



City of Tualatin

www.tualatinoregon.gov

"NECESSARY PARTIES"
MARKED BELOW

NOTICE OF APPLICATION SUBMITTAL

- ANNEXATION CONDITIONAL USE PERMIT PLAN TEXT AMENDMENT
 ARCHITECTURAL REVIEW PLAN MAP AMENDMENT OTHER: VARIANCE

CASE/FILE: VAR18-0001 (Community Development Dept.: Planning Division)

PROPOSAL	Tualatin Professional Center is seeking a variance to TDC 73.360(6)(a) (Off-Street Parking Lot Landscape Islands) and 73.400(11) (Access) standards in restoring the two southern access drives on SW Sagert Street.
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PROPERTY <input type="checkbox"/> n/a	Name of Application	VARIANCE FOR TUALATIN PROFESSIONAL CENTER			
	Street Address	6464 SW Borland Road			
	Tax Map and Lot No(s).	2S1E 30B 9000			
	Planning District	Office Commercial (CO)	Overlays <input type="checkbox"/>	NRPO <input type="checkbox"/>	Flood Plain <input type="checkbox"/>
	Previous Applications	MAR17-0041	Additional Applications: AR83-06		CIO 2

DATES	Receipt of application	2/26/2018	Deemed Complete	3/14/2018	CONTACT	Name: Erin Engman
	Notice of application submittal			3/15/2018		Title: ASSOCIATE PLANNER
	Development Review meeting			3/20/2018		E-mail: EENGMAN@TUALATIN.GOV
	Comments due for staff report			3/29/2018		Phone: 503-691-3024
	Public meeting: <input type="checkbox"/> ARB <input checked="" type="checkbox"/> TPC <input type="checkbox"/> n/a			4/19/2018		Notes: You may view the application materials through this City web page: www.tualatinoregon.gov/projects
	City Council (CC)			<input checked="" type="checkbox"/> n/a		

City Staff

- City Manager
- Building Official
- Chief of Police
- City Attorney
- City Engineer
- Community Development Director
- Community Services Director
- Economic Development liaison
- Engineering Associate*
- Finance Director
- GIS technician(s)
- IS Manager
- Operations Director*
- Parks and Recreation Coordinator
- Planning Manager
- Street/Sewer Supervisor
- Water Supervisor

Neighboring Cities

- Durham
- King City Planning Commission
- Lake Oswego
- Rivergrove PC
- Sherwood Planning Dept.
- Tigard Community Development Dept.
- Wilsonville Planning Division

Counties

- Clackamas County Dept. of Transportation and Development
- Washington County Dept. of Land Use and Transportation (ARs)
- Washington County Long Range Planning (LRP) (Annexations)

Regional Government

- Metro

School Districts

- Lake Oswego School Dist. 7J
- Sherwood SD 88J
- Tigard-Tualatin SD 23J (TTSD)
- West Linn-Wilsonville SD 3J

State Agencies

- Oregon Dept. of Aviation
- Oregon Dept. of Environmental Quality (DEQ)
- Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice)
- Oregon Dept. of State Lands: Wetlands Program

- Oregon Dept. of Transportation (ODOT) Region 1
- ODOT Maintenance Dist. 2A
- ODOT Rail Division

- OR Dept. of Revenue

Utilities

- Republic Services
- Clean Water Services (CWS)
- Comcast [cable]*
- Frontier Communications [phone]
- Northwest Natural [gas]
- Portland General Electric (PGE)
- TriMet
- Tualatin Valley Fire & Rescue (TVF&R)
- United States Postal Service (USPS) (Washington; 18850 SW Teton Ave.)
- USPS (Clackamas)
- Washington County Consolidated Communications Agency (WCCCA)

Additional Parties

- Tualatin Citizen Involvement Organization (CIO)

*Paper Copies

- 1.032: Burden of Proof
- 31.071 Architectural Review Procedure
- 31.074 Architectural Review Application Review Process
- 31.077 Quasi-Judicial Evidentiary Hearing Procedures
- Metro Code 3.09.045 Annexation Review Criteria
- 32.030 Criteria for Review of Conditional Uses
- 33.020 Conditions for Granting a Variance that is not a Sign or a Wireless Communication Facility
- 33.022 Criteria for Granting a Sign Variance
- 33.024 Criteria for Granting a Minor Variance
- 33.025 Criteria for Granting a Variance
- 34.200 Tree Cutting on Private Property without Architectural Review, Subdivision or Partition Approval, or Tree Removal Permit Prohibited
- 34.210 Application for Architectural Review, Subdivision or Partition Review, or Permit
- 34.230 Criteria (tree removal)
- 35.060 Conditions for Granting Reinstatement of Nonconforming Use
- 36.160 Subdivision Plan Approval
- 36.230 Review Process (partitioning)
- 36.330 Review Process (property line adjustment)
- 37.030 Criteria for Review (IMP)
- 40.030 Conditional Uses Permitted (RL)
- 40.060 Lot Size for Conditional Uses (RL)
- 40.080 Setback Requirements for Conditional Uses (RL)
- 41.030 Conditional Uses Permitted (RML)
- 41.050 Lot Size for Conditional Uses (RML)
- 41.070 Setback Requirements for Conditional Uses (RML)
- 42.030 Conditional Uses Permitted (RMH)
- 42.050 Lot Size for Conditional Uses (RMH)
- 42.070 Setback Requirements for Conditional Uses (RMH)
- 43.030 Conditional Uses Permitted (RH)
- 43.060 Lot Size for Conditional Uses (RH)
- 43.090 Setback Requirements for Conditional Uses (RH)
- 44.030 Conditional Uses Permitted (RH-HR)
- 44.050 Lot Size for Conditional Uses (RH-HR)
- 44.070 Setback Requirements for Conditional Uses (RH-HR)
- 49.030 Conditional Uses (IN)
- 49.040 Lot Size for Permitted and Conditional Uses (IN)
- 49.060 Setback Requirements for Conditional Uses (IN)
- 50.020 Permitted Uses (CO)
- 50.030 Central Urban Renewal Plan – Additional Permitted Uses and Conditional Uses (CO)
- 50.040 Conditional Uses (CO)
- 52.030 Conditional Uses (CR)
- 53.050 Conditional Uses (CC)
- 53.055 Central Urban Renewal Area – Conditional Uses (CC)
- 54.030 Conditional Uses (CG)
- 56.030 Conditional Uses (MC)
- 56.045 Lot Size for Conditional Uses (MC)
- 57.030 Conditional Uses (MUCOD)
- 60.040 Conditional Uses (ML)
- 60.041 Restrictions on Conditional Uses (ML)
- 61.030 Conditional Uses (MG)
- 61.031 Restrictions on Conditional Uses (MG)
- 62.030 Conditional Uses (MP)
- 62.031 Restrictions on Conditional Uses (MP)
- 64.030 Conditional Uses (MBP)
- 64.050 Lot Size for Permitted and Conditional Uses (MBP)
- 64.065 Setback Requirements for Conditional Uses (MBP)
- 68.030 Criteria for Designation of a Landmark
- 68.060 Demolition Criteria
- 68.070 Relocation Criteria
- 68.100 Alteration and New Construction Criteria
- 68.110 Alteration and New Construction Approval Process
- 73.130 Standards
- 73.160 Standards
- 73.190 Standards – Single-Family and Multi-Family Uses
- 73.220 Standards
- 73.227 Standards
- 73.230 Landscaping Standards
- 73.300 Landscape Standards – Multi-Family Uses
- 73.310 Landscape Standards – Commercial, Industrial, Public and Semi-Public Uses
- 73.320 Off-Street Parking Lot Landscaping Standards
- 73.470 Standards
- 73.500 Standards

VARIANCE CERTIFICATION OF SIGN POSTING



24"

The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>.

As the applicant for the _____ project, I hereby certify that on this day, _____ sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: _____
(PLEASE PRINT)

Applicant's Signature: _____

Date: _____



CITY OF TUALATIN
Community Development Department-Planning Division
Land Use Application—Type III

PROPOSAL NAME Variance for Tualatin Professional Center ("TPC")

PROPOSAL SUMMARY (Brief description)

Variance requesting relief from TDC 73.400(11) (Access) and 73.360(6) (Landscaping) for restoring TPC's existing driveway accesses onto SW Sagert Street.

PROPERTY INFORMATION

Location (address if available): 6464 SW Borland Road, Tualatin, OR 97062

Tax Map & Lot #(s): 21E30B 90000 Planning District: CO

Total site size: 2.16 acres Developed Undeveloped

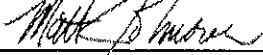
APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Matt Johnson of KPFF Consulting Engineers

Mailing Address: 111 SW 5th Ave., Suite 2500

City/State: Portland, OR Zip: 97204

Phone: 503-542-3860 Email: Matt.Johnson@kpff.com

Applicant's Signature:  Date: 1/25/2018

I hereby acknowledge that I have read this application and understand the requirements for approving and denying the application, that the information provided is correct, that I am the owner or authorized agent of the owner, and that plans submitted are in compliance with the City of Tualatin Development (TDC) and Municipal (TMC) Codes.

PROPERTY OWNER/DEED HOLDER INFORMATION (Attach list if more than one)

Name: Tualatin Professional Center

Mailing Address: 6464 SW Borland Road

City/State: Tualatin, OR Zip: 97062

Phone: _____ Email: _____

Property Owner Signature: _____ Date: _____

Power of attorney or letter of authorization required if application not signed by the property owner/deed holder.

LAND USE APPLICATION TYPE

- Architectural Review (ARB) Sign Variance (SVAR)
- Industrial Master Plan (IMP) Transitional Use Permit (TRP)
- Variance (VAR) Reinstatement of Use

FOR STAFF USE ONLY	
Case No.:	_____
Date Received:	_____
By:	_____
Fee Amount \$:	_____
Received by:	_____



Dorothy S. Cofield,
Attorney at Law

VIA HAND DELIVERY

February 22, 2018

Erin Engman
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092

Re: Variance Request for Tualatin Professional Center, 6464 SW Borland Road

Dear Ms. Engman,

Enclosed please find Tualatin Professional Center's ("TPC") Variance application, supporting narrative and exhibits and the City's fee. We have included all the required items on the attached and signed Variance Application.

As we have previously discussed, TPC is requesting variance relief for its existing parking lot and access onto SW Sagert Street from TDC 73.400(11) and 73.360(6)(a). We look forward to resolving this matter in the very near future.

Please contact my office with any questions or requests for additional information.

Very truly yours,

COFIELD LAW OFFICE

A handwritten signature in black ink that reads "Dorothy S. Cofield". The signature is written in a cursive style with a large, prominent "D" and "C".

Dorothy S. Cofield

DSC:ekb

cc: Client

Signed Variance Application

**Assessor Map Showing the Subject Property and
Properties Within 1,000'**

and

**Names and Addresses of All Owners of Property
Within 1,000' of the Subject Parcel**

(Variance Application Requirement #6)

**Legal Description of the Subject Property as it
Appears on the Deed**

(Variance Application Requirement #7)

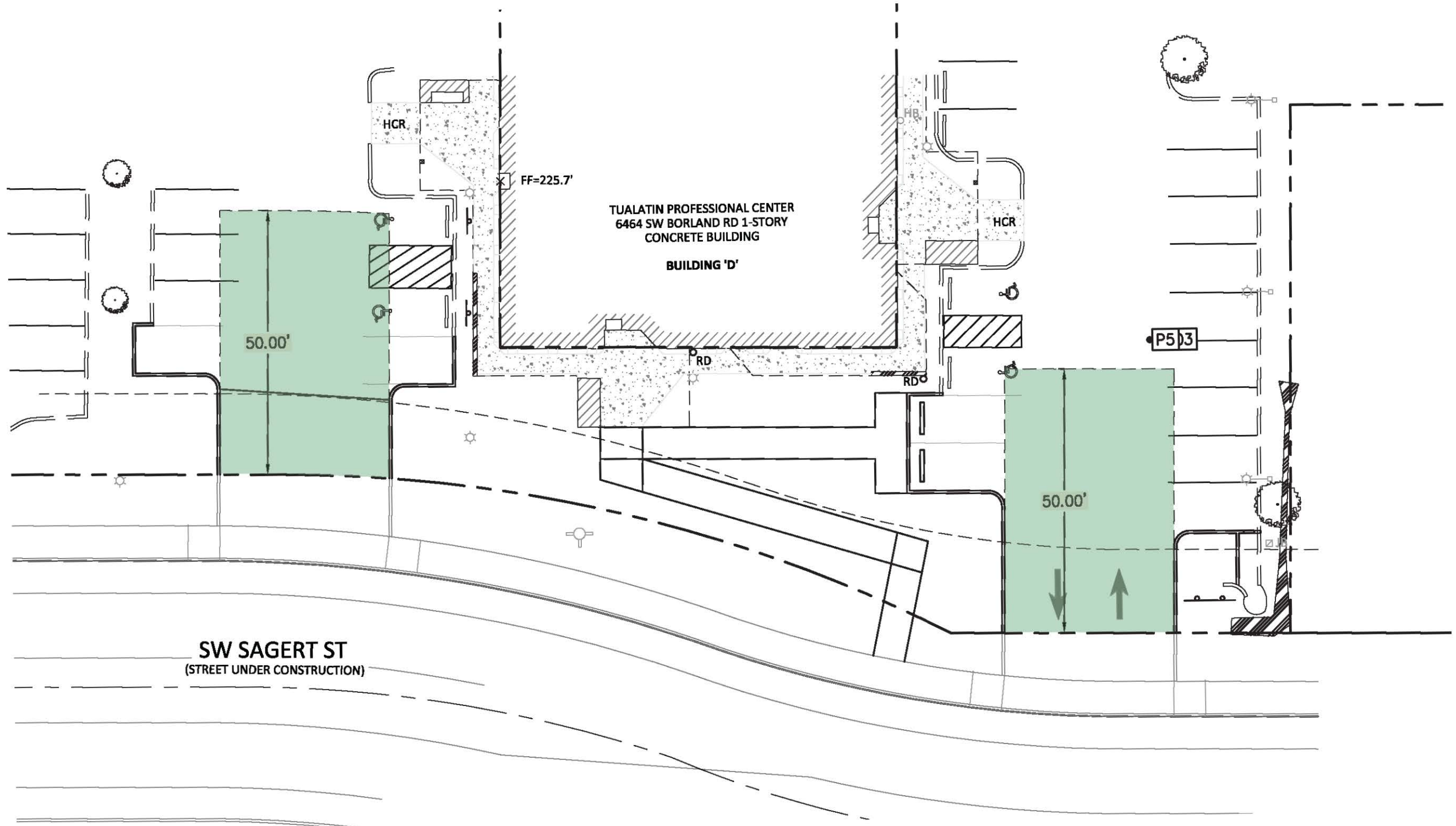
Site Plan to Scale

(Variance Application Requirement #8)

See Exhibit 3, below and in the Binder Pocket

Material from Neighborhood Meeting
(Variance Application Requirement #9)

Narrative Supporting the Variance Application



TUALATIN PROFESSIONAL CENTER
6464 SW BORLAND RD 1-STORY
CONCRETE BUILDING
BUILDING 'D'

SW SAGERT ST
(STREET UNDER CONSTRUCTION)

50.00'

50.00'

