

## Land Use Application

Project Information		
Project Title: <a href="#">Tualatin Heights Apartments Plan Map Amendment</a>		
Brief Description: Request to amend the site 's plan designation from Residential Medium Low (RML) to Medium-High Density (RMH), increasing the density to 15 dwelling units per acre for a maximum of 336 units.		
Property Information		
Address: <a href="#">9301 SW Sagert Street, Tualatin, Oregon, 97062</a>		
Assessor's Map Number and Tax Lots: <a href="#">2S123DC00600</a>		
Applicant/Primary Contact		
Name: <a href="#">Frank Angelo</a>	Company Name: <a href="#">Angelo Planning Group</a>	
Address: <a href="#">921 SW Washington St, STE 468</a>		
City: <a href="#">Portland</a>	State: <a href="#">OR</a>	ZIP: <a href="#">97205</a>
Phone: <a href="#">(503) 227-3664</a>	Email: <a href="mailto:fangelo@angeloplanning.com">fangelo@angeloplanning.com</a>	
Property Owner		
Name: <a href="#">United Dominion Realty, L.P.</a>		
Address: <a href="#">c/o UDR, Inc., 1745 Shea Center Dr., Suite 200</a>		
City: <a href="#">Highlands Ranch</a>	State: <a href="#">CO</a>	ZIP: <a href="#">80129</a>
Phone: <a href="#">720-283-6120</a>	Email:	
Property Owner's Signature: <small>UNITED DOMINION REALTY, L.P., a Delaware limited partnership By: UDR, INC., a Maryland corporation, its General Partner</small>	Date: <a href="#">09/14/21</a>	
<i>(Note: Letter of authorization is required if not signed by owner)</i>		
<b>AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.</b>		
Applicant's Signature: 	Date: <a href="#">09/16/21</a>	

Land Use Application Type:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Annexation (ANN)                          | <input type="checkbox"/> Historic Landmark (HIST)            | <input type="checkbox"/> Minor Architectural Review (MAR) |
| <input type="checkbox"/> Architectural Review (AR)                 | <input type="checkbox"/> Industrial Master Plan (IMP)        | <input type="checkbox"/> Minor Variance (MVAR)            |
| <input type="checkbox"/> Architectural Review—Single Family (ARSF) | <input checked="" type="checkbox"/> Plan Map Amendment (PMA) | <input type="checkbox"/> Sign Variance (SVAR)             |
| <input type="checkbox"/> Architectural Review—ADU (ARADU)          | <input type="checkbox"/> Plan Text Amendment (PTA)           | <input type="checkbox"/> Variance (VAR)                   |
| <input type="checkbox"/> Conditional Use (CUP)                     | <input type="checkbox"/> Tree Removal/Review (TCP)           |   |

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

**CERTIFICATION OF SIGN POSTING**



The applicant must provide and post a sign pursuant to Tualatin Development Code ([TDC 32.150](#)). The block around the word "NOTICE" must remain **blue** composed of the **RGB color values Red 0, Green 112, and Blue 192**. A template of this sign design is available at:

<https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>

**NOTE:** For larger projects, the Community Development Department may require the posting of additional signs in conspicuous locations.

---

As the applicant for the Tualatin Heights Plan Map Amendment project, I hereby certify that on this day, 2 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Emma Porricolo *(Please Print)*

Applicant's Signature: 

Date: 09/30/21



---

MEMORANDUM

## Tualatin Heights Plan Map Amendment School Findings

DATE June 23, 2021  
TO Traci Rose, Community Relations Division, Tigard-Tualatin School District  
FROM Frank Angelo and Emma Porricolo, APG  
CC Andrew Lavaux, UDR Inc.  
Jon McGrew, Hennebery Edy Architects

---

### Project Description

Tualatin Heights is a multifamily apartment development located at 9301 SW Sagert Street, Tualatin, Oregon, 97062. The existing development includes 220 multifamily dwellings on 22.4 acres. The property is currently zoned Residential Medium Low (RML), with a maximum density of 10 dwelling units per acre. The property owner, UDR Inc., would like to apply for a Plan Map Amendment to allow for Residential Medium-High Density (RMH) on the site, increasing the density to 15 dwelling units per acre for a maximum of 336 units. The attached site plan diagrams describe the proposed concept for developing two new multifamily buildings and relocating existing outdoor amenity space to accommodate their construction.

### Plan Map Amendment – School Criteria

The City of Tualatin’s review criteria for a Plan Map Amendment includes providing findings for the following (Tualatin Code Section 33.070. 5.E):

*(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.*

The applicant has prepared the attached draft findings related to school capacity with the proposed Plan Map Amendment. These findings demonstrate no real impact on school capacity at the three schools students from the Tualatin Heights complex attend.

We would request that the Tigard-Tualatin School District staff review the attached findings and provide a response on the conclusions reached. The school findings and the District’s response will be included in the Plan Map Amendment application submitted to the City of Tualatin for review and approval.

If you have any questions, please contact Frank Angelo at [fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com) or at 503-577-5087. Thank you for your assistance in this matter.

**Response:** Tualatin Heights is a multifamily apartment development located at 9301 SW Sagert Street, Tualatin, Oregon, 97062. The existing development includes 220 multifamily dwellings on 22.4 acres. The property is currently zoned Residential Medium Low (RML), with a maximum density of 10 dwelling units per acre. The property owner, UDR Inc., will be submitting an application for a Plan Map Amendment to allow for Residential Medium-High Density (RMH) on the site, increasing the density to 15 dwelling units per acre for a maximum of 336 units. If approved, and additional 116 multifamily units could be developed on the site.

The City of Tualatin's review criteria for a Plan Map Amendment includes providing findings for the following (Tualatin Code Section 33.070. 5.E):

*(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.*

Given the request involves residential uses the application needs to address this review factor.

#### Student Forecast

Tualatin Heights is served by the following Tigard-Tualatin School District schools:

- Tualatin Elementary School
- Hazelbrook Middle School
- Tualatin High School

In order to forecast any potential impact on school capacity, we have assumed the following formula for the number of students generated by the 116 additional market rate units at Tualatin Heights:

- ES: 0.11 students / unit
- MS: 0.05 students / unit
- HS: 0.06 students / unit

This formula is the student generation formula used by the Beaverton School District when forecasting new students from a proposed development. The applicant searched the Tigard-Tualatin School District website for a similar formula but was unable to find one. Therefore, the applicant has used the best information available for this assessment.

Based on the above formula, the Plan Map Amendment from Residential Medium Low (RML) to Residential Medium-High Density (RMH) will generate the following number of new students at the three levels:

- Elementary School:  $116 \text{ units} \times 0.11/\text{unit} = 13 \text{ ES students}$
- Middle School:  $116 \times 0.05/\text{unit} = 6 \text{ MS students}$

- High School:  $116 \times 0.06/\text{unit} = 7$  HS students

### School Capacity

A review of the Tigard-Tualatin School District Enrollment Forecasts (2019/20 to 2028/29) prepared by the Portland State University Population Research Center for the District in January 2019 indicates that there is sufficient capacity at the three schools is question to accommodate the increase in student enrollment generated by the Tualatin Heights Plan Map Amendment. Attachment 1 shows the Forecasts for Individual Schools (in the TTSD), 2019-20 to 2028-29. This table notes that enrollment at both Tualatin Elementary School and Hazelbrook Middle School is forecasted to decrease over the 10-year period. The table also shows that Tualatin High School is expected to grow by a modest amount over the same period.

### Tualatin Elementary School

Tualatin Heights Plan Map Amendment will generate 13 additional elementary school children at Tualatin Elementary School. Attachment 2 shows the enrollment forecast at Tualatin Elementary School compared to the student capacity of the school. As can be seen, between 2018/19 and 2028/29 student enrollment at Tualatin ES is expected to decline from 488 students to 467 students. The capacity of the Tualatin ES is shown as 624 students. Therefore, the addition of 13 new elementary school students resulting from the Tualatin Heights Plan Map Amendment will have no impact on the school capacity and the addition these 13 students would still leave Tualatin ES enrollment less than in 2018/19 (480 students).

### Hazelbrook Middle School

Tualatin Heights Plan Map Amendment will generate 6 additional middle school children at Hazelbrook Middle School. Attachment 3 shows the enrollment forecast at Hazelbrook Middle School compared to the student capacity of the school. As can be seen, between 2018/19 and 2028/29 student enrollment at Hazelbrook MS is expected to decline from 995 students to 955 students. The capacity of the Hazelbrook MS is shown as 1,000 students. Therefore, the addition of 6 new middle school students resulting from the Tualatin Heights Plan Map Amendment will have no impact on the school capacity and the addition these 6 students would still leave Hazelbrook MS enrollment less than in 2018/19 (961 students).

### Tualatin High School

Tualatin Heights Plan Map Amendment will generate 7 additional high school children at Tualatin High School. Attachment 4 shows the enrollment forecast at Tualatin High School. The school's student capacity is not shown on this table but can be determined from the description of the Tualatin HS School Bond project that was completed in 2019:

*Tualatin High's main building was built for 1,700 students. Nearly 2,000 students are currently enrolled. It is undersized both for the number of students it serves now and in comparison to 2,000-student high schools being built today. More classrooms, restrooms, an expanded Commons (lunchroom), locker rooms and P.E. spaces are needed for existing and projected enrollments.*

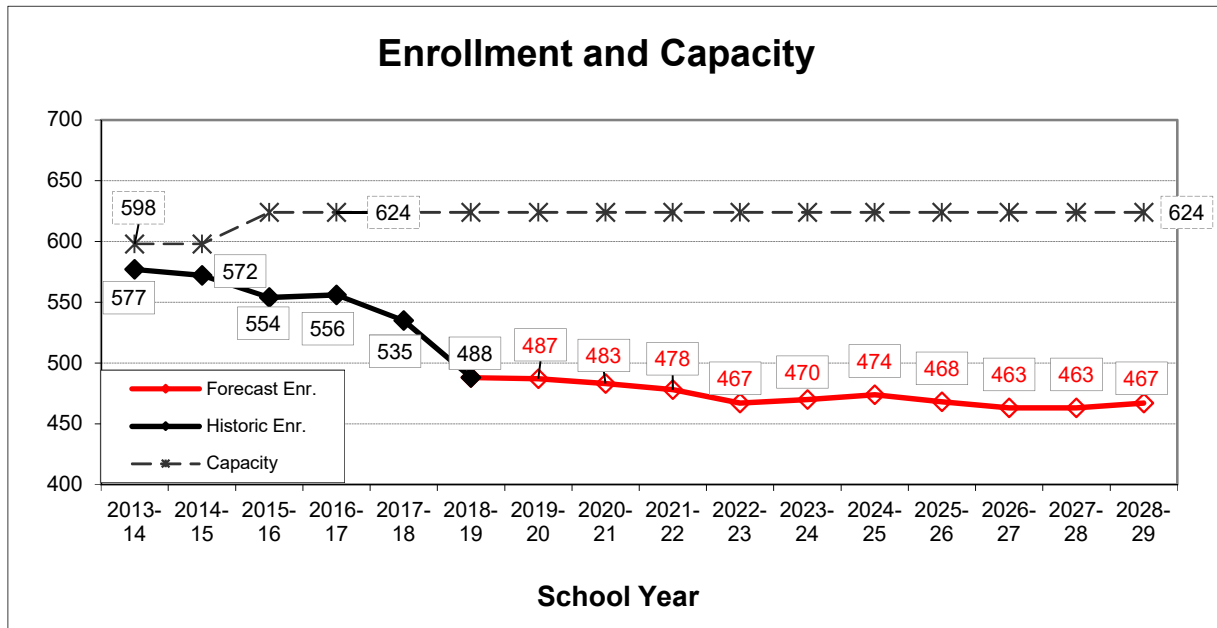
The School Bond passed by Tualatin SD voters in 2016 provided additional classrooms at Tualatin HS to bring the school's capacity to 2,000 students. As can be seen on Attachment 4, between 2018/19 and 2028/29 student enrollment at Tualatin HS is expected to increase from 1,947 students to 2,017 students. The capacity of the Tualatin HS is considered to be 2,000 students. Therefore, the addition of 6 new high school students resulting from the Tualatin Heights Plan Map Amendment will have no impact on the school capacity.

**Table 13**  
**Enrollment Forecasts for Individual Schools, 2019-20 to 2028-29**

School	Actual	Forecast										Change
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2018-19-2028-29
Alberta Rider	558	559	591	601	623	642	657	677	693	703	711	153
Bridgeport	549	563	560	571	562	553	547	546	541	540	542	-7
Byrom	557	553	546	545	543	545	541	538	538	539	543	-14
C.F. Tigard*	478	493	495	493	502	501	495	488	488	489	496	18
Deer Creek	605	590	600	628	619	616	632	630	630	635	647	42
Durham	560	542	570	601	602	593	589	589	588	587	591	31
Mary Woodward	569	599	622	635	662	660	670	669	666	661	665	96
Metzger*	618	604	588	583	577	580	582	587	591	598	607	-11
Templeton	556	550	558	557	546	542	556	554	550	549	557	1
Tualatin	488	487	483	478	467	470	474	468	463	463	467	-21
<b>Elementary Totals</b>	<b>5,538</b>	<b>5,540</b>	<b>5,613</b>	<b>5,692</b>	<b>5,703</b>	<b>5,702</b>	<b>5,743</b>	<b>5,746</b>	<b>5,748</b>	<b>5,764</b>	<b>5,826</b>	<b>288</b>
Fowler M.S.	835	871	886	883	871	876	872	914	923	933	920	85
Hazelbrook M.S.	995	980	980	976	991	968	981	968	973	968	955	-40
Twality M.S.	1,034	1,093	1,066	1,052	1,021	1,076	1,090	1,101	1,109	1,145	1,142	108
<b>Middle School Totals</b>	<b>2,864</b>	<b>2,944</b>	<b>2,932</b>	<b>2,911</b>	<b>2,883</b>	<b>2,920</b>	<b>2,943</b>	<b>2,983</b>	<b>3,005</b>	<b>3,046</b>	<b>3,017</b>	<b>153</b>
Tigard H.S.	1,832	1,781	1,763	1,806	1,860	1,884	1,915	1,879	1,884	1,908	1,941	109
Tualatin H.S.	1,947	1,966	2,026	2,031	2,071	2,075	2,022	2,051	2,040	2,038	2,071	124
Durham Center	52	52	52	52	52	52	52	52	52	52	52	0
Tig.-Tual. Online	93	93	93	93	93	93	93	93	93	93	93	0
<b>High School Totals</b>	<b>3,924</b>	<b>3,892</b>	<b>3,934</b>	<b>3,982</b>	<b>4,076</b>	<b>4,104</b>	<b>4,082</b>	<b>4,075</b>	<b>4,069</b>	<b>4,091</b>	<b>4,157</b>	<b>233</b>
<b>District Totals</b>	<b>12,326</b>	<b>12,376</b>	<b>12,479</b>	<b>12,585</b>	<b>12,662</b>	<b>12,726</b>	<b>12,768</b>	<b>12,804</b>	<b>12,822</b>	<b>12,901</b>	<b>13,000</b>	<b>674</b>

\*Note: Forecasts include the impact of a boundary change. New students residing in a portion of the former Metzger area were assigned to C.F. Tigard beginning in 2016-17. Population Research Center, Portland State University, December 2018.

