

**FINDINGS OF FACT and FINAL ORDER  
TYPE I LAND USE DECISION**

**DATE:** July 29, 2021

**FILE NO.:** 21-008 DR

**PROJECT NAME:** 18745 Jacoby Road New SFRs

**APPLICANT/OWNER:** Patrick and Diane Tiller

**LEGAL DESCRIPTION:** T2S R4E Section 24A, Tax Lots 2700 and 2800

**ADDRESS:** 18745 Jacoby Road

**DECISION:** Approved subject to conditions of approval

The above-referenced proposal was reviewed as a Type I Design Review. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

**EXHIBITS:**

**Applicant's Submittals**

- A. Land Use Application Form
- B. Lot 2700 Plan Set
  - Sheet A100: Existing Conditions and Demo Plan
  - Sheet A102: Site Plan
  - Sheet A302: Elevations
- C. Lot 2800 Plan Set
  - Sheet A100: Existing Conditions and Demo Plan
  - Sheet A101: Site Plan
  - Sheet A301: Elevations
- D. Stormwater Simplified Approach Form – Tax Lot 2700
- E. Stormwater Simplified Approach Form – Tax Lot 2800
- F. Survey and Sketch Map
- G. Legal Description

**Agency Comments**

- H. Fire Marshal (July 12, 2021)
- I. Public Works Director (July 27, 2021)

## FINDINGS OF FACT

### General

1. These findings are based on the applicant's original submittal received on March 12, 2021. The application was deemed incomplete on April 6, 2021. The applicant then submitted additional materials on April 9, 2021, June 11, 2021, and June 15, 2021. The application was deemed complete on June 25, 2021. This final order is based upon the exhibits listed above.
2. The subject property is located on the west side of Jacoby Road south of Dubarko Road and north of Trillium Avenue.
3. The subject property has a comprehensive plan designation of Low Density Residential and a zoning district designation of SFR, Single Family Residential. The applicant is proposing a single-family residence on each of the two legal lots of record, which is a permitted outright use in the SFR zoning district.
4. The subject site consists of two parcels (Tax Lots 2700 and 2800). Tax Lot 2700 is 15,392 square feet and Tax Lot 2800 is 17,458 square feet, for a total area of approximately 0.75 acres. The applicant provided documentation (Exhibit G) demonstrating that each tax lot is a separate legal lot of record. The applicant is proposing to replace the existing single-family residence on Tax Lot 2700 with a new single-family residence and to replace the existing doublewide mobile home on Tax Lot 2800 with a new single-family residence.
5. The structures on Tax Lots 2700 and 2800 currently have the same address (18745 Jacoby Road). **The applicant shall apply for a second address and pay the associated addressing fee.**
6. The applicant is proposing to remove two existing structures from Tax Lot 2700 (an existing house and an existing shed) and one existing structure from Tax Lot 2800 (an existing doublewide mobile home). **The applicant shall apply for a Demolition Permit to demolish the existing structures. In association with the demolition permit, the applicant shall adhere the following:**
  - Work related to this permit may be subject to regulations governing the handling, removal and/or disposal of asbestos and/or lead-based paint.
  - Call OUNC (Oregon Utility Notification Center) 1-800-332-2344 or 811 for utility locates – specify that you are performing demolition work.
  - Provide erosion control and/or gravel construction entrance necessary to prevent tracking of dirt or mud onto public streets. Failure to prevent tracking of mud or dirt onto streets will result in STOP WORK order.
  - Catch basin filter bags must be installed at all nearby basins.
  - Dust prevention measures should be taken.
  - On-site sewage disposal system tanks must be pumped out and removed or filled. Provide the City with a copy of the Clackamas County Certificate of Existing System Decommissioning.

