

From: Steve Koper
Sent: Tuesday, January 26, 2021 10:17 AM
To: Tabitha Boschetti
Subject: FW: LUCINI Tualatin Stormwater Master Plan -FOLLOW UP AFTER 1-21-2021 Tualatin Planning Commission Meeting
Attachments: 2020 12-15 LUCINI Comments Stormwater Master Plan Update Tualatin.pdf; OR Statewide Land Use Planning Goals 1 & 2 Citizen Involvement & Land Use Planning.pdf; 2021 1-15 Notice of Hearing _ PTA 21-0001_ City of Tualatin Stormwater Master Plan Adoption.pdf; 2021 1-10 EM Followup to Tualatin-Stormwater Master Plan Update TPC.pdf; 2021 1-21 Text for Verbal Testimony to Tual Planning Com 1-21-2021.docx

From: G Lucini <grluci@gmail.com>
Sent: Friday, January 22, 2021 4:58 PM
To: Steve Koper <skoper@tualatin.gov>; Kim McMillan <kmcmillan@tualatin.gov>; Council <council@tualatin.gov>; Frank Bubenik <fbubenik@tualatin.gov>; Nancy Grimes <ngrimes@tualatin.gov>; Bridget Brooks <bbrooks@tualatin.gov>; Valerie Pratt <vpratt@tualatin.gov>; Christen Sacco <csacco@tualatin.gov>; Cyndy Hillier <chillier@tualatin.gov>
Cc: John Lucini <JWLuci@gmail.com>
Subject: LUCINI Tualatin Stormwater Master Plan -FOLLOW UP AFTER 1-21-2021 Tualatin Planning Commission Meeting

FOR PUBLIC RECORD - PROPOSED TUALATIN STORMWATER MASTER PLAN UPDATE PTA 21-0001

Due to lack of a direct email address for the City of Tualatin Planning Commission, and/or for the City's designated Committee for Citizen Involvement, we request the City's Department for Community Development to forward this email to Ms. Kuhn, and a copy to the other members of the Planning Commission in a prompt and timely manner.

A copy of this email which includes a text copy of the verbal testimony we presented to the 1-21-21 meeting of the TPC, is being submitted to the Tualatin City Council, as per Mr. Koper's comments during the 1-21-2021 TPC meeting.

Ms. Kuhn,

We again thank the Planning Commission for making time last night during the Planning Commission Meeting, for us to present our concerns regarding the need for the City's Stormwater Master Plan to address issues within the Basalt Creek Area, and to our related concerns regarding the City's Proposed PTA 21-0001 scheduled for Council Hearing on 2-8-2021.

We also appreciate the offer you extended to provide us an opportunity to help clarify and discuss the issues we have regarding the proposed Update to the Stormwater Management Plan and proposed updates to the Tualatin Development Code.

As you requested to help facilitate communication, we have attached copies of

- our 12-15-2020 Citizen Comments submitted to the City staff and the City Council during the Citizen Comment period, and
- our follow up email of 1-10-2021 which we sent to the City staff, the City Council and due to a lack of email addresses posted to the City's website – we included requests the email be forwarded to the Planning Commission and the City's Committee for Citizen Involvement (CCI).

The email of 1-10-2021 also included a request to questions presented in our 12-15-2020 email, and the 1-10-2021 email- which included specific procedural questions relating to last night's TPC meeting.

We did not receive informative replies-and did not know if the City staff had forwarded the 1-10-2021 email directly to the PTC or the City's CCI as requested. From the discussion last night, I believe I heard-- our email of 1-10-2021 was included within an Informational Packet of 400+ pages.

Would you be able to clarify for us, if our email of 1-10-2021 was not forwarded directly as an individual communication to the City's TPC/CCI, and only received within the Informational Packet for the TPC 1-21-2021 Meeting? We are attempting to determine what is an effective and timely method for communicating with the City and in particularly the City's designated CCI on matters relating to Land Use issues.

As discussed during last night's meeting, we have also attached a copy of the concerns which I read during the TPC meeting, as well as a copy of Oregon Statewide Planning Goals #1 for Citizen Involvement and #2 for Land Use Planning, as there was discussion regarding the City's implementation of Goal #1 (if there are differing roles, functions and responsibilities between the TPC and the State's mandated CCI).

The City's Assistant Community Development Director's stated the City's Planning Commission Meeting fulfills the Goal #1 requirements for Citizen Involvement. He asked several questions as to what role or function the TPC should play within Land Use Planning-and this Planning Action- which would be different than a meeting of a CCI. Our responses included -facilitating 2-way communication between Citizens and the Governing Body for Land Use Action, clarifying technical information, and oversight of the Citizen Involvement Program (a main component of the requirement), we also offered to provide a copy of the State regulations.

When we mentioned we are not able to be members of the City's Citizen's Involvement Organizations (CIO) as we are not residents of the City, the City's Assistant Community Development Director then commented we could use the City's Citizen Involvement Program--- if we wanted to annex our property into the City and become City residents.

We believe the response we provided- that the State's mandate does not include limitations as to who can participate within the Citizen Involvement Program for a Land Use Action-that the requirement states the Goal #1 Citizen Involvement Program is to be available to the "general public"-- is an accurate statement.

To provide a basis of information from which to clarify expectations for all parties, and to establish more effective 2-way communication between Citizens, the TPC, and the Governing Body making Land Use Decisions, we have included a copy of Land Use Goals #1 and 2 for Citizen Involvement and Land Use Planning.

As to specific issues resulting from the TPC meeting last night....

1. It is our understanding from the discussions at last night's TPC meeting that the Planning Commission's approval was only for the text amendment making language changes to the Development plan --- that the Commission wasn't addressing the Stormwater Master Plan's adequacy in dealing with current and future storm water needs in Tualatin and more specifically the Basalt Creek area.

a. This information appears to differ from the electronic Public Notice of Hearing on No PTA 21-0001 (copy of Notice information provided below and as an attachment)

b. The first topic within the Public Notice states, "[Adoption of an updated Stormwater Master Plan \(2019\)](#)" and included additional information as to updated scope of plan, plan analysis, project recommendations and other implementation actions for a Stormwater Master Plan

-does not correlate with the remarks made by City staff that the upcoming Hearing will be limited to cleaning up text within the Development Code to enable to the City to update the Stormwater Master Plan more easily in the future.

(Text copy of Notice provided at the end of this email and an attachment of full electronic Notice is also provided)

c. Would you be able to clarify for us- if the City Council 2-8-2021 Hearing will only address text modifications to the wording of the Development Code,

- **what portions of the City's Stormwater Master Plan (2019) as identified in the Public Notice is to be included within the Council Hearing on 2-8-2021?**

- The 1-15-2021 Hearing Notice specifies several Land Use actions relating to an Updated 2019 Stormwater Master Plan, as well as a 2020 Stormwater Master Plan

1. We and our Consultant reviewed the information posted to the City's website for the Stormwater Master Plan- both the 1972, and a "[City of Tualatin Stormwater Master Plan](#)" by Brown and Caldwell April 2019 "Draft /Final",

Our Consultant also requested and reviewed the City's technical documents provided by the City to support the City's Stormwater Management Plan.

We submitted our comments which included our Consultant's CV qualifications; and his comments upon the 2019 Brown and Caldwell Draft-Final; the City's technical support documents; and addition Stormwater Management analysis and modeling our Consultant has conducted within the Basalt Creek Area--- during the Citizen Comment Period and additional follow up comments afterwards.

2. However, **Exhibit 4 to proposed PTA 21- 0001 Findings and Analysis** identifies a different document

The Project Description

Plan Text Amendment (PTA) 20-0001 proposes amendments to the Tualatin Comprehensive Plan Chapters 1 and 9 to reflect the updated version of the Stormwater Master Plan (2020) as well as reference changes in Tualatin Development Code Chapter 74.

The proposed amendments would facilitate future development of stormwater management projects throughout the City and aid development by providing reliable information in the City's development code.

C. Exhibit List

(a) Stormwater Master Plan (2020)

It is unclear as to which Stormwater Master Plan is being presented to the Council as part of proposed PTA 21-0001.

Is there a 2020 Stormwater Master Plan which differs from the "City of Tualatin Stormwater Master Plan" by Brown and Caldwell April 2019 "Draft Final" posted for Public Review on 12-1-2020?

We submitted our Citizen Comments based upon the Brown and Caldwell April Draft/Final document. There are numerous Findings presented within the Findings and Analysis Document which with we do not agree- and the related issues are presented within our Citizen Concerns submitted on 12-15-2020 and 1-10-2021.

If PTA 21-0001 is proposing Land Use Action based upon a changed version of the Brown and Caldwell April 2019 Draft Final, or a different document, we request further clarification and information

d. If the City does not intend to submit for Council adoption on 2-8-2021

-any or all of the "City of Tualatin Stormwater Master Plan" by Brown and Caldwell April 2019 "Draft Final",

or a changed version of the Brown and Caldwell document, will the City be modifying PTA 21-0001 as presented in the Public Notice

- will the City provide the Public a revised Notice?**

e. When will the City and the Planning Commission address the functional adequacy of a proposed Update to the City's 1972 Stormwater Master plan which should include stormwater planning within the Basalt Creek Area?

• Will this be done before the plan is forwarded to the City Council Hearing for adoption?

Our concern is that the "City of Tualatin Stormwater Master Plan" by Brown and Caldwell April 2019 "Draft Final", as presented to date, is mute on any issues within the Basalt Creek area, part of which has already been annexed, or will be soon annexed, into the City for development in the relatively near future.

We hope to obtain a better understanding of this recent Land Use proposal by the City prior to the scheduled hearing by the Council on 2-8-2021 -within a timeframe that we may be able to respond, if needed.

Again, we appreciate your offer to assist us with understanding of the City's process and of this proposed Land Use Action.

Our email addresses are listed below

Attachments:

- 2020 12-15 email containing multiple attachments including 12-15-2020 Citizen Comments (included as part of this email)
 - And 4 additional related Google links (due to size of file)
- 2021 1-10 Follow Up Citizen Comments
- 2021 1-15 Notice of Hearing _ PTA 21-0001_ City of Tualatin Stormwater Master Plan Adoption.pdf
- 2021 1-21 Copy of Comments presented by Grace Lucini to Tualatin Planning Commission Meeting 1-21-2021
- Oregon Statewide Land Use Planning Goals #1 Citizen Involvement #2 Land Use Planning

We look forward to hearing from you,

John and Grace Lucini

electronic Notice 1-15-2021

Public Notice -for the 2-8-2021 Council Hearing File No PTA 21-0001 (email copy also attached)

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., **Monday, February 8, 2021**, streamed online and accessible at the Juanita Pohl Center ([8513 SW Tualatin Road, Tualatin, OR 97062](https://www.tualatin.gov/8513-SW-Tualatin-Road-Tualatin-OR-97062)).

You are invited to attend and participate in the public hearing. Under consideration is **File No. PTA 21-0001:**

The scope of PTA 21-0001 includes:

- Adoption of an updated Stormwater Master Plan (2019);
- Amendments to the Tualatin Comprehensive Plan Updates specific to stormwater management practices, reflecting updated recommendations, practices, and partnerships;

- An updated map of capital projects;
- Updated references to the Stormwater Master Plan in the Tualatin Development Code.

The scope of the updated plan includes updated technical analyses, a recommended capital improvement program, programmatic approaches such as pipe repair and replacement and vegetation management, and a set of policy recommendations such as approaches to channel erosion and beaver management. The Stormwater Master Plan outlines capital improvement projects that will improve management for existing development and that is critical to managing future development impacts. The scope also includes smaller projects and programs. Altogether, the efforts would serve the aims of maintaining our stormwater system to:

- Increase capacity;
- Address erosion;
- Increase water quality treatment;
- Address pollutant sources and/or improve treatment functions;

Make it easier to maintain stormwater systems.

----- Forwarded message -----

From: **G Lucini** <grluci@gmail.com>

Date: Tue, Dec 15, 2020 at 4:37 PM

Subject: LUCINI COMMENTS -Proposed Update to Tualatin Stormwater Master Plan

To: Kim McMillan <kmcmillan@tualatin.gov>, Hayden Ausland <hausland@tualatin.gov>

Cc: Tualatin City Council <council@ci.tualatin.or.us>, Frank Bubenik

<fbubenik@tualatin.gov>, Robert Kellogg <rkellogg@tualatin.gov>, Paul Morrison

<pmorrison@tualatin.gov>, Bridget Brooks <bbrooks@tualatin.gov>, Maria Reyes

<mreyes@tualatin.gov>, Valerie Pratt <VPratt@tualatin.gov>, Nancy grimes

<ngrimes@tualatin.gov>, John Lucini <JWLuci@gmail.com>

Please find 5 attachments to this email providing Citizen Comments on the proposed City of Tualatin Stormwater Master Plan Update.

- 2020 12-15 LUCINI COMMENTS Attachment and DRIVE LINK

 [2020 12-15 LUCINI Comments Stormwater Master Pl...](#)

- Attachments #1, #2 and # 3 LIBERTE ENVIRONMENTAL ASSOCIATES DRIVE LINKS

 [ATT #1 Tual-SWMP_LEA_Comments_w-Supplements_a.pdf](#)

 [ATT #2 Supplement- B_Part1_LEA_Lucini_DrainageA...](#)

 [ATT # 3 Supplement-B_Part2_RptAppendix_LEA_Nov1...](#)

- MAPS DRIVE LINK (AND INCLUDED WITHIN COMMENT DOCUMENT PAGES 13-20)

 [ATT #4 MAPS Tualatin Stormwater Master Plan U...](#)

Please let me know if you have difficulty opening any of these files.

Please forward this email and all attachments to the City of Tualatin Planning Commission, as I do not have a direct email address for them.

My husband and I appreciate the opportunity to be able to participate in the review of the proposed Update to this Master Plan.

Regards,
Grace Lucini

2012 1-21

FOR PUBLIC RECORD- File No. PTA 21-0001

VERBAL TESTIMONEY (PRE- MEETING TEXT)

CITIZEN COMMENTS TO TUALATIN PLANNING COMMISSION (TPC) MEETING 1-21 2021

TPC ALSO DESIGNATED BY THE CITY OF TUALATIN

AS THE COMMITTEE FOR CITIZEN INVOLVEMENT (CCI)

WHICH CITY WEBSITE STATES

FULFILLS REQUIREMENTS FOR OREGON STATEWIDE GOAL #1 CITIZEN INVOLVMENT

RE: PROPOSED STORMWATER MASTER PLAN FOR THE CITY OF TUALATIN

AND RELATED COMPREHENSIVE PLAN AMENDMENTS, PLAN TEXT AMENDMENT PTA 21-0001

ONLY SCHEDULED PUBLIC COMMENT PERIOD TO DATE: 12-1-2020 TO 12-15-2020

1st PUBLIC MEETING ON DRAFT OF PROPOSED MASTER PLAN UPDATE -TPC 1-21-2021

TUALATIN COUNCIL HEARING FOR ADOPTION

SCHEDULED FOR 2-8-2021 File No. PTA 21-0001:

"The scope of PTA 21-0001 includes:

- Adoption of an updated Stormwater Master Plan (2019).
- Amendments to the Tualatin Comprehensive Plan Updates specific to stormwater management practices, reflecting updated recommendations, practices, and partnerships;"

Thank you for the opportunity to present Citizen Concerns regarding the proposed Update to the City of Tualatin's Stormwater Master Plan.

We are John and Grace Lucini we live in unincorporated Washington County, within the Basalt Creek Area and within the scope of the proposed Land Use Action.

As we are not residents of the City of Tualatin, we do not have membership within the City of Tualatin Citizen Involvement Organizations (CIO's). We also do not have elective representation within this Land Use Planning process.

My husband and I submitted to the City staff, the City Council, in writing on 12-15-2020 and during the Citizen comment Period – a fairly comprehensive review of multiple concerns we had with the very first Public Posting of the draft for the Master Plan Update. Included within our comments was a written review of the proposed Stormwater Update- by an Engineering Consultant with over 30 years of experience in stormwater, water quality and design solution analysis. He has conducted hydraulic modeling within lands Basalt Creek Area- within the scope of the proposed Master Plan.

Again on 1-10-2021, my husband and I submitted additional written comments and questions to the City staff, the City Council – and requested copies be forwarded to the Planning Commission and the City's Committee for Citizen Involvement which the City has designated to be the TPC.

Over the years we have had many on site visits from Tualatin staff, including Kim, Hayden and Jeff Fuchs- which we appreciated.

However, we have not yet received from the City staff or elected officials' substantial answers to many of the concerns or questions presented since we submitted our Citizen Comments and Concerns on 12-15-2020 or the follow up email on 1-12-2021. And we have not received clear information as to a Stormwater Plan for the Basalt Creek Area.

Have all the members of the TPC read both of the written comments we submitted on 12-15-2020 and then on 1-10-2021?

- Are there time limits for Citizen Comments at this meeting of the TPC-?
- How should Citizens present to the Planning Commissioners, copies of documents during a virtual Public Meeting?
- Is the TPC meeting in the role of the Planning Commission – or in the role as the City's Committee for Citizen Involvement?

I will email a copy of my comments to this Planning Commission meeting to be included in the record.

What email address should I use?

Thank you for the answers to process questions.

A well written current update to the City's Stormwater Master Plan with accurate assessments and planning for all lands within the scope of the City's Land Use Planning jurisdiction is a definite necessity and is welcomed- as the City's previous Master Plan is decades old.

My husband and I are requesting the Planning Commission recommend the 1st Public Draft of the proposed Master Plan Update be revised -----to provide more clear Land Use Planning for stormwater management within the Basalt Creek Area. The revision to the proposed draft should also include a current assessment of Natural Resources which are known to exist within the Basalt Creek Area, and clearly identify the various alternatives the City will utilize to conserve and protect multiple Natural Resources from the impact of stormwater. These are related issues.

FOR REFFERENC

Metro Title 13 Nature in Neighborhoods, and various City of Tualatin documents- including the Tualatin Basin Program, Development Code Chapter 15 Natural Resources, Wetlands and Natural Areas City documents attest to the direct or indirect relationships between stormwater, erosion, and/or potential impacts upon water (and other Natural Resources) and the need for coordinated Land Use Planning.

Our request is supported by documentation within our "Citizen Comments on the City of Tualatin proposed Stormwater Master Plan Update submitted to the City on 12-15-2020".

- **The philosophies for stormwater management changed since 1972**, and the relationship between stormwater runoff/ drainage and potential impacts upon multiple Natural Resources has become more obvious in the passing years.
- **The lands within the scope of Land Use Planning for the City–have also increased since 1972.**
- **The proposed Master Plan contains some outdated and insufficient information-**

In a brief summarization –

On multiple occasions since 2015, my husband and I have attempted to work with the City in identify and understanding the need for the Basalt Creek Area to also have Land Use Planning which is specific to the conditions and needs unique to the area in order to successfully meet the current and future requirements for urbanization of the area.

The Basalt Creek Area differs in many ways from the lands to the north of Basalt Creek.

- The Basalt Creek area has stormwater which flows into Washington County, then the City of Wilsonville and eventually the Willamette River.
 - The Basalt Creek Area has significantly steep slopes exceeding 25% grade-down into wetlands within the Federal Wetland Inventory. The steep slopes and canyon have also been identified by Metro as having the Highest Valued Riparian habitat, and Upland Habitat.
 - The existing stormwater conveyance and stormwater treatment facilities within the Basalt Creek Area are minimal.
 - In 2012-2015 Washington County planned and constructed the which changed most of the existing stormwater system along SW Boones Ferry Road
 - Washington County based their planning and design for the SW Boones Ferry Road Improvement Project Stormwater Management along SW Boones Ferry Road- south of Norwood----
 - on undeveloped land- which creates less stormwater drainage than developed lands with buildings, streets and parking lots.
 - the conveyance and treatment facilities were near capacity when built.
 - the system had a failure in May 2015- which flooded our downstream property.
 - With development- the existing stormwater catchment area will be removed- adding additional stormwater management needs.
 - The System is under the jurisdiction of Washington County.
 - The System is located within roads under the jurisdiction of Washington County.
 - Washington County is proposing their own Land Use Action- the Basalt Creek Parkway Extension
 - including a 5+ lane bridge across the Basalt Creek Canyon
 - adding a major signaled interaction across from Greenhill Lane
 - requiring reconfiguration and creation of two new intersections along the west side of SW Boones Ferry Road – one will be required north of the new Parkway Extension Bridge Intersection – for access to the Boones Ferry Frontage Road.
- All of these actions will cause additional stormwater management needs along SW Boones Ferry Road

Multiple City documents have identified a need for Stormwater Management Planning within the Basalt Creek Area- due to lack of existing conveyance and/or treatment facilities, limited capacity of existing systems, or potential need to upgrade existing systems-

- **The City's Development Code #4 Storm Drainage "defines and describes areas of inadequate drainage throughout the year" ... "The City's core area and the area along Boones Ferry Road, south of the core, are the most critical from the standpoint of drainage" ...**

While the proposed Update to the City's Stormwater Master Plan has assessed needs and identified solutions and projects to address the City's core area-- the City of Tualatin has not sought to provide similar assessment and/or resolution of stormwater management needs within the Basalt Creek Area into the proposed Land Use Master Plan.

The 2018 Basalt Creek Concept Plan Stormwater stated,

The City of Tualatin has jurisdiction over the stormwater conveyance system to the north of the Planning Area. Culverts may need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite retention or infiltration is required when the location of public drainage or the topography of the site make connection to the system not economically feasible.

The 2019 Basalt Creek Comprehensive Plan stated,

" Because no storm water system currently exists in the area aside from existing conveyance adjacent to the street system, a new conveyance system will need to be installed along the new roadways.

In addition, site development runoff will need to be treated and detained, if necessary, before being discharged to the public drainage systems consistent with Clean Water Services standards."

The proposed Master Plan does not provide for the Basalt Creek Area an

- An assessment or accurate map of current existing conveyance system and treatment facilities, or current stormwater needs or existing downstream conditions, limitations or impacts.
- An assessment of accurate map of current wetlands or other Natural Resources for the Basalt Creek Area within the City's adopted maps
- An assessment of accurate map of future conveyance system and treatment facilities, or current stormwater needs or existing downstream conditions, limitations or impacts.
- Clear alternative Land Use Plans should on site stormwater management cannot be provided on site.
- Proposed costs – both developers or City for implementation of future system- or anticipated funding to cover costs.
- Coordination of Public Services with overlapping or downstream local governments of Washington County or City of Wilsonville for current or future needs as urbanization of the Basalt Creek Area progressed

Since 2015, my husband and I have talked with multiple City staff members, had on site meetings to see firsthand the extreme topography and multiple natural resources within the City's Land Use Planning area of the Basalt Creek Area.

We have submitted verbal and written testimonies to the Tualatin Planning Commission and to the City Council during the Basalt Creek Concept Planning process, and during the City of Tualatin Basalt Creek Comprehensive Planning process. We have supported our concerns with documentation of requirements of Metro and of Oregon's Statewide Land Use Planning Goals- only to be told a Stormwater Management Plan for the Basalt Creek Area will be created with the next..... Land Use Plan Action.

On April 7, 2016, Jeff Fuchs (then City Engineer) about how the City was working on an Update to the City's Stormwater Management Master Plan and obtaining a contract for consulting work for the project.

"We believe this is the appropriate time to included the Basalt Creek Planning Area in the Storm Water Master Plan (SWMP). We included the Planning Area in the SWMP so we can evaluate existing and future drainage conditions for an area that will likely be annexed into Tualatin in the future.

Evaluating storm water hydrology and hydraulics in the Basalt Creek Planning area will allow us to better plan for future infrastructure needs by understanding how much runoff to expect and anticipating where the runoff will flow based on existing topography and possible future land uses.

Including this work in this contract will allow us to save money versus creating a future separate document just for the Planning Area."

While we eagerly read the first public draft of the proposed Stormwater Update posted on December 1, 2020, it appears the City has not adequately included the Basalt Creek Area within the proposed draft.

As the City has already scheduled a hearing on this proposed major Land Use Plan, for Feb 8, 2021 – just 2 1/2 weeks -It appears the City is assuming the Planning Commission will just accept the staff recommendation to forward this major Land Use Plan to the City Council for adoption. We request the Planning Commission resubmit the proposed draft back to the City for additional revisions.

Should the City need copies of multiple communications we have had with the staff, Planning Commission, and/or with the City Council as to the need for a well written Stormwater Master Plan for the Basalt Creek Area we will be able to provide copies.

Thank you for your time.

Notice of Hearing | PTA 21-0001: City of Tualatin Stormwater Master Plan Adoption

1 message

Tabitha Boschetti <tboschetti@tualatin.gov>

Fri, Jan 15, 2021 at 4:31 PM

Cc: Kim McMillan <kmcmillan@tualatin.gov>, Steve Koper <skoper@tualatin.gov>, Sherilyn Lombos <slombos@tualatin.gov>, Sean Brady <sbrady@tualatin.gov>, Hayden Ausland <hausland@tualatin.gov>

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., **Monday, February 8, 2021**, streamed online and accessible at the Juanita Pohl Center ([8513 SW Tualatin Road, Tualatin, OR 97062](#)).

You are invited to attend and participate in the public hearing. Under consideration is **File No. PTA 21-0001**:

The scope of PTA 21-0001 includes:

- Adoption of an updated Stormwater Master Plan (2019);
- Amendments to the Tualatin Comprehensive Plan Updates specific to stormwater management practices, reflecting updated recommendations, practices, and partnerships;
 - An updated map of capital projects;
 - Updated references to the Stormwater Master Plan in the Tualatin Development Code.

The scope of the updated plan includes updated technical analyses, a recommended capital improvement program, programmatic approaches such as pipe repair and replacement and vegetation management, and a set of policy recommendations such as approaches to channel erosion and beaver management. The Stormwater Master Plan outlines capital improvement projects that will improve management for existing development and that is critical to managing future development impacts. The scope also includes smaller projects and programs. Altogether, the efforts would serve the aims of maintaining our stormwater system to:

- Increase capacity;
- Address erosion;
- Increase water quality treatment;
- Address pollutant sources and/or improve treatment functions;
- Make it easier to maintain stormwater systems.

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

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

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

To view additional materials visit: <https://www.tualatinoregon.gov/planning/pta-21-0001-stormwater-master-plan-adoption>

A staff report will available seven days prior to the public hearing at <https://www.tualatinoregon.gov/citycouncil/city-council-meeting-317>. This meeting and any materials being considered can be made accessible upon request.

If approved, PTA 21-0001 would adopt the updated Stormwater Master Plan and update the Introduction and Chapter 9 of the Comprehensive Plan Document. A limited range of document references would also be updated within the Tualatin Development Code.

To grant the amendment, Council must find the proposal meets the applicable criteria of the Oregon Statewide Planning Goals, Oregon Administrative Rules, Metro Code, and the Tualatin Comprehensive Plan and Development Code, including Tualatin Development Code Section 33.070.

Tabitha Boschetti, AICP

Assistant Planner

City of Tualatin | Community Development

503.691.3029

www.tualatinoregon.gov

tboschetti@tualatin.gov

My pronouns are she/her

Re: FW: Tualatin Planning Commission

1 message

G Lucini <grluci@gmail.com>

Sun, Jan 10, 2021 at 1:27 PM

To: Steve Koper <skoper@tualatin.gov>, Hayden Ausland <hausland@tualatin.gov>, Kim McMillan <kmcmillan@tualatin.gov>

Cc: Tualatin City Council <council@ci.tualatin.or.us>

Bcc: Grace Lucini <GrLuci@gmail.com>

Please include this correspondence as part of the Public Record for the City of Tualatin's proposed Land Use Action to Update the City's Stormwater Master Plan Update.

As a method to contact and directly submit Citizen Input to the State's mandated Committee for Citizen Involvement (CCI) or City's State authorized alternate, nor is a direct method to contact the City of Tualatin Planning Commission, provided on the City's designated Public website, would the City provide us assurance a copy of this communication is provided in a timely manner to these Committees/Commissions which make recommendations to the Governing Bodies for making the City's Land Use decisions.

Thank you for the invitation to the City of Tualatin Planning Commission Meeting scheduled for 1-21-2021, sent on 1-6-2021.

The email did not specify the reason for the invitation to the virtual Planning Commission Meeting and did not include an agenda of topics to be discussed during the Public Meeting of the TPC on 1-21-2021 (a major requirement of Notice for Public Meetings).

Nor has the agenda for this meeting been posted to the City's website Calendars for Public Meetings.

It is unclear from the invitation, and unclear from a somewhat comprehensive review of the City's website- as to which role and function Tualatin Planning Commission will be conducting business on 1-21-2021.

Consequently, my husband and I are somewhat confused as to the purpose of the invitation; the subject/s to be discussed; and specifics as to how the virtual meeting will be conducted.

- 1. Would you provide information as to any administrative procedures- including any time limits for Citizen verbal comments/discussions, or other limitations or constraints -which might apply to us during the 1-21-2021 meeting.**
- 2. Understanding the need for a virtual meeting, how does a member of the Public provide the members of the TPC access to documents which may provide clarification or support of Citizen Concerns to be discussed during the TPC virtual meeting?**
- 3. Will the City provide us a copy of the agenda for the 1-21-2021 TPC meeting?**
 - A. Would the City clarify if the purpose of the TPC meeting on 1-21-2021 will be to conduct the business and responsibilities of a Planning Commission, or to implement and fulfill the differing role and functions of a State mandated Committee for Citizen Involvement?**

In reviewing the November and December 2020 agendas for the Tualatin Planning Commission (TPC) as posted as part of General Notice on the City's Calendar of Public Meetings website for the City, it was noted the TPC agendas did not list an agenda item for a Citizen Comment period and did not list agenda items relating to the specifics of implementation and review for mandated components of the Oregon Statewide Planning Goal #1 for Citizen Involvement.

- B. Is the City's proposed Update to the Stormwater Master Plan an agenda item for the 1-21-2021 meeting?**

My husband and I previously submitted Citizen Comments to the City on 12-15-2020-during the City's designated Citizen Comment period for the proposed draft of the Update to the City's Stormwater Master Plan.

As of yet, we have not received a response from the City or elected or appointed officials on the substantial comments we provided to the City. Our comments were also supported by multiple relevant documents.

Included within those documents, was a review and comments of draft as posted to the City's website on the 12-1-2020, and a review of the City's supporting technical documents, by an extremely professionally qualified consultant. In addition, we provided copies of the stormwater conveyance system within the NE Basalt Creek Area; hydraulic modeling within the NE Basalt Creek Area (including lands recently annexed to the City and portions within the future jurisdiction of the City) and conclusions from the previously conducted studies by our consultant. This type of

necessary relevant information relating to Stormwater Management within the NE Basalt Creek area was missing from the City's proposed Stormwater Management Master Plan.

Due to the wealth of information we already provided to the City, and the extent of our concerns regarding the proposed Stormwater Master Plan draft in its current form, coupled with the lack of feedback we have receive from the City-it is curious to us as to why the City might have this proposed Land Use Action brought before the City's Planning Commission at this time.

As we would like to be prepared for the 1-21-2021 meeting, should the Stormwater Master Plan Update be an agenda item up for discussion, we would like to understand the purpose and intent for bringing this proposed Land Use Plan before the TPC.

- **Will the TPC be meeting in the role of the Planning Commission to review the proposed draft of the Update to the City's Stormwater Master Plan as part of the City's Land Use process and possibly be making recommendations on forwarding the proposed draft to the City Council for adoption?**

Or

- **Will the TPC be meeting as the City's designated Committee for Citizen Involvement-**
 - **to assure effective two-way communication with citizens by providing a mechanism for effective communication between citizens and elected and appointed officials**
 - **providing further information or providing us a response and rational to the comments and concerns we submitted to the City on 12-15-2020,**
 - **to provide a method for Citizen Involvement within the Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures?**

4. We understand the City has designated the TPC as the City's Committee for Citizen Involvement (CCI) for the City's Land Use Planning process.

The State's Goal #1 for Citizen Involvement requires *"If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process"*

As the proposed Update to the City's Stormwater Master Plan will potentially affect hundreds of acres of lands within the Basalt Creek Area- which were not previously included within the previous Stormwater Master Plan---has the City Council selected and provided a CCI member *"broadly representative of geographic areas and interests related to land use"* within the Basalt Creek Area as per the State's requirements for an open well- publicized public process?

City of Tualatin's Implementation of Statewide Land Use Planning Goal #1 for Citizen Involvement Mandated Committee for Citizen Involvement (CCI) verses Mandated Publicized Citizen Involvement Program

We cannot locate a publicized program on the City's website which *"clearly defines the procedures"* by which the general public (regardless of location of residence) is provided continuous involvement in the on-going land-use planning process- including *"Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures."*

My husband and I want to understand the various aspects (and any subsequent proposed changes) of the proposed Land Use Plan Update to the City's Stormwater Master Plan. And we wish to effectively participate in all phases of this Proposed Land Use Action as part of Citizen Engagement and Involvement for this proposed Land Use Action (as per Oregon Statewide Land Use Planning Goals #1 OAR 660-015-0000(1) and #2 OAR 660-015-0000(2)).

As the Oregon Statewide Land Use Planning Goal #1 for Citizen Involvement states *"the Citizen Involvement Program shall be appropriate to the scale of the planning effort"*, it would be assumed a proposed Land Use Master Plan Update which impacts the entirety of the lands within the current City Limits, and additional lands within the northern portion of the Basalt Creek Area under the future jurisdiction the City, and has taken years to create-would require the scale of the Citizen Involvement Program for this proposed Land Use Plan Update to be fairly large and extensive.

Specifically, to the TPC meeting on 1-21-2021, since we have not been able to find clear information as to the Goal #1 requirement for a Citizen Involvement Program to be use for this proposed Master Plan Update, we submit the following information and questions to the City.

Should the proposed draft of the Stormwater Master Plan be on the TPC 1-21-21 agenda, we would like to be able to have access to timely accurate information, and access to any changes or the most recent draft version on the proposed Land Use Master Plan Update- to allow for a reasonable timeframe to review and understand the proposed Land Use Plan --- prior to the 1-21-2021 TPC Public Meeting.

5. In the future, if any changes have been made – or will be made -to the proposed draft and/or the related technical documents since the City posted information on the City's website for the Citizen Comment Period ending 12-15-2020---

A. Will the City provide the Public easily identifiable internet access—to any changes to the proposed (as posted to the City's website on 12-1-2020, and/or any future iterations), which contain major or minor changes to the proposed Stormwater Master Plan Update?

B. To assure that technical information is available to the Public in an understandable form- If the City makes any subsequent changes to the 12-1-2020 version of the proposed draft (referenced in #5A) – **will the City identify/ indicate any future changes to the proposed Land Use Plan (perhaps by strikeouts, highlights, or by other means) within all future proposed versions or drafts of the proposed Land Use Plan?**

C. Will the City provide appropriate General Notice, and appropriate Actual Notice to Interested Persons, of any Public Meetings on any proposed major or minor changes to the 12-1-2020 draft (as referenced in #5 A) of the City's Update to the Stormwater Master Plan- or future iterations?

As a reminder, my husband and I have previously identified ourselves to the City as Interested Persons who have submitted written request to be provided Actual Notice of any/all future Public Meetings regarding the proposed Update to the City of Tualatin Stormwater Master Plan.

