

6-28-21

FOR THE PUBLIC RECORD:

City of Tualatin City Council Meeting 6-28-21- Citizen Comments
City of Tualatin- Tualatin Development Commission (TDC) Meeting 6-28-21- Citizen Comments
City of Tualatin Consideration/Proposal Urban Renewal Bond District #1 Basalt Creek & SW Industrial Area

TO: CITY OF TUALATIN CITY COUNCIL
CITY OF TUALATIN CITY COUNCIL MEMBERS
CITY OF TUALATIN DEVELOPMENT COMMISSION (TDC)
CITY OF TUALATIN PLANNING COMMISSION

RE: CITY OF TUALATIN DEVELOPMENT COMMISSION (TDC)
Public Meeting Scheduled 6-28-2021----- Citizen Comment

Agenda Item

General Business:

**2. Consideration of Resolution No. 628-21 of the Tualatin Development Commission
Commencing the Formal Review Process of the Southwest and Basalt Creek
Development Area Plan**

As each member of City of Tualatin City Council acts as part of the Decision-Making Body of the City Council of the City of Tualatin, and also act as part of the Decision-Making Body of the City of Tualatin Development Commission, this written submission is respectfully presented to each member of Tualatin City Council and to each member of the Tualatin Development Commission (TDC), as well as the City of Tualatin Planning Commission.

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INTRODUCTION

I was honored to be invited to be a member of the City of Tualatin Urban Renewal Task Force for the proposed Urban Renewal Bond for District #1-fthe Basalt Creek and SW Concept Areas.

Prior to accepting the appointment, I reviewed the City's stated purpose, stated intentions, and if the process would be conducted as open Public Meetings (and subject to and responsible to comply with the State's Public Meeting Laws).

CITIZEN INVOLVEMENT

I was pleased to read the Tualatin City Council, and the Tualatin Development Commission (TDC) both identified a need for Citizen Involvement within the development of the Urban Renewal Bond for the Basalt Creek and SW Concept Area.

The minutes of the 12-14-20 TDC Meeting when RES 622-20 was presented and the Urban Renewal Task Force for District#1 was discussed, "[Manager Taylor stated Council has expressed interest in community involvement in these plans and this task force helps carry that out.](#)" This information from the minutes of that Public Meeting provided me information- that it was the intention of both the City Council and the TDC to have meaningful and effective Citizen Involvement within the Task Force.

I realized I was the only invited member of the Task Force who was identified as a resident within the potential scope of the proposed bond. As many of the Citizens and property owners within the Basalt Creek Area, including myself, are not residents of the City - we are not allowed membership within the City's Citizen Involvement Organization. I looked for assurances the Public- including Citizens of the Basalt Creek Citizens and SW Concept Areas --would be able to access and gain insight as to the issues and topics discussed which could result in the City adopting an Urban Renewal Bond affecting lands within the Basalt Creek and SW Concept Areas.

When the task force meets as a quorum (4), the Task Force appears to meet the qualifications of a Governing Body acting in an advisory role to a Decision-Making Body- and would be subject to the State of Oregon's Public Meeting Laws. The city and the Task Force would require compliance to the requirements specified by the State when conducting business. The City would also be required to meet or exceed the standards set by the State for the documentation of the Public Meetings for the Public Record. Minutes of the Public Meetings would therefore be expected to provide "[a true reflection of the matters discussed at the meeting and the views of the participants.](#)"

The accurate documentation and memorialization of all topics discussed during the deliberations of the Public Meetings of the Task Force within accepted minutes - should provide TDC or the City Council relevant information on all topics discussed -which may indicate the need for additional review as part of deliberations to make a truly informed decision.

TRANSPARENCY OF GOVERNMENTAL PROCESS- OREGON PUBLIC MEETING LAWS

The need, intent and compliance to Oregon's Public Meeting Laws was clearly stated in the opening paragraph of the State of Oregon Department of Justice Public Meetings website :(<https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-and-meetings-law/>)

"Oregon's open government laws promote democracy and transparency.
Oregonians have a right to know how their government works and spends money"

TDC RESOLUTION 622-20 ESTABLISHED THE POWERS, ROLE RESPONSIBILITIES AND TASKS AND ACCOUNTABILITY OF THE TASK FORCE-Including:

Duties of the Task Force:

The Task Force is responsible for the following activities:

- a. Review the proposed urban renewal plan boundary and make recommendations for size and location of District 1;
- b. Identify and recommend projects in the proposed area;
- c. Review financial analysis and impacts of the proposed district and project; and
- d. Other duties as may be assigned by the Tualatin Development Commission

Based upon the stated goals and intentions of the TDC for the Task Force, I accepted the appointment to the Task Force.

The City generated agenda for the first Public Meeting of the Task on 3-18-21 again identified the facts which supported the theory the Task Force fell within the jurisdiction of Public Meeting Laws. The statements provided on 3-18-21 set up procedural expectations for the Task Force, and identified that the City assigned the administrative responsibilities to chair the Task Force to an assigned staff member-which was Jonathan Taylor Manager, Economic Development Manager

PURPOSE/ORGANIZATION OF COMMITTEE

"This Task Force is an official advisory committee for the Tualatin Development Commission. The purpose of the task force is to advise the Tualatin Development Commission and the City of Tualatin on establishing an urban renewal district in Tualatin.

The Task Force will be chaired by the City of Tualatin assigned staff.

Participating task force members will vote on all recommendations and items required by this process. Officials votes and discussions will be recorded under "meeting minutes" requirements per City of Tualatin policy." (Emphasis added)

TWO TASK FORCE INITIATED PROPOSALS FOR THE DISTRICT #1 URBAN RENEWAL BOND - PROJECTS LIST

REMOVED FROM CONSIDERATION FOR THE URBAN RENEWAL BOND - OUTSIDE OF THE PUBLIC PROCESS AND VIEW

Due to the City staff's removal of two proposed of Projects for the District #1 Urban Renewal Bond between the Public Task Force Public Meetings on 4-8-21 and 4-29-21, the actions by the City withdrew these two projects from undergoing additional consideration with the process.

It should be noted-after the presentation of theses two proposals for the Urban Renewal Bond on 4-8-21- the City's Consultant for Urban Renewal acknowledged that both of these proposed projects would be appropriate for an Urban Renewal Project.

