

NOTICE OF TYPE II DECISION
MINOR LAND PARTITION (MLP) 2010-00001
SONIC PARTITION



120 DAYS = 7/24/2010

SECTION I. APPLICATION SUMMARY

FILE NAME:		SONIC PARTITION
CASE NOS:	Minor Land Partition (MLP) Adjustment (VAR)	MLP2010-00001 VAR2010-00004

PROPOSAL: The applicant is requesting Minor Land Partition approval to partition one (1) existing 1.33-acre site into two (2) parcels for commercial development. The proposed lots are 38,343 and 19,512 square feet in size. A sign code adjustment is also requested to install a second free-standing sign along the SW Royalty Parkway frontage in addition to a freestanding sign on SW Pacific Highway. Preliminary approval was previously granted to construct a Sonic Drive-In restaurant on proposed Lot 1 (PDR2009-00001). No detailed plan has been approved for Lot 2.

APPLICANT/ OWNER:	MWF Tigard, LLC/ The Wetsel Co. Jess Wetsel 2123 NW Alcolek Dr., Suite 1203 Hillsboro, OR 97124	APPLICANT'S REP.:	MacKay & Sposito Bob Sable 1325 SE Tech Center Dr., Suite 140 Vancouver, WA 98683
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**COMPREHENSIVE
PLAN**

DESIGNATION: C-G: General Commercial

ZONE: C-G (PD): General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.

LOCATION: 15300 SW Pacific Highway; Washington County Tax Map 2S110DB, Tax Lot 500.

PROPOSED PARCEL 1:	38,343 Square Feet.
PROPOSED PARCEL 2:	19,512 Square Feet.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.370, 18.390, 18.420, 18.520, 18.780, 18.795 and 18.810.

SECTION II. DECISION

Notice is hereby given that the City of Tigard Community Development Director's designee has **APPROVED** the above request for partition and sign code adjustment subject to certain conditions. The findings and conclusions on which the decision is based are noted in Section V.

CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO APPROVAL OF THE FINAL PLAT:

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to Associate Planner, CHERYL CAINES 503-718-2437. The cover letter shall clearly identify where in the submittal the required information is found:

1. The applicant shall obtain a sign permit for each freestanding sign from the Planning Division that meets the sign code requirements of Section 18.780 except as adjusted in this decision. STAFF CONTACT: Planning/Engineering Techs at (503) 718-2421.
2. Prior to the issuance of sign permits, the applicant shall remove all existing signage, including the freestanding sign along SW Pacific Highway.
3. The applicant shall obtain building and electrical permits for both free-standing signs since both signs are over 6 feet in height and are illuminated.
4. Prior to development of proposed Lot 2, approval for a detailed plan through the Planned Development Review process must be obtained.

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the Development Review Engineer: GUS DUENAS 503-718-2470. The cover letter shall clearly identify where in the submittal the required information is found:

5. Prior to final plat approval, the applicant shall pay the addressing fee. (STAFF CONTACT: Shirley Treat at 503-718-2451).
6. Prior to final plat the applicant shall ensure that joint access agreements between Sonic and Les Schwab, and between Lots 1 and 2 are established, recorded, and recorded documents referenced on the final plat.
7. Prior to final plat the applicant shall ensure that agreements for operations and maintenance of water quality and detention facilities between the two parcels are developed, recorded and the recorded documents referenced on the final plat. The applicant shall submit documents to the Development Review Engineer for review and approval prior to recording.
8. Prior to final plat the applicant shall ensure that an operations and a maintenance agreement (on City-furnished forms) covering the water quality and detention facilities is developed, approved, recorded and referenced by recorded document numbers on the final plat. The applicant shall submit the agreement to the Development Review Engineer for review and approval prior to recording.
9. The applicant shall show a 15-foot public sanitary sewer easement on the final plat for the public line located on Lot 1.
10. The applicant shall ensure the final plat reflects all right-of-way dedications, if any, required as part of the Sonic Restaurant land use approval (PDR2009-00001).
11. The applicant's final plat shall contain State Plane Coordinates on two monuments with a tie to the City's global positioning system (GPS) geodetic control network (GC 22) as recorded in Washington County survey records. These monuments shall be on the same line and shall be of the same precision as required for the partition plat boundary. Along with the coordinates, the plat shall contain the scale factor to convert ground measurements to grid measurements and the angle from north to grid north. These coordinates can be established by:
 - ◆ GPS tie networked to the City's GPS survey.
 - ◆ By random traverse using conventional surveying methods.

12. Final Plat Application Submission Requirements:

- A. Submit for City review four (4) paper copies of the final plat prepared by a land surveyor licensed to practice in Oregon, and necessary data or narrative.
- B. Attach a check in the amount of the current final plat review fee (Contact Planning/Engineering Permit Technicians, at 503-718- 2421).
- C. The final plat and data or narrative shall be drawn to the minimum standards set forth by the Oregon Revised Statutes (ORS 92.05), Washington County, and by the City of Tigard.
- D. The plat shall show dedication of property along Highway 99W as required by the land use approval for the Sonic Restaurant project.
- E. NOTE: Washington County will not begin their review of the final plat until they receive notice from the City's Development Review Engineer indicating that the City has reviewed the final plat and submitted comments to the applicant's surveyor.
- F. After the City and County have reviewed the final plat, submit one paper copy of the final plat for City Engineer signature (for partitions), or City Engineer and Community Development Director signatures (for subdivisions).

