

## Erin Engman

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**From:** Erin Engman  
**Sent:** Tuesday, November 2, 2021 10:23 AM  
**To:** CCIO Board  
**Cc:** Megan George; Ext - Planning; Kayla Zander; Melissa Soots  
**Subject:** RE: Concerns about bus service  
**Attachments:** TriMet\_96-Tualatin\_I-5 Weekday To Commerce Circle.pdf; No weekend service 96-Tualatin\_I-5.pdf

Hi Cathy-

Thank you for reaching out. You may wish to contact the applicant's representative, Carleton Hart Architecture, for comment:

### PROJECT INFORMATION

<b>Project Name:</b>	Plambeck Gardens	<b>Project no:</b>	19031
<b>Representative:</b>	Kayla Zander Carleton Hart Architecture 830 SW 10 <sup>th</sup> Ave #200 Portland, Oregon 97205 (608) 354-8163 kayla.zander@carletonhart.com		
<b>Applicant:</b>	Jilian Saurage Felton Community Partners for Affordable Housing 6380 SW Capitol Hwy. #151 Portland, Oregon 97239 (503) 293-4038 (ext 302) jsaurage@cpahoregon.org		
<b>Property Address:</b>	23500 & 23550 SW Boones Ferry Road Tualatin, Oregon 97062		
<b>Zoning Designation:</b>	RH – High Density Residential		
<b>Uses:</b>	Household Living (Multi-Family Structure), Residential Accessory Uses		

In general, a Variance request is subject to the approval criteria found in Tualatin Development Code [Chapter 33.120\(5\)](#).

You will be added to the notice of decision. The notice of decision will describe the opportunity for appeal.

**Erin Engman**

503.691.3024

**From:** CCIO Board <tualatincommercialcio@gmail.com>  
**Sent:** Thursday, October 28, 2021 7:54 PM  
**To:** Megan George <mgeorge@tualatin.gov>  
**Subject:** Fwd: Concerns about bus service

Hi Megan - This is the email that should be included in the material for the hearing. I sent it to the Mayor on 10/18/21. Cathy

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

From: **CCIO Board** <[tualatincommercialcio@gmail.com](mailto:tualatincommercialcio@gmail.com)>

Date: Mon, Oct 18, 2021 at 2:13 PM

Subject: Concerns about bus service

To: Ed Casey <[edkcnw@comcast.net](mailto:edkcnw@comcast.net)>, Frank Bubenik <[fbubenik@tualatin.gov](mailto:fbubenik@tualatin.gov)>

Hi Ed and Frank -

In looking into the affordable housing proposal on SW Boones Ferry, I am concerned about the lack of Tri-Met bus service to the location of the proposed housing. It appears that the reduction of parking requires the residents to use mass transit.

Attached is the current bus route 96 timetable (no service on weekends) nor a stop near the location of this housing. I've also included the map and timetable for the entire route which show poor connectivity with other lines.

What am I missing?

Cathy

## Erin Engman

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**From:** Erin Engman  
**Sent:** Tuesday, November 2, 2021 9:10 AM  
**To:** dave@ee83.com  
**Cc:** Ext - Planning; Kim McMillan; Tony Doran; Melissa Soots; Kayla Zander  
**Subject:** RE: Request for Documents - CPAH Plambeck Gardens

Hi,

Thank you for reaching out. Most of your questions would be best answered by the applicant's representative, Carleton Hart Architecture. With contact information provided below:

### PROJECT INFORMATION

<b>Project Name:</b>	Plambeck Gardens	<b>Project no:</b>	19031
<b>Representative:</b>	Kayla Zander Carleton Hart Architecture 830 SW 10 <sup>th</sup> Ave #200 Portland, Oregon 97205 (608) 354-8163 kayla.zander@carletonhart.com		
<b>Applicant:</b>	Jilian Saurage Felton Community Partners for Affordable Housing 6380 SW Capitol Hwy. #151 Portland, Oregon 97239 (503) 293-4038 (ext 302) jsaurage@cpahoregon.org		
<b>Property Address:</b>	23500 & 23550 SW Boones Ferry Road Tualatin, Oregon 97062		
<b>Zoning Designation:</b>	RH – High Density Residential		
<b>Uses:</b>	Household Living (Multi-Family Structure), Residential Accessory Uses		

In general, a Variance request is subject to the approval criteria found in Tualatin Development Code [Chapter 33.120\(5\)](#). And analysis and review of the proposal's stormwater details will be included in a subsequent Architectural Review application.

You will be added to the notice of decision. The notice of decision will describe the opportunity for appeal.

Best,  
**Erin Engman**  
503.691.3024

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**From:** Dave LaLiberte <dave@ee83.com>  
**Sent:** Monday, November 1, 2021 4:40 PM  
**To:** Erin Engman <eengman@tualatin.gov>  
**Subject:** Request for Documents - CPAH Plambeck Gardens

Erin, the following is:

Partial List and Request of Omitted Critical Information  
For the CPAH Plambeck Gardens Planning Documents  
For Potential Land Use Code Variance of HUD Development on Boones Ferry Road

Request by Dave LaLiberte (503.582.1558), Principal Engineer at LEA, Inc., Wilsonville, Oregon

On behalf of John and Grace Lucini at 23677 SW Boones Ferry Road, Tualatin, OR 97062

I will follow-up tomorrow with a phone call to ensure that you have gotten this email. Thanks in advance. Dave L.

### **1.) Earthquake & Landslide Hazards is Omitted in the Variance Request Application**

Earthquake and Landslide Hazard overlays, and resulting evaluations, are requested. The variance application assumes earthquake and landslide safety, which challenges its own CPAH geotechnical report.

The land use variance application omits overlays of the original three buildings at three stories each, and the proposed higher two buildings at four stories each. These require projection on to the DOGAMI earthquake shaking hazard and landslide susceptibility maps. The request for height variance depends significantly on this information but it is not provided.

The Geotechnical Investigation Report by Earth Engineers, Inc. (EEI, March 2021) for the proposed CPAH project states that (p. 7 of 25, last para.):

We reviewed the Oregon Department of Geology and Mineral Industries (DOGAMI) Statewide Geohazards Information Database for Oregon (Hazard) website (<https://gis.dogami.oregon.gov/hazard/>) to report the applicable hazards for the subject property. **This database maps the property within a very strong to severe expected earthquake shaking hazard and very strong Cascadia earthquake expected shaking.** In addition, the subject property's proximity to the Canby-Molalla fault is approximately 3.3 miles to the northeast; see Figure 2 below. The Canby-Molalla fault is moderately constrained, late Quaternary (<130,000 years) in age, has a right lateral slip sense with a slip rate of less than 0.2mm/year<sup>4</sup>. **The database also maps the subject property within moderate landslide susceptibility on the north end of the property.** It should be noted that the surrounding, previously developed properties are also mapped within these same hazards. **[Bold by LEA.]**

### **2.) Missing Overlay of the Three-building 3-story Configuration on the Existing Topography**

The CPAH basis for the variance is that it improves on the original three 3-story building design with a two 4-story building design. The CPAH variance application relies upon a casual description of its original three-building design compared to its proposed two-building configuration with its height variance.

Available City of Tualatin planning documents do not include an overlay of the original 3-bldg configuration with the existing topography. The variance application refers to an original three-building configuration description related to soils and slopes but does not make it available. Tualatin DID provide this overlay information for the proposed CPAH two-building arrangement in its grading and site plans but this alone is insufficient for comparison purposes.

The omitted 3-building overlay, and related soils and slopes comparison information, are requested for review.

### **3.) Maps and Drawings**

CPAH uses numerous abbreviations and symbols in its Plambeck Gardens grading and site plans.

We are requesting the abbreviations, symbols and related definitions that corresponds to the Grading and Site Plans that have been provided.

### **4.) Stormwater Analysis and Information Request**

Stormwater affected features are shown on the Grading and Site Plans for the proposed variance with the 2-building configuration. These features include stormwater planers, pervious parking lot spaces, building footprints, pervious driveways and other structures.

The variance proposes, among other drainage related conditions, reducing pervious parking spaces compared to the original 3-building configuration. The concern is that granting the variance will result in increased runoff and pollutants leaving the site.

Does Tualatin have any additional stormwater analysis and/or modeling that validates the proposed drainage in the Grading and Site Plans developed for the two- and three-building configurations?

### **5.) HUD and NOAA Stormwater Standards**

The land use variance request states that the project will meet HUD and NOAA stormwater standards but does not specify these standards. Nor is an evaluation provided as it effects the variance request.

The Land Use Variance Application states on unmarked pp. 4 (last para.) – 5 (1st para) that:  
The Plambeck Gardens development will build a new public water line to the site from SW Norwood Road and provide a connection point for other future developments. **The project will meet stormwater standards complying with CWS standards in addition to the HUD and NOAA standards** that would not apply to a market-rate development in this area. The project will connect the private sanitary sewer lines at a private manhole on site where they will meet the public sanitary sewer line that will be constructed by the Autumn Sunrise development to the south. **[Bold by LEA.]**

The specific HUD and NOAA standards being referred to, and resulting evaluations, are requested for review.

## Erin Engman

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**From:** Erin Engman  
**Sent:** Friday, October 29, 2021 10:13 AM  
**To:** Mary Lyn Westenhaver  
**Subject:** RE: Notice of Hearing: VAR 21-0003 Plambeck Gardens, 23500 & 23550 SW Boones Ferry Rd

Hi Mary Lyn-

Thanks for reaching out. The agenda packet and zoom details will be available on the our website, one week before the hearing date- Check back on November 11<sup>th</sup> for the details.

Please let me know if you have any additional questions.

Erin Engman

503.691.3024

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**From:** Mary Lyn Westenhaver <mwestenhaver@hotmail.com>  
**Sent:** Thursday, October 28, 2021 7:40 PM  
**To:** Erin Engman <eengman@tualatin.gov>  
**Subject:** Fw: Notice of Hearing: VAR 21-0003 Plambeck Gardens, 23500 & 23550 SW Boones Ferry Rd

Hi there, can you tell me when the link below will work? I have highlighted in yellow the the statement I am referring to. I'd like to access the agenda and packet materials. I would also like to be able to tell people when the zoom link will be available, as in, how much time before the meeting starts.

thanks,  
Mary Lyn

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**From:** Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>  
**Sent:** Monday, October 11, 2021 2:29 PM  
**To:** [jsaurage@cpahoregon.org](mailto:jsaurage@cpahoregon.org) <[jsaurage@cpahoregon.org](mailto:jsaurage@cpahoregon.org)>; Kayla Zander <[kayla.zander@carletonhart.com](mailto:kayla.zander@carletonhart.com)>; Melissa Soots <[melissa.soots@carletonhart.com](mailto:melissa.soots@carletonhart.com)>  
**Cc:** Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>  
**Subject:** Notice of Hearing: VAR 21-0003 Plambeck Gardens, 23500 & 23550 SW Boones Ferry Rd



### NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Tualatin Planning Commission at 6:30 p.m., Thursday November 18, 2021, held online over Zoom.

All are invited to attend the hearing and testify verbally. The Zoom meeting link will be published with the meeting agenda and packet materials at: [www.tualatinoregon.gov/meetings](http://www.tualatinoregon.gov/meetings).

*Carleton Hart Architecture, on behalf of Community Partners, is requesting a variance to maximum building height standards and to minimum parking requirements related to a future multifamily development. The 4.68 acre site is located in the Residential High Density (RH) District at 23500 & 23550 SW Boones Ferry Road, Tax Lot: 2S135D000303.*

You may view the application materials on our Projects web page: <https://www.tualatinoregon.gov/planning/var-21-0003-plambeck-gardens-variance-building-height-and-parking-standards>.

**Individuals wishing to comment may do so in writing** to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the Planning Commission at the hearing. To be included in the materials packet published ahead of the hearing, comments must be **received by October 27, 2021**. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

**All citizens are invited to attend and be heard:** Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

**Criteria:** Development Code Chapters: 33.120, 43.300, and 73C.100

A staff report will available seven day prior to the public hearing, published at [www.tualatinoregon.gov/meetings](http://www.tualatinoregon.gov/meetings). This meeting and any materials being considered can be made accessible upon request.

Written comments and questions can be submitted to: [eengman@tualatin.gov](mailto:eengman@tualatin.gov).

## **Erin Engman**

Senior Planner

City of Tualatin | Planning Division

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

**Comments on the Development Code Variances Submittal  
For the CPAH Plambeck Gardens Planning Documents  
Made Available by the City of Tualatin Planning Department (October 2021)**

For Potential Land Use Development Code Variance – Height and Parking  
For HUD Project on Boones Ferry Road

These comments are by Dave LaLiberte, Principal Engineer at LEA, Inc., Wilsonville, Oregon. Cumuli Vitae is available in the attached Appendix A. Comments are made on behalf of John and Grace Lucini at 23677 SW Boones Ferry Road, Tualatin, OR, 97062.

The documents made available on the City of Tualatin Planning Department website do not provide complete information for review of the two proposed variances. One variance for building height and the other variance for parking. The information provided by the City of Tualatin is inadequate for adoption of the variances as discussed in these comments.

Emails related to information and documents requests are contained in Appendix B. These requests were made by Liberte Environmental Associates (LEA) to the City of Tualatin Planning, the Community Partners for Affordable Housing (CPAH) and Carleton Hart Architects.

The City's website does not provide sufficient information for these two proposed variances to suffice for fulfilling a Stormwater Drainage Review-and are not an adequate review of stormwater drainage issues. Additional stormwater hydrologic, hydraulic and evaluations are essential for formal review of compliance with stormwater drainage requirements. The review of the documents provided on the website for the variances have unaddressed and unresolved stormwater management issues. The applicant and the City must be notified that there are changes required to the current site configuration to comply with stormwater management requirements.

**1.) Earthquake and Landslide Hazards are Omitted in the Land Use: Variance Submittal Application**

Earthquake and Landslide Hazard overlays, and resulting evaluations, were requested on November 2, 2021 but these pleas went unnoticed by CPAH and the City of Tualatin Planning Department. The variance application assumes earthquake and landslide safety, which challenges its own CPAH geotechnical report as excerpted below.

Figures for these comments are contained at the end of this report. The CPAH Site Plan is excerpted in these comments as the background in Figure 1. The plan was included with the CPAH Variances Submittal. It proposes to eliminate stormwater runoff using infiltration in the “Stormwater Planters”, pervious parking areas, and other parts of the development site.



The effect on “landslide susceptibility” at the site is unevaluated and no stormwater analysis has been provided by CPAH. During wet weather conditions, the potential for saturated soils and high groundwater conditions is significant in the planned vicinity of the two foundations of the 4-story buildings

Oregon Statewide Land Use Planning Goals - Goal 7: Areas Subject to Natural Disasters and Hazards specifically calls out landslides as a condition of concern. Granting the height variances for the two-building configuration at 4-stories each, in lieu of addressing stormwater disposal uncertainties, will intensify potential landslide issues in the vicinity of the development site. These problems are further aggravated because the City of Tualatin Planning Department is operating without an applicable stormwater master plan for the area or acknowledgement of project effects on the Basalt Creek Wetlands. Protection from these types of impacts should be identified in Map 72-1: Natural Resources Protection Overlay District (NRPO) and Greenway Locations.

The land use variance application omits overlays of the original three buildings at three stories each, and the proposed higher two buildings at four stories each. These require projection on to the DOGAMI earthquake shaking hazard and landslide susceptibility maps. The CPAH request for height variance depends significantly on this information but it is not provided.

The Geotechnical Investigation Report by Earth Engineers, Inc. (EEI, March 2021) for the proposed CPAH project states that (p. 7 of 25, last para.):

We reviewed the Oregon Department of Geology and Mineral Industries (DOGAMI) Statewide Geohazards Information Database for Oregon (Hazard) website (<https://gis.dogami.oregon.gov/hazard/>) to report the applicable hazards for the subject property. **This database maps the property within a very strong to severe expected earthquake shaking hazard and very strong Cascadia earthquake expected shaking.** In addition, the subject property’s proximity to the Canby-Molalla fault is approximately 3.3 miles to the northeast; see Figure 2 below. The Canby-Molalla fault is moderately constrained, late Quaternary (<130,000 years) in age, has a right lateral slip sense with a slip rate of less than 0.2mm/year<sup>4</sup>. **The database also maps the subject property within moderate landslide susceptibility on the north end of the property.** It should be noted that the surrounding, previously developed properties are also mapped within these same hazards. **[Bold by LEA.]**

## **2.) Parking Variances – Reduction of Pervious Surfaces**

The reduction of pervious parking areas and replacement with impervious building footprints, as called for in the Code Variances Submittal, will result in increased stormwater runoff.

Pervious (a.k.a. permeable) pavement areas are planned as identified below in the Geotechnical Investigation Report (EEI, March 2021) for the proposed CPAH project says that (p. 2 of 25, 1st para.):

As far as stormwater disposal is concerned, we understand the current plan is to use permeable pavement at the north end of the project (beneath a sport court) and in the parking stalls, and surface infiltration in storm swales along the west edge and middle of the project.

The proposed variances do not consider alterations in expected stormwater facilities operation, maintenance and longevity. Pervious surfaces require greater maintenance and are not as durable as conventional impervious pavement surfaces. Frequent power washing and industrial vacuuming is required for pervious surfaces to operate consistently with Clean Water Services (CWS) - Stormwater Standards (See also CWS Porous Pavement Drawing No. 775.)

Alternative drainage conditions will result from granting the variances. Subsurface drainage conditions must be considered so as not to obstruct flow through pervious areas. Underground construction of permeable pavement, and concrete stormwater storage vaults, “beneath a sport court” will impede stormwater infiltration.

When infiltration systems fail because of overlooked and unplanned conditions, uncontrolled runoff volumes and untreated pollutants adversely affect downstream properties.

## **3.) Inadequate Soils and Slopes**

CPAH has claimed hardship TDC 33.120 – Variances and Minor Variances (6)(a) because portions of the development site are undevelopable and therefore require the taller 4-story two building configuration. CPAH does not provide the 3-story three building configuration although it is crucial to its claim of hardship when building is based on the development code.

The claimed steep slopes and areas of “unsuitable soils” are shown in the sections depicted in the CPAH Grading Plan. See sections Figure 2 – Southwest, and Figure 3 – Northeast and Figure 4 - Northwest. These sections contradict the conditions categorized by CPAH as “undevelopable”. This includes the taller 4-story buildings requiring the height and reduced parking

variances. CPAH claims these same construction areas are “undevelopable” creating the hardship.

As excerpted from the Land Use: Variance Submittal (unmarked pp. 2-3, under Chapter 33: Application and Approval Criteria 33.120 – Variances and Minor Variances.

The existing site grading, unsuitable soils and utility connection limitations are site-specific conditions that individually are **exceptional circumstances and collectively create an extraordinary difficult site to develop.** These site-specific conditions necessitate a structure height variance.

The current site conditions include an existing retaining wall along the west property line at Boones Ferry Road. The highest grading point on the site is located along the east property line. From the east property line, the grades slope to the northwest and southwest corners off the site. The slope at the northwest corner of the site is particularly steep. Additionally, **there is a large hill in the northeast corner of the site. This existing topography on the north side of the site makes this portion of the property undevelopable for buildings without extreme measures due to the excessive sloping conditions.**

#### **4.) Missing Overlay of Three-building Configuration on the Existing Topography**

The CPAH basis for the variance is that it improves on the original three 3-story building design with a two 4-story building design. The CPAH variance application relies upon a casual description of its original three-building design compared to its proposed two-building configuration with its height variance.

Available City of Tualatin planning documents do not include an overlay of the original 3-bldg configuration with the existing topography. The variance application refers to an original three-building configuration description related to soils and slopes but does not make it available. Tualatin DID provide this overlay information for the proposed CPAH two-building arrangement in its grading and site plans but this alone is insufficient when considering hardship comparison.

The omitted 3-building overlay, and related soils and slopes comparison information were requested for review by LEA but were disregarded by CPAH and the City of Tualatin Planning Department.

#### **5.) Maps and Drawings**

CPAH uses numerous abbreviations and symbols in its Plambeck Gardens Grading and Site plans submitted with its Variances Submittal.

We requested the abbreviations, symbols and related definitions sheet that corresponds to the Grading and Site Plans. These plans were provided by CPAH as part of the Variances Submittal but LEA's request was disregarded.

#### **6.) Stormwater Analysis Supporting the CPAH Variances Submittal**

Some stormwater affected features are shown on the Grading and Site Plans for the proposed variance with the 2-building configuration. These features include stormwater planters, pervious parking lot spaces, building footprints, pervious driveways and other structures.

The variance proposes, among other drainage related conditions, reducing pervious parking spaces compared to the original 3-building configuration. The concern is that granting the variance will result in increased runoff and stormwater pollutants leaving the site.

The level of detail in the Site and Grading Plans suggests that CPAH and Tualatin have stormwater analyses and/or modeling that validates the proposed drainage in the Grading and Site Plans developed for the two-building configuration contained in the Variances Submittal. The stormwater analyses/modeling for both the two and three- building configurations were requested by LEA but the request was disregarded by CPAH and the City of Tualatin Planning Department.

