



Venture Properties I N C O R P O R A T E D

Creating
Tomorrow's
Communities
Today

August 8, 2022

KTMP Stakeholder Advisory Committee
c/o Mike Weston, Community Development Director
City of King City

Dear KTMP Stakeholder Advisory Committee,

Prior to discussion of the four potential roadway alignments in Kingston Terrace, I want to strongly encourage the committee to select roadway Alternative 4 along the northern portion of the district. This alignment has the least amount of environmental impact, has fewer riparian crossings, and therefore has the lowest overall cost to the district. The primary objective of this parallel collector route is to alleviate congestion along Beef Bend Road. All four roadway alternatives achieve that objective.

The draft report appears to rate all Impact Categories equally. The physical constraints of the site limit the options available and necessitate that the committee weight Costs/Implementation and Natural Resources as the highest priority. Connectivity can be provided through the local street network to supplement the collector alignment.

It is critical for the Committee and City Staff to understand the importance of these design decisions on the ultimate cost of finished homes. The cost of this collector will be spread across all the land within the district through a supplemental transportation SDC. That will increase the cost of all homes at a time when the region is struggling with housing affordability.


My project team has reviewed the July 2022 draft "East/West Circulation Alternatives Analysis" for Kingston Terrace. I have attached a memo from AKS Engineering that outlines our areas of concern with the report. Our primary concerns include:

- Underestimates costs for the riparian crossings
- Co-location of the collector with infrastructure is over emphasized in the ratings. Co-location can occur with local streets and pedestrian bridges at a much lower cost.
- A slight shift in the Alternative 4 alignment would decrease upland habitat impacts and improve the Alternative 4 scoring
- Inconsistencies in each of the rating matrixes

With the revised rankings and using weighted consideration of Costs/Implementation and Natural Resources, Alternative 4 should be recommended for implementation.

I look forward to discussion of the Alternatives at the August 8, 2022, Stakeholder meeting. After that discussion, I request that the draft report be revisited to consider our feedback.

Sincerely,


Kelly Ritz, President
Venture Properties, Inc

Enclosure: August 5, 2022, memo from AKS Engineering

August 8, 2022



To: Kelly Ritz, President
Venture Properties, Inc.

From: Mimi Doukas, AICP, RLA – Principal
Paul Sellke, PE, GE – Project Engineer

**Subject: East/West Circulation Alternatives Analysis Comments
Kinston Terrace Master Plan
King City, Oregon**

Kelly Ritz:

In accordance with your request, the following outlines our technical review comments of the East/West Circulation Alternatives Analysis – Draft (dated July 2022) for the Kingston Terrace Master Plan (the report). Our responses follow the categorical structure of the original report. We have provided suggested alternative scoring that reflects our findings where we deviate from the draft report.

All four alternative Collector street alignments provide east-west connectivity parallel to SW Beef Bend Road. Alternative 4 will minimize riparian crossings, and will reduce overall project costs. The riparian corridors become wider and deeper moving south toward the Tualatin River, increasing the needed length of each crossing, which substantially increases costs and environmental impacts.

Bicycle, Pedestrian, & Micromobility

Connective and long cul-de-sacs

The report states that Alternative 4 will result in long cul-de-sacs “unless local street system is built to provide connectivity across ravines.” The ravines do provide distinct upland subdistricts, but they are over 800 feet in width from east to west. This allows for a high level of connectivity with the local street network up to the proposed Collector and SW Beef Bend Road. Connectivity can be provided within the subdistricts without impacting the sensitive and steep riparian corridors. There is no reason for Alternative 4 to require more cul-de-sacs than the other alternatives.

Updated Active Transportation Mobility Rankings

Updated alternative rankings are shown below in blue (orange pies retain the original ranking score).

UPDATED Table 3. Summary Evaluation of Active Transportation Mobility Factors

Impact Categories/Criteria	No Direct Connection	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Accommodation of bicycle/ped system for healthy outcomes					
Safety for bicycle & pedestrian users					
Connectivity to key destinations					
Travel time comparisons for bikes					
Ability to meet spacing standards and limit length of cul-de-sacs					
Supports providing a seamless connection to existing/planned infrastructure in surrounding communities					
OVERALL RANKING					

Vehicular Mobility & Accessibility

Connective and long cul-de-sacs

The report repeats the cul-de-sac criterion in two categories, giving it disproportionate weight. As described above, Alternative 4 is not more likely to result in long cul-de-sacs than the other alternatives.

Provides one continuous connection through the study area

Table 4 of the report gives the same response for Alternatives 2, 3, and 4, but the summary table gives a lower score to Alternative 4. All alternatives should all have the same score because they all provide a continuous connection across the district and will have designated bike routes to SW Beef Bend Road.

Updated active vehicular mobility rankings

Updated alternative rankings are shown below in blue (orange pies retain the original ranking score).

UPDATED Table 5. Summary Evaluation of Vehicular Mobility Factors

Evaluation Factors	No Direct Connection	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Connectivity & potential for out of direction travel					
Level of service/delays at key intersections					
Travel times/VMT effects					
Beef Bend Road spacing standards					
Transit supportive					
Ability to meet standards to limit long cul-de-sacs					
Provides at least one continuous connection through the study area for all travel modes					
OVERALL RANKING					

Public Utilities & Services Evaluation

Steep slopes, natural resource (NR), & erosion potential

The report identifies that Alternatives 2 and 3 have moderate impacts on the existing steep slopes and natural resource areas, while Alternative 4's impacts are slightly lower. In our review, Alternative 4 results in far fewer NR impacts with small alignment adjustments. Segments of Alternative 4 alignment can be realigned to similar alignments as shown in Alternatives 2 and 3 in sections that are located outside the steep slope and natural resource areas. Alternative 4 should be prioritized in the rankings as the preferred alternative that minimizes its impact for this category (No Direct Connection alternative is excluded from consideration).

Sanitary sewer service

The report states that CWS will collocate their sanitary sewer trunk mains on the proposed Collector route through Kingston Terrace. In our experience, it is not realistic nor required for sanitary sewer trunk/main lines to be collocated with Collector alignments. Our experience with CWS is that overall construction costs drive the location of their facilities and that these facilities can be located in Local roads, pedestrian paths, and/or along natural resource areas if easements and maintenance access are provided. Costs for maintenance access are generally lower for sewer lines located in alignments that are not in Collectors, as there are fewer traffic control/safety concerns and costs are lower.

Based on our review of the topography of the Kingston Terrace area and the concept Collector alignments, we anticipate that sanitary sewer pump stations will be required to provide the area with sanitary sewer service unless CWS locates the regional trunk main along the Tualatin River. The

evaluation report identifies that Alternatives 2 and 3 may require pump stations. Based on the topography, the locations of Alternatives 2 and 3 only slightly reduce the size and the number of lots served by individual pump stations. Topography of the southern peninsulas of lots below Collectors are ± 20 to ± 50 feet below the grade of Alternatives 2 and 3. In our review, all Collector route alternatives (2, 3, and 4) will require pump stations or alternative sanitary main routes (along the Tualatin River, across ravines, or hanging on bridges) to provide sanitary service to areas south of the proposed Collector.

Because Alternatives 2 and 3 still require pump stations, their cost benefits are lower than Alternative 4. The cost difference between a medium pump station and a small pump station is not significant in when compared to the overall development costs for the area. The depth of the wetwell impacts project costs more than the size of the pump station. Based on this analysis, the ranking factors should be modified as shown below.

Effect on potable water service

The report states that collocation opportunities for potable water service with Collector roadways has an impact or effect based on the routing. In our opinion, none of the alternatives provide a benefit from collocation with water mains. Backbone water main services (larger than 8 inches) can be provided with any alternative or can be looped along Local routes that run through the neighborhoods.

The risk of having dead-end mains to the south is relatively similar for Alternatives 2, 3, and 4. As is shown on Figure 5 of the report, the local road network south of the proposed Collector can provide looped water mains for all of the developable area between Alternatives 2 and 4. Therefore, the ranking factors should be similar for all alternatives.

Effect on franchise utility service

The report identifies that collocation opportunities for franchise utilities (gas, fiber optic, electric, etc.) has an impact or effect based on the selected Collector routing. In our opinion, none of the alternatives provide a benefit from collocation with franchise utilities. Franchise utility service to the Kingston Terrace expansion can be provided with any alternative or can be provided along Local routes which service the neighborhoods. Therefore, the ranking factors should be same for all alternatives.

Updated public service rankings

Updated alternative rankings are shown below in blue (orange pies retain the original ranking score).

UPDATED Table 7. Summary Evaluation of Public Services and Utilities

Evaluation Factors	No Direct Connection	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Stormwater and water quality impacts					
Effect on steep slopes and erosion potential					
Accommodation of emergency services, transit, and school bus routing					
Effect on sanitary sewer including opportunities for co-location					
Effect on potable water including opportunities for co-location					
Effect on franchise utilities such as gas, electric, fiberoptic, etc. including opportunities for co-location					
OVERALL RANKING					

As noted above, Alternatives 2 and 4 have similar results and have the highest overall rankings. However, the differences in between all the alternatives are low and the selected alternative should not be prioritized based on the public services evaluation.

Tualatin River pedestrian trail corridor

Regardless of the Collector routing selected, the Kingston Terrace Master Plan can incorporate benefits to public utility services collocated with a pedestrian trail corridor to the south and along the Tualatin River. The benefits of this off-Collector trail corridor are:

- Pedestrian bridge crossings will cost much less than Collector crossings as the ability to follow terrain at lower elevations, smaller horizontal curves, and narrower widths minimizes the size/length of crossings.
- Alternative sanitary sewer and water main routes could use pedestrian corridors/bridges to remove dead-end water mains or provide alternative routes to avoid a pump station (mains can be hung on bridges).
- Limits NR impacts when parallel corridor is located further north.
- Lower Collector bridge costs across NR areas due to reduction in width, length, design loading, and weight.
- Much more desirable and quiet pedestrian experience along the river/natural corridor that most residents/visitors will prefer to busy Collector roads.
- Providing a separate pedestrian corridor minimizes the potential for pedestrian/vehicle conflicts and increases overall pedestrian safety.

Natural Resources Services Evaluation

Impacts to upland habitat

Alternative 4 is currently designed to cut through the southern tip of a forested area. The route can be modified slightly to avoid this forested area and increase Alternative 4’s score for this category.

It is not clear why Alternative 1 is described as “habitat mostly lacking” when this alignment is directly adjacent to the Tualatin River. Alternative 1 should be ranked lower.

Impacts to wildlife corridors

Alternative 4 minimizes the riparian crossings, reducing overall wildlife corridor impacts. Table 10 of the report acknowledges that crossings in Alternative 4 are higher in the riparian reaches where habitat is of lower value. Crossings can be constructed with habitat-friendly culverts that are much more cost effective than bridge spans. Alternative 4 should be scored higher for this category.

Updated natural resource rankings

Alternative rankings are shown below in blue (orange pies retain the original ranking score).

UPDATED Table 9. Summary Evaluation of Natural Resource Effects

Evaluation Factors	No Direct Connection	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Wetlands impacts					
Stream crossings and riparian area impacts					
Impacts to upland habitat					
Impacts to wildlife corridors					
Effects on Bankston Easement					
OVERALL RANKING					

Cost & Implementation Evaluation

Magnitude of construction costs for roadways & bridges/culverts

The alternatives analysis differentiates between the various alternatives for the rough order of magnitude (ROM) construction costs for roadways and bridges/culverts. In our opinion, the ROM costs for Alternatives 1 through 3 appear low.

The Cornelius Pass Road bridge for Washington County is the most recent large bridge project that is similar to the bridges that will be required for collector access across the existing ravines within the Kingston Terrace area. This bridge was estimated on the order of ±\$13M for a 175-foot single-span bridge. This correlates to a cost of ±\$775 per square foot of bridge deck. For comparison purposes, the calculation below provide a quick rough order of magnitude (ROM) estimate of the needed bridges for Alternative 2, based the need for four bridges across the four ravines the Collector would need to cross.

Alternative Route 2: Bridges ROM Cost Estimate

Span	Span Length (feet)	Bridge Width (feet)	ROM Bridge Cost
Bridge #1	150	55	\$6,300,000
Bridge #2	275	55	\$11,700,000
Bridge #3	325	55	\$13,800,000
Bridge #4	300	55	\$12,700,000
		ROM BRIDGES TOTAL	\$44,000,000

This ROM cost estimate of ±\$44M does not account for the cost of the Collector road between the bridges. Therefore, the report's total estimated roadway and bridge cost for Alternative 2 of ±\$34M is too low by tens of millions. Alternative 4 is estimated in the report at ±\$10.75M and does not require significant bridges; therefore, the overall ROM road/bridge cost for Alternative 2 could be ±\$55M.

The increased bridge crossing costs for Alternative 2 will result in higher supplemental system development charges (SDCs) that will increase the overall cost to develop the Kingston Terrace area, making it more difficult for developers to construct affordable housing.

The 2018 Metro Ordinance that expanded the Urban Growth Boundary (UGB) to include the Kingston Terrace area (Beef Bend South) estimates that approximately 3,300 homes are planned for this area. Based on then current Washington County Transportation Development Tax (TDT) rates (\$9,998 per single-family detached unit), Alternative 2 will result in ±\$33M of TDT fees/potential credits and add ±\$22M in Supplemental Transportation System Development Charges (TSDCs) for transportation improvements in Kingston Terrace area (±\$6,700 per lot).

Effect of transportation phasing, particularly related to public utilities

Table 12 of the report downgrades Alternative 4 because it cannot be co-located with sanitary sewer. Co-location of a Collector street with sanitary sewer is not a significant advantage as previously discussed. Alternative 4 should have the same rating as Alternatives 2 and 3.

Updated cost and implementation rankings

Updated alternative rankings are shown below in blue (orange pies retain the original ranking score).

UPDATED Table 11. Summary Evaluation of Cost and Implementation Factors

Evaluation Factors	No Direct Connection	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Order of magnitude construction costs- roadways and bridges/culverts					
Order of magnitude construction costs- pathways ⁶	---		---	--	--
Order of magnitude costs for habitat restoration, stormwater management and erosion control					
Order of magnitude costs for sewer service extensions related to the range of roadway/pathway alternatives					
Potential for funding using TDT or other public resources (i.e., for connected, collector level streets) vs developer-financing					
Order of magnitude construction and operations/maintenance effects on public utilities					
Effect of transportation system phasing, particularly related to public utilities					
OVERALL RANKING (Excluding pathway)					

Summary of Evaluation Results

Updated summary rankings

Updated alternative summary rankings are shown below in blue (orange pies retain the original ranking score).

UPDATED Table 13. Summary Ranked Evaluation Factors

Impact Categories	No Direct Connection	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Land Use and Community Design					
Bicycle, Pedestrian and Micro-mobility					
Vehicular Mobility and Accessibility					
Public Services and Utilities					
Natural Resources					
Costs and Implementation					

Summary

Excessive supplemental TSDCs could be avoided by selecting Alternative 4 or a hybrid route that avoids the existing ravine/natural resource areas that result in large bridge/transportation costs and additional TSDCs for the entire Kingston Terrace area. In our professional opinion, the cost to implement a selected alternative should be weighted and prioritized as the additional cost to develop the Kingston Terrace area directly impacts the affordability for the area to be developed and has direct correlations to affordable housing.

If you have any questions regarding this letter or our review comments, please do not hesitate to call or email us.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Paul A. Sellke, PE, GE | Project Engineer
 12965 SW Herman Road, Suite 100
 Tualatin, OR 97062
 503-561-6151 ext. 219 | PaulS@aks-eng.com



September 21, 2022

Sarah Mitchell
Kellington Law Group PC
PO Box 159
Lake Oswego, OR 97034

Re: King City Transportation System Plan (TSP) Evaluation – King City, Oregon
TSP Evaluation

C&A Project Number 20211103.00

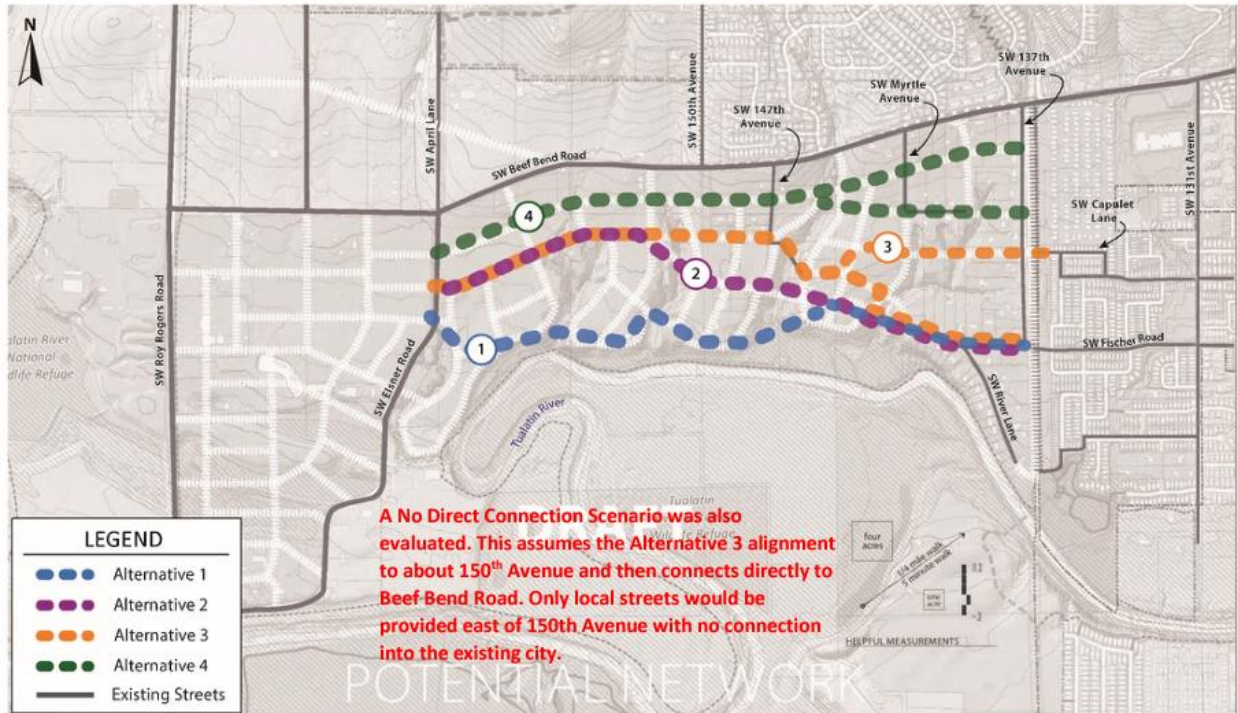
Dear Ms. Mitchell,

This letter presents an evaluation of the East/West Circulation Alternatives Transportation Analysis (Transportation Analysis) which is Appendix B of the more comprehensive East/West Circulation Alternatives Analysis that is being prepared as part of the Kingston Terrace Master Plan for King City, Oregon.

Overall, the Transportation Analysis is fundamentally flawed because it is focused on the best/easiest way to travel between the existing town center in the east and the proposed new town center in the west, while ignoring the actual trip origins and destinations in the existing town center, the proposed new town center, and the study area between those two centers. This fundamental flaw results in the Transportation Analysis erroneously concluding that an east-west connector is necessary for a well-planned transportation system. Rather than singularly focusing on determining the best alternative for an east-west connection through the study area, the City should holistically focus on determining the best transportation system that will serve the study area.

