

**FINDINGS OF FACT and FINAL ORDER
TYPE II LAND DIVISION DECISION**

DATE: November 15, 2019

FILE NO.: 19-018 SUB

PROJECT NAME: Jewelberry Meadows Subdivision

OWNER/APPLICANT: Russ Bartels

LEGAL DESCRIPTION: T2S R4E Section 11AC Tax Lot 1600

DECISION: Approved subject to conditions of approval

The above-referenced proposal was reviewed as a Type II Subdivision. The following Findings of Fact are adopted supporting approval of the tentative plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Written Narrative
- C. List of Affected Property Owners with associated Map
- D. Tree Protection Plan Letter
- E. Wetland Documentation
- F. Traffic Impact Analysis
- G. Plan Sheets:
 - Sheet 1: Cover Sheet
 - Sheet 2: Site Plan
 - Sheet 3: Grading and Utility Plan
 - Sheet 4: Plan & Profile – Agnes
 - Sheet 5: Plan & Profile – Alley 1 and 378th
 - Sheet 6: Plan & Profile – Alley 2 and 377th
 - Sheet 7: Tree Protection Plan
 - Sheet 8: Future Street Plan

Agency Comments

- H. City Engineer (October 14, 2019)
- I. Transportation Engineer (October 16, 2019)
- J. Public Works Director (October 21, 2019)

K. PGE (October 21, 2019)

Public Comments

L. David Bowman (October 13, 2019)

M. Delva Von Harten, and Zac and Colleen Stephenson (October 21, 2019)

N. Sally and Jerry (Gerald) Jacobson (October 21, 2019)

O. Lois Gillespie (October 22, 2019)

Supplemental Documents Provided by Staff

P. Sandy Transportation System Roadway Functional Classification Figure 5

Q. Staff Correspondence

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal materials deemed complete on September 17, 2019. These items are identified as Exhibits A – G including a written narrative, a Traffic Impact Analysis (TIA), an Arborist's Letter, Wetland Documentation and a plan set of the proposed subdivision and improvements.
2. The subject property consists of one parcel with a total area of approximately 6 acres. It is located east of SE Jewelberry Avenue north of the Penny Street intersection.
3. The parcel has a Plan Map designation of Low Density Residential and a Zoning Map designation of SFR, Single Family Residential.
4. Property owner, Russ Bartels, submitted an application to subdivide the approximate 6-acre parcel located at 15197 SE 377th Avenue into 20 lots with access onto SE Jewelberry Avenue. No variances are requested in association with the subdivision request. Therefor the application is processed as a Type II Subdivjsion.
5. Notice of the proposal was mailed to property owners within 300 feet of the site on October 9, 2019 as well as public and private agencies on October 9, 2019.
6. Four separate written public comments were received. These public comments are Exhibits L., M., N., and O. The public comments are summarized as follows:
 - David Bowman at 15051 Bluff Road (Exhibit L) had questions related to sewer lines and access.
 - Delva Von Harten, and Zac and Colleen Stephenson at 15270 SE 377th Avenue (Exhibit M) had concerns with access to 377th Avenue, stormwater on 377th Avenue, and additional trips generated by the proposed subdivision.
 - Sally and Jerry Jacobson at 15035 SE 377th Avenue (Exhibit N) had concerns with construction traffic, noise caused by construction, and considerations to existing streams.
 - Lois Gillespie at 15353 SE 377th Avenue (Exhibit O) had concerns related to stormwater, fences, and their existing septic system and well.

17.30 – Zoning Districts

7. The total gross acreage for the entire property is 5.99 acres. The development contains 1.48 acres of area dedicated for public right-of-way and 0.18 acres dedicated with Tract A (stormwater facility). After removal of the right-of-way and public tract the net site area (NSA) for the subject property is reduced to 4.33 acres. Based on required density, this property requires a minimum of 13 dwelling units (4.33 NSA x 3) and a maximum of 25 dwelling units (4.33 NSA x 5.8). The 20 proposed dwelling units are within this range and therefore meet the density range.

17.34 – Single Family Residential Zoning District

8. The applicant proposes 20 single family detached dwellings in conformance with minimum and maximum density requirements, as detailed above in Chapter 17.30. The proposal is in keeping with surrounding single-family dwelling development and is in close proximity to Sandy Bluff Park.
9. The primary uses of Chapter 17.34 include single detached dwellings. The applicant proposes 20 single-family detached dwellings, in conformance with the permitted uses of this chapter. The applicant does not propose any zero-lot-line dwellings.
10. Lots 1-10 and 16-20 meet the minimum lot area of 7,500 square feet. Lots 11-15 include alley access and are permitted to be reduced in size by 10 percent per Subsection 17.34.50(C). In addition, all 20 proposed lots have a minimum lot frontage exceeding 20 feet and an overall average width that exceeds 60 feet. Lots 11-15 are proposed to have alley access and second driveways on 378th Avenue.
11. 377th Avenue is proposed as a half street and therefore access is not allowed from Lots 16-20. **Lots 16-20 shall be limited to vehicular access from the alley and the applicant shall plat a vehicle non-access reserve (VNAR) strip on the east property lines of Lots 16-20.**
12. **The applicant shall demonstrate compliance with all remaining applicable development standards at time of proposed development on individual lots of record. In addition to the development standards, each individual lot of record shall be reviewed for design based on the requirements of Chapter 17.90.**
13. Subsection 17.34.40 requires the site to connect to municipal services including water and sewer, as well as accessibility to public streets. All proposed lots will connect to municipal water and sewer services. The applicant proposes streets that connect into the existing street network and that will facilitate a future street network similar to neighboring development.

