

September 24, 2015

To:  
City Engineer  
Attn: Tony Doran, Engineering Associate  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Tony,

I am writing regarding the proposed subdivision **SB15-0002, Sagert Farms**. My property, **6035 SW Sequoia Drive, Tualatin, OR 97062**, abuts the proposed development. I have concerns regarding 2 large trees that are included in the arborist report.

I have sent communication to the site proposal Arborist. I have attached that letter to this e-mail (I will also send to you via USPS). I ask that you review the letter and my concerns as well. I will contact Mike Loomis of Lennar Northwest, Inc as well. I appreciate all that Lennar has done to address the neighborhood concerns to this point and hope these additional concerns can be addressed.

Thank you,  
Bob Nelson  
6035 SW Sequoia Dr.  
Tualatin, OR 97062  
503-307-3127  
nelson@pacificu.edu

CITY OF TUALATIN  
RECEIVED  
SEP 28 2015  
ENGINEERING &  
BUILDING DEPARTMENT

September 24, 2015

Morgan Holen  
Morgan Holen & Associates

Morgan,  
I am a homeowner with a property that abuts a proposed subdivision in which you were consulted to do a Tree Assessment Report. Trees on my property were included in your report. I have a few questions.

Sagert Farm Subdivision – Tualatin, Oregon  
Tree Assessment Report  
May 10, 2015.

My biggest concern is regarding tree # 10982 (Redwood; 66" DBH; 28' C-Rad; Excellent condition). The tree is mostly on my property, but may have some trunk in the subject property. You recommended the tree for "retain". This tree has the largest DBH of all surveyed trees.

1. Why did you not give the recommendation to "Protect off-site tree" for tree # 10982? You gave tree #10979 (redwood with 10" DBH) 100' to the north the recommendation of "Protect off-site tree", but not tree #10982.
2. What is the recommended setback distance for construction activity (grading, earthmoving, foundations, nonporous surfaces) from a large redwood tree? I assume if is no closer than the dripline – but I would like your professional opinion.

The second tree I am concerned about is tree #10981 (Douglas Fir; 30" DBH; 24' C-Rad; Good condition).

1. What is the recommended construction setback for this Douglas Fir (tree # 10981)? Is it at the dripline?
2. Will tree #10981 be exposed to additional windthrow when tree #10978, 10977, and #10980 are removed?

The submitted plans appear to indicate that the tree protection fencing is only 15' from the Redwood and 20' from the Douglas Fir. I do not want the trees in, or near, my property to be at risk of harm due to construction or the new development. I would like to find out what the best practice is to maintain the integrity of existing large trees. They are very large and in close proximity to my family's home (and soon 2 more homes). These trees could present a major threat of danger if their health is compromised. Also, the cost of removal would exponentially rise after construction is complete.

Thank you in advance for your assistance in addressing my questions/concerns.

Sincerely,  
Bob Nelson  
6035 SW Sequoia Dr.  
Tualatin, OR 97062  
503-307-3127  
nelson@pacificu.edu



Tree #10982 (redwood, 66"DBH, 28' C-Rad, Excellent Condition, "retain")



Tree #10981 (douglas fir, 30" DBH, 24'C-Rad, Good Condition, "retain")

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SEP 25 2015

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

September 24, 2015

City Engineer  
ATTN: Tony Doran, Engineering Associate  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR, 97062-7092

RE: Sagert Farms

Dear Tony;

My name is Nancy Falconer and I own the second house, (6075 SW Sequoia Dr.) south of the newly proposed Sagert St. extension onto Sequoia Dr.  
My backyard property line abuts the proposed Sagert Farms Development.

These are my concerns:

- 1) The grading of the lots on SW 61st Terrace that abut my property on the west, specifically:
  - a) How will the current elevation along my property line where it meets the field be modified. My property is built UP to your property line and my concern is potential water run off causing erosion of my existing landscaping should this adjacent elevation be modified.
  - b) If modified from existing condition, what plan is in place to create proper drainage AWAY from my property and/or what type of wall is proposed to protect and keep the current condition of my landscaping intact?
- 2) Fence: What plan is there for a privacy fence to be installed and what material is suggested for use?
- 3) Traffic: How will this newly proposed project effect the traffic in Sequoia Ridge? And, what are the plans to encourage use of planned ingress/egress to and from Sagert Farms.

I would appreciate having answers to these concerns from Tualatin City engineer, Tony Duran, or Andrew Tull, 3J Consulting, Inc.

Thank you,



Nancy Falconer  
[njfalconer@frontier.com](mailto:njfalconer@frontier.com)  
503 692 5906 or cell, 503 201 8059

October 1, 2015

**BY E-MAIL ([tdoran@ci.tualatin.or.us](mailto:tdoran@ci.tualatin.or.us)) AND FIRST CLASS MAIL**

City Engineer  
Attn: Tony Doran, Engineering Associate  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Re: Sagert Farms proposed subdivision, 20130 SW 65<sup>th</sup> Avenue  
Your file no. SB15-0002  
Our client: Tualatin Professional Center Condominium Owners Association  
Our file no. 4212.002

Dear Mr. Doran:

I am submitting these comments on the Sagert Farms application on behalf of Tualatin Professional Center Condominium Owners Association, the owners' association for the Tualatin Professional Center, an office property immediately north of the proposed subdivision.

The Association does not oppose the application itself, but does ask the city to require the applicant to make one change in the alignment of Sagert Street for the better safety of Tualatin Professional Center and the patients of the health care providers at the Center.

Sagert Street east of 65<sup>th</sup> Avenue is a half-street that also provides access to the two south driveways of the Center and the seven parking spaces in between. The Center is a cluster of four office buildings in the center of the property, with a parking lot on the east, another parking lot on the west, and seven parking spaces on the Center property, accessed directly from Sagert Street. The east parking lot and the west parking lot do not connect internally, and because of the steep grades at the north end of the Center, they cannot be connected on the north side.

The applicant proposes to eliminate the seven private parking spaces that currently access Sagert Street directly and to expand Sagert Street so as to eliminate eastbound access to the west parking lot. Patients and visitors to the west side of the Center would have to drive east on Sagert Street, turn right on the proposed 64<sup>th</sup> Terrace, and loop back on 63<sup>rd</sup> Terrace to access their destination, routing business traffic through the residential neighborhood. The enclosed Map 1 shows Lennar's proposed access route to the offices in the Center that use the west parking lot.

Such a convoluted access to the west side of the Center would run counter to several of the objectives of Tualatin's adopted Transportation System Plan, including the objectives of reducing trip length, facilitating efficient access for employees and customers to and from commercial lands, ensuring that emergency vehicles are able to provide services throughout the

Mr. Tony Doran  
City of Tualatin  
October 1, 2015  
Page 2

city to support a safe community, and considering negative effects of alternatives on adjacent residential and business areas.

One awkwardness in the application is that Lennar proposes to remove some improvements that are on the Center property, such as the rock retaining wall that supports the Center's east parking lot (item 13 on Sheet C111 of the plans), the seven parking spaces (item 1 on Sheet C111), the storm drain (item 8 on Sheet C111). Another awkwardness is that Lennar proposes to place some temporary inlet protection around drains on the Center property (item 2 on Sheet C121) and, I think, to close the Center's access to Sagert Street during construction (item 3 on Sheet C121, "construct/maintain stabilized construction entrance per city std. drawings"). The existing Sagert Street is not simply a private driveway within a public street, but represents a half-street which the developer of the Center paid for.

