



July 15, 2017

Michael J. Weston II
City Manager
City of King City
15300 SW 116th Avenue
King City, OR 97224

Re: King City Urban Reserve Area 6D Concept Plan/14.47 acres located at 16900 SW Elsner Road

Dear Mr. Weston:

We spoke previously on the phone and I also introduced myself at the May 17, 2017 City Council meeting, where Urbsworks presented about the Urban Reserve Area 6D (URA) concept plan. As discussed, I represent Elaine Eudaly who owns the property located at 16900 SW Elsner Road, Sherwood, OR 97140 (Property). The purpose of this letter is to provide comment to King City (City) and Urbsworks about how the Concept Plan as currently drawn negatively impacts my client's property rights. I also offer a few suggestions to alleviate that impact.

Background

The Property is composed of two Washington County tax lots (#2S1-17-0700, #2S1-17-0206), totaling approximately 14.47 acres. The Property is outside the current Urban Growth Boundary and lies with the URA. The Property contains one dwelling unit and an outbuilding, which are both located on the 6.60 acre Tax Lot #2S1-17-0700 (Tax Lot 700). Tax Lot 700 borders the Tualatin River and a significant portion of it contains a flat bench (Flat Bench) above the river. The second tax lot, #2S1-17-0206 (Tax Lot 206), fronts Elsner Road and is undeveloped, except for the access road to my client's house, which crosses the northern most portion of this lot. Some of the Flat Bench extends onto the southern portion of Tax 206. Moreover, Tax Lot 206 is bisected by an unnamed creek in a small ravine that drains from the north to the Tualatin River. For your reference, I attach a topographic map from the Metro GIS website and the county tax map.

Ms. Eudaly resides at the Property with her husband Jeffrey Kalinowski and their 33-year old daughter, who is autistic and requires constant care. The Property is currently a secluded rural home site that provides a quiet, serene environment that is a favorable location for the upbringing of their special needs daughter. Consequently, Ms. Eudaly and Mr. Kalinowski are not happy about the urbanization plans for the URA because of the future direct impacts to the Property and their lives. My client understands that she alone cannot stop the eventual inclusion of the Property in the UGB. She provides comments here to request modifications of the Concept Plan to protect her property rights in case her family has to move to another location to find similar seclusion once any urbanization for the URA is implemented.

Fischer Road Alignment Significantly Impacts Property Rights

The Concept Plan report from the May 17, 2017 City Council meeting shows two preliminary alternatives. From my client's perspective, the main difference is that Alternative 1 has a local street

that will connect the existing Fischer Road from the current western boundary of King City to Elsner Road and that the Fischer Road extension runs right through their Property. I attach copies of maps for Alternative 1 and 2 for your reference, where I approximate the boundary and location of the Property.

My client's biggest concern is that Fischer Road as drawn passes directly through or immediately adjacent to her residence. Moreover, the road uses much of the Flat Bench, which is the most, if not the only developable, portion of the Property, considering the topography, tree cover, and riparian lands on the remainder of the Property.

Based on the Urbsworks presentation and my subsequent discussion with you, it is my understanding that Alternative 2 is likely not feasible because Washington County has concerns about vehicular traffic management on Beef Bend Road associated with that concept. Thus, Alternative 1 is presumably the City's most viable option, consequently necessitating that Fisher Road be built in order for the entire URA to develop. Another reasonable assumption is that since the Fischer Road extension is a likely necessity for the entire URA to proceed that the City at some point after annexation occurs will need to exercise its power of eminent domain to acquire the necessary right of way for Fischer Road from my client and the other private landowners.

This concept potentially devalues my client's property with the existence of a road that bisects the only developable portion of the Property on the Flat Bench, with no upside of urban development potential. With road and environmental setbacks, the Fischer Road extension as drawn might render the remainder of the Property useless and constitute a full taking of my client's property.