D. In the future, will the City make available to the Public via internet access any proposed changes to, or to the most current iterations of the 12-1-2020 draft of the Master Plan Update (as referenced in #5 A)---within a reasonable timeframe to allow for Public review and understanding, prior to any/all Public Meetings which may be held to forward the proposed Update within the City's Land Use Planning process?

It should be noted, the answers to some of these questions will impact the Public's ability to address the challenges created by the COVID-19 pandemic.

Again, thank you for your invitation to the Tualatin Planning Commission meeting on 1-21-2021.

We look forward to a timely reply to this email, and a response to our comments submitted to the City on 12-15-2020 regarding the proposed Update to the City's Stormwater Master Plan.

Regards,

John and Grace Lucini

On Wed, Jan 6, 2021 at 1:57 PM Steve Koper <skoper@tualatin.gov> wrote:

Good afternoon Grace,

I wanted to notify you of the upcoming Planning Commission meeting, so please consider this a formal invitation to the Planning Commission meeting on January 21st from 6:30 to 9:30PM.

Regards,

Hayden Ausland, CPSWQ
Engineering Associate - Water Quality
City of Tualatin
hausland@tualatin.gov
503-691-3037

-----Original Appointment-----

From: Steve Koper <skoper@tualatin.gov>
Sent: Wednesday, January 6, 2021 11:27 AM
To: Steve Koper; Kim McMillan; Hayden Ausland
Subject: Tualatin Planning Commission
When: Thursday, January 21, 2021 6:30 PM-9:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: <https://us02web.zoom.us/j/83673581282?pwd=K3MyM3AzL1NlIdmRIL2xJYWtJV2tQdz09>

Community Development is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting
<https://us02web.zoom.us/j/83673581282?pwd=K3MyM3AzL1NlIdmRIL2xJYWtJV2tQdz09>

Meeting ID: 836 7358 1282
Passcode: 542101
One tap mobile
+13462487799,,83673581282#,,,,,0#,,542101# US (Houston)
+16699009128,,83673581282#,,,,,0#,,542101# US (San Jose)

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)

Meeting ID: 836 7358 1282
Passcode: 542101
Find your local number: <https://us02web.zoom.us/u/kzyVFAssf>

12-15-2020

For Public Record- Proposed Update to City of Tualatin Stormwater Management Master Plan

To: The City of Tualatin Department of Engineering

Cc: Members of the Tualatin City Council and City of Tualatin City Council
City of Tualatin Planning Commission

RE: Proposed Update to City of Tualatin Stormwater Management Master Plan

My husband and I appreciate the opportunity to provide Citizen Comments on this first opportunity for Public access and Comment Period on the proposed update to the City of Tualatin's Stormwater Management Master Plan being undertaken by the City. We support the efforts of the City to acknowledge and attempt to respond to the various changes and philosophies regarding Stormwater Management which have occurred since the current Master Plan was adopted several years ago.

We also recognize the City of Tualatin has undergone various changes since the City's Stormwater Master Plan was adopted in 1972. It would be expected the scope of the Land Use Master Plan would include all lands within the City limits- as well as lands identified within the future jurisdiction of the City- and assessment, analysis and stormwater management planning would be applied to all the lands within the scope of the project for both current and future needs.

The need for coordination of Land Use Planning between overlapping governments is necessary and mandated. As the northern portion of the Basalt Creek Area is identified as under the future jurisdiction of the City of Tualatin, and the City has already started the urbanization process, it is important for the City of Tualatin to identify a method for ensuring the effective coordination of Land Use Planning with other local governments- especially those with overlapping jurisdictions or responsibilities. The majority of the Basalt Creek Drainage flows south eventually through the City of Wilsonville and into the Willamette River. Very little of Stormwater drainage from the Basalt Creek Area flows north into the City's existing catchment and conveyance system.

Since Washington County currently has ownership and jurisdiction over the existing stormwater system within the Basalt Creek Area, and the County's stormwater conveyance and treatment systems are within lands under various ownerships, it is important for the City provide a well-crafted Stormwater Management Plan for the Basalt Creek Area.

The City already acknowledged in the Basalt Creek Concept Plan of the potential need to upgrade the existing stormwater system within the Basalt Creek Area to accommodate future development within the Area.

Neither my husband nor I are against development.

As citizens and residents of the Basalt Creek Area the ability to participate in this first solicitation for input/feedback by potentially affected Citizens on this proposed update to a City's Land Use Plan is welcomed. We are particularly interested in the creation of a well written fact-based Update to the City's Stormwater Management Master Plan, as our home and property is within the Basalt Creek Area –in an area which the City has future jurisdiction, and downstream from lands recently annexed into the City and are coming under consideration for development.

As potentially affected Citizens and property owners within unincorporated Washington County, my husband and I have for many years attempted to work with both the City of Tualatin and with Washington County in recognizing and addressing our concerns regarding Stormwater Management within the Basalt Creek Area.

We have presented our concerns as to the need for a fact-based Stormwater Management Plan for the Basalt Creek Area for use as part of Land Use Planning Actions within the area. We have submitted these concerns numerous times, to the staff of the Cities of Tualatin and Wilsonville, to the City of Tualatin Planning Commission, and to the Tualatin City Council including:

- during the development of the Basalt Creek Concept Plan by the Cities of Tualatin and Wilsonville (2012-2018)
- written fact-based testimonies to the City of Tualatin during the City Council 2019 Hearings on the Basalt Creek Comprehensive Plan proposed adoption and integration into the City's governing documents as to the need for further- identification and documentation of Natural Resources, and the need for a Stormwater Plan --to specifically access and address the current and future needs within the scope of the lands to be included within the Comprehensive Plan
- on 3-21-2020 my husband and I submitted written testimony to the Tualatin City Council, again supported by documentation, as to the lack of pertinent facts and information on Land Use Planning for the Public Service of Stormwater Management relating to the application for annexation of 40+acres of lands within the Basalt Creek Area into the City of Tualatin.

My husband and I now present our concerns regarding the proposed Stormwater Management planning within the Basalt Creek Area as presented within the proposed Master Plan Update to the City of Tualatin, the City of Tualatin Planning Commission, and to the City of Tualatin City Council.

This is first opportunity provided by the City for Citizen review and comment on the proposed Update to the City's Stormwater Master Plan.

We note there are inconsistent, conflicting or omitted information between the proposed Update and the City's existing Governing Documents. The lack of relevant, accurate, consistent and necessary information between the proposed Stormwater Master Plan and many of the City's current documents may result in difficulties in the safe effective implementation of Stormwater Management by the City and coordination of Land Use Planning with other governmental units.

Recognizing that my husband and I do not have a professional working knowledge of Stormwater Management or hydraulic dynamics, we have obtained the services of Dave La Liberte, Principal Engineer of Liberte Environmental Associates to review and comment upon the technical aspects of the proposed Update to the City's Master Plan. David M. LaLiberte, P.E., Civil and Environmental Engineer is licensed in the State of Oregon, has compiled these comments under contract with us. Mr. La Liberte' has over 30 years of experience in stormwater, water quality and design solution analysis. His Cumuli Vitae (CV) identifying his education and experience are attached as (Attachment #1 Supplement C). He has personally conducted various hydrodynamic modeling scenarios within the Basalt Creek Area. We believe Mr. La Liberte to be highly qualified to provide relevant comments upon the proposed Update to the City of Tualatin Stormwater Management Master Plan (SWMP).

Mr. La Liberte's comments regarding the City's proposed Update to the SWMP are to be considered a part of our Citizen Comments and are attached.

Also included as an embedded Google Link are additional documents including studies and analysis conducted by Mr. La Liberte' in 2016, ***"Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon"***.

To offer identification of issues and assistance in a Land Use planning action – allowing the City of Tualatin to gain future jurisdiction over the northern portion of the Basalt Creek Area--this Stormflow Analysis was submitted to the Cities of Tualatin and Wilsonville during the Basalt Creek Concept Planning process. This study has also been provided to the City of Tualatin staff on other subsequent occasions.

SEE EMAIL ATTACHMENT --LA LIBERTE' ENVORONMENTAL ATTACHMENTS #1, #2 & #3 (INCLUDES SUPPLEMENTS)

**TECHNICAL COMMENTS RELATING PROPOSED UPDATE TO THE CITY'S MASTER PLAN
(Summarization)**

A summarization of Review of Document Comments

by Mr. La Liberte, Principle Engineer La Liberte' Environmental Associates:

Significant problems in the Plan for the BFR south area are:

- lack of identified stormwater facilities
- omission of hydrologic and hydraulic modeling analysis
- potential for misapplication of design alternatives
- absence of stormwater problem acknowledgement and evaluation
- no assessment of stormflows on steep slopes
- topography and soils suggest that infiltration is not a likely future runoff design solution in the Boones Ferry Road area
 - This is an important issue as to the elevation of lands, steep slopes, and drainage into Basalt Creek
 - The elevation of lands above the drinking water wells is of concern with impact upon the well from which the Lucini's obtain their water
- effect of stormflows on the Basalt Creek Concept Plan are neglected
- no existing and future development stormwater flows are compared
- protection of natural resources is unclear
- no designation of Capital Improvement Projects (CIPs9) in the BFR south area
- There is no assessment of peak and average stormflows on the steep slopes, which constitute the west flank of the BFR south area
 - These Tualatin stormflows discharge to the Basalt Creek Concept Plan area and their existence is not established in the SWMP.
 - Stormflows on these steep slopes have excessive peak and average flow velocities, which cause erosion
SEE: Supplement B Part 1 Analysis Report Section 4.
Stormflow Hydraulics and Part 2 Appendices A2 and I
- The Tualatin SWMP makes no provisions for temporary stormwater storage and discharge facilities when phasing-in large developments such as the Autumn Sunrise property in BFR south.
 - The concern is that arbitrary storage and discharge locations could occur in the interim, before the final stormwater facility is operable.
 - It needs to be specified in the Tualatin SWMP that new construction developments must use stormwater facilities and outfalls consistent only with its final specifications and drawings.

ADDITIONAL COMMENTS -MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

- CONTAIN DATED INFORMATION
- OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING

SEE EMAIL ATTACHMENT #4 MAPS or Pages 13-20

CITIZEN COMMENTS- NARRATIVE

PROPOSED UPDATE TO STORMWATER MASTER PLAN – CITY OF TUALATIN

My husband and I are submitting these Citizen Comments regarding the newly posted first draft (December 1, 2020) of the proposed City of Tualatin Stormwater Management Master Plan Update. Utilizing the State's Land Use Planning Goals as a basis for our concerns. We mention there are multiple other related local, State and Federal mandates which exist and provide additional measures to address stormwater management, property rights and protections, safety, conservation and protection of Natural Resources, and coordination and integration of Public Services with other governmental units or agencies.

STATE OF OREGON STATEWIDE LAND USE GOALS- Used as basis and support of concerns being presented

OAR 660-015-0000 Oregon Statewide Land Use Planning Goals

The state of Oregon has established goals and provided mandates for Land Use Plans – including specific requirements which should be included within the Land Use Plans of local city governments- including City Master Plans.

These Land Use Planning Goals not only provide a framework for creating a Land Use Plan, but they also provide a method for evaluation of various Land Use elements to be included within a potential Plan, as well as mandates for compliance.

Included within our comments are references to these Land Use Planning requirements to provide a common understanding of the basis for our comments and as support for request for resolution to concerns provided within this correspondence.

Land Use Planning Goal #2- LAND USE PLANNING OAR 660-015-0000 (2) provides the framework for the development and requirements for the development of a Land Use Plan- such as the City's proposed Stormwater Management Master Plan Update. Included with Goal #2 are the following goals and mandates apropos to these comments: *(emphasis added)*

- To establish a land use planning process and policy framework ***as a basis for all decision and actions related to use of land*** and ***to assure an adequate factual base*** for such decisions and actions.
- City, county, state and federal agency and special district plans, and actions related to land use **shall be consistent with the comprehensive plans of cities and counties and regional plans** adopted under ORS Chapter 268.
- All land use plans shall include:
 - ***identification of issues and problems, inventories and other factual information*** for each applicable statewide planning goal,
 - **evaluation of alternative courses of action and ultimate policy choices**, taking into consideration social, economic, energy ***and environmental needs***.

- The required information *shall be contained in the plan document or in supporting documents*
- **The plans shall be the basis for specific implementation measures.**
 - **These measures shall be consistent with and adequate to carry out the plans.**
 - All land-use plans, and implementation ordinances shall... be reviewed and as needed, revised on a periodic cycle *to take into account changing public policies and circumstances*

It is important that accurate fact-based information relating to potential Land Use actions are obtained and provided as part of any Land Use action. Both Citizens and those who may ultimately be making Land Use decisions require accurate representative unbiased information so that they may understand and comprehend issues pertaining to proposed Land Use issues. This process assists and promotes the transparency of the governmental process, and informed decision making.

Unfortunately, after review of the City of Tualatin's proposed Update to the Stormwater Management Master Plan, my husband and I have found multiple issues which reduce compliance with the Oregon Land Use Planning Goals, as well as other local, State and Federal mandates-particularly with respect to the Land Use Planning for the Basalt Creek Area under the current or future jurisdiction of the City of Tualatin, and/or under other overlapping governmental units or agencies.

HISORICAL LAND USE PLANNING ACTIONS-BASALT CREEK AREA & STORMWATER MANAGEMENT

My husband and I strongly support the City's efforts to review and revise the City's dated Stormwater Management Master Plan which according to the City's website was adopted in 1972

https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/page/13099/tualatin_drainage_plan_sept_1972.pdf

A request had to be submitted to the City for access to the Appendices for the proposed Plan.

In the decades since the City's Stormwater Management Plan was adopted in 1972, the type and level of assessment, knowledge and implementation of stormwater management has greatly expanded, and the potential impacts more fully understood. The relevance of impact of Land Use Actions upon the environment has also become more greatly understood, expanding the need for a more comprehensive assessment and analysis of potential outcomes as part of the Land Use Planning process.

In 2004 Metro 04-1040B authorized the addition of the "Tualatin Area" (part of which is now known as the Basalt Creek Area) into the UGB. Metro imposed multiple conditions and requirements for the conservation and protection of multiple natural resources as part of Metro 04-1040B as part of the responsibilities of the local governments.

In 2018 the Basalt Creek Concept Plan jointly authored and adopted by the Cities of Wilsonville and Tualatin -taking the initial steps in the Land Use Planning of over 800 acres within the Basalt Creek Area and included various assessments of Natural Resources within the Basalt Creek Area.

Included within the Basalt Creek Concept Plan are various statements relating to Land Use Planning within the Basalt Creek Area including:

"New stormwater infrastructure will be primarily integrated with the local road network"

..."It is assumed that the existing culverts may not have capacity for future urban conditions and will need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite detention or

infiltration is required when the location of public drainage or the topography of the site make connection to the system not economically feasible." (emphasis added)

"The Cities and CWS will adopt an Intergovernmental Agreement that will address areas where cooperative stormwater management is needed."

It is unclear if and when such Stormwater Management Planning for the Basalt Creek Area between these three entities was conducted.

Both Cities also stated within the Concept Plan- they would have "Joint Management" of the "Natural Area" within the Basalt Creek Canyon.

It is unknown what further action has been taken to implement the "Joint Management" of the lands in the center portion of the Basalt Creek Area- where a high percentage of the Natural Resources are located within the Basalt Creek Canyon.

It is not known what Land Use elements of "management" were intended to be the focus of this joint statement, but the potential involvement of the City of Wilsonville within the Land Use Planning of the Basalt Creek Area may result in additional complexities in the determination and implementation of Land Use planning within the Basalt Creek Area.

As the Basalt Creek Canyon receives a majority of the stormwater drainage from the area, the potential involvement and coordination of the City of Wilsonville should be included within any Stormwater Management plan within the Basalt Creek area. The identification of this information was not included within the City's proposed Update to the Stormwater Master Plan.

Included within the Basalt Creek Concept Plan are numerous maps identifying the location of multiple Natural Resources existing within the Basalt Creek Area mainly generated from Metro 2001 data. This type of information regarding Natural Resources within the Basalt Creek Area was not included within the maps the City elected to adopt within the City of Tualatin Basalt Creek Comprehensive Plan and the subsequent adoption and integration into the City's Governing Documents.

A few examples of the maps from the Basalt Creek Concept Plan are included as attachments to this correspondence to help substantiate:

- the existence of these Resources,
- the need for the City of Tualatin to conduct a more current assessment and analysis of multiple Natural Resources known to exist within the Basalt Creek Area for fact-based decision making,
- the need for the City to memorialize the information into the City's Governing Documents to:
 - establish fact-based documents which have evaluated significant factors which exist within lands the City sought to gain future jurisdiction -which are equal to or exceeding the level provided to the majority of the lands within the City.
 - Provide consistency of fact-based documents within the City which various departments can utilize as part of a decision-making process
 - Provide an accurate fact-based reference for use by the Public to gain understanding of the basis for future decisions

These actions will provide greater consistency within all proposed Land Use Plans -including the Stormwater Management Master Plan and may provide greater compliance and positive outcomes in subsequent implementation actions.

Attachment #4 Maps

In 2019, the City of Tualatin Basalt Creek Comprehensive Plan, did not provide stormwater management plans specific for the Basalt Creek Area or a stormwater system map specific to the Basalt Creek Area.

The City has left developers to be responsible for on-site Stormwater Management.

But the City did not identify what actions will be taken if financial costs become too high, if stormwater management requirements exceed onsite management and/or treatment capabilities or should other factors which might preclude full onsite stormwater management and/or treatment develop.

The City did not provide specific guidance as to:

- feasibility of integration into the County's existing stormwater management system (which is already known to be at capacity)
- mechanisms for cooperative planning and integration into the County's existing stormwater management system
- the process and funding to collect, convey, treat and dispose of excess stormwater runoff off site, or
- the role for Citizen Involvement by downstream property owners or other stakeholders.

The proposed Update to the City of Tualatin's Stormwater Management Master Plan does not acknowledge these issues nor provide information as to this issue.

There are questions as to the consistency of the City's Land Use Plans for Stormwater Management planning and implementation for development.

Contrary to the efforts taken to meet compliance requirements within the Basalt Creek Concept Plan, the City of Tualatin elected as part of the Basalt Creek Comprehensive Planning process, to omit maps within the Basalt Creek Area which denoted the existence of multiple Natural Resources within the Basalt Creek Area- which had been included in the Concept Plan.

The lack of information as to the assessment and location of multiple Natural Resources which have requirements for their conservation and protection, causes significant issues as to the ability to comply and implement various Metro, State and Federal requirements to conserve and protect Natural Resources based upon facts.

Consequently, lacking the inclusion of the assessment of the Natural Resources within the City's Governing Documents, inhibits the ability to effectively identify and mitigate negative impacts from Stormwater Drainage as part of the Master Plan for Stormwater Management and in the planning and implementation of any Land Use Action.

Within the City's Basalt Creek Comprehensive Plan -included as a supporting document- is a letter dated 12-5-2006, titled "[City of Tualatin Title 13 and Tualatin Basin Plan Compliance Review.](#)" (Exhibit 6 to Ordinance No. 1418-19

There are several concerns presented by the inclusion of this letter with issues relating to the Basalt Creek Area:

- Although the City has posted this letter on the City's Planning Department's Basalt Creek website, it is unclear as to the relevance of this letter to issues related to the Basalt Creek Area
- The letter is date specific and does not provide information as to changes which may have occurred within the 14 year since it was authored.
- The letter is dated 12-5-2006, prior to the City of Tualatin's right to conduct Land Use Planning for lands within the Basalt Creek area-outside its jurisdiction at the time. It is not known if the scope of subject matter within the review included lands within the Basalt Creek Area.
- It appears the intent of the letter was to evaluate a program, and not an evaluation of Title 13 resources- the letter clearly makes that statement.
- The letter included several statements as to additional actions required for compliance- including issues relating to the need for documentation of identification of various Natural Resources.
- The City did not attach documentation of successful implementation of actions required within the letter, nor application of results of the Tualatin Basin Program and application to the Basalt Creek Area.
- Of most importance the letter states: *"The compliance review by Metro is a review only of whether the amendments Tualatin is proposing are consistent with the UGMFP and is not a review of whether Tualatin has complied, or will comply with the other requirements of Option 5 and the Tualatin Basin Program.*
(emphasis added)

In relevance to the proposed Stormwater Management Master Plan Update, the 2006 Metro letter included the following information:

Stream crossings and detention ponds: We also note that for a number of HFDPs - such as minimizing stream crossings, encouraging perpendicular crossings, using habitat sensitive bridge and culvert designs, use of detention ponds, and allowance of narrow road widths through stream corridors - the City does not propose any code changes. Instead, the City states that its code is silent on such practices, but does not prohibit them, and mostly relies on its adoption of Metro's Title 3 and CWS requirements to meet Title 13's "encourage and facilitate" requirement.

Recommendation: We recommend that the City amend its code to affirmatively support these HFDPs. Doing so would leave no doubt that the City is encouraging and facilitating these HFDPs.

It is not known if the City implemented this recommendation- or if the recommendation is still relevant.

If the use of this letter is intended to indicate compliance to mandates for the conservation and protection of Natural Resources within the Basalt Creek Area, it would seem prudent for the City to establish documentation of an assessment of the Natural Resources within the Basalt Creek Area, and documentation of actions taken by the City to comply with such mandates- based upon current facts and standards to meet compliance needs.

In 2020, the City of Tualatin started actions to annex large acres of land within the NE portion of the Basalt Creek Area. A large portion of these lands currently act as the stormwater catchment, retention, and reabsorption basin for the greater area. The City is currently taking Land Use Planning actions which will allow the development of over 60 acres of this current stormwater catchment area.

Along with the removal of several acres which contain many characteristic factors of a natural stormwater catchment area (which have decreased the flow and velocity of stormwater and increase its reabsorption), future development may remove these factors while significantly increasing impervious surfaces with the creation of buildings, streets, and parking lots.

CURRENT CONCERNS REGARDING THE PROPOSED STORMWATER MASTER PLAN UPDATE

TECHNICAL ISSUES

A summary of the Technical Issues presented within the Stormwater Master Plan Update are summarized at the beginning of this correspondence, with the full review included as a Google Link attachment #1, #2 #3.

It is readily apparent when reading the proposed Master Plan Update, that much of the information contained with the draft is dated, and not reflective of current issues, or needs.

Page 5-2 includes the following information:

*"Basalt Creek runs north-south in the southern portion of the City. Much of the contributing land use is low-density and rural residential, **but with pending adoption of the Basalt Creek Concept Plan concept plan [sic], future development is anticipated to impact the contributing land use and stream condition. Ownership is currently private and public (City).**" (emphasis added)*

The Basalt Creek Concept Plan was adopted by the Cities of Wilsonville and Tualatin in 2018, indicating the proposed plan may not have been revised as to changes within the Basalt Creek Area for over two years. Since that time, the City of Tualatin generated and adopted the Basalt Creek Comprehensive Plan.

Although the proposed Stormwater Management Plan readily identified and anticipated the negative impact future development within the Basalt Creek Area would have upon the stream condition- the proposed Plan did not identify actions to be taken to provide further assessment and/or alternative solutions to attempt to address and mitigate stormwater impact upon the "stream condition".

IMPACT NATURAL RESOURCES

A review of the City's newly proposed draft to Update the City of Tualatin Stormwater Management Master Plan, does not currently identify the evaluation of Natural Resources within the Basalt Creek Area, nor the methods to be utilized to ensure compliance with the various mandates for the conservation and protection of numerous Resources. The State Land Use Goal requires documentation of compliance with State Goal #5 NATURAL RESOURCES AND OPEN SPACES, and State Goal #6 AIR, WATER AND LAND RESOURCES QUALITY which are the basis upon many of our concerns regarding the proposed Update to the City's Stormwater Master Plan.

NEED FOR COORDINATION OF LAND USE PLANNING WITH OVERLAPPING GOVERNMENTS- STATE GOAL #2

While both Cities had knowledge of, and participated within the decision making Land Use Planning process in planning the location of Washington County's proposed Basalt Creek Parkway Extension regional transportation 5+ lane expressway through the middle of the Basalt Creek Area--- neither the Basalt Creek Concept Plan nor the City of Tualatin

Basalt Creek Comprehensive Land Use Plans acknowledged, addressed or provided guidance as to coordination of stormwater management planning within the Basalt Creek Area for Washington County's proposed major transportation project within overlapping jurisdictions.

It is unclear as to the amount of land Washington County will require for their proposed project which will be needed not only for road construction, but also a proportionally large amount of land for stormwater management and treatment within wetlands and other lands within the future jurisdiction of the City of Tualatin. Nor did either plan address or provide guidance (and intended compliance) as to how all local governments would ensure conservation and protection of various Natural Resources within the Basalt Creek Area from direct or indirect effects of stormwater or stormwater management which might be caused by the proposed project and potential impact upon Natural Resources within the future jurisdiction of the City of Tualatin.

Compounding the lack of a clear plan for a coordinated Stormwater Management plan to address the permanent installation of this major transportation project through multiple Natural Resources, the Basalt Creek Concept Plan states, "joint management" management of the "Natural Area" within the Basalt Creek Area by the Cities of Wilsonville and Tualatin and introduces a possible intergovernmental agreement between the two Cities for stormwater management within the Basalt Creek Area.

Due to the proximity of the eastern terminus of the proposed Washington County Basalt Creek Parkway Extension on SW Boones Ferry Road, and the anticipated City of Tualatin major residential development of 400+ units and Commercial Neighborhood development within approximately 1/4 mile, of each other on SW Boones Ferry Road, there will be significantly increased need and demand for Stormwater Management and treatment with a limited geographic area and in lands with overlapping governmental jurisdictions.

As my husband and I are potentially affected property owners, we have on multiple occasions reached out to the staff of both the City of Tualatin and of Washington County to gain a better understanding how the Land Use planning actions by both governments are coordinating Land Use planning within the area. We have expressed our desire to be able to have potentially affected property owners participate in the coordinated planning of major Land Use Projects on lands near overlapping jurisdictions due to various direct and indirect impacts upon our property. We have not gained much success in these actions.

Unfortunately, there appears to be a continued lack of coordination and communication between these two entities as to the conception, planning and design of major Land Use Projects within the Basalt Creek Area.

Recognizing the lack of effective coordination in Land Use Planning by these two local governments, and to promote better compliance with mandates for the coordination of planning for Public Services by local governments, a well authored Stormwater Management plan would include clear requisites to:

- identify major Land Use Projects under consideration by another government (as a potential constraint or added factor in Land Use Planning)
 - provide guidance as to how to coordinate the provision of Public Services within overlapping jurisdictions.
- The proposed Stormwater Management Plan does not address this issue or provide clear guidance for implementation.

CURRENT STORMWATER MANAGEMENT SYSTEM WITHIN BASALT CREEK AREA

- HAS PREVIOUSLY FAILED AND IS A LIMITATION AND CONSTRAINT FOR FUTURE DEVELOPMENT

- IS UNDER THE JURISDICTION OF --OR IMPACTED BY--

LAND USE PLANNING ACTIONS OF OTHER LOCAL GOVERNMENT

The current Stormwater Management System along SW Boones Ferry Road within the Basalt Creek Area was designed and constructed as part of Washington County's SW Boones Ferry Road Improvement Project (2012-2015). During the design phase of this Land Use transportation project, my husband and I contacted the County on multiple occasions regarding our concerns of potential negative downstream stormwater impacts we identified within the proposed design. We were assured the outflow from the County's design would be equal or 10 % less than stormwater outflow which we previously experienced from a more primitive/less sophisticated stormwater system.

The 2016 Stormwater Analysis within the Basalt Creek Area by Mr. La Liberte' which was the basis of the report, *"Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon"*, was generated due to my husband's and my desire to understand the cause of flooding into our property from stormwater emitting from a Washington County Stormwater Outflow an apparent failure of the stormwater management system in 2015. There have been no significant changes made to the County's Stormwater system since 2015 upstream from our property.

Currently a large percentage of the stormwater drainage from the NE portion of the Basalt Creek Area flows south- eventually through the City of Wilsonville and into the Willamette River. Much of the stormwater within the NE portion of the Basalt Creek Area is captured within a stormwater catchment basin on undeveloped lands east of SW Boones Ferry Road, and collected within Washington County's stormwater collection, conveyance and treatment system. A majority of the stormwater catchment basin on the east side of SW Boones Ferry Road and north of Greenhill Lane is on lands recently annexed into the City of Tualatin.

The stormwater drainage from this area flows away from the majority of lands within the City of Tualatin and outside of the City of Tualatin's existing stormwater collection, conveyance and/or treatment facilities.

Mr. La Liberte's study identified multiple factors which lead to the flooding of our property from the stormwater system which currently exists within Basalt Creek Area in the area around SW Boones Ferry Road.

From this investigation we gained knowledge that the **County's design and planning for the stormwater management system installed along SW Boones Ferry Road as part of the SW Boones Ferry Road Improvement Project, was:**

- **based upon drainage needs of undeveloped land, and**
- **not designed to meet anticipated drainage needs of developed lands with higher nonporous surfaces (buildings, streets, and sidewalks etc.) which cause higher stormwater runoff and less reabsorption into the land which has previously acted as a major stormwater catchment area.**

Both the City of Tualatin, and Washington County are undertaking Land Use planning actions within the Basalt Creek Area affecting properties under overlapping jurisdictions. My husband and I have on multiple occasions attempted to gain insight as to the coordination of Stormwater Management Planning within the Basalt Creek Area from these two local governments.

As downstream property owners within Washington County, we have specifically expressed concerns and requested Land Use Planning information from the City of Tualatin as to the City's Stormwater Management Plan within the Basalt Creek Area and of potential impacts upon the current existing system under the jurisdiction of Washington County - during the Basalt Creek Concept Planning, during the City of Tualatin Basalt Creek Comprehensive Planning and as part of the City's annexation process for ANN 19-2002- without fact based information which would provide us understanding of the City's proposed Land Use actions and potential impacts caused by increased needs or changes to this Public Service. The Basalt Creek Concept Plan adopted by the City in 2018 acknowledged limitations within the existing Stormwater Management system within the Basalt Creek Area and identified the need for system upgrades with development of the Basalt Creek Area.

We have specifically asked the City of Tualatin and Washington County on multiple occasions how both of these two local governments have coordinated the Land Use Planning Goals for Washington County's proposed Basalt Creek Parkway Extension Project. Our questions have included how Stormwater Management will be integrated into the County's existing Stormwater System, how or where additional conveyance and/or treatment facilities will be located within lands with overlapping jurisdictions and of potential impacts to the City of Tualatin's Land Use Planning for the urbanization of the Basalt Creek Area and associated increased stormwater management needs on private or public lands. Again, my husband and I have received little fact-based information as to how these two local governments with overlapping jurisdictions have conducted Land Use Planning for a key Public Service of Stormwater Management within an area containing multiple known constraints and limitations.

My husband and I have reasonable concerns as to potential negative impacts from stormwater due to poorly planned and executed Land Use actions. The need for a well-developed integrated Stormwater Management plan for the Basalt Creek Area is necessary for the safety and protection of Citizens, property and surrounding Natural Resources.

Thank you for the opportunity for participating in this first Citizen Involvement Public event for the City's Proposed Update for the Stormwater Master Plan.

My husband and I look forward to hearing what steps the City will be taking the City's adoption process for this proposed Land Use Plan Action

As Citizens and potentially affected property owners, we request Actual Notice of any future Public Meetings-where this proposed Land Use Action may be an agenda topic--- including but not limited to the City of Tualatin Planning Commission, and/or the Tualatin City Council.

Respectfully submitted,
Grace Lucini
John Lucini
23677 SW Boones Ferry Road
Tualatin, OR 97062

ATTACHMENTS #1, #2, & #3 Documents La Liberte' Environmental Associates (Google Link)
#4 MAPS (Google Link) & (Hard Copy Pages 13-20)

ATTACHMENT #4

MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

-CONTAIN DATED INFORMATION

-OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING

An example of questionable information provided within many maps within the proposed Stormwater Management Plan for the City, is **Figure 2-2 Project Area Overview**.

The Legend within Figure 2-2 provides keys as to the location of

- **Open Space-Parks/Greenways/Natural Areas/Private***
- **Open Space- WPA/Setbacks/NRPO/Wetlands**

However, there is no indication of the wetlands, and multiple Natural Resources known to exist within the Basalt Creek Area and within the Basalt Creek Canyon.

Many of these types of Natural Resources may be negatively affected by stormwater drainage, and an accurate assessment as to the quantity, quality and location of Natural Resources which are to be conserved and protected should be assessed, evaluated and memorialized within a Stormwater Management Plan and integrated into the City's Governing Documents for to provide and assure consistency within the City's various Land Use Plans.

Another factor not denoted within the maps within proposed Stormwater Management Plan, is the identification of the "Natural Area" within the Basalt Creek Canyon.

This area which contains wetlands and various Natural Resources requiring conservation and protection was identified within the Basalt Creek Concept Plan in which both Cities agreed to have "joint management" of the "Natural Area". It would seem reasonable this information which might impact Land Use Planning within the Basalt Creek Area and is downstream from the Basalt Creek lands already annexed into the City, would be identified on the Figure 2-2 map, and include additional information within the narrative of the proposed Stormwater Management Plan as a potential constraint or limitation in the planning of Stormwater Management in the area or upstream from the "Natural Area".

This map also includes the notation of "Brown and Caldwell City of Tualatin Stormwater Master Plan Date: April 2019 Project 149233" in the lower left corner of the map. An assumption would be that the information provided within this map would be current and accurate as of April 2019- the date indicated on the lower left corner of the map. It is unknown how current the information contained within this map may be but lacking the inclusion of information Basalt Creek Area lands already within the City's boundaries, makes one question when the data for this map was last collected.