The owners at the Center can, however, accommodate the proposed subdivision's reduction of their access, if the design of Sagert Street is modified slightly to provide a private accessway just north of Sagert Street between the west and east parking lots. If Sagert Street is built a few feet farther south – a few feet farther from the south building at the Center – then there will be enough room to put a two-lane driveway between the east and west parking lots, using a combination of public and private property. The new accessway would provide communication between the two lots and allow the Center to close the west driveway on Sagert (or to make it right-in, right-out only), because the east driveway would be accessible from either direction and cars entering there could get to and from both parking lots and all parts of the Center. The enclosed Map 2 shows the adjusted Sagert Street and the new connector in blue.

This connector may require a variance from city standards, but Lennar's proposal also requires a variance from city standards for minor collector streets, so the additional variance should not be an obstacle. TDC §75.140 allows commercial uses with 70 feet or more of frontage to have driveways onto minor collectors. Chapter 75 and the TSP imply that the city prefers to have landowners use combined accesses so that collector and higher streets have fewer driveways, not more, so the Center's proposal is consistent with the city's goals.

Thank you for considering the problems of providing safe and efficient access to the health care providers and unit owners at the Tualatin Professional Center.

Very truly yours,

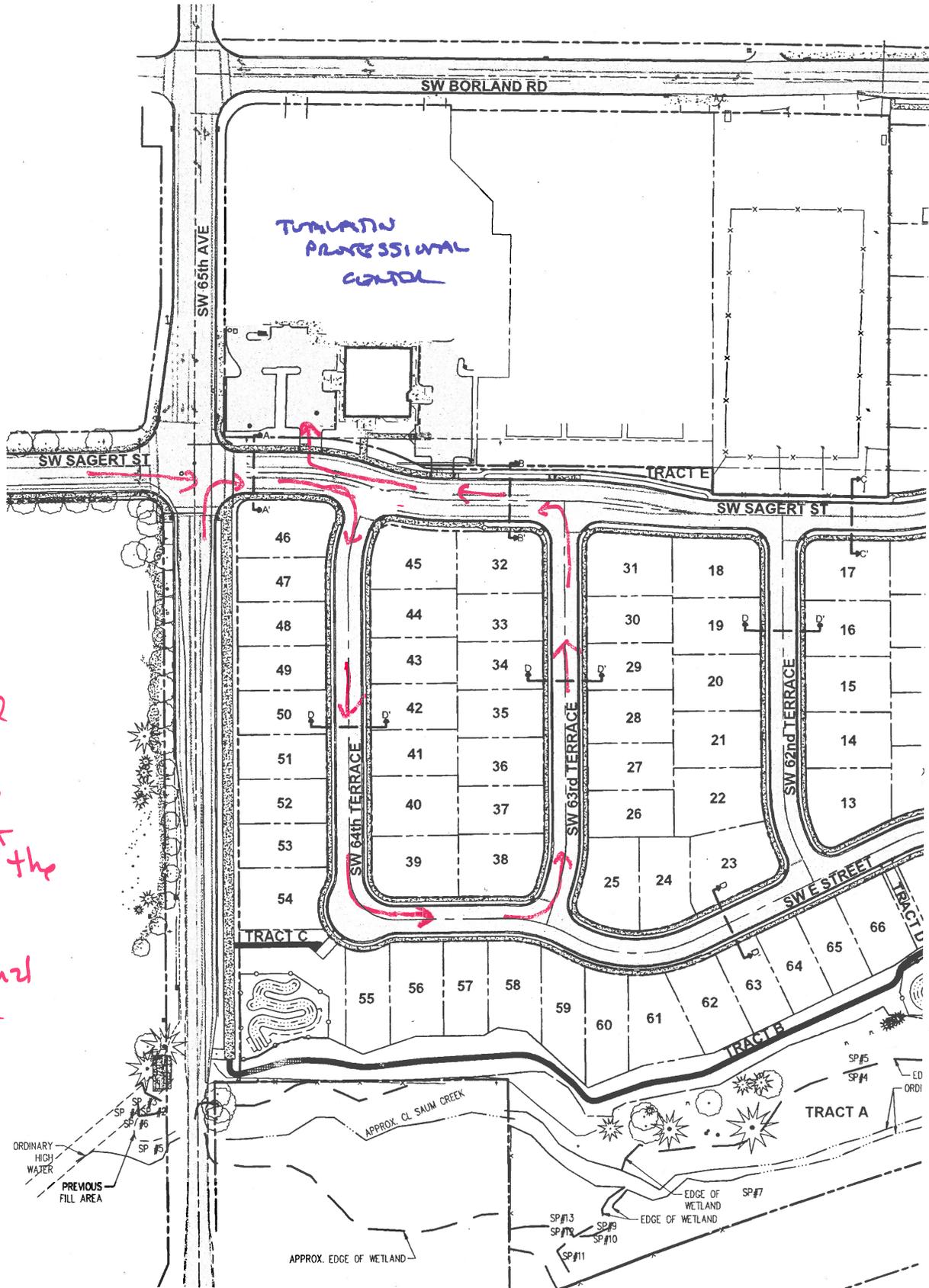
FOLAWN ALTERMAN & RICHARDSON LLP



Dean N. Alterman  
dean@farlawfirm.com

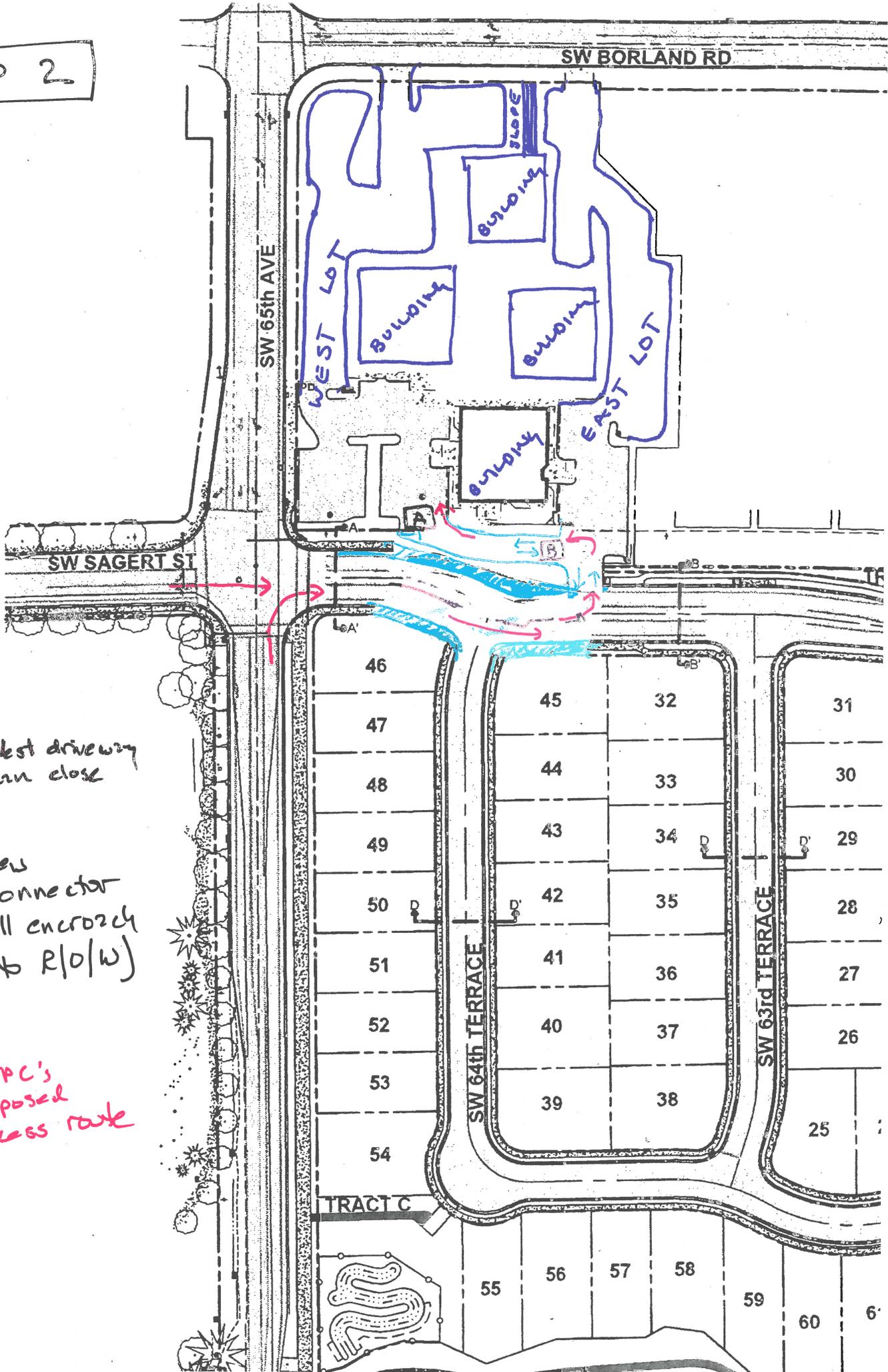
Enclosures: Map 1, Map 2  
Copy: Tualatin Professional Center directors (with enclosures)

MAP 1



Lennar's proposed access route to the west part of the Tuzlizin Professional Center

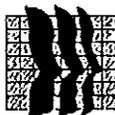
MAP 2



A West driveway can close

B New connector (will encroach into R/O/W)

→ TPC's proposed access route



**DAVID R. TENHULZEN, MD, DMD, PC**

*Physician, Surgeon, and Dentist*

Oral & Maxillofacial Surgery

*Board Certified by the American Board of Oral and Maxillofacial Surgery  
Fellow of the American Association of Oral and Maxillofacial Surgeons*

10/01/2015

City of Tualatin

Attn: Tony Doran, Engineering Associate

To Whom it May Concern:

I have been providing health care to the citizens of Tualatin and the surrounding communities for over 31 years at this same location. The proposal submitted for development of the Sagert farm will severely restrict access to our place of business. Not only will this impact my patients and my business in a negative manner, it will also restrict access to fire services, ambulance services and all other emergency services. I do not feel it is in the best interest of the people of this community or the business owners of the Tualatin Professional Center to restrict access in this manner.

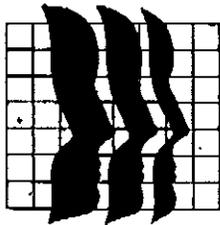
I would therefore encourage all those involved with the Sagert farm development to alter the proposed plan in whatever way possible so as to alleviate its destructive impact on the Tualatin Professional Center.

Sincerely,

David R. TenHulzen, MD, DMD, PC

6464 S.W. Borkind Road, Suite 10-3  
Tualatin, Oregon 97062  
(503) 692-5654  
FAX (503) 692-9220  
[www.drtenhulzen.com](http://www.drtenhulzen.com)

# FAX COVER SHEET



Maxillofacial Surgery Associates  
 David R. TenHulzen MD, DMD  
 6464 SW Borland Rd., Suite D-3  
 Tualatin, OR 97062  
 Phone: (503)692-5654  
 Fax: (503)692-9220

Send to: <i>City of Tualatin</i>	From: <i>Dr. Tenhulzen</i>
Attention: <i>Tony Doran</i>	Date: <i>10-01-2015</i>
Fax Number: <i>503-692-0147</i>	

- Urgent
- Reply ASAP
- Please comment
- Please review
- For your information

Total pages, including cover:   2  

**Comments:**

*Please call the office to confirm receipt of letter.*

September 28, 2015

City Engineer  
Att: Tony Doran, Engineering Associate  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**RE: SB15-0002, Sagert Farms**

Dear Tony:

It is great to see that Tualatin is continuing to grow! I live at 6065 SW Sequoia Drive or the backside of the proposed development. My only concerns have to do with traffic. I am assuming the two traffic lights that I have highlighted on the attached form will be synched together so that these two intersections will flow properly?

Also will they be adding speed bumps through the new development to discourage cars from cutting through or do you feel the number of stop signs that are being installed will be adequate to keep this from happening? Lastly, it appears there is a proposed landscape median that will be installed near lot 75 that leads into the Sequoia Ridge development. I am hoping this is true as I think it is a nice feature.

Thank you for your time and for making Tualatin a great place to live.

