

Gary Pagenstecher

From: Brian <brian@tualatinriverkeepers.org>
Sent: Thursday, October 02, 2014 2:04 PM
To: Redon Charles
Cc: Gary Pagenstecher; Paul H. Whitney; Mike Skuja
Subject: Comments on Oak Street Estates wetland permits. Application APP0056389

Please accept these brief comments on the Oak Street Estates wetland permit application. Tualatin Riverkeepers met with the applicant's team on site.

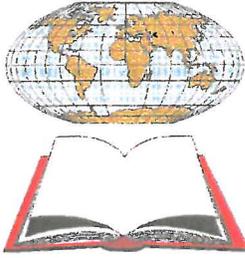
1. Has avoidance been fully implemented? Increasing height on some of the buildings could reduce the footprint and be compatible with Tigard's regulations.
2. There are plenty of publicly owned places to mitigate in the Fanno - Ash Creek Watershed. That would be a better choice to mitigate local impacts than a mitigation bank near Hillsboro.
3. We appreciate the voluntary planting the developer has proposed for the floodplain.

Brian Wegener, Riverkeeper
Advocacy & Communications Manager
Tualatin Riverkeepers
11675 SW Hazelbrook Road
Tualatin, OR 97062
503-218-2580

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FOREIGN MISSION FOUNDATION

Dr. Gene Davis, President
10875 S.W. 89th Ave
Tigard, Oregon 97223 USA
Tel: 503 246-5862, fax: 503 977-9343
Email: fmf.india@yahoo.com

Gary Pagenstecher
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223

Date: 11.6.2014

Re: Case # CPA2014-00002, PDR2014-00003, SDR2014-00004, SLR2014-00002

Dear Gary,

I am very opposed to the circulation plan if I understand it correctly. Orland purchased Tax Lot 3300 and Tax Lot 3302 for the purpose of opening Lincoln Street extension to Oak Street which was a City requirement at the time. That connection is a minor collector on the City Master Plan and is necessary if an additional 215 multi-family dwelling units are going to be able to move in and out of our community, or any other development in the area. SW Oak Street certainly needs to be expanded from 40 ft. to 60 ft. without which there will be congestion that does not meet City development codes.

Beyond this, SW 90th is a residential street with parking on one side and without this street parking there isn't enough space for the residents to accommodate their vehicles. You might note that Orland owns a full 1 acre at the corner of 95th and Oak which they plan to put a hotel on. Plus they own .91 acres in Tax Lot 3300 that will be their next development.

This development more appropriately should be a plan use development with a Master Plan for the community, not piece meal. The Oak Street is planned for a 60ft. street and this development will not properly fit into the transportation Master Plan unless the 60 ft. width from Greenburg Road to Hall is required and put in at this time. Beyond that no parking along that 60ft. strip should be allowed in the overall Master Plan. When the rest of the properties are developed, will there be capacity for both parking and traffic circulation?

Thank you very much!

A handwritten signature in blue ink that reads "Gene Davis". The signature is fluid and cursive, with a large initial "G" and "D".

Dr. Gene Davis

RECEIVED

NOV 20 2014

November 20, 2014

CITY OF TIGARD
PLANNING/ENGINEERING

Jim Long, Chair
Citizen Participation Program-4M
10730 SW 72nd Avenue
Tigard, OR 97223

To: City Council & Planning Commission
c/o Gary Pagenstecher
City of Tigard
13125 SW Hall Blvd.
Tigard, Oregon 97223

Subject: Testimony re: Ash Creek and Oak Apartments (A+O Apartments)
Case ID Numbers: CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Mayor, City Council, and Planning Commission:

The Neighborhood Meeting about this application drew 55-60 concerned citizens last February.

The September CPO-4M meeting had 39 attendees concerned about this application.

Last night, the membership of CPO-4M voted unanimously to oppose portions of the application/s.

1) We oppose the requested amendment to remove/decrease any acreage or partial acreage (0.42 acres) of existing wetlands south of southwest Oak Street from the Comprehensive Plans map for

Most winters over at least four decades, CPO members have seen from viewpoints {on SW Oak Street, SW Spruce Street, Oregon Highway #217, and SW Greenburg Road) those lands covered

It appears that the combination of the proposed decrease in wetlands acreage and the proposed wall would increase the elevation of the surface water of the 100-year flood plain

Conflicting uses should be prohibited. Recent climate change has brought some extreme conditions elsewhere that don't suggest any modification of this 100-year flood plain is warranted at this time.

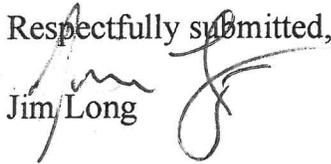
CPO-4M was involved in the lack of fulfillment of the proposed Washington Square Regional Center and the Presidential Parkway proposals in the late 1990s. CPO members thought the wetlands were protected.

- 2) [Code 18.765] We oppose the request for a variance for parking. Not enough parking spaces are provided for both the 1-bedroom and 2-bedroom units. Fifty-one vehicles without parking spaces will create a serious parking overflow.
- 3) [Goal 7 Hazards] Economic liabilities from building in the floodplain. The City of Tigard and its citizens have already experienced costly negative economic issues due to overbuilding on Bull Mountain.
- 4) [Code: 18.795] Visual clearance – Scenic viewpoints would be blocked by four 4-story buildings.
- 5) Why are the four applications in the above cases not considered separately?

Also, for the record, when asked at the Neighborhood Meeting if any of this complex will be affordable housing, the answer was, “No, it won’t be affordable.” Their minutes of that meeting clearly differ from our minutes.

Respectfully submitted,

Jim Long



November 20, 2014

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NOV 20 2014

CITY OF TIGARD
PLANNING/ENGINEERING

Dear Tigard Planning Commission,

I write in regard of the DGB Oak Street pending development on a wetland the City should cherish for its value to retain and filter stormwater. Yet a mindset seems to exist that wetlands without commercial development are not paying their way.

This proposal is as illadvised as plunking the Empire State Building into an available space in downtown Portland.

As wetlands go, it was a gem, still recoverable despite the tons of fill that cover the site. On the Pacific Flyway, it offered food and rest for migrators; it was redwing blackbird habitat and their song dominated the chorus of other birds nesting in its shelter. Frogs celebrated spring, goodbye to winter. We now live in an Age of Extinction, so preserving diverse habitats is important, in itself.

The City of Tigard, with its eye toward eventual commercial and multi-family development of land to the north and east of this site, should place a high value on acreage made for flood control, a top-value, totally free insurance policy.

Sincerely,

Nancy

Nancy Lou Tracy

7310 SW Pine St

Tigard, OR 97223

nltracy29@gmail.com

✓

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NOV 20 2014

CITY OF TIGARD
PLANNING/ENGINEERING

11-20-14

1.

Attention: Gary Pagenstecher,

Case ID # CPA 2014-0002

PDR 2014-0003

SDR 2014-0004

SLR 2014-0002

My name is Kristin Prince and I live at 10455 SW 90th Avenue Tigard OR 97223. I bought my property in 1997 and at that time I was informed about the Washington Square Regional Center Plan area and that my property Lot 3202. .36 acres, was part of that area. We were told if any development should happen in our neighborhood that the extension of Lincoln St. must happen to keep traffic off of 90th Ave which is residential street. There is a proposed development by Orland Properties to build 215 multi family units, south of Oak St in wetland area

It has come to my attention that the developer, Orland Properties, purchased tax lot 3300 as well as 3302 with the intension of extending Lincoln St as a minor collector. However now they have abandoned that route. If Lincoln St is not a minor collector it will force all traffic down 90th ave. This is a residential street with on street parking for condos ✓

2.

90th avenue is not wide enough to support traffic in each direction when cars pass. The homeowners that only have on street parking we were told could loose parking if Lincoln St. is not extended.

