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To: [Ext - Planning; Erin Engman](#)
Cc: [John Lucini](#)
Subject: Master Plan Adoptions- PLANNING COMMISSION MEETING 7-17-2024 Citizen Comments
Date: Friday, July 12, 2024 4:50:03 PM



TO: ERIN ENGMAN-CITY OF TUALATIN
CITY OF TUALATIN PLANNING COMMISSION

RE: PROPOSED MASTER PLAN ADOPTIONS (PTA/PMA 24-0003
SCHEDULED AGENDA ITEM FOR PLANNING COMMISSION MEETING 7-17-2024

FOR THE PUBLIC RECORD

Thank you to the City of Tualatin for sending the email Notice of proposed Changes to multiple Governing Documents which are part of the City's Comprehensive Plan. We received the Notice on 7-10-2024 for the scheduled Planning Commission Meeting Agenda Item for 7-17-2024... 7 days later.

This unanticipated Notice was surprising to us – as we are Affected Property Owners in the Basalt Creek Area and also have been extremely Interested Persons who have actively sought for years to address the need for the City of Tualatin to adopt an effective Stormwater Management Plan for the Basalt Creek Area since 2015.

We present two main issues to the City of Tualatin Planning Commission for their consideration and discussion during their 7-17-2024 meeting.

1) CONCERNS REGARDING THE PROPOSED MEMORIALIZATION OF AN INCOMPLETE AND NOW OUTDATED 2019 BROWN & CALDWELL STORMWATER MANAGEMENT MASTER PLAN (SWMP) AS A “BACKGROUND DOCUMENT” WITHIN THE CITY’S GOVERNING DOCUMENTS

2) CONFLICTING MAP INFORMATION PROVIDED WITHIN PROPOSED LAND USE ACTIONS

- **THE CITY OF TUALATIN PARKS AND RECREATION BASALT CREEK MASTER PLAN**
- **AND MAPS WITHIN PMA 24-0003**
-

SPECIFIC CONCERNS:

1) CONCERNS REGARDING THE PROPOSED MEMORIALIZATION OF AN INCOMPLETE AND NOW OUTDATED 2019 BROWN & CALDWELL STORMWATER MANAGEMENT MASTER PLAN (SWMP) AS A “BACKGROUND DOCUMENT” WITHIN THE CITY’S GOVERNING DOCUMENTS

The City has provided little to no Public Outreach within the last years to inform or provide the Public, Affected Property Owners and/or Interested Citizens participation in the development of the proposed memorialization of the dated and incomplete 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) document as a “background document” to be included within the City's Governing Documents

The City's claim of compliance to the State's Goal #1 for Citizen Involvement stated within Exhibit 1 PTA PMA 240003 FINDINGS AND ANALYSIS sites only one Public Outreach Event relating to 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document.

- The City did not clearly identify the Public Outreach Event cited in Exhibit 1 -while related to the same 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) document –was actually an Outreach Event...
 - was actually an Outreach Event held in 2020 for a different Land Use Action which was the 2021 adoption of the document to Update the City's Stormwater Master Plan
 - The adoption of the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document actually failed in 2021 due to the inadequacies identified by the Public within the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP)
- While the City's Exhibit #1 claimed the 2020 Public Comment Period for a different Land Use Action as justification of compliance to #1 for Citizen Involvement for a current PTA
 - Exhibit #1 did not summarize, list or include the Citizen Comments submitted during the Public Comment Period in 2020 to the City regarding the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document,
 - The incomplete provision of relevant facts within Exhibit #1 from the City's citation of the Public Comment Period in 2020 for the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document
 - inhibits current decision makers from effective communication previously submitted by citizens regarding the document,
 - diminishes citizens ability to influence current decision makers,
 - limits clear identification and understanding of the multiple technical issues related to the proposed document and
 - hinders current decision makers from learning fact base information upon which to base their deliberations.
- It should also be remembered that Basalt Creek property owners outside City Limits do not have elected representation within the City's Land Use Planning Process- yet are effectively impacted by Land Use Actions taken by the City of Tualatin.
- These property owners who are not City residents are also denied equal membership within the City's (CIO's) which the City states meet the State's required Citizen Involvement program for Land Use Actions Land Use Planning Goal #1 for Citizen Involvement.

