



# City of Tualatin

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July 18, 2013

## SUBDIVISION REVIEW FINDINGS AND DECISION FOR SB 13-03, PENNINGTON TWO

### **BACKGROUND**

This staff report recommends approval of a 6-lot plan for the Pennington Two Subdivision, as shown on plans dated May 16, 2013 attached as Exhibit B, with conditions of approval as outlined in the staff report.

The proposed subdivision site is located west of SW 94th Terrace, south of SW Quinault Lane, east of SW 93rd Terrace, and north of SW Stono Drive. The lots are described as Tax Map 2S135AC #13900. It is located in the Medium Low Density Residential Planning District (RML) and is approximately 0.66 acres in size.

Attached to this report are:

- Exhibit A: Subdivision Application Form
- Exhibit B: Subdivision Plans
- Exhibit C: Clean Water Services (CWS) – Service Provider Letter

The requirements for the proposed land division are in *italics*.

### **STAFF REPORT**

1. **General Information:**

On May 17, 2013 Darter Construction, LLC. submitted an application to develop a 6-lot subdivision. The application was deemed complete on May 29, 2013 with the public comment period ending on June 12, 2013. No public comments were received.

**TDC 36.080 (1)**

- (a) The applicant shall comply with the requirements of TDC Chapter 74, Public Improvement Requirements.**
- (b) The applicant shall comply with the design and construction standards set forth in the Public Works Construction Code.**

The subdivision plans generally meet the requirements of this provision as recommended for approval. A more detailed discussion of the specific requirements will occur later in this report.

**TDC 74.475 (2) Prior to the creation of any street, the street name shall be approved by the City Engineer.**

The proposal is adjacent to the existing SW Quinault Lane and SW Stono Drive. No new public streets are proposed. This is acceptable. This requirement is met.

**TDC 36.178 states:**

- (1) After approval by the Mayor, the City Engineer shall return the subdivision plat and other related materials to the applicant, who shall transmit them to the County Surveyor.**
- (2) After the County Surveyor determines the final subdivision plat and related materials fully conform with State and County requirements, and receives payment of the required fees for such service, the County Surveyor will approve the plat and deliver it to the County Recorder's Office.**
- (3) No building permits shall be issued until the applicant obtains and delivers to the City Engineer a mylar copy of the subdivision plat showing that it has been officially approved by the County Surveyor and recorded.**

Compliance with this requirement will occur following the approval of the preliminary plat pursuant to conditions of approval as outlined in this staff report. Once the conditions of approval have been satisfied, public facilities constructed, or financial assurances provided for the construction of public facilities for this development, the applicant shall have the final plat approved and recorded by the Washington County Surveyor. At the time the final plat is recorded with Washington County, the applicant shall submit a Mylar copy of the recorded plat prior to issuance of a Building Permit; therefore, meeting this requirement.

**TDC 36.130 Phasing.**

- (1) Subject to the approval by the City pursuant to this section, an applicant may create a subdivision plat or construct the public improvements for a subdivision plat in phases. If the applicant intends to utilize this phasing option the applicant shall submit a phasing plan to the City Engineer for approval with the subdivision application and plan. The City Engineer shall determine the timing of the completion of the public improvements and the conditions of development.**
- (2) The applicant shall construct all public improvements in each phase.**
  - (a) Prior to issuance of building permits in a particular phase, the public improvements necessary to provide adequate public facilities for the particular phase shall be substantially complete.**

- (b) When the City Engineer has determined the public improvements in the particular phase are substantially complete and prior to acceptance of the improvements by the City, the City may issue 50 percent of the building permits prior to acceptance of the improvements by the City as set forth in TDC 36.174.**
- (c) The public improvements shall first be accepted by resolution of the City Council before building permits exceeding 50 percent may be issued in a particular phase.**
- (d) Public improvements may be submitted for City acceptance by phase.**
- (3) The subdivision plan approval for the first phase shall expire 24 months from the date of subdivision plan approval by the City Engineer. Future phases shall expire 24 months after the date of recording of the subdivision plat of the immediately preceding phase.**

The applicant is proposing a 6-lot subdivision. This is acceptable.

Prior to approval of a plat, associated public improvements need to be constructed or financial assurance for completion needs to be provided. Public improvements include streets, utilities, and water quality facilities. The applicant will need to construct the public improvements or provide financial assurance for completion, for review and approval.

Prior to the issuance of building permits, the associated public improvements need to be constructed and plat recorded. The applicant will need to construct the public improvements and deliver a Mylar copy of the recorded plat to the City.

The subdivision needs to be platted within 24 months of the issued decision. The applicant will need to plat the subdivision within 24 months of the issued decision.

*Prior to approval of the Final Plat:*

- The applicant shall construct all public improvements or provide financial assurance for completion, for review and approval.*
- The applicant shall plat the subdivision within 24 months of the issued decision.*

*Prior to issuance of Building Permits:*

- The applicant shall construct all public improvements.*
- The applicant shall deliver a Mylar copy of the recorded plat to the City Engineer.*

2. Lot Geometry:

**TDC 41.015 Permitted Density. Housing density shall not exceed 10 dwelling units per net acre...**

**TDC 41.030 Conditional Uses Permitted. The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:**

- (2) Small-lot subdivisions conforming to the following:**
- (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.**

Conditional Use Permit CUP 13-01, accepted by City Council May 13, 2013, provides permission for a small-lot subdivision on this lot.

The submitted Preliminary Plat shows that the applicant is proposing 6 lots. There are 6 lots on approximately 0.66 acres, for approximately 9.1 units per acre, less than the maximum of 10. This is acceptable.

