



CITY OF  
**SANDY**

39250 PIONEER BOULEVARD ♦ SANDY, OR 97055  
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**EXHIBIT F**

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*Gateway to Mt. Hood*

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

**DATE:** December 8, 2017

**FILE NO.:** 17-053 SUB

**PROJECT NAME:** Mairin's Viewpoint Subdivision

**APPLICANT/OWNER:** John Mahaffy

**LEGAL DESCRIPTION:** T2S R4E Section 11, tax lot 400

**SITUS ADDRESS:** 15545 Bluff Road

**DECISION:** The Planning Department approves this Type II Subdivision to allow for the six lot Mairin's Viewpoint subdivision located to the south of Olson Street and the west of Bluff Road subject to Conditions of Approval.

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

**EXHIBITS:**

**Applicant's Submittals**

- A. Land Use Application Form
- B. Narrative
- C. Project Plan Set
  - Sheet 1: Cover Sheet and Preliminary Plat Map
  - Sheet 2: Existing Conditions and Tree Inventory
  - Sheet 3: Preliminary Street and Utility Plan
  - Sheet 4: Preliminary Parking Plan
  - Sheet 5: Future Street Plan
  - Sheet 6: Grading and Erosion Control Plan
- D. Arborist Report
- E. Traffic Analysis Letter
- F. Stormwater Report

### Agency Comments

G. City Engineer (October 17, 2017)

H. Public Works Director (November 21, 2017)

### Public Letters

None

## FINDINGS OF FACT

### General

1. These findings are based on the applicant's submittal received on September 21, 2017. The application was deemed complete on October 10, 2017 and the 120-day deadline is February 8, 2018.
2. The subject site consists of one parcel containing approximately 1.39 acres (area to be developed is 1.19 acres). The site is located south of Olson Street, north of Lawson Court, east of Dreamcatcher Avenue and west of Bluff Road.
3. The parcel has a Plan Map designation of Low Density Residential and a Zoning Map designation of SFR, Single Family Residential.
4. All County Surveyors and Planners Inc., on behalf of John Mahaffy, submitted an application to subdivide 1.39 acres into a six lot subdivision. The subject lot will be divided into six lots varying in size from 7,500 square feet to 11,849 square feet, and 0.20 acres dedicated for right-of-way. The proposal is to widen and improve Olson Street and Dreamcatcher Avenue, and dedicate five feet on the west side of Bluff Road to complete street frontage improvements. All six lots are proposed to take access from Olson Street. The existing house is proposed to remain and is already connect to municipal water, but **the existing house shall connect to sanitary sewer and pay appropriate system development charges (SDCs).**
5. There is no clear record how the subject lot was created, but likely it was created by deed. The tax assessor information states the existing house was constructed in 1969.
6. The dedication of right-of-way and subsequent construction of streets will eliminate the existing mailboxes. **The Clackamas County Surveyors Office requires the applicant to resolve any encroachments prior to final plat approval.**
7. There is an existing house on the subject property that is proposed to remain with platting of the subdivision. The existing house is proposed on Lot 4 and is proposed to meet all applicable setbacks once the new plat is created.
8. A notice of proposed development was mailed to all property owners within 200 feet of the subject site on October 10, 2017 and allowed for a comment period of 14 days as required by Section 17.22.50. No public comments were received. Agency comments were received from the City Engineer and Public Works Director.

### 17.30 – Zoning Districts

9. The applicant does not propose a density transfer with this application. Density in the SFR Zoning District shall not be less than 3 units or more than 5.8 units per gross acre. The total gross acreage for the entire site is 1.39 acres. The total acreage dedicated for public street right-of-way is .20 acres and no land is dedicated for parks or open space. The total net acreage after removing the street right-of-way is 1.19 net acres.
10. The net acreage of 1.19 acres shall contain a minimum of 3 dwelling units (1.19 x 3) and a maximum of 7 dwelling units (1.19 x 5.8). The applicant proposes 6 dwelling units within the required density range.

