Comments received from April 6, 2004 through August 9, 2004 at 5:00 p.m.

(in alphabetical order)



Steve Kelley

From: Sent: To: Subject: Angela Brown Friday, June 18, 2004 9:02 AM Andrea Vannelli; Steve Kelley FW: Tualatin Basin Natural Resources Coordinating Committee

-----Original Message-----From: blaineackley@comcast.net [mailto:blaineackley@comcast.net] Sent: Thursday, June 17, 2004 7:31 PM To: lutplan@co.washington.or.us Cc: mclains@metro.dst.or.us Subject: Tualatin Basin Natural Resources Coordinating Committee

To whom it may concern:

We own land that has a riparian zone running through the property at the present time. I urge you to think carefully about the restrictions that you place on this land because of the present situation that we face. Often, your actions may have unintended consequences that can result in harming the very riparian resources that you intend to protect.

Our situation is that the open pasture lands adjacent to our property on the West and South sides have been sold to developers in order to beat the land restrictions you are presently debating. Our little two acre parcel will be surrounded by 43 homes at a density of 9 homes per acre.

Please remember that you will have another land use compensation measure on the November ballot. No one enjoys having someone else, especially a governmental body, telling them what to do and how to do it so there my be a backlash at the ballot box.

Finally, now that our immediate neighborhood will change for our lifetimes as we know it, please do not enact regulations that will only force us to sub-divide and leave our property as well.

Please think about what you are doing. Long term changes can mean a lifetime to many senior citizens.

Sincerely yours, Blaine C. Ackley Frances J. Beebe 655 NW 229th Ave. Hillsboro, OR 97124



WARREN W. ANEY CERTIFIED WILDLIFE BIOLOGIST, THE WILDLIFE SOCIETY CERTIFIED SENIOR ECOLOGIST, THE ECOLOGICAL SOCIETY OF AMERICA

RECE VED

3 August 2004

AUG 0 5 2004 PLANNING DIVISION Land Use & Transportation

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

Thank you for providing this opportunity for commenting on proposed programs to manage development effects on stream corridors, floodplains, wetlands, and upland forests of the Tualatin River Basin. In March I provided some comments on these issues and they are still relevant (see enclosed letter). At this time I would like to emphasize a few summary recommendations:

First, protect trees. Research indicates that trees have more beneficial effects on stream, watershed, and ecosystem health than any other single component in our urban landscape.

Second, provide an interconnected system of large, high quality wooded sites. Larger sites support more wildlife and plant diversity. Connecting corridors provide habitat and dispersal opportunities for all forms of wildlife and plants.

Third, where appropriate provide pathways where people can interact with and appreciate natural values. Granted, people and pets can interfere with and harass wildlife. But the more pathways you have, the more you disperse and minimize these human-induced effects.

Finally, and I may be mistaken, but I am under the impression that the decision-makers have not been given or have not developed a clear vision of what we are trying to achieve. We should all be asking ourselves, what do we want Washington County and Tualatin Valley to be like 20 years from now? We should be putting this vision into a consensus statement that everyone can see and everyone can use to evaluate how well we are doing in moving towards fulfilling that vision.

Warren W. Anev Senior Wildlife Ecologist

cc. Metro Council

9403 SW 74TH AVENUE • TIGARD, OREGON • 97223 PHONE: 503-246-8613 • FAX: 503-246-2605 • E-MAIL: aney@usa.net

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WARREN W. ANEY Certified Wildlife Biologist, The Wildlife Society Certified Senior Ecologist, The Ecological Society of Americ



29 March 2004

Re: Protecting Fish and Wildlife Habitat in the Tualatin Basin

I appreciate this opportunity to provide comments on proposed decisions regarding wildlife habitat protection in the Tualatin basin. These comments evolve from my perspective as a professionally certified senior wildlife ecologist with over 40 years experience, as well as my familiarity with the area as a resident of the Metzger neighborhood in Tigard.

Ecosystem values

Proper management of urban and suburban ecosystems can do much to protect or promote ecosystem health in Washington County metropolitan areas. A healthy ecosystem is characterized by diversity, stability, productivity, and resilience. These qualities are evident when there is an abundance and variety of native species, when the system supports and produces a constant variety of resources and values such as clean water and attractive landscapes, and when the system quickly bounces back from disturbance or change.

Healthy ecosystems provide a variety of important social and economic services. These include, but are not limited to, water retention and groundwater recharge, reduced flooding, higher quality surface water, and increased property values and quality of life due to attractive landscapes and nearby opportunities for outdoor recreation.

An unhealthy ecosystem is more typical of urban and suburban settings. This state of poor health is made evident in several ways, including domination by a few alien and invasive species, flashy streams with poor water quality, uninteresting and repetitive landscapes, and vulnerability to change with slow recovery from disturbance.

A number of scientific studies report a direct and positive relationship between ecosystem health and the size and quality of natural sites in urbanized areas. Many of these findings have recently been verified in the Portland metropolitan area through research and field data collection.¹ These direct and positive relationships include the following:

- Bird species diversity. Larger and higher quality wooded sites have a greater variety of native bird species, especially at-risk neotropical migrants² such as flycatchers, swallows, and warblers. Smaller and lower quality sites tend to have fewer native bird species and a greater abundance of non-native species such as European starlings and English house sparrows.
- Native plant diversity. Larger and higher quality wooded sites tend to have more native plants. Smaller and lower quality sites tend to have more non-native and invasive plants such as Himalayan blackberry, tansy ragwort, giant knotweed, and reed canary grass.
- Stream water quality. The amount of tree canopy influences the biological water quality of streams. That is, the more trees present in a watershed, especially along the stream, the

9403 SW 74TH AVENUE • TIGARD, OREGON • 97223 PHONE: 503-246-8613 • FAX: 503-246-2605 • E-MAIL: aney@usa.net

¹ Hennings, L. A., and D. W. Edge. 2003. Riparian bird community structure in Portland, Oregon: habitat, urbanization, and spatial scale patterns. *The Condor* 105:288-302.

² Neotropical migrants are species that breed in temperate areas such as Oregon and winter in tropical areas such as Mexico and Central America. Because of their vulnerability to habitat changes in both breeding and wintering areas, many of these species are at risk of becoming threatened or endangered.

higher the quality of the water in that stream in terms of biological indicators such as aquatic insects and native fishes.

These research findings emphasize the importance of protecting high value habitat and imposing some limits on the development of medium and lower value habitat. For example, it is important to protect trees as much as possible, even in lower value habitat. This research found that we can maintain or improve the quality of water in urban streams by keeping or adding trees near streams as well as throughout the watershed. It is also important to manage stormwater and control the amount of impervious surface, but trees appear to have the greatest effect on improving stream and water quality.

Recommendations

There needs to be concerted science-based effort to protect and develop healthy ecosystems and to monitor ecosystem health throughout the decision area. The proposed Tualatin Basin Partners for Natural Areas program appears to be headed in that direction, particularly if it adheres to or incorporates these generalized suggestions:

- Higher value habitats should be large, well-distributed, and interconnected so as to retain their value as healthy ecosystems.
- Medium and lower value habitats should be protected and developed when needed to help provide an adequate level of habitat distribution and connectivity.

Even if a site is given only limited protection, trees should be protected or introduced as much as possible.

- Managing entities should consult with experts to design effective minimization, mitigation
 and monitoring programs, both on a neighborhood basis and on a project-by-project basis.
 Even under intense development, well-designed programs could partially ameliorate losses
 to fish and wildlife habitat quantity and quality and also collect information on the scope
 and effect of these programs.
- The effects of any adopted habitat protection program need to be evaluated over time so as to collect information on the scope and effect of these programs. In this way we can learn and improve during the process of implementation.

Warren W. Aney Senior Wildlife Ecologist

Angela Brown

From: Sent: To: Subject: Scott Ashcom [ashcoms@msn.com] Monday, August 09, 2004 10:17 AM lutplan@co.washington.or.us Goal 5 ESEE Analysis Testimony



OAA Washington County Goal 5.d...

9 August 2004

To: Andrea Vannelli From: Scott Ashcom Oregon Agricultural Alliance

Andrea:

Please enter the attached testimony into the record on the

Goal 5 proceeding. Thank you.

Don't just search. Find. Check out the new MSN Search! http://search.msn.click-url.com/go/onm00200636ave/direct/01/

OAA Oregon Agricultural Alliance

PO Box 4323, Portland, OR 97208 503-524-5174, Fax-503-524-5567 ashcoms@msn.com

4 August 2004

Tualatin Basin Natural Resources Coordinating Committee Washington County Department of Land Conservation & Transportation Planning Division, 155 N. 1st Avenue, Suite 350-14 Hillsboro, OR 97124

RE: Testimony of the Oregon Agricultural Alliance Concerning Recommendations of the Tualatin Basin Steering Committee for Goal 5

Thank you for the opportunity to comment on the recommendations of the Tualatin Basin Goal 5 Steering Committee and staff report. The Oregon Agricultural Alliance is a general farm organization representing farmers, nurseries, ranches, and agribusiness statewide. We have members in the Tualatin Basin who may be impacted by adoption of a Resolution and Order in this matter. We ask that these comments be entered into the record of proceeding.

Washington County Was Found in Compliance with Goal 5 in its Initial Acknowledgement by the Land Conservation and Development Commission

After a halting start at compliance with the LCDC's Goals and Guidelines, resulting in an enforcement order, Washington County was acknowledged in compliance with the Goals and Guidelines of the Land Conservation & Development Commission in the mid-1980s. Washington County was acknowledged in compliance with all LCDC Goals & Guidelines, including Goal 5. Changes in LCDCs Goal 5 administrative rules made in 1996 were of a minor, housekeeping nature. Washington County is still in compliance with those rules. There is no need to revise county policies or ordinances in any manner to assure compliance with LCDC Goal 5.

Commission Resolutions and Orders to Implement the Proposed Goal 5 Program Recommendations are Pre-mature and should Be Deferred Until After Metro's Goal 5 Program is Approved by LCDC

The Partners for Natural Places is a collaborative effort involving government agencies in Washington County and Metro. To adopt by resolution and order the recommendations of the Partners for Natural Places would be to attempt to commit Metro to adoption of Washington County regulations and fees as part of Metros Goal 5 Regional Habitat Protection Program. While this may be lawful, it is not advisable. The <u>Tualatin Basin Goal 5 Program Report</u> recommendations are a "preliminary draft." Moreover, the recommendations, which include sweeping new regulations and fees, come from a Natural Resources Advisory Committee and a Goal 5 Steering Committee with no citizen members from the regulated community. The Coordinating Committee recommendations should be reviewed by a citizen advisory committee.

Washington County Should Appoint a Citizen Advisory Committee to Review Recommendations of the Coordinating Committee Prior to Any Commission Resolution and Order

The public involvement effort by *Partners for Natural Places* was not adequate for a program with such sweeping and costly proposals. It appears that public involvement in development of the Program Report was limited to twelve hours of public workshops and a two hour public hearing. The regulated community should be involved in developing the regulations, not simply informed of them in the process of their adoption. Goals and Guidelines of the Land Conservation and Development Commission require it. Washington County should immediately appoint a citizen advisory committee with broad representation from the regulated community to review all recommendations of the Tualatin Basin Natural Resources Coordinating Committee and Tualatin Basin Steering Committee prior to any recommendations being forwarded to the County Commission for adoption.

Summary of Recommendations to the Washington County Commission in this Proceeding

Washington County is now in compliance with LCDC Goal 5. The Draft Program to Implement the Tualatin Basin Goal 5/ Natural Resources Draft ESEE for significant Riparian Corridor and Wildlife Habitat is proposed to assist Metro in its Goal 5 planning efforts. New regulations and fees to be imposed upon land owners in Washington County are proposed. Such proposals should be considered by a public citizen advisory committee including members of the regulated community of landowners before adoption by the county.

Washington County should immediately appoint a citizen advisory committee to review recommendations of the Natural Resources Coordinating Committee and Tualatin Basin Steering Committee. No recommendations should be forwarded to the commission for adoption which do not include recommendations from a citizens advisory committee on Goal 5. The Commission should adopt no Resolution and Order regarding a Goal 5 program to be forwarded to Metro until citizens advisory committee review recommendations have been received. Metro needs no Resolution and Order from Washington County to implement a Goal 5 planning program from Washington County. Any county Resolution and Order in this proceeding should be adopted only after LCDC has approved Metro's Goal 5 Program, currently in development.

Respectfully submitted,

Scott Ashcom Executive Director

cc: Washington County Commission



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."¹

2.) Improve "habitat health within each of the Region's 27 hydrologic units including the eleven hydrologic units inside the Tualatin basin."²

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).

¹ Metro Goal 5 Vision Statement.

² 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 that does not address environmental needs many wildlife species and fails to systematically address cumulative effects of habitat loss and degradations 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 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.

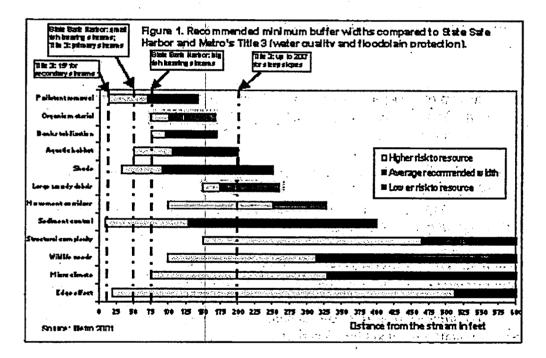


Figure 1 (above) form Metro's Local Plan Analysis compares the minimum riparian buffer widths recommended in the scientific literature (Metro 2002) to the riparian corridor widths provided by Metro's Title 3 water quality regulations and the State Goal 5 Safe Harbor. The protections in Title 3's primary 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.

Clearwater 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 provided a wider corridor. In these areas, 50-foot riparian buffers leave key stream reaches vulnerable to loss of remaining riparian trees (the existing or enhanced riparian buffer) from flood and wind throw disturbance. 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 (50 feet buffers) are not likely to persist overtime due to patterns of 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 protection zone (p-zone) requires a maximum disturbance zone 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.

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.

Cited:

American Forests. 2001. Regional ecosystem analysis for the Willamette/Lower Columbia region of northwestern Oregon and southwestern Washington State. pp. 21

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Hennings, L.A., and Edge, W. D. 2003. Riparian Bird Community Structure in Portland, Oregon: Habitat, Urbanization, and Spatial Scale Patterns. The Condor 105: 28-302.

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Metro. 2002. Technical Report for Goal 5. Portland, OR. pp. 176.

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May, C. and Horner, R. 1998. Watershed Urbanization and the Decline of Salmon in the Puget Sound Streams. In: <u>Proceedings from the 1998 Salmon in the City Conference</u>, Mount Vernon, Washington, pp. 19-40.

ROBERT AND PATRICIA BAILEY 7455 N W HELVETIA ROAD HILLSBORO, OREGON 97124

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AUG 0 2 2004 PLANNING DIVISION Land Use & Transportation

July 29, 2004

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

Public Written Testimony

Coordinating Committee,

Metro recently completed their industrial lands survey. They included acreage in Helvetia, north of Hillsboro. That decision is now under appeal by several parties in the Helvetia area, including us. One of our objections to the Metro assessment process is that it overlooked the amount of effected flood plain that Gulch Creek involves, between N W West Union Road, parallel N W Helvetia Road, and then south as it crosses west under N W Helvetia Road then crosses under the Sunset Highway. From there, it joins Weibel Creek, which in turn is a tributary of the McKay Creek.

We submitted photographic testimony of the flood of 1996. The expanse was over 100 yards wide at Helvetia and Pubols Road intersection. Likewise at Helvetia and Schaaf Road intersection. It broadened to 200 yards as it developed a holding pond north of Groveland Road and as it backed up because of the low flow under the Sunset Highway.

Gulch Creek drains the Helvetia Highlands and multiple farmers aim their drain tiling toward Gulch Creek. Any disruption downstream would have flood impact and potentially create obstacles to the proper drainage of agricultural lands to its north, west, and east.

Gulch Creek is frequented by waterfowl, heron, migratory birds, amphibians, beaver, and has been habitat for small fish and crawdad. Cutthroat trout were last in it about 30 years ago and before much of the riparian vegetation was cut back and the creek "ditched".

Please work to include protection of Gulch Creek.

Respectfully. - Patrice Barley Robert and Patricia Bailey X

Laura Taylor

From:	Oregonrealestate@cs.com
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Sent: Friday, August 06, 2004 11:34 AM

To: Laura_Taylor@co.washington.or.us; Angela_Brown@co.washington.or.us

Subject: Mapping Adjustment to Allow for Riverhouse Approval AR-03-18 & CWS File #2947 [GFI-T8489-4119118F610A8377]

To whom it may concern,

I have attached letter and Tax Map as a request to continue the map correction to all parts of Tax Lots# 1301 & 1400, Map 2S124BC, Washington County, Oregon in order to reflect approved development of a 210 unit congregate care and assisted living facility adjacent to the Tualatin Senior Center. Correct Project Boundaries of Tualatin Architectual Review Decision# AR-03-18 and Clean Water Services Service Provider Letter# 2947 need to be reflected in your Mapping by including all of Tax Lot# 1301 & 1400.

Again, see letter and tax map attached.

Sincerely,

Rich Baranzano Owner

RIVERHOUSE Richard and Ronald Baranzano P.O.Box 505 18615-18645 SW Boones Ferry Road Tualatin, Oregon 97062 E-mail: Oregonrealestate@cs.com

RECEIVED AUG 0 9 2004

August 9, 2004

Laura S. Taylor Tualatin Basin Natural Resource Coordinating Committee Washington County/DLUT 155 N. 1st Avenue, Suite 350-14 Hillsboro, Oregon 97124

RE: "Riverhouse", 2S124BC Tax Lots 1400 and 1301

Dear Laura:

For your records and as part of Present Review, I am attaching the fifty nine(59) page Justification, Dated June 20, 2003 that accompanied our Submittal to Clean Water Services resulting in our award of Clean Water Service Provider Letter, File# 2947 [GFI-T8489-4119118F610A8377]. Also attached is the Two(2) page transmittal previously e-mailed and faxed to your office requesting mapping adjustments that will outline the sound siting of our project that together with enabling administrative rules, will allow our Project to go forward in a consistent manner.

Again, this project is an economically important, socially significant, environmentally sound and energy efficient development. It is adjacent to bus lines, the Senior Center and in the center of Tualatin's Core Urban Renewal Area.

Respectfully. Richard A. Baranzano Owner

PAGE 1 OF 63

ATTENTION: LAURA

7 AY LON UAGE 10F2 VIA FAX 563-846-4412

RIVERHOUSE Richard and Ronald Baranzano P.O.Box 505 18615-18645 SW Boones Ferry Road Tualatin, Oregon 97062 E-mail: <u>Oregonrealestate@cs.com</u>

August 5, 2004

123.

Sent Via e-mail: <u>lutplan@co.washington.or.us</u>, <u>Laura Taylor@co.washington.or.us</u>, <u>shopkins@ci.tualatin.or.us</u> ALSO SENT VIA FAX: 503.846.4530

Tualatin Basin Natural Resource Coordinating Committee Washington County/DLUT 155 N. 1st Avenue, Suite 350-14 Hillsboro, Oregon 97124

RE: Riverhouse, 2S 1 24BC Tax Lots 1400 and 1301

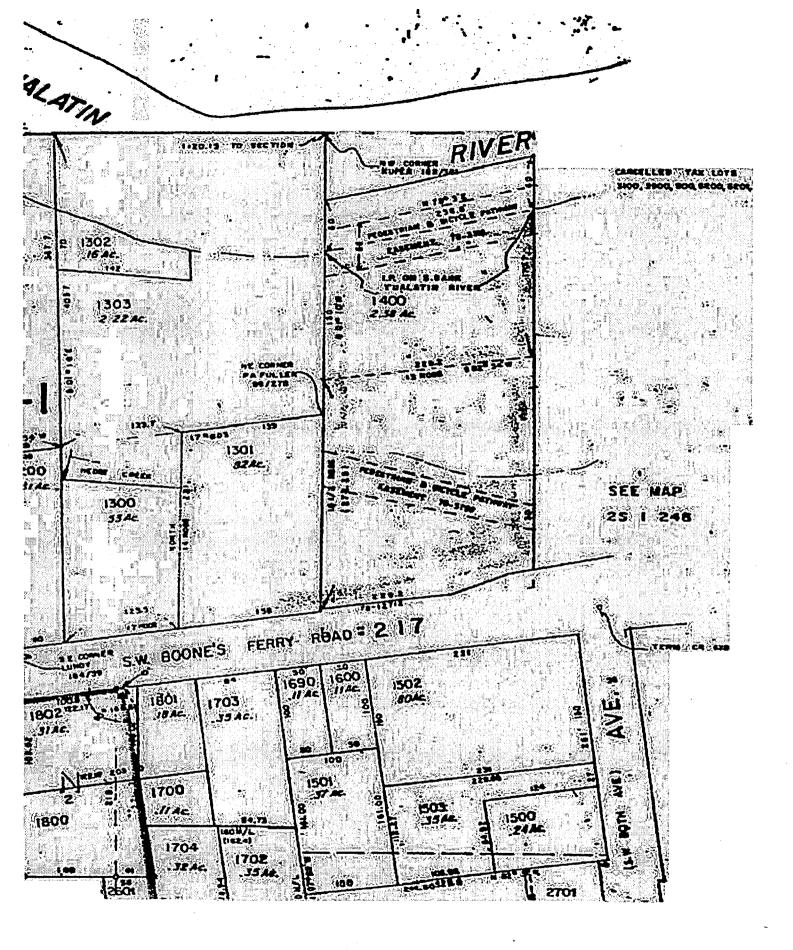
To Whom It May Concern:

Architectural Review Decision# AR-03-18 approved the development of a 210-unit congregate care and assisted living on a 3.11 acre property (see tax lots listed above). These tax lots are between the Tualatin River on the north and SW Boones Ferry road on the south. As a condition and prior to this approval, applicant was granted Service Provider Letter, File# 2947, by Clean Water Services. However, OAR 411-056-0007 places a Licensing Moratorium on assisted living facilities until 2005, so construction will not be able to begin for at least a year.

City of Tualatin staff has indicated that the ESEE mapping needs to be updated to reflect this approval. In fact, staff did submit, and received a mapping adjustment for this property. Unfortunately, the correction was not carried forward on all parts of the tax lots in question(see Tax Lots# 1301 & 1400, Map 2S124BC, Washington County attached, for the purpose of clarifying Riverhouse Project Location and Tax Lot boundaries). Please accept this letter as a request to continue the map correction on all parts of the tax lots listed above.

This project is an economically important, socially significant, environmentally sound and energy efficient development. It is adjacent to bus lines, the Senior Center and in the center of Tualatin's Core Urban Renewal Area. Please correct the map to allow this development to move forward.

Respectfully, Richard A. Baranzano



Richard Avery Baranzano, Property Owner Heidi Berg, Site Assessment Coordinator, Clean Water Services June 20. 2003



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RIVER HOUSE AT COMMONS HARBOR TUALATIN, OREGON

C

Heidi Berg, Site Assessment Coordinator Clean Water Services 155 N First Avenue, Suite 270 Hillsboro, Oregon 97124

June 20, 2003

Richard A. Baranzano Box 505 18615-45 SW Boones Ferry Road Tualatin, Oregon 97062

Dear Heidi,

The purpose of this submittal is to establish the uniqueness of this Subject Site(aerial & location maps attached, 3 pages) within a significant Urban Infrastructure and to establish valid justifications for encouraging the environmentally sound and viable development of this highly significant and unique Downtown Tualatin Development Site. Also, to all concerned, our hope is for this proposal to reflect our ongoing planning and development presence in the center of the most carefully planned suburban community(attached article reprinted from Urban Land, 4 pages) in the Portland Region and Possibly the entire Pacific Northwest. Although we are the largest remaining Site and the only Riverfront Site in the Downtown Tualatin Core Area guided by the Central Tualatin Concept Plan(see attachment, 1 page) and Core Area Parking District(see attachment, 5 pages), present setbacks required by Clean Water Services shrink our Site and present a significant challenge to the viable development of our Site. We cannot provide the necessary spectrum of retirement care from congregate care to assisted living without the size of project and the number of units that we are proposing. It was originally the hope that a rich mix of uses would create a vital core for the City of Tualatin. We are now presenting that opportunity.

It is important to note that as the population of Washington County grew by 181% between 1980 and 2000 and the population of Tualatin grew by 306%, Tualatin's population in the 45-64 age group, during this same time period, grew by 553% ! (see attachment, 1 page)

In response to this aging population, Tualatin has developed into a major medical center hosting Meridian Park Hospital(see attachments, 4 pages), a regional Kaiser Medical Clinic, Health First Medical Group and 5 other major health care providers.

Twenty-eight years ago, the City of Tualatin formed their Downtown Urban Renewal Area(see attachment, 1 page). Several years later, the Core Area Parking District was defined and established. The Core Area Parking District is a 17 acre area in the Center of Tualatin's Urban Renewal District. The central hub of this area is the \$ 30,000,000 Tualatin Commons-a mixed use development of shops, restaurants, offices, a hotel, and residences. Elements of the Commons have won the "Governor's Livability Award" (see attachment, 1 page) for Excellence in Planning and the Project is nationally recognized as a shining example of suburban planning within an existing downtown.

The Legal Justification and the underlying Bonding Basis for the Commons relied on the submittal of documents that claimed that such a large public expenditure would be justified due to the fact that such a Project would create a ripple effect by providing a catalyst for new development in the Core area immediately surrounding the Project. Our Subject 3+ acre Riverfront Development Site, by far the largest undeveloped Site in the Core Area, represents this Promise. As yet, the Legal and Bonding Justification requiring the creation of viable surrounding development remains largely unfulfilled.

In 1978, as a requirement of development of Subject Site, the City of Tualatin required two easement dedications for greenways(see Exhibit "A" attached, 4 pages), one along Hedges Creek and the other along the Tualatin River. We were one of the first Tualatin property owners required to make such a dedication. Shortly afterward, we were Permitted and placed engineered and compacted rock fill on the property bringing more of the Site above the 100 year flood-plane. We have actively planned a Two Phase Project. Phase I will be on the Tualatin Riverfront and Phase II will be fronting Boones Ferry Road. Some services will be shared between both buildings. During the peak of the 1996 flood, the riverfront Site remained above the floodwaters.

Careful planning has been ongoing for twenty-eight years, Tualatin has a regional and national reputation for doing everything they can to be pro-active in their planning. Our concepts should continue to command a leadership role and the existing infrastructure has set the stage for a complete downtown. A significant Mixed-Use Senior Housing Project is now being proposed on the only Site that could allow and encourage the elderly a practical ambulatory access to the Senior Center and its provided public services. Please assist in enabling this refreshing endeavor.

Respectfully,

Richard Averv Baranzano

PURPOSE OF PROPOSAL

It is generally recognized that citizens in the 58 years of age and older category represent one of the fastest growing segments of our society. The primary market response to this growing need has been to provide a variety of housing types and services for persons in the higher income brackets, ranging from full life care facilities (medical, meals, recreation, and housekeeping) and nursing homes to congregate housing (meals, housekeeping but not medical), and assisted living (meals and limited medical assistance). These various facilities are represented in Tualatin and throughout the greater Portland area. With each additional level of service, whether it is meals, transportation, housekeeping, medical assistance or medical facilities, an additional cost factor is added which must be absorbed by the occupant, either through higher rents or higher initial fixed payments, or both. As a result, these facilities, for the most part, tend to provide too many services before they are needed and are unnecessarily costly. At the other end of the spectrum are a limited number of facilities which have been subsidized under various government programs designed to serve those in the lowest income ranges.

There is little being provided for citizens over 58 who fall in the middle to higher income ranges who desire some of the amenities but not all of the services and attendant costs associated with senior housing. For instance, there are a growing number of single woman, either widowed, divorced or never married, who are in good health and prefer to take care of themselves, but at the same time do not want to live alone. They prefer a more secure environment than the typical garden apartment complex, dietary offerings, and the companionship and social contact with others in their same age range. Similarly, there are couples with grown children who are looking for a simpler life style with many of the amenities of elderly housing that provide the necessary support for at least one spouse. We believe that this is a niche in the market place that needs to be filled.

Our intent is to provide quality senior housing next to the Tualatin Senior Center at this truly unique location for persons desirous and capable of independent living with many of the amenities, such as security, recreation, social programs, attractive grounds within a park system adjacent to this regional Senior Center along with the full complement of urban services and transportation, but without medical services and at a rent level that is actually more affordable and convenient than living alone in owner-occupied housing. Similar complexes, accessible to fewer services have been built in the San Francisco Bay area and are quite successful. This will be one of the first facilities of this kind in Portland immersed within a public facility infrastructure within a traditional downtown to be built on Commercially Zoned Property.

DEMOGRAPHICS

The demographics for that segment of the senior population we anticipate will be attracted to Phase I of the development along the Tualatin River will be somewhat different than the other forms of senior housing. The average entry age will be lower; probably about 74. Woman will most likely make up 70% of the community, single men 15% and couples 10%. Residents on the whole will be healthier and ambulatory in order to enjoy an independent lifestyle. Most will be moving from no more than 10 or 15 miles away.

PROJECT SITE

Tualatin has become Southern Portland's' Regional Service Center. The Proposed River House Site is located on 3 acres on Central Commercial Zoned Property within the 17 acre Core Area Parking District Urban Renewal Area. The Commons and surrounding property within the Parking District, including Subject, have a residential overlay allowing housing as outright-use. We feel that the only way to truly maximize services to ambulatory seniors would be to locate such housing on highly valued commercial property complimented by existing service infrastructure.

SERVICES AND PUBLIC FACILITY INFRASTRUCTURE NEARBY

ADJACENT and ACROSS BOONES FERRY ROAD – Tualatin/ Durham Senior Center(8,500 sq.ft.- complimentary lunch 5 days/week7 & see attachments, 11 pages), Tualatin Community Park(27.11 acres- Community Center[see attachment, 2 pages], Westside YMCA[see attachment, 1 page], jogging, tennis, Community Park Fitness walk[see attachment, 1 page], nature trails), Tualatin Public Library(see attachment, 7 pages) and City Hall, Core Area Public Parking Facilities

WITHIN 400 FEET - Regional Tri-Met Transportation (Express Bus to Downtown Portland, Buses to: Washington Square, Lake Oswego, Tualatin, Tigard and Barber Blvd. Transit Centers Tualatin's' Meridian Park Hospital and Medical Offices), Additional Public Parking, Restaurants, Hotel, Banks in and around Tualatin Commons(19 acre mixed use development - 1/3 mile promenade around lake for walking and with fountain plaza entertainment area, sitting areas, drinking fountains and contemplative areas, see attachments, 2 pages)

WITHIN 650 FEET - Convenience Store, K-Mart, Liquor Store, additional Restaurants, additional Banks, Print Shop, Doctors' Offices, Dentists, Insurance, Accounting, Travel Agencies, Flower Shop, Dry Cleaner, Fast Foods, Fine Restaurants. Also, impending Passenger Rail Service West of Site (see attachments, 5 pages)

WALKING DISTANCE -Fred Meyers, Hagen's' Supermarket, Kaiser Clinic and, Sport Nation.

UTILITY SERVICES INFRASTRUCTURE

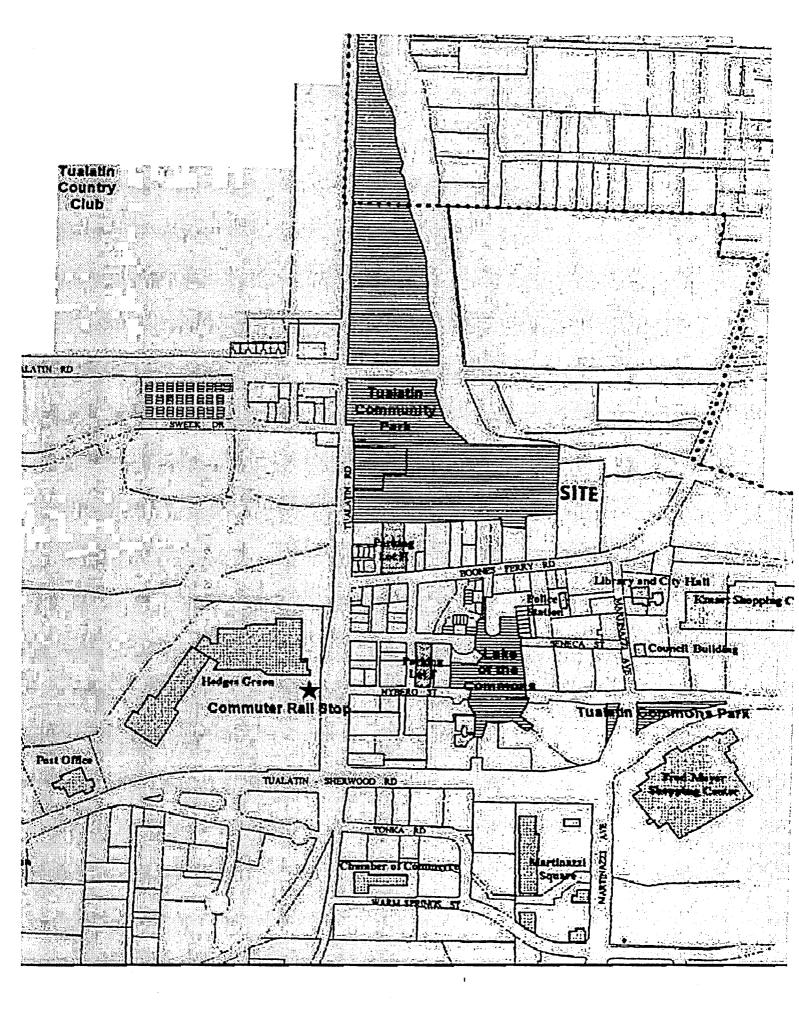
Sewer trunk-line upgraded in size and rebuild as gravity sewer. 8" Lateral constructed North across Hedges Creek to serve Phase I of Project. The Tualatin Urban Renewal Agency will be constructing a new Half-street improvement and building us access from the Northern Leg of a four-way intersection , 12' sidewalk with tree-wells, permanent road crossing refuges, undergrounding of utilities and the creation a new intersection serving the Site all along the entire Boones Ferry Road frontage of the Project. A 10" water line lateral connects to main line with t-valve under Boones Ferry Road with lateral entering Project Site at mid-point of Road frontage at Phase II Project Site. Phase I may be connected directly to Senior Center, Tualatin Community Park Recreation Facilities, emergency fire access and 8" water line.

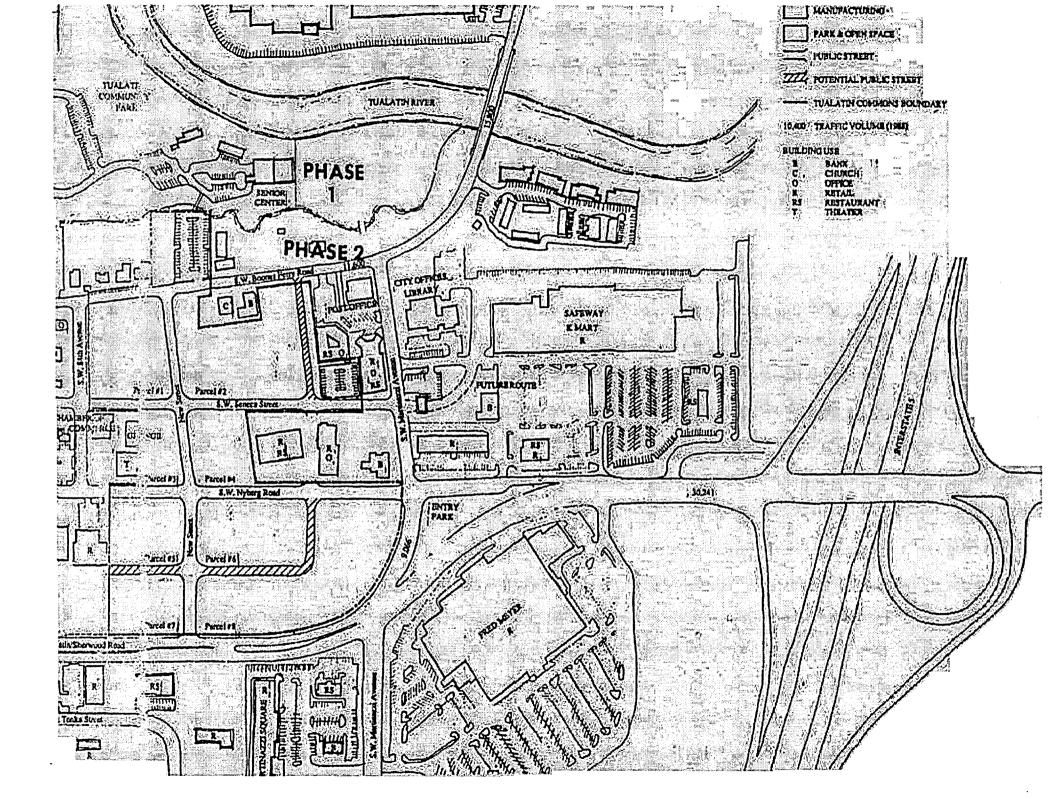
PROJECT

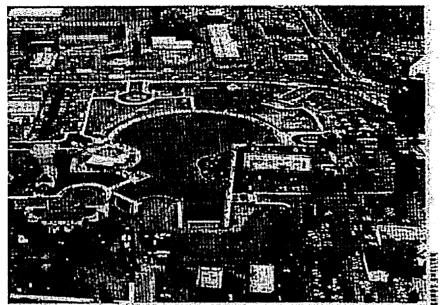
The Project will probably proceed in two Phases. Phase I will consist of approximately 115 Senior Living Units and will be located on the Tualatin River adjacent to the Senior Center. Phase II will consist of approximately 100 Senior or Assisted Living Units and will be located on Boones Ferry Road South of Phase I. Final number of Units and Senior housing mix to be determined.

MARKET LITERATURE ON AGING

The older population is itself getting older. In 1994 the 65-74 age group(18.7 million) was eight times larger than in 1900, but the 75-84 group(10.9 million) was 14 times larger and the 85+ group(3.5 million) was 28 times larger(A Profile of Older Americans:1995, AARP&AoA). We have found that 9 percent of people aged 65 to 69 need help with any personal care; 45 percent of people aged 85 and older (2.6 women for every man) need help. Also, of the 20.8 Million households headed by older persons in 1994, 78% were owners (Myths of An Aging America, Longino 1994). The River House will provide a safe, yet convenient, reasonable and attractive market driven alternative for the large population of aging independent females who are finding increasing difficulty in living alone in their own homes.







Tualatin Commons

DAVE LELAND

A public/private development creates a city center and an identity for a suburban community, population 17,000 and growing.

Reprinted from Urban Land, published by ULI-the Urban Land Institute, 625 Indiana Avenue, N.W., Washington, DC 20004.

he city of Tualatin, Oregon, was in the same boat as many rapidly growing suburban communities. With a strong employment base of technology and industrial parks, the city had doubled in size in a decade, and the continuous arrival of new residents from California and beyond was keeping up the growth rate. Located just south of Portland, Tualatin lacked a strong identity of its own and was in danger of becoming simply an ordinary suburb-that is, until a combination of circumstances and vision and hard work led to a solution: the development of a central place, a downtown, a civic "living room" on a 19-acre site. This new city center has given Tualatin a unique and positive identity. Its realization testifies to the power of a true public/private partnership.

Evolution of an Opportunity

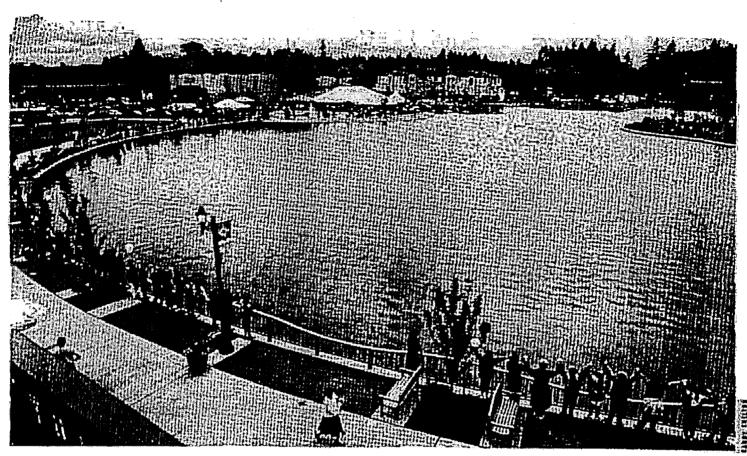
In 1975, Tualatin established a redevelopment district at its center. The aim was to encourage the development of a village-scale downtown through infrastructure improvements and other incentives. Increased urban renewal tax revenues would pay the cost of the city's investment. Soon tax increment revenues began to materialize from suburban retail development and to accrue in excess of the redevelopment district's bonded debt service.

In 1985, the city's redevelopment agency, the Tualatin Development Commission, resolved to acquire land at a prime location in the middle of downtown. The purchases, totaling 19 acres, took place in a series of transactions from 1985 through 1987. Most of the land was undeveloped, but in a few cases buildings were acquired and demolished. The most significant parcel was the Hervin pet food factory, which occupied a prominent position (geographically, visually, and aromatically) in the center of town. The development district's tax increment reserve account enabled the development commission to set aside the funds for developing the site without incurring additional bonded indebtedness.

At first, the development commission sought a retail development for the property. But poor economic conditions in the 1980s and the arrival on the retail scene of big-box retailers and power centers conspired against this use. Tualatin could not attract the prime tenants necessary to trigger the proposed retail center within the development commission's mandates for a pedestrian-oriented city center.

By the early 1990s, commercial vacancies were low in the downtown area, but new development was not occurring. Interest in proceeding with the development of the 19-acre site was high.

But, after two failed attempts by major developers to carry through with the projects on the site, the city was a bit hesitant. It decided to take the matter to the general public. A forum was held in which the development commission asked community residents what they wanted in their city center. Ten ob-



This manmade lake turned a centrally located 100-year floodplain into a focal point of Tualatin's downtown. The mixed-use project's landscaped plazas and esplanade emphasize its pedestrian orientation.

Ten objectives emerged. These became the basis for guiding development of the property. The development goals for this site, said most citizens, should be:

• a strong civic focus, through the use of public facilities and spaces;

• a traditional downtown, achieved through the encouragement of diverse, private development;

- good pedestrian and vehicular circulation;
- day and night uses;

• a strong visual presence at major entrances to downtown;

 an improved economic climate for downtown businesses;

convenient and adequate parking;

 links to nearby retail, civic, and recreation uses and to the city park a block away;

- a downtown built for the long term (50+ years); and
- retention of downtown's retail market share.

The public was saying, "We do not want another strip mall. We want a blend of public and private uses a special place." Rapidly growing suburban communities usually lose the opportunity to create a significant town center quite early in the city's development. Tualatin's citizens did not want to lose their chance.

Project Feasibility

In 1992, the time was right. The market was improving. The development commission had money in reserve for implementation. Local officials were eager to make something special happen. Most city residents favored the idea of developing a pedestrianoriented central place.

A feasible development based on market realities would require a marriage of citizen objectives with sound real estate principles. The development commission hired a consulting firm, Leland Consulting Group, to recommend options for the property and manage the process. The consultant's initial assessment noted that although parts of the property had high visibility and good access to strong traffic volumes, the back part of the property was weak. Also, the site would need to be filled as it was virtually entirely within the 100-year floodplain.

Leland Consulting also observed that the city was nervous about negotiating for an extended period of time with a master developer who might tie up the property for a year or more. The window of opportunity was small, mainly because of the politics involved, and there was pressure to produce results quickly.

Leland recommended a mixed-use, public/private urban development that would enhance the downtown area and not compete with existing uses. In an effort to reduce costs and create value, Leland further recommended digging a lake in the center of the site and using the dirt from the excavation to elevate building pads above the 100-year floodplain. The lake would create a ring of value around the entire site, including the weaker back part of the property. The city's provision of an esplanade and landscaped public spaces in the middle of the downtown would also add significant value to adjacent real estate.

To spare the development commission the concerns of dealing again with a single large developer, Leland recommended that the commission function as the land developer and define a series of small, bite-sized projects that could be tackled by small- or medium-sized developers.

With the enthusiastic support of the development commission and the city's Urban Renewal Advisory Committee, a technical design team was put together to develop further plans. Key members were Leland Consulting Group (project managers and real estate economists), Stastny Architecture (architects and urban designers), and Walker & Macy (landscape architects and planners). Harper Righellis (civil engineers), Geotechnical Resources (soil scientists), SRL/ Shapiro (lake biologists), and Lane Advertising & Public Relations (marketing and communications specialists) also played major roles.

Initial studies showed that a public investment of \$5 million

(not including the cost of the land assembled years ago) would be needed. (This figure compared favorably with the \$11 million in public investment requirements estimated for previous plans.) About half of this investment could be recovered through land sales.

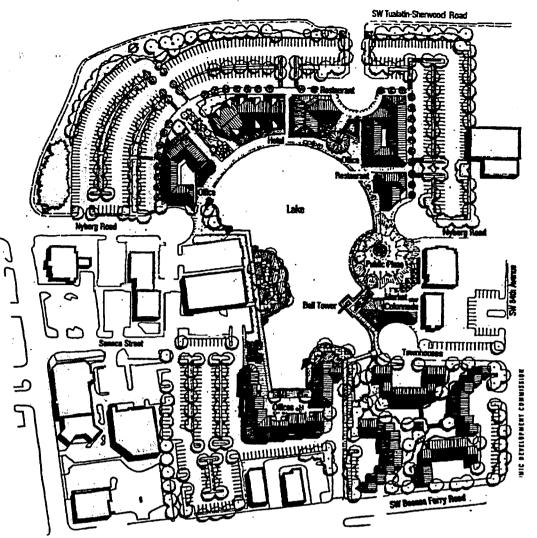
In its endorsement of the preliminary plan in July 1992, the development commission established several ground rules:

• Three of the seven development parcels had to be committed before construction of the lake would start.

- The public sector's construction budgets for public improvements could not exceed \$5 million.
- Construction had to commence by the summer
- of 1993.

The consulting team drew up a fast-track schedule and performed detailed studies. The market study was refined, and seven parcels around the lake were delineated for private development. The project was ready to present to the public.

Lane Advertising & Public Relations led the campaign to keep the public informed and to assess community attitudes. A small but vocal faction in the community opposed the project because it believed the public sector should not be involved in development. But most of the community was sup-



portive. Lane prepared a slide show demonstrating how the lake design met the criteria of the original citizens' goal statement and presented it widely. Key decision makers in the community were contacted and their concerns incorporated into the project plans. A continuous flow of press releases, a press kit, media interviews, flyers, a poster contest for elementary school children, and stories in the city's newsletter kept the public informed. A motto for the project—the "heart of a great city"—was chosen.

The Development Program

The distinguishing features of projects developed around the lake were to be their urban scale, their urban form, and their pedestrian orientation. Tualatin Commons would not look like any other business area in Tualatin or like any typical suburban development. The development program envisioned a wide range of uses, including a suites hotel, two Class A office buildings with some ground-level retail space, rental apartments and condominiums, a mixed-use (commercial/residential) complex, two freestanding high-quality restaurants, extensive public features including a lake and public esplanade, a community center, and off-street parking. An open-air market Site plan of Tualatin Commons.

colonnade is located adjacent to the larger rustic fountain, providing an area for events, fairs, Saturday markets, and other public assembly activities.

Performance-oriented design guidelines, drawn up by the architects and city staff, were the basis for design discussions between the development commission and prospective developers. project proposals were evaluated for more than their financial aspects.

To market the development parcels, the city sent mailings introducing the project to a database list of potential developers, real estate brokers, and bankers, and the consultants and city staff met with interested parties. Project updates were regularly mailed to names on the list. A site plan and architectural renderings provided a clear image of the lake and the development surrounding it at completion. Market studies pinpointed opportunities for different income-producing land uses.

As is the case with most successful public/private ventures, private capital followed public commitment. While a number of developers showed significant early interest, the city had to commit decisively to construction and long-term maintenance of the lake and public esplanade before any private developer would sign a development and disposition agreement and commit capital to the project.

The site offered a number of important advantages to developers. The price of the land was competitive with similar property in the area but included the lake as a value-adding amenity. Developers would not have to come up with the purchase price until the design process was completed, thereby saving property-carrying charges, and the public approvals process was streamlined, thereby saving time and money. All needed infrastructure would be provided by the development commission. Approximately 30,000 cars drove by the site daily. Most important, there was a growing market opportunity in virtually every sector. Financing restrictions had put commercial construction on hold for a number of years, while demand continued to grow.

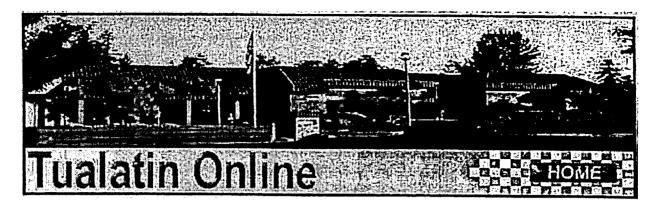
The combination of market opportunity, the public commitment to build the lake, and the strong design and developer package resulted in the sale or commitment of six of the seven private development parcels in less than a year. Four parcels had letters of intent by the initial ground-breaking deadline. Ground breaking for the lake and other public elements took place in July 1993, and the public portions of the development were completed by May 1994, when the community celebrated the grand opening.

At that time, the 40-suite hotel and the first phase of the 44-unit residential development were nearing completion. In June, ground was broken for the two office buildings by Gionet Development and Equity Development, totaling 87,000 square feet; one of the restaurants is scheduled to break ground this fall. Construction will begin this month on a mixed-use commercial and residential complex containing 13,000 square feet of retail space, 27 apartments, and seven condominiums. The developer is See Properties. The only private development parcel remaining to be sold is the site for a second restaurant (and, at the time of this writing in early fall, negotiations are underway with a prospective purchaser). The private developments are projected to have a total value of over \$22 million at buildout, \$1 million more than was projected in the early planning.

Tualatin Commons was developed as a true public/private partnership. The private development parcels, including the adjacent off-street parking areas, are owned in fee simple. The owners are responsible for maintaining their structures and parking lot and for paying property taxes. The public sector owns the lake, the wide promenade around the lake, and the landscaped public plaza and fountain. The city is considering building and owning a community center that will include a small performing arts facility, meeting space, and a home for the Tualatin Chamber of Commerce. All of the public uses are owned, operated, and maintained by the city. The Tualatin Parks and Recreation Department is responsible for scheduling events in the plaza, which, it has promised developers, will be regular and frequent to attract the public. A concert series last summer premiered the plaza's schedule of events. A new paddleboat concession brings activity to the lake.

By all appearances, Tualatin Commons is a success. The project came about because the community had a vision for its future and because the public and private sectors were willing to take part in an unusual partnership. The Urban Renewal Advisory Committee had advocated for a village-style downtown since 1975. In 1992, a group of concerned citizens organized themselves into Tualatin Futures. and this group made support for the implementation of Tualatin Commons its first task. Strong city leadership played an equally critical role. The development commission, made up of elected city council members, along with senior city staff and the consultants worked tirelessly to ensure that the project objectives were met. Their work and a strong market combined to give Tualatin the urban identity it was seeking. �

Dave Leland was development adviser and project manager for Tualatin Commons. He is managing director of Leland Consulting Group, real estate economists and project managers, of Portland, Oregon, and Denver, Colorado.



ECONOMIC DEVELOPMENT Tualatin Development Commission

SERVICES

Central Tualatin Design Guidelines

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Urban Renewa

January 24, 2000, the Tualatin Development Commission approved the Tualatin Commons Enhancement Strategy Work Plan to further enhance the identity of the downtown core area. A component of that strategy was to create design guidelines for the Central Design District. The design guidelines originally developed for the Tualatin Commons project were used as a beginning point for this process.

As part of this process, "The Central Tualatin Concept Plan" was developed. This plan, in conjunction with the design guidelines, provides the fundamental structure necessary to guide development of public, private and City properties. The Concept Plan recognizes and respects existing uses as a vital part of the evolution of Central Tualatin. By utilizing the Concept Plan as the organizing framework for development, the rich mix of uses envisioned will create a vital core for the City of Tualatin.

To create the design guidelines, a 14-member Focus Group comprised of downtown property and business owners, representatives from the Urban Renewal Advisory Committee and Architectural Review Board was formed and held a series of six meetings during the period May – August 2001. Input from the general public was solicited during an open house held on August 16, 2001.

The Design Guidelines Report is comprised of four major topics:

- Central Tualatin Concept
- City Connections
- Spaces and Landscapes
- Buildings

Included in each topic category is a series of guidelines and a graphic icon to represent those guidelines. Download the <u>Central Tualatin Design</u> <u>Guidelines</u> report.

City of Tualatin

18880 SW Martinazzi Ave. Tualatin, OR 97062

4/14/2003



ECONOMIC DEVELOPMENT Core Area Parking District

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The Core Area Parking District was established in 1979 and encompasses 24 acres in the downtown area roughly bordered by SW Martinazzi Avenue to the east, SW Boones Ferry Road to the west, SW Nyberg Road to the south, and Hedges Creek to the north. The Core Area Parking District is within the Central Urban Renewal Area of downtown Tualatin.



Core Area Public Parking 8.5"x11" 17kb <u>Red Lot (Lot A)</u> 8.5"x11" 89kb <u>White Lot (Lot C)</u> 8.5"x11" 159kb <u>Yellow Lot (Lot F)</u> 8.5"x11" 72kb <u>Green Lot (Lot G)</u> 8.5"x11" 89kb <u>Blue Lot (Lot H)</u> 8.5"x11" 117kb <u>All Core Area Parking Maps</u> 8.5"x11" Multipage 871kb

The Core Area Parking District is governed by the Core Area Parking District Board (CAPDB) which meets on a quarterly basis on the Wednesday following the third Monday in February, May, August, and November each year. Additional meetings are scheduled on an "as needed" basis. Seven members comprised of downtown business owners, property owners, and citizens serve on the Board for three-year terms.

Since its inception, the Core Area Parking District Board has been active

http://www.ci.tualatin.or.us/ed/Core_Area Parking.htm

4/14/2003

in many aspects of the District including construction of parking lots, managing parking lots, performing parking analyses, and other functions that have proven vital in ensuring adequate public parking within the District.

Five parking lots are located in the Core Area Parking District and provide a variety of short and long-term parking based on location and the type of businesses in the immediate vicinity. Enforcement of time zones is done to insure that the short-term spaces are available for customers. Violators are subject to fines, or in the event of multiple violations without payment of the citation, possible booting of their vehicle.

Finances for the District are generated through the Core Area Tax on businesses within the District. Funds collected are applied to maintenance of parking lots, landscaping, and staff to enforce parking regulations through the Parking Enforcement Officer.

City of Tualatin

18880 SW Martinazzi Ave. Tualatin, OR 97062 Phone: (503)692-2000

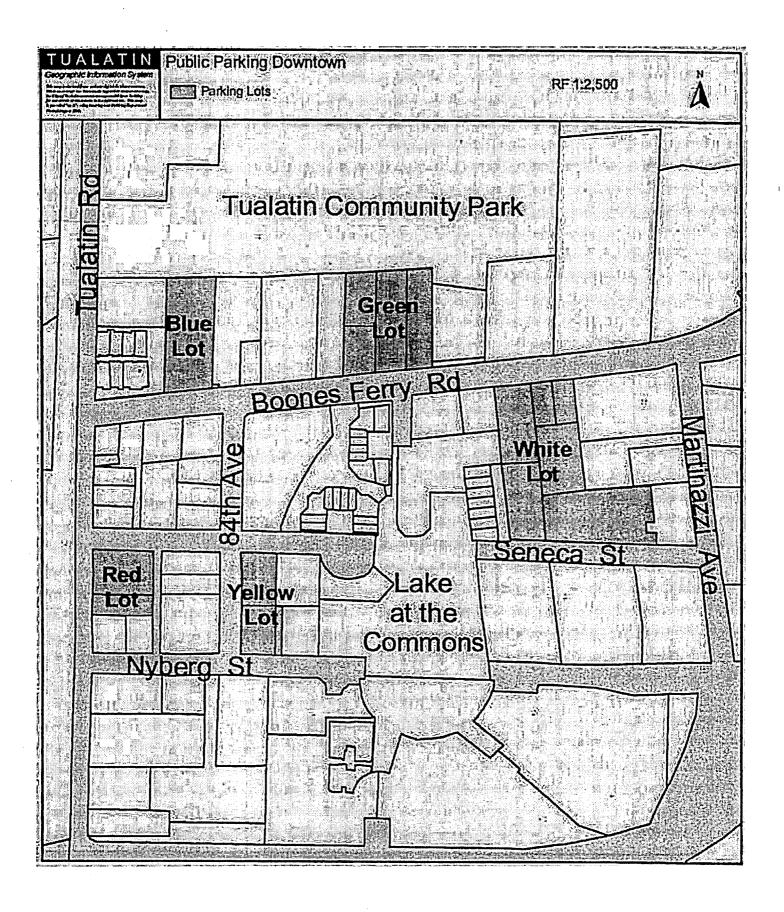
Comments or concerns about website? webmaster@ci.tualatin.or.us

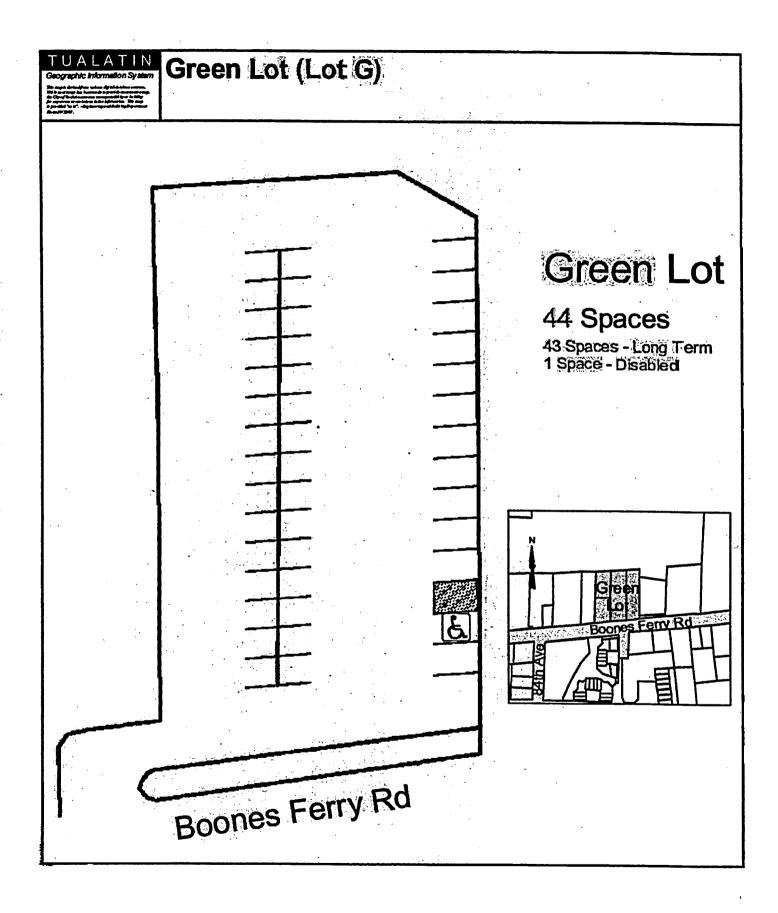
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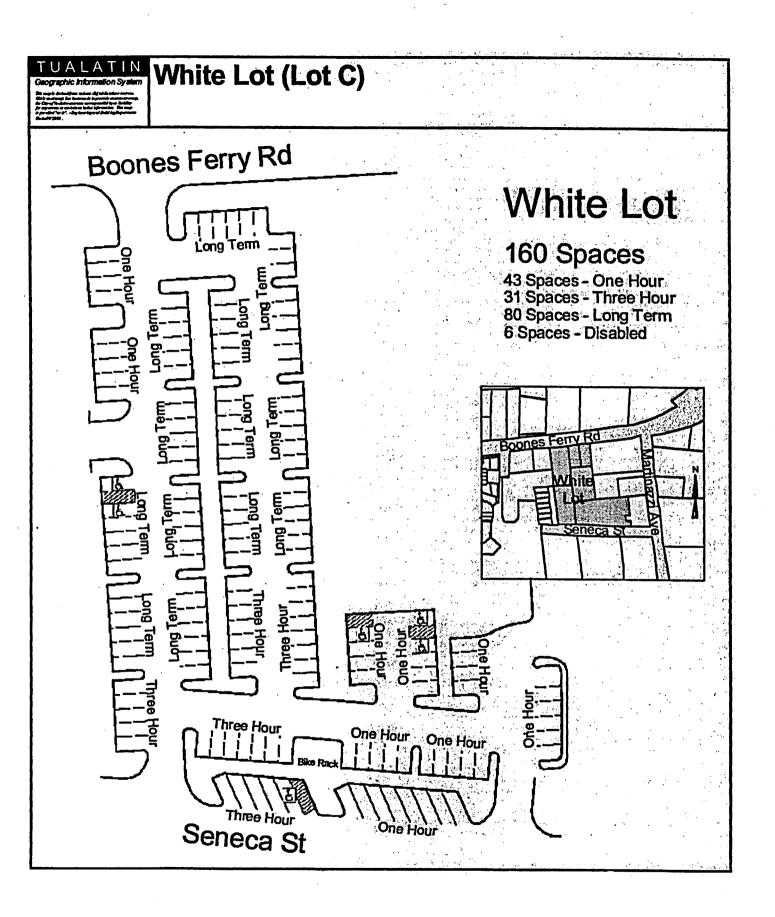
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http://www.ci.tualatin.or.us/ed/Core_Area_Parking.htm

4/14/2003







States States

<u>Home Page</u>

Demographics

· · .		Popula	ition			
•	1980	1990	1998	1999	2000	2001
	7,438	14,664	21,405	21,345	22,791	23,270
City of Tualatin	245 808	311 554	397,600		445,342	
Washington County	041 010	279 950	323 600	326.850	338,391	345,150
Clackamas County Sources: 1980, 1990, 2000 US Cens	us; 1998, 1999,	, 2001 Center	r for Populat	ion Research	and Census,	Portland State
University. 0 indicates data is unava	ilable.					

Washington County	727 sq miles	mile	Sources: figures based on 2001 PSU population estimates;
Clackamas County	1,879 sq miles	184 persons/sq mile	Oregon Bluebook county square mileage

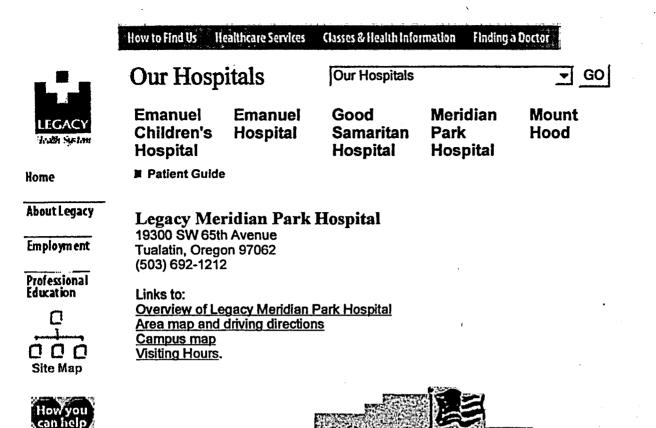
Community Age Groups

Under 5 years	1970 0	1980 747	1990 7,330	2000 1,730
5-19 years	0	1,782	3,421	
20-44 years	0	3,755	7,421	
45-64 years	0	863	2,076	4,776
65+ years	0	201	765	1,327
Median Age	. 0	27	31	

Source: US Census, 0 or N/A indicates data is not available. Median value is the middle value, not an average.

Housing

http://159.121.111.9/FMPro?-db=Community.fp4&-Format=forms.htm&-lay=webpage&-... 4/14/2003



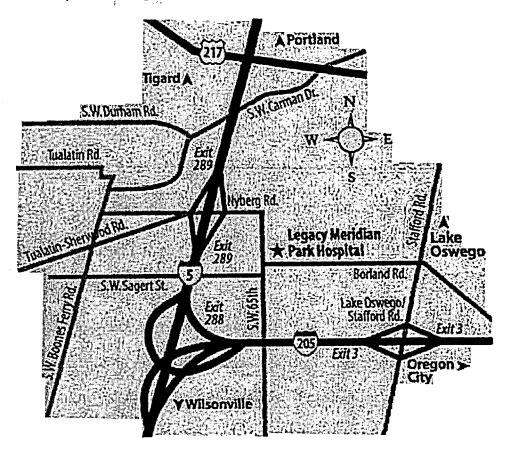
Located in the Portland suburb of Tualatin, Legacy Meridian Park Hospital was established in 1973 to serve the rapidly expanding population of the fastest growing area of the state. The hospital has 117 available inpatient beds and provides inpatient, emergency and outpatient services to a five-county area that includes portions of Clackamas, Multnomah, Washington, Yamhill and Marion counties. The 48-acre campus includes the main hospital, two medical office buildings, the Radiation and Oncology Center, the <u>Community Health</u> <u>Education Center</u>, Legacy's second <u>Women's Breast Health Center</u> and the <u>Temporary Living Center</u>. A major expansion program recently completed has added a heart catheterization lab, expanded the intensive care unit to 32 beds, and expanded outpatient services, surgical services and the Family Birth Center and added 100 additional parking places.

Legacy Meridian Park in the News:

- October 3, 2002 Meridian Park Invites Community to Kid's Safety Fair Oct. 12
- <u>May 20, 2002</u> New Physical Therapist Joins Legacy Rehabilitation' Services at Legacy Meridian Park Hospital
- July 24, 2001 Legacy Meridian Park Hospital Awarded Accreditation from Joint Commission
- June 5, 2001 Lymphedema Management Services Added at Meridian
 Park

http://www.legacyhealth.org/findus/hospitals/mph/mph.ssi

Area Map and Driving Directions



From the North - I-5 Southbound

- Take exit 289, turn left at the stoplight
- Cross the overpass and proceed on Nyberg Road
- After the curve, proceed on SW 65th Avenue and take the second left off of SW 65th onto the hospital grounds
- The main entrance is to the left

From the South - I-5 Northbound

- Take exit 289, turn right at the stoplight and proceed on Nyberg
- After the curve, proceed on SW 65th up the hill
- Take the second left off of SW 65th onto the hospital grounds
- The main entrance is to the left

From the East - I-205 Westbound

- Take exit 3, turn right on Stafford Road, then left on Borland Road
- Follow Borland Road until it dead ends at SW 65th Ave
- Turn right and follow the hospital signs to main entrance

From the West - I-205 Eastbound

http://www.legacyhealth.org/findus/hospitals/mph/mph.ssi

- Take exit 3, turn left onto Stafford Road and proceed to the dashing red light at the SW Borland Road intersection
- Turn left on Borland Road and proceed about 4 miles until Borland ends at SW 65th
- Turn right on 65th
- Turn right again into the drive leading to Meridian Park's main entrance

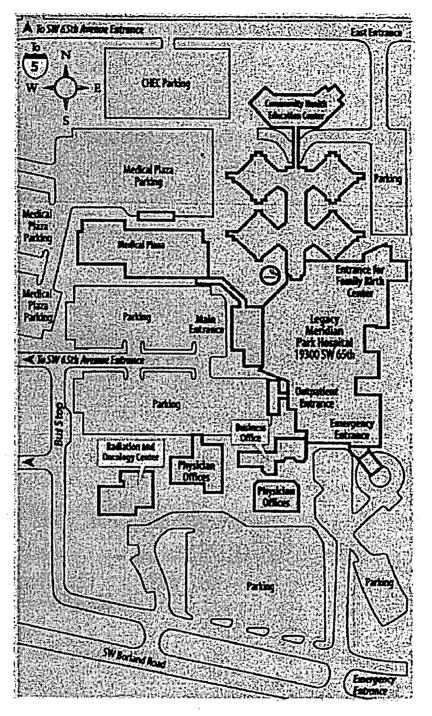
Community Health Education Center

- The Community Health Education Center is the building on the north side of Meridian Park Hospital. It has its own parking lot in front of the building
- If you are coming from I-5 (heading South on 65th Avenue), take the first drive on your left after turning onto 65th
- If you are coming from I-205 (heading North on 65th Avenue), take the second drive on your right after turning onto 65th

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Campus Map

http://www.legacyhealth.org/findus/hospitals/mph/mph.ssi



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ECONOMIC DEVELOPMENT Tualatin Development Commission

SERVICES

Central Urban Renewal District

Community Envire

Source and the source of the

Sectoral Transfer Sector Coldinary 11 Sector Coldinary 11 Sector

Acade Improvement Program

FACT

Related Agencies

Tuxatin Commons

Urban Renewal

The Central Urban Renewal District encompasses 327.48 acres in the downtown area of Tualatin.

<u>Tualatin Commons</u> is at the heart of the District. This mixed-use development includes a man-made lake, plazas, office buildings, hotel, restaurants, townhomes, apartments and a unique business/townhome complex called "Tualatin Mews." The <u>Tualatin</u> Commons L andmark Proj



Central Urban Renewal District March 2002

<u>Commons Landmark Project</u> is currently in the final design stages and is anticipated to be constructed in 2003.

To gain a greater visibility for the Tualatin Commons and downtown area, the Tualatin Development Commission has developed the Tualatin Commons Enhancement Strategy Work Plan that outlines future improvements to remove blight and to further insure the vitality of this area. Proposed enhancements include:

- Two pedestrian crossings on SW Boones Ferry Road constructed in Summer 2001.
- Landmark (2003)
- Expansion of Parking Lot G (future)
- Expansion of Parking Lot C (completed in winter 2001)
- Streetscape enhancements and utility undergrounding along SW Boones Ferry Road between SW Martinazzi Avenue and SW Tualatin Road (2003)
- Streetscape enhancements including art and parking lot signage in the Commons/downtown area (2003)

Parent Golden Bootie Winner for "Best Park Playground" in the Portiand area by the readers of Portland Parent magazine. The award-winning playground translates history into an interactive play area for children of all abilities.

Urban Planning and Design

Professional Achievement In Planning - American Planning - Association, Oregon Chapter, 1999

		establishing a sense of
place, focus, and u	inique identity.	

Governor's Livability Awards - Livable Oregon, Inc., 1998

1	(F, C)	The Mews at Tualatin Commons recognized as an exemplary
	1.4	development project that reinforces Oregon's quality of life
		and support of its transportation and land use goals.

Special Commendation, Livable City Center Awards, Livable Oregon, Inc., 1995

Tual	atin Commons recognized for promoting outstanding	
publ	ic-private partnerships in urban design.	

Excellence In Community Design Award - City of Tualatin, 1994

The Tualatin De	velopment Commission	received this award
for quality urba	n design for Tualatin Co	mmons.

Urban Forestry

Government Project: Urban Forestry Plan - Oregon Urban and Community Forestry Council and Oregon Department of Forestry, 2002

Awarded for outstanding achievements and contributions to urban forestry. Read the Press Release!

Outstanding Contributions to Urban Forestry, Government Category -Oregon Urban and Community Forestry Council and Oregon Department of Forestry, 1996

I	·	The award was received for providing exemplary leadership
l	,.	and vision resulting in outstanding tree
ĺ		preservation/conservation or planting and maintenance
I		programs.

