



City of Tualatin

TUALATIN CITY COUNCIL

Monday, April 22, 2013

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:30 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik

Councilor Joelle Davis Councilor Nancy Grimes

Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Announcements, at which time citizens may address the Council concerning any item not on the agenda with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 22, 2013

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Hon. Congresswoman Bonamici Recognizes Tualatin's Centennial Anniversary
2. City of Tualatin Public Service Recognition Week Proclamation
3. Proclamation Endorsing Efforts by the Oregon Department of Forestry and the Board of Forestry to Implement Conservation Areas and Encourages the State's Policy Makers to Pursue a Sound Forest Policy
4. 2013 Crawfish Festival Annoucement

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on April 8, 2013
2. Tualatin Library Advisory Committee Annual Report for 2012
3. Consideration of Approval of a New Liquor License Application for Lakeside Bistro

E. SPECIAL REPORTS

1. Community Enhancement Award Presentation to The Lewis & Floetta Ide Healing Garden at Legacy Meridian Park Medical Center

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of Resolution No. 5137-13 Adopting Findings in Support of an Exemption from Competitive Bidding and Authorizing a Competitive Request For Proposal Process for the SW Martinazzi Avenue Project

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of a Conditional Use Permit to Allow a Small-lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900) (CUP-13-01)

H. GENERAL BUSINESS

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

K. ADJOURNMENT

City Council Meeting

B. 1.

Meeting Date: 04/22/2013

ANNOUNCEMENTS: Hon. Congresswoman Bonamici Recognizes Tualatin's Centennial Anniversary

ANNOUNCEMENTS

Hon. Congresswoman Bonamici Recognizes Tualatin's Centennial Anniversary

SUMMARY

Tualatin is celebrating its 100th anniversary of incorporation throughout 2013. Tualatin's representative in the United States House of Representatives, the Honorable Congresswoman Suzanne Bonamici, will offer her congratulations to the people of Tualatin.

Attachments

Congressional Record

EXTENSIONS OF REMARKS

HONORING THE CENTENNIAL OF THE CITY OF TUALATIN, OREGON

HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2013

Ms. BONAMICI. Mr. Speaker, I rise today in honor of the City of Tualatin, Oregon, on the occasion of its centennial anniversary.

This remarkable city, located just south of the State's largest metropolitan area, serves as a gateway to the fertile farmland of the Willamette Valley, which was formed by a series of cataclysmic floods some 12,000–17,000 years ago.

The Tualatin River Basin has provided sanctuary and sustenance for a litany of ancestral occupants. This wide range of early and distinguished inhabitants included the Atfalati Tribe and the historic Tualatin Mastadon, which was unearthed in 1962 after 13,000 years and subsequently displayed at the Tualatin Public Library for public edification.

In 1850 the U.S. Congress passed the Donation Land Claim Act, which granted title to American settlers committed to productive cultivation of the land. Shortly after, from 1850–1853, 30 families took up permanent residence in the area. Initially known as Galbreath, then Bridgeport, the settlement was named Tualatin in 1887 and subsequently incorporated, by a vote of the townspeople, on August 18, 1913.

In the one hundred years since, Tualatin, Oregon has demonstrated a balanced approach to development—combining economic vitality and safe and beautiful neighborhoods with environmental stewardship to ensure a preeminent quality of life. Over 300 acres of award-winning parks and natural spaces delight residents and offer an abundance of recreational opportunities for hikers, bikers, and outdoor enthusiasts. The community is very proud to have recently celebrated 25 years as a designated Tree City USA.

The City of Tualatin harbors a first-rate educational system, visionary leadership, and public administrators of the highest caliber. An engaged and informed citizenry—critical to the success of every governmental body—actively participates in governance, supports a thriving business community, and sustains a range of cultural and artistic activities.

Mr. Speaker, one hundred years have passed since the incorporation of Tualatin, Oregon. It is a deep honor to represent this exceptional city in the U.S. Congress. I offer my sincerest congratulations during this centennial celebration and look forward to many more years of growth and prosperity.

City Council Meeting

B. 2.

Meeting Date: 04/22/2013

ANNOUNCEMENTS: City of Tualatin Public Service Recognition Week Proclamation

ANNOUNCEMENTS

City of Tualatin Public Service Recognition Week Proclamation

Attachments

Public Service Recognition Week Proclamation

Proclamation

*Proclamation Declaring the Week of May 5 - 11, 2013 as
"Public Service Recognition Week"*

In Honor of the Public Employees of the City of Tualatin

WHEREAS, public service is a honorable calling that involves a wide variety of challenging and rewarding professions, including providing recreational services, maintaining public safety, improving transportation, protecting our environment, and performing administrative and management activities which are essential to efficient and effective operation of government; and

WHEREAS, Tualatin's city employees contribute significantly to the quality of life for the Tualatin community, with their commitment to excellence, high ethical standards, and diversity of skills; and

WHEREAS, excellence in the delivery of public service helps keep Tualatin strong, prosperous, and a wonderful place in which to live, work and play; and

WHEREAS, this commemoration provides an opportunity to express our appreciation for the many contributions public employees make to our daily lives.

NOW, THEREFORE, IT IS PROCLAIMED by the Tualatin City Council that the week of May 5-11, 2013, be Public Service Recognition Week in the City of Tualatin, and the Council encourages all citizens to recognize the crucial role of public employees.

INTRODUCED AND ADOPTED this 22nd day of April, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 3.

Meeting Date: 04/22/2013

ANNOUNCEMENTS: Proclamation Endorsing Efforts by the Oregon Department of Forestry and the Board of Forestry

ANNOUNCEMENTS

Proclamation Endorsing Efforts by the Oregon Department of Forestry and the Board of Forestry to Implement Conservation Areas and Encourages the State's Policy Makers to Pursue a Sound Forest Policy

Attachments

Proclamation

Proclamation

Proclamation endorsing efforts to implement conservation areas and encourage policy makers to pursue a sound forest policy

WHEREAS the City of Tualatin has a rich heritage linked to the Tualatin River, a strong history as “Tree City USA,” and is home to Oregonians with cultural and economic ties to fishing, timber, outdoor recreation, natural resources, and natural beauty; and

WHEREAS Tualatin residents rely on clean water throughout the Tualatin River Watershed, which benefits from the balanced management of the Tillamook state forest; and

WHEREAS conservation areas can reduce catastrophic landslides and help protect source water and treatment infrastructure; and

WHEREAS healthy, productive, and sustainable forest ecosystems that over time and across the landscape provide a full range of social, economic, and environmental benefits to the people of Oregon; and

WHEREAS Oregonians rely on our state forests for economic benefit, including jobs in the timber, forest products, outdoor recreation, and fishing industries. Management of our states forest resources should benefit Oregonians from all industry sectors, diversifying our economic base and supporting family wage jobs; and

WHEREAS on November 3, 2011, Governor Kitzhaber endorsed the concept of “conservation areas” on state forest lands, directing the Board of Forestry to, “Examine and then act upon the authority vested in the Board and Department to establish areas managed primarily for conservation on state forests.”; and

WHEREAS in the process of developing state forest policy, stakeholders should be encouraged, engaged, and enabled to provide input to governing bodies invested in a transparent and public process.

NOW, THEREFORE, BE IT RESOLVED that the City of Tualatin hereby endorses efforts by the Oregon Department of Forestry and the Board of Forestry to implement conservation areas and encourages the state's policy makers to pursue a sound forest policy that acknowledges the values and benefits of all forest resources including clean water, adequate fish and wildlife habitat, sustainable timber harvest, and recreation, and is based on the best available science.

INTRODUCED AND ADOPTED this 22nd day of April, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 4.

Meeting Date: 04/22/2013

ANNOUNCEMENTS: 2013 Crawfish Festival Annoucement

ANNOUNCEMENTS

2013 Crawfish Festival Annoucement

Attachments

2013 Crawfish Festival Annoucement



Centennial Celebration at the 2013 Tualatin Crawfish Festival

Free Admission
after 6:00 p.m.

7:15 p.m.
Centennial Celebration
Ceremony

7:30 p.m.
Centennial Celebration Cake
Cutting

7:30 p.m. – 9:00 p.m.
Live Music

9:00 p.m.
CENTENNIAL FIREWORKS
DISPLAY

Saturday, August 10, 2013
Tualatin Community Park



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 04/22/2013

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on April 8, 2013

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve minutes from the City Council Work Session and Regular Meeting on April 8, 2013.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of April 8, 2013](#)
[City Council Regular Meeting Minutes of April 8, 2013](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR APRIL 8, 2013

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Frank Bubenik

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Police Captain Larry Braaksma; Management Analyst Ben Bryant

CALL TO ORDER

Mayor Ogden called the meeting to order at 6:23 p.m.

1. **Representatives from Washington County gave an update on the 124th Avenue extension alignment options and the Basalt Creek Transportation Refinement Plan.**

Management Analyst Ben Bryant, Assistant City Manager Alice Rouyer, and Washington County Transportation Engineer Russ Knoebel presented the preferred alignment for 124th Avenue. Analyst Bryant presented the Basalt Creek Transportation Refinement Plan noting that the Basalt Creek Policy Advisory Group (PAG) met and recommended the east-west conceptual roadway alignment between Grahams Ferry Road and Boones Ferry Road, which is the same option the Council voted to recommend at their December 2012 meeting. He also updated the Council on the SW 124th Avenue extension alignment stating that option 4 is now the preferred alignment as the result of interested parties meeting and open houses.

Mayor Ogden asked about the costs associated with option 4. Engineer Knoebel stated that option 4 is the least expensive of the options and meets the needs of the surrounding property owners. Mayor Ogden asked if other factors besides the needs of the property owners had been addressed. Engineer Knoebel stated that this option reduces costs for rock cutting and eliminates the need for crossing the BPA power line.

Councilor Davis asked if there would be any impacts to wetland areas. Engineer Knoebel stated that there would be minor impacts to some wetland areas but that they needed to be explored further.

Mayor Ogden asked about the funding and timing of the project. Engineer Knoebel stated the project is fully funded, and they hope to have it completed by the end of 2016.

Mayor Ogden thanked the county for all the work they have done on the project to this point.

Engineer Knoebel noted that he will begin reaching out to Tualatin's Citizen Involvement Organizations (CIO's) to address comments and concerns from residents. The County hopes to select and alignment with input gathered from residents by the end of spring 2013.

- 2. The Southwest Corridor Plan is a comprehensive land use and transportation plan focused on identifying and prioritizing public investments in the corridor between downtown Portland and Sherwood for the next 15 years. Tonight, the potential high capacity transit routes will be reviewed along with the public outreach schedule.**

Management Analyst Ben Bryant and Assistant City Manager Alice Rouyer presented an update on the SW Corridor Alignments. Analyst Bryant reviewed the five potential high capacity transit routes and outlined the public outreach schedule. He noted that there will be a community forum/open house on May 23rd as well as several meetings before that with the Tualatin Planning Commission and the Tualatin Parks Advisory Committee. Analyst Bryant also proposed bringing the Transportation Task Force back together to discuss the alignments.

Mayor Ogden stated that there is a lot of work to be done on the alignments and that he would like to see the alignment maps distributed to the CIO's as well as drive citizens to the website to view them so they can gain a clearer understanding of the options available.

- 3. Council Meeting Agenda Review, Communications & Roundtable.**

Mayor Ogden request that consent item 5 be removed from the consent calendar so a presentation can be made regarding the topic.

Council President Beikman will now cover the Metropolitan Area Communications Commission (MACC).

ADJOURNMENT

The work session adjourned at 6:54 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 8, 2013

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Frank Bubenik

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Police Captain Larry Braaksma; Management Analyst Ben Bryant

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:00 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update, April 2013

Members of the Youth Advisory Council (YAC) presented a PowerPoint updating the Council on their current projects. YAC is currently working on Project F.R.I.E.N.D.S, an anti-bullying workshop which will be presented on April 18th at Byrom and Tualatin Elementary Schools. The youth survey has been completed and 600 surveys are being scored, an update will be presented at an upcoming council meeting. The films for Movies on the Commons have been selected and YAC will be selling concessions at the events. The committee will be participating in the Tualatin Centennial Discovery Challenge being presented by the Tualatin Historical Society.

Mayor Ogden asked questions about the distribution of the survey. Committee members stated that the surveys were distributed at Tualatin High School through several teachers' classes.

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to approve the consent calendar as amended.

Vote: 6 - 0 MOTION CARRIED

1. Intergovernmental Agreement (IGA) for Payroll Services between the City of Tualatin and the City of West Linn
2. Approval of the Minutes for the City Council Work Session and Regular Meeting on March 25, 2013
3. Resoluton No. 5136-13 Citizen Involvement Organization Grant Program Policy
4. Amendment No. 2 to An Intergovernmental Agreement with Metro for the 2006 Natural Areas Bond Measure Local Share Component

E. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

1. Authorization to Enter into an Intergovernmental Agreement between Washington County and the City of Tualatin for Youth Alcohol Prevention Services through the Washington County Strategic Prevention Framework State Incentive Grant

Police Captain Braaksma presented the intergovernmental agreement between Washington County and the City for youth alcohol prevention services through the Washington County Strategic Prevention Framework State Incentive Grant. He noted that acceptance of these grant funds would be utilized to decrease opportunities for youths to engage in high risk drinking activities.

Mayor Ogden expressed appreciation for the efforts of the Tualatin Police Department working in cooperation with Washington County on securing these grant dollars. Councilor Truax asked about the success rate of the program regarding the sale of alcohol to minors. Captain Braaksma stated that the amount of businesses selling to minors has decreased over the years.

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to authorize an Intergovernmental Agreement to Provide Youth Alcohol Prevention Services.

Vote: 6 - 0 MOTION CARRIED

F. SPECIAL REPORTS

1. Tualatin Planning Commission 2012 Annual Report

Planning Manager Aquilla Hurd-Ravich and Tualatin Planning Commission Chair Mike Riley presented the Tualatin Planning Commission (TPC) Annual Report. Planning Manager Hurd-Ravich covered TPC's role in citizen involvement and the transition to being a commission. TPC recommended for this year that the commission be provided better opportunities to coordinate with the CIO Land Use Officers. This year TPC met 10 times and reviewed 3 plan text amendments. The commission also participated in discussions regarding the Transportation System Plan, Linking Tualatin, Basalt Creek Transportation Refinement, and several others.

Chair Riley noted that this has not been an active year for plan text amendments due to the economy and lack of construction and that the commission has been focused mostly on other city planning activities.

Mayor Ogden shared his appreciation for the groups energy and the value they bring to discussions.

G. PUBLIC HEARINGS – Legislative or Other

H. PUBLIC HEARINGS – Quasi-Judicial

I. GENERAL BUSINESS

1. Resolution No. 5134-13 Setting Forth Tualatin's Commitment to Put Healthy Options Within Reach of All Residents

Community Services Director Paul Hennon and Healthy Eating Active Living (HEAL) Cities Campaign Manager Beth Kay presented the resolution to join the HEAL campaign. Director Hennon stated that the Council established goals to create a livable, healthy, active community and this campaign would help work towards achieving this goal. The initiative provides free information, technical assistance, and other resources and incentives to help cities who are working to create healthier communities.

Campaign Manager Kay noted that the City would be the second city to join the campaign and the first to join by resolution. She presented information regarding the HEAL campaign and the 5 categories that cities are graded on. The City of Tualatin received a gold medal in the Active Kids at Play category. The campaign focuses on helping put policies into place for cities.

Mayor Ogden thanked Director Hennon and Campaign Manager Kay for their efforts and he wants to make sure this information gets shared with all citizens.

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to adopt Resolution No. 5134-13 Setting Forth Tualatin's Commitment to Put Healthy Options Within Reach of All Residents.

Vote: 6 - 0 MOTION CARRIED

J. COMMUNICATIONS FROM COUNCILORS

Councilor Davis addressed the Council Building discussion from the last meeting, specifically noting that there will be a citizen involvement plan put into place for this topic.

Councilor Beikman thanked Volunteer Services Coordinator Victoria Eggleston for putting together a great Volunteer Appreciation BBQ, and thanked all of the great volunteers for their time and dedication to the City.

K. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:37 p.m.

Sherilyn Lombos, City Manager

Nicole Morris

/ Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor

City Council Meeting

D. 2.

Meeting Date: 04/22/2013

CONSENT Tualatin Library Advisory Committee Annual Report

AGENDA:

CONSENT AGENDA

Tualatin Library Advisory Committee Annual Report for 2012

SUMMARY

[Tualatin Library Advisory Committee Annual Report for 2012](#)

Attachments

[TLAC Report to Council](#)



2012 ANNUAL REPORT

Tualatin Library Advisory Committee

1. BACKGROUND

The Tualatin Library Advisory Committee (TLAC) was established by Ordinance 758-88, adopted by Council on October 10, 1988 and incorporated into the Tualatin Municipal Code as Chapter 11-4. The enabling ordinance requires the TLAC to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.

Members of the TLAC during 2012 included Alan Feinstein, Victoria King, Sean Neary, Len Runion (TLAC Chair- not pictured), Thea Wood, Marcus Young and teen representative Janiel Santos.



2. ROLES OF THE COMMITTEE

- A. Consult with and advise the Library Manager on all matters affecting operational policies of the City Library.
- B. Make recommendations to the City Council with respect to services, facilities and all other matters pertaining to the maintenance and improvement of the City Library.
- C. Hear and consider complaints about City Library policies or materials.

3. ACTIONS AND ACCOMPLISHMENTS IN SUPPORT OF ROLES IN 2012

- A. CONSULT WITH AND ADVISE THE LIBRARY MANAGER ON ALL MATTERS AFFECTING OPERATIONAL POLICIES OF THE CITY LIBRARY
 1. TLAC considered and approved the Library's Confidentiality Policy.
 2. TLAC provided input on the Library's internal child safety policies and procedures, including a Code Adam procedure.
 3. TLAC considered and approved the Library's Conference and Study Room Policy.

B. MAKE RECOMMENDATIONS TO THE CITY COUNCIL WITH RESPECT TO SERVICES, FACILITIES, AND ALL OTHER MATTERS PERTAINING TO THE MAINTENANCE AND IMPROVEMENT OF THE CITY LIBRARY.

1. TLAC received presentations from a number of library partners, and recommended activities to strengthen these partnerships. Presentations included:
 - a. Teen Library Committee
 - b. Friends of Tualatin Library
 - c. Tualatin Library Foundation
 - d. Washington County Cooperative Library Services
2. TLAC provided comments and advice to the Library Manager regarding the conversion to Radio Frequency ID, options for the former Café space, and future plans for a Chamber of Tualatin informational touchscreen.

