

**City of Tigard
Dirksen Nature Park**

Comprehensive Plan Amendment - Type IV

Submitted to City of Tigard
Current Planning Division

February 24, 2015

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Section 1. Summary of Proposal

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Project Request:	Type IV-Comprehensive Plan Amendment to approve the removal of Goal 5 protection from 0.12 acres for two wetland boardwalks. The Pre-Application Conference notes are included in Appendix A. The ESEE analysis is in Appendix B.
Location:	11000 Block of SW Tigard Street
Site Size:	48 acres
Tax Lot Description:	1S134DD, Lots 900, 1000, 2400, 2500 2S103AA, Lot 200 2S103AB, Lot 200 1S134DC, Lots 3000, 3001, 3002, 3100, 3101, 3102, 3300, 3400 1S134DD, Lots 900, 1000, 2400, 2500
Comprehensive Plan Designation:	Public Institution and Open Space
Current Zoning:	PR
Applications Submitted For:	Type IV Comprehensive Plan Map Amendment
Neighborhood:	Tigard Area 3
Summary:	The Park System Master Plan outlines the need to acquire park property and construct park improvements

to preserve open spaces, enhance water quality and provide recreational opportunities. On November 2, 2010, Tigard voters passed a \$17 million general obligation bond to fund the purchase of real property for parks and to fund a limited amount of park development.

The Dirksen Nature Park (formerly known as the Summer Creek or the Fowler property) is a high priority project in the Park System Master Plan, the adopted City of Tigard CIP and the Notice of City Measure Election provided to voters regarding the 2010 parks bond.

Dirksen Nature Park contains a mix of mature forests, wetlands, open space and existing active recreation facilities. The majority of the property will remain a natural area as approximately 35 acres, about 70%, are protected under a conservation easement with Metro.

Dirksen Nature Park is designated as a community park and will become a unique environmental education resource for the City. This amendment includes an environmental, social, economic and energy (ESEE) consequences analysis of the proposed removal of 0.12 acres from the Local Wetland Inventory to accommodate two planned boardwalks, consistent with TDC 18.775.

**Project Team for
City of Tigard Dirksen Nature Park
Comprehensive Plan Amendment & ESEE Analysis**

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Section 2. Current Conditions

Vicinity: Dirksen Nature Park is comprised of 14 parcels (Tax Map: 2S103AA, Lot 200; 2S103AB, Lot 200; 1S134DC, Lots 3000, 3001, 3002, 3100, 3101, 3102, 3300, 3400; 1S134DD, Lots 900, 1000, 2400, 2500) consisting of 48 acres located along the 11000 block of SW Tigar Street, immediately north of Fowler Middle School. The subject site also includes an existing, paved section of the Fanno Creek Trail. The project site is located in the Tigar Area 3 neighborhood.

Site History: The City purchased the Dirksen Nature Park through multiple transactions beginning in December 2010 with over \$2.5 million in grant support from multiple sources. The property contains a mix of mature forests, wetlands, open space and existing active recreation facilities. The majority of the property will remain a natural area (approximately 35 acres, about 70%, are protected via a conservation easement). A short history of the site follows.

- In 2001, the City of Tigard developed the Fanno Creek Trail which extends through the site along the eastern property boundary adjacent to Fanno Creek's outer riparian zones.
- In 2006, the School District declared the open space portion of the property surplus.
- In 2007, the Trust for Public Land negotiated with the District for an exclusive option-to-purchase agreement.
- With the passage of the Parks Bond in 2010 and subsequent grant awards supporting this acquisition, the property was acquired by the City from the Trust for Public Land in two transactions beginning in December 2010.
- A conservation easement was finalized between the City and Metro in early 2011 to protect a 35-acre area in the center of the site containing significant woodlands and wetlands. Also, a draft Natural Resource & Management Plan was completed and provided to Metro in January 2011 to document how each of the different habitat areas will be managed within the conservation easement.
- The Parks Division led the preparation of a park master plan to guide the future development of the park. The master planning process engaged local residents and stakeholders, and it included two public meetings. The City of Tigard's Parks and Recreation Advisory Board (PRAB) reviewed, considered and recommended the adoption of the conceptual master plan at a regularly scheduled PRAB meeting on July 9, 2012 at which public comment and testimony was welcomed.
- The City submitted a land use application in July 2013 to permit the development of the park. The land use submittal was a Type-III Hearings Officer review for a Conditional Use Permit and Sensitive Lands Review for the project. The land use hearing occurred on October 28, 2013. The Hearings Officer conditionally approved the project and released the final decision on December 30, 2013. The decision did not approve the two planned wetland boardwalk and overlooks and defined them as development activity within a significant wetland as per the Local Wetland Inventory, thus necessitating the current application request through a quasi-judicial comprehensive plan amendment pursuant to Section 18.775.130.

Zoning & Plan Designations: The site is zoned Parks and Recreation (PR), and “Community Recreation” is either permitted outright or as a conditional use according to subsection 18.540.050.C - D of the Tigard Development Code. Nearby parcels on the north side of Tigard Street have R-12 zoning. The riparian and floodplain areas have comprehensive plan designations of Open Space. Fowler Middle School is adjacent to the site on the south.

Site Characteristics: The Dirksen Nature Park is located within the Fanno Creek sub-watershed of the Lower Tualatin Watershed. Fanno Creek flows along the eastern boundary of the site. Summer Creek flows along the southern boundary of the site to its confluence with Fanno Creek. In addition to Fanno and Summer Creeks, the property is notable for its riparian forest, oak/pine woodland, forested wetlands, emergent wetlands and open meadows.

The site topography consists of gentle 5 percent slopes along the northern property boundary at Tigard Street which level out approximately 500 feet from the northern site boundary. The center of the site includes an existing ball field and is nearly flat – spanning 650 feet (north to south) by almost 1,600 feet (east to west). Elevations range from a high point of 195’ to a low of 150’ where Fanno Creek passes under Tiedeman Avenue.

The site contains approximately 17 acres of wetland in total. Wetlands associated with Fanno Creek along the eastern edge of the property are predominately freshwater emergent marshes and account for approximately 8 acres of wetland. The likely water sources include flood water from Fanno Creek and groundwater flowing east across the site. A forested wetland is located along the western edge of the center of the site and is likely fed by rainwater that collects in flat areas during winter rains and held by poorly drained silty loam soils. Some of these forested wetlands extend to Summer Creek, where they are fed from flooding along the creek and groundwater. Portions of the property include mapped environmental features including sensitive lands and riparian zones.

A conservation easement with Metro protects 35 acres of the most sensitive areas on the property. Trails, boardwalks, interpretive signs and other educational elements are permitted within the conservation easement. The previously approved land use application and development plan is consistent with the conservation easement and has been reviewed favorably by Metro, the easement holder.

The paved Fanno Creek Regional Trail runs along the eastern portion of the site, and three soft-surfaced trails run through the property. The southern (main) trail is a route that is heavily used by the park visitors and provides the main, east-west route into and through the park. The other two soft surface trails (the wetlands and upland loops) both currently serve as access for the environmental education and for the public to view the different habitats on the property.

Decommissioning or modifications to the alignment of the existing soft surface trails within the property will occur to reduce or minimize impacts to sensitive lands. In addition, significant habitat restoration will occur on the property to re-establish and/or strengthen the qualities of various woodland and wetland habitat types.

Summary of Proposed Request: The proposed request removes 0.12 acres from the City's Local Wetlands Inventory and from Sensitive Lands Review provisions of the Tigard Development Code, to accommodate the future installation of two trail boardwalks in Dirksen Nature Park. These boardwalks are critical park infrastructure and will serve as environmental education facilities, consistent with public feedback and earlier site plan concepts regarding the layout and design of the property approved by the Parks and Recreation Advisory Board (PRAB). The boardwalks that extend into mapped wetlands and will provide overlooks into these unique habitat areas.

The primary purpose of these boardwalks is environmental education for park users and to provide safe, accessible platforms for community groups, students and Tualatin RiverKeepers classes to view and begin to understand and appreciate the nature and importance of these wetland habitats without damaging them and disturbing wildlife. In the area of both of these proposed boardwalks, numerous existing rogue trails traverse the sensitive lands as a result of historic, uncontrolled access and have caused significant damage to the wetlands. The secondary benefits of the boardwalks are to aim to eliminate rogue, off-trail passage through the wetland resources, to provide managed and controlled access near and into the wetlands, and restore areas damaged by rogue trails. The proposed boardwalks will help save and protect the wetland resources; they are the single most important component of restoration plans for the wetlands in this urban nature park.

The two boardwalks were included in the Conditional Use Permit and Sensitive Lands Review that was reviewed by the Hearings Officer in 2013. The Hearings Officer did not approve the installation of the boardwalks and expressly noted the potential for an exception via a comprehensive plan amendment. The Hearings Officer provided the following comments:

"6. The hearings officer finds that the Code prohibits the proposed boardwalks/viewing areas within the wetlands on the site. TDC 18.775.090.A prohibits land form alterations or developments within, "[a]ll wetlands classified as significant on the City of Tigard 'Wetlands and Streams Corridors Map,'" *except as allowed/approved through a quasi-judicial comprehensive plan amendment pursuant to Section 18.775.130* [emphasis added]. The wetlands where the boardwalks are proposed are designated as significant wetlands on the City's "Wetlands and Stream Corridors" map. See the "Supplemental Figures" tab of the application. Therefore development within these wetlands is prohibited by 18.775.090.A.

b. The hearings officer finds that the placement of the helical piers and construction of the proposed boardwalk/overlook structures is a "land form alteration" as defined by TDC 18.120.030.A(102). Placement of the piers is a, "[m]an-made change to ... real estate ... " The proposed boardwalk/overlook is a "structure" or "building" as defined by TDC 18.120.030.A(160) and (36). TDC 18.775.090.A prohibits any land form alteration or development within significant wetlands. Therefore the boardwalk/overlook facilities are prohibited within the significant wetlands on the site. The Code does not provide a "de minimis" exception to the development prohibitions of TDC 18.775.070.E(2) and 18.775.090.A. The applicant should be required to modify the development to eliminate the proposed boardwalk/overlook

structures within the significant wetlands on the site. A condition of approval is warranted to that effect."

As described by the Hearings Officer, any land form alteration or development is prohibited, regardless of the non-invasiveness of the installation method or any social or community benefit potentially derived from such development. The Applicant is pursuing a comprehensive plan amendment that includes an environmental, social, economic and energy (ESEE) analysis to remove 0.12 acres of wetland in and around the area of the two boardwalks from the Local Wetland Inventory, thereby removing this land from sensitive lands protections as provided by TDC 18.775.

This comprehensive plan map amendment will enable the future installation of the two boardwalks. The boardwalks will enhance environmental education opportunities and safe and accessible passage into unique wetland habitats. Controlled access to the wetlands will reinforce planned restoration efforts and help protect the wetland resources.

