



City of Tigard  
**Tigard Business Meeting – Agenda**

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**TIGARD CITY COUNCIL**

**MEETING DATE AND TIME:** July 28, 2015 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

**MEETING LOCATION:** City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

**PUBLIC NOTICE:**

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

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**VIEW LIVE VIDEO STREAMING ONLINE:**

<http://live.tigard-or.gov>

**CABLE VIEWERS:** The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.



City of Tigard

## Tigard Business Meeting – Agenda

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### TIGARD CITY COUNCIL

**MEETING DATE AND TIME:** July 28, 2015 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

**MEETING LOCATION:** City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

- STUDY SESSION

- A. COUNCIL LIAISON REPORTS **6:30 p.m. estimated time**
- B. BRIEFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS **6:45 p.m. estimated time**
- C. BRIEFING ON AN INTERGOVERNMENTAL AGREEMENT WITH CLEAN WATER SERVICES REGARDING EROSION CONTROL SERVICES **7:00 p.m. estimated time**

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING
  - A. Call to Order
  - B. Roll Call
  - C. Pledge of Allegiance
  - D. Call to Council and Staff for Non-Agenda Items
- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
  - A. Follow-up to Previous Citizen Communication
  - B. Tigard Area Chamber of Commerce

- C. Citizen Communication – Sign Up Sheet
3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
- A. APPROVE CITY COUNCIL MINUTES:
- April 14, 2015
  - May 26, 2015
  - June 15, 2015
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*
4. APPROVE APPOINTMENTS OF THREE LIBRARY BOARD MEMBERS AND TWO ALTERNATES **7:35 p.m. estimated time**
5. LEGISLATIVE AND QUASI-JUDICIAL PUBLIC HEARINGS: DIRKSEN NATURE PARK WETLANDS COMPREHENSIVE PLAN AMENDMENT **7:40 p.m. estimated time**
6. CONSIDER RESOLUTIONS APPROVING SUBMITTAL OF PROPOSED CITY OF TIGARD CHARTER AMENDMENTS TO THE VOTERS **8:10 p.m. estimated time**
7. CONSIDER RESOLUTION APPROVING SUBMITTAL OF PROPOSED COMMUNITY AND RECREATION CENTER MEASURE TO THE VOTERS **8:40 p.m. estimated time**
8. NON AGENDA ITEMS
9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
10. ADJOURNMENT **9:15 p.m. estimated time**

**AIS-2068**

**A.**

**Business Meeting**

**Meeting Date:** 07/28/2015

**Length (in minutes):** 15 Minutes

**Agenda Title:** Council Liaison Reports

**Submitted By:** Norma Alley, Central Services

**Item Type:** Update, Discussion, Direct Staff

**Meeting Type:** Council  
Business  
Mtg - Study  
Sess.

**Public Hearing:** No

**Publication Date:**

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**Information**

**ISSUE**

Council will present liaison reports.

**STAFF RECOMMENDATION / ACTION REQUEST**

**KEY FACTS AND INFORMATION SUMMARY**

**OTHER ALTERNATIVES**

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

*No file(s) attached.*

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## **COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

### **DATES OF PREVIOUS CONSIDERATION**

Staff provides the council with regular briefings on the status of CIP projects. The last briefing was scheduled for April 28, 2015. The briefing did not occur due to time requirements for other council agenda items that evening, however the council did receive the presentation materials.

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### **Attachments**

CIP PowerPoint

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C I T Y O F T I G A R D

Respect and Care | Do the Right Thing | Get it Done



# Capital Improvement Project Update

**FY 2014-15**

**Fourth Quarter**

Tigard City Council Meeting

July 28, 2015

## Adopted CIP FY2014/15 Engineering Projects Only

### Total Projects by Fund

▶ Parks	3
▶ Streets	7
▶ Water	5*
▶ Sanitary Sewer	3
▶ Storm	2
▶ Facilities	1
▶ Com. Development	0

\*LO/Tigard Water Partnership is not included

## Adopted CIP FY2014/15 Engineering Projects Only

<u>Total Projects by Fund</u>		<u>Projects Added by Fund</u>	
▶ Parks	3	▶ Parks	0
▶ Streets	7	▶ Streets	5
▶ Water	5*	▶ Water	1
▶ Sanitary Sewer	3	▶ Sanitary Sewer	2
▶ Storm	2	▶ Storm	1
▶ Facilities	1	▶ Facilities	0
▶ Com. Development	0	▶ Com. Development	3

\*LO/Tigard Water Partnership is not included

## Parks Projects

### Existing Projects

### Budget

### Schedule

▶ Dirksen Nature Park		
▶ The Education Center (operated by Tualatin Riverkeepers)	●	●
▶ Oak Savanna Restoration	●	●
▶ Grant Applications	●	●
▶ Tigard Street Trail and Public Space	●	●
▶ Summerlake Park Restroom	●	●

● On Target

● Minor Issues

● Major Issues

● Change in Budget or Schedule

## Streets Projects

<u>Existing Projects</u>	<u>Budget</u>	<u>Schedule</u>
▶ Pavement Management Program	●	●
▶ Walnut Street Improvements	●	●
▶ Pacific Hwy / Gaarde / McDonald Intersection	●	●
▶ 72 <sup>nd</sup> / Dartmouth Intersection	●	●
▶ Upper Boones Ferry / Durham Adaptive Signal	●	●
▶ 95 <sup>th</sup> / North Dakota Sidewalk (CDBG)	●	●
▶ Main Street Green Street (Phase 1)	●	●

● On Target    
 ● Minor Issues    
 ● Major Issues    
 C Change in Budget or Schedule

## Streets Projects

<u>Added Projects</u>	<u>Budget</u>	<u>Schedule</u>
▶ LQC Oak Way Bike-Ped Path	●	●
▶ LQC North Dakota Sidewalk Infill	●	●
▶ LQC Spruce Street Sidewalk	●	●
▶ LQC Atlanta/Haines Sidewalk	●	●
▶ North Dakota Bridge Emergency Closure	●	●

## Water Projects

### Existing Projects

### Budget

### Schedule

- ▶ Aquifer Storage and Recovery Well #3
- ▶ Main Street Waterline Replacement
- ▶ New Water Source Systemwide Improvements
- ▶ Barrows / Scholls Ferry Water Line Extension (Phase 2)
- ▶ Pacific Hwy / Gaarde Utility Casing Bore Crossing



### Added Project

- ▶ Aquifer Storage and Recovery Well #2



On Target



Minor Issues



Major Issues



Change in Budget or Schedule

## Sanitary Sewer Projects

<u>Existing Projects</u>	<u>Budget</u>	<u>Schedule</u>
▶ Derry Dell Creek Sewer Interceptor Relocation		
▶ Krueger Creek (Benchview) Slope Stabilization		
▶ Barrows / Scholls Ferry Sewer Line Extension (Phase 2)		
 <u>Added Projects</u>		
▶ East Tigard Sewer Replacement		
▶ Red Rock Creek Remediation		

 On Target  
  Minor Issues  
  Major Issues  
  Change in Budget or Schedule

## Storm Projects

### Existing Projects

- ▶ Copper Creek Bank Stabilization
- ▶ Pacific Highway Median WQF Project

### Budget

### Schedule



### Added Project

- ▶ River Terrace Stormwater Implementation



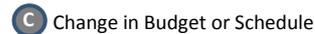
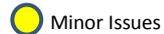
## Facilities Projects

### Existing Project

### Budget

### Schedule

- ▶ Permit Center / City Hall / Police Building  
Exterior Wall Repairs



## Community Development Projects

<u>Added Projects</u>	<u>Budget</u>	<u>Schedule</u>
▶ Main Street Gateway Monuments	●	●
▶ Ash Avenue Dog Park / Zuber House Demolition	●	●
▶ Public Works Yard Demolition	●	●

## FY 2014/15 Capital Project Highlights

### Pavement Management Program

3 miles – Overlay

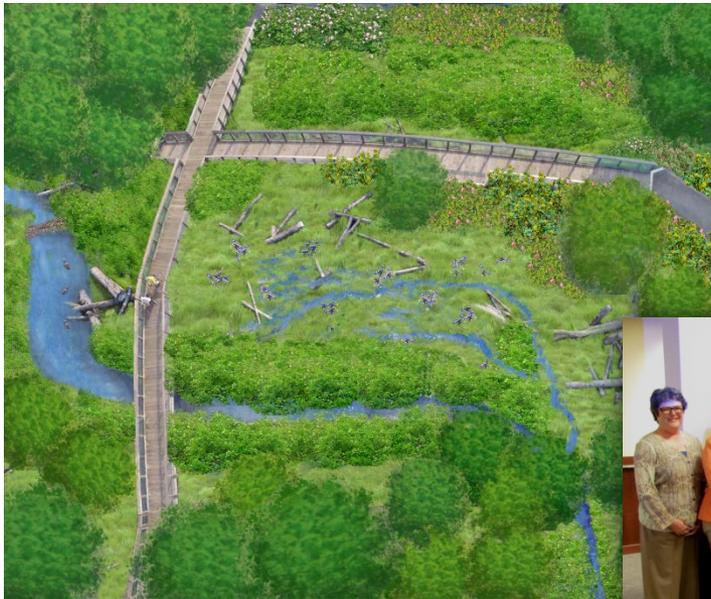
15 miles – Crack Seal



**Watkins Avenue**

## FY 2014/15 Capital Project Highlights

Derry Dell Creek Sewer Interceptor Relocation



**Recipients of the Department  
of State Lands Stream Project  
Enhancement Award 2014**



## FY 2014/15 Capital Project Highlights

### Summerlake Park Restroom



## **FY 2014/15 Capital Project Highlights**

Permit Center / City Hall / Police Building Exterior Wall Repairs



## FY 2014/15 Capital Project Highlights

Lighter / Quicker / Cheaper Projects



Oak Way Path



North Dakota Sidewalk

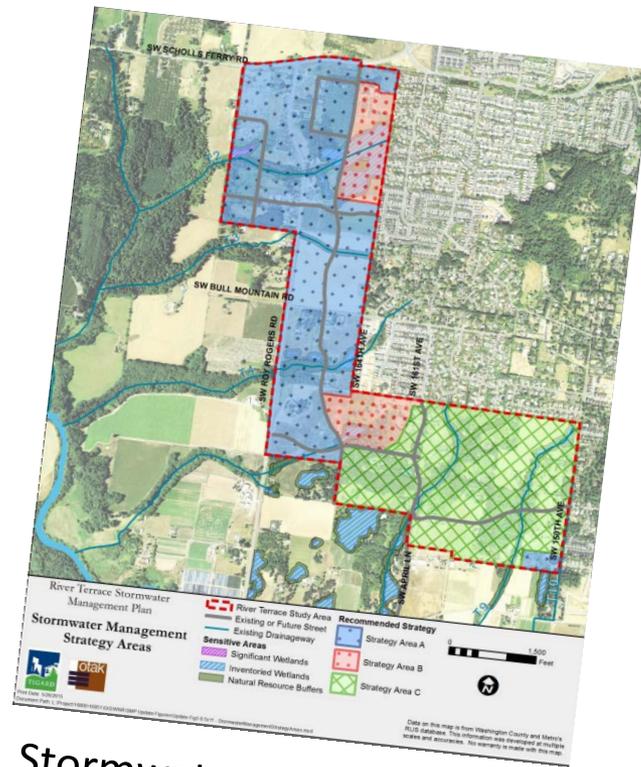


Spruce Street Sidewalk

## FY 2014/15 River Terrace Highlights



River Terrace Boulevard



Stormwater Strategy Areas

# FY 2014/15 River Terrace Highlights

## Excerpt from Stormwater Standards



When a wall is necessary, select attractive materials, designs, and finishes. Curved walls can be visually appealing. Although the height requires safety rail or fence, an attractive design is used.



A terraced seat-wall invites the community to make use of space that is only inundated in large storms. Its manicured design contrasts with the more naturalistic design of the water quality and detention ponds below it (not pictured). Unique designs and materials throughout the facility make it a community focal point.



Although terraced to provide location for a planted screen, the wall materials are unattractive and the height requires safety rail or fence.



Although centrally-located, this deep, steep-sided facility prevents public access and neither blends into the community setting nor stands out as an attractive focal point.





services provided. The agreement will take effect with council approval and will renew annually. The agreement can be terminated prior to February 1 of any year, with termination effective the following July 1. The proposed agreement has been reviewed and approved by the city attorney. It should also be noted that the City of Tualatin plans to renew its agreement with CWS for the same services. CWS staff noted that providing these services to both cities will be more cost-effective than just serving one of the cities.

## **OTHER ALTERNATIVES**

The council could propose changes to the agreement or could decide not to approve the agreement. Should the council decide not to approve the agreement, the city will continue to perform erosion control inspections, but will continue to struggle with the current workload mentioned previously.

## **COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

None

## **DATES OF PREVIOUS CONSIDERATION**

This is the first time this agreement has come before the council.

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### **Fiscal Impact**

**Cost:** \$50,000-\$80,000

**Budgeted (yes or no):** No

**Where Budgeted (department/program):** Engr

### **Additional Fiscal Notes:**

The city anticipates annual costs under this IGA to be between \$50,000 and \$80,000, paid to CWS. In the past two fiscal years, the city has collected \$28,000 and \$34,000 in fees to support Tigard staff that previously provided this service. Tigard is unsure of what the city's costs are to provide the service. The city will pay only for the services provided by CWS. The IGA is renewed automatically annually, for up to 10 years. The city or CWS can annually elect to terminate the agreement prior to February 1, effective the following July 1.

The services under this IGA are offset with the city's Erosion Control Inspection Fee. In fiscal year 2014-15, roughly \$34,000 in fees were collected. It is anticipated this will increase once River Terrace development starts in earnest, but so may the costs. The city will conduct a review of the IGA after six months and will use that opportunity to also assess if the revenue generated is sufficient to cover costs. Based on the review, staff may propose adjustments to the current fees. Council will be briefed at that time on the findings.

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### **Attachments**

*No file(s) attached.*

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**AIS-2301**

**3. A.**

**Business Meeting**

**Meeting Date:** 07/28/2015

**Length (in minutes):** Consent Item

**Agenda Title:** Approve City Council Meeting Minutes

**Submitted By:** Carol Krager, Central Services

**Item Type:** Motion Requested

**Meeting Type:** Consent  
Agenda

**Public Hearing:** No

**Publication Date:**

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**Information**

**ISSUE**

Approve City Council meeting minutes.

**STAFF RECOMMENDATION / ACTION REQUEST**

Approve minutes as submitted.

**KEY FACTS AND INFORMATION SUMMARY**

Attached council minutes are submitted for City Council approval:

- April 14, 2015
- May 26, 2015
- June 16, 2015

**OTHER ALTERNATIVES**

N/A

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

April 14, 2015 Minutes

May 26, 2015 Minutes

June 16, 2015 Draft Workshop Minutes

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Placeholder:

*Minutes for the April 14, 2015, meeting will be attached to the packet on Thursday, July 23.*

Placeholder:

*Minutes for the May 26, 2015, meeting will be attached to the packet on Thursday, July 23.*



**City of Tigard**  
**Tigard City Council Meeting Minutes**  
**June 16, 2015**

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1. WORKSHOP MEETING

- A. Mayor Cook called the City Council meeting to order at 6:30 p.m.
- B. Deputy City Recorder Alley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	
Council President Snider	✓	
Councilor Woodard	✓	

- C. Mayor Cook led the Pledge of Allegiance.
- D. Mayor Cook asked Council and Staff for any Non Agenda Items to be heard. City Manager Wine advised she had a report for Non Agenda items.

2. PRESENTATION ON WASHINGTON COUNTY PUBLIC SAFETY AND LIBRARY LEVIES

Washington County Undersheriff Jeff Mori and Washington County Cooperative Library Services (WCCLS) Director Eva Calcagno presented a PowerPoint highlighting key components of the county levies to be on the November 2016 ballot.

Mr. Mori reported the public safety levy will be on the November 2015 ballot and is a renewal of an existing measure. The first measure passed in 2000 and subsequently renewed every time it has been on the ballot, the last time in 2010. Citizens receiving services from the levy are city neighborhoods, urban unincorporated and rural neighborhoods. The levy pays for special enforcement teams; victims’ assistance and prosecution services; parole, probation and juvenile services; operation of jail; full capacity of the work-release center which minimizes early release of offenders; and emergency shelters for woman and children who are victims of domestic violence. Since the levy, there has been a drop in crime amongst juvenile offenders. The levy also pays for a mental health response team to help ensure people in crisis get medical help rather than being taken to jail.