<u>Oregon Tree City of the Year</u> - Oregon Urban and Community Forestry Council and Oregon Department of Forestry, 1994

Awarded for outstanding achievements and contributions to urban forestry.

Tree City USA Growth Awards - The National Arbor Day Foundation

- Planning and Management: tree inventory and analysis, wildlife habitat, park and open space; 1998
- Education and Public Relations: interpretive program; Planning and Management: management plan, park and open space; 1996
- Education and Public Relations: continuing education for tree workers; Planning and Management: improved ordinance, wildlife habitat, park and open space; 1995
- Education and Public Relations: publicity event; Planning and Management: improved ordinance, standards and

http://www.ci.tualatin.or.us/city/Awards%20We've%20Received/awards_received_index.h... 4/14/2003

AGREEMENT AND GRANT OF EASEMENT

184 3791

THIS AGREEMENT, made and entered into this <u>30th</u> day of December, 1977, by and between the City of Tualatin, Oregon, a municipal corporation, hereinafter referred to as "City," and <u>Alys M. Rogers</u>, the personal representative of the estate of Elsie V. Kruper, Richard Baranzano and Ronald Baranzano, individuals, hereinafter referred to collectively as "Baranzano."

WITNESSETH:

WHEREAS, in connection with the City's declared intent to amend the zone classification upon real property owned by Baranzano, it is necessary that an easement in and to a portion of said real property be granted to the City of Tualatin for a public pedestrian and bicycle pathway, and

WHEREAS, Baranzano is willing to grant said easement, and the City is willing to accept the same for the stated purposes upon the terms and conditions set forth below.

IN CONSIDERATION of the mutual promises, covenants and undertakings of the parties and pursuant to the required performance of Baranzano contained in Resolution No. 295-77 adopted by the City Council of the City of Tuslatin on October 24, 1977, it is agreed as follows:

(1) Alys M. Rogers , the personal representative of the estate of Elsie V. Kuper, Richard Baranzano and Ronald Baranzano, collectively and individually, do hereby grant to the City of Tualatin, Oregon, and its successors in interest, an exclusive, perpetual easement in, over and across the following described real property to be held and used by the City of Tualatin for a public pedestrian and bicycle pathway:

A portion of a tract of land described in Book 188, Page 361 and Book 144, Page 598, Film Records, Washington County, Oregon, in the Northwest quarter of Section 24, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, and more particularly described as follows:

Parcel 17

Beginning at a point on the centerline of State Highway 217 (S.W. Boones Ferry Road), said point being North 00°01'08" West, 593.17 feet, and North 82°54'00" East, 1,120.85 feet from the west quarter corner of said Section 24; thence North 00°01'08" West, 30.23 feet to a 5/8 inch iron rod in the northerly right-of-way line of said Highway 217; thence North 00°01'08" West, 148.00 feet to a point on the westerly line of land conveyed to Richard A. Baranzano and Ronald Baranzano by contract of sale dated February 28, 1977, recorded March 10, 1977, Book 1149, Page 849, recorded in Washington County Deed Records, Oregon, said point being the true point of beginning: thence North 01°01'08" West, 44.00 feet; thence South 74°33'57" East, 234.06 feet to the easterly line of said land conveyed to Richard A. and Ronald Baranzano; thence South 00°01'30" East, 30.00 feet; thence North 77°52'38" West, 229.98 feet to the true point of beginning.

Page One - Agreement and Grant of Easement

|]|

·Parcel 2!

A strip of land fifty-six (56') feet in width lying twenty-eight (28') feet on each side of the following described centerline: Beginning at a 3/4 inch iron pipe on the southerly bank of the Tualatin River at a point which is South 01°21'27" East, 60.00 feet from the northwest corner of that property described in said Book 188, Page 361; thence North 77°59'52" East, 233.85 feet to a one (1") inch iron pipe on the southerly bank of the Tualatin River and the terminus of this description (bearings and distances based on County Survey No. 16860).

(2) The City does hereby accept the grant of easement made in Paragraph (1) above subject to the terms and provisions of this agreement.

(3) The City shall have the right to construct, reconstruct, maintain and repair the necessary improvements within the easement area. Prior to any such work being performed by the City, its employees, agents, contractors or representatives, the City shall submit to Baranzano, or their successors in interest, a work plan describing the work to be performed. In the performance of any such work, the City shall use its best effort not to remove natural vegetation within the easement area.

(4) The City shall at all times during the term of this easement keep in force a policy of public liability and property damage insurance in a company authorized to do business in the State of Oregon to insure against the risk of injury or damage to property of any person or persons lawfully using the public easement herein granted.

(5) The terms and provisions of this Agreement shall inure to the benefit of the successors in interest and assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date above mentioned.

CITY OF TUALATIN, OREGON By useles Mayor Pro Tem

ATTEST:

Thomas alle

Personal Representative of the Estate of Elsie V. Kyuper

A.H.R.

Page Two - Agreement and Grant of Easement

BARANZAN HARD

RONALD BARANZANO

STATE OF OREGON) County of Washington)

Action this 2 day of January, 1978, personally appeared before me January Honork and Yvonne L. Addington, who, after being duly sworn, acknowledged that they are the Mayor and Recorder of the City of Tualatin Oregon, a municipal corporation, that they did sign the foregoing instrument on behalf of the City of Tualatin, and acknowledge the same to be their voluntary act and deed on behalf of said City of Tulatin.

> Notary Public for Oregon. 11. 5 My Commission Expires 1:0 - Chillion My Commission Expires 1:0 - Chillion My Commission Expires 1-17-80

STATE OF OREGON) County of Hashington) 85.

On this <u>184</u> day of December, 1977, personally appeared before me <u>Aligne 34</u>. Repersonal representative of the Estate of Elsie V. Kuper, and acknowledge the foregoing to be his voluntary act and deed.

Uregon Notary Public for My Commission Expires: JU-9.1981

STATE OF OREGON) County of Washington)

On this <u>if</u> day of December, 1977, personally appeared before me RICHARD BARANZANO, and acknowledged the foregoing to be his voluntary, act and deed.

in Cuisat Notary Public for Oregon .

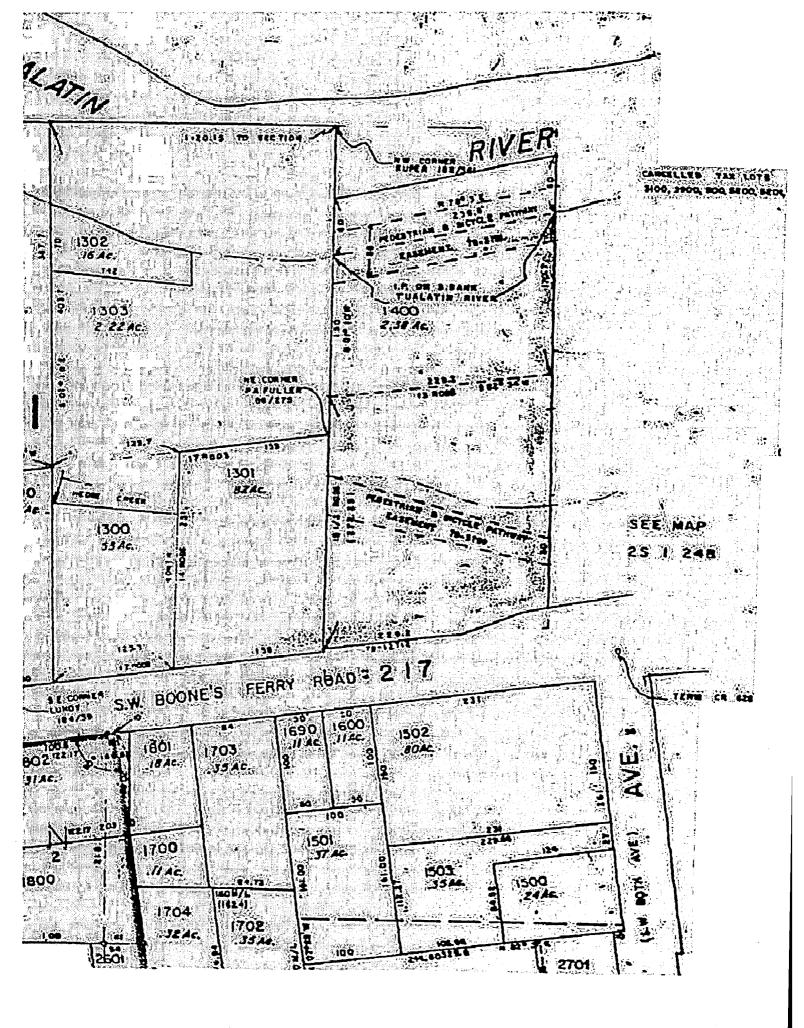
My Commission Expires: 7.2-,52,5

STATE OF ORECON) County of Multimed) Hontgomery

• On this day of December, 1977, personally appeared before me RONALD BARANZANO, and acknowledged the foregoing to be his voluntary act and deed.

JAMES E. WILE Notary Public for It tary Public, Lawer V. . . Ti.p., Montg. Co. My Commission Expires: July 5/19

Dage There





ABOUT CITY OF TUALATIN



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LIVING IN TUALATIN

Welcome to a Great Place to Be!

The Tualatin/Durham Senior Center buzzes with the energy of dedicated volunteers and staff working to meet the needs of seniors, including frail and isolated elderly people, living in the Tualatin-Durham area.

BUSINESS IN TUALATIN

Lunch is served at noon each weekday. Other activities include quilting circles, billiards, cards, line dancing, china painting, Tuesday evening socials, computer classes, and more.

Our center promotes wellness - providing activities including speakers, programs, and classes to encourage seniors to stay active and healthy. The Tualatin/Durham Senior Center Is committed to promoting wellness and successful aging in our community.

The Tualatin/Durham Senior Center provides nutrition, recreation, and social services to adults 60 and over through a cooperative relationship between the cities of Tualatin, Durham and Washington County. The center is managed by Loaves & Fishes Centers, Inc.

Center Hours:	Monday-Friday 9:00 a.m 4:30 p.m.
Tuesday evening social:	6:30 p.m.
Saturday card party and potluck:	Every 4th Saturday at 6:30 p.m.
Location:	8513 SW Tualatin Road (located in beautiful Tualatin Community Park)
Office hours:	Monday-Friday 9:00 a.m 5:00 p.m.
Telephone/Fax:	503.692.6767 503.692.9720 Fax Voice messages may be left after-hours at 503.692.6767
Mailing Address:	8513 SW Tualatin Road Tualatin, OR 97062-7092

For more information, please contact Judy Sutton, Senior Center Manager, 503.692.6767 or e-mail at jsutton@lfcpdx.org

Community Services Department

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SITE MAP

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http://www.ci.tualatin.or.us/living/Senior%20Services/senior_services_index.htm

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- Senior Center S Committee
- Newsletter











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Loaves & Fishes

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Programs and Events Calendar

Some of the center's regular activities include:

- monthly health clinics
- flu shots, foot doctor, wellness activities
- free legal advice and tax assistance
- birthday and holiday theme parties
- arts and craft classes
- day trips
- speakers
- beginning computer classes
- country line dancing
- chili feeds
- adopt-a-park
 reading cards
- reading, cards and quilting
 artist showcase and craft store
- artist showcase and crait sto

Computer Tutoring

 Tualatin Public Library
 Compt

 Volunteer Opportunities
 What:

 Youth
 Fee:

Search

What:One-on-one instruction by Larry KurtzWhen:By appointmentFee:No feeCall 503.692.6767 for more information and to scheduleappointment.

Country Line Dancing

When:Wednesdays from 10:30 a.m. to 11:30 a.m.Fee:\$2.00 per class

Oil Painting - Intermediate

When: Mondays from 9:00 a.m. to noon

Wellness

VNA Foot Clinic What: Medical examination of feet When: Twice monthly on the first and third Thursday from 8:30 a.m. to 1:30 p.m. Fee: \$20.00 Appointments required by calling 503.692.6767.

For more information, contact: Judy Sutton, Senior Center Director, 503.692.6767, e-mail jsutton@lfcpdx.org.

Community Services Department

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http://www.ci.tualatin.or.us/living/Senior%20Services/program_and_events_calendar.htm 4/14/2003

Washington Cou



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Come have lunch with us! The lunch menu changes daily. Enjoy musical entertainment and a delicious, nutritious, hot meal served by volunteers.

All seniors 60 years old and older, regardless of income, are invited.

Sign in at the front desk.

Our basic noon meal supplies one-third to one-half of a senior adult's daily nutrition requirements. Each menu includes:

- salad •
- entree
- starch
- vegetable .
- bread .
- dessert

Nine special diets are also available for diabetic, low cholesterol, low sodium or soft requirement.

Eligibility: 60 years and older

Donation: "pay as you can" basis. Our suggested donatioin is \$2.25. Diners under age 60 will be charged \$5.50, the full meal price.

For more information, contact: Judy Sutton, Senior Center Director, 503.692.6767, e-mail jsutton@lfcpdx.org.

Community Services Department

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SITE MAP

CONTACT US

http://www.ci.tualatin.or.us/living/Senior%20Services/lunch_program.htm



I OAV The Meals-





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🔆 Wellness

Our center promotes wellness - providing activities including speakers, programs, and classes to encourage seniors to stay active and healthy. The Tualatin/Durham Senior Center is committed to promoting wellness and successful aging in our community.

BUSINESS IN TUALATIN

Many wellness-oriented programs and events are available on a yearround basis. Come join us and learn how to live a healthier life!

We have information on:

- insurance
- medicare
- housing
- in-home services
- support groups
- government programs
- transportation

Wellness Corner

For more health related information, contact Legacy Health System

Position	Phone	E-mail
Judy Sutton Senior Center Director	503.692.6767	jsutton@lfcpdx.org
Coryll Martin Needs Assessment Councilor/Outreach	503.692.6767	Not available

For more information, contact: Judy Sutton, Senior Center Director, 503.692.6767, e-mail jsutton@lfcpdx.org.

Community Services Department

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SITE MAP CONTACT US

http://www.ci.tualatin.or.us/living/Senior%20Services/wellness.htm



- Loaves & Fishes
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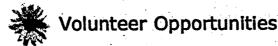
Section Topics

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LIVING IN TUALATIN

BUSINESS IN TUALATIN



Why Should I Volunteer?

Malnutrition is a silent epidemic among seniors. Your volunteer support will help elders who depend upon Loaves & Fishes for these life-saving meals.

Many of Loaves & Fishes volunteers are retired men and women; healthy, active older adults who work with others to provide hot, nutritious meals and social contacts to seniors who are unable to meet their own nutritional needs.

The Tualatin/Durham Senior Center is powered by an enthusiastic and dedicated group of volunteers, including employees and volunteers from Legacy Meridian Park Hospital; and members of VFW Post 3452, Eastern Star, Tualatin Kiwanis Club, Winona Grange, and area churches.

Whatever your age and work experience, Loaves & Fishes will welcome your support.

Where Can I Volunteer?

There are volunteer opportunities daily at the Tualatin-Durham Senior Center.

How Can I Volunteer?

Volunteering can be fun and rewarding. Many volunteers tell us that they feel good about being part of an organization which includes so many people working together to help others. Your contributions of time and caring will be greatly appreciated. **Meals-On-Wheels Drivers**

- 1 ½ hours per day
- A reliable vehicle and valid driver's license
- The ability to lift 25 pounds

Lunch Meals

- 2-3 hours per day
- Interest in food preparation

Other Needs

- Steering Committee member •
- Fund-raising activities
- Office and clerical .
- Wellness Team .
- Gift Shop
- Adopt-a-Park
- Senior Health Care Advocates

Volunteers are truly the "heart and soul" of Loaves & Fishes. We

http://www.ci.tualatin.or.us/living/Senior%20Services/volunteer_opportunities.htm

4/14/2003

Public Involvement Recreational Opportunities Schools

Science & Technology Grants

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Tualatin Public Library

Volunteer Opportunities

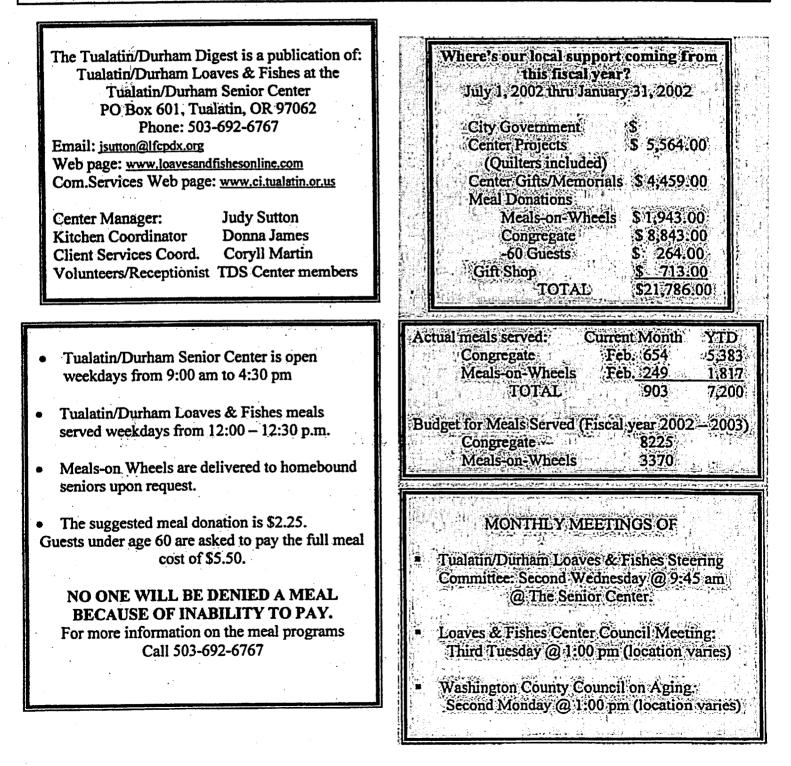
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THE TUALATIN/DURHAM DIGEST

8513 SW Tualatin Road, Tualatin, Oregon 503-692-6767 April 2003 Vol. 5 No. 4



Classes_SPONSORED BY TUALATIN/DURHAM SENIOR CENTER

For a complete listing of classes and activities, see the Activities Calender for April. **Steps to Healthy Aging:** Mondays from 11:15 - 11:45; Fridays from 10:45 to 11:15. Class promotes stimulation of the body's muscles and joints and renews strength and flexibility using a combination of chair & standing exercises. No fee.

★ <u>Ageless Conditioning</u>: Tuesdays & Thursdays, 1:15 pm to 2:00 pm. Increase your flexibility, balance & endurance through movement and stretch. Free open to adults of all ages.

◆<u>Computer Club</u>--beginning classes for older adults. Learn the basics, move on to e-mail and the Internet. Group I meets on the 1st & 3rd Tuesday from 10:00 a.m. to noon. Group II meets on the 2nd & 4th Tuesday from 9:00 a.m. to 11:00 a.m. New students call 503-692-6767 to register. Cost: \$4.00 per session...

◆<u>Crafts:</u> Scrapbooking is the theme for our next craft class scheduled on Wednesday, April 2 from 10:45 a.m. - 11:45 a.m. We have the pictures. We have the materials. We have the tools. Learn the art of scrapbooking while creating a page for the Senior Center's scrapbook. No fee, just lots of fun and an opportunity to meet new people.

◆<u>Diabetes</u> in Older Adults, presented by Dr. Janus Maybee F.N.P. Friday, April 11 @ 1:00 p.m. Bring your questions.

◆Line Dancing: Wednesdays, 10:30 a.m. to 11:30 a.m. Great music, lots of fun and a great way to get some aerobic exercise. Beginners are welcome. Cost: \$2.00 per session.

★<u>Tualatin Historical Society:</u> The society meets on the first Wednesday of each month @ 1:30 p.m. <u>Note: See next page for specific program, date, and time.</u>

Coping in New Territory... a presentation for children with aging parents, presented by Suzanne Roberts. Join us at the Tualatin/Durham Senior Center on Tuesday, April 8 @ 6:30 p.m. Learn coping skills that help you care for yourself as you care for your aging parents. Program sponsored by Farmington Square - Tualatin. Refreshments.

★ <u>Identity Theft:</u> How you can protect yourself, presented by Jerry Stevens from Elder Safe. Monday, April 14 @ 11:00 a.m. Coffee & pastry will be available.

- Classes Sponsored by LEGACY MERIDIAN PARK HOSPITAL For a complete listing of classes sponsored by Legacy Health System, stop by the Center for a Health Education brochure or call 503-335-3500 and they will send you one.
 ◆<u>"55 Alive" Mature Driving</u>, Wednesday & Thursday, April 9 10, 9:00 a.m. to 1:00 p.m. Fee: \$10.00 (checks only) Class is held at Legacy Meridian Park Hospital.
 - Walk the Square at Washington Square: Monday Friday, 7:30 9:30 am. Cost: \$15.00/lifetime membership.

Recent Bereavement Forum: Monday, April 21, 5 - 6:00 pm. Cost: Free. A one-hour group for those who have had a loss within two to ten weeks.

Grief Recovery: Mondays, April 28 - June 9, 1-3 pm or 7-9 pm. Cost: \$10.00.
Six week class designed for those who have had a loss three months ago or longer.



APRIL BIRTHDAYS

- 1 Lois McDougal 2 Lena DeRosia 2 Elene E. La Pierre 4 Shirley Sigvaldsen 5 Doris Johnson 6 Evelyn Richter 6 Marian Larson 7 Phyllis Rygg 8 Zoe Hoard 11 Ernestine Cawvey 12 Reo Bacon 13 Kari Watson 15 Marian Squier 16 Margery Hart 17 Geneva Iff 17 Gene Simshauser 18 Leonard French 19 Joan Anderson 19 Jackie Pride 20 Fran Nations 21 Ruth George 22 Olive Curtin 22 William McOuillian 23 Carl Story
- 24 Eleanor Gruenberg 26 Berty Thomas 27 Doris Brown 28 Bonnie Reveley 29 Martha Wood **30 Ellen Friedline**
- 30 Helen Pitonak
- 30 Reva Stroupe

Foot Care Clinic: 1st and 3rd Thursdays starting @8:30 am. Cost is \$25.00. Give your feet a treat, they will love you for it. appointment include soaking, trimming and a foot massage. Bring your own towels. Call 503-692-6767 for an appointment

STEPS TO HEALTHY

AGING...Research has shown that seniors of all different kinds of physical conditions have much to gain from exercise and staying physically active. There are many ways for all seniors to work toward this goal. Staying fit is now easier than ever! Whatever your current physical condition, you can become more active and start down the road to better health.

According to the Surgeon General, just 30 minutes of activity each day can boost your health. And you don't have to pack those 30 minutes into one session. Try a 10-minute walk in the morning. Come early to the center and walk around the Tualatin Community Park before hunch. One time around equals .6 of a mile. Spend 10 minutes doing household chores and another 10 minute workout in the evening.

Take part in our Easy Moves program held at Loaves & Fishes Centers. Tualatin/Durham Senior Center offers them weekdays (except Wednesday).

Monday @ 11:15 a.m., Tuesday & Thursday @ 1:15 p.m., Friday @ 10:45 a.m.

Remember, the most important aspects of healthy aging include:

- 1 Eating better
- ⁽²⁾ Moving more

③ Maintaining social contact.

Loaves & Fishes provides nutritious meals at our senior dining sites and delivers Meals-on-Wheels to the homes of many of our program participants. In addition, we provide information, nutrition programs and services to aid in healthy aging and maintaining wellness.

Janus Maybee, F.N.P. will be at the Tualatin/Durham Senior Center on Friday, April 11 @ 1:00 p.m. to discuss Diabetes in older adults. This is your opportunity to learn about the causes, treatments and prevention of diabetes in older adults.

<u>COMING IN APRIL</u> <u>& MAY</u>

Portland Community College: Classes begin on April 1st. The senior center is hosting the following classes. Getting Started in Painting; Spanish Conversation: Oil Pastels; Computer Fundamentals for Adults. Level I & II: Yoga; Excel; Access 2000/97 & Intro to the Internet. Call 503-538-9774 to register. 000

<u>Tualatin Historical</u> <u>Society:</u> Wednesday, April 2, @ 1:30 p.m.

Coping in New Territory,

Tuesday, April 8 @ 6:30 pm. This program is held at the Tualatin/Durham Senior Center and sponsored by Farmington Square - Tualatin. Author, Suzanne Roberts, will address how adult children can successfully handle the many challenges of caring for aging parents. How to avoid power struggles, control issues, sibling conflicts, guilt and how to set boundaries.

Diabetes Info: Janus Maybee, F.N.P. will be at the Tualatin/Durham Senior Center on Friday, April 11, @ 1:00 pm to discuss diabetes in older adults. This is your opportunity to learn about the causes, treatments and prevention of this serious problem.

Identity Theft: Identity

thieves don't take a holiday. "Incidents of identity theft of those over the age of 60 increased by 218 percent between 2000 and 2001, according to the Federal Trade Commission "Elders in Action" (January/February 2003). Learn what you can do to protect yourself from becoming a victim. Jerry Stevens, a volunteer for Elder Safe, will speak on this subject, Monday, April 14, 11:00 am at the senior center.

Newcomers Open House:

Our April Newcomers Open House is scheduled for Wednesday, April 23 @ 11:00 am. Meet other seniors in your community. Enjoy coffee or tea and some pastries. Take a tour of the center. Lunch is provided by Loaves & Fishes at noon. Newcomers Open House is held monthly on the fourth Wednesday. LAWYER: new time & date: Thursday, April 10 @ 1:00 pm. Heidi Charnes is temporarily taking over for Brian Peterson.

COMMUNITY EVENTS

*** Loaves and Fishes Center, Inc. grand opening, Monday, April 7th @3:00pm. Our new Kitchen is up and running and we are inviting the public to help us celebrate. John us. This new building that house our kitchen and administrative offices is located on 31st & Capitol Hwy, across from Multnomah Art Center and Southwest Loaves and Fishes.

Farmington Square -

<u>Tualatin presents</u> Understanding Alzheimers an April 16, from 6 - 7:00 pm. Farmington Square is located at 17950 SW 115th Ave., Tualatin, at corner of Tualatin Road and 115th Ave.

Farmington Square -Tualatin presents: Art Show Westside Christian High School, Friday, April 11, from 2-4 pm and Saturday, April 12, from 9 am- 3 pm.

APRIL 2003

Monday -	Tuesday	Wednesday	Thursday	Friday
The Good Gain - 31-Mar-	Tu: Methodist	Living Baylor 2	VIEW Odds n Ends	The Good Gals 4
Hispanic Celebration	Sloppy Joe	Smothered Sirloin Tips	Chicken a: La Orange	Roast Beef w/Mushroom
Special Menu	O'Brien Potatoes	Fancy Egg Noodles	Brown Rice	Gravy
Chicken Fajitas Burritos	Sunshine Salad	Salad Bar	Italian Cut Green Beans	Mashed Potatoes
Salad Bar	Frosted Banana Cake	Pineapple Upside Down Cake		Salad Bar; Apple Cake
Stir Fry Vegetables	Roasted Pork Sandwich	Chef Salad	Sliced Turkey & Cheese	Roast Beef Sandwich
Raspberry Bar	Baked Potato Chowder		Sandwich/Split Pea Soup	Soup - Cook's Choice
	Tu: Extension 8	Lake Bible 9		Tu, Methodist Men 1
Beef & Tortilla Casserole	Salisbury Steak w/Gravy	Curried Chicken	Turkey Tetrazzini	Ham w/Raisin Sauce
Mexicali Mix Vegetables	Fancy Noodles	Couscous	Brussel Sprouts	Dressing
Salad Bar	Oregon Bean Medley	Salad Bar	Apricot Gelatin Mold	Salad Bar
Banana Pudding Cake	Strawberries	Raspberry Bar	Brownie w/Vanilla Frosting	White Cake
Soup & Sandwich	Chicken Salad Sandwich.	Soup & Sandwich	Pastrami Sandwich Clam Chowder	Roasted Chicken
Cook's Choice	Minestrone Soup	Cook's Choice		
Norwood Bible 14	Tu, Methodist 15			L.M.P.H. Auxiliary 18 Breaded Fish
Beef & Macaroni Casserole	Chicken Banger	Beef Burgundy	Roast Pork w/Gravy Mashed Potatoes	O'Brien Potatoes
Salad Bar	Scalloped Potatoes	w/Spiral Noodles Salad Bar	Red & White Slaw	Salad Bar
Vanilla Pudding	Chopped Spinach Chocolate Chip Cookies	Chocolate Mousse	Frosted Vellow Cake	Mixed Fruit Crisp
Ham & Cheese Sandwich	Roast Beef & Cheese Sand.		Meat Loaf Sandwich	Soup & Sandwich
Soup - Cook's Choice	Lentil Soup w/Rst. Garlic	Cook's Choice	Tomato Soup	Cook's Choice
Winona Grange 21	· · · · · · · · · · · · · · · · · · ·		Tu Historical Society 24	21
Pork w/Vegetables	Roast Beef w/Gravy	Turkey Dijon Casserole	Spaghetti & Meat Balls	Pork Ribettes w/ Country
White Rice	Mashed Potatoes	Seasoned Rice	Oregon Bean Medley	Gravy; Salad Bar
Salad Bar	Waldorf Salad	Salad Bar	Mixed Greens w/Dressing	Corn Bread
Taploca Pudding	Frosted Spice Cake	Banana Pudding	Cherry Cobbler	Pear Halves w/who topping
Soup & Sandwich	Ham & Cheese Sandwich		Sliced Turkey & Cheese	Soup & Sandwich
Cook's Choice	French Onion Soup	Baked Potato Bar	Sandwich; Split Pea Soup	Cook's Choice
Angelettes 28	Steering Committee 29	30		
Shepherd's Pie	Swiss Steak w/Gravy	Chicken Stroganoff		en esta
Mashed Potatoes	Boiled White Potatoes	Fancy Egg Noodles		
Salad Bar	Cut Green Beans	Salad Bar	No N	
Blueberry Buckle	Layered Salad; Pound Cake	Applesauce	P	8
Chickenwich	Sub Sandwich		LOAVES	& FISHES
	Sector States in the sector of the sector of			-Wheels People
Soup - Cook's Choice	Broccoli Cheese Soup	Pizza		-TTREELS 5 CUPIC

April Activities

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Wilma Kribs	Phil Jarvis/Organ	2	3	4	
	9:00; Quilters	10:00: Spanish Conv.	8:30: Foot Care Clinic	9:30: Yoga	1
	10:00: Computer Club	10:30: Line Dancing	9:00: Quilters	10:00: Walk for Health	
	1:00: Blood Pressure	12:00: Senior Dining	10:00: Excel 1	11:15: BINGO	
	1:15 Ageless Cond./Bal.	1:00: Oil Pastels	12:30: Pinochle/Bridge	12:00: Senior Dining	
		1:15: Historical Society	1:00: Computers 1	1:00: Computers 2	
	6:30pm Tues. Night Soc.	· · ·	1:15: Ageless Cond./Bal.		
	7 8	9	. 10	11	
	9:00: Quilters	9:45: Steering Commit.	·	9:30: Yoga	
30: MOVIE	10:00: Computer Club	11:00:Spanish Conv.	9:00: Quilters	10:00: Extension	
1:15: Easy Moves	12:00: Senior Dining	10:30: Line Dancing	10:00: Excel 1	10:00: Walk for Health	
2:00: Senior Dining	1:15 Ageless Cond./Bal.	12:00: Senior Dining	12:00: Senior Dining	11:15: BINGO	
2:30: "Name That Tun		1:00: Oll Pastels	12:30: Pinochle/Bridge	12:00: Senior Dining	
3:00: L&F Grand Openii	nd 6:30: Aging Parents		1:00: Lawyer	1:00: Diabetes Discussion	i
•	6:30pm Tues. Night Soc.		1:00: Computers 1	1:00: Computers 2	1
		7:00: Spanish Conv.	1:15 Ageless Cond./Bal.		ł
	4 15	18	17	18	
	9:00: Quilters	10:00: Spanish Conv.	8:30: Foot Care Clinic	9:30: Yoga	
30: MOVIE	9:00: Computer Club	10:30: Line Dancing	9:00: Quilters	10:00: Walk for Health	:: 2
1:00: Identity Theft	12:00: Senior Dining	12:00: Senior Dining	10:00: Excel 1	11:15: BINGO	ł [.]
11:15: Easy Moves	1:15 Ageless Cond./Bal.	1:00: Oll Pastels	12:00: Senior Dining	12:00: Senior Dining	
2:00: Senior Dining			12:30: Pinochle/Bridge	1:00: Computers 2	
2:30: "Name That Tun	e"		1:00: Computers 1		
	6:30pm Tues. Night Soc.	7:00: Spanish Conv.	1:15: Ageless Cond./Bal.		
2	1 22	23	21	25	
	9:00: Quilters	10:00: Spanish Conv.	9:00: Quilters	9:30: Yoga	6:15pm:
30: MOVIE	10:00: Computer Club	10:30:Line Dancing	10:00: Excel 1		Potluck/Card
1:15: Easy Moves	12:00: Senior Dining	11:00: Newcomer's Soc.	12:00: Senior Dining	10:00: Walk for Health	All Welcome
2:00: Senior Dining	1:15: Ageless Cond./Bal	12:00: Senior Dining	12:30: Pinochle/Bridge	11:15: BINGO	
2:30: "Name That Tune	9 "	1:00: Oll Pastels	1:00: Computers 1	12:00: Senior Dining	Stor
			1:15: Ageless Cond./Bal.	1:00: Computers 2	(EXCA)
	6:30: Tues. Night Soc.	7:00: Spanish Conv.			
2	8	**************************************			
	9:00: Quilters	10:00: Spanish Conv.		X	
:30: MOVIE	9:00: Computer Club	10:30: Line Dancing	Wilsonville Commun	ity Choir will be singing	at the
1:15: Easy Moves	12:00: Senior Dining	12:00: Senior Dining	Tualatin/Durham Senior	Center on Wednesday,	April 30,
2:00: Senior Dining	1:15: Ageless Cond./Bal	12:15: Wilsonville		lunch and some wonde	
2:30: "Name That Tune	그 말 가 가 가 가 좋는지? 이 집 사람이 있는 것 같아요.	Community Choir	entertainment.		
	6:30: Tues, Night Soc.	1:00: Oll Pastels			· • •
		7:00: Spanish Conv.		1	





PARKS, GREENWAYS & NATURAL AREAS **BUSINESS IN TUALATIN**

ABOUT CITY OF TUALATIN

Citizen Advisory Committees

Facility Reservations

Links to Related Organizations

Map of Tualatin River Access Points

Natural & Cultural Interpretive Information

Parks, Greenways & Natural Areas

Park Maintenance

Park Planning & Development

Park Rules & Regulations

Park System Map

Park Watch

Recreation

Urban Forestry

Search



Tualatin Community Park

LIVING IN TUALATIN

This 27.11 acre active park, with an award-winning Skate Park, is located on the Tualatin River at 8515 S.W. Tualatin Road.

Tualatin's first park was a grove of trees behind Robinson's store on Boones Ferry Road. It then moved to a woodsy stretch under the Southern Pacific Railroad trestle where 4th of July celebrations were held. That park adjacent to the Tualatin River was expanded with a oift from Harvey Van Raden in 1972 to become Tualatin Community Park.

Community Park has three sports fields, tennis and a basketball courts, a playground, a skate park for skate boarding and in-line skating, and four picnic shelters. A boat ramp allows access to the Tualatin River. These are among the facilities available at Community Park.

If you would like to gauge the distance of your fitness walks, please click on Community Park Walk Map for mileage.

The park is also home to the Tualatin Crawfish Festival, put on by the Tualatin Chamber of Commerce. The annual festival is a familyoriented, fun-filled time of live music, food, games, crafts, and the famous crawfish eating contest.

Interpretive signs in the park offer information about the cultural and natural history of the area.

Facilities located in Community Park

Senior Center

The Tualatin/Durham Senior Center is located in Tualatin Community Park along the banks of the Tualatin River. Social, nutritional, recreational, and educational activities abound for adults 60 and over.

Nutritious lunches are served weekdays and healthy Meals on Wheels are delivered to homebound elderly residents as a service of the Tualatin/Durham Senior Center.

The Senior Center may be rented by groups through the Community Services Department by phoning 503.691.3061, or email thansard@ci.tualatin.or.us.

Van Raden Community Center

The Westside Family YMCA provides cultural, recreational, and social activities which are based out of the Van Raden Community Center. The programs help build strong individuals, families, and community as a component of the City's recreational services.

The Van Raden Community Center is available for rent by groups



Leisure opportun facilities and the the local environ foundations of cc pride.

through the Westside Family YMCA, by phoning 503.885.8576.

Shelter_Reservations

Four picnic shelters are available for rental by groups from April through October. Each has its own distinct character. The shelters are great for company picnics, family reunions, children's birthday parties, and sports team 'get-to-know-you' and 'end-of-season' parties. For reservation information, contact the Community Services Department at 503.691.3061, or email thansard@ci.tualatin.or.us.

Skate Park

An award-winning skate park provides young people with a safe place to skateboard and in-line skate. Tualatin youth actively participated in the site selection, design process, and fund-raising for this skate park that raised more than \$170,000 in contributions from 460 donors.

Young people became empowered, learned about local government, strengthened civic pride, and presented a positive image of youth through their successful efforts to build this skate park.

You must have the Adobe Acrobat Reader to view and print the documents. If you do not have the reader you can download it, for free, from Adobe by clicking on the yellow icon.

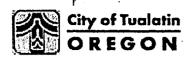
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Community Services Department

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SITE MAP

CONTACT US



ABOUT CITY OF TUALATIN



LIVING IN TUALATIN

Section Topics

- Classes and Act
- Registration Prc
- = Facility Rentals
- Volunteer Oppo
- Frequently Aske
- Learning Acade:
- What's New



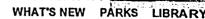


WEST FAMILY



LIVING IN TUALATIN

BUSINESS IN TUALATIN



Westside Family YMCA

Welcomel

The Westside Family YMCA contracts with the City of Tualatin to provide year-round recreation, social, and cultural programs for people of all ages. The mission of the YMCA is simple: we build strong kids, strong families, and strong communities.

A YMCA membership is not required for participation in any programs offered through the Van Raden Community Center, Nonresidents of the City of Tualatin pay an additional \$10 per person, per activity.

Van Raden Community Center:	8535 SW Tualatin Road (located in beautiful Tualatin Community Park)
Office Hours:	Monday - Friday, 9:00 am - 5:00 pm Closed daily 12:00 noon - 1:00 p.m.
Telephone/Fax:	503.885.8576 503.885.8511 Fax 503.691.0574 TTD Volce messages may be left after-hours at 503.885.8576
Malling Address:	8535 SW Tualatin Road Tualatin, OR 97062-7092

Staff

Be a part of the fun!

Join the staff at the Westside YMCA/Van Raden Community Center.

The YMCA/Van Raden Community Center needs volunteers, staff and instructors for a variety of recreation programs an activities. In particular, certified Aerobic instructors and summer camp counselors are needed. For more information, please contact Sabrina Slusser at 503.885.8576.

Westside YMCA/Van Raden Community Center Staff

Call 503.885.8576 for:

Sabrina Slusser, Exec. Director	Ext. 102
Kate Mullican, Program Director	Ext. 104
Octavian Jackson, Admin. Assist.	Ext. 100

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City Codes & Charter Clubs & Organizations

Community Events

Emergency Services

New Residents

Arts

Parks, Greenways &

Natural Areas

Public Involvement

Recreational Opportunities

Schools

Science & Technology Grants

Senior Services

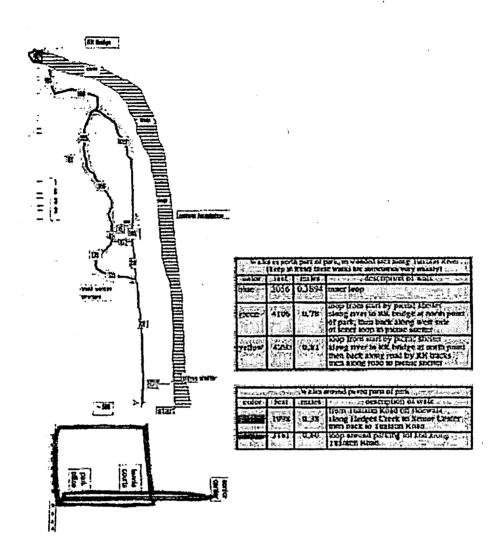
Tualatin Public Library

Volunteer Opportunities

Youth

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Community Park





ABOUT CITY OF TUALATIN

Advisory Committee

Book Discussion

Calendar of Events

Grown-ups

How to Find Us

How to View My Account

How to Renew Materials

How to Reserve Materials

Library Policies

Kids & Teens

Outreach & Special Services

Photo Album

Story Times

Telephone Reference

Volunteers

Search

Located at: 18880 SW Martinazzi Avenue Tualatin, OR 97062 (located in City Hall building at the corner of Boones Ferry Rd. and Martinazzi Avenue)

Useful Phone Numbers:

LIVING IN TUALATIN

Library

Welcome to the Tualatin Public Library

Circulation Desk	503.691.3074
Book Renewal Line	503.691.3075 (available 24 hours)
Information Desk	503.691.6884
FAX	

Library Hours:

Monday - Thursday	9:30 a.m 8:30 p.m.
Friday - Saturday	9:30 a.m 5:30 p.m.
Sunday	12:30 p.m 5:30 p.m.

We welcome your comments and suggestions. Please e-mail the Library Manager at jcorkett@cl.tualatin.or.us.

Community Services Department

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SITE MAP

CONTACT US

Calendar of eve Child safety on Homework help Internet policy Scrapbook Story time Pass to Adventu Kids & Teens Telephone refer

Section Topics

Staff Picks





4/14/2003



BUSINESS IN TUALATIN WHAT'S NEW PARKS LIBRARY



Tualatin Public Library

April 2003 Events

National Library Week April 6–12, 2003

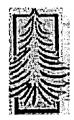
Every day more than 120,000 librarians nationwide connect students, families, senior citizens, businesspeople, teachers and professors with the information they want and need to be successful in a swiftly changing and increasingly global era. As the economy has faltered, more and more Americans have relied on libraries for help finding jobs, free access to thousands of books and videotapes and as a place to connect with their neighbors and colleagues.

This week the Tualatin Public Library and communities across the country celebrate National Library Week and the valuable contribution of libraries and librarians in schools, universities and public libraries. Libraries are part of the American dream – places for lifelong learning and free and equal access to a world of resources.

It's easy to take our libraries and librarians for granted. I encourage everyone to take a moment to thank our librarians for the services they provide.

National Library Week is a great time to see what's new @ your library and how your librarian can direct you to the information you need when you need it.





Arbor Week April 6-12, 2003

Did you know that one acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen? Arbor Week is April 6-12th, 2003 throughout the state of Oregon. Tualatin's goals this year are to recognize and celebrate the many values of trees, demonstrate how to properly plant trees, and advocate for the enhancement of Tualatin's urban forest. Look for a complete list of activities on page five of this newsletter. For more information, please call Shelly Ellett at 503.691.3065.

April is National Poetry Month

Inaugurated by the Academy of American Poets in April 1996, National Poetry Month (NPM) brings together publishers, booksellers, literary organizations, libraries, schools, and poets around the country to celebrate poetry and its vital place in American culture.

The Tualatin Public Library Pencil Poets are displaying their poetry in Starbucks at Hedges Green in April, as well as at the Oregon Gardens for an Earth Day Celebration beginning April 19th. For more information please contact inhouse poet H.S. (Sue) Lange.



The Changing Work Environment

A Free Lecture Series

Join us for individual lectures or the full series where you will hear experts in the field of communication share the latest information on changing work environments.

To register, please call 503.977.4933. For additional information or for questions call PCC at 503.538.9774. Please use CRN # 27595 when registering.

April 1st – Understanding and Handling Conflict

At work or at home, conflict is an unavoidable, even necessary part of our lives. This lecture focuses on how to meet the challenges of conflict.

April 8th – Five Easy Steps to Healthy Communication

Participants will recognize their own communication styles and learn how to influence understanding, lower stress, and foster a healthy workplace.

April 15th – Office Politics: Survival in the World of Work

This class will explore the realities of the workplace and the options for survival as well as advancement.

April 22nd - Understanding and Directing Emotions

This workshop presents a memorable way to understand what's going on and how to work with these strong emotions in a positive and productive way.

April 29th – Improve Communication Skills and Stay Out of Arguments

This lecture will focus on observing listening techniques that work and those that don't. Participants will learn the range of real situations from family dinner table conversation to office conflicts.

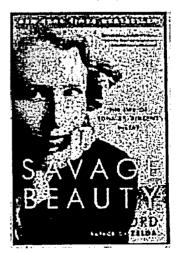
May 6th – How Different Are We?

Lecture covers gender and orientation diversity. Learn acceptance, helping each other progress and succeed, strengthening professional relationships, and handling change through positive leadership skills.

Book Discussion Group

This month's group is reading and discussing Pay It Forward by Catherine Ryan Hyde and Siege by Helen Dunmore.

Looking ahead, next month's group will be reading Savage Beauty - The Life of Edna St. Vincent Millay by Nancy Milford.



The publisher comments: "Thirty years after the smashing success of Zelda, Nancy Milford returns with a stunning second act.

If F. Scott Fitzgerald was the hero of the Jazz Age, Edna St. Vincent Millay, as flamboyant in her love affairs as she was in her art, was its heroine. The first woman ever to win the Pulitzer Prize. Millay was dazzling in the performance of herself. Her voice was likened to an instrument of seduction and her impact on crowds, and on men, was legendary. Yet beneath her studied act, all was not well. Milford calls her book "a family romance" - for the love between the three Millay sisters and their mother was so deep as to be dangerous. As a family, they were like real-life Little Women, with a touch of Mommie Dearest. Written with passion and flair, Savage Beauty is an iconic portrait of a woman's life."

We've Made Some Changes

t,

We hope you've noticed some of the recent improvements we have made to the library. Teens: Check out the new teen area with comfortable seating and cool curtains. Adults: Tax forms are now located next to the copy machine, and free publications are next to the new adult seating area in the Reference Section! Everyone: We have installed a new security system in late March. We hope this will limit theft and keep our popular titles available for patrons to check out and enjoy. Also, The City of Tualatin has been working for months to update the look at feel of our website. The goal was to make the site more user friendly and enhance the content. We also wanted to make the site more pleasant to look at. Visit us at www.ci.tualatin.or.us

The library staff strives to make your experience at the library enjoyable

and efficient. Please share any ideas you may have that would make this an even better place!



Tualatin Public Library April Programs

Ongoing Events in April

Toddier Story Time, 10:00am & 11:00am on Tuesdays, Library. Ages 24-36 months. Registration is required; pease call the library at 503.691.3072 to register.

Preschool Story Time, 10:00am & 3:30pm on Wednesdays, Library. Ages 36 years. No registration required. Read-Aloud Day is the last Wednesday of each month. Come read to your child from our selection of great read-aloud books! Call Cherie at 503.691.3072 for more information.

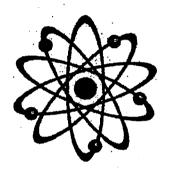
Spanish & English Conversation Group, Tuesday evenings in April, 6:00pm, Library, Newcomers welcome,

Homework Center. Mondays-Thursdays, 3:30-6:00pm, Library. The Homework Center features after-school snacks, tutors, computers, word processors, homework supplies, and instruction in library research skills. For more information, please contact Carol at 503.691,3070.

Tualatin Public Library April Programs ~ Continued

April 1[#]

Mad Science Fire & Ice Program, Tuesday, April 1s¹, 12:30-1:45pm, Library. Join the Mad Scientist and travel into the land of Fire and Icel From the HOT fire used to get our overweight friend Eggbert into a tight spot, to the subzero COLD which will create a cloud right inside our library, the Mad Scientist will amaze you with SCIENCE.



Watch as the amazing Bernoulli effect causes small and large balls to float in mid-air and frozen Co2 makes fantastic bubbling potions. For the grand finale: make your very own slime with our visiting Mad Scientist! No registration required.

April 2nd

Ukrainian Egg Decorating, Wednesday, April 2rd, 6:30-8:30pm, Library. Leam the intricate art of egg decorating. Registration is required please call 503.691.3071 to sign-up.

Book Discussion Adult Group, Wednesday, April 2nd, 7:00pm, Mastodon Room. Adult Services Supervisor Julieann Ross leads the group the first Wednesday of each month. This month's group is reading and discussing Pay It Forward by Catherine Ryan Hyde and Siege by Helen Dunmore. Also, the group is invited to a joint book discussion with the Tigard Book Discussion Group

and the author of Pay It Forward, **Catherine Ryan Hyde** on April 9th, 7:00pm, at the Tigard Public Library. The Tigard Library is located at 13125 SW Hall Blvd in Tigard. Questions? Please call Julie at 503.691.3069.

April 4th

Teen Photo Contest Awards, Friday, April 4th, 4:00pm, Library. Open to the public. See who the winners are and enjoy refreshments.

April 7th

Build Your Own Birdhouse! Monday, April 7th, 6:00-7:00pm, Ages 5-12 years, Tualatin City Council Chambers (Directly across from the Tualatin Public Library). Join us and learn how to make your very own birdhouse in honor of **Arbor Week 2003.** Mikey from Home Depot will join us for this fun project. No registration required.

April 11th

Playgroup, Friday, April 11th, 10:30am-12:00pm, Library. This playgroup is for youths 12 months & older. What is playgroup? Stories, songs & play including special activities designed to develop motor skills. This playgroup is presented by the New Parent Network and is sponsored by the Washington Commission on Children & Families. Interested? Call Sheila Walker at (503) 846-2139 to register.



Tualatin Public Library April Programs ~ Continued

April 12th

Arbor Day Celebration, Saturday, April 12th, 9:30am-1:00pm. Event Schedule is as follows:

10:00-11:00am

Tree plant, Indian Meadows Greenway "C" at the Intersection of Alsea and Siuslaw Lane. We will plant a Heritage Cherry Tree and 20 maples. Please bring a shovel, gloves, and a water bottle. Questions? Call Chanda Stone at 503.691.3087.

9:30am-4:00pm

Friends of the Library <u>Book Sale</u>, Tualatin Public Library.

11:00-11:45am

<u>Composting</u> with Kent, an OSU Master Gardener. This is a gardening program for adults in the Council Chambers. No registration required.

11:00am-11:30am

"Every Tree Tells a Story" <u>Special</u> <u>Story</u> Time, all ages, Library.

11:30am-12:00pm

"The Bubble Gum Tree" Special Story and <u>Mime Program</u>, all ages, Library.

12:00pm-1:00pm

Choose to <u>Plant a Tree</u> or <u>Make a</u> <u>Birdfeeder</u>. These are messy activities for children age five and up!

12:00pm-12:30pm

<u>**Iree Talk</u>** by John Karsenboom from the Garden Corner. This is a presentation for adults. Join us in the Tualatin City Council Chambers (Directly</u> across from the Tualatin Public Library) and learn about specimen trees, focal point trees, and growing trees in containers.

April 16th

Special Storytime with Paisley, the Newfoundland Dog! Wednesday, April 16th at 10:00am. & 3:30pm, for children ages 3-6 years. All children will receive their individual photo of themselves with this gentle giant.



April 17th

Art of Spiritual Dreaming Book Discussion Group, Thursday, April 17th, 7:00pm, Mastodon Room, Library. Join others in exploring the book "The Art of Spiritual Dreamina" by Harold Klemp. A book discussion is a fun way to share insights and experiences and learn more about spiritual dreaming. The great French Renaissance thinker Montaigne wrote, "Dreams are faithful interpreters of our inclinations; but there is art required to sort and understand them." Rita Maupin leads the group. Questions, please call Julie Wickman, Library Program Specialist at 503.691.3069.

April 19th

Pencli Poet's Poetry Sharing for Kids and Families, Saturday, April 19th. There will be no regular Monday night meeting. The group will be going to the "Oregon Gardens" on Saturday, April 19th. Time, TBA (I will let them know.) limited to current group. In-house poet H.S. Sue) Lange leads the group. Questions? Call Sue at 503.691.3074 for more information.

fuolatin Public Librory April Programs - Continued

April 21st

Rainbow Writers Poetry Group, Monday April 21st, 7:00-8:30pm in the Mastodon Room, Library. In honor of April Fools' Day..."A Little Laughter Goes a Long Way". We'll be doing some humorous poems limerick style! In-house poet H.S. (Sue) Lange leads the group. Questions? Call Sue at 503.691.3074 for more information.

April 25th

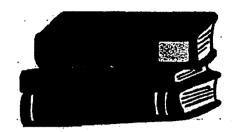
After-Hours Anime Movie Night for Teens Grades 6+, Friday, April 25th, 7:30-9:30pm. Join us for another teen movie night! Enjoy door prizes, refreshments, and snacks. This program is free and there is no registration required.

April 30th

Dia De Los Ninos Celebration, Wednesday, April 30th, 4:30-5:30 p.m. Join us to celebrate the Mexican holiday "Day of the Child" with a puppet show, fun surprises and delicious treats! All children are welcome. You don't have to speak Spanish to enjoy this program!

Spanish Story Time, Wednesday, April 30th, 5:30pm, Library. All ages welcome, no registration required.





It's @ Your Library™!

The Tualatin Public Library is part of the Community Services Department of Tualatin and serves a diverse population of over 23,000. The library is open 65 hours per week and features a dynamic collection of materials, including books, videos, CDs, DVDs, puppets, and more. The Library's mission is to provide access to a wide range of materials, programs, and services to meet the needs of the community. Tualatin Public Library is one of 13 libraries in the Washington County Cooperative Library Services (WCCLS) network. Libraries in Washington County work together to share resources and information in a spirit of cooperation to provide excellent countywide library services. To access our library catalog, logon to <u>www.wilinet.wccls.lib.or.us</u>. For more information regarding library programs and activities, contact the Tualatin Public Library at 503.691.3072, or 503.691.3069. Or log on 0 www.ci.tualatin.or.us.



ECONOMIC DEVELOPMENT Tualatin Development Commission

SERVICES

Welcome to the Tualatin Commons

In 1975, Tualatin established a redevelopment district at its center. The aim was to encourage the development of a village-scale downtown through infrastructure improvements and other incentives. The Tualatin Development Commission was formed to oversee development of the district. In 1985, the Tualatin Development Commission resolved to acquire land at a prime location in the middle of downtown. The purchases, totaling 19 acres, took



place in a series of transactions from 1985 through 1987. The most significant parcel was the Hervin pet food factory, which occupied a prominent position in the center of town.

A design was developed incorporating a man-made lake and mixed-use public/private urban development. Construction began in 1993 and will be completed in 2002 with the construction of the <u>Commons Landmark</u>, the signature piece of the Commons development.

The Tualatin Commons includes a 70-suite hotel, five restaurants, two Class-A office buildings, townhomes, apartments, leased office space and home-over-office / retail spaces.

The Tualatin Commons is just one of the projects that the Economic Development Department managed on behalf of the Tualatin Development Commission.

City of Tualatin

18880 SW Martinazzi Ave.





ABOUT CITY OF TUALATIN

Citizen Advisory Committees

Facility Reservations

Links to Related Organizations

Map of Tualatin River Access Points

Natural & Cultural Interpretive Information

Parks, Greenways & Natural Areas

Park Maintenance

Park Planning & Development

Park Rules & Regulations

Park System Map

Park Watch

Recreation

Urban Forestry

Search

PARKS. GREENWAYS & NATURAL AREAS

LIVING IN TUALATIN

BUSINESS IN TUALATIN



Parks, Greenways & Natural Areas

Tualatin Commons

Bienvenido - Bienvenue - Wilkommen - Benvenuto

Welcome! Tualatin Commons was dedicated and opened to the public on May 20, 1994. Some interesting facts about the lake are:

	U.S. Equivalent	Metric Equivalent
Circumference:	1,780 feet	534 meters
Surface Area:	3.1 acres	1.254 hectares
Volume:	6 million gallons	22.8 million liters
Depth - at edge:	6 - 18 inches	15 - 45 centimeters
Depth - at deepest area:	9 feet	270 centimeters

Water lost from evaporation is made up from on-site wells which were the original city water supply. Lake water is not filtered or chemically treated for drinking or swimming.

Diagram of Commons (click here for map)

Natural History

As you walk along the west side of the Tualatin Commons, you will notice the plaza is inscribed with the natural and cultural history of the Tualatin area.

Rules

To ensure that everyone's visit to Tualatin Commons is safe and enjoyable, THE FOLLOWING ACTIVITIES ARE NOT ALLOWED:

- Swimming, wading, boating, fishing, casting in or ice skating on the lake
- Skateboarding, rollerskating or in-line skating
- Having dogs or other animals, except a seeing eye or hearing ear dog by persons with disabilities
- Bicycle riding
- Consumption or possession of an open container of alcohol
- Operating any sound amplification devices, including radios
- Model boats powered by gasoline or other liquid fuel on the lake
- Feeding or causing harm to birds or other wildlife
- Placing signs, markers or posters
- Sleeping between sunset and sunrise

Violation of any section of the Tualatin Commons rules, Municipal Code 5-3, is a civil infraction. This is an abbreviated list of the Tualatin Commons rules.

Complete copies are available from the City of Tualatin Community

http://www.ci.tualatin.or.us/parks/Parks,%20Greenways%20&%20Natural%20Areas/tuala... 4/14/2003



The Crawfish Comi



Parks and oper beauty to an a people satisfac improving their

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category:	Consent – Land Use and Transportation	(CPO 2,4,5)
Agenda Title:	AUTHORIZE AGREEMENT WITH TRI-MET FO RAIL DEVELOPMENT AND OPERATION	RCOMMUTER
Presented by:	Kathy Lehtola, Director, Land Use and Transportation	

SUMMARY (Attach Supporting Documents if Necessary)

This agenda requests approval of intergovernmental agreement with Tri-Met. This is the Definitive Agreement that describes the County's and Tri-Met's roles in the project.

The Definitive Agreement

In June, 2002, the County entered into a Memorandum of Understanding (MOU) with Tri-Met delineating the key points of agreement regarding the Commuter Rail Project and serving as a basis for a subsequent Definitive Agreement.

The Definitive Agreement describes Tri-Met's role in the project, including to design, acquire, construct, install, equip, own and operate the Project. Tri-Met will seek and be Grantee for all federal grants and be Program Manager.

(Continued)

DEPARTMENT'S REQUESTED ACTION:

Authorize execution of this agreement between Washington County and Tri-Met.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	<u> </u>
Date:	3/18/03

55

AUTHORIZE AGREEMENT WITH TRI-MET FOR COMMUTER RAIL DEVELOPMENT AND OPERATION

March 18, 2003 Page 2

The Agreement notes that the County shall contribute specified amounts of funding towards the construction and operation of the Project, and retain certain obligations and review and approval rights. Further, it describes the County's role in the development of a federal Full Funding Grant Agreement (FFGA), the approval of design plans and specifications, commuter rail vehicle approval rights, and the coordination between the Project and the County's MSTIP Lombard Street Project. Funding for the County's participation in final design, construction and early operations is to be paid for with Project administrative funds available through the FFGA.

The agreement describes the County's responsibilities with regard to a Shared Use Agreement with Portland and Western Railroad, a Purchase and Sale Agreement with Union Pacific Railroad, and an Intergovernmental Agreement with the cities of Beaverton, Tigard, Tualatin, and Wilsonville regarding permitting and equitable levels of project-sponsored improvements.

A copy of the agreement is available at the Clerk's desk for review.

56

Washington County, Oregon



Land Use & Transportation

Kathy Lehtola, Interim Director

last modified: 04/26/2002 16:47:27

Land Use / Transportation Project Drawings

1.	Project Description
2.	Project Cost

- 3. Background
- 4. Regional Support

Wilsonville to Beaverton

Commuter Rail

- 5. <u>Status</u>
- 6. Funding

- 7. Benefits
- 8. Fast Facts
- 9. Stations/Park and Rides
- 10. <u>Commuter Rail Vehicles</u>
- 11. <u>Partner agencies</u>
- 12. Ridership and Cost

Project Description

The new Commuter Rail project will serve critical public mobility needs in the eastern Washington County <u>transit corridor</u> through joint use of freight rail lines to move commuters through this fast growing sector of the region. The Commuter Rail links with MAX Light Rail to connect its riders with Hillsboro, Portland, Gresham, and the Portland International Airport.





Station Plans

Media Information

The 15.3 mile long, five station project between Wilsonville and Beaverton will utilize an existing rail road corridor and link five eastern Washington County Regional and Town Centers. Park & Ride

facilities will serve all stations, except at Washington Square and at the Beaverton Transit Center. Service will run weekdays, in the peak commute hours, with an estimated daily ridership of 4,650 in the year 2020.

Project Cost

Total capital cost for the Commuter Rail project is estimated at \$120 million (year-of-expenditure dollars). Federal, state and local funding shares will cover construction costs. Local cities and Washington County have committed \$25 million in local funds. The 2001 Legislature committed \$35 million in state lottery bond proceeds for the project. A request for federal authorization and funding for the balance is underway.

Background

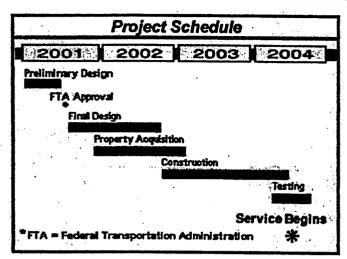
In 1996 Washington County, the Cities of Beaverton, Tigard, Tualatin, Wilsonville and Sherwood, Tri-Met, Metro and ODOT began studying the feasibility of commuter rail along a branch rail corridor that parallels Interstate-5 and Highway 217 between Wilsonville and Beaverton. In 1999 Washington County and the Federal Transit Administration (FTA) began Alternatives Analysis and an Environmental Assessment process. Both processes have been successfully concluded, and the

http://www.co.washington.or.us/deptmts/lut/commrail/train.htm

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project is wrapping up Preliminary Engineering and seeking federal approval to begin Final Design.



Regional Support

An extensive public involvement process was undertaken, with a high level of public and business support demonstrated for the project. Washington County, the Cities of Beaverton, Tigard, Tualatin, Wilsonville, JPACT, and the Metro Council all unanimously selected Commuter Rail as their Locally Preferred Alternative, when given the other transit options of no-build and a new express bus service.

Status

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Congress appropriated \$1.5 million in federal funds for Preliminary Engineering (PE). In the PE phase of project development, conceptual designs were advanced to the 30% level and detailed cost estimates were developed. The Final Environmental Assessment was published in January 2001, and a Finding of No Significant Impact (FONSI) was issued in April 2001.

Funding

- Total project capital costs are estimated to be \$120 million.
- Washington County has dedicated \$25 million for the project.
- The State of Oregon's share of this project is \$35 million. Legislation was passed in June of 2001 to dedicate this money from lottery backed bonds
- Federal funding authorization for the balance is being requested in this year's Federal Transportation Appropriations bill. Commuter

	<u>۱</u>	
Operations Plan		
Equipment Type	Diesel Multiple Unit (DMU)	
Train Frequency	30 minutes	
Maximum Speed	20 MPH (Lombard St.) 60 MPH (north of Tualatin)	
	75 MPH (south of Tualatin)	
Average Speed	37 MPH	
Service Hours	5:30 - 8:30 am, &	
	4:00 - 7:00 pm	

Rail is one of the Portland Metropolitan Region's three "top federal priorities".

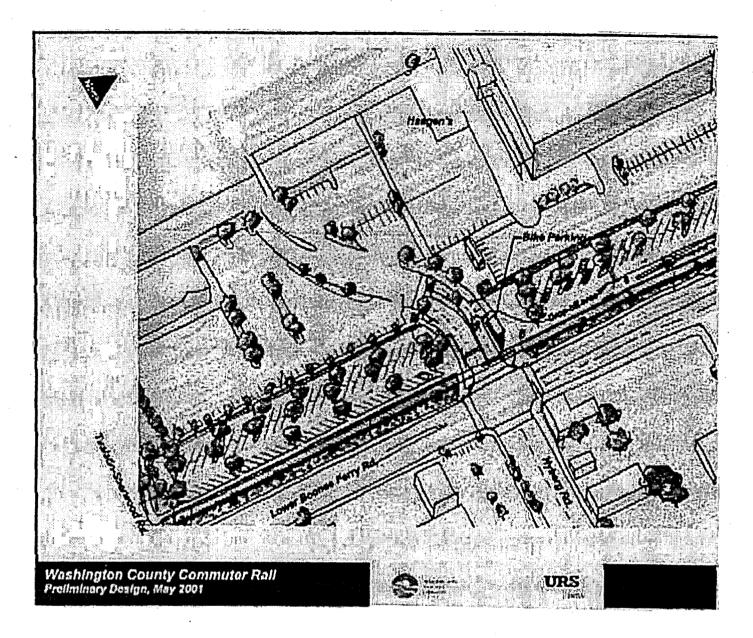
• Responsibility for the cost of operations, estimated to be \$4 million annually, will be determined during Final Design.

Benefits

- The average daily Commuter Rail ridership is estimated to be 4650 individuals in the year 2020.
- Commuter Rail travel times between Wilsonville, Tigard, Tualatin and Beaverton are projected to be 35% 50% faster than equivalent auto travel times.
- The annual 1.1 million+ Commuter Rail ridership is three times more than that achieved by an express bus system with twice the frequency, using bus-preference traffic signals and by-pass lanes at 40 different intersections.
- The \$8 million per mile capital cost of Commuter Rail is significantly less expensive per mile

http://www.co.washington.or.us/deptmts/lut/commrail/train.htm

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http://www.co.washington.or.us/deptmts/lut/commrail/stations/tualatin.jpg

4/16/2003

RECEIVED VIA E-MAIL 8/6/04

RIVERHOUSE Richard and Ronald Baranzano P.O.Box 505 18615-18645 SW Boones Ferry Road Tualatin, Oregon 97062 E-mail: <u>Oregonrealestate@cs.com</u>

August 5, 2004

Sent Via e-mail: <u>lutplan@co.washington.or.us</u>, <u>Laura_Taylor@co.washington.or.us</u>, <u>shopkins@ci.tualatin.or.us</u> ALSO SENT VIA FAX: 503.846.4530

Tualatin Basin Natural Resource Coordinating Committee Washington County/DLUT 155 N. 1st Avenue, Suite 350-14 Hillsboro, Oregon 97124

RE: Riverhouse, 2S 1 24BC Tax Lots 1400 and 1301

To Whom It May Concern:

Architectural Review Decision# AR-03-18 approved the development of a 210-unit congregate care and assisted living on a 3.11 acre property (see tax lots listed above). These tax lots are between the Tualatin River on the north and SW Boones Ferry road on the south. As a condition and prior to this approval, applicant was granted Service Provider Letter, File# 2947, by Clean Water Services. However, OAR 411-056-0007 places a Licensing Moratorium on assisted living facilities until 2005, so construction will not be able to begin for at least a year.

City of Tualatin staff has indicated that the ESEE mapping needs to be updated to reflect this approval. In fact, staff did submit, and received a mapping adjustment for this property. Unfortunately, the correction was not carried forward on all parts of the tax lots in question(see Tax Lots# 1301 & 1400, Map 2S124BC, Washington County attached, for the purpose of clarifying Riverhouse Project Location and Tax Lot boundaries). Please accept this letter as a request to continue the map correction on all parts of the tax lots listed above.

This project is an economically important, socially significant, environmentally sound and energy efficient development. It is adjacent to bus lines, the Senior Center and in the center of Tualatin's Core Urban Renewal Area. Please correct the map to allow this development to move forward.

Respectfully,

Richard A. Baranzano

August 9, 2004

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

RE: Goal 5 Planning Proposal

Dear Sir:

This letter is in response to your Goal 5 Planning Proposal. I would like to reserve my rights as a landowner with property that will be impacted by the above proposal. The indication is that my property will be greatly impacted by the "Strictly Limited" zone. I reserve the right to maintain and enhance my existing bridge, road, and equipment storage located in the limited zone. I also reserve the right to maintain the land and riparian areas as necessary.

I expect to retain the same rights to develop my property as was provided to those properties located between my property and Cornelius Pass Road. Since the Goal 5 Plan was proposed, the City of Hillsboro and Washington Co. Planning Departments have issued permits to remove 90% of the vegetation (including 100' trees), and high density development. When this plan was proposed I attended meetings and expressed my desire to retain my property rights.

I also reserve the right to limit access to my property to individuals that arc my guests or those who have received written permission only. It may not be opened to the public nor their animals.

