

Attention: Periodic Review Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301

Participation Qualifications

I participated throughout the process. My participation, representing many of the local residents impacted by Metro Ordinance 18-1427, is specifically documented on the Metro website, as shown below:

<https://www.oregonmetro.gov/news/people-region-respond-possible-urban-growth-boundary-expansion>



Ron Johnson lives in Tigard by the current boundary of King City

During my participation, I objected to specific concerns with the UGB amendment. Some of those concerns are specific to how the UGB amendment does not comply with applicable regulations, as detailed below.

Objections

Oregon Administrative Rule 660-007-0005 defines buildable land as:

(3) “Buildable Land” means residentially designated land within the Metro urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is

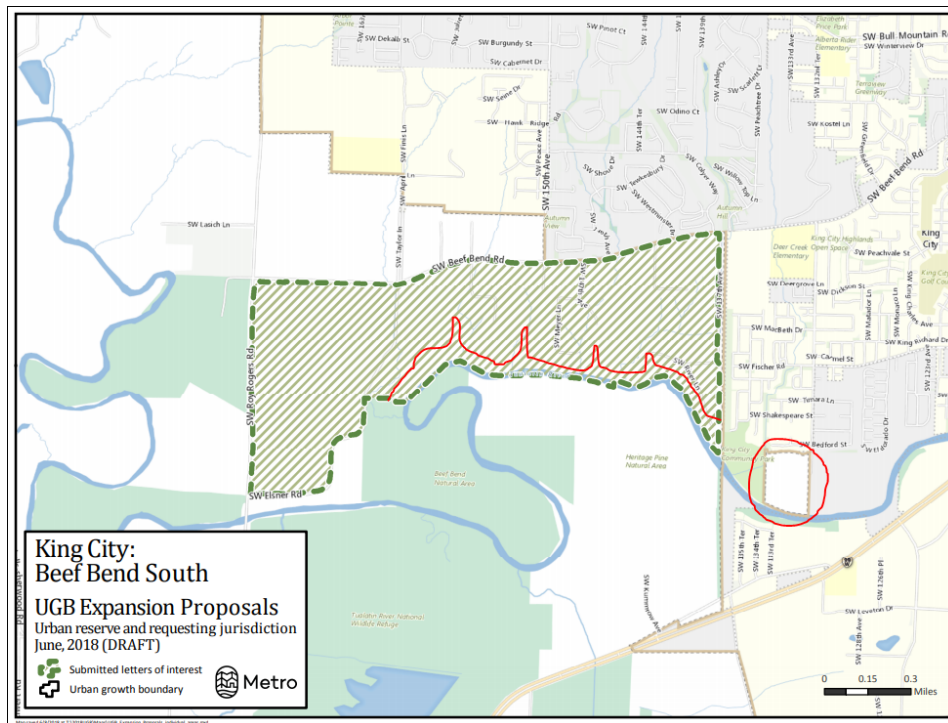
generally not considered available for residential uses. Land is generally considered “suitable and available” unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6 or 15;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

The areas defined in the proposed UGB expansion amendment include lands within the FEMA 100 year flood plain, as well as lands potentially too steep to develop for urban uses including residential housing and transportation.

The map contained in the “King City: Beef Bend South” plan clearly shows flaws in the proposed UGB boundary, available online here:

https://www.oregonmetro.gov/sites/default/files/2018/06/08/UGB_Expansion_Proposals_individual_areas_Beef%20Bend%20South.pdf



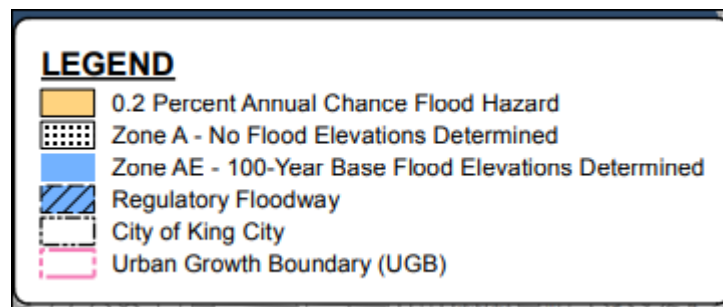
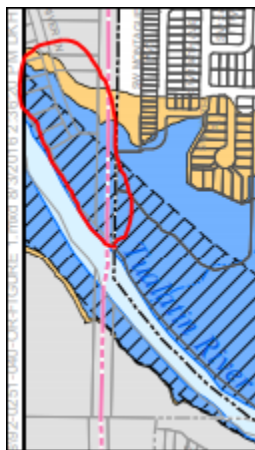
The area showed by the added circle above in red required a successful challenge to the previous UGB expansion in this area. The flawed and incomplete King City proposal was inadequately

reviewed by Metro prior to passing Ordinance 18-1427, especially considering that the above map already clearly shows the previous mistake by King City (Washington County tax lots 2S116DC01300, 2S116DC01400, and 2S116DC01500).