C. HEAR AND CONSIDER COMPLAINTS ABOUT CITY LIBRARY POLICIES OR MATERIALS.

1. TLAC holds open meetings and members of the public are invited to attend.
2. TLAC members review comment cards received by the City regarding the Library each month, and provide input on the topics raised by the comment cards.

4. ACTION PLAN FOR 2013

A. PUBLIC ART COMMEMORATING TUALATIN'S CENTENNIAL

The TLAC will be actively involved, along with other stakeholders, in acquiring public art to commemorate Tualatin's 100th Anniversary of Incorporation, including a piece of art at the Library.

B. STRATEGIC PLANNING

The TLAC will be actively involved in the Tualatin Tomorrow process in the coming year. Library management intends to conduct a strategic planning process in FY 2013-14 and TLAC members will take a leadership role in this process.

C. PARKING AND TRAFFIC ISSUES

The planned construction for Martinazzi Ave and possible development of the former Kmart property may impact residents' ability to reach the library. The TLAC will continue to monitor these projects as to their impact on parking, book drop and library traffic.

cc: Tualatin Library Advisory Committee (TLAC)



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 04/22/2013

SUBJECT: Consideration of Approval of a New Liquor License Application for Lakeside Bistro

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Lakeside Bistro.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Lakeside Bistro.

EXECUTIVE SUMMARY:

Lakeside Bistro has submitted a new liquor license application under the category of Limited On and Off Premises Sales, which allows the sale and service of malt beverages, wine, and cider for onsite consumption and for the sale of factory sealed containers of malt beverages, wine, and cider for consumption off the licensed premises. The business is located at 8294 SW Nyberg Street. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: [Attachment A- Application](#)
[Attachment B- License Types](#)
[Attachment C - Vicinity Map](#)



CITY OF TUALATIN LIQUOR LICENSE APPLICATION

REC'D CITY OF TUALATIN 20

APR 02 2013

MAYOR COUNCIL POLICE ADM FINANCE COMM DEV LEGAL OPER COMM SVCS ENG & BLDG LIBRARY

Date 4-2-13

IMPORTANT: This is a three-page form. You are required to complete all sections of the form. If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation. Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
Change in Previous Application - \$75.00 Application Fee.
Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License #
Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): LAKE SIDE BISTRO

Business address 8294 SW Nyberg St City Tualatin State OR Zip Code 97062

Mailing address 15505 NW Melody Ln City Beaverton State OR Zip Code 97006

Telephone # 503-486-5464 Fax #

Name(s) of business manager(s) First BEBY Middle ALLISON Last NELSON

Date of birth Social Security # ODL# M FX

Home address City Beaverton State OR Zip Code 97006

(attach additional pages if necessary)

Type of business wine bar / BREAKFAST

Type of food served TAPAS, SMALL PLATES / USUAL BREAKFAST FARE

Type of entertainment (dancing, live music, exotic dancers, etc.)

Days and hours of operation TUES - SUN 7:00AM - 2:00 TUES - SAT - 3:00 - 11:00

Food service hours: Breakfast 7:00 - 2:00 Lunch Dinner wine bar 3 - 10:00 / 11:00

Restaurant seating capacity 52 Outside or patio seating capacity 30

How late will you have outside seating? 10:00 or 11:00 How late will you sell alcohol? 10:00 or 11:00

How many full-time employees do you have? 3 Part-time employees? 2

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____

LAKESIDE BISTRO, LLC & PAUL R. NELSON

Type of liquor license (refer to OLCC form) LIMITED ON & OFF PREMISE

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name _____
Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes ___ No ___ If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

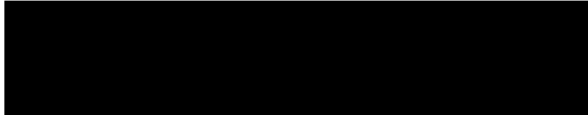
LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: BETSY ALLISON NELSON Date of birth: [REDACTED]
Residence address: [REDACTED] BEAVERTON, OR 97006

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

 _____
Signature of Applicant Date 4-2-13

For City Use Only

Sources Checked:

DMV by [Signature] LEADS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted
 Denied
Cause of unfavorable recommendation: _____

 _____
Date 4/4/13

Kent W. Barker
Chief of Police
Tualatin Police Department

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES

FULL ON-PREMISES SALES

- **Commercial Establishment**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



Lakeside Bistro

Boones Ferry Rd

Tualatin Sherwood Rd

Attachment C
Vicinity Map



City Council Meeting

E. 1.

Meeting Date: 04/22/2013

SPECIAL Community Enhancement Award Presentation
REPORTS:

SPECIAL REPORTS

Community Enhancement Award Presentation to The Lewis & Floetta Ide Healing Garden at Legacy Meridian Park Medical Center

Attachments

Attachment A-Community Enhancement Award



Community Enhancement Award

Tualatin Arts Advisory Committee
Community Services Department



Purpose of Award

- Created to recognize individuals or organizations whose contributions have impacted arts-related experiences for local residents
 - The Tualatin Arts Advisory Committee identifies recipients and makes recommendations to the City Council
-

Past Recipients

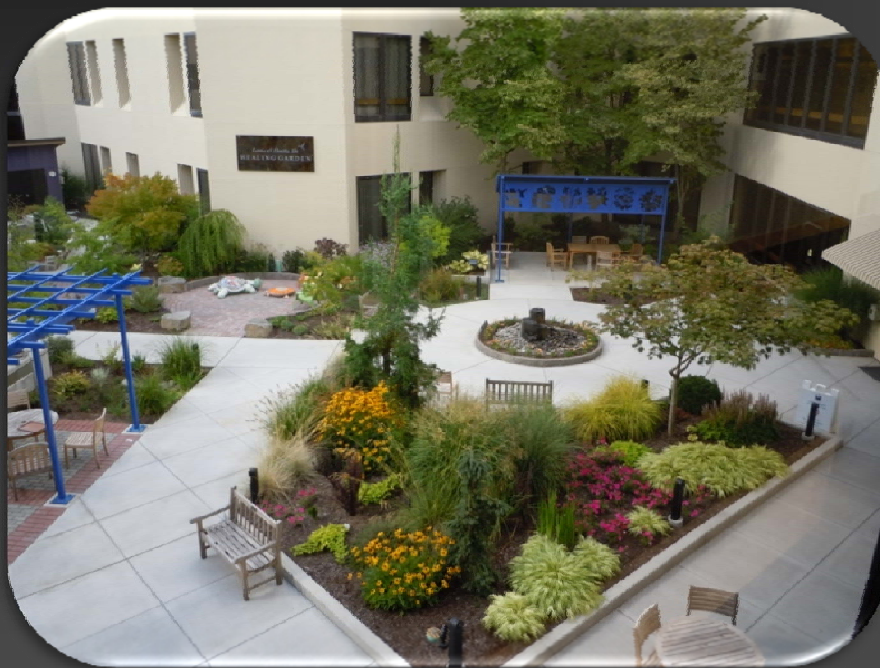
- November 2011
Don Armstrong, Tualatin Franchise Owner
McDonald's Restaurants
 - March 2011
Althea Pratt-Broome,
Willowbrook Arts Camp
 - September 2010
Lumiere Players Theatre
-

Award Recipient

➤ Award recipient:

The Lewis & Floetta Ide Healing Garden
at
Legacy Meridian Park Medical Center

Community Enhancement Award



The Lewis & Floetta Ide Healing Garden

Tualatin Arts Advisory Committee





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Kaaren Hofmann, Engineering Manager
Alice Cannon Rouyer, Assistant City Manager

DATE: 04/22/2013

SUBJECT: Consideration of Resolution No. 5137-13 Adopting Findings in Support of an Exemption from Competitive Bidding and Authorizing a Competitive Request For Proposal Process for the SW Martinazzi Avenue Project

ISSUE BEFORE THE COUNCIL:

Should the City Council, sitting as the Local Contract Review Board, adopt Resolution No. 5137-13 to adopt findings in support of an exemption from competitive bidding and authorize a competitive request for proposal process instead of the traditional 'low bid' process?

RECOMMENDATION:

Staff recommends that the City Council, sitting as the Local Contract Review Board, adopt Resolution No. 5137-13 to adopt findings in support of an exemption from competitive bidding and authorize a competitive request for proposal process instead of the traditional 'low bid' process.

EXECUTIVE SUMMARY:

This public hearing was noticed in the [Daily Journal of Commerce](#) on April 8, 2013.

BACKGROUND

The SW Martinazzi Avenue project started design work in March 2012 and is approximately 95% complete. This project is intended to:

- Replace the existing water line from SW Nyberg Street to north of the Tualatin River
- Replace the existing sewer line from SW Seneca Street to SW Boones Ferry Road
- Rebuild the existing pavement from south of SW Nyberg Street to SW Boones Ferry Road
- Replace the existing traffic signal at the SW Nyberg Street/SW Martinazzi Avenue intersection
- Replace the existing catch basins in SW Martinazzi Avenue

As the project progressed, Open Houses were held, meetings with individual property owners were held, and the City received a Corps of Engineers permit to tunnel underneath the Tualatin

River.

It also became apparent as the design progressed that this project will have several challenges during construction. One of the bigger challenges is that much of the construction will occur on SW Martinazzi Avenue, which is one of the busiest streets in Tualatin. Other challenges include: tunneling under the Tualatin River and limited staging areas for equipment, material storage, and preparation.

The work on SW Martinazzi Avenue will take approximately one month to complete assuming the contractor has access to the entire roadway. To stage the construction will take at least two months. It was decided that this was the best option for completing the work in the most expeditious manner. The roadway will be closed from SW Nyberg Street to SW Boones Ferry Road for one month starting after the Crawfish Festival in August. This will require a considerable amount of coordination with businesses and the City to make sure access is maintained through appropriate detour routes.

Along with the roadway closure, there will be a water line placed underneath the river through a process called boring. This work will need to be staged carefully as the amount of available property to lay out the water line is limited.

In most cases, a capital improvement project goes through a standard bidding process, with the contractor submitting the lowest responsible bid being awarded the contract. For all of the previous reasons, it does not seem prudent to award this project based strictly on price. A competitive request for proposal process will allow the City to obtain a contractor based on experience in these types of situations, ability to complete the work in a timely manner, and price. The exemption process will provide the City and contractor with an opportunity to work cooperatively to resolve construction and access management issues in an efficient manner and early in the process. The exemption will provide both time and cost savings that are vital given the location of the project.

In order to advertise the project as a Request for Proposal instead of a traditional 'low bid' project, the City Council, sitting as the Local Contract Review Board, must find that this process will not encourage favoritism or discourage competition. The City will competitively select through a request for proposal, therefore, granting the exemption will not substantially diminish competition in the awarding of public contracts or engage in favoritism. The analysis and findings are attached.

OUTCOMES OF DECISION:

If the City Council adopts the attached resolution, the project will be advertised as a Request for Proposal project instead of a standard 'low bid' process.

ALTERNATIVES TO RECOMMENDATION:

If the City Council, sitting as the Local Contract Review Board, chooses to not allow for a Request for Proposal process, the construction contract can be advertised in the traditional 'low bid' process.

ANALYSIS & FINDINGS SW MARTINAZZI AVENUE PROJECT REQUEST FOR PROPOSAL

Under Tualatin Municipal Code (TMC) 1-21.090 Exemptions from Competitive Bidding, the City Council sitting as the Local Contract Review Board may exempt a particular contract from competitive bidding requirements subject to the following:

The request shall contain the nature of the project, the estimated contract price, findings to support the substantial cost savings, findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the contract, the proposed alternative contracting purchasing practices to be employed and the estimated date by which it would be necessary to let the contract.

A. Nature of the Contract

This project will replace the existing water and sewer lines, rebuild the roadways and the intersection of SW Nyberg Street/SW Martinazzi Avenue. The project also includes placing a water line underneath the Tualatin River which will require construction to occur in the City's back parking lot and in the Tualatin View Apartments parking lot.

As a part of this project, a significant amount of work with the existing utilities is required. There is also a certain amount of highly specialized work involved including the water line boring work and signal installation. This will require a contractor that can manage the variety of work.

B. Estimated Cost

The estimated contract cost is \$1,600,000.

C. Substantial Cost Savings

This process will produce a cost savings in the amount of time that the construction will take. Also being able to provide a well-qualified contractor for all aspects of the work will reduce time and money.

For all of these items the contractors will provide examples of work done in these types of situations with references to check for verification. They will also be required to provide resumes of the personnel that will work on the project.

(1) A use of a traditional city-managed "low bid" contracting method poses several disadvantages on this project and would subject the City to additional

costs and risks. Exempting the project from competitive bidding creates several advantages that provide substantial cost savings and public benefits to the City.

(2) The traditional “low bid” contracting method does not allow the City to select the appropriate contractor to take into consideration the unique circumstances of the location of the site. The site is located in the downtown core and requires continued access to businesses and public facilities in the area. Using a request for proposal selection method allows the City to select a contractor that can ensure the coordination of construction timing and requirements of continued mobility near the site. This results in cost and operational efficiencies for both the City and public at large. It also allows the City to select the best contractor to manage the integration of the project and continued mobility, while taking into account the needs of each individual part of the project. Such integration reduces costs and eliminates the need to coordinate multiple stages of the improvements at the location.

(3) The biggest risks to the project are complexities regarding communications, continuity, and schedule. The exemption allows the City to coordinate in order to make the construction process as smooth as possible for the public. The exemption process will provide the City and contractor with an opportunity to work cooperatively to resolve construction and access management issues in an efficient manner and early in the process. The exemption will provide both time and cost savings that are vital given the location of the project. The exemption will also allow all of the improvements in the area to be constructed with better communication and continuity. This will expedite decision making and reduce project delays.

- D. The exemption is not likely to encourage favoritism or substantially diminish competition in awarding the contract and will result in substantial cost savings.

The exemption is unlikely to encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.

(1) Favoritism is defined as “selection based on friendship or factors other than merit.” “Encourage” is defined as “promoting the growth and development.” Granting an exemption for the construction of the improvements will be unlikely to encourage favoritism because this is a single contract exemption that will be procured through a competitive process. The City will use a request for proposal process that takes into consideration multiple factors, including experience, proposed project schedule, use of limited staging areas and cost.

(2) The terms and conditions of the contract will be the result of “arms-length” contract negotiations and the contract will be reviewed and approved by the City Engineer, the City Attorney, and the City Manager. During construction,

the selected contractor will be required to comply with all City specifications, bonding, and insurance requirements, including payment of prevailing wages. These requirements are the same as if the project was competitively procured through a "low bid" process, and thus, the City will not be engaging in favoritism in the execution of the contract documents.

(3) The City will competitively select through a request for proposal. Granting the exemption will not substantially diminish competition in the awarding of public contracts.

E. Proposed Contracting Method

A Request for Proposal process is proposed to be used for this project.

F. Estimated Contract Let Date

The proposed contract let date is May 13, 2013.

RESOLUTION NO. 5137-13

A RESOLUTION ADOPTING FINDINGS IN SUPPORT OF AN EXEMPTION FROM COMPETITIVE BIDDING AND AUTHORIZING A COMPETITIVE REQUEST FOR PROPOSAL PROCESS FOR THE SW MARTINAZZI AVENUE PROJECT

WHEREAS, the Martinazzi Avenue project is listed on the City's capital improvement project list;

WHEREAS, the City adopted its public contracting rules pursuant to Oregon Revised Statutes (ORS) 279A.065; and

WHEREAS, the City Council is designated as the Local Contract Review Board for the City of Tualatin, pursuant to ORS 279A.060 and Tualatin Municipal Code (TMC) Chapter 1-21

WHEREAS, ORS 279C.335 and TMC 1-21-090 authorizes the City Council to exempt a public improvement contract from the competitive bidding requirements upon the adoption of certain written findings, and

WHEREAS, the City published notice of the public hearing in the *Daily Journal of Commerce* a minimum of fourteen days prior to the hearing date; to consider a request for proposal process for the Martinazzi Avenue project; and

BE IT RESOLVED BY THE CITY COUNCIL, SITTING AS THE LOCAL CONTRACT REVIEW BOARD, OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Martinazzi Avenue Project is exempt from competitive bidding procedures in order to use a competitive request for proposal process.

Section 2. The exemption of the Martinazzi Avenue Project from competitive bidding is based on the following findings.

A. The Nature of the Contract. This contract is for the Martinazzi Avenue Project, which scope includes replacing the existing water and sewer lines, boring under the Tualatin River, rebuilding roadways, and rebuilding the intersection of SW Nyberg Street/SW Martinazzi Avenue. The work requires experience in working with the existing utilities, along with highly specialized work involving the water line boring and signal installation. The work will require closure of SW Martinazzi Avenue between SW Boones Ferry Road and SW Nyberg Street for approximately four weeks.

B. Estimated Cost of the Project. The estimated cost of the Martinazzi Avenue Project is \$1,600,000.

C. Use of the Competitive Request for Proposal Process Will Result Substantial Cost Savings. Allowing the use of a competitive request for proposal process by exempting this project from the “low bid” process will produce substantial cost savings.

(1) A use of a traditional city-managed “low bid” contracting method poses several disadvantages on this project and would subject the City to additional costs and risks, given the unique qualities of the project, including: (a) vehicular and pedestrian traffic flow; (b) existing utilities and conditions; (c) limited staging areas; (d) phasing of improvements; (e) limited window of time to complete construction; and (f) boring under the Tualatin River. Using the tradition “low bid” method would subject the City to risk of increased cost and time. Exempting the project from competitive bidding and allowing the competitive request for proposal process allows the City to select the best contractor based upon the skills and experience needed to complete the project efficiently and effectively. This will provide substantial cost savings and public benefits to the City.

(2) The traditional “low bid” contracting method does not allow the City to select the appropriate contractor to take into consideration the unique circumstances of the location of the site. The site is located in the downtown core and requires continued access to businesses and public facilities in the area. Using a request for proposal selection method allows the City to select a contractor that can ensure the coordination of construction timing and requirements of continued mobility near the site. This results in cost and operational efficiencies for both the City and public at large. It also allows the City to select the best contractor to manage the integration of the project and continued mobility, while taking into account the needs of each individual part of the project. Such integration reduces costs and eliminates the need to coordinate multiple stages of the improvements at the location.