**Tualatin Elementary School**



Note: Capacity prior to 2015-16 at all elementary schools includes some half day kindergarten classes. Beginning in 2015-16 all kindergarten classes are full day, thereby reducing capacity in some cases.

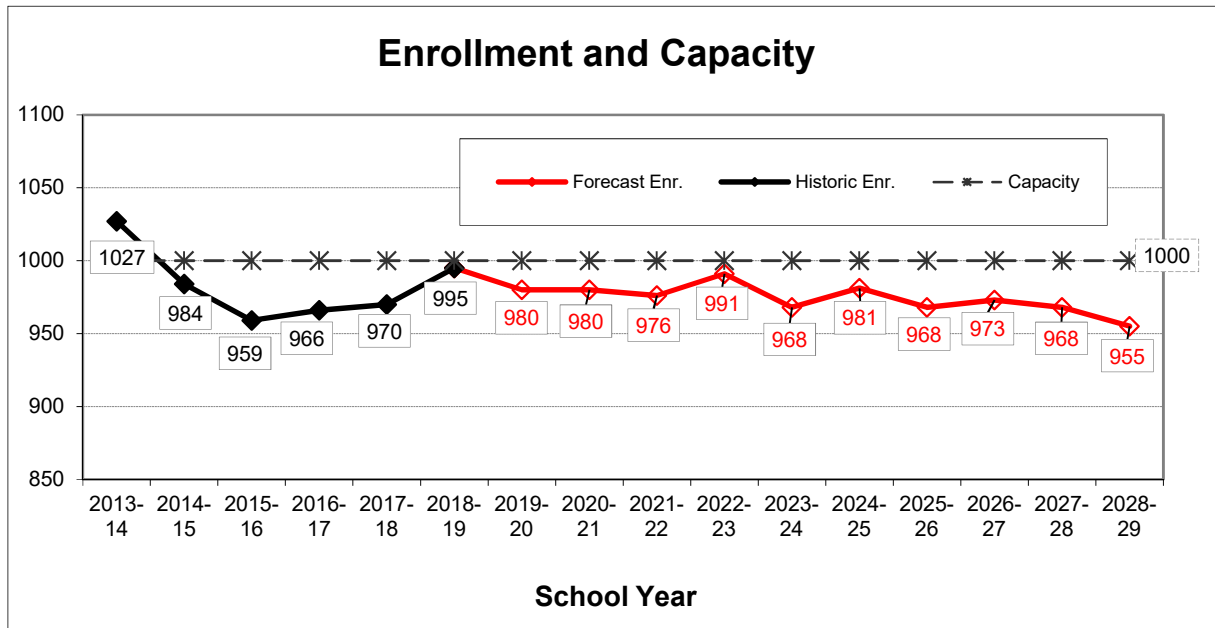
Enrollment History and Forecast				
	History		Forecast	
	2013-14	2018-19	2023-24	2028-29
Total enrollment	577	488	470	467
5 year Change		-89	-18	-3

New Housing Units Authorized by Building Permits					
	Permit Year				
	2014	2015	2016	2017	2018 (Jan-Sep)
Single Family Units	7	6	39	20	1
Multiple Family Units	0	14	0	0	0

Source: Permit reports from Construction Monitor, Inc., processed and geocoded by PSU-PRC.



## Hazelbrook Middle School

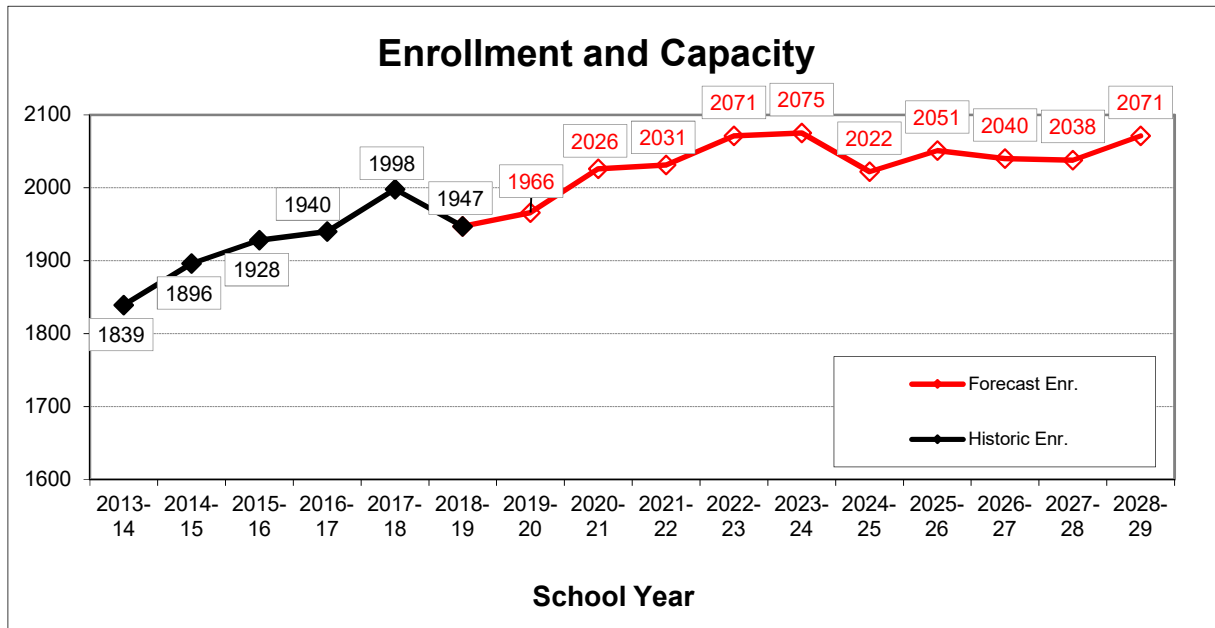


Enrollment History and Forecast				
	History		Forecast	
	2013-14	2018-19	2023-24	2028-29
Total enrollment	1027	995	968	955
5 year Change		-32	-27	-13

New Housing Units Authorized by Building Permits					
	Permit Year				
	2014	2015	2016	2017	2018 (Jan-Sep)
Single Family Units	15	18	45	23	66
Multiple Family Units	0	14	0	0	0

Source: Permit reports from Construction Monitor, Inc., processed and geocoded by PSU-PRC.

**Tualatin High School**



**DRAFT PENDING UPDATE OF FUTURE CAPACITY**

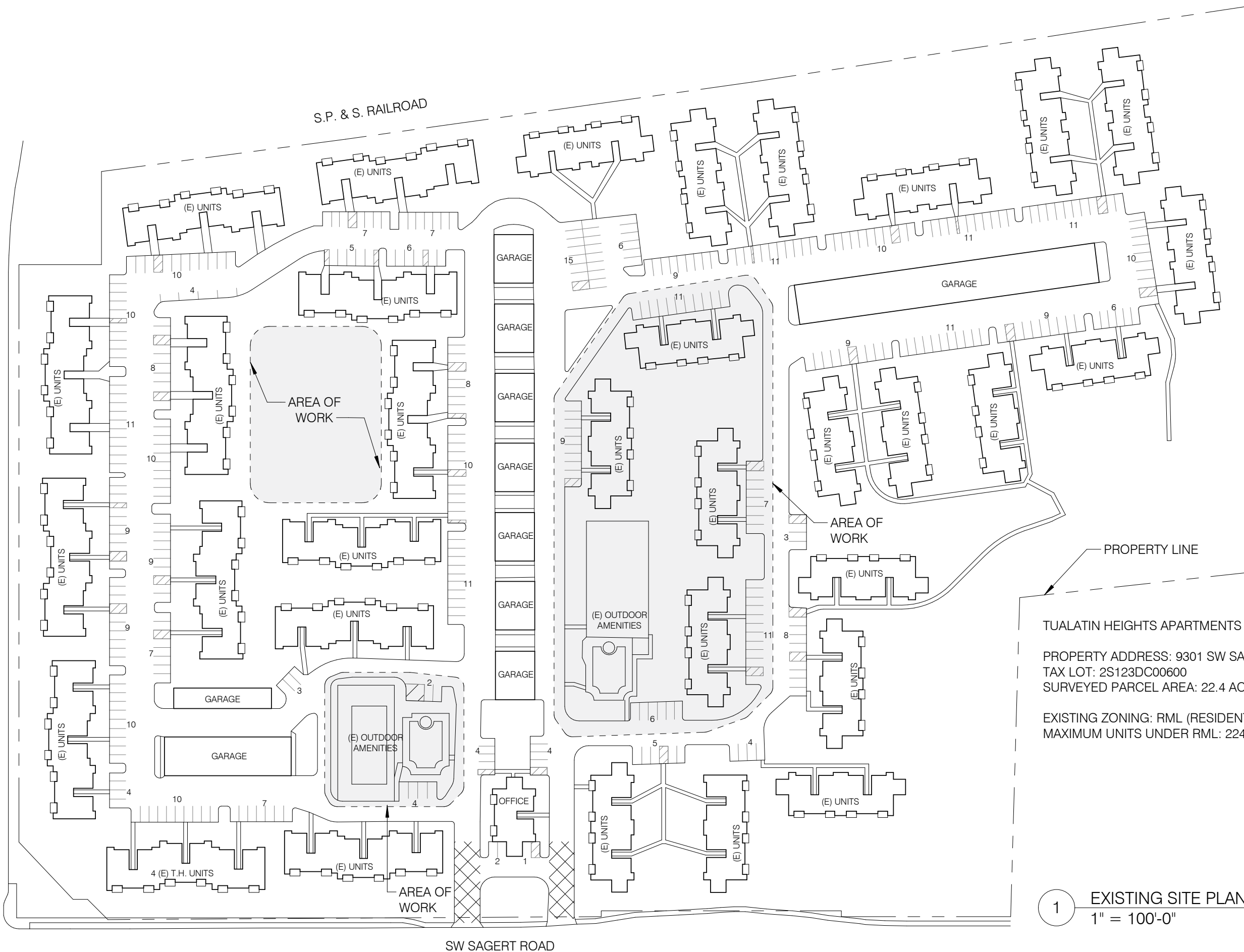
Enrollment History and Forecast				
	History		Forecast	
	2013-14	2018-19	2023-24	2028-29
Total enrollment	1839	1947	2075	2071
5 year Change		108	128	-4

New Housing Units Authorized by Building Permits					
	Permit Year				
	2014	2015	2016	2017	2018 (Jan-Sep)
Single Family Units	42	97	228	82	96
Multiple Family Units	0	206	0	20	0

Source: Permit reports from Construction Monitor, Inc., processed and geocoded by PSU-PRC.

SW 95TH AVE

S.P. & S. RAILROAD



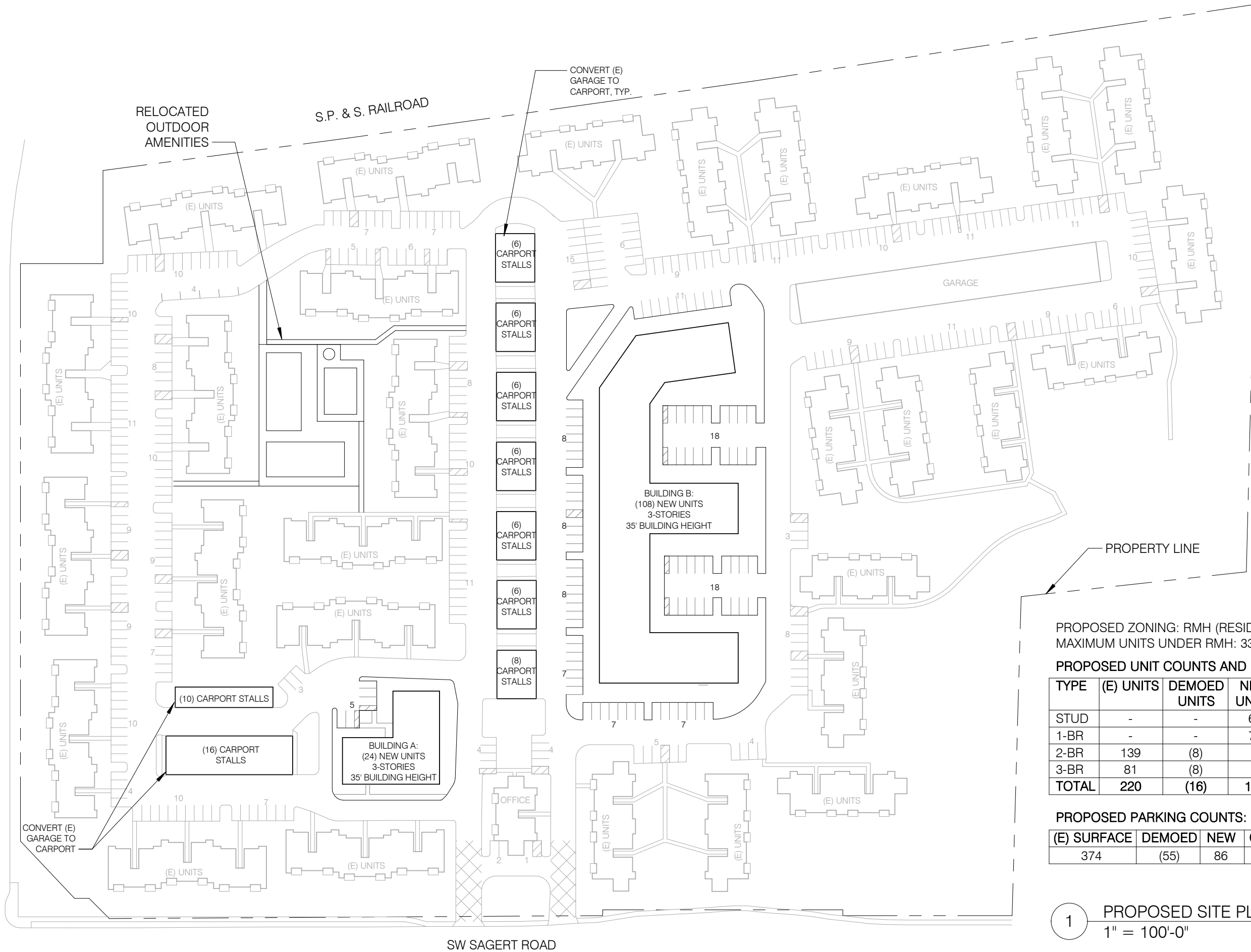
TUALATIN HEIGHTS APARTMENTS  
 PROPERTY ADDRESS: 9301 SW SAGERT ST, TUALATIN, OR 97062  
 TAX LOT: 2S123DC00600  
 SURVEYED PARCEL AREA: 22.4 ACRES  
 EXISTING ZONING: RML (RESIDENTIAL MEDIUM LOW)  
 MAXIMUM UNITS UNDER RML: 224

