

**From:** [MICHELLE FELLERS](#)  
**To:** [Ext - Planning](#)  
**Subject:** Basalt Creek Employment Zone  
**Date:** Sunday, August 27, 2023 1:48:29 PM

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To: Tualatin City Council,  
My wife and I are in full support of the proposed changes.  
Regards,  
Rich and Shelley Fellers  
23750 S.W. Grahams Ferry  
Sherwood, OR 97140

Sent from my iPhone

**From:** [G Lucini](#)  
**To:** [Council](#); [Frank Bubenik](#); [Bridget Brooks](#); [Valerie Pratt](#); [Maria Reyes](#); [Christen Sacco](#); [Cyndy Hillier](#); [Octavio Gonzalez](#); [Erin Engman](#); [Ext - Planning](#)  
**Cc:** [John Lucini](#)  
**Subject:** Citizen Comments Proposed Ord# 1480-23--- For 8-28-23 City Council HEARING ITEM #1 For the Public Record  
**Date:** Sunday, August 27, 2023 10:21:06 PM  
**Attachments:** [45f77063-3b50-40b0-aad1-3b8a6d28f8a4.png](#)  
[Identification-.png](#)  
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## FOR THE PUBLIC RECORD

TO: The City of Tualatin City Council- Collectively and Individually,  
City of Tualatin Planning Department – Erin Engman

FROM: John and Grace Lucini  
8-27-2023

RE: 8-28-2023 CITY OF TUALATIN CITY COUNCIL PUBLIC HEARING ITEM #1

**CONSIDERATION ORDINANCE NO. 1480-23** Amending the Tualatin Comprehensive Plan; Amending the Tualatin Municipal Code; and Amending and Creating New Provisions in the Tualatin Development Code to Create the Basalt Creek Employment Zoning District

Please accept these Citizen Concerns as our written testimony for your consideration when deliberating if the City of Tualatin should adopt multiple changes to the City's Transportation Plan

One of the foremost Oregon Statewide Land Use Planning Goals which the City should ensure compliance to within this Land Use Planning Process:

[Goal 2: Land Use Planning OAR 660-015-0000\(2\) Goal PART I – PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.](#)

[All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable state-wide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents.](#)

As a lay person reviewing the multiple elements of proposed Ord. 1480-23, there several easily identifiable proposed Land Use Actions producing negative outcomes. The ordinance and its supporting documents- as posted for the Hearing's Information Packet did not provide adequate identification of these problems or provided adequate fact-based evaluation of alternative courses.

The City's required "FINDINGS" review of the multiple proposed Land Use Actions also did not adequately document significant negative outcomes- which should have become apparent as part of an effective review of all relevant State Land Use Planning Goals- many of which specifically address evaluation of coordination and integration of multiple facets of Land Use Planning.

There are significant concerns as to the adequacy of the City's Land Use Planning and review process for this proposed ordinance. This is noteworthy, as the City of Tualatin has been planning and adopting Land Use Planning Actions for the urbanization of the Basalt Creek Area while reliant upon some outdated, incomplete and/or inaccurate Governing Documents needed for effective Land Use Planning for the Basalt Creek Area.

**THE PROPOSED CHANGES TO THE CITY'S TRANSPORTATION PLAN -WHEN COMPARED AGAINST SEVERAL NEGATIVE OUTCOMES- DOES NOT PROVIDE SUFFICIENT JUSTIFICATION FOR THE PROPOSED TRANSPORTATION CHANGES -OTHER THAN TO MAXIMIZE THE PROFITABILITY OF THE DISTRICT DEVELOPERS.**

We have submitted 4 requests to the City and the City of Tualatin City Council.

We then provided a review of the easily identifiable negative outcomes of the proposed ordinance – which includes evaluations of compliance to relevant Land Use Planning Requirements

Lastly, we again present the same repeated comments which have been submitted since 2016- as to the need for need of complete, fact-based appropriate clear, standardized information assessments/analysis appropriately codified within the City's Governing Document needed for effective Land Use Planning, evaluation for Adoption and for reliance upon during the implementation of proposed Land Use Actions impacting the Basalt Creek Area.

Please see issues regarding stormwater management planning for the Basalt Cree Area and need for clear standardize codification of goal #5 natural resources identified within the city's natural resources maps 72-1 (NRPO) and/or 72-3- which multiple city codes intended to require and ensure the protection of citizens, property and natural resources include specific

citations to these two adopted and governing documents.

We are also providing a notification of failure to receive appropriate mailed notice of 8-28-23 hearing for the proposed ordinance 1480-23- as affected property owners of land which abuts the eastern border of the proposed employment district.

As the City FINDINGS for the proposed Ordinance # 1480-23 indicates compliance to the State's Land Use Planning Goal #1 for Citizen Involvement- we are informing the City of Tualatin we did NOT receive appropriate Notice of the 8-28-2023 Hearing before the City of Tualatin City Council for the proposed ordinance. As the eastern border of the proposed Employment District directly abuts the western border of our residential property- we are within the required 500-foot Notice requirement as "affected persons" for a proposed major Land Use Action impacting multiple properties and owners and which is seeking changes to multiple Governing Documents affecting our property.

Reviewing Exhibit, A Affidavit of Mailing included with the proposed ordinance for the 2-28-23 Hearing, it should be noted not only our names are missing from the document identifying those who were mailed Notice of the Hearing, but there are several of my neighbors along Boones Ferry Road- whose names are not included.- Please see attachment.

Having submitted prior written comments to the City, the Tualatin Planning Commission, and the Tualatin City Council on 1-21-23 regarding this same proposed Land Use Action- it is surprising we were not properly Noticed, but then we also did not receive a response from either the Planning Commission (the City's identified entity which the City states fulfills the State's Goal #1 Citizen Involvement Requirements) nor did we receive a reply from the City or Council

There are numerous concerns as to the City of Tualatin's compliance to the State's Goal 1 Citizen Involvement program's requirements. This appears to be a long term historically systemic issue.

Goal #1 states:

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

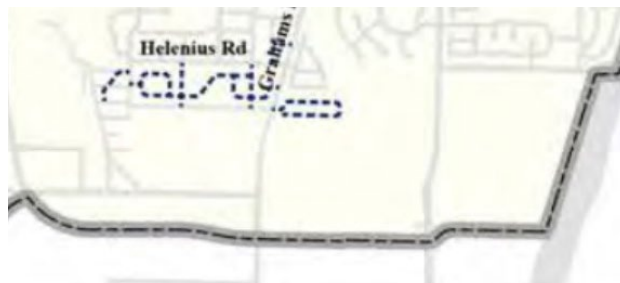
On 3-2-20 I submitted a Public Records Request to the City of Tualatin asking for the required letter requesting the authorization of the City's Planning Department to assume the responsibilities of the City's designated CCI. The City did not produce either the Letter from the City of Tualatin to LCDC, nor the LCDC's letter response.

As residents of unincorporated Washington County we have no elected representation within the City of Tualatin's Land Use Planning process. We are also denied membership in the City's stated "Citizen Involvement Programs" known as CIO- as we are not residents of the City.

**THE COMPLIANCE TO OREGON STATEWIDE LAND USE MULTIPLE PLANNING GOALS #1 FOR PROPOSED ORDINANCE #1480-23 HAVE NOT BEEN MET.**

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**PROPOSED CHANGES TO MAP 8-3  
CAUSE SIGNIFICANT TO MULTIPLE NEGATIVE LAND USE GOALS IMPACTS**



**EXISTING MAP 8-3 INDICATING CURRENTLY PLANNED LOCAL STREETS**

**-BASALT CREEK AREA**



**1. WE REQUEST THE CITY TO RE-EVALUATE LAND USE PLANNING PRIORITIES FOR DEVELOPMENT OF THE BASALT CREEK AREA**

**- TO INCREASE THE IMPORTANCE RANKING OF PLANNING FOR SAFETY FOR**

- FREIGHT AND LOCAL RESIDENTIAL DRIVERS,
- PEDESTRIANS AND
- BICYCLISTS
- OVER POTENTIAL INCREASED FINANCIAL BENEFITS TO DEVELOPERS
- The proposed ordinance increases concentration and co-mingling freight and local residential traffic, pedestrians and bicyclists onto fewer roads within the southern portion of The City/Basalt Creek Area-generating multiple traffic and safety concerns reduces the
- The proposed ordinance eliminates multiple planned roads in the southern Basalt Creek Area, which are replaced by significantly enlarged private industrial and /manufacturing buildings and parking lots than currently planned.
  - Eliminating multiple short road segments or multiple routes throughout the southern Basalt Creek Area increases probability of trespass cut through of the large private industrial and manufacturing parking lots which creates multiple safety issues for tenants, vehicles, drivers, pedestrians and/or bicyclists.

**2. WE REQUEST THE CURRENTLY PLANNED LOCATIONS AND CONFIGURATION OF PUBLIC ROADS BE RETAINED THROUGHOUT CENTRAL AND SOUTHERN BASALT CREEK -**

**TO RETAIN A HIGHER LEVEL OF COMPLIANCE TO MULTIPLE STATE LAND USE GOALS- AS COMPARED TO THE MULTIPLE LAND USE ACTION WITHIN PROPOSED ORD 1480-23 INCLUDING:**

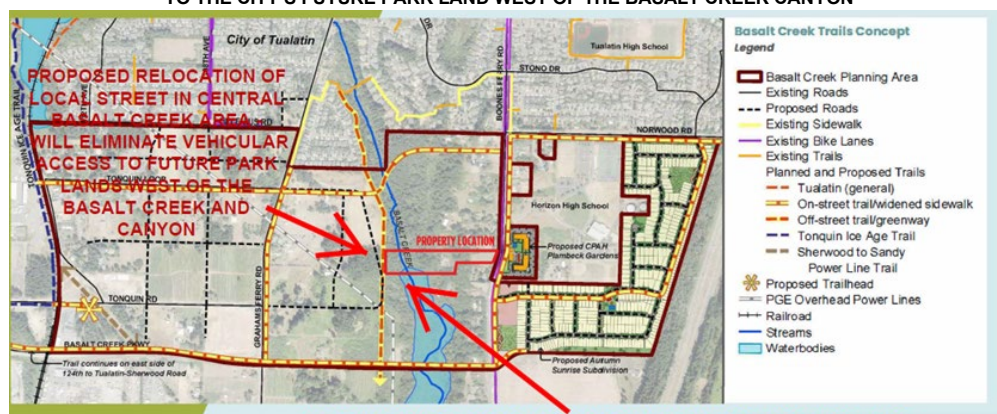
**Goal 12: Transportation OAR 660-015-0000(12); Goal 14: Urbanization OAR 660-015-0000(14); Goal 11: Public Facilities and Services OAR 660-015-0000(11); Goal 10: Housing OAR 660-015-0000(10); Goal 8: Recreational Needs OAR 660-015-0000(8) and Goal 2: Land Use Planning OAR 660-015-0000(2).**

- Effectively provides multiple modes of transportation with the creation of sidewalks and bike lanes with the development of multiple public roads.
- Provides for multiple interconnections within the southern portion of the city and Basalt Creek
- Provides multiple options to re-route freight and local residential vehicles to alternative or less congested roads during commute or business hours.
- Provides multiple route options facilitates the speed and flow of freight traffic attempting to access decreased number of local public roads or the regional freight route- the Basalt Creek Parkway
- Continues effective planning for integration of access points to multiple routes for multiple modes of transportation to future public recreational activities – including the trailhead for the Tonquin Ice Trail and other future recreational facilities including parks and trails within the entire southern portion of Tualatin and to surrounding communities.

**3. WE REQUEST THE SPECIFIC RETENTION OF THE CURRENTLY PLANNED ROAD WEST SIDE OF THE BASALT CREEK CANYON –  
- TO PROVIDE THE ONLY VEHICULAR ACCESS TO THE WESTERN BORDER OF THE CITY'S NEWLY PURCHASED 13+ ACRES FUTURE RECREATIONAL PARK AND NATURAL AREA**

- o Necessary for vehicular access for future construction on city lands west of the Basalt Creek Canyon
- o Necessary for access by vehicles for maintenance, and other public services to the City's lands west of the Basalt Creek Canyon
- o Necessary for access by vehicles by the Public in the future to the City's park lands west of the Basalt Creek Canyon
  
- o Necessary for future provision of City Services—including water, future construction and future public access
  
- o To continue to provide effective and timely provision of police and emergency services within the central Basalt Creek Area west of the Basalt Creek Canyon which include challenging areas to monitor, and which contain attractive nuisances.
  - o Including the canyon's steep slopes and the waters within the canyon's wetlands
  - o Including the western portion of the City's future park
  
- o Continue to provide multiple access points to the planned future pedestrian trail to run north-south along the eastern edge of the proposed Employment District- it is unclear if this planned north-south future pedestrian trail is incorporated into the proposed ordinance.
  