Moreover, Fischer Road as drawn will require a bridge over the creek on the Property, another negative aspect of this alignment. An easy solution to this problem is to move the Fischer Road connection at Elsner Road slightly to the north so that Fischer Road avoids the creek entirely or the crossing is minimized to lessen the environmental impacts on the creek and reduce construction costs of another bridge in the URA. This approach also has the added benefit of protecting the forest on Tax Lot 206.

Lack of Mapping Any Additional Housing Units on Property is Problematic

The impact of the proposed Fischer Road extension is further compounded by the lack of any allocation for new dwelling units to the Property. Neither Alternative 1 nor 2 contain yellow shadings on the Property, as is the case in the other nodes of proposed residential development to the north and east. Consequently, the concept plan leaves my client with a road and potentially no residence, but then no upside for urban development on the remainder of the Property.

Metro Ordinance No. 11-1255, which initially approved the region's urban reserve areas, provides on pages 78-79 of its Exhibit B that the housing goals for this URA are approximately 10 units per acre for the 253 gross buildable acres. Thus, the anticipated housing stock for the URA would be approximately 2,530 units. With this goal in mind, the City should consider the Flat Bench into that equation.

Since the Flat Bench portion of the Property is surrounded by forest and abuts the Tualatin River, the location could be a lower-density subdivision, providing relative seclusion in the new urban area, with higher-value homesites near the river, while at the same time protecting Goal 5 natural resources. This also advances the policy in Metro Code 3.07.1110(b)(1)(C) that requires the City in a concept planning process that proposes a mix of residential and employment uses, which is the case for this URA, to consider actions necessary to achieve "a range of housing of different types, tenure and prices

addressing housing needs in the prospective area” to form an economically and socially vibrant community.

City’s Intention about using Property as a Public Park

It is my understanding from my client that the City at a prior public meeting expressed interest in acquiring her Property for a future public park. She is worried that since the City is in charge of the planning process, which sets the stage for future zoning of the Property in a comprehensive plan, that the City will exclude the Property from favorable zoning under a urbanization scheme such as by not allocating any housing on the Property, as is currently the case, to lower the appraised value of the Property in the context of any future taking of the Property for a public purpose. I hope that is not the case here, but I need to express my client’s concerns to raise the issue and make certain that she is being treated fairly in the concept planning process.

Summary of Requested Changes to the Concept Plan

Based on the above, my client requests that the Concept Plan show the Fischer Road connection further to the north, hopefully off the Property completely, so that it spares her residence from impacts of the intended Fisher Road and does not utilize the Flat Bench, which is the most developable portion of her Property. This is also the more environmentally friendly option because it does not penetrate the mature forest in the heart of Tax Lot 206. Furthermore, my client requests that the Concept Plan allocate a reasonably appropriate amount of residential housing units to the Flat Bench area or a portion thereof. That way my client’s property rights will be protected and she can achieve some financial benefit from the urbanization planned to occur for this area, versus a detriment as is likely the case.

These are my client’s preliminary comments. I would be willing to sit down with you and Urbsworks to discuss this further. I will be on vacation until July 26 and will call you then to schedule such a meeting. Please place a copy of this letter in the City’s record and send it to Urbsworks for its consideration. Also, add Ms. Eudaly and me to the notice list of any other activities or meetings regarding the URA planning process. If you have questions, I can be reached at my office address and telephone listed on my letterhead above or via email at fritz@wfpauluslaw.com.

Thank you for considering our request.