1 EXISTING SITE PLAN  
 1" = 100'-0"



SW SAGERT ROAD

SW 95TH AVE



PROPOSED ZONING: RMH (RESIDENTIAL MEDIUM HIGH)  
 MAXIMUM UNITS UNDER RMH: 336

PROPOSED UNIT COUNTS AND REQUIRED PARKING:

TYPE	(E) UNITS	DEMOED UNITS	NEW UNITS	TOTAL UNITS	REQ. PARKING	REQ. GARAGE
STUD	-	-	60	60	60	0
1-BR	-	-	72	72	90	0
2-BR	139	(8)	-	131	196.5	0
3-BR	81	(8)	-	73	127.75	0
<b>TOTAL</b>	<b>220</b>	<b>(16)</b>	<b>132</b>	<b>336</b>	<b>475</b>	<b>0</b>

PROPOSED PARKING COUNTS:

(E) SURFACE	DEMOED	NEW	CONVERTED CARPORTS	TOTAL
374	(55)	86	70	475

1 PROPOSED SITE PLAN  
 1" = 100'-0"



SW SAGERT ROAD

Tualatin Heights

FORMERLY AMERICAN LAND TITLE ASSOCIATION  
OWNER'S POLICY FORM B-1970  
(Rev. 10-17-70 and 10-17-84)

**DUPLICATE**

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

- 1 Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
- 2 Any defect in or lien or encumbrance on such title;
- 3 Lack of a right of access to and from the land; or
- 4 Unmarketability of such title

*In Witness Whereof*, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the date of policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

CHICAGO TITLE INSURANCE COMPANY

By:

*Richard L. Pella*  
President

By:

*Thomas J. Adams*  
Secretary



**IMPORTANT**

This policy necessarily relates solely to the title as of the date of the policy. In order that a purchaser of the real estate described herein may be insured against defects, liens or encumbrances, this policy should be reissued in the name of such purchaser.

SCHEDULE A

ALTA

-----  
Order Number : 96-0045-28  
Re : TUALATIN HEIGHTS  
-----  
Date of Policy : MARCH 28, 1996 at 8:00 A.M.  
-----  
Amount of Insurance : \$11,138,000.00  
-----

1. Name of insured:

AMERICAN APARTMENT COMMUNITIES II, L.P. A DELAWARE LIMITED PARTNERSHIP

2. The estate or interest in the land which is covered by this policy is

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

THE NAMED INSURED

4. The land referred to in this policy is described as follows:

A TRACT OF LAND IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN, IN WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO CLIFFORD G. KING, ET UX, BY DEED RECORDED AUGUST 13, 1964, IN BOOK 519, PAGE 362, WASHINGTON COUNTY DEED RECORDS, SAID POINT BEING 1624.78 FEET (1,624.5 FEET BY DEED) SOUTH 89°29'45" WEST ALONG THE SOUTH LINE OF SAID SECTION 23 FROM THE SOUTHEAST CORNER THEREOF; THENCE NORTH 01°11'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTH LINE OF S.W. SAGERT ROAD AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 01°11'00" EAST, A DISTANCE OF 326.84 FEET TO AN IRON ROD AT THE SOUTHWEST CORNER OF THAT TRACT CONVEYED TO THE ROBERT RANDALL COMPANY BY DEED RECORDED AS RECORDER'S FEE NO. 81006269, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE SOUTHERLY LINE OF SAID ROBERT RANDALL COMPANY TRACT NORTH 82°44'44" EAST, A DISTANCE OF 231.06 FEET TO AN IRON ROD; THENCE NORTH 01°09'42" EAST, A DISTANCE OF 584.40 FEET TO AN IRON ROD SET ON THE SOUTH RIGHT OF WAY LINE OF THE S.P. & S. RAILROAD (BURLINGTON NORTHERN); THENCE SOUTH 81°30'52" WEST, A DISTANCE OF 1,194.87 FEET ALONG THE SOUTH LINE TO AN IRON ROD; THENCE SOUTH 00°07'32" WEST, A DISTANCE OF 100.00 FEET TO AN IRON ROD; THENCE NORTH 89°52'28" WEST, A DISTANCE OF 85.01 FEET TO AN IRON ROD; THENCE SOUTH 00°14'57" EAST, A DISTANCE OF 595.31 FEET TO AN IRON ROD; THENCE SOUTH 44°17'29" EAST, A DISTANCE OF 78.34 FEET; THENCE NORTH 89°29'45", A DISTANCE OF 15.66 FEET; THENCE SOUTH 44°17'29" EAST, A DISTANCE OF 29.37 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SW SAGERT ROAD; THENCE NORTH 89°29'45" EAST, A DISTANCE OF 505.98 FEET; THENCE NORTH 00°30'15" WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 89°29'45" EAST, A DISTANCE OF 246.00 FEET; THENCE SOUTH 00°30'15" EAST, A DISTANCE OF 6.00 FEET TO A POINT ON THE NORTH LINE OF SW SAGERT ROAD; THENCE NORTH 89°29'45" EAST, A DISTANCE OF 173.80 FEET TO THE PLACE OF BEGINNING.

**SCHEDULE B**

---

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**SPECIAL EXCEPTIONS:**

1. TAXES FOR THE FISCAL YEAR 1995-1996, HAVE BEEN PAID IN FULL  
AMOUNT : \$167,515.07  
LEVY CODE : 023-76  
ACCOUNT NO. : R1185835  
MAP NO. : 2S123DC  
TAX LOT NO. : 00600
  
2. THE PREMISES HEREIN DESCRIBED ARE WITHIN AND SUBJECT TO THE STATUTORY POWER, INCLUDING THE POWER OF ASSESSMENT OF THE UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY. (THERE ARE NO UNPAID ASSESSMENTS AS OF THE DATE OF SAID REPORT)
  
3. STREET IMPROVEMENT AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:  
DATED : JULY 14, 1988  
RECORDED : FEBRUARY 7, 1989  
RECORDING NO. : 89-05583  
(NOTE: THERE ARE NO OBLIGATIONS OUTSTANDING WITH RESPECT TO SAID AGREEMENT AS OF THE DATE OF THIS POLICY)
  
4. DEED OF TRUST, SECURITY AGREEMENT, FIXTURE FILING AND ASSIGNMENT OF RENTS AND LEASES, GIVEN TO SECURE AN INDEBTEDNESS, AND THE TERMS AND CONDITIONS CONTAINED THEREIN:  
AMOUNT : \$9,203,000.00  
DATED : OCTOBER 11, 1995  
RECORDED : OCTOBER 17, 1995  
RECORDING NO. : 95075549  
GRANTOR : AMERICAN APARTMENT COMMUNITIES OPERATING PARTNERSHIP, L.P., A DELAWARE LIMITED PARTNERSHIP  
TRUSTEE : CHICAGO TITLE INSURANCE COMPANY, A MISSOURI CORPORATION  
BENEFICIARY : TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA



5. ASSIGNMENT OF RENTS AND LEASES AND THE TERMS AND CONDITIONS CONTAINED THEREIN:  
 DATED : OCTOBER 11, 1995  
 RECORDED : OCTOBER 17, 1995  
 RECORDING NO. : 95075550  
 EXECUTED BY : AMERICAN APARTMENT COMMUNITIES OPERATING PARTNERSHIP,  
 L.P., A DELAWARE LIMITED PARTNERSHIP  
 TO : TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF  
 AMERICA
6. SECOND DEED OF TRUST, SECURITY AGREEMENT, FIXTURE FILING AND ASSIGNMENT OF  
 RENTS AND LEASES, GIVEN TO SECURE AN INDEBTEDNESS, AND THE TERMS AND CONDITIONS  
 CONTAINED THEREIN:  
 AMOUNT : \$113,905,000.00  
 DATED : OCTOBER 11, 1995  
 RECORDED : OCTOBER 17, 1995  
 RECORDING NO. : 95075551  
 GRANTOR : AMERICAN APARTMENT COMMUNITIES OPERATING PARTNERSHIP,  
 L.P., A DELAWARE LIMITED PARTNERSHIP  
 TRUSTEE : CHICAGO TITLE INSURANCE COMPANY, A MISSOURI  
 CORPORATION  
 BENEFICIARY : TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF  
 AMERICA
7. SECOND ASSIGNMENT OF LEASES AND RENTS AND THE TERMS AND CONDITIONS CONTAINED  
 THEREIN:  
 DATED : OCTOBER 11, 1995  
 RECORDED : OCTOBER 17, 1995  
 RECORDING NO. : 95075552  
 EXECUTED BY : AMERICAN APARTMENT COMMUNITIES OPERATING PARTNERSHIP,  
 L.P., A DELAWARE LIMITED PARTNERSHIP  
 TO : TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF  
 AMERICA
8. FINANCING STATEMENT:  
 SECURED PARTY : TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF  
 AMERICA  
 DEBTOR : AMERICAN APARTMENT COMMUNITIES OPERATION PARTNERSHIP,  
 L.P., A DELAWARE LIMITED PARTNERSHIP  
 RECORDED : OCTOBER 17, 1995  
 RECORDING NO. : 95075553

9. ASSUMPTION OF LIABILITY SECURED BY REAL PROPERTY AND RELEASE OF ORIGINAL BORROWER AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:  
 DATED : JANUARY 31, 1996  
 RECORDED : MARCH 21, 1996  
 RECORDING NO. : 96024354  
 BY AND BETWEEN : TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, A NEW YORK CORPORATION, AND AMERICAN APARTMENT COMMUNITIES OPERATING PARTNERSHIP, L.P., A DELAWARE LIMITED PARTNERSHIP, AND AMERICAN APARTMENT COMMUNITIES II, L.P., A DELAWARE LIMITED PARTNERSHIP
10. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:  
 DATED : AUGUST 8, 1988  
 RECORDED : AUGUST 15, 1988  
 RECORDING NO. : 88-35910  
 IN FAVOR OF : CITY OF TUALATIN  
 FOR : PUBLIC PEDESTRIAN WALKWAY AND BIKE PATH  
 AFFECTS : THE SOUTHERLY PORTION OF THE SUBJECT PROPERTY  
  
 RE-RECORDED : FEBRUARY 7, 1989  
 RECORDING NO. : 89-05588
11. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:  
 DATED : OCTOBER 27, 1989  
 RECORDED : NOVEMBER 21, 1989  
 RECORDER'S FEE NO. : 89-56745  
 IN FAVOR OF : CITY OF TUALATIN  
 FOR : SANITARY SEWER LINE  
 AFFECTS : THE NORTHERLY 10 FEET OF THE SUBJECT PROPERTY
12. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING TERMS AND PROVISIONS THEREOF:  
 DATED : OCTOBER 27, 1989  
 RECORDED : NOVEMBER 21, 1989  
 RECORDER'S FEE NO. : 89-56746  
 IN FAVOR OF : CITY OF TUALATIN  
 FOR : STORM DRAIN  
 AFFECTS : THE SOUTHERLY AND EASTERLY PORTIONS OF THE SUBJECT PROPERTY
13. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING TERMS AND CONDITIONS THEREOF:  
 DATED : OCTOBER 27, 1989  
 RECORDED : NOVEMBER 21, 1989  
 RECORDER'S FEE NO. : 89-56747  
 IN FAVOR OF : CITY OF TUALATIN  
 FOR : WATER LINE

14. MEMORANDUM OF TELEVISION LICENSE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

RECORDED : JULY 20, 1989  
RECORDER'S FEE NO. : 89-32960

THE INTEREST OF MARQUIS CABLEVISION, AN OREGON GENERAL PARTNERSHIP, AS LICENSEE WAS ASSIGNED TO CABLE PLUS, INC., BY INSTRUMENT:

RECORDED : JANUARY 23, 1990  
RECORDER'S FEE NO. : 90-03756

THE TERMS AND PROVISIONS OF SAID AGREEMENT WERE MODIFIED BY INSTRUMENT:

RECORDED : FEBRUARY 5, 1990  
RECORDER'S FEE NO. : 90-06032

THE LIEN OF THE ABOVE ASSIGNMENT OF TELEVISION LICENSE AGREEMENT WAS SUBORDINATED TO THE LIEN OF THE TRUST DEED SHOWN HEREIN, BY INSTRUMENT:

DATED : DECEMBER 19, 1990  
RECORDED : DECEMBER 20, 1990  
RECORDER'S FEE NO. : 90-69573

15. ENCROACHMENT DISCLOSED BY SURVEY:

DATED : OCTOBER 10, 1989  
SURVEYOR : W. B. WELLS AND ASSOC., INC.  
SURVEY NO. : 87-126  
BEING : ENCROACHMENT OF FENCE ALONG THE NORTHEASTERLY,  
SOUTHEASTERLY AND SOUTHWESTERLY PORTIONS OF THE  
SAID PROPERTY

UNRECORDED ACCESS EASEMENT

EVIDENCES OF UTILITIES: WATER VALVES, MANHOLES,  
CLEANOUTS, AND TELEPHONE AND ELECTRIC SERVICE PADS

ENCROACHMENT OF BRICK PAVERS ONTO S. W. SAGERT ROAD

16. EXCLUSIVE LICENSE AND EASEMENT AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

DATED : MARCH 31, 1995  
RECORDED : JUNE 26, 1995  
RECORDER'S FEE NO. : 95043816  
BY AND BETWEEN : AMERICAN APARTMENT COMMUNITY OPERATING PARTNERSHIP,  
L.P., A DELAWARE LIMITED PARTNERSHIP AND INTERACTIVE  
CABLE SYSTEMS, INC.