(3) The biggest risks to the project are complexities regarding communications, continuity, and schedule. The exemption allows the City to coordinate in order to make the construction process as smooth as possible for the public. The exemption process will provide the City and contractor with an opportunity to work cooperatively to resolve construction and access management issues in an efficient manner and early in the process. The exemption will provide both time and cost savings that are vital given the location of the project. The exemption will also allow all of the improvements in the area to be constructed with better communication and continuity. This will expedite decision making and reduce project delays.

D. The Exemption Is Not Likely To Encourage Favoritism Or Substantially Diminish Competition.

(1) Favoritism is defined as “selection based on friendship or factors other than merit.” “Encourage” is defined as “promoting the growth and development.” Granting an exemption for the construction of the improvements will be unlikely to encourage favoritism because this is a single contract exemption that will be procured through a competitive process. The City will use a request for proposal process that takes into consideration multiple factors, including experience, proposed project schedule, use of limited staging areas and cost.

(2) The City will competitively select through a request for proposal. Granting the exemption will not substantially diminish competition in the awarding of public contracts.

(3) The terms and conditions of the contract will be the result of “arms-length” contract negotiations and the contract will be reviewed and approved by the City Engineer, the City Attorney, and the City Manager. During construction, the selected contractor will be required to comply with all City specifications, bonding, and insurance requirements, including payment of prevailing wages. These requirements are the same as if the project was competitively procured through a “low bid” process, and thus, the City will not be engaging in favoritism in the execution of the contract documents.

E. The Proposed Contracting Method. The proposed contracting method is a competitive request for proposal process.

F. The Estimated Contract Let Date. The estimated contract let date is May 13, 2013.

Section 3. The City Manager is authorized to use a competitive request for proposal process to select the contractor for the Martinazzi Avenue Project and enter into an agreement with the selected contractor to perform the work.

Section 4. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22nd day of April, 2013.

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

APPROVED AS TO FORM

By _____
City Attorney

By _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Alice Cannon Rouyer, Assistant City Manager

DATE: 04/22/2013

SUBJECT: Consideration of a Conditional Use Permit to Allow a Small-lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900) (CUP-13-01)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is consideration of a conditional use permit by Darter Construction, LLC for a small-lot subdivision of six lots to be known as Pennington Heights Two within the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900). The Tualatin Development Code requires approval of a conditional use permit prior to the applicant submitting a small-lot subdivision application.

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 13-01.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 0.66 acres at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900) between SW Quinault Lane to the north and SW Stono Drive to the south, east of SW Boones Ferry Road, and west of SW 93rd Terrace.
- A Vicinity Map is included as Attachment A.
- The applicant is Darter Construction, LLC, on behalf of property owner Eden Enterprises LLC.
- The subject property is within the Medium Low Density (RML) Planning District.
- "Small-lot subdivisions" is a conditional use within the RML Planning District pursuant to Tualatin Development Code (TDC) [41.030\(2\)](#).
- The area around the subject property is the developed small-lot Pennington Heights subdivision that the City Council approved via CUP-94-01 on February 28, 1994 and subsequent subdivision review. Another example of a developed small-lot subdivision is Victoria Meadows along the east side of SW Grahams Ferry Road at southern city limits.

- Most single-family housing subdivisions are within the Low Density Residential (RL) Planning District that is intended primarily for this use. TDC 40.050(1) requires that a single-family housing subdivision have an average lot size of no less than 6,500 square feet (sq ft), approximately 0.15 acres. Within the RML Planning District, in which the subject property is located, the small-lot subdivision requirements within TDC 41.030(2) include a minimum lot size of 4,500 sq ft, approximately 0.10 acres, and a maximum building lot coverage of 45%. The proposal equates to approximately 9.1 dwelling units per acre, which is within the allowable range of RML density, 7.0 to 10.0 dwelling units per acre.
- The applicant proposes six single-family house lots of roughly equal size, ranging from 4,545 to 4,820 sq ft (0.10 to 0.11 acres). Each house would go through Single-family Architectural Review (ARSF), an administrative (i.e. staff level) review, prior to building permits.
- The applicant conducted a neighborhood/developer meeting on February 4, 2013 at 6:30 p.m. to explain the proposal to neighboring property owners and to receive comments. Nine attendees signed in, though approximately twenty persons attended besides the hosts and City staff. Staff and the applicant had a pre-application (pre-app) meeting on December 21, 2012. (The neighborhood/developer meeting packet is included within the application materials in Attachment B.) Proposed Condition 3 below aims to address tree preservation concerns voiced by at least one attendee of the neighborhood/developer meeting.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the CUP approval criteria (Attachment B).
- Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C). An Engineering Division Memorandum addressing transportation and other public facilities associated with the proposed CUP is included (Attachment D).
- The Engineering Division memorandum dated March 18, 2013 regarding the transportation analysis does not identify vehicle trip generation as a concern. Further information is available in the Engineering Division Memorandum (Attachment D).
- The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the RML Planning District include TDC:

- Chapter 5 “Residential Planning Growth”, Section 5.030 General Objectives
- Chapter 10 “Community Design”, Section 10.050 Tree Preservation and Street Tree Objectives;
- Chapter 32 “Conditional Uses”, Section 32.030 Conditional Uses – Siting Criteria;
- Chapter 34 “Special Regulations”, Section 34.210 Application for Architectural Review, Subdivision or Partition Review, or Tree Removal Permit;
- Chapter 41 “Medium Low Density Residential Planning District (RML)”, Section 41.010 Purpose; and
- Chapter 73 “Community Design Standards”, Section 73.250 Tree Preservation.

The attached Analysis and Findings (Attachment C) consider the applicable policies and regulations.

- Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R) submitted written comments with no objections to the application (Attachment E). As of this writing, no other notified agency has commented on the application.
- Oregon Revised Statutes (ORS) 227.178(2) requires that the City Council take final action

on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The date of the April 22, 2013 hearing is the 42nd day following completeness.

- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the subject planning district and the application submittal meets the five criteria listed in TDC [32.030](#). The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP.
- Based on the application and the Analysis and Findings (Attachment C), the small-lot subdivision (CUP-13-01) meets the criteria of TDC 32.030.
- If approved, staff recommends conditions of approval, which would run with the property, not the owner:

1. Small-lot Subdivision Standards: The small-lot subdivision shall conform to the following standards within Tualatin Development Code (TDC) [41.030](#)(2):

- a. All subdivision improvements shall conform to TDC Chapter 36.
- b. All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.
- c. The minimum lot area shall be 4,500 square feet.
- d. The minimum average lot width shall be 30 feet.
- e. The minimum lot width shall be 30 feet on a cul-de-sac street.
- f. The maximum building coverage shall be 45 percent.
- g. For flag lots the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8)-(12).

2. Setbacks, Height, & Single-Family Design:

The small-lot subdivision shall conform to the following standards for:

- a. Setbacks per TDC [41.070](#),
- b. Height per TDC [41.090](#), and
- c. Single-family design per TDC [73.190](#).

2. Trees:

- a. Tree Survey: The applicant shall submit as part of a subdivision application a tree survey pursuant to TDC [34.210](#)(1)(a)(iii). This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions.
- b. Tree Assessment: The applicant shall submit as part of a subdivision application a tree assessment, also known as an arborist's report, pursuant to TDC [34.210](#)(1)(a)(ii).
- c. Tree Preservation Site Plan: The applicant shall submit as part of a subdivision application a tree preservation site plan pursuant to TDC [34.210](#)(1)(a)(i) and that illustrates that any proposed improvements would be sited to maximize tree preservation.
- d. Tree Preservation: The City, through review of a subdivision application submittal for the subject property and single-family Architectural Review ([ARSE](#)) submittal(s) for new houses, may require that the applicant:
 - i. Show proposed improvements and other information, including house building pad shapes, sizes, and placements; driveway locations, sizes, and placements; and tree drip lines;

- ii. Revise proposed improvements and other information, including lot line delineations; house building pad shapes, sizes, and placements; driveway locations and placements; and tree drip lines; and
 - iii. Preserve designated trees.
 - e. Tree Preservation Standards: The applicant shall preserve designated trees pursuant to the tree preservation standards within TDC [73.250](#).
 - f. Street Trees: The applicant shall submit as part of a subdivision application a street tree plan to plant [street trees](#) in the treeless public planter strips along SW Stono Drive and SW Quinault Lane adjacent to the site. The applicant should consult with the Parks Maintenance Manager within the Operations Department.
4. Agency Comment: The applicant shall comply with the CWS Memorandum dated March 26, 2013 in Attachment E:
- A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:
- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-1.
 - b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.
 - c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
 - d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
 - e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
 - f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
 - g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
 - h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.
5. General: The applicant shall comply with all applicable [TDC](#) policies and regulations.

OUTCOMES OF DECISION:

Approval of the Conditional Use Permit (CUP) request will result in the following:

1. Allows the applicant to submit a subdivision application for a small-lot subdivision, a subdivision being an administrative (i.e. staff level) review, to subdivide the subject property into small lots.
2. At its next meeting, the Council approves Resolution Number 5135-13.

Denial of the CUP request will result in the following:

- Precludes the applicant from submitting a subdivision application for a small-lot subdivision to subdivide the subject property into small lots.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the proposed Conditional Use Permit (CUP) with conditions that the Council deems necessary.
2. Deny the request for the proposed CUP with findings that state which criteria in Tualatin Development Code 32.030 the applicant fails to meet.
3. Continue the discussion of the proposed CUP and return to the matter at a later date.

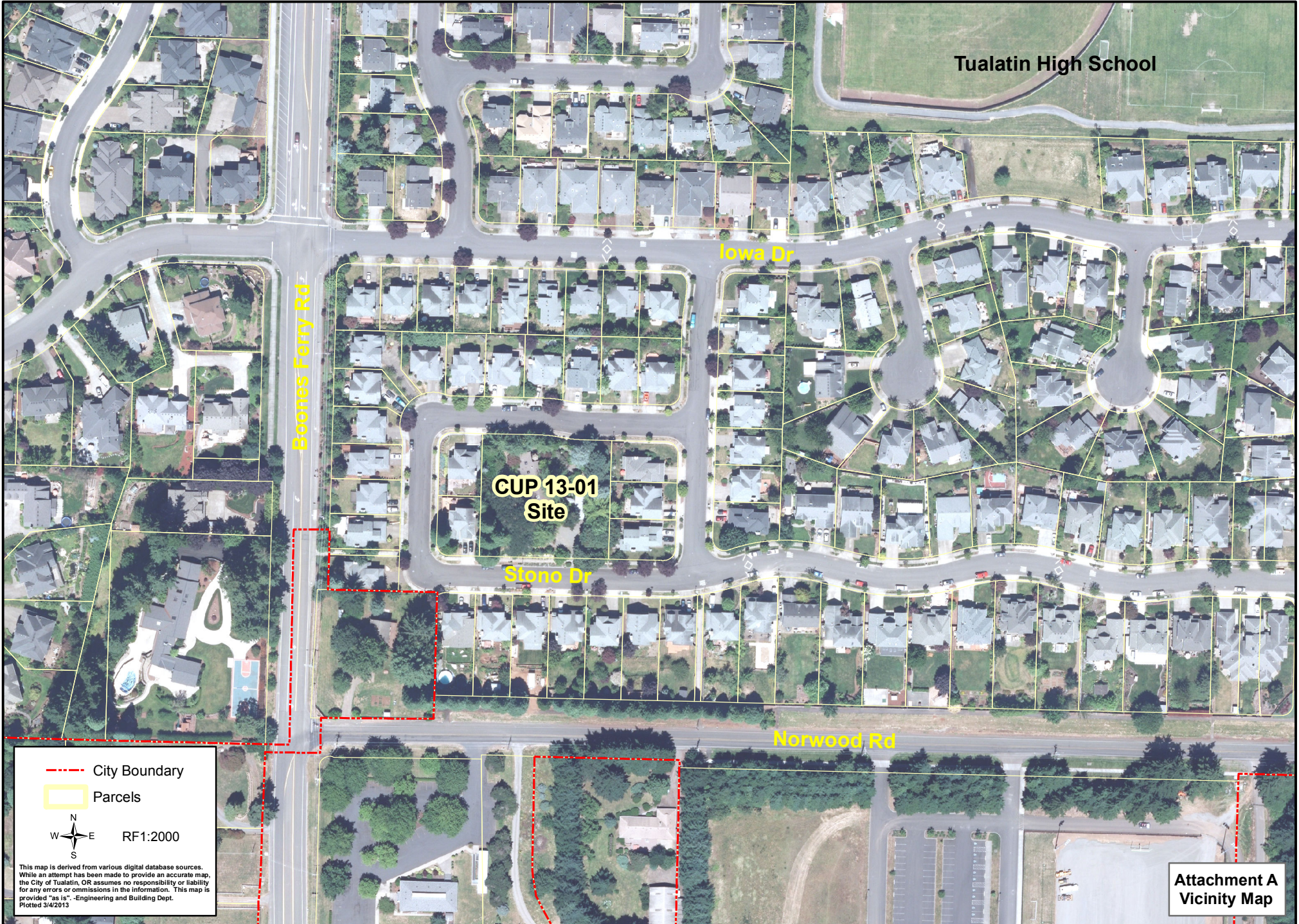
FINANCIAL IMPLICATIONS:

The Fiscal Year 2012/13 budget allocated revenue to process current planning applications, and the applicant submitted payment of \$1,425 per the City of Tualatin Fee Schedule to process the application.

-
- Attachments:**
- A. Vicinity Map
 - B. Application Materials
 - C. Analysis and Findings
 - D. Engineering Division Memo
 - E. Agency Comment
 - F. Slide Presentation

CUP 13-01: Pennington Heights Two

9355 SW Stono Dr TLID: 2S135AC13900





City of Tualatin

www.ci.tualatin.or.us

**"NECESSARY PARTIES"
MARKED BELOW**

NOTICE OF APPLICATION SUBMITTAL

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

CASE/FILE: CUP-13-01

(Community Development Dept.: Planning Division)

PROPOSAL	To divide land by subdividing a 0.66-acre tax lot into a 6-lot small-lot subdivision to be known as Pennington Heights Two. A small-lot subdivision is a conditional use within the RML Planning District pursuant to Tualatin Development Code (TDC) 43.030(2); approval of this CUP for the use itself would allow the applicant to submit a subdivision (SB) application to subdivide by creating legal lots of record. The property is surrounded by an existing and developed single-family residential small-lot subdivision, Pennington Heights.
-----------------	---

<input type="checkbox"/> n/a	Street Address	9355 SW Stono Dr
	Tax Map and Lot No(s).	2S1 35AC 13900
	Planning District	Medium-Low Density Residential (RML)
	Related Applications	CUP-94-01

DATES	Receipt of application	2/20/2013	CONTACT	Name: Colin Cortes
	Notice of application submittal	3/4/2013		Title: Assistant Planner
	Project Status / Development Review meeting	3/21/2013		E-mail: ccortes@ci.tualatin.or.us
	Comments due for staff report	3/28/2013		Phone: 503-691-3024
	Public meeting: <input type="checkbox"/> ARB <input type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a			Notes:
	City Council (CC)	<input type="checkbox"/> n/a 4/22/2013		

City Staff

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

Neighboring Cities

- Durham
- King City Planning Commission
- Lake Oswego
- Rivergrove PC
- Sherwood Planning Dept.
- Tigard Community Dev. Dept.

- Wilsonville Planning Div.

Counties

- Clackamas County Dept. of Transportation and Dev.
- Washington County Dept. of Land Use and Transportation

Regional Government

- Metro

School Districts

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

State Agencies

- Oregon Dept. of Aviation
- Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice)
- Oregon Dept. of State Lands: Wetlands Program
- Oregon Dept. of Transportation (ODOT) Region 1
- ODOT Maintenance Dist. 2A
- ODOT Rail Div.

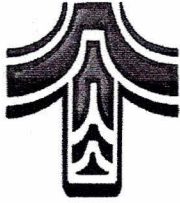
Utilities

- Allied Waste Services

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

Additional Parties

- Tualatin Citizen Involvement Organization (CIO)
-



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR CONDITIONAL USE

Community Development Department - Planning Division
18880 S.W. Martinazzi Avenue
Tualatin, OR 97062
503-691-3026

Case No. _____
Fee Rec'd. _____
Receipt No. _____
Date Rec'd. _____
By _____

PLEASE PRINT IN INK OR TYPE

Code Section 41.030(2) Conditional Use to allow To construct a small lot subdivision with 6 lots. Planning District RML

Owner's Name Eden Enterprises, LLC Phone (503) 708-4577

Owner's Address 5505 SW Deiker Rd. Tualatin, OR 97062
(street) (city) (state) (ZIP)

Owner recognition of application: [Signature]
signature of owner(s)

Applicant's Name Darter Construction, LLC Phone (503) 784-7719

Applicant's Address 7640 NE Airport Way #56115 Portland, OR 97238
(street) (city) (state) (ZIP)

Applicant is: Owner ___ Contract Purchaser ___ Developer X Agent ___
Other _____

Contact person's name Dean Reynolds Phone (503) 784-7719

Contact person's address 7640 NE Airport Way #56115 Portland, OR 97238
(street) (city) (state) (ZIP)

