DATE: 6-7-2022

TO: **CITY OF TUALATIN ARCHITECTURAL REVIEW BOARD (ARB)**

C/O ERIN ENGMAN CITY OF TUALATIN PLANNING DEPARTMENT

RE: **6-8-2022 MEETING AGENDA ITEM #1**

CONSIDERATION AR22-0001 ARCHITECTURAL REVIEW APPLICATION

CPAH PLAMBECK GARDENS HIGH DENSITY RESIDENTIAL HOUSING

-Preliminary Stormwater Plan Included Within AR 22-0001 Application

FROM: **JOHN & GRACE LUCINI**

We request a timely forwarding of our comments to all members of the Architectural Review Board for their consideration during deliberations on this Land Use Action -prior to the 6-8-2022 ARB Public Meeting.

The Public Notice we received regarding the submitted AR 22-0001 Architectural Review for the CPAH Plambeck Gardens Project specified the Review Criteria would be: **Tualatin Development Code (TDC) Chapters 32. 33, 43, 73 A-D, 74 and 75.** We are in agreement with the stated purpose of TDC CHAPTER 74 - PUBLIC IMPROVEMENT REQUIREMENTS

TDC 74.010**:**

> "Land development without adequate transportation and utility systems will adversely affect the overall economic growth of the City and cause undue damage to the public health and welfare of its citizens."

The State of Oregon has requirements for municipalities of over 2,500 for the adoption of a Stormwater Management Plan.

> Of major significance and problematic in reviewing the CPAH proposed Stormwater Plan, is the fact the City of Tualatin lacks an adopted Stormwater Management Plan for the Basalt Creek Area -as required by -**State of Oregon Land Conservation and Development Department Chapter 660 Division 11 PUBLIC FACILITIES PLANNING (OAR 660-011-0000)…**
> *"The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11"*(underline added)

We continue to submit general concerns as to the need for effective Stormwater Management Planning as part of Land Use Planning Actions impacting the Basalt Creek Area. If inadequate or ineffective Stormwater Management Planning for the Basalt Creek Area occurs, there are concerns as to downstream impacts upon-soil and land erosion, water pollution, negative impacts upon existing high valued upland and riparian habitats, land instability/landslide hazards, and the safety of local citizens. These are elements of the State's Statewide Land Use Planning Goals which Stormwater effective Management Planning attempts to incorporate and address.

· The existing stormwater system along SW Boones Ferry Road was designed and constructed based upon the management needs of rural residence on mostly undeveloped property- not the higher management needs of high-density urban development.
· Neither Washington County nor the City of Tualatin have made significant modifications to the existing stormwater system which discharges stormwater from the east side of SW Boones Ferry Road to mitigate future flooding downstream events to our property and the various Natural Resources downstream.
· This existing stormwater system has already proven to have failed and flooded our property.

Documentation Of The Failure Of The Existing Stormwater System Along SW Boones Ferry Road

Video-Upstream Stormwater Flooding Property2015

Video-Stormwater Flooding Around Home

The volume, the velocity and the color of the stormwater should be noted**.**

These photos taken during this flooding event provide a glimpse of the amount of stormwater collected in the stormwater system and allowed to flow downstream, as well as the amount of soil/sediment displacement caused by the flow of the stormwater.

CPAH Stormwater Planning

In response to our multiple submissions requesting additional information and clarity on CPAH's Stormwater Plan for the Plambeck Gardens, we received further clarification of our follow up email to the City of Tualatin and CPAH on 6-3-2022.

This afternoon's communication from CPAH helped us more clearly understand their current intentions as to their planning and that their of offsite stormwater management will not use the Washington County Outflow #5 that discharges onto our property.

We also learned that CPAH intends to collect stormwater runoff from all of the parking area on the southern portion of their property, and convey that runoff into their planned southern stormwater basin.

We request if there are major changes in the Stormwater Plan as described today in the email from CPAH, we are asking to be notified by either CPAH or the City of Tualatin.

Copies of communications between Lucinis-City of Tualatin- CPAH

2022 5-25 to 27 Email Chain Lucini-Tualatin-CPAH.pdf
2022 6-3 Request for Additional Clarification CPAH Stormwater
2022 6-7 Additional Response from CPAH

GENERAL COMMENTS AS TO LAND USE PLANNING / STORMWATER PLANNING WITHIN THE BASALT CREEK AREA

Due to the existing conditions and potential negative impacts in the Basalt Creek Area upon steep slopes, and multiple Natural Resources downstream from the CPAH property; the lack of an adopted stormwater Management Plan for the Basalt Creek Area; the City's existing Stormwater Master Plan which does not provide current planning nor guidance for Stormwater Management Planning in the Basalt Creek Area

There are also various State Land Use Planning documents and requirements pertaining to the development of and implementation of Stormwater Management Plans. The City of Tualatin lacks appropriate integration of the Basalt Creek Area into many of the City's governing documents.

This impacts the effective evaluation of many Land Use Planning Actions in the Basalt Creek Area as the City of Tualatin moves forward in the urbanization of the Area- andalso affects the regulations for the protection of wetlands, and high valued habitats in the Basalt Creek Area.

- The City of Tualatin Stormwater Master Plan was developed and adopted in 1972… and is currently the City's adopted Stormwater Master Plan
  - Stormwater Management Planning and Standards have changed since this Governing Document was adopted 5 decades ago
  - The information relating to the City's adopted Stormwater Master Plan not current as to Land Use Planning Zoning/Designations within the Basalt Creek Area, which questions the

applicability of City Codes which reference this document in Stormwater Management Planning in the Basalt Creek Area by the City of Tualatin.

· While numerous City of Tualatin Development Codes include requirements for the protection of wetlands and habitats, the inadequate integration of the Basalt Creek Area into the City's Governing Documents apparently does not provide for the protection of wetlands or high valued habitats known to exist in the Basalt Creek Area.

· It should be noted, **Tualatin City Development Chapter 74 - PUBLIC IMPROVEMENT REQUIREMENTS** include specific reference to Chapter 72 in the City's Development Code. **TDC Chapter 72 CHAPTER 72. - NATURAL RESOURCE PROTECTION OVERLAY DISTRICT (NRPO) pertains to the protection and conservation of Natural Resources- including wetlands and riparian habitats.**

However, TDC Chapter 72 protection of Natural Resources does not appear to extend outside of the Tualatin River Basin or Tonquin Scablands. The majority of the Basalt Creek Area – including the CPAH property and the lands downstream to the south of the CPAH property are located within the Willamette River Basin- not the Tualatin River Basin identified in TDC Chapter 72 protections of Natural Resources.