The City's Consultant also acknowledged the two proposed projects would be appropriate as separate line items within the proposed bond's Project List.

I recognized that the Task Force was authorized and assigned -to identify and recommend projects for the proposed Urban Renewal Bond, and that it is not the role of the Task Force to make final determinations as to the projects to be included in the proposed bond etc.

Yet the process and the administration of the District #1 Urban Renewal Task Force left questions as to the undue influence of the staff of the City, and the direct and indirect impact of the staff 's actions on the intent of the anticipated outcomes and results for the decision-making process as well as the economic success of the Urban Renewal Bond under consideration.

The meetings of the Task Force should have fallen withing the standards and requirements of Oregon Public Meeting Laws- and decisions be conducted within the Public Process to provide for transparency- for the Public and for the Decision-Making Bodies- including the Tualatin City Council and the Tualatin Development Commission.

The ability to access the exchange of information which ultimately leads to a vote of a Public Body- allows insight and a greater understanding of the process, and a greater perspective of the issues upon which a decision may be reached.

It is clear the intent of TDC Resolution 622-20 was to be conducted through an open transparent Public Process. It is also clear the City Council and the TDC intended the Task Force to encourage Citizen Involvement- within the Basalt Creek and SW Concept Areas- which are within the scope and impact of the proposed Urban Renewal Bond.

The basis and many examples off my concerns as to the manner in which this Task Force was conducted is provided within another section of this submission.

This section of this communication deals with the outcomes of the lack of a transparent Public Process.

As a long-term resident of the Basalt Creek area- I was pleased I could utilize my years of interest and concern for my neighbors and the environmentally rich lands of the Basalt Creek Area with the other members of the Task Force.

I also realized by accepting the appointment to the Task Force, I would be making a commitment to try to make decisions and recommendations which would optimally beneficial for all.

I also contacted the City's Director of Community Development as to her perspectives on two inter-related projects I was identifying for proposing to the Task Force for inclusion into the bond's Project List.

During the 2nd Task force Public Meeting, on 4-8-21 the primary objective of the meeting was to fulfill the assignment of the TDC --- for the Task Force members to Identify projects for the proposed bond and make recommendations to the TDC as to which Projects should be included within the bond.

I presented my proposals to the Task Force supported with documents within a slide deck submitted to the Chair of the Task Force for utilization through the virtual meeting.

The slides presented as part of my proposals for the consideration of 2 projects into the Urban Renewal Bond have been integrated into this submission

As the two projects share many similar goals, I made simultaneous proposals,

STORMWATER MANAGEMENT PLAN FOR THE BASALT CREEK AREA

After City staff remove the proposed Stormwater management Plan for the Basalt Creek Area from the project for consideration for the Urban Renewal Plan minimal information was provided as to the City's rationale or justification for the action during the Task Force Public Meeting on 4-29-21.

Slightly more information was gained when the staff forwarded on 5-13-21 the 1st revision to the 3-18-21 Project List- DRAFT

The document is now identified as the "DISTRICT 1 PROPOSED PROJECTS FINAL" and now contains a line item labeled as **NOT INCLUDED**

[Stormwater Management Plan](#)

REASON:

[The City of Tualatin intends to complete this project under the Community Development budget and operation.](#)

[Currently the City is expected to allocate \\$100,000 in FY 21-22.](#)

The removal of the proposed Stormwater Management Plan project from consideration within the proposed bond- does not mean the need for the City to generate and adopt a SW Management Plan (per State requirements OAR Chapter 660,) has been resolved.

Although the City has identified in City's "Proposed Projects Final" distributed on 6-13-21 (after the last Public Meeting of the Task Force on 4-29-21), the City indicates just an "intention" to fund the development of a plan in 2021-2022.

As a local resident- and a property owner who has been flooded from upstream stormwater from within the Basalt Creek lands which the City annexed in 2020, it is difficult for me to understand the City's lack of a timely resolution in the development and adoption of a Stormwater Management Plan for the Basalt Creek Area. Since my husbands and my property was flooded from upstream stormwater from the lands in the NE portion of the Basalt Creek Area, we have submitted written and verbal requests for the City to generate a SWMP for the Basalt Creek Area- including the City's 2018 Basalt Creek Concept Planning; the City of Tualatin Basalt Creek

Comprehensive Planning; during the City of Tualatin SW Master Plan Update; and during the annexations of Basalt Creek Lands into the City.

The area from which the stormwater which flooded out property generated came from lands which the City has now annexed into the City- but still do not have an adopted Stormwater Management Plan (per State Requirement oar Chapter 660

As we were provided written assurances by the City starting in 2016 as to the City's intent to include the Basalt Creek Area within the City's Professional Services Contract for the Update to the City's Stormwater Master Plan - and included the rationale and need for the Basalt Creek Area to be included within the City's SW Master Plan Update. The City continued to repeat these assertions of the City's intent- up until the middle of the City Council Hearing in January 2020 on the adoption of the Master Plan Update did a Council member ask the "right" question. It was only then; the City's Director of Community Development/City Engineer acknowledged the Basalt Creek Area was NOT included within the City's Update to their Stormwater Master Plan.

The City of Tualatin still has not adopted a SWMP for the Basalt Creek Area- although the city for many years assured us the City intended to include the Basalt Creek Area in their upcoming Stormwater Master Plan Update.

An apparently unintended outcome of the City's lack of inclusion of the Basalt Creek Area into the Stormwater Master Plan, was that the City eventually rescinded the adoption of the Master Plan Update due a legal challenge regarding the lack of compliance for a Stormwater Management Plan for the Basalt Creek Area.

The City continues to lack an adopted SWMP for Basalt Creek lands.

The City has not provided a date specific as to when a Professional Services Contract will be put out for bid, let alone when a Stormwater Management Plan for the Basalt Creek Area could reasonably be expected for adoption.

The City has not publicly disclosed how the Basalt Creek Lands the City annexed into the City (although the City had been notified of the lack of a Stormwater Management Plan for these lands prior to and during the annexation process) shall be approved for actual development as the City lacks a SWMP for these lands.