Sincerely,



William F. (Fritz) Paulus

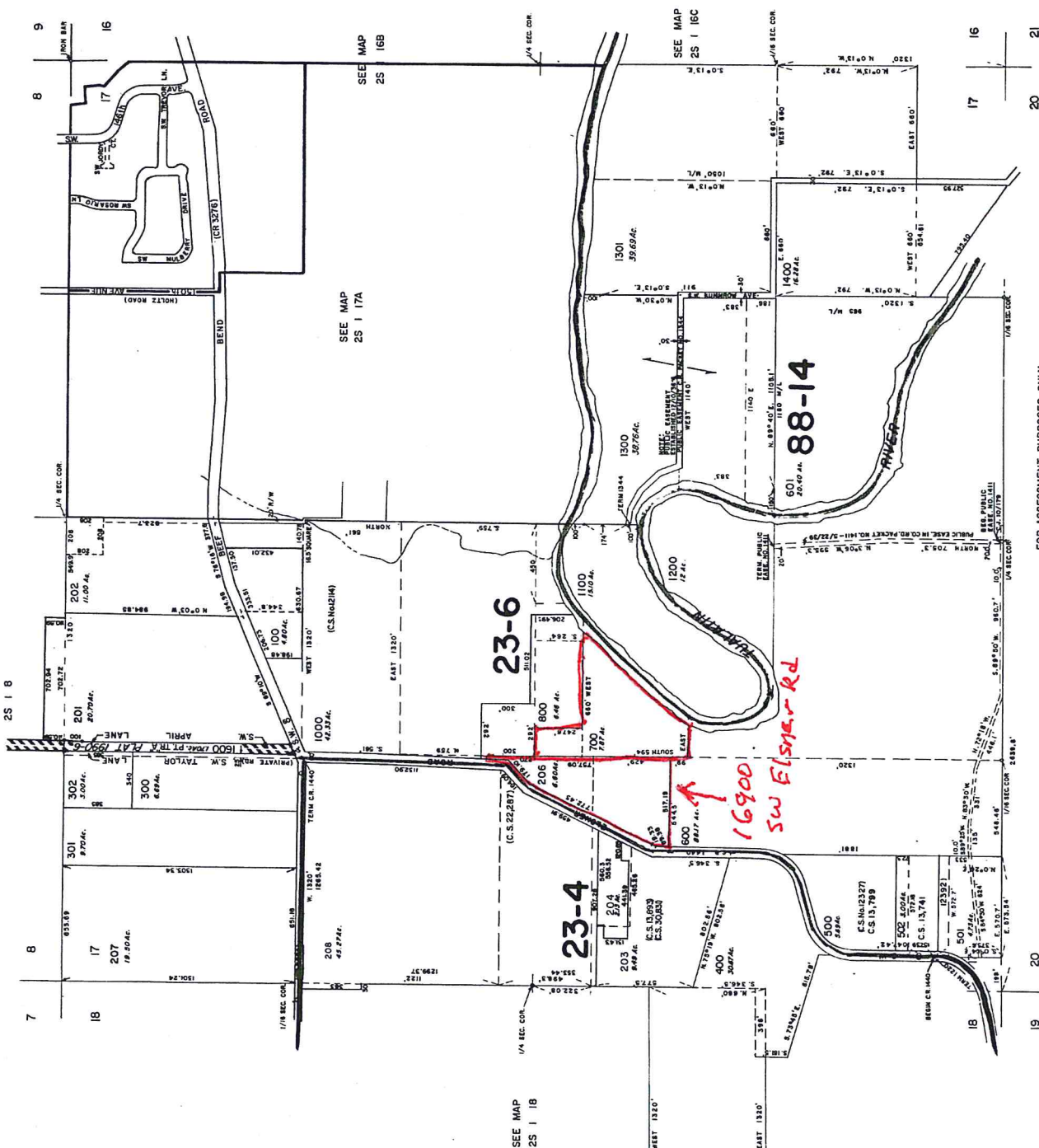
Enclosures

Cc: Mayor Ken Gibson
Client