To explain, the Transportation Analysis provides a detailed mobility assessment/evaluation of a “... *shortlist of reasonable east/west circulation alternatives...*” in the King City Master Plan (KCMP) area which are illustrated in the figure below. Using a defined set of mobility factors, the alternatives were scored to identify the preferred alternative(s). As stated in the Transportation Analysis, “*Determination of rankings was based on quantitative analysis data where available. Otherwise, a qualitative assessment of the relative merits of each alternative for each factor was determined.*”

Figure 14. East/West Circulation Alternatives



In evaluating the alignments to determine the preferred alternative(s), the Transportation Analysis evaluated the ‘best’ route of travel in the KCMP area between the existing Fischer Road corridor in the east and Elmer Road near the proposed new town center in the west as illustrated in the following figure. This is also described as the travel path between the origin-destination pairs C and D, as illustrated in the figure after next.

Figure 2. Concept Plan Land Use Framework

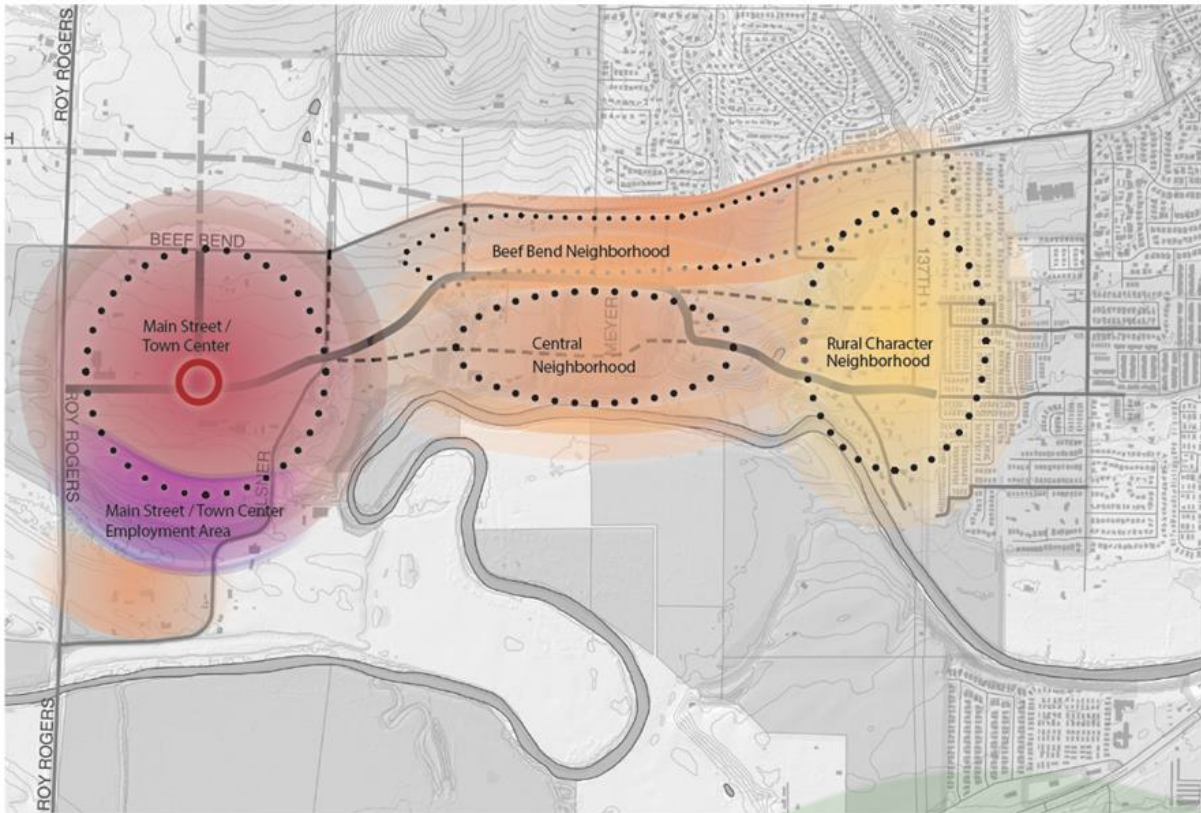
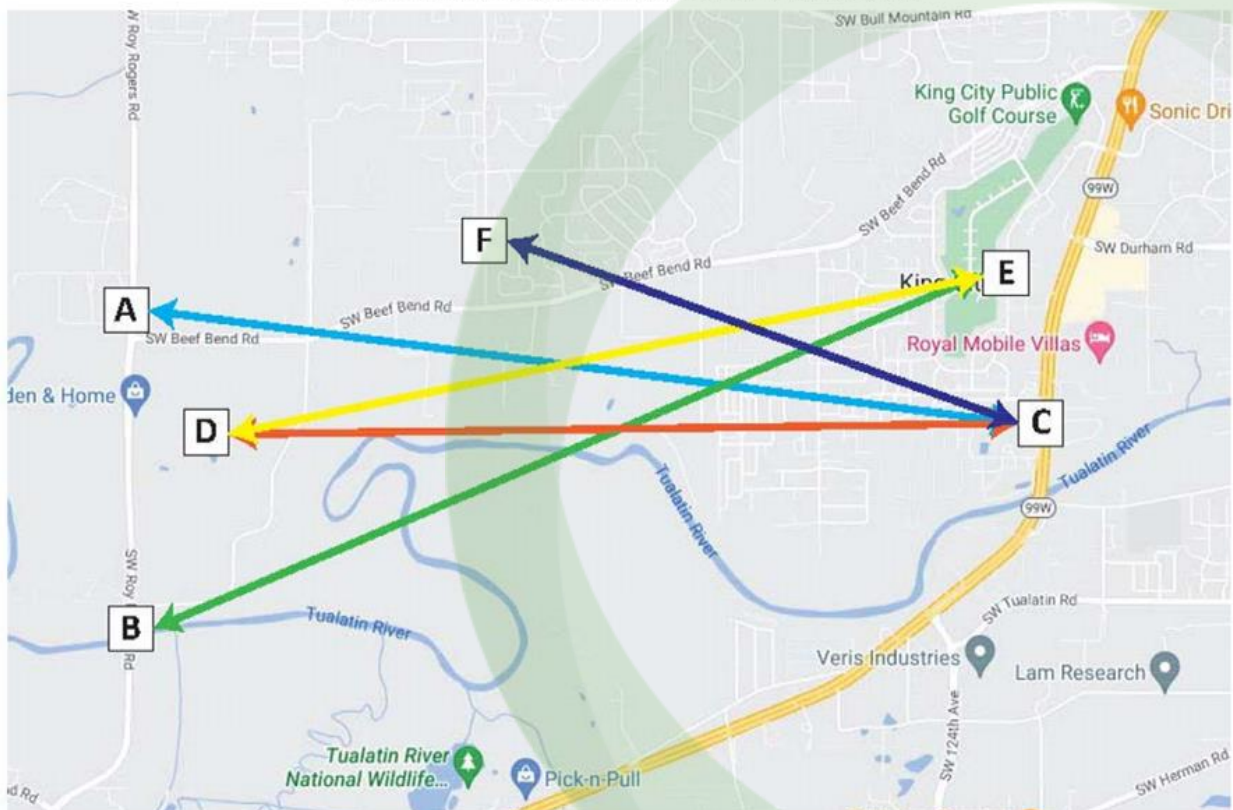


Figure 12. Origin-Destination Pairs for Travel Time Analysis



Based on the mobility factors considered in the Transportation Analysis, Alternative 2 and the southern Alternative 3 were chosen as the preferred alignments, primarily because they are the most direct, and have the shortest travel time between points C and D for all travel modes. As a result, the primary purpose of the Transportation Analysis inappropriately becomes an exercise to identify the highest scoring east-west travel alternative to using Beef Bend Road, as opposed to identifying the circulation pattern that best serves the KCMP area itself.

For clarity purposes, the Transportation Analysis describes the Alternative 4 alignment as “... run[ning] parallel to and approximately 300 feet south of Beef Bend Road.” This alignment further includes northern and southern alternatives on the eastern portion of the alignment which are all graphically depicted in Figure 14, above. Based on the graphical information that also includes a conceptual *Local* roadway layout, Alternative 4 is the most direct, and least circuitous alignment between Elsner Road (in the west) and SW 137th Avenue (in the east) of all the alternatives. As such, it is incorrect for the Transportation Analysis to conclude that Alternative 4 is “[m]ore circuitous than [Alternatives] #1, #2, or #3 to reach destinations in [the] existing city”, or that it provides a “[m]ore circuitous connection between east and west of city”, or that the alternative is “[t]oo circuitous, likely to rely on Beef Bend Road for TriMet service” without clearly articulating the evaluation criteria – which appears to be focused the ability to directly travel between origin-destination pairs C and D illustrated in Figure 12, above.

The Transportation Analysis needs to identify the best alternative that serves the KCMP area itself, versus evaluating the best alternative facilitating travel through the KCMP area. For all trips that have an ‘internal’ origin or destination in the KCMP area, the Transportation Analysis needs to clearly identify the location of the ‘other’ trip end. While this information is not presented in the Transportation Analysis, it is reasonable to assume that the vast majority of these ‘other’ trip ends are ‘external’ to the study area and are located to the northeast along the OR 99W corridor. As such, the percentage of trips that have both ends; i.e., an origin and destination, in the KCMP area is quite small – meaning that any evaluation criteria considering the travel time between origin-destination pairs C and D is not that important.

Materials contained in the KCMP Existing Conditions Report further support the assertion that only a small percentage of trips have both ends; i.e., an origin and destination, in the study area, and that most trips have one end that is ‘external’ to the study area.

Specifically, the KCMP growth forecast assumes that by the year 2045, the 528-acre KCMP area will include 3,091 dwellings (households) and 275 employees. The remainder of King City is projected to include 2,751 dwellings and 882 employees. This amount of growth equates to a net increase of approximately 3,070 dwelling units for the KCMP area and 850 for the remainder of King City. These materials are summarized in the following table.

Table 11: Future Employment and Dwelling Forecast, King City Master Plan Area and King City, 2045

Traffic Analysis Zone #/Area	TAZs within King City Beef Bend			Other TAZs within King City (current city limit)				King City Total
	1001	1051 (West)	Subtotal Beef Bend South	1051 (East)	1052	1050	Subtotal rest of King City	
Employees	265	10	275	162	49	671	882	1,157
Dwellings (households)	2,295	796	3,091	1,440	147	1,072	2,751	5,842
Total employees and households	2,560	806	3,366	1,602	196	1,743	3,633	6,999

Source: King City Transportation System Plan Land Use Assumptions Report, Urbworks August 2020

Noting that the KCMP only assumes 275 jobs will be added in the KCMP area by the year 2045, it is reasonable to assume that the vast majority of the residents in the 3,070 new residential dwelling units will have jobs outside of the KCMP area. Based on the geographic location of King City, it is further reasonable to assume these jobs will predominantly be located to the northeast along the OR 99W corridor toward the Portland metro area. This is supported by the 2020 King City Market Analysis for the study area,¹ which concludes that 99% of working King City residents commute outside of the city for work, most notably to the north and east, including Tigard, Portland, and Beaverton.

It is recognized that the Beef Bend Road corridor has high motor vehicle traffic volumes and does not provide a good multi-modal transportation experience; however, attempting to justify an alternate east-west travel corridor through the primarily residential study area south of Beef Bend Road is not appropriate. Further, the Transportation Analysis found that while an alternate east-west connector shifts traffic off of Beef Bend Road, it shifts this traffic onto Fischer Road, further necessitating improvements along this corridor and on OR 99W – noting that all of the traffic is still going to OR 99W regardless of the new east-west corridor.

The following table from the Transportation Analysis summarizes operations analysis results of shifting traffic away from the Beef Bend Road corridor and onto the Fischer Road corridor.

2040 PM Peak Hour Intersection Operations					
Intersection	Traffic Control	Mobility Target	PM Peak Hour v/c ratio		
			No Direct Connection	Alternatives 1, 2, and 3 South	Alternatives 3 North and 4
Beef Bend Road at 150 th Avenue	Signal		0.97	0.85	0.88
Beef Bend Road at 137 th Avenue	Stop Sign		0.25	0.13	0.13
Beef Bend Road at 131 st Avenue	Signal		0.91	0.73	0.75
Fischer Road at 131 st Avenue	AWCS	v/c 0.99	0.99	1.54	1.43
	Signal		0.87	0.86	0.85
Highway 99W at Beef Bend Road	Signal		1.14	1.08	1.08
Highway 99W at Fischer Road	Signal		0.89	1.06	1.03

Based on materials contained in the table above, the No Direct Connection alternative results in the fewest number of intersections requiring mitigation to meet mobility targets in the 2040 plan year. While an alternative alignment improves plan year operations on the Beef Bend Road corridor itself, the mobility target is also met at all intersections with the No Direct Connection alternative, indicating that the best alternative is one that serves the study area itself and not one that facilitates travel through the study area.

Traveling east-west *within* the study area, versus *through*, is important – to parks, schools, and very local/proximate destinations, but the vast majority of the home-to-work and home-to-shopping trips are traveling to/from external locations to the northeast along the OR 99W corridor. It is also noted that the only nearby school, Deer Creek Elementary, is located northeast of the subject residential area near the Beef Bend Road/SW 131st Avenue intersection and travel to and from the school would be best served by the Alternative 4 and Alternative 3 North alignments.

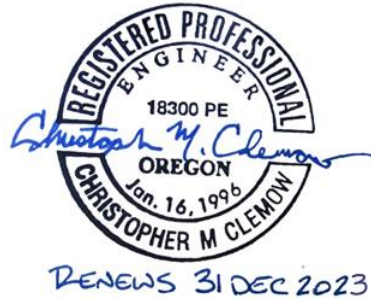
¹ <https://sites.jla.us.com/files/king-city-tsp/king-city-ma-05-14-20-revised.pdf?6c7eff6b75>

Overall, the evaluation criteria for any east-west connection need to focus on how to best serve all transportation modes *within* the KCMP area with the least cost and environmental impact. As such, the quality of the external connections at the east and west edges of the KCMP area are of minor importance and the quality of the *internal* connections within the KCMP area are of high importance. This is especially true for non-automobile trips that have both trip ends within the KCMP area, versus the motorized automobile and transit trips that have external trip ends that are northeast along the OR 99W corridor.

Sincerely,



Christopher M. Clemow, PE, PTOE
Transportation Engineer



HEADQUARTERS
850 OFFICERS' ROW
VANCOUVER, WA 98661



CONTACT
TEL: 360.696.0131
FAX: 360.696.1847

August 4, 2022

Jaimie Fender
King City Mayor
City of King City
15300 SW 116th Ave
King City, OR 97224
jfender@ci.king-city.or.us

King City Council
City of King City
15300 SW 116th Ave
King City, OR 97224
rsmith@ci.king-city.or.us

Mike Weston
King City Manager
mweston@ci.king-city.or.us

Steve Faust
3J Consulting
steve.faust@3j-consulting.com

Submitted via Email

Dear Ms. Fender, City Council, Mr. Weston and 3J Consulting:

Columbia Land Trust would like to express our continued concern regarding the King City Transportation System Plan, specifically with regard to the concept of extending Fischer Road across the Bankston property. As you will recall, Columbia Land Trust holds a perpetual conservation easement over portions of the Bankston property, including a portion that would be impacted by the proposed Fischer Road extension (proposed alternatives 1-3).

LAND TRUST ACCREDITATION COMMISSION ACCREDITED | OFFICES IN: ASTORIA • PORTLAND • HOOD RIVER

COLUMBIALANDTRUST.ORG | CONNECT@COLUMBIALANDTRUST.ORG
FACEBOOK • INSTAGRAM: @COLUMBIALANDTRUST | TWITTER: @COLUMBIANATURE

PRINTED ON RECYCLED PAPER

The Bankston Easement was initially conserved in 2009 by Three Rivers Land Conservancy with funding from Clean Water Services, who holds third party enforcement rights on the conservation easement and in 2011, the conservation easement transferred to Columbia Land Trust.

We believe insufficient emphasis is being placed on the condition established by Metro in its approval of the King City urban growth expansion plan that expressly recognized the Bankston conservation easement, and that insufficient consideration is being given to other alternatives for providing East-West vehicular connection. Metro's condition requires that King City protect, **to the maximum extent possible**, that portion of the Bankston property protected by the conservation easement held by the Land Trust. Here's the exact language of Metro's condition:

The Columbia Land Trust holds a conservation easement over portions of the Bankston property, which King City's concept plan identifies as the intended location for a key transportation facility serving the expansion area. King City shall work with the Columbia Land Trust to protect, to the maximum extent possible, the portion of the Bankston property covered by the conservation easement. (Exhibit C, Section E.8).

We understand that consideration and analysis of other options is still in process, and that there will be additional opportunities for both informal discussion and formal public comment. At this point in the process, we want to emphasize that the standard set by Metro's condition is stringent: our view is that the standard is not that King City can extend Fischer Road across the Bankston property if it determines that doing so is less costly, or more effective, or in some overall sense most practical of the potential alternatives. King City can only comply with Metro's condition if it determines that extending the road across the Bankston property is the only possible approach. Otherwise, King City is not protecting the property covered by the conservation easement to the "maximum extent possible" as it would be choosing to not adopt other possible approaches, and instead choosing to impact the Bankston property.

We feel it is clear that it is possible to avoid impacting the Bankston property by adopting one of the other alternatives that are already in discussion or developing further alternatives. Just for example, King City has already identified other road alignments that avoid impacts to the Bankston conservation easement. Tualatin River Keeper submitted written testimony in a letter dated September 9, 2021, that provides insight into the legal requirements of the standard required by the Metro condition, as well as the Clean Water Act and other relevant law, all of which argue in favor of locating any East-West connector in the upland area, away from the Bankston property and other properties closer to the Tualatin River (I attach a copy for your reference).

At Columbia Land Trust our responsibility is to defend the conservation values of the Bankston easement, and to do so by ensuring that King City complies with the condition established by Metro to its approval of the King City urban growth expansion plan that expressly calls for protecting the Bankston easement. We are reaching out to Metro to bring them up to date on this issue.

We request that King City's planning process place ensure compliance with Metro's condition as you weigh the various alternatives. We will be monitoring and responding to the planning process as it proceeds.

Thank you for your attention to this matter,

A handwritten signature in blue ink, appearing to read "Stephen F. Cook". The signature is fluid and cursive, with the first name "Stephen" and last name "Cook" clearly distinguishable.

Stephen F. Cook
General Counsel
Columbia Land Trust

cc. Carla Bankston
encl. Tualatin Riverkeeper Written Testimony, September 9, 2021



TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road, Tualatin, Oregon 97062

503-218-2580 • tualatinriverkeepers.org

info@tualatinriverkeepers.org

September 9, 2021

Kenneth Gibson
King City Mayor
City of King City
15300 SW 116th Ave
King City, OR 97224

King City Council
City of King City
15300 SW 116th Ave
King City, OR 97224

Submitted via Email

Re: Public Comments on the Master Planning Process & the Draft TSP

Tualatin Riverkeepers (TRK) is a community-based organization that protects and restores the Tualatin River watershed. We build watershed stewardship through engagement, advocacy, restoration, access, and education. As you rescope the work for the Master Plan, we would like to follow up on the verbal information we provided during your field trips to the Bankston, Meyer, and O'Halloran properties on April 23rd, June 21st, July 10th, and August 21st. We want to thank everyone from the city and the consultant team who took the time to join us on one of these trips to see the terrain firsthand. We hope you found the experience valuable. However, we realize we raised several issues and concerns in the field, and we wanted to take the time to provide a more detailed written explanation of our concerns as a follow up for review at your leisure.