Had the City included within Exhibit #1 for the currently proposed PTA-

-The Citizen Comments submitted during the December 2020 Citizen Comment Period for the 2019 Draft of the Brown & Caldwell Stormwater Management Master Plan (SWMP) information relevant to the City's current Land Use proposal

would have included:

- Our 12-15-2020 Submission during the Citizen Comment Period in 2020- a copy has been attached as a PDF
 - Our submission included our comprehensive review of the 2019 Draft of the Brown & Caldwell Stormwater Management Master Plan (SWMP)
 - Our submission also included a review the 2019 Draft of the Brown & Caldwell Stormwater Management Master Plan (SWMP) and a report conducted by an Environmental Engineer Mr. David La Liberte' of La Liberte' Environmental Associates.

Mr. La Liberte has professional knowledge of the Basalt Creek Area having conducted various drainage studies and analysis within the area. His extensive Curriculum Vitae (CV) was also included within our 12-15-2020 submission

His report identified multiple inadequacies within the 2019 Draft of the Brown & Caldwell Stormwater Management Master Plan (SWMP)

OUR DECEMBER 15, 2020, SUBMISSION TO THE CITY ALSO INCLUDED A FULL REPORT AND A SUMMARY OF MR. LA LIBERTE'S FINDINGS SUBMITTED AFTER HE REVIEWED THE 2019 DRAFT OF THE BROWN & CALDWELL STORMWATER MANAGEMENT MASTER PLAN (SWMP)

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.

Yet it appears the City is intent upon memorializing the now dated and incomplete 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document -with known deficiencies -as a part of the City's Governing Documents- as a "background document".

This is the same document- which the Public identified in 2020-21- provided incomplete stormwater management planning for the entirety of the City's Land Use Planning jurisdiction (including the Basalt Creek Area).

On 3-8-2021- after a prior adoption of this document on 2-8-2021 by the City Council (Ordinance 1453-21)- the Council withdrew and repealed this document from adoption under Ordinance 1455-21.

City of Tualatin Ordinance No 1455-21 Section 2 specifies:

["The City hereby initiates a new Comprehensive Plan Amendment process relating to the City's Stormwater Master Plan to include the City's entire planning area. City staff are directed to draft a revised Stormwater Master Plan, which must include the Basalt Creek and Southwest Concept areas, for presentation and consideration by the Council, consistent with applicable Tualatin Development Code procedures"](#)

During the same 3-8-2021 City Council meeting, the Council directed the City staff to reinstate the Stormwater Master Plan process to include all of the City's planning area- including the Basalt Creek Area.

In the 3-16-2021 LUBA Stipulated Motion to Dismiss the appeal of the City's Stormwater Master Plan the City also stated its intent to adopt a new Stormwater Master Plan in the near future.

Since that time, the City has Publicly re-stated on numerous occasions their "intent" to develop a new Stormwater Master Plan (SWMP) .

It is now over 3 years later, and the City has not presented a SWMP as per State Public Facilities requirements which includes the entirety of the City's Land Use Planning jurisdiction- including the Basalt Creek Area.

Since 2021, due to the absence of an adopted SWMP for the Basalt Creek Area- the City has commented about their reliance upon Clean Water Services to meet Stormwater Management Planning needs. The lack of an effective and adopted SWMP plan for the Basalt Creek Area- may contribute to the City's consultant's study of existing conditions and their comments included within the City's Notice 7-10-24 of the upcoming Planning Commission Meeting

"Many of you may have provided comments or participated in the City's past consideration of the Stormwater Master Plan in 2021. Since that time, staff has worked with consultants to study the existing conditions within the Basalt Creek planning area. The study concluded that Clean Water Services stringent stormwater standards must be applied to future development within the Basalt Creek planning area."