Lacking a Stormwater Management Plan for the Basalt Creek lands, any attempt to approve an actual development there runs the risk of being opposed and appealed, unless or until the City has a Plan in place.

Further delay by the City in creating and adopting a SWMP will almost inevitably lead to long delays in any development going forward.

If the City does not take timely and effective measures to resolve the lack of a SWMP for the Basalt Creek lands, the City may be undercutting the plans of any developer who wishes to build on these lands.

It would be in the best interests of City, developers, and downstream, property owners and the protections of various Natural Resources - including the steep slopes and water quality ----that the TDC and the City Council take effective actions to cause the City to generate a regional coordinated Inter-governmental Stormwater Plan for the Area as specified and required by the State as soon as possible.

The inclusion of the proposed Stormwater Management Plan into the Urban Renewal Bond for District #1:

- **Should be Generated to meet or exceed compliance to State Requirements**
- **Should be Implemented as one of the first projects of the bond- to assist with timely completion**
- **Will assure necessary funding to obtain a useful effective quality product -separate of/or including Community Development Funding**
- **May release some or all of the Community Development Funds stated to be designated for the SWMP to be used to fund other projects- such as Parks Improvement or Park Land acquisition (Land acquisition for Parks had been proposed for the bond, but opposed by TVFR and removed)**
- **Requirements of an Urban Renewal Bond- cause additional oversight measures and accountability as to funding and implementation- which can provide the TDC and the City Council additional assurances the SWMP will move forward towards completion in a timely manner**
- **Provides greater assurances the City will come into compliance with State mandates for the urbanization of the Basalt Creek Area- and allow economic development which is the fundamental basis of an Urban Renewal Bond.**

Due to the City's removal of this project from consideration by the Task Force at the start of the 4-29-21 Meeting- the financial impact of this project was not discussed by the Task Force on 4-29-21.

The City of Tualatin has been notified as to the need for adoption of a Stormwater Management Plan for the Basalt Creek Area- and for years has not taken effective actions to adopt a Plan for the Basalt Creek Area in a timely manner. The City their known lack of compliance to State mandates prior to annexing Basalt Creek lands into the City. Lacking a

- The City has known since 2004 they would need to develop a Stormwater Management Plan for the northern portion of the Basalt Creek Area.
- The City of Tualatin was notified in 2016 of a failure of the existing stormwater system, then under the jurisdiction of Washington County- but within the Concept Planning area of the City.
- The City has been provided professional reports and evaluations on the existing limitations of the minimal stormwater system in the NE portion of the Basalt Creek Area and the need for a Stormwater Management Plan to be developed for the safety and protection of the existing property owners, their property, and the environment.
- In 2016 , the City Engineer at the time, acknowledged the need for a stormwater management plan for the Basalt Creek Area, provided rationales for the need, and commented the City would be including the Basalt Creek Area within the Professional Services contract up for approval for the City's Stormwater Master Plan Update.
- Numerous Citizen Comments have been submitted to the City since 2016 as to the need for a Stormwater Management Plan- including but not limited to- the Basalt Creek Concept Plan, the City of Tualatin Basalt Creek Comprehensive Plan, the City of Tualatin Annexation of the Autumn Sunrise properties, the City of Tualatin Code and Map changes for the Autumn Sunrise Properties; and the annexation of additional Basalt Creek Lands into the City for the CPAH property.
- The City did not provide a Stormwater Master Plan for the Basalt Creek Area in the Basalt Creek Concept Plan adopted in 2018, nor in 2019 as part of the City of Tualatin Basalt Creek Comprehensive Plan.
- The City did not include the Basalt Creek Area within the City's Stormwater Master Plan Update of 2020/2021 which was adopted and then rescinded due to the lack of a Stormwater Master Plan for the Basalt Creek Area.
- Now the middle of 2021, the City of Tualatin has still not generated a Stormwater Management Plan for the Basalt Creek Area-which continues to be mandated by the State. It is not known if the City has even submitted approval for a Professional Services Contract to start conducting the assessment of the Basalt Creek Area - needed to generate the basis of a Stormwater Management Plan for the Basalt Creek Area.

- The City of Tualatin, knowing the City has not developed or adopted a Stormwater Management Plan for the lands within the Basalt Creek Area started in 2020 to annex large acres of Basalt Creek lands into the City, with the knowledge that the development plans of the lands would be submitted within the near future- and prior to the adoption of a Stormwater Management Plan.
- Members of the City Council in January 2021 asked for clarification as to the plans of the City staff have to address the lack of a Stormwater Management Plan for the Basalt Creek lands the City had already annexed into the City.
- Since January 2021, the City has continued to annex additional Basalt Creek lands into the City without a clearly identified plan to address the omission of an adopted Stormwater Management Plan (SW Management Plan) for these lands to gain compliance with State Law- or a clearly identified plan by which the City will be able to comply with State mandates when these lands submit Development Plans to the City in the near future.
- On 6-14-21, after the last scheduled meeting of the District #1 Urban Renewal Task Force, the City distributed a revised Projects list to the Task Force Members- which provided slightly more specific and new information that the source of the City's anticipated funding would come from the 20-21 Community Development funds- however, the date which the City anticipates initiation of the SW Management planning nor when the City anticipates the completion and adoption of the SW Plan for the Basalt Creek Area was not provided within the City's distribution.

To my knowledge the City staff have not publicly disclosed a clear plan to as to when the City will fulfill and comply with the State's SW Management mandate.

I am not aware that the City has issued a bid for a Professional Consulting Services to generate a SWMP for the Basalt Creek Area.

The inclusion of this project into the Urban Renewal Bond would assist the City in resolving previously identified funding issues and would also create an additional monitoring system for the City to track the implementation of the Project.

If this project was one of the first projects to be implemented within the Urban Renewal Bond, the timeframe for the fulfillment of the State's requirements may be realized earlier with adequate funding. An earlier completion and adoption date would help the City address issues which will arise when Basalt Creek Area lands (which the City has already annexed) into the City which are anticipated to be submitted for development in the near future but lack a regional Stormwater Management Plan.

The Basalt Creek Area continues to need the protections provided by a regional inter-governmental coordinated Stormwater Management Plan for the Basalt Creek Area as multiple governments continue to conduct Land Use Planning Actions which will impact the significant topographical and geological, and environmental concerns which exist within the area.