THIS APPROVAL IS VALID IF EXERCISED WITHIN EIGHTEEN (18) MONTHS OF THE EFFECTIVE DATE OF THIS DECISION NOTED UNDER THE PROCESS AND APPEAL SECTION OF THIS DECISION.

SECTION III. BACKGROUND INFORMATION

Site History

When the site was annexed into the City in 1977, it was developed with an existing single family residence, related outbuildings, and a greenhouse, which was used as a retail showroom. In April of 1978 the City Council rezoned the site from the county's RU-4 to the city's R-7 zoning with a plan designation of Residential/Commercial. The nursery was granted a conditional use by the Planning Commission and Site Development approval by the Director at about the same time as the re-zone. Revision of the Comprehensive Plan in the early 1980s changed the plan designation for this and adjacent properties to General Commercial (C-G) with a Planned Development (PD) overlay.

In 1988 site development approval was granted to construct a new, 1,700 square foot nursery retail building and remodel the existing residence into a retail shop (SDR88-13/PD88-03). A search of City records also revealed a Comprehensive Plan Amendment attached to the site (CPA91-0002). This amendment was not site specific, but affected several parcels in the area. The amendment changed the transportation map of the Comprehensive Plan by re-designating Naeve Street from a minor collector to a local street by adding a minor collector connection from 109th Avenue, at Murdock, to Pacific Highway and a local street connection between 100th and 109th Avenue north of the Hoodview subdivision.

In February of 2010 the Tigard Planning Commission approved a Conceptual Plan for the entire site and a Detailed Plan for the southern portion of the site (proposed Lot 1) to construct a Sonic Drive-In and other commercial business through the Planned Development process. Construction has begun on the Sonic, but no Detailed Plan has been submitted for the northern portion of the site (proposed Lot 2). No other land use cases related to this site were found.

Vicinity Information:

The site is a 1.33 acre parcel located on Pacific Highway, south of Naeve Street and north of Royalty Parkway. The site also fronts Royalty Parkway along the eastern boundary. The site is zoned C-G (PD) and is surrounded by properties zoned the same. Areas further to the north and east are residential (R-25 and R-12 with PD overlays). King City is located to the west across Pacific Highway. Most sites in the area are developed. The site is bordered by May Auto Sales to the north and Les Schwab Tires to the south.

Proposal Description:

The applicant is requesting a Minor Land Partition to partition one (1) existing 1.33-acre site into two (2) parcels for commercial development. The proposed lots are 38,343 and 19,512 square feet in size. A sign code adjustment is also requested to install a second free-standing sign along the SW Royalty Parkway frontage in addition to a freestanding sign on SW Pacific Highway. Preliminary approval was previously granted to construct a Sonic Drive-In restaurant on proposed Lot 1 (PDR2009-00001). No detailed plan has been approved for Lot 2.

SECTION IV. PUBLIC COMMENTS

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal, and be given an opportunity for written comments and/or oral testimony prior to a decision being made. In addition, staff has posted a notice on the site, visible from both streets. Staff received no comments or letters from adjacent property owners.

SECTION V. APPLICABLE REVIEW CRITERIA AND FINDINGS

VARIANCES AND ADJUSTMENTS (18.370):

Section 18.780.130.C.1. states that one multi-faced, freestanding sign shall be permitted for sites within the C-G zone. One freestanding sign is proposed at the Pacific Highway entry. The applicant is requesting an adjustment to allow a second freestanding sign along the Royalty Parkway street frontage. Due to access spacing requirements along SW Pacific Highway and limited frontage along SW Royalty Parkway, access to the future business located on proposed Lot 2 will be from shared access points on Lot 1. Signs will be shared between the two businesses. Therefore the applicant is requesting a second freestanding sign.

The sign along Pacific Highway will be 20 feet in height, with a combined face of 140 square feet (70 sq. feet on each side). This sign will also include an electronic message center; which is considered a special condition sign and must meet the requirements of section 18.780.090.D of the Tigard Development Code. Preliminary plans show the second sign along Royalty Parkway to be 8 feet tall with total signage of 70 square feet (35 sq. feet per face). Sign permits are required prior to installation of the signs; these permits were not requested with this application. A condition of approval will ensure that sign permits are obtained prior to installation.

Adjustments to sign code (Chapter 18.780)

Section 18.370.020.C.8 states that the Director shall approve, approve with conditions, or deny a request for an adjustment to the sign code based on findings that at least one of the following criteria are satisfied:

(1) The proposed adjustment to the height limits in the sign code is necessary to make the sign visible from the street because of the topography of the site, and/or a conforming building or sign on an adjacent property would limit the view of a sign erected on the site in conformance with Chapter 18.780, Signs;

The applicant is not proposing an adjustment to the height limitation. This criterion does not apply.