### 17.34 – SFR Single Family Residential Zoning District

11. As noted above, the proposed 6-lot subdivision complies with the density range in this chapter.
12. The applicant proposes constructing single family homes as permitted by Section 17.34.10.
13. The SFR zoning district requires a minimum lot size of 7,500 square feet, a minimum average lot width of 60 feet, and a minimum street frontage of 20 feet. The proposed lots range in size from 7,500 square feet to 11,849 square feet and the lots meet or exceed minimum average lot width and minimum lot frontage requirements. Lot 6 gains access from a private access easement on Lot 5, but only has frontage on Bluff Road.
14. The SFR zoning district requires minimum rear yard setbacks at 20 feet, front yard setbacks at 10 feet, side yard setbacks at 7.5 feet, corner lot setbacks at 10 feet, and garage setbacks at 22 feet. The proposed Plan Set includes building envelopes in compliance with these standards. Individual building setback standards will be confirmed at the time of building permit submittal.
15. Section 17.40.30 allows a maximum building height of 35 feet. Section 17.10 defines building height as the vertical distance above the highest adjoining ground surface to the average height of the highest gable of a pitched or hipped roof. Individual building heights will be confirmed at the time of each building permit submittal, but in no case shall buildings exceed 35 feet in height.
16. Section 17.40.40 contains minimum requirements for development. **All proposed homes and the existing home shall connect to municipal water and municipal sewer.**

### 17.80 – Additional Setbacks on Collector and Arterial Streets

17. Section 17.80.10 specifies additional setbacks for structures constructed adjacent to collector and arterial streets. Two of the proposed lots (Lots 5 and 6) are proposed to front Bluff Road which is classified as a minor arterial street. **All structures constructed on Lots 5 and 6 shall maintain a 20-foot setback to Bluff Road as specified in 17.80.20.**

### 17.82 – Special Setbacks on Transit Streets

18. Section 17.82.20 requires residential dwellings constructed along an existing or future transit street to be oriented towards the transit street. Bluff Road is identified as a future transit street in the Transit Master Plan requiring compliance with this section. **Houses on Lots 5 and 6 shall be**

**oriented to front Bluff Road, including construction of a front porch facing Bluff Road with a walkway connecting the porch to the Bluff Road sidewalk.**

17.84 – Improvements Required with Development

19. Section 17.84.20 contains requirements for the timing of improvements. Each lot shall 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. The applicant did not propose a phasing plan with this application.
20. Section 17.84.30 requires sidewalks along all public streets. The Preliminary Plat Map (Exhibit C, Sheet 1) depicts an 8 foot wide public utility easement along the frontage of Dreamcatcher Avenue and Olson Street and a 10 foot wide combined public utility and sidewalk easement along the frontage of Bluff Road to facilitate future installation of utilities. Sidewalks abutting the proposed lots shall be constructed in association with development of the lots. The sidewalks on Bluff Road shall be six feet in width and the sidewalks on Dreamcatcher Avenue and Olson Street shall be five feet in width, all three streets shall have sidewalks separated by a planter strip in areas not transverse by driveways. **Since no vehicular access will be permitted from Bluff Road, sidewalk improvements along this frontage shall be completed prior to Final Plat approval.**
21. The submitted Street Plan (Exhibit C, Sheet 3) identifies street trees along all three streets abutting the subdivision; however, more street trees can be accommodated on Olsen Street and Dreamcatcher Avenue than are identified. The submitted plan identifies five street trees on Bluff Road, five street trees on Olson Street, and three street trees on Dreamcatcher Avenue. **The applicant shall submit a revised Street and Utility Plan featuring at least seven street trees on Olson Street and at least four street trees on Dreamcatcher Avenue, spaced approximately 30 feet apart.**
22. Section 17.84.30(B) requires pedestrian and bicyclist facilities to minimize travel distance between residential areas, planned developments and parks. The applicant proposes five foot wide sidewalks on local streets (Dreamcatcher Avenue and Olson Street) and six foot wide sidewalks on the minor arterial (Bluff Road) along the proposed subdivision. These sidewalks provide safe and convenient pedestrian access within the subdivision and connect the site to neighboring properties. Staff does not recommend additional pedestrian connections. **Since no vehicular access will be permitted from Bluff Road, sidewalk improvements along this frontage shall be completed prior to Final Plat approval.**
23. Section 17.84.30(D) requires installation of pedestrian facilities extended through the site to the edge of adjacent properties. The proposal complies with this section.
24. Section 17.84.40 contains standards for public transit and school bus transit. The Transit Manager verbally indicated the proposed development will not require a transit amenity or concrete pad.
25. Section 17.84.50 contains standards for street improvements and traffic evaluations. The Traffic Analysis Letter (Exhibit E) for the proposed six lots was completed by Lancaster Engineering