Figure 1 - Vicinity Map



Figure 2 - Zoning Map

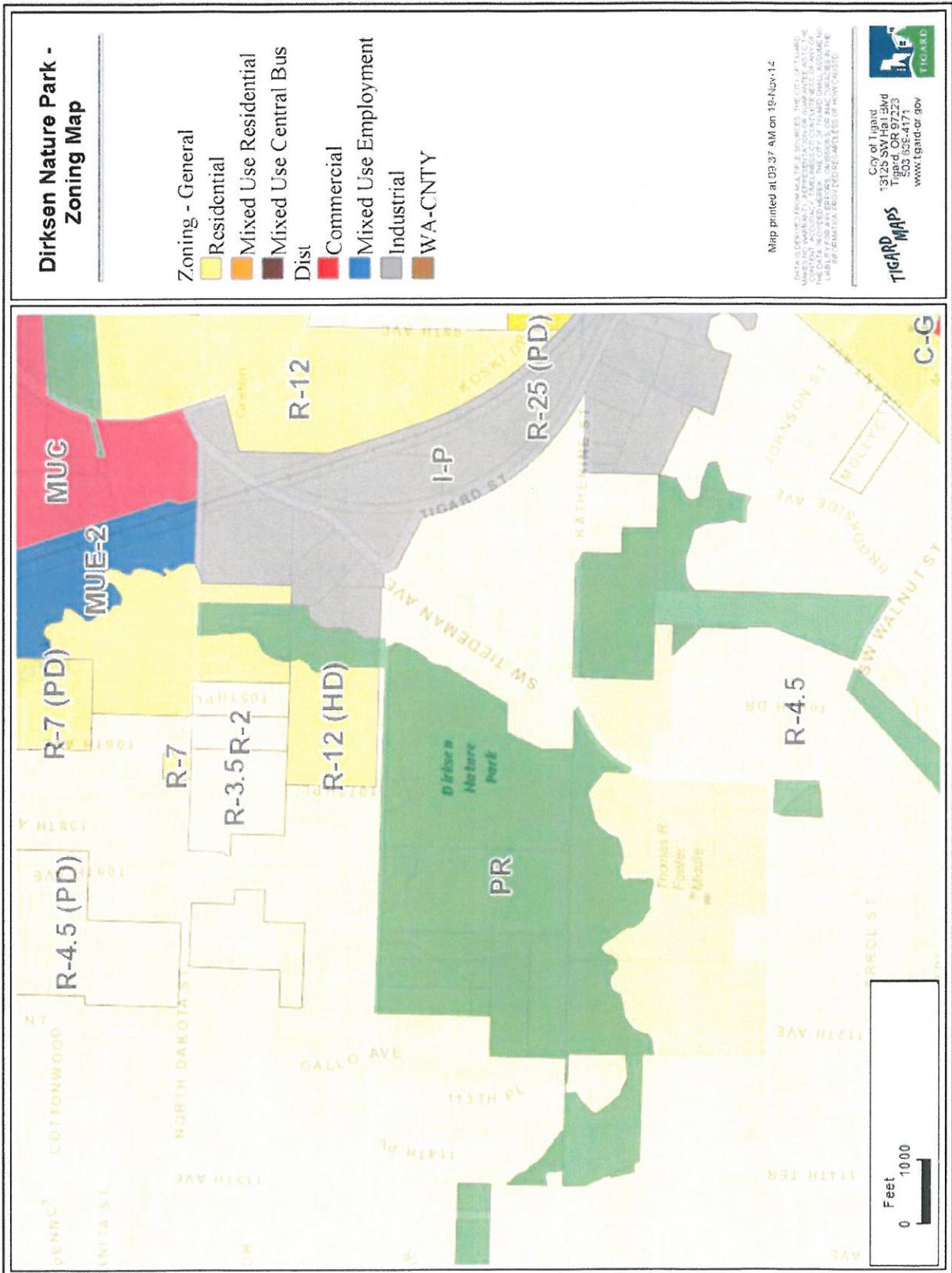


Figure 3 - Aerial / Recreation & Trails Development Plan

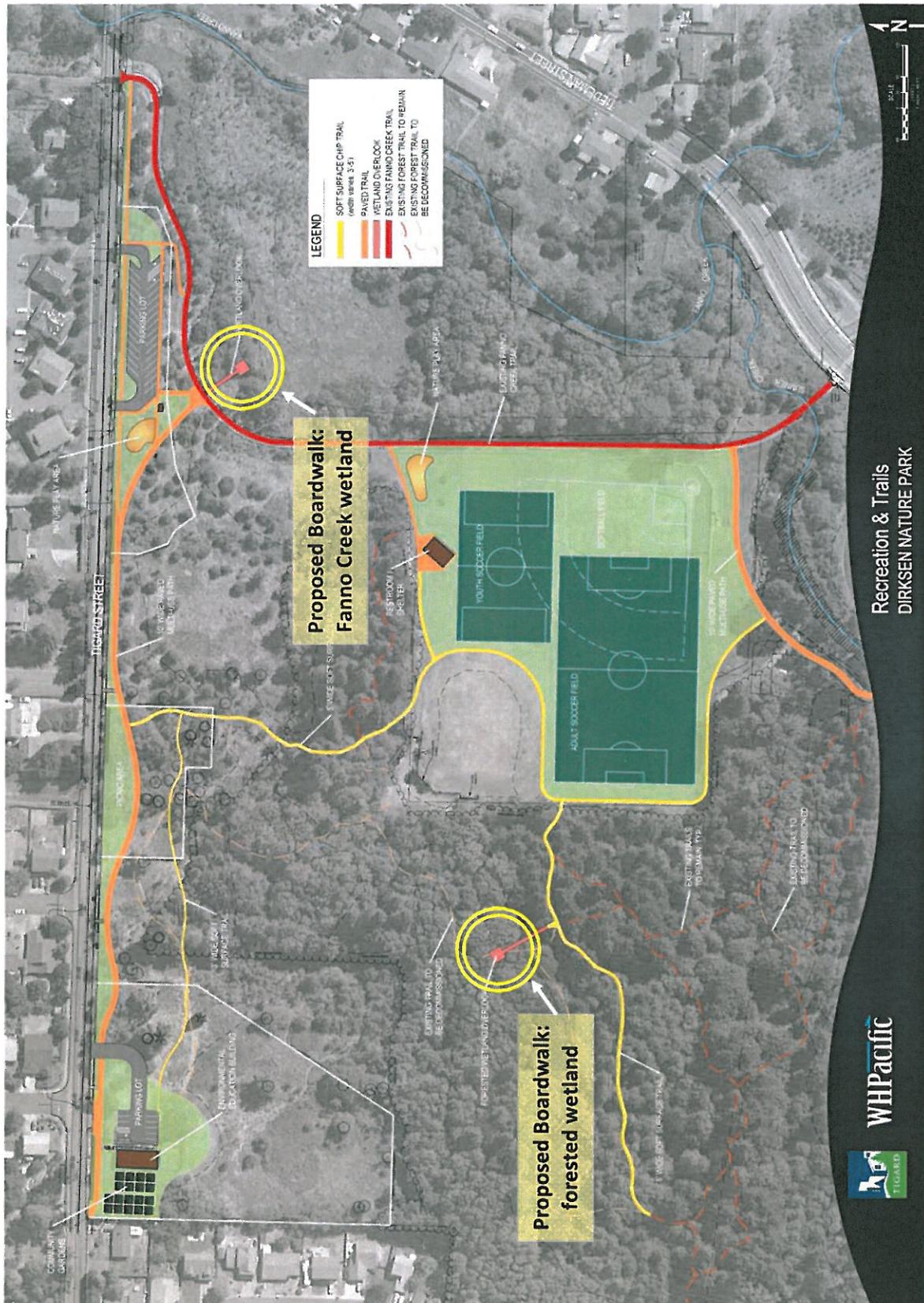


Figure 4: Site Photos



Figure 4A – View into forested wetland



Figure 4B – Rogue trail in forested wetland



Figure 4C – Rogue trail in forested wetland

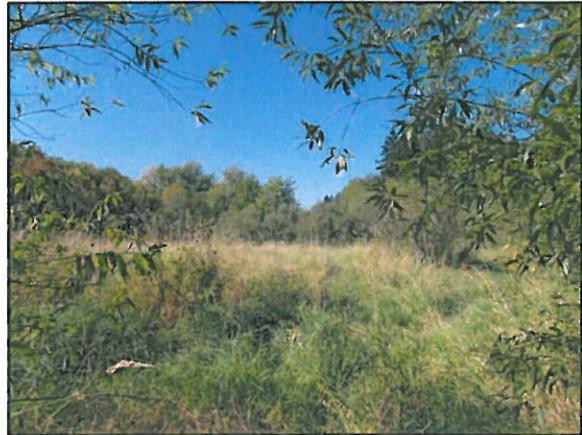


Figure 4D – View into Fanno Creek wetland



Figure 4E – Rogue trail in Fanno Creek wetland

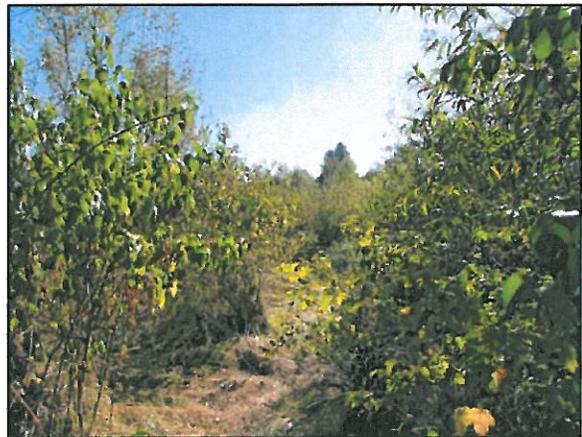


Figure 4F – Rogue trail in Fanno Creek wetland

Section 3. Application Narrative

The purpose of this section is to demonstrate that the proposed project meets all the applicable standards and requirements of the Tigard Development Code, Title 18.

SUMMARY OF APPLICABLE REGULATIONS

- 18.390 – Decision Making Procedures
- 18.540 – Parks and Recreation Zone
- 18.775 – Sensitive Lands

Decision-Making Procedures (Chapter 18.390)

Section 18.390.060 Type IV Procedures

A. Pre-application conference. A pre-application conference is required for all Type IV actions. The requirements and procedures for a preapplication conference are described in 18.390.080.C.

Finding: The PAC notes for this application are contained in Appendix A.

B. Timing of requests. The director shall receive proposed Type IV actions twice yearly. A completed application shall be submitted not more than 75 days and not less than 45 days before the first commission meeting in April and October. The director may waive any of the above periods.

Finding: The Applicant requests that the director waive the submittal periods, as this condition historically has not been enforced or applied.

C. Application requirements.

1. Application forms. Type IV applications shall be made on forms provided by the director as provided by 18.390.080.E.1.

Finding: The appropriate application materials have been submitted.

2. Submittal information. The application shall:

- a. Contain the information requested on the form;*
- b. Address the appropriate criteria in sufficient detail for review and action;*
- c. Be accompanied by the required fee; and*
- d. Be accompanied by 18 copies of the narrative.*

Finding: All of the relevant approval criteria are addressed. Documentation of compliance has been achieved as demonstrated by the completeness letter.

G. *Decision-making considerations. The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:*

1. *The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;*

Finding: Statewide Planning Goals and Objectives were reviewed regarding the proposed comprehensive plan amendment. The excerpted text below highlights relevant policy language for this proposal (*emphasis added where appropriate*).

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

A. Planning

2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. *The maintenance and development of open space in urban areas should be encouraged.*

Finding: The boardwalks are consistent with open space values, and are intended to preserve the natural integrity of the existing open spaces which currently experience the adverse impacts of rogue trails. Those adverse impacts increase maintenance costs for the City, and will be alleviated by providing new accessible boardwalks, elevated above the ground surface, that provide an alternate means of enjoying the open space.

B. Implementation

5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, *recreation, aesthetics* and agriculture.

Finding: The existing rogue trails compact the wetland soils and disrupt the natural flow of waters within the wetland, whereas the proposed boardwalk, elevated on piers, will reduce soil compaction. By directing wetland access onto the elevated boardwalks, this application facilitates limited recreation and aesthetic use of the wetland, consistent with protection of water flows above and below the ground surface.

6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, *educational*, ecological, and *recreational needs* for significant natural areas.

Finding: The Parks Master Plan identifies educational and recreational needs, and this application implements that plan. Dirksen Nature Park has been inventoried and evaluated, and the educational and recreational needs are well known and documented. The vast majority of the wetland will remain undisturbed, and substitution of the elevated boardwalks for the existing rogue trails will actually reduce the disturbance area, ensuring that the carrying capacity of the resource is not exceeded.

Goal 8: Recreational Needs

A. Planning

4. The planning for lands and resources *capable of accommodating multiple uses* should include provision for appropriate recreation opportunities.

Finding: Currently the wetland area only accommodates rogue trails. The proposed boardwalks will accommodate additional uses, including access to the wetland for people with disabilities and many others, who though not disabled, are not capable of trekking through the natural areas. This access will provide both recreation and education opportunities. Because the boardwalks are elevated, the proposed uses have a de minimus impact and thus the wetland resource can accommodate them.

5. The *State Comprehensive Outdoor Recreation Plan* could be used as a guide when planning, acquiring and developing recreation resources, areas and facilities.

Finding: The State Comprehensive Outdoor Recreation Plan notes the importance of pedestrian trails suitable for nature study activities. This application proposes precisely that, and thus supports this policy.

7. Planning and provision for recreation facilities and opportunities should give priority to areas, facilities and uses that

(a) Meet recreational needs requirements for high density population centers,

Finding: Dirksen Nature Park is near the commercial and residential urban areas of Tigard, and adjacent to Fowler Middle School, and thus is an appropriate location for the proposed recreation use.

(b) Meet recreational needs of persons of limited mobility and finances,

Finding: The accessible boardwalk will be open free of charge and thus will create a new opportunity for visitors of limited mobility who currently are unable to access the interior of the wetland areas.

(c) Meet recreational needs requirements while providing the maximum conservation of energy both in the transportation of persons to the facility or area and in the recreational use itself,

Finding: The boardwalk is accessible from Tigard St. and the existing parking lot adjacent to the nature play area, minimizing energy consumption to reach the facility. The boardwalks are not designed for motorized recreation and thus the recreational use itself does not consume energy.

(d) Minimize environmental deterioration,

Finding: The park currently suffers environmental deterioration from the rogue trails which compact soils and interrupt natural water flows. The elevated boardwalks substantially reduce these adverse impacts because water can flow

underneath them and soil compaction is limited to the small areas supporting each post, and thereby minimize environmental deterioration.

(e) Are available to the public at nominal cost, and

Finding: The City does not propose to charge admittance fees to the boardwalks.

(f) Meet needs of visitors to the state.

Finding: Dirksen Nature Park is popular with area residents and their families, who frequently bring out-of-state guests to enjoy its active and passive recreation amenities.

11. Plans that provide for satisfying the recreation needs of persons in the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

Finding: This large wetland area has long been identified for both preservation and passive recreation. The conservation easement, for example, expressly allows the type of use being proposed. The elevated boardwalk is a well known method for constructing trails that have fewer adverse impacts than traditional surface trails. The elevation reduces surface impacts, soil compaction, and obstructions to the natural water flows. In addition, the boardwalks are limited in length and do not penetrate all areas of the wetland. As a result, the proposal does not exceed the carrying capacity of the resource, especially when compared against the current rogue trails.

2. Any federal or state statutes or regulations found applicable;

Finding: The development of the Dirksen Nature Park was previously described and approved by the Tigard Hearings Officer as CUP2013-00001 on December 30, 2013. The review of the Conditional Use Permit for this future community park included the consideration of federal and state statutes pertinent to the development of the park. Although the Hearings Officer excluded the two boardwalks in question in this comprehensive plan amendment, no other federal or state statutes were triggered. Upon further consideration of the proposed impacts related to this comprehensive plan amendment, no additional federal or state statutes are applicable to this case. The Applicant has confirmed in writing with the U.S. Army Corps of Engineers and the Division of State Lands that permits are not required.

3. Any applicable METRO regulations;

Finding: Metro regulations (Metro Code, Title X) were reviewed during the compilation of this CPA application. No Metro regulations are applicable to this application.

Additionally, Metro has supported the Dirksen Nature Park through several past actions.

- Metro supported the acquisition of the property with \$1 million commitment.

- Metro staff review and favorably commented on the park master plan, which was approved by the PRAB in July 2012.
- Metro is a beneficiary with the City of Tigard of a conservation easement over 35 acres of the Dirksen Nature Park. The primary intent of the conservation easement is to protect the center of the park property containing significant woodlands and wetlands. Also, trails and environmental education are expressly permitted in the conservation easement. As per the conservation easement, a draft Natural Resource & Management Plan was completed by the City of Tigard and provided to Metro in January 2011 to document how each of the different habitat areas within the conservation easement will be managed by the City.
- As recently as June 2014, Metro provided additional financial support for the development of Dirksen Nature Park. The City was awarded \$390,000 from Metro's competitive Nature in Neighborhoods Capital Grant program, and the funds are intended to enhance visitors' experiences of Northwest ecosystems including: restoring a forested wetland and installing a boardwalk; restoring an oak savannah and installing an overlook; and building two nature play areas.

4. *Any applicable comprehensive plan policies; and*

Finding: Planning policies from the Tigard Comprehensive Plan (2008) were reviewed regarding this proposed comprehensive plan amendment. The excerpted text below highlights relevant policy language for this proposal (*emphasis added where appropriate*).