Sincerely,



Greg Knakal  
6065 SW Sequoia Drive  
Tualatin, OR 97062  
(503) 348-9483

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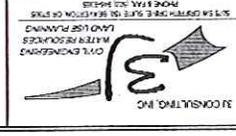
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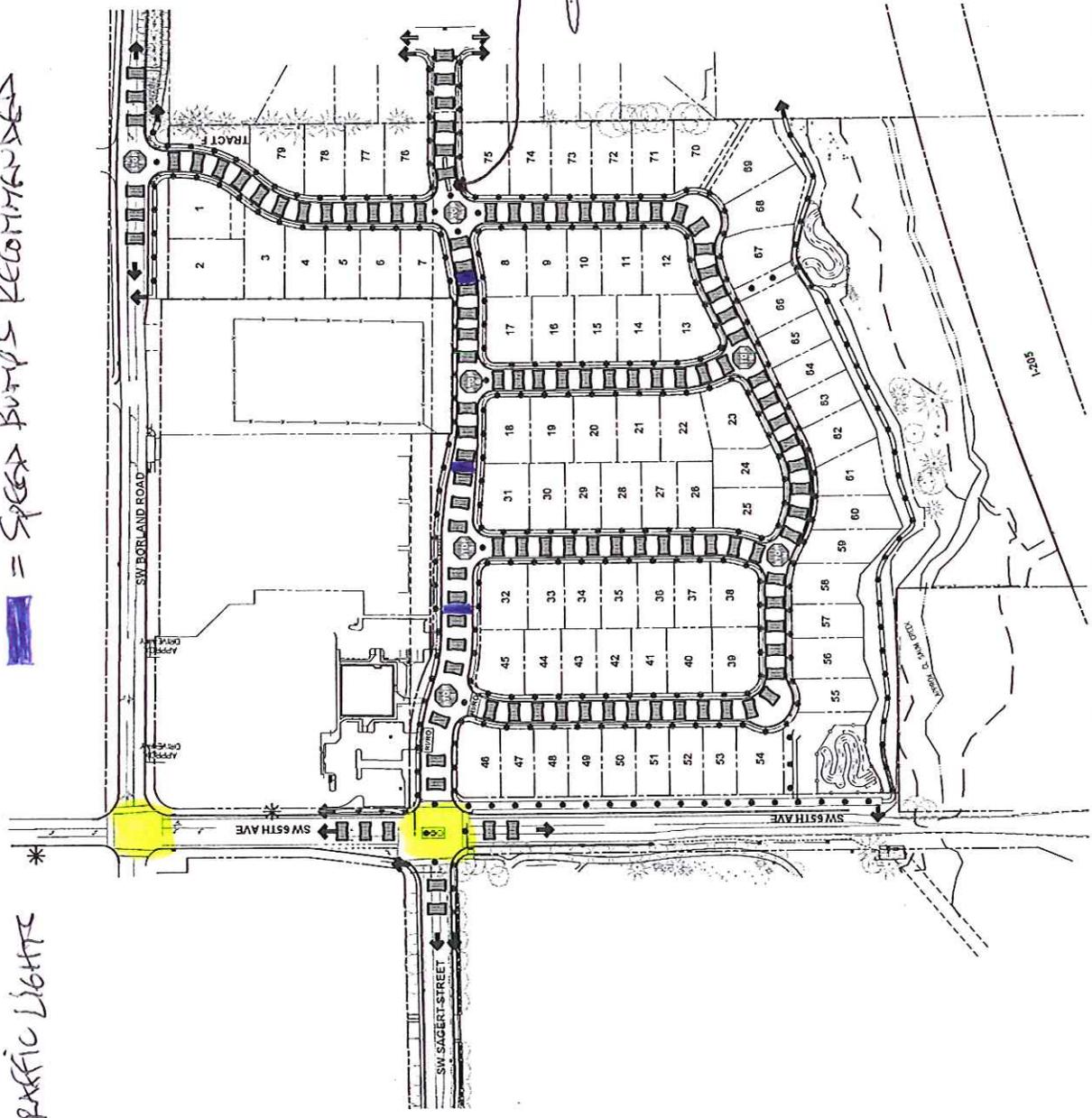
ENGINEERING &  
BUILDING DEPARTMENT



**TRAFFIC LIGHTS**

**SPGA BURNS RECOMMENDED**

- LEGEND**
- BOUNDARY LINE
  - EXISTING BIPOLEWAY
  - EXISTING CENTERLINE
  - EXISTING LOT LINE
  - LOT LINE
  - RIGHT-OF-WAY
  - ROAD CENTERLINE
  - AUTOMATIC CIRCULATION
  - PEDESTRIAN CIRCULATION
  - TRANSIT STOP
  - RIGHT IN - RIGHT OUT CONTROL
  - STOP CONTROL - SOUTH
  - STOP CONTROL - NORTH
  - STOP CONTROL - ALL WAY
  - CIRCULATION CONTROLS TO EXISTING TRAFFIC SYSTEM
  - SIGNALIZED INTERSECTION



*IS THIS A LANDSCAPE HIGHWAY?*



Scale: 1 inch = 40 feet

City of Tualatin  
Tony Doran,  
Engineering Associate  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

10/01/2015

RE:  
SB15-0002  
Proposed Subdivision, Sagert Farms  
20130 SW 65th Avenue TLID 2SE30B #300 & 600

Dear Mr. Doran

As you may recall, I am the Managing Agent of the Tualatin Professional Center property at 6464 SW Borland Rd, Tualatin, Oregon 97062.

The Sagert Farm Development, as presented, adversely affects all of the owners of Tualatin Professional Center in several ways. As proposed, the west side of the Center will have a right-in and right-out access off of the proposed eastbound extension of Sagert Road. The west side of the Center has only one other entrance, which is on Borland Road, which is also a right-in, right-out street to parking lot access.

The proposal removal of 14 parking spaces from the Center, alone, is detrimental to all of the property owners, as well as the patients of Tualatin Professional Center.

Additionally, as proposed, 88 of the 148 spaces that would remain at the Center would be on the west side of the complex. This is nearly two thirds of all the Center parking that would be limited by two right-in, right-out accesses only.

It will be nearly impossible for the owners at the Center to give access instructions to their patients for two thirds of the Center Parking. There is no practical way to explain to patients how they would have to enter the Sagert Farms subdivision driving eastward, then turn around and come into the west side of the Center on Sagert westbound. Many of the patients are elderly, and many of the patients are not regularly on the property.

Lennar homes, a for profit company, would be enriching itself at the detriment of Tualatin Professional Center. As it stands, I must object to the Sagert Farms Proposed Subdivision SB15-0002

James Marlow  
Managing Agent,  
Tualatin Professional Center  
P.O. Box 10573  
Portland, Oregon 97296



James Page Walker, D.D.S., P.C.  
Specialist in Endodontics

9/30/2015

City of Tualatin  
Attn: Tony Doran, Engineering Associate  
18880 SW Martinazzi Ave  
Tualatin, OR 97062

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COMMUNITY DEVELOPMENT  
PLANNING DIVISION

Lennar is proposing a development that would cause significant economic damage to my practice and the value of my investment in the Tualatin Professional Center (TPC).

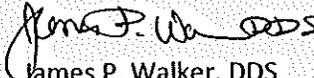
While they initially presented that they intended to be "good neighbors", their proposals and discussions have demonstrated alternative intentions. Although TPC has presented several very reasonable proposals for the proposed access to the development from 65<sup>th</sup>, none of them have been adopted. Consistently, their concerns for a few hundred thousand dollars of additional profit have always been more important than the millions of dollars invested in TPC. At our last meeting we were advised by their legal counsel that in essence "we will hurt you, it is just your choice about how much", hardly an honest approach to collaborative efforts. Additionally, in reviewing their Land Use Application, it is apparent they have withheld important information, demonstrating a lack of "good-faith" disclosure.

My main concerns are:

- 1) The restriction of access to the south-west and south-east parking areas of TPC during and after construction
- 2) The taking of TPC land without merit or compensation to the owners of TPC
- 3) The encumbrance of TPC land that will materially harm the professional practices located there
- 4) There is a lack of full disclosure. Therefore, there may be additional plan elements that are averse to me that I am not aware of.

I also would like to point out that the only stated basis of the driveway encumbrance is presented in the form of a contact between the city and the original TPC developer that clearly states that agreement expired nearly twenty-six and a half years ago on May 13<sup>th</sup> 1989. If the city or the Sagert family had intended to maintain this easement, they reasonably would have renewed that agreement or exercised that right by building the street extension. Tualatin and the Sagert family revoked this easement by not performing either action and in fact demonstrated their removal of this easement, by allowing TPC to openly and continuously use, improve and maintain the driveways and parking.