HCR

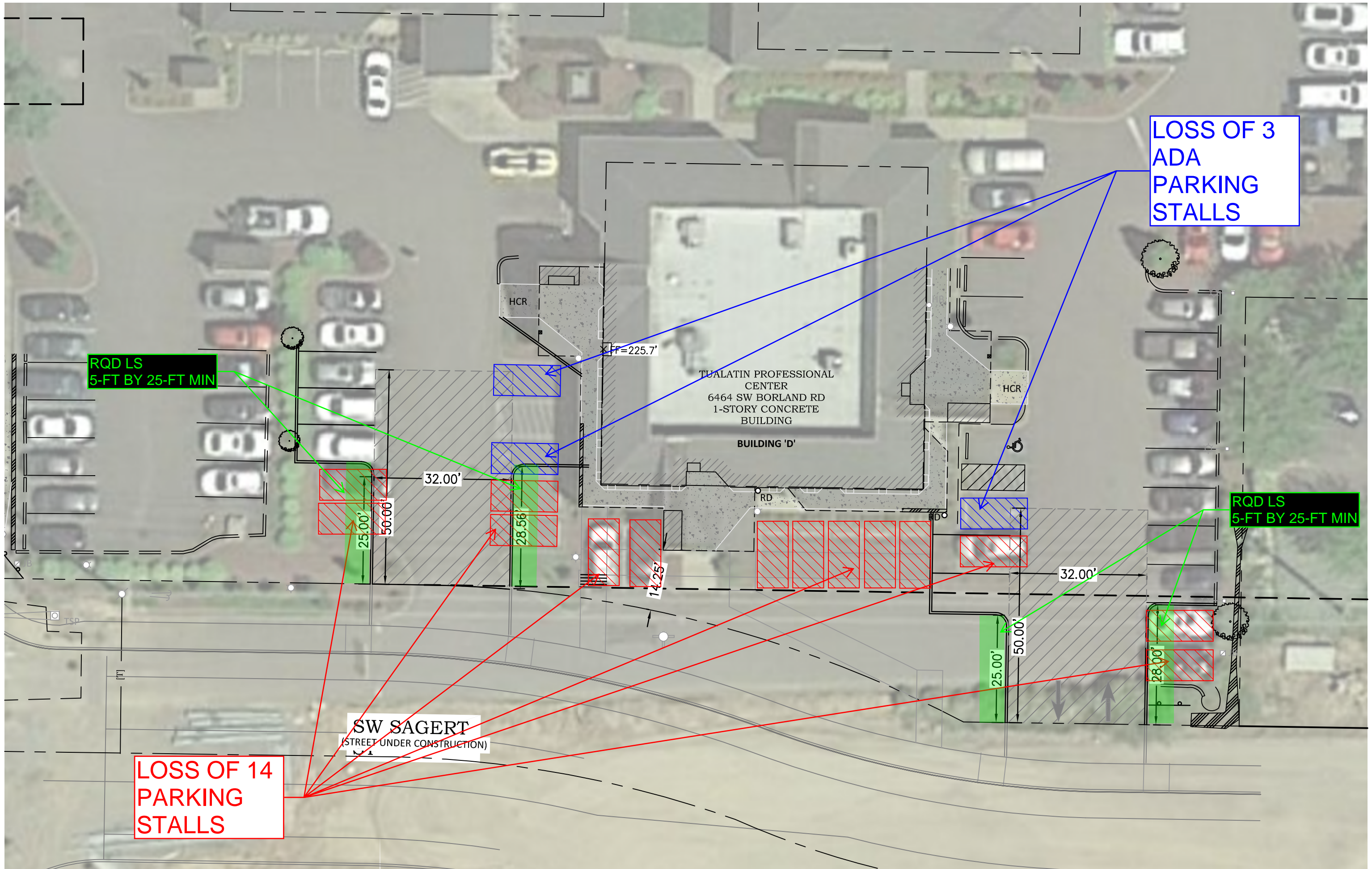
FF=225.7'

HCR

RD

RDO

P53



LOSS OF 3
ADA
PARKING
STALLS

RQD LS
5-FT BY 25-FT MIN

RQD LS
5-FT BY 25-FT MIN

LOSS OF 14
PARKING
STALLS

SW SAGERT
(STREET UNDER CONSTRUCTION)

FF=225.7'

TUALATIN PROFESSIONAL
CENTER
6464 SW BORLAND RD
1-STORY CONCRETE
BUILDING
BUILDING 'D'

32.00'

25.00'

50.00'

28.56'

14.25'

32.00'

25.00'

50.00'

28.00'

5. The applicant must revise the appropriate sheets to illustrate landscape areas not less than five feet in width on each side of the southern two access drives located off of SW Sagert Street that extend for a distance of at least twenty-five feet from the property line and install to approved plan set pursuant to TDC 73.360(6)(a).

Section 73.360 Off-Street Parking Lot Landscape Islands - Commercial, Industrial, Public, and Semi-Public Uses.

(6) (a) Except as in (b) below, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development, except for parking structures and under-ground parking which shall be determined through the Architectural Review process.

TPC Access Plans L200 currently shows a landscape area not less than 5-ft in width.

6. The applicant must revise the appropriate sheets to provide evidence that two on-site access drives are thirty-two feet wide for the first fifty feet from the public right-of-way and install to approved plan set pursuant to TDC 73.400(11).

Section 73.400 Access.

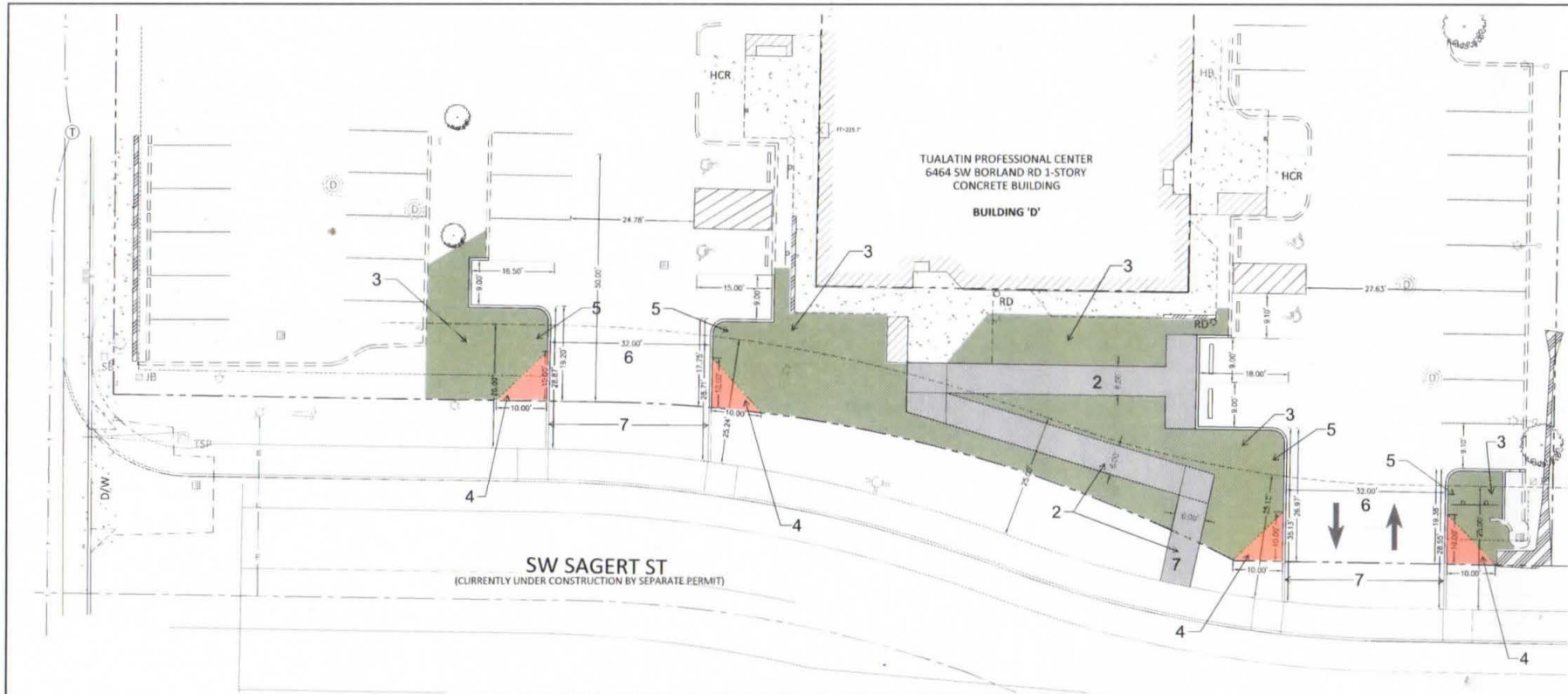
(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.

In the Central Design District, when driveway access is on local streets, not collectors or arterials and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, ingress and egress shall not be less than 24 feet. In all other cases, ingress and egress for commercial uses shall not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-99	1	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

TPC attempted to appeal this criteria.

New site plan to be developed.



NUMBERED ITEMS CORRESPOND TO MAR 17-0041 CRITERIA - LETTER DATED OCT 12, 2017

2. SITE PLAN UPDATED TO SHOW ADA ROUTE 6-FT IN WIDTH - comply
3. LANDSCAPE PLAN TO BE UPDATED INCLUDE ENTIRE PROJECT AREA - comply
4. LANDSCAPE PLAN TO BE UPDATED IDENTIFYING CLEAR ZONE AT DRIVE ENTRANCES - comply
5. LANDSCAPE PLAN TO BE UPDATED TO INCLUDE LANDSCAPE NOT LESS THAN 5-FT IN WIDTH THROUGH THE ACCESS DRIVE - variance on access drive dimension not less than 25-ft from back of sidewalk
6. SITE PLAN UPDATED TO SHOW ACCESS DRIVE WIDTH IS 32-FT - variance on access drive dimension not less than 25-ft from back of sidewalk
7. WORK IN THE SAGERT RIGHT-OF-WAY TO BE APPLIED FOR AND CONSTRUCTED UNDER PUBLIC WORKS PERMIT.

REVISION	DATE	DESCRIPTION	BY



kpff
 121 SW 10th Ave., Suite 200
 Portland, OR 97104
 P: 503.243.4521
 F: 503.278.4862
 KJL@KPFF.COM

PRELIMINARY NOT FOR CONSTRUCTION

JOB NO.	17000006
DESIGNED BY	AC
DRAWING BY	MB
CHECKED BY	MJ
PLotted DATE	10/9/18 4:30pm
PLotted BY	MWB
CWG NAME	17000006.dwg
TAB NAME	V1

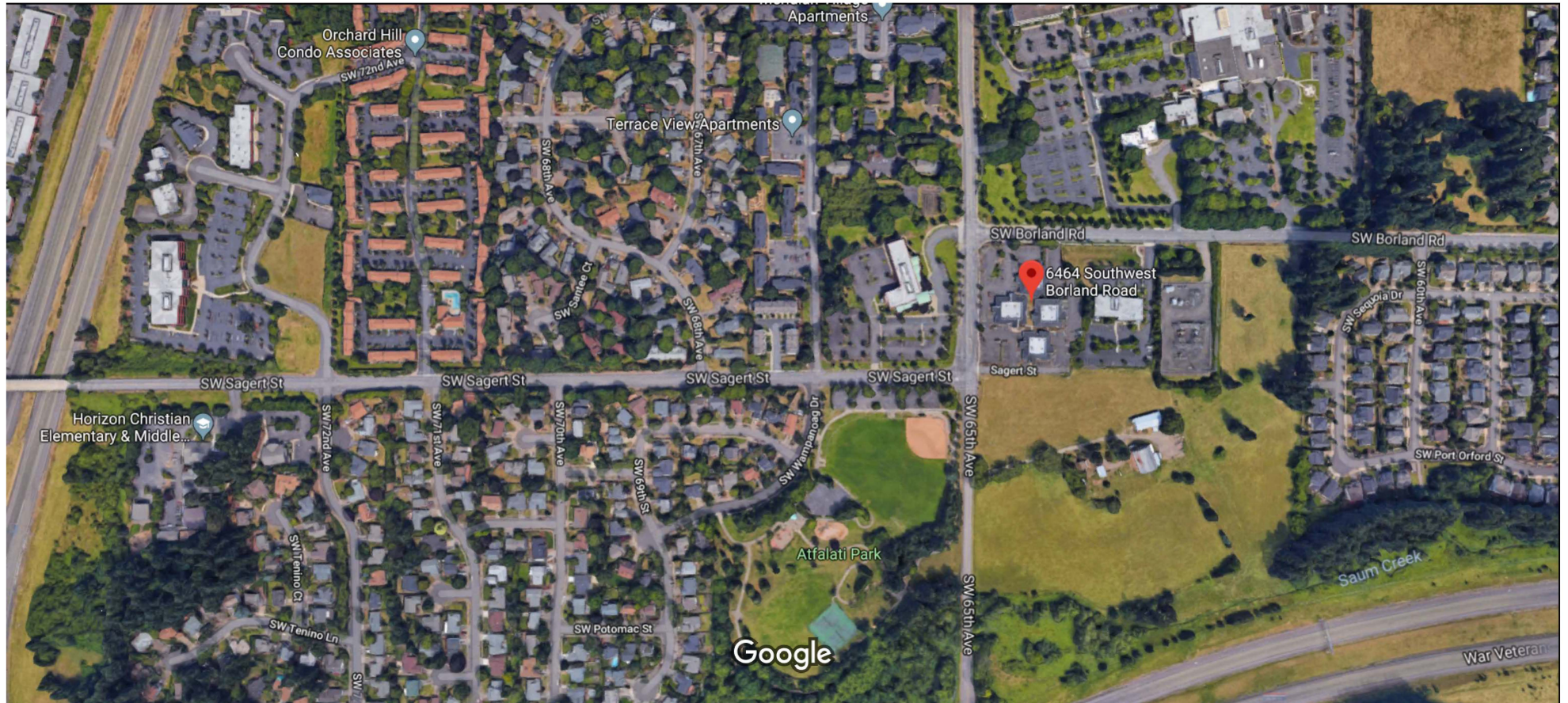
SW Sagert Street Project
 SAGERT ROAD ENTRANCES
 ACCESS RESTORATION
 TUALATIN PROFESSIONAL PLAZA
 FOR VARIANCE APPLICATION AND MAR 17-0041 CONDITIONS

SHEET NO. **V1**
 SHEET OF
 RECORD NO.



6464 SW Borland Rd

TPC property is located at 6464 SW Borland Road.



Imagery ©2018 Google, Map data ©2018 Google 200 ft

6464 SW Borland Rd

Tualatin, OR 97062





City of Tualatin

www.tualatinoregon.gov

E-mailed and sent via First Class Mail **October 12, 2017**

Matt Johnson
KPF Consulting Engineers
111 SW 5th Avenue
Portland, OR 97204

RE: Minor Architectural Review (MAR17-0041) for access drive and parking lot improvements at the Tualatin Professional Center at 6464 SW Borland Road, Tualatin, OR 97062
(Tax Lot: 2S1E30B90000)

Dear Mr. Johnson:

Thank you for submitting a Minor Architectural Review (MAR) application to the City of Tualatin Planning Division on Monday, August 21, 2017, to adjust the southern two access drives previously approved through LP83-01, AR83-0006, and Development Agreement 84-16657. Modifications and improvements to the southern parking lot, landscaping, and pedestrian network are also included in the proposal.

Pursuant to Tualatin Development Code (TDC), the City of Tualatin Planning Division approves the proposal as described, illustrated, and sited on the submitted Sheet C300 (Plot Date 8/16/17) with the following conditions:

Prior to Erosion Control Permit Approval:

1. Prior to applying for permits on the subject site, the applicant must submit one revised paper plan set—24 x 36, a paper narrative, and electronically in Adobe PDF file format—for review and approval to the Planning Division that meet the conditions of approval below. The narrative must explain how and on what page each condition of approval has been met. The submittal must contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in two (2) weeks.
2. The applicant must submit plans that illustrates a six foot wide ADA compliant walkway between the main entrance of the southern building of the Tualatin Professional Center complex (Building D) and SW Sagert Street and install to approved plan set pursuant to TDC 73.160(1)(a)(i).
3. The applicant must submit a landscape plan that illustrates areas within the defined project area that are not occupied by buildings, parking spaces, driveways, drive aisles, and pedestrian areas are landscaped and install to approved plan set pursuant to TDC 73.310(3).
4. The applicant must submit a revised landscape plan that notes a clear zone will be provided at the proposed access drive entrances vertically between a maximum of thirty inches and a minimum of eight feet as measured from the ground level pursuant to TDC 73.340(1).