The flawed boundary does not properly follow **Goal 7**, since it includes lands not the most suitable for urbanization which are within the FEMA identified 100-year floodplain. In addition, there are other lands continuous with the floodplain that drain to the Tualatin River with steep and unstable slopes that are not the most suitable for urbanization. An approximation of these areas are shown on the above map as an added red line along the southern boundary with the Tualatin River. This is not intended as a complete list, but some tax lots that should have been excluded are: 2S116C000600, 2S116CA15500, 2S116CA15400, 2S116CA15600, 2S116CA15700, 2S116B003300, 2S117A002601, 2S117A002700, 2S117A000700, 2S117A000900, etc.

Several of these tax lots are even shown as being within the flood hazard zone on King City's own map, available online here:

http://www.ci.king-city.or.us/document_center/Flood%20Ordinance/City%20wide%20area%20map.pdf



Also, hazard creep caused by unregulated development downstream of dams has been a concern highlighted by the Association of State Dam Safety Officials (ASDSO), as described here:

<https://damsafety.org/state-performance> , and

<https://damsafety.org/basic-page/dam-safety-emergency-managers>

Some of the lands within the proposed UGB boundary may be in a hazard area from a potential failure of Scoggins Dam. Scoggins Dam has been identified at risk of failure from a Cascadia Subduction Zone Earthquake event. Scoggins Dam, located on Scoggins Creek in western Washington County is owned by the U.S. Bureau of Reclamation and operated by the Tualatin Valley Irrigation District, needs a seismic rehabilitation. Funding for the necessary seismic

stability upgrade has not yet been found, leaving the downstream area at a higher risk for inundation from a dam failure. The dam could also fail from a flood event, with inundation maps identifying this area for floods up to the Probably Maximum Flood (PMF). Any lands at risk of inundation from a failure of Scoggins dam, as identified by U.S. Bureau of Reclamation dam breach inundation mapping, should be excluded from the proposed UGB expansion.

Myself and many other concerned local residents consistently voiced our concerns with the planned transportation improvements that would cross critical drainages to the Tualatin River. The fact that one planned road crossed a conservation easement was raised by multiple participants. In violating the intent of **Goal 1**, rather than working to resolve the concerns by rerouting the new road alignment, King City representatives stated that our concerns were not valid since they would use eminent domain to take the lands King City needed for the uses King City wanted. King City's disregard tainted the entire citizen involvement process, shutting down citizen input and fundamentally undermining the entire process. Including conservation easements in the UGB expansion, where they could be subject to using eminent domain to destroy them, also violates the intent of **Goals 5 and 6**. **Goal 12** specifies that a transportation plan shall minimize environmental impacts, which is clearly not achieved by destroying a conservation easement in order to build a new road.

Kris Balliet, the executive director for Tualatin Riverkeepers, and Paul Whitney, an ecologist with Tualatin Riverkeepers, both testified during Metro's Ordinance 18-1427 meeting:

<https://www.oregonmetro.gov/news/people-region-respond-possible-urban-growth-boundary-expansion>

They specifically requested that the planned Fisher Road extension be removed from development plans. The Fisher Road extension impacts to both the tributaries and wetlands that are on that property as well as a major erosion site that exists in that part of the river are clearly contrary to **Goal 12**. Lands currently included in the UGB expansion that include a conservation easement threatened by the road extension should be removed from the UGB amendment.

Specific Changes Recommended under Goal 7

1. The UGB expansion must not include the above listed Washington County tax lots, as well as any other lands that are within an identified flood hazard.
2. The UGB expansion must not include any lands that are too steep to develop for urbanization.
3. The UGB expansion must not include any lands that are within an identified hazard from any potential failure of Scoggins Dam.

Specific Changes Recommended under Goal 1 and/or Goal 5 and/or Goal 6

4. The UGB expansion must not include Washington County tax lots that include a conservation easement. (ex. Tax lot 2S116B003300; 16385 SW MYRTLE)

Specific Changes Recommended under Goal 12

5. The UGB expansion must not allow a transportation plan or road construction that violates the intent of established conservation easements and/or ignores negative environmental and community impacts.