17. RIGHTS OF PARTIES IN POSSESSION, AS TENANTS ONLY.

...END OF SCHEDULE B...

RE: Tualatin Heights  
Tualatin, Oregon

**ENDORSEMENT**

Attached to Policy No NBG NO 96-0045-28

Issued by

**CHICAGO TITLE INSURANCE COMPANY**

The policy is hereby amended by adding as a named insured therein

AMERICAN APARTMENT COMMUNITIES II, L P., A DELAWARE LIMITED  
PARTNERSHIP

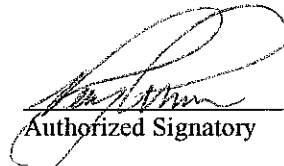
This endorsement does not extend the coverage of the policy to any later date than Date of Policy, nor does it impose any liability on the Company for loss or damage resulting from (1) failure of such added insured to acquire an insurable estate or interest in the land, or (2) any defect, lien or encumbrance attaching by reason of the acquisition of an estate or interest in the land by such added insured.

This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and prior endorsements, if any, nor does it extend the effective date of the policy and prior endorsements or increase the face amount thereof.

Dated: December 8, 1998

**CHICAGO TITLE INSURANCE COMPANY**

By

  
Authorized Signatory

## ENDORSEMENT

Attached to Policy No. 96-0045-28

Issued by

### CHICAGO TITLE INSURANCE COMPANY

The Company insures against loss or damage sustained by reason of:

1. Any incorrectness in the assurance that, as Date of Policy:
  - (a) There are no covenants, conditions or restrictions under which the estate insured in Schedule A can be divested or extinguished.
  - (b) Unless expressly excepted in Schedule B:
    - (1) There are no present violations on the land of any enforceable covenants, conditions or restrictions, nor do any existing improvements on the land violate any building setback lines on a plat of subdivision recorded or filed in the public records.
    - (2) Any instrument referred to in Schedule B as containing covenants, conditions or restrictions on the land does not, in addition, (i) establish an easement on the land; (ii) provide a lien for liquidated damages; (iii) provide for a private charge or assessment; (iv) provide for an option to purchase, a right of first refusal or the prior approval of a future purchaser of occupant
    - (3) There are no encroachments of existing improvements located on the land onto adjoining land, nor any encroachments onto the land of existing improvements located on adjoining land.
    - (4) There is no encroachment of existing improvements located on the land onto that portion of the land subject to any easement excepted in Schedule B
    - (5) There are no notices of violation of covenants, conditions and restrictions relating to environmental protection recorded or filed in the public records
2. Any future violation on the land of any existing covenants, conditions or restrictions provided the violation results in loss of title to the estate or interest in the land.
3. Damage to buildings:
  - (a) which are located on or encroach upon that portion of the land subject to any easement excepted in Schedule B, which damage results from the exercise of the right to maintain the easement for the purpose for which it was granted or reserved;
  - (b) resulting from the future exercise of any right to use the surface of the land for the extraction or development of minerals excepted from the description of the land or excepted in Schedule B.

4. Any final order or judgment requiring the removal from any land adjoining the land of any encroachment, other than fences, landscaping or driveways, excepted in Schedule B.
5. Any final court order or judgment denying the right to maintain any existing buildings on the land because of any violation of covenants, conditions, or restrictions or building setback lines shown on a plat of subdivision recorded or filed in the public records.

Wherever in this endorsement the words "covenants, conditions or restrictions" appear, they shall not be deemed to refer to or include the terms, covenants, conditions or limitations contained in an instrument creating a lease or declaration or condominium referred to in Schedule A.

As used in Paragraphs 1(b) (1) and 5, the words, "covenants, conditions, or restrictions" shall not be deemed to refer to or include any covenants, conditions or restrictions relating to environmental protections.

This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and prior endorsements, if any, nor does it extend the effective date of the policy and prior endorsements or increase the face amount thereof.

Dated: March 28, 1996

**CHICAGO TITLE INSURANCE COMPANY**

By



Authorized Signatory

Comprehensive

**ENDORSEMENT**

Attached of Policy No. 96-0045-28

Issued by

**CHICAGO TITLE INSURANCE COMPANY**

The Company hereby insures the Insured against loss which said insured shall sustain as a result of any exercise of the right to use or maintenance of the easement referred to in Paragraphs 10, 11, 12 and 13 of Schedule B - Part 1 over or through said land

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

**CHICAGO TITLE INSURANCE COMPANY**

By



Authorized Signatory

**ENDORSEMENT**

Attached to Policy No. 96-0045-28

Issued by

**CHICAGO TITLE INSURANCE COMPANY**

The Company assures the Insured that said land is the same as that delineated on the plat of a survey made by W B Wells & Assoc Inc , File No 95-199, dated August 28, 1995


The Company hereby insures said Assured against loss which said Assured shall sustain in the event that the assurance herein shall prove to be incorrect

The total liability of the Company under said policy and any endorsement therein shall not exceed, in the aggregate, the face amount of said policy and costs which the Company is obligated under the conditions and stipulations thereof to pay.

This endorsement is made a part of said policy and is subject to the schedules, conditions, and stipulations therein except as modified by the provisions hereof.

**CHICAGO TITLE INSURANCE COMPANY**

By

  
Authorized Signatory



**ENDORSEMENT**

Attached to Policy No 96-0045-28

Issued by

**CHICAGO TITLE INSURANCE COMPANY**

The Company hereby assures the Insured

That said land has legal and actual access sufficient for vehicular and pedestrian use to and from S. W. Sagert Road

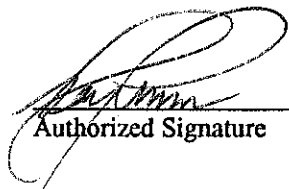
and the Company hereby insures said Assured against loss which said Assured shall sustain in the event said assurances herein shall prove incorrect.

The total liability of the Company under said policy and any endorsements therein shall not exceed, in the aggregate, the face amount of said policy and costs which the Company is obligated under the conditions and stipulations thereof to pay.

This endorsement is made part of said policy and is subject to the Schedules and the Conditions and Stipulation therein, except as modified by the provisions hereof.

**CHICAGO TITLE INSURANCE COMPANY**

By

  
Authorized Signature

**ENDORSEMENT**

Attached to Policy No 96-0045-28

Issued by

**CHICAGO TITLE INSURANCE COMPANY**

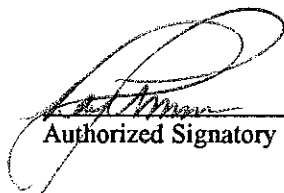
The Company hereby insures the Insured that the property referred to in Schedule B consists of a separate tax lot or lots and said lot or lots will not include any property not included with said parcels.

This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and prior endorsements, if any, nor does it extend the effective date of the policy and prior endorsements or increase the face amount thereof.

Dated: March 28, 1996

**CHICAGO TITLE INSURANCE COMPANY**

By



Authorized Signatory

Separate Tax Lot

## ENDORSEMENT

Attached to Policy No 96-0045-28

Issued by

### CHICAGO TITLE INSURANCE COMPANY

The Company agrees that if, within 10 years after the date of this policy, application is made to increase the face amount of the policy or to issue a new policy, it will issue additional title insurance policies, or increase the face amount of this policy insuring such title or interest as may then exist in the insured or the insured's designee. The amount of insurance to be issued will not exceed the amount of the mortgage to be placed on the land nor the fair market value of the land and improvements therein at the date of the application. In the event a claim has been made or is pending against the Company, or a defect in title has been discovered, the Company shall not be required to issue insurance for an amount greater than the face amount of this policy as to the defect discovered or resulting in said claim. Upon receipt of the application to issue a subsequent policy or increase the face amount of this policy, the Company will extend its examination of the title to the then current date and will then issue its policy or increase the face of this policy, subject to such matters created, first appearing in the public records attaching subsequent to the effective date of this policy, of which have become known to either the insured or the Company.

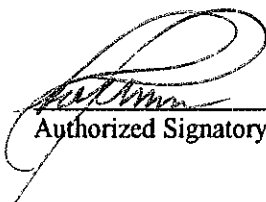
The insurance to be issued shall be issued for an additional premium equal to \$.70 per thousand dollars of additional amount of insurance. The Company shall not be obligated to issue additional insurance coverage which would exceed the amount of the usual reinsurance retention of the Company if, after the exercise of reasonable effort, the Company is unable to obtain reinsurance or co-insurance as may be required in order for it to issue the full amount of additional insurance for which application is made

This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and prior endorsements, if any, nor does it extend the effective date of the policy and prior endorsements or increase the face amount thereof.

Dated: March 28, 1996

### CHICAGO TITLE INSURANCE COMPANY

By

  
\_\_\_\_\_  
Authorized Signatory

4. Any final order or judgment requiring the removal from any land adjoining the land of any encroachment, other than fences, landscaping or driveways, excepted in Schedule B.
5. Any final court order or judgment denying the right to maintain any existing buildings on the land because of any violation of covenants, conditions, or restrictions or building setback lines shown on a plat of subdivision recorded or filed in the public records.

Wherever in this endorsement the words "covenants, conditions or restrictions" appear, they shall not be deemed to refer to or include the terms, covenants, conditions or limitations contained in an instrument creating a lease or declaration or condominium referred to in Schedule A.

As used in Paragraphs 1(b) (1) and 5, the words, "covenants, conditions, or restrictions" shall not be deemed to refer to or include any covenants, conditions or restrictions relating to environmental protections.

This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and prior endorsements, if any, nor does it extend the effective date of the policy and prior endorsements or increase the face amount thereof.

Dated: March 28, 1996

**CHICAGO TITLE INSURANCE COMPANY**

By



Authorized Signatory

Comprehensive

## ENDORSEMENT

Attached to Policy No. 96-0045-28

Issued by

### CHICAGO TITLE INSURANCE COMPANY


The Company hereby assures the Insured that notwithstanding the provisions of paragraphs numbered 3(a) and 3(b) of the exclusions from coverage in the policy, in the event of loss or damage insured against under the terms of the policy, the Company will not deny its liability thereunder to the Insured on the ground that the Insured had knowledge of any matter solely by reason of notice thereof imputed to it through James D Klingbeil, American Apartment Communities, Inc., American Apartment Communities Operating Partnership, L.P., AAC Funding Partnership II, AAC Funding Partnership III, AAC Funding II, Inc., AAC Funding III, Inc., their current and former officers and directors, and their partners (collectively the "AAC Group")

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsement, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Dated: March 28, 1996

### CHICAGO TITLE INSURANCE COMPANY

By

  
Authorized Signatory

## CONDITIONS AND STIPULATIONS

### DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "insured": the insured named in Schedule A, and subject to any rights or defenses the Company may have had against the named insured, those who succeed to the interest of such insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors

(b) "insured claimant": an insured claiming loss or damage hereunder.

(c) "knowledge": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of any public records

(d) "land": the land described, specifically or by reference in Schedule A, and improvements affixed thereto which by law constitute real property; provided however the term "land" does not include any property beyond the lines of the area specifically described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy

(e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument

(f) "public records": those records which by law impart constructive notice of matters relating to said land

### 2. CONTINUATION OF INSURANCE AFTER CONVEYANCE OF TITLE

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured so long as such insured retains an estate or interest in the land or holds an indebtedness secured by a purchase money mortgage given by a purchaser from such insured, or so long as such insured shall have liability by reason of covenants of warranty made by such insured in any transfer or conveyance of such estate or interest; provided, however, this policy shall not continue in force in favor of any purchaser from such insured of either said estate or interest or the indebtedness secured by a purchase money mortgage given to such insured

### 3. DEFENSE AND PROSECUTION OF ACTIONS—NOTICE OF CLAIM TO BE GIVEN BY AN INSURED CLAIMANT

(a) The Company, at its own cost and without undue delay, shall provide for the defense of an insured in all litigation consisting of actions or proceedings commenced against such insured, or a defense interposed against an insured in an action to enforce a contract for a sale of the estate or interest in said land to the extent that such litigation is founded upon an alleged defect, lien, encumbrance or other matter insured against by this policy

(b) The insured shall notify the Company promptly in writing (i) in case any action or proceeding is begun or defense is interposed as set forth in (a) above; (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy; or (iii) if title to the estate or interest, as insured, is rejected as unmarketable. If such prompt notice shall not be given to the Company then as to such insured all liability of the Company shall cease and terminate in regard to the matter or matters for which such prompt notice is required; provided, however, that failure to notify shall in no case prejudice the rights of any such insured under this policy unless the Company shall be prejudiced by such failure and then only to the extent of such prejudice

(c) The Company shall have the right at its own cost to institute and without undue delay prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as insured, and the Company may take any appropriate action under the terms of this policy, whether or not it shall be liable thereunder, and shall not thereby concede liability or waive any provision of this policy

(d) Whenever the Company shall have brought any action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any such litigation to final determination by a court of competent jurisdiction and expressly reserves the right in its sole discretion, to appeal from any adverse judgment or order.