#### **7.) HUD and NOAA Stormwater Standards**

The land use variance request states that the project will meet HUD and NOAA stormwater standards but does not specify these standards. Nor is an evaluation provided as it affects the variance request. The Land Use Variance Submittal states on unmarked pp. 4 (last para.) – 5 (1<sup>st</sup> para) that:

The Plambeck Gardens development will build a new public water line to the site from SW Norwood Road and provide a connection point for other future developments. **The project will meet stormwater standards complying with CWS standards in addition to the HUD and NOAA standards that would not apply to a market-rate development in this area.** The project will connect the private sanitary sewer lines at a private manhole on site where they will meet the public sanitary sewer line that will be constructed by the Autumn Sunrise development to the south. **[Bold by LEA.]**

The specific HUD and NOAA standards being referred to, and resulting evaluations, were requested for review but were disregarded.

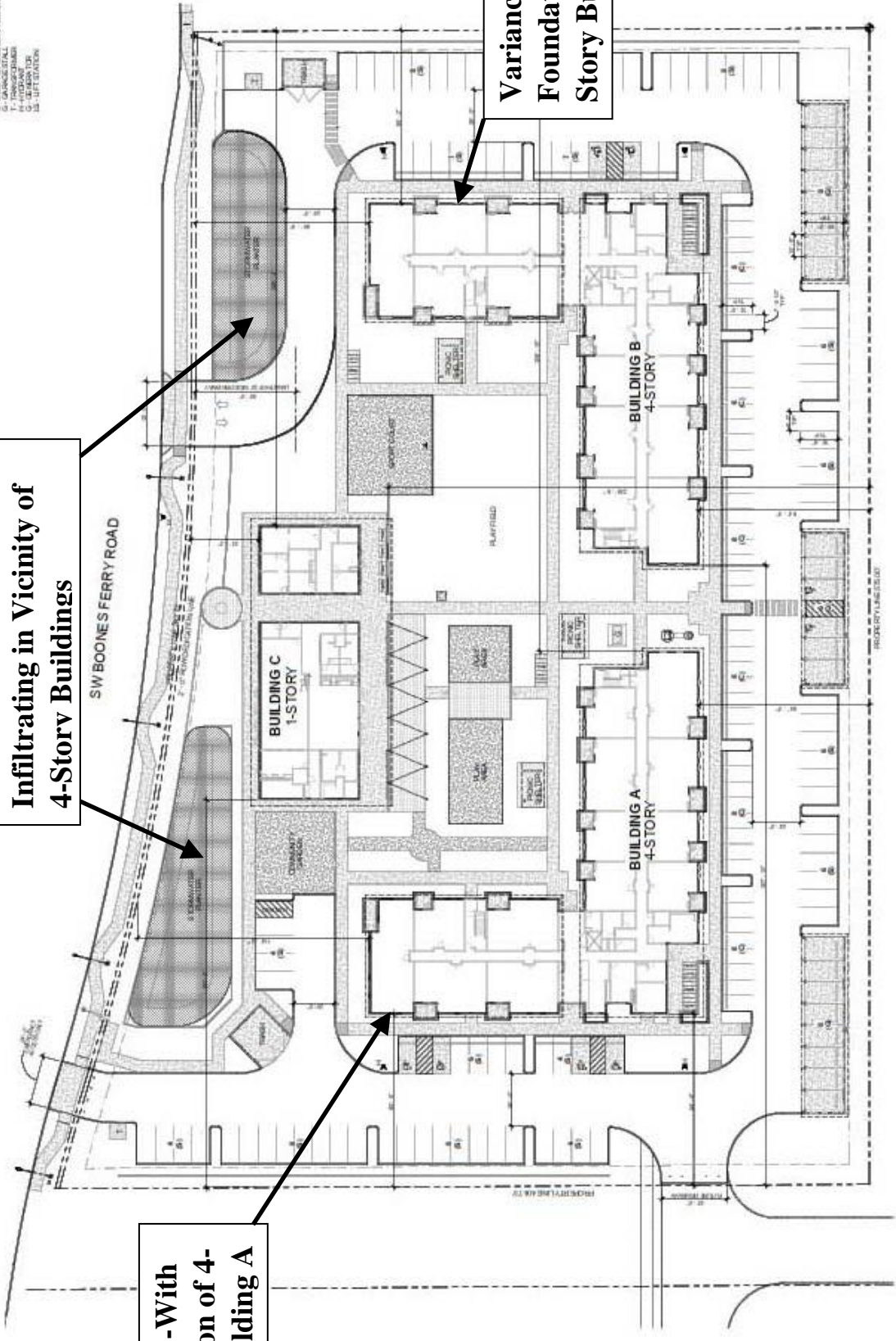
# Figures

**LEGEND:**  
 1. STORMWATER INFILTRATION  
 2. CURB CUT WATER SURFACE FLOW  
 3. FLOW THROUGH CURB CUT  
 4. FLOW THROUGH CURB CUT  
 5. FLOW THROUGH CURB CUT  
 6. FLOW THROUGH CURB CUT  
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 10. FLOW THROUGH CURB CUT  
 11. FLOW THROUGH CURB CUT  
 12. FLOW THROUGH CURB CUT  
 13. LIFT STATION

**Stormwater Planters Infiltrating in Vicinity of 4-Story Buildings**

**Variance - With Foundation of 4-Story Building A**

**Variance - With Foundation of 4-Story Building B**

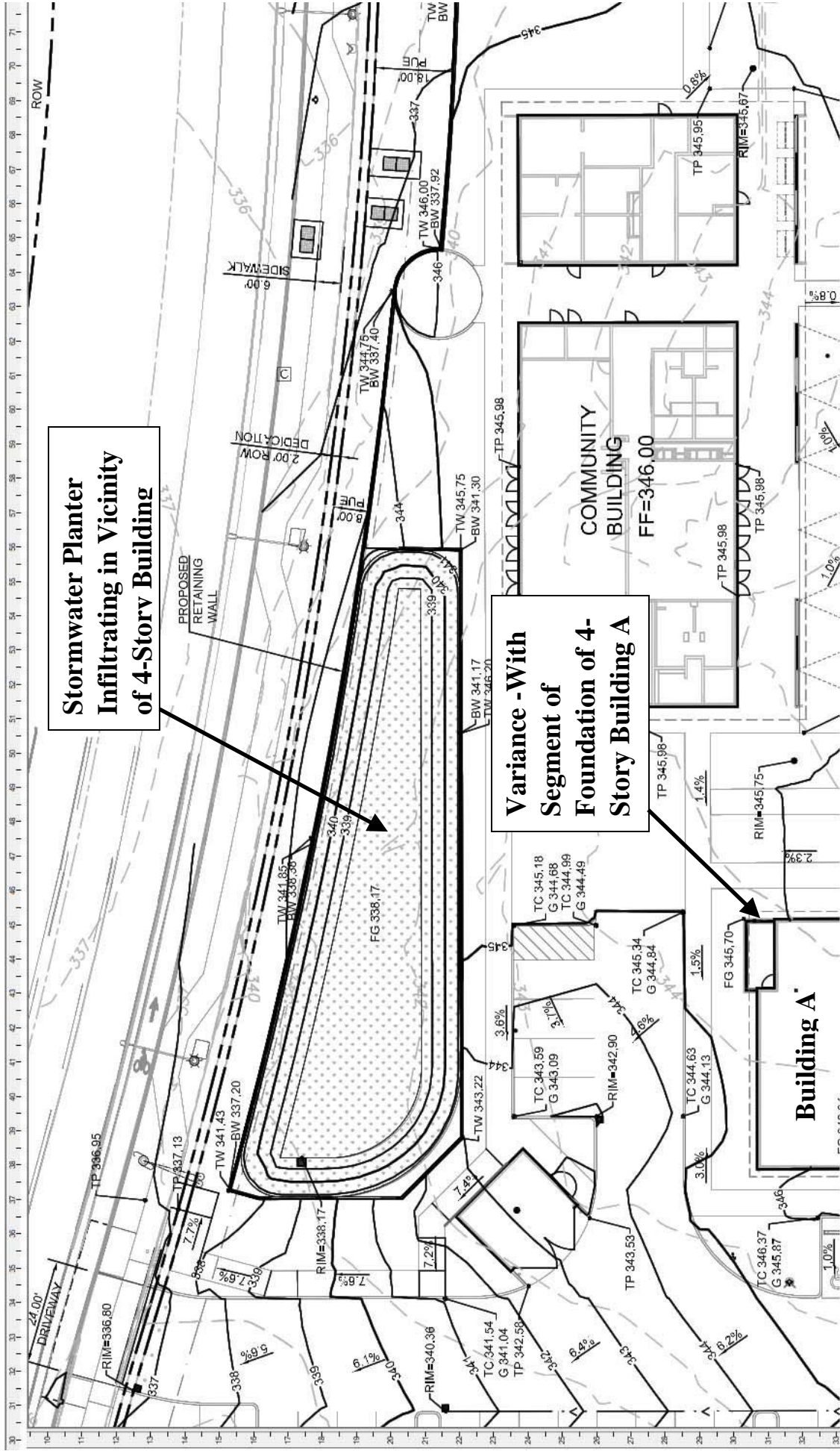


**Figure 1. LEA Text Overlay on CPAH Site Plan Background. Showing Infiltrating Stormwater Planters in Vicinity of 4-Story Buildings Variance Would Allow.**

**PLAMBECK GARDENS**  
 23500 & 23550 SW BOONES FERRY ROAD  
 TUALATIN, OREGON 97062  
 LAND USE VARIANCE APPLICATION  
 09.02.2021



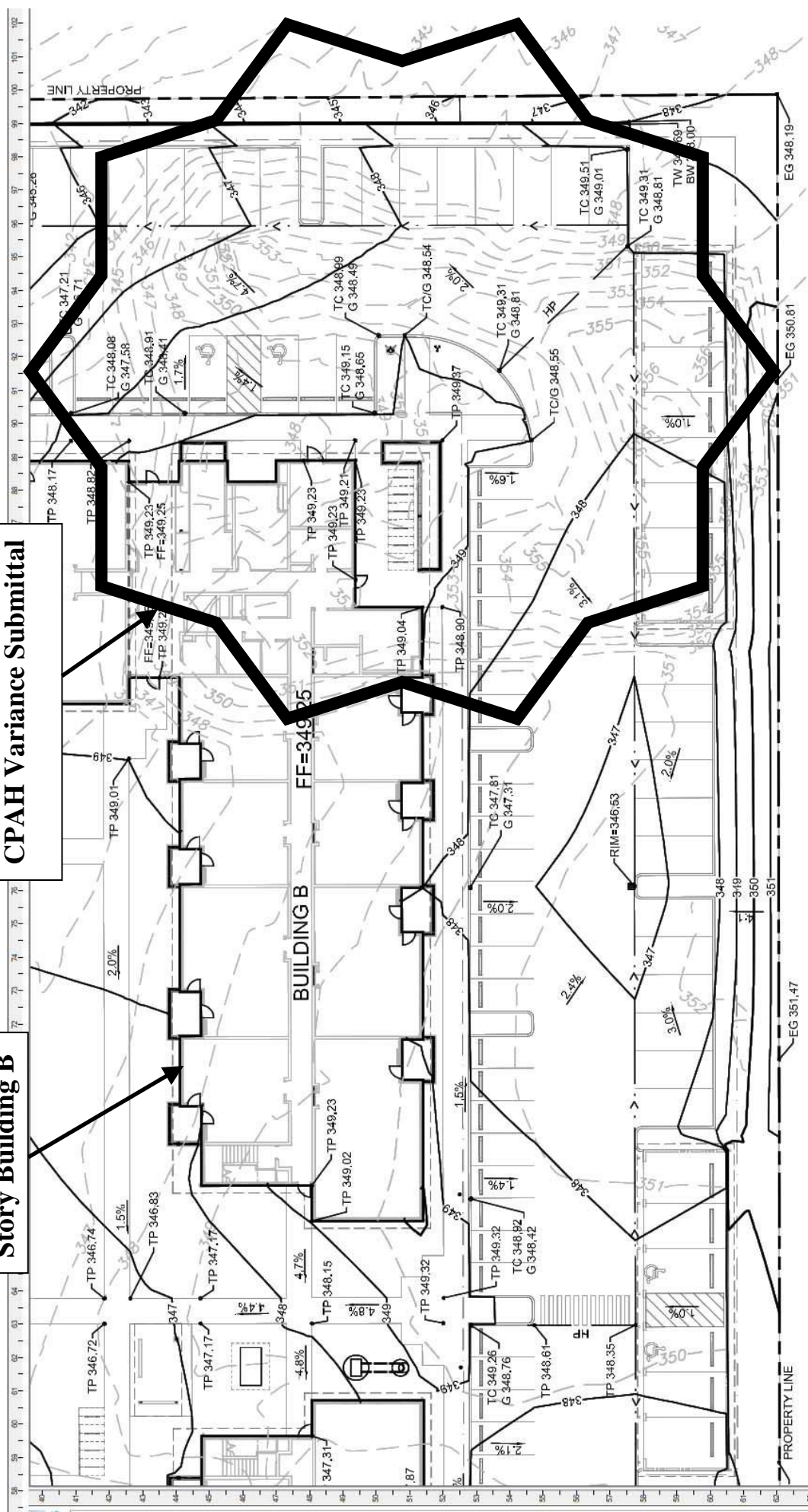
**CPAH**  
 COMMUNITY PARTNERS  
 FOR AFFORDABLE HOUSING  
 1222 COMMUNITY COLLEGE AVENUE, TUALATIN, OR 97062



**Figure 2. Southwest (SW) Section depicting the 4-Story Variance with a foundation segment of CPAH Building A - Grading Plan. Showing proximity of the stormwater infiltration facility. Text and graphic overlay by LEA.**

**Variance - With Foundation of 4-Story Building B**

**“hill” described as “undevelopable” in the CPAH Variance Submittal**



**Figure 3. Northeast (NE) Section of the CPAH Variance for Two Building Configuration - Grading Plan. The foundation and associated grading of Building B is built into the “hill”. This is inconsistently described as “undevelopable” in the variance submittal. Text and graphic overlay by LEA.**



Described as “particularly steep” & “undevelopable” in the CPAH Variance Submittal

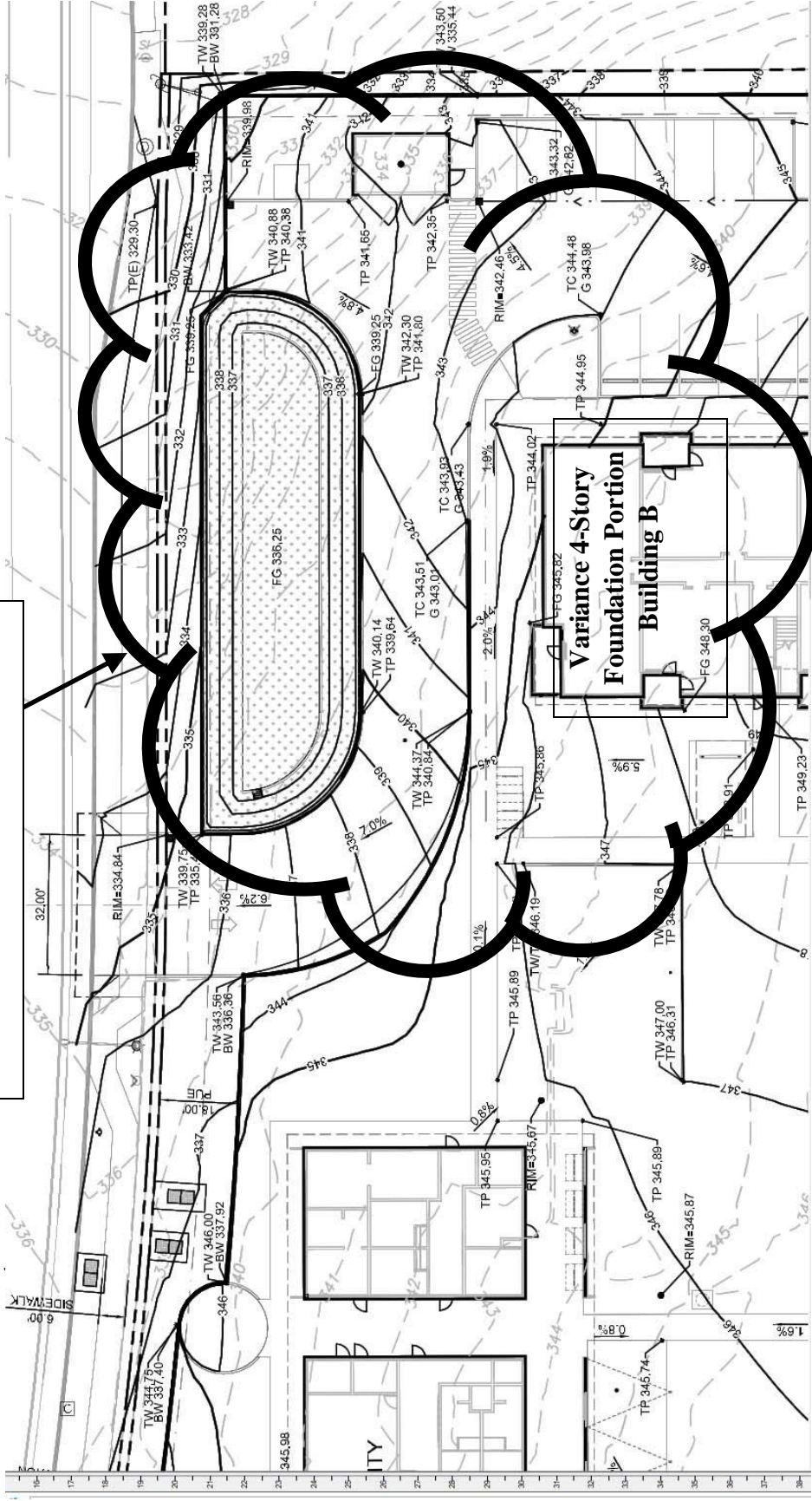


Figure 4. Northwest (NW) Section of the CPAH Variance for Two Building Configuration - Grading Plan. The foundation and associated grading of Building B is constructed into the “particularly steep” slope. This is inconsistently described as “undevelopable” in the variance submittal. See LEA Comment 3. Text and graphic overlay by LEA.

# **Appendix A**

**Cumuli Vitae for David M. LaLiberte, P.E.**

**David M. LaLiberte, P.E.**  
*Principal Engineer*



**Summary:**

Mr. LaLiberte's qualifications comprise over 30 years of experience in surface water quality analysis and evaluation, hydrology and hydraulics, stormwater system analysis, biological criteria for water and sediments, environmental quality control, sewage and industrial pollution abatement, effluent treatment alternatives and design, discharge requirements for NPDES wastewater and stormwater permits, mixing zone assessment, water intake and thermal discharges and environmental design. He has managed and performed on many environmental project teams assisting state and federal agencies, as well as municipal and industrial facilities, and non-governmental organizations in Oregon, California, Washington, Alaska and throughout the USA.

**Education:** M.S., Civil Engineering, Portland State University, 1990  
B.S., Civil Engineering, Portland State University, 1988

**Registration:** Professional Engineer, Oregon (Civil and Environmental)

**Liberte Environmental Associates, Inc. Experience:**

*Water Quality Evaluation of the Stormwater Management Plan (SWMP) Proposed for The Dalles, Oregon Wal-Mart Super Center* for Karl Anuta, Attorney representing the plaintiff Citizens for Responsible Development in The Dalles. The effect on receiving water quality from stormwater discharges from a large retail facility was assessed in a report submitted to the Circuit Court of the State of Oregon. The detailed Expert Report was developed identifying the discharge conditions, storm flows based on local precipitation, storm flow mapping and routes, potential treatment levels using mechanical filtration and swales and other WQ issues. Water quality effects on receiving wetlands and tributaries of the Columbia River were investigated because of increased solids, toxics and bacterial loadings to be released from the proposed facility. Expert Testimony was provided in court supporting the evaluation report. This project was conducted in 2012 and 2013.

*NPDES Mixing Zone and Water Quality Evaluations* for Trident Seafoods Corporation, Alaska – Effluent characterization, discharge system configuration, receiving waterbody consideration, biological criteria and mixing zone evaluations were performed. Acting as subconsultant for Steigers Corporation. Facility operations generating wastewater discharges include: stormwater runoff inflow, seafood-processing wastewater, non-contact cooling water, treated sanitary effluent and other sources of industrial effluents. The MZ evaluations conformed to NPDES permit requirements and mixing zone guidelines for Trident facilities in Alaska at Akutan and Sandpoint. This project was performed from 2010 through 2012.