17.74 – Accessory Development

14. Section 17.74.40 contains standards for fences and retaining walls. The Grading and Utility Plan (Exhibit G, Sheet 3) details two (2) walls: a retaining wall along the south side of Agnes Street, and a facility wall around the south, west, and east sides of the stormwater facility (Tract A). The applicant did not submit detailed information on either wall. **The applicant shall submit detailed information on the proposed walls, including height, wall reveal, material,**

and architectural treatment, for staff review and approval. The proposed walls shall follow the standards of Section 17.74.40.

17.80 – Additional Setbacks on Collector and Arterial Streets

15. Chapter 17.80 requires any structure located on arterial or collector streets to have a minimum 20-foot setback measured from the property line. The site has frontage on SE Jewelberry Avenue which is classified as a collector street within the Sandy Transportation System Plan (Exhibit P). **All structures shall maintain a minimum 20-foot setback from the Jewelberry Avenue public right-of-way.**
- 16. The proposal includes extending the east-west right-of-way known as Agnes Street along the south property line of the subject property. Agnes Street is classified as a collector street within the Sandy Transportation System Plan (Exhibit P). **All structures shall maintain a minimum 20-foot setback from the Agnes Street public right-of-way.**

17.82 – Special Setbacks on Transit Streets

17. Subsection 17.82.10 defines a transit street as “any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.” Both Jewelberry Avenue and Agnes Street are identified as collector streets within the Sandy Transportation Plan. **Dwellings on Lots 1-4 shall have their primary entrance oriented toward Jewelberry Avenue while Lots 10 and 20 shall have their primary entrance oriented toward Agnes Street. Lot 5 shall provide one main entrance oriented to either transit street (Jewelberry Avenue or Agnes Street) or to the corner where two transit streets intersect (Jewelberry Avenue/Agnes Street).**
18. **Lots 1-5, 10 and 20 shall include a pedestrian pathway extending from the adjacent transit street right-of-way (SE Jewelberry Avenue or Agnes Street) to the structure’s primary entrance. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth to be evaluated for compliance at time of building permit review.**
19. **The applicant shall plat a vehicle non-access reserve (VNAR) strip for the west property lines of Lots 1-5 fronting Jewelberry Avenue as well as the south property lines of Lots 5, 10 and 20 fronting Agnes Street.**

17.84 – Improvements Required with Development.

20. Section 17.84.20 requires each lot in a land division to have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat. **Preliminary plat approval does not connote utility or public improvements plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.**
21. Section 17.84.30(A) specifies sidewalk requirements along both sides of all arterial and local streets. The proposed sidewalks on both sides of the future 378th Avenue right-of-way, in addition to those proposed on the west side of the future 377th Avenue right-of-way, meet the

requirements of Subsection 17.84.30(A)(1). The sidewalks will be 5 feet wide and have a 5-foot planter strip and curb separating vehicular and pedestrian traffic.

22. Jewelberry Avenue and Agnes Street are classified as collector streets and therefore require 6-foot sidewalks per Section 17.84.30(A)(2). The proposal includes incorporating the required 6-foot sidewalks with 5-foot planter strips along both Jewelberry Avenue and Agnes Street rights-of-way. The development will be responsible for installing the sidewalk and landscape improvements on the east side of Jewelberry Avenue, the north side of Agnes Street, and the south side of Agnes Street south of Lot 5 (where sufficient right-of-way exists) and connecting to the Jewelberry Avenue sidewalk. **The applicant shall modify the plans to include sidewalk on the south side of Agnes Street south of Lot 5 (where sufficient right-of-way exists) and connecting to the Jewelberry Avenue sidewalk.** The sidewalk and planter strip on the remaining portion of the south side of Agnes Street will be installed with future development to the south. **Sidewalks on Jewelberry Avenue and Agnes Street and along Tract A shall be installed concurrently with public improvements prior to final plat approval. Sidewalks on other streets shall be installed at time of individual home construction. The applicant shall submit a frontage improvement plan for the Jewelberry Avenue sidewalk and planter strip on tax lot 24E11AC00900 with the construction plans.** A portion of the Jewelberry Avenue right-of-way north of Agnes Street appears to be located on the subject property. **The applicant shall dedicate sufficient right-of-way along Jewelberry Avenue to accommodate a 6 foot sidewalk and 5 foot planter strip.**
23. **Street trees shall be installed approximately 30 feet on center in conjunction with individual home construction. The street trees along Tract A, along the south side of Agnes Street adjacent to the sidewalk, and to the west of Lot 5 shall be installed with public improvements prior to final plat approval. Street trees are required to be a minimum caliper of 1.5-inches measured 6 inches above grade. Trees shall be planted, staked and tied with loose twine, and the planter strip shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy. In order to better protect newly planted trees, the applicant shall amend and aerate the soil within the planter strip 15 feet in both directions from where the tree will be planted (or as is feasible based on locations of driveways or street corners). The applicant shall call for an inspection with the City after aerating the soil and before planting the trees.**
24. **In addition, the applicant shall obtain a letter of credit in the amount of \$500 per tree to cover replacement and establishment of the right-of-way trees around Tract A, along the south side of Agnes Street adjacent to the sidewalk, and to the west of Lot 5 should a right-of-way tree die within 3 years.**
25. The submitted Transportation Impact Study (Exhibit F) was completed by Lancaster Engineering and is dated April 11, 2019. The traffic assumptions are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual. The proposed development is estimated to generate 16 trips during the morning peak hour, 22 trips during the evening peak hour and 208 trips during each weekday. Per the analysis the proposed intersection sight distance has been met. The City Transportation Engineer (Exhibit I) concluded that based on