(e) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured hereunder shall secure to the Company the right to so prosecute or provide defense in such action or proceeding and all appeals therein, and permit the Company to use, at its option, the name of such insured for such purpose. Whenever requested by the Company, such insured shall give the Company all reasonable aid in any such action or proceeding, in effecting settlement, securing evidence, obtaining witnesses, or prosecuting or defending such action or proceeding, and the Company shall reimburse such insured for any expense so incurred

### 4. NOTICE OF LOSS—LIMITATION OF ACTION

In addition to the notices required under paragraph 3(b) of these Conditions and Stipulations, a statement in writing of any loss or damage for which it is claimed the Company is liable under this policy shall be furnished to the Company within 90 days after such loss or damage shall have been determined and no right of action shall accrue to an insured claimant until 30 days after such statement shall have been furnished. Failure to furnish such statement of loss or damage shall terminate any liability of the Company under this policy as to such loss or damage

### 5. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS

The Company shall have the option to pay or otherwise settle for or in the name of an insured claimant any claim insured against or to terminate all liability and obligations of the Company hereunder by paying or tendering payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred up to the time of such payment or tender of payment, by the insured claimant and authorized by the Company

### 6. DETERMINATION AND PAYMENT OF LOSS

(a) The liability of the Company under this policy shall in no case exceed the least of:

(i) the actual loss of the insured claimant; or

(ii) the amount of insurance stated in Schedule A

(b) The Company will pay, in addition to any loss insured against by this policy, all costs imposed upon an insured in litigation carried on by the Company for such insured, and all costs, attorneys' fees and expenses in litigation carried on by such insured with the written authorization of the Company

(c) When liability has been definitely fixed in accordance with the conditions of this policy, the loss or damage shall be payable within 30 days thereafter.

### 7. LIMITATION OF LIABILITY

No claim shall arise or be maintainable under this policy (a) if the Company, after having received notice of an alleged defect, lien or encumbrance insured against hereunder, by litigation or otherwise, removes such defect, lien or encumbrance or establishes the title, as insured, within a reasonable time after receipt of such notice; (b) in the event of litigation until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as insured, as provided in paragraph 3 hereof; or (c) for liability voluntarily assumed by an insured in settling any claim or suit without prior written consent of the Company.

### 8. REDUCTION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto. No payment shall be made without producing this policy for endorsement of such payment unless the policy be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company

### 9. LIABILITY NONCUMULATIVE

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring either (a) a mortgage shown or referred to in Schedule B hereof which is a lien on the estate or interest covered by this policy, or (b) a mortgage hereafter executed by an insured which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy. The Company shall have the option to apply to the payment of any such mortgages any amount that otherwise would be payable hereunder to the insured owner of the estate or interest covered by this policy and the amount so paid shall be deemed a payment under this policy to said insured owner.



---

MEMORANDUM

**Neighborhood / Developer Meeting Summary**  
Tualatin Heights Plan Map Amendment

DATE August 31, 2021  
TO City of Tualatin Planning  
FROM Frank Angelo and Emma Porricolo, APG  
CC Jon McGrew and Erica Thompson, HEA

---

**Summary**

The Neighborhood/Developer Meeting for the proposed Plan Map Amendment application was held on Tuesday, June 8, 2021 at 6:00 PM . The meeting was virtually hosted on GoToMeeting. Approximately 23 neighbors were in attendance. A list of attendees who signed into the meeting is found in Attachment A.

The project team provided a brief overview of the site, the application proposal, and Plan Map Amendment application requirements. Following the presentation, attendees were asked to share questions and comments. A summary of the questions and comments from neighbors (organized by topic), and the responses from the project team are as follows:

**I. Traffic, Street Improvements, and Access**

- The project team noted that emergency access is located on 95<sup>th</sup> Ave., just south of the railroad tracks. The 95<sup>th</sup> Ave. access will not be open to the public.
- Neighbors recommended more street improvements for safety, such as additional crosswalks near Tualatin Elementary School.
- Neighbors expressed concerns about the amount of traffic in the area and said they have seen many accidents around the site. They noted that Sagert St. is very congested, especially during rush hour.
- Neighbors suggested considering moving or adding entrance(s) to the site, suggested locating an entrance on 95<sup>th</sup> Ave.
  - Response (from project team): One of the constraints on access is the railroad tracks located to the north. The City is aware of the neighborhood traffic and parking conditions. A traffic assessment is required as a part of the Plan Map amendment application.

**II. Parking**

- Written comments regarding parking concerns were received prior to the meeting. Those are found in Attachment B.

- Many residents expressed concerns about the current parking conditions and resulting parking conditions that could occur from having more units at the Tualatin Heights Apartments. Comments included:
  - *Concerns about parking.*
    - The project team noted that the draft plans depict the City’s parking requirements, that are based on number of bedrooms per unit. One attendee had concerns about parking minimums required by the City of Tualatin and did not feel they are adequate.
    - Neighbors expressed concerns about the parking permit fees at Tualatin Heights, assuming residents park on neighborhood streets to avoid fees.
  - *Concerns related to use of street parking.*
    - “It’s almost impossible to live in the neighborhood with the situation that it is now, new units will create some difficulty. We can’t put trash cans out, street sweeping, not able to park in front of house. It is a major issue. The issue changed when the apartment policy changed (has been in the neighborhood for 12 years). Are you aware of how serious the parking situation is for the neighborhood?” Several other neighbors in attendance echoed this concern.
    - One attendee suggested adding a parking garage or allowing on-street parking on 95<sup>th</sup> Ave and Sagert St.
    - Neighbors noted the difficulty to see when backing out of their driveways because of the cars parked on the street.
  - *Concerns about safety* due to proximity to the nearby Tualatin Elementary School.
    - “At Sagert St. & 93<sup>rd</sup> Ave. intersection, lots of kids live on 93<sup>rd</sup> Ave. It is a walking route to elementary school for many kids. With cars parking on Sagert St., is dangerous for kids and drivers. It is nerve racking have to pull out and not know what’s around the corner.” Neighbors also noted there is a school bus stop located on 93<sup>rd</sup> Ave. near the site.
    - Response: The project team thanked attendees for their comments. The comments would be shared with project team who will consider how they can be addressed. The development proposal has not been fully defined, that is a part of next steps.

### III. Miscellaneous

- What are other zone changes in the city? Don’t think this is an appropriate location for a high density zone considering the vicinity to low density zones.
  - Response: Not sure what other zones changes are proposed in the City, they aren’t a part of this project.
- Does the zone change allow a greater maximum building height?
  - Response: It is only a change to maximum density. Heights and other siting requirements are consistent across two zones (existing and proposed zones).
- Is the water and waste infrastructure for the site currently adequate for the additional units?
  - Response: The project team is researching infrastructure capacity now. We will need to confirm that infrastructure capacity is adequate through development approval process.
- Will there be tree removal? Would like to retain large trees on the perimeter of the site.



- Response: The project team hasn't gotten to that level of detail yet. We are trying to keep changes to internal to the site and reduce impacts to neighbors. Also, the City has buffering/landscaping requirements that will be considered when development is proposed (not a part of this application).

### **Attachments**

- A. Sign-in Sheet
- B. Written Comments
- C. Presentation
- D. Mailed Meeting Notice

Attachment A

Tualatin Heights Neighborhood Meeting

Attendance Sign- In

Name	Address	Phone	Email
Melissa Snowberger	[REDACTED]	[REDACTED]	[REDACTED]
Kathleen Cunnington	[REDACTED]	[REDACTED]	[REDACTED]
Rebekah Deal	[REDACTED]	[REDACTED]	[REDACTED]
Rebecca & Paulius Jurevicius	[REDACTED]	[REDACTED]	[REDACTED]
Jonathan Stone	[REDACTED]	[REDACTED]	[REDACTED]
Bob Haas	[REDACTED]	[REDACTED]	[REDACTED]
Mike Snowberger	[REDACTED]	[REDACTED]	[REDACTED]
Peter and Lauren Henkle;	[REDACTED]	[REDACTED]	[REDACTED]
Keith Crosby	[REDACTED]	[REDACTED]	[REDACTED]
Lisa Hayes	[REDACTED]	[REDACTED]	[REDACTED]
Amy & Paul Wheatcroft	[REDACTED]	[REDACTED]	[REDACTED]
Ryan Henderson	[REDACTED]	[REDACTED]	[REDACTED]

**From:** [Frank Angelo](#)  
**To:** [Jon McGrew](#); [Erica Thompson](#); [Andrew J. Lavaux](#)  
**Cc:** [Emma Porricolo](#)  
**Subject:** FW: Opposition to Tualatin Heights Zone Change  
**Date:** Tuesday, June 8, 2021 2:34:47 PM

---

fyi

**From:** Ryan Henderson [REDACTED]  
**Sent:** Tuesday, June 08, 2021 2:20 PM  
**To:** Frank Angelo <fangelo@angeloplanning.com>  
**Subject:** Opposition to Tualatin Heights Zone Change

Hi

I'm a homeowner along 93rd AVE near the proposed zoning change. I'm concerned that increasing the apartment density will worsen the problematic illegal parking in front of my house.

Sometime in 2019 Tualatin Heights changed their parking policy which led to a significant increase in on-street parking in the neighborhood around the complex. The increase in traffic leads to more late night loud music, trash and blocked mailboxes. I can request for the City to remove cars parked over 72 hours, but that process can actually take 2 weeks from the time the car is parked until it is towed. In short, Tualatin Heights is currently using the public street as an extension to their own parking lot and this zoning change will make that worse.

I am opposed to increased traffic and noise this expansion will bring to the neighborhood, but I will be mostly impacted by the increase in parked cars in front of my house.

Increasing the population density of Tualatin heights by 50% needs at least a 100% increase in available parking. In addition, prohibiting overnight street parking in the surrounding neighborhood would lower the impact of the zoning change. Can these requirements be added to the zoning change?

Thank you for your time  
- Ryan Henderson

**From:** [Frank Angelo](#)  
**To:** [Jon McGrew](#); [Erica Thompson](#); [Andrew J. Lavaux](#)  
**Cc:** [Emma Porricolo](#)  
**Subject:** FW: Tualatin Heights expansion  
**Date:** Tuesday, June 8, 2021 2:34:26 PM

---

fyi

**From:** Randi Ausland [REDACTED]  
**Sent:** Tuesday, June 08, 2021 2:10 PM  
**To:** Frank Angelo <fangelo@angeloplanning.com>  
**Subject:** Tualatin Heights expansion

Mr. Angelo,

I would like to comment on the proposed expansion of Tualatin Heights. I have lived off Sagert Rd and SW 93rd for over 40 years. I am an active Real Estate Broker in Tualatin. I understand that affordable housing is needed in our community.

My objection to the expansion is due to the new policies the Tualatin Heights management has imposed on it's tenants. There was never a parking "spill over" into the neighborhood before the last year or two. I believe management started charging the tenants for parking. This pushed people out of the complex parking lot into the neighboring streets.

Mailboxes are blocked, property owners no longer have room for their guests or family to park in front of their homes. Adding an additional 130 units without addressing the parking situation is irresponsible.

Removing the garages and creating carports will address some of the problem but not nearly enough to make up for adding 130 units with the potential for 130 to 200 more cars. This is not an area with convenient mass transit or high walking scores. Cars are the norm. Neighborhoods are considering "permit" parking for our streets to discourage the overflow from Tualatin Heights. Where will the tenants park if that is enacted?

I hope to hear answers to these questions at the meeting scheduled for June 9th at 6:00pm.

--

**Randi Ausland, Principal Broker**

**C** 503-407-0828

**O** 503-692-3050

**F** 503-692-0592

**Email** [REDACTED]

**Website** [www.metro-westrealty.com](http://www.metro-westrealty.com)

**From:** [REDACTED]  
**To:** [Frank Angelo](#)  
**Cc:** [Jon McGrew](#); [Emma Porricolo](#); [Andrew J. Lavaux](#)  
**Subject:** Re: Tualatin Heights Zone Change Virtual Meeting  
**Date:** Wednesday, June 9, 2021 3:46:49 PM

---

Hi Frank (et al),

So this is the view from 93rd onto Sagert, facing northbound, on a fairly typical afternoon, from the marked “stop” line. I end up creeping forward another car length or so to see into the street well enough to make a turn (the road from the west comes out of an industrial area that has relatively high traffic during shift changes, so that’s more of an impact than the east side where a driveway forces some visibility). My guess is that the intersection is not directly related to the zoning change, but 50% more housing on that property is not going to improve things without changes to this intersection and the parking on the street.

- Tony



On Jun 2, 2021, at 09:51, Frank Angelo <[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)> wrote:

Hello Anthony - thank you for contacting me. I have shared your comments with the project team, and we will be sure to address them at the Neighborhood

meeting.  
Thanks, Frank Angelo

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

From: Anthony Mayernik <a[REDACTED]>  
Sent: Friday, May 28, 2021 8:52 PM  
To: Frank Angelo <[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)>  
Subject: Tualatin Heights Zone Change Virtual Meeting

Hi Frank,

I got the notice today, much appreciate you guys sending this stuff out in advance.  
My only question/concern/comment on the proposed change:

Parking in/around that property is already bad. The street parking just outside the property is usually full. While I'm sure part of this is likely due to the property owner requiring tenants to pay for parking permits for 2nd vehicles or the "assigned" space being inconvenient to the tenant's unit, I'm curious to know how the increased zoning will affect the parking situation? It feels like more units in the same space would make the problem worse. It's hard enough making the turn onto Sagert when northbound on 93rd (I usually end up nosing into the intersection so I can see cross traffic), I'm just trying to picture how things will be with a 50% increase in unit density on that property.