In addition, Chapter 72 also specifically references the City's Natural Resource Maps 72-1 and 72-3 as to where and which Natural Resources are to be protected or conserved by the City of Tualatin Development Code regulations.

The City of Tualatin adopted Maps of Natural Resources- lack relevant information as to multiple Natural Resources which exist in the Basalt Creek Area.
City of Tualatin Map 72-3 Significant Natural Resources Map-ORD 1427-19 11-25-2019.pdf
City Tualatin Map 72-1 Natural Resources Protection Overlay Map Ord 1427-19

Yet other governmental agencies have documented the existence of multiple Natural Resources in the Basalt Creek Area.
National Wetlands Inventory-Basalt Creek Area
State Wetlands Inventory 14+ Acres Basalt Creek Canyon
Tapman Creek -Basalt Creek Flows to Willamette River
Metro- Steep Slopes >25% Grade Downstream CPAH
Metro Title #13 Natural Resources Basalt Creek
Land Instability/ Potential LandSlide Hazard-Basalt Creek

As the City's adopted Natural Resource Maps 72-1 and 72-3 contain very little information on Natural Resources which are known to exist in the Basalt Creek Area, it appears several regulations of the City of Tualatin Development Code apparently will not provide protection of many of the Natural Resources in the Basalt Creek. This amplifies the need for critical review of proposed Stormwater Plans for the Basalt Creek Area – are well written, accurate, comprehensive and provide clear timing and sequencing of infrastructure to be planned and functional when changes occur due to development in the area- to avoid downstream planning or system errors.

· The lack of documentation of Natural Resources within the City's adopted Natural Resources Maps 72-1 and 72-3, is also problematic in effectively evaluating the implementation of the CPAH

Stormwater Plan and potential impacts to Oregon Statewide Land Use Planning Goals which also provide some elements of implementation of Stormwater Management Planning:

Goal #2 Land Use Planning –
Goal #5 Natural Resources
Goal #6 Water Quality
Goal # 7 Natural Hazards
Goal #11 Public Facilities Planning

We thank Erin Engman of the City of Tualatin Planning Department, and Melissa Soots of Carlton Hart for their response to Citizen concerns.

We also thank the City of Tualatin Architectural Review Board for its consideration of the issues we have presented.

Respectfully submitted

John and Grace Lucini

23677 SW Boones Ferry Road Tualatin Oregon 97062

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From:	Carol Greenough
To:	Ext - Planning
Cc:	Geoffrey Taylor
Subject:	Plambeck Gardens Apartments Project ID: AR 22-0001.
Date:	Monday, June 6, 2022 10:43:48 AM

Attn: Erin Engman

Dear Architectural Review Board,

I am unable to attend your meeting this week but wanted to express my support for the Plambeck Gardens project and my gratitude for your oversight in assuring that it moves forward effectively and efficiently. As a board member of Family Promise of Tualatin Valley I see the need everyday for affordable, pleasant housing for families. This project helps Tualatin take care of our community members in a powerful way.

Thank you for your service,

Carol Greenough
503-975-7808

From:	G Lucini
To:	Erin Engman; Melissa Soots
Cc:	John Lucini
Subject:	Requesting Additional Clarification on 5-27-22 Response on AR 22-0001-(re 5-25-22 Lucini & La Liberte Environmental Submission)
Date:	Friday, June 3, 2022 1:53:20 PM

Erin and Melissa,
Thank you for the responses to our request for information and clarification re Tualatin AR22-0001 Arch Review for Public Record.
We are submitting the questions below for additional clarity and understanding and relate to those we previously submitted.

Thank you for explaining that the public works permit mentioned in construction note 2 has not been approved at this time. The purpose of our request was to understand where the stormwater from the South basin will be directed.

Page 7 of the Preliminary Drainage Plan 5-2-22 contains the following regarding the disposition of stormwater from the Southern Basin- including identification of the use of **an EXISTING 12" stormwater system within Boones Ferry Road** for conveyance of southern stormwater off site flow.

The 5-2-22 Plan states:

Southern Basin

Stormwater runoff will be directed through a 10" stormwater pipe to the existing 12" stormwater system within Boones Ferry Road. It will flow approximately 750 feet south to a maintenance hole, which serves a portion of the remaining drainage basin prior to the discharge point. The downstream stormwater system then continues as a 15", which ultimately serves as the discharge point to a drainageway serving Tapman Creek. The drainageway is approximately 570 feet long. During the 25-year storm event, the 12" and 15" stormwater mains will be at 19% and 23% capacity, respectively. At the discharge point to the drainageway, runoff from the site represents 1.2% of the total tributary drainage flow during the 25-year storm event.