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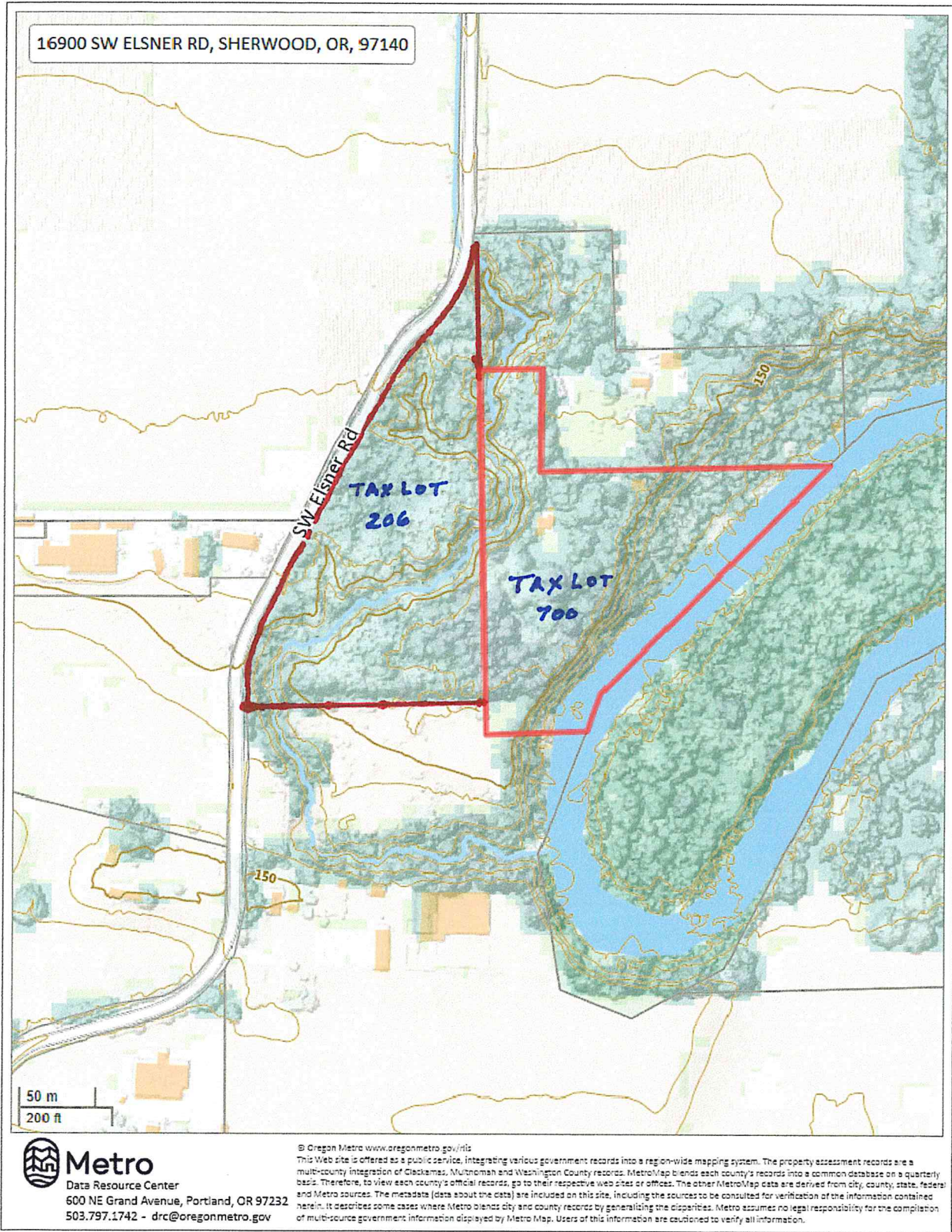
FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE

SEE MAP
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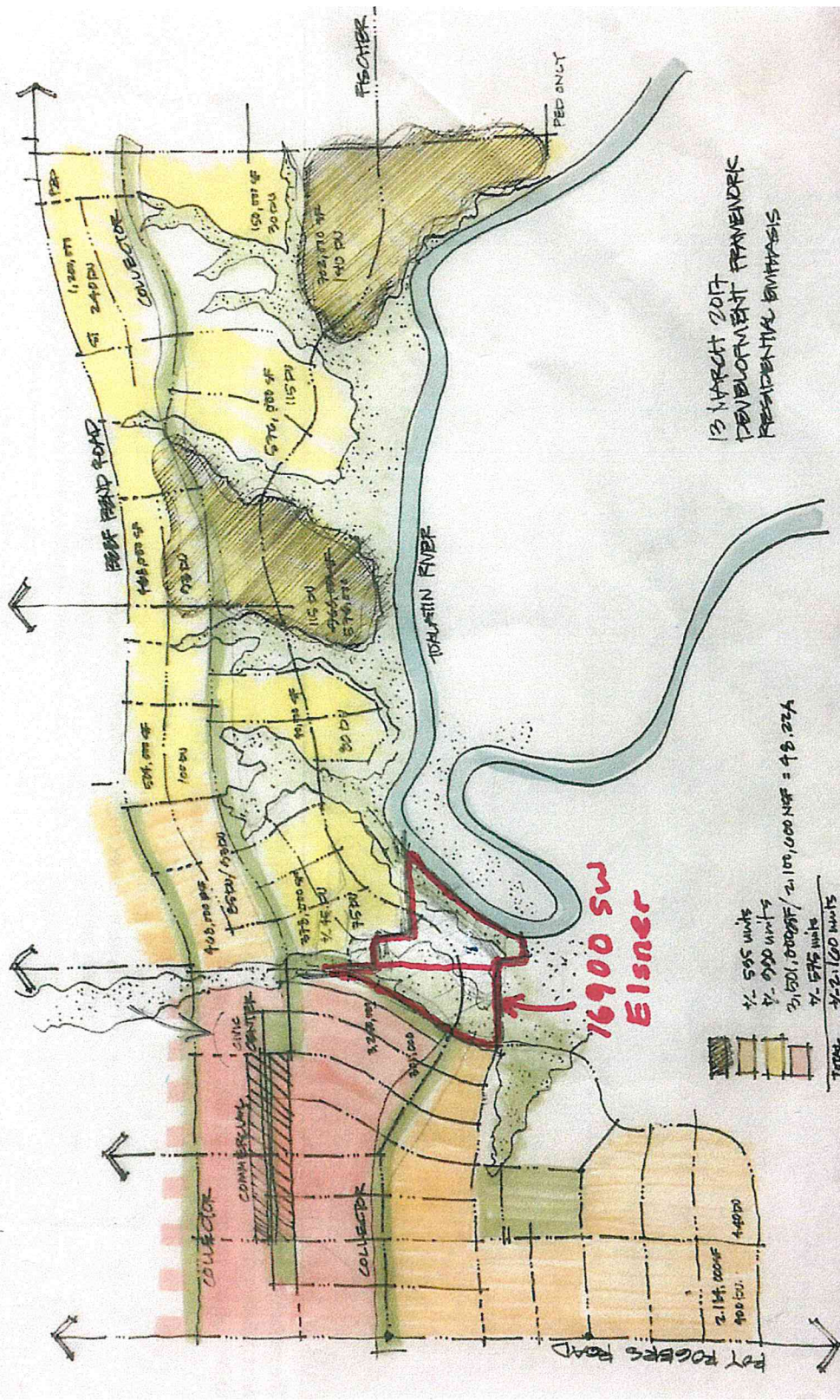
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PRELIMINARY ALTERNATIVES DESIGN CONCEPTS



PRELIMINARY ALTERNATIVE 1

This alternative shows how the entire plan area might develop, with more intensity at the NW corner

LAND USE

- » Neighborhoods of distinctly different character
- » Higher density neighborhood at west; lower density neighborhoods at east
- » Natural areas separate and surround individual neighborhoods