Ms. Calcagno reported there are nine cities and two nonprofits that benefit from the library levy. 61 percent of Tigard’s library budget is from this levy. Just like Tigard, the levy would pay to maintain library operations and avoid cuts in services at 15 libraries, add hours at some libraries, and provide operational support for new and expanded library outlets. It will provide continued support for the Children’s Reading Programs with over 280,000 child visits annually. Also, the levy will continue supporting book purchases and e-books, maintain central support and outreach services that link libraries together, and increase efficiencies in service courier delivery. The levy provides funding for outreach to homebound residence and outreach to Spanish speaking residence.

Mr. Mori stated this is a five year levy, renewing the current levy which expires June 2016, with a rate of .42 per \$1,000 assessed value which is unchanged for the public safety levy. This works out to be about 16% of the county wide budget. The library levy is .22 per \$1,000 of assessed value which is an increase of .05.

Mr. Bodeen testified he represents the People for Libraries Political Action Committee and is before the council to support the levy and thank the council for supporting the campaign.

City Manager Wine recognized Tigard's Library Reader Services Division Manager Molly Carlisle and stated she looks for and provides services and programs to meet Tigard's needs. Ms. Carlisle thanked the council for the opportunity to be at the meeting and asked if there were any questions.

Councilor Woodard noted that libraries take on more responsibility and services that schools used to provide and asked what changed to cause the shift. Ms. Carlisle answered ages three to ten is probably the main focus of our children's services, which most may not necessarily be in school. With the tutor program, we can provide something children without technology may not have.

Mayor Cook asked council if they would support approving a resolution supporting the measures. Consensus was to bring forth two resolutions supporting the levies.

### 3. DISCUSSION ON HOMELESSNESS

Assistant City Manager Newton introduced special guest Ms. Darla Samuelson from Just Compassion, Inc. Ms. Samuelson introduced Mr. Rob Watson, Shelter Coordinator from St. Francis Church in Sherwood and TVF&R paramedic; Ms. Sue Stephens, Shelter and Community Café Coordinator from St. Anthony Parrish; and Tigard Police Lieutenant McDonald. Ms. Samuelson presented a PowerPoint highlighting Just Compassion, Inc.'s programs and outreach to the Tigard, Tualatin and Sherwood communities. Just Compassion's mission is to create a safe and hospitable environment by networking, resourcing and responding to adults without homes and living in poverty.

Mr. Watson encouraged council to support bringing a day center to Tigard. He stated the homeless are kind, caring, very appreciative, a lot of fun to hang out with and are friends. He said when he interacts with them during TVF&R callouts the homeless are generally belligerent, drunk, passed out, and vulnerable. A homeless person was either directly or indirectly involved in 433 emergency responses from April 2014 to April 2015. A day center could provide the services to help prevent some of the calls by providing a place of refuge and needed rest.

Ms. Stephens reported the face of homelessness appears as people on Pacific Highway with signs, asleep on a park bench, inebriated, with worn clothes and shoes, bad teeth and bad personal hygiene. The homeless are people experiencing very difficult times possibly due to a loss of a job, mental illness or addictions. They struggle with a place to sleep, food to eat and get protection over their head. Some look to addictions to ease their pain. Many are aware of their personal hygiene, but have few options. They look for resources in the community to help them with housing and to get them out of the elements. It is very hard to find and get to resources when they are relying on walking, biking, seeking rides, or getting bus tickets. They are exhausted after a few tasks because they do not sleep well. A pet provides them with love, but also has additional needs of food and vet care. A center could provide a safe and secure place to store backpacks; charge electronics; receive and launder clothing; access a computer, printer and telephone for employment; shower; receive money for over the counter drugs that are not covered through food stamps and service their bicycles. These basic needs will help them to get back on their feet. Just Compassion is a coalition of members that really cares about helping this population. We would like to help by having a centralized location to provide the necessities needed. There is not another center around for 30 miles of Tigard. Just Compassion filed for nonprofit 501(c)(3) status and is seeking the city of Tigard's collaboration and support.

Ms. Samuelson highlighted a few points the coalition is requesting the city to collaborate on:

- Endorsement – the city of Tigard to acknowledge this is a need and to provide this to those in our community.
- Credibility – collaboration would help with Just Compassion's credibility as a day center is being developed and the resistance from the community.
- Building – help identify and support a location for a building that is ideal.
- Finances – support in any way possible.
- Grants – help with applying for grants and providing incentives to businesses who support this effort.

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## TIGARD CITY COUNCIL MEETING MINUTES – JUNE 16, 2015

- Connections and Resourcing – the city utilize the day center as a resource by directing people there and getting the word out to the community.
- Community Centered Response – help the public with what to expect when encountering the homeless population.

Ms. Samuelson said at minimum Just Compassion needs the endorsement of the council to pursue the endeavor of opening a day center which would change the face of homelessness and contribute to a positive impact.

Lieutenant McDonald reported one of the challenges police faces is availability of resources to address the challenges with the homeless and the outlining issues, like mental illness, that could be a cause of homelessness. Police officers build relationships with Tigard’s homeless population and try to provide the resources we can, but there is a limit to what can be done.

Council President Snider asked if Just Compassion asked other cities for support and money and if the day center will only service Tigard. Ms. Samuelson responded Tigard is the desirable location to serve all three areas and had not talked to Tualatin or Sherwood yet.

Council President Snider asked staff if there were funding source recommendations. Ms. Newton answered staff had not identified any city funds, but was initially looking to begin with education on appropriate zoning for this type of use. Other areas the city can support Just Compassion are by helping lobbying efforts to prioritize grants through CFM consultants, providing connections to the business community, and taking this program into consideration when staff applies for social services grants.

Councilor Goodhouse asked why Just Compassion is choosing Tigard as the central location and if they were planning on talking to Tualatin or Sherwood to obtain regional funding. Ms. Samuelson responded the most resources are in Tigard, the population primarily served lives in Tigard and it is easy to get around in Tigard with the transit. Councilor Goodhouse asked where the closest ones were. Ms. Stephens answered Hillsboro, Oregon City, Gresham and Corvallis. Mayor Cook said other than Corvallis the rest are county organized and most in different counties than Tigard. Tigard is the big city on the east of Washington County and may be the reason it is the focus. All the other shelter locations are a long way for people to travel to. Mayor Cook assured Just Compassion the city could support them with lobbying for federal grants and applying for social service grants.

Councilor Woodard said he would support the city looking into to helping with resources. The city can consider Just Compassion’s program to see if they qualify for grants and help with applying for grant funding.

Councilor Henderson said Just Compassion is working in a direction of collaboration and identifying what people mostly need like food, clothing, and shelter. He reiterated the city’s support to help seek grants.

Ms. Newton said staff will work with Just Compassion to talk about appropriate zoning, work with the director to look at grant options, talk with the city’s economic development manager about potential business connections and work with Just Compassion and police to provide information to the general population regarding how to relate and respond to the homeless population. She assured the council there would be a written report over the next few months.

Mayor Cook thanked Just Compassion for coming and for all they do in the community as it serves and helps many lives.

#### 4. UPDATE ON THE FIELDS INDUSTRIAL PROPERTY PROJECT

Economic Development Manager Purdy reported there is a need to update the Memorandum of Understanding (MOU) between the city and Trammell Crow that was approved last December. The timeline in the MOU was ambitious and needs to be updated to reflect a more realistic timeline. Current project progress is a lot line adjustment

review to provide 18 acres for Trammell Crow to work with and 24 acres for someone else. The lot line adjustment precedes a Comprehensive Plan amendment the planning commission and council will review. Trammell Crow continues to pursue funding and will hear from the state by end of July. Mr. Purdy introduced Trammell Crow Representative Wells and Fields Trust Representative Hossaini.

Mr. Wells reported there have been quite a few things to deal with on the property such as the rail spur, roads and the wetlands to name a few. These are seasonal improvements that must start by August and we are reviewing what can be accomplished by that time. Leveling the hill is a huge endeavor, and they are not able to accomplish that this season due to the amount of site work necessary. They are currently reviewing a traffic study which was positive in most respects. They considered constructing office buildings on half the property, but the traffic breaks the property up in a way that cannot be fixed. They are a couple weeks from submitting a wetlands plan. They are waiting in order to include the storm plan. Tramel Crow should have the wetland permit by the end of the year. Site plans have been submitted which are shown in the report handed out (report was submitted into the record) showing some changes to the structures. There is interest with a tenant or buyer on the Building C site and expect an offer soon. The two biggest challenges, other than getting the infrastructure priced and the dollars to work, are obtaining right of way on the rail spur and the county's transportation development tax (TDT). It took two years to negotiate this deal and the TDT was assessed when the project began; there is concern about getting all the costs in place. The market is good and they believe building will begin in the summer of 2016 assuming they can get all the costs in place.

Councilor Henderson asked if the spur could be utilized. Mr. Wells answered no because they cannot build heavy industrial in that area which is what the spur would service. In order to make it usable all the buildings would have to be backed to Wall Street to load into the spur. Also, the railroad does not want to service that spur for economical use.

Councilor President Snider asked what the city was doing to address the TDT and increased project costs. Mr. Wells responded the concern is the city adding the system development charge (SDC) to the county's TDT. Mayor Cook said since starting this project the county TDT increased and then the city's SDC has been added, both unanticipated costs. Mr. Wells agreed and stated the costs add up and may load the project to a point that is more than Trammell Crow could bear.

Ms. Wine said the discussion tonight is to get council's direction to amend the MOU for an extended timeline to the end of next summer and to place it on a future business meeting consent agenda. Consensus by council was to have it on a consent agenda.

## 5. PRESENTATION ON PHOTO RED LIGHT

Lieutenant Frisendahl and Captain Rogers reviewed the basic concepts of the photo red light program explaining how the cameras capture images and how the citations get issued. They stated advantages of photo red light are 24/7 enforcement at a single location, reduction in injuries caused by traffic crashes and reduction in red light violations. It could also help with intersection violations at intersections that make it difficult for a traffic officer to navigate into traffic. Disadvantages of a system are not being able to educate a citizen because there is no contact, adverse reaction from citizens when there is no personal interaction, and a need for additional staff to implement and defend the system. Other cities using the system are averaging a 36 percent reduction in people running red lights, 10,000-12,000 citations issued a year, 50-60 percent collection rate and 30 percent reduction in intersection crashes.

Council President Snider recommended having a financial analysis done to prepare an effective plan in becoming revenue neutral. He asked what capital and fees the city should expect. Lt. Frisendahl responded one option is having the vendors install the equipment and then the vendor receives a percentage of the citation.

Council President Snider stated he supported moving forward and requesting the staff continue with research in installing a system for the sake of reducing injuries. Ms. Wine said staff's next step would be to look at program design, prepare a cost analysis, assess impacts and decide what the city wants to achieve from the program.

Councilor Woodard expressed his concerns with too much government or “big brother” oversight, the loss of an education opportunity with customer contact and the expenses associated with hiring additional full time staff. He suggested staff look into using volunteers to enforce violations instead of a photo red light system.

Councilor President Snider requested information on what the minimum standard or statute definition to what a sworn personnel would be, the number of hours it would take for a traffic officer to issue 5,000 citations and the amount of time for the red light to issue 5,000 citations.

Mayor Cook said he heard it was hard to patrol the intersections the red light would be installed at, so it may not be possible to add people to those to patrol them. Mayor Cook added he felt it was not just crash safety but the safety of the officers when they pull someone over was also a consideration. The education part is good and the system could capture more people who are not getting anything at all now allowing for additional educational opportunity.

Council consensus was to direct staff to look into the program further and provide additional information as previously mentioned and how a customer education element could be built in.

6. NON AGENDA ITEMS

City Manager Wine reported that at a prior presentation the council asked if River Terrace was inside the TriMet payroll tax area. Staff looked into this and identified yes River Terrace is inside the payroll tax area although it is not being levied at this time. TriMet will need to true up the boundaries and levy those taxes appropriately.

7. EXECUTIVE SESSION

Mayor Cook called the executive session to order at 8:56 p.m. to discuss real property transactions under ORS 192-660(2)(e) held in the Red Rock Creek Conference Room. Chair Cook closed the executive session at 9:49 p.m.

8. ADJOURNMENT

At 9:49 p.m. Council President Snider motioned to adjourn the meeting. Councilor Goodhouse seconded the motion. The motion was approved by a unanimous vote of city council.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	
Council President Snider	✓	
Councilor Woodard	✓	

\_\_\_\_\_  
Norma I. Alley, Deputy City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

**TIGARD CITY COUNCIL MEETING MINUTES – JUNE 16, 2015**

**AIS-2304**

**4.**

**Business Meeting**

**Meeting Date:** 07/28/2015

**Length (in minutes):** 5 Minutes

**Agenda Title:** Approve Appointments of Three Library Board Members and Two Alternates

**Prepared For:** Margaret Barnes, Library

**Submitted By:** Alison Grimes, Library

**Item Type:** Resolution

**Meeting Type:** Council Business Meeting - Main

**Public Hearing:** No

**Publication Date:**

**Information**

**ISSUE**

Approve appointment of three Library Board members and two alternates

**STAFF RECOMMENDATION / ACTION REQUEST**

Recommend approval by City Council of the Mayor's Appointment Advisory Committee's choices for Tigard Library Board members and alternates.

**KEY FACTS AND INFORMATION SUMMARY**

See attached biographies.

**OTHER ALTERNATIVES**

N/A

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

City Council last approved the appointments of Library Board members and alternates on June 25, 2013.

**Attachments**

Resolution

Biographies of New Library Board Members and Alternates

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 15-

A RESOLUTION APPOINTING MICHELLE TAYLOR, NICCI WALKER AND COLE WEBER TO THE TIGARD LIBRARY BOARD FOR A TERM OF FOUR YEARS, EFFECTIVE JULY 1, 2015 THROUGH JUNE 30, 2019; AND APPOINTING BECKY GAUTHIER AND ROARKE VAN BRUNT AS ALTERNATES FOR A TWO YEAR TERM, EFFECTIVE JULY 1, 2015 THROUGH JUNE 30, 2017.

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WHEREAS, the terms of Library Board members Laura Cadiz, Dan Snyder and John Storhm expired June 30, 2015; and

WHEREAS, Michelle Taylor, Nicci Walker, Cole Weber, Becky Gauthier and Roarke Van Brunt were interviewed by the Mayor's Appointment Advisory Committee on Monday, July 6, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Michelle Taylor, Nicci Walker and Cole Weber are hereby appointed to the Tigard Library Board as Members for four-year terms, effective July 1, 2015 through June 30, 2019; and

SECTION 2: Becky Gauthier and Roarke Van Brunt are hereby appointed to the Tigard Library Board as Alternates for two-year terms effective July 1, 2015 through June 30, 2017; and .

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

BRIEF BIOGRAPHIES OF NEWLY-APPOINTED  
TIGARD LIBRARY BOARD MEMBERS  
2015

MEMBERS

NICCI WALKER – previously an alternate on the Library Board, Walker has a B.A in Religion and Psychology. A Northwest resident who moved to Tigard in 2012, she lives in the area with her husband, 1 year old son and 2 very large dogs. Professionally, Walker is a senior credit analyst for a locally based community bank where she works directly with small and emerging companies to provide them financing to assist them in growth and other expenses. In her free time she enjoys hiking, walking the Tigard and Fanno creek trails and working with fused glass.

COLE EVAN WEBER – a transplant from Nebraska, Weber has resided in Tigard for the last 2 ½ years. He has a B.A. in Spanish from the University of Nebraska and currently works as a customer service agent and interpreter at a local call center. Noting that he “...loves books with mad passions unrivaled on this earth.” Weber loves fantasy, sci-fi novels and table-top gaming.

MICHELLE TAYLOR – a Tigard resident for four years, Taylor has a B.S. in Business Management/Leadership and a minor in Communications. Besides her work as an Operational Risk Consultant FOR Wells Fargo, Taylor is a Library volunteer, fosters cats through the CAT Adoption Team and helps provide monthly meals through Hands On Portland.

ALTERNATES

BECKY GAUTHIER- moving here from South Carolina, Gauthier has lived in Oregon for the past 10 years. She has been an active member of the Library’s Teen Council and Girl Scouts, where she was a troop leader for one year. A 2014 graduate of Tigard High, Gauthier currently works at Starbucks.