5. The applicant must revise the appropriate sheets to illustrate landscape areas not less than five feet in width on each side of the southern two access drives located off of SW Sagert Street that extend for a distance of at least twenty-five feet from the property line and install to approved plan set pursuant to TDC 73.360(6)(a).
6. The applicant must revise the appropriate sheets to provide evidence that two on-site access drives are thirty-two feet wide for the first fifty feet from the public right-of-way and install to approved plan set pursuant to TDC 73.400(11).
7. The applicant must apply for and obtain a Public Works Permit for all work within public right-of-way and an Erosion Control Permit for all disturbed area.
 - a. Provide an engineered plan that shows plan and profile of the proposed driveway connections and proposed pedestrian connections. All improvements must match back of sidewalk grades currently being constructed by Lennar Homes as part of public works permit number PW16-0211. Plan must meet requirements of Engineering Division for review and approval pursuant to the Tualatin Public Works Construction Code and must be approved by the Engineering Division.
 - b. Show back of sidewalk grades that match the elevations of SW Sagert Street right-of-way improvements currently being constructed by Lennar Homes as approved in Public Works Permit No. PW16-0211.
 - c. If proposed pedestrian connection to the Sagert Street sidewalk is the ADA accessible route to the public right-of-way, then improvements in the right-of-way must meet ADA criteria set forth in the 2010 Public Rights of Way Design Guidelines (PROWAG), including running slope, cross slope, and all other relevant requirements.

The Following Code Requirements Apply to the Site in an On-Going Manner:

- Accessways must be constructed, owned and maintained by the property owner. TDC 73.160(1)(g)
- All landscaping approved through the AR process must be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered with Community Development Director's approval. TDC 73.100(1)
- All building exterior improvements approved through the AR process must be continually maintained, including necessary painting and repair, so as to remain substantially similar to original approval through the AR process, unless subsequently altered with Community Development Director's approval. TDC 73.100(2)
- Site landscaping and street trees must be maintained to meet the vision clearance requirements of TDC 73.400(16).
- The proposed development must comply with all applicable policies and regulations set forth by the TDC.

Response to Additional Claims Made in Your Letter of October 3, 2017.

Your attorney, Ms. Dorothy Cofield, submitted a letter dated October 3, 2017, where she made two additional legal claims: (1) that TPC believes the Minor Architectural Review process is not required for your improvements; and (2) that the parking lot is a nonconforming use and, therefore, you are allowed to make the improvements without complying with the design standards in the TDC. Neither of those arguments are supported by the TDC. In fact, the TDC specifically requires Architectural Review for your proposed improvements to demolish and reconstruct your parking lot. In addition, the TDC prohibits alterations of nonconforming uses.

1. The Architectural Review Process is Required for the Proposed Improvements to the Parking Lot.

You submitted an application for a Minor Architectural Review (MAR) and propose to make improvements to the parking lot at your site. In particular, you state in your application that “[t]he Tualatin Professional Center will make site improvements to its existing parking lot in order to match the proposed Sagert Street improvements. This will include the demo of and modification of the parking drive aisle and parking layout.”

Under TDC 73.040 Architectural Review is required for a “parking lot improvement or expansion.” TDC 31.060 defines “parking lot improvement or expansion” as “[t]he alteration of land or expansion of existing off-street parking, including grading, paving or installation of landscaping, on land intended to be regularly used for the temporary storage of motor vehicles. Parking lot improvement does not include resurfacing existing asphalt parking or re-striping of parking lots.”¹

The proposed improvements to demolish and reconstruct your parking lot fit the definition of “parking lot improvement or expansion” under the code. As a result, your proposed improvements require Architectural Review approval.² Your claim that you are not required to comply the Architectural Review process is without merit.

2. Alteration of Nonconforming Uses is Prohibited under the TDC.

You also claim that your parking lot is a nonconforming use and that, therefore, the improvements do not need to comply with the design standards in the TDC. To the contrary, the TDC requires alterations of nonconforming uses to comply with design standards.

Under TDC 35.030, nonconforming uses cannot be altered or enlarged, unless “such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located.” As you state in your application, you are proposing the “demo of and modification of drive aisles.” Your proposal is an alteration under the code.

The driveway cuts at the location have already been installed by the Sagert Farms Development. You are not proposing minor paving activities to simply connect the driveway cuts to the existing site. Rather, you are proposing the demolition and reconstruction of the parking lot itself. As a result, even if your parking lot is a nonconforming use, you cannot make alterations without complying with the City’s development code and its design standards. See, TDC 35.030; 31.110.³

¹ You point out in your letter that you were not required to go through the Architectural Review process a few years ago to “re-asphalt” your lot. The reason for this is because resurfacing of existing parking lots is excluded from the definition of “parking lot improvement or expansion” that would otherwise trigger the Architectural Review process.

² TDC 31.110 provides, “[n]o person shall erect, construct, reconstruct, alter or maintain or use any land, building or structure contrary to the provisions of the Tualatin Community Plan, the Tualatin Planning District Standards, or the Tualatin Development Code.”

³ As has been pointed out on a number of occasions, you may submit an application for a variance under TDC Chapter 33, for those code requirements that “cause an undue or unnecessary hardship.”

Appeal Process

If you disagree with this approval, you may appeal this decision to the City Council. To appeal the decision, submit an application, a fee of \$145, a narrative indicating the code section(s) you want to appeal, the requested revision, and your reason for appealing. City Council will hear the appeal in accordance with the process outlined in TDC Section 31.075. The appeal must be submitted before 5 pm on the 14th calendar day after the notice of decision.

Please contact me with any questions at 503.691.3024 or eengman@tualatin.gov.

Thank you,



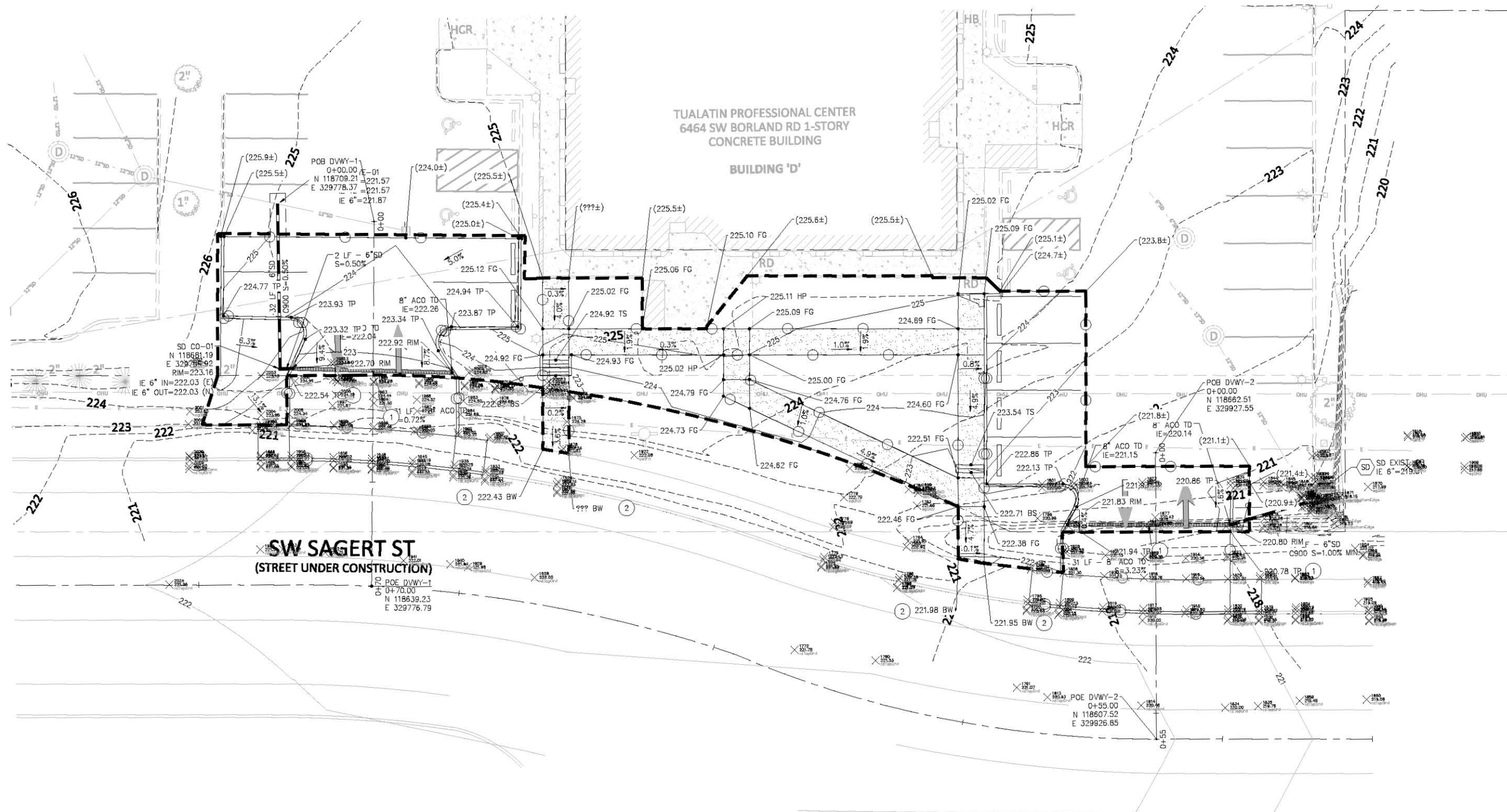
Erin Engman
Assistant Planner

cc: Aquilla Hurd-Ravich, AICP, Planning Manager
Sean Brady, City Attorney
Tony Doran, Engineering Associate
Dorothy Cofield, cofield@hevanet.com
Dr. Walker, jpw@tualatinendo.com

File: MAR17-0041

TUALATIN PROFESSIONAL CENTER
6464 SW BORLAND RD 1-STORY
CONCRETE BUILDING

BUILDING 'D'



City Council Meeting

Meeting Date: 01/08/2018

Tualatin Professional Center Motion to Suspend Appeal

THROUGH: Sherilyn Lombos **FROM:** Aquilla Hurd-Ravich, Planning Manager

In Collaboration With: Erin Engman, Associate Planner

SUBJECT:

Request to Suspend the Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Locate at 6464 SW Borland Road

ISSUE BEFORE THE COUNCIL:

The Tualatin Professional Center submitted a request to suspend the Request for Review hearing and continue the hearing to a date certain of April 23, 2018, while they apply for a Variance with the Planning Commission.

RECOMMENDATION:

Staff recommends Council consider the motion, which is attached, grant the motion and continue the hearing to a date certain of April 23, 2018.

EXECUTIVE SUMMARY:

The Tualatin Professional Center submitted a Motion to Suspend its Request for Review of the Minor Architectural Review Hearing (see Attachment 100) to continue the hearing to April 23, 2018. The purpose of the delay is to allow the Tualatin Professional Center time to apply for a Variance with the Planning Commission. In addition, the Tualatin Professional Center agrees that if the motion is granted, the 120-day rule is extended to May 31, 2018.

Staff supports this request. The procedural implications of continuing the Architectural Review Hearing are as follows:

Architectural Review Hearing Process

- The Tualatin Professional Center extended the 120-day rule to May 31, 2018.
 - This means Council must make a final decision on the Architectural Review application before May 31, 2018, unless the Tualatin Professional Center makes a future written request to extend the deadline further.
- The Architectural Review Hearing remains active and is continued to April 23, 2018.
- The Tualatin Professional Center intends to use the time to apply for a Variance.

Variance Process

- Tualatin Professional Center must apply for a Variance.
- The Planning Commission is the initial hearing body for Variance applications.
 - City staff will process the application and schedule a hearing before the Planning Commission.
 - City staff will make a staff recommendation to the Planning Commission.
 - Planning Commission will decide the Variance.
- City Council is the appeal body for Variance applications.

Future City Council Process if Variance Granted by Planning Commission

- Architectural Review Hearing to be held by City Council on or before April 23, 2018.

- Tualatin Professional Center will request that the City Council **consider new evidence** of the Planning Commission's Variance decision.
- City staff will need to renotice the Architectural Review Hearing.
 - New notice to the public for consideration of new evidence.
- City staff will make a new recommendation to the City Council based upon the Planning Commission's Variance decision.
- City Council will need to reopen the record of the Architectural Review Hearing to allow submittal of the Variance decision information and evidence.
- City Council will conduct the Architectural Review Hearing.
 - Conclude the hearing.
 - Deliberate and decide.

Future City Council Process if Variance Not Granted by Planning Commission

- If the Planning Commission denies (in whole or in part) the Variance, the Tualatin Professional Center may appeal the Variance decision to City Council.
- City Council Hearing on the Variance Application.
 - City staff will notice the hearing.
 - City Council will conduct the hearing and evidence will be submitted.
 - City Council will decide whether to grant the Variance.
 - Tualatin Professional Center may wish to further extend the 120-day rule because without an extension, the Architectural Review must be decided before May 31, 2018.
 - If City Council grants a Variance, the Variance decision impacts City Council's consideration of the Architectural Review application.
 - If City Council denies the Variance, the Tualatin Professional Center may appeal to LUBA.
- City Council Hearing on the Architectural Review Application.
 - If City Council denies the Variance, the City Council could decide on the current record or could reopen the record.
 - The Tualatin Professional Center may request the record be reopened.
 - If City Council grants the Variance, City Council will consider the Architectural Review Application with the additional Variance evidence.
 - City staff will need to renotice the Architectural Review Hearing.
 - New notice to public for consideration of new evidence.
 - Depending on time constraints and whether the 120-day rule is further extended by the Tualatin Professional Center, the Architectural Review decision may need to be acted upon before the Variance decision by Council. This is not likely, but could occur.
 - City staff will make a new recommendation to the City Council based upon the City Council's Variance decision.
 - City Council will need to be reopen the record of the Architectural Review Hearing to allow submittal of the Variance decision information and evidence.
 - City Council will conduct the Architectural Review Hearing.
 - Conclude the hearing.
 - Deliberate and decide.

Attachments

[Attachment 100 - Motion to Suspend](#)

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BEFORE THE TUALATIN CITY COUNCIL

**IN THE MATTER OF MAR 17-0041
REQUEST FOR REVIEW BY
TUALATIN PROFESSIONAL CENTER**

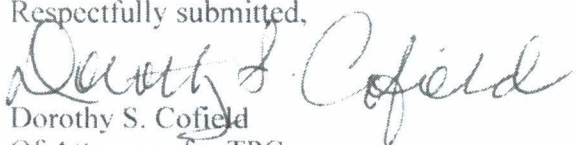
**MOTION TO SUSPEND
REQUEST FOR REVIEW**

The appellant, Tualatin Professional Center (TPC) hereby requests that its Request for Review of MAR 17-0041 be suspended until April 23, 2018 to allow TPC to apply for a major variance to the Tualatin Planning Commission. Should the City Council grant the motion, the appellant agrees to extend the 120-day rule to May 31, 2018.

We have spoken to city staff and they are supportive of the TPC Motion to Suspend. To that end, city staff has prepared a Staff Memorandum of Support for the TPC Motion which details the procedure for the variance application and MAR 17-0041.

TPC has reviewed the staff memorandum and agrees with the process of review for the variance and associated MAR 17-0041 pending before the Council.