It is noteworthy to understand --the City of Tualatin should have known since 2004 (when Metro adopted 04-1040B and the "Tualatin Area" was brought into the UGB) of the City's future responsibilities to develop an appropriate Stormwater Management Plan(SWMP) for the Basalt Creek Area. The City's SWMP for the Basalt Creek Area should have been adopted when the City gained Land Use Planning responsibilities over the Basalt Creek Area in 2019 and been functional for future use in Land Use Planning Actions impacting the Basalt Creek Area.

The City of Tualatin has had 20 years to prepare and develop an effective Stormwater Management Plan per OAR 660-011-000 for the Basalt Creek Area is past due.

An effective thoughtful integrated SWMP for the Basalt Creek Area is integral for appropriate Land Use Planning, future industrial or residential development, transportation planning, flooding mitigation, erosion control, landslide prevention, and natural hazard protections for downstream citizens, property and natural resources in an area known to have steep slopes >25%, and multiple existing Natural Resources identified by Metro for Goal 5 and Title 13 Resources and 14+ acres of wetlands identified in the Federal and State Wetland Inventories.

An effective coordinated SWMP for the Basalt Creek Area will require collection and analysis of data to effectively determine what and where major stormwater projects in the Basalt Creek Area will be required, when the timing of this infrastructure will be needed, and the anticipated funding for the projects – in an area with overlapping local governments with Land Use Planning jurisdiction.

We do not see significant that changes have been made to the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document which provides additional required information for the inclusion of the Basalt Creek Area to meet State Stormwater Management Planning Requirements.

We did not find within the documents posted to the City's website on 7-10-24, a clearly identified exhibit or addendum which presents a Stormwater Management Plan for the Basalt Creek Area (per state requirements) to augment the deficiencies within the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document

The need for thoughtful Land Use Planning Documents, Land Use Planning, and Land Use decision making within the Basalt Creek Area has been- and is at this time - significantly important and critical. The Basalt Creek Area is actively undergoing transition from mainly rural development with minimal infrastructure within unincorporated Washington County ---to more modernized urban higher density development with more complex infrastructure where both Washington County and the City of Tualatin have overlapping Land Use Planning jurisdiction and may not share the same development requirements or goals.

The adoption of the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) document as a "background document" does not address the failure of the City to develop, adopt and utilize a thoughtful and effective Stormwater Management Plan for the Basalt Creek Area.

In fact, the memorialization of the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) document within the City's Governing Documents may actually hinder effective, clear and standardized assessment of current and future stormwater management needs – and the identification , planning and funding of major infrastructure within the entirety of the City's Land Use Planning responsibilities.

Listed below are some of the State's Public Facilities Planning mandated requirements for the development and adoption of a Stormwater Management Plan for municipalities over 2,500 citizens- of which the City of Tualatin is one.

OAR 660-011-0000

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3061>

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

Chapter 660 Division 11 PUBLIC FACILITIES PLANNING

- o 660-011-0005 Definitions
- (7) "Public Facility Systems": (c) Storm sewer:
 - (A) Major drainageways (major trunk lines, streams, ditches, pump stations and retention basins)
 - (B) Outfall locations.
- o 660-011-0010 The Public Facility Plan
- o 660-011-0015 Responsibility for Public Facility Plan Preparation
- o 660-011-0020 Public Facility Inventory and Determination of Future Facility Projects
- o 660-011-0025 Timing of Required Public Facilities
- o 660-011-0030 Location of Public Facility Projects
- o 660-011-0035 Determination of Rough Cost Estimates for Public Facility Projects and Local Review of Funding Mechanisms for Public Facility Systems
- o 660-011-0045 Adoption and Amendment Procedures for Public Facility Plans

We request the City of Tualatin Planning Commission (which is also the City's stated CCI for Citizen Involvement and responsible for the implementation of the citizen involvement program" Goal 1: Citizen Involvement OAR 660-015-0000(1)) to provide informative responses to the following questions:

A. What is the intended use of a memorialized 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update as a "background document" – when the document is dated and has not met all of the requirements established by the State for a Public Facilities Management Plan for the entirety of the City's planning jurisdiction?