As we mentioned, Tualatin Riverkeepers had several concerns about the Draft TSP and master planning process generally. First, TRK applauds the city for taking a pause to rescope the rest of the planning process and in the spirit of collaboration, we hope by raising these concerns now, while a pause is occurring, will allow these to be addressed so that the process can proceed without any additional

regulatory or political hurdles. At the core, our major concerns are with the planned road network as laid out in the Draft TSP and the public participation process generally for both the Master Plan and the Draft TSP. With the currently favored road network as shown in the Draft TSP King City is potentially setting itself up for failure by creating a road network that does not comply with Oregon Land Use Goals, the Clean Water Act, or Metro Ordinance 18-1427. Additionally, the overall process could be more open, transparent, and foster more opportunity for meaningful discussion on committees and in other public forums.

Below we have addressed each issue separately for ease of understanding after a brief recap of the environmental conditions on the visited sites. This list of issues is not necessarily an exhaustive list, just those issues that have jumped to the fore for TRK as the planning process has unfolded.

I. Recap of Environmental Conditions of Creeks & Ravines in the Planning Area

As a refresher, the five creeks passing through the planned development site are continually eroding due to stormwater impacts from past poorly-planned development by the surrounding communities. If these creeks are not carefully dealt with by the city, they will create future costly erosion problems and negatively impact the water quality of the Tualatin River. In other nearby municipalities some of the impacts in addition to reducing water quality, have included damages to residential properties and sewer damage.¹ The massive erosion sites that have already been identified have been estimated to cost in the multimillion-dollar range to restore. We therefore urge the city to take this process slowly and thoughtfully from here on to avoid long-term negative impacts to the environment and community.

Additionally, TRK would like to remind everyone of the nature of the soils in the planning area. Much of the land around the creeks, in the ravines, and near the river has been identified by the State as having high landslide potential. The map that was shared in person has been attached to this letter. You might remember seeing one example of such a slide on the O'Halloran property, the third property on your tour. We hope you will keep these existing conditions, the erosion, the deep ravines, and the landslide potential, in mind as the planning process continues. We also hope you will make it a goal of the planning process to restore sites that are currently eroding and more generally have a goal to create a sustainable, equitable community that works with nature instead of against it.

II. Proposed Road Network in Draft TSP Would Not Comply with the Clean Water Act

The Clean Water Act and complimentary state laws have several provisions that will apply to development in the planning area including remove and fill requirements and water quality certifications. Although these requirements are usually not addressed until the design and permitting phase, given the nature of the terrain, TRK feels it is important to raise these compliance issues early in the process to avoid major permitting problems later. The Clean Water Act at its core is a law to protect

¹ For more information on this topic please refer to TRK's letter to Mike Weston last fall, re: King City Transportation Plan Survey Comments. Submitted via email Oct. 25, 2020.

the integrity of the nation’s waterways and restore them when they are not meeting standards.² Because the road network will impact creeks, the Tualatin River, and wetlands, King City³ will be required to obtain several different permits and certifications before constructing the east to west connector. The comments in this section are specifically geared to discuss the permitting problems associated with an east-west connector, particularly an alignment that would follow the River Lane elevation across the expansion area.

It is important to note that there are special provisions, sometimes additional requirements, and extra scrutiny for permit applications when an impacted waterbody is listed as “impaired.” The Tualatin River in the expansion area is impaired and fails to meet water quality standards. Two of the impairments the Tualatin River suffers from are low Dissolved Oxygen (DO) levels and water temperatures too high for salmonids. Increased sedimentation and erosion negatively impact DO and water temperature. It should be noted that the proposed road network, especially the proposed extension of Fischer Road on the alignment closest to the river, would potentially increase sedimentation along with other negative impacts to wetlands and waterways.

A. Clean Water Act Section 404 & Department of State Lands Wetland Fill Permits

Section 404 of the Clean Water Act requires entities to obtain permits before conducting fill and removal activities near water bodies and wetlands. Oregon has a similar permit requirement in the Remove and Fill Law.⁴ In Oregon, the Department of State Lands (DSL) and the US Army Corps. of Engineers (USACE) review applications to determine whether the proposed fill and removal activities comply with state and federal requirements to avoid impacts to wetlands and waterways whenever practicable. Failure to obtain either a 404 or DSL permit will prevent an entity from engaging in activities that would result in material being added or removed to a wetland and/or waterway(s). In other words, if King City’s application for 404 and/or DSL permits are rejected, then King City will not be able to build the east-west connector on the selected alignment.⁵ While King City will not need to obtain 404 & DSL permits until well after completing its master plan, its road network in the draft transportation plan would face many challenges in obtaining the necessary 404 & DSL permits. We therefore urge King City to think about these challenges when selecting a final preferred alignment for the east-west connector.

One requirement for obtaining 404 & DSL permits is to create a list of practicable alternative plans that can be implemented at a different site that would avoid the impacts to wetlands and waterways entirely. The Remove and Fill Guide from DSL states that “[d]uring the project development phase, every

² There are state laws with a similar core focused on waters of the state instead of waters of the United States. *See* ORS 468B.010, ORS 196.795-990.

³ TRK acknowledges that King City might not be the entity that ends up building the east-west connector. The city is used as the expected permittee for ease of explanation. These permitting problems will be relevant for whoever is trying to construct the east-west connector.

⁴ ORS 196.795-990

⁵ Note even though bridges have less impacts than a culvert, pilings for the bridges in wetlands would still be “fill” activities requiring both a federal and state permit.

reasonable opportunity to avoid and minimize impacts must be explored.”⁶ King City has yet to show the community stakeholders any concrete adequately explored alternative east-west connectors. Therefore, the mandate to explore alternatives that would avoid impacts has not yet been compiled with. King City will need to produce a more detailed analysis of alternative alignments, other than small changes to the currently favored Fischer Road extension along the river, in order to obtain 404 & DSL permits. In other words, King City must seriously look at and consider selecting a more northern route that avoids crossing as many of the creeks and ravines as possible. Failure to seriously look at alternatives that would avoid impacts to waterways and wetlands is a sufficient reason for USACE and/or DSL to deny the permit applications.

TRK recommends that King City select an east-west connector alignment in the uplands near the northern portion of the urban expansion area to meet remove and fill requirements. By choosing a more northerly alignment between 137th and Roy Rogers Rd, King City would be at less risk of a 404 or DSL permit denial. Additionally, such a plan would likely be more cost-effective and a relief to taxpayers. The current transportation plan’s extension of Fischer Road will require bridges to cross all the very deep and wide ravines that you all experienced on your field trips. A local civil engineer estimated that these bridges would cost approximately \$4 million each, drastically increasing the funding needed for the connector. The ravines are narrower further north, so the bridges, if any, that would need to be built in such an alternative would be much less expensive. Indeed, a route could be selected which would avoid all but one of the ravines and still meet the needs of the city to have an east-west connector through the expansion area.

B. Clean Water Act 401 Water Quality Certification

Section 401 of the Clean Water Act has significant overlap with section 404. This section requires entities to apply for a certification of water quality from the state when activities requiring a federal permit or license, like a 404 permit, are proposed. In Oregon, the Department of Environmental Quality (DEQ) reviews 401 applications alongside the 404 & DSL permit applications to determine whether such plans comply with state water quality standards. Like with 404 permits, failure to obtain a water quality certification will prevent the project at issue from obtaining the necessary approvals. In other words, if King City does not obtain a 401 certification before construction, DEQ can block the project entirely. Thus, while King City does not yet need to apply for a 401 certification for its draft transportation plan, just like with section 404 and DSL permits, TRK recommends it consider the challenges that the current draft transportation plan would face once in the design and permitting phase.

In its current state, King City’s draft transportation plan will likely fail to satisfy DEQ’s certification requirements for section 401 of the Clean Water Act. As mentioned above the Tualatin River is listed as impaired for dissolved oxygen (DO) and water temperature.⁷ An increase in sedimentation resulting from cleared land and new impervious surfaces will likely further decrease DO levels and increase water

⁶ Remove and Fill Guide, Chapter 4, Exploring Alternatives to Avoid and Minimize Impacts

⁷ Tualatin River Total Maximum Daily Load (2001, Oregon DEQ); Tualatin Total Maximum Daily Load (TMDL) and Water Quality Management Plan, Table 2. Geographic Coverage of Designated Management Agencies (2001, Oregon DEQ).

temperature, DO, water temperature, and pH, all of which may be affected by King City's new road network, are all important water quality parameters DEQ will examine when determining whether to issue a 401 certification. Thus, unless King City can adequately address the short-term water quality issues that will be caused by the road's construction and the long-term changes in water quality caused by a roadway over every creek in the expansion area, DEQ is unlikely to approve any alignment which extends Fischer Road using the currently favored southernly route without substantial protective conditions.

DEQ will likely require that King City provide a Stormwater Management Plan (SWMP) describing how stormwater runoff resulting from short- and long-term changes to the site will conform to water quality standards and what measures the city will take to avoid and/or mitigate stormwater impacts. King City's current plans make a realistic and cost-effective SWMP likely infeasible. Indeed, the number of bridge crossings needed for each ravine and stormwater mitigation methods required to prevent further head cutting in the creeks within the ravines will possibly make King City's current preferred alternative too expensive to be feasible. Therefore, if King City selects an east to west connector that is too far south, DEQ will possibly deny King City's 401 certification unless substantial, and likely expensive, work to mitigate all impacts to water quality are undertaken. Special management to avoid impacts will be needed and probably required for the southernmost route given the difficult nature of the ravines.

TRK would like to note that many of the challenges of obtaining a 401 certification can be mitigated by constructing the east to west connector much further north, ideally on an alignment that avoids almost all of the creeks and ravines. By constructing the roadway nearer to Beef Bend Road rather than extending Fischer Road over every ravine in the expansion area, runoff from stormwater will be easier to manage, leading to less impacts to water quality and a more realistic, and likely less costly, SWMP for the east to west connector.

III. Proposed Road Network in Draft TSP Does Not Comply with Metro Ordinance 18-1427

When Metro approved the expansion of King City they included the following condition specific to King City in Exhibit C Section E.:

The Columbia Land Trust holds a conservation easement over portions of the Bankston property, which King City's concept plan identifies as the intended location for a key transportation facility serving the expansion area. King City shall work with the Columbia Land Trust to protect, to the *maximum extent possible*, the portion of the Bankston property covered by the conservation easement. (Exhibit C, Section E.8) (emphasis added).

Metro Ordinance 18-1427 requires King City to avoid impacting the Bankston property to the "maximum extent possible." Maximum extent possible is a strong standard of care in environmental law, imposing a non-discretionary duty on entities like King City to adopt the highest standard possible

for their projects which have environmental impacts, ignoring factors such as profit.⁸ This standard is distinct from the “maximum extent practicable” standard, which is the greatest possible avoidance of environmental impacts while considering factors such as profit and deadlines. The practicable standard is a much more flexible approach which would have allowed both regulatory agencies and entities like King City more discretion in deciding whether their mitigatory actions are sufficient.⁹

However, because Metro Ordinance 18-1427 requires King City to protect the conservation easement on the Bankston property to the maximum extent possible rather than practicable, King City will need to adjust its plans such that it minimizes impacts to that site regardless of cost or other considerations. Metro could have used a standard which would have allowed for costs and other considerations, but they did not. Instead, Metro chose wording which creates a strong standard of protection in environmental law. In other words, King City will need to avoid damaging the land covered by the conservation easement, even if doing so would be more expensive than other alternatives. Currently, King City’s favored plan which extends Fischer Road through the urban growth area along the elevation of River Lane will harm the land protected by the trust by running directly through the Bankston property in complete disregard for the conservation easement. This will have several negative impacts including but not limited to reducing habitat quality and stormwater impacts. Therefore, TRK recommends that King City adopt a plan whose east-west connector does not pass through the Bankston property to comply with Metro Ordinance 18-1427. Additionally, it’s worth noting that although the city is not allowed to consider costs, a more northern road alignment will be \$25 million dollars cheaper than the route through the easement according to the city’s own very preliminary analysis.¹⁰

IV. King City’s Planning Process Generally Does Not Seem to Meet DCLC Standards

Oregon’s land use policies are driven by a set of objectives that lay the foundation for land use decisions across the state. The proposed King City expansion plan will require careful consideration under at least three of these goals: Goal 1, Goal 5, and Goal 7. These goals set forth guidelines for public participation, the consideration of environmental and cultural resources, and development in areas subject to natural hazards, respectively. Because of the significance of these concepts in Oregon land use policy and the difficult nature of the terrain, we urge planners and policy makers to undertake a site-specific evaluation of the application of these goals to the proposed expansion plan.

A. Oregon Land Use Goal 1 & The Need to Identify Issues and Evaluate Alternatives

Oregon’s land use policies emphasize the importance of citizen involvement in the planning process. Goal 1¹¹ details how governing bodies can facilitate citizen participation by clearly defining objectives and procedures for public involvement in state and local land use decision-making processes. In order to encourage widespread public involvement, governing bodies should establish frameworks for effective communication, provide opportunities for the public to be involved in all phases of the planning process,

⁸ See, e.g., *Friends of the Wild Swan, Inc. v. Thorson*, 260 F.Supp.3d 1338, 1341

⁹ See *Environmental Defense Center, Inc. v. U.S. E.P.A.*, 344 F.3d 832, note 34

¹⁰ DKS Initial Evaluation Summary. Presentation Slides to TSP TAC during Meeting #4

¹¹ OAR 660-015-0000(1)

make technical information available to the public, develop a mechanism to ensure that citizens receive responsive feedback from policymakers, and ensure adequate human, financial, and informational resources are available so that citizen involvement can occur in substantive ways.

Goal 1 suggests that citizens should have the opportunity to participate in the process of identifying public goals, developing land use policy, and evaluating alternative land development plans. In the case of the proposed King City expansion plan, technical information pertaining to site-specific environmental conditions, finances, the decision-making process, and the evaluation of alternatives has so far been inadequate to promote effective citizen involvement in the planning process. The city must take additional steps to improve transparency and ensure public access to planning information, including any data used to construct the draft plans. Transparency is essential for active citizen participation in planning and implementation of development proposals. Citizens must have access to technical information in an understandable form so they can contribute effectively to all phases of the planning process.

Additionally, Oregon's land use goals require that all land use plans include an identification of issues and problems, inventories and information pertaining to each of Oregon's land use goals, and an evaluation of alternative actions and a record of the decision-making process. In the case of the King City expansion, at present, this information is absent or inaccessible, hindering public participation in the planning process. For example, the site-specific, data and analysis behind the Draft TSP has not yet been made available to the public. Initial estimates appear to be unavailable on the TSP or master plan websites.¹² This lack of transparency is concerning and seems to suggest that the city is falling short of their requirements to identify issues and problems and to evaluate alternatives. As you all had the opportunity to note during the field trips, the expansion area has very difficult terrain. The nature of the terrain means successful development will require careful data collection and detailed analysis, more collection and analysis than appears to be initially planned for by the city and the consultants. We appreciate that the city has paused the Master Planning process and we would like to emphasize that any collected data in the future should drive the decision making and not be used as a justification for decisions that have already been made.

As already noted, the public requires access to this additional detailed information in order to make meaningful contributions to site-specific implementation plans. Detailed analysis provided by consultants like Clean Water Services and others should be vetted by the public and outside experts to help ensure good decision making. King City is fortunate to have several local engineers, ecologists, and other relevant experts willing and able to help critically examine any data and analyses produced. Thus, we urge King City planners and policymakers to facilitate public participation to the fullest extent possible by providing timely, up-to-date detailed information on the expansion plan. This is necessary to allow stakeholders and community members the opportunity to participate meaningfully in all stages of the planning process, create a productive dialogue with community leaders, and receive feedback from decision makers throughout the process. In this way, the community can better understand how the

¹² TRK received the initial estimate numbers regarding the Draft TSP from someone attending the TSP TAC Meeting #4. That information has not been provided to us in any formal way and that presentation does not appear to be available on the TSP's website.

policymakers are evaluating alternative actions, analyze the data upon which decisions are being made, and ensure that thorough considerations of alternatives are included in the planning process.

B. Oregon Land Use Goal 5

In order to comply with the objectives set forth in Oregon's Statewide Planning Goals and Guidelines (OSPGG), Goal 5¹³ the protection of natural resources, must be considered as a part of the planning process. Goal 5 pertains to conservation of Oregon's natural resources, scenic and historic areas, and open spaces. This goal requires local governments to adopt programs to protect these resources for present and future generations in order to promote a healthy environment and natural landscape. To address Goal 5 one of King City's policies states:

The City will coordinate with other jurisdictional entities to protect fish and wildlife habitats by managing riparian habitat impacts, controlling erosion, and by requiring that areas of standing trees and natural vegetation along natural drainage ways, wetlands, and rivers be maintained to the maximum extent possible, while allowing the use of private property as permitted by the Comprehensive Plan. (King City Comprehensive Plan Ord. O-92-15 § 1, 1992; Ord. O-95-05 § 1, 1995).

The existing natural features in the planning area and the city's own Goal 5 policy support extensive conservation of the waterways and wildlife corridors present, especially those near the southern boundary of the urban growth area. Although the city has a policy to protect natural resources to the maximum extent possible, the policy alone is not enough to ensure compliance with Goal 5. In order to implement development plans in accordance with Goal 5, the conservation of natural resources and the physical characteristics of the land should constitute the foundation for "determining the quantity, quality, location, rate and type of growth in the planning area."¹⁴ To comply with this and other requirements mandated by Goal 5, local governments must pursue one of two options: a standard approach that includes an Economic, Social, Environmental, and Energy (ESEE) analysis, or utilize the safe harbor approach, in which the local government will undertake an inventory process and strategy for protection of impacted resources.

If the city opts to take the standard approach, the resulting ESEE analysis will lead to the development of a local protection plan intended to safeguard some or all resources identified in the analysis. Conversely, King City may choose to pursue the safe harbor approach which entails an inventory process to develop programs to protect potentially impacted resources. These processes will detail information about the quantity, quality, and significance of resource sites, the adequacy of information about the resources, and aid in the development of a record of determination. Because this evaluation is necessary for gathering crucial information to assist King City in determining its eventual course of action, this process should be commenced early in the planning process so that, on the basis of this

¹³ OAR 660-015-0000(5)

¹⁴ Land Use Goal 5, Guidelines B.2

information, stakeholders have the opportunity to participate in this process in a meaningful way and so the decision makers can make decisions based on good information and data. So far it is not clear from information on the Master Plan website whether any work on Goal 5 has happened for the expansion area or what approach the city plans to take.

In summary, in evaluating Goal 5 requirements against the current plans for an east to west connector along the River Lane elevation, TRK believes such an alignment fails to conform with the objectives set forth in state and local land use policy around protecting natural resources. To ensure compliance with Goal 5 the city should undertake their Goal 5 work now and let that information inform the alignment choice for the east-west connector and it should inform the placement of other development.