Assessor's Map Number 25135 AC Tax Lot Number(s) 25135 AC 13900

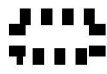
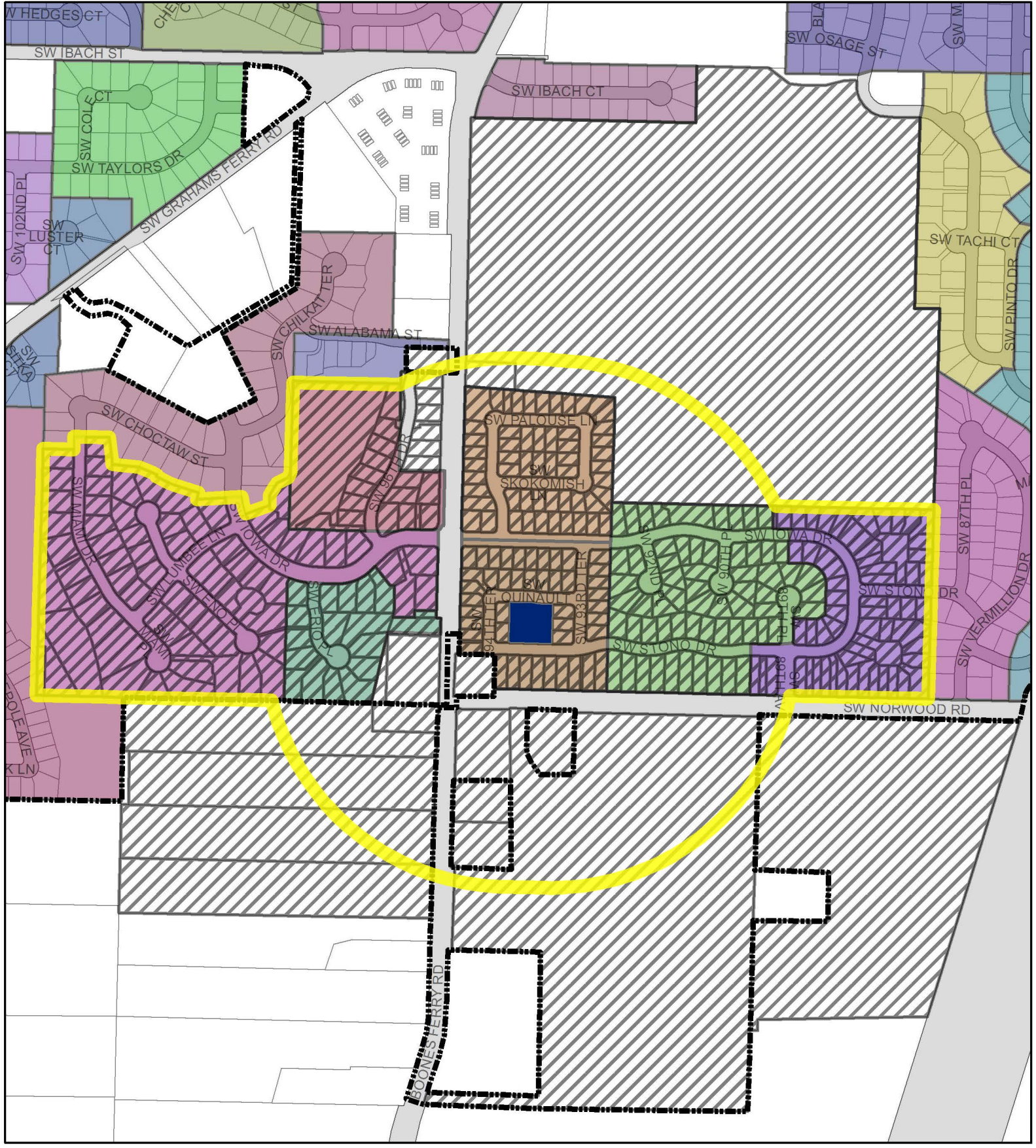
Address of Property 9355 SW Stone Drive Lot Area .66 acres

Existing Buildings (Number and Type) none

Current Use Vacant

As the person responsible for this application, I, the undersigned hereby acknowledge that I have read the above application and its attachments, understand the requirements described herein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Name Dean Reynolds Date 2/14/13 Phone (503) 784-7719
Address 7640 NE Airport Way #56115 Portland, OR 97238
(street) (city) (state) (ZIP)



1000' Buffer

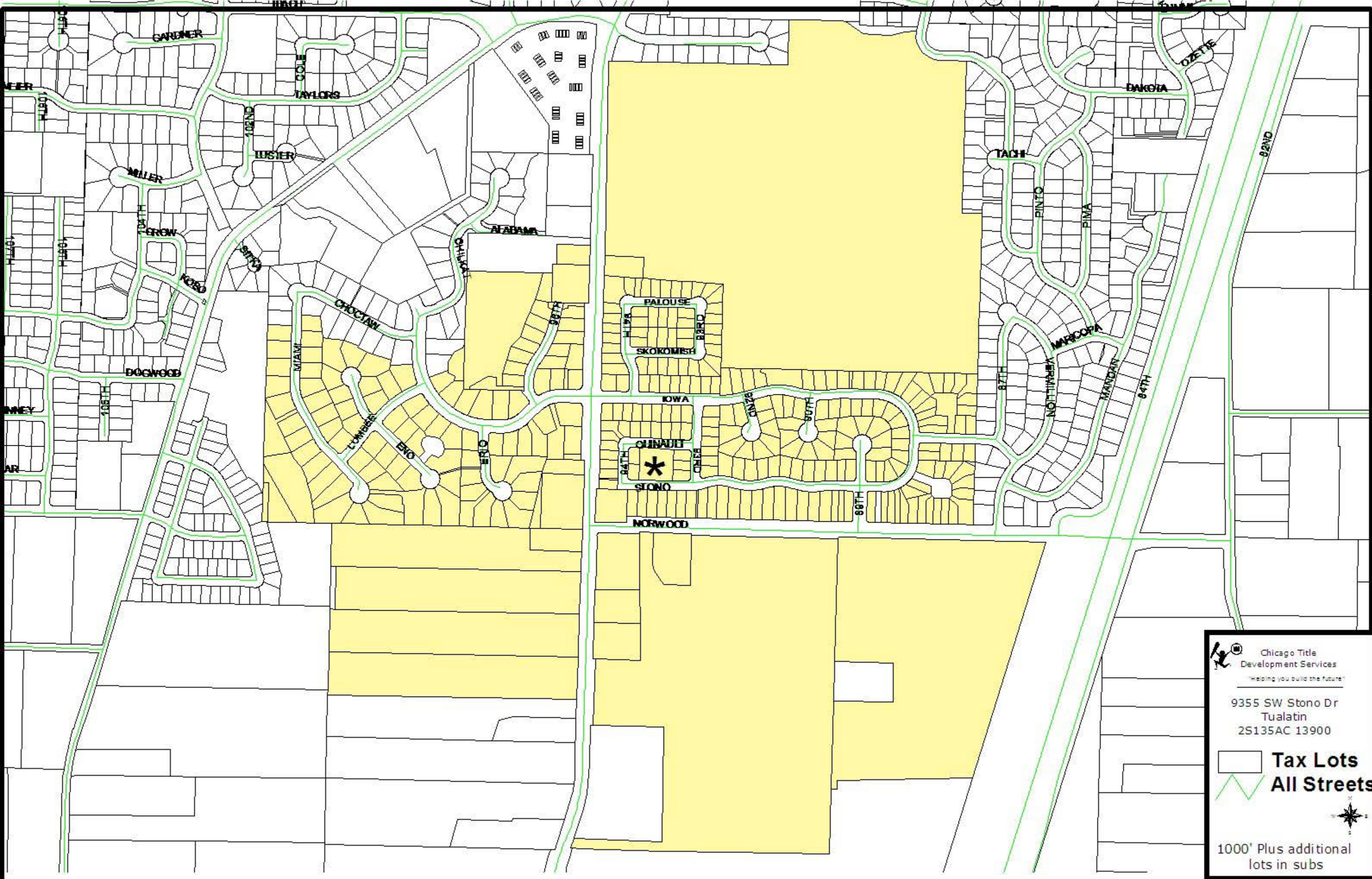


1000' Buffer with Subdivisions



Selected Taxlots






 Chicago Title
 Development Services
"Helping you build the future"

9355 SW Stono Dr
 Tualatin
 2S135AC 13900

 **Tax Lots**
 **All Streets**



1000' Plus additional
 lots in subs



9355 SW Stono Dr, Tualatin, OR 97062, USA

LOT 46 LOT 47 LOT 48

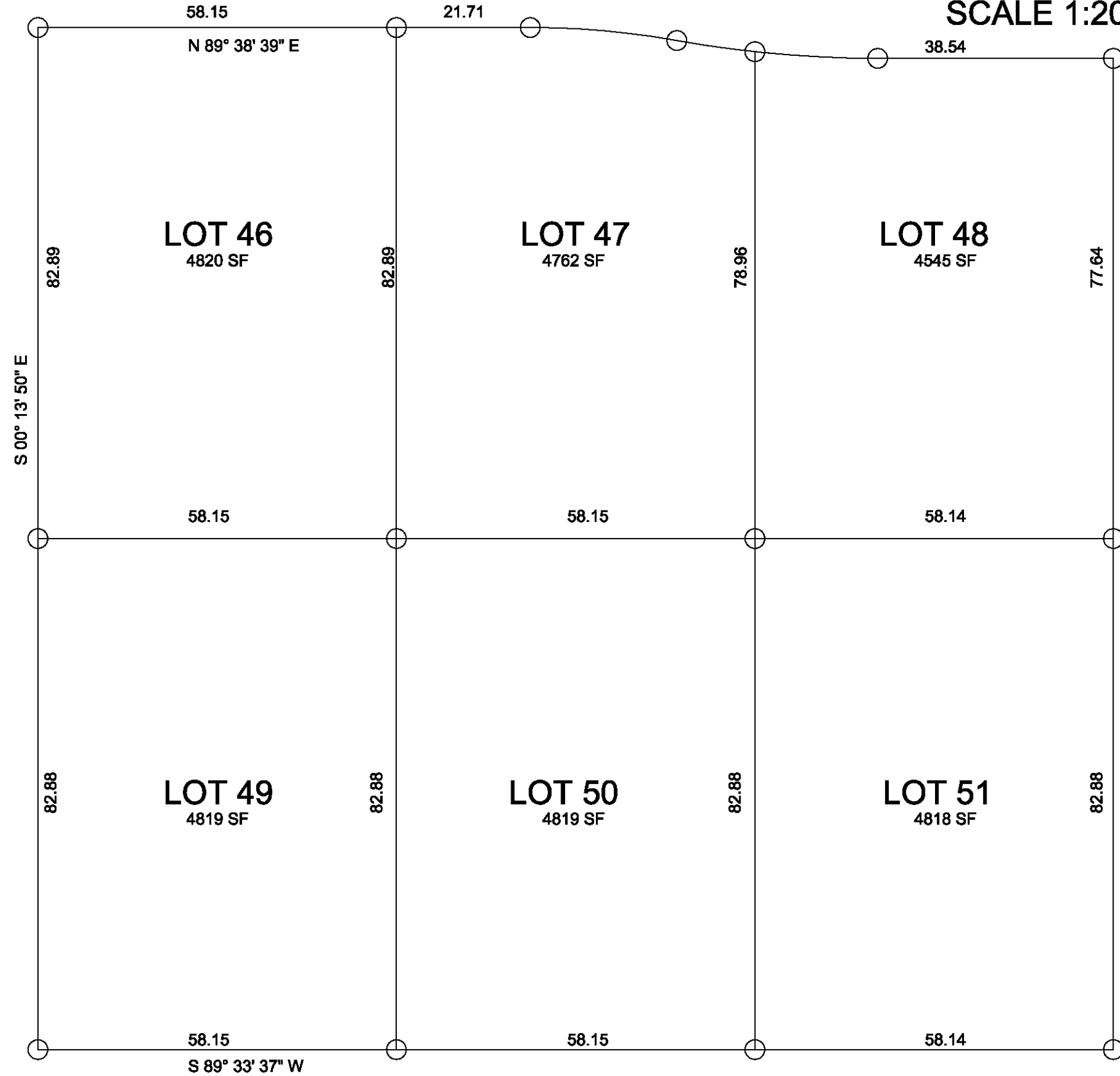
LOT 49 LOT 50 LOT 51

© 2013 Google

Google earth

SW QUINAULT LANE

SCALE 1:20



PRELIMINARY SITE PLAN

PENNINGTON TWO
 PROPOSED 6 LOT SUBDIVISION
 ADDRESS: 9355 SW STONO DR
 TUALATIN, OREGON, 97062
 LEGAL: PENNINGTON HEIGHTS, LOT 26
 Tax Lot Number 2S135AC13900
 SIZE: .66 ACRES

SW STONO DRIVE



City of Tualatin

www.ci.tualatin.or.us

CONDITIONAL USE PERMIT CERTIFICATION OF SIGN POSTING



18"

24"

The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **lime green** composed of the **RGB color values Red 146, Green 208, and Blue 80**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the Pennington Two project, I hereby certify that on this day, 25th of Feb 2013 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Dean Reynolds
(PLEASE PRINT)

Applicant's Signature: Dean Reynolds

Date: 2-25-13

LEGAL DESCRIPTION OF: 9355 SW STONO DRIVE, TUALATIN, OR 97062

AS IT APPEARS ON THE CURRENT DEED:

Lot 26, PENNINGTON HEIGHTS, in the City of Tualatin, County of Washington and State of Oregon.

Tax Lot Number: 2S135AC 13900

T: 02S R: 01W S: 35 Q: NE QQ: SW

CUP-13-01

To lessen the bulk of the notice of app and to address the worries of some Tualatin residents about land use application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

PENNINGTON HEIGHTS TWO SUBDIVISION

CONDITIONAL USE APPLICATION SMALL LOT SUBDIVISION

FEBRUARY 15, 2013

GENERAL INFORMATION

Application

To construct a small lot subdivision with 6 lots.

Location

The property is located on the east side of SW Boones Ferry Road and north of SW Northwood Road (Lot 26 Pennington Heights - Tax Map 2S1 35AC Tax Lot 13900) See Exhibit "A", Vicinity Washington County Tax Map for proposed Pennington Two.

Comprehensive Plan and Zoning Designation

Medium-Low Density (RML) Residential Planning District

Applicant

Darter Construction, LLC
7640 NW Airport Way
#56115
Portland, Or 97238
Phone: (503) 784-7719

Applicant's Representative

Dean Reynolds, Darter Construction, LLC
7640 NW Airport Way
#56115
Portland, Or 97238
Phone: (503) 784-7719

Owners

Eden Enterprises, LLC
5505 SW Delker Road
Tualatin, OR 97062
Phone: (503) 708-4577

PROJECT INFORMATION

Existing Conditions

Subject Property

The property is .66 acres and is currently vacant. The original single family residence located on the site was recently demolished. The remainder of the property is undeveloped. Access to the site is on Stono Drive.

This property was originally part of the PENNINGTON HEIGHTS subdivision which was approved in 1994. These six lots had property lines drawn with utilities available from the original approval but never platted.

Surrounding Land Use

The surrounding area consists of predominantly developed single family homes with a mixture of vacant/undeveloped parcels as described below:

North	PENNINGTON HEIGHTS- 45 lot small lot subdivision
East	PENNINGTON HEIGHTS - 45 lot small lot subdivision
South	PENNINGTON HEIGHTS - 45 lot small lot subdivision and on southwest corner is Single family residence on a 0.65 acre
West	PENNINGTON HEIGHTS - 45 lot small lot subdivision

Surrounding Community Planning Districts

North	RML - Residential Medium-Low Density
East	RML - Residential Medium-Low Density
South	RML - Residential Medium-Low Density
West	RML - Residential Medium-Low Density

Proposed Conditional Use

The Conditional Use application is the first of a three-part review process to create a small lot subdivision. The 6 lots are all intended for detached single family residences. The design will be adjusted as appropriate to meet the applicable subdivision and architectural review standards. The six lot small lot subdivision was previously divided as a part of the PENNINGTON HEIGHTS subdivision. A single family residence was built on the six lot parcel with other structures for the benefit of the Pennington Family residence. The original subdivision design included all utilities available to each lot. The possibility of platting this parcel with the six lots expired. This proposal is intended to reinstate the six lots according to the original design as a part of the PENNINGTON HEIGHTS subdivision with all as-built structures attached as Exhibit "B" for the improvements. This proposed six lot small lot subdivision (Pennington Two) yields a density which meets the required Tualatin Development Code Chapter 41.015.

CITY OF TUALATIN DEVELOPMENT CODE

The relevant review criteria in the City of Tualatin Development Code (TDC) include the RML Planning Designation requirements, Conditional Use evaluation criteria, general planning objectives, planning district objectives and Community Design Standards. These criteria are addressed in the following sections.

Chapter 41 MEDIUM LOW DENSITY RESIDENTIAL PLANNING DISTRICT (RML)

This section of the TDC indicates that small lot subdivisions are allowed as a Conditional Use (41.030) and that single family detached residences are permitted uses within small lot subdivisions (Section 40.020). Sections 41.030(2) indicates the various dimensional standards for the RML zone. Section 41.070(2) indicates the setback requirements for Conditional Uses. The proposed small lot subdivision must satisfy the following basic requirements:

- Minimum lot area shall be 4,500 square feet.
- Minimum average lot width of 30 ft.
- Maximum building coverage shall be 45 percent
- The front yard setback shall be a minimum of 20 feet to the garage and 12 feet to the house
- The side yard setback shall be a minimum of five feet.
- The rear yard setback shall be a minimum of fifteen feet.

The proposed development will meet these standards.

Section 32.030 Criteria for Review of Conditional Uses

This Code section states that the applicant must provide evidence substantiating that all applicable Code requirements are satisfied and that the proposed use also satisfies five criteria which are addressed below:

a. The use is listed as a conditional use in the underlying planning district

The applicant is proposing a small lot subdivision of single family detached housing. The subject property is in the RML Planning District which allows a small lot subdivision conforming to the standards of Sections 41.030 of the TDC. The conceptual plan is consistent with these requirements and the final evaluation of these criteria will occur during the subdivision and architectural review phases.

b. The characteristics of the site are suitable for the proposed use, considering the size, shape, location, topography, existence of improvements and natural features.

SIZE AND CONFIGURATION

The property is a slightly irregular rectangle that is approximately 175 feet by 165 feet, containing .66 acres.

IMPROVEMENTS

All necessary public facilities are available to the site including streets, water, storm sewer, and utility services. Improvements are currently extended to each proposed building lot. See Exhibit "B" (all as-builts are included but not all apply to this proposal) which shows existing utilities and improvements on the as-builts for the PENNINGTON HEIGHTS subdivision which surrounds the location of this proposed development. All proposed lots front either SW Quinault Lane or SW Stono Drive.

NATURAL FEATURES

The site is relatively flat and no geologic hazards or limitations are apparent. A variety of deciduous and evergreen trees are located on the property. A tree survey, which is required as part of the subdivision application, will help to determine the best method for saving select trees.

c. The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

TRANSPORTATION

The transportation facilities serving the site are S.W. Boones Ferry Road which is accessible by connectors S.W. 93rd Terrace and S.W. Iowa Drive. S.W. Boones Ferry Road is designated as an arterial in the Tualatin Development Code and is under jurisdiction of the Oregon Department of Transportation(ODOT). The road is presently improved with two travel lanes curbs and sidewalks.

Transit service is provided along S.W. Boones Ferry Road. Tri-Met Route No. 96 offers weekday express bus service between Wilsonville and Portland City Center. The boarding location is stop No. 9511 located and the corner of S.W. Iowa and S.W. Boones Ferry Road.

Pedestrian access is provided by sidewalks located adjacent to and currently on the property.