Orland Properties purchased these vacant lots so Lincoln St could be extended. Last February at Metzger Elementary we were told this. For Orland Properties to abandon this route makes it very clear they are not in the best intrest of this community. My hope is that the city gives OK. for this development, but enforces the extension to be made by Orland Properties

Thank you for your time and consideration of this issue.

Kristin Prince
10455 SW 90 Ave
Tigard OR 97223
503-819-6168

CASE ID # CPA2014 - 00002

~~PR~~ PDR 2014 - 00003

SOR 2014 - 00004

SLR 2014 - 00002

TO: GARY PAGENSTECHE

FROM: DAVE FAHLMAN

9055 S.W. OAK ST.

TILAMU OR 97223

SUBJECT: DEVELOPMENT OF PROPERTIES 8900 - 9000 SW OAK ST.
~~TO~~ INTO 215 APARTMENTS

I LIVE RIGHT ACROSS THE STREET TO THE PROPOSED DEVELOPMENT AND AM OPPOSED TO THE TRAFFIC ISSUES IT WILL PRESENT. I COMMUTE DAILY TO 217 AND IT IS ~~ALREADY~~ NOT ~~AND~~ EASY TO USE 90TH BECAUSE IT IS SO NARROW. WITH OUT SOME OTHER WAY OF GETTING THE TRAFFIC IMPACT TO 217, THIS PROJECT WOULD HAVE POOR PLANNED TRAFFIC CONDITION.

SINCE THE OWNERS HAVE THE ABILITY TO COMPLETE THE LINCOLN STREET EXTENSION, THIS SHOULD BE A CONDITION OF DEVELOPMENT!

Dave M. Fahlman

~~CASS~~

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NOV 20 2014

CITY OF TIGARD
PLANNING/ENGINEERING

Jill Warren
9280 SW 80th Ave.
Portland, OR 97223
December 15, 2014

To: City of Tigard
Mayor John Cook
Marty Wine, City Manager
City Council
Planning Commission
13125 SW Hall Blvd.
Tigard, OR 97223

CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Mayor Cook, City Manager re: 215 unit apartment complex on Oak St.
City Council and Planning Commission,

The Washington Square Regional Center plan was conceived 15 years ago yet never reached fruition. There were unanswered questions about infrastructure costs, impacts of development in a sensitive lands area, property damage from flooding and questionable market success.

To piggy back high-density development and call it the regional center is erroneous. Is it fair to commit taxpayer dollars on a project that is high risk? There will have to be substantial taxpayer investment, i.e. urban renewal bonds for construction costs, infrastructure and potential legal issues.

Flooding/Mold/Insurance

Putting high-density development in a 100-year floodplain that has a history of flooding every 50 years will put people and property at risk. When people are harmed they need to be made whole. The jurisdictions that approved the zoning change will be culpable for litigation (City of Tigard, City of Beaverton, Metro and Washington County). Compound that with flooding impacts downstream and structural water damage (mold), it will be a costly disaster. Water will soak into the drywall and mold will ensue so the buildings will have to be gutted and completely rebuilt.

Flood insurance is prohibitively expensive. If there is a mortgage on the property flood insurance is mandatory. If the property is free and clear there is no mandate for flood insurance. If urban renewal bonds are used for construction costs and there won't be a mortgage on the property will flood insurance be available?

Removing Wetlands

The proposal includes removing 0.42 acres of delineated wetlands on the site from the Comprehensive Plan's Wetlands and Stream Corridor map's Goal 5 Safe



Harbor/Significant Wetlands designation along with removal of the same area from the Significant Habitat areas map.

It is not proper to remove wetlands from what is currently on the books. If they have to do this to move forward it illustrates this is not the right site for this project.

Bull Mountain

When Bull Mountain was being developed the real estate community knew it was overbuilt. No developer in the private sector would heavily develop that site because they have to mitigate risk. Sure enough 15 years later City of Tigard had to purchase a house from erosion damage because it was "cheaper than being sued". Does the City of Tigard have the resources to purchase a 215 unit apartment complex and do repairs? Is it right for City of Tigard to use taxpayer dollars for investment and repairs and then commit to another high-risk project?

Conclusion

Before approving this proposal there needs to be more investigation from state agencies and risk management. The regional center was stalled for many reasons and we need to revisit questions that were raised 15 years ago. This proposal will change and modify the wetland/floodplain dramatically. There are many alterations in the plan that are extreme in order to pencil out, proving this is not the appropriate site for this project.

Respectfully submitted,

A handwritten signature in cursive script that reads "Julie Warren".

Jill Tellez
9280 S.W. 80th Ave.
Tigard, OR 97223
JAN. 31, 2000

Brian Moore, Presiding Officer
TIGARD CITY COUNCIL
13125 S.W. Hall Blvd.
Tigard, OR 97223

**RE: PROPOSED
WASHINGTON SQUARE REGIONAL CENTER PLAN
ISSUES OF NON-COMPLIANCE
TO METRO'S 2040 FUNCTIONAL PLAN**

I would like this testimony to be submitted into the record to the Tigard City Council in reference to the Washington Square Regional Center proposed plan.

There are several aspects of this plan which do not conform to Metro's 2040 Functional Plan.

Excerpts taken from Oregon Department of Land Conservation and Development Commission Agenda Item 4, Sept. 23-24, 1999, LCDC Meeting. Following referenced goals are adopted State-wide LCDC Goals. The following italic text are observed deficiencies in the proposed plan which I wish to draw your attention to.

Metro's Urban Growth Report contains an analysis of key factors that influence regional urban form and the amount of land needed in the UGB and in future urban reserves. Examples of analysis included in the Growth Report include:

- a. GIS land information research;
- b. field investigations and expert testimony on infill and redevelopment activity levels;
- c. evaluations of various "inefficiencies" (impacts from slope, soil conditions and existing development for example) that occur during the land development process.

<There have been no impact reports submitted by governmental agencies or private consultants concerning the risk of building high density inside a floodplain, or of the environmental impacts upon the Ash Creek wetland/floodplain.>

The proposed regional center plan conflicts with the following:

Goal 5-7 resources are made considerations for UGB expansions in Policy 1.7 and the Metro Code governing UGB amendments requires compliance with Goal 14, which included consideration of the environment. Policy 1.1 requires attention to providing access to nature as part of the regional urban form. Urban Form is defined as "the net results of efforts to preserve environmental quality, coordinate the development of jobs, housing, and public services and facilities, and inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another." *<The City of Beaverton is not being impacted by higher density up zones, yet the Nimbus area is still in the proposed plan>*. Thus, concern for environmental quality is a primary concern in creating the preferred urban form. The 2040 Growth Concept designates open spaces and trail corridors that include parks, stream and trail corridors, wetlands and floodplains, and largely undeveloped upland areas. *<The proposed high density up zoning is being concentrated in one small area (please refer to sub area "C" of proposed plan), a sensitive lands area, and not being absorbed by the other proposed sub areas.>*

Goal 8 Recreational is addressed both through the open spaces and trail corridors policies but also in a recommendation to cities and counties to set area to population ration for recreational facilities. *<There are no new recreational facilities employed in this high density plan.>*

The Goal 9 Economy expectation that an economic opportunity analysis be prepared is addressed in Metro's employment forecasts. Adequate land is included for economic development in designated Industrial Areas, Employment Areas and mixed-use design type areas. These designations have been identified for continuing review to determine whether the locations designated for jobs are dispersed appropriate for desirable sub-regional jobs to housing balance. *<This plan has not provided an analysis of jobs to housing balance.>*

Metro's Regional Urban Growth Goals and Objectives (RUGGO), objective 2.4.2, and with Metro Code governing UGB amendments, both cite to state statutes and the statewide Goals as being part of the Metro's standard for amending the UGB. "Type, mix and wages of existing and anticipated jobs" are not explicit standards found either in statutes or in the goals. While "type, mix and wages of...jobs" within an area may be preferable, there is no basis in statutes or Goals for allowing them to override explicit Goal values such as agricultural and forestry land protection. *<Compromising a sensitive lands area to accommodate growth targets violates this objective.>*