Lot sizes range from 4,545 to 4,820 square feet. The average lot size is 4,764 square feet, greater than the minimum 4,500 square feet. The proposed average lot width is not less than 58 feet, greater than the minimum of 30 feet. All lot dimensions are acceptable.

This requirement is met.

3. Building Setbacks:

**TDC 41.070 Setback Requirements for Conditional Uses.**

- (2) Setback requirements for lots in small lot subdivisions are:**
- (a) The front yard setback shall be a minimum of 20 feet to the garage and 12 feet to the house.**
  - (b) The side yard setback shall be a minimum of five feet.**
  - (c) On corner lots, the setback for yards adjacent to streets shall be a minimum of 20 feet to the garage and 12 feet to the house in the yard where a driveway provides access to a street other than an alley and shall be a minimum of 12 feet in the yard where no driveway access exists.**
  - (d) The rear yard setback shall be a minimum of 15 feet.**

**TDC 36.420 Existing Structures and Appurtenances.**

- (1) Any existing structures proposed to be demolished shall be removed prior to the City approval of the subdivision or partition plat. Any structures determined to be a historic City landmark shall be reviewed in accordance with TDC Chapter 68.**
- (2) Any existing wells shall be abandoned in the manner prescribed by State and County regulations prior to the City approval of the subdivision or partition plat.**
- (3) Any existing underground fuel or oil tanks, septic tanks and similar underground storage tanks shall be removed or filled as required by the Department of Environmental Quality prior to the City's approval of the subdivision or partition plat.**

The single family home on this site has been demolished and no other structures remain. This is acceptable.

Note: All future setbacks will be determined with building permits proposing development.

4. Access:

**TDC 73.400 Access**

**(2) Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use.**

**(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses. If 1-99 parking spaces are required, only one access is required. If 100-249 parking spaces are required, two accesses are required. Ingress and egress shall not be less than 32 feet wide for the first 50 feet from the right-of-way and 24 feet thereafter.**

**(12) Minimum Access Requirements for Industrial Uses. If 1-250 parking spaces are required, only one access is required. Ingress and egress shall not be less than 36 feet wide for the first 50 feet from the right-of-way and 24 feet thereafter.**

**(14) (a) Unless otherwise herein provided, maximum driveway widths shall not exceed 40 feet.**

**(15) Distance between Driveways and Intersections. Distances listed shall be measured from the stop bar at the intersection. (a) At the intersection of collector or arterial streets, driveways shall be located a minimum of 150 feet from the intersection.**

**TDC 73.400 (10) Minimum access requirements for residential uses:**

**(a) Ingress and egress for single-family residential uses, including townhouses, shall be paved to a minimum width of 10 feet. Maximum driveway widths shall not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths shall be measured at the property line.**

The plans show each lot to have an 18-foot wide access to a public street, greater than the 10-foot minimum and less than the 26-foot maximum for a two car garage. This is acceptable. The applicant will need to submit final plans showing all driveways, for review and approval.

*Prior to issuance of a Final Plat:*

- *The applicant shall submit final plans showing all driveways, for review and approval.*

5. Transportation:

**TDC 74.210 (1)** For subdivision and partition applications, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width the additional right-of-way necessary to comply with the Transportation Element of the Tualatin Community Plan shall be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication shall be for the full width of the property abutting the roadway and, if required by the City Engineer, additional dedications shall be provided for slope and utility easements if deemed necessary.

**TDC 74.420**

- (6) All required street improvements shall include curbs, sidewalks, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.
- (7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 shall be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.

SW Quinault Lane and SW Stono Drive

SW Quinault Lane and SW Stono Drive are City of Tualatin facilities designated as a Local Streets, which have a right-of-way width of 50 feet and are fully constructed to include:

- 32 feet of pavement and gutters
- 4-foot curbside planter strips with curbs and streetlights
- 5-foot sidewalks

The applicant is not proposing modification to either SW Quinault Lane and SW Stono Drive and none are required. This requirement is met.

**TDC 74.485 Street Trees**

- (1) Prior to approval of a residential subdivision or partition final plat, the applicant shall pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees shall be determined by the City. This sum shall be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.
- (2) In nonresidential subdivisions and partitions street trees shall be planted by the owners of the individual lots as development occurs.
- (3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

The applicant is proposing to have street trees installed. As a part of the improvements, street trees are required to improve the livability of the community. The City installs the street trees. The applicant has not yet paid the fees required to complete these improvements. The applicant will need to pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The City will complete the installation.

**TDC 74.480 Street Signs.**

- (1) Street name signs shall be installed at all street intersections in accordance with standards adopted by the City.**
- (2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City.**
- (3) Prior to approval of the final subdivision or partition plat, the applicant shall pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs shall be determined by the City.**

The applicant is not proposing to install additional street signs and none are required. This is acceptable. This requirement is met.

*Prior to approval of the Final Plat:*

- *The applicant shall pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees.*

6. Domestic Water:

**TDC 74.610**

- (1) Water lines shall be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans shall be submitted to the City Engineer for review and approval prior to construction.**
- (2) If there are undeveloped properties adjacent to the subject site, public water lines shall be extended by the applicant to the common boundary line of these properties. The lines shall be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.**

The plans show existing public water lines within SW Quinault Lane and SW Stono Drive with water laterals and meters to each lot. This is acceptable. This requirement is met.

**TDC74.610 (3) As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants shall be required to connect the proposed development site to the service level in which the development site is located.**

This site is located in service level 'C' and the proposed connection to the public system is within this service level. This requirement is met.

**TMC 3-3.120 (4) requires all irrigation systems to be installed with a double check valve assembly.**

Note: Double check valve assemblies will be required to protect the domestic water system on irrigation systems. Landscape irrigation will need to include the planter strips of the adjacent right-of-way. Asbuilts do not clearly show that irrigation backflow devices will be installed. If needed, the applicant will need to install double check valve assemblies to meet the requirements of TMC 3-3.120(4).