(2) A second freestanding sign is necessary to adequately identify a second entrance to a business or premises that is oriented towards a different street frontage;

The site is a through lot with frontages on two streets that do not intersect. The entrances are located on opposite ends of the site. Signage is needed to adequately identify the entry points,. Advertising for businesses on lots 1 and 2 will be done jointly with shared signage at both driveway locations. No freestanding signs will be constructed on proposed lot 2.

(3) Up to an additional 25% of sign area or height may be permitted when it is determined that the increase will not deter from the purpose of Chapter 18.780, Signs. This increase should be judged according to specific needs and circumstances which necessitate additional area to make the sign sufficiently legible. The increase(s) shall not conflict with any other non-dimensional standards or restrictions of this chapter;

The applicant is not asking to increase the square footage of an individual freestanding sign. This criterion does not apply.

(4) The proposed sign is consistent with the criteria set forth in Section 18.780.130.G;

Section 18.780.130.G speaks to additional sign area and sign height permitted through the Site Development Review process. The applicant is not requesting additional sign area, sign height, or a Site Development Review. The proposal is for a second free-standing sign and land partition. These standards do not apply.

(5) The proposed exception for a second freestanding sign on an interior lot which is zoned commercial or industrial is appropriate because all of the following apply:

(a) The combined height of both signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;

(b) Neither sign will pose a vision clearance problem or will project into the public right-of-way; and

(c) Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district.

The site is a through lot and has frontage on two streets. Regardless, the applicant notes that the proposed signs will not exceed 150% of the 20-foot height limit or the 70 square feet per face maximum sign area allowed in the C-G zone. The proposed sign is 8 feet high and 35 feet per square face. Neither sign will be located within the vision clearance areas or project into the public right-of-way.

In addition the Director shall review all of the existing or proposed signage for the development and its relationship to the intent and purpose of Chapter 18.780, Signs. As a condition of approval of the adjustment, the Director may require:

(1) Removal or alteration of nonconforming signs to achieve compliance with the standards contained in Chapter 18.780, Signs;

(2) Removal or alteration of conforming signs to establish a consistent sign design throughout the development; and

(3) Application for sign permits for signs erected without permits or removal of such illegal signs.

There is one existing free-standing sign on site that was used for the previous nursery business. The applicant did not address the removal of this sign, but the sign is also not shown on the preliminary plat/site plan. A condition of approval will ensure the removal of the existing sign prior to issuance of permits for the proposed signage.

FINDING: Staff finds that the sign code adjustment criteria are not completely satisfied but can be conditionally met.

CONDITION: Prior to the issuance of sign permits, the applicant shall remove all existing signage, including the freestanding sign along SW Pacific Highway.

Land Partitions (18.420):

The proposed partition complies with all statutory and ordinance requirements and regulations;

The proposed partition complies or can be made to comply with all statutory and ordinance requirements and regulations as demonstrated by the analysis contained within this administrative decision and through the imposition of conditions of development approval. All necessary conditions must be satisfied as part of the final plat process or prior to sign installation. Therefore, this criterion is met.

There are adequate public facilities available to serve the proposal;

All proposed improvements meet City and applicable agency standards; and

Public facilities and improvements for site development were reviewed under the previously approved Planned Development (PDR2009-00001). This proposal is to partition the site and request a sign code adjustment. Those standards affected by this proposal are discussed under the Street and Utility section of this decision.

All proposed lots conform to the specific requirements below:

The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district.

The minimum lot width required for the C-G zoning district is 50 feet. Lot 1 has an average parcel width of 129 feet, while Parcel 2 has an average width of 70 feet. This information was gathered from the scaled site plan because the applicant did not give specific dimensions within the narrative. This standard has been met.

The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area.

There is no minimum lot area requirement in the C-G zoning district. The proposed partition creates two (2) lots that are 38,343 and 19,512 square feet respectively. This criterion has been met.

Each lot created through the partition process shall front a public right-of-way by at least 15 feet or have a legally recorded minimum 15-foot wide access easement.

Parcel 1 has 133 feet of street frontage along SW Pacific Highway and 71 feet along SW Royalty Parkway. Parcel two has 73 feet of street frontage along SW Pacific Highway. Although Lot 2 has street frontage, there is no direct access to a public street.

Setbacks shall be as required by the applicable zoning district.

Setbacks for the C-G zone are typically zero unless the site is adjacent to or near a residential zoning district; the site is surrounded by commercial zoning (C-G). The setbacks for Parcel 1 were approved through the Planned Development Review for the Sonic Drive-In (PDR2009-00001) with one exception. The proposed lot line creates a north side yard setback of two feet. Since the required setback is zero, this standard is still satisfied. Setbacks for future development on Lot 2 will be verified through a future Planned Development Review process.