The State through the DEQ has identified the needs, the authority the mandates, and the benefits to the local governments to support the Stated mandate for municipalities of 2,500 or more are required to have a Stormwater Management Plan adopted and implemented.

In addition, the State has identified the interrelationships between stormwater management and water quality- and their interrelationships and need for consistency in compliance with Oregon Statewide Land Use Planning Goals-

3.2 Code development for stormwater management

3.2.1 Authority to develop stormwater requirements in code

The local comprehensive land-use plan should provide the policy framework and authority for municipalities to protect water quality as well as control local flooding. The plan guides a municipality's activities in areas such as land use, conservation, economic development and public facilities such as the development and management of stormwater, wastewater and transportation systems. It also provides the legal authority to regulate these systems while municipal code or ordinance provide the details on how a municipality will implement this authority.

[Oregon Revised Statute 197.175](#) requires municipalities to adopt a local comprehensive plan, zoning and ordinance. This comprehensive plan must be consistent with the [Statewide Planning Goals](#) in the Oregon Administrative Rules. Several of these goals are applicable to water quality and public facilities such as stormwater systems. In particular, Statewide Planning Goal 11 specifically addresses the planning and development of orderly and efficient public facilities such as stormwater systems to serve as a framework for urban and rural development. Planning Goal Number 5 addresses natural resources and Planning Goal Number 6 addresses water quality.^{35 36 37} Planning Goal Number 1 requires public involvement in the implementation of all the planning goals.³⁸

The Oregon Department of Land Conservation and Development administers the Oregon's Statewide Land Use Planning Program and provides assistance to municipalities implementing its program requirements. The agency worked with DEQ to develop a [Water Quality Model Code and Guidebook](#) providing model comprehensive plan language to support the establishment of stormwater codes. The guidebook explains how codes can serve as nonstructural stormwater controls. The information below provides tools to use in evaluating codes for water quality protection.

Master planning

Stormwater master planning is “public facilities planning” as defined in Oregon Administrative Rule, Chapter 660. By definition, a public facilities plan is a support document to a local comprehensive land use plan. Cities and counties must develop and adopt a public facility plan for areas within an urban growth boundary with a population greater than 2,500. A stormwater master plan must contain the following information:

1. An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan
2. A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.
3. Rough cost estimates of each public facility project
4. A map or written description of each public facility project's general location or service area
5. Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated
6. An estimate of when each facility project will be needed
7. A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

7

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

OAR 660-015-0000(5)

Goal

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations.

These resources promote a healthy environment and natural landscape that contributes to Oregon's livability

OAR chapter 660, division 23, Procedures and Requirements for Complying with Goal 5

(Applicable to resources except cultural resources)

In reviewing RES 628-21 I cannot find where the City has included an evaluation of the potential impact of the implementation of the proposed bond on the Basalt Creek Area in relationship to Goal #5.

Yet, the intent of the intent of the Bond is to encourage and help fund the development and urbanization of the Basalt Creek Area- which may greatly affect the existing Natural Resources...

APPARENT DISPOSITION OF PROPOSAL

District #1 Urban Renewal Task Force

PROPOSAL -OBTAIN, CREATE GOAL #5 INVENTORY FOR BASALT CREEK AREA- ADOPT AND INTEGRATE INTO CITY MAPS

Slightly more information was gained when the staff forward ON 5-13-21 the 1st revision to the 3-18-21 Project List-DRAFT

The document is now identified as the "DISTRICT 1 PROPOSED PROJECTS FINAL" and now contains a line item labeled as GOAL 5 INVENTORY

REASON: Per the Basalt Creek Concept Plan, under the Regulatory Framework for Conserving Natural Resources, Titles 3 and 13 of Metro's Urban Growth Management Functional Plan implements Goal 5.

WASHINGTON COUNTY ENFORCEMENT ORDER

The importance of the creation and adoption and implementation of a Goal #5 Inventory with clear standards established should be of importance for local governments.

Washington County has not been allowed to process development applications for housing projects which impact habitats.

Current Enforcement Proceedings

<https://www.oregon.gov/lcd/NN/Pages/Enforcement-Proceedings.aspx>

The following enforcement proceedings are currently underway.

Washington County

On January 23, 2020, the Land Conservation and Development Commission (LCDC) found 'good cause' to proceed with enforcement against Washington County based upon a petition from Jill Warren. LCDC appointed a hearings officer to hold a contested case hearing and report back to the Commission. The hearings officer issued a draft order recommending that the commission approve an enforcement order against Washington County. The hearings officer determined that several of the County's development code standards to protect upland habitat areas and riparian areas were not clear and objective, were unenforceable, and did not protect natural resources as is required by the County's comprehensive plan. On May 22, 2020 (after continuing this matter from its cancelled March, 2020 meeting), LCDC approved the enforcement order, and in addition directed Washington County to not process development applications for housing projects that impact upland habitat areas until the County adopts new development code provisions that protect these areas with clear and objective standards. The County must adopt enforceable clear and objective standards by May 1, 2021.

I had an opportunity to discuss the needs and City staff perspectives during an onsite visit including the City Attorney, the Director of Parks and Recreation, the Manager of Parks and Recreation.

What I heard during the site visit was that the City of Tualatin intends to have developers pay for the State Mandated Goal #5 Inventory for the protection and Conservation of Natural Resources and Open Spaces as part of each development. I was not able to obtain a clear answer as to how the City's initiation of Master Planning for 20+ acres of Public Parks and additional Public Trails would be funded under the City's current plan - by the developers- as the City may be the developer of the Public Parks etc.

I also did not get a clear answer as to **how will the City know what natural resources exist, their location and value/ condition-- depending upon the specifics of those parameters-know the amount of buffer zone is required per each type of habitat within the State's Goal #5 Natural Resources Inventory?**

It seems only when a Goal #5 Natural Resources Inventory is conducted- will the necessary amount and location of the buffer zone protection can be adequately determined.

