are used to improve environmental health of rivers and streams. In the future, modest increases to the existing fees would provide funds to improve Goal 5 resources in accord with CWS' Healthy Streams Plan. SWM fees have proven themselves to be legally sound and a fair and affordable method of improving environmental quality in the Tualatin Basin.

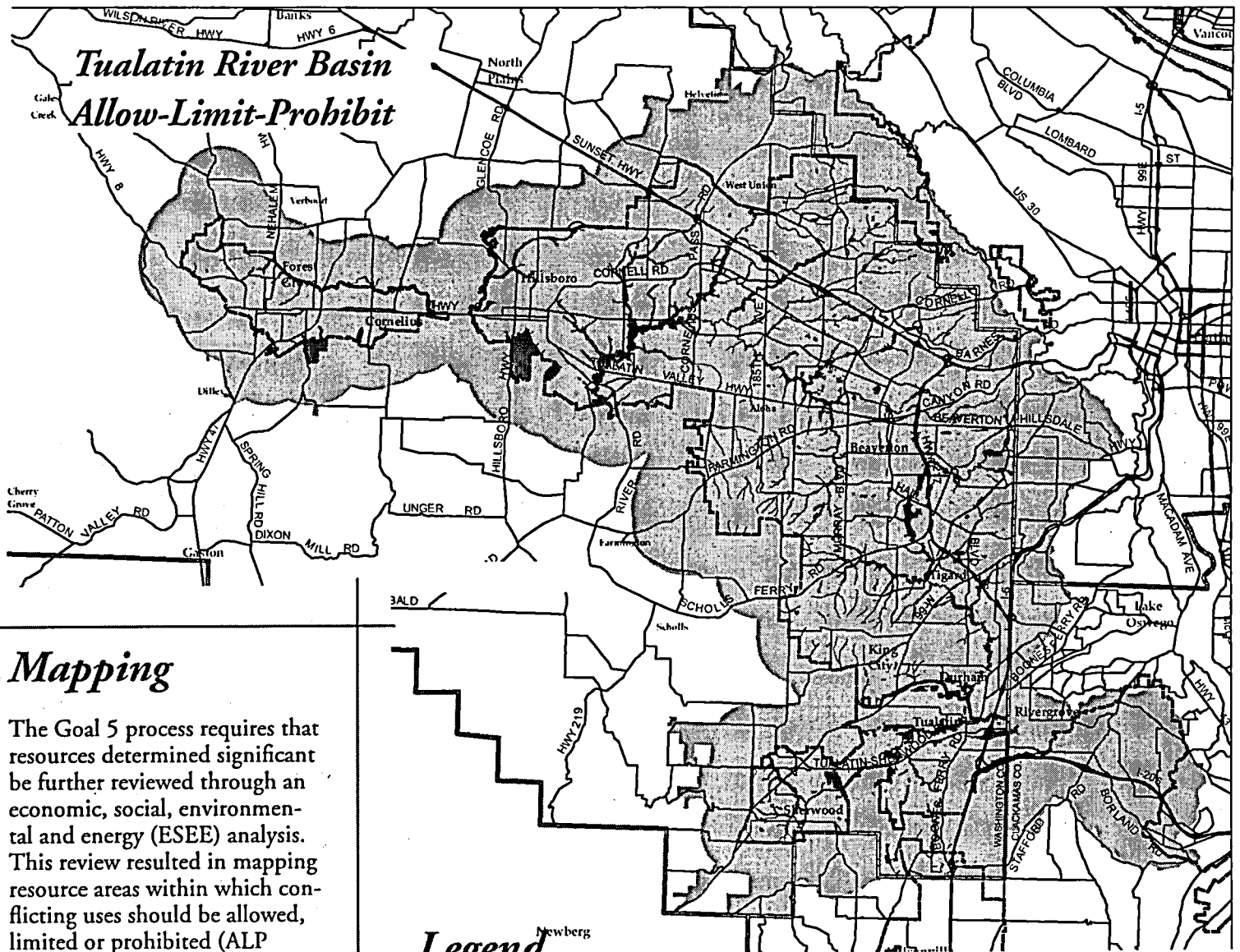
## The Program

The Tualatin Basin Goal 5 program has been evolving since 2002. In fall 2004 a preliminary program was nearing approval; two intervening events caused the NRCC to embark on an altered course of action. One event was a revised policy direction from the Metro Council to turn from a more regulatory approach to a more voluntary and incentive-based approach. The other was the passage of Measure 37 by Oregon voters, complicating the matter of new land use regulations for the foreseeable future. As a result, at their February 2005 meeting the NRCC provided direction for a Basin approach that would augment existing regulatory programs with an investment strategy for future improvements, as well as a commitment for continued cooperation among the Partners.

The program is now built upon four primary components:

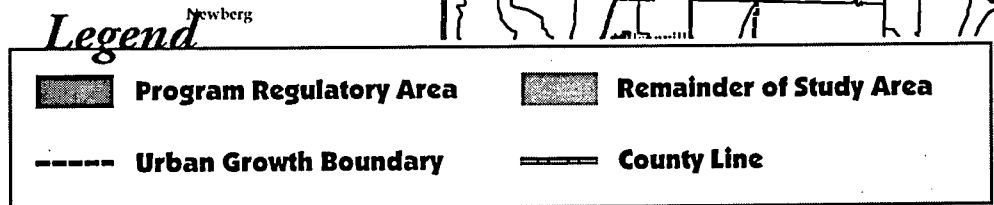
1. revenue for capital improvements and other system enhancements,
2. existing regulations to protect the health of riparian corridors,
3. administration that includes monitoring changes to natural resource conditions and program adjustments if necessary to achieve program goals, and
4. voluntary activities, including a key commitment that requires local Partners to make regulatory changes that facilitate habitat sensitive development.

Collectively, these program components provide for significant improvements to the environmental health of the Basin.



## Mapping

The Goal 5 process requires that resources determined significant be further reviewed through an economic, social, environmental and energy (ESEE) analysis. This review resulted in mapping resource areas within which conflicting uses should be allowed, limited or prohibited (ALP mapping). The ALP maps for the Basin Program are similar to those approved last fall. What has changed is the definition of the limits on the maps.



- Strictly Limit (SL)** only exists within the regulated program area, which is now defined as existing protection and conservation measures that are consistent with CWS' clear and objective standards for Vegetated Corridors (generally 50' or wider buffers along streams and 125' buffers along the Tualatin River, with requirements for enhancement of degraded conditions at the time of development).
- Moderately Limit (ML)** generally applies to Metro's highest value (Class I and II) Riparian resource areas beyond Vegetated Corridor buffers. For such resource areas, conservation and restoration will be encouraged, and the revenue tools the Basin has at its disposal will be directed to help make such conservation and restoration happen. These revenue tools include a \$95 million investment the Partners plan to spend on stream system improvements over the next 20 years, under the guidance of CWS' Healthy Streams Plan.
- Lightly Limit (LL)** applies to the remainder of the Tualatin Basin. The term does not mean that new regulations are proposed in these areas. It does mean that protecting the health of our environment will not rest solely on property owners who happen to own streamside property. Education and incentives for habitat-sensitive development and activities provided for Moderately Limit areas will be offered to property owners in Lightly Limit areas as well.

Because of legal requirements and limitation of CWS standards to the urban area, the Goal 5 program in the rural area will differ from the program in the urban area. The focus will be on continuing existing restrictions on building near streams.



## Project Timeline

### 2005

#### March

Preliminary program proposal finalized and forwarded to Metro for review

#### May

Metro Council holds public hearings and reviews the regional program and Tualatin Basin Plan for fish and wild-life habitat protection

#### Fall

Metro Council adopts program and sends it to Oregon's Land Conservation and Development Commission for approval

### 2006

Board of County Commissioners and city councils act on local implementation for the Tualatin Basin Goal 5 program

### Participating Partner Agencies

- The Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin
- Clean Water Services
- Metro
- Tualatin Hills Park and Recreation District (THPRD)
- Washington County

**Private organizations** also contributed substantially to these efforts. Some of these are:

- Associated General Contractors
- Audubon Society of Portland
- Home Builders Association
- SOLV
- Trout Unlimited
- Tualatin Riverkeepers
- Westside Economic Alliance
- Wetlands Conservancy

### More information?

If you would like to be added to our mailing lists, call or e-mail your local city or the county's Planning Division (see contact information at right).

Our website <http://www.co.washington.or.us/goal5> offers information and convenient e-mail access to local planning staff.

*Thank you for your interest in the Tualatin Basin watershed.*

### Partner contacts:

#### Beaverton

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bfryer@ci.beaverton.or.us

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#### Tualatin

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#### Clean Water Services

Sheri Wantland  
503-846-3601  
wantlans@cleanwaterservices.org

#### Metro

24-hour hotline  
503-797-1888, option 2  
[www.metro-region.org](http://www.metro-region.org)

#### Tualatin Hills Park and Recreation District

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503-645-6433  
dendres@thprd.com

#### Washington County Planning Division

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lutplan@co.washington.or.us

Cities not listed, call Washington County



**July 26, 28, 29 and August 2, 2004**

**Open Houses / Public Hearing**

**Overview Summary**

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**PARTNERS**

*FOR NATURAL PLACES*

## Tualatin Basin Goal 5 Open House Summary

Open House / Date	Number of people	Number of couples	Number of comments
Beaverton - 07/26/04	96	17	7
Forest Grove - 07/28/04	78	14	5
Tualatin - 07/29/04	36	2	1
PSB - 08/02/04	32	5	17
Taped Testimony	10	0	10
Public Hearing Testimony	58	?	58
Subtotal			98
Comments received via mail or e-mail			87
Total	310	38	185

**July 26, 28, 29 and August 2, 2004**

**Open Houses / Public Hearing Attendees**

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**PARTNERS**

*FOR NATURAL PLACES*

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
001	Adkins	Bryce	15395 SW Gleneden	Beaverton	OR	97007	n/a	Mailer	Beaverton
002	Armstrong	Bruce	2990 SW 66th Ave.	Portland	OR	97225	n/a	Letter	Beaverton
003	Austin	Neil	1915 NW Albion Ct.	Beaverton	OR	97006	n/a	n/a	Beaverton
004	Balbag	Derek	15860 SW Cardinal Lp.	Beaverton	OR	97007	n/a	Mailer	Beaverton
005	Bartlett	Bruce	11644 NW Thompson	Portland	OR	97229	n/a	n/a	Beaverton
006	Black	Bob & Val	21390 SW Farmington	Beaverton	OR	97007	n/a	Mailer	Beaverton
007	Bloom	Dan	815 NW 229	Hillsboro	OR	97124	n/a	Friend	Beaverton
008	Brown	Craig	16074 SW 103rd Ave	Tigard	OR	97224	cbrown@legendhomes.com	Mailer	Beaverton
009	Campbell	Russell	17205 SW Johnson St.	Beaverton	OR	97006	n/a	Mailer	Beaverton
010	Cannon	Renee	14480 SW Charonnay Ave.	Tigard	OR	97224	RACGOP@aol.com	WEA	Beaverton
011	Carpenter	Jennifer	7588 SW Bayberry	Beaverton	OR	97007	n/a	Mailer	Beaverton
012	Chan	Samuel	200 Warner Milne Rd.	Oregon City	OR	97045	samuel.chan@oregonstate.edu	n/a	Beaverton
013	Ciech	Jan	4050 SW 91st Ave.	Portland	OR	97225	n/a	n/a	Beaverton
014	Conway	Jean	11875 SW 9th	Beaverton	OR	97005	n/a	Mailer	Beaverton
015	Cooper	John & Helen	18375 SW Horse Tale Dr.	Beaverton	OR	97007	n/a	n/a	Beaverton
016	Craig	Linda	17645 NW Rolling Hill Ln.	Beaverton	OR	97006	n/a	Audubon	Beaverton
017	Czyzewski	Harry	1966 NW Ramsey Crest	Portland	OR	97229	n/a	Mailer	Beaverton
018	DeHarpport	David	14985 SW Ruby	Beaverton	OR	97007	n/a	n/a	Beaverton
019	Detmars	Lois	9755 SW Barnes	Portland	OR	97225	n/a	n/a	Beaverton
020	Dooley	M	5615 SW 150th	Beaverton	OR	97007	n/a	n/a	Beaverton

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
021	Ducks	Toni	6975 SW Tierra Dr.	Beaverton	OR	97007	n/a	n/a	Beaverton
022	Dunn	Karen	11825 NW Vaughan Ct.	Portland	OR	97229	KRE1212@yahoo.com	n/a	Beaverton
023	Edwards	Dave	14125 SW Deer Ln.	Beaverton	OR	97008	n/a	Mailer	Beaverton
024	Emerson	Jim	13900 NW Old Germantown Rd.	Portland	OR	97231	n/a	Mailer	Beaverton
025	Enquist	Ray & Sue	5130 SW Dogwood Ln.	Portland	OR	97225	n/a	Mailer	Beaverton
026	Gates	Lisa	12930 SW Glacier Lily Cir.	Tigard	OR	97223	n/a	Letter	Beaverton
027	Goodding	John & Darlene	7924 SW Hemlock St.	Portland	OR	97223	n/a	Mailer	Beaverton
028	Gorman	William	8888 SW Katherine Ln.	Portland	OR	97225	n/a	n/a	Beaverton
029	Gray	Linda	5750 SW Riven Rd.	Hillsboro	OR	97123	n/a	Mailer	Beaverton
030	Hale	Robert & Claudia	3745 SW Renee Rd.	Hillsboro	OR	97123	n/a	Mailer	Beaverton
031	Haske	Marilyn	8100 SW 151st PL.	Beaverton	OR	97007	n/a	Walked In	Beaverton
032	Hergert	David & Darlene	15915 NW Dairy Creek Rd.	North Plains	OR	97133	n/a	Mailer	Beaverton
033	Hoffman	David & Ann	17720 NW Rolling Hill Ln.	Beaverton	OR	97006	n/a	n/a	Beaverton
034	Johnson	Lois	5350 SW Dogwood Ln.	Portland	OR	97225	n/a	Mailer	Beaverton
035	Jones	Delna	14480 SW Charonnay Ave.	Tigard	OR	97224	n/a	WEA	Beaverton
036	Kem	Jan	8670 SW 80th Ave.	Portland	OR	97223	n/a	E-Mail	Beaverton
037	Kimball	Jim	17645 NW Rolling Hill Ln.	Beaverton	OR	97006	n/a	Newspaper	Beaverton
038	Kinne	Michael	239 NW Skyline	Portland	OR	97210	mike@sdcpdx.com	Mailer	Beaverton
039	Kirkpatrick	Zora	8880 SW Bomar Ct.	Tigard	OR	97223	n/a	Public Notice	Beaverton
040	Leeper	John & Sharon	11160 SW Muirwood	Portland	OR	97225	n/a	n/a	Beaverton

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
041	Macomber	Connie	6790 SW 188	Aloha	OR	97007	connie_macomber@beavton.k12.or	Mailer	Beaverton
042	Mader	Steve	3135 SW Grace	Portland	OR	97225	smader@pacifier.com	Public Notice	Beaverton
043	Manseau	Mary	5230 NW 137th Ave.	Portland	OR	97229	n/a	CPO Mailer	Beaverton
044	McGuinn	Pat	7180 SW Willowmere	Portland	OR	97225	pmcgpdx@aol.com (staff report)	n/a	Beaverton
045	Meek	John & Sharon	17855 SW Skyline Woods Ln.	Beaverton	OR	97007	n/a	Friend	Beaverton
046	Merchant	Deb	5415 SW 149th Ave.	Beaverton	OR	97007	n/a	Public Notice	Beaverton
047	Messenger	Steve	670 SW 231st Ave.	Hillsboro	OR	97123	n/a	Public Notice	Beaverton
048	Miller	Garth & Roberta	3920 SW 94th	Portland	OR	97225	n/a	n/a	Beaverton
049	Missfeldt	Milton	7910 SW Connemara Terr.	Beaverton	OR	97008	n/a	Mailer	Beaverton
050	Moon	Jean	13065 SW Foothill Dr.	Portland	OR	97225	n/a	Mailer	Beaverton
051	Ohlsen	Dave	18485 SW Horse Tale Dr.	Beaverton	OR	97007	daveohlsen@hotmail.com	Friend	Beaverton
052	Olbrich	April	17960 SW Kinnaman #8	Aloha	OR	97007	n/a	n/a	Beaverton
053	Olson	Karin	6445 SW 152nd	Beaverton	OR	97007	n/a	Mailer	Beaverton
054	Opdykcke	Jim	20730 SW Turin Ct.	Aloha	OR	97007	n/a	Mailer	Beaverton
055	Opdyke	Patt	18640 NW Walker Rd. #1400	Beaverton	OR	97007	n/a	Mailer	Beaverton
056	Petsche	Jim	26595 SW Mountin Rd.	West Linn	OR	97068	n/a	Mailer	Beaverton
057	Ritchey	Joyce	289 NW Yosemite Terr.	Beaverton	OR	97006	n/a	n/a	Beaverton
058	Robinson	Myron	8485 SW Brookridge	Portland	OR	97225	n/a	Mailer	Beaverton
059	Ross	Gary	11455 NW McDaniel Rd.	Portland	OR	97224	n/a	n/a	Beaverton
060	Schifskky	Greg	4131 SW Lee St.	Portland	OR	97221	n/a	Groups	Beaverton

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
061	Schlueter	Jonathon	10655 SW Citation Dr.	Beaverton	OR	97008	n/a	Mailer	Beaverton
062	Schouten	Dick	6105 SW 148th Ave.	Beaverton	OR	97007	n/a	n/a	Beaverton
063	Sevier	Marty	2607 SW 28th Dr.	Portland	OR	97219	n/a	Mailer	Beaverton
064	Siebert	William	2145 SW 185	Aloha	OR	97006	n/a	Public Notice	Beaverton
065	Skees-Gregory	Dresden	7322 NE Shaleen St.	Hillsboro	OR	97124	n/a	Mailer & Newspaper	Beaverton
066	Smiltins	Ilmars	9290 SW Jamison Ct.	Beaverton	OR	97005	n/a	Letter	Beaverton
067	Smith	Boyce & Lori	9851 SW Stonecreek Dr.	Beaverton	OR	97007	n/a	Mailer	Beaverton
068	Smith	Hal	14520 NW Oak Hills Dr.	Beaverton	OR	97006	putnhal@pcez	Mailer	Beaverton
069	Stanton	Cathy	PO Box 4755	Beaverton	OR	97008	tandcs@comcast.net	Mailer	Beaverton
070	Stine	Ken & Arlene	4645 NW Kahneetas	Portland	OR	97229	n/a	n/a	Beaverton
071	Stone	George	4475 SW 94th Ave.	Portland	OR	97225	n/a	n/a	Beaverton
072	Stuart	Sally	1647 SW Pheasant Dr.	Aloha	OR	97006	stuartcwmq@aol.com	Mailer	Beaverton
073	Stupek	Michelle		Portland	OR	97217	n/a	n/a	Beaverton
074	Sturm	Cindy	8620 SW 168th	Aloha	OR	97007	n/a	Mailer	Beaverton
075	Tellez	Jill	9280 SW 80th Ave.	Metzger	OR	97223	jandjay@ix.netcom.com	Audubon/Tualatin Riverkeepers	Beaverton
076	Walters	Fliegle	12600 SW Glacier Lily Cir.	Tigard	OR	97223	FMQ9FMW@msn.com	Mailer	Beaverton
077	Ward	Janice	15140 SW Sunrise Ln.	Tigard	OR	97224	n/a	Mailer	Beaverton
078	Weinstein	Ralph	5350 SW Dogwood Ln.	Portland	OR	97225	n/a	Mailer	Beaverton
079	Weintraub	Dana	4108 SW Spratt Way #55	Beaverton	OR	97007	n/a	Mailer	Beaverton
080	Weirick	George	6975 SW Tierra Dr.	Beaverton	OR	97007	n/a	n/a	Beaverton



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	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
081	Weiss	Connie	11495 SW Clifford St.	Beaverton	OR	97008	n/a	Mailer	Beaverton
082	Whiting	Pat	8122 SW Spruce	Metzger	OR	97223	n/a	Extension Service	Beaverton
083	Wiesmann	Larry	13450 SW 2nd	Beaverton	OR	97005	n/a	n/a	Beaverton
084	Wilson	Norm	1647 SW Pheasant Dr.	Aloha	OR	97006	n/a	Mailer	Beaverton
085	Anderson	Sandra & Duane	708 Kalex Lane	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
086	Balfour	Ric	2406 15th Ave.	Forest Grove	OR	97116	ric-balfour@verizon.net	Mailer	Forest Grove
087	Bentson	Radah John	5375 NW Jackson School Rd.	Hillsboro	OR	97124	n/a	n/a	Forest Grove
088	Boge	Dallas & Sharon	10735 NW Thornburg Rd.	Gales Creek	OR	97117	n/a	Mailer	Forest Grove
089	Brandt	Lark	33405 SW Cook Rd.	Hillsboro	OR	97123	mark_lark@hotmail.com	Neighbor	Forest Grove
090	Brick	Katherine	1815 NE 2nd Pl.	Hillsboro	OR	97124	kathbrick@hotmail.com	Mailer	Forest Grove
091	Burghardt	Michael	P.O. Box 232	Hillsboro	OR	97123	n/a	Mailer	Forest Grove
092	Cain	Jim & Darlene	27775 NW Williams Canyon Rd.	Gaston	OR	97119	n/a	n/a	Forest Grove
093	Chapman	Eddie	2618 Strasburg Dr.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
094	Chesarek	Carol	13300 NW Germantown	Portland	OR	97231	n/a	Mailer	Forest Grove
095	Cochran	Bernard	17770 SW Holly Hill Rd.	Hillsboro	OR	97123	n/a	n/a	Forest Grove
096	Cooney	Margerette	2000 SW 331st	Hillsboro	OR	97123	margerette_cooney@msn.com	Mailer	Forest Grove
097	Dees	Tara	328 SW Sutherland Way	Aloha	OR	97006	n/a	n/a	Forest Grove
098	Dugan	Len	608 Willamina	Forest Grove	OR	97116	n/a	n/a	Forest Grove
099	Epler	Tom	43461 SW Hiatt	Forest Grove	OR	97116	tom@efnursery.com	Mailer	Forest Grove
100	Flippin	Mike	3336 Main St.	Forest Grove	OR	97116	n/a	n/a	Forest Grove

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
101	Fruhirth	Richard	45654 NW David Hill Rd.	Forest Grove	OR	97116	n/a	Notice	Forest Grove
102	Gibson	Roy	965 SW Webb	Cornelius	OR	97113	n/a	Mailer	Forest Grove
103	Hale	Robert & Claudia	3745 SW Renee Rd.	Hillsboro	OR	97123	n/a	Mailer	Forest Grove
104	Helzerman	Maryann	3810 NE Jackson School Rd.	Hillsboro	OR	97124	n/a	Mailer	Forest Grove
105	Herinckx	Jim	2947 NW Porter Rd.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
106	Hoenstra	Matthew	3032 Main St.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
107	Holstrom	Gary & Susan	1216 SW Pacific	Forest Grove	OR	97116	holstrom@easystreet.com	Mailer	Forest Grove
108	Hosford	Bruce & Sharon	7805 NW Kaiser Rd.	Portland	OR	97224	n/a	Word of Mouth	Forest Grove
109	Howard	Aldie	1930 16th St.	Forest Grove	OR	97116	n/a	n/a	Forest Grove
110	Hunter	Bill	2323 26th Ave.	Forest Grove	OR	97116	n/a	n/a	Forest Grove
111	Isabelle	Lorna	2845 NE Jackson School Rd.	Hillsboro	OR	97124	n/a	n/a	Forest Grove
112	Korsen	Andrea	6517 NE Deer Run	Hillsboro	OR	97124	andreakorsen@juno.com	Mailer	Forest Grove
113	Kover	Dick	1309 Frontier Way	Forest Grove	OR	97116	n/a	Paper	Forest Grove
114	Krebs	Eva & Rick	3205 Valley Crest Way	Forest Grove	OR	97116	n/a	Newsletter	Forest Grove
115	LaFollett	Pricilla	1283 NE Kinney	Hillsboro	OR	97124	n/a	Mailer	Forest Grove
116	Lavier	Susan & Paul	4180 NE Olympic Ct.	Hillsboro	OR	97124	slavier@legacysw.com	Mailer	Forest Grove
117	Leonard	Dan & Barbara	P.O. Box 1088	Sherwood	OR	97140	n/a	n/a	Forest Grove
118	Lowe	Victoria	3206 17th Pl.	Forest Grove	OR	97116	n/a	Planning Commission	Forest Grove
119	Marangoni	Jim	2550 SW 178th Ave.	Aloha	OR	97006	n/a	Mailer	Forest Grove
120	Marsh	Gerald	1820 Bonnie Ln.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
121	McDowell	Bonnie	2406 NW Antler Dr.	Forest Grove	OR	97116	chiroqueen@msn.com	Newsletter	Forest Grove
122	McIntosh	Robert & Donna	2300 NW Thatcher Rd.	Forest Grove	OR	97116	bodomc@verizon.net	Mailer	Forest Grove
123	McLain	Susan	2510 Mills Ln.	Forest Grove	OR	97116	n/a	Metro	Forest Grove
124	Messenger	Steve	670 SW 271st Ave.	Hillsboro	OR	97123	n/a	Mailer	Forest Grove
125	Mullein	Janet	2862 NW Thatcher Rd.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
126	O'Malley	Tim	Pacific University	Forest Grove	OR	97116	omalleyt@pacificu.edu	n/a	Forest Grove
127	Petschew	Linda & John	2725 NW Gales Ck. Rd.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
128	Piazza	Joe	36955 NW Spiesschart Rd.	Cornelius	OR	97113	n/a	n/a	Forest Grove
129	Pistor	Joyce	2352 NW Willamina	Forest Grove	OR	97116	pistorj@comcast.net	Mailer	Forest Grove
130	Ritchey	Roger	43820 SW Hiatt	Forest Grove	OR	97116	n/a	n/a	Forest Grove
131	Sehorn	Talbert	602 Willamina	Forest Grove	OR	97116	tabseh@juno	Neighbor	Forest Grove
132	Selberg	Robert	5218 SW 229th Ave.	Beaverton	OR	97007	n/a	Mailer	Forest Grove
133	Sexton	Barry	2904 26th Ave.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
134	Snyder	Lisa	2550 SW 178th Ave.	Aloha	OR	97006	n/a	n/a	Forest Grove
135	Spiesschaert	Lyle	3150 NW Thatcher Rd.	Forest Grove	OR	97116	n/a	n/a	Forest Grove
136	Steele	Virginia	3285 NW Susbauer Rd.	Cornelius	OR	97113	n/a	n/a	Forest Grove
137	Stevens	Kathleen	15765 NW Davidson Rd.	Banks	OR	97106	n/a	Mailer	Forest Grove
138	Strong	Larry	45640 NW David Hill Rd.	Forest Grove	OR	97116	n/a	Mailer & Paper	Forest Grove
139	Sunde	Gordon	3851 NW Watts Pl.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
140	Taghon	Remi	1137 NW Cornelius-Schefflin Rd.	Cornelius	OR	97113	n/a	Mailer	Forest Grove

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
141	Thompson	Ronald	3231 Lavina Dr.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
142	VanDyke	Patricia	11370 SW Berkshire St.	Portland	OR	97225	n/a	Rumor	Forest Grove
143	Vollum	Steve	811 NE Brennan Ln.	Hillsboro	OR	97124	tisha@xsw.com	Mailer	Forest Grove
144	Waltz	Loren & Dottie	3212 Lavina Dr.	Forest Grove	OR	97116	n/a	Mailer	Forest Grove
145	Wells	Lee & Vickie	2803 Sunset Dr.	Forest Grove	OR	97116	LIIIWells@aol.com	Mailer	Forest Grove
146	White	Sharrie	P.O. Box 1387	North Plains	OR	97133	n/a	Mailer	Forest Grove
147	Wiley	Dale	3536 SW Anderson Rd.	Forest Grove	OR	97116	dale.wiley@netzero.com	n/a	Forest Grove
148	Wilson	Terri	13640 NW Greenwood Dr.	Portland	OR	97229	tarilson@pru.nw.com	n/a	Forest Grove
149	Young	Laine	P.O. Box 966	Beaverton	OR	97075	n/a	Mailer	Forest Grove
150	Bartcher	Robert	11200 leveton Dr.	Tualatin	OR	97062	bob@fujimico.com	n/a	Tualatin
151	Bazant	John	23285 SW Boons Ferry Rd.	Tualatin	OR	97062	n/a	Mailer	Tualatin
152	Birkeland	William	26010 SW Baker Rd.	Sherwood	OR	97140	n/a	n/a	Tualatin
153	Bishop	Dick	22665 SW Schaltenbrand Ln.	Sherwood	OR	97140	djbishop@sterling.net	Mailer	Tualatin
154	Blizzard	Meeky	16815 SW Pleasant Valley Rd.	Beaverton	OR	97007	meeke_blizzard@yahoo.com	Mailer	Tualatin
155	Broome	Jack	PO Box 236	Tualatin	OR	97062	n/a	n/a	Tualatin
156	Brown	Craig	12755 SW 69th Ave.. #100	Portland	OR	97223	cbrownclegendhomes.com	E-Mail	Tualatin
157	Collard	Debbie	101 SW Main #1100	Portland	OR	97204	dcollard@bjllp.com	Work	Tualatin
158	Eisert	Clark	10685 SW Clay St.	Sherwood	OR	97140	n/a	n/a	Tualatin
159	Elligsen	Roger	15826 SE Flavel Dr.	Portland	OR	97236	n/a	Mailer	Tualatin
160	Frison	Norma	10465 SW Hazelbrook Rd.	Tualatin	OR	97062	n/a	Mailer	Tualatin

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
161	Gilham	William	8320 SW Ellman Ln.	Durham	OR	97224	n/a	Mailer	Tualatin
162	Helenius	Emily	10665 SW Blake	Tualatin	OR	97160	n/a	Mailer	Tualatin
163	Jaynes-Lockwood	Teresa	PO Box 1471	Sherwood	OR	97140	n/a	Mailer	Tualatin
164	Johnson	Carl	16030 SW Queen Victoria	King City	OR	97224	n/a	n/a	Tualatin
165	Krebs	Carolyn	16925 Denney Ct.	Lake Oswego	OR	97035	cmkrebsnw@aol.com	n/a	Tualatin
166	Kuper	Dorian & Tom	22680 SW 76th Ave	Tualatin	OR	97062	n/a	n/a	Tualatin
167	LeCavalier	John	1622 SE 55th	Portland	OR	97215	n/a	n/a	Tualatin
168	Ledbetter	Connie	17650 SW Cheyenne Way	Tualatin	OR	97062	connieled@earthlink.net	Mailer	Tualatin
169	Love	Tom	"on earlier mailing list" ??				n/a	n/a	Tualatin
170	Marxen	Michael	633 SE Brittany Pl.	Sherwood	OR	97140	dur.marxen@verizon.net	n/a	Tualatin
171	McGettigan	Terry	56500 Old Portland Rd.	Warren	OR	97053	tmcgettigan@colcenter.org	n/a	Tualatin
172	Meserve	Roderick	880 NW Meinecke	Sherwood	OR	97140	n/a	n/a	Tualatin
173	Murphy	Ed	9875 SW Murdock	Tigard	OR	97224	ejmurphy@aol.com	Mailer	Tualatin
174	Olson	Gina	14790 SW 79th	Tigard	OR	97224	n/a	Mailer	Tualatin
175	Ross	Kelly	15555 SW Bangy Rd.	Lake Oswego	OR	97035	kellyr@phbapdx.org	n/a	Tualatin
176	Ruthford	Randy	11377 SE Westchester	Portland	OR	97236	n/a	n/a	Tualatin
177	Schlichting	Bob	6242 N Kerby	Portland	OR	97217	schlict@teleport.com	n/a	Tualatin
178	Schlichting	Dorothy	17993 SW Scholls	Sherwood	OR	97140	n/a	n/a	Tualatin
179	Signett	Roland	City of Durham	Durham	OR	97224	n/a	n/a	Tualatin
180	Smith	Linda	25814 SW Rein Rd.	Sherwood	OR	97140	mistymom@teleport.com	n/a	Tualatin

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
181	Walgraeve	Gary	11345 SW Heman Rd.	Tualatin	OR	97063	n/a	n/a	Tualatin
182	Wegener	Karen	9830 SW Kimberly Dr.	Tigard	OR	97224	n/a	Spouse	Tualatin
183	Winters	Craig & Roni	PO Box 3162	Tualatin	OR	97062	crwinter@msn.com	Mailer	Tualatin
184	Beukelmen	Barbara	524 SE 26th Ave.	Hillsboro	OR	97123	n/a	n/a	PSB
185	Bjornsen	JoAnn	24085 W Baseline	Hillsboro	OR	97123	n/a	n/a	PSB
186	Bobosky	Bob	6770 SW Canyon Dr.	Portland	OR	97225	r.bobosky@comcast.net	n/a	PSB
187	Bookin	Beverly	1020 SW Taylor St	Portland	OR	97205	bookin@bookingroys.com	n/a	PSB
188	Creek	Robert & Sharon	20655 SW Parker Ct.	Aloha	OR	97007	rcreek2000@aol.com	Mailer	PSB
189	Crockett	Laura	480 NW Brookwood Ave.	Hillsboro	OR	97124	n/a	Mailer	PSB
190	Cushing	Nancy Jane	14670 NW Twinflower Dr.	Portland	OR	97229	ncushing@remax.net	n/a	PSB
191	Davis	Nancy	7325 NE Kaiser	Portland	OR	97229	n/a	n/a	PSB
192	Dees	Ian	328 SW Sutherland Way	Aloha	OR	97006	n/a	CPO Meeting	PSB
193	Goin	Chris	36900 NW Spiesschaert Rd.	Cornelius	OR	97113	heartsongN@aol.com	UCC, Forest Grove	PSB
194	Gray	Linda	5750 SW River Rd.	Hillsboro	OR	97123	Linda.Gray@oregonstate.edu	n/a	PSB
195	Hosford	Bruce & Sharon	7805 NW Kaiser Rd.	Portland	OR	97229	n/a	Word of mouth	PSB
196	Hunt	Doug	15186 New Plymouth Ln.	Beaverton	OR	97007	dhunt@idclatex.com	n/a	PSB
197	Jaegers	Mike	1771 SE Morgan Rd.	Hillsboro	OR	97123	michael_jaegers@co.washington.or	n/a	PSB
198	Kimball	Jim	17645 NW Rolling Hills	Beaverton	OR	97006			PSB
199	McInnis	Neal & Ruth L.	21980 SW McInnis Ln.	Beaverton	OR	97007	bmcinnis@gte.net	n/a	PSB
200	Moritz	Katherine	7661 SW 74th	Portland	OR	97223	kathycallaway@whiz.to	n/a	PSB

## Tualatin Basin Goal 5 Open Houses/Public Hearing Attendees

July 26th, 28th, 29th and August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	E-Mail Address	O.H. Notification Method	Open House Attended
201	Mullinax	Steve	4648 SW 39th Dr.	Portland	OR	97221	n/a	n/a	PSB
202	Patterson	JoAnn	25795 SW Meadowbrook	Sherwood	OR	97140	joanp@effectnet.com	n/a	PSB
203	Sander	Alexander	19259 SW 55th Ct.	Tualatin	OR	97062	n/a	n/a	PSB
204	Sanguinetti	Gregory	14705 NW Springville	Portland	OR	97229	grego@sandsca.com	n/a	PSB
205	Scheller	Chris	8301 SW Canyon Ln.	Portland	OR	97005	chrisandkathy4@comcast.net	Friend	PSB
206	Schlueter	Jonathan	10200 SW Nimbus Suite 63	Tigard	OR	97223	n/a	n/a	PSB
207	Sivers	Dennis & Anne	4730 SW Macadam #101	Portland	OR	97239	n/a	Mailer	PSB
208	Sutton	Robert	7325 NW Kaiser	Portland	OR	97229	res1353@aol.com	n/a	PSB
209	Tellez	Jill	9280 SW 80th Ave.	Metzger	OR	97223	jandjay@ix.netcom.com	E-Mail	PSB
210	Waibel	Al	22495 NW Quatama	Hillsboro	OR	97124	n/a	n/a	PSB
211	Weintraub	Dana	4108 SW Spratt Way #55	Beaverton	OR	97007	n/a	Mailer	PSB

**July 26, 28, 29 and August 2, 2004**

**Open House Comment Cards**

**Received at each event and via U.S. Mail**

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**PARTNERS**

*FOR NATURAL PLACES*



## Tualatin Basin Goal 5 Open House Comments

Beaverton Library July 26th, 2004

Last Name	First Name	Street	City	State	Zip	Signature	Comment	O.H. Location
Cannon	Renee	14480 SW Charonnay Ave.	Tigard	OR	97224	Yes	Minimize burdening private property usage. Either buy it or stop over - regulation.	Beaverton
Goldsmid	Dell	7150 SW Newton Pl.	Portland	OR	97225	Yes	Thanks very much for your efforts. Maybe someone should talk more about the advantages of limiting growth - smaller families & less consumption.	Beaverton
Gray	Linda	5750 SW River Rd.	Hillsboro	OR	97123	Yes	Once property is brought from outside to inside the UGB, it should be treated like any other urban property. We own property in forest use and that timber harvest is an allowed use in our current EFU zone. The designation "strictly limit" is not defined significantly or even remotely enough to allow for informed public discussion and understanding.	Beaverton
Schifsky	Greg	4131 SW Lee St.	Portland	OR	97221	Yes	Scanned Letter.	Beaverton
Smith	Harold	14520 NW Oak Hills Dr.	Beaverton	OR	97006	Yes	The website for the Wilsonville Treatment Plant's chemical analysis of Willamette River treated water showed excellent removal of contaminants. My concern is the maintenance of the treatment process to ensure continued high quality drinking water. Please describe methods to DOSO.	Beaverton
Walters	FM	12600 Glacier Lily Circle	Tigard	OR	97223	Yes	To future mailers, add phone number & e-mail to get definitions of special words such as "allow" "limit" etc. I want to spend as little time as possible on this stuff for my 1 piece of farm property.	Beaverton

**Tualatin Basin Goal 5 Open House Comments**  
 Forest Grove Community Auditorium July 28th, 2004

Last Name	First Name	Street	City	State	Zip	Signature	Comment	O.H. Location
Balfour	Ric	2406 15th Ave.	Forest Grove	OR	97116	Yes	Thanks! It was worthwhile to have everyone involved in the same room to network with. I thoroughly support the process & Goal 5 objectives & as a resident don't mind SWM fees used for this purpose.	Forest Grove
Helzerman	Maryann	3810 NE Jackson School Rd.	Hillsboro	OR	97124	Yes	Very knowledgeable personnel in attendance! Thanks for supporting & protecting the fish & wildlife of our area - fight for them no matter what those developers say!	Forest Grove
Holstrom	Susan & Gary	1216 SW Pacific Ave.	Forest Grove	OR	97116	Yes	Please be sensitive to those areas that have not yet been designated flood plains. You need to have an accurate & updated version of certain flood plains from FEMA before informed decisions can be made.	Forest Grove
n/a	n/a	n/a	n/a	n/a	n/a	No	The coffee is cold!	Forest Grove
Stevens	Kathleen	15765 NW Davidson Rd.	Banks	OR	97106	Yes	Preserve and protect all fish and wildlife habitat. Go around and blend in rather than "mitigate". Don't wait until the damage is done before taking steps to protect streams and wetlands. I live on Bledsoe Creek and Wetland. It used to have trout. Please protect it from further damage.	Forest Grove

### Tualatin Basin Goal 5 Open House Comments

Tualatin High School Commons July 29th, 2004

Last Name	First Name	Street	City	State	Zip	Signature	Comment	O.H. Location
Bishop	Richard	22665 SW Schaltenbrand Ln.	Sherwood	OR	97140	Yes	After Metro approves & "program" is sent back to local jurisdictions to make rules & past ordinances - there must be notification & input from land owners affected. If value is "taken" there must be compensation. Also there must be citizen monitors who live on properties (or close) w/ phone numbers to call to stop actions which are detrimental to the flora & fauna! Can you guarantee this will happen?	Tualatin

## Tualatin Basin Goal 5 Open House Comments

Public Service Building Monday August 2nd, 2004

Last Name	First Name	Street	City	State	Zip	Signature	Comment	O.H. Location
Leiser	Anne	6009 SW Pendleton Ct.	Portland	OR	97221	Yes	Scanned letters.	PSB
Kobbe	John	11795 SW Kobbe Dr.	Beaverton	OR	97007	Yes	Scanned letter.	PSB
Skees-Gregory	Dresden	7322 NE Shaleen St.	Hillsboro	OR	97124	No	Scanned e-mail.	PSB
Skees-Gregory	Dresden	7322 NE Shaleen St.	Hillsboro	OR	97124	Yes	I was disappointed that the public didn't get to see the "proposals" before the hearing. I had to rely on what Audubon thought I should say. So what I can say is that more than just parks need "strictly limit" protection. Parks are already fairly well protected & other areas deserve such "strict" protection, such as flood plains. To only have parks fully protected is almost a travesty.	PSB
Sanguinetti	Greg	14705 NW Springville Rd.	Portland	OR	97229	Yes	I am appealing the designation of my property currently (by the allow-limit-prohibit map) almost all strictly limited. 1. My property was forced into the Urban Growth Boundary, why do this if you think it is not developable? 2. Most of the area designated as forrest is already cleared and is currently 3 pastures for horses & cows. 3. There are 5 permitted buildings in this area. 4. A good portion of the rest of it is my Rhodie garden which I intend to move to a larger property.	PSB
Bigio	Mike	3670 NW Saltzman Rd.				Yes	I did not receive suitable notification of open houses. 1st open (and nearest to me) was 7-26. I received notice 7-27-04, hardly enough time to be informed about issues and impacts before hearing.	PSB
Vanderhout	Gerald	1120 Nichols Ln.	Forest Grove	OR	97116	Yes	Make sure that developers are not allowed to squeeze more and more lots into less and less space. For that will exponentially drastically affect the habitat. I feel that there is pressure to do that because of the set asides for riparian non-buildable zones. Thanx	PSB
Weintraub	Dana	4108 SW Spratt Way #55	Beaverton	OR	97007	Yes	Please don't allow the paving over of critical wildlife habitat in the Tualatin Basin. We need to opreserve as much open space as possible - stop the greed. Our quality of life depends on safeguarding as much as we can to keep this region as special as it is, and needs to remain. Thank you for your consideration.	PSB
Gerald	Gwendolyn	14758 NW Blackthorne Ln.	Portland	OR	97229	Yes	The area in which I live is surrounded by wetlands, some privately owned, others owned and managed by Washington County. The area is heavily populated by a large variety of wildlife and native plants. Many homes in the area are sited on large lots. Developers move in with offers as these homes are listed for sale resulting in multiple homes being built on the surrounding acreage sublots. It is recommended that a strictly limited CSL designation be assigned to this area in rder to protect existing wetland areas from development as available land begins to deminish. The area lies between NW Kaiser Rd, NW West Union Rd. in the Bethany area.	PSB
Lynn	Richard	3050 SW Doyle Pl. #5031	Beaverton	OR	97006	Yes	It is nice in our community to be able to express concerns, recommendations and opinions, even at three minutes, a lot of territory was covered by each person speaking balancing development, environment conservation and home ownership are key, aren't they?	PSB
Moritz	Katherine	7661 SW 74th Ave.	Portland	OR	97223	Yes	Scanned letter.	PSB
Murray	Susan	11555 SW Denfield St.	Beaverton	OR	97005	Yes	Scanned letter.	PSB
Cooper	John & Helen	18375 SW Horse Tale Dr.	Beaverton	OR	97007	Yes	Scanned letter.	PSB
Gorman	Bill	West Slope				No	Scanned letters.	PSB
Manseau	Mary	5230 NW 137th Ave.	Portland	OR	97229	Yes	Scanned letter.	PSB
Park	Jim	1500 NW Bethany Blvd. Ste 145	Beaverton	OR	97006	Yes	Scanned letter.	PSB
Gray	Linda	5750 SW River Rd.	Hillsboro	OR	97123	Yes	Scanned letter.	PSB
Grover Dees	Tara	328 SW Sutherland Way	Aloha	OR	97006	Yes	Scanned letter & maps.	PSB

July 28, 1964

Dear Quotation Basin Committee.

I am pleased to respond to the referral in setting plans to Control over development immigration causing more development which means more natural resource to compensate over population. This effects our water supply, food source for both humans and wild life. Trees have been treated offensively cause it happens to be in the way. Trees take years to develop and benefits are numerous - weather, water, air we breath, a health benefit. Birds have benefits which in turn feed on elements to help the trees, spiders, bugs, insectation. Without trees we would be a desert. The cycling of trees food from the earth. We haven't thought our children, like the American Indian thought theirs. We've been abusive.

What happens when wild salmon mix with farm raised species - can the wild survive? We've tackled problems but haven't used the right key - over population of humans in the world. Can all species survive. Presently we lose species every year - each species depends on another for survival. It is the human species who controls if all species will survive including the human. China realized the problem - but we have religious group and others who put pressure to China on their 1 child birth.

What do these uncontrolled population bring to the table. Wars for land, food the human needs. U.S. sends food to help the starving - lets eliminate the starving by birth control.

I believe the Sierra Club organization has addressed the problem. Pres Bush cut off support to the 3rd world on family planning, which in dollars and cents is more costly and less human pain - than family planning.

We have to change our thinking. Majority of plans, effort, energy monies saved by population control - its the key to the world. Plus we allow tax benefits to families who have large families. At the cost of those who use family planning. I think of nature's work being in despair.

We must hear the voices of those who are recognizing the key to world delima. To preserve our trees and water.

Anne Leiser

6009 SW Pendleton Ct.  
Portland, OR 97221

July 28/04

Dear Committee of Metro

I must make comment of your concern which is the beginning to keep nature at its work responsibility, much admired.

We are facing a problem in the Gigard area. The land, approx acreage has wet land, a creek a working natural soil sanitation that has been there for eons of years.

A noted wild life forest of trees. Classified as wild life habitat. Presently plans are moving forward to construct 32 attached units on this 3.15 acreage. A petition has been filed with over 100 signatures to oppose this development. It appears the power of planners over rule the folk in the neighborhood.

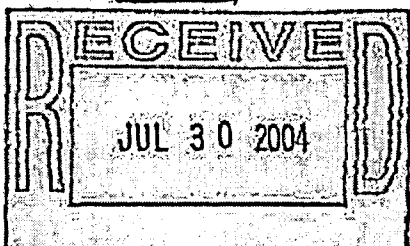
The natural works of the marsh lowland with its small creek is a prize to water natural sanitation for clean water, which eventually enters water for fish - This little jewel of water works is a priceless work of nature. The residents feel they can save it - This means man will make corrections. Will additional population - Throwing garbage - Pets that urinate, just washing the area change this natural operation of water. Once the structure is there, it's too late for the natural percolation to sanitize the water.

The plan calls for removal of trees - which give good clean air to the surrounding area.

The shouting of children and pets will discourage the wild life habitat.

The folks in this area referred to as "Olson Woods Apartment" its between Olson road, Washington Drive and Taylor Ferry Road - Originally Taylor Ferry road was to continue to Olson but stopped at Washington Drive - due to the wet lands.

P.S We are trying to reduce everywhere - other than population



Ann Leiser

6009 SW Pendleton Ct  
Portland, Oregon

97221

Phone

503 245-0847

# COMMENTS

Thank you for taking the time to comment on the Tualatin Basin Goal 5 Planning Process. Your comments will become a part of the official public record. By submitting your signed comment today, you do not need to testify at the public hearing on August 2, 2004.  
(If you choose not to sign, your comments will be considered but will not become a part of the official record.)

Comments must be received by 5:00 pm on August 9, 2004.

see attached

Name: John Kobbe Family  
Address: 11795 S.W. Kobbe Dr, Beaverton, OR 97007  
Signature: Aussilla A. Kobbe

John R. Kobbe-11795 S.W. Kobbe Dr.-Beaverton-Oregon 97007  
Tel: 503-649-3381

The Tualatin Basin Natural Resource Coordinating Committee  
Washington County Dept. of Land Use & Transportation Planning Division  
155 First Ave. Suite 350-14  
Hillsboro, OR 97124

August 2, 2004

We resisted breaking up our property into 5-acre lots (as was originally zoned when we purchased it), thinking that someday we could do something more useful if it was left intact. The proposed wildlife habitat is not what we had in mind.

We do not understand the reasoning for taking close in land to be used as wildlife habitat. Wildlife doesn't mix very well with the surrounding farms or the populated areas. The animals get run over and cause accidents. There are several million acres that are more appropriate and more suitable, for wildlife habitat, on the Coast and Cascade Ranges

It appears that Metro is starting to realize that they can't manage the two or three hundred acres that they now own, in our area, and want to force the landowners to manage the wildlife areas on their PRIVATE property.

1. WE REQUEST THAT THE LIMITING OVERLAY THAT HAS BEEN PROPOSED ON OUR PROPERTY BE REMOVED.

2. WE ARE NOT INTERESTED IN PARTICIPATING IN ANY OPEN SPACE PROGRAM.

3. WE HAVE NO INTENTION TO SELL OUR PROPERTY TO METRO OR ANY OTHER OPEN SPACE PROVIDER.

4. WE BELIEVE THE MAPPING PROCESS IS NOT BASED ON SCIENCE BUT MORE ON METRO'S EXPANDING CONTROL OF THE SOUTH SIDE OF COOPER MOUNTAIN.

Sincerely

John R. Kobbe  
John R. Kobbe

Priscilla A. Kobbe  
Priscilla A. Kobbe

Rick A. Kobbe  
Rick A. Kobbe

Eric B. Kobbe  
Eric B. Kobbe

Keith L. Kobbe  
Keith L. Kobbe

Certified copy sent



**John Gregory**

**From:** John Gregory [johndres@pacifier.com]  
**Sent:** Monday, August 02, 2004 4:35 PM  
**To:** 'tom.brian@verizon.net'; 'andy@duyckmachine.com'; 'tomh@ci.hillsboro.or.us'  
**Cc:** 'habitat@metro.dst.or.us'  
**Subject:** Tualatin Basin Fish & Wildlife Habitat Protection Plan

Dear Tualatin Basin Partners Member,

I would like to urge you to designate as "strictly limit" all Class I Riparian habitats currently designated "moderately limit" on the proposed Goal 5 Program Map - including most undeveloped floodplains and habitats of concern - to ensure they are given the highest level of protection. I support the idea of development inside the UGB to prevent having to expand the UGB onto farmland, etc. But more than just creeks are needed for a healthy ecosystem. We need stands of trees for hawks and other birds and large mammals to survive in our midst. And it's just not logical to allow development in floodplains. I'm sure the leaders of communities along the Mississippi, Missouri, and Ohio rivers (and now FEMA) all wish someone long ago had had the courage to stand up against the idea of building on territory that obviously belongs to a water body, and which it will someday reclaim. You could be those far-sighted leaders for us here. Please consider a strictly limit designation for these valuable areas because reserving strictly limit status only for areas that are already protected, such as parks, really makes a mockery of the whole designation.

Please also consider ensuring no more than 50%, and preferably no more than 5,000 sq ft., of "moderately limit" resources be destroyed. If moderate is losing 85% of our vital resources, how moderate are we really being? That sounds more like gluttony and greed than moderation. If we take big chips out of everything, we will be left with nothing but strip malls and flooding tax-payer repaired houses in a suburban wasteland.

Thank you for your time and consideration of my concerns.

Sincerely,  
Ms. Dresden Skees Gregory, M.S.  
7322 NE Shaleen Street  
Hillsboro, OR 97124

**My name is Katherine Moritz and I live at 7661 SW 74<sup>th</sup> Avenue in Portland.**

**I am here because I think we desperately need to include in this plan a comprehensive tree ordinance.**

**We have developed planning, zoning, permits, and codes because over the last century we have come to the conclusion as a society that what one person does on their lot affects the well-being of those around them and the community as a whole.**

**Trees are the largest and longest-lived life forms on this planet.**

**Any mature tree or group of trees on private property impacts the neighbors, the street, the character of the neighborhood, and the entire bioregional ecosystem.**

**We know that they directly benefit our watersheds in a number of ways, especially by controlling run-off and providing critical habitat.**

**In an urban environment, trees muffle noise, mitigate air pollution, bestow privacy, create outdoor spaces, and reduce social stresses of all kinds.**

**In the heat, we seek out their shade.**

**If you've ever been to a treeless subdivision on a hot day you know what the evaporation off their leaves does for our climate in the summer.**

**They are our best bulwark against the global rise in temperatures which is now obviously upon us.**

**I want my government to protect our trees for all of us.**

**A mature tree represents a 40-60-80-100 year or more bioregional investment. As things now stand, in the vast majority of cases, a homeowner with a chainsaw can destroy or hopelessly mutilate this valuable asset in an afternoon, with absolutely no restraints of any kind.**

**We don't let people build houses or commercial buildings this way. Why do we allow a major element of our regional character to be managed this way?**

**In the 8 years I've lived on my street I've seen 13 mature and healthy trees within 50 yards of my door cut down by the homeowner. Two that have been topped have lost both their beauty and their health. I've seen 3 trees in a new development die for simple lack of water. They weren't replanted. Most of this has occurred because of ignorance or poor planning, but that doesn't mean we have to allow it to happen.**

**I want our governing bodies to say: When you buy a lot or property with trees on it, you are assuming the stewardship of these trees according to community agreed-upon standards, and for that reason we administer and enforce a tree ordinance.**

**I understand that the Audubon Society has a specific ordinance proposal based on the Lake Oswego ordinance. I urge this committee to adopt these recommendations for the sake of the entire watershed, our bioregion, and our world.**

**Katherine Moritz  
7661 SW 74th Avenue  
Portland, Oregon 97223  
August 2, 2004**

August 2<sup>nd</sup>, 2004

Tualatin Basin Coordinating Committee,

I urge you to adopt strong natural resource protection for the Tualatin Basin by implementing programs that emphasize ecological health on a basin-wide approach. The emphasis to date has been on riparian habitat, but a healthy stream is intimately connected to the ecology of the entire watershed that it drains. A healthy, native, and species- and age-diverse urban tree canopy is critical in this regard. Trees not only provide habitat directly, but also purify and recharge groundwater; quell stormwater runoff, thereby improving water quality, decreasing peak flow and flooding, and preventing erosion of stream banks; and provide shade which regulates water and air temperature and, in turn, decreases air pollution. Each of these functions increases fish and wildlife health, as well as human health and quality of life.

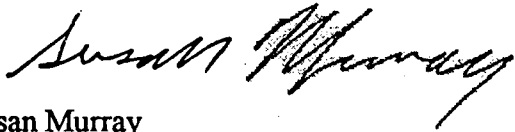
Key program components to achieve a healthy urban forest include:

1. "Strictly limit" designation on all class I riparian *and upland* habitat.
2. Tree protection emphasized above mitigation, and mitigation required for degradation of all "moderately limit" natural resources (not just over 50%).
3. Tree protection program for all trees in the basin. This is justified because all trees in the watershed contribute to the functions listed above.
  - a. Regulatory: Tree ordinance administered by an Urban Forester requiring permits to cut any tree and tree protection plans for all development/re-development. Allowed cutting under a tree ordinance should reflect natural resource value with little to no cutting permitted in "strictly limit" category and minimal cutting that is fully mitigated under "moderately limit." Penalties for violation should be punitive, not just cover mitigation, otherwise no incentive to comply exists.
  - b. Non-regulatory: Public education regarding the value of trees and proper maintenance; programs/events to garner public interest and pride in community trees; financial assistance to property owners for tree maintenance; technical assistance to developers regarding tree preservation and protection.

Throughout this Goal 5 process much discussion has focused on "balancing" economic and natural resource values. The underlying assumption—that economic and environmental health are mutually exclusive—is flawed. At the Pacific Northwest Community Trees Conference held in Portland this year, several developers participated and talked about tree protection and preservation in their projects. All emphasized that it is not only technologically feasible to build with tree preservation as a primary objective, but that it is economically feasible as well since consumers will pay more to live in a natural environment. Nor is building with trees in mind contrary to density requirements—one developer put 42 units on 7.2 acres, kept half that space for trees and green spaces, and only cut down two trees during the whole project (Kevin Rea, Village Weistoria, Bend, OR). Similarly, the City of Seattle has begun a natural draining project (SEA) that uses vegetation to absorb and filter street rainwater runoff. These systems decrease total runoff by 98%, decrease suspended solids by 70% and cost 25% *less* than traditional systems.

American Forests recommends 40% tree cover for our region<sup>1</sup>—just shy of the 46% tree cover we had 30 years ago. This level of canopy would provide water retention equivalent to a \$26 billion stormwater system, annual pollutant removal worth \$1 billion, and sequestration of 1.2 million tons of carbon annually (this last figure doesn't even take into account the decrease in carbon emissions that would result from lowered summer energy consumption due to the cooling effects of shade). Furthermore, the new Government Accounting Standards Board Statement 34 (GASB) that takes effect this year requires local governments to report their infrastructure assets based on their monetary value throughout their lifespan rather than based on cost-to-build as was the case in the past. This means that calculating the monetary value of trees for stormwater and air quality control could boost our financial performance and improve our bond rating. Therefore, I counter those who claim that strong protection of natural resources is not economically feasible; rather, I believe it is not economically feasible NOT to confer the highest levels of protection on all our natural resources.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Murray".

Susan Murray  
11555 SW Denfield St.  
Beaverton, OR 97005

<sup>1</sup> *Regional ecosystem analysis for the Willamette/lower Columbia region of northwestern Oregon and southwestern Washington state.* American Forests, 2001. ([www.americanforests.org](http://www.americanforests.org))

August 1, 2004

The Tualatin Basin Natural Resource Coordinating Committee  
Washington County  
Dept. of Land Use & Transportation, Planning Div.  
155 N. 1<sup>st</sup> Ave., Suite 350-14  
Hillsboro, Or 97124

To Whom It May Concern:

Subject: Tualatin Basin Goal 5 Planning Process, Inaccuracies in Sensitive Habitat Inventory on the south slopes of Cooper Mountain and our desired land use.

I believe Metro's map of areas being considered in the Goal 5 Planning Process indicating a portion of our land as being habitat sensitive is incorrect, and is not the way we want to see our land used in the future. I also believe that there is no scientific data to support the current inventory with regards to our property. On the contrary, there is substantial scientific data by professionals that our property is not habitat sensitive. This data was accepted by Washington County Commissioners on two separate occasions when they approved four ten-acre non-farm residential lots (Two appeal hearings) in our current gated community (Washington County Case File Numbers 86-535-SU/MLP/FP and 88-577-SU/MLP) **Land Development Case Files**

- Case File No. 86-535-SU/MLP/FP Special use approval and major land partition to create non-farm parcels and a flood plain alteration to construct access road.
- Case File No. 88-577-SU/MLP Special use request and major land partition to create two non-farm parcels.
- Both of the above requests were approved after extensive hearings.

I would like to bring to your attention the following facts that support our position.

1. The portion of our property identified on your map as sensitive habitat is part of an 88-acre gated community consisting of four ten-acre, non-farm residential homes and our farm-related home on a 48-acre parcel. In addition, there is an existing homeowners association and CC&Rs on record with Washington County for this community.

<u>Tax Lot Numbers</u>	<u>Owner</u>
• 1601 (1900)	Cooper
• 1603	Ooi
• 1604	Powell
• 1700	Sayre
• 1800	Ohlsen


2. The land included in this gated community is not habitat sensitive for all the reasons established in Washington County Case File Numbers 86-535-SU/MLP/FP and 88-577-SU/MLP.

3. None of the streams on our property are fish bearing. Two of the three streams passing through our development are seasonal (dry in the summer) and the third slows to a trickle by mid summer. (A flow rate of one gallon per minute was measured on August 1, 2004.)
4. In creating the four non-farm residential lots, the necessary road access and key utility services for a residential development were put in and are now available for further residential development. This includes underground electric, natural gas, phone and cable.
5. Our 48 acre parcel is currently split into six pieces by this paved road providing access to our home and the four non-farm residences.
6. The road identified on your map is incorrectly located and does not reflect the road as approved by Washington County and as built.  
Our land is physically developed to the extent that it is no longer available for habitat.
8. The land is irrevocably committed to uses incompatible with Goal 5 objectives.
9. Our property intersects with 175<sup>th</sup> Street one mile from the planned, high-density, Murray Scholls Town Center.


Our wish is to see our property and this gated community developed into a low-density residential community (two acre lots as noted in our CCRs) compatible with the current rural surroundings.

For the above reasons, I respectfully request you reconsider identifying portions of our property and that of our fellow home owner's association members as land meeting Goal 5 criteria.

Sincerely,



Dr. John A. Cooper



Mrs. Helen E. Cooper

18375 SW Horse Tale Drive  
Beverton, OR 97007  
503-579-6374

I live adjacent to Golf Creek, just south of Sunset Highway. Some ten years ago, the organization that is now Clean Water Services came to us with a plan to put a new sewer line down Golf Creek.

In their meetings, they showed us maps and drawings of a series of log dams they would build to create pools and extensive plantings to make the creek more attractive to wildlife development. We signed easements and they began the project. They brought in earth moving equipment and went right down the creek tearing out trees and other vegetation. The sewer line included large outlets which sit up like giant concrete mushrooms. When the project was finished, they planted a few seedlings and left - no dams - nothing.

Now, some ten years later, this same organization that devastated our creek, along with Metro, God Bless their dictatorial little souls, want to protect the creek from its neighbors, who have lived quietly by its banks for decades, by severely limiting the future use of our land.

But not all is lost - if we want to do something to our property in the future, we can submit a plan to Metro, and in lieu of mitigation they will tell us how much we will have to pay to get back some of the rights that they took away from us. With training, some of these people might move on to Enron.

Are we hatching Big Brother?

Bill Gorman  
West Slope

Metro claims that their new program is designed to protect fish and wildlife in our area. Let's look at the facts.

Golf Creek, adjacent to our property, hasn't seen a fish or a crawdad for decades. We have a few raccoons and some wandering children. Tualatin Park and Recreation District owns land between our property and the creek, yet they chose to put almost half our property in the restricted zone. When I asked why, they said that aerial photos, that they used to make this determination, showed that our property was wooded. Great reason. What they are doing is adding to the park districts property at our expense and no cost on their side.

A fifty foot setback would protect the creek more than adequately because of the terrain, but nobody has looked at it. They have those aerial photos.

What it amounts to is that they are forcing their program down our necks under the guise of protecting fish and wildlife. That's fine for an area that has fish and wildlife, but why us?

When you sit back and look at the facts, the reason is pretty clear. When they asked President Clinton why he got in the mess that he did, he said "because he could". It looks like we have similar reasoning here.

This maximum buffer is totally unjustified.

Bill Gorman  
West Slope



5230 NW 137<sup>th</sup> Avenue  
Portland, OR 97229  
August 2, 2004

Dear Tualatin Basin Coordinating Committee Members,

My husband and I live in and own a home located in Bethany on .8 of an acre. We moved to Oregon over 20 years ago lured by the opportunity to live and work and play with nature at our doorstep. I am pleased that the work you have completed has identified almost ¾ of our property as wildlife habitat. Thank you!

However, I am concerned about the level of protection your programs will provide. These programs are a good start to ensure protection for Goal 5 Resources, but they are not enough:

- I enthusiastically support the proposed increase in the Surface Water Management Fee. But will this small fee increase be enough to adequately finance this preservation, restoration and enhancement of our resources? I think not.
- Density transfers do not work. Just look at the Morrisette Homes being built on Bannister Creek in an existing Goal 5 Resource in Bethany to see how the development community uses density transfers to manipulate the destruction of resources. Provisions need to be made to allow adoption of lower maximum density zoning for areas with Goal 5 resources.
- Fees-in-lieu of onsite mitigation are unacceptable. Money will not transport wildlife trapped in isolated islands of habitat created by new development to get to food sources, water sources or diverse gene pools. Mother nature builds better wetlands than the best man can buy and she builds them exactly where they are needed. Money cannot buy 100 year old oak trees to replace ones destroyed by development.
- Too much development will be allowed in the moderately and lightly limit levels of protection to ensure the health of the remaining onsite or adjacent habitat.

With your proposed levels of protection, my .8 of an acre is at risk of being an isolated island of upland habitat. With your proposed levels of protection, the "ribbons of green" on adjacent properties, which connect my upland habitat to the critical water sources, are at risk of being destroyed. As development is allowed within the adjacent resources, this fragmented approach to protection could ultimately destroy the value of my property as wildlife habitat.

If development on adjacent properties destroys the value of my property as habitat, what has happened to my rights as a property owner? As elected officials, you owe it all property owners to recognize the interdependence of wildlife habitat and to provide policies and programs that will preserve the viability of all identified wildlife habitat.

Please take another look at the programs you are proposing and consider revising plans to instead put protections in place that will ensure our Goal 5 resources will survive development. We have the chance to give future generations the opportunity to live and work and play with nature at their doorstep. Let's not screw it up

Sincerely,



Mary Manseau

**Jin Park, President  
Westhood Inc.  
1500 NW Bethany Blvd., Ste 145  
Beaverton, OR 97006  
503.439.6090  
503.439.6091 Fax**

**Testimony before: Tualatin Basin Natural Resources Coordinating Committee  
August 2, 2004**

**Introduction**

- .Reserve Golf Course**
- .Developer**
- .Environmental Supporter**
- .Property Owner**

**Message**

**I own about 125 acres at the NW corner of west union Rd and 185<sup>th</sup>. Though this property is outside the UGB it has been actively considered for urbanization on many recent occasions. It was recommended for inclusion in the 2002 UGB Expansion by Mike Burton, Metro's then Executive Officer. Recently my property was considered for inclusion by Metro in the Industrial Land UGB expansion. It was not added due to its higher suitability for inclusion as residential land. Additionally, This property will be actively examined as a logical location for sewer, water, and transportation infrastructure need to efficiently serve the Bethany UGB addition.**

**About, 45 acres of my property is in a wetland environment and should and will be protected. What concerns me is the "moderately" and "strictly" limit designations applied to my nursery and Douglas fir grove, respectively. Will these designations have an impact on the utility of my property for supplying services to the Bethany UGB Addition? Will these designations have a material affect on the Region's ability to consider this property as a logical addition to the UGB? And finally, will Washington County take an active role to insure Metro responds quickly to replace the lost residential capacity resulting from application of Goal 5?**

**In closing I applaud the County's initiative but need to know more before I can support your efforts.**



**JIN PARK**

**8.2.2004**

The Tualatin Basin Natural Resources Coordinating Committee  
Washington County Dept. of Land Use and Transportation, Planning Division  
155 N. First Avenue, Suite 350-14  
Hillsboro, Oregon 97124

July 30, 2004

Testimony to the Tualatin Basin Natural Resources Coordinating Committee:

Thank you for this opportunity to provide testimony. I understand and appreciate the challenges involved in trying to protect wildlife habitat in the urban and adjacent rural area.

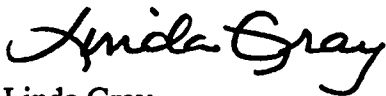
However, as an owner of rural property within one mile of the urban growth boundary it appears that farmland within the inventoried area is subject to higher levels of protection than farmland beyond that one mile limit. This raises an equity issue as all rural lands are not proposed to be subject to the same regulations.

Our property is in the area within one mile of the current UGB and is designated Exclusive Farm Use. There are no streams or waterways on or near our property. The Goal 5 inventory designates most of our property as Class A upland habitat with future development to be strictly limited. We would like to know with certainty that if and when our property is brought into the Urban Growth Boundary we would be able to develop under the same regulations as all other urban land. Can we be assured that once inside the UGB our property would be developable?

In addition, am I correct in assuming that the components of this program will not interfere with farm and forest practices? I am immediately concerned about our future ability to harvest timber and to construct a greenhouse for our nursery operation.

Thank you for your consideration and assistance in clarifying these issues.

Sincerely,



Linda Gray  
5750 SW River Road  
Hillsboro, Oregon 97123

August 2, 2004

Tualatin Basin Coordinating Committee  
155 N. First Ave. Suite 300  
Hillsboro, Oregon 97214

Thank you for your participation in the Tualatin Basin Coordination Committee and for striving to protect our beautiful Tualatin Basin.

I have recently moved to Aloha, Oregon from Dallas, Texas. I am thoroughly enjoying the change of city scenery from concrete to trees, greenspaces, parks, and wildlife preserves. I am proud that I can claim Washington County and the Tualatin Basin Watershed as my home, and that I can live side by side with healthy fish and wildlife ecosystems within the urban growth boundary. This is a heritage we cannot betray, and it would be against our interests to develop these areas. Once the habitats are gone, they are forever gone. It is easier and more economically feasible to preserve a habitat by leaving it alone than to reconstruct a degraded, developed one in the future.

Please *strictly limit* and *avoid* more development in Class I Riparian Habitat and Class A Wildlife Habitat throughout the basin. Medium-value and lower-value habitat need additional protection as well.

In particular, I chose to live at 328 SW Sutherland Way in Aloha because of the view within the urban area. Our home overlooks a wetlands area: Lexington Park and Sutherland Meadows Park. There is ample wildlife--pileated woodpeckers, nutria, ducks, great blue herons, frogs, numerous birds of prey, and raccoons--existing in these parks, wetlands, and our backyards. But according to Metro's on-line "Inventory of Regionally Significant Habitat" interactive map, Lexington Park and Sutherland Meadows Park are mostly Class I Riparian Habitat. See Figure 1, "Metro Inventory." There is a narrow strip of Class C Wildlife just beyond my property line. I am concerned that Metro's "Chief Operating Officer Recommendation" interactive map (See Figure 2, "COO Recommendation") shows that development in this Class C area is to be "moderately limited."

Metro's "Inventory of Regionally Significant Habitat" map also identifies an "Impact Area" immediately outside my property line. Disturbingly, Metro's Chief Operating Officer Recommendation map indicates that this "Impact Area" is recommended to be developed.

Even though the land is classified as Class I Riparian Habitat, the Chief Operating Officer's recommendation has no "prohibit" designation in the Lexington Park/ Sutherland Meadows area.

According to Washington County's "Goal 5 Taxlot Map," a majority of the Lexington Park and Sutherland Meadows Park is not "Strictly Limited" to development but "Moderately Limited." See Figure 3, "Goal 5." A portion right by my home is labeled as "Lightly Limited." In addition, it is not economically viable to develop the "Moderately Limited" area right next to the riparian zone because of flooding and standing water susceptibility. See Figure 4, "Photos April 2004."

I propose that development in these parks and wetlands be entirely "Strictly Limited." Just because this natural resource area is not a large area of habitat does not mean it is not valuable to the life it sustains. Having additional homes or roads in this area will degrade the habitat and harm the aquatic and terrestrial life that resides here.

Thank you again for protecting fish and wildlife habitat in the Tualatin Basin. Please strictly limit more development in Class I Riparian and Class A Wildlife areas and increase protection in the immediate surrounding "lesser-valued" habitat zones throughout the Tualatin Basin Watershed.

Sincerely,

A handwritten signature in cursive script that reads "Tara Grover Dees".

Tara Grover Dees  
328 SW Sutherland Way  
Aloha, OR 97006

# Figure 1 "Metro Inventory"

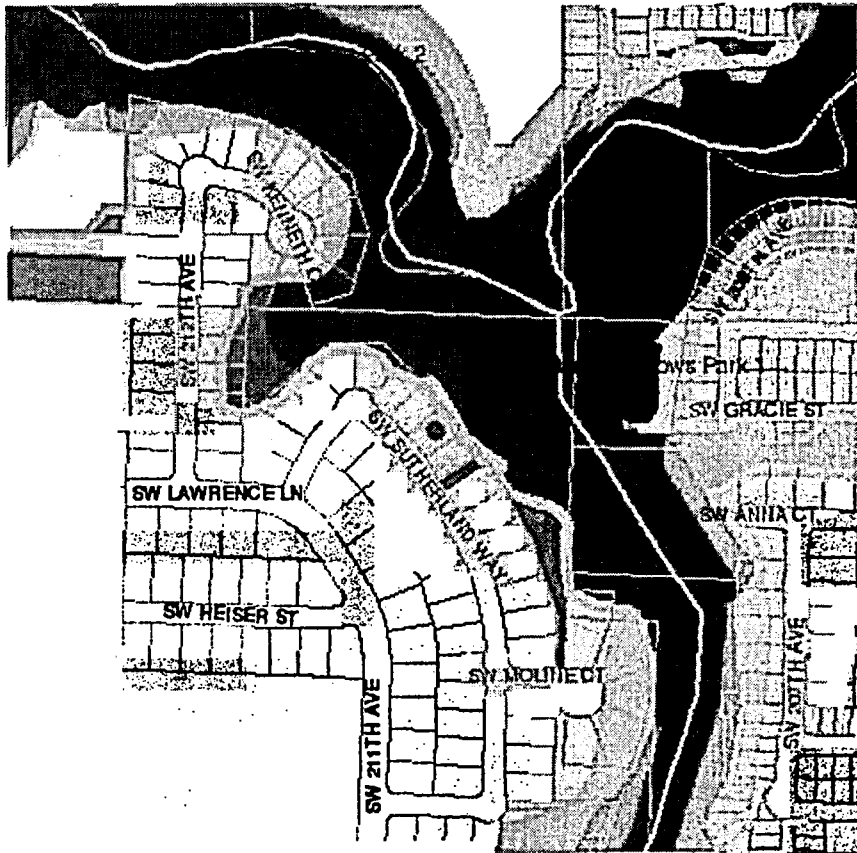


## Fish and wildlife habitat protection

### Interactive map: Inventory of regionally significant habitat

<http://www.metro-region.org/article.cfm?articleID=5903>









**328 SW SUTHERLAND WY, BEAVERTON 97006**



x: 7588669

y: 684000

#### Map legend

	class 1 riparian, highest-value habitat		impact areas, land next to regionally significant habitat that may have a significant affect on the condition of the habitat
	class 2 riparian, medium-value habitat		
	class 3 riparian, lower-value habitat		not included in the fish and wildlife habitat inventory
	class A wildlife, highest-value habitat		streams and rivers
	class B wildlife, medium-value habitat		parks and open spaces
	class C wildlife, lower-value habitat		

Habitat is an area that provides food and shelter for fish and wildlife. Areas that are of greatest significance to the region are called "regionally significant habitat" and are ranked "low, medium, and high" based on their value to fish and wildlife.