DATED this 3rd day of January, 2018.

Respectfully submitted,

Dorothy S. Cofield
Of Attorneys for TPC



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
JANUARY 8, 2018**

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Economic Development Manager Jonathan Taylor; Parks and Recreation Manager Rich Mueller; Associate Planner Erin Engman; IS Director Bates Russell

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:13 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council update for January, 2018

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC now has 19 members that meet weekly and on average contribute 85 hours of service a year. Current goals include advising the Council on issues that affect youth, provide a primary communication link for youth to government, identify and advocate for the needs of youth, and carry out events and activities for youth. YAC is currently working on Project FRIENDS, a day long anti-bullying workshop for fifth graders, to be held in May.

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Tualatin Chamber of Commerce Director Linda Moholt shared the 2018 Business and Community Directory with the Council. She addressed concerns the Council brought up during the work session regarding the lack of a tourism plan. She stated the Ice Age Tourism Plan is the Visitor Plan for the City of Tualatin. The Chamber has been working off the plan for the last seven years.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of December 11, 2017
2. Consideration of Approval of a New Liquor License Application for Free Public Wines
3. Consideration of **Resolution No. 5351-18** Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) between the City of Tualatin and the City of Durham for Building Inspection / Plan Review Services

E. PUBLIC HEARINGS – Quasi-Judicial

1. Request to Suspend the Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Locate at 6464 SW Borland Road

Planning Manager Aquilla Hurd-Ravich stated there is no staff report to present. She stated the Tualatin Professional Center has submitted a request to suspend MAR 17-0041, regarding parking lot improvements, to pursue a variance with the Tualatin Planning Commission.

Mayor Ogden asked how the hearing would be closed if the variance was granted. Manager Hurd-Ravich stated the public hearing will be re-noticed for April 23 where any new information from the variance hearings will be considered.

Dorothy Cofield, Attorney for the Tualatin Professional Center, stated she has been working with city staff on a variance to take before the Tualatin Planning Commission.

MOTION by Council President Joelle Davis, SECONDED by Councilor Robert Kellogg to suspend the request for review of MAR17-0041, Tualatin Professional Center Parking Lot improvement Land Use Decision located at 6464 SW Borland Road.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis,
Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison,
Councilor Robert Kellogg

MOTION CARRIED

2. Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Located at 6464 SW Borland Road

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of Recommendations from the Council Committee on Advisory Appointments

Mayor Ogden thanked the applicants for their service to the City of Tualatin.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Frank Bubenik to approve appointments to the Tualatin Library Advisory Committee, Tualatin Tomorrow Committee, and the Core Area Parking District Board.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis,
Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison,
Councilor Robert Kellogg

MOTION CARRIED

G. COMMUNICATIONS FROM COUNCILORS

None.

H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:36 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor



CITY OF TUALATIN
Community Development Department-Planning Division
Land Use Application—Type III

PROPOSAL NAME Variance for Tualatin Professional Center ("TPC")

PROPOSAL SUMMARY (Brief description)

Variance requesting relief from TDC 73.400(11) (Access) and 73.360(6) (Landscaping) for restoring TPC's existing driveway accesses onto SW Sagert Street.

PROPERTY INFORMATION

Location (address if available): 6464 SW Borland Road, Tualatin, OR 97062
 Tax Map & Lot #(s): 21E30B 90000 Planning District: CO
 Total site size: 2.16 acres Developed Undeveloped

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Matt Johnson of KPFF Consulting Engineers
 Mailing Address: 111 SW 5th Ave., Suite 2500
 City/State: Portland, OR Zip: 97204
 Phone: 503-542-3860 Email: Matt.Johnson@kpff.com
 Applicant's Signature: *Matt Johnson* Date: 1/25/2018

I hereby acknowledge that I have read this application and understand the requirements for approving and denying the application, that the information provided is correct, that I am the owner or authorized agent of the owner, and that plans submitted are in compliance with the City of Tualatin Development (TDC) and Municipal (TMC) Codes.

PROPERTY OWNER/DEED HOLDER INFORMATION (Attach list if more than one)

Name: Tualatin Professional Center
 Mailing Address: 6464 SW Borland Road
 City/State: Tualatin, OR Zip: 97062
 Phone: 503-885-1899 Email: jpw@tualatincode.com
 Property Owner Signature: *[Signature]* Date: 2/22/18

Power of attorney or letter of authorization required if application not signed by the property owner/deed holder.

LAND USE APPLICATION TYPE

- Architectural Review (ARB)
- Industrial Master Plan (IMP)
- Variance (VAR)
- Sign Variance (SVAR)
- Transitional Use Permit (TRP)
- Reinstatement of Use

FOR STAFF USE ONLY	
Case No.:	_____
Date Received:	_____
By:	_____
Fee Amount \$:	_____
Received by:	_____

James P. Walker, DDS
Tualatin Professional Center
6464 SW Borland Road D1
Tualatin, Oregon 97062

Property Owner/Neighborhood Representative
January 31, 2018
Regarding: Variance Application for Parking Lot Access Restoration
From: Tualatin Professional Center Condominium Association

Dear Property Owner/Neighborhood Representative:

You are cordially invited to attend a meeting on February 21, 2018 at 6:00 p.m. in the Conference Room at the Tualatin Public Library located at 18878 SW Martinazzi Avenue, Tualatin, Oregon 97062. This meeting shall be held to discuss a proposed variance application for Tualatin Professional Center (TPC) whose property is located at 6464 SW Borland Road (Tax Lot 21E30B 90000) in Tualatin.

TPC is currently considering submitting a variance application to request relief from Tualatin Development Code (TDC) 73.360(6)(a) and 73.400(11) in light of the City of Tualatin's plan to improve SW Sagert Street. TPC is seeking the variance to allow it to continue to use much of its parking lots adjacent to SW Sagert Street and two existing driveways onto SW Sagert Street. Without the variance, TPC would be required to reconfigure its access driveways and landscaping and lose at least 17 parking spaces in its existing parking lot with the road improvements to SW Sagert Street.

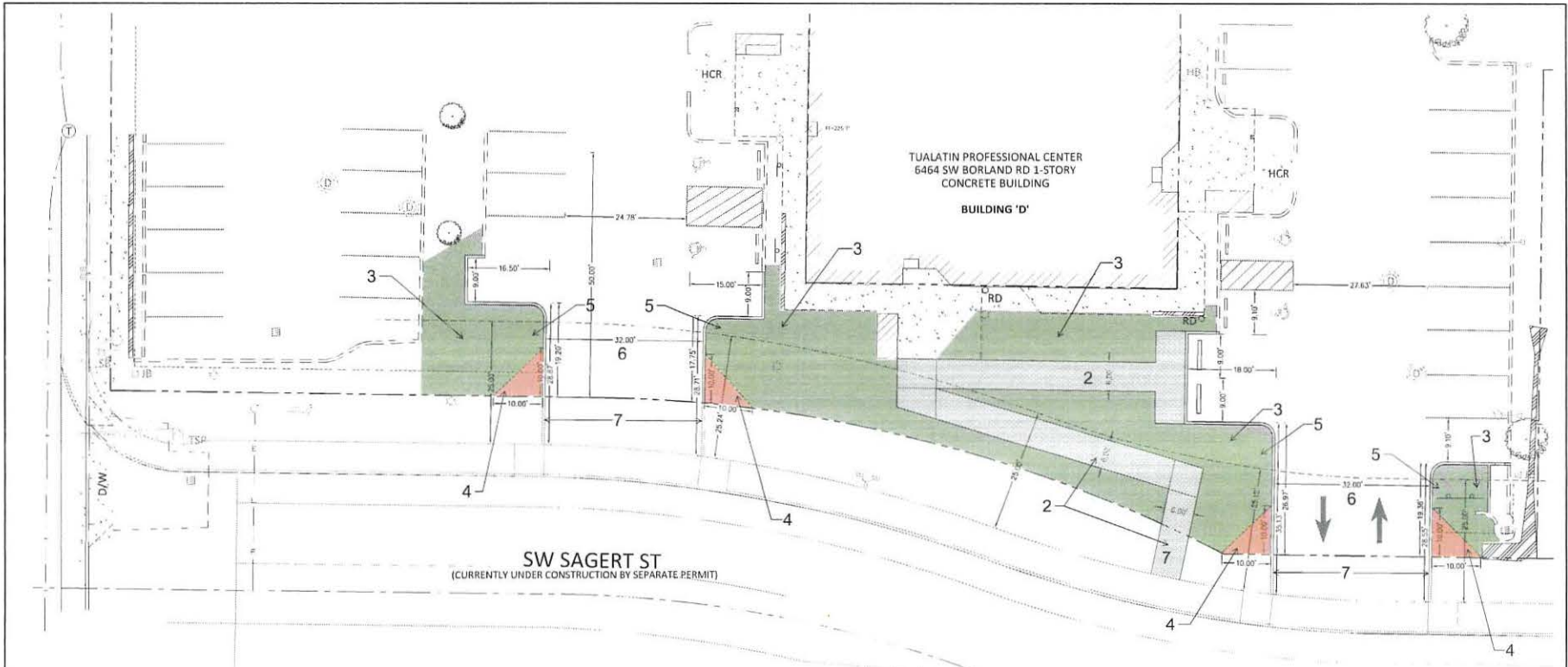
Please note this will be an informational meeting on proposed plans with TPC, the property owner, and is not intended to take the place of a public hearing before the Planning Commission or the City Council. You will have an opportunity to present testimony to these bodies when an application is submitted to the City for review.

We look forward to discussing our proposal with you at the meeting and hearing your thoughts.

Sincerely,

James Walker, DDS
For Tualatin Professional Center Condominium Association Board
503-885-1899

EXHIBIT B
PAGE 1 OF 1



NUMBERED ITEMS CORRESPOND TO MAR 17-0041 CRITERIA - LETTER DATED OCT 12, 2017

2. SITE PLAN UPDATED TO SHOW ADA ROUTE 6-FT IN WIDTH - comply
3. LANDSCAPE PLAN TO BE UPDATED INCLUDE ENTIRE PROJECT AREA - comply
4. LANDSCAPE PLAN TO BE UPDATED IDENTIFYING CLEAR ZONE AT DRIVE ENTRANCES - comply
5. LANDSCAPE PLAN TO BE UPDATED TO INCLUDE LANDSCAPE NOT LESS THAN 5-FT IN WIDTH THROUGH THE ACCESS DRIVE - variance on access drive dimension not less than 25-ft from back of sidewalk
6. SITE PLAN UPDATED TO SHOW ACCESS DRIVE WIDTH IS 32-FT - variance on access drive dimension not less than 25-ft from back of sidewalk
7. WORK IN THE SAGERT RIGHT-OF-WAY TO BE APPLIED FOR AND CONSTRUCTED UNDER PUBLIC WORKS PERMIT.

REV. NO.	DATE	DESCRIPTION	BY



kpff

111 SW 5th Ave., Suite 200
Portland, OR 97204
503.525.4242
P. 503.774.1117
WWW.KPFF.COM

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NO.	1700208
DESIGNED BY	AC
DRAWN BY	MB
CHECKED BY	MJ
PRINT DATE	10/21/18 4:38pm
FILED BY	HWG
IMG NAME	1700208rd.dwg
TAB NAME	V1

3461 SW Walker Street
SAGERT ROAD ENTRANCES
ACCESS RESTRICTIONS

TUALATIN PROFESSIONAL PLAZA
FOR VARIANCE APPLICATION AND MAR 17-0041 CONDITIONS

SHEET NO.	V1
DATE	10/21/18
PROJECT NO.	1700208

James P. Walker, DDS
Tualatin Professional Center, Building D
6464 SW Borland Road
Tualatin, Oregon 97062
(503) 885-1899

INFORMATIONAL FLYER FOR TPC VARIANCE

Dear Property Owner/Neighborhood Representative:

TPC is currently considering submitting a variance application to request relief from Tualatin Development Code (TDC) 73.360(6)(a) and 73.400(11) in light of the City of Tualatin's plan to improve SW Sagert Street. TPC is seeking the variance to allow it to continue to use much of its parking lots adjacent to SW Sagert Street and two existing driveways onto SW Sagert Street. Without the variance, TPC would be required to reconfigure its access driveways and landscaping and lose at least 17 parking spaces in its existing parking lot with the road improvements to SW Sagert Street.

TPC sent notice of its neighborhood meeting on January 31, 2018 and held its meeting on meeting on February 21, 2018 at 6:00 p.m. at the Study Room at the Tualatin Public Library located at 18878 SW Martinazzi Avenue, Tualatin, Oregon 97062. The meeting was held to discuss a proposed variance application for Tualatin Professional Center (TPC) whose property is located at 6464 SW Borland Road (Tax Lot 21E30B 90000) in Tualatin. The meeting notes were filed with the city planning office along with the Variance Application.

The City will be sending out a Public Hearing Notice for a public hearing before the Planning Commission or the City Council. You will have an opportunity to present testimony to these bodies when an application is submitted to the City for review.

Any questions on the Variance Application should be directed to Dr. Jim Walker.



NOTICE

**NEIGHBORHOOD /
DEVELOPER MEETING**

2/21/2018 6:00 to 8:00 p.m.

Tualatin Library Conference Room
18878 SW Martinazzi Ave, Tualatin, OR

503-885-1899

Neighborhood Meeting Notes
By
Dorothy Cofield, Cofield Law Office
February 22, 2018

The Meeting opened at 6:00 p.m. at the Tualatin Library conference room. In attendance were John Di Paola, Dean Delavan, Cindy Walker, Jim Walker, Aquilla Hurd-Ravich and Dorothy Cofield.

Dorothy Cofield opened up the meeting with introductions and explained the reason for the meeting : TPC needs to restore its two driveways due to construction of Sagert Street. Dorothy explained the planning office approved the two restored driveways but required they be lengthened to 50 feet from the property line. If they are 50 feet in length, TPC will lose at least 17 parking stalls and ADA stalls. Dorothy explained the purpose of the two Variances: shorten the driveways off of Sagert Street to 25' feet from the back of the new sidewalk so that most of the original parking stalls are preserved; and shorten the landscaping requirement of the two restored driveways to 25' from the back of sidewalk (which will provide more than 25' of landscaping using the planter strip. A site plan was given to each attendee that shows the variance plans. Dorothy explained the variance procedure and criteria. Dorothy explained without the variance TPC will lose at least 17 parking stalls which will critically impact the ability of the medical center to safely serve the needs of its' patients. Dorothy explained the land use process that TPC will be submitting a variance application that neighbors will get notice of; then there will be a staff report and a planning commission hearing set. Dorothy then opened the meeting up to questions from attendees and any concerns they have.

John Di Paola is a new TPC Board Member. His concern is the critical need for enough parking stalls next to Medical Building "D" in order to provide safe and convenient parking to medical patients undergoing surgical procedures at the center. His concern is that if more parking stalls are lost, there will be a safety crisis and harm the ability of the medical center to provide critical medical care to patients who are under the influence of sedatives and anesthetics as they enter and leave the buildings. Dr. Paola asked for a map to show the impact of losing additional parking stalls if the variances are not approved. Dorothy showed him a map with the 50 foot length requirement which would interfere with the parking immediately surrounding the south side of Building "D." Dr. Paola explained that for medical use, parking is critical because patients need to be close to parking due to medical procedures they have and anxiety about medical procedures makes it very important that parking be easily available and parking circulation is understandable. Dr. Paola is an orthopedic physician. John is in favor of the variances.