Thank you Greg Beaman 121 NE Guston Ct. Hillsboro, OR 97124

goal 5

503-614-0291

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AUG 0 9 2004

P.1 Page 1 of 2

PLANNING DIVISION Washington County, Oregon

Goal 5

last modified; 07/23/2004 11:00:11

Department of Land Use & Transportation Brent Curtis, Manager

Enter Street Address	OR	Street Intersection
example: 155 N 1st Ave		Street 1
Find Address		example; Street 1: North First Ave Street 2: Lincoln Street
Address: 121 NE GUSTON Taxlot Map	CT Hillsboro 97	124 10
		Legend Allow Lightly Limit Moderately Limit Strictly Limit Tuslotin Basin Outside of Inventory Outside of Tualatin Basin
		71 Definitions for ALP Program Recommendati
Washington County and Use and Transportation D Planning Division 155 N. First Avenue, Suite 350 Hillsboro, OR 97124	epartment fa E-	anning Division: 503-846-3519 k: 503-846-4412 Mail to: jutplan@co.washington.pr.us

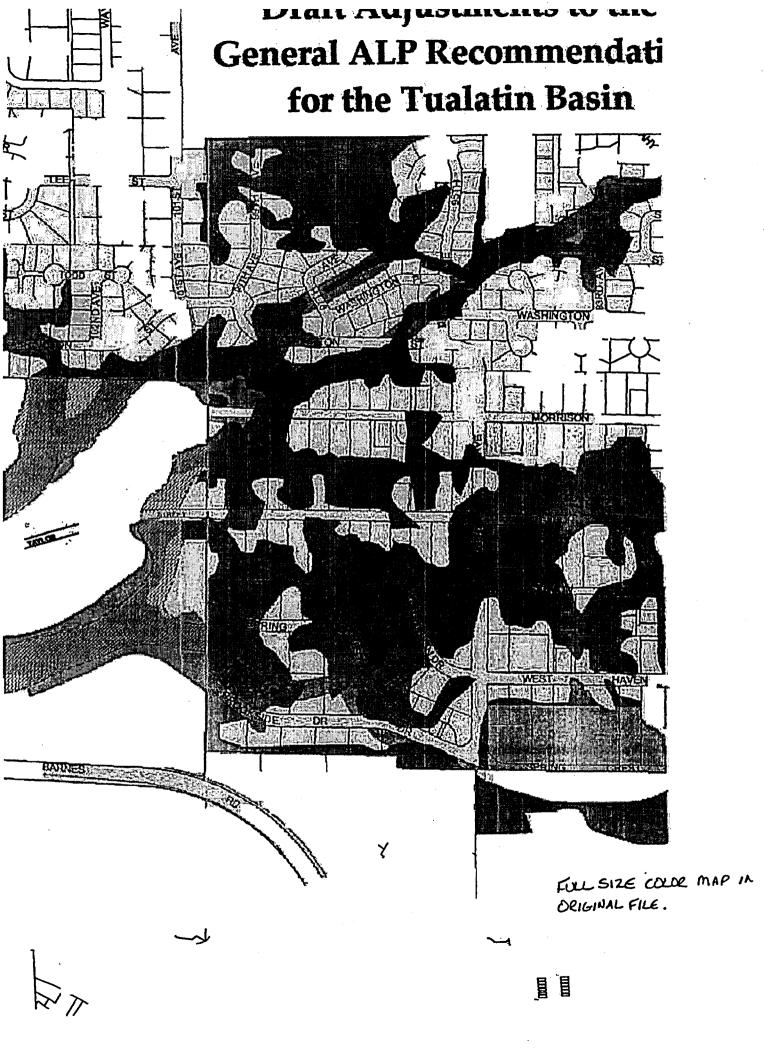
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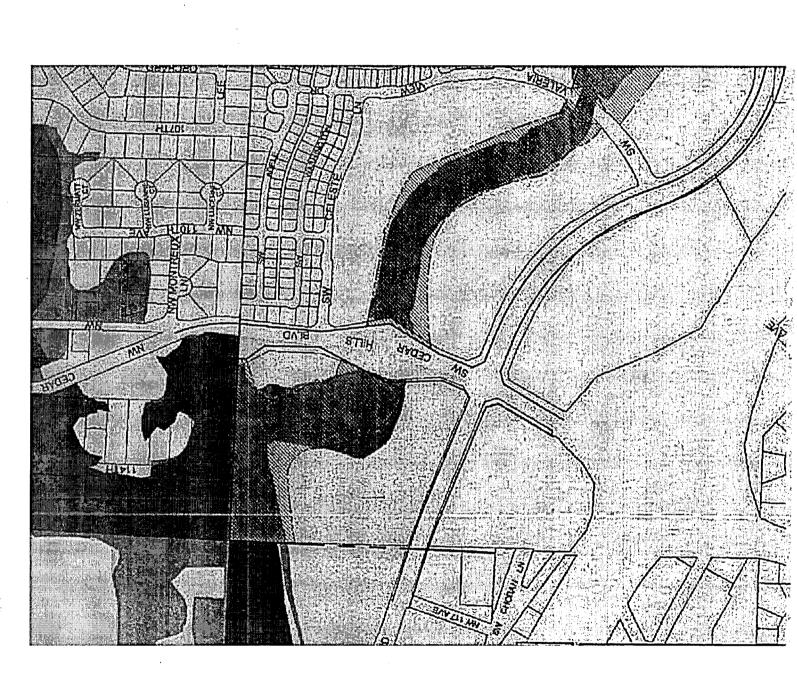


9755 SW Barnes Road, Suite 300 Portland, Oregon 97225 503.626.0455 Fax 503.526.0775

	TF	RAN	ISMITTA	L RE(CEIVED - 5 2004
To: Compar Address	· · · ·		Date: Project Number: Project Name:	April 5, 2004	- 5 2004 N ^{A.} ^{STATION}
City/Sta Phone: Fax	ate: Hillsboro, OR 97124				
Fax:	Jimmy Bellomy (503) 626-0455 (503) 526-0775		the individual and exen reader of this message i notified that the unauth this communication, or contents of this informa	This facsimile is intended on inpt from disclosure under appli is not the intended recipient, yo orized dissemination, distributi the taking of any action in relia ation is strictly prohibited. If yo please notify us immediately by	cable law. If the u are hereby on or copying of ance on the u have received
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	A REAL PROPERTY OF A REAL PROPER
Copies	Description
	One comment letter and graphic for Tualatin Basin Goal S Program





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AUG 0 6 2004

PLANNING DIVISION Land Use & Transportation

> 9021 SW 55th Ave. Portland,OR 97219 August 3, 2004

Tualatin Basin Coordinating Committee:

I attended the meeting last evening in Hillsboro, and after listening to the testimony realized that I wanted to add my comments as well. Although I reside in Portland, Tigard is only a few streets away. I think it is wonderful that you are there and working on preserving our natural areas while planning development in the least destructive way.

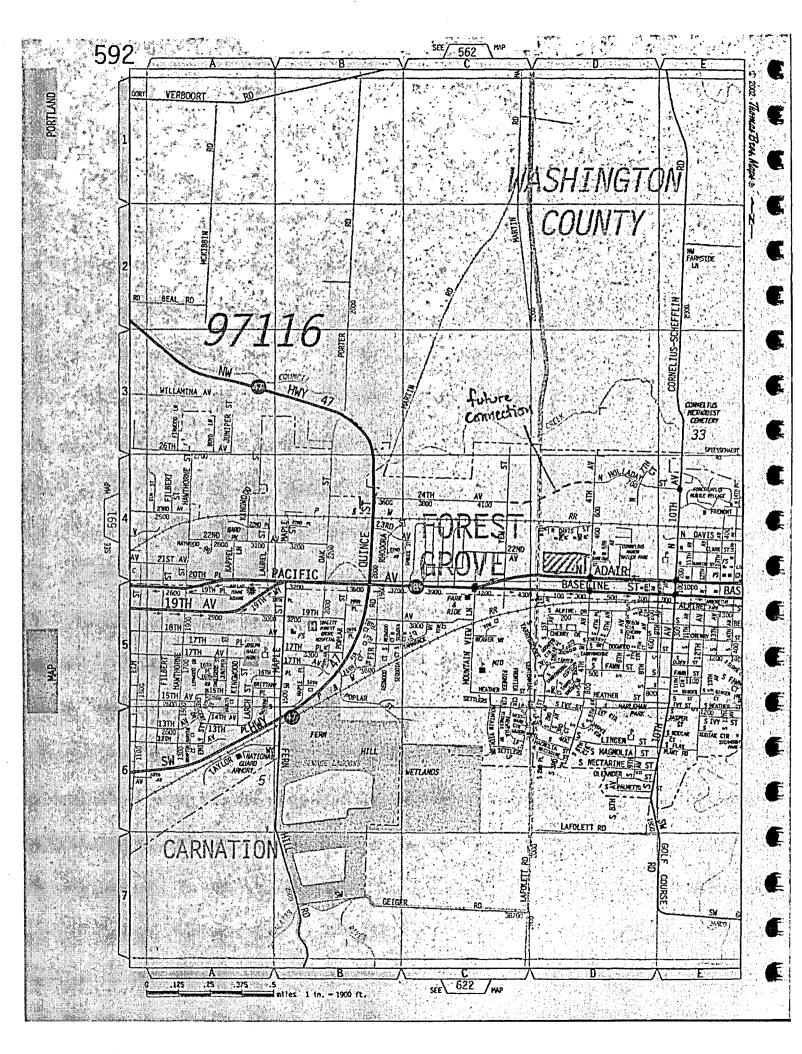
My concern is that the highest value property be protected to the maximum degree in order to preserve connectivity. Mitigation, no matter how successful, can never substitute for the naturally occurring streams and wetlands. We really must protect as much as possible. Mitigation is a last resort only. What is destroyed is gone forever.

Our area is the envy of all who visit from the wastelands of America. Perhaps one needs to have once lived in the wastelands to appreciate our very special place and what it means to live near streams and trees that sustain all sorts of wildlife, including ourselves.

Susan Bexton

ATTENTION: JULIE HAJDUE TAX # 503_684-7297 FROM FANNY BOOKOUT. RECEIVED THANKS, AUG 0 9 200+ PLANNING DIVISION Land Use & Transportation

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. 1110 Thoxad be grand On the Please malle Mateo Name: FAN Ja ഹരം 1229 Address: iont 10459 xiar Signature: Paros \leq



RECEIVED

Fax Cover Sheet

AUG 0 6 2004 PLANNING DIVISION Land Use & Transportation

Frederick W. Britt 7770 NW Kaiser Road Portland OR 97229

Phone (503) 645 0793 fwb7770@netzero.com

Recipient's Name	Angela Brown
Organization	Washington County Planning Division
Fax Number	503 846 4412
Telephone Number	
Date	August 6, 2004
Subject	Goal 5 comments

Total Number of Pages: 3

Comments:		<u>30</u>	
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Frederick W. Britt 7770 NW Kaiser Road Portland OR 97229 (503) 629 2124 fwb7770@netzero.com

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AUG 0 9 2004 PLANNING DIVISION Land Use & Transportation

August 5, 2004

Washington County Planning Division, Suite 350 155 NW 1st Street Hillsboro OR 9712

To whom it may concern,

I am a property owner in the Bethany area whose property has been included in the most recent UGB expansion. I have just become aware of the pending decisions regarding habitat preservation that will affect my property. I have two observations based on the information I have been able to gather to-date.

(1) I spent my business career, dating to 1965, as a municipal bond underwriter in Seattle. As such, I was involved first-hand in the explosive urban growth that occurred in King, Pierce, and Snohomish counties from 1965 until 1992 when I retired from that business and moved to Oregon. As a resident of Oregon, I became immensely impressed with the procedures in place to control suburban sprawl-which were in such stark contrast to the land rush mentality that had dominated the development in the Puget Sound basin-and for that matter, most other metropolitan areas in the nation.

A fact that may be lost on many – who may not have first-hand experience of the chaotic suburban growth that is occurring in most other areas of the country – is that our well-managed UGB with its dominant concept of increasing housing density – has already greatly enhanced habitat preservation by the simple fact that it has so effectively limited suburban sprawl.

My concern is that the implementation of a broad, new layer of habitat preservation measures within the UGB will be in conflict with concept of achieving the desired densities within the UGB. In a sense, call a spade a spade – if land is earmarked for development and consequently included in the UGB – use it effectively for that purpose, and don't dilute the concept.

I fully support the efforts to preserve streams and drainage areas, with their associated flora and fauna. I am far less convinced of the merit for preserving the more upland parcels, which I believe are categorized as "Site-Level Adjustment" on the TBNRCC maps, simply because of canopy cover. The preservation of stands of trees for the purpose of habitat protection is somewhat flawed in this context. A stand of trees may provide refuge for hawks and owls-but if the fields around those trees are gone, these birds will have no place to hunt-and will move on. It has further been noted that suburban development causes the influx of new animals: cats and

dogs, that are very disruptive to the current animal populations of these areas. The concept of preserving areas for water quality is sound, preserving areas for the benefit of the existing wildlife infrastructure that live there is a questionable rationale.

(2) I am simply stunned by the manner in which this proposal has been presented to the public and the short period of time that has been allowed for public comment.

I returned from a week's vacation on Sunday, July 25. Monday morning, I sorted out my mail: a pile for regular mail and a pile for junk mail. Between Target and Safeway in the junk mail pile I turned up a brochure which I flipped into the trash pile. When it turned over, I spotted Washington County on the cover and decided to read it, consequently learning of the open houses regarding the Goal 5 program—the Beaverton meeting being scheduled for that evening. I attended that meeting and the Public Comment session in Hillsboro Monday the 2nd, at which time I learned that the public comment period ended August 9th.

I learned of these meetings almost by accident and the information flowing from these meeting has been disjointed and incomplete. The amount you learn is proportionate to how much digging you do. In several phone calls to the various jurisdictions—while everyone has been polite and helpful-- I have received conflicting information, referrals back and forth between the jurisdictions, and several comments of "I just don't know" or "that information isn't available yet". I believe that many people affected by these proposals remain generally unaware of them or their specific content. The August 9th cut-off date does not provide adequate time for the person who is, in fact, aware of these proceedings to dig up pertinent information and intelligently respond. This is an incredibly short and ill-prepared presentation to the public and land-owners, in particular, of information that is so important to them.

As a result of a 10 day effort to find out more, I am in possession of three recent maps prepared by the three involved jurisdictions. Each of these maps, as it applies to my property, is different. At a meeting I was allowed to glimpse at yet another map which "can't be released because it isn't finished yet." We have a public comment period ending the ninth and I still don't know how these proposals will affect my property.

I am aware of what a difficult and emotionally charged issue you are dealing with and how hard it is to decide between many well-founded but opposing concerns. I am also aware, that challenges to the UGB expansion not withstanding, the time required to resolve these issues will probably significantly extend the period before any development occurs in the Bethany area. However, I believe this information should be more complete, better organized, and more efficiently presented to the affected landowners before it proceeds.

Singerely, Alder W Britt

Angela Brown

From: Sent: To: Subject: fwb7770@netzero.net Sunday, August 08, 2004 3:42 PM Angela_Brown@co.washington.or.us RE: Goal 5 comments

Angela

For the past two weeks ,I have attended meetings and had conversation with Metro personnel. This has all been based on Metro maps that I had--and I was told that the Metro map was the Master for the Goal 5 studies. These maps listed portions of my property as "moderately limit development." I felt thast this was a workable designation and was comfortable with it. Everyone I talked with at Metro re-inforced this posture.

Friday, August 6, and 3 days --over a weekend-- before the public comment periods ends on Monday, Metro published a new map on their website. On this map my designation has been changed to "highest value habitat." This flies in the face of everything I was told and understood. The manner in which this is being handled is capricous and arbitrary. I am now of the opinion Metro cannot be trusted and any goodwill I had toward this process has been replaced with suspicion, distrust, and overt opposition.

Fred Britt 7770 NW Kaiser Rd Portland 97229

Angela Brown

From: Sent: To: Subject: Clare Bronder [clareb@comcast.net] Sunday, August 08, 2004 7:16 PM lutplan@co.washington.or.us Goal 5 Planning



To Whom It May Concern:

I am writing to express my concerns about the Tualatin River basin's sensitive lands and how they will be effected by our Goal 5 plans.

a. I support increased efforts and funding (the \$3/month SWM fee increase)

to connect storm water drains to a treatment facility instead of directly

into the streams into which the water is currently channeled. The health

of the Tualatin River basin, both environmentally and economically depend

on greatly reducing the contamination of the river basin by runoff from our

roads, including landscaping chemicals.

b. I support a basin-wide tree protection ordinance to protect the urban

tree canopy. It is a depressing situation that our energy demands to cool

our living spaces continually increase with the effects of the heat island

created by the destruction of valuable tree canopy.

c. I also support changes to the proposals for developing land designated

as "Moderately Limit". I would like to see it changed by establishing a

1

lower maximum allowed disturbance area. Thank you for your consideration of my concerns. Sincerely yours, Clare Bronder 10969 SW Chateau Lane Tigard, OR 97224

RECEIVED NAWCY CABLE AUG 0 9 2004 40323'S.W. LA SALLE RD, PLANNING DIVISION Land Use & Transportation GASTON, OR. 97119 Aug. 5,2004 TO: TUALATIN BASIN NATURAL RESOURCES COORDINATING COMMITTEE_ Dear Partness, Since il wasunable to attend the public hearing on Aug. 2, please consider this testimond from my real life experience. I thank you for keeping me informet. I do wish that you would modify your recommendation to metro in the following ways! Prohibit development in the highest quality habitat lands, e. q. floodplains like South west of Freet Grove steep slopes and upland habitats, I have real experience with what the destructive impacts are when reparian areas are leveloped and wildlife corridors are blocked Noamount of mitigation canhelp when that happens,

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NAMON CABLE

iparian corridors the reasons that we gel know, water quality, fich and wildlife, flood control, etc. we should wat develop there protect our farmlands ge.q., Dainy Creek Valley. We know that we weed every inch of the special land in our Tualation Basin

Sincerely, Namey Cable

Angela Brown

From:	Eric Canon [canonmetals@yahoo.com]
Sent:	Monday, August 09, 2004 11:01 AM
То:	HeartsongN@aol.com; jlabbe@pdxstreams.org; andy@duyckmachine.com; lutplan@co.washington.or.us; hostickac@metro.dst.or.us; pdgibbs@teleport.com; etruax@pearsonfinancial.com; mark@cottle.com; richard@groveweb.net; rdrake@ci.beaverton.or.us; mclains@metro.dst.or.us; tomh@ci.hillsboro.or.us; cheri@northplains.org; cheryl_olson@beavton.k12.or.us; deanna@involved.com; Dick_Schouten@co.washington.or.us; John_Leeper@co.washington.or.us; nick@atlas-la.com; roneshay@verizon.net; sheinrich@ci.comelius.or.us; tom.brian@verizon.net
Cc:	brian@tualatinriverkeepers.org
Subject	: I support strengthening our mitigation requirements.

To whom it may concern

I want to add my strong support for the protection and nurturing of our wet land and natural areas that provide habitat for fish and wild life. We need strong mitigation requirements for our area. The proposal to further weaken them flies in the face of the realities of our planet and our region. For our children and perhaps their very survival these regulations are vital.

Please, should you error, error on the side of caution and preservation, not the alternative.

I am so glad Metro is doing this work. We need to respect all of our world, not just the short term interests of a few.

Thank you for your consideration.

Eric Canon

Eric and Jeane Canon Eric Canon's Metalworks 1923 Elm Street Forest Grove, Oregon 97116 (503)357-3282 Phone & Fax Visit my Website at: http://www.canonmetals.com



FCFIVED

450 SW Commerce Circle, #200 Wilsonville, OR 97070 503-682-3363 800-826-6610 Fax 503-682-1696 jon www.agc-oregon.org

August 4, 2004

PLANNING DIVISION Land Use & Transportation

AUG 0 5 2004

Tualatin Basin Natural Resource Coordinating Committee 155 N. 1st Avenue, Suite 350-14 Hillsboro, OR 97214

RE: TESTIMONY REGARDING TBNRCC FISH & WILDLIFE PROTECTION PROGRAM

Members of the Coordinating Committee:

The Associated General Contractors Oregon-Columbia Chapter represents over 1,000 companies actively involved in all aspects of the commercial construction industry in Oregon and southwest Washington. Nearly 70% of our members work, reside and employ workers in the Metro region. AGC has been an active participant in the Metro Fish & Wildlife Protection Program process for the past several years and has monitored the activities of the TBNRCC in crafting the "Basin Approach" that was allowed by Metro.

AGC applauds the TBNRCC for their willingness to create a program that works best for the jurisdictions in the Tualatin Basin rather than trying to manipulate a program created by Metro that may not meet your specific needs or goals.

AGC also supports the manner in which you have valued jobs producing land in your ESEE analysis. We agree that all land capable of producing jobs should be "high" valued and should not be unduly restricted by the presence of fish and wildlife habitat—especially since the mapping of the riparian and upland habitat that was done by Metro has not been ground-truthed, and we know that it is substantially inaccurate in many cases.

AGC does have concerns, however, with the program that has been recommended for your consideration. Those concerns are outlined below:

1) Calculating the amount of commercial and industrial land impacted by the Basin Approach is difficult, if not impossible, in the time we have for public input on your decisionmaking process. It is our understanding that the graph of affected acreage that was received this week from Washington County GIS staff does not factor in land already protected by Title 3 restrictions, and that no can give us that information before your decision must be made. That is problematic because we cannot accurately project how additional Fish & Wildlife Habitat Program

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TBNRCC Page 2

regulations will affect the commercial/industrial economy in the Tualatin Basin.

2) The 50% increase in SWM fees and the fee-in-lieu-of-mitigation fees that are being proposed could be a significant disincentive for existing businesses to grow their operations or even stay in areas that are affected, and it certainly creates issues for recruiting new businesses to the Basin. We understand your goal of trying to get ahead of ESA and CWA regulations with this effort, but we question whether a \$127,000,000 program is necessary to accomplish the goals that have been articulated.

3) AGC is aware that the Tualatin Basin jurisdictions are concerned about the loss of development capacity that will result from these new regulations. We understand that your concern is twofold—first, will Metro be willing to change the density requirements to take into consideration protection of resources; and, second, how will lost capacity be recovered in the Tualatin Basin rather than in some other part of the region. AGC shares this concern. We are not confident that a subregional analysis of land need will be used by Metro to recover lost capacity by moving the UGB in areas where it is lost. We are further concerned that there will be an attempt to recover lost capacity by upzoning and other design mechanisms rather than UGB expansion to avoid the unpopular and uncomfortable process of expansion that we have recently experienced. AGC firmly believes that we cannot continue to take productive land out of the inventory when we cannot clearly articulate that the benefits of doing so outweigh the deleterious economic consequences.

AGC asks that you proceed with caution in making your decision on the Basin Program. It now appears that the Metro timeline has (again) been lengthened and that they will not be considering your program until late November or early December. We believe you should use that time to fine-tune the program elements that are causing so much confusion and concern so that the community can better understand the program. To continue to hold yourselves to such a tight timeline when the pressure from Metro is off and there are so many unanswered questions does not seem a prudent course of action.

AGC is committed to working collaboratively with the Tualatin Basin jurisdictions on this program now and into the future. My members understand the importance of clean water, clean air, fish in the streams and a health eco-system. We live in this region because of its unique quality of life; however, we also need to be able to sustain a healthy economy to keep that quality of life, and we are concerned about the economic effects of more regulations.

1

Sincerely,

indus Catto

Cindy Catto/ / Public Affairs Director

Cc: AGC Board of Directors Craig Honeyman, Executive Director

APR 5'04 PM4:58

April 5, 2004

To: Tualatin Basin Coordinating Committee & Metro

Comments on Tualatin Basin and Metro Goal 5 Planning

From: Carol Chesarek 13300 NW Germantown Road Portland, OR 97231

I live in an area just outside the current UGB that is colored dark blue on the Metro maps for wildlife habitat, and I have two small, unmapped streams that run all year on my property, flowing into the Tualatin Basin. I want to ask Metro and the Tualatin Basin Coordinating Committee to put in place the strongest possible protections for riparian and wildlife habitats. I admire the goal of the Tualatin Basin Coordinating Committee to "conserve, protect, and restore a continuous ecologically viable streamside corridor... integrated with surrounding urban landscape... to be achieved through conservation, protection and appropriate restoration through time."

I would like to make a few general comments and then move into specific concerns.

The Portland Metro area is famed for it's "livability". I moved here in 1984 from the Bay Area of California, where I had watched the march of asphalt and concrete through the Santa Clara Valley until virtually the whole valley floor was covered and development was moving up the surrounding foothills. When I arrived in Portland, I was immediately struck by the pervasive presence of woodlands, streams, and wildlife habitat in the metropolitan area, which had been lost in the Bay Area. If we want to maintain a high standard of "livability" and keep attracting the best and brightest people to the Portland region, we need to maintain wildlife habitat and riparian areas which have eroded over the last 20 years, and which are now threatened with further development. We need to think about what we want this region to look like in 50 to 100 years, and consider our gratitude for wildlife habitats such as Forest Park that were set aside by people of foresight many years ago for our benefit and the benefit of future generations. Will we leave a similarly positive legacy for future generations?

I would argue that historically, we have continually underestimated the resources required to maintain healthy streams, wildlife habitats, and wildlife itself. Given the high cost of habitat restoration and the virtual impossibility of removing development in favor of recreating wildlife habitat, it would be better to err on the side of protecting too much habitat, and protecting it too well, than to put in place a program that is too weak. It is easier to loosen regulations later than to tighten them.

Further, we are just beginning to understand and quantify the economic value of the "system services" provided by wildlife habitats and riparian areas. Absorbing rains, reducing run-off and therefore flooding, holding slopes in place to reduce landslides, holding soil to prevent valuable topsoils from eroding and clogging streams downslope, filtering impurities to cleanse our water, these are all services that have definite economic value to our area that tends to be overlooked in favor of "economic" development. We need to learn to put a dollar value on these functions to weigh against the economic value of destroying them as we build industrial sites and homes.

APR - 5 2004 SUVELOPAN DUSE & TRAA RTATION

There appears to be a strong bias towards sacrificing habitat, or allowing it to be significantly degraded, if it exists on land intended for industrial use. But residential and industrial properties that include or border viable natural habitats are valued more highly than those surrounded by asphalt, concrete, and more buildings. It's not hard too see why Tektronix executives decided to move their headquarters from Beaverton to Wilsonville, where their offices could look out on a woodland that was regularly used by deer. Businesses may complain about having to protect habitat on their property, but in the long run it increases the mental health of their employees, it helps them attract top talent, and it provides positive PR. Intel, for example, fights for maximum flexibility in how they can use their land, but pats itself on the back for being an environmentally friendly company. Many industrial businesses also depend on clean water, which depends either on maintaining high quality riparian areas or developing water treatment plants. It's a safe bet that the riparian areas will be cheaper providers of clean water in the long run, as well as providing other "system services." We should be looking for creative ways to resolve conflicts between industrial use and habitats, not automatically downgrading habitat to make it easier to industrial developers to destroy it. Many home buyers hunt for properties that include habitat. or that border natural areas - putting habitat protections in place will increase the value of many residential properties. Perhaps we need a regional awards program for business and residential developers who do a good job of developing properties in a way that protects or enhances riparian and wildlife habitats.

Personally, I want strong protections for riparian and wildlife habitat, such as Metro's option 1A, put in place to protect the value to my home and property. In the last few years, the neighbor on one side of me cleared all the trees and undergrowth off an acre of his property so he'd have a sunny area where he could plant a dozen fruit trees. The neighbor across the street and uphill from me took out another acre of trees, then brought in truckload after truckload of soil to expand his home vineyard. Neither broke any existing land use rule, but two acres of highest quality wildlife habitat was lost to what I feel were uses with much lower social value. And this winter, when we had all the snow and then warming, I was lying awake wondering if all that new soil was going to come loose and come sliding down towards my house. I see these wildlife and riparian habitat protections acting like zoning. I may lose some flexibility in how I can use my property, but I experience an overall gain in property value because my neighbors have to protect the habitat on their property too. Strong protections reduce the odds that my property will be flooded or eroded due to properties uphill from me being cleared of their tree canopy, reduce the chance that I'll lose privacy due to trees on neighboring properties being cleared, reduce the chances of pollution finding it's way into the streams that run across my property. I put a higher value on having a juvenile Pileated woodpecker visit my birdfeeder, as one did last year, than on my ability to build a bigger deck or add on to my home. In fact, I would go even further than these wildlife and riparian rules, and suggest that Metro consider putting a permanent rural designation on areas with a large percentage of Upland wildlife class A habitats.

I'm also in favor of a strong UGB, but if putting strong habitat protections in place restricts development enough, I would favor expanding the UGB to accommodate well protected riparian and wildlife habitats. I would not favor expanding the UGB unless the habitats are strongly protected, though.

More specific comments.

It's difficult to comment specifically on many topics since the various limit levels haven't been defined yet by the Tualatin Basin Coordinating Committee.

The programs put in place by the Tualatin Basin and Metro should include regular reviews of progress against goals and allow imposition of stronger protections over time if they're needed.

Prohibit designations should be put in place for Riparian class A and Upland Wildlife class 1 habitats on land that has already been developed, for example in the rural residential areas near where I live. Property owners have value on their land, and the protections for the remaining habitats are more important than enlarging homes, adding new out buildings, etc. I also suggest that Metro put a permanent rural designation on these areas.

There is much discussion about maintaining wildlife habitat around Forest Park so that it doesn't become an island. It would be helpful to put together a study outlining which nearby habitats are critical to maintaining the wildlife populations in Forest Park, so they can be protected. It isn't clear to me if the Metro habitat maps address this.

Some planners may view medium and low quality habitats, particularly those on industrial lands, as having no value. While Metro has done a great job of mapping the habitats that exist and rating it's quality, much of our wildlife has been forced to use lower quality habitat because it's all that's available to them. So I believe that some consideration should be given to whether the habitat is being used, and not just it's current quality, in determining levels of protection. For example:

Jacobson Road, between Helvetia and Cornelius Pass Road. The farm fields and riparian area south of Jacobson Road are regularly used by Red Tail Hawks through summer and winter – there are one or two hawks hunting from telephone poles on most days of the year. Neo-tropical migrant birds use the shrubby riparian area.

The north end of the Hillsboro airport adjacent to Evergreen Parkway, is used by a variety of raptors who are watched daily by Intel employees.

There is a shrubby area just north of Intel Jones Farm campus on NE 25th in Hillsboro that has been home for many years to a pair of kestrels who nest nearby and hunt from the telephone wires. This area isn't mapped as habitat in the Metro inventory, but clearly it's well used by these kestrels.

I'm particularly concerned about the riparian area for Abbey Creek, where it crosses Kaiser Road in north Bethany at the Washington County line. Parts of this area are rated from allow on up to strictly limit. But there is a heavily used wildlife corridor, where I have personally seen bobcat, elk, and deer, that runs along the stream, virtually along the county line. The 2002 UGB expansion brought lands up to the county line into the urban area. There is some forest cover, but the area is currently usable by wildlife because it's surrounded by rural properties such as horse pasture. If residential development is allowed to run up to the edge of the mapped habitat, virtually on top of the wildlife corridor, the value of the corridor will be significantly reduced. This riparian area extends into floodplain north of the Washington County line and Abbey Creek runs into Rock Creek a little to the west, creating a large riparian zone and floodplain that deserves to be buffered from high density residential development. I would encourage the Tualatin Basin Coordinating Committee to create a rural buffer area on the south edge of the Abbey Creek riparian area to protect this wildlife corridor, extending beyond the lands currently designated as riparian habitat to be protected. I would further encourage Washington County and Beaverton, as they plan for development of this area of Bethany to place high density development along Springville Road and leave the northern part of Bethany with rural and low density development.

I'm not in favor of any one time compensation for property owners who may feel the value of their property has been reduced by habitat protections, I would urge the Tualatin Basin and Metro to consider some form of ongoing payment for the "system services" provided by these habitats. I see this as being valuable because it could be used to encourage property owners to maintain or improve the quality of the habitat and riparian areas on their lands. This compensation could take the form of property tax reductions, lower water and sewer bills, etc. The reductions could be calculated based on the quality of the habitat and the proportion of the property that's in habitat. I realize that money is tight right now, but this type of program could also help defuse anger from people who resent new regulations by showing them the cost being borne by those who benefit from the "system services" provided habitat and riparian areas on their property.

All rules and regulations will be meaningless unless they are given teeth. The program has to include meaningful penalties for violations. A fine of \$10 will not stop someone if they can see a \$1000 profit in an action.

Industrial landscapes, including sidewalk strips, should be seen as potential areas for habitat creation. Those businesses who push for reducing or eliminating protections for riparian areas and wildlife habitats on their property will invariably install some form of artificial landscaping that requires ongoing maintenance. All business owners should be encouraged to install landscaping that incorporates native plants and creates habitat for native birds and animals. I cringe every time I drive along Jacobson Road in Hillsboro and see the miles of grass installed in the sidewalk strips, well beyond where there are any businesses or residences. This grass landscape is actively used by non-native cow birds and starlings. Grass costs money to install, both for sod and for irrigation, and requires ongoing maintenance and watering. The weekly maintenance includes mowing with gas powered mowers, edging with gas powered edgers, then clearing the clippings off the sidewalk with a gas powered blower. Later, the clippings are hauled away in a gas powered truck. Not to mention the chemical fertilizers and broad leaf herbicides that are used. This is a daft use of gasoline and money to create habitat that's only used by non-native species. These areas could easily be planted with native plants like low growing Oregon grape, red flowering currant, and vine maple that could provide habitat for native birds instead of grass. and it would cost less money, require less water, create less air pollution, and be all around more environmentally friendly in the long run. The Metro and Tualatin Basin Goal 5 programs should include regulations or educational programs to encourage the installation of low maintenance native plants to create habitat wherever possible on business properties.

Someone needs to do a common sense reconciliation of the suggestions for reducing wildfire hazards and protecting wildlife habitat and riparian areas. If I were to follow the "rules" for reducing wildfire risk on my property, I would have to clear almost all the trees from my 2.5 acre property, including those along the two small streams. I'm not about to do that both because I value the habitat the trees create, and because I like living among them, but it would be nice if someone could tell property owners how to increase the protection for their homes without destroying habitat, if it's possible. Finally, it's very frustrating too see government sponsored development in floodplains. Where floodplains have been zoned for industrial development and/or urban renewal districts, jurisdictions should adjust their zoning and programs to get this development out of floodplains. Aside from destroying floodplain and increasing the chances for flooding on nearby properties, the taxpayers shouldn't be saddled with the cost of repairing the properties after they flood. This is just bad policy, forgivable if a jurisdiction didn't understand the flood risk before 1996, but not forgivable if it isn't fixed now that the 1996 floods showed us all the risk and cost of flooding.

Thank you for your consideration.

Carol Chesnuk

Carol Chesarek

Angela Brown

From: Carol Chesarek [chesarek@teleport.com]

Sent: Monday, August 09, 2004 10:25 AM

To: tom.brian@verizon.net; rdrake@ci.beaverton.or.us; cheryl_olson@beavton.k12.or.us; lutplan@co.washington.or.us

Cc: jlabbe@pdxstream.org

Subject: proposed reduction in North Bethany habitat protections

August 9, 2004

To the Tualatin Basin Natural Resources Coordinating Committee:

Tom Brian, County Commissioner (Chair) Rob Drake, Mayor of Beaverton (Vice Chair) Cheryl Olson, Mayor of North Plains

Last Thursday, August 5th, the Tualatin Basin Natural Resources Steering Committee proposed changing areas designated as "Future Urban" to "Urban", thus reducing protection for habitats in these areas, including North Bethany. I strongly oppose this change.

Because the North Bethany area was just brought into the UGB, the urban zoning hasn't been established and we have an opportunity to maintain development capacity and protect habitat by doing the sensible thing – putting density on the farmlands in the southern part of the area, away from the majority of the habitat in the North Bethany area, which lies along the northern edge of the area. This would put the majority of development closer to the Bethany Town Center, closer to PCC Rock Creek, and into the area already served by Tri-Met. If we're going to develop farmland, we might as well use it as effectively as possible by putting high density development on it. Protecting wildlife and riparian habitat in North Bethany doesn't have to conflict with new development, but this proposal by the Steerinig Committee will raise the likelihood of such conflicts by encouraging more development in the most valuable habitat areas. Why should we create a conflict where it doesn't need to exist?

Abbey and Rock creeks run across the northern edge of the North Bethany area. The area includes a functional mix of riparian and wildlife habitats that support elk and bobcat, among other animals. I saw an elk grazing in the fields in this area as recently as two weeks ago, and I've also seen a bobcat where the Abbey Creek wildlife corridor crosses Kaiser road. This habitat is especially valuable because these creeks still have functioning connections to their nearby headwater streams, and also provide connectivity to Forest Park for wildlife. Wildlife from Forest Park can still access these lowland riparian areas in North Bethany, a type of habitat that the park itself doesn't include.

If this North Bethany habitat is destroyed or fragmented by development, where in this sub-watershed are we going to find an equivalent location to use for mitigation? After passing through North Bethany, Rock Creek heads into the suburbs (not a likely place for elk & bobcat habitat), and upstream is Multhomah County so the options are limited.

Loss of this upland and riparian habitat along known floodplain will also increase the chances of flooding in downstream suburban areas by increasing EIA and reducing the "sponge" effect provided by these habitats.

Last but not least, I haven't seen very many mitigation projects in Washington County that effectively replace <u>all</u> the ecological functions provided by existing habitats. If we replace functioning habitat with less valuable, lower functioning habitat, we aren't going to achieve the program's goal of an overall increase in habitat quality. Most of the riparian mitigation areas that I drive by in the Bethany area are choked with invasive species. We shouldn't count on mitigation to replace functioning habitat until we've demonstrated that it works, and not unless we're sure we have equivalent areas to do mitigation in. Let's keep the functioning habitats where we can, including North Bethany.

Thank you for your consideration.

Carol Chesarek 13300 NW Germantown Road Poer LAND, DR 97231

8/9/04

Angela Brown

From: Carol Chesarek [chesarek@teleport.com]

Sent: Monday, August 09, 2004 4:14 PM

To: lutplan@co.washington.or.us

Subject: Goal 5 testimony on Compensation to Property Owners

August 9, 2004

To the Tualatin Basin Natural Resources Coordinating Committee:

In today's meeting of the Tualatin Basin Natural Resources Coordinating Committee, some members of the committee discussed the potential need to compensate property owners in some way for the loss of economic use due to the designation of habitat on their property. I think we need to be very careful about how we approach this topic, because some property owners will receive economic benefit from the proposed protection (via increased property values to indirect benefits such as cleaner air and reduced chanced of flooding), so any blanket compensation for diminished property value is a hard thing to calculate fairly.

But I do think it would be reasonable to consider compensating landowners in some way on the habitat quality and acreage. High quality habitat could be compensated at a higher rate than lower quality habitat, the Metro maps could be used to determine habitat quality and acreage, compensation to each property owner would be calculated based on the rate for habitat quality times acreage of each habitat type that is owned. Since these lands are providing "system services" to the community by filtering water, helping prevent erosion and flooding, etc., we could calculate the benefit they provide the community and provide ongoing payments (monthly, quarterly, or annually) to property owners based on that value. Think of it this way: if my property had a sewage treatment plant that was used by the City of Portland to treat sewage, they'd be paying me for that service. Residents who benefit from the services provided could be charged higher SWM fees, for example, to raise the funds required to compensate the property owners whose land provided the service. Alternatively, rates could be based on what it would cost the Tualatin Basin to buy and protect property with equivalent habitat on it, amortized over some period like 20 years. I'm not sure of the right financial vehicles to use, whether it's property tax credits, water & sewer fees, or something else, but this type of approach could provide appropriate compensation to property owners on an ongoing basis and also creates an incentive for them to maintain or improve the quality of the habitat on their land. The enhanced SWM type fees seem like a good fit, but this use might require voter approval. Payments and fees could also be adjusted over time as we get better at calculating the value of the services provided, unlike a single payment scheme.

The property tax credit schemes that I've seen discussed seem cumbersome and limited in their application. I also think that we can't afford to signifiantly lower property taxes right now. Given that the Tualatin Basin has Clean Water Services and the SWM fee, my guess is that using an enhanced SWM fees is probably a better fit. The key concept is really payment for services provided – think of the habitat as saving construction of water purification plants and sewage treatment plants, and as reducing floodwaters, then try to put a dollar value on those benefits, divide it proportionally among habitat owners contributing the service, and that gets you to the credit a property owner would get. The property owner would still owe fees for water usage, impervious surfaces, etc. If the credit more than offsets what the property owner owes, then he gets a payment. Otherwise he sees a reduction in the fees he pays. I don't know how big the payments would work out to be – I'm assuming they'd be significant enough to get people's attention and make them realize it's in their best interest to maintain or improve (to increase their payments) the quality of the habitat on their property.

One other advantage to this approach is that it sends a strong positive message to property owners about the value of habitat -- the fact that they're getting paid for it will make that value more tangible to them.

Thank you for your consideration

Carol Chesarek 13300 NW Germantown Road Portland, OR 97231

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AUG 02 2004

PLANNING DIVISION Land Use & Transportation

> 100 Kerr Parkway, #49 Lake Oswego, OR 97035 July 21, 2004

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

Dear Councilmembers,

I am writing to indicate my strong support for applying the strictest possible protections for our Metro area's increasingly threatened remaining riparian habitats. I understand that upcoming public hearings this summer will help determine the fate of thousands of acres of such habitat in our region. We must take advantage of this opportunity to save the riparian corridors and uplands we have left.

I am thankful that the program's provisions do protect at least some high value habitat. As a homeowner and native Portlander, though, I think it is critically important that everything be done to save as much of our remaining Class I Riparian Habitat and Class A Wildlife Habitat as we can. I can't think of better examples of this than the Fanno Creek and Rock Creek Greenways, which I understand are only in the Moderately Limit category. I have seen so much of those areas developed already that I can't see 50-percent allowance in the Moderate category giving these and other areas the protection they really need.

I'm not totally against development; I just think that there are smarter ways to do it. A strong habitat protection program could allow clustered development in certain areas, thus keeping adjacent riparian corridors and other habitats intact and functioning. In my job as an airline pilot I get airborne views of other metropolitan areas (like Phoenix, Sacramento, and Colorado Springs, to name three) where development is allowed to proceed unchecked. The results? Mile after mile of tract homes, strip malls and freeways engulfing everything in their path. I don't want to see that happen here, but I am convinced that it will unless we take advantage of this opportunity.

Thank you for the chance to comment.

Sincerely,

Mr. Christian F. Clere



RECEIVED

AUG 0 6 2004 PLANNING DIVISION Land Use & Transportation

FACSIMILE TRANSMISSION To: Date: Madder Fax Number: 846 - 3588 From: **Phone Number:** Fax Number: 503-681-3603 We are sending a total of ____ pages, including this cover sheet. **Comments:** hand . 3 2550 SW Hillsboro Hwy. Hillsboro, Oregon 97123 503-681-3600

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AUG 0 6 2004 PLANNING DIVISION Land Use & Transportation

July 28, 2004

Tualatin Basin Coordinating Committee 155 North 1st Avenue Hillsboro, Oregon 97124

Dear Committee:

Almost three years ago my wife and I moved to a townhouse overlooking a wetland near NW Bethany Boulevard. Our choosing to live here was influenced by the open view from our front room and deck looking out on a wetland. At the time we purchased the property, we did not anticipate the amount of wild life we would view from here. We regularly see herons, hawks and owls; since we also feed birds we see the more common small birds which will come to a feeder, Occasionally we have seen deer wandering through the area. We have seen single coyotes during the day and heard packs howling at night.

We strongly support decisions to preserve and protect wetlands for the protection of wildlife and for the enjoyment of persons like ourselves. We cannot imagine living here without the enjoyment a wetland brings us. It is our judgment that the animals and birds appreciate wetlands also.

Sincerely,

athelene Cover

Kathelene Cover and John Cover 15384 NW Aberdeen Dr. Portland, OR 97229

cc: Audubon Society

Angela Brown

From:	RCreek2000@aol.com
rrom:	RCreek2000@aoi.com

Sent: Monday, August 09, 2004 3:18 PM

To: lutplan@co.washington.or.us

Cc: RCreek2000@aol.com

Subject: - goal 5 testimony --

My name is Robert D. Creek and I reside at 20655 SW Parker Ct in Aloha, OR. I also own an ajoining lot at 20595 SW Parker Ct. Both properties together total approx 4-1/3 acres and encompass Butternut Creek (a tributary of the Tualatin River). The 20595 property includes a manmade pond, formed by a dam on the 20655 property. As far as I know, this feature has been present since about 1967.

I am writing to express concern regarding potential impact of Goal 5 to my properties. I have reviewed maps on the Goal 5 website and have noted that a large percentage of the non-water portions are designated as areas of restricted development. I am particularly puzzled by the configuration on the latter (20595) property. Presently, there is one small house (1000 sq ft) built on it. The lot consists almost entirely of mowed lawn, with a couple of large fir trees by the water line. The property could easily sustain four houses of the size & style that have been already been built in the adjacent neighborhood. There is a paved road and sidewalk running along the front of it, with gas, water, sewer, electricity and cable all available. Being that this property is within the urban growth boundary, it would be a good candidate for housing development. It seems apparent to me that the restricted development boundaries for this property were arrived at without anyone actually looking at what is there now.

I attended the Aug 2nd hearing and have looked over material sent in the mail. It is still not very clear to me what the restricted development classifications exactly mean for my situation. I would like to get information from the Goal 5 organization that is relevant to my property. In the meantime, due to the uncertainty that I see now, I feel compelled to contact a realtor/developer to explore available options.

Robert D. Creek

20655 SW Parker Ct Aloha, OR 97007

503-649-4136

rcreek2000@aol.com

Laura Taylor

From:Anne MaddenSent:Tuesday, August 10, 2004 2:03 PMTo:Laura Taylor

Subject: FW: Goal 5 property owner comment

-----Original Message-----From: Jeff Beiswenger [mailto:jbeiswenger@ci.forest-grove.or.us] Sent: Tuesday, August 10, 2004 9:13 AM To: Anne Madden Subject: Goal 5 property owner comment

Anne

I received the following e-mail comment yesterday morning (Monday, August 9) from a property owner north of Forest Grove (within the UGB) regarding the Goal 5 project. I was out of the office until today. Can this comment be entered into the public record? Or is this particular property owner out of luck since he sent the e-mail to me instead of the appropriate Washington County e-mail address?

Please advise.

Jeffrey S. Beiswenger, AICP Senior Planner City of Forest Grove jbeiswenger@ci.forest-grove.or.us

-----Original Message-----From: Ernie n' Nonie [mailto:ernied@pcez.com] Sent: Monday, August 09, 2004 9:14 AM To: Jeff Beiswenger Subject: jbeiswenger@ci.forest-grove.or.us - Found word(s) farm e-mail in the Text body. - Tualatin Basin Natural Resources Project

TO: Jeff Beiswenger

Thank you for returning my call. As I mentioned, we did not receive the meeting notice due to an address change, and because you said the deadline for response to the Tualatin Report was Monday, August 9, I looked at the maps on your website and will reply via e-mail.

Why is the wooded area and the farm land on the northeast section even being considered by the ESEE study?

I have written below a brief history of some of the occurrences that have taken place concerning our land at 3081 Sunset and one of my objections to this plan as I see it now.

Regards, Ernie Davidson

To Whom It May Concern:

I own the land on Sunset Drive that is divided by Highway 47 By-pass. Several years ago, after my father died and my mother was left alone on the farm, I asked to partition the land so I could build a house on the back portion of our land so I would be able to look after my Mother and take care of the farm. I was denied that request because a letter from James Reitz to the County stated that the City had plans for this property and would only consider the request if I would dedicate 100 feet from west to east at an undetermined location through the property, plus other dedications.

The Power Company put power lines in against our wishes; then the USA put sewer lines in against our wishes; and then the county and the city condemned our land, split it in half and put in a highway against our wishes. I have attended several meetings and suggested various alternatives but to no avail. The County and City of Forest Grove took all of the land between the highway by-pass and Council Creek plus 15 meters on the northeast side of the Creek. (People know that a Creek through property is an added feature of land, but the "Powers that Be" took this from us.) And now, Tualatin Basin Natural Resources is zoning OUR land as THEY wish.

As the owner of the land, I am becoming upset and bitter and resent the fact that some people feel they can tell me what to do with my land. We have relinquished power, sewer, highway, sidewalks and sanctuary to birds for other people's benefit. Our farm is split by the Northern By-pass with no direct access from east to west for our equipment and yet the "taking" continues. My folks and the generations before them worked hard to improve and preserve it for family. We are conservationist and we do respect other peoples wishes, but when we are told what we can do with the land that we have toiled over, worried and sweat over, it does not appear fair. We feel we have relinquished our share to the community.

Looking at the TBNRCC Hearing Attachment A, Page 21 of 68, we feel that our land that is marked "moderately limited" should be at least "lightly limited" or better yet, outside the ESEE study. At present this is farm and timber land.

Ernest D. Davidson 1000 SE Shadowood Dr. Bend, OR 97702

Laura Taylor

From:Angela BrownSent:Friday, August 06, 2004 9:44 AMTo:Laura Taylor; Andrea Vannelli; Steve KelleySubject:FW: Goal 5 Comments

-----Original Message-----From: Paul Diegel [mailto:pauld@multiaxialsolutions.com] Sent: Friday, August 06, 2004 6:17 AM To: lutplan@co.washington.or.us Subject: Goal 5 Comments

I am writing to comment on the Goal 5 proposals. I own farmland in Washington County, at approximately 16215 N.W. Brugger Rd.

I agree in principle with the desire to preserve wildlife hapitate and riparian areas. I am concerned, however, that the Goal 5 effort will be come a takings issue, in which somewhat arbitrary land use designation will be used to force certain landowners to provide parks and open spaces for the public good without adequate compensation. I believe that this is fundamentally unfair.

I believe that before Goal 5 can be adequately assessed or implemented, a clear definition of the appeals process needs to be prepared and a commitment to fairly compensating affected landowners must be made. Thank you.

Paul Diegel, M.S., P.E. Multiaxial Solutions, L.L.C. 3665 South Eastwood Drive Salt Lake City, Utah 84109 pauld@multiaxialsolutions.com 801.450.5729 801.274.6580 fax

RECEIVED AUG 0 9 2004 LAND DEVELOPMENT SERVICES LAND USE & TRANSPORTATION

L

August 9, 2004

Washington County Land Use and Transportation Department Planning Comission 155 N. First Save, Suite 350 MS14 Hillsboro, OR 97124 <u>lutplan@co.washington.or.us</u>

To Whom It May Concern:

We would like to place comments regarding the Goal 5 plan for the Tualatin Valley. We own land on both sides of NW Brugger Road (in the 16400 address area) and while we generally support the essence of Goal 5's goals of riparian, wetland, habitat, and greenspace preservation, we are concerned about the mapped/plotted protection areas and how they relate to the actual land/sites. There seem to be some discrepancies as to how the land is designated versus the actual terrain, and we would like to be able to reconcile the goals with the available land.

Again, we appreciate and support the efforts of Metro and the County in Goal 5 considerations. As landowners in the area we simply want to ensure that the designations are applied consistently across like lands and would like to provide specific input into this process.

Sincerely.

Tom Diege 2256 S. 1800 E. Salt Lake City, UT 84106

Paul Diegel 3665 S. Eastwood Salt Lake City, UT 84109

Angela Brown

From: Paul Diegel [pauld@multiaxialsolutions.com]

Sent: Friday, August 06, 2004 6:17 AM

To: lutplan@co.washington.or.us

Subject: Goal 5 Comments

I am writing to comment on the Goal 5 proposals. I own farmland in Washington County, at approximately 16215 N.W. Brugger Rd.

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Paul Diegel, M.S., P.E. Multiaxial Solutions, L.L.C. 3665 South Eastwood Drive Salt Lake City, Utah 84109 pauld@multiaxialsolutions.com 801.450.5729 801.274.6580 fax

RECEIVED 5044 SW Hile, ST, Portland, OR 99219 AUG 0.2 2004 PLANNING DIVISION ANNING DIVISION July 29, 2004 Tudation Barin Watersal Nesoraces Cooldinating Commetter Wash. Ctz. Dept. of Land Us & Thansp. Planning Dir 155 N. First Avenue Hillsbrid, OR 97124 To Whom HT May Concarn: I wish to let you know your wholehous til support of the members of the Audubon Sciely, the Fish and Wildlife Protection Services and all the alizens and future alizens of Washington County concerning the 28,000 acres under consideration for possible greenspuce protection as opposed to comnescial development, Ladies and gentlemen This is a no-brees If there areas are pared over and built on, hundred of wild life species und areas in which they can find water, food and respite will be lost. & have many times injoyed watching brids a other wild life in your beautiful "greenspace" wee of which there are fencer every line with wround, Please consider carefully what you would like to have left for your grand children - milesond miles of commercial buildings and paved parking las or space with trees, water, flowers and welcomin spots for migrat and round-the -year birds and anim

and cool, shady places from which to eijog and learn from then. Very truly yours, Coralie N. Duraf

44. 1 13 RECEIVED APR 27 2004 El <u>tapping extrains</u> 3/19 Land Use & Transportatio as the commit eso how TON ord the much protection to a er consi On, 000 acres es the martine please consu or the level possib habitats, The huge development pressure created by the rapid growth of our area means 8 legaries these types o uture genero and mand ontrud can Truli "prieless". Thank David Ellis 1116 NE SUNTISE LU Hillsborg, OR 9 9712

RECEIVED

The Tualatin Basin Natural Resources Coordinating Committee Washington County Department of Land Use and Transportation Planning Division, 155 N 1st Avenue, Suite 350-14 Hillsboro, OR. 97124 AUG 0 3 2004 PLANNING DIVISION Land Use & Transportation

July 29, 2004

I greatly support the proposed program to protect environmentally sensitive lands in the urban and urbanizing portions of the Tualatin River Basin. Wouldn't it be great if every resident of the greater Portland metropolitan area including the Tualatin valley had a natural area within walking distance of the neighborhood in which they lived. Having lived in southwest Portland since 1968, I have witnessed a 10 acre field where pheasants used to fly turned into condominiums. I have seen the farmland south and west of Washington Square become housing. I have watched the Amart farm airport along Kruse way become the Westlake development. Now on Bull mountain and even way out Oregon highway 6 big clusters of new development dot the landscape. I hope enough space is set aside for parks and greenspace so that the people that live in these places would have the opportunity to experience the native flora and fauna of the region. With careful planning and benefits for both people and wildlife "Ribbons of Green" can be woven throughout our urban areas.

Sincerely, Robert Duval 4545 SW Galeburn st. apt.# 7 Portland OR. 97219

RECEIVED

Tualatin Basin Coordinating Committee 155 N. First Ave. Suite 300 Hillsboro, Oregon 97204. AUG 0 4 2004 PLANNING DIVISION Land Use & Transportation

July 29, 2004

The Engelfried Family 985 NW Brookwood Ave Hillsboro, OR 97124

Dear Tualatin Basin Coordinating Committee,

There are probably few caring people in the United States who enjoy the thought of millions of acres of rainforest being converted to barren wasteland. But how can we blame other countries for the wanton destruction of rainforests, unless we do all we can to protect the natural resources of our own country, on a national and local scale? Some of the most imperiled wild places of America are freshwater streams and wetlands, and the organisms that live in these places include many threatened and endangered plants and animals. Each plant and animal helps the ecosystem run smoothly, and it is impossible to tell for sure what the long-term effects of removing one species will be.

It is hard not to notice when a tropical rainforest or an old growth temperate forest is clearcut, but the disappearance of healthy streams and wetlands can be much more subtle. It is possible to drain a few acres of marsh here and denude a stream bank of vegetation there without causing a huge public outcry. However, each healthy marsh and creek—along with the near-shore environment that surrounds it—provides valuable habitat for wildlife and plants. We now have the chance to save many such places by protecting 28,000 acres of wetlands, floodplains, stream corridors and upland forests from development in the Tualatin River Basin. Many different studies have shown that human health and peace of mind is increased by the presence of green spaces near urban areas. It is important that we keep our towns and cities livable, and don't let them become dead expanses of cement.

Many parts of the Tualatin River Basin are unsuitable for development anyway. If the current rate of destruction continues, it could take about 20 years to develop the area's remaining floodplains. This is not only bad for the plants and animals that depend on floodplain ecosystems, but for people, too. The floods of 1996 resulted in \$60 million worth of damages, and flooded more than 200 homes. Clearly, extensive building on floodplains does not make sense. The 1996 floods also resulted in 630 landslides, causing \$20 million of damages. Many places in the Tualatin River Basin in danger of development are on steep slopes which will be prone to landslides—especially once the vegetation is removed.

So what is the best course of action? Do we want to do our part to preserve local, national, and global biodiversity, ensuring that environmental resources are protected for generations to come? Or

should we develop 28,000 acres of valuable habitat for plants, animals, and other organisms, and pay millions of dollars for flood and landslide damages? It seems clear that the Tualatin River Basin should not have this fate. A few ways to keep this from happening are listed bellow.

- A strong Regional Fish and Wildlife Protection program should be established to protect our near-shore and freshwater ecosystems, along with the organisms that depend on them.
- Protection should be increased for certain important areas, including Fanno Creek Greenway in Tigard and Beaverton, Ash Creek Wetlands & Floodplain at the Washington Square Regional Center, and Rock Creek Greenway in Hillsboro and Unincorporated Washington County.
- A lower maximum disturbance should be established for habitat designated "Moderately Limit." Current levels allow for the destruction of more than half of these areas.
- The urban canopy should be protected by establishing a basin-wide tree protection ordinance. All trees are important: not just heritage trees.
- A \$2/month increase in SWM fees should be established to pay for restoration of stream habitat. There should be further increases to pay for habitat acquisition, restoration of watersheds and upland forests, and stormwater retrofits.
- Any wetlands, stream corridors, or upland forests that are destroyed should be mitigated, but this form of habitat "protection" should be used only as a last resort. Mitigation is usually more expensive than protecting the original habitat, and it is very difficult to create replacement habitat as good as what was lost.

If all these steps are taken, we can look forwards to a future in which otters will continue to frolic in our streams and wetlands, while ospreys fly overhead. It will be a good start to establishing a healthy standard for the protection of wild places in our area. We feel confident that residents of the Tualatin River Basin are up to the challenge.

Sincerely

Tina Engelfried Tinn Engelfrin Steven Engelfried Utwo Nick Engelfried Wick Engelfrie Rosemary Engelfried Resemany



FEI Company 5350 NE Dawson Creek Drive Hillsboro, Oregon USA 97124-5793

Phone: 503 726-7500 Fax: 503 726-7509 www.feicompany.com



August 6, 2004

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

WASHINGTON COUNTY BOARD OF COMMISSIONERS OFFICE

RE: Written Information for the August 9, 2004 Meeting of The Tualatin Basin Natural Resources Coordinating Committee

Dear Mr. Brian and Mr. Curtis

Thank you for allowing us to comment on these new proposals.

FEI's environmental goals are consistent with the Basin Project Committee. We purchased property in Dawson Creek Park South Owners Association where 29 of the 139 total acres have been developed to create additional wetlands and natural space for wildlife.

FEI asks the Committee to allow past investments and ongoing costs to support wetlands and other natural places, as reasonable mitigating factors to apply towards the proposed development costs and/or fees. Dawson Creek Park property owners should be compensated for property that can no longer be developed, or the cost to develop is significantly increased.

When the manmade park was developed, 29 acres were set aside for wildlife habitat as a common area. The common areas require a significant annual investment to maintain. The annual cost to support the natural spaces and common areas for Dawson Creek Park South averages \$278K annually (approx. \$2K/acre). These costs are paid by the property owners in the park.

The Basin Proposal applies new limitations on developable land in the park that will increase our cost to complete our long term use of our property. FEI purchased the 27 acres with strategic plans to develop a new 125k sq.ft. manufacturing building on the southeast corner of the property and a new Commons Building to the west side. Under the Basin proposal the cost to FEI would be approximately \$250K if it was decided to pay the Lightly Limit fees you have proposed.

FEI strongly feels the current wetland boundaries are sufficient. If the Basin Proposal is adopted property owners who have created and continue to support natural spaces on their property should be given credit toward the increased development costs.

Thank you for your consideration of our recommendations.

Sincerely, Ú ence Don Davis

Facilities Manager North America FEI Company Hillsboro, OR

Angela Brown

From: Teresa Huntsinger [teresa@clfuture.org]

Sent: Monday, August 09, 2004 3:46 PM

To: bfryer@ci.beaverton.or.us; wantlands@cleanwaterservices.org; Rmeyer@Ci. Cornelius. or. Us; jbeiswenger@ci.forest-grove.or.us; Hillsboro Jennifer Wells; murphye@ci.sherwood.or.us; habitat@metro.dst.or.us; julia@ci.tigard.or.us; Tualatin Stacy Hopkins; THPRD David Endres; lutplan@co.washington.or.us

Cc: JIII Fuglister

Subject: Written Testimony for Goal 5 Tualatin Basin Coordinating Committee

Please accept the attached testimony from Jill Fuglister, Executive Director of the Coalition for a Livable Future, 310 SW Fourth Ave., Suite 612, Portland OR 97204. It is a read-only MS Word document. I have also pasted the text into this message.

CLF is a coalition of 60 community organizations working to protect, restore, and maintain healthy, equitable, and sustainable communities, both human and natural, for the benefit of present and future residents of the greater metropolitan region.

<> <> <> <> <> <> <> <> <>

Tualatin Basin Coordinating Committee 155 N. First Ave. Hillsboro, OR 97204 August 9, 2004

Dear Committee Members:

I am writing on behalf of the 60 member organizations of the Coalition for a Livable Future, in regards to the Tualatin Basin Goal 5 process. We are eager to see the final adoption of a program that will protect the remaining fish and wildlife habitat in the Tualatin Basin, and in the metro region as a whole. However, we have some concerns about the proposed program and about the process being used to develop it.

We see the current work on Goal 5 in the Tualatin Basin and by Metro at the regional level as one of the critical opportunities of this decade to protect and improve our quality of life and build upon our region's legacy of exceptional growth management and planning. As you know. our quality of life is our region's trademark, which plays a key role in attracting knowledge workers and technology firms, and is critical to our overall prosperity. However, the Tualatin Basin Goal 5 program as currently proposed would allow more than half of our remaining fish and wildlife habitat to be developed, putting our quality of life at risk and reducing access to nature for urban and suburban residents. This is something we cannot afford to do.

From a social equity perspective, a strong Goal 5 program would help ensure that all citizens and communities have access to nature close to home. For low-income residents it can be difficult to access nature outside of the city. Nearby and on-site natural areas are an asset for housing, and they should be protected. They provide fabulous opportunities for education and increased livability, and they increase property values. While some may argue that protecting such areas will reduce the buildable land supply, causing an increase in land prices, several studies have demonstrated that market demand, not land constraints, is the primary determinant of housing prices.[1] Housing affordable to low-income people is simply not supplied by the market, and so regardless of whether we protect fish and wildlife habitat, government action is required to provide affordable housing. We commend Washington County for spearheading the creation of an affordable housing trust fund. This and other actions are necessary to meet the housing needs of the Tualatin Basin's neediest residents, but destroying wildlife habitat is not the solution to our affordable housing crisis.

We believe that protecting fish and wildlife habitat goes hand in hand with meeting the region's needs for development, even in high-density areas such as regional centers and town centers. Rather than creating vibrant urban areas with healthy natural areas nearby, the proposed program will promote mediocrity by allowing the habitat in these areas to be developed. The Goal 5 program as currently proposed misses an opportunity for the Tualatin Basin to be on the cutting edge of a growing international movement to make urban areas vibrant and livable while protecting wildlife habitat and reducing overall impacts on the environment.

We are pleased that the proposed program will protect approximately 4,000 acres of habitat classified under the "strictly limit" category. However, protecting isolated segments of habitat is not sufficient to assure ecological functions throughout the basin. Just as it is important to provide connectivity when designing a transportation system, it is important to provide connectivity in a wildlife habitat protection program. Fish and other wildlife use streams and other habitat corridors to travel. This proposed program would create fragments of protected habitat, interrupted by areas where habitat destruction is allowed. This approach decreases wildlife's ability to use the habitat that is protected and it jeopardizes the viability of natural ecosystems. To provide connectivity, high value habitat areas should receive high levels of protection across the landscape, no matter what zoned levels of development they pass through. Therefore, we urge you to designate as "strictly limit" all Class I Riparian habitats currently designated "moderately limit". In addition, we urge you 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 to 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 mitigation program as it is currently conceived would undoubtedly result in habitat loss.

In addition to our concerns about the proposed program, we are also concerned about the inadequate and opaque public involvement process. There was no simple way for interested citizens, property owners, and community-based organizations to review the most up-to-date program before the August 2 hearing because it continued to change up to the last minute. Additionally, the draft program was not posted on the website until a few hours before the hearing. How can the public review and digest complex policy recommendations and provide meaningful input in such a short timeframe? Furthermore, many property owners seemed to be unable to determine exactly whether their property fell into the "strictly limit" or "moderately limit" categories from the information provided, and it was unclear what sort of map correction process would be established. Poorly planned public involvement like this can have the appearance of being "window dressing", and it fuels public mistrust of government. In the future, I urge you to adopt and follow clear public involvement standards that create opportunities for meaningful citizen participation.

Please consider the concerns we have raised and move forward by making significant revisions to the proposed program to ensure the long-term health of the Tualatin Basin.

Sincerely

Jill Fuglister Executive Director

[1] Eban Goodstein, "Growth Management and Housing Prices: The case of Portland, OR," December 1998; Rolf Pendall, "Local Land Use Regulation and the Chain of Exclusion," Spring 2000 *Journal of the American Planning Association*.



FUJIMI CORPORATION

11200 SW Leveton Drive, Tualatin, OR 97062 Tel. (503) 682-7822, Fax (503) 612-9721 RECEIVED AUG 0 9 2004 LAND DEVELOPMENT SERVICES LAND USE & TRANSPORTATION

August 9, 2004

Tualatin Basin Natural Resource Coordinating Committee (TBNRCC) Attn: Brent Curtis c/o Washington County Department of Land Use & Transportation 155 N. First Avenue, Suite 350-14 Hillsboro, OR 97124-3072

Re: July 29, 2004 Open House Tualatin Basin Goal 5 Analysis

A representative of Fujimi attended the above referenced Open House. At that meeting various restrictions to land development were discussed, and maps were distributed. Fujimi feels these maps are in error, particularly for Fujimi property, located at 11200 SW Leveton Drive, Tualatin, Oregon (2S1W22, Tax lots 300 and 400), and adjacent property (2S1W22, Tax lot 500).

Fujimi has previously corresponded with both the City of Tualatin and Metro (see attached letter dated July 8, 2004) regarding limits for wetlands and buffers to be contained on Tax lot 500. It is Fujimi's understanding that the attached Figure shows the correct boundary locations and maps distributed at the Open House are in error (see copy attached).

We request that all GIS layers, i.e., maps, pertaining to our property be corrected to show agreed upon boundary locations.

We request that the impact areas (both inner and outer) be revised to reflect the corrected maps. It is our contention that all land development restrictions discussed in the Open House and contained in the Tualatin Basin Goal 5 Program Report do not apply to any portion of Fujimi's property (Tax lot 300 and 400).

Your prompt attention to this matter will be greatly appreciated.

Sincerely,

Robert Bartcher Manufacturing Manager Fujimi Corporation

Cc: Jason Tuck, City of Tualatin Carol Krigger, METRO Doug Rux, City of Tualatin Stacy Hopkins, City of Tualatin Guy Neal, PBS Engineering and Environmental Frank Groznik, PBS Engineering and Environmental

ST GRAND AVENUE PORTLAND, OREGON \$7232 2736 TEL 503 797 1700 FAX 503 797 1797



METRO

July 8, 2004

Jason A. Tuck Development Coordinator City of Tualatin 18880 SW Martinazzi Avenue Tualatin, OR 97062-7092

RE: Fujimi Corporation Map Correction (#23-33)

Dear Mr. Tuck:

Thank you for submitting the map change request on behalf of Fujimi Corporation (2s1w22, Tax Lots 300 and 400) and the supporting documentation. You have asked that the boundary of the wetland mitigation property (Tax Lot 500) south of Fujimi's property be changed to reflect its actual location. As you have stated, the Tualatin Wetland Conservation Overlay applies to this wetland and includes a 50-foot buffer that is fully contained on Tax Lot 500. It does not encroach upon Fujimi's properties to the north.

We have reviewed your map correction request and find the documentation adequate. The change to the wetland has been made and is reflected on the attached map. The Goal 5 riparian model has been rerun using this new data. If you have any questions, please contact me at (503) 797-1817.

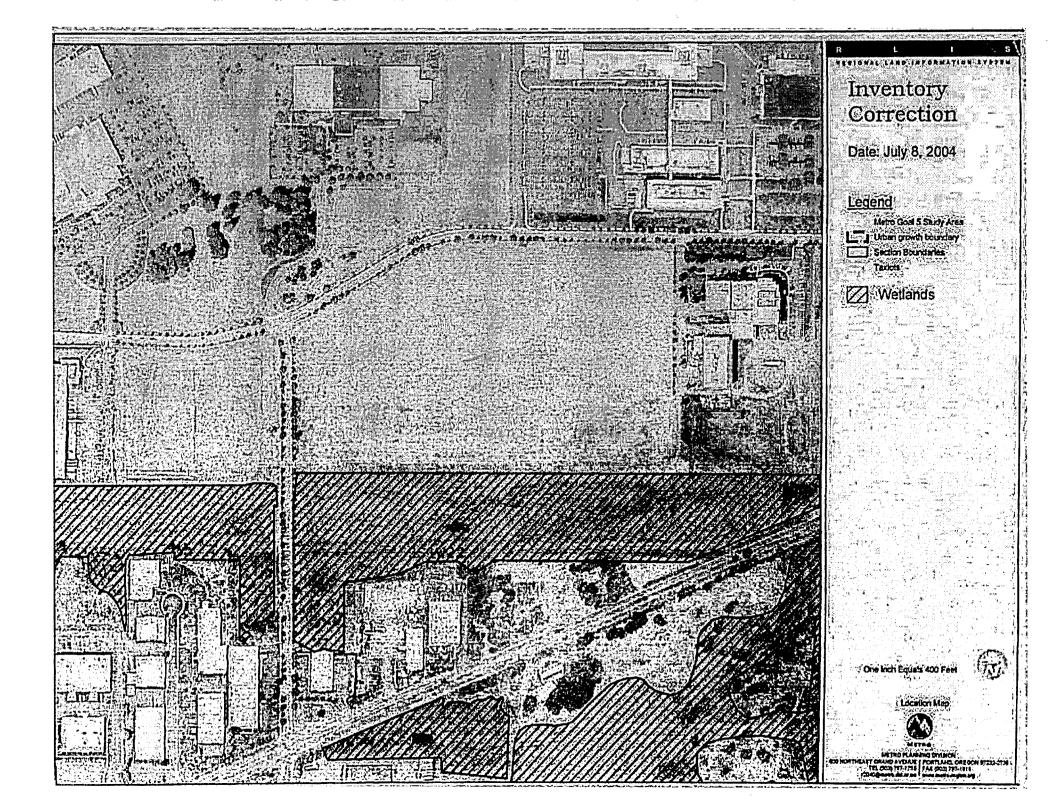
Sincerely,

Carol Krigger, Metro Association Regional Planner

CK/ff Enclosure I:\gm\\ong_range_planning\share\Goal 5\Map Corrections\Fujimi.TualatinREV70804.doc

CC: Robert C. Bartcher, Fujimi Corporation

Recycled Paper www.metro-region.org TDD 797 1804



General (Basin-Wide)

Strictly Limit

- Lightly Limit

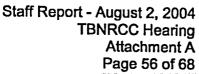
Allow

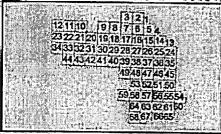
Outside ESEE Study

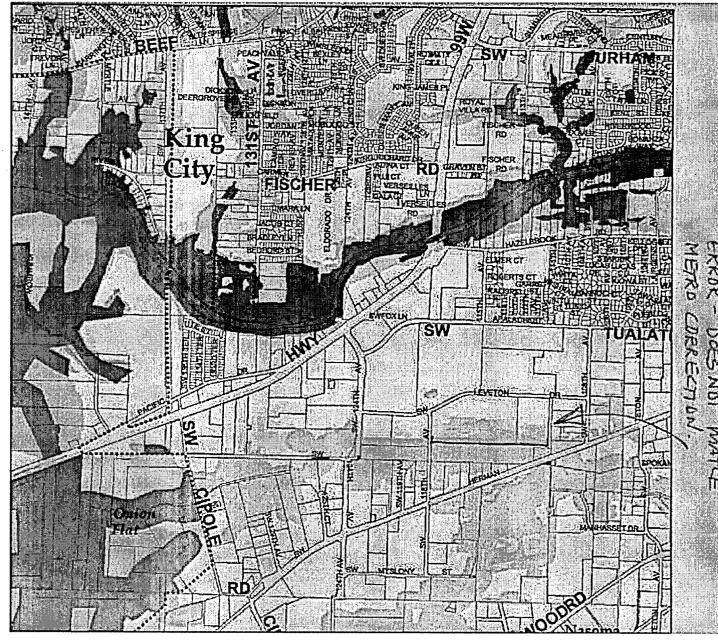
- Outside Tualatin Basin
- ······ Urban Growth Boundary

Site-Level Adjustment

To Strictly Limit To Moderately Limit To Lightly Limit







Tualatin Basin Partners for Natural Places Draft Goal 5 Program Report and Recommendation

Angela Brown

From:	Vishnu Gandhay [vishnug@yahoo.com]
Sent:	Monday, August 09, 2004 2:11 PM
То:	lutplan@co.washington.or.us; tom.brian@verizon.net; jlabbe@pdxstreams.org
Cc:	rjmimnaugh@comcast.net; chesarek@teleport.com
Subject:	Opposition to the Proposed changes to the Goal 5 Plan

مو نیس ز

To whom it may concern:

I am writing to protect North Bethany habitat. I am interested in protecting natural areas and habitat in our area, including the property to the immediate north of my subdivision (Bethany Terrace), a significant portion of which is sensitive habitat land. I would like the Coordinating committee members to know that I oppose the Steering Committee proposal to change Future Urban areas to an Urban designation because of the resulting loss of protection for North Bethany habitats. I protest the proposed reductions to the Goal 5 habitat protections in North Bethany. We are the stewards of this land. The environmental and quality of life decisions we make today will impact not only us, but future generations.