C. Goal 7 Areas Subject to Natural Hazards

According to Oregon’s Natural Hazards Mitigation Plan, Washington County’s transportation networks may be vulnerable to natural hazard events, particularly seismic hazards. Additionally, the region may experience flooding, landslides, and wildfires. Because of this danger, local transportation planning should conform with the objectives set forth in Goal 7 of Oregon’s Statewide Planning Goals and Guidelines. Goal 7 requires local governments to address natural disasters and hazards in land use plans and advises local governments to require site-specific natural hazard reports when reviewing development proposals. Additionally, local governments should take measures to limit stormwater runoff to prevent flooding and landslides. These objectives are consistent with local governments’ responsibility to consider “the effects of development and mitigation measures in identified hazard areas on the management of natural resources.”¹⁵

By generating a report on natural hazards in the project area, King City would have access to current, accurate information on the potential impacts of natural hazards in the area and would have the opportunity to evaluate whether the proposed development will exacerbate hazardous conditions. We believe this is an essential component of the decision-making process, allowing leaders to consider the best path forward by formulating plans to avoid or mitigate potential impacts of natural hazards and to amend any current plans that would allow development in areas where the risk to public safety and property cannot be adequately mitigated. A landslide hazard map from the Department of Geology and Mineral Industries is attached to this letter. We would like to note that this should be a starting point for a Goal 7 analysis, not the only data collection done to address natural hazards.

As a part of this process, we urge the city to take natural hazards into account when selecting the alignment for the east-west connector. More generally, we urge the city to consider the inclusion of plans that maintain open spaces in natural areas as a method of mitigating hazards, such as landslide risk, where possible and appropriate.

¹⁵ Land Use Planning Goal 7, Guidelines A.c.

V. King City Must Do More to Protect Cultural Resources

Prior to the finalization of the transportation plan, we believe a cultural resources inventory should be conducted. This process should include consultation with Tribal Historic Preservation Officers (THPO) for relevant Tribal Nations. Additionally, consultation with the Confederated Tribes of Grand Ronde and Confederated Tribes of Siletz Indians, representing the Tualatin peoples, may yield knowledge of specific places in the project area. Because the project area includes or is proximal to an elevated landform overlooking the river and its floodplain and the five freshwater streams and ravines directly to the north of the Tualatin River, this area has a high probability of containing potentially significant archaeological sites. We believe that a thorough survey of the cultural and historic resources present in the area, including an extensive effort to identify any currently unknown resources, is a crucial part of the city's legally mandated responsibility to conserve these resources and should be undertaken early in the planning process.

Like with the Clean Water Act, there are requirements within the National Historic Preservation Act that will have to be complied with before construction can begin, and we encourage the city to take these requirements into account early to avoid issues later. Section 106 of the National Historic Preservation Act (NHPA) requires that federal agencies¹⁶ must take into account the potential effects of a project on historic and cultural resources in the project area, consult with the State Historic Preservation Office (SHPO), and allow the Advisory Council on Historic Preservation (ACHP) an opportunity to comment before issuing a license for the project. This process entails determining the likely effects of the project on cultural resources and developing a plan to mitigate adverse effects on these resources. Because the preferred strategy to protect cultural resources is to avoid impacts entirely, King City should implement the master and transportation plan in such a way as to circumvent cultural resources in the project area.

Compliance with NHPA will likely require a complete survey of cultural and historic resources in the area and should be undertaken early in the planning process to facilitate efficiency and to assist King City in meeting its legal obligations to protect cultural resources. In other words, because cultural resources are likely to be in the area, we urge the city to do more now to avoid permitting problems in the future.

VI. Conclusion

In summary, King City's plan in its current state would not comply with several state and federal laws. Specifically, TRK believes the road network will have challenges obtaining necessary Clean Water Act permits and certifications; the plan currently ignores Metro's condition regarding the Bankston property's conservation easement; it fails to comply with state land use goals, specifically regarding public involvement, natural resources, and natural hazard zones; and the city is not being proactive enough in preserving the cultural resources almost certainly located near the riverbank.

¹⁶ For example, the U.S. Army Corps. of Engineers when deciding whether to approve a CWA 404 permit.

While these are all significant challenges, TRK has confidence in King City's ability to consider and address these challenges in an appropriate fashion. To reiterate these comments are meant in the spirit of cooperation and as a follow up to the field trips and site visits by King City staff, Councilors, Mayor, and consultants. Please feel free to reach out if you have any follow up questions. We look forward to working together to create a sustainable, equitable community.

Sincerely,

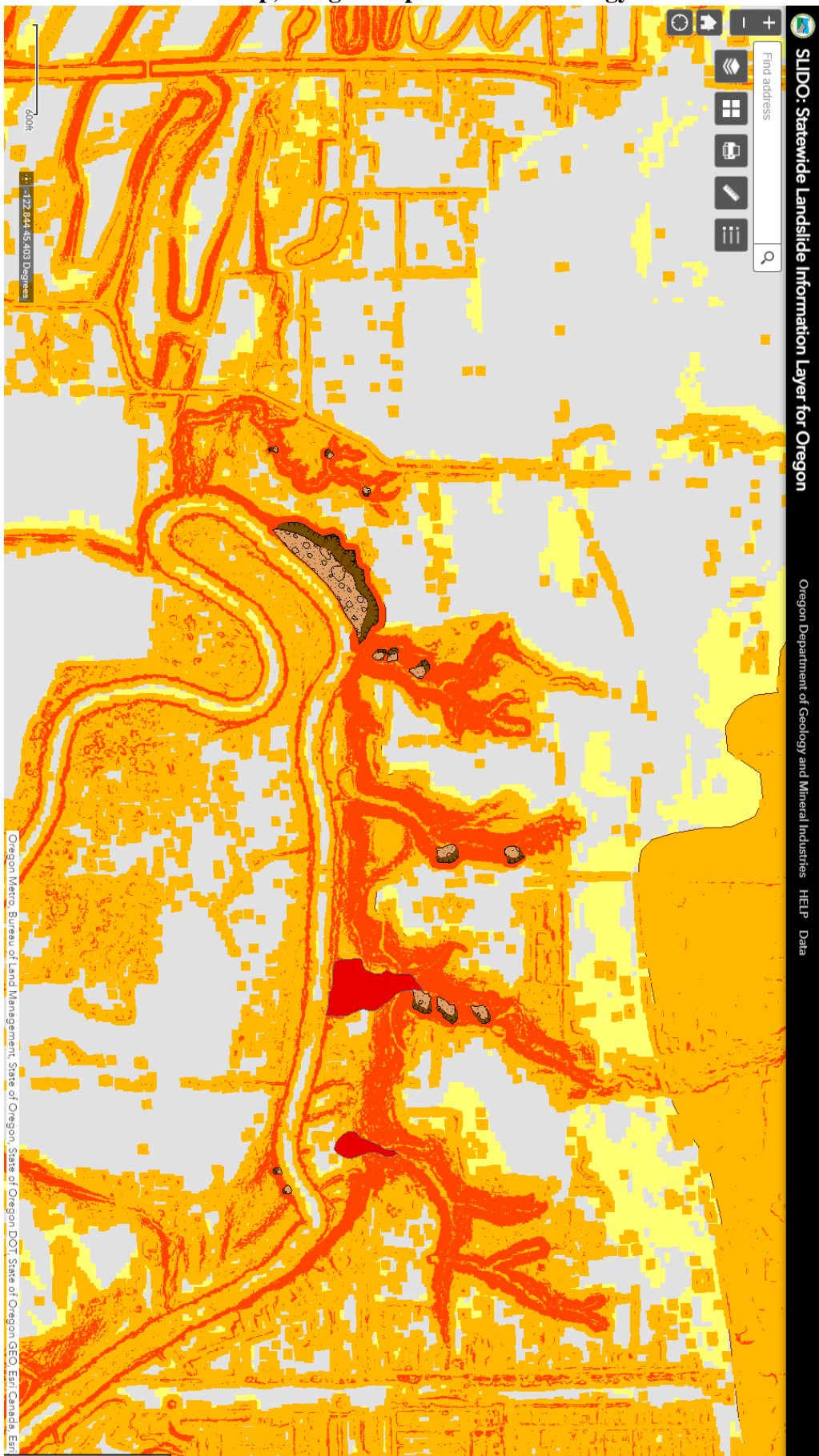
A handwritten signature in black ink, appearing to read 'AS', with a long horizontal stroke extending to the right.

Ashley Short
Tualatin Riverkeeper & In-House Counsel
Tualatin Riverkeepers
Ashley@tualatinriverkeepers.org

cc:

Michael Weston, King City Manager;
Steve Faust, Community Planning Director, 3J Consulting

Attachment: Landslide Hazard Map, Oregon Department of Geology and Mineral Industries



To: KTMP Stakeholder Advisory Committee
c/o Mike Weston, City of King City
From: Michael O'Halloran
Date: September 14, 2022
Subject: Kingston Terrace East/West Circulation Alternatives Analysis – July 2022

Thank you for the opportunity to comment on the Kingston Terrace Master Plan “East/West Circulation Alternatives Analysis – Draft” July 2022. The comments are meant to be constructive and are made on behalf of myself and my brothers. We are the owners of a 42-acre farm known as Sharlin Farm, it is located East of Elsner Rd. between Beef Bend Rd and the Tualatin River. The furthest West of the stream crossings discussed in the Master Plan is mostly on our property.

Our family has owned the property for 60 years. We are very familiar with the characteristics of the land and the local environment, and we care a great deal about it. It is our hope that the riparian areas of the property will ultimately be restored to their natural state and maintained for future generations. We also have an interest in King City, many of our relatives and friends live in King City and we would like to see the community thrive.

Summary: General and Recommendations:

1. Managing project cost should be a very high priority. Ultimately the infrastructure construction cost will be added to the housing construction cost and passed on to the buyer. Infrastructure cost impact affordability and thus equity and diversity. The cost of crossing a stream is also an indication of the potential for environmental impact. As shown, Alternatives #1, 2, and 3 will all have very high costs associated with stream-ravine crossings and should be given very low scores for cost, social equity, and environmental impact.
2. The Western most stream crossing (shown on Figure 5 of the analysis) for Alternatives #2, 3 and 4 can be re-aligned and consolidated into a single option that is located approximately 550 ft. South of Beef Bend Rd. This is the site of an existing crossing. The existing crossing is a single lane gravel road over a 30” culvert. Replacing it with a longer culvert for 2 or 3 lanes would be a functional, low cost and environmentally attractive alternative. We recommend this option.
3. We recommend that the project be split into two phases, a Western development and an Eastern development. With the division at about 150th (or perhaps ~1/4 mile east of 150th, at the equivalent of about 158th). The Western properties are mostly large open farm parcels with very few residences. Development planning could begin as soon as the Western stream crossing is located. The Eastern development planning is more complex and controversial because it interfaces with an existing community. In addition, transitions in technology and social dynamics need to be understood and integrated into the planning process. Planning for the Eastern development should move on a slower pace.

4. As noted in the Washington County comments of 8/16/22, the east-west collector is to provide an alternative to Beef Bend *for local trips*. The Southern routes that focus on connecting to Fischer Rd provide access for non-local trips and will encourage non-local travel. Non local trips will contribute to local congestion. We recommend abandoning the Southern routes that focus on connections to Fisher Rd. and focusing on the more Northern options that have the opportunity to provide local connectivity.

Thank You and Best Regards,
Michael O'Halloran
Co-Manager & Owner, Sharlin Farm LLC

The following appendix elaborates on the logic and supporting detail for our comments and recommendations.

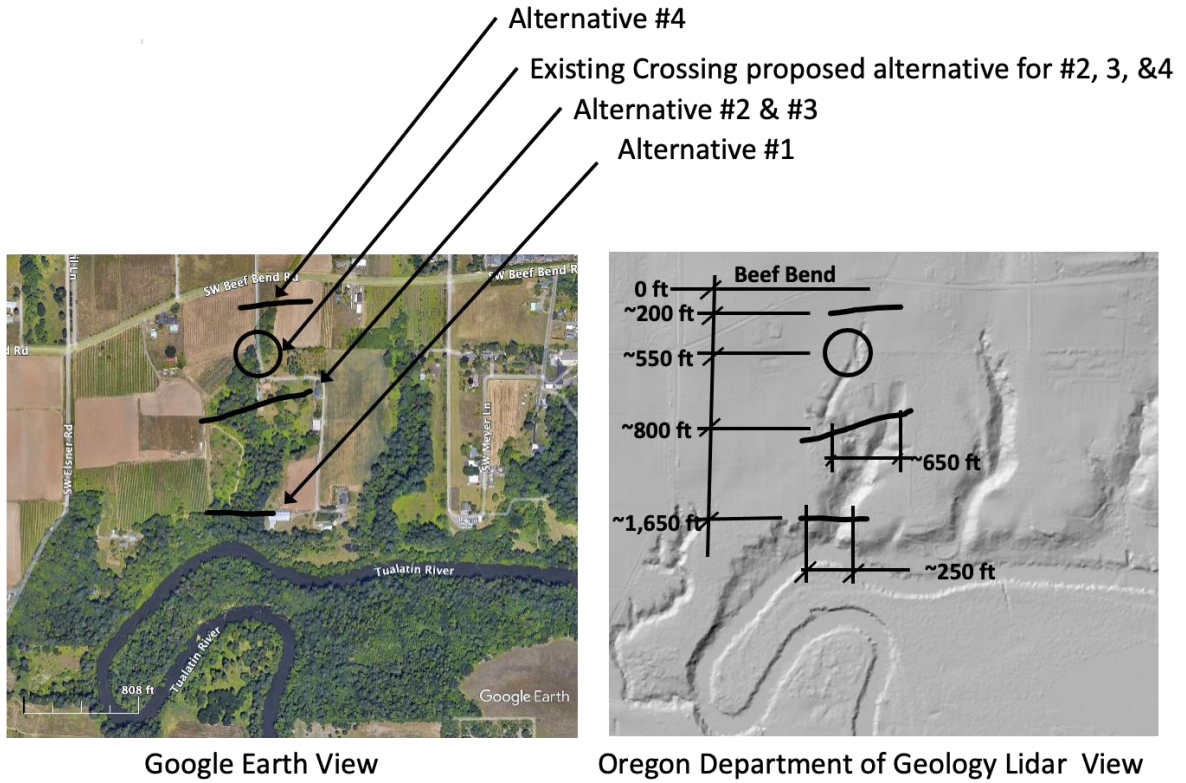
APPENDIX:

Regarding the 4 East/West route options shown on Figure 5 of the analysis and the crossing of the Western most ravine:

Please refer to the annotated Google Earth image and the Oregon Department of Geology Topographical Lidar image shown in Figure 1 below.

- Alternative 1 will require a bridge more than 250 ft long and more than 60 ft high to cross the Western ravine as shown in the concept. At the identified crossing point the terrain is steep and there are numerous “seeps” draining into the creek. Construction of the bridge, with the necessary extensive and deep foundation system, will be extremely expensive. The construction process and bridge itself will be environmentally challenging and contrary to our goal of restoration. Other ravine crossings to the East that are required by Alternative 1 face similar issues. It is our recommendation that Alternative 1 be removed from consideration. It is far too expensive and potentially damaging to the environment.
- Alternative 2 and 3 cross the Western ravine on our property at a single location that is roughly 800 ft South of Beef Bend Rd. The ravine at this location is wide and relatively deep. It will also require a bridge system of 300 ft or more at the deeper location and provisions for crossing a secondary riparian area to the East of the main creek. In total this location requires crossing ~650 ft of sensitive riparian areas. The crossing location will be very expensive and significantly compromise the adjacent environment.
- Alternative 4 crosses North of the deep ravine and could be done with a culvert as opposed to a bridge. Both cost and environmental impact would be minimum. The disadvantage of Alternative 4 is that it is close to Beef Bend and creates a relatively narrow strip of land that will be dysfunctional and difficult to develop. We recommend moving Alternative 4 to the South but still above the wider and deeper ravine areas.
- **Alternative X the Existing Crossing.** Between the crossing location proposed for Alternative 2&3 and the one proposed for Alternative 4 is an existing crossing. It is roughly 550 ft. South of Beef Bend at a point where the ravine is still narrow and not very deep. The crossing consists of nothing more than a buried 30-inch diameter culvert. It is our recommendation that Alternative 2, 3 and 4 be re-aligned to a single crossing point at or near the site of the existing crossing. The crossing could be rebuilt with a culvert, no requirement for a bridge, and the location is at a point where the ravine is still narrow and not too deep (about 15 ft deep). In our opinion, rebuilding this crossing will be a low-cost option and have the minimal environmental impact. [Note that the second ravine from the West (near 150th Ave) has similar potential for a culvert crossing at roughly the same distance south of Beef Bend Rd.]

Figure 1.
Kingston Terrace East-West Alternatives Analysis,
Western Ravine Crossing Locations

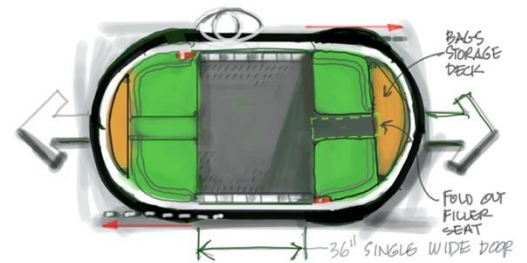
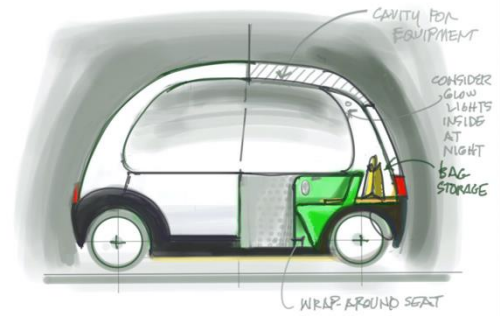


Regarding the East/West options and the Connection or Interface to existing King City infrastructure:

The transportation sector is in a period of radical change with multiple technology and social changes impacting personal mobility:

- Ride sharing services, such as Uber, are rapidly changing options for mobility as a service.
- The introduction of autonomous vehicle operation will have major impact on transportation operation and transportation infrastructure, we need to plan for it.

- The corporation “work from home” model started as a COVID response is remaining in place and expanding. Major local employers such as Intel and Nike are now asking many employees to work from home. Other employers are doing the same. This trend will have a major impact on traffic patterns during traditional commute times and on local daytime driving.
- The Code of Federal Regulations (CFR) 571.500 - Standard No. 500; Low-speed vehicles (LSVs), allows vehicles less than 3,000 lbs. with a maximum speed less than 25 mph to travel on certain public streets. These vehicles are mostly electric, very low cost and **when made autonomous these vehicles will enable an extremely inexpensive transportation service option within a community.** Although early in the development process, this type of vehicle could have a profound influence on community travel and should be considered in the planning process.
- The first of the Baby Boomers are turning 75 years old. The largest population explosion in history is about to become the largest population with mobility issues in history.



Autonomous Low Speed Vehicle Concepts

These and other trends need careful consideration and planning, as they will ultimately have substantial impact on the King City community. For example, rather than funnel vehicles to Fisher Road it may be more appropriate to plan for a low-speed overpasses across Hwy. 99W. Such an overpass would provide connectivity of the King City community to services and communities East of Hwy 99W via low-speed vehicles and bicycles. It would also un-burden Fisher Road.

We believe the planning process for how East-West interconnections interface with King City should go slow and decisions should be made with an eye toward flexibility and future technology. Although we believe it isn't necessary to finalize the interconnection interface with King City, we believe Northern routes (Variants of option #3 and #4) offer the most flexibility.



LAND USE & TRANSPORTATION MEMORANDUM

Planning and Development Services

To: Mike Weston, City of King City
From: Jessica Pelz, Senior Planner
Date: August 16, 2022
Subject: Kingston Terrace transportation planning

Thank you for the opportunity to participate in the Kingston Terrace Master Plan process and to provide comments on the transportation planning analysis. County staff are primarily concerned with provision of adequate transportation infrastructure to serve the existing and future development within and around the Kingston Terrace area. For this reason, we agree with the analysis showing that a parallel collector roadway to Beef Bend Road is necessary for intracity connectivity and mitigation of additional congestion expected along the Beef Bend Road corridor.