*NPDES Water Quality Technical Assistance and Alternative Design Evaluations* for North Slope Borough, Alaska – Evaluation of US Environmental Protection agency NPDES permit for discharges from oil and gas facilities including discharges from: stormwater system,

## David M. LaLiberte (Continued)

drilling operations, cooling water intake and discharge, storage facilities, pipelines, gravel pits, treated sewage discharges, maintenance requirements, and other types of discharges. These discharges include stormwater affected deck drainage, cooling water intake and thermal discharges, treated sewage discharges and drill cuttings disposal to marine sediments. Water quality evaluation of the Camden Bay Exploration Plan for the Beaufort Sea of the Arctic Ocean was conducted for discharge impacts on the marine aquatic environment and relative to BOEMRE/MMS EIS. Analysis of the Chukchi Sea Exploration Plan of the Arctic Ocean was conducted for discharge impacts on the marine aquatic environment and relative to BOEMRE/MMS EIS. These evaluations were based on water quality and treatment alternatives assessment, and comparison to biological criteria. This project was conducted in 2010 through 2011.

*Aurora STP NPDES Assessment* for CRAG Law Center - Review of documents related to the design, operation and monitoring of the Aurora, Oregon Sewage Treatment Plant. Documents include: NPDES permit; stormwater inflow and infiltration, design related plans and specifications including recent headworks unit design; discharge monitoring reports, irrigation using effluent reuse, biosolids monitoring reports; effluent reuse plan and additional information relating to the design and operation of the Aurora STP. The review provided a basis for assessing potential causes of facility underperformance and discharge violations. An STP site visit was performed during this project to investigate facility aeration treatment, reuse equipment and capacities. This project was conducted from 2008 through 2010.

*Review of the Medford STP Nutrient Related Discharges*, for CRAG Law Center in Portland, Oregon. Evaluation of treatment facility and nutrient discharges from the Medford Sewage Treatment Plant (STP) into the Rogue River in Jackson County, Oregon. Existing discharges were evaluated for nutrient concentrations based on the discharger's CORMIX mixing zone analysis. Facility costs to upgrade for nutrient removal, including nitrogen and phosphorus, were developed. This project was performed in 2015 through 2017.

*Evaluation of Sewage Treatment Plant Discharges to the Illinois River, Oregon*, for the City of Cave Junction. Mixing zone analysis using EPA CORMIX was performed to determine the effects of temperature and other discharge parameters on river quality. Hydraulic analysis of river flow conditions was conducted to support the MZ analysis particularly for critical summertime conditions. This project was performed in 2013 through 2014.

*Draper Valley Farms, Inc. Chicken Processing Industrial Discharge to Municipal Sewage System*, for Smith and Lowney, PLLC representing the plaintiff Waste Action Project Citizens Suit. The effects on sewage treatment processes were evaluated relative to high biochemical oxygen demand (BOD) from Draper Valley Farms (DVF). A key focus of this analysis was the operational consequences of excess BOD on treatment in the aeration basins of the Mt. Vernon, WA municipal facility. The pass-through impact on the Skagit River was assessed for increased BOD from the industrial discharge. This project was conducted in 2014 and 2015.

*Coal Discharge Investigation for the Columbia River and Selected Tributaries*, for the Sierra Club supported by the Columbia Riverkeepers. Prospective coal samples were collected from sediments along 18 miles of the Columbia River located at the confluences of selected tributaries from Rock Creek (RM 150.0) to the White Salmon River (RM 168.3). Sampling locations corresponded to Burlington Northern Santa Fe (BNSF) railroad crossings at or near

## David M. LaLiberte (Continued)

tributaries. The distribution of coal discharges into the Columbia River were mapped. Samples were analyzed by a third-party laboratory. Sample parameters were: moisture content, fixed carbon, volatile matter, ash and total sulfur. This was based on ASTM Proximate Analysis plus sulfur. Coal identification, to determine potential sources of coal, was completed for this investigation with the support of supplemental analysis advised by the laboratory. Supplemental analysis included ASTM D-388 requirements for heating value, sulfur in ash, free swelling index (carbonization physical characteristic) and classification of coal by rank. A deposition was provided in 2016 to defend the results of coal report. This project was performed in 2012 through 2013 and 2016.

*Oregon Department of Environmental Quality - WQ Technical Assistance: Industrial discharge effluent evaluation of the Port of St. Helens, Oregon ethanol and power generating plants. Outfall mixing zone analysis with design assessment was developed. Provided water quality evaluation and environmental engineering assistance to the Oregon DEQ. Work included receiving WQ analysis, operations review, thermal discharge evaluation, biological criteria comparison and mixing zone analysis. NPDES requirements were based on EPA *Quality Criteria for Water*, EPA *Technical Support Document for Water-based Toxics Control (TSD)* and State Administrative Rules. The mixing zone models CORMIX and PLUMES were evaluated relative to the cases at hand. Potential discharge chlorine residual and temperature requirements were evaluated. The effect of potential temperature Total Maximum Daily Loads (TMDLs) in the Columbia River was also evaluated. This project was performed in 2003 through 2004.*

*Wauna Pulp and Paper Mill Outfall 003 and Columbia River Field Survey Locations and Sampling Results for Columbia Riverkeeper including sampling. In coordination with staff and volunteers, water samples were collected in the vicinity of the paper mill outfall for laboratory analysis. The physical outfall mixing zone was mapped using in-situ Hydrolab water quality measurements taken with depth for temperature, dissolved oxygen, pH, conductivity and turbidity. Laboratory samples were analyzed for potentially toxic concentrations of dioxins, total residual chlorine (TRC) and metals including aluminum, arsenic, copper, iron, lead, mercury and zinc. Additional information sources were investigated using the Oregon DEQ permit file and including the mill's NPDES permit and the mutual agreement and order (MAO) compliance schedule. This project was conducted in 2004.*

*Review of Draft and Final NPDES General Permit Cook Inlet, Alaska Oil and Gas Operators for Cook Inletkeeper - Evaluation of the draft National Pollutant Discharge Elimination System (NPDES) permit proposed by the U.S. Environmental Protection Agency (EPA) authorizing wastewater discharges from oil and gas exploration, development, and production facilities into Cook Inlet, Alaska. There are 18 existing facilities discharging into Cook Inlet with new facilities capable of being brought on line under the draft permit. Technical analysis of these discharges, which can contain toxic and bioaccumulating contaminants, was performed relative to the potential to adversely affect Cook Inlet water quality and sediments. This project was conducted from 2007 through 2009.*

*Water Quality Evaluations and NPDES Permit Requirements for the four (4) WES publicly owned treatment works (POTW) discharges (2000-2004, 1999) performed for Water Environment Services, Clackamas County, Oregon. These included evaluation of discharge*

## **David M. LaLiberte (Continued)**

effects on the Willamette River (2 outfalls), Sandy River and a tributary of the Clackamas River. Field water quality sampling including detailed outfall mixing zone investigations. Water quality assessment was conducted relative to effluent temperature, disinfection and ammonia requirements to protect fish and aquatic organisms. Effluent mixing zone simulation and analysis was performed. Treatment alternatives analysis and costing were undertaken to ensure existing and future discharge conditions were protective of river WQ. River outfall piping alignment and diffuser design was provided including construction management of river installation.

*Expert Analysis of Surimi and Seafood Industrial Wastewater Discharge into the Skipanon and Columbia Rivers, Oregon* (2003-2006) was conducted for the National Environmental Law Center. Water quality analysis evaluating the effects of seafood and surimi wastewater discharges on the Skipanon and Columbia Rivers, Oregon. Field data collection was performed to support water quality technical analysis. Investigation included mixing zone analysis of historic seafood and surimi wastewater discharges into the Skipanon River, and new discharges to the Columbia River. Evaluations were performed for various discharge scenarios, monitoring and sampling requirements, potential treatment options, and alternative outfall pipeline alignments. Effluent and instream dissolved oxygen (DO), biochemical oxygen demand (BOD), ammonia, hydrogen sulfide, nutrients nitrogen and phosphorus, oil and grease, and total suspended solids (TSS) were evaluated in detail. Expert witness analysis and reporting was provided.

*Westport Sewer Service District, Clatsop County, Oregon - MZ Evaluation with Alternative Disinfection* (2003-2004). This project assessed water quality and mixing zone effects of disinfected treated wastewater discharged to Westport Slough, a segment of the Columbia River. Chlorine residual reduction or elimination was a key evaluation concern to satisfy Oregon DEQ requirements. Comparisons of alternative disinfection treatment scenarios and costs were performed that would allow the discharger to continue to meet WQ requirements. Ultraviolet disinfection, chlorination-dechlorination, and outfall diffuser feasibility were all investigated with comparison costs. In particular, the existing chlorination system was evaluated relative to how easily it could be retrofitted to function with dechlorination. The alternatives analysis aided the discharger in making a determination as to course of action.

*Public Employees for Environmental Responsibility* preparation of report *Effect On Puget Sound Chinook Salmon of NPDES Authorized Toxic Discharges as Permitted by Washington Department of Ecology* (2005-2006). Industrial, municipal, stormwater and general facility NPDES permits were reviewed and analyzed relative to the presence of toxic contaminants in Puget Sound. Toxic contaminants evaluated included metals, hydrocarbons, and chlorinated hydrocarbons.

*Citizens for Responsibility v. Izaak Walton League*, Circuit Court of the State of Oregon for Lane County, Expert Analysis for Plaintiff evaluating the effects of lead contamination from shooting range into South Fork Spencer Creek (2004-2005). Sediment sampling was conducted for metals including lead, arsenic, copper and polynuclear aromatic hydrocarbons (PAH). This information was evaluated for pollutant distribution and transport from the contaminated site and relative to upstream and downstream properties. Expert testimony was given at trial in 2004. Expert analysis and testimony was also provided in the subsequent equitable relief phase. Participation in the settlement conference was also provided.

## **David M. LaLiberte (Continued)**

*Canby Utility Board* - Industrial Discharge from Water Treatment Plant Study and Predesign (1999-2000) addressing Molalla River water quality issues with Oregon DEQ including treatment alternatives: filter backwash sedimentation basin, disinfected effluent de-chlorination, river infiltration gallery design, intake piping system, and sediment and riparian effects mitigation.

*Water Environment Services* of Clackamas County Hoodland WWTP Outfall Project Descriptions and Costs (2000); FEMA engineering, budgeting and negotiations is intended to reimburse Clackamas County for flood damage to their wastewater treatment plant outfall on the Sandy River. Numerous regulatory issues affected costs including an ACE 404 permit for instream construction work, NMFS ESA Section 7 Consultation, and NEPA documentation including environmental and biological assessments.

*City of Bremerton, CSO Projects* --A comprehensive review of the City of Bremerton, Washington collection system model was performed (2000). Hydraulic modeling was used to update information for the main sewer lines, combined sewer overflows and discharge conditions. Selected CSO reduction alternatives were evaluated and implemented. The purpose of the CSO reduction alternatives was accomplished and potential early action projects were identified. These projects yielded substantial CSO reductions while being quickly implemented at reasonable cost. Revised CSO baselines were produced conforming to Washington Department of Ecology requirements for Bremerton's 17 CSO outfalls. Expert witness testimony supporting the findings of the CSO baselines was provided in a hearing at the Federal Court in Seattle.

### ***Previous Experience (Montgomery Watson Americas)***

In addition, I have performed as project manager and/or project engineer on the following undertakings:

- Project Manager/Engineer evaluating stormwater hydrologic, hydraulic and quality conditions in Balch Creek Basin for the City of Portland, Bureau of Environmental Services, Oregon. The Army Corps of Engineers (COE) hydrographic model, (HEC-1) and hydraulic model (HEC-2) were applied to establish design criteria for flood magnitude, stormwater detention, water quality facility hydraulics and fish passage culvert hydraulics.
- Project Engineer evaluating stormwater hydrologic, hydraulic and quality conditions in Clackamas County for the CCSD#1. The graphically enhanced model, XP-SWMM, was used to develop the hydrology and hydraulics for the Kellogg and Mt. Scott Creeks basins in CCSD#1.
- *City of Portland, Bureau of Environmental Services* included Water Quality Evaluations and Diffuser Designs (2000-2001, 1997,1994) for wet and dry weather flows with chlorine residual discharges, and wet weather stormwater runoff for suspended solids and metals with potentially affected agencies including US Corps of Engineers, Oregon Division of State Lands, NOAA Fisheries, Oregon Dept. of Fish and Wildlife and US Fish and Wildlife.

## David M. LaLiberte (Continued)

- Project Manager/Engineer for the Kensington Mine in Alaska. PLUMES mixing zone modeling was used to evaluate the conditions affecting this industrial outfall. Sedimentation basin design for removal of mine tailings prior to discharge to Lynn Canal.
- City of Bremerton Corrosion and Fluoridation Facility detention facility design. An on-site detention facility was designed pursuant to Washington Department of Ecology's requirements as specified in the *Puget Sound Stormwater Management Manual*.
- Project Engineer for Water Environment Services of Clackamas County Kellogg Creek WWTP Odor Control Project. Participated as team engineer to design malodorous air collection system for headworks, primary clarifiers, secondary clarifiers, and dissolved air floatation thickening (DAFT) building. Malodorous air was passed through a biofilter for treatment.
- Project Engineer for Crescent City, California WWTP outfall mixing zone analysis. A major consideration of this project was developing alternative outfall pipeline alignments and an effective discharge location to optimize mixing.
- Project Manager/Engineer for the Hoodland WWTP Outfall project, which includes outfall diffuser design and construction (1998) in a sensitive Sandy River corridor.
- Project Task Manager—Jefferson County (Birmingham, Alabama) stream water quality analysis was performed relating to recommended NPDES permit limits for dry and wet weather conditions. Collection system analysis and treatment plant design constraints are also considerations in this potentially very large project.
- Project Engineer using Pizer's HYDRA, data compatible with the City of Portland, Oregon's XP-SWMM format, to evaluate gravity flow conditions in the proposed dual outfall system consisting of two connected parallel outfall systems over one mile each and including wet weather (CSO) hydraulic structures such as flow control structures, mix boxes and outfall diffusers.
- *City of Madison, Wisconsin* - stream water quality modeling analysis of POTW discharge relative to NPDES permitting requirements (1995-1996). A key objective of this study was restoration of base flows to the Sugar River Basin using high quality POTW effluent. An EPA QUAL2E model was developed for Badger Mill Creek and the Sugar River. Physical, chemical and biological simulation included temperature, algae, dissolved oxygen (DO), biochemical oxygen demand (BOD), total suspended solids (TSS) and ammonia. Particular attention was focused on the inter-relationships between temperature, climatological conditions, stream shading and channel conditions, DO, BOD and algal activity. Temperature and discharge point design alternatives were investigated using the model. It was demonstrated that, with minimal WWTP facility upgrading and cost, the City could beneficially discharge high quality effluent to surface streams. This assurance was primarily accomplished through detailed modeling analysis and model approach consensus building with regulators (WDNR). Some keys to the success of this project were in identifying important NPDES permitting issues, evaluating them with the model, recommending permit effluent limits and negotiating with regulators.



## **David M. LaLiberte (Continued)**

- *Washington Beef, Incorporated* in Toppenish, Washington – Development of an NPDES permit under the direction of the EPA (1993-94). The project objective was development of receiving water based permit effluent limits for this food-products industry discharger using dissolved air floatation (DAF) treatment. Important project elements were: interfacing with regulatory (EPA Region 10 and Washington Ecology) and public agencies; evaluation of the effect of effluent parameters on receiving water using modeling analysis (EPA QUAL2E and EPA CORMIX); and providing long-term treatment system design recommendations. Fishery issues were of key concern for this project. Receiving water modeling was used to analyze the discharge effects of on stream dissolved oxygen and temperature on the aquatic environment. The inter-relationship between temperature, climatological conditions, stream shading and channel conditions, DO and algal activity were thoroughly investigated. Temperature and discharge design alternatives were evaluated using the water quality model.

### ***Previous Experience (Other Firm)***

- *Oregon Department of Environmental Quality and Oregon Department of State Land Conservation and Development* - Non-point Source Pollution Control Guidebook for Local Government (1994) evaluation of non-point runoff pollution and control measures including detention facilities, sedimentation basins, water quality ponds and marshes; City of Portland, Bureau of Environmental Services (1989-90) - evaluated effects of combined sewer overflows and stormwater discharges on the Columbia Slough of the Columbia River. Hydrologic and water quality modeling support was provided including sampling.
- Project Engineer for NPDES waste discharge permit review and support related to permit effluent limits for the City of Vancouver, Washington. Two tracer dye studies were performed at their two municipal WTP outfalls. The key project objective was to determine actual outfall dilution and provide a physical, receiving water basis for setting permit effluent limits. The mixing zone evaluations showed that actual dilution was greater than estimated by the regulatory agency (Washington Department of Ecology) and higher permit effluent limits were recommended.
- Project Task Manager and Engineer for a comprehensive hydraulic and water quality compliance evaluation and recommendations. The City of Portland's Columbia Boulevard WTP, the largest municipal discharger in Oregon (300 MGD), required assistance in meeting their water quality compliance needs. A highly detailed Columbia River tidal flow evaluation was performed in the outfall vicinity to serve as the basis for the mixing zone simulation and diffuser design. EPA CORMIX, and the EPA supported PLUME model family (including UDKHDEN), were used in the modeling analysis. A thorough investigation of water quality compliance options led to regulatory (ODEQ) approval of the multi-port diffuser design, the lowest cost compliance option.
- Project Engineer for Kehei, Hawaii Water Reuse Facility (1992). Participated as team engineer to design upgrades to the facility's aeration basin including aeration blower design and aeration basin air piping with small bubble diffusion.
- Project Engineer for the Columbia Slough flow augmentation project for the City of Portland Bureau of Environmental Services, Oregon. Dynamic water quality modeling (COE CE-QUAL-W2), water quality sampling, and hydrodynamic sampling were

## David M. LaLiberte (Continued)

performed for this dynamic “freshwater” estuary. This project was driven by the City’s need to evaluate the impact of water quality limited conditions on the Columbia Slough and was coupled to the City’s EPA SWMM model. The objective was to propose best management practices (BMP) and evaluate design alternatives. The effect of temperature on the aquatic environment was examined in detail. The sophisticated two-dimensional (vertical and longitudinal) dynamic model evaluated temperature regimes and their effect on in-stream water quality. In-stream temperature design alternatives were investigated via simulation of climatological conditions, stream shading and channel conditions, algal processes and kinetics, and instream DO.

- Project Engineer conducting stormwater hydrologic and hydraulic simulation to evaluate flood effects for the City of Beaverton, Oregon. HEC-1 hydrographic modeling was conducted to generate peak flow values from surface runoff for existing and future conditions. HEC-1 model results for 2, 5, 10, 25, 50 and 100-year storm events were supplied to the HEC-2 model for detailed hydraulic analysis. The HEC-2 modeling was required as part of a cost assessment that included potential flood damage of key storms.
- Project Manager and Engineer for a mixing zone evaluation and diffuser design for the City of Albany, Oregon. An outfall pipeline and 40 MGD capacity multi-port diffuser was designed for this municipal discharger using EPA CORMIX. Simulation was performed to optimize the diffuser design. The DEQ approved design will meet water quality compliance needs for chlorine and ammonia.
- Project Engineer mixing zone modeling and design for the City of Gresham, Oregon. Alternative disinfection and multiport diffuser design were evaluated. Modeling (EPA CORMIX) was utilized to optimize multiport diffuser design for this WWTP outfall. Simulation offered the flexibility to test numerous design conditions.
- Project Manager and Engineer for a mixing zone evaluation and diffuser design for the Unified Sewerage Agency, Washington County, Oregon. Analysis of four municipal treatment facility outfalls was conducted according to DEQ NPDES requirements. Model simulation was performed to determine revised wet weather chlorine residual effluent limits. The models were calibrated to dye study results. Wet weather stream surveys were also performed at two sites, Hillsboro and Forest Grove. Alternative disinfection was evaluated and diffuser design recommendations were also made.
- Project Manager and Engineer for outfall mixing zone simulation and water quality compliance evaluation for the Oak Lodge Sanitary District, Oregon. As part of NPDES permit requirements, model simulation was performed to characterize the municipal discharge-mixing zone. Available dilution values and recommended permit effluent limits for chlorine, ammonia and metals were derived from the study.
- Project Manager for a mixing zone evaluation and diffuser recommendations for Electronic Controls Devices, Incorporated. A mixing zone field evaluation of this circuit board manufacturer's discharge was performed. Very low amounts of organics and metals from the facility discharge needed to be discharged to a small stream in a responsible manner. This study illustrated that the discharge was well within compliance requirements.

## **David M. LaLiberte (Continued)**

### ***Previous Experience (Portland State University Research Assistant)***

*City of Portland, Bureau of Environmental Services (1989-90)* - evaluated effects of combined sewer overflows and stormwater discharges on the Columbia Slough of the Columbia River. Hydrologic and water quality modeling support was provided including field sampling.