For more information, call Natural Resources Planning at (503) 797-1839, fax (503) 797-1911 or send e-mail to [habitat@metro-region.org](mailto:habitat@metro-region.org). The hearing impaired can call TDD (503) 797-1804.

*This web page was last updated July 26, 2004*

© Metro 2004  
600 NE Grand Ave., Portland, OR 97232-2736  
(503) 797-1700 | TDD (503) 797-1804 | Fax (503) 797-1797  
[webmaster@metro-region.org](mailto:webmaster@metro-region.org)

# Figure 2 "COO Recommendation"

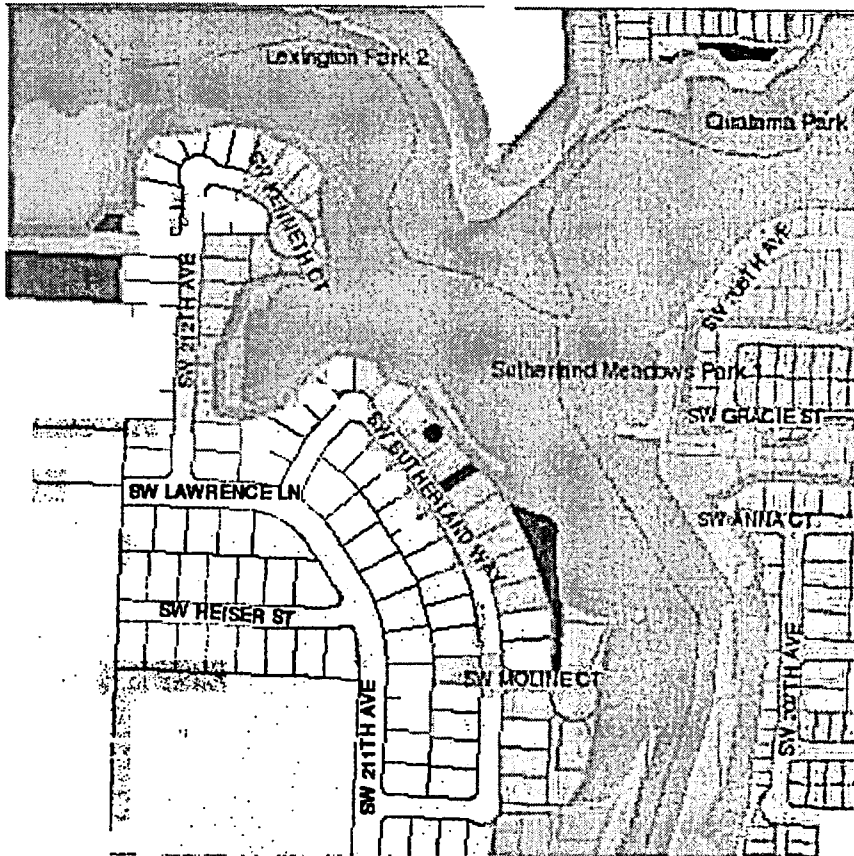


## Fish and wildlife habitat protection

### Interactive map: Chief Operating Officer recommendation on habitat protection

<http://www.metro-region.org/article.cfm?articleID=9151>

**328 SW SUTHERLAND WY, BEAVERTON 97006**



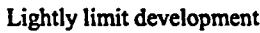

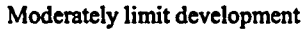
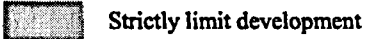



x: 7588669

y: 684000

#### Map legend



- |  |  |
|--|--|
|  Allow development            |  Parks and open spaces areas not affected by the recommendation |
|  Lightly limit development    |  Streams  |
|  Moderately limit development |  |
|  Strictly limit development   |  |
|  Prohibit development         |  |

For more information, call Natural Resources Planning at (503) 797-1839, fax (503) 797-1911 or send e-mail to [habitat@metro-region.org](mailto:habitat@metro-region.org). The hearing impaired can call TDD (503) 797-1804.

*This web page was last updated April 21, 2004*

© Metro 2004  
600 NE Grand Ave., Portland, OR 97232-2736  
(503) 797-1700 | TDD (503) 797-1804 | Fax (503) 797-1797  
[webmaster@metro-region.org](mailto:webmaster@metro-region.org)

Figure 3 "Goal 5"

# Washington County, Oregon



## Goal 5

last modified: July 23, 2004

Department of Land Use & Transportation  
Brent Curtis, Manager

Enter Street Address

OR

Street Intersection

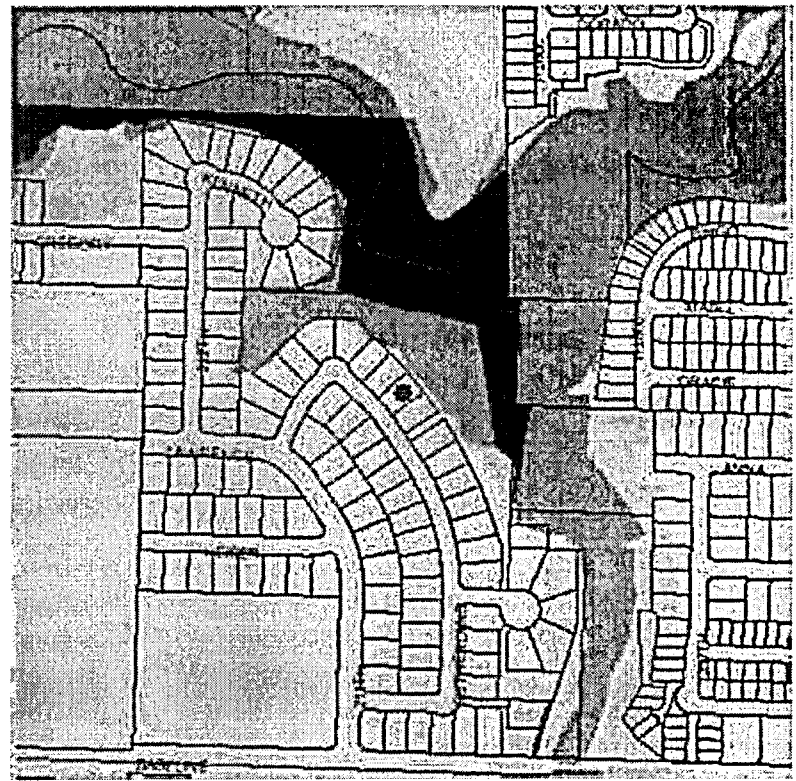
example: 155 N 1st Ave

Street 1  
Street 2

example; Street 1: North First Ave  
Street 2: Lincoln Street

Find Address

Address: 328 SW SUTHERLAND WAY 97006  
Taxlot Map



- Site Adjust**
  - Allow
  - Lightly Limit
  - Moderately Limit
  - Strictly Limit
- General**
  - Allow
  - Lightly Limit
  - Moderately Limit
  - Strictly Limit
- Tualatin Basin Outside of Inventory
- Outside of Tualatin Basin

Definitions for ALP Program Recommendation

Washington County  
Land Use and Transportation Department  
Planning Division  
155 N. First Avenue, Suite 350, MS 14  
Hillsboro, OR 97124

Planning Division: 503-846-3519  
fax: 503-846-4412  
E-Mail to: [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)



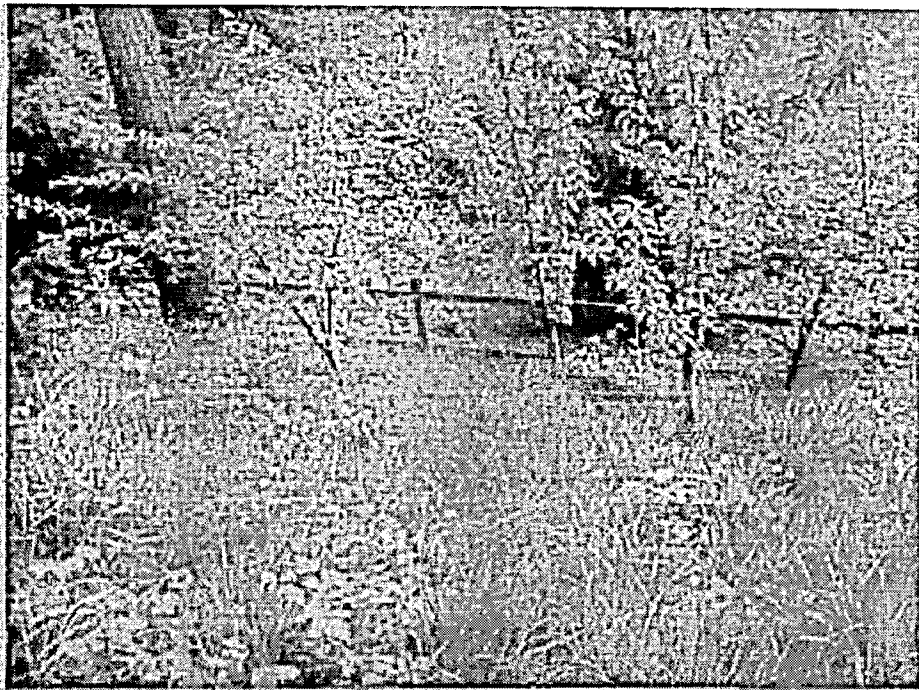
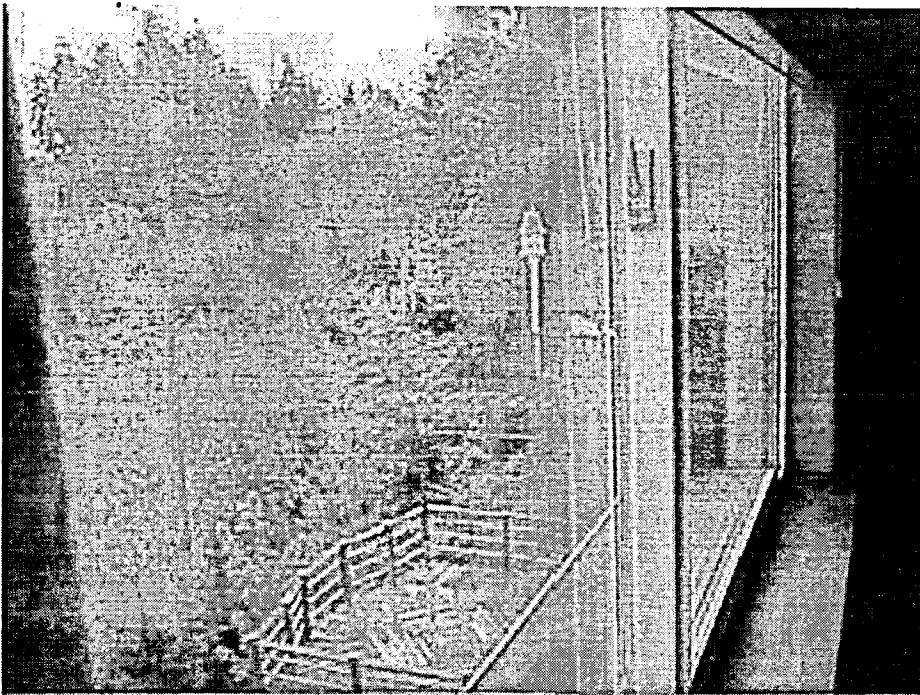
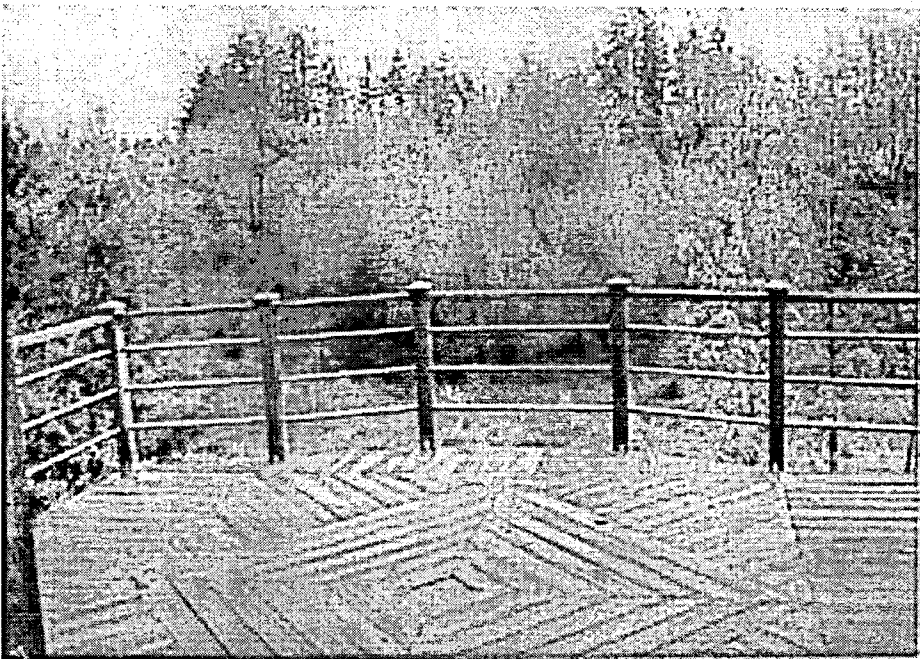


Figure 4 "Photos April 2004"



**Tualatin Basin Goal 5 Open Houses/Public Hearing**  
**Comments Cards Via Mail**  
 July 26th, 28th, 29th August 2nd, 2004

Last Name	First Name	Street	City	State	Zip	Signature	Comment	Date/Method
Leavitt	George	14485 NW Perimeter Dr.	Beaverton	OR	97006	Yes	Please protect Washington County and the Tualatin River Basin as a place we can be proud to live.	04/06/04 - Mail
Jerome	Fred & Barbara	P.O. Box 862	Hillsboro	OR	97123	Yes	We don't have a problem with protecting land for wildlife habitat. Where was the commission when the Reserve Golf Course bulldozed hundreds of acres of habitat and drained a very large pond, all of which hosted abundant wildlife. The "mitigation" ponds and "new" trees are nothing more than lip service. In spite of many calls we made to a chain of people, nothing changes. In regard to our own property which has been included in the study, we do object to not having the freedom of choice over what we care to do about our acreage. We've lived here for 44 yrs. and watched the trees grow, paying taxes on land and timber, planning on the trees for our retirement needs. We don't want to see this area developed, but loss of our rights is not acceptable.	04/06/04 - Mail
Lee	D.L. & K. M.	6920 SW 130th Ave.	Beaverton	OR	97008	No	We attended the public meeting at Beaverton Library & were impressed with the projected plans for the Tualatin Basin. We feel it is so important to have plans now to preserve as much as possible of the watershed before the pressure of increased population in the future make the taking of land for other than housing more difficult.	04/07/04 - Mail
Enquist	Sue	5130 SW Dogwood Ln.	Portland	OR	97225	Yes	The enforcement of this program seems to be based on neighbors reporting on neighbors. This is not a way to build strong communities.	07/30/04 - Mail
Conway	Jean	11875 SW 9th St.	Beaverton	OR	97005	Yes	1) Nature does it best. If it is valuable it should not be tampered with. None of this letting a developer destroy it & then try to create a like environment someplace. LEAVE IT ALONE! 2) Development should not degrade our environment. All development should take into account the environment & how to build with the least amount of impact to the existing ecosystem. 3) Development in the class 1 riparian habitat & class A wildlife habitat should be in strictly limit category. 4) We need a basin-wide tree protection ordinance. 5) The category moderately limit should have a higher % of land protected. At least 80% should be protected. 6) Easier is not better; we have to work hard to protect our land. 7) Every living being is connected somehow to one another. You destroy one thing & it starts a chain reaction of destruction. 8) Re: existing development - for every tree taken down a new one should be planted. 9) SL should have NO development.	08/04/04 - Mail
Conway - Cont.							10) Existing development - publicly owned land should be showcase for native plantings. Developed flood plain areas should be planted with native marsh plants to absorb h2o runoff & pollution (perfect example Griffith Park Bowl owned by City of Beaverton should be a showcase for storm & flood control using native marsh plants. It would be very pleasing to the eye & control the flood waters & bring back a ecosystem previously destroyed.	
Walgraeve	Gary	11345 SW Herman Rd.	Tualatin	OR	97026	Yes	I have a 65 ac. Parcel of industrial zoned property, while not yet in the Tualatin city limits it is surrounded on all sides by city and industrial buildings. Served 134 exiting sewer and water. Tualatin will annex upon my request. Since it is not yet in the city limits it is mapped as not suitable for development. I will be developing and annexing to Tualatin in the next 1-2 years. I would like the property to be mapped as ready for development now. Instead of having to go through the process of changing the map in 1-2 years. map and tax lot 251220-00500.	08/06/04 - Mail

**Tualatin Basin Goal 5 Open Houses/Public Hearing**  
**Comments Cards Via Mail**  
 July 26th, 28th, 29th August 2nd, 2004

Last Name	First Name	Street	City	State	Zip	Signature	Comment	Date/Method
Sutton	Robert	7325 NW Kaiser	Portland	OR	97229	Yes	I was not "notified" of the Goal 5 meeting on Aug 2, 2004. I believe as a landowner in the UGB of Bethany, we (owners) should have been aware of such a meeting of the environmental isn't definitely were aware as they were more prepared than the landowners. In the future "Please" give us notification of any meetings pertaining to our land.	08/06/04 - Mail
Gilham	William F.	8320 SW Ellman Ln.	Durham	OR	97224	Yes	My only suggestion for the TBNRCC is to give small cities in the study area major standing in any plans which include them. They already know the inherent attributes and problems of their immediate area. This will not only give you a clear understanding of what is really needed, but save a great deal of time and duplication of study and engineering. Feel free to consult with me at any time. I have been involved with responsible land use planning since 1966. (10 yrs. before the LCDC was born.)	08/09/04 - Mail

**August 2, 2004**

**Public Hearing Testimony List and Cards**

---

**PARTNERS**

*FOR NATURAL PLACES*

## TUALATIN BASIN GOAL 5 PUBLIC HEARING TESTIMONY LIST

Shirley Huffman Auditorium PSB Hearing Room 140 August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	Comment
001	VanderZanden	Tom	15903 NW Logie Trail	Hillsboro	OR	97124	Oral Testimony - Card 1 - Subject: Goal 5 general comments.
002	Ellerbrook	Mr. - West Oregon Nursery,	14515 NW Springville Rd.	Portland	OR	97229	Oral Testimony - Card 2 - Subject: Goal 5 impacts on my property.
003	Fishhawk	Kieth					Oral Testimony - Card 3 - Subject: Goal 5 impacts on my property.
004	Hosford	Bruce	7805 NW Kaiser Rd.	Portland	OR	97229	Oral Testimony - Card 4 - Subject: Goal 5 overlay on my land.
005	Ross	Kelly	Home Builders Association	Lake Oswego	OR		Oral Testimony - Card 5 - Subject: Goal 5.
006	Fuglister	Jill	310 SW 4th Ave. Suite 612	Portland	OR	97204	Oral Testimony - Card 6 - Subject: Fish & wildlife habitat (CLF Panel).
007	Houch	Mike	P.O. Box 6903	Portland	OR	97228	Oral Testimony - Card 7 - Subject: Fish & wildlife habitat (CLF Panel).
008	Blizzard	Meeky	16815 SW Pleasant Valley Rd.	Beaverton	OR	97007	Oral Testimony - Card 8 - Subject: Fish & wildlife habitat (CLF Panel).
009	Labbe	Jim	5151 NW Cornell Rd.	Portland	OR	97210	Oral Testimony - Card 9 - Subject: Fish & wildlife habitat.
010	Waibel	Al	22495 NW Quatama Rd.	Hillsboro	OR	97124	Oral Testimony - Card 10 - Subject: Goal 5.
011	Cushing	Nancy Jane	14670 NW Twinflower Dr.	Portland	OR	97229	Oral Testimony - Card 11 - Subject: Goal 5.
012	Sanguinetti	Grego	14705 NW Springville	Portland	OR	97229	Oral Testimony - Card 12 - Subject: Goal 5.
013	Park	Gin	1500 NW Bethany St.145	Beaverton	OR	97006	Oral Testimony - Card 13 - Subject: Goal 5.
014	Moritz	Katherine	7661 SW 74th Ave.	Portland	OR	97223	Oral Testimony - Card 14 - Subject: Necessity of adopting a tree ordinance.
015	Wegener	Brian	16507 SW Roy Rogers Rd.	Sherwood	OR	97140	Oral Testimony - Card 15 - Subject: Goal 5
016	Schlueter	Jonathan	10200 SW Nimbus Ave. Suite 63	Tigard	OR	97223	Oral Testimony - Card 16
017	Mullinax	Steve	4648 SW 39th Dr.	Portland	OR	97221	Oral Testimony - Card 17 - Subject: Goal.
018	Matrazzo	Donna	19300 NW Sauvie Island Rd.	Portland	OR	97231	Oral Testimony - Card 18 - Subject: Fish & wildlife habitat.
019	Goin	Chris	36900 NW Spiesschaert Rd.	Cornelius	OR	97113	Oral Testimony - Card 19 - Subject: Goal 5.
020	Dees	Ian	328 SW Sutherland Way	Aloha	OR	97006	Oral Testimony - Card 20 - Subject: Goal 5.

## TUALATIN BASIN GOAL 5 PUBLIC HEARING TESTIMONY LIST

Shirley Huffman Auditorium PSB Hearing Room 140 August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	Comment
021	Patterson	Joan	25795 SW Meadowbrook Ln.	Sherwood	OR	97140	Oral Testimony - Card 21 - Subject: Enhance water quality & quantity issues.
022	Irvine	Jim	16550 SE 232nd	Boring	OR	97009	Oral Testimony - Card 22 - Subject: Goal 5.
023	Craig	Linda	17645 NW Rolling Hill Ln.	Beaverton	OR	97006	Oral Testimony - Card 23 - Subject: Natural resources program.
024	Kimball	Jim	17645 NW Rolling Hill Ln.	Beaverton	OR	97006	Oral Testimony - Card 24 - Subject: Natural resources program.
025	Neketin	Peter	8771 SW 71st Pl.	Portland	OR	97223	Oral Testimony - Card 25 - Subject: Natural resources - wildlife habitat preservation.
026	Tellez	Jill	9280 SW 80th Ave.	Portland	OR	97223	Oral Testimony - Card 26 - Subject: Natural resource protection.
027	Britt	Fred	7770 NW Kaiser Rd.	Portland	OR	97229	Oral Testimony - Card 27 - Subject: UGB Bethany - Goal 5.
028	Whiting	Pat	8122 SW Spruce St.	Tigard	OR	97223	Oral Testimony - Card 28 - Subject: Natural resource protection.
029	Hunt	Doug	15186 SW New Plymouth Ln.	Beaverton	OR	97007	Oral Testimony - Card 29 -
030	Miller	Steve	14855 SW Tracy Ann Ct.	Beaverton	OR	97007	Oral Testimony - Card 30 - Subject: Goal 5.
031	Murray	Susan	11555 SW Denfield St.	Beaverton	OR	97005	Oral Testimony - Card 31 - Subject: Goal 5 - Tree protection most important protection not mitigation.
032	Gorman	Bill	8888 SW Katherine Ln.	Portland	OR		Oral Testimony - Card 32 - Subject: Proposed restrictions.
033	Manseau	Mary	5230 NW 137th Ave.	Portland	OR	97229	Oral Testimony - Card 33 - Subject: Goal 5.
034	DeBolt	April	5625 NW 137th Ave.	Portland	OR	97229	Oral Testimony - Card 34 - Subject: Goal 5 protections.
035	Thompson	Ron	3231 Lavina Dr.	Forest Grove	OR	97116	Oral Testimony - Card 35 - Subject: Wildlife criteria sampling.
036	Scheller	Chris & Kathy	8301 SW Canyon Ln.	Portland	OR	97005	Oral Testimony - Card 36 - Subject: Goal 5.
037	LeCavalier	John	1622 SE 55th	Portland	OR	97215	Oral Testimony - Card 37 - Subject: T.B. Goal 5.
038	Wolf	Tom	22875 NW Chestnut	Hillsboro	OR	97124	Oral Testimony - Card 38 - Subject: Tualatin Basin Goal 5 plan.
039	Malinowski	Greg	13450 NW Springville Rd.	Portland	OR	97229	Oral Testimony - Card 39 - Subject: Goal 5.
040	Huntsinger	Marlene	8055 SW Barnes Rd.	Portland	OR		Oral Testimony - Card 40 - Subject: Support for Goal 5.



## TUALATIN BASIN GOAL 5 PUBLIC HEARING TESTIMONY LIST

Shirley Huffman Auditorium PSB Hearing Room 140 August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	Comment
041	Kellingfen	Wendy	P.O. Box 1930	Lake Oswego	OR		Oral Testimony - Card 41 - Subject: Goal 5 ESEE process.
042	Cooper	John					Oral Testimony - Card 42 - Subject: Goal 5.
043	Ahmed	Mahabub	5563 NW Crady Ln.	Portland	OR	97229	Oral Testimony - Card 43 -
044	Krawczvk	Dana	101 SW Main St. Ste. 1100	Portland	OR	97204	Oral Testimony - Card 44 - Subject: More balance toward economic factors.
045	Testified under # 27.						Card 45 - No testimony.
046	Newcomb	Kathy	17545 Cheyenne Way	Tualatin	OR	97062	Oral Testimony - Card 46 - Subject: Goal 5.
047	NO CARD						
048	Udvari	Kristin	101 SW Main St. Ste. 1100	Portland	OR	97204	Oral Testimony - Card 48 - Subject: On behalf of OHSU West Campus (Goal 5).
049	McGettigan	Terry	6880 NW Kaiser Rd.	Portland	OR	97229	Oral Testimony - Card 49 - Subject: Goal 5.
050	Nettleton	Rachel	19185 SW Lisa Dr.	Aloha	OR		Oral Testimony - Card 50 - Subject: Against initiative 36.
051	Retzer	Jere					Oral Testimony - Card 51 - Subject: Goal 5.
052	Taped Testimony						Card 52 - No testimony.
053	Redisch	Meryl	2740 SW 2nd Ave.	Portland	OR	97201	Oral Testimony - Card 53 - Subject: Goal 5.
054	Taped Testimony						Card 54 - No testimony.
055	Taped Testimony						Card 55 - No testimony.
056	Taped Testimony						Card 56 - No testimony.
057	Not Present						Card 57 - No testimony.
058	Taped Testimony						Card 58 - No testimony.
059	Peterson	Bonnie	10155 SW Jurgens Ln.	Tualatin	OR	97062	Oral Testimony - Card 59 - Subject: Tualatin River protection and strictly "limit" areas - flood plain development in Tualatin.
060	Grover Dees	Tara	328 SW Sutherland Way	Aloha	OR	97006	Oral Testimony - Card 60 - Subject: Goal 5.

## TUALATIN BASIN GOAL 5 PUBLIC HEARING TESTIMONY LIST

Shirley Huffman Auditorium PSB Hearing Room 140 August 2nd, 2004

	Last Name	First Name	Street	City	State	Zip	Comment
061	Brown	Craig	12755 SW 69th #100	Portland	OR	97223	Oral Testimony - Card 61 - Subject: Inaccurate/illogical resource mapping. Impracticality of density transfer. Inadequate public notice.
062	Chesarek	Carol	13300 NW Germantown Rd.	Portland	OR	97231	Oral Testimony - Card 62 - Subject: Goal 5.
063	Johnson	Catherine	6111 SW Lesser Way	Portland	OR	97219	Oral Testimony - Card 63 - Subject: Value of natural spares.

Subject of your testimony: General Goal 5 Comments  
Date: \_\_\_\_\_  
Name: Tom VanderZanden  
Address: 15903 N.W. Logic Trail  
Hillsboro OR 97124  
I represent: [] Myself [] Other \_\_\_\_\_  
Add my name to this topic notice list:

Subject of your testimony: Goal 5 Impacts  
on my property  
Date: Aug. 2, 04  
Name: Kristi Fishback  
Address: \_\_\_\_\_  
I represent: [] Myself [] Other \_\_\_\_\_  
Add my name to this topic notice list:

Subject of your testimony: Goal 5 Impacts  
on my property  
Date: Aug. 2, 04  
Name: Mr. Ellerbrock  
Address: West Oregon Nursery, Inc.  
14515 N.W. Springville Rd  
Portland, OR 97229  
I represent: [] Myself [] Other \_\_\_\_\_  
Add my name to this topic notice list:

Subject of your testimony: Goal 5  
Overlay on my land  
Date: Aug. 2, 04  
Name: Bruce Hostford  
Address: 7805 N.W. Beaver Rd.  
Portland, OR 97229  
I represent: [] Myself [] Other \_\_\_\_\_  
Add my name to this topic notice list:

5

Subject of your testimony: Goal 5

---

Date: \_\_\_\_\_

Name: Kelly Ross

Address: Home Builders Assoc  
Lake Oswego

I represent: [ ] Myself [X] Other

Add my name to this topic notice list:

3

Subject of your testimony: \_\_\_\_\_

Fish & Wildlife Habitat (CLF Panel)

---

Date: 8-2-04

Name: Mike Houch

Address: Box 6903  
Portland OR 97228

I represent: [ ] Myself [X] Other Audubon Society of Portland/Urban Greenspaces

Add my name to this topic notice list:

6

Subject of your testimony: \_\_\_\_\_

Fish & Wildlife Habitat (CLF Panel)

---

Date: 8-2-04

Name: Jill Fuglister

Address: 310 SW 4th Ave Suite 42  
Portland OR 97204

I represent: [ ] Myself [X] Other Coalition for Livable Future

Add my name to this topic notice list:

3

Subject of your testimony: \_\_\_\_\_

Fish & Wildlife Habitat (CLF Panel)

---

Date: 8-2-04

Name: Mecky Blizzard

Address: 16815 SW Pleasant Valley Rd  
Beaverton OR 97007

I represent: [X] Myself [ ] Other Coalition for Livable Future

Add my name to this topic notice list:

9

Subject of your testimony: Fish & Wildlife Habitat

Date: 8-2-04

Name: Jim Lobo

Address: 5151 NW Cornell Rd  
Portland OR 97210

I represent:  Myself  Other Audubon Society of Portland

Add my name to this topic notice list:

Subject of your testimony: Gull 5

Date: \_\_\_\_\_

Name: Nancy Jane Cushing

Address: 1460 NW Twin Falls Dr  
PO Box 97229

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

10

Subject of your testimony: Gull 5

Date: \_\_\_\_\_

Name: Al Wright Wentel

Address: 22495 NW Quaker Rd

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

11

Subject of your testimony: Gull 5

Date: AUG 2 2004

Name: GREGO SANSONETTI

Address: 114705 11601 SPRINGVILLE  
(PORTLAND) OR 97229

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

16

Subject of your testimony: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Name: Jonathan Schlueter

Address: 10200 SW Nimbus Ave Suite G-3  
Tigard Oregon 97223

I represent: [ ] Myself [ ] Other Westside Economic Alliance

Add my name to this topic notice list:

14

Subject of your testimony: Necessity  
of adopting a free  
ordinance

Date: 8-2-04

Name: Katherine White

Address: 7661 SW Fifth Avenue  
Portland, OR 97223

I represent:  Myself [ ] Other \_\_\_\_\_

Add my name to this topic notice list:

15

Subject of your testimony: GOALS

\_\_\_\_\_

Date: 8/2/04

Name: BRIAN WEGENER

Address: 16507 SW Roy Rogers Rd  
Sherwood, OR 97140

I represent: [ ] Myself [ ] Other TUALATIN RIVERKEEPERS

Add my name to this topic notice list:

17

Subject of your testimony: GOAL 5

\_\_\_\_\_

Date: AUG 2 2004

Name: GIN PARK Gwns Reserve Golf Course

Address: 11500 INW BETHANNY ST 145  
BEAVERTON, OR 97006

I represent:  Myself [ ] Other \_\_\_\_\_

Add my name to this topic notice list:

17

Subject of your testimony: Goal

---

Date: 8/2/04

Name: Steve Mullinax

Address: 4646 SW 39th Dr  
Portland, OR 97221

I represent:  Myself  Other

Add my name to this topic notice list:

19

Subject of your testimony: GOALS

---

Date: 8/2/04

Name: CHRIS GOIN (and United Church of Christ)

Address: LABYRINTH & Llamas Organic Products  
36900 NW Spiesschaert Rd  
Cornelius OR 97113

I represent:  Myself  Other

Add my name to this topic notice list:

18

Subject of your testimony: Fish & Wildlife Habitat

---

Date: 8/2/04

Name: Donna Matrasso

Address: 19300 NW Saurie As Rd  
Portland OR 97231

I represent:  Myself  Other

Add my name to this topic notice list:

20

Subject of your testimony: Goal 5

---

Date: 8/2/04

Name: Ian Deas

Address: 328 SW Sutherland Way  
Aloha OR 97006

I represent:  Myself  Other

Add my name to this topic notice list:

10

Subject of your testimony: enhance water  
quality & quantity issues

Date: 8/2/04

Name: Joan Patterson

Address: 25795 SW Meadowbrook lane  
Sherwood, OR 9714

I represent:  Myself  Other

Add my name to this topic notice list:

11

Subject of your testimony: natural resources  
program

Date: 8/2/2004

Name: Linda Craig

Address: 17645 NW Rolling Hill Ln  
Beaverton, OR 97006

I represent:  Myself  Other

Add my name to this topic notice list:

22

Subject of your testimony: GOAL 5

Date: \_\_\_\_\_

Name: JIM IRVINE

Address: 16550 SE 232<sup>nd</sup>  
Boring, OREGON

I represent:  Myself  Other

Add my name to this topic notice list:

24

Subject of your testimony: natural resource  
program

Date: 8/2/2004

Name: Jim Kimball

Address: 17645 NW Rolling Hill Ln  
Beaverton, OR 97006

I represent:  Myself  Other

Add my name to this topic notice list:



(V) 25

Subject of your testimony: Natural resources - wildlife habitat preservation

Date: Aug. 2 2004

Name: Pefer Neketin

Address: 8771 SW 71st Place  
Portland, Oregon 97223

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

(V) 27

Subject of your testimony: U.G.B. Benthony Goal 5 -

Free Build  
N.W. Keizer Rd.

Date: \_\_\_\_\_

Name: Bruce E. HOSFORD

Address: 7805 N.W. Keizer Rd  
Portland, Ore 97229

I represent:  Myself  Other wife

Add my name to this topic notice list:

(V) 26#

Subject of your testimony: Natural resource protection

Date: 8/02/04

Name: Jill Telles

Address: 9280 SW 80th Ave  
Portland OR 97223

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

(V) 28

Subject of your testimony: Natural resource protection

Date: 8/02/04

Name: Pat Whiting

Address: SW Spruce  
Portland OR

I represent:  Myself  Other ?

Add my name to this topic notice list:

29

Subject of your testimony: \_\_\_\_\_

\_\_\_\_\_

Date: 08/10/04

Name: DOUG HUNT

Address: 15186 SW New Plymouth  
Beaverton OR 97005

I represent:  Myself  Other NORTHWEST

Add my name to this topic notice list:  STEEPCREAKERS

31

Subject of your testimony: Goal 5

Tree protection most important  
- protection not mitigation

Date: 8/2/04

Name: Susan Murray

Address: 11555 SW Denfield St.  
Bvt 97005

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

30

Subject of your testimony: GOAL 5

\_\_\_\_\_

Date: 8-2-04

Name: Steve Miller

Address: 14685 SW TROCT AVE CT  
Beaverton, OR 97007

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

32

Subject of your testimony: PROPOSED RESTRICTIONS

\_\_\_\_\_

Date: \_\_\_\_\_

Name: Bill Gorman

Address: 8888 S.W. KATHERINE LANE  
PORTLAND

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

33

Subject of your testimony: Goal 5

Date: 8/2/04

Name: Mary Mansseau

Address: 5230 NW 137th Ave  
Portland, OR 97229

I represent:  Myself  Other

Add my name to this topic notice list:

35

Subject of your testimony: Wildlife Criteria  
Sampling

Date: 8-2-04

Name: Ron Thompson

Address: 3231 Laramie Drive  
Forest Grove OR 97116

I represent:  Myself  Other

Add my name to this topic notice list:

34

Subject of your testimony: Goal 5 protocol

Date: \_\_\_\_\_

Name: April DeBolt

Address: 5625 NW 137th Ave  
Portland OR 97229

I represent:  Myself  Other

Add my name to this topic notice list:

36

Subject of your testimony: Goal 5

Address: 8855 Kathryn Lane

Date: 8/2/04

Name: Chris Scheller

Address: 8301 SW Canyon Lane  
Portland OR 97005

I represent:  Myself  Other

Add my name to this topic notice list:

Subject of your testimony: T.B Goals

Date: 8/2

Name: John LeCavalier

Address: 1622 SE 55th  
Portland OR 97215

I represent:  Myself  Other

Add my name to this topic notice list:

Subject of your testimony: Goal 5

Date: 8-2-04

Name: Doug Malinowski

Address: 13450 N.W. Springside Ln  
Portland OR 97229

I represent:  Myself  Other

Add my name to this topic notice list:

Subject of your testimony: Tugatin Basin  
Goal 5 Plan

Date: 8-2-04

Name: Tom Wolf

Address: 2727 S.W. Chestnut  
Hillsboro, OR 97124

I represent:  Myself  Other Trout Unlimited

Add my name to this topic notice list:

Subject of your testimony: Support for  
Goal 5

Date: Aug 2

Name: Marlene Houtinger

Address: 8055 SW Barnes Rd  
Portland OR

I represent:  Myself  Other

Add my name to this topic notice list:

41

Subject of your testimony: Coal 5 ESEB  
Process

Date: 8/2/04

Name: Wendie Kellinck

Address: POBOX 1930  
Lake Oswego OR

I represent:  Myself  Other Briggs Public

Add my name to this topic notice list:

43

Subject of your testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Name: MARJORIE A HMEP

Address: 5563 NW CRADY LN  
PORTLAND, OR 97229

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

42

Subject of your testimony: Coal 5

Date: 8/2/04

Name: John Cooper, PhD

Address: \_\_\_\_\_

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

44

Subject of your testimony: More balance toward  
economic factors

Date: 8-2-04

Name: Dana Krawczuk - Ball Joint

Address: 101 SW Main St. St 1100  
Portland, OR 97204

I represent:  Myself  Other Residential developer

Add my name to this topic notice list:

Subject of your testimony: QUESTION RE MAP  
PRESENTATIONS & MEETING OF  
"site-level"

Date: \_\_\_\_\_

Name: FREDERICK BRITT

Address: 7770 NW KAILOA RD

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

Subject of your testimony: Goal 5

Date: 8/2/04

Name: Kathy Newcomb

Address: 17515 Cheyenne Way  
Tualatin

I represent:  Myself  Other also with Tual. Riverkeepers

Add my name to this topic notice list:

Subject of your testimony: on behalf of  
OHSU West Campus (Goal 5)

Date: \_\_\_\_\_

Name: KRISTIN ADVARI, Bill Janik LLP

Address: 101 SW MAIN ST, STE 1100  
Portland OR 97204

I represent:  Myself  Other OHSU

Add my name to this topic notice list:

Subject of your testimony: Goal 5

Date: \_\_\_\_\_

Name: Terry McHottigan

Address: 6880 NW KAIBEN RD  
PORTLAND, OR 97229

I represent: [  ] Myself [ ] Other \_\_\_\_\_

Add my name to this topic notice list:

Subject of your testimony: Goal 5

Date: 5/2/2004

Name: Jane Retzer

Address: Portland, Ore.

I represent: [ ] Myself [  ] Other Crestwood (Hewletts) Corp

Add my name to this topic notice list:

Subject of your testimony: Against initiative 36

Date: \_\_\_\_\_

Name: Rachel Nettleton

Address: 19185 SW Lisa Dr  
Aloha

I represent: [  ] Myself [ ] Other \_\_\_\_\_

Add my name to this topic notice list:

Subject of your testimony: Preservation of native habitat

Date: \_\_\_\_\_

Name: Pearl Paulson

Address: 13285 SW Woodshire  
Tigard OR 97223

I represent: [  ] Myself [ ] Other \_\_\_\_\_

Add my name to this topic notice list:

Subject of your testimony: Goal 5

Date: \_\_\_\_\_

Name: Meryl Redisch

Address: 2740 SW 2<sup>nd</sup> Ave  
Portland, OR 97201

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

Subject of your testimony: Fishback creek  
dying trees & remediation  
costs

Date: 8/2/4

Name: Steve Yates

Address: 851 NE Brennan Ln

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

~~I GAVE TAPED TESTIMONY IN ROOM 54~~

Subject of your testimony: Goal 5 program  
in Room 125

Date: 8-2-04

Name: Dee Jenkins

Address: 11755 SW 114<sup>th</sup> Pl  
Tigard OR 97223

I represent:  Myself  Other Biodiversity Project

Add my name to this topic notice list:  of Tigard

~~TAPED TESTIMONY 56~~

Subject of your testimony: Save our  
"green spaces" - quality  
green spaces

Date: 8/2/04

Name: Keith Johnson

Address: 15250 SW Emerald St  
Beaverton

I represent:  Myself  Other husband & friends

Add my name to this topic notice list:



9:10 PM NOT PRESENT

57

Subject of your testimony: Habitat protection

Date: 8/2/04

Name: Linda Lane

Address: 4911 SW 59th Ave  
Portland OR 97221

I represent:  Myself  Other

Add my name to this topic notice list:

59

Subject of your testimony: Tualatin River protection and strictly "limit" areas - Floodplain development in Tualatin

Date: 8-2-04

Name: Bonnie Peterson

Address: 10155 S.W. Jurgen Lane  
Tualatin, OR 97062

I represent:  Myself  Other

Add my name to this topic notice list:

9:10 PM NOT PRESENT CHARGED TESTIMONY

58

Subject of your testimony: Part of Portland input on Tualatin Basin Goals program

Date: 8/2/04

Name: Mary Gibson

Address: PO BOX 3529  
Portland, OR 97208

I represent:  Myself  Other POIT

Add my name to this topic notice list:

60

Subject of your testimony: Goals

Date: 8/2/04

Name: Tara Grover Dees

Address: 328 SW Sutherland Way  
Aloha 97006

I represent:  Myself  Other

Add my name to this topic notice list:

Subject of your testimony: INACCURATE/ILLOGICAL  
RESOURCE WASTAGE; IMPRACTICALITY  
OF DENSITY TRANSFER; INADEQUATE  
PUBLIC NOTICE Date: 8-2-04

Name: CRAIG BROWN

Address: 12555 SW 69th - #100  
Burnside on 57225

I represent:  Myself  Other

Add my name to this topic notice list:

Subject of your testimony: Value of Natural  
Spaces

Date: 8/2/04

Name: Catherine Johnson

Address: 6111 SW Lesser Way  
Portland OR 97219

I represent:  Myself  Other

Add my name to this topic notice list:

Subject of your testimony: Goal 5

Date: 8-2-04

Name: Carol Chesarek

Address: 13300 NW Germantown Road  
Portland, OR 97231

I represent:  Myself  Other

Add my name to this topic notice list:

**August 2, 2004**

**Public Hearing Minutes**



**Tualatin Basin Natural Resources Coordinating Committee  
Public Hearing  
Public Services Building  
Shirley Huffman Auditorium  
155 N. First Avenue, Hillsboro, Oregon**

**August 2, 2004  
6:00 to 8:00 p.m.**

**I. Introductions :**

Vice-Chairman Drake called the meeting to order in the absence of Chairman Brian. He asked the committee members present to introduce themselves to the audience for the public record. Chairman Brian arrived shortly thereafter and took over the meeting.

**II. Briefing on ways to testify – Anne Madden**

Ms. Madden provided the following guidelines to the audience in order that the public hearing proceed smoothly:

- There is a numbered card system set up for testimony; people will be called to testify in numerical order by Chairman Brian
- Testimony time limits: three minutes is allowed for individuals; five minutes if you represent a group
- State your name and address for the record
- Give written testimony to the clerk
- Room 125 is set up for taped testimony which will be transcribed, if members of the audience prefer not to testify before the committee
- Blue comment cards are provided for written testimony – mail in these cards or turn in to staff this evening
- Email is accepted as long as the email is complete with name and address
- Public record will remain open until August 9, 2004 at 5:00 p.m.
- The Coordinating Committee will have an additional week to deliberate, and will make recommendation to the Metro Council on August 16, 2004
- Tualatin Valley Television is taping this hearing. This program will be broadcast on Channel 30 during the month of August
- Please keep auditorium aisles clear. Room 140 is provided as an overflow room with a TV for viewing activities in the auditorium, should the auditorium be full.

**III. Staff Report :**

Mr. Curtis said Goal 5 is one of the Land Development and Conservation Goals; one of 14 goals that apply to the Tualatin Basin. Goal 5 deals with many natural resources, but

the ones that will be discussed tonight and throughout this planning process are the riparian and fish and wildlife resources. Goal 5 has a very elaborate administrative rule that outlines the process for undertaking an analysis, and ultimately designing a program for protecting these resources. In general, this elaborate procedure falls into three steps: 1) Conduct an inventory of resources, 2) Complete an analysis of what would happen in regard to either protecting or not protecting these resources and make a decision on what avenue needs to be taken, and 3) Figure out what the rules should be for protecting said resources.

Metro conducted the inventory, and subsequent to that inventory, the Tualatin Basin Natural Resources Coordinating Committee was formed by local governments through and Intergovernmental Agreement with Metro. The committee sought and were provided the opportunity to conduct the second and third steps of the process – to complete an analysis and determine the program. The program recommendation will then be given back to Metro for their evaluation. The yardstick used in the agreement with Metro in determining the success of the program was the demonstration that the environmental health in the Tualatin Basin would be improved. The Tualatin Basin Natural Resource Coordinating Committee's work and analysis has been focused around these two things: demonstrating that the environmental health of the Basin will be improved and also creating a valid Goal 5 program.

Staff has provided the committee with a recommendation this evening in the form a document entitled, "A Recommendation from the Tualatin Basin Steering Committee" that includes the program recommendation from the steering committee. In general, the proposed Goal 5 program is summarized in the overview document, and these are the statement of planning principles and approaches that are recommended to the committee. There is also a lengthier document with a prose explanation of the origins of the recommendation.

Mr. Curtis said that staff is recommending that the Goal 5 work that the Tualatin Basin should consider for adoption includes the use of land use buffers, use of design regulations, and the use of revenue tools. Staff has also revisited the conclusions that were made on a tentative basis at step two when the committee decided to make recommendations about allow, limit and prohibit. There have been some adjustments made to those recommendations that are in response to the committee's admonition to staff to look back at that decision as more was learned about the program. Those are contained in a series of maps that cover the urban portion of the Basin that are also included in the document. This information has all been presented before the coordinating committee over the last several months and now is finally compiled in these documents. It is staff's hope that this document will be considered as a working document that is subject to adjustment based on the public testimony received tonight.

Staff suggested conducting the public hearing in the manner outlined by Ms. Madden. At the end of the meeting, it is suggested that the oral portion of testimony be closed, but allow the written record to remain open until 5:00 p.m. on August 9. In the meantime, staff will take the provided testimony, summarize this information and make recommendations to the coordinating committee for their consideration. The hearings should be continued for committee consideration to August 9 and August 16. Issue

Tualatin Basin Natural Resources Coordinating Committee  
Public Hearing  
August 4, 2004  
Page 3

papers on topics raised this evening will be written and provided to the committee in the near future for consideration.

**Testimony:**

1. **Tom VanderZanden**, 15903 NW Logie Trail Road, Hillsboro, OR 97124, said he wears many hats before the committee tonight: resident, farm president for Walter J. VanderZanden farms, government service worker for 30+ years in the transportation and planning fields, and now as a consultant for Irvine Consulting. Mr. VanderZanden showed a map to highlight his most central comment (this map was over-sized and not turned in as part of his testimony). He indicated an area on the map which represents the new Urban Growth Boundary (UGB) in the Bethany expansion area. He said this entire area, with the exception of what was zoned in 1998 by the county, was designated as "future urban" as opposed to "urban" when the inventory criteria were applied. He noted that in a particular 100-acre portion, it has been treated as though it were outside the UGB. He is requesting that under the law, all areas in the UGB expansion area be treated the same when applying the inventory and its criteria. This would mean a significant change in the degree of restriction that would be caused by the inventory. Mr. VanderZanden said he thinks it was likely a mistake or oversight that needs to be corrected. He said his other concern is that if an urban designation isn't treated as urban that we will simply need more territory, and this will result in going out to the agricultural areas to obtain this territory. He said he thought some of these designations seemed excessive for an urban community (large buffers, etc.).
2. **Mark Ellerbrook**, 19160 SW Pomona Drive, Beaverton, OR, said he owns West Oregon Nursery on Springville Road, and he is distressed by seeing this map for the first time tonight. He said he does have an irrigation lake which should have some sort of setback around it, but the map shows a stream which is actually a drainage ditch. This ditch carries water a month or so during the year and the proposed protected area has taken a huge part of his land. He said he has nursery stock in agricultural production on land and will submit a request for map change in writing.
3. **Keith Fishback**, 11375 NW Roy Road, Banks, OR, said he used to live in Bethany. The property he owns has no Goal 5 designation to it, however, his mother's property that he currently farms does have restricted or severely restricted designations applied to it. He said this area is mostly wooded pasture land where they have left trees as shade for cattle in the summer. He said the neighbor to the north has an old brush or fence row that has grown unrestricted and this is shown as a moderately limit area. They have not been able to farm up to this brush row. He said he serves as Vice-President of the Washington County Farm Bureau and is very concerned that these designations can restrict the development of urbanized lands and that once again, Metro will be forced to look into the agricultural lands for expansion of the UGB. He said if the committee truly wants to preserve farm land in Washington County, they need to be doing everything possible to preserve these valuable agricultural lands. Mr. Fishback provided written testimony to the clerk.
4. **Bruce Hosford**, 7805 NW Kaiser Road, Portland, 97229, said they have 72 acres that has been in his wife's family for over 60 years. He said they did not receive notice of these hearings, nor did many of his neighbors. He said they became aware of the hearing by word-of-mouth. He said he attended the open house in Forest

Grove last Wednesday. He said he would like to see a detailed map and the provided map shows nothing. He said the least staff could have done is to send a detailed map showing how the proposed designations affect property in the expansion area. He said when they look at the map, it's shocking. Of their 72 acres, 47 acres are ruled unbuildable; he noted that only about five acres of their land has wetlands, the rest is canopy – trees he and his wife planted with the Forestry Service. He said they have harvested some of those trees, have taken care of them and now it's being deemed unbuildable. Mr. Hosford said, "that's stealing our land. It is wrong, absolutely wrong." Mr. Hosford said he doesn't understand where they are coming from on this. He said he was very angry about this. He said the setbacks for wetlands are extensive, excessive, he doesn't know who did the map, why they did it, and if it is incorrect, then shame on you for putting it out, and you're responsible for it. He suggested the map be done correctly the first time. How would a staff member like it if they sold their home and property and were told by the government they could only have half or two-thirds of the money. Mr. Hosford said they are not against conservation, but this excessive land grab is too much.

5. **Kelly Ross**, Homebuilders Association, Lake Oswego, OR, said he has provided extensive written testimony and would make a few brief points taken from his testimony. When he appeared at the last public hearing in March he expressed strong concerns about the ESEE analysis being too abstract, vague and general to allow for a fully informed review. He also said they presented fears that residential land had been undervalued in the program's overall approach and urged the committee to consider the serious impacts that additional restrictions could have on the region's buildable land inventory, and future ability to maintain a compact urban form. He is here to tell the committee tonight in the strongest form possible that the concerns, fears and anxiety have only increased as this process becomes more crystallized. He has been trying to get data on the potentially impacted acreage amounts of residential land under the program and last Thursday he received a set of data from the county's GIS analyst. Since writing his testimony on this he has been informed that his interpretation of the data may be incorrect. He said he took the data at face value which indicated that over 1800 acres of vacant residential land, both single family and multi family, would be included in the strictly limit designation. Over 1800 acres is over 3 square miles of vacant developable land that would be removed from the buildable land inventory. Based on that amount, he did a quick economic analysis based on a housing impact model. This information is included in a table format in his testimony. This loss of land could result in the loss of 8,500 to 14,000 housing units. The economic value of that housing represents \$857 million dollars of \$1.34 billion dollars just in the first year, directly attributed to new construction. This also represents a great loss of tax revenue, fees for local governments and between 18,000 and 29,000 jobs.
6. **Jill Fuglister**, 310 SW 4<sup>th</sup> Avenue, Suite 612, Portland, OR 97204, said she represents the Coalition for a Livable Future, an alliance with 68 non-profit organizations that represent 20,000 citizens working in the tri-county region to ensure that development is environmentally stable and socially just. She said they have serious concerns about the program being proposed tonight and also has concerns about the public involvement process that's been used to adopt it. She said they see the current work on Goal 5, the Tualatin Basin and Metro at the



regional level as being one of the critical opportunities of this decade to protect and improve the quality of life and build upon our region's legacy of exceptional growth management and planning. She said as the committee is aware, it's our quality of life that is this region's trademark and which has played a key role in attracting technological firms. It is also a critical asset to our overall economic prosperity. She said the program being proposed puts this quality of life at risk. From a social equity perspective, a strong Goal 5 program would be key to ensuring that all citizens in all communities have access to nature close to home. However, the coalition is concerned again that the proposed program would not allow them to meet that objective. In response to Mr. Ross' testimony, she said one of the things the coalition strongly advocates for is the development of more affordable housing. She said one of the challenges of affordability has to do with the type of housing. She said if the focus is more on affordable housing, it wouldn't be necessary to build as many large houses, and instead use the land much more efficiently. It wouldn't be as much of an issue that we are protecting land for habitat needs because we would be able to house more people on the land that is available. The coalition is pleased that the program being proposed will protect 4000 acres of habitat classified as strictly limit; however, this alone will not be sufficient to protect habitat function throughout the Basin. Therefore, they urge the committee to designate as strictly limit all Class 1 riparian habitat that is currently designated as moderately limit on the Goal 5 map, and in addition, they urge them to strengthen the standards to avoid and minimize impacts on all resources designated moderately limit. The proposed program for mitigation should be redesigned to conform with federal and state standards that rely on the best available scientific analysis, and aim for a "no net loss" of resource functions and values. The currently proposed plan for mitigation would result in significant habitat loss.

7. **Mike Houck**, Box 6903, Portland, OR 97228, said he represents the Urban Greenspaces Institute and the Coalition for a Livable Future. Mr. Houck said he worked 22 years ago with staff on the Goal 5 inventory. He said 20 years later, the Tualatin Basin still lacks an ecologically-based program that provides adequate protection and restoration of riparian and upland habitats in spite of that previous work. Mr. Houck said the plan, as currently written, fails to remedy this issue. Mr. Houck said he would outline the fatal flaws of the draft plan as follows: A) It fails to respond to the regionally adopted vision and goals of the Region 2040 concept, B) It fails to acknowledge that there is a regionally adopted Greenspaces Resolution that addresses the issue of regional and local density and capacity goals, C) The plan's reliance on mitigation instead of protection and restoration in lightly limit zones will result in further degradation of regionally significant fish and wildlife habitat. The proposed mitigation is contrary to broadly accepted state and federal mitigation policies, D) The basin proposal fails to address the economic and ecosystem services value of fish and wildlife habitat. Mr. Houck said there are other studies other than what Mr. Ross has provided that indicate the economic value of fish and wildlife habitat. Mr. Houck quoted the region's Greenspaces Resolution, adopted in 1996 into the Metro Code 3.07.860 and included sections of this in his written testimony that was submitted for the public record.
8. **Mikki Blizzard**, 16815 SW Pleasant Valley Road, Beaverton, OR, said she has lived in Washington County for 26 years and has been involved in land use and

transportation issues since 1989. Ms. Blizzard said she is representing the Transportation Working group of the Coalition for a Livable Future. She said she appreciates the efforts of protection, however, she has a couple of concerns. For example, connectivity - look at this as a whole - just as connectivity is important to transportation networks, it is also important to wildlife habitat. Too fractured a situation will cause the loss of valuable habitat they are trying to protect. She is also concerned about the exemption for planned transportation improvements. She said this needs clarification. A planned transportation improvement might be a new freeway that would have devastating impacts on the habitats and even major road construction. She asked why should transportation have special treatment here? Certainly the wildlife habitat is just as important to the character and economy of Washington County. Natural resources and transportation need to be balanced. She said in terms of public involvement, she was dismayed at the short notice given. As an affected landowner, she said she was notified about these proceedings on July 25; that three public meetings would take place in the next five days and this public hearing barely 8 days later. She said this is not enough notice, especially during the summer months. Protection of natural resources and habitat is just as important, to not only the livability of Washington County, but the economic vitality and growth of Washington County.

9. **Jim Labbe**, Urban Conservationist, the Audubon Society, 5151 NW Cornell Road, Portland, OR 97210, said the Audubon society has been involved in natural resource planning in Washington County for over 20 years. They have been involved in this because of the substantial membership in the community and because of the importance of protecting and restoring the Tualatin Basin as a part of a larger ecosystem in the Portland metro area. Mr. Labbe said he had about nine pages of specific comments and requests of the Coordinating Committee that he will submit into the public record. He said he wouldn't go through those comments at this time, but would step back and remind the committee of the context of why they are doing this program. He said that in his opinion, this is the recognition of limits: the limits of watersheds and the ecosystems to provide things that we all value and benefit from and have been benefiting from for many years. It is about the capacity to provide clean water, fish and wildlife, clean air and livable neighborhoods. The way we've planned our communities in the past hasn't recognized those values in urban areas. He said this is really a culmination of 20 years of not recognizing those values. This is also about a generation's responsibility to vet the rights and responsibilities of land ownership and use. He said nothing in this proposed program prevents people from using their property; it's about ensuring that development, where it occurs, avoids and minimizes impacts on the public trust values. He urges the committee to continue to keep this in mind as they continue to develop this program and make decisions. He noted that of the approximately 12,000 acres of unprotected fish and wildlife habitat in the Tualatin Basin, the program only proposes to protect just under half of this acreage. He said he thinks that indicates in gross terms just how far we need to go in making this program stronger to achieve the goals we've set for improving the overall watershed health of the Basin and for protecting, conserving, and restoring an ecologically viable stream corridor system for wildlife. He said he appreciates the time the committee has put into this and looks forward to continuing to work with them.

10. **Al Waibel**, 22595 NW Quatama Road, Hillsboro, OR, said he supports the goals and ideals of the Goal 5 program, however, he sees an implementation problem. He said the problems he sees are two-fold: 1) Lack of consistent and scientifically accurate mapping of the potential resource areas. He said a lot of the work that has been done is from aerial photos. Not everyone doing the air photo work is fully capable and experienced in identifying things other than tree canopy. He said it is important on such a project that if an area is identified as wetlands that upon physically going out to a site it would in fact be a wetland as defined by the Oregon State Division of Lands. In many cases this is absolutely not the case, and as it does not follow scientific integrity, then the program opens itself up to losing credibility and attack by those who don't agree with the Goal 5 program. The second aspect that he thinks there is a problem with is how it will actually be carried out. He said the Goal 5 program right now has a process which richly rewards property owners (economically) who have intentionally eliminated critical habitat areas, while economically penalizing property owners who have acted as caring stewards of their land. He said he is not a supporter of Measure 37, but there are other equitable ways of finding a method of rewarding, not penalizing, those people who actually maintain the spirit of what the committee is trying to present. Mr. Waibel submitted his own written testimony as well as that of his neighbor, Edd R. Evans, 22420 NW Quatama Road, into the public record.
  
11. **Nancy Jane Cushing**, 14670 NW Twinflower, Portland, OR, said she has been a real estate agent in Portland for the last 12 years. She said she believes there can be a balance between homes and protecting habitat, however, it is her experience that people are looking for a small slice of nature in their own back yard if they can afford it, or at least close by. People will pay a lot of money just to have that amenity. She said greenways, wetlands, healthy stream beds, natural animal corridors, and forested areas all add value to property. She said habitats that are effectively interconnected offer homeowners and all of us a greater opportunity to view wildlife, and it reminds us that we share the community with plants and animals. She urged the committee to support the maximum protection for high value habitats, such as Fanno Creek Greenway, Rock Creek Stream Corridor and the Ash Creek Wetlands. She said she is not in favor of mitigation as a first line of defense. Protection is our first line of defense. She said if there must be mitigation then it should be a full compensation to any lost habitat because this is a public, wildlife and housing value. One reason the Portland area has maintained such a strong market is because of the thoughtfulness of others before this committee who placed a high value on protecting our rich habitats, which has increased the quality of our lives and home values. She said we must continue to conserve and protect habitats for wildlife more than ever as the demand for space increases. We cannot afford to lose one more acre of rich habitat that hundreds of wildlife depend on. It is time that we acknowledge that wildlife are at their limit and we, too, will follow suit. She said it is necessary for everyone to become stewards of the land that belongs to everyone - future family, animals, neighbors, and the community. She thanked the committee for supporting the idea and hopefully implementing the support of stream restoration by increasing the SWM fees to fund it. She urged the committee to support higher protection for the higher value habitats so we can continue to maintain a strong, livable and profitable housing market by focusing on quality rather than quantity. Ms. Cushing submitted her written testimony into the record.

12. **Grego Sanguinetti**, 14705 NW Springville, Portland, OR 97229, said he had never been notified of any of the allow/limit/prohibit mapping and had just seen it for the first time today. He said he was informed of this hearing by Tom VanderZanden by phone. He said he takes objection as to how the notification process was handled. He said his property is a small piece 3-acre piece of property, very odd in shape, and it impacts people on both sides of him (the Fishbacks and the West Oregon Nursery) He said his property has been designated almost entirely as strictly limit, except for part of his driveway. Yet, inside this property he has a pasture, barn, an 1800 square foot green house, a 1200 square foot equipment shed, a 3400 square foot home and attached garage/car port. The property is well-developed. He said he's maintained some trees around the outside of the pastures and the main section is rhododendron gardens. He said this area was "forced into the UGB and now they are told they can't develop it. Everything around it is going to be developed." Mr. Sanguinetti said he takes objection to his property being designated as strictly limit and much of this needs to be re-examined.
  
13. **Gin Park**, 13555 NW Laidlaw, Portland, OR, said he is the owner of the Reserve Golf Club. He said that since he came here, he has created thousands of jobs and has contributed millions of dollars into the local economy. He noted that he also owns a plant nursery in the Bethany area. The nursery is 125 acres. He said he thinks that the committee is moving too fast because his property has been erroneously marked green on his parking lot and greenhouses (indicating this as a resource land). He stressed that the maps are not accurate. He was very concerned as to how fast the process has been moving along. He urged the committee to do studies, pay more attention to detail and to correct the mapping errors. Mr. Park said he did not get the notice regarding these meetings and hopes in the future he will receive the notices.
  
14. **Katherine Moritz**, 7661 SW 74<sup>th</sup> Avenue, Portland, OR, said she is here because she thinks a comprehensive tree ordinance should be included in this plan. She said there have been planning, zoning permits and building codes developed because we've come to the conclusion that as a society, what one person does on their land affects the well-being of those around them, and the community as a whole. She said trees are the largest and longest-lived life forms on the planet and a mature tree or group of trees on private property impacts the neighbors, the streets, the character of neighborhoods, and the entire bio-region as a whole. She said we know that they directly benefit our watersheds in a number of ways by controlling run-off and providing critical habit. In an urban environment, they muffle noise, mitigate air pollution, bestow privacy, create outdoor spaces, provide shade in the heat, and reduce social stresses of all kinds. She said she wants her government to protect trees for everyone. A mature tree represents 40, 60, 80, 100+ years or more of a bioregional investment. She said as things now stand, in the vast majority of cases a homeowner can destroy this [trees] in an afternoon with no restraints of any kind. She said we don't let people build houses or commercial buildings this way, why do we allow a major element of our regional character to be managed in this fashion? She noted that in the eight years she's lived on her street within 50 yards of her front door, she has witnessed 13 mature, healthy trees cut down. Other trees have been mutilated, topped and not watered adequately to be sustained. She said

stewardship of trees should be assumed by a new property owner when they buy a house, according to community agreed upon standards. This would include a tree ordinance that would be administered and enforced. She said she understands the Audubon Society has a specific ordinance proposal based on the Lake Oswego tree ordinance. She urged the committee to adopt the Audubon Society's recommendations for the sake of the entire watershed, bioregion and world.

15. **Brian Wegener**, Watershed Watch Coordinator, Tualatin River Keepers, 16507 SW Roy Rogers Road, Sherwood, OR 97140, submitted seven pages of written testimony and seven points of action he'd like the committee to consider. He said he would highlight a few issues that others haven't highlighted. He noted that everyone has been talking about the ALP map and the regulations, but he'd like to talk about the investment in restoration that's being proposed in this program. He said \$127 million dollars is proposed to be spent over the next 20 years, and looking at the menu of items this is to be spent on, there are significant items on that list that need to be preserved and restored in the Tualatin Basin. Of concern to Mr. Wegener is the minimal investment in disconnecting our streets from our streams. He said if you restore the habitat but don't take care of the water that flows through it, you are not going to bring the fish back. In the \$127 million dollars, less than 2 percent is proposed to go for storm water retro-fits. He thinks they need a much greater investment to be able to achieve the water quality standards that were set in the total maximum daily load process and our fish and wild life from storm water pollution. Another point he wished to make that the program is missing is in the fee-in-lieu for mitigation program. At the last steering committee meeting the previous Thursday, there was a change to that program that backed out land costs. Previously all proposals that had been seen about the fee-in-lieu mitigation had land costs included in it and that is consistent with federal and state fee-in-lieu mitigation programs. Mr. Wegener said the problem with taking out the land costs is two-fold: First, when development takes a public trust resource like fish and wildlife or clean water, it's their responsibility to fully compensate the public for that loss. When you subsidize this by providing the land for mitigation on public land, then it's the public subsidizing private development. Two, on the other hand is what Mr. Waibel said this evening about needing to reward those individuals who have been good stewards of their land and give them incentives to participate in this program. When the government undercuts the market for mitigation services by having a fee-in-lieu of mitigation that doesn't cover the full cost of mitigation, it cuts out private property owners from participating in that market for mitigation services. The absence of land costs in the fee-in-lieu mitigation program is keeping some private landowners out of an economic opportunity that's good for both the landowner and for the public by investing in restoration.

16. **Jonathan Schlueter**, Executive Director, Westside Economic Alliance (WEA), 10200 SW Nimbus, Suite G-3, Tigard, OR 97223, said WEA is a group that is interested in improving the business climate and economic vitality of communities on the west side. Mr. Schlueter said WEA has a significant interest in the economic and environmental health of the Tualatin Basin, and in enhancing the quality of life that attracts both human residents and wildlife species to live and co-exist here. He noted they are reminded daily of the current economic conditions of this area; particularly that Oregon continues to be second in the highest levels of

unemployment in this country, are challenged to supply adequate funding for our public schools, provide for affordable housing for residents and has one of the highest rates of hunger in this country. He said this economic malaise, if it is to be reversed, must balance the environmental livability of our communities with our need for economic growth and sustained job potential in this region. Mr. Schlueter said that the WEA has several questions about the Goal 5 initiative undertaken by the Tualatin Basin Partners. He said the WEA applauds the committee's efforts to try to reach local solutions to local problems and prefers this to a regional, state or federal "cookie cutter" or generic approach to curing the environmental and social concerns of the Tualatin Basin. He said the WEA is unable to establish answers to six questions:

- Where's the goal line, how is the \$127 million dollars to be spent to enhance the environmental quality of the Basin. How is this defined?
- A program of this magnitude and importance must be well-conceived and planned. The Partners must not be pressured into adopting bad policies.
- Carrot or stick: Partners are missing an important opportunity to work cooperatively with landowners and developers, by instead choosing the more heavy-handed approach to regulate their actions and restricting the landowners' rights to develop their land.
- Chilling economic growth and development – casting questions and raising doubt in regard to future development.
- Shrinking the UGB - Just for the housing component alone, it would cost 1,800 acres of land and thousands of housing units, not to mention the implications for commercial and industrial portions.
- Increasing pressure on the Metro Council to expand the UGB.

Mr. Shleuter encouraged the committee to consider these points. Mr. Schleuter submitted his written testimony into the record.

17. **Steve Mullinax**, 4648 SW 39<sup>th</sup> Avenue Drive, Portland, OR, said he owns a home near a headwaters tributary of Fanno Creek. He said he supports strong Goal 5 protection, especially for Class I Riparian and Class A Wildlife habitat. He has volunteered thousands of hours with the Bridlemile Creek Stewards. They frequently observe many species of birds, cutthroat trout, and have seen spawned out steelhead in Fanno Creek in Beaverton this past winter. He said he hopes that anadromous salmonids will one day return to the headwaters area. He said that Fanno Creek has improved in its biotic integrity, however, the creek remains seriously impacted. He thanked the committee for the protections proposed for certain high value habitats, however, the latest proposal does not adequately protect remaining habitat. He noted that of the over 12,000 acres of regionally significant habitat inside the UGB, about 6,000-7,000 acres is still subject to degradation or destruction by development. Some one thousand acres includes the highest value habitat, including threatened, sensitive or at-risk species. He said mitigation is not

an adequate response to the permanent loss of these irreplaceable high value habitats. Even for lesser-value habitats an EPA study has shown that mitigation is usually unsuccessful. He requested that the committee strengthen the proposed protections. He said he supports the comments of the Tualatin Riverkeepers and the Audubon Society of Portland. The Tualatin Basin's long term health and livability depend on the committee's decisions.

18. **Donna Matrazzo**, 19300 NW Sauvie Island Road, Portland, OR 97231, said the heart of the issue at hand is this: Can we have urban development and still avoid, minimize and mitigate the impacts on streams and watersheds? Instead of scraping the land clean of its natural vegetation and character, can we construct highly marketable and desirable buildings while protecting natural ecosystems? She said the answer is yes. Ms. Matrazzo listed several examples of where this has occurred successfully in the metro area. She mentioned a book titled, "*Building Inside Nature's Envelope: How New Construction and Land Preservation Can Work Together*" which shows a plenitude of examples from around North America. She said a quick local survey shows how construction and conservation are working together in this region and cited several examples where only small numbers of trees were removed, retaining the topography of slopes to reduce chances of landslide hazards, and habitat remained protected. She noted one site where lots shared common back yards with wetland views. She said these architectural designs had received various industry design awards. Homes, residential communities, commercial development, and corporate facilities can be designed with environmentally friendly building approaches that maintain natural ecosystems. People love to live and work in these places that are in harmony with nature. She urged the committee to adopt a regional fish and wildlife habitat protection plan that protects streams, wetlands, uplands and floodplains and sustains native fish, wildlife species and their habitats. She said there is a need for communities that fully integrate built and natural environments.
19. **Chris Goin**, Labyrinth and Llamas (and United Church of Christ) Organic Produce, 36900 NW Spiesschaert Road, Cornelius, OR, said she is an organic farmer who has opened up her farm to the public to give them a place where they can visit the wildlife, pick produce, and become part of nature once again. Ms. Goin said she has done what she can to attract wildlife such as western pond turtles, egrets, mergansers and wood ducks. She said the zoning of her property is now in transition and she has to wonder what will soon be lost in the name of progress and development. She stressed that the planet has to start coming first. She said the devastation that the thirst for money and development has caused on the earth is astronomical. She said she is often reminded that people are selfish. She said there must be strict rules and regulations imposed because the nature of people requires it.
20. **Ian Dees**, 328 SW Sutherland Way, Aloha, OR 97006, thanked the committee for their hard work, listening to public opinion and searching for the best balance between development and preservations. The committee's efforts to maintain a balance of nature and development will continue to attract people like himself to the beauty of this area. He said he came this evening to ask that the committee adopt the most stringent restrictions possible on new development in urban habitat, in

particular, please strictly limit development in Class I riparian areas currently marked moderately limit. He also asked that they drop the exception allowing up to 85 percent development of moderately limit areas. He also supports the increase in the SWM fee to pay for stream habitat restoration. He asked the committee not to allow the fact that some areas are already degraded to discourage them from continuing to protect those areas. Development and preservation are not opposites; done properly they are complementary processes. He said the committee is aware of low-impact development techniques that take the best advantage of limited space. These techniques must be practiced to the exclusion of shortcuts such as fee-in-lieu of mitigation. When mitigation is practiced, it should harness the wealth of research available from natural resource agencies to implement "no net loss" programs. He said no short-term gain is worth the long-term economic damage caused by making an area unlivable and driving people away. He said if the local riparian areas are ruined, the local economy will suffer as people move away. Development will suffer because the market will not support structures with no surrounding beauty or uniqueness. Mr. Dees thanked the committee for taking on this daunting task. He said thousands of citizens are counting on the committee to maintain the courage displayed thus far to adopt stringent limits and to enforce them.

21. **Joan Patterson**, 25795 SW Meadowbrook Lane, Sherwood, OR, thanked the committee for the opportunity to testify. She said she is representing the Friends of the Tualatin River Wildlife Refuge, which is the only natural wildlife refuge here in Washington County, and is one of 10 urban refuges in all of the U.S. She said they have had the opportunity serving on the refuge to do many hours of restoration work. Their organization has seen first-hand the importance of preserving the riparian areas that are still intact. She said it is their hope the committee's decision would be to make mitigation on current riparian areas absolutely minimal, because a need exists to have riparian areas connected for both wildlife and for people. They have seen the importance of providing high quality water, and to also take note of the quantity of water that is going onto these restored lands. She said the restoration work doesn't last if the water quality is poor. Storm water run off severely impacts the restoration work that has occurred. She said the restoration effort on just a small section of the Tualatin River has made a huge difference in the numbers of wildlife – going up from 35 species in 1992 to 175 species on the restored portion. She said this has also provided a focus area for the community of Sherwood and will provide many economic benefits to the community once the area is opened to the public. It will provide a large amount of livability to the area surrounding the refuge. Housing prices are up near the refuge, and it also brings tourism to Sherwood. Ms. Patterson said she hopes they committee will impose the strictest standards for preserving important fish and wildlife areas.