7. Sanitary Sewer:  
**TDC 74.620**

- (1) Sanitary sewer lines shall be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.**
- (2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the pro-posed development site, the applicant shall extend public sanitary sewer lines to the common boundary line with these properties. The lines shall be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.**

**Clean Water Services Design and Construction Standards 5.09.3 Design Considerations**

- b. When allowed by the local Building Official, laterals may cross a single adjoining property if the following criteria are met:**
  - 1. The portion of the lateral on the adjoining property has a minimum 3 feet of cover over the pipe and the pipe is ductile iron.**
  - 2. The portion of the lateral on the adjoining property contains no bends. 3. The lateral crosses the adjoining property in a private easement that is a minimum of 10 feet wide.**
  - 4. A copy of the private easement is provided to the District or City, demonstrating the legal right of the parcel being served to install and maintain a private lateral on the adjoining property.**
  - 5. The portion of the lateral crossing the adjoining parcel is less than 100 feet long.**
  - 6. The lateral can be used for only one property.**
  - 7. The lateral crossing is not one of a number of lateral crossings in a new development designed to avoid constructing a sanitary sewer extension.**
  - 8. The Engineer provides justification, to the satisfaction of the District or City, that the crossing is needed.**



The plans show existing public sanitary sewer lines within SW Quinault Lane and SW Stono Drive with sanitary sewer laterals to each lot. This is acceptable. This requirement is met.

8. Storm Drainage and Water Quality:

**TDC 74.630 Storm Drainage System**

- (1) Storm drainage lines shall be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.
- (2) The storm drainage calculations shall confirm that adequate capacity exists to serve the site. The discharge from the development shall be analyzed in accordance with the City's Storm and Surface Water Regulations (TMC 3-5).

**TDC 74.650 Water Quality, Storm Water Detention and Erosion Control**

- (2) On all other development applications, prior to issuance of any building permit, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.
- (3) For on-site private and regional non-residential public facilities, the applicant shall submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

**TMC 3-5-220 Criteria for Requiring On-Site Detention to be Constructed.**

- (1) There is an identified downstream deficiency, as defined in TMC 3-5.210, and detention rather than conveyance system enlargement is determined to be the more effective solution.
- (2) There is an identified regional detention site within the boundary of the development.

**TMC 3-5-330 Permit Required.** Except as provided in TMC 3-5.310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

**TMC 3-5-380 Criteria for Granting Exemptions to Construction of On-Site Water Quality Facilities.** A regional public facility may be constructed to serve private non-residential development provided:

- (1) The facility serves more than one lot; and
- (2) All owners sign a stormwater facility agreement; and
- (3) Treatment accommodates reasonable worst case impervious area for full build-out, stormwater equivalent to existing or proposed roof area is privately treated in LIDA facilities, and any detention occurs on each lot.

The plans show existing public stormwater lines within SW Quinault Lane and SW Stono Drive. This stormwater flows north to an existing public water quality facility constructed with the Waterford Subdivision. The public lines conveying stormwater from this subdivision and the existing water quality facility are sized to convey and treat impervious areas that include this subdivision. This is acceptable. This requirement is met.

9. Stormwater Connection Permit:

**TDC 74.650 Water Quality, Storm Water Detention and Erosion Control (2)**  
**On all other development applications, prior to issuance of any building permit, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.**

The applicant has submitted a Service Provider Letter from Clean Water Services dated August 30, 2012 indicating that Sensitive Areas do not exist on-site. A CWS Memorandum was received dated March 26, 2013 for development on this site. The applicant will need to obtain a Stormwater Connection Permit that complies with the submitted Service Provider Letter conditions.

*Prior to approval of the Final Plat:*

- *The applicant shall obtain a Stormwater Connection Permit that complies with the submitted Service Provider Letter conditions.*

10. Grading:

**TDC 74.640**

- (1) Development sites shall be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.
- (2) A development applicant shall submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Engineer may require the applicant to remove all excess materials from the development site.

The submitted plans do not propose any grading during the subdivision that would change the existing stormwater direction. This is acceptable. This requirement is met.

Note: Any future grading will need to minimize the impact of stormwater runoff to adjacent properties.

11. Erosion Control:

**TDC 74.650 (3) The applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

If the site is between 1 and 5 acres in size, a 1200CN NPDES Erosion Control Permit is required. If it is over 5 acres, a 1200C NPDES Erosion Control Permit is required. The proposed development site is a total of approximately 0.66 acres. A NPDES Erosion Control Permit is not required.

A City of Tualatin erosion control permit is required if there is construction or disturbing of the site. The applicant has not obtained a City of Tualatin erosion control permit. The applicant will need to obtain a City of Tualatin erosion control permit.

**TDC 34.200 Tree Removal on Private Property without Architectural Review, Subdivision or Partition Approval, or Tree Removal Permit Prohibited.**

**(1) Architectural Review, Subdivision, or Partition. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), to develop property, and the development is subject to Architectural Review, Subdivision Review, or Partition Review approval, the property owner shall apply for approval to remove trees as part of the Architectural Review, Subdivision Review, or Partition Review application process.**

**(a) The application for tree removal shall include:**

**(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information.**

**(3) The following exemptions apply to tree removal:**

**(a) General Exemption. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, except when the tree to be removed:**

**(iii) Is a Heritage Tree;**

**TDC 36.120 (4) The following general information shall be shown on the subdivision plan: (n) states that natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site.**

**TDC 73.250**

- (1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.**
- (2) During the construction process:**
  - (a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.**
  - (b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.**

The applicant has submitted an arborist report dated January 29, 2013. This report recommends 2 trees for preservation, numbers 18 and 35. The submitted plans only show preservation of trees numbered 18 and 35. Conditional Use Permit CUP 13-01, accepted by City Council May 13, 2013, provided permission for a small-lot subdivision on this lot with preservation of an additional seven specific trees. The trees required to be preserved as identified on the submitted arborist report are numbers 1, 2, 6, 17, 36, 43, and 47. The plans need to show preservation of all required trees. The applicant will need to submit revised plans that show preservation of trees identified on the submitted arborist report as numbers 1, 2, 6, 17, 18, 35, 36, 43, and 47, for review and approval.