(September 18, 2017). The traffic assumptions are based on the Trip Generation handbook, Ninth Edition. The trip rates indicate that upon full occupancy the subdivision, including the existing house, will generate about 5 trips during the morning peak hour, 6 trips during the evening peak hour, and 58 trips on a typical weekday. The existing house is generating approximately 10 trips on a typical weekday. The analysis concludes that based on the minimal trip rate anticipation and that most traffic will be local traffic there are no recommended improvements or mitigation suggestions, other than typical street frontage improvements. The City Engineer did not recommend updates to the Traffic Analysis Letter. The City Engineer (Exhibit G) states there are no apparent intersection sight distance concerns as indicated in the Transportation Analysis Letter. The City Engineer also states the Sandy Transportation System Plan (STSP) requires 62 feet to 82 feet of right-of-way on Bluff Road, but the existing right-of-way (ROW) is only 60 feet in width. The applicant is proposing to dedicate an additional 5 feet of right-of-way, which the City Engineer finds adequate given that no on-street parking will be allowed, and a left turn lane is not warranted.

26. The Public Works Director noted in the review of View Point Subdivision (File No. 15-048 SUB) that in order to reduce conflicts with left turns to and from Bluff Road and meet the City intersection spacing standards for arterial streets, it's the City's intention to close Olson Street to traffic when the local street network is developed to the point of allowing access from other streets to the north, south and west of the subject development. **The future full closure or partial closure (restricted turning movements) of Olson Street at Bluff Road shall be preserved in a plat note. Emergency vehicle access shall be maintained to Bluff Road even if there is a full closure.**
27. The proposed local street plan has been designed to facilitate the traffic needs of this development while ensuring there are no intersection conflicts with future development. There is most likely no future street development to the east of this development due to the steep slope east of Bluff Road. As depicted on the Future Street Plan (Exhibit C, Sheet 5), Dreamcatcher Avenue will connect to the section of Dreamcatcher Avenue south of tax lot 500 and other streets will connect to existing streets to the north and west. All streets to the west of this proposed subdivision are only conceptual at this time. **The applicant shall provide a profile design for a minimum of 200 feet for all future street extensions past the project boundary to ensure future grades can be met.**
28. Bluff Road improvements: The completion of Bluff Road includes a five foot right-of-way dedication and a 10 foot wide combined public utility and pedestrian easement to accommodate the sidewalk on the east property line of the subject subdivision. The City Engineer has no concerns with the proposed Bluff Road sidewalk being placed in a public access easement. The Public Works Director concurs with the applicant that a new sidewalk along the east side of the roadway will not be needed due to topographic constraints. The street requirements include concrete curbs, a five foot planter strip with street trees within the right-of-way, and a six foot wide concrete sidewalk on the west side of the street. Additional improvements include street lighting, ADA ramps, and public utilities.