- The owner of record is responsible for the complete removal and completions of the required sewer, electrical and gas disconnects. Make arrangements with dry utilities (power, phone, gas, CATV) for service abandonment.
- The work of demolishing any building shall not be commenced until pedestrian protection is in place as required. (OSSC 3303.2)16320
- The owner of record is responsible for all site clean-up and debris removal.
- All demolition permits need to be finalized before a building permit can be issued.
- No tree removal is allowed as part of this demolition permit.
- Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the city ordinances. (OSSC 3303.4)
- Prior to final inspection and closing of the permit, the demolition debris must be removed from the site. Foundations and basement walls shall be removed and excavation shall be filled and the site graded to a natural grade. If the fill material is not placed as structural fill and tested by independent testing agency, an agreement shall be recorded with the Clackamas County Clerk and Recorder on the title of the property that states there is fill present on the site and that a soils analysis prepared by a licensed engineer will be required to be submitted with all future applications for building permits on the property.
- Provisions shall be made to prevent the accumulation of water or damage to any adjoining property. (OSSC 3303.5)

#### **17.34 – Single-Family Residential (SFR) Zoning District**

7. The applicant proposes two single family detached dwellings on two separate legal lots of record, which is a primary use permitted outright per Section 17.34.10(A).
8. The submitted Site Plans for Tax Lots 2700 and 2800 (Exhibits B and C, Sheets A101 and A102) indicate that the proposed structures on Tax Lots 2700 and 2800 meet the minimum required setbacks in compliance with Section 17.34.30 and Section 17.80.20.
9. Section 17.34.40 requires the site to connect to municipal services, including water and sanitary sewer, and requires the site to have frontage or approved access to public streets. The Existing Conditions and Demo Plans for Tax Lots 2700 and 2800 (Exhibits B and C, Sheets A100) indicate the applicant will remove the existing septic system. **The applicant shall disconnect, cap, or abandon services to the existing house including any existing septic tanks in conformance with the applicable regulatory agencies. The applicant shall submit a copy of the abandonment certification to the City of Sandy Planning Division. The applicant shall connect to sanitary sewer and water. The applicant shall submit a Utility Plan for review with the Building Permit.**

#### **17.80 – Additional Setbacks on Collector & Arterial Streets**

10. Chapter 17.80 requires any structure located on an arterial or collector street to have a minimum 20-foot setback measured from the property line. Both parcels have frontage on Jacoby Road. Jacoby Road is classified as a collector in the Sandy Transportation Plan; therefore, **all structures are required to maintain a minimum 20-foot setback from the Jacoby Road public right-of-way.** The proposed structures on both Tax Lots 2700 and 2800 are set back greater than 20 feet from Jacoby Road.

### **17.82 – Special Setbacks on Transit Streets**

11. Jacoby Road is identified as a collector in the City of Sandy Transportation System Plan and, therefore, is classified as a transit street per Section 17.82.10
12. Section 17.82.20 contains regulations related to building orientation. Subsection A requires all residential dwellings to have their primary entrances oriented toward a transit street (Jacoby Road) rather than a parking area, Subsection B requires a clearly marked, convenient, safe and lighted pedestrian route to be provided to the entrance from the transit street, and Subsection C requires the primary dwelling entrance to be architecturally emphasized and visible from the street and to include a covered porch at least 5 feet in depth. The primary entrance of the proposed dwellings face east towards Jacoby Road, and feature gabled entries at least 5 feet in depth in compliance with the code. The applicant proposes a pervious paver walkway connecting the front door of the house on Tax Lot 2700 to the Jacoby Road sidewalk in compliance with Section 17.82.20(B). Tax Lot 2800 is a flag lot and the house will be set back well over 100 feet from Jacoby Road. The Development Services Director interprets Section 17.82.20(B) to exempt flag lots where the flag is long enough that the house would be difficult to see from the road. In addition, this application is being reviewed based on the Development Code that was in place at the time of application submittal; however, the code has since been updated. The updated code exempts flag lots from having to provide a direct pedestrian pathway between the front door and the sidewalk. Therefore, the applicant is not required to provide a direct pedestrian route between the front door of the proposed house on Tax Lot 2800 and Jacoby Road.

### **17.84 – Improvements Required with Development**

13. **All improvements required by the standards in Chapter 17.84 shall be installed concurrently with development.**
14. Section 17.84.30(A.2) requires sidewalks along collector streets to be a minimum of 6-foot wide and be separated from curbs with a 5-foot wide planting area. Tax Lot 2700 has approximately 135 feet of street frontage on Jacoby Road, a collector street. The flag portion of Tax Lot 2800 has 15 feet of street frontage on Jacoby Road. Half-street improvements are required by Section 15.20.010 of the Sandy Municipal Code (SMC). **The applicant shall construct half-street improvements on the Jacoby Road frontage of the site.** As noted by the Public Works Director (Exhibit I), the site plan depicts an 11 foot wide street 'dedication easement' to the City of Sandy. **The applicant shall submit a legal description and sketch for the dedication area for City review and then dedicate the right-of-way using the City's standard dedication deed form. The applicant shall be responsible for all recording costs and submit a recorded copy of the dedication deed to the City.**
15. Stormwater treatment is required per Section 13.18.30 B. through F. of the SMC. The applicant submitted a preliminary stormwater simplified approach form for each tax lot. The proposal includes a 4 foot by 10 foot drywell connected to the downspouts and driveway catchment for each house and a 4 foot by 5 foot drywell connected to the easement driveway catchment drains. The drywells are sized to manage 3,493 square feet