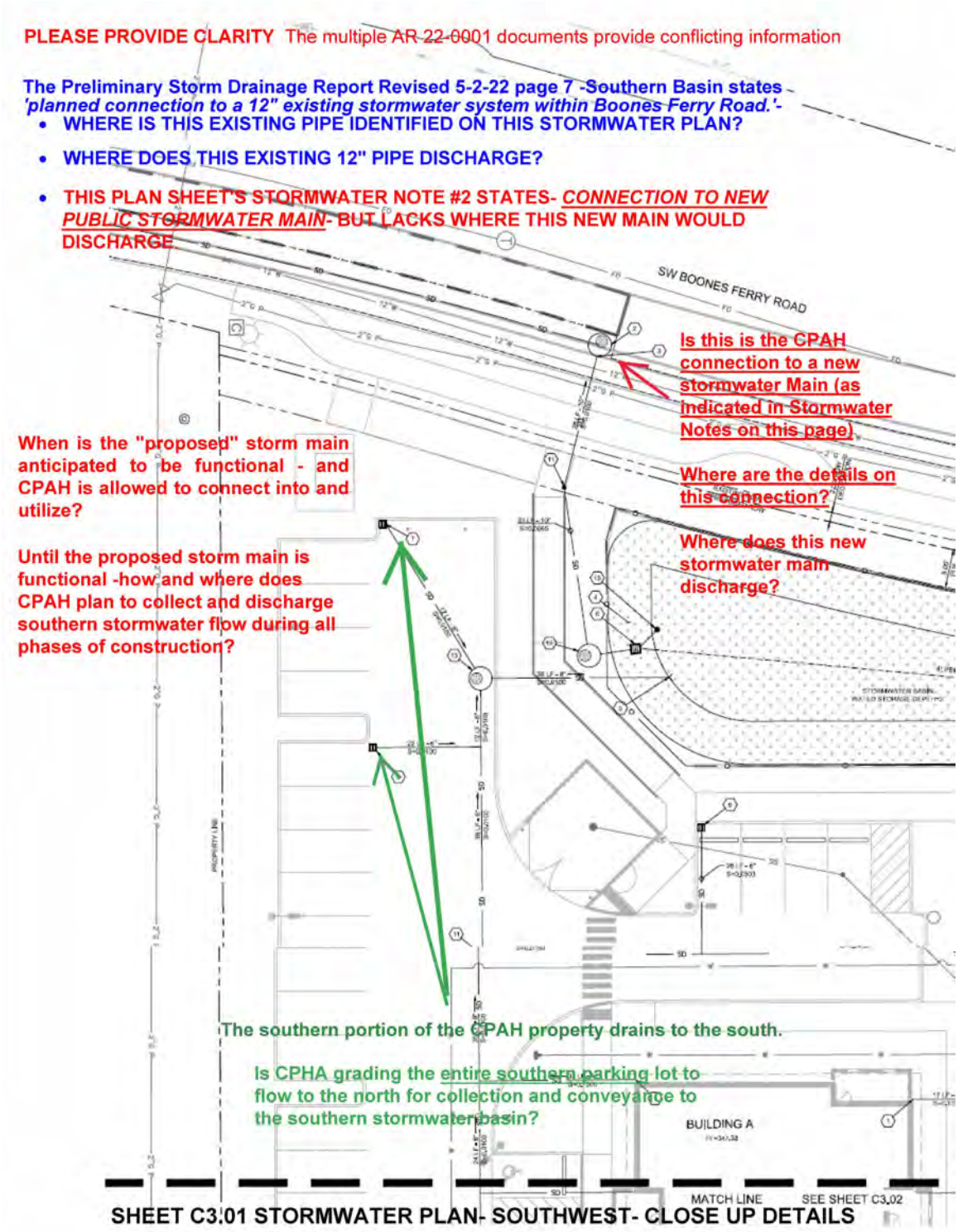
A quarter-mile downstream visual study was performed confirming there are no downstream obstructions.

There are no facilities upstream of the south basin.

There are various existing stormwater pipes along SW Boones Ferry Road- Some on the soil side of the curb, and some on the street side of the curb. We could not identify on Sheet Plan 3.01 Stormwater Plan - Southwest where the specific existing 12" stormwater system referenced in the Drain Plan is located.

There appears to be conflicting information between these statements within **the 5-2-22 Drainage Report Southern Basin** information ----and the **Plan Set Map C3.01 Stormwater Plan Southwest** (both on the map and in the accompanying Stormwater Notes) submitted for the ARB 6-8-22 meeting.

We have included a copy of Plan Map 3.01 with our notations.



The SW Stormwater Plan Map 3.01 provided with the ARB submission does not provide information as to the location or diameter of the existing pipes referenced in the Drainage Plan- which is necessary to understand how CPAH is intending to convey stormwater runoff or overflow from the southern half of their property.

In addition, the SW Stormwater Plan Map 3.01 indicates use of a " **connection to new public stormwater main**"

Please provide clarification as to which and where CPAH is intending to discharge the southern stormwater

runoff or overflow

1. Will an existing pipe be used (as stated in the Drainage Report 5-2-22?

   A. If so, please clearly identify which one of the existing pipes will be used to convey the stormwater flow from the southern portion of the CPAP property offsite.

   B. Please clearly identify where this pipe discharges.

   There is an existing stormwater pipe along SW Boones Ferry Road which currently accepts stormwater runoff from the southern portion of the CPAH property and discharges onto our property on the west side of Boones Ferry Road.

   As part of the Tualatin Planning Commission Final Decision of 12-13-21 for the Autumn Sunrise Subdivision ruling - Condition #36 requires the abandonment of the conduit discharging onto our property -Tax lot #302.

   We want to remind the City and provide CPAH notice and understanding there will be changes in the existing downstream stormwater flow from their property, and that thoughtful and effective stormwater management and planning within the Basalt Creek Area.is necessary for the protection of citizens, property and the environment- including the 14+ acres of wetlands where the southern flow which currently discharges onto our property flows.

2. It CPAH is planning to connect into a "new" or "proposed" stormwater main down SW Boones Ferry Road-there are concerns as to basing a Stormwater Plan for a large high density residential complex of buildings - on what has been referenced as a "proposed" or "new" stormwater main- without providing important specifics.

   A. What is the status of the construction of the new main?

   B. Who is the company or government in charge of the proposed stormwater main?

   C. Have the plans and permits been drawn?

   D. Has all funding for the project been obtained?

   E. When is the anticipated date of completion of the stormwater main?

   F. Has CPAH been authorized to connect into the main?

As part of the provision of Stormwater Management as a Key Public Service- to assure the safe and effective provision of stormwater management:

3. Has the City of Tualatin and/or Washington County and CPAH planned for timing and sequencing for the new main to be functional to accept stormwater runoff or overflow from the CPAH property-