WATER, SANITARY SEWER AND STORM WATER

Water and sanitary sewer lines were stubbed to each proposed lot at time of development of the PENNINGTON HEIGHTS subdivision. Storm sewer was also installed at that time. Services are connected at the frontage of each proposed lot. Each proposed lot fronts either S.W. Stono Drive or S.W. Quinault Lane. See Exhibit "B" for a copy of water, sanitary sewer and storm water (all as-builts are included but not all apply to this proposal) as-builts from PENNINGTON HEIGHTS subdivision.

d. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses listed in the underlying planning district.

The properties to the north, south east and west are developed as single family lots. This parcel was originally approved for six single family lots as part of the PENNINGTON HEIGHTS subdivision. The permit for that use expired in 1998, as the proposed area had not been developed beyond the existing single family home that existed on the property at the time the PENNINGTON HEIGHTS subdivision was approved.

The proposed small lot subdivision will not limit or preclude any development for any nearby properties. All nearby and adjacent properties are currently developed as single family residences. A multi-family or row house development here would be surrounded by single family residences. The request for a small lot subdivision in this location provides an appropriate addition to this developed residential neighborhood.

e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

SECTION 5.030 GENERAL OBJECTIVES

(1) Provide for the housing needs of existing and future City residents.

The proposal will allow for six single family homes to be constructed on a lot that recently held only a single home. This proposal will allow the land to return to the dimensions as originally approved by the City of Tualatin as part of the PENNINGTON HEIGHTS subdivision. The request will allow the area to be "filled in" with single family homes consistent with the surrounding area and neighborhood.

(2) Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing housing stock.

The proposal will create six lots for six single family homes. These homes will be available for purchase by potential residents of the City, and will fill the need for more affordable houses because they will be located on small lots, resulting in an efficient use of infrastructure. Single family homes currently surround the proposed site on all sides. Please see Exhibit "C" for a Ariel photo of existing homes on all sides to better understand the neighborhood.

(6) Provide areas that will accommodate small-lot subdivisions.

The subject site was determined to be appropriate to accommodate a small-lot subdivision through the Comprehensive planning process. The subject site was also previously approved as is currently requested as part of the approved plan of the PENNINGTON HEIGHTS subdivision.

(7) Develop specific and enforceable design standards for multi-family developments, town houses, manufactured homes, manufactured dwelling parks and small-lot subdivisions.

The design review and architectural design review requirements established by the City of Tualatin for new single family homes insure that all new single family homes built on this location will meet design standards.

(8) Encourage owner occupancy of multi-family developments and other housing units within the city.

The proposed small lot subdivision does not conflict with this objective. The construction of single family homes will encourage owner occupancy for similar reasons as the construction of attached row homes, town homes or condominiums, versus construction of an multi-family building that would promote renting. Existing homes surrounding the proposed development are all of the single family detached variety.

Chapter 73 COMMUNITY DESIGN STANDARDS

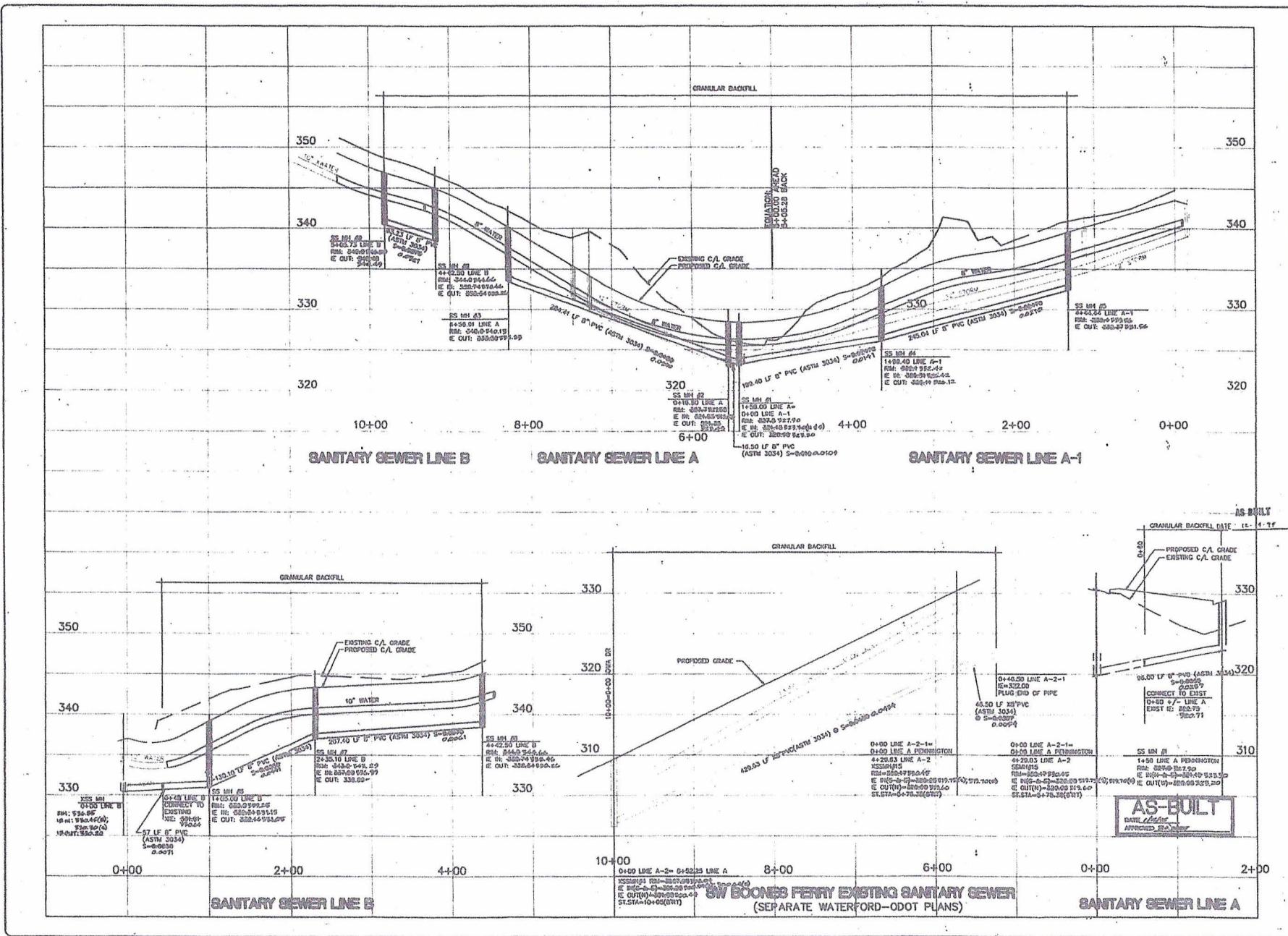
The standards in this section of the TDC will be used to evaluate this project during the preliminary plan and architectural review stages of the process. The applicant is aware of these standards and intends to comply with them during the final design of the project.

CONCLUSION

The requested Conditional Use for a small lot subdivision meets all of the applicable City criteria and standards. The proposal is clearly consistent with the character of the existing and planned development in the area and the reduced density proposed by the small lot subdivision provides an appropriate to the existing and proposed development in the vicinity.

EXHIBITS ATTACHED

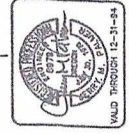
- Exhibit "A" - Vicinity Washington County Tax Map for proposed Pennington Two
- Exhibit "B" - PENNINGTON HEIGHTS as-builts - all are included for completeness but not all apply to this proposed conditional use
- Exhibit "C" - Aerial Photo of 9355 SW Stono Drive and surrounding existing homes



ALPHA ENGINEERING, INC.
 OFFICE: 1000 W. 10th St., Suite 100, Lincoln, NE 68502
 PHONE: (402) 441-1111
 FAX: (402) 441-1112
 EMAIL: info@alphaeng.com

NO.	DATE	REVISION	BY

DESIGNED BY: DATE: 10/14/10
 DRAWN BY: LSE, DATE: 10/14/10
 REVISION BY: LSE, DATE: 10/14/10
 PROJECT NO.: 245-01.1
 SCALE: 1" = 8'



**FENNINGTON HEIGHTS
 SANITARY SEWER + WATER LINE
 PROFILES**

SHEET **7** OF **9**

PROJECT DEFINITION NO.: 245-01
 TYPE: CONSTRUCTION

DRAWING NUMBER: 95-01-07
 DRAWING NUMBER: 95-01-07
 DRAWING NUMBER: 95-01-07

EXISTING TO REMAIN, EXISTING TO BE REMOVED + NOTES

- ① HOUSE - TO REMAIN (SEE NOTES)
- ② WATER WELL (SEE NOTES)
- ③ POOL AREA (SEE NOTES)
- ④ GARAGE - TO REMAIN
- ⑤ UTILITY BUILDING - TO REMAIN
- ⑥ NEW D/W TO LOT #26. GRAVEL DRIVEWAY TO BE REGRADED AND ROCKED TO NEW D/W.
- ⑦ SEPTIC TANK (SEE NOTES)
- ⑧ LEACHING FIELD (SEE NOTES)
- ⑨ UNDERGROUND NATURAL GAS - TO BE RELOCATED BY UTILITY COMPANY DURING FINAL IMPROVEMENT WORK. CONTRACTOR TO MAINTAIN SERVICE TO EXISTING HOUSE DURING CONSTRUCTION.
- ⑩ UNDERGROUND POWER & TELEPHONE LINES TO BE RELOCATED BY UTILITY COMPANY DURING FINAL IMPROVEMENT WORK. CONTRACTOR TO MAINTAIN SERVICE TO EXISTING HOUSE DURING CONSTRUCTION.

NOTE: REMOVAL OF EXISTING INTERIOR FENCES, SERVICE LINES (AERIAL & UNDERGROUND POLES, MISCELLANEOUS ITEMS NOT SHOWN) AND THE CLEANUP OF DEBRIS IN THE CONSTRUCTION AREAS ARE ALL TO BE INCLUDED IN THE REMOVAL BID ITEM. THE EXISTING GAS, ELECTRIC AND TELEPHONE SERVICE TO THE EXISTING HOMES SHALL BE MAINTAINED DURING CONSTRUCTION.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND COORDINATE THE REMOVAL OF EXISTING UTILITIES, OR PROPER FILLING OF THE UTILITIES, LINES, ETC., IF THEY ARE TO REMAIN.

THE OWNER INTENDS TO MAINTAIN THE WELL FOR AT LEAST IRRIGATION USE IF NOT APPROVED, THE EXISTING WATER WELL SHALL BE ABANDONED IN ACCORDANCE WITH THE OREGON STATE HEALTH DEPARTMENT, (AFTER CONNECTION TO CITY).

IT SHALL ALSO BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE STATE OF OREGON WATER MASTER (603) 681-7018 TO APPROVE THE FILLING OF THE EXISTING SEPTIC TANK (FOR HOUSE ON LOT 26) SHALL BE PUMPED OUT AS NEEDED AND THEN REMOVED FROM THE SITE (AFTER CONNECTION TO CITY SEWER). THE HOLE SHALL BE FILLED WITH STRUCTURAL BACKFILL.

THE EXISTING SWIMMING POOL SHALL BE PUMPED OUT AND REMOVED FROM THE SITE. CUT THE SIDEWALK TO HEAT DUCT WHICH WILL BE DETERMINED BY OWNER. THE REMAINING HOLE SHALL BE FILLED WITH STRUCTURAL BACKFILL.

THE EXISTING LINE FROM THE SEPTIC TANK TO THE LEACH FIELD SHALL BE PLUGGED. THE LEACH FIELD SHALL BE EXPOSED, THE LINES SHALL BE FILLED, CRUSHED AND/OR REMOVED.

ACCESS SHALL BE MAINTAINED TO THE EXISTING RESIDENCE DURING CONSTRUCTION.

LEGEND

- ○ DENOTES TREE TO REMAIN
- ○ DENOTES TREE TO BE REMOVED
- DENOTES SEDIMENT FENCE
- - - - DENOTES PLASTIC ORANGE SNOW FENCE TO PROTECT VEGETATION & TREES OF EXISTING HOUSE.
- ⊗ DENOTES CATCH BASIN WITH SEDIMENT PROTECTION. SEE EROSION CONTROL DETAILS THIS SHEET, TYPICAL (18 PLACES).

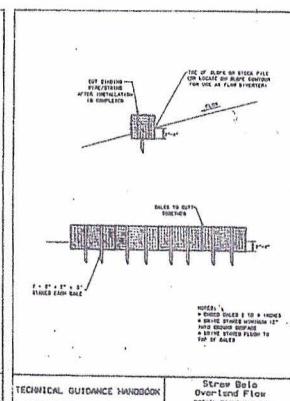
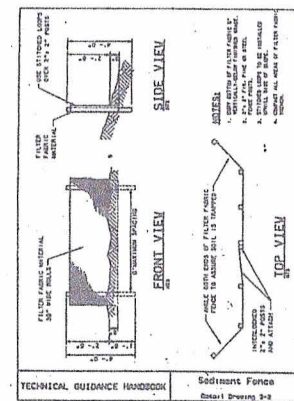
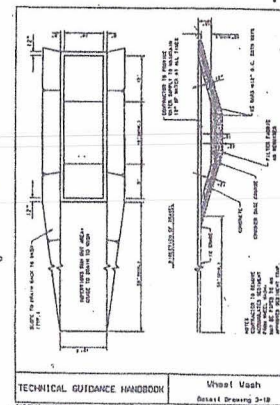
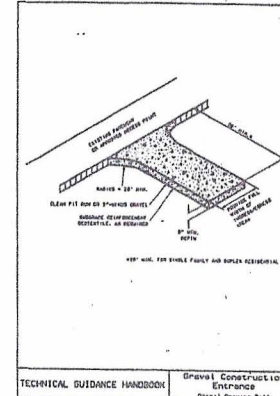
EROSION CONTROL NOTES

- 1) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION/SEDIMENTATION CONTROL DURING CONSTRUCTION EVERY TIME OF THE YEAR PER THE "EROSION CONTROL PLANS TYPICAL GUIDANCE HANDBOOK" (ESC) DATED FEBRUARY 2004.
- 2) APPROVAL OF THIS EROSION/SEDIMENTATION CONTROL (ESC) PLAN DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROADS OR DRAINAGE CHANNELS, WATER FACILITIES, UTILITIES, ETC.
- 3) THE MAINTENANCE OF THESE ESC FACILITIES AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT AND UPDATING OF THESE ESC FACILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED BY THE JURISDICTION.
- 4) THE RESPONSIBILITIES OF THE CLEANING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO SEDIMENT BEYOND THE FLAGGED CLEANING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE APPLICANT/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
- 5) THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONFORMANCE WITH ALL CLEANING AND SEDIMENT ACTS, AND BE SUCH A MANNER AS TO INSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADSWAYS, OR VIOLATE APPLICABLE WATER STANDARDS.
- 6) THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR PROTECTED AREAS. THE CONTRACTOR SHALL BE NOTIFIED FOR UNEXPECTED STORM EVENTS AND TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT LEAVE THE SITE.
- 7) THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE APPLICANT/CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
- 8) THE ESC FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A MONTH OR WITHIN THE 48 HOURS FOLLOWING A STORM EVENT.
- 9) AT NO TIME SHALL MORE THAN ONE FOOT OF SEDIMENT BE ALLOWED TO ACCUMULATE WITHIN A TRAPPED CATCH BASIN. ALL CATCH BASINS AND OTHER TRAP DEVICES SHALL BE CLEANED PRIOR TO FINISH. THE SEDIMENT CLEANING OPERATION SHALL NOT FLUSH SEDIMENT LADEN WATER INTO THE DRAINAGE SYSTEM.
- 10) STABILIZED GRAVEL CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF CONSTRUCTION. THE MATERIAL SHALL BE PLACED TO INSURE THAT ALL PAVED AREAS ARE KEPT CLEAR FOR THE DURATION OF THE PROJECT.
- 11) STORM DRAIN PIPES, BAYS AND AREA DRAINS SHALL BE PROTECTED UNTIL PAVEMENT SURFACES ARE COMPLETED AND/OR VEGETATION IS RE-ESTABLISHED.
- 12) PAVEMENT SURFACES AND VEGETATION ARE TO BE PLACED AS EARLY AS POSSIBLE.
- 13) SEEDING, MULCHING AND REVEGETATION SHALL BE PERFORMED AS SOON AS GRADING FOR EACH PHASE OF CONSTRUCTION.

SEDIMENT FENCE NOTES

- 1) THE FIBER FABRIC SHALL BE FURNISHED BY A CONTRACTOR ROLE OUT TO THE EDGEMO OF THE BARRIER TO AVOID THE USE OF CHAINS. WHEN CHAINS ARE NECESSARY, FIBER CLOTH SHALL BE STUCK TOGETHER ONLY AT A SUPPORT POST, WITH A MINIMUM 6-INCH OVERLAP, AND BOTH ENDS SECURELY FASTENED TO THE POST ON OVERLAP. FIBER POSTS AND STAKES AS SHOWN ON DETAIL SHEET 3-2.
- 2) THE FIBER FABRIC FENCE SHALL BE INSTALLED TO FOLLOW THE CONTOURS WHERE FEASIBLE. THE FENCE POSTS SHALL BE SPACED AT A MAXIMUM OF 4 FEET APART AND GRADY SMOOTHLY INTO THE GROUND A MINIMUM OF 24 INCHES.
- 3) THE FIBER FABRIC FENCE SHALL BE A MINIMUM HEIGHT OF 4 FEET. ALL EXCAVATED MATERIAL FROM FIBER FABRIC FENCE MATERIALS SHALL BE RECYCLED AND COMPACTED TO THE ORIGINAL GRADE.
- 4) STABILIZED OR HEAVY DUTY FIBER FABRIC FENCE SHALL HAVE UNIFORMED STITCHED LOOPS FOR 3/4" POST INSTALLATION. STITCHED LOOPS SHALL BE INSTALLED ON THE UP HILL SIDE OF THE FIBER FABRIC.
- 5) FIBER FABRIC FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR INTENT. FIBER FABRIC FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR INTENT. FIBER FABRIC FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR INTENT.

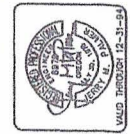
SEE SHEET 9 OF 9 FOR 5 ADDITIONAL EROSION CONTROL DETAILS.