Dean Delavan rents out one of the condo units. He wanted to understand the circulation plan for the TPC parking lot and why the east and west parking lots are now not connected. His concern is that the two Sagert Street entrances make it difficult to serve the entire TPC complex because of the difference in elevation of the property west to east. He wanted to know why the entrances have changed and why the variances are needed. Dorothy explained that the driveway circulation plan was changed during the Lennar subdivision review and the decision was appealed by TPC but denied by the City. The driveways being changed to right-in/right out are a final decision. Dorothy explained that the City required the minor architectural review application to restore the two Sagert Street driveways and in that process, a longer driveway was imposed due to the construction of Sagert Street Street. The variance is to reduce the length of the two restored driveways so that parking is preserved onsite. TPC retained a traffic engineer, Clemow & Associates, who did a report that a 25-foot driveway beginning at the back of the new Sagert Street Street sidewalk will be safe for vehicles to enter and exit. Dorothy explained that the 25 foot landscaping along the driveways will also need to be reduced if the driveway lengths are

reduced but that the look of the landscaping will be the same because more than 25 feet will be planted along the driveways using the 9-11 foot planter ROW area. Dend supports the variances. There was a discussion of how TPC's landscaping requirements will be consistent with the planter landscaping plans by Lennar with the construction of Sagert Street.

Dr. Walker said he did not receive any comments, phone calls or e-mails in regards to the Neighborhood Meeting Notice except for one e-mail from an apartment owner who supports the variances. Dr. Walker's concern was the length of time it has taken to restore the two driveways so that patients can safely access Building "D." Dr. Walker explained that since the closure of the two southern driveways, patients have great difficulty in accessing the medical complex and have to enter and exit off of Borland and circle around to get to the east and west side of Building "D." Dr. Walker used the 1000' public notice map to illustrate the circuitous route patients have to use to get to the east and west sides of the TPC complex. Dr. Walker explained that the Borland driveways are critical to the TPC property to have full access to the TPC property now that the Sagert driveways have been changed.

Cindy Walker explained that many patients have been calling because they do not know how to access the TPC property. Her concern is that even with the two restored driveways, the property is essentially cut in two (prior to the current changes patients could drive all the way around the complex without exiting onto city streets) and patients who haven't been there before, or get confused from anxiety of having a medical procedure, often get lost and need directions.

Aquilla Hurd-Ravich says she now understands the unique circulation needs of the TPC complex due to the elevations changes and the changes to the Sagert Street driveways and why the variances are necessary.

Dorothy confirmed with Aquilla that the variance signs and affidavit of posting can be done after the variance application is submitted so that the application number can be printed on the sign. Aquilla also confirmed that the City will send out the public hearing notices. The likely public hearing date was discussed as being April 19, 2018 if the application is submitted soon. There is a 30-day review period by the planning office and then a hearing date will be determined.

Dean wanted to know how much longer it would take to get the driveways approved and whether it could be done in a couple of months. Dean reiterated that the driveways need to be re-opened. He understands the traffic circulation will be different but he thanked Jim and John for their work as Board members.

Jim explained that the revised landscaping plans will be submitted after the MAR 17-0041 decision on appeal is approved by the city council with the two variances in place. Jim explained the land use process has been very expensive for TPC and the engineering alone has been over \$26,000 due to the city-required revisions. Thus, TPC will hold off on revising the landscaping plans as required in the MAR 17-0041 until the city council grants the appeal changing the driveway length and landscaping conditions. John agreed that with the Board members' fiduciary duties to its members it is prudent to wait on the landscaping plan revisions. John voiced concern over the fees and future construction costs incurred by TPC during the land use process that has resulted in new assessments for all condo owners currently and projected for the foreseeable future to restore the financial standing of TPC to its' "pre-Lennar" status.

The meeting was closed at 6:45 p.m.

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

<p style="text-align: center;">NOTICE</p> <p style="text-align: center;">NEIGHBORHOOD / DEVELOPER MEETING</p> <p style="text-align: center;">___/___/2010 ; ___ .m.</p> <p style="text-align: center;">SW _____</p> <p style="text-align: center;">503-____-____</p>	18"
--	-----

24"

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain orange composed of the RGB color values Red 254, Green 127, and Blue 0. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

Tualatin Professional Center project, I

hereby certify that on this day, 2-6-18 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Cynthia A. Shawler
(PLEASE PRINT)

Applicant's Signature: Cynthia A. Shawler

Date: 2-14-18

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

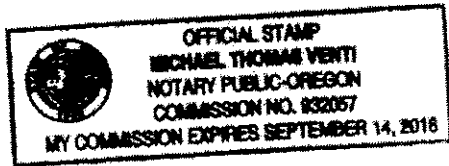
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Cynthia A. Shantz, Notary, being first duly sworn, depose and say:

That on the 6th day of February, 2018, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

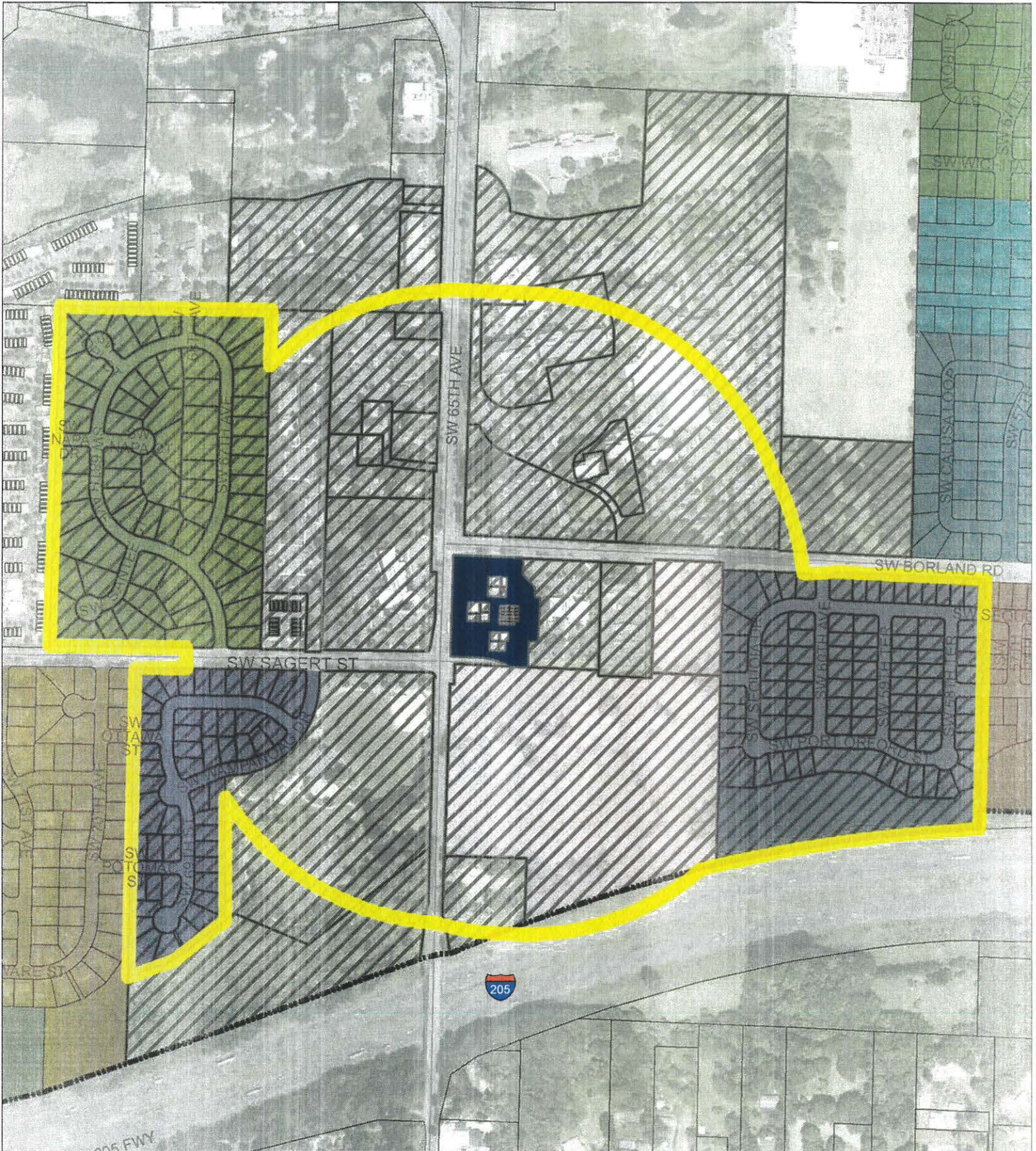
Cynthia A. Shantz, Notary
Signature

SUBSCRIBED AND SWORN to before me this 14th day of February, 2018.




MA
Notary Public for Oregon
My commission expires: 9-14-18

RE: _____



 1000' Buffer

 1000' Buffer with Subdivisions

 Selected Taxlots





WFG National Title Insurance Company
a Williston Financial Group company

Prepared For:

Prepared By: **Amber Wilson** Prepared Date: 9/28/2017
 WFG National Title - Customer Service Department
 12909 SW 68th Pkwy # 350 Portland, OR 97223
 Phone: 503.603.1700 Fax: 888.833.6840
 E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner	: Tualatin Prof Center Condo	Ref Parcel Number	: 21E30B 90000
CoOwner	:	T: 02S R: 01E S: 30 Q: NW QQ:	
Site Address	: *no Site Address*	Parcel Number	: 01638865
Mail Address	: 6464 SW Borland Rd Tualatin Or 97062	County	: Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid :
 Census Tract : 221.03 Block: 1
 Improvement Type : 900 Contiguous Property
 Subdivision/Plat : Tualatin Professional Center Condo Stage
 Neighborhood Code : Area 05 Commercial West Side
 Land Use : 201 Com, Commercial Land, Improved
 Legal : 2646 TUALATIN PROF CENTER CONDO
 : STAGE 1 PT GENERAL COMMON ELEMENT
 : BY PLAT

ASSESSMENT AND TAX INFORMATION

Mkt Land :
 Mkt Structure :
 Mkt Total :
 %Improved :
 M50AssdTotal :
 Mill Rate : 16.6908
 Levy Code : 304004
 16-17 Taxes :
 Millage Rate : 16.6908

PROPERTY CHARACTERISTICS

Bedrooms	:	BldgLivingSqFt	:	BldgSqFt	:
Bathrooms	:	1st Floor SqFt	:	Lot Acres	: 2.16
Full Baths	:	UpperFinSqFt	:	Lot SqFt	: 94,122
Half Baths	:	Finished SqFt	:	Year Built	:
Fireplace	:	AbvGrdSqFt	:	Foundation	:
Heat Type	:	UpperTotSqFt	:	Roof Type	:
Floor	:	UnFinUpStySqFt	:	Roof Shape	:
Stories	:	Bsmt Fin SqFt	:	Exterior Fin	:
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

TRANSFER INFORMATION

Owner(s)	Date	Doc #	Price	Deed
:	:	:	:	:
:	:	:	:	:
:	:	:	:	:
:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Dorothy Cofield

From: Amber Wilson <AWilson@wfgnationaltitle.com>
Sent: Wednesday, February 21, 2018 1:28 PM
To: Dorothy Cofield
Subject: RE: Emailing: 21E30B 90000
Attachments: Subdivision Plat.pdf; Unknown_1984-29481 REC ALL.pdf

Good Afternoon Dorothy,

Attached is the plat map and deed noted on said plat as this is a general common element of the condominium and will not have a dedicated deed for just this tax lot. Please let me know if you need further assistance, and have a nice day!

Amber Wilson
Customer Service Representative
12909 SW 68th Parkway, Suite 350, Portland, OR 97223
Phone: 503 603 1700 | Direct: 503 431 8527 | Fax: 888 833 6840 awilson@wfgnationaltitle.com |
cs@wfgnationaltitle.com | wfgnationaltitle.com The information contained in and/or attached to this email is provided by WFG's Customer Service Department as a courtesy to our customers, and while deemed reliable, is not guaranteed.

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-----Original Message-----

From: Dorothy Cofield [mailto:cofield@hevanet.com]
Sent: Wednesday, February 21, 2018 12:51 PM
To: Amber Wilson <AWilson@wfgnationaltitle.com>
Subject: Emailing: 21E30B 90000

Hi Amber,
I hope you are enjoying the last bit of winter!
Can you send me the deed for the attached TRIO you sent me back in Sept.
2017.
I need the legal description from the deed for a land use application I am submitting to Tualatin.

Best,

Dorothy S. Cofield
Attorney at Law
1001 SW 5th Avenue
Suite 1100
Portland, Oregon 97204
COFIELD LAW OFFICE

902

STATE OF OREGON)
) ss AFFIDAVIT OF CORRECTION (Condominium)
COUNTY OF CLACKAMAS)

I Ronald E. Lamert, being duly sworn, depose and say that I am the land surveyor who surveyed "Tualatin Professional Center Condominium - Stage I" as depicted, filed and recorded in the Clackamas County Clerk's Offices as Plat #2646 (86/8); and

In as much as this condominium was recorded March 29, 1984 at the County Clerk's Office without the County Surveyor's required approval necessitated by a change in ORS Chapter 94, effective October 15, 1983; and

That to correct this situation the County Surveyor's Office inspected "Tualatin Professional Center Condominium - Stage I" and required several changes before agreeing to approve this condominium. Now therefore, with my agreement and consent,

The following corrections to said condominium are necessary and are as follows:

Side 1 of 4

Additions:

1. County Surveyor - Line for signature
2. By-Deputy-Date, Line for signature
3. All distances in feet, unless otherwise noted - note
4. Number 1 for Curve Data
5. Number 1 at place of curve
6. 68-19724 on PGE easement
7. 84-13753 on Sagert St. dedication
8. Per PS 16,529 at SW Cr. Sec. 19
9. 84-13754 on Meridian Rd. dedication (10' dedication - 20' to ~~E~~)
10. 84-13753 on Borland Rd. dedication (10' dedication - 20' to ~~E~~)
11. 5/8" dia. x 70 inches in legend
12. County Surveyor Note

It is my understanding that the County Surveyor and the County Roadmaster will sign their approvals to this plat after recordation of this affidavit of correction.

Omissions:

1. Fire Hydrant symbol in 10 x 12 easement at NE corner

Side 2 of 4

Additions:

1. And Dedication to Declaration
2. And Dedication in Acknowledgement
3. Notary Stamp to Acknowledgement
4. See Side 1 of 4 note

AFFIDAVIT OF CORRECTION (Condominium), cont.

Side 3 of 4

Additions:

- 1. See Side 1 of 4 note
- 2. FF = Finished Floor
- 3. SF = Square Feet
- 4. 5.00 dimension to Building B (lower)

Side 4 of 4

Additions:

- 1. See Side 1 of 4 note
- 2. FF = Finished Floor
- 3. SF = Square Feet

The present fee owner of the property materially affected by said Affidavit is as follows:

Consolidated Asset Group
 301 116th Avenue S.E., Suite 240
 Bellevue, Washington 98004
 Ronald E. Lambart, President

PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 14, 1967
 RONALD E. LAMBERT
 806

Ronald E. Lambart
 Ronald E. Lambart
 Register Professional Land Surveyor
 (#806)
 2626 S.W. Corbett Avenue
 Portland, Oregon 97201

NOTARY CERTIFICATE

Subscribed and sworn to before me this 23 day of August, 1984.

Russell A. Lawrence
 Notary Public for the State of Oregon
 My Commission Expires 1-30-86
 STATE OF OREGON)
) ss
 COUNTY OF CLACKAMAS)

I, Thomas A. Milne, Clackamas County Surveyor, do hereby certify that said Affidavit of Correction for Plat #2646 has been examined by me and that it appears to comply with ORS 94.