the information provided by the applicant (Exhibit F), the TIA meets City requirements and there is no need for traffic impact mitigation for the proposed development.

26. The proposed street network for the development extends east from the existing Jewelberry Avenue right-of-way approximately 700 feet to the east property line. This east/west right-of-way segment will be named Agnes Street in order to provide future connection to the existing Agnes Street right-of-way that is located to the east of the subject property.
27. Agnes Street is classified as a collector street in the City of Sandy Transportation System Plan (Exhibit P). Per the submitted plans, Agnes Street is proposed to be 48-feet wide (a 3/4 street). The Public Works Director acknowledges (Exhibit J) the proposed 48-foot right-of-way dedication is adequate for a 3/4 collector street improvement and that it would still allow construction of a center median in the future when the parcel on the south side of Agnes Street develops. **The developer shall pay a fee-in-lieu of improvements for half the estimated cost of the center median which the City will make available to the developer of the parcel on the south side of Agnes Street when it develops. The Agnes Street right-of-way, including a full street with sidewalk and planter strips on both sides, shown on tax lot 24E11AC00900 shall be dedicated to the City prior to approval of tentative plat.**
28. The proposal includes two, 30-foot-wide, alleys to be extend north from the newly constructed Agnes Street to serve the rear property lines of individual lots. Per the City Engineer (Exhibit H) there are no concerns with the proposed alley layout or structural sections. Within both proposed alleys the proposal includes parallel parking on one side of the alley. Subsection 17.100.140 (D) permits 28-foot-wide alleys to have parallel parking on one side of the alley, therefore the proposal meets the requirements of Section 17.100.140. Staff notes that it could be difficult to have parallel parking on Alley 2 across from driveways depending on where the face of the garage is located (i.e. if it is setback or not). Staff recommends the applicant consider including a garage setback with the house plans to ensure there's sufficient space for a vehicle to back out of a garage if another vehicle is parked across the alley.
29. A single, 50-foot-wide, right-of way segment is proposed in the center of the subdivision and is named 378th Avenue. **The proposed 378th Avenue shall be constructed to local street standards to include 28-foot wide paved surface, curbs on both sides, 5-foot planter strips, 5-foot wide sidewalks, street trees and street lighting in compliance with the City of Sandy Transportation System Plan (TSP), figure 12.**
30. Additionally, a half-street right-of-way segment will be extended north from Agnes Street along the east property line of the subject subdivision and is named 377th Avenue. **The half street improvements on 377th Avenue shall include a 14-foot wide paved surface (half street), curbs, 5-foot planter strips and 5-foot wide sidewalks, street trees, street lighting on one side along the entire plat boundary as per City of Sandy Development Code, Chapter 17.84.** This roadway will be extended in the future as the surrounding properties develop around this site. The proposed 25-foot right-of-way dedication and improvements as proposed are adequate with this subdivision.

31. Staff finds the proposed street network to be a logical design to be implemented based on the surrounding development and future development potential. In addition, staff finds the proposal provides adequate pedestrian connectivity to existing infrastructure. **All ADA ramps shall be designed, inspected by the design engineer and constructed by the contractor to meet the most current PROWAG requirements.**
32. **The applicant shall install a concrete bus shelter pad and green bench (Fairweather Model PL-3, Powder Coated RAL6028). The required pad size is 7 by 9.5 feet and shall be located adjacent to the sidewalk on Jewelberry Avenue at Lot 2. Contact the Transit Director, Andi Howell, for more information.**
33. Per the City Engineer's response (Exhibit H) **all earthwork activities shall follow the requirements of the most current edition of the Oregon Structural Specialty Code (OSSC). Site grading shall not in any way impede or impound or inundate the surface drainage flow from the adjoining properties without a proper collection system. The earthwork activities shall be observed and documented under the supervision of the geotechnical Engineer. When the grading is completed, a final report should be submitted to the City by the Geotechnical Engineer stating that adequate inspections and testing have been performed on the lots and all of the work is in compliance with the above noted report and the OSSC.**
34. Subsection 17.84.50(H)(5)(a) requires intersections at an arterial or collector street with another arterial or collector street to have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection. The Jewelberry Meadows Subdivision proposal includes a requested deviation from this standard to reduce the tangency to 70 feet. To be approved the applicant will have to demonstrate there are topographical conditions that present special circumstances as well as the safety and detail that the capacity of the public street network would not be affected. **Prior to final approval of the tentative plat, the applicant shall submit justification to support the proposed deviation to the required tangent alignment of Agnes Street at Jewelberry Avenue per Section 17.84.50(H)(6) for review and approval by the City of Sandy Engineer.**
35. The submitted plans didn't address the water quality/quantity requirements. **A detailed final stormwater report shall be submitted and stamped by a licensed professional engineer for review with the final construction plans. The calculations shall meet the water quality/quantity criteria as stated in the City of Sandy Municipal Code (SMC) 13.18 Standards and the City of Portland Stormwater Management Manual (SWMM) Standards, that are adopted by reference into the Sandy Municipal Code. Numerous public comments expressed concerns with stormwater and existing drainage. The applicant shall examine existing drainage along 377th Avenue and make sure this proposed development does not negatively impact stormwater on adjacent properties or 377th Avenue.**
36. Agnes Street vertical grades as shown in Exhibit G Sheet 4 are in excess of 10 percent, which exceeds the standard in the City Development Code, Chapter 17.84.50.H.2. **The applicant shall update the plans to meet Subsection 17.84.50.H.2.**

