



City of Tigard
MEMORANDUM

EXHIBIT B

TO: Planning Commission

FROM: Cheryl Caines, Associate Planner

RE: Sonic Drive-in
PDR2009-00001/VAR2009-00014

DATE: December 7, 2009

Comments were received from the Public Works Department after the application packets were mailed to you. Based on the comments, Staff proposes the following changes (in italics) to the conditions of approval:

#12 – The applicant shall obtain approval from the City of Tigard, Water Department, for the proposed water *meter relocation and* connection prior to issuance of the City's Public Facility Improvement permit. *This includes determination of appropriate water meter size and payment of the fee if the meter needs to be upsized.*

#33 – *Prior to final building inspection, the applicant shall enter into a maintenance agreement with the City in a format approved by the City for maintenance of the water quality facility as constructed on the site. This agreement will be recorded with Washington County.*

Cheryl Caines

From: Gus Duenas
Sent: Thursday, December 03, 2009 5:17 PM
To: Cheryl Caines
Subject: FW: Comments on the Sonic Restaurant Project
Attachments: Excerpts from Land Use Comments for Sonic.docx

Cheryl,

Attached are the revisions in italics that I propose for the Sonic Restaurant. Brian is OK with what I wrote for water, although the items I added in italics do clarify it further. You may choose to include those, or just leave that as I originally wrote it. However, for the water quality facility, please add the condition (in italics) prior to final building inspection requiring that the applicant enter into an agreement with the City for maintenance of the facility. That goes beyond submittal of a maintenance plan since the agreement will be signed by both parties and recorded. I inserted it prior to final building inspection because I want the final agreement to be based on what they actually constructed out there. The maintenance plan is submitted early and may be subject to change as construction goes on.

If you need anything else from me, or want to discuss it before Monday next week, please call me tomorrow either at 503-693-7378 (H) or 503-367-3207 (Cell) if I'm out and about. I am off tomorrow.

From: Brian Rager
Sent: Thursday, December 03, 2009 5:07 PM
To: Gus Duenas
Cc: Cheryl Caines; Mike White
Subject: RE: Comments on the Sonic Restaurant Project

Thanks Gus. In particular, I really think you need that new condition you wrote. What we're now going to require is much more than a maintenance "plan", which is what we have collected in the past. This is going to be a formal, recorded agreement. I think a condition is necessary, as there is no code section for it yet.

I think you are good with your original verbiage on the Water section. Meter sizing generally occurs during the detailed building plan review stage.

Thanks,

Brian D. Rager
Assistant Public Works Director
Public Works Department

Direct: 503-718-2471
E-mail: brianr@tigard-or.gov

Public Works: Taking Care of Our Community

From: Gus Duenas
Sent: Thursday, December 03, 2009 10:06 AM
To: Brian Rager
Cc: Cheryl Caines; Mike White
Subject: Comments on the Sonic Restaurant Project

Brian,

I think I have generally covered your comments in my land use comments and proposed conditions of approval. Attached are excerpts of what I wrote and applicable segments of the conditions of approval. I have added the items in italics to possibly further clarify what they need to do. Please see if what I wrote originally does the job, and if the additions in italics help to further define the conditions. At our previous meeting, you circulated a sample maintenance agreement form, but I don't know if we have settled on a final format for it. We generally do require that the developer submit a maintenance agreement for approval and I assume a formal agreement to be executed by both parties and recorded is a step beyond that.

Please let me know what you think and I'll provide Cheryl with the additional writeup if OK. Thanks.



Agustin P. Duenas, P.E.

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Excerpts from Land Use Comments on the Sonic Restaurant

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 07-20) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

Prior to issuance of permits, the applicant shall submit plans and calculations to the City and ODOT for the proposed water quality facility to meet the intent of the CWS Design Standards and ODOT requirements. In addition, the applicant shall submit a maintenance plan for the facility that must be reviewed and approved by the City prior to construction.

To ensure compliance with Clean Water Services design and construction standards, the applicant shall retain a professional engineer to monitor construction and perform visual observation of the water quality facility for compliance with the design and specifications. These inspections shall be made at significant stages throughout the project and at completion of the construction. Prior to final building inspection, the applicant shall provide the City of Tigard (Inspection Supervisor) with written confirmation from that professional engineer that the water quality facility is in compliance with the design and specifications.

Prior to Commencement of Any Onsite Activities

Water

Part of the Conditions of Approval

- The applicant shall obtain approval from the City of Tigard, Water Department, for the proposed water *meter relocation and* connection prior to issuance of the City's Public Facility Improvement permit. *This includes determination of appropriate water meter size and payment of the fee if the meter needs to be upsized.*
- The applicant shall provide an on-site water quality facility as required by Clean Water Services Design and Construction Standards (Resolution and Order No. 07-20). Final plans and calculations shall be submitted to the Development Engineer (Gus Duenas) and ODOT for review and approval prior to issuance of the site permit. In addition, a proposed maintenance agreement shall be submitted along with the plans and calculations for review and approval.
- The applicant's engineer shall submit documentation to the City Development Engineer certifying that the water quality facility was constructed in accordance with CWS standards.

Prior to Final Building Inspection

- Prior to a final building inspection, the applicant shall complete the required public improvements, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for the improvements.
- *Prior to final building inspection, the applicant shall enter into a maintenance agreement with the City in a format approved by the City for maintenance of the water quality facility as constructed on the site. This agreement will be recorded with Washington County.*
- Prior to a final building inspection, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a disc of the as-builts in "DWG" format, if available; otherwise "DXF" will be acceptable, and 3) the as-built drawings shall be tied to the City's GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).
- The applicant shall provide underground service to the development. There is no need to underground utilities along Highway 99W and utilities are already underground on SW Royalty Parkway.
- Prior to a final building inspection the applicant's engineer shall submit a final sight distance certification for the completed accesses on SW Royalty Parkway and Highway 99W.