Sincerely

  
James P. Walker, DDS

September 27, 2015

City Engineer  
Attn: Tony Doran, Engineering Associate  
City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, Oregon 97062-7092

CITY OF TUALATIN  
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OCT 01 2015  
ENGINEERING &  
BUILDING DEPARTMENT

Dear Mr. Doran

Thank you for the opportunity to comment on the notice of application of submittal regarding the development of Sagert Farms (SB15-0002).

My family and I live at 6085 SW Sequoia Drive, directly backing the proposed development on the east side. We have lived here for 8 years, and are very interested in the approach taken to develop this property. We have attended each of the meetings held with the public, by 3J Consulting and Lennar Homes. We appreciated their presentations, and taking under advisement our comments and the comments of others. I wish to make some of the comments I have shared with them here, as well as some other comments, in order to protect our interests and document the understanding we have regarding the development.

We understand that there will be no zoning change sought with respect to this development. We appreciate the developer's decision to build within the current zoning, and to avoid seeking to place more homes in the area than is allowed under current zoning.

The builder has represented that they will be mindful of the neighbors during construction, including keeping traffic and noise under control. We also understand that they will fence and landscape all of the properties.

We expressed that we would have appreciated some buffer between the new neighborhood and the existing neighborhood. We have a small back yard, and are concerned about how the new houses will fit in where the neighborhoods join. We understand that the developers are not proposing a greenspace or similar arrangement, but hope that they will make every reasonable effort to account for a smooth transition, and a layout of homes that does everything possible to ensure that our property is not unreasonably changed through the placement of the new homes.

I also want to comment on the trees that sit along the property line in our back yard. We believe they are mulberry trees, and they attract a great diversity of wildlife, and add scenic value and shade to the neighborhood. We understand that they have been identified to be protected. We expect that they will be, including maintenance of tree protection fencing during construction, and that no new construction or other activities would be allowed to damage them or their root systems, which would decrease the health of the trees, or cause us financial or other harm. We expect that we would be consulted if, for

any unexpected reason, the developer was required to take on any activities that could affect the trees, including trimming or digging near the roots.

We, and many others at the public meetings, expressed concern about the traffic flows through our neighborhood that may come about because of the new development. We are very concerned that traffic will cut through from Borland to Sagert across our existing neighborhood. If this happens, it could impose safety risks, increase noise, and change the feel of our neighborhood. We expect the city and developers to be mindful of this risk, which was expressed by numerous of our neighbors, and would ask that everything appropriate be done to monitor this situation and take any actions necessary to keep it under control. We have noticed and appreciate the installation of a four-way stop that is likely meant to address this situation to some extent.

Thank you for your consideration of these comments.

Sincerely,



Mark Thompson  
6085 SW Sequoia Drive  
Tualatin, Oregon 97062  
503-691-1987



October 16, 2015

City of Tualatin  
Tony Doran, EIT  
Engineering Associate  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**Sagert Farm Subdivision  
SB15-0002  
Tualatin, Oregon**

Dear Tony,

This letter has been prepared in order to respond to several public comments which have been received during the open comment period associated with the Sagert Farm Subdivision (SB15-0002). We appreciate the fact that the public is interested in this application and acknowledge that many of the comments received are generally positive and constructive in nature. As you know this project has been active for nearly 2 years and our team has made a genuine effort to reach out to our neighbors and listen to their comments during that time frame. As a result of this ongoing effort, several of our neighbor's suggestions have been included within the subdivision plans.

The following is a summary of the comments received in each of the letters submitted during the comment period followed by a response from the Applicant:

**Mr. Bob Nelson Letter – September 24, 2015**

Mr. Nelson raised concerns about tree numbers 10982, 10979, 10982, 10981, 10978, 10977, and 10980.

**Applicant's Response** Mr. Nelson raised some very good and detailed questions regarding tree protection along the project's boundary with Mr. Nelson's property. Due to the specificity of Mr. Nelson's questions, the project's arborist, Morgan Holen, has prepared a response which addresses each of Mr. Nelson's concerns in detail. This response has been attached hereto.

**Mrs. Nancy Falconer – September 24, 2015**

Ms. Falconer raised the following concerns:

1. The grading of lots on SW 61<sup>st</sup> Terrace with particular regard for erosion control, landscaping, and changes to the existing retaining wall.
2. Fencing – will a privacy fence be installed along the shared property line? If so, what material will be used?
3. Traffic – How will the new project affect traffic in Sequoia Ridge and what has been proposed to encourage the planned ingress/egress to and from the project?

**Applicant's Response** Regarding grading along the lots on SW 61<sup>st</sup> Terrace, we note that there are some grading challenges associated with the extension of Sagert near to SW 61<sup>st</sup> Terrace due to the presence of an existing berm located along the Sagert Road alignment. The project's team will work diligently to complete the required extension while minimizing impacts to adjoining private properties. If any temporary impacts or transitioning features are required, Lennar will work directly with the neighbors

through the construction plan review and site construction process to minimize impacts and to repair and replace any impacted landscape areas.

Regarding fencing, where existing fences exist along shared property lines, these will be evaluated as to whether they are of sufficient quality for retention. Where fences are found to be in need of replacement, Lennar will contact adjoining property owners and work out arrangements to replace fencing with new fencing materials.

Regarding the impacts on traffic within Sequoia Ridge, Lennar has prepared and submitted a detailed Traffic Impact Analysis with the land use application. This report is available within the City's submission materials and is present on the City's website. Lennar has gone to great lengths to make the potential for cut-through traffic into Sequoia Ridge unappealing to vehicular traffic. While a single connection to Sequoia Ridge is proposed at the west bound stub street within the Sequoia Ridge Neighborhood, this intersection has been provided with a preliminary design for a central median. The central median will have a traffic calming effect by narrowing down the travel lanes for vehicles moving in each direction. The first intersection to the west of the project's connection to Sequoia Heights will also be provided with a full four way stop. These traffic calming measures and the circuitous nature of Sagert, Sequoia Drive, and SW 60<sup>th</sup> Avenue should reduce the potential for cut-through traffic between Sagert Farms and Sequoia Ridge.

**Dr. David R. TenHulsen, MD, DMD, PC – October 1, 2015**

Dr. TenHulsen's letter addresses the restriction of access from Sagert Road for existing patients, ambulance, and fire service to the Tualatin Professional Center.

**Applicant's  
Response**

The parking lot for the Tualatin Professional Center will be impacted by the extension of Sagert however, these impacts are necessary as the eastbound extension of Sagert from SW 65<sup>th</sup> Avenue has been contemplated since the Tualatin Professional Center was constructed. Lennar is proposing an extension which will occur only within the existing Sagert right-of-way. The alignment of Sagert is fixed by the virtue of existing improvements to the west of 65<sup>th</sup> Avenue as was discovered during the process of trying to push the Sagert alignment to the south as much as possible after the concerns of TPC were raised. The impacted portion of the TPC parking lot was constructed, not on the TPC's property, but within the public right-of-way. TPC did not construct this half street improvement at the time of its construction, rather, Lennar is shouldering the costs for the full width of the improvement. Lennar has also proposed to reconstruct the existing driveway and new landscaping along TPC's frontage, following the completion of the construction of the Sagert extension. We note that the parking configuration and access situation is less than ideal for access to the eastern and western lots however, the eastern parking lot will be provided with a left-turn from Sagert and both parking lots will continue to have access from Borland Road.