Thomas A. Milne
Clackamas County Surveyor

By *Russell A. Lawrence* ²⁵⁷ 8-23-84
 Russell Lawrence, Deputy

return to County Surveyor

2

STATE OF OREGON)
 County of Clackamas) ss
 Juvenile N. Orr, County Clerk, Ex-Officio
 Register of Conveyances of the State of Oregon,
 for the County of Clackamas, do hereby certify
 that the instrument of writing was received for
 recording in the records of said County as:

1984 AUG 23 PM 4:51

RECORDERS OFFICE
 CLACKAMAS COUNTY, OREGON
Juanita N. Orr
 JUANITA N. ORR
 County Clerk
 CCL-84 84 29181

TUALATIN PROFESSIONAL CENTER CONDOMINIUM STAGE I

IN THE SW 1/4 OF SECTION 19, T.2 S., R.1 E., W. M.
CITY OF TUALATIN, CLACKAMAS COUNTY, OREGON

JANUARY 1984 SCALE 1"=50' 2.684 ACRES

DAVID EVANS & ASSOCIATES, INC.
2628 S. W. CORSETT AVENUE
PORTLAND, OREGON 97201

- LEGEND**
- ⊕ DENOTES 2" X 6" IRON PIPE AT INITIAL POINT
 - ⊙ DENOTES 1" X 1" IRON PIPE WITH P.O. BOX YELLOW PLASTIC CAP
 - ⊙ DENOTES FOUND MONUMENT AS NOTED

County Surveyor Note:
Amended pursuant to Instrument No. 84-29481 dated 12-23-84 recorded with County Clerk.

APPROVALS

APPROVED THIS 12TH DAY OF MARCH 1984
R. R. [Signature]
MAYOR CITY OF TUALATIN

ATTEST: THIS 13TH DAY OF MARCH 1984
Stephen A. Rhodes
CITY RECORDER CITY OF TUALATIN

BY _____
APPROVED THIS 7TH DAY OF March 1984
[Signature]
Ralph Croemer

COUNTY COMMISSIONERS
APPROVED THIS 24TH DAY OF August 1984
Ramith Evans for Kristan Keith
COUNTY ROADMASTER

BY _____ DEPUTY

PURSUANT TO ORS 91.512, I HEREBY CERTIFY THAT ALL TAXES HAVE BEEN PAID AS OF THE 6-30-1984
APPROVED THIS 23RD DAY OF March 1984

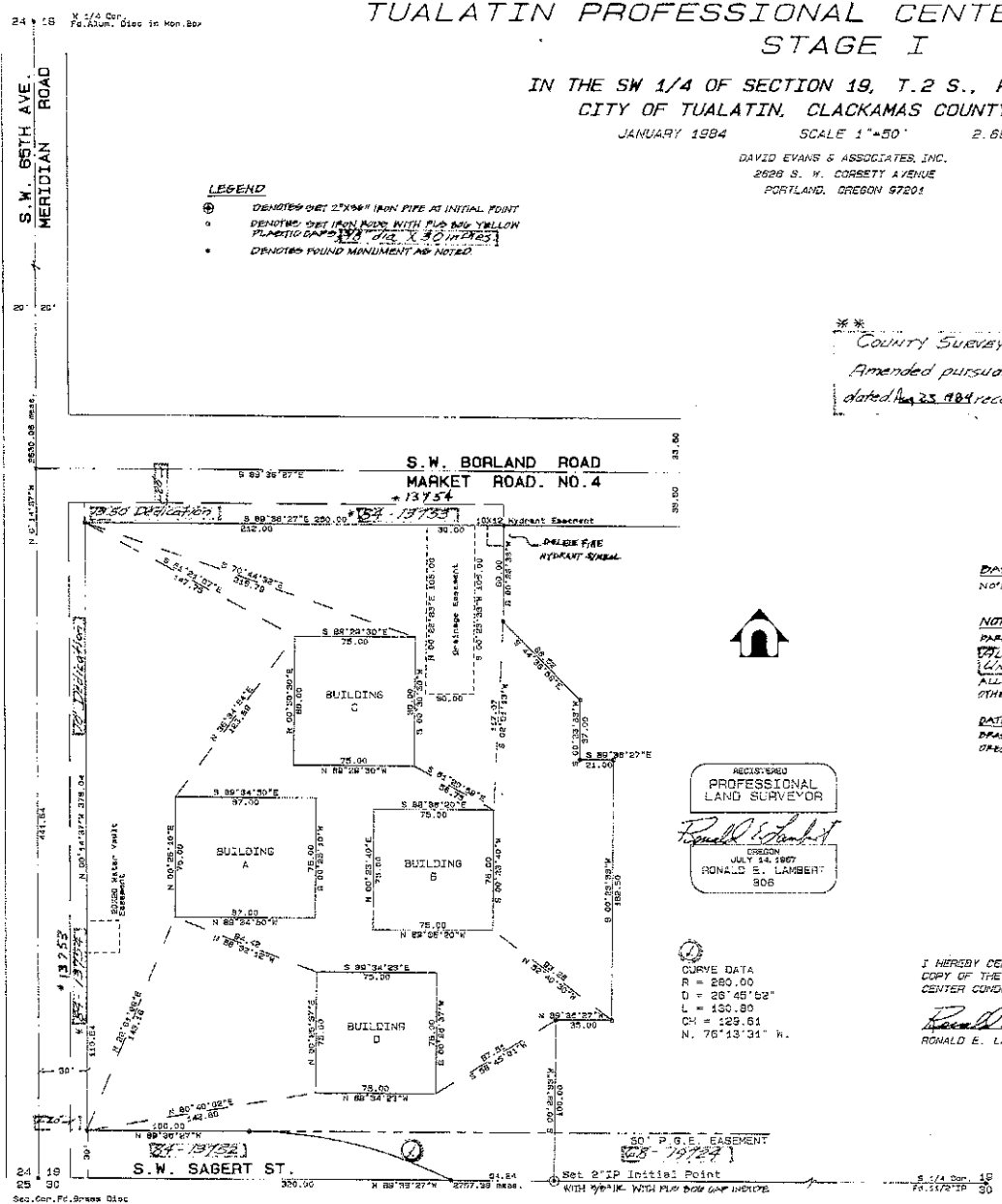
George E. Malin
COUNTY ASSESSOR
BY *Pat [Signature]* DEPUTY

BY *Cynthia [Signature]* DEPUTY

ATTEST *Juanita H. Cox* 3/29/84
COUNTY CLERK

BY _____ DEPUTY

Thomas A. Milne
COUNTY SURVEYOR
BY *Ronald E. Lambert* 12-23-84
DEPUTY DATE



BASIS OF BEARINGS
N 0° 15' 11" W OF THE WEST LINE OF SECTION 19

NOTES
PARKING IS NOT NUMBERED OR RESERVED.
ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED.
ALL DIMENSIONS ARE IN FEET EXCEPT WHERE SHOWN OTHERWISE.

BATUM BENCH MARK
EXPOSED CAP SECTION CORNER. ELEV. 218.97
OREGON STATE HIGHWAY DEPT. CITY OF TUALATIN

I HEREBY CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF "TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE I"
Ronald E. Lambert
RONALD E. LAMBERT - PLS 908

Sec. Cor. P.O. Box 1597
12-23-84

86/8

TUALATIN PROFESSIONAL CENTER CONDOMINIUM STAGE I

IN THE SW 1/4 OF SECTION 19, T.2 S., R.1 E., W. M.
CITY OF TUALATIN, CLACKAMAS COUNTY, OREGON

JANUARY 1984

2.694 ACRES

DECLARATION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT CONSOLIDATED ASSET GROUP, INC. A WASHINGTON CORPORATION, DOES HEREBY MAKE ESTABLISH AND DECLARE THE ANNEXED MAP OF "TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE I" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE MAP AND PLAT THEREOF AND DOES HEREBY COMMIT SAID LAND TO THE OPERATION OF THE OREGON CONDOMINIUM ACT IN ACCORDANCE WITH CHAPTER 94, OF THE OREGON REVISED STATUTES, AND DOES HEREBY DEDICATE THE WATER VAULT, DRAINAGE AND FIRE HYDRANT EASEMENTS SHOWN TO THE CITY OF TUALATIN, "CONSOLIDATED ASSET GROUP, INC."

DAVID EVANS & ASSOCIATES, INC.
2828 S. H. CORBETT AVENUE
PORTLAND, OREGON 97201

SEE SIDE 1 OF A
FOR COUNTY SURVEYOR
NOTE OF AMENDMENT

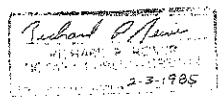
Michael T. Rejoy
MICHAEL T. REJOY - PRESIDENT

ACKNOWLEDGEMENTS

STATE OF OREGON S.S.
COUNTY OF CLACKAMAS

BE IT REMEMBERED THAT ON THIS 21 DAY OF February, 1984, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED MICHAEL T. REJOY, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY, THAT HE MICHAEL T. REJOY IS PRESIDENT OF "CONSOLIDATED ASSET GROUP, INC." A WASHINGTON CORPORATION, AND OWNER OF THE PROPERTY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND THAT THIS INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND THAT THE SIGNATURE AFFIXED TO SAID DECLARATION IS OF HIS OWN FREE ACT AND DEED.

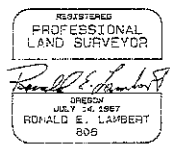
Richard P. Reiver
NOTARY PUBLIC IN AND FOR THE STATE OF OREGON
MY COMMISSION EXPIRES 2-3-1985



SURVEYOR'S CERTIFICATE:

I, RONALD E. LAMBERT, A REGISTERED PROFESSIONAL LAND SURVEYOR, FIRST BEING DULY SWORN DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ANNEXED MAP OF "TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE I" AND AT THE INITIAL POINT OF SAID SURVEY I SET A 2" BY 36" GALVANIZED IRON PIPE, 2" BELOW THE SURFACE OF THE GROUND, SAID POINT BEARS SOUTH 89°36'27" EAST 320.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 12, T.2 S., R.1 E., W.M. IN CLACKAMAS COUNTY, OREGON, SAID POINT BEING ON THE SOUTH LINE OF SECTION 19; THENCE FROM SAID INITIAL POINT I RAN NORTH 89°36'27" WEST ALONG THE SOUTH LINE OF SECTION 19, A DISTANCE OF 84.24 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 280.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 28°43'52", AN ARC DISTANCE OF 130.80 FEET, (THE CHORD BEARS NORTH 76°13'31" WEST 129.61 FEET, TO A POINT OF TANGENCY, THENCE NORTH 89°36'27" WEST A DISTANCE OF 100.00 FEET TO A POINT IN THE EAST LINE OF S.W. 65TH AVE. (MERIDIAN ROAD); THENCE NORTH 0°24'37" WEST PARALLEL WITH THE WEST LINE OF SECTION 19, A DISTANCE OF 878.04 FEET TO A POINT IN THE SOUTH LINE OF S.W. BORLAND ROAD, (MARKET ROAD NO. 4) THENCE SOUTH 89°36'27" EAST ALONG SAID SOUTH LINE 260.00 FEET TO A POINT; SOUTH 0°29'58" WEST, AT RIGHT ANGLES TO SAID SOUTH LINE A DISTANCE OF 80.00 FEET; THENCE SOUTH 44°36'59" EAST 89.82 FEET; THENCE SOUTH 0°23'33" WEST 37.00 FEET; THENCE SOUTH 89°36'27" EAST 23.00 FEET; THENCE SOUTH 0°23'33" WEST 162.50 FEET; THENCE NORTH 89°36'27" WEST 35.00 FEET; THENCE SOUTH 0°23'33" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 21 DAY OF February, 1984



I HEREBY CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF "TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE I"

Ronald E. Lambert
RONALD E. LAMBERT - PLS 806



86/8

TUALATIN PROFESSIONAL CENTER CONDOMINIUM STAGE I

IN THE SW 1/4 OF SECTION 19, T.2 S., R.1 E., W. M.
CITY OF TUALATIN, CLACKAMAS COUNTY, OREGON

JANUARY 1984 SCALE 1"=15' 2.684 ACRES

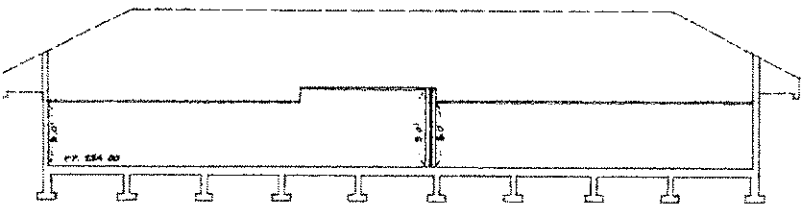
I HEREBY CERTIFY THAT THE TYPICAL PERIMETER FLOOR PLAN FULLY AND ACCURATELY DEPICTS THE BOUNDARIES OF THE UNITS AND FLOORS OF THE BUILDINGS OF "TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE I" IN THE CITY OF TUALATIN, CLACKAMAS COUNTY, OREGON. SAID BUILDINGS WERE COMPLETED ON OR BEFORE February 1, 1984.

DAVID EYMAN & ASSOCIATES, INC.
2020 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201

Ronald E. Lambert
RONALD E. LAMBERT - PLS 806

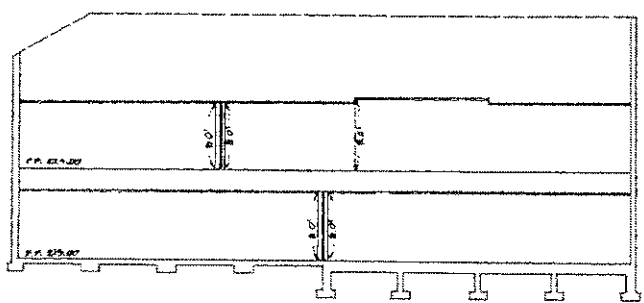
SEE SIDE 1 OF 4
FOR COUNTY SURVEYOR
NOTE OF AMENDMENT

SECTION A-A



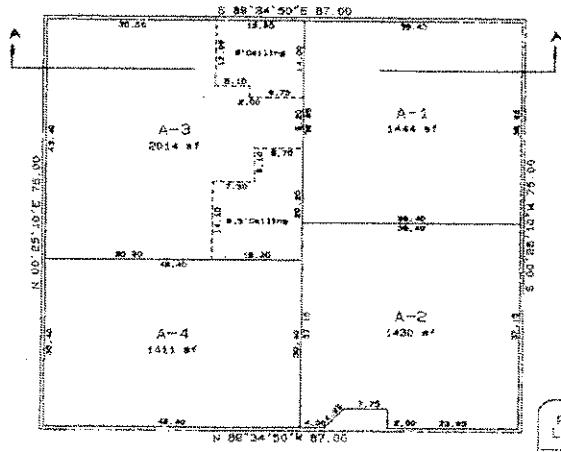
Notes
FF = Finished Floor
SF = Square Feet

SECTION D-D



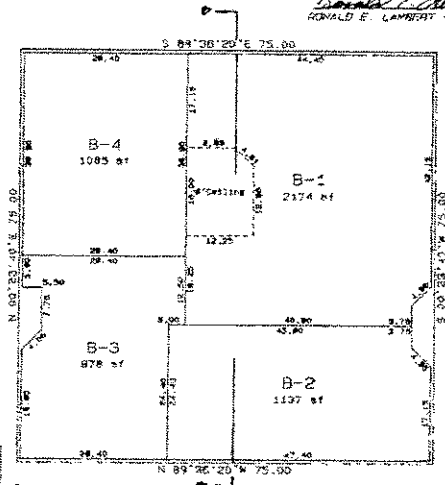
I HEREBY CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF "TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE I"