- o To continue to provide visual access from a public road -east towards the City's future park and natural areas-
  
- o And for continued provision of public safety throughout the eastern and central Basalt Creek Area-unencumbered by landscaping and berms surrounding the large parking lots and borders of the proposed Employment District

**IDENTIFICATION OF CURRENTLY PLANNED ROAD WEST OF BASALT CREEK CANYON  
WILL PROVIDE THE ONLY VEHICULAR ACCESS  
TO THE CITY'S FUTURE PARK LAND WEST OF THE BASALT CREEK CANYON**



**23515 SW BOONES FERRY ROAD PROPERTY PURCHASED FOR FUTURE PARK  
ADDITIONAL PROPERTY PURCHASED BY THE CITY DIRECTLY ADJACENT TO THE NORTH**

**4. WE PROVIDE A 2nd SPECIFIC REQUEST FOR THE RETENTION OF THE CURRENTLY PLANNED ROAD WEST SIDE OF THE BASALT CREEK CANYON –  
- TO CONTINUE TO PROVIDE THE ONLY VEHICULAR ACCESS TO THE WESTERN BORDER OF CURRENTLY ZONED AND BUILDABLE RESIDENTIAL ACREAGE WEST OF THE BASALT CREEK**

## CANYON FOR FUTURE HOUSING NEEDS

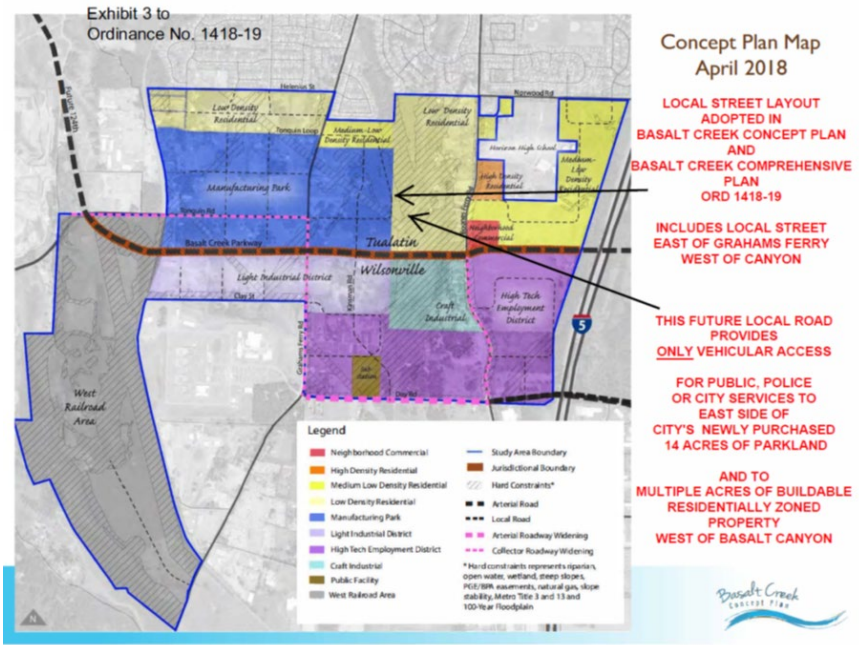
- This is a redundant request for the retention of this currently planned road west of The Basalt Creek Canyon- as this currently planned road provides multiple functions/uses to address multiple types of transportation needs for multiple entities.
- This road will allow additional residential development in the Basalt Creek Area- which helps address available housing needs.

However, the proposed ordinance DOES negatively impact and change current existing City Documents and eliminates the ONLY vehicular access to currently zone residential acreage west of the Basalt Creek Area which are identified as suitable for development (as included within the documents for Ordinance 1418-19- the Basalt Creek Comprehensive Plan). This land is currently undeveloped.

The elimination of the currently planned loop of roads which run east of SW Grahams Ferry Road towards the western side of the Basalt Creek Canyon (near the City's newly acquired Park Lands- will virtually eliminate any residential development on this acreage.

- The proposed road change is not compliant with Statewide GOAL 14 URBANIZATION" OAR 660-007-0000 to "ensure the efficient use of residential land within the regional UGB
- The proposed road change is not compliant with Statewide Goal 10: Housing OAR 660-015-0000(10) Goal To provide for the housing needs of citizens of the state.
- The proposed ordinance conflicts with attempts to meet city, regional, and state current and future residential housing needs.

THE FOLLOWING TWO MAPS IDENTIFY  
THE LOCATION OF RESIDENTIALLY ZONED LANDS WEST OF THE BASALT CREEK CANYON  
WITH ACREAGE SUITABLE FOR BUILDING  
AND THE CURRENTLY PLANNED ROAD WHICH PROVIDES THE ONLY VEHICULAR  
ACCESS WHICH WOULD ALLOW FUTURE DEVELOPMENT



THE BLACK ARROW IDENTIFIES LOCATION OF RESIDENTIALLY ZONED BUILDABLE ACREAGE WEST OF THE BASALT CREEK CANYON AND EAST OF THE PROPOSED EMPLOYMENT DISTRICT



**THE CITY’S REVIEW AND “FINDINGS” AS TO COMPLIANCE TO OREGON STATEWIDE GOAL #10 STATES:**

Goal 12 Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding:

The proposed amendments include changes related to transportation and to the Comprehensive Plan Functional Classification Plan (TSP Figure 1 and Comprehensive Plan Map 8-1), Local Street Plan (Comprehensive Plan Map 8-3), and Bicycle and Pedestrian Plan (Comprehensive Plan Map 8-4). Map 8-1 would reclassify Tonquin Loop and 112th Avenue from Local Streets to a Major Collector and Minor Collector, respectively. This change will limit driveway access of the adjacent residential areas to the nearest local streets identified on Map 8-3. The pedestrian and bicycle system will also be updated accordingly on Map 8-4. Findings for the Transportation Planning Rule under OAR 660-012-0060 are included in Section B. of this document, but ultimately the establishment of the proposed. The proposed changes to the currently adopted Transportation Plan within the Basalt Creek Area

However, the City did not acknowledge nor include review impact of proposed ordinance #1480-23 changes upon of all relevant and important Goal 12 Transportation elements (OAR) 660-012-0000 which also include:

- (1d) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access and circulation, with improved connectivity to destinations people want to reach, such as education facilities, workplaces, services, shopping, places of worship, parks, open spaces, and community centers.
- (n) Encourage changes to comprehensive plans to be supported by adequate planned transportation facilities for all modes.

- (1h) Facilitate the safe flow of freight, goods, and services within regions and throughout the state through a variety of modes including road, air, rail, and marine transportation.
- (i) Protect the functions of existing and planned transportation facilities, corridors, and sites

**THE PROPOSED ORDINANCE #1480-23 SEEKS CHANGES TO THE EXISTING TRANSPORTATION PLAN WHICH HAVE MULTIPLE NEGATIVE IMPACTS ON MULTIPLE LAND USE GOALS**

**EXPECTED OUTCOMES ARE IDENTIFIED SHOULD PROPOSED ORDINANCE #1480-23 BE IMPLEMENTED AS COMPARED TO THE EXPECTED OUTCOMES OF IMPLEMENTATION OF CURRENT TRANSPORTATION PLAN:**

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Eliminates several currently planned Public roads throughout the majority of the southern Basalt Creek Area

*CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Co-mingles and concentrates both freight and local residential traffic onto fewer roads in the southern portion of the City of Tualatin with residentially zoned Land Uses to the north and east-potentially decreasing the flow of traffic especially during business and/or commute hours.
  - Any additional congestion on the remaining Public roads in the Basalt Creek Area negatively impacts the speed and flow of freight traffic locally and timely access to the regional freight corridor – the Basalt Creek Parkway.
  - increased vehicular traffic onto fewer roads- increases traffic safety concerns due to divergent types and speeds of vehicles.

*CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Negatively impacts both vehicular and non-vehicular transportation routes- with decreased roads in the southern portion of the Basalt Creek Area, the related sidewalks and bike lanes are eliminated within the southern portion of the Basalt Creek Area and negatively eliminates multiple planned modes of transportation.

*CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Significantly reduces inter-connectivity of currently planned Public roads, and Public pedestrian and bicycle route in southern and central Basalt Creek Area

*CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Eliminates and negatively impacts multiple routes to access local recreational opportunities by vehicles, pedestrians and/or bicyclists.
  - Including the proposed trailhead for the Tonquin Ice Trail off Tonquin in southern Basalt Creek Area
  - eliminates all vehicular access to the entire west side of the City's newly acquired future parks lands-necessary for maintenance, Public Safety and Public access.

*CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000; Goal 8: Recreational Needs OAR 660-015-0000(8); Goal 14: Urbanization OAR 660-015-0000(14)*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Encourages trespass onto private industrial and manufacturing lands- by vehicles, pedestrians and bicyclists seeking to find alternative, less congested or shorter routes throughout the southern Basalt Creek Area- and through parking lots not designed or intended for Public throughways- creating safety and legal problems.

*CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Eliminates currently planned vehicular access on the eastern border to buildable residentially zoned lands on the eastern border of proposed changes and west of the Basalt Creek Canyon
- Conflicts with attempts to meet City, Regional, and State current and future residential housing needs.

*CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000;660-007-0000 GOAL 14 URBANIZATION to "ensure*



*the efficient use of residential land within the regional UGB”; Goal 10: Housing OAR 660-015-0000(10)*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- Disproportionally shifts impacts of currently planned roads within the southern portion of the Basalt Creek Area north into planned residentially zoned lands- increasing future residential development costs which results in higher home acquisition costs.
  - The elimination of multiple roads planned within southern Basalt Creek Area will increase the number of developable lands within the proposed Ordinance -BUT the proposed offset to place more roads to the north into residentially zones lands will reduce the amount of residential land for development
  - The elimination of multiple roads planned within southern Basalt Creek Area will decrease construction costs of multiple roads currently plan of lands within the proposed Ordinance But the proposed offset to place more roads to the north into residentially zones lands will increase the cost residential land for development due to increased number of roads.
  - The proposed ordinance conflicts with attempts to meet city, regional, and state current and future residential housing needs.

*CONFLICTS WITH CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000; Goal 10: Housing OAR 660-015-0000(10); GOAL 14 URBANIZATION OAR 660-007-0000 to “ensure the efficient use of residential land within the regional UGB)*

**EXPECTED OUT COME ORDINANCE #1480-23\_**

- The proposed Ordinance specifically codifies several new roads- with specific locations and configurations on residentially zoned lands - outside of the lands directly involved within the proposed Ordinance.
  - The proposed Ordinance places an undue Land Use Planning encumbrances on multiple acres of residentially zoned lands- which are not within the proposed “Employment District.”

*CONFLICTS WITH CONFLICTS WITH Goal 12 Transportation elements (OAR) 660-012-0000; Goal 10: Housing OAR 660-015-0000(10); GOAL 14 URBANIZATION OAR 660-007-0000 to “ensure the efficient use of residential land within the regional UGB)*

- Ineffective or poor Land Use decisions made using Inaccurate, or incomplete facts within the City’s Land Use Governing Documents of the City may cause ineffective or poor Land Use Planning- places Citizens, property and Natural Resources the City is required to protect at risk from stormwater erosion, flooding, negative impacts to the steep slopes of the Basalt Creek Canyon which have identified locations of land instability to land slide hazards. The are other potential negative outcomes of pollution of water which may negatively impact the 14+ acres of wetlands within the Basalt Creek Canyon.

The proposed ordinance is not compliant with City of Tualatin’s TDC 72.010. - Purpose.

- (1)To identify and protect by preservation and conservation the designated significant natural resources and Other Natural Areas. The designated significant natural resources are greenways and natural areas, which include the riparian areas and scenic areas of the Tualatin River and certain creeks and drainage swales, wetlands, upland forests, meadows, fish and wildlife resources, and the geologic features of the Tonquin Scablands. Significant Natural Resources are identified on the Significant Natural Resource List and Map TDC 72.013 and Map 72-3. TDC). The significant natural resources designated for protection are shown on Map 72-1.
  - (2)To provide sufficient area for stormwater runoff to reduce flood hazards and enhance water quality.
  - (3)To provide public access to scenic and riparian areas, where appropriate, by designating pedestrian and bicycle path locations.
  - (4)To provide specific design standards for development adjacent to, and within, greenways and natural areas in order to preserve and conserve them, and provide mechanisms for the granting of easements or dedications for Greenways, and Natural Areas while allowing reasonable economic development of property adjacent to the greenways and natural areas.
- (Ord. 635-84, § 30, 6-11-84; Ord. 933-94, § 31, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 30, 7-14-97; Ord. 1427-19, § 32, 11-25-19) EMPHASIS ADDED

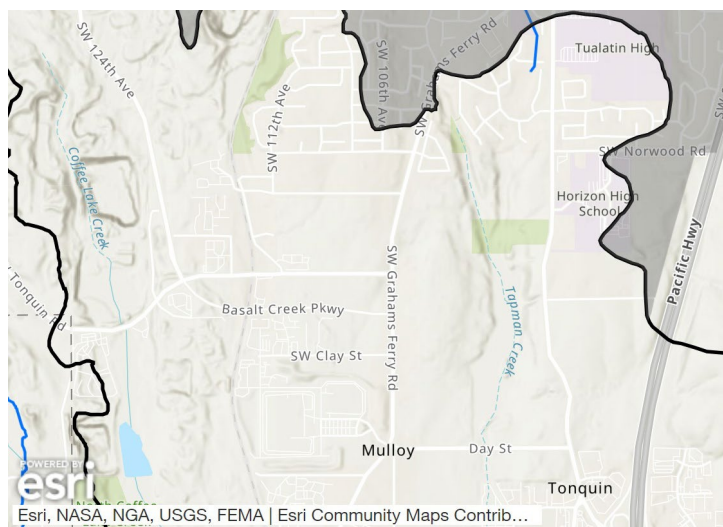
Due to incomplete, inadequate assessment, documentations or codification various Goal 5 and/or Title 13 Natural Resources known to exist within the Basalt Creek Area are not included with the City’s adopted and Governing Documents 72-1 or 72-3. Lacking accurate identification or codification of these resources in 72-1 or 72-3, per TDC 72.010 multiple natural resources in the Basalt Creek Area are not provided the protections the City is required to provide.

