

Exhibit D

From: Colin Cortes
To: Erin Engman
Cc: Tony Doran; Lynette Sanford
Subject: Re: Tualatin Notice of Hearing for AR18-0007 - Apartment complex at 6645 SW Nyberg St
Date: Tuesday, October 29, 2019 3:15:06 PM
Attachments: [Image001.png](#)

Erin:

Thanks for responding.

First, regarding the pending Public Utilities Facilities Type II decision, please do send me notice per Tualatin Development Code (TDC) 32.220(3)(a)(v) because I remain concerned about half-street improvements.

Second, regarding the Architectural Features Type III application, it is missing a required accessway / Outdoor Recreation Trail as explained below.

I urge the Architectural Review Board (ARB) to condition that the walkway system of the development have at least one "accessway" as Tualatin Development Code (TDC) 31.060 defines: "A non-vehicular, paved pathway designed for pedestrian and bicycle use and providing convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use, which includes, but is not limited to, schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk."

This is because of the design standards of TDC 73A.200(8)(a) & (b) and that none of the exceptions of (c) apply. The subject property adjoins to the east both "residential property" per (a)(i), i.e. Stonestrow Apartments at 6455 SW Nyberg Ln (Tax Lot 21E19C 00300), as well as one of "areas intended for public use" per (a)(iii), i.e. the north-south Tualatin River Greenway trail improved segment that leads to and from SW Nyberg Lane. The trail segment borders the subject property.

Additionally, 8(b)(vii) also applies: "Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated". TDC 31.060 defines "Outdoor Recreation Trail" as, "A pedestrian path that provides access to and through recreational elements and open spaces. These trails are generally located within the City's designated greenways. Typically they are ¼ mile or more in length and serve as part of the recreation experience, but can also function as routes for commuter or destination-oriented trips."

The ideal location for at least one 8-foot paved route serving as both accessway and Outdoor Recreation Access Route appears to be as an extension from either proposed walkway on the north or south side of Building C. (See Exhibit J, specifically either plan Sheet P400 or L-1.)

Please pass along my comments to the ARB. Thank you.

Sincerely,

Colin Cortes
4704 SW Beaverton Hillsdale Hwy, Apt. 5
Portland, OR 97221-2968
(503) 719-6503
(503) 560-7605 cell

On Mon, Oct 28, 2019 at 3:06 PM Erin Engman <eeengman@tualatin.gov> wrote:

Hi Colin-

Thank you for your comments. It may help to clarify that the public notice is for Architectural Review application and hearing. As the public facilities portion of the AR is a Type II process, the notice follows TDC 32.220(3).

A decision for the Public Facilities has not been rendered yet; however we'd be happy to provide a copy of the public facilities decision once it is ready for issuance.

I anticipate that Tony is planning on including standard conditions for the street improvements to the public facilities decision.

Erin Engman

503.691.3024

From: Colin Cortes <colin.m.cortes@gmail.com>
Sent: Sunday, October 27, 2019 7:45 PM
To: Erin Engman <eeengman@tualatin.gov>
Cc: Tony Doran <TDORAN@tualatin.gov>; Lynette Sanford <LSanford@tualatin.gov>
Subject: Re: Tualatin Notice of Hearing for AR18-0007 - Apartment complex at 6645 SW Nyberg St

Erin:

The notice for AR-18-0007 gave a deadline of this Tuesday at 5 p.m. for the Public Utilities Facilities application (Type II), but it's unclear what if any materials constitute that. Looking at the Commons on the Tualatin [project webpage](#), there's no draft staff decision through which to review analyses and findings and proposed conditions and comment on them. My chief concern is that the site plans and applicant's narrative (p. 65) suggest no half-street improvements to conform to the Transportation System Plan (TSP) through the Tualatin Development Code (TDC) 74 street design standards cross sections, i.e. not replacing narrow curb-tight sidewalk with planter strip and either a standard sidewalk or wide multi-use path. Please provide a copy of the decision, thank you.

Sincerely,

Colin Cortes

4704 SW Beaverton Hillsdale Hwy Apt 5

Portland, OR 97221-2968

(503) 980-2485 office (M-F 8:30-5:00)

On Mon, Oct 14, 2019 at 3:12 PM Erin Engman <eengman@tualatin.gov> wrote:

Thank you for your interest in the Tualatin apartment complex proposed at 6645 SW Nyberg Street. Please note that the Architectural Review Board hearing has been scheduled.



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT CASE FILE: AR 18-0007—Tualatin Apartments

NOTICE IS HEREBY GIVEN that a Type-III application for Architectural Features: architecture, landscaping, pedestrian and bicycle circulation, parking, and lighting (AR-18-0007) for a proposed 264-unit apartment complex located at 6645 SW Nyberg Lane Tualatin will be heard by the Architectural Review Board:

Wednesday, November 20, 2019 at 6:30 pm

Location: the Tualatin Police Training Room
8650 SW Tualatin Road Tualatin, OR 97062

NOTICE IS FURTHER GIVEN that a Type-II application for Public Utilities Facilities: public sanitary and storm sewers, water lines and fire hydrants, water quality, and streets and sidewalks (AR-18-0007) will be decided administratively by the Tualatin Engineering Division.

Individuals wishing to comment on the Architectural Features application and/or Public Utilities Facilities application, must do so in writing by 5pm on October 29, 2019 to:

City of Tualatin, Planning Division
Attn: Erin Engman
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092
eengman@tualatin.gov

Westlake Consultants on behalf of Nyberg Road Property, LLC proposes a 264-unit apartment complex on 10.99 acres.

This property is located at: 6645 SW Nyberg Lane, Tax Lots: 2S124A 2600 & 2601



- **Architectural Features (Type III) Criteria*:** Tualatin Development Code (TDC) Chapters 31, 34, 43, 73.
- **Public Utilities Facilities (Type II) Criteria*:** Tualatin Municipal Code (TMC) Titles 3, 4 and TDC Chapters 31, 70, 71, 72, 73, 74, 75.
**Applications submitted prior to Ordinance No. 1418-19.*
- **The application materials and applicable criteria** are available for inspection at no cost and copies will be provided at a reasonable cost.
- **A Staff report for the Architectural Features Decision** will be available at least seven days before the hearing for inspection at no cost and copies will be provided at a reasonable cost.

To view application materials, visit:

<https://www.tualatinoregon.gov/planning/ar18-0007-tualatin-apartments>

- **The public hearing for the Architectural Features application** will begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.
- **Individuals wishing to comment on the Architectural Features application** must do so in writing to the Planning Division prior to the hearing or in writing or orally at the hearing.
- **All citizens are invited to attend and be heard upon the Architectural Features application:** Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.
- **Notice of the Decision** will only be provided to those who submit written comments regarding that application or testify at the hearing.

For additional information contact:

Erin Engman

Associate Planner

City of Tualatin | Planning Division

503.691.3024 | www.tualatinoregon.gov