29. Olson Street improvements: The completion of Olson Street includes an 8.5 foot right-of-way dedication, a five foot planter strip with street trees and five foot sidewalk on the south side of the street. Additional improvements include street lighting, ADA ramps, and public utilities.
30. Dreamcatcher Avenue improvements: The three-quarter improvements for Dreamcatcher Avenue include 41 feet of right-of-way dedication, 28 feet of asphalt, concrete curbs on the east side of the street, a five foot planter strip with street trees and five foot sidewalk on the east side of the street. The planter strip and sidewalk on the west side of the street will be complete with future development to the west of the right-of-way. Additional improvements include street lighting, ADA ramps, and public utilities.
31. The applicant is not proposing any new streets or street names. All right-of-way expansion will take place on existing streets.
32. The proposed streets and grades satisfy the standards of Chapter 17.84. The subject site west of Bluff Road is gentle sloping, only sloping 14 feet in elevation from east to west over approximately 440 lineal feet. **Site grading should not in any way impede, impound or inundate the surface drainage flow from the adjoining properties. All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended.**
33. Section 17.84.60 contains standards for public facility extensions. The applicant's Utility Plan (Exhibit C, Sheet 3) depicts the location and type of proposed public utilities including water, sanitary sewer and stormwater. All public utility installations shall conform to the City's facilities master plans. **The applicant is required to include broadband fiber locations as detailed by the SandyNet Manager with Construction Plans. No building permits will be issued until all public utilities including sanitary sewer are available to serve the development. In addition, the applicant shall pay plan review, inspection and permit fees as determined by the Public Works Director.**
34. Section 17.84.80 contains specifications for franchise utility installations. 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. **All franchise utilities shall be installed underground and in conformance with City standards.**
35. Section 17.84.90 contains requirements regarding land for public purposes. The applicant is not proposing dedication of any land, with the exception of land for right-of-way expansion. **The proposed right-of-way dedication to facilitate construction of Olson Street and Dreamcatcher Avenue, and the additional five foot dedication strip along Bluff Road shall be identified on the face of the final plat.**
36. **The following easements shall be included on the Final Plat:**
- **An eight foot wide public utility easement (PUE) along the frontage of Dreamcatcher Avenue and Olson Street;**
  - **A 10 foot wide public utility easement (PUE) and public pedestrian easement along the frontage of Bluff Road;**

- **A 15 foot wide public storm drain easement along the south lot line of Lots 1 and 2;**
  - **A 10 foot wide private storm drain easement along the south lot line of Lots 3 and 4; and,**
  - **A one-foot vehicle non-access reserve strip (VNAR) along the Bluff Road frontage of Lots 5 and 6 and along the Olson Street frontage of Lot 5 for the entirety of the property east of the driveway.**
37. The proposed 10 foot wide public utility and pedestrian access easement along the Bluff Road frontage shall be granted by a separate document using the City's standard easement language to specify additional terms and conditions. **A copy of the 10 foot wide public utility and pedestrian access easement document shall be provided to the City and the recording number for the easement shall be shown on the final plat.**
38. Section 17.84.100 contains requirements for mail delivery facilities. The applicant will need to coordinate with the United States Postal Service (USPS) regarding the location of the new mailboxes (including replacement of the existing mail box for the existing house), 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. Staff recommends the applicant submit a mail delivery plan for all new and existing mail boxes, featuring grouped lockable mail facilities, to the City and USPS for review and approval prior to installation of mailboxes.**
39. 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 subdivision and the Final Plat has been recorded.** Public utilities must be installed to meet city standards. **Development of this subdivision will require payment of system development charges in accordance with applicable city ordinances.**

#### 17.86 – Parkland and Open Space

40. The applicant proposes six single-family detached dwellings with this subdivision request. Based upon the calculations adopted by the City and specified within Section 17.86.10, the required dedication area is .08 acres of public parkland (6 proposed units x 3 persons per unit x .0043=.0774 rounded to the nearest 1/100 of an acre = .08 acres to be dedicated).
41. Section 17.86.40 contains factors for the City to evaluate whether to require parkland dedication based on this formula or collect a fee in lieu of dedication. This section specifies that it is entirely at the City's discretion, to accept payment of a fee in lieu of the land dedication or require the dedication. Based on the calculations specified in Section 17.86.10, the applicant is responsible for dedicating .08 acres of public parkland. The subject property is located within walking distance of Jonsrud Viewpoint, which will eventually have a trail to connect to Sandy River Park and the Sandy River. The subject property is also within a half-mile of Bluff Park, which contains a dog park, walking trails, grass fields, a playground, and small pond. No parkland is identified on the subject property in the Parks Master Plan. **For these reasons, staff requires the applicant to pay a fee in lieu for the required parkland dedication.** Ordinance 2013-03 allows the applicant to pay a minimum of 50 percent of the fee to receive final plat approval with the remaining balance to be paid as a proportionate amount with each building permit. Per