Note: Any additional trees proposed for removal other than those approved in this subdivision decision will need to follow code requirements for a tree removal.

*Prior to approval of the Final Plat:*

- *The applicant shall show tree protection around trees to be retained identified on the submitted arborist report as numbers 1, 2, 6, 17, 18, 35, 36, 43, and 47, for review and approval.*

*Prior to issuance of a Building Permit:*

- *The applicant shall obtain a City of Tualatin erosion control permit.*

12. Fire and Life Safety:

**TMC 4-2.010 Hydrants and Water Supply for Fire Protection.**

- (1) Every application for a building permit and accompanying plans shall be submitted to the Building Division for review of water used for fire protection, the approximate location and size of hydrants to be connected, and the provisions for access and egress for firefighting equipment. If upon such review it is determined that the fire protection facilities are not required or that they are adequately provided for in the plans, the Fire and Life Safety Reviewer shall recommend approval to the City Building Official.**
- (2) If adequate provisions for such facilities are not made, the Fire and Life Safety Reviewer shall either recommend against approval of the plans or indicate to the applicant in writing where the plans are deficient or recommend approval of plans subject to conditions.**

The submitted plans do not show public fire hydrants. Three public fire hydrants exist near this site: on the north side of SW Quinault Lane opposite this development, at the intersection of SW 94<sup>th</sup> Terrace & SW Stono Drive, and at the intersection of SW 93<sup>rd</sup> Terrace & SW Stono Drive. All lots are within 400 feet of an existing public fire hydrant. This is acceptable. This requirement is met.

Note: The Building Official may determine, upon recommendation of Tualatin Valley Fire & Rescue (TVF&R), during the review of the Building Permits, that additional fire protection devices may be necessary.

## **RECOMMENDATION**

Based on the findings presented, the City Engineer approves the preliminary plat of SB 13-03, Pennington Two with the following conditions:

### **PRIOR TO APPROVAL OF THE FINAL PLAT:**

- PFR-1 The applicant shall construct all public improvements or provide financial assurance for completion, for review and approval.
- PFR-2 The applicant shall plat the subdivision within 24 months of the issued decision.
- PFR-3 The applicant shall pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees.

### **PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

- PFR-4 The applicant shall show tree protection around trees to be retained identified on the submitted arborist report as numbers 1, 2, 6, 17, 18, 35, 36, 43, and 47, for review and approval.
- PFR-5 The applicant shall construct any public improvements.
- PFR-6 The applicant shall deliver a Mylar copy of the recorded plat to the City Engineer.
- PFR-7 The applicant shall submit final plans showing all driveways, for review and approval.
- PFR-8 The applicant shall obtain a Stormwater Connection Permit that complies with the submitted Service Provider Letter conditions.
- PFR-9 The applicant shall obtain a City of Tualatin erosion control permit.

## **APPEAL**

Requests for review of this decision must be received by the Engineering Division within the 14-day appeal period ending on **August 1, 2013 at 5 PM**. Issues must have been described with adequate clarity and detail to afford a decision maker an opportunity to respond to the issue. A request for review must be submitted on the form provided by the City, as detailed in TDC 36.161, and signed by the appellant.

Sincerely,



Tony Doran, EIT  
Engineering Associate

C: Dean Reynolds, Dater Construction, LLC., 7640 NE Airport Way #56115, Portland, OR 97238  
Eden Enterprises, LLC., 5505 SW Delker Road, Tualatin, OR 97062  
File: SB 13-03, Pennington Two



CITY OF TUALATIN  
18880 SW Martinazzi Ave  
Tualatin, OR 97062-7092  
Phone: (503) 692-2000  
Fax: (503) 692-0147

**DEVELOPMENT APPLICATION:**  
**SUBDIVISION/PARTITION/**  
**PROPERTY LINE ADJUSTMENT**

Application for: ☒ Subdivision ☐ Partition ☐ Property Line Adjustment

Project Address: 9355 SW STONO DRIVE Planning District: RML

Project Tax Map Number: 2S135 AC Tax Lot Number(s): 13900

Property Owner(s): EDEN ENTERPRISES, LLC

Property Owner's Address: 5505 SW DELKER RD TUALATIN, OR 97062

Owner's Phone Number: (503) 708-4577 Fax Number:

Owner's Email Address: edenllc@aol.com

Owner's Signature: [Signature] Date: 5-17-13

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

Applicant's Name: Darter Construction, LLC - Dean Reynolds

Applicant's Address: 7640 NE AIRPORT WAY #56115 PORTLAND, OR 97238

Applicant's Phone Number: (503) 784-7719 Fax Number: (360) 834-5604

Applicant's Email Address: dand+LC@aol.com

Applicant's Signature: [Signature] Date: 5/17/13

Consultant's Name: N/A

Consultant's Company: \_\_\_\_\_

Consultant's Address: \_\_\_\_\_

Consultant's Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Consultant's Email Address: \_\_\_\_\_