of impervious area on Tax Lot 2700, 3,264 square feet of impervious area on Tax Lot 2800, and 1,143 square feet of impervious surface on the shared driveway. Per the Public Works Director (Exhibit I), the applicant submitted stormwater management information based on the simplified approach in the Portland Stormwater Management Manual (SWMM). Drywells are proposed for stormwater management. Three infiltration tests were performed on April 24, 2021. The applicant did not complete the form but based on the information provided an infiltration rate between 4 and 4.5 inches per hour occurred at the two sites for an average of 4.25 inches per hour. The proposed drywell is 48 inches in diameter by 10 feet deep. The detail provided for the drywell indicates that the base of the drywell must be a minimum of 5 feet above the seasonal high groundwater level (15 ft. BGS). **The applicant shall demonstrate that the proposed drywell will meet this minimum depth requirement.** It is not clear from the site plan how the proposed driveway surface will be graded to ensure that all runoff drains to the proposed drywell shown on the site plan and will not runoff into the street or onto neighboring properties. **The site plan submitted with the building permit application shall show rim elevations for the proposed drywell(s) and driveway grading and spot elevations to demonstrate that runoff from all impervious surfaces will drain to the proposed drywell(s).**

16. All public utility installations shall conform to the City's facilities master plans. No building permits will be issued until all public utilities, including sanitary sewer are available to serve the two proposed homes. **The applicant shall pay plan review, inspection, and permit fees as determined by the Public Works Director.** Per the Public Works Director (Exhibit I), the site plan shows an existing well that is designated "to remain." Per Section 13.16.040(D)1 of the Sandy Municipal Code, premises with an auxiliary water supply on the parcel require a backflow prevention device on the domestic water service.
17. As noted by the Public Works Director (Exhibit I), the wet utility connections (water and sanitary sewer) and the sidewalk and driveway improvements require a separate right-of-way permit from the City that is distinct from any building permits obtained. **The applicant shall obtain a separate right-of-way permit.** Contractors performing work in city right-of-way must submit a performance bond equal to 110 percent of the value of the work and a Certificate of Insurance naming the City of Sandy as additionally insured. **The applicant shall submit an itemized estimate for the street frontage improvements and utility connections for City review and approval.** The right-of-way permit issued will include additional information on these items.
18. Section 17.84.70 contains requirements regarding public improvement procedures. The Fire Marshal (Exhibit H) submitted comments regarding fire apparatus access and firefighting water supplies. **The applicant shall confer with the Sandy Fire District to ensure compliance with the requirements of the Sandy Fire Marshal as contained in Exhibit H. The applicant shall provide construction documents detailing compliance with fire apparatus access and fire protection water supply requirements to the Sandy Fire District for review and approval upon building permit submittal. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street**

**or road fronting the property. The address shall be plainly legible and visible from the road fronting the property and the same shall be on the dwelling plainly legible and visible when approaching. The applicant shall comply with all applicable Oregon Fire Code Requirements. In addition, the address numbers shall be a minimum of 4-inches and contrasting colors.**

19. Section 17.84.80 contains standards for franchise utility installation. Private utility services will be submitted for review and approval by service providers and City staff in association with construction plans, and all utility lines will be extended to the perimeter of the site. Municipal Code 15.20.020(B) states the following regarding undergrounding of utilities: “No building permit shall be issued for remodeling, alteration or addition to any building or structure when the estimated cost of the remodeling, alteration or addition exceeds fifty percent of the value of the building or structure before such remodeling, alteration or addition is commenced on any lot which is not served by underground utilities, unless the applicant agrees to construct equipment and related facilities to accept and receive all underground utility lines which shall serve the building or structure, including but not limited to those required for all electric, communication and cable TV services in conjunction with the construction activity related to the building permit.” **All existing and proposed franchise utilities (i.e., cable, electric, phone, etc.) 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.**
  
20. 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 Section 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan to the City and USPS for review and approval prior to installation of a mailbox.**

### **17.90 – Design Standards**

21. The proposal is subject to all the requirements for Design Review as specified in Section 17.90.00.
  
22. Section 17.90.70 specifies that **design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.**
  
23. The proposed single-family residences are subject to, and have subsequently been reviewed based upon, the residential design standards of Section 17.90.150.
  