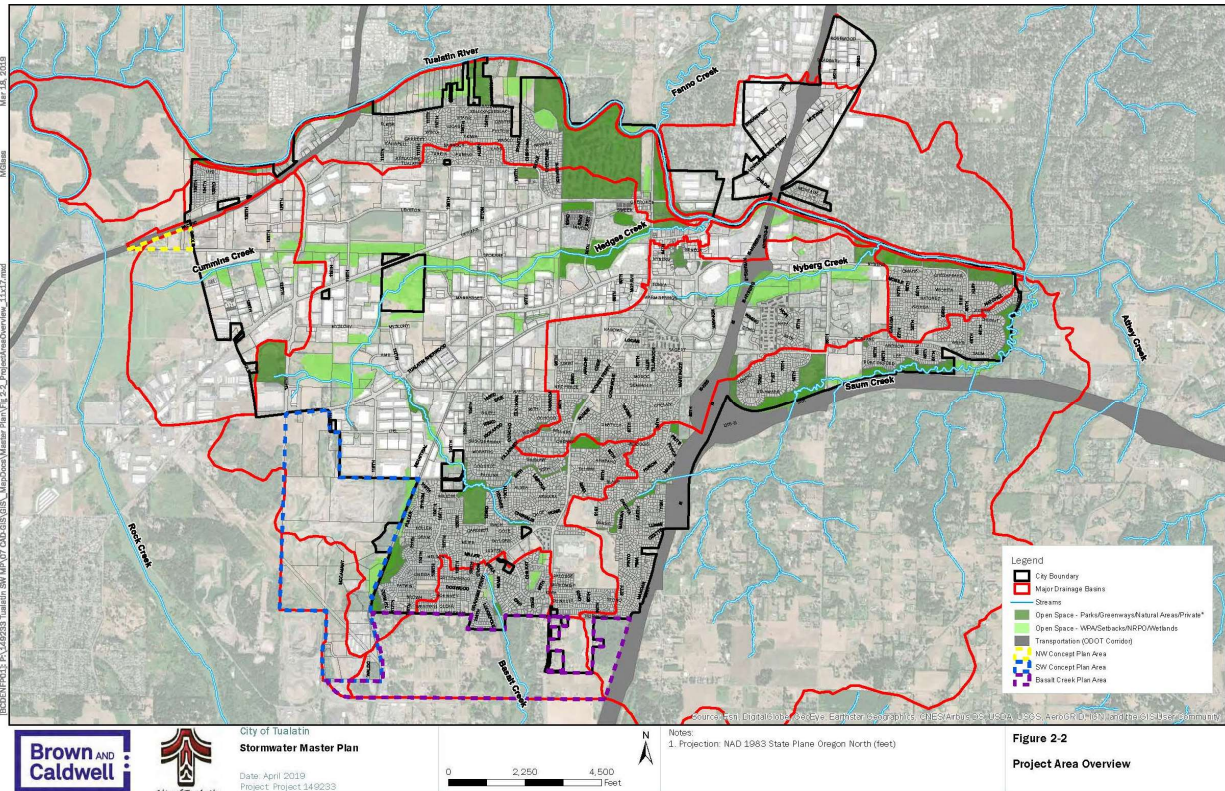


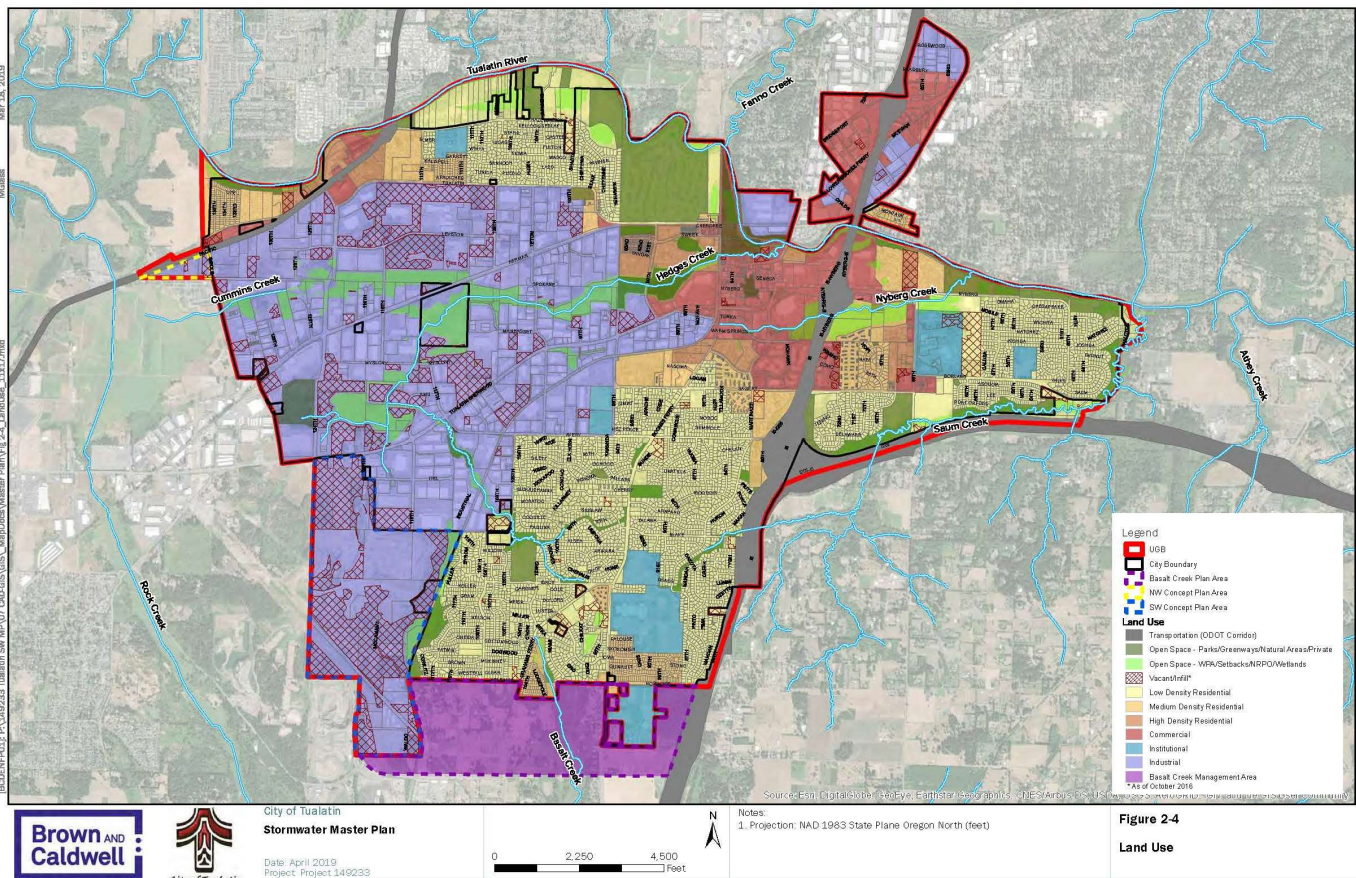
Figure 2-4 "Land Use" Map Not Consistent with City's Current Land Use Zoning

also provides the notation of "Brown and Caldwell City of Tualatin Stormwater Master Plan Date: April 2019 Project 149233 in the lower left corner of the map.

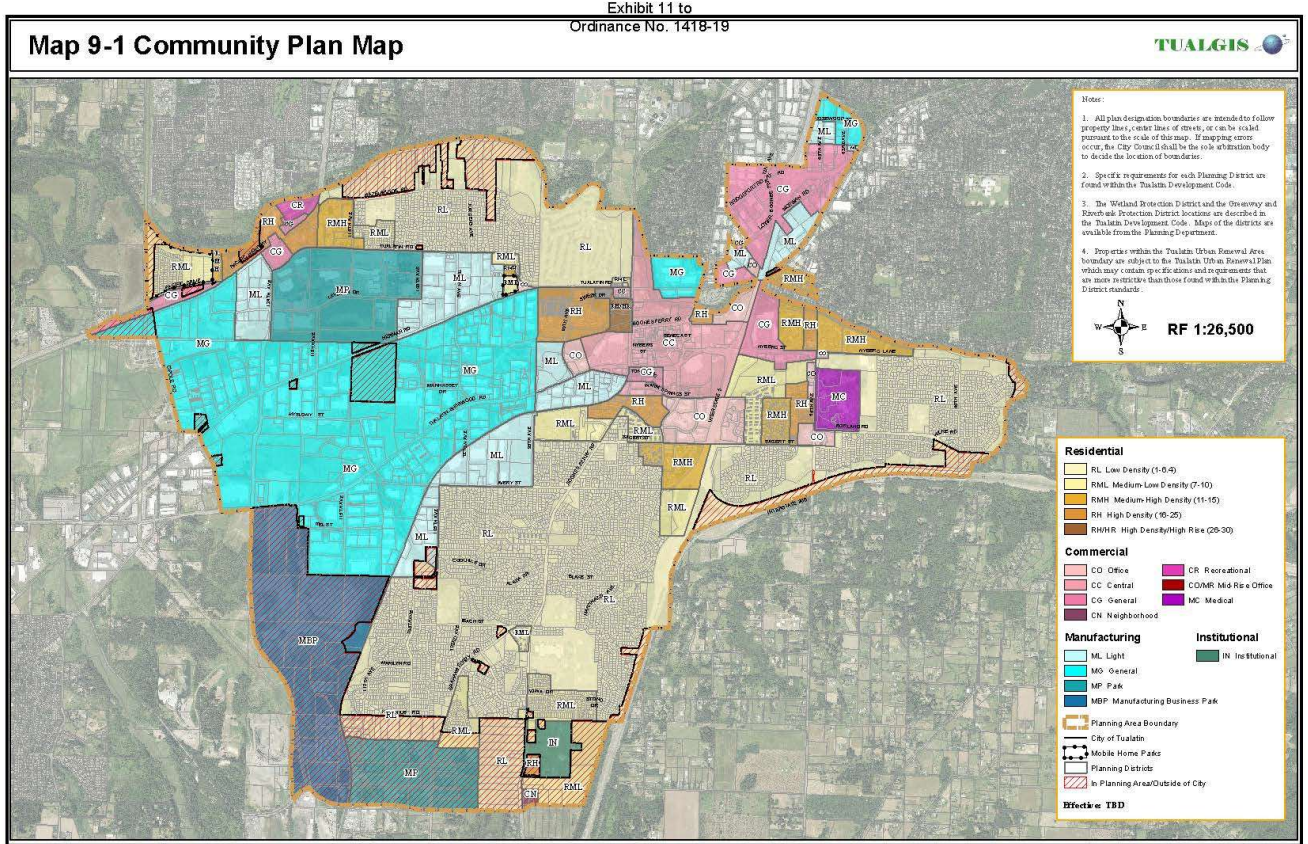
Yet, an asterisk notation within the Legend box states, "* As of October 2016".

Major changes have occurred as to Land Use within the City of Tualatin in the four years since this map was apparently generated.

The information provided as to the Land Use zoning or designations do not accurately reflect the Land Use Planning Actions of the Basalt Creek Concept Plan adopted in 2018, nor the City of Tualatin Basalt Creek Comprehensive Plan. Land Use Zoning within the Basalt Creek Area does not provide accurate information of current Land Use Zoning and Planning within the Basalt Creek Area and may hinder the planning for Stormwater Management in the assessment of current and future needs based upon type of land use. Approximately 60 acres within the Basalt Creek Area have already been annexed into the City of Tualatin, and into the responsibilities and regulations of the City for Land Use planning- including Stormwater Management.



The proposed Stormwater Master Plan Update is not consistent with the Land Use Plan adopted by the City in 2019 in Ordinance 1418-19, and consequently would not be compliant with Statewide Planning Goal #2



72-1 Natural Resources Protection Overlay district (NRPO) and Greenway Locations

72-3 Significant Natural Resources

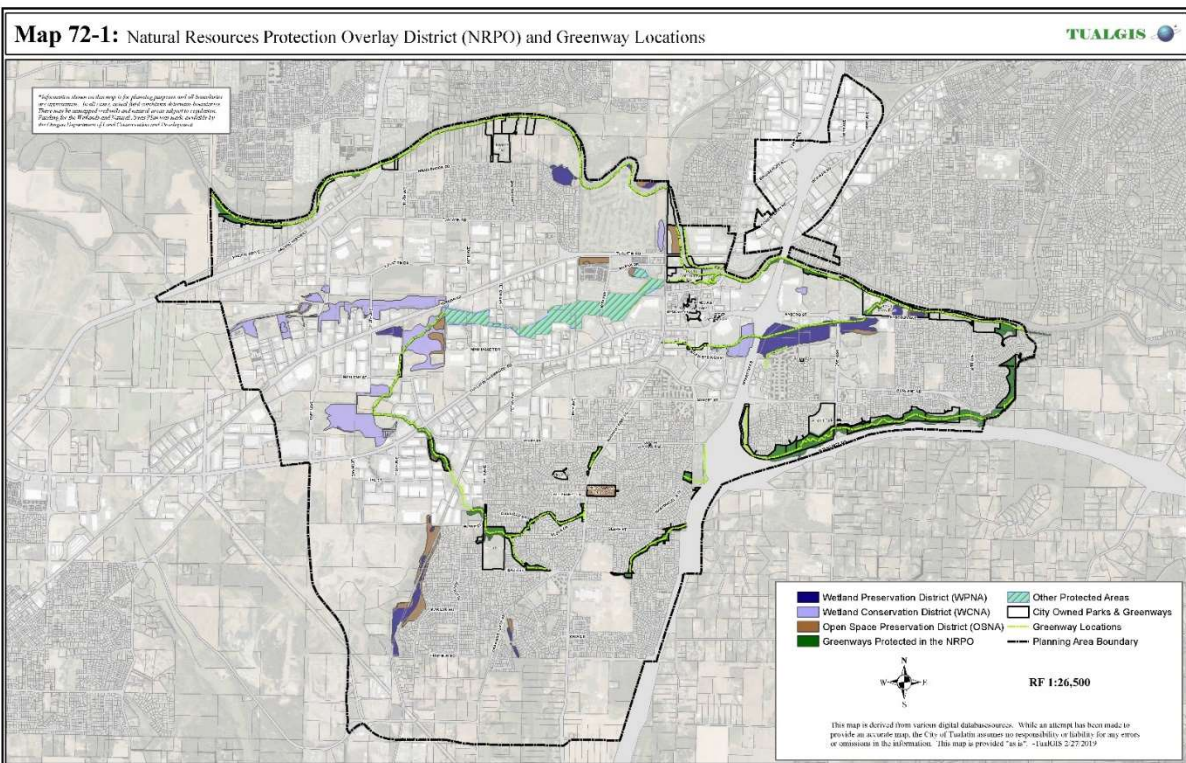
There is an absence of necessary information provided for the Basalt Creek Area for Natural Resources

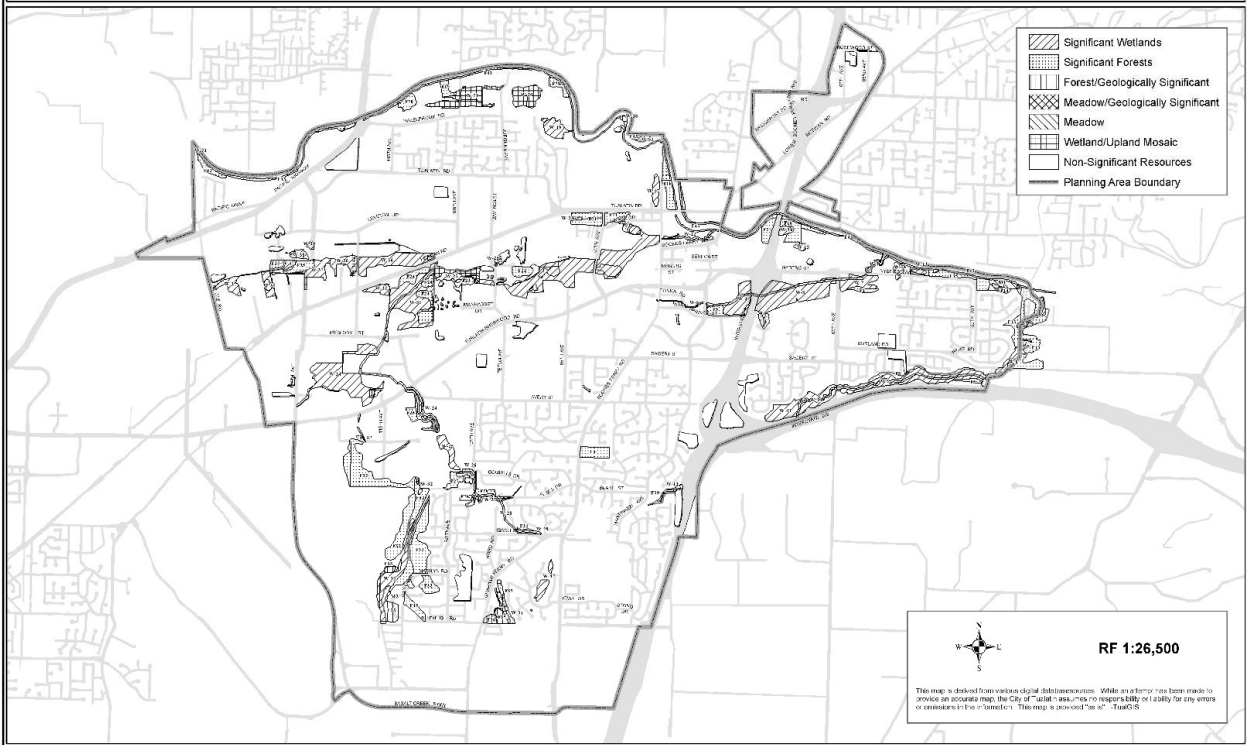
Lacking necessary evaluations as to the level, location and quality of Natural Resources within the Basalt Creek Area within the proposed Stormwater Management Master Plan Update, it would be difficult for the City of Tualatin to utilize the maps adopted into the City's Governing Documents (as part of the adoption of the Basalt Creek Comprehensive (Ord. [1427-19](#), § 47, 11-25-19)), as supportive or back up documents to the proposed Update, as these maps obtained from the City's website do not identify or provide substantive information as to the multiple Natural Resources which are known to exist within the Basalt Creek Area.

City of Tualatin Maps downloaded from the City's municipal Code website

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_APXAMA

also lack essential information necessary for the development of a Land Use Plan, or effective implementation of a Land Use Action within the Basalt Creek Area and are not suitable support documents for the proposed Update to the City's proposed Stormwater Management Master Plan Update.





There are significant inconsistencies in the level of acknowledgement and identification of various Natural Resource which are required to be evaluated for potential impact within all Land Use Plans, and Planning Actions. The omission of pertinent information regarding the existence of multiple Natural Resources within the northern portion of the Basalt Creek Area as presented within the City's Governing Documents, and within the City's proposed Stormwater Master Plan update are notable.

However, the City included the Basalt Creek Concept Plan document adopted by the City in 2018, and utilized as a supporting document to the Basalt Creek Comprehensive Plan in 2019 did provide needed information as to Land Use evaluative factors such as the Natural Resources and constraints which exist within the Basalt Creek Area.

Examples of pertinent documentation from the Basalt Creek Concept Plan as to the quantity and quality of these Natural Resources is provided including a summary of a rationale for inclusion of this information into the Basalt Creek Land Use Concept Plan.

Metro Title 13: Nature in Neighborhoods

Title 13 requires local jurisdictions to protect and encourage restoration of a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape. Metro's regional habitat inventory in 2001 identified the location and health of fish and wildlife habitat based on waterside, riparian and upland habitat criteria. These areas were named Habitat Conservation Areas.

Table 7 Title 13 HCA Categories with Acreage

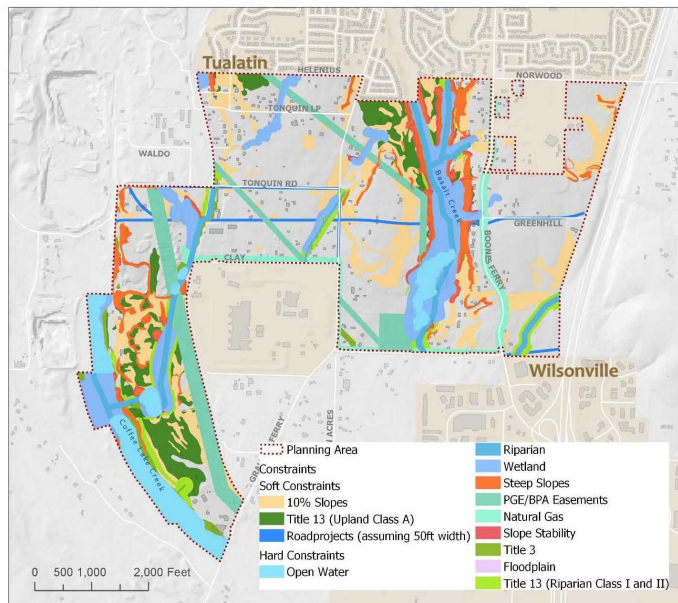
HCA Categories	Acres	Description
Riparian Wildlife Habitat Class I	130	Area supports 3 or more riparian functions
Riparian Wildlife Habitat Class II	31	Area supports 1 or 2 primary riparian functions
Riparian Wildlife Habitat Class III	7	Area supports only secondary riparian functions outside of wildlife areas
Upland Wildlife Habitat Class A	103	Areas with secondary riparian value that have high value for wildlife habitat
Upland Wildlife Habitat Class B	72	Area with secondary riparian value that have medium value for wildlife habitat
Upland Wildlife Habitat Class C	37	Areas with secondary riparian value that have low value for wildlife habitat
Designated Aquatic Impact	52	Area within 150 ft. of streams, river, lakes, or wetlands

Exhibit 2 to Ordinance No. 1418-19

Environmental constraints are summarized below and unless otherwise noted were fully excluded from the developable land input in the scenario testing for the Basalt Creek Concept Plan:

- Open Water
- Streams
- Wetlands
- Floodplains (50% reduction of developable area)
- Title 3 Water Quality and Flood Management protections
- Title 13 Nature in Neighborhoods (20% reduction of developable area in areas designated Riparian Habitat Classes I and II)
- Steep Slopes (25% slopes and greater)

Figure 13 Natural Resources Map



It is unclear as to the rationale for the omission of pertinent information required to be an evaluated component in the development of all Land Use Plans and implementation of Planning Actions have not been included within the proposed Stormwater Master Plan Update, nor in the City's Governing Documents as provided via the City's

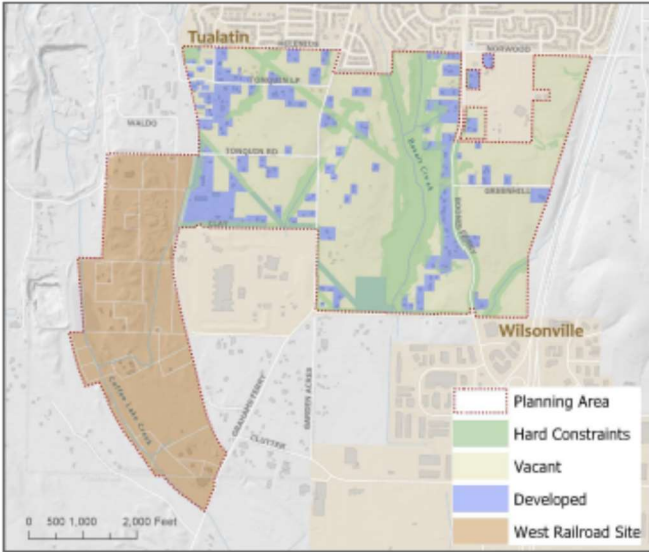
**Exhibit 2 to
Ordinance No. 1418-19**

The goal is to classify every parcel within the Planning Area into one of the categories described below:

Table 2 Land Supply within the Basalt Creek Planning Area by Type and with Acres.

Land Supply by Type and Acreage		
Land Type	Acres	Description
Vacant Land	331	Unconstrained land that is ready to build with no major structures located on the site
Developed Land	123	Land already built upon which includes acreage covered by roadways
Constrained Land	153	Land that cannot be built upon due to environmental or other hard constraints
West Railroad Area	238	Excluded from development plan due to large amount of constraints and limited access
Total Land Supply	847	

Figure 6 Land Supply by Type.



Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly

representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication -- To assure effective two-way communication with citizens.

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information -- To assure that technical information is available in an understandable form.

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The

rationale used to reach land-use policy decisions shall be available in the form of a written record.

6. Financial Support -- To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

GUIDELINES

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and

committee appointments should be well publicized.

B. COMMUNICATION

Newsletters, mailings, posters, mail-back questionnaires, and other available media should be used in the citizen involvement program.

C. CITIZEN INFLUENCE

1. Data Collection - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

2. Plan Preparation – The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

3. Adoption Process – The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

4. Implementation - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan. The

general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

5. Evaluation - The general public, through the local citizen involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

6. Revision - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

D. TECHNICAL INFORMATION

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and one changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. FEEDBACK MECHANISM

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

F. FINANCIAL SUPPORT

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.

Oregon's Statewide Planning Goals & Guidelines

GOAL 2: LAND USE PLANNING

OAR 660-015-0000(2)

PART I -- PLANNING

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

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after

public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Affected Governmental Units -- are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

Comprehensive Plan -- as defined in ORS 197.015(5).

Coordinated -- as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

Implementation Measures -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

Plans -- as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

PART II -- EXCEPTIONS

A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(1) Reasons justify why the state policy embodied in the applicable goals should not apply;

(2) Areas which do not require a new exception cannot reasonably accommodate the use;

(3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

standards for an exception have or have not been met.

Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

Upon review of a decision approving or denying an exception:

(a) The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and

(c) The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met.

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that;

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(c) Complies with standards for an exception.

PART III -- USE OF GUIDELINES

Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

goals. All land-use plans shall state how the guidelines or alternative means utilized achieve the goals.

Guidelines -- are suggested directions that would aid local governments in activating the mandated goals. They are intended to be instructive, directional and positive, not limiting local government to a single course of action when some other course would achieve the same result. Above all, guidelines are not intended to be a grant of power to the state to carry out zoning from the state level under the guise of guidelines. (Guidelines or the alternative means selected by governmental bodies will be part of the Land Conservation and Development Commission's process of evaluating plans for compliance with goals.)

GUIDELINES

A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES

Preparation of plans and implementation measures should be based on a series of broad phases, proceeding from the very general identification of problems and issues to the specific provisions for dealing with these issues and for interrelating the various elements of the plan. During each phase opportunities should be provided for review and comment by citizens and affected governmental units.

The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases.

The number of phases needed will vary with the complexity and size of the area, number of people involved, other governmental units to be

consulted, and availability of the necessary information.

Sufficient time should be allotted for:

- (1) collection of the necessary factual information
- (2) gradual refinement of the problems and issues and the alternative solutions and strategies for development
- (3) incorporation of citizen needs and desires and development of broad citizen support
- (4) identification and resolution of possible conflicts with plans of affected governmental units.

B. REGIONAL, STATE AND FEDERAL PLAN CONFORMANCE

It is expected that regional, state and federal agency plans will conform to the comprehensive plans of cities and counties. Cities and counties are expected to take into account the regional, state and national needs. Regional, state and federal agencies are expected to make their needs known during the preparation and revision of city and county comprehensive plans. During the preparation of their plans, federal, state and regional agencies are expected to create opportunities for review and comment by cities and counties. In the event existing plans are in conflict or an agreement cannot be reached during the plan preparation process, then the Land Conservation and Development Commission expects the affected government units to take steps to resolve the issues. If an agreement cannot be reached, the appeals procedures in ORS Chapter 197 may be used.

C. PLAN CONTENT

1. Factual Basis for the Plan

Inventories and other forms of data are needed as the basis for the policies and other decisions set forth in the plan. This factual base should include data on the following as they relate to the goals and other provisions of the plan:

- (a) Natural resources, their capabilities and limitations
- (b) Man-made structures and utilities, their location and condition
- (c) Population and economic characteristics of the area
- (d) Roles and responsibilities of governmental units.

2. Elements of the Plan

The following elements should be included in the plan:

- (a) Applicable statewide planning goals
- (b) Any critical geographic area designated by the Legislature
- (c) Elements that address any special needs or desires of the people in the area
- (d) Time periods of the plan, reflecting the anticipated situation at appropriate future intervals.

All of the elements should fit together and relate to one another to form a consistent whole at all times.

D. FILING OF PLANS

City and county plans should be filed, but not recorded, in the Office of the County Recorder. Copies of all plans should be available to the public and to affected governmental units.

E. MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES

The citizens in the area and any affected governmental unit should be given an opportunity to review and

comment prior to any changes in the plan and implementation ordinances. There should be at least 30 days notice of the public hearing on the proposed change.

1. Major Revisions

Major revisions include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

The plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the plan. Areas experiencing rapid growth and development should provide for a frequent review so needed revisions can be made to keep the plan up to date; however, major revisions should not be made more frequently than every two years, if at all possible.

2. Minor Changes

Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

F. IMPLEMENTATION MEASURES

The following types of measure should be considered for carrying out plans:

1. Management Implementation Measures

(a) Ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances. ORS Chapter 197 requires that the provisions of the zoning and subdivision ordinances conform to the comprehensive plan.

(b) Plans for public facilities that are more specific than those included in the comprehensive plan. They show the size, location, and capacity serving each property but are not as detailed as construction drawings.

(c) Capital improvement budgets which set out the projects to be constructed during the budget period.

(d) State and federal regulations affecting land use.

(e) Annexations, consolidations, mergers and other reorganization measures.

2. Site and Area Specific implementation Measures

(a) Building permits, septic tank permits, driveway permits, etc; the review of subdivisions and land partitioning applications; the changing of zones and granting of conditional uses, etc.

(b) The construction of public facilities (schools, roads, water lines, etc.).

(c) The provision of land-related public services such as fire and police.

(d) The awarding of state and federal grants to local governments to provide these facilities and services.

(e) Leasing of public lands.

G. USE OF GUIDELINES FOR THE STATEWIDE PLANNING GOALS

Guidelines for most statewide planning goals are found in two sections-planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

From: Steve Koper
Sent: Friday, February 5, 2021 5:26 PM
To: Tabitha Boschetti
Subject: FW: Citizen Comments 2-8-21 Hearing City of Tualatin Stormwater Master Plan Update
Attachments: 2019 2-8 WA County Anticipated Changes_ SW Boones Ferry Road ----North of Greenhill Lane.pdf; 2021 1-22 LUCINI Tualatin Stormwater Master Plan -FOLLOW UP AFTER 1-21-2021 TPC Meeting.pdf; 2021 1-29 U Kuhn EM Chain Follow Up 1-21-21 TPC Meeting.pdf; 2021 2-5 LIST COMMUNICATIONS TUALATIN.pdf; 2021 2-4 H Aushland RE 12-15-20 Stormwater Master Plan - Public Comment Response.pdf; 2021 1-22 Text of Lucini Verbal Testimony read at TPC Meeting 1-21-21.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: Sherilyn Lombos <slombos@tualatin.gov>
Sent: Friday, February 5, 2021 5:14 PM
To: Kim McMillan <kmcmillan@tualatin.gov>; Steve Koper <skoper@tualatin.gov>; Sean Brady <sbrady@tualatin.gov>
Subject: FW: Citizen Comments 2-8-21 Hearing City of Tualatin Stormwater Master Plan Update

FYI...

Sounds like Councilors Brooks and Sacco are doing a site visit tomorrow afternoon.

I did have a good series of Friday calls; talked through everything; I think everyone understands; I don't expect too many fireworks Monday.

Sherilyn Lombos

Tualatin City Manager

Desk: 503.691.3010 | Mobile: 971.998.4127

From: G Lucini <grluci@gmail.com>
Sent: Friday, February 05, 2021 4:56 PM
To: Council <council@tualatin.gov>; Frank Bubenik <fbubenik@tualatin.gov>; Nancy Grimes <ngrimes@tualatin.gov>; Valerie Pratt <vpratt@tualatin.gov>; Bridget Brooks <bbrooks@tualatin.gov>; Christen Sacco <csacco@tualatin.gov>; Maria Reyes <mreyes@tualatin.gov>; Cyndy Hillier <chillier@tualatin.gov>; Sherilyn Lombos <slombos@tualatin.gov>
Cc: John Lucini <JWLuci@gmail.com>
Subject: Citizen Comments 2-8-21 Hearing City of Tualatin Stormwater Master Plan Update

2-5-2021 FOR PUBLIC RECORD

To: The Members of the City of Tualatin City Council

From: John and Grace Lucini

**RE: Quasi-Judicial Hearing Scheduled 2-8-2021 City of Tualatin Proposed Land Use Action
PTA 21-0001 City of Tualatin Stormwater Master Plan Adoption- per Notice 1-15-
2021**

We appreciate the opportunity to present to the members of the City of Tualatin City Council, our concerns regarding the proposed Land Use Action under consideration by the City of Tualatin.

As has been stated on previous occasions, we are very supportive of the City adopting a well-developed Stormwater Master Plan for the Basalt Creek Area. We understand the City has not updated their Stormwater Master Plan since 1972 and realize many changes have occurred in Stormwater Management theory since that time. The need for a document which assesses current conditions and needs; provides statistical analysis based upon facts for future needs; and makes clear recommendations to plan for future needs is readily apparent.

A Stormwater Master Plan should encompass and address Stormwater Management Master Planning for all lands within the City's Land Use planning jurisdiction and not just the major portion of lands.

While the proposed Update to the City's Stormwater Master Plan (SWMP) addressed Master Planning for the vast percentage of the lands within the City's Land Use Planning jurisdiction north of the Basalt Creek Area, the proposed draft does not provide sufficient information or supporting documentation to provide an accurate assessment of current conditions within the Basalt Creek Area. The proposed draft of the SWMP is basically silent on forecasting Stormwater Management needs on lands transitioning from rural undeveloped lands to a new designated zoning and land uses for urbanization of the northern portion of the Basalt Creek Area. The proposed SWMP does not provide recommendations as to potential current or future Stormwater infrastructure improvements within an area with marginal infrastructure designed for the lesser stormwater management needs of undeveloped lands. The proposed SWMP draft does not provide adequate information to enable effective planning for the future provision of a safe cohesive Stormwater Management Plan within lands in the Basalt Creek Area which the City sought and gained the right to establish Land Use Planning authority. Nor does the SWMP provide clear information on the coordination and integration of this key Public Services within lands which have overlapping Land Use Planning authority of other local governments.

It is important to note, during the Tualatin Planning Commission (TPC) meeting on 1-21-21, the Commissioners voted to forward a unanimous recommendation of approval for only the proposed changes to the Plan Text Amendment to the City Council. The TPC did not address the merits or provide recommendations regarding the proposed Brown and Caldwell 2019 draft of an Update to the City's Stormwater Master Plan, due to the technical content of the proposed document.

REQUEST TO THE TUALATIN CITY COUNCIL-GOVERNING BODY FOR THIS PROPOSED LAND USE ACTION

We request the members of the Tualatin City Council to return this first Public draft of the proposed Land Use Stormwater Master Plan (Brown and Caldwell 2019 Stormwater Master Plan draft) and related documents back to the staff for additional assessment and analysis to address multiple issues related to the omission of relevant information pertaining to the development of a Master Plan for the provision of a key Public Service of Stormwater Management within the Basalt Creek Area within the City's Land Use Planning jurisdiction.

In addition, we present specific questions to the City Council which are included at the end of this communication.

We request the Council to instruct the staff to address each of the five questions presented, and to instruct the staff to provide the Council a Staff Report. To be included within the Staff Report should be the resolution of each question, how each question was resolved, and the rationale as to the resolution. We request a copy of this Staff Report to be sent to us in a timely manner.

RATIONALE FOR OUR REQUEST

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For ease of reference within this submission, as to what elements a local governments stormwater master plan is required to contain, please see the State of Oregon Department of Environmental Quality Summary provided at the end of this submission.

We have provided extensive and comprehensive Citizen Comments during the Citizen Comment Period for this Proposed Land Use Action, on 12-15-20. These comments included and were substantiated by a written review of the proposed Brown and Caldwell document (and also its supporting technical documents), by an extremely well qualified Environmental Engineer, who has also conducted various drainage studies within the Basalt Creek Area and is familiar with the area. We also included copies of these studies which we had hired LEA Environmental Associates to conduct. We also submitted additional Citizen Comments on 1-12-21, and 1-22-2021. This submission is a supplement and overview to our prior submissions.