Direct Communication to: ☐ Owner ☒ Applicant ☐ Consultant

Existing Use: VACANT Proposed Use: RESIDENTIAL SMALL SUBDIVISION

Total Acreage: .66 No. of Lots/Parcels: 6

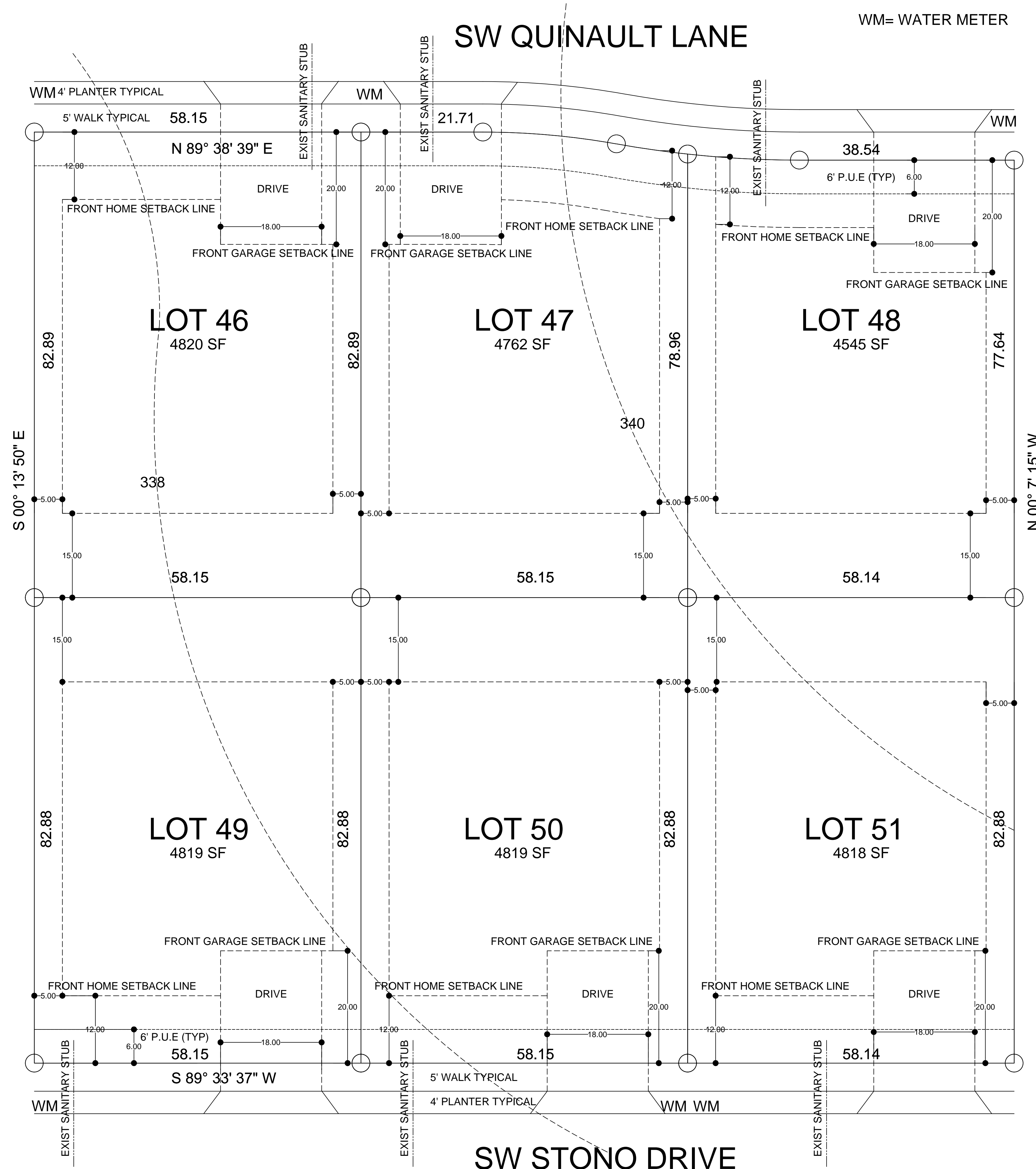
Average Lot/Parcel Width: 58' Average Lot/Parcel Area: 4760 SF.

Subdivision Name (if applicable): PENNINGTON TWO

Receipt Number: 76104 Fee: \$ 2,700 Job Number: SB 13-03

By: DR/ID Date: 5/17/13





PENNINGTON TWO  
PROPOSED 6 LOT SUBDIVISION  
ADDRESS: 9355 SW STONO DR  
TUALATIN, OREGON, 97062  
LEGAL: PENNINGTON HEIGHTS, LOT 26  
NORTH EAST  $\frac{1}{4}$  OF SECTION 35  
TOWNSHIP 2 SOUTH, RANGE WEST,  
WILLAMETTE MERIDIAN, CITY OF  
TUALATIN, WASHINGTON COUNTY  
**Tax Lot Number 2S135AC13900**