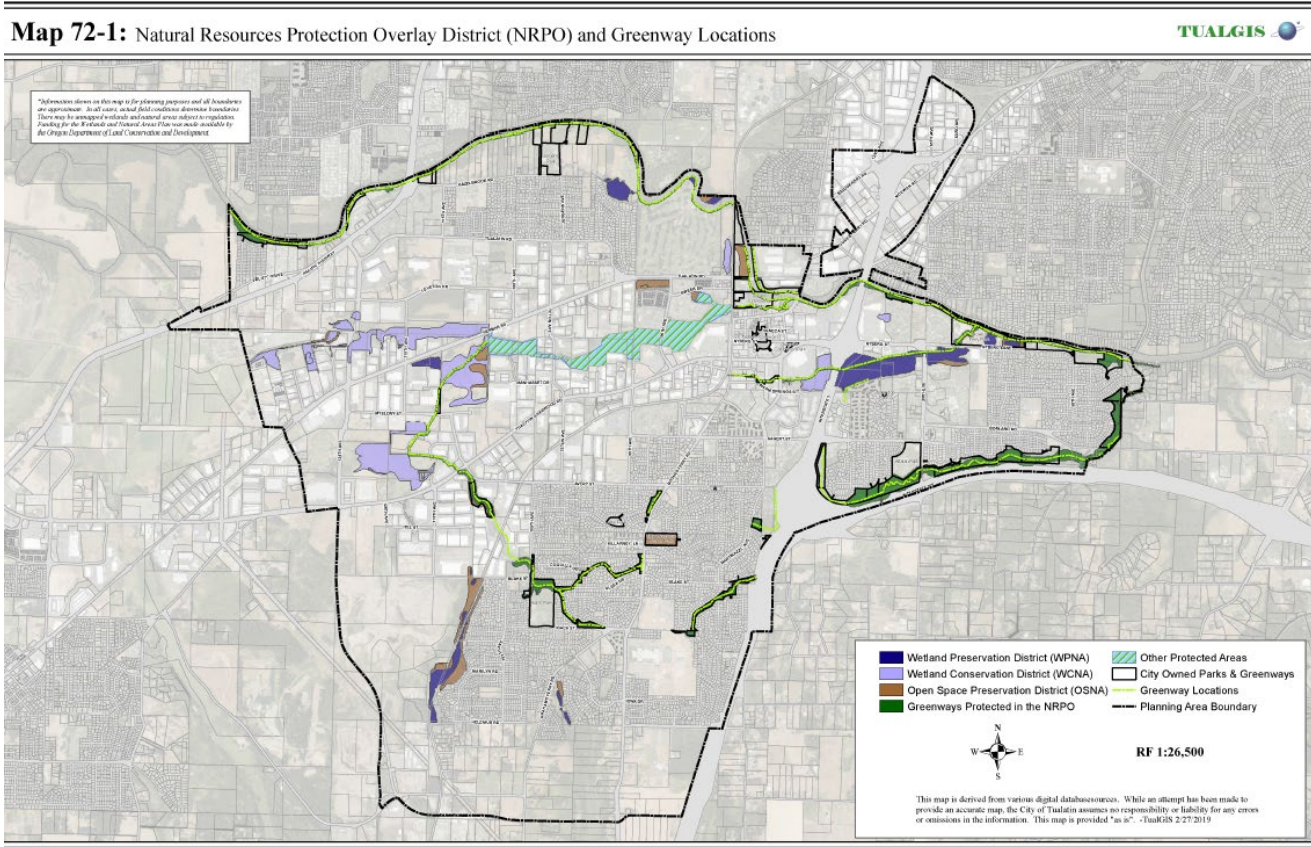
This generates the question, **how can the City initiate and conduct meaningful Master Planning without first knowing what lands are suitable for potential Public use, and which lands will be limited or excluded from Public use if the City has not conducted a Goal #5 Inventory as an initial step?**

As water, plants and animal do not understand or respect the limitations of human designated tax lots- these questions are generalizable to all the lands within the Basalt Creek and SW Concept Areas.

Comments provided by City staff to support the City's position of evidence of compliance to Goal #5 Requirements has been the statement that the 2018 Basalt Creek Concept Plan provides the Goal #5 requirements.

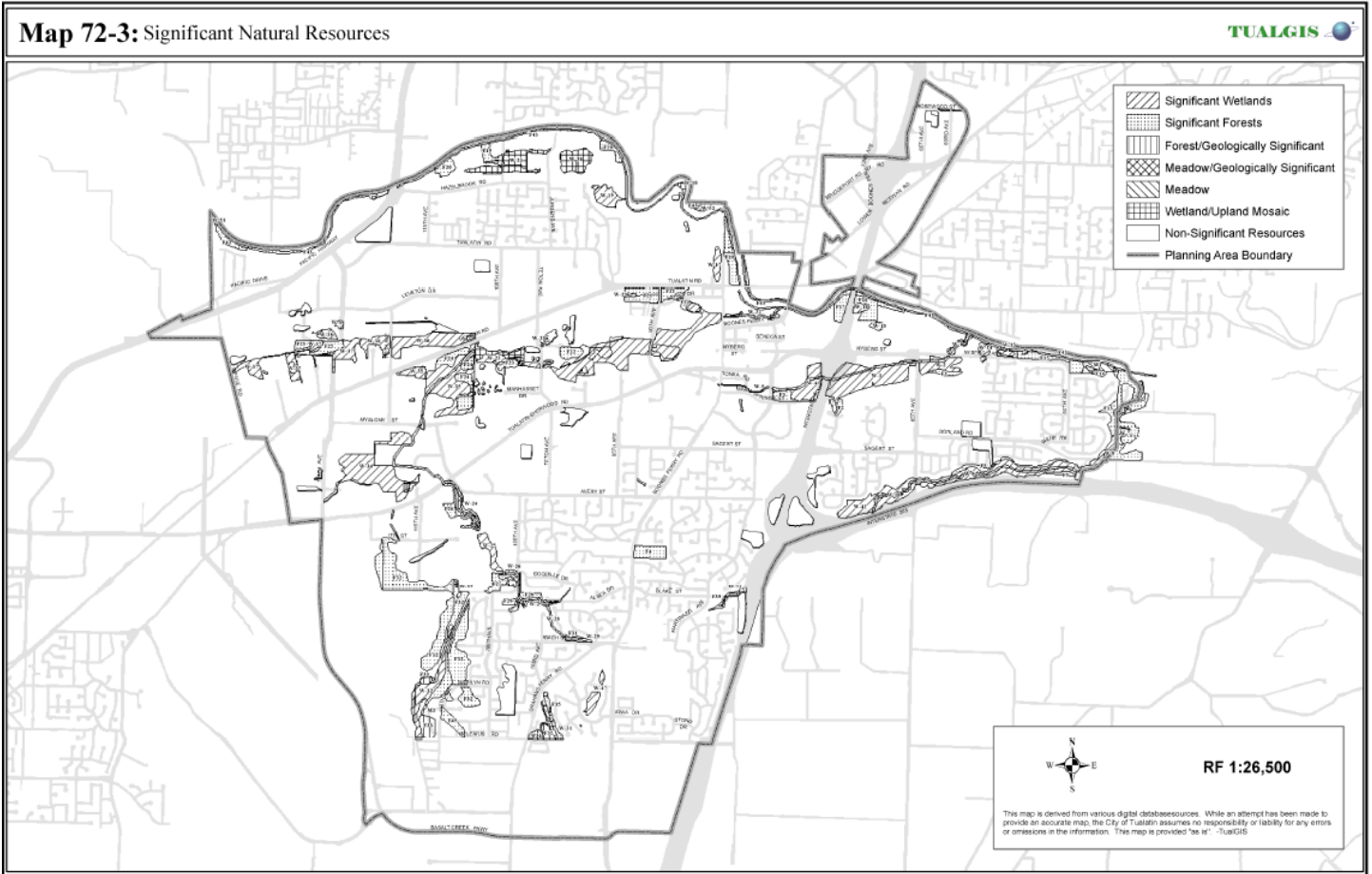
While the 2018 Basalt Creek Concept Plan was included as an attachment to the 2019 City of Tualatin Basalt Creek Comprehensive Plan, the City's Comprehensive Plan included two Natural Resources City Maps which were "revised" and adopted into the City's "Official" Maps which are integrated into the City's other Governing Documents.