B. How does the proposed memorialization of the of the 2019 Brown & Caldwell Stormwater


Management Master Plan (SWMP) Update as a “background document” within the City’s Governing Documents - ---provide clear, standardized, equitable stormwater management planning for use in evaluation, determination and/or implementation of future Land Use Actions throughout all of the City’s planning jurisdiction- including the Basalt Creek Area?

C. What has caused the City of Tualatin’s procrastination in developing and adopting an effective Stormwater Management Plan (SWMP) which includes the entirety of the lands within the City’s Land Use Planning Jurisdiction within the scope of the document to conform to the mandated requirements established by the State?


D. What actions need to be taken to have the City staff comply with the directions provided by the City Council on 3-8-2021 to reinstate the Stormwater Master Plan process to include all of the City’s planning area, including the Basalt Creek Area?

We provide our comprehensive reviews of the 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update document which were previously submitted to the City – as Google Links (double click to open) :

- o Our 12-15-2020 submission to the City during the Citizen Comment Period for the then proposed 2019 Brown & Caldwell Stormwater Management Master Plan (SWMP) Update

 2020 12-15 LUCINI Comments Stormwater Master Pl...

The 12-14-21 LEA Comments of the 4-2019 Draft Tualatin Stormwater Master Plan included within our 12-15-21 submission

 2020 12-14 David La Libete #1.pdf

- o Our 2-5-2021 submission to the Tualatin City Council Quasi-Judicial Hearing Scheduled 2-8-2021 City of Tualatin Proposed Land Use Action PTA 21-0001 City of Tualatin Stormwater Master Plan Adoption-

 2021 2-5 Lucini Submission to Tual Council Stormwat...

2) CONFLICTING MAP INFORMATION PROVIDED WITHIN PROPOSED LAND USE ACTIONS

- **THE CITY OF TUALATIN PARKS AND RECREATION BASALT CREEK MASTER PLAN**
- **AND MAPS WITHIN PMA 24-0003**

There appears conflicting information provided within various maps being proposed for adoption by the City which may cause confusion in utilization, implementation or enforcement of City Codes or in Land Use Planning Actions.

Inconsistencies in mapping information within the City’s Governing Documents may also have unexpected and unnecessary impacts upon a property owner’s use or enjoyment of their property or developers attempting to understand existing conditions and limitations.

Both the proposed City of Tualatin Parks & Recreation Basalt Creek Master Plan, and the proposed PMA Map changes contain information on the future location of a Public Trail/Path running in a north-south direction within the Basalt Creek Area- but in different locations within the Basalt Creek Area.

There is minimal supporting information provided with the proposed map changes identifying the assessment factors of the feasibility of effective and successful implementation of the Trail at their proposed locations.

- The Basalt Creek Area has multiple Natural Resources not clearly identified in a clear and standard manner within the City’s Natural Resources **Maps 72-1 Natural Resources Protection Overlay District (NRPO) and Greenway Locations Map and 72-3 Significant Natural Resources Map**- including 14+ acres of wetlands identified within the Federal Wetlands Inventory and within the States Wetlands Inventory.

Metro has also identified Goal #5 and Title #13 Natural Resources within the Basalt Creek Area within the area of the proposed Public Trails/Paths.

As the City’s Natural Resource Maps lack complete accurate information as to the type, location and condition of the various Natural Resources existing within the Basalt Creek Area, the guardrails for the City’s required protection of these resources are significantly diminished.

It is not clear the identified location of the proposed Public Trail/Path in either the Tualatin Parks & Recreation Basalt Creek Master Plan, or the proposed PMA Map changes have been appropriately evaluated as to the potential impact upon the Natural Resources at their identified locations. This is particularly relevant to the City’s proposed changes in PMA 24-0003 where the proposed Public Trail is identified as being directly within the wetlands.