Accessor's tax map # : 2S135AC

Tax lot #: 13900

SIZE: .66 ACRES

Name & address of owner: Eden Enterprises, LLC

5505 SW Delker Rd.

Tualatin, OR 97062

503-708-4577

Applicant: Dean Reynolds

Darter Construction, LLC

7640 NE Airport Way #56115

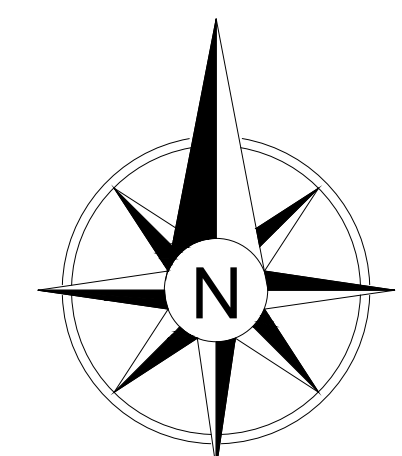
Portland, OR 97238

503-784-7719



VICINITY MAP

SCALE 1:10



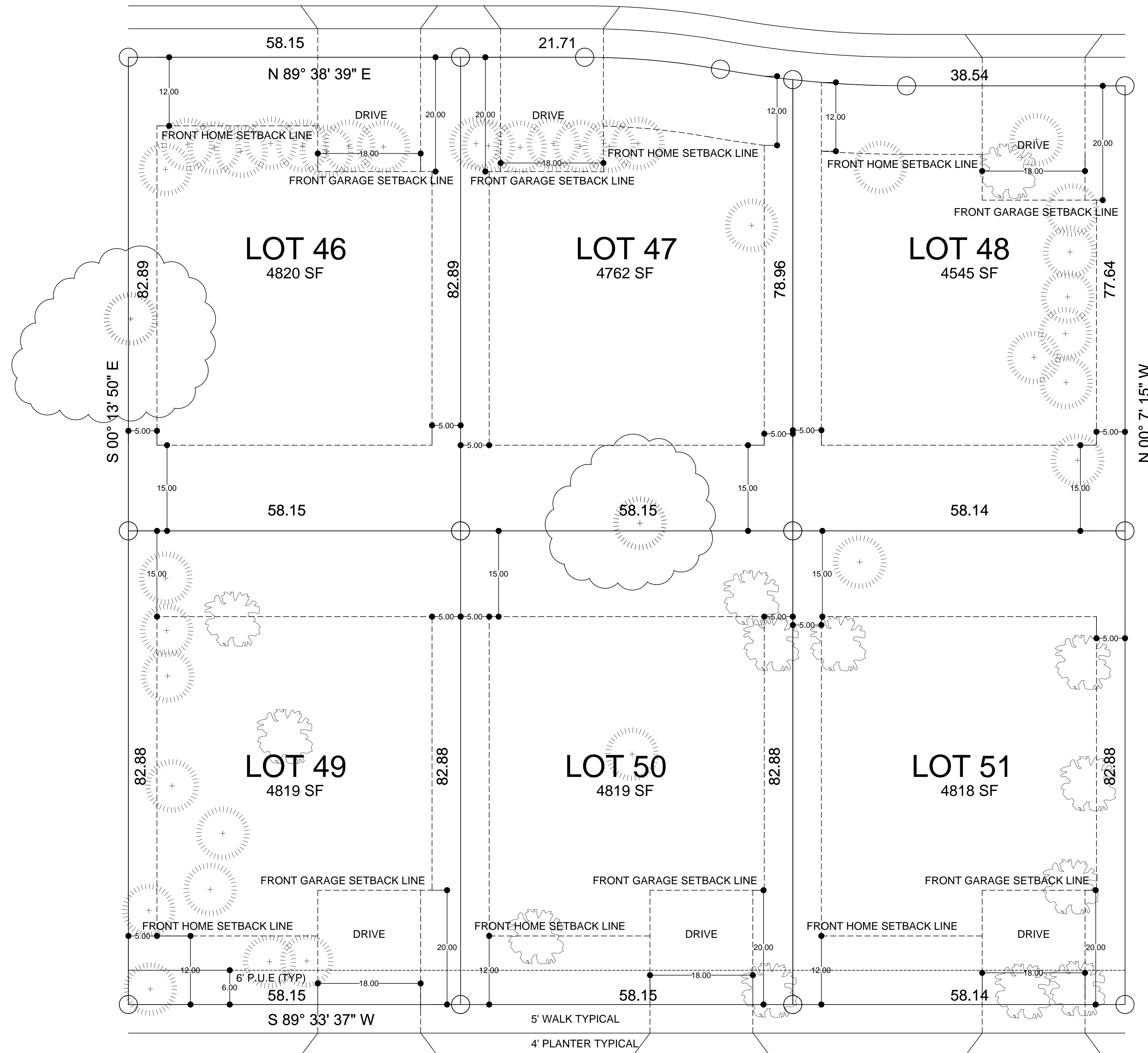
SITE PLAN

PENNINGTON TWO

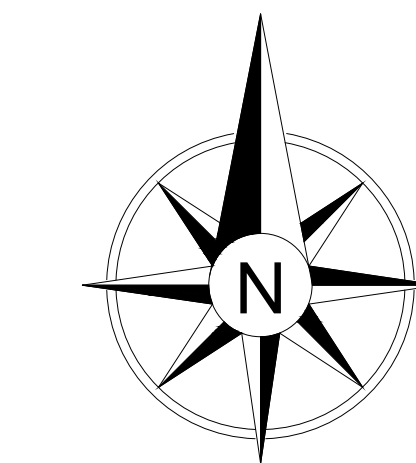
DRAWN:  
PHONE:  
DATE: 5/16/13  
DWS:

1

SW QUINAULT LANE



- TREE TO REMOVE
- TREE TO REMOVE
- TREE TO PRESERVE  
\*\*(SEE ARBORIST REPORTS AND DRAWINGS)



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.





ArborPro  
TREE EXPERTS

503 473 TREE

January 29, 2013

Darter Construction, LLC  
Attention: Dean Reynolds  
7640 NE Airport Way # 56115  
Portland, Oregon 97238  
503-784-7719

[dandtlc@aol.com](mailto:dandtlc@aol.com)

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Re: Tree Preservation Plan for Darter Construction, LLC -- 6 Lot Land Division & Construction Project at 9355 SW Stono Drive, Tualatin, Oregon

Mr. Reynolds,

The information gathered in the site visit and discussed in the enclosed document will provide the necessary tree protection recommendations to adhere to during the above mentioned project for the SW Stono Drive site.