ROARKE VAN BRUNT – the second alternate on the Library Board, Van Brunt moved to Tigard about two years ago. Earning his Associates degree at Portland Community College, Van Brunt is an account coordinator at Gerber Legendary Blades. He obtained some of his volunteer service through church organizations, and he “believe(s) in public libraries and would enjoy supporting them through public service.”

**AIS-2245**

**5.**

**Business Meeting**

**Meeting Date:** 07/28/2015

**Length (in minutes):** 30 Minutes

**Agenda Title:** Leg. & QJ Public Hearings: Dirksen Nature Park Wetlands Education

**Prepared For:** Gary Pagenstecher, Community Development

**Submitted By:** Gary Pagenstecher, Community Development

**Item Type:** Ordinance

Public Hearing - Quasi-Judicial

**Meeting Type:** Council

Business  
Meeting -  
Main

**Public Hearing:** Yes

**Publication Date:**

**Information**

**ISSUE**

Shall the Council approve the City's request to remove 0.12 acres from the City's Local Wetlands Inventory to accommodate the future installation of two trail boardwalks in Dirksen Nature Park?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends that City Council approve the proposed Comprehensive Plan Amendment to remove 0.12 acres of wetlands from the Tigard Significant Wetlands Inventory.

The Planning Commission recommended, by a unanimous vote at a public hearing held on July 6, 2015, that City Council approve the proposed Comprehensive Plan Amendment to remove 0.12 acres of wetlands from the Tigard Significant Wetlands Inventory.

The proposed boardwalks are critical park infrastructure and will serve as environmental education facilities, consistent with public feedback and site plan concepts approved by the Parks and Recreation Advisory Board (PRAB). The boardwalks that would extend into mapped wetlands will provide overlooks into these unique habitat areas and help to control access and the use of rogue trails that degrade the resource. This comprehensive plan map amendment will enable the future installation of the boardwalks. The park improvements themselves are not a part of this application.

**KEY FACTS AND INFORMATION SUMMARY**

## Context of the Request

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.

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 70% of the land (approximately 35 acres), 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 economic, social, environmental, and energy (ESEE) analysis of the proposed removal of 0.12 acres from the Local Wetland Inventory to accommodate two planned boardwalks, consistent with Sensitive Lands Chapter (18.775) of the Tigard Development Code.

In 2013, the two boardwalks were included among other park improvements in the Conditional Use Permit (CPA2013-00001) and Sensitive Lands Review that was reviewed by the Hearings Officer. The Hearings Officer approved the proposed improvements except for the installation of the boardwalks and expressly noted the need for an exception via a comprehensive plan amendment, which is the subject of this application.

## Vicinity Information:

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 subject site also includes an existing paved section of the Fanno Creek Trail. The project site is located in the Tigard Area 3 neighborhood.

## **OTHER ALTERNATIVES**

- 1) Not approve the request, which would maintain current Goal 5 prohibition on development. Educational purposes would not be achieved; continued use of rogue trails and uncontrolled access could further degrade the wetland resource.
- 2) Modify the proposal to reduce the amount of land removed from the inventory. Council could allow boardwalks in one area, but not both. Educational purposes and resource enhancement benefits would be reduced.

## **COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

The proposed controlled access to the unique wetland resource in Dirksen Nature Park would improve the trail network in the City and provide exceptional education and recreation destinations in support of the City's Strategic Plan.

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

NA

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### **Attachments**

Ordinance

Exhibit A, Staff Report

Exhibit B, ESEE Analysis

PC Minutes, July 6, 2015

Testimony Recieved After PC Hearing

Stie Map from ESEE Analysis

Application

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 15-

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT, CPA2015-00002, TO REMOVE .12 ACRES OF LOCALLY SIGNIFICANT WETLANDS FROM THE “TIGARD WETLAND AND STREAM CORRIDOR MAP” INVENTORY.

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WHEREAS, Section 18.775.090 includes Special Provisions for Development within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek; and

WHEREAS, Section 18.775.090.A. states in order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0040) pertaining to wetlands, all wetlands classified as significant on the City of Tigard “Wetlands and Streams Corridors Map” are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130; and

WHEREAS, Section 8.775.130 Plan Amendment Option, provides that 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;” and

WHEREAS, Section 8.775.130.A further provides that the applicant shall demonstrate that such an amendment is justified by an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040; and

WHEREAS, the applicant prepared an ESEE analysis (Appendix B of Application) prepared in accordance with OAR 60-23-040, to justify removal of Goal 5 protection from 0.12 acres of significant wetlands on the subject property; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City’s implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the applicable review criteria: Community Development Code Chapters 18.390, Decision Making Procedures; and 18.775 Sensitive Lands; and

WHEREAS, the Tigard Planning Commission held a public hearing on July 6, 2015 and recommended approval of CPA2015-00002 by motion with a unanimous vote in favor; and

WHEREAS, the Tigard City Council held a public hearing on July 28, 2015, to consider the request for a quasi-judicial Comprehensive Plan Amendment and determined that the amendment will not adversely affect the health, safety and welfare of the City and meets all applicable review criteria.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Comprehensive Plan Amendment, CPA2015-00002, is hereby approved.

SECTION 2: The attached findings (Exhibit A) are hereby adopted in explanation of the Council's decision.

SECTION 3: The ESEE analysis (Exhibit B) 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, as approved.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
John L. Cook, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

**STAFF REPORT TO THE  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = NA

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** DIRKSEN NATURE PARK WETLANDS EDUCATION  
**CASE NOS.:** Comprehensive Plan Amendment (CPA) 2015-00002

**REQUEST:** The City of Tigard is requesting a Comprehensive Plan Amendment to remove 0.12 acres of Tigard significant wetlands from the Wetlands and Stream Corridor map 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 Advisor Board (PRAB). The boardwalks that would extend into the mapped wetlands will provide overlooks into these unique habitat areas.

**APPLICANT/  
OWNER:** City of Tigard  
c/o Jeff Peck  
13125 SW Hall Blvd  
Tigard, OR 97223

**LOCATION:** 11000 Block of SW Tigard Street. 48 acres on Tax Lots 1S134DD 900, 1000, 2400, 2500; 2S103AA00200; 2S103AB00200; 1S134DC, 3000, 3001, 3002, 3100, 3101, 3102, 3300, 3400;

**ZONE/  
COMP PLAN**

**DESIGNATION:** PR/Public Institution and Open Space

**APPLICABLE  
REVIEW**

**CRITERIA:** Community Development Code Chapter: 18.775 Sensitive Lands.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that Planning Commission find that the proposed Comprehensive Plan Amendment will not adversely affect the health, safety and welfare of the City and meets the Approval Standards as outlined in Section V of this report. Therefore, Staff recommends that the Planning Commission recommend to City Council **APPROVAL** of the proposed amendment.

**THIS APPROVAL SHALL BE VALID FOR 18 MONTHS  
FROM THE EFFECTIVE DATE OF THIS DECISION.**

### **SECTION III. BACKGROUND INFORMATION**

#### **Proposal Description:**

The City requests removal of 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 would extend into mapped wetlands will provide overlooks into these unique habitat areas. This comprehensive plan map amendment will enable the future installation of the boardwalks. The park improvements themselves are not a part of this application.

#### **Context of the Request**

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 economic, social, environmental, and energy (ESEE) analysis of the proposed removal of 0.12 acres from the Local Wetland Inventory to accommodate two planned boardwalks, consistent with TDC 18.775.

In 2013, the two boardwalks were included among other park improvements in the Conditional Use Permit (CPA2013-00001) and Sensitive Lands Review that was reviewed by the Hearings Officer. The Hearings Officer approved the proposed improvements except for the installation of the boardwalks and expressly noted the potential for an exception via a comprehensive plan amendment, which is the subject of this application.

#### **Vicinity Information:**

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 subject site also includes an existing, paved section of the Fanno Creek Trail. The project site is located in the Tigard Area 3 neighborhood.

### **SECTION IV. NOTICE AND COMMENTS FROM INTERESTED PARTIES**

The city sent notice of a Public Hearing to interested parties and posted the request on the city's website on May 6, 2015. The city published notice of the Planning Commission and City Council hearings in the May 14, 2015 issue of the Tigard Times. The city received written comments from the Tualatin RiverKeepers and Oregon Department of Fish and Wildlife in support of the requested comprehensive plan amendment. These letters are included within the land use application materials, which is attached to this staff report.

### **SECTION V. APPLICABLE REVIEW CRITERIA AND FINDINGS**

The following review criteria apply to the proposed Comprehensive Plan Amendment (CPA) to the City of Tigard "Wetland and Stream Corridors" map.

**18.775.090 Special Provisions for Development within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek**

**A. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0030) pertaining to wetlands, all wetlands classified as significant on the City of Tigard “Wetlands and Streams Corridors Map” are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130.**

The subject property includes locally significant wetlands that are identified as locally significant wetlands on the City of Tigard “Wetlands and Stream Corridors” map and are, therefore, protected. The applicant has applied for the Plan Amendment Option in Section 18.775.130 to remove Goal 5 protections from 0.12 acres of significant wetlands to allow the proposed boardwalks for habitat enhancement and educational purposes.

**18.775.130 Plan Amendment Option**

**Any owner of property affected by the Goal 5 safeharbor (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.**

The applicant has chosen to demonstrate the amendment is justified through an ESEE analysis, rather than a demonstration that the wetlands are not significant.

The applicant submitted an ESEE analysis dated 2-24-15 (Appendix B of Application) prepared in accordance with OAR 60-23-040, to justify removal of Goal 5 protection from 0.12 acres of significant wetlands on the subject property.

This provision is met.

**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;**

As described in the ESEE analysis, the applicant has considered the ESEE consequences of allowing the conflicting use, in this case the two trail boardwalks, and considered the impacts on the specific resource site as well as other comparable sites within Tigard. As described in the applicant’s analysis, the consequences of allowing the proposed conflicting use provide a net positive benefit to the resource through enhancements and the controlled access to the resource area. Since the proposal is specific to environmental education opportunities within these unique wetlands at Dirksen Nature Park, no other comparable sites exist within the Tigard Planning Area.

This provision is met.

**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;**

The ESEE analysis outlines the predominantly positive economic benefits of limiting the conflicting use by allowing the construction of the boardwalks to provide resource enhancement and access for educational purposes.

The ESEE analysis indicates that 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.”

As identified in the ESEE analysis, based on a US Fish and Wildlife Service report in calculating economic benefits of “refuge” visitation, “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.”

In addition, “The focus of the Washington County Visitor’s Association 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.”

The proposed comprehensive plan amendment supports the city’s investment of park acquisition funds and enhances and improves access to the resource to provide opportunities for increased visitation for tourism and environmental education. The Tigard City Council may find that the economic benefits are sufficient to justify partial loss (0.12 acres, or 5,227 square feet) of the wetland resource.

This provision is met.

**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;**

The applicant states in their ESEE analysis that “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.”

Because of the unique nature of these wetland resources within Tigard and the unique education and access management control functions provided by the boardwalks, there are no alternative sites within the Tigard Planning Area that can meet the specific needs of the proposed use.

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;**

The ESEE Analysis provided in Appendix B was prepared by a qualified team consisting of a land use attorney with Jordan Ramis, PC and environmental scientists with WH Pacific, 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.**

On approval of this request, the ESEE analysis will be incorporated by reference into the Tigard Comprehensive Plan, and the “Tigard Wetland and Stream Corridor Map” will be amended to remove the sites (Appendix C: Survey of Proposed Exclusion Areas) from the inventory.

FINDINGS: As shown in the analysis above, the proposed Comprehensive Plan Amendment is consistent with the applicable provisions of TDC Chapter 18.775 Sensitive Lands.

## **SECTION VI. OTHER STAFF COMMENTS**

The City Police Department reviewed the proposal and has no objections to it.

The City Public Works Department was notified of the proposal and did not provide comment.

## **SECTION VII. AGENCY COMMENTS**

Oregon Department of Fish and Wildlife (ODFW) commented in a letter dated March 2, 2105 in support of the proposed comprehensive plan amendment. The letter also includes recommendations for further protecting fish and wildlife and their habitats. This letter is included as an attachment to this staff report.

Oregon Department of Land Conservation and Development (DLCD), Oregon Division of State Lands (DSL), Washington County, and Metro were notified of the proposal but provided no comment.

## **SECTION VIII. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION**

### **ANALYSIS:**

As shown in the analysis above, the applicant’s ESEE analysis addresses the requirements of the Tigard Development Code, Chapter 18.775 Sensitive Lands. The subject property contains locally significant wetlands protected under Goal 5 safeharbor. The applicant has applied for a quasi-judicial comprehensive plan amendment under a Type IV procedure. The application is based on a specific development proposal for two boardwalks for habitat enhancement and environmental education. The applicant has demonstrated that such an amendment is justified by an ESEE analysis consistent with OAR 660-23-040.

The ESEE 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 use 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.

### **CONCLUSION**

Based on the findings and analysis, staff finds that the proposed Comprehensive Plan Amendment is consistent

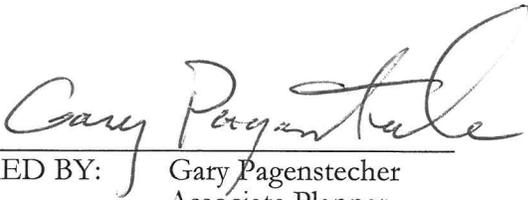
with applicable provisions of the Tigard Development Code, Chapter 18.775 Sensitive Lands. Staff agrees with the conclusion of the applicant's ESEE Analysis and recommends modifying the decision from prohibiting conflicting uses to limiting conflicting uses within the 0.12 acre significant wetland areas for resource enhancement and environmental education purposes.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend to City Council approval of the proposed Comprehensive Plan Amendment modifying the current resource protection decision from prohibiting conflicting uses to limiting conflicting uses and removing 0.12 acres from the significant wetlands inventory described in the "Tigard Wetland and Stream Corridor Map".

**Attachments:**

**Exhibit A** City's Application dated February 14, 2015.



PREPARED BY: Gary Pagenstecher  
Associate Planner

June 29, 2015  
DATE



APPROVED BY: Tom McGuire  
Assistant Community Development Director

July 30, 2015  
DATE

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

*Submitted to:*  
City of Tigard, Oregon

February 24, 2015

WHPacific  
9755 SW Barnes Rd, Ste 300  
Portland, OR 97225  
Phone: (503) 626-0455

Jordan Ramis, PC  
Two Centerpointe Drive, 6th Floor  
Lake Oswego, OR 97035  
Phone: (503) 598-7070

*Prepared by:*  
Conservation Technix, Inc.  
PO Box 12736  
Portland, OR 97212  
Phone: (503) 989-9345

# **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

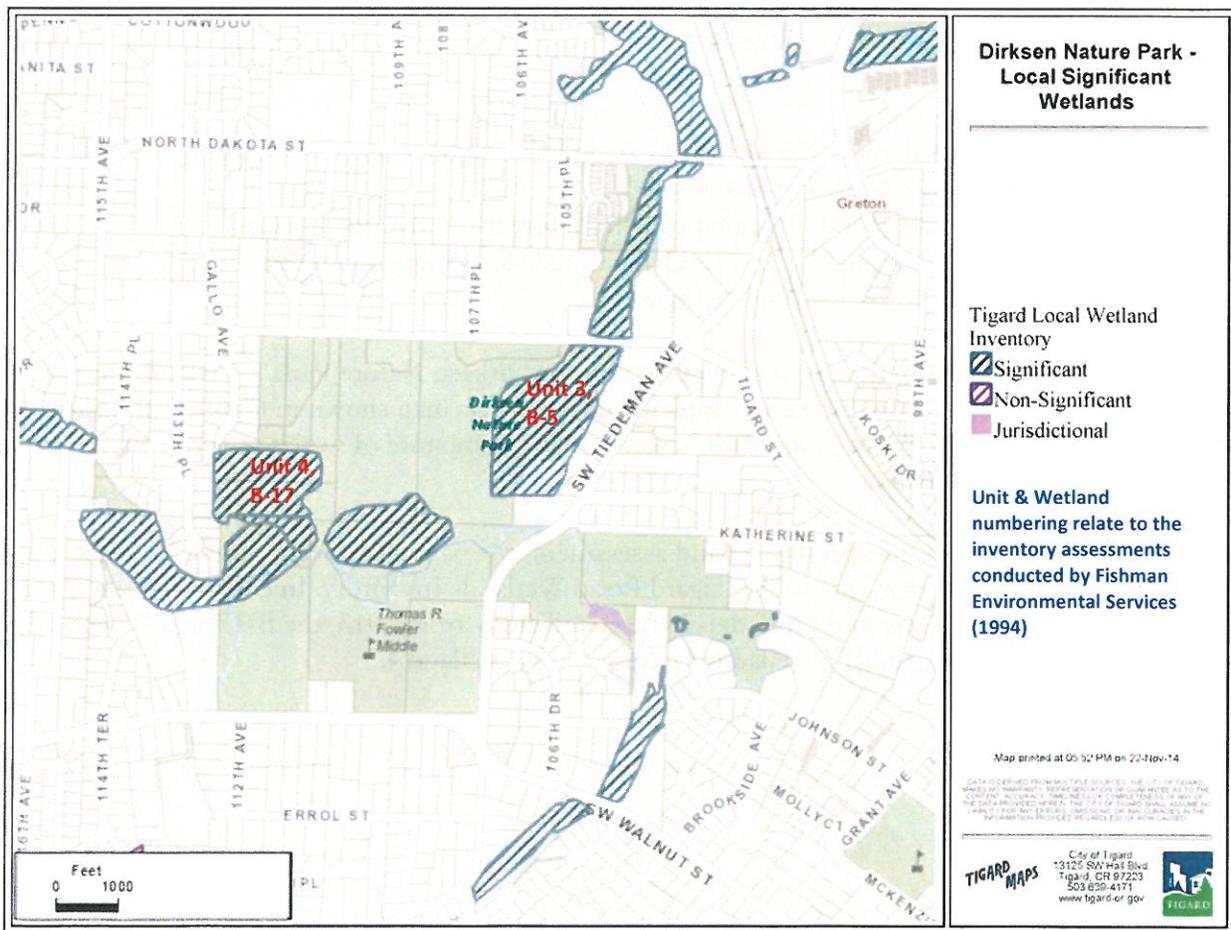


Figure 2 provides summary data from the Tigard Local Wetlands Inventory of the quality (functions) and size of both relevant wetlands (totaling 19.37 acres) inventoried by FES.