- The City has adopted specific Development Codes TDC and Municipal Codes TMC intended to provide protections of Natural Resources the City is required to protect. Multiple City Codes include specific citations to Map 72-1, “NRPO” or 72-3 to identify the actual locations of the various Natural Resources which should be protected within the -City’s Land Use -Planning Jurisdiction. Please see attached list of some of the City Codes which only provide protections to the information contained within Natural Resources Maps 72-1 or 72-3.

It is unclear what Evaluation Criteria and fact based assessments were utilized to determine the City’s **FINDING:** “The proposed amendments conform to Goal 5.

The City did not provide sufficient fact based information to imply that ALL of the multiple proposed Land Use actions contained within the proposed Ordinance # 1480-23 - impacting virtually every quadrant of the North, East, South and Central portions of the Basalt Creek Area will protect and conserve the multiple Natural Resources known to exist within the Basalt Creek Area.

- Compliance to various City Codes which state compliance to Stormwater Management, Water Quality, Protection of Natural Resources based upon the compliance to the Tualatin Drainage Plan or the Tualatin River Basin Plan- should realize the majority of the lands in the Basalt Creek Area are NOT within the Tualatin Watershed- but are within the Willamette River Shed.



- The Tualatin Basin Drainage Plan does not include the Willamette Watershed within the scope of the document.
- The 2007 Tualatin Basin Goal 5 Program Implementation Report Final Report on Functional Plan Title 13 compliance- specifically and repeatedly states, “Each Basin jurisdiction is responsible for drafting and adopting local comprehensive plan and/or development code amendments necessary for implementation of habitat friendly practices”.
- The City of Tualatin submitted as a supporting document Exhibit 6 for inclusion in Ord 1418-19 the Basalt Creek Comprehensive Plan  
 Exhibit 6 to Ord 1418-19 is a December 5, 2006  
 Letter from Metro  
 RE: “CITY OF TUALATIN TITLE 13 AND TUALATIN BASIN PLAN COMPLIANCE REVIEW”.  
 The Metro letter specifically states, “This compliance review by Metro is a review only of whether the amendments Tualatin is proposing are consistent with the UGMFP, and is not a review of whether Tualatin has complied, or will comply, with the other requirements of Option 5 and the Tualatin Basin Program.”

The Metro letter also identified additional actions still needed to be taken by the City of Tualatin to satisfy Metro’s review.

- The multiple proposed changes to the City of Tualatin's Comprehensive Plan, changes to Land Use Designations, changes to the City's Transportation Plan and City maps, impacting approximately 150 acres, impacting multiple property owners directly is a major Plan change.
- With the proposed post-acknowledgement plan changes /amendments, the City has the opportunity to address and correct inaccurate, outdated, incomplete, or absent Land Use Planning Documents, City Codes and other Governing Documents which are necessary in the effective Land Use Planning, processing and reviewing, and later implementation of Land Use Actions for the City's urbanization of the Basalt Creek Area.
- Yet, the City has known since 2004 of the need to have current, complete and accurate Land Use Planning documents and assessment tools for the effective urbanization of the Basalt Creek Area in order to produce positive outcomes and a healthy community.
- The City of Tualatin has yet to adopt a Stormwater Management Plan (as required by the State (LCDC Chapter 660 Division 11 PUBLIC FACILITIES PLANNING OAR 660-011-0000 Including but not limited to: OAR 66-011-0005 #7 C STORM SEWER) an integral document needed for effective Land Use Planning and review of proposed Land Use Actions. Lacking the use of this required Governing Document applicable to the Basalt Creek Area as part of the review and assessment of compliance of this proposed ordinance does not provide complete fact-based information upon which the Governing Body is reliant upon to make informed decisions.

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

## ATTACHMENTS



### AFFIDAVIT OF MAILING

STATE OF OREGON )  
 ) ss  
 COUNTY OF WASHINGTON)

I, Lindsey Hagerman being first duly sworn, depose and say:

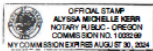
That on the 14 day of August, I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing/Application/Decision marked Exhibit B, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses reflect information received from the relevant party or agency, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, prepared to receive postage administered by city staff.