Beef Bend Road is identified in the Washington County Transportation System Plan as a 3-lane arterial roadway. Traffic analysis shows that development in the Kingston Terrace and surrounding urbanizing areas would cause a marked increase in traffic volumes along Beef Bend Road, particularly approaching the Highway 99W corridor. We acknowledge challenges with the increased traffic expected along Beef Bend Road, particularly in the existing urban area where the right-of-way is too constrained for roadway widening. As development occurs in the new Kingston Terrace area, having a parallel east-west collector roadway will be important to provide an alternative to using Beef Bend for local trips.

The city is currently in the process of alternatives analysis to determine the general location of a new east-west parallel collector roadway through Kingston Terrace. All proposed alternatives provide a connection across the Kingston Terrace area to the future envisioned civic center area near Roy Rogers Road from 137th Avenue. In every scenario, Fischer Road must be extended across the BPA corridor to connect at 137th Avenue to provide that roadway connection to existing King City. It is expected that the future east-west collector roadway through Kingston Terrace would be a 2 to 3-lane roadway with bike lanes and sidewalks. The Washington County Transportation System Plan provides policy guidance for considering parallel connections where needed:

Objective 5.1 Provide a county roadway system that is cost-effective, designed to operate efficiently and serves all travel modes.

Strategy 5.1.4 Prior to adding through travel lane capacity to the Lane Numbers Map, or elsewhere in the transportation system plan, consider the following strategies in the order listed below...E. Parallel connections and local street connectivity improvements.

Objective 7.1 Provide an interconnected transportation network that offers multimodal travel choices and minimizes out of direction travel for all modes.

Strategy 7.1.6. Encourage the development of a complete roadway network to serve travel needs, both in interurban and intraurban areas.

Washington County looks forward to continuing to work with the City of King City on addressing infrastructure needs as the city moves forward with the Kingston Terrace master planning.

Department of Land Use & Transportation • Planning and Development Services

155 N First Avenue, Suite 350, MS 12, Hillsboro, OR 97124-3072

phone: 503-846-4530 • www.co.washington.or.us/lut

October 5, 2022

To: 3J Consulting
Steve Faust
9600 SW Nimbus Avenue Suite 100
Beaverton, OR 97008

Mike Weston
City Manager
15300 SW 116th Ave.
King City, OR 97224

CC: Metro Council
Gerritt Rosenthal
600 NE Grand Ave.
Portland, OR 97232-2736

City of King City
Mayor Fender and City Council
15300 SW 116th Ave.
King City, OR 97224

Re: East/West Circulation Alternatives Analysis Draft (the Analysis)

From: Janet Black

I am a resident of Kingston Terrace. I have reviewed the East/West Circulation Alternatives Analysis Draft (the Analysis). I believe the Analysis contains flaws that result in incorrectly identifying Alternative 2 as the proposed east/west connection, and so am submitting my comments in this letter as public testimony.

The Analysis states that “the more detailed evaluation process was based on a list of factors that will most clearly identify the differences among the shortlisted alternatives. This evaluation process was based largely on qualitative, order-of-magnitude comparisons for which precise results are less important than differences among the alternatives.” I understand this approach, however the Analysis did not successfully apply this method, as explained by:

- The Analysis ratings do not differentiate between factors that are significantly different between alternatives, and those that are slightly different. When choosing the best alternative, the magnitude of differences should be considered.
- The Analysis contains factors that are inappropriately identified as desirable, or are not applicable, or are included more than once which gives them too much weight.
- The study area is only approximately 1.2 miles west to east, and is about 0.5 miles north to south so, in general, the factors that depend on distance show very little meaningful differences between the alternatives.

To the people who were copied on this letter: Qualitative comparisons are by nature interpretation based, subject to judgment. While the consultants who prepared the Analysis are certainly experienced and skilled in their areas of expertise, they necessarily used judgment in applying many factors. I respectfully request that you do not consider this Analysis as an

indisputable study based only on facts, but as a study which relies a lot on applying judgment which can be reviewed and modified.

Summary

The following discussion demonstrates why Alternative 4 is a better choice than Alternative 2.

Factors with significant differences between the alternatives

The decision on which alternative is best should be based on the factors that most differentiate between them. The factors that have the biggest differences between the alternatives, with a brief summary (details follow in more depth) are:

Natural Resources: Alternative 4 is further from the Tualatin River, and crosses only one ravine at a narrow point, clearly having a lesser amount of negative impact on natural resources.

Cost and Implementation: The cost to build bridges to cross ravines is very expensive. Alternative 4 crosses only one ravine at a narrow point in comparison to alternatives 1,2 and 3 which cross multiple ravines.

Vulnerability to natural disaster: The ravines are significant, and bridges required to cross them creates vulnerability to landslides and earthquakes. Alternative 4 creates the least amount of vulnerability (other than No Direct Connection) due to crossing just one ravine at a narrow point.

Effect on existing neighborhoods: Building a collector road that directly connects Fischer Road to Elsner and Beef Bend creates a road that is attractive as a through-street between 99W and Roy Rogers, creating more regional traffic, which negatively impacts the safety, livability and cohesiveness of neighborhoods. Alternative 4 avoids this direct connection, therefore serving local circulation needs instead of regional needs.

Effect of Bankston Easement: This is not simply a natural resource issue: it is a legal structure that prevents development, including roads. This is not a factor to be compared with rankings: it is a factor that eliminates certain alternatives that cross the easement if there are other reasonable alternatives. Alternative 4 does not cross the Bankston Easement, and is a reasonable alternative.

The remaining factors (not listed individually) are largely based on distance. Because the area is very small, these differences are not meaningful and should not be used to choose among the alternatives.

Details of Review of Analysis

Summary of Inappropriate Criteria

There are some criteria that I consider not appropriate. Since they are included in the factors more than once, I discuss them here:

Cul-de-sacs

The Analysis includes minimizing cul-de-sacs as a high priority. AKS Engineering performed a technical review of the draft Analysis. Their review stated: "The ravines do provide distinct upland subdistricts, but they are over 800 feet in width from east to west.... There is no reason for Alternative 4 to require more cul-de-sacs than other alternatives."

In the TAC meeting #4, Anne Sylvester explained that cul-de-sacs were included as a factor because, while the concept plan shows some circular circulation in between ravine areas, at this point they can't guarantee it wouldn't be just a single road that comes down and comes back up. She further explained that there is concern as they got into further design, they might realize that development could occur in this area and that there would be the potential for longer cul-de-sacs to exist. I question why a developer would build a cul-de-sac when there is room for a looped road. I also suggest that King City could avoid long cul-de-sacs by not allowing developers to build cul-de-sacs.

Therefore cul-de-sacs should be removed as a factor.

Transit

On Page 25, the Analysis states "While local transit service could be offered , similar to what is currently offered in existing King City, regional Tri-Met service is not expected" . The current transit that is offered in King City is appropriately provided via neighborhood roads. Therefore transit should be removed as a factor.

Direct connectivity vs continuous connectivity

Goal 1 includes "directness of travel", and "direct connectivity" is included as a desirable factor. I do not agree that direct connectivity is an advantage over continuous connectivity. According to Application of Ranking Factors (p. 15), "Emphasis will be on accommodating local circulation needs rather than regional through traffic." Local circulation needs are well served by a continuous, not necessarily direct, connection.

In fact, a more "direct" connection would make the road more attractive as a through-street between 99W and RoyRogers, creating more regional traffic, which negatively impacts neighborhoods. I believe "direct" is a negative factor.

Residents have complained in prior public forums about conditions on Fischer Road between 99W and 131st Ave, including speeding and not stopping at the stop sign, and expressed concern that the problems would become worse if Fischer Road were extended to Roy Rogers.. The response from SCI Alliance was that “traffic calming” measures could be used. This response recognized the negative effect of a direct route.

Even if there is disagreement regarding direct vs continuous, the study area is small, and the distance between alternatives is small, and so the rating from this factor should not be heavily relied upon for selecting between the alternatives.

Gravity fed sewer

Gravity fed sewer is stated as a goal. This should not in itself be a goal, but should be one of the factors in the cost comparison, and should only be included there.

Co locating

In the AKS Engineering technical review of the draft Analysis they stated: “it is not realistic nor required for sanitary sewer trunk/main lines to be co located with Collector alignments”, therefore this should be removed as a goal.

Evaluation of Circulation Alternatives

The factors with the biggest differences between alternatives are listed first.

Natural Resources

The principle stated by the Analysis: “ first avoid impacts and then minimize impacts (if avoidance is not possible)”. Maximum avoidance is possible depending on the alternative that is chosen.

The difference between the alternatives is significant. The effect on natural resources becomes significantly less in the northern portion, with more distance from the Tualatin river and fewer ravines to cross.

Effects on Bankston Easement - this is a legal structure, not only a natural resource issue, and should be a separate category

The Analysis provides several evaluation factors, all of which can be summed up in one ranking which reflects the significant difference between the alternatives based on their proximity to the Tualatin River, and the number of ravines and wildlife corridors being crossed.

Bankston Easement

This is not simply a natural resource issue: it is a legal structure. Metro Ordinance 18-1427, which added the Kingston Terrace area to the UGB, has a condition of approval that “King City shall work with the Columbia Land Trust to protect, to the maximum extent possible, the portion of the Bankston property covered by the conservation easement.”

This is not a factor to be compared with rankings: it is a factor that eliminates certain alternatives that cross the easement if there are reasonable alternatives.

The Analysis identifies all alternatives as being “reasonable”, therefore alternatives that cross the easement should be rejected and one of the other reasonable alternatives selected.

Alternatives 3 north, 4 south, 4 north and the No Direct Connection all avoid the easement.

Cost and Implementation

Order of Magnitude construction costs- roadways and bridges/culverts

Appendix E is the source for the cost estimates used in this analysis. This Appendix does not include information on the source of the cost estimates. It also does not indicate whether or not engineers have reviewed the proposed bridges, or whether there has been any geotechnical review. The ravines are on unstable slopes, complicated by Earthquake hazards (refer to map). I understand that the cost estimates are intended to be a comparison between the alternatives and not an absolute cost estimate. However, if those reviews have not been done, then it seems probable that the cost of bridge crossing over ravines is significantly understated, and the magnitude of difference in costs between alternatives would be misleading. Even so, the cost differentials are significant:

No Direct Connection	\$14,285,300
Alternative 1	\$47,874,200
Alternative 2	\$34,275,900
Alternative 3 north	\$39,264,400
Alternative 3 south	\$31,187,200
Alternative 4 north	\$13,482,900
Alternative 4 south	\$17,618,000

Order of Magnitude costs for habitat restoration, stormwater management and erosion control

- These costs are included in the construction costs for roadways and bridges/culverts, so should not be repeated here.

Order of magnitude construction and operations/maintenance effects on public utilities

- Alternative 4 is downgraded in the Analysis due to minimal waterline looping. As discussed in the Public Services and Utilities section, the local road network south of the proposed Collector can provide loop water mains for the developable area between

alternative 2 and 4, therefore alternative 4 should be downgraded only for higher O&M costs for pump stations.

Effect of transportation system phasing on utilities

- Alternative 4 is downgraded because it cannot be collocated with sanitary sewer, and because it doesn't provide opportunities for looped water pipe connections. As discussed in the Public Services and Utilities section, co-location of a collector street with sanitary sewer is not a significant advantage. Also discussed in the Public Services and Utilities section, the local road network south of the proposed Collector can provide loop water mains for the developable area between alternatives 2 and 4, therefore alternative 4 should not be downgraded.

Reduce vulnerability to natural disaster and climate change

This was identified in Goal 2, but is not included in any factors so I list it separately here.

The ravines are significant, and bridges required to cross them creates vulnerability to landslides and earthquakes. Alternative 4 is clearly less vulnerable due to crossing only one ravine at a narrow point.

Land use and Community Design

Support Planned Land Use Patterns

- Central to the study area: The area is only approximately 0.5 miles from north to south; the difference between 3 and 4 is not meaningful, and should be rated the same.
- Pge 8 of appendix B states " ...with the higher density uses in the western and northern portions of the area". Therefore alternative 4 , at the northern portion, does support the higher density.
- As described in Summary of Inappropriate Criteria, the lack of direct connection of alternative 4 is positive, not considered a negative.

Existing and New Neighborhood Cohesion

- The Analysis states that a direct connection would support neighborhood cohesion. Neighborhoods are small, local areas, not big areas. The concept plan identifies 3 neighborhoods in the study area, indicating agreement that neighborhoods are local.
- The Analysis does not identify current neighborhoods showing the impact of the alternatives on those neighborhoods' cohesion: Rivermeade, 147th and Edgewater.
- Impact of a Connection to Fischer road on existing neighborhoods: the study said this will have "some" impact. The impact will be "significant", and ratings should reflect this.
- The Analysis does not address the effect that a Collector street on River Lane would have on the existing Rivermeade and 147th neighborhoods. It would divide the

neighborhoods, significantly increase traffic, noise and traffic pollution. This effect results in reducing the score of alternatives 1,2, and 3.

- Alternative 4 has the least negative impact on neighborhood cohesion. The Fischer Road connection to 137th does have a significant effect on Edgewater, but less than alternatives 1,2, and 3 because the connection to Elsner (and Roy Rogers) is not via a straight line, but has turns, which would reduce the number of vehicles using this Collector as an alternative to Beef Bend road.

Serve those with Greatest transportation needs and least resources

- As shown in appendix A, EPA's EK Screen methodology uses ¼ mile radius. The study area is approximately 0.5 miles from north to south. This results in virtually the same radius area for each alternative. Any differences are not significant, certainly not significant enough to use to rank the alternatives..
- See discussion of transit in Summary of Inappropriate Criteria that are not applicable; this should not be a factor.
- There are no meaningful differences between the alternatives 1,2,3,and 4.

Marginal/Environmental Justice Populations

- The Analysis states “there is relatively little difference among the four east/west alternatives with regard to minority and LEP populations.”, with only a slight difference due to construction impacts.
- There are no meaningful differences between the alternatives 1,2,3,and 4.

Effect on quality of access to recreational sites

- The distance between the alternatives is not significant enough to change people's behavior when accessing Recreation. Proximity of a collector road to the Tualatin river does not provide access to the river; parks and parking lots do. All should be rated the same.

6f: No impact, therefore remove.

Bicycle, Pedestrians and Micro-mobility

Connectivity to Key destinations

- The Analysis lists key destinations as the town center, parks/trails, and schools. Page 56 of the King City Concept plan identifies 7 existing and planned parks and trails, which are located on all sides of Kingston Terrace. Page 59 of the King City Concept plan shows a conceptual park and trails map for the URA 6D, also reflecting that parks and trails are planned to be located in all areas of Kingston Terrace. The only school is Deer Creek, which is on the north side. Therefore since the destinations vary in location, and

the distance between alternatives is very small, there are no meaningful differences between the alternatives 1,2,3,and 4.

Travel time comparisons for bikes

- Table 7 in Appendix B shows the travel times for various origin and destination points. These points are at the far ends of Kingston Terrace and existing King City. Even so, the time difference between the alternatives ranges from 1.6 to 2.76 minutes. When considering that the more likely bike trips will be within Kingston Terrace, and not through, the difference between alternatives 4 and 1,2,and 3 is not significant.

Ability to meet spacing standards and limit length of cul-de-sacs

- See discussion of cul-de-sacs in Summary of Inappropriate Criteria.
- All alternatives should be the same.

Vehicular Mobility and Accessibility

Connectivity & Potential for out of direction travel

- As described in the Summary of Inappropriate Criteria, the lack of “direct” connection of alternative 4 is positive, not considered a negative.
- Analysis states that Alternative 4 “does not serve the bulk of future development”. Considering that the total distance of the study area north-south is only about 0.5 miles, distance from the center of that area is not significantly different among alternatives 1,2,3,and 4. Alternative 4 is closer to the higher density planned along Beef Bend road.
- Therefore Alternative 4 should be rated the same as 2 and 3.

Travel time/VMT effects

- Table 14 in Appendix B shows the travel times for various origin and destination points. The table includes 2 options for Alternative 4 north: via Fischer, and via Beef Bend. The Analysis selects the longer of these 2 options to measure the Vehicle Miles Traveled (VMT) for Alternative 4. This does not make sense, since a driver would not choose to take the longer route. The Analysis should select the shorter of these 2 options as a measure of the VMT for Alternative 4. This would result in Alternative 4 being rated the same as 1,2 and 3. Note that for two of the Origin-Destination pairs (B-E and D-E), these 2 options of Alternative 4 show both the longest and the shortest VMT.

Transit supportive

- See discussion of transit in Summary of Inappropriate Criteria; this should not be a factor.

Ability to meet standards to limit long cul-de-sacs

- See discussion of cul-de-sacs in Summary of Inappropriate Criteria. This should be removed as a factor.

Provides at least one continuous connection through the study area for all travel modes

- Alternative 4 does provide “continuous” connection. I acknowledge this is different from “direct” connectivity, as discussed in the Summary of Inappropriate Criteria.
- For Alternative 4 “proximity to Beef Bend road would limit its effectiveness as a collector street”: Since the goal is local circulation needs, then Alternative 4 does work as a collector. There is not a significant distance difference between Alternative 4 and Alternative 3, and they should be rated the same.

Public Utilities and Services

Effect on steep slopes and erosion potential

- The text seems to imply that making improvements to stormwater steep slopes and erosion problems appear to be conditional based on the alternative chosen. I think the improvements should be made regardless of the alternative chosen, and should not be used as a factor to choose between the alternatives.
- Alternative 4 crosses one ravine at a narrow point. Alternatives 1,2 and 3 cross multiple ravines. The effect of crossing just one ravine means that Alternative 4 is significantly better, and the rating should reflect this.

Accommodation of emergency services, transit, and school bus routing

- Transit should be removed, as discussed in the Summary of Inappropriate Criteria.

Effect on sanitary sewer including opportunities for co-location

- In the AKS Engineering technical review of the draft Analysis they stated “ it is not realistic nor required for sanitary sewer trunk/main lines to be collated with Collector alignments”
- The difference between gravity fed and pump stations should be considered in the cost comparisons. It should not be repeated here.

Effect on potable water including opportunities for co-location

- In the AKS Engineering technical review of the draft Analysis they stated: “backbone water main services can be provided with any alternative or can be looped along local routes that run through the neighborhood.”
- In the AKS Engineering technical review of the draft Analysis they stated: “The risk of having dead-end mains to the south is relatively similar for Alt 2,3,4... “ the local road network south of the proposed Collector can provide looped water mains for all the developable area between alts 2 and 4.

Effect on franchise utilities such as gas,electric, fiberoptic,etc including opportunities for co-location

- In the AKS Engineering technical review of the draft Analysis they stated: “Franchise utility service to the Kingston Terrace expansion can be provided with any alternative or can be provided along Local routes which service the neighborhoods”.

Conclusion

I respectfully request that you consider my comments further as you develop your final recommendation.

Janet Black

HEADQUARTERS
850 OFFICERS' ROW
VANCOUVER, WA 98661



CONTACT
TEL: 360.696.0131
FAX: 360.696.1847

August 4, 2022

Jaimie Fender
King City Mayor
City of King City
15300 SW 116th Ave
King City, OR 97224
jfender@ci.king-city.or.us

King City Council
City of King City
15300 SW 116th Ave
King City, OR 97224
rsmith@ci.king-city.or.us

Mike Weston
King City Manager
mweston@ci.king-city.or.us

Steve Faust
3J Consulting
steve.faust@3j-consulting.com

Submitted via Email

Dear Ms. Fender, City Council, Mr. Weston and 3J Consulting:

Columbia Land Trust would like to express our continued concern regarding the King City Transportation System Plan, specifically with regard to the concept of extending Fischer Road across the Bankston property. As you will recall, Columbia Land Trust holds a perpetual conservation easement over portions of the Bankston property, including a portion that would be impacted by the proposed Fischer Road extension (proposed alternatives 1-3).