24. Section 17.90.150(D) contains general provisions of the residential design standards. The primary entrances of both proposed houses face east, towards Jacoby Road. The submitted east elevations (Exhibits B and C, Sheets A301 and A302) detail a 4-inch minimum wide trim around the windows and doors.
  
25. Section 17.90.150(E) specifies the number of design elements required on the street facing façade based on the garage type. The proposed garages on both houses are

attached garages. The garage on the house on Tax Lot 2700 comprises 48 percent of the façade while the garage on the house on Tax Lot 2800 comprises 50 percent of the façade. These percentages will be confirmed at time of building permit review. Table 17.90.150 – A: Number of Required Design Elements within Section 17.90.150(E) indicates both proposed dwellings are required to provide five (5) required design elements from Section 17.90.150(F). The applicant is proposing the following design elements from Section 17.90.150(F) on the street facing (east) façade of the proposed house on Tax Lot 2700 in compliance with the code:

- Dormers at least 3 feet wide (#1);
- Covered porch entry – minimum 40 square foot covered front porch, minimum five (5) feet deep (#2);
- Two or more offsets of 16 inches or greater (#5);
- Roof overhang of 16 inches or greater (#6);
- Columns, pillars, or posts at least 4-inches wide and containing larger base materials (#7);
- Decorative gables (#8);
- Shakes, shingles, brick, stone or other similar decorative materials occupying at least 60 square feet of the street façade (#12);
- Windows and front door occupying a minimum of 10 percent of the street facing façade (#14);
- Sidelight and/or transom windows associated with the front door or windows in the front door (#15);
- Decorative base materials such as natural stone, cultured stone, or brick extending at least 36 inches above adjacent finished grade occupying a minimum of 10 % of the overall primary street facing façade (#18); and,
- A front facing garage projecting out from the longest street facing façade not more than six feet (#19).

The applicant is proposing the following design elements from Section 17.90.150(F) on the street facing (east) façade of the proposed house on Tax Lot 2800 in compliance with the code:

- Dormers at least 3 feet wide (#1);
- Covered porch entry – minimum 40 square foot covered front porch, minimum five (5) feet deep (#2);
- Roof overhang of 16 inches or greater (#6);
- Columns, pillars, or posts at least 4-inches wide and containing larger base materials (#7);
- Decorative gables (#8);
- Decorative belly-band between building floors or gables (#9);
- Windows and front door occupying a minimum of 10 percent of the street facing façade (#14);
- Sidelight and/or transom windows associated with the front door or windows in the front door (#15); and
- A front facing garage projecting out from the longest street facing façade not more than six feet (#19).

### **17.92 – Landscaping and Screening**

26. Section 17.92.10(C) states that significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Significant trees are those that are 25-inches in circumference (approximately 8-inch diameter at breast height) or greater. Trees to be retained shall be protected from damage during construction by a construction fence located five feet outside the dripline. **The applicant shall preserve all 8-inch DBH and greater trees to the greatest extent practicable and shall install tree protection fencing located 5 feet outside of the dripline of any retained trees located within the development activity area. Erosion control fencing shall be installed outside of the tree protection fencing.**
27. Per Subsection 17.92.10(L), **all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacement of dead or dying vegetation. Any areas disturbed during modification of the existing site shall be re-vegetated to pre-project condition.**
28. Section 17.92.30 requires street trees spaced approximately 30 feet on center. The combined frontage along Jacoby Road of Tax Lots 2700 and 2800 is approximately 150 feet. The proposal includes a single 10 foot wide driveway approach. (Note: the applicant will be required to provide a minimum 12 foot wide driveway per Section 17.98100(A) as discussed in Chapter 17.98 of this document). Therefore, there should be approximately 5 street trees along the Jacoby Road frontage of the subject properties. **The applicant shall update the site plan to detail five (5) street trees along the Jacoby Road frontage of the site. The street trees shall be selected from the City's Street Tree List and shall be planted per the City's standard planting detail.** Staff is not approving maples or ashes as street trees at this time due to concerns with Asian Longhorn Beetle and Emerald Ash Borer as well as an interest in increasing species diversity.