Goal 5: Natural Resources and Historic Areas

Policies

1. The City shall protect and, to the extent feasible, *restore natural resources* in a variety of methods to:
 - A. *contribute to the City's scenic quality and its unique sense of place;*
 - B. *provide educational opportunities, recreational amenities,* and buffering between differential land uses;
 - C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and
 - D. result in healthy and naturally functioning systems containing a high level of biodiversity.
2. The City shall demonstrate leadership in natural resource protection through the use of sustainable building practices and *low impact development strategies, to the extent feasible, on all City projects.*
3. The City shall provide options to conventional construction and site planning techniques, and *incorporate sustainable and low-impact building and site planning technologies* into City codes and standards as they become available.
7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.

8. The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.

13. The City shall identify, preserve, and *create linkages between wildlife habitat areas*, to the extent feasible, *as a key component of parks, open space*, and surface water management plans.

Recommended Action Measures

ix. Protect and restore natural resources through a variety of methods including, but not limited to, the use of land management regulations and incentives that *encourage habitat friendly development and provide flexibility in meeting state and regional land use goals*.

xii. Identify and implement measures to maintain and, where possible, restore hydrologic systems and regimes that support fish and wildlife, provide flood control, and enable natural recharge of groundwater *and other ecological and community benefits*.

Goal 8: Parks, Recreation, Trails and Open Space

Goal 8.1: Provide a wide variety of high quality park and open spaces for all residents, including both:

A. developed areas with facilities for active recreation; and

B. undeveloped areas for *nature-oriented recreation* and the protection and *enhancement of valuable natural resources within the parks* and open space system.

Finding: Dirksen Nature Park is just that, a public park devoted to nature. This application is to facilitate passive, nature-oriented recreation. The elevated boardwalk will have lesser impacts on the natural resources than the current unmanaged rogue trails, and will allow persons of limited mobility to enjoy areas previously inaccessible to them.

Policies

2. The City shall preserve and, where appropriate, acquire and improve natural areas located within a half mile of every Tigard resident to provide passive recreational opportunities.

Finding: This application proposes the boardwalks as the best form of passive recreation suitable for the wetland environment. Walking, birding, and education all can occur there, which is an improvement to the natural area that will be accessible to all. Community parks are desired because of their high capacity for use and multiple programs and often include developed facilities for organized group activity, as well as facilities for individual and family activities. This is important as infill and higher density development continues in Tigard. Community parks are intended to provide a variety of active and passive recreational opportunities for all age groups and are generally larger in size and serve a wider base of residents than smaller neighborhood parks.

6. The City shall acquire and manage some open spaces to solely provide protection of natural resources and other open spaces to additionally *provide nature-oriented outdoor recreation and trail-related activities*.

Finding: The Parks Master Plan supports the Dirksen Nature Park and the nature-oriented outdoor recreation and trail-related activities of the type provided by the boardwalks. The existing conservation easement anticipates the boardwalks and activities will be limited to those which do not threaten the natural resources in the park.

9. The City shall *integrate green concepts into park and open space design, maintenance, and operations*.

Finding: Though elevation of the boardwalk is more expensive, the basic design has gained in popularity in recent years because of its green features. This design allows water and wildlife to pass freely underneath, and thus has much less impact than traditional surface trails.

13. The City shall build and *maintain partnerships with other governmental and private agencies and organizations to optimize funding and facility resources, and improve park and recreational opportunities*.

Finding: The City has cooperated expensively with Metro and private agencies to acquire the park, and the conservation easement allows the proposed use. This cooperation is manifest in the mutual support for the boardwalks and will improve the recreational opportunities in the park.

16. The City shall continue to encourage and *recognize the important role of volunteers and community groups* in meeting City park, trail, open space, and recreation needs, and in building stewardship and promoting community pride.

Finding: Tualatin RiverKeepers is an active community group with innumerable volunteers that has long been a partner with Tigard and other nearby cities in building stewardship of natural resources. In this instance, they will provide education opportunities focused on the wetland habitats within the park, in addition to other park activities.

17. The City shall maintain and *manage its parks and open space resources in ways that preserve, protect, and restore Tigard's natural resources*, including rare, or state and federally listed species, and provide "Nature in the City" opportunities.

Finding: The wetland areas are currently being degraded by rogue trails, and that occurs in part because there are not carefully designed alternatives that allow people to enter the wetland. Those trails present an ongoing maintenance challenge that can be alleviated by an elevated design that keeps visitors out of the actual wet soils. Getting the visitors up off of the surface will facilitate the natural restoration of degraded areas.

20. The City shall continue *to improve access to neighborhood parks and other facilities in order to serve all citizens, regardless of ability*.

Finding: People with mobility limitations are currently unable to enter the wetland areas. The proposed boardwalks will be fully accessible to everyone, including those reliant on wheeled devices.

Goal 9: Economic Development

Goal 9.3: Make Tigard a prosperous and desirable place to live and do business.

Policies

2. The City shall adopt land use regulations and standards to ensure a well designed and attractive urban environment that *supports/protects public* and private *sector investments*.

Finding: This investment is an important element of the larger park plans, which invite city residents and others to enjoy the natural environment in a passive manner that preserves the natural functions of the wetland.

3. The City shall commit to *improving and maintaining the quality of community life* (public safety, education, transportation, community design, housing, parks and recreation, etc.) *to promote a vibrant and sustainable economy*.

Finding: The quality of life includes nearby parks and recreation opportunities of all types in order to serve the diverse needs of the population. Access to natural areas with passive recreation opportunities is a key element of that, especially for those who are unable to participate in active types of recreation. A high quality community life requires recreational opportunities of different types, include trail access into wetland areas. This promotes vibrant people who are the foundation of our sustainable economy.

5. Any applicable provisions of the city's implementing ordinances.

Finding: No other implementing ordinances are pertinent to this proposal; however, City Council approved a resolution in 2010 that was the impetus for this proposal and, in general, the acquisition and development of Dirksen Nature Park.

The Tigard City Council approved a resolution (#10-40) in July 2010 to send a measure to voters in support of park acquisitions and development. On November 2, 2010, Tigard voters passed a \$17 million general obligation bond to fund the purchase of real property for parks and to fund a limited amount of park development. The passage of the 2010 Parks Bond provides funding to enable the planning, design and limited development of the recently acquired Dirksen Nature Park. This park project was identified as a high priority project in the Park System Master Plan, the adopted City of Tigard CIP and the Notice of City Measure Election provided to voters regarding the parks bond. The implementation of the proposed project is consistent with the will of the voters in support of improving the City's parklands.

Parks and Recreation Zone (Chapter 18.540)

18.705.020 Applicability of Provisions

A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.

Finding: The proposed application is for a Comprehensive Plan Map Amendment in response to the Sensitive Lands criteria. This application does not include the construction of new structures, the remodeling of existing structures or a change of use that would affect access or loading requirements. This requirement does not apply.

Sensitive Lands (Chapter 18.775)

Section 18.775.130 Plan Amendment Option

Any owner of property affected by the Goal 5 safe harbor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek may apply for a quasi-judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an alternatives analysis, as described in Section 3.02.5 of the CWS "Design and Construction Standards." The applicant shall demonstrate that such an amendment is justified by either of the following:

A. ESEE analysis. The applicant may prepare an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040.

1. The analysis shall consider the ESEE consequences of allowing the proposed conflicting use, considering both the impacts on the specific resource site and the comparison with other comparable sites within the Tigard Planning Area;

Finding: An Environmental, Social, Economic and Energy (ESEE) analysis is provided in Appendix B of this application. As described in the ESEE analysis, the Applicant has described the consequences of the proposed conflicting use and has noted that, since the proposal is specific to environmental education opportunities at Dirksen Nature Park, that no other comparable sites exist within the Tigard Planning Area. This provision can be satisfied.

2. The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;

Finding: The economic consequences of not allowing the exclusion of wetland areas from the Local Wetland Inventory and the planned development of two boardwalk trails sufficiently justifies the partial loss of the wetland resource. The ESEE analysis also describes that the proposed boardwalks will reinforce appropriate trail usage and help control against unwanted and undesired off-trail passage into or through the wetland habitats, which increases maintenance costs. This provision can be satisfied.

3. *In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use;*

Finding: The conflicting use (two trail boardwalks) is specific to the wetland resources at Dirksen Nature Park, and is actually less conflicting than the existing rogue trails. The park is designated as a community park and will become a unique environmental education resource for the City. The installation of the planned boardwalks can occur nowhere else on the site, other than in the wetland areas. Functionally, the boardwalks are required as an environmentally-sensitive, accessible extension of the park trails into the wetland habitats. The boardwalks will provide managed and controlled access near and into the wetland areas with the aim to eliminate rogue, off-trail passage through the wetland resources and to enable the successful restoration of the wetlands in those areas where past trail walking has occurred and damaged the immediate wetland environment. The boardwalks will further the environmental education opportunities for park users and provide safe, accessible platforms for community groups, students and classes to view and begin to understand and appreciate the nature and importance of these wetland habitats without damaging them and disturbing wildlife. This provision is met.

4. *The ESEE analysis shall be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;*

Finding: The ESEE Analysis provided in Appendix B was prepared by a qualified team consisting of a land use attorney and environmental scientists qualified in their respective fields with experience compiling such analyses. This provision is met.

5. *If the application is approved, then the ESEE analysis shall be incorporated by reference into the Tigard Comprehensive Plan, and the “Tigard Wetland and Stream Corridor Map” shall be amended to remove the site from the inventory.*

Finding: Advisory. This provision can be satisfied.

Appendix A. Pre-Application Conference Notes



City of Tigard Memorandum

To: Steve Duh and Gary Pagenstacher

From: Carla Staedter, Environmental Coordinator Tigard Engineering

Re: Pre-Application Summary for Dirksen Nature Park Comprehensive Plan Amendment allowing the use of Boardwalk Overlooks at 2 Locations in the Park

Date: September 18, 2014

Gary Pagenstacher, Senior Planner with Tigard, and I met July 7, 2014, to discuss the challenges of developing wetland interpretation at Dirksen Nature Park. Funding used to purchase the park property came with caveats requiring exposure of the public to the unique local ecosystems housed at the park. The park, by its nature, will attract people into sensitive resources. Staff believes that to restore and protect two significant wetlands at the park, carefully planned boardwalk overlooks allowing but controlling access to the wetlands will be required. These short elevated walkways will provide a single access entry to each wetland, with high quality views, will enhance the experience of the wetland, and will have far less impact to the resource. Currently, the two significant wetlands in questions are crisscrossed with demand trails and very much impacted by the lack of direction offered to the public.

Our discussion outlined how the intent of City of Tigard code is to protect significant wetlands by allowing no impact to them. This restriction, taken in the context of the wetlands at Dirksen Nature Park, actually causes greater impact to the natural resource. Staffs' strategy is to bring the public into the unique and sensitive environments at the park by providing "Experience Points" at each unique ecosystem. These experience points are tied together with a single loop trail which connects to the regional Fanno Creek trail. The experience points highlight what makes each ecosystem special. For example, the wide open nature of the oak savannah will be viewed from a high point which allows park users a panoramic view over the moving wet meadow grasses and an opportunity to see statuesque native oaks. Creating experience points at each of the significant wetlands will allow park users to experience and understand the special qualities of both significant wetlands without damaging them and disturbing wildlife.

Tigard code allows restoration of significant wetlands. The boardwalks proposed at both the forested wetland and the Fanno Creek floodplain wetlands are part of the restoration strategy for the resources and as such should be allowed with the use of a comprehensive plan amendment for only the area actually occupied by the boardwalk overlooks. Gary Pagenstacher felt there was merit to this position and allowed staff to move forward with the comprehensive plan amendment process.

Appendix B. ESEE Analysis

***ESEE Analysis for the
Dirksen Nature Park Wetland Boardwalks
City of Tigard, Oregon***

Submitted to:
City of Tigard, Oregon

February 24, 2015

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Dirksen Nature Park Wetland Boardwalks Economic, Social, Environmental & Energy (ESEE) Consequences Analysis

Introduction

The City of Tigard proposes to remove the significant wetland designation from a portion of two wetlands located within the 48-acre Dirksen Nature Park, which is the City's newest community park and a unique environmental education resource. The Applicant is pursuing a comprehensive plan map amendment that includes an environmental, social, economic and energy (ESEE) consequences analysis to request to remove 5,254 square feet (0.12 acres) of wetland from the Local Wetland Inventory in two discreet areas of the park, thereby removing this land from sensitive lands protections as provided by the Tigard Development Code (18.775.130). These two exclusion areas are planned to be utilized for the development of two boardwalked trails associated with future park improvements. These boardwalks represent critical park infrastructure and will serve as environmental education facilities, consistent with public feedback and earlier site plan concepts regarding the layout and design of the property approved by the Parks and Recreation Advisory Board (PRAB). Dirksen Nature Park is comprised of 14 parcels consisting of 48 acres located along the 11000 block of SW Tigard Street, immediately north of Fowler Middle School.

The two areas proposed for removal from the Local Wetland Inventory are located within wetlands designated as “significant” (i.e. a Statewide Planning Goal 5 resource) on the City of Tigard’s “Wetlands and Streams Corridors Map” and are protected. The City does not allow any landform alterations or developments within or partially within a significant wetland, except as approved pursuant to TDC 18.775.130. As described in the Plan Amendment Option section (TDC 18.775.130), the Code allows applicants to impact significant wetlands if the amendment is justified under one of two options. The first option is to conduct an Economic, Social, Environmental, and Energy (ESEE) analysis that considers the consequences of allowing the proposed conflicting use. The second option is to demonstrate the wetland’s “insignificance.” WHPacific reviewed the significance thresholds included as an addendum to the City of Tigard’s Local Wetlands Inventory and determined that the quality of the wetlands and the connections to Summer Creek and Fanno Creek are significant. As such, the Applicant is submitting an ESEE analysis for a quasi-judicial comprehensive plan map amendment via a Type-IV review.

This report includes an analysis of the ESEE (economic, social, environmental and energy) consequences of three potential alternatives regarding a conflicting use impacting previously documented and protected significant lands located within the Dirksen Nature Park in Tigard. This ESEE analysis has been prepared in accordance with applicable provisions of Statewide Planning Goal 5 (Goal 5) and the Goal 5 Rule (OAR Chapter 660, Division 023). This document focuses on the significant wetland and does not include a significant habitat evaluation. It is understood the significant habitat evaluation is an incentive based, non-regulatory element within the City's regulatory framework.