Dated this 14 of, August 2023

  
 Signature

SUBSCRIBED AND SWORN to before me this

August 14<sup>th</sup> 2023



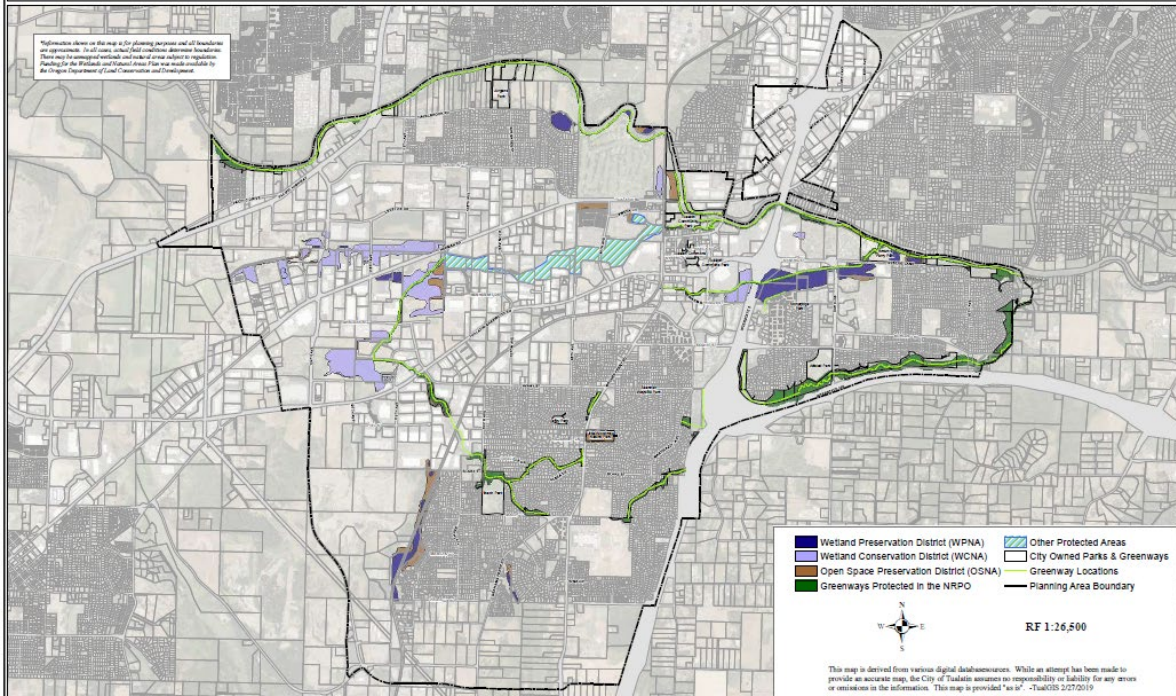
  
 Notary Public for Oregon

My commission expires: 8/30/24

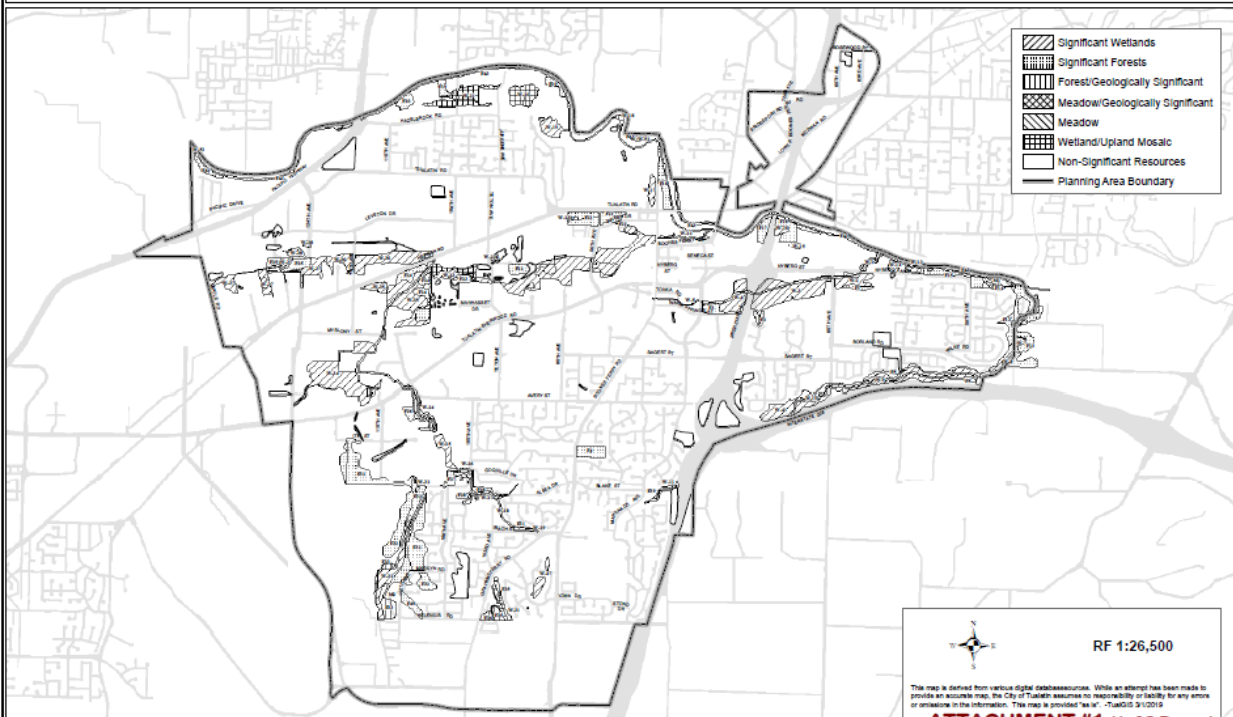
**Exhibit A.**

WOODBURN INDUSTRIAL CAPITAL GROUP LLC PO BOX 1060 WOODBURN, OR 97071	WOODBURN INDUSTRIAL CAPITAL GROUP LLC PO BOX 1060 WOODBURN, OR 97071	WOODBURN INDUSTRIAL CAPITAL GROUP LLC PO BOX 1060 WOODBURN, OR 97071
WASHINGTON COUNTY 1400 SW WALNUT ST MS 18 HILLSBORO, OR 97123	WASHINGTON COUNTY 1400 SW WALNUT ST MS 18 HILLSBORO, OR 97123	WASHINGTON COUNTY 1400 SW WALNUT ST MS 18 HILLSBORO, OR 97123
WASHINGTON COUNTY 1400 SW WALNUT ST MS 18 HILLSBORO, OR 97123	WALDO RONALD M TRUST 30963 SW TONGUIN LOOP SHERWOOD, OR 97140	VANAUSTEN PATRICIA MARIE & VANAUSTEN CARL VICTOR 16100 SW HIGHPOINT DR SHERWOOD, OR 97140
UNITED STATES OF AMERICA 1002 NE HOLLADAY ST PORTLAND, OR 97232	UNITED STATES OF AMERICA 1002 NE HOLLADAY ST PORTLAND, OR 97232	TYLER MONIQUE J & BUTLER AUDREY B REV TRUST PO BOX 242 TUALATIN, OR 97062
SHERWOOD GRAHAMS FERRY INVESTORS LLC 22400 SALAMOND RD STE #106 WEST LINN, OR 97068	SCHNITZER PROPERTIES LLC 1121 SW SALMON ST STE 500 PORTLAND, OR 97205	SCHNITZER PROPERTIES LLC 1121 SW SALMON ST STE 500 PORTLAND, OR 97205
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OREGON STATE OF DEPT OF TRANSPORTATION 4040 FAIRVIEW INDUSTRIAL DR SE MS #2 SALEM, OR 97302	OLSON DALE G 11330 SW TONGUIN LOOP SHERWOOD, OR 97140	OLSON DALE G 11330 SW TONGUIN LOOP SHERWOOD, OR 97140
OAKES LARRY M 732 N S LOW RD SEAL ROCK, OR 97137	MCLEOD ESTELLA L 13400 NW FIRECREST DR CARLTON, OR 97111	MCLEOD ESTELLA L 13400 NW FIRECREST DR CARLTON, OR 97111
MOJURE BROS LLC 947 SE MARKET ST PORTLAND, OR 97214	LITERAJRI 9287 SW SWEET DR TUALATIN, OR 97062	LITERAJRI 9287 SW SWEET DR TUALATIN, OR 97062
LEITGB SHIRMAN W & LEITGB LARK L 2320 SW GRAHAMS FERRY RD SHERWOOD, OR 97140	LEGGETT ALBERT SCOT 11150 SW TONGUIN LOOP SHERWOOD, OR 97140	KCV PROPERTIES LLC 4825 SW EVANS ST PORTLAND, OR 97219
ICE JAMES NEAL & ICE CHRISTINE MARIE 11348 SW TONGUIN LOOP SHERWOOD, OR 97140	ICE JAMES NEAL 11348 SW TONGUIN LOOP SHERWOOD, OR 97140	ICE JAMES NEAL 11348 SW TONGUIN LOOP SHERWOOD, OR 97140
HOUSTON HOWARD W JR FAMILY TRUST PO BOX 343 ODELL, OR 97044	GERTTULA DEBRA KAY & GERTTULA SUZANNE & GREENWAIT JUDY ET AL 770 AVENUE S SEASIDE, OR 97138	FOX LOIS C REV TRUST 23550 SW GRAHAMS FERRY RD SHERWOOD, OR 97140
FELLERS RICHARD R & FELLERS MICHELLE E 15016 S KIRK RD OREGON CITY, OR 97045	CHILDS THOMAS L & CHILDS HANNAH J & POWELL SCOTT D ET AL 23470 SW GRAHAMS FERRY RD SHERWOOD, OR 97140	BOWEN EDWARD A 640 SEA SPRAY PL BULLHEAD CITY, AZ 86442
BOWEN EDWARD A 640 SEA SPRAY PL BULLHEAD CITY, AZ 86442	BEWLEY ROY W JR & BEWLEY KELLEY J 11210 SW TONGUIN LOOP SHERWOOD, OR 97140	SASALT INDUSTRIAL LLC & A R M AL ASSOCIATES PC 13170 SW WALL ST PORTLAND, OR 97223
ANDERSON STEPHEN & ANDERSON BORIGNY 8590 SW MIAMI ST WILSONVILLE, OR 97070	ANDERSON STEPHEN & BORIGNY FAM TRUST 8590 SW MIAMI ST WILSONVILLE, OR 97070	ANDERSON STEPHEN FRANK & ANDERSON BORIGNY ARI 8590 SW MIAMI ST WILSONVILLE, OR 97070
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### Map 72-1: Natural Resources Protection Overlay District (NRPO) and Greenway Locations



### Map 72-3: Significant Natural Resources







August 21, 2023

RE: Please Support Planning Commission's Recommended BCE zone code

Dear Tualatin City Council,

As the CEO of the Tualatin Chamber of Commerce, it is my job to be in touch with our business community regularly. It is also our mission and my responsibility to make sure that I understand their needs and advocate for their desires.

On many occasions I have had discussions with our Industrial area businesses about how they will need to relocate to Sherwood and other nearby locales where they have more opportunity to lease space in flexible industrial use buildings for their businesses to operate as they outgrow their buildings in Tualatin. This is very upsetting and disappointing to me and my Board of Directors. We believe in our city and want to see it flourish, not be reduced, or stagnate. We are concerned when some of our most successful businesses talk about being forced to look at other cities for their needs because our codes prohibit them from being able to stay as they need to expand.

At the request of one of our long-standing members, the Business Advocacy Council at the Chamber convened meetings throughout 2023 to discuss the Basalt Creek employment zone codes that were limiting and restrictive to businesses. We invited the city planning department and numerous stakeholders, to join in the dialogue. Every effort was made to have a fair and intelligent discussion about the best way to develop Basalt Creek for the highest good of all concerned. I believe we have made a fair, intelligent, and sensible case for why the change in codes as recommended by Planning Commission is the best plan for Basalt Creek and will serve the people, the businesses, and the city in the most prosperous and equitable way. The recommended change in the code by Planning Commission will allow more flexibility for industrial uses and will bring more and better business to Tualatin and allow our established businesses to stay and grow in Tualatin. I also believe...actually, I know, that this investment in Tualatin will serve the people and the city for many years in the future. The Board of Directors, the Business Advocacy Council, and the CEO of the Tualatin Chamber of Commerce respectfully request that you pass the code as recommended by Planning Commission for the Basalt Creek Employment zone.

Respectfully,

A handwritten signature in black ink that reads "Anneleah Jaxen". The signature is written in a cursive, flowing style.

Anneleah Jaxen, CEO



City of Tualatin  
Attn: City Councilors  
18880 SW Martinazzi Avenue  
Tualatin OR 97062

RE: Support of the Planning Commission's Recommended Code for Basalt Creek  
Employment Zone (BCE)

Dear Councilors,

Thank you allowing me to submit this testimony as a stakeholder in support of the Planning Commission's code update allowing for more flexible industrial space in the Basalt Creek Employment area. I submit this testimony on behalf of the members of Westside Economic Alliance (WEA) and stakeholders. We are a member-based association that advocates for a healthy economy on the Westside of the metro Portland region. We represent nearly 200 organizations who employ thousands of workers.

Our membership brings together large corporations like Intel, Comcast, PGE and NW Natural, major hospitals systems including Kaiser, Providence and OHSU as well as banks, property management companies, developers, engineering firms, and more. In addition to our private sector members, we are unique in also representing public sector members including all thirteen cities in Washington County plus West Linn and Lake Oswego, as well as having both Washington and Clackamas counties as members. We represent special districts including fire and rescue, parks and recreation, water and school districts. Finally, we have non-profit members who provide direct services from mental health to substance use disorder to housing development throughout the region.

WEA supports the Planning Commission's recommended code update of the Basalt Creek Employment zone for the Basalt Creek industrial area. The recommended code will allow more flexibility in allowed uses, specifically allowing for wholesale uses and warehouse uses in addition to manufacturing uses. This change is important to address the shortage of available space and the buildable industrial land supply within the region, as demonstrated by the very low vacancy rates. Our region has business demand that will create employment and tax revenue to benefit the broader economy of the Westside.

We understand that there has been concern about increased job density and traffic impacts that might result from this shift to flexible industrial space. With the studies completed by the stakeholders and the City's own consultant, it's clear these concerns are misplaced. The job density and wages are comparable between manufacturing, warehouse and wholesale uses. As identified in both the City's traffic study and the stakeholders' traffic study, with the mix of industrial uses,

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City of Tualatin

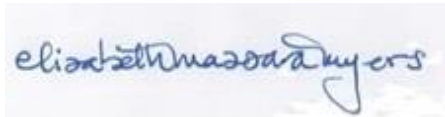


traffic is actually reduced. Additionally, city code already has provisions for setbacks, screening, landscaping and other similar issues raised.

Westside Economic Alliance believes we need to identify and support smart investments that grow our regional in thoughtful and sustainable ways. We believe this code change will allow for increased employment opportunities in an urban area by encouraging private investment, providing more funding to the Urban Renewal Area over the long term.

We request your support of the Planning Commission's recommended code.

Thank you for the opportunity to provide this testimony.

A handwritten signature in blue ink that reads "elizabethmazzaramyers". The signature is written in a cursive, lowercase style.

Elizabeth Mazzara Myers, Executive Director

**From:** [Steve Koper](#)  
**To:** [Luxhoj, Cindy](#); [Erin Engman](#)  
**Cc:** [Bateschell, Miranda](#)  
**Subject:** RE: RE: Basalt Creek Industrial Code Project  
**Date:** Tuesday, January 17, 2023 12:17:30 PM  
**Attachments:** [image001.png](#)

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Hi Cindy,

Please see below for responses. We appreciate your comments; we'll share them with our Planning Commission and City Council. We plan to meet with our City Council at the end of February. We'd be happy to set up a meeting to provide you with an update on the project before we go through to adoption if there's interest in that.

Best,

-Steve

**Steve Koper, AICP**

Assistant Community Development Director  
City of Tualatin | Planning Division  
503.691.3028 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

---

**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Tuesday, January 17, 2023 10:58 AM  
**To:** Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>  
**Cc:** Steve Koper <[skoper@tualatin.gov](mailto:skoper@tualatin.gov)>; Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>  
**Subject:** RE: RE: Basalt Creek Industrial Code Project

Hi Erin,

I hope you're year is off to a great start!

Thank you for sending the announcement about the Planning Commission meeting this Thursday about the Basalt Creek Employment (BCE) Zoning District. Will the meeting be recorded and available for viewing afterward? I'm on vacation this Thursday and Friday, but would like to watch the recording next week if possible.

After the open house last July, I sent you a few questions, which I've listed below. You were going to think about them and get back to me, but I don't recall hearing from you. I looked through the Planning Commission packet and made some notes/revisions to my questions, but I'd appreciate confirmation from you or any additional information you think would be helpful:

- Have you considered a form-based code for this area, such as Wilsonville has in the Coffee Creek Industrial Area, as a means to making the area more human scale and pedestrian/bicyclist friendly?

○ Notes:

- *The scenarios appear use-based rather than form-based. Is this accurate?*

RESPONSE: Yes.

- *It looks as though commercial and retail uses, as well as a mobile food unit, are being allowed on SW Grahams Ferry Road. Is this correct? Was this anticipated in the Basalt Creek Concept Plan for this area? If not, how are changes in trip generation/transportation impact being addressed?*

RESPONSE: Employment dense uses were envisioned in the Concept Plan. The MP zoning code, as applied, has limits on commercial uses greater than what is allowed under Metro's Title 4 for employment areas. The draft code expands the code to allow commercial uses up to those limits, but allows only some of those uses in the Grahams Ferry Corridor.

- What about a combination of zones, with lower intensity manufacturing/warehousing/distribution next to residential areas and more intense use to the south and west near the Basalt Creek Parkway?

○ Notes:

- *It doesn't appear this is the case; however, it looks like landscaping and variation in setbacks are used to provide buffering and separation. Is this accurate or is there gradation in intensity that I'm not seeing?*

RESPONSE: Yes.

- Where in the analysis is trip generation considered? Manufacturing Park was the assumed use with 725 trips (7.80 trips per acre; Table 5 of the BC Concept Plan). If a different zone is applied to this area, how will that affect trip generation and will Tualatin still be within their assumed portion of trips?

○ Notes:

- *I see that a Transportation Planning Rule Evaluation was completed in November 2022, and there is mention of the Transportation Refinement Plan (on page 3) in the evaluation report. However, I don't see discussion of how a change to the new zoning will affect the trip calculation/analysis in the Transportation Refinement Plan. Could you provide more information about this?*

RESPONSE: The 2012 Transportation Refinement Plan was part of the Concept Plan. The Concept Plan identified zoning designations that would apply in the Basalt Creek Planning Area. The TPR analysis for the Comprehensive Plan Amendments was based on planning horizon for allowed uses for the zoning designations identified in the Concept Plan. The TPR analysis for this project will compare reasonable worst case development scenarios for the planning horizon for the existing MP zone with reasonable worst case development scenarios for the planning horizon for the proposed Basalt Creek Employment (BCE) zone. Our draft analysis concludes that the proposed BCE zone would have a slight reduction in total trips over the planning horizon. I don't know what the numbers in Table 5 refer to but they don't seem to represent the planning period given they are so small. For example, the multifamily zoning (RH) which allows 25 du/ac and was recently approved for 116 units says 42 trips, that is below the built year daily PM peak hour trips for that use...

I'm still interested in your responses.

Please let me know if you have questions or need clarification.

Thangs again,

**Cindy Luxhoj AICP**

*Associate Planner*

City of Wilsonville

503.570.1572

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[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



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**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>

**Sent:** Thursday, July 28, 2022 5:00 PM

**To:** [eengman@tualatin.gov](mailto:eengman@tualatin.gov)

**Cc:** [skoper@tualatin.gov](mailto:skoper@tualatin.gov); Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>

**Subject:** RE: Basalt Creek Industrial Code Project

Hi Erin,

Here are some links to Coffee Creek standards:

- Planned Development Industrial – Regionally Significant Industrial Area Zone is [Section 4.135.5 of the Code](#)
- Coffee Creek Industrial Design Overlay District is [Section 4.134 of the Code](#)
- [Coffee Creek Industrial Design Overlay District Pattern Book](#)
- [Web page](#) with other Final Adoption Documents for the Coffee Creek Industrial Area Form-Based Code

There are two approved projects in the Coffee Creek DOD and one more in completeness review.