Growth Management

Growth management policy 1.6: "The management of the urban land supply shall occur in a manner consistent with state law that:

Encourages the evolution of an efficient urban (growth) form.
<This plan has no prescribed stages of evolution .>

There is no basis in state policy to permit the maintenance of distinct communities to override automatically other goals, for example the goal of protecting resource lands. *<Compromising a sensitive lands area to accommodate growth targets violates this objective.>*

Regional Centers

According to Metro: variation from the recommended design type densities may in the long run work for station communities, town centers and main streets. It is questionable, however, whether much if any leeway from design densities is workable in regional centers. Market and fiscal demands would appear likely to require close adherence to the regional center design type densities in both housing units and employment. *<Regional center designations cannot exist without inventing a new high density zoning designation. This aggressive growth concept has failed repeatedly and resulted in bankruptcy proceedings for Laguna West in Sacramento, CA, and The Beaverton Round, Beaverton, OR. A "regional center" is a gambling prospect at best with knowledge of possible failure.>*

The Department recommends inclusion of an update item in the Acknowledgment Order for Metro to research, monitor and evaluate whether the functions of Regional Centers are adequately implemented by current measures. *<There has been no research, monitoring or evaluation of this proposed regional center or if it will function properly.>*

Combining Natural and Built Environments

The 2040 Framework Plan exhibits a high degree of sensitivity to the opportunities for positive interaction between natural and built features of an urban environment. Policies supporting and fostering these interactions result in blending will the purposes of Goals 3 through 7 with those of

Goals 8 through 14. Included among these policies are:

- Preserving access to nature,
 - Designating and protecting open spaces inside the UGB and in rural reserves,
 - Applying regional standards to designated water quality and flood management areas, and
 - Directing a region-wide Goal 5 riparian corridor protection plan.
- <There is no Goal 5 riparian corridor protection plan in this plan>.

Comprehensive Plan Coordination With All Levels Of Government

"Goal 2 requires, in part, that comprehensive plans be "coordinated" with the plans of affected government units. Comprehensive plans are "coordinated" when the needs of all levels of government have been considered and accommodated as much as possible." ORS 197.015(5) *Brown v. Coos County*, 31 Or LUBA 142, 145(1996). Comprehensive plan coordination is a two step process, which requires:

1. The makers of the (comprehensive) plan engaged in an exchange of information between planning jurisdiction and affected governmental units, or at least invite such an exchange."
2. The jurisdiction used the information to balance the needs of all governmental units***in the plan formulation or revision". *Brown*, 31 Or LUBA at 146, citing *Rajneesh v. Wasco County*, 13 Or LUBA 202, 210 (1985).
3. A local government is not required to 'accede to every request that may be made by a state agency.' *Brown* at 146. It must, however, 'adopt findings responding to legitimate concerns.' *Id.*, citing *Waugh v. Coos County*, 26 Or LUBA 300, 314 (1993).

The essence of coordination must be a cooperative effort on the part of the governmental bodies involved. LUBA and the courts can require findings or other procedural devices to demonstrate that the necessary efforts have been undertaken. But in the last analysis, the participating bodies alone are responsible for undertaking the efforts. It is difficult to imagine a process that depends more for its success than this one on the participants' active desire and efforts to make it successful. The findings and other procedural trappings that LUBA and the courts may require can be nothing more than shadows if the parties are not committed to achieving any underlying substance for them to reflect." (State of Oregon Court of Appeals, 1000 Friends of Oregon v. Metro, Jan. 20, 20000).

<The concern of local conservation groups to preserve the Ash Creek wetland/floodplain has not been addressed. CPO-4M does not endorse this proposed plan in it's current form. Cohesive elements that are necessary for a succssful regional center are being compromised in this draft. The upzoning to high density in a sensitive lands area conflicts with the Metzger/Progress Community Plan drafted December 27, 1983, Washington County>.

The 1997 Urban Growth Report Update (by Metro), published in September, 1999, states:

"There is now no new up zone applied to neighborhoods and parks and open space lands".

I am respectfully requesting that these regional center elements be incorporated into this proposed plan. Therefore, prior to consideration of adoption of this proposal or any portion of this proposal, these elements should be incorporated to create an economically and environmentally balanced regional center plan. Thank you for your consideration.

Cordially,



Pat Whiting, Chair
CPO 4-M c/o
8122 S.W. Spruce
Tigard, Oregon 97223
February 1, 2000

Tigard City Council
c/o Brian Moore, Presiding Officer
13125 S.W. Hall Blvd.
Tigard, Oregon 97223

Re: Proposed Washington Square
Regional Center Plan Boundary,
Up-zoning and Infastructure

Dear Councilman Moore and City Council:

January 26, 2000, Citizen Participation Organization 4-M (CPO 4-M) adopted a resolution supporting Tigard's city-wide Policy 7.1.2 as pretains to mandatory infastructure facility preceding development and opposing staff-proposed Policy 11.8.3 which contains language that will allow development before proper water and drainage facilities are in place. Also, any proposed policies that seek to allow development before transportational infastructure is also opposed given the possible impacdts to the existing communitly and to any new community that may develop.

During the Task Force meetings a letter from the U.S. Dept. of the Interior, Fish and Wildlife Service dated July 28, 1999, and a second letter dated Agusut 23, 1999, noted that although the Service regularly assumes a regulatory role (Section 404 - permits, etc.), they "prefer to provide technical assistance in earlier planning stages when more options are typically available and natural resource problems can be avoided more easily and less expensively." (Please refer to attached letters).

The Task Force did not invite important agency personnel to our meetings to help shed light on the functions and values of floodplains, riparian zones, wetland and wildlife despite requests from some Task Force members and two letters dated July 19, 1999, from Tualatin Riverkeepers and from Crestwood Headwaters Group of Ash Creek.

TCC:WSRC Proposal

During the Planning Commission public hearing on November 15, 1999, the staff for the regional center proposal were asked if employees of government agencies were asked to speak or participate in discussions regarding natural resources and the values of water quality, fish and habitat. The response seemed to be that there wasn't much response.

Attached for your review are the letters listing the agency employees of seven major areas who are experts in their fields and interact with jurisdictions in Washington County. Some are involved in Fanno Creek management. As of this writing three of the seven people listed in these letters who I called yesterday, January 31, 2000, had not been called or contacted. I've not heard back at this time from the remaining people listed.

Before the Council considers finalizing any portion of this regional center plan or the plan itself, we are requesting that you hold a City Council worksession with the state and federal agencies to discuss the issues at hand that impact floodplains, wetlands, wildlife and habitat as well as fish and air quality. Your deliberations and decisions should be predicated upon as much information as possible given the enormity of the proposal before you. It is requested that you opt for greater dialogue and resolve problems that face this proposal prior to adoption.

Therefore, it is requested that you consider giving this planning process more time to evolve and not make final decisions at your meeting of February 8th.

If you opt to not secure more factual dialogue with state and federal agencies regarding these issues, given the potential high-density development/redevelopment activity through proposed regional center up-zoning in a major sensitive lands area and

TCC:WSRC Proposal

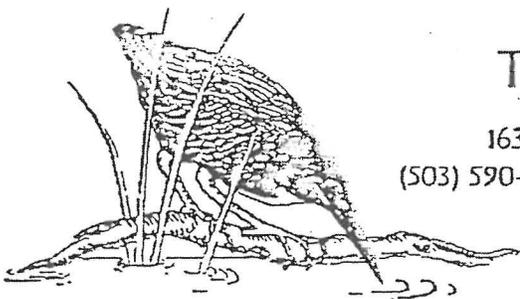
and an existing residential community, we request that the regional center plan boundary to the east be S.W. Greenburg Road. This would effectively eliminate most of the problems with the current proposal that are in conflict with the Up-dated 2040 Plan of September, 1999. Sensitive lands and existing residential communities are not to be subject to increased density provisions within a regional center.

Thank you for your consideration.