LAND TRUST ACCREDITATION COMMISSION ACCREDITED | OFFICES IN: ASTORIA • PORTLAND • HOOD RIVER

COLUMBIALANDTRUST.ORG | CONNECT@COLUMBIALANDTRUST.ORG
FACEBOOK • INSTAGRAM: @COLUMBIALANDTRUST | TWITTER: @COLUMBIANATURE

PRINTED ON RECYCLED PAPER

The Bankston Easement was initially conserved in 2009 by Three Rivers Land Conservancy with funding from Clean Water Services, who holds third party enforcement rights on the conservation easement and in 2011, the conservation easement transferred to Columbia Land Trust.

We believe insufficient emphasis is being placed on the condition established by Metro in its approval of the King City urban growth expansion plan that expressly recognized the Bankston conservation easement, and that insufficient consideration is being given to other alternatives for providing East-West vehicular connection. Metro's condition requires that King City protect, **to the maximum extent possible**, that portion of the Bankston property protected by the conservation easement held by the Land Trust. Here's the exact language of Metro's condition:

The Columbia Land Trust holds a conservation easement over portions of the Bankston property, which King City's concept plan identifies as the intended location for a key transportation facility serving the expansion area. King City shall work with the Columbia Land Trust to protect, to the maximum extent possible, the portion of the Bankston property covered by the conservation easement. (Exhibit C, Section E.8).

We understand that consideration and analysis of other options is still in process, and that there will be additional opportunities for both informal discussion and formal public comment. At this point in the process, we want to emphasize that the standard set by Metro's condition is stringent: our view is that the standard is not that King City can extend Fischer Road across the Bankston property if it determines that doing so is less costly, or more effective, or in some overall sense most practical of the potential alternatives. King City can only comply with Metro's condition if it determines that extending the road across the Bankston property is the only possible approach. Otherwise, King City is not protecting the property covered by the conservation easement to the "maximum extent possible" as it would be choosing to not adopt other possible approaches, and instead choosing to impact the Bankston property.

We feel it is clear that it is possible to avoid impacting the Bankston property by adopting one of the other alternatives that are already in discussion or developing further alternatives. Just for example, King City has already identified other road alignments that avoid impacts to the Bankston conservation easement. Tualatin River Keeper submitted written testimony in a letter dated September 9, 2021, that provides insight into the legal requirements of the standard required by the Metro condition, as well as the Clean Water Act and other relevant law, all of which argue in favor of locating any East-West connector in the upland area, away from the Bankston property and other properties closer to the Tualatin River (I attach a copy for your reference).

At Columbia Land Trust our responsibility is to defend the conservation values of the Bankston easement, and to do so by ensuring that King City complies with the condition established by Metro to its approval of the King City urban growth expansion plan that expressly calls for protecting the Bankston easement. We are reaching out to Metro to bring them up to date on this issue.

We request that King City's planning process place ensure compliance with Metro's condition as you weigh the various alternatives. We will be monitoring and responding to the planning process as it proceeds.

Thank you for your attention to this matter,

A handwritten signature in blue ink that reads "Stephen F. Cook". The signature is fluid and cursive, with the first name "Stephen" and last name "Cook" clearly legible.

Stephen F. Cook
General Counsel
Columbia Land Trust

cc. Carla Bankston
encl. Tualatin Riverkeeper Written Testimony, September 9, 2021



TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road, Tualatin, Oregon 97062

503-218-2580 • tualatinriverkeepers.org

info@tualatinriverkeepers.org

September 9, 2021

Kenneth Gibson
King City Mayor
City of King City
15300 SW 116th Ave
King City, OR 97224

King City Council
City of King City
15300 SW 116th Ave
King City, OR 97224

Submitted via Email

Re: Public Comments on the Master Planning Process & the Draft TSP

Tualatin Riverkeepers (TRK) is a community-based organization that protects and restores the Tualatin River watershed. We build watershed stewardship through engagement, advocacy, restoration, access, and education. As you rescope the work for the Master Plan, we would like to follow up on the verbal information we provided during your field trips to the Bankston, Meyer, and O'Halloran properties on April 23rd, June 21st, July 10th, and August 21st. We want to thank everyone from the city and the consultant team who took the time to join us on one of these trips to see the terrain firsthand. We hope you found the experience valuable. However, we realize we raised several issues and concerns in the field, and we wanted to take the time to provide a more detailed written explanation of our concerns as a follow up for review at your leisure.

As we mentioned, Tualatin Riverkeepers had several concerns about the Draft TSP and master planning process generally. First, TRK applauds the city for taking a pause to rescope the rest of the planning process and in the spirit of collaboration, we hope by raising these concerns now, while a pause is occurring, will allow these to be addressed so that the process can proceed without any additional

regulatory or political hurdles. At the core, our major concerns are with the planned road network as laid out in the Draft TSP and the public participation process generally for both the Master Plan and the Draft TSP. With the currently favored road network as shown in the Draft TSP King City is potentially setting itself up for failure by creating a road network that does not comply with Oregon Land Use Goals, the Clean Water Act, or Metro Ordinance 18-1427. Additionally, the overall process could be more open, transparent, and foster more opportunity for meaningful discussion on committees and in other public forums.

Below we have addressed each issue separately for ease of understanding after a brief recap of the environmental conditions on the visited sites. This list of issues is not necessarily an exhaustive list, just those issues that have jumped to the fore for TRK as the planning process has unfolded.

I. Recap of Environmental Conditions of Creeks & Ravines in the Planning Area

As a refresher, the five creeks passing through the planned development site are continually eroding due to stormwater impacts from past poorly-planned development by the surrounding communities. If these creeks are not carefully dealt with by the city, they will create future costly erosion problems and negatively impact the water quality of the Tualatin River. In other nearby municipalities some of the impacts in addition to reducing water quality, have included damages to residential properties and sewer damage.¹ The massive erosion sites that have already been identified have been estimated to cost in the multimillion-dollar range to restore. We therefore urge the city to take this process slowly and thoughtfully from here on to avoid long-term negative impacts to the environment and community.

Additionally, TRK would like to remind everyone of the nature of the soils in the planning area. Much of the land around the creeks, in the ravines, and near the river has been identified by the State as having high landslide potential. The map that was shared in person has been attached to this letter. You might remember seeing one example of such a slide on the O'Halloran property, the third property on your tour. We hope you will keep these existing conditions, the erosion, the deep ravines, and the landslide potential, in mind as the planning process continues. We also hope you will make it a goal of the planning process to restore sites that are currently eroding and more generally have a goal to create a sustainable, equitable community that works with nature instead of against it.

II. Proposed Road Network in Draft TSP Would Not Comply with the Clean Water Act

The Clean Water Act and complimentary state laws have several provisions that will apply to development in the planning area including remove and fill requirements and water quality certifications. Although these requirements are usually not addressed until the design and permitting phase, given the nature of the terrain, TRK feels it is important to raise these compliance issues early in the process to avoid major permitting problems later. The Clean Water Act at its core is a law to protect

¹ For more information on this topic please refer to TRK's letter to Mike Weston last fall, re: King City Transportation Plan Survey Comments. Submitted via email Oct. 25, 2020.

the integrity of the nation’s waterways and restore them when they are not meeting standards.² Because the road network will impact creeks, the Tualatin River, and wetlands, King City³ will be required to obtain several different permits and certifications before constructing the east to west connector. The comments in this section are specifically geared to discuss the permitting problems associated with an east-west connector, particularly an alignment that would follow the River Lane elevation across the expansion area.

It is important to note that there are special provisions, sometimes additional requirements, and extra scrutiny for permit applications when an impacted waterbody is listed as “impaired.” The Tualatin River in the expansion area is impaired and fails to meet water quality standards. Two of the impairments the Tualatin River suffers from are low Dissolved Oxygen (DO) levels and water temperatures too high for salmonids. Increased sedimentation and erosion negatively impact DO and water temperature. It should be noted that the proposed road network, especially the proposed extension of Fischer Road on the alignment closest to the river, would potentially increase sedimentation along with other negative impacts to wetlands and waterways.

A. Clean Water Act Section 404 & Department of State Lands Wetland Fill Permits

Section 404 of the Clean Water Act requires entities to obtain permits before conducting fill and removal activities near water bodies and wetlands. Oregon has a similar permit requirement in the Remove and Fill Law.⁴ In Oregon, the Department of State Lands (DSL) and the US Army Corps. of Engineers (USACE) review applications to determine whether the proposed fill and removal activities comply with state and federal requirements to avoid impacts to wetlands and waterways whenever practicable. Failure to obtain either a 404 or DSL permit will prevent an entity from engaging in activities that would result in material being added or removed to a wetland and/or waterway(s). In other words, if King City’s application for 404 and/or DSL permits are rejected, then King City will not be able to build the east-west connector on the selected alignment.⁵ While King City will not need to obtain 404 & DSL permits until well after completing its master plan, its road network in the draft transportation plan would face many challenges in obtaining the necessary 404 & DSL permits. We therefore urge King City to think about these challenges when selecting a final preferred alignment for the east-west connector.

One requirement for obtaining 404 & DSL permits is to create a list of practicable alternative plans that can be implemented at a different site that would avoid the impacts to wetlands and waterways entirely. The Remove and Fill Guide from DSL states that “[d]uring the project development phase, every

² There are state laws with a similar core focused on waters of the state instead of waters of the United States. *See* ORS 468B.010, ORS 196.795-990.

³ TRK acknowledges that King City might not be the entity that ends up building the east-west connector. The city is used as the expected permittee for ease of explanation. These permitting problems will be relevant for whoever is trying to construct the east-west connector.

⁴ ORS 196.795-990

⁵ Note even though bridges have less impacts than a culvert, pilings for the bridges in wetlands would still be “fill” activities requiring both a federal and state permit.

reasonable opportunity to avoid and minimize impacts must be explored.”⁶ King City has yet to show the community stakeholders any concrete adequately explored alternative east-west connectors. Therefore, the mandate to explore alternatives that would avoid impacts has not yet been compiled with. King City will need to produce a more detailed analysis of alternative alignments, other than small changes to the currently favored Fischer Road extension along the river, in order to obtain 404 & DSL permits. In other words, King City must seriously look at and consider selecting a more northern route that avoids crossing as many of the creeks and ravines as possible. Failure to seriously look at alternatives that would avoid impacts to waterways and wetlands is a sufficient reason for USACE and/or DSL to deny the permit applications.

TRK recommends that King City select an east-west connector alignment in the uplands near the northern portion of the urban expansion area to meet remove and fill requirements. By choosing a more northerly alignment between 137th and Roy Rogers Rd, King City would be at less risk of a 404 or DSL permit denial. Additionally, such a plan would likely be more cost-effective and a relief to taxpayers. The current transportation plan’s extension of Fischer Road will require bridges to cross all the very deep and wide ravines that you all experienced on your field trips. A local civil engineer estimated that these bridges would cost approximately \$4 million each, drastically increasing the funding needed for the connector. The ravines are narrower further north, so the bridges, if any, that would need to be built in such an alternative would be much less expensive. Indeed, a route could be selected which would avoid all but one of the ravines and still meet the needs of the city to have an east-west connector through the expansion area.

B. Clean Water Act 401 Water Quality Certification

Section 401 of the Clean Water Act has significant overlap with section 404. This section requires entities to apply for a certification of water quality from the state when activities requiring a federal permit or license, like a 404 permit, are proposed. In Oregon, the Department of Environmental Quality (DEQ) reviews 401 applications alongside the 404 & DSL permit applications to determine whether such plans comply with state water quality standards. Like with 404 permits, failure to obtain a water quality certification will prevent the project at issue from obtaining the necessary approvals. In other words, if King City does not obtain a 401 certification before construction, DEQ can block the project entirely. Thus, while King City does not yet need to apply for a 401 certification for its draft transportation plan, just like with section 404 and DSL permits, TRK recommends it consider the challenges that the current draft transportation plan would face once in the design and permitting phase.

In its current state, King City’s draft transportation plan will likely fail to satisfy DEQ’s certification requirements for section 401 of the Clean Water Act. As mentioned above the Tualatin River is listed as impaired for dissolved oxygen (DO) and water temperature.⁷ An increase in sedimentation resulting from cleared land and new impervious surfaces will likely further decrease DO levels and increase water

⁶ Remove and Fill Guide, Chapter 4, Exploring Alternatives to Avoid and Minimize Impacts

⁷ Tualatin River Total Maximum Daily Load (2001, Oregon DEQ); Tualatin Total Maximum Daily Load (TMDL) and Water Quality Management Plan, Table 2. Geographic Coverage of Designated Management Agencies (2001, Oregon DEQ).

temperature, DO, water temperature, and pH, all of which may be affected by King City's new road network, are all important water quality parameters DEQ will examine when determining whether to issue a 401 certification. Thus, unless King City can adequately address the short-term water quality issues that will be caused by the road's construction and the long-term changes in water quality caused by a roadway over every creek in the expansion area, DEQ is unlikely to approve any alignment which extends Fischer Road using the currently favored southernly route without substantial protective conditions.

DEQ will likely require that King City provide a Stormwater Management Plan (SWMP) describing how stormwater runoff resulting from short- and long-term changes to the site will conform to water quality standards and what measures the city will take to avoid and/or mitigate stormwater impacts. King City's current plans make a realistic and cost-effective SWMP likely infeasible. Indeed, the number of bridge crossings needed for each ravine and stormwater mitigation methods required to prevent further head cutting in the creeks within the ravines will possibly make King City's current preferred alternative too expensive to be feasible. Therefore, if King City selects an east to west connector that is too far south, DEQ will possibly deny King City's 401 certification unless substantial, and likely expensive, work to mitigate all impacts to water quality are undertaken. Special management to avoid impacts will be needed and probably required for the southernmost route given the difficult nature of the ravines.

TRK would like to note that many of the challenges of obtaining a 401 certification can be mitigated by constructing the east to west connector much further north, ideally on an alignment that avoids almost all of the creeks and ravines. By constructing the roadway nearer to Beef Bend Road rather than extending Fischer Road over every ravine in the expansion area, runoff from stormwater will be easier to manage, leading to less impacts to water quality and a more realistic, and likely less costly, SWMP for the east to west connector.

III. Proposed Road Network in Draft TSP Does Not Comply with Metro Ordinance 18-1427

When Metro approved the expansion of King City they included the following condition specific to King City in Exhibit C Section E.:

The Columbia Land Trust holds a conservation easement over portions of the Bankston property, which King City's concept plan identifies as the intended location for a key transportation facility serving the expansion area. King City shall work with the Columbia Land Trust to protect, to the *maximum extent possible*, the portion of the Bankston property covered by the conservation easement. (Exhibit C, Section E.8) (emphasis added).

Metro Ordinance 18-1427 requires King City to avoid impacting the Bankston property to the "maximum extent possible." Maximum extent possible is a strong standard of care in environmental law, imposing a non-discretionary duty on entities like King City to adopt the highest standard possible

for their projects which have environmental impacts, ignoring factors such as profit.⁸ This standard is distinct from the “maximum extent practicable” standard, which is the greatest possible avoidance of environmental impacts while considering factors such as profit and deadlines. The practicable standard is a much more flexible approach which would have allowed both regulatory agencies and entities like King City more discretion in deciding whether their mitigatory actions are sufficient.⁹

However, because Metro Ordinance 18-1427 requires King City to protect the conservation easement on the Bankston property to the maximum extent possible rather than practicable, King City will need to adjust its plans such that it minimizes impacts to that site regardless of cost or other considerations. Metro could have used a standard which would have allowed for costs and other considerations, but they did not. Instead, Metro chose wording which creates a strong standard of protection in environmental law. In other words, King City will need to avoid damaging the land covered by the conservation easement, even if doing so would be more expensive than other alternatives. Currently, King City’s favored plan which extends Fischer Road through the urban growth area along the elevation of River Lane will harm the land protected by the trust by running directly through the Bankston property in complete disregard for the conservation easement. This will have several negative impacts including but not limited to reducing habitat quality and stormwater impacts. Therefore, TRK recommends that King City adopt a plan whose east-west connector does not pass through the Bankston property to comply with Metro Ordinance 18-1427. Additionally, it’s worth noting that although the city is not allowed to consider costs, a more northern road alignment will be \$25 million dollars cheaper than the route through the easement according to the city’s own very preliminary analysis.¹⁰

IV. King City’s Planning Process Generally Does Not Seem to Meet DCLC Standards

Oregon’s land use policies are driven by a set of objectives that lay the foundation for land use decisions across the state. The proposed King City expansion plan will require careful consideration under at least three of these goals: Goal 1, Goal 5, and Goal 7. These goals set forth guidelines for public participation, the consideration of environmental and cultural resources, and development in areas subject to natural hazards, respectively. Because of the significance of these concepts in Oregon land use policy and the difficult nature of the terrain, we urge planners and policy makers to undertake a site-specific evaluation of the application of these goals to the proposed expansion plan.

A. Oregon Land Use Goal 1 & The Need to Identify Issues and Evaluate Alternatives

Oregon’s land use policies emphasize the importance of citizen involvement in the planning process. Goal 1¹¹ details how governing bodies can facilitate citizen participation by clearly defining objectives and procedures for public involvement in state and local land use decision-making processes. In order to encourage widespread public involvement, governing bodies should establish frameworks for effective communication, provide opportunities for the public to be involved in all phases of the planning process,

⁸ See, e.g., *Friends of the Wild Swan, Inc. v. Thorson*, 260 F.Supp.3d 1338, 1341

⁹ See *Environmental Defense Center, Inc. v. U.S. E.P.A.*, 344 F.3d 832, note 34

¹⁰ DKS Initial Evaluation Summary. Presentation Slides to TSP TAC during Meeting #4

¹¹ OAR 660-015-0000(1)

make technical information available to the public, develop a mechanism to ensure that citizens receive responsive feedback from policymakers, and ensure adequate human, financial, and informational resources are available so that citizen involvement can occur in substantive ways.

Goal 1 suggests that citizens should have the opportunity to participate in the process of identifying public goals, developing land use policy, and evaluating alternative land development plans. In the case of the proposed King City expansion plan, technical information pertaining to site-specific environmental conditions, finances, the decision-making process, and the evaluation of alternatives has so far been inadequate to promote effective citizen involvement in the planning process. The city must take additional steps to improve transparency and ensure public access to planning information, including any data used to construct the draft plans. Transparency is essential for active citizen participation in planning and implementation of development proposals. Citizens must have access to technical information in an understandable form so they can contribute effectively to all phases of the planning process.

Additionally, Oregon's land use goals require that all land use plans include an identification of issues and problems, inventories and information pertaining to each of Oregon's land use goals, and an evaluation of alternative actions and a record of the decision-making process. In the case of the King City expansion, at present, this information is absent or inaccessible, hindering public participation in the planning process. For example, the site-specific, data and analysis behind the Draft TSP has not yet been made available to the public. Initial estimates appear to be unavailable on the TSP or master plan websites.¹² This lack of transparency is concerning and seems to suggest that the city is falling short of their requirements to identify issues and problems and to evaluate alternatives. As you all had the opportunity to note during the field trips, the expansion area has very difficult terrain. The nature of the terrain means successful development will require careful data collection and detailed analysis, more collection and analysis than appears to be initially planned for by the city and the consultants. We appreciate that the city has paused the Master Planning process and we would like to emphasize that any collected data in the future should drive the decision making and not be used as a justification for decisions that have already been made.