- Project Engineer for evaluation of fish screen approach velocities and hydraulic design analysis for the Eugene Water and Electric Board, Leaburg, Oregon. The effects of downstream baffles on velocities through fish screens at the Leaburg Power Canal Facility were evaluated for fish passage.
- Project Engineer evaluating combined sewer overflows (CSO) and stormwater discharges on the Columbia Slough. Hydrologic and water quality modeling, using the City's EPA SWMM model data, of urban runoff from sub-basins discharging to the Columbia Slough was supplied as input to the Army Corps of Engineers in-stream surface water model, CE-QUAL-W2. This study was performed for the City of Portland, Bureau of Environmental Services in Oregon.
- Project Engineer for the South Slough National Estuarine Reserve Hydrodynamic and Water Quality Study, State of Oregon, Division of State Lands, Charleston, Oregon. Dynamic water quality modeling, water quality sampling, and hydrodynamic sampling were performed for this southern section of the Coos Bay estuary. Tracer (rhodamine) dye study results were used to calibrate the Army Corps of Engineers CE-QUAL-W2 model.
- Project Engineer for design of stream flow measurement structures on two tributaries of the South Slough National Estuarine Reserve (State of Oregon, Division of State Lands) in Charleston, Oregon. Analysis and design of stream flow measurement structures was required as part of a study assessing the hydrology and hydraulics of this pristine estuary.
- Project Engineer for a hydrologic, hydraulic and water quality assessment of Smith and Bybee Lakes in Portland, Oregon. Lake sampling and modeling was performed. The objective of the study was to evaluate the potential for water quality impairment due to the close proximity of St. John's municipal landfill and Columbia (North) Slough inflow. A hydraulic model of possible flow control structures was incorporated into the Army Corps of Engineers CE-QUAL-W2 hydrodynamic and water quality model. Recommended actions were advanced for improving lake water quality based on simulation scenarios. This study was conducted as part of a larger study for the Port of Portland, Metropolitan Service District, and City of Portland, Bureau of Environmental Services, Portland, OR.
- Project Manager and Engineer assessing the water quality impact of urban runoff from the Leadbetter storm outfall discharge to Bybee Lake. This study was conducted for the Port of Portland, Portland, Oregon.
- Project Engineer assisting in initial field work and model development for assessing impact of landfill leachate on surrounding surface waters. Conducted for the Metropolitan Service District (METRO) as part of the St. Johns Landfill closure.

**David M. LaLiberte (Continued)**

**Publications and Presentations**

Stream Temperature Trading, Presented at the Pacific Northwest Pollution Control Annual Conference, 2001, Bend, Oregon.

Winter Temperature Gradients in Circular Clarifiers (January 1999), *Water Environment Research*, **70**, 1274.

Wet Weather River Diffuser Port Velocities: The Energetic Debate, Presented at the Pacific Northwest Pollution Control Annual Conference 1998, Portland, Oregon.

Near Field Mixing and Regulatory Compliance Implications Presented at Portland State University, February, 1998.

Whither the Wet Weather Flow, Presented at the Pacific Northwest Pollution Control Annual Conference 1997, Seattle, Washington.

# **Appendix B**

**Emails Related to LEA Information and Documents Requests**

**Subject:** Request for Documents - CPAH Plambeck Gardens  
**From:** Dave LaLiberte <dave@ee83.com>  
**Date:** 11/1/2021, 4:39 PM  
**To:** eengman@tualatin.gov

Erin, the following is:

Partial List and Request of Omitted Critical Information  
For the CPAH Plambeck Gardens Planning Documents  
For Potential Land Use Code Variance of HUD Development on Boones Ferry Road

Request by Dave LaLiberte (503.582.1558), Principal Engineer at LEA, Inc., Wilsonville, Oregon  
On behalf of John and Grace Lucini at 23677 SW Boones Ferry Road, Tualatin, OR 97062

I will follow-up tomorrow with a phone call to ensure that you have gotten this email. Thanks in advance. Dave L.

## **1.) Earthquake & Landslide Hazards is Omitted in the Variance Request Application**

Earthquake and Landslide Hazard overlays, and resulting evaluations, are requested. The variance application assumes earthquake and landslide safety, which challenges its own CPAH geotechnical report.

The land use variance application omits overlays of the original three buildings at three stories each, and the proposed higher two buildings at four stories each. These require projection on to the DOGAMI earthquake shaking hazard and landslide susceptibility maps. The request for height variance depends significantly on this information but it is not provided.

The Geotechnical Investigation Report by Earth Engineers, Inc. (EEI, March 2021) for the proposed CPAH project states that (p. 7 of 25, last para.):

We reviewed the Oregon Department of Geology and Mineral Industries (DOGAMI) Statewide Geohazards Information Database for Oregon (Hazard) website (<https://gis.dogami.oregon.gov/hazard/>) to report the applicable hazards for the subject property. **This database maps the property within a very strong to severe expected earthquake shaking hazard and very strong Cascadia earthquake expected shaking.** In addition, the subject property's proximity to the Canby-Molalla fault is approximately 3.3 miles to the northeast; see Figure 2 below. The Canby-Molalla fault is moderately constrained, late Quaternary (<130,000 years) in age, has a right lateral slip sense with a slip rate of less than 0.2mm/year<sup>4</sup>. **The database also maps the subject property within moderate landslide susceptibility on the north end of the property.** It should be noted that the surrounding, previously developed properties are also mapped within these same hazards. **[Bold by LEA.]**

## **2.) Missing Overlay of the Three-building 3-story Configuration on the Existing Topography**

The CPAH basis for the variance is that it improves on the original three 3-story building design with a two 4-story building design. The CPAH variance application relies upon a casual description of its original three-building design compared to its proposed two-building configuration with its height

variance.

Available City of Tualatin planning documents do not include an overlay of the original 3-bldg configuration with the existing topography. The variance application refers to an original three-building configuration description related to soils and slopes but does not make it available. Tualatin DID provide this overlay information for the proposed CPAH two-building arrangement in its grading and site plans but this alone is insufficient for comparison purposes.

The omitted 3-building overlay, and related soils and slopes comparison information, are requested for review.

### 3.) Maps and Drawings

CPAH uses numerous abbreviations and symbols in its Plambeck Gardens grading and site plans.

We are requesting the abbreviations, symbols and related definitions that corresponds to the Grading and Site Plans that have been provided.

### 4.) Stormwater Analysis and Information Request

Stormwater affected features are shown on the Grading and Site Plans for the proposed variance with the 2-building configuration. These features include stormwater planers, pervious parking lot spaces, building footprints, pervious driveways and other structures.

The variance proposes, among other drainage related conditions, reducing pervious parking spaces compared to the original 3-building configuration. The concern is that granting the variance will result in increased runoff and pollutants leaving the site.

Does Tualatin have any additional stormwater analysis and/or modeling that validates the proposed drainage in the Grading and Site Plans developed for the two- and three-building configurations?

### 5.) HUD and NOAA Stormwater Standards

The land use variance request states that the project will meet HUD and NOAA stormwater standards but does not specify these standards. Nor is an evaluation provided as it effects the variance request.

The Land Use Variance Application states on unmarked pp. 4 (last para.) – 5 (1st para) that: The Plambeck Gardens development will build a new public water line to the site from SW Norwood Road and provide a connection point for other future developments. **The project will meet stormwater standards complying with CWS standards in addition to the HUD and NOAA standards** that would not apply to a market-rate development in this area. The project will connect the private sanitary sewer lines at a private manhole on site where they will meet the public sanitary sewer line that will be constructed by the Autumn Sunrise development to the south. **[Bold by LEA.]**

The specific HUD and NOAA standards being referred to, and resulting evaluations, are requested for review.





**Subject:** RE: Request for Documents - CPAH Plambeck Gardens

**From:** Erin Engman <eengman@tualatin.gov>

**Date:** 11/2/2021, 9:09 AM

**To:** "dave@ee83.com" <dave@ee83.com>

**CC:** Ext - Planning <Planning@tualatin.gov>, Kim McMillan <kmcmillan@tualatin.gov>, Tony Doran <TDORAN@tualatin.gov>, Melissa Soots <melissa.soots@carletonhart.com>, Kayla Zander <kayla.zander@carletonhart.com>

Hi,  
Thank you for reaching out. Most of your questions would be best answered by the applicant's representative, Carleton Hart Architecture. With contact information provided below:

**PROJECT INFORMATION**

<b>Project Name:</b>	Plambeck Gardens	<b>Project no:</b>	19031
<b>Representative:</b>	Kayla Zander Carleton Hart Architecture 830 SW 10 <sup>th</sup> Ave #200 Portland, Oregon 97205 (608) 354-8163 kayla.zander@carletonhart.com		
<b>Applicant:</b>	Jilian Saurage Felton Community Partners for Affordable Housing 6380 SW Capitol Hwy. #151 Portland, Oregon 97239 (503) 293-4038 (ext 302) jsaurage@cpahoregon.org		
<b>Property Address:</b>	23500 & 23550 SW Boones Ferry Road Tualatin, Oregon 97062		
<b>Zoning Designation:</b>	RH – High Density Residential		
<b>Uses:</b>	Household Living (Multi-Family Structure), Residential Accessory Uses		

In general, a Variance request is subject to the approval criteria found in Tualatin Development Code [Chapter 33.120\(5\)](#). And analysis and review of the proposal's stormwater details will be included in a subsequent Architectural Review application.

You will be added to the notice of decision. The notice of decision will describe the opportunity for appeal.

Best,  
**Erin Engman**  
503.691.3024

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**From:** Dave LaLiberte <dave@ee83.com>  
**Sent:** Monday, November 1, 2021 4:40 PM  
**To:** Erin Engman <eengman@tualatin.gov>  
**Subject:** Request for Documents - CPAH Plambeck Gardens

Erin, the following is:

Partial List and Request of Omitted Critical Information  
For the CPAH Plambeck Gardens Planning Documents  
For Potential Land Use Code Variance of HUD Development on Boones Ferry Road

Request by Dave LaLiberte (503.582.1558), Principal Engineer at LEA, Inc., Wilsonville, Oregon

On behalf of John and Grace Lucini at 23677 SW Boones Ferry Road, Tualatin, OR 97062

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Available City of Tualatin planning documents do not include an overlay of the original 3-bldg configuration with the existing topography. The variance application refers to an original three-building configuration description related to soils and slopes but does not make it available. Tualatin DID provide this overlay information for the proposed CPAH two-building arrangement in its grading and site plans but this alone is insufficient for comparison purposes.

The omitted 3-building overlay, and related soils and slopes comparison information, are requested for review.

### 3.) Maps and Drawings

CPAH uses numerous abbreviations and symbols in its Plambeck Gardens grading and site plans.

We are requesting the abbreviations, symbols and related definitions that corresponds to the Grading and Site Plans that have been provided.

### 4.) Stormwater Analysis and Information Request

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2-building configuration. These features include stormwater planers, pervious parking lot spaces, building footprints, pervious driveways and other structures.

The variance proposes, among other drainage related conditions, reducing pervious parking spaces compared to the original 3-building configuration. The concern is that granting the variance will result in increased runoff and pollutants leaving the site.

Does Tualatin have any additional stormwater analysis and/or modeling that validates the proposed drainage in the Grading and Site Plans developed for the two- and three-building configurations?

### **5.) HUD and NOAA Stormwater Standards**

The land use variance request states that the project will meet HUD and NOAA stormwater standards but does not specify these standards. Nor is an evaluation provided as it effects the variance request.

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The Plambeck Gardens development will build a new public water line to the site from SW Norwood Road and provide a connection point for other future developments. **The project will meet stormwater standards complying with CWS standards in addition to the HUD and NOAA standards** that would not apply to a market-rate development in this area. The project will connect the private sanitary sewer lines at a private manhole on site where they will meet the public sanitary sewer line that will be constructed by the Autumn Sunrise development to the south. **[Bold by LEA.]**

The specific HUD and NOAA standards being referred to, and resulting evaluations, are requested for review.



**Subject:** Automatic reply: Request for Documents - CPAH Plambeck Gardens

**From:** Kayla Zander <kayla.zander@carletonhart.com>

**Date:** 11/2/2021, 11:39 AM

**To:** Dave LaLiberte <dave@ee83.com>

I am out of the office the week of Nov 1st - Nov 5th.



**Subject:** Kayla not in Fwd: Request for Documents - CPAH Plambeck Gardens  
**From:** Dave LaLiberte <dave@ee83.com>  
**Date:** 11/4/2021, 9:07 AM  
**To:** Melissa Soots <Melissa.Soots@carletonhart.com>  
**CC:** Erin Engman <eengman@tualatin.gov>

Melissa, I tried contacting Kayla Zander, as directed by Erin Engman at Tualatin Planning regarding the CPAH waiver, but she is not in this week. As our request for documents (appended below) is time sensitive regarding the waiver we are hoping that you can help sort this out. Thanks, Dave LaLiberte, P.E., LEA Inc.

----- Forwarded Message -----

**Subject:**RE: Request for Documents - CPAH Plambeck Gardens  
**Date:**Tue, 2 Nov 2021 16:09:54 +0000  
**From:**Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>  
**To:**[dave@ee83.com](mailto:dave@ee83.com) <[dave@ee83.com](mailto:dave@ee83.com)>  
**CC:**Ext - Planning <[Planning@tualatin.gov](mailto:Planning@tualatin.gov)>, Kim McMillan <[kmcmillan@tualatin.gov](mailto:kmcmillan@tualatin.gov)>, Tony Doran <[TDORAN@tualatin.gov](mailto:TDORAN@tualatin.gov)>, Melissa Soots <[melissa.soots@carletonhart.com](mailto:melissa.soots@carletonhart.com)>, Kayla Zander <[kayla.zander@carletonhart.com](mailto:kayla.zander@carletonhart.com)>

Hi,  
Thank you for reaching out. Most of your questions would be best answered by the applicant's representative, Carleton Hart Architecture. With contact information provided below:

**PROJECT INFORMATION**

<b>Project Name:</b>	Plambeck Gardens	<b>Project no:</b>	19031
<b>Representative:</b>	Kayla Zander Carleton Hart Architecture 830 SW 10 <sup>th</sup> Ave #200 Portland, Oregon 97205 (608) 354-8163 <a href="mailto:kayla.zander@carletonhart.com">kayla.zander@carletonhart.com</a>		
<b>Applicant:</b>	Jilian Saurage Felton Community Partners for Affordable Housing 6380 SW Capitol Hwy. #151 Portland, Oregon 97239 (503) 293-4038 (ext 302) <a href="mailto:jsaurage@cpahoregon.org">jsaurage@cpahoregon.org</a>		
<b>Property Address:</b>	23500 & 23550 SW Boones Ferry Road Tualatin, Oregon 97062		
<b>Zoning Designation:</b>	RH – High Density Residential		
<b>Uses:</b>	Household Living (Multi-Family Structure), Residential Accessory Uses		

In general, a Variance request is subject to the approval criteria found in Tualatin Development Code [Chapter 33.120\(5\)](#). And analysis and review of the proposal's stormwater details will be included in a subsequent Architectural Review application.

You will be added to the notice of decision. The notice of decision will describe the opportunity for appeal.

Best,  
**Erin Engman**

503.691.3024

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**From:** Dave LaLiberte <[dave@ee83.com](mailto:dave@ee83.com)>  
**Sent:** Monday, November 1, 2021 4:40 PM  
**To:** Erin Engman <[eeengman@tualatin.gov](mailto:eeengman@tualatin.gov)>  
**Subject:** Request for Documents - CPAH Plambeck Gardens

Erin, the following is:

Partial List and Request of Omitted Critical Information  
For the CPAH Plambeck Gardens Planning Documents  
For Potential Land Use Code Variance of HUD Development on Boones Ferry Road

Request by Dave LaLiberte (503.582.1558), Principal Engineer at LEA, Inc., Wilsonville, Oregon  
On behalf of John and Grace Lucini at 23677 SW Boones Ferry Road, Tualatin, OR 97062

I will follow-up tomorrow with a phone call to ensure that you have gotten this email. Thanks in advance.  
Dave L.

### **1.) Earthquake & Landslide Hazards is Omitted in the Variance Request Application**

Earthquake and Landslide Hazard overlays, and resulting evaluations, are requested. The variance application assumes earthquake and landslide safety, which challenges its own CPAH geotechnical report.

The land use variance application omits overlays of the original three buildings at three stories each, and the proposed higher two buildings at four stories each. These require projection on to the DOGAMI earthquake shaking hazard and landslide susceptibility maps. The request for height variance depends significantly on this information but it is not provided.

The Geotechnical Investigation Report by Earth Engineers, Inc. (EEI, March 2021) for the proposed CPAH project states that (p. 7 of 25, last para.):

We reviewed the Oregon Department of Geology and Mineral Industries (DOGAMI) Statewide Geohazards Information Database for Oregon (Hazard) website (<https://gis.dogami.oregon.gov/hazard/>) to report the applicable hazards for the subject property. **This database maps the property within a very strong to severe expected earthquake shaking hazard and very strong Cascadia earthquake expected shaking.** In addition, the subject property's proximity to the Canby-Molalla fault is approximately 3.3 miles to the northeast; see Figure 2 below. The Canby-Molalla fault is moderately constrained, late Quaternary (<130,000 years) in age, has a right lateral slip sense with a slip rate of less than 0.2mm/year<sup>4</sup>. **The database also maps the subject property within moderate landslide susceptibility on the north end of the property.** It should be noted that the surrounding, previously developed properties are also mapped within these same hazards. **[Bold by LEA.]**

### **2.) Missing Overlay of the Three-building 3-story Configuration on the Existing Topography**

The CPAH basis for the variance is that it improves on the original three 3-story building design with a two 4-story building design. The CPAH variance application relies upon a casual description of its original three-building design compared to its proposed two-building configuration with its height variance.

Available City of Tualatin planning documents do not include an overlay of the original 3-bldg configuration with the existing topography. The variance application refers to an original three-building configuration description related to soils and slopes but does not make it available. Tualatin DID provide this overlay information for the proposed CPAH two-building arrangement in its grading and site plans but this alone is



insufficient for comparison purposes.

The omitted 3-building overlay, and related soils and slopes comparison information, are requested for review.

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The specific HUD and NOAA standards being referred to, and resulting evaluations, are requested for review.



**Subject:** Fwd: Request for Documents - CPAH Plambeck Gardens  
**From:** Dave LaLiberte <dave@ee83.com>  
**Date:** 11/5/2021, 1:55 PM  
**To:** Jilian Saurage Felton <jsaurage@cpahoregon.org>  
**CC:** Erin Engman <eengman@tualatin.gov>, Kayla Zander <kayla.zander@carletonhart.com>

Hi Ms. Jilian Saurage Felton,

I am emailing this request to you because my earlier request has not been resolved. Tualatin Planning (as appended) referred me to Kayla Zander at Carleton Hart who is apparently out of the office this week. I also contacted Melissa Soots at Carleton Hart but have not yet received a response.

This is a time sensitive information request. There is a November 18 Waiver Comment Deadline. We have now lost a week. I am hoping that you may be able to arrange for me to get these documents and information.

Thanks, Dave LaLiberte, P.E.  
LEA, Inc. 503.582.1558

----- Forwarded Message -----

**Subject:**RE: Request for Documents - CPAH Plambeck Gardens  
**Date:**Tue, 2 Nov 2021 16:09:54 +0000  
**From:**Erin Engman <[eengman@tualatin.gov](mailto:eengman@tualatin.gov)>  
**To:**[dave@ee83.com](mailto:dave@ee83.com) <[dave@ee83.com](mailto:dave@ee83.com)>  
**CC:**Ext - Planning <[Planning@tualatin.gov](mailto:Planning@tualatin.gov)>, Kim McMillan <[kmcmillan@tualatin.gov](mailto:kmcmillan@tualatin.gov)>, Tony Doran <[TDORAN@tualatin.gov](mailto:TDORAN@tualatin.gov)>, Melissa Soots <[melissa.soots@carletonhart.com](mailto:melissa.soots@carletonhart.com)>, Kayla Zander <[kayla.zander@carletonhart.com](mailto:kayla.zander@carletonhart.com)>

Hi,  
Thank you for reaching out. Most of your questions would be best answered by the applicant's representative, Carleton Hart Architecture. With contact information provided below:

## PROJECT INFORMATION

**Project Name:** Plambeck Gardens **Project no:** 19031  
**Representative:** Kayla Zander  
Carleton Hart Architecture  
830 SW 10<sup>th</sup> Ave #200  
Portland, Oregon 97205  
(608) 354-8163  
kayla.zander@carletonhart.com  
**Applicant:** Jilian Saurage Felton  
Community Partners for Affordable Housing  
6380 SW Capitol Hwy. #151  
Portland, Oregon 97239  
(503) 293-4038 (ext 302)  
jsaurage@cpahoregon.org  
**Property Address:** 23500 & 23550 SW Boones Ferry Road  
Tualatin, Oregon 97062  
**Zoning Designation:** RH – High Density Residential  
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The specific HUD and NOAA standards being referred to, and resulting evaluations, are requested for review.

11-15-2021

TO: The City of Tualatin Planning Commission  
C/O Steve Coper City of Tualatin Planning Department

CC: City of Tualatin City Council and Members of the Tualatin City Council  
CC: Erin Engman City of Tualatin Planning Department

FROM: John and Grace Lucini

**RE: City of Tualatin Planning Commission Hearing 11-18-2021**

**VAR 21-0003 Plambeck Gardens  
Request To Exceed Building Height Standards  
Request To Reduce Number Of Required Parking Spaces**

Due to lack of direct email contact information for the Tualatin Planning Commission, it is requested this submission be forwarded to each member of the Tualatin Planning Commission in a timely manner.