Regards,  
Anthony Mayernik

**From:** [Frank Angelo](#)  
**To:** [REDACTED] [planning@tualatin.gov](mailto:planning@tualatin.gov)  
**Cc:** [Jon McGrew](#); [Emma Porricolo](#); [Andrew J. Lavaux](#)  
**Subject:** RE: Tualatin Heights zoning proposal question for June 9 meeting  
**Date:** Wednesday, June 2, 2021 9:48:48 AM

---

Hello Tim - thank you for contacting me. I have shared your comments with the project team, and we will be sure to address them at the Neighborhood meeting.  
Thanks, Frank Angelo

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

From: Tim G <[hadasaugh@comcast.net](mailto:hadasaugh@comcast.net)>  
Sent: Tuesday, June 01, 2021 8:42 PM  
To: [planning@tualatin.gov](mailto:planning@tualatin.gov)  
Cc: Frank Angelo <[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)>  
Subject: Fwd: Tualatin Heights zoning proposal question for June 9 meeting

Resent as a forwarded email to the entire Planning Group at the City of Tualatin, as L. Sanford no longer works there.

> ----- Original Message -----

> From: Tim G [REDACTED]  
> To: "[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)" <[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)>  
> Cc: "[lsanford@tualatin.gov](mailto:lsanford@tualatin.gov)" <[lsanford@tualatin.gov](mailto:lsanford@tualatin.gov)>  
> Date: 06/01/2021 8:31 PM  
> Subject: Tualatin Heights zoning proposal question for June 9 meeting

> Dear Mr. Angelo,

> This email is in response to the broadcast mailer sent to local residences by your organization dated May 25, 2020; RE: Tualatin Heights Comprehensive Plan Map Amendment.

> I thank you for the opportunity for us to express our interests and concerns. I ask that the below matter and question be submitted in the documentation and addressed during the upcoming June 9, 2021 virtual meeting.

> A copy of this email has also been forwarded to the City of Tualatin Planning Group to ensure they are also aware of the major concern identified below.

> Presently, with 220 units at Tualatin Heights, the present tenants have one space and pay a "surface fee" of \$25.00, or \$175.00 for a monthly unattached garage fee. Many tenants choose to do neither and opt to park their vehicles in front of residential properties on the surrounding neighborhood streets of SW Sagert, SW Apache, and SW 93rd, and occasionally SW Umiat.

> These tenants are parking there because of the fee-based parking demanded by Tualatin Heights, and because Tualatin Heights presently either does not provide enough adequate parking for all tenants and their vehicles now, or refuses to address tenant issues regarding multiple vehicles per occupancy unit.

> Cutting to the chase, in adding 130 plus more units, current and new tenants will park even more personal vehicles in front of more residential homes - blocking more curbside space for our families, friends, and visitors to park when they visit us in our residential homes.

> The simple question is:

>

> What makes us (neighborhood home owners) believe Tualatin Heights will abruptly change their policies and provide adequate, free parking for existing and future tenants, when they do not adequately provide parking now?

>

> In asking this question, an indifferent or dismissive response by the owner and managers of Tualatin Heights is unacceptable.

>

> Tualatin Heights must first address issues regarding their tenants' parking all over our residential streets. It needs to be in writing and contained in changes to the property planning documentation and blueprints to show ample parking will accommodate any future expansion/zone changes.

>

> If nothing is done to formally address this major concern in planning and development documents, the zone change proposal must be denied.

>

> Tim G

> Lieutenant Commander, US Navy (ret)

> SW Tonopah Street



**From:** [Emma Porricolo](#)  
**To:** [Emma Porricolo](#)  
**Subject:** RE: tualatin heights  
**Date:** Monday, June 28, 2021 12:02:49 PM

---

**From:** Jeff McGinty [REDACTED]  
**Sent:** Friday, June 04, 2021 6:12 PM  
**To:** Frank Angelo <[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)>  
**Subject:** Re: tualatin heights

Hello frank,

I have some questions about the proposed zone change. First is on street parking and added traffic. Some of the tenants are parking extra junk cars in front of my house now with 220 units. Adding another 116 units or less with two cars each could be a problem. Is there going to be enough overflow parking that they can rent to park junk?

Are there plans to add an entrance from 95th ave to ease traffic on sagert? So many cars are running the stop sign at apache dr. seems like every one is in hurry.

Is there any idea how much more delivery traffic will be added to sagert from FedEx, Amazon, ups, grub hub....?

Do think that there will be added noise to the neighborhood from more people? And how does that effect wild life, birds?

Will the zone change lower my property value?

Will I see any postvie things from the zone change?

Do any of the owners of the property live close by?

I really like this neighborhood and don't want to see more junk cars. I've attached some picture for reference from this morning.

I think It's a great idea to make more home's for people. I just don't want to make tualatin like south salem or Portland.

Thanks for answering all my questions, looking forward to hearing from you.



# **Tualatin Heights Apartments Plan Map Amendment Neighborhood Meeting**



# Virtual Sign-In

- Please complete the quick online sign-in sheet
- Options
  - Type your information in the chat/message box
  - Email the following information to [fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)
- Please list:
  - Name
  - Address
  - Email address
  - Phone number

# Agenda

- ❑ Welcome
- ❑ Background
- ❑ Plan Map Amendment
- ❑ Architectural Review Process
- ❑ Questions & Comments

# Existing Site

## Location

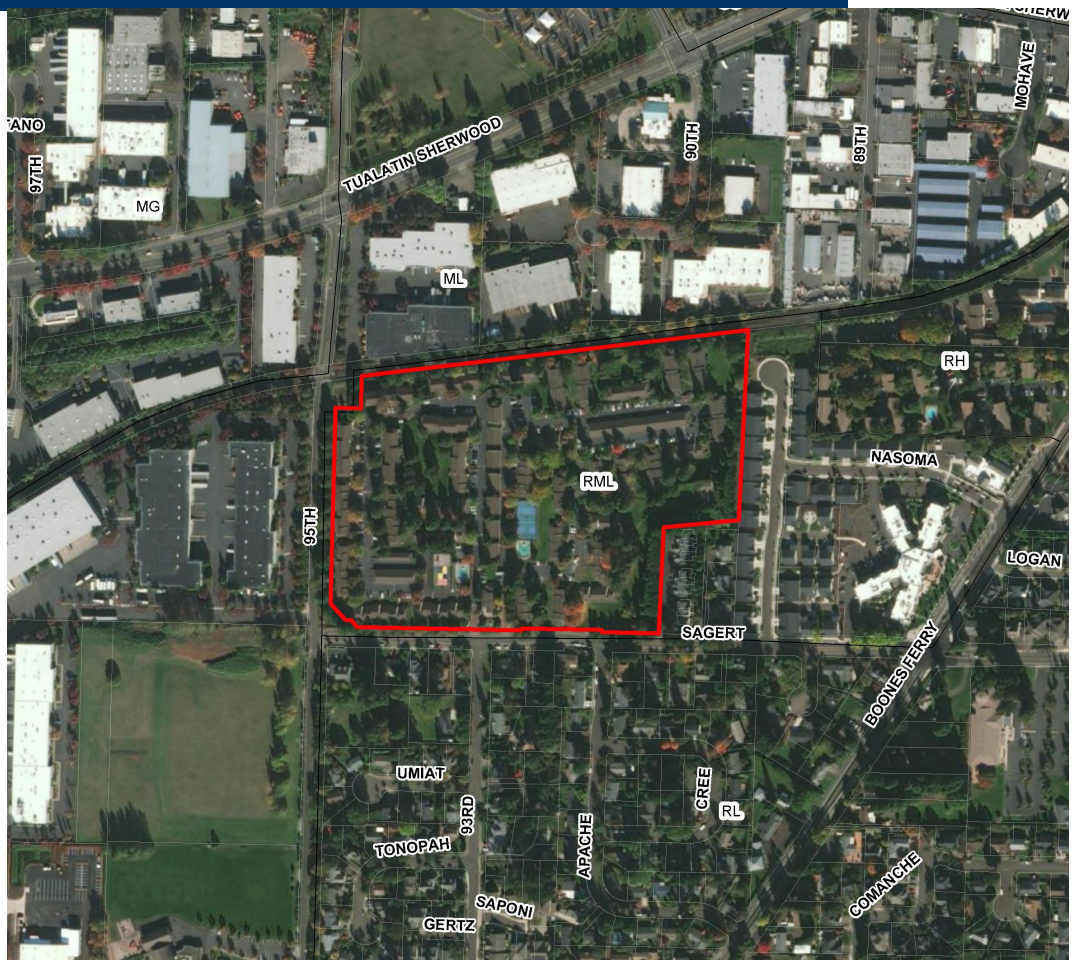
9301 SW Sagert Street

## Current Use

220 multifamily units

## Site Size

22.4 acres



# Background

- ❑ History of site
  - ❑ 220 multi-family units
- ❑ Current opportunity
  - ❑ The City has determined there is a lack of medium-high density (RMH) zoning in the City. (Source: Housing Needs Analysis, 2019)
  - ❑ There is an opportunity to infill on the existing Tualatin Heights site to provide additional 116 units.

# Plan Map Amendment Application Process

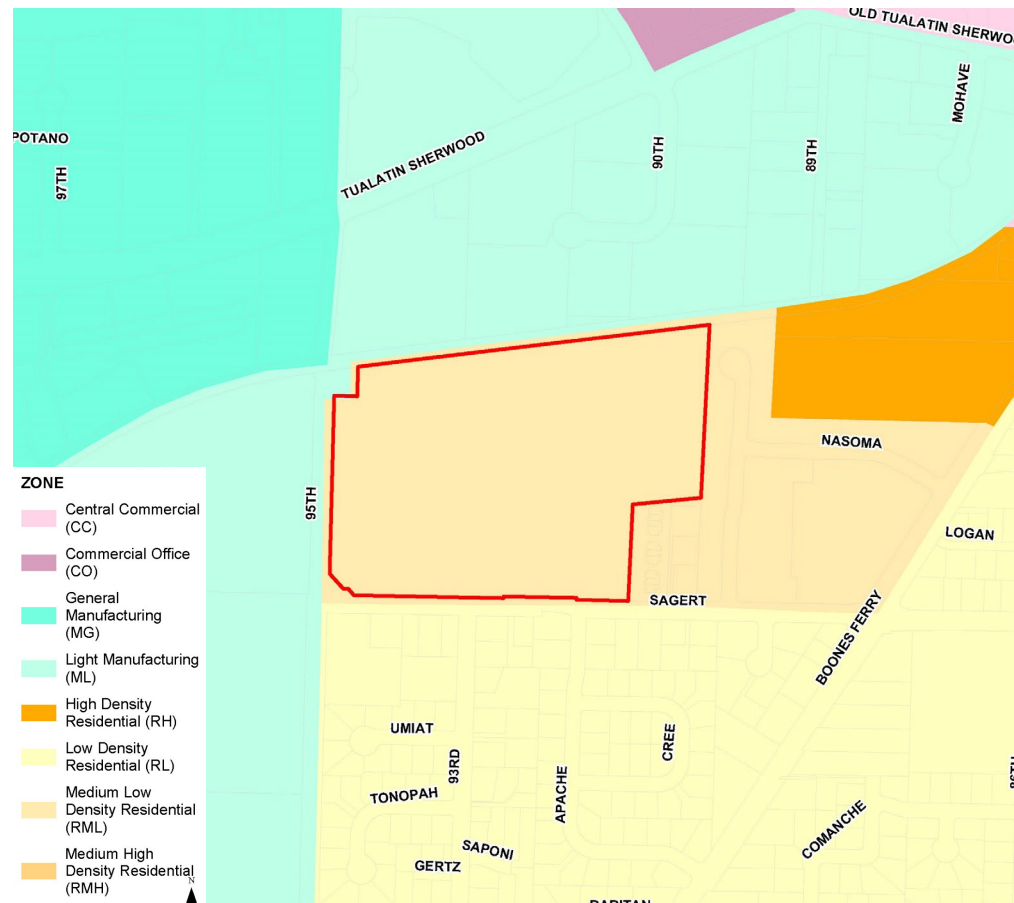
- ❑ Comprehensive Plan Map Amendment (also known as a Zone Change)
  - ❑ Current Zoning is Residential Medium Low (RML)
  - ❑ Proposed Zoning is Residential Medium High (RMH)
- ❑ Review process
  - ❑ A Type IV-A process with Planning Commission public hearing
  - ❑ Planning Commission recommendation to City Council
  - ❑ Tualatin City Council final action