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.



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.

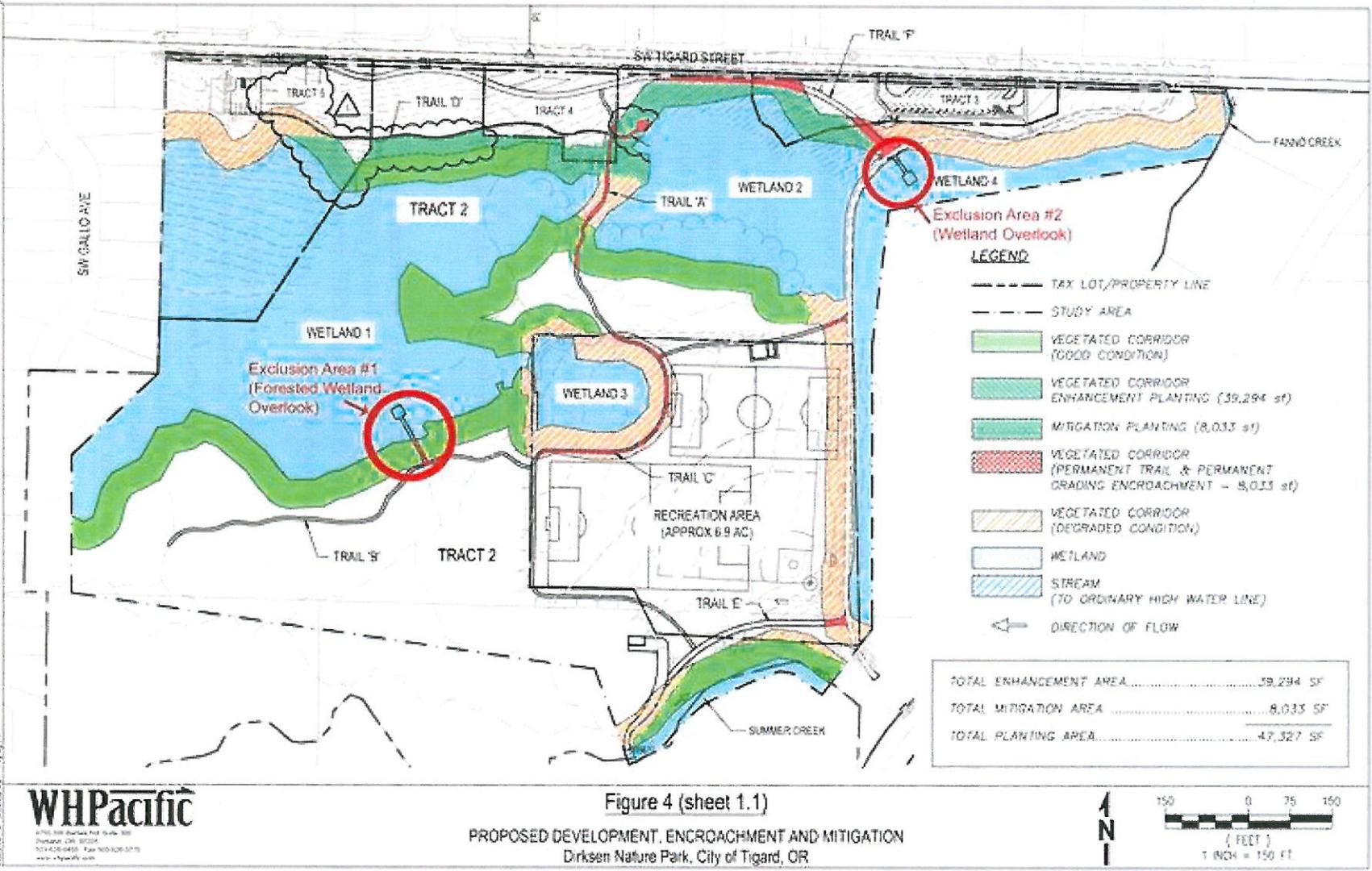


Figure 4: Mapped Significant Wetlands near Dirksen Nature Park

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 6: Enlargement of Removal Area 2

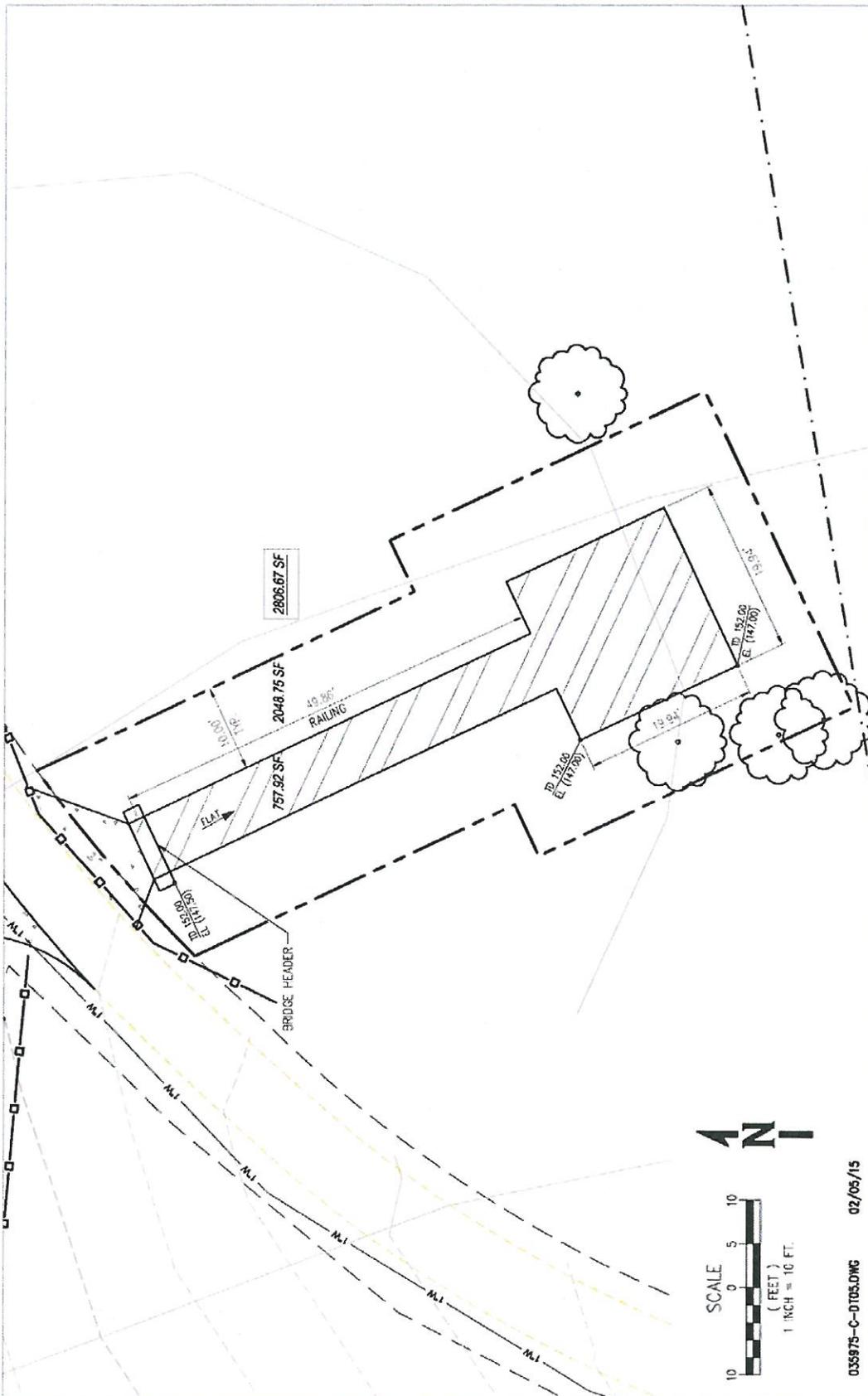


Figure 7 summarizes relevant acreage information about the park, its wetlands and the potential impact areas associated with the two planned boardwalks.

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
<b>SITE: Dirksen Nature Park Wetland Boardwalks</b>			
<b>Economic</b>			
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
<b>Economic Subtotal</b>	<b>21</b>	<b>23</b>	<b>19</b>
<b>Social</b>			
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
<b>Social Subtotal</b>	<b>15</b>	<b>23</b>	<b>13</b>
<b>Environmental</b>			
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
<b>Environmental Subtotal</b>	<b>17</b>	<b>17</b>	<b>13</b>
<b>Energy</b>			
Transportation Connectivity	1	5	3
Efficient Urban development	3	3	3
Shading and cooling	3	3	1
<b>Energy Subtotal</b>	<b>7</b>	<b>11</b>	<b>7</b>
<b>Average Overall Rating</b>	<b>60</b>	<b>74</b>	<b>52</b>

CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
July 6, 2015

**CALL TO ORDER**

President Rogers called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**ROLL CALL**

Present:           President Rogers  
                      Vice President Fitzgerald  
                      Alt. Commissioner Enloe  
                      Commissioner Lieuallen  
                      Alt. Commissioner Mooney  
                      Commissioner Muldoon  
                      Commissioner Schmidt

Absent:            Commissioner Feeney; Commissioner Middaugh; Commissioner Smith

Staff Present:    Tom McGuire, Assistant Community Development Director; Gary Pagenstecher, Associate Planner; Doreen Laughlin, Executive Assistant; Steve Martin, Parks; Carla Staedter, Project Coordinator Engineering

**COMMUNICATIONS –**

**CONSIDER MINUTES**

May 18 Meeting Minutes: President Rogers asked if there were any additions, deletions, or corrections to the May 18 minutes; there being none, Rogers declared the minutes approved as submitted.

**OPEN PUBLIC HEARING**

President Rogers opened the public hearing.

**PUBLIC HEARING**

DIRKSON NATURE PARK WETLANDS EDUCATION – CPA2015-00002

REQUEST: Comprehensive Plan Amendment approval is requested to remove 0.12 acres of Tigard significant wetlands from the Wetlands and Stream Corridor map 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 the mapped wetlands will provide overlooks into these unique habitat areas. APPLICANT: City of Tigard  
LOCATION: 48 acres - 11000 Block of SW Tigard Street.

**QUASI-JUDICIAL HEARING STATEMENTS**

President Rogers read the required statements and procedural items from the quasi-judicial hearing guide. There were no abstentions; there were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: Commissioners Fitzgerald, Rogers, and Muldoon. No one wished to challenge the jurisdiction of the commission.

## STAFF REPORT

Associate Planner, Gary Pagenstecher went over the staff report. Staff reports are available on-line one week in advance of the meeting. Gary explained that a draft staff report dated June 29<sup>th</sup> went out with the original mailing but that they now had before them the final/approved version dated June 30<sup>th</sup>. He said there were only some minor clarifying languages between the two and nothing substantively different. The City, as the applicant, requests removal from the wetlands and stream corridors comprehensive plan inventory map, Goal 5 prohibition. They have conflicting uses on a total of .12 acres – about 5000 sq ft, located on two sites within the Dirksen Nature Park. This is for the purposes of public education and resource enhancement. The location of the proposed boardwalks are required to be in the resource to be effective – to provide effective access for educational purposes.

Gary compared this with the most recent Goal 5 review that had been before the commission with A&O Apartments. He reminded them that they'd received an education on Goal 5 protections then. In comparison – that was about four times the size (.41 acres); it was for the purposes of private development to ostensibly avoid increased development costs of structured parking or taller buildings. It was a discretionary impact – it didn't have to go there. It wasn't the nature of the development that required the impact like it is for this proposal. He said he mentions this because he wants to point out that it's very different this time and wanted to highlight the difference.

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that the proposed Comprehensive Plan Amendment will not adversely affect the health, safety and welfare of the City and meets the Approval Standards as outlined in Section V of the staff report. Therefore, Staff recommends that the Planning Commission recommend to City Council APPROVAL of the proposed amendment.

QUESTIONS FROM THE COMMISSIONERS – None

## APPLICANT'S PRESENTATION

Steve Duh of Conservation Techniques Land introduced himself as a land use planner assisting the City. He gave the following history and context regarding the project:

Voters approved a \$17M Park Bond back in 2010. Immediately thereafter, in December, the City was in a position to purchase the Dirksen Nature Park from the School District and intended to have that property become a future Community Park. The City was awarded about \$2.5M in grants from multiple sources supporting the acquisition of the site. One grant was from Metro which required a conservation easement be tied to the property as a funding condition. That easement protects 35 of the 48 acres of Dirksen Nature Park. Trails, boardwalks, interpretive

signs and other environmental education elements are permitted within the conservation easement. Steve said he mentions that because the two boardwalk locations are within the conservation easement. Another grant was from the Oregon Watershed Enhancement Board which also had a stipulation that required that the site be used for environmental education. So as a Community Park that has a focus on environmental education with a conservation easement in place – there were a lot of layers that the city had to consider as it considered how to design and develop the future park. With these in mind, the Parks Division led preparation of a site Master Plan to guide the future design elements. The master planning process engaged many local residents, stakeholders, included public meetings - as well as had review and approval by the Parks & Recreation Advisory Board. It took about a year to go from their approval in July 2012 to July of 2013 to have the project mature enough to be in a position to move forward with land use reviews and permitting. The City submitted a land use application in July 2013 to permit the development of the park. The land use submittal is a Type III Conditional Use – so it went before the Hearings Officer. The hearing occurred in October, 2013 and the Hearings Officer conditionally approved the project. The decision did not approve the two planned wetland boardwalks that were included in the project and defined them as “development activity within the significant wetland” thus necessitating the current application that’s before you tonight through a Comp Plan amendment.

The proposal before you is to request the removal of 0.12 acres from the City’s local wetlands inventory and from sensitive lands review provisions of the Development Code and to accommodate the future installation of two trail boardwalks within Dirksen Nature Park. The proposal is consistent with as public feedback and the Park Master Plan regarding the design of the site that was approved by the Parks & Rec Advisory Board. The primary purpose of these boardwalks is environmental education for park users and to provide safe and accessible platforms for community groups, students, Tualatin Riverkeeper classes to view and begin to understand and appreciate the quality and nature of those wetland resources - so the boardwalks themselves are a venue for outdoor education. It’s important to note that the installation of the boardwalks, if approved, would also further reduce past damage that has occurred within those wetland areas through rogue trails or other human uses. Today, numerous existing rogue trails cross the site because of historic uncontrolled access through the property. These prior uses pre-exist the City’s purchase but the intent with the site to be a community nature park is to provide outdoor education and environmental opportunities such that a small encroachment into the wetlands will provide a big benefit for education and other opportunities to teach people about the value of those resources. Another benefit of the boardwalk is to aim to eliminate those rogue trails and provide for managed and controlled access at discreet points; make sure folks have a pointed way to get to the resource - without damaging the resource.