22. **Jim Irvine**, 16550 SE 232<sup>nd</sup> Boring, OR, said he is a builder/developer who owns property in Washington County. He is a partner in Irvine Consulting and serves as consultant for that group. He noted there has much discussion this evening regarding the economy/jobs/housing vs. nature. On the issue of affordable housing he had some statistics to share. He said that on an acre of buildable land today, developers like to be able to have eight units per acre, minimum. Land costs are about \$50,000 per lot for a 3,000 square foot lot of raw land. He said the cost to develop that land is \$45,000 per lot, so the cost is now at \$95,000 per lot for land,



structure, engineering, soft costs, development fees and title insurance, etc. The timeline that it takes to develop a property is in the neighborhood of 18 months at a minimum. This adds additional costs. He said the reason he shares the numbers with the committee is to illustrate the notion of affordable housing. This is relevant to share because it relates to the land supply. He said whatever public policy is used to constrain the land supply pushes up the cost of the available land. He said as the committee makes these decisions, they need to be extremely judicious in finding a balance. He said he applauds the committee for the work they've done so far. In looking at the maps, because there are errors it provides great risk as to the ability to provide affordable housing. He asked the committee to look at the inconsistencies in the maps and to continue keeping the deliberations open to the public.

23. **Linda Craig**, 17645 NW Rolling Hill Lane, Beaverton, OR, thanked the committee for working together to protect wildlife habitat and natural resources in Washington County. She said that as a CPA, her livelihood depends on the strength of the economy in the metro area. She said she believes that our competitive edge and economic future depends on protecting our natural resources. Although she serves on an advisory committee for Clean Water Services, she is not speaking for that committee this evening, but does have some points to mention, having the experience of serving on the committee:

- Look at the cumulative impacts of the plan: maps have changed as late as last week, jurisdictions have created their own maps, no one could have looked at the cumulative impacts or habitat connectivity thoroughly if the maps are changing – as a result, almost half of the highest value habitat is not receiving the strictest protection.
- Some of the details of the plan need to be worked out: the SWM fee increase has not gone before the proper committees (through CWS) as yet. She supports the increase, however, said she feels it shouldn't be the only funding source considered.
- Beware of misleading signals – these are costly to both government and property owners, and reduce the public's faith in government.
- An element of this plan should be agreements to establish Basin-wide best practices for development – work together with other jurisdictions to allow permitting of best practices.

Ms. Craig's provided her written testimony for the record.

24. **Jim Kimball**, 17645 NW Rolling Hill Lane, Beaverton, OR, said he'd attended the open house last week, and focused his attention only near the area where his home is on the map. He said he lives near Bronson creek and noted the stream is only designated lightly limit. He said he asked Brent Curtis and Jennifer Wells of the City of Hillsboro and learned the following: 1) "You've decided to give priority to development over the environment in such areas if the economic value is rated high. 2) The map wasn't up-to-date and was to be changed so at least the area with trees would be 'moderately limit.' 3) The stream and riparian area would remain 'lightly limit' and didn't need more protection because of regulations adopted under Metro's Title 3 or state regulations or federal regulation by the Corps of Engineers. 4) The wetland is somewhat degraded. 5) OHSU needed to show as little protection as

possible on grant applications.” He said that he’d like the committee to consider making the stream corridor as strictly limit, then make the maps that reflect this. He urged the committee, in all cases, to avoid chasing development by degrading our advantage of a wonderful environment. He said he’d hope the committee would also listen to others who had more time to review more than this specific map location, such as Mr. Labbe of the Audubon society. Mr. Kimball’s written testimony was entered into the record.

25. **Peter Neketin**, 8771 SW 71<sup>st</sup> Place, Portland, OR, said he came here tonight to discuss several points regarding preservation of wildlife habitat which is a high priority in his value system. Among those points he was going to mention retaining the integrity of high value habitat tracts. He was going to discuss the steep decline in the bird population (except for the starlings), a steep decline in frog populations by a noted professor at Oregon State University, and discuss the loss of pollinating insects. However, he said if the proposal under consideration is as flawed as indicated by several people who testified this evening, and violates people’s property rights, then he is left speechless. He wondered whether the committee could resolve these problems and ensure a meaningful level of wildlife habitat preservation. He hoped the committee would come back with a proposal that will achieve all of these important goals.
26. **Jill Tellez**, 9280 SW 80<sup>th</sup> Avenue, Portland, OR 97223, thanked the committee for the opportunity to testify on this topic. She submitted written testimony which outlined her concerns. She said that the disappearance of natural resource areas is because of development. Economic gains from development such as property taxes, income taxes generated from new residents, creation of a new consumer base and new jobs are all economically viable benefits to a community. Economic benefits for maintaining natural resources are less obvious, but just as viable. She noted a study completed in 2000 by American Forests, a firm in Washington, D.C., which calculated the dollar values of natural resource preservation inside the Willamette Valley. The study applied dollar figures that the public would have to come up with due to the loss of trees. Ms. Tellez cited examples included storm water drainage, water purification, health benefits and the quality of life. Ms. Tellez noted that nature has an ecological niche system that employs a layering effect, and any disturbance of fringe habitat will negatively impact a high-value resource area. Natural resource protection has taken a back seat to development priorities. Local governments have the challenging task of attempting to establish a balance of development and natural resource areas. If our urban area continues to grow at the current rate, there will be no natural spaces left. Ms. Tellez suggested tax incentives for redevelopment. In addition to generating bond revenues and development fees, proposing grants, and fee-in-lieu of mitigation, she suggested that additional tax incentives could aid in taking the pressure off the development of undeveloped land. She urged the committee to give natural resource protection a higher value than it currently has, and stronger financial incentives to take the focus off new development in natural resource areas in order to preserve them.
27. **Fred Britt**, 7770 NW Kaiser Road, Portland, OR, told the committee he spent 35 years as a municipal bond writer in Seattle and had participated in the financing of schools, water/sewer districts, etc., through the greater Puget Sound area. He said

when they moved to Portland about 12 years ago he learned of the work with the UGB and controlled development. He noted that this area has done much better land use planning than what has occurred in the Puget Sound area. He said there have already been huge amounts of environmentally valuable land saved in the process which has been used in the past. He said tonight that he'd heard heartfelt pleas for saving the environmental aspects within the UGB, and wonders from his experience in seeing the contrasts that exist in so many other places, if the pendulum might be in danger of swinging too far. He said in many aspects this area is already ahead of most other areas in the country. He said he does have an objection to lodge about the manner in which this proposal has come about. He said he found the notice as a matter of chance on his kitchen counter and thought it was a piece of junk mail. He said he has seen four different maps, all of them slightly different, and has a huge objection to the haphazard nature of the aerial photos. On his own property, there are mapping errors. Also no one at Metro or anywhere else can explain to him exactly what the term moderately limit means. He said people are frustrated with the lack of answers. He said this process has been compressed into too short a time period and many people are still unaware of the process. He said if they are aware of it, then they can't get the proper answers to relieve their fears.

28. **Pat Whiting**, 8122 SW Spruce, Tigard, OR, submitted written testimony into the record. Ms. Whiting said she has lived in Washington County since 1972. In the 1970's she served in the Oregon State Legislature for three consecutive terms. She was vice-chair of the environmental committee that brought SB100 to the house floor. She said Governor Tom McCall appointed her to his task force on land use planning, and since that time she's been a volunteer with the local community, extension service and the CPO. She said the CPO has provided extensive information over June and July regarding these meetings and she thanked the committee for doing a good job. Senate Bill 100 (SB100) contained 19 goals and it contained separate goals for economic development, for transportation and for housing. She commented that the committee is dealing now with Goal 5 which speaks to the preservation of our environment. She said it is not the committee's duty within Goal 5 to set up criteria for development – that is in another goal. She said that in her submitted testimony she's made several recommendations. One is that under the sub-categories identified under Program Goals, she said that there needs to be language included here about "prohibit", and where there is wildlife and habitat within any urban area where there is still greenery and fish such as Ash Creek, there has to be the strictest rules and regulations because the surrounding areas are all developed. This is part of the livability within this community. Ash Creek is in 100-year flood plain and she notes that this has been flooding every 10 years. The CPO has taken a position against the 100 units per acre that has been superimposed on the Ash Creek Wetland by the Washington Square Regional Center. Citizens were told during the Washington Square Regional Center deliberations on the task force that the overlay was merely an overlay, that the environmental protections would kick in afterward. She is concerned that there is consideration being given to allow moderate development along riparian areas. She urged the committee to consider the strictest limitations. When Clean Water Services was known as Unified Sewerage Agency, it had a proposed project in the Fanno Creek Management Plan that would use this area as a flood storage area for water quality, and Metro had previously excluded this wetland flood plain from urban

growth targets. She also requested that development be prohibited in Class 1 riparian and Class A wildlife habitat, which includes undeveloped flood plains and habitats of concern. If the committee allows development in these categories, it should be strictly limit.

29. **Doug Hunt**, 15186 SW New Plymouth Lane, Beaverton, OR, told the committee the stream that is closest to his home is Johnson Creek. A few years ago he wrote a letter to Oregon Fish and Wildlife concerning restoration of native fish to Tualatin Valley streams. Mr. Hunt said to sustain a healthy creek is to define the health of our area in the Tualatin Valley and on the earth. Mr. Hunt said he serves on the executive committee for the Northwest Steelheaders, and also on the Willamette Water Quality Board that monitors the water for mercury levels. Throughout the years, he's worked with the Oregon Department of Fish and Wildlife in completing environmental studies and salmon/trout enhancement projects. They have completed surveys on the streams in the Tualatin Valley. They have found that there are a number of native fish species present, including cutthroat trout, steelhead, and the coastal cutthroat trout. The status of this fish habitat will undoubtedly impact the overall fish population. Siltation, bank erosion, lack of woody debris, and lack of sufficient cover all affect fish habitat. Construction, which typically affects habitat in the above ways, also makes it a risk for the native fish species to find refuge in the different areas of the creeks. Mr. Hunt is in support of the higher value of riparian habitat for stream corridors, floodplains, habitats of concern, and upland forests. Mr. Hunt said that fish are the most obvious and often the most important index of stream or creek health.
30. **Steve Miller**, 16855 SW Tracy Ann Court, Beaverton, OR 97007, said he'd received the 65-page document that was sent out last Friday (staff report), and said that this is a lot of material to review. He has attended a few of the meetings to observe and to gather the scope of the issue. He said he thinks the magnitude of this issue is way beyond what a lot of people understand and thinks this hearing should be continued for the public to get more information. Because of the magnitude of this issue he doesn't think that it's been looked at in a holistic way - for example, saving the resources, saving whatever is left to develop, what does it cost to develop, what kind of density are you left with, how does this impact a city, etc., - all of this needs further examination. He said he has been considering the impacts of program; streets that won't ever connect, the cost of mitigation appears to be very high per acre for moderately limit, and other unintended consequences that need to be looked at up front. He noted that prices vary for costs of mitigation between the jurisdictions. He said he hasn't seen a lot of information as to what's happening with people's back yards, however he thinks this will intrude on people's quiet enjoyment of their yards if they abut a creek and have restrictions on their property. He thinks this will affect property values and result in the loss of tax revenue.
31. **Susan Murray**, 11555 SW Denfield Street, Beaverton, OR 97005, said she'd like to echo some of the earlier comments in regard to the importance of trees in the urban forest. Trees Basin-wide are important to riparian health, providing not only habitat directly, but also adding to the health of streams by purifying and recharging ground water, quelling storm water run-off which increases water quality, and by preventing erosion. These functions all increase fish and wildlife health as well as human

health. Ms. Murray said one of the problems is that trees grow slowly. On average, redevelopment occurs on land every 30-40 years. If every time you redevelop, you cut down all the trees and mitigate by planting all of these matchsticks, you won't ever reap the benefits of the older trees. Ms. Murray said she wished to really emphasize tree preservation over mitigation and leave mitigation as a last resort. She said one idea to preserve the trees is to have a strong tree preservation program that would incorporate a regulatory approach (for example, a tree cutting ordinance that would apply to all trees Basin-wide and would grant or not grant permits based on natural resource value as opposed to ALP designation) as opposed to non-regulatory or carrot approaches (which would include public education, programs that garner public interest or pride in community trees, financial incentives and technical assistance to developers). The second point she wanted to make is that lots of people used the word balance tonight – balancing economic and natural resource values. She said that she thinks the underlying assumption here is that economic and environmental health are mutually exclusive is wrong. She recently attended a conference in Portland and several developers were there who discussed tree protection and preservation during their projects. All of them emphasized that it is not only technologically feasible to build with tree preservation as one of your primary objectives, but that it is also economically feasible as well, because people are willing to pay more for these amenities. She said she echoed Donna Matrozzo's Low Impact Development testimony and mentioned Ms. Tellez' testimony regarding the American Forest study of the benefit of trees in our region. She added that Metro's own ESEE analysis showed in that the highest level of protection their proposal ranked number one in benefits to the community in all ESEE categories including economics. Protecting the natural resources is both environmentally and economically sound.

32. **Bill Gorman**, 8888 SW Katherine Lane, Portland, OR, said he lives near Golf Creek just south of Sunset Highway. He told the committee that some time ago Clean Water Services came to the neighbors with a project to put a new sewer line down Golf Creek. In their meetings they showed how they would put in nine dams, many trees, a foot bridge, and the easements were signed. Mr. Gorman said CWS tore up the creek and after they finished, they just left. No dams, no footbridge, a couple of seedlings and that was it. Now, 10 years later, these same people who devastated the creek and are "telling us they want to protect this creek against" the neighbors. He said that CWS, along with Metro, is telling people that their land use is limited. Mr. Gorman said the literature provided by Metro said that if they wanted to do something with their land they could go to Metro and submit a plan, and in-lieu-of mitigation, they will tell the land owners how much it costs to buy back these rights they took from them. He said Metro claims that their new program is designed to protect wildlife and fish in the area. He said Golf Creek hasn't seen a fish or a crawdad in decades. Tualatin Hills Park and Recreation District has a tract consisting on three-quarter acres between his property and the creek. Mr. Gorman said he planted those trees there over a period of 25 years. Now he is being penalized for doing this and taking care of his property. He said he could get rid of the trees, but doesn't want to do that. He asked for the mapping errors to be corrected.

33. **Mary Manseau**, 5320 NW 137<sup>th</sup> Avenue, Portland, OR 97229, said she lives in Bethany on .80 acre. Ms. Manseau said she moved to Oregon over 20 years ago, lured by the opportunity to live, work and play with nature at their doorstep. She is pleased that the work the committee has completed has designated almost three-quarters of their property as wildlife habitat. However, she is concerned about the level of protection the Goal 5 program will provide. She said these programs are a good start to ensure protection of Goal 5 resources, but they aren't enough. She said she would support an increase in the SWM fee, but asks the question if this small increase will be enough to adequately finance the preservation, restoration and enhancement of our resources. She said she doesn't think so. Secondly, density transfers do not work. She said to look at the Morrisette homes being built on Bannister Creek in an existing Goal 5 resource in Bethany to see how the development community uses density transfers to manipulate the destruction of resources. Provisions need to be made to allow the adoption of lower maximum density zoning for areas with Goal 5 resources. She said fee-in-lieu of on site mitigations are unacceptable. She said money will not transport wildlife trapped in isolated islands of habitat created by new development to food sources, water sources or to boost gene pools. Mother nature builds better wetlands, better than what man can buy, and builds them exactly where they're needed. Money cannot buy 100-year old oak trees destroyed by development. She said too much development will be allowed in the moderately and lightly limit levels of protection to ensure the health of remaining onsite or adjacent habitat. Ms. Manseau said her own property will be an isolated island of upland habitat. With the proposed levels of protection, the ribbons of green on adjacent properties which connect her upland habitat to the critical water sources are at risk for being destroyed. As development is allowed within the adjacent resources, this fragmented approach to protection could ultimately destroy the value of her property as wildlife habitat. If development on adjacent properties destroy the value of her property as wildlife habitat, then what are her rights as a property owner? She said as elected officials, they owe it to all property owners to recognize the interdependence of wildlife habitat, and to provide policy and programs that will preserve the viability of all identified wildlife habitat. She urged the committee to look again at the program which is being proposed and consider revising the plans to instead put protections in place that will ensure that our Goal 5 resources will survive the development. There is still the chance to preserve this quality of life for future generations to enjoy.
34. **April DeVolt**, 5625 NW 137<sup>th</sup> Ave, Portland, OR 97229, who lives in the same area as Ms. Manseau, said her property is identified on the map as high value habitat. She said she fought for this distinction when the county, several years ago, started drawing a road to abut her property, she made sure that there was a wetland delineation made to prove that her back field was indeed a wetland. She said apparently the county didn't know and didn't care about the wetland. That road abutment was later removed from the map. She said she lives in the Bronson Creek watershed. She indicated that her neighborhood is heavily forested with mature fir trees. Many people from the adjoining new development come and walk in the neighborhood. In 1988 when she moved there, it was oak uplands, open fields, and forested and riparian areas. Now it's two schools, densely populated, and developed. She said people comment on the shade and ambiance the trees provide and noted the economic value the habitats add to the neighborhood. She is very concerned

about what she sees happening to the east as far as development. In the Bannister Creek Saltzman Heights development, the design stages revealed that two roads were to be built across the creek, actually intersecting at the creek. To the west of the neighborhood, there were wetlands with lots of frogs, etc.; those wetlands are all houses now and the houses run sump pumps year round. She said developers got the upper hand. She said that she, unlike Mr. Ross who testified earlier, sees land as more than something to put houses on. To the south of Bronson Creek it has been heavily impacted by development on sloping land, with three houses put in the Bronson Creek floodplain along Kaiser Road. To the north, on property recently brought into the UGB, she witnessed the fact that the owner fell trees and drained wet areas to reduce the habitat value. Mitigation would not replace these natural functions that are lost by actions such as this. The red-legged frogs are gone forever, small lots with large house footprints mean lots of impervious surfaces, and a large decline in replenishment of ground water in the Bethany area. Ms. DeVolt asked the committee to upgrade moderate designations to strictly limit in those areas of Class I and Class A habitats.

35. **Ron Thompson**, 3231 Lavina Drive, Forest Grove, OR 97116, said he has lived in Forest Grove for 25 years and is a professional forester, land use planner, had spent 30 years with the US Forest Service, and has 8 years' experience as a city planner in two small communities on the Oregon Coast. Mr. Thompson has done Goal 5 for Waldport and it was approved. Mr. Thompson said he is also a National Certified Forester and does wetland delineation. He highly recommended that the committee ask the cities and county to do more field checks for the maps to make sure they are accurate. He said the accuracy percentage of aerial photos to what was actually on the ground was only in 40-60 percent range. He said staff needs to improve this percentage and make site visits, be very careful and accurate. He said he looked at the Metro GIS and wildlife model, and said, in his opinion, from a statistical standpoint, it barely makes it (.61). He'd like to see something in the range of .85-.90. He said he thinks the model can be improved if the field data is checked for accuracy. Some of these field checks can merely be done from a vehicle. He commented that he thinks the criteria is very good, the committee is doing an excellent job, and the only part he thinks is a little weak is the secondary criteria. He said that sometimes those can cause problems (like those in Exhibit A and Appendix A). Mr. Thompson said it is very important to citizens that their land is accurately designated on the map.
36. **Chris Scheller**, 8301 SW Canyon Lane, Portland, OR, said the property he would like to address is located at 8855 SW Katherine Lane, a 2.74-acre parcel near Golf Creek. Mr. Scheller said the story that Mr. Gorman testified about earlier is accurate. He said he didn't receive any notice of these meetings and that Mr. Gorman had told him about the meeting last Friday night. Mr. Scheller said that this is inadequate notification time. He said that he and his wife are for conservation for the animals and foliage, however, are not for restricting a landowner's basic rights. The property referred to earlier is located just east of the Highway 217 interchange, south of the Sunset Highway. Some of the concerns they have are: most of their property appears to be in the most restricted zone, it appears the maps have been drawn without proper topographical information, the restricted areas appear too large. Mr. Scheller said the maps are just not right. The economic impacts to people's

properties could be severe due to a carelessly drawn map. He said the property has been zoned in the past as single-family lots. Mr. Scheller agreed with previous testimony that development and conservation are not opposites. He said he urges the committee to adopt a position not to prevent any property's development, but to adopt a process where a property may, to the fullest extent possible as far a zoning is concerned, develop so long as the total environmental impact is equal to or improves the present environment.

37. **John LeCavalier**, 1622 SE 55<sup>th</sup> Portland, OR 97215, is associated with the Coalition for Livable Future Natural Resources working group. He said he was a resident of Fanno Creek and had served as president of the Fans of Fanno Creek during that time. He is also a past member of the Water Resources Policy Advisory Committee with Metro. He is now a consultant currently working mostly on urban watershed, storm water policy and education issues, and will teach a course on urban environmental policy at Pacific University this fall. Mr. LeCavalier said he had provided written testimony for the committee. He hit on the key points of his testimony: 1) In this process, remember the goal and the vision – to protect fish and wildlife habitat. In doing so, we should protect high value habitat, especially in upland areas in order to protect present and future ecosystems. Surfaces that directly benefit our human communities and are essential for fish and wildlife habitat. 2) One approach might be to require, support and streamline as a priority, low-impact design standards before doing any kind of fee-in-lieu of onsite mitigation. Any in fee-in-lieu dollars should be applied to the upland area protection and restoration as well as downstream and riparian areas, and the in lieu fees should recognize all costs. He said he is especially concerned about the moderately limit determination, allowing up to 50 percent of a resource area to be disturbed with mitigation. Disturbing half a resource represents tremendous challenges to, 1) identify which half to take, and, 2) develop a mitigation plan to somehow gain back the lost half. Mitigation is expensive and often unsuccessful. In addition, losing half an upland resource area and then mitigating downstream does not address the unique ecosystem of services lost in the upland and headwater sites. In this scenario, we will lose our valuable upland habitat while investing in downstream restoration efforts, doomed to failure as winter stream flows increase and summer flows decrease. This is an important piece. Eighty percent of any river system is the small, intermittent or perennial streams. He urged the committee to protect and save our natural resources while practice and policy catch up to the science of technology. Mr. LaCavalier thanked the committee for their great work.

38. **Tom Wolf**, 22825 NW Chestnut, Hillsboro, OR 97124, Trout Unlimited, said he is currently the Oregon Council Chair of Trout Unlimited, which is a 145,000 member coldwater conservation group. He has been following the Goal 5 process for about four years on the Metro level and now the Tualatin Basin level. Mr. Wolf sits on the Tualatin Watershed Council, the Clean Water Services Advisory Council and many other committees within the Basin that are concerned with water and wildlife issues. Mr. Wolf is concerned about three key issues: 1) Re-assign strictly limit values to all Class 1 habitat. Moderate and lightly limit is ill-used in those habitats, 2) In the moderately limit designation, he said that 50 percent disturbance is way too much – he is willing to accept 50 percent only if they don't allow the 85 percent in special cases. Keep special cases limited to 50 percent, 3) Mitigation, he is not in favor of



mitigation because it's an expensive and ill-conceived use of money, but if they are going to mitigate, then mitigation should be due to the appropriate wildlife value of that habitat, not based on the ALP habitat value, which is usually considerably lower. Avoid mitigation if possible. In closing, he said he is concerned about this process. Many people have said that we need to build in the urban areas and not expand out into the agricultural areas. He thinks they can do both. In doing so, he said we can protect the habitat of crucial species that live within our urban areas and also the habitat of species that need to migrate through these urban areas. Those areas are often overlooked.

39. **Greg Malinowski**, 13450 NW Springville Road, Portland, OR 97229, represents himself and also his brothers from Malinowski Farms this evening. Mr. Malinowski said they appreciate the protection given to their land and also the land outside the UGB. This is an excellent idea. He said he wants to encourage the committee in going with the highest protection possible, because this plan has to work. Mr. Malinowski said a great plan and a great idea after hundreds of hours of hearings is a terrific thing. If it doesn't work, then it's not any good and has wasted everyone's time, money, etc. Mr. Malinowski said they are quite concerned with the errors on areas of the maps. He said it appears there are moderately limit designations inside 100-year flood plains. He said any time you fill inside a 100-year flood plain, it will flood someone downstream that wasn't flooded before. Someone's economic gain upstream is lost. Everyone is in this economically. He noted that if someone came up with a transportation plan that would disrupt 50 percent of housing and residents would have to move so their houses could be destroyed for transportation, could you consider that an acceptable compromise? He said that is what is being considered when you're looking at wetlands and 50 percent disruption. Mr. Malinowski said this is not acceptable in a human community, how do you expect an animal community to adjust to that? He said specifically to Commissioner Duyck, that he is very concerned that if this plan fails and becomes ineffective, that "they are going to head for the rural areas in a last ditch attempt to do some mitigation, and that means all of us in the rural areas, who have been good stewards of our land are going to be faced with being bought out, pushed out, regulated out or something else when we could all just take a little bit now." He said that people talk about most of their land being worthless, why don't they create a pool, an "area like North Bethany with 800 acres and say we're going to protect the wild and wetland areas first, and make sure this works, then divvy up the pot of money based on the percentage of the area so nobody gets hit that hard. Everyone pays a little bit, then the community is a good community when they get done. You don't get to always put the houses on a little tiny lot."
40. **Marlene Huntsinger**, 8055 SW Barnes Road, Portland, OR, said she has one and one-quarter acre and has lived there 25 years. She is recently retired from a lifetime focus of working in the business world, making decisions on how to make a profit and ways to make money stretch further. She said she is a "capitalistic baby boomer." Ms. Huntsinger said she enjoys and supports the environment and has been studying ways to mitigate the neglect that she has personally contributed to the environment. She noted that the environment has degraded over the course of her lifetime as well as over the last 10,000 years and mentioned the number of animal extinctions caused by human habitation. She said she thinks we (as humans) blindly

what we want and that's the type of animals we are. She said we need to recognize this in ourselves and prevent our instincts from taking over. She has come to the conclusion that there is no "somewhere else" for the wildlife to go when we take the places where they live. We need to figure out how to share what we have left with the wildlife. She said he had discovered the writings of Michael Rosensweg (unknown spelling), a professor of ecology and evolutionary biology at the University of Arizona, who has written a book called, "*Win/Win Ecology*." His premise is that with scientific investigation we can find out the needs of wildlife and animals, and can incorporate those needs in development so the win/win is that we can have our cake and eat it too. We can preserve habitat and develop. Ms. Huntsinger has come to support this planning process. She said we need to learn how to share and thinks the planning process is a way to do that. She said she would like to see this plan strengthened so that is more scientific analysis is integrated into the process so that we can understand the needs of the animals we are trying to protect, and protect those needs while we encourage development. She supports a strong Goal 5 program, and would still like to know what moderately limit means (as this is the designation applied to her property), and also supports the increase in the SWM fee. She asked the committee to increase the protection for the remaining high-value fish and wildlife habitat in the Basin.

41. **Wendie Kellington**, PO Box 1930, Lake Oswego, OR, is an attorney who represents the Bruggar Road LLC. They own 10.33-acres in the Bethany area that was recently added into the UGB. Ms. Kellington said she has four concerns that are outlined in the written testimony she submitted into the public record. Referring to her reference material, Tab A, a photo of subject property showing the corner of Bruggar and Kaiser Roads, the first tax lot, the designation is strictly limit. She said she echoes the comments of Mr. VanderZanden - that there was a mistake - there wasn't a good confluence between the Goal 5 process and the addition of this land into the UGB. This colors the entire ESEE analysis because it doesn't start from the correct premise; that the land should have been added to the UGB for economically beneficial uses. Ms. Kellington said she has three concerns regarding the ESEE analysis itself:

- 1) The conflicting uses determination omits the UGB determination. It omits that the subject property has an approved development (at Tab B of her testimony)
- 2) It omits that there is a fish and habitat report regarding the property (Tab C). It establishes that the creek is no more than a leaking irrigation pond upward of the subject property on land that is not owned. It is not a historic restoration issue, as soon as the pond started to leak, that's when this started. The waterway ends at the width of the neighboring property where it's been plowed under or culverted. The nature of the resource to be protected has not be adequately evaluated in the ESEE analysis.
- 3) Economic analysis - they have concerns that there hasn't been an analysis of the cumulative fees associated with the program. There are wetland mitigation fees that DSL will charge, local tree ordinance fees, and Metro fees which haven't been evaluated at all. The balance of the ESEE analysis probably hasn't been evaluated with regard to this process either for those properties for being within the UGB because it's hard to evaluate the economic value of a property like that (Bronson Creek). She said they are not asking for moderately limit evaluation,

but we believe if you look at these materials for the site specifically, that an allow conflicting uses is the appropriate determination for this property.

42. **John Cooper**, no address given, said he owns 50 acres inside a 90-acre gated community on the south slopes of Cooper Mountain. He and his wife developed the area with the intent of having low density residences built in the area that are compatible with the local rural environment. He said he'd like to address the inaccuracies in the map that has identified about one-third those 90 acres as high habitat value or the most restricted designation. The 90 acres has two miles of paved road weaving through the area, providing access to every corner of the property within about 300-400 feet of every corner. This paved road with underground utilities accesses all of the property. The other point he wanted to make in terms of the inaccuracy on the map, is that not only does the road break up the area, but the road identified on the map is incorrectly located. The land is physically developed to the extent that it is no longer available for habitat. He said the land is irrevocably committed to uses incompatible with most of the major objectives of Goal 5. It is he and his wife's wish to see their property developed and this entire gated community developed in a low-density, residential community way that is compatible with the current rural surroundings. However, because of the restrictions and the laws that are in place, they are finding their options slowly disappearing. As we evaluate other options, many of them are not compatible with the habitat. Mr. Cooper said they are outside the UGB and they are in EFU, so there are other options at hand. What he would like to encourage, is the correction of the maps, and he would like to be able to identify people within Metro and Washington County that they can work with to achieve all of their interests and goals.
43. **Mahabub Ahmed**, 5563 NW Crady Lane, Portland, OR 97229, said while he had not prepared any written material, he would offer some random thoughts about the Goal 5 study and implementation. One thing that has been discussed tonight is economic development. He said he is an example of this. While looking for a job, he moved to Portland, and the reason he moved here is the unique natural setting. He can go hiking, biking, walk on trails, and participate in many other outdoor activities and still be close to home and work. Preserving all of these stream corridors adds to the value of economic development. He said he could have chosen anywhere to live, but chose this area because of the natural setting. He said that in the Bethany area where he lives, the wetlands were impacted by development, and there was on-site and off-site mitigation. He said environmental impacts cannot and should not be mitigated from one site to another. He said it needs to be a continuous and contiguous process. Tampering with wetlands interferes with flooding and natural run off. Mr. Ahmed said he can give examples of what has happened in southeast Asia, where flooding has resulted from no active planning for land uses. He urged the committee to apply the highest protection to the Class I and Class A riparian habitat areas.
44. **Dana Krawczuk**, 101 SW Main Street Suite, 1100 Portland, OR 97204, attorney with Ball Janik, said she is representing residential development clients, and will submit written materials into the record at a later time. She said there has been considerable testimony about mapping errors. She said she thinks there is an understanding by many of the Tualatin Basin Partners that there are problems with relying solely on aerial maps. She also understands, as part of the IGA with Metro,

that the mapping errors were something the committee had to accept in order to move forward in developing a Basin-wide regulatory approach. As the committee is developing this regulatory approach, she suggests that they include a way to fix these mapping errors. The Goal 5 Administrative Rules supports the evaluations of sites on a site-specific basis rather than relying on aerial photographs. The staff report that she received late in the day on Friday discusses a delineation on a site-by-site basis. She said this is a step in the right direction, but thinks it should be taken a step further. She said it should be verified that the quality of resource that we think it is based on a photo from several thousand feet in the air. Secondly, there has been a lot of testimony about buildable lands capacity. Under ORS 197.299, there is a requirement to have a 20-year buildable land supply. One statement she heard that really struck her was that the UGB was just expanded and now it's being shrunk. Since we're shrinking it, she thinks if you had a commitment to revisiting the buildable land supply in a timely fashion, that you would probably lose some of the development opposition that is here now. Also, she said that step in the right direction is the staff report discussion of removing the future urban designation on the areas that were brought into the UGB in December of 2002 and replacing it with either the high impact urban or other urban classifications. Another issue that is disconcerting to the development community is consistency between existing regulations and how is this all going to work together. There need to be some financial guarantees in this regard.

45. **Frederick Britt** – Duplicate card- testified as #27

46. **Kathy Newcomb**, 17515 Cheyenne Way, Tualatin, OR, thanked the committee for holding tonight's meeting and agreeing to stay later to hear all testimony. She and her husband are members of the Tualatin Riverkeepers and do support the policies that were presented by Mr. Wegener. She said she was here to add another comment in regard to funding for this effort and especially for the issue of storm water and the urban run-off which is crucial to salmon recovery. She said there is a new economic consideration that we need to be thinking about for the future, for the self-sufficiency of those in Oregon and also in the Tualatin Valley. She said she is referring to the future rising price of gasoline and the future impact on transportation costs for foreign-grown foodstuffs. She said apparently we can confidently expect that these prices are going to rise substantially in the future. She brought in a package of Salmon from Thailand. She said food such as this will be much more expensive due to the higher costs of fuel. She said this is laid out in a book called "*The Party's Over*", although she hasn't yet read the book. She said we need to plan now so that in the future our fish and foodstuffs will be locally grown and not so expensive due to future costs of gasoline. She said there is a cost to keeping storm water and run-off out of the Tualatin River, and that we can pay the cost now (she supports the SWM fee increase) or we can pay later, plus the increased costs of obtaining food from foreign fisheries. She asked the committee to support self-sufficiency and the increased fee for keeping storm water and urban run-off out of the Tualatin River.

47. No card located

48. **Kristin Udvari**, Ball Janik, 101 SW Main Suite 1100, Portland, OR 97204, is an attorney representing Oregon Health Sciences University. She said the committee is likely aware that the OHSU west campus is located in Hillsboro, bounded by Walker Road/185th and the light rail on the south side. OHSU worked very diligently with the City of Hillsboro during the city's Goal 5 process, through the inventory, the ESEE analysis and the ordinance, and said OHSU is generally satisfied with the outcome. She thanked staff for their efforts. She said the maps that were produced from the Hillsboro process and the draft Basin maps reflect the economic significance of the OHSU west campus. The campus is a unique incubator for science, education and bio-technology spin-offs in the future. Right now the campus contains lightly limit and moderately limit areas. She said they generally support those mappings. The committee has heard a lot of testimony about trying to increase the lightly limit and moderately limit areas to strictly limit. OHSU does not support this. When the committee considers those requests, she would ask them to keep in mind that the lightly limit and moderately limit designations that resulted from the ESEE analysis include not only a consideration of environmental factors but also social, economic and energy factors. She said they believe that Hillsboro and the Basin properly valued all of those factors together. Goal 5 is a balancing act. It does not value one of those factors over another. With respect to the regulations that are now resulting to implement those maps, OHSU has reviewed the program and the staff report as best as possible since Friday and they will be submitting written comments over the next couple of days. She said with respect to the mitigation ratios, we have noted that those ratios differ from those developed for the Hillsboro ordinance and they are higher than those developed for the Hillsboro ordinance so they would like this examined as to why those ratios have increased. She understands that much of the same basic planning team worked on this and she is wondering about the higher ratios. She said this means much higher costs for a public institution like OHSU therefore these ratios must be justified by sound science. Next, with respect to the fee-in-lieu option under mitigation. They do support a fee-in-lieu option as an alternative. There are some instances where on- or off-site mitigation is not feasible. She said to make sure however, that fee-in-lieu is really an alternative. They don't want landowners or developers to get boxed into the fee in instances where they do have a plausible mitigation plan. In addition, that fee needs to be very carefully calculated and the numbers need to be supported by sound science and facts. In regard to the enhancement option, under the Hillsboro plan, there actually is an enhancement option. There are two different sets of ratios, one for replacement and one enhancement. The enhancement ratios are higher, but you can use enhancement as a sole means of mitigation. From what she can tell under the Basin program you cannot - it refers to enhancement only as a way to get partial credit against the fee or mitigation standards. Given that there are many degraded resources in the Basin, and some in particular on OHSU's campus, we would request that enhancement remain a viable and encouraged option on its own, and developers and landowners would receive full credit for enhancement inside and outside of vegetated corridors and upland habitats. With respect to the low impact development techniques, they are also not against this, but would simply note that this is a mandated element of this new program, and it is mandated on top of all the other mitigation. She said when you start adding all of these numbers up, particularly for a large campus like OHSU, you have LID, mitigation, fee-in-lieu, increased SWM fees, investing additional resources to satisfy permit requirements of

other agencies and on top of all of that you are paying consultants and biologists, etc., and this is getting very expensive for these public institutions. Therefore, while they support the LID techniques, we want to make sure they are integrated into the mitigation plans and requirements. Ms. Udvari mentioned that one element that is unique to OHSU is the resource management master plan.

49. **Terry McGettigan**, 56500 Old Portland Road, Warren, OR, thanked the committee for the opportunity to speak and extending tonight's hearing hours. He wanted to know what the criteria were for the classifications on properties and if the property owner does not agree with these classifications, what are the procedures in place to get the property reclassified. The property he referred to is in Bethany. He asked how can a drainage ditch justify a 600-foot protection on each side of it, which is the same protection afforded to a larger body of water. He wanted to know how he could have someone do onsite analysis of these properties and an inventory adjustment. He said he'd worked with Metro mapping previously and had gotten adjustments made on some of the forest land which does not show up on the Washington County maps. He said he trusts that the committee will have the errors corrected and will allow landowners to have a voice in their land use.

50. **Rachel Nettleton**, 19185 SW Lisa Drive, Aloha, OR, thanked the committee for their work on Goal 5 and said it is a wonderful endeavor. Ms. Nettleton noted that she has lived in other states and has seen how quickly and irreversibly an environment can change. Greed and lack of environmental protection laws and/or enforcement were generally the culprits. She said greed is behind the argument of "taking." Building a road through a neighborhood is taking, and people should be compensated as they are now. Having rules and regulations are protections of property values, livability and future needs and is not "taking". Zoning, for instance protects property values. She asked what do people value when looking for a home for their family? She answered that schools and parks are at the top of the list. Ms. Nettleton said she approves of system development fees to provide these amenities. People will pay a premium for a house near a park or open space. Hence, property values are enhanced. Environmental regulations help the economy, as areas with strong rules attract more talented and educated people to an area. This makes the economy grow. Environmental regulations protect our children by providing clean water and air for the future. Ms. Nettleton cited several examples from areas where she has lived in the past that illustrated how the lack of environmental protection rules allowed for the ruination of many of these areas and resulted in severe impacts to the environment occurred, such as water pollution, flooding, the disappearance of native species, etc. Ms. Nettleton cautioned that this could happen here as well if public officials don't place a high enough importance on natural resources. Ms. Nettleton said that environmental rules and regulations should be strengthened, not weakened, as they protect all the citizens now and in the future and asked them not to allow the greed of a few cloud their judgments as they considered Goal 5.

51. **Jere Retzer**, no address given, said he is a Portland resident living at the headwaters of Ash Creek, co-founder of the Crestwood Headwaters Group, and member of the group founded to preserve the Ash Creek Wetland within the Washington Square Regional Center. He thanked the committee for proposing to preserve some of the most valuable habitat within our region. However, he thinks

they need to do more. He said it shouldn't surprise us that the land contemplated for development now was passed over before. These lands were preserved until now because of their natural values and hazards. We need to ask ourselves three key questions: 1) What sort of community do we want? We have a long-standing commitment to nature and sustainable development that we should not compromise for short-term gain. Nature is key to livability. He said we are fortunate that the rule makers in the past decided that the Willamette river front in Portland was more valuable as a park than a freeway. Are we so short-sighted to allow development over 2000 acres of our highest value habitat. If we are willing to pave nature for parking lots, what kind of message are we sending to other portions of the state? 2) What are our obligations? We are obligated to improve water quality and living conditions for endangered species to the maximum extent practicable. Protecting creeks and wetlands is the best-known method from a land use perspective. We are also obligated to protect our communities from flooding. The Ash Creek floodplain within the Washington Square Regional Center, which is proposed for the moderately limit category, was largely under water in 1996. In 1997 Clean Water Services published a plan for Fanno Creek that projects flooding to increase along Ash Creek by 2040 due to uphill development. Developing these properties will worsen the problem. 3) What is fair? He said they were told during the Washington Square Regional Center planning process was that regulations would protect natural resources, so that it was "okay" to assign the highest level of development to the wetland. The current proposal changes the ground rules and is a breach of trust. Some may ask how is it fair to limit development on their properties. To this, he said his response would be that the value of their properties when purchased was based upon their likely value. A lot of these properties were not valuable just a short time ago, due to proximity of streams, wetlands and floodplains. If these properties become valuable for development now, it is because of this decision process. In conclusion, he urged the committee to strictly limit development on all high value habitats, including those specifically in the Washington Square Regional Center. Mr. Retzer submitted written comments into the public record.

52. **Pearl Paulson**, 13285 SW Woodshire, Tigard, OR – Not present when name called.

53. **Meryl Redisch**, 27400 SW 2<sup>nd</sup>, Portland, OR 97201, thanked the committee for providing the forum to speak on this important topic and staying late. She is testifying as a citizen and as a representative of the Audubon Society of Portland. She said she is a newcomer to Portland, having been born and raised in New York City, one of the greatest and densest cities in the world. Ms. Redisch said she has never had the opportunity before to speak in front of policy makers in regard to land and habitat protection and she takes this opportunity here very seriously. Many valuable points have already been covered and she wanted to emphasize a couple of those points and add a few new ones. She said she is concerned with the mitigation plans proposed. Protection, not mitigation, should be the first action when it affects highly-functioning habitat and watersheds. She asked how are mitigation efforts evaluated? When do those mitigation efforts become equivalent to the original habitat? What she would like to see regardless of the outcome of this process; is for the committee to implement an evaluation process that is sound, scientific and well-funded. She, too, strongly urged this committee and others to implement tree ordinances like those in Wilsonville and Lake Oswego. Our urban

trees and the green infrastructure of our cities offer far-reaching benefits as described in earlier testimony. Lastly, she said there are many people who spoke tonight who are frustrated and angry and they are challenging the Goal 5 programs, largely in part because they were not notified in a timely manner and feel disenfranchised. She asked that the committee recognize this and take note when looking through the comments of those who were disenfranchised and who were feeling out of fear that they weren't given the opportunity to comment in a timely manner.

54. **Sue Beicke**, 11755 SW 114<sup>th</sup> place, Tigard, OR - Gave taped testimony
55. **Steve Yates**, 851 NE Brennan Lane, Hillsboro, OR- Gave taped testimony
56. **Ruth Johnson**, 15250 SW Emerald Street, Beaverton, OR - Gave taped testimony
57. **Linda Lane**, 4911 SW 59<sup>th</sup> Avenue, Portland, OR 97221 – Not present when name called.
58. **Mary Gibson**, PO Box 3529 Portland, OR 97209 – gave taped testimony
59. **Bonnie Peterson**, 10155 SW Jurgens Lane, Tualatin, OR 97062, said she lives right on the Tualatin River between Highway 99 and the Tualatin Country Club. She has lived there 17 years. She said there are 35 properties in this little area that average between three and 10 acres and they are all in the floodplain. She said she has been waiting for a very long time for protections to be implemented for the Tualatin River riparian corridor and has had the opportunity to see the maps. There is constant pressure to develop in this area. Right now, two three-acre properties have just sold and the buyers are planning on developing, hoping that they can build on it before the Goal 5 restrictions go into effect. Ms. Peterson thanked the committee for providing leadership in the implementation of a protection plan and hopes that once this plan is adopted that the different jurisdictions will actively use it to limit destruction of this riparian corridor right along the Tualatin River rather than use in-lieu fees. She said there are three long-term reasons that she has seen for protecting this area and for applying the strictly limit designations: 1) Recreational opportunities –she has seen an increase in the amount of recreational use on the river, and commends Clean Water Services for their efforts in cleaning up the river. 2) Economic potential - the City of Tualatin has developed parks on the river, and has allowed concessionaires to open water craft rentals. Having the river clean and usable provides incredible quality of life and also has increased property values. Ms. Peterson ran out of time in her testimony.
60. **Tara Groves Dees**, 328 SW Sutherland Way, Aloha, OR 97006, thanked the committee for protecting the fish and wildlife habitat in the Tualatin Basin. Ms. Dees said she recently moved from Dallas, Texas, and is very pleased to be living amongst fish and wildlife within the UGB in the Tualatin Basin. She said her home overlooks wetlands in Aloha. She urged the committee to strictly limit development in Class I riparian habitat and Class A wildlife habitat areas. Medium value and lower value habitats also need additional protection as well. These buffer zones need more protection to adequately protect the high value habitat. She said she has



wildlife living in her back yard. She asked the committee to keep in mind that although a habitat is small, it doesn't mean it is insignificant. Also, she said this area is part of the wildlife corridor of Beaverton Creek and reiterated that once a habitat is gone, it is gone forever. Extra roads or homes will not enhance this area, but irreparably degrade the habitat and wildlife that live in these areas.

61. **Craig Brown**, 12755 SW 69<sup>th</sup> #100, Portland, OR 97223, said that in regard to the public notice, he agrees with others who testified that it was inadequate. He said he received the staff report on Friday. He said the report will continue to go through additional changes and while there will be additional opportunities for input, this hearing was the primary public forum and the information wasn't put out early enough for most people to review or attend. He said he would also like to comment about the inaccurate mapping and the unclear intent of the mapping. At one of the recent Goal 5 open houses, one of the members of the staff was asked about some mapping. He said the staff person was asked about a 100-foot wide strictly limit buffer that was placed on a small stream or drainage area. Outside this 100-foot buffer was an additional 200-foot buffer. He said that the staff person said the 200-foot buffer was to protect the 100-foot buffer. Mr. Brown said that he doesn't think that buffers for protecting buffers makes much sense. He said another issue of concern is the issue of density transfers. One of the proposals has been, as a matter of mitigation, to provide for density transfers allowing some of the density that would have been normally allowed in that protected area to be transferred to the area outside. He said that would work in some areas, however, it would be difficult in the 10 units per acre areas, which is townhouse zoning. This would force more people into apartments and townhouses. He said there is enough of that type of housing with current zoning without more of it resulting from density transfer. He does have a question on how property will be taxed if it's restricted or prohibited from development, and how it will be assessed. He said he thinks that if a parcel of property has features which are unique and valuable enough to protect for the public good, they should be valuable enough for the public to purchase. The extent of the proposed Goal 5 restrictions represent no less than a confiscation of much of the rights of private property. He said that he thinks that too much of this process has gone as far as it can go without having a takings suit and thinks this is the wrong attitude.

62. **Carol Chesarek**, 13300 NW Germantown Road, Portland, OR 97231, said she owns two and one-half acres on Germantown Road that has been designated the highest quality habitat, with the strictly limit designation. She said that she is very pleased about this designation because she believes it will protect her property value. She said she has been attending the Tualatin Basin meetings since March of this year and staff has been very good about keeping her apprised of the meetings. The coordinating committee has a very clear goal for maintaining and improving the environmental health of the Basin, but she said she has yet to see any analysis demonstrating that the proposed program will meet that goal. The only analysis she has seen so far is from Portland Audubon Society, who at least did the math about the number of acres of habitat and how it is likely to be impacted by the proposed program. Just in the last week, she noted that the steering committee was willing to change mitigation ratios and drop the cost of land acquisition from the fee-in-lieu calculation. She said it's easy to change the terms when you have no data to show

what the consequences are. Today, the Basin includes roughly 12,000 acres of significant riparian and wildlife habitats. Of those 12,000 acres approximately half could be disturbed or destroyed under the program rules. She said it's hard for her to imagine mitigation appropriately making up for the loss of that amount of habitat in any reasonable kind of time frame. She strongly urged the steering committee to ask for an analysis of whether the current program can meet the stated goal before they approve the program. Further, she urged the committee to put in place a stronger protection for moderately and lightly limit areas and not to automatically allow 50 percent disturbance to those areas. She said she strongly supports the strictly limit category which seems to have adequate protections, and the enhanced SWM fee as a way to ensure that the financial burden is shared by everyone who benefits from the resource. She is concerned however, that the SWM fee is only directed at stream corridor habitat improvements and that there is no upland improvements in the program. She's been told that's because CWS has a very narrow charter to focus on stream corridor enhancements and suggests that this be expanded. Upland habitat has a very strong influence on riparian corridors. She is concerned over dropping land acquisition costs from the fee-in-lieu calculation and said this doesn't make any sense. She thinks this means that the public is to provide the land for mitigation, which effectively means that the public is subsidizing the destruction of that habitat. As far as she can tell, no one has done any analysis on the suitability of public lands for restoration/mitigation, and whether their location and type correlates to the type of habitat likely to be lost. The stated alternative is to use money from the SWM fee to acquire the land, but that would significantly reduce the only money currently set aside for habitat improvements. She said she is pleased that the committee has started to consider protections for habitat on existing development, but is concerned because the current proposal is for lower level of protection than is proposed for land being newly developed. Lastly, she suggested the program include a bond measure to purchase the most sensitive habitats to they aren't threatened by development.

- 63. Catherine Johnson**, 6111 SW Lesser Way, Portland, OR 97219, said she was here to speak in support of protection of high value habitats such as Fanno Creek Greenway, the Rock Creek stream corridor, Ash Creek wetlands and to support an increase in the SWM fee to fund watershed restoration. She said mitigation must fully compensate for habitat destruction. There is no compensation for destroyed habitats. She said once a habitat is gone, it's gone forever; there is no monetary compensation to account for the permanent loss. She asked the committee to protect what cannot be replaced. In the summer of 2001, she and her husband sold 1.3 acres of land. They had two offers to buy the land come in at the same time. One was from a developer for \$100,000 more than the other offer. She said she and her husband took the lower offer because they didn't want the land developed. They moved across town to a new home backed by a greenbelt. She said the committee is probably wondering why they would do this. Her answer was that a few people carry the burden for a community. If they question this, look at any institution, about 5 percent pay the bills; look at a church, for example. Sometimes the burden falls on a small minority of a community. In the case of the environment, it means a few people absorb the cost of the loss of potential income for keeping natural areas. She said the loss of \$100,000 was a big hit to her family's financial stability. Her husband was laid off from high-tech and they still don't have an income that meets their

current living expenses. She said it was worth giving up the money and keeping natural places close to us so that families can enjoy and experience it in their daily lives. She noted that a neighbor wants to develop in the greenway behind their home which is a protected zone. She asked what does protected mean, if it doesn't mean protected from man-induced change? She said this planet is a gift and if we don't preserve natural areas they won't be here for future generations. She asked them to think about their legacies as committee members.

Chairman Brian and the committee thanked the public for coming this evening to testify.

Mr. Curtis said staff will compile meeting notes from this meeting that will summarize tonight's testimony. Staff will address issues brought up by citizens in the form of issue papers. Staff's recommendation for tonight's meeting is included in the staff report and this is to conclude the oral testimony portion of the public hearing, however, allow the public record to remain open until 5:00 p.m., Monday, August 9, 2004. Then begin deliberations at the regularly scheduled Tualatin Basin Natural Resources Coordinating Committee meeting which is also on August 9. If the committee accepts this recommendation, because this record will be open until 5:00 p.m., it will likely be necessary for staff to do additional work and may require an additional meeting for deliberations on August 16.

Chairman Brian said with the committee's agreement, the oral portion of testimony will be closed, and the written comment period will continue to be open until August 9, 2004 at 5:00 p.m. The Tualatin Basin Natural Resources Coordinating Committee meetings will be held on August 9 and 16 at the Beaverton Public Library starting at 1:00 p.m. The public is welcome to attend those meetings.

The committee agreed with this arrangement and Chairman Brian adjourned the meeting at 9:35 p.m.

**August 2, 2004**

**Public Hearing Testimony Letters**

**(in order of testimony given)**

August 1, 2004

Tualatin Basin Natural Resources  
Coordinating Committee  
Washington County/DLUT, Planning Division  
155 N. 1<sup>st</sup> Ave  
Suite 350-14  
Hillsboro, OR 97124

My name is Mark Ellerbrook and I have been operating The Oregon Nursery at for many years. My property was recently included in the 2002 UGB amendment. I received no notice of your Goal Five process from Washington County.

I constructed an irrigation lake to serve my nursery operation on this property. This lake and a setback area should be protected by your inventory and application process. Some small downstream area may need and deserve some reasonable safeguards. Alarmingly, your maps take in much of what is now in active agricultural production, especially to the area east of the irrigation pond. Your map applies "strictly limit", "moderately limit", and "lightly limit" designations on much of my land that has no need for riparian protections. I regard these designations as unnecessary and mistaken and respectfully ask they be removed in the agricultural areas and reduced in size near riparian areas. It should be noted that the area east of the pond is not included on metro's inventory. Thereby, I presume this area of agriculture was specifically added to the inventory by Washington County.

Sincerely,

Mark Ellerbrook  
West Oregon Nursery, Inc.  
14515 NW Springville Road  
Portland OR97229

P.S. Though I think "the son of seven" measure is bad public policy, this excessive government take in the name of habitat protection will surely help it pass.

August 1, 2004

Tualatin Basin Natural Resources  
Coordinating Committee  
Washington County/DLUT, Planning Division  
155 N. 1<sup>st</sup> Ave  
Suite 350-14  
Hillsboro, OR 97124

My name is Keith Fishback at Banks, Oregon. I received no Goal Five notice yet I heard about its potential impacts from neighbors. I operated a farm/nursery in the Bethany area for years and my mother and sister still live and own property in the area. My comments apply to my property as well as my mother, Margaret Fishback's property.

My property is adjacent to Larry Perrin's property. Why is it necessary to apply a "moderately limit" to a row of brush that divides our property? If I remove my brush will it still be included?

My mother's property has been designated with a large area of "strictly limit" and "moderately limit". This land has almost no Goal Five habitat. It does have a very small intermittent drainage ditch in the northwest corner. Though this may need some moderate protection it should not be used as a justification to take over one half of all my mother's property.

I also serve on the Farm Bureau board of directors. In that capacity I see a potential conflict with an over-reaching application of Goal Five inside the UGB with the goal of protecting resource lands. I strongly recommend a much more moderate application of Goal Five inside the UGB in order to retard the need to convert more agricultural and forest land to new UGB additions.

J.P.

Sincerely,

Keith Fishback

7/30/04  
August 1, 2004

Tualatin Basin Natural Resources Coordinating Committee

My wife Sharon and I live at 7805 NW Kaiser Rd., Portland Or. 97229 on 70 acres of property. This property has been in my wife's family for over 60 years. I did not receive notice of the Goal 5 program. I became aware of the proceedings via word of mouth. Though my wife and I have historically been concerned with the environment we are both alarmed by the excessive impacts to our property by the Washington County proposal.

Our property is bordered on the north by Abbey Creek and is triangulated by an unnamed intermittent drainage way. We have harvested much of the forest property under ODF permits... and reforested accordingly. Why is the riparian buffer on our property so much more extensive than drainage ways bordered by agricultural uses? Though I have no quarrel with reasonable setbacks from creeks the designation on my property far exceeds the area needed. Additionally, the designations applied by Washington County greatly exceed the restrictions applied on Metro's inventory. Why is it being proposed to exceed Metro's restrictions?

Substantial portions of my property are designated with a "rust color" These properties are gently sloping and are ideally suited for urbanization (all of my property was included within the UGB in 2002). A "moderately limit" designation has a significant impact on the amount of land that can be developed and the geometry of urban design. All of this property was used as developable on Metro's UGB urban capacity calculations. What is the justification for removal of this land from the buildable inventory? Are you prepared to initiate a concurrent replacement process?

My wife and I have been excellent custodians of our land. We have farmed and harvested timber according to all applicable rules. Additionally we have enhanced the habitat for aquatic birds, mammals and insects by constructing a sizable pond. The pond and streams need reasonable setbacks. Washington County's Goal 5 application on our property is large, intrusive, and is not balanced against the need for urban spaces. Given this process is still in the construction of a final outcome we will reserve further action. However, if our land is designated as currently proposed we will do everything in our power to remedy this excessive (and hopefully temporary) use of authority.

Awaiting your response,

Bruce G. Hosford  
Sharon Hosford



Home Builders Association  
of Metropolitan Portland

August 2, 2004

The Hon. Tom Brian, Chair  
Tualatin Basin Natural Resources Coordinating Committee  
155 N. First Avenue  
Hillsboro, OR 97124

RE: Goal 5 Staff Recommendation

Dear Chair Brian and Committee Members:

When I appeared before at your last hearing on this matter in March, we expressed strong concerns about the ESEE analysis being too abstract to allow informed testimony on the adequacy of its findings. Also, we presented our fears that residential land had been undervalued in the program's overall approach and urged you to consider the serious impacts that additional environmental restrictions could have, both on the region's buildable land inventory and future ability to maintain a compact urban form.

I'm here tonight to tell you in the strongest terms possible that the proposal now being recommended for your approval fully confirms our earlier concerns, and in fact, represents what would be the most damaging set of regulations for housing—and probably for the Washington County economy in general—that I have seen in my 25 years of involvement with the Oregon land use system. Frankly, it's astounding that such far-reaching new restrictions are moving forward so quickly at a time when this region still ranks among the nation's worst both in unemployment and the rate of home ownership.

**I. Economic costs will be much higher than ESEE analysis findings**

With better information on the likely impacts of new Goal 5 limitations, it's crucial that you be mindful of the numbers associated with this decision. As detailed in the table on page 2 (using data provided by Washington County), the proposal would designate approximately 1,816 acres—nearly three square miles—of vacant residentially zoned land as "strictly limit," under which any future allowed use would be only the minimum required to avoid a takings claim.

**Our preliminary and very conservative estimates of just this one designation would be the loss in Washington County of at least 8,578 housing units,<sup>1</sup> and possibly as high as 14,000 units.<sup>2</sup>**

<sup>1</sup> Estimate based on average of 4 dwelling units per acre for 1,597 single-family residential acres and 10 dwelling units for 219 multi-family residential acres.



**Table 1 - Acreage Impacts of Tualatin Basin Goal 5 Proposal**

Zoning Classification	Lightly Limit	Moderately Limit	Strictly Limit	Total
<b>COMMERCIAL</b>				
Vacant Commercial	285	201	15	501
Developed Commercial	667	585	260	1,512
<b>Total Commercial</b>	<b>952</b>	<b>786</b>	<b>275</b>	<b>2,013</b>
<b>INDUSTRIAL</b>				
Vacant Industrial	541	537	25	1,103
Developed Industrial	773	445	10	1,228
<b>Total Industrial</b>	<b>1,314</b>	<b>982</b>	<b>35</b>	<b>2,331</b>
<b>MIXED-USE COMMERCIAL</b>				
Vacant Mixed-Use Commercial	320	339	0	659
Developed Mixed-Use Commercial	398	111	0	509
<b>Total Mixed-Use Commercial</b>	<b>718</b>	<b>450</b>	<b>0</b>	<b>1,168</b>
<b>RESIDENTIAL</b>				
Vacant Multi-Family Residential	139	121	219	479
Developed Multi-Family Residential	622	242	400	1,264
Vacant Single-Family Residential	737	954	1,597	3,288
Developed Single-Family Residential	3,112	1,346	2,111	6,569
<b>Total Residential</b>	<b>4,610</b>	<b>2,663</b>	<b>4,327</b>	<b>11,600</b>
<b>OVERALL TOTALS</b>	<b>7,594</b>	<b>4,881</b>	<b>4,637</b>	<b>17,112</b>

Source: Washington County GIS analysis

<sup>2</sup> Estimate based on average of 6 dwelling units per acre for 1,597 single-family residential acres and 20 dwelling units for 219 multi-family residential acres.

Such a loss represents between \$857 million and \$1.34 billion in economic activity for the first year of construction; between \$103 and \$160 million of fee and tax revenues to local governments; and between 18-29,000 jobs.<sup>3</sup> These are only the first-year construction impacts; additional economic value is produced on a recurring basis that results from the new homes being occupied and the occupants paying taxes and otherwise participating in the local economy year after year.

Such ongoing annual activities translate into \$227 to \$500 million in economic activity; between \$40 and \$75 million in local tax revenues; and from 5-11,000 jobs.

**Table 2 – Estimated First-Year Economic Losses from Vacant Residential Land in “Strictly Limit” Classification**

Type of Economic Loss	Loss of 6,388 SFR Units	Loss of 2,190 MFR Units	Loss of 9,582 SFR Units	Loss of 4,380 MFR Units
Income to individuals and businesses	\$741,008,000	\$116,070,000	\$1,111,512,000	\$232,140,000
Local gov't. revenue	\$89,432,000	\$13,797,000	\$134,138,000	\$27,594,000
Jobs	15,970	2,453	23,955	4,906

**Remember, these estimates are only for the vacant residential acreage getting a “strictly limit” designation.** There will also be significant additional costs—for residential, commercial, and industrial lands—as a result of capacity losses in the “moderately limit” areas and much higher costs associated with mitigation, alternatives analyses, and low impact development requirements.

Please also keep in mind that such capacity losses and additional costs won’t be limited to vacant land. Metro is expecting 24% of new dwelling units during the next twenty years to come from infill and redevelopment in areas currently considered as developed. Finally, there will be additional economic impacts from capacity losses in Washington County’s rural areas and the lands that were added to the urban growth boundary in 2002.

**II. Residential lands receive hardest hit due to ESEE flaws**

The economic consequences described above are mainly due to what we believe to be flaws in the ESEE methodology with respect to the urban development value of residential land. As stated previously, these are the areas that will not only provide nearly two-thirds of needed housing during the twenty-year planning period, but virtually all detached single-

<sup>3</sup> Based on “The Local Impact of Home Building in Average City, USA (2002) by the National Association of Home Builders. Assumed average single-family home sale price of \$207,780, average lot value of \$27,496, and an average of \$7,536 per home paid to local governments for impact, permit, and other fees. Full study attached.

family homes. As such, this land is one of the most important resources in the future of the region, and the large volume of its urban development contribution has not been adequately considered.

The Tualatin Basin, however, has given most residential land a lower urban value than higher density areas for commercial and industrial uses. Such an approach is analogous to a business treating an activity that consistently accounts for two-thirds of annual income not only as the *least important* of its operations, but even going further to take deliberate actions to put it at the *most risk*. Obviously, this wouldn't work in the private sector any more than it will in urban planning, but it is precisely the nature of the proposal before you.

The Committee needs to remember that Goal 5 is just one of the state's overall planning objectives, and according to Oregon law, must be balanced equally with all others. Please keep in mind that Goal 10 is to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

**Goal 10's requirement for "flexibility of housing location, type and density" is extremely important and will be impossible to meet on a long-term basis if the program before you is adopted.**

The inevitable result of such land use restrictions will be virtually no flexibility on the type and density of future residential construction. Densities by necessity will have to be high to meet both the 50% non-disturbance requirement of the "moderately limit" classification and to accommodate increased permitting and mitigation costs.

It is my firm belief that, except for the isolated bits of infill land left available, detached single-family construction will cease to be an option in Washington County within five years of this package of regulations' effective date.

In addition to Goal 10, we also believe that inadequate attention has been given to the requirements of Goals 9 (Economy), 12 (Transportation), 13 (Energy), and 14 (Urbanization).

### ***III. Myths used to justify increased Goal 5 regulations***

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Let me now address what I consider to be four myths often used to justify the principles and requirements before you:

**Myth #1, the UGB will be expanded to compensate for any lost development capacity.**  
As we all know too well, adding additional lands to the UGB is very difficult—not only in terms of the protracted process and likely court challenges, but also in the needs for infrastructure funding, lengthy times to do master planning, and impacts on rural land uses. As Michael Jordan, Metro's Chief Operating Officer has stated publicly, these decisions will

only become more challenging in the future, with the complexity increasing exponentially if all future lands for residential use are subject to stringent Goal 5 regulations.

Because of the delays between implementation of new Goal 5 restrictions, the next UGB boundary expansion decision, and the actual process to expand the boundary, reduced capacity caused by any new limitations will last many years. During that time period, an inevitable result will be that the remaining developable land will soar in price, leading to an unhappy combination of higher housing prices and a stagnating local economy, as firms are unwilling to compensate for the additional cost of living in the Portland region. This result also was not considered in the ESEE analysis.

**Myth #2, the Goal 5 requirements are needed to comply with the Clean Water Act and Endangered Species Act.**

I have been trying without success during the last month to track down some specific basis in federal law for this belief; it certainly isn't explained in the staff report issued last Friday.

First of all, the Endangered Species Act is in such an unsettled state at this point due to recent court decisions and proposals making their way through Congress, that I doubt there's anyone in the county who could say with any certainty what it does or doesn't require in the Tualatin Basin except that it definitely does not apply to the upland wildlife habitat on your inventory maps.

With regard to possible EPA enforcement of the Clean Water Act, calls to a number of offices in Washington, D.C., failed to find anyone who could cite a specific provision that might require the approach being proposed. Some have theorized that perhaps there is fear of a third-party lawsuit against local governments in the Basin over some perceived violation of federal requirements. If this is the case, please make it clear.

**Myth #3, increased protection of environmental areas has economic benefits that offset other costs.**

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While true, that all other considerations being equal, businesses and individuals will choose to locate where the natural environment is more attractive, this factor only goes so far. There is a point at which protective regulations become so onerous and costly that they become an economic obstacle rather than a benefit. We would argue that this point will surely be reached, if it hasn't already with previous regulations, in the Goal 5 program under consideration.

**Myth #4, allowing one house per lot or parcel will avoid takings liability for the "strictly limit" designation.**

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The analysis required to determine whether a violation of the U.S. and Oregon Constitutions has occurred is much more sophisticated than the simple approach described in the Staff Report and related materials.

We would recommend that you seek advice from your attorneys on potential liability for new regulations that may devalue private property currently within the UGB by as much as 90% or more. Especially relevant is a ruling late last year from the Oregon Court of Appeals in *Coast Range Conifers v. State of Oregon*, in which the Court found in favor of a property owner who had been denied use of just nine out of the forty acres he owned.

In view of the fact that thousands of acres of currently developable land would be designated as “strictly limit” under the proposed program, just the potential defense costs associated with a high number of Fifth Amendment takings claims could be astronomical.

#### ***IV. Recommendations***

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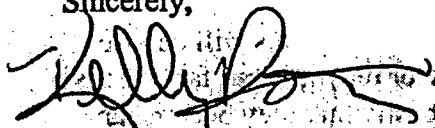
In view of all of the above costs and consequences, we would urge the Committee to at the very least:

- 1 Take additional time to conduct an update to the ESEE analysis now that possible regulations have been clarified and their possible economic, social, and energy consequences can be better assessed. Essential to this review would be a better analysis of any losses in housing capacity—both from vacant and developed (i.e., from refill) lands—that would require compensating adjustments to the UGB.
2. Amend the program now before you to explicitly authorize a process and criteria for habitat map corrections by individual planning departments.

This may well be the most far-reaching decision concerning Washington County’s future that you make during your tenure as an elected official. It should be based on what’s best for Washington County. It certainly shouldn’t be one that’s rushed without adequate consideration of the costs.

Thank you for your consideration.

Sincerely,

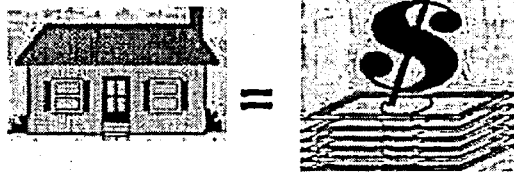


Kelly Ross  
Vice President, Government Affairs

cc: Members of the Oregon Land Conservation & Development Commission  
Jon Chandler, Oregon Building Industry Association  
Cindy Catto, Associated General Contractors  
Mike Salsgiver, Portland Business Alliance  
Robin White and Bev Bookin, Commercial Real Estate Economic Coalition  
Jonathan Schlueter, Westside Economic Alliance  
Jane Leo, Portland Metropolitan Association of Realtors®



# **THE LOCAL IMPACT OF HOME BUILDING IN AVERAGE CITY, USA**



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Income, Jobs, and Taxes Generated by Single Family Construction**

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**Technical Documentation**

## **EXECUTIVE SUMMARY**

Home building generates substantial economic benefits to the local economy in which it takes place--including income, jobs, and revenue for local governments. The National Association of Home Builders has developed a model to estimate these local benefits. The model is comprehensive, in the sense that it captures the effect of the construction activity itself, the impact that occurs when income earned from construction activity is spent, and the ongoing impact that results from the new home becoming occupied by residents who pay taxes and otherwise participate in the local economy.

This report presents estimates of the economic impacts of home building for Average City, USA, a hypothetical metropolitan area with new home prices, land values, local taxes, and construction-related fees equal to national averages. The model can also be customized to a particular local area. Given the necessary local information, the model can analyze the impact of residential construction at any scale, even a single project. When this is done, however, the comprehensive nature of the model requires that the area over which the impacts are felt be large enough to capture most of the economic activity in local labor and housing markets. In other words, the particular local area needs to include the places where construction workers generally live and spend their money, as well as the places where the new home occupants are likely to work, shop, and seek entertainment. In practice, this means either a Metropolitan Statistical Area (generally an aggregation of counties determined to belong to the same market area by the U.S. Office of Management and Budget), or a non-metropolitan county.

The model produces impacts on income and employment in 16 industries and the local government, as well as detailed information about taxes and other types of local government revenue. The key results are summarized below. Additional details are contained in subsequent sections.

### ***Single Family Construction***

- ◆ The estimated local one-year impacts of building 100 single family homes in Average City, USA include
  - ✓ \$11.6 million in local income,
  - ✓ \$1.4 million in taxes and other revenue for local governments, and
  - ✓ 250 local jobs.

These are **local impacts**, representing income and jobs for residents of Average City, and taxes (and other sources of revenue, including permit fees) for all local jurisdictions within Average City. They are also **one-year impacts** that include both the direct and indirect impact of the construction activity itself, and the impact of local residents who earn money from the construction activity spending part of it within Average City.

- ◆ The additional, recurring impacts of building 100 single family homes in Average City include

- ✓ \$2.8 million in local income,
- ✓ \$498,000 in taxes and other revenue for local governments, and
- ✓ 65 local jobs.

These are ongoing, annual local impacts that result from the new homes being occupied, and the occupants paying taxes and otherwise participating in the local economy year after year.

- ◆ The single family impacts were calculated assuming that new single family homes built in Average City have an average price of \$207,780; are built on a lot for which the average value of raw land is \$27,496; require the builder and developer to pay an average of \$7,536 in impact, permit, and other fees to local governments; and is taxed at an annual rate of 1.1 percent of the property's value. These numbers are generally based on national averages. The process of deriving them is explained more fully in the technical documentation.

### *Multifamily Construction*

The estimated local one-year impacts of building 100 multifamily units in Average City, USA include

- ✓ \$5.3 million in local income,
- ✓ \$630,000 in taxes and other revenue for local governments, and
- ✓ 112 local jobs.

These are local impacts, representing income and jobs for residents of Average City, and taxes (and other sources of revenue, including permit fees) for all local jurisdictions within Average City. They are also one-year impacts that include both the direct and indirect impact of the construction activity itself, and the impact of local residents who earn money from the construction activity spending part of it within Average City.

- ◆ The additional, recurring impacts of building 100 multifamily units in Average City include

- ✓ \$2.2 million in local income,
- ✓ \$384,000 in taxes and other revenue for local governments, and
- ✓ 47 local jobs.

These are ongoing, annual local impacts that result from the new homes being occupied, and the occupants paying taxes and otherwise participating in the local economy year after year.

- ◆ These multifamily impacts were calculated assuming that new multifamily units built in Average City each have a market value of \$91,657; embody a raw land value of \$6,110; require the builder and developer to pay \$3,334 in impact, permit, and other fees to local governments; and require the property owner to make an annual payment equal to 1.3 percent of the unit's value to local governments. As with the single family figures, these numbers are based on national averages as explained more fully in the technical documentation.



- ◆ The additional, recurring impacts of building 100 single family homes in Average City include

- ✓ \$2.8 million in local income,
- ✓ \$498,000 in taxes and other revenue for local governments, and
- ✓ 65 local jobs.

These are **ongoing, annual local impacts** that result from the new homes being occupied, and the occupants paying taxes and otherwise participating in the local economy year after year.

- ◆ The single family impacts were calculated assuming that new single family homes built in Average City have an average price of \$207,780; are built on a lot for which the average value of raw land is \$27,496; require the builder and developer to pay an average of \$7,536 in impact, permit, and other fees to local governments; and is taxed at an annual rate of 1.1 percent of the property's value. These numbers are generally based on national averages. The process of deriving them is explained more fully in the technical documentation.

### ***Multifamily Construction***

The estimated local one-year impacts of building 100 multifamily units in Average City, USA include

- ✓ \$5.3 million in local income,
- ✓ \$630,000 in taxes and other revenue for local governments, and
- ✓ 112 local jobs.

These are **local impacts**, representing income and jobs for residents of Average City, and taxes (and other sources of revenue, including permit fees) for all local jurisdictions within Average City. They are also **one-year impacts** that include both the direct and indirect impact of the construction activity itself, and the impact of local residents who earn money from the construction activity spending part of it within Average City.

- ◆ The additional, recurring impacts of building 100 multifamily units in Average City include

- ✓ \$2.2 million in local income,
- ✓ \$384,000 in taxes and other revenue for local governments, and
- ✓ 47 local jobs.

These are **ongoing, annual local impacts** that result from the new homes being occupied, and the occupants paying taxes and otherwise participating in the local economy year after year.

- ◆ These multifamily impacts were calculated assuming that new multifamily units built in Average City each have a market value of \$91,657; embody a raw land value of \$6,110; require the builder and developer to pay \$3,334 in impact, permit, and other fees to local governments; and require the property owner to make an annual payment equal to 1.3 percent of the unit's value to local governments. As with the single family figures, these numbers are based on national averages as explained more fully in the technical documentation.

The Housing Policy Department of the National Association of Home Builders has developed a model to estimate the local economic impact of building a home within the boundaries of a particular local market area. The model can be applied to either single family construction, multifamily construction, or a combination of the two. Although initially developed and calibrated for a typical metropolitan area using national averages, the model can be adapted to a specific local economy by replacing key housing market variables.

