

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

DATE: June 15, 2021

FILE NO.: 21-015 SUB/TREE

PROJECT NAME: Ten Eyck Rim Subdivision

OWNER/APPLICANT: Tom Orth

LEGAL DESCRIPTION: T2S R4E Section 13AD Tax Lot 900

DECISION: Approved subject to conditions of approval

The above-referenced proposal was reviewed as a Type II Subdivision with tree removal. 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
- B. Narrative
- C. Plan Set (April 29, 2021):
 - Sheet C1: Cover Sheet & Preliminary Plat Map
 - Sheet C2: Existing Conditions & Tree Retention Plan
 - Sheet C3: Preliminary Street and Utility Plan
 - Sheet C4: Preliminary Street Tree Plan
 - Sheet C5: Preliminary Parking Analysis
 - Sheet C6: Preliminary Grading and Erosion Control Plan
- D. Preliminary Storm Drainage Design and Calculations (March 22, 2021)
- E. Arborist Report (May 2, 2021)
- F. Trip Generation & Sight Distance Report (March 23, 2021)
- G. Applicant's response to incompleteness letter (May 3, 2021)

Agency Comments

- H. Transportation Engineer (May 25, 2021)
- I. Fire Marshal (June 7, 2021)
- J. Clackamas County Transportation (June 7, 2021)
- K. Public Works Director (June 7, 2021)

L. Parks and Trails Advisory Board (June 9, 2021)

Public Comments

M. Greg Dirks (May 31, 2021)

Supplemental Documents Provided by Staff

N. Staff Email Correspondence Regarding Tree Retention

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal materials received on April 1, 2021, with additional items received on May 4, 2021. The application was deemed complete on May 18, 2021. The 120-day deadline is September 15, 2021.
2. The subject property consists of one parcel with a total area of approximately 1.17 acres. It is located on the east side of Ten Eyck Road, north of Pleasant Street and south of Hood Street.
3. The parcel has a Plan Map designation of Medium Density Residential and a Zoning Map designation of R-2, Medium Density Residential.
4. Tom Orth submitted an application for a 9-lot subdivision located on a 1.17-acre parcel on the east side of Ten Eyck Road between Hood Street and Pleasant Street. The 9 lots range in size from 4,827 square feet to 8,604 square feet and all lots are proposed to gain access from either Pleasant Street or Hood Street. All lots are proposed to contain either a single-family home or a duplex. The proposal also includes frontage improvements and removal of all but three trees from the subject property. The applicant did not request any adjustments or variances to the Development Code so the subdivision was processed as a Type II review with a decision made by City staff.
5. Notice of the proposal was mailed to property owners within 300 feet of the site and public and private agencies on May 20, 2021.
6. One written public comment was received. Greg Dirks (Exhibit M) had questions about the sewer line and frontage improvements. Mr. Dirks also expressed concerns about line-of-sight issues at the intersection of Hood Street and Ten Eyck Road, tree removal, and road closures on Hood Street during construction.

17.30 – Zoning Districts

7. The total gross acreage for the entire property is 1.17 acres. Per the submitted narrative (Exhibit B), the development does not contain any public right-of-way dedication or stormwater tract dedication or restricted development areas (RDA) so the net site area (NSA) is 1.17 acres. In the Medium Density Residential (R-2) zoning district, density shall not be less than 8 nor more than 14 units per net acre. Based on required density, the narrative concludes that the property requires a minimum of 9 dwelling units (1.17 NSA x 8) and a maximum of 16 dwelling units (1.17 NSA x 14) and that the 9 proposed dwelling units are within this range. However, the

applicant will be required to dedicate right-of-way along the Ten Eyck Road frontage of the site per the Clackamas County Roadway Standards. In addition, the applicant will need to either dedicate right-of-way or provide a pedestrian easement along the Pleasant Street frontage of the site. **The applicant shall submit an updated density analysis accounting for the required right-of-way dedication along Ten Eyck Road, as well as the dedication along Pleasant Street if applicable.**

17.38 – Medium Density Residential Zoning District (R-2)

8. The applicant proposes 9 single family detached dwellings in conformance with minimum and maximum density requirements, as detailed above in Chapter 17.30.
9. The primary uses of Chapter 17.38 include single detached dwellings. The applicant proposes 9 single-family detached dwellings, in conformance with the permitted uses of this chapter. The applicant does not propose any zero-lot-line dwellings.
10. All lots meet the minimum 20-foot lot frontage required by Section 17.38.30.
11. **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.**
12. Subsection 17.38.40 requires the site to connect to municipal services including water and sanitary sewer, as well as accessibility to public streets. All proposed lots will connect to municipal water and sanitary sewer services.