The proposed reconfigurations will take some time for patients to adjust to but we believe the changes are reasonable given TPC's situation.



**Mr. Greg Knakal – September 28, 2015**

Mr. Knakal inquired as to whether or not the two signals (one existing and one proposed) along Borland and 65<sup>th</sup> Avenue would be coordinated to provide synchronized movements. Mr. Knakal also inquired as to whether speed bumps would be installed along the extension of SW Sagert.

**Applicant's Response** The new signal at SW Sagert and SW 65<sup>th</sup> and the existing signal at SW Borland and SW 65<sup>th</sup> Avenue will be coordinated to work in tandem to move traffic as efficiently as possible through both intersections.

Lennar and the City have discussed the concept of placing speed cushions or speed bumps within the development along SW Sagert. Both the City and Lennar are in agreement that they are likely not necessary. Instead of speed bumps, Lennar will be installing a four way stop at the intersection of SW Sagert and SW 61<sup>st</sup> Avenue and a central median near the intersection of SW Sagert and SW 61<sup>st</sup> Terrace. These improvements should have the effect of calming traffic along SW Sagert.

**Mr. James Marlow – October 1, 2015**

Mr. Marlow felt that the Tualatin Professional Center was adversely affected by the proposed development. The center has a limited number of access points and the Borland Road entrance only provides right-in/right-out access. The proposal will remove a total of 14 parking spaces from the Center's parking lot. Nearly two thirds of the remaining spaces (88 of 148 remaining spaces) will only be accessed by right-in/right-out access points. Providing instructions to patients trying to access the site will be difficult to explain.

**Applicant's Response** The parking lot for the Tualatin Professional Center will be impacted by the extension of Sagert however, these impacts are necessary as the eastbound extension of Sagert from SW 65<sup>th</sup> Avenue has been contemplated since the Tualatin Professional Center was constructed. Lennar is proposing an extension which will occur only within the existing Sagert right-of-way. The alignment of Sagert is fixed because of the location of the existing improvements to the west of 65<sup>th</sup> Avenue. Lennar did discuss this potential solution with the City but intersection alignment is critical to ensuring safe movement for vehicles. The impacted portion of the TPC parking lot was constructed, not on the TPC's property, but within the public right-of-way. TPC did not construct this half street improvement at the time of its construction, rather, Lennar is shouldering the costs for the full width of the improvement. Lennar has also proposed to reconstruct the existing driveway and new landscaping along TPC's frontage, following the completion of the construction of the Sagert extension. We note that the parking configuration and access situation is less than ideal for access to the eastern and western lots however, the eastern parking lot will be provided with a left-turn from Sagert and both parking lots will continue to have access from Borland Road.

The proposed reconfigurations will take some time for patients to adjust to but we believe that the changes are reasonable given TPC's situation.

**Mr. Dean Alterman on behalf of the Owners of the Tualatin Professional Center – October 1, 2015**

Mr. Alterman does not oppose the proposed land use application but would request a change to the preliminary circulation plan to provide for better safety for the patients of the health care providers at the Center.

He states the circulation within the Center is limited from east to west – a significant grade change exists at the northern end of the property, preventing east/west circulation. Eastbound access to the



western parking lot would be eliminated as part of Lennar's proposed subdivision plan and because of the proposed improvements to SW Sagert.

The proposed change runs afoul of several provisions of the City's Transportation System Plan including the objectives of reducing trip length, facilitating efficient access and customers to and from commercial lands, ensuring that emergency vehicles are able to provide services throughout the City to support a safe community, and considering negative effects of alternatives on adjacent residential and business areas.

Lennar proposes to remove some improvements that are located on the Center property, such as the rock retaining wall that supports the Center's east parking lot, seven parking spaces, and a storm drain. Lennar also proposes to locate a temporary inlet protection around drains on the center property and a stabilized construction entrance.

The owners of the TPC can support a proposed reduction of their access if the design of Sagert Street is modified slightly to provide a private accessway just north of Sagert Street between the west and east parking lots. If Sagert Street is built a few feet farther south, then there will be enough room to place a two-way driveway between the east and western parking lots, using a combination of public and private property. The new accessway would enable movement between the two parking areas.

The new connector may require a variance from City standards but Lennar's proposal also requires a variance from City standards for minor collector streets, so the additional variance should not be an obstacle. TDC 75.140 permits commercial uses with 70 feet or more of frontage to have driveways onto minor Collector streets. Chapter 75 and the TSP imply that the City prefers to have landowners use combined accesses so that collector and higher classification streets have fewer driveways, not more, so the Center's proposal is consistent with the City's goals.

**Applicant's  
Response**

The proposed improvements will remove one movement from the existing access from the Tualatin Professional Center's movement by preventing a left turn from SW Sagert into the center's western parking lot. Access via right turns will still be permitted and the property will still have access to the western parking lot from Borland. While we note that the owners of the TPC speculate that a northern connection point for the parking lot is not possible, without an engineering analysis, this conclusion is premature. We note that the owners of the TPC have not consulted with a professional engineer to analyze any on-site construction options to improve circulation following the loss of the unrestricted use of the Sagert right-of-way.

Lennar proposes to make improvements within the existing Sagert right-of-way to allow for the construction of the anticipated public street. This improvement will require impacts to the existing parking lot for the center beyond the edge of the existing right-of-way, as a significant portion of the center's southern parking lot is currently located within the right-of-way. Lennar has proposed the inlet protection and the stabilized construction entrance, and additional improvements to TPC's property in order to leave the reconstructed parking lot in a repaired state. These improvements are shown on the proposed preliminary construction plans. Lennar is committed to 1) repairing the impacts to the TPC site in a manner which will re-establish the parking areas to the extent they can be retained, 2) re-establish the site's access from Sagert in a manner which is acceptable to the City, and 3) protect the TPC's property during the construction process from erosion and heavy equipment impacts. The proposed temporary construction and erosion control activities would be considered to be best management practices for sites with existing infrastructure during construction activities.



Lennar has explored a number of options for the redesign of the access to the site's southern parking lots. The proposed design submitted by the owners of the TPC is similar to another design which was not supported by the City's staff, nor by Lennar's transportation consultants. Lennar and Lennar's engineer have suggested on several occasions that the owners of the TPC should engage a professional engineer to review options for safe functional access to and throughout the center's property and this recommendation continues to stand.

The proposed improvements to SW Sagert represent not a variance, but an allowed modification to the City's standard improvements for a Minor Collector. The proposed modifications have been proposed to respond to several site specific concerns related to safety, decreased parking/increased impacts, the speed of traffic moving along Sagert, and the re-classification of SW Sagert as a minor collector during a recent TSP update. The modifications benefit all three parties by reducing the impacts to both TPC and Lennar (adjusting the alignment as far south as possible, which is what is currently proposed), and also the City by beginning a narrowing of the roadway and creating a traffic calming effect. The proposed modifications have been evaluated by Lennar's traffic engineer and by the City Engineer. All of the proposed modifications are within the City Engineer's purview to enable and no formal variance application is necessary.