37. All public utility installations shall conform to the City's facilities master plans. **All public sanitary sewer and waterlines shall be a minimum of 8 inches in diameter. All stormwater lines shall be a minimum of 12 inches in diameter and be extended to the plat boundaries where practical to provide future connections to adjoining properties. All utilities are extended to the plat boundary for future connections.** No building permits will be issued until all public utilities, including sanitary sewer are available to serve the development. **The applicant shall pay plan review, inspection, and permit fees as determined by the Public Works Director.**
38. **All franchise utilities shall be installed underground and in conformance with City standards. The applicant shall call the PGE Service Coordinators at (503) 323-6700 when the developer is ready to start the project.**
39. The applicant will need to coordinate with the United States Postal Service (USPS) to locate mail facilities and these will be approved by the City and USPS. **Mail delivery facilities shall be provided by the applicant in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and USPS for review and approval prior to installation of mailboxes.**
40. **The applicant shall provide Fire Sprinklers for Lots 1-3, 6-8, 11-13 and 16-18 per the Fire Marshall as identified within the submitted narrative and staff correspondence (Exhibit B, Page 16).**

17.86 – Parks, Open Space and Recreation Land

41. Section 17.86.10 specifies the required parkland dedication formula. The applicant is therefore responsible for dedication of 0.26 acres of parkland ($20 \times 3 \times .0043 = 0.258$ acre, rounded to the nearest 1/100).
42. The proposal does not include parkland dedication, but instead payment of a fee in-lieu of dedication. The City of Sandy's Parks and Trails Advisory Board made a unanimous motion to advise the City to accept the fee in-lieu of land when considering this proposal. The proximity of Sandy Bluff Park would make parkland dedication undesirable; as such, **the applicant shall pay a fee in lieu of parkland dedication.**
43. The amount of payment shall be based on the acreage of required parkland dedication (0.26 acres) multiplied by the Payment in Lieu of Parkland Dedication fee detailed in Resolution 2005-01 (\$241,000/acre). **The applicant shall pay a fee in-lieu of parkland dedication in amount of \$62,660 to the City.** Alternatively, Ordinance 2013-03 allows the applicant to pay a minimum of 50 percent of the fee to receive final plat approval with the remaining balance to be paid as a proportionate amount with each building permit. If a portion of the fee is deferred, Resolution 2013-14 specifies a per acre fee of \$265,000. **Currently, the Fee Resolution requires a total payment of \$68,900 ($\$265,000 \times 0.26$) if a portion of the fee is deferred, a minimum of 50 percent (\$34,450) is required to be paid prior to final plat approval and the remaining 50 percent (\$34,450) divided between the 20 lots (\$1,722.50/lot).**

17.92 - Landscaping and Screening

44. Section 17.92.10 (K) states that all areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped. There are a few areas associated with the extension of Agnes Street to Jewelberry Avenue that will be dedicated as right-of-way but will not be improved with typical right-of-way improvements; these areas will need a landscaping plan. **The applicant shall submit a landscape plan for staff review and approval for areas along Jewelberry Avenue and Agnes Street that are not planned to have right-of-way improvements.**

45. Section 17.92.30 requires the applicant to provide street trees along all public streets. The proposed Tree Plan (Exhibit G, Sheet 3) depicts 34 street trees along all streets, except Jewelberry Avenue, and identifies the proposed street trees as American hornbeam. To improve species diversity, **the applicant shall update the Street Tree Plan to include at least four (4) different tree species, with at least two (2) different species per street.** In addition to the proposed American hornbeam, **the applicant shall submit a minimum of three additional street tree species for staff review and approval. Due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time. The applicant shall update the Street Tree Plan to detail street trees on Jewelberry Avenue, including the portions of Jewelberry Avenue on tax lot 24E11AC00900, and on the south side of Agnes Street across from Lot 5 where Agnes Street is detailed to curve north, including the portion of Agnes Street on tax lot 24E11AC00900.**