ALPHA ENGINEERING INC.
 PROFESSIONAL ENGINEERING SERVICE CORPORATION
 PROJECT NO. 95-01-02
 SHEET 2 OF 9

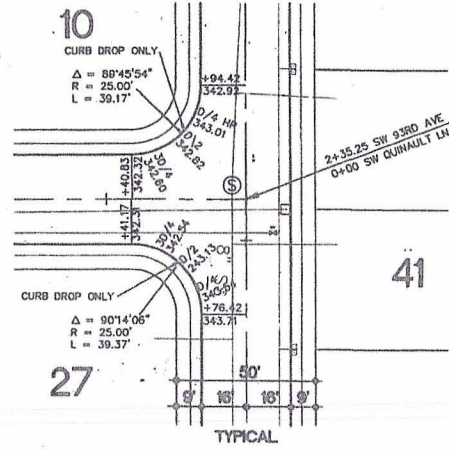
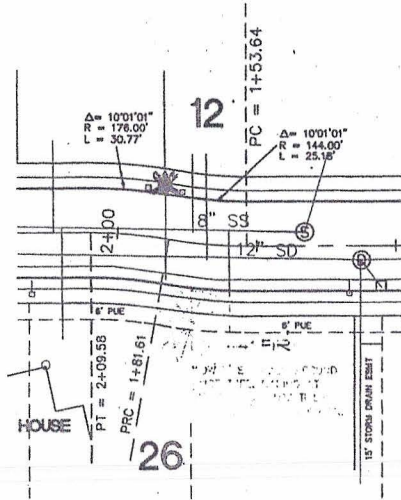
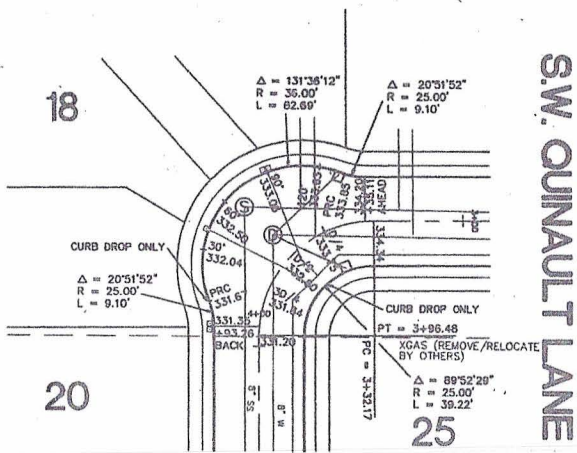
NO.	DATE	REVISION

DESIGNED BY: DATEABLES
 DRAWN BY: DATEABLES
 CHECKED BY: DATEABLES
 PROJECT NO. 95-01-02
 SCALE: 1" = 50'



**PENNINGTON HEIGHTS
 GRADING + EROSION CONTROL PLAN
 EROSION CONTROL NOTES + DETAILS**

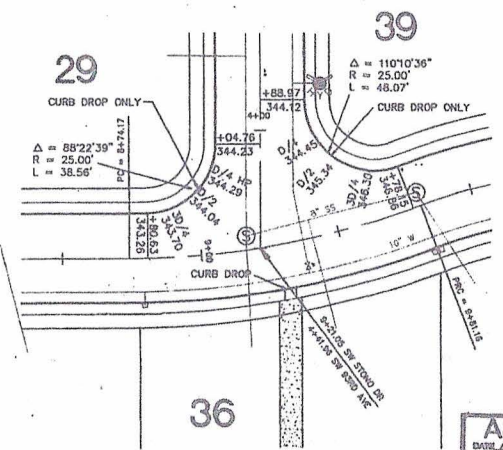
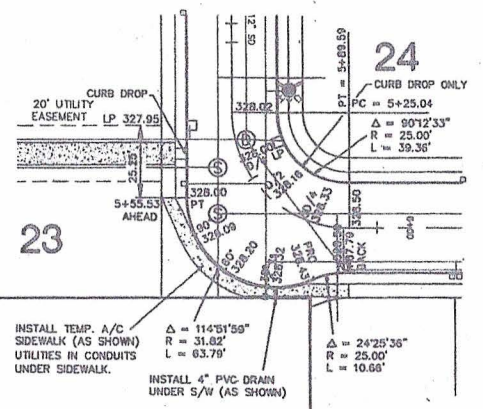
SHEET 2 OF 9
 PROJECT PENNINGTON
 NO. 245-D13
 TYPE CONSTRUCTION



S.W. 94th TERRACE

S.W. 93rd TERRACE

AS BUILT
DATE 12-14-98



T.L. 500

AS-BUILT
DATE 12/14/98
APPROVED [Signature]

ALPHEA ENGINEERING INC.
ENGINEERING & ARCHITECTURE
1000 1/2 AVENUE
PENNANTON HEIGHTS, MD 21139
PHONE 410-261-8888 FAX 410-261-8888

NO.	DATE	REVISION

DESIGNED BY: DANIEL J. SH...
DRAWN BY: DEE...
CHECKED BY: J...
PROJECT NO. 245-013
SCALE: 1" = 20'



PENNANTON HEIGHTS INTERSECTION DETAILS

SHEET 5 of 9

PROJECT PENNANTON
NO. 245-013
TYPE CONSTRUCTION

90-10-96
REVISION ENHANCED

DRAWING NUMBER

SECTION NUMBER

DATE 12-14-98

VALID THROUGH 12-31-04

* AMENDED BY INT MON. AFF
RECORDING DOC. NO. 95/11375

PENNINGTON HEIGHTS

A REPLAT OF A PORTION OF LOT 65 "NORWOOD HEIGHTS"
LOCATED IN THE NORTHEAST 1/4 OF SECTION 35,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN
WASHINGTON COUNTY, OREGON

PLAT BOOK 94 PAGE 5
DOCUMENT NO. 94106078

LEGEND

- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG. INC.", OR AS NOTED.
- ⊕ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG. INC."
- ⊕ 5/8" x 30" IRON ROD WITH ALUMINUM CAP INSCRIBED "ALPHA ENG. INC." TO BE POST MONUMENTED IN STREET. SET ON JAN 10, 1995.
- ⊕ 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG. INC." TO BE SET WITHIN THE TIME SPECIFIED SET ON JAN 10, 1995.
- ⊕ FOUND 5/8" x 30" IRON ROD WITH ALUMINUM CAP INSCRIBED "ALPHA ENG. INC."
- SF SQUARE FEET
- FD FOUND
- I.R. IRON ROD
- Y.P.C. YELLOW PLASTIC CAP
- S.D.E. STORM DRAINAGE EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- (R) RADIAL BEARING
- P.U.E. PUBLIC UTILITY EASEMENT
- DOC. DOCUMENT
- MKD. MARKED
- ⊕ SET BRASS SCREW WITH BRASS TAG INSCRIBED "ALPHA ENG. INC."

BASIS OF BEARINGS AND BOUNDARY DETERMINATION
PER SURVEY NO. 24,128.

PLAT RESTRICTIONS:

1. AN 8.00 FEET WIDE PUBLIC UTILITY EASEMENT SHALL EXIST ALONG ALL LOT AND TRACT LINES ADJUTING PUBLIC STREETS. EXCEPT THERE SHALL BE NO P.U.E. ALONG S.W. BOONES FERRY ROAD.
2. TRACT "A" IS AN 8.00 FEET WIDE PEDESTRIAN ACCESS STRIP WITHIN A 20.00 FEET WIDE PUBLIC UTILITY EASEMENT, TO BE OWNED AND MAINTAINED BY THE CITY OF TUALATIN. TRACT "B" IS AN 8.00 FEET WIDE PUBLIC PEDESTRIAN ACCESS STRIP TO BE OWNED AND MAINTAINED BY THE CITY OF TUALATIN.
3. THERE SHALL BE NO VEHICULAR ACCESS ALLOWED ONTO S.W. BOONES FERRY ROAD FROM LOT 1, LOTS 17 THRU 23, AND TRACT "A", OR ALLOWED ONTO S.W. NORWOOD ROAD, FROM LOTS 30 THRU 36, AND TRACT "B", UNLESS AUTHORIZED BY THE CITY OF TUALATIN.
4. THIS SUBDIVISION IS SUBJECT TO CCR'S AS RECORDED IN DOCUMENT NO. 92082741, AND AMENDED IN DOCUMENT NO. 93042411.

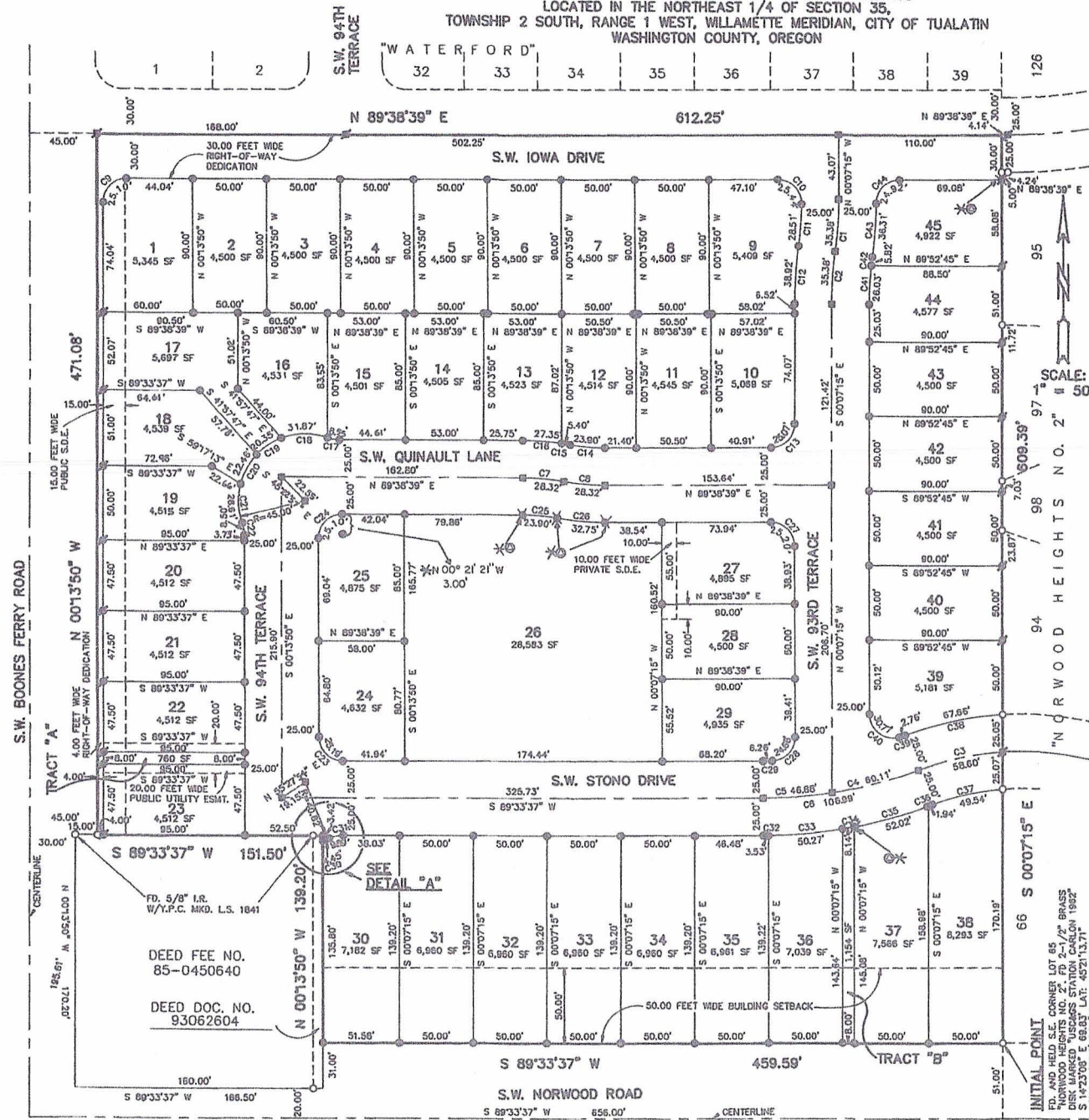
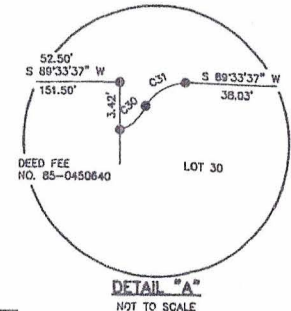
ALPHA ENGINEERING, INC.
8600 S.W. OAK, PLAZA WEST, SUITE 230
PORTLAND, OREGON 97223
(503) 452-8003

SURVEYED: 11/04/94

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**
Michael R. Gates
OREGON
JULY 28, 1980
MICHAEL R. GATES
2449

VALID UNTIL 6-30-95

I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "PENNINGTON HEIGHTS".
Michael R. Gates
MICHAEL R. GATES P.L.S. 2449



PENNINGTON HEIGHTS

A REPLAT OF A PORTION OF LOT 65 "NORWOOD HEIGHTS"
LOCATED IN THE NORTHEAST 1/4 OF SECTION 35,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN
WASHINGTON COUNTY, OREGON

PLAT BOOK 94, PAGE 6
DOCUMENT NO. 94106078

DECLARATION

KNOW ALL MEN BY THESE PRESENTS: THAT MERLE PENNINGTON AND DORTHEA D. PENNINGTON, AS INDIVIDUALS, AND "BENCHMARK LAND COMPANY", A PARTNERSHIP COMPRISED OF MARK P. ROCKWELL AND GREG A. HEASTREET, ARE THE OWNERS OF THE PROPERTY, AND DO HEREBY MAKE, ESTABLISH, AND DECLARE THE ANNEXED MAP OF "PENNINGTON HEIGHTS", AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT PLAT THEREOF, ALL LOT LINES BEING OF THE DIMENSIONS SHOWN AND ALL STREETS AND EASEMENTS OF THE WIDTHS THEREIN SET FORTH AND DO HEREBY DEDICATE TO THE PUBLIC AS PUBLICWAYS FOREVER ALL STREETS AND HEREBY GRANT ALL EASEMENTS AS SHOWN OR NOTED HEREON.

TRACTS "A" AND "B" ARE HEREBY CONVEYED TO THE CITY OF TUALATIN.

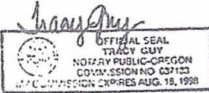
THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PROPERTY.

Merle Pennington
MERLE PENNINGTON

Dorthea D. Pennington
DORTHEA D. PENNINGTON

ACKNOWLEDGMENT }
STATE OF OREGON } SS
WASHINGTON COUNTY }

THIS CERTIFIES THAT ON THIS 21st DAY OF November, 1994, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED MERLE PENNINGTON AND DORTHEA D. PENNINGTON WHO, BEING FIRST DULY SWORN, DID SAY THAT THEY ARE THE IDENTICAL PERSONS NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND DO HEREBY ACKNOWLEDGE SAID INSTRUMENT TO BE OF THEIR OWN FREE ACT AND DEED.



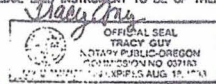
BENCHMARK LAND COMPANY

Mark P. Rockwell
MARK P. ROCKWELL

Greg A. Heastreet
GREG A. HEASTREET

ACKNOWLEDGMENT }
STATE OF OREGON } SS
WASHINGTON COUNTY }

THIS CERTIFIES THAT ON THIS 21st DAY OF November, 1994, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED MARK P. ROCKWELL AND GREG A. HEASTREET WHO, BEING FIRST DULY SWORN, DID SAY THAT THEY ARE THE IDENTICAL PERSONS NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND DO HEREBY ACKNOWLEDGE SAID INSTRUMENT TO BE OF THEIR OWN FREE ACT AND DEED.



INTERIOR CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE INTERIOR CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN DOCUMENT NO. 95/1573 WASHINGTON COUNTY DEED RECORDS.

APPROVED THIS 18 DAY OF Aug, 1995

Tracy Guy
WASHINGTON COUNTY SURVEYOR

SURVEYED: 11/04/94

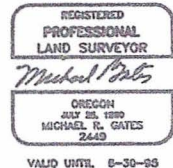
ALPHA ENGINEERING, INC.
8050 S.W. OAK, PLAZA WEST, SUITE 230
PORTLAND, OREGON 97223
(503) 452-8003

SURVEYOR'S CERTIFICATE

I, MICHAEL R. GATES, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH 5/8" x 30" IRON RODS WITH PLASTIC CAPS INSCRIBED "ALPHA ENG. INC." THE LOT CORNERS, CURVE POINTS AND BOUNDARY LINE CHANGES IN DIRECTION OF THE LANDS REPRESENTED ON THE ANNEXED MAP OF "PENNINGTON HEIGHTS"; LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN, WASHINGTON COUNTY, OREGON; THAT AS THE INITIAL POINT OF SAID SURVEY I FOUND AND HELD A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG. INC." SAID POINT BEING THE SOUTHWEST CORNER OF LOT 65 OF THE PLAT OF "NORWOOD HEIGHTS"; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF S.W. NORWOOD ROAD, S 89° 33' 37" W, 459.59 FEET TO THE EAST LINE OF DEED DOCUMENT NO. 93052804; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, ALONG SAID EAST LINE, N 00° 13' 50" W, 139.20 FEET; THENCE ALONG THE NORTH LINE OF SAID DEED DOCUMENT NO. 93052804 AND THE NORTH LINE OF DEED FEE NO. 85-0450840, S 89° 33' 37" W, 151.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF S.W. BOODRES FERRY ROAD; THENCE LEAVING SAID NORTH LINE DEED FEE NO. 85-0450840, ALONG SAID EAST RIGHT-OF-WAY LINE, N 00° 13' 50" W, 471.08 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, ALONG THE NORTH LINE OF LOT 65 OF SAID "NORWOOD HEIGHTS", N 89° 39' 38" E, 612.25 FEET; THENCE ALONG THE EAST LINE OF SAID LOT 65, S 00° 07' 15" E, 609.39 FEET TO THE INITIAL POINT.

CONTAINING 351,927 SQUARE FEET, OR 8.08 ACRES.

AS PER O.R.S. 92.070 (2), I, MICHAEL R. GATES ALSO SAY THE POST MONUMENTATION OF THE INTERIOR MONUMENTS WITHIN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING COMPLETION OF THE PAVING IMPROVEMENTS OR ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER OCCURS FIRST IN ACCORDANCE WITH O.R.S. 92.060.



I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "PENNINGTON HEIGHTS".

Michael R. Gates
MICHAEL R. GATES P.L.S. 2449

A SUBDIVISION PLAT CONSENT AFFIDAVIT FROM UNITED STATES NATIONAL BANK OF OREGON HAS BEEN RECORDED AS DOCUMENT NO. 94106079, WASHINGTON COUNTY DEED RECORDS.