-
The City of Tualatin has known of the need to plan to provide for key Public Services within the northern portion of the Basalt Creek Area since 2004. Within the following 16 years, the City has not yet produced an effective Stormwater Master Plan for the lands within the Basalt Creek Area which came into their Land Use Planning jurisdiction in 2019.

The City adopted the Tualatin Basalt Creek Comprehensive Plan in 2019 gaining approximately 300+ acres of land into its Land Use Planning jurisdiction. The City has already annexed approximately 60 acres of Basalt Creek land into the City and is actively working with developers on planning to transition what is currently rural undeveloped land into urbanized residential housing for 300-400 residential units and a neighborhood commercial center. This transition will remove land which currently functions as a major stormwater catchment basin and natural reabsorption area, into developed lands which require more stormwater management due to increased impervious surfaces of buildings, streets, and parking lots.

NEED FOR ACCURATE CURRENT ASSESSMENT

Neither the Basalt Creek Concept Plan, the City of Tualatin Basalt Creek Comprehensive Plan nor this document provide accurate mapping of the existing stormwater collection, conveyance outflows or treatment facilities within the Basalt Creek Area.

As the Basalt Creek Area currently has a minimal stormwater infrastructure which is under the jurisdiction of Washington County (a portion of which experienced failure), the City needs to provide a clear framework for the provision of stormwater management throughout the Basalt Creek Area- with known topographical, geological, and environmental limitations and constraints which cause significant challenges for Stormwater Management.

Another major issue not found within the majority of the City lands north of the Basalt Creek Area, is stormwater from the Basalt Creek Area does not flow towards the City's existing infrastructure, but south through the Basalt Creek area to the Willamette River through lands of other local governmental with overlapping jurisdictions and Land Use Planning goals.

PROTECTION OF NATURAL RESOURCES AS PART OF LAND USE PLANNING

-
The lands within the Basalt Creek Area are rich in multiple known wetlands, Title #13 Resources and State Goal #5 and #6 Natural Resources -which the City is charged to protect and conserve by various Federal, State, Metro and City mandates. These types of resources can be critically impacted by improperly managed stormwater. Yet the City's Maps 72-1 and 72-3 do not provide information on multiple known Natural Resources within the Basalt Creek Area and within the City's Land Use Planning Area. This is very problematic, as Oregon Statewide Land Use Planning Goal #5 OAR 660-015-0000(5) requires the protection of various items including certain Natural Resources. The lack of identification of Natural Resources within the City's Maps complicates not only the development of an effective Stormwater Management Program for the Area, but also the ability for the City to substantiate compliance of this or other Land Use actions potentially impacting the Natural Resources within the Basalt Creek Area to the mandates of Land Use Planning Goal #5

The proposed Stormwater Master Plan did not address or provide data on the local aquifers within the Basalt Creek Area, and analysis of impact caused by the removal of the existing stormwater catchment area and the introduction of development will have on the quality and quantity of water which local residents depend upon their wells to produce for their sole source for daily water needs

LIMITATIONS OF CURRENT STATEMENTS OF STORMWATER PLANNING FOR BASALT CREEK AREA

-
While the City indicates developers will be required to handle Stormwater Management on-site if feasible, the City has not provided clear mechanisms for offsite stormwater management alternatives- specifically based upon local conditions within the Basalt Creek Area and currently not connected into the City's existing stormwater infrastructure. The options for offsite stormwater management are limited and/or constrained, within the Basalt Creek Area and may cause potential downstream impacts.

The City requires developers to comply with Clean Water Service Standards (CWS). However, this approach creates individual development-by-development progression which is not supported by Oregon's Land Use Planning Goal # 11 for Public Services and Facilities as summarized by the State, ["The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs."](#)

OVERLAPPING LAND USE/STORMWATER MANAGEMENT PLANNING BY OTHER LOCAL GOVERNMENTS

-
The proposed SWMP does not provide a policy statement as to the coordination of provision of Stormwater Management, planning, maintenance, upgrades, or capital improvements within the Basalt Creek Area where other local governments have overlapping jurisdictions. The need for a clearly identified policy with implementation recommendations is particularly important. For the last few years, both the City and Washington County have been actively working on major Land Use actions which will increase stormwater management needs within various locations within the Basalt Creek Area. The ability of the land to absorb increasing amounts of stormwater on site is finite.

As downstream property owners of lands within the Land Use planning jurisdictions of both Washington County and the City, and prior recipients of stormwater flooding from the existing stormwater system along SW Boones Ferry Road, we have a vested interest in the protection of our property and ourselves from undue stormwater flooding or erosion.

We have had difficulty in obtaining information from either local government as to the overlapping of Land Use Planning by multiple local governments as to:

1. Washington County's Basalt Creek Parkway Extension regional transportation project will impact local streets in which the current stormwater system is located along SW Boones Ferry Road and also impact the existing stormwater systems already limited ability to handle additional capacity and treatment needs.
2. The City of Tualatin's urbanization plans for major residential and commercial developments within the NE portion of the Basalt Creek Area (in close proximity to the easter portion of the Washington County transportation project) may require some off-site stormwater management options. The City has not identified what offsite alternatives are to be considered:
 - the County's existing system and treatment facilities are already at capacity at some locations this is also the same stormwater system which may additionally challenge by Washington County's Transportation Project), or
 - the City of Tualatin has not identified plans for the creation of a new stormwater system and treatment facilities, or the extension uphill into the City's existing stormwater infrastructure.

3. The potential downstream impacts upon properties and/or natural resources caused by multiple major Land Use projects overcharging the finite abilities of local systems, treatment facilities and land to absorb steadily increasing stormwater runoff, while also decreasing the rural lands which previously provided some stormwater management.

Lacking coordinated Stormwater Management Planning within the Basalt Creek Area, we are:

- hampered in obtaining a clear understanding of potential risks from various Land Use proposals and being able to provide appropriate necessary feedback during proposed Land Use Actions.
- Hampered in our efforts to prevent an additional stormwater flooding episode due to lack of information as to stormwater Master Plan forecasting for the Basalt Creek Area.

POTENTIAL CITY PROJECTS REQUIRING STORMWATER MANAGEMENT CAPITAL PROJECTS PLANNING/FUNDING AND COORDINATION WITH ANOTHER LOCAL GOVERNMENT

- An example of a City sponsored Land Use Project, outside of the responsibilities of a developer, may be the City's stated goal to provide Public Recreational Needs within the Basalt Creek Area. The City's Parks and Recreation Master Plan Update of 2018 includes 20 acres (yet to be determined) within the Basalt Creek Area for future Public Parks or Public Trails. These Public Recreational Projects may likely be located upstream or in portions of "natural areas", "Open Space" and may be under "joint management" of the City of Wilsonville who have differing Stormwater Management criteria and standards than Tualatin.

EXPECTATIONS THAT THE CITY OF TUALATIN'S STORMWATER MASTER PLAN UPDATE -WOULD INCLUDE STORMWATER MANAGEMENT PLANNING SPECIFICALLY FOR THE BASALT CREEK AREA

When the City was considering the adoption of the Professional Services Contract for the Brown and Caldwell Update to the City's Stormwater Master Plan Res 5272 -16, we asked Mr. Fuchs (then City Engineer, and now Director of Public Works) several questions about the Services Contract for the SWMP Update, and if the Basalt Creek Area would be included within the scope of the project contract. His response on 4-7-2016, clearly identified the need, and also the rationale for inclusion of the Basalt Creek Area into the City's Stormwater Master Plan Update.

#1 Is it appropriate at this time for the Basalt Creek area to be included within the City of Tualatin Storm Water Master Plan? *We believe this is the appropriate time to include the Basalt Creek Planning Area in the Storm Water Master Plan (SWMP). We included the Planning Area in the SWMP so we can evaluate existing and future drainage conditions for an area that will likely be annexed into Tualatin in the future. Evaluating storm water hydrology and hydraulics in the Basalt Creek Planning area will allow us to better plan for future infrastructure needs by understanding how much runoff to expect and anticipating where the runoff will flow based on existing topography and possible future land uses. Including this work in this contract will allow us to save money versus creating a future separate document just for the Planning Area.*

CITIZEN INVOLVEMENT WITHIN THE CITY OF TUALATIN LAND USE PLANNING PROCESS

- Additional responses within Mr. Fuchs 4-7-16 email indicated the City's intent for the Brown and Caldwell Contract for the SWMP Update to include a Public Involvement and Outreach plan to include all impacted neighborhoods "including the Basalt Creek Planning Area".

However, this conflicts with the information provided by the City's Assistant Community Development Director, during the Tualatin Planning Commission 1-21-21 Meeting, SWMP discussion.

Mr. Koper has stated the TPC is the City's Committee for Citizen Involvement and meets and fulfills the City's Goal #1 requirements for Citizen Involvement. As property owners within the Basalt Creek Area, who are not City residents, and frustrated by the lack of informative responses from the City staff to the extensive Citizen Comments submitted to the City Update within the preceding month and various procedural /administrative questions within our comments, we presented our concerns to the Tualatin Planning Commissioners for comment, recommendations, resolutions, or accurate information.

As part of the subsequent discussions, Mr. Koper provided a comment which we interpreted to mean--- Citizen Participation the City's Citizen Involvement Program for Land Use Actions by the City is conditional, and contingent upon submitting property for annexation into the City in order to become City Residents and then to be able to participate in the City's Citizen Involvement Programs. This information did not agree with our understanding of the Goal #1 mandate, which we believe is to provide Citizen Involvement for the general public- without limitations. We stated our issue with Mr. Koper's comment based upon Goal #1 statement, "

"The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

We are waiting to hear from the City as to clarification on limitations of Citizens within the City's Citizen Involvement Programs- regarding this significant issue in the provision of Citizen Involvement as part of a Land Use Action (impacting the entire City and all lands within the City's Land Use planning jurisdiction), and the momentous concessions a property owner outside City Limits would have to make to participate within the City's Citizen Involvement Program.

We included this information within the follow up correspondence with Commissioner Kuhn (which had to be submitted to Mr. Koper to be forwarded). We appreciate Commissioner Kuhn's offer to provide us assistance and for forwarding a number of our concerns to Washington County, and to Steve Koper for possible resolution.

As we understood the TPC also acted as the CCI for the City, we expected our email of 1-10-21 asking questions as to procedural issues for the TPC meeting and requests for clarification of issues, would be forwarded promptly by Mr. Koper to the TPC, providing us answers to questions on time limitations for Citizen Comments during the TPC etc., would be provided prior to the TPC Meeting on 1-21-21. It is our understanding, our submission to the Planning Commission and also specifically stated as a submission to the City's "CCI" were inserted within hundreds of pages within the TPC Informational Packet for the 1-21-21 Meeting, and not forwarded to the TPC/CCI in a timely manner.

We have a great difficulty in understanding the City's implementation of the State's Statewide Goal #1 for Citizen Involvement – especially for this proposed Land Use Action, the scope of which impacts all lands within the Land Use Planning jurisdiction of the City of Tualatin.

Inaccurate omitted or conflicting information provided by senior staff at the City involving other active Land Use issues has been a continuing issue for us, and which we have presented to the City and the City Council on multiple occasions, without apparent resolution.

-
ACTIONS WE HAVE TAKEN TO PARTICIPATE WITHIN THE LAND USE PLANNING PROCESS

A list of previous submissions from over several years to the City relating to the issues presented is attached to these Citizen Comments. All of these materials should be within the City's files. We incorporate them for reference in these comments. If the City needs another copy of any of these materials, please let us know which ones, and we will promptly provide a copy.

In addition to the prior submissions of 12-15-20, 1-10-21, and 1-22-21, we have attached copies of:

- Text copy of our verbal testimony to the 1-21-21 TPC meeting
- The 1-29-21 communication from TPC Commissioner Kuhn generated in her attempts to resolve some of the issues we presented during the 1-21-21 TPC Meeting includes subsequent follow up emails. The three email responses from various Washington County staff which do not provide salient information, exemplifies the lack of coordination of Land Use Planning between the City of Tualatin and Washington County and the resulting difficulties experienced by potentially affected citizens. The document attached to Commissioner Kuhn correspondence of 1-29-21, stating various City Code sections and did not indicate the department or staff member who generated the document, did not address the issues we presented to the TPC.
- The 2-4-21 communication from Hayden Ausland providing comment upon a few issues presented within our original 12-15-20 Citizen comments.

We appreciate the Councils review and consideration of the issues presented.

The urgency in the need to obtain a safe effective Stormwater Management Plan for the Basalt Creek Area continues to be an ongoing issue.

Due to the lack of an adopted SWMP for the Basalt Creek Area, we are continually having to critically review every Land Use Action proposed by the City of Tualatin potentially impacting the Basalt Creek Area. This is becoming a more frequent issue as the City annexes additional properties into the City, and developers start to plan for development.

- The lack of conflicting and accurate information and clearly defined lands to be included within the City's annexation of the Autumn Sunrise Properties in 2020 also included issues related to stormwater management within the Basalt Creek Area, and Washington County's ROW easement on our property where the County has a stormwater outflow is a prime example of many of the issues presented.
- The annexation of the Norwood Development in 2020 and changes to the residential densities may have potential impacts upon stormwater management needs should more impervious surfaces be caused than anticipated when the zoning was established in 2019 with the adoption of the Basalt Creek Comprehensive Plan.
- This week we noticed another proposed Land Use Action by the City of Tualatin PTA-20-0005 and PMA 20-0002- also relating to the Autumn Sunrise properties- and also including stormwater management issues in the request to change the configuration of zoning of lands which will affect stormwater management within the area, and perhaps downstream.

As mentioned previously, the lack of a comprehensive integrated Stormwater Management Plan hampers the ability of local downstream property owners a basis of information and understanding of potential impacts from proposed Land Use Actions by the City affecting the Basalt Creek Area.

We request the Council to instruct the staff to address each of the five questions presented below, and for the staff to provide the Council a Staff Report which shows how each issue has been resolved- how, why and the rationale as to the resolution. We request a copy of this Staff Report to be sent to us in a timely manner.

#1 When will the City of Tualatin correct the omissions within City Map 72-1 Natural Resources Protection Overlay District and Greenway Locations, and City Map 72-3 Significant Natural Resources--- of the identification and location of multiple Natural Resources which are known to exist within the Basalt Creek Area?

This issue was presented as part of our written Citizen Comments during the Tualatin City Council Hearings for the City of Tualatin Basalt Creek Comprehensive Plan Land Use Adoption process.

#2 When will the City of Tualatin generate and memorialize within the City's documents an accurate assessment and mapping ---of all Stormwater Management Systems (intake, conveyance, out flow) and treatment facilities--- including condition and capacity within the City's Land Use Planning jurisdiction inclusive of all systems by all local governments?

This issue was presented as part of our written Citizen Comments during the Tualatin City Council Hearings for the City of Tualatin Basalt Creek Comprehensive Plan Land Use Adoption process.

#3 When will the City of Tualatin generate and adopt a Stormwater Management Master Plan for the Basalt Creek Area which meets or exceeds all of the requirements as specified within OAR Chapter 660 and all other Federal, State, Metro mandates?

This should include clear identification of mechanisms for 2-way coordination of Land Use Planning between the City and other local governments with overlapping jurisdictions or local stakeholder governments-to ensure the safe and effective provision of Public Services within the Basalt Creek Area

#4 Is it the intent and desire of the City Council of Tualatin, to place conditional constraints upon non-resident property owners wishing to participate in the City's Citizen Involvement Programs (per Oregon Statewide Land Use Planning Goal #1 for Citizen Involvement OAR 660-015-0000(1) for Land Use Planning Actions which may impact their property?

#5 Will the City conduct a review by staff independent of the City's Planning Department and Community Development Department- of the City's implementation of all stated mandated elements within Oregon Statewide Land Use Planning Goal #1 for Citizen Involvement OAR 660-015-0000(1), including the use and role of the TPC as an alternate to the State's mandated CCI?

Respectfully submitted,
John and Grace Lucini
23677 SW Boones Ferry Road
Tualatin, OR 97062

ATTACHMENTS:

- o 2019 2-8 Outreach WA overlapping Issues with City of Tualatin 2021 1-19 Start Kuhn Email chain with WA County- coordination of Public Services Land Use Planning Basalt Creek
- o 2021 1-29 Email Chain Kuhn City of Tualatin WA County

- o 2012 1-21 Text of Verbal Testimony to Tualatin Planning Commission Meeting (TPC) 1-21-21

- o 2021 1-22 Follow Up Email resulting from discussion during TPC Meeting 1-21-21
- o 2021 2-4 Email Follow Up by Aushland Citizen Comments submitted 12-15-2020
- o List of communications with City of Tualatin

FW: Questions- Anticipated Changes? SW Boones Ferry Road ----North of Greenhill Lane

1 message

Renus Kelfkens <Renus_Kelfkens@co.washington.or.us>
To: G Lucini <grluci@gmail.com>
Cc: John Lucini <JWLuci@gmail.com>

Fri, Feb 8, 2019 at 10:57 AM

Hi Grace,

Sorry for the delayed response. The public records aren't treated as continuous. You would need to submit requests periodically to obtain the latest information. I won't have any new information to share until we've conducted the needed survey's and the engineers have analyzed the data.

As far as Boones Ferry goes, it will remain a County facility north Basalt Creek Parkway. The frontage road jurisdiction would be a planning level discussion between the City and County planners at a later stage.

Please feel free to follow up with me in the coming months before submitting and public records requests. I'll be able to let know when we expected some new information.

Thank you,

Renus Kelfkens, P.E. | Project Manager503-846-7808 renus_kelfkens@co.washington.or.us

From: G Lucini [<mailto:grluci@gmail.com>]
Sent: Tuesday, January 29, 2019 12:12 PM
To: Renus Kelfkens
Cc: 'John Lucini'
Subject: RE: Questions- Anticipated Changes? SW Boones Ferry Road ----North of Greenhill Lane*Hi Renus,**Thanks for getting back to me so quickly. It is appreciated.**It looks like timing is not in our favor regarding our project.**We would like to obtain as much information as currently possible during our final phases of design, so we can submit for permit (and adjust if any modifications necessary) and be ready to start construction as rain subsides/weather permits this year.**Any information or conceptual ideas the County may have regarding changes to handling of stormwater within the catchment area or system/design of Outflow #5 or changes which may impact Peak or Average Daily storm water flows onto my property from the east and/or northeast--- is requested as we try to resolve the conditions as they currently exist.**I have submitted an email to the City of Tualatin requesting clarifications from their perspective.**I am also requesting clarification from Washington County as to the County's role in future jurisdiction/ potential improvements/ maintenance of SW Boones Ferry Road AND of the SW Boones Ferry Road Frontage Road. Will Washington County continue to be the responsible party for these roads north of the proposed Basalt Creek Parkway and Extension?**I would also like to move forward regarding your comment about treating my inquiry as a public records request. Please let me know how to proceed, and if my request would be continuous- providing new information as it becomes available.**Thanks,**Grace*

From: Renus Kelfkens <Renus_Kelfkens@co.washington.or.us>
Sent: Tuesday, January 29, 2019 11:35 AM
To: G Lucini <grluci@gmail.com>
Cc: John Lucini <JWLuci@gmail.com>
Subject: RE: Questions- Anticipated Changes? SW Boones Ferry Road ----North of Greenhill Lane

Hi Grace,

Thank you for reaching out. With the project just kicking off, we haven't yet conducted the necessary surveys, or had the opportunity to analyze the data which would provide an answer to your question regarding drainage impacts. We can treat your request as a public records request and provide you with any responsive material when it is available.

I would suggest reaching out to the city to explain the comments from the open house. Steve Kopar with the City of Tualatin would be the person to talk to. His email is skoper@tualatin.gov

Thank you,

Renus Kelfkens, P.E. | Project Manager

503-846-7808

renus_kelfkens@co.washington.or.us

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

Sent: Saturday, January 26, 2019 4:27 PM

To: Renus Kelfkens

Cc: John Lucini

Subject: Questions- Anticipated Changes? SW Boones Ferry Road ----North of Greenhill Lane

Hi Renus,

I attended an Open House by the City of Tualatin on 1-22-2019 regarding proposed updates to their Comprehensive and Development Plans as part of the implementation the Basalt Creek Concept Plan.

There appeared to be some disagreement among the City staff as to future changes to SW Boones Ferry Road north of the proposed Basalt Creek Parkway /Extension to Norwood.

- There was some discussion about extending the frontage road on the west side of the "new" road north from the northern terminus (in front of my driveway).
- And possible widening of SW Boones Ferry Road north of proposed Basalt Creek Parkway /Extension to Norwood.

I would also imagine that some changes will be necessary when the existing frontage road access point is removed as part of the proposed Basalt Creek Parkway Extension Project.

Are any changes planned by Washington County to the sections of road (*either SW Boones Ferry Road or the Frontage Road*) **North of Greenhill to South of the Boones Ferry Road formal entrance to Horizon Church/School**- if so what are the changes and what is the anticipated timeframe?

I ask this question as my husband and I are continuing to work with our consultant in developing a system which will address some of the peak storm water flow which now exists from Out Flow #5 from the SW Boones Ferry Road Improvement Project.

It seems reasonable to us that we contact Washington County to learn of any:

- Anticipated changes to either the stormwater catchment area or structure/design of Outflow #5 , or
- If there are any anticipated plans to change or increase stormwater collection from either SW Boones Ferry Road north of North of Greenhill Lane or the frontage road north of Greenhill Lane.

We are particularly interested in any anticipated changes which may affect current stormwater peak flow and/or increase in average flow onto our property--- as changes may influence the function of what we are currently designing. .

Look forward to hearing from you,

Grace Lucini

12-15-2020

For Public Record- Proposed Update to City of Tualatin Stormwater Management Master Plan

To: The City of Tualatin Department of Engineering

Cc: Members of the Tualatin City Council and City of Tualatin City Council
City of Tualatin Planning Commission

RE: Proposed Update to City of Tualatin Stormwater Management Master Plan

My husband and I appreciate the opportunity to provide Citizen Comments on this first opportunity for Public access and Comment Period on the proposed update to the City of Tualatin's Stormwater Management Master Plan being undertaken by the City. We support the efforts of the City to acknowledge and attempt to respond to the various changes and philosophies regarding Stormwater Management which have occurred since the current Master Plan was adopted several years ago.

We also recognize the City of Tualatin has undergone various changes since the City's Stormwater Master Plan was adopted in 1972. It would be expected the scope of the Land Use Master Plan would include all lands within the City limits- as well as lands identified within the future jurisdiction of the City- and assessment, analysis and stormwater management planning would be applied to all the lands within the scope of the project for both current and future needs.

The need for coordination of Land Use Planning between overlapping governments is necessary and mandated. As the northern portion of the Basalt Creek Area is identified as under the future jurisdiction of the City of Tualatin, and the City has already started the urbanization process, it is important for the City of Tualatin to identify a method for ensuring the effective coordination of Land Use Planning with other local governments- especially those with overlapping jurisdictions or responsibilities. The majority of the Basalt Creek Drainage flows south eventually through the City of Wilsonville and into the Willamette River. Very little of Stormwater drainage from the Basalt Creek Area flows north into the City's existing catchment and conveyance system.

Since Washington County currently has ownership and jurisdiction over the existing stormwater system within the Basalt Creek Area, and the County's stormwater conveyance and treatment systems are within lands under various ownerships, it is important for the City provide a well-crafted Stormwater Management Plan for the Basalt Creek Area.

The City already acknowledged in the Basalt Creek Concept Plan of the potential need to upgrade the existing stormwater system within the Basalt Creek Area to accommodate future development within the Area.

Neither my husband nor I are against development.

As citizens and residents of the Basalt Creek Area the ability to participate in this first solicitation for input/feedback by potentially affected Citizens on this proposed update to a City's Land Use Plan is welcomed. We are particularly interested in the creation of a well written fact-based Update to the City's Stormwater Management Master Plan, as our home and property is within the Basalt Creek Area –in an area which the City has future jurisdiction, and downstream from lands recently annexed into the City and are coming under consideration for development.

As potentially affected Citizens and property owners within unincorporated Washington County, my husband and I have for many years attempted to work with both the City of Tualatin and with Washington County in recognizing and addressing our concerns regarding Stormwater Management within the Basalt Creek Area.

We have presented our concerns as to the need for a fact-based Stormwater Management Plan for the Basalt Creek Area for use as part of Land Use Planning Actions within the area. We have submitted these concerns numerous times, to the staff of the Cities of Tualatin and Wilsonville, to the City of Tualatin Planning Commission, and to the Tualatin City Council including:

- during the development of the Basalt Creek Concept Plan by the Cities of Tualatin and Wilsonville (2012-2018)
- written fact-based testimonies to the City of Tualatin during the City Council 2019 Hearings on the Basalt Creek Comprehensive Plan proposed adoption and integration into the City's governing documents as to the need for further- identification and documentation of Natural Resources, and the need for a Stormwater Plan --to specifically access and address the current and future needs within the scope of the lands to be included within the Comprehensive Plan
- on 3-21-2020 my husband and I submitted written testimony to the Tualatin City Council, again supported by documentation, as to the lack of pertinent facts and information on Land Use Planning for the Public Service of Stormwater Management relating to the application for annexation of 40+acres of lands within the Basalt Creek Area into the City of Tualatin.

My husband and I now present our concerns regarding the proposed Stormwater Management planning within the Basalt Creek Area as presented within the proposed Master Plan Update to the City of Tualatin, the City of Tualatin Planning Commission, and to the City of Tualatin City Council.

This is first opportunity provided by the City for Citizen review and comment on the proposed Update to the City's Stormwater Master Plan.

We note there are inconsistent, conflicting or omitted information between the proposed Update and the City's existing Governing Documents. The lack of relevant, accurate, consistent and necessary information between the proposed Stormwater Master Plan and many of the City's current documents may result in difficulties in the safe effective implementation of Stormwater Management by the City and coordination of Land Use Planning with other governmental units.

Recognizing that my husband and I do not have a professional working knowledge of Stormwater Management or hydraulic dynamics, we have obtained the services of Dave La Liberte, Principal Engineer of Liberte Environmental Associates to review and comment upon the technical aspects of the proposed Update to the City's Master Plan. David M. LaLiberte, P.E., Civil and Environmental Engineer is licensed in the State of Oregon, has compiled these comments under contract with us. Mr. La Liberte' has over 30 years of experience in stormwater, water quality and design solution analysis. His Cumuli Vitae (CV) identifying his education and experience are attached as (Attachment #1 Supplement C). He has personally conducted various hydrodynamic modeling scenarios within the Basalt Creek Area. We believe Mr. La Liberte to be highly qualified to provide relevant comments upon the proposed Update to the City of Tualatin Stormwater Management Master Plan (SWMP).

Mr. La Liberte's comments regarding the City's proposed Update to the SWMP are to be considered a part of our Citizen Comments and are attached.

Also included as an embedded Google Link are additional documents including studies and analysis conducted by Mr. La Liberte' in 2016, ***"Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon"***.

To offer identification of issues and assistance in a Land Use planning action – allowing the City of Tualatin to gain future jurisdiction over the northern portion of the Basalt Creek Area--this Stormflow Analysis was submitted to the Cities of Tualatin and Wilsonville during the Basalt Creek Concept Planning process. This study has also been provided to the City of Tualatin staff on other subsequent occasions.

SEE EMAIL ATTACHMENT --LA LIBERTE' ENVORONMENTAL ATTACHMENTS #1, #2 & #3 (INCLUDES SUPPLEMENTS)

**TECHNICAL COMMENTS RELATING PROPOSED UPDATE TO THE CITY'S MASTER PLAN
(Summarization)**

A summarization of Review of Document Comments

by Mr. La Liberte, Principle Engineer La Liberte' Environmental Associates:

Significant problems in the Plan for the BFR south area are:

- lack of identified stormwater facilities
- omission of hydrologic and hydraulic modeling analysis
- potential for misapplication of design alternatives
- absence of stormwater problem acknowledgement and evaluation
- no assessment of stormflows on steep slopes
- topography and soils suggest that infiltration is not a likely future runoff design solution in the Boones Ferry Road area
 - This is an important issue as to the elevation of lands, steep slopes, and drainage into Basalt Creek
 - The elevation of lands above the drinking water wells is of concern with impact upon the well from which the Lucini's obtain their water
- effect of stormflows on the Basalt Creek Concept Plan are neglected
- no existing and future development stormwater flows are compared
- protection of natural resources is unclear
- no designation of Capital Improvement Projects (CIPs9) in the BFR south area
- There is no assessment of peak and average stormflows on the steep slopes, which constitute the west flank of the BFR south area
 - These Tualatin stormflows discharge to the Basalt Creek Concept Plan area and their existence is not established in the SWMP.
 - Stormflows on these steep slopes have excessive peak and average flow velocities, which cause erosion
SEE: Supplement B Part 1 Analysis Report Section 4.
Stormflow Hydraulics and Part 2 Appendices A2 and I
- The Tualatin SWMP makes no provisions for temporary stormwater storage and discharge facilities when phasing-in large developments such as the Autumn Sunrise property in BFR south.
 - The concern is that arbitrary storage and discharge locations could occur in the interim, before the final stormwater facility is operable.
 - It needs to be specified in the Tualatin SWMP that new construction developments must use stormwater facilities and outfalls consistent only with its final specifications and drawings.

ADDITIONAL COMMENTS -MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

- CONTAIN DATED INFORMATION
- OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING

SEE EMAIL ATTACHMENT #4 MAPS or Pages 13-20

CITIZEN COMMENTS- NARRATIVE

PROPOSED UPDATE TO STORMWATER MASTER PLAN – CITY OF TUALATIN

My husband and I are submitting these Citizen Comments regarding the newly posted first draft (December 1, 2020) of the proposed City of Tualatin Stormwater Management Master Plan Update. Utilizing the State's Land Use Planning Goals as a basis for our concerns. We mention there are multiple other related local, State and Federal mandates which exist and provide additional measures to address stormwater management, property rights and protections, safety, conservation and protection of Natural Resources, and coordination and integration of Public Services with other governmental units or agencies.

STATE OF OREGON STATEWIDE LAND USE GOALS- Used as basis and support of concerns being presented

OAR 660-015-0000 Oregon Statewide Land Use Planning Goals

The state of Oregon has established goals and provided mandates for Land Use Plans – including specific requirements which should be included within the Land Use Plans of local city governments- including City Master Plans.

These Land Use Planning Goals not only provide a framework for creating a Land Use Plan, but they also provide a method for evaluation of various Land Use elements to be included within a potential Plan, as well as mandates for compliance.

Included within our comments are references to these Land Use Planning requirements to provide a common understanding of the basis for our comments and as support for request for resolution to concerns provided within this correspondence.

Land Use Planning Goal #2- LAND USE PLANNING OAR 660-015-0000 (2) provides the framework for the development and requirements for the development of a Land Use Plan- such as the City's proposed Stormwater Management Master Plan Update. Included with Goal #2 are the following goals and mandates apropos to these comments: *(emphasis added)*

- To establish a land use planning process and policy framework ***as a basis for all decision and actions related to use of land*** and ***to assure an adequate factual base*** for such decisions and actions.
- City, county, state and federal agency and special district plans, and actions related to land use **shall be consistent with the comprehensive plans of cities and counties and regional plans** adopted under ORS Chapter 268.
- All land use plans shall include:
 - ***identification of issues and problems, inventories and other factual information*** for each applicable statewide planning goal,
 - **evaluation of alternative courses of action and ultimate policy choices**, taking into consideration social, economic, energy ***and environmental needs***.

- The required information *shall be contained in the plan document or in supporting documents*
- **The plans shall be the basis for specific implementation measures.**
 - **These measures shall be consistent with and adequate to carry out the plans.**
 - All land-use plans, and implementation ordinances shall... be reviewed and as needed, revised on a periodic cycle *to take into account changing public policies and circumstances*

It is important that accurate fact-based information relating to potential Land Use actions are obtained and provided as part of any Land Use action. Both Citizens and those who may ultimately be making Land Use decisions require accurate representative unbiased information so that they may understand and comprehend issues pertaining to proposed Land Use issues. This process assists and promotes the transparency of the governmental process, and informed decision making.

Unfortunately, after review of the City of Tualatin's proposed Update to the Stormwater Management Master Plan, my husband and I have found multiple issues which reduce compliance with the Oregon Land Use Planning Goals, as well as other local, State and Federal mandates-particularly with respect to the Land Use Planning for the Basalt Creek Area under the current or future jurisdiction of the City of Tualatin, and/or under other overlapping governmental units or agencies.

HISORICAL LAND USE PLANNING ACTIONS-BASALT CREEK AREA & STORMWATER MANAGEMENT

My husband and I strongly support the City's efforts to review and revise the City's dated Stormwater Management Master Plan which according to the City's website was adopted in 1972

https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/page/13099/tualatin_drainage_plan_sept_1972.pdf

A request had to be submitted to the City for access to the Appendices for the proposed Plan.

In the decades since the City's Stormwater Management Plan was adopted in 1972, the type and level of assessment, knowledge and implementation of stormwater management has greatly expanded, and the potential impacts more fully understood. The relevance of impact of Land Use Actions upon the environment has also become more greatly understood, expanding the need for a more comprehensive assessment and analysis of potential outcomes as part of the Land Use Planning process.

In 2004 Metro 04-1040B authorized the addition of the "Tualatin Area" (part of which is now known as the Basalt Creek Area) into the UGB. Metro imposed multiple conditions and requirements for the conservation and protection of multiple natural resources as part of Metro 04-1040B as part of the responsibilities of the local governments.

In 2018 the Basalt Creek Concept Plan jointly authored and adopted by the Cities of Wilsonville and Tualatin -taking the initial steps in the Land Use Planning of over 800 acres within the Basalt Creek Area and included various assessments of Natural Resources within the Basalt Creek Area.

Included within the Basalt Creek Concept Plan are various statements relating to Land Use Planning within the Basalt Creek Area including:

"New stormwater infrastructure will be primarily integrated with the local road network"

..."It is assumed that the existing culverts may not have capacity for future urban conditions and will need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite detention or

infiltration is required when the location of public drainage or the topography of the site make connection to the system not economically feasible." (emphasis added)

"The Cities and CWS will adopt an Intergovernmental Agreement that will address areas where cooperative stormwater management is needed."

It is unclear if and when such Stormwater Management Planning for the Basalt Creek Area between these three entities was conducted.

Both Cities also stated within the Concept Plan- they would have "Joint Management" of the "Natural Area" within the Basalt Creek Canyon.

It is unknown what further action has been taken to implement the "Joint Management" of the lands in the center portion of the Basalt Creek Area- where a high percentage of the Natural Resources are located within the Basalt Creek Canyon.

It is not known what Land Use elements of "management" were intended to be the focus of this joint statement, but the potential involvement of the City of Wilsonville within the Land Use Planning of the Basalt Creek Area may result in additional complexities in the determination and implementation of Land Use planning within the Basalt Creek Area.

As the Basalt Creek Canyon receives a majority of the stormwater drainage from the area, the potential involvement and coordination of the City of Wilsonville should be included within any Stormwater Management plan within the Basalt Creek area. The identification of this information was not included within the City's proposed Update to the Stormwater Master Plan.