When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than 10 feet. Structures shall generally be located so as to maximize separation from existing structures.

Both lots have street frontage, therefore no flag lots are created through this proposal. This criterion is not applicable.

A screen shall be provided along the property line of a lot of record where the paved drive in an accessway is located within ten feet of an abutting lot in accordance with Sections 18.745.040. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.

This criterion is only applicable to flag lots. Since the proposal does not include a flag lot, the requirement is not applicable.

The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire-fighting capabilities.

Hydrant location and access have not changed since the approval of the Planned Development (PDR2009-00001). Tualatin Valley Fire and Rescue endorses the proposal and no conditions were made regarding access or firefighting water supplies (see April 13, 2010 comment letter). This requirement is met.

Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

After the partition, only Lot 1 will have direct street access; therefore access to Lot 2 will be provided via a reciprocal easement over Lot 1. In addition, egress from the Les Schwab site to the south is also required across Lot 1; a recorded access easement is reflected on the plat (2010-014662). A condition of approval will ensure the access easement for Lot 2 is noted on the plat.

Any access way shall comply with the standards set forth in Chapter 18.705, Access, Egress and Circulation.

Accessways on Lot 1 were previously approved through PDR2009-00001 for the Sonic Drive-In. No changes are proposed to those access drives or locations. Circulation drives on Lot 2 will be reviewed during a future Planned Development Review process for the development on that site.

Where landfill and/or development is allowed within or adjacent to the one-hundred year floodplain, the city shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

The partitioned lots are approximately 2,900 feet to the north of the nearest 100-year floodplain. Therefore, this standard does not apply.

An application for a variance to the standards prescribed in this chapter shall be made in accordance with Chapter 18.370, Variances and Adjustments. The applications for the partition and variance(s)/adjustment(s) will be processed concurrently.

No variances or adjustment to the Minor Land Partition standards have been proposed, but the applicant has requested a sign code adjustment to permit a second freestanding sign on-site. The requirements for this adjustment are discussed under the Variances and Adjustments section of this decision.

FINDING: The Land Partition standards have not been fully met but can be as conditioned below.

CONDITION: Ensure that joint access agreements between Sonic and Les Schwab, and between Lots and 2 are established, recorded, and recorded documents referenced on the final plat.

Commercial Zoning Districts (18.520):

Development standards in residential zoning districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

STANDARD	C-G	Parcel 1	Parcel 2
Minimum Lot Size - Detached unit - Duplexes - Attached unit	None	38,343 sq. ft.	19,512 sq. ft.
Minimum Lot Width	50 ft.	129 ft. [1]	70ft. [1]
Maximum Lot Coverage	85% [2]	80%	Can be met
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Distance between property line and front of garage	0 ft. -- 0/20 ft. [1] 0/20 [1] --	37 ft. N/A 2 ft./42 ft. 126 ft. N/A	Can be met
Maximum Height	45 ft.	40 ft.	Can be met
Minimum Landscape Requirement	15%	20%	Can be met

[1] Measured from the site plan.

No minimum lot size is required for the C-G zone. The lot width, landscape and lot coverage standards are met as shown in the table. However the site has a Planned Development overlay; therefore, at least 20% of the site must be shared open space facility. A condition of approval within the previously approved Planned Development Review (PDR2009-00001) requires that the Detailed Development Plan for Lot 2 show that the maximum site coverage requirement of 80% is not exceeded for both sites.

The building height and most of the setbacks on Parcel 1 were approved through PDR2009-00001 and have not changed. The one exception is the new proposed property line which affects the northern side yard setback. A proposed canopy for the dine-in car spaces will be located two feet from the new property line. The requirement is zero; therefore this standard is still met. Lot 2 is vacant and no detailed proposal has been requested for that portion of the site. Development standards for Lot 2 will be reviewed under a future Planned Development Review process.

FINDING: Based on the analysis above, the Commercial Zoning District Standards can be met conditionally for lot 2.

CONDITION: Prior to development of proposed Lot 2, approval for a detailed plan through the Planned Development Review process must be obtained.

Access, Egress and Circulation (18.705):

A detailed site plan showing access, egress and circulation was previously reviewed and approved through the Planned Development Review process (PDR2009-00001). No changes are proposed to those access locations or drive aisles. The proposed partition creates a new lot that has street frontage but no direct access to a public street. Joint access between Lots 1 and 2 to Pacific Highway and Royalty Parkway are proposed.

Joint Access. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this title, provided: Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and copies of the deeds, easements, leases or contracts are placed on permanent file with the City.

Previously approved access drives on Lot 1 will provide public street access for Lot 2. The applicant has proposed an ingress, egress, circulation easement on Lot 1 for the benefit of Lot 2 via the final plat, but that plan is not to scale. A condition of approval under the Land Partition section of this decision ensures this requirement will be satisfied.

FINDING: The Access, Egress, and Circulation standards can be met as conditioned under the Land Partition section of this decision.

Impact Study (18.390)

Section 18.390.040 states that the applicant shall provide an impact study to quantify the effect of development on public facilities and services. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standard, and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.