The model is divided into three phases. Phases I and II are one-time effects that occur as the result of construction activity. Phase III is an ongoing, annual effect that includes property tax payments and the result of the completed unit being occupied.

***Phase I: Construction***

The jobs, wages, and local taxes (including permit, utility connection, and impact fees) generated by the actual development, construction, and sale of the home. These jobs include on-site and off-site construction work as well as jobs generated in retail and wholesale sales of components, transportation to the site, and the professional services required to build a home and deliver it to its final customer.

***Phase II: Ripple Effect***

The wages and profits for local area residents earned during the construction period are spent on other locally produced goods and services. This generates additional income for local residents, which is spent on still more locally produced goods and services, and so on. This continuing recycling of income back into the community is usually called a "multiplier" or "ripple" effect.

***Phase III: Ongoing,  
Annual Effect***

The local jobs, income, and taxes generated as a result of the home being occupied. A household moving into a new home generally spends about three-fifths of its income on goods and services sold in the local economy. A fraction of this will become income for local workers and local businesses proprietors. In a typical local area, the household will also pay 1.25 percent of its income to local governments in the form of taxes and user fees, and a fraction of this will become income for local government employees. This is the first step in another set of economic ripples that cause a permanent increase in the level of economic activity, jobs, wages, and local tax receipts.

## **Modeling a Local Economy**

The model defines a local economy as a collection of industries and commodities. These are selected from the detailed benchmark input-output tables produced by the U.S. Bureau of Economic Analysis. The idea is to choose goods and services that would typically be produced, sold, and consumed within a local market area. Laundry services would qualify, for example, while automobile manufacturing would not. Both business-to-business and business-to-consumer transactions are considered. In general the model takes a conservative approach and retains a relatively small number of the available industries and commodities. Of the roughly 500 industries and commodities provided in the input-output files, the model uses only 56 commodities and 77 industries.

The design of the model implies that a local economy should include not only the places people live, but also the places where they work, shop, typically go for entertainment, etc. This corresponds reasonably well to the concepts of Metropolitan Statistical Areas and Primary Metropolitan Statistics Areas. These are areas defined by the U.S. Office of Management and Budget, based on local commuting patterns, and outside of the New England area are aggregations of counties. Outside of these officially defined metropolitan areas, NAHB has determined that a County will usually satisfy the model's requirements.

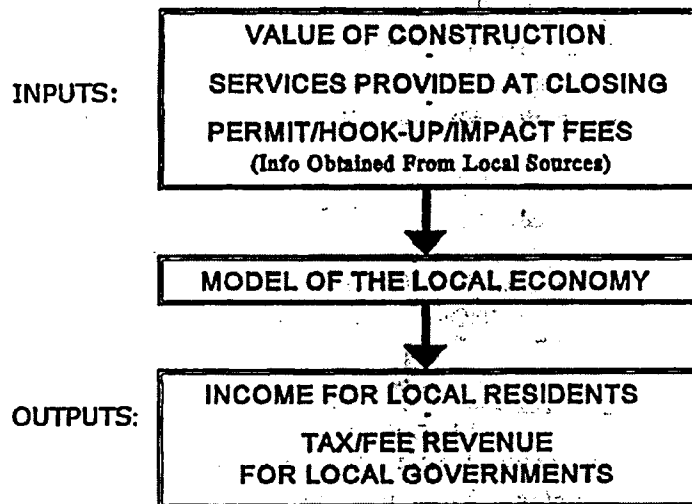
For a particular local area, the model adjusts the indirect business tax section of the national input-output accounts to account for the fiscal structure of local governments in the area. The information used to do this comes primarily from the U.S. Census Bureau's Census of Governments. Wages and salaries are extracted from the employee compensation section of the input-output accounts on an industry-by-industry basis. In order to relate wages and salaries to employment, the model incorporates data on local wages per job published by the Bureau of Economic Analysis.

### **Phase I: Construction**

In order to estimate the local impacts generated by home building, it's necessary to know the sales price of the homes being built, how much raw land contributes to the final price, and how much the builder and developer pay to local area governments in the form of permit, utility connection, impact, and other fees. This information is not generally available from national sources and in most cases must be provided by representatives from the area in question who have specialized knowledge of local conditions.

The model subtracts raw land value from the price of new construction and converts the difference into local wages, salaries, business owners' income, and taxes. This is done separately for all 77 local industries. In addition, the taxes and fees collected by local governments during the construction phase generate wages and salaries for local government employees. Finally the number of full time jobs supported by the wages and salaries generated in each private local industry and the local government sector is estimated.

### SUMMARY OF PHASE I



### Phase II: The Construction Ripple

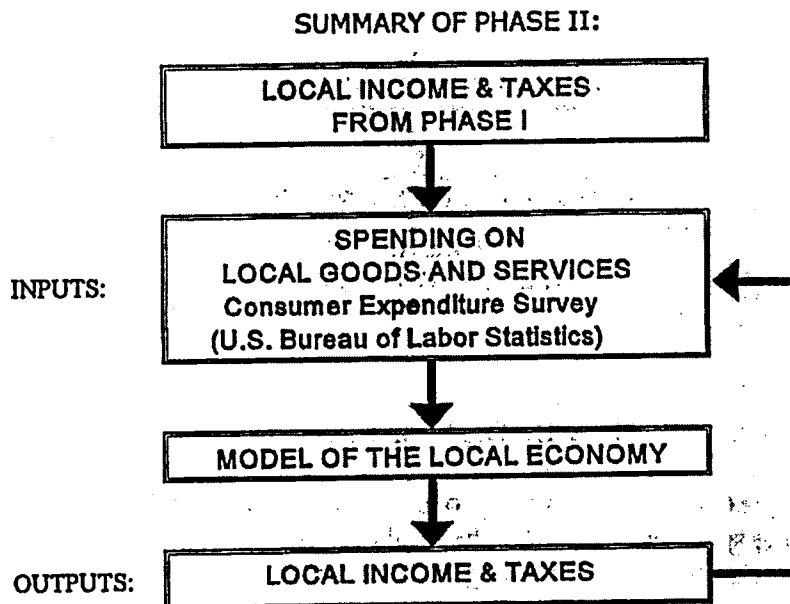
Clearly, the local workers and proprietors who earn income in Phase I will spend a share of this income. Some of the spending will escape the local economy. A portion of the money used to buy a new car, for example, will become wages for autoworkers who are likely to live in another city, and increased profits for stockholders of an automobile manufacturing company who are also likely to live elsewhere. Some of the spending, however, will remain within, and have an impact on, the local economy. The car is likely to be purchased from a local dealer and generate income for a salesperson who lives in the area, as well for local workers who provide cleaning, maintenance, and other services to the dealership. Consumers also are likely to purchase many services locally, as well as to pay taxes and fees to local governments.

This implies that the income and taxes generated in Phase I become the input for additional economic impacts analyzed in what we call Phase II of the model. Phase II begins by estimating how much of the added income households spend on each of the local commodities. This requires detailed analysis of data from the Consumer Expenditure Survey (CES), which is conducted by the U.S. Bureau of Labor Statistics primarily for the purpose of determining the weights for the Consumer Price Index. The analysis produces household spending estimates for 48 local commodities (the remainder of the 56 local commodities entering the model exclusively through business-to-business transactions).

The model then translates the estimated local spending into local business owners' income, wages and salaries, jobs, and taxes. This is essentially the same procedure applied to the homes sold to

consumers in Phase I. In Phase II, however, the procedure is applied simultaneously to 48 locally produced and sold commodities.

In other words, the model converts the local income earned in Phase I into local spending, which then generates additional local income. But this in turn will lead to additional spending, which will generate more local income, leading to another round of spending, and so on. Calculating the end result of these economic ripples may seem complicated but is basically a straightforward exercise in mathematics.

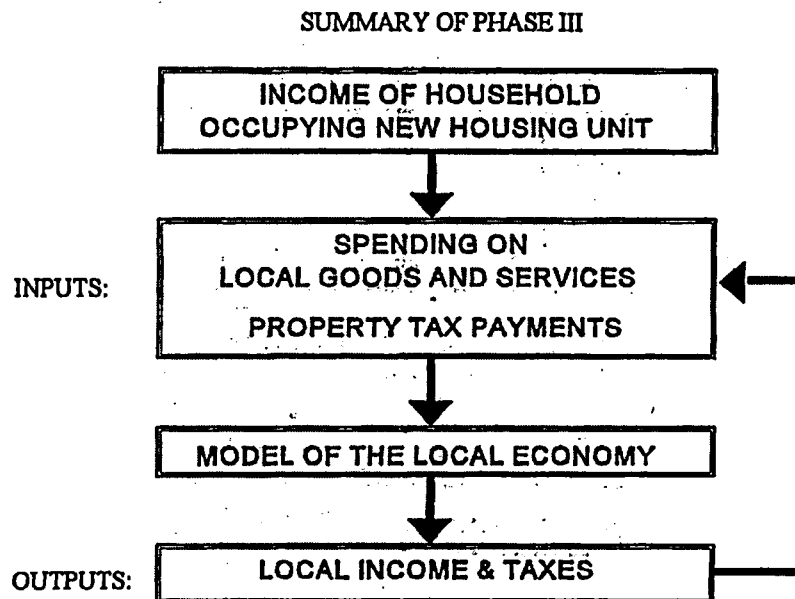


Like Phase II, Phase III involves computing the sum of successive ripples of economic activity. In Phase III, however, the first ripple is generated by the income and spending of a new household (along with the additional property taxes local governments collect as a result of the new structure). This does not necessarily imply that all new homes must be occupied by households moving in from outside the local area. It may be that an average new-home household moves into the newly constructed unit from elsewhere in the same local area, while an average existing-home household moves in from outside to occupy the unit vacated by the first household. Alternatively, it may be that the new home allows the local area to retain a household that would otherwise move out of the area for lack of suitable housing.

In any of these cases, it is appropriate to treat a new, occupied housing unit as a net gain to the local economy of one household with average characteristics for a household that occupies a new home. This reasoning is often used, even if unconsciously, when it is assumed that a new home

will be occupied by a household with average characteristics -- for instance, an average number of children who will consume public education.

To estimate the impact of the net additional households, Phase III of the model requires an estimate of the income of the households occupying the new homes. The information used to compute this estimate comes from several sources, but primarily from an NAHB statistical model based on decennial census data. Phase III of the local impact model then estimates the fraction of income these households spend on various local commodities. This is done with CES data and is similar to the procedure described under Phase II. The model also calculates the amount of local taxes the households pay each year. This is done with Census of Governments data except in the case of residential property taxes, which are treated separately, and for which specific information must usually be obtained from a local source. Finally, a total "ripple" effect is computed, using essentially the same procedure outlined above under Phase II.



The details covered here provide only a brief description of the model NAHB uses to estimate the local economic benefits of home building. For a more complete description, see the technical documentation at the end of the report. For additional information about the model, or questions about applying it to a particular local area, contact one of the following in NAHB's Housing Policy Department:

- ◆ David Crowe, Senior Staff Vice President (202) 266-8383
- ◆ Paul Emrath, Assistant Staff Vice President (202) 266-8449
- ◆ Elliot Eisenberg, Housing Policy Economist (202) 266-8398

# IMPACT OF BUILDING 100 SINGLE FAMILY HOMES IN AVERAGE CITY, USA

## SUMMARY

*Total One-Year Impact: Sum of Phase I and Phase II:*

Local Income	Local Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$11,611,000	\$2,108,000	\$9,503,000	\$1,359,000	250

*Phase I: Direct and Indirect Impact of Construction Activity:*

Local Income	Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$7,904,000	\$1,449,000	\$6,455,000	\$1,058,000	166

*Phase II: Induced (Ripple) Effect of Spending the Income and Taxes from Phase I:*

Local Income	Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$3,707,000	\$659,000	\$3,048,000	\$301,000	84

*Phase III: Ongoing, Annual Effect that Occurs When New Homes are Occupied:*

Local Income	Local Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$2,780,000	\$510,000	\$2,270,000	\$498,000	65

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<sup>1</sup> The term local taxes is used as a shorthand for local government revenue from all sources: taxes, fees, fines, revenue from government-owned enterprises, etc...

**IMPACT OF BUILDING 100 SINGLE FAMILY HOMES IN AVERAGE CITY, USA  
PHASE I -- DIRECT AND INDIRECT IMPACT OF CONSTRUCTION ACTIVITY**

**A. Local Income and Jobs by Industry**

Industry	Local Income	Local Business Owner's Income	Local Wages and Salaries	Wages & Salaries per Full-time Job	Number of Local Jobs Supported
Construction	\$6,184,000	\$1,089,000	\$5,096,000	\$40,000	128
Manufacturing	\$4,000	\$0	\$4,000	\$45,000	0
Transportation	\$10,000	\$1,000	\$9,000	\$38,000	0
Communications	\$29,000	\$5,000	\$23,000	\$68,000	0
Utilities	\$13,000	\$0	\$12,000	\$63,000	0
Wholesale and Retail Trade	\$838,000	\$99,000	\$739,000	\$31,000	24
Finance and Insurance	\$92,000	\$13,000	\$80,000	\$49,000	2
Real Estate	\$43,000	\$20,000	\$23,000	\$38,000	1
Personal & Repair Services	\$33,000	\$14,000	\$19,000	\$32,000	1
Services to dwellings / buildings	\$9,000	\$3,000	\$6,000	\$36,000	0
Business & Professional Services	\$497,000	\$169,000	\$328,000	\$47,000	7
Eating and drinking places	\$12,000	\$2,000	\$10,000	\$38,000	0
Automobile Repair & Service	\$22,000	\$10,000	\$12,000	\$29,000	0
Entertainment Services	\$3,000	\$1,000	\$3,000	\$36,000	0
Health, Educ. & Social Services	\$0	\$0	\$0	\$43,000	0
Local Government	\$2,000	\$0	\$2,000	\$44,000	0
Other	\$112,000	\$22,000	\$90,000	\$34,000	3
<b>Total</b>	<b>\$7,904,000</b>	<b>\$1,449,000</b>	<b>\$6,455,000</b>	<b>\$39,000</b>	<b>166</b>

*Note: Business & professional services include architectural and engineering services. The "Other" category consists mostly of landscaping services, and the production of greenhouse and nursery products.*

**B. Local Government General Revenue by Type**

TAXES:		USER FEES & CHARGES:	
Business Property Taxes	\$46,000	Residential Permit / Impact Fees	\$754,000
Residential Property Taxes	\$0	Utilities & Other Govt. Enterprises	\$83,000
General Sales Taxes	\$18,000	Hospitals	\$36,000
Specific Excise Taxes	\$6,000	Transportation Charges	\$14,000
Income Taxes	\$17,000	Education Charges	\$14,000
License Taxes	\$1,000	Other Fees and Charges	\$46,000
Other Taxes	\$24,000	<b>TOTAL FEES &amp; CHARGES</b>	<b>\$947,000</b>
<b>TOTAL TAXES</b>	<b>\$111,000</b>	<b>TOTAL GENERAL REVENUE</b>	<b>\$1,058,000</b>



**IMPACT OF BUILDING 100 BINGLE FAMILY HOMES IN AVERAGE CITY, USA  
PHASE II - INDUCED EFFECT OF SPENDING INCOME AND TAX REVENUE FROM PHASE I**

**A. Local Income and Jobs by Industry**

Industry	Local Income	Local Business Owner's Income	Local Wages and Salaries	Wages & Salaries per Full-time Job	Number of Local Jobs Supported
Construction	\$261,000	\$57,000	\$204,000	\$40,000	5
Manufacturing	\$17,000	\$1,000	\$16,000	\$45,000	0
Transportation	\$33,000	\$2,000	\$31,000	\$38,000	1
Communications	\$109,000	\$22,000	\$88,000	\$68,000	1
Utilities	\$57,000	\$0	\$57,000	\$63,000	1
Wholesale and Retail Trade	\$626,000	\$84,000	\$543,000	\$25,000	22
Finance and Insurance	\$208,000	\$15,000	\$193,000	\$53,000	4
Real Estate	\$237,000	\$111,000	\$126,000	\$38,000	3
Personal & Repair Services	\$108,000	\$40,000	\$69,000	\$25,000	3
Services to dwellings / buildings	\$30,000	\$11,000	\$20,000	\$36,000	1
Business & Professional Services	\$283,000	\$88,000	\$195,000	\$47,000	4
Eating and drinking places	\$156,000	\$26,000	\$130,000	\$38,000	3
Automobile Repair & Service	\$139,000	\$51,000	\$88,000	\$29,000	3
Entertainment Services	\$57,000	\$14,000	\$43,000	\$35,000	1
Health, Education, & Social Services	\$791,000	\$132,000	\$658,000	\$40,000	17
Local Government	\$549,000	\$0	\$549,000	\$42,000	13
Other	\$44,000	\$5,000	\$39,000	\$25,000	2
<b>Total</b>	<b>\$3,707,000</b>	<b>\$659,000</b>	<b>\$3,048,000</b>	<b>\$36,000</b>	<b>84</b>

*Note: Business & professional services include architectural and engineering services. The "Other" category consists mostly of landscaping services, and the production of greenhouse and nursery products.*

**B. Local Government General Revenue by Type**

TAXES:		- USER FEES & CHARGES:	
Business Property Taxes	\$91,000	Residential Permit / Impact Fees	\$0
Residential Property Taxes	\$0	Utilities & Other Govt. Enterprises	\$77,000
General Sales Taxes	\$27,000	Hospitals	\$17,000
Specific Excise Taxes	\$12,000	Transportation Charges	\$6,000
Income Taxes	\$9,000	Education Charges	\$6,000
License Taxes	\$1,000	Other Fees and Charges	\$35,000
Other Taxes	\$18,000	<b>TOTAL FEES &amp; CHARGES</b>	<b>\$142,000</b>
<b>TOTAL TAXES</b>	<b>\$159,000</b>	<b>TOTAL GENERAL REVENUE</b>	<b>\$301,000</b>

**IMPACT OF BUILDING 100 SINGLE FAMILY HOMES IN AVERAGE CITY, USA  
PHASE III - ONGOING, ANNUAL EFFECT THAT OCCURS AS NEW HOMES ARE OCCUPIED**

**A. Local Income and Jobs by Industry**

Industry	Local Income	Local Business Owner's Income	Local Wages and Salaries	Wages & Salaries per Full-time Job	Number of Local Jobs Supported
Construction	\$198,000	\$43,000	\$155,000	\$40,000	4
Manufacturing	\$13,000	\$1,000	\$12,000	\$45,000	0
Transportation	\$19,000	\$1,000	\$18,000	\$38,000	0
Communications	\$89,000	\$18,000	\$71,000	\$68,000	1
Utilities	\$52,000	\$0	\$52,000	\$63,000	1
Wholesale and Retail Trade	\$552,000	\$74,000	\$478,000	\$25,000	19
Finance and Insurance	\$202,000	\$13,000	\$189,000	\$53,000	4
Real Estate	\$113,000	\$53,000	\$60,000	\$38,000	2
Personal & Repair Services	\$96,000	\$35,000	\$60,000	\$25,000	2
Services to dwellings / buildings	\$19,000	\$7,000	\$13,000	\$36,000	0
Business & Professional Services	\$226,000	\$73,000	\$154,000	\$47,000	3
Eating and drinking places	\$134,000	\$22,000	\$112,000	\$38,000	3
Automobile Repair & Service	\$132,000	\$50,000	\$82,000	\$29,000	3
Entertainment Services	\$58,000	\$14,000	\$45,000	\$35,000	1
Health, Education, & Social Services	\$591,000	\$99,000	\$492,000	\$38,000	13
Local Government	\$222,000	\$0	\$222,000	\$42,000	5
Other	\$63,000	\$6,000	\$56,000	\$25,000	2
<b>Total</b>	<b>\$2,780,000</b>	<b>\$510,000</b>	<b>\$2,270,000</b>	<b>\$35,000</b>	<b>65</b>

*Note: Business & professional services include architectural and engineering services. The "Other" category consists mostly of landscaping services, and the production of greenhouse and nursery products.*

**B. Local Government General Revenue by Type**

<b>TAXES:</b>		<b>USER FEES &amp; CHARGES:</b>	
Business Property Taxes	\$63,000	Residential Permit / Impact Fees	\$0
Residential Property Taxes	\$198,000	Utilities & Other Govt. Enterprises	\$124,000
General Sales Taxes	\$19,000	Hospitals	\$33,000
Specific Excise Taxes	\$8,000	Transportation Charges	\$5,000
Income Taxes	\$7,000	Education Charges	\$5,000
License Taxes	\$0	Other Fees and Charges	\$25,000
Other Taxes	\$13,000	<b>TOTAL FEES &amp; CHARGES</b>	<b>\$191,000</b>
<b>TOTAL TAXES</b>	<b>\$308,000</b>	<b>TOTAL GENERAL REVENUE</b>	<b>\$498,000</b>

# IMPACT OF BUILDING 100 MULTIFAMILY UNITS IN AVERAGE CITY, USA

## SUMMARY

*Total One-Year Impact: Sum of Phase I and Phase II:*

Local Income	Local Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$5,315,000	\$1,009,000	\$4,306,000	\$630,000	112

*Phase I: Direct and Indirect Impact of Construction Activity:*

Local Income	Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$3,611,000	\$707,000	\$2,905,000	\$492,000	73

*Phase II: Induced (Ripple) Effect of Spending the Income and Taxes from Phase I:*

Local Income	Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$1,704,000	\$302,000	\$1,401,000	\$138,000	39

*Phase III: Ongoing, Annual Effect that Occurs When New Homes are Occupied:*

Local Income	Local Business Owner's Income	Local Wages and Salaries	Local Taxes <sup>1</sup>	Local Jobs Supported
\$2,171,000	\$463,000	\$1,708,000	\$384,000	47

<sup>1</sup>The term local taxes is used as a shorthand for local government revenue from all sources: taxes, fees, fines, revenue from government-owned enterprises, etc...

**IMPACT OF BUILDING 100 MULTIFAMILY HOMES IN AVERAGE CITY, USA  
PHASE I - DIRECT AND INDIRECT IMPACT OF CONSTRUCTION ACTIVITY**

**A. Local Income and Jobs by Industry**

Industry	Local Income	Local Business Owner's Income	Local Wages and Salaries	Wages & Salaries per Full-time Job	Number of Local Jobs Supported
Construction	\$2,811,000	\$548,000	\$2,264,000	\$40,000	57
Manufacturing	\$2,000	\$0	\$2,000	\$45,000	0
Transportation	\$2,000	\$0	\$2,000	\$38,000	0
Communications	\$9,000	\$2,000	\$7,000	\$68,000	0
Utilities	\$4,000	\$0	\$3,000	\$63,000	0
Wholesale and Retail Trade	\$304,000	\$36,000	\$268,000	\$31,000	9
Finance and Insurance	\$40,000	\$6,000	\$34,000	\$48,000	1
Real Estate	\$14,000	\$7,000	\$8,000	\$38,000	0
Personal & Repair Services	\$9,000	\$4,000	\$5,000	\$31,000	0
Services to dwellings / buildings	\$3,000	\$1,000	\$2,000	\$36,000	0
Business & Professional Services	\$391,000	\$99,000	\$293,000	\$57,000	5
Eating and drinking places	\$4,000	\$1,000	\$3,000	\$38,000	0
Automobile Repair & Service	\$7,000	\$3,000	\$4,000	\$29,000	0
Entertainment Services	\$1,000	\$0	\$1,000	\$36,000	0
Health, Educ. & Social Services	\$0	\$0	\$0	\$43,000	0
Local Government	\$1,000	\$0	\$1,000	\$44,000	0
Other	\$11,000	\$1,000	\$10,000	\$25,000	0
<b>Total</b>	<b>\$3,611,000</b>	<b>\$707,000</b>	<b>\$2,905,000</b>	<b>\$40,000</b>	<b>73</b>

*Note: Business & professional services include architectural and engineering services. The "Other" category consists mostly of landscaping services, and the production of greenhouse and nursery products.*

**B. Local Government General Revenue by Type**

TAXES:		USER FEES & CHARGES:	
Business Property Taxes	\$26,000	Residential Permit / Impact Fees	\$333,000
Residential Property Taxes	\$0	Utilities & Other Govt. Enterprises	\$35,000
General Sales Taxes	\$24,000	Hospital	\$17,000
Specific Excise Taxes	\$3,000	Transportation Charges	\$6,000
Income Taxes	\$8,000	Education Charges	\$7,000
License Taxes	\$0	Other Fees and Charges	\$22,000
Other Taxes	\$11,000	<b>TOTAL FEES &amp; CHARGES</b>	<b>\$420,000</b>
<b>TOTAL TAXES</b>	<b>\$72,000</b>	<b>TOTAL GENERAL REVENUE</b>	<b>\$492,000</b>

**IMPACT OF BUILDING 100 MULTIFAMILY HOMES IN AVERAGE CITY, USA  
PHASE II -- INDUCED EFFECT OF SPENDING INCOME AND TAX REVENUE FROM PHASE I**

**A. Local Income and Jobs by Industry**

Industry	Local Income	Local Business Owner's Income	Local Wages and Salaries	Wages & Salaries per Full-time Job	Number of Local Jobs Supported
Construction	\$120,000	\$26,000	\$94,000	\$40,000	2
Manufacturing	\$8,000	\$1,000	\$7,000	\$45,000	0
Transportation	\$15,000	\$1,000	\$14,000	\$38,000	0
Communications	\$50,000	\$10,000	\$40,000	\$68,000	1
Utilities	\$26,000	\$0	\$26,000	\$63,000	0
Wholesale and Retail Trade	\$287,000	\$38,000	\$249,000	\$25,000	10
Finance and Insurance	\$95,000	\$7,000	\$88,000	\$53,000	2
Real Estate	\$109,000	\$51,000	\$58,000	\$38,000	2
Personal & Repair Services	\$50,000	\$18,000	\$31,000	\$25,000	1
Services to dwellings / buildings	\$14,000	\$5,000	\$9,000	\$36,000	0
Business & Professional Services	\$130,000	\$41,000	\$89,000	\$47,000	2
Eating and drinking places	\$71,000	\$12,000	\$59,000	\$38,000	2
Automobile Repair & Service	\$64,000	\$24,000	\$40,000	\$29,000	1
Entertainment Services	\$26,000	\$6,000	\$20,000	\$35,000	1
Health, Education, & Social Services	\$362,000	\$61,000	\$301,000	\$40,000	8
Local Government	\$257,000	\$0	\$257,000	\$42,000	6
Other	\$20,000	\$2,000	\$18,000	\$25,000	1
<b>Total</b>	<b>\$1,704,000</b>	<b>\$302,000</b>	<b>\$1,401,000</b>	<b>\$36,000</b>	<b>39</b>

*Note: Business & professional services include architectural and engineering services. The "Other" category consists mostly of landscaping services, and the production of greenhouse and nursery products.*

**B. Local Government General Revenue by Type**

TAXES:		USER FEES & CHARGES:	
Business Property Taxes	\$42,000	Residential Permit / Impact Fees	\$0
Residential Property Taxes	\$0	Utilities & Other Govt. Enterprises	\$35,000
General Sales Taxes	\$12,000	Hospital	\$8,000
Specific Excise Taxes	\$5,000	Transportation Charges	\$3,000
Income Taxes	\$4,000	Education Charges	\$3,000
License Taxes	\$0	Other Fees and Charges	\$16,000
Other Taxes	\$8,000	<b>TOTAL FEES &amp; CHARGES</b>	<b>\$65,000</b>
<b>TOTAL TAXES</b>	<b>\$73,000</b>	<b>TOTAL GENERAL REVENUE</b>	<b>\$138,000</b>

**IMPACT OF BUILDING 100 MULTIFAMILY HOMES IN AVERAGE CITY, LBA  
PHASE III-- ONGOING, ANNUAL EFFECT THAT OCCURS AS NEW HOMES ARE OCCUPIED**

**A. Local Income and Jobs by Industry**

Industry	Local Income	Local Business Owner's Income	Local Wages and Salaries	Wages & Salaries per Full-time Job	Number of Local Jobs Supported
Construction	\$114,000	\$26,000	\$89,000	\$40,000	2
Manufacturing	\$10,000	\$1,000	\$10,000	\$45,000	0
Transportation	\$17,000	\$1,000	\$16,000	\$38,000	0
Communications	\$65,000	\$12,000	\$52,000	\$68,000	1
Utilities	\$22,000	\$0	\$22,000	\$63,000	0
Wholesale and Retail Trade	\$366,000	\$49,000	\$317,000	\$25,000	13
Finance and Insurance	\$123,000	\$8,000	\$115,000	\$53,000	2
Real Estate	\$294,000	\$138,000	\$157,000	\$38,000	4
Personal & Repair Services	\$60,000	\$21,000	\$39,000	\$25,000	2
Services to dwellings / buildings	\$27,000	\$10,000	\$17,000	\$36,000	0
Business & Professional Services	\$168,000	\$52,000	\$116,000	\$47,000	2
Eating and drinking places	\$125,000	\$21,000	\$104,000	\$38,000	3
Automobile Repair & Service	\$80,000	\$31,000	\$49,000	\$29,000	2
Entertainment Services	\$40,000	\$10,000	\$30,000	\$35,000	1
Health, Education, & Social Services	\$470,000	\$81,000	\$389,000	\$40,000	10
Local Government	\$172,000	\$0	\$172,000	\$42,000	4
Other	\$16,000	\$2,000	\$14,000	\$26,000	1
<b>Total</b>	<b>\$2,171,000</b>	<b>\$463,000</b>	<b>\$1,708,000</b>	<b>\$36,000</b>	<b>47</b>

*Note: Business & professional services include architectural and engineering services. The "Other" category consists mostly of landscaping services, and the production of greenhouse and nursery products.*

**B. Local Government General Revenue by Type**

<b>TAXES:</b>		<b>USER FEES &amp; CHARGES:</b>	
Business Property Taxes	\$83,000	Residential Permit / Impact Fees	\$0
Residential Property Taxes	\$111,000	Utilities & Other Govt. Enterprises	\$65,000
General Sales Taxes	\$25,000	Hospital	\$34,000
Specific Excise Taxes	\$11,000	Transportation Charges	\$4,000
Income Taxes	\$6,000	Education Charges	\$4,000
License Taxes	\$1,000	Other Fees and Charges	\$27,000
Other Taxes	\$14,000	<b>TOTAL FEES &amp; CHARGES</b>	<b>\$133,000</b>
<b>TOTAL TAXES</b>	<b>\$250,000</b>	<b>TOTAL GENERAL REVENUE</b>	<b>\$384,000</b>



**URBAN  
Greenspaces  
INSTITUTE**

August 2, 2004

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Ashland, Oregon

Tualatin Basin Natural Resources Coordinating Committee  
Washington County  
155 N. First Avenue, Suite 350-14  
Hillsboro, OR 97124

Dear Chair Brian and Committee Members,

It seems incredible to me, but exactly 20 years ago I performed Goal 5 inventories in nine CPOs in Washington County, in cooperation with county planning staff---including some who are currently involved in the Tualatin Basin Goal 5 work,, Brent Curtis, Hal Bergsma, and Richard Meyer. I recall walking every foot of each of the nine CPOs, collecting wildlife sightings and habitat descriptions over the three weeks that were allocated to complete the field work.

While many locally and regionally significant habitats were identified through that process, so far as CPO leaders and I were concerned, that work did not lead to the kind of progressive natural resource protection rules we had hoped for. The lack of Goal 5 protections in the counties and cities was one impetus to initiate the Greenspaces acquisition program in 1989. Twenty years later the Tualatin Basin, and the metropolitan region, still lacks an ecologically based program that provides adequate protection, and restoration, of riparian and upland habitats. Unfortunately, the Tualatin Basin Partner's (Goal 5) Fish and Wildlife Protection Plan, as currently written, fails to remedy that situation. I am here tonight to urge you to direct staff to revise the plan to comply with the principles, vision, and goals of Region 2040 and the Goal 5 Vision that have been approved by MPAC and adopted by Metro Council.

The following bottom line issues are fatal flaws with your draft plan:

1). It fails to respond to regionally adopted vision and goals of the Region 2040 Concept

2). It fails to acknowledge that there is a regionally adopted ***Greenspaces Resolution*** that addresses the issue of regional and local density and capacity goals

3). The plan's reliance on mitigation instead of protection and restoration in "lightly limit" zones will result in further degradation of regionally significant fish and wildlife habitat. The proposed mitigation approach is also contrary to broadly accepted state and federal mitigation policies. Reliance on publicly owned properties is bad public policy.

4). The Basin proposal utterly fails to address the economic and Ecosystem Services value of fish and wildlife habitat. Instead, it takes the simplistic approach of trading economic development vs foregoing economic development due to protection.

#### **Failure To Achieve Adopted Regional Vision and Goals**

There is an extensive, comprehensive and cumulative trail of decisions, dating back to 1992 beginning with adoption of *RUGGOs* (Regional Urban Growth Goals & Objectives), the Metropolitan *Greenspaces Master Plan*, and Metro's *Future Vision* document that clearly lay out a regional vision that is at odds with the proposal before you. As written, your plan will result in further fragmentation and degradation of riparian corridors—the most ecologically important element of the Tualatin Basin's green infrastructure. The entire premise of Region 2040 and the regional Goal 5 program is to preserve, and restore, the "***ribbons of green***" that flow through each of the region's communities. The plan before you will fail utterly in achieving that goal.

The current proposal falls short in meeting the regional standards for achieving that simple ecologically-based objective by failing to respond to the following regionally adopted vision, goals, and policies:

#### **Metro Charter:**

1). The preamble of Metro's Charter states the following: "*We, the people of the Portland area metropolitan service district, [establish an elected regional government] that undertakes, as its most important service, planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations.*"



The Tualatin Basin Goal 5 proposal will result in decreased quality of life and environment throughout the Tualatin Basin.

2). The RUGGOs (Regional Urban Growth Goals & Objectives) stated that the region should "Manage watersheds to protect and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical, and social values," as well as creating "A region-wide system of linked significant wildlife habitats. This system should be preserved, restored where appropriate, and managed to maintain the region's biodiversity."

The Tualatin Basin Goal 5 proposal will not ensure the protection of stream integrity nor will it contribute to creating a system of linked habitats. Riparian corridors will become further fragmented and riparian-upland corridors will be lost as well.

3). The 2040 Growth Concept, acknowledged by LCDC in 1995, states: "*The basic philosophy of the Growth Concept is: preserve access to nature and build better communities.*" To utilize, "*An integrated, multiobjective floodplain management strategy . . . which recognizes the multiple values of stream and river corridors including: enhanced water quality, fish and wildlife habitat, open space, increased property values, education, flood reduction, aesthetics, and recreation. An interconnected system of streams, rivers, and wetlands that are managed on an ecosystem basis and restoration of currently degraded streams and wetlands are important elements of this ecosystem approach.*"

The Tualatin Basin proposal will result in reducing, and eliminating in some places, access to nature and result in less livable communities as a consequence. It will result in disruption of stream corridors and make the creation of an interconnected system of streams and wetlands impossible.

4). The 1992 Metropolitan Greenspaces Master Plan calls for preserving "*diversity of plant and animal life in the urban environment....*" The Master Plan adheres to the following ecological principles: "*Maintain biological diversity by restoring and enhancing a variety of habitats, including wetlands, riparian corridors, forests and*

*agricultural lands." And "Protect, restore and recreate stream corridor vegetation by replacing riparian vegetation where it is lacking or dominated by exotic species and removing barriers, where possible, to maintain connections with adjacent upland habitats."*

The proposed Tualatin Basin plan falls short on each of these objectives, especially the last one, given that your proposal will not only result in further fragmentation of riparian corridors (***ribbons of green***) but will also reduce connections between upland and riparian habitats.

5). Metro's ***Future Vision*** states the following objectives should be integral to implementing Region 2040: *"Integrate urban, suburban, and rural lands in a watershed-wide perspective to ensure... protection of riparian corridors and wetlands and restoration of fisheries. An integrated, multiobjective floodplain management strategy shall be developed which recognizes the multiple values of stream and river corridors including: enhanced water quality, fish and wildlife habitat, open space, increased property values, education, flood reduction, aesthetics, and recreation. An interconnected system of streams, rivers, and wetlands that are managed on an ecosystem basis and restoration of currently degraded streams and wetlands are important elements of this ecosystem approach."*

The Tualatin Basin plan will not achieve any of these elements of the Metro-adopted regional vision for Region 2040.

6). The 1997 **Regional Framework Plan** establishes polices for parks, natural areas and open spaces, and identifies the important environmental benefits of maintaining and improving air and water resources, providing flood control, and protecting fish and wildlife habitat. It commits the region to "develop a strategy and action plan to address inadequacies in the protection of regional Goal 5 resources."

The Tualatin Basin plan fails to address existing inadequacies of its own Goal 5 program and does not address the regional inadequacies that were identified in the document, *To Save, Or To Pave*, which established the general inadequacies of Goal 5 programs throughout the metropolitan region.

**7). Goal 5 Purpose, Vision, Goal, Principles and Context**

The adopted Goal for the regional Goal 5 program reads: *The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with others streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape. This system will be achieved through conservation, protection and appropriate restoration of streamside corridors through time.*

In my opinion, the Tualatin Basin plan is diametrically opposed to this goal, in that it will promote the further fragmentation of stream corridors because it will allow development to degrade or eliminate more than 50% of the remaining habitat in the basin, including more than 1000 acres of highest value riparian and upland forests inside the UGB as mapped through the regional Goal 5 habitat inventory process.

This is not my opinion alone. For example, the Governor's Independent Multi-disciplinary Science Team noted just over a year ago that "*Stream, riparian and upland condition and function individually and in aggregate;* (that it's crucial to address) Individual sites, individual reaches and streams, whole watersheds and aggregations of adjacent watersheds.

The IMST then went on to state that it's important to take a "landscape perspective", recognizing "the importance of connectivity, both longitudinal and lateral, of the stream systems."

**Capacity**

There remains a misunderstanding regarding the Tualatin Basin's obligation to meet certain density or capacity objectives as set out by Metro throughout the Region 2040 planning process. On numerous occasions I have heard planners from the Tualatin Basin assert, erroneously, that if too much Goal 5 resource lands are protected from development that the basin's jurisdictions will be unable to meet their density and capacity "targets" and that this will result in a necessity to expand the Urban Growth Boundary.

Metro addressed this issue with the adoption of a regional *Greenspaces Resolution* in 1996, which is now in Section 3.07.860

of the Metro Code. The 1996 *Greenspaces Resolution* was adopted to explicitly address issues raised by the Tualatin Basin Steering Committee. At that time local jurisdictions had been complaining that they were being asked to simultaneously meet certain capacity requirements as well as protect greenspaces. They argued that it was not possible to achieve both goals.

Metro's *Greenspaces Resolution* made it crystal clear that, if the local jurisdiction made decisions to protect what Metro viewed as "unbuildable lands" (stream corridors, steep slopes, and floodplains) and to provide additional needed park lands, and the jurisdiction had documented it was using the remaining buildable lands more efficiently so as to make a good faith effort in meeting capacity objectives, that they could petition Metro for an exemption. Furthermore, Metro also made it crystal clear that if the UGB had to be adjusted to accommodate creation of more publicly owned park land and protection of natural resources that it was acceptable to make necessary UGB adjustments, so long as the local jurisdictions guaranteed the lands taken out of the lands in question were protected in perpetuity.

The *Greenspaces Resolution* contained the following excerpts that you should review when considering the capacity argument in your plan (underlining mine for emphasis):

"Whereas, the Region 2040 Growth Concept was designed to integrate development and the protection of Greenspaces, parks and open space within the Urban Growth Boundary (UGB), and;

Whereas, Metro, in consultation with local jurisdictions, has identified approximately 16,000 acres of land inside the UGB that are in steep slopes, flood plain, or otherwise environmentally sensitive, and classified them as "unbuildable" and which should not be developed; and;

Whereas, it is consistent with the Urban Growth Management Functional Plan for local jurisdictions to identify additional Goal 5 resource lands which should be protected partially or fully within the UGB and for Metro to include these in the "unbuildable lands" inventory, and;

BE IT RESOLVED THAT;

1. It is the policy of the Metro Council that lands identified as "unbuildable" in Metro's Urban Growth Report should be protected from development to the maximum extent possible by local jurisdictions and to the maximum extent of the law;
2. Metro encourages all local jurisdictions in the Metro region to actively protect in perpetuity parks, open space, recreational trails, and other sensitive natural areas, through acquisition of property rights including conservation easements, regulation, or other effective measures, even if they include what has been classified as "buildable" lands in Metro's inventory;
3. The protection of environmentally sensitive lands from development could result in a decline in net buildable acres in a local jurisdiction. Upon demonstration by a local jurisdiction that such protection results in an inability to meet jobs, housing and other targets established in the Urban Growth Management Functional Plan, the Metro Council will grant an exception consistent with Title 8 of the Functional Plan. The exception will be granted to the extent the local jurisdiction establishes that decline in net buildable acres is the result of lands being protected from development by locally adopted and implemented regulations."

#### **Mitigation**

The Tualatin Basin plan places far too much emphasis on mitigation, as opposed to affording more protection in "lightly limit" zones. Both federal and state policies are diametrically opposed to this approach. The Tualatin Basin, and apparently Metro as well, is seriously considering mitigation as an important element of the Tualatin Basin's and Metro's regional Goal 5 program. This philosophy is contrary to state and federal policies. The U S Army Corps of Engineers, U. S. EPA, U. S. Fish and Wildlife Service and Oregon Division of State Lands all adhere to the following hierarchy when considering wetland mitigation projects:

"Mitigation means the reduction of adverse effects of a proposed project by considering the following order:

a). Avoiding the impact altogether by not taking certain action or parts of an action.

b). Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

c). Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

d). Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures

The, the last consideration, not the first, is compensation for habitat loss:

e). Compensating for the impact by replacing or providing comparable substitute wetland or water resources.

Importantly for your proposal to establish a fee in lieu of approach is that the preferred mitigation by state and federal agencies is on-site, meaning that the mitigation should occur by restoring/creating the same kind of habitat on the same site, not elsewhere in the watershed. The next preferred option is for mitigation to occur close by and certainly within the same watershed.

Then there's the question of efficacy of mitigation efforts.

Coincidentally, the Corvallis Lab of EPA conducted a scientific study of wetland mitigation projects in the Tualatin Basin. What they found was an abysmal failure of past wetland mitigation projects on urban wetlands within the Tualatin Basin. This is yet another reason to reject mitigation as a tool for habitat protection under the regional Goal 5 program in all but the most extreme cases.

**Use of Public Lands For Mitigation:** We are adamantly opposed to the Basin's proposal to focus mitigation efforts on publicly owned lands. This approach amounts to "double dipping" in our opinion. Mitigation should be driven by habitat creation, restoration, and enhancement goals, not on property ownership. If mitigation appropriate to the impact and the site required the acquisition, in fee or easement, of private property to achieve what the goals of the mitigation project are then that is the course of action that should be pursued.

Publicly owned lands, including THPRD holdings, were not purchased to function as "mitigation banks." Fish and Wildlife habitat restoration and enhancement projects are already being undertaken on publicly owned lands and should not be seen as an easy solution to the difficulty.

**Mitigation Ratios:**

We also take issue with the proposed of ratio of 1:1.2 for mitigation. This, too, ignores long accepted state and federal mitigation standards, which have established ratios as high as 3:1 or 4:1, depending on the type of habitat lost and likelihood of successful mitigation. You should direct staff to adopt mitigation ratios that reflect state and federal requirements.

**Economic Values & Ecosystem Services**

We are disappointed that the Basin plan perpetuates the false premise that foregoing traditional economic development in order to protect natural resources necessarily represents a negative economic impact. The decision to ignore what today are relatively well-documented economic values of intact fish and wildlife habitat and other greenspaces is disappointing. Protected and restored fish and wildlife areas, floodplains, wetlands and other natural resources are known to add significantly to the value of adjacent properties as well as the community at large. Additionally, research in the field of Ecosystem Services demonstrates that "green infrastructure" affords a community considerable cost savings by relying on green infrastructure for water quality improvements, flood storage, and other benefits that would otherwise be provided by expensive "gray" infrastructure. Nowhere have I seen an analysis by the Tualatin Basin as to the positive economic impacts of retaining all of the regionally significant fish and wildlife habitat for their added economic value and Ecosystem Services functions. This is a fatal flaw in your analysis.

**Conclusion**

Without a doubt this region can take great pride in using the statewide and regional planning program and regional policies to create a compact urban form. We continue to be the envy of other cities and regions throughout the country in that regard. However, If you accept the Tualatin Basin Goal 5 plan as written you will be embarking on

policies that will leave us far behind other municipalities with regard to the protection and restoration of urban natural resources within the urban area. If Metro and the Tualatin Basin were to adhere to the vision and policies I've referenced above, to truly integrate the natural and built environment, as was envisioned when the 2040 Growth Concept was adopted by Metro Council, we would also become national leaders in the arena of creating livable communities inside the Urban Growth Boundary. At the very time that other cities and regions throughout the U. S. are attempting to redress past mistakes, to rethink their policies regarding protection of urban natural resources and restore their degraded natural landscape, the Tualatin Basin's proposal would take us in the opposite direction.

If you proceed with the policies you are proposing ---and if Metro accepts your approach---the most important objective of Region 2040---creating a region that people are eager to live in, a region with a high quality of life that is a national model for integrating the natural and built environments---will have been lost, forever.

Respectfully,

Mike Houck, Executive Director



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Audubon Society of Portland  
5151 NW Cornell Rd.  
Portland, OR 97210

Tualatin Basin Coordinating Committee  
155 N. First Ave. Suite 300  
Hillsboro, Oregon 97214.

August 2, 2004

Tualatin Basin Coordinating Committee,

The Audubon Society of Portland's active participation in the Tualatin Basin Partner's (Goal 5) Fish and Wildlife Protection Plan comes after almost 20 years of our involvement in local natural resource planning in Washington County. We have engaged in local and basin planning because our substantial membership in the community and the importance of protecting and restoring the Tualatin River watershed as part of the larger urban ecosystem in the Portland-Metropolitan region. We submit the following comments on behalf of our almost 10,000 members in the region, including the over 2,000 who reside in the Tualatin River watershed.

Below, we summarize our specific requests of the Tualatin Basin Coordinating Committee in changing the proposed program. We then elaborate and provide more in-depth rationale.

Specifically, we urge the Tualatin Basin Coordinating Committee to:

- 1) Adopt the proposed definition of "Strictly Limit" with the following changes (in bold italics and strikethrough): "~~Disturbance~~ allowed only for limited uses of greater public **benefit need** or to avoid a taking." We request that roads and utilities not be permitted without alternative analyses to minimize impacts to resource functions and values.
- 2) Designate as "strictly limit" all Class I Riparian habitats currently designated "moderately limit" on the proposed Goal 5 Program Map to ensure the highest value habitats critical to sensitive species and fish *and wildlife* habitat connectivity are given the highest level of protection.

- 3) Direct staff to develop clear and objective standards to avoid and minimize impacts on all resources designated "moderately limit" by designating an absolute maximum disturbance area no greater than 5,000 square feet. We urge the Committee to eliminate the proposal to allow up to 85% of a resource to be removed through discretionary review.
- 4) Reject mitigation fee in-lieu option 1b proposed by staff. Direct staff to pursue a comprehensive reevaluation of the proposed mitigation program. We urge the Tualatin Basin Partners to work with state and federal natural resource agencies to draw on their expertise and experience. This approach should begin by basing mitigation ratios on the quality of the resource lost, not on the limit designations biased by past zoning designations that do not reflect the ecological functions and values on a particular site. Short of developing a more comprehensive mitigation program, we urge the Committee to reject the latest staff proposal to eliminate the land component costs of the mitigation fee-in-lieu.
- 5) Direct staff to develop a basin-wide tree ordinance to protect urban forest canopy in the urban and urbanizing portions of the Tualatin Basin. We have proposed a framework for a basin wide tree ordinance (attachment 1) that builds on existing standards and programs in Tigard, Portland and Lake Oswego.
- 6) Adopt the proposed \$2.03/per month/per household increase in Surface Water Management (SWM) fees to pay for stream habitat restoration. Raise additional funds via SWM fee increase to fund more stormwater retrofits and to secure additional land for restoration.

**1) Adopt the proposed definition of "Strictly Limit" with the following changes (in bold italics and strikethrough): "Disturbance allowed only for limited uses of greater public benefit *need* or to avoid a taking." We request that roads and utilities not be permitted without alternative analyses to minimize impacts to resource functions and values.**

We support the incorporation of a program that restricts development in some of the highest value habitats. By our analysis the strictly limit designation in the current proposal applies to roughly 2700 acres of Class I Riparian and Class A Wildlife habitat within the basin. However, we are concerned that the standard for strictly limit in these areas is too low. Allowing development in strictly limited areas when the development meets a public "benefit" standard will leave many of these high value habitats vulnerable to development over time. Other jurisdictions around the region require a "public need" test rather than a much broader and permissive "public benefit" test before allowing development in Goal 5 resource areas. The public "benefit" of protecting these resources should be established in the ESEE and program decisions and not left open to such wide interpretation in the program implementation and permitting process. We are very concerned the program proposes to allow utilities and "planned transportation improvements" without requiring an alternative analysis.

In general we remain concerned about what "strictly limit" actually means in the proposed Tualatin Basin Goal 5 program. A Steering Committee Memo distributed on Thursday July 29<sup>th</sup> (last week) included an example of fee-in-lieu mitigation for strictly limit areas. It envisioned an exemplary development encompassing 6,500 square feet of where 3,500 sq.ft. was in lightly limit, 2,000 sq. ft. was in moderately limit, and 1000 sq.ft. was in strictly limit. However, such an example situation should never arise since development in the strictly limit zone is only allowed to avoid a taking- in other words- when there is no other developable area on a site. It is important that we gain clarification about this example in particular and, in general, the conditions and limits on disturbance in strictly limited areas.

**2) Designate as "strictly limit" all Class I Riparian habitats currently designated "moderately limit" on the proposed Goal 5 Program Map to ensure the highest value habitats critical to sensitive species and fish and wildlife habitat connectivity are given the highest level of protection.**

From the beginning of the Tualatin Basin Partner's Goal 5 planning process we have raised the concern about the impacts to the highest value resource sites in the basin. The basis of this concern has stemmed the recognition that the protection and restoration of these habitats is critical to maintaining and restoring habitat connectivity for numerous fish and wildlife species, to maintain critical habitat for sensitive and at risk species, and finally protect the ecological functions and values *most* critical to the overall health of the Tualatin Basin. It our strong feeling that the major shortcoming of the Basin Program is its failure to maintain a basin approach in developing a program. The limit decision in both the general and local ESEE analysis were based primarily on base zoning and without basin and sub-watershed considerations of direct and cumulative impacts from encroaching on and displacing remaining high value resources and the functions and values they support.

Based on our analysis of the latest ALP map and recent adjustments, the proposed Tualatin Basin Goal 5 program, would allowed development to displace and destroy over half of the remaining acres of unprotected habitat in the basin (~12000 acres). This includes over 1900 acres of the highest value bottomland floodplain, stream corridors and upland forests that provide essential habitat and habitat connectivity for sensitive or at risk bird and fish species.

We feel this failure to provide consistent protection for remaining high value riparian habitats is at variance with overall goal to "conserve, protect and restore an ecologically viable stream corridor system" for fish and wildlife- the goal to which the Tualatin Basin Partners' explicitly committed. Our memos January 8 (especially), June 24, July 1, and July 15 memos (Attachment 2) consistently and repeatedly raised this concern and cited local and regional scientific research, regional policy relating to development capacity, and legal precedence for supporting stronger protection for these high value habitats.

The concern about lost development capacity in Washington County is put forth as a major justification for a program decision that leaves many of these highest value habitats vulnerable to future development. How this argument follows from the ESEE analysis and public input to date remains unclear, but it rests on many false or unnecessary assumptions:

1.) The Metro Council has made explicit, in Resolution No. 97-256B, that "protection of environmentally sensitive lands from development could result in a decline in net buildable acres in a local jurisdiction," and that upon "demonstration by a local jurisdiction that such protection results in an inability to meet jobs, housing and other targets established in the Urban Growth Management Functional Plan... the Metro Council will grant an exception consistent with Title 9 of the Functional Plan." The resolution further acknowledges that lost development capacity from natural resource protection could be made up in an expansion of the UGB.

This makes economic and environmental sense; you can relocate factories and homes but not floodplains, wetlands, or stream corridors, and habitats of concern. The need to address loss development capacity in Washington County is, from our standpoint, entirely reasonable. The concern of some planners is that development capacity will not be made up inside the basin. However the mere expectation that it won't is not and should not be a justification to degrade and destroy the highest value habitat in the Tualatin River Watershed.

2.) The trade-off between development capacity and environmental protection is overstated and misses important opportunities to optimize economic and environmental outcomes. The increasing importance of quality of life factors to the local and regional economy (particularly the highly valued "traded sector") is widely documented and recognized by economic development experts. Hence a program that focuses on the *quality* of development in relationship to the health and functions of the local ecosystem, rather merely maintaining the *quantity* of development is far more likely support the type of economic development desired-- development that enhances rather than degrades the quality of life and the ability to attract and retain a talented workforce and the businesses that are seeking them out.

3.) Whatever their views on the right mix of tools to for a program (more emphasis on regulatory tools according to Metro's polling results), the citizens not articulated this desire or need to maintain development capacity, especially on remaining high value habitat lands. The public has articulated strong support for protection of the highest quality habitats. This desire is being overlooked while the concerns of planners and developers about maintaining development capacity are being inflated.

The general or local ESEE decisions have lacked analyses documenting the economic or environmental consequences of the allowing development to destroy or displace the highest value riparian resources and the functions and values they support. Given the well-documented relationship between the width and continuity of riparian corridors and the health and viability of aquatic and avian habitat in the Pacific Northwest (Horner and May 1999, May and Horner 1998) and in the Portland-Metro Region (Cole 2001, Frady et al. 2003, Hennings 2001, Hennings and Edge 2003), we find that General and local ESEE analyses and proposed program decision lack adequate consideration to the environmental consequences at the basin or sub-watershed scales.

**(3) Direct staff to develop clear and objective standards to avoid and minimize impacts on all resources designated "moderately limit" by designating an absolute maximum disturbance area no greater than 5,000 square feet. We urge the Committee to eliminate the proposal to allow up to 85% of a resource to be removed through discretionary review.**

Based on our analysis of the Goal 5 Program Map, the current proposal to allow 50% habitat disturbance "by right" under "moderately limit" would allow over 5,000 acres of remaining unprotected habitat to be lost to development over time. This includes the almost 2,000 acres of Class I Riparian and Class A wildlife habitat.

We propose an alternative definition for moderately limit to prevent the direct and cumulative loss of habitat and environmental health in the Tualatin Basin. The City of Portland has an established program with over 10 years of implementation experience that requires a maximum disturbance areas in goal 5 resource areas. Portland's conservation overlay zone provides a readily available framework for redefining "moderately limit" in the Tualatin Basin Goal 5 program. The clear and objective standards for development under Portland's Conservation Zone include 1.) a maximum disturbance area of no greater than 5,000 square feet to allow a large single-family house on the site, 2.) minimum setbacks for streams and wetlands (CWS vegetated standards already fit into this framework), and 3.) tree removal and replacement standards (see attachment 1). The proposed discretionary review process requiring an alternative analysis could complement these standards in order to address situations where proposed development needs a limited degree of flexibility. However we urge the Coordinating Committee to disallow new development to disturbance up to 85% of the resource on a site. This would significantly compromise the program by allowing further fragmentation of remaining resources and the functions and values they support.

**(4) Reject mitigation fee in-lieu option 1b proposed by staff. Direct staff to pursue a comprehensive reevaluation of the proposed mitigation program. We urge the Tualatin Basin Partners to work with state and federal natural resource agencies to draw on their expertise and experience. This approach should begin by basing mitigation ratios on the quality of the resource lost, not on the limit designations biased by past zoning designations that do not reflect the ecological functions and values on a particular site. Short of developing a more comprehensive mitigation program, we urge the Committee to reject the latest staff proposal to eliminate the land component costs of the mitigation fee-in-lieu.**

The proposed mitigation program fails to demonstrate how the destruction and degradation of remaining unprotected habitats- especially the highest value habitats - can be practicably and sufficiently compensated by the proposed mitigation ratios and fee in-lieu payments. Despite the stated intent to take a "basin approach" we have seen absolutely no systematic analysis as to how the direct and cumulative impacts of habitat loss will be addressed within the basin, let alone the eleven sub-watersheds.

Under the current suite of proposals for mitigation, we believe the Coordinating Committee will be making a defacto "allow" decision burdening other landowners, the public at large and future generations with the unmitigated environmental impacts of future development.

We urge the Coordinating Committee to direct staff to pursue a comprehensive reevaluation of the proposed mitigation program that incorporates the expertise and practice of state and federal natural resource agencies and bases mitigation requirements on the quality and quantity of habitat lost to development.

#### Mitigation Option 1b: Elimination of Land Component Costs

As of last week the Tualatin Basin Steering Committee had already proposed mitigation requirements with a tenuous link to the quality and quantity of habitat to be lost to future development. The latest proposal, mitigation fee Option 1b, would further weaken the mitigation requirements by significantly lowering the mitigation ratios and eliminating the land component cost of fee-in-lieu mitigation. This approach purports to make up the land component of mitigation by doing fee-in-lieu projects on public lands or right-of-ways secured under the aegis of the enhanced SWM-type fee.

There are at least four problems with this approach:

1) The SWM-type fee program is a separate program from the fee-in-lieu mitigation. The SWM-type fee is paid for by ALL property owners and is designed to IMPROVE the environmental health of the Basin. This fee should not be used for mitigation.

2) The proposed SWM-type fee projects are focused upon riparian corridors and do not address upland areas. This proposed decrease in the mitigation rate would mean a net habitat loss in the upland areas since there would be no funds to acquire upland habitat.

3) Unlike SWM-fee funded restoration projects, the mitigation program is designed to mandate compensation for resource functions and values taken by development. A significant part of what development takes is land area that serves as wildlife habitat or ecological and hydrological functions supporting aquatic habitat. A mitigation program that does not allocate funds for land acquisition is not adequately valuing what is being lost. The elimination the land component cost of the mitigation fee discourages developers from mitigation on site and makes fee-in-lieu a means of escaping land costs. In doing so, it further reduces the incentive to avoid habitat destruction in the first place.

4) Not budgeting to acquire land presents the risk that over time funds will be collected for which there is no longer land available on which to mitigate.

**(5) Direct staff to develop a basin-wide tree ordinance to protect urban forest canopy in the urban and urbanizing portions of the Tualatin Basin. We have proposed a framework for a basin wide tree ordinance (attachment 1) that builds on existing standards and programs in Tigard, Portland and Lake Oswego.**

Historic clearing of forests for agricultural and urban development in the Tualatin Basin has dramatically reduced forest vegetation known to support many terrestrial wildlife populations, especially native bird species and many sensitive or at risk species (Metro 2002, Hennings and

Edge 2003). The widespread loss of urban forest canopy has been well documented in the region, including the Tualatin Basin. According to a 2001 *American Forests* study, urban forest canopy declined in the Willamette Valley's urban areas from 21% to 12% between 1972-2001 (*American Forests* 2001). Between 1989 and 1999 the Metro region lost approximately 16,000 acres of urban natural areas to development (Hennings and Edge 2003), an area roughly the size of the City of Gresham.

There is a clear link between loss of forest canopy and declines in many sensitive or at risk wildlife populations, especially neotropical bird species (Hennings 2001). The percent forest cover within watersheds has also been linked directly to aquatic biological integrity (Booth 1991), a relationship confirmed by local studies in the Tualatin Basin (Cole 2002, Frady et al 2003). The relationship relates directly to the role of urban trees in controlling the quality and quantity of urban stormwater run-off (McPherson et al 2002).

Hence, the protection urban trees is also important to maintain water quality and the integrity of aquatic communities. Barring massive changes in the management of stormwater run-off, the best available science suggest it is extremely unlikely that a net loss of urban forest canopy within the Tualatin Basin's will not further degrade aquatic ecosystems. A net loss of urban forest canopy could also compromise the ability of Clean Water Services and Washington County to meet waste load allocations under the Tualatin TMDL or reduce stormwater pollutant loads to the "maximum extent practical" as required by MS4 permits under the Clean Water Act.

Urban trees have tremendous social and economic value as well, contributing significantly to the quality of life and property values of neighborhoods. Recently the *Oregonian* quoted a Metro-area developer as noting, "a nice tree in a back yard can raise a lot's value by \$5,000."<sup>1</sup> A report by the USDA's Center for Urban Forest Research The Western Washington and Oregon Community Tree Guide: Benefits, Costs and Strategic Planting recently summarized the research on the contribution of trees to property values:

"Research comparing sales prices of residential properties with different tree resources suggest that people are willing to pay 3-7% more for properties with ample tree resources versus few or no trees. One of the most comprehensive studies of the influence of trees on residential property values was based on the actual sales prices and found that each large front-yard tree was associated with about a 1% increase in the sales price (Anderson and Cordell 1988). A much greater value of 9% (\$15,000) was determined in a U.S. Tax Court case for the loss of a large Black Oak on a property valued \$164,500 (Neely 1988). Depending on average home sales prices, the value of this benefit can contribute significantly to cities' property tax revenues."

At the Audubon Society of Portland, over 50% of the calls we receive from individuals concerned about urban habitat destruction relate to the loss of neighborhood trees or groves. As bare developable land becomes scarce, the loss of urban trees is emerging as a major civic and

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<sup>1</sup> *Oregonian*, February 27, 2004.

neighborhood issue in Washington County and around the Portland-Metro region.

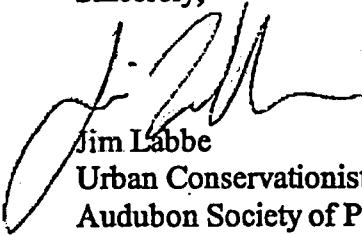
Given the dramatic social and environmental value of urban trees to both the social, economic and environmental health we urge the Coordinating Committee to direct staff to develop a basin-wide tree ordinance as part of the Basin Goal 5 program. The Audubon Society of Portland has developed a program framework based on existing programs *currently in place* around the region (attachment 1). It provides a pragmatic starting point for developing a basin-wide tree protection ordinance that, complemented non-regulatory programs, could significantly increase the chance of retaining urban forest canopy while the region continues to grow and develop.

**(6) Adopt the proposed \$2.03/per month/per household increase in Surface Water Management (SWM) fees to pay for stream habitat restoration. Raise additional funds via SWM fee increase to fund more stormwater retrofits and to secure additional land for restoration.**

We support the proposed increased in the Surface Water Management Fee as an important funding source for stream restoration. In the face of declining state and federal funding, the increased funding will serve to fill a much-needed funding gap for watershed restoration. We encourage the application of funds relatively equitably throughout the basin and its eleven watersheds to ensure these projects are distributed throughout basin's all the neighborhoods and CPOs within the District boundary. We strongly believe that the funding proposal is overly cautious and that additional revenues are needed to fund stormwater retrofits and secure additional land for restoration. A recent study by the Oregon Progress Board determined that people in the Portland metro area are willing to pay \$4.22/month per household for salmon recovery.

Thank you for considering our input and look forward to working with the Tualatin Basin

Sincerely,



Jim Labbe  
Urban Conservationist  
Audubon Society of Portland

Attachments:

- 1.) Framework for a basin-wide tree protection ordinance.
- 2.) Memos to the Tualatin Basin Steering Committee and Washington County Planning Staff from the Audubon Society of Portland.



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Audubon Society of Portland  
Written Testimony  
to the Tualatin Basin Coordinating Committee.

August 2, 2004

**ATTACHMENT 1**  
Framework for Basin-wide Tree Ordinance Revised 8/1/2004

**Definitions:**

**Significant Trees:**

Trees not a nuisance which are > 20 inches in diameter,  
AND;

Big leaf maple	> 18 inches
Bitter Cherry	> 10 inches
Black Cottonwood	> 8 inches
Black Hawthorn	> 8 inches
Cascara	>6 inches
Douglas Fir	>18 inches
Garry Oak	>4 inches
Grand Fir	>10 inches
Madrone	>4 inches
Oregon Ash	>10 inches
Pacific Yew	> 2 inches
Ponderosa Pine	>8 inches
Red Alder	> 18 inches
Scouler Willow	> 6 inches
Western Flowering Dogwood	> 6 inches
Western Hemlock	> 10 inches
Western Red Cedar	> 10 inches

**Cluster of trees:**

A rounded group of 7 or more trees, where there is some overlapping in the canopy.

**Exceptions:**

**-Outside the strictly limit zone, residential property owners may annually remove up to 3 trees, each 10 D.B.H. or smaller, without a permit.**

**-Dangerous, diseased, or dead trees may be removed without a permit.**

**-Nuisance trees, from the city-approved nuisance tree list, may also be removed without a permit.**

**Applications:**

**This ordinance applies retroactively to \_\_\_\_\_, 2004 to all properties except those already engaged in the process of a developmental review.**

**All other tree removals require a permit.**

**Permit applications require applicants to list the number, size, and species of the trees to be cut; the number, location, and species of trees on the site, the proposed date of removal, the reason for removal, a site map, and a Mitigation Plan.**

**Outer Impact, Inner Impact, and Lightly Limit Zones**

**For existing developments, not seeking to expand existing structures:**

**-Mitigation in these areas is at a 1:1 ratio, based upon the D.B.H removed; thus, a 12 inch D.B.H. tree removed would be mitigated with six, 2 inch diameter replacement trees.**

**-If replacement trees come from the approved native species list, 1.5 inch diameter replacement trees may be used.**

**-Trees should be planted on-site, or off-site with city approval, and must be maintained and guaranteed for three years. When not practicable to mitigate on-site, payment may be made to the City Tree Fund.**

**-New developments, or the expansion of an existing development, require a Tree Preservation Plan which utilizes one of the following options:**

**Option #1: Preserve at least 35% of total tree diameter on site.**

**Option #2: Preserve at least 50% of Significant trees and 30% of total tree diameter.**

**Option #3: Preserve at least 75% of Significant trees and 25% of total tree diameter.**

**Option #4: Preserve all Significant trees and at least 20% of total tree diameter.**

**Option #5: If site is larger than 1 acre, preserve at least 35% of the tree diameter.**

**-Wherever practicable, the preserved trees shall be in rounded clusters and shall preserve connectivity with trees on adjacent properties.**

**-Trees protected in a Preservation Plan must be protected by a deed restriction.**

**How this provision relates to overall mitigation requirements in Lightly Limit zones**

- In **Lightly Limit** zones, if a **fee-in-lieu option** is chosen to mitigate the overall effects of a development, it includes mitigation for the first 150 inches of D.B.H. per acre removed. Therefore, if a fee-in-lieu is being paid for overall mitigation, the **tree mitigation requirements** of this ordinance apply only to any D.B.H. beyond the first 150 inches per acre.

### **Moderately Limit**

-Mitigation ratio is 1:2, based upon total D.B.H.

- In **Moderately Limit** zones, if a **fee-in-lieu option** is chosen to mitigate the overall effects of a development, it includes mitigation for the first 150 inches of D.B.H. per acre removed. Therefore, when a fee-in lieu is being paid for overall mitigation, the **tree mitigation requirements** of this ordinance apply only to any D.B.H. beyond the first 150 inches per acre.

-Replacement trees must be an approved Native species, at least 2 inches in diameter.

-Trees should be planted on-site, or off-site with city approval, and must be maintained and guaranteed for three years. When not practicable to mitigate on-site, payment may be made to the City Tree Fund.

-Permits for new development, or expansion of an existing structure, must demonstrate that after careful review that there is no practicable alternative to removing the trees.

-For an existing development, all trees to be removed must be within 50% of the area of a given site. Good cause must be shown to justify tree removal. Trees may not be removed solely for landscaping purposes.

### **Strictly Limit Zones**

-Trees may only be cut in emergencies, or as part of a comprehensive review process to avoid a taking.

- In **Strictly Limit** zones, if a **fee-in-lieu option** is chosen to mitigate the overall effects of a development, it includes mitigation for the first 150 inches of D.B.H. per acre removed. Therefore, when a fee-in-lieu is being paid for overall mitigation, the **tree mitigation requirements** of this ordinance apply only to any D.B.H. beyond the first 150 inches per acre.

-Mitigation ratio is 1:3, based upon D.B.H.

-Replacement trees must be an approved Native species, at least 2 inches in diameter.

### **Tree Protection During Development**

During development/construction trees on sites must be protected with fencing. The fencing must

be placed around the edges of the tree's drip lines in order to prevent damage to root systems during construction.

### **Enforcement**

- Stumps of 10 inches or more in diameter are prima facie evidence of a violation.
- Each violation carries a fine equivalent to the mitigation fee required for that tree.
- Repeat offenses and trees larger than 36 inches in diameter shall carry fines double the normal fee.

**Audubon Society of Portland  
Written Testimony  
to the Tualatin Basin Coordinating Committee.**

**August 2, 2004**

**ATTACHMENT 2**

**Memos to the Tualatin Basin Steering Committee from the Audubon Society of Portland.**

- **January 8, 2004**  
[http://www.urbanfauna.org/1.8.04\\_ASoFP\\_Memo\\_To\\_TBGoal5Steering\\_Committee\\_revised.doc](http://www.urbanfauna.org/1.8.04_ASoFP_Memo_To_TBGoal5Steering_Committee_revised.doc)
- **June 24, 2004**  
<http://www.urbanfauna.org/6.24.04ASoFPCommentsonTualatinBasinPartnersProgramApproach.doc>
- **July 1, 2004**  
<http://www.urbanfauna.org/7.1.04ASoFPCommentstoTualatinBasinSteeringCommittee.doc>
- **July 15, 2004**  
<http://www.urbanfauna.org/7.15.04ASoFPCommentstoTualatinBasinSteeringCommittee.doc>

**To: Tualatin Basin Steering Committee**  
**From: Jim Labbe, Audubon Society of Portland**  
**CC: Tualatin Basin Coordinating Committee, Metro Council, Metro Staff, Joint Advisory Committee**  
**Re: Tualatin Basin Goal 5, Local/Watershed Level ESEE Analysis**

January 8, 2004

We remain hopeful that the Tualatin Basin Partners work has a reasonable chance of improving the overall environmental health of the Tualatin River Watershed and its eleven sub-watershed resource sites. Achieving this Basin goal and the overall goal of Metro's regional fish and wildlife plan will depend on the changes in the content and spatial extent of proposed regulatory protections now being made by city planners in the local/watershed level ESEE analyses. We also believe success will depend on how regulatory protections are integrated with viable and adequately funded non-regulatory programs.

The purpose of this memo is to recommend changes to the protection designations in the draft allow, limit, and prohibit map particularly for the highest value riparian and wildlife habitats and to provide input in the local/watershed level ESEE decision process. We hope it will facilitate the completion of the Tualatin Basin Partners' work in manner that will achieve the stated goals in the established timeline.

We believe the watershed approach of the Tualatin Basin Partners demonstrates genuine leadership and innovation in providing a more coherent way to conduct Goal 5 natural resource planning in Oregon. It promises to increase the ability of citizens, scientists, and planners to coordinate planning at different scales and assess cumulative impacts within logical ecosystem boundaries.

To that end our overarching concern is that any proposed changes in protection designations by city staff at the individual site scale address the cumulative impacts to ecological functions supporting fish and wildlife and their habitat at the sub-watershed/resource site scale (and ultimately at the watershed scale). It is essential that decisions for individual sites cumulatively add up to an improved environmental condition at the basin and regional scales. It will not be possible to increase the overall health of the resource sites by allowing the incremental parcel by parcel loss of regionally significant habitat.

Existing scientific research documents, and local studies confirm, the cumulative watershed impacts of land-use in the Tualatin Basin that does not recognize watershed boundaries and processes. These studies should provide guidance in developing a regulatory program for both riparian corridors and upland wildlife habitat that, coupled with non-regulatory programs, can achieve basin and regional goals.

## Riparian Corridor Continuity

The scientific research demonstrating the link between watershed health and the retention of wider more continuous riparian corridors underscores the overall goal "to conserve, protect, and restore an ecologically viable stream corridors system." Research in the Puget Sound lowlands indicates that aquatic insect and fish diversity, key indicators of overall integrity of stream ecosystems, are associated with high levels of riparian corridor continuity. These studies suggest adequate riparian corridor width and continuity can mitigate the impacts of increased impervious surface area in urban watersheds (May and Horner 1998, Horner and May 1999, Horner et al. 2001).

A recent analysis of aquatic insect data collected as part of Clean Water Service's Watershed 2000 assessment and inventory work confirm the measurable impacts of watershed and near-stream land-use practices on aquatic communities *in the Tualatin Basin* (Cole 2001). Frady et al. (2003) also note the strong relationship between the number and diversity of aquatic insects *in the Portland-Metro region* and the percent forest canopy cover within the watershed, particularly within 300 feet of streams.

The preponderance of scientific research strongly suggests that the protection and restoration of the primary function riparian habitats identified in Metro's inventory provides the best chance of maintaining the minimum riparian corridor continuity necessary to support most of the fish and avian species. These areas support the primary ecological functions- microclimate, shade, streamflow, bank stabilization, sediment and pollution control, channel dynamics and organic material inputs- that in turn support fish and wildlife populations in the urban environment and provide for the essential environmental quality of our communities.

In this context, we are most concerned that the local/watershed level ESEE decision process not lose sight of the imperatives for riparian connectivity in supporting viable fish and wildlife populations at the resource site, basin, and regional scales. *We believe development that would impair the highest value riparian habitats (Class I) should be strictly limited in the higher intensity urban areas and prohibited in other areas.* In protecting habitat areas closest to streams and wetlands, this represents a minimum to protect and restore an ecologically viable stream corridor system. Even with the highest level of protection, we will see encroachment on these resources on some parcels in order to preclude constitutional takings.