Included within the Basalt Creek Concept Plan are numerous maps identifying the location of multiple Natural Resources existing within the Basalt Creek Area mainly generated from Metro 2001 data. This type of information regarding Natural Resources within the Basalt Creek Area was not included within the maps the City elected to adopt within the City of Tualatin Basalt Creek Comprehensive Plan and the subsequent adoption and integration into the City's Governing Documents.

A few examples of the maps from the Basalt Creek Concept Plan are included as attachments to this correspondence to help substantiate:

- the existence of these Resources,
- the need for the City of Tualatin to conduct a more current assessment and analysis of multiple Natural Resources known to exist within the Basalt Creek Area for fact-based decision making,
- the need for the City to memorialize the information into the City's Governing Documents to:
 - establish fact-based documents which have evaluated significant factors which exist within lands the City sought to gain future jurisdiction -which are equal to or exceeding the level provided to the majority of the lands within the City.
 - Provide consistency of fact-based documents within the City which various departments can utilize as part of a decision-making process
 - Provide an accurate fact-based reference for use by the Public to gain understanding of the basis for future decisions

These actions will provide greater consistency within all proposed Land Use Plans -including the Stormwater Management Master Plan and may provide greater compliance and positive outcomes in subsequent implementation actions.

Attachment #4 Maps

In 2019, the City of Tualatin Basalt Creek Comprehensive Plan, did not provide stormwater management plans specific for the Basalt Creek Area or a stormwater system map specific to the Basalt Creek Area.

The City has left developers to be responsible for on-site Stormwater Management.

But the City did not identify what actions will be taken if financial costs become too high, if stormwater management requirements exceed onsite management and/or treatment capabilities or should other factors which might preclude full onsite stormwater management and/or treatment develop.

The City did not provide specific guidance as to:

- feasibility of integration into the County's existing stormwater management system (which is already known to be at capacity)
- mechanisms for cooperative planning and integration into the County's existing stormwater management system
- the process and funding to collect, convey, treat and dispose of excess stormwater runoff off site, or
- the role for Citizen Involvement by downstream property owners or other stakeholders.

The proposed Update to the City of Tualatin's Stormwater Management Master Plan does not acknowledge these issues nor provide information as to this issue.

There are questions as to the consistency of the City's Land Use Plans for Stormwater Management planning and implementation for development.

Contrary to the efforts taken to meet compliance requirements within the Basalt Creek Concept Plan, the City of Tualatin elected as part of the Basalt Creek Comprehensive Planning process, to omit maps within the Basalt Creek Area which denoted the existence of multiple Natural Resources within the Basalt Creek Area- which had been included in the Concept Plan.

The lack of information as to the assessment and location of multiple Natural Resources which have requirements for their conservation and protection, causes significant issues as to the ability to comply and implement various Metro, State and Federal requirements to conserve and protect Natural Resources based upon facts.

Consequently, lacking the inclusion of the assessment of the Natural Resources within the City's Governing Documents, inhibits the ability to effectively identify and mitigate negative impacts from Stormwater Drainage as part of the Master Plan for Stormwater Management and in the planning and implementation of any Land Use Action.

Within the City's Basalt Creek Comprehensive Plan -included as a supporting document- is a letter dated 12-5-2006, titled "[City of Tualatin Title 13 and Tualatin Basin Plan Compliance Review.](#)" (Exhibit 6 to Ordinance No. 1418-19

There are several concerns presented by the inclusion of this letter with issues relating to the Basalt Creek Area:

- Although the City has posted this letter on the City's Planning Department's Basalt Creek website, it is unclear as to the relevance of this letter to issues related to the Basalt Creek Area
- The letter is date specific and does not provide information as to changes which may have occurred within the 14 year since it was authored.
- The letter is dated 12-5-2006, prior to the City of Tualatin's right to conduct Land Use Planning for lands within the Basalt Creek area-outside its jurisdiction at the time. It is not known if the scope of subject matter within the review included lands within the Basalt Creek Area.
- It appears the intent of the letter was to evaluate a program, and not an evaluation of Title 13 resources- the letter clearly makes that statement.
- The letter included several statements as to additional actions required for compliance- including issues relating to the need for documentation of identification of various Natural Resources.
- The City did not attach documentation of successful implementation of actions required within the letter, nor application of results of the Tualatin Basin Program and application to the Basalt Creek Area.
- Of most importance the letter states: *"The compliance review by Metro is a review only of whether the amendments Tualatin is proposing are consistent with the UGMFP and is not a review of whether Tualatin has complied, or will comply with the other requirements of Option 5 and the Tualatin Basin Program.* (emphasis added)

In relevance to the proposed Stormwater Management Master Plan Update, the 2006 Metro letter included the following information:

Stream crossings and detention ponds: We also note that for a number of HFDPs - such as minimizing stream crossings, encouraging perpendicular crossings, using habitat sensitive bridge and culvert designs, use of detention ponds, and allowance of narrow road widths through stream corridors - the City does not propose any code changes. Instead, the City states that its code is silent on such practices, but does not prohibit them, and mostly relies on its adoption of Metro's Title 3 and CWS requirements to meet Title 13's "encourage and facilitate" requirement.

Recommendation: We recommend that the City amend its code to affirmatively support these HFDPs. Doing so would leave no doubt that the City is encouraging and facilitating these HFDPs.

It is not known if the City implemented this recommendation- or if the recommendation is still relevant.

If the use of this letter is intended to indicate compliance to mandates for the conservation and protection of Natural Resources within the Basalt Creek Area, it would seem prudent for the City to establish documentation of an assessment of the Natural Resources within the Basalt Creek Area, and documentation of actions taken by the City to comply with such mandates- based upon current facts and standards to meet compliance needs.

In 2020, the City of Tualatin started actions to annex large acres of land within the NE portion of the Basalt Creek Area. A large portion of these lands currently act as the stormwater catchment, retention, and reabsorption basin for the greater area. The City is currently taking Land Use Planning actions which will allow the development of over 60 acres of this current stormwater catchment area.

Along with the removal of several acres which contain many characteristic factors of a natural stormwater catchment area (which have decreased the flow and velocity of stormwater and increase its reabsorption), future development may remove these factors while significantly increasing impervious surfaces with the creation of buildings, streets, and parking lots.

CURRENT CONCERNS REGARDING THE PROPOSED STORMWATER MASTER PLAN UPDATE

TECHNICAL ISSUES

A summary of the Technical Issues presented within the Stormwater Master Plan Update are summarized at the beginning of this correspondence, with the full review included as a Google Link attachment #1, #2 #3.

It is readily apparent when reading the proposed Master Plan Update, that much of the information contained with the draft is dated, and not reflective of current issues, or needs.

Page 5-2 includes the following information:

*"Basalt Creek runs north-south in the southern portion of the City. Much of the contributing land use is low-density and rural residential, **but with pending adoption of the Basalt Creek Concept Plan concept plan [sic], future development is anticipated to impact the contributing land use and stream condition. Ownership is currently private and public (City).**" (emphasis added)*

The Basalt Creek Concept Plan was adopted by the Cities of Wilsonville and Tualatin in 2018, indicating the proposed plan may not have been revised as to changes within the Basalt Creek Area for over two years. Since that time, the City of Tualatin generated and adopted the Basalt Creek Comprehensive Plan.

Although the proposed Stormwater Management Plan readily identified and anticipated the negative impact future development within the Basalt Creek Area would have upon the stream condition- the proposed Plan did not identify actions to be taken to provide further assessment and/or alternative solutions to attempt to address and mitigate stormwater impact upon the "stream condition".

IMPACT NATURAL RESOURCES

A review of the City's newly proposed draft to Update the City of Tualatin Stormwater Management Master Plan, does not currently identify the evaluation of Natural Resources within the Basalt Creek Area, nor the methods to be utilized to ensure compliance with the various mandates for the conservation and protection of numerous Resources. The State Land Use Goal requires documentation of compliance with State Goal #5 NATURAL RESOURCES AND OPEN SPACES, and State Goal #6 AIR, WATER AND LAND RESOURCES QUALITY which are the basis upon many of our concerns regarding the proposed Update to the City's Stormwater Master Plan.

NEED FOR COORDINATION OF LAND USE PLANNING WITH OVERLAPPING GOVERNMENTS- STATE GOAL #2

While both Cities had knowledge of, and participated within the decision making Land Use Planning process in planning the location of Washington County's proposed Basalt Creek Parkway Extension regional transportation 5+ lane expressway through the middle of the Basalt Creek Area--- neither the Basalt Creek Concept Plan nor the City of Tualatin

Basalt Creek Comprehensive Land Use Plans acknowledged, addressed or provided guidance as to coordination of stormwater management planning within the Basalt Creek Area for Washington County's proposed major transportation project within overlapping jurisdictions.

It is unclear as to the amount of land Washington County will require for their proposed project which will be needed not only for road construction, but also a proportionally large amount of land for stormwater management and treatment within wetlands and other lands within the future jurisdiction of the City of Tualatin. Nor did either plan address or provide guidance (and intended compliance) as to how all local governments would ensure conservation and protection of various Natural Resources within the Basalt Creek Area from direct or indirect effects of stormwater or stormwater management which might be caused by the proposed project and potential impact upon Natural Resources within the future jurisdiction of the City of Tualatin.

Compounding the lack of a clear plan for a coordinated Stormwater Management plan to address the permanent installation of this major transportation project through multiple Natural Resources, the Basalt Creek Concept Plan states, "joint management" management of the "Natural Area" within the Basalt Creek Area by the Cities of Wilsonville and Tualatin and introduces a possible intergovernmental agreement between the two Cities for stormwater management within the Basalt Creek Area.

Due to the proximity of the eastern terminus of the proposed Washington County Basalt Creek Parkway Extension on SW Boones Ferry Road, and the anticipated City of Tualatin major residential development of 400+ units and Commercial Neighborhood development within approximately 1/4 mile, of each other on SW Boones Ferry Road, there will be significantly increased need and demand for Stormwater Management and treatment with a limited geographic area and in lands with overlapping governmental jurisdictions.

As my husband and I are potentially affected property owners, we have on multiple occasions reached out to the staff of both the City of Tualatin and of Washington County to gain a better understanding how the Land Use planning actions by both governments are coordinating Land Use planning within the area. We have expressed our desire to be able to have potentially affected property owners participate in the coordinated planning of major Land Use Projects on lands near overlapping jurisdictions due to various direct and indirect impacts upon our property. We have not gained much success in these actions.

Unfortunately, there appears to be a continued lack of coordination and communication between these two entities as to the conception, planning and design of major Land Use Projects within the Basalt Creek Area.

Recognizing the lack of effective coordination in Land Use Planning by these two local governments, and to promote better compliance with mandates for the coordination of planning for Public Services by local governments, a well authored Stormwater Management plan would include clear requisites to:

- identify major Land Use Projects under consideration by another government (as a potential constraint or added factor in Land Use Planning)
 - provide guidance as to how to coordinate the provision of Public Services within overlapping jurisdictions.
- The proposed Stormwater Management Plan does not address this issue or provide clear guidance for implementation.

CURRENT STORMWATER MANAGEMENT SYSTEM WITHIN BASALT CREEK AREA

- HAS PREVIOUSLY FAILED AND IS A LIMITATION AND CONSTRAINT FOR FUTURE DEVELOPMENT

- IS UNDER THE JURISDICTION OF --OR IMPACTED BY--

LAND USE PLANNING ACTIONS OF OTHER LOCAL GOVERNMENT

The current Stormwater Management System along SW Boones Ferry Road within the Basalt Creek Area was designed and constructed as part of Washington County's SW Boones Ferry Road Improvement Project (2012-2015). During the design phase of this Land Use transportation project, my husband and I contacted the County on multiple occasions regarding our concerns of potential negative downstream stormwater impacts we identified within the proposed design. We were assured the outflow from the County's design would be equal or 10 % less than stormwater outflow which we previously experienced from a more primitive/less sophisticated stormwater system.

The 2016 Stormwater Analysis within the Basalt Creek Area by Mr. La Liberte' which was the basis of the report, *"Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon"*, was generated due to my husband's and my desire to understand the cause of flooding into our property from stormwater emitting from a Washington County Stormwater Outflow an apparent failure of the stormwater management system in 2015. There have been no significant changes made to the County's Stormwater system since 2015 upstream from our property.

Currently a large percentage of the stormwater drainage from the NE portion of the Basalt Creek Area flows south- eventually through the City of Wilsonville and into the Willamette River. Much of the stormwater within the NE portion of the Basalt Creek Area is captured within a stormwater catchment basin on undeveloped lands east of SW Boones Ferry Road, and collected within Washington County's stormwater collection, conveyance and treatment system. A majority of the stormwater catchment basin on the east side of SW Boones Ferry Road and north of Greenhill Lane is on lands recently annexed into the City of Tualatin.

The stormwater drainage from this area flows away from the majority of lands within the City of Tualatin and outside of the City of Tualatin's existing stormwater collection, conveyance and/or treatment facilities.

Mr. La Liberte's study identified multiple factors which lead to the flooding of our property from the stormwater system which currently exists within Basalt Creek Area in the area around SW Boones Ferry Road.

From this investigation we gained knowledge that the **County's design and planning for the stormwater management system installed along SW Boones Ferry Road as part of the SW Boones Ferry Road Improvement Project, was:**

- **based upon drainage needs of undeveloped land, and**
- **not designed to meet anticipated drainage needs of developed lands with higher nonporous surfaces (buildings, streets, and sidewalks etc.) which cause higher stormwater runoff and less reabsorption into the land which has previously acted as a major stormwater catchment area.**

Both the City of Tualatin, and Washington County are undertaking Land Use planning actions within the Basalt Creek Area affecting properties under overlapping jurisdictions. My husband and I have on multiple occasions attempted to gain insight as to the coordination of Stormwater Management Planning within the Basalt Creek Area from these two local governments.

As downstream property owners within Washington County, we have specifically expressed concerns and requested Land Use Planning information from the City of Tualatin as to the City's Stormwater Management Plan within the Basalt Creek Area and of potential impacts upon the current existing system under the jurisdiction of Washington County - during the Basalt Creek Concept Planning, during the City of Tualatin Basalt Creek Comprehensive Planning and as part of the City's annexation process for ANN 19-2002- without fact based information which would provide us understanding of the City's proposed Land Use actions and potential impacts caused by increased needs or changes to this Public Service. The Basalt Creek Concept Plan adopted by the City in 2018 acknowledged limitations within the existing Stormwater Management system within the Basalt Creek Area and identified the need for system upgrades with development of the Basalt Creek Area.

We have specifically asked the City of Tualatin and Washington County on multiple occasions how both of these two local governments have coordinated the Land Use Planning Goals for Washington County's proposed Basalt Creek Parkway Extension Project. Our questions have included how Stormwater Management will be integrated into the County's existing Stormwater System, how or where additional conveyance and/or treatment facilities will be located within lands with overlapping jurisdictions and of potential impacts to the City of Tualatin's Land Use Planning for the urbanization of the Basalt Creek Area and associated increased stormwater management needs on private or public lands. Again, my husband and I have received little fact-based information as to how these two local governments with overlapping jurisdictions have conducted Land Use Planning for a key Public Service of Stormwater Management within an area containing multiple known constraints and limitations.

My husband and I have reasonable concerns as to potential negative impacts from stormwater due to poorly planned and executed Land Use actions. The need for a well-developed integrated Stormwater Management plan for the Basalt Creek Area is necessary for the safety and protection of Citizens, property and surrounding Natural Resources.

Thank you for the opportunity for participating in this first Citizen Involvement Public event for the City's Proposed Update for the Stormwater Master Plan.

My husband and I look forward to hearing what steps the City will be taking the City's adoption process for this proposed Land Use Plan Action

As Citizens and potentially affected property owners, we request Actual Notice of any future Public Meetings-where this proposed Land Use Action may be an agenda topic--- including but not limited to the City of Tualatin Planning Commission, and/or the Tualatin City Council.

Respectfully submitted,
Grace Lucini
John Lucini
23677 SW Boones Ferry Road
Tualatin, OR 97062

ATTACHMENTS #1, #2, & #3 Documents La Liberte' Environmental Associates (Google Link)
#4 MAPS (Google Link) & (Hard Copy Pages 13-20)

ATTACHMENT #4

MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

-CONTAIN DATED INFORMATION

-OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING

An example of questionable information provided within many maps within the proposed Stormwater Management Plan for the City, is **Figure 2-2 Project Area Overview**.

The Legend within Figure 2-2 provides keys as to the location of

- **Open Space-Parks/Greenways/Natural Areas/Private***
- **Open Space- WPA/Setbacks/NRPO/Wetlands**

However, there is no indication of the wetlands, and multiple Natural Resources known to exist within the Basalt Creek Area and within the Basalt Creek Canyon.

Many of these types of Natural Resources may be negatively affected by stormwater drainage, and an accurate assessment as to the quantity, quality and location of Natural Resources which are to be conserved and protected should be assessed, evaluated and memorialized within a Stormwater Management Plan and integrated into the City's Governing Documents for to provide and assure consistency within the City's various Land Use Plans.

Another factor not denoted within the maps within proposed Stormwater Management Plan, is the identification of the "Natural Area" within the Basalt Creek Canyon.

This area which contains wetlands and various Natural Resources requiring conservation and protection was identified within the Basalt Creek Concept Plan in which both Cities agreed to have "joint management" of the "Natural Area". It would seem reasonable this information which might impact Land Use Planning within the Basalt Creek Area and is downstream from the Basalt Creek lands already annexed into the City, would be identified on the Figure 2-2 map, and include additional information within the narrative of the proposed Stormwater Management Plan as a potential constraint or limitation in the planning of Stormwater Management in the area or upstream from the "Natural Area".

This map also includes the notation of "Brown and Caldwell City of Tualatin Stormwater Master Plan Date: April 2019 Project 149233" in the lower left corner of the map. An assumption would be that the information provided within this map would be current and accurate as of April 2019- the date indicated on the lower left corner of the map. It is unknown how current the information contained within this map may be but lacking the inclusion of information Basalt Creek Area lands already within the City's boundaries, makes one question when the data for this map was last collected.

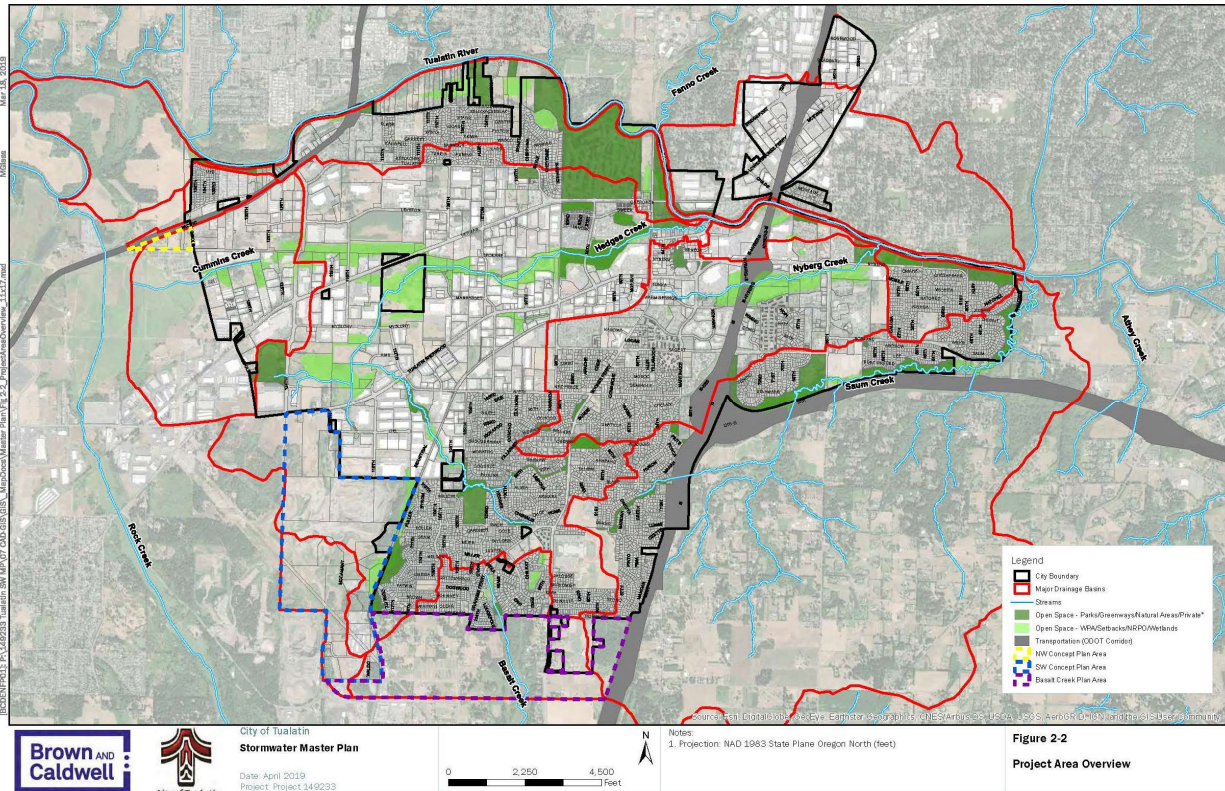


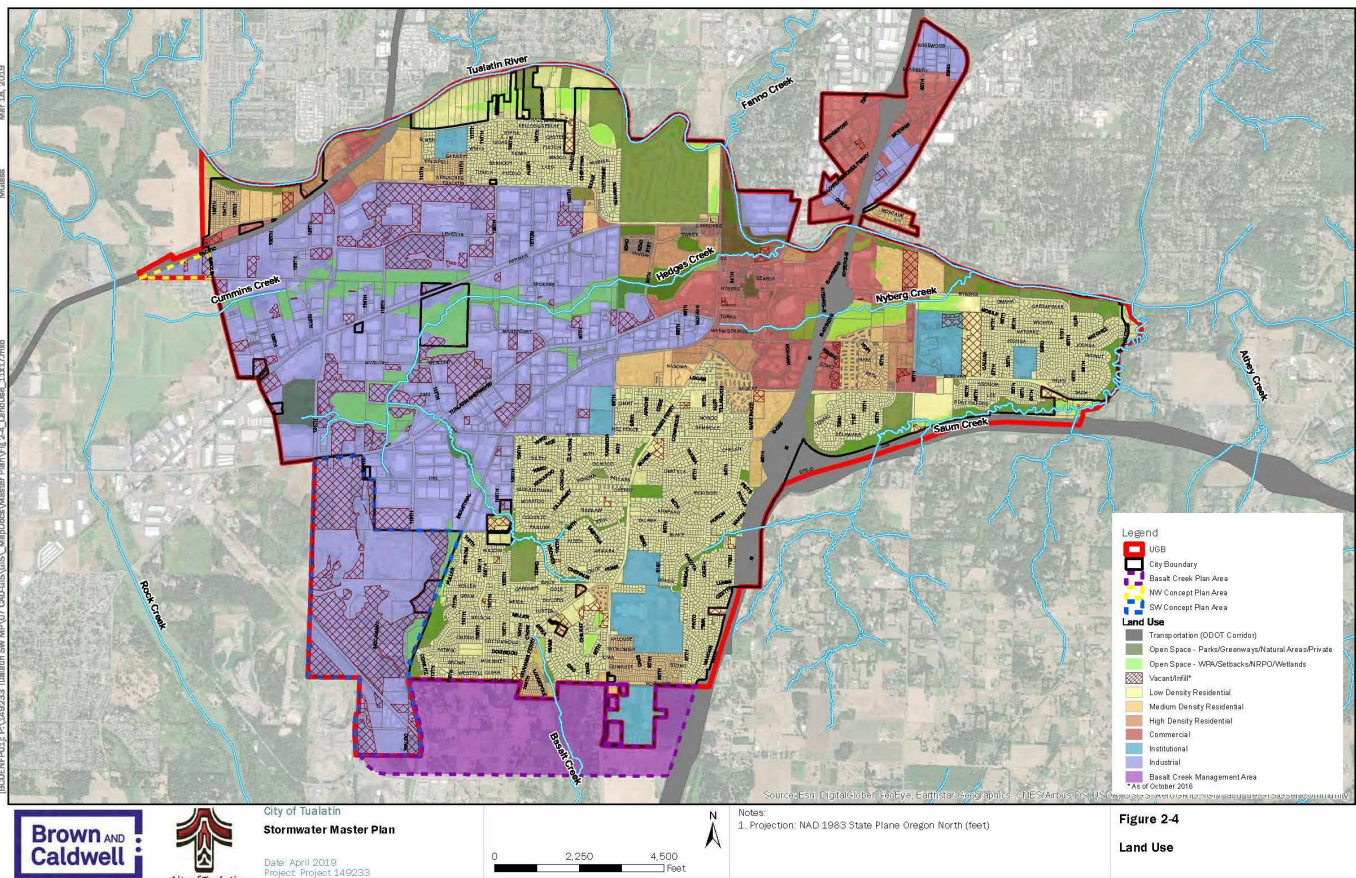
Figure 2-4 "Land Use" Map Not Consistent with City's Current Land Use Zoning

also provides the notation of "Brown and Caldwell City of Tualatin Stormwater Master Plan Date: April 2019 Project 149233 in the lower left corner of the map.

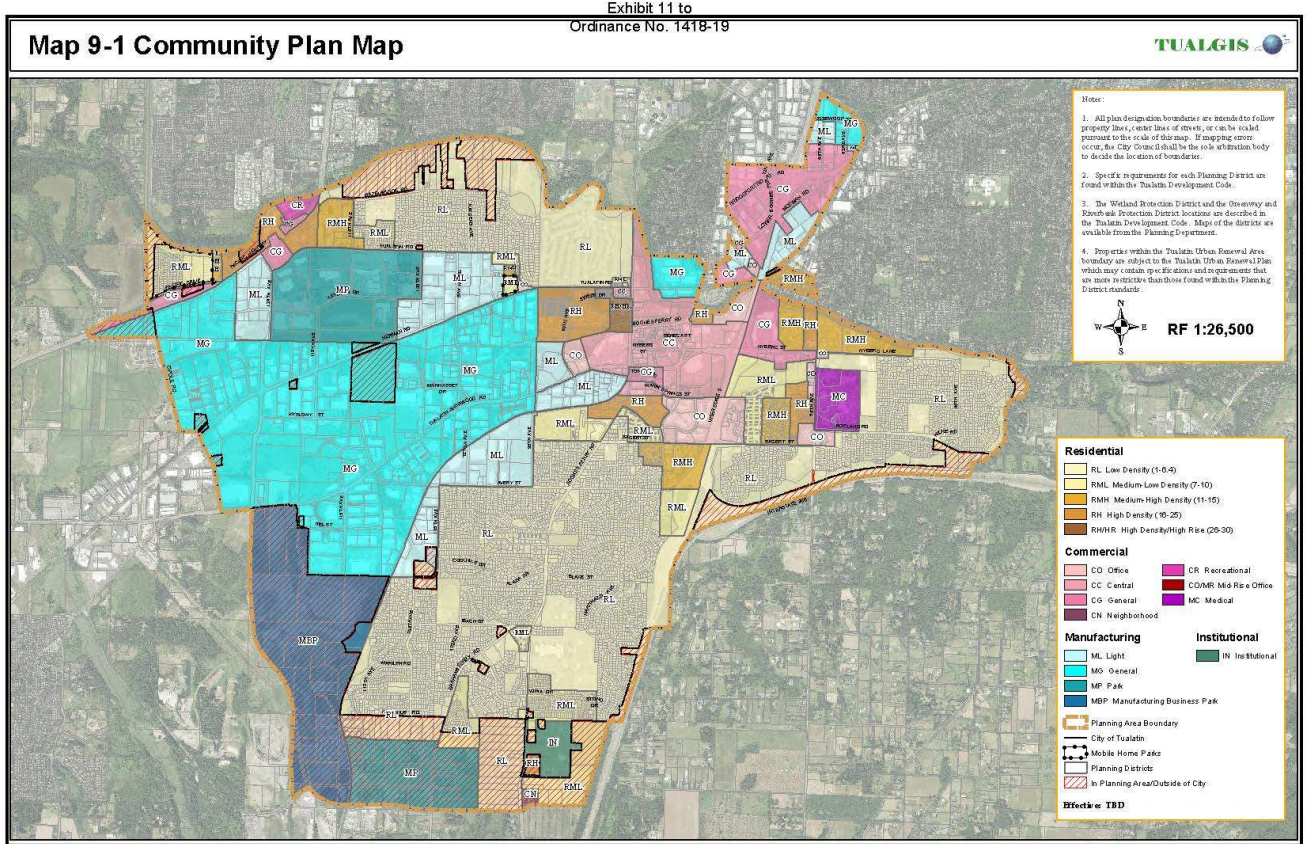
Yet, an asterisk notation within the Legend box states, "* As of October 2016".

Major changes have occurred as to Land Use within the City of Tualatin in the four years since this map was apparently generated.

The information provided as to the Land Use zoning or designations do not accurately reflect the Land Use Planning Actions of the Basalt Creek Concept Plan adopted in 2018, nor the City of Tualatin Basalt Creek Comprehensive Plan. Land Use Zoning within the Basalt Creek Area does not provide accurate information of current Land Use Zoning and Planning within the Basalt Creek Area and may hinder the planning for Stormwater Management in the assessment of current and future needs based upon type of land use. Approximately 60 acres within the Basalt Creek Area have already been annexed into the City of Tualatin, and into the responsibilities and regulations of the City for Land Use planning- including Stormwater Management.



The proposed Stormwater Master Plan Update is not consistent with the Land Use Plan adopted by the City in 2019 in Ordinance 1418-19, and consequently would not be compliant with Statewide Planning Goal #2



72-1 Natural Resources Protection Overlay district (NRPO) and Greenway Locations

72-3 Significant Natural Resources

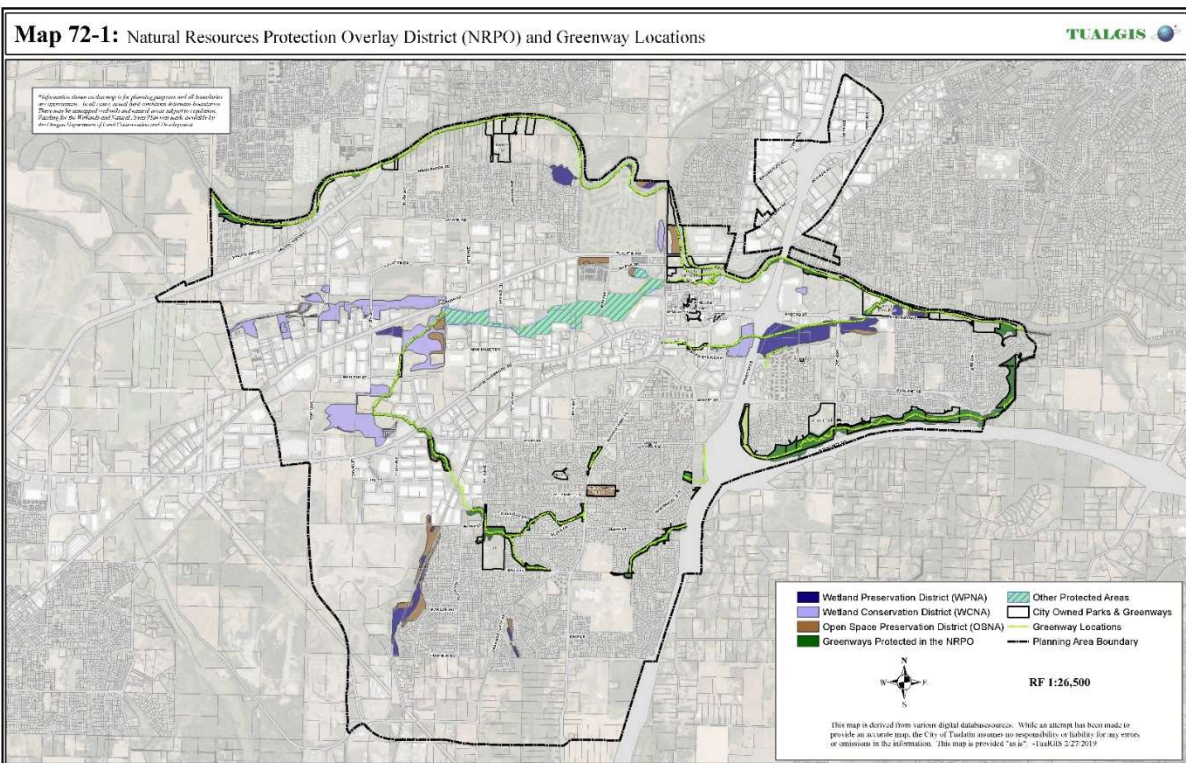
There is an absence of necessary information provided for the Basalt Creek Area for Natural Resources

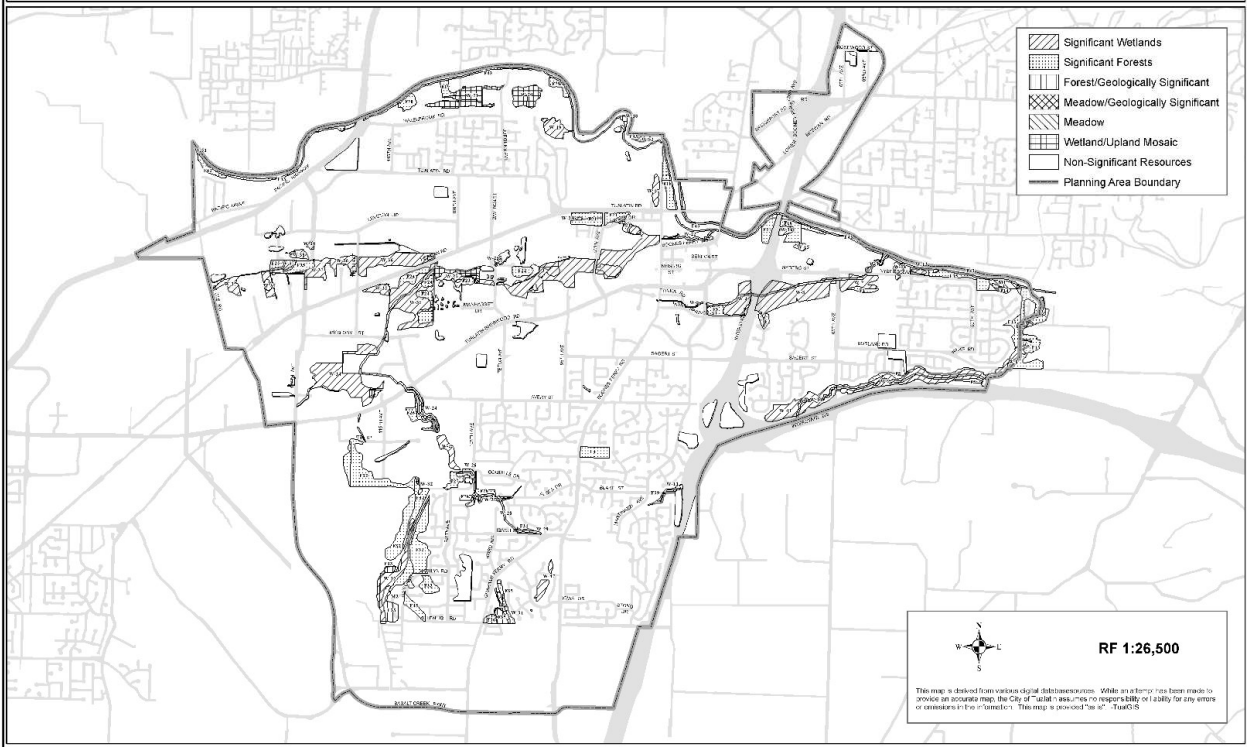
Lacking necessary evaluations as to the level, location and quality of Natural Resources within the Basalt Creek Area within the proposed Stormwater Management Master Plan Update, it would be difficult for the City of Tualatin to utilize the maps adopted into the City's Governing Documents (as part of the adoption of the Basalt Creek Comprehensive (Ord. [1427-19](#), § 47, 11-25-19)), as supportive or back up documents to the proposed Update, as these maps obtained from the City's website do not identify or provide substantive information as to the multiple Natural Resources which are known to exist within the Basalt Creek Area.