Ronald E. Lambert
RONALD E. LAMBERT - PLS 806

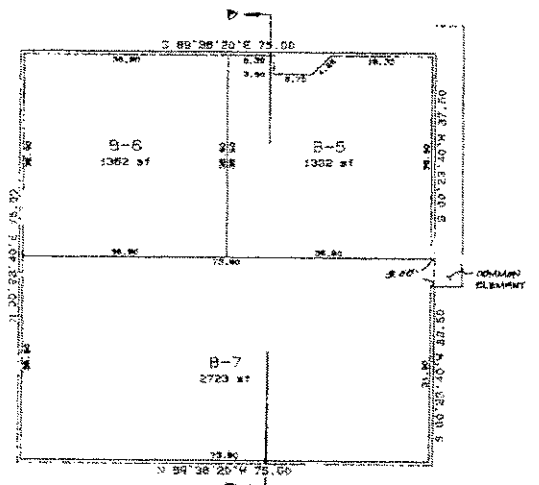


BUILDING A
F.F. 224.00 ALL UNITS

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Ronald E. Lambert
OREGON
JULY 14, 1982
RONALD E. LAMBERT
806



BUILDING B UPPER
F.F. 224.00 ALL UNITS



BUILDING B LOWER
F.F. 213.00 ALL UNITS

SIDE 3 OF 4

86/8

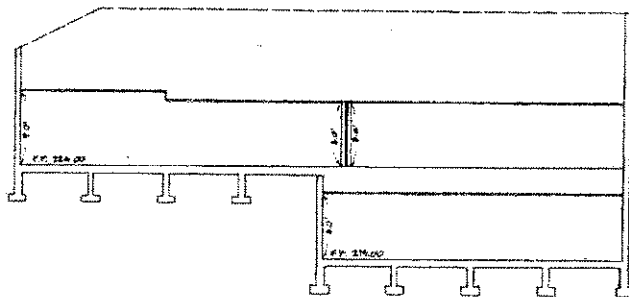
TUALATIN PROFESSIONAL CENTER CONDOMINIUM STAGE I

IN THE SW 1/4 OF SECTION 19, T.2 S., R.1 E., N. M.
CITY OF TUALATIN, CLACKAMAS COUNTY, OREGON

JANUARY 1984 SCALE 3/4"=15' 2,594 SQUARE FEET

DAVID EVANS & ASSOCIATES, INC.
2026 S. W. CORBETT AVENUE
PORTLAND, OREGON 97201

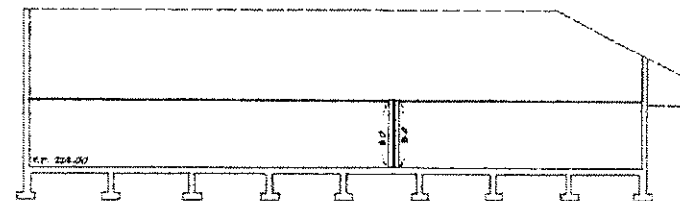
SECTION G-G



SEE SIDE 1 OF 4
FOR COUNTY SURVEYOR
NOTE OF AMENDMENT

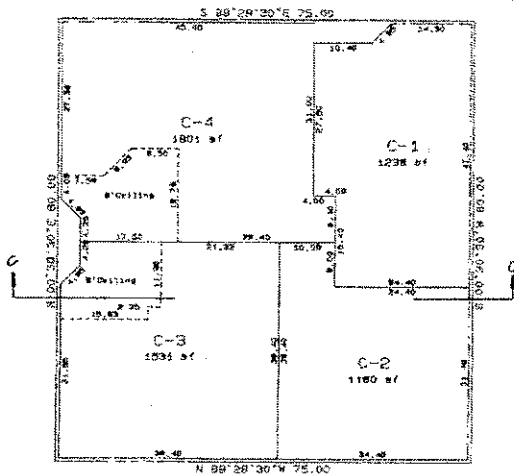
NOTE
F.F. = Finished Floor
S.F. = Square Feet

SECTION D-D



I HEREBY CERTIFY THAT THE TYPICAL PERIMETER FLOOR PLAN FULLY
AND ACCURATELY DEPICTS THE BOUNDARIES OF THE UNITS AND FLOORS OF THE
BUILDINGS OF TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE I
IN THE CITY OF TUALATIN, CLACKAMAS COUNTY, OREGON.
SAID BUILDINGS WERE COMPLETED ON OR BEFORE Feb. 1, 1984.

Ronald E. Lambert
RONALD E. LAMBERT - R.E.S. 806



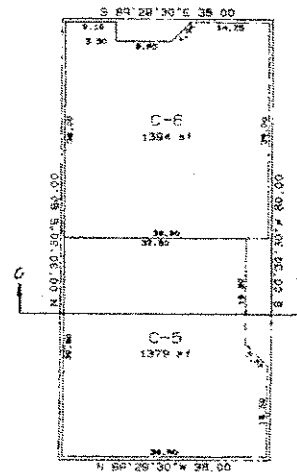
BUILDING C UPPER
F.F. 224.00 ALL UNITS



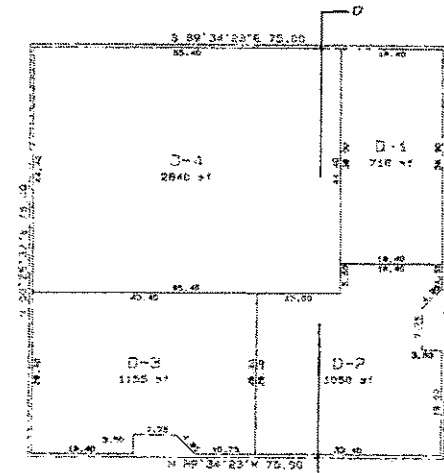
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Ronald E. Lambert
EXPIRES
JULY 14 1988
RONALD E. LAMBERT
810

I HEREBY CERTIFY THIS TRACING TO BE A TRUE AND EXACT
COPY OF THE ORIGINAL PLAT OF TUALATIN PROFESSIONAL
CENTER CONDOMINIUM - STAGE I

Ronald E. Lambert
RONALD E. LAMBERT - R.E.S. 806

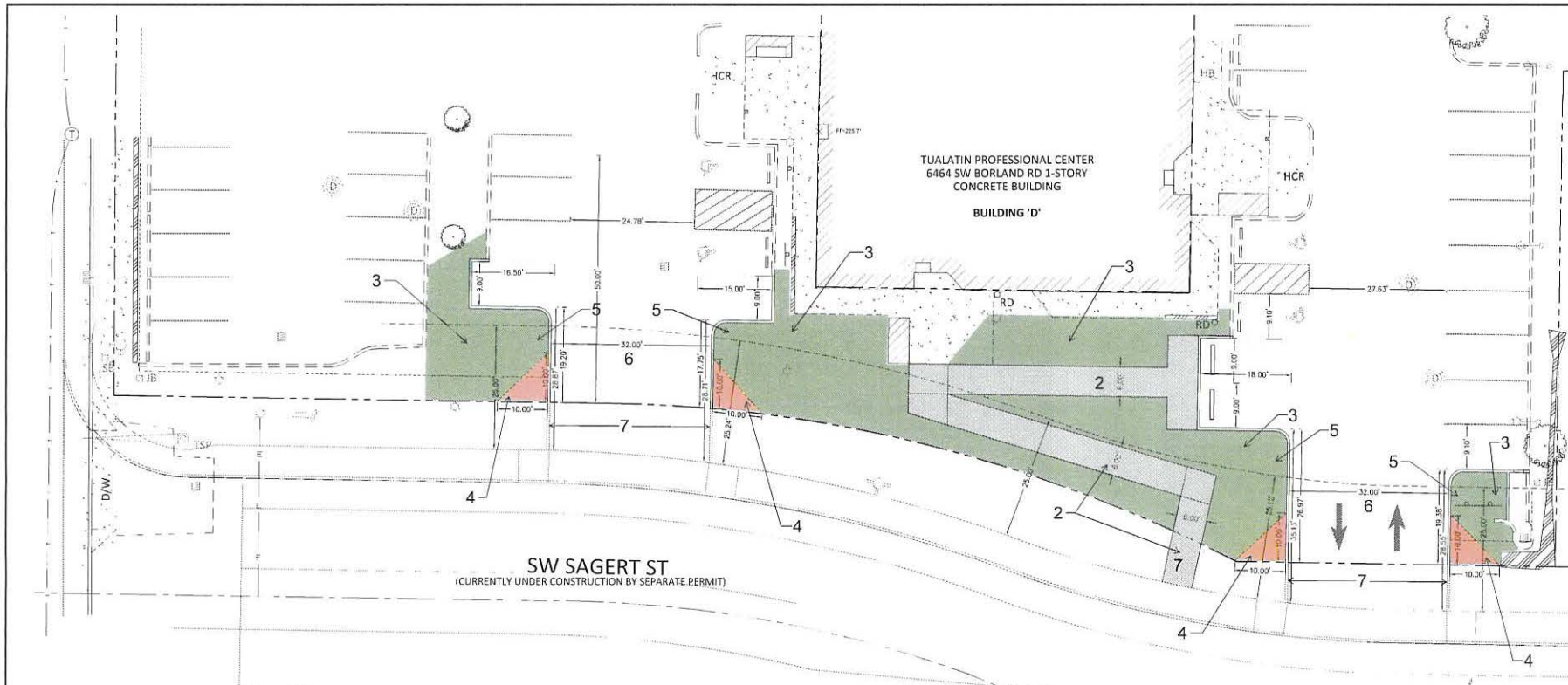


BUILDING C LOWER
F.F. 213.00 ALL UNITS



BUILDING D
F.F. 222.00 ALL UNITS

SIDE 4 OF 4



NUMBERED ITEMS CORRESPOND TO MAR 17-0041 CRITERIA - LETTER DATED OCT 12, 2017

2. SITE PLAN UPDATED TO SHOW ADA ROUTE 6-FT IN WIDTH - comply
3. LANDSCAPE PLAN TO BE UPDATED INCLUDE ENTIRE PROJECT AREA - comply
4. LANDSCAPE PLAN TO BE UPDATED IDENTIFYING CLEAR ZONE AT DRIVE ENTRANCES - comply
5. LANDSCAPE PLAN TO BE UPDATED TO INCLUDE LANDSCAPE NOT LESS THAN 5-FT IN WIDTH THROUGH THE ACCESS DRIVE - variance on access drive dimension not less than 25-ft from back of sidewalk
6. SITE PLAN UPDATED TO SHOW ACCESS DRIVE WIDTH IS 32-FT - variance on access drive dimension not less than 25-ft from back of sidewalk
7. WORK IN THE SAGERT RIGHT-OF-WAY TO BE APPLIED FOR AND CONSTRUCTED UNDER PUBLIC WORKS PERMIT.

REV'S NO.	DATE	DESCRIPTION	BY



kpff

111 SW 10th Ave., Suite 200
Portland, OR 97204
503.224.2424
www.kpff.com

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NO. 1700020E
 DESIGNED BY: AC
 DRAWN BY: AMB
 CHECKED BY: MJJ
 PLOT DATE: 10/26/18 4:38pm
 PLOTTED BY: PH08
 DWG NAME: 1700020v01.dwg
 JOB NAME: V1

6464 SW Borland Road
 SAGERT ROAD ENTRANCES
 ACCESS RE-SURFACING
 TUALATIN PROFESSIONAL PLAZA
 FOR VARIANCE APPLICATION AND MAR 17-0041 CONDITIONS

SHEET NO.
V1
 DATE: 10/26/18
 REVISIONS:

VARIANCE CERTIFICATION OF SIGN POSTING



24"

The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>.

As the applicant for the Tualatin Professional Center project, I hereby certify that on this day, 2/26/2018 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: James P Walker Secretary Treasurer Tualatin Professional Center
(PLEASE PRINT)

Applicant's Signature: [Handwritten Signature]

Date: 3/2/18

I. INTRODUCTION TO APPLICATION:

Tualatin Professional Center (TPC) is requesting a major variance pursuant to Tualatin Development Code (TDC) 33.010(A) to vary the standards imposed under TDC 73.360(6)(a) (Landscaping) and TDC 73.400(11) (Access) for its existing parking lot and access driveways onto SW Sagert Street.

TPC applied for a minor architectural review (MAR) in August 2017 to restore its two southern driveway accesses and parking lot that take access off of the newly constructed Sagert Road. The MAR 17-0041 application was approved on October 12, 2017. See Exhibit 5 (Decision). Two of the conditions related to the depth of the driveway accesses under TDC 73.400(11) and the landscaping along those two accesses (TDC 73.360(6)(a)) cannot be met without substantial hardship to TPC's parking lot and the loss of at least seventeen parking stalls that serve medical patients of TPC. TPC appealed the MAR 17-0041 to the Tualatin City Council on those two conditions. After hearing testimony from the applicant, owner and city staff, on the request of the applicant, the City Council voted to postpone the decision modifying the two MAR conditions so that the applicant could apply for a variance to those standards. See Attached Exhibit 8, 9, 10 (Cofield Motion to Suspend; Staff Report 1.8.18; City Council Minutes Approving Postponement 1.8.18).

The two variances are necessary due to special and unusual circumstances related to the TPC property which was developed in the early 1980's as a medical condominium consisting of four buildings. The literal interpretation of TDC 73.400(11), requiring a fifty-foot driveway aisle for each of the two existing southern driveways and twenty-five feet of landscaping along those two access depths would cause TPC unnecessary hardship as shown in the attached visual. Exhibit 1 and 2. The following narrative will address the variance approval criteria and supports the applicant's burden of proof.

II. APPLICABLE APPROVAL STANDARDS IN MAR 17-0041 THAT CANNOT BE MET WITHOUT THE TWO VARIANCES

As explained above, TPC's granted approval decision in MAR 17-0041 had two conditions that TPC cannot meet without the variances. TPC needs a variance to TDC Section 73.400(11) which regulates the depth of the driveway aisle; and a variance to the landscaping requirement of the two access driveways in TDC Section 73.360(6)(a). Part A below contains the first variance request and Part B has the second variance request. The relevant TDC Sections are included below, along with TPC's proposal instead of full compliance with the TDC, the variance criteria as it relates to the relevant TDC section and why compliance with the TDC causes a hardship.

Variance 1- Driveway Depth Standard

A. TDC Section 73.400(11):

Minimum Access Requirements for Commercial, Public and Semi-Public Uses.

In the Central Design District, when driveway access is on local streets, not collectors or arterials and the building(s) on the property is(are) less than 5,000 square feet in gross floor

area, or parking is the only use on the property, ingress and egress shall not be less than 24 feet. In all other cases, ingress and egress for commercial uses shall not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-99	1	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

Applicant: Based on the above TDC section, ingress and egress is required to extend at least 50 feet from the ROW onto the TPC property. As explained below, the physical circumstances of the site prevent TPC from full compliance with this section of the TDC.

At its pre-application conference meeting with the City of Tualatin on January 5, 2018, the city planning and engineering department indicated it would support a variance offset of 25 feet from the back of the sidewalk to meet # 1 above for the minimum driveway depth of 50 feet for the first 32 feet. The attached KPFF site plan shows this proposed layout. Exhibit 3. For contrast, the attached Exhibits 1 and 2, documents a full 50 foot ingress and egress from the ROW onto TPC property, as required by this section of the Code. Exhibit 2, depicts that, with full compliance with TDC 73.400(11), TPC would lose at least 17 parking spaces, including three of four handicapped parking spaces.

TPC has worked with an engineering firm, KPFF, to attempt to reconfigure its parking lot to comply with TDC 73.400(11). Through this effort, KPFF has created a proposal of modified parking spaces and reconfigured TPC’s parking lot as outlined below where this application addresses each of the Variance Criteria in detail.