The City's Transportation System Plan (TSP) does permit access to a collector for sites with a minimum frontage of at least 70 feet. The TPC does have more than 70 feet of frontage and two access points will be provided, both to the east and western parking areas. The property will have access to the eastern parking area via a full access driveway. The western parking area will only have access via a right-in/right-out configuration due to safety concerns about the presence of a full access intersection. The previously requested full access point to the western parking lot would create an unsafe condition with the potential for conflicting turning movements and unsafe queuing onto 65<sup>th</sup> Avenue.

The proposed design of the center's revised access scenario has been well vetted by Lennar's traffic engineers and the City's Engineering staff. The City's TSP, while promoting combining of driveways, also places a very high regard upon safety and it is likely that the existing access points to the TPC property would not be approvable if the center were to re-apply with the same access points under today's codes and standards.

Lennar has stated at multiple points throughout this design process that they are committed to reducing the impact upon the TPC property where possible and that they are willing to repair the impacts to TPC's existing infrastructure to create a finished look to the revised parking area. Given the situation, Lennar is of the opinion that the loss of access for left turning vehicles to the western parking lot is the best possible outcome for the TPC's parking lot, given the location of the parking lot within the existing right-of-way.

**Mr. Mark Thompson – September 27, 2015**

Mr. Thompson appreciates the neighborhood outreach process and that this project will not involve a zone change. He would like to see a buffer along the existing homes to the east. Mr. Thompson is of the understanding that the "mulberry trees" along the shared property line are intended to be protected. He also wishes to ensure that tree fencing is maintained to prevent damage to these trees and would request consultation if these trees were required to be removed to accommodate construction. There is concern about the potential for cut-through traffic from Borland to Sagert through the existing Sequoia Heights neighborhood, however the four way stop proposed along Sagert is appreciated.



**Applicant's Response** Lennar has proposed to install tree fencing along the trees which have been identified for retention within the development. Lennar's arborist has recommended that site construction activities which occur near to trees or tree protection fencing be carried out only with on-site observation from the project's arborist. Lennar is prepared to involve the project's arborist if any trees which are identified for construction may require removal during construction activities.

**Dr. James Walker, DDS, PC – September 30, 2015**

Dr. Walker is concerned Lennar's proposal will damage his practice and investment in the Tualatin Professional Center. He states that the TPC has presented several reasonable proposals for access to TPC from SW 65<sup>th</sup> and legal counsel for Lennar presented that "we will hurt you, it is just your choice about how much". He believes it is apparent that information has been presented in the land use application which was withheld from TPC, representing a lack of good-faith.

His primary concerns are as follows:

1. Restriction of access to the southwest and southeast parking areas.
2. The taking of TPC land without merit or compensation to the owners of TPC.
3. There is a lack of full disclosure. Additional plan elements may be proposed which I am not aware of.
4. The driveway encumbrance was required by a contract between the TPC developer and the City. The contract expired on May 13<sup>th</sup> 1989. If the City or Sagert intended to maintain this easement, they should have renewed that agreement or exercised that right by building the street section. Tualatin and the Sagert Family revoked this easement by not performing either option and by allowing TPC to use, maintain, and improve the driveways and the parking area.

**Applicant's Response** Lennar has made a genuine effort to coordinate the effects of the required and proposed extension of SW Sagert within the existing right-of-way along TPC's frontage with the owners of the TPC. This right-of-way, and the improvements which existed therein, were in place when the center was constructed. No change in value to the existing condominiums has occurred, an item of on-going concern has simply been triggered by a proposed development to construct a site using the existing right-of-way and the owners of the center are now required to deal with an existing condition which until now, had been dormant.

Lennar met with the owners of the TPC on three separate occasions (May 16, 2014, on February 20, 2015, and on June 12, 2015), to discuss options for the improvements to SW Sagert and to discuss the potential impacts to the western parking area. Facing an uncertain result during the initial meetings, Lennar and their consultants have worked diligently to reduce impacts to the TPC property throughout this process showing much more than just a good faith effort, but a genuine neighborly effort to accommodate the TPC site to the best of their ability given the constraints

Regarding the concerns listed within Dr. Walker's letter, we have the following responses:

1. The proposed access to the center from Sagert Street provides adequate but not perfect access to both parking lots. The proposed design would allow TPC to have full access to the eastern parking lot from Sagert Street. Only the western access point would be affected through the installation of a right-in/right out configuration has been proposed due to safety concerns. The site will retain the existing access to the western parking lot from Borland Road.
2. No right-of-way will be required to facilitate the construction of the Sagert Street Extension. The land upon which construction activities are proposed, is already existing right-of-way and not TPC's property.



3. Lennar has made significant efforts to examine a variety of options for the TPC's property and has arranged for several meetings to communicate these options. Lennar has made extraordinary efforts to accommodate the desires of the TPC's ownership group.
4. As a result of the negotiations between the City and the original developer of the TPC, the right-of-way necessary to complete the extension of SW Sagert was dedicated to the City in 1995 (Document Number 95-006450). The City has no obligation to renew or reaffirm its status as the owner of the City's right-of-ways.

**Marion and Jim Ortman – October 13, 2015**

The Ortman's raised concerns about commuters using Borland Road and SW 65<sup>th</sup> to get to I-205, which has increased traffic flow onto SW Sagert. The letter notes that the Ortman's were not able to attend any of the public meetings held for the project and wondered if there were going to be intersection improvements at Sagert/Borland/65<sup>th</sup> Avenue. They also wondered if any studies had been completed regarding the installation of a round-a-bout. They would also like to know what the current plans are for traffic control at the 65<sup>th</sup> and Sagert intersection.

**Applicant's Response**

Lennar completed a series of public meetings and consultations to explain the proposed transportation improvements and the subdivision process. Lennar also completed a detailed transportation impact analysis which is available on the City's website for review. Several comments received from the neighbors who attended the meetings which specifically requested traffic calming measures were incorporated into the proposed development and transportation system. Among these were four way stops along Sagert through the development, and a central median to calm traffic, just before the connection to the existing portion of Sagert within Sequoia Ridge.

SW Sagert and SW 65<sup>th</sup> will receive a new full traffic signal as a result of the development. This traffic signal will be coordinated to work in tandem with the signal at SW 65<sup>th</sup> and Borland Road. The signals will be coordinated to allow traffic to move through both intersections as efficiently as possible. The Traffic Impact Analysis submitted with the land use application indicates that residents can expect a level of slight improvement of the function of both intersections as a result of the off-site improvements.

Please feel free to give me a call if you have any questions or need any additional clarification.

Sincerely,



Andrew Tull  
Principal Planner  
3J Consulting, Inc.

Attached: Arborist's Response Memorandum – September 29, 2015

Copy: Mr. Mike Loomis, Lennar  
Mr. Mike Anders, Lennar  
Mr. John Howorth, 3J Consulting, Inc.  
Mrs. Kelly Hossani, Miller Nash Graham & Dunn, LLP  
File



**DATE:** September 30, 2015  
**TO:** Andrew Tull, 3J Consulting  
**FROM:** Morgan Holen, Project Arborist  
**RE:** Sagert Farms – Arborist Response to September 24, 2015 Letter from Bob Nelson

MHA15017

This memorandum is provided in response to the questions and concerns presented in the September 24, 2015 letter from Bob Nelson who lives at 6035 SW Sequoia Drive in Tualatin, directly adjacent to the Sagert Farms project site. Excerpts from Mr. Nelson's letter are included below in bold type; responses from the project arborist follow each question or concern.