Resolution 2013-14, the required fee in lieu amount is \$241,000 per acre if the entire amount is paid prior to final plat approval. **Therefore, based on the current Fee Resolution, the applicant would be required to pay a fee in lieu of dedication in the amount of \$19,280 (.08 acres of land to be dedicated x \$241,000). If a portion of the fee is deferred, Resolution 2013-14 specifies a per acre fee of \$265,000. Based on this method, the applicant would be required to pay \$21,200 if a portion of the fee is deferred (.08 x \$265,000). A minimum of 50 percent (\$10,600) is required to be paid prior to final plat approval and the remaining 50 percent (\$10,600) divided between the 6 lots (\$1,766.66 per lot).** Existing City ordinances do not mention anything about parkland fee in lieu for existing houses being waived or reduced. **If the deferred option is chosen the \$1,766.66 for Lot 4 shall be paid prior to final plat.**

#### 17.90 – Design Standards

42. **The Planning Department requires all homes constructed in this subdivision to provide building design features in accordance with the standards in Section 17.90.150.**

#### 17.92 – Landscaping and Screening

43. Section 17.92.30 specifies that street trees shall be chosen from the City-approved list. As required by Section 17.92.30, the development of the subdivision requires trees spaced 30 feet on center along all street frontages. The submitted Street Plan (Exhibit C, Sheet 3) identifies street trees along all three streets abutting the subdivision; however, more street trees can be accommodated on Olsen Street and Dreamcatcher Avenue than are identified. The submitted plan identifies five street trees on Bluff Road, five street trees on Olson Street, and three street trees on Dreamcatcher Avenue. **The applicant shall submit a revised Street and Utility Plan featuring at least seven street trees on Olson Street and at least four street trees on Dreamcatcher Avenue, spaced approximately 30 feet apart.** The Street and Utility Plan does not specify the tree species or size of trees. Street trees are required to be a minimum caliper of 1.5 inches measured 6 inches from grade. **The applicant shall submit a revised Planting Plan featuring trees selected from the City’s street-tree list and identified at a minimum caliper of 1.5 inches. Trees shall be planted, staked, and the planter strip shall be graded and backfilled as necessary, and bark mulch or vegetation installed prior to occupancy.** Street trees shall be installed in conjunction with issuance of building permits. **The location of street lighting, hydrants, mail boxes, driveways, utilities, and other amenities shall be considered when locating street trees.**
44. Per Section 17.92.10(C), **the applicant shall install protective fencing located 5 feet outside of the dripline around all trees to be retained on the site.**
45. Section 17.92.40 requires that all landscaping shall be irrigated, either with a manual or automatic system. **As required by Section 17.92.140, the developer 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.**
46. Section 17.92.50 specifies the types and sizes of plant materials that are required when planting new landscaping. **All street trees shall be a minimum of 1.5 inches in caliper measured 6 inches above the ground and are required to be staked.**



47. Section 17.92.60 requires revegetation in all areas that are not landscaped or remain as natural areas. The applicant did not submit any plans for re-vegetation of areas damaged through grading/construction, although most of the areas affected by grading will be improved. **Staff requires the applicant to maintain all un-landscaped and/or revegetated areas for a period of two years following the date of recording of the final plat associated with those improvements.**

17.98 – Parking, Loading, and Access Requirements

48. Section 17.98.20 requires two parking spaces per single family detached dwelling unit. The 6 dwelling units proposed in this subdivision requires 12 off-street parking spaces. Each lot will have a driveway and due to the large size of the proposed lots they will most likely have the ability to have a double car garage.
49. Section 17.98.50 has specifications for parking area setbacks. Garages will need to be set back at least 22 feet from the front property line to meet setback requirements in the Single Family Residential (SFR) zoning district. The 22 foot setback allows vehicles to park in driveways without overhanging onto the sidewalk.
50. Section 17.98.60 contains specifications for parking lot design and size of parking spaces. The parking areas in front of the proposed garages for all lots need to be at least 10 feet in width by 22 feet in length. Driveways for single family homes are required to be at least 10 feet wide as detailed below in Section 17.98.100. The garages shall be adequate depth to park a vehicle (at least 18 feet in depth) and the on-street parking spaces shall be at least 22 feet in length.
51. Section 17.98.80 specifies access requirements to arterial and collector streets. The two lots proposed to front Bluff Road (Lots 5 and 6) will be accessed by a shared driveway from Olson Street. All proposed driveways are required to access local streets.
52. Section 17.98.100 has specifications for driveways. The Public Works construction details specify a residential driveway approach a minimum of 12 feet wide and a maximum of 24 feet wide. Development Code Section 17.98.100 specifies that a driveway for a single family dwelling shall have a minimum width of 10 feet. The Parking Plan (Exhibit C, Sheet 4) details driveway curb cuts for all lots at 20 feet in width or less. The proposed driveways meet the required width. **The applicant shall revise the Plan Set to separate the driveways for Lots 4 and 5 at least 5 feet from each (measured at the end of the wing) to accommodate a street tree between the driveways.**
53. Section 17.98.130 requires that all parking and vehicular maneuvering areas shall be paved with asphalt or concrete, including the driveway for the existing house. **The applicant shall pave the driveway for the existing house on Lot 4 prior to final plat.** The applicant is required to adhere to the paving requirements of Section 17.98.130.
54. Section 17.98.140 contains requirements for drainage. Other sections of this order detail the stormwater requirements.