46. Section 17.92.30 specifies required street tree planting related to development. **Street trees shall be spaced in conformance with Section 17.92.30.** Staff will review the tree species and spacing with construction plans. Trees planted along all other streets will be planted in association with development of individual lots. As specified within Section 17.92.50, **the applicant shall provide street trees with a minimum caliper of 1.5 inches, measured 6 inches from grade. Street trees shall be planted per the City of Sandy standard planting detail; tree ties shall be loosely tied and removed after one growing season (or a maximum of 1 year).**

47. The applicant did not address Section 17.92.40, related to irrigation of required landscaping. As required within Section 17.92.40 and 17.92.140, **the developer and/or lot owners shall maintain all vegetation planted in the development for two years unless otherwise noted and shall replace any dead or dying plants during that period.**

48. Per Subsection 17.92.130, if weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible prior to desired occupancy, an extension of up to 6 months may be applied for by posting “security” equal to 120 percent of the cost of the landscaping, assuring installation within 6 months.

17.98 – Parking, Loading and Access Requirements

49. Section 17.98 requires single-family homes (detached, attached and rowhomes) to have a minimum of two off-street parking spaces per dwelling. The applicant does not propose any

construction with this application. Based on the general size of the lots, the applicant should have sufficient area to accommodate the required off-street parking requirements.

50. Section 17.98.100(B) requires the **driveway width for a single-family dwelling shall be a minimum of 10 feet and a maximum width of 24 feet wide. All driveways shall be constructed of asphalt, concrete or other approved materials per Subsection 17.98.130.**
51. Within both proposed alleys the proposal includes parallel parking on one side of the alley. Subsection 17.100.140(D) permits 28-foot-wide and greater alleys to have parallel parking on one side of the alley only therefore the proposal meets the limitations of Section 17.100.140. The submitted plans (Exhibit G, Sheet 3) identify a minimum of one on-street parking space per proposed lot meeting the required on-street parking requirements of Subsection 17.98.200.

17.100 – Land Division

52. The applicant requests subdivision approval for a subdivision that is in compliance with the applicable development standards therefore the proposal was processed as a Type II Subdivision land use application. The proposal is consistent with density and other dimensional standards of the base zoning district.
53. Public facilities including water, sanitary sewer and stormwater drainage are all available to serve the site via Jewelberry Avenue. **All stormwater lines shall be a minimum of 12 inches in diameter and be extended to the plat boundaries where practical to provide future connections to adjoining properties. All utilities are extended to the plat boundary for future connections.**
54. Transportation Impact Study (Exhibit F) was completed by Lancaster Engineering and is dated April 11, 2019. The traffic assumptions are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual. The proposed development is estimated to generate 16 trips during the morning peak hour, 22 trips during the evening peak hour and 208 trips during each weekday. Per the analysis the proposed intersection sight distance has been met. The City Transportation Engineer (Exhibit I) concluded that based on the information provided by the applicant (Exhibit F), the TIA meets City requirements and there is no need for traffic impact mitigation for the proposed development.
55. **Per Subsection 17.100.130 a minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a subdivision. The plat shall detail all proposed easements as required by Subsection 17.100.130.**
56. The applicant will need to install street lights along all street frontages wherever street lighting is determined insufficient. **The applicant has not identified the location of proposed fixtures and the locations of these fixtures shall be reviewed in detail with construction plans.**
57. **All new waterline mains shall be a minimum of 8-inches in diameter and shall be extended to the plat boundaries where practical to provide future connections to adjoining properties.**

58. **The applicant shall properly abandon any on-site sewage disposal system and domestic well(s) prior to final plat approval. Submit the on-site sewage system decommissioning form to Clackamas County WES with a copy to the City. Abandon the existing well per the requirements of OAR 690-220 and submit proof of proper well abandonment to the City.**
59. **The applicant shall comply with Section 17.100.260 that states all subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.**
60. **The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. All erosion control and grading shall comply with Section 15.44 of the Municipal Code and as detailed below. The proposed subdivision is greater than one acre which typically requires approval of a DEQ 1200-C Permit. The applicant shall submit confirmation from DEQ if a 1200-C Permit will not be required.**
61. **The applicant shall be responsible for the installation of all improvements detailed in Section 17.100.310, including fiber facilities. SandyNet requires the developer to work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.**

17.102 – Urban Forestry

62. The total gross acreage for the entire property is 5.99 acres. Based on this amount of acreage, the overall property is required to retain 18 trees (5.99 x 3) with at least two of the required trees per acre being of conifer species, if possible.
63. The submitted arborist report (Exhibit D) indicates that a tree inventory was completed by another arboricultural company several years ago. Based on the Tree Protection Plan (Exhibit G, Sheet 7), it appears the previous arborist inventoried all trees on the site 8-inches or great DBH; however, the inventory did not include an evaluation of tree health or condition. The purpose of the updated arborist report submitted with this application (Exhibit D) is to confirm there are 18 healthy trees on the property. To do this, the arborist evaluated the health and structural condition of 21 trees on the property that could be possible candidates for retention considering the proposed right-of-way improvements and development rights of individual lots. Of the 21 trees, the arborist determined 18 are in good enough condition to be retained. Two trees (1134 and 1321) were determined to be dead and one tree (1316) was in poor health and very poor structural condition. **The applicant shall retain the 18 trees identified within Exhibit D.** The arborist report notes that 14 of the 18 trees are located along Jewelberry Avenue and recommends that the sidewalk on Jewelberry Avenue be curb-tight to lessen the impact to some of the larger diameter trees that are to be retained to the east of the sidewalk. **The applicant shall update the plan set to detail curb tight sidewalks with the planter strip between the subject property and the sidewalk in locations adjacent to larger retention trees where a standard sidewalk would encroach in the critical root zone of the**