Ron Johnson

President, **Rivermeade Community Club**
13860 S.W. River Lane, Tigard, Oregon 97224

*Harrel C. Throop and his wife Myrtle created Rivermeade in July 1948, when they recorded with Washington County a subdivision map with 58 parcels. In October 1953 the **Rivermeade Community Club** was founded as an Oregon nonprofit corporation by the community's earliest residents. The club holds deed to the Tualatin River frontage for a recreational and social gathering spot for Rivermeade residents, where second, third, and fourth generation families continue a rich history and enjoy their idyllic rural lifestyle.*

From: [Karl S](#)
To: [DLCD PR-UGB](#)
Cc: [Donnelly, Jennifer](#); roger.alfred@oregonmetro.gov; [Ron Johnson](#)
Subject: OBJECTION to UGB ammendment, Metro Ordinance 18-1427
Date: Monday, January 28, 2019 7:42:49 PM
Attachments: [UGB challenge.pdf](#)

We respectfully submit the attached objection.

Please reply that it was received and recorded prior to the deadline for objections.

Thank you

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JAN 30 2018

LAND CONSERVATION
AND DEVELOPMENT

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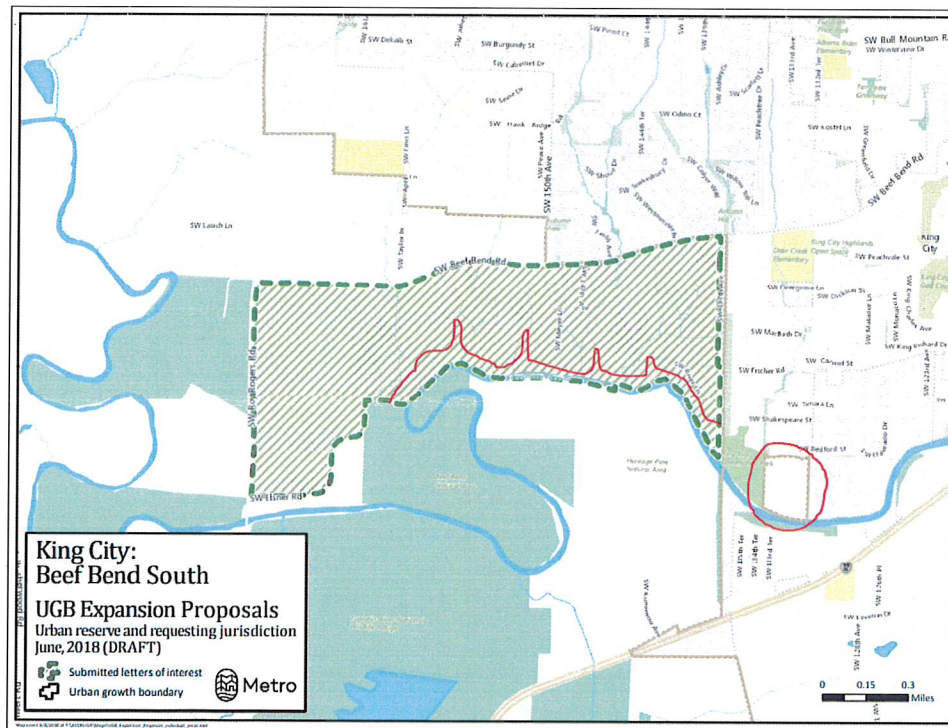
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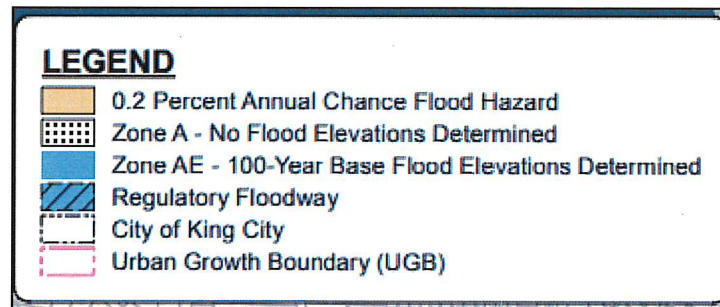
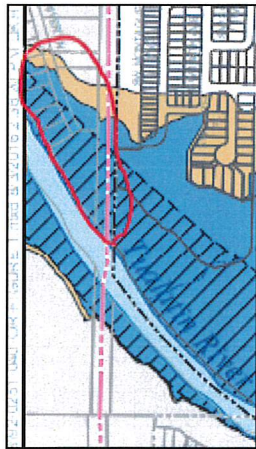
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JAN 2019 11N 31



Department Land Conservation

Attn: Periodic Review Specialist

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