I am OPPOSING the following changes:

Class II Habitat drops from Strictly to Moderately Limit Class III Habitat drops from Moderately to Lightly Limit

Why did the Tualatin Basin Natural Resources Steering committee suddenly propose significant reductions to the Goal 5 habitat protections in North Bethany? Why haven't we the people. been properly notified and given time to digest the proposed changes and provide our comments?

Not only do I oppose the changes, but I'm angry at how this is being handled and so are the homeowners in this association! What is the committee afraid of? Why are these proposed changes being rushed through? Why did the Tualatin Basin Natural Resources Steering committee take this sudden action, and why isn't there additional time for citizens to respond? I urge that the committee stop and provide a reasonable time to give an opportunity for those living in this area, and other concerned citizens to provide their opinions, pro and con, to these changes.

Sincerely, Vishnu Gandhay 5415 NW Skycrest Pkwy Portland OR 97229-2306

Do you Yahoo!?

Angela Brown

From: Sent:	HeartsongN@aoi.com Monday, August 09, 2004 7:54 AM
To:	jlabbe@pdxstreams.org; canonmetals@yahoo.com; andy@duyckmachine.com; lutplan@co.washington.or.us; hostickac@metro.dst.or.us; pdgibbs@teleport.com;
. J	etruax@pearsonfinancial.com; mark@cottle.com; richard@groveweb.net;
•	rdrake@ci.beaverton.or.us; mclains@metro.dst.or.us; tomh@ci.hillsboro.or.us; cheri@northplains.org; cheryl_olson@beavton.k12.or.us; deanna@involved.com;
	Dick_Schouten@co.washington.or.us; John_Leeper@co.washington.or.us; nick@atlas- la.com; roneshay@verizon.net; sheinrich@ci.cornelius.or.us; tom.brian@verizon.net; HeartsongN@aol.com
Cc:	brian@tualatinriverkeepers.org
Subject:	Re: City of FOrest Grove proposes to weaken/eliminate mitigation requirements on fish and wildlife habitat

I am an organic farmer on Council Creek. I have just 5 acres which I have

opened to the public to visit, pick produce, visit the animals, etc. What I have

tried to do is give people a place where they can reconnect with nature. In

this world of concrete cities and paved backyards too many people have forgotten

what the earth is and what she gives to us.

I have done what I can to attract wildlife. So from my backyard we can see

Western Pond turtles, mergansers, wood ducks, egrets, herons, kingfishers, and

the list goes on.

The zoning of my property is now in transition, and I have to wonder what

will soon be lost in the name of progress, or development.

The planet has to start coming first.

For the past 100 years all people have had their focus on is development and

the almighty dollar. The devastation this has had on our planet is astronomical. Each year drastically worse than the year before. How many more years can we continue this way?

The planet has to start coming first.

While driving Hwy 26 today I was reminded that there are many people who

simply only care about what they get out of life today, with no thought about

others, let alone the planet! But even worse than that, there are many, many

people who lift themselves up by putting others down. This is how they

1

make

themselves feel big, by their ability to squash something else.

There has to be strict rules and regulations. The nature of people require

it, and the nature on the earth requires it.

The planet absolutely must start coming first, for the sake of the earth, for the sake of our children & grandchildren, for the sake of us!

Chris Goin Labyrinth and Llamas Organic Produce 36900 NW Spiesschaert Rd. Cornelius, OR 97113 503-357-4971 www.labyrinthandllamas.com

May you live in love, experience the light & bask in the laughter.

APR 1 2 2004 CLANDING DIVISION Lans UCC 2 Transportation 175 S.W. 192nd Place Aloha, OR 97006

April 9, 2004

Tualatin Basin Natural Resources Coordinating Committee 155 N. Ist, Suite 350-14 Hillsboro, OR 97124

Re: Lot 46, SEMINOLE PARK No. 2

We own the above captioned property and have received notice it is being considered for a fish and wildlife habitat designation because of its proximity to a neighboring pond.

Our lot is triangular in shape and we understand the northwest 'point' which comprises about one-third of it falls in the impact area.

This lot is on higher ground than the other lots in the cul de sac, which are closer to the pond......and it is <u>separated from the pond by the Max light rail tracks</u>, as well as a neighbor's home and yard.

We ask that this restriction not be placed on the land.

Sincerely,

Green

MESSE

Mary Hennessey

Angela Brown

From: JerryGBW@aol.com

Sent: Monday, August 09, 2004 9:18 AM

To: tom.brian@verizon.net; rdrake@ci.beaverton.or.us; cheryl_olson@beavton.k12.or.us

Cc: lutplan@co.washington.or.us; chesarek@teleport.com; jlabbe@pdxstream.org; opecheelake@hotmail.com

Subject: North Bethany Goal 5 Protections

To the Tualatin Basin Natural Resources Coordinating Committee:

Tom Brian, County Commissioner (Chair) Rob Drake, Mayor of Beaverton (Vice Chair) Cheryl Olson, Mayor of North Plains

On Thursday August 5th the Tualatin Basin Natural Resources Steering committee proposed significant reductions to the Goal 5 habitat protections in North Bethany. We would like to go on record in opposition to these proposals to the extent that they reduce the liklihood of maintaining a significant buffer for the Abbey Creek wildlife corridor and habitat areas from the inevitable urbanization of much of the land to the south.

Just one of the reasons we find ourselves in opposition to development in these sensitive areas is the we think it is important to preserve the elk habitat. In order to protect the active use of the corridor by the elk herds that continue to browse (and mate!) here, it is vitally important that the streamside bottomlands and adjacent wooded hillsides, as well as the small tributaries and their swails remain undisturbed. We do not believe that lessening the Goal 5 habitat protections on these lands that drain into Abbey Creek is prudent, and we urge you to maintain strong wildlife habitat protections where they can be maintained and where they make sense.

Thank you.

Jerry Grossnickle Bruce Wakefield 13510 NW Old Germantown Road Portland, OR 97232

Phone 503-289-3046

To: Live Taylor Subject: FW Tualatin Basin Hearing Laura, will you please enter this testimony, but only once - apparently Ms. Harris sent it to a lot of us. And will you please reply to her telling her it is received and entered? Thanks, Anne Original Message From: Jennifer Wells [H:lto;jenniferw@ci.hillsboro.or.us] Sent: Thuraday, July 29, 2004 5552 FM To: anne madden@co.washington.or.us Subject: FW: Tualatin Basin Hearing Anne I'm not sure why this testimony/e-mail was sent directly to me since this woman lives in Portland, sp I'm forwarding it to you. I'm assuming that this is not in the format that we are accepting e-mail testimony. Jennifer Original Message From: Julia Harris [malitor;juliaharris@alumni.indiana.edu] Sent: Thuraday, July 29, 2004 2:40 FM To: Jennifer Wells Subject: Tualatin Basin Hearing Dear Ms. Wells, I am unable to attend Monday's meeting, but would like my opinion on ths vital issue considered. Although I reside in Portland, what happens in the Tualatin Basin directly effects life in Portland. Flease adopt a strong, comprehensive regional fish and wildlife program. We need new development standards that will protect the headwater: streams, forested ravines, and upland wildlife habitat. A strong fish and wildlife program should: Ø Require development standards that will protect the Saltzman, and Rock Creek watersheds and protect connecting stream and wildlife corridors from the Tualatin River. Ø Support higher protection for high value habitats like the Fanno Creek Greenway, Rock Creek Stream Corridor, and the Ash Creek Wetlands. Ø Increase the Surfsce Water Management Fee (SWM) for funding additional watershed restoration. Mitigate by fully compnensating for habitat destruction. Mitigate by fully compensating for habitat that makes the Portland.	From: Sent:	Anne Madden Friday, July 30, 2004 9:26 AM	10 m (
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Sincerely,

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Julia C. Harris 4045 SW Council Crest Drive Portland, OR 97239

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Julia C. Harris 4045 SW Council Crest Drive Portland, OR 97239

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AUG 0 2 2004 PLANNING DIVISION Land Use & Transportation

July 28, 2004

Tualatin Basin Natural Resources Coordinating Committee 155 NW First Ave Suite 350-14 Hillsboro, OR 97124

Dear Committee,

Please adopt a strong, comprehensive regional fish and wildlife protection program. We need new development standards that will protect the headwater streams, forested ravines, and upland wildlife habitat. A strong fish and wildlife program should:

- Require developers to retain more forest canopy in Balch, Saltzman, and Rock Creek watersheds and protect connecting stream and wildlife corridors from the Tualatin River.
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- Mitigate by *fully* compensating for habitat destruction. Mitigation fee-in-lieu must be based on public value lost by development.

Thank you for helping to protect the habitat that makes the Portland metro area unique.

Sincerely, urris

Julia C. Harris

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July 28,2004 7820 SW Walnut Lane Portland, OR 97225

WASHINGTON COUNTY BOARD OF COMMISSIONERS OFFICE

Tualatin Basin Coordinating Council

Dear Council Members:

I am not able to attend the hearing on August 2nd, but I will be there in spirit, hoping that you will make the most of this opportunity to save wildlife habitat in our region.

I want to speak for our fellow species, who cannot speak for themselves. I speak for the first residents of the Tualatin Basin, who thrived here for centuries before the white man arrived. Our native wildlife species have had to move aside many times to make room for our kind. Their numbers have dwindled as their habitat has diminished. In the twenty-four years. I have lived here, I have witnessed dramatic losses of forests and fields particularly in the area north of route 26. I wonder where the Barn Owls have gone, and the Great Horned Owls, and the hawks, large and small, that used to be a usual sight along the road. I am saddened by the statistic that 19 species of birds are now considered sensitive in our area and could become extinct.

As a mother, I am saddened too by the loss of the places where I took my son to experience the forest, climb over logs, and throw pebbles in the stream. I wonder where he will take his children ten or twenty years from now. Wild places do not only benefit wildlife, they benefit human beings. We have much to learn about our place in the larger community of life. We should save these places for our own education as well as for opportunities to restore our spirits.

Of course, we should save these places for the obvious practical benefits as well. Clean water is precious and it begins with the protection of the headwaters, which means small streams all over our area. The forest canopy is also precious as it protects our streams, conserves the soil, provides habitat, and provides cooling shade. As global warming increases, we will become increasingly grateful that we protected our trees.

Your decisions now will make a difference not only now but for decades to come. I urge you to take the kong view and plan for the maximum protection of the remaining wildlife habitats in our area.

Sincerely,

Eve Huidtmann

Cc :Metro Council

PO Box 6685 Aloha, OR 97007 August 1, 2004

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AUG 0 3 2004 PLANNING DIVISION Land Use & Transportation

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

RE: GOAL 5

Committee Members:

The implementation and evaluation processes for Goal 5 are critical to its successful achievement of continued livability for our communities and environment. I have deep concerns about the willingness and abilities of Washington County staff to follow the processes, guidelines, policies and procedures you may develop and/or recommend being developed to achieve Goal 5.

In May, 2003 the Washington County Department of Land Use and Transportation came into our neighborhood and destroyed a group of seven beautiful older trees, one of them a fifty year old fir. In the aftermath of the mess the county created, I hired an administrative law attorney to assist me in my research as to how and why the trees were destroyed and how our neighborhood could prevent anything like this from occuring in the future. Two of the most alarming things we learned were first, the staff person from DLUT who facilitated the tree destruction, indicated she had no guidelines, policies or procedures to follow regarding trees, and essentially, had the trees removed because she could! Second, in a September, 2003 meeting with the head of the department, Kathy Lehtola, we were told the only guidelines she could find regarding tree removal were written in 1973 and had never been revised. Ms. Lehtola told me the guidelines for tree removal would be revised by January, 2004 and I would receive a copy of the draft. I have yet to see a draft of anything. The area where the trees were still has unremovable stumps, piles of dirt and weeds! What was once a beautiful area is now a neighborhood blight.

Washington County staff will be responsible for implementing and evaluating whatever guidelines, policies and procedures you develop for achieving Goal 5. There must be processes in place to assure staff adhere to and comply with those guidelines, policies and procedures. Evaluations of their adherence and compliance must occur at regular intervals with public notification and input. If this is not done, your work will have been for nothing and the livability of our communites and environment will be adversely affected.

Thank you for your commitment to maintain the livability of our communities and environment.

Sincerely

PAGE 02



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AUG 02 2004 PLANNING DIVISION Land Use & Transportation

August 1, 2004

Tualatin Basin Natural Resources Coordinating Committee

My wife Sharon and I live at 7805 NW Kniser 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 ularmed 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 draining way. We have harvested much of the forest property under ODF permits... and reforested accordingly. Why is the riparian buffer an our property so much more extensive than draining 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 partians 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 UOB 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 in Mauo's UOB urban capacity calculations. What ic 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 babint for aquatic birds, mammals and inserts by constructing a sizable pond. The pond and streams need reasonable setbacks. Washington County's Goal 5 application on our property is large, innusive, and is not valanced 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 8. Hosford Sharon Hotford

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From: Amanda Iles [mailto:amanda@plaidturtle.com] Sent: Sunday, August 01, 2004 12:47 PM To: rdrake@ci.beaverton.or.us; skheinrich@comcast.net; pdgibbs@teleport.com; mayor@groveweb.net; tomh@ci.hillsooro.or.us;rshay@imagina.com; cheryl_olson@beavton.k12.or.us;keithmays@comcast.net; nick@ci.tigard.or.us; ed.truax@aol.com;deanna@involved.com; duymac2@aol.com; habitat@metro.dst.or.us Cc: brian@tualatinriverkeepers.org; dmatrazzo@audubonportland.org

Subject: Tualatin Basin land protection program

Greetings

My apologies for not being able to appear in person at the hearing, but I would like to register my opinions on the proposed program to protect environmentally sensitive lands from development in the urban and urbanizing portions of the Tualatin River Basin.

I live in Southwest Portland, near Lake Oswego, but I consider the Tualatin Basin part of my back yard. Even if I didn't live nearby, the fact is that each and every one of us has a real and direct stake in the health of all watersheds in our region, which means we have a responsibility to see that they are managed responsibly and with a view toward the overall health of our shared home.

Of course, all these discussions come down to balance: between development and open spaces; between water for drinking and agriculture and water for wildlife; between immediate and longterm needs. With respect to the program under consideration now for the Tualatin River Basin, I support the following:

* Increased protection for remaining Class I Riparian Habitat and Class A Wildlife Habitat, by strictly limiting development in currently undeveloped floodplains and "habitats of concern" such as Fanno Creek Greenway, Rock Creek Greenway, and Ash Creek Wetlands and Floodplain

* Increased protection for land in the "moderately limit" category by establishing a lower maximum allowed disturbance area

* A basin-wide tree protection ordinance for all urban trees, not just heritage trees

* A requirement to use alternative analyses to roads and utilities to avoid or minimize direct and cumulative environmental impacts * A policy to base mitigation and fees for destruction of habitats (stream corridors, floodplains, wetlands, upland forests) on the quality and quantity of the habitat destroyed, including full compensation for loss of environmental functions and values over time.

Because I would not be directly affected by increased in Surface Water Management fees, I don't feel I can urge that they be increased to provide funds for watershed restoration. But were I asked to support the proposed \$2 a month for this purpose, and an additional \$2 to \$3 a month for habitat acquisition, stormwater retrofits, and watershed and upland forest restoration, I would do so without hesitation.

The habitat and watershed decisions you make on all our behalf now will have dramatic repercussions for decades to come. While allowing for reasonable development to proceed, please make sure you give at least as much thought to the real value of high-value habitat left as undisturbed as possible. It means not only a better and healthier quality of life now, but it's also the best investment we can all make for a prosperous economy and livable, nurturing community throughout the 21st century.

Thank you for considering my thoughts on this matter.

Sincerely, Amanda Iles 02320 SW Military Road Portland. OR 97219 Intel Corporation 5200 N.E. Elam Young Parkway Hillsboro, OR 97124-6497 (503) 696-8080 www.intel.com

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intel.

WASHINGTON COUNTY BOARD OF COMMISSIONERS OFFICE

August 9, 2004

Tom Brian, Chair Tualatin Basin Goal 5 Natural Resources Coordinating Committee C/o Washington County/DLUT, Planning Division 155 N. 1st Avenue, Suite 350-14 Hillsboro, OR 97124

RE: Testimony on the Goal 5 Natural Resources Initiative

Thank you Chairman Brian and Coordinating Committee members for the opportunity to submit written testimony on the proposed Tualatin Basin Goal 5 Natural Resources Initiative. Intel has closely monitored the development of the Goal 5 program and has worked closely with staff to better understand its impacts on Intel's five campuses and leased facilities in Washington County.

Despite the considerable progress that has been made, we would like to highlight several areas where there remains significant interest and concern.

On the Tualatin Basin Goal 5 revised ALP maps as of July 2004, we remain troubled by a "lightly limit" designation along the southern/southwestern part of the Ronler Acres campus in Hillsboro and a "lightly limit" designation along the northwest corner of the Jones Farm campus in Hillsboro. The "lightly limit" designation is not defined in a manner that enables us to make important business decisions related to investments on our campuses. In the absence of fully defining this restriction, the anticipated fees and mitigation ratios that might accompany this designation become a potential disincentive for investment.

The "lightly limit" designation at the Ronler Acres campus extends beyond an existing ring road that surrounds the campus and onto existing parking lots. As such, the designation does not accurately reflect the existing situation at our campus and should be revised accordingly. We recognize the difficulty in "ground-truthing" a regional program of this scope, but we ask that you commit to resolving this significant discrepancy as we move forward. Despite several positive conversations with Washington County staff and Metro staff regarding this issue, the error in mapping has not been remedied and we ask that the correction is made once and for all.

The "lightly limit" designation on the Jones Farm campus is due to the existence of a retention pond beyond the northwest corner of the campus. We mitigated at 2.5X the wetlands around this

campus several years ago, working together with the state and local governments, and were assured that everything on the campus going forward would be developable. The "moving target" nature of these regulations and the lack of certainty impacts our master plans and ability to fully build out our land.

Intel is the largest private employer in the state. The Ronler Acres campus is our largest site in Oregon. At this campus, we are developing, creating and manufacturing the most advanced semiconductor products in the world. It is absolutely crucial for us to be able to build out this campus to support these activities and to maintain the maximum flexibility possible in doing so. The Jones Farm campus is the global R&D center of Intel's operations. It has been referred to as Oregon's research university. We understand that the development of the Goal 5 program has incorporated the Economic, Social, Environmental and Energy (ESEE) analysis. We believe the examples cited are crucial evidence of the importance of giving full measure of consideration to the "economic" aspects of the analysis. There is understandable public concern about the potential negative economic impacts should the Goal 5 program not be administered judiciously. We think all involved in the management of this process can agree that the Ronler Acres and Jones Farm campuses are tremendous assets to the regional economy and deserve careful consideration as the program develops.

Finally, we encourage you to preserve to the maximum extent possible flexibility as property owners tackle the various "limit" designations. The combination of the complexity of the program, the frequent direction changes during the process and the increase in regulations has created a climate of uncertainty that challenges continued economic development and the health of the region. Giving property owners the greatest possible degree of flexibility in adhering to the program will benefit the region in the most balanced fashion possible.

Thank you for considering these remarks and for your work in developing this program.

Jonathan Williams Manager, Intel Government Affairs

8/08/04

RECEIVED AUG 0 9 2004 LAND DEVELOPMENT SERVICES LAND USE & TRANSPORTATION

The Tualatin Basin Natural Resource Coordinating Committee Washington County's Department of Land Use and Transportation

Dear Sirs:

I would like to have the following comments and my views to be part of the public testimony regarding protection of the fish and wildlife habitat in the Tualatin Basin.

In dealing with individual landowners, I think that there needs to really be a system that rewards individual landowners for good stewardship. Stewardship recognition is mentioned in your literature, but little is spelled out as to what this means. I would like you to tell me how my stewardship is going to be recognized.

I have had my property for over 30 years. I have planted approximately 50 trees on that property, the result being a piece of land that now is being scrutinized as to my developmental possibilities. That I don't mind, but I think that when I decide to develop my property it is unreasonable to expect me to "mitigate" the disturbance of the environment because if it had not been for me, there would not have been any environment to disturb. This you cannot deny. Stewardship recognition should include a component that says "job well done." To me, this means the Coordinating Committee and Metro should recognize our contribution and do so by helping us to develop our property in an environmentally friendly manner. Why should we have to pay fees in lieu of on-site mitigation? It should not cost us money, rather you should give us money!

I would also like to comment on some things I have heard at some of the public presentations (I have been to three). In private conversations I have talked with other landowners (some of which have considerable holdings) and they are quite disturbed at the possibility that after owning something for 40 years and counting on development of their property to provide for their retirement years that possibility is going to be taken away or severely curtailed. The result I am afraid is going to be like the fellow out in Gresham I think it was, who called in the loggers and clearcut his land. In my opinion, the Tualatin Basin is going to lose some significant habitat the way this is being handled.

At the recent presentation in Forest Grove on July 28th, I sat in on a power point presentation. There was a fellow and his wife who asked several questions. He was answered with a lot of fancy words like "mitigation," "minimization" and several others, but the bottom line is that he walked away mad and frustrated because there are too many buzz words that a lot of people don't understand. He got no real answers about his property. I am confident that fellow is just simply going to cut down all his trees.

I think that you people have to realize that there are folks out there, including myself, that are depending on development of our property in order to preserve our economic way of life. In a time of declining jobs, of which I am a victim, our property may be one's only asset and to take that away is unfair and in my opinion unconscionable.

In closing, I would like someone to respond to this letter, and tell me how my stewardship of my land will be rewarded. I think that you owe that to anyone in this sort of position.

Trabelle

Lorne and Margaret Isabelle 2845 NE Jackson School Road Hillsboro, OR 97124

-----Original Message-----From: Jean Jaiswal [mailto:jeanjaiswal@yahoo.com] Sent: Monday, August ()2, 2004 9:28 AM To: Lutplan@co.washington.or.us Subject: Home Owner Comments on Tualatin Basin Goal 5

Hi,

I was out of town for some weeks and just got caught up on my mail this weekend. I apologize in advance for the lateness of my input. I have a previous engagement and am unable to attend the meeting in Hillsboro tonight.

My name is Jean Jaiswal and I live at 10285 SW Washington St. I see that my entire lot (including paved drive way) and house is to be designated as a "Moderately Limit" area. This does not make logica sense for a 20-year-old developed lot to have such a designation. A large part of the paved road in front of the house is similarly designated. I am thinking that there must be some error of drawing on the map. Perhaps a "Lightly Limit" designation as is associated with most of the new SW Todd development (last 4 years) makes more sense.

Please let me know what I need to do to follow up and correct this mapping error.

Thanks in advance for your time in regard to this matter.

Cheers. Jean

Monday, Registor 214 ED

AUG 03 2004 PLANNING DIVISION

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Please let me know what I need to do to follow up and correct this mapping error.

Thanks in advance for your time.

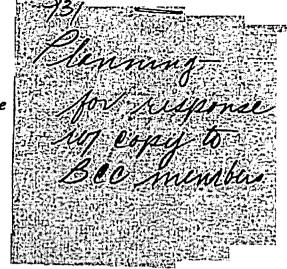
Cheers. Jean

Hi,



Carl H. Johnson 16030 SW Queen Victoria Place King City, OR 97224 503-684-9085

March 22, 2004



Washington County Commissioners Tom Brian, Chairman 155 N. First Avenue Hillsboro, OR 97124

RE: Tualatin Basin Green Plan Public Hearing March 29, 2004

Dear Commissioner Brian,

This is written testimony to be submitted at the referenced public hearing.

At the Tualatin Basin Open House on March 4, 2004 in Tualatin, I reviewed the "Green Map" which marked areas for allowed and non-allowed development. I noticed the severe restrictions placed on our property. The southern quarter of our property should be considered high on urban development value and low on habitat quality. This property is not filled with trees or brush. It was used as a pasture for many years and is high above Fanno Creek. However, to the south is a much larger parcel which belongs to Opus Development Company and is wooded. It falls off sharply to the south and does have flood plain. It is not accessible to the owner except by crossing Fanno Creek. It is that portion on the attached Exhibit A marked in green.

The property we own is Lot 100, the NE ¼ NW ¼ Section of 13 T2S R1W W.M. ²⁰/ Almost ½ of this 3 ½ acre parcel is undeveloped because of flood plain designation. The Metro's "Green Map" would largely deny use of the southern portion of the property which would leave approximately one acre for development. That is a lot of taking for no valid reason.

I have invited the Tigard planner member Tualatin Basin Group to walk the property with me but have had no response, perhaps due to time constraints. I would like to point out where the southern property line is and where the ground falls off southerly to Fanno Creek. Our southern property is high ground, not a nature sanctuary area and is a good buildable site. The flood plain constraints have greatly diminished the property value of the northern piece fronting Durham Road. This is an excellent site for a business park due to its proximity to two interchanges on I-5.

> 4/29/04-Andrea responded w/ phone call

25/13BA00100 7420 SW Durham

It must have taken a good deal of work to come up with a plan for the entire Tualatin Basin. Unfortunately, the time for review and understanding of the complicated interactive maps regarding the regulatory program options has been limited for the land owners. Keeping in mind the long term importance of such regulations, I respectfully request additional time to have a representative on the ground to view the property and get a better understanding of the urban development value and the minimum habitat quality affected by future development before the Commission takes action effecting this property.

Thank you for your consideration.

Very truly yours,

busion

 Date:
 August 6, 2004

 To:
 Metro Councilors

 From:
 Michael Jordan

 Re:
 PMAR, Jane Leo distributed email entitled:

 FEWER HOMES TO SELL, LESS LAND TO USE AND LOSS OF JOBS

On August 5, 2004, a CALL TO ACTION was distributed by PMAR (Portland Metropolitan Association of Realtors). It is found at the end of this memo.

Because you are listed as a contact, you may receive correspondence regarding any of the points in PMAR's email. Following is some information for you to use in any potential response you wish to make.

The *Call To Action* is primarily directed to Washington County and to members of the Tualatin Basin Natural Resources Coordinating Committee. However, much of the information urging action by metro area realtors is based on a number of inaccuracies. Hence, the following outlines corrections to statements that are particularly directed to Metro's process of developing a fish and wildlife protection program.

"Proposed regulations before Washington County and METRO officials places strict limitations on how property owners use their land, increases fees and undervalues the importance of residential land and employment."

- Untrue. Metro's program components have not even been identified yet.
- Metro's ESEE analysis accounted for residential land and incorporated the value of employment. While the economic analysis stressed impacts to employment and industrial lands more than residential the social analysis strongly focused potential impacts of regulations on homeowners.

"....Based on aerial photos and NO physical inspection or scientific evaluation of the actual property."

"Not based on physical scientific facts." "If it's green in the photo, it must be protected from development."

- Untrue. The inventory did use new aerial photography in its analysis. However, it was tied to scientifically based and peer-reviewed (the Governor's Independent Multi-disciplinary Science Team) mapping criteria to define where ecological functions are provided.
- Field visits by Metro biologists were conducted to evaluate the accuracy of the mapping criteria.

"Will increase densities or cause expansion of the Urban Growth Boundary (UGB)."

- Development is not prohibited anywhere.
- A lot of the high value habitat, which is the area that would have a strictly limit designation, is located on steep slopes, is in existing flood plains or in an already protected area.
- There is no data to support that increased density or expansion of the UGB would be necessary as a result of protecting habitat.

"No ability to correct errors. Neither the Basin Approach nor METRO have committed to a procedure to correct mapping errors."

• Not true. There is an active map correction process that has been in place since the inventory was adopted in 2002.

"How you landscape your yard will be subject to extensive regulation."

• Not true. While the protection program is not yet defined, the Metro Council has already considered Resolution No. 04-3440A directing that the Goal 5 program "was to apply only to activities that require a land use permit and not to other activities (such as existing gardens, lawn care, routine property maintenance, and actions necessary to prevent natural hazards.....").

"If you add a new structure (garage, shed, patio) or expand your home, you may be subject to extensive and expensive regulations."

- Not true. While the elements of the Metro program have not yet been determined, the Metro Council has already indicated that both regulatory and non-regulatory efforts will be part of the adopted program.
- It is Metro's goal to implement a program that is clear in its objective to protect valued urban habitat land while simultaneously respecting development opportunities

"Metro will likely adopt the basin approach for the entire region!"

• Not true. The Basin approach will be one of several options that are brought out to the community for further discussion prior to Metro adopting a regional program.

AUGUST 5, 2004 PMAR Contact: Jane Leo, 503/459-2163 e-mail: <u>mailto:jleo@pmar.org</u> FEWER HOMES TO SELL, LESS LAND TO USE AND LOSS OF JOBS

Proposed regulations before Washington County and METRO officials places strict limitations on how property owners use their land, increases fees and undervalues the importance of residential land and employment.

CONTACT THESE OFFICIALS BEFORE AUGUST 16. ASK THEM TO NOT ADOPT THE REGULATIONS. ASK THAT A MORE COMPREHENSIVE ECONOMIC ANALYSIS BE CONDUCTED

THAT INCLUDES THE COST OF EXPANDING THE URBAN GROWTH BOUNDARY TO MAKE UP FOR

THE LOSS OF BUILDABLE LAND. ASK THAT RESIDENTIAL LAND BE TREATED AS VALUABLE LAND!

The Tualatin Basin Natural Resources Coordinating Committee-a group of Washington County Commissioners, mayors, and city councilors-is scheduled to make a decision within the next 10-days on new environmental regulations, known as the "Basin Approach," which will impose significant limitations on what you can do with your property and will require expensive "mitigation" actions. The Basin Approach being considered goes beyond the requirements of Oregon State Land Use Goal 5, which requires local governments to balance environmental protection with economic, energy and social needs.

Based on aerial photos and NO physical inspection or scientific evaluation of the actual property, METRO created an inventory of "fish and wildlife habitat" and three levels of protection for the habitat based on its "quality":

Lightly limit-disturbance of the resource area is allowed, but the disturbed area must be replaced at a 1:1.2 ratio. Disturbance includes construction of a structure (such as home or tool shed), grading, planting grass and landscaping. If you do not have room to replace the disturbed resource area, then you pay \$0.76 per square foot of replacement area.

Moderately limit-50% of the resource area can be developed and up to 85% of the resource can be developed in special cases. Disturbed area must be replaced at a 1:1.5 ration. If you do not have room on your property to replace the disturbed resource area, then you pay \$0.76 per square foot of replacement area.

Strictly limit-disturbance of the resource area is allowed ONLY to avoid a taking or for limited uses that benefit the public good (i.e., utilities). Disturbed areas must be replaced on a 1:2 ration. Don't have room on the property to replace the disturbed resource area, then pay \$0.76 per square foot of replacement area.

The Basin Approach proposal designates approximately 1,816 areas of vacant residentially zoned land as "STRICTLY LIMIT.' This designation would result in a LOSS OF an estimated 8,578 HOUSING UNITS (based on 4 dwelling units per

acre of 1,597 single-family residential acres and 10 dwelling units for 219 multi-family residential acres). The loss could be as high as 14,000 housing units (based on 6 dwelling units per acre for single family and 20 dwelling units for multi-family).

WHAT'S WRONG WITH THE PROPOSED LAND USE LIMITATIONS?

* Will increase densities or cause expansion of the Urban Growth Boundary (UGB). Prohibiting development on large swaths of land means there will not be enough vacant land for housing and jobs. In order to comply with state laws that require enough vacant land within the UGB to accommodate a 20-year supply, METRO will have to either:

o Expand the UGB which results in the possible conversion of agricultural and forestry lands into urban areas and will lead to longer commutes; or o Increase density in neighborhoods beyond existing requirements, which results in more people living in a smaller space. In-fill in your neighborhood?

* No ability to correct errors. Neither the Basin Approach nor METRO have committed to a procedure to correct mapping errors.

* How will your home be affected? Neither METRO nor the Basin Approach have committed to the level of regulation on existing homes. Therefore, it is possible that how you landscape your yard will be subject to extensive regulation. If you add a new structure (garage, shed, patio) or expand your home, you may be subject to extensive and expensive regulations.

* Not based on physical scientific facts. The habitat-or resource area-that the Basin Approach and METRO propose to protect is based on aerial photos. ("If it's green in the photo, it must be protected from development.")

* Increases the cost of housing and decreases the availability of affordable housing. The decrease in land available for development plus the increased cost of mitigation or fee-in-lieu of mitigation will increase the cost of a home.

* Surface Water Management Fees (SWM) will double. In order to fund the \$127,000,000 of wetland and riparian area enhancement projects, the proposed Basin Approach will double all SWM fees for residential, commercial and industrial uses. You will pay double at home and at your business. A likely result is businesses will pass the increased costs along to the consumers, or worse, not locate in the Metro region.

* METRO WILL LIKELY ADOPT THE BASIN APPROACH FOR THE ENTIRE REGION!

WHAT CAN YOU DO?

* Contact the local officials listed below and tell them what is wrong with the Basin Approach and the Goal 5 program AND ask them to NOT ADOPT THE BASIN APPROACH. USE YOUR OWN WORDS. As a voter, taxpayer, and resident of the region, your words have power.

Written comments received before August 9TH become part of the official hearings' record; comments received before the VOTE ON AUGUST 16th will have impact on how the Officials Vote.

From: Marianne Kandel [mailto:coyote@imagina.com] Sent: Monday, August 02, 2004 10:41 PM To: Ron Shay; Richard Kidd; Nick Wilson; Deanna Meuller-Crispin; Steve Heinrich; Keith Mays; Andy Duyck; Cheryl Olson; Rob Drake; Tom Hughes;Ed Truax Cc: Metro Council; Tualatin Basin Natural Resources Coordinating Committee Subject: Goal 5 Decision

Tualatin Basin Coordinating Committee members:

Thank you for the support you have shown for protection of environmentally sensitive lands in our valley, and for your attention to citizens' testimony at tonight's hearing. And please continue that support and committment in the weeks ahead through your decision process for the Goal 5 program in Washington County.

I have lived in Washington County for twenty-seven years. I love this place for its diversity of people, agriculture, industry and culture. I love this land for its tapestry of river, streams, fields, forests and uplands. As any of us know who have been elsewhere, this has got to be one of the most liveable places on earth.

We are poised on the cusp of major development in our valley, matched by a surge in awareness of its potential impact. We have at hand a unique opportunity to strike a vital balance and synergy between the economy of our human world and the economy of the natural world.

I urge you, as a Committee member entrusted with this critical decision, to heed the following:

Please support and increase protection for high value habitat to avoid or minimize impact, particularly in floodplains!

Please adopt a basin-wide vision to protect remaining tree canopy both urban and rural!

Please support increased Surface Water Management fees to fund habitat restoration!

Please give priority to protection before mitigation, and demand mitigation commensurate with the value of sacrificed habitat!

This is our chance to shape development in a healthy way, more like the way it should always have been. This is our chance to get it right, here where we live. The plan we adopt stands to be a model for communities elsewhere and generations to come. Please do your very best in this historic task.

Respectfully

Marianne Kandel 3780 SW 234th PO Box 1147 Hillsboro, OR 97123

Angela Brown

From: Sent: To:

Cc: Subject: Marianne Kandel [coyote@imagina.com] Monday, August 02, 2004 10:41 PM Ron Shay; Richard Kidd; Nick Wilson; Deanna Meuller-Crispin; Steve Heinrich; Keith Mays; Andy Duyck; Cheryl Olson; Rob Drake; Tom Hughes; Ed Truax Metro Council; Tualatin Basin Natural Resources Coordinating Committee Goal 5 Decision

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1

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Respectfully,

Marianne Kandel 3780 SW 234th PO Box 1147 Hillsboro, OR 97123

ORIGINAL

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: <u>wk@wkellington.com</u>

August 9, 2004

Via Hand Delivery
Tualatin Basin Natural Resources Coordinating Committee
Washington County Department of Land Use and Transportation
Planning Division
155 N. 1 st Avenue Ste. 350-14
Hillsboro Or 97124

RECEIVED

AUG 0 9 2004 LAND DEVELOPMENT SERVICES LAND USE & TRANSPORTATION

Re: Brugger Road LLC Property Located on Tax lots 1800, 1900 and 2000 at the southwest corner of the intersection of NW Brugger Road and NW Kaiser Road in Bethany.

Dear Members of the Committee:

Today is the final day for the submission of comments on the Goal 5 ALP decision for property in the Tualatin Basin. Please accept this letter into the record for that decision regarding the above referenced property. This firm represents the owner of the above described property: Brugger Road LLC. We appeared on behalf of the property owner at the hearing on August 2, 2004. At that hearing, we submitted written materials for your consideration to which this is a supplement. This supplement is designed assist the committee and its staff as they move toward a final recommendation decision to Metro. If we can be of any further assistance, we hope you will not hesitate to contact either me or the property owner.

As the outset, we note that we have not been able to ascertain a final decision for recommendation regarding the Goal 5 ESEE analysis for the subject property or for the Tualatin Basin generally. The public information is somewhat confusing in this regard. Some of the public information says the Goal 5 ESEE analysis is finalized for recommendation, others suggest it is not. As far as we can tell from the information available to the public for review, there is a *tentative* ESEE analysis that supports the as yet *tentative* ALP decision. Assuming that neither an ESEE analysis or ALP determination are final for recommendation, we offer some suggestions regarding the ESEE analysis as it regards the subject property as well as the correct ALP decision that should flow from such analysis.

We finally note that we understand Metro has made the significance determination for property in the Tualatin Basin. However, we feel there is confusion regarding what this means. Of course, the role of the Goal 5 analysis is to balance that significance determination against the other values property may serve and then to decide if conflicting (here urban) uses of the property outweigh the natural resources value of property. Therefore, necessarily an examination of the weightiness of the natural resources is a part of the ESEE and ALP equation. Accordingly, it is relevant to understand the nature and extent of natural resources regarding the subject property so that those values can then be balanced against the other ESEE values for the Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 2 of 5

property. There have been statements that the significance determination makes the weightiness of natural resources as a part of the ESEE or ALP decision irrelevant. Respectfully, that would be an incorrect analysis under Goal 5, and hope you would agree.

Also with regard to the regional Metro significance determination, we are submitting a request to Metro to revisit its basic significance determination regarding the subject property. We believe Metro was mistaken in its analysis of the property. This is understandable given the gross scale from which Metro had to work. It is also understandable as Metro was not privy to the SP Cramer analysis for the subject property, which analysis is at Tab C of the materials we presented to you at your August 2, 2004 hearing. This and other site specific information regarding the subject property will be brought to Metro's attention. However, this letter assumes the Metro significance determination is in place and makes ESEE and ALP recommendations from that point of beginning. With these thoughts in mind, we bring the following to your attention.

First, please understand the subject property has no fish or fish habitat and considering such resources value on the property in the ESEE balance favors allowing conflicting urban development. Obviously, there is no point to prohibiting, or limiting or forcing a property owner to pay for developing property in order to protect nonexistent fish or fish habitat. Please see the study listed as Tab C to the written submittals provided at the August 2, 2004 hearing.

Second, as we explained in our previous written materials and at the August 2, 2004 hearing, the subject property was erroneously listed as being outside rather than inside the UGB. There are a variety of ESEE consequences that flow from the fact that the property is inside the UGB. This makes the ESEE analysis as it stands an unreliable source of information to support the resulting ALP decision. This of course also makes the ALP decision regarding the subject property incorrect under the Tualatin Basin's ALP matrix.

Third, there is no large unbroken "patch" of wildlife habitat on the subject property or in the area. This errs in favor of an "allow" conflicting uses determination rather than the strictly limit one that we understand affects the subject property. The area for consideration in this regard is the developed Bethany, and the new UGB, area. The subject property is at the fringe of the developed parts of Bethany. It is ringed by busy Kaiser Road and Springville Road, a developed and existing church, an active farm area which has plowed under the drainage from the irrigation ditch upgradient,¹ and intense urban type development. For years and now the subject property has been and is actively farmed and because of the large amounts of traffic on the area roads, an internal road crossing the leakage from the ditch is required to safely allow farm operations to continue until such other development on the property moves forward. The subject property has no functional connectivity to any wildlife habitat parcel that may exist in the area and there is no evidence to the contrary. As noted in the previously submitted materials, the subject property also has an existing land use approval for a church.

¹ As we explain in our written materials submitted on August 2 and which is supported by the SP Cramer habitat analysis appended at Tab C to those materials, the only water that flows through the subject property is water from the leaking irrigation pond upgradient. It is this water from the leaking irrigation pond that the neighboring farmer has plowed under and culverted. This further illustrates the broken, unconnected nature of water that serves as the basis for the Metro "significance" determination.

Also, the subject property is an existing exception area. It is important to understand the fact that the subject property does not qualify for Goal 3 or Goal 4, underscores the property has already been determined as serving little planning role as wildlife habitat. Rather, the committed and developed uses that served as the basis for the exception is the purpose the property serves under pre UGB amendment planning principles. This is because one of the qualifications for property being classified for Goal 4 is that the property provides wildlife habitat. Given the property *is not* and *was not* so classified as Goal 4 property, it should not be classified as having weighty wildlife habitat in the balance against conflicting uses now that it is in the UGB. This is because the type of conflicting uses that supported the committed and developed exception are the general type of uses that will support urban development within the UGB. These factors would seem to make reasonably clear that the subject property does not and cannot properly be classified alone or in combination with other property, as a "patch" of wildlife habitat. Moreover, any scattered habitat value the property could theoretically serve is diminished by the property's location at the "edge" rather than "interior" of any such habitat.

We would also like to point out that we are unaware of any basis for determining that restricting the developability of the subject property serves any ESA or EPA water quality mandate. We have been able to locate any findings, reports or evidence concluding otherwise regarding the subject property. We believe that the evidence we have supplied in the August 2, 2004 materials and herein, establishes the converse is the case.

We are unaware of any Goal 5 ESEE "economic" analysis that considers the cumulative effect of the proposed mitigation fee, together with locally adopted and implemented tree cutting fees, DSL wetland mitigation fees, and the proposed new SWM fee, all of which are fees that appear to affect the same property for the same development activity, where development is allowed. We appreciate that the preliminary draft staff report indicates a preference to avoid duplicative regulation or fees. However, no analysis is provided of which we are aware to avoid that and no economic analysis or other ESEE analysis of the cumulative economic and other consequences of the fee mitigation program is identified in any of the materials publically available. Such analyses should be performed to provide the committee with the necessary tools to make an informed ESEE decision that considers the economic and other consequences of the proposed decision. In this regard, to allow the farm crossing to move forward, the property owner has already paid a substantial "mitigation" fee to DSL. Please understand that there is an important social consequence of the cumulative fees that would be imposed under the program as it is now written. This is because land becomes more expensive to develop under cumulative fees and the costs of housing, commercial products and services necessarily increases. The social impacts of this have not been evaluated and should be under an ESEE analysis.

Concerning the ALP decision, we also hope we made clear in the August 2, 2004 materials that there is no "stream" or stream or other "habitat" to restore on the property. Before the irrigation ditch started to leak, there is no evidence that there was any water course on the subject property. Moreover, restoration of habitat requires that there be habitat that is restorable to some functional value. The subject 10 acre parcel cannot serve any habitat function on its own and its location in the UGB and at the fringe of existing intensive urban development, and having no "interior" habitat value, means that the subject property can serve no habitat function. Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 4 of 5

Again, we have located no information otherwise concerning the subject property or the Tualatin Basin generally. The facts regarding the subject property establish that if the Tualatin Basin matrix is applied as it is explained in the Preliminary Draft staff report dated August 16, 2004, the subject property would not have protective or mitigation values to serve in any case. There is nothing we are aware of that balances in favor of complete or even "moderate" Goal 5 protection being added to the property and there is little to "mitigate" as we hope you will see from the evidence submitted to date. Especially, if the Tualatin Basin ESEE analysis for the subject property is to be consistent with ESEE analyses applied to other properties, an "allow" or "very lightly limit" ALP designation is appropriate.²

Moreover, the purpose of the Goal 5 ESEE and ALP determination is to decide whether public policy justifies provision of additional regulatory restriction on development under Goal 5 on top of programs already in place. In this regard, there are already Federal, state, regional, and local programs in place that protect natural resources on the subject property. The most appropriate designation for the subject property is an "Allow" conflicting uses program determination. This does not destroy any resources on the property. Rather, it allows development to move forward as the comprehensive UGB/urban program for this Bethany exception area contemplates. No federally protected fish or wildlife will or can be damaged. The federal government protects these values. Federal FEMA and local flood regulations protect against flooding concerns. Steep slopes are protected by state and local standards regarding geotechnical hazards. All wetlands are subject to DSL and the Army Corps stewardship and regulatory programs. Metro's Title III program and the CWS program on property within the boundaries of each protect natural resources. Local governments have protective programs. As Washington County's Goal 5 ALP program definition makes clear, allowing conflicting uses simply means that no additional regulatory restrictions will be added. Specifically an "allow conflicting uses" determination is defined as:

"Allowing conflicting uses generally means there would be no additional land use regulations restricting conflicting uses within the analysis category as a result of Goal 5. However, all existing regulations remain in effect including floodplain, steep slope and water quality and/or wetland regulations implemented by the City, [CWS], {COE] and {DSL]."

The subject land has a high value for urban development. If the church approved on the property proposal moves forward, the property has a high value for church and church related development. There is no purpose under any of the ESEE factors to be served by strictly or moderately limiting the development of the subject property. If the church moves forward under approved plans, the land would be completely developed and the only ESEE consequence of applying such a restriction would be to make changes to the church difficult as potentially a nonconforming use. That of course is not a positive ESEE outcome. It would also treat other developed lands more favorably than the church and that would make no sense either.

Further, a "very lightly limit" designation is also too restrictive for the subject property. There is no natural resource purpose to be served in imposing further fees on the property and

² See for example the ESEE and ALP designation for the portion of an acknowledged creek – Bronson Creek in the Oregon Graduate Institute property and immediate area.

Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 5 of 5

this is what a very lightly or even lightly limit designation does – imposes more "mitigation" fees. Any mitigation fees would be to cover the same development for which the DSL and corps would require a fee. This would be exactly the kind of duplication the staff report indicates is to be avoided. Other than wetlands over which DSL has assumed jurisdiction, there is no other natural resource or natural resources values on the subject property. Therefore, the ESEE consequences for the property mitigate only in favor of an "allow" conflicting uses designation.

As noted by Washington County in its definition quoted above, an "allow" designation means the property is subject to existing federal, state, regional and local programs protecting the very limited natural resource values of the subject property. More regulation applied to the subject property in the name of natural resources would simply lock up the property for development for no apparent natural resource reason or natural resource benefit. Such would serve no public policy purpose we are aware of and would hurt the region's public policy of developing parcels in the UGB. Establishing restrictive and additional Goal 5 programs for the property would surely give up an important urban development resource that is needed by the region, county and annexing city to avoid further UGB expansions. We hope you will agree that the point of the Goal 5 ESEE exercise is to avoid "over protecting" resources that don't need the enhanced protections of Goal 5 and, in such cases, to allow conflicting development to move forward as allowed under programs of the federal, state, regional and local governments.

SUMMARY:

Please consider applying a "very lightly limit" or "allow" determination to the subject property. In view of the site specific analyses we have shared with you, we can think of no reason to treat the subject property any differently than other important urban property where urban conflicts balance out ahead of limited and already protected natural resources. For example, property that has been brought into the UGB for industrial development will receive a very lightly limit recommendation designation. This is a smart idea for the subject urban property where all ESEE factors weighed balance in favor of allowing urban development. The natural resources on the subject property are completely and adequately regulated by the federal, state, regional and local government. Additional Goal 5 regulation will be the kind of duplication that we think your committee wishes to avoid, adding nothing of natural resources value to the region. But such adding more restrictions to the subject property would have the undesirable ESEE outcome of restricting developable property in the Metro UGB, putting expansion pressure elsewhere on the region's UGB.

Thank you for this opportunity to comment. We hope you have found this to be helpful. We look forward to working with you as this process continues to move forward.

Very truly yours,

WLK:wlk CC: Client

Steve Kelley

From:	Alice Kinzer [alice@kinzers.com]
Sent:	Wednesday, May 05, 2004 9:28 PM
То:	steve_kelley@co.washington.or.us
Subject:	Goal 5 interested party list notification

Mr. Kelley,

Please place me on the list to be notified regarding the interested party list for Goal 5 issues.

My husband and I own two 10 acre parcels on Cooper mountain. Our property has been identified and targeted for regionally significant wildlife habitation protection.

http://www.metro-region.org/article.cfm?articleID=5903&do=map&maf id=324120

Our northern property (Tax ID# 1S130DA00100) is listed as: Class 1 riparian, highest-value habitat Class 2 riparian, medium-value habitat Class B wildlife, medium-value habitat

Our southern property (Tax ID# 1S130DA00500) is listed as: Class B wildlife, medium-value habitat

The stringent classification impacts our property rights by significantly reducing our property value and restricting future land use decisions.

We are all ready burdened with an arterial road bisecting our property that was designated on the transportation plan years ago to be built. If our property is classified as 'moderately restricted' based on the significant wildlife habitation protection program, the proposed 5 lane road will further diminish the amount of property that is left to be developed.

It will be cost prohibitive to develop any of our property with the existing burden of financing road construction far exceeding practical development costs.

Habitat protection is one thing but road design impracticality and excessive cost prohibitive construction isn't included as part of the protection plan that should be restricted.

We protest at the highest level. Metro will significantly impact our property value and property rights if they classify our property as moderately restricted.

I would like to go on record as stating we strongly disagree with the habitation protection level designation that is being placed on our property.

Alice Kinzer Donald Kinzer

Laura Taylor

From:	Anne Madden
Sent:	Thursday, May 13, 2004 4:05 PM
To:	Laura Taylor

Laura, please enter this into a new data base of comments received for Phase Three of Goal 5 - thanks, Anne -----Original Message-----

From: Alice Kinzer [mailto:alice@kinzers.com]

Sent: Thursday, May 13, 2004 10:04 AM

To: scleek@thprd.com; Paul_Schaefer@co.washington.or.us; turpelm@metro.dst.or.us;

Mark_Brown@co.washington.or.us; hennings@metro.dst.or.us; lcrabtree@ci.beaverton.or.us; jreilly@thprd.com; jgrillo@ci.beaverton.or.us; hbergsma@ci.beaverton.or.us; davidnoren@worldnet.att.net;

deffebachc@metro.dst.or.us; Brian_Hanes@co.washington.or.us; Brent_Curtis@co.washington.or.us; Barbara Fryer; Anne_Madden@co.washington.or.us; Andrea_Vannelli@co.washington.or.us;

Steve_Kelley@co.washington.or.us; Mayor's Office

Cc: Kathy Sayles; tmilowolf@msn.com; Dlbutler34@cs.com; scupp@ch2m.com; polwonks@comcast.net; linda.gray@orst.edu; loppenheimer@news.oregonian.com; kschoenfelder@panattoni.com; kellyr@hbapdx.org; liden@pbworld.com; jim.petsche@nike.com; crp@lclark.edu; chesarek@teleport.com; aeg@csgpro.com **Subject:** The Tualatin Basin Natural Resource Coordinating Committee

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, Oregon 97124

May 13, 2004

To: Tualatin Basin Natural Resources Steering Committee

My husband and I own two parcels on Cooper Mountain of about 10 acres each in size. Our property has been identified and targeted for regionally significant wildlife habitation protection.

http://www.metro-region.org/article.cfm?articleID=5903&do=map&maf_id=324120

Our northern parcel (Tax ID# 1S130DA00100) is listed as: Class 1 riparian, highest-value habitat Class 2 riparian, medium-value habitat Class B wildlife, medium-value habitat

Our southern parcel (Tax ID# 1S130DA00500) is listed as: Class B wildlife, medium-value habitat

These classifications will drastically diminish the value of our land due to the significant restrictions imposed by the various classifications. Clearly, these restrictions did not exist when we purchased these parcels.

Although we have no plans at present to develop the property, the previously existing ability to do so contributed to a "market value" of the land. Imposing significant additional restrictions on

development diminishes that value and is tantamount to a "taking" to the extent that the market

We strenuously object to the new classification of our property and the imposition of the attendant restrictions in the absence of appropriate compensation. If restricting development of these parcels is in the public's interest, the public should pay for that benefit rather than foisting the entire cost on us.

Alice Kinzer Donald Kinzer

value is reduced.

CC:

Beaverton, Ms. Barbara Fryer Clean Water Services, Ms. Sheri Wantland Forest Grove, Ms. Jeff Beiswenger Hillsboro, Ms. Jennifer Wells Sherwood, Mr. Dave Wechner Tigard, Ms. Julia Hajduk or Beth St.Amand Tualatin Ms. Stacy Hopkins Tualatin Hills Park and Recreation District Mr. David Endres

Laura Taylor

From: Anne Madden Sent: Monday, June 21, 2004 11:05 AM

To: Laura Taylor

Subject: FW: Goal 5 Non-Reg Options / info

Laura, would you please enter these comments into our new Goal 5 public comment data base for Phase 3, April-August 2004? thanks, Anne

-----Original Message-----From: Alice Kinzer [mailto:akinzer@usa.com] Sent: Saturday, June 19, 2004 5:55 PM To: Anne Madden Subject: RE: Goal 5 Non-Reg Options / info

Re: The 'Non-regulatory Program Options' draft that you have written, I enclose my comments for your review:

1. Any program involving private landowners should include options that would provide cost reduction incentives for the property owners. Virtually all of the proposals involving private landowners in the 'Non-regulatory Program Options' draft require them to bear the costs associated with 'properly maintaining' their property. Most incentive or funding based options presented in this document are intended to be used for public property or developable property.

Repairing, protecting, and maintaining property requires some type of financial investment in most cases. You are asking property owners to be good stewards by doing the work yet you are offering them no type of funding options or cost saving incentives, to help them offset any associated costs for participating in a program.

An example of a program that would reduce costs and benefit the private property owner could involve supplying property owners with free or low cost native plants and trees that are used for planting during habitat restoration/reforestation, protection and enhancement.

2. Another option to consider that would benefit private landowners is to provide them with help to develop a Habitat Protection Plan for their individual properties.

3. Option # 5 calls for a reduction in property taxes and notes these programs all ready exist. Make sure all private property owners know about both the 'Wildlife Habitat Conservation Management Program', and any program that they would qualify for. Encourage property owners to sign up for programs that reduce their property taxes or provide credit to streamside property owners.

Follow up on the Riparian Lands Tax Incentive Program: Link: http://www.dfw.state.or.us/ODFWhtml/InfoCntrHbt/riptax_facts.htm

According to the Oregon Department of Fish & Wildlife the Riparian Land Tax Incentive Program, only property outside the adopted urban growth boundaries can qualify for this program. 'For riparian land to qualify for this program, it must have be outside adopted urban growth boundaries, and planned and zoned as forest or agricultural lands (including rangeland), or must have met these criteria as of July 1, 1997.'

4. Option # 6 describes 'Technical Assistance' options, including that staff provide information on

'habitat-friendly development'. Washington County has privately owned property located in the County designated as Goal 5 property, zoned R-5 or R-6, and it has been determined to be designated as property included in the 'Wildlife and Habitat Protection Program'.

- Washington County Department of Land Use and Transportation department should change zoning/density requirements on properties located in Goal 5 and designated for wildlife habitat protection. Lowering the density requirements on property included in Goal 5 will result in less habitat disturbance and reduce the impact that higher density will create.
- It is difficult to understand how land located in Goal 5 and zoned R-5 or R-6, can be developed at the current density level and fulfill the requirements of the designated level for the Protected Wildlife & Habitat Protection. Transfer density in a habitat sensitive area is redundant.
 Can you explain how Washington County can endorse high-density development and encourage

habitat-friendly development, at the same time?

Thank you for allowing me to provide comments. Alice Kinzer BALLSJANIK

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A.T. T.O.R. N.E.Y S

101 SOUTHWEST MAIN STREET, SUITE 1100 PORTLAND, OREGON 97204-3219

TELEPHONE 503-228-2525

FACSIMILE 503-295-1058

www.balljanik.com

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dkrawczuk@bjlip.com

DANA L. KRAWCZUK

August 9, 2004

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BY FACSIMILE AND E-MAIL

Tualatin Basin Natural Resource Coordinating Committee 155 N. 1st Avenue, Suite 350-14 Hillshorn OR 97214 Hillsboro, OR 97214 and all the set all its

Re: Testimony for Tualatin Basin Goal 5 Program

ward of the state Dear Members of the Coordinating Committee, Same Sense Trans Sec.

We represent residential developers and thank you for the opportunity to submit written testimony addressing the Preliminary Draft Tualatin Basin Goal 5 Program Report. We continue to be concerned about the flaws in the ESEE methodology with respect to the urban development value of residential land and the resulting "shrinking" of the UGB, as outlined in the May 20, 2004 Home Builders Association's testimony to David Bragdon (http://www.homebuildersportland.com/bragdonletter.htm), which we incorporated into this testimony. However, our testimony today is directed at specific concerns we have with components of the Program Report pending before the Tualatin Basin Natural Resources Coordinating Committee. · · · . ·

Correcting Mapping and Resource Characterization Errors. 1.

and a set of the set o Metro's inventory of natural resources, which is the basis for the Basin Approach's ESEE analysis and the Allow, Limit, Prohibit analysis and decision (the "ALP decision"), is not based on a site specific analysis of each resource. Instead, Metro and the Tualatin Partners are relying on aerial photos. As could be expected from relying on an imprecise inventorying method, the record is replete with comments from property owners that there are mistakes in the inventory. Metro has made some overtures about allowing maps to be corrected during the coming months, but no details have been provided. Allowing mapping corrections while the regulations are being drafted is a step in the right direction, but there must be a mechanism for correcting the inventory maps after the Goal 5 program has been adopted.

It is undisputed that many property owners have not received notice of the Goal 5 regulatory program, or that their property has been inventoried. As a result, property owners will not be able to take advantage of the currently undefined opportunity to correct mapping errors during the next few months. Instead, property owners throughout the region will learn of and the second

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Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 2

mapping mistakes only once the Goal 5 program is implemented and the property owner attempts to develop their property. Residential developers are particularly concerned about this scenario because we do not own or control the property that will be developed in the future. For example, if an owner of a 20 acre property in Washington County that is incorrectly mapped to include a Goal 5 resource did not receive notice of the Goal 5 program, they would be unable to correct the mapping error. A residential developer may be interested in that property 3 years after the Goal 5 regulations are implemented, but under the proposed regulatory scheme there would be no way for the property owner or the developer to refine the inventory map to reflect a site specific scientific analysis of the resource.

As part of the IGA between the Tualatin Partners and Metro, the Tualatin Partners agreed to accept Metro's aerial photo based inventory, despite reservations about the accuracy of the inventory. However, the Tualatin Basin Natural Resource Coordinating Committee has the ability to include in its recommended program a mechanism for correcting mapping errors. The proposed Basin Approach provides for site specific resource delineation, similar to the procedure utilized by Clean Water Services, when proposed development or redevelopment activity may impact the buffer are of the mapped resource. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, page 3-3. The ability to delineate the resource is a step in the right direction, but property owners must also have the ability to address the quality of the resource on a site specific basis. Similarly, once existing resources are enhanced or new resources are created through mitigation, the boundary and/or level of a resource should be amended to reflect the changes to the site. For example, Hillsbord's existing Significant Natural Resources Overlay District allows for the modification of the boundary of level of an inventoried significant natural resources based on information obtained as part of a site specific mitigation. HZO §131A(15).

If the inventory is mapped incorrectly, the basis for the ESEE analysis and ultimate regulatory program is undermined. Both Metro and the Tualatin Basin Natural Resource Coordinating Committee should strive to rely on the best scientific information available to analyze the presence of natural resources on properties throughout the region, which is consistent with OAR 660-023-0030, to ensure the integrity of the regulatory system.

2. Ability to Provide Required Buildable Lands Capacity and Commitment to Expansion of the UGB

In December 2002 Metro expanded the UGB – a decision that is still winding its way through the appeal process. The proposed Goal 5 regulations will reduce or eliminate the development potential of land that was considered available for housing during the 2002 UGB expansion process. Of the vacant land available for residential development in Metro's jurisdiction, over half has been inventoried as habitat. Figure 4-2 of the April 2004 DRAFT: ESEE Phase II Analysis. Although density transfers may accommodate some of the lost housing capacity, Metro will no longer be in compliance with the statutory requirement to maintain a 20year supply of buildable land. ORS 197,299(2)(a). We support the recommendation to



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PLANNING DIVISION Land Use & Transportation

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Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 3

categorize land that was recently brought into the UGB as "Other Urban" rather than "Future Urban" has one method of preserving the housing capacity created by the 2002 UGB expansion.

In order to ensure the vitality of the housing market in the Metro area, including affordable housing, the Goal 5 program must be accompanied by a commitment to analyzing the supply of buildable land and expanding the UGB. Such a commitment would likely diffuse some of the opposition to the Goal 5 program, and may lead to the avoidance of an appeal of the Goal 5 regulations.

3. Relying on Enhancement of Existing Resources as Mitigation

A. <u>Enhancement as a Mechanism for Mitigating Encroachment into Resource</u>

<u>Areas</u>

Enhancement of existing degraded natural resources is an effective way to enhance the environmental health of riparian and upland habitat areas. Mitigating the encroachment into resources areas by enhancing existing resources, rather than creating new resources through on-site replacement, will preserve developable land for housing and jobs and reduce the amount of rural land that will need to be brought into the UGB. Therefore, enhancement should be a tool that developers can use for required mitigation. Under the proposed Basin Approach it is not clear if a developer can rely exclusively on enhancement as mitigation, or if only on-site replacement or fee-in-lieu of on-site mitigation can be utilized for mitigation. We support allowing a development to rely exclusively on enhancement of existing resources as mitigation for encroachment into a resource area.

B. <u>Mitigation Credit for Enhancement within the Vegetated Corridor</u>

A stated objective of the Basin Approach is to ensure that the resource protection measures (i.e. mitigation, permits etc.) are not duplicative of existing environmental regulations and programs such as CWS, DSL and EPA standards. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, pages 2-4 and 2-5. However, the current Basin Approach will not allow mitigation credit for on-site enhancement of degraded resources area that are within the vegetated corridor that is regulated by Clean Water Services. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, pages 3-8 and 3-9. Not allowing mitigation credit for enhancement within the vegetated corridor is inconsistent with the objective to avoid duplicitous regulations and will create additional economic burdens to property owners and developers.

4. Flawed ESEE Analysis

As described above, we continue to assert that the economic value of residential development has been underrepresented in the ESEE analysis. We are also concerned that the economic and social components of the ESEE analysis did not adequately consider key issues, which are discussed below.

Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 4

A <u>Reduction in tax base</u>

The additional restrictions on development under the Goal 5 regulations will reduce the value of property throughout the region, which means that less property tax will be generated.¹ Additionally, the economic burden on development created by the Goal 5 regulations (i.e., increased SWM fees, high mitigation costs, expense of LID measures and expenses related to retaining environmental professionals) will dissuade existing businesses from expanding and will keep new businesses from locating in the Metro area – another significant reduction in the tax rolls. In Washington County, 49.0% of taxes support schools, 17.6% supports Washington County, 15.6% support special districts, 15.1% supports cities and 2.7% supports regional government. During the economic downturn of the past few years we have seen the social impacts of a decreased tax base on schools, social services and local governments. The reduction in the tax base attributable to the Goal 5 regulations will exacerbate the decline in services, which is a social and economic impact that was not adequately considered in the ESEE analysis.

B. <u>Affordable Housing</u>

As proposed, the Goal 5 program will significantly increase the cost of building homes and that cost will be passed along to homebuyers. The increase in the cost of building homes stems from the reduction in the buildable lands capacity, the costs associated with retaining professionals to help navigate the Goal 5 regulations, expensive mitigation requirements and LID requirements. The social component of the ESEE analysis did not adequately reflect the impact of the reduction in affordable housing.

5. Consistent and Coordinated Implementation of Goal 5 Regulations and Other Environmental Regulations

A significant concern for residential developers is having all environmental regulatory programs applied consistently and efficiently. The July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report discusses in very general terms the goal of coordinated

¹ While density transfers can be used for reduced densities, only about 75% have been used due to market demands for detached vs. attached housing. Therefore, about 25% of density is lost due to increased buffers etc. and the value of these densities can be valued on a price per lot, currently very high. With properties that have no development potential, the value of buffer land or neighbor-to-neighbor land that would be restricted from development is still valued at rates from \$5,000 per acre to as much as \$80,000 per acre according to sales that have been confirmed in the Metro area. For properties that have no development potential, appraised values reflect a range of \$5,000 to \$10,000 per acre. The accepted average value of a developable acre in Washington County is \$400,000 per acre.

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Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 5 1 2

reviews of environmental regulations (i.e. CWS, DSL and EPA), but specific details are not provided. Additionally, the draft does not commit to providing additional staffing support or other resources to ensure that coordination and consistency can be accomplished. The draft also does not elaborate on the timing and method of implementing the Goal 5 regulations. It is imperative to the development community that sites subject to multiple jurisdictions (i.e. CWS, City and Metro) have natural resource protection regulations applied consistently.

6. Low Impact Development (LID) Techniques Should be Voluntary and Should be Eligible for Resource Mitigation Credit

The requirement to utilize Low Impact Development (LID) techniques appears to apply to development in resource areas throughout the Basin, regardless of the designation of the resource. Given that the Tualatin Basin Steering Committee has acknowledged, "[g]enerally, impacts on significant habitat resources from conflicting uses will be lower in areas zoned for lower densities and lower intensity land uses (such as single family residential areas)," the necessity for requiring LID techniques for all development is questionable. August 9, 2004 memo from Tualatin Basin Steering Committee to Tualatin Basin Natural Resources Coordinating Committee, page 5. Mandating LID techniques for all development in resource areas is redundant, considering the level of other protection and enhancement measures proposed through the Basin Approach (more resource area is protected, increased mitigation requirements, doubling of SWM fees). For these reasons and the expense of utilizing LID techniques (in addition to the increase in SWM fees, mitigation expenses and reduction in developable land), we request that the LID techniques be voluntary and eligible for mitigation credit.

7 Alteration of the Floodplain Should be Allowed

•...

Based on the mapping that is available, it appears as if all floodplain areas have been inventoried as a resource, and that new limitations on developing within the floodplain will be imposed. While some floodplains may have resource value, not all floodplains are resources. We request that development continue to be allowed to alter the floodplain, so long as the flood storage area remains the same. !

8. Farm and Forest Tax-Deferred Property Should be Subject to the Rural Program in Chapter 5 بها معرفة المحمد والمعنية

The July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report imposes separate regulatory schemes for urban and rural areas. The urban program in chapter 3 of the report applies to property within the UGB and within one mile of the UGB, and rural program in chapter 5 applies to the property in the county that lies beyond the one-mile UGB buffer. The rural program acknowledges that Washington County does not have land use authority over farm and forest practices, so both current land use regulations and any regulations passed under Goal 5 will apply to non-farm and non-forest activities only. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, pages 5-1. Not all properties that are used for

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Tualatin Basin Natural Resources Coordinating Committee August 9, 2004 Page 6

farm and forest practices are located a mile from the UGB. Instead, many properties within the UGB enjoy tax deferral based on the active farm or forest activities. Therefore, the proposed geographic delineation for urban and rural programs is flawed. Properties that are in rural use, even if located within the UGB or within one mile of the UGB, should be subject to the rural program. We request that properties that are taxed deferred for farm or forestry use be considered rural so that the applicable Goal 5 regulations will apply to non-farm and non-forest activities only.

9. Handling of Utilities and Planned Transportation Improvements

We support the current proposal that the regulations would establish specific uses that should be permitted in resource areas due to overriding public benefit, such as the installation or maintenance of utilities, planned transportation improvements, and certain recreation activities. July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report, page 3-3. We encourage the Tualatin Basin Natural Resource Coordinating Committee to ensure that any mitigation requirements for the installation of public improvements not be exorbitant.

10. Lack of Detail and Opportunity for Meaningful Participation

Imposing a new regulatory scheme over an entire region is a daunting task, but unfortunately the public outreach efforts have fallen short of being effective. Several property owners have testified that the only notice of the impending regulations on their property came from neighbors. Additionally, the materials provided to date have been lacking in detail on many substantive issues and the materials have been provided without adequate notice (i.e. the 60+ page staff report for the Monday, August 2, 2004 hearing was available late in the day on Friday, July 30, 2004). For example, the basis for the "Option-1b Cost Factors" for fce-in-lieu of mitigation is not provided in the July 2004 Preliminary Draft of Tualatin Basin Goal 5 Program Report. Without the basis for the calculations, interested parties are not able to analyze the reasonableness of the fee and provide substantive testimony on the matter. The lack of detail and lack of notice create significant hurdles in meaningful participation in the regulatory process.

Thank you for considering the issue outlined in this and previous testimony. The scope and impact of the Goal 5 regulatory program is expansive. At this time there continues to be questions and gaps in the analysis of the economic impacts that the Basin Approach will have throughout the region. We request that serious consideration be given to more than the "environmental" component of the ESEE analysis and that the Tualatin Partners recommend a reasonable program that will not have a crippling economic effect.

Sincerely, Graf

, Dana L. Krawczuk

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August 3, 2004

RECEIVED

The Tualatin Basin Natural Resources Coordinating Committee Washington County/ DLUT, Planning Division 155 N. 1st Avenue, Suite 350-14 Hillsboro, OR 97124 AUG 0 9 2004 PLANNING DIVISION Land Use & Transportation

Subject Metro Map Correction Kuper Property at 22680 SW 76th Avenue, Tualatin, OR

Dear Coordinating Committee,

We attended the Open House in Tualatin on July 29, 2004 to review the status on the natural resource protection program currently underway in Washington County and would like to complement the County on the organization and presentation of the open house.

While at the open house, we were able to review the current status of the resource mapping of our property and discuss mapping corrections Metro has made to our property with County Planning and Metro personnel. Metro, in June of this year, sent us a letter (attached) summarizing mapping adjustments of the resource on our property. We understand that these adjustments have not been incorporated into the current information on the County database.

Mr. Brent Curtis, Washington County Planning Manager, recommended that we send a letter to the Tualatin Basis Natural resource Coordinating Committee, requesting that the adjustments made by Metro be incorporated into the County database. Therefore, we formally request that you update the Washington County database to reflect the adjustments. Thank you for your assistance with the adjustments.

If you have any questions or comments regarding this letter please fell free to contact us at the following address and phone number:

Dorian and Tom Kuper 22680 SW 76th Avenue Tualatin, Oregon 97062 (503) 638-9722

Sincerely,

+1.1.Km

H. Tom Kuper -Attachments: Metro Letter & Aerial Photograph

600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232 2736 TEL 503 797 1700 FAX 503 797 1797



METRO

June 16, 2004

Dorian and Tom Kuper 22680 SW 76th Avenue Tualatin, OR 97062

RE: Case #082-001

Dear Mr. and Mrs. Kuper:

Thank you for your March 26, 2004 submittal of a map correction for the property located at 22680 SW 76th Avenue in Tualatin. We have reviewed your request and have made the following determination.