17.74 – Accessory Development

13. Section 17.74.40 contains standards for fences and retaining walls. The Preliminary Street and Utility Plan (Exhibit C, Sheet C3) details a retaining wall along a portion of the east side of the subject property along Ten Eyck Road. The proposed wall is approximately 2 feet tall at back of sidewalk in compliance with the maximum wall/fence height standards for walls in residential front yards as contained in Section 17.74.40(A.2). The proposed wall will be a Keystone block wall. Should the applicant or future homeowner choose to install a fence in the front yard, **the combined wall and fence height in the front yards of Lots 5 and 6 along Ten Eyck Road shall not exceed 4 feet per Section 17.74.40(A.2) or 3 feet within the vision clearance area per Section 17.74.40(A.1).**

17.80 – Additional Setbacks on Collector and Arterial Streets

14. 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 Ten Eyck Road, which is classified as a minor arterial street in the Sandy Transportation System Plan. **All structures shall maintain a minimum 20-foot setback from the Ten Eyck Road public right-of-way.**

17.82 – Special Setbacks on Transit Streets

15. 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.” Ten Eyck Road is identified as a minor arterial street in the Transportation System Plan. Per Section 17.82.20(A), **dwelling on Lots 5 and 6 shall have their primary entrance oriented toward Ten Eyck Road.**
16. Per Section 17.82.20(B), **Lots 5 and 6 shall include a clearly marked, lit pedestrian pathway extending from the adjacent transit street right-of-way (Ten Eyck Road) to the structure’s primary entrance. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director. 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.**
17. **The applicant shall plat a vehicle non-access reserve (VNAR) strip for the west property lines of Lots 5 and 6 fronting Ten Eyck Road.**

17.84 – Improvements Required with Development.

18. 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.**
19. Section 17.84.30(A) specifies sidewalk requirements along both sides of all arterial and local streets separated from the curb by a 5-foot planting area. Section 17.84.30(A.1) requires sidewalks on local streets to be a minimum of 5 feet wide. Hood Street and Pleasant Street are both local streets. The proposed sidewalk on Hood Street is 5 feet wide with a 5-foot planter strip as required by Section 17.84.30(A.1). The proposed sidewalk on Pleasant Street is 5 feet wide but the site plan only details a 4-foot planter. The submitted narrative (Exhibit B) states that the proposed reduced width of the planter strip on Pleasant Street is due to the width of the existing 50 foot right-of-way and the width of the existing street paving. **The applicant shall update the plan set to detail the planter strip on Pleasant Street (including the Tax Lot 905 frontage) at 5 feet in width.** The Preliminary Street and Utility Plan (Exhibit C, Sheet C3) details a portion of the proposed sidewalk along Pleasant Street on the subject property. **The applicant shall either dedicate sufficient right-of-way or record a pedestrian easement to accommodate a 5 foot sidewalk and 5 foot planter strip along Pleasant Street.** As a condition of approval for File No. 18-010 MP/VAR, the applicant is required to install quarter street frontage improvements along the Pleasant Street frontage of Tax Lot 905 to the east of the subject property as detailed on the Preliminary Street and Utility Plan (Exhibit C, Sheet C3). **The applicant shall install quarter street frontage improvements along the Pleasant Street frontage of Tax Lot 905 concurrently with public improvements prior to final plat approval.**

20. Ten Eyck Road is classified as minor arterial street and therefore requires 6-foot sidewalks per Section 17.84.30(A.2). Clackamas County has jurisdiction over Ten Eyck Road. Clackamas County Transportation (Exhibit J) reviewed the proposal and submitted comments. The County's comments require a 5-foot sidewalk; however, the City requires 6-foot sidewalks on streets classified as arterial. The proposal includes incorporating the required 6-foot sidewalks with 5-foot planter strips along the Ten Eyck Road right-of-way. Due to the location of one of the proposed retention trees (Tree #19), the project arborist is recommending curb-tight sidewalk along an approximately 30-foot section of Ten Eyck Road, as detailed on the Preliminary Street and Utility Plan (Exhibit C, Sheet C3). The Preliminary Street and Utility Plan also details a portion of the proposed sidewalks along Ten Eyck Road on the subject property. Per the Public Works Director (Exhibit K), **the applicant shall dedicate by deed or with a plat notation additional right-of-way on the Ten Eyck Road frontage of the site per the comments received from Clackamas County Transportation to accommodate a half-street right-of-way, including a 6-foot sidewalk and 5-foot planter strip.** The County standard for sidewalks on arterial streets is five feet wide. The City's standard is six feet wide. In this case the City's standard shall govern as required by this land use decision.
21. The submitted Trip Generation & Sight Distance Report (Exhibit F) was completed by Lancaster Mobley and is dated March 23, 2021. The traffic assumptions are based on nine (9) single family detached dwellings and the trip rates are from the Institute of Transportation Engineers (ITE) Trip Generation Manual. The proposed development is estimated to generate 7 trips during the morning peak hour, 9 trips during the evening peak hour and 84 trips during each weekday. Because the peak trips are less than 20 trips, a Transportation Impact Study is not warranted. In conformance with House Bill 2001, the nine single family detached dwellings could potentially be converted to duplexes in the future. Staff reached out to the Transportation Engineer and confirmed that nine (9) duplexes would still result in fewer than 20 peak hour trips and, therefore, would not trigger a Transportation Impact Study.
22. The sight distance analysis found there is adequate sight distance at the intersection of Ten Eyck Road and Pleasant Street. At the intersection of Ten Eyck Road and Hood Street, the intersection sight distance is not met; however, the stopping sight distance is met. The sight analysis report states that the applicant submitted a Design Modification request to Clackamas County regarding the details of the sight distance obstruction and the necessity to use stopping sight distance rather than intersection sight distance. The City Transportation Engineer (Exhibit H) concluded that based on the information provided by the applicant, the submitted Trip Generation & Sight Distance Report (Exhibit F) meets City requirements and there is no need for traffic impact mitigation for the proposed development. Clackamas County Transportation (Exhibit J) reviewed the traffic study and agrees with the findings but states, **the applicant shall be required to maximize sight distance and limit any plantings, retaining walls or other visual obstruction in all directions at both intersections with Ten Eyck Road.**
23. Greg Dirks (Exhibit M) expressed concerns about access and street closures during construction of frontage improvements on Hood Street. Short duration (2 hours maximum), intermittent street and driveway closures during the construction of the utilities and street improvements are unavoidable. **The developer shall provide residents advance notice of any**

interruptions of access. Otherwise, one-lane of traffic shall be maintained at all other times on Hood Street.