As already noted, the public requires access to this additional detailed information in order to make meaningful contributions to site-specific implementation plans. Detailed analysis provided by consultants like Clean Water Services and others should be vetted by the public and outside experts to help ensure good decision making. King City is fortunate to have several local engineers, ecologists, and other relevant experts willing and able to help critically examine any data and analyses produced. Thus, we urge King City planners and policymakers to facilitate public participation to the fullest extent possible by providing timely, up-to-date detailed information on the expansion plan. This is necessary to allow stakeholders and community members the opportunity to participate meaningfully in all stages of the planning process, create a productive dialogue with community leaders, and receive feedback from decision makers throughout the process. In this way, the community can better understand how the

¹² TRK received the initial estimate numbers regarding the Draft TSP from someone attending the TSP TAC Meeting #4. That information has not been provided to us in any formal way and that presentation does not appear to be available on the TSP's website.

policymakers are evaluating alternative actions, analyze the data upon which decisions are being made, and ensure that thorough considerations of alternatives are included in the planning process.

B. Oregon Land Use Goal 5

In order to comply with the objectives set forth in Oregon's Statewide Planning Goals and Guidelines (OSPGG), Goal 5¹³ the protection of natural resources, must be considered as a part of the planning process. Goal 5 pertains to conservation of Oregon's natural resources, scenic and historic areas, and open spaces. This goal requires local governments to adopt programs to protect these resources for present and future generations in order to promote a healthy environment and natural landscape. To address Goal 5 one of King City's policies states:

The City will coordinate with other jurisdictional entities to protect fish and wildlife habitats by managing riparian habitat impacts, controlling erosion, and by requiring that areas of standing trees and natural vegetation along natural drainage ways, wetlands, and rivers be maintained to the maximum extent possible, while allowing the use of private property as permitted by the Comprehensive Plan. (King City Comprehensive Plan Ord. O-92-15 § 1, 1992; Ord. O-95-05 § 1, 1995).

The existing natural features in the planning area and the city's own Goal 5 policy support extensive conservation of the waterways and wildlife corridors present, especially those near the southern boundary of the urban growth area. Although the city has a policy to protect natural resources to the maximum extent possible, the policy alone is not enough to ensure compliance with Goal 5. In order to implement development plans in accordance with Goal 5, the conservation of natural resources and the physical characteristics of the land should constitute the foundation for "determining the quantity, quality, location, rate and type of growth in the planning area."¹⁴ To comply with this and other requirements mandated by Goal 5, local governments must pursue one of two options: a standard approach that includes an Economic, Social, Environmental, and Energy (ESEE) analysis, or utilize the safe harbor approach, in which the local government will undertake an inventory process and strategy for protection of impacted resources.

If the city opts to take the standard approach, the resulting ESEE analysis will lead to the development of a local protection plan intended to safeguard some or all resources identified in the analysis. Conversely, King City may choose to pursue the safe harbor approach which entails an inventory process to develop programs to protect potentially impacted resources. These processes will detail information about the quantity, quality, and significance of resource sites, the adequacy of information about the resources, and aid in the development of a record of determination. Because this evaluation is necessary for gathering crucial information to assist King City in determining its eventual course of action, this process should be commenced early in the planning process so that, on the basis of this

¹³ OAR 660-015-0000(5)

¹⁴ Land Use Goal 5, Guidelines B.2

information, stakeholders have the opportunity to participate in this process in a meaningful way and so the decision makers can make decisions based on good information and data. So far it is not clear from information on the Master Plan website whether any work on Goal 5 has happened for the expansion area or what approach the city plans to take.

In summary, in evaluating Goal 5 requirements against the current plans for an east to west connector along the River Lane elevation, TRK believes such an alignment fails to conform with the objectives set forth in state and local land use policy around protecting natural resources. To ensure compliance with Goal 5 the city should undertake their Goal 5 work now and let that information inform the alignment choice for the east-west connector and it should inform the placement of other development.

C. Goal 7 Areas Subject to Natural Hazards

According to Oregon’s Natural Hazards Mitigation Plan, Washington County’s transportation networks may be vulnerable to natural hazard events, particularly seismic hazards. Additionally, the region may experience flooding, landslides, and wildfires. Because of this danger, local transportation planning should conform with the objectives set forth in Goal 7 of Oregon’s Statewide Planning Goals and Guidelines. Goal 7 requires local governments to address natural disasters and hazards in land use plans and advises local governments to require site-specific natural hazard reports when reviewing development proposals. Additionally, local governments should take measures to limit stormwater runoff to prevent flooding and landslides. These objectives are consistent with local governments’ responsibility to consider “the effects of development and mitigation measures in identified hazard areas on the management of natural resources.”¹⁵

By generating a report on natural hazards in the project area, King City would have access to current, accurate information on the potential impacts of natural hazards in the area and would have the opportunity to evaluate whether the proposed development will exacerbate hazardous conditions. We believe this is an essential component of the decision-making process, allowing leaders to consider the best path forward by formulating plans to avoid or mitigate potential impacts of natural hazards and to amend any current plans that would allow development in areas where the risk to public safety and property cannot be adequately mitigated. A landslide hazard map from the Department of Geology and Mineral Industries is attached to this letter. We would like to note that this should be a starting point for a Goal 7 analysis, not the only data collection done to address natural hazards.

As a part of this process, we urge the city to take natural hazards into account when selecting the alignment for the east-west connector. More generally, we urge the city to consider the inclusion of plans that maintain open spaces in natural areas as a method of mitigating hazards, such as landslide risk, where possible and appropriate.

¹⁵ Land Use Planning Goal 7, Guidelines A.c.

V. King City Must Do More to Protect Cultural Resources

Prior to the finalization of the transportation plan, we believe a cultural resources inventory should be conducted. This process should include consultation with Tribal Historic Preservation Officers (THPO) for relevant Tribal Nations. Additionally, consultation with the Confederated Tribes of Grand Ronde and Confederated Tribes of Siletz Indians, representing the Tualatin peoples, may yield knowledge of specific places in the project area. Because the project area includes or is proximal to an elevated landform overlooking the river and its floodplain and the five freshwater streams and ravines directly to the north of the Tualatin River, this area has a high probability of containing potentially significant archaeological sites. We believe that a thorough survey of the cultural and historic resources present in the area, including an extensive effort to identify any currently unknown resources, is a crucial part of the city's legally mandated responsibility to conserve these resources and should be undertaken early in the planning process.

Like with the Clean Water Act, there are requirements within the National Historic Preservation Act that will have to be complied with before construction can begin, and we encourage the city to take these requirements into account early to avoid issues later. Section 106 of the National Historic Preservation Act (NHPA) requires that federal agencies¹⁶ must take into account the potential effects of a project on historic and cultural resources in the project area, consult with the State Historic Preservation Office (SHPO), and allow the Advisory Council on Historic Preservation (ACHP) an opportunity to comment before issuing a license for the project. This process entails determining the likely effects of the project on cultural resources and developing a plan to mitigate adverse effects on these resources. Because the preferred strategy to protect cultural resources is to avoid impacts entirely, King City should implement the master and transportation plan in such a way as to circumvent cultural resources in the project area.

Compliance with NHPA will likely require a complete survey of cultural and historic resources in the area and should be undertaken early in the planning process to facilitate efficiency and to assist King City in meeting its legal obligations to protect cultural resources. In other words, because cultural resources are likely to be in the area, we urge the city to do more now to avoid permitting problems in the future.

VI. Conclusion

In summary, King City's plan in its current state would not comply with several state and federal laws. Specifically, TRK believes the road network will have challenges obtaining necessary Clean Water Act permits and certifications; the plan currently ignores Metro's condition regarding the Bankston property's conservation easement; it fails to comply with state land use goals, specifically regarding public involvement, natural resources, and natural hazard zones; and the city is not being proactive enough in preserving the cultural resources almost certainly located near the riverbank.

¹⁶ For example, the U.S. Army Corps. of Engineers when deciding whether to approve a CWA 404 permit.

While these are all significant challenges, TRK has confidence in King City's ability to consider and address these challenges in an appropriate fashion. To reiterate these comments are meant in the spirit of cooperation and as a follow up to the field trips and site visits by King City staff, Councilors, Mayor, and consultants. Please feel free to reach out if you have any follow up questions. We look forward to working together to create a sustainable, equitable community.

Sincerely,

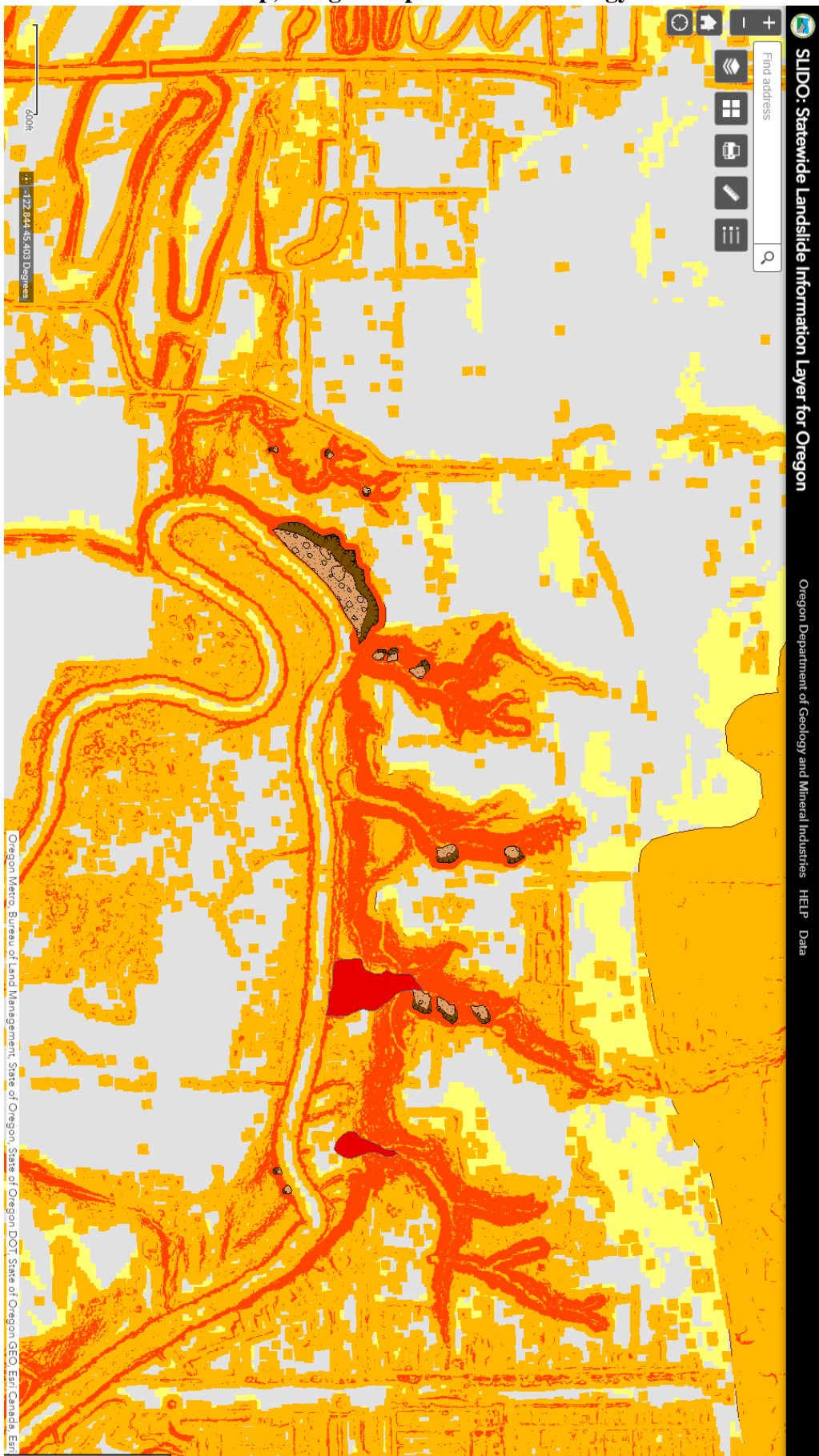
A handwritten signature in black ink, appearing to read 'AS', with a long horizontal line extending to the right.

Ashley Short
Tualatin Riverkeeper & In-House Counsel
Tualatin Riverkeepers
Ashley@tualatinriverkeepers.org

cc:

Michael Weston, King City Manager;
Steve Faust, Community Planning Director, 3J Consulting

Attachment: Landslide Hazard Map, Oregon Department of Geology and Mineral Industries



October 12, 2022

Jaimie Fender, Mayor
Mike Weston, City Manager
City of King City
15300 SW 116th Ave
King City, OR 97224

Dear friends,

I attended the Kingston Terrace Master Plan Open House Meeting at Deer Creek School on October 11. My wife and I recently moved to the Rivermeade area and are new to this whole Master Plan process. We are grateful that King City leaders are doing careful study and planning for the future development of the area. I have been a public official myself, and I know what a thankless job it can be to balance the concerns of current residents with planning for the future.

However, I have to say that I was impressed by the consistent and well-reasoned opposition to Alternative 2 that was expressed by so many of our neighbors. Although some sort of new road may well be necessary, there seem to be many solid reasons why it's not a good idea to build a new connector road so close to the Tualatin River.

At the meeting, I was surprised that so little attention was paid to environmental concerns, as well as the legal and statutory hurdles that would be faced in building the road across multiple ravines and right through the Bankston Conservation Easement. As pointed out by the attorney for the Tualatin Riverkeepers, there are several federal and state laws that stand in the way of Alternative 2 (or 3) ever being built.

Given the likelihood that developers will be unable to obtain the required federal permits, as well as the specter of protracted legal battles for the city, I would urge the City Council to adopt Alternative 4 as the most reasonable and practical solution.

Sincerely,

Alan Kelchner, Ph.D.
13940 SW River Lane
Portland, OR 97224
925-899-1219

CC: King City Council
Steve Faust, 3J Consulting

HEADQUARTERS
850 OFFICERS' ROW
VANCOUVER, WA 98661



CONTACT
TEL: 360.696.0131
FAX: 360.696.1847

To: Mike Weston, King City Manager
The City Council of the City of King City
Jaimie Fender, King City Mayor

From: Stephen F. Cook, Legal Counsel, Columbia Land Trust

Date: October 18, 2022

Subject: Kingston Terrace transportation planning and master planning

Columbia Land Trust continues to be concerned regarding the King City Transportation System Plan, and specifically Columbia Land Trust objects to the concept of extending Fischer Road across the property owned by Carla Bankston.

As you will recall, since 2009 a conservation easement held by Columbia Land Trust has conserved portions of the Bankston property, including the portion that would be impacted by the extension of Fischer Road. Columbia Land Trust has held and stewarded this conservation easement since 2011. The purpose of the conservation easement is to protect the important forested riparian habitat in this portion of the Tualatin River—habitat that extends onto other properties that would be impacted by an extension of Fischer Road via Alternatives 1, 2, and 3S. This easement prohibits activities on the property including roads, utilities, and other infrastructure to ensure that the land is conserved as habitat.

We encourage King City to select Alternatives 3N or 4 for the East-West transportation connection for the following reasons:

- **Alternatives 1, 2 and 3S, by crossing the Bankston easement property and neighboring property, would significantly harm the conservation values of those properties.**
- **Crossing the Bankston easement property would require taking a portion of the conservation easement by eminent domain; Columbia Land Trust cannot negotiate a reduction in the easement.**
- **Selecting alternatives 1, 2 or 3S would not comply with the condition Metro attached to its approval of the King City urban growth expansion regarding protection of the Bankston conservation easement.**
- **Alternatives 1, 2 and 3S, because they would involve building bridges, would be very costly.**
- **Alternatives 3N and 4 offer several advantages, in addition to avoiding harming the Bankston easement and other properties along the Tualatin River.**

LAND TRUST ACCREDITATION COMMISSION ACCREDITED | OFFICES IN: ASTORIA • PORTLAND • HOOD RIVER

COLUMBIALANDTRUST.ORG | CONNECT@COLUMBIALANDTRUST.ORG
FACEBOOK • INSTAGRAM: @COLUMBIALANDTRUST | TWITTER: @COLUMBIANATURE

PRINTED ON RECYCLED PAPER

Columbia Land Trust conserves and cares for the nature of the northwest. Our job is to protect and defend the Bankston conservation easement and enforce the easement terms to prevent impacts to this important piece of conservation land. Consistent with the Metro condition of approval (Ordinance 18-1427, Exhibit C, Section E.8), the Land Trust will not support a transportation route that crosses the Bankston easement.

Below I address each point in more detail.

1. **Alternatives 1, 2, and 3S, by crossing the Bankston property and other properties along the Tualatin River, would significantly impact conservation values of those properties and of the river itself.** We concur with AKS Engineering's conclusion (memo dated August 8, 2022) that Alternative 4 would minimize riparian crossings, reduce overall impacts to wildlife corridors, could be shifted slightly to avoid impacts to upland forested impacts, and would completely avoid impacting the Bankston Easement.

2. **Columbia Land Trust cannot negotiate changes to the conservation easement to allow a Road Crossing.** King City staff and consultants made comments at the October 12, 2022, public meeting regarding the transportation plan and master planning process that indicated they believe that the Bankston conservation easement could be renegotiated to allow the road to pass through it and that therefore the City would not have to use its power of eminent domain. Columbia Land Trust and the landowner cannot voluntarily amend the easement to allow for the road crossing; the City would have to use its eminent domain power to take a portion of the land and the conservation easement.

Under state law, the federal tax code, the Land Trust Alliance's Standards & Practices and our accreditation requirements, the Bankston easement and other conservation easements held by Columbia Land Trust are permanent. They are real property interests assigned substantial value that run with the land; the Bankston easement will restrict the uses of that property and protect its conservation values whoever owns that property in the future. Land trusts cannot amend conservation easements to reduce their geographic scope or protection of conservation values, except for very limited circumstances. One of those rare exceptions is if government takes property subject to a conservation easement by condemnation.

3. **King City is placing insufficient emphasis on the condition Metro attached to its approval of the King City urban growth expansion plan regarding protection of the Bankston conservation easement.** The Metro condition expressly requires that King City protect, **to the maximum extent possible**, that portion of the Bankston property subject to the conservation easement. In its consideration of the different alternative routes for providing East-West vehicular connection, King City is not complying with Metro's condition by not adequately favoring routes that would not cross the Bankston property.

Here's the exact language of Metro's condition:

The Columbia Land Trust holds a conservation easement over portions of the Bankston property, which King City's concept plan identifies as the intended location for a key transportation facility serving the expansion area. King City shall work with the Columbia Land Trust to protect, to the maximum extent possible, the portion of the Bankston property covered by the conservation easement. (Exhibit C, Section E.8).

The standard set by Metro's condition is stringent: our view is that the standard is not that King City can extend Fischer Road across the Bankston property if it determines that doing so is less costly, or more effective, or in some overall sense most practical of the potential alternatives. King City can **only** comply with Metro's condition if it determines that extending the road across the Bankston property is the **only** possible approach. As shown by Alternative 4, it is **not** the only possible approach. If King City moves forward with Alternatives 1, 2, or 3S, King City is not protecting the property covered by the conservation easement to the "maximum extent possible" as it would be choosing to not adopt other possible approaches, and instead choosing to impact the Bankston property.

It is clear that it is possible to avoid impacting the Bankston property by adopting one of the other alternatives (3N or 4) that are already in discussion or developing further alternatives.