The need for more quality affordable housing within the region is undeniable.  
Neither my husband nor I are against the building of affordable housing to meet regional needs.

CPAH has stated plans to provide affordable housing in the Basalt Creek Area- with additional support services to be provided including "Laundry rooms, resident lounges, unit storage and a meeting room.

In addition to the support spaces there is a separate community building centrally located on the site that Includes additional resident services, management offices, and classrooms intended for resident use only. It is an admirable goal attempting to address the need for additional housing within the Portland Metropolitan Area.

CPAH has also stated their intent to create over 100 affordable housing units -utilizing funding and from various sources - including various local, state and federal governmental programs and agencies.

There is strong motivation for the applicant, the City, the local community and taxpayers for this project to be successful in addressing regional housing needs now and in the future.

The planning for this development should therefore be thoughtful, realistic, with obtainable goals and outcomes supportive of existing local, state, and federal codes, mandates and requirements which have been established for the well-being of citizens, property, and the environment for both in the short and long terms.

We have been homeowners within the Basalt Creek Area in unincorporated Washington County since 2005.

Like the other existing homes within the local area, our home is two stories tall. We live on the west side of SW Boones Ferry Road slightly south of the CPAH property on the opposite side of SW Boones Ferry Road from the CPAH property. Our home and property are downstream from the southern portion of the CPAH property-due to the existing configuration of the stormwater drainage system designed and constructed by Washington County as part of the SW Boones Ferry Road Improvement Project in 2012-2015.

Since our property is not within the Tualatin City Limits, we do not have elected representation in this process. The City of Tualatin's website states the "[Tualatin Planning Commission \(TPC\). The TPC fulfills Oregon Planning Goal 1, as the committee for citizen involvement in the Land Conservation and Development Commission planning process.](#)"

Having reviewed the available documents which were posted to the City's website on 10-22-2021, and also having these documents reviewed by our consultant, it became apparent the two requested variances as posted to the City's website on 10-22-2021, lack sufficient and critical documentation to support some of the claims being made justifying the proposed variances, and also lacked the identification of a significant Natural Hazard- identified within the applicants Geo-tec report, but not addressed.

## **THE BASALT CREEK CONCEPT PLAN DID NOT IDENTIFY OR CALCULATE FOR EMPLOYMENT WITHIN THE HIGH-DENSITY RESIDENTIAL ZONE**

**SEE APPENDIX #1 EXHIBIT 2 TO ORDINANCE NO. 1418-19**

The information provided within VAR 21-0003 Plambeck Gardens indicates a complex of buildings some of which are not primarily residential in use or function which may add more staff and other service and additional support personal over that which are provided for a purely high-density residential building.

The VAR 21-0003 application includes information as to various additional functions and services intended to help improve the quality of life for residents of the facility, which should be supported. Thoughtful comprehensive planning is needed in incorporating the added uses and functions for the successful integration of the property and residents into the surrounding community for years to come.

The CPAH property is the only High Density Residential (RH) land use designation within the entire Basalt Creek Area. This zoning designation had been adopted for this property prior to CPAH purchasing the property.

The applicant has identified their difficulties in ability to accommodate their building plans and goals within the finite amount of land they purchased as a major justification for the two variances included in VAR 21-0003.

It is critical that all relevant facts are provided and included within the deliberations for the two requested variances.

For successful and effective planning, it should be clarified and established that all buildings, and all additional uses services and functions to be provided at the property are appropriate for TDC Chapter 43 - High Density Residential Zone ((RH) as determined by the City Manager or City Attorney.

As employment was not identified within the High-Density Residential Land Use Zoning in the Concept Plan, any uses services and functions not clearly identified within TDC Chapter 43 should be acknowledged and specifically identified within the planning process to accurately determine potential impacts upon all Land Use Planning elements- including but not limited to

- housing and economic development (will adequate amount of space for employment opportunities impact number of residential units able to be built on a finite amount of land); and
- transportation (will employment opportunities impact traffic flow and onsite parking needs).

As the applicant has identified issues with availability of development space within their property, the specifics of all the additional the types of additional services (medical, social services, perhaps onsite licensed childcare) should be clearly identified, and space requirements and parking needs specifically quantified and included for review as part of this Land Use request to provide for effective planning and successful long-term outcomes.

After submitting emails to both CPAH and the City of Tualatin Planning Department, in an attempt to gain a better understanding of the information provided in the VAR 21-0003 application, we employed the services of Dave LaLiberte, Principal Engineer at LEA, Inc., Wilsonville, Oregon.

His review is incorporated in our comments and a copy of his report is included as an attachment to this submission. This review states the following:



The review of the documents provided on the website for the variances have unaddressed and unresolved stormwater management issues.

The applicant and the City must be notified that there are changes required to the current site configuration to comply with stormwater management requirements.

Additional essential supporting fact-based documentation needs to be provided for a clear identification of all issues and problems in this requested Land Use change application, for the Planning Commission to be able to fully evaluate all of the various aspects and outcomes of their decision.

Additional Land Use planning and review within the Public Land Use Planning process is needed prior to accepting VAR 21-0003.

The City of Tualatin Planning Commission as identified by the City "fulfills Oregon Planning Goal 1, as the committee for citizen involvement in the Land Conservation and Development Commission planning process" has the role and responsibility to ensure the provision and implementation of Goal #1 for Citizen Involvement in all phases of Land Use Planning-which should not be ignored or abdicated.

**At this time:**

- A. We request the City of Tualatin Planning Commission require documentation from the City Manager and/or the City Attorney that all stated or intended uses services and functions -which are in addition to those relating to residential use for the CPAH property / Plambeck Gardens project - are authorized and appropriate under City Codes- including CHAPTER 43 - HIGH DENSITY RESIDENTIAL ZONE (RH).**
- This is relevant to the applicant's position of inability to develop the project with buildings or space and parking requirements intended for various uses, functions or services which may be outside those identified in the City's High Density Residential Zone (RH).
- B. We request additional documents essential to the proper evaluation of the requested variances be required and provided for review by the City of Tualatin Planning Commission to assist during their deliberations and prior to final determination ---to assess potential Natural Hazards which might result from the Land Use variances being requested.**

**These essential documents should also be made available on the City's website for review and for participation by Citizens as part of Citizen Involvement in the VAR 21-0003 Land Use application prior to the Planning Commission's final vote on the disposition of VAR 21-0003 -and with sufficient time to allow for Citizen review and submission of comments prior to the Planning Commission's final deliberations and vote on VAR 21-0003.**

- This would include but not be limited to documents and analysis critical in clarifying safety concerns and implementing conditions to mitigate safety issues from earthquake and/or land instability. These safety issues may be compounded by inadequate review of potential impacts of changes to site design; inadequate review of potential impacts of increased height of buildings, or inadequate review of stormwater management planning or analysis from changes resulting from VAR 21-0003.
- The "Earthquake and Landslide Hazard overlays and resulting evaluations " must be required. The overlays are crucial in understanding the hazard posed by increasing the height of the CPAH buildings. Although the architect describes soils at the site as "unsuitable" and slopes as "particularly steep", they don't acknowledge the risks posed by earthquakes and landslides.

- Documents posted on the City's website for VAR 21-0003 include a geotechnical report which states, "This database maps the property within a very strong to severe expected earthquake shaking hazard and very strong Cascadia earthquake expected shaking ", and "The database also maps the subject property within moderate landslide susceptibility on the north end of the property."
- Prior written requests by us and also by our consultant for information and clarification of technical aspects for this Land Use Action have been ignored. These submissions were sent to CPAH and/or their agents and copied to the City of Tualatin Planning Department.

**C. We request the City of Tualatin Planning Commission delay the adoption of the CPAH variance request VAR 21-0003 until such time as the applicant submits to the Planning Commission -and within a Public Review process-appropriate documentation of compliance to all Federal, State, Metro and Clean Water Services (CWS) and local requirements for Stormwater Management for the CPAH project.**

- Necessary essential documents for the formal review of compliance for stormwater drainage are omitted from supporting documentation of issues presented by the applicant- including hydrologic, hydraulic and evaluations are essential for with stormwater drainage requirements.

**D. We request, should the City of Tualatin Planning Commission decide to allow either -or both- of the variance requests in VAR 21-0003, the Planning Commission shall require as a Condition of Approval- a full Stormwater Management Plan for the CPAH property to be submitted for evaluation and for compliance to all Federal, State, Metro and Clean Water Services (CWS) and local requirements for Stormwater Management as part of the Public Land Use Planning Process by either the Planning Commission and/or the City Council prior to granting a development permit.**

- Our consultant and we have on multiple occasions submitted written requests for relevant information and clarification of information presented in the application, additional analysis on unsupported statements and specific questions on land stability and also stormwater management to evaluate the potential safety issues onsite and/or downstream which be influenced by the requested variances. These submissions were sent to both CPAH staff/consultants and to the City of Tualatin Planning Department. These requests have gone unanswered. The inclusion and active participation of Citizen Involvement in all phases of Land Use Planning for VAR 21-0003 and future Land Use actions regarding the CPAH property should be enforced- to ensure the transparency of the governmental process within the planning of this project.
- The requested variances include proposed changes in site design and changes in the amounts of pervious and impervious surfaces which directly impacts stormwater drainage and runoff. The materials posted for review on the City's website on 10-15-2021 contained inadequate documentation and essential analyses of hydrologic, hydraulic and evaluations to provide for proper evaluation for appropriate Land Use Planning and for Stormwater Management as identified by the State.
- To forestall any unnecessary hardship to the applicant and to allow the applicant to be able to plan accordingly, the applicant should be provided immediate notification that:
  - The granting of this applicant's development plans is contingent upon the applicant submitting documents and all supporting analyses of full compliance to all Federal, State, Metro, Clean Water Services (CWS) and local requirements for stormwater management-prior to or at the time of submission of their Land Use application for development.
  - Should the proposed project meet or exceed all Federal, State Metro Clean Water Services (CWS) and local requirements for stormwater management for their project, the provision of a

Stormwater Management Plan for the CPAH property for the Plambeck Gardens should not constitute any undue burden or hardship upon the applicant as part of the Land Use Planning process for this project.

Having reviewed the available documents which were posted to the City's website on 10-22-2021, and also having these documents reviewed by our consultant, it became apparent the two requested variances as posted to the City's website on 10-22-2021, lack sufficient and critical documentation to support some of the claims being made justifying the proposed variances, and also lacked the identification of a significant Natural Hazard- identified within the applicants Geo-tec report, but not addressed.

### **MAIN ISSUES RELATED TO VAR 21-0003**

- |  |                |
|--|----------------|
| <b>1. SAFETY AND NATURAL HAZARDS</b>   | <b>Page 7</b>  |
| <b>2. STORMWATER MANAGEMENT AS RELATED TO BOTH PROPOSED LAND USE VARIANCES</b>   | <b>Page 8</b>  |
| <b>3. REQUESTED VARIANCE TO EXCEED CURRENT TDC CRITERIA FOR HIGH DENSITY HOUSING HEIGHT LIMITATIONS</b>                    | <b>Page 13</b> |
| <b>4. REQUESTED VARIANCE TO REDUCE CURRENT TDC CRITERIA FOR NUMBER OF PARKING SPACES REQUIRED FOR HIGH DENSITY HOUSING</b> | <b>Page 17</b> |

### **APPENDICES**

- |   |                |
|---|----------------|
| <b>#1 EXHIBIT 2 TO ORDINANCE NO. 1418-19 TABLE 3</b><br>Summary Of Development Types Basalt Creek By Jurisdiction- Employment   | <b>Page 20</b> |
| <b>#2 MAPS OF CPAH PROPERTY AND SURROUNDING PROPERTIES</b>  | <b>Page 21</b> |
| <b>#3 BASALT CREEK CONCEPT PLAN EXHIBIT 2 TO ORDINANCE NO 1418-19</b><br>Existing Land Use, Adjacent Land Uses, Development Types---Housing   | <b>Page 25</b> |
| <b>#4 CITY OF TUALATIN LAND USE PLANNING PROCESS-LEADING TO 11-18-2021 HEARING</b><br>Emails Lucini To CPAH/Agents & Tualatin Planning Department 8-10-2021 & 8-18-2021<br>Integration of VAR 21-0003 Site Map into Posted Draft of Basalt Creek Parks & Rec Master Plan<br>Prior to Planning Commission 1st Hearing On Requested Variances<br>Appearances of Lack of Transparency and Marginalization of Role of Planning Commission and Citizen Involvement | <b>Page 27</b> |

### **ATTACHMENT -TO BE CONSIDERED AS PART OF THIS SUBMISSION**

#### **COMMENTS ON THE DEVELOPMENT CODE VARIANCES CPAH PLAMBECK GARDENS**

Potential Land Use Development Code Variance  
Height and Parking For HUD Project on Boones Ferry Road  
Dave LaLiberte, Principal Engineer at LEA, Inc., Wilsonville, Oregon (Report, Figures, CV, Emails)

### **MANY OF THE ISSUES PRESENTED WITHIN THIS SUBMISSION CENTER UPON THE GOALS AND REQUIREMENTS OF**

- **Oregon Statewide Planning Goals 1, 2, 5, 6, 7, 9,10, 11, 12 and 14**
- **CHAPTER 3.07 URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN** including but not limited to:
  - **Metro Title 8: Compliance Procedures**
  - **Metro Title 3: Water Quality And Flood Management**
  - **Metro Title 12: Protection of Residential Neighborhoods**
- **LCDC Chapters:**
  - **Chapter 660 Division 11 PUBLIC FACILITIES PLANNING**
  - **Chapter 660 Division 16 REQUIREMENTS AND APPLICATION PROCEDURES FOR COMPLYING WITH STATEWIDE GOAL 5**

As the City of Tualatin Planning Commission is stated to be the City's entity which fulfills the State of Oregon Statewide Planning Goal #1 for Citizen Involvement- we present to the Planning Commission these significant issues demonstrating the lack of compliance with many of the elements of OAR 660-015-0000(1) within this Land Use process.

As the Planning Commission, is also acting as the decision-making body for the requested Land Use Variances- it is necessary relevant issues and accurate fact-based supporting documents and information be provided to the Planning Commission to make truly informed decisions on the two Land Use variances being presented for adoption. This statement is supported by **Oregon Statewide Land Use Planning Goal #2 Land Use Planning OAR 660-015-0000(2)**.

"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...

The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans"

## #1 NATURAL HAZARDS AND SAFETY ISSUES

Lacking clarity of facts and lacking requested supporting documents intended to substantiate the requested variances- there are concerns the specific variances which if implemented might subject the building/s and citizens to preventable natural hazards, and/or may cause onsite and/or downstream negative impacts to citizens, property and/or the environment/natural resources. This should cause the need for further evaluation under **Oregon Statewide Land Use Goal #7 Natural Hazards OAR 660-015-0000(7)**

### SEE ATTACHMENT -REPORT DAVE LA LIBERTE PRINCIPAL ENGINEER LEA, INC

#### COMMENTS ON THE DEVELOPMENT CODE VARIANCES SUBMITTAL FOR THE CPAH PLAMBECK GARDENS PLANNING DOCUMENTS

##### #1 ) Earthquake and Landslide Hazards are Omitted in the Land Use: Variance Submittal Application-

- The variance application assumes earthquake and landslide safety, which challenges its own CPAH geotechnical report
- The effect on “landslide susceptibility” at the site is unevaluated and no stormwater analysis has been provided by CPAH. During wet weather conditions, the potential for saturated soils and high groundwater conditions is significant in the planned vicinity of the two foundations of the 4-story buildings
- Oregon Statewide Land Use Planning Goals - Goal 7: Areas Subject to Natural Disasters and Hazards specifically calls out landslides as a condition of concern. Granting the height variances for the two-building configuration at 4-stories each, in lieu of addressing stormwater disposal uncertainties, will intensify potential landslide issues in the vicinity of the development site.
- The land use variance application omits overlays of the original three buildings at three stories each, and the proposed higher two buildings at four stories each. These require projection on to the DOGAMI earthquake shaking hazard and landslide susceptibility maps. The CPAH request for height variance depends significantly on this information but it is not provided.

## #2 MULTIPLE ISSUES- STORMWATER MANAGEMENT

There are additional related concerns as to the lack of a Stormwater Drainage plan and supporting documentation presented with the proposed variances. There is a direct correlation between any changes in the footprint (size and shape) of buildings and parking lots -which the applicant's variances are requesting-and impacts to stormwater absorption and runoff.

There are multiple stormwater drainage issues which require critical review due to their direct relationship of requested variances causing changes in site design and consequent stormwater management planning upon the existing conditions. The applicant's own Geotechnical consultant identified a significant issue regarding shallow ground water on the CPAH property and stated a clear potential impact even during construction.

- **Geotechnical Investigation Report** submitted as part of VAR 21-0003 Application  
**Proposed Basalt Creek Affordable Housing Project 23500 and 23550 Southwest Boones Ferry Road Tualatin, Washington County, Oregon**

**EI Report No. 21-023-1**

### **2.4 Groundwater Information**

Groundwater was encountered in all of our test pits except TP-8 and TP-9. The depth of groundwater ranged from 4 to 7.5 feet bgs.

We do anticipate that the relatively shallow depth to groundwater could potentially impact the proposed construction. It should be noted that groundwater elevations can fluctuate annually and seasonally, especially during periods of extended wet or dry weather, or from changes in land use.

The State of Oregon DEQ states Municipalities review criteria for offsite stormwater mitigation should include high ground water - yet little discussion nor analysis of plans for offsite mitigation was presented in the documents posted to the City's website for VAR 21-0003.

- **State of Oregon CWSRF Stormwater Manual**

### **2.3.1.2 Off-site stormwater mitigation**

Off-site stormwater mitigation is needed when the numeric retention and treatment requirement cannot be fully met at a site. Municipalities' review criteria typically establishes site constraints that would warrant off-site mitigation, such as shallow bedrock, high groundwater, groundwater contamination and soil instability. This would be documented by a geotechnical analysis or land use that is inconsistent with capture or infiltration of stormwater.

## **SEE ATTACHMENT -REPORT DAVE LA LIBERTE PRINCIPAL ENGINEER LEA, INC**

### **COMMENTS ON THE DEVELOPMENT CODE VARIANCES SUBMITTAL FOR THE CPAH PLAMBECK GARDENS PLANNING DOCUMENTS**

#### **#2 ) Parking Variances – Reduction of Pervious Surfaces**

- The reduction of pervious parking areas and replacement with impervious building footprints, as called for in the Code Variances Submittal, will result in increased stormwater runoff.
- The proposed variances do not consider alterations in expected stormwater facilities operation, maintenance and longevity. Pervious surfaces require greater maintenance and are not as durable as conventional impervious pavement surfaces. Frequent power washing and industrial vacuuming is required for pervious surfaces to operate consistently with Clean Water Services (CWS) - Stormwater Standards (See also CWS Pervious Pavement Drawing No. 775.)
- Alternative drainage conditions will result from granting the variances. Subsurface drainage conditions must be considered so as not to obstruct flow through pervious areas. Underground construction of permeable pavement, and concrete stormwater storage vaults, "beneath a sport court" will impede stormwater infiltration.

- When infiltration systems fail because of overlooked and unplanned conditions, uncontrolled runoff volumes and untreated pollutants adversely affect downstream properties

#### 4 ) Missing Overlay of Three-building Configuration on the Existing Topography

- The variance proposes, among other drainage related conditions, reducing pervious parking spaces compared to the original 3-building configuration. The concern is that granting the variance will result in increased runoff and stormwater pollutants leaving the site. .

#### #5 ) Maps and Drawings

- requests for clarification of data included on applicants maps and drawings have been ignored

#### #6 ) Stormwater Analysis Supporting the CPAH Variances Submittal

- The level of detail in the Site and Grading Plans suggests that CPAH and Tualatin have stormwater analyses and/or modeling that validates the proposed drainage in the Grading and Site Plans developed for the two-building configuration contained in the Variances Submittal. The stormwater analyses/modeling for both the two and three- building configurations were requested by LEA but the request was disregarded by CPAH and the City of Tualatin Planning Department.

#### #7 ) HUD and NOAA Stormwater Standards

- The land use variance request states that the project will meet HUD and NOAA stormwater standards but does not specify these standards. Nor is an evaluation provided as it affects the variance request.

The Basalt Creek Concept Plan identified deficiencies in the existing stormwater system within the Basalt Creek Area, as well as the possible need for additional upgrades for runoff from new impervious areas.

- **Basalt Creek Concept Plan Exhibit 2 to Ordinance No. 1418-19**

#### Stormwater

Existing stormwater infrastructure consists of roadside drainage ditches and culverts. Culverts in the Planning Area are under the jurisdiction of Washington County and may not have capacity for future urban conditions. Culverts to the south of the Planning Area are part of the City of Wilsonville stormwater system. The City of Tualatin has jurisdiction over the stormwater conveyance system to the north of the Planning Area. Culverts may need to be upsized to provide adequate capacity for runoff from new impervious areas, unless onsite retention or infiltration is required when the location of public drainage or the topography of the site make connection to the system not economically feasible....