In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with a requirement for public right-of-way dedication, or provide evidence that supports that the real property dedication is not roughly proportional to the projected impacts of the development. Section 18.390.040 states that when a condition of approval requires the transfer to the public of an interest in real property, the approval authority shall adopt findings which support the conclusion that the interest in real property to be transferred is roughly proportional to the impact the proposed development will have on the public.

Because the proposal is only for a partition and adjustment, public facilities and services will not be further impacted. Even so, an Impact Study was provided by the applicant as required by section 18.390.040 to outline how shared facilities will be accommodated. A new water meter will be installed on each lot. Sanitary sewer service will be extended through Lot 1 from SW Royalty Parkway via a public line to Lot 2. An associated sanitary sewer easement will be provided for Lot 2. Stormwater will be handled by a shared facility between Lots 1 and 2.

ROUGH PROPORTIONALITY ANALYSIS

The Washington County Transportation Development Tax (TDT) is a mitigation measure that is required at the time of development. A transportation impact study prepared by Mr. David Larson for the A-Boy Expansion/Dolan II/Resolution 95-61 is used as the basis for the Rough Proportionality Analysis. Based on Washington County figures, TDTs are expected to recapture a percentage of the traffic impact of new development on the Collector and Arterial Street system. Street improvements and right-of-way dedication were required with the Planned Development Review and shown to be roughly proportionate to the approved development. No additional public improvements are required with this partition and adjustment; therefore no analysis is required.

PUBLIC FACILITY CONCERNS

Street And Utility Improvements Standards (Section 18.810):

Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

Easements

Utility easements: Section 18.810.050 (B) A property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City’s standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or City Engineer.

The applicant proposes a 15-foot wide sanitary sewer easement to be provided to the City of Tigard over the public main running from Royalty Parkway across Lot 1 to serve Lot 2. The easement is shown on the preliminary plat. A condition of approval will ensure the easement is included on the final plat.

Streets:

Lots - Size and Shape: Section 18.810.060(A) states that lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated and: 1) no lot shall contain part of an existing or proposed right-of-way within its dimensions, 2) the depth shall not be more than 2.5 times the average lot width, unless the parcel is less than 1.5 times the minimum lot size of the applicable zoning district, and 3) depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Lot 1 has an average lot width of 129 and a depth of approximately 288 feet (2.23 times). The average lot width on Lot 2 is 70 feet and the average depth is approximately 279 feet (3.98 times). There is no minimum lot size for the General Commercial (C-G) zone. The applicant states that due to the shape of the parent parcel both parcels cannot meet the depth requirement, only lot 1. The site is zoned for commercial uses and the proposed lot shape and size accommodates the previously approved development plan, required off-street parking and service facilities.

Lot Frontage: Section 18.810.060(B) requires that lots have at least 25 feet of frontage on public or private streets, other than an alley. In the case of a land partition, 18.420.050.A.4.c applies, which requires a parcel to either have a minimum 15-foot frontage or a minimum 15-foot wide recorded access easement. In cases where the lot is for an attached single-family dwelling unit, the frontage shall be at least 15 feet.

Lot 1 has 133 feet of street frontage along Pacific Highway and 71 feet of frontage along Royalty Parkway. Parcel two has 73 feet of frontage along Pacific Highway. This standard is satisfied.

Sanitary Sewers:

Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

Over-sizing: Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

Public sewer has been extended into the site. The preliminary plat shows a 15-foot wide sanitary sewer easement. A condition of approval will ensure this requirement is met.

FINDING: The Street and Utility Improvement standards have not been satisfied but can be as conditioned below.

CONDITION: The applicant shall show a 15-foot public sanitary sewer easement on the final plat for the public line located on Lot 1.

ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:

Fire and Life Safety:

Tualatin Valley Fire and Rescue (South Division) [Contact: John Dalby, 503-356-4723] provides fire protection services within the City of Tigard.

Public Water System:

Water service is provided by the City of Tigard. The Sonic Restaurant project is installing water service to both lots.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard and within the City of Tigard. An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the City prior to final plat approval.

Survey Requirements:

The applicant's final plat shall contain State Plane Coordinates [NAD 83 (91)] on two monuments with a tie to the City's global positioning system (GPS) geodetic control network (GC 22). These monuments shall be on the same line and shall be of the same precision as required for the partition plat boundary. Along with the coordinates, the plat shall contain the scale factor to convert ground measurements to grid measurements and the angle from north to grid north. These coordinates can be established by:

- ◆ GPS tie networked to the City's GPS survey.
- ◆ By random traverse using conventional surveying methods.

In addition, the applicant's as-built drawings shall be tied to the 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).

SECTION VI. OTHER STAFF COMMENTS

The City of Tigard Public Works Department, City Arborist, City Building Division, and Tigard Police were sent a copy of the proposal. No objections were made by any of the staff.

The Development Review Engineer has reviewed the proposal. Comments and conditions have been incorporated into the decision.