We have studied the aerial photographs and determined that there are a few changes to be made to the landscape features (grassy areas and trees within a certain distance of the stream) in Metro's inventory on and near your property. These adjustments will be made to the tree canopy as shown on the enclosed map. Most of the habitat on your property is classified as Class C Riparian, which would receive a lightly limit treatment, the remaining portion that is forested would receive a strictly limit treatment. Metro is currently working to define what the treatments will mean in a fish and wildlife habitat protection program. However, Metro's habitat protection program will not affect existing farm practices such as those occurring on your property.

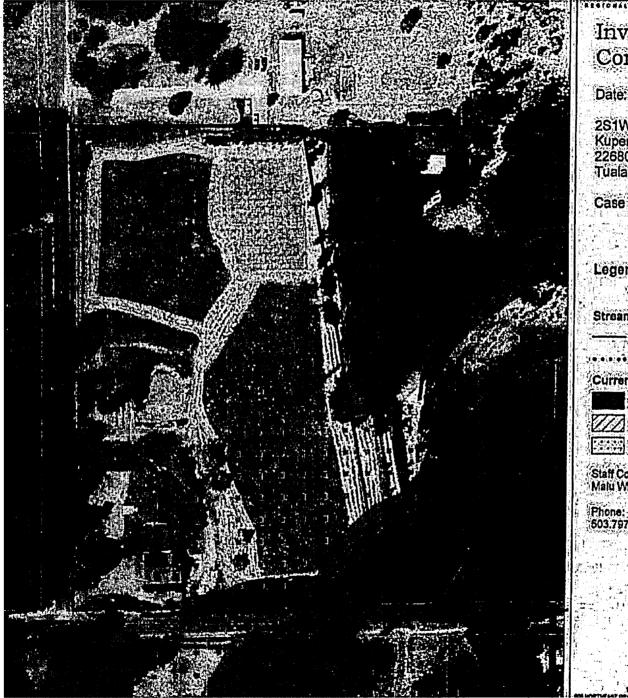
Please keep in mind that we are revising map features and plan to rerun the inventory model before the fish and wildlife project is final. Until then, the changes will not appear on the website version of the inventory.

Thank you for your requested map correction, as it is important that our data is accurate and complete. If you have any questions, please contact me at 503-797-1680.

Sincerely,

Malu Wilkinson Associate Regional Planner

MW/ff I:\trans\transadm\staff\ff\RTP\WilkinsonM\Kuper Ltr61604.doc Enclosure



Inventory Correction Date: June 18, 2004

ORHATION ITT

2S1W36 Kuper Property 22680 SW 76th Ave, Tualatin⁺

Case #082-001

Legend Taxlots Stream Network - Current - Open Channel Current vegetation layer. Forestad Patches ># 1 Acre

Woody Patchas < 300 From Stream Open Patches + 300 From Streams

Staff Contact: Malu Wilkinson

March 26, 2004

METRO Fish & Wildlife 600 NE Grand Ave. Portland, Oregon 97232

RE: Map Correction Request Regional Fish & Wildlife Habitat Maps T2S, R1W, Sec. 36, Tax Lot 1600

Dear Sirs,

We own 5 acres in the very southeastern portion of Washington County. Our concern is that maps created by METRO that we reviewed recently incorrectly show large riparian areas on our property. We are formally requesting a Map Correction to those maps, as the maps are currently incorrect.

Our property is at 22680 SW 76th Ave., outside of the Tualatin UGB. It is at the northeast corner of SW 76th Ave. and Norwood Road. Our house is situated at the southwestern portion of the property and the remaining property is pasture. We mow and plow the fields yearly. Saum Creek traverses in a southwest to northeast direction, approximately 40 feet southeast of the southeastern portion of our property (off our property). There is minimal riparian currently associated with this part of Saum Creek. Our plowed field is within 100 feet of the creek.

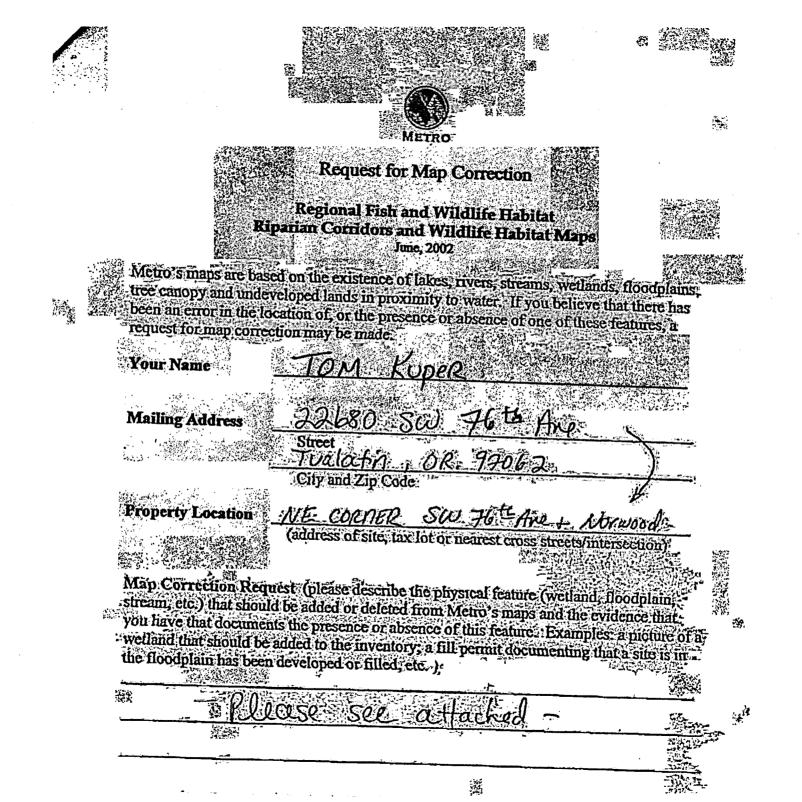
The METRO maps currently show a riparian area encroaching approximately 70 feet into our property ("strictly limit" management zone) to a 300 foot setback into our property called "moderately limit" management zone. Since our field is only approximately 100 feet from Saum Creek, we would request that the map be corrected to reflect the true area of impact. We would suggest that there be a "strictly limited" management zone extending 25 feet from the Saum Creek on either side of it and a "moderately limited" zone extending 50 feet (additional, each side) and a "lightly limited" management zoning extending an additional 50 feet (each side) with an "allow" management zone beginning no more than 125 feet from the stream center. This gives plenty of protection for Saum Creek in this area.

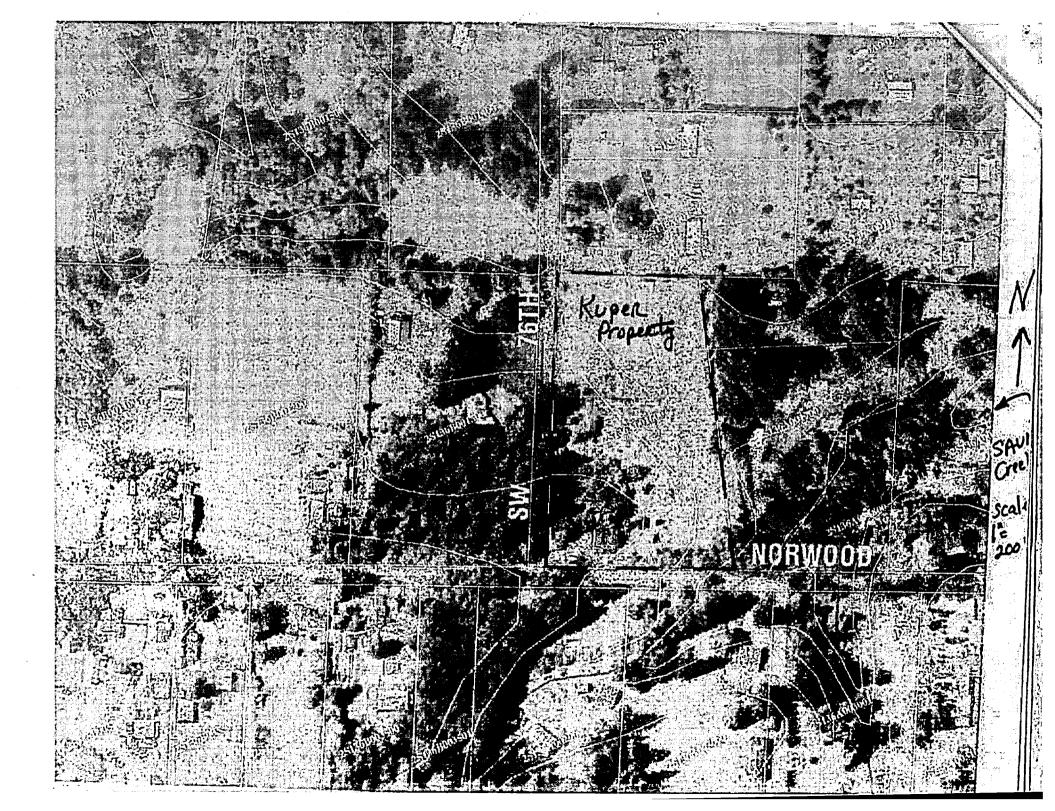
Please review the attached maps and aerial photo and please call us as we would like to invite you to meet us in the field to observe the property. Thank you for your consideration.

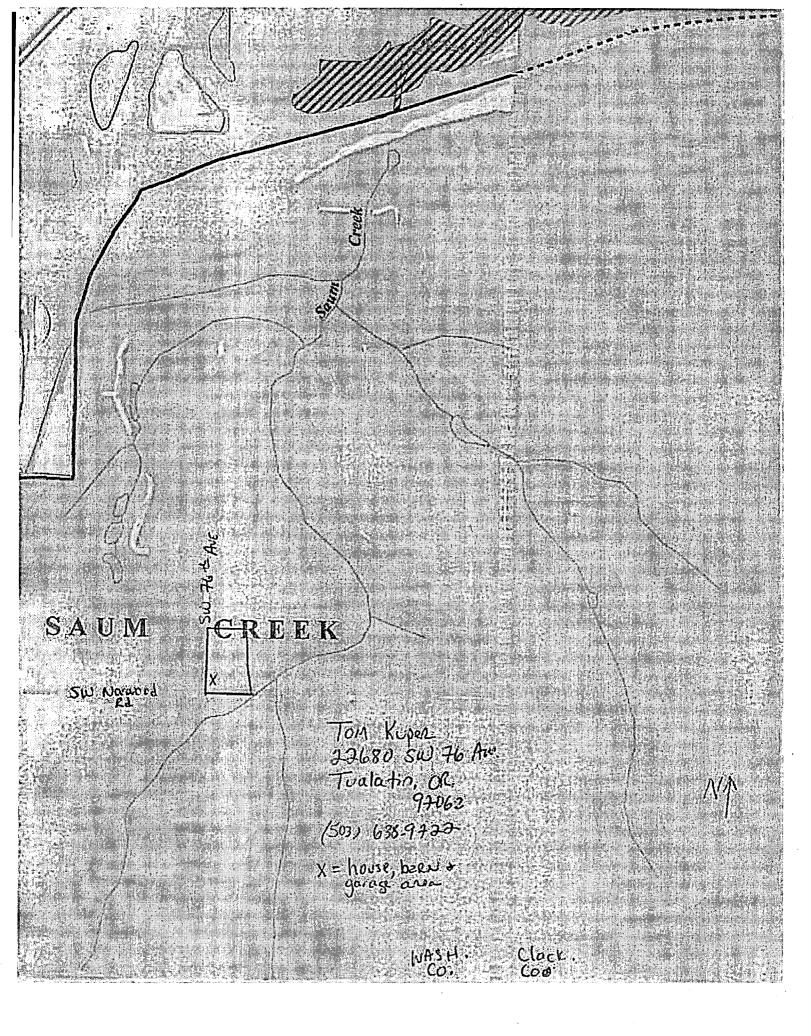
Dorian and Tom Kuper, Oregon Engineering Geologists #1132 & 854

(503) 638-9723 fax

22680 SW 76th Ave. Tualatin, Oregon 97062 (503) 638-9722 phone (502) 638 0723 for (503) 638 072 0723 for (503) 638 072 0723 for (503) 678 072 072 for (503) 678 072 072 for (503







Anne Madden

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From: Sent: To: Jim Labbe [jlabbe@pdxstreams.org] Sunday, June 27, 2004 12:23 PM

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'Al Burns - City of Portland'; 'Alisa Pyszka'; 'Barbara Fryer - Beaverton'; 'Barbara Shields -Tigard'; 'Chris Deffebach - METRO'; 'Chris Eaton - Angelo-Eaton Assoc.'; 'Craig Dye - Clean Water Services'; 'Dan Stark - Fishman Env. Svcs. ' (E-mail); 'Dave Wechner - Sherwood'; 'David Noren'; 'Dennis Egner - City of Lake Oswego'; 'Dick Reynolds - Cornelius'; 'Don Otterman - North Plains'; 'Dorothy Cofield'; 'Doug McClain - Clackamas County'; 'Doug Miller - City of Hillsboro'; 'Doug Rux - City of Tualatin'; 'Duane Roberts - Tigard'; 'Gary Clifford - Multnomah County'; 'Gina Whitehill-Baziuk'; 'Hal Bergsma - Beaverton'; 'Jeff' Beiswenger - City of Forest Grove'; 'Jeff Beiswenger - (home)'; 'Jennifer Wells - Hillsboro'; . 'Jim Hendrix - Tigard'; 'Jim Jacks - Tualatin'; 'Jim Petsche - Nike'; 'Joe Grillo - Beaverton'; 'Jon Holan - Forest Grove'; 'Julia Hajduk - city of Tigard'; 'Julie Reilly - THPRD'; 'Keith Liden -Parsons Brinkerhoff'; 'Kendra Smith - CWS'; 'Kenneth Itel'; 'Kim Schoenfelder'; 'Leigh Crabtree - Beaverton'; 'Linda Gray'; 'Linnea Nelson - Metro'; 'Lori Hennings - Metro'; 'Margaret Jennings'; 'Mark Turpel - METRO'; 'Mike Houck - Audubon'; 'Pat Ribellia'; 'Paul Garrchun - Metro'; 'Paul Gilles - City of Hillsboro'; 'Paul Ketcham - Metro'; 'Paulette Copperstone - METRO'; 'Ramsey Weit'; 'Richard Meyer - Cornelius'; 'Roel Lundquist - City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Connery - Alpha Engineering'; 'Stacy Hopkins -Tualatin': 'Sue Marshall - Riverkeepers'; 'Suki Cupp - CH2M'; 'Sylvia Butler'; 'Valerie Counts -Hillsboro'; 'Wink Brooks - Hillsboro'; Andrea Vannelli; Anne Madden; Brent Curtis; Brian Hanes; Cathy Corliss (E-mail); Doug Browning; Mark Brown; Paul Schaefer; Steve Kelley; 'Carl Hosticka - Metro Council'; 'Dean Gibbs - Durham'; 'Ed Truax - City of Tualatin'; 'Mark Cottle' - City of Sherwood; 'Richard Kidd - Forest Grove'; 'Rob Drake - City of Beaverton'; 'Susan McLain - Metro Council'; 'Tom Hughes - Hillsboro'; Cheri Olson - North Plains; Cheryl Olson - City of North Plains; coa@co.washington.or.us; Deanna Meuller-Crispin - THPRD; Dick Schouten: John Leeper: Nick Wilson - City of Tigard; Ron Shay - King City; Steve Heinrich - City of Cornelius; Tom Brian

burkholderr@metro.dst.or.us; cotugnoa@metro.dst.or.us; mclains@metro.dst.or.us; monroer@metro.dst.or.us; newmanb@metro.dst.or.us; parkr@metro.dst.or.us; David Bragdon

Subject:

Cc:

Response to Commissioner Duyak

Commissioner Duyak,

Thanks for responding. I am coding my response to the Steering Committee and Coordinating Committee because I want to be a clear as possible about our position.

We are actually putting together a memo on those two very topics: development capacity and the concern about "takings." Both have been put forth as the rationale for what we view as a minimalist approach for a Tualatin Basin Goal 5 program. I hope to have something together for next week's Steering Committee meeting. I have to say though- in response to your statements- the Audubon Society of Portland has been very clear where we think development should occur to avoid degrading or destroying the remaining fish and wildlife habitat inside the UGB. Development capacity should first be made up through more efficient use of land inside the UGB through more mixed-use, less auto-dependent development and where that is unfeasible- second through

auto-dependent development and where that is unfeasible second through appropriate expansions of the Urban Growth Boundary.

This is essentially the commitment the Metro Council made in the 1997 Greenspaces Resolution. The need to address development capacity in Washington County is, from our standpoint, entirely reasonable. The concern of some planners is that development capacity will be made up outside the region. However the mere expectation that it will happen is not and should not be a justification to degrade and destroy the most environmentally sensitive lands in the Tualatin River Watershed.

As to the your definition of fairness: I think we disagree on what is fair. I'd ask of you, is it fair to drive native fish and wildlife species to, or even closer, to extinction? Is it fair to extirpate neotropical bird species that we know have been in decline the last 30 years? Is it fair to fill and destroy wetlands or pave over floodplains that formed and persisted since the late Holocene? Is it fair to knowingly degrade our local ecosystems and impoverish future generations? The rights to do any of those things are not and have never been intrinsic to the ownership of real property. Determining what is fair, what should be the rights and responsibilities of owning and developing property is а centeral issue in developing this program. Every generation since the founding of our country has had to struggle with this question and it is obviously a salient legal and political question in Oregon. I feel that trying to resolve these questions matters immensely to the future of Oregon and we should be taking the opportunity to do so in a regional and basin goal 5 program. But simply surrending public property in fish and wildlife (and the ecological functions and values that support them) to the private right to develop property violates the public trust responsibility of our democratic institutions- it is essentially the "taking" of public property. I have always felt that we in Gregon should develop the tools and measures to *reasonably* compensate *some* landowners (based on genuine need) fdr past zoning decisions that gave false expectations about future development potential/return. I think there are a number of ways such a compensation system could be developed. Establishing a transfer of development rights system is one suggestion I have made to the Steering Committee. A needs-based system for property tax rebates much like the property tax relief that the State of Oregonian use provide to senior citizens could be another approach. The urban riparian and wildlife property tax credit program, enabled by the 2001 legislature, while limited in its scope, provides another opportunity. 100 1 100 Regardless, the past mistakes made in zoning habitat for development- in many cases with ample evidence of the negative social and environmental consequences- does not justify now letting them be lost to development.

Washington Square Regional Center on top of Ash Creek wetlands was up-zoned under the promise to numerous citizens and neighbors that the natural resource issues would be resolved through Goal 5. They will not under the Tualatin Basin Partner's existing proposal which would merely require partial-mitigation of the direct impacts- to say nothing of the cumulative impacts to Fanno Creek.

Lastly, as to your statment that...

>It appears that the Society's position is to restrict as much land as >possible by any means possible.

This is absolutely NOT our goal. Our goal, like the basin and regional policy goals, is to protect and restore the ecological functions and

values that support fish and wildlife in the Tualatin Basin

Some of the functions and values cannot be mitigated so the development of the habitats that support them should be avoided, less the costs and impacts of that development be born by those living downstream or in future generations. That's what our memo tried to make clear about developing a defensible program to achieve basin and reginoal goals. The 1997 Greenspaces resolution has also made clear, that these decisions to make up losses in developable land, would be made after the remaining environmentally sensitive lands inside the UGB were protected to "maximum extent possible" and to "the maximum extent of the law." That is basically what we are saying now about the highest value habitats (i.e. not ALL habitat lands). We recognize the need to make exceptions for truely unique and idiosyncratic development needs of the basin that conflict with the protection of the highest value habitats. It is these exceptions, not the protection of high value habitats as proposed by the Tualatin Basin Partners, that should be addressed on a case-by-case basis. Given the commitments we have made to grow our region in a way the protects and restores our natural heritage, our understanding of the social, economic, and environmental consequences of allowing the *highest value habitats* to be lost overtime, and the existing and available tools to prevent it, we believe this is the least of our responsibilities to present and future generations.

Respectfully

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Jim Labbe

Jim Labbe Urban Conservationist Audubon Society of Portland 5151 N.W. Cornell Portland, OR 97210 (503)292-6855 x. 112 www.urbanfauna.org

On Thu, 24 Jun 2004, Andy Duyck wrote

> Jim, > I am at a loss to understand the position of the Audubon Society. has > been stated many times that essentially all land which is not developed is > prime habitat for some critters. Where are we supposed to build? To take the > issue to the extreme of restricting private property simply because it has > not yet been developed, is unfair and was never the intent of the State > requirement for a Goal 5 program. If the Audubon society feels so strongly > about this issue, then tell us where you draw the line. It appears that the > Society's position is to restrict as much land as possible by any means

3

Laura Taylor

From:	Anne Madden
Sent:	Sunday, July 18, 2004 3:10 PM
To:	Laura Taylor
Subject:	FW: Moderately Limit ESEE Decisions for Class I Riparian

Laura, please add this email to our pubic comments. Thanks, Anne

----Original Message-----From: Jim Labbe [mailto:jlabbe@pdxstreams.org] Sent: Thursday, July 15, 2004 6:40 PM To: 'Al Burns - City of Portland'; 'Alisa Pyszka'; 'Barbara Fryer -Beaverton'; 'Barbara Shields - Tigard'; 'Betty Atteberry - WEA'; 'Brian Wegener - Tualatin Riverkeepers'; 'Chris Deffebach - METRO'; 'Chris Eaton - Angelo-Eaton Assoc.'; 'Craig:Dye - Clean Water Services'; 'Dan Stark - Fishman Env. Svcs. ' (E-mail); 'Dave Wechner - Sherwood'; 'David Noren'; 'Dennis Egner - City of Lake Oswego'; 'Dick Reynolds -Cornelius'; 'Don Otterman - North Plains'; 'Dorothy Cofield'; 'Doug McClain - Clackamas County'; 'Doug Miller - City of Hillsboro'; 'Doug Rux - City of Tualatin'; 'Duane Roberts - Tigard'; 'Gary Clifford -Multnomah County'; 'Gina Whitehill-Baziuk'; 'Hal Bergsma - Beaverton'; 'Jeff Beiswenger - City of Forest Grove'; 'Jeff Beiswenger - (home)'; 'Jennifer Wells - Hillsboro'; 'Jim Hendrix - Tigard'; 'Jim Jacks -Tualatin'; 'Jim Petsche - Nike'; 'Joe Grillo - Beaverton'; 'Jon Holan -Forest Grove'; 'Julia Hajduk - city of Tigard'; 'Julie Reilly - THPRD'; 'Keith Liden - Parsons Brinkerhoff'; 'Kelly Ross - OBIA'; 'Kendra Smith - CWS'; 'Kenneth Itel'; 'Kim Schoenfelder'; 'Laura Oppenheimer - The Oregonian'; 'Leigh Crabtree - Heaverton'; 'Linda Gray'; 'Linnea Nelson -Metro'; 'Lori Hennings - Metro'; 'Margaret Jennings'; 'Mark Turpel -METRO'; 'Mike Houck - Audubon'; 'Pat Ribellia'; 'Paul Garrchun - Metro'; 'Paul Gilles - City of Hillsboro'; 'Paul Ketcham - Metro'; 'Paulette Copperstone - METRO'; 'Ramsey Weit'; 'Richard Meyer - Cornelius'; 'Roel Lundquist - City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Connery -Alpha Engineering'; 'Stacy Hopkins - Tualatin'; 'Sue Marshall -Riverkeepers'; 'Suki Cupp - CH2M'; 'Sylvia Butler'; 'Valerie Counts -Hillsboro'; 'Wink Brooks - Hillsboro'; Andrea Vannelli; Anne Madden; Brent Curtis; Brian Hanes; Cathy Corliss (E-mail); Doug Browning; Mark Brown; Paul Schaefer; Steve Kelley Cc: burkholderr@metro.dst.or.us; cotugnoa@metro.dst.or.us; hostickac@metro.dst.or.us; mclains@metro.dst.or.us; monroer@metro.dst.or.us; newmanb@metro.dst.or.us; parkr@metro.dst.or.us; David Bragdon; 'Andy Duyck - BCC'; 'Carl Hosticka - Metro Council'; 'Dean Gibbs - Durham'; 'Ed Truax - City of Tualatin'; 'Mark Cottle' City of Sherwood; 'Richard Kidd - Forest Grove'; 'Rob Drake - City of Beaverton'; 'Susan McLain - Metro Council'; 'Tom Hughes - Hillsboro'; Cheri Olson - North Plains; Cheryl Olson - City of North Plains; coa@co.washington.or.us; Deanna Meuller-Crispin - THPRD; Dick Schouten; John Leeper; Nick Wilson - City of Tigard; Ron Shay - King City; Steve Heinrich - City of Cornelius; Tom Brian; Celina; crp@lclark.edu; Carol Chesarek

Subject: Moderately Limit ESEE Decisions for Class I Riparian

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 in the 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 and 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 20th 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

. 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

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along his important stretch of Fanno Creek

See map at

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 Metr-ESEE and ALP map decisions.

Jim Labbe Urban Conservationist Audubon Society of Portland 5151 N.W. Cornell Portland, OR 97210 (503)292-6855 x. 112 www.urbanfauna.org

Laura Taylor

From:	Anne Madden
Sent:	Monday, August 02,
To:	Laura Taylor
Subject:	FW: Mitigation and
-	-

more testimony

----Original Message-----From: Jim Labbe [mailto:jlabbe@pdxstreams.org] Sent: Friday, July 30, 2004 2:04 PM To: 'Andy Duyck - BCC'; 'Carl Hosticka - Metro Council'; 'Dean Gibbs -Durham'; 'Ed Truax - City of Tualatin'; 'Mark Cottle' - City of Sherwood; 'Richard Kidd - Forest Grove'; 'Rob Drake - City of Beaverton'; 'Susan McLain - Metro Council'; 'Tom Hughes - Hillsboro'; Cheri Olson - North Plains; Cheryl Olson - City of North Plains; coa@co.washington.or.us; Deanna Meuller-Crispin - THPRD; Dick Schouten; John Leeper; Nick Wilson - City of Tigard; Ron Shay - King City; Steve Heinrich - City of Cornelius; Tom Brian; burkholderr@metro.dst.or.us; hostickac@metro.dst.or.us; mclains@metro.dst.or.us; monroer@metro.dst.or.us; newmanb@metro.dst.or.us; parkr@metro.dst.or.us Cc: 'Al Burns - City of Portland'; 'Alisa Pyszka'; 'Barbara Fryer -Beaverton'; 'Barbara Shields - Tigard'; 'Brian Wegener - Tualatin Riverkeepers'; 'Chris Deffebach - METRO'; 'Chris Eaton - Angelo-Eaton Assoc.'; 'Craig Dye - Clean Water Services'; 'Dan Stark - Fishman Env. Svcs. ' (E-mail); 'Dave Wechner - Sherwood'; 'David Noren'; 'Dennis Egner - City of Lake Oswego'; 'Dick Reynolds - Cornelius'; 'Don Otterman - North Plains'; 'Dorothy Cofield'; 'Doug McClain - Clackamas County'; 'Doug Miller - City of Hillsboro'; 'Doug Rux - City of Tualatin'; 'Duane Roberts - Tigard'; 'Gary Clifford - Multnomah County'; 'Gina Whitehill-Baziuk'; 'Hal Bergsma - Beaverton'; 'Jeff Beiswenger - City of Forest Grove'; 'Jeff Beiswenger - (home)'; 'Jennifer Wells - Hillsboro'; 'Jim Hendrix - Tigard'; 'Jim Jacks - Tualatin'; 'Jim Petsche - Nike'; 'Joe Grillo - Beaverton'; 'Jon Holan - Forest Grove'; 'Julia Hajduk city of Tigard'; 'Julie Reilly - THPRD'; 'Keith Liden - Parsons Brinkerhoff'; 'Kendra Smith - CWS'; 'Kenneth Itel'; Laura Oppenheimer; 'Kim Schoenfelder'; lcrabtree@ci.beaverton.or.us; 'Linda Gray'; 'Linnea Nelson - Metro'; 'Lori Hennings - Metro'; 'Mark Turpel - METRO'; 'Mike Houck - Audubon'; 'Pat Ribellia'; 'Paul Garrchun - Metro'; 'Paul Gilles - City of Hillsboro'; 'Paul Ketcham - Metro'; 'Paulette Copperstone -METRO'; 'Ramsey Weit'; 'Richard Meyer - Cornelius'; 'Roel Lundquist -City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Connery - Alpha Engineering'; 'Stacy Hopkins - Tualatin'; 'Sue Marshall - Riverkeepers'; 'Suki Cupp - CH2M'; 'Sylvia Butler'; 'Valerie Counts - Hillsboro'; 'Wink Brooks - Hillsboro'; Andrea Vannelli; Anne Madden; Brent Curtis; Brian Hanes; Cathy Corliss (E-mail); Doug Browning; Mark Brown; Paul Schaefer; cotugnoa@metro.dst.or.us; Steve Kelley Subject: Mitigation and Fee-in-lieu

. 2004 11:05 AM

Fee-in-lieu

To: Tualatin Basin Steering Committee From: Jim Labbe, Urban Conservationist, Audubon Society of Portland RE: Mitigation ratios and fee in-lieu and proposed Option 1b

We have repeatedly raised the concerns about the over-reliance on mitigation in the Tualatin Basin Partner's proposed Goal 5 program. Despite our repeated memos, comments and appeals as well as past comments by state and federal natural resource agencies on this subject, the Steering Committee has now suggested further weaking the mitigation requirements in a proposal that would already allow extensive environmental impacts to go unmitigated.

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The basis of our original concern regarding the mitigation proposals was with the limited extent new development would be required to avoid and minimize impacts in the first place. It is impossible to mitigate for the loss of the highest value habitat and habitat connectivity in the urban environment. You can't mitigate the loss of a floodplain its multiple ecological and hydrologic functions. Already, under the proposed Tualatin Basin Goal 5 program, new development would be allowed to degrade and destroy over half of the remaining acres of unprotected habitat (~12000 acres) in the basin. Based on our analysis of the latest ALP map and recent adjustments, this includes over 1000 acres of 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. The Steering Committee has failed to demonstrate how the destruction and degradation of remaining unprotected habitats- especially the highest value habitats we have identified repeatedly- can be praticably 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 subwatersheds. As of last week the Tualatin Basin Steering Committee had already proposed mitigation schemes with only the most tenuous link to the quality and quantity of habitat to be lost be lost to future development. Now the Steering Committee is proposing- in mitigation fee Option 1b- to further weaken the mitigation requirments by significantly lowering the mitigation ratios and elimintating the land component of the mitigation. This proposal is entirely flies in the face of the concerns raised by numerous citizens involved in this process to date. It is TOTALLY at variance with the previous stated intent to compensate for lost functions and values and that mitigation would provide an "incentive" to avoid impacts in the first place. This latest proposal to eliminate the land component of the mitigation fee is particularly regressive, since it essentially encourages developers to pay the fee-in-lieu (and escape thte land costs) rather than mitigate on site. According to Brent Curtis the land would be provided by existing public lands or by easements paid for by the enhance surface water management (SWM) fee. Hence, the public will now be subsidizing private development by paying the lands costs to mitigate habitat destruction, something that is squarely the responsibility of the developer. Moreover the Tualatin Basin Partner's have already said that they are using the SWM fee for restoration NOT mitigation. Thus expecting the SWM fee to cover land costs further undermines the last finger-hold of credibility that this program will actually improve the overall health of the watershed. The proposed reduction in mitigation ratios and fees will further allow new development to burden other landowners, the public at large, and

future generations with unmitigated environmental impacts. Without addressing the quality and quantity of habitat loss- and much less the

land costs under the original proposal- there is simply no credible way to mitigate for the loss of the multiple social, economic, and environmental values provided by the basin's remaining unprotected floodplains, wetlands, riparian corridors, and upland habitat. We urge the Coordinating Committee to reject the proposed Option 1b proposed by staff and, at the earliest possible date, ask staff to pursue a comprehensive revaluation of the proposed mitigation program that considers avoiding rather than mitigation impacts and incoporates the expertise and pratice of state and federal natural resource agencies. Local planning staff have missed a tremendous opportunity to construct a scientifically defensible mitigation program built on existing knowledge and practice. Metro will soon be developing a mitigation component as part of the regional program. This effort will almost certainly incorporate the input and expertise of state and federal agencies who have an extensive experience in designing and implementing mitigation programs. Under the current suite of proposals for mitigation the Coordinating

Committee will be making a defacto "allow" decision by permitting unmitigated environmental impacts to be born by other landowners, the public at large and future generations. We can do better than this and it

is our generational responsibility to do so.

Respectfully,

Jim Labbe Urban Conservationist Audubon Society of Portland

Jim Labbe

Urban Conservationist Audubon Society of Portland 5151 N.W. Cornell Portland, OR 97210 (503)292-6855 x. 112 www.urbanfauna.org

Laura Taylor

From:Anne MaddenSent:Wednesday, August 04, 2004 12:51 PMTo:Laura TaylorSubject:FW: Audubon Society of Portland Response To Beaverton Valley Times Editorial 7/30/04

although this is a letter to the editor, I think it is good testimony for the CC to also have in their packet - thanks, Laura, for doing such a good job for us! Anne

----Original Message----From: Jim Labbe [mailto:jlabbe@pdxstreams.org] Sent: Wednesday, August 04, 2004 12:45 PM To: mkelly@commnewspapers.com Subject: Audubon Society of Portland Response To Beaverton Valley Times Editorial 7/30/04

Dear Editor,

In response to the Beaverton Valley Times July 30 Editorial "Plan to protect wildlife needs to have balance," we at the Audubon Society of Portland entirely agree that "balance" is what smart community planning is all about. However any number of "balanced" outcomes could threaten both the environmental and economic health of Westside communities. The issues at stake are far more complex than a simple trade-off between environmental protection and economic development as implied by the editorial. Regretfully, the Washington County planners crafting the draft program have already significantly "balanced" the proposal in favor of allowing the development of roads and buildlings in remaining environmentally sensitive areas. The current proposal would already allow over half of the 12,000 acres of remaining unprotected habitat in the urban and urbanizing portions of the Tualatin basin to be lost to future development. Areas labeled "high development value" such as the Washington Square Regional Center or the OHSU primate center (to just name two) have already been given lower, in some cases significantly lower, levels of protection. In some cases development will be allowed outright, threatening important fish and wildlife corridors in the basin. The latest proposals by county planning staff to further weaken mitigation requirements would have the public subsidize the land costs of mitigation (what should be the responsibility of the developer) and leave unmitigated environmental impacts to be born by downstream landowners, the public at large, and future generations. This is bad environmental policy but to justify it on the basis of

economic development is complete folly. It is to fall back on out-dated assumptions about the supposed trade-offs between a strong economy and a healthy environment.

This region had one of the fastest growing economies in the country in the

1990s in part because of its quality of life and healthy environmentits

common natural wealth that is our collective inheritance. The region's current economic woes have everything to do with a declining in global chip markets not modest efforts to protect the Tualatin River Watershed

Angela Brown

From:	Jim Labbe [jlabbe@pdxstreams.org]
Sent:	Monday, August 09, 2004 4:22 PM
То:	'Andy Duyck - BCC'; 'Carl Hosticka - Metro Council'; 'Dean Gibbs - Durham'; 'Ed Truax - City of Tualatin'; 'Mark Cottle' - City of Sherwood; 'Richard Kidd - Forest Grove';
	'Rob Drake - City of Beaverton'; 'Susan McLain - Metro Council'; 'Tom Hughes - Hillsboro';
	Cheri Olson - North Plains; Cheryl Olson - City of North Plains; coa@co.washington.or.us;
	Deanna Meuller-Crispin - THPRD; Dick Schouten; John Leeper; Nick Wilson - City of
	Tigard; Ron Shay - King City; Steve Heinrich - City of Cornelius; Tom Brian
Cc:	lutplan@co.washington.or.us; Andrea Vannelli; Brent Curtis; 'Brian Wegener - Tualatin
	Riverkeepers'; 'Chris Deffebach - METRO'; 'Craig Dye - Clean Water Services'; 'Jeff
	Beiswenger - City of Forest Grove'; 'Jeff Beiswenger - (home)'; 'Jon Holan - Forest Grove';
	'Julie Reilly - THPRD'; 'Lori Hennings - Metro'; 'Mark Turpel - METRO'; 'Mike Houck -
	Audubon'; 'Paul Ketcham - Metro'; 'Ramsey Weit'; 'Richard Meyer - Cornelius'; 'Roel Lundquist
	- City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Connery - Alpha Engineering'; 'Stacy
	Hopkins - Tualatin'; 'Sue Marshall - Riverkeepers'; 'Sylvia Butler'; 'Valerie Counts - Hillsboro';
	Anne Madden; Brian Hanes; Cathy Corliss (E-mail); Mark Brown; Paul Schaefer; Steve Kelley;
	Celina; crp@lclark.edu; thomas wolf
Subject:	Audubon Society of Portland Response to Forest Grove Proposal to elimnate migitation from lightly limit areas



Please see the our response to the 8/5/04 memoranda from Forest Grove proposing to eliminate mitigation requirements for lightly limit areas.

Also at:

http://www.urbanfauna.org/8.9.04ASofPCommentsonForestGroveProposal.doc



August 9, 2004

To: Tualatin Basin Coordinating Committee From: Jim Labbe, Urban Conservationist, Audubon Society of Portland Re: Forest Grove Memoranda and Proposal 8/5/2004

We feel obligated to respond to information and proposal put forth last week by Forest Grove representatives on the Steering Committee. The August 5th memoranda attempted to quantifying the negative impact of mitigation requirements in lightly limit areas on single family residential development in Forest Grove and used this analysis to justify eliminating any mitigation requirement in these areas throughout the entire Basin.

We strongly disagree the assertion that applying any mitigation requirements in "Lightly Limit" areas represents a "significant flaw" in the proposed program. The recent Forest Grove memo proposes to eliminate mitigation requirements for lightly limit areas in the Basin but does even speak to the cumulative environmental consequences of doing so. By our analysis of the most Goal 5 Protection Map (including recent adjustments), roughly 2600 acres of habitat in the Basin fall into the lightly limit category. These areas include secondary function riparian habitats important to total riparian function and Class II riparian that provide primary ecological functions.

We dispute land values put forth in the Forest Grove memorandum to justify the proposal to eliminate mitigation requirements in lightly limit areas. The memorandum cites market values as low as \$.02 per square foot for vacant land zoned for single family residential. Apparently this valuation pre-dates the property's inclusion into the Urban Growth Boundary. We question whether this accurately reflects development value for land and thus the magnitude of the impact of the mitigation requirements meant to compensate the lost of public trust resources.

We surveyed available data on sales of vacant land in Forest Grove since 2000 and selected mean and median values to provide a more realistic picture of the mitigation feein-lieu as a percentage of current market values (see attached table).

	Value	Mitigation Co		Square	Market Value (Sale Price			
LL - \$0.92	ML - \$1.14 L	SL \$1.52	Land Value Per sq. ft	Footage	Since 2000)	Total Assessed Value	Last Sale Date	Туре
5 3%	4%	5%	\$ 32.43	5611.49	\$182,000.00	\$32,920.00	Jan-04	Single Family (Vacant)* Single Family
5 7%	9%	12%	\$ 12.64	10281.26	\$130,000.00	\$65,130.00	Jan-03	(Vacant)**
,	9%	12%	\$ 12.64	10281.26	ce 2000	\$65,130.00 R-Zoned Land Sold Sind SFR-Zoned Land Sold S	alue of Vacant SF	(Vacant)** * Mean Market Va

Attachment - *Recent* Market Values Compared to Mitigation Ratios Vacant Land Zoned Single Family Residential in Forest Grove

2

August 1, 2004

RECEIVED

AUG 0 4 2004 PLANNING DIVISION Land Use & Transportation

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

Dear Committee Members:

As property owners with high value wildlife habitat in the Fanno Creek area, we urge you to fully protect the remaining wildlife in this area and in all of the Tualatin River Basin by restricting development that could impact their future. We take pride in the forested area around our home, and have observed over 50 species of birds visit or nest on our property. This close connection to nature enhances our property value and enriches our lives, and is something we are willing to support via higher taxes and/or fees that go directly to maintaining or improving wildlife habitat.

Thriving fish and wildlife populations are indicative of a healthy environment for the people who share their territory. Increasing fragmentation of wildlife habitat by allowing more development squeezes more people in and more wildlife out, ultimately destroying the livability of the area. Protecting environmentally sensitive land ensures that Portland will retain its reputation as a city that cares about its wildlife.

To this end, we encourage you to increase protection for all wildlife habitat, especially that designated 'Moderately limit', and provide a mechanism to greater protect the urban tree canopy.

Sincerely.

7015 SW 77th Ave Portland, OR 97223

Mike Lapointe Must Friderich Terri Stafford Terri Stafferd

August 2, 2004

Tualatin Basin Natural Resources Coordinating Committee Washington County Department of Land Use and Transportation, Planning Division 155 N. First Ave., Suite 350-14 Hillsboro, OR 97214

RE: Tualatin Basin Goal 5 Program

Dear Coordinating Committee members:

Thank you very much for this chance to comment on the Proposed Tualatin Basin Goal 5 Program and for your time and commitment to protect fish and wildlife in our region. I have two general responses regarding the current program:

- 1. Protect high value habitats, especially in uplands, in order to protect the present and future ecosystem services/functional values that directly benefit our human communities and are essential for fish and other wildlife species.
- 2. Require, support and streamline low impact design (LID) standards BEFORE allowing fee in-lieu of on-site mitigation; any in-lieu fees should be applied to upland area protection and restoration as well as downstream riparian areas.

Before addressing the above comments in more detail, I wish to add my support for the non-regulatory component options of the Program. I have spent my professional and volunteer life supporting education, stewardship and technical assistance. However, it is clear that without strong regulations providing direction and incentives, these efforts fail to keep pace with the steady and sometimes exponential loss of our natural resources.

Item 1. There is more than sufficient scientific research documenting the ecosystem services provided by the network of small streams – intermittent as will as perennial – that make up at least two-thirds of our river systems. A 2003 report, "Where Rivers are Born: The Scientific Imperative for Defending Small Streams and Wetlands" reports that "intact small streams and wetlands provide natural flood control, recharge groundwater, trap sediments and pollution from fertilizer, recycle nutrients, create and maintain biological diversity, and sustain the biological productivity of downstream rivers, lakes and estuaries." The recent "Comparative Valuation of Ecosystem Services Analysis: Case study of the Lents flood abatement project," completed by David Evans and Associates for the City of Portland demonstrated significant savings achieved through a protection and restoration approach to watershed management.

While increasing SWM fees to help restore existing and future degraded habitat is appropriate and desirable, protecting these resources NOW is more cost effective and politically viable as any future SWM rate increases. Class 1 Riparian Habitat and Class A Wildlife Habitats should have a Strictly Limit (SL) determination. The off-cited phrase, "Protect the best and restore the rest," is the most responsible approach we can take.

I am especially concerned about the moderately limit (ML) determination allowing up to 50% of a resource area to be disturbed with mitigation. Disturbing half a resource presents 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 of an upland resource area and then mitigating downstream does not address the unique ecosystem services lost in the upland or headwater sites. In this scenario, we will lose our valuable uplands habitat while investing in downstream restoration efforts doomed for failure as winter stream flows increase and summer flows decrease. This last potential scenario leads me to item 2.

Watersheds are holistic systems, bound in balance by the interaction of a myriad of physical and chemical processes that support fish and wildlife. Most of our past (and present) urban planning and development efforts have failed to recognize this, and have negatively impacted stream and riparian health. The Steering Committee recognizes this and has included LID strategies in the Program. Decreasing effective impervious area and designing compact residential and commercial developments that provide multimodal transportation options will help protect fish and wildlife as our population grows. Metro determined that over 50% of our significant natural resource areas are zoned residential: we had better get going with the implementation of LID strategies – including reducing effective impervious area.

I believe you, as members of the Coordinating Committee, understand this. I also believe the Home Builders Association of Metropolitan Portland understands this. Planning staff and resource managers also know and understand this. So, what's stopping us from moving forward? You know most of the answers (to mention a few): lack of market incentives, extra costs, real or imagined risks, existing design standards and development codes, and simply the inertia of the status quo that keeps innovative change from taking place sooner than later. The recent Stormwater/Pavement Impacts Reduction Project (SPIR), produced by The Audubon Society of Portland evaluated municipal codes, development codes and design standards of jurisdictions in Washington County. The primary recommendation from the SPIR project was "to fundamentally change how stormwater is managed for streets, new development and redevelopment." Stormwater management should first reduce runoff through reducing impervious area." The report concludes that changing site design methods will require: 1) code and standards amendments and 2) education efforts, demonstration projects and new enforcement and incentives, all with on-going evaluation and adaptive management.

So, we recognize the issues and we can envision solutions. The Tualatin Basin Goal 5 Program provides an excellent blueprint for success. It's a good start, but who will take the first tough step? My answer is YOU. You are the elected officials who speak for our local communities and are responsible for leading us forward. You have the authority and standing to nudge us forward, and it will need to be a strong nudge. Requiring LID strategies is an essential first step that will bring everyone to the table.

Finally, as listed in Item 2, in-lieu fees must represent the true costs of resource loss including (as you have identified and listed in the Program Overview) the actual cost of mitigation, including land costs and time factors. In addition, any mitigation should be done with similar habitats as a first criterion. In other words, if upland intermittent streams are lost, then upland intermittent streams should be restored and enhanced. At some point, we will need to recognize the limits of the watershed to absorb growth while protecting fish and wildlife habitat. Without healthy headwaters and uplands there can be no healthy streams.

Thank you for your time and consideration of these important issues. I appreciate the complexity of your task and the commitment you all have to the quality of life we all enjoy and expect here in this place we all call home.

Sincerely,

John LeCavalier 1622 SE 55th Portland, OR 97215 <u>lecavalier@comcast.net</u>

July 23, 2004

RECEIVED

JUL 2 6 2004 PLANNING DIVISION Land Use & Transportation

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

Dear Committee:

I live in Tigard near Fanno Creek and the Tualatin River and am a member of Tualatin Riverkeepers. My primary concern is that you take this opportunity to put in place significant protection of those aspects of these habitats that belong to all of us.

Those aspects especially include clean water, fish, and native wildlife. Any development that degrades these aspects of our common environment takes something of value from all of us.

Your effort to develop a comprehensive protection plan from headwaters to river mouths is laudable. Thank you!

Badly needed is a set of common and uniformly <u>enforced</u> standards along entire stream corridors. Without that our entire effort will be minimized by those jurisdictions that take advantage of every opportunity to do the minimum.

Specifically, the limitations related to "Moderately Limit" and "Strictly Limit" designations should be strengthened so that the environmental health of the watershed is <u>improved</u>. Improvement requires that Class I Riparian Habitat and Class A Wildlife Habitat by in the Strictly Limit category. Improvement requires that stormwater runoff be substantially minimized, cleaned up, and carefully monitored. Improvement requires basin-wide tree protection and plantings to develop an adequate canopy along our waterways.

Thank you for your attention to these concerns.

Sincerely

Imoldas leistro

Ronald Leistra 9815 S.W. Kimberly Dr. Tigard, OR 97224

-----Original Message-----From: Lockwood's [mailto:lokwood@comcast.net] Sent: Friday, July 30, 2004 10:16 AM To: lutplan@co.washington.or.us Subject: Fish and Wildlife Protection Plan

To Whom It Concerns:

My husband and I live on 3 acres along Holcomb Creek, which is in the Rock

Creek watershed, and included in your inventoried lands. In our twelve

years of owning this property it has been very obvious to us that the

activities on neighboring land directly affect us. In particular, the flow

of the creek has been drastically altered by tree-cutting and brush-clearing

upstream.

We support the STRONGEST POSSIBLE LEVEL OF HABITAT PROTECTION for fish and wildlife.

:

Sincerely,

Deborah Lockwood 10047 NW Dick Road Hillsboro, Oregon 97124

Page 1 of 1

Angela Brown

From:	From: Walter Long [bulllong@yahoo.com]	
Sent: Monday, August 09, 2004 2:11 PM		
То:	lutplan@co.washington.or.us	
Cc:	tom.brian@verizon.net	
Subject: Proposed Changes to the Goal 5 Plan		

To Whom It May Concern

I am writing to protest the proposed reductions to the Goal 5 habitat protections in North Bethany.

I am a resident of the Bethany Terrace Homeowners Association. We are neighborhood of approximately 140 homes. We have no parks available in our area. Wild life was quite abundant when we moved into the area 3 years ago, but since more development has take place, much of the wildlife has moved on....We have witnessed changes in birds,

owls, foxes, deer and elk. Our first year we saw these in abundance. The second year, we saw a reduction in deer, less occurrences of the elk, and different birds.. The owls disappeared.

I credit this to the ripping up of the watershed area in our neighborhood. The land owner immediately to the north of us, took upon himself to change the watershed pattern by falling Oak trees and then trying to cover them with fill dirt. This butchering of the natural watershed has changed the wildlife in our area.

Now as I have been informed the Tualatin Basin Natural Resources Coordinating Committee wishes to make a drastic change to a very large portion of our watershed area. In effect the committee wishes to transfer all Future Urban Areas to Urban Areas.

This changes the reality of Class II and Class III Habitat. This allows most habitat to be changed without Mitigation... This I strongly object to. Allowing this to go forward will affect the protection of the natural resources, animals, water shed, birds, and habitability of the area for future generations...This does not make sense to me and is not prudent.

We need to have green spaces. Your proposition makes this it to easy to eliminate this areas. I am dead set against it.

Walter Wm. Long 5750 NW Skycrest Parkway Portland, OR 97229 503-439-0540

TESTIMONY OF STEVE MADER

RECEIVED

Testimony of Steve Mader

Before the

AUG () 9 2004

PLANNING DIVISION Land Use & Transportation

Tualatin Basin Natural Resources Coordinating Committee

Mr. Chairman and Members of the Committee:

My name is Steve Mader. I live at 3135 SW Grace Lane, Portland, Oregon 97225, in unincorporated Washington County. I am employed as an environmental consultant. I am a Certified Senior Ecologist, Certified Forester, and Professional Wetland Scientist. I hold a Ph.D. in forest ecology, an M.S. degree in silviculture, and B.S. degree in forest botany and entomology. I have professional experience evaluating the significance of linon; c Nevo. natural resources.

I have reviewed the Proposed Tualatin Basin Goal 5 Program Overview and Allow-Limit-Protect Overlay, and have the following comments:

COMMENT **INCORPORATION**

DEFINING SIGNIFICANCE

GEOGRAPHIC SCOPE

3286 Jul 1 I prepared and submitted Allow-Limit-Prohibit Overlay comments to the Tualatin Basin Natural Resources Coordinating Committee on March 19, 2004. I want to incorporate those comments into this testimony by reference.

· (1

Goal 5 resources identified by Metro and the TBNRCC in the Allow-Limit-Prohibit Overlay include significant natural resources and insignificant natural resources. We should not protect insignificant natural resources under statewide planning Goal 5. Most areas fail to meet any reasonable test of significance—historic, unique, outstanding, or important and natural resource buffers fail that test by definition. Please define significance for Goal 5 designation and demonstrate the designated Goal 5 resources meet the significance test on a site by site basis. <u>.</u>

Determination of natural resource significance should be made jurisdiction-wide or basin-wide. It is inappropriate for the TBNRCC to exclude rural lands and lands outside the UGB from this analysis because doing so biases results and the relative levels of resource significance. Our best and most significant natural resources are outside the UGB. Our best natural resources inside the UGB are inferior to those elsewhere in the county and the basin. Please reanalyze natural resource significance jurisdiction-wide or basin-wide. بالموديون والمتعاد المتعاقبة المحاجب

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ESEE ADEQUACY

INDIVIDUAL TREE PROTECTION IS BAD

ADMINISTRATION

The Goal 5 rule allows local jurisdictions to choose between two processes: (a) the standard inventory process [OAR 660-23-0030], and (b) the safe harbor inventory process [OAR 660-23-0090(5)]. Metro and the TBNRCC selected the standard inventory process and prepared an ESEE analysis for the inventoried resources. However, Neither Metro nor the TBNRCC have demonstrated that the inventory was "adequate," and they failed to demonstrate that the identified are "significant." An "adequate" inventory" that sufficiently identifies "significance" can only be performed through actual on-the-ground "ESEE" site analysis. Without ground truthing potential conflicting uses and delineating impact areas, the Goal 5 program will be arbitrary and flawed. I believe that the current Goal 5 inventory is arbitrary and flawed because most areas were never visited by professionals qualified for performing ESEE analyses. Please perform an adequate Goal 5 inventory, or use the safe harbor option.

Tree canopy is naturally dynamic. Attempts to preserve individual frees are too often misguided and prevent otherwise beneficial actions for restoring or enhancing Goal 5 values. There is little point in protecting individual trees, especially non-native species, for Goal 5 management. It is far more important and practical to manage the impervious surface area and soil resource. Then, the vegetation will come regardless.

Clean Water Services has surface water and water quality management as its primary missions. CWS is not a land use regulatory agency, and is poorly suited for administering the statewide Goal 5 program. Please keep land use regulation for achieving Goal 5 under the purview of local governments, not CWS.

RECEIVED APR 27 2004 PLANNING DIVISION Land Use & Transportatio.

December 16, 2003 1303 N.E. 86 Hare agt 810 Portlends or 8723:

Thalatin Basin 155 h. Firstst Sante 300 Hellsboro, 6. 97204 Dear Committee ; I support a Strong, comprehensive regioned fest and wildlife program. Durge you to protect stream and wildlifs corridors to and from Forest Park with a strong regional program. incorporating regulatory and hon - regulatory lools above all, a regional fish and wildlife programs must ensure that new development does not degrade reparian corridore, floodplains and wellandar, Dever upland wildlife combons or deforest steep Slopes adjacent to Forcat Park. you have a big job to do and I am Confident that you will boit. Sincerely, General. Maier

Opposing proposed reductions to Goal5 habitat protections in North Bethany

Angela Brown

From:	Mallidi, Reddy V [reddy.v.mallidi@intel.com]
Sent:	Monday, August 09, 2004 12:56 PM
То:	tom.brian@verizon.net
Cc:	lutplan@co.washington.or.us

Subject: Opposing proposed reductions to Goal5 habitat protections in North Bethany

I am writing to protest the proposed reductions to the Goal 5 habitat protections in North Bethany. Northeast Bethany is, as you know, a very rapidly growing area. Our neighborhood schools, Jacob Wismer and Stoller, are only a few years old and are already at or over capacity. We have no parks in this area, and the only Tualatin Hills Park and Recreation land is a small tract that includes a quarry that the Bethany Terrace Homeowners Association donated to THP&RD.

We who live here don't have to be experts to know how developments are vastly changing the Tualatin watershed forever. We witness the changes on a daily basis.

The farm land to our immediate north was recently brought inside the Urban Growth Boundary and a developer from California who has a very poor environment history is proposing to build homes on approximately ten acres of land that is an environmentally sensitive area. This area historically has been the home for deer, a herd of approximately 30 elk, a wide variety of bird and wildlife species. It also contains a wetland that drains west into other areas of Bethany. If this area is not protected to the full extent of the Goal 5 plan, a significant opportunity will be lost forever. What could be a wonderful outdoor natural laboratory for more than a thousand grade and middle school students, since it is within two blocks of both schools will be lost forever.

In my opinion, the proposed changes last Thursday by the Tualatin Basin Natural Resources Steering Committee, and the rush to approval within the next week, is unreasonable and irresponsible! With so much at stake for so many, for so long, why haven't we the people. been properly notified and given time to digest the proposed changes and provide our comments?

I urge that the committee stop and provide a reasonable time to give an opportunity for those living in this area, and other concerned citizens to provide their opinions, pro and con, to these changes.

Sincerely, Reddy Mallidi 5058 NW Crady Ln Portland, OR 97229

Angela Brown

From:	: Sushim Mandal [sushim@mandalmail.com]		
Sent: Monday, August 09, 2004 11:31 AM			
То:	lutplan@co.washington.or.us; tom.brian@verizon.net; jlabbe@pdxstreams.org; rjmimnaugh@comcast.net; chesarek@teleport.com		
Cc:	Sushim Mandal		

Subject: Opposition to the Proposed changes to the Goal 5 Plan

To whom it may concern:

I am writing to protect North Bethany habitat. I am interested in protecting natural areas and habitat in our area, including the property to the immediate north of my subdivision (Bethany Terrace), a significant portion of which is sensitive habitat land. I would like the Coordinating committee members to know that I oppose the Steering Committee proposal to change Future Urban areas to an Urban designation because of the resulting loss of protection for North Bethany habitats. I protest the proposed reductions to the Goal 5 habitat protections in North Bethany. We are the stewards of this land. The environmental and quality of life decisions we make today will impact not only us, but future generations.

am OPPOSING the following changes:

Class II Habitat drops from Strictly to Moderately Limit

Class III Habitat drops from Moderately to Lightly Limit

Why did the Tualatin Basin Natural Resources Steering committee suddenly propose significant reductions to the Goal 5 habitat protections in North Bethany? Why haven't we the people. been properly notified and given time to digest the proposed changes and provide our comments?

Not only do I oppose the changes, but I'm angry at how this is being handled and so are the homeowners in this association! What is the committee afraid of? Why are these proposed changes being rushed through? Why did the Tualatin Basin Natural Resources Steering committee take this sudden action, and why isn't there additional time for citizens to respond?

I urge that the committee stop and provide a reasonable time to give an opportunity for those living in this area, and other concerned citizens to provide their opinions, pro and con, to these changes.

Sincerely,

Sushim Mandal sushim@mandalmail.com 5640 NW Skcyrest Pkwy Portland, OR 97229-2329

Sushim Mandal Email: sushim at MandalMail dot com

Angela Brown

From: Sent: To: Subject: Sue Manning [sue.manning@verizon.net] Thursday, August 05, 2004 7:57 AM lutplan@co.washington.or.us stormwater



TRK Testify 2.doc

I have attached a letter I wrote regarding my concerns about stormwater runoff into the creek behind my school. Thank you for your consideration of this issue.

Sue Manning

Sue Manning TESTIM

Students at Fowler Middle School have been working to restore the riparian area of Summer Creek for many years. As a 7th grade Science teacher at Fowler, I have used this project as a teaching tool to emphasize the components of a healthy watershed. Not only have students learned the value of native plants in the riparian area, but they have also learned about the importance of clean water in the creek. During the 2003 - 2004 school year, students monitored the creek water on monthly basis by measuring the pH, temperature, phosphate level, coliform bacteria, dissolved oxygen and turbidity. Students began to realize that water with a cool temperature and a high oxygen level, provides a good habitat for native aquatic animals such as cutthroat trout and microinvertebrates. According to students findings in the spring and early fall, the water quality in Summer Creek was "pretty good but could be a lot better."

In the summer of 2003, two large parking lots at Fowler were re-surfaced and the drainage system was "upgraded". At the same time, the track adjacent to Summer Creek was re-surfaced and a significant number of catch basins to drain runoff, were installed around the perimeter of the track. Not only did these newly paved impervious surfaces provide smooth driving and running surfaces, they drained a much larger volume of stormwater runoff from Fowler property and the adjacent Walnut Street into Summer Creek. New development requires treatment or filtering of stormwater discharge into a bio-swale before entering a creek. Since Fowler's parking lot, track and pipes were being upgraded, one would expect regulations to prevent increased amounts of untreated stormwater to be discharged into the creek. However, this was not the case.

Some of the underground pipes delivering runoff from parking areas and nearby streets into the creek have collapsed due to their age. These were not required to be replaced as part of the repaying project. There are at least three large culverts that drain stormwater from the parking lots and track directly into Summer Creek. Now instead of a minimal amount of water entering the creek, there is a large amount of untreated water entering the creek. In fact there is so much water in the back parking lot, that on any given "rainy day", (and there are many) Summer Creek water actually backs up the drainage pipe into the parking lot! There is a huge puddle of combined waters--Summer Creek, stormwater from Walnut Street and parking lot--all mixed together which parents drive their cars through while delivering their children to and from school. This adds even more pollutants, which eventually make their way into the creek as the puddle slowly subsides.

It is not possible for the water quality of any creek or river to <u>ever</u> improve unless we stop the direct input of untreated stormwater. It is crucial that new development addresses this problem, but that's not good enough. Untreated runoff from existing surfaces and development needs to be stopped completely because this is the only way we can reverse the trend. It's an expensive problem but it needs to be addressed or we will never make any headway.

I had the opportunity to take a van tour to the headwaters of the Tualatin River last spring sponsored by Tualatin River Keepers and Clean Water Services. How pristine it was....a meandering, rippling river of clear water with abundant aquatic life and surrounding native vegetation. Wow! This water is clean enough to drink. And people in Hillsboro and surrounding areas do drink it. I was saddened to think what happens to this water as it travels downhill towards more populated areas.

Fowler students can continue to improve the riparian area by planting native trees and shrubs to shade the creek and add nutrients but in the long run, this will not really have a lot of impact on the water quality. It makes our efforts seem somewhat in vain if untreated, polluted water is allowed to enter the creek at the very location we are trying to improve. Do you think we should give up? Or can you help us?

Sincerely,

Angela Brown

From: Sent: To: Subject:

Sue Manning [sue.manning@verizon.net] Tuesday, August 10, 2004 8:34 AM Angela Brown RE: stormwater



TRK Testify 2.doc Sure. Thank you.

Sue

-----Original Message-----From: Angela Brown [mailto:Angela_Brown@co.washington.or.us] Sent: Monday, August 09, 2004 9:25 AM To: 'Sue Manning' Subject: RE: stormwater

Sue, I have received your testimony. Would you be so kind as to put the date, your name, address & phone number, on your attachment and re-send for me? "'''

Thank you, Angela Brown Washington County Planning 503-846-3519

-----Original Message-----From: Sue Manning [mailto:sue.manning@verizon.net] Sent: Thursday, August 05, 2004 7:57 AM To: lutplan@co.washington.or.us Subject: stormwater

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Sue Manning

1

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Sue Manning 14771 SW Rosario Lane Tigard, OR 97224-1911 503-590-0141

Angela Brown

From: Mary Manseau [marymanseau@comcast.net]

Sent: Monday, August 09, 2004 10:46 AM

To: lutplan@co.washington.or.us; Tom.brian@verizon.net; rdrake@ci.beaverton.or.us; cheryl_olson@beavton.k12.or.us; skheinrich@comcast.net; pdgibbs@teleport.com; mayor@groveweb.net; tomh@ci.hillsboro.or.us; rshay@imagina.com; keithmays@comcast.net; nick@ci.tigard.or.us; ed.truax@aol.com; deanna@involved.com; duymac2@aol.com; habitat@metro.dst.or.us

Cc: Jim Labbe; Carol Chesarek; Lori Waldo

Subject: Transfer of Future Urban Areas to Urban Areas is a BAD idea

The transfer of Future Urban Areas to Urban Areas and the resulting changes to habitat protection is premature. The higher levels of habitat classification should be in place until the UGB status has been finalized, annexation to the CWS has occurred, and Master Planning for the areas have been completed.

WHY IS THE TRANSFER OF FUTURE URBAN AREAS TO URBAN AREAS PREMATURE? 1. There are still valid appeals outstanding on these areas and it has not yet been determined whether all of these areas recently added to the UGB will actually stand up under appeal. What happens to any area that has been stripped of the rural protections, if the appeal prevails and the area remains outside the UGB?

2. Until the appeals have been finalized, CWS will not amend their boundaries to include the newly added UGB areas. Without annexation to CWS these areas are not subject to the CWS development standards.

3. Washington County has not yet moved forward with Master Planning for any of the areas recently added to the UGB. Planning will not occur until the appeals have been resolved. During this limbo period, development can still proceed as has with the Greek Orthodox Church on the corner of Brugger and Kaiser Roads in North Bethany, Tools need to remain in place to ensure impacts on resources will be minimized during the critical Master Planning phase.

Until the Master Planning has occurred, CWS annexation has been completed and all appeals have been resolved our Goal 5 Resources deserve the highest level of protection available.

Mary Manseau 5230 NW 137th Avenue Portland, OR 97229

Laura Taylor

From:	Anne Madden
Sent:	Monday, June 28, 2004 1:07 PM
То:	Laura Taylor
Subject:	FW: Program Design Approaches

Laura, would you please enter this comment in our data base? Thanks, Anne

Original M	lessage
From:	Sue Marshall [mailto:sue@tualatinriverkeepers.org]
Sent:	Monday, June 28, 2004 10:44 AM
То:	'Andrea Vannelli'; 'Steve Kelley'; 'Anne Madden'; "Barbara Fryer - Beaverton' (E-mail)'; "Barbara Shields - Tigard' (E-mail)'; 'Brent Curtis'; 'Brian Hanes'; 'Cathy Corliss (E-mail)'; 'Chris Deffebach - METRO (E-mail)'; "Chris Eaton - Angelo-Eaton Assoc.' (E-mail)'; 'Craig Dye - Clean Water Services (E-mail)'; 'Dan Stark - Fishman Env. Svcs. ' (E-mail)'; "David Noren' (E-mail)'; "Dick Reynolds - Cornelius' (E-mail)'; 'DJ Heffernan (E-mail)'; "Don Otterman - North Plains' (E-mail)'; 'Doug Miller - City of Hillsboro (E-mail)'; 'Doug Rux - City of Tualatin (E-mail)'; "Duane Roberts - Tigard' (E-mail)'; 'Ed Murphy - City of Sherwood'; 'Hal Bergsma - Beaverton'; 'Jeff Beiswenger - City of Forest Grove'; 'Jennifer Wells - Hillsboro'; 'Jim Hendrix - Tigard'; 'Jim Jacks - Tualatin'; 'Joe Grillo - Beaverton'; 'Jon Holan - Forest Grove'; 'Julia Hajduk - city of Tigard'; 'Julie Reilly - THPRD'; 'K.J. Won - City of Durham'; 'Leigh Crabtree - Beaverton'; 'Lori Hennings - Metro'; 'Mark Brown'; 'Mark Turpel - METRO'; 'Pat Ribellia'; 'Paul Gilles - City of Hillsboro'; 'Paul Schaefer'; 'Richard Meyer - Cornelius'; 'Roel Lundquist - City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Hopkins - Tualatin'; 'Nellerin Cowrente - Wilfele Decemente - Wilfele Decement - City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Hopkins - Tualatin';
Cc:	'Valerie Counts - Hillsboro'; 'Wink Brooks - Hillsboro' 'Alice Kinzer (E-mail)'; 'Allice Ellis Gaut (E-mail)'; 'April Olbrich (E-mail)'; 'Brian Wegener - Tualatin Riverkeepers (E-mail)'; 'Carol Chesarek (E-mail)'; 'Celina Patterson (E-mail)'; 'Elaine Smith - ODOT'; 'Jennifer Snyder (E-mail)'; 'Jennifer Thompson - USFWS'; 'Jim Labbe - Audubon'; 'Jim Petsche - Nike'; 'John Pinkstaff - RCC&B'; 'Kathy Sayles (E-mail)'; 'Keith Liden - Parsons Brinkerhoff'; 'Kelly Ross - OBIA'; 'Kendra Smith - CWS'; 'Kim Schoenfelder'; 'Kyle Spinks - THPRD (E-mail)'; 'Laura Oppenheimer - The Oregonian'; 'Linda Gray'; 'Linnea Nelson - Metro'; 'Mike Houck - Audubon'; 'Paul Ketcham - Metro'; 'Paulette Copperstone - METRO'; 'Ramsey Weit'; 'Sue Marshall - Riverkeepers'; 'Suki Cupp - CH2M'; 'Susan Murray'; 'Sylvia Butler'; 'Tim Ramis (E-mail)'; 'Tom Wolf'; 'Will Selzer - RCC&B'
Subject:	RE: Program Design Approaches

All,

Thank you for sharing the memo regarding Design Considerations for the Tualatin Basin Fish and Wildlife Habitat Protection Program.

As it is described, the suggested program approach falls short by relying on Title 3 as a measure of core function. Title 3 was not designed for fish and wildlife protection. Title 3 does not address hydrologic function, wildlife, nor does it protect ecological function of the floodplain. Development is allowed in the floodplain under Title 3.

We strongly urge the Steering Committee to consider buffer widths that address wildlife needs, continuity of riparian corridor habitats of concern, and preservation of upland habitat.

We also urge the committee to address basin-wide hydrology through design elements toward restoration of normative flow conditions.

Thank you for your consideration. We will be submitting additional comments.

Sue

Sue Marshall, Executive Director	
Tualatin Riverkeepers	
16507 SW Roy Rogers Road	
Sherwood, OR 97140	
Cell: 971-506-4617	
Phone: 503-590-5813	
Fax: 503.590.6702	
Website: www.tualatinriverkeeper	s.org <http: www.tualatinriverkeepers.org=""></http:>

July 28, 2004

Tualatia Basen Matura Plennie Coordensting Committee 155 Nue 1 Mano, Saito 350-14

AUG 0 2 2004 PLANNING DIVISION Land Use & Transportation

RECEIVED

Helleborg, OR 97124 Re: Fulland Willfor Debitat I sicholly support higher protection for high value habitats such as the Rock Creek Stream Corridor, Fanno Creek Succurry

and others. Recently inour Rock Ceeck area griengle family having a pair of Green Hrious nerted in the these fayard Green Hrious nerted in the these garden by the clare by - One of the birds was ladged by the clare by - One of the birds was able to get away with cat which home but was able to get away with the help of the broom-weekling owner. devitet destruction should be fully compensated - mitigation fee - in-lieu must be based on the public value lost by danal - Amant 1 denelapment?

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RECEIVED AUG 0 9 2004 LAND DEVELOPMENT SERV IS LAND USE & TRANSPORTAL ON

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

> Comments for Official Public Record on the Tualatin Basin Goal 5 Planning Process

Comment on the **Tualatin Basin Goal 5 Planning Process** for Official Public Record

My brother, Mike McGettigan, and I, Terry McGettigan, own properties in the Bethany Area. We have property at, 6850 NW Kaiser Rd, and 6880 NW Kaiser Rd, respectively. These properties are located near the intersection of NW Kaiser Rd and NW Springville Rd. The properties have been used for agricultural and residential purposes for more than forty years.

A drainage ditch borders or crosses the Southern end of the properties. This ditch, has been seasonal in the past, but now has an irrigation pond as a water source. The drainage ditch is no more than 12 inches wide and currently has 1 inch of water. I have included two maps. One map is an " Inventory of regionally significant habitat", the other an " Inventory Correction", provided by Metro Planning Division. As shown on the "Inventory of regionally significant habitat" map, the drainage ditch has had an effect on the use of both properties. The proposed protection, hundreds of feet for a ditch only 12 inches wide, seems excessive. I realize the classification process was done from analyzing aerial photographs, not from on site observations. Comparing the two maps, the size and shape of the shaded areas designating the wildlife habitat are the same for our properties, but the classifications appear different. One map is class C; the other is class B.

The land within the UGB that can be efficiently and economically developed is a limited quantity. Available land should be utilized to its fullest potential, allowing more flexibility in Washington County's Master Plan. We should use the land within the UGB and not assume we can expand the boundaries, as more land is needed for development. Any future expansion will include a greater proportion of land designated "farm use" or "wildlife habitat".