- There is a lack of information as to the anticipated feasibility, success, costs or timing of obtaining a fully functional Public Trail in the Basalt Creek Area through multiple private properties which are currently outside the City Limits. While the City owns several acres in the Basalt Creek Area, there are several other property owners who are not.

The proposed changes to PMA Maps 24-0003 72-2 and 8-4 Bicycle and Pedestrian Plan identify the Public Path/Trail in a location which bisects private property- and not along tax lot lines as identified within the City of Tualatin Parks & Recreation Basalt Creek Master Plan.

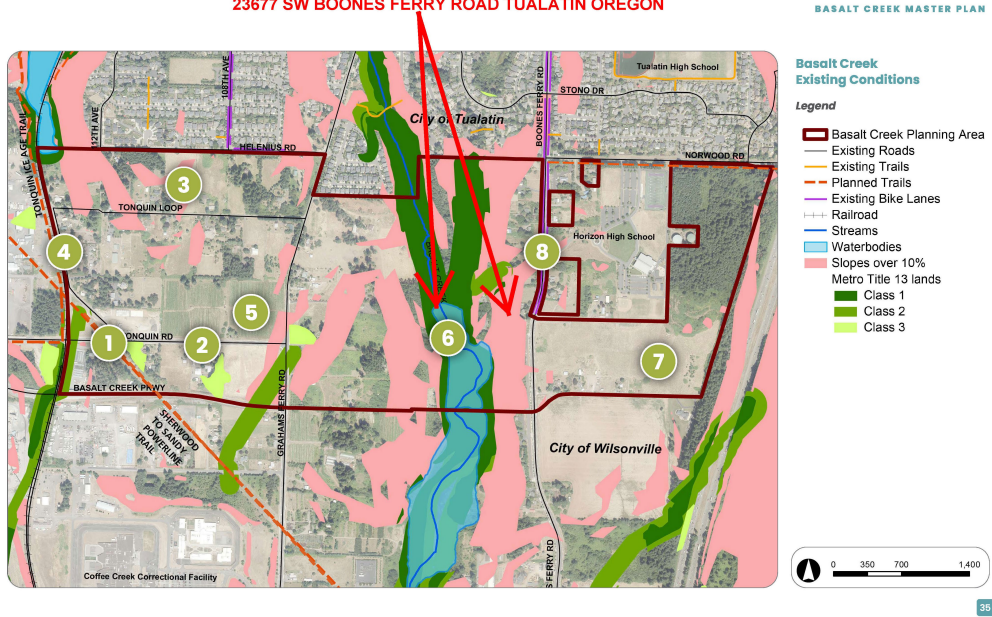
As property owners along the proposed north-south Public Trail, we are much less interested in having a Public Trail bisect our property, than one which is located on the western border of our property.

We request the City of Tualatin Planning Commission (which is also the City's stated CCI for Citizen Involvement and responsible for the implementation of the citizen involvement program" Goal 1: Citizen Involvement OAR 660-015-0000(1)) to provide informative responses to the following question:

- Will the Planning Commission obtain clarity as to the future location of the proposed Public Trail/Path to run in a north-south direction within the Basalt Creek Area?

**APPROXIMATE LOCATION OF OUR PROPERTY-
WITHIN CITY OF TUALATIN PROPOSED PARKS & REC MASTER PLAN BASALT CREEK AREA
- MAP OF EXISTING CONDITIONS PAGE 35**