Respectfully submitted,

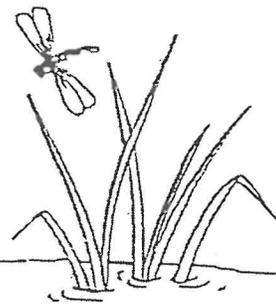


Pat Whiting



TUALATIN Riverkeepers

16340 SW Beef Bend Rd. Sherwood, OR 97140
(503) 590-5813 • fax: (503) 590-6702 • triverk@teleport.com
www.teleport.com/~triverk



July 19, 1999

Laurie Nicholson, Planner
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223

Dear Ms. Nicholson,

The Tualatin Riverkeepers are dedicated to protecting and preserving the natural systems of the Tualatin River and its tributaries. We feel that the best time to work at protecting these resources is early on in the land-use planning process. It is essential that those involved with land-use planning get the best advice possible on how to protect these resources. Thus far, the Washington Square Regional Center Task Force has not involved employees of government agencies who could best advise the task force on protecting wetlands and floodplain for the values of water quality, fish and wildlife habitat and flood prevention. The Tualatin Riverkeepers request that you invite the following agency representatives to participate in the next Task Force meeting:

- Jan Stuart, U.S. Army Corps of Engineers
- Jennifer Thompson, U.S. Fish and Wildlife Service
- Jim Grimes, Oregon Department of Fish and Wildlife
- Bill Parks, Oregon Division of State Lands
- Tom Melville, Oregon Department of Environmental Quality
- Jim Turner, National Marine Fisheries Service
- Yvonne Vallette, Environmental Protection Agency

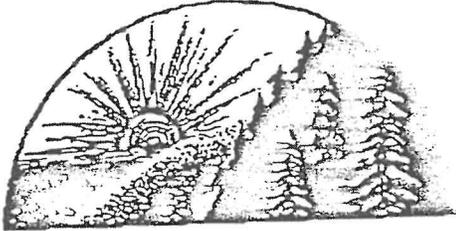
We believe that involving these agencies now will help protect wetland and floodplain resources, and will prevent costly plan revisions later in the development process.

Sincerely,

Brian Wegener
President, Tualatin Riverkeepers

- c: Jim Nicoli, Mayor of Tigard
- Elaine Cogan, Cogan Owens Cogan

From: Jere W. Retzer To: Laurie Nicholson



Crestwood Headwaters Group
5115 SW Alfred St
Portland, OR 97219

July 19, 1999

Elaine Cogan
Cogan Owens Cogan
8313 S.W. Alder Street
Portland, OR 97302

Laurie Nicholson/Planner
City of Tigard
13125 S.W. Hall Blvd.
Tigard, OR 97223

Dear Laurie and Elaine;

Please invite the following people to speak for a few minutes at Wednesday, July 28, 1999 Task Force for the Washington Square Regional Center. I believe it is very important that the task force have their perspective.

Jan Stuart
Army Corps of Engineers

Yvonne Vallette
Environmental Protection Agency

Bill Parks
Division of State Lands

Jennifer Thompson
U.S. Fish and Wildlife Service

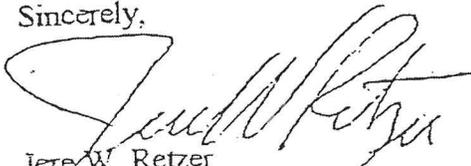
Tom Melville
Department of Environmental Quality

Jim Grimes
Oregon Dept. of Fish and Wildlife

Jim Turner
National Marine Fisheries Service

Thank you for your consideration.

Sincerely,


Jere W. Retzer
Crestwood Headwaters Group



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon State Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195

Reply To: 6500.3001
File Name: WASQUA.FE.WPD

July 28, 1999

Washington Square Regional Center Task Force
c/o Elaine Cogan
Cogan Owens Cogan
813 SW Alder
Portland, OR 97205

Dear Task Force Members:

The U.S. Fish and Wildlife Service (Service) is submitting this letter to urge the Task Force not to recommend upzoning of the wetlands and floodplains within the proposed Washington Square Regional Center development area. In particular, the Service is concerned about the wetlands and floodplains associated with Ash Creek that would be impacted if the area between Oak and Hwy 217 is upzoned to allow for a minimum of 50 units per acre. The Service encourages the conservation of these valuable and sensitive natural resources by maintaining the more protective zoning.

In addition to the numerous fish and wildlife species typically associated with wetland and floodplain habitats, Ash creek is known to support sensitive species such as cutthroat and the northern red-legged frog. In addition, Upper Willamette River steelhead, which are listed under the Endangered Species Act as threatened, occur downstream and may occur in Ash Creek. Unfortunately, Ash Creek is currently included on the Oregon Department of Environmental Quality's 303(d) List of Water Quality Limited Waterbodies for declining fish communities due to poor water quality, low dissolved oxygen, high summer temperatures, and fecal coliform.

The recovery and sustainability of fish and wildlife species requires conservation efforts that lead to improved watershed health. This is a challenging goal to achieve in an urban area, not only because of direct development pressures on sensitive areas, but also because of the intensive off-site and indirect impacts related to urbanization. Long-term planning and sound policy development are two of the most effective protection mechanisms available for minimizing both direct and indirect impacts to natural resources and their associated functions and values. Local conservation efforts can play a key role in complimenting, supporting, and expanding upon those at the regional, state and Federal levels. To ensure that local resources continue to provide benefits to fish, wildlife and people, and for consistency with regulations that will affect the site, the Service recommends that the Task Force work to protect Ash creek and associated riparian areas, floodplains, wetlands and buffers by supporting zoning and other conservation strategies that will prevent resource degradation.

The following is a list of some of the many functions that floodplains, riparian zones, and wetlands provide.

Fish and Wildlife Habitat:

- There are currently 54 Federally listed threatened, endangered, proposed, candidate, and special concern species within Multnomah, Washington, and Clackamas counties. Over 80% of these species depend on wetlands, riparian habitat, or the functions they provide for one or more stages in their life cycles. Riparian, floodplain and wetland area protection can benefit listed species, as well as prevent the future listing of other species.
- Healthy riparian areas provide connected, protected corridors for wildlife to travel between seasonal ranges and alternate habitats, allowing for species dispersal. This mobility facilitates genetic exchange and allows utilization of a wider range of potential habitat.
- Undisturbed riparian vegetation composed of a mosaic of various successional stages and plant communities equates to high habitat diversity necessary to support diverse communities and populations.
- Undisturbed riparian systems typically contain an assortment of habitat characteristics including multiple canopy layers, snags, woody debris, irregular edges (which provide a diverse interface between riparian areas and differing habitat types, furthering habitat diversity), undercut banks and overhanging vegetation. These complex characteristics provide the diverse habitat requirements necessary to support a wide range of naturally occurring fish and wildlife species.
- Although riparian and wetland areas cannot ameliorate all adverse upland impacts, they provide the greatest resources needed by fish and wildlife in the smallest area, and thus are a priority for protection.
- In developed and developing landscapes, riparian and wetland areas can provide critical refuge when adjacent habitat is lost or degraded.

Role of Floodplains and Riparian Zones During Flood Events:

- Floodplains naturally accumulate the appropriate type and balanced amount of organic matter and dissolved nutrients which are flushed into streams and rivers during runoff events. At natural levels, this material supplies fish and aquatic invertebrates with a rich source of food that can enhance production.
- Intact vegetation buffers the impact and erosive forces of rain as it hits the ground, and helps to slow and store water as it flows across the landscape. The greater the vegetative cover in a watershed, the greater the amount of water that can be slowed and held for gradual release. Riparian areas and floodplains moderate both high and low stream flows, providing more consistent flows throughout the year.
- Water moves from the active stream channel onto floodplains during storm events, providing natural areas for flood storage. Alterations to floodplains, such as the removal of vegetation or creation of impervious surfaces, reduces the flood storage capacity and infiltration of water over the floodplain. In turn, this results in increased and expedited flows moving downstream, leading to stream degradation and potential flooding problems that may affect life and property.