Here are links to the project pages for the two approved projects:

- [Black Creek Group Industrial Project](#)
- [Coffee Creek Logistics Center](#)

Please let me know if you have questions or I can provide any other information.

Thanks,

**Cindy Luxhoj AICP**

Associate Planner

City of Wilsonville

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---

**From:** Erin Engman

**Sent:** Thursday, July 28, 2022 4:21 PM

**To:** Luxhoj, Cindy

**Cc:** Steve Koper

**Subject:** RE: Basalt Creek Industrial Code Project

**[This email originated outside of the City of Wilsonville]**

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Hi Cindy-

It was good to see you at the open house last night! And thanks for reaching out with your questions, which I have added to our comment record.

I'd like to spend some time on your questions, and will follow up with you soon. I'll also take a look at the Coffee Creek area that you mentioned. Do you have particular form-based standards that have worked well or developed examples to share?

I'm also happy to set up a follow-up conversation. I hope your summer is going well.

**Erin Engman**

Senior Planner

City of Tualatin | Planning Division

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---

**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>

**Sent:** Wednesday, July 27, 2022 6:36 PM

**To:** Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>

**Subject:** Basalt Creek Industrial Code Project

Hi Erin,

I'm following up on tonight's open house.

I had some questions, but hesitated to ask. I thought they might be too specific or technical for the audience and that it would be best to email you directly.

Here are some that came to mind during the presentation:

- Have you considered a form-based code for this area, such as Wilsonville has in the Coffee Creek Industrial Area, as a means to making the area more human scale and pedestrian/bicyclist friendly?
- What about a combination of zones, with lower intensity manufacturing/warehousing/distribution next to residential areas and more intense use to the south and west near the Basalt Creek Parkway?
- Where in the analysis is trip generation considered? Manufacturing Park was the assumed use with 725 trips (7.80 trips per acre; Table 5 of the BC Concept Plan). If a different zone is applied to this area, how will that affect trip generation and will Tualatin still be within their assumed portion of trips?

Thanks,

**Cindy Luxhoj AICP**

*Associate Planner*

City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

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**From:** [Tim N.](#)  
**To:** [Ext - Planning](#)  
**Subject:** Follow up - Planning Commission Meeting 1/19/23  
**Date:** Thursday, January 19, 2023 8:33:53 PM

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Hello,

I just wanted to write and thank the planning commission for the thoughtful considerations for the Basalt Creek Employment zone. I greatly appreciated the discussions regarding the pros and cons of the potential scenarios.

To represent the concerns of the current Byrom CIO residents, the main concerns are traffic, noise, and pollution. Traffic concerns could be partially alleviated by road enhancement projects being completed at a more rapid timeline than proposed in the Basalt Creek Master Plan. When considering industrial traffic, there is also additional concern on the quality of our roads. With more frequent heavy truck traffic, it will be important for the city to also consider the increased cost and frequency of road upkeep and repaving. Regarding noise and pollution, I believe residents will be minimally impacted SO LONG AS the final decision sets high standards for outdoor noise, environmental standards, light pollution, the designation of heavy or light industrial does not matter. I believe it was referenced that LAM Research park was created with above-the-norm environmental and noise standards, and that sounds like a great model to follow. I also believe residents would be in great support of requirements that ensured all manufacturing occurred in an enclosed building, to further effectively manage environmental and noise impacts. In terms of environment, as Tualatin is the City of Trees, I believe residents would strongly support the comments regarding having 60 - 85 foot landscaped greenspace setbacks and quality fencing, especially if these greenspaces included requirements for heavy vegetation and tree plantings, as well as sidewalk space and trails.

In terms of what would seem to be of best benefit to Tualatin, manufacturing space seems more desirable than warehouse space. Ideal manufacturing employers stand a greater chance at higher numbers of employees, compensated at a rate that affords them to also become comfortable as residents of Tualatin. I believe ideally, this plan should encourage individuals who want to work, and live, in Tualatin.

Overall, scenario A or 1A seem ideal for current and future residents, possibly scenario B with modifications, so long as the above thoughts are incorporated.

Lastly, I would like to reiterate my comments on adding more commercial space into the basalt creek master plan. To be of the greatest benefit to current residents, new residents, and new employees in the Basalt Creek Employment Zone, the plan needs to incorporate commercial space. All these individuals would benefit from a grocery and restaurants locally, otherwise they would need to commute. I strongly believe in creating local, walkable communities, and incorporating commercial space, as recommended by city council last fall, would greatly enhance the quality of life of residents and employees, and could help attract employers to the area.

Again, I greatly appreciated the thoughtful discussion. I appreciated the planning commission expressing awareness of the concerns of residents, and I look forward to further discussion with the planning commission!

-Tim Neary  
Byrom CIO Interim President



**From:** [G Lucini](#)  
**To:** [Erin Engman](#); [Council](#); [Frank Bubenik](#); [Maria Reyes](#); [Christen Sacco](#); [Bridget Brooks](#); [Cyndy Hillier](#); [Octavio Gonzalez](#); [Valerie Pratt](#); [Ext - Planning](#)  
**Subject:** PROPOSED CHANGES TO BASALT CREEK EMPLOYMENT ZONING DISTRICT PTA 22-0001 AND PMA 22-0001  
**Date:** Saturday, January 21, 2023 2:42:30 PM

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DATE 1-21-2023

FOR THE PUBLIC RECORD TO:

RE: Tualatin Planning Commission Meeting 1-19-2023 Agenda Item:

**CONSIDERATION OF PROPOSED CHANGES TO BASALT CREEK EMPLOYMENT ZONING DISTRICT PTA 22-0001 AND PMA 22-0001**

The need for thoughtful, well-planned development in the Basalt Creek Area should be the primary concern of the City of Tualatin to obtain long term success for the City, local communities, and for the provision of quality of life to all citizens. The Land Use Process should be transparent, should be based upon facts, and the municipality should seek engagement of all Citizens in all phases as part of Citizen Involvement in proposing a major Land Use Change impacting significantly large numbers of acres and various communities.

**1. A Land Use Planning process concern became apparent during the Tualatin Planning Commission Meeting (TPC) on 1-19-23 regarding Commission's recommendations to be submitted to the City Council.** During the Public Meeting of the TPC, despite the efforts of the Commission Chair, the Commission members were unable to successfully generate a clearly stated recommendation to submit to the Tualatin City Council regarding the various proposed Code changes for the Basalt Creek Area. The Chair commented he would call each member after the meeting to determine the recommendation the Commission would forward to the City Council- "if it is legal".

A clearly stated recommendation from the Commission to be presented to the City Council- was not proposed / voted upon prior to the closing of the agenda item during this Public Meeting of the Planning Commission. Yet it appears the Planning Commission's recommendations on the proposed Land Use changes are intended to be presented to the City Council on 2-27-23.

These actions raise significant concerns regarding this decision-making process, Public Transparency, and determination of the recommendations of the Planning Commission to be forwarded to the City Council for the Council's consideration and guidance-being conducted outside of a Public Meeting.

It should be noted, the City Council will be the Decision-Making Body regarding the adoption of any of the proposals, and the Planning Commissions recommendations are an integral part in the direction and ultimate outcome in this policy making process.

**2. There are substantial questions as to the need for immediate Land Use Actions, or zoning changes to be taken to jumpstart economic stimulus and development in the Basalt Creek Area due to existing conditions.**

The City of Tualatin has known of the difficulties for industrial development within the Basalt Creek Area for many years. It should not be a surprise that development within the Basalt Creek industrial area would be a relatively slow process.

- The zoning designations identified in the Basalt Creek Concept Plan were extensively debated for years prior to adoption. The zoning designations adopted during the Basalt Creek Concept Planning- were not "aspirational" as stated by City staff and also stated on a City slide presentation during the 1-19-23 Planning Commission Meeting. The zoning designations adopted as part of the Basalt Creek

Concept Plan and restated in the City of Tualatin Basalt Creek Comprehensive Plan are legally binding Land Use Planning Documents.

- The City has had knowledge for many years of multiple constraints and limitations for development in the Basalt Creek Area as identified in the Basalt Creek Concept Plan. In addition, during the City of Tualatin Basalt Creek Concept Planning process and adoption, multiple property owners provided testimony to the City of Tualatin as to the constraints and limitations of industrial development within the Basalt Creek Area would delay development in the Basalt Creek Area, and consequently requested the “Tualatin Sub Area” be zoned for residential. The City of Tualatin even brought these issues to a Metro Hearing.

**3. Statements expressed on 1-19-23 about the financial impact to the Basalt Creek Urban Renewal Bond --if the proposed Land Use changes are not enacted--should be questioned.**

- The City of Tualatin’s SW Basalt Creek SW Industrial Urban Renewal Bond is a **30-year bond**. The bond is less than 2 years into the 30-year life of the bond.
- During the drafting of this Urban Renewal Bond, when questioned by the Basalt Creek Urban Renewal Bond Task Force, the City staff responded that the forecasting for economic success of the bond did include assessments of impacts occurring from economic and business changes during 2019 to 2022.
- When drafting the Urban Renewal Bond for the Southwest and Basalt Creek Area, the City was provided information that development may not be early or rapid in the Basalt Creek Area. The City’s Basalt Creek Urban Renewal Bond Task Force identified multiple factors which may hamper development in the Basalt Creek Area including:
  - a. Basalt Creek geology, topography would be difficult and would increase construction costs.
  - b. Basalt Creek Area lacks proximity to existing City infrastructure and would be dependent on development and connectivity from the north.
  - c. Development in the southern portion of the Basalt Creek Area by the City of Wilsonville would generate from the south and may be later to develop along their northern border with Tualatin.
  - d. The Task Force also discussed the City’s lack of an adopted State mandated Stormwater Management Plan (SWMP) for the Basalt Creek Area. A well written SWMP is used as a significant part of Land Use Planning and development to ensure the effective provision of this Public Service in a timely manner (OAR 660-011-0000). Yet, the City has not yet adopted a SWMP for the Basalt Creek Area, which inhibits the ability to effectively evaluate and determine potential negative impacts of development or changes to Land Use Codes in the Basalt Creek Area, nor effectively evaluate and plan coordinated and integrated stormwater infrastructure, effectively budget for major stormwater projects for the Basalt Creek Area, nor integrate the Stormwater Plan into effective planning to prevent Natural Hazards from flooding or landslides within an area with steep Canyon slopes.
  - e. The Urban Renewal Task Force also discussed the City’s requirements to protect and conserve various Natural Resources in the Basalt Creek Area, yet the City’s adopted Natural Resource Maps - Maps 72-1 and 72-3 Significant Natural Resource Map and the City’s Map of Protected Natural Resources contain inadequate clear standardized memorialization of Goal #5 Resources which exists in the Basalt Creek Area. For example, these maps even lack identification of 14+ acres of wetlands within the Basalt Creek Canyon which

is a major constraint for Land Use Planning in the Basalt Creek Area.

Inadequate documentation within the City's adopted Natural Resource Maps has significant ramifications for safe and effective Land Use and development due to potential stormwater flooding, erosion control issues, derogation of tree canopy in wetlands & water quality concerns locally and downstream within the Willamette Basin. As City Codes reference these maps for development and enforcement – the lack of inclusion and memorialization of multiple Natural Resources known to exist in the Basalt Creek Area within City's Natural Resource/Protection Maps 72-1 and 72-3 should be of significant concern.

**4. While the City should be responsive to the needs of local businesses, it should not be the goal of a local municipality to modify existing Land Use Plans to ensure the speculative investments of developers will be able to turn a profit in a short time span.**

Requests to change land use designations to benefit a large developer should not nullify years of prior Land Use Planning at the possible expense of potential negative impacts to quality-of-life elements for local employees and/or residents- including traffic congestion, noise pollution, light pollution, air pollution, impacts upon Natural Resources, or noxious odors from enclosed buildings generated by a manufacturing business.

- A large developer and their equally large Engineering and Consulting Firm should have known of the existing zoning and developmental/construction limitations through appropriate due diligence prior to purchase. Apparently, many of the properties within the Snitzer development proposal were purchased within the last year or two, when the existing Land Use designations were already adopted.
- During the Planning Commission Meeting, the Snitzer development consultant commented their proposal:
  - *Would have minimal negative traffic impact to the local residents-*  
- yet did not address the traffic impacts to SW Boones Ferry Road nor into the at the I-5 and Elligsen Road (exit #286) interchange from their proposed Land Use changes.
  - and made comments regarding traffic flow in the Basalt Creek Area which assumed the proposed Washington County Basalt Creek Parkway Extension would be completed and functional. This proposed major Washington County transportation project is not fully designed nor is this project fully funded.
  - *Would have minimal negative impacts to Natural Resources due to the distance from the Basalt Creek Canyon Area*  
- yet the scope of the proposed Land Use changes extend east of Grahams Ferry Road with land in close proximity to the Basalt Creek Canyon where high valued habitat and wetlands may be downstream.
  - the consultant did not provide information as to the extent of grading and removal of rock, soil and habitat would need to be removed on land east of SW Grahams Ferry Road to achieve building plats with grades appropriate for proposed Land Use Changes.