Steve pointed out that support letters for this action were provided from Tualatin Riverkeepers, Tualatin River Watershed Council, and the Oregon Department of Fish and Wildlife. Approval of the original land use packet discussion for the whole park that was processed by the Hearings Officer also was reviewed and approved by Clean Water Services, Oregon Department of City Lands, and the U.S. Army Corp of Engineers.

As part of the ESEE Analysis and staff report in favor of the proposal we ask that the Planning Commission approve the requested Comp Plan Amendment and forward it to City Council for approval.

Carla Staedter, Project Coordinator for the City of Tigard came up and explained that the site is well utilized by many people and that the Master Plan allows for controlled access on a single loop trail. The goal is to make that as interesting as possible. It also provides opportunities for the folks using the site and the folks taking tours through the site - as well as the Tualatin Riverkeepers who are leading these tours – to provide the richest experience of the seven ecosystems that exist on that site. The goal is to take something out of protection in order to protect it. She said that seems ironic, but it's necessary, as nearly 2000 children go through the site per year now. They go with guides leading them through the area - but that's a lot of people to move through the site and a lot of people to experience that site; having the infrastructure in place to do that is important. Dirksen Nature Park is considered a regionally significant facility.

Carla noted that the proposed boardwalks will not be situated in the middle of the wetlands, but rather at the edges, where they'll do the least damage while also allowing a good view in.

## QUESTIONS

How will you redirect or close the existing cut-through trails to get people to stay on the single loop? The single loop trail that's going to go through the site is going to be the easiest way to move through the site. That alone will catch a good 95 – 98% of the people. Then we're looking at weaving plant material along the edge of that trail so that the only places that are easy to enter the resource are the areas where we have infrastructure in place. The same type of strategy will also apply to our Oak Savanna.

Are benches being considered for the boardwalk? Right now we're looking at just the basic pieces; however, as part of our interpretive plan, I'm sure we'll be looking at those kinds of opportunities – ways to wait and linger quietly.

I'm interested in long term management question. I'm for the trails and more dedicated trails, connectivity, etc., but I worry about the long term management – I worry about people tossing trash over these boardwalks, etc. Is there a management plan for these new platforms? It'll be part of our overall maintenance of the park in general. As infrastructure comes on board, our staff will know what maintenance activities take place at each of those pieces of infrastructure. Because it's part of the system, trash pickup and watching over it are all part of managing our parks. This is our second largest park – only behind Cook Park; so it's not a park that's considered insignificant. It will be very carefully watched by our park staff. We also have ongoing restoration that's going on. We're partnered up with many different agencies in order to do that. Clean Water Services is working with us; Tualatin Riverkeepers are working with us; we have a lot of corporate groups that support this site - Intel is one big one. Last year one of Intel's groups comprised of 322 people came out and cleared over six acres of non-native vegetation. So there's a huge community interest in restoring the resources that are onboard there. Our Parks Crew augments that with the ongoing weekly maintenance activities that will happen.

Please talk about the building phase – how many trees are we knocking out, what are the size of the trees that we're knocking out, what will we do to impact the environment that we're supposed to be protecting? I know there's a couple of people that we'd expect to be

in the audience tonight that aren't here - but I believe those are the questions that they would ask. Yes, this particular construction methodology is very low impact. It's called a pin piling. The actual footprints of the pins are very, very small. They're basically screwed in and they flare out - and that's what provides the structural support. It doesn't take a giant piece of equipment to get those into place. As far as losing trees - we might have to cut one or two Willows on the edge of the emergent wetland. No trees will be impacted on the forested wetland. The only thing that will happen there is the boardwalk will go in - all the trees will stay in place as they are.

My concern is that over the past 20 years we've been buying a lot of property at the City of Tigard and we've been denying access to vast tracts on that property. For example, the library property is great - great trails, great paths - but my kid can't walk to the edge of the water. Cooks Park - same thing. It sounds like what you're really wanting to do with this boardwalk is exactly that - limit access to large parts of this property we've all paid for. The forested wetland boardwalk actually is up and it's so close to the trees that you'll be able to touch the trees. It's designed so that kids can peek through and literally see the water under their feet. I would say that it's a totally different experience than what you're talking about. It's controlled access but a great deal of thought is given as to how you're going to experience that. Unfortunately, we can't offer unlimited access or we would lose the resource. Our strategy is not to keep people out, but to allow them to experience it in a way that's very dynamic.

So in your estimation, these boardwalks give the greatest enjoyment to the greatest number of citizens in Tigard? Absolutely! That's what the goal is. It will not be a boring experience - it will be a really cool experience of what this site offers.

And how do we treat people who leave these boardwalks or paths - these controlled areas? Are there park exclusions? Are there fines for leaving the path? No. We just make it tougher so that it's not all that fun to leave it. To leave it, you'd either have to climb over rocks, plant materials, and various things that are in place to gently guide people off the area. It's super pleasant, open and flowing. People won't go in and say, "Oh! People are controlling my access!" What they're going to do is walk in there and say "Wow! This is cool!"

TESTIMONY IN FAVOR - April Albrecht, PO Box 338, Hillsboro, OR - Coordinator of the Tualatin River Watershed Council said the Council was very pleased to submit a letter of support for this project and that she, personally, was pleased to be able to provide testimony in support of it. She said the Council was very interested in instilling a sense of stewardship in the young people of Tigard and the Tualatin Basin. These young people will take care of this resource after some of us end up retiring. We hope we have great support out there and people who are interested and willing to take that on. We think this is a great solution where the wetland area is protected because of these pathways and being able to get around without causing damage - and also providing the educational experience so that folks can appreciate and know how to take care of things in the future.

QUESTIONS - None.

TESTIMONY IN OPPOSITION - No one was present to personally testify; however, testimony in opposition came in by way of an email from Ms. Sue Beilke (Exhibit A).

APPLICANT REBUTTAL - None

PUBLIC HEARING – CLOSED

No further testimony or questions from the audience are allowed.

DELIBERATION

There was a short deliberation with everyone on the commission speaking in favor of this project.

MOTION

Commissioner Fitzgerald made the following motion: “I move the Planning Commission forward a recommendation of approval to City Council of application CPA2015-00002 and adoption of the findings in the staff report and based on the testimony received.”

Commissioner Schmidt seconded the motion.

ALL IN FAVOR – None opposed – No abstentions.

MOTION PASSES UNANIMOUSLY

OTHER BUSINESS –

Assistant Community Development Director Tom McGuire gave a brief rundown of what would be coming up on the Commission calendar.

ADJOURNMENT

President Rogers adjourned the meeting at 7:48 p.m.

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Doreen Laughlin, Planning Commission Secretary

---

ATTEST: President Jason Rogers

Testimony received after July 6, 2015 Planning Commission hearing.

-----Original Message-----

From: sue beilke [<mailto:beilkesue@gmail.com>]

Sent: Monday, July 06, 2015 3:49 PM

To: Gary Pagenstecher

Cc: [johnbenassu@comcast.com](mailto:johnbenassu@comcast.com)

Subject:

Gary,

Please forward these comments to the Planning Commission members for tonight's hearing.

Thank you.

Sue

Dear Planning Commission:

Regarding the proposal for the removal of 0.12 acres of Tigard's significant wetlands from the Wetlands and Stream Corridor map:

As a board member of the Fans of Fanno Creek, we urge the Commission NOT to remove these wetlands from having protection and shown on the current WSC map for several reasons. 1) The city of Tigard bought this property and PROMISED the citizens they would protect ALL of the site including the wetlands. If they remove the protections currently afforded to this 0.12 acres, they will have voided the agreement and the bond measure passed for the acquisition of this site. This will lead the city into "hot water" with citizens. 2) The placement of the proposed two boardwalks is NOT the original placement agreed upon by CWS, Metro, Fans, and a number of other entities that walked the site and came up with the boardwalk idea. Hence why Fans is opposed to the current placement. 3) The boardwalk placement proposal near Fanno Creek is in a wetland that is protected by a conservation easement for a mitigation site, and is protected by state and federal wetland mitigation laws. Therefore, this wetland CANNOT be removed from the Tigard WSC map.

Fans worked for over 15 years with local citizens and Fowler students to protect and preserve this site. The city needs to be on board with the full protection of the property, that includes NO wetland loss, NO habitat loss, and protection of the existing wildlife on the site.

That means no more trails and no more development on the site, period.

Fans of Fanno Creek will continue to work toward full protection and preservation of this unique site so that habitats and wildlife are protected as was originally agreed upon prior to the acquisition of the site when Trust for Public Lands became involved and helped with the acquisition. Fans pointed out to TPL that native turtles and red-legged frogs occurred on the site and it is primarily because of this that TPL became involved and invested in protecting this property some years ago. As stated previously, the city of Tigard should be working to protect ALL of the site and should NOT be working toward destroying valuable wetlands for any reason.

Thank you for your consideration in this matter.

Sincerely,

Sue Beilke,

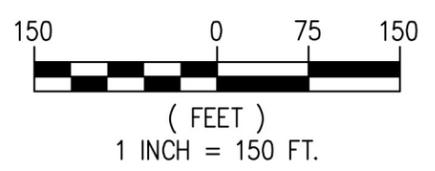
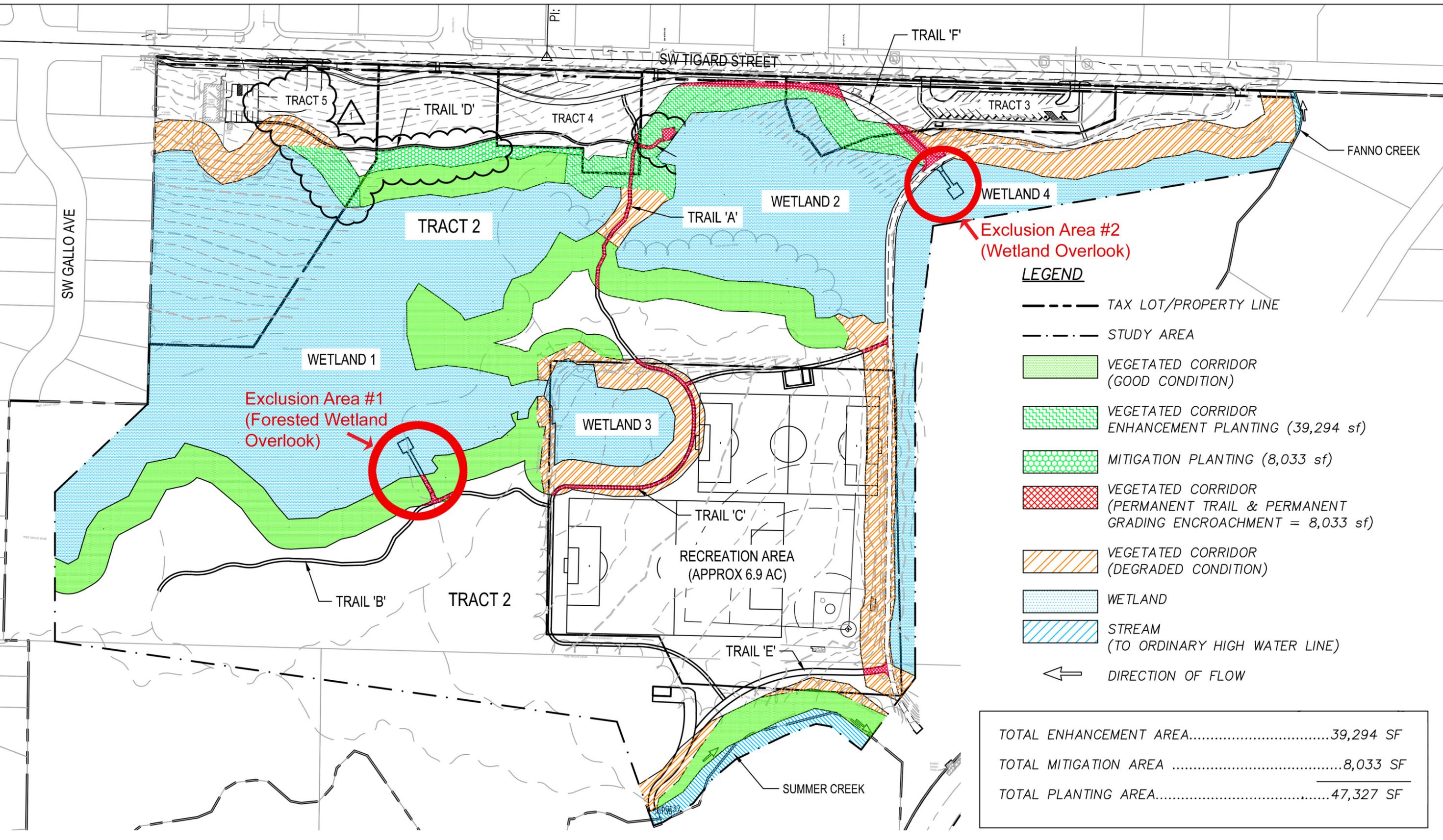
Board member, Fans of Fanno Creek

035975-C-WT04.DWG 10/9/14



9755 SW Barnes Rd, Suite 300  
Portland, OR 97225  
503-626-0455 Fax 503-526-0775  
www.whpacific.com

Figure 4 (sheet 1.1)  
PROPOSED DEVELOPMENT, ENCROACHMENT AND MITIGATION  
Dirksen Nature Park, City of Tigard, OR



**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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## FIGURES

Figure 1.	Vicinity Map
Figure 2.	Zoning Map
Figure 3.	Aerial / Recreation & Trails Development Plan
Figure 4.	Site Photos

## Section 1. Summary of Proposal

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<b>Applicant:</b>	Jeff Peck, Senior Engineering Technician City of Tigard Engineering Division 13125 SW Hall Boulevard Tigard, OR 97223 Phone: (503) 718-2466 Fax: (503) 624-0752 Email: <a href="mailto:jeffp@tigard-or.gov">jeffp@tigard-or.gov</a>
<b>Applicant's Representative:</b>	Steve Duh Conservation Technix PO Box 12736 Portland, OR 97212 Phone: (503) 989-9345 Email: <a href="mailto:steve@conservationtechnix.com">steve@conservationtechnix.com</a>
<b>Project Request:</b>	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.
<b>Location:</b>	11000 Block of SW Tigard Street
<b>Site Size:</b>	48 acres
<b>Tax Lot Description:</b>	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
<b>Comprehensive Plan Designation:</b>	Public Institution and Open Space
<b>Current Zoning:</b>	PR
<b>Applications Submitted For:</b>	Type IV Comprehensive Plan Map Amendment
<b>Neighborhood:</b>	Tigard Area 3
<b>Summary:</b>	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**

**Land Use Planner:**

Conservation Technix  
PO Box 12736  
Portland, OR 97212  
Phone: (503) 989-9345

**Environmental Sciences:**

WHPacific  
9755 SW Barnes Rd, Ste 300  
Portland, OR 97225  
Phone: (503) 626-0455

**Land Use Attorney:**

Jordan Ramis, PC  
Two Centerpointe Drive, 6th Floor  
Lake Oswego, OR 97035  
Phone: (503) 598-7070

## Section 2. Current Conditions

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**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."