Our properties are close to a major intersection, transportation, and utilities. They are bound on the West by Kaiser Rd. and several church sites. To the East is acreage suitable for development.

For these reasons I request that our properties be considered important and essential to the overall development of the Bethany Area.

As I tried to express at the public hearing, on August 2, 2004, my concerns are with the accuracy of the maps and the classification of permitted land use. I have received inconsistent information from different sources. I would like to stay involved with land use issues, and to know what options I have for input and to correct any discrepancies.

Thank you for your time and consideration in these matters.

Terry McGettigan 56500 Old Portland Rd. Warren, OR 97053-9440 503-397-4914 tmcgettigap@colcenter.org

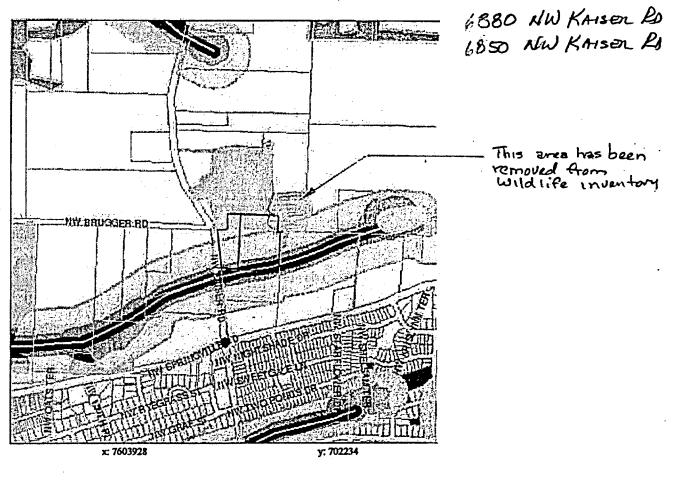
Signature: Unence Mettregin 8 Aug 2004



Fish and wildlife habitat protection

Interactive map: Inventory of regionally significant habitat

NW KAISER RD / NW SPRINGVILLE RD , WASHINGTON COUNTY BETHANY AREA



Map legend



class 1 riparian, highest-value habitat



class 2 riparian, medium-value habitat



class 3 riparian, lower-value habitat



class A wildlife, highest-value habitat



class B wildlife, medium-value habitat



class C wildlife, lower-value habitat



impact areas, land next to regionally significant habitat that may have a significant affect on the condition of the habitat

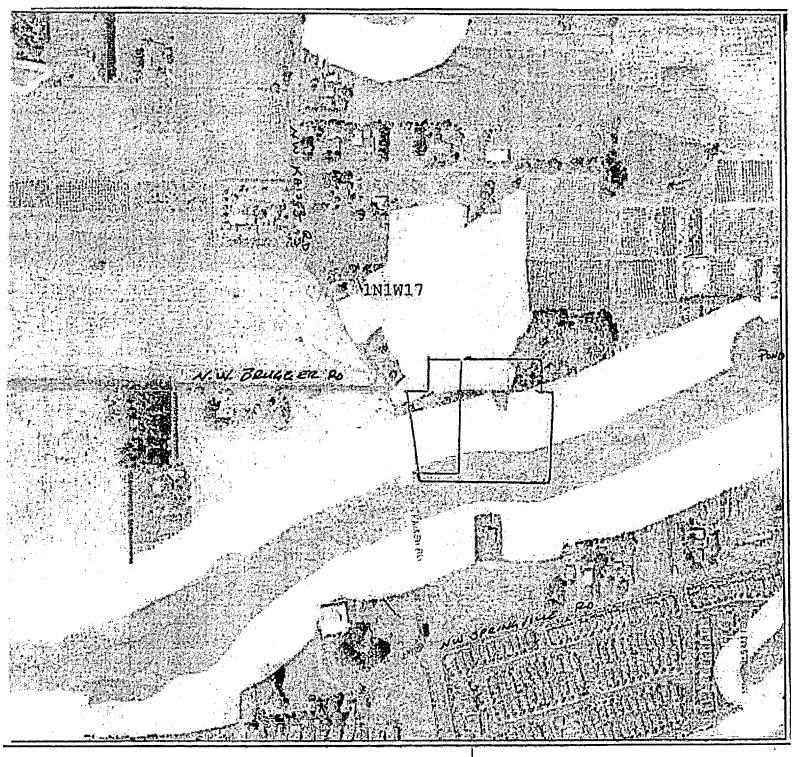
not included in the fish and wildlife habitat inventory



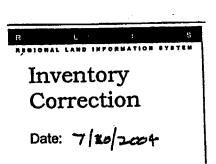
streams and rivers



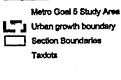
parks and open spaces



BETHANY AREA



Legend



ESEE Resource Classes - v2 - June 04 ESEE Resource Classes

RipsrintyTrabilat Class 3

Upland Class A Upland Class B

Upland Class



METRO PLANENCE DIVISION 800 NORTH-EAST GRAND AVERNE | PORTLAND, OREGON \$7253-2736 TEL (202) 787-1766 | FAX (202) 787-1911 (2040@metro.del.or.us | www.sets-region.org

Susan McLain's comments regarding The Tualatin Basin's Goal 5 program proposal¹

August 6, 2004

I read with great interest the program framework presented at Monday's hearing. Although I'm sure some will disagree, I think it illustrates what might reasonably be accomplished to protect urban fish and wildlife habitat through the Goal 5 process. That's not to say that we don't have some comments and suggestions for improvement, of course. But the Basin program framework has some real advantages.

This program contains key tools designed to reduce the negative impacts of all the new development we're expecting to see over the next few decades. For example, any effective restoration or enhancement program requires money, and the framework proposes a flexible, feasible revenue plan in which all landowners in the Tualatin Basin would help finance the programs necessary to improve Basin health. This is appropriate, because whether you're in a habitat area or not, everyone who lives here impacts the environment.

Here's another terrific item in the Basin toolbox: Low-impact development. All new development in regionally significant habitat or impact areas will need to follow low-impact development guidelines. This includes strategies such as permeable pavement, holding rainwater on the site during storms, and preserving and planting trees when you can. Low-impact development will really help our streams. Another plus: I'm glad to see you address floodplains, because I don't think the Title 3 does enough to protect the vital functions that floodplains provide.

Metro staff is providing more detailed comments on the Tualatin Basin's program framework, so I'll just touch on a few key points here. I don't believe there are any insurmountable differences of opinion, just some things we need to work out.

First, let's talk about mitigation. My biggest concern right now is that the Basin's off-site mitigation fee schedule – the "Fee-in-lieu" – does not include costs for land. That's because the Tualatin Basin is assuming that much of the off-site mitigation generated from new development can be done on public lands. I think we need to explore this approach further; I've talked to some people who feel that this is an inappropriate public subsidy of mitigation costs, because the public has already paid for the lands. Also, with the amount of mitigation lands that may be needed, public lands may not provide enough space. Focusing on public lands may also create a more fragmented habitat system, because public lands are not always well connected and if you can't consider mitigation possibilities on private lands to help bridge these gaps, you are really limiting your options for a well-connected wildlife habitat system. So, while I recognize that offsite mitigation costs need to stay low enough so as not to prevent development, in order for it to really work, you may need to include land costs.

In general, setting mitigation fees is a policy decision that may have widespread ramifications on a program's effectiveness. For example, is the same fee set for all communities, or does it vary by land value or other factors? Will the mitigation fees, which the Basin has set based on habitat value modified by economic value, fully account for the lost habitat value? Do we want the fees to provide a disincentive for development? It will be important to further explore these issues before coming to a final decision.

¹ Tualatin Basin Natural Resources Coordinating Committee Goal 5 Program: A recommendation from the Tualatin Basin Steering Committee. Tualatin Basin Partners for Natural Places, staff report for the August 2, 2004 public hearing.

Another concern, which my staff has expressed in Steering Committee meetings, is the application of mitigation funds primarily to riparian areas. Your program document acknowledges that the mitigation literature "consistently references the need for replacing like with like." This suggests that upland habitat should replace upland habitat. I'm actually not disagreeing with your primary focus on riparian areas, but I am worried about upland habitats. Certain wildlife species depend on these habitats, and local and national studies show a consistent relationship between the amount of forest in a watershed – including uplands – and the health of a stream. So I think we need to talk some more about the specifics of mitigation.

Another concern relates to the Basin's general and site-specific ESEE decisions. We understand that the Tualatin Basin's general ALP decision was similar, but not identical, to Metro's ALP decision. For example, you apply stricter treatments to new Urban Growth Boundary expansion areas than Metro. For the site-specific ALP adjustments, we can't tell the magnitude or direction of the adjustments. I know the Basin Partners have been working hard to get all these excellent products ready, and that's something we'll need to see fully assess your program

Finally, we are concerned with the potential for widespread loss of habitat connectivity due to 100% encroachment allowed (with mitigation) in all Lightly Limit habitat areas. Small habitat patches can be critically important stepping-stones between larger, more valuable habitat areas; we'll need to look at habitat connectivity at a scale that's bigger than just the site if we want to keep our habitat areas connected. And if they aren't connected, the science tells us that we'll see a slow, steady loss of species over time, as species "blink out" and can't move in again from other, nearby habitats. One potential solution would be to provide incentives to landowners with these types of habitat in order to keep a good regional system of wildlife habitat. This is

something Metro will be addressing in our program development; as we are learning from your program development, we hope that you will also have the opportunity to "steal" from our good ideas.

Finally, I'd like to address Metro's inventory and its ongoing maintenance. Metro has incorporated the changes requested by the Tualatin Basin partners and public to produce the current map, and will complete this process for the region in September. However, we recognize that the map is not static - there will always be streams that move and trees that are cut down. As part of the regional program, we will identify a process and criteria that local planners and developers may use to delineate inventoried resources at the site level. This process will be used consistently throughout Metro's jurisdiction.

Developing a program of this nature is an iterative process, and as you know, we've had questions and comments at every step in the process. That only reflects the Basin's willingness to bring Metro to the table and address our concerns, and so far you've done a great job of that. I'm confident that as the Basin approach moves forward, we will continue to reach solutions that help improve environmental health, preserve economic vitality, treat landowners with fairness and respect, and hold on to our natural legacy for future generations. Thank you.

Angela Brown

From: Sent: To: Cc: Subject: Claudia McNellis [mcnellis@dsl-only.net] Wednesday, August 04, 2004 10:48 PM lutplan@co.washington.or.us habitat@metro.dst.or.us Tualatin Basin Plan comments

Dear Member of the Tualatin Basin Natural Resources Coordinating Committee:

Have you seen the Washington County advertising campaign encouraging tourism by pitching the rural nature of the county? What a joke!--but not a funny one.

We're not going to be able to avoid increasing density in this part of the state, but we can do a better job of preserving what it is that makes people like living in Oregon in the first place: wildlife and a functioning landscape.

I support the Audubon Society and the Tualatin Riverkeepers in their efforts to strengthen the Goal 5 protection program.

As a homeowner, I am willing to pay a Surface Water Management fee to improve wetland restoration and stormwater management.

But I think we need to do a lot more than that. We need to maintain hedgegrow plantings, greenway connectors, and trees. We need to keep construction out of the way of streams, headwaters, and flood plains.

We can stop subsidizing macMansions, gated communities, and cul de sacs. We can demand that developers avoid wetlands rather than trade them off for pitiful overflow enclosures with steep sides, planted with exotic grasses and a few stunted token native shrubs. We can demand that home and apartment constuction include real biofilter swales to handle stormwater.

This is a rich and abundant landscape. The planning you are doing is vital if we are going to preserve it. Thank you.

Claudia McNellis 1875 SW Hicrest Ave. Portland, OR 97225 mcnellis@dsl-only.net

RECEIVED

The Tualatin Basin Natural Resources Coordinating Committee Washington County / DLUT, Planning Division 155 N. 1st Ave. Suite 350-14 Hillsboro, OR 97124 AUG 0 3 2004 PLANNING DIVISION Land Use & Transportation

"Humankind has not woven the web of life. We are but one thread within it. Whatever we do to the web, we do to ourselves. All things are bound together. All things connect." Chief Seattle

8/1/04

Dear Coordinating Committee,

This is my written testimony on the Fish and Wildlife Habitat Protection Plan for the Tualatin Basin hearing.

As past president of Citizen for Quality Living and a member of the first Leadership Roundtable for Sustainability in Sherwood, I think it is vital to preserve and protect environmentally sensitive lands, remaining stream corridors, flood plains, wetlands and upland forests from development in the urban and urbanizing portions of the Tualatin River Basin.

We live in a fragile ecosystem where everything depends on everything else. In our race to develop every available space, we seem to have forgotten that we depend on the Earth for our survival.

One of the four system conditions for a sustainable world is "The physical basis for the productivity and diversity of nature must not be systematically deteriorated." This means that we need to adjust our consumption and land use practices to support the health of our ecosystem. See the attached information on The Natural Step. We need to recognize the deteriorating impact our development is already having on the quality of our lives and the health of our environment. Oregon ranks in the top 5 states in the country for cancer. As a cancer survivor and native Oregonian, I take that risk personally!

No one knows what all the consequences will be when the balance of nature is upset. It seems like it is already clearly out of balance. It will cost much more to restore whatever we destroy than to protect what we have.

We are making decisions that will not only effect ourselves, but will also effect generations to come. What we decide to do next is critical, much is at stake and life hangs in the balance.

Maybe we are not here to save natural areas. Maybe natural areas are here to save us!

Respectfully Submitted by

Renette Meltebeke 890 SE Merryman St. Sherwood, OR 97140. Copy sent to the Metro Council

An Introduction to The Natural Step

The mission of The Natural Step is to create and promote a shared framework for understanding and solving environmental problems. The Natural Step was founded in Sweden in 1989 by Swedish oncologist Dr. Karl-Henrik Robert. As a scientist at Sweden's leading cancer research institute, he became convinced that effective action in response to environmental problems was being constrained by endless disagreements over details, preventing society from addressing the issue as a whole. To remedy this, he asked fifty fellow scientists to assist him in drafting a paper outlining the fundamental principles that could define a sustainable society. Twenty-one working drafts later, the consensus document was endorsed by all participants.

From the consensus document, four fundamental "system conditions" necessary for a sustainable society were developed and the model was adapted into a one-day training program. Thousands of people including managers from some of Sweden's largest companies and municipalities have taken the training and, as a result, have begun the process of completely redesigning their processes and activities according to the system conditions, shown below.

The Natural Step/US is bringing this framework to interested communities, educational institutions and corporations in the United States. Other countries in which The Natural Step is active or forming include the United Kingdom, New Zealand, Australia, France, Brazil, the Netherlands, and Canada.

1. Substances from the Earth's crust cannot systematically increase in the biosphere.

This means that fossil fuels, metals, and other minerals cannot be extracted at a faster rate than their re-deposit back into the Earth's crust.

2. Substances produced by society cannot systematically increase in the biosphere.

This means that substances must not be produced at a faster rate than they can be broken down in nature. This requires a greatly decreased production of naturally occurring substances that are systematically accumulating beyond natural levels, and a phase-out of persistent human-made substances not found in nature. 3. The physical basis for the productivity and diversity of nature must not be systematically deteriorated.

This means that we cannot harvest or manipulate ecosystems in such a way as to diminish their productive capacity, or threaten the natural diversity of life forms (biodiversity). This requires that we critically examine how we harvest renewable resources, and adjust our consumption and land-use practices to fall well within the regenerative capacities of ecosystems.

4. In order to meet the previous three system conditions, there must be a fair and efficient use of resources to meet human needs.

This means that basic human needs must be met with the most resource-efficient methods possible, including a just resource distribution.

Angela Brown

From:Richard Mimnaugh [rjmimnaugh@comcast.net]Sent:Monday, August 09, 2004 10:28 AM

To: Tualatin Basin Natural Resources Coordinating Committee

Subject: Reductions to the Goal 5 Habitat Protections in North Bethany

To Whom It May Concern:

I am writing to protest the proposed reductions to the Goal 5 habitat protections in North Bethany.

I am the immediate past President of the Bethany Terrace Homeowners Association. Our neighborhood includes over 140 homes. A very large number of our neighbors are concerned about the loss of natural habitat in this area, especially to land recently added inside the Urban Growth Boundary.

Northeast Bethany is, as you know, a very rapidly growing area. Our neighborhood schools, Wismer and Stoller, are only a few years old and are already at or over capacity. We have no parks in this area, and the only Tualatin Hills Park and Recreation land is a small tract that includes a quarry that the Bethany Terrace Homeowners Association donated to THP&RD.

I will leave the environment issues to those who are experts. However, we who live here don't have to be experts to know how developments are vastly changing the Tualatin watershed forever. We witness the changes on a daily basis.

The farm land to our immediate north was recently brought inside the Urban Growth Boundary and a developer from California who has a very poor environment history is proposing to build homes on approximately ten acres of land that is an environmentally sensitive area. This area historically has been the home for deer, a herd of approximately 30 elk, a wide variety of bird and wildlife species. It also contains a wetland that drains west into other areas of Bethany. If this area is not protected to the full extent of the Goal 5 plan, a significant opportunity will be lost forever. What could be a wonderful outdoor natural laboratory for more than a thousand grade and middle school students, since it is within two blocks of both schools will be lost forever.

I am speaking for myself, but I know that my opinion is shared by many in this neighborhood because we have had numerous meetings. I'm certainly not a "tree hugger". But I'm very concerned about these proposed changes.

We are the stewards of this land. The environmental and quality of life decisions we make today will impact not only us, but future generations.

In my opinion, the proposed changes last Thursday by the Tualatin Basin Natural Resources Steering Committee, and the rush to approval within the next week, is unreasonable and irresponsible! With so much at stake for so many, for so long, why haven't we the people. been properly notified and given time to digest the proposed changes and provide our comments?

Not only do I oppose the changes, but I'm angry at how this is being handled and so are the homeowners in this association! What is the committee afraid of? Why are these proposed changes being rushed through?

I urge that the committee stop and provide a reasonable time to give an opportunity for those living in this area, and other concerned citizens to provide their opinions, pro and con, to these changes.

Sincerely,

Richard J. Mimnaugh 5062 N. W. Skycrest Parkway Portland, OR 97229

Jan and Conrad Moore

To: LUTPLAN @Co.Wash.OR.US

Subject: Fish and Wildlife Hearing - August 2

TO: Tualatin Basin Natural Resources Coordinating Committee FROM: Janet Moore

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AUG 02 2004

PLANNING DIVISION Land Use & Transportation

I support protection to preserve our watersheds, fish and wildlife, and natural habitats and urge the committee to vote in favor of safeguards for these areas.

I have been a resident of Bull Mountain for over 30 years, and part of our property has a wetlands designation which restricts the cutting of trees without a county hearing. I support this safeguard. Our property also adjoins a forested greenlands that belongs to our association, which also has similar restrictions as to cutting and removing trees, which would disturb the wildlife. This area supports a habitat for birds and wildlife. We benefit from this environment because the developer had the foresight to plan for this natural setting. It has also increased the value of our home.

Bull Mountain has had a recent deluge of new subdivisions being built with large homes being placed on small lots. In almost every case, dozens of trees were removed to make room for these homes, which has resulted in destroying natural habitats for the birds and animals residing here. Nearby, a large home was built on an unstable slope, which resulted in the house slipping from the foundation during a period of excessive rain. The developer, in that case, did not make adequate adjustments for the placement of the home or take into consideration possible water damage which could and did occur. There should have been safeguards in place to prevent this from happening. We have seen hundreds of trees removed all over the mountain, to allow developers to put in more and more homes. We no longer live in a rural community with farms and orchards.

I urge the Committee to do all it can to support protecting habitats in places like Fanno Creek, Rock Creek and the Ash Creek Wetlands so that problems that have existed in my community do not happen there. There needs to be adequate funding, most likely increases in fees for the Surface Water Management Restoration projects. The public should be able to count on policies that will enhance, not be destructive, to our natural areas. I believe that developers should be required to include adequate natural areas to protect wildlife in their subdivisions, and that compensation in the manner of fees (Systems Development Charges) be levied to insure that this is done. Thank you.

Janet Moore 14505 SW Hawk Ridge Road Tigard, OR 97224

Please enter this letter into your record for the 8/02/04 hearing and distribute to all members of the TBNRCC. Thank-you.

August 1, 2004

RECEIVED

Tualatin Basin Coordinating Committee Metro Council c/o Beaverton Library 12375 SW Fifth Avenue Beaverton, Oregon 97005

AUG 0 2 2004 PLANNING DIVISION Land Use & Transportation

Dear Committee and Council Members:

As you consider finally adopting measures to enhance and protect the critical natural resource values of approximately 11,000 acres within the Tualatin River basin within the existing UGB, we ask that you understand the great importance many, many of your citizens place on making improvements to the health and viability of the Tualatin River watershed.

In our area of Garden Home, the Fanno and Ash Creek riparian areas (including the riparian areas of tributaries to those two streams) warrant strong regulations to assure their protection and enhancement over the long term. Additionally, you should provide high levels of protection for Rock Creek and its tributaries further west in the basin.

We own property shown as wildlife habitat on maps referred to on your website, and we strongly support adoption of an ecologically-viable program to carry out Goal 5 expectations. We also support the proposed increase in the SWM fees to carry out habitat restoration. However, those of us who have preserved important habitat should receive some kind of rebate for limiting the type of development on our lands. Your program should include provisions for reduction in the storm water fee when land owners can prove a reduction in run-off based on mature and maintained vegetation. The reduction should have to be renewed annually based on some kind of status review, with a minimal or no permit fee.

We expect you also take actions that protect and allow for enhancement of floodplain and riparian areas. The streams and their appurtenant riparian areas comprise the most critical habitat and water quality areas left in our urban area. These support birds, fish, insects and other wildlife as well as perform essential water storage and cleansing functions. Your draft proposal for a mitigation fee-inlieu (or for actual mitigating measures) must fully compensate for any destruction of habitat or riparian function based on science and the law of incremental impacts.

Specifically in our neighborhood, we ask for strong protection of the Fanno and Ash Creek (and their tributaries) areas adjacent to Garden Home Park, Oleson Road, and the terminus of Taylors Ferry Road, including the stream's crossing of Oleson just north of Monica Court and continuance southeast towards Hall Blvd. These are shown as Class I and II riparian areas.

In closing, we support the testimony of the Audubon Society of Portland that calls for increased protection of continuous, ecologically-viable stream corridors, no net loss of riparian areas and habitats, protection of upland trees and forests, and strong protection of "Habitats of Concern". We especially and most strongly believe a basinwide tree protection ordinance must be part of this action to maintain and enhance the "urban tree canopy", particularly along and within public rights-of-way. Green Street techniques are an important first step and should be mandatory within the basin for all road-building jurisdictions.

Sincerely,

A Mor

Terry and Willy Moore 8440 SW Godwin Court Garden Home, Oregon 97223 503.244.3489

PS You should be aware that your notices for this hearing and for all the open houses (which began on July 26, 2004) did not reach me until July 23, 2004. That is totally inadequate notice for such an important issue, especially in the height of the summer vacation season.

Angela Brown

From: kitebell [kitebell51@yahoo.com]

Sent: Monday, August 09, 2004 1:32 PM

To: tom.brian@verizon.net; rdrake@ci.beaverton.or.us; cheryl_olson@beaverton.k12.or.us; lutplan@co.washington.or.us

Subject: Proposed Changes to Goal 5 Plan

To whom it may concern

I was recently informed of changes being made to the Goal 5 habitat protections for North Bethany and other areas in east Washington county.

My wife and moved to the Bethany Terrace neighborhood less than a year ago.

As an avid distance runner, one of my first observations was the lack of family-friendly areas and local parks. Most outdoor recreational areas in our new neighborhood are very poor quality. Parks basically do not exist. Most of the public-use open spaces are only bike paths located within electrical transmission corridors. These "parks" are on property that has no use due to high voltage overhead power lines. The property is usually overgrown with blackberries and weeds, and often is marshy as well. They are not a place I would take my family for an outing or picnic. I have been very disappointed with this. It's as if the worst land possible has been designated a "park", with very little development such as green grass and shade and activity areas.

My understanding is the reductions to the Goal 5 plan will allow additional parcels of land in our area to be developed using land that is vital to the area watershed, is habitat to area wildlife, and is planned for even more high-density housing developments. I often observe the area wildlife during my morning workouts -- deer, waterfowl, seasonal birds. It would be unfortunate to lose this opportunity to preserve this land for the community and future generations. Our area is already overcrowded!

I oppose the changes proposed to the Goal 5 plan.

I also oppose how swiftly these changes seem to be progressing through the approval process.

Please reconsider your decision. Allow opportunity to hear the voice of our neighborhood and our concerns.

Sincerely, Lawrence Morgan 5585 NW Skycrest Pkwy Portland, Or 97229

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Page 1 of 1

Angela Brown

From:	Jan Morris [jmorris7799@yahoo.com]	
Sent:	Monday, August 09, 2004 12:41 PM	
То:	tom.brian@verizon.net; rdrake@ci.beaverton.or.us	
Cc:	lutplan@co.washington.or.us	
Subject: Reductions in Goal 5		

I am writing to log my protest about the proposed reductions to the Goal 5 habitat protections in North Bethany.

The reduction in viable habitat for this area is foolhardy, both from an environmental viewpoint as well as a quality of life viewpoint. The viable habitat for our native Oregon species is shrinking daily. In only 5 years I have seen the blue herons and other wildlife disappear from the neighborhood. The bird species that once frequented the area are diminishing as the natural habitat is consumed by development, broken promises and poor planning.

Time and again politicians promise the people a sound environmental policy, and yet, when it comes time to act, these principles are bypassed in favor of the dollar sign. I would like to know how you can pursue such a course when time and again the homeowners have shown you that this is against our wishes?

I am also furious that so little time was given for public response. This is a common ploy for those who fear the public's response and gives the appearance that you wish to deceive and "pull a fast one" on us. And even though this might not be your intent, it certainly gives the appearance of deceit and that you're in the pocket of the developers.

I urge you to give us more time to respond.

Sincerely,

Jan Morris 5329 NW Skycrest Parkway Portland, OR 97229 439-9406

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Angela Brown

From: Sent: To: Subject: Oscar Naim [oscar_naim@yahoo.com] Monday, August 09, 2004 10:24 AM lutplan@co.washington.or.us Loss of protection for North Bethany habitats

Dear Sir/Madam,

The purpose of this email is to express my opinion to the Coodinating committee regarding the Steering Committee proposal to change Future Urban areas to an Urban designation. In summary, I oppose this proposal because of the resulting loss of protection for North Bethany habitats.

Sincerely,

Oscar Naim 5290 NW Skycrest Pkwy Portland, OR 97229

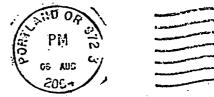
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Please place this copy of my letter to the Tigard Times in the record as a Comment on Monday 8/2/04

meeting. Jonna Neshitt AUG OY ZOUC PLANNING DIVISION

Land Use & Transportation



DONNA M. NESBITT 8900 SW Birch St. Portland, OR 97223

RECEIVED AUG 09 2004 PLANNING DIVISION Land Use & Transportation

The Gualatin Basin Natural Resources C Wash. Cty Dept of Land Use and Planning Division 155 N 1st ave Suite 350-14 Hillsborg QR 971 P.F. Handellandellandel

We've all read about the protests up on Bull Mountain as Tigard seeks to annex part of it. Everyone is asking what they can do to have their wishes be heard. What do you do if you wan to preserve the livability of your neighborhood? Well, according to the City of Tigard and Washington County, you join your CPO and also volunteer on all committees that are planning for the future of your area. This, according to Washington County, will assure you that the bard plan for your area will be implemented. Everyone is asking what they can do to have their wishes be heard. What do you do if you want for the future of your area. This, according to Washington County, will assure you that the best

In the creating the currently used Metzger Plan, one important task was identifying important wetlands and treed areas in Metzger that needed to be carefully dealt with during any future construction. We also decided what the allowable units per acre would be in order to separate the high density business and apartment areas from the single family residences that had built here before Washington Square was built in spite of the loud protests of most Metzger residents. (We were told at that time by Washington County that they promised not to strip commercial the area and that the Square would be an advantage to residents. One year later Washington County was foisting Ben Franklin Commons and the tall commercial buildings on Locust and Oak on us, "because you have Washington Square and you must expect to grow now.") Now Metro, Tigard, and Washington County planners have also decided we need the Washington Square Regional Center over our protests. The Metzger area has high water tables and flooding of property and homes in the winter is a huge problem. These concerns were also addressed in the Metzger plan. We wanted to preserve enough treed area to keep the air livable with future high density commercial impacting our area. It takes l acre of trees to make enough clean air to sustain 16 people. After diligently working for 37 years on plans for Metzger, including The Metzger Plan in the 1980s, I have finally seen how much the county respects our hard work. I have learned our efforts are just an exercise by the county to make us feel involved, and that the county can allow whatever they want developed by calling up little known rules that give them license to ignore all previous or current citizen input.

Unfortunately for the citizens of Metzger, there is a hidden clause in Washington County in the form of a little tiny rule, CDC 404-4.5.G, that says a builder can increase the allowable units on a piece of property simply by "annexing" a tiny corner of a neighboring property and then applying, or "floating," that number of units to the whole piece. In Metzger there is a beautiful park-like wetland area that was zoned 9 units per acre in Washington County's accepted plan for Metzger. A developer decided they needed to put 32 units on this parcel instead of the maximum 22 units allowed by the current zoning. So the developer purchased a tiny piece of property adjacent to the property then floated the 24 units per acre zoning of that property onto the 9 unit area and presto-chango...they can put in 32 units plus a recreation building! The same developer is going to "move the wetlands" and "build new, improved wetlands". Many beautiful old trees, including some rare Pines are being cut down. The same developer lamented at a local meeting that this property is too beautiful to build on, but that they couldn't find any other property available in the neighborhood. (There is one less than 2 blocks away that has no trees or wetland on it!) We agree that this property is too beautiful to build on. Had the neighbors been contacted when this property first was put up for sale, it is so beautiful that they would have purchased it themselves to preserve wildlife habitat. The developer even stated at a meeting that she diligently was seeking someone to keep this land a park when she first saw it. (Not one neighbor was contacted prior to the notice of intent to build.) Pileated Woodpeckers, Herons, Deer, Hawks, and many, many others will be forced to find new homes. Neighboring wooded properties are also being built on, so there is no place for them to go. Everyone should write to Washington County Department of Land Use and Transportation to protest rules that allow "floating" of property density by the purchase of neighboring property, and the too-easy changing of citizen written plans for an area. We need to demand that these rules be changed!

Land Use

People purchase homes after looking at the local zoning plans and then are forced to live with changes foisted upon them by Washington County Judges or Planners who have no connection to the area being ruined. Allowing non-resident developers to come in and change what tax-paying residents have worked hard to preserve is wrong. Please write today.



AUG 0 9 2004 PLANNING DIVISION Land Use & Transportation

August 5, 2004

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

Subject: Comments on Proposed Goal 5/Tualatin Basin Regulations

Members of the Coordinating Committee:

We would like to take this opportunity to comment on the Proposed Tualatin Basin Goal 5 Recommendations. We have been aware of the many hours of hard work the committee has spent in order to get the Draft recommendations to this point and commend all of the members for that effort. However, we do have several comments concerning many of the recommendations and hope you will be able to resolve these before finalizing the report.

We can break down the comments into several key areas of concern, and then below I'll go into detail on the issues we have with each of them:

- Problems with the Resource Mapping.
- Issues with the % of development allowed in various zones and Payments-in-lieu.
- Balance of Natural Resource restriction with needed land for growth and highdensity development along Light Rail.
- Extent and complexity of proposed regulation.
- SWM fee increase and planned uses.

1. - Resource Mapping

There still are numerous problems with the Resource Maps. Many people voiced concerns at the public hearing about this issue and have sent in changes. Aerial photography is no substitute for on-the-ground reconnaissance. There has to be some procedure to correct inaccuracies in the mapping and to handle discrepancies in how the supposed Resource is categorized. Just because an area has a tree canopy does not mean it is a Natural Resource that

NIKE, Inc. One Bowerman Drive, Beaverton, OR 97005.6453 + 503.671.6453 + 503.671.6300

must be precluded from development. Just because an area is adjacent to a seasonally flowing drainage ditch it also does not follow that there exists a resource that should be subject to a 100ft width or more buffer.

Nike continues to have several specific problems with the mapping:

- a. Part of the existing World HQ parking area off Jay Street shows as a LL resource
- b. The area adjacent to the seasonal creek on the Nike Foundation land at Shute Road has been designated a LL resource even though it has been farmed continuously for decades. We already will be required to grant a 50ft buffer to a conservation easement prior to development of the land due to existing regulations, this proposal calls for <u>significantly</u> more buffer or payment-in-lieu. This seems counterproductive, as you are claiming wide swaths of agricultural land, you'll have to gobble up more agricultural land outside of the current UGB to make up for this loss in order to keep a 20-year supply.
- c. The Nike Woods parcel shows 100% as a ML resource yet is adjacent to a Light Rail Station and is already constrained with a high density Transit Oriented District designation.

Summary- The Coordinating Committee needs to work more closely with the various jurisdictions to reassess many of the areas on the maps and make changes that accurately reflect actual on the ground conditions before this is implemented. Any proposed regulation must include a procedure for dealing with mapping inaccuracies in the future.

2. - Development % Allowances

We have very serious concerns with the allowed % of development in ML zones, specifically the ML zone on the Nike Woods property at the corner of Jenkins and Murray. This particular property encompasses 75 acres of Nike property and 10 acres owned by Simpson Housing. It is mapped 100% as a ML resource since it has a tree canopy over the entire portion. This proposal grants that 50% of the area is allowed to be developed and up to 85% can be developed with mitigation or by payment-in-lieu at a cost of roughly \$1.50/SF. Understand that on a property of this size this adds up to a substantial payment, I'll leave the math to you since the Payment amount has been changing lately but 85 acres = 3.7 million SF !!

Property Owners in general and NIKE in particular has a vastly different viewpoint from some of the testimony previously given by the environmental groups at the public hearing. They contend that any of these mapped "Resources" are part of the public trust and that granting private landowners the 'right' to develop half of the property is being more than gracious to the current owner. Property owners tend to feel that 50% of the property is now being taken from them. It seems like paying the original cost for the property and the taxes for all the years of ownership should allow the use of more than half the property. What would happen if all these landowners decided to only pay taxes on half the land since the public seems to have the rights to the other half ?

In addition, this 50% figure seems to be somewhat arbitrary, why not some higher figure like 60% or even 70%. Particularly on a property mapped as 100% resource it seems overly restrictive to limit a landowner to only develop half of their land without a substantial paymentin-lieu or even more costly mitigation techniques. If government or the public-at-large decides that we need to increase the health of the basin, then the public-at-large needs to pay the cost to accomplish that goal and not saddle the few landowners that have been good stewards of their land with a disproportionate share.

While Nike does not agree with the overall concept that the landowners must pay-in-lieu or mitigate to develop land just because it has a tree canopy on it we encourage the idea of a reasonable payment-in-lieu as the lesser of two evils since it at least results in certainty from a cost, time and simplicity sake.

Summary- Lower the Payment-in-lieu fee to less than \$1/sf.

Revise upward the allowable amount of developable land within any ML resource to 60% and increase it further to 70% for any individual property where the resource occurs on more than 75% of the parcel.

3. - Balance of Natural Resources protection with needed land for growth of the Region.

By anyone's calculation this proposal will effectively remove several thousand acres of the region's land from eventual development. Depending on your viewpoint this could be good or bad but in order to keep a reasonable supply of land available to handle future growth this will have to be replaced by increasing the size of the UGB. Not doing so will only increase the demand on the constrained supply of non-mapped land and increase the price considerably. This has the effect of slowing growth and making affordable housing even more difficult to provide for. If employees of existing business or relocating business cannot afford the land to build their offices/plants or purchase homes then no matter how wonderful the environment is in an area they will not be growing here.

This plan conflicts with the key premise of the UGB which is to constrain growth to a dense core so that needed infrastructure can service this small core better and leave the land outside for farming, recreation and other less dense uses. Growth has to happen to make this a live-able place, if you restrict the growth inside the UGB you have to grow the boundary or you choke off healthy growth.

On the Nike Woods piece in particular, this property happens to be in a Transit Overlay zone, the intent of which is to further maximize the use of the land and thus increase the public's investment in the \$2 billion Light Rail project. This has to be balanced better than just saying you can develop 50% of the land. In our view, this document currently places too much emphasis on the first E (environmental) of the ESEE analysis and not enough on the social, energy and economic issues surrounding this particular piece of property.

Summary – Revise the document to address the balance of growth and natural resource issues. Use LL designation in any Transit Oriented District except in case of delineated wetlands and floodplains. Further review the extent of the LL designation across the basin and adjust accordingly.

4. - Complexity of Regulations

These proposed regulations just add to the already dizzying array of codes and regulations that have to be followed to develop a particular piece of property. In our view they seem to put a rather large part of the cost of increasing the health of the Tualatin Basin on individual landowners. There are already regulations in place which detail what can be done to wetlands, how storm water flows from new buildings and parking lots have to be cleaned up and then slowed down. Several of the jurisdictions already have tree cutting regulations in place. Adding additional restrictions on these lands will have the effect of increasing the time it takes to obtain a permit and result in substantial additional costs for specialized consultants who are expert in this new area of regulation. Right now, when developing in any area with natural resources on it you already have to deal with many government agencies that all have their separate agendas and conflicting regulations.

Summary – Rethink the scope of the proposed regulation and instead of adding to the array of current regulation come up with a way to give certainty to property owners by at least allowing some streamlining of review and agency coordination for protecting or enhancing a resource.

5. - <u>SWM Fee</u>

The SWM fee is proposed to be increased by \$2.03 from a current amount of \$4.00, which is an increase of 50%. Nike currently pays about \$80,000/year so this would be an increase of about \$40,000/year. If the region decides to increase the health of the Tualatin Basin, Nike supports the use of the SWM fee to do so as long as it is phased in over time. We think this fee is a much more equitable way to pay for many of the things that the Coordinating Committee wants to get done including purchase of land and enhancement of some of the existing streams. In order to keep this from being viewed as a tax, as opposed to a fee, we think you should get much more specific as to your overall goals and about the kinds of activities this fee' will cover and not include some of the things that should already be in the CWS charter to do as part of the existing SWM fee.

Summary-

Phase any increase in SWM fees in over time,

Concentrate use of fees to specific enhancement projects and land purchases, Increase outreach to a broader population to make sure people understand what they are paying for.

Nike supports the goal of increasing the environmental health of this area, protecting the natural resources we have and being responsible in the development and growth of the region. A quick drive thru our existing HQ campus will show how much we believe that. However, we also strongly believe in the rights of individual property owners, streamlining regulations and providing enough land for future growth of the area. It's a tough balancing act and these proposed Goal 5 rules still need more work in order to achieve that balance.

Best of luck in your efforts to help the region reach that proper balance.

Sincerely,

Jim Petsche P.E Nike, Inc. Director of Corporate Facilities

July 31,04

RECEIVED

AUG 02 2004

PLANNING DIVISION

Fush & Wildlife Habitat Protection Plan Turlaturi Basin Hearing Land Use & Transportation

Hear Acce, I an, writing to express my concerns that This plan does not provide criengle protection for high value habitate along reparean areas & wet lands. My husband & it have lived in this acte for call So years and we are extremely beauch at the loss of natural lands in the metro aux. Une it le gone, it la gone fouce - et least for several lifetimer - Alexie pertect what we have light.

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ATTORNEYS

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> Telephone 503-228-2525 FACSIMILE 503-295-1058

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FROM:	Kristin Udvari	DATE:	08/09/04	
CLIENT NO: REGARDING:	Letter dated August 9, 2004 from to Tualatin Basin Natural Rsource	Lesley M. Hallick		, OHSU

NUMBER OF PAGES TRANSMITTED (INCLUDING COVER SHEET): .6 pages

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Brent Curtis Washington County Department		(503) 846-4412	(503) 846-3519 (main)
David Lawrence City of Hillsboro	and the second second	(503) 681-6232	(503) 681-6215
Patrick A. Ribellia City of Hillsboro	RJ.	(503) 681-6232	(503) 681-6481
Valerie Counts City of Hillsboro Planning	, Department	(503) 681-6245	(503) 681-6100

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COMMENTS Same Second Second

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August 9, 2004

Tualatin Basin Natural Resources Coordinating Committee Washington County Department of Land Use and Transportation Planning Division, 155 North First Avenue, Suite 350-14 Hillsboro, OR 97124

OHSU Comments re Tualatin Basin Goal 5 Program Report Re:

Dear Committee Members:

As discussed during the August 2, 2004 public hearing, the OHSU West Campus will be significantly affected by the proposed Tualatin Basin Goal 5 Program. The OHSU West Campus is located within the City of Hillsboro, and is bounded by NW Walker Road to the north. NW 185th Avenue to the east, the West Side Light Rail Transit Line to the south, and NW 206th Avenue to the west. The 260-acre campus includes the Oregon Graduate Institute School of Science and Engineering (OGI), the Neurological Sciences Institute (NSI), the Oregon National Primate Research Center (ONPRC), and the Vaccine and Gene Therapy Institute (VGTI). These institutions create significant economic and social benefits for the region and beyond.

Despite this rich concentration of scientific and educational resources, much of the West Campus remains undeveloped. As a result, the Campus includes large swaths of undisturbed forested areas and two creeks, which have been designated for protection on the City of Hillsboro's and the Basin's Goal 5 inventories. The most recent Basin maps depict the upland habitat in the "Lightly Limit" category and the riparian areas in the "Moderately Limit" category. We are generally supportive of these designations, particularly of the Lightly Limit designation for the upland areas. However, it is critical that the Committee design the regulations to implement the designations in a manner that does not unnecessarily restrict the unique opportunities for future development of scientific, educational, and biotechnology facilities within the West Campus. المراجعة المراجع والمراجع المعادة

Based upon our review of the most recent Tualatin Basin Goal 5 Program Report, we have the following comments. We urge the Committee to carefully review all comments submitted by property owners prior to issuing any recommendation regarding the Basin Program.

Mitigation Ratios

OHSU worked diligently with the City of Hillsboro during the City's Goal 5 process. We reviewed their inventory, ESEB analysis, and implementing ordinances. Comparing those materials to Basin's program, it is clear that there are some significant differences that have not

K:\West Cempus/08-09-04 Tualanin Basin Goal 5 Program Report DOC

been adequately explained. Both programs require landowners proposing to disturb designated resource areas to provide mitigation for the disturbed acreage at specific ratios. However, the Basin's mitigation ratios are higher that the City's adopted ratios. Thus, for the Lightly Limit category, the City requires mitigation at a ratio of 1:1, while the Basin requires mitigation at a ratio of 1:1.2. Within the Moderately Limit category, the City requires mitigation at a ratio of 1:1.25, while the Basin requires mitigation at a ratio of 1:1.5. Finally, within the strictly Limit category, the City's ratio is 1:1.5, while the Basin's ratio is 1:2. Higher ratios necessarily equal higher costs for public institutions such as OHSU. Therefore, any increased ratios must be justified by sound science.

We urge the Basin to defer to the City of Hillsboro's mitigation ratios, which were carefully developed by many of the same consultants working on the Basin Program, and which have been acknowledged by the Department of Land Conservation and Development (DLCD) as consistent with Goal 5.

Fee in Lieu

The Basin Program proposes a mitigation alternative that is not currently present in the Hillsboro program. This alternative allows a landowner to pay a fee in lieu of actually conducting mitigation on-site or off-site. While we are generally supportive of the idea of a fee in lieu alternative, we have two concerns.

First, the fee must be carefully calculated. The staff documents proposing the fees have been available for only one week. Therefore, we have just begun to review and attempt to understand the basis for the estimated costs. However, when one considers that the Program Report estimates the cost of a fee in lieu for a 6,500 square foot development to be \$7,020, the potential costs for a 1.5 million square foot campus are staggering. (The 1998 Concept Development Plan approved by the City of Hillsboro for the OHSU West Campus contemplates approximately 1.5 million square feet of total development within the core research campus alone, which is the portion of the Campus with the largest area of inventoried Goal 5 resources.)

In addition to general concerns regarding the accuracy of the proposed fee structure, OHSU is also concerned that the fee in lieu remain optional rather than mandatory. In other words, the fee in lieu must be an alternative to actual on-site or off-site mitigation. Given the large areas of resource within the OHSU West Campus, there may be opportunities for on-site mitigation. Thus, it is important that property owners such as OHSU not be forced into the fee in lieu structure when viable mitigation alternatives exist.

Enhancement Versus Replacement

The Hillsboro Goal 5 ordinance presents two mitigation options: replacement or onhancement. The ratios for enhancement are higher. For the Lightly Limit category, replacement must occur at a ratio of 1:1, while enhancement must occur at a ratio of 1:2. Thus, a proposed development which would impact 100 square feet of the resource could either provide 100 square feet of replacement resource, or 200 square feet of enhanced resource. Given the degraded nature of many resources within the region, including those on the OHSU West Campus, it is important that the enhancement option remain available.

However, the Basin program does not appear to allow enhancement as a stand-alone mitigation alternative. Rather, the Program Report states:

"On-site mitigation is preferred, and some financial incentive would be provided to encourage this because on-site enhancement of degraded vegetation conditions in resource areas would provide a credit towards overall mitigation liability. This credit, however, would only apply to degraded resource areas that are outside of the vegetated corridor regulated buffer areas because District standards already require enhancement of degraded and marginal site conditions within the vegetative corridor up to a 'good' condition." (Program Report, pp. 3-8 to 3-9).

The Program Report provides no proposed mitigation ratios for enhancement. Thus, OHSU requests that the Committee revise the Report to allow enhancement to be considered as an equal alternative to mitigation, rather than merely an option for partial credit.

Low Impact Development Techniques

The Goal 5 Program Report appears to mandate the use of Low Impact Development (LID) techniques for all resource areas, regardless of designation. In addition, there is no discussion of how the LID requirements will coincide with the mitigation requirements. Thus, it appears that property owners will be required to invest in LID techniques for any development within a regulated site, and to provide full mitigation with no credits for the LID investment. Given the costly nature of the LID techniques (Ecoroofs, bioswales, green streets, etc.), the Committee must consider the overall cost of this requirement in conjunction with the additional mitigation fees and SWM fees proposed by the Program Report.

Surface Water Management Fee

In addition to mandating mitigation at higher ratios than current City standards, imposing potentially significant fee in lieu options, and mandating Low Impact Development techniques, the Goal 5 Report also proposes a significant increase to the existing Surface Water Management (SWM) fees. Again, as with the LID Techniques, these fees are in addition to and do not provide a credit towards the cost of mitigation under the program.

As you know, the SWM fee is based upon estimates of average impervious land cover of a single family dwelling, and is expressed as an "equivalent dwelling unit," where one EDU equals 2,640 square feet. While a fee of \$4 per BDU per month may seem minimal, and a \$2 increase equally minimal, such fees rapidly add up for large institutional campuses such as OHSU's West Campus. Thus, we urge the Committee to carefully consider whether the proposed increase has been adequately examined from an economic perspective and whether it is an appropriate component of this Goal 5 Program.

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Resource Management Master Plan

On page 3-16 of the Program Report, staff has suggested the development of regulations to allow the adoption of campus-wide "Resource Management Master Plans" to add flexibility, and presumably regulatory certainty, to the development of regionally significant institutions. We appreciate staff's effort to continue to recognize institutions of regional significance such as the OHSU West Campus. Our only comment on this element of the plan would be that any implementing ordinance must clarify that such Resource Management Master Plans are optional or voluntary, rather than mandatory. Given the varying land use master planning requirements of each local jurisdiction, and the status of existing master plans, such as the Concept Development Plan for the West Campus, it is important that the Goal 5 Regulations do not require duplicative master planning efforts.

Coordination With Other Agencies

Finally, although it is mentioned throughout the program document, the issue of how the Goal 5 Program will be coordinated with the other agencies deserves further emphasis. Perhaps the biggest concern of landowners such as OHSU is the potential to be subject to layer upon layer of regulation of the same resource by multiple state, federal, and local agencies. Most of the resources designated in the Basin Program are already regulated by agencies such as the Division of State Lands (DSL) and Clean Water Services (CWS). The Goal 5 Program should defer to these existing environmental regulatory programs to ensure that landowners are not required to provide double mitigation for disturbance of the same resource due to duplicative agency standards.

Thank you for your consideration of these issues. Once again, until all such issues are carefully analyzed, we urge you to refrain from hastily adopting a Basin Program that could burden public institutions and significant regional businesses with exorbitant new regulatory costs.

Sincerely,

Lesley M. Hallick, Ph.D. Provost

Mr. David Lawrence Ms. Valeric Counts Mr. Patrick Ribellia

CC:

Angela,Brown

From: Jana Patterson [jana.patterson@comcast.net]

Sent: Monday, August 09, 2004 4:06 PM

To: tom.brian@verizon.net

Cc: lutplan@co.washington.or.us; rdrake@ci.beaverton.or.us; cheryl_olson@beavton.k12.or.us

Subject: Opposition to changing urban designation

I am writing to voice my opposition to the proposal made by the Tualatin Basin Natural Resources Steering committee on Thursday August 5th. As a resident, homeowner, parent and taxpayer, I strongly oppose the proposal to drastically reduce the Goal 5 protections of our natural resources in the Bethany area. Our few remaining natural areas are necessary on a number of fronts. Not only does wildlife depend on them, but the people of this area desperately need them as well. These naturally significant areas provide clean headwaters for the Tualatin River, give people a buffer in a densely populated area and provide potential nature park settings. To me, reducing the protections implies that you are clearing the way for future development which will impact traffic and our schools that are already either at capacity or over-capacity. Our natural areas can only be used up once. If we diminish or destroy them, they are gone forever and we can never recapture them.

I am also disappointed in the rushed manner that this proposal is receiving. It is a change that will impact all of the people currently living in the North Bethany area as well as future generations. It will have far reaching impact on the livability and viability of our community. It is an issue that deserves more time and citizen/landowner/taxpayer input. Please reconsider the direction this proposal is taking, involve the citizens you represent and protect our natural resources to the highest degree.

Sincerely,

Jana Patterson 14261 NW Greenwood Drive Portland OR 97229 August 1, 2004

RECEIVED

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

AUG 0 4 2004 PLANNING DIVISION Land Use & Transportation

My wife and I live on Old Germantown Road in Multnomah County. We also own an adjacent 38 acres of adjacent property in Washington County, which was included in the 2002 UGB addition. I wasn't notified of the pending Goal Five application process. Thanks to friends and neighbors I have become aware of the Goal Five proposals. Though I personally am very invested in fish and wildlife protections your proposed applications on my property seems excessive and unnecessary.

An old fencerow between my property and my neighbor's (Keith Fishback) is designated on your inventory (rust color) as "moderately limit". What is the justification for this designation on such a limited narrow piece of brush, weeds, and a few trees that separate two fields? Won't this designation become a much larger issue when the property is master planned for urbanization? This same designation is applied to a patch of forest in my northwest corner...why? Won't this make urban planning substantially more difficult?

Also, on my property is a large swath of dark green (strictly limit) and adjacent application of (moderately limit). My property is the start of this very small drainage basin. This large application on such a small area of trees and brush leads to a very large loss of developable land. It appears here is no balancing of the need to protect with the need to develop high quality, affordable, well designed urban communities...can you explain?

Yours sincéré

E Lawrence Perfin 14810 NW Old Germantown Road Portland, OR 97231 Elaine Rank 14075 SW River Ln Tigard, OR 97224

July 30,2004

Fish and Wildlife Habitat Protection Plan 155 N. 1st Ave Hillsboro, OR 97124

RECE VED

AUG 0 2 2004 PLANNING DIVISION Land Use & Transportation

Fish and Wildlife Habitat Protection Plan:

I am unable to attend the meeting, but being a property owner here in Washington County near the Tualatin River I am very much in favor of preserving as much areas and spaces for both fish and the wildlife. On my property I see deer frequently walk through my backyard and I wonder where all the wildlife will go with this constant cramming in of development project that leave no room for the wildlife in the area.

We as humans seem to forget that the wildlife was here on this planet before we arrived. The planet needs a balance that is rapidly disappearing. All this housing growth in the area leaves no room for the young to roam of either the animal or human kind. Leaving little tiny areas that are not developable as green spaces just don't cut it. There doesn't seem to be a thought to the big picture down the road and we all need for more open green spaces along the riverfronts for all forms of life. I have seen where developers are allowed to fill in wetlands in order to build more houses, this isn't right and it needs to be stopped along with the mass bulldozing of all other bigger trees in these development projects. Everyone needs trees, especially with the rain forest being destroyed. Are we to destroy the once beautiful green trees that you see on distant hills to all houses! Builders can build around these trees and let's start making them!! We need to save Oregon's livability before it's all concrete and houses!!

Sincerely,

Elaine Rank

RECEIVED

August 1, 2004

AUG 0 4 2004 PLANNING DIVISION Land Use & Transportation

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

My wife and I have owned the property on the north edge of the 2002 Bethany UGB amendment area bordering the east edge of Kaiser Road. We are alarmed by Washington County's blanket designation of much of our property as "severely restricted". Though reasonable drainage way setbacks seem necessary and reasonable, the designation of our property includes as "severely limit" virtually all areas with trees. The "severely limit" designation also applies to a parcel used for Christmas tree production. Though I would support thoughtful tree protection via the creative development process I see no justification for such a blanket "severely limited" application to my property. I respectfully request that you balance your Goal Five application with the need for this property as residential inventory. Your current designation is unwarranted environmentally and excessive.

Sincerely,

Paul Robinson 503-297-6688

P.S. We are concerned we did not receive official notice of this designation.

RECIPIENT: COMPANY:	TELEPHONE:	FACSIMILE:			
Michael C. Robinson	(503) 727-2264	(503)727-2222			
Sender:	TELEPHONE:	FACSIMILE:			
	(ROOM NO.) 9079	VASHINGTON COUNTY ID OF COMMISSIONERS OFFICE			
CLIENT NUMBER: 37165-0022-000000					
DATE: August 9, 2004 COVER SHEET & 3 P	1120 N.W. Couch Street, Terth Floor Portland, OR 97209-4128 HERE: 503-727-2000 FAX: 503-727-2020				
If there are any problems with this transmission, please call the Perkins Coie Fax Center at (503) 727-2049.					
FACSIMILE COVER SHEET CONFIDENTIAL AND PRIVILEGED	Coie				

P.01/04

Hon. Tom BrianTualatin Basin Natural
Resources Coordinating
Committee(503) 846-8681(503) 846-4545

RE: Objection to Adoption and Presentation of the Tualatin Basin Program to Metro for Approval Under Statewide Planning Goal 5.

This Fax contains confidential, privileged information intended only for the intended addressee. Do not read, copy or disseminate it unless you are the intended addressee. If you have received this Fax in error, please small it back to the sender at perkinscoic.com and delete it from your system or call us (collect) immediately at 503,727,2000, and mail the original Fax to Perkins Coie LLP, 1120 N.W. Couch Street, Tenth Floor, Portland, OR 97209-4128.

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Perkins

1120 N.W. Couch Street, Tenth Floor Portland, OR 97209-4128 PHONE: 503.727.2000 FAX: 503.727.2222 www.perkinscole.com

August 9, 2004

Hon. Tom Brian, Chair Tualatin Basin Natural Resources Coordinating Committee 155 N. First Ave, Ste 350-14 Hillsboro, OR 97214

Re: Objection to Adoption and Presentation of the Tualatin Basin Program to Metro for Approval Under Statewide Planning Goal 5

Dear Chair Brian and Committee Members:

This firm represents West Hills Development (WHD). This letter is intended to provide WHD's objections to the staff recommendations under consideration for adoption and submittal to Metro under Statewide Planning Goal 5. WHD and this office reviewed the proposed program and WHD's objections are based on the reasons set out below.

Please include this letter and WHD's objection to the program as proposed into the record for this matter. In addition, this letter requests that the Committee add WHD and me to its mailing and email lists for its decision and all subsequent proceedings and information.

1. The recommended proposal will unnecessarily and unacceptably impact local development opportunities and will effectively render many subject properties completely undevelopable.

2. The resource inventories conducted by Metro over the past several years are notoriously inaccurate. The inventories have presented property that is already developed as being natural resources warranting protection. Metro has also incorrectly assessed the functions and value of identified resources. The result is that property not warranting protection is proposed to be protected and the level of protection proposed for actual natural resources is not commensurate with the functions the area may provide or their value to society.

[37165-0022/PAD42220.078]

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3. The regulations as proposed will prohibit residential development in large parts of Washington County. By some calculations over 3 square miles of vacant land zoned residential located inside urban growth boundaries will be designated "strictly limited." Many of the affected lands have been allocated by Metro during its 2002 Urban Growth Boundary Expansion Analysis as being suitable and necessary for residential development. The program being proposed effectively nullifies that previous decision by Metro and will leave a significant shortfall in residential housing.

4. In spite of conventional wisdom relating to government taking of private property for public use, adoption of the program as proposed, will result in the taking of property. As was pointed out by the Oregon Court of Appeals, when it found that a property owner denied use of 9 of 40 acres had had land taken by the state, complete use or control of a parcel by the government is not required to constitute a "taking" of private property. County and local governments will not able to avoid taking claims simply because they allow some minimal amount of development on a property. The Committee has not considered this economic consequence of its decision.

5. The broadly applied ESEE analysis fails to fairly evaluate the effect this program will have on any particular property owner. By attempting to evaluate natural resources on a grand scale and by defining "resources site" in the largest possible geographic terms, the analysis eliminates any meaningful consideration of its effect on individual property owners. We believe such an approach is contrary to the intent of Goal 5 and will foster severe economic hardship on many small property owners whose economic investments will be lost to unnecessary environmental protection.

6. While local governments are required to comply with Goal 5, the current process is being driven by policies adopted by the Metro Council and its staff's decision to use Goal 5 to protect urban resources. The Goal 5 rule is optional to Metro. Nothing in the language in OAR 660-23-080 requires Metro to take action under Goal 5. Local governments must complete the Goal 5 process prior to or during the first periodic review unless Metro adopts a region functional plan establishing a uniform time after the rule was adopted for all local governments to complete Goal 5. This is a discretionary decision by Metro involving when but not how to comply with Goal 5. See OAR 660-023-080 (2). Further, Goal 5 allows but does not require Metro to adopt one or more regional functional plans to address all applicable Goal 5 requirements. The contention by the staff and others that the Goal 5 rule requires

[37]65-0022/PA042220.078]

08/09/04

August 9, 2004 Page 3

Metro to act and to force local governments to follow suit is simply incorrect. Had local governments been allowed to engage in the Goal 5 process in their own terms, the negative economic effect on individual property owners would have been greatly reduced because the resource site would be defined locally and not regionally. The smaller resource site would increase the importance of local land owners who are now ignored in the much larger regional process.

Not only is the current process not mandated by the federal Clear Water or Endangered Species Acts, the current regional approach is not mandated by Goal 5. It simply provides a way to obtain extensive environmental protection while effectively ignoring individual land owners.

If you have any questions regarding this matter, please feel free to contact me at your convenience.

In addition, I request that the Committee include this office in its mailing list for information relating to this project. We also request to be placed on your list of those receiving notice in your decision.

If you have any questions, please feel free to contact me at your convenience.

Very truly yours, Frank Fl Michael C. Robinson

Cc: Don Guthrie West Hills Development Company 15500 SW Jay St. Beaverton, OR 97006 Phone: (503) 641-7342 Fax: (503) 641-7661

FMF:te

[37165-0022/PAD42220.078]

08/09/04

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

RECEIVED APR C = 2004 PLANNING DIMISION Land Use & Transportatio,

30 March 2004

Reference: Tualatin Basin Goal 5 Planning Process

Dear Coordinating Committee:

After reviewing Metro's proposed Regulatory Options for protection of fish and wildlife habitat as related to my property located at 11455 NW McDaniel Road Portland, Oregon 97229 I do NOT understand why and how including my residence, garages, driveways, landscaped front and back yards could have any benefit to preserving fish and wildlife habitat. My property has been under cultivation in one form or another for over 75 years having been part of the original McDaniel Farm. Parts of the site have been used as an orchard, Christmas trees stock, planted harvestable wood stock, and general farming. There are no natural vegetation, stream ways or other features which could have any benefit as required by Goal 5.

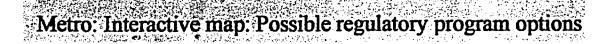
I strongly protest the inclusion of my property in to this Goal 5 process since the site is well within the Urban Growth Boundary and any current/future use of the site will meet the existing designated zoning requirements. Please remove my property from the study area.

I have included a site map showing the location of my residence as related to the proposed designation.

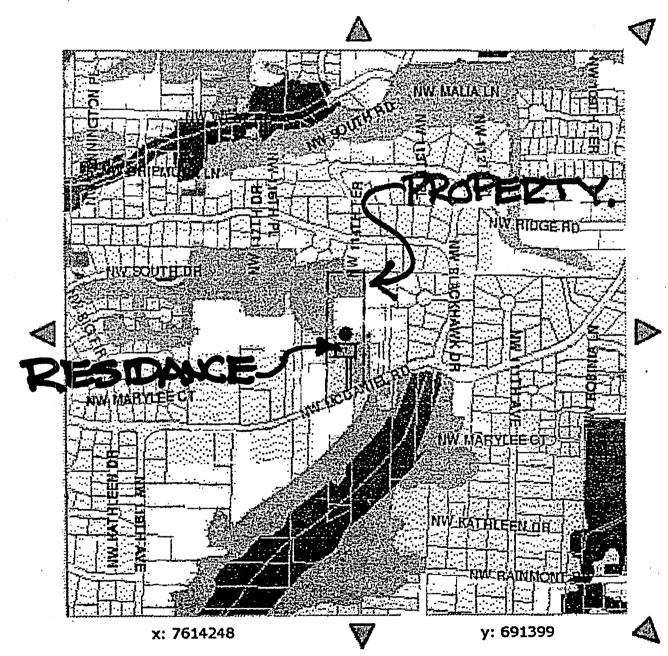
Sineer Gaily Ross 🖊

11455 NW McDaniel Road Portland, Oregon 97229

cc: Metro Councilor Susan McLain



Metro: Interactive map: Regulatory program options 11455 NW MCDANIEL RD, PORTLAND 97229



Steve Kelley

From: Kathy Sayles [geo-g2consult@att.net]

Sent: Wednesday, May 12, 2004 10:59 PM

To: Steve Kelley; Andrea Vannelli (E-mail); Anne Madden; 'Barbara Fryer - Beaverton' (E-mail); Brent Curtis (E-mail); Brian Hanes (E-mail); Chris Deffebach - METRO (E-mail); 'David Noren' (E-mail); 'Hal Bergsma - Beaverton'; 'Joe Grillo - Beaverton'; 'Julie Reilly - THPRD'; Leigh Crabtree -Beaverton; Lori Hennings - Metro; Mark Brown; 'Mark Turpel - METRO'; Paul Schaefer; 'Sarah Cleek - THPRD'

Cc: Alice Kinzer (E-mail); Allice Ellis Gaut (E-mail); Carol Chesarek (E-mail); Celina Patterson (E-mail); 'Jim Petsche - Nike'; Kathy Sayles (E-mail); 'Keith Liden - Parsons Brinkerhoff'; 'Kelly Ross - OBIA'; Kim Schoenfelder; 'Laura Oppenheimer - The Oregonian'; 'Linda Gray'; 'Ramsey Weit'; 'Suki Cupp -CH2M'; 'Sylvia Butler'; Tom Wolf

Subject: Goal 5 Inventory of regionally significant habitat

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, Oregon 97124

From: Kathryn Sayles & George Gogue 16985 SW Kemmer Road Aloha, OR 97007

May 12th, 2004

We agree with our neighbors the Kinzers regarding their message (pasted below) about the new restrictions being imposed on their land (and ours) in concert with the Goal 5 program for the Tualatin Basin. Our message today adds to the verbal testimony which I gave at your meeting on May 6th (last Thursday).

We (Sayles and Gogue) own two lots 1S130DA lots 300 and 400 (totaling 5 acres) and slightly upstream of the Johnson Creek tributary which runs through the NW corner of the Kinzer's land. Between us and the Kinzers is a 15 acre piece of land (Nora Woods, formerly the Brumbaugh parcel) for which I lobbied for years to be purchased under the Metro greenspaces 26-26 bond measure. All of the paperwork from the 4 jurisdictions involved (Metro, Washington County, City of Beaverton and Tualatin Hills Park and Recreation District) during that period shows that this land was not considered significant by any jurisdiction. Metro actually hired a biologist to contradict the Audubon report which suggested that it was. I still have a letter showing that we, the neighbors, were expected to contribute half a million dollars if purchase of the northern portion was to be achieved. Furthermore, Metro insisted that we, the neighbors, who had never been involved in negotiations, should at that time take charge of all negotiations if purchase of the northern portion could be achieved. As a direct consequence of this rejection of the notion of Goal 5 significance (and the application of funding then available), a development now sits on that land. Some limitations were applied because it is habitat land. The southern portion (which was rather more costly to develop) was purchased by Metro, but *not* with greenspaces money. None of the neighbors was involved in that negotiation and Willamette Week's report subsequently showed that the purchase had nothing to do with 'significance' and everything to do with politics and some rather interesting appraisals.

Well, politics continues and you have reversed yourselves. Your new mapwork shows as strictly limited that portion of our land immediately adjacent to the development (known as "Nora Woods") but the land under the Nora Woods houses never was, and is not now limited. Apparently you have changed your mind about 'significance' but only as it applies to remaining undeveloped land and so long as it does not apply to your cost. The 4 jurisdictions involved have successfully dodged having to pay for this 'taking' with greenspaces tax money. How convenient to designate the land as significant in order to fulfill your perceived obligations, but only NOW, so that we, the landowners, must pay the full cost (I mean, of course, via limited development)! How has the significance of the land changed? Our land had exactly the same significance as the adjacent

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parcel which you insisted was NOT worthy of protection such a short time ago. Please reverse your labels, to make equivalent status between our land and the adjacent parcel which was developed. Otherwise the 'consequences' of your 'analysis' may not prove to be as you intended.

In summary: The cavalier brushwork which is 'limiting' development on virtually all of our land, on your new map, renders it a public 'taking' of private land. The 'limitations' which were applied to the entire Nora Woods approved development application are the exact same limitations, no more, no less which should be applied now to our land and, of course to the Kinzers'.

Yours truly,

Kathryn Sayles & George P. Gogue

CC: interested parties

-----Original Message-----From: Alice Kinzer Subject: Metro Interactive map Inventory of regionally significant habitat.html

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, Oregon 97124

May 5, 2004

To: Tualatin Basin Natural Resources Steering Committee

My husband and I own two parcels on Cooper Mountain of about 10 acres each in size. Our property has been identified and targeted for regionally significant wildlife habitation protection.

http://www.metro-region.org/article.cfm?articleID=5903&do=map&maf_id=324120 (see attached link)

Our northern parcel (Tax ID# 1S130DA00100) is listed as: Class 1 riparian, highest-value habitat Class 2 riparian, medium-value habitat Class B wildlife, medium-value habitat

Our southern parcel (Tax ID# 1S130DA00500) is listed as: Class B wildlife, medium-value habitat

These classifications will drastically diminish the value of our land due to the significant restrictions imposed by the various classifications. Clearly, these restrictions did not exist when we purchased these parcels.

Although we have no plans at present to develop the property, the previously existing ability to do so contributed to a "market value" of the land. Imposing significant additional restrictions on development diminishes that value and is tantamount to a "taking" to the extent that the market value is reduced.

We strenuously object to the new classification of our property and the

5/13/2004

imposition of the attendant restrictions in the absence of appropriate compensation. If restricting development of these parcels is in the public's interest, the public should pay for that benefit rather than foisting the entire cost on us.

Alice Kinzer Donald Kinzer

cc: Beaverton, Ms. Barbara Fryer Clean Water Services, Ms. Sheri Wantland Forest Grove, Ms. Jeff Beiswenger Hillsboro, Ms. Jennifer Wells Sherwood, Mr. Dave Wechner Tigard, Ms. Julia Hajduk or Beth St.Amand Tualatin Ms. Stacy Hopkins Tualatin Hills Park and Recreation District Mr. David Endres

16985 S.W. Kemmer Road Beaverton, Oregon 97007 Phone: (503) 590-9014 GEORGE P. GOGUE, Ph.D. AN AND AND A STRUCT Fax: (503) 590-9015 CARGE ST ADDRESS n Weller - Marsha 503) 846-4412 TBNRCC motion in Foundation **TO**: consection of references COPY: and the late of the state of th CEIVED COMPANY: Service Street AUG 02 2004 8/2/2004 providence DATE: و والاندوار ا (including this page) PLANNING DIVISION PAGES: State of the second Land Use & Transportation State Character The say and the state of a SPECIAL NOTES: within the state of the second the light way at my second structure of the second of Altached ; 107 testraiona public hearing with the second a description of the Mar 1. 6. 22 . A CARLES 10 B.C. S. 100 i de la casa · · ·. 2.19、19月2日代,19月1日代, . Same تمدينا وأربعيا والجوش المربو الماحمة المتعادية Property of the Color and the second second والمعادية والتعمية وال و المان المنظمة في المان الم IF THERE ANY PROBLEM WITH THIS FAX; PLEASE CONTACT ME AT: (503) 590-9014 and the second second second

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, Oregon 97124

From: Kathryn Sayles & George P. Gogue 16985 SW Kemmer Road Aloha. OR 97007

August 2nd, 2004

Subject: <u>Testimony for the Public Hearing for consideration of the proposed draft</u> "Tualatin Basin Goal 5 Program":

We incorporate by this reference our previous letter of May 12th, 2004 (attached below). We also attach a letter previously submitted to the TBNRC Committee by our neighbors the Kinzers, on May 5th, 2004

Please keep the record open at least seven days following the close of testimony for the public hearing. Reference ORS 197.763

My copy of the publicly available "PRELIMINARY DRAFT Tualatin Basin Goal 5 Program Report" Which was submitted to: Metro by: Tualatin Basin Natural Resources Coordinating Committee and prepared by: Tualatin Basin Steering Committee and offered as documentary evidence for the public hearing of August 2, 2004, has a date of August 16, 2004. Clearly, there is need to change the published date of this document if it may be admitted for consideration at the public hearing.

In the Staff Report for today's public hearing is the following statement: "The Proposed Goal 5 Program Report and map attachments also includes revisions to your previous (Interim) Allow-Limit-Prohibit decisions. Please recall that the TBNRCC explicitly reserved the opportunity to revisit the ALP decision as part of the Program Phase of the project. Subsequent to the ultimate adoption, staff will augment the ESEE analysis to conform that analysis to the adjusted ALP decisions."

Please note that according to Goal 1 'public participation' rule, citizens must have opportunity to comment on all analysis and materials that enter into the final decision. Staff may not 'augment' or re-hash the analysis following the final decision!

The lack of provision, at this time, of data specific to which parcels of land are intended to be re-classified (for development purposes) must be addressed prior to final decision by TBNRCC. An analysis must be provided of the financial burden imposed by this program. This analysis should show the burden for targeted property owners as well as for the jurisdictions in which these properties are found.

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The U.S. Supreme Court found in the case of A-Boy, Tigard that public good does not supersede private property rights. Public takings such as proposed by the actions considered at this public hearing must be compensated by public funds. The documents offered for examination at this point neither designate the financial extent of these takings. nor provide data regarding how the required compensation is to be funded.