24. Ten Eyck Road is classified as a minor arterial street in the City of Sandy Transportation System Plan. As detailed on the Preliminary Street and Utility Plan (Exhibit C, Sheet C3), the applicant is proposing half street improvements along Ten Eyck Road. Clackamas County Transportation has jurisdiction over access and improvements on Ten Eyck Road and, therefore, reviewed the proposal and provided comments (Exhibit J). If the applicant is advised to or chooses to modify the proposal in terms of access location and/or design following the preparation of the comments submitted by Clackamas County Transportation, the County requests an opportunity to review and comment on such changes prior to a decision being made. Clackamas County Transportation's comments are summarized below with corrections by the City of Sandy.

- **All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with *Clackamas County Roadway Standards*.**

- **Prior to final Plat recording:**
 - **The applicant shall obtain a Development Permit from the Clackamas County Engineering Division for design and construction of required improvements, utility installation and access to Ten Eyck Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon meeting Section 140 of the Clackamas County Roadway Standards.**
 - **The applicant shall dedicate sufficient right-of-way along the entire frontage of Ten Eyck Road as necessary to provide a minimum 35-foot one-half right-of-way width. The right-of-way centerline and half-width shall be verified by a professional surveyor to the satisfaction of DTD Engineering and Survey Departments.**
 - **The applicant shall dedicate a minimum 8-foot wide public utility, sign and sidewalk easement along Ten Eyck Road.**
 - **The applicant shall provide a plat note restricting vehicular traffic access to all lots with frontage along Ten Eyck Road.**
 - **The applicant shall meet the requirements for Substantial Completion Section 190 of the Clackamas County Roadway Standards.**

- **Prior to Development Permit issuance:**
 - **The applicant shall enter into a Developer/Engineer Agreement for primary inspection services. This form will be provided to the applicant and shall be signed and returned to the County Plans Reviewer.**
 - **The applicant shall design and construct improvements on Ten Eyck Road in accordance with the *Clackamas County Roadway Standards*. These improvements shall consist of:**
 - **Up to a half-street improvement of:**
 - **20 feet of pavement from the centerline of right-of-way (structural section to meet Standard Drawing C100 for a Minor Arterial)**

- 6-inch standard curb or curb and gutter
 - 5-foot wide planter strip with street trees
 - 6-foot wide ADA compliant sidewalk
 - Dual ADA compliant ramps at the NE intersection of Ten Eyck Road and Pleasant Street and SE intersection of Ten Eyck Road and Hood Street.
 - Stormwater drainage facilities along Ten Eyck Road shall conform to Water Environmental facilities and Chapter 4 of the Clackamas County Roadway Standards.
 - Minimum curb radius of 25 feet at the intersection of Pleasant Street and Hood Street.
- If the proposed development is planning on discharging stormwater to Clackamas County right-of-way, the applicant shall perform a downstream analysis to ensure the existing system can accommodate the 100 year storm as required by Chapter 4 of the Clackamas County Roadway Standards. Since the applicant is proposing storm drainage improvements, per sheet C3, the applicant shall show their contributions do not create a negative impact on the existing system and drainage swale along Ten Eyck Road. The applicant shall provide an inspection report of existing stormwater facilities within Ten Eyck Road and replace any deficiencies and perform a downstream analysis for all stormwater contributions above existing.
- Utility connection and extension for work within the Ten Eyck Road right-of-way shall be submitted as part of the Development. Utility installations shall be in compliance with Chapter 7 of the Clackamas County Roadway Standards. Pavement restoration shall be in accordance with, Standard Drawings U275 through U290.
- **Prior to Substantial Completion:**
 - The applicant shall provide maximize intersection sight distance at both intersections with Ten Eyck Road northbound and southbound.
 - The applicant shall provide a Certificate of Compliance signed by the Engineer of Record stating all materials and improvements have been installed per approved plans.
 - The applicant shall submit electronic as-built plans showing all improvements and construction changes, added and deleted items and location of utilities. A professional engineer, registered in the state of Oregon, shall stamp and sign as-built plans.
25. Hood Street is classified as a local street in the City of Sandy Transportation System Plan. Per the Public Works Director (Exhibit K), given the number of lots (four) taking access via Hood Street **a three-quarter street improvement (curb, paving, sidewalk, lighting and drainage on the development site frontage and curb, paving and drainage on the opposite side of Hood) shall be required per Section 17.84.50(F)**. As detailed on the Preliminary Street and Utility Plan (Exhibit C, Sheet C3), the applicant is proposing three-quarter street improvements on Hood Street. As noted by the Public Works Director, the Preliminary Street and Utility Plan shows the paving and curb return ending at the point of curvature at the NE corner of the

intersection of Hood Street and Ten Eyck Road. This will create an unusually large gravel shoulder and transition area at the intersection of Hood Street and Ten Eyck Road. **The three-quarter street improvement shall include the structural street section, curbs, drainage and paving up to the point of curvature (PC) with an appropriate taper/transition at the intersection to be determined during construction plan review.**