Water Quality:

- Riparian buffers which retain adequate vegetation and intact soils intercept, store, and biodegrade significant portions of pollutants.
- Riparian buffers filter and break down nutrients. By preventing nutrient loading and excessive aquatic plant and algal growth (which can ultimately cause oxygen depletion and excess ammonia), an increase in water acidity is avoided, which would otherwise

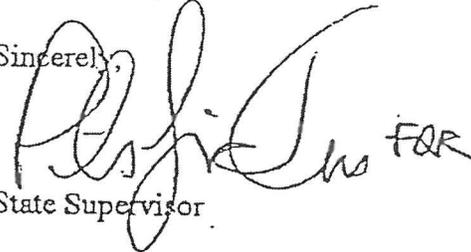
adversely impact fish and other wildlife by slowing fish growth and negatively impacting reproduction in some species.

- Plant roots help to stabilize the soil. Maintaining woody vegetation and limiting soil disturbance in riparian areas will prevent significant quantities of sediment from entering stream systems.

Efforts are needed not only to maintain, but to improve watershed health throughout the metropolitan region. Locally lead and supported efforts are needed more now than ever to recover species such as threatened and endangered salmon and steelhead. The opportunity is still available at the proposed Washington Square Regional Center to avoid impacts to natural resources, which is much more effective than fixing problems later both in terms of preventing irreplaceable resource losses, maintaining environmental health and preventing the unnecessary costs of repair, restoration, or attempting to recreate lost functions through artificial means.

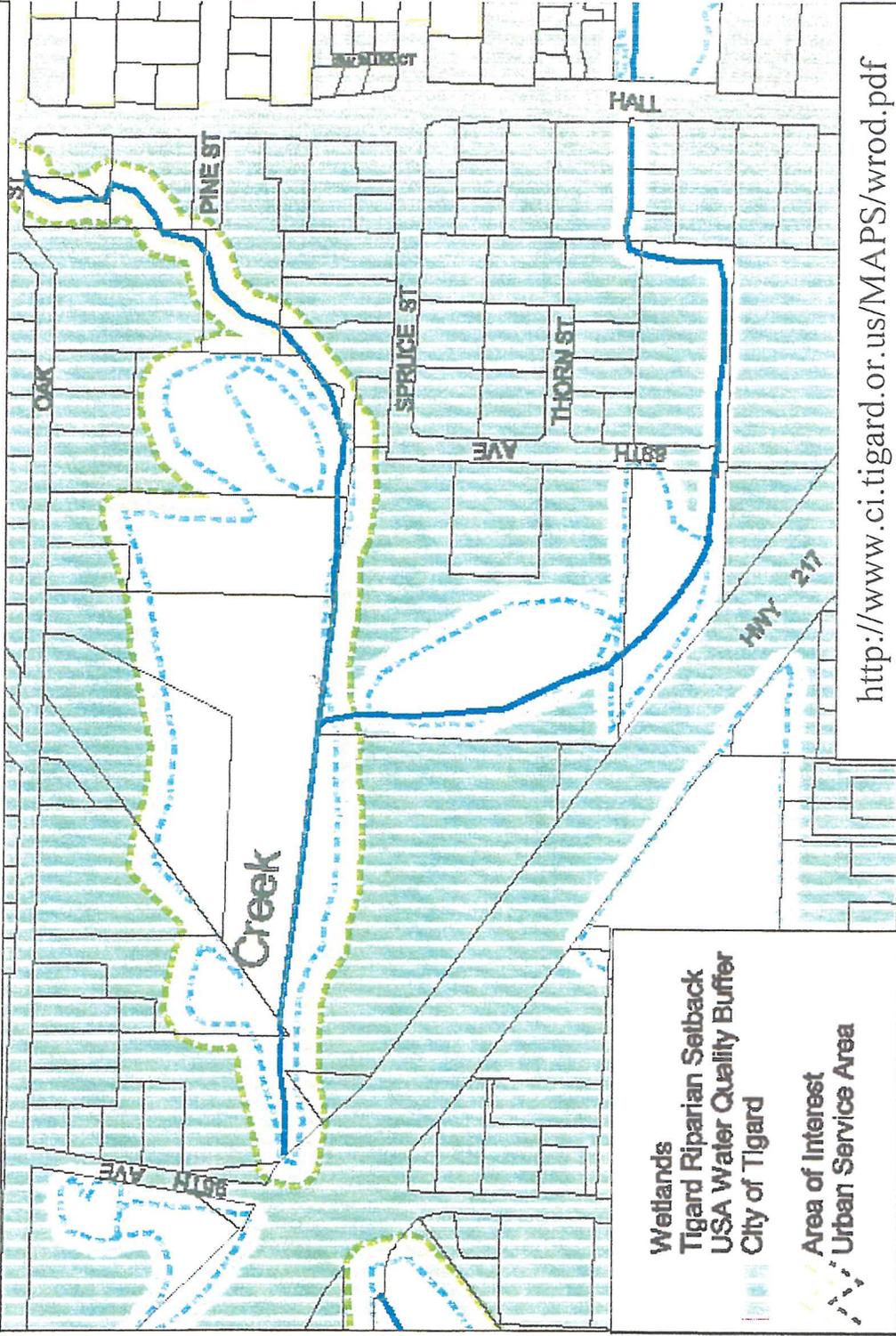
Please ensure that all Task Force members receive a copy of this letter, and that it is included in the Task Force Record and in the Regional Center Plan Appendix for consideration by local jurisdictions. Feel free to contact Jennifer Thompson or Kuman Sivam of my staff at (503) 231-6179 if you would like to discuss these comments, or if we can provide you with any additional information. Thank you in advance for considering our input and keeping us informed of your decision regarding this issue.

Sincerely,

 FOR
State Supervisor

cc: Washington Square Regional Center Task Force Members
Tigard City Council
Tigard Planning Commission

Ash Creek Water Resources Overlay District from the City of Tigard Wetlands and Stream Corridors Map



- Wetlands
- Tigard Riparian Setback
- USA Water Quality Buffer
- City of Tigard
- Area of Interest
- Urban Service Area

<http://www.ci.tigard.or.us/MAPS/wrod.pdf>

October 5, 2005

TO: CCI/CPO Marketing Sub-Committee

From: Jill Warren, Chair and Pat Whiting, Vice-Chair
CPO 4-M

CITIZEN PARTICIPATION

Attendance and volunteer participation at the local level continues to fall since policy changes took place in late 1990's to present regarding local governing decisions that have not taken into consideration recommendations by local citizens and neighborhoods on policy development and planning changes. At issue is how and what was decided regarding density population goals and where the Washington Square Regional Center was located - superimposed on top of the Ash Creek Wetland/Floodplain and adjacent existing neighborhoods consisting of single-family residential and higher density residential and small businesses.

The actual process that appeared to abide by LCDC Goal 1 recommendations of citizen participation appears on paper to have achieved out-reach and incorporation of public participation. What transpired was a lack of inclusion of citizen recommendations or even discussion of recommendations over a three year period. The data citizen groups developed and submitted was scientific based and very serious. The plan reflects no alternatives and CPO 4-M considers it flawed despite the repetitive statements by consultants to the local municipality that "There are no flaws in this plan."

Since the late 1990's local citizens from Tigard and from Metzger and from Portland when attending or testifying before the city council were treated rudely and sometimes yelled at with little provocation. Very elderly people who wanted to participate and testify were so frightened at times that they would tremble and could not proceed to actively

testify. Why am I referencing these occurrences? Because they have to do with what is part of the problem of citizen participation today.

For decades I witnessed citizens in Tigard, Metzger & Progress interact, participate and volunteer. we have witnessed a *falling* following off of participation and a lack of confidence in some of the governing processes in the City of Tigard which impacts Metzger.

Having volunteered to be on the Washington Square Regional Center Task Force and witnessing the process that was consultant/staff driven and how and what was decided and then unable to vote in favor of the final plan which contains many problems, as an individual and as a member of CPO 4-M I then volunteered and participated in the City of Tigard's Visioning Process.