ESEE Analysis Requirements

The analysis is based on a highly refined and targeted removal of limited portions of two small wetlands areas from the local wetland inventory at Dirksen Nature Park that extend into a Goal 5 resource considered significant (e.g. a forested wetland north of Summer Creek and a wetland associated with Fanno Creek).

The Goal 5 ESEE analysis involves evaluating the trade-offs associated with different levels of natural resource protection. As required by the Goal 5 rule, the evaluation process involves identifying the consequences of allowing, limiting or prohibiting conflicting uses in areas containing significant natural resources. Specifically, the rule requires the following steps:

- Identify conflicting uses – A conflicting use is “any current or potentially allowed land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource.” [OAR 660-023-0010(1)]
- Determine impact area – The impact area represents the extent to which land uses or activities in areas adjacent to natural resources could negatively impact those resources. The impact area identifies the geographic limits within which to conduct the ESEE analysis.
- Analyze the ESEE consequences – The ESEE analysis considers the consequences of a decision to either fully protect natural resources; fully allow conflicting uses; or limit the conflicting uses. The analysis looks at the consequences of these options for both development and natural resources.
- Develop a program – The results of the ESEE analysis are used to generate recommendations or an “ESEE decision.” The ESEE decision sets the direction for how and under what circumstances the local program will protect significant natural resources.

Existing Local Protections

The entirety of Dirksen Nature Park is within Tigard's Parks and Recreation (PR) zone. This zone classification defines permitted and prohibited uses, as well as development standards including setbacks and building height restrictions. Sites in the PR zone with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Conditional uses are subject to a Type-III review, and development in or near sensitive lands trigger review under the City's Sensitive Lands chapter (18.775). Sensitive lands are defined as lands potentially unsuitable for development because of their location within:

- The 100-year floodplain or 1996 flood inundation line, whichever is greater;
- Natural drainageways;
- Wetland areas which are regulated by the other agencies including the U.S. Army Corps of Engineers and the Division of State Lands, or are designated as significant wetland on the City of Tigard “Wetland and Stream Corridors Map”;
- Steep slopes of 25% or greater and unstable ground; and
- Significant fish and wildlife habitat areas designated on the City of Tigard “Significant Habitat Areas Map.”

The Sensitive Lands chapter outlines the permitted and regulated activities and uses within sensitive lands, as well as defines the review and approval processes for development consideration based on the type and intensity of the impact. The chapter further outlines processes in instances for requests for variances or plan amendments. With regard to wetlands, sensitive lands were mapped following a wetland inventory.

Site Description & Project History

Dirksen Nature Park is located within the Fanno Creek sub-watershed of the Lower Tualatin Watershed. Fanno Creek flows along the eastern boundary of the site. Summer Creek flows along the southern boundary of the site to its confluence with Fanno Creek. Dirksen Nature Park is comprised of 14 parcels (Tax Map: 2S103AA, Lot 200; 2S103AB, Lot 200; 1S134DC, Lots 3000, 3001, 3002, 3100, 3101, 3102, 3300, 3400; 1S134DD, Lots 900, 1000, 2400, 2500) consisting of 48 acres located along the 11000 block of SW Tigard Street.

The site contains approximately 17 acres of wetland in total. Wetlands associated with Fanno Creek along the eastern edge of the property are predominately freshwater emergent marshes and account for approximately 8 acres of wetland. The likely water sources include flood water from Fanno Creek and groundwater flowing east across the site. A forested wetland is located along the western edge of the center of the site and is likely fed by rainwater that collects in flat areas during winter rains and held by poorly drained silty loam soils. Some of these forested wetlands extend to Summer Creek, where they are fed from flooding along the creek and groundwater. Portions of the property include other mapped environmental features including sensitive lands and riparian zones.

A conservation easement with Metro protects 35 acres of the most sensitive areas on the property. Trails, boardwalks, interpretive signs and other educational elements are permitted within the conservation easement. The previously approved land use application and development plan is consistent with the conservation easement and has been reviewed favorably by Metro, the easement holder.

The development plans for Dirksen Nature Park include two trail boardwalks that extend into mapped wetlands and will provide overlooks into these unique habitat areas. Under consideration in this ESEE analysis is the request is to remove 0.12 acres from the City's Local Wetlands Inventory and from Sensitive Lands Review provisions of the Tigard Development Code to accommodate the future installation of two trail boardwalks at Dirksen Nature Park to serve environmental education purposes.

In 1994, the City of Tigard contracted with Fishman Environmental Services (FES) to prepare its Local Wetland Inventory (LWI). Expanding upon a wetlands inventory previously completed by another firm (SRI, 1989), FES developed an approach for completing the Goal 5 inventory and conducting the ESEE analyses that identified stream corridor segments as resource units. The study was completed in 1994 and approved by DSL in 1997. It is the basis for the adopted "Wetlands and Streams Corridors Map".

The wetland boundaries depicted on the Wetlands and Streams Corridors Map are approximate. A formal wetland delineation would be required prior to any site development in order to satisfy the

legal requirements of DSL and the U.S. Army Corps of Engineers.

As required by Tigard's development code, a land use application for the development of the Dirksen Nature Park was submitted in 2013 as a Type-III Conditional Use Permit and Sensitive Lands Review. The park site analysis and land use application included a wetland delineation, natural resources assessment, stormwater report, geotechnical report and a no-rise certification. The Hearings Officer conditionally approved the project and released the final decision in late 2013. The two proposed boardwalks were included in the Conditional Use Permit and Sensitive Lands Review. The Hearings Officer did not approve the installation of the boardwalks and expressly noted the potential for an exception via a comprehensive plan amendment, which necessitated this ESEE analysis. The sensitive lands within Dirksen Nature Park will be protected and/or enhanced as described and approved in the land use approval for the park, which also took into consideration the various requirements related to Clean Water Services, Oregon Department of State Lands and the U.S. Corps of Engineers.

Figure 1 shows the location and approximate size of local significant wetlands and creeks within Dirksen Nature Park. The wetlands are identified with the unit and identification number from the 1994 Local Wetlands Inventory.

Figure 1: Mapped Significant Wetlands near Dirksen Nature Park

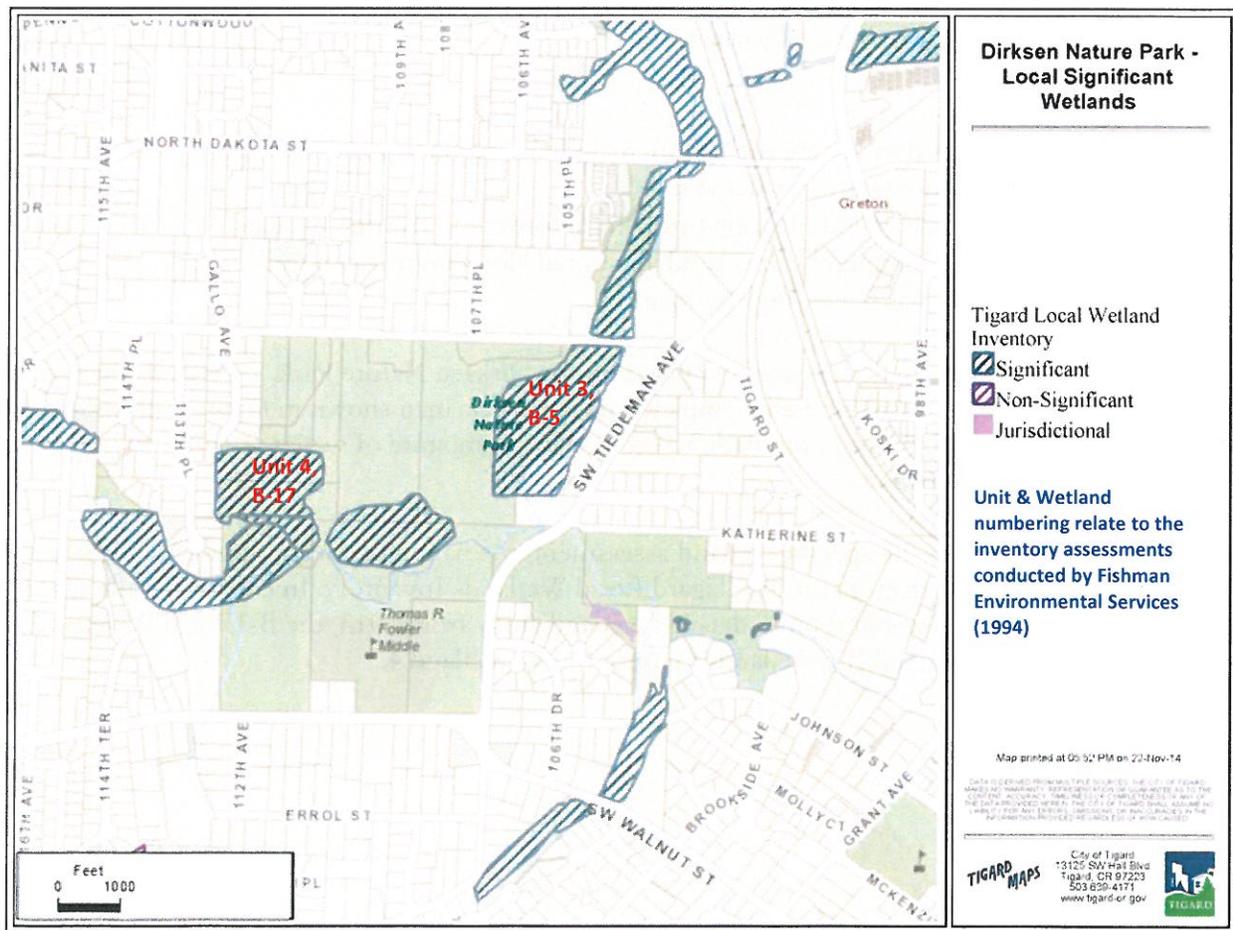


Figure 2 provides summary data from the Tigard Local Wetlands Inventory of the quality (functions) and size of both relevant wetlands (totaling 19.37 acres) inventoried by FES.

Figure 2: Summary Data from the Tigard Local Wetland Inventory for the Affected Wetlands

Unit	Wetland	Acres	Wildlife	Fish	Linkage	Unique	WQ	Hydro	Rec	Ed	Aesth
3	B-5	8.0	H	M	H	L	M	H	L	L	M
4	B-17	11.37	H	L	H	H	L	M	M	L	H

H = High
M = Medium
L = Low

Wildlife = Wildlife Habitat
Fish = Fish Habitat
Linkage = Linkage
Unique = Uniqueness

Hydro = Hydrologic Control
Rec = Recreation
Ed = Education
Aesth = Aesthetic Quality

Upon review of the wetland data sheets from the Local Wetlands Inventory, the following was noted about these wetlands:

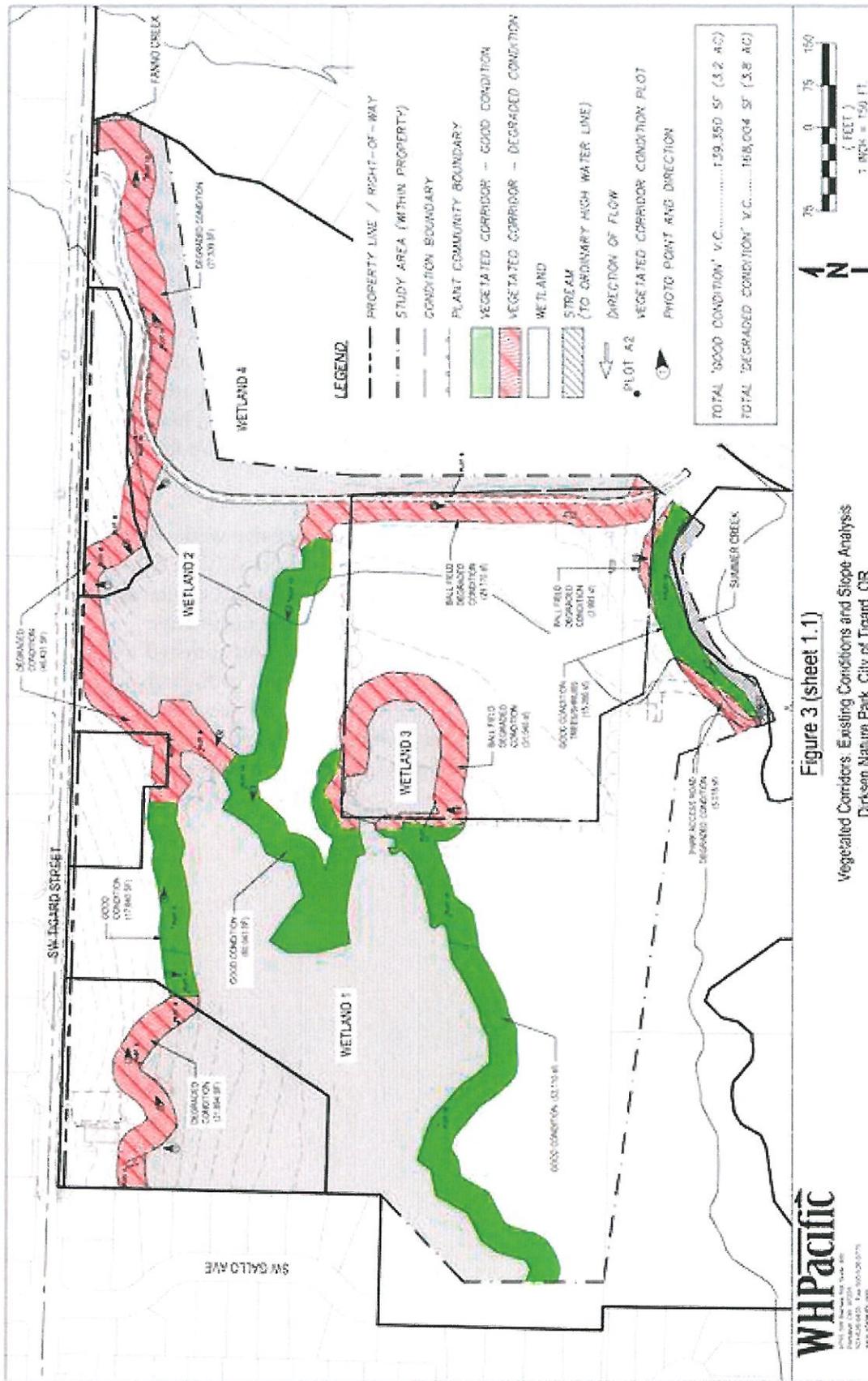
- Wetland B-5:
 - Plant species identified included a mixture of invasive reed-canary grass, native spiraea, Oregon ash, and native willows.
 - Wetland classification of feature identified palustrine emergent, palustrine forest, and riverine habitat types.
 - Soil identified as Cove silty clay loam.