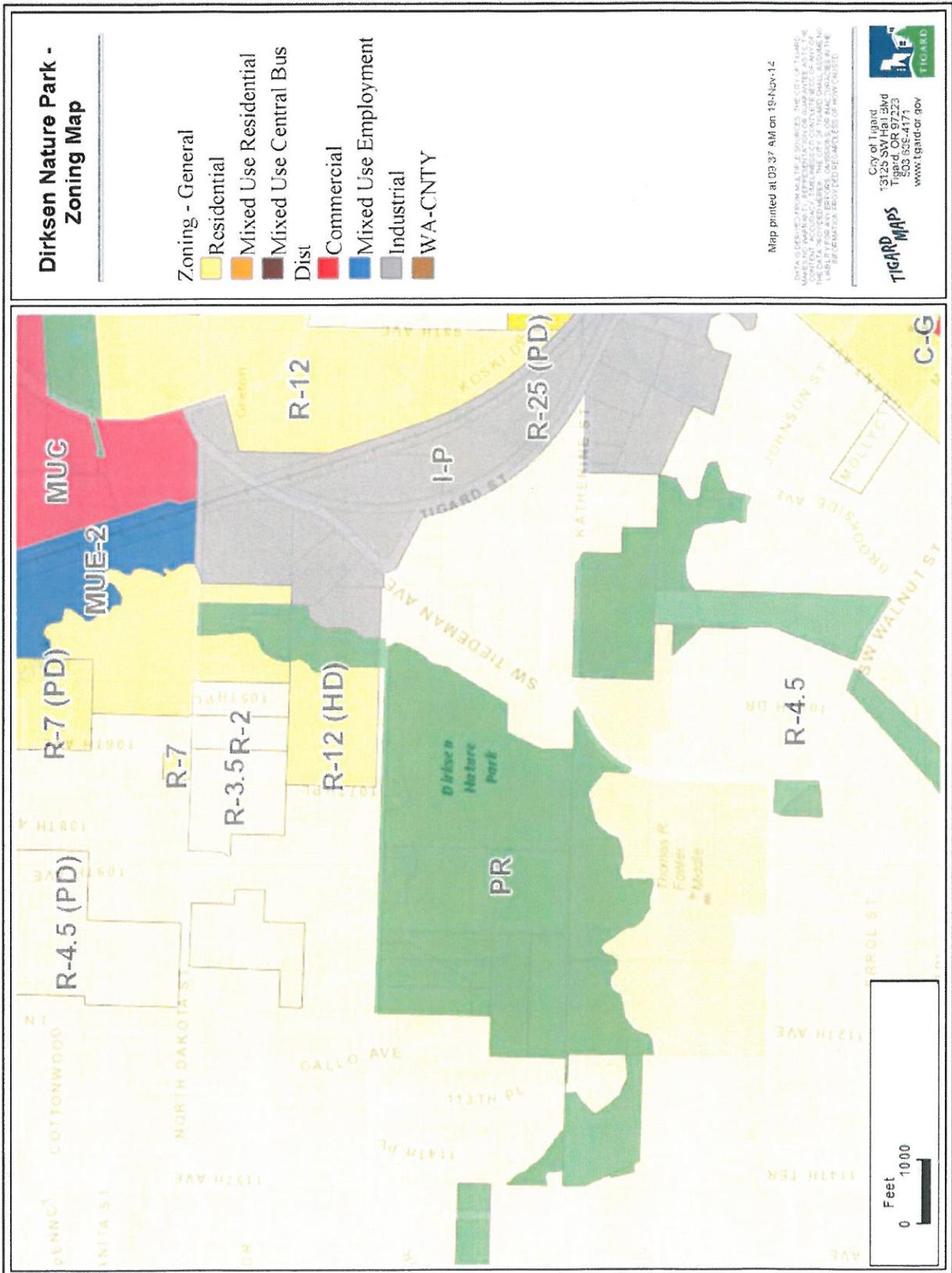
As described by the Hearings Officer, any land form alteration or development is prohibited, regardless of the non-invasiveness of the installation method or any social or community benefit potentially derived from such development. The Applicant is pursuing a comprehensive plan amendment that includes 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 4: Site Photos**



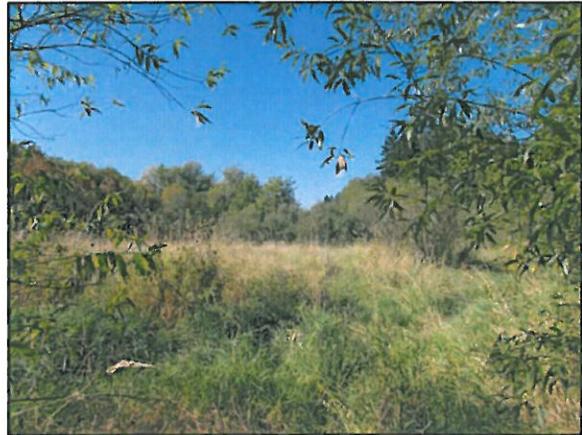
**Figure 4A – View into forested wetland**



**Figure 4B – Rogue trail in forested wetland**



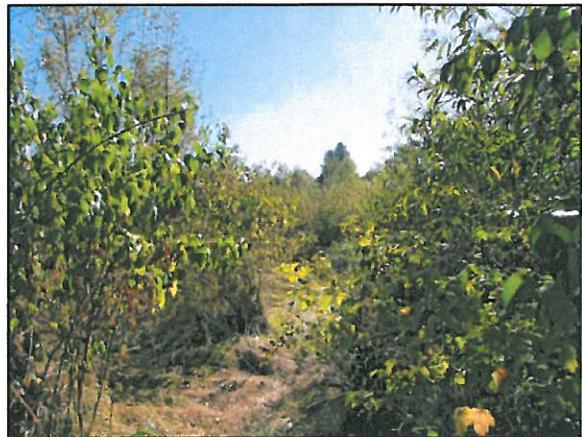
**Figure 4C – Rogue trail in forested wetland**



**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

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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

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## City of Tigard Memorandum

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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

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

*Submitted to:*  
City of Tigard, Oregon

February 24, 2015

WHPacific  
9755 SW Barnes Rd, Ste 300  
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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

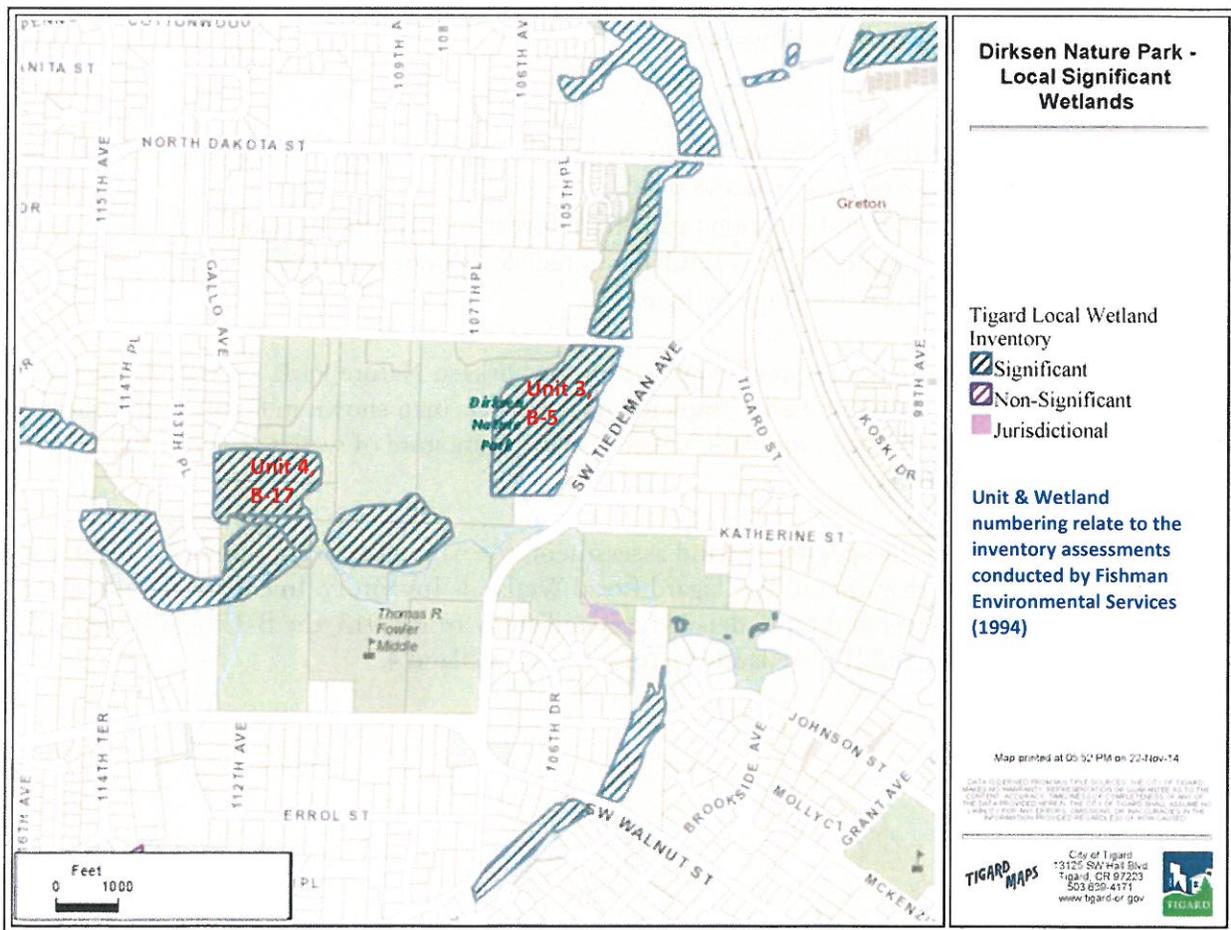


Figure 2 provides summary data from the Tigard Local Wetlands Inventory of the quality (functions) and size of both relevant wetlands (totaling 19.37 acres) inventoried by FES.

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

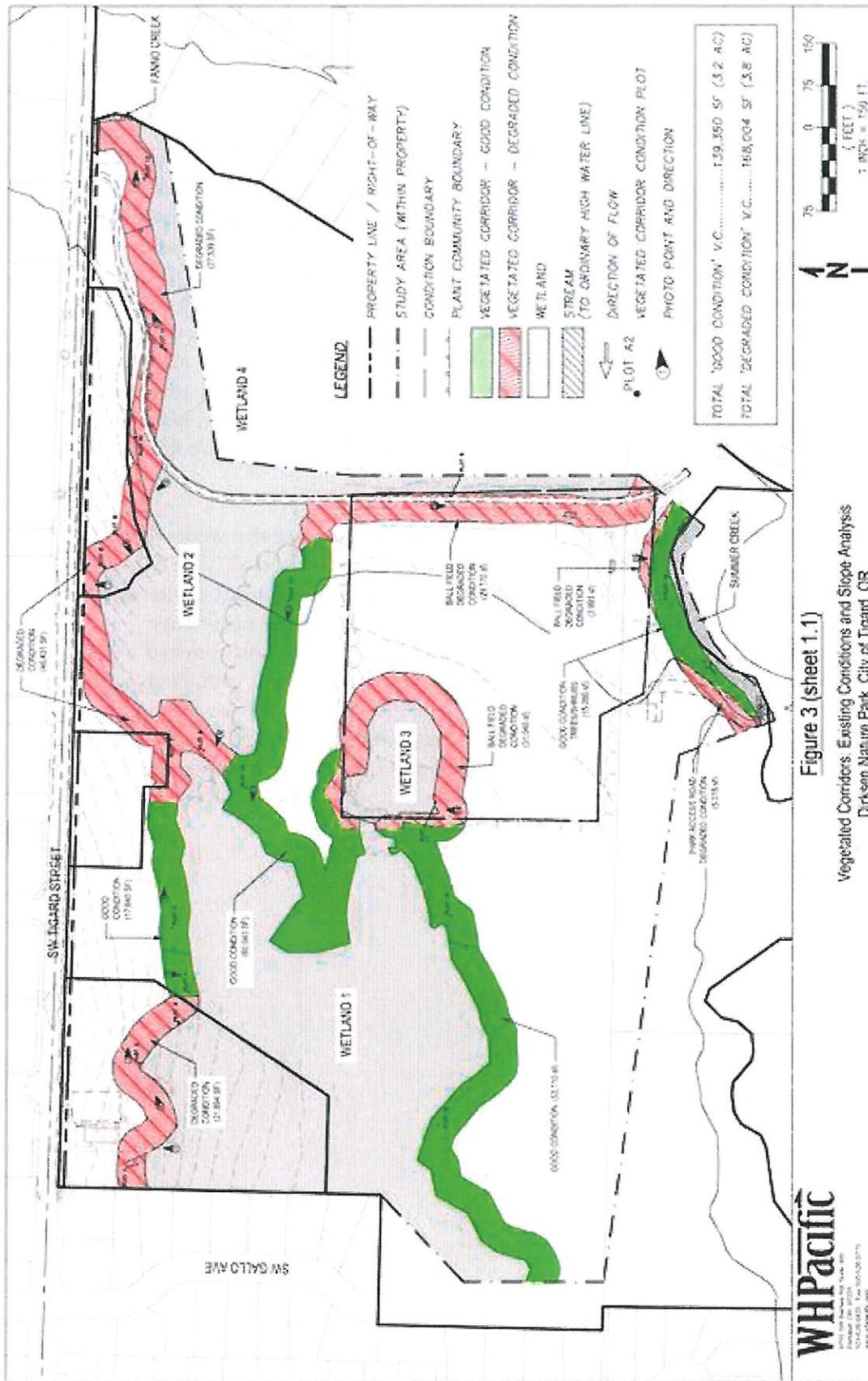
Upon review of the wetland data sheets from the Local Wetlands Inventory, the following was noted about these wetlands:

- 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

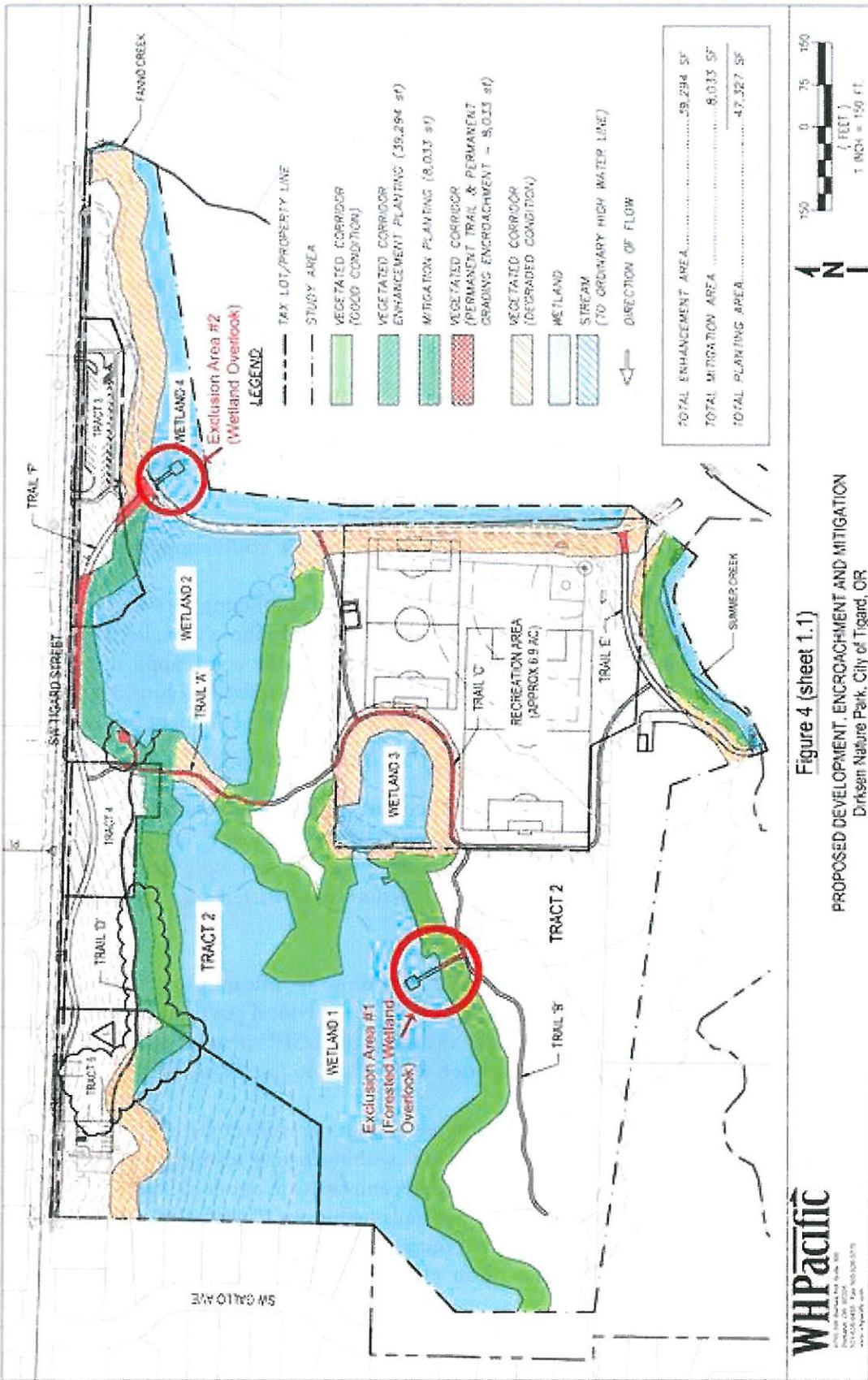


As described in the Natural Resources Assessment for Dirksen Nature Park, the following are descriptions of the two wetlands where the planned boardwalks are proposed.