Please note that some tree preservation recommendations may need to be adjusted as more project information becomes available, such as specific margins of excavation for building footprints, driveways, underground utilities, etc.

Please do not hesitate to call if I can be of further assistance in this matter.

Sincerely,

Mark W. Bourgeois, President  
ISA Certified Arborist PN1562A  
Member ISA – International Society of Arboriculture  
Oregon Contractor License # 128102

Mailing Address:  
PO Box 2267  
Lake Oswego, Oregon 97035

Physical Address:  
121 Foothills Road  
Lake Oswego, Oregon 97034





Arbor Pro, Inc.  
Professional Tree Care  
P.O. Box 2267  
Lake Oswego, OR 97035







# ArborPro

TREE EXPERTS

503 473 TREE

This Tree Preservation Plan is provided for the property located at 9355 SW Stono Drive, Tualatin, Oregon. Tree Inventory and Site Map are included.

## Tree Inventory

Tree #	Species	Common Name	DBH	Condition	Notes/Recommendation(s)	Preserve/Remove
1	Acer spp.	Maple	18"	Good	(None)	Remove
2	Magnolia spp.	Magnolia	7"	Good	(None)	Remove
3	Acer spp.	Maple	22"	Good	(None)	Remove
4	Acer spp.	Maple	14"	Good	(None)	Remove
5	Cedrus deodara	Deodar Cedar	24"	Good	Crown Clean, If Preserved	Remove
6	Cedrus atlantica	Atlas Cedar	21"	Good	(None)	Remove
7	Pinus sylvestris	Scots Pine	7.5"	Fair	One-Sided Canopy	Remove
8	Pinus sylvestris	Scots Pine	16"	Good	Co-Dominant	Remove
9	Pinus sylvestris	Scots Pine	12"	Fair	3 Co-Dominant Tops	Remove
10	Pinus contorta	Shore Pine	10"	Poor	Suppressed; Borers	Remove
11	Pinus sylvestris	Scots Pine	23"	Good	Co-Dominant Base/Trunk/Tops	Remove
12	Pinus sylvestris	Scots Pine	12"	Fair	One-Sided Canopy	Remove
13	Pinus sylvestris	Scots Pine	17"	Fair	Co-Dominant Top	Remove
14	Cedrus atlantica	Atlas Cedar	17"	Good	(None)	Remove
15	Abies grandis	Grand Fir	7.5"	Good	(None)	Remove
16	Cedrus atlantica	Weeping Atlas Cedar	10"	Fair	(None)	Remove
17	Cupressus nootkatensis	Weeping Alaska Cedar	11"	Fair	(None)	Remove
18	<b>Cedrus deodara</b>	<b>Deodar Cedar</b>	<b>24"</b>	<b>Good</b>	<b>(None)</b>	<b>Preserve</b>
19	Chamaecyparis obtusa	Hinoki Cypress	12"	Good	(None)	Remove
20	Cedrus deodara	Deodar Cedar	14"	Good	(None)	Remove
21	Cedrus deodara	Deodar Cedar	12"	Fair	(None)	Remove
22	Cedrus deodara	Deodar Cedar	8"	Fair	(None)	Remove
23	Cedrus deodara	Deodar Cedar	9"	Poor	Previously Topped	Remove
24	Cedrus deodara	Deodar Cedar	10"	Fair	(None)	Remove
25	Cedrus deodara	Deodar Cedar	13"	Fair	(None)	Remove
26	Cupressus leylandii	Leyland Cypress	10"	Poor	(None)	Remove
27	Cedrus deodara	Deodar Cedar	14"	Good	(None)	Remove
28	Cedrus deodara	Deodar Cedar	9"	Poor	Limited Canopy; Deformed Top	Remove
29	Cedrus deodara	Deodar Cedar	14"	Fair	(None)	Remove
30	Cedrus deodara	Deodar Cedar	10"	Fair	(None)	Remove
31	Cedrus deodara	Deodar Cedar	10"	Fair	(None)	Remove
32	Cedrus deodara	Deodar Cedar	14"	Fair	(None)	Remove
33	Cedrus deodara	Deodar Cedar	11"	Fair	(None)	Remove
34	Abies grandis	Grand Fir	23"	Fair	(None)	Remove
35	<b>Picea pungens</b>	<b>Colorado Blue Spruce</b>	<b>11"</b>	<b>Fair</b>	<b>(None)</b>	<b>Preserve</b>
36	Taxus spp.	Yew	16"	Fair	Multi-Stem	Remove
37	Cedrus deodara	Deodar Cedar	15"	Good	(None)	Remove
38	Salix spp.	Willow	12"	Fair	(None)	Remove
39	Sequoia sempervirens	Redwood	30"	Good	(None)	Remove
40	Sequoia sempervirens	Redwood	38"	Good	Bowed Trunk, Self Correcting	Remove
41	Cedrus atlantica	Atlas Cedar	16"	Fair	(None)	Remove

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## Tree Inventory - Continued

Tree #	Species	Common Name	DBH	Condition	Notes/Recommendation(s)	Preserve/Remove
42	Sequoia sempervirens	Redwood	42"	Good	(None)	Remove
43	Sequoia sempervirens	Redwood	60"	Fair	Co-Dominant Base; Included Bark	Remove
44	Abies grandis	Grand Fir	9"	Fair	One-Sided Canopy	Remove
45	Abies grandis	Grand Fir	8"	Poor	Broken Top	Remove
46	Magnolia spp.	Magnolia	18"	Good	(None)	Remove
47	Magnolia spp.	Magnolia	11"	Good	(None)	Remove
48	Pinus contorta	Shore Pine	10"	Fair	(None)	Remove
49	Pinus contorta	Shore Pine	13"	Fair	(None)	Remove
50	Acer palmatum	Japanese Maple	14"	Good	Co-Dominant	Remove
51	Quercus alba	White Oak	50"	Good	(None)	Remove
52	Cedrus deodara	Deodar Cedar	25"	Good	(None)	Remove
53	Quercus alba	White Oak	24"	Good	(None)	Remove

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Tree # 18, a Deodar Cedar (24" DBH), and Tree # 35, a Colorado Blue Spruce (11" DBH) are recommended for Preservation.