In order to maintain and support total riparian function *other sites supporting primary riparian functions (Class II riparian resources) should receive at least moderate protections (moderately limit) in higher intensity urban areas and at least strict protection elsewhere. The loss of any regionally significant riparian habitats (Class I, II, III) should be mitigated at a 1:1 ratio preferably on site or off-site along the same stream, or at very least, within the same resource site.* Given the degraded condition of the Tualatin Basin and the declines in many sensitive or at risk species, we view the above approach as the minimum necessary to improve overall watershed health.



### Upland Wildlife Habitat

We are also concerned that local planners give sufficient weight to protecting upland wildlife habitat in the local/watershed-level ESEE analysis. Research, again some of it local to the Tualatin Basin, indicates a strong relationship between the amount of forest cover within our urban watershed and the abundance and diversity of aquatic and terrestrial species.

Historic clearing of forests for agricultural and urban development in the Tualatin Basin has dramatically reduced forest vegetation known to support many terrestrial wildlife populations, especially native bird species and many sensitive or at risk species (Metro 2002, Hennings and Edge 2003). The widespread loss of urban forest canopy has been well documented in the region, including the Tualatin Basin. According to a 2001 *American Forests* study, urban forest canopy declined in the Willamette Valley's urban areas from 21% to 12% between 1972-2001 (American Forests 2001). Between 1989 and 1999 the Metro region lost approximately 16,000 acres of urban natural areas to development (Hennings and Edge 2003).

There is a clear link between loss of forest canopy and declines in many sensitive or at risk wildlife populations, especially neotropical bird species. One local study found that between 1966 and 1998 populations of 13 local bird species- most of them neo-tropical migrants and many of them sensitive or at-risk species- declined significantly more rapidly in the Portland-metropolitan region than statewide (Hennings 2001).

From a strictly wildlife habitat perspective, we are most concerned about reductions in protections for habitats of concern that support known sensitive or at risk species in upland wildlife habitat areas. For wildlife, water quality, as well as public safety reasons, upland habitat on steep slopes (>25%) outside Title 3 regulated areas should receive greater scrutiny and protection across all wildlife resource categories (Classes A, B, and C).

The percent forest cover within watersheds has also been linked directly to aquatic biological integrity (Booth 1991), a relationship confirmed by local studies in the Tualatin Basin (Cole 2002, Frady et al 2003). The relationship relates directly to the role of urban trees in controlling the quality and quantity of urban stormwater run-off (McPherson et al 2002). Hence, the protection of upland wildlife habitat to maintain the watershed infiltration functions provided by urban trees is also important in maintain water quality and the integrity of aquatic communities. Barring massive changes in the management of stormwater run-off, the best available science suggest it is extremely unlikely that a net loss of urban forest canopy within the Tualatin Basin's will not further degrade aquatic ecosystems. A net loss of urban forest canopy could also compromise the ability of Clean Water Services and Washington County to meet waste load allocations under the Tualatin TMDL or reduce stormwater pollutant loads to the "maximum extent practical" as required by MS4 permits under the Clean Water Act.

We feel the local/watershed level ESEE process must demonstrate no net loss of urban forest canopy over-time within resource sites to have a reasonable chance of achieving an increase in overall watershed health.

In some upland wildlife areas it will be possible to integrate environmentally sensitive development with urban forest canopy retention in a fashion that retains many ecological functions. A number of innovative developers and landscape architects and designers around the country have begun promoting the "envelope technique" of suburban development whereby structures are sited and built so as to maintain the ecological and hydrological functions provided by native vegetation and soils. The 'envelope technique' is a far more environmentally sound alternative to the wholesale clearing of trees, understory, and herbaceous layers and the extensive soil compaction that characterize many suburban developments in the Tualatin Basin. It also serves to more fully integrate the built and natural environments.

There has been some concerns expressed that forest canopy retention increases tree-fall hazards and increases costs to developers. However, the "envelope technique" frequently proves both less expensive in the long-term and preferable to homeowners (Wasowski 2000). Comparable forest canopy retention standards are already incorporated in development code in some portions of the City of Portland (Northwest Hills Area Ordinance). Tree-fall hazards can be addressed through careful site-planning to reduce disturbance to root protection zones. Moreover the standard pre-development "clear-everything" approach also poses tree fall hazards by exposing trees on adjacent properties to wind throw. Tigard residents are currently raising this very issue in a lawsuit against the City for failing to implement its tree preservation ordinance at the Bretton Woods development.

There may be situations where environmental conditions justify cluster development, employing on-site or off-site density bonuses. Whether by cluster development or the envelop technique, increased retention of urban forest for its ecological and hydrological functions- an imperative to improve the overall environmental health in the Tualatin Basin- can be made compatible with thoughtfully planned development.

We look forward to continuing to participate in the Tualatin Basin Partners work in completing the local/watershed-level ESEE analysis.

Sincerely,

Jim Labbe  
Urban Conservationist  
Audubon Society of Portland

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**Date: 6/24/03**

**To: Tualatin Basin Coordinating and Steering Committees**

**From: Jim Labbe, Audubon Society of Portland**

**Re: Inadequacy of Tualatin Basin Goal 5 Program Approach to protect fish and wildlife habitat.**

We have participated actively in the Tualatin Basin Partners to date because we support their efforts to achieve basin and regional goals to protect and restore fish and wildlife in the Tualatin Basin. These goals include:

- 1.) "To conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with others streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape."<sup>1</sup>
- 2.) Improve "habitat health within each of the Region's 27 hydrologic units including the eleven hydrologic units inside the Tualatin basin."<sup>2</sup>

We have seen value in the "basin approach" in presenting an opportunity coordinate natural resource planning at different scales and address cumulative impacts within the logical ecosystem boundaries of the Tualatin River Watershed. Such an approach is essential to protect and restore the health and connectivity of the Basin's habitat and the native aquatic and terrestrial species it supports. The watershed approach is also essential to move toward normative flow conditions (peak and base flows) to protect and improve aquatic habitat, water quality, and public health and safety. The need to address basin scale cumulative impacts to fish and wildlife habitat and basin hydrology were the focus of our previous comments on the ESEE analysis (January 8, 2004) and ESEE decision (April 2).

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<sup>1</sup> Metro Goal 5 Vision Statement.

<sup>2</sup> Tualatin Basin Partners IGA.

On May 24, the Tualatin Basin Coordinating Committee adopted the Tualatin Basin Steering Committee's recommended approach for proceeding with program development. This approach recommended that no "further increases of land-use buffers...be pursued as a general rule" but only as an "exception in specified, limited situations."

We have expressed our strong opposition to this approach because it leaves many of the basin's remaining habitat areas- including high value riparian habitat, undeveloped floodplains, habitats of concern, and upland habitat- vulnerable to loss or degradation by future development. In doing so the program does not address environmental needs of many wildlife species and fails to systematically address cumulative effects of habitat loss and degradation well documented in the Portland-Metro region (Hollands et al 1995, American Forests, 2001, Cole 2002, Metro 2003, Frady et al. 2003). We are also concerned that the Tualatin Basin approach compromises restoration goals and opportunities for developing a successful mitigation program by allowing development to encroach on habitat with high restoration and enhancement potential.

The other design and revenue tools being considered for the program decision leave discretion to avoid habitat destruction to individual landowners and developers. While essential complements to land-use regulations, these tools are insufficient to prevent habitat loss and fragmentation over time and space. As land tenure changes and development pressures increase across parcels, zones and jurisdictions, design and revenue tools will not prevent loss of habitat and habitat connectivity across the landscape.

If the Tualatin Basin Partners fails to develop a program that requires new development to avoid the highest value regionally significant habitat in the basin, the direct and cumulative environmental impacts of future development will continue to degrade the basin and its sub-watersheds, displace and diminish local biodiversity, and thereby fail to meaningfully achieve the regional and basin goals for the protection and restoration of *fish and wildlife* habitat.

Below we outline why the Tualatin Basin Partners' approach is inadequate to protect ecological functions and values that support fish and wildlife habitat in the Basin. We identify the highest value habitats that we believe should be protected from development to the maximum extent of the law and provide examples of existing regulatory programs in the region that provide models for such a program.

#### **Inadequacy of existing regulations to prevent habitat destruction.**

##### **Clean Water Service Vegetated Corridor Standards**

The Clean Water Services' (CWS) existing water quality standards for vegetated corridors were developed to provide minimal protection (out of political compromise) for water quality and select aquatic species in the Tualatin Basin. With some exceptions, CWS standards provide significant protection for fish and wildlife habitat within their spatial extent.

However existing CWS standards were not designed to protect riparian wildlife habitat, particularly along the lowland tributaries of the Tualatin River. CWS standards requiring a 50-foot buffer for most sensitive areas, including most low-gradient tributaries, are inadequate to *viably* protect high value, regionally significant riparian habitat and the ecological functions that support the integrity and connectivity of habitat for aquatic and terrestrial wildlife species in the urban environment.

In most areas, CWS's vegetated standards do not protect the transition area between the wetland vegetation and upland forest vegetation. This "zone of influence" is not directly influenced by hydrologic conditions but still affects stream and wetland habitat by providing shade, microclimate, woody debris, nutrients, and organic and inorganic debris, and habitat for wildlife that use or depend on healthy, functional riparian and floodplain ecosystems (Metro 2002). In the lower gradient tributary reaches of the Tualatin Basin, the zone of influence includes the hyporeic and channel migration zones, the latter often being approximated by the 100-year floodplain (Boulton and Shellberg 2001). CWS's 50-foot riparian buffers applied to streams and wetlands rarely encompass the extent of the 100-year floodplain or the 1996 flood inundation area along low gradient tributaries.

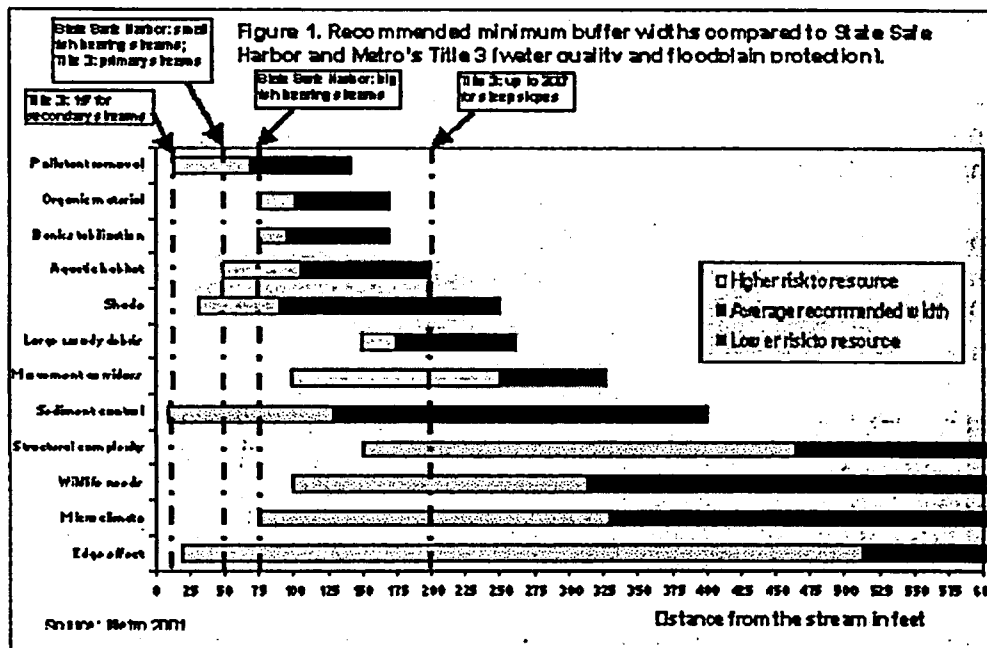


Figure 1 (above) from Metro's Local Plan Analysis compares the minimum riparian buffer widths recommended in the scientific literature (Metro 2002) to the riparian corridor widths provided by Metro's Title 3 water quality regulations and the State Goal 5 Safe Harbor. The protections in Title 3's primary streams without steep slopes (equivalent to CWS's existing vegetated corridor standards) provide low or minimal protection for only five functions.

The intensity of adjacent land-uses that directly influence the quality of the riparian habitat justifies maintaining wider riparian corridors in order protect ecological functions and values in the urban environment (May and Horner 1998, Metro 2002). This principle is not reflected CWS's existing 50' buffer standards that provide the absolute minimum protection to support aquatic habitat.

Cleanwater Services' existing 50' buffer widths are particularly inadequate to protect riparian habitat where tributary channels lack steep slopes or significant streamside wetlands that would otherwise result in a wider corridor. In these areas, clearing of adjacent floodplain vegetation leaves remaining trees and banks particularly vulnerable to wind loading and the erosive force of floodwaters, especially where incised channels and non-cohesive bank materials predominate (Labbe 2002). In other words, minimum vegetated corridors mandated by CWS's design and construction standards are not likely to persist overtime because the remaining riparian trees (the existing or enhanced riparian buffer) are not resilient to disturbance.

If left to existing CWS buffer standards, the basin's remaining unprotected upland forest habitats will also be at extreme risk of being lost to development over time. Likewise, the majority of riparian and upland habitats of concern are outside of CWS vegetated corridor buffers.

The extent and content of most local Goal 5 programs in the Tualatin Basin are also inadequate to prevent the loss of high value fish and wildlife habitat. In reviewing local Goal 5 programs in the Tualatin Basin we found that:

- The protections for Goal 5 riparian resources do not exceed CWS vegetated corridor standards. For example, all jurisdictions allow development of some form in the 100-year floodplain. This leaves undeveloped floodplains, and associated riparian habitat, vulnerable to degradation and loss.
- No existing programs provide objective criteria for avoiding habitat destruction, choosing instead to rely on the vague and ill-defined standard of "maximum extent practicable" as the criteria for avoidance. Only under exceptional and discretionary circumstances does this absolutely require new urban development to entirely avoid a protected Goal 5 resource.

**High value habitats where development impacts can and should be avoided to the maximum extent of the law.**

We cannot support a program that falls so far short of both the ecological imperatives and legal authority of the Tualatin Basin Partners to prevent habitat loss and degradation through appropriate land-use regulations. A Goal 5 Program that provides no new measures to prevent the incremental, unmitigated loss of the highest value regionally significant habitat is at variance with basin and regional policy directives. It also burdens the public at large and future generations with the negative social, environmental and

economic consequences- including significant public and private financial costs- of unmitigated habitat destruction.

*A reasonable alternative, at minimum, would be to develop a program that requires future development to avoid clearing, grading, and paving to the maximum extent of the law in Class I riparian and Class A wildlife habitats, undeveloped floodplains, and habitats of concern.*

One approach for riparian habitats would be to extend the existing Clean Water Services vegetated corridor standards to Class I riparian habitats and undeveloped floodplains. Alternatively, clear and objective standards could be established to require future development (clearing and grading for construction of roads or structures) to avoid high value habitats by establishing maximum allowable disturbance areas. Flexibility could be built into this approach by developing an environmental review process with a clear purpose, timing, and procedure to be implemented by staff trained in natural resource science and planning.

Some jurisdictions around the region have already developed local land-use regulations that require development to limit disturbance areas in order to avoid protected goal 5 resources. Below we provide three examples of jurisdictions that have established such programs that provide working models for developing a habitat protection program in the Tualatin Basin.

The City of Portland has applied existing environmental zones to riparian and upland habitat in different portions of the City for over 12 years. The environmental overlay zones require maximum disturbance zones determined by finding the area of the parcel outside of the resource zone and subtracting it from a threshold square footage depending on zone. The maximum threshold is 5,000 square feet for residential lands.

The City of Wilsonville requires that no more than 5% a significant natural resource zone (protected goal 5 resource) on a parcel be impacted. An environmental review process applies where lots that would be rendered unbuildable or for lots greater than an acre and greater than 85% significant natural resource zone.

Lake Oswego requires all developments in "Resource Conservation Districts" (RCD) to designate a minimum of 50% of the RCD as the "RC Protection area" (RCP). No development is allowed in the RCP. The RCP must be located to provide connectivity to other RCPs or RCD lands, if they are present. The RCP also must meet criteria for retaining the largest trees on the property, preventing blow-down hazards, protecting steep slopes, avoiding water resources, protecting wildlife habitat, and maintaining contiguous canopy and maintain the scenic values.



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**July 1, 2004**

**To: Tualatin Basin Steering Committee**

**From: Jim Labbe and Celina Patterson, Audubon Society of Portland**

**Re: Comments upon Mitigation, Development Capacity and Constitutional Takings**

**Cc: Tualatin Basin Coordinating Committee and Metro Council**

At the June 24 Tualatin Basin steering committee meeting we expressed our concern with the Tualatin Basin Partners' approach to essentially develop a voluntary program for avoiding impacts to the highest value unprotected habitat remaining in the Tualatin Basin. This approach proposes to require mitigation of impacts either on-site or off-site in the form of a fee-in-lieu. Moreover it is clear that at least some members of the steering committee expect mitigation requirements to function as an incentive to avoid impacts in the first place.

We believe a mitigation program is unlikely to compensate for the loss in the functions and values provided by regionally significant resources, especially the highest value habitats. Again, we are concerned with a program that leaves other property owners, the public at-large and future generations burdened with the negative consequences of unmitigated habitat destruction.

This memo outlines the problems we see with trying to mitigate, rather than avoid, the direct and cumulative impacts to habitat lands and the trouble with using a fee-in-lieu of mitigation as an incentive for environmental impact avoidance. We also outline why the stated concerns about "development capacity" and "regulatory takings" are not a valid basis for developing a program that essentially makes protection of high value habitats voluntary.

**Mitigation:**

One major concern with the Tualatin Basin Partners' reliance on mitigation is that mitigation projects are often unsuccessful. A 2002 EPA-funded study in Washington State found that only 13% of wetland mitigation projects were successful. 55% of wetland mitigation projects were "minimally successful" or "unsuccessful." No enhancement projects were fully successful and

eight out of nine (89%) were minimally or not successful (Johnson et al. 2002). Recent studies by the EPA, Army Corp of Engineers, and Division of State lands have also found poor wetland mitigation success rates in Oregon.

Existing restoration and enhancement techniques are expensive and take many years of active monitoring, maintenance, and adaptive management to achieve. Many strategies are unproven, non-existent, or impractical to compensate for the loss of ecological functions and values. Some functions and values at the landscape or watershed scale--such as habitat connectivity and provision of interior habitat-- cannot be mitigated, with very few exceptions. Almost invariably, protecting a resource intact is much more cost-effective than trying to restore or enhance it or the functions and values it provides.

The difficulties and challenges in mitigating environmental impacts raise a number of serious questions about the Tualatin Basin Partners' program reliance on mitigation as means to achieve basin and regional goals:

*Will mitigation protect and enhance habitat that is functionally equivalent to the habitat lost or destroyed by development?* The Tualatin Basin Partner's proposes that mitigation requirements will be based on the limit designations and not the relative value of the habitat. This alone guarantees that many if not most of the functions and values of destroying high quality habitat will not be mitigated.

*How will mitigation compensate for the loss of ecological functions and values needed to support viable fish and wildlife populations and their habitats?*

The Tualatin Basin approach builds off of Clean Water Service's Healthy Stream Plan. However, as a surface water management agency, CWS programs focus on water quality and select aquatic species. How will the Tualatin Basin Partners program mitigate riparian and upland wildlife habitat? The Columbia Basin Fish and Wildlife Authority (CBFWA) advises the Northwest Power Planning Council and the Bonneville Power Administration fish and wildlife habitat policy. CBFWA has developed a methodology for fully mitigating of wildlife habitat based on habitat quality and quantity (<http://www.cbfgwa.org/wc.htm>) that could provide a model for wildlife habitat mitigation.

*How will mitigation compensate for cumulative impacts to functions and values over time within the basin and its sub-watersheds?* In other words, mitigation ratios must address marginal increases in impacts to ecological functions and values within a watershed context. Over time as habitat loss increases the functional value of remaining habitat and mitigation requirements must adjust accordingly. There is also the issue of the temporal loss of habitat, as habitat is converted to developed land uses in a very short time period, while restoration takes many years.

#### **Fee-in-lieu of mitigation:**

A fee-in-lieu of mitigation poses several challenges to fully and effectively mitigating impacts:

1) Mitigation fees raise constitutional takings issues, whereas protecting habitat from disturbance on portions of a parcel does not because the Dolan analysis only comes into play when money or property is being taken from a property owner for public use, and not when land is kept private and development is simply limited to a portion of the property (see below).

2) Mitigation fees will not be an effective deterrent to avoid development in sensitive areas overtime unless adjustments for inflation and rising land values prevent the erosion of incentives over time.

3.) A fee-in-lieu will distribute costs evenly to all similar parcels and thus could be uniformly passed on to the consumers or back to landowners. Hence developers will likely treat mitigation fees as merely a cost of doing business for streamside developments within the Tualatin Basin.

4.) Fee-in-lieu can only result in successful compensatory mitigation if:

There is a baseline level of protection that will achieve the Goal 5 vision, and adequate lands are set aside for mitigation projects.

Mitigation policies, ratios and fees are designed to fully mitigate habitat quality and quantity (see above).

The true costs of restoration and protection are included in mitigation fees, including the cost of restoration project planning and design, monitoring, maintenance, contingency plans, and an endowment for perpetual site management that includes adjustments for inflation.

Responsible and qualified entities use the funding for appropriate projects.

#### **Concerns about Loss Development Capacity:**

The concern about lost development capacity in Washington County is put forth as a major justification for a program decision that does not require future development to avoid destroying or degrading unprotected habitat of even the highest quality. How this decision follows from the ESEE analysis and public input to date is unclear, but it rests on many false or unnecessary assumptions:

1.) The Metro Council has made explicit, in Resolution No. 97-256B, that "protection of environmentally sensitive lands from development could result in a decline in net buildable acres in a local jurisdiction," and that upon "demonstration by a local jurisdiction that such protection results in an inability to meet jobs, housing and other targets established in the Urban Growth Management Functional Plan... the Metro Council will grant an exception consistent with Title 9 of the Functional Plan." The resolution further acknowledges that lost development capacity from natural resource protection could be made up in an expansion of the UGB.

This makes economic and environmental sense; you can relocate factories and homes but not floodplains, wetlands, or stream corridors, and habitats of concern. The need to address loss development capacity in Washington County is, from our standpoint, entirely reasonable. The

concern of some planners is that development capacity will not be made up inside the basin. However the mere expectation that it won't is not and should not be a justification to degrade and destroy the highest value habitat in the Tualatin River Watershed.

2.) The trade-off between development capacity and environmental protection is overstated and misses important opportunities to optimize economic and environmental outcomes. The increasing importance of quality of life factors to the local and regional economy (particularly the highly valued "traded sector") is widely documented and recognized by economic development experts. Hence a program that focuses on the *quality* of development in relationship to the health and functions of the local ecosystem, rather merely maintaining the *quantity* of development is far more likely support the type of economic development desired-- development that enhances rather than degrades the quality of life and the ability to attract and retain a talented workforce and the businesses that are seeking them out.

3.) Whatever their views on the right mix of tools to for a program (more emphasis on regulatory tools according to Metro's polling results), the citizens not articulated this desire or need to maintain development capacity, especially on remaining high value habitat lands. The public has articulated strong support for protection of the highest quality habitats. This desire is being overlooked while the concerns of planners and developers about maintaining development capacity are being inflated.

#### **Concerns about Constitutional Takings:**

Because of two recent Court of Appeals decisions, the *Coast Range Conifers* case, 83 P.3d 966, (Ore. App., 2004), and the *Rogers Machinery v. Washington County and the City of Tigard* case 45 P.3d 966, (Ore. App., 2002), Washington County's legal staff is particularly concerned about crafting policies that might lead to a "takings" lawsuit. This concern is the basis for a program that makes avoiding unprotected fish and wildlife habitat essentially voluntary.

The *Coast Range Conifers* case took a radical departure from existing Federal and State law by saying a court could look at a portion of a parcel, rather than the whole parcel, to determine whether a land-use regulation deprived a landowner of all economic value. In other words, if a regulation deprives an owner of all economic value in *any portion* of their land, there has been a taking in that portion of the land. If this case stands, it could have a dramatic impact upon ALL land use regulations that deprive owners of the economic use of any portion of their land, including Clean Water Services Title 3 regulations. However, the Oregon Supreme Court is currently considering a petition by the State of Oregon to review the Court of Appeals decision. The attached Amicus Brief filed by the Audubon Society of Portland and others in support of the State's petition outlines the decision's shaky legal foundation in departing from existing State and Federal precedents. Given the case's potentially broad reach and the significant questions about its future and its application, it is premature to craft current policies around its strictures.

The decision in the *Rogers Machinery* case traces the impact of the *Dolan* case, 114 S. Ct. 2309, 1994, in which the U.S. Supreme Court set up a framework for determining whether land use regulations containing provisions that require landowners to dedicate portions of their lands for

public rightaways, constitute a taking. When a regulation has such a provision, the two-step *Dolan* analysis applies: 1) there must be an “essential nexus” between the dedication and the governmental purpose of the regulation (in other words, if the government seeks to protect wildlife habitat, the land dedicated must protect wildlife habitat); and 2) if the essential nexus requirement is met, then there must be a “rough proportionality” between the development’s impacts and the concessions required of the landowner. The burden is on the government to prove this proportionality in *each individual* case. However, as the *Dolan* case makes clear and the *Roger’s Machinery* case reiterates, these concerns only come into play when the government is requiring the landowner to dedicate the land to *public* use. *It does not apply to land- use regulations that simply create no touch zones on a portion of private property.*

Fee-in-lieu mitigation requirements that involve taking money from a landowner must conform to the *Dolan* analysis. Hence mitigation requirements must clearly relate the mitigation to the impact. In other words, if a tree is cut, the mitigation standard must roughly replace the value of *that* tree, and the fee must be used to replace the tree. There are many ways one could compute the value of a mature tree, and *Dolan*, by using the language of ‘rough proportionality’ simply requires that regulators make the effort to clearly define that value. *Dolan* also, however, dictates that the government has the burden of proving that there is proportionality in each individual case. This means that regulations must be crafted to ensure that the mitigation requirements are either low enough that they will always be justifiable; or, that they are specific enough to be ‘tailored’ to a variety of circumstances; or, that they are administered on an individual basis, so that each case will be justifiable if it comes to court. For example, if an ordinance requires that a person cutting a tree pay a fee into a tree fund, the payment must either be low enough that the fee paid would be justified no matter what tree was cut; or, the ordinance could be specific enough by providing criteria for different types, or sizes, of trees that would justify different fees; or, mitigation could be administered on a case by case basis using established criteria.

In the light of these legal precedents, a program requiring development to avoid habitats (via a no-touch zone or maximum disturbance areas) is less likely to generate valid takings claims than a fee in-lieu of mitigation scheme, because the former does not implicate the *Dolan* analysis. Mitigation standards, especially those that extract payments from landowners, must be crafted in order to satisfy the *Dolan* framework. Hence a program to set mitigation values high enough to truly replace the values lost by removing an existing resource must either establish very specific criteria, either within the Development Code, or within an administrative body that will evaluate each case individually.

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BRIEF OF AUDUBON SOCIETY OF PORTLAND, FRIENDS OF THE COLUMBIA GORGE, INC., INSTITUTE FOR FISHERIES RESOURCES, LEAGUE OF WOMEN VOTERS OF

OREGON, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS, AND  
OREGON TROUT, INC. Petition for Review of the Decision of the Court of Appeals, dated  
September 21, 2003, By Landau, Presiding Judge, and Armstrong and Wollheim, Judges  
<http://www.law.georgetown.edu/gelpi/takings/courts/briefs/CRCcomplete.pdf>



July 15, 2004

**To:** Tualatin Basin Steering Committee

**From:** Jim Labbe, Audubon Society of Portland, Brian Wegener, Tualatin Riverkeepers, and Tom Wolf, Trout Unlimited.

**Re:** Revisions to General and Local ESEE Decisions

**Cc:** Tualatin Basin Coordinating Committee and Metro Council

In our memo dated April 2, 2004, we requested that the Tualatin Basin Partners re-evaluate Class I Riparian Habitat and Habitats of Concern currently receiving a "moderately limit" designation in the high intensity urban conflicting use category. We requested that the steering committee provide options to avoid conflicts with these highest value riparian habitats in the Tualatin Basin to ensure continuity functions and values that support ecologically viable riparian habitats.

Staff responses to these requests emphasized the chance to revisit these ESEE decisions in the program stage of the planning process. Our April 2 memo also requested that the cumulative impacts to habitat connectivity and watershed health resulting from the ESEE decisions be addressed in light of the content of the program. Given the amount of habitat that would likely be lost to development under the "moderately limit" designation, we still feel strongly that the Tualatin Basin Partners must provide a higher level of protection for the highest value riparian habitats as well as the most the rare and unique areas identified as habitats of concern.

The following are *examples* of high value riparian habitats where conflicting uses are currently "moderately" limited and where we request that they be "strictly" limited instead. The existing "moderately limit" designations will not ensure development avoids, minimizes or mitigates impacts to the maximum extent possible in these high value riparian habitat areas.

- **Resource Site 12, Upper and Middle Fanno Creek subwatershed, Ash Creek Wetlands (Beaverton, Tigard, and Washington County):** The undeveloped wetlands, floodplains and stream corridors along lower Ash Creek are currently zoned high-density mixed use in the Washington Square Regional Center. The highly controversial decision to up-zone this site was made under the commitment that environmental protections would be addressed in the pending Goal 5 program. At the May 20<sup>th</sup> Metro Council



hearing on the Phase II regional ESEE decision, several citizens requested that the maximum level of protection be applied to this site.

- **Resource/Subwatershed Site 11, Lower Rock Creek Sub-watershed, Hillsboro:** The Tualatin Basin Partners Draft "ALP" Map has moderately limit designations for Class I Riparian habitat including the 100-year floodplain, 1996 flood inundation areas and regionally designated Habitats of Concern along Willow, Beaverton, and Rock Creeks. These designations will allow more development in flood areas and fragment riparian corridors extending to the crest of the Tualatin Mountains and Forest Park. At the March 29 hearing, the Rock Creek Watershed Partners also identified these sites for a higher level of protection.

See map at:

[http://www.urbanfauna.org/images/BronsonCreekGreenway1\\_forweb.JPG](http://www.urbanfauna.org/images/BronsonCreekGreenway1_forweb.JPG)

- **Resource/Subwatershed Site 14, Fanno Creek Greenway from Durham Road to Pacific HWY, Tigard:** The Tualatin Basin Partners Draft "ALP" Map has moderately limit designations for roughly 100 acres of Class I riparian habitat in the Fanno Creek Greenway. These areas include of the 100-year floodplain, 1996 flood inundation areas and regionally designated Habitats of Concern. These designations will allow more development in flood areas and cause further fragmentation of the riparian corridors along this important stretch of Fanno Creek

See map at:

[http://www.urbanfauna.org/images/FannoCreekGreenway1\\_forweb.JPG](http://www.urbanfauna.org/images/FannoCreekGreenway1_forweb.JPG)

Increasing the levels of protection in high value habitats will ensure that the final program has a realistic chance of achieving its stated goals of improving overall watershed health and conserving, protecting and restoring a continuous, ecologically viable stream corridor system. The changes to high value riparian habitats and habitats of concern will ensure that the Tualatin Basin Partners' program comports with the Metro ESEE and ALP map decisions.

10

Al Waibel  
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The Tualatin Basin Natural Resources  
Coordinating Committee  
Washington county/DLUT, Planning Division  
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30 July 2004

Dear Coordinating Committee,

This letter is in regards to the Goal 5/Natural Resource Protection programs. It addresses both the Significant Natural Resources boundaries as applied to my specific property, and general problems with the implementation of the Goal 5/Natural Resources programs.

First, let me state that I wholeheartedly support both the spirit and goals of the Goal 5 program. During the last 30 years we have been witnessing a steadily increasing callous in-filling and destruction of wetlands and wildlife habitat, particularly tho not limited to the vicinity of streams, solely to maximize the profit margins of the commercial and residential development industry. The weakness of the Goal 5 program is definitely not with its ideals and goals. The weakness or failure of the Goal 5 program is with the implementation. The problems with implementing Goal 5 seems to be twofold; a lack of consistent and scientifically accurate mapping of the potential resource areas; and a process which richly rewards property owners who have intentionally eliminated critical habitat areas while economically penalizing property owners who have in good faith acted as good and caring stewards of their lands.

I purchased three lots on NW Quatama Road some 20 years ago (I. Butler DLC; NW 1/4 of the SW 1/4 Section 35, T1N, R2W, Willamette Meridian; tax lots 01100, .32 ac.; 01200, 2.11 ac.; 01300, 1.53 ac.). The parcels contained the Holmeson farm buildings and remnants of the orchard established during the early part of the 20<sup>th</sup> century. At that time the lots were zoned R-9, and I paid the market rate for this zoning. Subsequent to the purchase of the lots I removed some diseased fruit trees, cleared invasive plant species, planted replacement fruit trees, planted approximately 100 mixed conifer (specifically to be used for firewood), and planted to stabilize eroding stream banks resulting from sewer trunk line construction along Rock Creek.

In the year 2000 the city of Hillsboro held the first open-house regarding natural resource inventories, the first step (I think) in addressing Goal 5 issues. The first draft of Natural Resource Overlays (NRO) and Significant Natural Resources were presented. I was alerted to this program by acquaintances, both property owners and members of the Real Estate industry. These acquaintances strongly recommended that I follow the lead of insightful property owners and

immediately begin removing all trees that I had planted on all buildable land on the high bench above the flood plain, and seriously consider cutting down certain fruit and nut trees, or risk having the use of economically valuable land permanently forfeited.

At the open house I held discussions with the environmental consultant staff regarding their overlay boundary on my property. I pointed out that the Significant Natural Resources boundary proposal on my property included fruit and nut trees, landscaping vegetation around my house, and all of the trees that I had planted on the upper bench well above the flood plain I was told that, for the most part, the Significant Natural Resources boundaries were drawn from air photos with only spotty ground truthing. At this point I asked specifically if I should heed the advice of acquaintances in the Real Estate industry and cut down all of the trees I had planted on the upper bench in order to avoid being penalized with loss-of-use and loss-of-value for the land occupied by these trees. I was told by both the City staff and the environmental consultant staff that I should not cut the trees; that I would not be penalized for augmenting the vegetated areas. The consultant staff expressed strong interest in having access to my property. I told them that they could have open access to the property, and asked that they examine the Significant Natural Resources boundaries carefully while actually walking the property. On the subsequent Significant Natural Resources maps the boundary for significant resources on my property was changed to show that the trees I had planted on the upper bench well above the flood plain, the fruit and nut trees and the landscaping vegetation associated with the house were removed from the Significant Natural Resources classification. All vegetation associated with the slope between the upper bench and the flood plain, the vegetation on the flood plain and the vegetation along the creek banks were retained as Significant Natural Resources (please see accompanying map, City of Hillsboro Planning Department Significant Natural Resources Overlay District).

Last Wednesday (July 28<sup>th</sup>) I attended the Tualatin Basin Goal 5/Natural Resources open house in Forest Grove. There I discovered that the Significant Natural Resources overlay had been re-drawn as it pertains to my property. Once again fruit and nut trees, landscaping vegetation and trees that I had planted on former orchard and pasture land on the high bench well above the flood plain are classified as Significant Natural Resources.

On the following pages please find a detailed blow-up of a portion of the City of Hillsboro Planning Department Significant Natural Resources Overlay District map, with notes showing the three tax lot locations, the building locations and the current construction sites to the east. Also please find three photos. Photos 1 and 2 show younger conifer and deciduous trees of a general common low height, against a backdrop of much larger established native vegetation. Photo 3 is a view of the northern side of the barn, showing apple and nut trees, recently planted cedar and sequoia trees, and the open lawn around the barn.

I am herein petitioning you, the Tualatin Basin Natural Resources Coordinating Committee, to revisit this issue and return the Significant Natural Resources boundary to the earlier location. I am requesting that you exclude from the Significant natural Resources designation my landscape vegetation, my fruit and nut trees, and the trees that I planted for firewood on the upper bench well above the flood plain. In short, I request that you apply the City of Hillsboro Planning Department Significant Natural Resources Overlay District map on my property (see map on following page) I understand and appreciate that you will likely receive many similar requests,

many of which will be of dubious character. In order to maintain the spirit and letter of the Goal 5 goals I would urge an on-site evaluation by qualified scientists to clearly distinguish between old and established native vegetation, fruit and nut trees, landscape vegetation, recent (20 year or less) plantings and the boundary of the upper bench mature native vegetation.

Thank you for your attention to this matter at a time when your entire staff are working to the limit.

Yours very truly,

A handwritten signature in black ink, appearing to read "Al Waibel". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.










Al Waibel



**City of Hillsboro  
Planning Department  
Significant Natural Resources  
Overlay District**

Aerial Photo (2003)  
Plot Date: June 18, 2004

**Legend:**

-  Natural Resource Protection Level 1
-  Natural Resource Protection Level 2
-  Natural Resource Protection Level 3
-  Impact Area
-  100 Year Floodplain
-  Zoning
-  Unincorporated Land - Not regulated by SNRO unless annexed
-  Taxlots
-  Subject Site

**Source:**  
City of Hillsboro GIS  
- Current as of August 2003  
Washington County GIS  
- Current as of August 2003  
State  
- Current as of August 2003

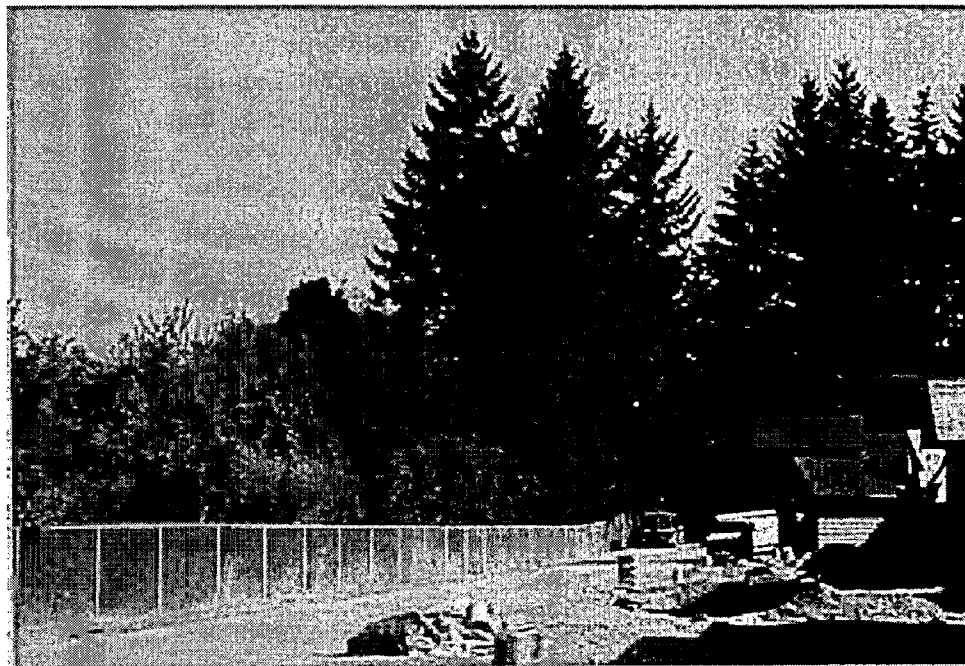
**Disclaimer:**  
This map is derived from various digital database sources. While care has been taken to ensure the accuracy of the information shown on this page, the City of Hillsboro assumes no responsibility or liability for any errors or omissions in this information. All data presented on this map is continuously updated and is current as of the date listed. This map is provided "as is".

**Note:** The boundaries of these resources are not accurate relative to taxlot lines and other features.

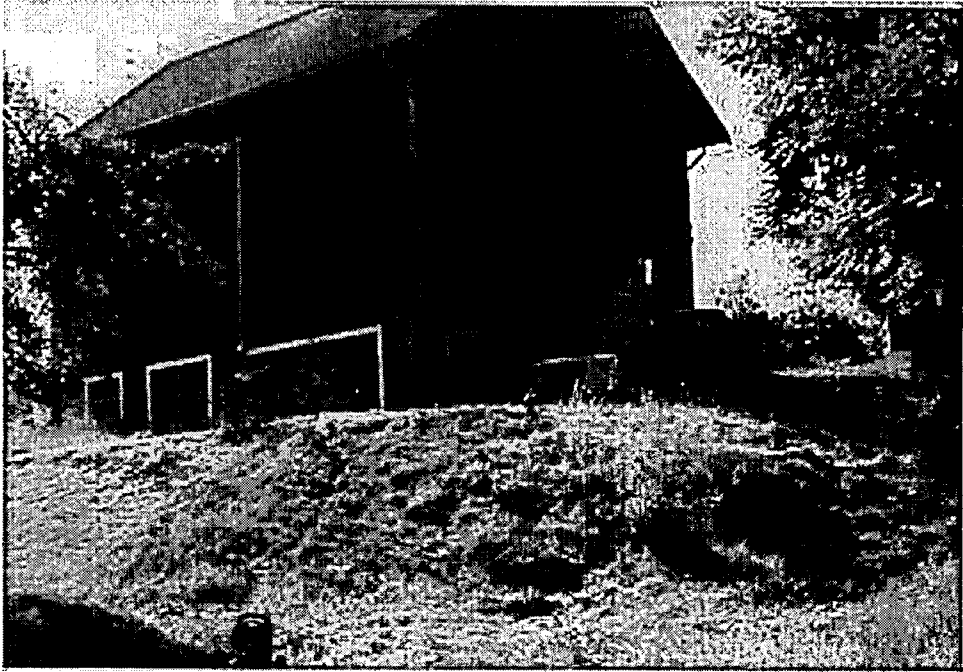
The purpose of this map is to identify and delineate resources in the City that were determined through a scientific process based on data assessment sheets for wetlands, riparian corridors, and upland habitat that were reviewed by the public.



**Photo 1** Looking north across lot 01300, easterly of the three lots. Young orchard in foreground, young conifer mid-background, and older native vegetation in the background



**Photo 2** Looking northwest across lot 01300, from current construction on property east of lot 01300. Young orchard in foreground, young conifer mid-background, and older native vegetation in the background. Note rear red house located against the mature native vegetation.



**Photo 3**

Looking southeast toward the northwest corner of the barn, lot 01200. Note the apple tree branches to the left, one young cedar and two young sequoia saplings in the lawn area and the older nut tree to the right.

August 2, 2004  
Submitted by  
Al Waibel #10

Tualatin Basin Natural Resources  
Coordinating Committee  
Washington County/DLUT, Planning Division  
155 N. First Ave.  
Suite 350-14  
Hillsboro, Oregon 97124

I am writing this note in support of a neighbor who has a Goal 5 land allocation issue pending with your office.

Mr. Albert Waibel 22495 NW Quatama Rd. owns land which borders Rock Creek. The creek is the north border of his holding. His home and out buildings are situated well above (25 feet to 30 feet) ordinary flows in Rock Creek. The house and barn date from the 1920's or earlier, and are set in mature trees commonly used for woodlot, shade/landscape, and for food production (fruit and nuts). These traditional shade, kitchen-orchard and woodlot uses center at the farmstead, but do run together along the north side of the holding.

Over the past twelve to fifteen years, I have observed the efforts of Mr. Waibel as he made firewood, cleaned up downed trees and overage fruit trees. I have also watched as he planted replacement trees and developed plantings of both fruit orchard and a stand of mixed conifers on the high bench toward the east end of the property.

The neighbor-hood has shared his interest in maintaining woodland habitat and does enjoy the appearance of deer, raccoon, and opossum, as well as hawks and owls and other creatures. Mr. Waibel does practice an enlightened conservation program on his holding, and should not be unduly encumbered by map line designations which have not yet been verified by on-site visits and/or evaluation.

Respectfully,



Edd R Evans

22420 NW Quatama Rd.  
5036485339



August 2, 2004  
The Tualatin Basin Goal 5 Hearing

As a Realtor in Portland for the last 12 years, it is my experience that people are looking for a small slice of nature either in their own backyard or very close to their home and will pay more money just to have that. Greenways, wetlands, healthy stream beds, natural animal corridors, forested areas all add to the value of property. As everyone's stress level increases today, people are looking at their home as their retreat; a place to rest their minds and to recuperate. Wildlife needs the same. Habitats that are effectively interconnected offer homeowners and all of us a greater opportunity to view wildlife and be reminded that we share our community with plants and animals both the seen and unseen, both large and small and people with pay for this privilege.

I urge you to support maximum protection for high value habitats, all in our own backyards like FannoCreek Greenway, Rock Creek Stream Corridor and the Ash Creek Wetlands. I am not in favor of mitigation as a first line of defense, protection is our first line of defense. When we must mitigate, let's ensure there is full compensation to any habitat loss @ all; because this is a public value/housing value and a wildlife value loss as well. This makes sense to us and it vital to wildlife. Animals need habitat to maintain their food supply, to provide adequate cover, and places to rest.

One reason Portland still has a strong housing market is because of the thoughtfulness of others before you, who put a high value on protecting our rich habitats, keeping us "green" thus increasing the quality of all of our lives, thus increasing home values. We must continue to protect and preserve habitats for wildlife more than ever as the demand for space increases. We can not afford to loose 1 more acre of rich habitat that hundreds of wildlife depend on. Let's stop taking more and more land from wildlife just because we can. It's time we acknowledge that wildlife are at their limit and we too will follow suit. It is now our responsibility to share, to become the stewards of our lands that belongs to everyone and every animal & all our future family, friends and neighbors. Enough is enough.

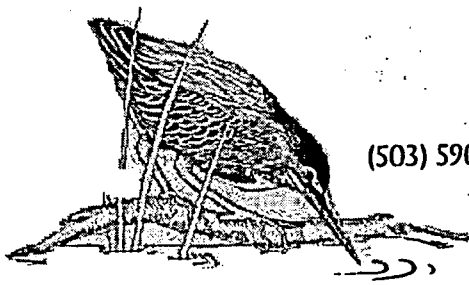
I thank each of you for acknowledging and supporting stream restoration by increasing our surface water management fees to fund it.

I urge you to support a higher protection for those High Value Habitats so we can continue to maintain a strong livable, profitable housing market by focusing on quality rather than quantity.

Thank you for your consideration.

Nancy Jane Cushing  
Realtor  
Portland, OR 97229  
503-539-9465

14670 NW Twinflax Ln  
PDX, OR 97229



# TUALATIN Riverkeepers

16507 SW Roy Rogers Rd. Sherwood, OR 97140  
(503) 590-5813 • fax: (503) 590-6702 • www.tualatinriverkeepers.org  
email: info@tualatinriverkeepers.org



**August 2, 2004**

**To: Tualatin Basin Natural Resources Coordinating Committee**

## **Recommendations for the Goal 5 Program**

Tualatin Riverkeepers have a long involvement in the development of this Tualatin Basin Fish & Wildlife Habitat protection program. We urge the Coordinating Committee to do the following:

- **ADOPT** the current definition of "Strictly Limit" to protect the highest value resources.
- **REASSIGN** "Strictly Limit" protection level to all Class I and Class A resources and habitat of concern currently designated as "Moderately Limit" to avoid future Endangered Species Act listings.
- **REQUIRE** objective minimization standards for all impacts in the "Moderately Limit" category to achieve stated program objective minimization of impacts to these resources.
- **INVEST** Surface Water Management Fees in water quality and restoring normative flows by disconnecting streets from streams and retrofitting the municipal separate storm sewer system to infiltrate and recharge groundwater systems.
- **INCLUDE** land costs in the fee-in-lieu charges to avoid a public subsidy for private development and to avoid an anti-competitive pricing scheme that excludes private providers from the mitigation services market.
- **TIE** mitigation levels to habitat values in the inventory to adequately compensate the public for the loss of public trust habitat resources. The current proposal which ties mitigation levels to the ALP designation does not adequately mitigate for the loss of 2000 acres of highest value resources.
- **DIRECT** staff to develop a basin-wide urban forestry program that protects and grows the urban forest canopy across the landscape for stormwater and habitat benefits.

8/2/2004 - TRK to TBNRCC - Page 1

The Tualatin Riverkeepers is a community-based organization working to protect and restore Oregon's Tualatin River system. The Tualatin Riverkeepers builds watershed stewardship through public education, access to nature, citizen involvement and advocacy.

### **Regulatory Program**

The natural resources to be protected by this program, fish, wildlife, water and air belong to all of us and are held in trust by government for the benefit of the public. The public trust doctrine, which has established government's role in protecting these resources is well-established in law. No individual has the right to take these public resources, fish, wildlife, clean water and air unless that right has been specifically granted. Private actions that take public resources must justly compensate the public for their loss. Allowing private development to take fish and wildlife by destroying habitat or to pollute the air or water represents a public subsidy of private gain. Thus restrictions on development and requirements for mitigation are justified by the public trust doctrine.

The proposed definition of "Strictly Limit" designation is appropriate to protecting the highest value resources while avoiding infringement of constitutional rights to own property. This high level of protection has been appropriately limited to highest value of habitat. Because of the high environmental, financial, and temporal cost of mitigating impacts to these highest value resources, this strategy of avoidance is an economically justifiable strategy. The alternatives analysis required for any impact to "Strictly Limit" resources must be required of government actions (roads, utility crossings) as well as for private development.

The "Moderately Limit" (ML) designation should encourage minimization of impacts to public resources. An analysis of alternatives or clear and objective minimization standards are appropriate to ensure that unnecessary impacts are avoided and that necessary impacts are minimized. Because the current proposal from the steering committee does not require an analysis of alternatives until 50% of the "Moderately Limit" designated resource is lost, the proposed ML definition does not achieve the minimization it is intended to. **We recommend that alternatives analysis be required for all impacts to ML designated resources over 200 square feet.** The threshold of 200 square feet was selected to be consistent with the threshold for requiring a building permit.

The City of Portland has adopted a "maximum disturbance area" strategy to protect high value resources such as those included in the ML category. This approach has survived the legal minefield surrounding constitutional takings issue. We recommend that a 5000 square foot maximum disturbance area be established for the ML category and that the 50% development "by right" provision be dropped in order to achieve the stated program objective of minimization of impacts in the ML designated areas.

The second problem with the ML designation is that much of the highest value habitat is included in this category because of its location in areas zoned for High Intensity Urban (HIU) development. Much of this highest value habitat is designated as "habitats of concern" which harbor declining species listed on ODFW's sensitive Species list. One of the objectives of the Tualatin Basin Goal 5 program is to prevent additional Endangered Species Act (ESA) listings. Protecting "Habitats of Concern" that harbor species likely to be listed is an important way of avoiding these listings. Thus it is appropriate to move

HIU zoning designations to land with lower habitat values and put Habitats of Concern into the "Strictly Limit" category.

**Unprotected Habitat Inside the UGB in the Tualatin Basin**

	<u>SL</u>	<u>ML</u>	<u>LL</u>	<u>Total</u>
<b>Class I - Highest Value Habitat</b>	2712	1974.5	121.5	4808
<b>Class II - High Value Habitat</b>	311	3442	873	4626
<b>Class III - Other Habitat</b>	0	290	2626	2916
<b>Total</b>	3023	5706.5	3620.5	12350

In order for the public to be adequately compensated for the taking of their public trust resources, mitigation levels should be set based upon the habitat value and not the ALP designation. Page 4-8 lines 39 and following state that mitigation levels should be tied to the relative habitat values. The above table shows that over 2000 acres of the highest value habitat does not receive the highest level of protection. Because the Class I habitat was placed in the ML and LL category due to its higher development values, development on these lands is better able to afford higher mitigation requirements. By tying mitigation ratios to the ALP designation, the public is not adequately compensated for the taking of public trust habitat resources for these 2000 acres of highest value habitat in ML and LL designation. **Mitigation ratios should be tied to the relative habitat values not ALP values.**

An example of this conflict with high value habitat in HIU zoned area is the Washington Square Regional Center. The regional center designation was determined by Metro based upon employment and transportation considerations, and did not include any consideration of avoiding wetlands, floodplain or high value habitat. Areas with Class I Riparian designation were included in the Washington Square Regional Center and up-zoned to HIU categories over the objections of CPO-4M, Fans of Fanno Creek, Tualatin Riverkeepers, Audubon Society of Portland and others, with promises from the City of Tigard and their hired planning consultants that these areas would be protected. In reality, these Class I Areas are receiving a lower level of protections because of their up-zoning, as was feared by the conservation and neighborhood groups. The ML designation for Class I Riparian Areas in the Washington Square Regional represents a broken promise to conservation groups and CPO-4M. Since zoning designations are more easily moved than wetlands and floodplain, Tualatin Riverkeepers requests that all Class I Riparian resources in the Washington Square Regional Center receive the "Strictly Limit" designation.

**Revenue Program**

The regulatory components of this program focus on protecting some of the best streamside habitat from development, and requiring mitigation for the destruction of other habitat. While this regulation is necessary, it cannot by itself "improve" environmental health. These rules can only slow down the degradation of environmental health. A serious restoration program is needed if anything is to improve.

The primary goal of this program is to improve the environmental health of 11 regional sites and the Tualatin Basin as a whole. The parameters used to measure environmental health by this program are

Stream Flow  
Water Quality  
Aquatic Habitat  
Effective Impervious Area  
Riparian Vegetation  
Upland Habitat

Water is key in the measurement of environmental health, but not emphasized in the revenue program.

The \$127 million budget for restoring streams with funds collected through Surface Water Management fees goes much for restoration, but less than 2% of this draft budget is allocated toward stormwater system retrofits. Washington County, Clean Water Services (CWS) and the jurisdictions which have intergovernmental agreements (IGA) for surface water management are required by the federal Clean Water Act and by the existing MS4-NPDES permit to reduce stormwater pollution to the maximum extent practicable. With so little of this budget going to preventing stormwater system retrofit, CWS and its partners are likely to receive significant regulatory scrutiny from Oregon Department of Environmental Quality and others.

The current draft proposal for a restoration program has a budget of \$127 million to be spent over 20 years, based upon a \$2 per month increase in the monthly Surface Water Management fee on sewer bills. This budget is jam packed with good stuff to improve habitat: streamside tree planting, culvert replacement to aid fish passage, channel and wetland enhancements, disconnecting in-stream ponds that heat up creeks and \$41.4 million worth of large wood placement in streams to restore good fish habitat.

In particular we like the inclusion of "In Stream Pond Adjustments" in the budget. Our monitoring at Summerlake Park in Tigard, funded by Clean Water Services found that the dam at the lake can cause an increase in temperature of 11 deg F. as well as block migration of fish to the better habitat upstream. In stream pond adjustments have significant water quality and habitat benefits and are a good investment.

In addition, we recommend a comprehensive urban forestry program with regulatory, incentive and informational program elements be added to the program to protect and increase the urban tree canopy and achieve stormwater and habitat benefits across the landscape.

What is glaringly missing from this budget is a significant investment in disconnecting the major source of pollution from our streams, the urban stormwater system. Less than 2% is allocated for stormwater system retrofits.

According to Clean Water Services website:

*Surface water runoff is also one of Oregon's worst water pollution problems. In the Tualatin River watershed, water that enters storm drains and ditches goes directly to the nearest stream and is not treated.*

*When it rains, stormwater washes over streets, roofs, lawns, and parking lots. On its way, stormwater picks up oil, sediment, bacteria, grease and chemicals that can pollute our local streams and the Tualatin River.*

Recent reports from Puget Sound, backed up by a groundbreaking study by NOAA Fisheries blames stormwater pollution for killing coho salmon in restored streams. Considerable investment has gone into restoring these streams with the same techniques included in the Tualatin Basin budget. Yet despite the tremendous effort at restoring these streams, healthy coho are being killed by stormwater pollution before they can spawn. **Planting trees, recontouring banks and putting logs into a stream are not going to save fish from pollution running off of streets.**

Despite the exemplary cleanup of the Tualatin Basin's wastewater treatment plants, motivated by citizen lawsuits, 274 miles of streams in the Tualatin Basin are listed by Oregon Department of Environmental Quality (DEQ) as "water quality limited". DEQ lists 26 stream segments for excessive bacteria, including most of our urban streams such as Fanno Creek, Beaverton Creek, Rock Creek and Nyberg Creek. DEQ also lists 21 stream segments low levels of dissolved oxygen, and 6 streams for excessive chlorophyll A, a condition caused by excessive phosphorus levels. The U.S. Geological Survey, in a study of stormwater runoff in Fanno Creek found that, "phosphorus, bacteria, and oxygen-demanding substances were associated largely with particulate materials suspended and transported downstream by stormwater runoff."

DEQ first established limits on these stormwater pollutants in 1990, known as the Total Maximum Daily Load (TMDL) waste load allocations. These limits have since been updated but have never been achieved or enforced. If these limits are ever to be achieved, considerable effort must go into disconnecting streets from streams. Stormwater management strategies that filter out pollutants and recharge groundwater can help prevent high flashy flows during storms and supplement low summer flows with cooling groundwater. These strategies deserve a much higher commitment in any program to restore our streams.

In an October 2002 study of public values commissioned by Clean Water Services, 89% of respondents indicated that clean rivers and streams were "very important". Similarly, 80% of respondents indicated that "healthy streams that support fish" were very important. The public has a right to see these values achieved and water quality standards complied with. Combating the #1 source of water pollution, stormwater runoff, is key to these values. The Goal 5 fish & wildlife habitat protection program is a tremendous opportunity to achieve the established water quality standards for stormwater in the Tualatin basin.

In the same survey, over 80% respondents who were asked said that they were willing to pay \$2 per month more on their sewer bills to support stream restoration. Willingness to pay higher amounts was not asked in the survey. **The most significant part of the SWM fee program should be devoted to preventing stormwater pollution and restoring normative flows.** The proposed budget of \$127 million may not be sufficient to accomplish this and other habitat restoration goals, so additional revenue sources should be identified.

#### **Fee-In-Lieu Proposal Promotes Habitat Loss**

Previous calculations of the fee-in-lieu of mitigation included some land costs. Providing a fee-in-lieu option that does not include land costs gives incentive to the developer not to do on-site mitigation. On-site mitigation should be encouraged to closely match mitigation with the impacts being mitigated for. By providing land for mitigation at no cost, the fee-in-lieu option gives a public subsidy to private development. Any fee-in-lieu should include land costs.

**Fee-in-lieu of mitigation that does not include land costs represents a public subsidy of private development.** When development takes or impacts a public trust resource such as clean water or wildlife, the developer has an obligation to fully compensate the public for this loss. By subsidizing fee-in-lieu by donating the land to the developer's mitigation effort, the public is subsidizing the private development for private gain.

**Fee-in-lieu that does not charge for land costs gives government a monopolistic anti-competitive advantage in the marketplace for mitigation services.** Concerns have been raised that this Goal 5 program reduces the economic development value of private property that contain habitat resources. One very appropriate economic development value of privately held degraded resource land is the mitigation services marketplace. These private property holders with degraded habitat may offer their land to developers looking for offsite mitigation opportunities, and would charge for land values through property sale, lease or easement. If government is offering mitigation or fee-in-lieu opportunities without charging for land costs, they are unfairly undercutting the market, and leaving private property owners without the opportunity to achieve an economic development potential that is both good for the resource and the property owner.

Off-site mitigation as well as fee-in-lieu should not be subsidized by government. The Corps of Engineers and US Fish & Wildlife Service do not allow off-site mitigation on public resource land such as National Wildlife Refuges, wilderness areas, or National Parks. Because such areas are already protected, and will be restored through other financing methods, mitigation cannot occur on these lands. To do so would represent a net loss of the resource. We need to think about a similar policy for our Goal 5 program. Public lands will be restored using the \$127 million in SWM Fees. Allowing fee-in-lieu or private off-site mitigation on public lands that are already protected and slated to be restored will result in a net loss of habitat, not real mitigation.

Where federal policy does allow off-site mitigation on federal lands in areas specifically set up as mitigation banks and approved by both the Corps of Engineers and EPA. In

those cases, fees for mitigation always include a charge for the land. Another example is Clean Water Services' and the Tualatin Soil & Water Conservation District's new Enhanced Conservation Reserves Enhancement Program pays farmers to lease their land. This is a mitigation program for CWS's discharge of wastewater above the allowed temperature standard. Land costs need to be included in the fee-in-lieu charges and in any charges for off-site mitigation on public land.

**Final Assessment – Can This Program Achieve Its Primary Goal?**

The primary goal of this program is to improve watershed health in each of the regional sites and in the Tualatin Basin as a whole. We seriously question whether this program, as recommended by the Steering Committee can provide any reasonable assurance of achieving this goal because of its minimal consideration of stormwater pollution and the guaranteed loss of habitat facilitated by lax mitigation requirements that subsidize private development with the loss of public trust resources.

Table 7-2 of the Steering Committee's recommendation paints an alarming picture of projected change in Effective Impervious Area (EIA). EIA is one of the primary indicators of watershed health used to evaluate this program. EIA effects stream flow, water quality and the total acreage of habitat. The goal of this program to improve watershed health seems to be a pipe dream in light of these projections. What in this program is being done to reduce EIA in order to improve watershed health?

Even if no growth in EIA were allowed, considerable care must be taken to improve watershed health. While the Healthy Streams Program budget of \$127 million has much in it to improve habitat, its neglect of the stormwater system is worrisome. If streams are well shaded and have good structure, the fish will still die if the water is poisoned from stormwater running off of our streets. More must be done do disconnect streets from streams.

Finally, mitigation policy in this Steering Committee Recommendation is a guarantee of habitat loss. The loss of highest value habitat in the "Moderately Limit" category is systematically undermitigated in this plan because mitigation levels are tied to the ALP designation rather than the underlying habitat value in the inventory. Additional habitat is lost, by not including land costs in the fee-in-lieu assessment. Both of these oversights can be corrected by the Coordinating Committee in your adoption of this program.

Thank you for your consideration of these recommendations.

Sincerely,



Brian Wegener  
Watershed Watch Coordinator  
Tualatin Riverkeepers





16

Testimony presented by  
**Jonathan F. Schlueter**  
Executive Director,  
**Westside Economic Alliance**

To The Tualatin Basin Partners  
In Consideration Of The Proposed  
**Goal 5 Natural Resources Initiative**  
Monday, August 2, 2004

**Introduction:**

The Westside Economic Alliance is a regional economic development organization that represents and serves 175 employers and business developers who are dedicated to improving the business climate and economic vitality of their communities, and provide more than 40,000 jobs on the westside of the Portland metro area. As such, our members and community partners have a clear and significant interest in the economic and environmental health of the Tualatin Basin, and enhancing the quality of life that attracts both human residents and wildlife species to live and co-exist here.

But at a time when Oregon holds the dubious distinction for having the second highest unemployment rate in the country, we are constantly reminded that there is much more work that must be done to improve the economic climate and business environment in our local communities and in the State of Oregon. For the 6.8 percent of our neighbors and friends who are currently unemployed, we must do everything we can to improve the business and economic climate of our state. As long as our state trails the national economic recovery, we will continue to endure critical funding challenges for our public schools, growing shortages of affordable housing, the nation's highest rates of hunger, and an unwelcome reputation for being "closed for business."

These disturbing trends cannot be dismissed as a simple convergence of bad luck, or circumstances that are beyond our control. In many ways, we bring these problems upon ourselves with outdated public policies and ill-conceived strategies. And if we ever hope to recover from our current social and economic malaise, we need more comprehensive planning, (economic, social, energy and environmental health factors) less regulation, more effective leadership, and more progressive management.

Unless and until we correct these disturbing trends and improve the social and economic environment of our region, we limit ourselves in the types of programs and priorities we can afford to undertake or maintain. Most importantly, as we pursue the laudable objective of improving our natural environment, we must not abandon or undermine our community efforts to attract new businesses to our state, or allow and encourage existing businesses to invest and expand their activities here.

#### Improving The Environment of The Tualatin Basin

Westside Economic Alliance agrees that local control and management of the Tualatin basin is preferential and certain to be more effective than more generic, one-size-fits-all, regional or state-prescribed formulas. To that end, our members and staff have worked with members of the Tualatin Partners Steering Committee and individual agencies to improve the environmental health of the Tualatin Basin.

But we are concerned that the proposals brought forth in recent weeks raise more questions than answers about the future environmental health of the Tualatin River and its tributaries, and the consequences of these actions on the livability of our community.

#### Objections Of Westside Economic Alliance To The Tualatin Partners Initiative

From our discussions with our community members, and the Tualatin Partners Steering Committee, over the past 2 years, Westside Economic Alliance members and staff have exchanged ideas and asked many questions about the ambitious process for improving the environmental health of the Tualatin Basin. Yet from these discussions, several questions remain unanswered. And unless and until these questions can be resolved, Westside Economic Alliance cannot support the proposal as it is currently outlined.

These unresolved issues can be summarized in 6 areas of particular concern:

- 1) Where is the Goal Line? The proposal to raise \$127 million over the next 20 years is an ambitious goal—but will it be enough, and how will it be spent? Members of Westside Economic Alliance have repeatedly asked members of the Tualatin Basin partners to declare their objectives—and to define the goals—for enhancing the environmental quality of the basin. But the answers remain vague or illusive, and without agreeing to these objectives in advance, we cannot endorse this proposal by writing a blank check.

- 2) A program of this importance and magnitude must be well-conceived and planned. Tualatin Partners must not be pressured to adopt bad policies, or coerced to comply with vague requirements that may someday be required by the Metro Council, state Department of Environmental Quality, federal EPA, National Marine Fisheries Service, or other authorities that may eventually assert jurisdiction over the Basin.
- 3) Carrot or Stick? Westside Economic Alliance is particularly concerned by the Tualatin Partners' decision to impose more regulations, instead of providing incentives to landowners and developers trying to develop their property within the Tualatin Basin. In our view, the Partners are missing an important opportunity to work cooperatively with landowners and developers, by choosing instead the more contentious approach to regulate their actions and restricting the landowner's rights to develop their land. Rather than provide the engineering and design measures needed to protect the natural resources, the Basin Partners are proposing to spend money for "technical assistance" and "volunteer programs" (however defined).
- 4) Chilling economic growth and development. By raising new questions and casting doubts about the future development costs in the Tualatin Basin, this proposal will make it very difficult for me to do my job. If we don't understand the regulations, if we continue to debate the costs, if we cannot decide on the level of regulation needed, and have no quantifiable goal or objective in sight, this proposal casts a new and unwelcome shadow over the economic development of the Westside.
- 5) Shrinking the Urban Growth Boundary.

The urban growth boundary around the Portland metro area defines and contains areas of residential, commercial and industrial use, while protecting surrounding farm land and resource areas from unplanned development. But the Basin Partners' proposal to limit landowner's uses for undeveloped sites already in the urban growth boundary will result in several inevitable and unnecessary consequences:

  - a) Higher land costs. As the number of available building sites decreases in the Tualatin Basin, land costs will rise faster than they otherwise would. While this may be greeted as good news by those of us who are fortunate to own our own homes, for the estimated 41,000 families in Washington County that do not have sufficient means to buy their own homes, the Basin partners proposal pushes this goal even further from their reach.

- b) In separate testimony on this proposal, spokesmen for the Oregon Home Builders Association have testified that efforts to restrict or prohibit development of 1600 residential-zoned acres from development will reduce 5,000 available home sites from the Tualatin Basin. Comparable estimates are being sought for commercial and industrial acres that will also be eliminated from future development.
  - c) As the supply and availability of affordable housing declines, lower income residents will be forced to locate outside the Tualatin Basin, and commute longer distances to their jobs in our communities. None of these scenarios are consistent with the other objectives for improving the livability and sense of community that most people in Washington County value and support.
- 6) Increasing pressure to expand the urban growth boundary. The Metro Council recently agreed to expand the urban growth boundary surrounding the Portland metro region by 1940 acres, in an effort to provide additional sites for industrial growth and development in the tri-county region. This process consumed nearly two years of study, and required countless man hours for public meetings and contentious hearings—with more than 3000 people contributing comments and recommendations—to resolve a well-known and recognized need for our region.

If the Tualatin Basin partners agree to limit the amount of undeveloped land already within the urban growth boundary, they invite new pressures to expand the boundary into adjacent areas to accommodate the growing demand for residential, commercial and industrial lands throughout the Portland metro region. The time and effort that will be spent in these contentious debates could be far better spent in addressing the needs of the communities already within these boundaries.

### Conclusion

Westside Economic Alliance applauds the Tualatin Basin Partners for seeking local solutions to local issues and needs. But we recommend that the natural resource plans for the Tualatin Basin carefully balance the desire to protect the natural areas and wildlife habitat, with the equally important need to provide a healthy economy and livable communities throughout the Tualatin Basin. This effort can be advanced and improved by defining and communicating the goals we hope to accomplish, and the expectations of homeowners, commercial and industrial interests working with community groups and public agencies to improve the quality of life for human residents and wildlife inhabitants of these areas.

Steve Mullinax  
4648 S.W. 39<sup>th</sup> Dr.  
Portland, OR 97221

August 2, 2004

Dear Tualatin Basin Commissioners, Mayors and Staff,

My wife and I own a home in SW Portland on a headwaters tributary of Fanno Creek. I support strong Goal 5 protection, especially for Class I Riparian and Class A Wildlife habitat.

I work with the Bridlemile Creek Stewards, a neighborhood stream restoration group. Because of our concern for water quality and wildlife, we have donated thousands of volunteer hours. Human and natural habitat are of a piece, and must sustain us and our children. Ecosystems provide clean water and other invaluable services.

My family enjoys the Basin's diverse wildlife. Just in our neighborhood stream corridors, we see a variety of birds, including hawks, owls and woodpeckers. There are cutthroat trout as far upstream as 39<sup>th</sup> Drive in Fanno Cr. Spawned-out steelhead were found in Fanno in Beaverton this winter. I hope that anadromous salmonids will one day return to our headwaters streams. It is good that Fanno's biotic integrity, measured by ODFW surveys, has improved recently. Still, it remains seriously impacted.

Thank you for the protections proposed for certain high-value habitats. However, the latest proposal does not adequately protect remaining habitat. Of 12,350 acres of regionally significant habitat inside the UGB, <sup>2,200-6,700</sup> ~~over 9,000~~ acres is subject to degradation or destruction by development. This includes some 1,000 acres of the highest value habitat, including those of threatened, sensitive or at-risk species.

Mitigation is not an adequate response to the permanent loss of these irreplaceable high-value habitats. Even for lesser-value habitats, a recent EPA study shows that mitigation is usually unsuccessful.

I ask you to strengthen the proposed protections. I support the comments of the Tualatin Riverkeepers and the Audubon Society of Portland. The Tualatin Basin's long-term health and livability depend on your decisions. Thank you for the chance to speak this evening.

Sincerely,  
  
Steve Mullinax

Testimony of Linda Craig  
Tualatin Basin Goal 5 Steering Committee  
August 2, 2004

First I would like to thank you for working together to protect wildlife habitat and natural resources in Washington County. I am a property owner in Washington County, and I am in business as a CPA. My livelihood depends on the strength of the economy in the metro area. I firmly believe that our competitive edge and economic future depends on protecting our natural resources.

I am also a member of the Advisory Committee for Clean Water Services and some of my points come from that perspective, but I am speaking as an individual and not in any way for the Committee or for CWS.

have four points that I'd like to make this evening.

- 1) Please look at the cumulative impacts of the plan.

I know that you established this Basin-wide process so that you could coordinate planning for the Tualatin Basin. That makes good sense, and I applaud your recognizing that development choices made in one community in the Basin affect everyone else. We can't have excellent natural resources in Beaverton without having wildlife corridors and high quality streams in the neighboring communities.

But my understanding is that each jurisdiction did its own mapping. The maps have been changing quite a great deal in the last couple of weeks, and there hasn't been any opportunity to look at cumulative impacts or habitat connectivity. The result of actions by individual jurisdictions is that the entire plan, taken as whole, whittles away at top quality Riparian Habitat and Wildlife Habitat by giving half of it less than full protection. There might be further impacts on high quality habitat from utilities and roads. I don't believe that we really afford to lose half of the highest value natural resource land in the Tualatin Basin.

- 2) Beware of giving misleading signals.

As a business owner, I know that we don't like to incur unnecessary costs. Goal 5 does not stand alone. The natural resource lands are subject to other laws and goals such as the floodplain protection, the endangered species act and laws protecting wetlands. If development is or should be restricted because of other overlays, the Goal 5 maps should also show these areas as "Strictly Limit."

An example is the wetland on Bronson Creek on the OGI/OHSU campus. The most recent map classifies this area as lightly or moderately limit. It gives a misleading signal to property owners if you suggest that development would be

allowed on such a wetland. Such misleading signals are costly to both government and the property owner, and they reduce our faith in government.

- 3) An element of this plan should be agreements to establish basin-wide best practices for development.

As property owners we'd like to hear encouragement to protect resources from all of the regulatory and permitting agencies or governments. I know of property owners who have tried beneficial projects such as stream restoration projects or alternative, permeable surfaces for parking lots. Although the projects have been encouraged by CWS, they've had trouble getting permits from individual jurisdictions. This plan is a good opportunity for you to share experiences of new practices and work together on agreement of best practices and permitting for those practices.

- 4) Some of the details of the plan need to be worked out.

As a member of CWAC, I know that the increase in the SWM fee has not gone through our usual careful public involvement process. I personally support the fee increase, but the details related to the fee increase and the kinds of projects it can legally support haven't been worked out. It is certainly one potential funding source, but it shouldn't be the only funding source considered, and there isn't time before this plan is forwarded to Metro to work out all of the details.

In closing, I recently acquired a new client who moved to Oregon to accept a position as CEO of one of our major corporations, and he said that he jumped at the chance to move here because of our reputation for protecting the environment and our quality of life. I hear that frequently, and I'm sure that you do too. I ask you to keep in mind that habitat that is once destroyed can't easily be put back together again, and I believe that our strength in WA County is in the beauty of our natural resources.

Thank you for the opportunity to comment.

Linda Craig  
17645 NW Rolling Hill Lane  
Beaverton, OR 97006  
503-614-0613

August 2, 2004

To: Tualatin Basin Natural Resources Coordinating Committee

Re: Testimony for hearing on protection of natural resources

Perusing the maps at the open house a week ago, I was somewhat overwhelmed. It's so big an area, it's hard to grasp, so I focused near my home on the lower stretch of Bronson Creek where it passes into and through the Oregon Graduate Institute. It's of interest for several reasons. I've gone by running or on my bike often, sometimes stopping to bird. I helped on a volunteer restoration project adjacent to a wetland where the stream spreads out. I was shocked to see the creek and nearby woods "lightly limit".