- Wetland B-17:
 - Plant species dominating the feature included Oregon ash and slough sedge. Plant community dominated by natives.
 - Wetland classification identified palustrine forest and riverine habitats.
 - Yard debris dumping by area residents noted along impromptu trail.
 - Soil identified as Cove silty clay loam.

As a component of the site development application for Dirksen Nature Park, a wetlands inventory and natural resources assessment were completed in 2013. The map shown in Figure 3 illustrates the “sensitive areas” identified within the Park, which consist of mixture of wetlands and their associated vegetative corridor.

Due to the nature of the site specific wetland assessment, the naming convention used for Dirksen Nature Park is different than that of the Tigard Local Wetlands Inventory. In comparing the older data from LWI to the newer and more detailed wetland study from 2013, the B-17 (LWI) wetland is referenced as Wetland 1, and B-5 wetland is referenced as Wetland 4.

Figure 3: Delineated Wetlands and Sensitive Areas within Dirksen Nature Park

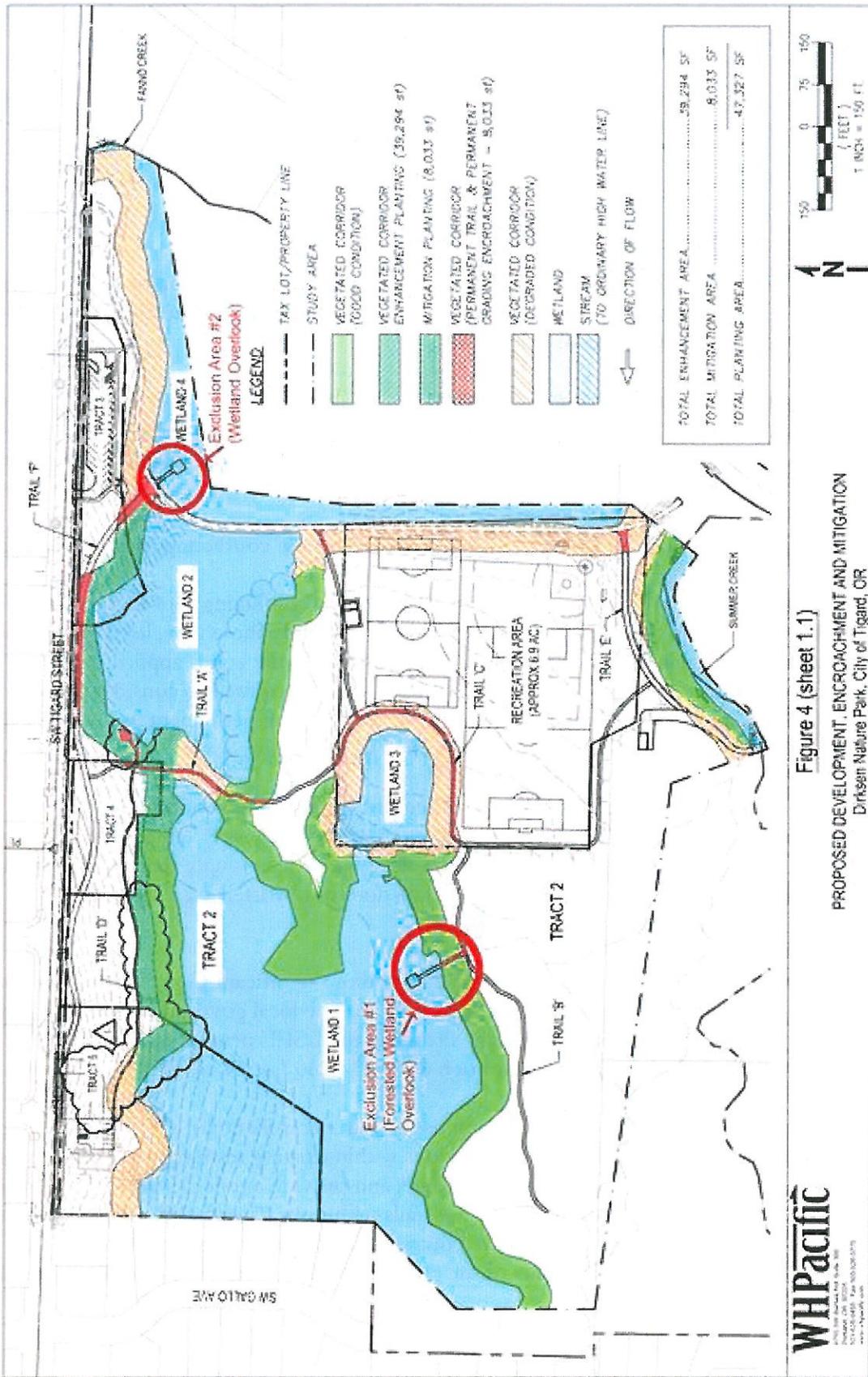


As described in the Natural Resources Assessment for Dirksen Nature Park, the following are descriptions of the two wetlands where the planned boardwalks are proposed.

Wetland 1 (7.27 acres within study area) is an extensive “Slope” wetland that runs south of SW Tigard Street and extends across to the western boundary of the site. The northern portion is mostly an open slope with shrubs and saplings. The remainder is an extensive forested wetland in a level to gently sloping basin with a relatively undisturbed native plant community. Forested wetland vegetation consists of Oregon ash (*Fraxinus latifolia*), Ponderosa pine (*Pinus ponderosa*), Douglas spiraea (*Spiraea douglasii*), peafruted rose (*Rosa pisocarpa*), red osier dogwood (*Cornus sericea*), slough sedge (*Carex obnupta*), short scale sedge (*Carex leptopoda*), common camas (*Camassia quamash*), and corn lily (*Veratrum californicum*). Areas of standing water are evident, with the water table at or close to the surface through much of the area during the winter and spring months. The open area vegetation consists of various introduced grasses, including meadow foxtail (*Alopecurus pratensis*) and tall fescue (*Festuca arundinacea*), and patches of small Oregon ash. Large areas of Himalayan blackberry (*Rubus procerus*) have been mowed. The water table is at or close to the surface during the wet season through most of this area.

Wetland 4 (small part, 1.11 acre within the study area) is an extensive wetland in the Fanno Creek floodplain. The southern part of this wetland is forested. Vegetation consists of Oregon ash, pea-fruted rose, Pacific ninebark (*Physocarpus capitatus*), red osier dogwood, and reed canarygrass (*Phalaris arundinacea*). Other non-native dominants include English hawthorn and Himalayan blackberry. This forested wetland is well-developed and dense in cover. The northern part is more open with extensive areas of reed canarygrass. Shrub plantings have been established along the western edge of this area, consisting mostly of twinberry (*Lonicera involucrata*) and red osier dogwood. There are Oregon ash trees along the banks of Fanno Creek near the eastern property line.

Figure 4: Mapped Significant Wetlands near Dirksen Nature Park



Removal Area #1: This wetland area is located in Wetland 1 (as identified on Figure 4, above) and will remove 2,447 square feet from the City's Local Wetland Inventory Map.

Removal Area #2: This wetland area is located in Wetland 4 (as identified on Figure 4, above) and will remove 2,807 square feet from the City's Local Wetland Inventory Map.

Description of the Conflicting Use

An important step in the ESEE analysis is identifying conflicting uses that "exist, or could occur" within regionally significant resource areas and identified in the impact area. The Goal 5 Rule (OAR 660-023-0010) defines conflicting uses as follows:

(1) "Conflicting use" is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.

The Goal 5 Administrative Rule (OAR 660-023-0040) describes how conflicting uses are identified:

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

As per the project description, only one conflicting use is under consideration - the planned installation of a trail boardwalk in two discrete locations within existing resource areas. The intent is to allow the boardwalks to extend into mapped wetlands and provide overlooks into these unique habitat areas. The installation of off-street, multi-use trails within the Tigard's PR zone is permitted outright; therefore, the intended project is allowed outright within the underlying PR zone. The planned boardwalks are integral components of the multi-use trail at Dirksen Nature Park, and they would be defined as "multi-use trails".

The PR zone would allow a variety of conflicting uses to occur on the site but because of the focused nature of the proposed development request and the limited amount, and odd shape of land requested to be removed from the inventory, the practical effect of the request is to limit the conflicting uses to just the trail boardwalks. The remainder of the ESEE analysis will focus on the impacts of the removal of wetland areas from the inventory based on the one proposed conflicting use.

The primary purpose of trail boardwalks is to further the environmental education opportunities for park users and provide safe, accessible platforms for community groups, birders, students and Tualatin RiverKeepers classes to view and begin to understand and appreciate the nature and importance of these wetland habitats without damaging them and disturbing wildlife.

In the area of both of these proposed trail boardwalks, numerous existing rogue trails traverse the sensitive lands as a result of historic, uncontrolled access and have caused significant damage to the wetlands. The secondary benefits of the boardwalks are to aim to eliminate rogue, off-trail passage through the wetland resources, to provide managed and controlled access near and into the wetlands and to enable the successful restoration of the wetlands in those areas where past trail walking has occurred and damaged the immediate wetland environment. The proposed boardwalks will help save and protect the wetland resources; they are the single most important component of restoration plans for the wetlands in this urban nature park because without them, people interested in entering the wetlands will continue to lack an alternative to the rogue trails.

Figures 5 and 6 show the impact areas for the two planned boardwalks.