This information must be made available to affected property owners before TBNRCC is free to make a final decision.

The 26-26 Bond Measure, which was levied by Metro. raised funding designated for purchase of forested habitat land such as that which you are considering under this present program. This action considers limiting development rights on such land, so clearly it is land which is presently available for development. Yet within the Urban Growth Boundary in our area of Cooper Mountain, with headwaters for Johnson Creek and lands designated "Fish and wildlife Habitat" by the Community Map, Metro declared all such lands under consideration for purchase using that funding to be not regionally. significant. The bond measure funding in this area was all spent (apart from a small sum given by Metro to THPRD: approximately \$30 K) on clear-cut land which was considered 'regionally significant'. Over \$2 million of that tax money was misappropriated and used to purchase lands not threatened by development, I fail to see why you are now designating as 'regionally significant' the same land (minus that which has been developed since) which was previously (at a time when public money was available for purchase) denied that certification. Too bad Metro already spent the money on non-threatened lands! Too bad that Metro hired its own appraisers and artificially drove up the appraised value of land it wished to purchase. It's such a pity Metro wasted so much public moncy in this manner. But now that the money is spent on lands other than that for which it was collected, you are not free to simply 'take' without compensation the land which should have been purchased using that Bond Measure money.

The message which this Committee is sending out loud and clear is that folks who own forested, habitat land now are going to have it stolen from them under the guise of 'public good'. They are also given to understand that if they may decide at some future time to develop that land, then they had better clear-cut it now. Conditions on the ground will determine future development potential. All landowners who actually care about the environmental benefits provided by their trees and streams on their land will be the only ones penalized in the future.

We are all in favor of public good on environmental issues. We consider ourselves good stewards of the land. The message you are sending is one which will precipitate clearcutting and stream violations in the short term and land-theft for the future. We have also noted that the only lands earmarked for this public taking are the ones within the urbangrowth boundary and some few parcels beyond the urban growth boundary which loosely fall within the 'urban' designation. In short, you will penalize only those property owners who are holding onto their privately-owned habitat lands. The far greater acreage of habitat land beyond the urban growth boundary is not being taken under this program,

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not because it has less 'habitat' value, but because it has less 'development' value. This program and proposed action demonstrates a level of hypocrisy and bald-faced thievery that goes further than any seen since the West was 'won'.

Yours truly,

source,

Kathryn Sayles & George P. Gogue

CC: interested parties

Our May 12th, 2004 letter

TO: Steve Kelley <Steve_Kelley@co.washington.or.us>; Andrea Vannelli (E-mail)
<Andrea_Vannelli@co.washington.or.us>; Anne Madden
<Anne_Madden@co.washington.or.us>; 'Barbara Fryer - Beaverton' (E-mail)
<bfryer@ci.beaverton.or.us>; Brent Curtis (E-mail)
<Brent_Curtis@co.washington.or.us>; Brian Hanes (E-mail)
<Brent_Curtis@co.washington.or.us>; Chris Deffebach - METRO (E-mail)
<Brent_Hanes@co.washington.or.us>; 'David Noren' (E-mail) <davidnoren@worldnet.att.net>;
'Hal Bergsma - Beaverton' <hbergsma@ci.beaverton.or.us>; 'Joe Grillo - Beaverton'
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<hennings@metro.dst.or.us>; Mark Brown <Mark_Brown@co.washington.or.us>; 'Mark
Turpel - METRO' <turpelm@metro.dst.or.us>; 'Sarah Cleek - THPRD' <scleek@thprd.com

COPY: Alice Kinzer (E-mail) <alice@kinzers.com>; Allice Ellis Gaut (E-mail) <aeg@csgpro.com>; Carol Chesarek (E-mail) <chesarek@teleport.com>; Celina Patterson (E-mail) <crp@lclark.edu>; 'Jim Petsche - Nike' <jim.petsche@nike.com>; Kathy Sayles (E-mail) <g.goguc@ieee.org>; 'Keith Liden - Parsons Brinkerhoff' <liden@pbworld.com>; 'Kelly Ross - OBIA' <kellyr@hbapdx.org>; Kim Schoenfelder <kschoenfelder@panattoni.com>; 'Laura Oppenheimer - The Oregonian' <loppenheimer@news.oregonian.com>; 'Linda Gray' <linda.gray@orst.edu>; 'Ramsey Weit' <polwonks@comcast.net>; 'Suki Cupp - CH2M' <scupp@ch2m.com>; 'Sylvia Butler' <DIbutler34@cs.com>; Tom Wolf <tmilowolf@msn.com>

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, Oregon 97124

From: Kathryn Sayles & George Gogue 16985 SW Kemmer Road Aloha, OR 97007 p.4

May 12th, 2004

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Yours truly,

Kathryn Sayles & George P. Gogue

CC: interested parties

Kinzers' May 5th, 2004 letter:

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, Oregon 97124

May 5, 2004

To: Tualatin Basin Natural Resources Steering Committee

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http://www.metro-region.org/article.cfm?articleID=5903&do=map&maf_id=324120 (see attached link)

Our northern parcel (Tax ID# 1S130DA00100) is listed as: Class 1 riparian, highest-value habitat Class 2 riparian, medium-value habitat Class B wildlife, medium-value habitat

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Although we have no plans at present to develop the property, the previously

. ...

existing ability to do so contributed to a "market value" of the land. Imposing significant additional restrictions on development diminishes that value and is tantamount to a "taking" to the extent that the market value is reduced.

We strenuously object to the new classification of our property and the imposition of the attendant restrictions in the absence of appropriate compensation. If restricting development of these parcels is in the public's interest, the public should pay for that benefit rather than foisting the entire cost on us.

Alice Kinzer Donald Kinzer

cc: Beaverton, Ms. Barbara Fryer Clean Water Services, Ms. Sheri Wantland Forest Grove, Ms. Jeff Beiswenger Hillsboro, Ms. Jennifer Wells Sherwood, Mr. Dave Wechner Tigard, Ms. Julia Hajduk or Beth St.Amand Tualatin Ms. Stacy Hopkins Tualatin Hills Park and Recreation District Mr. David Endres

6

July 20, 2004

Received 7/24/04 IN comment BOX

The Tualatin Basin Coordinating Committee and Metro Council c/o 600 NE Grand Ave. Portland, OR 97232

Habitat Protection Hearings

Dear Mayors and Metro Council,

In 32 years time I have witnessed with alarm the density and overgrowth of the entire Metro region, especially the disappearance of Class I favmlands.

This entire NW region of Oregon is an historic and biologically significant migratory pathway for endangered species(and their support species). The fish cannot re-route themselves or construct new corridors for survival.... Ongineering schools differ for people and fish.

It is our critical task of supplying those migratory fish and preserving their habitat with maximum protection. Secure their survival. Coolness, clean water, silt

TSS, you know the terms. In the Bridlemile neighborhood in SW Portland, infill is causing our remaining "great" trees to die because of weak protection and codes that lack enforcement of codes. When a construction project begins, all means necessary must be employed to save significant trees whose benefits to human and wildlife are essential to good health.

Please maximize protections for high value habitat and encourage the ecologically smart use of existing already "built" properties..

Sincerely,

- Sreg Shi

Greg Schifsky 4131 SV Lee St. Portland, Oregon 97221-3667



9755 SW Barnes Road, Suite 300 Portland, Oregon 97225 503.626.0455 Fax 503.526.0775

TRANSMITTAL RECEIVED APR - 5 2004					
То:	Steve Kelly		Date:	April 5, 2004	SE& TRA
Compa	ny: Washington County D.L.U.	Т.	Project Number:	30476	STATION
Addres	s: 155 N. First Avenue, Suite	350	Project Name:		
City/Sta	ate: Hillsboro, OR 97124		Re:		
Phone:					
Fax					
(503) 626-0455 Fax: (503) 526-0775			the individual and exen reader of this message i notified that the unauth this communication, or	This facsimile is int opt from disclosure ur s not the intended rec orized dissemination, the taking of any acti tion is strictly prohib	distribution or copying of on in reliance on the ited. If you have received
_		These	Are Transmitted:	Copie	ed To:
	Facsimile	ы П	For Your Info/File As Requested	<u>File</u> Via M	lessenger
2	# Of Pages Including Cover		For Review & Comment		<u>ressenter</u>

1	Copies	Description
1	•	One comment letter and graphic for Tualatin Basin Goal 5 Program
с 25 Х		

whpacific.com

Marty Sevier MLS & Associates 2607 SW 28th Portland, OR 97219

April 5, 2004

Tualatin Basin Natural Resources Coordinating Committee

Re: Additional Environmental Conditions

Dear Committee Members:

On March 29, 2004, I testified before you as a representative of the Peterkort family. I gave you some history and reasons why the Peterkort's property that has been designated as transit oriented development to serve the Sunset Transit Center should not have additional environmental conditions placed upon it. The Peterkorts have been good stewards of their property and worked very closely with Washington County and its staff to produce a Master Plan that recognizes high density transit oriented development and environmental concern for the natural resources the site contains. I am sending this additional letter as a follow up to my testimony and a copy of the map generated by the Committee overlaid with the Peterkort's Goal 5 boundaries established and accepted by Washington County during our lengthy mutual master planning effort.

The Peterkort family asks that the Committee review the map and the overlay and not add additional environmental conditions outside the current established Goal 5 boundaries. The family has been working every step of the way with Washington County and its Metro requirements for Title 3 work and the 2040 plan to meet Metro's needs for housing and jobs. We feel it is very unfair for the family to continually have its development schedules delayed and potential projects put in jeopardy through uncertainty with never ending land use controls, especially when the family has been a good partner every step of the way.

We hope you honor our partnership.

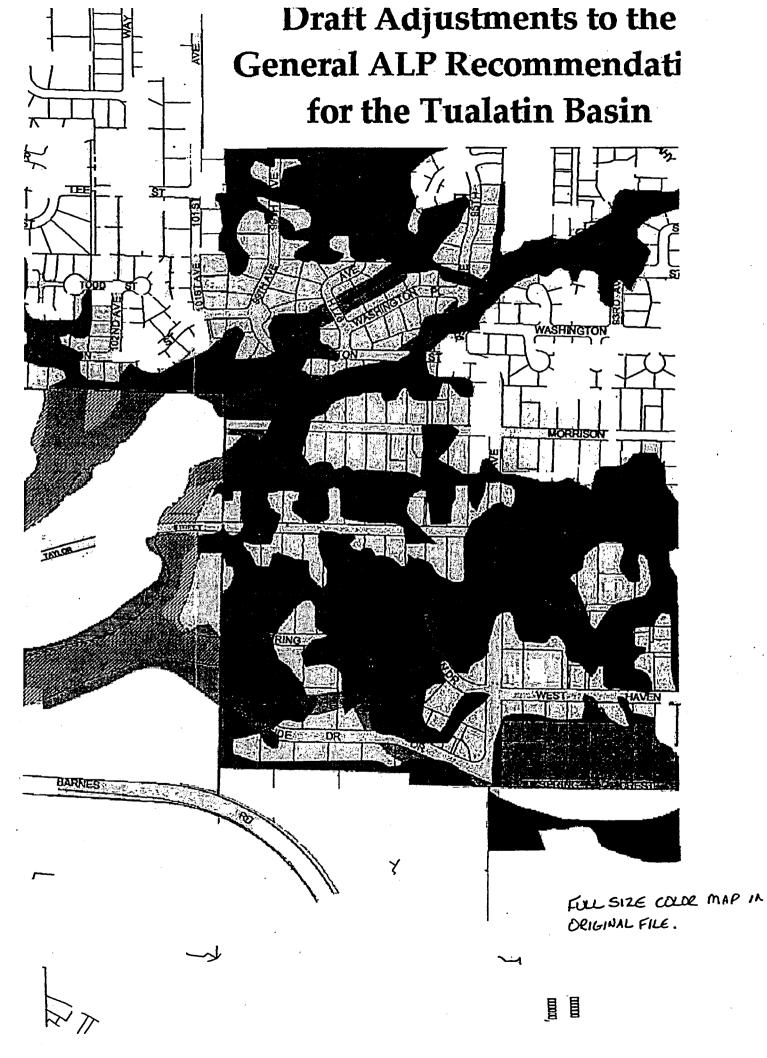
Respectfully,

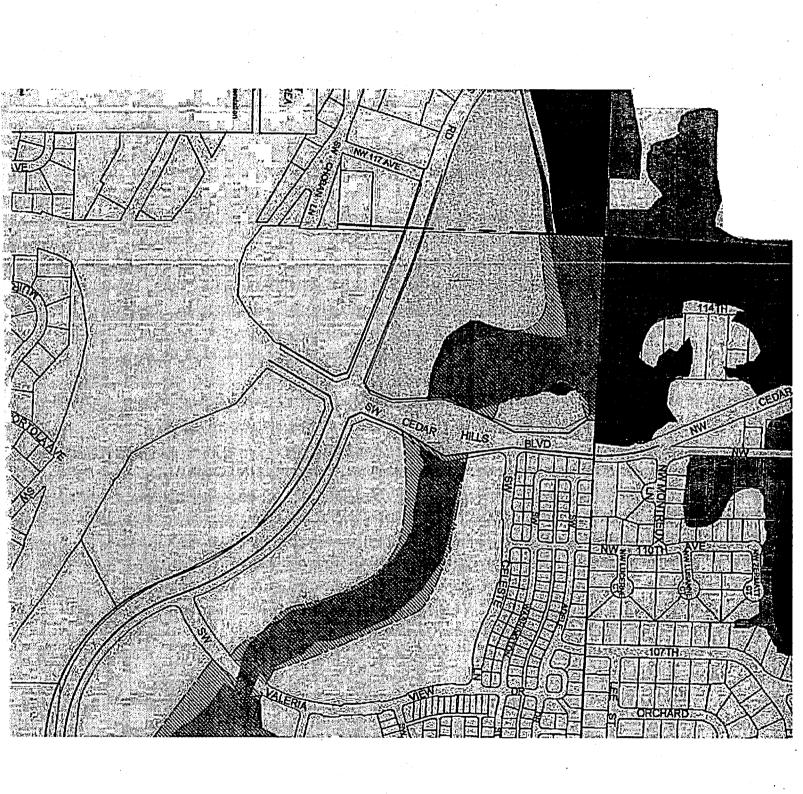
MLS & ASSOCIATES

nartz Senie

Marty Sevier Development Coordinator for J. Peterkort and Company

cc: Lois Ditmars, J. Peterkort & Co. Tim Ramis, Ramis Crew et al





	SPE	CHT	C:P	Janning
Date: To:	8/2/04 Washington County Tom Brian	RECEIVED AUG 0 4 2004	Phone: Fax:	503-846-8681 503-846-4545
From:	Greg Specht President	PLANNING DIVISION Land Use & Transportation	Phone: Fax:	503-646-2202 503-626-8903
Pages:	2 (including cover)			
Subject:	Goal 5			

WASHINGTON COUNTY WASHINGTON COUNTY

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RECEIVED

Specht Properties, Inc. / Specht Development, Inc. • 15400 SW Millikan Way • Beaverton, Oregon 97006

. UJ 2004 83	STECHI CUTHNIES			26 8903 P.U1/02
6	> SPFC	HT) g 2004
			WASHING	TON COUNTY
Date:	8/9/04			
То:	Washington County Tom Brian		Phone: Fax:	503-846-8681 50 3-846-4545
From:	Angela S. Klingsporn Administrative Assistant	F	Phone: Fax:	503-646-2202 503-626-8903
Pages;	3 (including cover)			
Subject:	Goal 5		•	

Per Todd Sheaffer, please find 2 attached letters regarding Goal 5.

Speeht Properties, Inc. / Specht Development, Inc. • 15400 SW Millikan Way • Beaverton, Oregon 97006



August 6, 2004

SIFECHT PROPERTIES SPECHT DEVELOPMENT

15400 S.W. Millikan Way - Beaverton OK 97006 503/646-2202 Fax 503/626-8903 www.spechtprop.com

Via: Fax 503-846-4545

Tom Brian Chairman, Board of Commissioners **Washington County** Public Services Building 155 N 1st Avenue Hillsboro, OR 97124-3072

RE: Goal 5 10025 SW Freeman Court, Wilsonville, OR 97070

Dear Tom:

As the owner of 10025 SW Freeman Court, Wilsonville, OR 97070 (the "Property"), we object to the Goal 5 restrictions that are being considered for this Property. The Property was fully developed in 2000 as a 260,000 square foot headquarters/manufacturing facility, and is home to Precision Interconnect, a division of Tyco International. No Goal 5 restrictions should be placed on this Property. It appears that those areas which are shown as potentially being restricted are either paved or professionally landscaped.

Further, should you decide that it is in the public's best interest to restrict redevelopment on the Property. it is only fair that the public compensate the Property owner. This is simply a matter of equity.

As an aside, should Washington County and Metro choose to proceed with additional regulation under the auspices of Goal 5, Washington County and Metro should take concurrent action to increase the Urban Growth Boundary to accommodate our region's stated 20 year land supply need. Otherwise, you will further restrict the potential for economic recovery in our region.

Best Regards,

SPECHT WILSONVILLE, LLC an OREGON limited liability partnership

E	By: SPECHT PROPERTIES, INC.	
	Its Manager	
	By:	
	Gregory L Specht, President	•
Encl	losure	
C :	Todd Sheaffer Vicki Rising	

s:\comespinatence\gis\gis 04\yosi 5 8-6-04 pi.doc



SPECHT PROPERTIES SPECIT DEVELOPMENT

15400 S.W. Millikan Way • Beaverton OR 97006 503/646-2202 Fax 503/626-8903 www.spechtprop.com

Via: Fax 503-846-4545

August 6, 2004

Tom Brian Chairman, Board of Commissioners Washington County Public Services Building 155 N 1st Avenue Hillsboro, OR 97124-3072

RE: Goal 5 Stafford Distribution Center

Dear Tom:

As the owner of Stafford Distribution Center (9685, 9565, 9445, 9325 SW Ridder Road, Wilsonville, OR 97070) (the "Property"), we object to the Goal 5 restrictions that are being considered for this Property. The Property was fully developed in 1989 as a four building, 248,000 square foot warehouse/distribution facility, and is home to seven companies. No Goal 5 restrictions should be placed on this Property. It appears that those areas which are shown as potentially being restricted are either paved or consist of stormwater detention facilities or professionally maintained lawn.

Further, should you decide that it is in the public's best interest to restrict redevelopment on the Property, it is only fair that the public compensate the Property owner. This is simply a matter of equity.

As an aside, should Washington County and Metro choose to proceed with additional regulation under the auspices of Goal 5, Washington County and Metro should take concurrent action to increase the Urban Growth Boundary to accommodate our region's stated 20 year land supply need. Otherwise, you will further restrict the potential for economic recovery in our region.

Best Regards,

STAFFORD LIMITED PARTNERSHIP, an OREGON limited partnership

By: THE SPECHT COMPANY Its General Partner

Gregory L.

10

echt, President

Enclosure

C: Todd Sheaffer Vicki Rising

JN .

By:

Angela Brown

From:	Ashcreekjsp@aol.com
Sent:	Monday, August 09, 2004 3:17 PM
То:	lutplan@co.washington.or.us
Subject	Tualatin Basin Goal 5 Planning Process comments

To the Tualatin Basin Natural Resource Coordinating Committee:

I would like to express my thanks to the committee for their time and effort to develop a goal 5 program for Washington County. I understand that there are many challenges to balancing the needs of healthy environment, communities, and economies.

I would like to express some significant concerns about plans to mitigate for development in moderate and strictly limited areas. It is very difficult to successfully mitigate for losses of high quality natural habitat – particularly wetlands, floodplains, and mature riparian forests. Building on or near floodplains alters the hydrology and creates impacts that are difficult and very expensive to mitigate. There are a whole set of processes that are interconnected that cannot be replaced by mitigating for one or two factors. Contractors seldom have the expertise to really restore an area. As a restoration specialist, I can speak from experience that it is a time consuming process to bring a lightly to moderately degraded site back to health. Even when we are able to address the immediate problems on a site, we have no control over impacts that happen upstream of a property that can have significant detrimental effects.

Most of the urban creeks and waterways in Washington County already suffer from too much impervious surface, channelization, and loss of connecting off-channel water storage. Additional development in these critical areas will increase the potential for flooding and decrease water quality and quantity. Water moves more quickly and has higher temperatures through systems with a lot of impervious surfaces and fragmented or absent tree cover. Increased impervious surface and urban run-off upstream can change the waterflow and undermine efforts to restore channelized creeks downstream.

In the near future, Clean Water Services and Washington County partners are going to invest a lot of money to meet DEQ water quality requirements for temperature. The new permit that has been developed assumes no net loss of tree canopy along streams. Allowing development along stream corridors and floodplains could undermine a substantial investment of resources. If developers are allowed to remove mature trees near riparian areas (even for small streams), Washington County will lose the benefit of the cooling and filtering abilities of adequate tree cover for the 20-50 years that it takes to reestablish trees somewhere else.

I recognize that buffer requirements will be met, but they address only a part of the problem. A creek that is only lined with a buffer width of trees is not a healthy creek. There is so little quality natural space left in Washington County within the urban growth boundary. People depend on these remaining strips of green for recreational space, a break from the urban environment, and for a variety of ecological functions that they might not even be aware occur such as flood containment, water filtration, temperature moderators (tree-shade does wonders for air conditioning bills), and better air quality.

In looking at the cost comparisons between different choices and levels of development I ask that you consider the full spectrum of costs and benefits. Please do not allow mitigation for strictly and high quality moderately limited areas. If mitigation is going to be required the rations need to be higher and public land should not be used. For the health of the residents of Washington County there needs to be no net loss in the condition of the watershed. High levels of mitigation will lead to a loss in environmental health.

Thank you for your time and consideration.

Sincerely,

Janelle St. Pierre Program Coordinator Ash Creek Forest Management, LLC 9830 SW McKenzie St. Tigard, OR 97223

Angela Brown

From:	Sudunagunta, Satish [satish_sudunagunta@mentorg.com]	
Sent:	Monday, August 09, 2004 10:46 AM	
То:	tom.brian@verizon.net; rdrake@ci.beaverton.or.us	
Cc:	lutplan@co.washington.or.us	
Subject: Proposed changes to the Goal 5 Plan		

To Whom It May Concern:

I am writing to protest the proposed reductions to the Goal 5 habitat protections in North Bethany.

Northeast Bethany is, as you know, a very rapidly growing area. Our neighborhood schools, Wismer and Stoller, are only a few years old and are already at or over capacity. We have no parks in this area, and the only Tualatin Hills Park and Recreation land is a small tract that includes a quarry that the Bethany Terrace Homeowners Association donated to THP&RD.

The farm land to our immediate north was recently brought inside the Urban Growth Boundary and a developer from California

who has a very poor environment history is proposing to build homes on approximately ten acres of land that is an environmentally

sensitive area. This area historically has been the home for deer, a herd of approximately 30 elk, a wide variety of bird and wildlife species.

It also contains a wetland that drains west into other areas of Bethany. If this area is not protected to the full extent of the Goal 5 plan,

a significant opportunity will be lost forever. What could be a wonderful outdoor natural laboratory for more than a thousand grade

and middle school students, since it is within two blocks of both schools will be lost forever.

In my opinion, the proposed changes last Thursday by the Tualatin Basin Natural Resources Steering Committee, and the rush to approval

within the next week, is unreasonable and irresponsible! With so much at stake for so many, for so long, why haven't we the people

been properly notified and given time to digest the proposed changes and provide our comments?

I urge that the committee stop and provide a reasonable time to give an opportunity for those living in this area, and other concerned citizens

to provide their opinions, pro and con, to these changes.

Sincerely,

Satish Sudunagunta 14285 NW GREENWOOD, DR Portland, OR 97229 The Tualatin Natural Resources Coordinating Committee Washington County/DLUT, Planning Division 155 N. 1st Avenue, Suite 350-14 Hillsboro, Oregon 97124 PLANNING DIVISION Land Use & Transportations 1, 2004

RE: Written testimony due by August 9, 2004 on proposed protections within the Tualatin River Basin.

My objection is specific to my property. I strongly object to your existing proposal to impose regulatory restrictions to 'strictly', 'moderately', or 'lightly' limit the current or future uses of my property. My property is located at 14065 S.W. River Lane with lot number 2S116B002501. My property is outside METRO's urban growth boundary. As far as I can tell from the maps on your website, your arbitrary boundary lines cut far more into my property than is necessary. There is a very narrow area that slopes toward the intermittent drainage along the North boundary of my property. A barn and horse pasture have existed for decades within your proposed restricted area. We may decide in the future change our uses or build other structures in the area where you propose restrictions. If you decide to move ahead with your plan, I object to any 'strictly' limit restrictive or regulatory boundary on my property. Any 'moderately' or 'lightly' limit boundary should include a maximum of 15-feet along the Northern boundary of my property. Anything more will be considered a taking of my property rights, uses, and values.

Last of all, it has been difficult to get complete information about your process and the potential effects to my property. Both the March and July open houses were held when I was out of town for the week. In the future, if you are going to have open houses I strongly suggest that they be held not just in different locations but also during different weeks.

Karl Swanson 14065 SW River Lane Tigard, Oregon 97224

RECEIVED

AUG 0 4 2004 PLANNING DIVISION Land Use & Transportation

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

August 3, 2004

RE: Written testimony due by August 9, 2004 on proposed protections within the Tualatin River Basin.

My objection is specific to our community property. Our Rivermeade Community jointly owns and operates a private park at the end of River Lane with lot number 2S116C00600. This property is outside METRO's urban growth boundary. Picnic and play structures, a boat ramp and dock, and many other features have existed at the site since the late 1940's. These uses have long preceded current and proposed land use restrictions. This property is for the use and enjoyment of the members of our community club and can not be developed for private homes. We may decide in the future to change our uses or build other community recreation features. However, these uses would only be a continuation of the community's long established use of the property.

Maps on your website propose restrictions. If you decide to move ahead with your plan, we object to any 'strictly', 'moderately', or 'lightly' limit restrictions on this property. It is already protected from residential development and future structures or features that are built or replaced at this site by our community would only continue uses established over 50 years ago that precede all land use restrictions. Our community, joint owners of this property, oppose any restrictions to our use and enjoyment of this property.

want

Karl Swanson, President Rivermeade Community Association 14065 SW River Lane Tigard, Oregon 97224





Request for Map Correction Regional Fish and Wildlife Habitat Protection Habitat Inventory & Regulatory Program Options Maps (March, 2004) RECEIVE

METRO

AUG 0 9 2004 PLANNING DIVISION and Use & Transportation

Metro's fish and wildlife habitat inventory maps are based on the existence of lakes, rivers, streams, wetlands, floodplains, tree canopy and undeveloped lands in proximity to water. If you believe that there has been an error in the location of, or the presence or absence of one of these. features, a request for map correction can be made by completing this form and submitting sufficient evidence.

Please note that Metro continually receives and processes requests for map corrections. Our current maps do not reflect all of these changes. Corrections will be reflected on future inventory maps when Metro can efficiently take all of the changes into consideration.

Your Name

Mailing Address

SCOHE A Swenson

97007

City and Zip Code

Property Location

ame as above = 152W14 Loca Address of site, tax lot or nearest cross streets/intersection

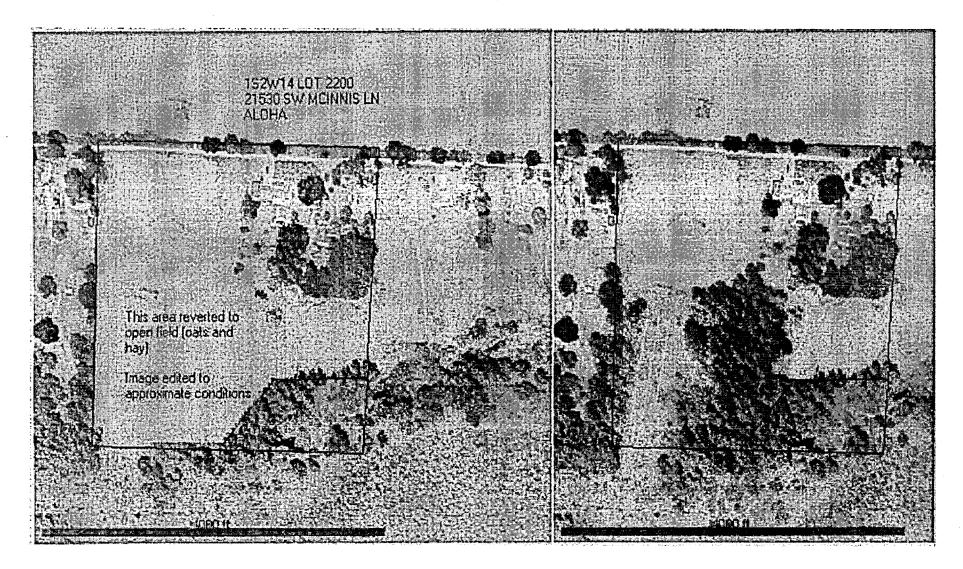
503-591-8014

Map Correction Request. Please describe the physical feature (wetland, floodplain, stream, upland etc.) that should be added or deleted from Metro's maps and the evidence that you have that documents the presence or absence of this feature. See the documentation chart on the

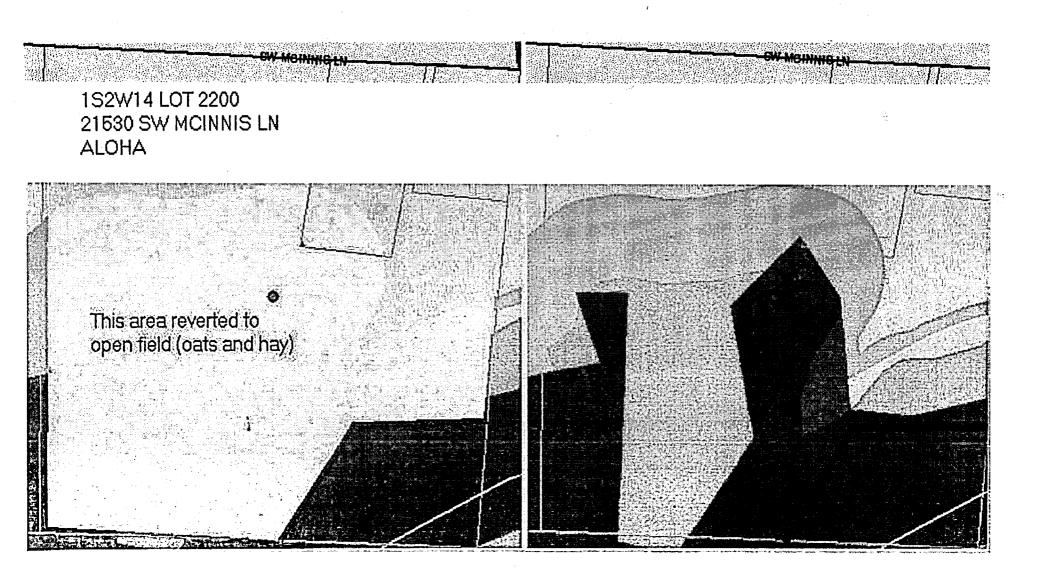
backside of this form for examples of evidence. Once completed, this information should be sent to: *removed* Apr-N

Metro Fish and Wildlife Habitat Protection Program 600 NE Grand Avenue Portland, OR 97232 Fax: 503-797-1911

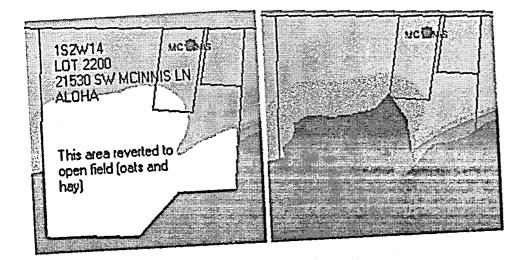
For more information about Metro's fish and wildlife habitat protection program, visit our website at www.metro-region.org/habitat or call (503) 797-1839.



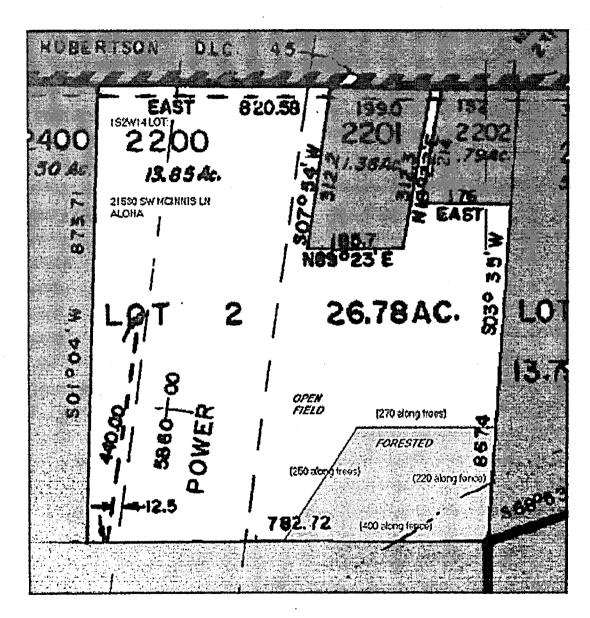
Showing Forest Canopy rem ved (see TaxLot map for dimensions



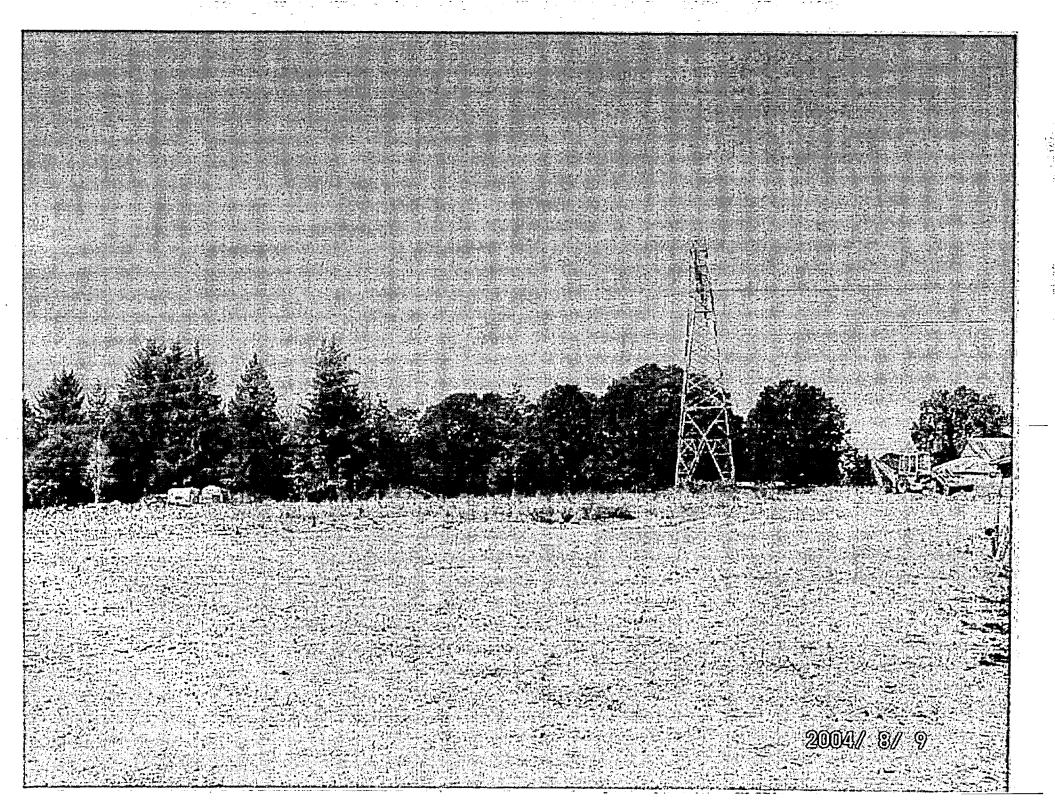
please remove these resources (outside of SE riparian block remaining)

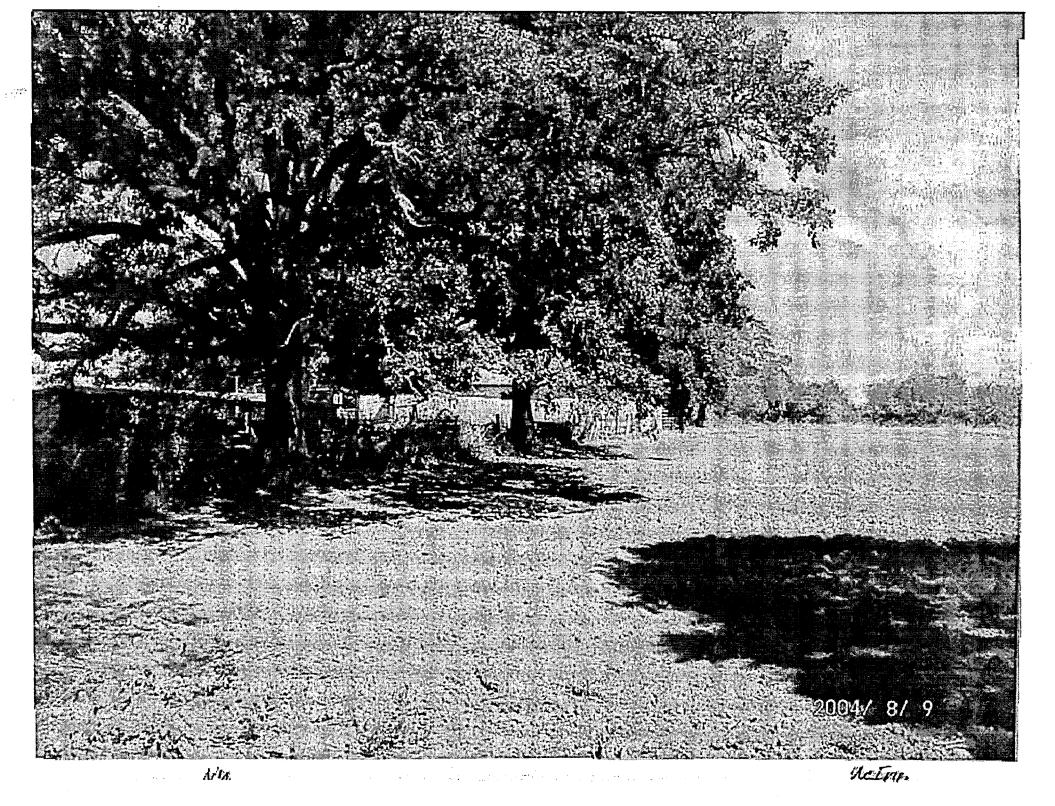


please remove these restrictions (outside of SE riparian block remaining)











State of Oregon Department of Forestry / Department of Revenue Notification number: 2004-531-20545 [53116422]

Attached is the processed information from the Notification of Operation and/or Application for Permits. Please review this information and retain for future reference. [X] Notice is given to the State Forester that an operation will be conducted on the lands described herein (ORS 527.670;

[X] A notice is given to the State Forester and the Department of Revenue of the intent to harvest timber (ORS 321.550)

GB Forest Practices regulated by Washington County Contact Ross Van Loo @ (503) 846-3872 before operating Tax lot

.

WHERE TIMBER HARVESTING IS PART OF THE PROPOSED OPERATION:	District Forest Grove
	office: Forest Grove
NOTICE TO TIMBER OWNER: Party owning the harvested timber at the	
point it is first measured is shown in the section marked TIMBER	county: Washington
OWNER and is responsible for payment of Oregon timber taxes.	WOSTOT:
B. NOTICE TO LAND OWNER: Party shown in the section marked LAND OWNER	Received by ODP on April 21, 2004 at 0800
is responsible for reforestation of the site if so required.	
	15 DAY WAITING PERIOD WAIVED
Naived by	Mike Cafferata on 4/22/2004
And And the Control of the Control o	
A WRITTEN PLAN may be required before certain activities	
can commence on the Operation.	
	******** NOTICE *******
A WRITTEN PLAN may be required for the situations indicated by an	The State Forester has determined that the following
IXI below. A WRITTEN PLAN must be submitted or a WRITTEN WAIVER must be	items requiring your attention are located within or
obtained from the State Porester before any portion of the operation	
	adjacent to your operation area:
may commence.	X Concerns - Resources X Water
	[X] Concerns - Resources [X] Water
Within 100 feet of a large lake or Type pe D stream.	
[OAR 629-505-170 (1) (a)]	See Uni Information on subsequent pages for details
- Within 300 feet of a wildlife resource site listed in the	Operati
1984 ODF/ODFW Cooperative Agreement. [OAR 629-605-170(1)(b)]	
	Scott Swenson
Within 300 feet of any resource identified in the Divisions	21530 SW McInnis Lane
645 or 665 of the administrative rules. [OAR 629-605-170(1)(c)]	Aloha, OR 97007
	Phone: (503) 591-8014
[] Within 300 feet of a state or federally listed threatened	
r endangered wildlife resource site. [OAR 629-605-170(1)(d)]	
St Encangered Withill resource site. took \$25-005-10017 teri	
Please contact the Oregon Department of Porestry forester named on the	Scott Swenson
	21530 SW McInnis Lane
Unit Information sheet for further information on requirements that may	Aloha, OR 97007
be necessary to meet before any activity/operation begins.	
	Phone: (503) 591-8014
signed by SCOTT SWENSON representing the Operator	
	Timber own
	Gristith Covernmen
	Scott Swenson
	21530 SW McInnis Lane
Scott Swenson	Aloha, OR 97007
21530 SW McInnis Lane	Phone: (503) 591-8014
Aloha, OR 97007	
	Marvin D. Brow
Land owner	State Forester District For

Department of Forestry

.

Notification: 04-20545 [53116422]

Jnit: 1 Status: Active Forst Fractices Porester: Mike Cafferata Status: 4/30/2004 End date: 12/31/2004	Phone number: (503) 35	59-7437
site conditions: Lake or Stream within 100 Slope of 0% to 35%		FP = N
No mass soil movement	· · · ·	FPA = N
Acres: 2 Feet: Estimated harve Activity: Road reconstruction Clearing in Methods: Ground/LUC		
Ň	E NW SW SSDDSFDDS Weewweewwe	SE nnssHarv Reg awwe tax use
14 01S. 02W		TXM
Special Concerns		
Code Description Comment		
DGB Within Urban Growth Boundary	######################################	
Water Concern Information		
Description Classification		Rule

Butternut Creek

P str-med Mand written plan

170a

TD:511P5038464412 P:1/1

Summary of Comments 8-2-04 Garland Taylor Wa Co Dept Land Use fax 503-846-4412

My name is Garland Taylor

17235 S.W. 131st Avenue King City, OR 97224 (503) 624-3952

I grew up here in Oregon & own an acre in the proposal area.

AUG 0 2 2004 PLANNING DIVISION Land Use & Transportation

RECEIVED

I am not a land developer & have no commercial interests in the area

I do not believe ANY proposal should be passed until ALL landholders are contacted directly & asked for feedback. I do not recall ever receiving a postcard or meeting notice

Land use planning should protect natural resources but NOT provide additional County REVENUE. we already support our counties with income & property taxes

> It appears that my small 1 ACRE will be restricted to 50% development & may include \$33,000 fees to the County.

> > I see the proposed fees as just disguised property taxes

Additional fees & redtape may actually <u>reduce property values</u>, may reduce revenues to the state & county & may reduce the number of businesses & individuals coming to the Portland Metro area

<u>I believe current land use regulations are sufficient</u> The urban growth boundary regulates development, & there are flood plain restriction.

I am against the Goal 5 Program Report It promotes <u>unecessary redtape</u>, <u>unecessary fees to landholders</u>, & may <u>actually hurt Oregons economy</u> Faxed to WA CO 8-2-04 1PM 503-846-4412 Mailed same day... Garland Taylor/Wa County Dept Land Use.... Written Testimony - TBNRCC/Goal 5 8-2-04 2 pages

Washington County Dept Land Use Written Testimony - TBNRCC/Goal 5 155 N. First Avenue, Suite 350-14 Hillsboro, Oregon 97124-3072

August 2, 2004

RECE VED

AUG 0 3 2004 PLANNING DIVISION Land Use & Transportation

Re: Written Testimony regarding Preliminary Draft - TB Goal 5 Our land - 0.92 acre at 17235 SW 131st King City, OR 97224

Dear Washington County Dept of Land Use

I was born here in Oregon. I grew up here and went to college here. I have chosen to raise my family here and have practiced as a CPA here in Oregon for over 20 years. I wish to make statements regarding the 65 pages of "Preliminary draft, Tualatin Basin Goal 5 Program Report".

1. To my knowledge, I have NEVER received any correspondence or notice of such a land use plan. I have never been informed or invited to any "public meeting", including today's meeting. There seems to be serious deficiencies in your notification of the public regarding your plan. This is supported by the fact that only 240 persons attended the 3 previous open houses (page 1-7). This fact alone should delay any implementation of such a proposal, until ALL property holders affected are contacted directly and individuals are asked to offer comments regarding any plan. I was 1st contacted only today by a County employee regarding the plan & ONLY in response to my email inquiry last Friday. I became aware of today's meeting ONLY from a copy of an email sent last Friday to only a few developers and local governmental agencies. Inever received a notice of todays meeting. Ms. Andrea Vinelli of Washington County planning department indicated that I was indeed on the counties 35,000 mailing list. I have not received any correspondence, to my memory. If 35,000 "postcards" were sent to affected parties, why were only 1320 returned (page 1-8)???

2. The proposals in the Goal 5 Program Report appear to be true overkill. We already have regulations that preclude any development within FLOOD PLAIN areas. We already have development limitations in force through the use of the URBAN GROWTH BOUNDARY limits. <u>We don't need more redtape</u>.

Additional limitations are both confusing and complicated and will unduly challenge approved urban growth boundaries in effect. This will lead to reduced property values & taxable development which would have increased county/state tax rolls, and a continued exodus of business and individuals from the State of Oregon. This will ultimately hurt Oregon's economy, school budgets, and tax structure.

3. The development limitations imposed on our specific property at <u>17235 SW 131st Avenue. King City</u> <u>Oregon 97224</u> are ridiculous in relation to the "inventory" of natural assets involved. We are at least 1/2 mile from the Tualatin River, just outside the 100 year floodplain. Our small 0.92 acre is zoned R9, just recently approved within the Urban Growth Boundary. The East third of our property is a mown field under which our septic drain field lies. The West half of our acre has maybe 10 fir trees and 20 cottonwood trees... the rest is just small scrub brush. There is no creek or water near our property. The closest water is a man-made drainage ditch 200 yards away (for Bull Mountain drainage), and the plan strictly limits development around that "ditch". Just behind our home to the West is a large farmers field that is currently being developed for 350+ homes. The program wouldn't affect that development. The land just South of us (closer to the Tualatin River) is planned for 44x105' lots as is the entire property East of us across 131st Avenue.

With this R9 residential development already approved - THERE WILL BE NO WILDLIFE IN OUR AREA. There is nothing to protect. The area will be 100% residential. Therefore, the plan which limits most of our property to "moderately limit" any development is wrong. We contend that no such limitations should apply to our land at 17235 S.W. 131st Avenue King City, Oregon 97224. Our land is SURROUNDED by small residential lots already developed. Saving a few trees on our land will not keep this area for wildlife - the wildlife has been scared off and is virtually gone. Our house is shaking from the construction in the area 6 days a week, from 7am until dusk...

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Your primary purpose (page 1-1) is to "protect natural resources". That's a noble goal. HOWEVER, any plan to restrict future development should not generate ANY additional fees or revenue to the County.

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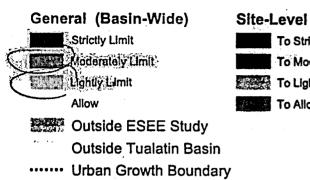
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Sincerety

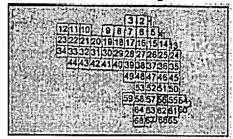
Garland R Taylor 17235 SW. 131st Avenue King City, Oregon 97224 (503) 287-5584 day (503) 624-3952 home



Site-Level Adjustment To Strictly Limit To Moderately Limit To Lightly Limit

To Allow

Staff Report - August 2, 2004 **TBNRCC** Hearing Attachment Ā Page 56 of 68





Serland Taylor 17235 S.W. 1315T AUE

Tualatin Basin Partners for Natural Places Draft Goal 5 Program Report and Recommendation

TIGAND ON 97224

-----Original Message-----From: Garland Taylor [mailto:cpagar@earthlink.net] Sent: Saturday, August 07, 2004 6:28 PM To: brian_hanes@co.washington.or.us Subject: Goal 5 - Tualatin Valley

TO: Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) regarding proposed draft "Tualatin Basin Goal 5 Program": TO: Brian Hanes GIS Specialist Washington County Planning Division 155 North First Avenue; Suite 350 MS14 Hillsboro, OR 97124 ph. 503.846.3960 brian hanes@co.washington.or.us

RE: Written Testimony from residents Garland R Taylor 17235 S.W. 131st Avenue King City, Oregon 97224 (503) 624-3952 Dear Coordinating Committee:

The maps you provided with the proposed draft restrict development (moderate & light on partial) on our small 1 acre at 17235 SW 131st Avenue King City, Oregon 97224. I believe there should be no restrictions on our property since <u>all surrounding areas are already in development stages</u>. The Edgewater Development by Matrix Development has 400 homes being built just West of our property. Another 200 or so have been planned just South of our land. East of 131st Avenue is another development of 1000+ homes. We have no water on or near our acre. We only have clumps of old cottonwood trees and scrub-brush. We should not be restricted from development, since our land is zoned R9 and will have no CONNECTIVITY for wildlife areas. Again, ALL SURROUNDING AREAS ARE ALREADY IN DEVELOPMENT STAGES. Our acre is so small, there will be no way for wildlife to live and survive in our little area. <u>As lifelong residents of Washington County, we ask you NOT to restrict our land at 17235 SW 131st Ave 97224 from development</u>. Appropriate maps are attached. Prior written testimony has also been submitted regarding our land. Copies of this email are being mailed Monday, August 9, 2004. Thanks for your consideration.

GAR

Garland Taylor, resident at 17235 Sw 131st Avenue King city, Oregon 97224 (503) 287-5584 (503) 287-6370 fax cpa@garlandtaylor.com

^ortlandMaps

GARLAND TAYLOR 17235 SW 131ST AVE New Search | Mapping | He KING CITY, OR 97224

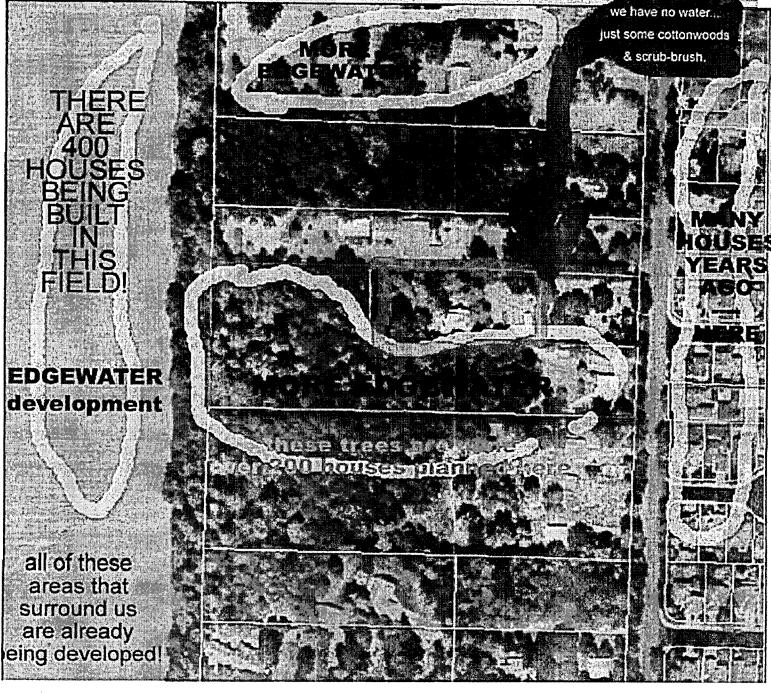
7275 SW 131ST AVE - WASHINGTON COUNTY

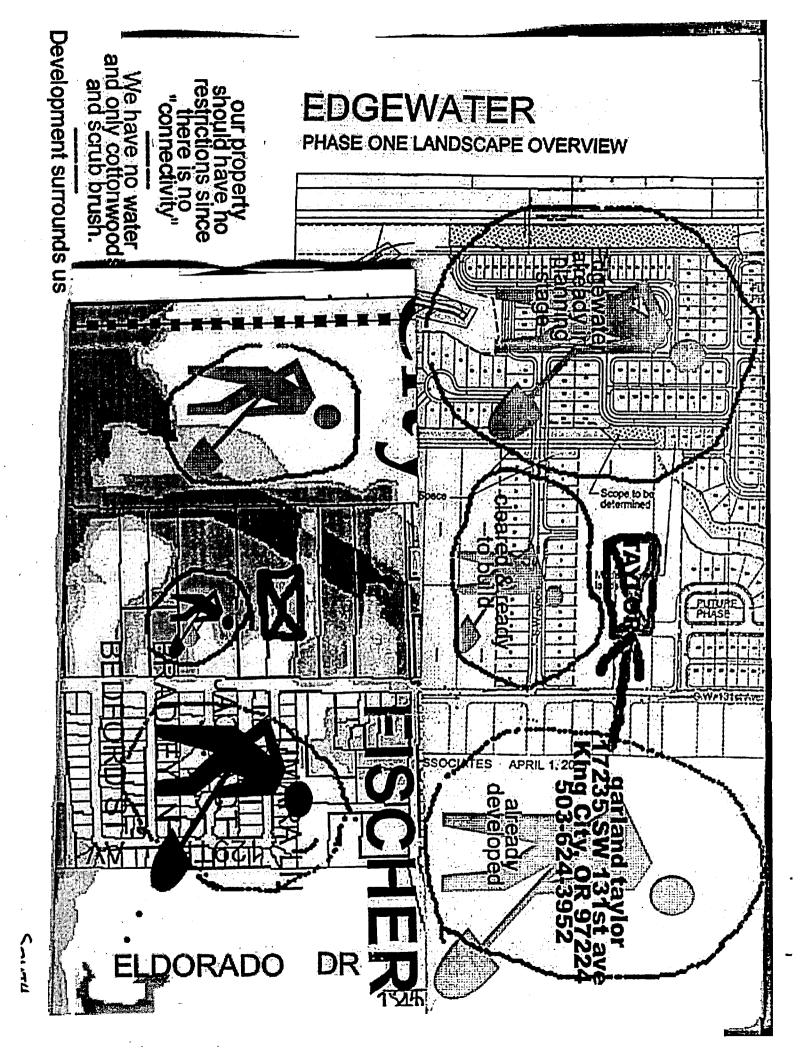
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Aerial Photo









Washington County Dept Land Use Written Testimony - TBNRCC/Goal 5 155 N. First Avenue, Suite 350-14 Hillsboro, Oregon 97124-3072

August 2, 2004

Re: Written Testimony regarding Preliminary Draft - TB Goal 5 Our land - 0.92 acre at 17235 SW 131st King City, OR 97224

Dear Washington County Dept of Land Use

I was born here in Oregon. I grew up here and went to college here. I have chosen to raise my family here and have practiced as a CPA here in Oregon for over 20 years. I wish to make statements regarding the 65 pages of "Preliminary draft, Tualatin Basin Goal 5 Program Report".

1. To my knowledge, I have NEVER received any correspondence or notice of such a land use plan. I have never been informed or invited to any "public meeting", including today's meeting. There seems to be serious deficiencies in your notification of the public regarding your plan. This is supported by the fact that only 240 persons attended the 3 previous open houses (page 1-7). This fact alone should delay any implementation of such a proposal, until ALL property holders affected are contacted directly and individuals are asked to offer comments regarding any plan. I was 1st contacted only today by a County employee regarding the plan & ONLY in response to my email inquiry last Friday. I became aware of today's meeting ONLY from a copy of an email sent last Friday to only a few developers and local governmental agencies. Lnever received a notice of todays meeting. Ms. Andrea Vinelli of Washington County planning department indicated that I was indeed on the counties 35,000 mailing list. I have not received any correspondence, to my memory. If 35,000 "postcards" were sent to affected parties, why were only 1320 returned (page 1-8)??

2. The proposals in the Goal 5 Program Report appear to be true overkill. We already have regulations that preclude any development within FLOOD PLAIN areas. We already have development limitations in force through the use of the URBAN GROWTH BOUNDARY limits. We don't need more redtape.

Additional limitations are both confusing and complicated and will unduly challenge approved urban growth boundaries in effect. This will lead to reduced property values & taxable development which would have increased county/state tax rolls, and a continued exodus of business and individuals from the State of Oregon. This will ultimately hurt Oregon's economy, school budgets, and tax structure.

3. The development limitations imposed on our specific property at <u>17235 SW 131st Avenue. King City</u> <u>Oregon 97224</u> are ridiculous in relation to the "inventory" of natural assets involved. We are at least 1/2 mile from the Tualatin River, just outside the 100 year floodplain. Our small 0.92 acre is zoned R9, just recently approved within the Urban Growth Boundary. The East third of our property is a mown field under which our septic drain field lies. The West half of our acre has maybe 10 fir trees and 20 cottonwood trees... the rest is just small scrub brush. There is no creek or water near our property. The closest water is a man-made drainage ditch 200 yards away (for Bull Mountain drainage), and the plan strictly limits development around that "ditch". Just behind our home to the West is a large farmers field that is currently being developed for 350+ homes. The program wouldn't affect that development. The land just South of us (closer to the Tualatin River) is planned for 44x105' lots as is the entire property East of us across 131st Avenue.

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Sincerely

Garland R / Taylor 17235 S.W. 131st Avenue King City, Oregon 97224 (503) 287-5584 day (503) 624-3952 home

Angela Brown

From:	Tewari, Vijay [vijay.tewari@intel.com]
Sent:	Monday, August 09, 2004 10:41 AM
To:	tom.brian@verizon.net; lutplan@co.washington.or.us
Cc:	Tewari, Vijay
Subject	: Oppose Urban designantion for North Bethany Area

Sir,

It is unfortunate to hear that the Tualatin Basin Natural Resources Steering Committee has recommended that the Future Urban areas including North Bethany area be transferred to Urban areas which changes the habitat protections for the areas under consideration. We are a resident of the Bethany area and chose to live in this area due to its proximity to natural vegetation and habitat. The children have utilized this opportunity to the fullest by taking nature walks where they can observe the natural residents (plants and animals). It has been a pleasure to do this. We are extremely concerned that the change in habitat protection will lead to a loss of natural surroundings in the area. This will be a huge loss to the children who have benefited greatly from the natural ecology of the area.

We strongly oppose the inclusion of North Bethany as an urban area which leads to a lowering of the habitat protection for the area.

Regards Vijay Vijay Tewari 5647 NW Crady Lane Portland, OR 97229



THE BOOKIN GROUP

Land Use & Institutional Planning

Policy Analysis

Project Management

Group Facilitation

FACSIMILE TRANSMISSION Date: To: トメウ Compan AUTON Ľ ns Fax: 503 KOLLULI From:__ 12ochn # of Pages: 3 althe TBNRCC Notes: 111

1020 SW Taylor Suice 760 Portland, Oregon 97205

Telephone 503 241.2423

Facsinule 503.241.2721 ÷



Commercial Real Estate Economic Coalition

1211 SW Fifth Ave. + Suite L-17 + Portland, OR 97204 (503) 228-9214 + Fax (503) 223-1659

August 9, 2004

Tualatin Basin Natural Resource Coordinating Committee Washington County Department of Land Use and Transportation 155 North 1st Avenue, Suite 350-14 Hillsboro, Oregon 97214

Re: TBNRCC's Goal 5 Fish & Wildlife Protection Program

Dear Members of the TBNRCC:

The Commercial Real Estate Economic Coalition (CREEC), which is composed of 17 trade associations, organizations and companies involved in the sale, development and management of retail, office, institutional and industrial properties, has followed both the Metro and TBNRCC Goal 5 planning processes carefully for several years. There are several aspects of the TBNRCC process that have been superior to that of Metro's, whose work will apply to the rest of the metropolitan area:

The collaboration of Washington County, its urban jurisdictions and selected special districts is a model for sound planning and assures that the regional Goal 5 program will be more appropriately tailored to the characteristics and needs of the jurisdictions where it is implemented.

TBNRCC has been able to refine Metro natural resource inventory in a technically credible manner by using the already-completed local Goal 5 inventories of its local jurisdictional partners. Nevertheless, because of its agreement with Metro, TBNRCC has not been able to undertake major modifications of the inventory even when it may have been warranted. From the beginning, CREEC has expressed concerns about the scope and accuracy of the regional inventory and the controversial political decision to deem all resources as "regionally significant" regardless of their environmental value.

 In its ESEE analysis, TBNRCC has acknowledged the importance of job preservation/creation by designating all employment land as "high value", thus, subjecting it to slightly less stringent regulation than other land use categories.

However, CREEC has the following concerns with the proposed regulatory program/funding package:

It is our understanding that on individual sites with riparian resources, Metro's Goal 5 inventory overlaps with and, in most cases, extends beyond the acreage already designated for Title 3/Goals 6-7 regulation. Implemented through Clean Water Services' (CWS) storm water manual and local zoning codes, property within the Title 3 riparian corridors are essentially "no-touch" and must be upgraded to a "good" condition when development/redevelopment occurs anywhere on the site. Thus, it is only the increment, that is, acreage lying between the edge of the Title 3 resources and the mapped Goal 5 resource that will be subject to the new TBNRCC regulations. However, this incremental impact has not been calculated. Of the approximately 17,000 acres in the Metro inventory within the Tualatin Basin, we do not know if Title 3 lands comprise 20%, 50% or 90% of total acreage. Thus, we cannot accurately evaluate the additional impacts associated with regional Goal 5 implementation above and beyond the already sizable Title 3 impacts. Moreover, we need more information how the TBNRCC regulations relate to existing Goal 5 regulations already incorporated in local zoning codes.

Associated Builders & Contractors + Associated General Contractors + Certified Commercial Investment Members of Commercial Investment Real Estate Institute + Columbia Corridor Association + Commercial Association of REALTORS* + International Council of Shopping Centers + National Association of Industrial & Office Properties + Olson Engineering Inc. + Oregon Mortgage Lenders Association + Portland Metropolitan Association of Building Owners & Managers + Providence Health Systems + Retail Task Force + Schnitzer Investment Corp. + Society of Industrial and Office REALTORS* + Westside Economic Alliance Letter to TBNRCC August 9, 2004 Page 2

> The proposed 50% increase in Storm Water Management (SWM) fee from the existing \$4 to \$6/month per equivalent dwelling unit (EDU) could have a significant impact on non-residential uses, including many of the basin's largest and most economically important businesses and institutions. Although we feel it is preferable that the costs of general upgrade/restoration of the basin's natural resources be borne by all property owners rather than shifted to the commercial/industrial sectors, the collective impact of increasing system development charges (SDCs), fees and taxes could impede economic development just as we are coming out of a major recession. Moreover, there has not been sufficient technical support for investing \$127 million in such environmental improvements over 20 years. We would propose the institution of a lesser SWM increase to fund demonstration projects, and based on the success of these, TBNRCC could then build the technical and political case for subsequent increases if warranted.

> We are also concerned about the stringent restoration requirements and in-lieu-of-fee requirements for affected property owners whose sites contain Goal 5 resources. As noted above, in most cases, these property owners are already subject to Title 3 regulations that are among the most stringent in the region. This is a concern for two reasons: 1) cumulative costs of doing business in the basin will be make the Portland metropolitan area less competitive; and 2) it is likely to result in significant loss of development capacity. Of course, because we do not have an accurate take on the total Goal 5 acreage affected less Title 3 land, it is not possible to calculate the potential loss of development capacity. However, if the loss is significant, neither TBNRCC nor Metro has acknowledged explicitly that full implementation of the regional Goal 5 program will likely result in the need for a compensatory UGB expansion, since continued up-zoning of commercial, institutional and industrial land has its practical limits. Of course, regional UGB expansions will be increasingly contentious in coming years given the growing urban/agricultural conflict. Moreover, because Metro has not formally recognized the need for sub-regional analysis, there is no guarantee that lost development capacity in Washington County will be replaced nearby.

CREEC asks that TBNRCC proceed with caution in making its decision about this proposed regulatory program and funding package. Ideally, the decision should be delayed until a determination of the total acreage affected has been undertaken. This is not unreasonable given that Metro has decided to delay the adoption of its own program until next year. In the meantime, CREEC is committed to working collaboratively with the TBNRCC partners. Our members understand the value and importance of a healthy ecosystem. However, we also need to be able to sustain a healthy economy to maintain the quality of life that all Oregonians value. Thank you for the opportunity to provide this input.

Sincerely,

mike Thous

Mike Tharp, Chair Commercial Real Estate Economic Coalition

Angela Brown

From: Cheryl Thoen [cthoen@teleport.com]

Sent: Saturday, August 07, 2004 5:35 PM

To: tom.brian@verizon.net

Cc: lutplan@co.washington.or.us

Subject: Reduced protection for North Bethany habitats

I have recently learned that, on Thursday August 5th, the Tualatin Basin Natural Resources Steering committee proposed significant reductions to the Goal 5 habitat protections in North Bethany. I'm writing to let you know that I oppose the proposal to move Future Urban areas to an Urban designation. I believe that this would result in the loss of protection for significant North Bethany habitats. It's important to protect those non-urban habitats still remaining.

Cheryl Thoen 2933 NW 53rd Dr. Portland, OR 97210

Thornton and Associates, Inc. RECHIVED 10005 SW Lancaster Rd. Portland OR 97219-6391 (503) 246-5518 / (503) 246-3816 Fax APR 24 tennise@gwest.net 2004 **Employee Benefit Packages** PLANEPEIG Thalatin Basn Coord. Comm 10 Picase protect the 28,000 acres of pish & wildlife n The Thoulatin Basin

Increase protections for a continuous ecologically viable stream corridor for fish and wildlife habitat. Scientific research in the Tualatin Valley has linked wide and continuous streamside or riparian vegetation to the health of rivers and watersheds and the integrity of fish and wildlife habitat. Wide, healthy and continuous stream corridors reduce the impacts of adjacent urban development in the watershed and will be vital to local compliance with the Clean Water and Endangered Species Act (for threatened steelhead). All primary function habitats, that provide the most important ecological functions, should be strictly protected!

No-net loss of riparian habitats: Development must avoid and minimize impacts to riparian habitats, but any habitat loss must be mitigated at least 1:2 ratio, 1:3 for the highest value habitats. We cannot increase over-all watershed health with a net loss of riparian habitat!

Protect trees and upland forests. Protect upland forest areas for terrestrial wildlife. especially birds, and water quality. Urban forest canopy also reduces the volume of stormwater run-off discharged to streams through pipes. Trees also can improve water quality and cool and clean the air in our neighborhoods. The Tualatin Basin needs a consistent and strong basin-wide tree ordinance to protect upland forests and maintain the multiple values of trees in our communities.

Protect Habitats of Concern: The Tualatin Basin plan must apply the strongest protections possible for "Habitats of Concern." These are habitats that support one or more of than 50 species listed as sensitive, at risk, or threatened, or with extinction.

Tennise Thornton Jennise Thornton 3535 SW Multhomah # 155 Port OR

August 9, 2004

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



Regarding: Comments on the proposed Tualatin Basin Goal 5 program; protecting fish & wildlife habitat

I wish this letter to be placed into written testimony for the hearing that was held August 2, 2004. I understand that the comment period extends to August 9, 2004 until 5:00 pm.

Doesn't this effort just make you feel good about yourself? Metro, cities and counties are stepping forward to inhibit property rights of local residents in the name of natural resource protection. The cities, county and Metro are in the process of converting farmland to industrial land. Human demand consumes thousands of acres of Tualatin valley wildlife habitat for residential use. Goal 5 is being imposed so that this society can feel that they have done something 'green' in nature so that they feel good about the development.

Specific to my wife and me; Goal 5 protections mandate that we have a severely restricted ability to build on our property. Our land is in the urban growth boundary of Hillsboro. We have 435 feet of frontage on a county road. We have lived on the property for 24 years. We knew that we had the potential to build on our land when the city limits moved out by annexation. Now Goal 5 comes forward and snaps that away. On one hand society through government is consuming enormous acreage of premium valley farmland for residential and industrial uses. On the other hand, it prevents landowners the right to realize the full value of their property. Maybe the Wood Village resident, Glen Edgerton, had the right idea. With vague, undefined provisions about future wildlife habitat protections and the effect on landowners, the only action left is to decide upon drastic action. Wait you say, "It's a work in progress"!! Wait so that government entities have time to impose more binding restrictions.

My point is this; do not be unbending on implementing fish and wildlife habitat protection. It hurts some people financially, the scope is large. We chose to let our property have natural vegetation. Our neighbors cleared theirs years ago for pasture. They are preparing to build houses on their land. We will be at the least restricted, the worst banned from building homes. Be reasonable with your decision making. You have the power to hurt people as well as help people. Do not be over zealous. What can I say at this point to minimize the impact of Goal 5 restrictions? Government is forcing this upon landowners and the individual has little or no impact on the outcome.

Fred Stoman

Brad Toman 31400 NW Camp Ireland St Hillsboro, OR 97124

Home telephone, 503-648-2633 Work telephone, 503-945-8668



2300 N.E. Brookwood Parkway Hillsboro, Oregon 97124

Phone: (503) 615-9000 FAX: (503) 615-8900 http://www.triquint.com

RECEIVED

AUG 0 6 2004

LAND DEVELOPMENT SERVICES LAND USE & TRANSPORTATION

August 6, 2004

Tom Brian, Chair And Members Tualatin Basin Goal 5 Natural Resources Coordinating Committee c/o Washington County/DLUT, Planning Division 155 N. 1st Avenue, Suite 350-14 Hillsboro, OR 97124

RE: TriQuint Comments: Proposed Tualatin Basin Goal 5 ALP Map Designations And Program Concepts.

Dear Chair Brian and Committee Members:

First, we would like to thank you for allowing us to comment on these new proposals.

Second, we would like to state that TriQuint's goals are consistent with the endeavors of the Basin Project. This consistency is supported by the fact that TriQuint purchased property in Dawson Creek Park South Owners Association where 29 acres have been developed to create additional wetlands and natural space for wildlife as a part of our storm water management system that was required by Clean Water Services and the City of Hillsboro several years ago. As a result, we feel TriQuint continues to be a good neighbor, while creating jobs in our area to support our local community.

TriQuint would like to recommend that the Basin Approach to project mitigation tools include (1) applying past investments in Goal 5 resource protection, made by proposed projects that expand existing land uses, as well as (2) ongoing costs incurred by sponsors of such expansion projects to support existing wetlands and other natural places, as reasonable mitigating actions. Also, the value of these past investments and ongoing costs should factor into estimating in-lieu mitigation fees if such expansion projects choose that method of on-site mitigation. In addition, property owners should be compensated for property that can no longer be developed, or the cost to develop is significantly increased. Our recommendations are supported by the following facts. Dawson Creek Park South has 139 acres. When the park was developed, 29 acres were set aside for wildlife habitat as a common area. This common area is highly developed and includes:

- A sophisticated pump house and well system.
- 7 separate ponds.
- Each pond is provided with fresh well water to maintain high water quality for the wildlife.
- Paved walking paths with bridges, benches, patios and viewing areas.
- Professional landscaping with trees, shrubs, irrigation, natural spaces, fine green lawn and other amenities.
- The annual cost to support the natural spaces and common areas for Dawson Creek Park South has averaged \$278K for the past seven years and will continue into the future. These costs are paid by the property owners in the park. See attached budget recap.