26. Pleasant Street is classified as a local street in the City of Sandy Transportation System Plan. Per the Public Works Director (Exhibit K), given the number of utility cuts required for the dwellings to be serviced by the proposed water and existing sewer lines in Pleasant Street **a half-street improvement will be required on the Pleasant Street frontage of the site.** As detailed on the Preliminary Street and Utility Plan (Exhibit C, Sheet C3), the applicant is proposing half street improvements on Pleasant Street, including a half street improvement on the Pleasant Street frontage of Tax Lot 905.
27. **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.**
28. The applicant submitted a Preliminary Storm Drainage Design and Calculations report (Exhibit D) prepared by All County Surveyors and Planners, Inc. and dated March 22, 2021. The preliminary report concludes that the conveyance system for the proposed Ten Eyck Rim Subdivision site has been sized to handle the peak 25-year, 24-hour storm and the on-site detention has been designed to maintain existing downstream stormwater runoff characteristics in accordance with the City of Sandy requirements. A CDS Storm Water Treatment Device will be used for water quality. **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.**
29. **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.** Per the Public Works Director (Exhibit K), there is no water line in Pleasant Street adjacent to the site. **The applicant shall extend an 8-inch water line in Pleasant Street from Ten Eyck Road to connect to the existing 8-inch 'dry' line in Pleasant Street. No building permits, except for one model home, will be issued until all public utilities including sanitary sewer and water service are available to serve the development and the City determines substantial completion of all public improvements. If the applicant chooses to install a model home,**

the applicant shall commit to a Model Home Agreement with the City of Sandy. The applicant shall pay plan review, inspection, and permit fees as determined by the Public Works Director.

30. **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.**
31. 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.**
32. The Fire Marshal (Exhibit I) reviewed the proposal and provided general comments as well as comments related to fire apparatus access and firefighting water supplies. **Construction documents detailing compliance with fire apparatus access and fire protection water supply requirements shall be provided to 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, including monument signs. 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. These numbers shall contrast with their background. Each new fire hydrant installed shall be ordered in an OSHA safety red finish and have a 4-inch non-threaded metal faced hydrant connection with cap installed on the steamer port. If a new building, structure, or dwelling is already served by an existing hydrant, the existing hydrant shall also be OSHA safety red and have a 4-inch non-threaded metal faced hydrant connection with cap installed.** The Fire Marshal also included a recommendation for street connectivity between Hood Street and Pleasant Street to eliminate the pre-existing non-conforming condition regarding lack of fire apparatus turnarounds. Per Section 17.100.120(B), blocks shall not exceed 400 feet and per Section 17.100.120(D), blocks exceeding 600 feet shall provide a bike/ped accessway mid-block. The existing block along Pleasant Street from Ten Eyck Road to the eastern terminus of Pleasant Street is approximately 608 feet. The applicant previously applied and received approval for a variance to Section 17.100.120(D) to not provide a bike/ped access way on a block that exceeds 600 feet (File No. 18-010 MP/VAR). In the final order issued for File No. 18-010 MP/VAR, staff noted: "If Hood Street and Pleasant Street are extended further east in the future, resulting in a block length that exceeds the current 608 feet, the mid-block pedestrian and bicycle accessway requirement will be assessed again in conjunction with the proposed development at that time." Similarly, if Hood Street and Pleasant Street are extended further east in the future, the 400-foot maximum block length requirement will also be assessed in conjunction with the proposed development at that time. Street connectivity will not be required as part of this application. The Fire Marshal conditions that, absent street connectivity, the Ten Eyck Rim subdivision is to be provided with an approved area for turning around fire apparatus on Hood Street. Diagrams of approved turnarounds can be found in the Fire Code Application Guide. **The applicant shall update the**

Plan Set to detail the required fire apparatus turnaround on Lot 9 or as otherwise permitted by Fire Marshal Boyles. The fire apparatus turnaround area shall be paved with asphalt and “NO PARKING” signs shall also be installed in the turnaround area. The applicant shall record a fire apparatus easement for the required fire apparatus turnaround. If Hood Street is provided with an alternative fire apparatus access or turnaround at the time of future development, then the turnaround provided with this subdivision approval may be removed and the easement may be terminated. At such time, the future development shall be required to replace the curb and plant street trees along the frontage of the previous fire apparatus turnaround.