retention trees. The applicant shall submit a sidewalk and planter strip plan for Jewelberry Avenue for staff review and approval. In addition, the arborist report recommends that the two dead trees (#1134 and 1321) be left as wildlife snags if they are structurally stable. **The applicant shall leave trees 1134 and 1321 as wildlife snags if they are structurally stable.**

64. The submitted Tree Protection Plan (Exhibit G, Sheet 7) indicates that the tree protection fencing will be located at the outer perimeter of the dripline, or at the standard critical root zone of 1 foot per 1 inch DBH. This distance for tree protection as proposed by the applicant is consistent with the industry standard and the standard protection distance recommended by the City Arborist. In order to protect the trees proposed for retention, **the applicant shall install protective fencing located at the outer perimeter of the dripline or the critical root zone (1 foot per 1 inch DBH), whichever is greater, around all trees to be retained on the subject property.** The Tree Protection Plan details the tree protection fencing as a 48-inch high orange construction fence. Per Section 17.102.50(B.2), tree protection fencing shall be a minimum of six feet tall supported with metal posts placed no farther than 10 feet apart installed flush with the initial undisturbed grade. **The tree protection fencing shall be 6 foot high chain link or no-jump horse fencing and shall have a sign that clearly marks the area as a Tree Root Protection Zone. Inspections of retention tree fencing by a City official shall be completed prior to any earthwork or grading being conducted onsite. Protective fencing shall not be removed prior to the issuance of a certificate of occupancy for the property.**
65. **To ensure protection of the required retention trees, the applicant shall record a tree protection covenant specifying protection of the 18 retention trees and limiting removal without submittal of an Arborist's Report and City approval. Per the applicant's proposal this document shall include a sketch identifying the retention trees and the dripline or critical root zone (detailed at 1 foot per 1 inch DBH) around the retention trees, whichever is greater.**

DECISION

The Jewelberry Meadows subdivision is hereby **approved** by the Development Services Director as modified by the conditions of approval listed below.

CONDITIONS OF APPROVAL

- A. Prior to submittal of construction plans, submittal of trade permits and/or grading or other construction activities on the site, the applicant shall update the plans submitted with the land use application to include the following items as specified below:**
1. Modify the tentative plat with the following modifications:
 - a. Detail a vehicle non-access reserve (VNAR) strip for the west property lines of Lots 1-5 fronting Jewelberry Avenue as well as the south property lines of Lots 5, 10 and 20 fronting Agnes Street.

- b. Detail a vehicle non-access reserve (VNAR) strip on the east property lines of Lots 16-20, along 377th Avenue.
 - c. Detail a minimum eight (8) foot public utility easement along property lines abutting a right-of-way for all lots within the subdivision.
 - d. Detail a dedication of sufficient right-of-way along Jewelberry Avenue to accommodate a 6 foot sidewalk and 5 foot planter strip.
2. Submit justification to support the proposed exception to the required tangent alignment (Section 17.84.50(H)(6)) of Jewelberry Avenue and Agnes Street for review and approval by the City of Sandy. Should the exception not be approved the applicant shall update all applicable plans to comply with the standards of Subsection 17.84.50(H)(a) for review and approval by the City of Sandy.
3. Submit a detailed final stormwater report stamped by a licensed professional engineer for review. The calculations shall meet the water quality/quantity criteria as stated in the City of Sandy Development Code (SDC) 13.18 Standards and the City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code. Examine existing drainage along 377th Avenue and make sure this proposed development does not negatively impact stormwater on adjacent properties or 377th Avenue.
4. Submit a modified plan set for staff review and approval to detail the following:
 - a. A sidewalk on the south side of Agnes Street south of Lot 5 (where sufficient right-of-way exists) and connecting to the Jewelberry Avenue sidewalk.
 - b. A curb tight sidewalk with the planter strip between the subject property and the sidewalk in locations adjacent to larger retention trees where a standard sidewalk would encroach in the critical root zone of the retention trees.
 - c. Illustrate that Lots 1-3, 6-8, 11-13 and 16-18 will contain sprinkler systems per the Fire Marshall requirements.
5. Submit an updated Street Tree Plan for staff review and approval to include the following:
 - a. At least four (4) different tree species, with at least two (2) different species per street. In addition to the proposed American hornbeam, the proposal shall include a minimum of three additional street tree species for staff review and approval. Due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time.
 - b. Street trees on Jewelberry Avenue, including the portions of Jewelberry Avenue on tax lot 24E11AC00900, and on the south side of Agnes Street across from Lot 5 where Agnes Street is detailed to curve north, including the portion of Agnes Street on tax lot 24E11AC00900.