City of Tualatin Maps downloaded from the City's municipal Code website

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_APXAMA

also lack essential information necessary for the development of a Land Use Plan, or effective implementation of a Land Use Action within the Basalt Creek Area and are not suitable support documents for the proposed Update to the City's proposed Stormwater Management Master Plan Update.





There are significant inconsistencies in the level of acknowledgement and identification of various Natural Resource which are required to be evaluated for potential impact within all Land Use Plans, and Planning Actions. The omission of pertinent information regarding the existence of multiple Natural Resources within the northern portion of the Basalt Creek Area as presented within the City's Governing Documents, and within the City's proposed Stormwater Master Plan update are notable.

However, the City included the Basalt Creek Concept Plan document adopted by the City in 2018, and utilized as a supporting document to the Basalt Creek Comprehensive Plan in 2019 did provide needed information as to Land Use evaluative factors such as the Natural Resources and constraints which exist within the Basalt Creek Area.

Examples of pertinent documentation from the Basalt Creek Concept Plan as to the quantity and quality of these Natural Resources is provided including a summary of a rationale for inclusion of this information into the Basalt Creek Land Use Concept Plan.

Metro Title 13: Nature in Neighborhoods

Title 13 requires local jurisdictions to protect and encourage restoration of a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape. Metro's regional habitat inventory in 2001 identified the location and health of fish and wildlife habitat based on waterside, riparian and upland habitat criteria. These areas were named Habitat Conservation Areas.

Table 7 Title 13 HCA Categories with Acreage

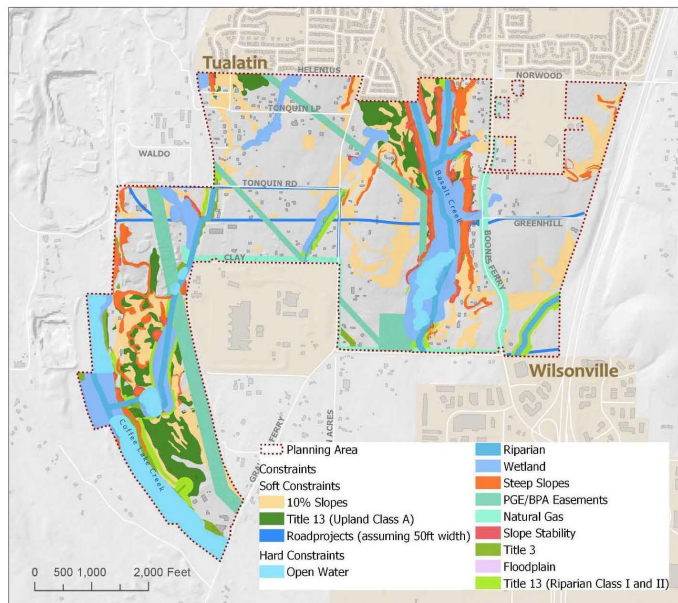
HCA Categories	Acres	Description
Riparian Wildlife Habitat Class I	130	Area supports 3 or more riparian functions
Riparian Wildlife Habitat Class II	31	Area supports 1 or 2 primary riparian functions
Riparian Wildlife Habitat Class III	7	Area supports only secondary riparian functions outside of wildlife areas
Upland Wildlife Habitat Class A	103	Areas with secondary riparian value that have high value for wildlife habitat
Upland Wildlife Habitat Class B	72	Area with secondary riparian value that have medium value for wildlife habitat
Upland Wildlife Habitat Class C	37	Areas with secondary riparian value that have low value for wildlife habitat
Designated Aquatic Impact	52	Area within 150 ft. of streams, river, lakes, or wetlands

Exhibit 2 to Ordinance No. 1418-19

Environmental constraints are summarized below and unless otherwise noted were fully excluded from the developable land input in the scenario testing for the Basalt Creek Concept Plan:

- Open Water
- Streams
- Wetlands
- Floodplains (50% reduction of developable area)
- Title 3 Water Quality and Flood Management protections
- Title 13 Nature in Neighborhoods (20% reduction of developable area in areas designated Riparian Habitat Classes I and II)
- Steep Slopes (25% slopes and greater)

Figure 13 Natural Resources Map



It is unclear as to the rationale for the omission of pertinent information required to be an evaluated component in the development of all Land Use Plans and implementation of Planning Actions have not been included within the proposed Stormwater Master Plan Update, nor in the City's Governing Documents as provided via the City's

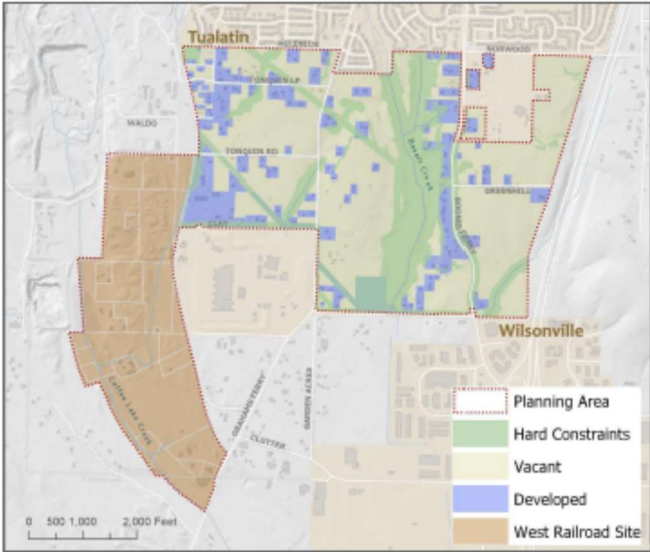
**Exhibit 2 to
Ordinance No. 1418-19**

The goal is to classify every parcel within the Planning Area into one of the categories described below:

Table 2 Land Supply within the Basalt Creek Planning Area by Type and with Acres

Land Supply by Type and Acreage		
Land Type	Acres	Description
Vacant Land	331	Unconstrained land that is ready to build with no major structures located on the site
Developed Land	123	Land already built upon which includes acreage covered by roadways
Constrained Land	153	Land that cannot be built upon due to environmental or other hard constraints
West Railroad Area	238	Excluded from development plan due to large amount of constraints and limited access
Total Land Supply	847	

Figure 6 Land Supply by Type



COMMUNICATIONS LUCINI & CITY OF TUALATIN

PEOPLE INVOLVED	DATE	TYPE
Fuchs, Hurd-Ravich, Cannon, Kraushaar (Wilsonville)	06/03/15	on-site visit
Lombos, Hahn, Hurd-Ravich, Rouyer/Cannon, Fuchs,(Tualatin); Cosgrove, Bateschell, Karusharr, Neamtzu, Adams Wilsonville	10/21/15	Electronic & Hard Copies "StormDarinage Issues-Basalt Creek Ara- Basalt Creek Concept Planning"
Fuchs, Hurd-Ravich	11/13/15	on-site visit
Fuchs, Huffman, Hurd-Ravich, Cannon	04/05/16	Email
Tualatin Planning Commision	05/19/15	Verbal Testimony
Hurd-Ravich; Fuchs; Fox; Sanford	05/20/16	Email and Text of Verbal Testiony to TPC
Tualatin City Council Members; Tualatin City Coucil; Hurd Ravich; Fuchs; Fox	06/08/16	Email with PowerPoint Attachment for 06/13/2016 City Coucil Work Session Concept Planning Update- Citizen Comments at Council Meeting
Tualatin City Council	06/25/18	Verbal Testimony City Council
J Davis Council President and acting Chair	06/25/18	Council Work Session Discussion (video tape of comments included in 3-4-29 emil chain
Lombos	07/05/18	Email Chain- relating to Council Work Session & Meeting 6-25-2018
Fuchs	07/11/18	Email
Koper Hoover Hurd Ravich Lombos	08/07/18	Phone Call Koper and EM Summary
Brady, Hurd-Ravich, Morris	08/25/18	Email Chain
Brady	08/27/18	Office Visit
Kellog	09/22/18	email
Koper, Lombos, Council members	01/25/19	Email
Kelfkens (Wasington County)	02/08/19	Email Chain 1-26 to 2/8/19 (Inlcuded in email 4-18-19 to City)

LaLiberte'; Fuchs	02/18/19	Email
Brady, Koper, Hurd-Ravich, Lombos, Council, Council Members	03/04/19	Email Chain 1-25-2019 to 3-4-2019 (includes multiple attachments including video of 3-25-18 Council Direction to include Basalt Creek Citizens in Citizen Involvement)
Tualatin Planning Commision	03/21/19	Verbal Testimony and discussion No Stormwater Management Plan or map within proposed Comp Plan
Lombos, City Council; Hurd-Ravich, Morris	03/24/19	Email and 2 Attachments Cit Comments Stormwater, Natural Resources, Cit Inv & Liberte Report-Basalt Creek Comprehensive Plan Hearing
Tualatin City Council Hearing PTA 19-0001 and PMA 19-0001	03/25/19	Fuchs reply @ Hearing- no Capital Funding for Stormwater Improvements
Lombos, City Council; Hurd-Ravich, Koper	04/07/19	Email - Addumendum to 3-25-19 Cit Comments Basalt Creek Comprehensive Plan Hearing
Tualatin Council Hearing Basalt Creek Comprehensive Plan	04/08/19	
Lombos, City Council; Hurd-Ravich, Koper	04/18/19	Email & 8 Attachments; Basalt Creek Comprehensive Plan Hearing
Lombos	04/18/19	Email
Hurd-Ravich	04/22/19	Email

Bubernik, Davis	04/22/19	Email
Council Members; Lombos	10/22/19	Email Chain 10-22 to 10-23- portion sent to WA County
Fuchs	12/08/19	Email
Fuchs; McMillan	12/12/19	Phone call; Email Chain
Fuchs; McMillan	01/10/20	on-site visit
Hurd-Ravich, Koper	01/27/20	ORD 1430-20 ANN 19-0002 pulled from agenda. Approached staff due to discrepancies in maps presented @ Community Meetings for ANN 19-0002 & Notices with maps in proposed ANN 19-0002 Discussion during Council Meeting-
Hurd-Ravich	02/04/20	Email Chain 2-4-20
Bubernik	02/12/20	Email
Bubernik	02/14/20	phone call from Bubernik
Hurd-Ravich	02/14/20	Email
Hurd-Ravich Bubernik, Lobos	02/14/20	Email

Tualatin Coucil, Council Members; Lombos Hurd-Ravich Brady Morris	02/20/20	Email chain Hurd Ravich
Hurd-Ravich	02/21/20	Email
Brady, Hurd-Ravich, Morris	02/24/20	Continuation of Email Chain
Brady	02/24/20	Continuation of Email Chain
Tualatin City Council Meeting	02/24/20	Text of Verbal Testimony read to Council- copy provided to Dep City Recorder at meeting
Brady	02/27/20	Continuation of Email Chain and phone Call
Council Members; Council, Brady Morris	03/02/20	Email
Brady	03/03/20	Email Chain 3-2 to 3-3 2020
Brady	03/05/20	Phone Call from Brady
Morris; Council, Hurd-Ravish, brady	03/05/20	Email

Morris; Council, Hurd-Ravish, brady	03/21/20	Email with Citizen Comments attached
McMillan	04/05/20	Phone call; Email Chain
McMillan	04/10/20	Email Chain
McMillan	04/10/20	
McMillan	04/17/20	Phone Call and Email Summary of Phone Call
McMillan; Ausland	04/20/20	

Ausland	05/07/20	Phone Call & email summary
McMillan	07/06/20	Email
McMillan	04/17/20	Email
McMillan	07/06/20	Email
McMillam	07/06/20	Email
Fuchs; McMillan	07/28/20	email
Ausland	07/30/20	email
Ausland	07/31/20	email
Ausland	08/03/20	email
Koper, Hurd Ravich, Lombos	08/03/20	email
Ausland; McMillan	08/03/20	email
Krffkens (WA County)	08/17/20	email chain
McMillan Boschette	10/18/20	email
Council, Council Members	08/10/20	email
McMillan Boschette	10/19/20	email
McMillan Boschette Koper	10/21/20	email
Aushland	11/24/20	email
Aushland McMillan	12/02/20	email

Aushland McMillan Boschetti Koper	12/10/20	email chain
City Council Council Memers McMillan Aushland	12/15/20	email 5 attachments
Koper Aushland McMillan City Council	01/20/21	EM
Koper	01/14/21	EM
Boshetti McMillan Aushland Koper	01/14/21	EM
Boshetti McMillan Aushland Koper Lombos Brady	01/15/21	EM
Tualatin Planning Commision (TPC) Koper Ashland McMillan Boshetti	01/21/21	Virtual TPC Meeting Presented verbal testimony read from text- additional discussions
Koper McMillan Council Council Members	01/22/21	EM Follow Up to TPC 1-21-21 Meeting
Kuhn Koper Beers (TPC) Beechwood (WA County)	01/29/21	EM Follow Up to TPC 1-21-21 Meeting & EM 1-22-21
Kuhn Beechwood (WA County) Schaefer (WA County Shane (WA County) Koper	02/01/21	Follow Up EM to TPC 1-21-21 Meeting 1-22-21, 1-29-21 Meeting EM
De Lyser (WA County)	2/2/201	Follow Up EM to TPC B94:C1031- 21-21 Meeting 1-22-21, 1-29-21 Meeting EM
Ashland	2/4/2021	email

Stormwater Master Plan - Public Comment Response

1 message

Hayden Ausland <hausland@tualatin.gov>
To: G Lucini <grluci@gmail.com>, John Lucini <JWLuci@gmail.com>
Cc: Tabitha Boschetti <tboschetti@tualatin.gov>

Thu, Feb 4, 2021 at 1:57 PM

Mr. and Mrs. Lucini,

Thank you for submitting comments and feedback related to the Stormwater Master Plan. We truly appreciate your involvement in this process.

As you may be aware, there will be a City Council meeting on Monday, February 8th which will involve a public hearing consideration for the adoption of the updated Stormwater Master Plan. If you haven't seen it yet, here is a link to the upcoming City Council meeting: <https://www.tualatinoregon.gov/citycouncil/city-council-meeting-317>. This webpage includes an Agenda, Agenda Packet, and a Zoom link to virtually attend the meeting.

Please see the attached PDF as a direct response to your specific comments and questions.

Please let us know if you have any issues accessing the City's website or with the attached document.

Regards,

Hayden Ausland, CPSWQ

Engineering Associate - Water Quality

City of Tualatin

P 503.691.3037 | C 971.978.8217



HA Response_2020_12_15 LUCINI Comments_Stormwater Master Plan.pdf

3754K

12-15-2020

For Public Record- Proposed Update to City of Tualatin Stormwater Management Master Plan

To: The City of Tualatin Department of Engineering

Cc: Members of the Tualatin City Council and City of Tualatin City Council
City of Tualatin Planning Commission

RE: Proposed Update to City of Tualatin Stormwater Management Master Plan

My husband and I appreciate the opportunity to provide Citizen Comments on this first opportunity for Public access and Comment Period on the proposed update to the City of Tualatin's Stormwater Management Master Plan being undertaken by the City. We support the efforts of the City to acknowledge and attempt to respond to the various changes and philosophies regarding Stormwater Management which have occurred since the current Master Plan was adopted several years ago.

We also recognize the City of Tualatin has undergone various changes since the City's Stormwater Master Plan was adopted in 1972. It would be expected the scope of the Land Use Master Plan would include all lands within the City limits- as well as lands identified within the future jurisdiction of the City- and assessment, analysis and stormwater management planning would be applied to all the lands within the scope of the project for both current and future needs.

The need for coordination of Land Use Planning between overlapping governments is necessary and mandated. As the northern portion of the Basalt Creek Area is identified as under the future jurisdiction of the City of Tualatin, and the City has already started the urbanization process, it is important for the City of Tualatin to identify a method for ensuring the effective coordination of Land Use Planning with other local governments- especially those with overlapping jurisdictions or responsibilities. The majority of the Basalt Creek Drainage flows south eventually through the City of Wilsonville and into the Willamette River. Very little of Stormwater drainage from the Basalt Creek Area flows north into the City's existing catchment and conveyance system.

Since Washington County currently has ownership and jurisdiction over the existing stormwater system within the Basalt Creek Area, and the County's stormwater conveyance and treatment systems are within lands under various ownerships, it is important for the City provide a well-crafted Stormwater Management Plan for the Basalt Creek Area.

The City already acknowledged in the Basalt Creek Concept Plan of the potential need to upgrade the existing stormwater system within the Basalt Creek Area to accommodate future development within the Area.

Neither my husband nor I are against development.

As citizens and residents of the Basalt Creek Area the ability to participate in this first solicitation for input/feedback by potentially affected Citizens on this proposed update to a City's Land Use Plan is welcomed. We are particularly interested in the creation of a well written fact-based Update to the City's Stormwater Management Master Plan, as our home and property is within the Basalt Creek Area –in an area which the City has future jurisdiction, and downstream from lands recently annexed into the City and are coming under consideration for development.

As potentially affected Citizens and property owners within unincorporated Washington County, my husband and I have for many years attempted to work with both the City of Tualatin and with Washington County in recognizing and addressing our concerns regarding Stormwater Management within the Basalt Creek Area.

We have presented our concerns as to the need for a fact-based Stormwater Management Plan for the Basalt Creek Area for use as part of Land Use Planning Actions within the area. We have submitted these concerns numerous times, to the staff of the Cities of Tualatin and Wilsonville, to the City of Tualatin Planning Commission, and to the Tualatin City Council including:

- during the development of the Basalt Creek Concept Plan by the Cities of Tualatin and Wilsonville (2012-2018)
- written fact-based testimonies to the City of Tualatin during the City Council 2019 Hearings on the Basalt Creek Comprehensive Plan proposed adoption and integration into the City's governing documents as to the need for further- identification and documentation of Natural Resources, and the need for a Stormwater Plan --to specifically access and address the current and future needs within the scope of the lands to be included within the Comprehensive Plan
- on 3-21-2020 my husband and I submitted written testimony to the Tualatin City Council, again supported by documentation, as to the lack of pertinent facts and information on Land Use Planning for the Public Service of Stormwater Management relating to the application for annexation of 40+ acres of lands within the Basalt Creek Area into the City of Tualatin.

My husband and I now present our concerns regarding the proposed Stormwater Management planning within the Basalt Creek Area as presented within the proposed Master Plan Update to the City of Tualatin, the City of Tualatin Planning Commission, and to the City of Tualatin City Council.

This is first opportunity provided by the City for Citizen review and comment on the proposed Update to the City's Stormwater Master Plan.

We note there are inconsistent, conflicting or omitted information between the proposed Update and the City's existing Governing Documents. The lack of relevant, accurate, consistent and necessary information between the proposed Stormwater Master Plan and many of the City's current documents may result in difficulties in the safe effective implementation of Stormwater Management by the City and coordination of Land Use Planning with other governmental units.

Recognizing that my husband and I do not have a professional working knowledge of Stormwater Management or hydraulic dynamics, we have obtained the services of Dave La Liberte, Principal Engineer of Liberte Environmental Associates to review and comment upon the technical aspects of the proposed Update to the City's Master Plan. David M. LaLiberte, P.E., Civil and Environmental Engineer is licensed in the State of Oregon, has compiled these comments under contract with us. Mr. La Liberte' has over 30 years of experience in stormwater, water quality and design solution analysis. His Cumuli Vitae (CV) identifying his education and experience are attached as (Attachment #1 Supplement C). He has personally conducted various hydrodynamic modeling scenarios within the Basalt Creek Area. We believe Mr. La Liberte to be highly qualified to provide relevant comments upon the proposed Update to the City of Tualatin Stormwater Management Master Plan (SWMP).

Mr. La Liberte's comments regarding the City's proposed Update to the SWMP are to be considered a part of our Citizen Comments and are attached.

Also included as an embedded Google Link are additional documents including studies and analysis conducted by Mr. LaLiberte' in 2016, "Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon".

To offer identification of issues and assistance in a Land Use planning action – allowing the City of Tualatin to gain future jurisdiction over the northern portion of the Basalt Creek Area--this Stormflow Analysis was submitted to the Cities of Tualatin and Wilsonville during the Basalt Creek Concept Planning process. This study has also been provided to the City of Tualatin staff on other subsequent occasions.

SEE EMAIL ATTACHMENT --LA LIBERTE' ENVORONMENTAL ATTACHMENTS #1, #2 & #3 (INCLUDES SUPPLEMENTS)

TECHNICAL COMMENTS RELATING PROPOSED UPDATE TO THE CITY'S MASTER PLAN
(Summarization)


A summarization of Review of Document Comments

by Mr. La Liberte, Principle Engineer La Liberte' Environmental Associates:

Significant problems in the Plan for the BFR south area are:

- lack of identified stormwater facilities
 - omission of hydrologic and hydraulic modeling analysis
 - potential for misapplication of design alternatives
 - absence of stormwater problem acknowledgement and evaluation
 - no assessment of stormflows on steep slopes
 - topography and soils suggest that infiltration is not a likely future
- Road area
- This is an important issue as to the elevation of lands, steep slopes, and drainage into Basalt Creek
 - The elevation of lands above the drinking water wells is of concern with impact upon the well from which the Lucini's obtain their water
- effect of stormflows on the Basalt Creek Concept Plan are neglected
 - no existing and future development stormwater flows are compared
 - protection of natural resources is unclear
 - no designation of Capital Improvement Projects (CIPs9) in the BFR south area
 - There is no assessment of peak and average stormflows on the steep slopes, which constitute the west flank of the BFR south area
 - These Tualatin stormflows discharge to the Basalt Creek Concept Plan area and their existence is not established in the SWMP.
 - Stormflows on these steep slopes have excessive peak and average flow velocities, which cause erosion
SEE: Supplement B Part 1 Analysis Report Section 4.
Stormflow Hydraulics and Part 2 Appendices A2 and I
 - The Tualatin SWMP makes no provisions for temporary stormwater storage and discharge facilities when phasing-in large developments such as the Autumn Sunrise property in BFR south.
 - The concern is that arbitrary storage and discharge locations could occur in the interim, before the final stormwater facility is operable.
 - It needs to be specified in the Tualatin SWMP that new construction developments must use stormwater facilities and outfalls consistent only with its final specifications and drawings.

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See CWS website for Environmental
Review 

<https://www.cleanwaterservices.org/permits-development/step-by-step-process/environmental-review/> or CWS Step-by-Step Process.

<https://www.cleanwaterservices.org/permits-development/step-by-step-process/environmental-review/>

ADDITIONAL COMMENTS -MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

- CONTAIN DATED INFORMATION
 - OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING
- SEE EMAIL ATTACHMENT #4 MAPS or Pages 13-20

CITIZEN COMMENTS- NARRATIVE

PROPOSED UPDATE TO STORMWATER MASTER PLAN – CITY OF TUALATIN

My husband and I are submitting these Citizen Comments regarding the newly posted first draft (December 1, 2020) of the proposed City of Tualatin Stormwater Management Master Plan Update. Utilizing the State's Land Use Planning Goals as a basis for our concerns. We mention there are multiple other related local, State and Federal mandates which exist and provide additional measures to address stormwater management, property rights and protections, safety, conservation and protection of Natural Resources, and coordination and integration of Public Services with other governmental units or agencies.

STATE OF OREGON STATEWIDE LAND USE GOALS- Used as basis and support of concerns being presented
OAR 660-015-0000 Oregon Statewide Land Use Planning Goals

The state of Oregon has established goals and provided mandates for Land Use Plans – including specific requirements which should be included within the Land Use Plans of local city governments- including City Master Plans.

These Land Use Planning Goals not only provide a framework for creating a Land Use Plan, but they also provide a method for evaluation of various Land Use elements to be included within a potential Plan, as well as mandates for compliance.

Included within our comments are references to these Land Use Planning requirements to provide a common understanding of the basis for our comments and as support for request for resolution to concerns provided within this correspondence.

Land Use Planning Goal #2- LAND USE PLANNING OAR 660-015-0000 (2) provides the framework for the development and requirements for the development of a Land Use Plan- such as the City's proposed Stormwater Management Master Plan Update. Included with Goal #2 are the following goals and mandates apropos to these comments: *(emphasis added)*

- To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.
- City, county, state and federal agency and special district plans, and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.
- All land use plans shall include:
 - identification of issues and problems, inventories and other factual information for each applicable statewide planning goal,
 - evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs.

- o The required information shall be contained in the plan document or in supplements.
- o The plans shall be the basis for specific implementation measures.
 - o These measures shall be consistent with and adequate to carry out the plan.
 - o All land-use plans, and implementation ordinances shall... be reviewed and approved on a regular cycle to take into account changing public policies and circumstances

hausland
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SWMP addresses CWS Design and Construction Standards...
Regardless of SWMP, these D&C Standards with CoT Codes, are required and must be satisfied.

are obtained and provided as

It is important that accurate fact-based information relating to potential Land Use actions be obtained and provided as part of any Land Use action. Both Citizens and those who may ultimately be making Land Use decisions require accurate representative unbiased information so that they may understand and comprehend issues pertaining to proposed Land Use issues. This process assists and promotes the transparency of the governmental process, and informed decision making.

Unfortunately, after review of the City of Tualatin's proposed Update to the Stormwater Management Master Plan, my husband and I have found multiple issues which reduce compliance with the Oregon Land Use Planning Goals, as well as other local, State and Federal mandates-particularly with respect to the Land Use Planning for the Basalt Creek Area under the current or future jurisdiction of the City of Tualatin, and/or under other overlapping governmental units or agencies.

HISORICAL LAND USE PLANNING ACTIONS-BASALT CREEK AREA & STORMWATER MANAGEMENT

My husband and I strongly support the City's efforts to review and revise the City's dated Stormwater Management Master Plan which according to the City's website was adopted in 1972
https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/page/13099/tualatin_drainage_plan_sept_1972.pdf

A request had to be submitted to the City for access to the Appendices for the proposed Plan.

In the decades since the City's Stormwater Management Plan was adopted in 1972, the type and level of assessment, knowledge and implementation of stormwater management has greatly expanded, and the potential impacts more fully understood. The relevance of impact of Land Use Actions upon the environment has also become more greatly understood, expanding the need for a more comprehensive assessment and analysis of potential outcomes as part of the Land Use Planning process.

In 2004 Metro 04-1040B authorized the addition of the "Tualatin Area" (part of which is now known as the Basalt Creek Area) into the UGB. Metro imposed multiple conditions and requirements for the conservation and protection of multiple natural resources as part of Metro 04-1040B as part of the responsibilities of the local governments.

In 2018 the Basalt Creek Concept Plan jointly authored and adopted by the Cities of Wilsonville and Tualatin -taking the initial steps in the Land Use Planning of over 800 acres within the Basalt Creek Area and included various assessments of Natural Resources within the Basalt Creek Area.

Included within the Basalt Creek Concept Plan are various statements relating to Land Use Planning within the Basalt Creek Area including:

"New stormwater infrastructure will be primarily integrated with the local road network"

..."It is assumed that the existing culverts may not have capacity for future urban conditions and will need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite detention or

infiltration is required when the location of public drainage or the topography of the site make connection to the system not economically feasible." (emphasis added)

"The Cities and CWS will adopt an Intergovernmental Agreement that will address areas where cooperative stormwater management is needed."

It is unclear if and when such Stormwater Management Planning for the Basalt Creek Area between these three entities was conducted.

Both Cities also stated within the Concept Plan- they would have "Joint Management" of the "Natural Area" within the Basalt Creek Canyon.

It is unknown what further action has been taken to implement the "Joint Management" of the lands in the center portion of the Basalt Creek Area- where a high percentage of the Natural Resources are located within the Basalt Creek Canyon.

It is not known what Land Use elements of "management" were intended to be the focus of this joint statement, but the potential involvement of the City of Wilsonville within the Land Use Planning of the Basalt Creek Area may result in additional complexities in the determination and implementation of Land Use planning within the Basalt Creek Area.

As the Basalt Creek Canyon receives a majority of the stormwater drainage from the area, the potential involvement and coordination of the City of Wilsonville should be included within any Stormwater Management plan within the Basalt Creek area. The identification of this information was not included within the City's proposed Update to the Stormwater Master Plan.

Included within the Basalt Creek Concept Plan are numerous maps identifying the location of multiple Natural Resources existing within the Basalt Creek Area mainly generated from Metro 2001 data. This type of information regarding Natural Resources within the Basalt Creek Area was not included within the maps the City elected to adopt within the City of Tualatin Basalt Creek Comprehensive Plan and the subsequent adoption and integration into the City's Governing Documents.

A few examples of the maps from the Basalt Creek Concept Plan are included as attachments to this correspondence to help substantiate:

- the existence of these Resources,
- the need for the City of Tualatin to conduct a more current assessment and analysis of multiple Natural Resources known to exist within the Basalt Creek Area for fact-based decision making,
- the need for the City to memorialize the information into the City's Governing Documents to:
 - establish fact-based documents which have evaluated significant factors which exist within lands the City sought to gain future jurisdiction -which are equal to or exceeding the level provided to the majority of the lands within the City.
 - Provide consistency of fact-based documents within the City which various departments can utilize as part of a decision-making process
 - Provide an accurate fact-based reference for use by the Public to gain understanding of the basis for future decisions

These actions will provide greater consistency within all proposed Land Use Plans -including the Stormwater Management Master Plan and may provide greater compliance and positive outcomes in subsequent implementation actions.

Attachment #4 Maps

In 2019, the City of Tualatin Basalt Creek Comprehensive Plan, did not provide stormwater management plans specific for the Basalt Creek Area or a stormwater system map specific to the Basalt Creek Area.

The City has left developers to be responsible for on-site Stormwater Management.

But the City did not identify what actions will be taken if financial costs become too high, if stormwater management requirements exceed onsite management and/or treatment capabilities or should other factors which might preclude full onsite stormwater management and/or treatment develop.

The City did not provide specific guidance as to:

- feasibility of integration into the County's existing stormwater management system (which is already known to be at capacity)
- mechanisms for cooperative planning and integration into the County's existing stormwater management system
- the process and funding to collect, convey, treat and dispose of excess stormwater runoff off site, or
- the role for Citizen Involvement by downstream property owners or other stakeholders.

The proposed Update to the City of Tualatin's Stormwater Management Master Plan does not acknowledge these issues nor provide information as to this issue.

There are questions as to the consistency of the City's Land Use Plans for Stormwater Management planning and implementation for development.

Contrary to the efforts taken to meet compliance requirements within the Basalt Creek Concept Plan, the City of Tualatin elected as part of the Basalt Creek Comprehensive Planning process, to omit maps within the Basalt Creek Area which denoted the existence of multiple Natural Resources within the Basalt Creek Area- which had been included in the Concept Plan.

The lack of information as to the assessment and location of multiple Natural Resources which have requirements for their conservation and protection, causes significant issues as to the ability to comply and implement various Metro, State and Federal requirements to conserve and protect Natural Resources based upon facts.

Consequently, lacking the inclusion of the assessment of the Natural Resources within the City's Governing Documents, inhibits the ability to effectively identify and mitigate negative impacts from Stormwater Drainage as part of the Master Plan for Stormwater Management and in the planning and implementation of any Land Use Action.

Within the City's Basalt Creek Comprehensive Plan -included as a supporting document- is a letter dated 12-5-2006, titled "[City of Tualatin Title 13 and Tualatin Basin Plan Compliance Review.](#)" (Exhibit 6 to Ordinance No. 1418-19

There are several concerns presented by the inclusion of this letter with issues relating to the Basalt Creek Area:

- Although the City has posted this letter on the City's Planning Department's Basalt Creek website, it is unclear as to the relevance of this letter to issues related to the Basalt Creek Area
- The letter is date specific and does not provide information as to changes which may have occurred within the 14 year since it was authored.
- The letter is dated 12-5-2006, prior to the City of Tualatin's right to conduct Land Use Planning for lands within the Basalt Creek area-outside its jurisdiction at the time. It is not known if the scope of subject matter within the review included lands within the Basalt Creek Area.
- It appears the intent of the letter was to evaluate a program, and not an evaluation of Title 13 resources- the letter clearly makes that statement.
- The letter included several statements as to additional actions required for compliance- including issues relating to the need for documentation of identification of various Natural Resources.
- The City did not attach documentation of successful implementation of actions required within the letter, nor application of results of the Tualatin Basin Program and application to the Basalt Creek Area.
- Of most importance the letter states: "[The compliance review by Metro is a review only of whether the amendments Tualatin is proposing are consistent with the UGMFP and is not a review of whether Tualatin has complied, or will comply with the other requirements of Option 5 and the Tualatin Basin Program.](#)" (emphasis added)

In relevance to the proposed Stormwater Management Master Plan Update, the 2006 Metro letter included the following information:

Stream crossings and detention ponds: We also note that for a number of HFDPs - such as minimizing stream crossings, encouraging perpendicular crossings, using habitat sensitive bridge and culvert designs, use of detention ponds, and allowance of narrow road widths through stream corridors - the City does not propose any code changes. Instead, the City states that its code is silent on such practices, but does not prohibit them, and mostly relies on its adoption of Metro's Title 3 and CWS requirements to meet Title 13's "encourage and facilitate" requirement.

Recommendation: We recommend that the City amend its code to affirmatively support these HFDPs. Doing so would leave no doubt that the City is encouraging and facilitating these HFDPs.

It is not known if the City implemented this recommendation- or if the recommendation is still relevant.

If the use of this letter is intended to indicate compliance to mandates for the conservation and protection of Natural Resources within the Basalt Creek Area, it would seem prudent for the City to establish documentation of an assessment of the Natural Resources within the Basalt Creek Area, and documentation of actions taken by the City to comply with such mandates- based upon current facts and standards to meet compliance needs.

In 2020, the City of Tualatin started actions to annex large acres of land within the NE portion of the Basalt Creek Area. A large portion of these lands currently act as the stormwater catchment, retention, and reabsorption basin for the greater area. The City is currently taking Land Use Planning actions which will allow the development of over 60 acres of this current stormwater catchment area.

Along with the removal of several acres which contain many characteristic factors of a natural stormwater catchment area (which have decreased the flow and velocity of stormwater and increase its reabsorption), future development may remove these factors while significantly increasing impervious surfaces with the creation of buildings, streets, and parking lots.