The Visioning Process consisted of excellent city staff/citizen interaction and sharing of ideas and recommendation formulation. The futuristic plan is a very good one and I am proud to have participated. However, the previous experience of the adoption of the WSRC by the City of Tigard has had great impact on active citizen participation.

Interacting with Washington County staff, agencies and elected officials continues to be positive with a "two-way street" interaction, sophisticated processes of governance and respect of citizens in county meetings. However, high-impact local city processes have made it difficult to convince a lot of previously active people to continue participating.

Over time this can be overcome. That is why we continue to exist and to develop the agenda items we have brought to the public. There are many new people coming to the area. Hopefully we can increase participation in the future.

Pat Whiting, Vice-Chair

Oct. 5, 2005

The Ash Creek Wetland/Floodplain has been up-zoned to 50+ units per acre (up from 4.5 upa).

This floodplain/wetland is an important feature in the Metzger/Tigard area and is part of the Fanno Creek Watershed.

CPO 4-M opposed up-zoning this important natural resource and the testimony submitted by Jill Tellez in 2000 sites Oregon Land Use Planning excerpts and portions of the WSRC plan contents that do not reflect impact reports, compromises sensitive lands area violating Statewide Goal 9.

The WSRC up-zones neighborhoods and open-space lands. Yet the 1997 Urban Growth Report Update by Metro, Sept.1999, states:

"There is now no new up zone applied toneighborhoods and parks and open space lands."

Pat Whiting

Attached: J.T.1/31/2000 letter and picture of Ash Creek area upzoned to 50+ units per acre.

From: "Jere W. Retzer" <jere@teleport.com>
To: jandjay@ix12.ix.netcom.com
Date: Thu, 3 Jun 1999 20:31:48 -0700
MIME-Version: 1.0
Subject: Re: Followup on Ash Creek Article
Priority: normal
X-MIME-Autoconverted: from Quoted-printable to 8bit by ixmail5.ix.netcom.com id UAA29887

Here is the attachment pasted as good old text (looks like a great letter):

DRAFT

June 1, 1999

Ms. Elaine Cogan
Cogan, Owens, Cogan
8313 SW Alder Street
Portland, Oregon 97302

Lloyd Lindley and Lloyd Lindley - promoting development
Dear Ms. Cogan:

The Department of Land Conservation and Development (DLCD) serves as the state's floodplain management agency under an agreement with the Federal Emergency Management Agency. The department supports the need for Regional and Town Centers such as the proposed Washington Square Regional Center. However, we are concerned about the particulars of this proposed development which would impact lands in the Ash Creek watershed protected by other statewide planning goals (Goal 5 - riparian areas and Goal 7 - floodplains and other natural hazards). As the State's floodplain manager, I am most concerned about the impacts of this development on the Ash Creek floodplain.

Under federal floodplain management regulations (44 CFR section 60.20) communities that participate in the National Flood Insurance Program, including the City of Tigard, shall evaluate a number of standards in considering proposals for floodplain development. One standard is that the community shall consider the adverse effects of floodplain development on existing development (44 CFR 60.22(c)(4)). In addition, the community shall also consider diverting development to areas safe from flooding in light of the need to reduce flood damages and in light of the need to prevent environmentally incompatible flood plain use (44 CFR section 60.22(c)(2)). Therefore, the City of Tigard must thoroughly evaluate the consequences of developing Ash Creek's floodplain before issuing a permit. Also, it appears in this situation that there is acreage in the proposed development where higher density development could be diverted to protect the floodplain and wetlands area. The City of Tigard, as a requirement of participating in the national flood insurance program, needs to fully evaluate the consequences of this development.

If you have any questions, please contact me at 503-373-0050 (ext. 255).

Sincerely,

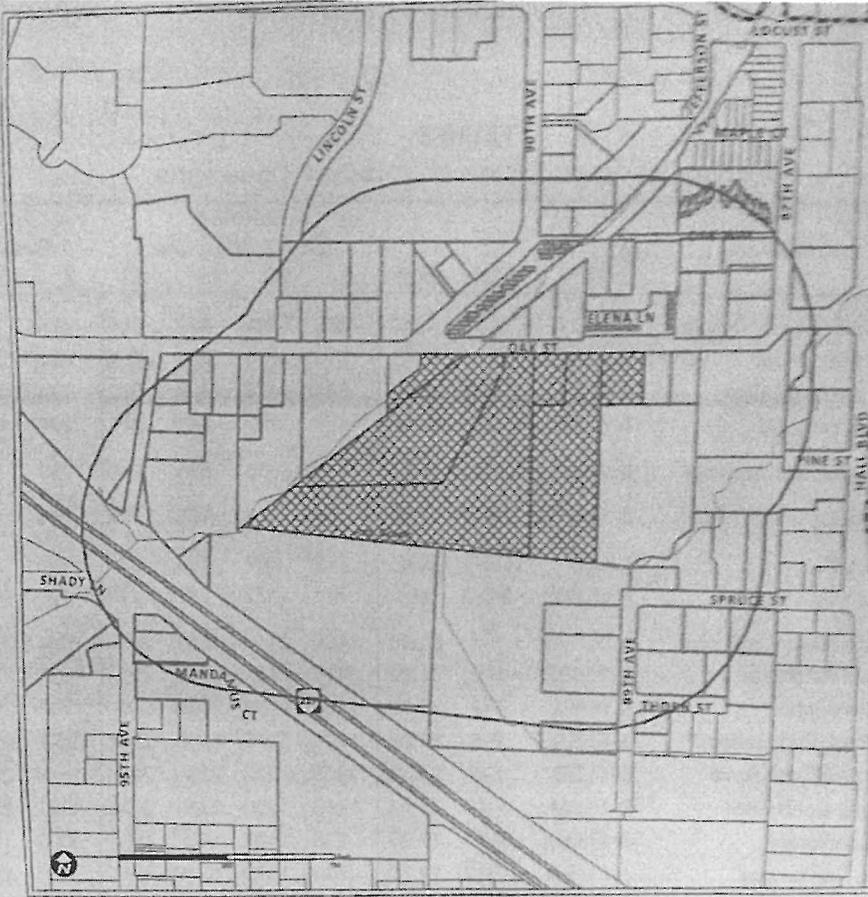
Ann Beier
State Floodplain Program Manager

cc: Mark Eberlein, Federal Emergency Management Agency
Meg Fernekees, Oregon Department of Land Conservation & Development

Jim Nicoli
Laurie Nicholson taskforce title

**Ward Rader copy to us*
**Lloyd*
John Spenser filter

58 Reg. Center *need copy of final letter*



Area Notified (500 Ft)

Jerry Offer, 216-415-1234
 jerry.offer@erdc.com
 922-415-2229

15125AC224995, 04100, 14200,
 04300, 04400, 6
 15125AC001300

 Subject Site

Property owner information is valid
 as of 10/15/2014. See the map for more
 information.

Map Printed 11/14/14

This map is not a warranty, representation,
 or contract. It is provided for informational
 purposes only.