- Dimensions for Tree Protection Fencing for Tree # 18: 8' North, 14' South, 16' East, and 16' West.
- Dimensions for Tree Protection Fencing for Tree # 35: 11' North, 11' South, 5' East, and Terminate Fencing at Property Line to the West.

When specific margins of excavation can be determined, I recommend increasing the Tree Protection Fencing areas, if possible. A Certified Arborist should be on site to root prune, if needed, prior to or during excavation within 11' of the East side of Tree #35 and within 16' of the North and South Side of Tree # 18.

Ideal root protection area is 1' for every 1" of tree diameter measured at 4.5' (DBH measure.) These distances may be adjusted under the discretion of a Certified Arborist. Excavation and other severe site disturbances within the dripline area of a tree may cause tree decline, instability, and/or tree death. ArborPro is not responsible for any actions that may take place when a Certified Arborist is not present.

Unless otherwise noted, all tree protection fencing will be installed before construction starts, and kept in place until construction is complete. All fencing should be inspected and approved prior to construction, and should not be opened or removed unless directed by the Project Arborist. Root protection zones may be entered only for tasks like surveying, measuring, and sampling. Upon completion of these tasks, the fence must be closed. All other construction activities should be approved by the Project Arborist first.





The following tree protection requirements should be applied for the duration of the project to ensure tree health:

### **Tree Protection Requirements**

#### **Before Construction Begins**

1. Notify all contractors of the trees protection procedures. For successful tree protection on a construction site, all contractors must know and understand the goals of tree protection. It can only take one mistake with a misplaced trench or other action to destroy the future of a tree.
2. Fencing
  - a. Establish fencing around each tree or grove of trees to be retained.
  - b. The Fencing is to be put in place before the ground is disturbed or this site is occupied, in order to protect the trees and the soil around the trees from disturbance.
  - c. Fencing is to be placed at the edge of the recommended distances given in this report. Root protection distances are established by the Project Arborist based on the needs of the site and the tree to be protected.
  - d. Fencing is to be 6' high steel chain link fencing secured with steel posts at 8' spacing. Under no circumstances shall the protective fencing be removed without approval from the City of Tualatin.
3. Signage
  - a. All tree protection fencing should have signage as follows so that all contractors understand the purpose of the fencing.

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#### **TREE PROTECTION ZONE**

#### **DO NOT REMOVE OR ADJUST THE APPROVED LOCATION OF THIS TREE PROTECTION FENCING.**

Please contact the Project Arborist or Owner if alterations to the approved location of the tree protection fencing are necessary.

- b. Signage should be placed as to be visible from all sides of a tree protection area and spaced every 25 feet or less.

#### **During Construction**

1. Protection Guidelines Within the Root Protection Zone
  - a. No continuous traffic shall be allowed within the root protection zone, including vehicles, heavy equipment, or repeated foot traffic.
  - b. No storage of materials including but not limiting to soil, construction material, or waste from the site.
    - i. Waste includes but is not limited to concrete wash out, gasoline, diesel, paint, cleaner, thinners, etc.
  - c. Construction trailers are not to be parked or placed within the root protection zone without written clearance from Project Arborist.
  - d. No vehicles shall be allowed to park within the root protection areas.



- e. No activity shall be allowed that will cause soil compaction within the root protection zone.
2. The trees shall be protected from any cutting, skinning or breaking of branches, trunks or roots.
3. The Project Arborist shall be notified to evaluate and oversee the proper cutting of any roots that are to be cut from existing trees that are to be retained.

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### **Conclusions**

The recommendations above are based on the condition of the subject trees and the information provided to me regarding the project at 9355 SW Stono Drive. Please feel free to contact me with any further questions or concerns.

Sincerely,



Mark W. Bourgeois, President  
ISA Certified Arborist PN1562A  
Member ISA – International Society of Arboriculture  
Oregon Contractor License # 128102

Mailing Address:  
PO Box 2267  
Lake Oswego, Oregon 97035

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***Attachments: Site Map***





### Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Titles and ownerships to property are assumed to be good and marketable. No responsibility is assumed for legal matters.
2. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as feasible; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
3. The consultant shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made, including additional fees.
4. This report, and any values expressed herein, represents the opinion of the consultant, and the consultant fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
5. Sketches, drawings and photographs in this report are intended as visual aids and are probably not to scale. The reproduction of information generated by other consultants is for coordination and ease of reference. Inclusion of such information does not constitute a representation by the consulting arborist, as to the sufficiency or accuracy of the information.
6. Unless expressed otherwise, information in this report covers only items that were examined, and reflects the condition of those items at the time of inspection. The inspection is limited to visual examination of accessible items without laboratory analysis, dissection, excavation, probing, or coring, unless otherwise stated.
7. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
8. This report is the completed work product. Any additional work, including production of a site plan, addenda and revisions, construction of tree protection measure, tree work, or inspection of tree protection measures, for example, must be contracted separately.
9. Loss or alteration of any part of this report invalidates the entire report.

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