CITY OF TUALATIN Map 72-1 Natural Resources Protection Overlay District (NRPO) and Greenway Locations



It is important to notice, natural resources are identified throughout the map-
 Yet--nothing is identified within the Basalt Creek Area

CITY OF TUALATIN Map 72-3 Significant Natural Resources



It is also important to notice, natural resources are identified throughout the map- yet - nothing is identified within the Basalt Creek Area

CONTRARY TO THE CITY OF TUALATIN NATURAL RESOURCES MAPS

IT IS OBVIOUS THE BASALT CREEK AREA CONTAINS NUMEROUS NATURAL RESOURCES AS INDICATED WITHIN THE FOLLOWING MAPS

-YET THESE RESOURCES ARE NOT IDENTIFIED ON THE CITY OF TUALATIN'S NATURAL RESOURCES MAPS



Basalt Creek Area- Topographic Map



March 14, 2021

Wetlands

- | | | |
|--------------------------------|-----------------------------------|-------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| Freshwater Pond | Riverine | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Map Details

Datasets

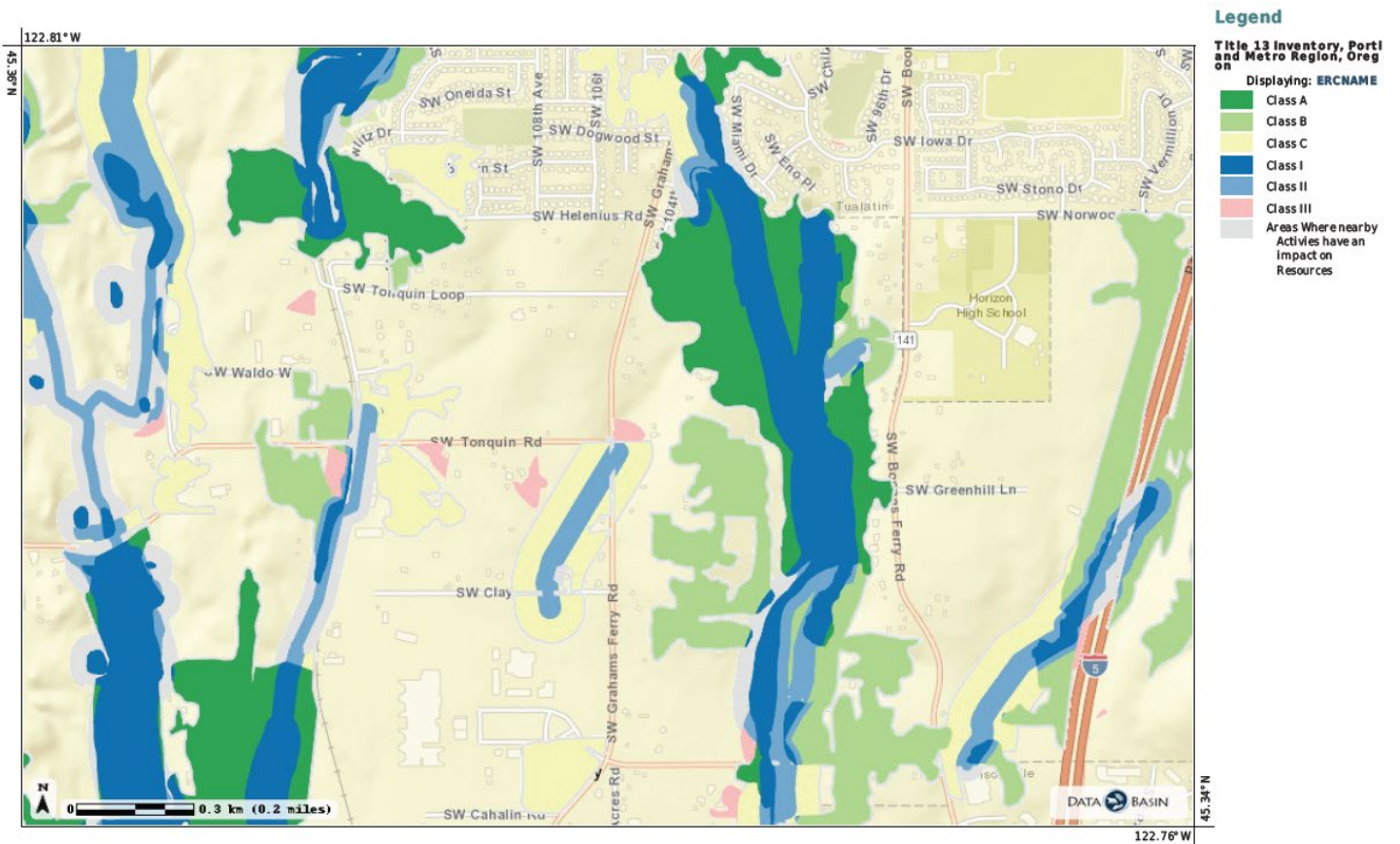


Title 13 Inventory, Portland Metro Region, Oregon

<https://databasin.org/datasets/afdfbf390255549418f26855af59b2f79>

Credits: Metro Data Resource Center
© Oregon Metro www.oregonmetro.gov/r/ris

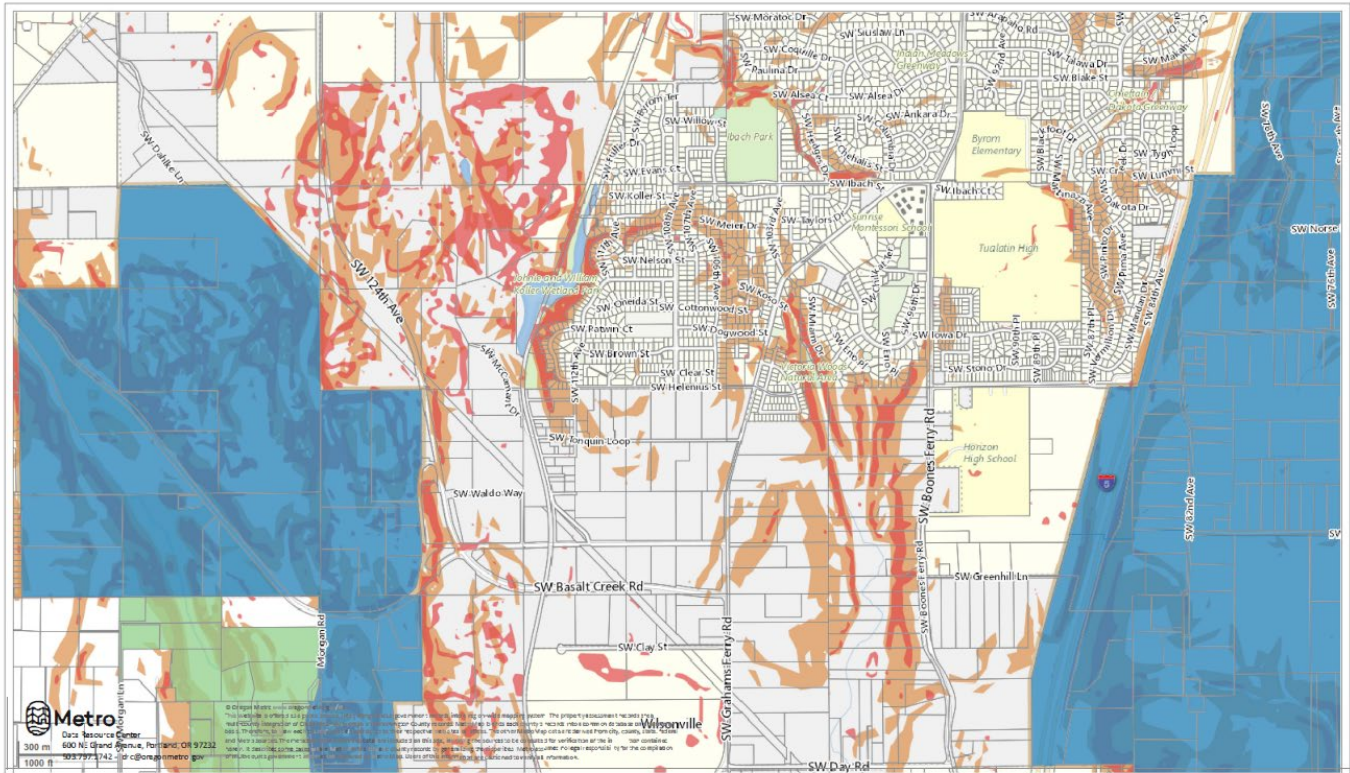
Layers: ● Title 13 Inventory, Portland Metro Region, Oregon



- ▼ Urban and rural reserves
- Rural Reserve
- Urban Reserve

SOUTHERN TUALATIN AREA STEEP SLOPES GREATER THAN 25% URBAN RESERVES INDICATED

- ▼ Slopes > 10%
- >10 percent slope
- ▼ Slopes > 25%
- >25 percent slope



Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

OAR 660-015-0000(5)



Goal

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;
- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources;
- l. Cultural areas.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

3. Historic Resources;

4. Open Space;
5. Scenic Views and Sites.

Following procedures, standards and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