# Existing Zoning Map

**Current Zoning**  
Residential Medium Low  
(RML)

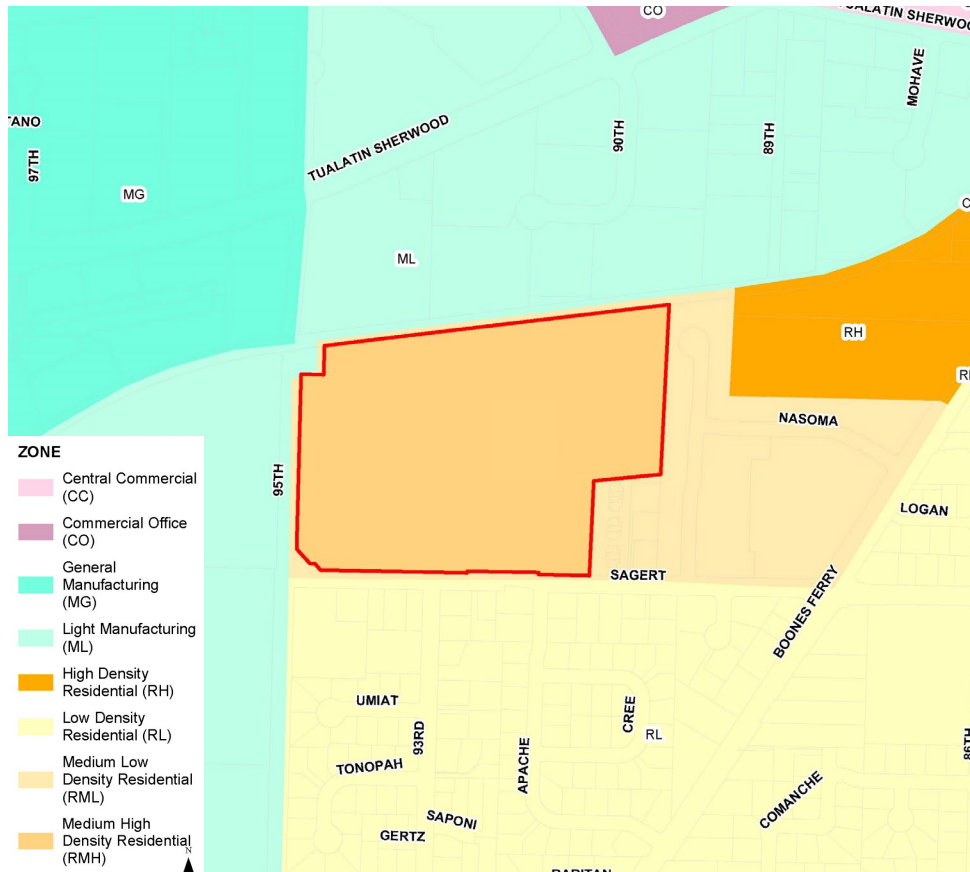
**Maximum density**  
10 units/acre

224 Units





# Proposed Zoning Map



**Proposed Zoning**  
Residential Medium-  
High Density (RMH)

**Maximum density**  
15 units/acre

**Maximum of 336 units,**  
or 116 more units

# Standards for Approval of Plan Map Amendment

- ❑ The following review factors will be applied to the proposed amendments:
  - ❑ Comprehensive Plan Policies
  - ❑ Neighborhood Plan Policies
  - ❑ Housing Needs Analysis (2019)
  - ❑ Transportation Planning Rule
  - ❑ Statewide Planning Goals

# Architectural Review Process

- ❑ Following approval of Plan Map Amendment, an Architectural Review Application will be filed to the City.
- ❑ Architectural Review application will apply applicable Tualatin Development Code criteria, and consider:
  - ❑ Site Design
  - ❑ Building Design
  - ❑ Traffic
  - ❑ Parking
  - ❑ Public Facilities
- ❑ Architectural Review Type III for 100 units or more.
  - ❑ Type III Architectural Review Applications go to a hearing at the Architectural Review Board.

# Existing Site Plan

BIM 360://21007 - UDR Tualatin Heights Apartments/21007\_UDR Tualatin Heights Apartments\_Central - 2020.rvt 3/9/2021 1:45:45 PM



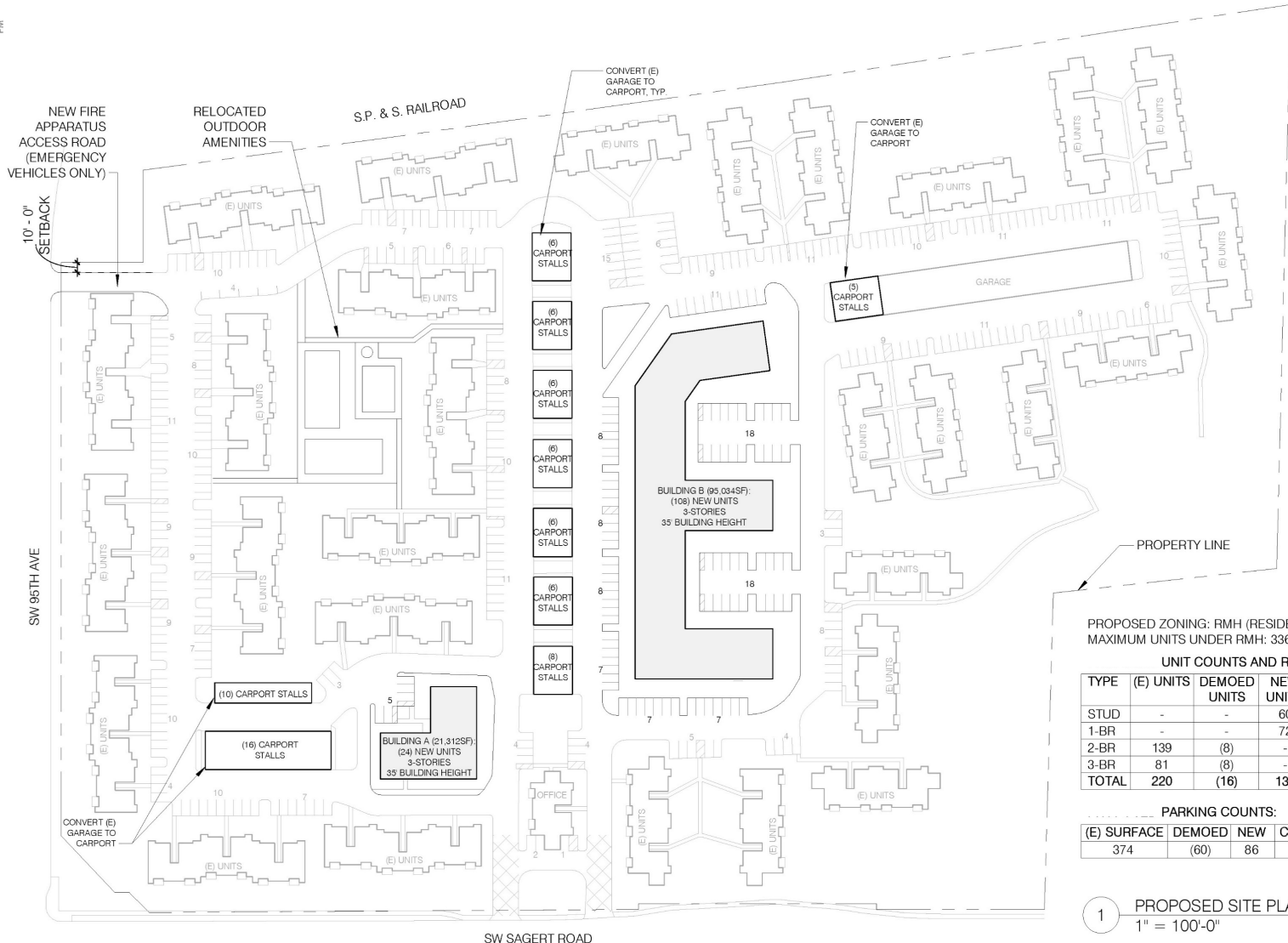
**TUALATIN HEIGHTS APARTMENTS**  
 PROPERTY ADDRESS: 9301 SW SAGERT ST, TUALATIN, OR 97062  
 TAX LOT: 2S123DC00600  
 SURVEYED PARCEL AREA: 22.4 ACRES  
 EXISTING ZONING: RML (RESIDENTIAL MEDIUM LOW)  
 MAXIMUM UNITS UNDER RML: 224

1 EXISTING SITE PLAN  
 1" = 100'-0"



# Conceptual Site Plan

BIM 360://21007 - UDR Tualatin Heights Apartments/21007\_UDR Tualatin Heights Apartments\_Central - 2020.rvt 5/20/2021 3:20:38 PM



PROPOSED ZONING: RMH (RESIDENTIAL MEDIUM HIGH)  
 MAXIMUM UNITS UNDER RMH: 336

**UNIT COUNTS AND REQUIRED PARKING:**

TYPE	(E) UNITS	DEMOED UNITS	NEW UNITS	TOTAL UNITS	REQ. PARKING	REQ. GARAGE
STUD	-	-	60	60	60	0
1-BR	-	-	72	72	90	0
2-BR	139	(8)	-	131	196.5	0
3-BR	81	(8)	-	73	127.75	0
<b>TOTAL</b>	<b>220</b>	<b>(16)</b>	<b>132</b>	<b>336</b>	<b>475</b>	<b>0</b>

**PARKING COUNTS:**

(E) SURFACE	DEMOED	NEW	CONVERTED CARPORTS	TOTAL
374	(60)	86	75	475

1 PROPOSED SITE PLAN  
 1" = 100'-0"



# Next Steps

*Dates are tentative*

- ❑ July 2021: File application for proposed Plan Map Amendment
- ❑ August 2021: Planning Department Application Review
- ❑ Fall 2021: Planning Commission Review and Tualatin City Council Hearings
- ❑ TBD: Development proposal – Architectural Review Application
- ❑ TBD: Development review

# Questions / Comments

Contact: Frank Angelo

Principal, Angelo Planning Group

[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)

503.227.3664



May 25, 2020

RE: Tualatin Heights Comprehensive Plan Map Amendment

Dear Property Owner:

You are cordially invited to attend a virtual Neighborhood/Developer Meeting on **Wednesday, June 9, 2021 at 6:00pm** (see page 3 for instructions on how to join the virtual meeting). This meeting is being held to discuss a proposed zone change for the Tualatin Heights property located at 9301 SW Sagert Street. Tualatin Heights is a multifamily apartment development; existing development includes 220 multifamily dwellings on 22.4 acres. The property is currently zoned Residential Medium Low (RML), with a maximum density of 10 dwelling units per acre. The property owner, United Dominion Realty, L.P., is interested in a zone change to allow for Residential Medium-High Density (RMH) on the site, increasing the density to 15 dwelling units per acre for a maximum of 336 units.

City approval is required for a zone change, formally referred to as Comprehensive Plan Map Amendment. The Tualatin Planning Commission will review the application and the Planning Commission will make a recommendation to the Tualatin City Council who will make the final decision.

Please note this meeting will be an informational meeting on the zone change application only. No development is planned at this time.

Because of the current COVID-19 situation, the City of Tualatin has prepared Temporary Guidance for Neighborhood/Developer Meetings. This Guidance allows the Neighborhood/Developer Meeting to be conducted as a Virtual Meeting. The Tualatin Heights Plan Map Amendment Virtual Neighborhood/Developer Meeting will be held on **Wednesday, June 9, 2021 at 6:00pm. See page 3 for instructions on how to join the virtual meeting.**

The City of Tualatin has laid out the following requirements for a Virtual Neighborhood Meeting:

- Be publicly accessible
- Does not require user login
- Allows a call-in option for non-internet users

Accordingly, we are providing the attached instructions for you to use if you choose to participate in this Neighborhood/Developer Meeting for the proposed Tualatin Heights zone change.

Mailed notice of this Virtual Meeting has been provided in the same manner as specified in TDC 32.120.



a. This notice includes the following information:

- i. Instructions for how to join the virtual meeting and how to submit written comments both prior to and during the meeting. See attachment.*
- ii. Instructions for how to obtain or view materials to be presented during the virtual meeting. Such materials shall be made available, upon request or on a publicly accessible digital platform, a minimum of two days prior to the meeting and a minimum of 10 days after the meeting concludes. See attachment.*
- iii. Preliminary details of the major elements of the proposed development. See description above.*
- iv. Whether the development proposal includes a single or multiple applications. The application is for a Comprehensive Plan Map Amendment.*

The purpose of this meeting is to provide a forum for surrounding property owners / residents to review the proposal and to identify issues so they can be considered before the formal application is submitted to the City of Tualatin. This meeting gives you the opportunity to share with us any special information you know about the property involved. Please note that this will be an informational meeting on preliminary development plans prior to official submission to the City.

Please contact me at 503-227-3664 (leave a message) or at [fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com) if you have questions about this meeting or the proposed project. We look forward to discussing this proposal with you.

Sincerely,



Frank Angelo, Principal  
Angelo Planning Group  
[fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)

Attachment: Tualatin Heights Project Neighborhood/Developer Meeting Instructions  
Project Location Map

## **Tualatin Heights Zone Change Virtual Neighborhood Meeting Instructions**

The following are the instructions to participate in the Tualatin Heights Zone Change Virtual Neighborhood/Developer Meeting to be held on **Wednesday, June 9, 2021 at 6:00 PM.**

1. Log or call in via GoToMeeting using the information below:

Website for video: <https://www.gotomeet.me/AngeloPlanning/thzonechange>

**You can also dial in using your phone.**

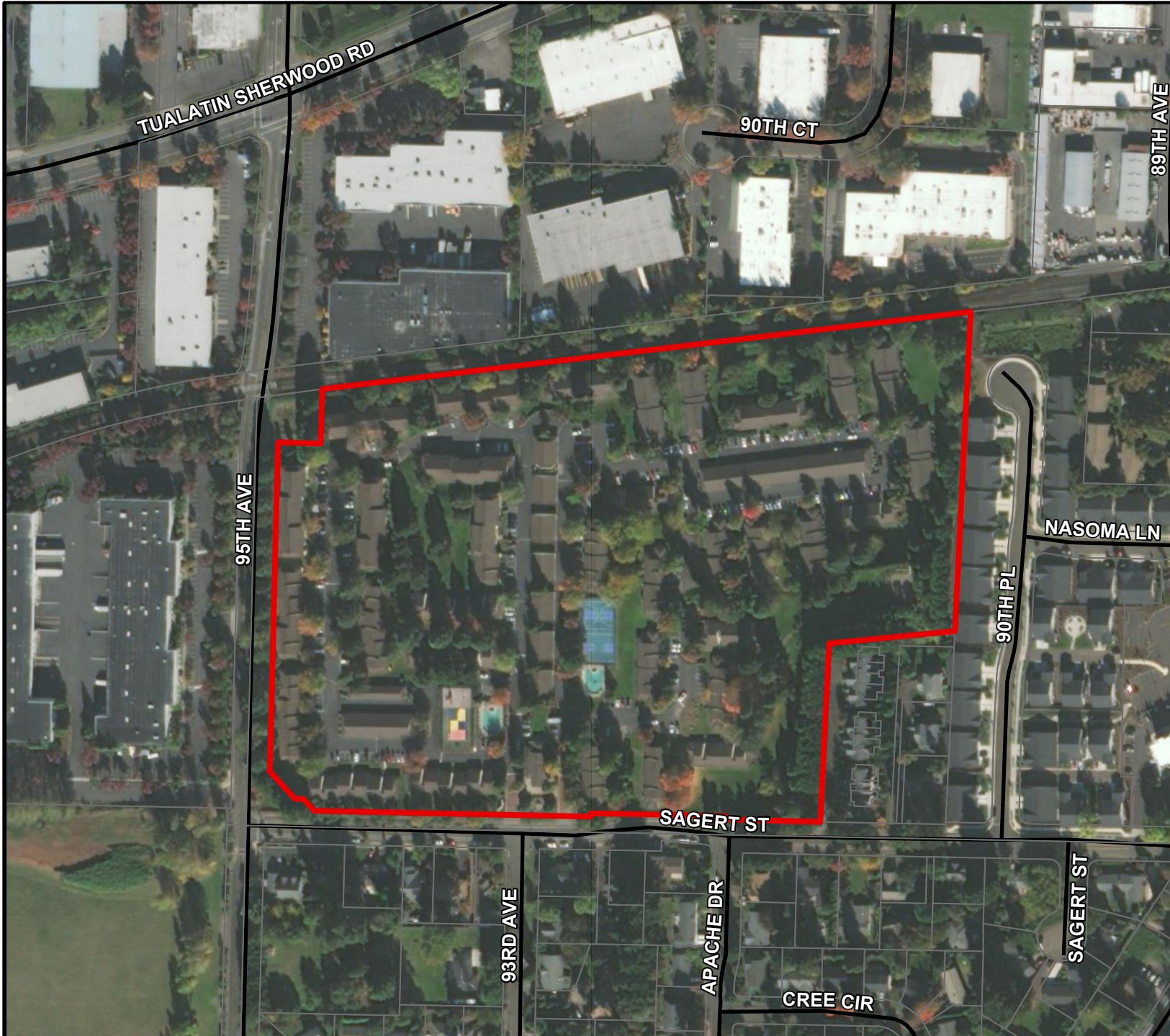
United States: [+1 \(571\) 317-3122](tel:+15713173122) and use **Access Code:** 585-997-213