....Stormwater systems outside of the public right-of-way are assumed to be part of the development costs, which have not been estimated.

The City of Tualatin did not include a Stormwater Management Plan as per State of Oregon OAR 660-11 for municipalities with a population over 2,500- for the Basalt Creek Area within the Basalt Creek Concept Plan nor the City of Tualatin Basalt Creek Comprehensive Plan.

- City of Tualatin's existing Stormwater Master Plan (SWMP) Update adopted in 2021, was legally challenged due to the omission of the Basalt Creek Area within the (SWMP) Update. The City rescinded the adopted (SWMP) Update. The City's functioning (SWMP) is decades old and lacks identification of current Standards and current standards of practice.
- The majority of the City of Tualatin's stormwater drainage flows to the Tualatin Basin and to the Tualatin River. Many of the City's documents address stormwater management needs of the Tualatin Basin, not the Willamette stormwater basin, which the majority of the Basalt Creek drains.
- The City of Tualatin has indicated individual oversight review on a piece-by-piece basis conducted by the service provider Clean Water Services (CWS) is sufficient oversight for Land Use Planning- but does not provide a Publicly adopted document which contains the required assessments, analysis, forecasting of stormwater needs

based upon full build out of all land use designations within the entire area, identification of private or public major stormwater projects, and the identification of timing of implementation of the major projects.

- The authorization of the provision of Public Services on a site-by-site basis is not supported by the State of Oregon.
- The City of Tualatin's recently stated intent to fund the development of a Stormwater Management Plan for the Basalt Creek Area starting in the 2021-2022 budget will not address the current needs and purpose of an adopted Stormwater Management Plan. The City of Tualatin has known of the need to adopt such a plan since 2004 and has been repeatedly notified of the need for Stormwater Management Planning for the Basalt Creek Area since 2015.

**The existing stormwater infrastructure along SW Boones Ferry Road has already proven to have failed and flooded our property from the stormwater catchment basin into which the southern portion of the CPAH property currently drains.**

- Stormwater runoff from the southern portion of the CPAH property drains south- a portion of which is currently collected offsite from the CPAH property, and is directed onto our property through the existing infrastructure
- This stormwater runoff then flows down steep slopes -some in excess of 25% grade, into various Natural Resources- including approximately 14 acres of wetlands identified in the Federal Wetlands Inventory, eventually flowing through the City of Wilsonville and into the Willamette River.
- Neither Washington County nor the City of Tualatin have made significant changes to the existing stormwater infrastructure along SW Boones Ferry Road to mitigate future stormwater system failures which may have potential negative impacts upon downstream Citizens, property, water quality, or other natural resources which the City is responsible for the protection.
- The current Stormwater infrastructure along SW Boones Ferry Road was designed and constructed based upon undeveloped rural land stormwater management needs, not the higher management needs based upon the City's Land Use designations identified for the Basalt Creek Area.
- Multiple Land Use Planning Goals of the State are appropriate to be included as part of the criteria for review of the Land Use variances requested:
  - Oregon Statewide Land Use Planning Goal # 2 Land Use Planning; Goal #5 Natural Resources; Goal #5 Water Quality; Goal # 7 Natural Hazards Goal #9 Economic Growth -and the of availability of key public facilities; Goal #10: Housing; Goal#11 Public Facilities and Services; and Goal 14: Urbanization
  - statute OAR 660-011 Public Facilities and Services- Storm sewer is also applicable to the VAR 21-0003.

The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11.

**POINTS OF CONCERN-STORMWATER MANAGEMENT:**

- 1. The CPAH property does not currently have onsite stormwater collection intakes, and stormwater from the southern portion of the CPAH property flows of site onto current stormwater collection basin- which then flows downstream to additional properties to the Willamette River. The City Lacks an adopted Stormwater Management Plan for the Basalt Creek Area.**

- We are downstream and have been previously flooded from the without significant improvements to the existing system by Washington County or the City of Tualatin.



- 2. The proposed Land Use variances may directly change the site design, the size of the footprints of various types of pervious and impervious surfaces- all which directly impact stormwater runoff and drainage and management issues and need for critical evaluation for planning for safe effective provision of the Public Service of Stormwater Management.**
- Without an adopted Stormwater Management Plan for the Basalt Creek Area, the City of Tualatin lacks an important Land Use Planning tool and elevation criteria to help identify if infrastructure is properly located, is functional, and has the volume capacity to collect and treat increased runoff from development- both locally and regionally.
  - The applicant's own Geotechnical document identifies issues with site specific issues including "[We do anticipate that the relatively shallow depth to groundwater could potentially impact the proposed construction](#)".
- 3. The application materials lack essential documents and analysis to ensure the safety of downstream citizens, property and environment caused by the requested variances causing changes upon ground water or types of stormwater collection, conveyance or treatment- although these types of information have been requested and ignored.**
- Some of the applicant's maps and documents indicate various stormwater management actions, but lack clear descriptions of graphic information, lack essential analysis of stormwater needs based upon proposed site design, lack supporting documentation of proposed techniques regarding mitigating stormwater runoff, factors which may negatively impact the effectiveness and duration of the techniques, and do not provide clear documentation as to collection, conveyance and treatment of contaminated overflow runoff of the permeable or impermeable surfaces.
  - The application material lacks necessary information and analysis of onsite collection treatment and reabsorption abilities based upon the variance changes requested.
  - The application material lacks necessary information and analysis of
    - offsite conveyance and treatment and discharge needs - existing or future- locations- conditions- and all capacities downstream.
- 4. The application does not clearly address the sequencing of the provision of stormwater services within the Basalt Creek Area -based upon the requested changes in variances**
- The application appears to make assumptions of use of the existing of site stormwater collection system to the south of the CPAH property.
    - The application does not include analysis or data as to how the requested variances will impact off site collection
    - The application does not include analysis or data as to treatment of contaminants shedding from hardened/compacted surfaces (including parking lots) will be properly treated on site and prior to any overflow and collection off site.
  - The application appears to make assumptions of potential use of stormwater infrastructure to be created as part of future development to the south which are not yet a basis of fact.
    - As the City lacks a Stormwater Management Plan for the Basalt Creek Area- the City does not have an adopted City document which will guide the sequencing and requirements for regional stormwater infrastructure .

The application does not provide adequate data or analysis as to how the requested changes- which will impact site design, will change in the amounts of pervious surfaces and will impact any changes to the existing conditions and onsite and downstream stormwater management .

The application does not provide adequate supporting data as to how the requested variance changes will be implemented to prevent harm to onsite citizens and property, or to downstream citizens, property and environment during the next few years when offsite overflow stormwater infrastructure has not been improved to deal with even current stormwater needs, nor the greater stormwater needs known to be needed with the urbanization and increased density of buildings and hardened surfaces. Additional data, documentation and analysis is required for the Planning Commission review all identified issues and problems.

**#3 REQUESTED VARIANCE TO EXCEED CURRENT TDC CRITERIA FOR HIGH DENSITY HOUSING HEIGHT LIMITATIONS  
TDC 43.200 HIGH DENSITY RESIDENTIAL ZONE (RH)**



BUILDING ELEVATIONS  
SCALE: 1/16" = 1'-0"

**PLAMBECK GARDENS**

23500 & 23550 SW BOONES FERRY ROAD  
TUALATIN, OREGON 97062

LAND USE: VARIANCE APPLICATION  
09.02.2021

- The applicant's Design Plan clearly indicates the North Elevation has an average Height Measurement of **53 feet and 7 inches**- exceeding even the highest height limitations for a Conditional Use Permit for High Density (RH) Residential Housing which is **50 feet**.
- The City's only remaining Residential Use Classification for a residential building exceeding 50 feet is a **High-Rise Residential Building Classification**.

**CHAPTER 44 - HIGH-DENSITY HIGH-RISE ZONE (RH-HR)**

TDC 44.100. - Purpose.

The purpose of the High-Density **High Rise** (RH-HR) zone is to provide areas of the City within the City's Central Urban Renewal area, an area west of the Central Urban Renewal area, north of the wetlands, and south of the Tualatin Country Club that are suitable for high density apartment or condominium towers.

TDC 44.300. - Development Standards.

**STRUCTURE HEIGHT**

Minimum Height, Multi-Family and Condominium Developments 4 stories

Maximum Height 64 feet If structure does not include underground parking, maximum height is 5 stories.

Regardless of the number of stories, structure height must not exceed 64 feet.

- However, The CPAH property is NOT located within the City's Central Urban Renewal Area -and not within the parameters stated in City Code.

**A RESIDENTIAL BUILDING WITH A HEIGHT EXCEEDING 50 FEET WAS NOT PLANNED OR INTENDED WITHIN THE 847 ACRES OF THE BASALT CREEK AREA**

**SEE APPENDIX #3**

**BASALT CREEK CONCEPT PLAN EXHIBIT 2 TO ORDINANCE NO 1418-19**

The Basalt Creek Concept Plan was a joint City effort to create future compatible Land Use Planning Zones for the Basalt Creek Area as a framework for the urbanization of the area.

- The Concept Plan described the existing neighborhoods and specified the integration of future Land Uses within the area.
- Only 5 acres of the 847 acres of land within the Basalt Creek Concept Planning Area was designated for RH land use Designation and no land was designated for High Rise Residential development within the entire Basalt Creek Area.
- If allowed, the CPAH complex of buildings will contain the only residential building exceeding 50 feet in height for miles -extending far beyond just the Basalt Creek Area.

**INTEGRATION INTO EXISTING AND FUTURE NEIGHBORHOOD COMMUNITY**

- A residential building exceeding 50 feet when evaluated by many standard measurable parameters is not compatible or congruent with the goals or intentions of the Basalt Creek Concept Plan, nor the City of Tualatin Basalt Creek Comprehensive Plan.
  - The proposed North elevation exceeds even the greatest height limitations allowed with a Conditional Use Permit.
  - The proposed North elevation which exceeds 50 feet- would also have the greatest amount of visual impact as to the inconsistency and lack of cohesiveness in building heights, as the land to the north is utilized for stormwater management and does not have a building to mask or minimize the height discrepancies.
  - These two buildings will be more pronounce and identifiable as high-density housing tower over the existing and future residential neighborhood for years to come.
  - The excessive height of the building will be noticeable reducing the visual integration of the buildings into the fabric of the surrounding neighborhood community.

**EXCESSIVE HEIGHT REQUEST MAY INCREASE SAFETY CONCERNS AS TO LAND SEISMIC AND LAND STABILITY ISSUES IDENTIFIED IN APPLICANTS GEOTECHNICAL REPORT**

**SEE ATTACHMENT -REPORT DAVE LA LIBERTE PRINCIPAL ENGINEER LEA, INC**

**1.) Earthquake and Landslide Hazards are Omitted in the Land Use: Variance Submittal Application**

**SEE also #1 ABOVE-NATURAL HAZARDS AND SAFETY ISSUES**

The effect on “landslide susceptibility” at the site is unevaluated and no stormwater analysis has been provided by CPAH. During wet weather conditions, the potential for saturated soils and high groundwater conditions is significant in the planned vicinity of the two foundations of the 4-story buildings

**3.) Inadequate Soils and Slopes**

The applicant has referenced a hardship under CHAPTER 33: APPLICATIONS AND APPROVAL TDC 33.120 – Variances and Minor Variances CRITERIA as additional support for their need to exceed the City's established maximum standards for RH Land Use.

It is difficult to justify building a 4-story building on land which the applicant is claiming is unbuildable, and the cause for needing a 4-story building.

- CPAH has claimed hardship TDC 33.120 – Variances and Minor Variances(6)(a) because portions of the development site are undevelopable and therefore require the taller 4-story two building configuration. CPAH does not provide the 3-story three building configuration although it is crucial to its claim of hardship when building is based on the development code.
- The claimed steep slopes and areas of “unsuitable soils” are shown in the sections depicted in the CPAH Grading Plan. See sections Figure 2 – Southwest, and Figure 3 – Northeast and Figure 4 - Northwest. These sections contradict the conditions categorized by CPAH as “undevelopable”. This includes the taller 4-story buildings requiring the height and reduced parking variances. CPAH claims these same construction areas are “undevelopable” creating the hardship.
- It is also difficult to justify the CPAH property has unique limitations from the surrounding properties to support the claim of unbuildable hardship. The application does not provide consistent supporting documentation or analysis to justify the claim.
- The Basalt Creek Concept Plan Map of Hard Constraints did not identify any within the CPAH property where the applicant is claiming hardship.
- Metro Maps indicate a portion of land which is 10% grade yet less than 25% grade - which is less of a grade change than on many surrounding properties.
- The surrounding Autumn Sunrise Development land appears to have similar if not more constraints, yet preliminary plans indicate the ability to build upon their properties.

**SEE APPENDIX #2 MAPS PROVIDING ADDITIONAL INFORMATION ON EXISTING LAND CONSTRAINTS**

**- LACK SUPPORT OF APPLICANT'S CLAIM OF UNDEVELOPABLE LAND**

- BUILDING CONSTRAINTS NE PORTION BASALT CREEK AREA- SURROUNDING CPAH PROPERTY
- DOWNSTREAM STEEP SLOPES AND NATURAL RESOURCES- SURROUNDING CPAH PROPERTY
- METRO MAP NW BASALT CREEK AREA- SLOPES SURROUNDING CPAH PROPERTY
- PRELIMINARY DEVELOPMENT MAPS AREA SURROUNDING CPAH PROPERTY

**4.) Missing Overlay of Three-building Configuration on the Existing Topography**

- Specific Supporting documents were requested-but not provided

**THE VAR 21-0003 APPLICATION INCLUDES AND REFERENCES ADDITIONAL BUILDINGS, FUNCTIONS SERVICES WHICH ARE NOT IDENTIFIED WITHIN USE CATEGORIES IN TDC 43.200**

- The VAR 21-0003 application includes narrative of additional services to be provided for the CPAH residents. The provision of additional services and functions outside of a residential facility is admirable and will most likely provide additional quality of life to the residents.

- The application identifies additional buildings which do not provide or function as residential units but are intended to function as a standalone building/s with uses which are not residential- including a management building and other buildings which are identified as meeting and classrooms. There were also comments made during Public Meetings and to the possible provision of onsite childcare.
- As the applicant has stated a limitation of buildable land to support their contention of need to exceed the existing building code. The applicant may need to evaluate and prioritize which use functions are allowed and which buildings may not be critical to provide quality residential units within the City's Land Use Designation for High Density Residential Development. This is a dilemma many property owners face when creating development plans and is not unique to building affordable housing.

## **#4 REQUESTED VARIANCE TO REDUCE CURRENT TDC CRITERIA FOR NUMBER OF PARKING SPACES REQUIRED FOR HIGH DENSITY HOUSING**

As Oregon Statewide Land Use Goals #1 for Citizen Involvement and #2 for Land Use Planning apply to Land Use Actions, our repeated requests for more specific answers to pertinent questions on the applicants request to decrease the numbers of required parking spaces have been left unanswered.

The issues presented below regarding the CPAH variance application to reduce the required number of onsite parking spaces should undergo review using These parking dependent issues are related to Oregon States wide Land Use Planning Goals which be used within the review of this Land Use Variance:

**Goal 2: Land Use Planning OAR 660-015-0000(2)**

**Goal 6 Water Quality OAR 660-015-0000(6)**

**Goal 9: Economic Development OAR 660-015-0000(9)**

**Goal 10: Housing OAR 660-015-0000(10)**

**Goal 12: Transportation OAR 660-015-0000(12)**

**And**

**Metro Title 12: Protection of Residential Neighborhoods**

**TDC 73C.010. Off-Street Parking and Loading Applicability and General Requirements.**

### **SEE ATTACHMENT -REPORT DAVE LA LIBERTE PRINCIPAL ENGINEER LEA, INC**

**COMMENTS ON THE DEVELOPMENT CODE VARIANCES SUBMITTAL FOR THE CPAH PLAMBECK GARDENS PLANNING DOCUMENTS**

**# 2 ) Parking Variances – Reduction of Pervious Surfaces**

**# 6 ) Stormwater Analysis Supporting the CPAH Variances Submittal**

**# 7 ) HUD and NOAA Stormwater Standards**

**ALSO SEE #2 MULTIPLE ISSUES- STORMWATER MANAGEMENT**

Over the years residents of both Tualatin and Wilsonville had submitted concerns to their City Councils as to issues related to offsite overflow parking on Public Streets causing safety issues for pedestrian when attempting to cross the street from between or around illegally parked cars, timely access by emergency vehicles and ability of service providers access streets or access garbage cans.

### **CONTRARY TO THE APPLICANT'S VARIANCE REQUEST FOR A REDUCTION IN REQUIRED PARKING SPACES**

**- MORE PARKING SPACES MAY BE NECESSARY FOR THE CPAH COMPLEX OF BUILDINGS DUE TO ADDITIONAL SERVICES, FUNCTIONS OR USES PLANNED OR INTENDED FOR THE CPAH COMPLEX OF BUILDINGS ABOVE PURELY RESIDENTIAL USES**

- In addition to the provision of residential units, CPAH has stated intent to provide additional services and functions
- In addition to buildings which contain residential units the CPAH complex is planning for buildings which are not residential units
- The applicant has not provided basic documentation on the specific types of additional services intended to be provided onsite or quantifying the numbers of additional employees per additional service or functions
  - City Codes limit various services, functions and uses within Land Use Zoning Designations
  - The applicant has not provided data on the frequency of services, nor the volume of services to be provided at one time which may cause peak parking needs with little overflow parking available

All of these factors impact the numbers of parking spaces which may be required above the City's current parking requirements and may be even greater than the requested reduction in parking spaces.

**THE APPLICANT HAS NOT PROVIDED ADEQUATE DOCUMENTATION TO SUPPORT THEIR CONTENTION THE COMPLEX OF BUILDINGS WILL NEED LESS THAN THE MINIMUM NUMBER OF PARKING SPACES IDENTIFIED FOR A PURELY RESIDENTIAL FACILITY**

CPAH staff have stated their justification as to their request to reduce parking spaces is -because residents in affordable housing don't have as many vehicles.

Where many studies have indicated a reduction in the needs for parking facilities at affordable housing facilities in urban core areas-

The application does not provide sufficient documentation as to their justification - specifically when an affordable housing facility is in:

- A suburban area- not an urban core area
- At a location which has only one bus route, which runs less than hourly
- Is within a "Food Desert" where affordable nutritious fresh food stores are located several miles away and have minimal affordable public transportation
- The location of the CPAH property is not within close safe walking distance to multiple types of health care facilities for residents and their families.
- The location of the CPAH property has few local retail stores within safe walking distance.
  - The only Neighborhood Commercial land use designation zone within the Basalt Creek Planning Area is along SW Boones Ferry Road within the Autumn Sunrise properties.
  - The Autumn Sunrise subdivision plans indicate approximately half of this Neighborhood Commercial zone will be used for stormwater management.
  - The Developer has indicated the development of the remainder of the Neighborhood Commercial Zone remains undetermined as to when development will occur, or what types of development will occur.
  - The City has also placed use limitations on the size of stores and the types of services and uses which can be provided within the Commercial Neighborhood Zone.
- Should overflow parking be needed-contrary to most urban areas, the CPAH complex is in an area where overflow offsite parking is extremely limited

**THE APPLICATION DOES NOT PROVIDE DOCUMENTATION ON THE POTENTIAL IMPACTS OF REDUCTION OF ONSITE PARKING FOR RESIDENTS WITH SMALL CHILDREN AND OR RESIDENTS WITH LIMITED ABILITIES OR REQUIRE ADA COMPLIANT PARKING DUE TO ISOLATION OF CPAH PROPERTY FROM MULTIPLE URBAN CORE SERVICES .**

- The applicant has not clearly identified the reduction in parking spaces would impact ADA restricted spaces.
- The applicant has not clearly identified due to the isolation of the CPAH facility from multiple types of affordable Public transit how families with small children or those with limited mobility are expected to access medical facilities or work in a timely and safe manner- without a vehicle
- Other than the one bus line, there are limited alternate modes of transportation. Residents may not be able to afford continuous use of Ride Share services as an alternate means of timely transportation.

Since the CPAH property is not within a central urban core area with multiple types of frequent Public Transportation CPAH residents may be forced to purchase a vehicle.