CURVE DATA TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	250.00	35.36	35.36	N 03°39'02" E	08°08'35"
C2	250.00	35.36	35.36	S 03°39'02" E	08°08'35"
C3	200.00	58.80	58.39	S 77°31'19" W	18°47'18"
C4	300.00	63.11	60.01	N 74°5'04" E	11°28'57"
C5	300.00	48.89	48.83	N 85°05'02" E	08°57'09"
C6	300.00	108.89	108.42	S 79°29'39" W	20°22'58"
C7	160.00	28.32	28.35	N 89°17'05" W	10°08'30"
C8	160.00	28.32	28.29	S 89°17'05" E	10°08'30"
C9	16.00	23.10	22.60	S 44°42'24" W	89°32'29"
C10	16.00	23.44	22.84	N 44°48'47" W	91°05'08"
C11	224.00	29.51	29.49	N 89°27'33" W	09°33'33"
C12	275.00	38.92	38.89	S 03°56'07" W	08°05'35"
C13	16.00	23.07	22.56	N 44°49'44" E	89°45'54"
C14	135.00	23.60	23.87	S 89°17'09" E	10°08'30"
C15	165.00	5.40	5.40	N 81°33'00" W	07°40'17"
C16	165.00	27.39	27.32	N 89°07'15" W	09°02'13"
C17	25.00	6.55	6.51	S 80°25'15" E	18°34'46"
C18	48.00	31.87	31.21	S 89°27'30" W	40°34'57"
C19	48.00	20.35	20.18	S 89°45'30" W	25°54'58"
C20	48.00	22.45	22.23	S 79°27'28" W	28°30'01"
C21	48.00	28.81	28.22	S 02°48'54" E	33°32'39"
C22	25.00	6.50	6.46	N 09°58'32" W	18°29'23"
C23	16.00	23.19	22.67	S 45°20'08" E	90°12'33"
C24	16.00	23.10	22.60	S 44°42'24" W	89°32'29"
C25	135.00	23.60	23.87	N 89°17'05" W	10°08'30"
C26	165.00	39.75	39.70	S 89°17'09" E	10°08'30"
C27	16.00	23.20	22.67	N 43°14'18" E	90°14'08"
C28	16.00	24.60	22.30	N 05°04'04" E	89°22'58"
C29	225.00	6.26	6.26	N 89°54'30" W	01°18'13"
C30	40.82	4.45	4.45	N 70°00'33" E	06°18'09"
C31	28.00	9.89	9.83	S 78°13'28" W	22°40'17"
C32	325.00	3.33	3.33	S 89°14'57" E	09°37'20"
C33	325.00	50.97	50.92	N 84°39'26" E	05°44'22"
C34	325.00	6.14	6.14	N 79°21'33" E	01°28'04"
C35	325.00	52.02	51.97	N 74°03'24" E	08°10'18"
C36	325.00	1.94	1.94	N 89°17'37" E	09°20'32"
C37	175.00	49.54	49.38	S 77°16'16" E	16°13'15"
C38	225.00	87.68	87.49	S 77°44'43" W	17°13'48"
C39	275.00	2.76	2.76	N 89°24'55" E	09°34'28"
C40	16.00	30.77	26.24	S 53°12'53" E	11°01'36"
C41	225.00	26.03	26.02	S 03°11'37" W	06°37'43"
C42	225.00	5.92	5.92	S 07°14'54" W	01°28'54"
C43	275.00	35.31	35.28	N 04°12'25" E	07°33'54"
C44	16.00	24.92	22.47	S 43°02'02" W	89°13'13"



CITY OF TUALATIN APPROVALS
APPROVED THIS 21st DAY OF November, 1994
CITY OF TUALATIN: MAYOR

BY: Stephen P. Hays
APPROVED THIS 21st DAY OF November, 1994
CITY OF TUALATIN: CITY RECORDER

BY: Stephane A. Rhoads
WASHINGTON COUNTY APPROVALS

APPROVED THIS 23rd DAY OF November, 1994
WASHINGTON COUNTY SURVEYOR
BY: R. Dan W. Simon, O.C.S.

APPROVED THIS 23rd DAY OF November, 1994
DIRECTOR OF ASSESSMENT AND TAXATION
(WASHINGTON COUNTY ASSESSOR)

BY: Paul A. Yaffner
APPROVED THIS 22nd DAY OF Nov., 1994
WASHINGTON COUNTY BOARD OF COMMISSIONERS

BY: Ronnie L. Hays

BY: Spady Christy

BY: Roy R Rogers

BY: _____

ATTEST THIS 23rd DAY OF November, 1994
DIRECTOR OF ASSESSMENT AND TAXATION
EX-OFFICIO COUNTY CLERK

BY: Laura M. Eakin
DEPUTY

STATE OF OREGON }
WASHINGTON COUNTY } SS

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD ON THIS 23rd DAY OF November, 1994 AT 2:26 O'CLOCK P.M., AND RECORDED IN THE COUNTY CLERK RECORDS.

BY: Laura M. Eakin
DEPUTY COUNTY CLERK

STATE OF OREGON }
WASHINGTON COUNTY } SS

I DO HEREBY CERTIFY THAT THIS TRACING IS A COPY CERTIFIED TO ME, BY THE SURVEYOR OF THIS SUBDIVISION PLAT, TO BE A TRUE AND EXACT COPY OF THE ORIGINAL, AND THAT IT WAS RECORDED ON THE 23rd DAY OF November, 1994 AT 3:26 O'CLOCK P.M., AND RECORDED IN THE COUNTY CLERK RECORDS.

BY: Laura M. Eakin
DEPUTY COUNTY CLERK

I, Jerry R. Henson, Director of Assessment and Taxation and Ex-Officio County Clerk for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Jerry R. Henson
Jerry R. Henson, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 95011375
Inv : 5301
02/21/1995 04:51:06PM 5.00

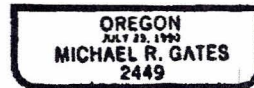
5
LOT-B

INTERIOR MONUMENTATION AFFIDAVIT

I, Michael R. Gates, P.L.S. No. 2449, being first duly sworn, do hereby say that in accordance with O.R.S. 92.070, I have correctly surveyed and marked with proper monuments, the interior corners as indicated on the Plat of Pennington Heights as recorded in Plat Book 94, pages 5 & 6, Records of Plats of Washington County. Said interior corners, as noted on the original plat, were set on January 10, 1995.

The changes or additions to be noted on the plat are as follows:

1. Set brass screw with brass tag inscribed "Alpha Eng. Inc." at the following locations: East and West ends of Curve 25, East end of Curve 26, Northwest corner of Lot 37, Northeast corner of Lot 45.
2. Set 5/8" x 30" iron rod with yellow plastic cap inscribed "Alpha Eng. Inc." witness corner at Northeast end of Curve 24, from which true location bears North 00° 21' 21" West 3.00 feet. Large boulder falls at true location.



Michael R. Gates
Michael R. Gates, P.L.S. #2449

Subscribed and sworn to before me this 7th day of February, 1995.

K. Diane Ehlers
Notary Public for the State of Oregon.

My commission expires 6-4-95



COUNTY SURVEYOR APPROVAL

Approved this 20 day of Feb, 1995, in accordance with O.R.S. 92.070.

Signed *[Signature]*
Washington County Surveyor

After recording
County Surveyor #15

Exhibit "C"



AGENDA

**PENNINGTON TWO - NEIGHBORHOOD MEETING
FEBRUARY 4, 2013 6:30 PM
9355 SW STONO DRIVE, TUALATIN, OR**

- 1. INTRODUCTIONS:** Tracy Reynolds, Darter Construction, LLC- Project Coordinator
Dean Reynolds, Darter Construction, LLC - Developer-Builder
Darryl Bodle- Broker for Owner
Colin Cortes, Assistant Planner for City of Tualatin

Is there a representative from the Citizen Involvement Organizations (CIO)?

- 2. MEETING ATTENDANCE ROSTER** -Please fill out the Meeting Roster and print please
- 3. HANDOUTS-** Map of preliminary site Plan
- 4. PROPOSAL** - We propose to develop a small lot subdivision in Pennington Heights. The six lot subdivision is located at 9355 SW Stono Drive. The subdivision is .66 acres. The process is to first submit a Conditional Use Permit and then a Subdivision Application with the City of Tualatin. After both submittals, the City of Tualatin will notify neighbors within 1000 feet of this site. The City Council has 120 days to make a decision on the Conditional Use Permit. The Subdivision Application will be submitted. The City of Tualatin has 120 days to review and issue a decision. Notices will be sent out to Neighbors after decisions.
- 5. OPEN FOR QUESTIONS AND DISCUSSION** - Please state your name for the record.
- 6. THANK YOU FOR COMING**

NEIGHBORHOOD MEETING NOTES
PENNINGTON TWO-9355 SW STONO DR.
MONDAY, FEBRUARY 4, 2013 AT 6:30 PM
JUANITA POHL CENTER

Neighborhood Meeting began at 6:30pm:

All present signed into an Attendance Roster attached for reference and received an Agenda and a Site Map.

Introductions were conducted : Tracy Reynolds, Darter Construction, LLC -Project Coordinator
Dean Reynolds, Darter Construction, LLC -Builder/Developer
Darryl Boddle- Broker for Land Owner
Tony Duran-City of Tualatin, Engineering discussing Subdivision
Application Process
Colin Cortes-City of Tualatin, Planning discussing Conditional
Use Permit Process

Dean Reynolds described the Proposal for Pennington Two located at 9355 SW Stono Drive:

In 1994 Pennington Heights a large subdivision was platted, as you are familiar, with this 6 lot subdivided but never completed and in 1998 it expired. We are now going through the process to re-establish these lots as 6 individual lots. Our goal is to build six individual new homes on these lots consistent with what is in the neighborhood now. They will be 2 story 2 1/2 bath 3-4 bedrooms on these lots. Presently, we have to go through a two phase process. A lot of that is included in your agenda. First, we have to go before the City Council with our first application who must approve it. Then we must go through a whole new process with a subdivision permit that requires us to submit to the City of Tualatin. With an approval, we will be able to be build six new homes. We have some building plans here for you to look through. These plans are only representative of what we will consider. The facade might be different to meet the City architectural restrictions but the houses will be approximately 1700-2400 square feet in size. Any residences who live on Lots 27, 28 or 29 in Pennington Heights and have sides who back up to 2 of the proposed lots, we will meet side facade restrictions not to the extent as front facade but could include window cladding or roof end gable so that you are not looking at a blank wall of siding. That is not allowed.

We will now open to questions:

What are the sales prices for the new Houses?

Answer: \$325,000 to \$375,000 but this depends on the present selling market.

When you have approval on permits, would you break ground on one lot or all six lots?

Answer: I'm not sure yet. It all depends on the present market. We don't want is to build six houses and have them sit. We would like to build them all in 6-9 months.

Do you have other lots you are presently building on?

Answer: Not presently. I have sat on dirt for 4 years with the failing housing industry. I have been keeping busy with remodeling of existing homes.

What will happen to the Trees and how many are we doing to really lose?

Answer: Right now, we have done a tree survey with all trees marked over 8 inch caliper and 2 trees for sure will be saved. We hope to save more, but cannot denote more trees on the survey due to possible root damage during excavation. We would be in real trouble with the City in that case. We hope to save more trees on the perimeter. It is better for us on the resale if we save as many as possible. However, the trees on Quinault Street where the trees are elevated, most of those would be removed with cutting in driveways at street level. There is a Cedar on the corner of Lot 49, that is a possible tree to save but it has a Y in it which could leave it in question. Time will tell.

Will you be required to plant trees in the median?

Answer: Yes, the City of Tualatin requires Street Trees to be planted. Tony Duran offered his contact information after the meeting.

Can you talk about the Rhododendron's that border the property?

Answer: We will try and save as many as possible with our set back requirements.

How large are the lots you will be building on? Specifically what are the size of the lots across from where I live:

Answer: They are approximately 4500 square feet just like all the lots in Pennington Heights. We are proposing 4500 square foot to 4800 square feet and keep in mind we have a 45% building coverage. So, we will not be building mansions. They will be houses that are similar to the present neighborhood.

Parking is a premium in our neighborhood. We have several rental homes with multiple cars.

During Construction, what will it be like with the trucks getting in and out?

Answer: Subcontractors should be parking on the new house side and not on the side of the present houses in respect of their space. Several trucks will park on the new lot itself. The only issue is when a lumber truck is delivering lumber or a truss truck delivering a roof trusses. Both those situations will be quick.

Will you be adding any fire hydrants?

Answer: Everything that is in will stand. No additional fire hydrants are necessary.

My house backs up to Lot 51 and my back yard is supported by a 3 foot retaining wall. Will you be damaging that wall during construction?

Answer: No, we will not damage your wall. We should be a distance from your wall with setbacks.

Who do you go to for tree recycling? I know someone, should I put them in contact with you?

Answer: No, the trees will be hauled off for other uses such as lumber with the larger trees. The ornamentals that are surrounding the old house, we anticipate finding them a new home.

Regarding the tree on Lot 51, can you save it? It provides a great canopy for the yards.

Answer: We will try to save it depending on setbacks and if we can plan on the driveway on the opposite side. Cutting into water and sewer line for the new house is also a concern with the vast root system. We don't want to cut into a root and damage the tree. Our concern is to damage a tree and possible falling of the tree. We take all that into consideration.

Was there a well on that property?

Answer: Yes, there was and it has been decommissioned.

Did you have anything to do with the removal of the old house and was there any asbestos?

Answer: Yes, I did and there was a check for any hazardous materials and the only thing found was in the entry floor of the main house on a small section where asbestos was found. A licensed contractor was hired and removed all to state standards.

Because of other builders not being held to timely construction hours, is there a local contact we can have if the subcontractor work after hours?

Answer: Yes, I will be the contact. Here is my cell phone (503) 784-7719. Tony Duran from the City offered another contact after Darter Construction. The City Building Inspector, Jim Sayers can be contacted if a street is blocked or if longer hours during the day during construction or other questions. Jim's number is (503) 691-3045 and Tom Stieger would be the contact for street trees or other tree questions and his number is (503)691-3085.

Is there a possibility that a small tree smaller than 8" in caliper tree can be taken, with permission prior to construction? I am speaking for a neighbor who has his eye on a small Christmas tree?

Answer: Contact me and we will take a look at the tree and its position on the property.

Will there be any shared driveways?

Answer: No, they will all have their own driveway.

Are you going to build to code or exceed code? I ask that because some other houses workmanship is pathetic. What materials do you plan to use on these houses?

Answer: We must comply with code. Every house we sell we provide a 2-10 warranty that gives the owner a first year warranty and then continues for 10 years. I only build a house that I would live in. I have past buyers contact me requesting that I build them another home. Good quality is important always to myself and to Darter Construction.

Will you be doing the majority of the building?

Answer: I am a general Contractor and sub out to contractors. The subcontractors I work with I have been in the business with for a number of years. It helps me to know of good quality work and dependability.

Darryl Boddle wanted to comment that he grew up with the first phase of Pennington. He played in those fields so I sympathize with your concern of your neighborhood. I worked closely with the Pennington family after Mrs. Pennington passed away. I know that the trees were important to her and to save as much of the bushes and ornamentals as possible during the dismantle of the house. My godparents lived on Stono for many years and are familiar with your Fourth of July celebrations. We want the houses to build out as the family would have wanted with continuity and good quality. I have a good working relationship with Dean and have confidence that he will comply with lots of your concerns voiced tonight. Especially saving the trees. I live in Tualatin and want it to be the best it can be.

Who is the current owner of the property?

Answer: Eden Enterprises.

Tony Duran with the City of Tualatin wanted to explain that the neighbors will receive two notices where you can comment or come to the City Council meeting that could take about 2 months for more comment. After the City Council approves whatever it may approve, then a subdivision permit will be the next step where I will process this application. Then the plat gets recorded with Washington County and the final step is Architectural Review. The subdivision permit process concerns itself with the Arborist Report and the tree survey. We encourage trees to be saved that can realistically be saved because coming back later is a difficult process. The appearance of the houses will be handled during the subdivision permit application.

How long will all these applications take before breaking ground?

Answer: Colin from the City of Tualatin calculated that after the first submittal, the best scenario is 9 months from the start to breaking ground or pulling the first building permits.

Do you have anticipate all the houses to look the same from the outside?

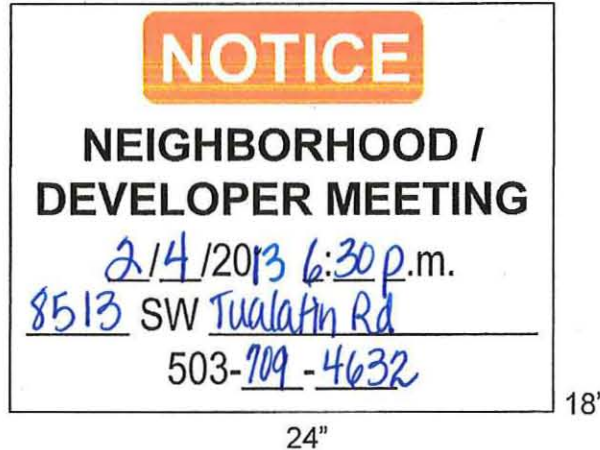
Answer: Regarding the front facade, they will be similar but not the same side by side. Continuity is important, so on the next block a like house could be built.

What is the possibility of a water line breaking?

Answer: There should be no breakage. There are existing stubs for water and sewer and it's just a matter of connecting to them.

With no more questions, this meeting is now closed at approximately 7:20 pm and thank you all for coming.

**NEIGHBORHOOD / DEVELOPER MEETING
CERTIFICATION OF SIGN POSTING**



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

As the applicant for the

Pennington Two

project, I

hereby certify that on this day, January 4, 2013 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Dean Reynolds
(PLEASE PRINT)

Applicant's Signature: Dean Reynolds

Date: 1-5-13

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

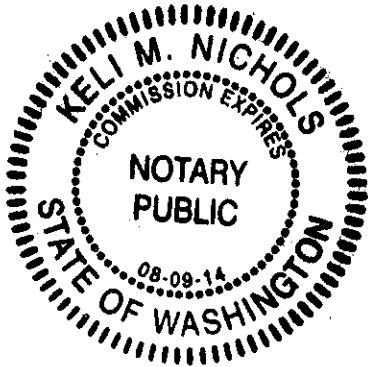
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Tracy Reynolds, being first duly sworn, depose and say:

That on the 7th day of January, 2013, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Tracy Reynolds
Signature

SUBSCRIBED AND SWORN to before me this 19 day of February, 2013.