King City responded to community concerns about non-compliance with the Metro ordinance during the October 11 community meeting by stating that Metro's guidance was to provide funding to do a transportation analysis and they believed by doing that analysis, they are meeting the condition. We disagree. While an analysis is a critical step in evaluating possible alternatives, the analysis only goes to demonstrate that there are other alternatives that meet project needs and therefore demonstrate that it is **possible** to avoid the Bankston easement and thus comply with Metro's condition.

4. **We also feel Alternative 2 would be more costly than King City believes.** Crossing the Bankston property and neighboring properties would require the construction of bridges, which are very costly. Complying with Metro's condition, in the event crossing the Bankston property was the chosen approach, would still require engineering and building that crossing so as to minimize the impact on the conservation values of the Bankston property. Minimizing and mitigating for the environmental impacts of those bridges and crossing the other riverside properties would add to the cost of any bridge, as would dealing with the property owners, including Columbia Land Trust. This perspective was articulated in the August 8th memo from AKS Engineering whose analysis confirmed our understanding that cost estimates were low end estimates with important variables unaccounted for.

Without using more accurate rough order of magnitude costs, the different routes cannot be accurately compared.

5. **Alternatives 3N or 4 offer several advantages, without the disadvantages of the southern route across the Bankston easement and other environmentally sensitive properties.** We encourage King City, through its master planning process to truly evaluate the value, needs, and impacts of new transportation system improvements and provide a true cost, impact, and value comparison. This should include indirect costs to project elements including mitigation of environmental impacts, impacts to livability from loss of habitat and open space in King City, and ancillary impacts of unanticipated project costs that will be passed on the current and future homeowners.

Date October 27, 2022

To: 3J Consulting
Steve Faust
9600 SW Nimbus Avenue Suite 100
Beaverton, OR 97008

Mike Weston
City Manager
15300 SW 116th Ave.
King City, OR 97224

From: Janet Black, resident of Kingston Terrace

Re: Public Comments on updated (October) East/West Circulation Alternatives Analysis

My comments at the October 11 public meeting were shorter than this document, since I was concerned with not taking more than three minutes. This document expands on those comments.

In general, I am struggling to understand why the collector road continues to be sited so close to the Tualatin River on the eastern end of Kingston Terrace. I understand the need for a connection between Edgewater and Kingston Terrace, and I understand why that connection is using a continuation of Fischer Road, but I don't understand why that has to be extended directly west and approximately parallel with the river, through the deepest ravines.

I personally enjoy spending time on the river, and I see an increasing number of people who are paddling on the river. I can only wonder why King City would want to affect their experience by adding noise and pollution from a road that is so close. Sound travels a long way, especially around water.

The Concept Plan describes an approach to the natural areas as sensitive; with graceful transitions where development meets natural areas; protecting the Tualatin River, sensitive wildlife habitat and other natural systems.

How does locating a collector road in the most sensitive environmental area align with that vision?

Questions and comments about the updated information provided in the October Analysis:

There is a section entitled- "Particular advantages described for Alternative 2", including several statements about which I have questions:

"With small alignment adjustments noted, this alternative does not require demolition of existing homes in the study area."

This implies that other alternatives do require demolition - is that correct? If yes - could they also have "alignment adjustment" to avoid demolition?

"Alternative 2 would likely require less linear feet of right-of-way acquisition than alternatives 3 or 4."

I agree this is probably true if considering just linear feet, but I think it needs to be quantified in order to assess the net effect of the difference:

From maps that I have:

Alternative 2: Fischer Road extension from 137th to the end of Watson (where it ends at the Bankston Conservation Easement): approximately 1,200 feet

Alternative 4: Myrtle Lane easement approximately 630 feet (a net difference of about 570 feet).

The Fischer Road right of way extension from 137th to the end of Watson ends at a point that is approximately 485 feet from the Tualatin River, and continuing that extension would require crossing a significant ravine.

Therefore, when comparing the cost of using the Watson right of way vs. using the Myrtle right of way, and including the cost of a ravine crossing plus detrimental effect on the Tualatin river, the Myrtle right of way is potentially far less expensive.

"As collector road providing redundancy for Beef Bend Road and serving a newly developing area, this alternative would likely be effective in securing public funding from state, regional, county or local sources that would reduce the need for developer funding for this key piece of roadway structure."

This implies that a collector road along a different alternative would not attract the same public funding. Is this an accurate and verifiable assumption?

"Reduce on-going cost of the public utility of using pumps for sewer vs gravity fed."

The Analysis emphasizes gravity fed sewer as desirable. In an attempt to understand this issue, I read the King City Urban Reserve Area 6D: Funding Strategy written by the Leland Consulting Group dated May 1, 2018. (I include excerpts from that document at the end of this letter). My understanding of their work is that they studied two different concepts for sanitary sewer:

- Concept 1: gravity fed, requiring a large (\$7.4m) trunk sewer line that would run east-west across the plan area
- Concept 2: a series of pump stations and force mains for the "sub districts" of the plan area (the western portion)

According to the Leland Consulting Group:

Based on conversations with the Concept Plan team, LCG has assumed that concept 2 will be built, since concept 1 would require significant, costly infrastructure work to be completed.

If the Analysis is going to assume use of gravity fed sewer, shouldn't the costs of building this significant, costly trunk line be included in the Analysis?

In addition, the following is a statement from the King City Master Plan, Existing Conditions report dated January 12, 2021 which seems to support the use of local pump stations between the ravines, with gravity fed sewer serving some areas using existing infrastructure:

“Local pump stations are likely needed to serve three internal portions of the KCMP area to the east, given the challenges in crossing the deep streams. These pump stations are expected to be developer-implemented pump stations, with capacities at 200 gallons per minute (gpm) or less. The pump stations would generally be located toward the south of the developable area to minimize depth and maximize service area. The stations will each require a force main to pump north and east to the improved Bull Mountain Trunk system in Beef Bend Road near SW 137th Avenue.

The easternmost portion of the KCMP area can be served by gravity through new sewers connecting into the existing CWS-owned collection system in King City at the 8-inch connection on SW Fischer Road. For areas to the south that are lower in elevation, new sewer can be constructed to discharge into the existing sewer at SW Montague Way near SW 136th Avenue.”

“Tualatin Valley Fire and Rescue has indicated a preference for Alternative 2.”

- I asked this question at the public meeting, and I believe the response was that it came from the Chief, and that the reason was the location of the west end of Alternative 2 was near where the new station was being planned.
- It looks like the difference between where Alternative 2 and 4 connect to Elsner (and thus the connection into the Town Center) is about 300 yards. Is that enough difference to make the response times out of compliance?
- Could Alternative 4 be adjusted to connect to Elsner at the same location as Alternative 2?
- Would you publish the TVFR's response on Master Plan public library?

Evaluation of cost comparisons

I continue to be concerned about using the circle methodology for the cost comparison.

I understand why you used the circles to represent comparison, as explained by Steve Faust at the October public forum. However, in the context of costs, using the circles to indicate relative costs is insufficient and misleading. The Table that shows the summary compares differences in various costs by line item (factors), but does not reflect the magnitude of cost differences between the factors. For example, the cost difference between the alternatives for roadways/bridges - in the multi millions - is given the same weight as the comparison of gravity fed sewer to the annual cost of pump stations. I could only find "relatively high" as a quantity for this difference. What is a representative cost of operating a pump? This needs to be known in order to compare the cost savings of gravity fed sewer vs construction costs of bridges.

In addition, while using the broad assumptions might be adequate to compare relative magnitude of costs of roadway and bridges between alternatives, more accurate costs are needed to compare the higher costs of roadway/bridges to lower costs of gravity fed sewer. In other words, Alternative 2 might have lower costs due to gravity fed sewer, but that might be greatly outweighed by the higher cost of roadways/bridges.

And, as mentioned above, the cost of the trunk sewer line (including finance costs) should be included as a cost of gravity fed sewer.

Conclusion

The slide that you kindly showed for me at the October 11 Public forum helps to demonstrate the source of my confusion. There is such a small distance (approximately 400 yards) between the place where Fischer would connect with 137th, and the place where King City could use its right of way on Myrtle to make the connection to continue west, arriving at about the same place on 150th as the connector road per the latest plan (Oct 19 Work session).

Anne Sylvester described at the SAC Meeting #4 that the work on the Master Plan would pick out the best part of each of the alternatives. In accordance with that goal, it seems this change would be a reasonable approach, and has the added benefit of complying with Metro's requirement to "protect, to the maximum extent possible, the portion of the Bankston property covered by the conservation easement."

Respectfully,

Janet Black

Page 8

Major Sanitary Sewer: Subdistrict Pump Stations/Forcemains. Murraysmith engineers prepared cost estimates for two “sewer service concepts,” as follows:

- o Concept 2 (used in this funding strategy) assumes a series of pump stations and force mains will be needed for “subdistricts” of the plan area. These facilities are considered “subdistrict” infrastructure, and should be designed, built, and paid for by single large developers, or smaller groups of developers. The reimbursement district tool is often used for infrastructure of this scale (described in greater depth on page 10 and in the appendices on page 20). This is a better approach than attempting to allocate the cost throughout the entire district, as framework infrastructure, since it allows developers more flexibility in the timing and design of development and infrastructure.
- o Concept 1 assumes the construction of a large (\$7.4m) trunk sewer line that would run east-west across the plan area; this trunk sewer line would eliminate the need for the subdistrict level pump stations and forcemains designed in Concept 2.

Based on conversations with the Concept Plan team, LCG has assumed that concept 2 will be built, not concept 1, since concept 1 would require significant, costly infrastructure work to be completed through private properties on the east side of the plan area, where development is not expected in the near term. This would create logistical, negotiation, and design challenges. The financing (interest) costs would also be high, since the investment would need to be made up front, with payback taking place over many years. It is not clear what entity would take on such a major trunk sewer line investment; the most likely options would be Clean Water Services (CWS), or a very-well capitalized developer, with repayment via a supplemental fee or reimbursement fee.

Page 15

We also propose that at least two types of projects—subdistrict pump stations/forcemains and subdistrict stormwater facilities—be built and paid for by developers within “subdistricts.” Because the development attributes of these subdistricts is unpredictable—including timing of development; the amount, type, and location of housing products; the developers involved; etc.—LCG believes that it makes sense to require that subdistrict infrastructure be built, but not dictate a specific funding strategy.

10/11/2022

Steve Faust
Community Planning Director
3J Consulting

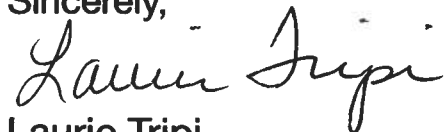
Dear Mr. Faust-

I oppose any connector road from Fischer Road, or any other route through King City to Roy Rogers Rd. I strongly believe, after reading in the Kingston Terrace Master Plan, dated September 2022 in Section 5.7, that improving Beef Bend Road is an option. It says that widening it is a viable option to handle additional traffic, as well as a roundabout at Peach Tree, Colyer Way and 137th.

The intersection at Fischer and 99W is already congested, so by extending it so that it becomes a thoroughfare would make that intersection impossible to get through. Adding an additional East/West connector road would disrupt the lives of those living in the existing neighborhoods, damage the environment and endanger wildlife habitats. I also feel it would be much more costly to widen the existing neighborhood streets, build bridges and obtain privately owned property.

Beef Bend, Bull Mountain and even Scholls Ferry are sufficient east/west connections to handle more traffic to Roy Rogers if the proposed retail center is to go through. Please seriously take this option into consideration. It seems to be the logical path of least resistance.

Sincerely,



Laurie Tripi
13920 SW River Lane
Tigard OR 97224

To: King City Council and King City Mayor

From: Karl Swanson, resident of the Kingston Terrace Study Area

For the official KTMP official record, my comments given during the October 11, 2022 Kingston Terrace Master Plan Open House Meeting

Current King City leaders think they have this all figured out. But the current mayor, councilors, and city manager all have no experience expanding a city as is planned. The previous mayor boasted that others didn't think they could do it. But actually, they haven't done anything yet.

After this open house, current King City leaders will again be able to check the box that they gave an opportunity for public input and then they can ignore the public once again and do what they wanted, selecting an alternative that extends Fischer Road all the way to Roy Rogers Road. Their consultants are on board, providing a fluffed up report that dilutes the import factors with a shotgun of evaluation factors, only to further manipulate it with revisions of the draft report in an attempt to provide more justification in the final for the much more expensive extension of Fischer Road. After all, that is what current King City leaders are on record wanting before having to stop to complete an alternative study. The consultants have a happy client and they get paid, not with King City money but from an outside taxpayer funded grant.

Maybe nobody noticed that their preferred alternative costs 3 times as much as the least cost alternative favored by developers, favored by affordable housing organizations, and favored by their own neighbors. Drastically underestimating the bridge costs by failing to investigate the known geotechnical challenges at the ravines was still estimated to cost ten's of millions of dollars more, adding tens of thousands of dollars to the cost of each new home.

This apparently is not a concern for current King City leaders as they double down a Fischer Road extension instead of acknowledging the more popular, and far lower environmental impact of the least cost alternative.

I can guarantee that had a more capable consultant developed an east-west alternative that paired a gravity sewer line optimized along a southern alignment using inverted siphons at the ravine crossings together with the least cost northern road alignment, it would have required some utility easements for the buried sewer line but the associated cost impacts would not be ten's of millions more like their preferred alternative. We already have many operating buried sewer lines not aligned with a road right-of-way in our region. The consultants failed miserably on cost control, and they were wrong to not consider use of inverted siphons for gravity sewer line ravine crossings, choosing instead to spit in the face of Metro and the Columbia Land Trust by preferring to put a collector roadway through the Bankston Conservation easement that was created in 2009 for protection in perpetuity. The violation of the Bankston Conservation Easement is not a factor to be compared with rankings, but a factor that legally eliminates alternatives when there are other alternatives as there are here.

The public has been vocal and consistent from the beginning of this long process. Just one example being the previous Open House Survey Results dated April 2021 documenting 92% opposition to their plan to extend Fischer Road. Current King City leaders forced their neighbors to take down lawn signs opposing a Fischer Road extension and strong-armed their HOA's to stop any organized expression of concerns about traffic and other negative neighborhood impacts. Just a couple examples of how the current King City leaders treat their own neighbors. When government leaders continue to abuse the public something eventually breaks down. Current King City leaders are setting themselves up for a lot of things to start breaking down.

As the master plan moves forward over the next year or so the current King City leaders will probably still think they have this all figured out, and can continue to boast that others didn't think they could do it. Until things start breaking, and here are just a few examples:

-**expensive court challenges necessary for eminent domain** taking of Bankston Conservation property for construction of east-west alignments 1, 2 and 3, violating Metro's specific requirement for this UGB expansion

- **expensive LUBA court challenges** related to impacts to the inventoried significant **Goal 5** resources caused by east-west alignments 1, 2 and 3

- **expensive LUBA court challenges** related to **Goal 6** for noise, water and air pollution discharges at stream crossings caused by east-west alignments 1, 2 and 3

- **expensive LUBA court challenges** related to **Goal 7** by not avoiding the clearly evident and documented natural hazards at the steep ravine crossings for east-west alignments 1, 2 and 3

No, actually this will not go well and when things get bad enough **there will be a recall of the current mayor and current councilors**, and the new leaders will find a new city manager to work cooperatively with the public on new development, just like it was done when the Edgewater community was planned. It is really unfortunate for all of us here that none of the current King City leaders have that experience.

In summary, let me just say that you can continue on with your plan, don't even pretend to listen to us, but understand that things will break down. Some construction may start, but it won't get finished. Just like the Damascus expansion plan broke and didn't finish. The result here will be much worse than Damascus was, with a bankrupt and divided city that is only partially completed on the west end, no city at all in the middle with no connectivity with either end since the selected alternative was a complete failure, and an east end that will forever blame the *former* King City leaders for ruining their city all over an unwanted extension of Fischer Road when they clearly had other alternatives that were not just cheaper for developers to construct but would have saved the city a lot of money on litigation.

Things will break, and it will be your fault, for listening to the wrong people and making the wrong decisions.

“My name is Gary Mitchell. I am a King City Resident. My home is on the corner of King Lear and Fischer Road in Edgewater

The purpose of Title 12 of the Urban Growth Management Functional Plan “is to protect existing residential neighborhoods from air and water pollution, noise and crime.”

The proposed transportation system plan East-West internal street connection route #2, clearly does not meet this standard, because it will significantly increase traffic through existing neighborhoods. Taking traffic off Beef Bend Road and routing it internally through existing neighborhoods will not minimize, but will create significant adverse impacts of increased traffic, increased noise, increased pollution, and reduced street safety for children and pedestrians in the existing neighborhoods.

Title 12 also requires protection of natural ecological systems and avoidance of adverse effects on natural landscape features. Alternative #2 does not meet this requirement as it crosses deep ravines and the conservation easement.

Alternative 4 looks like a better choice because it avoids the major ravine crossings, is lower cost, and it has lower impact on wildlife and natural resources.

However, the alternative proposed by the “King City Area Citizens,” which utilizes Beef Bend Road to provide an East-West corridor, is indeed the lowest cost and will help to meet the low-cost affordable housing goals, and it has the least adverse impacts on existing neighborhoods and provides the quickest and most direct east west connection to Hwy 99 and to old king city (via 116th).

The Concept Plan for Kingston Terrace emphasizes an East-West transportation network “to integrate the city as a whole community,” and to “take traffic off Beef Bend Road by providing an internal East-West transportation network for mobility from Kingston Terrace to King City.”

Integrating the community can be fostered via walking trails and bike paths, not by providing a cross town traffic corridor through existing neighborhoods. An East-West connection from Kingston Terrace to King City using Fischer Road, will primarily provide access to and from Hwy 99. There is already significant non-resident traffic that uses the Fischer Road - 131st Street connection as a through route to bypass the traffic and lights on Hwy 99. Such an internal East-West corridor will serve as a route to Hwy 99, not to old town King City. A goal of “taking traffic off Beef Bend Road and routing it internally through existing neighborhoods” will not minimize, but will create significant adverse impacts of increased traffic, increased noise, increased pollution, and reduced street safety for children and pedestrians in the existing neighborhoods.

Current King City code section 16.212, B 6 states “Local street systems shall be designed to discourage motorists traveling between destinations that are outside the neighborhood being served by the local streets.” In other words, the local street systems shall be designed to not encourage through traffic from outside the area.

Creating new east west connection routes will attract additional non-local traffic, which will have significant adverse impacts on the existing Edgewater and Rivermeade neighborhoods.

Also, Title 12 of the Urban Growth Management Functional Plan requires protecting the capacity, function and safe operation of existing state highway interchanges. There is already

significant non-resident traffic that uses the Fischer Road - 131st Street connection as a through route to bypass the traffic and lights on Hwy 99. It will also adversely impact the Fischer Road and Hwy 99 intersection. This intersection is already overcapacity at peak time. During peak times I have waited three signal lights to make a left turn from Fischer onto Hwy 99 to go north, and even two lights to make a right turn to go south on 99. Also traffic gets backed up on Hwy 99 north turning left onto Fischer at peak time backs up onto one lane of 99. It has been my observation that most of the left turn vehicles from Hwy 99 are pass through traffic via Fischer and 131st to Beef Bend Road.

I believe the best East West mobility route is Beef Bend Road to Hwy 99, and the intersection at 99 will need to be improved anyway primarily due to increased traffic from the River Terrace developments, and not from the much smaller Kingston Terrace development.”

Submitted by
Gary Mitchell,
King City Resident,
13350 SW Fischer