**THERE IS LIMITED ABILITY FOR THE SURROUNDING RESIDENTIAL NEIGHBORHOODS THE ABSORB OVERFLOW PARKING FROM POORLY PLANNED LAND USE ACTIONS**

If CPAH miscalculated their reduced need for vehicle parking-

- Once the site design is approved -the number of parking spaces are set for the foreseeable future



- There are extremely few options available to accommodate any overflow parking off-site
- Fact based planning is necessary -as current and future offsite parking is extremely limited

**MINIMAL ALTERNATIVE OFF SITE OVERFLOW PARKING OPTIONS  
FOR CPAH RESIDENTS, CPAH EMPLOYEES, VARIOUS UNSPECIFIED AND UNQUANTIFIED ADDITIONAL SERVICES  
SUPPORT STAFF, FACILITY VEHICLES, TRANSPORT SERVICE VEHICLES, DELIVERY TRUCKS, AND VISITORS**

- SW Boones Ferry Road does not permit street parking
- North, East and a road on the South sides of the CPAH property are privately owned
  - The application has not included a written contract between CPAH and Horizon Church/School to permanently allow CPAH staff, residents, or various additional services or visitors to use their private parking lots.
- Street parking within the future Autumn Sunrise Development to the south and east will not be completed for years
  - Appropriate planning should acknowledge and plan for the delay in availability of overflow street parking which may be needed for the CPAH complex
  - Autumn Sunrise Development will be conducted in phases and will not be completely built out for several years
  - During construction, there will be competition for street parking from construction vehicles and Autumn Sunrise residents
- The Commercial Neighborhood zoned land to the south of the CPAH complex, is currently being planned for approximately 1/2 of the zone to be used for stormwater collection ponds.
  - The Autumn Sunrise Developer has stated the balance of the Commercial Neighborhood zone has not been planned and is unknown when the land will be developer.
- The frontage Road across the street on SW Boones Ferry Road already has restricted parking on one side of the street due to the narrow road and the drop in elevation between the frontage road and the sidewalk.
  - The north end of the frontage road will be opened as a new intersection on to SW Boones Ferry Road when the Washington County Basalt Creek Parkway Extension Project is constructed.- this will add additional limitations on parking on the frontage road.

**USE OF PARKING SPACES RESTRICTED TO VEHICLE PARKING ONLY**

Discussion by the Wilsonville City Council regarding excessive street parking-commented parking facilities on private property or in multifamily housing utilize their garages and onsite parking spaces for storage and other non-vehicle parking uses.

The discussions identified if required parking spaces were used for vehicle parking, more vehicles can park on site and not have to use street parking.

- When asked, CPAH did not provide clear answers if the facility will have restrictions placed on use of onsite parking spaces for use other than vehicle parking

# APPENDIX #1

## Development Types Table 3 Summary of Development Types Identified for Basalt Creek Planning Area by Jurisdiction- Employment

Exhibit 2 to  
Ordinance No. 1418-19

### Development Types

Table 3 Summary of Development Types Identified for Basalt Creek Planning Area by Jurisdiction

Jurisdiction	Land Use Designation	Buildable Acreage	Households		Employment	
			Count	Density per Gross Acre	Count (jobs)	Jobs per Gross Acre
Tualatin	High Density Residential	3.36	67	19.9	-	-
	Medium-Low Density Residential	59.83	374	6.3	-	-
	Low Density Residential	24.83	134	5.4	-	-
	Neighborhood Commercial	2.89	-	-	33	11.3
	Manufacturing Park	92.95	-	-	1,897	20.4
	Functionally Unbuildable	10.37	-	-	-	-
	Tualatin Subtotal	194.23	575		1,929	

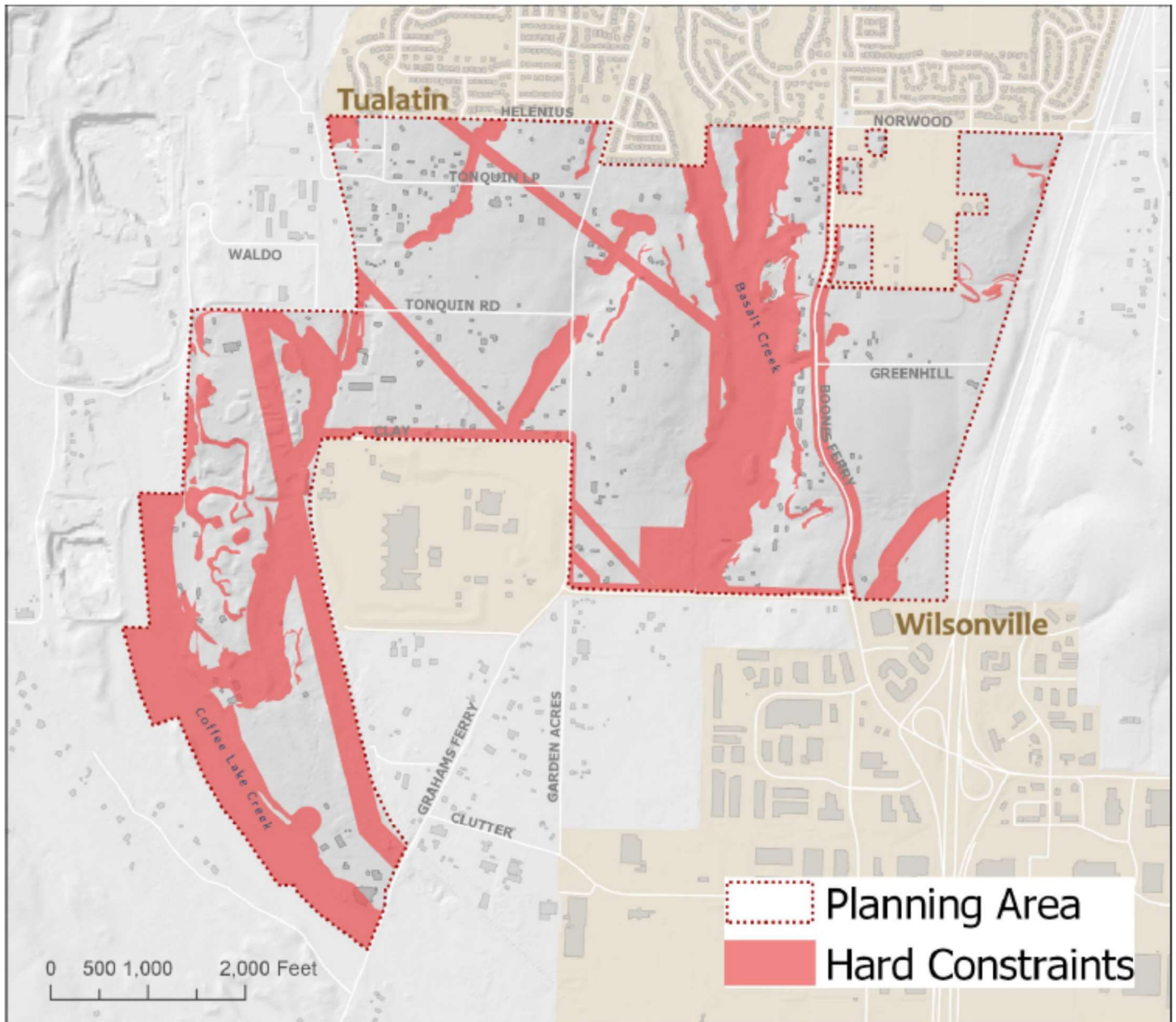
## APPENDIX # 2 MAPS

### MAPS OF CPAH PROPERTY AND SURROUNDING PROPERTIES

#### - DO NOT SUPPORT BUILDING HARDSHIP CLAIM JUSTIFYING VARIANCE REQUESTS

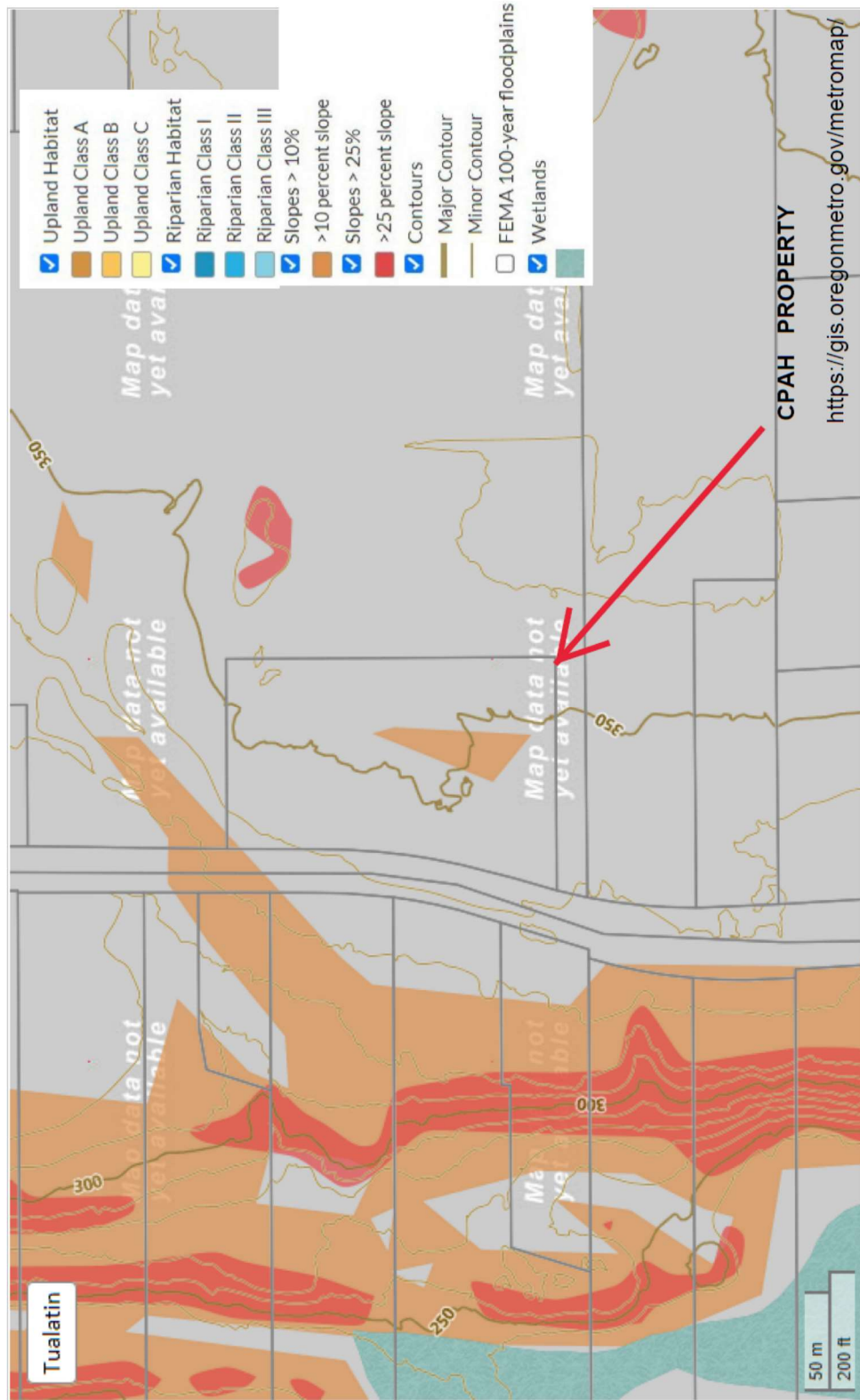
- **BASALT CREEK CONCEPT PLAN-** HARD CONSTRAINTS BASALT CREEK AREA
- **METRO MAPS BASALT CREEK AREA -**SLOPES AND NATURAL RESOURCES
- **AUTUMN SUNRISE/AKS MAPS- SIMILAR HEIGHT LIMITATIONS**
  - PRELIMINARY TOPOGRAPHICAL & NATURAL RESOURCES
  - PRELIMINARY SITE DESIGN & NATURAL RESOURCES
  - INDICATE ABILITY TO BUILD UPON SURROUNDING LAND WITH SIMILAR OR MORE DIFFICULT CONSTRAINTS THAN CPAH PROPERTY

*Figure 5 Map of Hard Constraints within the Basalt Creek Planning Area.*



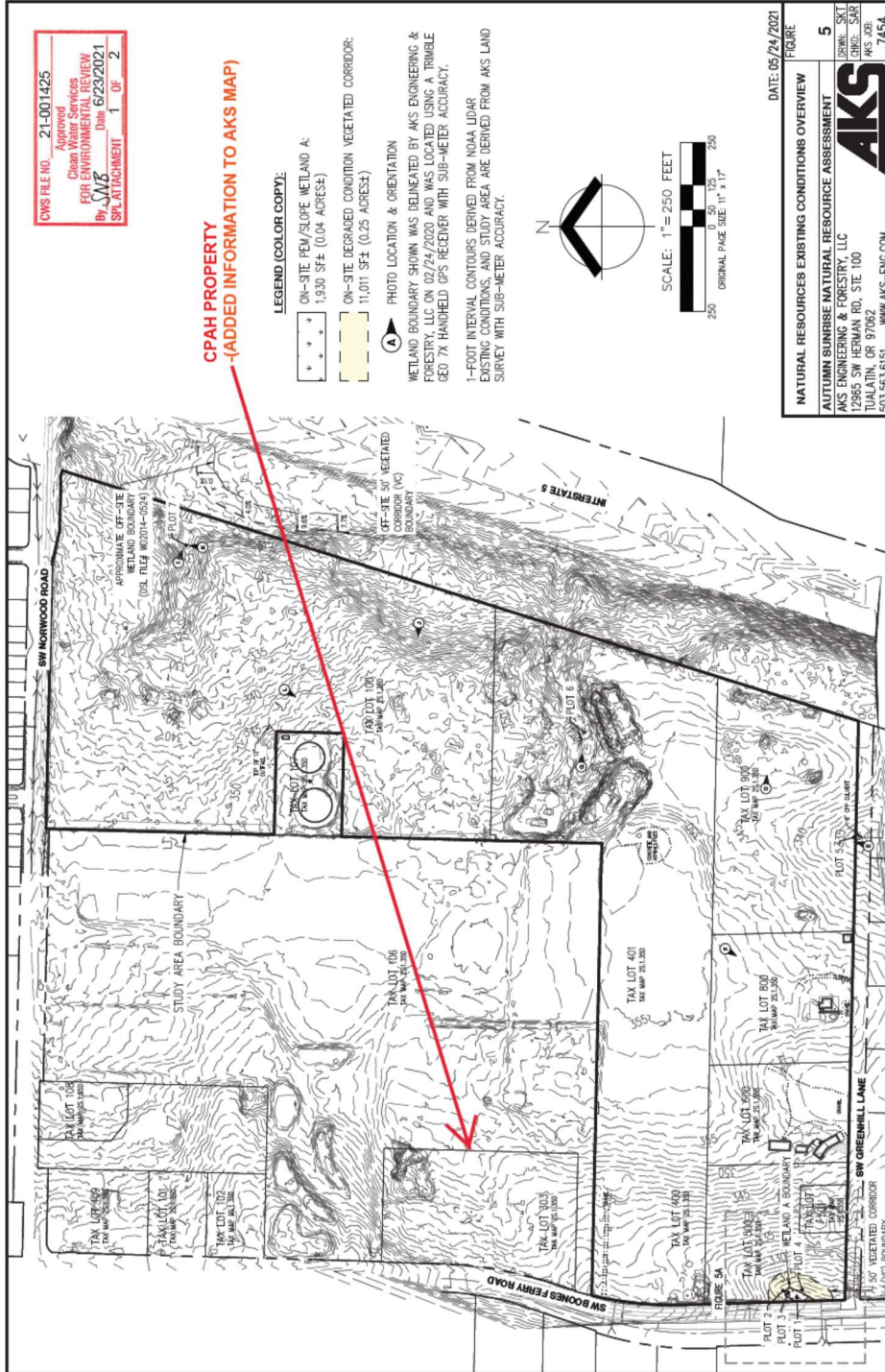
# METRO MAPS

DOES NOT SUPPORT CPAH HARDSHIP CLAIM USED TO JUSTIFY SITE DESIGN CHANGES REQUIRING BUILDING HEIGHT TO EXCEED STATED LIMITS OF 50 FEET WITH CONDITIONAL USE PERMIT



**PRELIMINARY MAP OF SURROUNDING AUTUMN SUNRISE DEVELOPMENT**

DOES NOT SUPPORT CPAH HARDSHIP CLAIM USED TO JUSTIFY SITE DESIGN CHANGES REQUIRING BUILDING HEIGHT TO EXCEED STATED LIMITS OF 50 FEET WITH CONDITIONAL USE PERMIT

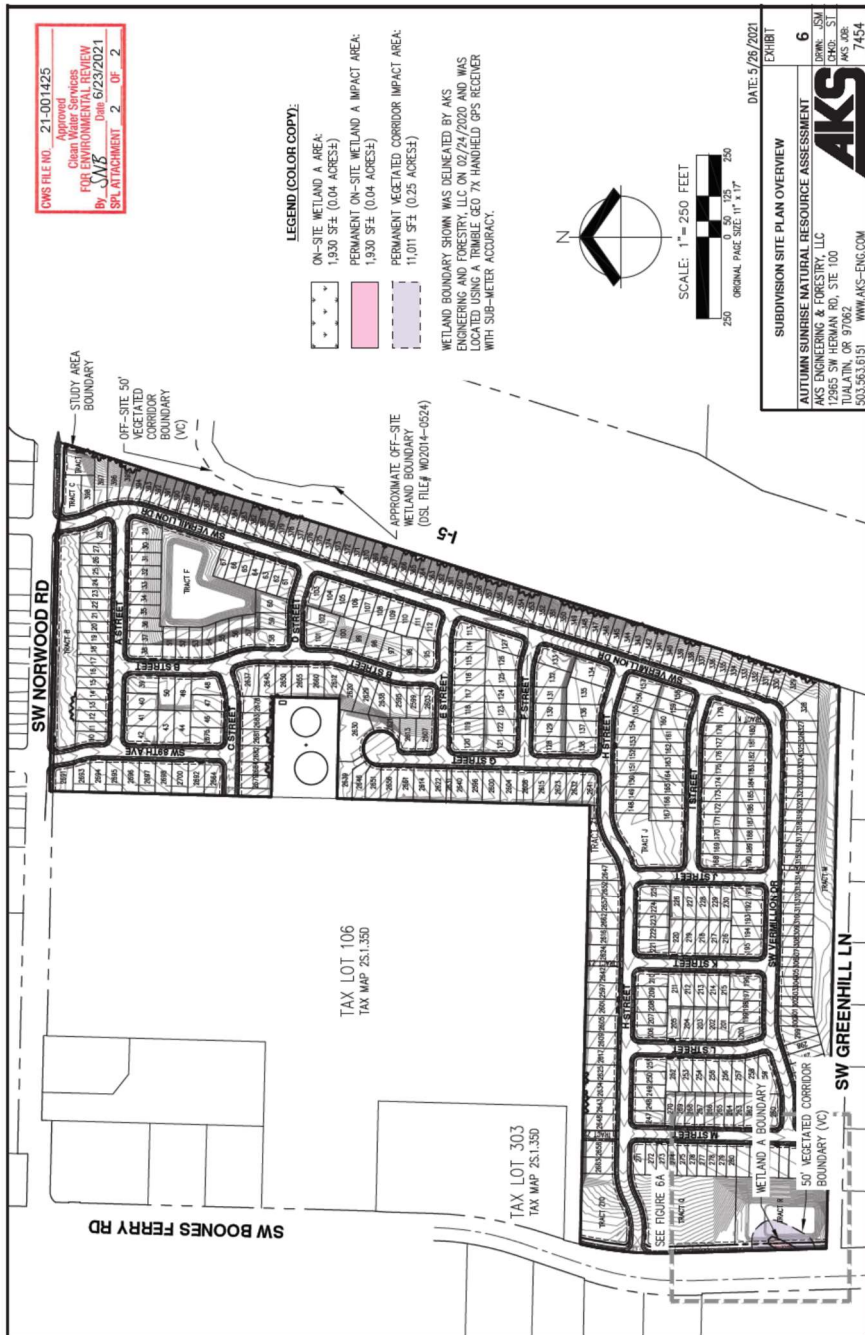


**PRELIMINARY MAP OF SURROUNDING AUTUMN SUNRISE DEVELOPMENT**

DOES NOT SUPPORT CPAH HARDSHIP CLAIM USED TO JUSTIFY SITE DESIGN CHANGES REQUIRING BUILDING HEIGHT TO EXCEED STATED LIMITS OF 50 FEET WITH CONDITIONAL USE PERMIT

MAXIMUM STRUCTURE HEIGHT IS THE SAME -FOR BOTH HIGH-DENSITY RESIDENTIAL HOUSING (RH) & MEDIUM HIGH DENSITY RESIDENTIAL ZONE (RMH)		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.

Preliminary Planning for the Autumn Sunrise Development indicate ability to upon land surrounding the CPAH property with similiar or more difficult constraints and with the same height limitations.



## APPENDIX #3

### BASALT CREEK CONCEPT PLAN EXHIBIT 2 TO ORDINANCE NO 1418-19

- PROVIDING DESCRIPTION OF EXISTING RESIDENTIAL NEIGHBORHOODS SURROUNDING CPAH PROPERTY
- PROVIDING INTENT OF THE HOUSING PLANNED FOR THE BASALT CREEK AREA
- BUILDING HEIGHT EXCEEDING 50 FEET - WITHIN THE CITY'S HIGH RISE USE CLASSIFICATION WAS NOT PLANNED OR INTENDED TO BE LOCATED WITHIN THE BASALT CREEK AREA.
  - Existing Land Use
  - Adjacent Land Uses
  - Development Types---Housing

#### Basalt Creek Concept Plan Exhibit 2 to ordinance No 1418-19

Exhibit 2 to Ordinance No. 1418-19

Basalt Creek Concept Plan

##### *Existing Land Use*

The primary existing land uses in the Basalt Creek Planning Area are rural agriculture, industrial and rural residential consisting of low-density single-family housing. There are areas of agricultural uses, including a nursery, landscaping supply, and blueberry farms. Existing industrial land users include gravel quarries and cement manufacturing in the northwest corner of the Planning Area. The existing housing in the area consists of detached single-family on large lots. A significant portion of single-family homes are located on the eastern edge of the Basalt Creek Canyon along Boones Ferry Road.