17.86 – Parkland and Open Space

33. Section 17.86.10 specifies the required parkland dedication formula. The applicant is therefore required to dedicate 0.12 acres of parkland if single family homes are proposed, or 0.23 acres of parkland if duplexes are proposed on every lot, or somewhere in between based on the mix of single-family and duplexes.
34. The application does not propose to dedicate parkland, but instead proposes payment of a fee in-lieu of dedication under Section 17.86.40. The City of Sandy’s Parks and Trails Advisory Board (Exhibit L) reviewed the proposal at their June 9, 2021 meeting and recommends that the City accept the fee in-lieu of land as proposed by the developer. As such, **the applicant shall pay a fee in lieu of parkland dedication.** The parks dedication requirement, and therefore the fee in-lieu requirement, is based on the impact from the number of people anticipated to live in the units in the subdivision, and a duplex includes two dwelling units, each of which can be occupied by a family (or a number of unrelated persons). Accordingly, each unit of a duplex is treated the same as a separate single-family dwelling for purposes of calculating the fee-in-lieu under Section 17.86.40. To ensure compliance with the standard, **the applicant shall pay a fee-in-lieu of parkland dedication in the amount of \$28,920 (0.12 multiplied by \$241,000) to the City prior to final plat approval, or \$31,800 (0.12 multiplied by \$265,000) if half is deferred to building permit issuance. If the applicant chooses to defer payment, the applicant shall pay \$15,900 prior to recording of final plat and the additional \$15,900 divided by the 9 lots, or \$1,766.67 with each building permit. Additionally, if any lot includes a duplex, the applicant shall pay an additional \$2,946 (0.11 multiplied by \$241,000 divided by 9) with the building permit for that lot. With this condition, the City finds the application complies with Section 17.86.10.**

17.92 - Landscaping and Screening

35. Section 17.92.30 requires the applicant to provide street trees along all public streets. The Preliminary Street Tree Plan (Exhibit C, Sheet C4) details four (4) street trees along the Hood Street frontage of the site, four (4) street trees along the Ten Eyck Road frontage of the site, and five (5) street trees along the Pleasant Street frontage of the site. **The applicant shall update the Street Tree Plan to detail one additional street tree on Ten Eyck Road north of the curb-tight sidewalk for a total of five street trees along Ten Eyck Road.** The spacing for the three trees north of the curb-tight sidewalk can be reduced to 20-25 feet on center. Due to the required fire apparatus turnaround on Hood Street, there may only be three (3) street trees on Hood Street. The plan indicates that the street tree species will be dictated by City Planning staff at the time of planting. Staff will review the tree species and spacing with construction

plans. **The street tree species shall be selected from the City of Sandy street tree list; due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time.** To improve species diversity, **the applicant shall include at least four (4) different tree species, with at least two (2) different species per street.** The submitted plan does not detail any street trees along the Pleasant Street frontage of Tax Lot 905. **The applicant shall update the Street Tree Plan to detail two (2) street trees along the frontage of Tax Lot 905 spaced 30 feet on center.**

36. **Street trees shall be installed approximately 30 feet on center in conjunction with individual home construction. The two (2) street trees along the Pleasant Street frontage of Tax Lot 905 shall be installed with public improvements prior to final plat approval.** Trees planted along all other streets will be planted in association with development of individual lots. As specified in Section 17.92.50, **street trees shall be a minimum caliper of 1.5-inches measured 6 inches above 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). 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 submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street trees.**
37. 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.**
38. 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

39. Section 17.98.20(A.8) requires single-family homes (detached or attached) to have a minimum of two off-street parking spaces per dwelling. Based on the general size of the lots, the applicant should have sufficient area to accommodate the required off-street parking requirements.
40. 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 Section 17.98.130.**
41. Section 17.98.200 requires all subdivisions to provide one (1) on-street parking space within 300 feet of each dwelling measured from the primary entrance of the dwelling. The applicant

submitted a Preliminary Parking Analysis (Exhibit C, Sheet C5) detailing 9 on-street parking spaces in conformance with Section 17.98.200.

17.100 – Land Division

42. 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.
43. Section 17.100.60(E) contains criteria for approving residential subdivisions. Section 17.100.60(E.1) requires subdivisions to be consistent with the density, setback, and dimensional standards of the base zoning district, unless modified by a Planned Development approval. The proposal is consistent with density and other dimensional standards of the base zoning district (R-2).
44. Section 17.100.60(E.2) requires subdivisions to be consistent with the design standards set forth in this chapter. Consistency with design standards in this chapter are discussed under each subsection below. Conditions of approval can be adopted where necessary to bring the proposal into compliance with applicable standards.
45. Section 17.100.60(E.3) requires the proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy. The proposed 9-lot subdivision does not include any new streets or street extensions. The applicant previously applied for and was granted a variance to not provide a pedestrian and bicycle access way through the subject property.
46. Section 17.100.60(E.4) requires that adequate public facilities are available or can be provided to serve the proposed subdivision. All public facilities including water, sewer and stormwater are available or will be constructed by the applicant to serve the Ten Eyck Rim Subdivision.
47. Section 17.100.60(E.5) requires all proposed improvements to meet City standards through the completion of conditions as listed within this final order and as detailed within these findings. The detailed review of proposed improvements is contained in this order. Conditions of approval can be adopted to bring the proposal into compliance with all standards.
48. Section 17.100.60(E.6) strives to ensure that a phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops. The applicant did not submit a phasing plan. This subdivision request is for a 9-lot subdivision in one development phase.
49. Section 17.100.120(D) requires a pedestrian and bicycle access way to be provided on any block over 600 feet in length. As part of File No. 18-010 MP/VAR, the applicant requested and was granted a variance to not provide a mid-block pedestrian and bicycle accessway connecting Pleasant Street to Hood Street.