Dawson Creek Park created 29 additional acres of natural spaces because we are concerned about the environment. In addition, the common areas require a significant annual investment to maintain. Even with all this environmental support, we now learn that the proposal creates further limitations on developable land that will increase our cost to complete our master site plans for the use of our property.

As a property owner, we feel unduly penalized for being environmentally conscious when our property was developed. It could be argued from a business point of view that we would have benefited by not creating these natural spaces, and then the new Goal 5 map would not impact the cost of continuing to develop our property.

TriQuint was fully aware of then-applicable site development and resource enhancement costs it would have to incur to support the common natural areas and water quality/storm water management facilities within Dawson Creek Park when we purchased our property several years ago. In addition, we also analyzed the cost to develop the land according to the existing CCR's on the property. Most of the set backs for development purposes average 25 feet. However, the proposed Basin Approach Program will increase our site expansion development costs beyond these known (and accepted) costs to protect ponds that were built for storm water management (and not to create wetlands). Had we been aware of these facts when we purchased the property, we should have paid less in order to achieve the same net present value from our investment.

Our review of the proposed map indicates that TriQuint will be impacted by both Strictly Limit and the Lightly Limit mitigation (or in-lieu fees) requirements when we build the next phase of our master site plan. Not only will we be precluded from developing some of our property by the Strictly Limit ALP designations, the Lightly Limit designation within our property could cost TriQuint an additional \$260,000 to expand our facilities and supporting infrastructure. When we add this to our annual cost to support the existing natural areas in the park, our ability to be competitive in the semiconductor industry will be impacted.

In summary, we strongly feel that property owners who have <u>created</u> natural spaces (where they once did not exist) should be given credit for the value of these man-made environmental assets (that are actually high-quality designed storm water management facilities) against required Basin Approach on-site mitigation requirements or in-lieu mitigation fees. In addition, for portions of our property that are classified "Strictly Limit" but allowed to be developed under our existing CCR's, the property owner should either (1) be allowed to develop according to its master plan; or (2) be compensated for the loss of developable land as the right to develop these portions of the property have already vested.

Thank you for your consideration of our recommendations.

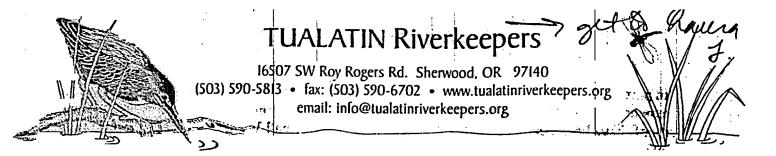
Sincerely,

Jeff A. Killian Director of Oregon Finance



Dawson Creek Park South Owners' Association Financial Overview

	1999	2000	2001	2002	ì	2003	
OPERATING INCOME:	Actuals	Actuals	Actuals	Actual		Actual	
Assessment - South	\$ 216,405	£ 177 606		6 6 6 6 1		• • • • • •	
Assessment - North		\$ 177,505		\$ 237,941		\$ 218,462	\$ 225,248
Assessment - Private	\$ 28,790	\$ 30,286		\$ 32,224		\$ 33,412	\$ 35,412
Interest Income	\$ 12,594	\$ 8,074		\$ 12,624		\$ 12,624	\$ 12,624
· · · · · · · · · · · · · · · · · · ·	\$ 5,437	\$ 3,720		\$ 632		\$ 302	\$ 360
Other Income	\$ 8,880	<u>s</u> -		<u>s -</u>	··· -	\$ (1,243)	<u>s -</u>
TOTAL OPERATING INCOME	\$272,106	\$219,585	\$275,597	\$ 283,421	\$ 261,016	\$ 263,557	\$ 273,644
OPERATING EXPENSES:							
Repairs & Maintenance							
Repairs & Maintenance Salaries	s -	s -	\$ 324	\$ 38	s -	¢	¢
Electrical	\$ 439	\$ 58	\$ 57	3 30 \$ -	\$ 400	\$ \$	\$- \$400
Other Building Maintenance	Š -	s -	\$ 13,364	\$ 4,685	y 400	3	s 400 S -
Grounds Maintenance	\$ 9,815	\$ 20,199	\$ 2,163	\$ 4,007	\$ 12,000	s -	\$ 5,400
Landscaping Contract - South	\$ 84,698	\$ 82,188	\$ 84,304	\$ 83,335	\$ 83,460	\$ 83,469	\$ 83,472
Landscaping Contract - North	\$ 14,424	\$ 16,274	\$ 16,358	\$ 16,311	\$ 16,320	\$ 16,311	\$ 16,320
Landscaping Contract - Private	\$ 8,238	\$ 10,980	\$ 10,980	\$ 10,980	\$ 10,980	\$ 10,980	\$ 10,980
Repairs & Supplies - South	\$ 41,644	\$ 60,161	\$ 50,830	\$ 37,390	\$ 36,447	\$ 32,534	\$ 61,168
Repairs & Supplies - North	\$ 7,999	\$ 9,565	\$ 12,226	\$ 4,715	\$ 3,151	\$ 3,653	\$ 7,232
Security Contract	\$ 16,524	\$ 13,094	\$ 11,803	\$ 13,397	\$ 13,200	\$ 13,320	\$ 13,525
Subtotal	\$ 183,781	\$ 212,519	\$ 202,409	\$ 174,858	\$ 175,958	\$ 160,267	\$ 198,497
Electricity - South	\$ 29,599	\$ 29,995	\$ 27,251	\$ 34,752	\$ 36,000	\$ 41,297	\$ 42,000
Electricity - North	\$ 5,983	\$ 3,752	\$ 3,890	\$ 5,122	\$ 5,100	\$ 4,718	\$ 5,100
Sewer	s -	\$ -	\$ (1,043)	\$ -	\$ 0,100 \$ •	\$ -,,,10 \$ -	\$ -
Insurance	\$ 8,679	\$ 8,032	\$ 8,104	\$ 10,215	\$ 11,186	\$ 16,672	\$ 5,085
Management Fees - South	\$ 30,912	\$ 30,912	\$ 31,332	\$ 30,675	\$ 29,424	\$ 29,424	\$ 32,134
Management Fees - North	\$ 5,616	\$ 5,616	\$ 4,590	\$ 3,984	\$ 3,756	\$ 3,756	\$ 4,376
Management Fees - Private	\$ 1,584	\$ 1,584	\$ 1,497	\$ 1,644	\$ 1,644	\$ 1.644	\$ 1,647
Administrative & Operating	\$ 4,132	\$ 3,442	\$ 3,996	\$ 1,265	\$ 1,500	\$ 1,122	\$ 2,700
Audit/Tax Fees			•	\$ 371	\$ 1,500	\$ 2,973	\$ -
Legal Fees	<u>\$ 4,132</u>	<u>\$ 3,442</u>	\$ 3,996	<u>s</u> -	<u>\$</u> 1,000	\$ 998	\$ 1,000
TOTAL OPERATING EXPENSES	\$274,418	\$299,294	\$286,022	\$262,886	\$267,068	\$262,871	\$292,539
SOUTH ASSESSMENTS PER YEA	R: 2004	\$1,995.46					
	2004						
		\$1,923.78					
	2002	\$2,000.65					
	2001	\$1,843.59					
	2000	\$1,657.55					
	1999	\$1,710.52					
	1002	¢1 902 00					



Date: June 23, 2004 To: Tualatin Basin Natural Resources Steering Committee RE: Goal 5 Tree Program

We appreciated Barbara Fryer's presentation on Beaverton's Scenic Tree Program last Thursday. We see a comprehensive basin-wide urban forestry program as an essential part of the Tualatin Basin Goal 5 program and have the following recommendations.

OVERALL PROGRAM CHARACTERISTICS

- 1. The tree program should promote preservation and increase of the urban forest canopy across the landscape and not just limit itself to riparian areas or headwaters.
- 2. The program should be comprehensive, including regulatory, educational, technical services and incentive elements that both promote tree canopy preservation and increase in urban forest canopy.

In order to make a strong financial case for the program, functional ecological benefits should be quantified and monetized. Such accounting of the benefits of urban trees can be used to facilitate performance monitoring and adaptive management, to determine the proper level of investment in trees, and to justify mitigation fees and fines. The financial performance of municipalities may also benefit:

With the new GASB 34 rule, set to begin in 2004, governments will have to report their assets on an accrual basis-that is to account for the monetary value of their infrastructure assets throughout their lifespans and factor in depreciation. Here's where trees come in: Calculating the monetary value of trees for improving air and can be worth billions in a city. Counting urban forests as assets boosts a government's financial performance and improves bond rating. The Center for Neighborhood Technology in New York is starting to do a pilot study to explore the feasibility of this. Watch for this to develop. - www.urbanforests.org

Ecological benefits of trees that should be accounted for include:

- Removal of sulfur dioxide, carbon monoxide, ozone, nitrogen dioxide, and particulate matter from the atmosphere,
- Carbon sequestration,
- Summer energy savings from shading, associated cost savings and carbon output avoidance,
- Groundwater recharge,
- Erosion, landslide, and flood prevention and property loss cost savings
- Reduction in noise pollution
- Property value increase
- Stormwater control and avoided cost to stormwater management system.

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. In particular, quantification of stormwater management benefits is needed to justify expenditure of stormwater management fees on the program. Formulas for stormwater runoff have been developed in the Urban Hydrology for Small Watersheds model (TR-55) by U.S. Natural Resources Conservation Service.

GOALS

The program should have specific measurable milestones and objectives. We suggest the program adopt the urban forest canopy goals recommended by American Forests in their study, Regional Ecosystem Analysis for the Willamette/Lower Columbia Region of Northwestern Oregon and Southwestern Washington State.

40% tree canopy overall

50% tree canopy in suburban residential zones

25% tree canopy in urban residential zones

15% tree canopy in the central business districts

In addition to the overall canopy objectives, we encourage adoption of the following goals:

- 1. Retain current upland and riparian canopies
- 2. Re-establish lost riparian canopy and forest corridors
- 3. Maintain/restore diversity of tree ages and native species
- 4. Provide tree cover in the context of natural wooded areas large connected tracts, appropriate understory vegetation

KEY PROGRAM ELEMENTS

We see the following elements as key to a tree canopy preservation and enhancement program:

- 1. Baseline inventory. Goal 5 inventory supplemented by local tree inventories from THPRD and cities with tree programs.
- 2. Designation of Urban Forest Commission or Board, their responsibilities/authority.
- 3. The program should garner public support.
- 4. Performance should be evaluated against standards on a periodic basis.
- 5. Enforcement methods and designation of body responsible for enforcement.
- 6. Funds should be available for
 - baseline inventory
 - community education, tree maintenance assistance
 - enforcement, follow-up inspections
 - urban forester and qualified site inspector positions
 - technical advising for commission when requested
 - long-term evaluation of plan effectiveness
 - restoration efforts, outreach to volunteer organizations
 - evaluation of plan effectiveness on a periodic (3-year) basis

Carbon trading should be added into the mix of potential funding opportunities. Energy producers, such as power plants could meet part of their air pollution reduction requirement by obtaining "credits" from those who have forests or agricultural land to sequester carbon from the atmosphere. Oregon House Bill 2200 authorized the State Forester to establish programs to market, register, transfer or sell forestry carbon offsets on behalf of state forestland beneficiaries, the Forest Resource Trust, and other non-federal forest landowners. A bill in the U.S. Senate proposes to a similar program on a national scale. Locally, PacifiCorp is investing in reforestation for carbon sequestration to mitigate



for the impacts of their fossil fuel power plants. Portland General Electric was lead sponsors of Friends of Trees, five-year "Seed the Future" urban tree campaign.

In reviewing various municipal tree ordinances, we are concerned that mitigation standards based upon diameter at breast height (DBH) fall far short of mitigating for the temporal impacts. For example, replacing a 200 year old, 24" DBH Oregon white oak with twelve 2" Oregon white oaks may not achieve replacement for functional values lost for a hundred years or more. Further, we urge that mitigation requirements and penalties for non-compliance be at a level sufficient to provide a disincentive to loss of critical functional values.

Thank your for consideration of our recommendations for tree canopy protection and enhancement in the Tualatin Basin Goal 5 program.

Sincerely,

Brian Wegener Watershed Watch Coordinator

Susan Murray TRK Citizen Action Committee July 29, 2004

Lee VanDomelen 4380 NW Leisy Rd. Hillsboro, Or 971:24

RECEIVE

JUL 3 0 2004 PLANNING DIVISION Land Use & Transportation

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

Gentlemen:

The purpose of this letter is to provide written testimony at the public hearing on August 2, 2004.

I am totaling against your proposed natural resource protection program. I am against its concept, implementation and bureaucratic regulations. Government is once again trying to confiscate private land without renumeration. Oh you say, we are not taking the land we are only placing restrictions and telling the land owners what they can't do with their land. But you do allow them to continue to pay property taxes and fund your bureaucratic nightmare.

Why do you think mother nature needs you to protect the wildlife. I would doubt if anyone involved including the "experts" really know anything about nature. You are promoting wildlife habitat in the middle of an urban area. Did you happen to think this is not natural and you are going to cause problems, even deaths.

Did you know there are cougars and bears living in those woods? If, and I truly hope it doesn't, the program continues and you heap a multitude of regulations and restrictions on the poor land owner to fund your empires you are going to start killing people. Yes bears and cougars do kill people, especially in your bureaucratic dream world.

Did you know it is against the constitution to take peoples land without reimbursement? You say you are not taking the land only regulating it. Baby that is the same thing. Are you aware of the Supreme Court ruling on A-boy Electric verses the City of Tigard. The City wouldn't let A-boy build on their own land because of the governmental foot path. Well guess what, the City lost. I hope you are prepared. Maybe you need to hire a battery of Attorneys to cover you at taxpayer expense.

We don't need you, we don't want you. I fully expect the next thing our wonderful government will rry to regulate is motherhood.

If you would like me to meet the committee in person I would be happy to do so. I really hope there is someone in our wonderful government that cares about the rights of the land owner instead of their kingdom. It is just sinful that a landowner has to hire a land use afterney at \$300,00 per hour to do something on his land that the constitution guarantees.

Sincerely N De VanDomele Certified mail, return receipt requested

RECEIVED PEVELOPMENT SERVICES

Coordinating Committee The Tualatin Basin Natural Resource

08/07/04

Comments on the Tualatin Basin Goal 5 Planning Process.

I have been following with interest the Metro-regional and Tualatin Basin Goal 5 initiatives. Several characteristics are apparent to me.

There is an organized, funded, and informed movement by the environmental groups. Their agenda seems to be " ask for maximum blanket protection of fish and wildlife habitat". They ask for large areas of land while incurring none of the associated expenses or personal losses.

The property owners, on the other hand, are not organized; they are not funded, nor do they appear well informed and involved on matters concerning the potential use of their property. It is the property owners who will bear the greatest financial loss as well as the use of their land.

Many property owners have already suffered losses in the stock market and in their retirement programs. Property owners are now depending on their land value to provide funds for their children's education and their own future financial independence and security.

Please consider the property owner when making decisions regarding land use. Your decisions will effect the owner's ability to use the land, now and in the future.

Name: Address: Cora VanOsdol 56500 Old Portland Road Warren, OR 97053

Signature:

RECEIVED APR 28 2004 PLANNISIG DIVISION Land Use & Transportatio.

Al Waibel 22495 NW Quatama Rd. Hillsboro, Oregon 97124

Metro Goal 5 600 NE Grand Ave. Portland, Oregon 97232 Attn. Justin Houk

April 9, 2004

Dear Mr. Houk,

This letter is in regard to the Metro Goal 5 proposed overlays, as it relates to family property currently titled to my mother, Mrs. Wilhelmina E. Waibel. The property is located at the northwest quadrant of the intersection of Rood Bridge Road and the Tualatin River, in Washington County, adjacent to the Hillsboro city boundary (tax lot number 1S208DD03500). This letter is a continuation of both our phone conversations and of the written communications, particularly of the letter and data sent to you on the 24th of September, 2003. For over 100 years the property use has been split between cropland (about 10 acres), orchard and rotation woodlot (about 2 acres) and preserved native vegetation (including mature Doug. Fir, about 2 acres).

We are now nearing the end of an extensive invasive species removal and clean-up of the Waibel property along Rood Bridge Road. By far, extensive growths of Himalayan blackberry constituted the greatest problem, though English ivy, feral cherry, hawthorn, filbert and plum also contributed. During the last nine months we have achieved the completion of the bulk of the major removal and clean-up along the western and southern portions of the agriculture area where the growths had invaded both the crop and the orchard. The clean-up areas included opening up from blackberries an historic apple tree that was planted by the original DLC holder near the southeastern corner of the property.

Mr. Houk, it is our expectation that you and your colleagues at Metro will be able to rectify some of the errors perpetrated by the City of Hillsboro's Goal 5 map. As you may recall, we take issue with some of the boundaries and classifications on the maps and overlays as part of the proposed Goal 5. Please be assured that all of us are in full support of the Goal 5 endeavors. We do, however, expect Goal 5 boundaries to be scientifically honest and technically defensible. Line-drawing on air-photos, unsupported by site visits, is not a substitute for scientific observations and *a posteriori* conclusions. One proposed boundary, "wetlands", best illiterates problems with some of the boundaries shown on your maps. The Oregon Division of State lands defines wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soul conditions". The three criteria that are used to determine wetlands are hydrology, substrate and biota. The biota (flora and fauna) and the substrata (soil) of much of the area covered by the red

overlay "local wetland" for the Waibel property are clearly incompatible with the scientific and legal definition of wetlands as defined by the Oregon Division of State Lands. At your suggestion the following photos and comments are provided with expectation that scientific and legal definitions would prevail over the technically indefensible boundary lines as currently shown.

Area 1 Northwest corner of the property and adjacent northern and western property lines, cropland.

Reason for discussion: Orthophoto maps provided by you in October 2003 shows landscape plantings in the fenced yards of housing adjacent to this area as having been given "Forested Patches ≥ 1 Acre" designation, with an overlap onto the Waibel property.

Please find attached for Area 1 three photos and a black-and-white copy of a county aerial photo (the aerial photo was probably taken at about 1990) with reference points for the three photos. Please note, the circles added to the aerial photo indicate the locations from which each of the photos was taken. The number within the circle corresponds to the number on the photo sheet. The arrow from each circle indicates the view direction of the photo.

Photo 1 Taken from the northwestern corner of the property, looking east along the northern property line.

Photo 2 Taken from the northwestern corner of the property, looking south along the western property line. Please note the wooden yard fencing along the property line at the right of the photo. Please note the overhanging landscaping trees from adjacent yards over the Waibel property. Also please note the fresh scraped ground between the crop and the fencing where massive Himalayan blackberry growth has just been removed and burned.

Clearly shown in the background of photo 2 please note the many well established Douglas fir trees growing on the slope between the rotation woodlot big-leaf maple and the river to the south. As you are well aware, the big-leaf maple on the upper and midslope, and the old and healthy Douglas fir of the mid-slope are prima facie evidence that those areas cannot be wetlands.

Photo 3 Taken from the central western property line looking north to the northwestern corner of the property. Please note the backyard landscape trees to the west of the property line.

Conclusion: The designated "Forested Patches ≥ 1 Acre" of this Area 1 as shown on the Metro overlay appears to have been based on yard landscaping and probably some of the now-removed Himalayan blackberry growth. We would suggest that there is no "Forested Patches ≥ 1 Acre" overlapping onto this portion of the Waibel property. It is

none of our affair as to the clumping of landscaping in adjacent fenced backyards as a "Forested Patches ≥ 1 Acre".

Area 2 The southern and southwestern portion of the property; cropland, orchard, rotation woodlot, and native species areas.

Reason for discussion: Orthophoto map overlay provided by you in October 2003 shows all strongly vegetated areas to be "local wetlands", "Habitats of concern", and "Forested Patches >= 1 Acre".

Please find attached for Area 2 three photos and a black-and-white copy of a county aerial photo (the aerial photo was probably taken at about 1990) with reference points for the three photos. Please note, the circles added to the aerial photo indicate the locations from which each of the photos was taken. The number within the circle corresponds to the number on the photo sheets. The arrow from each circle indicates the view direction of the photo.

Photo 1 Taken from the cropland looking west and southwest. Background, from the right edge to the center of the photo, are big-leaf maple, part of the rotation woodlot. Center left background are two Douglas fir trees with diameters of about 2 and 3 feet. These two trees have been preserved and are not included in the woodlot cutting rotation. On the left side of the photo, behind the vehicle, is a large European chestnut, about 100 years old, used for the nut crop. Down-slope, almost out of view is part of the native species area that we have preserved throughout the years. Note, in the foreground, the irrigation standpipes used to irrigate the crop throughout the summer.

Photo 2 Taken from the farm track near the edge of the tree line looking west. In the foreground are remnants of invasive berry vines that have almost completely been cleared. Background, from the right of the photo to the center, are big-leaf maple, part of the rotation woodlot. Behind the vehicle are two Douglas fir trees with diameters of about 2 and 3 feet. These two trees have been preserved and are not included in the woodlot cutting rotation. On the left side of the photo is a large European chestnut, about 100 years old, used for the nut crop. Behind the chestnut are big-leaf maple that are included in the rotation woodlot.

<u>.</u>

Photo 3 Looking west, into a portion of the orchard. The thick-trunked tree on the right is a cherry tree, approximately 70 years old. Behind the cherry tree are bigleaf maple, part of the rotation woodlot. Center, mid-way back, is a small fir, one of a number of rotation plantings used for Christmas Trees. Behind the Christmas tree are some plum trees. In front of the vehicle are some young fruit trees, planted in 2000. Behind the vehicle is a pear tree, about 80 years old.

Conclusion: All of the treed areas shown, the fruit trees, the Douglas fir, the chestnut and the maple, are included in the "local Wetlands" designation. This suite of trees cannot thrive in a wetlands environment. The fact that these specific trees dominate the area and are healthy and have thrived for multiple decades is prima facie evidence that this area is not wetlands.

Area 3 South and southeastern portion of the property, including area adjacent to the new bridge construction; orchard, rotation woodlot, native species areas.

Reason for discussion: Orthophoto map overlay provided by you in October 2003 shows all of this area as "local Wetlands", extending from the river, across the river bench, up the slope, and out into the cropland. The proposed wetlands boundary and the existing thriving flora contradict each other. Both the wetlands and the habitat of concern boundaries on the Metro overlay maps provided by you seem to be based solely on the philosophy that trees observed on air photos equal both wetlands and habitat of concern.

Please find attached for Area 3 five photos and a black-and-white copy of a county aerial photo (the aerial photo was probably taken at about 1990) with reference points for the five photos. Please note, the circles added to the aerial photo indicate the locations from which each of the photos was taken. The number within the circle corresponds to the number on the photo sheets. The arrow from each circle indicates the view direction of the photo.

Photo 1 Taken from the bridge looking west across the majority of the slope from just below the upper cropland on the right to just above the river bench to the left. At the lower left of the photo is the trunk of an apple tree that is approximately 150 years old. Around the base of the trunk and up through the center and right of the photo are remnants of Himalayan blackberry vines; the remnants of extensive growths that had covered all the slope shown in this photo (the final remnant edges of our invasive species removal). At the right of the photo is a cluster of filbert. The background vegetation is dominated by big-leaf maple. The big-leaf maple from the center background and on upslope (to the right) is part of the rotation woodlot. From the center background of the photo and on down-slope is part of the native species area that we have preserved throughout the years.

Photo 2 Taken from near the base of the bridge looking west, similar to Photo 1. At the lower left is the old apple tree. Brown dead and dormant Himalayan blackberry vines dominate much of the foreground. A filbert cluster is toward the right, and the deciduous tree at the right is a European chestnut. In the central background are big-leaf maple trees, part of the rotation woodlot. Background left is part of the native species area that we have preserved throughout the years.

Photo 3 Taken from the farm track looking southeast toward the riverbridge intersect. In the left background are two oak trees. Left foreground is a European chestnut. Foreground center is a filbert cluster. Behind the filbert cluster in the downslope background is the 150-year-old apple tree. Down-slope are the remnants of Himalayan blackberry vines which had covered the entire slope in view. Beyond the remnant blackberry vines, to the right, is part of the native species area that we have preserved throughout the years. Please note that portions of the preserved native species area down near the river are wetlands as defined by the Oregon Department of State Lands.

Photo 4 Taken from the orchard area looking south into a portion of the rotation woodlot. Foreground left shows a portion of a big-leaf maple stump cut in 2002. Center foreground shows broadleaf maple stumps cut in 1998, adjacent to a replacement young big-leaf maple tree. Near background shows big-leaf maple for future cutting and replanting.

Photo 5 Looking west, with yet-to-be removed berry vines in the foreground. Right background is a pear tree. Center background are plum trees in full bloom. Left background are big-leaf maple trees, part of the rotation woodlot. Extreme left background is the edge of the native species area that we have preserved throughout the years. At the extreme left of the photo, well down-slope, are the trunks of two Douglas fir trees. The branches and needles of these fir trees are observed in the upper left corner of the photo.

Conclusion: The proposed "wetlands" boundary and the dominant thriving flora are contradictory. Either the trees in the photographs do not exist or the proposed "wetlands" boundary is drawn incorrectly.

SUMMARY:

Wetlands Three criteria that are used to determine wetlands are hydrology, substrate and biota. The Oregon Division of State lands defines wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soul conditions". The obvious artifact of a wetlands area is the flora which naturally thrive and dominate a given location (a prevalence of vegetation typically adapted for life in saturated soul conditions). A natural dominance of healthy and thriving wetlands vegetation is prima facie evidence that the area is wetlands. The inverse is also true. A natural dominance of a healthy and thriving community of vegetation typically adapted for life in a non-saturated soil condition is prima facie evidence that the area is not wetlands. The dominant and thriving and healthy vegetation covering at least two thirds of the area on the Waibel

property that your map shows as "wetlands" consists of domestic fruit trees (including one apple tree approximately 150 years old), Douglas fir (*Pseudotsuga Menziessii*) up to 4 feet in diameter, big-leaf maple (*Acer macrophyllum*), and Himalayan blackberry. As you and your supporting professional staff are aware, this specific floral community is prima facie evidence that the ground it occupies cannot be "wetlands" as defined by the scientific community or by the Oregon Department of State Lands. With regard to the substrata, the soil on the lower bench adjacent to the river is a Chehalis Silty Clay Loam, a soil with poor drainage and capable of hosting true wetlands. The soil on the slope above the river bench and up across the cropland is a Quatama Loam, at this location a micaceous silt deposited from the Spokane Floods. This soil has high percolation and drains very well. This substrata setting is not capable of sustaining the saturation required for wetlands. On the Waibel property the on-site soil and vegetation data clearly impeach the armchair air-photo line drawing results promoted by the City of Hillsboro on their Goal 5 maps.

Mr. Houk, the only portion of the proposed designated "wetlands" on the Waibel property put to the test of on-site scrutiny (Pacific Habitat Services Inc., refer to my letter and supporting documents to you dated 24 September 2003) was found to be markedly wrong. In addition, the edge of the urban growth boundary approximately 1200 feet to the west of the Waibel property shows a clear and abrupt linear off-set in excess of 500 feet between the wetlands designation provided to Metro by the City of Hillsboro and the "Metro Wetlands" from a non-Hillsboro source. Many scientists refer jokingly to this as "major boundary-fault offset" or "government boundary reality failure". Obviously the results of Metro's own technical sources refute the City of Hillsboro's wetlands overlay at this point. On-site observation shows the "Metro Wetland" boundary (green hatched on the maps you provided) to reasonably reflect probable natural wetlands areas. The red overlay "Local Wetlands" areas of City of Hillsboro origin are both greatly divergent from the Metro Wetlands boundaries and cannot withstand the scrutiny if on-site observation. Metro's decisions are not always popular with everyone. However Metro has, in the past, had a reputation for scientific integrity and honesty. All we expect is that the proposed boundaries be based on scientific accuracy rather than on capricious or slothful bureaucracy emanating from the City of Hillsboro. It is our sincere view that you and your colleagues at Metro are capable of rectifying some of the errors perpetrated by the City of Hillsboro's Goal 5 map on the Waibel property.

100 Year Floodplain As a scientist I am impressed, nay, I am in awe, of a document showing any water-level line, such as a flood plain line, in a broad valley setting, that crosses topographic lines numerous times over short distances. Please ask the opinion of any licensed professional hydrologist. I think you may enjoy the humorous responses as much as I have.

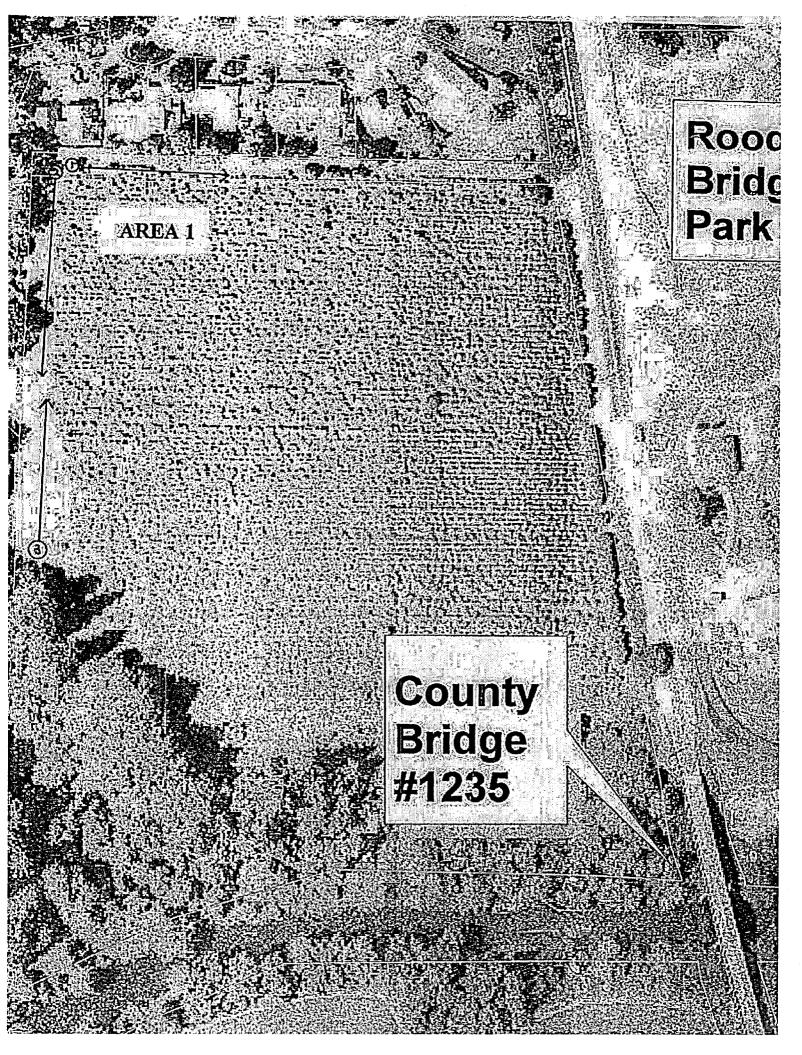
Habitats of Concern The "Habitats of Concern" lines presented on your map appear to be another example of someone, somewhere, drawing lines on photos

around trees. On the Waibel property the orchard, the rotational woodlot and the native species areas have all been included in this designation. To the west of the Waibel property some 24 developed and fenced house lots have been mostly to completely included in this designation, with an identical overlap classification of "Forested Patches ≥ 1 Acre" for the same fenced house lots. Is it correct to assume that the City of Hillsboro just applied a standard for this area that trees equal "Habitats of Concern"? Is this in line with Metro's guidelines?

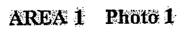
Thank you Mr. Houk for your attention to this particularly vexing problem. Metro should be able to expect Goal 5 maps submitted by Metro cities to be accurate. Unfortunately not all cities within Metro are able to meet the professional standards needed by Metro to fulfill well-reasoned objectives. If you have any questions or are interested in additional back-up data please let me know. Actual soil and vegetation samples are easy to provide. The optimum situation would be if you or one of the other professionals within Metro were able to have a site visit.

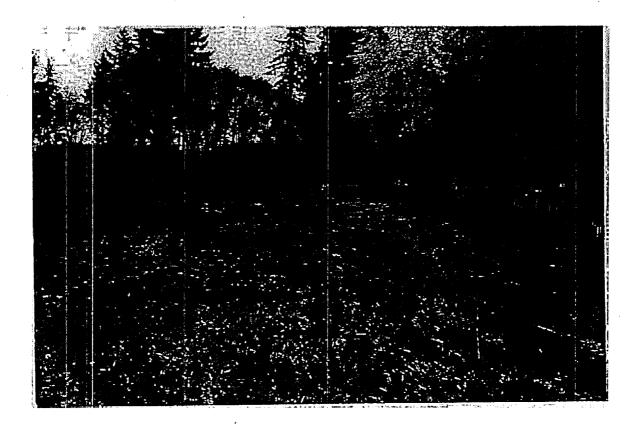
Yours very truly,

Al Waibel





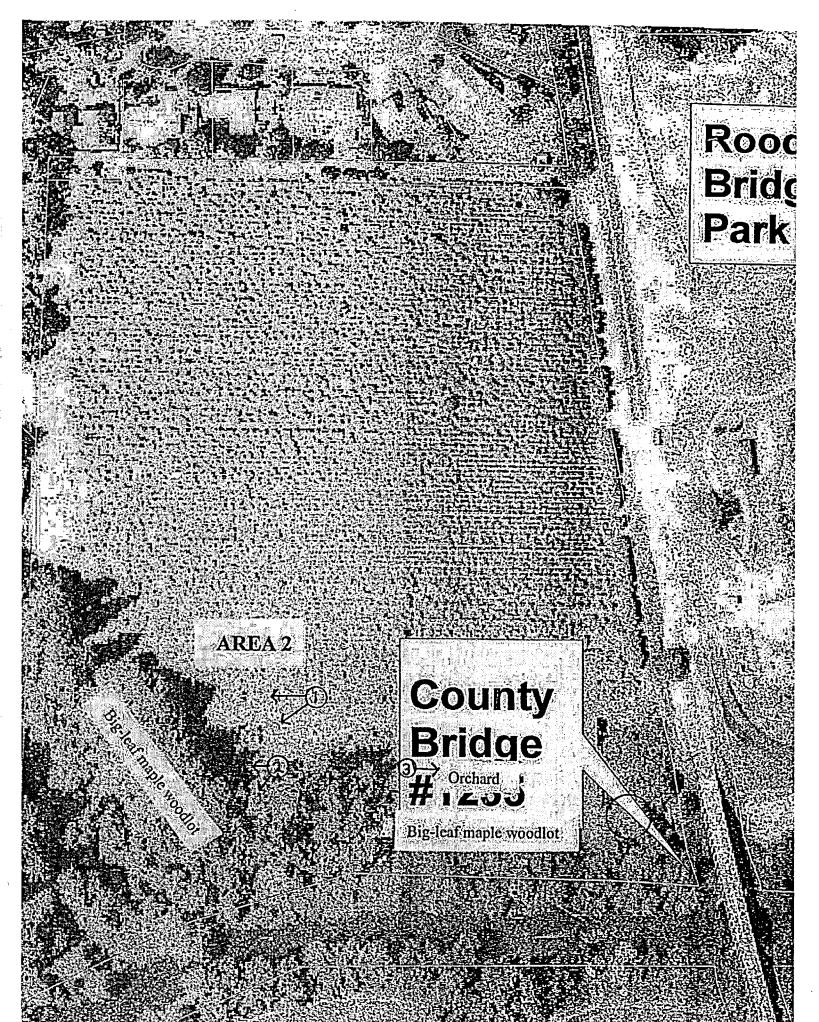




AREA Photo



AREA Photo 3





AREA 2 Photo

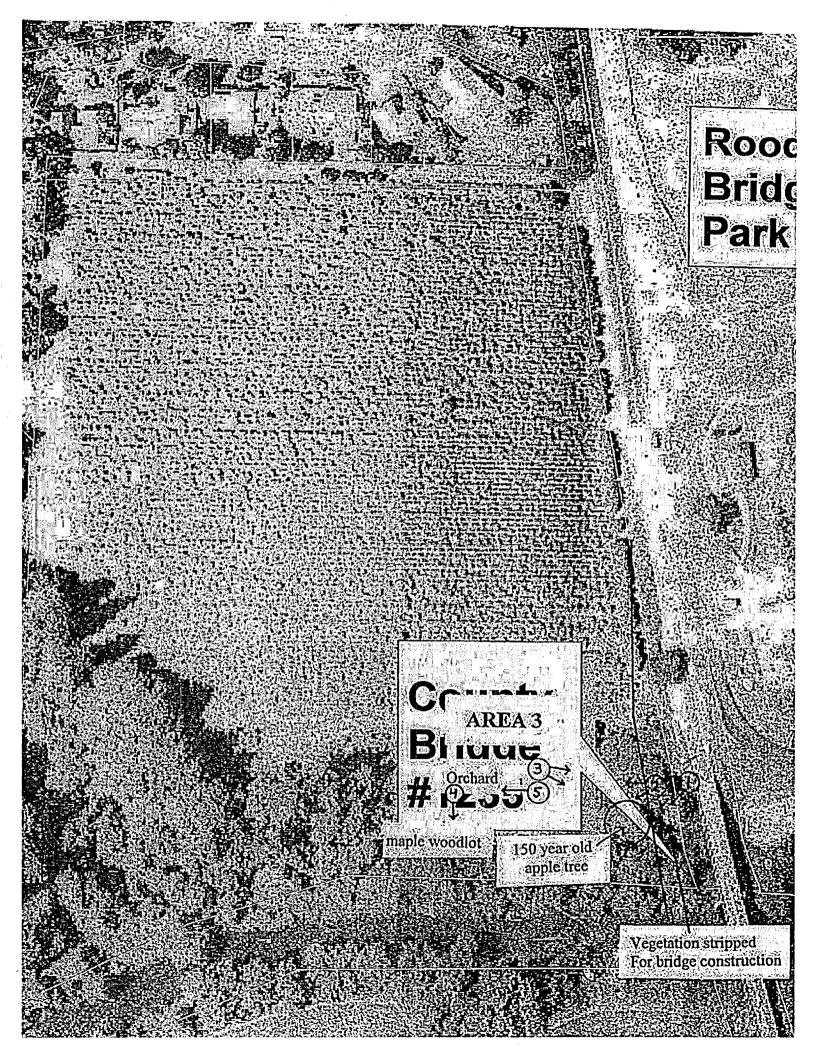


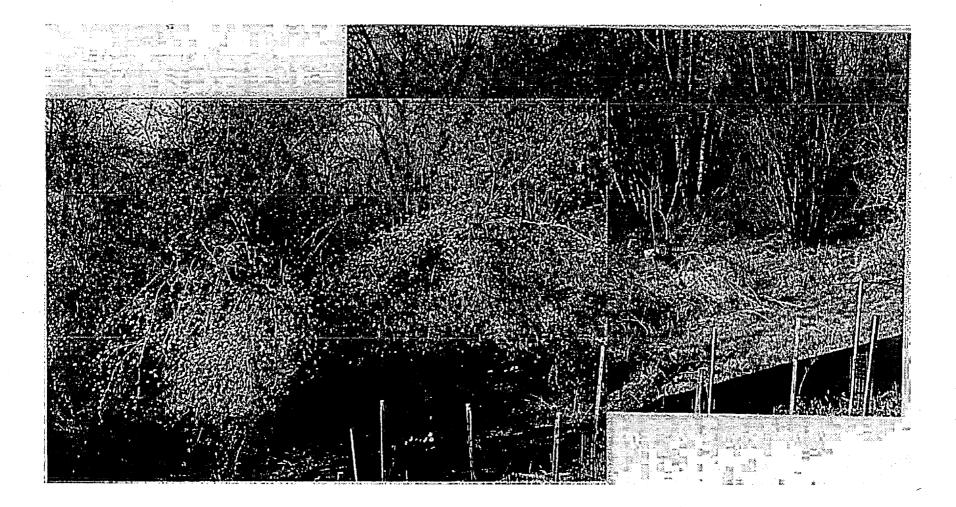
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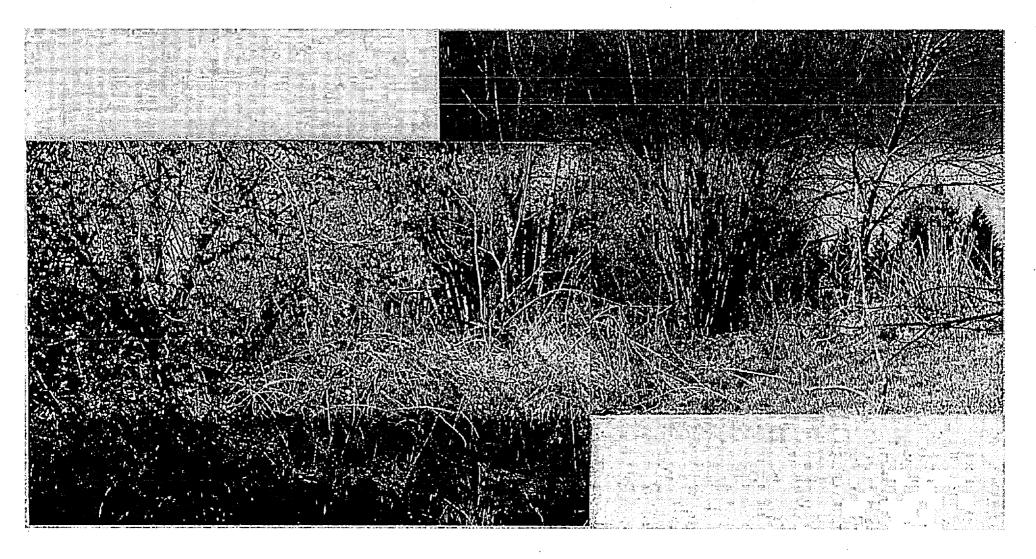
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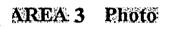
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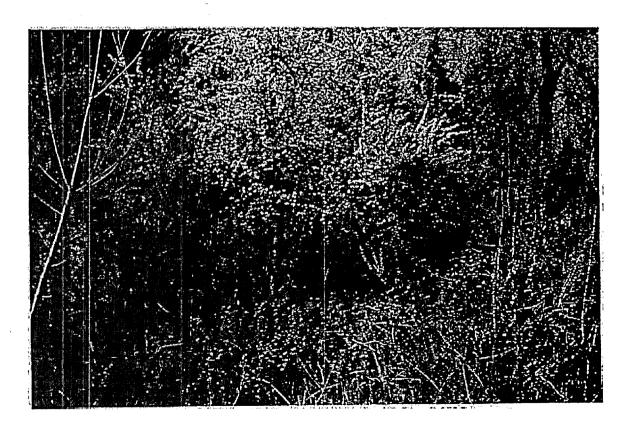
Photo 2



AREA 3 Photo 3







AREA 3 Photo

Laura Taylor

From:Anne MaddenSent:Wednesday, August 04, 2004 12:31 PMTo:Laura TaylorSubject:FW: Goal 5 Comment—FYI

more testimony.

-----Original Message-----From: Sheri Wantland [mailto:WantlandS@CleanWaterServices.org] Sent: Tuesday, August 03, 2004 3:24 PM To: Anne Madden Subject: Goal 5 Comment--FYI

Hi Anne,

On July 30, Susan Kirk of Beaverton (503-671-9733) left a voicemail for me to express her opposition to Goal 5 as anti-business and anti-schools. She said it was negative, costly and threatened property rights. She resents that the discussion of fees came so late in the process. Finally, she said she would submit a letter.

Sheri Wantland Public Involvement Coordinator Clean Water Services 2550 SW Hillsboro Highway Hillsboro, Oregon 97123 wantlands@cleanwaterservices.org Direct line: (503) 681-5111 Fax: (503) 681-3603 Main phone: (503) 681-3600 www.cleanwaterservices.org

Laura Taylor

From:Anne MaddenSent:Friday, July 23, 2004 11:31 AMTo:Laura TaylorSubject:FW: MEETING NOTICE - Tualatin Basin Goal 5 Steering Committee

a goal 5 comment

----Original Message-----From: Brian Wegener [mailto:brian@tualatinriverkeepers.org] Sent: Friday, July 23, 2004 10:31 AM To: 'Steve Kelley'; 'Andrea Vannelli (E-mail)'; 'Anne Madden'; ''Barbara Fryer - Beaverton' (E-mail)'; ''Barbara Shields - Tigard' (E-mail)'; 'Brent Curtis (E-mail)'; 'Brian Hanes (E-mail)'; 'Cathy Corliss (E-mail)'; 'Chris Deffebach - METRO (E-mail)'; ''Chris Eaton -Angelo-Eaton Assoc.' (E-mail)'; 'Craig Dye - Clean Water Services (E-mail)'; ''Dan Stark - Fishman Env. Svcs. ' (E-mail)'; ''David Noren' (E-mail)'; ''Dick Reynolds - Cornelius' (E-mail)'; 'DJ Heffernan (E-mail)'; ''Don Otterman - North Plains' (E-mail)'; 'Doug Miller - City of Hillsboro (E-mail)'; 'Doug Rux - City of Tualatin (E-mail)'; ''Duane Roberts - Tigard' (E-mail)'; 'Ed Murphy - City of Sherwood'; 'Hal Bergsma - Beaverton'; 'Jeff Beiswenger - City of Forest Grove'; 'Jennifer Wells - Hillsboro'; 'Jim Hendrix - Tigard'; 'Jim Jacks -Tualatin'; 'Joe Grillo - Beaverton'; 'Jon Holan - Forest Grove'; 'Julia Hajduk - city of Tigard'; 'Julie Reilly - THPRD'; 'K.J. Won - City of Durham'; 'Leigh Crabtree - Beaverton'; 'Lori Hennings - Metro'; 'Mark Brown'; 'Mark Turpel - METRO'; 'Pat Ribellia'; 'Paul Gilles - City of Hillsboro'; 'Paul Schaefer'; 'Richard Meyer - Cornelius'; 'Roel Lundquist - City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Hopkins -Tualatin'; 'Valerie Counts - Hillsboro'; 'Wink Brooks - Hillsboro' Cc: 'Alice Kinzer (E-mail)'; 'Alisa Pyscka - DRG Design'; 'Allice Ellis Gaut (E-mail)'; 'Andy Tiemann - Centex Homes'; 'April Olbrich (E-mail)'; 'Carol Chesarek (E-mail)'; 'Celina Patterson (E-mail)'; 'Craig Brown -Legend Homes'; 'David DeHarpport - Four D Construction'; 'Doug Browning - Hillsboro Argus (E-mail)'; 'Elaine Smith - ODOT'; 'Jennifer Snyder (E-mail)'; 'Jennifer Thompson - USFWS'; 'Jim Labbe - Audubon'; 'Jim Petsche - Nike'; 'John Pinkstaff - RCC&B'; 'Julia Weisenbach - RCCB'; 'Kathy Sayles (E-mail)'; 'Keith Liden - Parsons Brinkerhoff'; 'Kelly Ritz - Venture Properties Inc.'; 'Kelly Ross - OBIA'; 'Kendra Smith -CWS'; 'Kim Schoenfelder'; 'Kyle Spinks - THPRD (E-mail)'; 'Laura Oppenheimer - The Oregonian'; 'Linda Gray'; 'Linnea Nelson - Metro'; 'Mike Houck - Audubon'; 'Mike Loomis - D.R. Horton Inc.'; 'Paul Ketcham - Metro'; 'Paulette Copperstone - METRO'; 'Ramsey Weit'; 'Steve Miller -Centex Homes'; 'Sue Marshall - Riverkeepers'; 'Suki Cupp - CH2M'; 'Susan Murray'; 'Sylvia Butler'; 'Tim Ramis (E-mail)'; 'Tom Wolf'; 'Will Selzer - RCC&B'

Subject: RE: MEETING NOTICE - Tualatin Basin Goal 5 Steering Committee

I wanted to take this opportunity to respond to our visitor from Nike and his comments on the fee-in-lieu proposal. His statement that Nike Woods is not a public resource like a park is not totally accurate. The wildlife that inhabits Nike Woods is a public resource. The water that runs off of Nike Woods is a public resource. To the extent that any development damages or destroys these public resources represents a private taking of public resources. The extent that the any private developer does not mitigate for the taking of this public resource represents a public subsidy of private development.

The public's right to these resources: water, air, wildlife is well established in the Public Trust Doctrine. For more information on this see

http://www.responsiblewildlifemanagement.org/public_trust_doctrine.htm

Brian Wegener Watershed Watch Coordinator Tualatin Riverkeepers Phone: 503.590.5813 E-mail: brian@tualatinriverkeepers.org

Laura Taylor

From:	Anne Madden
Sent:	Monday, August 02, 2004 11:06 AM
To:	Laura Taylor
Subject	: FW: MEETING NOTICE - Tualatin Basin Goal 5 Steering Committee

more testimony

-----Original Message-----

From: Brian Wegener [mailto:brian@tualatinriverkeepers.org]

Sent: Friday, July 30, 2004 11:40 AM

To: 'Steve Kelley'; 'Andrea Vannelli (E-mail)'; 'Anne Madden'; "Barbara Fryer - Beaverton' (E-mail)'; "Barbara Shields - Tigard' (E-mail)'; 'Brent Curtis (E-mail)'; 'Brian Hanes (E-mail)'; 'Cathy Corliss (E-mail)'; 'Chris Deffebach - METRO (E-mail)'; "Chris Eaton - Angelo-Eaton Assoc.' (E-mail)'; 'Craig Dye - Clean Water Services (E-mail)'; "Dan Stark - Fishman Env. Svcs. ' (E-mail)'; "David Noren' (E-mail)'; "Dick Reynolds - Cornelius' (E-mail)'; 'D Heffernan (E-mail)'; "Don Otterman - North Plains' (E-mail)'; 'Doug Miller - City of Hillsboro (E-mail)'; 'Doug Rux -City of Tualatin (E-mail)'; "Duane Roberts - Tigard' (E-mail)'; 'Ed Murphy - City of Sherwood'; 'Hal Bergsma -Beaverton'; 'Jeff Beiswenger - City of Forest Grove'; 'Jennifer Wells - Hillsboro'; 'Jim Hendrix - Tigard'; 'Jim Jacks -Tualatin'; 'Joe Grillo - Beaverton'; 'Jon Holan - Forest Grove'; 'Julia Hajduk - city of Tigard'; 'Julie Reilly - THPRD'; 'K.J. Won - City of Durham'; 'Leigh Crabtree - Beaverton'; 'Lori Hennings - Metro'; 'Mark Brown'; 'Mark Turpel -METRO'; 'Pat Ribellia'; 'Paul Gilles - City of Hillsboro'; 'Paul Schaefer'; 'Richard Meyer - Cornelius'; 'Roel Lundquist - City of Durham'; 'Sarah Cleek - THPRD'; 'Stacy Hopkins - Tualatin'; 'Valerie Counts - Hillsboro'; 'Wink Brooks -Hillsboro'

Cc: 'Jim Labbe'; 'Carol Chesarek (E-mail)'; Garst Ron; 'Celina Patterson (E-mail)'; Ramsay Weit; tmilowolf@msn.com; 'Susan Murray'; Sue Beilke; Aney Warren; 'Paul Ketcham - Metro'; ashcreekjsp@aol.com **Subject:** RE: MEETING NOTICE - Tualatin Basin Goal 5 Steering Committee

At the July 29 meeting of the Steering Committee we were surprised that the new fee-in-lieu schedule did not include land costs. I understand and appreciate the difficult analysis that Steve went through to come up with the proposal known as Option 1b, but the deletion of land costs is a major oversight for the following reasons.

1. 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.

2. Fee-in-lieu that does not charge for land costs gives government an unjustified monopolistic 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 could result in a net loss of habitat, not real mitigation.

Where federal policy does allow off-site mitigation on federal lands is 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.

Brian Wegener

Watershed Watch Coordinator

Tualatin Riverkeepers

Phone: 503.590.5813

E-mail: brian@tualatinriverkeepers.org

Laura Taylor

From: Anne Madden

Sent: Wednesday, August 04, 2004 12:47 PM

To: Laura Taylor

Subject: FW: Tualatin Riverkeepers Comments on Proposed Goal 5 Program

testimony

-----Original Message----

From: Brian Wegener [mailto:brian@tualatinriverkeepers.org]

Sent: Monday, August 02, 2004 12:27 PM

To: lutplan@co.washington.or.us; 'Steve Kelley'; 'Amy Scheckla-Cox - City of Cornelius (E-mail)'; "Andy Duyck -BCC' (work) (E-mail)'; "Carl Hosticka - Metro Council' (E-mail)'; "Carol Gearin - TVF&R' (E-mail)'; 'Cheri Olson -North Plains (E-mail)'; 'Cheryl Olson - City of North Plains'; "Dean Gibbs - Durham' (E-mail)'; 'Deanna Meuller-Crispin - THPRD'; 'Debbie Owens - North Plains (E-mail)'; 'Dick Schouten (E-mail)'; "Ed Truax - City of Tualatin' (E-mail)'; 'Jim Hendrix - Tigard'; 'Joan Dueker'; 'Joe Blowers'; 'John Leeper'; 'Karen McKinney -Hillsboro'; 'Keith Mays - City of Sherwood'; 'King City'; 'Lou Ogden - Tualatin'; "Mark Cottle' - City of Sherwood'; 'Mayor - City of Tigard'; 'Nathalie Darcy'; 'Nick Wilson - City of Tigard'; 'Richard Kidd - Forest Grove'; 'Rob Drake -City of Beaverton'; 'Ron Shay - King City'; 'Steve Heinrich - City of Cornelius'; 'Susan McLain - Metro Council'; 'Tom Brian'; 'Tom Hughes - Hillsboro'

Cc: 'Andrea Vannelli (E-mail)'; 'Anne Madden'; "Barbara Fryer - Beaverton' (E-mail)'; "Barbara Shields -Tigard' (E-mail)'; 'Brent Curtis (E-mail)'; 'Brian Hanes (E-mail)'; 'Cathy Corliss (E-mail)'; 'Chris Deffebach - METRO (E-mail)'; "Chris Eaton - Angelo-Eaton Assoc.' (E-mail)'; 'Craig Dye - Clean Water Services (E-mail)'; "Dan Stark -Fishman Env. Svcs, ' (E-mail)'; "David Noren' (E-mail)'; "Dick Reynolds - Cornelius' (E-mail)'; 'DJ Heffernan (Email)'; "Don Otterman - North Plains' (E-mail)'; 'Doug Miller - City of Hillsboro (E-mail)'; 'Doug Rux - City of Tualatin (E-mail)'; "Duane Roberts - Tigard' (E-mail)'; 'Ed Murphy - City of Sherwood'; 'Hal Bergsma - Beaverton'; 'Jeff Beiswenger - City of Forest Grove'; 'Jennifer Wells - Hillsboro'; 'Jim Jacks - Tualatin'; 'Joe Grillo - Beaverton'; 'Jon Holan - Forest Grove'; 'Julia Hajduk - city of Tigard'; 'Julie Reilly - THPRD'; 'K.J. Won - City of Durham'; 'Leigh Crabtree - Beaverton'; 'Lori Hennings - Metro'; 'Mark Brown'; 'Mark Turpel - METRO'; 'Pat Ribellia'; 'Paul Gilles -City of Hillsboro'; 'Paul Schaefer'; 'Richard Meyer - Cornelius'; 'Roel Lundquist - City of Durham'; 'Sarah Cleek -THPRD'; 'Stacy Hopkins - Tualatin'; 'Valerie Counts - Hillsboro'; 'Wink Brooks - Hillsboro'; 'Allice Ellis Gaut (Email)'; 'April Olbrich (E-mail)'; 'Carol Chesarek (E-mail)'; 'Celina Patterson (E-mail)'; 'Doug Browning - Hillsboro Argus (E-mail)'; 'Elaine Smith - ODOT'; 'Jennifer Thompson - USFWS'; 'Jim Labbe - Audubon'; 'Kendra Smith -CWS'; 'Kyle Spinks - THPRD (E-mail)'; 'Laura Oppenheimer - The Oregonian'; 'Linnea Nelson - Metro'; 'Mike Houck - Audubon'; 'Paul Ketcham - Metro'; 'Paulette Copperstone - METRO'; 'Ramsey Weit'; 'Sue Marshall -Riverkeepers'; 'Susan Murray'; 'Tom Wolf'

Subject: Tualatin Riverkeepers Comments on Proposed Goal 5 Program

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:

F ADOPT the current definition of "Strictly Limit" to protect the highest value resources.

To avoid future Endangered Species Act listings, reassignREASSIGN "Strictly Limit" protection level to all Class I and Class A resources and "habitat of concern" harboring sensitive species which are currently designated asas "Moderately Limit" to <u>avoid future Endangered Species</u> <u>Act listings</u>.

REQUIRE objective minimization standards for all impacts in the "Moderately Limit" category to achieve stated program objective <u>minimization</u> of impacts to these resources. Allow development on no more than 50% of "Moderately Limit" areas.

INVEST Surface Water Management Fees in water quality and restoring normative flows by <u>disconnecting streets from streams</u> 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 <u>public subsidy for private</u> <u>development</u> and to avoid an anti-competitive pricing scheme that excludes private providers from the mitigation services market.

TIE mitigation levels to <u>habitat values</u> 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.

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 "Habitatshabitats of Concernconcern" 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 vulnerablelikely to an ESA listingbe 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 <u>put "Habitats of Concern" into the "Strictly Limit" category</u>.

Unprotected Habitat Inside the UGB in the Tualatin Basin

	<u>SL</u>	<u>ML</u>	LL	<u>Total</u>
Class I - Highest Value Habitat	2712	1974.5	121.5	4808
Class II - High Value Habitat	311	3442	873	4626
Class III - Other Habitat	0	<u> 290 </u>	2626	<u>2916</u>
Total	3023	5706.5	3620.5 1	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 - Clean Water is Essential to Healthy Habitat

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 foes 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 (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 and to avoid the net loss of habitat. By providing land for mitigation at no cost, the fee-in-lieu option gives a public subsidy to private development and guarantees a net loss in habitat. 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 is 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 of an offsite/fee-in-lieu program is Clean Water Services' and the Tualatin Soil & Water Conservation District's new Enhanced Conservation Reserves Enhancement Program pays farmers to lease their land for streamside shade tree planting.. 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.

'able 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 <u>reduce</u> 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 16507 SW Roy Rogers Road Sherwood, OR 97140 Phone: 503.590.5813 Fax: 503.590.6702 E-mail: <u>brian@tualatinriverkeepers.org</u> Website: www.tualatinriverkeepers.org

Protect, Restore, Enjoy, your Tualatin River System. Become a Tualatin Riverkeepers member.

Nobody knows the trouble you've seen. Fill out our online trouble ticket to report problems you see that impact our river, streams, wetlands and wildlife. Go to <u>www.tualatinriverkeepers.org</u> and click on Report Problems!

Angela Brown

From:Brian Wegener [brian@tualatinriverkeepers.org]Sent:Monday, August 09, 2004 4:52 PMTo:lutplan@co.washington.or.usSubject:Goal 5

Brian Wegener Watershed Watch Coordinator Tualatin Riverkeepers 16507 SW Roy Rogers Road Sherwood, OR 97140 Phone: 503.590.5813 Fax: 503.590.6702 E-mail: <u>brian@tualatinriverkeepers.org</u> Website: <u>www.tualatinriverkeepers.org</u>

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4

August 9, 2004

ISSUE PAPER: Mitigation Ratios, Applicable Classifications, and Fee-in-lieu of Mitigation

Prepared for: Tualatin Basin Natural Resources Coordinating Committee

By: Brian Wegener, Tualatin Riverkeepers

The purpose of mitigation and fee-in-lieu.

The purpose of the mitigation and fee-in-lieu program should be to discourage and prevent the taking of public trust resources, to fully compensate the public for the loss of public trust resources, and to ensure that such lost resources are fully replaced or repaired. As such, the level of required mitigation should be tied to the value of the resource lost.

Both the mitigation requirements of this program and the fee-in-lieu are seriously flawed by being tied to the "ALP limit" level of the resource instead of the habitat value. By doing so, the public is under-compensated for the lost of public trust resources. Over 2000 acres of unprotected highest value habitat (Class 1 Riparian and Class A Wildlife) are in the Moderately Limit and Lightly Limit ALP classes. To ensure that loss of these resources is adequately mitigated for, mitigation ratios must be tied to the Habitat Class, not the ALP Limit Class. Table 3-2: Goal 5 Program Elements Matrix states that mitigation ratios should be based upon underlying inventory classification, not based upon ALP Limit Class.

To remedy this fault, Tualatin Riverkeepers recommends that mitigation ratios be tied to habitat values as is stated in Table 3-2 of the staff report. The following habitat classes would replace the ALP Limit Classes in Table 3-1, Table 4-4, and Table 4-5 of the staff report

Habitat Class	Mitigation	Ratio
Class 1 Riparian / Class A Wildlife	1:2	
Class 2 Riparian / Class B Wildlife	1:1.5	
Class 3 Riparian / Class C Wildlife	1:1.2	

A Recommendation from the Tualatin Basin Steering Committee, the staff report date August 2, 2004 includes a proposal for a fee-in-lieu of mitigation known as Option 1b. By presenting only one "option", the staff report brings to mind the famous quote of Henry Ford, "The customer can have any color he wants so long as it's black." Tualatin Riverkeepers proposes that the Coordinating Committee would best be served by choosing another option, which more fully includes all costs of mitigation.

Option 1b was first presented to the steering committee on July 29 at its last regular meeting before the August 2 public hearing and was discussed for a few minutes. Option 1b was based upon the previous "Option 1" which more fully accounted for full costs of mitigation. Mitigation ratios in option 1b were reduced 20%-33% from the previously proposed Option 1.

The base fee cost factors in Option 1 were:

Site Preparation, Plants, Materials & Installation	\$0.67 per sq. ft.
Maintenance (2-5 years)	\$0.09 per sq. ft.
Land Costs	\$0.24 per sq. ft
Base Fee Total Costs:	\$1.00 per sq. ft

Land costs in Option 1 were determined by Clean Water Services in preparation for their Healthy Streams Plan and included a mix of fee-acquisition and easements on a mix of land types needed for their restoration program. Other costs estimates were developed by Angelo Eaton & Associates specifically for this program.

Tualatin Riverkeepers proposes that any fee-in-lieu of mitigation include all costs associated with replacing ecological functions lost due to development. 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.

It is important that the fee-in-lieu program be structured to allow and encourage private landowners to participate in the market providing mitigation services. Fee-inlieu that does not charge for land costs gives government an unjustified monopolistic 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 could result in a net loss of habitat, not real mitigation.

Where federal policy does allow off-site mitigation on federal lands is 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 offsite mitigation on public land. Tualatin Riverkeepers requests that \$0.24 per square foot for land costs be included in the fee-in-lieu base cost and carried through to the fee structure.

April 2, 2004

Tualatin Basin Natural Resource Coordinating Committee C/o Washington County DLUT 155 N. First Avenue- Suite 350 Hillsboro, Oregon 97124

Dear Committee Members,

I was out of town the night of the 29th hearing but had I been in attendance I would have added my voice to those urging you to consider the environmental costs resulting from the "Allow" and "Limit" designations on the ALP map. Actively seek the advice and perspective of the environmental organizations in this community before you commit to these ALP designations.

Much of the Basin strategy seems to be designed to maintain local control/flexibility over land use designations to enable future development opportunities, in response to what is perceived as more restrictive designations from Metro. Although the stated goal of the process has been to "improve the environmental health of the areas," there has been little discussion at the staff level of the environmental consequences of the labels as applied on the ALP map. Most often local governments have struggled to preserve wiggle room in the face of the dreaded "Prohibit" label in hopes that subsequent criteria for "Limit" will keep the door open to justify downgrading the environmental value of a given parcel based on a proposed use.

There are precious few areas of natural value in this County as it is and the commitment to "improving the environmental health of these areas" (as outlined in the charge of the Basin project) suggests that any doubts should be resolved in favor of higher levels of protection, rather than the amorphous "Limit" designation. This is particularly true of the "habitats of concern," where there is consensus that a significant level of environmental value is at stake.

Take the opportunity to seriously examine past zoning decisions that failed to consider the impacts on habitat and floodplains and undo them if you can. The rush to find more industrial land is understandable, but there is also a need to respect the natural systems and cycles in this County. Let's look at restoring empty and practically abandoned shopping malls in Beaverton for commercial or industrial use before we rip apart a wetland where some of us enjoy time away from the auto-driven madness. Why continue a zoning designation that enables development on identified wetlands?

We need to affirm the community value of natural areas and open spaces. In addition to meeting shared goals of watershed protection and providing recreation, these areas should also be viewed as economic assets, not simply for their development potential but for their value as undisturbed environments, part of the landscape that helps in recruiting businesses, employers, and jobs to the County. No one really wants to live surrounded by a Phoenix-style community of serial strip malls and a total lack of identifiable neighborhood, but that's where we're headed every time another natural area is filled for yet another Subway or health club. We cannot afford any further loss of wetlands, floodplains, riparian vegetation, or healthy tree canopy.

I urge you to ask at every juncture what impact the "Allow" and "Limit" labels will have on the future use of a given property. Ask the planners why a higher level of protection cannot be applied. Test the answer by visualizing the loss not only of a particular parcel but the cumulative impact of each incremental accommodation to development.

These natural areas will not be replaced once they are damaged or removed. That decision begins with this process. Choose carefully. The "engine of the region's growth" may easily steamroll its most precious assets. Err on the side of the highest level of protection. That should be our legacy to those who follow.

Ramsay Weit 5350 NW Pondosa Drive Portland, Oregon 97229

Steve Kelley

Subject:

FW:

----Original Message----From: N. White [mailto:syconate@lycos.com] Sent: Wednesday, July 21, 2004 6:03 PM To: lutplan@co.washington.or.us Subject:

Hello, my name is Nate White, and am a recently graduated high school student from Tualatin High School. I am writing to you to protect our remaining high-value habitat within the Tualatin River Basin. I say remaining, because a lot of it (especially in my home town of Tualatin) has been lost to senseless development and unchecked sprawl. Yet I remain optimistic, because I also make it a point in my free time to enjoy publicly available access to the beauty of these natural habitats (the nature parks in Tualatin and sites along the Tualatin River). A recent source of pride for me has been the acquisition of the stretch of once- marketable land neighboring Brown's Ferry Park in Tualatin. I was pleased how a governing body (Metro) and a local government (Tualatin) can cooperate so efficiently on preserving natural habitat from development. I am encouraged by this cooperation, and I'm asking you to continue it for other, higher-priority areas and sites within the Tualatin River

1

Basin. Thank you for your time.

Sincerely, Nate White Copy to TUALATIN Riservegoers

July 27, 2004

To: Tualatin Basin Coordinating Committee

Attn: Ron Shay, Councilor King City City Council 15300 SW 116th Ave King City, Or 97224

Dear Councilor Shay,

We live near the Tualatin River, in the area of SW 131st, SW Fischer Rd. and SW Beef Bend Rds. These past several years we have seen numerous treed, partial wetlands with little creeks sometimes flowing thru, disappear as development takes over.

We have 345 new homes being built near the Tualatin River, a proposed new 65+ subdivision across from SW Jordan Way, continued development in the Castle Oak Estate area and 160 new homes on the hillside off SW Beef Bend Rd. Most of these have affected wetlands and removed large areas of trees, possibly affecting drainage and run-off and displacing the wildlife that lived there. We see more deer, skunks and other critters that are digging for worms and food in our area now.

We are a very compacted area already--we worry about the drainage, run-off, loss of trees and natural wetland areas, lack of parks and open spaces not to mention the extra traffic on already crowded roads. We see more deer being hit and killed now too.

This rush to develop any and all the land has got to slow and serious thought to our environment, the wildlife and our livability needs to come into play. Our area is lacking in parks and with all the development-we will lose the oportunity and financial ability to have them.

Where will these future children play? Where will people walk their dogs? Sit under a tree and watch deer and birds? See a little open stream flow to the river?

Someone, besides the developers, needs to take a look at our remaining greenspace and imagine keeping it healthy, green and open to be homes to trees, plants and animals instead of concrete, houses and autos.

P.2

A LEW CORPS C. LANDARD

Once the wetlands are gone-we lose all that they sustained. It cost more to restore than to protect.

Thank you for your attention to this matter.

Sincerely,

Wilson la ...

Sandra Wilson 16677 SW Jordan Way Tigard, Or 97224

CC: Metro Council Mit TUALATIN River Keepers



August 9, 2004

RECEIVED AUG 0 9 2004 PLANNING DIVISION Land Use & Transportation

TY K. WYMAN

DIRECT DIAL 503.417.5478

E-MAIL tkw@dunn-camey.com

ADDRESS Suite 1500 851 S.W. Sixth Avenue Portland, Oregon 97204-1357

Phone 503.224.6440 Fax 503.224.7324

INTERNET www.dunncamey.com Tualatin Basin Natural Resource Coordinating Committee Washington County Department of Land Use and Transportation Planning Division, 155 N. 1st Avenue, Suite 350-14 Hillsboro, OR 97124

> Re: Goal 5 Program Our File No. PRO50-36

Dear Committee Members:

We represent Providence Health System – Oregon. Metro inventoried portions of the following Providence-owned properties within the Tualatin Basin as regionally significant natural resource areas: the Tanasbourne Medical Plaza (southwest quadrant of Cornell and 185th) and St. Vincent's Medical Center. In response, Providence engaged David Evans & Associates and Bill Connerly to analyze, respectively, the natural resource and economic values of those sites.

As to St. Vincent's, Providence is satisfied that the proposed ALP map proposed by TBNRCC staff accurately reflects the location and quality of both the natural resources on the site and the economic and social value of the potential conflicting uses thereof.

Providence remains concerned, however, that the ALP map understates the economic and social value of the Tanasbourne site. Thus, we look forward to working with staff for the committee and the City of Hillsboro on Goal 5 implementation measures that do not impede development on the site of medical facilities that are needed in the Basin.

Thank you for the opportunity to comment.

Very truly yours,

Fy-K. Hyman . form

TKW:crm

cc: Ms. Dana White, Providence Health System – Oregon

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July 27, 2004

155 N.1st Ave. Suite 350-14 Hillsborp, OR 97124 RECEIVED AUG 02 2004 PLANNING DIVISION Land Use & Transportation

To Whom It May Concern:

What little remains of our habitat must be preserved for our children, our grandchildren and all future generations. We must have a respite from concrete and pollution.

We humans, after all, and, are also an endangered species. Whichever way our 'lower forms of life' go, so will we follow.

I urge this committee to support programs that protect the Tualatin River Basin from development. It will be good for humans and good for the economy. To quote Teresa Heinz Kerry, "Good environmental policy is good economics" A few years ago I penned the following poem:

I am

the air I breathe,

the water I drink,

the food I eat.

İf`I

poison the air,

the water,

the food,

I am not.

Sincerely, sane Diane T. Zink 4311 S.W.91st Ave. Portland, OR 97225 (503) 297-2471