TDC Section 33.020 – Conditions for Granting a Variance

- 1. A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.*

The staff report to the city council for MAR 17-0041 states the exceptional and extraordinary conditions that apply to the subject property as follows:

“The Tualatin Profession Center “TPC” is a medical office condominium association located at 6464 SW Borland Road, consisting of 2.16 acres on tax lot 21E30B 90000. The AR83-06 proposal was approved by ARB decision on March 16, 1983 which permitted four buildings associated landscaping and parking. The 1983 project was previously conditioned to dedicate land for SW Borland Road and SW 65th improvements, as well as land for the extension of SW Sagert Street. The project was also conditioned to provide half street improvements along SW Borland and SW Sagert Street. The Tualatin Professional Center also applied for a partition (LP83-01) in order to divide their five-acre property into two lots: TL 21E30B 90000 / 2.16 acres and TL 21E30B 00500 / 2.47 acres. The partition required half street improvements along SW 65th Avenue and SW Sagert Street. Rather than requiring construction, the City entered into Development Agreement 84-16657 that allowed TPC to provide what is known as a ‘fee-in-lieu.’ TPC paid \$15,613.95 to the city and in exchange, the City allowed the development to proceed without making the improvements to SW 65th Avenue and SW Sagert Street.”

Thus for many years, TPC’s property was unique in that the frontage road to serve the southern accesses was not developed with the planned Sagert Road. Also unique to TPC’s property was the fact that the property to the south and east was still being used for farming and not its zoned residential use. Thus this area of Tualatin was essentially undeveloped. In 2015, Lennar Homes Northwest (“Lennar”) applied to construct Sagert Farms, a 79 residential lot subdivision on parcels to the south and east of the subject property. SB 15-0002. With the Sagert Farms subdivision review, the full width improvements of SW Sagert Street were approved, including installation of a traffic signal at SW 65th Street, sidewalks, planter strips, and public utilities easements along both sides of SW Sagert Street. These improvements induced changes to TPC’s two southern accesses. TPC applied for restoration of its two southern accesses in MAR 17-0041 based on the Sagert Farms approved street improvement plans and learned the application of the driveway depth standard of 50 feet and associated landscaping would create a severe hardship on the loss of existing parking stalls. The parking spaces that would be lost are located close to the two entrances and Building D, allowing safe access for TPC’s clients, who are often in great pain when entering the building and require anesthesia. Additionally, of those 17 parking spaces which would be lost, 3 are currently dedicated handicapped parking spaces which serve some of TPC’s most vulnerable clients.

TPC’s hardship results from exceptional and extraordinary circumstances. As mentioned previously, the property was developed in the 1980’s through a partition of its eastern property and a condominium plan of four medical buildings. The condominium was approved in 1983 as ARB 83-06 and at that time, much of what is now developed in this area of Tualatin did not exist. The four condominium buildings have double frontage (onto SW Borland Road to the north and SW Sagert Road to the south). To the west is SW 65th Street so the site is surrounded on three sides by major city streets. Exhibit 4. Two of the four medical office buildings have lower levels that can only gain their access from Borland Road. Because of this grade difference of having two levels, there is a nearly ten foot boulder retaining wall separating the two Borland Road driveways, essentially dividing the west parking lot from the east parking lot. Exhibit 5. The design of SW Sagert Street was constrained by real logistical elements. Sagert Street was

required to align with the existing three legs of SW 65th Avenue and SW Sagert Road intersection, respect the existing Sagert right-of-way dedication by TPC from the early 1980's, and align with its eastern street connection at Sequoia Ridge. These constraints along with the topography of the site established the location and grade of Sagert Street. The full width of the required improvements of Sagert Street advanced their proximity to the TPC complex, specifically at Building D. Thus having two 50 foot driveways which would result in the removal of at least seventeen parking stalls is a hardship that is created by the exceptional or extraordinary conditions that do not apply generally to other properties in the vicinity and the conditions are a result of lot size, shape, topography and the physical circumstances applying to the TPC property over which the owner has no control. This variance criteria is satisfied.

- 2. The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.*

The hardship results from the location of the TPC property which is a corner lot surrounded on three sides by major roads, two of which provide access to the property. The hardship also results from the sloping nature of the property as well as the use of the buildings as medical offices serving those with intensive medical needs. When the property was improved in the 1980's, the developer had limited options to design the approved condominium development because of the slope present on the property as well as the built and planned streets that surround three sides of the property. Exhibit 6. The design that was ultimately approved in the 1980's involves four buildings that were planned to offer medical services. Building D, is the building that is most impacted by the 50 foot driveway depth because it is used for medical offices for patients with intensive medical needs and who are frequently in pain when entering the building. Due to the vulnerable, often frail, state of the patients, they need convenient parking close to Building D. If TPC is required to meet this section of the Code and extend its driveway to 50 foot throat lengths, it will be required to remove some of its most convenient parking spaces, as well as three handicapped spaces, in closest proximity to Building D. Exhibit 2. The hardship results from the slope on the property and approved use of the site, not from the actions for the applicant or owner.

- 3. The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.*

The variance is necessary to allow TPC to continue to use its property for a four building medical complex in substantially the same layout as has existed the last thirty years. As it currently exists, the two southern accesses provide safe, efficient access for TPC's patients into its facility. Exhibit 7, page 1. There are designated handicapped parking spots for TPC's most vulnerable patients and convenient access to parking lots both on the east and west sides of the building. Other property owners in the vicinity are permitted parking lots on their property which are designed in a manner to most effectively serve their patrons. The parcels to the immediate east and west of the subject parcel are zoned Commercial Office (CO), as is the

subject parcel, and are improved with office buildings currently used for medical offices or laboratory services. Both the parcels to the east and west have large parking lots to serve their patrons. Exhibit 4, Aerial Photo of 6464 SW Borland Road. Similarly, the parcel to the immediate north includes medical offices and the Legacy Meridian Park Medical Center. The property is zoned Medical Commercial (MC) and is improved with large parking lots for patients. Exhibit 4.

The Clemow and Associates evaluation found that the TPC property is in a suburban location in which the relative importance of motor vehicles is high and the other modes (bicycle and pedestrian traffic and availability of public transit) is low. See Exhibit 7, p. 1. The Clemow evaluation concludes that with the two driveway lengths of twenty-five feet from back of sidewalk, TPC will have a parking lot that is safe and efficient. With the variance request to TDC 73.400(11), TPC requests the same treatment as other property owners in the vicinity.

4. *The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.*

TPC's variance requests relief from TDC 73.400(11) (Access). TDC 11.610 includes Tualatin's Transportation Goals and Objectives. In Goal 1 (Access and Mobility), Goal 2 (Safety) and Goal 4 (Equity), the City emphasizes the importance of providing safe and efficient travel for users of all ages and abilities.

TPC hired Clemow & Associates, transportation engineers, to analyze its proposal at the heart of this variance request for driveway throat lengths of approximately 25 feet. Clemow & Associates determined the "driveways can operate in a safe and efficient manner." Exhibit 7, page 1, Clemow Site Access Evaluation. Further, the "25-foot driveway throat lengths are anticipated to be sufficient to accommodate existing development traffic." Exhibit 7, page 2.

TPC's variance request will not be detrimental to the applicable objectives of the Tualatin Community Plan. Instead, with the variance proposal, TPC will further the objectives of Tualatin's Community Plan by creating safe and efficient access to its property and, by continuing to offer four handicapped parking spots near the entrance to its building¹, allow access for users of all abilities.

5. *The variance is the minimum remedy necessary to alleviate the hardship.*

The variance is the minimum remedy necessary to alleviate the hardship. With the requested variance, TPC will still lose 1 parking space in its western parking lot and 4 parking spaces from

¹ Without the requested variance, TPC would be required to construct two 50' driveway accesses with 25' of landscaping on each side, thereby eliminating all but one handicapped parking space most convenient to the entrance of its building.

the eastern parking lot. Also, it will be required to reconfigure its parking lot to reduce the size of the remaining parking spaces.

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Variance 2- Landscaping of Driveway Access

B. Tualatin Development Code (TDC) Section 73.360(6)(a):

Except as in (b) below, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development, except for parking structures and under-ground parking which shall be determined through the Architectural Review process.

Applicant: As mentioned previously in Part A above, at the Pre-Application conference meeting between the City and TPC on January 5, 2018, city staff said it could recommend a variance offset of 25 feet from the back of the sidewalk for the two driveway accesses. The scope of this variance offset includes both the ingress and egress as well as the landscaping required by this section of the Code. Instead of 25 feet of landscaping along the driveways from the property line as required by this section of the Code, TPC is requesting minimal variance relief to landscape from the property line as follows: 5.8' on the west side of the west driveway and 7.25' variance on the east side of the west driveway and a 5.62 variance to landscaping on the east side of the east driveway as documented in Exhibit 8. The west side of the east driveway exceeds the 25-foot standard being 26.97' of landscaping from the property line. However the total landscaped area along the two driveways will visually comply with what the Code envisions, as TPC will landscape 25 feet from the back of the sidewalk along its ingress and egress which will exceed the 25-foot landscaping requirement as follows: the West Driveway will have 28' of landscaping on either side and on the East driveway there will be 35' on the west side and 28' on the east side. By using the planter ROW to extend the landscaping on either side of both driveways, the visual look of the landscaping on either side of the two driveways will exceed the code standard of 25' of landscaping. When measured from the property line, the applicant is asking for 5-7 feet of variance to the 25' standard on both sides of the West driveway and on one side of the East driveway; the east side of the East driveway exceeds the 25' landscaping standard without any variance.

TDC Section 33.020 – Conditions for Granting a Variance

- 1. A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity*

and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

The facts relevant to this criterion are included above where this variance application addresses the same criteria for the variance request to TDC 73.400(11). The relevant facts listed above are hereby incorporated by reference. The landscaping requirement here of having 25' of landscaping on either side of the 50' driveways as measured from the property line is tied to the access requirement in TDC 73.400(11) so the hardship for both TDC sections is similar. If the 50' requirement is modified by the variance, then the 25' landscaping requirement on either side of the two reduced driveway lengths should be proportionately reduced.

TPC's hardship results from exceptional and extraordinary circumstances. As mentioned previously, the property was developed in the 1980's through a partition of its eastern property and a condominium plan of four medical buildings. The condominium was approved in 1983 as ARB 83-06 and at that time, much of what is now developed in this area of Tualatin did not exist. The four condominium buildings have double frontage on SW Borland Road to the north and SW Sagert Road to the south. To the west is SW 65th Street so the site is surrounded on three sides by major city streets. As with the access driveways, the existing medical buildings preclude meeting the full landscaping code of twenty-five feet on either side of the access driveways. Two of the four medical buildings have lower levels that can only gain their access from Borland Road. Because of this grade difference of having two levels, there is a nearly ten foot boulder retaining wall separating the two Borland Road driveways, essentially dividing the west parking lot from the east parking lot. The design of SW Sagert Street was constrained by real logistical elements. Sagert Street was required to align with the existing three legs of SW 65th Avenue and SW Sagert Road intersection, respect the existing Sagert right-of-way dedication by TPC from the early 19803, and align with its eastern street connection at Sequoia Ridge. These constraints along with the topography of the site established the location and grade of Sagert Street. The full width improvements to Sagert Street advanced their proximity to the TPC complex, specifically Building D. Thus having two 50-foot driveways with 25-feet of landscaping on either side from the TPC property line would result in a loss of at least seventeen parking stalls and is a hardship that is created by exceptional or extraordinary conditions that do not apply generally to other properties in the vicinity and the conditions are a result of lot size, shape, topography and the physical circumstances applying to the TPC property over which the owner has no control

The topographical and site constraints with the existing medical buildings makes TPC's property unique. The condominium building development cannot be moved or reconfigured without severe hardship and significant expense to TPC. Therefore, if TPC were required to landscape 25 feet from the property line along the 50-foot access driveways, as required by TDC 73.360(6), it would cause severe hardship to TPC and its patients by losing valuable parking spaces adjacent to Building "D". As mentioned above, full compliance with the Code would require TPC to lose 17 parking spaces which are used by handicapped patients and others in pain, often requiring anesthesia as part of their treatment.

2. *The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.*

Because the landscaping requirement in this section of the Code is tied to ingress and egress, the resulting hardship is similar to that present in the variance request above. The hardship results from the sloping nature of the property as well as the use of the buildings as medical offices serving those with intensive medical needs. When the property was improved in the 1980's, the developer had limited options to design the approved condominium development because of the slope present on the property. The design that was ultimately approved in the 1980's involves four buildings. Building D is now used for medical offices for patients with intensive medical needs and who are frequently in pain when entering the building. Due to the vulnerable, often frail, state of the patients, they need convenient parking close to Building D.

If TPC is required to meet this section of the Code and extend its driveway to 50 foot throat lengths with the associated 25' of landscaping required in this section of the Code, it will be required to remove some of its most convenient parking spaces, as well as three handicapped spaces, in closest proximity to Building D. Exhibit 8. If this variance is approved, TPC will landscape the length of the approved driveways to the back of sidewalk which will effectively offer more than 25' of landscaping on the two access driveways, as mentioned elsewhere in this narrative. The City's underlying goal, as noted below where this narrative addresses criteria 4, will be satisfied. The modified landscaping will provide shade for the parking lot, reduce stormwater runoff and beautify the frontage of Sagert Street.

The hardship results from the slope on the property, its unique shape and location with two frontages and major streets on three sides as well as the approved use of the site, not from the actions for the applicant or owner. This criteria is satisfied.

3. *The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.*

Because this TDC section is tied closely to TPC's ingress and egress, the underlying purpose of the variance is the same: to allow TPC to continue to use its property for a parking lot to serve its clients in substantially the same layout as has the last thirty years. As it currently exists, the parking lot provides safe, efficient access for TPC's patients into its facility. The current landscaping serves to beautify the City and to create a welcoming, professional appearance for TPC's clients.

With the requested variance, TPC will continue to landscape its access driveways yet will continue to maintain the parking spaces necessary to serve its clients. It will continue to provide a welcoming, professional environment and also designated handicapped parking spots for TPC's most vulnerable patients and convenient access to parking lots both on the east and west sides of the building. Other property owners in the vicinity are permitted parking lots on their

property which are designed in a manner to most effectively serve their patrons and which are landscaped in a professional, welcoming manner. With the variance to TDC 73.360(6), TPC requests the same treatment as other property owners in the vicinity.

4. *The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.*

TPC's variance requests relief from TDC 73.360(6). TDC 73.320 includes Tualatin's Off-Street Parking Lot Landscaping Standards. In Goal 1 (General Provisions), the City emphasizes the importance of creating shaded areas in parking lots to reduce glare and heat buildup, reduce impervious surface area and stormwater runoff, provide visual relief within paved parking areas and enhance the visual environment.

As a condition of variance approval, TPC will provide an updated landscape plan which will provide low landscape plants along the reduced driveways and include trees, shrubs and other plants to shade the access driveways and parking lots, reduce stormwater runoff and provide visual relief.

Therefore, TPC's variance request will not be detrimental to the applicable objectives of the Tualatin Community Plan. Instead, with the variance proposal, TPC will further the objectives of Tualatin's Community Plan by shaded parking areas, reducing stormwater runoff, providing visual relief and enhancing the natural environment. This criteria is satisfied.

5. *The variance is the minimum remedy necessary to alleviate the hardship.*

The 5-7 foot requested variance to the landscaping standard for driveway accesses is the minimum remedy necessary to alleviate the hardship. As explained above, even though TPC is requested a variance of 5-7' to the landscaping standard of 25' from the property line, when measured from the back of sidewalk and using the planter ROW strip, the actual landscaping TPC will provide exceeds 25' on both driveways. Exhibit 8. Thus, TPC is requesting the minimum variance and mitigating any adverse result. Furthermore, TPC has reconfigured its existing parking stalls in order to request the minimum remedy necessary to the landscaping standard. This criterion is satisfied.

VAR18-0001

To lessen the bulk of the notice of application and to address privacy concerns, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.