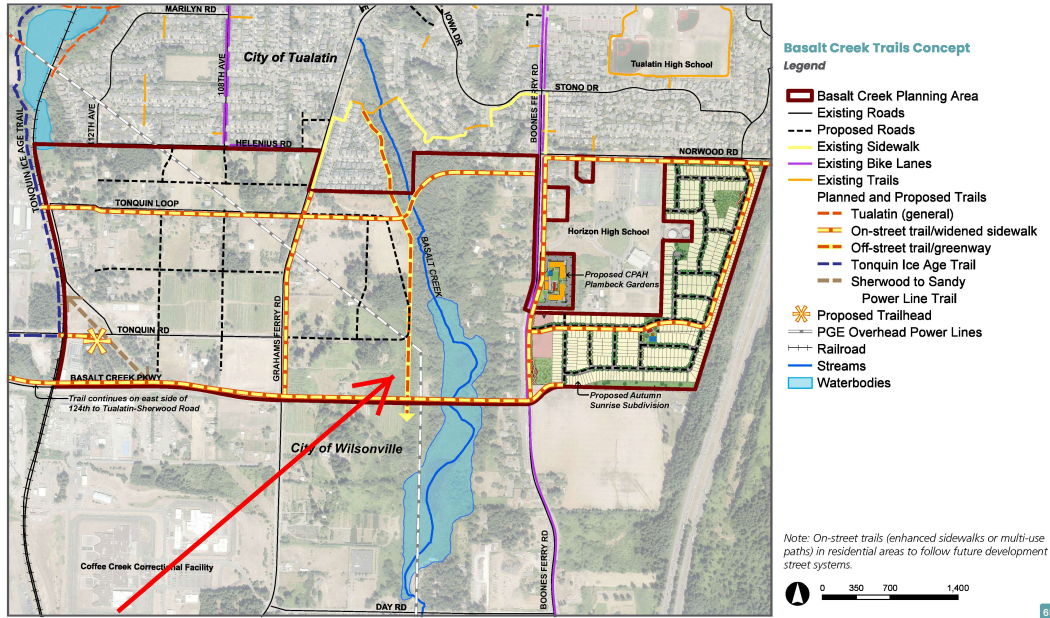
23677 SW BOONES FERRY ROAD TUALATIN OREGON



- **PROPOSED PARKS & RECREATION MASTER PLAN DOES NOT INDICATED FUTURE LOCATION OF PUBLIC TRAIL BISECTING OUR PROPERTY OR THROUGH SENSITIVE WETLANDS & GOAL 5 TITLE 13 NATURAL RESOURCES**
- **WHILE PROPOSED CHANGES TO CITY MAPS 8-4 PLANNED PED TRAIL & 72-2 GREENWAY & PATH WOULD BISECT OUR PROPERTY WITH POTENTIAL IMPACTS TO SENSITIVE WETLANDS & GOAL 5 NATURAL RESOURCES**

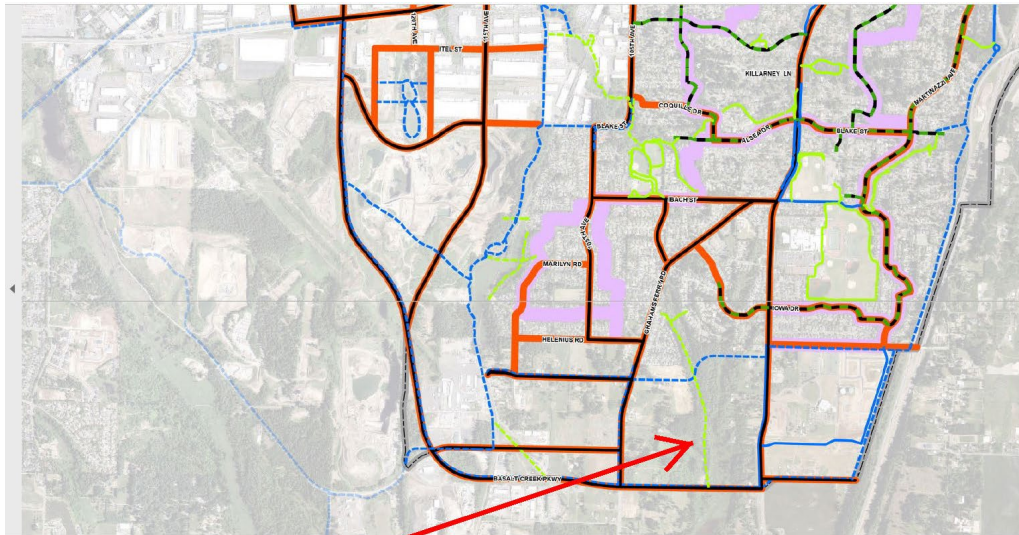
**CITY OF TUALATIN
PROPOSED FOR ADOPTION EXHIBIT 5
MASTER PLAN PARKS & RECREATION -BASALT CREEK AREA**