50. Per Section 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.**
51. Section 17.100.210 contains standards related to street lighting. **The applicant shall install street lights along all street frontages wherever street lighting is determined insufficient. The locations of proposed light fixtures shall be reviewed in detail with construction plans.**
52. **If applicable, 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. If applicable, abandon the existing well per the requirements of OAR 690-220 and submit proof of proper well abandonment to the City.**
53. **The applicant shall comply with Section 17.100.260, which 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 applicable utility company.**
54. **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. Per the submitted arborist report (Exhibit E), the applicant shall shift sediment fencing to outside the tree protection zones. If erosion control is required inside the tree protection zones, the applicant shall use straw wattles to minimize root zone disturbance of the trees to be retained.** 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.**
55. **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

56. The total gross acreage for the entire property is 1.17 acres. Based on this amount of acreage, the overall property is required to retain 4 trees (1.17 x 3) with at least three of the required trees per acre being of conifer species, if possible. However, the Development Services Director approved the applicant's retention tree calculation for this proposal based on a site acreage of 1.166 acres, which results in a requirement to retain 3 trees (Exhibit N).
57. The Existing Conditions and Tree Retention Plan (Exhibit C, Sheet C2) details 22 trees 11-inches or greater diameter at breast height (DBH), 21 of which are located on the subject

property. Of the 21 trees present on the subject property, the applicant proposes to remove 18 trees and retain three (3) trees. The applicant submitted an Arborist Report (Exhibit E) completed by Todd Prager of Teragan & Associates dated May 2, 2021. The report indicates that the following three (3) trees are proposed for retention:

- Tree #19, a 37-inch DBH Douglas fir in good condition
- Tree #21, a 14-inch DBH shore pine in good condition
- Tree #22, a 25-inch DBH deodar cedar in good condition

The applicant shall retain the three (3) trees identified on the Tree Retention Plan.

58. 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 Arborist Report (Exhibit E) states: “Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade. Fence installation may be delayed until immediately after tree removal is complete.” The arborist report also states: “The fencing should be put in place before the ground is cleared in order to protect the trees and the soil around the trees from disturbances” and requires the fencing to have signage so that all contractors understand the purpose of the fencing. **The applicant shall install tree protection fencing as indicated on Attachment 1 of the Arborist Report (Exhibit E). 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 with the following language per the arborist report: “Tree Protection Zone. Do not remove or adjust the approved location of this tree protection fencing. Please contact the project arborist if alterations to the approved location of the tree protection fencing are necessary. Todd Prager, Project arborist – 971-295-4835.” Should the fencing need to be adjusted, the applicant or project arborist shall contact Planning staff and obtain staff review and approval prior to relocating the fence. 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.**
59. The Arborist Report (Exhibit E) contains a number of additional tree protection recommendations including, but not limited to, recommendations related to directional felling, stump removal, tree crown protection, sidewalk and retaining wall construction, utilities, compaction prevention, pruning, sediment fencing, notification of contractors, protection during construction, and protection after construction. **The applicant shall follow all recommendations contained in the Arborist Report (Exhibit E).** The proposed storm drain facility located at the back of the proposed lots is within the minimum root protection zone of Tree #19 on Lot 5. **In order to better protect Tree #19, the applicant shall bore the portion of the proposed storm utility located on Lot 5.**
60. **To ensure protection of the required retention trees, the applicant shall record a tree protection covenant specifying protection of the three (3) retention trees and limiting removal without submittal of an Arborist’s Report and City approval. This document**

shall include a sketch identifying the retention trees and critical root zone (detailed at 1 foot per 1 inch DBH) around the retention trees.

61. Greg Dirks (Exhibit M) expressed concerns about the removal of many nice trees from the subject property. Mr. Dirks asks that the developer follow regulations as set in the migratory bird act. **The applicant shall adhere to the regulations of the Migratory Bird Act. If the trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.**

DECISION

The Ten Eyck Rim 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. Update the plan set to detail the planter strip on Pleasant Street (including the Tax Lot 905 frontage) at 5 feet in width.
 2. Update the Plan Set to detail the required fire apparatus turnaround on Lot 9 or as otherwise permitted by Fire Marshal Boyles. The fire apparatus turnaround area shall be paved with asphalt and “NO PARKING” signs shall also be installed in the turnaround area.
 3. Update the Street Tree Plan to detail two (2) street trees along the Pleasant Street frontage of Tax Lot 905 spaced 30 feet on center and one (1) additional street tree on Ten Eyck Road north of the curb-tight sidewalk for a total of five street trees along Ten Eyck Road.
 4. 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.
 5. Submit an updated density analysis accounting for the required right-of-way dedication along Ten Eyck Road, as well as the dedication along Pleasant Street if applicable.
- B. Prior to earthwork, grading, or excavation, the applicant shall complete the following and receive necessary approvals as described:**
 1. Apply and receive approval for 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. The applicant shall shift sediment fencing to outside the tree protection zones. If erosion control is required inside the tree protection zones, the applicant shall use straw wattles to minimize root zone disturbance of the trees to be retained. (*Submit to Planning Division and Public Works Department for approval*)

2. Submit proof of receipt of a Department of Environmental Quality 1200C permit or submit confirmation from DEQ if a 1200-C Permit will not be required.
3. Identify the 3 trees on the site to be protected on the grading plan and install tree protection fencing as detailed on Attachment 1 of the Arborist Report (Exhibit E). 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 with the following language per the arborist report: “Tree Protection Zone. Do not remove or adjust the approved location of this tree protection fencing. Please contact the project arborist if alterations to the approved location of the tree protection fencing are necessary. Todd Prager, Project arborist – 971-295-4835.” Should the fencing need to be adjusted, the applicant or project arborist shall contact Planning staff and obtain staff review and approval prior to relocating the fence. 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 subject lots.
4. Adhere to the regulations of the Migratory Bird Act. If the trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.
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. 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.