Keli M. Nichols
Notary Public for Oregon Washington
My commission expires: Aug 9, 2014

RE: _____

January 5, 2013

Dear Property Owner,

Re: NEIGHBORHOOD MEETING FOR PENNINGTON TWO- A PROPOSED DEVELOPMENT AT
9355 SW Stono Dr.

You are cordially invited to attend a meeting on February 4, 2013 at 6:30pm at the Juanita Pohl Center (Inside Tualatin Community Park) located at 8513 SW Tualatin Road, Tualatin, Oregon 97062. This meeting shall be held to discuss a proposed development located at 9355 SW Stono Drive. This site is located between SW Quinalt Lane and SW Stono Drive. The proposal is to divide the existing parcel of land into six lots for single family homes. The lot sizes vary from approximately 4,500 square feet to approximately 4,800 square feet. On the back of this letter is a preliminary site plan for the proposed development to be discussed. A Conditional Use application and Subdivision application is anticipated to be submitted to the City of Tualatin.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal. The neighborhood meeting location is listed below:

Monday, February 4, 2013
6:30 pm
JUANITA POHL CENTER
TUALATIN COMUNITY PARK
8513 SW TUALATIN ROAD
TUALATIN, OR 97062

Thank you for your time and attention.

Regards,



Dean Reynolds
Darter Construction, LLC

Attachment: Preliminary Site Plan

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

PROJECT: PENNINTON TWO - 9355 SW STANO DR. MEETING DATE: Feb 4, 2013

PLEASE PRINT LEGIBLY!

NAME	MAILING ADDRESS & E-MAIL ADDRESS	CITY, STATE	ZIP CODE	PHONE #
Tony Doran	tdoran@ci.tualatin.or.us 18880 SW Martinez Ave, Footh	Tualatin, OR	97062	503-691-3035
Reid Schooler	Reid.Schooler@gmail.com 22238 SW 910th Place	Tualatin OR	97062	503 550 0768
Darryl Bodle	darryl.bodle@comcast.net	Tualatin, OR	97062	503-709-4032

OWN
22865 SW
93rd

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

PROJECT: PENNINGTON TWO - ⁹³⁵⁵ SW STENOOR MEETING DATE: Feb. 4, 2013

PLEASE PRINT LEGIBLY!

NAME	MAILING ADDRESS & E-MAIL ADDRESS	CITY, STATE	ZIP CODE	PHONE #
DEAN REYNOLDS	7640 NE AIRPORT WAY 56115 DANDTLC@AOL.COM	PORTLAND OR	97238	503 784-7719
Tracy Reynolds				503- 720-0299
MARCEE de HOOG	22795 SW 94 th TERRACE TUALATIN, OR 97062	TUALATIN OR	97062	503 612 9343
Dave Specht	9380 SW Quinault Ln T., OR, 97062	Tualatin	97062	541-979 9176
C. WAYNE JACKSON	9380 SW QUINAULT AVE 31620 SW VILLAGE CREST CT	TUALATIN WILSONVILLE	97062 97070	503-694-2116
SOE TAYLOR	22885 SW 94 th Terr	Tualatin	97062	503-679 1711
Brenda Taylor	22885 SW 94 th Terr	Tualatin	97062	503- 7 30 4300
Robert Snoddy	9430 SW Iowa Drive Tualatin, OR 97062	Tualatin	97062	503.463.677
Charles Glaeser	8955 SW Iowa Dr ⁹⁷⁰⁶² Tualatin	Tualatin OR	97062	
Ken + Jo Aust	8846 SW Steno OR 97062	Tualatin	97062	503-885- 0440
Colin Cortes	Co T			

**CUP-13-01 ATTACHMENT C:
ANALYSIS AND FINDINGS**

The issue before the City Council is consideration of a conditional use permit by Darter Construction, LLC for a small-lot subdivision of six lots to be known as Pennington Heights Two.

In order to grant the proposed Conditional Use Permit, the request must meet the approval criteria of [Tualatin Development Code \(TDC\) Section 32.030](#). The applicant prepared a narrative that addresses the criteria, which is within the application materials (Attachment B), and staff has reviewed this and other application materials and included pertinent excerpts below:

1. The use is listed as a conditional use in the underlying planning district.

The subject property, [Tax Lot 2S1 35AC 13900](#), is within the Medium Low Density (RML) Planning District. "Small-lot subdivisions" is a conditional use within the RML Planning District pursuant to TDC [41.030\(2\)](#).

The criterion is met.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Size: The minimum lot size within the RML Planning District for a small-lot subdivision is 4,500 square feet (s.f.), approximately 0.10 acres. The subject property is approximately 0.66 acres and was developed with a single-family house, now demolished. The applicant seeks approval for a small-lot subdivision of six lots ranging from 4,545 to 4,820 sq ft (0.10 to 0.11 acres), each lot exceeding the minimum lot size requirement.

The site size is suitable for the proposed use.

Shape: The subject property is roughly square lot with access from SW Stono Drive and frontage along SW Quinault Lane.

The lot shape is suitable for the proposed use.

Location: The proposed use is located within the RML Planning District with access from SW Stono Drive. The site was developed with a single-family house, now demolished. The site is within a developed small-lot subdivision, Pennington Heights.

The location is suitable.

Topography: The developed site has negligible slope that would likely necessitate grading along the north SW Quinault Street frontage, where the ground is a few feet above the sidewalk, in order to provide driveway and walkway connections for the three houses that would be built on the three lots that would front SW Quinault Lane. The site generally slopes downward north to south to the same level as the sidewalk along SW Stono Drive.

The topography would not interfere with the proposed use.

Improvements: The site was developed with a single-family house, now demolished. The applicant proposes a small-lot subdivision of six single-family house lots of roughly equal size, ranging from 4,545 to 4,820 sq ft (0.10 to 0.11 acres). The site is within a developed small-lot subdivision, Pennington Heights. Adjacent paved public streets, sidewalks, and sanitary sewer, stormwater, and water lines are available for connection. Street trees are missing from the adjacent planter strips.

The Engineering Division Memorandum (Attachment D) identifies no problems regarding public facilities that would result from the proposed use. The City will have the developer plant needed street trees.

Natural Features: The 0.66-acre site was developed with a single-family house, now demolished. Several trees exist, including mature and tall ones.

A staff site visit on March 7, 2013 found that the applicant had tagged trees for a tree survey, tree assessment (a.k.a. arborist's report), and tree preservation plan that would be submitted with a subdivision application following approval of this CUP application.

The construction of single-family houses and related improvements allows for a preservation of a number of trees to be negotiated and determined. Lot line delineation; house building pad shapes, sizes, and placements; and driveway locations, sizes, and placements are major determinants of how many and what specific trees could be preserved.

In the main body of the CUP staff report, staff recommends conditions of approval that would further tree preservation by increasing City leverage to preserve trees.

Criterion 2 is met.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

The following information is reproduced from the Engineering Division Memorandum (Attachment D):

Transportation: The site is east of SW 94th Terrace, north of SW Stono Drive, west of SW 93rd Terrace, and south of SW Quinault Lane. The adjacent streets normally required as part of residential subdivision construction exist. They were constructed at the time of the Waterford Subdivision and Pennington Heights Subdivision. Therefore, adequate infrastructure exists to support traffic from this development.

Note: Sidewalks and street trees are requirements of residential subdivision decisions and typically installed when homes are constructed. Sidewalks are currently constructed, but there are inadequate street trees. Trees will be required in the future subdivision decision.

Sanitary Sewer, Stormwater, & Water: Asbuilts show existing sanitary sewer, stormwater, and water laterals to City systems for the proposed 6 small lots. Stormwater from this site and adjacent streets flows east towards SW Boones Ferry Road then north to an existing public water quality facility. This facility, constructed with the Waterford Subdivision, is sized to accommodate streets and complete small-lot subdivision construction for all small-lots in the Waterford Subdivision and 50 small-lots in Pennington Heights Subdivision. The planned 50 lots in the Pennington Heights Subdivision included the currently proposed 6-lot small-lot development. Therefore, all public utility needs are met.

Criterion 3 is met.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The subject property is in the RML Planning District. Surrounding land uses by cardinal direction and planning district include:

- N: RML Pennington Heights Subdivision: SW Quinault Lane, four single-family houses
- E: RML Pennington Heights Subdivision: three single-family houses
- S: RML Pennington Heights Subdivision: SW Stono Drive, four single-family houses
- W: RML Pennington Heights Subdivision: two single-family houses

The proposed use is the same as the land use of surrounding properties: single-family housing on small lots. Because of this equivalency and based on the applicant's submitted information and staff review, the proposed use would not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes

the surrounding properties for the primary uses listed in the underlying planning districts.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the RML Planning District include TDC:

- Chapter 5 “Residential Planning Growth”, Section 5.030 General Objectives
- Chapter 10 “Community Design”, Section 10.050 Tree Preservation and Street Tree Objectives;
- Chapter 32 “Conditional Uses”, Section 32.030 Conditional Uses – Siting Criteria;
- Chapter 34 “Special Regulations”, Section 34.210 Application for Architectural Review, Subdivision or Partition Review, or Tree Removal Permit;
- Chapter 41 “Medium Low Density Residential Planning District (RML)”, Section 41.010 Purpose; and
- Chapter 73 “Community Design Standards”, Section 73.250 Tree Preservation.

TDC [5.030](#) states (1) Provide for the housing needs of existing and future City residents, and (6) Provide areas that will accommodate small-lot subdivisions.

The proposal would lead to six single-family houses in place of one, increasing the number of housing units in the city, and the site is within the RML Planning District, which allows the conditional use of small-lot subdivision.

TDC [10.050](#)(1) states, “Develop a program for tree conservation ... including control over tree removal, in order to protect and enhance the aesthetic character of Tualatin, protect and improve air and water quality, ... and provide and protect habitat for wildlife, in order to create and preserve a desirable community in which to live, work, and invest. ... [P]reserve the natural beauty of the area while accommodating economic growth.”

Site redevelopment would displace trees, and it is possible to design and develop the site to maximize the number of conserved trees. The CUP process by definition allows for a use conditioned by conditions of approval, and recommended conditions found within the main body of the staff report further tree conservation.

TDC [41.010](#) states that the purpose of the RML Planning District is, “To provide areas of the City suitable for ... small-lot, small home subdivisions”

The proposal is for a small-lot subdivision of six single-family houses, and the site is within the RML Planning District, which allows the conditional use of small-lot subdivision.

The proposal satisfies those objectives and policies of the TDC that are applicable to the proposed use.

CUP-13-01: Pennington Heights Two – Small-lot Subdivision
April 22, 2013

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above analysis and findings, the Pennington Heights Two small-lot subdivision by Darter Construction, LLC (CUP-13-01) meets the criteria of TDC [32.030](#).



City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: March 18, 2013

TO: Colin Cortes, AICP, CNU-A
Assistant Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 13-01, 9355 SW Stono Dr– approval to allow the developer to submit an application for a 6-lot, small-lot subdivision to be known as Pennington Heights Two. 9355 SW Stono Drive Tax Lot: 2S135AC13900

Colin,

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Transportation: The site is east of SW 94th Terrace, north of SW Stono Drive, west of SW 93rd Terrace, and south of SW Quinault Lane. The adjacent streets normally required as part of residential subdivision construction exist. They were constructed at the time of the Waterford Subdivision and Pennington Heights Subdivision. Therefore, adequate infrastructure exists to support traffic from this development.

Note: Sidewalks and street trees are requirements of residential subdivision decisions and typically installed when homes are constructed. Sidewalks are currently constructed, but there are inadequate street trees. Trees will be required in the future subdivision decision.

Sanitary Sewer, Stormwater, & Water: Asbuilts show existing sanitary sewer, stormwater, and water laterals to City systems for the proposed 6 small lots. Stormwater from this site and adjacent streets flows east towards SW Boones Ferry Road then north to an existing public water quality facility. This facility, constructed with the Waterford Subdivision, is sized to accommodate streets and complete small-lot subdivision construction for all small-lots in the Waterford Subdivision and 50 small-lots in Pennington Heights Subdivision. The planned 50 lots in the Pennington Heights Subdivision included the currently proposed 6-lot small-lot development. Therefore, all public utility needs are met.

Please let me know if you have questions, ext 3035.

Attachment D
Engineering Division Memorandum

MAR 29 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

Date: March 26, 2013
To: Colin Cortes, Assistant Planner, City of Tualatin
From: Jackie Sue Humphreys, Clean Water Services (the District)
Subject: Pennington Heights Two Subdivision, CUP-13-01, 2S135AC13900

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE AND PLAT RECORDING

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-1.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

Colin Cortes

From: DeBois, Drew S. [Drew.DeBois@tvfr.com]
Sent: Wednesday, March 20, 2013 2:03 PM
To: Colin Cortes
Cc: JIM SAYERS
Subject: Case File CUP-13-01, Pennington Heights Two.

Colin,

The fire district has no objection to the residential subdivision noted above. Thanks for the opportunity to weigh in and please feel free to contact me if you have questions or need further.

Sincerely,

*Drew DeBois
Deputy Fire Marshal/CFI
Tualatin Valley Fire & Rescue
7401 SW Washo Court # 101
Tualatin, Oregon
97062
(503) 259-1404 Direct*

**Conditional Use Permit:
CUP-13-01**

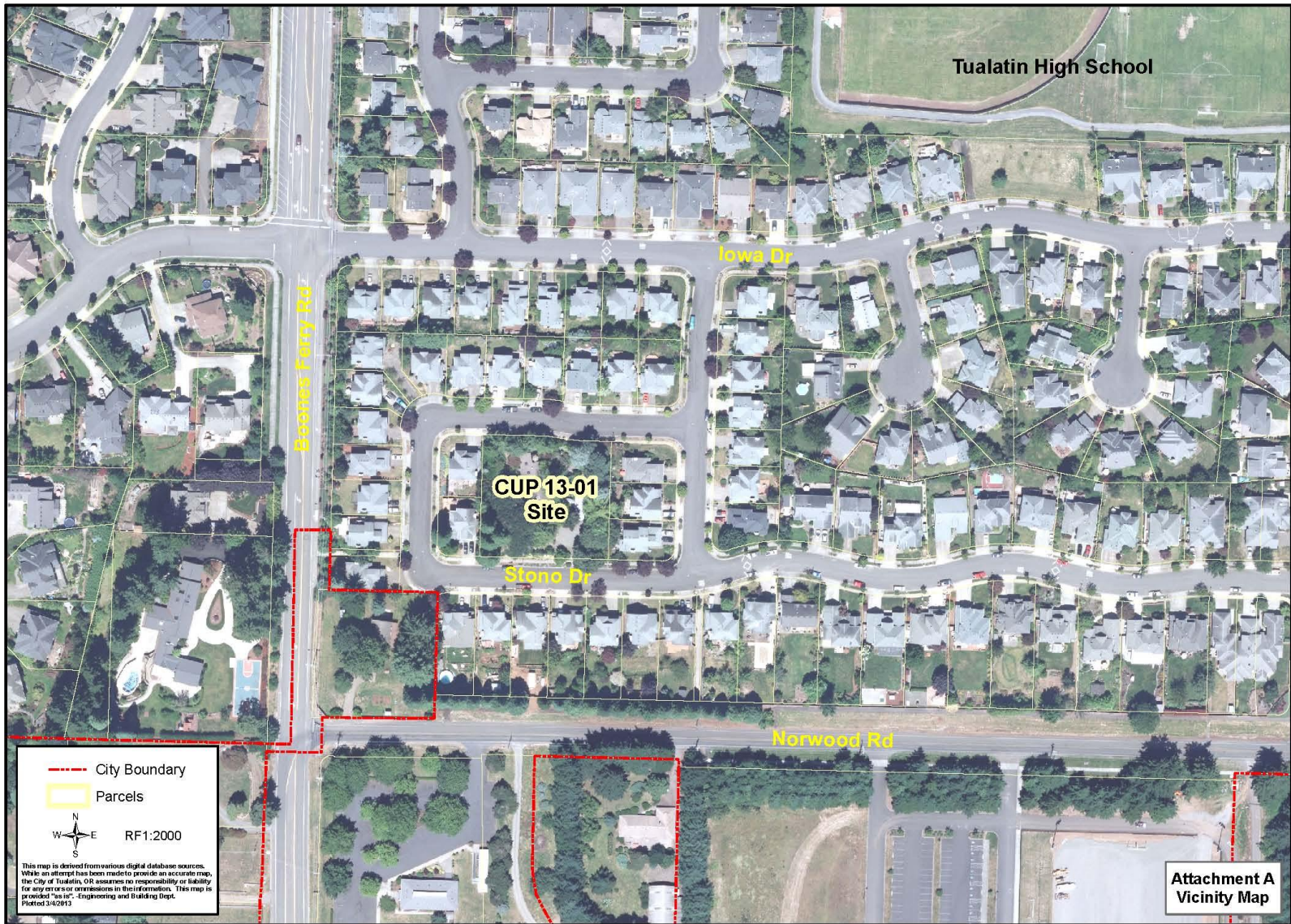
**Pennington Heights Two:
Small-lot Subdivision**

April 22, 2013



CUP 13-01: Pennington Heights Two

9355 SW Stono Dr TLID: 2S135AC13900





Applicant Request

- Proposal to build 6 houses
- 3-step process:
 1. Conditional Use Permit (CUP)
 2. Subdivision
 3. Single-family Architectural Review (ARSF)
- Medium Low Density (RML) Planning District
- The “small-lot” characteristic of a subdivision is a conditional use



CUP Criteria

Tualatin Development Code (TDC) CUP criteria are:

1. Is site suitable?
 - Size, shape, location, topography, existence of improvements and natural features
2. Are transportation systems, public facilities, and services existing or planned for the area that the use affects adequate?
 - Won't limit the use of surrounding properties
3. Satisfies objectives and policies of the Community Plan



Conditions of Approval

In summary:

1. Comply with the small-lot subdivision Standards in TDC 41.030(2).
2. Preserve trees.
3. Comply with Clean Water Services standards as applicable.
4. Applicant remains subject to applicable TDC provisions not explicitly referenced.



Tree Preservation

- Neighborhood/developer meeting comments about tree preservation
- Tree preservation is a City goal
- Condition 3 responds to neighborhood/ developer meeting comments and City goal



View of Tree Canopy



April 22, 2013

City of Tualatin

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Conclusion

Analysis and findings show Pennington Heights Two small-lot subdivision meets CUP criteria.