CURRENT CONCERNS REGARDING THE PROPOSED STORMWATER MASTER PLAN UPDATE

TECHNICAL ISSUES

A summary of the Technical Issues presented within the Stormwater Master Plan Update are summarized at the beginning of this correspondence, with the full review included as a Google Link attachment #1, #2 #3.

It is readily apparent when reading the proposed Master Plan Update, that much of the information contained with the draft is dated, and not reflective of current issues, or needs.

Page 5-2 includes the following information:

"Basalt Creek runs north-south in the southern portion of the City. Much of the contributing land use is low-density and rural residential, but with pending adoption of the Basalt Creek Concept Plan concept plan [sic], future development is anticipated to impact the contributing land use and stream condition. Ownership is currently private and public (City)." (emphasis added)

The Basalt Creek Concept Plan was adopted by the Cities of Wilsonville and Tualatin in 2018, indicating the proposed plan may not have been revised as to changes within the Basalt Creek Area for over two years. Since that time, the City of Tualatin generated and adopted the Basalt Creek Comprehensive Plan.

Although the proposed Stormwater Management Plan readily identified and anticipated the negative impact future development within the Basalt Creek Area would have upon the stream condition- the proposed Plan did not identify actions to be taken to provide further assessment and/or alternative solutions to attempt to address and mitigate stormwater impact upon the "stream condition".

IMPACT NATURAL RESOURCES

A review of the City's newly proposed draft to Update the City of Tualatin Stormwater Management Master Plan, does not currently identify the evaluation of Natural Resources within the Basalt Creek Area, nor the methods to be utilized to ensure compliance with the various mandates for the conservation and protection of numerous Resources. The State Land Use Goal requires documentation of compliance with State Goal #5 NATURAL RESOURCES AND OPEN SPACES, and State Goal #6 AIR, WATER AND LAND RESOURCES QUALITY which are the basis upon many of our concerns regarding the proposed Update to the City's Stormwater Master Plan.

NEED FOR COORDINATION OF LAND USE PLANNING WITH OVERLAPPING GOVERNMENTS- STATE GOAL #2

While both Cities had knowledge of, and participated within the decision making Land Use Planning process in planning the location of Washington County's proposed Basalt Creek Parkway Extension regional transportation 5+ lane expressway through the middle of the Basalt Creek Area--- neither the Basalt Creek Concept Plan nor the City of Tualatin

Basalt Creek Comprehensive Land Use Plans acknowledged, addressed or provided guidance as to coordination of stormwater management planning within the Basalt Creek Area for Washington County's proposed major transportation project within overlapping jurisdictions.

It is unclear as to the amount of land Washington County will require for their proposed project which will be needed not only for road construction, but also a proportionally large amount of land for stormwater management and treatment within wetlands and other lands within the future jurisdiction of the City of Tualatin. Nor did either plan address or provide guidance (and intended compliance) as to how all local governments would ensure conservation and protection of various Natural Resources within the Basalt Creek Area from direct or indirect effects of stormwater or stormwater management which might be caused by the proposed project and potential impact upon Natural Resources within the future jurisdiction of the City of Tualatin.

Compounding the lack of a clear plan for a coordinated Stormwater Management plan to address the permanent installation of this major transportation project through multiple Natural Resources, the Basalt Creek Concept Plan states, "joint management" management of the "Natural Area" within the Basalt Creek Area by the Cities of Wilsonville and Tualatin and introduces a possible intergovernmental agreement between the two Cities for stormwater management within the Basalt Creek Area.

Due to the proximity of the eastern terminus of the proposed Washington County Basalt Creek Parkway Extension on SW Boones Ferry Road, and the anticipated City of Tualatin major residential development of 400+ units and Commercial Neighborhood development within approximately 1/4 mile, of each other on SW Boones Ferry Road, there will be significantly increased need and demand for Stormwater Management and treatment with a limited geographic area and in lands with overlapping governmental jurisdictions.

As my husband and I are potentially affected property owners, we have on multiple occasions reached out to the staff of both the City of Tualatin and of Washington County to gain a better understanding how the Land Use planning actions by both governments are coordinating Land Use planning within the area. We have expressed our desire to be able to have potentially affected property owners participate in the coordinated planning of major Land Use Projects on lands near overlapping jurisdictions due to various direct and indirect impacts upon our property. We have not gained much success in these actions.

Unfortunately, there appears to be a continued lack of coordination and communication between these two entities as to the conception, planning and design of major Land Use Projects within the Basalt Creek Area.

Recognizing the lack of effective coordination in Land Use Planning by these two local governments, and to promote better compliance with mandates for the coordination of planning for Public Services by local governments, a well authored Stormwater Management plan would include clear requisites to:

- identify major Land Use Projects under consideration by another government (as a potential constraint or added factor in Land Use Planning)
- provide guidance as to how to coordinate the provision of Public Services within overlapping jurisdictions.

The proposed Stormwater Management Plan does not address this issue or provide clear guidance for implementation.

CURRENT STORMWATER MANAGEMENT SYSTEM WITHIN BASALT CREEK AREA

- HAS PREVIOUSLY FAILED AND IS A LIMITATION AND CONSTRAINT FOR FUTURE DEVELOPMENT

- IS UNDER THE JURISDICTION OF --OR IMPACTED BY--

LAND USE PLANNING ACTIONS OF OTHER LOCAL GOVERNMENT

The current Stormwater Management System along SW Boones Ferry Road within the Basalt Creek Area was designed and constructed as part of Washington County's SW Boones Ferry Road Improvement Project (2012-2015). During the design phase of this Land Use transportation project, my husband and I contacted the County on multiple occasions regarding our concerns of potential negative downstream stormwater impacts we identified within the proposed design. We were assured the outflow from the County's design would be equal or 10 % less than stormwater outflow which we previously experienced from a more primitive/less sophisticated stormwater system.

The 2016 Stormwater Analysis within the Basalt Creek Area by Mr. La Liberte' which was the basis of the report, "Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon", was generated due to my husband's and my desire to understand the cause of flooding into our property from stormwater emitting from a Washington County Stormwater Outflow an apparent failure of the stormwater management system in 2015. There have been no significant changes made to the County's Stormwater system since 2015 upstream from our property.

Currently a large percentage of the stormwater drainage from the NE portion of the Basalt Creek Area flows south- eventually through the City of Wilsonville and into the Willamette River. Much of the stormwater within the NE portion of the Basalt Creek Area is captured within a stormwater catchment basin on undeveloped lands east of SW Boones Ferry Road, and collected within Washington County's stormwater collection, conveyance and treatment system. A majority of the stormwater catchment basin on the east side of SW Boones Ferry Road and north of Greenhill Lane is on lands recently annexed into the City of Tualatin.

The stormwater drainage from this area flows away from the majority of lands within the City of Tualatin and outside of the City of Tualatin's existing stormwater collection, conveyance and/or treatment facilities.

Mr. La Liberte's study identified multiple factors which lead to the flooding of our property from the stormwater system which currently exists within Basalt Creek Area in the area around SW Boones Ferry Road.

From this investigation we gained knowledge that the County's design and planning for the stormwater management system installed along SW Boones Ferry Road as part of the SW Boones Ferry Road Improvement Project, was:

- based upon drainage needs of undeveloped land, and
- not designed to meet anticipated drainage needs of developed lands with higher nonporous surfaces (buildings, streets, and sidewalks etc.) which cause higher stormwater runoff and less reabsorption into the land which has previously acted as a major stormwater catchment area.

Both the City of Tualatin, and Washington County are undertaking Land Use planning actions within the Basalt Creek Area affecting properties under overlapping jurisdictions. My husband and I have on multiple occasions attempted to gain insight as to the coordination of Stormwater Management Planning within the Basalt Creek Area from these two local governments.

As downstream property owners within Washington County, we have specifically expressed concerns and requested Land Use Planning information from the City of Tualatin as to the City's Stormwater Management Plan within the Basalt Creek Area and of potential impacts upon the current existing system under the jurisdiction of Washington County - during the Basalt Creek Concept Planning, during the City of Tualatin Basalt Creek Comprehensive Planning and as part of the City's annexation process for ANN 19-2002- without fact based information which would provide us understanding of the City's proposed Land Use actions and potential impacts caused by increased needs or changes to this Public Service. The Basalt Creek Concept Plan adopted by the City in 2018 acknowledged limitations within the existing Stormwater Management system within the Basalt Creek Area and identified the need for system upgrades with development of the Basalt Creek Area.

We have specifically asked the City of Tualatin and Washington County on multiple occasions how both of these two local governments have coordinated the Land Use Planning Goals for Washington County's proposed Basalt Creek Parkway Extension Project. Our questions have included how Stormwater Management will be integrated into the County's existing Stormwater System, how or where additional conveyance and/or treatment facilities will be located within lands with overlapping jurisdictions and of potential impacts to the City of Tualatin's Land Use Planning for the urbanization of the Basalt Creek Area and associated increased stormwater management needs on private or public lands. Again, my husband and I have received little fact-based information as to how these two local governments with overlapping jurisdictions have conducted Land Use Planning for a key Public Service of Stormwater Management within an area containing multiple known constraints and limitations.

My husband and I have reasonable concerns as to potential negative impacts from stormwater due to poorly planned and executed Land Use actions. The need for a well-developed integrated Stormwater Management plan for the Basalt Creek Area is necessary for the safety and protection of Citizens, property and surrounding Natural Resources.

Thank you for the opportunity for participating in this first Citizen Involvement Public event for the City's Proposed Update for the Stormwater Master Plan.

My husband and I look forward to hearing what steps the City will be taking the City's adoption process for this proposed Land Use Plan Action

As Citizens and potentially affected property owners, we request Actual Notice of any future Public Meetings-where this proposed Land Use Action may be an agenda topic--- including but not limited to the City of Tualatin Planning Commission, and/or the Tualatin City Council.

Respectfully submitted,
Grace Lucini
John Lucini
23677 SW Boones Ferry Road
Tualatin, OR 97062

ATTACHMENTS#1,#2, DocumentsLaLiberte'EnvironmentalAssociates (GoogleLink)
#4 MAPS (Google Link) & (Hard Copy Pages 13-20)

ATTACHMENT #4

MAPS WITHIN PROPOSED UPDATE TO THE CITY'S MASTER PLAN

PROPOSED MAPS:

- CONTAIN DATED INFORMATION
- OMISSION OF RELEVANT AND NECESSARY INFORMATION REQUIRED FOR LAND USE PLANNING

An example of questionable information provided within many maps within the proposed Stormwater Management Plan for the City, is Figure 2-2 Project Area Overview.

The Legend within Figure 2-2 provides keys as to the location of

- Open Space-Parks/Greenways/Natural Areas/Private*
- Open Space- WPA/Setbacks/NRPO/Wetlands

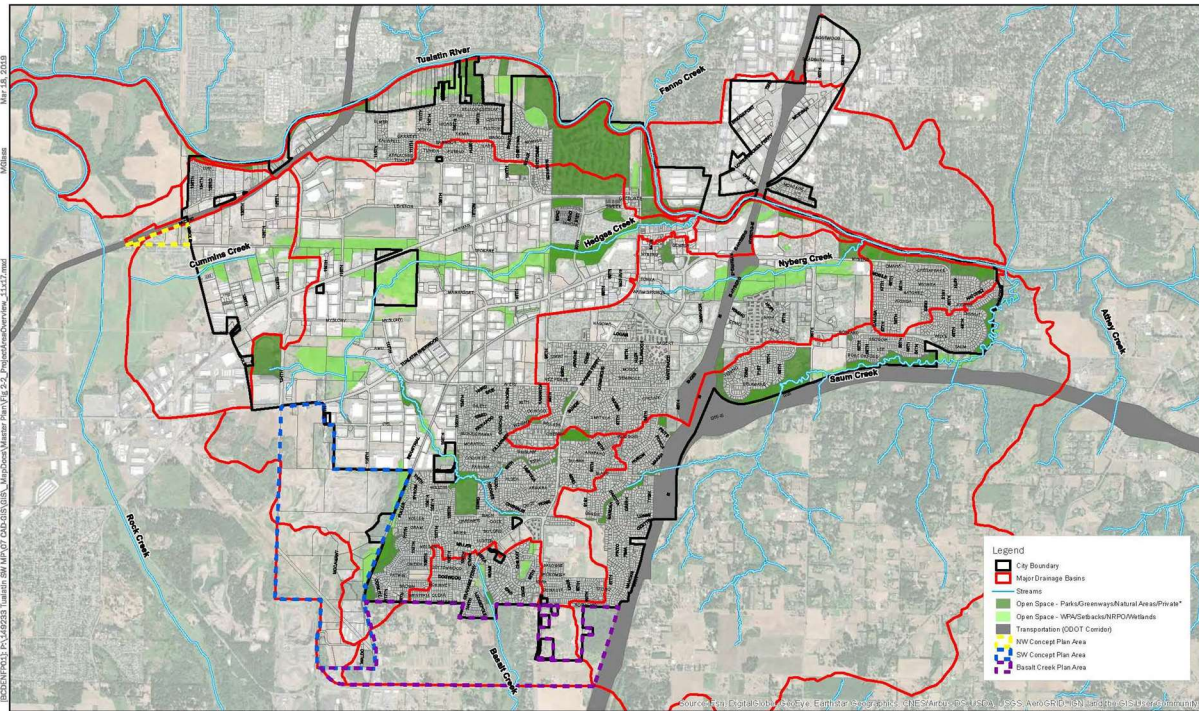
However, there is no indication of the wetlands, and multiple Natural Resources known to exist within the Basalt Creek Area and within the Basalt Creek Canyon.

Many of these types of Natural Resources may be negatively affected by stormwater drainage, and an accurate assessment as to the quantity, quality and location of Natural Resources which are to be conserved and protected should be assessed, evaluated and memorialized within a Stormwater Management Plan and integrated into the City's Governing Documents for to provide and assure consistency within the City's various Land Use Plans.

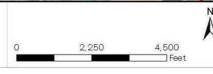
Another factor not denoted within the maps within proposed Stormwater Management Plan, is the identification of the "Natural Area" within the Basalt Creek Canyon.

This area which contains wetlands and various Natural Resources requiring conservation and protection was identified within the Basalt Creek Concept Plan in which both Cities agreed to have "joint management" of the "Natural Area". It would seem reasonable this information which might impact Land Use Planning within the Basalt Creek Area and is downstream from the Basalt Creek lands already annexed into the City, would be identified on the Figure 2-2 map, and include additional information within the narrative of the proposed Stormwater Management Plan as a potential constraint or limitation in the planning of Stormwater Management in the area or upstream from the "Natural Area".

This map also includes the notation of "Brown and Caldwell City of Tualatin Stormwater Master Plan Date: April 2019 Project 149233 in the lower left corner of the map. An assumption would be that the information provided within this map would be current and accurate as of April 2019- the date indicated on the lower left corner of the map. It is unknown how current the information contained within this map may be but lacking the inclusion of information Basalt Creek Area lands already within the City's boundaries, makes one question when the data for this map was last collected.



City of Tualatin
Stormwater Master Plan
 Date: April 2019
 Project: Project 149233



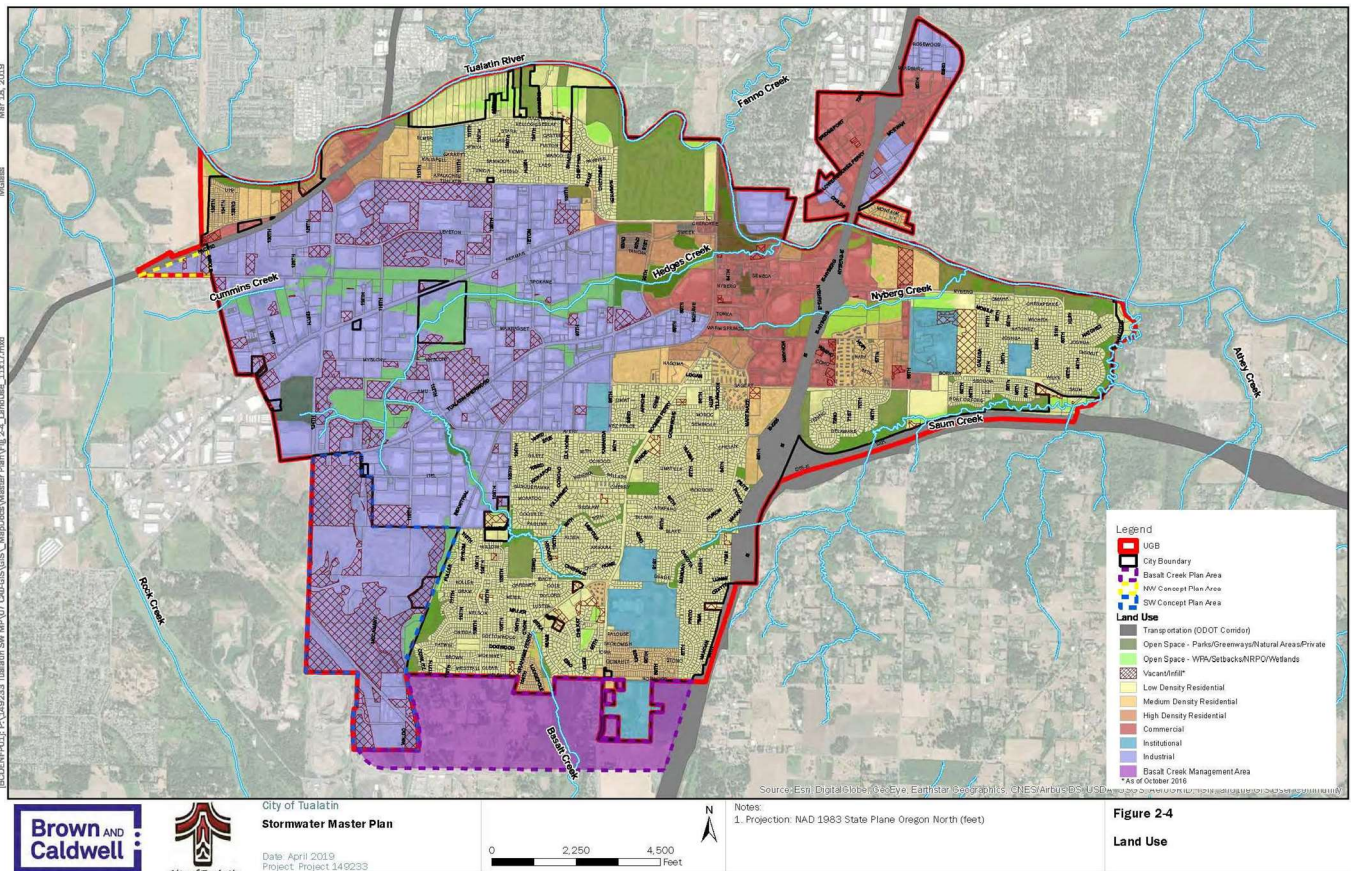
Notes:
 1. Projection: NAD 1983 State Plane Oregon North (feet)

Figure 2-2
Project Area Overview

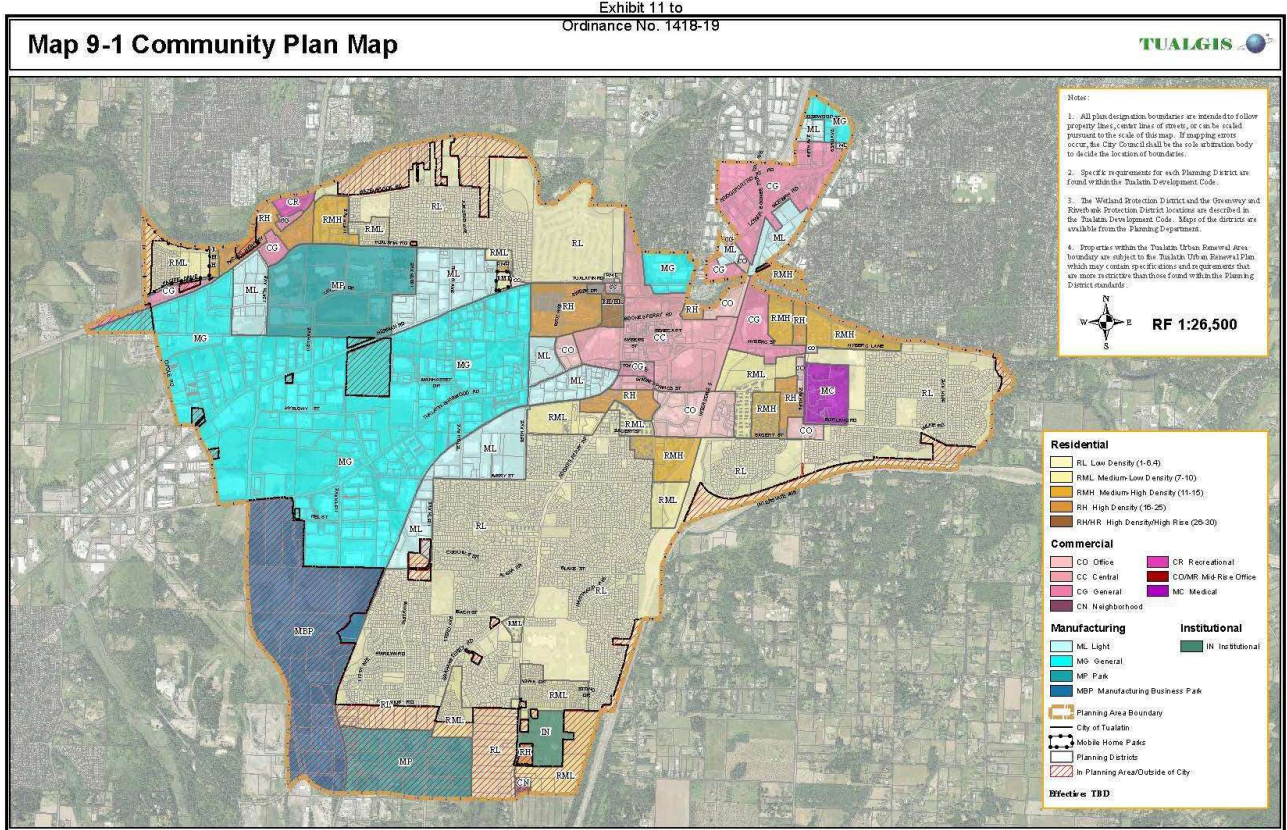
Figure 2-4 "Land Use" Map Not Consistent with City's Current Land Use Zoning also provides the notation of "Brown and Caldwell City of Tualatin Stormwater Master Plan Date: April 2019 Project 149233 in the lower left corner of the map.

Yet, an asterisk notation within the Legend box states, "* As of October 2016". Major changes have occurred as to Land Use within the City of Tualatin in the four years since this map was apparently generated.

The information provided as to the Land Use zoning or designations do not accurately reflect the Land Use Planning Actions of the Basalt Creek Concept Plan adopted in 2018, nor the City of Tualatin Basalt Creek Comprehensive Plan. Land Use Zoning within the Basalt Creek Area does not provide accurate information of current Land Use Zoning and Planning within the Basalt Creek Area and may hinder the planning for Stormwater Management in the assessment of current and future needs based upon type of land use. Approximately 60 acres within the Basalt Creek Area have already been annexed into the City of Tualatin, and into the responsibilities and regulations of the City for Land Use planning- including Stormwater Management.



The proposed Stormwater Master Plan Update is not consistent with the Land Use Plan adopted by the City in 2019 in Ordinance 1418-19, and consequently would not be compliant with Statewide Planning Goal #2



72-1 Natural Resources Protection Overlay district (NRPO) and Greenway Locations

72-3 Significant Natural Resources

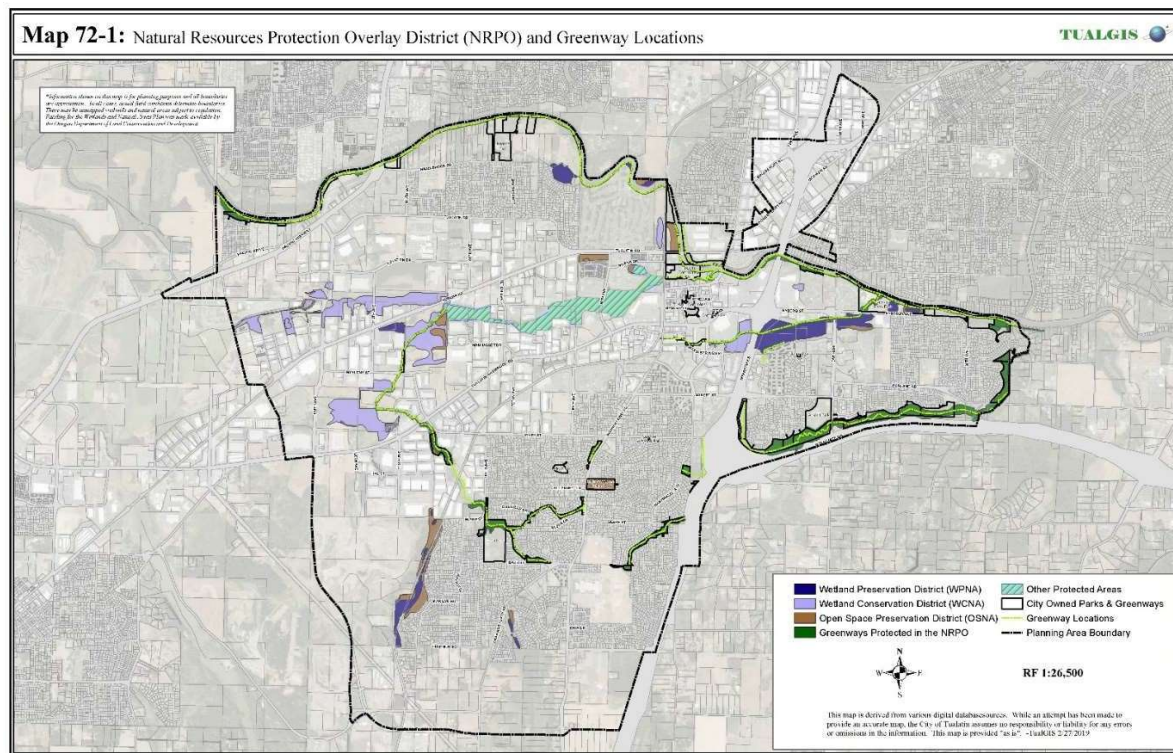
There is an absence of necessary information provided for the Basalt Creek Area for Natural Resources

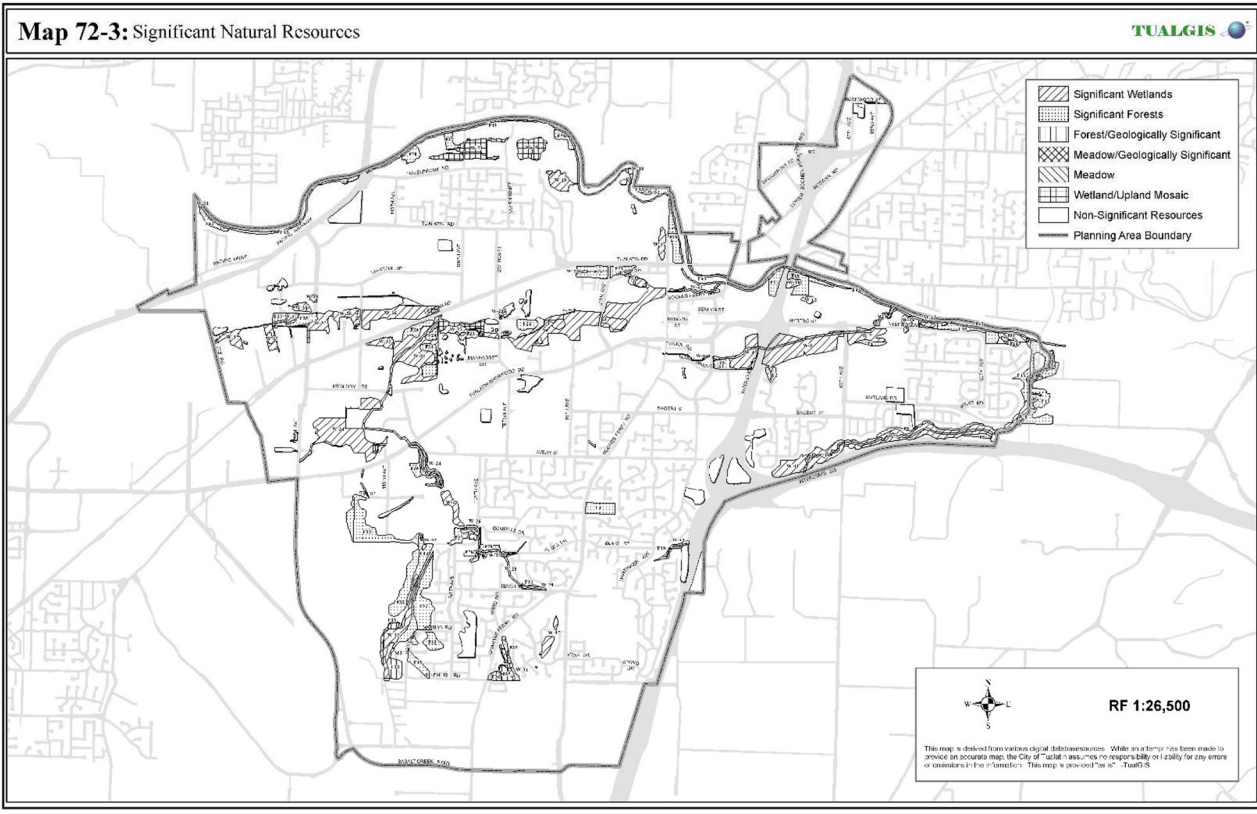
Lacking necessary evaluations as to the level, location and quality of Natural Resources within the Basalt Creek Area within the proposed Stormwater Management Master Plan Update, it would be difficult for the City of Tualatin to utilize the maps adopted into the City's Governing Documents (as part of the adoption of the Basalt Creek Comprehensive (Ord. [1427-19](#) , § 47, 11-25-19)), as supportive or back up documents to the proposed Update, as these maps obtained from the City's website do not identify or provide substantive information as to the multiple Natural Resources which are known to exist within the Basalt Creek Area.

City of Tualatin Maps downloaded from the City's municipal Code website

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_APXAMA

also lack essential information necessary for the development of a Land Use Plan, or effective implementation of a Land Use Action within the Basalt Creek Area and are not suitable support documents for the proposed Update to the City's proposed Stormwater Management Master Plan Update.





There are significant inconsistencies in the level of acknowledgement and identification of various Natural Resource which are required to be evaluated for potential impact within all Land Use Plans, and Planning Actions. The omission of pertinent information regarding the existence of multiple Natural Resources within the northern portion of the Basalt Creek Area as presented within the City's Governing Documents, and within the City's proposed Stormwater Master Plan update are notable.

However, the City included the Basalt Creek Concept Plan document adopted by the City in 2018, and utilized as a supporting document to the Basalt Creek Comprehensive Plan in 2019 did provide needed information as to Land Use evaluative factors such as the Natural Resources and constraints which exist within the Basalt Creek Area.

Examples of pertinent documentation from the Basalt Creek Concept Plan as to the quantity and quality of these Natural Resources is provided including a summary of a rationale for inclusion of this information into the Basalt Creek Land Use Concept Plan.

Metro Title 13: Nature in Neighborhoods

Title 13 requires local jurisdictions to protect and encourage restoration of a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape. Metro's regional habitat inventory in 2001 identified the location and health of fish and wildlife habitat based on waterside, riparian and upland habitat criteria. These areas were named Habitat Conservation Areas.

Table 7 Title 13 HCA Categories with Acreage

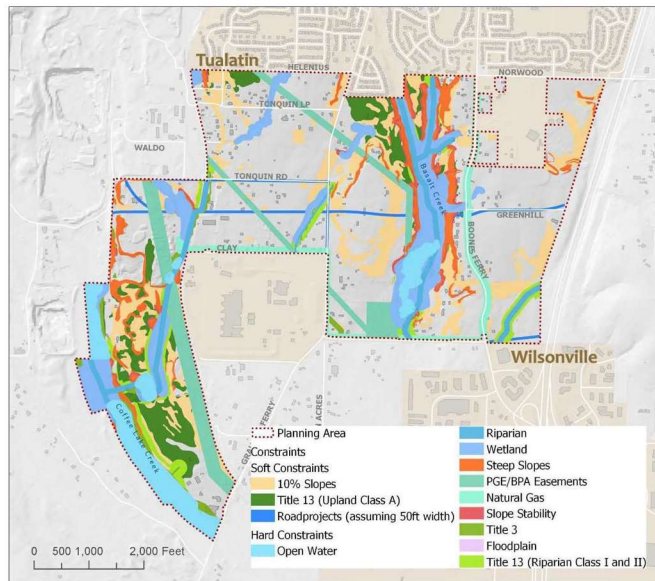
HCA Categories	Acres	Description
Riparian Wildlife Habitat Class I	130	Area supports 3 or more riparian functions
Riparian Wildlife Habitat Class II	31	Area supports 1 or 2 primary riparian functions
Riparian Wildlife Habitat Class III	7	Area supports only secondary riparian functions outside of wildlife areas
Upland Wildlife Habitat Class A	103	Areas with secondary riparian value that have high value for wildlife habitat
Upland Wildlife Habitat Class B	72	Area with secondary riparian value that have medium value for wildlife habitat
Upland Wildlife Habitat Class C	37	Areas with secondary riparian value that have low value for wildlife habitat
Designated Aquatic Impact	52	Area within 150 ft. of streams, river, lakes, or wetlands

Exhibit 2 to Ordinance No. 1418-19

Environmental constraints are summarized below and unless otherwise noted were fully excluded from the developable land input in the scenario testing for the Basalt Creek Concept Plan:

- Open Water
- Streams
- Wetlands
- Floodplains (50% reduction of developable area)
- Title 3 Water Quality and Flood Management protections
- Title 13 Nature in Neighborhoods (20% reduction of developable area in areas designated Riparian Habitat Classes I and II)
- Steep Slopes (25% slopes and greater)

Figure 13 Natural Resources Map



It is unclear as to the rationale for the omission of pertinent information required to be an evaluated component in the development of all Land Use Plans and implementation of Planning Actions have not been included within the proposed Stormwater Master Plan Update, nor in the City's Governing Documents as provided via the City's

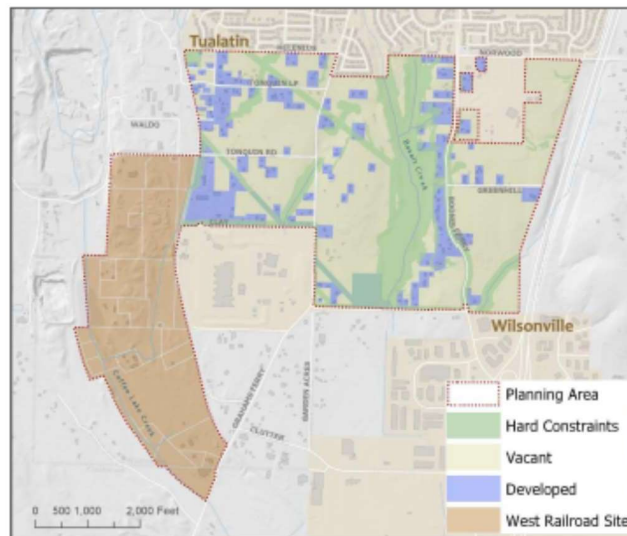
Exhibit 2 to
Ordinance No. 1418-19

The goal is to classify every parcel within the Planning Area into one of the categories described below:

Table 2 Land Supply within the Basalt Creek Planning Area by Type and with Acreage.