**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 6: Enlargement of Removal Area 2

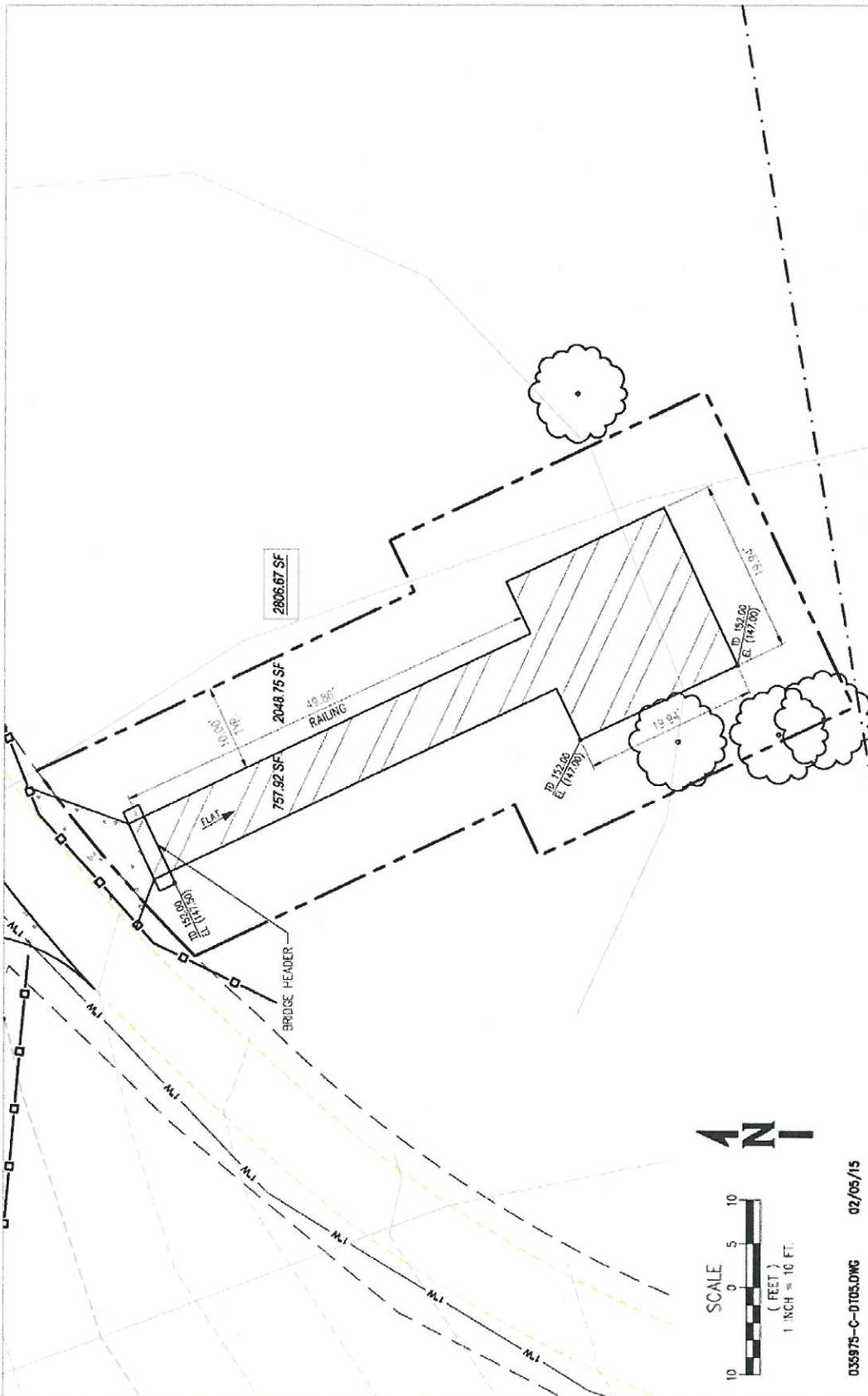


Figure 7 summarizes relevant acreage information about the park, its wetlands and the potential impact areas associated with the two planned boardwalks.

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
<b>SITE: Dirksen Nature Park Wetland Boardwalks</b>			
<b>Economic</b>			
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
<b>Economic Subtotal</b>	<b>21</b>	<b>23</b>	<b>19</b>
<b>Social</b>			
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
<b>Social Subtotal</b>	<b>15</b>	<b>23</b>	<b>13</b>
<b>Environmental</b>			
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
<b>Environmental Subtotal</b>	<b>17</b>	<b>17</b>	<b>13</b>
<b>Energy</b>			
Transportation Connectivity	1	5	3
Efficient Urban development	3	3	3
Shading and cooling	3	3	1
<b>Energy Subtotal</b>	<b>7</b>	<b>11</b>	<b>7</b>
<b>Average Overall Rating</b>	<b>60</b>	<b>74</b>	<b>52</b>

## 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.

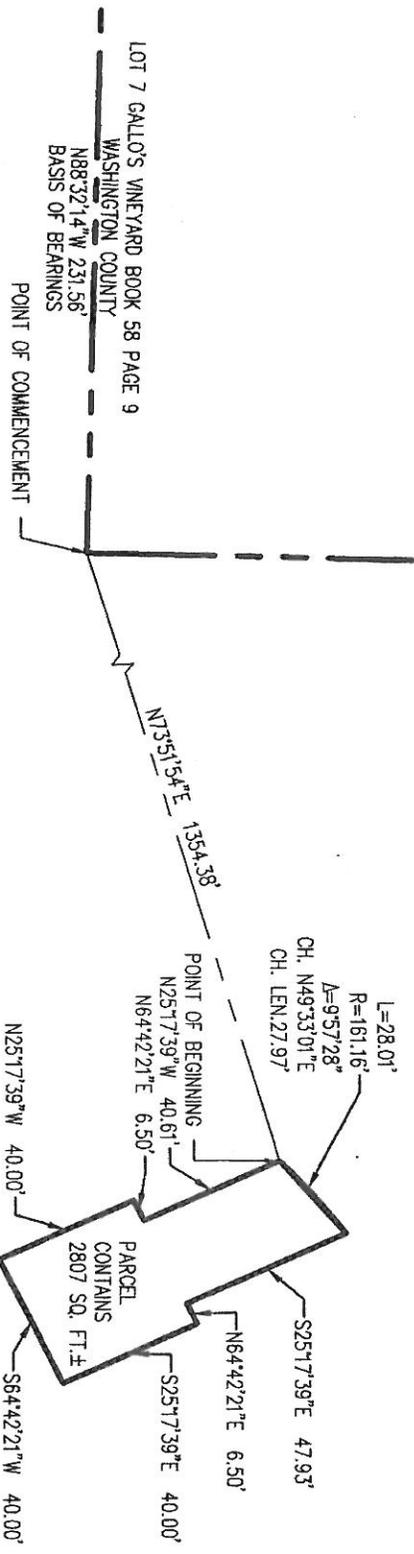
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*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	BMG
LAST EDIT	2/8/2015
PLOT DATE	2/8/2015

**WHPacific**  
 9755 SW Barnes Rd, Suite 300  
 Portland, OR 97225  
 503-628-0455 Fax 503-826-0775  
 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*

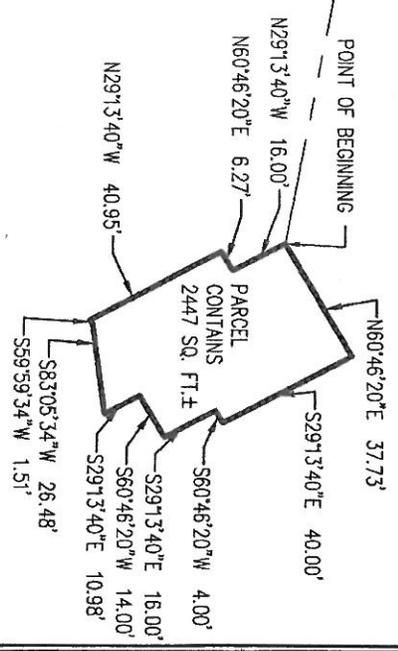
OREGON  
JULY 13, 2004  
SCOTT M. GRUBBS  
54728

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

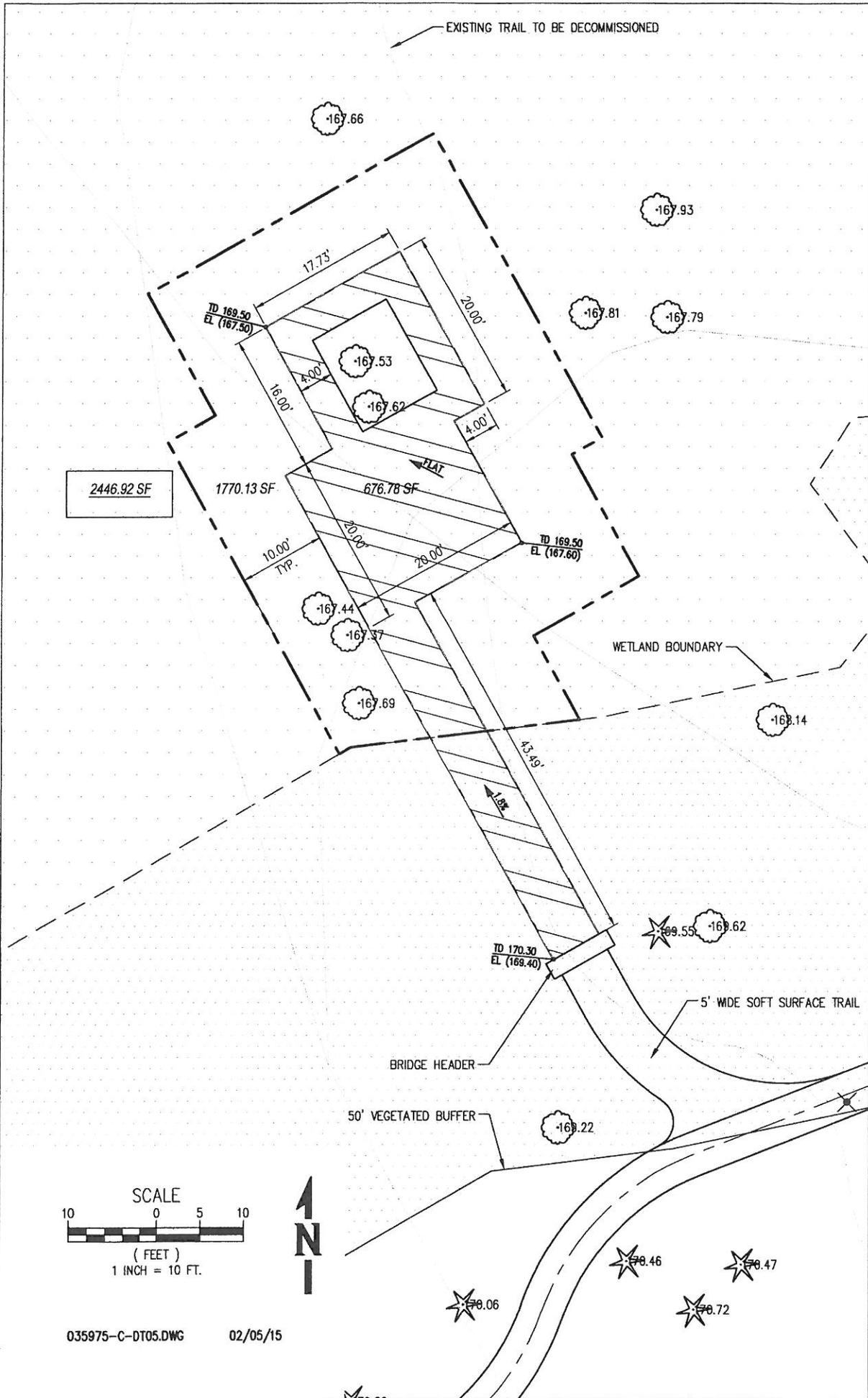
DRAWING INFO	
035975	
035975-V-EASEXH00	
1" = 50'	

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



-167.66

-167.93

-167.81

-167.79

-167.53

-167.62

-167.44

-167.37

-167.69

-168.14

-169.55

-169.62

-168.22

-78.46

-78.47

-78.06

-78.72

## Appendix D. Support Letters

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## TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

[www.tualatinriverkeepers.org](http://www.tualatinriverkeepers.org)

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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.

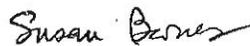
In addition to the above statement of support, ODFW would like to take this opportunity to offer several suggestions for protecting and enhancing fish and wildlife and their habitats at Dirksen Nature Park. Recommendations include:

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](mailto: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](http://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



Staff posted a short survey on the city's website on Thursday, July 16 to allow voters an opportunity to provide feedback to city council on the proposed amendments. Staff will present a summary of the comments at the July 28 council meeting.

There are two resolutions attached; one for each proposed amendment. Separate votes are required on the resolutions.

### **OTHER ALTERNATIVES**

N/A

### **COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

Included as an item in the list of "Issues for Further Council Discussion in the 2015-17 Tigard City Council goals adopted January 27, 2015.

### **DATES OF PREVIOUS CONSIDERATION**

December 22, 2014

March 17, 2015

May 12, 2015

June 2, 2015

July 14, 2015

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### **Attachments**

Proposed Charter Amendment 1

Proposed Charter Amendment 2

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 15-\_\_\_\_

A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE NOVEMBER 3, 2015 ELECTION, WHICH WOULD AMEND SECTION 7 OF THE CHARTER TO ALLOW COUNCIL MEMBERS TO RUN FOR CITY OFFICE WITHOUT RESIGNING CURRENT POSITION

---

WHEREAS, after due consideration, the Tigard City Council has decided to forward a proposed Charter Amendment to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: An election is hereby called in and for the City of Tigard, Washington County, Oregon, for the purpose of submitting to the legal voters the question of whether the Charter should be amended to allow sitting City Council members to run for City office without resigning current position.
- SECTION 2: The measure election hereby called shall be held in the City of Tigard on the 3rd day of November, 2015. The election shall be conducted by mail pursuant to ORS 254.465 and 254.470.
- SECTION 3: The Tigard City Council authorizes the mayor, the city manager (each an “authorized representative”) or a designee of the authorized representative to act on behalf of the City of Tigard and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.
- SECTION 4: Pursuant to ORS 250.285 and ORS 254.095, the Tigard City Council directs the city elections officer to file a Notice of City Measure Election in substantially the form of Exhibit A with the Washington County Elections Office, unless, pursuant to a valid ballot title challenge, the Tigard City Council certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the date on which Exhibit A is filed with the city elections officer and not later than September 3, 2015.
- SECTION 4: The city elections officer is further instructed to publish notice of receipt of the ballot title in a newspaper of general distribution in compliance with ORS 250.275(5).
- SECTION 5: Pursuant to ORS 251.345, the Tigard City Council directs the city manager to prepare a Measure Explanatory Statement for publication in the county voters’ pamphlet; said statement shall be filed with the Washington County Elections Office at the same time the Notice of City Measure Election is filed by the city elections officer.
- SECTION 6: The Act, containing the full Charter amendment, is attached hereto as Exhibit B and included in this resolution by reference.

SECTION 7: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

Mayor - City of Tigard

ATTEST:

---

City Recorder - City of Tigard

EXHIBIT A  
NOTICE OF CITY MEASURE ELECTION

**Notice of Measure Election**  
City

**SEL 802**

rev 1/14: ORS 250.035, 250.041,  
250.275, 250.285, 254.095, 254.465

<b>Notice</b>		
Date of Notice	Name of City or Cities City of Tigard	Date of Election November 3, 2015

The following is the final ballot title of the measure to be submitted to the city's voters.

<b>Final Ballot Title</b> Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.
<b>Caption</b> 10 words which reasonably identifies the subject of the measure
AMENDS CHARTER ALLOWING COUNCIL TO SEEK CITY OFFICE WITHOUT RESIGNING.