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City of Erie
 11100 Erie Blvd East
 Erie, PA 16505
 814-863-1000
 www.eriepa.gov



**Table 6
Watershed Peak Flows at Selected Locations**

Creek	Location	ID #	Rch	MI2	Existing Event Year, Cfs				Future 2040 Event Year, Cfs			
					2	10	25	100	2	10	25	100
Ash Creek	RR tracks near N Dakota	& AS1T	A-1	4.28	322	491	574	685	485	738	861	1028
	→ End of Spruce St	& AS4E	A-2	3.53	316	476	553	655	496	732	845	995
	Hemlock & Hall Blvd	& AS7T	A-3	2.80	285	426	492	582	514	748	857	1002
	Taylor's Ferry Rd	& AS8E	A-6	1.34	124	187	217	257	240	348	400	470
Ball Creek	RR tracks near 74th Ave	& BL1	B-1	2.38	381	555	638	749	437	629	720	841
Bel Aire Creek	Bel-Aire Dr	& FM5W1	BA-1	0.38	62	91	105	124	76	111	127	148
Derry Dell Creek	Walnut St	& DD1	DD-1	0.82	112	167	193	228	160	233	268	315
	Morgen Ct	& DD3W	DD-3	0.61	85	127	147	173	120	176	202	236
Fanno Creek	Tualatin River Confluence	... TOTAL	F-1	32.06	1438	2147	2501	2989	1565	2350	2744	3269
	Durham Rd Bridge	& FL3SE	F-1	31.29	1418	2117	2468	2958	1550	2330	2711	3224
	Ball Confluence	& FLBL	F-2	30.50	1435	2192	2563	3063	1615	2427	2829	3391
	Red Rock Confluence	& FLRR	F-5	27.08	1339	2048	2393	2856	1508	2275	2660	3176
	Derry Dell Confluence	& FLDD	F-9	24.32	1309	2012	2365	2824	1549	2329	2726	3276
	Summer Confluence	& FLSM	F-10	23.44	1264	1939	2281	2722	1472	2217	2591	3091
	Ash Confluence	& FMAS	F-11	17.20	936	1427	1667	1987	1037	1552	1808	2149
	Hiteon Confluence	& FMHN	F-12	12.70	713	1070	1249	1492	791	1184	1375	1630
	Near Nimbus Drive	& FM4T	F-13	11.54	713	1078	1257	1499	799	1200	1395	1657
	Bel Aire Confluence	& FM5W	F-13	9.99	701	1050	1223	1455	793	1182	1375	1632
	Bohmann Parkway	& FMBS	F-17	8.47	783	1173	1361	1614	897	1338	1551	1835
	Woods Confluence	& FMWD	F-19	8.16	765	1154	1340	1591	876	1313	1523	1803
	Nicol Rd	& FMD	F-20	6.68	685	1032	1198	1419	808	1208	1400	1653
	Vermont Confluence	& FMVT	F-21	6.42	735	1099	1272	1504	877	1301	1505	1775
	Pendleton Confluence	& FUPN	F-22	4.85	603	895	1035	1221	728	1071	1233	1445
Sylvan Confluence	& FUSV	F-22	4.46	552	821	948	1118	669	986	1136	1331	
Hiteon Creek	Hart Pond	& HN1	H-1	0.77	121	179	206	243	144	209	239	280
Pendleton Creek	Chinese Restaurant	... PN1		0.39	55	81	93	109	63	92	106	124
Progress Creek	Garden Home Rd	... FM9S	P-1	0.14	10	14	17	20	31	44	50	59
Red Rock Creek	RR tracks at Wall St	& RR1	RR-1	1.62	277	401	459	538	317	455	521	607
Summer Creek	Fowler Middle School	& SM1	S-1	6.13	508	762	881	1050	648	951	1103	1308
	Kreuger Confluence	& SMKR	S-1	5.65	555	821	941	1112	749	1072	1251	1485
	Summer lake	- SM4LK	S-3	4.67	465	684	780	923	645	915	1078	1293
	Katherine St	& KR1	S-2	0.83	95	144	167	197	142	209	241	282
Sylvan Creek	Scholls Ferry	& SV1	SV-1	1.20	111	169	196	233	196	288	331	389
Vermont Creek	Oleson Rd	... VT1	V-1	1.24	172	254	292	344	197	289	332	390
Woods Creek	Portland Golf Club	& WD1	W-1	1.37	171	253	292	344	253	369	424	497
		& WD3	W-1	0.99	145	214	247	291	185	268	307	360

ID Location (Node) in HEC-1 model where subbasin flow is combined
Rch Reach code reference (for Natural Resources elements)
QS# Four-digit METRO/USA quarter-section ID#
MI2 Subbasin Area (square miles)
Existing Land use modeled using METRO zone coverage, with vacant and public open lands deleted
Future 2040 Land use modeled using 2040 coverage obtained from METRO
Event Year These are the design events modeled (the 2-, 5-, 10-, 25-, 50-, and 100-year events)



Service Provider Letter

CWS File Number

14-001441

This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 07-20).

Jurisdiction: <u>Tigard</u>	Review Type: <u>Tier 2 Analysis</u>
Site Address / Location: <u>9000 SW Oak ST</u> <u>Tigard, OR 97223</u>	SPL Issue Date: <u>August 07, 2014</u>
	SPL Expiration Date: <u>August 06, 2016</u>

Applicant Information:

Name: _____
 Company: PACIFIC HABITAT SERVICES
9450 SW COMMERCE CIR
 Address: WILSONVILLE OR 97070
SUITE 180
 Phone/Fax: (503) 570-0800
 E-mail: _____

Owner Information:

Name: NAWZAD OTHMAN
 Company: _____
 Address: 215 SW WASHINGTON STREET, SUITE
202
PORTLAND, OR 97204
 Phone/Fax: _____
 E-mail: _____

Tax lot ID

1S135AD01303,
1S135AC04000, 04100,
04200, 04300, 04400

Development Activity

A+O Apartments

Pre-Development Site Conditions:

Post Development Site Conditions:

Sensitive Area Present: On-Site Off-Site
 Vegetated Corridor Width: 50
 Vegetated Corridor Condition: _____

Sensitive Area Present: On-Site Off-Site
 Vegetated Corridor Width: 20

Enhancement of Remaining
 Vegetated Corridor Required:

Square Footage to be enhanced: 3,933

Encroachments into Pre-Development Vegetated Corridor:

Type and location of Encroachment: <u>Parking/Building (Permanent Encroachment; Mitigation Required)</u>	Square Footage: <u>44,295</u>
---	----------------------------------

Mitigation Requirements:

Type/Location <u>On-site; Per Section 3.08.1.b, Enhancement of the existing Sensitive Area has been proposed through a Tier 2 Alternative Analysis</u>	Sq. Ft./Ratio/Cost <u>139,480/ 3.2:1</u>
---	---

Conditions Attached Development Figures Attached (9) Planting Plan Attached Geotech Report Required

This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.

The encroachment into the vegetated corridor meets the following criteria, as required under a Tier I analysis:

1. The proposed encroachment area is mitigated in accordance with Section 3.08.

As discussed above, mitigation for permanent impacts to the vegetated corridor will be achieved through the enhancement of Wetland A with native trees and shrubs. Section 3.08.1.b. allows for enhancement of the existing Sensitive Area for mitigation. This project is proposing wetland enhancement at a ratio of 3.2:1 (3.6 acres). Two acres of the enhancement area are proposed for required mitigation; the additional 1.6 acres of enhancement is proposed for public benefit to water quality. The enhancement of Wetland A meets CWS' requirements for mitigation and public benefit as described below.

The existing vegetated corridor, north of Wetland A, is in degraded corridor condition. Vegetation consists of non-native grasses, and Himalayan blackberry; no trees are present. The existing corridor provides little in the way of creek or wetland protection or habitat function. The riparian area adjacent to Ash Creek is narrow, and is dominated by Himalayan blackberry; water quality and wildlife habitat functions and values within the creek and within Wetland A are low. Enhancement of approximately 139,480 acres of Wetland A will more than compensate for the encroachment of the degraded vegetated corridors north of Wetland A.

The southern area of enhancement will elevate many functions and values within Ash Creek. Trees and shrubs will provide shade to protect and improve water quality; native trees and shrubs will improve wildlife habitat; a wider forested riparian buffer will reduce human and domestic animal disturbance within the creek.

The northern area of enhancement, adjacent to the new development, will also provide several important functions. This area is wetland, and native trees and shrubs will increase the wetland's functions for wildlife habitat. This area will act as a buffer, reducing the likelihood that area residents will use the wetland in inappropriate ways.

Planting in the northern and southern mitigation enhancement areas will occur at 100 percent of CWS densities for trees and shrubs. As such, 1,395 trees ($139,480 \times 0.01$) and 6,974 shrubs ($139,480 \times 0.05$) will be planted within Wetland A. Planting in the central enhancement areas will occur at a density that achieves 100% areal coverage; as such, 7,419 plugs will be planted within Wetland A.