Figure 5: Enlargement of Removal Area 1

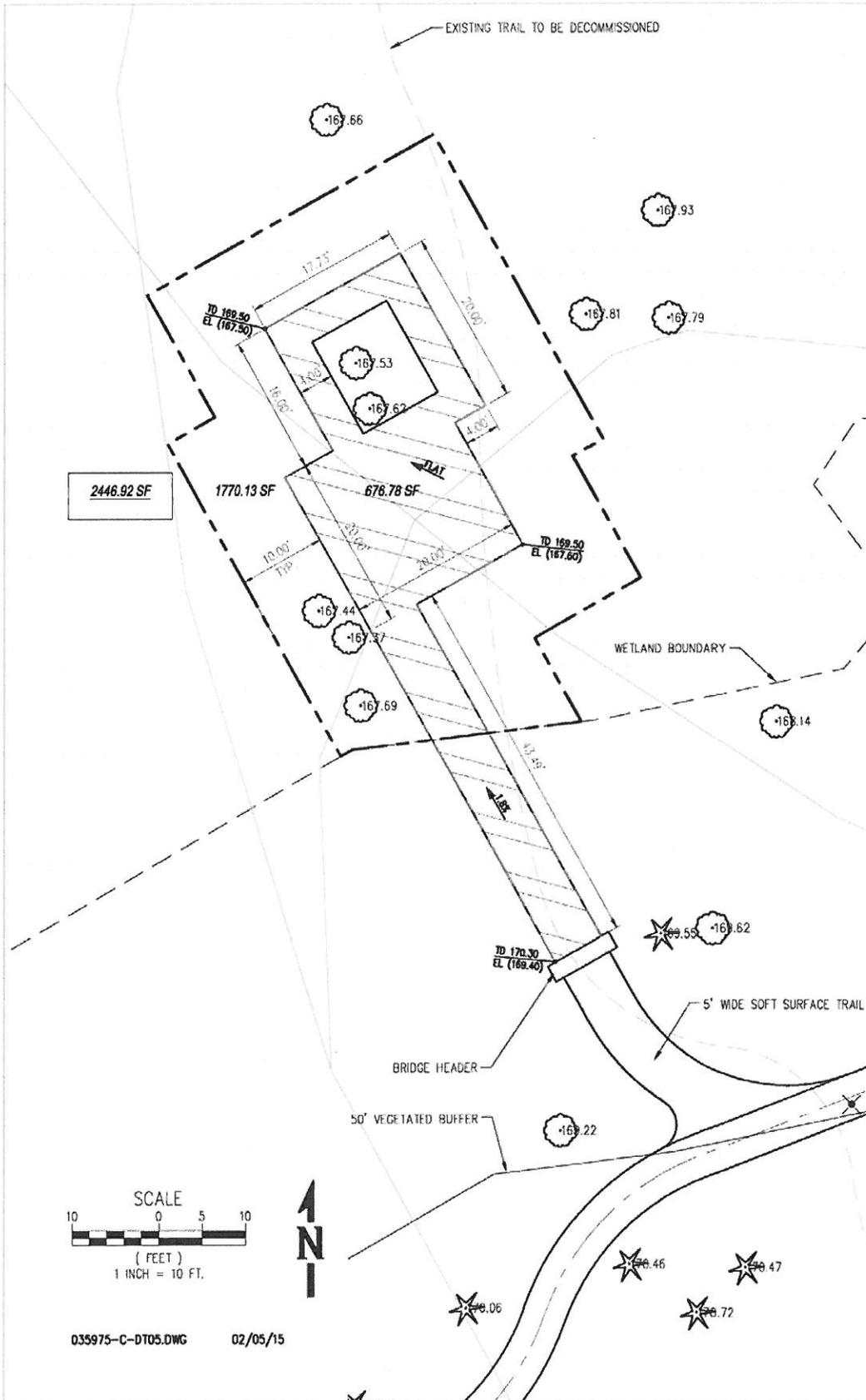


Figure 6: Enlargement of Removal Area 2

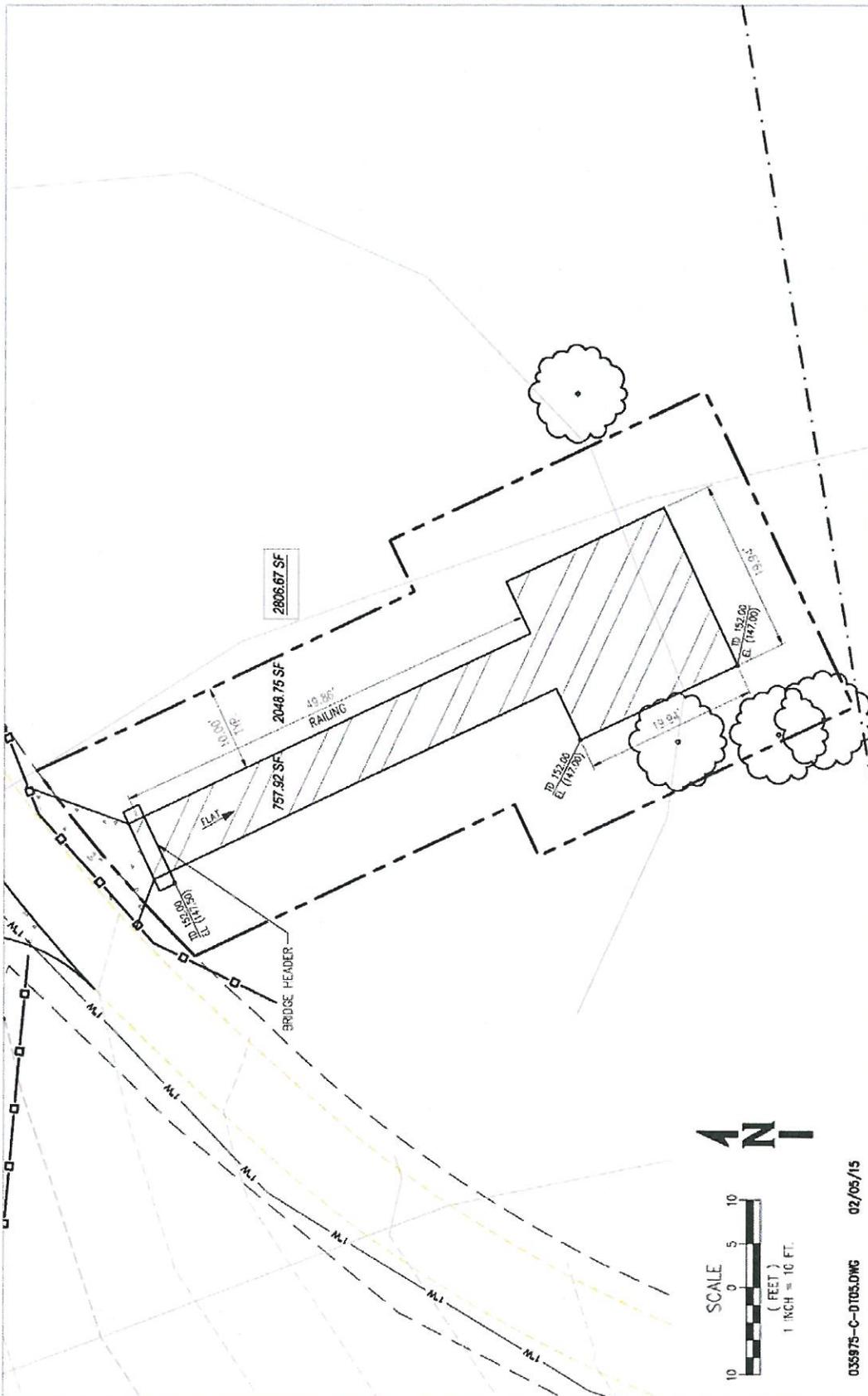


Figure 7 summarizes relevant acreage information about the park, its wetlands and the potential impact areas associated with the two planned boardwalks.

Figure 7: Resource and Impact Area Summary

Site Area (Dirksen Nature Park)	48.04 ac.
On-Site Sensitive Lands Area	29.5* ac.
Specific Resource Area (footprint of both boardwalks)	0.033 ac.
Specific Impact Area Acreage (10' temporary construction buffer around boardwalks)	0.088 ac.
Combined Resource and Impact Area	0.12 ac.
Number of Parcels Affected	2

* estimated based on combination of mapped wetlands/vegetative corridors and LWI data

As noted in the table above, the proposed removal of 0.12 acres from the Local Wetlands Inventory represents 0.4% of the overall sensitive lands on site and 0.02% of the total park acreage. The requested removal of the 0.12 acres of wetland area enable the installation of two elevated boardwalks will provide a single access entry into each wetland with high quality views, will enhance the experience of the wetland, and will have far less impact to the resource than the uncontrolled use that exists today.

Site Specific ESEE Analysis

This section details the three alternatives and discusses the Economic, Social, Environmental and Energy (ESEE) impacts to the relevant portions of two wetlands located within Dirksen Nature Park, addressing the following:

- Prohibit conflicting uses providing full protection of the resource site;
- Limit conflicting uses offering limited protection of the resource site (balance development and conservation objectives);
- Allow conflicting uses fully with no local protection for the resource site.

The action to 'limit conflicting uses' within this context of this ESEE Analysis is defined as allowing only the limited intrusion of the boardwalks as proposed into the wetland and minimizing impacts to the extent practicable through strict construction management. The action to 'allow conflicting uses' in this case is to allow the development of the full range of permissible uses noted in the underlying Parks and Recreation (PR) zone, which includes such amenities as playgrounds, picnic areas, shelters, structures, sport courts and fields and other related items.

Economic Consequences

The following describes the economic consequences for each of the three protection scenarios.

Prohibit Conflicting Uses (full protection)

The economic consequences of prohibiting conflicting uses would be mixed, because the acreage occupied by wetlands could not be used to promote and support on-site environmental

education activities and programming that either have a direct local economic benefit or provide an offset to on-going operating expenses incurred by the City. Prohibiting the conflicting use would avoid a modest capital construction expenditure by the City of Tigard for the costs of the boardwalks, but City maintenance crews will incur on-going operating expenses related to monitoring unwanted activity and hiking in the wetlands, installing trail blockages to attempt to minimize through-passage along the existing rogue wetland trails, and on-going replacement costs for wetland restoration and vegetation management. There may be a reduction in short term construction jobs necessary to complete the development of the park and planned boardwalks.

Limit Conflicting Uses (limited protection)

Limiting the conflicting use to the two trail boardwalks and relying on the State's fill and removal permit and Corps of Engineers 404/401 regulatory processes would, generally, have positive consequences. DSL and Corps regulations set enhancement and mitigation thresholds based on documented impacts and allow some flexibility to allow conflicting urban uses where no reasonable alternative exists.

Additionally, the City of Tigard spent \$3.3 million on the acquisition of Dirksen Nature Park. Planning for the initial phase of park development is underway, and according to the adopted park master plan, the cost estimate for full development of the park was in the range of \$2 to \$2.3 million. Passive uses, such as walking and wildlife observation, are important aspects to the park. Additionally, the site is intended to serve as an outdoor classroom and a center for environmental education and experiential learning. The proposed boardwalks are an integral element of the environmental education and interpretive program for the park, since these boardwalks will allow visitors to experience two different and unique wetland ecosystems in the park in a safe, environmentally sound and ecologically sensitive manner.

The US Fish and Wildlife Service published a report in 2013 called *Banking on Nature: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation*. This report detailed the economics related to refuge (park) visitation. The Tualatin River National Wildlife Refuge was one of the case study examples in the report. It is worth noting that the Tualatin River National Wildlife Refuge is not only very close to the City of Tigard, but the Refuge offers a similar experience to those planned at Dirksen Nature Park. In calculating economic benefits, the USFWS grouped visitation into two categories: consumptive and non-consumptive. Consumptive includes those activities that utilize the site's resources, such as fishing and hunting. Non-consumptive uses include passive activities, such as cycling, walking/hiking, photography and interpretation. Based on the report, the Tualatin River Refuge had over 100,000 visits in 2011, and all visits were for non-consumptive activities. A figure for economic value was estimated by multiplying net economic values for hunting, fishing, and non-consumptive recreation use (on a per-day basis) by estimated refuge visitor days for that activity, which was then divided by the refuge budget for 2011. The report estimated that the total economic effects of the Tualatin River Refuge was \$3.87 for every \$1 of budget expenditures. Applying this value to the planned development expenditures for Dirksen Nature Park results in a potential economic benefit of the park as between \$7.7 and \$8.9 million. While it is not reasonable to assign 100% of that potential economic benefit to the installation of the two proposed boardwalks, it is reasonable to assume that a clear, positive economic benefit exists for installing the boardwalks to not only enhance safe access into the wetland areas for wildlife

observation, photography and environmental interpretation, but also as a means to further improve and enhance the quality of those unique wetlands by controlling visitor access.

The Washington County Visitors Association (WCVA) is the primary destination marketing organization for Washington County and markets the destination, its attractions and activities to leisure and business travelers around the globe and locally via several media channels. The Tourism 2015 Strategic Plan, prepared by the WCVA, is the organization's guiding document and sets the focus on high-yield, niche markets to expand recreational and leisure opportunities for visitors and residents. The Tourism 2015 Plan identified the key tourism attractors for Washington County and identified outdoor recreationalists, nature enthusiasts and birders (among others) as niche market segments. According to the Plan, "nature-based experiences are at the core of the Oregon tourism experience. While the county does not have the coastline, mountains, and raging rivers of other areas of Oregon, it does have forests, wetlands and meandering rivers that support diverse flora and fauna and opportunities for visitors to discover and learn in comfort. A distinguishing aspect of these natural features is their proximity to Portland and major population centers. Nature-based attractions throughout Washington County include Tualatin River National Wildlife Refuge, among others." The focus of the WCVA toward the promotion of nature-based experiences reinforces the relative importance of providing and enhancing these opportunities for local residents and visitors. The development of Dirksen Nature Park will provide opportunities for increased tourism and visitation. The environmental education and experiences at the park will be enhanced by the installation of the proposed boardwalks.

Negative economic consequences include the possible necessity to construct expensive stormwater infrastructure to manage increased runoff with decreased natural control mechanisms.

Allow Conflicting Uses (no local protection)

The economic consequences of allowing conflicting uses are mostly negative. Allowing most of the permissible uses from the underlying PR zone would not only further deteriorate the wetland resources, but the relative costs would be high for capital construction, on-going management and related and required mitigation and enhancement. The only likely benefit of allowing the conflicting use is a short-term boost for construction, but this would not be in balance with or exceed the costs of the infrastructure and required mitigation.

Social Consequences

The following describes the social consequences (education, recreation, aesthetics, etc.) for each of the three protection scenarios.

Prohibit Conflicting Uses (full protection)

The social consequences of prohibiting the conflicting uses are mixed. Prohibiting the conflicting use would not substantially protect the resources from the existing unregulated uses occurring within each wetland area. Additionally, prohibiting the conflicting use would indirectly result in the development of only permitted upland trails at Dirksen Nature Park, without controlled access to Wetlands 1 and 4 and without specific environmental education opportunities at the wetlands. Pedestrian access and use would be concentrated in upland habitats with associated affects to local flora and fauna. People with mobility challenges would

be effectively prohibited from enjoying any activities in the wetlands. The wetlands would not be (formally) accessible for educational purposes; however, without the controlled access that the boardwalks provide, people may continue to pass through the wetlands on rogue trails to experience these environments, while continuing to degrade the wetland habitat. Opportunities for passive recreation (e.g., bird watching, environmental learning) would be diminished; however, the social benefits afforded from living near intact wetlands and open space would remain.

Limit Conflicting Uses (limited protection)

The social consequences of limiting the conflicting uses in Wetlands 1 and 4 to the boardwalks and associated wetland enhancement are generally positive. The grant funding received by the City requires on-site environmental education to occur. Also, the conservation easement with Metro allows environmental education, interpretive opportunities and the development of trails - consistent with the planned boardwalks.

Limiting the conflicting uses to the installation of the planned boardwalks will not negatively impact the wetlands, since their construction will include low-impact helical screw piers and metal grate decking that allows light, air and water movement through the boardwalk to the wetlands. Limiting the conflicting uses will provide significant social benefits in the form of direct exposure to the wetlands for outdoor education, environmental interpretation and passive recreation, including for people with limited mobility. The provision of the boardwalks will reinforce appropriate trail usage and help control against unwanted and undesired off-trail passage into or through the wetland habitats. Dirksen Nature Park, as a whole, will continue to provide visual relief from the surrounding urban environment, and the conflicting uses are sheltered from view from the park edge and will be visually unobtrusive.

Wetland function will remain intact and provide opportunities for urban quiet and solitude. Urban aesthetics and connection to nature are not eliminated by allowing the identified conflicting uses, and the planned, controlled access via the boardwalks to the wetlands and their proximity to a relatively large population would establish new connections for people to the outdoors.

Allow Conflicting Uses (no local protection)

The social consequences of allowing the conflicting uses are generally mixed. The development of additional park amenities or gathering places for recreation, park visitors and family usage may benefit park users and wider the range of recreation opportunities in the park. However, the development of non-resource oriented amenities may not fit within the context of the site as a nature park or within the immediate context of the wetland resources, and the City offers other areas on dry land more suitable for active recreation. While social benefits may exist for the installation of different amenities on-site, they may be out of place with the character of the park and reduce recreational and social opportunities for other park users who are interested in enjoying the passive, natural resources of the site.

Environmental Consequences

The following describes the consequences to water quality, hydrologic control, wildlife and fish habitat (as well as other relevant factors) for each of the three protection scenarios.

Prohibit Conflicting Uses (full protection)

The environmental consequences of prohibiting the conflicting uses are mixed. If the conflicting uses are prohibited, then the wetlands would remain in their current condition. The City of Tigard Development Code aims to protect significant lands by allowing no impact to them. This restriction, taken in the context of the Dirksen Nature Park where public access and use is encouraged, actually causes greater impact to the resources. In their current state, the wetlands are impacted by human use in the form of rogue (demand) trails, periodic homeless camping activity and uncontrolled passage through these lands. The prohibition of the conflicting uses will still allow for specific restoration activities, but these efforts would be diminished or limited by continued uncontrolled access and the inability to fully pursue an on-site education program regarding the health and benefits of urban wetlands.

The wetlands provide functions and values, but these are degraded due to past disturbances to the site. Habitat quality for fish species is limited within each wetland area based on limited availability and limited canopy coverage. Wildlife habitat value within each wetland is high with varied structures and habitat complexity. Wetlands 1 and 4 provide runoff and flood storage control and trap sediment and nutrients. These wetlands help to protect life and property during floods by storing and absorbing water, a necessity exemplified by significant storms in recent years.