### **17.98 – Parking, Loading, & Access Requirements**

29. Section 17.98.20(A.8) requires a single-family residence to provide two off-street parking spaces per dwelling unit. Each new single-family dwelling includes a two-car garage in compliance with this standard.
30. Section 17.98.100 requires driveways to be a minimum width of 12 feet with a maximum driveway approach of 24 feet. As noted by the Public Works Director (Exhibit I), the Site Plans for Tax Lots 2700 and 2800 (Exhibits B and C, Sheets 102 and 101) depict two easements: one to be granted by Tax Lot 2700 benefitting Tax Lot 2800 and one to be granted by Tax Lot 2800 benefitting Tax Lot 2700. Tax Lot 2800 has a 20 foot wide 'flag pole' that connects to Jacoby Road, so no easement benefitting Tax Lot 2800 is required. **Since a shared driveway is required for access to a collector street the owner of Tax Lot 2800 shall grant a utility and access easement over the existing 'flag pole' benefitting Tax Lot 2700. The applicant shall submit a copy of the recorded easement to the City to demonstrate that Tax Lot 2700 will have legal access to a public street. The applicant shall abandon the existing driveway approach on Tax Lot 2700 and replace it with Type "C" curb. The applicant shall update the Plan Set to detail a minimum 12 foot wide shared driveway with a maximum 24 foot wide curb cut.**



31. Section 17.98.100(D) states that no driveway shall exceed a grade of 15 percent at any point along the driveway length, measured from the right-of-way line to the face of garage or furthest extent of the driveway. **The driveway shall not exceed a grade of 15 percent.**
32. Section 17.98.130 requires all parking areas, driveways, aisles, and turnarounds to be paved with concrete, asphalt, or comparable surfacing constructed to City standards for off-street vehicle areas. The Plan Set does not indicate the proposed material for the driveway. **All parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt, or comparable surfacing constructed to City standards for off-street vehicle areas.**

## **DECISION**

For the reasons described above the request by Patrick and Diane Tiller to construct two single-family residential dwellings is hereby **approved** as modified by the conditions listed below.

## **CONDITIONS OF APPROVAL**

### **A. In association with the demolition permit, the applicant shall adhere the following:**

1. Work related to this permit may be subject to regulations governing the handling, removal and/or disposal of asbestos and/or lead-based paint.
2. Call OUNC (Oregon Utility Notification Center) 1-800-332-2344 or 811 for utility locates – specify that you are performing demolition work.
3. Provide erosion control and/or gravel construction entrance necessary to prevent tracking of dirt or mud onto public streets. Failure to prevent tracking of mud or dirt onto streets will result in STOP WORK order.
4. Catch basin filter bags must be installed at all nearby basins.
5. Dust prevention measures should be taken.
6. On-site sewage disposal system tanks must be pumped out and removed or filled. Provide the City with a copy of the Clackamas County Certificate of Existing System Decommissioning.
7. The owner of record is responsible for the complete removal and completions of the required sewer, electrical and gas disconnects. Make arrangements with dry utilities (power, phone, gas, CATV) for service abandonment.

8. The work of demolishing any building shall not be commenced until pedestrian protection is in place as required. (OSSC 3303.2)16320
9. The owner of record is responsible for all site clean-up and debris removal.
10. All demolition permits need to be finalized before a building permit can be issued.
11. No tree removal is allowed as part of this demolition permit.
12. Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the city ordinances. (OSSC 3303.4)
13. Provisions shall be made to prevent the accumulation of water or damage to any adjoining property. (OSSC 3303.5)
14. Disconnect, cap, or abandon services to the existing house including any existing septic tanks in conformance with the applicable regulatory agencies. Request for a “Cap off” inspection. Submit a copy of the abandonment certification to the City of Sandy Planning Division.
15. Abandon the existing on-site sewage disposal system per OAR 340-071-0185 and complete and submit certification of existing system decommissioning to Clackamas County WES with a copy to the City.
16. Prior to final inspection and closing of the permit, the demolition debris must be removed from the site. Foundations and basement walls shall be removed and excavation shall be filled and the site graded to a natural grade. If the fill material is not placed as structural fill and tested by independent testing agency, an agreement shall be recorded with the Clackamas County Clerk and Recorder on the title of the property that states there is fill present on the site and that a soils analysis prepared by a licensed engineer will be required to be submitted with all future applications for building permits on the property.