**Why did you not give the recommendation to "Protect off-site tree" for tree # 10982? You gave tree #10979 (redwood with 10" DBH) 100' to the north the recommendation of "Protect off-site tree", but not tree #10982.**

The difference has to do with how tree survey points appear on the tree survey drawing that was used to conduct the tree inventory fieldwork. The tree inventory data includes recommendations to "protect off-site tree" for trees with survey points located completely off-site or on property boundaries, while recommendations for trees with survey points located on-site were classified as either "retain" or "remove". The survey point for tree 10982 is shown on-site, although the trunk of the tree is large enough to cross over onto Mr. Nelson's property. The survey point for tree 10979 is shown on the property boundary, therefore this tree was classified as "protect off-site". Regardless, both trees are recommended for preservation with protection during construction.

**What is the recommended setback distance for construction activity (grading, earthmoving, foundations, nonporous surfaces) from a large redwood tree? I assume if is no closer than the dripline – but I would like your professional opinion.**

and

**The second tree I am concerned about is tree #10981 (Douglas Fir; 30" DBH; 24' C-Rad; Good condition). What is the recommended construction setback for this Douglas Fir (tree # 10981)? Is it at the dripline?**

We recommend construction encroachment no closer than one half the crown radius distance limited to one quadrant of the total root zone and arborist oversight of work that is necessary within the encroachment area to supervise construction and provide on-the-ground recommendations to minimize tree root impacts. The crown radius along the west side of tree 10982 measured 28-feet. Therefore, encroachment should be limited to no closer than 14-feet beneath the dripline; this is where tree protection fencing is illustrated on the tree protection plan. The crown radius along the west side of tree 10981 measured 24-feet. Therefore, encroachment should be limited to no closer than 12-feet beneath the dripline; tree protection fencing is illustrated at 14-feet on the tree protection plan.

The project arborist should supervise work that is necessary beneath the dripline within the allowable encroachment area to evaluate potential root impacts and provide recommendations as needed to avoid critical root impacts. Such oversight, recommendations, and implementation of the arborist's recommendations should be documented in tree protection monitoring reports submitted to the developer.

The tree protection recommendations provided on pages 5 and 6 of our May 10, 2015 Tree Assessment Report specify that construction that is necessary beneath protected tree driplines should be monitored by the project arborist and note that it is the developer's responsibility to coordinate with the project arborist as needed prior to working beneath the dripline of any protected tree. These recommendations should be translated as specifications onto the tree protection plan; this could be required by the City as a Condition of Approval.

Considering the species and general condition of both trees, the tree protection recommendations provided allow for limited encroachment within the dripline area, while providing sufficient protection during construction.

**Will tree #10981 be exposed to additional windthrow when tree #10978, 10977, and #10980 are removed?**

During the tree inventory fieldwork, trees were evaluated in terms of potential impacts from exposure by adjacent tree removal. Trees 10977 and 10978 are planned for removal for construction. Tree 10980 is an off-site Douglas-fir with a unique treatment classification: "re-evaluate at the time of adjacent tree removal". The May 10, 2015 Tree Assessment Report states that tree 10980 "is an 18-inch diameter Douglas-fir located in the City's open space tract east of the project site in the northeast area. This tree is intermediate in crown class and the proposed removal of two on-site Douglas-firs (#10977 and #10978) for construction on lot 78 is likely to expose this tree resulting in an increased risk of windthrow. Therefore, tree #10980 should be re-evaluated by a qualified arborist at the time of clearing in terms of hazard risk potential and removal may be recommended. The applicant should coordinate with the City to obtain authorization to remove this tree if it is determined that the tree presents a foreseeable threat of danger after being exposed by adjacent tree removal" (pages 3-4).

Tree 10981 was classified as "retain" and no significant negative impacts are anticipated from exposure by adjacent tree removal. The nearby trees planned for removal are not in direct competition with this tree, nor do they provide important shelter for this tree from predominant winds. Tree 10981 has relatively good structure, including good taper and height to diameter and live crown ratios, which are all indicators of stability. The tree protection recommendations provided on pages 5 and 6 of our May 10, 2015 Tree Assessment Report specify that stumps of removed trees located within 30-feet of protected trees should be removed under the direction of the project arborist to help minimize underground impacts to potentially interconnected roots. Again, these recommendations should be translated as specifications onto the tree protection plan, which could be required by the City as a Condition of Approval. We also anticipate the opportunity to visually assess protected trees following tree removal activities and would document any concerns or recommendations as needed.

**The submitted plans appear to indicate that the tree protection fencing is only 15' from the Redwood and 20' from the Douglas Fir. I do not want the trees in, or near, my property to be at risk of harm due to construction or the new development. I would like to find out what the best practice is to maintain the integrity of existing large trees. They are very large and in close proximity to my family's home (and soon 2 more homes). These trees could present a major threat of danger if their health is compromised. Also, the cost of removal would exponentially rise after construction is complete.**

The tree protection plan specifies tree protection fencing to be installed at the 15-foot rear yard setback along the eastern property boundary. The tree protection measures recommended in our May 10, 2015 Tree Assessment Report will provide sufficient tree protection while allowing limited construction

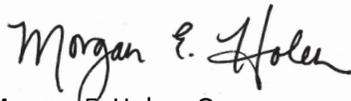
encroachment beneath protected tree driplines. However, it is the developer's responsibility to ensure that the tree protection plan is followed. The tree protection recommendations provided on pages 5 and 6 of our May 10, 2015 Tree Assessment Report note that "The project arborist should supervise proper execution of this plan during construction and will be available on-call. It is the developer's responsibility to coordinate with the project arborist as needed." Furthermore, "After the project has been completed, the project arborist should provide a final report that describes the measures needed to maintain and protect the remaining trees." Translating these recommendations onto the tree protection plan as specifications is again suggested.

We have worked with Lennar on numerous development projects to provide on-the-ground assistance and document tree protection plan implementation and look forward to providing consulting arborist assistance during the construction phase of the Sagert Farms project. Arborist site visits will be documented in monitoring reports that Lennar may provide to Mr. Nelson and other interested parties upon request. The condition of tree protection measures and implementation of arborist recommendations will be described in these reports. If, at any time, unforeseen or unnecessary construction impacts were to occur to any protected tree, it would be documented in these reports along with recommendations for remedial treatments. The trees planned for retention can be adequately protected during construction so long as the tree protection plan is implemented with the recommendations provided in the May 10, 2015 Tree Assessment Report.

We want to thank Mr. Nelson for reviewing the tree protection plan and submitting his written comments to us with the opportunity to respond.

Please contact us if you have questions or need any additional information.

Thank you,  
Morgan Holen & Associates, LLC



Morgan E. Holen, Owner  
ISA Certified Arborist, PN-6145A  
ISA Tree Risk Assessment Qualified  
Forest Biologist