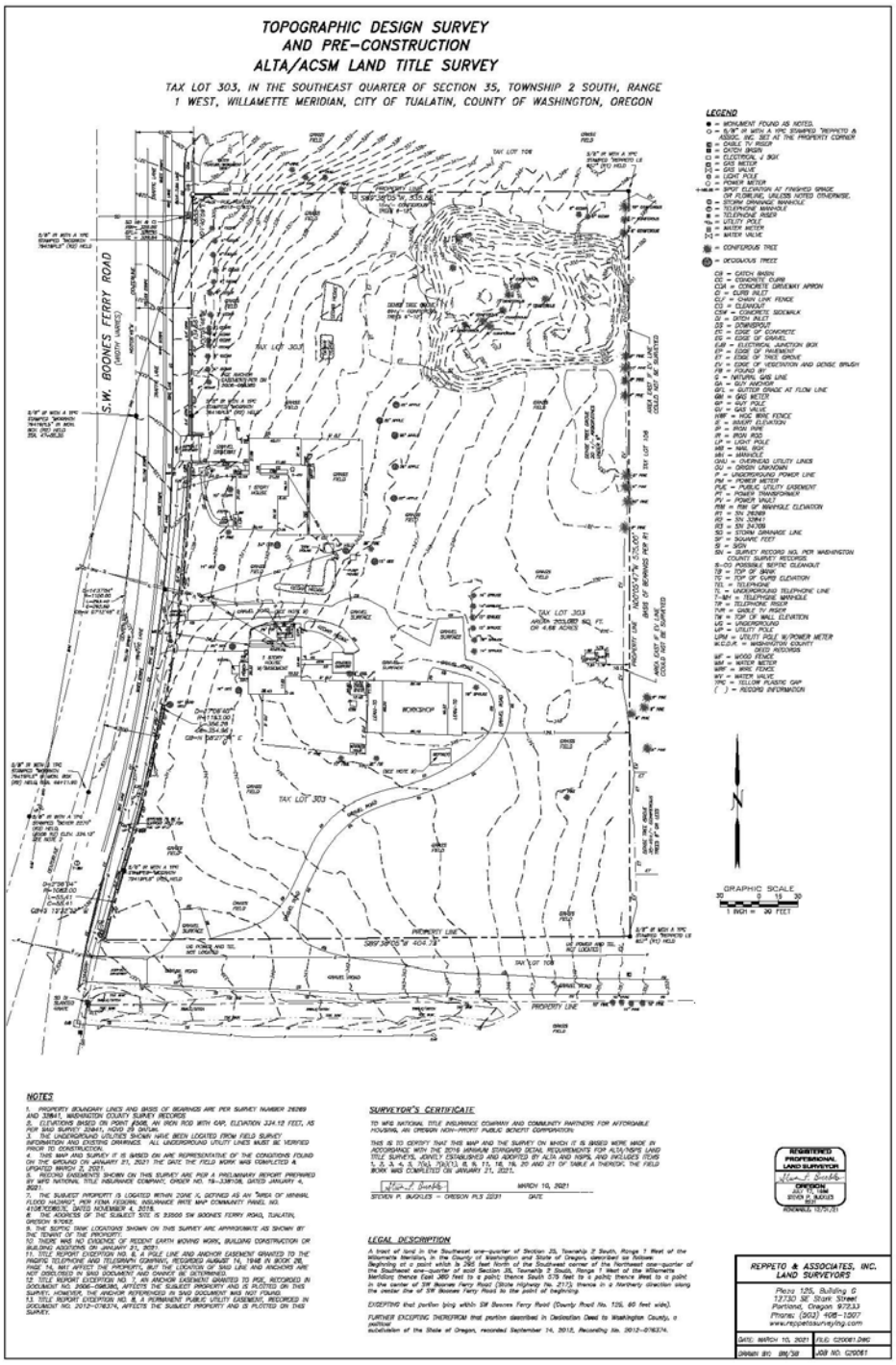
   A. knowing the existing stormwater system discharging onto our property has already proven to have failed? and

   B. knowing there will be changes to the existing downstream system required as part of the Autumn Sunrise Development?

4. As the stormwater flow from the southern portion of the CPAH property flows south, Plan Sheet C3.01 indicates intake connections of stormwater runoff from the southern parking area centrally located in the parking area.

How does CPAH plan to collect the parking lot runoff south of these two intakes into the proposed system which is uphill?

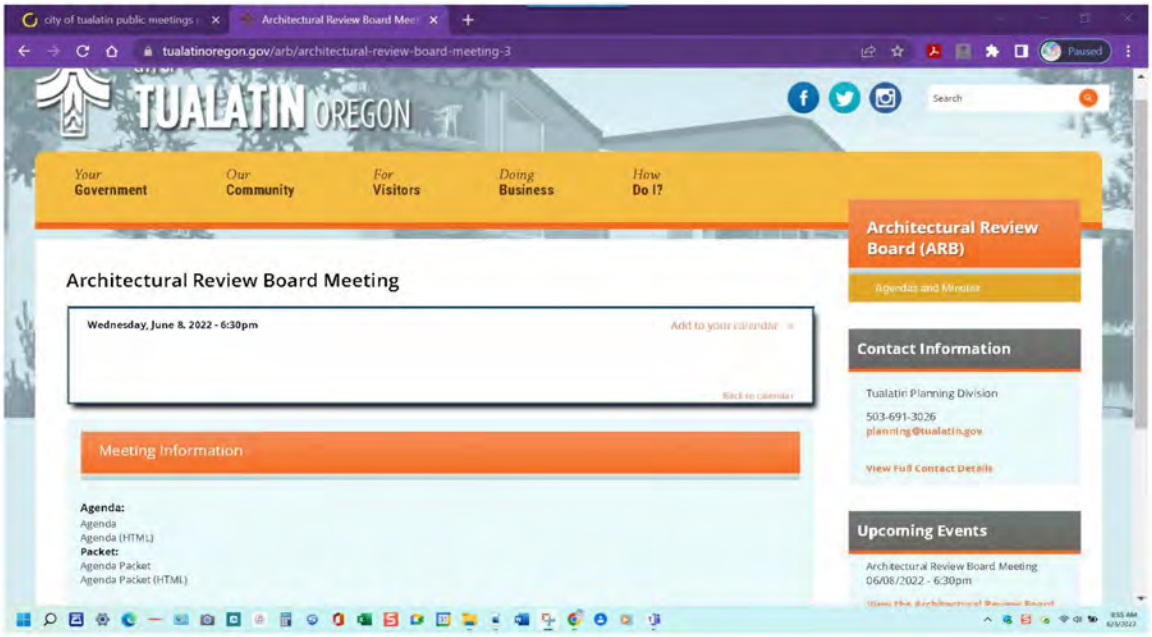
Please see the CPAH document- Topographical Survey CPAH Var 21-0003 which indicates the existing grade of the southern portion of the CPAH property.



Would it be possible to receive the answers to these questions- by Monday afternoon- prior to the Public Meeting on 6-8-22? It is hoped the answers to our questions should be readily available.