**5. As resident property owners adjacent to the Basalt Creek Industrial area, we only recently learned of the proposed Land Use Changes through other citizens.** The City's presentation to the Planning Commission on 1-19-23 included multiple comments about inclusion of Stakeholders within this Land Use process and identified various prior meetings with Stakeholders. It is unknown how or when the City selected the members to represent the Stakeholder Group. The members or composition of the Stakeholder

group was not identified during the 1-19-23 presentation, nor is it clear the proportion of developers vs. Basalt Creek property owners who actually live on the surrounding lands within the Stakeholder Group. The large numbers of acres within the scope of the proposals are significant, and should be considered a major Land Use Action and for which the City's outreach and Citizen Involvement should be representatively large.

If the City's intent was to be inclusive within Public Outreach and to effectively meet the State's required Citizen Involvement goals, as property owners directly adjacent to the proposed Land Use changes, we were not contacted for input, nor notified of Public Meetings regarding the potential land use changes to the adjacent to our property. The list of Public Notice of addresses the City sent Notices of Public Meetings regarding the proposed Land Use Changes (which was included within the Informational Packet for this meeting) did not include property owners off of SW Boones Ferry Road- although many of these properties, like ours borders on the eastern edge of the lands which would undergo Land Use Changes. Our properties being adjacent properties--are obviously within feet of the lands under consideration for these proposed Land Use changes which may result in indirect impacts to our properties.

The City has our contact information. We have been very active in seeking and participating in Citizen Involvement opportunities in the development of any and all Land Use projects within the Basalt Creek Area being conducted by the City.

This is not the first-time local Basalt Creek residential property owners in the unincorporated Washington County, who are not absentee landlords but actually live on their property and may feel the impact of the proposed Land Use Actions. We have been marginalized from participation in all phases of proposed Land Use Actions impacting the Basalt Creek area... The City and the Planning Commission has been notified for years that the City's existing Citizen Involvement Program for Land Use Actions-----, excludes Washington County Basalt Creek property owners from membership within the City's "CIO's" which is the City's stated "Citizen Involvement Program" (Oregon Land Use Planning Goal #1 for Citizen Involvement OAR 660-015-0000(1) .

As the City of Tualatin also states the Tualatin Planning Commission is the City's identified "CCI" and fulfills the Goals #1 Requirements per OAR 660-015-0000(1), there is concern that the Tualatin Planning Commission during the 1-19-23 meeting did not seek information on the types of Public Outreach being conducted, or inquire as to the composition of the Stakeholder Group the City has selected to utilize and engage in the development of proposed Land Use Code Changes--- to ensure all citizens are encouraged and able to participate in all phases of the development of Land Use Actions in the Basalt Creek Area.

Prior to entertaining the desires of various developers to reduce planned Land Use limitations in order they may more easily and quickly develop their financial speculations, the City of Tualatin should focus on their responsibilities to develop and ensure effective Land Use Planning in the Basalt Creek Area.

The City of Tualatin has already become a property owner of over 7 acres identified for future park and Natural Area adjacent to the lands included in the proposed Land Use Changes for future park use directly adjacent to the lands under consideration for Code Changes. The City has indicated the goal to obtain additional lands within the Central Basalt Creek Area for more park uses.

Rather than make large Land Use Changes in the Basalt Creek Area a few years after adopting the Basalt Creek Comprehensive Plan, it would seem it would be in the best interests of the City, Citizens and the environment to ensure the City has fully and

conscientiously completed mandated assessments and analysis of the Basalt Creek Area which assist in the effective evaluation and successful planning of future development in the Basalt Creek Area (i.e. #3d and #3e listed above)... leading to effective comprehensive Land Use Planning for the Basalt Creek to generate successful short- and long-term outcomes to benefit all.

Due to the lack of a direct email address to the Tualatin Planning Commission, we request the Planning Department forward this submission to the members of the Planning Commission.

Respectfully submitted,  
John and Grace Lucini

**From:** [Chris McReynolds](#)  
**To:** [Erin Engman](#)  
**Cc:** [Steve Koper](#)  
**Subject:** Re: No High Rise Zone on Norwood; BCE Project  
**Date:** Monday, January 23, 2023 10:54:03 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image.png](#)  
[image.png](#)  
[image.png](#)

Erin,

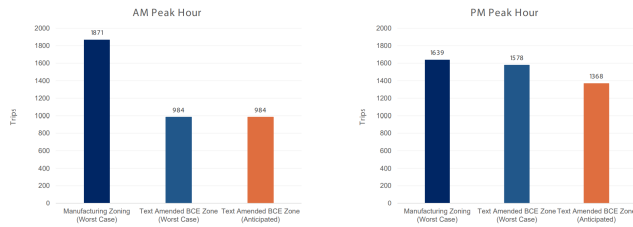
I also echo the City of Wilsonville's planning department sentiments and questions.

The provided traffic impact study by the stakeholder is all speculation. The stakeholder also indicated the percentages of use/zones would vary. In general truck traffic is also much different than conventional vehicles as you already know and will cause a compounding issue to the existing traffic problems.

Stakeholder speculation is based on the use of "Flex" space that is not really clearly defined. They cannot determine that trip generation will be lower than an MP zone based on their assumptions.

### Transportation Review of Flex Industrial

- » Transportation Impacts
  - » Peak Hour Trip Comparison of Scenario C

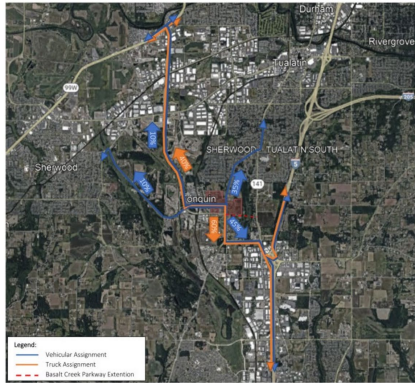


If you take the peak trip traffic shown here this would exceed Tualatin allotment per Cindy's statements.

This trip distribution is speculative.

### Transportation Review of Flex Industrial

- » Transportation Impacts
  - » Trip Distribution



I agree with Cindy's comments.

---

**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Sent:** Wednesday, July 27, 2022 6:36 PM  
**To:** Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>  
**Subject:** Basalt Creek Industrial Code Project  
Hi Erin,  
I'm following up on tonight's open house.

---

I had some questions, but hesitated to ask. I thought they might be too specific or technical for the audience and that it would be best to email you directly.  
Here are some that came to mind during the presentation:

- Have you considered a form-based code for this area, such as Wilsonville has in the Coffee Creek Industrial Area, as a means to making the area more human scale and pedestrian/bicyclist friendly?
- What about a combination of zones, with lower intensity manufacturing/warehousing/distribution next to residential areas and more intense use to the south and west near the Basalt Creek Parkway?
- Where in the analysis is trip generation considered? Manufacturing Park was the assumed use with 725 trips (7.80 trips per acre; Table 5 of the BC Concept Plan). If a different zone is applied to this area, how will that affect trip generation and will Tualatin still be within their assumed portion of trips?

Thanks,  
**Cindy Luxhoj AICP**  
Associate Planner  
City of Wilsonville  
503.570.1572  
[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)  
[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)  
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)

Thanks,

-Chris

On Mon, Jan 23, 2023 at 10:26 AM Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)> wrote:

Hi Chris-

Thank you for your testimony and follow up comments.

Hope you had a good weekend,

**Erin Engman**

Senior Planner

City of Tualatin | Planning Division

503.691.3024 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

**From:** Chris McReynolds <[chris.mcreeynolds1@gmail.com](mailto:chris.mcreeynolds1@gmail.com)>

**Sent:** Friday, January 20, 2023 7:16 AM

**To:** Steve Koper <[skoper@tualatin.gov](mailto:skoper@tualatin.gov)>

**Cc:** Sherilyn Lombos <[slombos@tualatin.gov](mailto:slombos@tualatin.gov)>; Ext - Planning <[Planning@tualatin.gov](mailto:Planning@tualatin.gov)>; Catherine Holland <[tualatincio@gmail.com](mailto:tualatincio@gmail.com)>; Nicole J. Morris <[NMorris@tualatin.gov](mailto:NMorris@tualatin.gov)>; Megan George <[mgeorge@tualatin.gov](mailto:mgeorge@tualatin.gov)>; Keith Leonard <[kleonard@tualatin.gov](mailto:kleonard@tualatin.gov)>; Betsy Ruef <[bruef@tualatin.gov](mailto:bruef@tualatin.gov)>; Teresa Ridgley <[tridgley@tualatin.gov](mailto:tridgley@tualatin.gov)>; Frank Bubenik <[fbubenik@tualatin.gov](mailto:fbubenik@tualatin.gov)>; Maria Reyes <[mreyes@tualatin.gov](mailto:mreyes@tualatin.gov)>; Christen Sacco <[csacco@tualatin.gov](mailto:csacco@tualatin.gov)>; Bridget Brooks <[bbrooks@tualatin.gov](mailto:bbrooks@tualatin.gov)>; Cyndy Hillier <[chillier@tualatin.gov](mailto:chillier@tualatin.gov)>; Nancy Grimes <[ngrimes@tualatin.gov](mailto:ngrimes@tualatin.gov)>; Valerie Pratt <[vratt@tualatin.gov](mailto:vratt@tualatin.gov)>; Kim McMillan <[kmcmillan@tualatin.gov](mailto:kmcmillan@tualatin.gov)>; Madeleine Nelson <[mnelson@tualatin.gov](mailto:mnelson@tualatin.gov)>; Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>; Cody Field <[cfield@tualatin.gov](mailto:cfield@tualatin.gov)>; Octavio Gonzalez <[ogonzalez@tualatin.gov](mailto:ogonzalez@tualatin.gov)>; Holly Goodman <[holly@tualatinlife.com](mailto:holly@tualatinlife.com)>; [mike@tualatinlife.com](mailto:mike@tualatinlife.com); [mmiller@pamplinmedia.com](http://mmiller@pamplinmedia.com); [amesh@wweek.com](mailto:amesh@wweek.com)

**Subject:** Re: No High Rise Zone on Norwood

Dear Tualatin Planning Department Members, Planning Commission, City Council Members, and Mayor Frank Bubenik;

After attending the planning commission meeting yesterday regarding the land use changes for the Basalt Creek MP zone, it saddens me to see that when a developer flashes money, individuals in the planning department gush at the first opportunity and are willing to change code language to make it happen. I hope the commission and council really think about my testimony on record. As commissioner Bachhuber mentioned, why accept the first development plan? The land is extremely valuable. During the meeting the commission even indicated the immense challenges with traffic, environment and local residents.

I also want to remind everyone of all the housing projects that have already been approved. Please slow down and address the obvious concerns we all see in this city. Please do not white wash them for bullying developers. There will always be an opportunity. The Basalt Creek Urban renewal plan is a 20-year plan, not a today plan...

Council, please do not let developers do the same on Norwood Rd. Do not let them bully you into a zone change just because they have money. As I said before, do not let developers run our city.

Say no to a plan/text amendment change on Norwood Rd.

Sincerely,

-Chris McReynolds

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\_\_\_\_\_





**TUALATIN**  
CHAMBER of COMMERCE

27 February 2023

City of Tualatin  
Attn: Mayor and City Council  
18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062

Dear Mayor and Councilors:

The Tualatin Chamber of Commerce, its Board of Directors and Business Advocacy Council respectfully submit this letter in support of the City Planning Department's submission of Stakeholder Scenario C, recommended by the City Planning Commission, for the development of the Basalt Creek Employment Zone (BCEZ).

We strongly urge the City to recognize the need for flexibility in considering allowed uses for this new industrial/commercial area. We are very aware of the shortage of available wholesale and warehouse space currently in Tualatin. We hear from our members of the frustrations of not being able to build, find space or expand their businesses and the BCEZ, especially under Stakeholder Scenario C, would alleviate most of those issues.

We also appreciate that a private developer is willing to come into Tualatin and invest in our community as outlined thus saving the City important dollars that can be used elsewhere for other projects and planned urban redevelopment. In this post Covid era, it is important to plan to increase our ability to provide industrial/commercial space and job opportunities to continue to keep Tualatin as a viable and attractive business market.

As a business member organization and partner in continuing to enhance the quality of doing business in Tualatin, we thank you for this opportunity to provide testimony in support of Stakeholder Scenario C.