BASALT CREEK MASTER PLAN



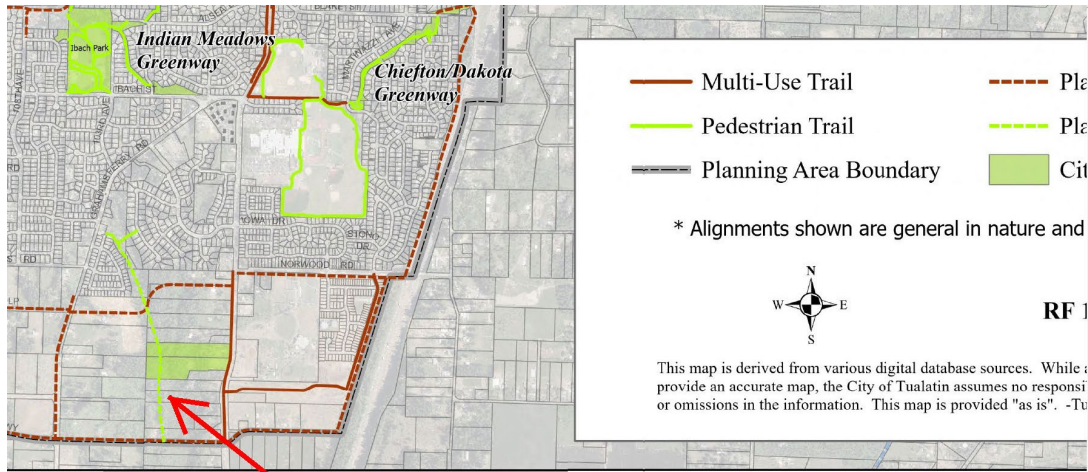
PAGE 65 MAP CITY OF TUALATIN PARKS & RECREATION MASTER PLAN FOR BASALT CREEK AREA

- IDENTIFIES PROPOSED TRAIL WEST OF BASALT CREEK CANYON- OUTSIDE OF SENSITIVE WETLANDS
- IDENTIFIED ALONG BORDER OF TAXLOTS- WHICH WOULD NOT BISECT TAX LOTS OF PRIVATE PROPERTY
- CONFLICTS WITH PROPOSED CHANGES TO CITY MAPS 8-4 AND 72-2



**LOCATION OF PROPOSED PLANNED PEDESTRIAN TRAIL
MAP 8-4 BICYCLE & PEDESTRIAN PLAN**

- WITHIN WETLANDS OF BASALT CREEK CANYON
- WITHIN PRIVATE PROPERTY NOT OWNED BY THE CITY
- BISECTING PRIVATE PROPERTY
- NOT CONSISTANT WITH PROPOSED CITY OF TUALATIN PARKS & REC MASTER PLAN



PROPOSED MAP 72-2 GREENWAY DEVELOPMENT PLAN & PATH LOCATIONS

PROPOSED LOCATION OF PLANNED PUBLIC PATH:

- THROUGH BASALT CREEK WETLANDS
- THROUGH PRIVATE PROPERTY
- BISECTING PRIVATE PROPERTY

AND

- NOT CONSISTANT WITH PROPOSED CITY OF TUALATIN PARKS & RECREATION MASTER PLAN

Respectfully submitted,
 John and Grace Lucini
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 Tualatin, OR 97062