Both CPAH and the City have requested to be notified regarding impacts affecting Public Notice on Land Use Actions pertaining to CPAH Public Meetings. To assist, we are letting both parties know of an issue which may hinder Public Notice of the upcoming Tualatin ARB Meeting on the CPAH AR 22-0001 Public Meeting.

The City's website for the 6-8-22 Public Meeting lacks information on location or a virtual meeting link- this is a screenshot from the City's website for the Public Meeting.



We hope this information is useful to you,

Regards,

John and Grace Lucini

From:	Erin Engman
To:	G Lucini
Cc:	John Lucini; Steve Koper; Heidi Springer; Tony Doran
Subject:	RE: Request for Information and Clarification RE: Tualatin AR 22-0001 CPAH Arch Review- for Public Record
Date:	Friday, May 27, 2022 1:02:00 PM
Attachments:	RE Request for Information and Clarification RE Tualatin AR 22-0001 CPAH Arch Review- for Public Record.msg

Happy Friday Grace-
And thank you for the follow up questions. To answer your first question, the published packet comprises the record for consideration by the Architectural Review Board. The applicant has provided us with the attached email including additional materials, and I will add these materials to the record reviewed by the ARB. If additional info is received after the packet is published, we will be sure to note that at the hearing.

Comments on the land use application should be directed to the applicable Architectural Review criteria and, as pertinent, would be addressed in the Findings and Analysis. The Findings and Analysis will be part of the hearing packet, and will published at least 7 days before the hearing: https://www.tualatinoregon.gov/meetings

And to answer the second question, as the proposal will be decided by the Architectural Review Board, the information will be shared only with them to satisfy the Oregon land use goals/rules. We do not send public comments/questions to the Planning Commission for projects in which they are not the deciding body on.

Enjoy your holiday weekend!

Erin Engman
Senior Planner
City of Tualatin | Planning Division
503.691.3024 | www.tualatinoregon.gov

From: G Lucini <grluci@gmail.com>
Sent: Thursday, May 26, 2022 1:24 PM
To: Erin Engman <eengman@tualatin.gov>
Cc: John Lucini <jwluci@gmail.com>; Steve Koper <skoper@tualatin.gov>; Heidi Springer <hspringer@tualatin.gov>; Tony Doran <TDORAN@tualatin.gov>
Subject: Re: Request for Information and Clarification RE: Tualatin AR 22-0001 CPAH Arch Review- for Public Record

Hi Erin,
Thanks for your email.

A couple of questions...

1- If the applicant or their representatives submits to the City any additional information regarding their Architectural Review application- prior to the ARB meeting on June8, 2022- including information which relates or impacts their stormwater management plans previously posted on the City's website for

Public Review- would this newly submitted information be posted to the City's website or be available for Public Review prior to the ARB meeting?

--- Is there a mechanism by which we could be notified of additional information or changes to an application which would be provided to the ARB for their deliberations-which has been made since 5-8-22 to the City's website for AR 22-0001?

We understand some Public Agenda Items are dynamic and fluid- with negotiations occurring up to the minute of a Public Meeting- but there have been situations where changes to an application or to the supporting documents occur days in advance of a hearing.

When this situation occurs, and no notice or comment is included on changes made to the contents made on the Public Posting of the Informational Packet- it presents a situation where any interested party may have to continuously-review hundreds of pages of all of the documents in the Informational Packet, and attempt to determine if any changes have been made to any of the materials within the Informational Packet from the day of the 1st posting up until the day of the Public Meeting in order to fully understand the current issues to be presented to a governing body. This hampers the Public's knowledge and understanding of the current relevant facts of the materials submitted for consideration and inclusion for deliberation by the governing body.

We notice many of the Washington County's Public Meetings Agendas include a notification on the Agenda Subject Line if changes have been made to the Informational Packet on previously posted documents- this "Change Notice" notice is added to the Subject Line in Red Font which assists in alerting all interested parties of changes to information which may impact the ultimate outcomes or determinations of that agenda item, and provides an avenue for the General Public access to current facts and understanding of the issues.

2- We weren't sure from your email if our email from yesterday was forwarded to all members of the ARB and/or all members of the TPC (in the City's state role that the TPC fulfills all Goal #1 Citizen Involvement requirements for the City of Tualatin).

As we are requesting understanding of many of the technical issues and documents submitted within the application, if we are unable to contact the TPC with our questions, would you be able to direct us to whom we should contact within the City?

We have identified technical questions for which we are requesting additional clarification and understanding -in advance of the ARB meeting.
Some of these questions pertain to referenced plans for Public Facility projects referenced within the application but lacking significant and relevant supporting documentation within the Informational Packet

posted 5-8-2022 - including a *"new proposed storm main line within SW Boones Ferry Road before tying into the existing system along the Autumn Sunrise development frontage"*.

Does the City of Tualatin have knowledge and information pertaining to these Public Facility project/s mentioned in the AR 22-0001 application?

These are significant elements of a stormwater management plan - which are alluded to, but lack critical supporting documentation as to integration into the applicant's proposed Stormwater Plan.

Any assistance you can provide on how we can fully participate in the Citizen Involvement process for this Land Use project would be greatly appreciated.

Again, thanks for your prompt reply to yesterday's email.
John and Grace Lucini

On Wed, May 25, 2022 at 10:54 AM Erin Engman <eengman@tualatin.gov> wrote:

> Good morning Grace and John-
> I have received your comments and have shared them with the applicant team. The applicant may share additional documentation at their discretion; I did encourage them to respond to items that may affect Architectural Review approval criteria, including TDC 74.630 related to the storm drainage system. I have also added your comments to the application record, and they will be included as an Exhibit for the Architectural Review Board hearing.
>
> I appreciate you participating in the land use process,
>
> **Erin Engman**
> Senior Planner
> City of Tualatin | Planning Division
> 503.691.3024 | www.tualatinoregon.gov
>
> **From:** G Lucini <grluci@gmail.com>
> **Sent:** Wednesday, May 25, 2022 8:48 AM
> **To:** Erin Engman <eengman@tualatin.gov>
> **Cc:** John Lucini <jwluci@gmail.com>
> **Subject:** Request for Information and Clarification RE: Tualatin AR 22-0001 CPAH Arch Review- for Public Record
>
> Good Morning Erin,

Please accept this request for additional information and clarification of information on the City's Architectural Review of the CPAH Plambeck Gardens submissions AR 22-0001- scheduled to be heard by the Architectural Review Board on June 8th.