2. The replacement mitigation protects the functions and values of the Vegetated Corridor and Sensitive Area.

Currently, the southern portion of Wetland A within the project area provides some water storage and delay functions. Planted native woody vegetation along the banks will slow floodwaters during flood events, which may alleviate downstream flooding. Water quality is expected to increase because of the native trees and shrubs that will be planted along Ash Creek. The native trees and shrubs will provide shade, cooling summertime water temperatures.

As discussed above, the vegetated corridor to be impacted is in degraded corridor condition, and is not forested. The vegetated corridor provides very little in the way of protecting the functions and values of the wetland or of Ash Creek. The enhancement of Wetland A as mitigation will occur at a ratio of 3.2 to 1. This large ratio ensures that the functions and values lost through vegetated corridor encroachment will be more than adequately recovered through the enhancement mitigation process.

3. Enhancement of the replacement area, if not already in Good Corridor Condition, and either the remaining Vegetated Corridor on the site or the first 50 feet of width closest to the resource, whichever is less, to a Good Corridor Condition.

The wetland enhancement area will be planted to CWS densities for trees and shrubs. The southern enhancement area will occur within the 50 feet closest to Ash Creek, with widths ranging from 50 to 110-feet from Ash Creek. The northern enhancement area will occur south of the development area. The remaining VC will be planted to good corridor condition, at CWS' densities for trees and shrubs.

4. A District Stormwater Connection Permit is likely to be issued based on proposed plans.

The applicant reasonably expects to obtain a District Stormwater Connection Permit based on proposed plans for the project.

5. Location of development and site planning minimizes incursion into the Vegetated Corridor.

The proposed development plan is located in the northern portion of the site. Retaining walls were used to minimize impacts to wetlands and the vegetated corridor. Permanent impacts are necessary to meet the housing goals and density of the Washington Square Regional Plan Center, minimum parking requirements (assuming the 10% parking reduction variance is approved), neighborhood compatibility with building heights, as well as stormwater treatment outfalls.

Encroachment into the adjacent vegetated corridor has been minimized to the maximum extent practicable. Vegetated corridor encroachments are limited to those necessary for construction of the plan as proposed, to accommodate buildings, parking areas, stormwater treatment outfall, and garbage/recycling dumpster areas. The overall development has sought to maximize the developable area on the northern portion of the site because the southern portion is encumbered by the remaining portion of Wetland A and its vegetated corridor. The encroachment is required to adequately site the proposed buildings, drive aisles (access and emergency vehicles), and parking areas within the developable northern portion of the site. The multi-family residential "product" proposed on-site is dimensioned to meet the market demands of this specific housing type and address the neighborhood compatibility concerns of the nearby property owners. Any decrease to the unit count may impact the marketability of this development. As such, the proposed encroachment is limited to the greatest practical extent to make this project economically feasible.

A site alternatives analysis is provided (see SPL Attachment 2) that shows a matrix of development alternatives (A-D) that were considered, and a qualitative comparison of impacts, as well as comments regarding building type, parking, stormwater treatment, and site design options.

6. No practicable alternative to the location of the development exists that will not disturb the Sensitive Area or Vegetated Corridor.

Alternative site designs were considered, and the current design (Alternative D) was chosen due to site constraints. There are multiple benefits of locating the development at the proposed site, which would be negated if the development were moved off of this site. The site will be a residential development, which is in keeping with adjoining land uses. The project site is located within District C (Lincoln Center-Ash Creek) one of five districts within the *Washington Square Regional Center Plan*. The Regional Center

Plan describes strategies that make the most efficient use of urban land in the face of dramatic population growth. Regional centers aim to reach densities of 60 people an acre through housing and employment - the metro area's second-highest density after downtown Portland. Residents of high density neighborhoods (Lincoln Center is designated as one of the highest within the plan area) will have easy access to nearby jobs, essential services and retail resources. The sites location is within walking distance from public transportation, and is centrally located among commercial and retail development, public schools, public parks, as well as many commercial businesses that provide employment opportunities for future tenants.

7. The proposed encroachment provides public benefits.

The public benefit of vegetated corridor encroachment includes supporting City and Regional Goals for "smart growth" via affordable housing. The site is located near the Washington Square Mall, which will provide close-in access to retail, restaurant, office, and service businesses, much of it within walking distance of the site.

Water quality is expected to increase because of native trees and shrubs that will be planted along Ash Creek. The native trees and shrubs will provide shade, cooling summertime water temperatures. The enhancement of Wetland A at a ratio of 3.2: 1 will elevate the functions and values within Wetland A and Ash Creek, providing water quality improvements for public benefit.

The proposed development will have an overlook along the southern edge of the parking lot. The overlook can be used by residents of the apartment complex for wildlife and native plant viewing. A future trail may be proposed along Ash Creek; if this regional trail is constructed, recreation and educational opportunities will increase.

In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 07-20, Chapter 3.
2. **Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 07-20, Section 3.06.1 and per approved plans.**
3. **Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. **Prior to ground disturbance an erosion control permit is required through the City. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.**
6. **Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.**
7. Activities located within the 100-year floodplain shall comply with R&O 07-20, Section 5.10.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

SPECIAL CONDITIONS

10. **For Vegetated Corridors up to 50 feet wide, the applicant shall enhance the entire Vegetated Corridor to meet or exceed good corridor condition as defined in R&O 07-20, Section 3.14.2, Table 3-3.**
11. **Prior to any site clearing, grading or construction, the applicant shall provide the City or Clean Water Services with a Sensitive Area and Vegetated Corridor enhancement/restoration plan. Enhancement/restoration of the Vegetated Corridor shall be provided in accordance with R&O 07-20, Appendix A, and shall include planting specifications for all Vegetated Corridor, including any cleared areas larger than 25 square feet in Vegetated Corridor rated ""good.""**
12. Prior to installation of plant materials, all invasive vegetation within the Vegetated Corridor shall be removed per methods described in Clean Water Services' Integrated Pest Management Plan. During removal of invasive vegetation care shall be taken to minimize impacts to existing native tree and shrub species.
13. The City or Clean Water Services shall be notified 72 hours prior to the start and completion of enhancement/restoration activities. Enhancement/restoration activities shall comply with the guidelines provided in Landscape Requirements (R&O 07-20, Appendix A).
14. **Maintenance and monitoring requirements shall comply with R&O 07-20, Section 2.11.2. If at any time during the warranty period the landscaping falls below the 80% survival level, the owner shall reinstall all deficient planting at the next appropriate planting**

opportunity and the two-year maintenance period shall begin again from the date of replanting.

15. Performance assurances for the Vegetated Corridor shall comply with R&O 07-20, Section 2.06.2.
16. Clean Water Services shall require an easement over the Sensitive Area and Vegetated Corridor conveying storm and surface water management to Clean Water Services or the City that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

FINAL PLANS

17. Final construction plans shall include landscape plans. In the details section of the plans, a description of the methods for removal and control of exotic species, location, distribution, condition and size of plantings, existing plants and trees to be preserved, and installation methods for plant materials is required. Plantings shall be tagged for dormant season identification and shall remain on plant material after planting for monitoring purposes.
18. A Maintenance Plan shall be included on final plans including methods, responsible party contact information, and dates (minimum two times per year, by June 1 and September 30).
19. Final construction plans shall clearly depict the location and dimensions of the sensitive area and the Vegetated Corridor (indicating good, marginal, or degraded condition). Sensitive area boundaries shall be marked in the field.
20. Protection of the Vegetated Corridors and associated sensitive areas shall be provided by the installation of permanent fencing and signage between the development and the outer limits of the Vegetated Corridors. Fencing and signage details to be included on final construction plans.

This Service Provider Letter is not valid unless CWS-approved site plan is attached.

Please call (503) 681-3653 with any questions.


Amber Wierck
Environmental Plan Review

Attachments (9)