Guidelines

A. Planning

1. The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.
2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.
3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.
4. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.
6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.
7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(24).

B. Implementation

1. Development should be planned and directed so as to conserve the needed amount of open space.

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.
3. The efficient consumption of energy should be considered when utilizing natural resources.
4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.
5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.
6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.
7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.
8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.
9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

Original Adoption: 12/27/74; Effective: 1/25/75

Amended: 2/17/88; Effective: 3/31/88

Amended: 6/14/96; Effective: 9/1/96

Administrative Rules Applicable to Goal 5:

[OAR chapter 660, division 16](#), Requirements and Application Procedures for Complying with Statewide Goal 5 (applicable to cultural resources)

[OAR chapter 660, division 23](#), Procedures and Requirements for Complying with Goal 5 (applicable to resources except cultural resources)

COMMENTS UPON THE PROCESS AND ADMINISTRATION OF THE DISTRICT #1 URBAN RENEWAL TASK FORCE

MULTIPLE ISSUES WITH THE TRANSPARENCY OF THE PUBLIC PROCESS

ISSUES WITH CITIZEN INVOLVEMENT WITHIN THE PUBLIC PROCESS

ISSUES AS TO COMPLIANCE WITH OREGON STATE PUBLIC MEETING LAWS-

---NEED FOR TIMELY DOCUMENTATION OF PUBLIC MEETINGS

INCLUDING - THE EVENTS, VOTING, PROPOSALS, DISPOSITION OF PROPOSALS SO THAT THE MINUTES ARE A TRUE REFLECTION THE MATTERS DISCUSSED AT THE MEETING AND INCLUDE THE VIEWS OF THE PARTICIPANTS.”