- c. Street trees spaced in conformance with Section 17.92.30 and have a minimum caliper of 1.5 inches, measured 6 inches from grade. Street trees shall be planted per the City of Sandy standard planting detail; tree ties shall be loosely tied and removed after one growing season (or a maximum of 1 year).
6. Submit detailed information on the proposed retaining walls, including height, wall reveal, material, and architectural treatment, for staff review and approval. The proposed walls shall follow the standards of Chapter 17.74.
7. Submit a landscape plan for staff review and approval for areas along Jewelberry Avenue and Agnes Street that are not planned to have right-of-way improvements.

B. Prior to earthwork, grading, or excavation, the applicant shall complete the following and receive necessary approvals as described:

1. Submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. All erosion control and grading shall comply with Section 15.44 of the Municipal Code (*Submit to Planning Division and Public Works Department for approval*)
2. Submit proof of receipt of a Department of Environmental Quality 1200C permit.
3. Identify the 18 trees (Exhibit D) on the site to be protected on the grading plan and install protective barrier fencing as specified in Section 17.102.50 B. Per the applicant's proposal the protective fencing shall be located at the outer perimeter of the dripline or the critical root zone (1 foot per 1 inch DBH), whichever is greater, around all trees to be retained on the subject property. The tree protection fencing shall be 6 foot high chain link or no-jump horse fencing and shall have a sign that clearly marks the area as a Tree Root Protection Zone. Inspections of retention tree fencing by a City official shall be completed prior to any earthwork or grading being conducted onsite. Protective fencing shall not be removed prior to the issuance of a certificate of occupancy for individual homes.
4. Leave trees 1134 and 1321 as wildlife snags if they are structurally stable.
5. Request an inspection of erosion control measures and tree protection measures as specified in Section 17.102.50 C.

C. Prior to all construction activities except grading, the applicant shall submit additional information as part of construction plans and complete required items during construction as identified below: (*Submit to Public Works unless otherwise noted*)

1. Submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and USPS for review and approval prior to installation of mailboxes.

2. Submit a plan identifying the locations of street lights along with specifications of proposed lighting fixtures to be reviewed in detail with construction plans. Full cut-off lighting shall be required.
3. Pay a fee-in-lieu of improvements for half (1/2) the estimated cost of the center median, which the City will make available to the developer of the parcel on the south side of Agnes when it develops.
4. Confirm and provide documentation that all street surfacing details proposed are in conformance with the standards identified within Subsection 17.100.200 for City review and approval.
5. When the grading is completed, a final report shall be submitted to the City by the Geotechnical Engineer stating that adequate inspections and testing have been performed on the lots and all of the work is in compliance with the above noted report and the OSSC.

D. Prior to Final Plat approval, the applicant shall complete all public improvements including the following or provide assurance for their future completion:

1. Pay a fee in-lieu of parkland dedication in amount of \$62,660 to the City. Alternatively, the Fee Resolution requires a total payment of \$68,900 (\$265,000 x 0.26) if a portion of the fee is deferred, a minimum of 50 percent (\$34,450) is required to be paid prior to final plat approval and the remaining 50 percent (\$34,450) divided between the 20 lots (\$1,722.50/lot).
2. Pay plan review, inspection and permit fees as determined by the Public Works Director, and install all public improvements, including but not limited to the following:
 - a. Sidewalks on Jewelberry Avenue, Agnes Street, and along Tract A.
 - b. Three quarter street improvements on Agnes Street and full street improvements along the south side of Agnes Street south of Lot 5 (where sufficient right-of-way exists) and connecting to the Jewelberry Avenue sidewalk.
 - c. Full street improvements, with the exception of sidewalks and street trees, on 378th Avenue.
 - d. Half street improvements, with the exception of sidewalks and street trees, on 377th Avenue.
 - e. Public alleys improved per the construction plans.
 - f. Street lighting in conformance with city standards.
 - g. ADA ramps to meet the most current PROWAG requirements.
3. Plant street trees along Tract A, along the south side of Agnes Street adjacent to the sidewalk, and to the west of Lot 5. In order to better protect newly planted trees, the applicant shall amend and aerate the soil within the planter strip 15 feet in both directions from where the tree will be planted (or as is feasible based on locations of driveways or street corners). The applicant shall call for an inspection with the City after aerating the soil and before planting the trees.

4. Obtain a letter of credit in the amount of \$500 per tree to cover replacement and establishment of the right-of-way trees around Tract A, along the south side of Agnes Street adjacent to the sidewalk, and to the west of Lot 5 should a right-of-way tree die within 3 years.
5. Install a concrete bus shelter pad and green bench (Fairweather Model PL-3, Powder Coated RAL6028). The required pad size is 7 by 9.5 feet and shall be located adjacent to the sidewalk on Jewelberry Avenue at Lot 2 per submitted plans.
6. Submit the on-site sewage system decommissioning form to Clackamas County WES with a copy to the City, abandon the existing well per the requirements of OAR 690-220 and submit proof of proper well abandonment to the City. Disconnect, cap or abandon services to the existing house including any existing septic and oil tanks in conformance with the applicable regulatory agencies.
7. Submit a report from a certified geotechnical engineer stating that construction operations dealing with earthwork and its relation to foundations were observed onsite and in compliance with the International Building Code as amended by the State of Oregon. This report shall specify observation dates and the conclusion of this observation following completion of this work.
8. To ensure protection of the required retention trees, record a tree protection covenant specifying protection of the 18 retention trees and limiting removal without submittal of an Arborist's Report and City approval. Per the applicant's proposal this document shall include a sketch identifying the retention trees and the dripline or critical root zone (detailed at 1 foot per 1 inch DBH) around the retention trees, whichever is greater.