Here are several things I learned when I asked Brent Curtis of the County and Jennifer Wells of Hillsboro about it.

- 1) You've decided to give priority to development over the environment in such areas if the economic value is rated high.
- 2) The map wasn't up-to-date and was to be changed so at least the area with trees would be "moderately limit".
- 3) The stream and riparian area would remain "lightly limit" and didn't need more protection because of regulations adopted under Metro's Title 3 or state regulations or federal regulation by the Corps of Engineers.
- 4) The wetland is somewhat degraded.
- 5) OHSU needed to show as little protection as possible on grant applications.

Well, here's my input:

Increasing protection for the area with trees is a positive step.

Color the maps for such environmentally important area appropriately, either moderate or strictly protect.

That area looks as good or better than most such areas—it has great value now and high potential. OGI/OHSU needs that area to balance the development they plan on their campus.

Leaving it up to someone else, even Clean Water Services, DSL, and the Army Corps of Engineers is unwise. Giving OHSU some supposed advantage to represent the area as lightly protect when the effective protection is higher raises suspicion and my BS meter starts ticking faster.

About the decision to decrease environmental protection where economic value is judged high: the environment and the economy are not in conflict. The analysis done for the Westside Economic Alliance proved that. People want to invest here and bring their education, ability, and ambition here because Oregon



is a great place and nature is still part of our Metro region. If we chase development by degrading that advantage, we'll lose both.

In this and areas others will address you allow the destruction of too much high value habitat and rely too heavily on mitigation, which is often weak, partial, and short of compensating for the habitat loss.

Sincerely,



Jim Kimball  
17645 NW Rolling Hill Ln  
Beaverton, OR 97006  
503-645-5749

Jill Tellez  
9280 SW 80<sup>th</sup> Ave.  
Portland, OR 97223

Aug. 2, 2004

Tualatin Basin Goal 5/Natural Resources  
Tualatin Basin Coordinating Committee  
155 N. First Ave.  
Hillsboro, OR 97123

Dear Committee Members;

I appreciate this opportunity to submit testimony for consideration for the proposed program to protect environmentally sensitive lands: wetlands, floodplains, stream corridors and upland forests. Because natural areas are home to neighboring fish and wildlife inside the urban area, decisions affecting habitat will dramatically determine their continued residency in our communities.

**ECONOMIC VALUE OF NATURAL HABITAT**

The disappearance of natural resource areas is because of development. Economic gains from development such as property taxes, income taxes generated from new residents, creation of a new consumer base and job creation, are economically viable benefits to a community. Economic benefits for maintaining natural areas are less obvious, but just as viable.

A study conducted in 2000 by American Forests, an urban forest advocacy group in Washington D.C. has calculated a dollar value to natural resource preservation inside the Willamette Valley. (Milstein)

Storm water drainage: Without the benefit of remaining trees inside the Willamette Valley, taxpayers would have to pay an additional \$20 billion to handle storm water, \$1.9 million to cool homes and \$419 million to deal with air pollution,

Water purification: Trees soak up and slow runoff of 8.5 billion cubic feet of storm water, preventing debris and pollution from flushing into rivers and streams. The study estimates that constructing drains and basins to control that amount of water would cost about \$20.2 billion. Keeping water clean and cool aids healthy fish. "They're not going to get to the Mount Hood National Forest by taking Tri-Met", states Charlie Krebs, director of the U.S. Forest Service's cooperative forestry program.

Health benefits: The region's trees and flora draw 178 million pounds of ozone, sulphur dioxide, carbon monoxide and other pollutants from the air, saving about \$419 million in health care and associated costs, according to calculations of previous studies related to the American Forests report.

*Quality of life:* Real estate professionals know the higher value of properties adjacent to natural resource areas. Simply look at our neighbor, upscale Lake Oswego, as an example. Would the million dollar homes there hold their value if the lake didn't exist?

## DEVELOPMENT VS. NATURAL RESOURCE AREAS

The proposed Tualatin Basin Goal 5 Program Overview mitigation plans for development in natural resource areas are:

**LIGHTLY LIMIT (LL):** Avoid, minimize development, mitigate. Emphasis on mitigation.  
ALLOWABLE FOR DEVELOPMENT;

**MODERATELY LIMIT (ML):** Avoid, minimize, mitigate. Development allowable for 50% of resource area to allow up to 85% disturbance area for certain cases;  
ALLOWABLE FOR DEVELOPMENT;

**STRICTLY LIMIT (SL):** development allowed only under limited circumstances, discretionary review process, emphasis on avoidance.  
ALLOWABLE FOR DEVELOPMENT.

Because nature has an ecological niche system that employs a layering effect, any disturbance of fringe habitat will negatively impact a high-value resource area. The proposed development limitations will do nothing more than fragment what's left of natural resource lands inside the urban area, and development can occur in each circumstance. The end result will be the net loss of what's left of urban natural resource areas.

Natural resource protection has taken a back seat to development priorities. It is time to put it in the forefront and give stronger incentives to leave open space intact.

Local governments have the challenging task of attempting to establish a balance of development and natural resource areas. If our urban area continues to grow at the current rate, there will be no natural spaces left.

## SOLUTIONS

### TAX INCENTIVES FOR REDEVELOPMENT

In addition to generating bond revenues and development fees, proposing grants, and fee-in-liens, additional tax incentives could aid in taking the pressure off development of undeveloped land. Ten-year tax abatements and tax-increment financing tools are available to developers for mixed-use development. We know it is cheaper to build from scratch than to redevelop existing structures. Why can't we infuse taxpayer dollars to aid in rewarding redevelopment of existing buildings that are standing empty? The financial incentive would give property owners a motive to redevelop, which would in turn bolster the local economy, utilizing properties more efficiently.

## DOWNZONING

Current zoning regulations allow flexible tools to accommodate development in lower-zoned areas through "floating" and density transfers. These should be eliminated. Higher zoning designations are being overlaid on existing neighborhoods to accommodate development, why not create and enforce environmental zones? An environmental zone could be overlaid onto a natural resource area for its protection.

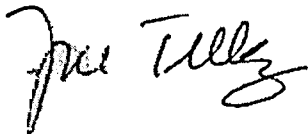
## TAX ABATEMENTS FOR UNDERGROUND PARKING

Underground parking is expensive to build. Tax incentives could be employed for development of underground parking to avoid the creation of impervious asphalt parking lots that drain oils and gasoline into watersheds.

## CONCLUSION

It is imperative to the preservation of what's left of natural and open spaces inside the Tualatin Basin for "thinking outside the box". If development continues to be rewarded with financial incentives, it will result in the demise of natural habitat and degradation of local watersheds. Natural resource protection must be given a higher value than it currently has, and stronger financial incentives to take the focus off development in natural resource areas can aid in preserving them.

Signed;



Milstein, Michael. "Research Measures Urban Forests' Value." The Oregonian 18 Oct. 2001  
Metro/Northwest: B12.

28

Pat Whiting  
8122 S.W. Spruce St.  
Tigard, Oregon 97223  
August 2, 2004

Tualatin Basin Natural Resources  
Coordinating Committee (TBNRCC)  
"Partners for Natural Places"  
Washington C. Public Service Bldg.  
Hillsboro, Oregon 97204

RE: Public Hearing: Final Recom-  
mendations on LCDC Goal 5  
Program for Tualatin  
River Basin

Dear Committee:

Thank you for taking up this important work - developing the program for Goal 5 implementation - protecting fish and wildlife habitat in the Tualatin Basin of Oregon. I attended your open-house and I am submitting my testimony for the record.

Having served in the Oregon Legislature during the time we adopted SB 100, I recall 19 Oregon Planning Goals. Of the various Goals that addressed issues of land use, economic development, transportation, housing and citizen participation, Goal 5 was adopted to "protect natural resources, open spaces and scenic and historic area."

I have reviewed the Major Program Components of the work before you. There is a great deal of thought and planning that has transpired. I commend you for the advancements you are making.

Taking a look at the Revenue item in the Program Components there are listed SWM fee adjustments, fee in lieu of on-site mitigation and bond levies and sited as revenue sources. There should be a forth category. I would like to recommend that:

If there is any development being considered in stream corridors, floodplains, wetlands, or upland forests a revenue policy should be adopted to not allow tax deferral mechanisms as a means to promote business.

Revenue is needed to take care of the infastructure and to meet the program requirements that will be adopted under Statewide Goal 5.

Allowing for tax deferrals in these sensitive lands does a disservice to the community at large by displacing such responsibility and limiting the taxing revenue that should be applicable to managing natural resources.

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Hillsboro, Oregon  
on: Goal 5 Program

Pat Whiting  
August 2, 2004

Under the item "Program Goals" three sub-categories are identified as Preserving Existing System, Improving Basin Health and Mitigate future impacts. Within the sub-category discussing "preserving existing system" the only descriptions of level of use are "strictly limit," "moderately limit" or "lightly limit." There is no category to "prohibit" development in riparian and/or wildlife habitat and significant fish habitat areas.

In the Summer, 2004 Partners for Natural Places publication, page 2, development is defined according to "allow, limit or prohibit." This is an important reference. The concept of prohibiting development in significant fish and wildlife habitat areas is part of the framing of Goal 5 which was adopted in 1973. It is acknowledged that there is a place and time for balancing uses and for mitigation, however, LCDC Goal 5 is intended to help preserve that part of the Oregon landscape that is wildlife resource and habitat.

We are all aware that floodplains and wetlands provide critical habitat and they help protect surrounding properties from flood activity and damage. Case in point is the Ash Creek Wetland and Floodplain in the Metzger/Tigard area.

This is a 100-year floodplain. However, major flooding has occurred in the 1970s, 1980s and in the 1990s. In 1996, during the major flood that occurred we had three and a half feet deep of water on S.W. Hall Blvd. between Oak and Hemlock in the Metzger area. S.W. Oak Street was fully inundated by rushing water that was flooding into Ash Creek Wetland - its floodplain.

When Clean Water Services was U.S.A. they had a proposed project in the Fanno Management Plan to use this area for flood storage and water quality. And, Metro had excluded this wetland/floodplain from urban growth targets.

Now, in this decade, with infill and land development that has transpired from the Mill Creek Watershed and through the Fanno Creek Watershed areas, flooding displacement can be come even more severe. Further development of the remaining openspace and sensitive lands not only compromises vital natural fish and wildlife habitat, it also eliminates storage places for water and it adds urban density problems of flooding displacement,

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Hillsboro, Oregon  
on: Goal 5 Program

Pat Whiting  
August 2, 2004

increased pollutants into a part of our urban environment that is a natural eco-system cleanser and will definitely result in the reduction of bird nestings, bird rearing, fish populations, small mammal habitat and the natural amenities of environmental aesthetics.

June, 1998 to September, 1999, the Washington Square Regional Center Task Force met, developed a plan and changed zoning designations creating the most dense zoning to accommodate commercial, business and residential mixed use.

Throughout the process, citizens, property owners, local business owners and CPO 4M supported retaining the low density 4.5 units per acre in the 23 acre Ash Creek Wetland/Floodplain.

The Task Force supported and adopted the plan which changed the wetland/floodplain zoning to 100 units per acre or 50+ designation of Mixed Use Employment and Mixed Use Residential. It was made quite clear that this was an overlay and that the natural environment would have the protections applicable. Mitigation would come into play.

On page 18 of the WSRC Plan it states that:

Development will be designed on a human scale and preserving open space, wetlands and floodplains. The highest density development will occur around the mall and Lincoln Center. Densities will decrease toward the residential neighborhoods near the outer edges of the study area.

On August 24, 1999, three WSRC task Force members which includes myself, presented a Minority Report to the Task Force to have an alternative plan to up-zoning the Ash Creek Wetland/Floodplain.

The Minority Report was not accepted as an alternative to the plan zoning elements.

I am entering it into the record for your deliberation regarding how to manage sensitive lands, habitats and wetland/floodplains in light of applications for development

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Hillsboro, Oregon  
on: Goal 5 Program

Pat Whiting  
August 2, 2004

Now, today, you have a difficult task before you. The program proposed before you for consideration contains an attempt to balance all forces including accommodation of high density development that will infringe into the wetland and floodplains, into riparian habitat - setting the stage for development levels that span limited circumstances to development allowed with mitigation. None of the TBNRCC chart components contain a category of "prohibit development of a habitat."

In the Summer, 2004 Metro Fish and Wildlife Habitat protection program booklet on page 8, levels of habitat protection consist of "allow," "limit" and "prohibit."

I am recommending and request that development should be prohibited in Class 1 Riparian Habitat and Class A Wildlife Habitat which include undeveloped floodplains and Habitats of Concern. If you allow development in these important natural areas it should be in the "Strictly Limit" category.

Also protections for "Moderately Limit" should be increased by establishing a lower maximum allowed in areas that would be disturbed.

I am in support of your proposal for a \$2 a month increase in SWM fees to help pay for stream habitat restoration.

Respectfully submitted,



PAT WHITING



**Minority Report  
To the:  
Washington Square Regional Center Task Force  
Concerning Proposed Upzoning of the Ash Creek Wetland and Floodplain Area**

August 24, 1999

We, the undersigned task force members oppose the Washington Square Regional Task Force recommendation to apply a high density zoning designation within the floodplains and wetlands of Ash and Fanno Creeks. We believe that the water quality, fish and wildlife habitat of these creeks will be compromised by this designation as will flooding and surface water management.

Ash Creek experiences frequent flooding in and around the floodplain area between Oak and Hwy 217. The Unified Sewerage Agency (USA) estimates in the June 1997 Fanno Creek Watershed Management Plan that peak flows during flood events in this area will increase by over 50% in 2040 due to upstream development. This projected increase will mean that peak flows currently experienced during the 100 year flood will occur on average every 10 years and the future 100 year flood will feature much greater flows than the current 100 year event. This increase in flooding will occur independently of any proposed development in the Washington Square Regional Center and will have the effect of raising the flood plain and affecting a much larger area. Any increased development in or near the current floodplain as a result of the Task Force proposal could increase flooding even more, further endanger existing communities nearby and downstream, and potentially increase flood insurance rates. In addition, the current 1982 Flood Insurance Rate Map is under revision and we will not have an accurate picture of the current floodplain until the new map is complete. The task force adopted protection of private property rights and preservation of the wetland/floodplain as guiding principles. However, if the current task force proposal to upzone the floodplain is adopted this may impact rights of other property owners as a result of increased flood damages and we believe the wetland/floodplain will ultimately be developed.

Contrary to any upzoning or development, USA recommended in the June 1997 Fanno Creek Watershed Management Plan that Ash Creek between Highway 217 and Hall Blvd be restored (see project A-2 in the Executive Summary) to "increase floodplain storage/wetland function by removing and redistributing fill; plant native vegetation in riparian corridor." This would be a pro-active approach to resolve flooding and address water quality and endangered species concerns where the upzoning proposed in the Task Force Report will make these problems worse.

Maintaining a low density zoning designation provides a first line of protection to reduce impacts from flooding and is consistent with Metro's policy to protect sensitive lands by

removing stream corridors from the buildable lands inventory. Further, we believe that existing land use and stormwater practices are failing to restore and maintain water quality in the Tualatin basin as required by the Clean Water Act. Ash Creek, Fanno Creek and the Tualatin River are all listed as water quality limited by the Oregon Department of Environmental Quality. Pollutants in Ash and Fanno Creeks additionally impact threatened steelhead downstream in Fanno Creek. The primary sources of pollution are untreated stormwater, surface water runoff, and lack of shade due to degraded riparian vegetative buffers. Due to the potential impact on downstream endangered species any upzoning of these water resources may constitute a taking as described in the Endangered Species Act. Rather than place additional stress on these streams, we believe the prudent course would be to restore the current wetland and to maintain or reduce the density designation within the floodplain of both Ash and Fanno Creeks. Washington County recently enacted similar zoning recommendations for the Raleigh Hills Town Center so there is precedent from similar situations in Washington County.

The Tigard Planning Staff and consultants advising the task force have stated that current code provisions will protect these water resources regardless of how the property is zoned. We are very concerned however that blanket upzoning of this area will create irresistible pressures to develop sensitive areas irrespective of any restrictions in the code. Tigard City Code, paragraph 18.797.130.B.1. for example allows variances to the protections required in Water Resource Overlay District "to allow reasonable economic use of the subject parcel of land." This standard for "reasonable economic use" will be very different if the area is upzoned to MUE-1 and MUR-1 than if zoned low density residential. It is likely that those parcels that currently include lands that should be protected by the Water Resource Overlay District could be reasonably developed for low density residential without a variance. However, should these same parcels be upzoned to MUE-1 or MUR-1 the owners could request and be awarded substantial variances to the current protections intended by Chapter 18.797. The Tigard staff has also stated that other agencies, such as the Army Corps of Engineers will protect the wetland, yet the corps has been reported as approving 100% of wetland fill requests between 1988 and 1996 in Washington County. We believe that the best protection and most logical choice is simply to not upzone any sensitive resource areas.

There have been questions raised during discussions in the task force concerning the extent of the wetland and whether Ash Creek was a fish-bearing stream. The public record however is clear on these issues and we request in response to these questions that the following additional documentation be included with the Task Force Report:

- (1) The attached Tigard Wetlands and Stream Corridors map showing the areas currently protected under the Water Resources Overlay District described in Chapter 18.797 of the Tigard City Code. This map clearly shows that there is substantial land area

between Oak and Hwy 217 that is considered wetland, within the Tigard Riparian Area Setback or within the Unified Sewerage Area Water Quality Buffer.

- (2) The attached Metro Title 3 map showing water resources within the area
- (3) Fanno Creek Watershed Flood Insurance Restudy, Preliminary Comparison of Existing and Proposed 100 Year Base Flood Elevation (Ash Creek Wetland/Floodplain in Tigard, Washington County). Revised draft October 25, 1998 being prepared by Durham, Tigard, Beaverton, Washington County and USA, Oregon.
- (4) Tigard City Code Chapter 18.797.020.A.6 lists Ash Creek as a major stream that is mapped as a fish-bearing stream by the Oregon Department of Forestry. In addition, the June 1997 USA Fanno Creek Watershed Management Plan reports on fish found by Oregon Department of Fish and Wildlife in their report "Distribution of Fish and Crayfish and Measurement of Available Habitat in the Tualatin River Basin" (ODFW, June 1995). ODFW reported surveys in this document finding five different native fish species in Ash Creek between the mouth and Hwy 217 (863 individual fish) and four different species between Locust St and Metzger Park (780 individual fish).

Given that we know that the floodplain is becoming larger due to upstream development but not precisely where due to the age of the current flood insurance map and the ongoing debate about the extent of water resources that should be protected we request that the entire area between Oak and Highway 217, Hall and Greenburg Road retain its current zoning. This current zoning should remain in effect until such time that an updated Flood Insurance Rate Map can be prepared and approved and we can reach a consensus on a map showing the extent of water resources to be protected. This protected area should then be downzoned to low density residential and the area surrounding the protected area should similarly be zoned at a relatively low intensity to reduce runoff and other impacts upon sensitive water resources and biodiversity.

We would additionally like to see the USA project described above funded and implemented as a pro-active response to flooding, water quality and endangered species concerns. This project should be characterized by a very natural approach using wetlands for flood storage and fish and wildlife habitat. A single acre of wetland can store over a million gallons of floodwater and slowly release it to reduce downstream impacts according to the United States Fish and Wildlife Service and other researchers. A natural approach would provide far superior flood storage, water quality and habitat compared to manicured lawns. We like the vision of a regional center surrounded by greenways and streams and believe that a natural approach will create a highly livable center for our community and the region.

Finally, we are very disturbed that the Tigard Planning Staff and consultants in their progress report on July 20, 1999 to the Tigard City Council and Planning Commission made no mention of any dissent on the task force concerning the wetland/floodplain. We believe that our serious concerns must be reported and therefore request that this minority report be included within the task force recommendations verbatim. We also our position be reported in full to the Tigard City Council and Planning Commission.

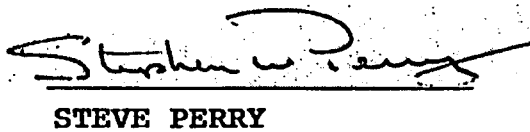
Respectfully submitted,



PAT WHITING



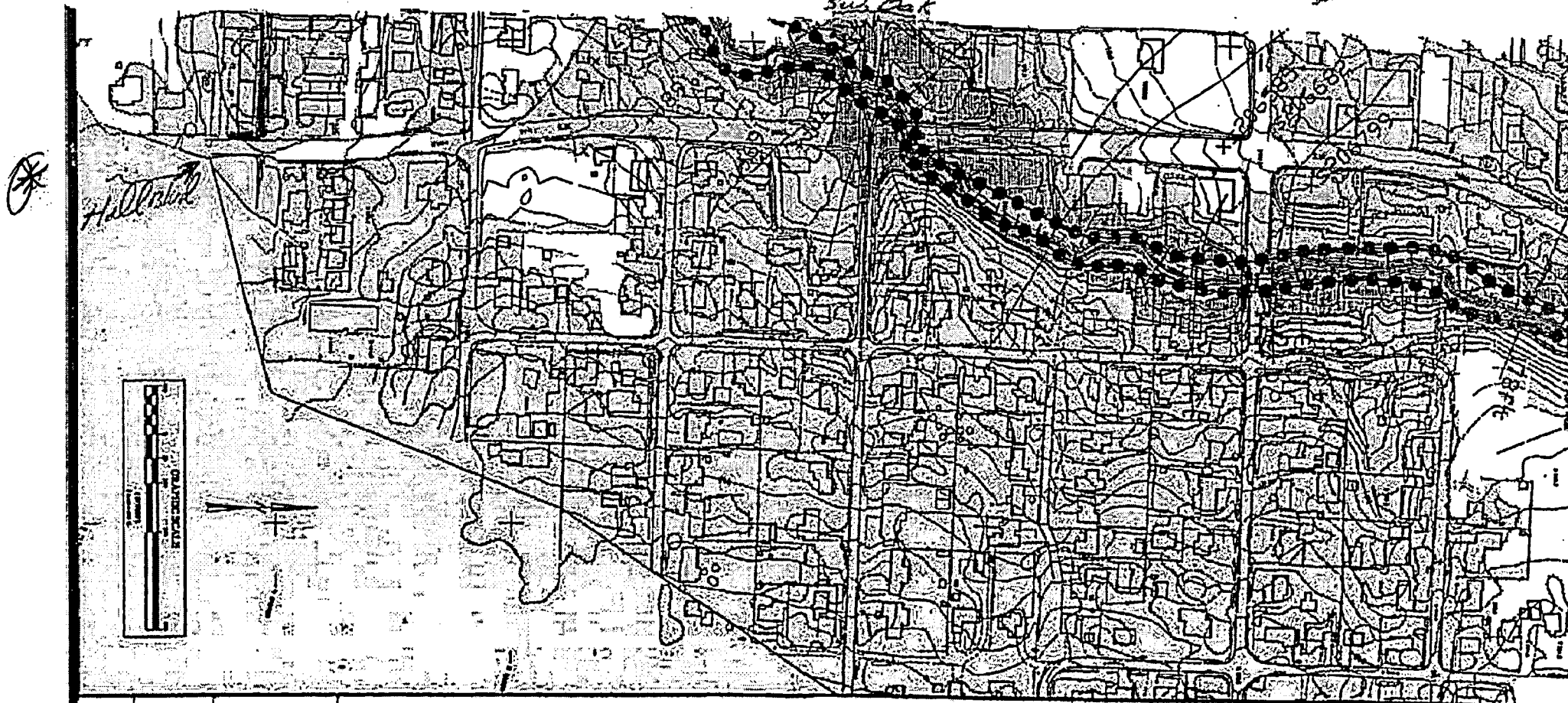
DAVID DRESCHER



STEVE PERRY

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Sully Creek



# FANNO CREEK WATERSHED FLOOD INSURANCE RESTUDY

## Preliminary Comparison of Existing and Proposed 100-Year Base Flood Ele

*Ash Creek up to Hemlock - Tigard, Washington Co.*

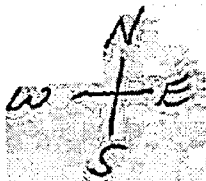
*Durham, Tigard, Beaverton, Washington County and U.S.A., Oregon*

(rev. 10/25/1998)

**KURAHASHI**  
**ASSOCIATES, INC.**  
10000 NE 17th Street, Suite 100  
Bellevue, WA 98008  
TEL: 206.461.1111  
FAX: 206.461.1118

Sheet 9 of 15

Project No. 1332.20



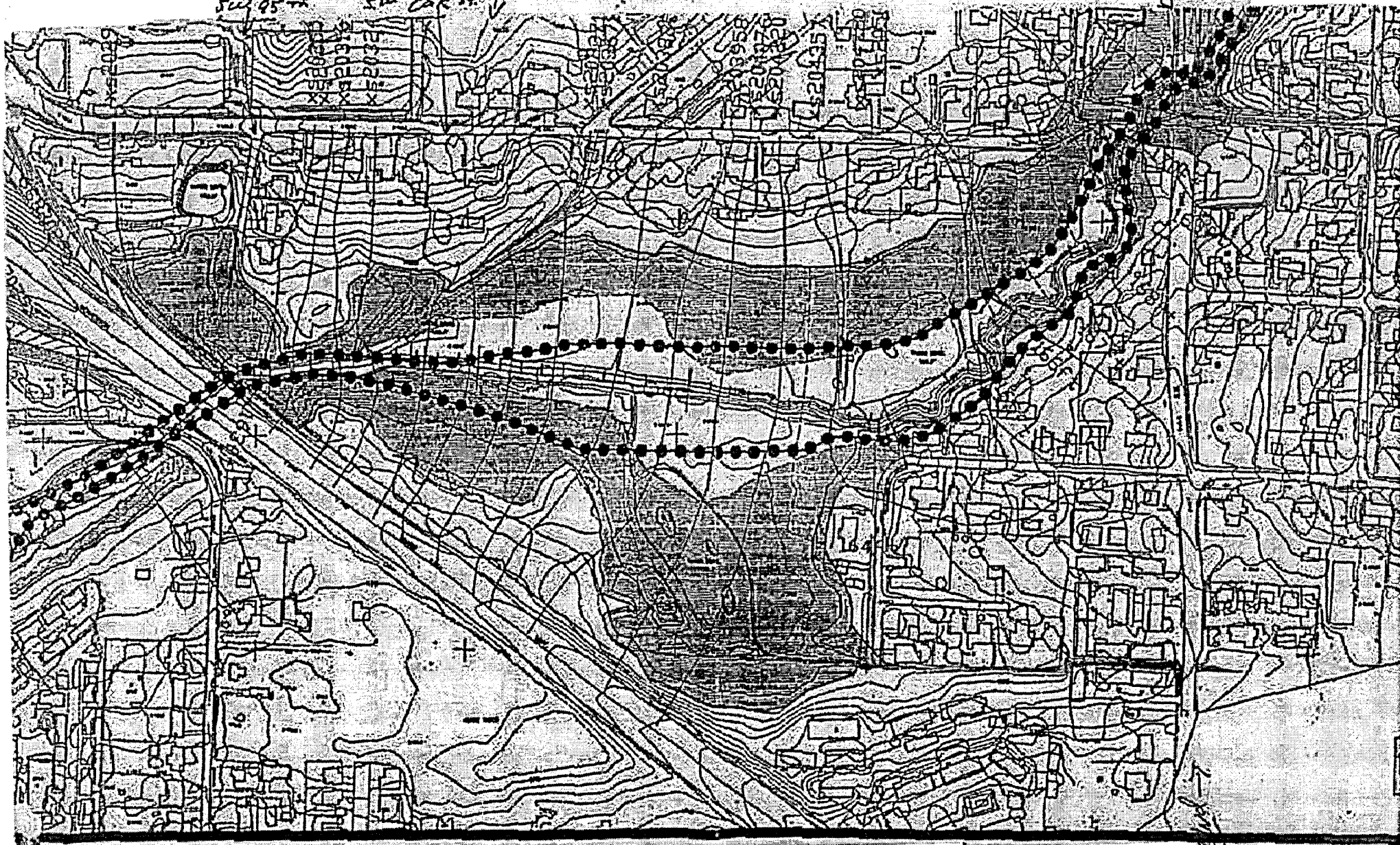
Oak St.

500 95th

SW Oak St.

Hill Blvd

100 15th





Pat Whiting  
8122 S.W. Spruce St.  
Tigard, Oregon 97223  
August 2, 2004

Tualatin Basin Natural Resources  
Coordinating Committee (TBNRCC)  
"Partners for Natural Places"  
Washington C. Public Service Bldg.  
Hillsboro, Oregon 97204

RE: Public Hearing: Final Recommendations on LCDC Goal 5  
Program for Tualatin  
River Basin

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TBNRCC Public Hearing  
Hillsboro, Oregon  
on: Goal 5 Program

Pat Whiting  
August 2, 2004

Under the item "Program Goals" three sub-categories are identified as Preserving Existing System, Improving Basin Health and Mitigate future impacts. Within the sub-category discussing "preserving existing system" the only descriptions of level of use are "strictly limit," "moderately limit" or "lightly limit." There is no category to "prohibit" development in riparian and/or wildlife habitat and significant fish habitat areas.

In the Summer, 2004 Partners for Natural Places publication, page 2, development is defined according to "allow, limit or prohibit." This is an important reference. The concept of prohibiting development in significant fish and wildlife habitat areas is part of the framing of Goal 5 which was adopted in 1973. It is acknowledged that there is a place and time for balancing uses and for mitigation, however, LCDC Goal 5 is intended to help preserve that part of the Oregon landscape that is wildlife resource and habitat.

We are all aware that floodplains and wetlands provide critical habitat and they help protect surrounding properties from flood activity and damage. Case in point is the Ash Creek Wetland and Floodplain in the Metzger/Tigard area.

This is a 100-year floodplain. However, major flooding has occurred in the 1970s, 1980s and in the 1990s. In 1996, during the major flood that occurred we had three and a half feet deep of water on S.W. Hall Blvd. between Oak and Hemlock in the Metzger area. S.W. Oak Street was fully inundated by rushing water that was flooding into Ash Creek Wetland - its floodplain.

When Clean Water Services was U.S.A. they had a proposed project in the Fanno Management Plan to use this area for flood storage and water quality. And, Metro had excluded this wetland/floodplain from urban growth targets.

Now, in this decade, with infill and land development that has transpired from the Mill Creek Watershed and through the Fanno Creek Watershed areas, flooding displacement can be come even more severe. Further development of the remaining openspace and sensitive lands not only compromises vital natural fish and wildlife habitat, it also eliminates storage places for water and it adds urban density problems of flooding displacement,

TBNRCC Public Hearing  
Hillsboro, Oregon  
on: Goal 5 Program

Pat Whiting  
August 2, 2004

increased pollutants into a part of our urban environment that is a natural eco-system cleanser and will definitely result in the reduction of bird nestings, bird rearing, fish populations, small mammel habitat and the natural amenities of environmental aesthetics.

June, 1998 to September, 1999, the Washington Square Regional Center Task Force met, developed a plan and changed zoning designatons creating the most dense zoning to accommodate commercial, business and residential mixed use.

Throughout the process, citizens, property owners, local business owners and CPO 4M supported retaining the low density 4.5 units per acre in the 23 acre Ash Creek Wetland/Floodplain.

The Task Force supported and adopted the plan which changed the wetland/floodplain zoning to 100 units per acre or 50+ designation of Mixed Use Employment and Mixed Use Residential. It was made quite clear that this was an overlay and that the natural environment would have the protections applicable. Mitigation would come into play.

On page 18 of the WSRC Plan it states that:

Development will be designed on a human scale and preserving open space, wetlands and floodplains. The highest density development will occur around the mall and Lincoln Center. Densities will decrease toward the residential neighborhoods near the outer edges of the study area.

On August 24, 1999, three WSRC task Force members which includes myself, presented a Minority Report to the Task Force to have an alternative plan to up-zoning the Ash Creek Wetland/Floodplain.

The Minority Report was not accepted as an alternative to the plan zoning elements.

I am entering it into the record for your deliberation regarding how to manage sensitive lands, habitats and wetland/floodplains in light of applications for development.

TBNRCC Public Hearing  
Hillsboro, Oregon  
on: Goal 5 Program

Pat Whiting  
August 2, 2004

Now, today, you have a difficult task before you. The program proposed before you for consideration contains an attempt to balance all forces including accommodation of high density development that will infringe into the wetland and floodplains, into riparian habitat - setting the stage for development levels that span limited circumstances to development allowed with mitigation. None of the TBNRCC chart components contain a category of "prohibit development of a habitat."

In the Summer, 2004 Metro Fish and Wildlife Habitat protection program booklet on page 8, levels of habitat protection consist of "allow," "limit" and "prohibit."

I am recommending and request that development should be prohibited in Class 1 Riparian Habitat and Class A Wildlife Habitat which include undeveloped floodplains and Habitats of Concern. If you allow development in these important natural areas it should be in the "Strictly Limit" category.

Also protections for "Moderately Limit" should be increased by establishing a lower maximum allowed in areas that would be disturbed.

I am in support of your proposal for a \$2 a month increase in SWM fees to help pay for stream habitat restoration.

Respectfully submitted,



PAT WHITING

**Minority Report  
To the:  
Washington Square Regional Center Task Force  
Concerning Proposed Upzoning of the Ash Creek Wetland and Floodplain Area**

August 24, 1999

We, the undersigned task force members oppose the Washington Square Regional Task Force recommendation to apply a high density zoning designation within the floodplains and wetlands of Ash and Fanno Creeks. We believe that the water quality, fish and wildlife habitat of these creeks will be compromised by this designation as will flooding and surface water management.

Ash Creek experiences frequent flooding in and around the floodplain area between Oak and Hwy 217. The Unified Sewerage Agency (USA) estimates in the June 1997 Fanno Creek Watershed Management Plan that peak flows during flood events in this area will increase by over 50% in 2040 due to upstream development. This projected increase will mean that peak flows currently experienced during the 100 year flood will occur on average every 10 years and the future 100 year flood will feature much greater flows than the current 100 year event. This increase in flooding will occur independently of any proposed development in the Washington Square Regional Center and will have the effect of raising the flood plain and affecting a much larger area. Any increased development in or near the current floodplain as a result of the Task Force proposal could increase flooding even more, further endanger existing communities nearby and downstream, and potentially increase flood insurance rates. In addition, the current 1982 Flood Insurance Rate Map is under revision and we will not have an accurate picture of the current floodplain until the new map is complete. The task force adopted protection of private property rights and preservation of the wetland/floodplain as guiding principles. However, if the current task force proposal to upzone the floodplain is adopted this may impact rights of other property owners as a result of increased flood damages and we believe the wetland/floodplain will ultimately be developed.

Contrary to any upzoning or development, USA recommended in the June 1997 Fanno Creek Watershed Management Plan that Ash Creek between Highway 217 and Hall Blvd be restored (see project A-2 in the Executive Summary) to "increase floodplain storage/wetland function by removing and redistributing fill; plant native vegetation in riparian corridor." This would be a pro-active approach to resolve flooding and address water quality and endangered species concerns where the upzoning proposed in the Task Force Report will make these problems worse.

Maintaining a low density zoning designation provides a first line of protection to reduce impacts from flooding and is consistent with Metro's policy to protect sensitive lands by

removing stream corridors from the buildable lands inventory. Further, we believe that existing land use and stormwater practices are failing to restore and maintain water quality in the Tualatin basin as required by the Clean Water Act. Ash Creek, Fanno Creek and the Tualatin River are all listed as water quality limited by the Oregon Department of Environmental Quality. Pollutants in Ash and Fanno Creeks additionally impact threatened steelhead downstream in Fanno Creek. The primary sources of pollution are untreated stormwater, surface water runoff, and lack of shade due to degraded riparian vegetative buffers. Due to the potential impact on downstream endangered species any upzoning of these water resources may constitute a taking as described in the Endangered Species Act. Rather than place additional stress on these streams, we believe the prudent course would be to restore the current wetland and to maintain or reduce the density designation within the floodplain of both Ash and Fanno Creeks. Washington County recently enacted similar zoning recommendations for the Raleigh Hills Town Center so there is precedent from similar situations in Washington County.

The Tigard Planning Staff and consultants advising the task force have stated that current code provisions will protect these water resources regardless of how the property is zoned. We are very concerned however that blanket upzoning of this area will create irresistible pressures to develop sensitive areas irrespective of any restrictions in the code. Tigard City Code, paragraph 18.797.130.B.1. for example allows variances to the protections required in Water Resource Overlay District "to allow reasonable economic use of the subject parcel of land." This standard for "reasonable economic use" will be very different if the area is upzoned to MUE-1 and MUR-1 than if zoned low density residential. It is likely that those parcels that currently include lands that should be protected by the Water Resource Overlay District could be reasonably developed for low density residential without a variance. However, should these same parcels be upzoned to MUE-1 or MUR-1 the owners could request and be awarded substantial variances to the current protections intended by Chapter 18.797. The Tigard staff has also stated that other agencies, such as the Army Corps of Engineers will protect the wetland, yet the corps has been reported as approving 100% of wetland fill requests between 1988 and 1996 in Washington County. We believe that the best protection and most logical choice is simply to not upzone any sensitive resource areas.

There have been questions raised during discussions in the task force concerning the extent of the wetland and whether Ash Creek was a fish-bearing stream. The public record however is clear on these issues and we request in response to these questions that the following additional documentation be included with the Task Force Report:

- (1) The attached Tigard Wetlands and Stream Corridors map showing the areas currently protected under the Water Resources Overlay District described in Chapter 18.797 of the Tigard City Code. This map clearly shows that there is substantial land area

between Oak and Hwy 217 that is considered wetland, within the Tigard Riparian Area Setback or within the Unified Sewerage Area Water Quality Buffer.

- (2) The attached Metro Title 3 map showing water resources within the area
- (3) Fanno Creek Watershed Flood Insurance Restudy, Preliminary Comparison of Existing and Proposed 100 Year Base Flood Elevation (Ash Creek Wetland/Floodplain in Tigard, Washington County). Revised draft October 25, 1998 being prepared by Durham, Tigard, Beaverton, Washington County and USA, Oregon.
- (4) Tigard City Code Chapter 18.797.020.A.6 lists Ash Creek as a major stream that is mapped as a fish-bearing stream by the Oregon Department of Forestry. In addition, the June 1997 USA Fanno Creek Watershed Management Plan reports on fish found by Oregon Department of Fish and Wildlife in their report "Distribution of Fish and Crayfish and Measurement of Available Habitat in the Tualatin River Basin" (ODFW, June 1995). ODFW reported surveys in this document finding five different native fish species in Ash Creek between the mouth and Hwy 217 (863 individual fish) and four different species between Locust St and Metzger Park (780 individual fish).

Given that we know that the floodplain is becoming larger due to upstream development but not precisely where due to the age of the current flood insurance map and the ongoing debate about the extent of water resources that should be protected we request that the entire area between Oak and Highway 217, Hall and Greenburg Road retain its current zoning. This current zoning should remain in effect until such time that an updated Flood Insurance Rate Map can be prepared and approved and we can reach a consensus on a map showing the extent of water resources to be protected. This protected area should then be downzoned to low density residential and the area surrounding the protected area should similarly be zoned at a relatively low intensity to reduce runoff and other impacts upon sensitive water resources and biodiversity.

We would additionally like to see the USA project described above funded and implemented as a pro-active response to flooding, water quality and endangered species concerns. This project should be characterized by a very natural approach using wetlands for flood storage and fish and wildlife habitat. A single acre of wetland can store over a million gallons of floodwater and slowly release it to reduce downstream impacts according to the United States Fish and Wildlife Service and other researchers. A natural approach would provide far superior flood storage, water quality and habitat compared to manicured lawns. We like the vision of a regional center surrounded by greenways and streams and believe that a natural approach will create a highly livable center for our community and the region.

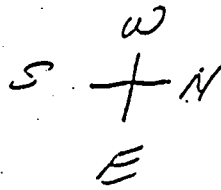
Finally, we are very disturbed that the Tigard Planning Staff and consultants in their progress report on July 20, 1999 to the Tigard City Council and Planning Commission made no mention of any dissent on the task force concerning the wetland/floodplain. We believe that our serious concerns must be reported and therefore request that this minority report be included within the task force recommendations verbatim. We also our position be reported in full to the Tigard City Council and Planning Commission.

Respectfully submitted,

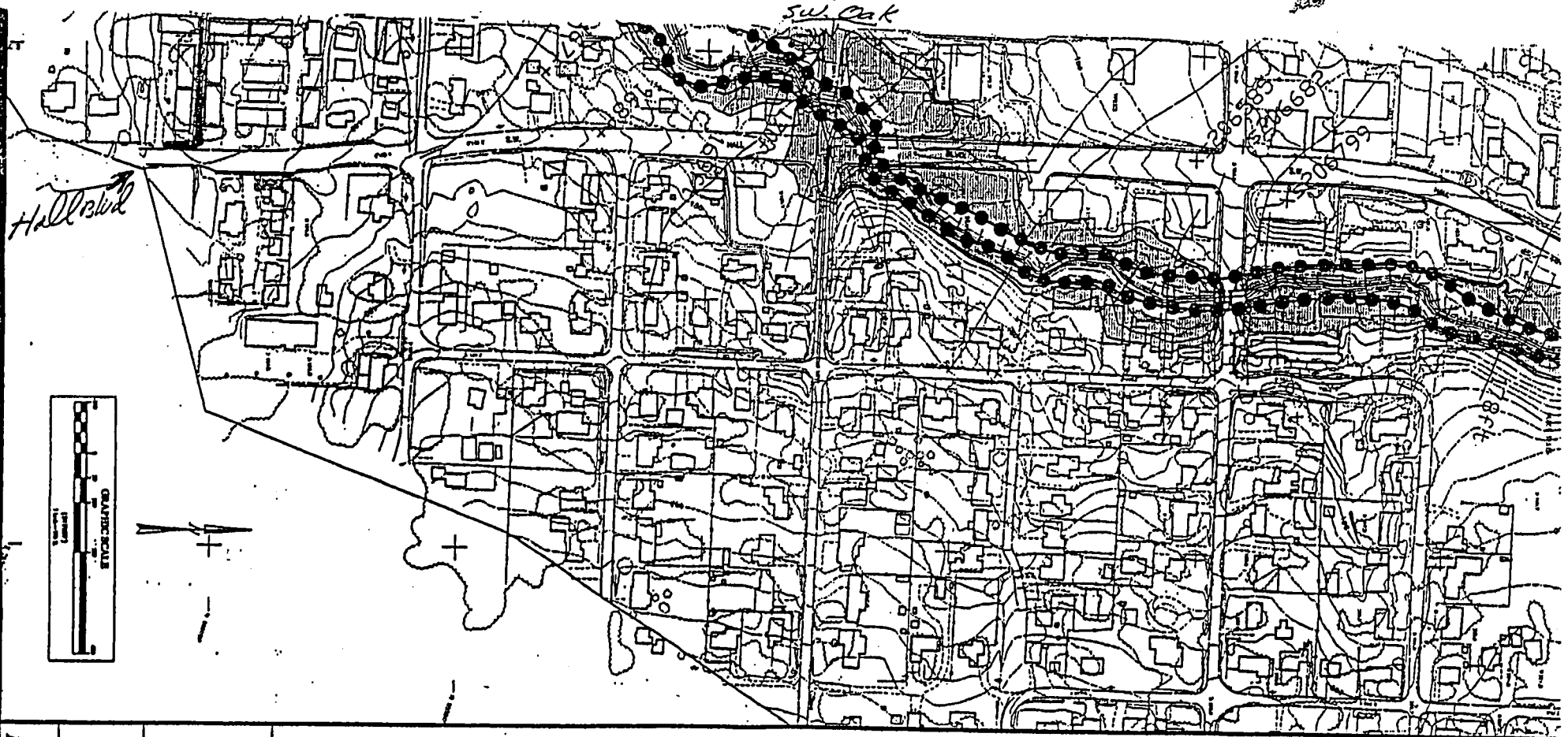
  
PAT WHITING

  
DAVID DRESCHER

  
STEVE PERRY



↓  
Sub Creek



Hall Blvd



# FANNO CREEK WATERSHED FLOOD INSURANCE RESTUDY

## Preliminary Comparison of Existing and Proposed 100-Year Base Flood Elevations

Ash Creek up to Hemlock - Tigard, Washington Co.

Durham, Tigard, Beaverton, Washington County and U.S.A., Oregon

(rev. 10/25/1998)

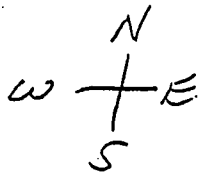
**KURAHASHI**  
**& ASSOCIATES, INC.**  
2000 N.W. 72nd Avenue, Suite 100  
Beaverton, Oregon 97005  
TEL: 503/638-1111 FAX: 503/638-1118

Sheet 9 of 15

1332.20

Project No.





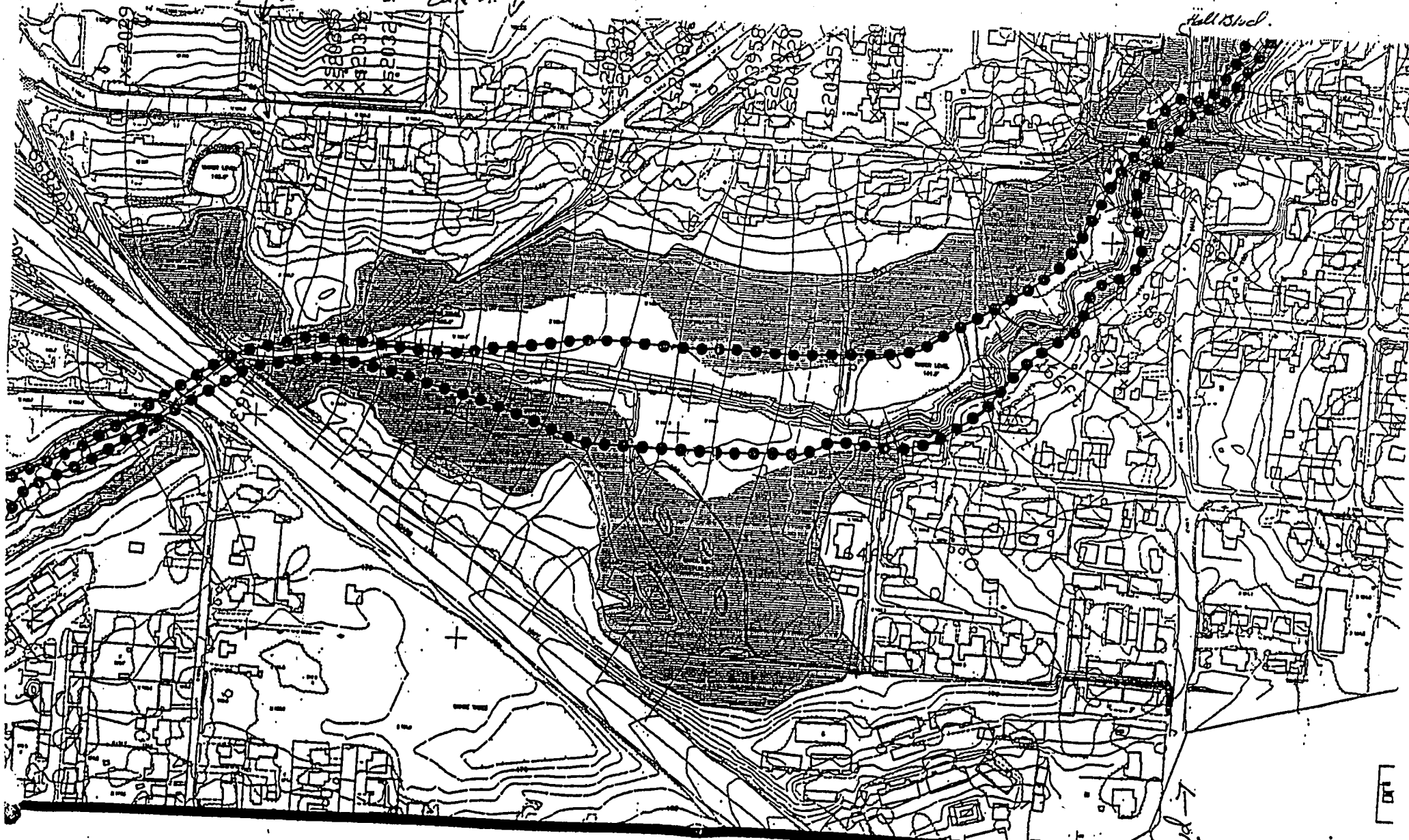
Hall Blvd

Oak St.

SW 95th

SW Oak St.

Hall Blvd



Contour 7

100



**Wendie L. Kellington  
Attorney at Law, P.C.**

P.O. Box 1930  
Lake Oswego, Oregon  
97035

Phone (503) 624-7790  
Mobile (503) 804-0535  
Facsimile (503) 620-5562  
Email: [wk@wkellington.com](mailto:wk@wkellington.com)

August 2, 2004

Via Hand Delivery  
Tualatin Basin Natural Resources Coordinating Committee  
Public Hearing

Re: Brugger Rd. LLC

Dear Members of the Committee:

Thank you for this opportunity to comment on the proposed ESEE for the Washington County Goal 5 "Allow, Limit Protect or "ALP" determinations under for Washington County properties under the Metro agreement. See Tab D. This firm represents Brugger Road LLC (BRL). BRL owns property in Washington County and in the Metro UGB. The subject property is in the Metro UGB. The property is subject to a committed and developed exception and is currently zoned AF-5. The property has a recent development approval. See Tab B. The property consists of 10.33 acres, is composed of tax lots 1800, 1900 and 2000 and is located at the southwest corner of the intersection of NW Brugger Road and NW Kaiser Road. The property owner has learned late of this Goal 5 process and plans to submit additional written information for your consideration in advance of the August 9, 2004 record closure. However, we wanted to bring to your attention that because the property is within the UGB, and has a development approval and other reasons, the current protective Goal 5 designations should be adjusted in favor of a determination that the conflicting urban uses should be allowed.

The property, as noted above is in the Metro UGB. In this regard, Washington County so decided in the above referenced, recent development application for which the county approved a church on the subject property. See Tab B, pages 5, 9, 10. Urban standards were applied to the Tab B land use decision on the subject property by the county hearings officer precisely because he expressly determined that the property was within the Metro UGB. In this regard, the property is within the UGB as a result of Metro's planning decision of approximately a year ago. Therefore, the subject property should not be designated as Future Urban or given a Goal 5 protective designation but rather, *at a minimum*, should be designated as "other urban" in the Tualatin Basin Natural Resources planning process so that conflicting urban uses are allowed. The subject property should ultimately receive the "high intensity" urban designation because of its status as an exception parcel, located within the Metro UGB, having been relied on by the region in the calculus of land for urban uses to avoid further expansions of the UGB, its proximity as a part of the Bethany urban center area, among other things. The Goal 5 "allow" conflicting uses determination is what the property owner respectfully believe that the evidence establishes is the appropriate outcome after ESEE analysis of the subject property.

The subject property offers little natural resources benefit to the region. This conclusion emerges after an economic, energy, social or environmental (ESEE) analysis regarding the property. While we understand that Metro has generally, and globally, identified significant natural resources on the property, an "allow conflicting uses" determination under Goal 5 should be made for the property. Metro did not foreclose such a site specific and locally determined outcome. See Tab D. The natural resources report for the subject property which is appended at Tab C to this letter, establishes the ditch on the property is likely a drainage from an up gradient irrigation pond. The ditch on the property ends at the confluence of the subject property and the next door property. On the next door property, the runoff from the ditch has been placed underground and culverted. The property provides no fish habitat all as explained in the Cramer report at Tab C. The property has not historically provided any habitat value to restore.

On the other hand, the property serves important urban functions given its addition to the Portland Metro UGB and its proximity to and eventual inclusion within the Bethany area town or neighborhood center. As an economic matter, the property is a valuable urban development resource. It is in the UGB as an urban resource. Public facilities and services as well as development were contemplated to occur on this property. The important public facilities would likely follow the course of the ditch. Development is approved on the property's entirety. See Tab B page 3. Foreclosing development with a limit or protect Goal 5 designation would prevent the property from achieving the economically beneficial urban uses that are approved both as a matter of being in the UGB, as a matter of being an exception parcel and as a matter of having an approved development on it. Regarding the exception, it is a part of a committed and developed exception meaning the economic expectations for the property are that it is to be developed.

Further, the property serves important energy benefits because it provides the opportunity for the urban activities established on the property to be walkable and bikeable to the remainder of the Bethany urban center. This reduces the needs for automobile trips which consume energy. Socially, the property provides an important piece of the Bethany area urban puzzle to allow the Bethany area to fully develop with the population mass that Metro has anticipated with its UGB decision. Failing to allow the property to develop with intense urban uses risks the adverse social consequence of requiring further UGB amendments as well as risking the Bethany area's inability to fully develop as contemplated. Environmentally, the property can be better integrated into the entire urban fabric of the Bethany area as a matter of the area's eventual master level land use planning where flexibility of development of the site is allowed. These benefits weighed against the small environmental benefits associated with the proposed most prohibitive Goal 5 designation for the property (See Cramer Report Tab C), weigh in favor of an "allow" conflicting uses designation.

In short, the following reasons weigh in favor of the property being designated as "other urban" or as "intense urban" use, allowing the conflicting urban use for which this property is planned to occur:

The property is within the Metro UGB and the county has so found in the context of approving a development application;

2. The property is already subject to approved development. That approved development may not occur in view of the UGB amendment and that the property may ultimately be planned as a part of the Bethany urban center. However, there is no question but that the property will develop.
3. The property has a committed and developed exception that anticipates commitment to development.
4. The ESEE value of the resource on the property is outweighed by the ESEE benefits of allowing the conflicting uses.

Thank you for your consideration.

Very truly yours,



Wendie L. Kellington

WLK:wlk  
Enclosures  
CC: Client

## TABLE OF CONTENTS

<b>Brugger Rd LLC Property Map</b>	<b>TAB A</b>
<b>County Development Approval<sup>1</sup></b>	<b>TAB B</b>
<b>Cramer Report: Lack of Natural Res.</b>	<b>TAB C</b>
<b>Metro Resolution on Tualatin Program</b>	<b>TAB D</b>

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<sup>1</sup> County development approval determines property is within the Metro UGB notwithstanding appeals

# Washington County, Oregon



## Goal 5

last modified: July 23, 2004

Department of Land Use & Transportation  
Brent Curtis, Manager

Enter Street Address

example: 155 N 1st Ave

OR

Street Intersection

Street 1

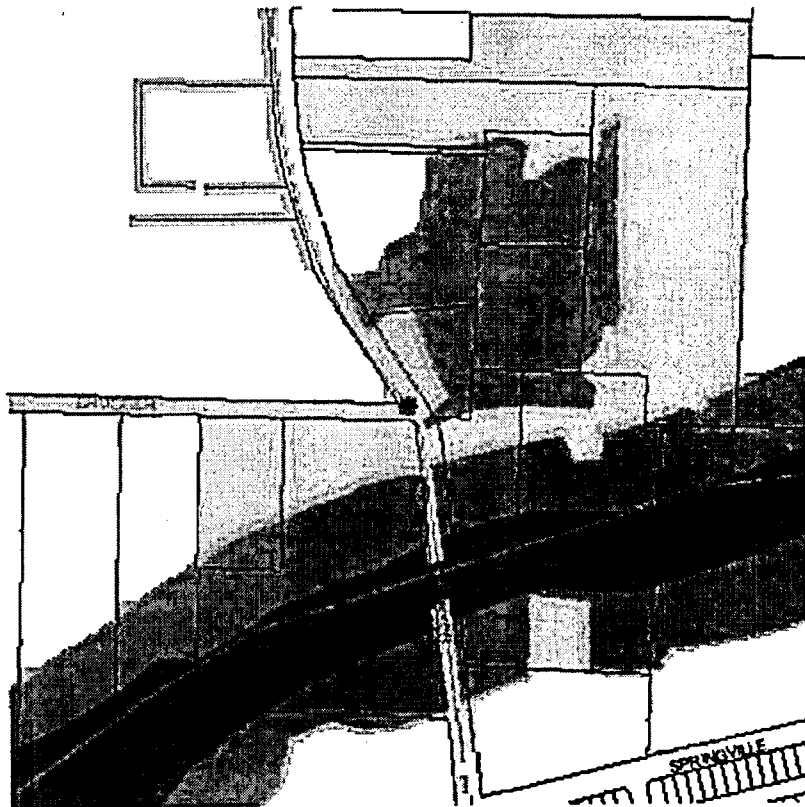
Street 2

example; Street 1: North First Ave

Street 2: Lincoln Street

Find Address

Address: NW BRUGGER RD at NW KAISER RD 97229  
Street Map (approximate location)



Site Adjust



Allow



Lightly Limit



Moderately Limit



Strictly Limit

General

Allow

Lightly Limit



Moderately Limit



Strictly Limit



Tualatin Basin Outside of Inventory



Outside of Tualatin Basin

Definitions for ALP Program Recommendation

Washington County  
Land Use and Transportation Department  
Planning Division  
155 N. First Avenue, Suite 350, MS 14  
Hillsboro, OR 97124

Planning Division: 503-846-3519  
fax: 503-846-4412  
E-Mail to: [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)



RECEIVED

MAY 19 2004



Washington County  
Department of Land Use and  
Transportation  
Land Development Services  
155 N First Ave, Suite 350  
Hillsboro, OR 97124

CASEFILE: 03-519-SU/FPI/AMP

APPLICANT:

W & H PACIFIC

Brugger Road, LLC  
Chris Maletis  
5526 SW Hewitt  
Portland, OR 97221

**NOTICE OF DECISION OF  
THE HEARINGS OFFICER**

APPLICANT'S REPRESENTATIVE:

Angelo Eaton & Associates  
620 SW Main, Suite 201  
Portland, OR 97205

PROCEDURE TYPE III

CONTACT PERSON:

Frank Angelo

CPO: 7

OWNER:

Brugger Road, LLC  
5526 SW Hewitt  
Portland, OR 97221

RURAL/NATURAL RESOURCE PLAN

LAND USE DISTRICT:

AF-5 (Agriculture & Forestry 5 acre minimum)

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 1N1 17C

TAX LOT#: 1800, 1900, and 2000

SITE SIZE: 10.33 acres

ADDRESS: 15700 NW Brugger Road

LOCATION: On the southwest corner of the  
intersection of NW Brugger Road and NW  
Kaiser Road.

PROPOSED DEVELOPMENT ACTION: Special Use Approval and "Conceptual" Development  
Review Approval For a Church (St John the Baptist Greek Orthodox Christian Church), a  
Drainage Hazard Alteration for a Creek Crossing, and An Access Management Plan for  
Access to NW Kaiser Road.

**DATE OF DECISION:  
May 14, 2004**

A summary of the decision of the Hearings Officer and supplemental findings are attached.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by filing a notice of Intent to Appeal with LUBA within 21 days of the date of this decision. Contact your attorney if you have any questions in this regard.

For further information contact the Land Use Board of Appeals at 503-373-1265.

The complete case, including Notice of Decision, Application, Staff Report, Findings and Conclusions, and Conditions of Approval, if any, are available for review at no cost at the Department of Land Use and Transportation. Copies of this material will be provided at reasonable cost.

Notice to Mortgagee, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.



Notice of Decision of Hearings Officer

May 14, 2004

Page 2

CASEFILE NUMBER: 03-519-SU/FP/AMP

**SUMMARY OF DECISION:**

On May 14, 2004, the Washington County Hearings Officer issued a written decision (Attachment "C") on the applicant's request for Special Use Approval and "Conceptual" Development Review Approval For a Church (St John the Baptist Greek Orthodox Christian Church). Included in this request were requests for a Drainage Hazard Alteration for a Creek Crossing and An Access Management Plan for Access to NW Kaiser Road. The site is located On the southwest corner of the intersection of NW Brugger Road and NW Kaiser Road in CPO # 7, and described as tax 1800, 1900, and 2000 on assessor map 1N1 17C, W.M., Washington County, Oregon. His decision is as follows:

**ORDER:**

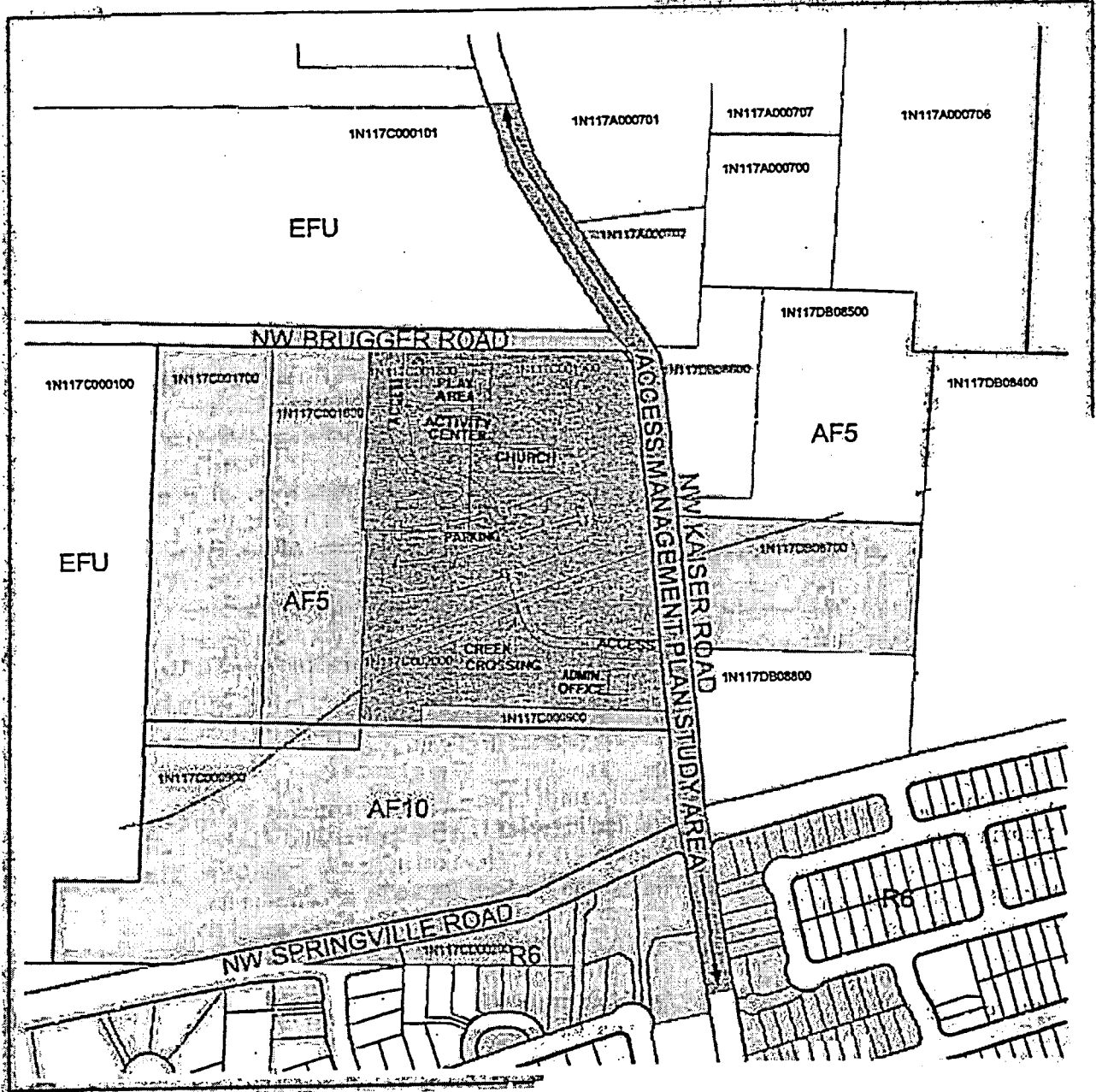
The Application is Approved subject to the Conditions set forth in Attachment "B".

**Attachments:**

- A Vicinity Map
- B. Hearings Officer's Findings, Conclusion, Order and Conditions of Approval

# ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 1N1 17 C0 01800, 01900, 02000 CASE FILE NO. 03-519-SU/FP/AMP



NORTH



AREA OF CONSIDERATION

SCALE: 1" TO 300'

**SITE & SURROUNDING LAND USE DISTRICTS:**

- AF5 District (Agriculture and Forest 5 ac. min.)
- AF10 District (Agriculture and Forest 10 ac. min.)
- EFU District (Exclusive Farm Use)
- R-6 (Residential 5-6 Units/Acre)

**REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN**

- A. WASHINGTON COUNTY COMPREHENSIVE PLAN
- B. RURAL/NATURAL RESOURCE ELEMENT
- C. TRANSPORTATION PLAN
- D. WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE:
  - ARTICLE I, INTRODUCTION & GENERAL PROVISIONS
  - ARTICLE II, PROCEDURES
  - ARTICLE III, LAND USE DISTRICTS
  - ARTICLE IV, DEVELOPMENT STANDARDS
  - ARTICLE V, PUBLIC FACILITIES AND SERVICES
  - ARTICLE VI, LAND DIV. & LOT LINE ADJUSTMENTS
  - ARTICLE VII, PUBLIC TRANSPORTATION FACILITIES
- E. R & O 86-95 TRAFFIC SAFETY IMPROVEMENTS
- F. ORD. NO. 524 UNIFORM ROAD IMPROVEMENT STANDARDS
- G. ORD. NO. 379 TRAFFIC IMPACT FEE

**BEFORE THE LAND USE HEARINGS OFFICER  
OF WASHINGTON COUNTY, OREGON**

Regarding an application by Brugger Road, LLC for Special)	<b><u>FINAL ORDER</u></b>
Use approval and an Access Management Plan for a )	Case No.
22,600-square foot church and accessory uses at 15700 )	03-519- SU/FP/AMP
NW Brugger Road in unincorporated Washington County )	(Greek Orthodox Church)

**A. SUBJECT**

1. The applicant, Brugger Road, LLC, requests Special Use ("SU") approval "in concept" for a 22,600-square foot church, activity center, administrative office and memorial garden and 166 parking spaces, landscaping and an outdoor play area on a 10.33-acre parcel in the AF-5 zone at 15700 NW Brugger Road; also known as Tax Lots 1800, 1900 and 2000 IN1 17C (the "site"). The applicant also requests approval of an Access Management Plan ("AMP") to allow access to Kaiser Road at less than the minimum required 600-foot intersection spacing standard and approval of a drainage hazard alteration ("FP") to construct an access across the Rock Creek tributary on the site. If the County approves the applications in this case, the applicant will prepare more detailed plans for Development Review using a Type II process that provides for notice to and participation by the public. Basic facts about the site and surroundings, applicable review and approval standards, and findings applying the facts to the standards are in the Recommendation and Staff Report dated April 15, 2004 (the "Staff Report"), incorporated herein by reference, and are highlighted in the discussion.

2. Washington County Land Use Hearings Officer Larry Epstein (the "hearings officer") conducted a duly noticed public hearing regarding the application. County staff recommended that the hearings officer approve the application subject to conditions. The applicant accepted the findings and conditions in the Staff Report as modified at the hearing, with exceptions discussed more later in this order. Other than statements from relevant agencies, no one else testified orally or in writing. The only issues in dispute are:

(a) Whether CDC 408-6.2.A requires the applicant to dedicate and improve a public road from Kaiser Road to the west edge of the site; and

(b) Whether CDC Title V requires sanitary sewer to serve the site, because the site is in the UGB, notwithstanding that the site is not in a sewer service district now.

3. The hearings officer largely concurs in the analysis and findings offered by County staff and the applicant. That is, the proposed church, drainage hazard area permit and access management plan do or can comply with the applicable standards and criteria of the Washington County Community Development Code (the "CDC") and other applicable standards identified in Attachment C of the Staff Report. Adoption of recommended conditions of approval, with some changes, will ensure that final plans are submitted and approved consistent with those criteria and standards and will prevent, reduce or mitigate potential adverse impacts of the development consistent with the

requirements of the CDC. Therefore the hearings officer approves the application subject to the conditions of approval at the end of this final order. In so ruling, the hearings officer defers, in part, application of the Public Facility and Service requirements until Development Review and delegates limited authority to the planning manager to approve a modification to the circulation standards in CDC 408-6.2.A as part of Development Review.

## B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the duly noticed public hearing about this application on April 15, 2004. At the hearing, the hearings officer received and physically inspected the file maintained by the Department of Land Use and Transportation ("DLUT") regarding this application, including comments received after the Staff Report was issued. The hearings officer made the statement required by ORS 197.763 and disclaimed any *ex parte* contacts with interested persons, bias or conflicts of interest. The following is a summary by the hearings officer of selected relevant testimony at the hearing.

2. County planner Tom Harry summarized the Staff Report. He identified the site location in the southwest quadrant of the intersection of Brugger Road (a local street) and Kaiser Road (an arterial). He noted that the proposed access onto Kaiser Road cannot comply with the minimum 600-foot spacing required for intersections on an arterial, because there is not 1200 feet between Brugger and Springville Roads along Kaiser.<sup>1</sup> He noted that County staff recommend approval of the AMP, based on the traffic analysis, transportation report and applicant's response to CDC 501-8.5 and supplements. He responded to questions from the hearings officer.

a. He recommended that the hearings officer include a condition of approval requiring the applicant to connect the church to public sewer service when it is within 300 feet of the site (Condition VII.H). See the April 14, 2004 memorandum. (But see the April 22 amendment.) Also he noted that the record includes the principal drainage engineer's report discussed in the Staff Report in response to CDC 422.

b. He requested that the hearings officer hold the record open to allow County staff to respond to new evidence the applicant submitted regarding CDC 408-6 and to clarify trip numbers in the transportation report and traffic study.

c. In response to questions from the hearings officer, he opined that a condition of approval could require the applicant to share access to Kaiser Road with the abutting Bethany Presbyterian Church to the south, but conceded there was not much information in the record to address the feasibility of such shared access.

d. He noted the status of the site as being provisionally inside the Urban Growth Boundary. Final requirements for Brugger Road among other things depend on the status of the site when future applications are made.

4. Hal Kever and Frank Angelo testified for the applicant. Mr. Angelo submitted a memo in response to CDC 408-6.

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<sup>1</sup> The driveway to the church is proposed to be 593 feet south of the intersection of NW Brugger Road and NW Kaiser Road and 365 feet north of the intersection of Springville Road and Kaiser Road. The driveway will extend over a bridge across the Rock Creek tributary on the site about 270 feet west of Kaiser Road.

a. Mr. Keever accepted the findings and conditions in the Staff Report as modified at the hearing, including proposed condition VII.H. He agreed that condition of approval I.A.3 is redundant and should be deleted. It repeats condition of approval VII.C. Mr. Harry agreed.

b. Mr. Keever also responded to questions about potential shared access with the church to the south, noting that the county did not require the applicant to contact the church. He requested time to respond to any new testimony by the County during the open record period.

5. The hearings officer held the record open for one week to allow County staff to review and respond to the new evidence submitted by the applicant, to clarify the trip generation numbers and to respond to other questions. The hearings officer held the record open for an additional week to allow the applicant to respond to the County's response and submit a closing argument. The record closed to the applicant on April 29, 2003.

### C. DISCUSSION

1. County staff recommended that the hearings officer approve the application subject to conditions of approval, based on the Staff Report as modified by Mr. Harry's memoranda to the hearings officer dated April 14 and 22, 2004 (the "Memoranda"). The applicant largely agreed. The hearings officer largely concurs in the analysis and conclusions by County staff. That is, the proposed development does or can comply with the applicable standards and criteria for approval of a church, drainage hazard area permit and access management plan, subject to recommended conditions with certain changes described more below. The hearings officer adopts as his own the findings and conclusions in the Staff Report as modified at the hearing and by the Memoranda, except to the extent that they are not consistent with the findings in this final order.

2. The applicant's April 12 memorandum addresses CDC 408. The applicant disputes applicability of that section, but provides findings addressing the disputably-relevant sections. The applicant proposes to comply with CDC 408-6.3 by providing bicycle and pedestrian access east-west across the site. But the applicant does not propose to provide an east-west public road for vehicles pursuant to CDC 408-6.2.A, because "a public street through the site would have a negative impact on the operation of the Church and the safety of those attending services. Additionally, a public street through the site would require a wider crossing of the creek and, therefore, have a greater impact on the natural resource." (p. 2 of April 12 memo from Hal Keever to Tom Harry)<sup>2</sup> Instead the applicant proposes to "facilitate" a north-south street along the west edge of the site, and to take access from that road when built. The applicant does not say

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<sup>2</sup> The applicant does not offer substantial evidence to support the claims in that statement, e.g., about negative impacts to Church operations and safety of an east-west public street or the width of the bridge. A public street crossing could require a wider bridge over the tributary, but it does not need to provide more than two-way travel, and modifications to roadway standards could authorize a bridge that is only marginally wider, if at all, than will be necessary for two-way traffic flow for the church alone.

precisely how it intends to facilitate such a north-south street. The applicant did not offer to dedicate or improve right of way for such a street.

3. The April 22 memorandum from Mr. Harry clarifies the trip generation numbers in the traffic engineer's report. It also explains why CDC 408 applies to the application, i.e., because the site was inside the UGB as of December 12, 2002, the date Metro adopted an ordinance amending the UGB to include the site. Because the application for the church was filed June 30, 2003 --- after the effective date of the Metro UGB ordinance --- CDC 408-6 applies to the site.<sup>3</sup> The hearings officer agrees with and adopts these findings.

a. County staff have determined that, after Kaiser Road is improved to a five-lane section, there will be 525.5 feet between the west edge of the pavement of Kaiser Road and the west edge of the site. They conclude that, "[i]n order to meet the standard for a 530-foot block length, the sidewalk for [a north-south] street would need to be built partially on the subject site"<sup>4</sup> However staff do not recommend a condition of approval to address this standard with regard to a north-south street.

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<sup>3</sup> CDC 408-2.1.E provides as follows:

On those undeveloped or underdeveloped lands of five acres or more that are added into the UGB after August 24, 2000, the effective date of A-Engrossed Ordinance 552, Local Street Connectivity, the provisions of Section 408-6 shall apply.