We are submitting this information request at this time, and requesting that we receive an informative reply (prior to the end of the work day on Monday May 30th)-- to the questions presented and receive access to the documents various documents clearly identified in the 5-23-2022 Attachment titled "Missing Information Request- CPAH Plambeck Gardens by Liberte Environmental Associates Inc".

We request that you or a City of Tualatin staff member- upon receipt of this correspondence-forward this submission
- to all members of the Tualatin Architectural Review Board and
- to all members of the City of Tualatin Planning Commission- as CCI for Citizen Involvement for the City of Tualatin, and who fulfill the State of Oregon Land Use Planning Goal #1 for Citizen Involvement.

Thank you in advance for your assistance.
Grace and John Lucini

5-25-2022 FOR THE PUBLIC RECORD

TO: The City of Tualatin Planning Department- Attn: Erin Engman Senior Planner

Submitted to the city of Tualatin Planning Department for requested dissemination to:

- **ALL Members of the City of Tualatin Architectural Review Board**
- **All Members of the City of Tualatin Planning Commission**
  AS CCI for Citizen Involvement for the City of Tualatin and fulfilling State of Oregon Land Use Planning Goal #1 for Citizen Involvement

RE: City of Tualatin CASE FILE # AR 22-0001
Information Request-Submitted Prior To The June 8, 2022, Architectural Review Hearing - on CPAH Plambeck Gardens

Upon receipt - due to lack of direct contact information, we request the City of Tualatin Planning Department- - to forward this information request to all of the members of the city of Tualatin Architectural Review Board and to all members of the City of Tualatin Planning Commission.

We noted the CPAH Architectural Review proposals for the CPAH Plambeck Gardens project are to be presented for hearing on June 8, 2022, to the City of Tualatin Architectural Review Board (ARB)- includes a proposed Stormwater Plan for the project.

We are Interested Citizens and downstream property owners who may be impacted by the proposed CPAH Plambeck Gardens project, as we have previously experienced a failure of the current Stormwater System from upstream stormwater from the CPAH property and the surrounding Lennar properties- which flooded our property. There have been minimal improvements to the upstream existing stormwater system since its failure.

We have reviewed the documents posted to the City's Planning Department Website for the proposed Architectural Review but have not been able to locate specific relevant facts and various documents referenced within the CPAH proposals which should provide access to- and understanding of- the various technical aspects of the proposals- a major element of Citizen Involvement.

To assist us in attempting to understand the proposed Stormwater Plan for the CPAH Plambeck Gardens, we hired Liberte Environmental Associates (a local established firm having notable environmental engineering and receiving water quality assessment experience and considerable alternative treatment analysis and cost evaluation capabilities) to review the documents posted to the City's website for this Architectural Review.

#1 **Dave LaLiberte, P.E. has compiled a list of 7 (seven) documents we are requesting access and clarity of understanding - to be able to appropriately review the proposed Stormwater Management Plans for the Plambeck Gardens project.** Please see the 6-page attachment for the list of the 7 documents being requested- titled:

May 23, 2022 *"Missing Information Request -CPAH Plambeck Gardens by Liberte Environmental Associates Inc."*

#2 **We are also requesting specific clarification of information on the timing and sequencing of all phases of the implementation of the proposed CPAH Stormwater Plan to assure its successful integration into the existing and future stormwater infrastructure in the NE Basalt Creek Drainage Area.**

The State of Oregon requires municipalities of 2,500 or more to adopt a Stormwater Management plan. (ORS 660-011-0000 Public Facilities Planning). The intention of this State mandate is to assist local governments in developing a framework and planning criteria to able to assure the provision of a comprehensive, coordinated, safe and effective Public Service of Stormwater Management for all lands within the region. The State requires assessments and calculations of future stormwater management needs which are based upon Land Use Designations. The City has made multiple changes to Land Use Designations in the Basalt Creek Area since adoption of the Basalt Creek Concept and Comprehensive Plans.

The City of Tualatin has not yet adopted the mandated Stormwater Management Plan for the Basalt Creek Area, yet is conducting a review of the proposed CPAH Stormwater Plan- with minimal specific information as to how

or when the plan for this one property will integrate into the existing stormwater system which has already proven to have failed, or addressing and resolving the timing and sequencing of anticipated future stormwater needs of all of the local properties- including those which lie downstream in the Basalt Creek Area.

An additional issue relating to the review of the proposed CPAH Stormwater Plan is the extremely dated information provided in the City's adopted Stormwater Master Plan (SWMP) developed in the 1970's which also does not include specific information regarding stormwater management planning for the Basalt Creek Area within the scope of the evaluations or analysis of the City's adopted SWMP.

Lacking the ability to rely upon important plans from documents which should be current and available to address stormwater management planning issues in the Basalt Creek, we ask the City and/or CPAH to provide additional information or relevant facts which were not clearly identified within the documents posted by the City for AR 22-0001.

A. **When does CPAH plan to start any preparations for construction or take any actions which may cause changes to the existing land, topography, vegetation, or other factors which may change the volume, the rate or the amount of stormwater and/or sediment which may flow downstream to the south? An**

B. **How and when do the CPAH Stormwater Plans sequence and integrate into the Lennar Autumn Sunrise Plans-- while providing continuous and effective downstream management throughout <u>all phases</u> of the CPAH Plambeck Gardens constructions?**

C. The proposed Stormwater Plan for the CPAH project comments upon a "proposed" Stormwater Main Pipe down SW Boones Ferry Road.
Minimal information has been provided as to when the "proposed" Stormwater Main will be completed, become functional and be able to accept downstream flow or discharge from the CPAH project.