4. 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.
5. Construction documents detailing compliance with fire apparatus access and fire protection water supply requirements shall be provided to Sandy Fire District for review and approval upon building permit submittal.
6. Obtain a Development Permit from the Clackamas County Engineering Division for design and construction of required improvements, utility installation and access to Ten Eyck Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon meeting Section 140 of the Clackamas County Roadway Standards.

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

1. The applicant shall pay a fee in-lieu of parkland dedication in the amount of \$28,920 (0.12 multiplied by \$241,000) to the City prior to final plat or \$31,800 (0.12 multiplied by \$265,000) if half is deferred to building permit issuance. If the applicant chooses to defer payment, the applicant shall pay \$15,900 prior to recording of final plat and the additional \$15,900 divided by the 9 lots, or \$1,766.67 with each building permit. Additionally, if any lot includes a duplex, the applicant shall pay an additional \$2,946 (0.11 multiplied by \$241,000 divided by 9) with the building permit for that 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 Ten Eyck Road, Pleasant Street (including Tax Lot 905 frontage), and Hood Street.
 - b. Three quarter street improvements on Hood Street. The three-quarter street improvement shall include the structural street section, curbs, drainage and paving up to the point of curvature (PC) with an appropriate taper/transition at the intersection to be determined during construction plan review.
 - c. Half street improvements on Ten Eyck Road and Pleasant Street.
 - d. Street lighting in conformance with city standards.
 - e. ADA ramps to meet the most current PROWAG requirements.
3. Extend an 8-inch water line in Pleasant Street from Ten Eyck Road to connect to the existing 8-inch 'dry' line in Pleasant Street.
4. Plant street trees along the Pleasant Street frontage of Tax Lot 905. 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 submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street trees.

5. Install quarter street frontage improvements along the Pleasant Street frontage of Tax Lot 905.
6. Dedicate the following:
 - a. Sufficient right-of-way to accommodate a minimum 35-foot one-half right-of-way width, including a 6 foot sidewalk and 5 foot planter strip, along Ten Eyck Road. The right-of-way centerline and half-width shall be verified by a professional surveyor to the satisfaction of DTD Engineering and Survey Departments.
 - b. Sufficient right-of way to accommodate a 5 foot sidewalk and 5 foot planter strip along Pleasant Street, or record a pedestrian easement.
7. Detail eight (8) foot public utility easement along property lines abutting a right-of-way for all lots within the subdivision. The plat shall detail all proposed easements as required by Subsection 17.100.130.
8. If applicable, submit an on-site sewage system decommissioning form to Clackamas County WES with a copy to the City. If applicable, abandon any existing wells per the requirements of OAR 690-220 and submit proof of proper well abandonment to the City. If the site has plumbing that needs to be capped, a plumbing permit will be required.
9. Record a tree protection covenant specifying protection of the 3 retention trees and limiting removal without submittal of an Arborist's Report and City approval. This document shall include a sketch identifying the retention trees and the critical root zone (detailed at 1 foot per 1 inch DBH) around the retention trees.
10. In order to better protect Tree #19, the applicant shall bore the portion of the proposed storm utility located on Lot 5.
11. Provide a plat note restricting vehicular traffic access to all lots with frontage along SE Ten Eyck Road.
12. Meet the requirements for Substantial Completion Section 190 of the Clackamas County Roadway Standards.
13. Record a fire apparatus easement for the required fire apparatus turnaround and provide a copy to Planning Division staff.
14. Each new fire hydrant installed shall be ordered in an OSHA safety red finish and have a 4-inch non-threaded metal faced hydrant connection with cap installed on the steamer port. If a new building, structure, or dwelling is already served by an existing hydrant, the existing hydrant shall also be OSHA safety red and have a 4-inch non-threaded metal faced hydrant connection with cap installed.
15. Pay addressing fees for the subdivision as identified in the most updated fee schedule.
16. Submit a true and exact reproducible copy (Mylar) of the Final Plat for final review and signature.

17. Submit a copy of the following once recorded:
 - Tree protection covenant including a map identifying the location of the retention trees.
 - Deeds identifying dedications to the City.