55. Section 17.98.200 contains requirements for providing on-street parking spaces for new residential development. The Parking Plan (Exhibit C, Sheet 4) indicates there will be at least nine (9) on-street public parking spaces, which exceeds the minimum number required for six dwelling units. No parking courts are proposed. The location of fire hydrants will be reviewed by the Sandy Fire Department in more detail with Construction Plans. **The applicant shall revise the Parking Plan if required fire hydrants affect on-street parking spaces and submit to staff for review and approval.** All of the on-street parking spaces were designed at 22 feet in length as required in Section 17.98.60.

17.100 – Land Division

56. **The Final Plat shall be recorded as detailed in Section 17.100.60(I).**

57. Section 17.100.60(E) contains submittal requirements and 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 applicant requests subdivision approval for a subdivision that is in compliance with all of the applicable development standards. As a result, the application for the subdivision is being processed through a Type II procedure.

58. 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 is discussed under each subsection below. Conditions of approval can be adopted where necessary to bring the proposal into compliance with applicable standards.

59. Section 17.100.60(E)(3) requires the proposed street pattern to be connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy. The proposed subdivision is consistent with the City's street plan and development code standards.

60. Section 17.100.60(E)(4) requires that adequate public facilities be available or can be provided to serve the proposed subdivision. As shown on the submitted plans, all public facilities including water, sewer, and stormwater are available or will be constructed by the applicant to serve the subdivision.

61. 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 document. Staff has identified a few aspects of the proposed subdivision improvements requiring additional information or modification by the applicant, but conditions of approval can be adopted to bring the proposal into compliance with all municipal code standards.

62. 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 six lot subdivision.

63. Section 17.100.70 specifies that all land divisions shall be in conformance with the requirements of the applicable base zoning district. The tentative plat is designed to comply with all standards of the City of Sandy Development Code, Transportation System Plan, Facilities Master Plans and Sandy Municipal Code.
64. Section 17.100.100(A) requires the pattern of streets established through land divisions should be connected to provide safe multimodal options, create a logical pattern of circulation, and spread traffic over many streets. The continued expansion of Dreamcatcher Avenue provides the subdivision with a logical transportation network.
65. Section 17.100.100(B) contains standards for street improvements and traffic evaluations. The traffic evaluation was sufficient in accordance with the review as detailed in Finding #25 above.
66. The Public Works Director noted in the review of View Point Subdivision (File No. 15-048 SUB) that in order to reduce conflicts with left turns to and from Bluff Road and meet the City intersection spacing standards for arterial streets, it's the City's intention to close Olson Street to traffic when the local street network is developed to the point of allowing access from other streets to the north, south and west of the subject development. **The future full closure or partial closure (restricted turning movements) of Olson Street at Bluff Road shall be preserved in a plat note. Emergency vehicle access shall be maintained to Bluff Road even if there is a full closure.**
67. Section 17.100.100(C) requires that all streets follow topographic and arrangement specifications. Considering the site's topography, the proposed street layout is acceptable given the topography and proposed residential use of this site and the topography and use of adjacent properties.
68. Section 17.100.100(D) specifies that street layout shall generally use a rectangular grid pattern. The proposal includes a rectangular pattern of streets as allowed by topography, natural features, and existing right-of-way locations.
69. Section 17.100.100(E) requires that future street plans assure access for future development and promote a logical, connected pattern of streets. There is limited future street development to the east of this development due to the dramatic slope east of Bluff Road. As depicted on the Future Street Plan (Exhibit C, Sheet 5), the existing portion of Dreamcatcher Avenue in the Sandy Bluff neighborhood will continue north in the same general alignment as the utility easement to intersect with Olson Street and the portion of Dreamcatcher Avenue created with this subdivision. Other streets to the north and west of the subject subdivision are highly conceptual at this time. **The applicant shall provide a profile design with Construction Plans a minimum of 200 feet past the project boundary for all future street extensions to ensure future grades can be met.**
70. Sections 17.100.100(F and G) contain specifications for street connections and exemptions for when typical connections are not possible. The proposed design facilitates a connected street system, as is feasible given topographical constraints and other street connections.