- **What is the anticipated date when the City of Tualatin or Washington County will have vetted, funded, and constructed this pipe**?
- **Have the two local governments (Tualatin and/or Washington County) provided written approval for CPAH to connect to this still conceptual stormwater pipe down SW Boones Ferry Road? If so, please provide a copy of the document/s.**
- **Where will stormwater discharge or runoff from the CPAH property flow prior to successful connection into to the "proposed" stormwater pipe down SW Boones Ferry Road?**

D. The City of Tualatin Planning Commission on 12-13-2021 adopted as part of their decision on the Lennar Autumn Sunrise Subdivision application, the following requirement:

> *"Prior to construction of the Autumn Sunrise Phase 2 temporary emergency access onto SW Boones Ferry Road, the applicant must abandon the existing stormwater outfall releasing flows onto Tax Lot 2S135CD00302 and reroute all upstream flows to Autumn Sunrise's existing southwest stormwater discharge point."*

This requirement will change the current southern flow of stormwater from the CPAH and Lennar properties which discharges onto our property (Tax Lot 2S135CD00302 identified in the Planning Commission's ruling of 12-13-2021). Yet, the proposed CPAH Stormwater Plans does not clearly address nor acknowledgement any potential impact or planning sequencing accommodations to address the required future removal of a downstream stormwater conduit which is depicted in one or more of the proposed CPAH site maps.

We request additional information as to what actions are identified in the CPAH Stormwater Plans to address- the timing, sequencing, and coordination of stormwater management planning within the area - to mitigate any negative impacts of stormwater runoff or discharge from the CPAH property to

the south when the stormwater outfall to our property is abandoned as required for the Autumn Sunrise subdivision.

3**) We remind the City and CPAH of our previous and still unfulfilled request for the HUD Stormwater Standards which the CPAH staff have repeatedly referenced and commented upon they would have to meet-due to their funding sources.** CPAH staff also publicly commented the HUD Stormwater Management requirements are more stringent than the City's requirement, and therefore their proposed Stormwater Plans would exceed the Stormwater Standards and requirements of the City. Access and understanding of the HUD Stormwater Management requirements and the stated need by CPAH to meets the HUD requirements becomes a significant factor in the evaluation of the proposed CPAH Stormwater Plan. The lack of clarity and information provided within submitted documents or in response to specific requests for the HUD stormwater requirements is noteworthy.

On 11-1-2021, Mr. LaLiberte on our behalf, submitted an email to CPAH and the City requesting specific the HUD and NOAA standards CPAH referred to for in their requested Land Use Variances VAR 21-0003. His email included the comment his information request was time sensitive.

Over two weeks later, on 11-16-2021 and after multiple follow-up emails - just 2 days prior to the Planning Commission Hearing on VAR 21-000 , Mr. LaLiberte received an email from a CPAH Consultant providing a link to a NOAA Fisheries Consultation Services website which was not relevant to NOAA Stormwater Standards previously referenced by CPAH.

As yet, several months later, we have not been provided access or information to the apparently higher standards of Stormwater Management Planning which the CPAH representatives stated would be required for their project by HUD. The lack of response in the provision of the HUD Stormwater Standards referenced by CPAH staff is of concern not only as an afront to Citizen Involvement, but also reduces inclusion of apparently very applicable fact based information which may directly relate to the critical evaluation of the proposed CPAH Stormwater Plan within this review and evaluation process.

Based upon this previous experience, we are specifically requesting a timely response and substantive information to all of the requested documents identified in this submission--to be received prior to end of the business day Monday, May 30th.

Most, if not all, of the requested documents and information should have been previously generated and used as an integral part of the development of the proposed Stormwater Plan for the CPAH project. The requested information and documents should be readily available and therefore should not be an undue burden upon either CPAH, or the City of Tualatin in forwarding the requested information.

Our request for access to important (yet missing) supporting information in a timely manner- several business days prior to the Architectural Hearing is not frivolous but is based upon:

1) a need for us to be able to review, develop and submit informed Citizen Comments based upon all newly obtain requested information ---several business days prior to the date of the scheduled Hearing,

2) to provide time for our submitted Citizen Comments to be forwarded by the City Planning Department to the members of the Architectural Review Board (ARB)- in order to provide each member time to review and allow for adequate consideration of our submission- prior to the day of the Hearing. This will allow the members of the ARB access to additional pertinent facts (as required in State of Oregon Land Use Planning Goal #2 for Land Use Planning) upon which they will be able to make truly informed decisions.

3) and, to provide the City time to include our Citizen Comments as part of the Public Record and into the "Informational Packet" for the Architectural Review Board prior to the Hearing.

Our property and home have not been annexed into the City of Tualatin, and therefore we are not allowed membership within the City's Community Involvement Organizations (CIO's) to help facilitate our Involvement and effective participation in all phases of Land Use Planning within the Basalt Creek Area.

As the City has identified the Tualatin Planning Commission's role in the Citizen Involvement process... "The TPC fulfills Oregon Planning Goal 1, as the committee for citizen involvement in the Land Conservation and Development Commission planning process". (https://www.tualatinoregon.gov/tpc).

Should we again have difficulties in obtaining timely and productive responses to our requests for relevant facts relating to the proposed CPAH Stormwater Plans, we will be looking to the members of the City of Tualatin Planning Commission, to assist the City in implementing the roles and responsibilities of the State mandated Committee for Citizen Involvement (CCI) for Citizen Involvement in Land Use Actions OAR 660-015-0000(1)- should there be difficulties in obtaining timely access and understanding of the information or documents we have requested.

This information request and supporting statements are submitted for inclusion within the Public Record for the proposed CPAH Plambeck Gardens project- so that all members of the Public may gain insight and information regarding this proposed large multi acre, multiple building complex under consideration on undeveloped lands within the Basalt Creek Area.

We look forward to receiving access to the critical documents and information necessary for the appropriate evaluation of the proposed Stormwater Plan for the CPAH Plambeck Gardens in a timely manner so that we may have an appropriate amount of time to review and develop Citizen Comments- by Friday May 27th.

Please let us know if there are any difficulties in obtaining or forwarding the requested information.

Regards,

John and Grace Lucini
23677 SW Boones Ferry Road Tualatin Oregon 97062

Attachment:

May 23, 2022 ***"Missing Information Request -CPAH Plambeck Gardens by Liberte Environmental Associates Inc."***

May 23, 2022

Missing Information Request - CPAH Plambeck Gardens

Compiled by Liberte Environmental Associates. Inc. (LEA)

By Dave LaLiberte, P.E.