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

1. Submit a digital drawing of the final plat survey (CAD format).
2. The applicant shall enter into a Developer/Engineer Agreement for primary inspection services. This form will be provided to the applicant and shall be signed and returned to County Plans Reviewer.
3. The applicant shall design and construct improvements on Ten Eyck Road in accordance with the *Clackamas County Roadway Standards*. These improvements shall consist of:
 - a. Up to a half-street improvement of:
 - i. 20 feet of pavement from the centerline of right-of-way (structural section to meet Standard Drawing C100 for a Minor Arterial)
 - ii. 6-inch standard curb or curb and gutter
 - iii. 5-foot wide planter strip with street trees
 - iv. 6-foot wide ADA compliant sidewalk
 - v. Dual ADA compliant ramps at the NE intersection of Ten Eyck Road and Pleasant Street and SE intersection of Ten Eyck Road and Hood Street.
 - vi. Stormwater drainage facilities along Ten Eyck Road shall conform to Water Environmental facilities and Chapter 4 of the Clackamas County Roadway Standards
 - vii. Minimum curb radius of 25 feet at the intersection of Pleasant Street and Hood Street.
 - b. If the proposed development is planning on discharging stormwater to Clackamas County right-of-way, the applicant shall perform a downstream analysis to ensure the existing system can accommodate the 100 year storm as required by Chapter 4 of the Clackamas County Roadway Standards. Since the applicant is proposing storm drainage improvements, per sheet C3, the applicant shall show their contributions do not create a negative impact on the existing system and drainage swale along Ten Eyck Road. The applicant shall provide an inspection report of existing stormwater facilities within Ten Eyck Road and replace any deficiencies and perform a downstream analysis for all stormwater contributions above existing.
 - c. Utility connection and extension for work within the Ten Eyck Road right-of-way shall be submitted as part of the Development. Utility installations shall be in compliance with Chapter 7 of the Clackamas County Roadway Standards. Pavement restoration shall be in accordance with, Standard Drawings U275 through U290.

F. Prior to substantial completion, the applicant shall:

1. Provide maximize intersection sight distance at both intersections with Ten Eyck Road northbound and southbound.

2. Provide a Certificate of Compliance signed by the Engineer of Record stating all materials and improvements have been installed per approved plans.
3. Submit electronic as-built plans showing all improvements and construction changes, added and deleted items and location of utilities. A professional engineer, registered in the state of Oregon, shall stamp and sign as-built plans.

G. Conditions related to individual home construction:

1. If any lot includes a duplex that lot shall pay an additional \$2,946 (0.11 multiplied by \$241,000 divided by 9) with the building permit.
2. All structures shall provide building design features in conformance with the standards of Chapter 17.90.
3. Demonstrate compliance with all remaining applicable development standards at the time of proposed development on individual lots of record. All homes shall be constructed in compliance with the standards for projections into required setbacks and shall not exceed a height of 35 feet. All garages shall be setback a minimum of 20 feet from the property line.
4. All structures shall maintain a minimum 20-foot setback from the Ten Eyck Road public right-of-way.
5. Dwellings on Lots 5 and 6 shall have their primary entrance oriented toward Ten Eyck Road. Lots 5 and 6 shall include a clearly marked, lit pedestrian pathway extending from the adjacent transit street right-of-way (Ten Eyck Road) to the structure's primary entrance. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director. 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.
6. Install sidewalks and planter strips on all other streets (i.e., those not installed prior to final plat).
7. Street trees shall be installed approximately 30-feet-on-center in conjunction with individual home construction. Trees shall be planted in association with development of individual lots. As specified in Section 17.92.50, street trees shall be a minimum caliper of 1.5-inches measured 6 inches above 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). 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 submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street

trees. Staff will review the tree species and spacing with construction plans. The street tree species shall be selected from the City of Sandy street tree list; due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time. To improve species diversity, the applicant shall include at least four (4) different tree species, with at least two (2) different species per street.

8. All planter strips shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy.
9. 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.
10. Development of this subdivision shall include payment of system development charges in accordance with applicable city ordinances.
11. 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, including monument signs. 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. These numbers shall contrast with their background.
12. 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.
13. No building permits, except for one model home, will be issued until all public utilities including sanitary sewer and water service are available to serve the development and the City determines substantial completion of all public improvements. If the applicant chooses to install a model home, the applicant shall commit to a Model Home Agreement with the City of Sandy.

H. 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. The developer shall provide residents advance notice of any interruptions of access. Otherwise, one-lane of traffic shall be maintained at all other times on Hood Street.

4. The applicant shall be required to maximize sight distance and limit any plantings, retaining walls or other visual obstruction in all directions at both intersections with Ten Eyck Road.
5. All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with Clackamas County Roadway Standards.
6. The combined wall and fence height in the front yards of Lots 5 and 6 along Ten Eyck Road shall not exceed 4 feet per Section 17.74.40(A.2) or 3 feet within the vision clearance area per Section 17.74.40(A.1).
7. The applicant shall follow all recommendations contained in the Arborist Report (Exhibit E).
8. 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.
9. The applicant shall be responsible for the installation of all improvements detailed in Section 17.100.310, including fiber facilities.
10. 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.
11. The applicant shall comply with Section 17.100.260, which 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 applicable utility company. 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.
12. 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.
13. 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.

14. 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.
15. If Hood Street is provided with an alternative fire apparatus access or turnaround at the time of future development, then the turnaround provided in this subdivision may be removed and the easement may be terminated. At such time, the future development shall be required to replace the curb and plant street trees along the frontage of the previous fire apparatus turnaround.
16. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
17. 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.



June 15, 2021

Emily Meharg
Senior Planner

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.