SECTION VII. AGENCY COMMENTS

Tualatin Valley Fire and Rescue endorses the proposal and has no conditions insofar as fire apparatus access or firefighting water supplies.

Portland General Electric has reviewed the proposal and has no objections.

Clean Water Services comments have been incorporated into the decision through by the Development Review Engineer's conditions.

Oregon Department of Transportation commented that the agency is not obligated to provide additional approaches to the state highway for new parcels and recommends the following condition:

- The applicant shall record cross-over easements to the adjacent properties with state highway frontage with the County Assessor.

SECTION VIII. PROCEDURE AND APPEAL INFORMATION

Notice: Notice was mailed to:

- The applicant and owners
- Owner of record within the required distance
- Affected government agencies

Final Decision:

THIS DECISION IS FINAL ON APRIL 30, 2010 AND BECOMES
EFFECTIVE ON MAY 15, 2010 UNLESS AN APPEAL IS FILED.

Appeal:

The Director's Decision is final on the date that it is mailed. All persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 18.390.040.G.2. of the Tigard Community Development Code which provides that a written appeal together with the required fee shall be filed with the Director within ten (10) business days of the date the Notice of Decision was mailed. The appeal fee schedule and forms are available from the Planning Division of Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon 97223.

Unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.

THE DEADLINE FOR FILING AN APPEAL IS 5:00 PM ON MAY14, 2010.

Questions:

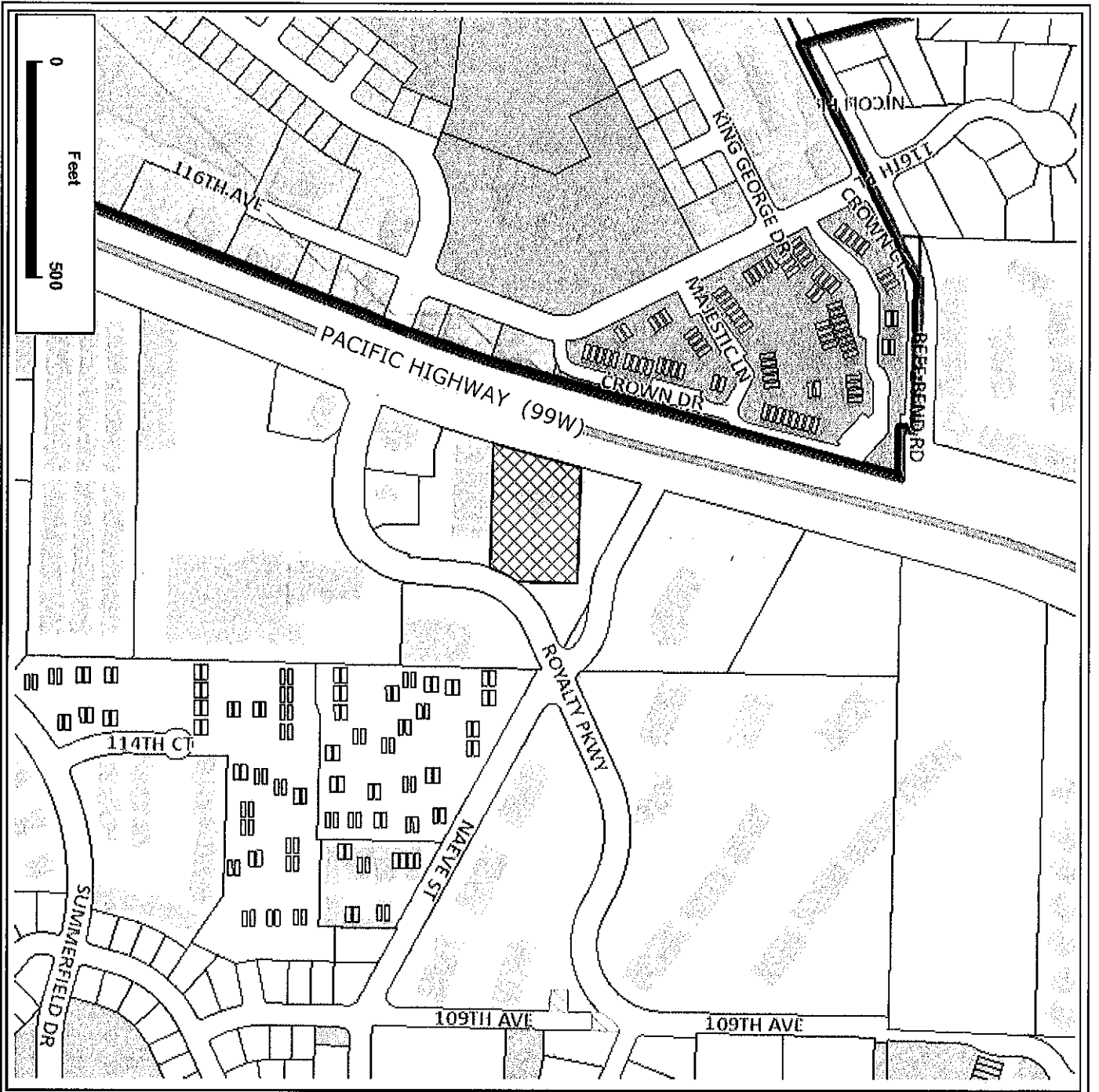
If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.