Contrary to the intentions of the TDC and the City Council, multiple actions taken by the City staff have usurped and nullified the purpose and intent of the District #1 urban Renewal Task Force.

The City staff initiated direct actions outside the daylight of a Public meeting of the Task Force - and without prior consultation with the Task Force to remove two projects which I proposed during the Task Force Meeting on 4-8-21. Both of the projects I proposed were specifically within the authority and role of an appointee to the Task Force, were presented with supporting documentation and information, and both of these projects were identified as appropriate projects for an urban renewal bond by the City's own Urban Renewal Consultant. At the ending of the Task Force's discussions, the City's Consultant- when asked acknowledged both projects were appropriate to be included as separate line items within the Project List for the proposed District #1 Urban Renewal Bond. There were no objections voiced by a Task Force member as to my question to the Consultant on inclusion into the bond's Projects List -or the Consultants response.

Compounding concerns have developed with regards to events and the staff's actions within the timeframe of the 2nd 4-8-21 meeting of the Task Force on the 3rd 4-29-21 meeting of the Task Force and the documentation for the Public Record.

Days after my presentation of the proposals on the two projects for bond's Project List in the last portion of the 4-8-21 Public Meeting, the Task Force members were informed the last portion of the 4-8-21 virtual meeting did not record to tape due to technical difficulties, and consequently the staff Chairperson requested the Task Force to review and provide additional comments upon a draft of the 4-8-21 meeting as he was just working from notes- which I complied and provided additional details and comments.

Although the agenda for the 4-29-21 (3rd) meeting of the Task Force identified an agenda item for review of the 4-8-21 minutes- the staff Chairperson did not provide a copy of the draft of the 4-8-21 minutes either prior to or during the 4-29-21 meeting.

The Chair then informed the Task Force the City had removed the two projects I proposed- and provide minimal information on the City's rationale, or justification. There were multiple questions and concerns which I expressed as to the process, the justifications and rationale for the actions taken by the City staff- which I received minimal specific information from the Chair. I also requested a copy of the referenced communication the Chair indicated was the causative agent which initiated the removal of both projects which was not provided. I then requested a copy of the referenced correspondence be included within the minutes of the 4-29-21 Public Meeting- to help provide clarity as to the actions taken by the City. As of this date, I have not been provided a copy of the referenced communication, nor have I seen a documentation of the discussions, or responses to the questions I asked within the belated 6-18-21 draft of the 4-29-21 Public Meeting. I have submitted additional comments and concerns as to the lack of accuracy and completeness of the 6-18-21 version of draft of the 4-29-21 Public Meeting minutes.

It should be noted, the City had the ability and the opportunity to schedule either an agenda item into the 4-29-21 meeting or request a 4th meeting to be schedule to provide an opportunity for the City to present and discuss the apparently significant concerns they had with my proposed Projects for the bond- during which open discussions could be initiated during a Public Meeting, or the City could request the Task Force consider a change or modification to the proposals; and I would have been provided an opportunity to defend my proposals. At the end of the discussions with the City, the Task Force should have been provided an opportunity to vote as to the disposition of one or both of the proposals. This method would have protected the role, function and integrity of the Task Forces eventual recommendations, and would also have been conducted in a transparent manner- where all parties are provided opportunities to provide a clearer understanding of both parties intentions and concerns with opportunities for resolution of issues.

Had the City chosen to include the Task Force within the decision as to removal or retention of the two projects- during a Public Meeting, Citizens would also benefit- as the appropriate documentation of the Public Meeting would provide a mechanism for Citizens to access the information upon which decisions are made, and also gain a better understanding of the process of government.

This transparency of process is a basic element of Citizen Involvement which the City Council and the TDC stated was one of the goals to be achieved as part of the development of the Urban Renewal Bond for District #1.

However, the City staff decided to make a unilateral decision to remove both projects- outside the Public Meeting process.

Towards the end of the 4-29-21 I requested the Task Force schedule a 4th Public meeting to finalize, vote upon and generate formal recommendations for the Task Force to comment upon prior to, and as part of the formalized submission from the Task Force to the TDC

I also identified the need to obtain and complete the review and acceptance of the minutes of the 4-8-21 and 4-29-21 Public Meetings- I made additional comments as to the discrepancies which were starting to become apparent in the recollections of discussions and actions which occurred during the two meetings among many of the participants in the meetings- including if formal voting on the Projects occurred - and if so what projects were identified within the question which was associated with the vote.

The validity of any voting which may have occurred on 4-8-21 or 4-29-21 on the Projects List lacked current documentation of the Projects list at the time of the vote- as the staff had not provided any revision to the initial City generated Draft from the 3-18-21 meeting. The City also impacted of the validity and 4-8-21 consensus/vote, as the City removed two of the proposed projects presented on 4-8-21 from consideration outside the Public process and prior to the 4-29-21 meeting.

I also commented upon the need for approved minutes for the transparency of the governmental process.

The Task Force Chair commented no additional voting was necessary, he did not see a need to schedule a 4th Meeting -and then put the question to a vote. I was the only member who desired a 4th meeting- the remaining members indicated they were neutral and would participate in a 4th meeting if needed.

The Chair, the City Consultant and another member of the Task Force made recommendations that any unresolved issues could be handled on an individual basis- by reaching out to other members or to the City staff.

I elected not take the recommendations to initiate communications outside of the Public process and to solve my outstanding concerns as to the lack of finalization of the requirements of the TDC and of the State.

However I continued to submit written concerns to the Chair of the Task Force to follow up on the various updated documents he had promised to provide- on multiple occasions- but did not.

Respectfully submitted,
Grace Lucini