Request 1. Clean Water Services *Design and Construction Standards* (CWS, December 2019) contains requirements for downstream conveyance hydraulic analysis. This analysis is not included in the materials made available for review by CPAH The requirements for downstream conveyance hydraulic analysis are stated in CWS Chapter 2 Section m (see CWS Page 12). These requirements are excerpted in the attached appendix. This downstream conveyance analysis is requested.

Request 2. The profile and drawings with elevations are missing and are required for the new outfall (see Table 1). The outfall manhole is called out in the plan view and in the Construction Notes, numbers "2" and "3", in CPAH Drawing C3.01 – Stormwater Plan Southwest. No profile and drawing are provided for the new outfall in the plan view called out in the Construction Notes as number "6" in CPAH Drawing C8.05 – SW Boones Ferry Road South Plan and Profile – South.

Table 1, Missing Info for New CPAH Outfall

Engineering Parameter	ft	
Outfall crown-of- pipe (COP) elevation	?	
Outlet Orientation	?	
Size of Outlet	?	
Outlet Armoring type and configuration	?	
Outfall Invert Elevation	332.0	From CPAH Drawing C3.01

Request 3. CPAH Drawing C3.01 – Stormwater Plan Southwest states Construction Note 2 that: "stormwater manhole at connection to new public storm main, under separate public works permit. See C8.00 sheets." The C8.00 sheets referenced by CPAH do not contain information directly related to the public works permit. The public works permit information and engineering data supporting this CPAH project is requested.

Request 4. The C6 Series of drawings appears to be omitted and is requested. CPAH Drawing C3.01 – Stormwater Plan Southwest references Series C6 drawings a number of times in the construction Notes 7 through 11, and 15.

Request 5. The HydroCAD modeling by CPAH is missing the analysis for the downstream system below the Pond 17P. See Page 104 of CPAH stormwater CPAH Drawing C3.01 identifies one of the downstream pipe elements, the "stormwater connection to public manhole", as having an invert elevation of IE=332.00. However, this pipe element and invert elevation do not appear in the downstream hydrologic analysis as it was not modeled.

Request 6. The hydraulic analysis between the end of the new CPAH outfall and the existing Washington County Outfall (#5) is omitted. This hydraulic analysis is requested.

Request 7. The hydraulic analysis from the end of the existing Washington County Outfall (#5) below Boones Ferry Road through the Lucini property to the Basalt Creek Wetlands is omitted. This section is a steep and vulnerable slope with a history of flooding and erosion that will be affected by the new proposed stormwater discharge. This hydraulic analysis is requested.,

Appendix

CWS - Design and Construction Standards - Excerpts

December 2019

DESIGN AND CONSTRUCTION STANDARDS

FOR SANITARY SEWER AND SURFACE WATER MANAGEMENT

DECEMBER 2019

Clean Water Services

1. Maps showing the following information:
   A) Upstream basin flowing through the site with contours.
   B) Downstream basin to the point where analysis is required in the downstream analysis detailed in subsection (3) and (4) below, with contours.
   C) Site plan showing development layout with contours.
   D) Existing stormwater facilities on and adjacent to the site.
   E) Stormwater facilities proposed to be constructed by the project.

2. Calculations for:
   A) Sizing of water quality and quantity facilities.
   B) Sizing of conveyance system, including calculations showing portions of existing conveyance system that are not proposed to be altered have adequate capacity according to the criteria in these rules.

3. Review of Downstream Conveyance System:
   A) For each development constructing new impervious surface of greater than 5,280 square feet, or collecting and discharging greater than 5,280 square feet of impervious area, except for the construction of a detached single family dwelling or duplex, the design Engineer shall perform a capacity and condition analysis of existing downstream storm facilities and conveyance elements receiving flow from the proposed development.
   B) The analysis shall extend downstream to a point in the drainage system where the additional flow from the proposed development site constitutes 10 percent or less of the total tributary drainage flow.
   C) Where the additional flow from the proposed development drops to less than 10 percent of the total tributary drainage flow, then the analysis will continue for the lesser of:
      i. One-quarter (1/4) of a mile; or
      ii. Until the additional flow constitutes less than 5 percent of the total tributary drainage flow.
   D) When the downstream analysis does not continue for at least one-quarter (1/4) mile, the design engineer shall provide a stamped Certification of Investigation that states the design Engineer has visually investigated the downstream system for at least one-quarter (1/4) mile downstream and is aware of no observable downstream impacts to structures.

4. Hydromodification Assessment:
   A) For each development meeting the criteria of Section 4.03.2, the applicant must submit a Hydromodification Assessment. The design Engineer shall determine the Risk Level by either

using the District's Hydromodification Map or by performing a site-specific evaluation of the Receiving Reach.

B) The analysis shall follow the conveyance system to the Point of Discharge and extend downstream for ¼ mile from the Point of Discharge, which is the Receiving Reach.

C) The analysis may be truncated at the point that the resulting Risk Level is High, because the highest result is used to determine the representative of the Hydromodification Project Category, as described in Section 4.03.3.

5. Narrative, with tables where appropriate, describing:

A) How water quality, hydromodification, conveyance capacity, and LIDA requirements of these rules are met by the project.

B) Areas and flows used for design calculations in subsection (2) above with results of analysis clearly stated.

C) Results of downstream analysis.

n. For privately maintained stormwater management approaches or conveyance systems, a maintenance plan that clearly identifies maintenance activities and frequency in a form that can be easily provided to and understood by the people responsible for maintenance.

2.04.3 Timing for Plan Review

a. The District shall endeavor to perform a completion check of the initial plan submittal for compliance with Section 2.04.2 within three working days of receipt. Submittals which are not in substantial compliance with Section 2.04.2 will be returned without further review.

b. Upon acceptance of a complete plan submittal in compliance with Section 2.04.2, the District shall endeavor to approve, return for revision, or reject the plans within 15 working days of receipt. If plans are rejected, the reasons shall be indicated in writing.

c. The District shall endeavor to approve, return for revision, or reject subsequent submittals within 10 working days.

2.04.4 Revised Plan Submittal and Approval

a. Plan Re-Submittal
After the initial review pursuant to section 2.04.3 is completed, a set of plans with comments and/or revisions shown in red shall be returned to the Engineer. Two sets of revised construction plans addressing all comments made by the District shall then be submitted for approval. Upon approval of the plans, a minimum of five plan sets shall be provided to the District.