<b>Question</b> 20 words which plainly phrases the chief purpose of the measure
Shall the Charter be amended to allow sitting City Council members to run for City office without resigning current position?

<b>Summary</b> 175 words which concisely and impartially summarizes the measure and its major effect
The current Tigard City Charter ("Charter") requires an elected city official to resign from their office prior to seeking another elected City position, if there is overlap between the terms for the positions. This measure, if approved, would amend Section 7 of the Charter to remove the requirement that a person who is currently holding an elected position, as either Mayor or City Councilor, may not become a candidate for another City office held concurrently with their current position, unless that person first resigns from their currently held elected position. This would allow an elected City Councilor to run for Mayor without resigning their Council seat, if their council seat term overlapped with the mayoral term.

<b>Explanatory Statement</b> 500 words that impartially explains the measure and its effect, if required attach to this form			
If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.			
Measure Type	County producing voters' pamphlet	Local ordinance requiring submission	Explanatory statement required
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Not applicable
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes

<b>Authorized City Official</b> Not required to be notarized
→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

<b>Name</b>	<b>Title</b>	<b>Work Phone</b>
-------------	--------------	-------------------

<b>Signature</b>	<b>Date Signed</b>
------------------	--------------------

## EXHIBIT B

### AN ACT

A Charter amendment submitted to the voters by the Tigard City Council. The Charter of the City of Tigard is amended to read (new language is underlined, deleted language is stricken) as shown below and referenced in City of Tigard Resolution No. 15-\_\_\_\_\_.

#### Section 7. Mayor And Council.

The elective officers of the City shall be a Mayor and four councilors who together shall constitute the City Council. At the general election held in 1990, and every fourth year thereafter, a Mayor shall be elected for a term of four years. No councilor shall serve the City as councilor for more than eight consecutive years, nor shall the Mayor serve as Mayor for more than eight consecutive years. In no case shall any person serve on the City Council for more than twelve consecutive years. These limitations do not apply to the filling of an unexpired term.

~~No person who is serving as Mayor or councilor shall become a candidate for any City office for a term which would be concurrent with the term in office then held unless that person first submits a written resignation from the then current office at the time of filing for the other office. A resignation submitted to satisfy this section shall not be withdrawn. A resignation shall be adequate for purposes of this section if it provides for the termination of the signer's service in the office not later than the last day before service would begin in the office for which that person seeks to become a candidate.~~

In the event the office of Mayor or councilor becomes vacant before the normal expiration of its term a special election may be held at the next available date to fill the office for the unexpired term. Such an election shall only take place if the Council can schedule and hold a special election at least twelve months before the term would otherwise expire. If an election is held, it shall be held in accordance with the election laws of the state of Oregon and City ordinances not inconsistent with such election laws. The Council may appoint a person to fill a vacancy until an election can be held.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 15-\_\_\_\_

A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE NOVEMBER 3, 2015 ELECTION, WHICH WOULD AMEND SECTION 7 OF THE CHARTER TO ALLOW COUNCIL MEMBERS TO SERVE SIXTEEN CONSECUTIVE YEARS INSTEAD OF TWELVE CONSECUTIVE YEARS

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WHEREAS, after due consideration, the Tigard City Council has decided to forward a proposed Charter Amendment to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: An election is hereby called in and for the City of Tigard, Washington County, Oregon, for the purpose of submitting to the legal voters the question of whether the City's Charter should be amended to allow City Council members to serve sixteen consecutive years instead of twelve consecutive years.
- SECTION 2: The measure election hereby called shall be held in the City of Tigard on the 3rd day of November, 2015. The election shall be conducted by mail pursuant to ORS 254.465 and 254.470.
- SECTION 3: The Tigard City Council authorizes the mayor, the city manager (each an "authorized representative") or a designee of the authorized representative to act on behalf of the City of Tigard and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.
- SECTION 4: Pursuant to ORS 250.285 and ORS 254.095, the Tigard City Council directs the city elections officer to file a Notice of City Measure Election in substantially the form of Exhibit A with the Washington County Elections Office, unless, pursuant to a valid ballot title challenge, the Tigard City Council certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the date on which Exhibit A is filed with the city elections officer and not later than September 3, 2015.
- SECTION 4: The city elections officer is further instructed to publish notice of receipt of the ballot title in a newspaper of general distribution in compliance with ORS 250.275(5).
- SECTION 5: Pursuant to ORS 251.345, the Tigard City Council directs the city manager to prepare a Measure Explanatory Statement for publication in the county voters' pamphlet; said statement shall be filed with the Washington County Elections Office at the same time the Notice of City Measure Election is filed by the city elections officer.
- SECTION 6: The Act, containing the full Charter amendment, is attached hereto as Exhibit B and included in this resolution by reference.

SECTION 7: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

EXHIBIT A  
NOTICE OF CITY MEASURE ELECTION

**Notice of Measure Election**  
City

**SEL 802**

rev 1/14: ORS 250.035, 250.041,  
250.275, 250.285, 254.095, 254.465

<b>Notice</b>		
Date of Notice	Name of City or Cities City of Tigard	Date of Election November 3, 2015

The following is the final ballot title of the measure to be submitted to the city's voters.

<b>Final Ballot Title</b> Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.
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<b>Caption</b> 10 words which reasonably identifies the subject of the measure
AMENDS CHARTER TO ALLOW ADDITIONAL TERM.

<b>Question</b> 20 words which plainly phrases the chief purpose of the measure
Shall the Charter be amended to allow Council Members to serve sixteen consecutive years instead of twelve consecutive years?

<b>Summary</b> 175 words which concisely and impartially summarizes the measure and its major effect
This measure, if approved, would amend Section 7 of the City of Tigard Charter ("Charter") to provide that no person may serve on the City Council, as either the Mayor or a City Councilor, for more than sixteen consecutive years. Currently, under the Charter, no person may serve on the City Council for more than twelve consecutive years. This measure will change the term limits for the City Councilor position from eight consecutive years to twelve consecutive years. The Mayor position would remain capped at eight consecutive years. Under the new measure a person could serve a total of sixteen consecutive years. The Charter provision providing that the term limitations would not apply to the filling of an unexpired term would remain unchanged. This change, if approved, would apply to the current City Council and to City Councils elected in the future.

<b>Explanatory Statement</b> 500 words that impartially explains the measure and its effect, if required attach to this form			
If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.			
Measure Type	County producing voters' pamphlet	Local ordinance requiring submission	Explanatory statement required
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Not applicable
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes

<b>Authorized City Official</b> Not required to be notarized
→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

<b>Name</b>	<b>Title</b>	<b>Work Phone</b>
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<b>Signature</b>	<b>Date Signed</b>
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## EXHIBIT B

### AN ACT

A Charter amendment submitted to the voters by the Tigard City Council. The Charter of the City of Tigard is amended to read (new language is underlined, deleted language is stricken) as shown below and referenced in City of Tigard Resolution No. 15-\_\_\_\_\_.

#### Section 7. Mayor And Council.

The elective officers of the City shall be a Mayor and four councilors who together shall constitute the City Council. At the general election held in 1990, and every fourth year thereafter, a Mayor shall be elected for a term of four years. No councilor shall serve the City as councilor for more than ~~eight~~ twelve consecutive years, nor shall the Mayor serve as Mayor for more than eight consecutive years. In no case shall any person serve on the City Council for more than ~~twelve~~ sixteen consecutive years. These limitations do not apply to the filling of an unexpired term.

No person who is serving as Mayor or councilor shall become a candidate for any City office for a term which would be concurrent with the term in office then held unless that person first submits a written resignation from the then current office at the time of filing for the other office. A resignation submitted to satisfy this section shall not be withdrawn. A resignation shall be adequate for purposes of this section if it provides for the termination of the signer's service in the office not later than the last day before service would begin in the office for which that person seeks to become a candidate.

In the event the office of Mayor or councilor becomes vacant before the normal expiration of its term a special election may be held at the next available date to fill the office for the unexpired term. Such an election shall only take place if the Council can schedule and hold a special election at least twelve months before the term would otherwise expire. If an election is held, it shall be held in accordance with the election laws of the state of Oregon and City ordinances not inconsistent with such election laws. The Council may appoint a person to fill a vacancy until an election can be held.



alternatives below. Councilor Woodard's written description of his request is attached.

## **OTHER ALTERNATIVES**

Option 1: (add **bolded** text) The City expects the community and recreation center to be operated by a non-profit organization, such as the YMCA **or other qualified operator in a like-facility.**

Option 2. (add **bolded** text) The City expects the community and recreation center to be operated by a non-profit organization, such as the YMCA **or other qualified operator in a like-facility with swimming pool(s), aerobic exercise, classroom space, teen center and kid care etc**

## **COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

2015-16 City Council Goals

Provide Recreation Opportunities for the People of Tigard: explore feasibility of partnership opportunities, including Tualatin Hills Park & Recreation District, YMCA and other city or nonprofit opportunities; establish facility partnership if feasible.

## **DATES OF PREVIOUS CONSIDERATION**

The City Council agreed to contribute funding to a survey of voters for demand for YMCA services in November, 2014. The survey results regarding demand for the YMCA's services in Tigard was presented on May 12, 2015 and discussed by the City Council on May 19, 2015. City Council discussed whether to refer a measure to voters and draft bond measure language on May 12, May 19, 2015, June 2, 2015 and voted on draft language on July 14, 2015.

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### **Attachments**

Ballot Title and Notice of Measure

July 14, 2015 City Council Motion and Vote

Councilor Woodard AIS Attachment

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 15-\_\_\_

A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A REFERRAL TO BE CONSIDERED AT THE NOVEMBER 3, 2015 ELECTION, TO AUTHORIZE THE CITY TO ISSUE UP TO \$34,500,000 OF GENERAL OBLIGATION BONDS FOR A TIGARD COMMUNITY AND RECREATION CENTER

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WHEREAS, after due consideration, the Tigard City Council has decided to forward a referral to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: An election is hereby called in and for the City of Tigard, Washington County, Oregon, for the purpose of submitting to the legal voters the question of whether Tigard should be authorized to issue up to \$34,500,000 of general obligation bonds for a community and recreation center.
- SECTION 2: The measure election hereby called shall be held in the City of Tigard on the 3<sup>rd</sup> day of November, 2015. The election shall be conducted by mail pursuant to ORS 254.465 and 254.470.
- SECTION 3: The Tigard City Council authorizes the mayor, the city manager (each an “authorized representative”) or a designee of the authorized representative to act on behalf of the City of Tigard and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.
- SECTION 4: Pursuant to ORS 250.285 and ORS 254.095, the Tigard City Council directs the city elections officer to file a Notice of City Measure Election in substantially the form of Exhibit A with the Washington County Elections Office, unless, pursuant to a valid ballot title challenge, the Tigard City Council certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the date on which Exhibit A is filed with the city elections officer and not later than September 3, 2015.
- SECTION 5: The city elections officer is further instructed to publish notice of receipt of the ballot title in a newspaper of general distribution in compliance with ORS 250.275(5).
- SECTION 6: Pursuant to ORS 251.345, the Tigard City Council directs the city manager to prepare a Measure Explanatory Statement for publication in the county voters’ pamphlet; said statement shall be filed with the Washington County Elections Office at the same time the Notice of City Measure Election is filed by the city elections officer.
- SECTION 7: If this referral is approved at the November 3, 2015 election, the City Council will be authorized to adopt a resolution to formally authorize the sale of the bonds, and the City may take whatever other actions are necessary to issue up to \$34,500,000 of

general obligation bonds to pay for capital costs to provide a community and recreation center, including costs to acquire property and construct a community and recreation center, parking lot and related amenities, and to finance issuance costs.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

EXHIBIT A  
NOTICE OF CITY MEASURE ELECTION

**Notice of Measure Election**  
City

**SEL 802**

rev 1/14: ORS 250.035, 250.041,  
250.275, 250.285, 254.095, 254.465

Notice		
Date of Notice	Name of City or Cities City of Tigard	Date of Election November 3, 2015

The following is the final ballot title of the measure to be submitted to the city's voters.

**Final Ballot Title** Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure

Authorizes General Obligation Bonds For Tigard Community and Recreation Center

**Question** 20 words which plainly phrases the chief purpose of the measure

Shall Tigard Be Authorized To Issue Up To \$34,500,000 Of General Obligation Bonds For A Community and Recreation Center?  
If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect

This Measure would authorize the City to issue up to \$34,500,000 of general obligation bonds to pay for capital costs to provide a community and recreation center, including to acquire property and construct a community and recreation center, parking lot and related amenities, and finance issuance costs. The primary purpose of the community and recreation center is to provide community event space, athletic, fitness and recreational facilities.

The City expects the community and recreation center to be operated by a non-profit organization, such as the YMCA.

This measure is estimated to result in a tax of \$0.51 per \$1,000 of assessed value per year, or approximately \$122 per year on a home assessed at \$240,000.

The bonds may be issued in multiple series and each series may mature over no more than 21 years. Property taxes are assessed after bonds are issued.

**Explanatory Statement** 500 words that impartially explains the measure and its effect, if required attach to this form

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet	Local ordinance requiring submission	Explanatory statement required
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Not applicable	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Authorized City Official** Not required to be notarized

→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Name	Title	Work Phone
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Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

Motion and Vote from July 14 2015 Meeting on Community and Recreation Center

Council President Snider moved that two modifications be made to the draft document from the city attorney. 1) Replace the words, "community" center with "community and recreation" center. 2) Use version two of the bond counsel's suggested wording that says the city expects that the initial operator of the community recreation center to be a non-profit organization like the YMCA. Councilor Woodard seconded the motion. Attorney Rihala said we cannot add recreation center to the question without changing some wording as we are capped at 20 words. She will discuss this with her office to make the word fit.

	Yes	No	Abstain
Councilor Henderson	✓		
Council President Snider	✓		
Councilor Woodard	✓		
Mayor Cook			✓
Councilor Goodhouse		✓	

AIS Agenda Title: Community Recreation Center BM Resolution Modification Request  
Prepared by Councilor Woodard

{*Current BM language*} This Measure would authorize the City to issue up to \$34,500,000 of general obligation bonds to pay for capital costs to provide a community recreation center, including to acquire property and construct a community recreation center, parking lot and related amenities, and finance issuance costs. The primary purpose of the community recreation center is to provide community, event space, athletic, fitness and recreations facilities. (64)

“The City expects the initial operator of the community recreation center to be a non-profit organization, like YMCA, or other qualified operator in a like-facility **[min resolution request modification]**.” This measure is estimated to result in a tax of \$0.51 per \$1,000 of assessed value per year, or approximately \$122 per year on a home assessed a \$240,000. (56)

The Bonds may be issued in multiple series and each series may mature over no more than 21 years. Property taxes are assessed after bonds are issued. (27)

**Council Talking Points:** Consider additional & improved verbiage modification within current BM Community Recreation resolution. Such as, and at a min, “or other qualified operator in a like-facility.”

**Reasoning:** The survey showed these 2 activities as the most desired by prospective members and targeted voters. **Pool(s) 46.7% and Cardio Equipment 45.7% most likely and most often used and other highly valued program & activities.** [Daxko T2 Consulting and Feasibility Study YMCA of Columbia-Willamette, May 2015. Supporters of study, YMCA, City of Tigard and Wash County Commission].

“The likely operator brand and like-facility offerings are what support the prospective membership, voter expectations and voter turnout per YMCA Feasibility Study. In other words the most likely and desired operator within an, “or other qualified operator in a like-facility” council could agree on; and without risk to the tax payer should support the best BM YMCA like-operator facility program activities offering language. Especially if serious about a Community Recreation Center BM passing this November. For example, “or other qualified operator in a like-facility and/or with swimming pool(s), aerobic exercise, classroom space, teen center and kid care etc., [Councilor Woodard].” (21wc)

**Option 1:** Sub Tot 146 current word count

8  
154 Total Word Count

“Or other qualified operator in a like-facility.” (8 wc) (Minimum explanatory like-descriptor language: improves prospective member expectations & voter understanding of qualified operator & like-program activities & voter turnout).

**Option 2:** Sub Tot 146 current word count

21  
167 Total Word Count

“or other qualified operator in a like-facility (8 wc); and/or (add) with swimming pool(s), aerobic exercise, classroom space, teen center and kid care etc.” (13 wc); (Tot 8 + 13 = 21 wc) (Most comprehensive explanatory like-descriptor language: greatly improves prospective member expectations & voter understanding of qualified operator & like-program activities and will greatly improve voter turnout.)