E. Prior to issuance of building permits on any lot, the applicant shall:

1. Submit two paper copies of the recorded Final Plat.
2. Submit a digital drawing of the final plat survey (CAD format).
3. Pay subdivision addressing fee (coordinate with Permit Technician in Building Division).

F. Conditions related to individual home construction:

1. All homes shall provide building design features in conformance with the standards of Chapter 17.90.
2. All homes shall be constructed in compliance with the standards for projections into required setbacks and shall maintain a height not to exceed 35 feet. All garages shall be setback a minimum of 22 feet from the property line.
3. All structures shall maintain a minimum 20-foot setback from the Jewelberry Avenue and Agnes Street public rights-of-way.
4. Lots 1-3, 6-8, 11-13 and 16-18 shall contain sprinkler systems per the Sandy Fire Marshall.

5. Structures on Lots 1-4 shall have their primary entrance oriented toward SE Jewelberry Avenue while Lots 10 and 20 shall have their primary entrance oriented toward Agnes Street. Lot 5 shall provide one main entrance oriented to either transit street or to the corner where two transit streets intersect.
6. Lots 1-5, 10 and 20 shall include a pedestrian pathway extending from the adjacent transit street right-of-way (SE Jewelberry Avenue or Agnes Street) to the structure's primary entrance. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth to be evaluated for compliance at time of building permit review.
7. Install sidewalks on all other streets (i.e. those not installed prior to final plat).
8. Street trees shall be installed approximately 30-feet-on-center, have a minimum caliper of 1.5-inches measured 6 inches from grade, and staked with loosely tied twine in accordance to City standards. In order to better protect newly planted trees, the applicant shall amend and aerate the soil within the planter strip 15 feet in both directions from where the tree will be planted (or as is feasible based on locations of driveways or street corners). The applicant shall call for an inspection with the City after aerating the soil and before planting the trees. *However, if the applicant postpones street tree installation per Condition G.9 street trees do not need to be planted with individual home construction.*
9. All planter strips shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy.
10. All trees marked for retention shall be retained and protected during construction regardless of desired or proposed building plans. Plans for future houses on the proposed lots within the subdivision shall be modified to not encroach on retention trees and associated tree protection fencing.
11. Development of this subdivision will require payment of system development charges in accordance with applicable city ordinances.

G. General Conditions

1. Pursuant to Section 17.100.60 the final plat shall be delivered to the Director for approval within one (1) year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request of the applicant, grant an extension of the tentative plat approval for up to one (1) additional year.
2. Preliminary plat approval does not connote utility or public improvements plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.

3. All earthwork activities to include grading, foundation excavation, site and sub-grade preparation, cut and fill slopes shall be observed and documented by a geo-technical engineer to assure compliance with IBC standards as amended by the state of Oregon and referenced as “Oregon Structural Specialty Code” (OSSC). Site grading shall not in any way impede or impound or inundate the surface drainage flow from the adjoining properties without a proper collection system. The earthwork activities shall be observed and documented under the supervision of the geotechnical Engineer.
4. The applicant shall be responsible for the installation of all improvements detailed in Section 17.100.310, including fiber facilities.
5. All public utility installations shall conform to the City’s facilities master plans. All public sanitary sewer and waterlines shall be a minimum of 8 inches in diameter and all stormwater lines shall be a minimum of 12 inches in diameter. All utilities are extended to the plat boundary for future connections. The applicant shall pay plan review, inspection, and permit fees as determined by the Public Works Director.
6. All franchise utilities shall be installed underground and in conformance with City standards. The applicant shall call the PGE Service Coordinators at 503-323-6700 when the developer is ready to start the project.
7. As required by Section 17.92.140, the developer and lot owners shall be required to maintain all vegetation planted in the development for two years from the date of completion, and shall replace any dead or dying plants during that period. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.
8. Driveway width for a single-family dwelling shall be a minimum of 10 feet and a maximum width of 24 feet wide. All driveways shall be constructed of asphalt, concrete or other approved materials per Subsection 17.98.130.
9. If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the landscaping, assuring installation within 6 months. The cost of street trees shall be based on the street tree plan and at least \$500 per tree fee. The cost of landscaping shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.
10. Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1,000 square feet of land area. Erosion control measures shall be provided by the applicant in accordance with Section 15.44 of the Municipal Code.
11. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.

12. Comply with all other conditions or regulations imposed by the Sandy Fire District, or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.



Kelly O'Neill Jr.
Development Service Director

11/15/19
Date

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and
5. Payment of required filing fees.