Cheryl A. Caines
 PREPARED BY: Cheryl Caines
 Associate Planner

April 30, 2010
 DATE

Ronald B. Bunch
 APPROVED BY: Ron Bunch
 Community Development Director

April 30, 2010
 DATE

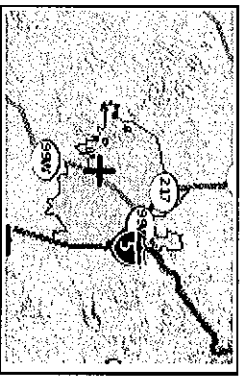


VICINITY MAP

MLP2010-0-00001
VAR2010-0-00004

SONIC PARTITION

Subject Site





Information on this map is for general location only and should be verified with the Development Services Division.

Scale 1/4,000 - 1 in = 333 ft
 Map printed at 04:19 PM on 31-Mar-10

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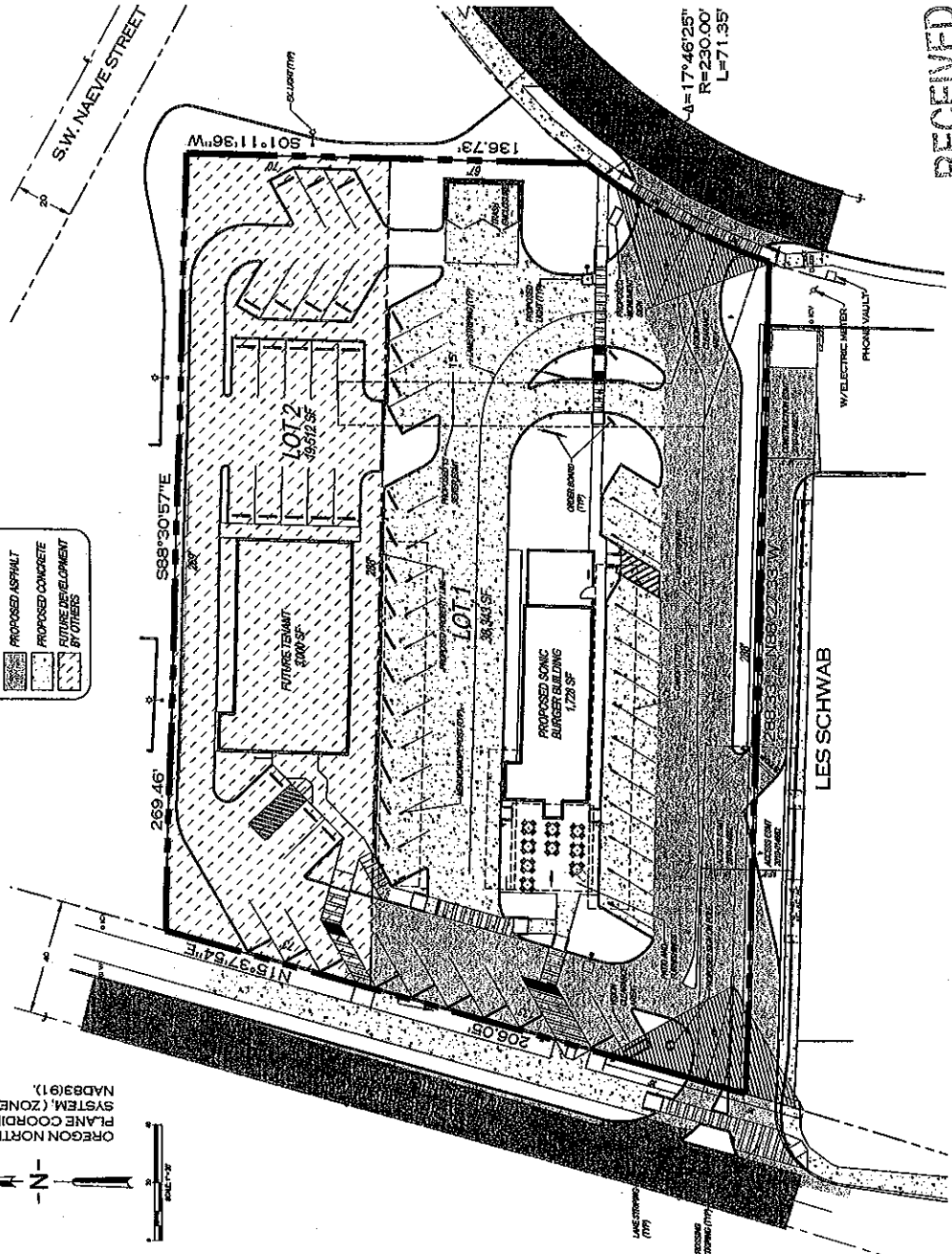
TIGARD MAPS
 City of Tigard
 13725 SW Hall Blvd
 Tigard, OR 97223
 503 639-4171
 www.tigard-or.gov