Limit Conflicting Uses (limited protection)

The environmental consequences of limiting the conflicting use to the trail boardwalks are positive. The conflicting use is specific to the wetland resources (Wetland 1 and 4) at Dirksen Nature Park, and installing short these boardwalks can occur nowhere else on the site, other than in the wetland areas.

Currently, Wetlands 1 and 4 are criss-crossed with rogue trails and heavily impacted by human use resulting from the lack of direction offered to the public. Limiting the conflicting use to the boardwalks ultimately will lead to greater resource enhancement and protection of sensitive lands. The boardwalks that would be placed in the removed wetland areas will enable focused and controlled public access, versus unrestricted and unsustainable access without the boardwalks (rogue trails). As the City's future community park and outdoor education resource, efforts to restore and protect the wetlands at Dirksen Nature Park will require carefully planned boardwalk overlooks that allow, but control, access to the wetlands. The proposed boardwalks will help save and protect the wetland resources. They are the single most important component of restoration plans for the wetlands in this urban nature park. These short elevated walkways will provide a single access entry to each wetland, with high quality views, will enhance the experience of the wetland, and will have far less impact to the resource than the uncontrolled use that exists today. Additionally, as elevated boardwalks, these trail routes minimize soil disturbance as compared to a surface trail. Installing controlled access and environmental experiences with boardwalks in both locations will allow park users to experience and understand the special qualities of both of the significant wetlands without damaging them and disturbing wildlife.

Dirksen Nature Park is a unique site within the City of Tigard inasmuch as it contains 7 habitat zones within the 48-acre park. These habitat zones and their associated wetlands are the primary reason the park is home to the Tualatin RiverKeepers' summer camps and experience-based environmental learning programs. Low impact design and unobtrusive construction techniques

for the planned boardwalks will be employed, such that the installation is environmentally-sensitive. The design and installation of the boardwalks will be completed without any excavation. The boardwalk piers are to be set with screw anchors. The boardwalk decking also is designed to be sensitive to the wetland resource. The decking will be metal grating, which has two significant benefits.

- 1) The grating is not opaque; it allows air, light and water to pass through the boardwalk in support of the ecology of the wetland. Wetland plants can live underneath, and animal species can pass without obstruction.
- 2) As opposed to traditional wood decking, the metal grating is non-slip and will not allow the formation of the surface moss and algae that wood decking enables, thus creating a safer platform for park users and wildlife observers.

Tigard's Development Code allows the restoration of significant wetlands, and the proposed boardwalks are part of the restoration strategy for the wetland resources, which will limit and control human access to the wetlands and reinforce efforts to re-vegetate and restore the functions and qualities of the wetlands.

Allow Conflicting Uses (no local protection)

The environmental consequences of allowing many of the permissible conflicting uses of the underlying PR zone are negative. Wetlands 1 and 4 fall under the jurisdiction of DSL and U.S. Army Corps of Engineers administrative rules, which regulate the removal and fill of wetlands. The development of park amenities, such as playgrounds, shelters or structures, will trigger DSL and Corps review and mitigation due to the likely ground disturbing activities. Such impacts to the existing wetland resources may be severe. Depending upon the success of implementation of required mitigation strategies, mitigation and/or enhancement to compensate for the development disturbance would likely occur in a different and potentially unconnected area of the site, which may further diminish the quality and character of the remaining wetland resources.

Energy Consequences

The following describes the energy consequences (transportation connectivity, efficient urban development, etc.) for each of the three protection scenarios.

Prohibit Conflicting Uses (full protection)

The energy consequences of prohibiting both conflicting uses would be mixed but slightly negative. The installation of the boardwalks will not necessitate the removal of trees, so no impact on natural shading or cooling are anticipated. This option, however, limits trail connectivity to the unique habitat zones within the park, which will have energy-related effects. Tigard residents will drive farther to experience similar natural environments (e.g., Jackson Bottom Wetlands Preserve, Tualatin River National Wildlife Refuge). Students will need to be bussed to more distant parks for environmental education. Tualatin RiverKeepers will not be able to take full advantage of the environmental education values of the park without direct access to the wetland habitat and will drive to other sites for such experiences. These create inefficiencies in energy usage, as well as indirect energy expenditures related to lost or inefficient environmental educator staff time and student learning time.

Limit Conflicting Uses (limited protection)

The energy consequences of limiting the conflicting use to the trail boardwalks generally would be positive. The installation of the boardwalks will not necessitate the removal of trees, so no impact on natural shading or cooling are anticipated. The shading and cooling potential Wetlands 1 and 4 have will be preserved. The provision of the boardwalks and associated environmental/interpretive displays will enable enhanced on-site outdoor education and environmental learning. This, in turn, will accommodate access and usage by residents, students and Tualatin RiverKeepers classes for local environmental education without the need to drive to distant or remote parks and natural areas with similar habitat features.

Allow Conflicting Uses (no local protection)

The energy consequences of allowing the conflicting uses and relying on state and federal regulations are generally negative. Since the proposed impact areas are wetlands and development will trigger mitigation, more energy will be used for the construction and required mitigation efforts related to the installation of recreational amenities, such as playgrounds, shelters and structures. If unregulated, the potential development of conflicting uses may result in an inefficient use of available parkland, especially if the conflicting uses are not wetland-dependent amenities.

Conclusions/Recommendation

The wetland resources of Dirksen Nature Park are valuable to the City from an economic, social and environmental perspective, and the opportunity to expand environmental education and outdoor learning is significant. Past grants awarded to the City for the development of Dirksen Nature Park support the creation of an environmentally-sensitive urban park and natural area with trails and access to the site's varied habitat zones.

The following summarizes the anticipated impacts of the three alternatives related to the conflicting use, and the table in Appendix A provides scores for each of the ESEE criteria.

Prohibiting the conflicting use would avoid a modest capital construction expenditure by the City of Tigard for the costs of the boardwalks or other amenities, but City maintenance crews will incur on-going operating expenses related to monitoring unwanted activity and hiking in the wetlands, installing trail blockages to attempt to minimize through-passage along the existing rogue wetland trails, and on-going replacement costs for wetland restoration and vegetation management. Tualatin RiverKeepers will not be able to take full advantage of the environmental education values of the park without direct access to the wetland habitat and will drive to other sites for such experiences. In their current state, the wetlands are adversely impacted by human use in the form of rogue (demand) trails, periodic homeless camping activity and uncontrolled passage through these lands. The prohibition of the conflicting uses will still allow for specific restoration activities, but these efforts would be diminished or limited by continued uncontrolled access and the inability to fully pursue an on-site education program regarding the health and benefits of urban wetlands.

Limiting the conflicting uses to the two trail boardwalks will positively impact the wetlands, since the planned construction of the trail boardwalks will include low-impact helical screw piers

and metal decking/grating to accommodate light, air and water movement through the boardwalk to the wetlands, which is a substantial improvement over existing surface trails. Limiting the conflicting uses will provide significant social benefits in the form of direct exposure to the wetlands for outdoor education, environmental interpretation and passive recreation, especially for persons with limited mobility. The provision of the boardwalks will reinforce appropriate trail usage and help control against unwanted and undesired off-trail passage into or through the wetland habitats. Dirksen Nature Park, as a whole, will continue to provide visual relief from the surrounding urban environment, and the conflicting uses are sheltered from view from the park edge and will be visually unobtrusive. Wetland function will remain intact and provide opportunities for urban quiet and solitude.

Allowing most of the permissible uses from the underlying PR zone would not only further deteriorate the wetland resources, but the relative costs would be high for capital construction, on-going management and related and required mitigation and enhancement. Since the proposed impact areas are wetlands and development will trigger mitigation, more energy will be used for the construction and required mitigation efforts related to the installation of recreational amenities, such as playgrounds, shelters and structures. Additionally, the development of non-resource oriented amenities may not fit within the context of the site as a nature park or within the immediate context of the wetland resources.

Decision

The analysis concludes that limiting the conflicting use to the proposed boardwalks would result in the most positive consequences of the three decision options. A decision to limit the conflicting use will avoid many of the negative consequences attributed to either allowing or prohibiting the conflicting uses. Through the application of site design and development standards to conflicting uses, the impacts on the significant wetland further can be minimized, and the remaining resource can be enhanced. There will be a relatively high level of economic, social, environmental and energy benefits achieved. Limiting the conflicting uses offers the most benefit to the wetland (through controlled access and enhancement) and to the community (access for all and education opportunities), and it strikes a balance between conflicting uses and planning goals for the services provided in this public park. The recommendation is to limit conflicting use (i.e. the removal of two areas from the City's Wetlands and Streams Corridors Map in order to accommodate the future development of two boardwalks within the significant wetland).

Appendices / Figures

Appendix A: Site-specific ESEE Scoring Sheet

Scoring Criteria	Criteria Scores <i>on a Scale of 1 to 5</i> 1 = very negative impact, 3 = no/balanced impact, 5 = very positive impact		
	Prohibit Conflicting Uses	Limit Conflicting Uses	Allow Conflicting Uses
SITE: Dirksen Nature Park Wetland Boardwalks			
Economic			
Efficient urban development	3	3	3
Cost of installation/maintenance of public infrastructure (roads, stormwater, utilities)	3	5	1
Development potential for property owners	3	3	3
Amount of employment land	3	3	3
Amount of residential land	3	3	3
Housing development costs	3	3	3
Employment development costs	3	3	3
Economic Subtotal	21	23	19
Social			
Aesthetic Value	5	5	1
Recreational Value	3	5	3
Contribution to local quality of life	3	5	3
Housing Costs	3	3	3
Social Equality	1	5	3
Social Subtotal	15	23	13
Environmental			
Water quality: Filtration and removal of pollutants	3	3	3
Hydrologic control: Water collection and storage	3	3	3
Wildlife habitat	5	3	3
Fish Habitat	3	3	3
Environmentally-sensitive design	3	5	1
Environmental Subtotal	17	17	13
Energy			
Transportation Connectivity	1	5	3
Efficient Urban development	3	3	3
Shading and cooling	3	3	1
Energy Subtotal	7	11	7
Average Overall Rating	60	74	52

Appendix C. Survey of Proposed Exclusion Areas

Boardwalk Easement EXHIBIT "A"

Sheet 1 of 3

PROJECT: Dirksen Boardwalks

LOCATION: Tax lot 1000

DOCUMENT: City of Tigard

PREPARED BY:

WH Pacific

9755 S.W. Barnes Road
Portland, Oregon 97225
(503) 626-0455

BOARDWALK EASEMENT:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 AS RECORDED IN GALLO'S VINEYARD, BOOK 58, PAGE 9 WASHINGTON COUNTY PLAT RECORDS;
THENCE NORTH 73°51'54" EAST, 1354.38 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING THE BEIGINNING OF A 161.16 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
THENCE ON SAID CURVE 28.01 FEET THROUGH A CENTRAL ANGLE OF 09°57'28" AND A CHORD THAT BEARS NORTH 49°33'01" EAST, 27.97 FEET;
THENCE SOUTH 25°17'39" EAST, 47.93 FEET;
THENCE NORTH 64°42'21" EAST, 6.50 FEET;
THENCE SOUTH 25°17'39" EAST, 40.00 FEET;
THENCE SOUTH 64°42'21" WEST, 40.00 FEET;
THENCE NORTH 25°17'39" WEST, 40.00 FEET;
THENCE NORTH 64°42'21" EAST, 6.50 FEET;
THENCE NORTH 25°17'39" WEST, 40.61 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 2807 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE SOUTH LINE OF SAID LOT 7.

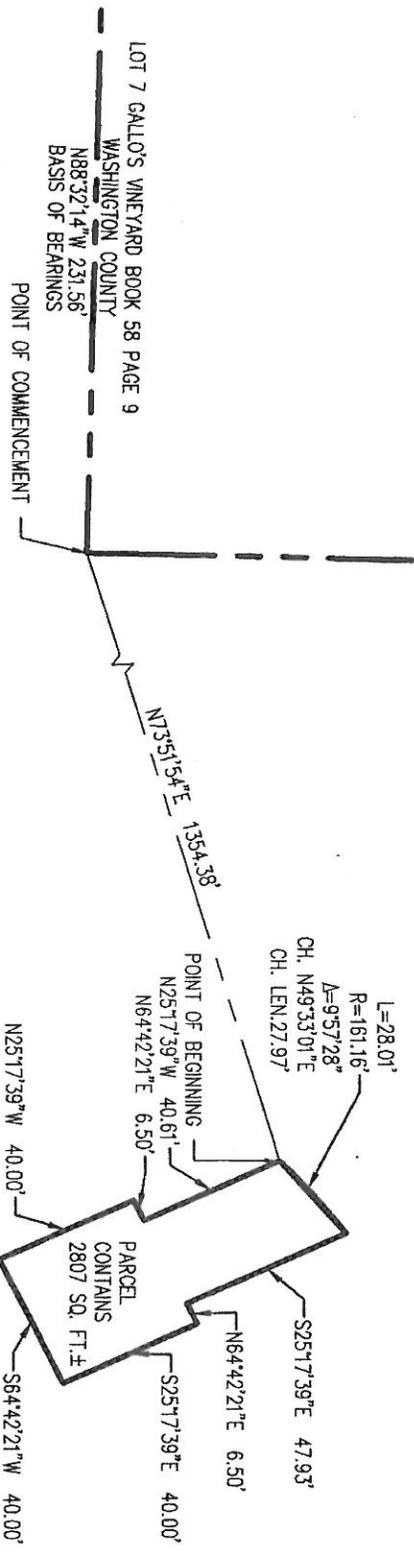
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott M. Grubbs

OREGON
JULY 13, 2004
SCOTT M. GRUBBS
54728

RENEWAL: 06-30-15





SHEET NUMBER
3 OF 3

EXHIBIT "A"
CITY OF TIGARD
 DIRKSEN BOARDWALKS
 EAST OVERLOOK AREA

DRAWING INFO	
035975	
035975-V-EASEXHO	
1" = 50'	

SHEET INFO	
DRAWN	TJA
CHECKED	BWG
LAST EDIT	2/8/2015
PLOT DATE	2/8/2015

WHPacific
 9755 SW Barnes Rd, Suite 300
 Portland, OR 97225
 503-628-0455 Fax 503-628-0775
 www.whpacific.com