<sup>4</sup> CDC 408-6.2.A provides as follows:

For residential, office, retail, and institutional development, on-site streets shall be provided which meet the following:

- A. Block lengths for local streets and collectors shall not exceed 530 feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Sections 408-6.2 F., 408-6.4, 408-6.5 or 408-7 are met.
- B. The total length of a perimeter of a block for local and collector streets shall not exceed eighteen hundred (1,800) feet between through streets, measured along the nearside right of way line except when the provisions of CDC 408-6.2F, 408-6.4, 408-6.5 or 408-7 are met.

CDC 408-6.2.F provides as follows:

- F. The Review Authority may modify the review standards of Section 408-6.2 A., B., or C. above based on findings that the modification is the minimum necessary to address the constraint and the application of the standard is impracticable due to the following:..
- (2) Drainage hazard areas, wetlands, flood plains, or a Significant Natural Resource area;..
  - (4) Abutting undeveloped or underdeveloped property is not designated with an urban residential district, a transit oriented district, FD-10 or an urban reserve area;..

CDC 408-7 provides as follows:

The Hearings Officer may approve a modification to the circulation analysis review standards of Section 408-5 or 408-6 through a Type III procedure based on findings that:

408-7.1 The applicant has submitted an alternate design which serves the purpose of providing safe, convenient and direct pedestrian and bicycle access and access to transit consistent with the standards of the Transportation Plan, the Community Plans, the Transportation

b. County staff also argue that CDC 408-6.2.A requires the applicant to create an east-west public road through the site to comply with the block length standards, because there are 941 feet between Brugger and Springville Roads, unless the Hearings Officer approves an alternative design under CDC 408-7.

c. County staff argue that the exceptions in CDC 408-6.2.F, 408-6.4 and 408-6.5 should not apply to the east-west road requirement. They reason that an exception or modification based on the impact of such a road on the Rock Creek tributary on the site is not appropriate, because the applicant proposes to span that tributary with a bridge for the *private* road it proposes. The staff argue in effect that a bridge for a *public* road will not have a much worse effect if at all.

d. The hearings officer finds that, to comply with CDC 408-6.2.A, the applicant must dedicate and improve right of way for an east-west public street through the site from the approved access point onto Kaiser Road.

e. The applicant argues that CDC 408-6.2.F(4) warrants a modification to the standards in CDC 408-6.2.A.<sup>5</sup> The applicant argues that, because “[n]one of the properties abutting the subject site in any direction is designated with an urban residential district, a transit oriented district, FD-10 or an urban reserve area,” the applicant is entitled to a modification under CDC 408-6.2.F(4).

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Planning Rule (OAR 660-12), and Metro’s Urban Growth Management Functional Plan;  
and

408-7.2 The development’s proposed circulation analysis for pedestrian, bicycle and access to transit meets the following criteria:

- A. Does not preclude abutting property from meeting the review standards of Section 408-5 or 408-6;
- B. Provides streets or accessway connections to all existing or approved stub streets or accessways which abut the site;
- C. Provides arterial accessways as required by Section 408-5 and 408-6;
- D. Provides a street and pedestrian/bicycle circulation system which is compatible with abutting developed property;
- E. Provides safe, convenient and generally direct access to transit and nearby pedestrian oriented uses; and
- F. Walking distances on pedestrian ways within and from the new development are not increased from what would be developed under the requirements of Section 408-5 or 408-6.

<sup>5</sup> The applicant also argues that a modification is warranted under CDC 408-6.2.F(5), because the County has found that the “Access Management Plan is projected to maintain the function and integrity of NW Kaiser Road.” However the hearings officer finds this evidence is not responsive to the modification criterion; it is responsive to the criteria for an access management plan. The fact that the AMP complies with certain standards does not necessarily mean it complies with other standards. The public interest addressed in CDC 408-6.1 is the provision of cross-circulation and resulting reduction in out of direction vehicle miles traveled rather than protection of arterial capacity.



f. CDC 408-6.2.F allows the hearings officer to grant a modification to CDC 408-6.2.A to the minimum extent necessary to address certain constraints that makes compliance impracticable. Under CDC 408-6.2.F(4), one of those eligible constraints is the zoning of the abutting undeveloped or underdeveloped property. If the abutting land "is not designated with an urban residential district, a transit oriented district, FD-10 or an urban reserve area," it is eligible for a modification under CDC 408-6.2.F(4).

i. Based on the plain meaning of the words, the fact that adjoining land is not in one of those zones listed in CDC 408-6.2.F(4) does not require the County to grant the requested modification. To sustain a modification, the zoning of the adjoining land must make compliance impracticable due to that zoning.

ii. The CDC does not define the term "impracticable." The hearings officer relies on the definition of that term in Webster's New World Dictionary of the American Language (1966), which is, "not capable of being carried out in practice."

iii. The hearings officer finds that the non-urban zoning of the adjoining property makes it difficult to determine to where to extend a public street on the west edge of the applicant's site, because it is not certain where lots or what uses will be situated on the adjoining land in the future. However it is certain that the east-west street cannot be more than 530 feet south of Brugger Road, based on CDC 408-6.2.A. It can be less than that distance. Therefore, although the zoning of the abutting property makes it uncertain where a road might be situated to best conform to future lots or uses, that zoning does not make it impracticable for the applicant to dedicate right of way for such an east-west street. The applicant can dedicate right of way for a street, with the west end of that right of way intersecting the adjoining property at a point south of Brugger that complies with CDC 408-6.2.A.

g. In its April 28 final argument, the applicant argues that CDC 408-6.2.F(2) is not applicable. However in earlier testimony, the applicant argued that a modification is warranted under CDC 408-6.2.F(2), because a public road would have a greater adverse impact on the Rock Creek tributary that such a road would have to cross from the approved access point on Kaiser Road. However the applicant did not sustain the burden of proof that the impact on the tributary of a bridge required for a public road and a bridge required for a private road would be appreciably different. Because the applicant plans to build a road across the tributary anyway, the hearings officer cannot find that it is impracticable to make that road public due to its impact on the tributary.

h. The applicant also argues that a modification is warranted under CDC 408-7. Section 408-7 does not require the County to find that compliance is impracticable. It does require compliance with a number of other standards, many of which do not apply in this case. In support of applicable standards for this modification, the applicant argues that it will provide bicycle and pedestrian access to abutting properties, with the precise route(s) to be determined during Development Review, and

that it does not prevent any abutting property (i.e., the lot west of the site) from complying with CDC 408-5 or 408-6.

i. The hearings officer agrees that the design of a safe, convenient, and direct pedestrian and bicycle system on the site can be proposed and approved during Development Review. This fulfills the requirement for a modification under CDC 408-7.1.

ii. The hearings officer also finds that the standards in CDC 408-7.2 are not applicable, or substantial evidence in the record shows that the application complies, except with regard to CDC 408-7.2.A.

(A) The hearings officer cannot find that the lack of an east-west street through the site will not preclude abutting property from complying with CDC 408-5 or -6. Put another way, there is no substantial evidence in the record based on which the hearings officer can find that roads west of the site will comply with CDC 408-6.2A through C if an east-west street is not built through the site to connect with streets on land to the west.

(B) The lots abutting the site to the west will require one or more north-south streets. If two north-south streets are provided on the land within the UGB west of the site, and if those streets are connected by at least one east-west public street, the resulting street system will comply with CDC 408-6.2.A through C. But if only one north-south street is created or two north-south streets are not connected, the result will be cul de sacs or dead end streets, contrary to CDC 408.6.2.C as well as violations of block dimension standards in 408-6.2.A and B.

iii. The hearings officer finds that the lack of an east-west street through the site might not preclude abutting property from complying with CDC 408-6.2.A through C if the applicant provides a north-south road along the west edge of the site, and if the owners of the abutting land to the west within the UGB will have to build a north-south road further west and an east-west road linking the two north-south roads. But the hearings officer cannot determine based on the record what will happen west of the site (i.e., the record does not contain information from which the hearings officer can determine how many lots to the west are inside the UGB).

(A) Therefore the hearings officer finds that recommended condition of approval III.I should be amended to waive compliance with CDC 408-6.2.A if the planning manager finds that the applicant has shown that the lack of an east-west street through the site will not preclude abutting property from complying with CDC 408-6.2.A through C.

(B) If the applicant does not make such a showing, the applicant should be required to provide an east-west street through the site.

(C) Disputes about this how this condition is administered in the Development Review process can be appealed to the hearings officer pursuant to the CDC.

4. In their April 22 memo, County staff also recommend that the hearings officer require the applicant to serve the site with public sewer when it is developed regardless of how far away sewer is situated, rather than if sewers are within 300 feet at that time, because the site is in the urban area and the Urban Public Facility Standards in Article V apply.<sup>6</sup> This contrasted with the recommendation in the County's April 14 memorandum, where the County recommended that the hearings officer require the applicant to connect to sewer only if it is within 300 feet of the site when the applicant applies for Type II review.

a. In its April 28, 2004 closing argument, the applicant agrees with the condition as framed in the April 14 staff memo, and disagrees with the condition as framed in the April 22 staff memo. The applicant argues that there are findings to support the earlier memo but not the later one, and it is not appropriate to require the applicant to extend sewer if the site is not in a sewer service district. The hearings officer finds that the application is subject to the Public Facility and Service standard in CDC Article V, and the findings in the Staff Report and April 14 memo do not adequately address those standards.

b. CDC 501-2 provides that the Public Facility and Services standards apply to all new construction in the urban unincorporated area with certain exceptions not relevant in this case. CDC 501-6.1 requires the County to deny an application if critical services cannot be ensured within the required time frame, subject to certain exceptions.<sup>7</sup> CDC 501-7.1.A defines public sewer as a critical service. CDC 501-8.1 contains the standard for critical services.<sup>8</sup> CDC 501-5.2 defines when sewer service is available for

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The recommended condition would read as follows:

Prior to submittal of a development review application the applicant shall provide documentation from Clean Water Services that sewer can be provided to the proposed development prior to occupancy.

<sup>7</sup> CDC 501-6.1 provides that the County can approve such an application when "all of the following findings can be made:

- A. The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;
- B. The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;
- C. The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and
- D. It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).

<sup>8</sup> CDC 501-8.1 provides as follows in relevant part:

purposes of complying with the Public Facility and Services standard.<sup>9</sup> Subsurface sanitary waste systems are not discussed in the urban area provisions of Article V.

c. The hearings officer finds that, because it is in the urban area as defined by the Urban Growth Boundary, public sewer must serve the site, based on CDC 501. The applicant did not provide documentation that CWS can or will provide sewer service to the site.<sup>10</sup> Because the site is not in the district, CWS cannot serve it. Therefore the hearings officer cannot make the findings required under CDC 501-8.1 to approve the application.

d. There is no evidence in the record about the likelihood of including the site in the district or about any plans that the district might have or need to serve the site or remainder of the nearby urban area with public sewer. Therefore the hearings officer also cannot make the findings required under CDC 501-6.1 to find that critical sanitary waste services can be provided in a timely way notwithstanding the lack of sewer service now.

i. The potential use of a private septic system to meet the needs of the site addresses CDC 501-6.1.A, and it is unlikely that the absence of sewer service will endanger the public in a manner prohibited by CDC 501-6.1.C. But subsections B and D require more.

ii. Subsection B requires coordination with the district to determine whether, or more precisely how, the site can accommodate whatever is necessary to avoid substantially interfering with the ability to provide sewer service in the area, potentially including agreements to connect at a future date, to grant easements, and/or to pay (in one form or another) a fee in lieu or equivalent.

iii. Subsection D requires the applicant to show that it has exhausted all practical methods within its ability to get sewer to the site. This is consistent with Comprehensive Plan Policy 25 (Public Facilities and Services), which calls for sanitary sewers to serve all of the urban area. The record does not reflect that the applicant made such an effort.

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A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.

CDC 501-5.2 provides as follows:

In the case of sewer service, if sewer is within three hundred (300) feet of a property line of the proposed development, the service shall be deemed available for purposes of application of Sections 501-2 and 501-5.

<sup>10</sup> CWS commented only by saying that the site is not in the district. Washington County Health and Human Services evaluated the site for an on-site sewage system, and found the site is suitable, and the proposed subsurface system would be "adequate for the proposed use."

iv. There is not evidence in the record to support findings under CDC 501-6.1.B or D. It might be possible for the applicant to sustain its burden of proof under CDC 501-6.1.B and D, but it has not done so yet.

e. Section 501-4 authorizes the hearings officer to defer application of the Public Facility and Service standards.<sup>11</sup> In effect County staff recommend deferring application of the standard for sewer service until Development Review. See footnote 5.

i. The hearings officer agrees with staff that the final judgment regarding compliance with the critical service standard for sewer service should be deferred until Development Review, because there is insufficient certainty as to the manner in which the proposed use will affect public facility and service planning and development and resulting demands on that service. The hearings officer cannot accurately assess the facility and service impacts and appropriate conditions of approval.

ii. However the hearings officer disagrees with staff that the only way the applicant can make the requisite showing is to produce a letter from CWS saying the service is available consistent with CDC 501-8.1A and 501-5.2. The applicant should be allowed to attempt to show that service of the property by means of a private septic system complies with CDC 501-6.1. In light of the discussion above, that will take new substantial evidence responsive to CDC 501.6.1.B and D. The hearings officer concludes condition of approval VII.H should be amended consistent with the recommendation at page 7 of the County's April 22, 2004 memo and the discussion herein.

5. In their April 22 memo, County staff also recommend that the hearings officer add condition of approval III.J requiring the applicant to grant an easement to allow future shared access to the property south of the site on which the Bethany Presbyterian Church is built (tax lot 900, 1N1 17C). The applicant accepted this condition (p. 8 of the applicant's April 28 letter). The hearings officer agrees that approval of the AMP should be subject to a condition of approval to facilitate future shared access and to provide a future opportunity to reduce separate accesses onto Kaiser Road.

#### **D. CONCLUSION**

Based on the findings incorporated or contained herein, the hearings officer concludes that the proposed church, drainage hazard area permit and access management plan do or can comply with the applicable standards and criteria of the Washington County Community Development Code and other applicable standards, provided the applicant complies with conditions of approval that ensure that final plans are submitted and approved consistent with those criteria and standards and that will prevent, reduce or mitigate potential adverse impacts of the development consistent with the requirements of

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<sup>11</sup> CDC 501-4.1 authorizes the hearings officer to "[d]efer final application of the Public Facilities and Service Standards, within the impact or analysis area, until a subsequent stage in the development process if the Review Authority determines that there is insufficient certainty as to the ultimate use and resulting public facility and service demands to accurately assess the facility and service impacts and appropriate conditions of approval."

the CDC. Therefore the hearings officer should approve the applications subject to the conditions of approval recommended by County staff with amendments warranted by the discussion above.

**E. ORDER**

The hearings officer hereby approves Casefile No. 03-519- SU/FP/AMP (John the Baptist Greek Orthodox Church), subject to the following conditions of approval:

**I. PRIOR TO ISSUANCE OF A GRADING PERMIT FOR THE CREEK CROSSING FROM THE WASHINGTON COUNTY BUILDING DIVISION THE APPLICANT SHALL SUBMIT THE FOLLOWING:**

**A. Submit to the Land Development Services, Project Planner:**

Provide evidence of an approved joint permit from the Oregon Division of State Lands and the US Army Corp. of Engineers.

2. Provide evidence from DSL and Corps of Engineers that the appropriate permits for work in the wetlands or creek have been obtained prior to any site work, including grading and erosion control. Include permit number on cover sheet of plans or provide concurrence with the delineation. (Sections 421 and 422)
3. Provide final engineering plans and calculation stamped by a registered professional engineer demonstrating compliance with the requirements of Section 421-7.
4. Evidence of an approved access permit for construction access onto NW Brugger Road. Access permit application forms are available at the Land Development Services counter. (Section 207-5)
5. Evidence that the area proposed for the new septic system on the site has been fenced or in some fashion delineated to prevent compaction or disturbance (other than that associated with construction of the septic system) during construction of the creek crossing (Section 207-5) or that the site will be served by sewer.

**B. Submit to the Building Division, the following:**

Final grading and erosion control plans consistent with the requirements of Sections 410 and 426. Grading activities shall occur within two feet of the site's property lines and the slope of all cut/fill shall meet building Code requirements.

**II. PRIOR TO ISSUANCE OF A BUILDING PERMIT AND PRIOR TO COMMENCING ANY ACTIVITIES ON THE SITE OTHER THAN THOSE**

**ASSOCIATED WITH THE CREEK CROSSING, THE APPLICANT SHALL OBTAIN TYPE II DEVELOPMENT REVIEW APPROVAL FOR THE PROPOSED CHURCH FROM THE LAND DEVELOPMENT DIVISION.**

**III. PRIOR TO ACCEPTANCE OF THE TYPE II DEVELOPMENT REVIEW REQUEST THE APPLICANT SHALL SUBMIT EIGHT COPIES OF THE FOLLOWING TO THE LAND DEVELOPMENT DIVISION:**

- A. A Development Application (completed).
- B. A Development Review application (completed).
- C. The appropriate Type II Development Review fees.
- D. A written statement and the appropriate plans demonstrating compliance with the following Community Development Code Sections:  
  
404 Master Planning, 406 Building Siting, 407 Landscape Design, 408 Neighborhood Circulation, 409 Private Streets, 410 Grading and Drainage, 411 Screening and Buffering, 413 Parking and Loading, 414 Signs, 415 Lighting, 416 Utilities, 417 Irrigation, 423 Environmental Performance, and 426 Erosion Control. (Note: Where there is a difference between Urban and Rural standards, the applicant shall demonstrate compliance with the Urban standards.)
- E. Demonstrate compliance with the setback requirements of Section 430-29.
- F. Either provide evidence from the Washington County Water Master approving use of the wells on the site (or a new well) for the proposed church or approval of an annexation to the Tualatin Valley Water District.
- G. Evidence that the area proposed for the new septic system on the site continues to be fenced or delineated to prevent compaction or disturbance (other than that associated with construction of the septic system) during construction of the church. (Section 207-5)
- H. The Landscape Plan shall incorporate plantings to mitigate automobile lights impacting adjacent residences.
- I. Plans and narrative showing streets and pedestrian and bicycle access providing compliance with CDC 408-6; provided, in the alternative, the applicant may assert that the lack of an east-west street through the site will not preclude abutting property from complying with CDC 408-6.2.A through C. If the applicant makes such an assertion, the planning manager shall rule on it as part of the Development Review decision. If the planning manager finds that the lack of an east-west street through

the site will not preclude abutting property from complying with CDC 408-6.2.A through C based on substantial evidence in the record for the Development Review application, the plans and narrative are not subject to CDC 408.6.2.A.

- J. Provide an access easement for a future shared access with tax lot 1N1 17C 900 to the south of the site. The specific design and location of the shared access through the site will be determined through Type II Development Review. (Note: As a part of Type II Development Review the applicant is required to explore use of the shared access upon completion of the proposed access point, however the tax lot 1N1 17C 900 is not required to close their existing access point until that site is redeveloped. A requirement for access consolidation will be reviewed when tax lot 1N1 17C 900 is redeveloped.)

**IV. PRIOR TO FINAL APPROVAL THE APPLICANT SHALL COMPLETE THE FOLLOWING:**

- A. Submit to the Land Development Services, Project Planner (Tom Harry, (503) 846-3841):

- 1 Obtain Development Review Approval via A Type II procedure
2. Final approval application form (completed).
3. Final approval application fee.
4. Evidence that the area proposed for the new septic system on the site continues to be fenced or delineated to prevent compaction or disturbance (other than that associated with construction of the septic system) during construction of the church, unless moot due to the provision of public sewer. (Section 207-5)

- B. The following documents shall be recorded:

- 1 Dedication of additional right-of-way\* to provide 49 feet from centerline of NW Kaiser Road frontage, including adequate corner radius and additional right-of-way along the site's frontage with NW Kaiser Road to provide a minimum 1,125-foot radius.
2. Dedication of additional right-of-way\* to provide 25 feet from centerline of NW Brugger Road frontage, including adequate corner radius.
3. A non-access restriction\* along NW Kaiser Road frontage, except at the approved access location.



4. Dedication of an east-west right of way across the site or of other right of way pursuant to condition of approval III.I.

**NOTE:** The document needed for completion of this condition shall be prepared by the County Survey Division (contact Jamil Kamawal, 846-7902) and recorded in the Records Division of the Department of Assessment and Taxation (846-8752). Submittal of this document must include the appropriate recording fee.

**C. Submit to Land Development Services, Public Assurance Staff:**

Completed "Design Option" form.

2. \$4,277.00 Administration Deposit.
  3. Three (3) sets of complete engineering plans for the construction of the following public improvements:
    - a. Concrete sidewalk to County standard at ultimate location and grade along NW Kaiser Road frontage, with paved tie-ins to the roadway edge.
    - b. Concrete sidewalk to County standard at ultimate location and grade along NW Brugger Road frontage, with paved tie-ins to the roadway edge.
    - c. Adequate roadway drainage along NW Kaiser Road frontage. Clean, grade and shape the roadside ditch.
    - d. Adequate roadway drainage along NW Brugger Road frontage. Clean, grade and shape the roadside ditch.
- Commercial driveway on NW Brugger Road and NW Kaiser Road.
- f. Improvement of NW Brugger Road between the site's western boundary and NW Kaiser Road with a 22 foot paved width and a wearing surface and life expectancy of not less than five years.
  - g. Improvements necessary to provide adequate intersection sight distance at the access to NW Brugger Road, NW Kaiser Road, and at the intersection of NW Brugger Road and NW Kaiser Road.
  - h. Provide adequate illumination at the site access to NW Brugger Road and NW Kaiser Road. Adequate illumination shall consist of at least one 200 watt high pressure sodium cobra head luminaire mounted at a minimum mounting height of 20 feet on existing utility poles if available. The fixture shall have a medium semi-

cutoff type III distribution. The pole shall be within the area defined by the radius returns of the intersection. The fixture shall be oriented at 90 degrees to centerline of the collector or arterial. For intersections of collectors with arterials, or arterials with arterials, the luminaire fixture shall be installed at 90 degrees to the higher classified roadway. If the intersecting roadways are of the same functional classification, the fixture may be oriented at 90 degrees to either roadway. If no existing utility poles are available within the intersection area defined by the radius returns, the developer shall meet the requirements of the Department of Land Use and Transportation 1991 Roadway Illumination Standards, latest revision. The Traffic Engineer may require illumination in addition to the above-stated minimums. Direct technical questions concerning this condition or the 1991 Roadway Illumination Standards to Tom Wolch, Traffic Engineer at (503) 846-7960.

Improvement of an east-west public road through the site or such other road improvements required under condition of approval III.I.

These improvements shall be constructed in accordance with the requirements of the Washington County Uniform Road Improvement Design Standards. They shall be completed and accepted by the County within the time frame specified in the public assurance contract, or prior to final building inspection approval, whichever occurs first.

- C. Obtain Departmental approval, provide financial assurance, and obtain a Facility Permit for:
- 1 Construction of the public improvements listed in Conditions IV.B.3.a through i.

NOTE: The Public Assurance staff of Land Development Services will send the required forms to the applicant's representative after submittal and approval of the public improvement plans.

- D. Form a street lighting service district (or ensure through other measures as approved by the Operations Division) for:

The adequate illumination of the access on NW Brugger Road and NW Kaiser Road.

**V. PRIOR TO ISSUANCE OF A BUILDING PERMIT SUBMIT TO BUILDING SERVICES DIVISION (503-846-3470):**

- A. Any required grading, drainage, and sedimentation/erosion control plans (Section 410 and 426, respectively) for development of the site and for any driveway modifications. The erosion control plans shall be prepared in

conformance with the Washington County Erosion Control Plans Technical Guidance Book.

- B. Evidence of Final Approval for the use. (Section 207-5)
- C. Site plan showing that the building location is consistent with the site plan in the Land Development Casefile. (Section 207-5)
- D. The Washington County Health Department shall approve the location of the drain field and the site may also require approval from the Oregon Department of Environmental Quality for the septic system (Section 207-5), unless public sewer serves the site.
- E. Evidence that the area proposed for the new septic system on the site continues to be fenced or delineated to prevent compaction or disturbance (other than that associated with construction of the septic system) during construction of the church. (Section 207-5), unless public sewer serves the site.

**VI. PRIOR TO OCCUPANCY OF THE SITE OR BUILDING OCCUPANCY AND/OR FINAL BUILDING INSPECTION APPROVAL:**

- A. Evidence the required landscaping and irrigation has been installed consistent with the approved landscape plan, and with the requirements of Section 407. (Section 207-5)
- B. Obtain sign permits for all applicable exterior signs on the subject parcel. (Section 414-2.2)
- C. The public improvements on NW Brugger Road and NW Kaiser Road listed in Conditions IV.B.3. and as shown on the approved final plans shall be completed and accepted by the County. (Section 207-5)

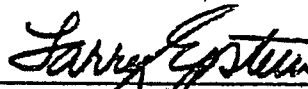
**VII. MISCELLANEOUS CONDITIONS:**

- A. This approval is valid only for the church use as outlined in the Staff Report and subsequent Type II Development Review file. Any expansion or changes in use on the site, such as a private park, school, weekday child care, or non-worship events, may necessitate Special Use review and approval through a formal land use application process (contact Washington County Land Development Services Division, 846-8761). (Section 207-5)
- B. Adequate sight distance shall be continuously maintained by the property owner. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way (and on-site).
- C. The applicant is responsible for obtaining the appropriate permits and approvals from the appropriate local, state, and federal agencies. There shall

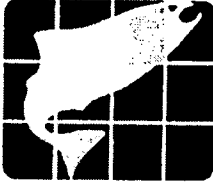
be compliance with all local, state, and federal ordinances (including all DEQ requirements) at all times.

- D. This development shall be constructed in accordance with the conditions of this decision, the approved final plans and the standards of the Community Development Code (Section 207-5).
- E. All conditions of approval shall be binding upon all heirs, successors and assigns (Section 207-5).
- F. Transferability of this Development Permit shall be in accordance with Section 201-8.
- G. This approval shall automatically expire two years from the date of this approval, unless development has commenced, an application for an extension is filed, or this approval is revoked or invalidated (Section 201-4).
- H. Prior to approval of a development review application, the applicant shall provide documentation from Clean Water Services that sewer can be provided to the proposed development prior to occupancy consistent with CDC 501-8.1.A and 501-5.2 or that service by means of a private septic system complies with CDC 501-6.1.

DATED this 14th day of May, 2004.



Larry Epstein, Esq., AICP  
Washington County Hearings Officer



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Sandy, OR 97055  
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## MEMORANDUM

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**TO:** WENDIE KELLINGTON  
**FROM:** ALEX KALIN  
**DATE:** August 2, 2002  
**SUBJECT:** FINDINGS OF SPCA SURVEY OF UNNAMED TRIBUTARY TO  
ROCK CREEK

---

**QUESTION PRESENTED:** Does the unnamed tributary to Rock Creek function as fish habitat for salmonids?

**SHORT ANSWER:** No

**DISCUSSION:**

Chris Maletis wishes to develop property owned near the intersection of NW Springville and Kaiser Roads in Hillsboro, Oregon. An unnamed tributary to Rock Creek crosses the property (Figure 1). A 2-person crew from SPCA consisting of one biologist (Alex Kalin) and one technician (Nick Ackerman) surveyed a 630 m section of the tributary on Thursday, July 18. Our aim was to assess the function of the tributary for salmonid habitat.

The tributary is denoted as an intermittent stream on the USGS quadrangle map (1:25,000 scale). No channel was evident in most areas. An irrigation pond exists at a nursery near the most upstream end of the tributary watershed. There is a 24-inch culvert just upstream of the subject property where the tributary passes under Kaiser Road. Land on both sides of the tributary is cultivated in hay downstream of Kaiser Road for approximately 375 m.

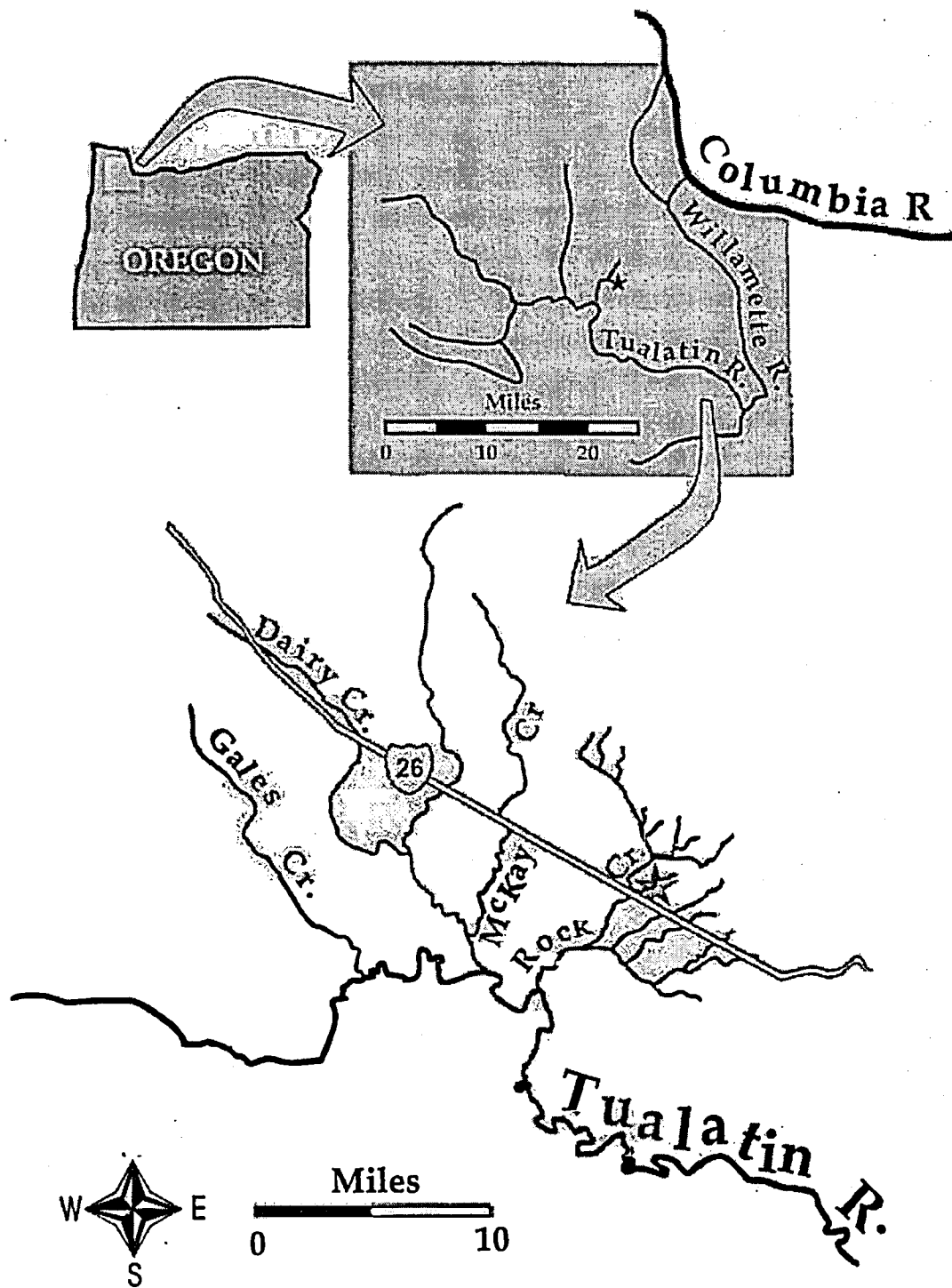


Figure 1. Map showing location of unnamed tributary to Rock Creek and its relation to the Tualatin River basin.

We divided the surveyed area into four sections, numbered sequentially starting from the downstream end (Figure 2). A summary of features of each section is presented in Table 1. Section 1 was downstream of the hay cultivation area where the tributary entered a shallow trough dominated by tall grass. We did not survey this entire section, but it appeared that it continued for at least 100 m downstream. Very little flow was evident ( $<0.1$  cfs). The wetted area consisted of water seeping through grasses (Photo 1). It was possible to see the water surface and substrate only by hacking away at the tall grass with a machete then parting the dead grass on the ground with one's hand (Photo 2). Substrate consisted entirely of silt and decomposing organic material. Depth in the deepest areas was  $<0.025$  m ( $<1$  inch). There was no discernable stream channel in which a fish might find space to exist. Due to the density of living and dead grasses in the wetted area, this section would present substantial passage difficulties for fish even at high flows. This tributary section does not provide habitat for juvenile or adult salmonids.

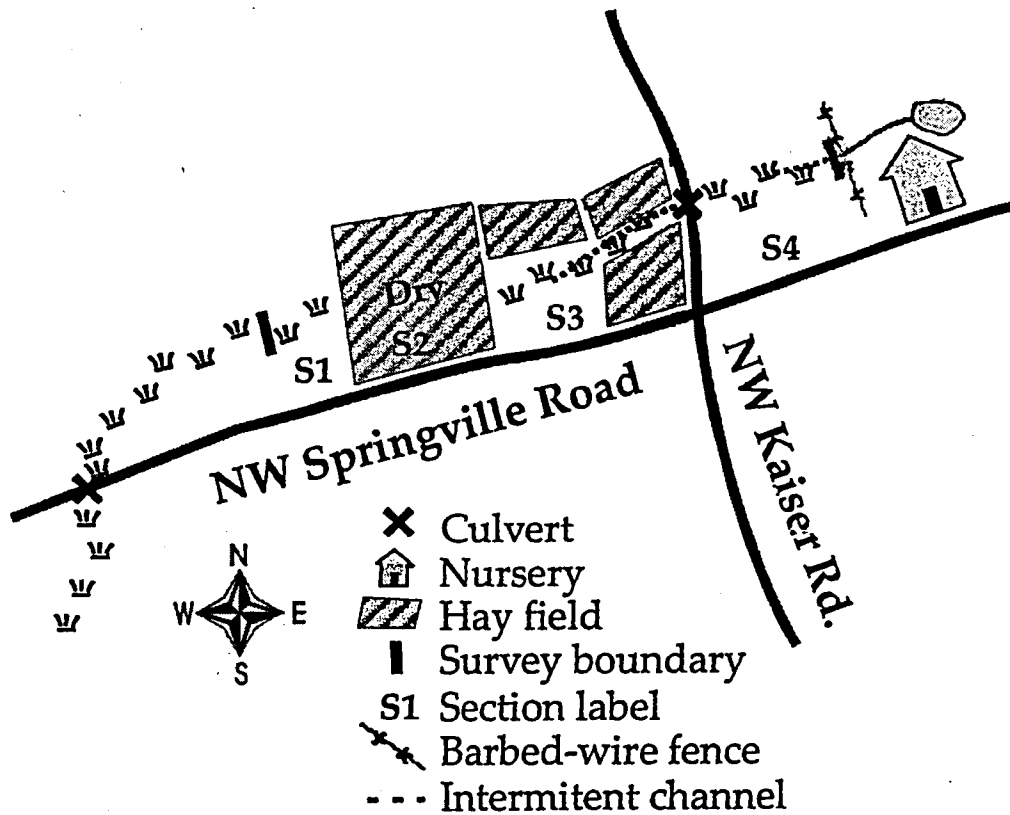


Figure 2. Map of surveyed portions of unnamed tributary to Rock Creek.

Table 1. Summary of features observed in each section of unnamed tributary to Rock Creek, July 18 2002.

Section	Length (m)	Water Present?	Discernable Channel?	Vegetation	Substrate	Gradient
1	>100m	yes	no	annual grasses	100% silt and decomposing organic material	2.5 %
2	174	no	no	cultivated hay	--	2.0%
3	270	intermittent	intermittent	annual grasses, blackberry	100% silt and decomposing organic material	2.0%
4	168	yes	lower 40% no channel, upper 60% intermittent small channel	annual and perennial grasses, blackberry, thistle, horsetails	100% silt	2.5%

Reach 2 was a dry, 174 m section that was grown in hay. This reach was completely dry, with no evidence of any stream channel (**Photo 3, Photo 4**). Gradient was 2.0 %. According to Mr. Maletis, the neighbor who owns this area has taken action to route water underground to facilitate cultivation of hay. We discovered no culvert. The areas both immediately upstream and downstream of the cut hay section were soggy and the cut hay section was very dry, however, suggesting that some method for routing water below the ground is in place. The presence of some such mechanism and complete absence of any stream channel make this 174 m section entirely unsuitable for fish use and a complete barrier to any upstream or downstream migration of fish.

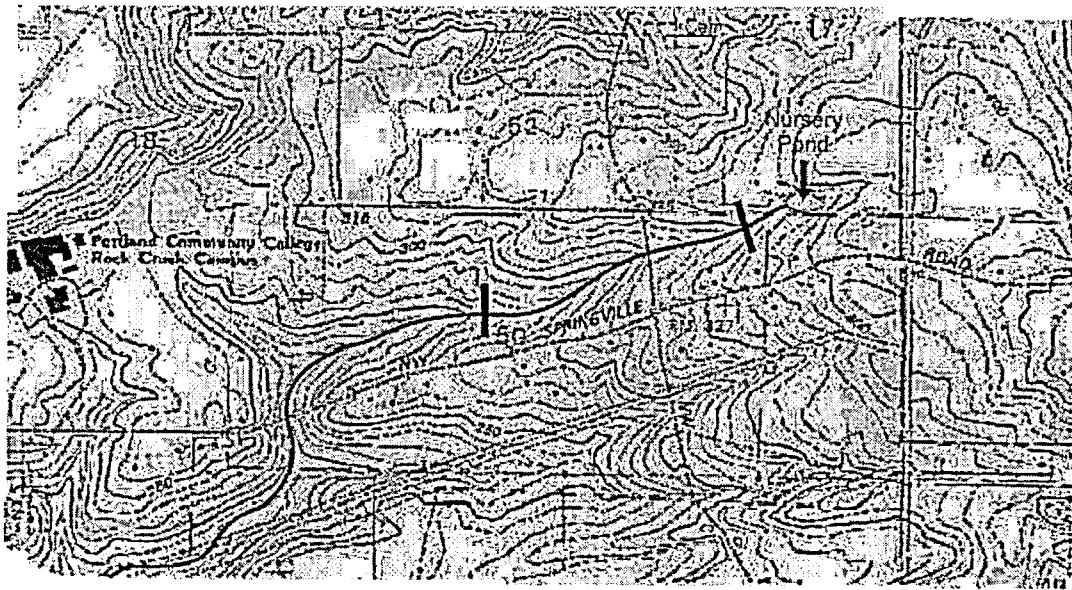
Section 3 started at the cut hay field and continued to Kaiser Road. This section is approximately 270 m long and crosses through Mr. Maletis' property. The tributary in this section occupied a shallow depression that was only intermittently wetted. Like section 1, wetted parts in this section consisted mainly of water seeping through grass (**Photo 5**), although a very small stream channel was evident in some places. Areas with discernable stream channel collectively accounted for approximately 15% of the length of this section. Where it existed, stream channel entrenched and was approximately 0.35 m wide and 0.35 m



deep. Vegetation consisted of grasses and blackberry brambles that completely concealed the tributary and had to be hacked away in order to view the wetted area (**Photo 6**). Areas where no channel existed were choked with living and dead vegetation and presented barriers to movement (**Photo 7**). Water depth was  $<0.025$  m ( $< 1$  inch) in the deepest wetted areas. Substrate was silt and decomposing organic matter. Toward the upstream end of this section hay fields had been cut to within 1 m of the tributary's course (**Photo 8**). This section ended at Kaiser Road, where water passed through a 24-inch culvert. Two large cottonwood trees grew in this section, providing riparian shade but no channel structure. The lack of stream channel and dominance of silt substrate make this section unsuitable to support adult or juvenile salmonids.

Section 4 is located upstream of the Kaiser Road culvert. Our survey proceeded upstream for 168 m, where a barbed wire fence was encountered. We proceeded no further because of the presence of a bull and a dog beyond the fence. A nursery operation exists on the upstream side of the fence. There was more water in the stream in this section than in those below, but flows were still well below 0.5 cfs (**Photo 9**). The downstream 40% of this section showed no discernable channel (**Photo 10**). Vegetation consisted of annual and perennial grasses, thistles, blackberry brambles and horsetails, but vegetation did not grow as densely as sections below. Gradient was 2.5%. Substrate was 100% silt. In the upstream 60% of this section a small channel was intermittently evident (**Photo 11**). Where it existed, the channel was 0.5 m wide and 0.4 m deep, with a wetted depth of  $<0.05$  m ( $<2$  inches) in the deepest areas. Lack of discernable channel and poor substrate and make this section unsuitable for production of juvenile or adult salmonids.

The channel proceeded upstream past the barbed wire fence and into the nursery area. The nursery operates an irrigation pond. The pond is referenced on USGS quad maps (1:25,000 scale). As the topographic map of the area shows, very little of the watershed exists upstream of the upper limit of our sampling (**Figure 3**). Topography suggesting any type of watercourse ends just upstream of the nursery, where a broad flat area exists. Based on our experience it is highly likely that the unnamed tributary is ephemeral in nature, and would be dry during the summer months under natural conditions. It is probable that the source of water in the channel at the time of our surveys in mid July was the nursery irrigation pond.



**Figure 3.** Scan of USGS quad map showing drainage of unnamed tributary to Rock Creek. Route of unnamed tributary, survey boundaries (short black lines across tributary) and nursery irrigation pond have been labeled for ease of reference. Note that topography suggestive of a watercourse ends just upstream of irrigation pond, where a broad, flat area exists.

We also examined the road crossing where the unnamed tributary goes through a 36-inch culvert under Springville road. There was a 0.05 m (2 inch) deep puddle of very turbid water just upstream of the culvert, but no water movement was visible (**Photo 12**). Though blackberries and overhanging branches of cedars obstructed visibility, it did not appear that any water was present in the length upstream of the culvert crossing. The area downstream of the culvert was inaccessible due to a 20 m by 35 m dense thicket of blackberry brambles. The 30 m long culvert represents a barrier to upstream migration of fish.

Based on our experience and observations, we conclude that the unnamed tributary to Rock Creek above the Springville Road culvert does not provide habitat for salmonids. The tributary appears ephemeral in nature, with insufficient flow to establish a consistent channel or to generate energy necessary to sort substrate particles. The small catchment area upstream of the surveyed sections suggests that even in times of high precipitation, flows sufficient to maintain salmonid life are highly unlikely to persist in this drainage. Only a very small amount of stream channel is present, in isolated segments, and the channel that does exist is small and of poor quality. Even in the short segments where a stream channel that might potentially provide some habitat was observed, the tributary is devoid of pools to provide winter refuge from high flows and summer refuge from desiccation. Substrate completely lacks gravels and cobbles necessary spawning and winter cover. High silt contents will cause turbidity in higher flows that would inhibit feeding and respiration. Channel

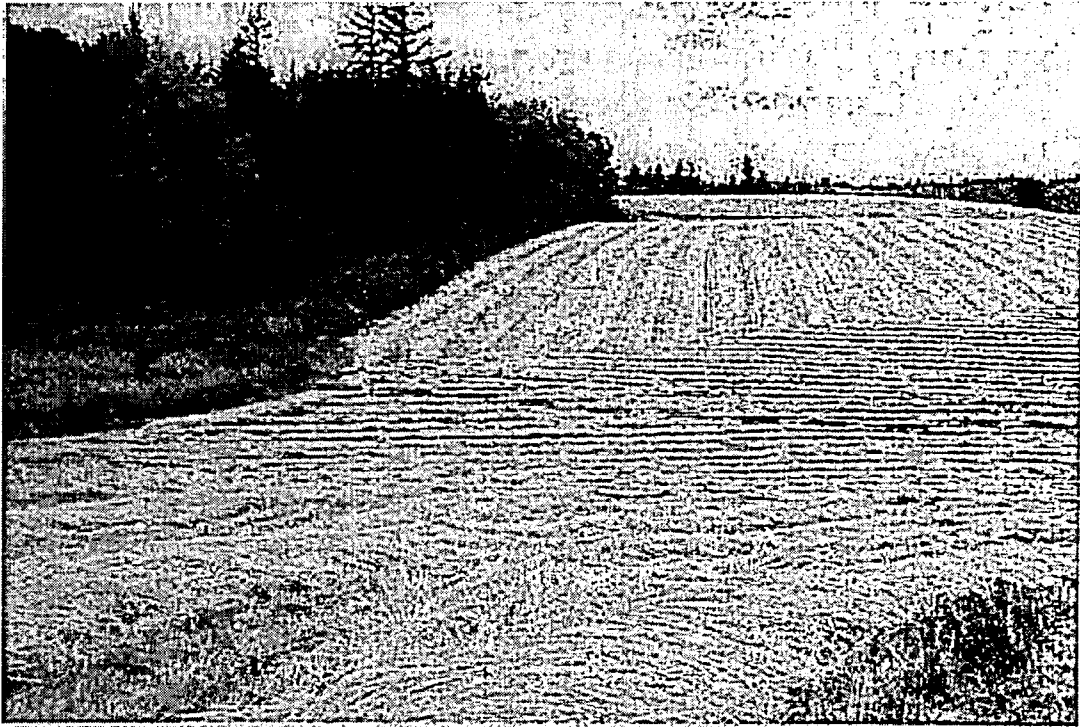
segments are isolated and separated by lengths of marshy terrain impassible to salmonids. Large barriers to migration exist at the Springville Road culvert and the hay field where flow is directed subsurface. All these factors taken together make the surveyed areas of this intermittent tributary unsuitable for salmonid production.



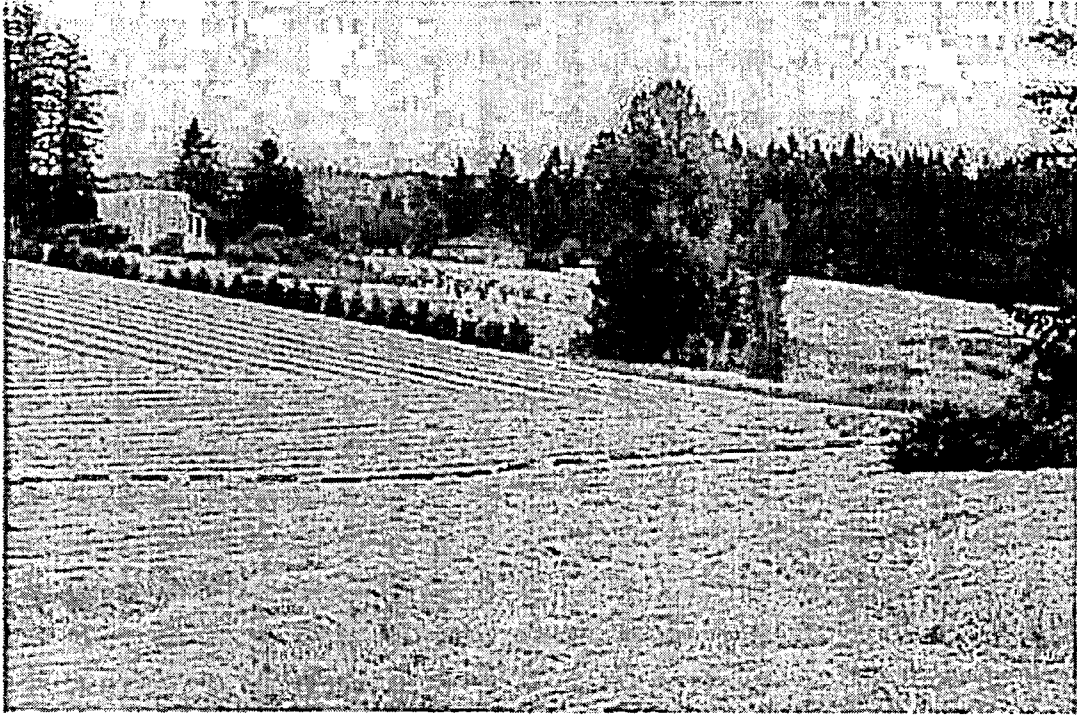
**Photo 1.** Downstream view showing upper part of unnamed tributary to Rock Creek section 1. This photo was taken while standing in the wetted portion of the tributary section.



**Photo 2.** View of wetted area in unnamed tributary to Rock Creek section 1. Small clearing shown in photo was made by cutting away tall grass with machete then separating dead grass by hand to reveal wetted area.



**Photo 3.** View of lower portion dry hay field (section 2) in unnamed tributary to Rock Creek. Dashed gray line in photo represents low point in land where wetted earth or channel would be expected to occur. This area was dry at time of survey. Upstream in this photo is to the right. Upstream end of section 1 visible on the left.



**Photo 4.** View of upper portion of dry hay field (section 2) in unnamed tributary to Rock Creek. Dashed gray line represents low point in land where wetted earth or channel would be expected to occur. Beginning of section 3 is visible at right of photo

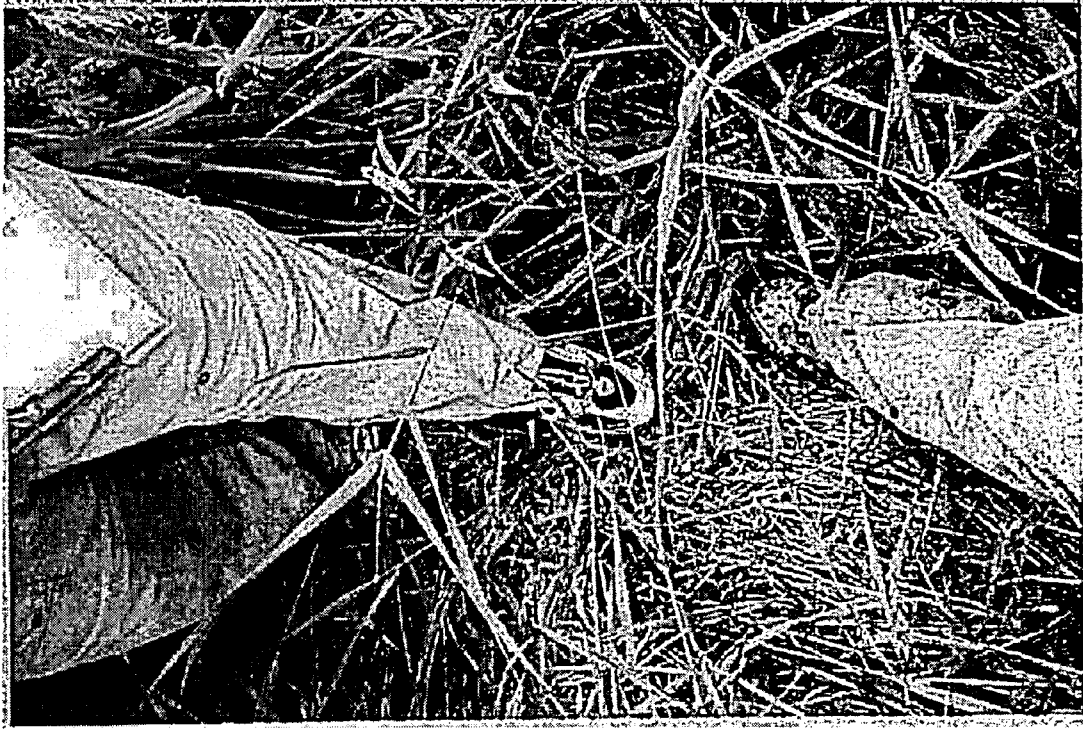


**Photo 5.** View of wetted portion of section 3, showing water seeping through vegetation. No discernable channel was present in most of section 3.



**Photo 6.      Portion of tributary in section 3 where discernable stream channel existed. Tributary in this section was obstructed by grasses and blackberry brambles.**





**Photo 7.** Portion of tributary in section 3 with no discernable channel. Note dense mat of living and dead vegetation.



**Photo 8.** Downstream view of section 3 from Kaiser Road culvert showing cut hay fields on either side of tributary. Note cottonwood tree in center of photo. Trees in this section provided shade but no channel structure.



**Photo 9.** Tributary at upstream limit of survey section 4, where the greatest amount of water was present during surveys conducted July 18, 2002 (upstream view). No stream channel existed at this point, though some discernable channel was present downstream in this same section. Note barbed wire fence.



**Photo 10.** Upstream view of section 4 of unnamed tributary to Rock Creek from Kaiser Road culvert. Note nursery operation in upper right corner of photo. This photograph is taken while standing on upstream end of culvert; no discernable channel was present in the lower portion of section 4.



**Photo 11.** Area of discernable stream channel in section 4 of unnamed tributary to Rock Creek. Section 4 was less densely vegetated than downstream sections.



**Photo 12. Photo of puddle immediately upstream of Springville Road culvert (upstream view).**

The Honorable Tom Brian, Chairman  
Tualatin Basin Natural Resource Coordinating Committee  
c/o Washington County  
155 N. 1st Avenue  
Hillsboro 7124-3001

Dear Chairman Brian:

It is my understanding that at your May 6 meeting, the Tualatin Basin Coordinating Committee authorized approval of the Tualatin Basin Coordinating Committee/Metro agreement concerning fish and wildlife habitat protection. Further, at your meeting they also endorsed your execution of the agreement. As you may know, the Metro Council approved this agreement at their May 16 meeting.

Accordingly, enclosed please find two originals of the intergovernmental agreement between the Tualatin Basin Natural Resource Coordinating Committee and Metro signed by me. Upon completion of your signature, if you could forward one signed original to me for our records, it would be most appreciated.

I look forward to this cooperative approach, working with you and members of the Coordinating Committee to ensure that there is a high level of coordination between our organizations and our plans. Together, we can succeed in our joint efforts to further enhance and restore our region's fish and wildlife habitat, including those resources within the Tualatin Basin.

Sincerely

Mike Burton  
Executive Officer

MB/MT/srb

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cc: Carl Hosticka, Presiding Officer  
Susan McLain, Chair, Metro Council Natural Resource Committee  
Andy Cotugno, Planning Director

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE  
EXECUTIVE OFFICER TO SIGN AN  
INTERGOVERNMENTAL AGREEMENT WITH  
THE TUALA TIN BASIN NATURAL RESOURCES  
COORDINATING COMMITTEE

) RESOLUTION NO 02-3195

) Introduced by Councilor Susan  
) McLain, Chair Natural Resources  
) Committee and Presiding  
) Officer, Carl Hosticka

WHEREAS, the Regional Framework Plan and Urban Growth Management Functional Plan ("UGMFP") state that Metro will undertake a program for protection of fish and wildlife habitat; and

WHEREAS, the Title 3, Section 5 of the UGMFP sets forth actions that the Metro Council anticipated that Metro would take in identifying, considering and protecting regionally significant fish and wildlife habitat conservation areas; and

WHEREAS, Metro is applying State Goal 5 administrative rule as the framework for identifying regionally significant fish and wildlife habitat areas; and

WHEREAS, on December 13, 2001, the Metro Council adopted Resolution No. 01-3141C for the purpose of establishing criteria to define regionally significant fish habitat, and

WHEREAS, Resolution No. 01-3141C indicated that the Council would consider a "basin approach" to conducting the ESEE and program components of the Fish and Wildlife Habitat Conservation program in the Tualatin Basin, and

WHEREAS, the Metro Policy Advisory Committee ("MPAC"), the Water Resources Policy Advisory Committee ("WRPAC"), Metro Technical Advisory Committee ("MTAC"), Goals Technical Advisory Committee and Tualatin Basin Coordination Committee provided comment and recommendations to the Natural Resources Committee and Metro Council during in January, 2002; and

WHEREAS, at its January 30, 2002 meeting, the Natural Resources Committee recommended that the Council consider entering into an intergovernmental agreement ("IGA") with Washington County, cities, and special districts in the Tualatin River Basin as conceptually explained in the document entitled "Tualatin Basin Approach" which is attached as Exhibit A to this resolution; and

WHEREAS, the Council at its January 31, 2002 meeting accepted the Natural Resources Committee recommendation and requested that the Executive Officer and staff work with staff of the Tualatin Basin Natural Resources Coordinating Committee ("TBNRCC") to bring forward a proposed IGA for Council approval in order to authorize and allow the use of a Basin Approach as a component of Metro's Fish and Wildlife Habitat Program; and

WHEREAS, at its April and May 1, 2002 meetings, the Natural Resources Committee considered the draft IGA, and recommended that the Metro Council adopt the IGA attached as Exhibit B to this resolution; now, therefore,

BE IT RESOLVED:

1. The Council authorizes the Executive Officer to sign the Intergovernmental Agreement entitled "Intergovernmental Agreement TBNRCC/Metro Regional Resource Planning Project" in Exhibit B.

ADOPTED by the Metro Council this 16<sup>th</sup> day of May 2002. Carl Hosticka, Presiding Officer



## Tualatin Basin Approach 1/30/02 Draft

What The basin approach is a proposal that local governments take responsibility as described in Steps I and 2, below, within the greater part of the Tualatin River basin for the next phases (ESEE and program development) of the region's fish and wildlife habitat program, subject to coordination with, and final product approval by, the Metro Council. Riparian corridors and wildlife habitat determined to be regionally significant consistent with State Goal 5, and Clean Water Act requirements and Endangered Species Act listings would all have to be addressed in a basin approach.

Where The basin proposal could apply to any large whole watershed within the region, if approved by Metro. For the Tualatin Basin, the general geographic extent is that area draining the Tualatin River. The basin consists of areas inside of the current Metro urban growth boundary and Metro jurisdictional boundary, Metro UGB alternatives analysis areas and rural, farm and forest lands beyond. Regional resources determined by Metro, potential regional resources identified in areas studied by Metro in its UGB Alternatives Analysis and the rural, farm and forestlands beyond identified by Washington County, as significant resources shall be addressed in the Tualatin Basin Approach.

Who Currently, a consortium of local governments including the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard and Tualatin, as well as Washington County, Clean Water Services and Tualatin Hills Parks and Recreation District have expressed a willingness to address the Tualatin Basin. Inclusion of, or coordination with, other jurisdictions with responsibilities within the Tualatin Basin such as Clackamas County and the cities of Lake Oswego and Portland are underway. Individual property owners, interest groups, local government advisory committees and other interested parties would also be provided opportunities to participate during this work effort. In addition, Metro would participate in the Basin Approach through Council representation on the Tualatin Basin Coordinating Committee, through project updates to, and feedback from the Natural Resource Committee, MPAC, MTAC, Goal 5 T AC, WRP AC, and through the Metro staff. The Metro Council would make recommendations about the ESEE decision to delineate areas to "prohibit" or "limit" conflicting uses and make the final decision about whether a basin approach met regional standards after consultation with its advisory committees.

Why The Basin Approach proposal has been made in part because of a concurrent, joint efforts by the Tualatin Basin governments, the Washington County Clean Water Services and others to address Federal Clean Water Act requirements and Endangered Species Act listings that likely will affect the same areas as Metro's fish and wildlife habitat protection plan. In addition to reducing the number of times that the same areas are analyzed and public outreach provided and applying more detailed information than is readily available region-wide, this Basin Approach allows for coordination among similar, but distinct Federal, State and regional requirements. The basin approach can also provide local governments with an opportunity to shape a basin-wide program that is tailored to local conditions within the Tualatin River basin while addressing regional Goals objectives. Because the Basin Approach is proposed as being completed concurrently with Metro's regional tasks, the Tualatin Basin is most likely to be implemented

sooner than other portions of the region if the non-basin jurisdictions wait for the Metro regional safe harbor to be completed and acknowledged by the state before they begin local implementation tasks.

When The basin proposal would complete this work parallel to the rest of Metro's fish and wildlife habitat program region wide. Both the region's work effort as well as the Basin Approach work products would be timed to allow for Metro Council consideration of the data and likely capacity consequences of a regional fish and wildlife protection plan in order to make decisions about the region's urban growth boundary by December 31, 2002. To accomplish this, materials defining the impact on the UGB buildable land inventory would need to be readied by Metro staff by August 1, 2002. The Tualatin Basin Approach has proposed to meet Metro's decision timeline. The Tualatin Basin Coordinating Committee would formally provide a Basin Approach timeline and work completion schedule.

How The basin approach will be accomplished by setting goals and standard<sup>1</sup>, providing legal structure for coordination, establishing a process and monitoring and evaluation.

Goals The adopted Regional Framework Plan states that the region shall manage watersheds to protect, restore and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical and social values. Metro's fish and wildlife vision articulates the overriding goal of the Basin Approach:

"The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape. This system will be achieved through conservation, protection and appropriate restoration of streamside corridors through time."

Improvement of habitat health within each of the Region's 27 hydrologic units including the eleven hydrologic units inside the Tualatin Basin shall be a primary objective of the Basin Approach. The following objectives within Metro's Fish and Wildlife Habitat Vision Statement shall be pursued by the Basin Approach: to sustain and enhance native fish and wildlife species and their habitats; to mitigate high storm flows and maintain adequate summer flows; to provide clean water; and to create communities that fully integrate the built and natural environment. The region wide system of linked significant fish and wildlife habitats will be achieved through preservation of existing resources and restoration to recreate critical linkages, as appropriate and consistent with ESEE conclusions about whether to prohibit, limit or allow conflicting uses within a regionally significant resource site. Avoiding any future ESA listings is another primary Basin Approach objective. The sentences quoted above from the Vision Statement as the overall goal shall be the goal against which the Tualatin Basin Approach will be reviewed. Objectives cited above provide additional guidance as to how the Tualatin Basin Approach should be completed and an intergovernmental agreement between the consortium and Metro will provide additional working details.

Legal Structure. Intergovernmental agreements will be used to ensure Basin Approach coordination among the affected local governments, and Metro. In addition, staff level

memoranda of understanding will be used to assure coordination between consortium members, Metro and those relevant jurisdictions not directly participating in the Tualatin Basin Approach.

Process. The Metro- Tualatin Basin Approach coordination process would have two-steps. The first step would be a check-in by the Tualatin Basin Approach with Metro before making ESEE decisions for the Basin for Metro input and advice. The second step would be Metro Council review of Basin Approach program recommendations and determination of program conformance with the Basin Approach review criteria described above. In addition, ongoing coordination between the Tualatin Basin Approach staff and Metro staff would occur as work on the Basin Approach proceeds. A public involvement plan meeting the region's goals for providing substantial opportunities for participation by the public would be completed for the region (including how the Tualatin Basin would be addressed) after coordination with the Metro Committee on Citizen Involvement.

**Step 1. The ESEE Decision.** Metro, local governments and other interested parties will work to establish a regional ESEE method. One possible method would be to design regional ESEE parameters for application within 27 hydrologic units throughout the Region. The Tualatin Basin would develop basin-wide and local ESEE parameters for the Tualatin Basin. Both sets of ESEE parameters shall guide the identification of areas for prohibiting, limiting or allowing conflicting uses within the Tualatin Basin. The results of applying these parameters within the Basin would be mapped.

This map could be constructed for the entire region, using the selected regional ESEE parameters and the mapped results of the Tualatin Basin Approach ESEE analysis, further informed by any other local considerations. This information would be used for two purposes. First it would provide the foundation of the ESEE decision. Second, the map could also be used to estimate the influence of the region's fish and wildlife habitat program on the housing and job capacity calculations for the region's periodic review of its urban growth boundary. The Tualatin Basin ESEE decision about which areas to prohibit, limit or allow conflicting uses within the Tualatin Basin would be made by the local participating governments, through the Tualatin Basin Natural Resource Coordinating Committee, after consideration of public comments, including Metro Council input and recommendations.

**Step 2 Program Design and Adoption.** Region-wide, Metro will prepare a regional Goal 5 pro~ (regional safe harbor, riparian district plan and local discretionary review options) for the entire region which, for the Tualatin Basin, would reflect the program developed through the Basin Approach. Regional and Basin program elements, including incentives, acquisition, education and regulatory tools would then be prepared. The region would prepare its regional safe harbor, riparian district plan specifications and the local discretionary review options. The Tualatin Basin would design its program. For example, the Tualatin Basin Approach could include, but would not be limited to the following kinds of program elements:

- Revised and new land use "goals overlay" mapped areas and new regulatory language for all land use authorities within the Basin;
- Clean Water Services (CWS) Design & Construction standards (possible revisions);

- Review and possible revisions to CWS maintenance programs (possibly maintenance programs for all jurisdictions including park district);
- Identification and prioritization of restoration sites and financial plan ("Environmental CIP")
  - Coordination with Metro Greenspaces program for targeted acquisitions; and
  - Possible incorporation of "green street" optional standards into all local codes (project currently underway being funded by Tualatin Valley Water Quality Endowment Fund)

After taking public testimony, the Tualatin Basin would forward a recommended program to Metro. After its own review process using agreed upon review standards, the Metro Council would determine whether the Basin Approach substantially complies and whether to approve the Tualatin Basin Approach.

**Monitoring and Evaluation.** Metro Code requires that performance measures be used to evaluate the success and effectiveness of its functional plan to realize regional policies. In addition, the National Marine Fisheries Service 4(d) rule calls for monitoring and evaluation. After local programs have been enacted and some time period passes to allow for programs to take hold, Metro should evaluate its policies and their implementation to compare goals with actual outcomes. If a basin approach significantly lagged region-wide efforts, as a last resort, regional safe harbor provisions could be applied to the basin area until a basin approach is completed and approved by the Metro Council.

\*\*\*\*

**INTERGOVERNMENTAL AGREEMENT  
TBNRCC/METRO REGIONAL RESOURCE PLANNING PROJECT**

This Agreement is entered into between the Tualatin Basin Natural Resources Coordinating Committee ("TBNRCC"), an ORS Chapter 190 intergovernmental association and the Portland Metropolitan Service District ("Metro").

**WHEREAS:**

1. Metro has adopted Resolution 01-3141C establishing criteria to define and identify regionally significant riparian corridors relating to the inventory phase of the Goal 5 aspects of its Fish and Wildlife Habitat Protection Program, has adopted Resolution 02-3195 supporting a "Tualatin Basin Approach" to complete the Goal 5 ESEE and program development steps for , regional resources in the Tualatin Basin and is continuing to inventory regionally significant wildlife habitat and conduct its regional ESEE analysis, program and related work.

2. The TBNRCC was formed by its members ("Basin governments") primarily to pursue a coordinated Basin approach to responding to the Goal 5 work performed by Metro and to conduct ESEE analysis and program development for the regional resource sites identified by the Metro Council in its draft inventory of Goal 5 regional resources, subject to final action by Metro to include the program decisions in Metro's functional plan. Signatories to the intergovernmental agreement entitled "Formation of the Tualatin Basin Natural Resources Coordinating Committee," attached (without its exhibits) as Exhibit "A", identify the "Basin governments" for the purposes of this Agreement. Staff of individual Basin governments acting as staff to the TBNRCC, as well as consultants (other than attorneys) working on contract with the TBNRCC, are referred to in this Agreement as "TBNRCC staff."

3. This approach will enable the parties to better coordinate their efforts, maximize efficiencies, better interrelate on-going efforts to address Clean Water Act, Endangered Species Act and other requirements and provide local governments with an opportunity to shape a basin wide program tailored to local conditions while addressing regional objectives and retaining Metro's authority.

**NOW, THEREFORE, IT IS AGREED:**

1. The document entitled 'Tualatin Basin Approach' (dated January 30, 2002 and adopted by Metro Council Resolution No. 02-3195), attached as Exhibit "B", describes the basis for the agreement of the parties and may be used in construing and implementing this Agreement. The parties shall cooperate in good faith to follow the process and meet the objectives set forth therein.

2. The TBNRCC shall fund and undertake staff analysis, conduct hearings, make ESEE decisions, and formulate programs to be recommended to Metro for the regional resource sites identified by the Metro Council in its draft inventory of Goal 5 regional resources. Metro anticipates identifying the draft inventory by resolution in Summer 2002. Metro shall transmit to TBNRCC its draft inventory maps of regional resources and inventory narrative upon approval

of that resolution. The TBNRCC shall develop a record 1 of its proceedings to submit to Metro in support of its ESEE decisions and program recommendations. Metro shall coordinate GIS information and provide technical support as may be agreed to by TBNRCC and Metro staff. Metro and the TBNRCC shall coordinate on notice and public outreach as may be agreed to by TBNRCC and Metro staff in a Memorandum of Understanding consistent with provision #9 of this agreement.

3. TBNRCC staff will develop a draft map identifying locations to allow, limit or prohibit conflicting uses for the regional resource sites identified by the Metro Council in its draft inventory of Goal 5 regional resources. The TBNRCC will then provide notice and public outreach and begin hearings on the map. The TBNRCC will approve a map identifying locations to allow, limit or prohibit conflicting uses for the regional resource sites identified by the Metro Council in its draft inventory of Goal 5 regional resources and submit the map to Metro. As part of its ESEE analysis, TBNRCC shall coordinate with Metro and consider Metro's regional ESEE analysis.<sup>2</sup>

4. The TBNRCC will develop proposed programs to implement the ESEE determinations identified in its map, provide notice and public outreach, and conduct hearings on the proposed programs. TBNRCC will adopt recommended programs for the regional resource sites identified by the Metro Council in its draft inventory of Goal 5 regional resources and submit them, together with supporting ESEE analyses, to Metro by June 15, 2003.

5. The Metro Council will consider and conclude review of the TBNRCC recommended programs and supporting record, and take action on the recommended programs and supporting ESEE analyses, within a total of 120 days of submission. Metro shall have 60 days from the date the TBNRCC recommendations are submitted to review the recommended programs and supporting ESEE analyses, initiate solicitation of public comments and solicit comment from appropriate advisory committees including the Metro Policy Advisory Committee ("MP AC"), Metro Technical Advisory Committee ("MTAC"), Water Resources Policy Advisory Committee ("WRP AC"), Economic Technical Advisory Committee ("ET AC") and Goal 5 Technical Advisory Committee ("G5T AC") consistent with Metro's citizen involvement program.

Consistent with the Tualatin Basin Approach document, Metro shall apply the "overall goal" (quoted in full in this paragraph) of the Streamside CPR Program Outline -Purpose, Vision, Goal Principles and Context" ("Vision Statement") recommended to the Metro Council by MP AC on October 4, 2000 as the standard for determining whether to include the TBNRCC's recommended programs and supporting ESEE analyses in the Urban Growth Management Functional Plan. The entire Vision Statement is attached as Exhibit "c" to this document to provide context for understanding the terms of the following "overall goal" standard:

<sup>1</sup> For the purposes of this agreement a "record" is defined as all oral or written testimony received by the TBNRCC and its findings explaining its program decisions. Data sources for identifying conflicting uses, data supporting the identification of impact areas, data sources supporting the economic, social, environmental and energy consequences analysis and other documents created by TBNRCC staff in developing the ESEE analyses or program decisions, but not received by the TBNRCC, shall be available to Metro staff for review.

<sup>2</sup> For the purposes of this agreement "regional ESEE analysis" is defined as the general consideration of economic, social, environmental and energy consequences developed by Metro for the Metro region as a whole. "Regional ESEE analysis" does not include the results of the application of that regional analysis to the 27 individual resource sites identified by Metro in Resolution 01-3141 C.

"The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape. This system will be achieved through conservation, protection and appropriate restoration of streamside corridors through time."

If, after receiving comment from the public and Metro advisory committees, the Metro Council concludes that the TBNRCC's recommended programs comply or substantially comply with the above standard, Metro shall complete the process to adopt the recommended programs and supporting ESEE analyses, in substantially the same form as submitted, as its functional plan element for the regional resource sites identified in the recommendations. Metro review for compliance with the above standard will evaluate; the program for potential to improve regional resource conditions basin-wide, addressing the entire Tualatin Basin system, as well as addressing each regional resource site identified by the Metro Council in its draft inventory of Goal 5 regional resources within the jurisdiction of the Basin governments.

6. If Metro adopts the recommendations of the TBNRCC in substantially the same form as submitted, each member of TBNRCC shall file ordinances, provide notice, conduct hearings to amend their respective applicable plans and related regulations, and otherwise take actions within the time-frames and as set forth in the agreement forming the TBNRCC.

7. If any of the Basin governments adopt ordinances that vary significantly from TBNRCC's recommended programs and supporting ESEE analyses, as adopted by Metro, then that Basin government shall develop a record explaining any variance from the Metro-adopted recommendations and submit it to Metro for review.

8. Metro shall review any such variations to determine whether such variations are significant enough to result in a determination that the jurisdiction is not in substantial compliance with the functional plan.

9. The Washington County Planning Division Manager for TBNRCC and the Transportation and Planning Director for Metro are authorized to enter into Memoranda of Understanding to coordinate staff work and citizen participation matters and otherwise ensure efficient and effective communication and cooperation.

10. The signatories, including each basin government, are the only entities or persons entitled to enforce its terms. Nothing in this IGA gives or is intended to provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this contract. This agreement may be amended by written agreement between TBNRCC and Metro. TBNRCC shall promptly notify Metro of amendments to the IGA entitled "Formation of the Tualatin basin Natural Resources Coordinating Committee."

11. No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this IGA on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status.

12. Subject to the limitations in the Oregon Tort Claims Act and the Oregon Constitution, each signatory agrees to hold harmless, indemnify and defend the other, including each other's officers, employees and agents, against all claims, demands, actions suits and appeals (including attorney fees and costs) arising from the indemnitor's acts or omissions under this Agreement.

13. Notwithstanding paragraph 12, if any claim, demand, action, suit, or appeal is filed against the TBNRCC or Metro in connection with matters addressed by this Agreement, the parties agree to cooperate in good faith in defending or otherwise addressing the challenge.

14. This Agreement is intended as the complete, exclusive and final expression of the Agreement among the parties.

15. This Agreement shall terminate June 1, 2004 unless first extended by the parties. It may also be terminated by one party providing the other with 60 days written notice of termination.

**TUALATINBASIN NATURAL METRO  
RESOURCES COORDINATING  
COMMITTEE**

**METRO**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



August 2, 2004

50

TO: Washington County Board of Commissioners  
Tom Brian, Roy Rogers, Andy Duyck, John Leeper, Dick Schouten

FROM: Rachel Nettleton  
19185 SW Lisa Drive  
Aloha, OR 97006

RE: Ballot measure (Initiative 36) *Protect Our Own Natural Resources*

I moved to Oregon in December 1999 and found a wonderful place where people care about their neighbors and environment. Initiative 36 could change all that. I have lived in Louisiana, Texas, and New York and have seen how quickly and irreversibly an environment can change. Greed and lack of environmental protection laws and/or enforcement were generally the culprits. Although I am active in a Beaverton Neighborhood Association Committee (Five Oaks/Triple Creek) and in CPO 7, below are my own concerns, having experienced environmental issues in other places.