If you are new to GoToMeeting? Get the app now and be ready when your first meeting starts:

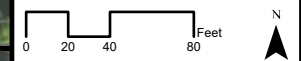
<https://global.gotomeeting.com/install/585997213>

2. Submit written questions before or during the meeting by emailing Frank Angelo at: [fangelo@angeloplanning.com](mailto:fangelo@angeloplanning.com)
3. Materials presented at the meeting will be available to view online 2 days prior to, and 10 days after, the meeting at the following link: <https://tinyurl.com/thzonechange>  
(The link will take you to a Dropbox folder.)

# Tualatin Heights Zone Change Vicinity Map



 Site



Prepared By: Angelo Planning Group  
Date: 05/19/2021

Coordinate System: NAD 1983 HARN  
StatePlane Oregon North FIPS 3601 Feet Intl  
Data Sources: Metro RLIS, WWSP

This map is intended for informational purposes only. While this map represents the best data available at the time of publication, APG makes no claims, representations, or warranties as to its accuracy or completeness. Metadata available upon request.

CERTIFICATION OF SIGN POSTING

<p><b>NOTICE</b></p> <p><b>NEIGHBORHOOD / DEVELOPER MEETING</b></p> <p>06/09/20<sup>21</sup>10:00 p.m.</p> <p>SW _____</p> <p>503-691-3026</p>
--

In addition to the requirements of TDC 32.150, the 18" x 24" sign must display the meeting date, time, and address as well as 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. A PowerPoint template of this sign is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the Tualatin Heights Plan Amendment project, I hereby certify that on this day, 2 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Frank Angelo  
(Please Print)

Applicant's Signature: [Handwritten Signature]

Date: May 26, 2021

**AFFIDAVIT OF MAILING NOTICE**

STATE OF OREGON )  
 ) SS  
COUNTY OF WASHINGTON )

I, Emma Pomcoib being first duly sworn, depose and say:

That on the 26 day of May, 2021, I served upon the persons shown on Exhibit "A" (Mailing Area List), 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.

[Handwritten Signature]  
Signature

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of May, 2021.



[Handwritten Signature]  
Notary Public for Oregon  
My commission expires:

RE: Tualatin Heights Plan Amendment

# Tualatin Heights Apartments | 9301 SW Sagert Street

## Pre-Application Meeting 4/7/21 Summary

Thank you for discussing the proposed Plan Map Amendment and redevelopment. Below, please find a summary of some of the points we were able to discuss. If there is anything else you would like to document from our meeting, please respond with your notes as well. Thank you.

### Required Land Use Reviews

All land use reviews may be submitted electronically via eTrakit:  
<https://permits.ci.tualatin.or.us/eTrakit/>

### A Neighborhood/Developer meeting

- Holding a new Neighborhood/Developer meeting is required for both a Plan Map Amendment and Architectural Review application; these meetings may be combined.
- One Neighborhood/Developer meeting may cover multiple applications but should generally be held no more than six months prior to application. More detailed information about this meeting, including options for virtual meetings during the present pandemic response, is online here: <https://www.tualatinoregon.gov/planning/neighborhood-developer-meetings>
- Applicants are responsible for mailing and posting notice of your Neighborhood Developer meeting. The City can provide a list of addresses for your notice letters. This mailing list includes neighboring property owners, but communicating with your current residents is also encouraged to proactively address concerns. Please email us at [planning@tualatin.gov](mailto:planning@tualatin.gov) to request a Mailing List for a \$32 fee.

### Plan Map Amendment

An applicant-initiated Plan Map Amendment is a [Type IV-A](#) process with review by Tualatin City Council.

An advisory recommendation is sought at Tualatin Planning Commission prior to a City Council hearing. The applicant team is invited to attend and share information at this meeting, as are members of the public, but it is not a formal hearing.

Plan Map Amendment application packet:

[https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5083/pma\\_instructions\\_withform.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5083/pma_instructions_withform.pdf)

Criteria to address in your narrative:

- TDC 33.070(5):  
[https://library.municode.com/or/tualatin/codes/development\\_code?nodeId=THDECOTUOR\\_CH\\_33APAPCR\\_TDC\\_33.070PLAM](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH_33APAPCR_TDC_33.070PLAM)

With an upzone adding residential density, special attention is needed to the Transportation Planning Rule (TPR) analysis. Your findings should also address public capacity for sanitary sewer conveyance and water availability.

The proposal should also respond to the current Housing Needs Analysis and housing development goals. The HNA shows a deficient of capacity within RMH zoning.

- Housing Needs Analysis (2019):  
<https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/22631/hna.pdf>
- Tualatin 2040 information: <https://www.tualatinoregon.gov/planning/tualatin-2040>

Tualatin Comprehensive Plan:

[https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/4716/comprehensive\\_plan\\_web.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/4716/comprehensive_plan_web.pdf)

### **Architectural Review (AR)**

- Architectural Review (Type III for 100 units or more). Type III ARs go to a hearing at the Architectural Review Board.
- AR Application:  
[https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5081/ar\\_instructions\\_2019\\_withforms.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5081/ar_instructions_2019_withforms.pdf)

Criteria to address in your AR narrative includes:

#### **Tualatin Municipal Code:**

- [Chapter 03-02: Sewer Regulations; Rates;](#)
- [Chapter 03-03: Water Service;](#)
- [Chapter 03-05: Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers;](#)

#### **Tualatin Development Code:**

- [TDC 42: Medium High Density Residential](#)
- [TDC 73A: Site Design,](#)
- [73B: Landscaping Design,](#)
- [73C: Parking Standards, and](#)
- [73D: Waste and Recyclables Management Standards;](#)
- [TDC 74: Public Improvements;](#)
- [TDC 75: Access.](#)

While not directly applicable to larger multi-family development, changes to the Tualatin Development Code related to middle housing and consistent with Oregon House Bill 2001 are anticipated in the second half of 2021. Minor changes in the development code such as definition updates may possibly be relevant to this project. Updates on this project at: <https://www.tualatinoregon.gov/planning/middle-housing>.

## Highlighted Site Design Standards

### **RMH Standards:**

[https://library.municode.com/or/tualatin/codes/development\\_code?nodeId=THDECOTUOR\\_CH42MEHI\\_DEREZORM](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH42MEHI_DEREZORM)

### **Community Design Standards:**

The 73A “Common wall” standards must be met unless the applicant team seeks a Variance prior to Architectural Review. Where it may not be immediately clear that the design meets these standards, making the case in your narrative for how the design meets the standards is key.

### **Parking:**

TDC 73C requires garages in addition to the parking thresholds. Your plans should reflect this requirement.

### **Access:**

TVF&R has described the need for a secondary access off of SW 95<sup>th</sup> Ave. See additional comments from TVF&R.

### **Natural resources:**

Clean Water Services will comment on any applicable natural resource concerns, including any possible required dedications and mitigations, through their Environmental Review process. The Service Provider Letter from CWS is a requirement of a complete Architectural Review submittal. For more information, see <http://www.cleanwaterservices.org/permits-development/step-by-step-process/environmental-review/>

## Public Utilities and Other Site Development

- An Erosion Control permit is required from Tualatin for projects disturbing over 500 square feet.
  - Additionally if between one and five acres are disturbed, a 1200CN is needed from CWS.
  - If over five acres are disturbed, a 1200C is needed from DEQ.
  
- A Water Quality Permit is needed for construction and modification of public and private impervious areas. The permit will include wetland mitigation/revegetation required by CWS SPL in addition to treatment, detention per [TMC 3-5-3-220\(4\)](#), and hydromodification per CWS D&CS Ch 4.
  - Improve existing facilities to adequate condition
  - Include all private stormwater treatment and conveyance within a maintenance agreement including existing facilities.
  - Stormwater plans and calculations certified by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
    - In accordance with TMC 3-5-200 through 3-5-430, TDC 74.630 and 74.650, Public Works Construction Code (PWCC), and Clean Water Services’ (CWS) Design and Construction Standards (D&CS) Chapter 4.
    - Show onsite facilities for proposed new and modified impervious areas.
    - Address runoff from all new and modified private impervious areas.



- Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
    - Detain up to the 25 year storm event in accordance with TMC 3-5-220(4), TMC 3-5-230, and CWS D&CS 4.08.
    - Accommodate hydromodification in accordance with CWS D&CS 4.03.5.
    - Include conveyance calculations that accommodates up to a 25-year storm event with 100-year overland flow to the public stormwater system in accordance with TDC 74.640 and CWS D&CS 5.05.2.d.
      - Downstream evaluation with a maximum of 82% capacity within public lines per [TMC 3-5-210 - Review of Downstream System](#)
      - Obtain any permissions to reach Tualatin's public lines. An ODOT Rail Contact that may be beneficial Bob Stolle, PE, PMP, Crossing Engineer, Commerce and Compliance Division, 3930 Fairview Industrial Dr. SE | Salem , OR , 97302-1166, C. 503-551-0618 | [bob.stolle@odot.state.or.us](mailto:bob.stolle@odot.state.or.us)
    - Demonstrate compliance with the Clean Water Services' Service Provider Letter CWS conditions sufficient to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).
  - Geotech/soil/infiltration report: An infiltration test report will need to be submitted to Engineering for a complete land use application if the proposed water quality facility includes infiltration in the design.
- A Public Works Permit is needed for any work within right-of-way or public easements.
  - Typical improvements to bring into code compliance
    - Separate water laterals for domestic and fire
    - Sanitary sewer and stormwater cleanouts near the right-of-way
    - Sidewalks and ramps adjacent to the lot must be evaluated. If not in compliance with ADA requirements, they must be improved.
  - Dedicate and construct/reconstruct public street cross-sections. Sidewalks and ramps adjacent to the lot must be evaluated. If not in compliance with ADA requirements, they must be improved.
    - The City Engineer may allow modification of the cross-sections based on existing development, Traffic Impact Analysis results, and Tualatin Moving Forward projects.
    - [Figure 11-1: Functional Classification and Street Signal Plan](#)
    - Sagert and 95<sup>th</sup> are classified as [Minor Collectors](#)
    - Fee-in-lieu potentials may include cross-walks, sidewalks, or signal relating Tualatin Moving Forward, 95th Ave and Avery St (Tualatin Elementary School), <https://www.tualatinmovingforward.com/95th-avenue-and-avery/>
    - Please propose alternatives that are less than preferred for confirmation with the City Engineer ahead of land use for initial responses and potential modification to proposed plans.
  - Rezoning includes the possibility of increase of public sanitary sewer downstream conveyance and water use. Capacity and availability must be confirmed.

- Hydraulic Modeling is required for over 48,300 square footage of new building area, 870 gallons/acre/day use, and/or more than 49 residential units. Hydraulic Modeling may be requested in advance of application for a land use to confirm availability and requirements, but may need to be updated depending on changes due to conditions of approval. When submitting a modeling application include:
  - Requirements/alternatives allowed by Tom Mooney, TVF&R (503) 259-1419; [thomas.mooney@tvfr.com](mailto:thomas.mooney@tvfr.com)
  - Hydrant flow test results. Request testing via <https://www.tualatinoregon.gov/publicworks/hydrant-flow-tests>. For questions contact Terrance Leahy, Water Division Manager, (503) 691-3095; [tleahy@tualatin.gov](mailto:tleahy@tualatin.gov)

### Transportation and Site Access

- Have your transportation engineer confirm their proposed Traffic Impact Analysis scope by emailing Mike McCarthy, Principal Traffic Engineer, [mmccarthy@tualatin.gov](mailto:mmccarthy@tualatin.gov) (please also copy [tdoran@tualatin.gov](mailto:tdoran@tualatin.gov)).

### Fire

- Additional comments from Tualatin Valley Fire and Rescue are attached.
- Tom Mooney, TVF&R (503) 259-1419; [thomas.mooney@tvfr.com](mailto:thomas.mooney@tvfr.com))
- Flow testing: Terrance Leahy, Water Division Manager, (503) 691-3095; [tleahy@tualatin.gov](mailto:tleahy@tualatin.gov))

### Fees

- Current fee schedule: <https://www.tualatinoregon.gov/finance/fee-schedule>
- For calculating SDC fees, please work with Lauren Gonzalez, [lgonzalez@tualatin.gov](mailto:lgonzalez@tualatin.gov)