OREGON NORTH STATE
PLANE COORDINATE
SYSTEM (ZONE 901)
NAD83(91)

LEGEND

[Pattern]	EXISTING ASPHALT
[Pattern]	EXISTING CONCRETE
[Pattern]	PROPOSED ASPHALT
[Pattern]	PROPOSED CONCRETE
[Pattern]	FUTURE DEVELOPMENT BY OTHERS



ACCESS EASEMENT NOTE
AN ACCESS, EGRESS, AND UTILIZATION EASEMENT WILL BE RECORDED OVER THE ACCESS DRIVES LOCATED ON LOT 1 (AS MAY BE MODIFIED FROM TIME TO TIME) FOR THE BENEFIT OF LOT 2. THE EASEMENT WILL BE RECORDED VIA THE FINAL PLAT.

PARKING NOTE
PARKING STALLS IN CONFORMANCE WITH LOT 1 OF TIGARD MINIMUM STANDARDS SHALL BE PROVIDED ON LOT 1. THE LOCATION AND NUMBER OF PARKING STALLS IS NECESSARY BASED ON FUTURE DEVELOPMENT OF LOT 2. THE OWNER OF LOT 1 MAY CHOOSE TO ALLOW JOINT USE OF SOME PARKING STALLS ON LOT 1. IN THAT EVENT, A SHARED PARKING AGREEMENT WILL BE RECORDED.

ACCESS AND PARKING MAINTENANCE NOTE
A MAINTENANCE AGREEMENT FOR THE CALCULATION AND PARKING AREAS WILL BE DEVELOPED AND RECORDED PRIOR TO FINAL PLAT APPROVAL.

STORM FACILITY NOTE
AN AGREEMENT WILL BE RECORDED PRIOR TO FINAL PLAT APPROVAL DESCRIBING OPERATION AND MAINTENANCE RESPONSIBILITIES FOR THE SHARED STORMWATER FACILITY APPROVED WITH THE SONIC DRIVE-IN PLANNED DEVELOPMENT REVIEW PROCEDURE. AN AGREEMENT WILL ALSO BE RECORDED WITH THE CITY, PROVIDING ADEQUATELY CHECK THE FACILITY TO ENSURE COMPLIANCE WITH THE AGREEMENT TERMS.

RECEIVED
MAR 15 2010
CITY OF TIGARD
PLANNING ENGINEERING

$\Delta = 17^{\circ}46'25''$
 $R = 230.00'$
 $L = 71.35'$

NOTES

APPLICANT
MNF TIGARD LLC/THE WETSEL COMPANY
ATTN: JESS WETSEL
14111 S.W. WETSEL
HILLSBORO, OR 97123
(503) 867-0175 FAX (503) 861-7269

OWNER
MNF TIGARD LLC
2722 NW LOCKER DR. SUITE 1205
HILLSBORO, OR 97124
(503) 867-0175 FAX (503) 861-7269

ENGINEERS, SURVEYORS, & PLANNERS
MADONNY LESCHWAB, INC.
ATTN: BOB SABEL
1225 SE TECH CENTER DRIVE SUITE 400
VANCOUVER, WA 98683
(509) 886-5411 FAX (509) 886-0803

CROSS AREA
1.33 ac (67,847 sq ft)

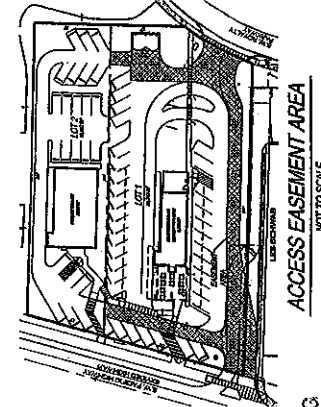
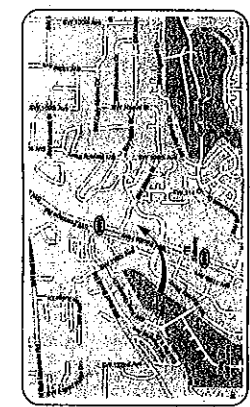
LAND ON LOT 1
2.27 ac (281,065 sq ft) LOT 150

ABANDONED BUILDINGS
PLAT PARTITION FOR SONIC DRIVE-IN AND FUTURE TENANT

PROPOSED USE
PERMITS SURVEY

EXISTING CONDITIONS
AS SHOWN, NO DRIVEWAYS ARE LOCATED OFF-SITE DRIVEWAYS

PROPOSED LAYOUT
PER SONIC DEVELOPMENT PLANNED DEVELOPMENT REVIEW (PROJECT 2008-00001) LAYOUT SHOWN FOR REFERENCE ONLY.



PRELIMINARY
CITY OF TIGARD PLANNING DIVISION
BY *Caine* DATE 4-30-10