##### *Adjacent Land Uses*

The Planning Area is bounded to the north by Tualatin residential neighborhoods, to the south by Wilsonville commercial and industrial uses, I-5 to the east, and to the west by Coffee Lake Creek, wetland habitat, and rural and industrial lands.

- The southernmost residential neighborhoods of Tualatin, including recently built subdivisions such as Victoria Gardens, are located to the north of the Planning Area. These neighborhoods are zoned a mix of low- and medium-low density residential and are comprised primarily of high-quality, detached, single-family homes. Also, to the north is the 30-acre campus of Horizon High School (a private high school). The campus is bordered on three of its sides by the Planning Area.

##### *Development Types---Housing.*

Most of the remaining land north of the proposed Basalt Creek Parkway (beyond employment land) is allocated to a mix of residential uses at varying densities. The Concept Plan organizes residential land uses into two general areas that are intended to have easy access to services and be connected to parks, schools, and natural areas.

1. The plan focuses the lowest density housing (a mixture of low-density and medium-low density) along the northern portion of the Planning Area and low density along the west side of Boone's Ferry Road, adjacent to existing neighborhoods of Tualatin. This land is expected to accommodate 134 new households.
2. The eastern portion of the Tualatin future annexation area is anticipated to be a mixture of high and medium-low density residential; the land immediately east of Boones Ferry Rd is intended for high density housing; The remainder of the land east and south of Horizon School is planned for medium-low density residential. This eastern subarea is expected to accommodate 407 new housing units in Tualatin. This land is near the intersection between Boones Ferry Road and the new Basalt Creek Parkway.

## Exhibit 2 to Ordinance No. 1418-19

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## APPENDIX #4

### CITY OF TUALATIN LAND USE PLANNING PROCESS-LEADING TO 11-18-2021 HEARING

On 3-8-2021 during Tualatin City Council hearing on the adoption of the City of Tualatin Stormwater Master Plan Update, the Chair of the Tualatin Planning Commission commented upon the for improvements in the inclusion of Basalt Creek Citizens within the City's Citizen Involvement Programs for Land Use Planning actions affecting Basalt Creek Area properties.

As with the events leading to the 3-8-2021 Stormwater Master Plan Update, as non-residents of the City of Tualatin, we have again been hampered in our attempts to be active participants within the current Land Use Action for the Variances being requested.

Our attempts to obtain additional information and clarification:

- 8-10-21 Verbal and written comments submitted to CPAH and Tualatin Planning Dept prior to and during the Community Meeting 8-11-2021
- 8-18-21 Re submitted requests of information to CPAH and Tualatin Planning

When no response received to either request, we hired an Environmental Engineer for Assistance.

- 11-1-21 Our consultant submitted written requests for information and clarification to City Staff as per the Land Use Action Notice sent by City.
- 11-2-21 City Staff directed our consultant the CPAH engineering firm directly for a response to his request. The engineering firm was contacted the same day; however, the consultant received an out of office message.
- 11-4-21 Since no response to the message left on 11-2-21 was received, a second request was emailed to another contact at the engineering firm with a copy to City staff.
- 11-5-21 a copy of the email referenced about was sent directly to CPAH as well.

Although the emails sent on 11-4 and 11-5 stated that our requests were time sensitive no response was received from any of the parties contacted.

- 11-12-21 as of this date there has been no substantive information or clarifications provided in response to our written submissions or those of our consultant.

#### **SEE ATTACHMENT -REPORT DAVE LA LIBERTE PRINCIPAL ENGINEER LEA, INC**

#### **COMMENTS ON THE DEVELOPMENT CODE VARIANCES SUBMITTAL FOR THE CPAH PLAMBECK GARDENS PLANNING**

#### **Appendix B Emails Related to LEA Information and Documents Requests**

- 11-1-2021
- 11-2-2021
- 11-4-2021
- 11-5-2021

#### **LUCINI EMAILS SUBMITTED TO CPAH/CPAH CONSULTANTS AND CITY OF TUALATIN PLANNING DEPARTMENT**

#### **Copies of Emails on following pages**

- 8-10-2021
- 8-18-2021

There is an additional issue regarding City of Tualatin Land Use Planning process.

While the variances being requested by CPAH have yet to be presented to the City of Tualatin Planning Commission for review and vote on 11-18-2021---several days prior on 11-10-2021, the City of Tualatin posted their draft of the City of Tualatin Basalt Creek Parks and Recreation Master Plan.

Embedded within the proposed Master Plan, are maps of parks which may be provided within the two developments on the eastern portion of the Basalt Creek Area- which included a map of the CPAH residential development. The inclusion of information on potential future parks within new developments being planned in the Basalt Creek Area indicates cooperative planning within the various City departments.

However, the CPAH map included in the proposed Parks Master Plan- is the site design map provided as part of the VAR 21-0003 Land Use Application request- which has not yet even been presented before the City of Tualatin Planning Commission for review or vote.

While it may not have been the intention of the City staff, a citizen may reasonably assume the City staff have already functionally accepted the requested CPAH variances and have already started the process to integrate the still not yet adopted variances into other governing documents of the City- without having undergone the State required Land Use Planning process including Public Review.

The City should be made aware of the ramifications of these types of actions- which may appear to negate the purpose and function of the City of Tualatin Planning Commission, reduce Citizen participation and involvement within Land Use Planning actions of the City, and also clouds the transparency of the governmental process in Land Use Actions.

8-11-2021 CPHA Development ---Community Meeting-- Proposed Land Use Variances 23500 SW Boones Ferry Road- -Citizen Comments

To: Jillian Saurage Felton <jsaurage@cpahoregon.org>  
 Cc: John Lucini <JWLucini@gmail.com>, lhagerman@tualatin.gov, eengman@tualatin.gov, planning@tualatin.gov  
 Bcc: Grace Lucini <GrLucini@gmail.com>

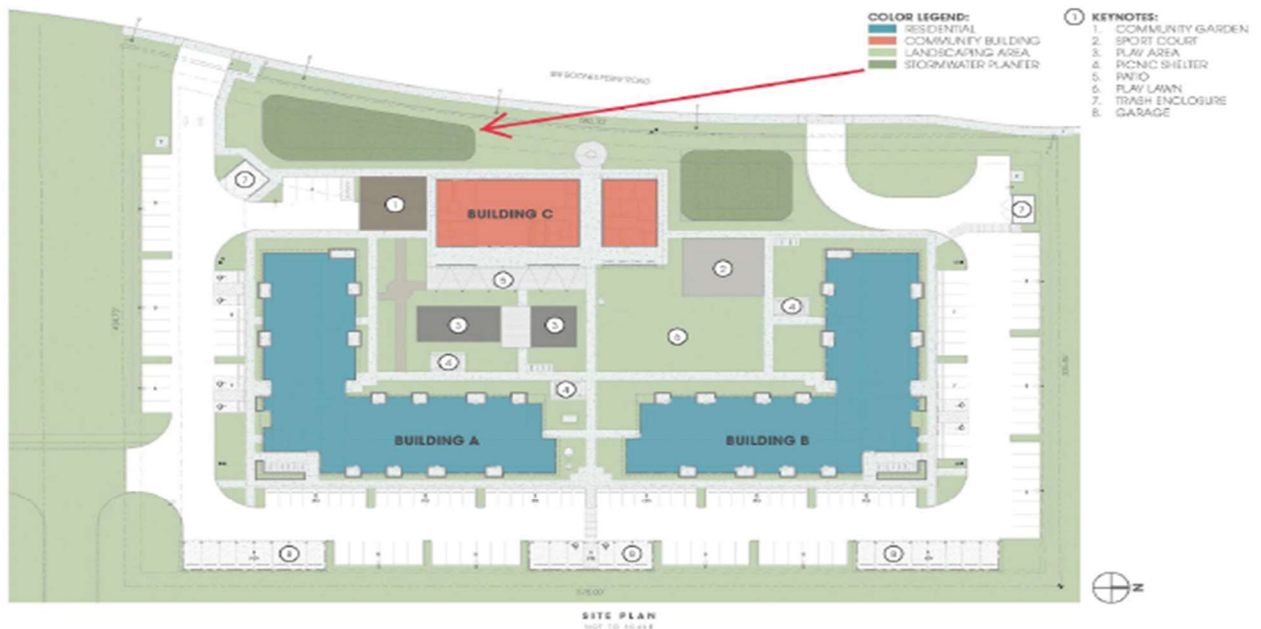
Tue, Aug 10, 2021 at 10:43 PM

As local existing residential neighbors, we appreciate this opportunity to gain information, ask questions and express concerns regarding the proposed Land Use Variance for the CPHA project.

We are not opposed to the proposed CPHA Development. However, we want the development to be well thought out -providing safe and effective services; providing for the transportation needs of the residents, staff, service providers as well as residential and facility visitors; and integrated into the scope and character of the existing and future residential neighborhoods. We believe good planning will help lead to healthy neighborhoods.

During the virtual Community Meeting on 8-11-21 regarding the proposed Land Use Variances for 23500 SW Boones Ferry Road, we hope to hear additional information on these three topics:

1. Proposed Stormwater Management- We would like to have additional information as to on-site, and offsite overflow plans for stormwater conveyance and treatment.
- Slide #2 of the currently proposed draft appears to have a stormwater planter at the SW corner of the plans.



23500 & 23550 SW BOONES FERRY ROAD  
 PLANNING GARDENS | NEIGHBORHOOD MEETING  
 08-11-2021

The project tax lots have a minimal existing stormwater collection and treatment system. Currently, approximately 1/2 of the stormwater from these lots flow south/southwest.

The closest stormwater intake to the southern portion of the property and on the east side of the SW Boones Ferry Road curb- directs stormwater from the current stormwater catchment area on the east side of the road, under BFR and discharges onto our property on the west side of the road. This stormwater flows down a steep slope into wetlands/Natural Resources, eventually to the Willamette River.

How and where will any overflow from the currently SW Stormwater Planter be treated and directed?

Development on the land will increase Stormwater Management needs. The City does not have an adopted Stormwater Management Plan for the Basalt Creek Area which identifies and documents ---the anticipated needs including the recently changed Development Codes and Land Use Designations for the Basalt Creek Area in 2020, and the timeframes which would provide information on the sequencing for various significant stormwater management projects within the Basalt Creek Area- helping to assure safe effective Stormwater Management for all downstream local citizens, property and natural resources throughout the entire urbanization process for the Basalt Creek Area.

Although the City has recently stated an intent to conduct the required analysis, the City has not identified when such a State mandated Plan should be expected for adoption by the City or if the Plan would be available for use with the planning of this project.

2. **Requested Reduction in Parking**-Just north of the proposed CPHA Development, adequate parking along local residential streets has already been identified as being a significant issue - which has caused the City to establish limited parking zones surrounding Tualatin High School.

The City of Wilsonville has also had issues with overflow parking needs from residential units shifting to existing narrow local streets- causing safety issues due to narrow traffic lanes and difficulties of visualization of children attempting to cross the street, concerns for access for emergency vehicles, as well as problems in the provision of mail delivery and garbage pickup.

To help anticipate and hopefully prevent negative impacts upon the existing local residential streets and the future residential neighborhoods, parks and Neighborhood Commercial zone anticipated for the NE portion of the Basalt Creek Area, can additional information be provided:

- What are the number the numbers of parking spaces being planned per residential unit?
  - What is the City's current requirement?
  - Do the number of bedrooms per each residential unit change the ratio of parking spaces per unit
  - Will each residential unit have assigned parking space/s?
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  - What are the numbers of parking spaces needed for employees, or providers for support services or delivery vehicles?
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- How does the total of these numbers of needed parking spaces- match up to the numbers of parking spaces currently being presented?
- Will residential parking areas, staff parking and/ or visitor areas be separately identified or co-mingled?
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- How will CPHA address parking by non CPHA affiliated vehicles (from large activity events from the neighboring Church/School or from the future residential neighborhood) which may negatively impact the number of parking spaces available at CPAH?

3. **How do the proposed changes in height limitations assure compatibility with scope and character of the existing low density one- and two-story homes along SW Boones Ferry Road?**

We look forward to hearing your presentation, which will hopefully address most if not all of our questions/concerns.

Please feel free to reach out to us regarding the resolution of our concerns. We continue to extend an invitation for an on-site meeting, should firsthand visualization of our concerns be helpful.

Regards,  
John and Grace Lucini  
23677 SW Boones Ferry Road Tualatin OR 97062  
503 692 9890

Re: 8-11-2021 CPHA Development --Community Meeting-- Proposed Land Use Variances 23500 SW Boones Ferry Road- -Citizen Comments

1 message

G Lucini <griucol@gmail.com>

Wed, Aug 18, 2021 at 4:32 PM

To: Jillian Saurage Felton <jsaurage@cpahoregon.org>  
Cc: Ihagerman@tualatin.gov, eengman@tualatin.gov, planning@tualatin.gov, Rachael Duke <rduke@cpahoregon.org>, John Lucini <JMLucini@gmail.com>  
Bcc: Grace Lucini <Grlucini@gmail.com>

Hi Julian,

Thank you for taking the time to send a follow-up email after the CPHA Virtual Community Meeting on 8-11-21. John and I appreciated hearing your company's responses to concerns presented by various citizens. We continue to have concerns regarding the issues we submitted in our pre- Community Meeting email sent 8-10-21 (included at the end of this email) and additional questions which were generated by the 8-11-21 meeting.

**STORMWATER MANAGEMENT**

What we heard your staff mention -the HUD requirements for stormwater management may be stricter than the City's requirements, and since your corporation will be receiving some federal funding, the proposed project will have to comply to the higher HUD requirements for assessment and mitigation of downstream impacts. Please let us know if my summarization is accurate.

Lacking sufficient planning information on the stormwater plan for the proposed project at this time, it is difficult for us to actually determine what assistance the utilization of HUD standards may have in mitigating potential impacts to us- as downstream property owners who have already been flooded from waters coming from the catchment basin east of SW Boones Ferry Road and east of the curb (into which a portion of the CPHA property drains).

Compounding the issue is the City's continued lack of an adopted Stormwater Management Plan for the Basalt Creek Area as required by the State. We have not received information from the City as to when we might expect the City to adopt a Stormwater Management Plan for the Basalt Creek Area- and if such a plan will be adopted in time to be utilized in reviewing your project's proposed variances, and in reviewing your projects proposed development plan.

As the layout of building footprints and the amount of impervious surfaces are major factors in stormwater management- coupled with topography of the land and geology of the soil, the proposed variances and the eventual development plan proposal will have significant impacts upon stormwater management within the area. We hope the City and CPHA will include downstream property owners within all phases of the planning process, to be able to work collaboratively in resolving identified issues.

**PROPOSED REDUCTION IN PARKING FOR CPHA PROJECT**

In the email we submitted for the virtual Community Meeting, we included problems which have occurred in both Tualatin and Wilsonville with inadequate onsite parking - overflowing into off street parking issues causing multiple types of neighborhood problems- including safety issues and impacts upon the provision of various Public Services. We submitted several specific questions as to the anticipated numbers of parking spaces which would be needed for various groupings- such as residents, staff, outside support services, service vehicles, maintenance vehicles and facility or residential visitors etc. Unfortunately, these questions were not answered during the virtual meeting.

It is our understanding from the CPAH presentations, the residents will be provided access to useful support services on site, which many residential facilities do not provide for their residents. This is very commendable, as should be of great assistance to the residents. The addition of support services may also increase the numbers of parking spaces needed- for support staff - or possibly non- residents who may want to utilize the services being provided by CPAH - over the traditional calculations for other types of housing facilities which do not provide these additional support services.

Would you be able to find the answers to the questions we submitted as to the anticipated numbers of vehicles per each group? The answers to our questions may help us understand how the proposed reduction in the number of parking spaces can be workable and beneficial to all interested parties. Without actual fact-based information, we continue to have concerns as to where additional parking spaces could be provided- prior to building the entire complex and then learning the numbers of vehicles needed at the change of shift or after work hours exceeds the number of spaces which were built.

**CHANGES IN BUILDING FOOTPRINTS- REQUESTED INCREASE IN BUILDING HEIGHT TO 4 STORIES**

We continue to have concerns as to the character and scope of 4 story buildings within an existing neighborhood of 1 and 2 story homes, and the recently changed Residential Codes for the Basalt Creek Area which also affected the configuration, density and scale of 300-400 residential units to be built to the south, east and north.

**NEW QUESTION-RECREATIONAL PLAYGROUNDS AND PLAY SPACES**

During the 8-11-21 Community Meeting, we heard the requested variance changes in the building configuration from 3 storied buildings to 4 storied buildings also changed the ability to provide more on- site recreational facilities including a playground and playfields. The need for more open space for recreational needs within the Basalt Creek Area has been stated by the City's Parks and Recreation Department.

A question was asked if the playgrounds etc. on CPHA grounds would also be available for use by residents in the future residential neighborhoods. We heard the answer to this question was- No, the recreational facilities would only be available to CPHA residents.

Does CPHA have a strategy identified as to how this type of policy (limiting outdoor recreational spaces and play grounds to only CPHA residents) would be implemented, and what is the acceptance of this type of rule by local neighborhood residents?

As we have mentioned previously, we appreciate the opportunity to voice our concerns regarding this worthy project, so that the planning and development of the buildings can be beneficial to the residents and to the entire community for years to come.

Regards,  
John and Grace Lucini

RE: 8-11-2021 CPHA Development --Community Meeting-- Proposed Land Use Variances 23500 SW Boones Ferry Road- -Citizen Comments



Jillian Saurage Felton  
to me, John, Ihagerman@tualatin.gov, eengman@tualatin.gov, planning@tualatin.gov, Kayla, Rachael

Wed, Aug 11, 7:42 PM (7 days ago)

Reply

Thank you for attending the meeting this evening!

I wanted to reach out and make sure that all of your questions below were answered regarding the variance requests? If not I'm happy to follow up with you via email or phone to clarify.

## Jilian Saurage Felton

Housing Director  
Community Partners for Affordable Housing, Inc. (CPAH)  
503-293-4038 ext. 302 phone

PLEASE NOTE NEW EMAIL ADDRESS

On Tue, Aug 10, 2021 at 10:43 PM G Lucini <grlucini@gmail.com> wrote:

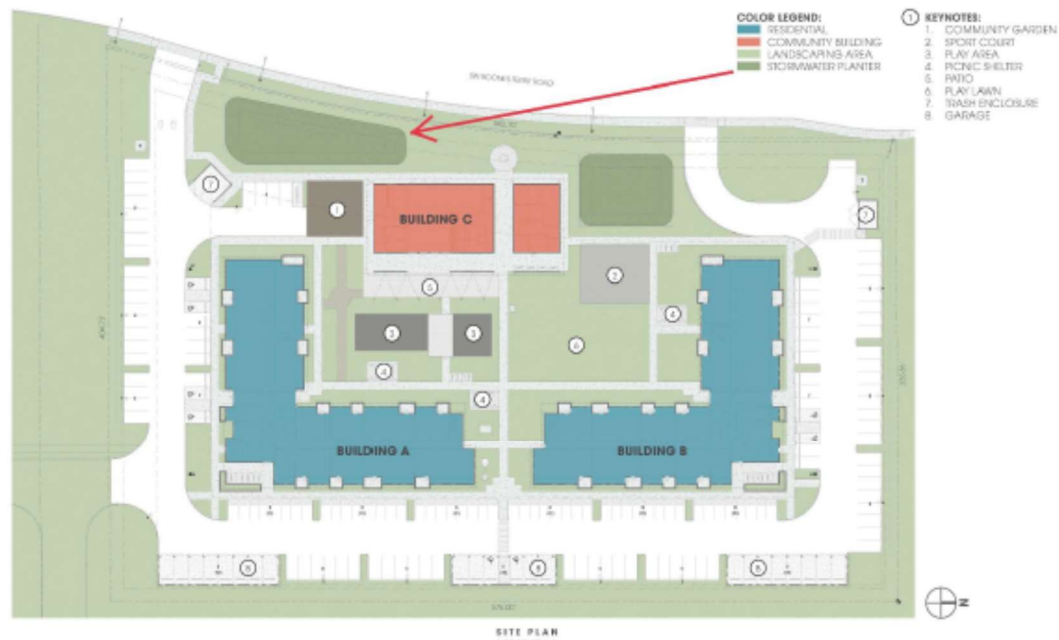
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CARLETON HART ARCHITECTURE CPAH Community Partners for Affordable Housing

23500 & 23508 SW BOONES FERRY ROAD  
PLAMBLICK GARDENS | NEIGHBORHOOD MEETING  
08.11.2021

2

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