Sincerely,

Anneleah Jaxen  
CEO  
Tualatin Chamber of Commerce

Skip Stanaway  
Chair  
Board of Directors

Susan Noack  
Chair  
Business Advocacy Council



City of Tualatin  
Attn: City Council  
18880 SW Martinazzi Avenue  
Tualatin OR 97062

RE: Basalt Creek Industrial Code Update – Support for Stakeholder’s Scenario C

Dear Councilors,

We are reaching out to you as both a member of the Tualatin business community and as a stakeholder in the Basalt Creek area. As you know, the City is currently developing new zoning code for the industrial designated area known as the Basalt Creek Employment Zone (BCE) Code Project. Per the City’s website the intent of the effort is *“to create greater flexibility for landowners to develop their industrially designated property in the Basalt Creek area based on employment and market trends.”*

Over the last several months the stakeholders have been studying the employment and market trends, the economic outcomes and the traffic implications to determine what the appropriate mix of uses should be in the BCE zone that would meet the City’s intent of providing greater flexibility while also ensuring manufacturing uses are included, large warehouse uses are minimized and supporting commercial uses are allowed on a limited basis. The result of these efforts is the proposed code scenario known as the Stakeholder’s Scenario C.

The mix and allowances of uses promote a balanced and flexible employment zone that can accommodate the diversity of businesses in Tualatin and adapt as trends in the industrial market change overtime. Conversely, restrictions on uses increases the risk of not being able to lease space too high to obtain financing, rendering private investment and development infeasible.

The Stakeholder’s Scenario C will stimulate additional benefits to the Basalt Creek area and local business community. Those benefits are further summarized below.

**BUSINESS EXPANSION AND RETENTION:**

- Industrial space in Tualatin is currently very low at just 1.5% vacancy. In other words, there is no available space today and Tualatin needs more industrial space for all industrial uses.
- More flex industrial space allows more businesses the opportunity to locate in Tualatin and for existing businesses to stay and grow in Tualatin.
- The mix and allowances of uses above promote a balanced and flexible employment zone that can accommodate the diversity of businesses in Tualatin and adapt as trends in the industrial market change overtime.
- The mix of uses and flexibility are important to the greater industrial ecosystem of the SW corridor and to the broader business community in the City of Tualatin.



ECONOMIC BENEFITS:

- The ability to provide the mix and allowances of uses with flexibility encourages financing for private investment and development.
- Private investment and development stimulates growth in Urban Renewal funding.
- Private sector led infrastructure and new industrial development creates a catalyst for the greater district.
- Over the long term, the Stakeholder Scenario C provides more funding (approximately \$20 million more) to the Urban Renewal Area than restricting scenarios.
- The Stakeholder Scenario C mix and allowances of uses are comparable employment density and wages between manufacturing, wholesale and warehouse uses.

REDUCED TRAFFIC AND FUNDED TRAFFIC IMPROVEMENTS:

- Less vehicle trips and truck trips with expanded use allowances.
- New road and signal improvements to the area will be paid for by private development which allows the City to spend Urban Renewal dollars on other infrastructure projects in the area which would not be built by private development.

Based on the benefits outlined above, the stakeholder's Scenario C provides the stakeholders of the Basalt Creek area and the City of Tualatin a balanced and flexible employment zone that can accommodate a diversity of businesses and that can feasibly be realized.

Thank you for your consideration on this matter. We would appreciate your support for the stakeholder's Scenario C.

Sincerely,



Ryan Schera  
AVP, Development





To: BAC, Tualatin Chamber of Commerce

RE: Basalt Creek Industrial Code Update-Support for Stakeholder's Scenario C

Dear BAC Members,

I am writing this letter in support of the above mentioned cause. Allowing for a flexible zoning allows the property to be developed in an orderly manner by Developers that will create an industrial campus that will not only look homogeneous but will provide for much better traffic mitigation and landscaping. Limiting the uses will likely allow for piecemeal development of incongruent uses that will not only exacerbate traffic issues but also will defeat the desired industrial campus effect that is much more pleasing to the surrounding neighborhoods.

As has been demonstrated the intent of stakeholder's scenario is not to build colossal distribution facilities but to create an industrial campus that appeals to multiple tenants of varying activities. Nondenominational studies have been conducted that note this type of development provides for less vehicle and truck traffic than other contemplated uses and makes for living wage employment among the likely occupants of the contemplated development.

I have been leasing and selling industrial properties in the SW I-5 corridor for years. I have seen many architecturally uninteresting developments constructed that are done by national out of town companies that do not have long term ownership goals. The stakeholder's scenario will allow for a first class campus like complex developed by a local company that cares for their facilities as only one with their goals in mind can. This is a chance for the Basalt Creek employment area to set the standard for development that is pleasing to the eye and meets the goals that have been defined in the district.

In addition, new road and signal improvements will allow the city to focus Urban Renewal dollars on other projects in areas that will not be financeable by private development. Further the development of the area will be done sooner and the realization of tax dollars business licenses, etc. will increase the city's tax base much sooner than waiting for piecemeal development as well as fund the Urban Renewal Bond

Congruent development of an area can only be achieved by developers that develop fist class facilities.. Both city staff and the Tualatin Chamber BAC have seen examples of the quality of the product that is this scenario afford and can attest to the quality of the buildings, landscaping and overall appearance of how these properties are maintained . They are local to our region, develop own and manage their own properties, unlike most developers who build and sell to institutional investment funds domiciled in major financial centers.

Tualatin has lost business's to migration to other areas of the city where there are campuses such as the one contemplated herein. Lam Research, Nuance Systems, DW Fritz Automation are all examples of heavy employers who have expanded/relocated elsewhere due to the lack of Tualatin based product to handle their growing needs.

Thanks for the opportunity to present the case for this fine development/developer and I urge you to support the Stakeholder's Scenario C.

Best Regards

A handwritten signature in black ink, appearing to read 'Stu Peterson', with a long horizontal flourish extending to the right.

Stu Peterson  
Partner Macadam Forbes



City of Tualatin  
Attn: City Councilors  
18880 SW Martinazzi Avenue  
Tualatin OR 97062

Dear Councilors,

Thank you allowing me to submit this testimony as a stakeholder in support of the code update allowing for more flexible industrial space in the Basalt Creek Employment area (Scenario C). I submit this testimony on behalf of the members of Westside Economic Alliance (WEA) and stakeholders. We are a member-based association that advocates for a healthy economy on the Westside of the metro Portland region. We represent nearly 200 organizations who employ thousands of workers.

Our membership brings together large corporations like Intel, Comcast, PGE and NW Natural, major hospitals systems including Kaiser, Legacy, Providence and OHSU as well as banks, property management companies, developers, engineering firms, and more. In addition to our private sector members, we are unique in also representing public sector members including all thirteen cities in Washington County plus West Linn, as well both Washington and Clackamas counties are members. We represent special districts including fire and rescue, parks and recreation, water and school districts. Finally, we have non-profit members who provide direct services from mental health to substance use disorder to housing development throughout the region.

WEA support the city's effort to update the Basalt Creek Industrial District zone for the Basalt Creek industrial area to allow more flexibility in allowed uses, specifically allowing for wholesale uses and warehouse uses in addition to manufacturing uses. Specifically, warehousing and wholesale sales to be in combination up to 70% of the building square footage. This change is important to address the shortage of available space and the buildable industrial land supply within the region, as demonstrated by the very low vacancy rates. Our region has business demand that will create employment and tax revenue to benefit the broader economic engine of the Westside. We understand that there has been concern about increased job density and traffic impacts that might result from this shift to flexible industrial space. With the studies completed by the stakeholders and the City's own consultant, it's clear these concerns are misplaced. The job density and wages are comparable between manufacturing, warehouse and whose sale uses. As identified in both the City's traffic study and the stakeholders' traffic study, with the mix of uses, traffic is actually reduced. Additionally, city code already has provisions for setbacks, screening, landscaping and other similar issues raised.

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City of Tigard

Mayor Frank Bubenik  
City of Tualatin

Westside Economic Alliance believes we need to identify and support smart investments that grow our regional in thoughtful and sustainable ways. We believe this code change will allow for increased employment opportunities in an urban area by encouraging private investment, providing more funding to the Urban Renewal Area over the long term.

Thank you for the opportunity to provide this testimony.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Mazzara Myers".

Elizabeth Mazzara Myers, Executive Director

## Steve Koper

---

**From:** Ryan Schera <ryans@schnitzerproperties.com>  
**Sent:** Friday, November 18, 2022 4:52 PM  
**To:** Steve Koper  
**Cc:** Stu Peterson; Erin Engman  
**Subject:** RE: Basalt Creek Employment potential code changes  
**Attachments:** Draft Code - Stakeholder Comments.docx

**Importance:** High

Steve,

Thank you for the follow up and consideration on the schedule and draft code revisions per our last conversation. We acknowledge the project intent and directive as you stated below and are supportive of this code update effort and of a broader code update project in the future. With that said, our goal is to get to an updated BCE zone that we can develop to and can meet your goals and our preference is to address the BCE update fully now rather than partially.

Per your request, below we have provided our initial feedback to your questions and latest revisions:

- **Machine Shops and Metal Fabrication:** We agree with your changes to remove “machine shop” as a prohibited light manufacturing use and to add metal fabrication under heavy manufacturing. Machine shops and metal fabrication are such an integral function of many manufacturers, and we agree conducting these uses indoors is appropriate. To provide a little more clarification we have provided draft definitions for both machine shops and metal fabrication (see attached).
- **Further refine or limit the uses listed in the “heavy manufacturing”:** The current description is very specific. We would propose going with a general description combined with specific prohibitions of undesirable uses (see below and attached).
- **Environmental impacts due to what they produce and/or noise/glare/vibration impacts even when conducted in a building:** The existing code under Chapter 63 in combination with the proposed requirements for sound barrier construction and landscape buffers adjacent to residential uses in the draft BCE should address most of the concerns regarding impacts. We would propose reiterating compliance with Chapter 63 in the BCE code section (see attached).
- **Wholesale sales uses are not very job dense and do not lend themselves to high AV buildings:** We have commissioned a study to analyze the economic impact to the Basalt Creek URA by introducing wholesale sales and warehousing uses in conjunction with manufacturing versus light manufacturing only as outlined in the previous BCE draft presented to the PC.

The preliminary findings are:

- There are no compromises with regard to wages or employment density. Flex industrial space is forecasted to provide employment equal to or better than the 20 jobs per acre identified in the Basalt Creek Concept Plan. Modern flex industrial parks offer a high density of employment through offering a mix of spaces suitable for a broad range of light industrial, office, wholesale, warehousing, and related sectors.



- Total TIF revenue to the URA of \$57.6M by including wholesale sales and warehousing vs. \$38.0M for light manufacturing only (BCE draft presented to PC).
- Once the study is complete will be provide you a copy.
- **Wholesale Sales uses:** We agree, the example you show below is very limited. The complication seems to be the extreme limitation. Being this is an employment zone slightly broadening the types of wholesale uses (see below) would open up more opportunities to more businesses in that sector and would provide a mix of employers.
- **Warehousing & distribution limitation:** We can't agree to a per building limitation. This would create too much of a hinderance to leasing. Flex space doesn't lease in predetermined amounts of square footage by use (that would make it inflexible). Flex space leases with the demand of uses in the market. We would also lose the flexibility to place similar uses in a single building or area of the site. By utilizing a percentage % of use for the entire development we can be flexible and lease as space becomes available while still not exceeding the limitation. We also will need the ability to request a conditional use for exceeding the limitation if market trends change or if a high-profile tenant were to come along. We also will require the initial limitation to be a minimum of 35%. This is a huge risk to us with the potential of having our buildings 30% vacant if a manufacturing use never came along.
- **Wholesale Sales limitation:** We can't agree to a per building limitation. This would create too much of a hinderance to leasing. Flex space doesn't lease in predetermined amounts of square footage by use (that would make it inflexible). Flex space leases with the demand of uses in the market. We would also lose the flexibility to place similar uses in a single building or area of the site. By utilizing a percentage % of use for the entire development we can be flexible and lease as space becomes available while still not exceeding the limitation. We also will need the ability to request a conditional use for exceeding the limitation. We also will require the initial limitation to be a minimum of 35%. This is a huge risk to us with the potential of having our buildings 30% vacant if a manufacturing use never came along.

INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P (L)	<p>Advanced manufacturing uses limited to:</p> <ul style="list-style-type: none"> <li>● Casting or fabrication of metals, including electroplating.</li> <li>▲ <del>Manufacture, assembly, processing, or packaging of the following types of products: batteries; bicycles; boilers; bottles; brick, tile or terra-cotta; cans; chainsaws; dryers; electric generators; electric motors; electric transformers; engines, larger gasoline or diesel; freezers; heating and cooling equipment; industrial gases, excluding chlorine; ladders; lawnmowers; manufactured dwellings; marine pleasure craft; motor vehicles; paint; pet food; prefabricated building or structural members for buildings; sashes and doors; signs and display</del></li> </ul>

		<p>structures; refrigerators; rototillers; vending machines; washing machines; and windows.</p> <ul style="list-style-type: none"> <li>• Manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</li> <li>• Other similar advanced manufacturing uses as determined by application of TDC 31.070.</li> </ul> <p>Prohibited uses include the manufacturing of: Batteries, glass, bricks, gasoline or diesel fuel, slaughterhouses, meat packing, feed lots and animal dipping, lumber mills, pulp and paper mills, concrete batching and asphalt mixing.</p> <p>Permitted uses subject to Chapter 63.</p>
Light Manufacturing	P (L)/C	<p>Conditional uses limited to trade and industrial school or training center. Truck driving schools are prohibited</p> <p>All other uses Permitted outright except:</p> <ul style="list-style-type: none"> <li>• Machine shop; and</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials.</li> </ul> <p>Permitted uses subject to Chapter 63.</p>
Warehouse and Freight Movement	P (L)/C	<p>Subject to TDC 65.210(4) and (5).</p>
Wholesale Sales	P (L)	<p>Permitted uses subject to TDC 65.210(6) and limited to:</p> <ul style="list-style-type: none"> <li>• Sales of industrial products primarily sold wholesale to other industrial firms or industrial workers.</li> <li>• Sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, parts, building or office hardware and office supplies.</li> <li>• Sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. Sales to the general public are limited as a result of the way in which the firm operates.</li> </ul>

Products may be picked up on site or delivered to the customer.

#### TDC 65.210. Additional Limitations on Uses.

[...]

- (4) Warehouse and Freight Movement. *Except as provided in TDC 65.210.5, all uses must be conducted wholly in conjunction with a Permitted light manufacturing use on the same lot, parcel or site, and facilitate the storage and distribution of goods produced on-site.*
- (a) *Permitted Uses.* Uses may not exceed more than 50% of the gross floor area of the Permitted light manufacturing use.
- (b) *Conditional Uses.* A conditional use permit is required for uses in excess of 200% of the gross floor area of the Permitted light manufacturing use.
- (5) Warehouse and Freight Movement.
- (a) *Permitted Uses.* Warehouse and Freight Movement uses may not exceed **the greater of 35% or 25,000 square feet** of the gross floor area **with an individual building** on a development site. Small sites under 9 acres in size are exempt. **More than one building on a development site may have a Warehouse and Freight Movement use up to this limit.**
- (b) *Conditional Uses.* A conditional use permit is required for uses in excess of 35% of the gross floor area of all buildings on a development site.
- (6) Wholesale Sales.
- (a) *Permitted Uses.* Limited Wholesale Sale uses may not exceed **the greater of 35% or 25,000 square feet** of the gross floor area **with an individual building** on a development site. Small sites under 9 acres in size are exempt. **More than one building on a development site may have a Warehouse and Freight Movement use up to this limit.**
- (b) *Conditional Uses.* A conditional use permit is required for uses in excess of 35% of the gross floor area of all buildings on a development site.

After you have had a chance to digest lets set up a time to talk.

Thank you and have a good weekend.

#### Ryan Schera

AVP, Development

#### Schnitzer Properties

Formerly Harsch Investment Properties

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**From:** Steve Koper <skoper@tualatin.gov>  
**Sent:** Thursday, November 10, 2022 3:38 PM  
**To:** Ryan Schera <ryans@schnitzerproperties.com>

Cc: Stu Peterson <stu@macadamforbes.com>; Erin Engman <eengman@tualatin.gov>

Subject: RE: Basalt Creek Employment potential code changes

[EXTERNAL]

Hi Ryan,

It was nice talking with you this past Monday. We agreed that we can push the discussion out to the Planning Commission’s January meeting (January 19<sup>th</sup>). Erin and I are happy to meet with you after you’ve had a chance to digest the below-proposed changes. It would be most beneficial to all if you could provide us with any proposed changes you’d like us to consider in advance of our meeting. Please also feel free to give me a call if you’d like to chat.

At a high level, I do want to reiterate that the project intent and directive of this code update is to make an incremental improvement to the existing MP zoning code and is not a total update of all of our industrial codes or definitions, many of which are entangled together. As expected, this project has “day-lighted” several ways in which Tualatin’s industrial and commercial development code is sorely in need of a broad update. One of the goals for *this* project has, from day one, been to show our Council that we can accomplish a small-scale update in order to serve as a “test case” in support of a broader code update. We hope that you will support this code update now and that you will also help to be a voice championing a broader code update project in the future.

Below are a couple of potential tweaks to the code based on our conversation. We’ve removed “machine shop” as a prohibited light manufacturing use (making it outright permitted, but still as with all uses subject to the requirement that it be conducted indoors). Under heavy manufacturing, we’ve added metal fabrication as well as the list of heavy manufacturing uses that already exist in Chapter 39 which is a general-use chapter that applies to all zones.

It would be appreciated if you can help us further refine or limit the uses listed in the “heavy manufacturing”. The Planning Commission as well as a group of citizens I recently met with have expressed concern about being too broad with the uses that are allowed, particularly those that could have environmental impacts due to what they produce and/or noise/glare/vibration impacts even when conducted in a building. Council has previously shared those concerns (as you can see from the limited list of uses allowed currently in MP) So, while we are prepared to offer this to the Planning Commission as a supported modification, it is not necessarily one that will be accepted.

We’ve also updated the warehousing & distribution limitation to be a per-building limitation (rather than per site), which would allow multiple buildings with a warehouse tenant/us/component on a site up to the per-building limit.

In regard to our conversation about wholesale sales. We hear you that this is a desired land use. This is a trickier subject as it is prohibited or significantly limited in most zones. Not to mention it is harder to square against the job density and high AV goals of the existing policy documents. Here is an example of one of the more expansive allowances of this use (which is very limited):

Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, t</li> <li>• Sale, service and rental of construction and industrial equipment to contractors and industrial firms o</li> </ul> Conditional use required for wholesale sales of building materials and supplies
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The use is simply not allowed in MP or Manufacturing Business Park the latter of which is the other zone that is within the Basalt Urban Renewal district. Again, staff is concerned that many wholesale sales uses are not very job dense and do not lend themselves to high AV buildings, which is something we need to make the case for in order to meet our existing adopted policy documents as we justify uses, particularly ones that we add that were not previously allowed. As an example, the most recent stand-alone wholesale sales use we approved was a conditional use and included about

4,000 square feet of building on a 5-acre site. Clearly not job-dense and not high AV compared to how much land it would have used.

All that is to say, while we are not necessarily opposed to adding the use, the best way to justify the addition of the use, similar to warehousing & distribution would be to limit it. One obvious idea would be to simply allow it subject to the same limitation as warehousing & distribution. See below for a draft. This would allow wholesale sales as a tenant in a flex-space building.

INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P (L)	<p>Advanced manufacturing uses limited to:</p> <ul style="list-style-type: none"> <li>• Casting or fabrication of metals, including electroplating.</li> <li>• Manufacture, assembly, processing, or packaging of the following types of products: batteries; bicycles; boilers; bottles; brick, tile or terra cotta; cans; chainsaws; dryers; electric generators; electric motors; electric transformers; engines, larger gasoline or diesel; freezers; heating and cooling equipment; industrial gases, excluding chlorine; ladders; lawnmowers; manufactured dwellings; marine pleasure craft; motor vehicles; paint; pet food; prefabricated building or structural members for buildings; sashes and doors; signs and display structures; refrigerators; rototillers; vending machines; washing machines; and windows.</li> <li>• Other similar advanced manufacturing uses as determined by application of TDC 31.070.</li> </ul>
Light Manufacturing	P (L)/C	<p>Conditional uses limited to trade and industrial school or training center. Truck driving schools are prohibited</p> <p>All other uses Permitted outright except:</p> <ul style="list-style-type: none"> <li>• Machine shop; and</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials.</li> </ul>
Warehouse and Freight Movement	P (L)/C	Subject to TDC 65.210(4) and (5).
Wholesale Sales	P (L)	<p>Permitted uses subject to TDC 65.210(6) and limited to:</p> <ul style="list-style-type: none"> <li>• Sales of industrial products primarily sold wholesale to other industrial firms or industrial workers.</li> </ul>

**TDC 65.210. Additional Limitations on Uses.**

[...]

(4) Warehouse and Freight Movement. *Except as provided in TDC 65.210.5, all uses must be conducted wholly in conjunction with a Permitted light manufacturing use on the same lot, parcel or site, and facilitate the storage and distribution of goods produced on-site.*

(a) *Permitted Uses.* Uses may not exceed more than 50% of the gross floor area of the Permitted light manufacturing use.

(b) *Conditional Uses.* A conditional use permit is required for uses in excess of 200% of the gross floor area of the Permitted light manufacturing use.

**(5) Warehouse and Freight Movement.**

*(a) Permitted Uses.* Warehouse and Freight Movement uses may not exceed the greater of 25% or 25,000 square feet of the gross floor area with an individual building on a development site. More than one building on a development site may have a Warehouse and Freight Movement use up to this limit.

**(6) Wholesale Sales.**

*(a) Permitted Uses.* Limited Wholesale Sale uses may not exceed the greater of 25% or 25,000 square feet of the gross floor area with an individual building on a development site. More than one building on a development site may have a Limited Wholesale sale use up to this limit.

Best,

-Steve

**Steve Koper, AICP**

Assistant Community Development Director  
City of Tualatin | Planning Division  
503.691.3028 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

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**From:** Steve Koper  
**Sent:** Friday, November 4, 2022 3:25 PM  
**To:** 'ryans@schnitzerproperties.com' <[ryans@schnitzerproperties.com](mailto:ryans@schnitzerproperties.com)>  
**Cc:** 'Stu Peterson' <[stu@macadamforbes.com](mailto:stu@macadamforbes.com)>; Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>  
**Subject:** Basalt Creek Employment potential code changes

Hi Ryan,

This email is a follow-up to staff's recent meeting with Sherilyn, our City Manager, and Jonathan, our Economic Development Manager.

What Sherilyn and Jonathan communicated to us was that when they met with you and Stu, they reiterated that the Council would be unlikely to support stand-alone Warehousing and Distribution uses. Jonathan also brought to our attention the differences between the way the state economic development agency views advanced manufacturing as one use category versus how our development code differentiates manufacturing uses into "light" versus "heavy."

With that background and what Erin and I think we heard from our last group meeting, we drafted the below changes to the existing draft code, which we'd appreciate your input on. Drawing on our conversation with Sherilyn and Jonathan, we feel that these changes could be expressly supported by staff as being consistent with Planning Commission and Council feedback. At the same time, these changes would help to increase the flexibility we believe we heard a desire for from the group.

The changes are in red. The addition of Heavy Manufacturing as a limited use would allow for metal fabrication as an advanced manufacturing use, which we believe aligns with what we heard at our meeting and from Jonathan. The addition to warehousing and distribution uses is based on the Wilsonville Commerce Center development. We feel that this configuration could still meet the jobs and employment density goals of the underlying plans, while meeting the demand for flex space. We also believe this would alleviate Planning Commission and Council’s concerns about having warehousing and distribution become a dominant use if standalone uses were allowed.

As of now, we are still on track to present an update to the Planning Commission on November 17<sup>th</sup>. To reiterate, staff would be comfortable presenting a recommendation in support of these changes and make the case to the Planning Commission that these changes are consistent with community interest and the adopted plans. Please let us know by **Friday, November 11<sup>th</sup>**, if you have any feedback.

INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P (L)	Advanced manufacturing uses limited to: <ul style="list-style-type: none"> <li>• Casting or fabrication of metals, including electroplating.</li> <li>• Other similar uses as determined by application of TDC 31.070.</li> </ul>
Light Manufacturing	P (L)/C	Conditional uses limited to trade and industrial school or training center. Truck driving schools are prohibited All other uses Permitted outright except: <ul style="list-style-type: none"> <li>• Machine shop; and</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials.</li> </ul>
Warehouse and Freight Movement	P (L)/C	Subject to TDC 65.210(4) and (5).

**TDC 65.210. Additional Limitations on Uses.**

[...]

(4) Warehouse and Freight Movement. *Except as provided in TDC 65.210.5, all uses must be conducted wholly in conjunction with a Permitted light manufacturing use on the same lot, parcel or site, and facilitate the storage and distribution of goods produced on-site.*

(a) *Permitted Uses.* Uses may not exceed more than 50% of the gross floor area of the Permitted light manufacturing use.

(b) *Conditional Uses.* A conditional use permit is required for uses in excess of 200% of the gross floor area of the Permitted light manufacturing use.

(5) Warehouse and Freight Movement.

(a) *Permitted Uses.* Uses may not exceed more than 25% of gross floor area on a single development site, up a maximum of 25,000 square feet.

Best,  
-Steve

**Steve Koper, AICP**

Assistant Community Development Director