Land Supply by Type and Acreage		
Land Type	Acres	Description
Vacant Land	331	Unconstrained land that is ready to build with no major structures located on the site
Developed Land	125	Land already built upon which includes acreage covered by roadways
Constrained Land	153	Land that cannot be built upon due to environmental or other hard constraints
West Railroad Area	238	Excluded from development plan due to large amount of constraints and limited access
Total Land Supply	847	

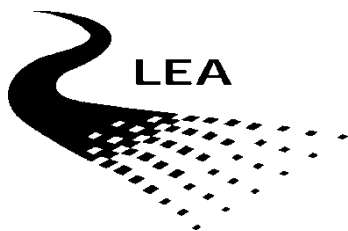
Figure 6 Land Supply by Type.



LEA Comments
On the Draft Tualatin Stormwater Master Plan
(Dated April 2019)

Prepared for
John and Grace Lucini
23677 SW Boones Ferry Road
Tualatin, Oregon
97140

Prepared by
Dave LaLiberte
Principal Engineer
Liberte Environmental Associates, Inc.
Wilsonville, Oregon



December 14, 2020

Draft Comments on the Tualatin Stormwater Master Plan (Draft, April 2019)

Due December 15, 2020, by Dave LaLiberte, P.E., Liberte Environmental Associates (LEA)

Summary Comments

These comments are based on the Draft Tualatin Stormwater Master Plan (SWMP) dated April 2019. Comments highlight issues in the Plan concerning Southwest Boones Ferry Road (BFR) south of Norwood Road, referred to as “BFR south”.

Significant problems in the Plan for the BFR south area are: lack of identified stormwater facilities¹ omission of hydrologic and hydraulic modeling analysis², potential for mis-application of design alternatives³, absence of stormwater problem acknowledgement and evaluation⁴, no assessment of stormflows on steep slopes⁵, effect of stormflows on the Basalt Creek Concept Plan are neglected⁶, no existing and future development stormwater flows are compared⁷, protection of natural resources is unclear⁸, no designation of Capital Improvement Projects (CIPs⁹) in the BFR south area, and other Plan related problems.

Supplement documents collected by Liberte Environmental Associates (LEA) for these comments are identified as:

Supplement A - LEA Request for Tualatin SWMP Appendices

Supplement B - *Effects of SW Boones Ferry Road Construction (2013-2015): Stormflow Analysis for the Lucini Property* (LEA, November 2016).

This report is included in two parts: Supplement B Part 1 (Report) and Part 2 (Appendices) under separate cover because of their size.

Supplement C –David M. LaLiberte, P.E., Cumuli Vitae (CV)

David M. LaLiberte, P.E., Civil and Environmental Engineer licensed in the State of Oregon, has compiled these comments under contract with John and Grace Lucini (see Comment LEA2 below). Dave has over 30 years of experience in stormwater, water quality and design solution analysis. His education and experience are attached as Supplement C – Cumuli Vitae (CV).

¹ See Specific Comment LEA6.

² See Specific Comment LEA5.

³ See Specific Comment LEA9.

⁴ See Specific Comments LEA9, 11 and 14 as they pertain to the SWMP Table 3-1 and Figure 7-1.

⁵ See Specific Comments LEA5, 7 and 8.

⁶ See Specific Comments LEA6, 7, 8, 12 and 15.

⁷ See Specific Comment LEA5.

⁸ See Specific Comment LEA6.

⁹ See Specific Comment LEA4, 9, 10 and 11.

Specific Comments

Comment LEA1. Many of the questions raised in these Tualatin SWMP comments focus on the area along BFR south. The BFR south area is shown within the city limits in all of the corresponding master plan figures. That is: Figures ES-1, 2-2 through 2-6 and 7-1.

Comment LEA2. Many of these comments refer to *Effects of SW Boones Ferry Road Construction (2013-2015): Stormflow Analysis for the Lucini Property* (LEA, November 2016), contracted by John and Grace Lucini, 23677 SW Boones Ferry Road, Washington County, Oregon, Tualatin, Oregon, 97140. This report is referred to as the “Stormflow Analysis” and is attached to these comments as Supplement B Part 1 (Report) and Part 2 (Appendices).

Comment LEA3. The Tualatin SWMP Appendices were obtained (Dec 10, 2020) from the City of Tualatin as part of this comment period ending December 15, 2020. A description of the SWMP Appendix request is contained in LEA Supplement A.

Comment LEA4. Some of the comments reference procedures in other areas of Tualatin. For example, Project Opportunity Area 6 – Alesa, aka Capital Improvement Project #17 (CIP17), calls for infiltration/retention that could be erroneously applied to the BFR south area. These procedures will potentially be applied to the hydrologic and hydraulic modeling in BFR south, and possibly any resulting CIP and stormwater design considerations.

Comment LEA5. The Tualatin SWMP does not include any hydrologic or hydraulic (H/H) modeling for stormwater flows in BFR south. The SWMP must include H/H modeling of the BFR south and affected areas such as the Basalt Creek corridor. Stormwater piping, channels, inlets, outfalls and other stormwater related facilities exist in BFR south (see LEA Supplement B Part 1, Appendix A through C demonstrates that engineering data and analysis of the BFR south area. The SWMP must include stormwater facilities impacted wetlands in Tualatin. SWMP Figure 2-5 does not address any impacted wetlands in Tualatin. Comparison of existing and developed future stormwater flow conditions are not performed. Evaluation of stormflows on hazardous steep slopes is omitted. Assessment of downstream conditions in impacted areas.

Comment LEA6. The Tualatin SWMP project initiated in 2016. System overview and analyses were performed on the condition and expectations of Tualatin's infrastructure as of that date. The Basalt Creek Concept Plan was completed in 2018 and hydrologic and hydraulic modeling was not conducted for the BFR south area.

Comment LEA7. SWMP Figure 2-3 - Topography and Soils map contains overlays in the vicinity of Boones Ferry Road South of Norwood Road and the Lucini Property. The SWMP Section 2-4: "For the Basalt Creek planning area, future development is expected but the timeframe is unknown. For purposes of this plan, future development conditions were not evaluated or assessed hydrologically

The sensitive steep slope topography in this vicinity can't be read. The "Boones Ferry" and "Basalt Creek" labels need to be moved from this visually important area of this map.

Comment LEA8. SWMP Table 2-1 (Page 2-3) in combination with Figure 2-3 - Topography and Soils suggests that infiltration is not a likely future runoff design solution in the BFR south. This is particularly important since this area is perched above steep slopes draining to Basalt Creek. This area is also above drinking water wells in the area including the Lucini property.

Comment LEA9. When the SWMP Appendix A - CIP Fact Sheets documentation is accessed for the Siuslaw Water Quality Retrofit, which includes the Alsea Road area (CIP17), there is no mention of infiltration in the design. But Table 3-1, Opportunity Area 6, aka CIP17, plainly refers to infiltration. The potential application of infiltration at the CIP17 site is of concern because it is inappropriate based on poorly draining soils (see next comment). As it relates to the BFR south area, applying the same inappropriate infiltration cause significant problems (see next comment).

Comment LEA10. The BFR south area needs to exclude reducing surface flow. Figure 7-1 (Page 3-2) does not show south although potential problems exist (see LEA Supplement B Part 2: Appendix A.2).

Comment LEA11. SWMP Figure 7-1 does show the location described in Table 3-1 - City of Tualatin Stormwater Project Opportunities, Alsea/BF Rd and 99th/Siuslaw Greenway. This CIP17 would drain to Hedgerow development concept plans, etc. were not available at the time of analysis. "C" type soils poorly drain and do not support functional infiltration facilities. The concern is that the "C" type soils above the Lucini property may be subjected to the same contradictory conclusion as the CIP17 site. This problem of misapplying design solutions may also exist for other conditions because BFR south has not been evaluated by Tualatin for hydrology and hydraulics as well as CIP.

Comment LEA12. SWMP Figure 2-6 - Stormwater System Overview shows inlets, piping and other stormwater facilities in and around BFR south to the Basalt Creek Management Area and Greenhill Lane are not shown (see Supplement B Part 2: Appendix A.2). Downstream channels below these do not meet the City of Tualatin standards.

Comment LEA13. The SWMP Section 9 has incomplete Reference to the CWS (CWS). The CWS document date and title are not current. For consistency the CWS reference must read "Design and Construction Standards" dated 2019.

Comment LEA14. Nowhere in the Tualatin SWMP is a Stormwater Field Sampling project or numerous flow measurements for the Capital Project. Cost estimates were proposed based on information and data that was gathered for the Master Plan. Each proposed CIP project will require additional analyses and updated cost estimates prior to construction.

Comment LEA15. There is no as
which constitute the west flank of
the Basalt Creek Concept Plan an
Stormflows on these steep slopes
erosion (see Supplement B Part I
Appendices A2 and I).



hausland
2021-02-04 21:54:28

Per CWS and CoT codes and
standards: Hydraulic and hydraulic assessment
of peak and average stormflows (both
upstream and downstream) are
required as part of design and review
analyses.

flows on the steep slopes,
stormflows discharge to
established in the SWMP.
w velocities, which cause
Hydraulics and Part 2

Comment LEA16. The Tualatin SWMP makes no provisions for temporary stormwater storage and discharge facilities when phasing-in large developments such as the Root property in BFR south. The concern is that arbitrary storage and discharge locations could occur in the interim, before the final stormwater facility is operable. It needs to be specified in the Tualatin SWMP that new construction developments must use stormwater storage facilities only with its final specifications and drawings.



hausland
2021-02-04 21:54:27

Per CWS and CoT code:
"The [WQ] facility shall be substantially
prior to paving."
...this statement includes any
connections for downspouts, or other
stormwater generated from relevant
impervious areas.

Re: Concern in Unincorporated Washington County- 23677 SW Boones Ferry Rd, Tualatin OR 97062

1 message

Ursula Kuhn <ursulaakuhn@gmail.com>

Fri, Jan 29, 2021 at 5:02 PM

To: Elizabeth Beechwood <Elizabeth_Beechwood@co.washington.or.us>, glucini@gmail.com, JWLucini@gmail.com, Steve Koper <skoper@tualatin.gov>, william.beers@daimler.com

Hi Elizabeth!

In regards to property address: **23677 SW Boones Ferry Rd, Tualatin OR 97062**

A property in unincorporated Washington County, lying in the Basalt Creek Development Area between the cities of Tualatin and Wilsonville, owned by Grace and John Lucini.

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I believe the main concern is as she quoted on page 164/478:

"The 2016 Stormwater Analysis within the Basalt Creek Area by Mr. La Liberte' which was the basis of the report, "Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon", was generated due to my husband's and my desire to understand the cause of flooding into our property from stormwater emitting from a Washington County Stormwater Outflow an apparent failure of the stormwater management system in 2015. There have been no significant changes made to the County's Stormwater system since 2015 upstream from our property."

I am also cc-ing:

The property owners, Grace and John Lucini

The chair of the TPC, William Beers

City Planning Director, Steve Koper (who may be able to best answer questions 6 and 7 in the reply to Lucini email, attached herein)

so that clear and transparent contacts can be made between all parties.

Please reply to all parties with who is the appropriate person at Washington County for them to voice their concerns to and may be able to help facilitate future changes. Thank you in advance for your time and attention to this matter.

Ursula Kuhn
City of Tualatin Planning Commissioner
503.798.5236
ursulaakuhn@gmail.com

On Thu, Jan 28, 2021 at 7:49 AM Elizabeth Beechwood <Elizabeth_Beechwood@co.washington.or.us> wrote:

Thank you for contacting Washington County Current Planning, Ursula.

I understand that you have a constituent with a concern about their property in unincorporated Washington County.

In order for me to help you most efficiently, please send me the address of the property and the concerns.

I'll know which staff member can help you once I have that information.

Kind regards,

Elizabeth Beechwood | Administrative Specialist II

Washington County Department of Land Use & Transportation

Planning and Development Services | Current Planning

155 N First Avenue, Suite 350 MS13 | Hillsboro, OR 97124

(503) 846-3629 direct | (503) 846-2908 fax

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23677 SW Boones Ferry Rd.docx

24K

In regards to property address: **23677 SW Boones Ferry Rd, Tualatin OR 97062**

A property in unincorporated Washington County, lying in the Basalt Creek Development Area between the cities of Tualatin and Wilsonville, owned by Grace and John Lucini.

As currently listed on the Basalt Creek Comprehensive Plan area FAQ

<https://www.tualatinoregon.gov/planning/basalt-creek-area-planning>

My property is shown on Tualatin’s Basalt Creek zoning map, but I do not plan to annex to the City of Tualatin – what will happen to my property?

Annexing to Tualatin is strictly voluntary and by property owner petition. You may choose to remain in unincorporated Washington County, or annex to Tualatin in order to receive urban zoning and City services. **Washington County zoning will continue to be applied to the property until it is annexed.**

Does Tualatin have voter approved annexation?

No, **all annexations to the City of Tualatin are owner initiated.**

When will the City adopt new zoning for properties in the Tualatin portion of the Basalt Creek area?

Because the City has a “one-map” (combined Comprehensive Plan and Zoning Map) system, new zoning for those properties within the Tualatin portion of the Basalt Creek area was adopted at the same time as adoption of Ordinance 1418-19. Individual property owners will then need to annex to Tualatin to have that zoning applied to their property.

Where are sewer and water facilities planned to be?

As part of the adoption of the Comprehensive Plan update, the public water and sewer plan maps were updated to show planned infrastructure for the Basalt Creek area. **At present, public water and sewer lines are generally not available in this area and will need to be extended in order to support future urbanization.** Connections are generally located at the current southerly boundary of Tualatin, in or near Norwood Road and Helenius Street.

The Autumn Sunrise annexation on behalf of Stafford Development was presented to City Council 03.23.20 and sent to review at TPC at the 07.16.20 meeting for a possible PTA to modify maximum density in the currently zoned MLD Residential. Outcome was a denial of this request, with presentation to City Council at 08.20.20 meeting. Recorded in Agenda Packet on pages 2-5/228.

MOTION by Chair Beers to recommend denial of PTA 20-0003 to City Council.

SECONDED by Commissioner Thompson.

MOTION DENIED 4-3. DENIED by Beers, Thompson, Bachhuber, and Kuhn.

1. Would you be able to clarify for us, if our email of 1-10-2021 was not forwarded directly as an individual communication to the City's TPC/CCI, and only received within the Informational Packet for the TPC 1-21-2021 Meeting?

Based on information available to me, the Lucini email from 01.10.21 was sent to Mr. Koper, Mr. Ausland, Ms. McMillan and the Tualatin City Council in response to a notice from Mr. Koper to Mr. Ausland on 01.06.21 of a TPC meeting on 01.21.21.

This email chain was provided to the TPC members for review in the Agenda Packet on pages 146/478 with a 12.07.20 email is attached from a string beginning with Mr. Ausland on 11.24.20.

Further beginning on page 154/478 is your copied attachment of the 12.15.20 record provided for public review.

Page 164/478 may be the crux of the matter in Washington County's failure of stormwater mgmt. in 2015 to quote:

"The 2016 Stormwater Analysis within the Basalt Creek Area by Mr. La Liberte' which was the basis of the report, "Effects of SW Boones Ferry Road Construction (2013-2015) Stormflow Analysis for the Lucini Property Washington County, Oregon", was generated due to my husband's and my desire to understand the cause of flooding into our property from stormwater emitting from a Washington County Stormwater Outflow an apparent failure of the stormwater management system in 2015. There have been no significant changes made to the County's Stormwater system since 2015 upstream from our property."

Again, the TPC is not the CCI for the County's lands, only for Tualatin however we are privileged to hear her input on the City's Planned revisions. The elected representative for Washington County I have asked Elizabeth to find out and forward your information to for review on how to best be handled since the property is outside of city boundaries and therefore any jurisdiction or power to make changes on non-city lands.

2. Would you be able to clarify for us- if the City Council 2-8-2021 Hearing will only address text modifications to the wording of the Development Code?

Based on information available to me, the City Council Agenda for the 02.08.21 meeting is not yet available as of the response of this letter 01.29.21. It will be available as of 02.01.21 I believe per the standard, 1 week review period.

3. What portions of the City's Stormwater Master Plan (2019) as identified in the Public Notice is to be included within the Council Hearing on 2-8-2021?

As above, the Agenda and it's attachments are not available yet, however based on the agenda packet provided to the TPC for the 01.21.21 meeting beginning on page 29 that the TPC reviewed for scope, plan analysis and project recommendations, that is the "City of Tualatin Stormwater Master Plan" from April of 2019 prepared by Brown and Caldwell. That same document, I would assume, is what the City Council will have provided for review when taking the TPC's considerations into account.

4. If PTA 21-0001 is proposing Land Use Action based upon a changed version of the Brown and Caldwell April 2019 Draft Final, or a different document, we request further clarification and information

PTA 21-0001 is **NOT** based on a changed version of the April 2019 Draft.

5. If the City does not intend to submit for Council adoption on 2-8-2021

- a. **any or all of the "City of Tualatin Stormwater Master Plan" by Brown and Caldwell April 2019 "Draft Final",**
- b. **or a changed version of the Brown and Caldwell document, will the City be modifying PTA 21-0001 as presented in the Public Notice**
- c. **will the City provide the Public a revised Notice?**

The TPC is submitting the April 2019 draft for approval to the City Council at the 02.08.21 meeting. No modification or revised Public Notification is needed it appears

6. When will the City and the Planning Commission address the functional adequacy of a proposed Update to the City's 1972 Stormwater Master plan which should include stormwater planning within the Basalt Creek Area?

I am unsure of if a "functional adequacy of the Proposed Update" is required as this is a Comprehensive Plan, updating and revising old text to come into alignment with current planning goals, City Comprehensive Plans and the Basalt Creek Comprehensive Plan. As noted in the beginning FAQ's from the Basalt Creek Planning:

*"As part of the adoption of the Comprehensive Plan update, the public water and sewer plan maps were updated to show **planned** infrastructure for the Basalt Creek area."*

7. Will this be done before the plan is forwarded to the City Council Hearing for adoption?

This question may be best directed to a City of Tualatin staff, as noted above, I don't think this is within the current scope of the updates to the Comprehensive Plan. More likely would be addressed in further Ordinances or PTA's that are more detailed in the future.



Re: Concern in Unincorporated Washington County- 23677 SW Boones Ferry Rd, Tualatin OR 97062

1 message

Elizabeth Beechwood <Elizabeth_Beechwood@co.washington.or.us> Mon, Feb 1, 2021 at 7:56 AM
To: Ursula Kuhn <ursulaakuhn@gmail.com>, Paul Schaefer <Paul_Schaefer@co.washington.or.us>, Stephen Shane <Stephen_Shane@co.washington.or.us>
Cc: "grluci@gmail.com" <grluci@gmail.com>, "JWLuci@gmail.com" <JWLuci@gmail.com>, "skoper@tualatin.gov" <skoper@tualatin.gov>, "william.beers@daimler.com" <william.beers@daimler.com>

Ms. Kuhn,

Thank you for providing the address and more information on your constituent's concerns.

I am forwarding your email to Paul Schaefer, senior urban planner, and Stephen Shane, principal planner.

Paul and Stephen – Can you reach out to Ms. Kuhn regarding these concerns? Thank you.

Kind regards,

Elizabeth Beechwood | Administrative Specialist II

Washington County Department of Land Use & Transportation

Planning and Development Services | Current Planning

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Sent: Friday, January 29, 2021 5:02 PM
To: Elizabeth Beechwood <Elizabeth_Beechwood@co.washington.or.us>; grluci@gmail.com; JWLuci@gmail.com; Steve Koper <skoper@tualatin.gov>; william.beers@daimler.com
Subject: [EXTERNAL] Re: Concern in Unincorporated Washington County- 23677 SW Boones Ferry Rd, Tualatin OR 97062
Importance: Low

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FW: Concern in Unincorporated Washington County- 23677 SW Boones Ferry Rd, Tualatin OR 97062

1 message

Melissa De Lyser <Melissa_De_Lyser@co.washington.or.us> Tue, Feb 2, 2021 at 2:49 PM
To: "grluci@gmail.com" <grluci@gmail.com>, "JWLuci@gmail.com" <JWLuci@gmail.com>
Cc: "skoper@tualatin.gov" <skoper@tualatin.gov>, "william.beers@daimler.com" <william.beers@daimler.com>, "ursulaakuhn@gmail.com" <ursulaakuhn@gmail.com>, Stephen Shane <Stephen_Shane@co.washington.or.us>, Andy Back <Andy_Back@co.washington.or.us>, Kimberly Allen <Kim_Allen@co.washington.or.us>

Hello Grace and John:

I am the Communications Manager for Washington County Department of Land Use & Transportation, and I have been asked to respond to the email Commissioner Kuhn sent to us on your behalf.

Stormwater issues, when under county purview, are addressed by the county's grading section within our Building Services section. The person best able to assist you is Engineering Associate Kim Allen. I encourage you to email her at Kim_Allen@co.washington.or.us to discuss the issue in more detail and to determine what role the county has in the matter. You may also be able to reach her by phone (503-846-6733), but due to COVID, most of our staff is working from home. I have copied Kim on this email for your convenience.

Best of luck,

Melissa De Lyser

Melissa De Lyser | Public Affairs and Communications Manager

Pronouns: She/Her/Hers

Washington County Department of Land Use & Transportation

Office of the Director | Communications

[155 N First Avenue, Suite 250](#), MS 16 | Hillsboro, OR 97124

971-713-9658 (cell) I am telecommuting until further notice.

melissa_de_lyser@co.washington.or.us | www.co.washington.or.us/lut

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LUCINI Tualatin Stormwater Master Plan -FOLLOW UP AFTER 1-21-2021 Tualatin Planning Commission Meeting

1 message

G Lucini <grluci@gmail.com>

Fri, Jan 22, 2021 at 4:57 PM

To: Steve Koper <skoper@tualatin.gov>, Kim McMillan <kmcmillan@tualatin.gov>, Tualatin City Council <council@ci.tualatin.or.us>, Frank Bubenik <fbubenik@tualatin.gov>, Nancy grimes <ngrimes@tualatin.gov>, Bridget Brooks <bbrooks@tualatin.gov>, Valerie Pratt <VPratt@tualatin.gov>, csacco@tualatin.gov, chillier@tualatin.gov
Cc: John Lucini <JWLuci@gmail.com>
Bcc: Grace Lucini <GrLuci@gmail.com>

FOR PUBLIC RECORD - PROPOSED TUALATIN STORMWATER MASTER PLAN UPDATE PTA 21-0001

Due to lack of a direct email address for the City of Tualatin Planning Commission, and/or for the City's designated Committee for Citizen Involvement, we request the City's Department for Community Development to forward this email to Ms. Kuhn, and a copy to the other members of the Planning Commission in a prompt and timely manner.

A copy of this email which includes a text copy of the verbal testimony we presented to the 1-21-21 meeting of the TPC, is being submitted to the Tualatin City Council, as per Mr. Koper's comments during the 1-21-2021 TPC meeting.

Ms. Kuhn,

We again thank the Planning Commission for making time last night during the Planning Commission Meeting, for us to present our concerns regarding the need for the City's Stormwater Master Plan to address issues within the Basalt Creek Area, and to our related concerns regarding the City's Proposed PTA 21-0001 scheduled for Council Hearing on 2-8-2021.

We also appreciate the offer you extended to provide us an opportunity to help clarify and discuss the issues we have regarding the proposed Update to the Stormwater Management Plan and proposed updates to the Tualatin Development Code.

As you requested to help facilitate communication, we have attached copies of

- our 12-15-2020 Citizen Comments submitted to the City staff and the City Council during the Citizen Comment period, and
- our follow up email of 1-10-2021 which we sent to the City staff, the City Council and due to a lack of email addresses posted to the City's website – we included requests the email be forwarded to the Planning Commission and the City's Committee for Citizen Involvement (CCI).

The email of 1-10-2021 also included a request to questions presented in our 12-15-2020 email, and the 1-10-2021 email- which included specific procedural questions relating to last night's TPC meeting.

We did not receive informative replies-and did not know if the City staff had forwarded the 1-10-2021 email directly to the PTC or the City's CCI as requested. From the discussion last night, I believe I heard-- our email of 1-10-2021 was included within an Informational Packet of 400+ pages.

Would you be able to clarify for us, if our email of 1-10-2021 was not forwarded directly as an individual communication to the City's TPC/CCI, and only received within the Informational Packet for the TPC 1-21-2021 Meeting? We are attempting to determine what is an effective and timely method for communicating with the City and in particularly the City's designated CCI on matters relating to Land Use issues.

As discussed during last night's meeting, we have also attached a copy of the concerns which I read during the TPC meeting, as well as a copy of Oregon Statewide Planning Goals #1 for Citizen Involvement and #2 for Land Use Planning, as there was discussion regarding the City's implementation of Goal #1 (if there are differing roles, functions and responsibilities between the TPC and the State's mandated CCI).

The City's Assistant Community Development Director's stated the City's Planning Commission Meeting fulfills the Goal #1 requirements for Citizen Involvement. He asked several questions as to what role or function the TPC should play within Land Use Planning-and this Planning Action- which would be different than a meeting of a CCI. Our responses included -facilitating 2-way communication between Citizens and the Governing Body for Land Use Action, clarifying technical information, and oversight of the Citizen Involvement Program (a main component of the requirement), we also offered to provide a copy of the State regulations.

When we mentioned we are not able to be members of the City's Citizen's Involvement Organizations (CIO) as we are not residents of the City, the City's Assistant Community Development Director then commented we could use the City's Citizen Involvement Program--- if we wanted to annex our property into the City and become City residents.

We believe the response we provided- that the State's mandate does not include limitations as to who can participate within the Citizen Involvement Program for a Land Use Action-that the requirement states the Goal #1 Citizen Involvement Program is to be available to the "general public"-- is an accurate statement.

To provide a basis of information from which to clarify expectations for all parties, and to establish more effective 2-way communication between Citizens, the TPC, and the Governing Body making Land Use Decisions, we have included a copy of Land Use Goals #1 and 2 for Citizen Involvement and Land Use Planning.

As to specific issues resulting from the TPC meeting last night....

1. It is our understanding from the discussions at last night's TPC meeting that the Planning Commission's approval was only for the text amendment making language changes to the Development plan --- that the Commission wasn't addressing the Stormwater Master Plan's adequacy in dealing with current and future storm water needs in Tualatin and more specifically the Basalt Creek area.

a. This information appears to differ from the electronic Public Notice of Hearing on No PTA 21-0001 (copy of Notice information provided below and as an attachment)

b. The first topic within the Public Notice states, "[Adoption of an updated Stormwater Master Plan \(2019\)](#)" and included additional information as to updated scope of plan, plan analysis, project recommendations and other implementation actions for a Stormwater Master Plan

-does not correlate with the remarks made by City staff that the upcoming Hearing will be limited to cleaning up text within the Development Code to enable to the City to update the Stormwater Master Plan more easily in the future.

(Text copy of Notice provided at the end of this email and an attachment of full electronic Notice is also provided)

c. Would you be able to clarify for us- if the City Council 2-8-2021 Hearing will only address text modifications to the wording of the Development Code,

- **what portions of the City's Stormwater Master Plan (2019) as identified in the Public Notice is to be included within the Council Hearing on 2-8-2021?**

- The 1-15-2021 Hearing Notice specifies several Land Use actions relating to an Updated 2019 Stormwater Master Plan, as well as a 2020 Stormwater Master Plan

1. We and our Consultant reviewed the information posted to the City's website for the Stormwater Master Plan- both the 1972, and a "[City of Tualatin Stormwater Master Plan](#)" by [Brown and Caldwell April 2019 "Draft /Final"](#),

Our Consultant also requested and reviewed the City's technical documents provided by the City to support the City's Stormwater Management Plan.

We submitted our comments which included our Consultant's CV qualifications; and his comments upon the 2019 Brown and Caldwell Draft-Final; the City's technical support documents; and addition Stormwater Management analysis and modeling our Consultant has conducted within the Basalt Creek Area--- during the Citizen Comment Period and additional follow up comments afterwards.

2. However, **Exhibit 4 to proposed PTA 21- 0001 Findings and Analysis** identifies a different document

[The Project Description](#)

[Plan Text Amendment \(PTA\) 20-0001 proposes amendments to the Tualatin Comprehensive Plan Chapters 1 and 9 to reflect the updated version of the Stormwater Master Plan \(2020\) as well as reference changes in Tualatin Development Code Chapter 74.](#)

[The proposed amendments would facilitate future development of stormwater management projects throughout the City and aid development by providing reliable information in the City's development code.](#)

[C. Exhibit List](#)

[\(a\) Stormwater Master Plan \(2020\)](#)

It is unclear as to which Stormwater Master Plan is being presented to the Council as part of proposed PTA 21-0001.

Is there a 2020 Stormwater Master Plan which differs from the "City of Tualatin Stormwater Master Plan" by Brown and Caldwell April 2019 "Draft Final" posted for Public Review on 12-1-2020?

We submitted our Citizen Comments based upon the Brown and Caldwell April Draft/Final document. There are numerous Findings presented within the Findings and Analysis Document which with we do not agree- and the related issues are presented within our Citizen Concerns submitted on 12-15-2020 and 1-10-2021.

If PTA 21-0001 is proposing Land Use Action based upon a changed version of the Brown and Caldwell April 2019 Draft Final, or a different document, we request further clarification and information

d. If the City does not intend to submit for Council adoption on 2-8-2021

-any or all of the "City of Tualatin Stormwater Master Plan" by Brown and Caldwell April 2019 "Draft Final",

or a changed version of the Brown and Caldwell document, will the City be modifying PTA 21-0001 as presented in the Public Notice

- **will the City provide the Public a revised Notice?**

e. When will the City and the Planning Commission address the functional adequacy of a proposed Update to the City's 1972 Stormwater Master plan which should include stormwater planning within the Basalt Creek Area?

- **Will this be done before the plan is forwarded to the City Council Hearing for adoption?**

Our concern is that the "City of Tualatin Stormwater Master Plan" by Brown and Caldwell April 2019 "Draft Final", as presented to date, is mute on any issues within the Basalt Creek area, part of which has already been annexed, or will be soon annexed, into the City for development in the relatively near future.

We hope to obtain a better understanding of this recent Land Use proposal by the City prior to the scheduled hearing by the Council on 2-8-2021 -within a timeframe that we may be able to respond, if needed.

Again, we appreciate your offer to assist us with understanding of the City's process and of this proposed Land Use Action. Our email addresses are listed below

Attachments:

- 2020 12-15 email containing multiple attachments including 12-15-2020 Citizen Comments (included as part of this email)
 - And 4 additional related Google links (due to size of file)
- 2021 1-10 Follow Up Citizen Comments
- 2021 1-15 Notice of Hearing _ PTA 21-0001_ City of Tualatin Stormwater Master Plan Adoption.pdf
- 2021 1-21 Copy of Comments presented by Grace Lucini to Tualatin Planning Commission Meeting 1-21-2021
- Oregon Statewide Land Use Planning Goals #1 Citizen Involvement #2 Land Use Planning

We look forward to hearing from you,

John and Grace Lucini

electronic Notice 1-15-2021

Public Notice -for the 2-8-2021 Council Hearing File No PTA 21-0001 (email copy also attached)

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., **Monday, February 8, 2021**, streamed online and accessible at the Juanita Pohl Center ([8513 SW Tualatin Road, Tualatin, OR 97062](#)).

You are invited to attend and participate in the public hearing. Under consideration is **File No. PTA 21-0001:**

The scope of PTA 21-0001 includes:

- Adoption of an updated Stormwater Master Plan (2019);

· Amendments to the Tualatin Comprehensive Plan Updates specific to stormwater management practices, reflecting updated recommendations, practices, and partnerships;

- An updated map of capital projects;
- Updated references to the Stormwater Master Plan in the Tualatin Development Code.

The scope of the updated plan includes updated technical analyses, a recommended capital improvement program, programmatic approaches such as pipe repair and replacement and vegetation management, and a set of policy recommendations such as approaches to channel erosion and beaver management. The Stormwater Master Plan outlines capital improvement projects that will improve management for existing development and that is critical to managing future development impacts. The scope also includes smaller projects and programs. Altogether, the efforts would serve the aims of maintaining our stormwater system to:

- Increase capacity;
- Address erosion;
- Increase water quality treatment;
- Address pollutant sources and/or improve treatment functions;

Make it easier to maintain stormwater systems.

----- Forwarded message -----

From: **G Lucini** <grluci@gmail.com>

Date: Tue, Dec 15, 2020 at 4:37 PM

Subject: LUCINI COMMENTS -Proposed Update to Tualatin Stormwater Master Plan

To: Kim McMillan <kmcmillan@tualatin.gov>, Hayden Ausland <hausland@tualatin.gov>

Cc: Tualatin City Council <council@ci.tualatin.or.us>, Frank Bubenik <fbubenik@tualatin.gov>, Robert Kellogg <rkellogg@tualatin.gov>, Paul Morrison <pmorrison@tualatin.gov>, Bridget Brooks <bbrooks@tualatin.gov>, Maria Reyes <mreyes@tualatin.gov>, Valerie Pratt <VPratt@tualatin.gov>, Nancy grimes <ngrimes@tualatin.gov>, John Lucini <JWLuci@gmail.com>

Please find 5 attachments to this email providing Citizen Comments on the proposed City of Tualatin Stormwater Master Plan Update.

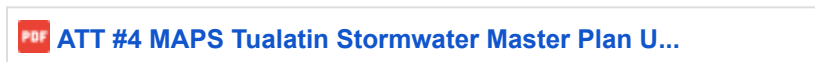
- 2020 12-15 LUCINI COMMENTS Attachment and DRIVE LINK



- Attachments #1, #2 and #3 LIBERTE ENVIRONMENTAL ASSOCIATES DRIVE LINKS



- MAPS DRIVE LINK (AND INCLUDED WITHIN COMMENT DOCUMENT PAGES 13-20)



Please let me know if you have difficulty opening any of these files.


Please forward this email and all attachments to the City of Tualatin Planning Commission, as I do not have a direct email address for them.

My husband and I appreciate the opportunity to be able to participate in the review of the proposed Update to this Master Plan.

Regards,
Grace Lucini

5 attachments

 **2020 12-15 LUCINI Comments Stormwater Master Plan Update Tualatin.pdf**
3626K

 **OR Statewide Land Use Planning Goals 1 & 2 Citizen Involvement & Land Use Planning.pdf**
28K

 **2021 1-15 Notice of Hearing _ PTA 21-0001_ City of Tualatin Stormwater Master Plan Adoption.pdf**
207K

 **2021 1-10 EM Followup to Tualatin-Stormwater Master Plan Update TPC.pdf**

249K



2021 1-21 Text for Verbal Testimony to Tual Planning Com 1-21-2021.docx

21K