**Boardwalk Easement
EXHIBIT "A"**

Sheet 1 of 3

PROJECT: Dirksen Boardwalks

LOCATION: Tax lot 900

DOCUMENT: City of Tigard

PREPARED BY:

WH Pacific

9755 S.W. Barnes Road

Portland, Oregon 97225

(503) 626-0455

BOARDWALK EASEMENT:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 AS RECORDED IN GALLO'S VINEYARD, BOOK 58, PAGE 9 WASHINGTON COUNTY PLAT RECORDS;
THENCE SOUTH 79°47'40" EAST, 405.44 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 60°46'20" EAST, 37.73 FEET;
THENCE SOUTH 29°13'40" EAST, 40.00 FEET;
THENCE SOUTH 60°46'20" WEST, 4.00 FEET;
THENCE SOUTH 29°13'40" EAST, 16.00 FEET;
THENCE SOUTH 60°46'20" WEST, 14.00 FEET;
THENCE SOUTH 29°13'40" EAST, 10.98 FEET;
THENCE SOUTH 83°05'34" WEST, 26.48 FEET;
THENCE SOUTH 59°59'34" WEST, 1.51 FEET;
THENCE NORTH 29°13'40" WEST, 40.95 FEET;
THENCE NORTH 60°46'20" EAST, 6.27 FEET;
THENCE NORTH 29°13'40" WEST, 16.00 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 2447 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE SOUTH LINE OF SAID LOT 7.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott M. Grubbs

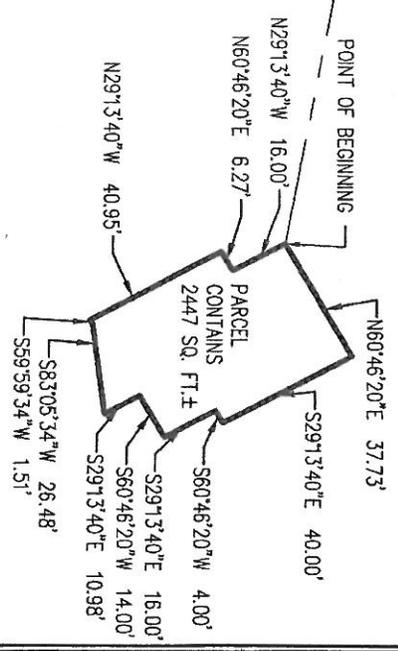
OREGON
JULY 13, 2004
SCOTT M. GRUBBS
54728

RENEWAL: 06-30-15

LOT 7 GALLO'S VINEYARD BOOK 58 PAGE 9
 WASHINGTON COUNTY
 N88°32'14"W 231.56'
 BASIS OF BEARINGS
 POINT OF COMMENCEMENT

S79°47'40"E 405.44'

POINT OF BEGINNING



3 OF 3

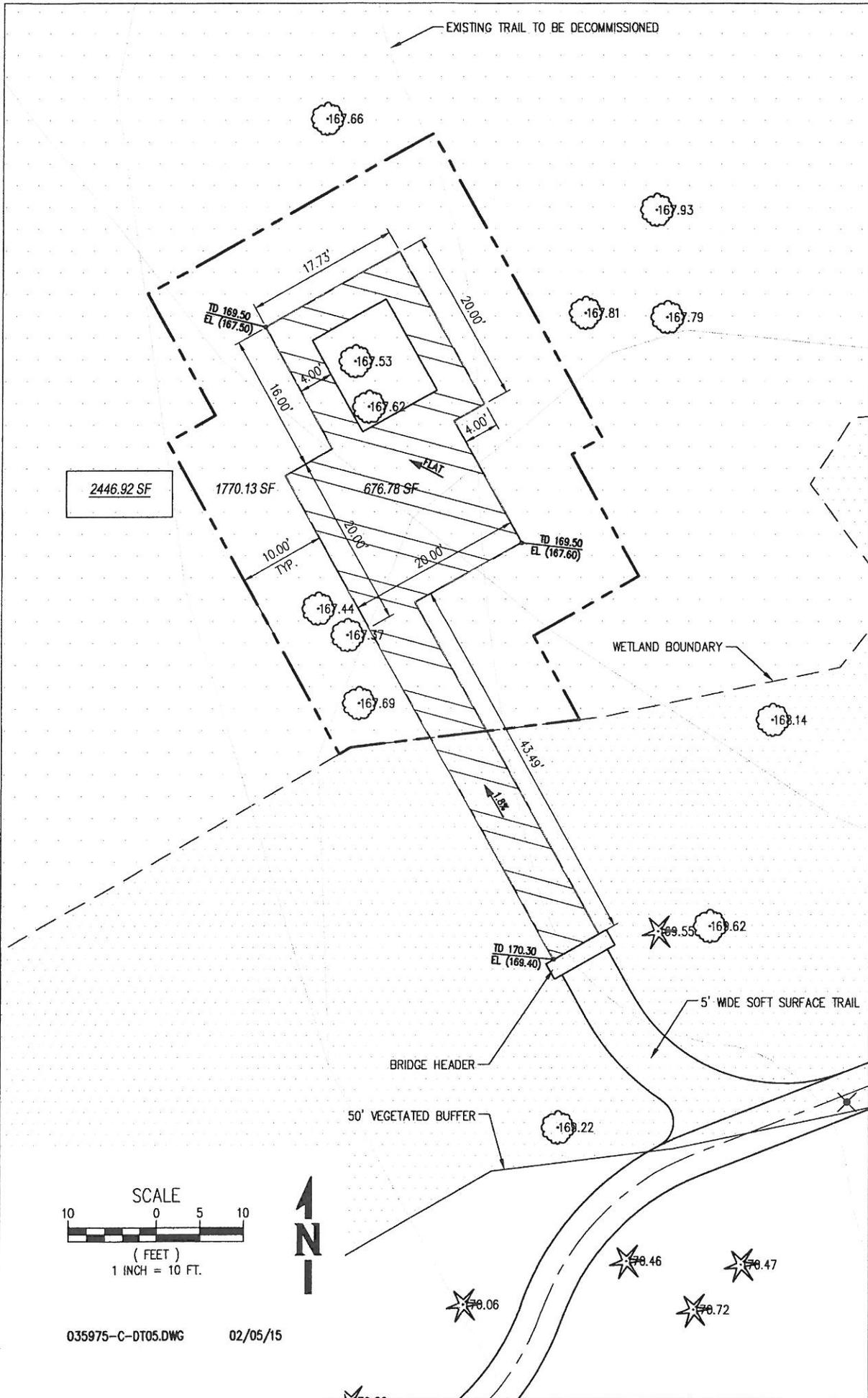
EXHIBIT "A"
 CITY OF TIGARD
 DIRKSEN BOARDWALKS
 WEST OVERLOOK AREA

DRAWING INFO	
035975	
035975-V-EASEXH00	
1" = 50'	

SHEET INFO	
DRAWN	TJA
CHECKED	BMG
LAST EDIT	2/5/2015
PLOT DATE	2/8/2015

WHPacific
 9785 SW Barnes Rd, Suite 300
 Portland, OR 97225
 503-629-0485 Fax 503-626-0776
 www.whpacific.com

EXISTING TRAIL TO BE DECOMMISSIONED



Appendix D. Support Letters



TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

www.tualatinriverkeepers.org

February 18, 2015

Mayor John Cook
Tigard City Council
13125 SW Hall Blvd
Tigard, OR 97223

RE: Dirksen Nature Park Wetland Boardwalk Comprehensive Plan Amendment

Dear Mayor Cook and City Council,

Tualatin Riverkeepers would like to state our support for the Dirksen Nature Park Wetland Boardwalk Comprehensive Plan Amendment. We recognize that the preservation and protection of wetland habitat within the City of Tigard is extremely important. Wetland and water resource protection is our organization's mission here in the Tualatin River watershed.

Dirksen Nature Park is a special area where teaching about our natural resources without damaging them is a primary focus. There are currently many demand trails that cross the wetlands in questions. These trails are very impactful to the wetlands. People traveling through the wetland trample valued native plants, compact delicate wetland soil, and disturb wildlife. For this reason, it is our opinion that the proposed wetland boardwalks will actually provide resource protection. The public's desire to view these resources is clear. By providing an elevated boardwalk sited at the far end of the resource, Tigard allows park users to view the area without damage. This controlled access better supports the mission of the nature park.

Dirksen Nature Park is a special place for Tualatin Riverkeepers. Each year we bring over 1000 students to the park on field trips to experience diverse habitats in a compact location close to home. Wetlands are fragile. This boardwalk project enabled by the proposed Comprehensive Plan Amendment allows these students to experience the wetlands, their diverse plants and wild creatures without damage.

Thank you for consideration of our support for the Dirksen Nature Park Wetland Boardwalk Comprehensive Plan Amendment.

Sincerely,

Brian Wegener, Riverkeeper



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

North Willamette Watershed District

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(971) 673-6000

(971) 673-6070

odfw.com

March 2, 2015

Mayor John Cook
Tigard City Council
13125 SW Hall Blvd.
Tigard, OR 97223



Re: Dirksen Nature Park Boardwalk Comprehensive Plan Amendment & Recommendations

Dear Mayor Cook and City Council,

The Oregon Department of Fish and Wildlife (ODFW) is supportive of an amendment to the City's Comprehensive Plan to allow construction of elevated boardwalks in Dirksen Nature Park. The proposed boardwalks with viewing platforms would better protect fish and wildlife habitat values while providing public access at chosen locations. The existing network of unregulated demand trails throughout the park is degrading riparian, wetland, and Oregon white oak habitats, high priority habitats as per the Oregon Conservation Strategy (ODFW 2006). Uncontrolled access is resulting in trampled vegetation, soil compaction, and disturbance to wildlife. Rogue trails are also likely negatively affecting water quality and contributing to the spread of invasive plants. Elevated boardwalks and associated mitigation plantings and decommissioning of demand trails are expected to improve soil health, decrease disturbance to wildlife, enhance wildlife movement, and benefit overall habitat conditions by targeting public access to specific locations. Dirksen Nature Park provides the local community with wonderful natural resource education opportunities, yet it is important to protect and minimize harm to natural resource values in the process of providing access. The proposed boardwalks with viewing areas will achieve both objectives.

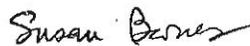
In addition to the above statement of support, ODFW would like to take this opportunity to offer several suggestions for protecting and enhancing fish and wildlife and their habitats at Dirksen Nature Park. Recommendations include:

1. Deter future off-trail use with a combination of fencing, native thorny vegetative plantings (e.g., Nootka rose, stinging nettle, tall Oregon grape), and educational signage.
2. Protect and enhance Oregon white oak habitat, an extremely rare habitat type that supports a suite of wildlife species also considered at-risk. ODFW suggests protecting all remaining Oregon white oak trees. That said, it may be appropriate to remove certain oak trees to promote growth of more dominant ones.

3. Several protected amphibian and reptile species are known to occur at and near the park (e.g., red-legged frog, western painted turtle, and western pond turtle). These priority species spend quite a bit of their life cycle on land hiding, foraging, and/or over-wintering in moist shrubby and forest habitats and under leaf litter, making them vulnerable to a variety of on-the-ground activities. ODFW suggests implementing Oregon's Turtle Best Management Practices (ODFW 2015) aimed at conserving native turtles.
4. Habitat values are threatened by non-native invasive plants and animals (e.g., English ivy, Himalayan blackberry, English holly, English laurel, red-eared slider turtle, aquaria contents, etc.). Conduct invasive plant removal with wildlife in mind. Install signage at trail heads and at viewing areas to inform park users how harmful (and unlawful) it is to release nonnative wildlife into the wild.
5. Conduct trail construction, habitat restoration, and other park projects with wildlife in mind. Many on-the-ground projects, even those intended to benefit natural resources, can have unintended harmful impacts, especially to species or species lifeforms that are not able to easily move out of harm's way (e.g., amphibians, turtles, active bird nests).
6. ODFW recommends not allowing dogs on the nature park trail system. The presence of even on-leash dogs is known to disturb wildlife and the reality is that many park users disregard leash laws altogether once they get on the trail.

Thank you for considering ODFW's support of an amendment to the City's Comprehensive Plan to allow construction of elevated boardwalks in significant wetlands at Dirksen Nature Park. I'd be happy to provide City staff with additional recommendations related to conservation of fish and wildlife and their habitats. I can be reached at susan.p.barnes@state.or.us or (971) 673-6010.

Sincerely,



Susan Barnes
Regional Conservation Biologist
West Region

Cc: Don VandeBergh, Tom Murtagh (ODFW)
Carla Staedter (City of Tigard)



**TUALATIN RIVER
WATERSHED COUNCIL**

P. O. Box 338
Hillsboro, OR 97123-0338
503-846-4810; www.trwc.org

Engaging the community to sustain our watershed
February 24, 2015

Mayor John Cook
Tigard City Council
13125 SW Hall Blvd
Tigard, OR 97223

Dear Mayor Cook and Tigard City Councilors:

Re: Dirksen Nature Park Wetland Boardwalk Comprehensive Plan Amendment

The Tualatin River Watershed Council (TRWC) is writing to offer our support for the Dirksen Nature Park Wetland Boardwalk Comprehensive Plan Amendment. We recognize that the preservation and protection of wetland habitat within the City of Tigard is vital to our watershed's health. TRWC's mission is to foster better stewardship of the Tualatin River resources; address natural resource issues; and ensure sustainable watershed health, functions and use.

TRWC recognizes that Dirksen Nature Park is a special natural area where educating our residents on the Tualatin River watershed's natural resources without causing damage to these resources is a primary focus. Because of a high interest in wetland areas, casual trails onsite are being used that result in harmful impacts to the Dirksen Nature Park wetlands. These harmful impacts include trampling valued native wetlands plants, compacting delicate wetland soil, and disturbing wildlife. We support a solution to resolve this problem, which is to develop and construct wetland elevated boardwalks. This solution decreases these harmful wetland impacts as well as provides observation opportunities of these special habitats.

We recognize that these proposed elevated boardwalks can be sited and implemented in such a way to protect wetland resources and allow park users the opportunity to observe the wetland areas without causing damage. Providing this controlled wetlands access supports the mission of the nature park that includes natural resource protection and engagement of Tualatin River watershed residents in learning about the value and function of wetlands, riparian and upland areas.

Sincerely,

April Olbrich
Council Coordinator