Greed is the reason behind the argument of "taking". Building a road through a neighborhood is taking and people who lose their homes should be compensated as they are now. Having rules and regulations are protections of property values, livability, and future needs is not "taking". Zoning, for instance, protects property values. Try living in city with no zoning. What do people value when looking for a home for their family? Schools and parks are at the top. I approve of system development fees to provide these amenities. People will pay a premium for a house near a park or open space. Hence, property values are enhanced.

Environmental regulations help the economy as areas with strong rules attract more talented and educated people to the area. This makes the economy grow. Environment regulations protect our children by providing clean water and air for the future. Look at Chesapeake Bay for example. In 1958 my husband and I gathered and ate oysters there. Now, there are no oysters because the waters feeding into the bay have become so polluted. Nobody in the right mind will eat fish caught in Lake Erie. Canada and the US are cooperating to clean it up but it will take many more years and much money. In Texas there was a forest behind our house. The lumber company that owned it for over 40 years practiced good forest management. Although they were always logging there were always more trees growing. Then, they went out of business and sold the land to a developer who cut all the trees, marked out lots, and made a bunch of money. But the streams that run through there became silted, fish died, the deer ate the new landscaping around the houses, and the forest birds disappeared. There is also more flooding in the area because there are no trees to soak up the excess. Now it looks bleak and there is no fishing, hunting, or bird watching.

Also consider the dead zone at the mouth of the Mississippi. There used to be a lot of shrimp caught in the Gulf but now there are lots of boats chasing too few shrimp. This could happen at the mouth of the Columbia if our elected officials are not careful to watch out for the citizens.

I have been using examples that I know about to illustrate how easy for these things to happen. A little bit here and a little bit there can add up to disaster.

One reason for making environmental rules and regulations strong is there will come a time when a variance is needed and little by little the natural areas are invaded. For example, consider the CWS pipe through the Nature Park.

Environmental rules and regulations should be strengthened, not weakened, as they protect all the citizens now and in the future. Do not let the greed of a few cloud your judgment of what is best for all the citizens now and in the future.

Comments by Jere Retzer to the Tualatin Basin Coordinating Committee

August 2, 2004

Good evening. Thank you for the opportunity to comment.

I am a Portland resident living in the headwaters of Ash Creek, co-founder of the Crestwood Headwaters Group, and member of the group founded to preserve the Ash Creek wetland within the Washington Square Regional Center.

First, I would like to thank the committee for proposing to preserve some of the most valuable habitat within our region. However, I think we need to do more.

It shouldn't surprise us that the land contemplated for development now was passed over before. These lands were preserved until now because of their natural values and hazards.

We need to ask ourselves three key questions: (1) what sort of community do we want; (2) what are our obligations; and (3) what is fair?

First, what sort of community do we want? We have a long-standing commitment to nature and sustainable development that we should not compromise for short-term gain. Nature is key to livability. We're very fortunate that our forbears decided that the Willamette riverfront in downtown Portland was more valuable as a park than a freeway. Are we so short-sighted to allow development over 2000 acres of our highest value habitat? This seems like a grave mistake. We should build up, not out. We need to ask ourselves what signal we send to the rest of the state. If we are willing to pave nature for parking lots, then why should they preserve nature? Watersheds don't follow political boundaries. Ash Creek historically had cutthroat and even steelhead trout. We formed the Crestwood Headwaters Group to restore this heritage and have worked with Portland and Metro to preserve several properties along the upper headwaters. Our efforts will go for naught, if wetlands in the lower watershed are developed.

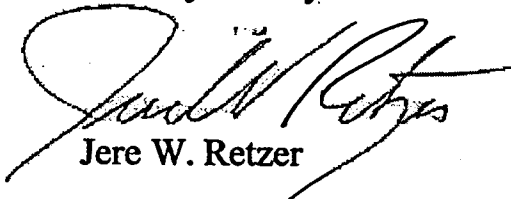
Second, what are our obligations? We are obligated to improve water quality and living conditions for endangered species to the maximum extent practical. Protecting creeks and wetlands is the best-known method from a

land use perspective. We are also obligated to protect our communities from flooding. The Ash Creek wetland floodplain within the Washington Square Regional Center, which is proposed for the moderately limit category was largely under water in 1996. USA published a plan for Fanno Creek in 1997 that projects flooding to increase along Ash Creek by 2040 due to uphill development. Developing these properties will worsen the problem.

Third, what is fair? We were told during Washington Square Regional Center planning that regulations would protect natural resources so that it was OK to assign the highest level of development to the wetland. The current proposal changes the ground-rules and is a breach of trust. Some may ask, how is it fair to limit development on their properties? To this, I answer that the value of their properties when purchased was based upon their likely value. A lot of these properties were not valuable just a short time ago due to proximity to streams, wetlands and floodplains. If these properties become valuable for development now, it is because of this decision process. It is not unfair for you to deny that which has not been given.

In conclusion, I think you should strictly limit development on all high value habitats including specifically those in the Washington Square Regional Center.

Thank you for your consideration.



Jere W. Retzer

August 2, 2004, 2004

To: Tualatin Basin Natural Resources Coordinating Committee

Comments on Goal 5 Planning

From: Carol Chesarek  
13300 NW Germantown Road  
Portland, OR 97231

My name is Carol Chesarek, and I own property in the Tualatin Basin. I hope you won't take this the wrong way, but I really didn't want to be here tonight. But I didn't think written testimony would have the same impact, so here I am. I've been attending the Tualatin Basin Natural Resources Steering Committee meetings since March.

You have a very clear goal for maintaining and <sup>improving</sup> ~~restoring~~ the environmental health of the basin, but I have yet to see any analysis demonstrating that the proposed program will meet that goal. The only analysis I've seen is from Portland Audubon, who at least did the math about the number of acres of habitat and how it's likely to be impacted by the proposed program. Just in the last week, we've seen that the steering committee is willing to change mitigation ratios and drop the cost of land acquisition from the fee in lieu calculation. It's easy to change the terms when you have no data to show what the consequences are.

Today the basin includes roughly 12,000 acres of significant riparian and wildlife habitats. Of those 12,000 acres, roughly half could be disturbed or destroyed under the program rules. These acres are supposed to be mitigated, but let's just do a little simple thinking. The lands within the UGB are supposed to provide a 10 year buildable supply, so it's likely that most or all of the 6000 acres at risk would be disturbed or destroyed within 10 years. It seems highly unlikely to me that the basin will be able to achieve adequate mitigation for losses on this scale within even 20 years, given the lag between creating mitigation areas and when they become fully functional. You can't wipe out stands of 100 year old trees, plant a field of 5 to 6' replacements, and reasonably expect the replacements to perform all the same environmental functions in 10 or even 20 years. So under the current program it seems likely that you'll be significantly degrading habitat over the near term, and as the UGB moves outward it seems unlikely that you'll ever catch up.

I strongly urge you to ask the steering committee for an analysis of whether the current program can meet the stated goal before you approve the program. Further, I would urge the committee to put in place a stronger protection for Moderately and Lightly Limit areas. Moderately Limit ~~and Lightly Limit~~ areas should be subject to an analysis to ensure that no more habitat is removed than is necessary for the desired development – allowing an automatic 50% removal of resource is overly generous and doesn't

adequately protect resources given the known difficulties and time lag in establishing effective mitigation.

There are elements of the program that I strongly support. The Strictly Limit category seems to have adequate protections. The enhanced SWM-type fee is an excellent way to ensure that the financial burden of protecting habitat is shared by everyone who benefits from the resource.

Currently, however, all the SWM-type fee funds are directed towards stream corridor habitat improvements. Given that there is ample data showing that upland habitats have a significant impact on stream quality, Clean Water Services needs to expand their scope to include ALL habitats that impact stream quality, projects for upland habitat improvement should be added to the list of projects that the enhanced SWM type fee would be applied to, and the fee itself should be increased to support upland projects.

Dropping land acquisition costs from the Fee-in-Lieu calculations is incomprehensible to me. Why should the public be providing lands used for mitigation, effectively subsidizing the destruction of existing habitat? As far as I can tell, no one has done any analysis on the suitability of ~~these~~<sup>these</sup> lands for restoration/mitigation, and whether their location and type correlates to the type of habitat likely to be lost. The stated alternative is to use money from the SWM-type fee to acquire the land, but that would significantly reduce the only money currently set aside for habitat improvements.

I am pleased that the steering committee has started to consider protections for habitat on existing development, but I'm concerned because the current proposal is for a lower level of protection than is proposed for land being developed. The program should include roughly parallel rules for habitat in existing and new development. Otherwise we are allowing the destruction of habitat for lawn and landscaping purposes but not for new development. And what's to prevent a property owner from destroying habitat for lawn this year and deciding to subdivide and plant housing next year?

Last but not least, we need to make sure the program includes a bond measure to purchase the most sensitive habitats so they aren't threatened by development.

Thank you for your consideration.



Carol Chesarek

**August 2, 2004**

**Taped Testimony List and Cards  
Taped Testimony Transcription  
Taped Testimony Letters**

**(in order of testimony given)**

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**PARTNERS**

*FOR NATURAL PLACES*

**TUALATIN BASIN GOAL 5 PUBLIC HEARING TESTIMONY LIST**  
**Taped Testimony**

Shirley Huffman Auditorium PSB Hearing Room 140 August 2nd, 2004

	<b>Last Name</b>	<b>First Name</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Signature</b>
001	Stinnett	Marilyn	23672 SW Eucalyptus	Sherwood	OR	97140	Yes
002	Beilke	Sue	11755 SW 114th Pl.	Tigard	OR	97223	Yes
003	Paulson	Pearl	13285 SW Woodshire	Tigard	OR	97223	Yes
004	Ramirez	Janika	3660 NW Parkview	Beaverton	OR	97006	Yes
005	Faaleave	Lele	3660 NW Parkview	Beaverton	OR	97006	Yes
006	Goldsmith	Dell	7150 SW Newton	Portland	OR	97225	Yes
007	Johnson	Ruth	15250 SW Emerald St.	Beaverton	OR	97007	Yes
008	Gibson	Roy	965 SW Webb Rd.	Cornelius	OR	97113	Yes
009	Yates	Steven	851 NE Brennan Ln.	Hillsboro	OR	97124	Yes
010	Gibson	Mary	P.O. Box 3529	Portland	OR	97208	Yes

No. 1 Subject of your testimony: Goal 5

Date: 8-2-04

Name: Marilyn Wodthi Stinnett

Address: 23672 SW Eucalyptus Ter  
Sherwood, OR 97140

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

Please print clearly for record documentation.

No. 3 Subject of your testimony: Goal 5

Date: \_\_\_\_\_

Name: Pearl Paulson

Address: 13285 SW Woodshire Ln  
Tigard OR 97223

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

Please print clearly for record documentation.

No. 2 Subject of your testimony: Goal 5  
Program

Date: 8-2-04

Name: Jane Ruth

Address: 11755 SW Hill PL  
Tigard OR 97223

I represent:  Myself  Other Biodiversity

Add my name to this topic notice list:  Project  
of Tigard

Please print clearly for record documentation.

No. 4 Subject of your testimony: goal 5

Date: 8-02-04

Name: Janika Ramirez

Address: 3660 NW Parkview Dr  
Beaverton Or 97006

I represent:  Myself  Other \_\_\_\_\_

Add my name to this topic notice list:

Please print clearly for record documentation.



No. 5 Subject of your testimony: goal 5  
Date: 8-2-04  
Name: Lele Faleava  
Address: 3060 NW Parkview Dr, Beaverton  
OR 97006  
I represent:  Myself  Other \_\_\_\_\_  
Add my name to this topic notice list:   
Please print clearly for record documentation.

No. 7 Subject of your testimony: Quality  
green space + protect  
waterways - make everyone  
accountable Date: 8/2/04  
Name: Ruth Johnson  
Address: 15250 SW Emerald St  
Beaverton, OR 97007  
I represent:  Myself  Other friends  
Add my name to this topic notice list:   
Please print clearly for record documentation.

No. 6 Subject of your testimony: habitat  
protection  
Date: 8-2-04  
Name: Dell Goldsmith  
Address: 7150 SW Newton Pl  
Portland OR 97225  
I represent:  Myself  Other \_\_\_\_\_  
Add my name to this topic notice list:   
Please print clearly for record documentation.

No. 8 Subject of your testimony: goal 5  
concerns / map errors  
cost of homes Date: 8-2-04  
Name: Roy Gibson  
Address: 965 SW Webb Rd  
Cornelius Or. 97113  
I represent:  Myself  Other \_\_\_\_\_  
Add my name to this topic notice list:   
Please print clearly for record documentation.

No. \_\_\_\_\_ Subject of your testimony: \_\_\_\_\_

Creek # mediating mediation  
(make the right people pay) Date: 8/2/4

Name: Steven Yates

Address: 851 NE Brennan Ln, 97124

I represent:  Myself [ ] Other \_\_\_\_\_

Add my name to this topic notice list:

Please print clearly for record documentation.

No. 10 Subject of your testimony: Port of  
Portland input on Tualatin  
Basin Plan - local's Date: 8/2/04

Name: Mary Gibson

Address: Box 3529  
Portland OR 97208

I represent: [ ] Myself  Other Port of Portland

Add my name to this topic notice list:

Tualatin Basin Goal 5 Public Hearing  
August 2<sup>nd</sup>, 2004 6:00 p.m.  
Taped Testimony

**Card 1 – Marilyn Wodtli Stinnett**  
23672 SW Eucalyptus Terrace  
Sherwood, OR 97140

**Testimony** – My name is Marilyn Woodtli Stinnett, and I am a native of Portland, Oregon who has lived in the Southwest Portland metropolitan area for more than 40 years. As I write more proficiently than I speak, please bear with me as I read my statement, with the agreement that this does not diminish the legitimacy of my message. I am here to express my strong support for the fullest protections possible of the remaining fish and wildlife habitats in our beautiful but fast-growing region.

I request that you closely examine aerial photographs of the metro area taken a few years apart. More than words can ever describe; these photographs will clearly show the vast extent of the changes, which have taken place here over the past few decades.

As a youngster, I remember riding horses in wide-open spaces at the Nicol Riding Academy, which is now the Oregon Episcopal School on Nicol Road. Mountain Park near Lake Oswego was also a favorite horseback riding expanse for my young friends and me. My family enjoyed visiting the Omars at their large nursery on Highway 99W west of Tigard, now the location of the Safeway mall across from King City. My childhood memory sees King City itself as a large, grassy field with numerous cows. Avalon Park, a development along 99W west of King City, is named for the real Avalon Park where we used to picnic and ride in paddleboats on the Tualatin River, before it became too polluted. In recent years, of course, the waters of the Tualatin have thankfully been restored to healthier levels. And more recently, in the 1980s a large grove of giant fir trees was removed to put in the Albertson's mall at 99W and Durham Road. These are only a few examples of the many sites where natural areas have been sacrificed for human habitations and activities.

I join countless other citizens in agreeing that we must have maximum protection of what remains of habitats such as the Fanno Creek, Rock Creek, and Ash Creek drainages and wetlands. The Surface Water Management Fee must be increased for funding additional watershed restoration in our region. Mitigation must be carefully examined for each individual project, determined whether or not it is justified, and required to fully compensate for habitat destruction involved with that specific undertaking.

Why are population growth and development seen as inevitable? We are chipping away, lot by lot and acre by acre, at our region. As the species with the opposable thumbs and so-called large brains, we have the responsibility to simply take good care of the water, air, plants, and other creatures, which share our earth home.

Please – support the strongest possible protections for our still beautiful region.

Thank you for your time and careful attention to these vitally critical issues.

**Card 2 – Sue Beilke**

11755 SW 114<sup>th</sup> Pl.  
Tigard, OR 97223

**Testimony** – I am here tonight to testify and talk about the proposed Tualatin Basin Goal 5 program and the current efforts to determine what remaining habitats will be protected and what level for our basin. I am speaking today to ask for the strongest levels of protections possible that we advocated for back on May 20<sup>th</sup> at the Metro chamber, but also to address some concerns that I have regarding recent developments in the past couple months.

First of all I would like to thank all of you for your hard efforts and for all the work you have put into developing the new program.

I would like to say that first of all I think the current proposed program allows destruction of too much habitat. I think it relies on a weak, partial and far fetched mitigation scheme to compensate for habitat loss of approximately 6,000 acres. How can this occur, and still meet the goals of the program? We feel it cannot. Fragmentation, loss of wildlife species, loss of bio-diversity, loss of open spaces and potential parkland, all of this would result from the current proposal. The goals and objectives would not be met under this current proposal; how can the habitat health be “improved within each of the eleven hydrologic units in the Tualatin Basin”, when flood plains will be developed, native vegetation will be destroyed, and species will be bulldozed under? The current proposal by the Tualatin Basin committee lacks credible, scientific supported evidence that it can achieve the goals and objectives it says it will. In addition, the proposal has received NO scientific review to evaluate whether it will improve the health of the Tualatin Basin. Until the latter is done, the program as it currently is proposed should not be adopted.

We are also extremely concerned of the lack of protection for upland forests, and ask AGAIN, that upland forests be afforded higher levels of protection than is currently proposed, especially those sites that have high habitat value, a high level of biological diversity, etc. This includes sites on Bull Mountain, along or near (above) Ash Creek in Tigard, and by Abbey Creek in North Bethany.

To exclude upland forests for high habitat protection is to ignore their high value for wildlife, for providing shade and cover, for decreasing erosion due to landslides, etc., and for the economic value they offer citizens as a place to relax, enjoy nature, and many

other values. How do we put a price on that? Many of these forests still contain State and Federal listed species, such as the Olive-sided flycatcher and Northern red-legged frog, species that continue to decline.

We also cannot support the current proposed mitigation plan to compensate for lost habitat. Recent studies have again shown that mitigation does not work in a large percentage of sites, due to a number of reasons. A 2002 EPA funded study in Washington State found that only 13% of wetland mitigation projects were successful. It is better for the health of the region, and makes more sense economically, to protect the habitat in the first place, thus saving species, and not wasting time and money on what would be a failed attempt at trying to mimic mother nature.

Our additional recommendations (besides those on the attached letter) on what kind of a program will work and how best to truly reach the goals and objectives of the Goal 5 program include:

- Increase protections (to Strictly limit OR Prohibit in some cases) for the remaining high value habitats, including Class I Riparian and Class A Wildlife Habitat.
- Support increases in Surface Water Management (SWM) Fees for watershed restoration.
- Use mitigation as the LAST option. Remember, it seldom works and can cost more than it would have had the habitat been protected in the first place.
- Give the highest protections for those areas that support State and Federal listed species in our Basin, including Northern red-legged frog and Western pond turtle, and for those habitats containing unique, rare species such as West side ponderosa pine and Oregon white oak and Western red cedar.
- Give high protection to natural resources in the Washington Square and other regional plans; they are just as valuable habitat as other areas and just as deserving of protection.
- Last, but not least, we recommend cities develop ways in which to increase park and open spaces acreage in their communities, thus helping to protect more habitat. This could include a parks and open spaces bond measure, using SD fees to buy land from willing landowners, etc. We know of several landowners in Tigard who DO NOT want their land developed, but desperately want it protected for parks and/or open space.

I urge you to consider and adopt the above recommendations so that the fish, wildlife and their habitats are adequately protected and conserved for present and future generations to enjoy and appreciate, and so that we continue to be good stewards of our natural resources. Thank you for the opportunity to comment on this important process.

**Card 3 – Pearl Paulson**  
13285 SW Woodshire Ln.  
Tigard, OR 97223

**Testimony** – I want to congratulate the coordinating for planfully considering our natural resources and having public hearings.

I am glad for this opportunity to explain two concerns that I have. One is the vulnerability of unprotected habitat to unprotected development. The other one is the unrealistic solution called mitigation.

I own a house that borders a green space, something that probably enhances the real estate more than it preserves habitat. As much as I like this green space, we need to preserve larger acreages as well as the narrow ravines between developments. A green space is a great place to live, in the summer I can look out at the tree tops and I can't see a single neighbor. The reverse view is not as idealic. The animals in our green space are disturbed by our flood lights, and our fireworks and our carbon monoxide. Our holly, ivy and butterfly bushes intrude on natural flora. From the green space I look at a silver stream, but the animals come there to drink, they find tires, pop cans and other litter polluting their water. So while developments with green spaces are great places to live for people, they are not a solution for preserving habitat.

My second concern is with the so-called solution of mitigation or compensation. First of all the thought that developers should be spared any cost of mitigation is a laugh, since they are the main ones to benefit from developing and ruining our habitat. But that is a minor point compared to the fact that mitigation just isn't realistic. An example when we first moved to our house, Pilliated Woodpeckers frequently fed in our green space. They couldn't nest there, because our trees in the green space are not large enough. They flew in from neighboring acreages where there were large trees, but now those nesting areas have all been cut down by further development and we don't see the Pilliated Woodpeckers any more. Tell me now that the trees are cut and bulldozed, how in 100 years are we going to find nesting places for these Pilliated Woodpeckers? We can't find the big trees to replace them.

In conclusion I fully share Audubon's concerns that major habitat tracks must be given the very highest level of protection. There must be buffer zones, the areas themselves must be large, but there also needs to be buffer zones from human inhabited. The other concern is that mitigation is an empty promise, that you can never replace what we are taking away.

**Card 4 – Janika Ramirez**  
3660 NW Parkview Dr.  
Beaverton, OR 97006

**Testimony – Why do I love wildlife? And why do we need to save it? The reason why I love wildlife is because of the beautiful trees and the clean water. We need to do all we can to keep it that way. The litter and pollution in our lakes and rivers can cause birds, fish, and a lot more animals to die. Please help us save wildlife.**

Thank you for listening to me. I hope you will remember the next generation and kids like me when you make your choices. Thank You. Please don't litter!

**Card 5 – Lele Faaleava**

3660 NW Parkview Dr.  
Beaverton, OR 97006

**Testimony – Why I like wildlife in my neighborhood is because if we had no animals in the world like worms, bees, trees, rabbits, and etc. Trees, and water can save our lives, so look around your neighborhood and you can save wildlife today. Remember kids like me when you make your choice. Thanks for listening to me today. Save the wildlife today!**

**Card 6 – Dell Goldsmith**

7150 SW Newton Pl.  
Portland, OR 97225

**Testimony – I'd like to thank you for the protections you have put into place for habitats, all of us, plants, animals watersheds and air sheds. I urge you to make the maximum protection you can especially for critical habitat for all kinds of animals which includes ourselves, and clean water, and for clean air. I am certainly in favor of the \$2 increase in Surface Water Management, that's a vital part of the plan for stream protection. There is a small stream near my house that is continuing to flow, although in a very limited way. There are many many birds and animals that come to this small pond, and I see them every day when I walk by to check on them Blue Herons, Wood Ducks, Mallards, Swallows. I urge you to protect these kinds of habitats. I realize there are people who build and sell to make money from what is "termed" development. I hope that you will protect these vital areas.**

**Card 7 – Ruth Johnson**

15250 SW Emerald St.  
Beaverton, OR 97007

**Testimony – Oregon has been recognized throughout the country for developing the Urban Growth Boundary. Before we start patting ourselves on the back for creating these designated spaces, however, I think we have to look at the quality and not the quantity of our green spaces. I believe it is habitat and not sterile green spaces we need to protect. I live in Beaverton, right by Beacon Hill, and there's a wetland park that is supposed to be**

designated as a park that is about the size of a postage stamp. There's one little small sign that calls it a park and one chair and that is it. Instead of having parks that are basically one piece of lawn, we need to create areas that kids can play in with designated biking areas. On the corner of Murray and Beard, we designated an area as new homes are being built as well as Haggen Foods. Ironically, at the top of the mountain, that is where we seem to put our parks. Now most people, the only thing they think of is their own little family dwellings and what we can provide or what is provided there for their children to be able to play, and if we don't have our parks incorporated in our neighborhoods they are effectively used, that kids can go out and play and have places to go that has protected green spaces, with waterways that are clean that have fish grown in them and living in them, then I think we are missing the point of having the Urban Growth Boundary. If we see that we are going to be providing and saving spaces, that we need to have things growing in it, not just a blanket lawn. I think that we need, it's not just builders that are the problem, we need to, as buyers be accountable, what we need to do is protect the Riparian areas where there are considered wetland areas. Builders are building right to the very edge of the waterway, people put up fences, then no one is accountable for that space, it's like a no zone, and no one takes care of it except Tualatin Riverkeepers, Audubon, or other neighborhood groups. We all need to be accountable, so instead of pointing fingers at builders, we all need to be included in it, and we have to take the time when we are building and developing areas to create and incorporate what is already in existence. Most of us, who have moved here from out of state, already know that Urban Sprawl is what we were trying to avoid by moving here to begin with. We don't want to live in another Phoenix; I don't want to be back in Chicago. I applaud the fact that you are organizing this in order for people to express their opinions. I do feel though that as several people have discussed that we need to make specific and strict rules regarding protecting the integrity of our waterways in our existing neighborhoods as well as the ones that are being planned and to be developed now. I think we need to slow down, and really evaluate it, it's not all about the dollar. Once this area is developed, it's done, once it's gone, it's gone. I feel we need to be stewards of our environment. That's why we moved here, that's why we live here. Thank you.

**Card 8 – Roy Gibson**

965 SW Webb Rd.  
Cornelius, OR 97113

**Testimony** – I will follow up both with leaving a copy of my comments here and I will also provide some further information that I will submit in writing this week that will include some maps and some photographs indicating my concern and asking for corrections to the maps.

Some general notes, it is my opinion and those of many others that Metro has no legal authority or legal requirement to propose and impose the limitations of the use of our property based on the environmental issues at hand. This seems to be something that's of internal interest, something that will put a layer of cost and requirements on property owners. I believe that the reports and the recommendations are biased to the



environmental special interest groups. I think if you look internally, many of your staff members were members of Audubon and such, I am not saying that is a bad thing, but I certainly believe that there is bias to the report and I think that that needs to be taken into account and I think it needs to look at what the costs are of property ownership, land takings. You may recall I believe it was ballot measure 7, people voted that in, it was overturned by the courts however, there is the concern that people's rights are being violated and taken with no compensation, and I think that is something you need to look at seriously. In looking at the maps, I believe that the maps are inaccurate at best, and I am sorry to say that in some cases, maybe dishonest. I don't believe that they are based on good science, I think there is many opinions, I think there is many personal interests and the interest of others at hand. If you have somehow the area in between irregardless of whether it has been farmed the past 50 years seems to be considered as moderate protection, something that has been tilled for 50 years is open pasture, a man made ditch cut along the side shows me that actually you people have not looked at the mapping and are going by some maps provided by others, and I think that's a dishonest situation. In terms of the testimony, I guess what are we to tell you. Are we to talk about the course of action, are we trying to change the recommendations or what? It's really not specific it seems like a train that is headed down the tracks instead of the light in the tunnel, we are looking at the train right at us. I really don't buy into the program, I however, am going to provide other information as I noted earlier. I know that your interest is having local jurisdictions pass ordinances and codes county wide, I believe that adds costs. It's kind of interesting, that one side of the situation you're concerned about these very matters, yet later you will form groups to talk about the affordability of homes, all of which you had a hand general hand in increasing the costs. I think in many cases Metro doesn't know what the right hand is doing at any given time. I am asking that somebody contact me directly; I have provided the information. I would like to talk to them about the mapping specifically. I have given a work number on the information that I am submitting this week, and I expect to be contacted. We need to get to the bottom of this if you are going to propose something, it needs to be accurate and not just great ideas and wonderful thoughts and rah rah rah environmentalism because I think you need to temper some of these things on what really does work. Thank you very much, good night.

**Card 9 – Steven Yates**

851 NE Brennan Ln.  
Hillsboro, OR 97124

**Testimony** – Just a couple questions or issues that I have regarding what I summed up “the tree tax” in particular the mediation requirements. I'm all for taking care of our green spaces, I think it's a good thing to do and I commend Oregon generally for trying very hard to make Oregon a nice place to live, but when my neighbors first came to me talking about the placing part of Fishback into this preservation area or maybe not, I have gotten conflicting maps and answers so I am not clear what our current status is. But the issue that we have, is that the builder has come in and in the process of building and putting up houses the fir trees in particular their roots have been damaged, the trees have been slowly dying and now you'll love to hear this, we have gotten some little Bark

Beetle problem killing them off as well. Our concern is that now as these trees start to fail, I for example have just spent \$2000, actually just finished paying off that \$2000 trying to keep my fir trees alive, and now one of them is dying from this beetle thing. It seems improper to me if the end result is that I will get hit with a remediation problem or one of my neighbors gets hit with a mitigation fee for having to take down a tree that you guys dubbed a protected thing. So I would like to see that you put the burden on the party responsible for causing the damage. So the builder comes in and tramples a bunch of trees or spaces them out too far and the firs don't have any support and start to die for various reasons, I would hope that you would see through this mitigation from the builder for similarly if a tree dies from some natural cause or petulance and we try to fix it and it goes away I like to see that the mitigation is not assessed. I mean this has got to be applied with some kind of rationale or at the very least if you are absolutely insistent on attacking the current owner of the property, I have to tell you I liken this to going to the scene of a crime and arresting whoever happens to be standing where the crime occurred. You'd say well that's crazy in a court system, but that from what I have been told is what you are doing with mitigation. It would be crazy to apply it in the court context and it is crazy to do it here, you need to look to who caused the damage, so if our trees start dying and they are, I think we have 7 or 8 taken down already just for not surviving the construction. You know if they are dying, if you're gonna do any mitigation at all, I strongly suggest that you go after the party responsible for the damage and if not, at the very least, try to offset against any mitigation. Perhaps the amount of money people are spending trying to keep em alive. You know we are not trying to kill these trees off, we'd like them to stay, but I don't want to pay \$2000, spend a year paying off that \$2000 then get socked with another bill cause the sucker dies on top of what I am going to have to pay to remove it when it dies. That gets to be a little out of control. Thank you for your time and good luck.

**Card 10 – Mary Gibson**  
P.O. Box 3529  
Portland, OR 97208

**Testimony –** Thank you for the opportunity to comment on the progress being made by the Tualatin Basin Partners on the development of the Goal 5 program for the basin. We want to say that the Port of Portland supports the work of the Tualatin Basin Plan and applauds the watershed approach to the Goal 5 program. Beyond the Allow-Limit-Prohibit program elements proposed for adoption on August 2<sup>nd</sup>, we look forward to working with your staff between now through December 2004 on the specific program regulations.

As a general aviation airport operator and property owner in Hillsboro, the Port has two specific concerns regarding the Tualatin Basin Goal 5 program, which we look forward to working through as the program regulations are developed. The Port's interests and concerns primarily relate to the operation of the Portland Hillsboro Airport and our obligation and desire to support safe aircraft operations through the implementation of Federal Aviation Administration regulations and guidance. This is particularly important

with respect to hazardous wildlife attractants on and around the airport. We want to meet your staff and work towards solutions that will work within the framework of your Goal 5 program to allow the Port to manage resources to reduce wildlife hazards, so essentially what we are talking about is accepting the resources as they are mapped with one exception, which I will speak to later, and essentially working through the regulatory program elements to allow the Port to implement a wildlife hazard management program which would essentially manage the resources to reduce wildlife attractant hazards to aircraft. We have recently obtained a commitment from Metro Goal 5 staff to explore the special wildlife issues related to Portland International Airport and Troutdale Airport as part of their Goal 5 regulatory program for the rest of the region. And we have worked with Hillsboro on their existing Goal 5 program to incorporate language that allows us to manage our wildlife hazards and the remaining element for the Port's operations is to do the same for Hillsboro Airport through the Tualatin Basin program.

On the mapping issue, there is one new resource mapped which was not mapped as part of Metro's regionally significant resource mapping, and it wasn't identified through that process and is now showing up through this process, we are unclear what this resource is and why it is mapped as regionally significant and what the process was to make that determination, so we will want to look further into that and understand that better before we are comfortable with that new resource which in essence has just popped up on the maps. From what we know about the Goal 5 program so far, we think we can address all of our needs and concerns through the regulatory program and want to work with your staff to do that as soon as possible, with one outstanding issue and that is on the fee. The airport is self-funded and the new fee to fund the resource and habitat improvements will be a challenge to our general aviation program, which is trying to achieve self-sufficiency. We would like to take the increased fee issue under consideration and look for other options perhaps for the Port to meet that requirement as perhaps other public agencies may be doing. On both of those issues, the wildlife hazard issue and the fee issue we'd like to work with you and your staff between now and December 2004 to address these issues and come to some amiable agreement. Thank you very much.

23672 S.W. Eucalyptus Terrace  
Sherwood, OR 97140  
August 2, 2004

Tualatin Basin Natural Resources Coordinating Committee  
Washington County Dept. of Land Use & Transportation  
Planning Division, 155 N. 1st Ave., Suite 350-14  
Hillsboro, OR 97124

RE: Tualatin Basin Goal 5 Planning

My name is Marilyn Wodtli Stinnett, and i am a native of Portland, Oregon who has lived in the southwest Portland metropolitan area for more than 40 years. As i write more proficiently than i speak, please bear with me as i read my statement, with the agreement that this does not diminish the legitimacy of my message. I am here to express my strong support for the fullest protections possible of the remaining fish and wildlife habitats in our beautiful but fast-growing region.

I request that you closely examine aerial photographs of the metro area taken a few years apart. More than words can ever describe, these photographs will clearly show the vast extent of the changes which have taken place here over the past few decades.

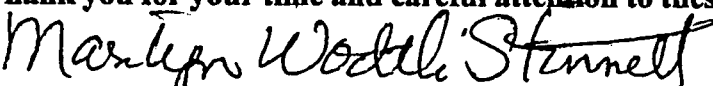
As a youngster, I remember riding horses in wide-open spaces at the Nicol Riding Academy, which is now the Oregon Episcopal School on Nicol Road. Mountain Park near Lake Oswego was also a favorite horseback riding expanse for my young friends and me. My family enjoyed visiting the Omars at their large nursery on Highway 99W west of Tigard, now the location of the Safeway mall across from King City. My childhood memory sees King City itself as a large, grassy field with numerous cows. Avalon Park, a development along 99W west of King City, is named for the real Avalon Park where we used to picnic and ride in paddleboats on the Tualatin River, before it became too polluted. In recent years, of course, the waters of the Tualatin have thankfully been restored to healthier levels. And more recently, in the 1980s a large grove of giant fir trees was removed to put in the Albertson's mall at 99W and Durham Road. These are only a few examples of the many sites where natural areas have been sacrificed for human habitations and activities.

I join countless other citizens in agreeing that we must have maximum protection of what remains of habitats such as the Fanno Creek, Rock Creek, and Ash Creek drainages and wetlands. The Surface Water Management Fee must be increased for funding additional watershed restoration in our region. Mitigation must be carefully examined for each individual project, determined whether or not it is justified, and required to fully compensate for habitat destruction involved with that specific undertaking.

Why are population growth and development seen as inevitable? We are chipping away, lot by lot and acre by acre, at our region. As the species with the opposable thumbs and so-called large brains, we have the responsibility to simply take good care of the water, air, plants, and other creatures which share our earth home.

Please -- support the strongest possible protections for our still beautiful region.

Thank you for your time and careful attention to these vitally critical issues.

  
Marilyn Wodtli Stinnett

August 2, 2004

Tualatin Basin Natural Resources  
Coordinating Committee  
155 N. First Avenue; Suite 350, MS 14  
Hillsboro, OR 97124

Metro President David Bragdon and Councilors,  
and Metro Planning Department  
ATTN: Fish & Wildlife Protection  
600 NE Grand Avenue  
Portland, OR 97232

Dear Tualatin Basin Natural Resources Coordinating Committee and Metro President and Councilors:

This letter is a follow-up to the letter we submitted on May 20, 2004 (see attached) regarding the Metro and Tualatin Basin Goal 5 and the current efforts to determine what remaining habitats will be protected and at what level for the Portland area. I am writing today to ask again for the strongest levels of protection we advocated for on May 20<sup>th</sup>, but also to address concerns we have with developments since then.

First, we would like to thank all of you and others on the committees who have worked hard to address the goals and objectives in the Goal 5 program. We appreciate your efforts on behalf of fish and wildlife and their habitats.

The current Tualatin Basin Goal 5 proposed program allows the destruction of too much high value habitat, and relies on a weak, partial and far fetched mitigation scheme to compensate for habitat loss of approximately 6,000 acres. How can this occur, and still meet the goals of the program?? We feel it cannot. Fragmentation, loss of wildlife species, loss of biodiversity, loss of openspaces and potential parkland, all of this would result from the current proposal. The goals and objectives would not be met under this current proposal; **how can the habitat health be "improved within each of the eleven hydrologic units in the Tualatin basin", when floodplains will be developed, native vegetation will be destroyed, and species will be bulldozed under?** The current proposal by the Tualatin Basin committee lacks credible, scientific supported evidence that it can achieve the goals and objectives it says it will. In addition, the proposal has received NO scientific review to evaluate whether it will improve the health of the Tualatin Basin. **Until the latter is done, the program as it currently is proposed should not be adopted.**

We are also extremely concerned of the lack of protection for upland forests, and ask **AGAIN, that upland forests be afforded higher levels of protection than is currently proposed, especially those sites that have high habitat value, a high level of biological diversity, etc.** This includes sites on Bull Mountain, along or near (above) Ash Creek in Tigard, and by Abbey Creek in North Bethany.

To exclude upland forests for high habitat protection is to ignore their high value for wildlife, for providing shade and cover, for decreasing erosion due to landslides, etc., and for the economic value they offer citizens as a place to relax, enjoy nature, and many other values. How do we put a price on that??? Many of these forests still contain State and Federal listed species, such as the Olive-sided flycatcher and Northern red-legged frog, species that continue to decline.

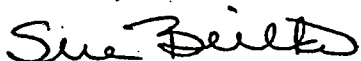
We also cannot support the current proposed mitigation plan to compensate for lost habitat. Recent studies have again shown that mitigation **does not work in a large percentage of sites, due to a number of reasons. A 2002 EPA funded study in Washington State found that only 13% of wetland mitigation projects were successful.** It is better for the health of the region, and makes more sense economically, to protect the habitat in the first place, thus saving species, and not wasting time and money on what would be a failed attempt at trying to mimic mother nature.

Our additional recommendations (besides those on the attached letter) on what kind of a program will work and how best to truly reach the goals and objectives of the Goal 5 program include:

- Increase protections (to Strictly limit OR Prohibit in some cases) for the remaining high value habitats, including Class I Riparian and Class A Wildlife Habitat.
- Support Increases in Surface Water Management (SWM) Fees for watershed restoration.
- Use mitigation as the LAST option. Remember, it seldom works and can cost more than it would have had the habitat been protected in the first place.
- Give the highest protections for those areas that support State and Federal listed species in our Basin, including Northern red-legged frog and Western pond turtle, and for those habitats containing unique, rare species such as West side ponderosa pine and Oregon white oak and Western red cedar.
- Give high protection to natural resources in The Washington Square and other regional plans; they are just as valuable habitat as other areas and just as deserving of protection.
- Last, but not least, we recommend cities develop ways in which to increase park and openspaces acreage in their communities, thus helping to protect more habitat. This could include a parks and openspaces bond measure, using SDC fees to buy land from willing landowners, etc. We know of several landowners in Tigard who DO NOT want their land developed, but desperately want it protected for parks and/or openspace.

I urge you to consider and adopt the above recommendations so that the fish, wildlife and their habitats are adequately protected and conserved for present and future generations to enjoy and appreciate, and so that we continue to be good stewards of our natural resources. Thank you for the opportunity to comment on this important process.

Respectfully,  
Sue Beilke,



Director, The Biodiversity Project of Tigard  
Member, Friends of Summer Creek, Fans of Fanno Creek  
Member, Friends of Fowler Open Space  
Member, Take Back Tigard

May 16, 2004

Metro President David Bragdon and Councilors,  
and Metro Planning Department  
ATTN: Fish & Wildlife Protection  
600 NE Grand Avenue  
Portland, OR 97232

Tualatin Basin Natural Resources  
Coordinating Committee  
155 N. First Avenue; Suite 350, MS 14  
Hillsboro, OR 97124

Dear Metro and Tualatin Basin Committee:

I am writing in regard to Metro's Fish and Wildlife Protection Program and the current efforts to determine what remaining habitats will be protected and at what level for the Portland area. I am writing on behalf of the Biodiversity Project of Tigard, a neighborhood group that was formed three years ago in part to identify the remaining habitats and unique plant and wildlife species that exist in our community, with the goal of protecting and conserving those natural resources not only for their habitat value, but also for the social and economic value they add to our community by increasing the "livability" of our city. Using only volunteer effort, we have walked many of the wetlands, floodplains and forests in our area, finding several rare camas prairie and oak woodland habitats, as well as rare wildlife including the western pond turtle and northern red-legged frog, the latter on the State Sensitive-critical list. We have also documented the olive-sided flycatcher in some of our remaining forests on Bull Mountain, a species on the Federal Species of Concern list due to their decrease in population due to habitat loss.

So how do we make sure that these species and habitats continue to remain and thrive in our region? Metro's current efforts, we believe, can ensure their viability for the long term, but only if we give the remaining natural areas the **highest level of protection** possible. Giving our remaining wetlands, floodplains, riparian forests and upland forests a "**prohibit**" or "**strictly limit**" designation will ensure that the overall goal of Metro's Program is met, as well as meeting the Tualatin Basin's Committee objective of "**improvement of habitat health** within each of the Region's 27 hydrologic units including the eleven hydrologic units inside the Tualatin Basin... a primary objective of the Basin Approach."

There is truly no other way to reach the stated goals and objectives since so much of our habitats have been lost, and little remains in some areas. For example, in our community, most of our upland forests are gone, are being clearcut as I write this, or are slated to be developed. Two upland forests on steep slopes on Bull Mountain that were on the Basin map and which we recently went out to verify have since been clearcut, with accompanying fills in the streambed for a road to access the forest. We estimate that by the end of this year, some parts of our community will have **NO** upland forests remaining, thus resulting in a huge loss of biological diversity as well as creating conditions for unstable slopes, runoff, unhealthy streams, and a decrease in the overall livability for citizens and future generations to come.

Two upland forests on steep slopes on Bull Mountain that were on the Basin map and which we recently went out to verify have since been clearcut, with accompanying fills in the streambed for a road to access the forest. Another nearby forest on a steep slope will be cut this summer, which will further degrade the stream below and result in a loss of forest canopy, wildlife, and contribute to the biological diversity for our region.

Working with other citizen groups in our area, including Friends of Summer Creek, Take Back Tigard, and Friends of Fowler Openspace, we have reviewed the Tualatin Basin Committee's plan to protect our natural resources. Based on our intimate on-the-ground knowledge of our community, our combined (many) years of living here, and the goals and objectives of Metro's Regional Fish and Wildlife Program, we are recommending and have developed our own Alternative, the "**Tigard Citizen's Adjustments to the Tualatin Basin Partners Plan**", which we believe would better meet the goal of the Program, by giving higher levels of protection to ALL remaining natural resources in our community (see attached; this is also available on disk).

Our Citizen's Alternative includes the following recommendations:

- 1) All existing sensitive lands should be prohibit. Rational: Regional and Basin Goals and Rationale: ALP adjustment criteria #2 and the consideration that these lands are now locally and regionally "rare".
- 2) Update conflicting use categories to reflect committed uses as parks and greenspaces. Rationale: ALP adjustment criteria #7.
- 3) All Class I and II riparian habitats, including Habitats of Concern and floodplains, currently with moderately or lightly limit designations should be strictly limit or prohibit in some cases, especially where listed, or locally rare species have been identified, e.g., western pond turtle, oak forest, camas prairie, etc.
- 4) All Class A and B Upland Habitat should be strictly limit or prohibit in some cases. Rationale: Rationale: Regional and Basin Goals and ALP adjustment criteria #3 and the fact that upland habitats in our region are now one of the most rare habitats left and in some areas will be gone if no protection is given.

In addition to the above we also recommend the following:

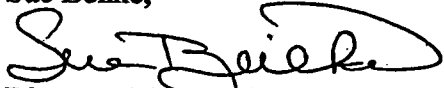
- Increase protection for floodplains and stop development in these important areas
- Preserve linkages or corridors between habitat areas
- Protect and restore degraded habitats, and give landowners incentives to do so on private land  
Continue public funding of greenspace acquisitions in the Tualatin Basin (especially Tigard!)
- Protect all remaining upland forests, that is, no more development in these areas.
- Protect habitats of concern (this includes areas that have both plant and animals listed as sensitive, at risk, T&E, or considered rare, such as the west side Ponderosa pine tree and camas prairies).
- Utility lines and crossing should avoid stream crossings.
- Increase protections for a continuous ecologically viable stream corridor for fish and wildlife.



Our local citizen groups have also been working hard to protect our remaining habitats by recommending and developing ways in which we can permanently preserve habitats for our community. This includes creating a citizen's parks and openspaces committee two years ago which has identified areas to be purchased, worked with local landowners who want their lands to be protected, and most recently, recommended that a levy be put on the November, 2004 ballot, for citizens to vote on a parks and openspaces measure, which, if passed, will allow the citizens to protect permanently some of our last remaining habitats for parks and natural areas.

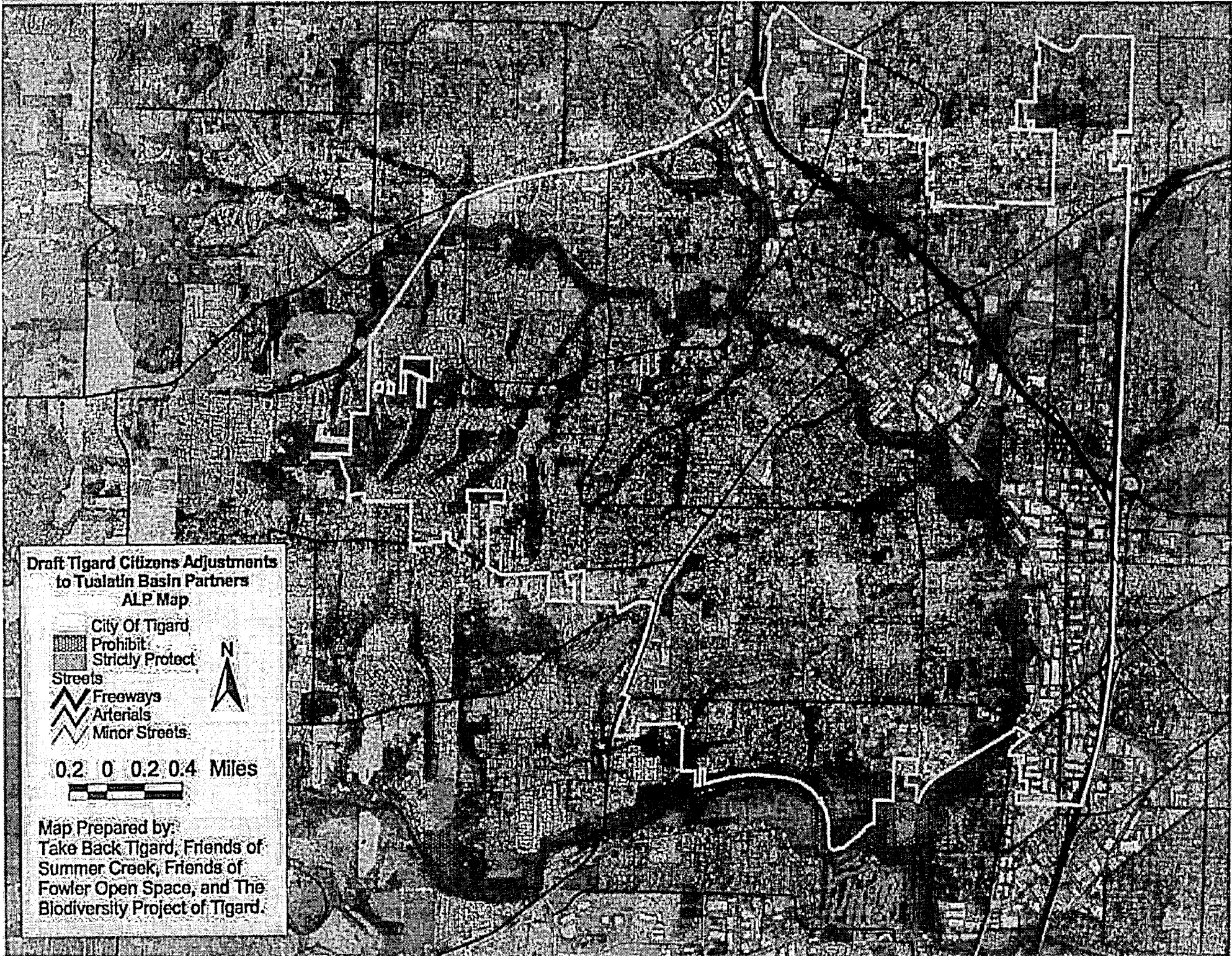
I urge you to consider and adopt the above recommendations so that the fish, wildlife and their habitats are adequately protected and conserved for present and future generations to enjoy and appreciate, and so that we continue to be good stewards of our natural resources. Thank you for the opportunity to comment on this important process.

Respectfully,  
Sue Beilke,









Director, The Biodiversity Project of Tigard  
Member, Friends of Summer Creek,  
Member, Friends of Fowler Openspace

11755 SW 114th  
Tigard OR 97223  
503-639-3519



**Draft Tigrad Citizens Adjustments  
to Tualatin Basin Partners  
ALP Map**

-  City Of Tigrad
-  Prohibit
-  Strictly Protect
- Streets**
-  Freeways
-  Arterials
-  Minor Streets



0.2 0 0.2 0.4 Miles



Map Prepared by:  
Take Back Tigrad, Friends of  
Summer Creek, Friends of  
Fowler Open Space, and The  
Biodiversity Project of Tigrad.



<sup>my name is</sup>  
Tatalupelele Fa'aleava.

5

I live in Beaverton, Oregon.

WHY I LIKE WILD LIFE IN MY NEIGHBORHOOD

IS BECAUSE IF WE HAD NO ANIMALS IN  
THE WORLD LIKE WORMS , BEES, TREES,  
RABBITS, AND ETC. TREES, AND WATER  
CAN SAVE OUR LIVES, SO LOOK AROUND  
YOUR NEIGHORHOOD AND YOU CAN  
SAVE WILD LIFE TODAY .  
FROM LELE .

Remember kids like me when you  
make your choice. Thanks for  
listening to me today.

**Save wild**

**Live  
today**

Lele Faaleava age 7  
3660 NW Parkview Dr  
Beaverton, OR 97006  
503.690.0420

# COMMENTS

Thank you for taking the time to comment on the Tualatin Basin Goal 5 Planning Process. Your comments will become a part of the official public record. By submitting your signed comment today, you do not need to testify at the public hearing on August 2, 2004.  
(If you choose not to sign, your comments will be considered but will not become a part of the official record.)

**Comments must be received by 5:00 pm on August 9, 2004.**

refer to taped message #3 and  
attached written material with sketch and  
photos.

Name:

Roy Gibson

Address:

965 SW Webb Rd Corvallis OR

Signature:

Roy Gibson

card # 8

To: Metro

Re: Public Hearings Input Aug. 2, 2004

From: Roy Gibson 245 S.W. Webb Rd. Cornelius OR 97113

### General Comments

- o Metro has no legal authority, or legal requirement to propose and impose the limitations of use of our property as outlined in this project.
- o Report and recommendations are biased to environmental special interest groups via ties to metro-project staff
- o Report maps are inaccurate at best and dishonest at worse
- o We are asked to provide testimony to do what - stop the course of action? change the recommendations or what? if it is the latter then it is assumed we buy into the program. I Don't. You are proposing to require local jurisdictions pass ordinances and codes county wide as imposed by a body, Metro, that is the poorest excuse of representative government I can think of.

o I will provide further written input as to why I think your designation of my property is incorrect I will be doing this as an act of self preservation and for the record. I expect to be contacted directly by your staff to meet in the field to discuss the criteria and ratings.

o Your project and requirements will add to housing costs which you will later address in a metro forum called affordable housing. Thank You. Roy Gibson

To: Metro/Wa. Co. Goal 5 Committee  
Re: Public Hearings written testimony w/ map & photos  
From: Roy Gibson 965 SW Webb Rd Cornelius Or. 97113

Parcel 1. TL

South of Dogwood Park

located in UEB 1/2 acre

A drainage basin above this site drains to 4 storm sewer pipes that outfall to a deep man made drainage ditch just west of my property in what is dedicated right of way. See photos G and H  
B this site drains overland to southerly direction  
B site was previously tilled farmland for 50± years and now fenced pasture.  
B The only vegetation are trees, pipes and shrub hedgerow along Webb Rd. planted in the last 12 yrs.

See photos C and E

Parcel to the north was also previously farmland now a park, with no limitations, restrictions see photos D, F of park

This site is proposed as light mitigation yet there is nothing to mitigate. The site should be listed as non restricted other than for current City of Cornelius codes. I request the designation be changed to no mitigation.

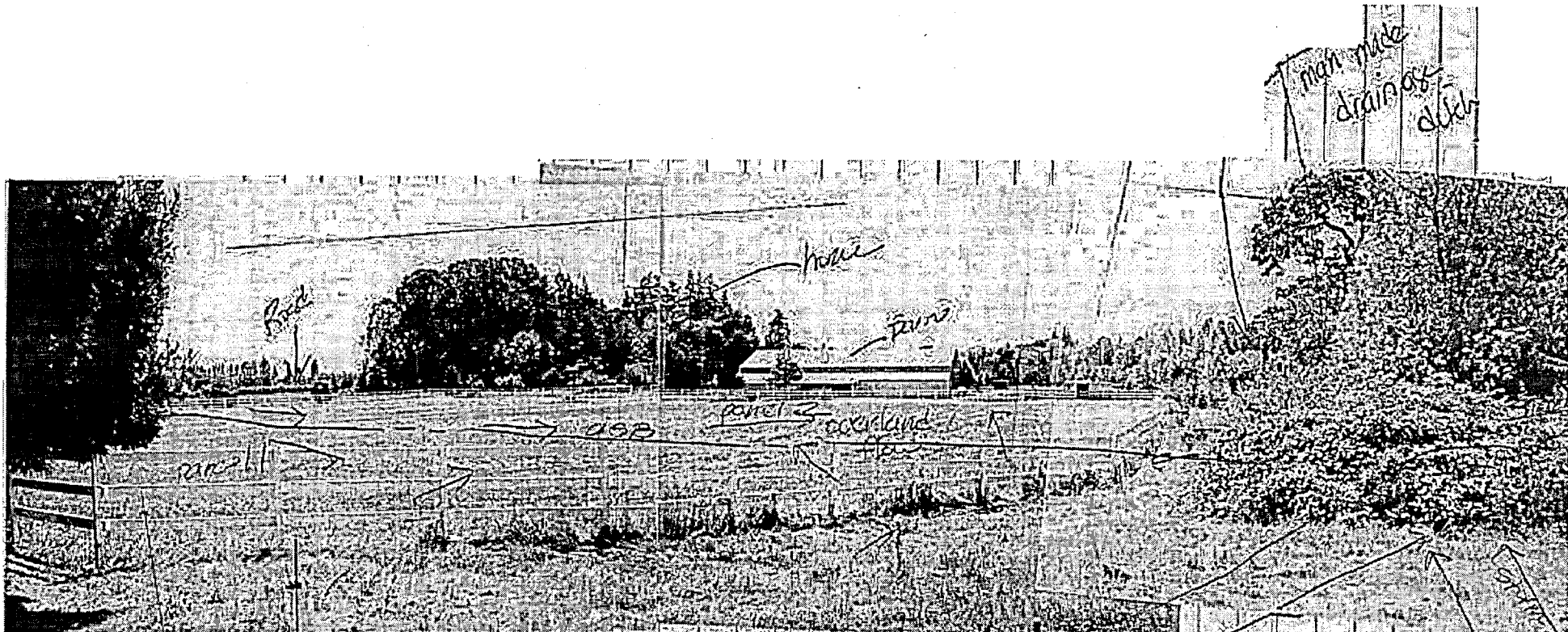


photo (E)

looking south, southeast

CUTFALL

STORM PIPE

side pipe

Gibson 965 SW Webb Rd. Cornelius Or. message card # 8



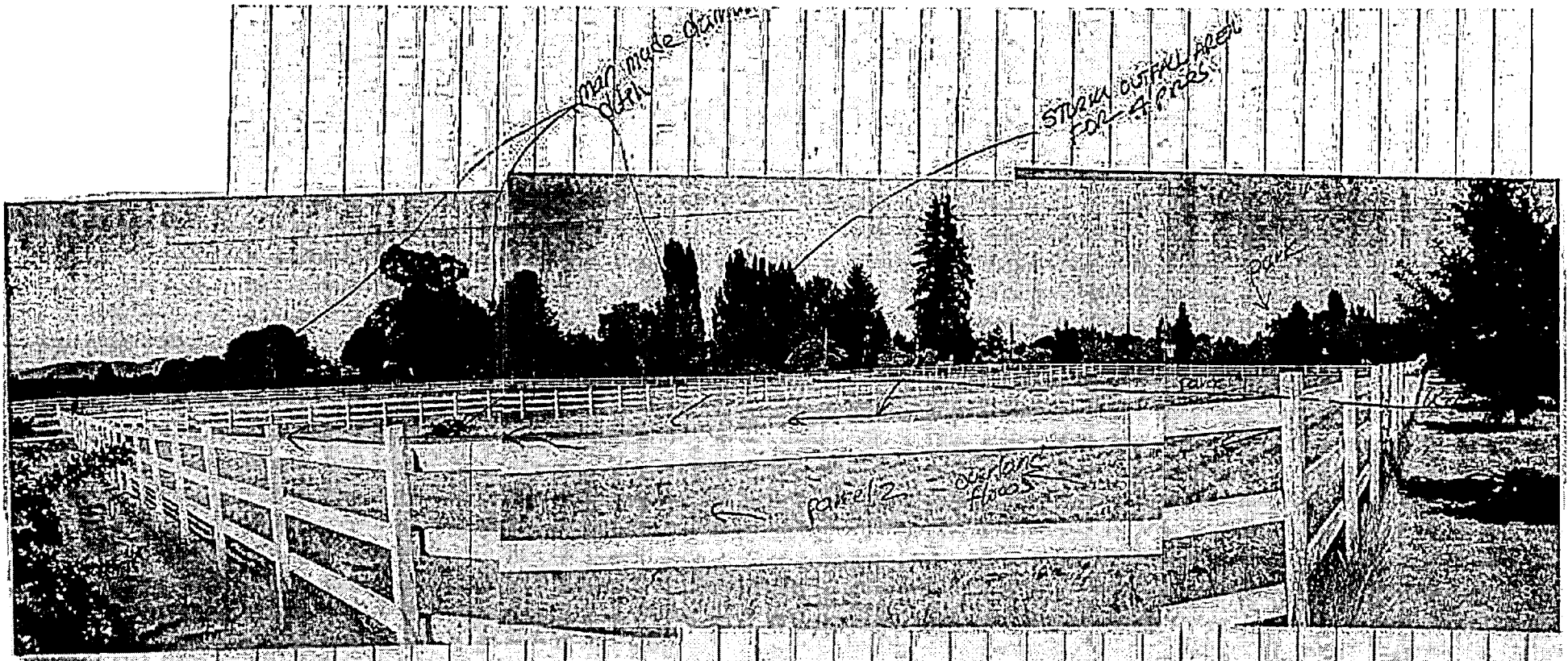


Photo (A) looking west, northwest

see photo  
(B)

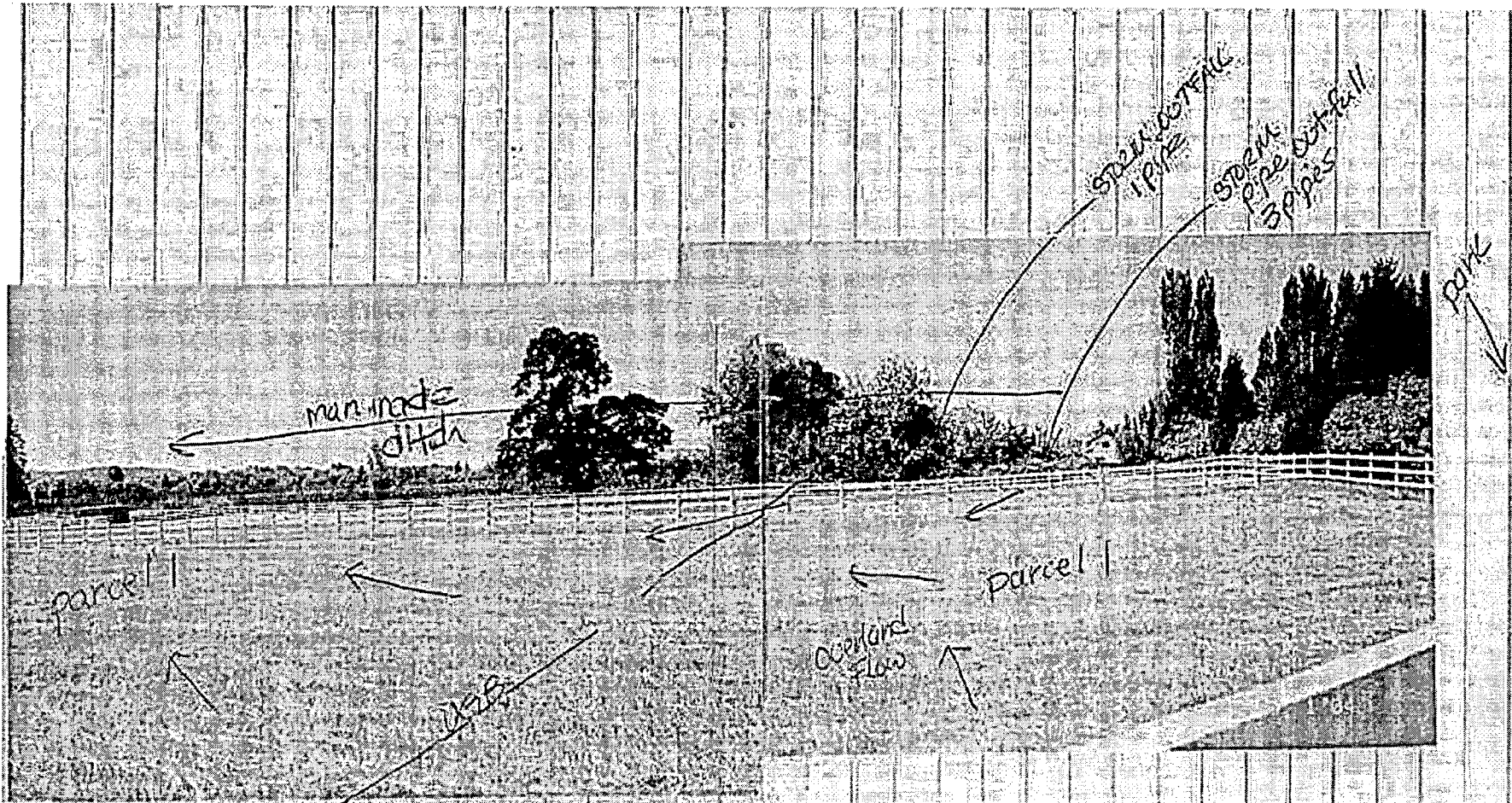


Photo © looking west, southwest

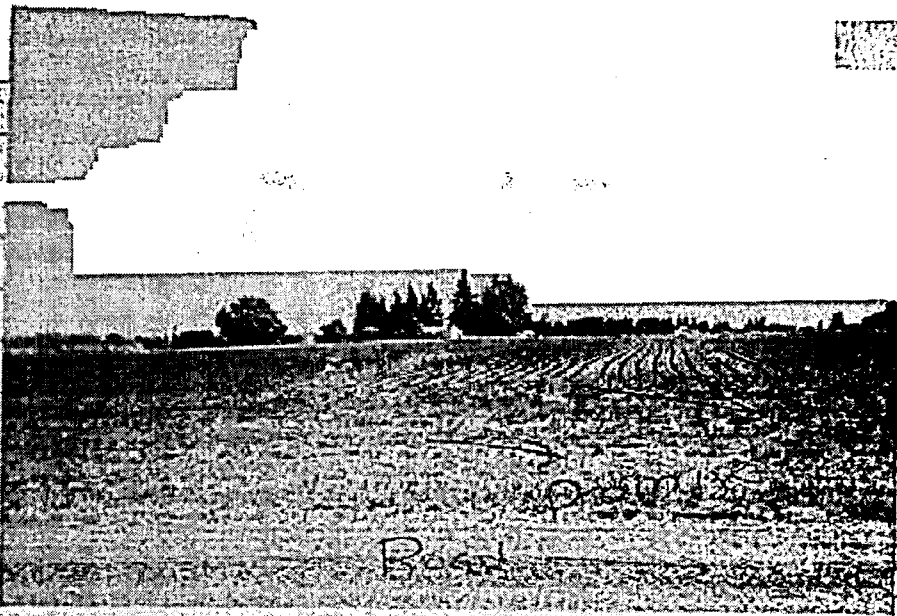
Gibson 965 500 Webb Rd Cornelius Or messag card #8

Site

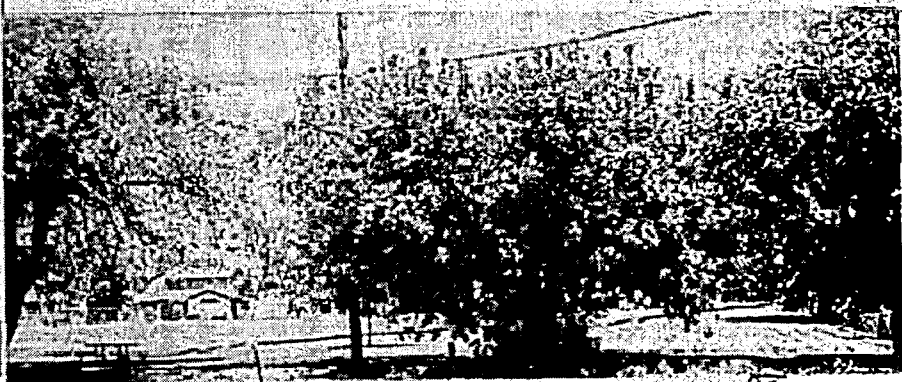
76

SSAG 1012 # 8

to (B)  
of filled  
in land  
& east of  
to A

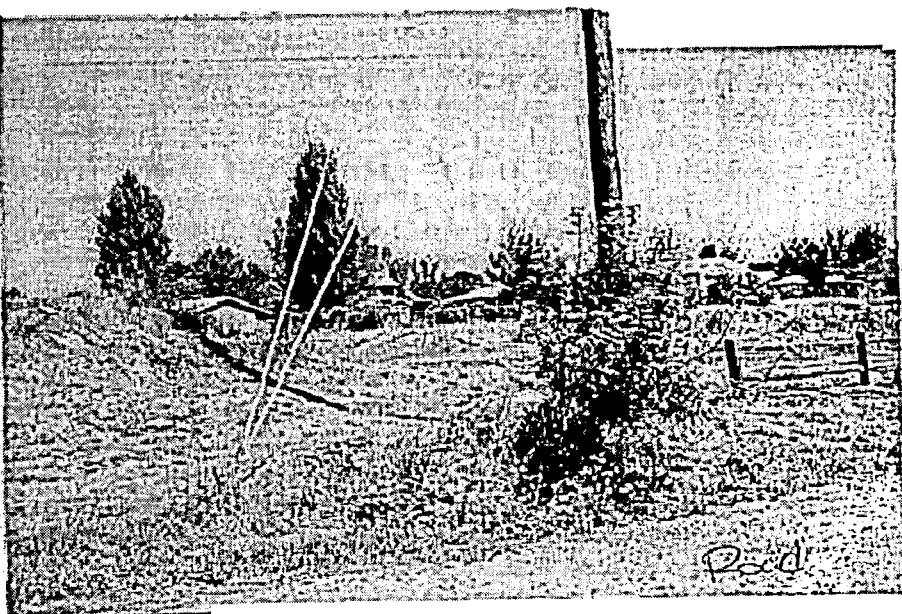


to (D)  
w of park  
King  
etc



13" Road ditch  
man made  
ditch

to (E)  
w of park  
King NjNE



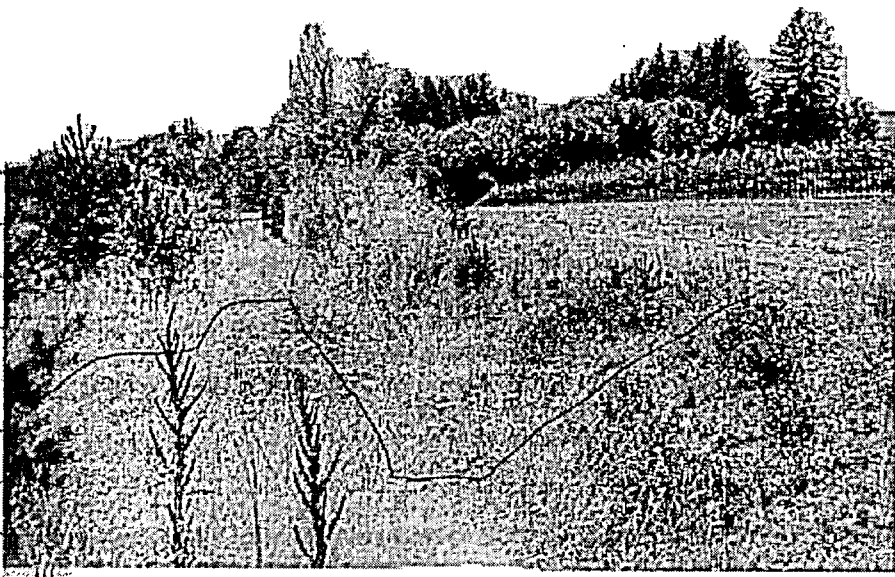


Photo (G) looking south at man made ditch  
taken from top of bank

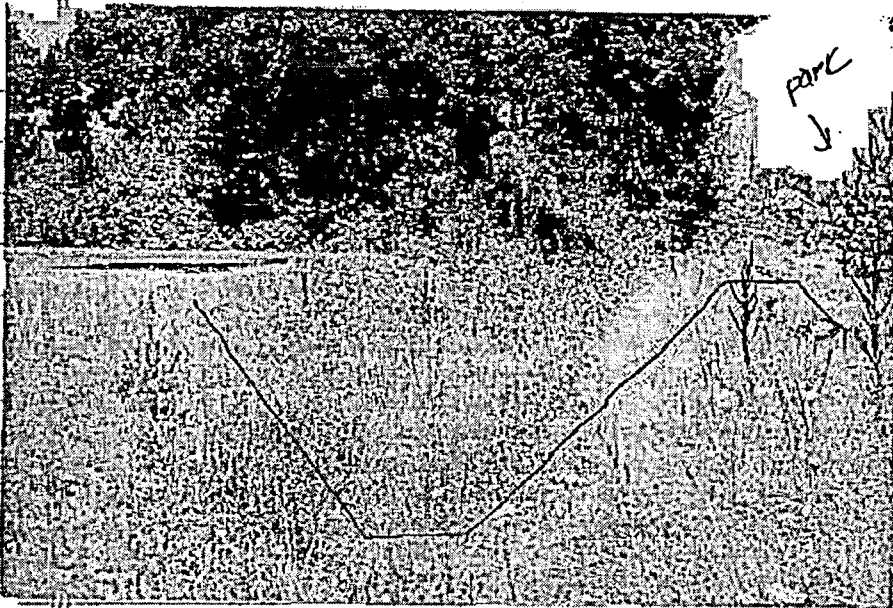


Photo (H) man made ditch looking North  
taken from top of bank

Address 965 SW Webb Cornelius OR.  
taped message card #8



Photo



looking N.E. from point 30'-40' from  
man made ditch

Gibson

965 SW Webb

Cornelius Or.

taped message card # 8



August 2, 2004

Tualatin Basin Natural Resources Coordinating Committee  
Washington County/ DLUT, Planning Division  
155 N. 1<sup>st</sup> Avenue, Suite 350-14  
Hillsboro, OR 97124

Dear Committee Members:

Thank you for the opportunity to comment on the progress being made by the Tualatin Basin Partners (TBP) on development of a Goal 5 program for the basin. The Port of Portland (Port) supports the work of the TBP and applauds the watershed approach to the Goal 5 program. Beyond the Allow-Limit-Prohibit program elements proposed for adoption on August 2nd, we look forward to working with your staff between now and December 2004 on the specific program regulations.

As a general aviation airport operator and property owner in Hillsboro, the Port has two specific concerns regarding the Tualatin Basin Goal 5 program under development which we look forward to working through as the program regulations are developed. The Port's interests and concerns primarily relate to the operation of the Portland Hillsboro Airport (HIO) and our obligation to support safe aircraft operations through the implementation of Federal Aviation Administration (FAA) regulations and guidance. This is particularly important with respect to hazardous wildlife attractants on and around the airport. The Port must work to minimize the likelihood of aircraft bird strikes, which can result in significant property damage and potential loss of life. The FAA requires the Port "take immediate measures to alleviate wildlife hazards whenever they are detected" including the "identification and location of features on and near the airport that attract wildlife." In addition, FAA guidance provides that caution should be exercised to ensure that land use practices on or near airports do not enhance the attractiveness of the area to hazardous wildlife.

During the upcoming months of work on the Goal 5 regulatory program, Port staff would like to work with your staff to provide specific information on Port wildlife hazard management issues, which should help to inform development of an appropriate wildlife habitat regulatory scheme for the airfield and in its vicinity. To ensure public safety in aircraft operations, we must be able to appropriately manage the natural resources in the environment of the airfield and ensure compatible land use planning in the surrounding area, under your Goal 5 program. We recently obtained a commitment from Metro Goal 5 staff to explore the special wildlife issues related to Portland International Airport and Troutdale Airport as part of their Goal 5 regulatory program development for the rest of the region.

As a regional agency, the Port has special needs and opportunities with respect to resource management. We are currently in the process of updating both the Hillsboro Airport Master Plan and undertaking a specific Wildlife Hazard Management