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

1. Apply for and receive approval for a City of Sandy grading and erosion control permit in conformance with City standards detailed in Section 15.44 of the Municipal Code. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction.
2. Request an inspection and obtain approval for all erosion control measures and tree protection fencing per approved plans.

**C. Prior to issuance of a building permit, the applicant shall:**

1. Prior to permit submittal, apply for a second address and pay the associated addressing fee.

2. Submit permit applications (building, mechanical, plumbing (electrical goes through Clackamas County)) for review and approval, along with the required documents listed on the One & Two Family Dwelling Building Permit checklist. Contact [building@cityofsandy.com](mailto:building@cityofsandy.com) for submittal requirements or questions.
3. Update the Plan Set to detail a minimum 12 foot wide shared driveway with a maximum 24 foot wide curb cut. The driveway shall not exceed a grade of 15 percent.
4. Submit construction documents detailing compliance with fire apparatus access and fire protection water supply requirements to the Sandy Fire District for review and approval upon building permit submittal.
5. Submit a mail delivery plan to the City and USPS for review and approval prior to installation of a mailbox.
6. Submit a Utility Plan for review.
7. Obtain all necessary permits from the City's Public Works Department that are associated with working in the right-of-way. Contractors performing work in city right-of-way must submit a performance bond equal to 110 percent of the value of the work and a Certificate of Insurance naming the City of Sandy as additionally insured. The applicant shall submit an itemized estimate for the street frontage improvements and utility connections for City review and approval.
8. Demonstrate that the base of the proposed drywell will be a minimum of 5 feet above the seasonal high groundwater level (15 ft. BGS). The site plan submitted with the building permit application shall show rim elevations for the proposed drywell(s) and driveway grading and spot elevations to demonstrate that runoff from all impervious surfaces will drain to the proposed drywell(s).

**D. Prior to occupancy (temporary or final) the applicant shall complete the following or provide assurance for their completion.**

1. Construct half-street improvements on the Jacoby Road frontage of the site.
2. Underground all existing and proposed franchise utilities (i.e., cable, electric, phone, etc.) 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.
3. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. The address shall be plainly legible and visible from the road fronting the property and the same shall be on the dwelling plainly legible and visible when approaching. The address numbers shall be a minimum of 4-inches and contrasting colors.

4. Grant a utility and access easement over the existing 'flag pole' on Tax Lot 2800 benefiting Tax Lot 2700. Submit a copy of the recorded easement to the City to demonstrate that Tax Lot 2700 will have legal access to a public street.
5. Abandon the existing driveway approach on Tax Lot 2700 and replace it with Type "C" curb.
6. Submit a legal description and sketch for the dedication area for City review and then dedicate the right-of-way using the City's standard dedication deed form. The applicant shall be responsible for all recording costs and submit a recorded copy of the dedication deed to the City.

**E. General Conditions of Approval**

1. Design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.
2. Future changes to the structure or development of the site shall require separate land use approval, including potentially a pre-application conference, and shall comply with the design standards in Chapter 17.90.
3. All structures are required to maintain a minimum 20-foot setback from the Jacoby Road public right-of-way.
4. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacement of dead or dying vegetation.
5. Any areas disturbed during modification of the existing site shall be re-vegetated to pre-project condition.
6. No land disturbing activity shall be conducted so as to cause slides of mud, soil, rock, vegetative material, or any other material to be pushed onto, deposited upon, or gravitated to the property of another, either public or private, as specified in Ordinance 2002-12.
7. Confer with the Sandy Fire District to ensure compliance with the requirements of the Sandy Fire Marshal as contained in Exhibit H. The applicant shall comply with all applicable Oregon Fire Code Requirements.
8. Successors-in-interest of the applicant shall comply with site development requirements.
9. The proposed development shall connect to municipal water and sanitary sewer services, and pay all applicable system development charges.

10. Land use approval does not connote approval of utility or public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase by the City Engineer and Public Works Director.
11. 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.



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Emily Meharg  
Senior Planner

### **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 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.