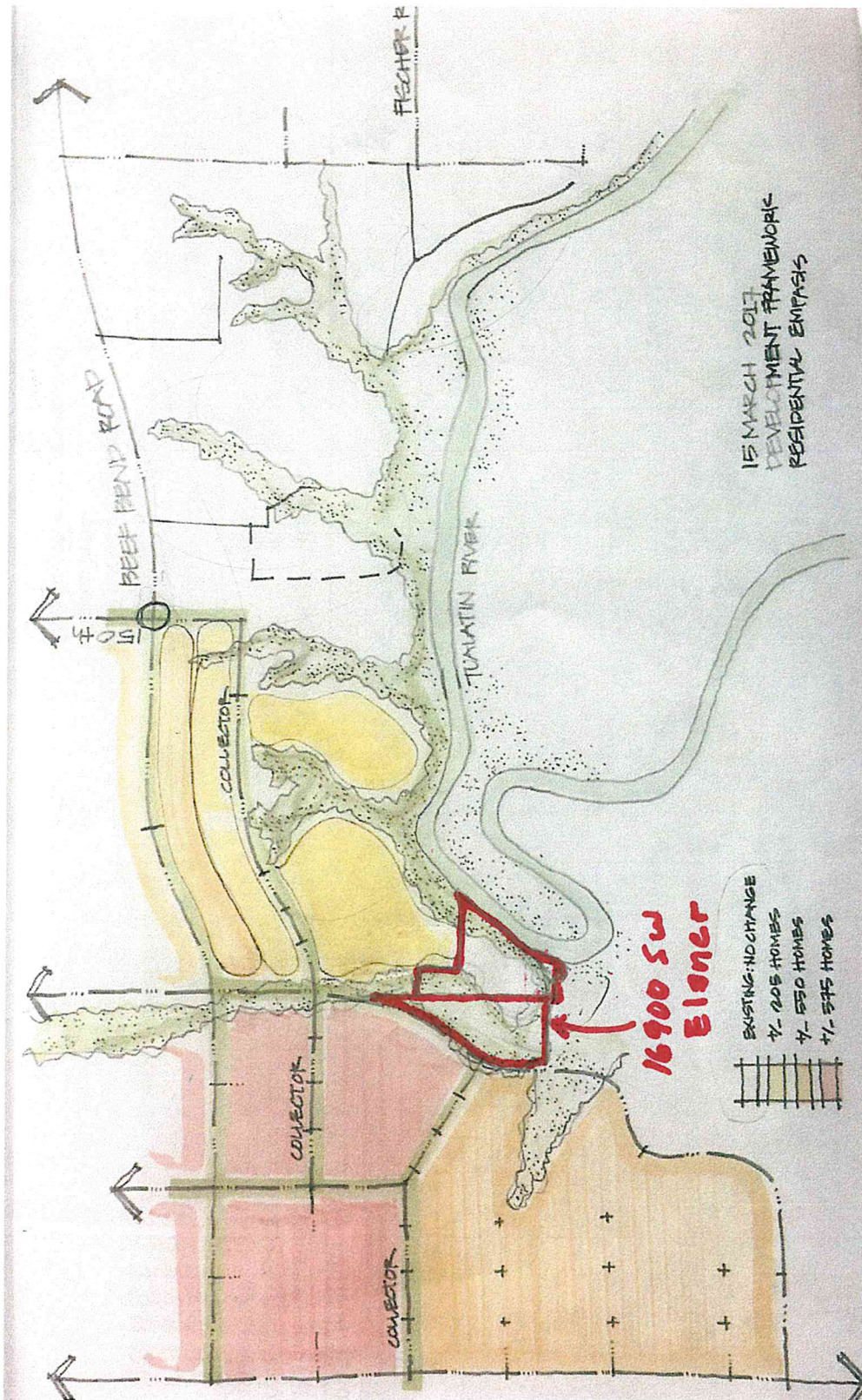
MIXED-USE AREA

- » Located at the northwest area, near Roy Rogers and Bull Mountain
- » Main street with local-serving retail and civic uses perpendicular to Roy Rogers

- » Development intensity tapers downward close to southern edge
- » Special area with development standards that control scale of development and promote compatible infill (mapped as the patterned area)



PRELIMINARY ALTERNATIVES DESIGN CONCEPTS



PRELIMINARY ALTERNATIVE 2

This alternative focuses on the western portion of the site, leaving out the eastern and middle areas

LAND USE

- » New neighborhoods are concentrated to the west
- » No new development to the east
- » Natural areas separate new neighborhoods from existing residential development
- » Development intensity tapers downward close to southern edge

MIXED-USE AREA

- » Located at the northwest area, near Roy Rogers and Bull Mountain
- » Main street with local-serving retail and civic uses perpendicular to Bull Mountain