71. Section 17.100.110 specifies street standards and roadway functional classifications. The proposed street network and improvements generally comply with City standards. There are three streets adjacent to the proposed subdivision as detailed in Section 17.84.50 above.
72. Section 17.100.120 requires that residential blocks for local streets not exceed 400 feet in length, unless physical conditions justify larger blocks. The proposed block length on Olson Street from Bluff Road to Dreamcatcher Avenue is approximately 360 feet. The proposed portion of block length on Bluff Road from Olson Street to tax lot 500 is approximately 151 feet and the portion of block length on Dreamcatcher Avenue from Olson Street to tax lot 500 is approximately 112 feet. The placement of all right-of-ways has been predetermined by existing development. If the property to the south of the proposed subdivision is redeveloped, the necessity to provide another east/west street will be evaluated at that time. No block is proposed over 600 feet in length and no pedestrian or bicycle access ways are proposed.
73. Section 17.100.180 contains requirements for the creation of new intersections. All proposed intersections are already existing, but the proposed subdivision would widen the intersections. There are no streets being created with this subdivision. The proposed intersections meet the required minimum spacing standard of 150 feet as required in Section 17.84.50(C)2.
74. Section 17.100.190 contains requirements for street signs. **The applicant shall pay for the cost of all street signs and the City will install the signs.**
75. Section 17.100.210 specifies that the applicant is financially responsible for the installation of the abutting street lighting system. The Street and Utility Plan (Exhibit C, Sheet 3) does not identify the location of street lighting on any of the subject streets. **Street lighting will need to be installed wherever street lighting is determined insufficient by the Public Works Director. The applicant shall specify street light locations with construction plans.**
76. Section 17.100.220 contains requirements for lot arrangement, lot dimensions, and other lot specifications. All lots meet minimum lot size, frontage, and width requirements. No lots are proposed to have double frontage or are accessible from major or minor arterials. All lots are required to comply with clear vision requirements on all street/street intersections.
77. The applicant that developed the View Point Subdivision (File No. 15-048 SUB) secured an off-site utility easement (granted to the City) from the property owners to the south of the site and to the north of Dreamcatcher Avenue. City facilities that were extended from Dreamcatcher Avenue have adequate capacity to serve the proposed development. The utility easements are located such that utilities will be located in the future extension of Dreamcatcher Avenue. Water service lines and sanitary sewer laterals were installed with the construction of View Point Subdivision to the north. According to the Public Works Director (Exhibit H) the installation of the laterals was performed without approved plans. **Since utility service lines were installed without approved plans the City reserves the right to cause the relocation, realignment, or removal of water services and/or sanitary sewer laterals during construction plan review.**
78. Section 17.100.250 contains specifications for surface drainage and stormwater systems. The City Engineer (Exhibit G) states that preliminary stormwater calculations were not provided with

submittal of Mairin's Viewpoint. The drainage report shall be in compliance with the water quality/quantity criteria as stated in the City of Sandy Development Code (SDC) 13.18 Standards and the City of Portland current Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code. **The City Engineer requires a final drainage report be submitted to the City for review and approval as part of the final design.** The applicant is proposing a 5 foot wide private storm drain easement along the south lot line of Lots 3 and 4. **The City Engineer states that the plan set shall be revised to detail a 10 foot wide private storm drain easement along the south lot line of Lots 3 and 4.** The applicant also proposes a 15 foot wide public storm drain easement along the south lot line of Lots 1 and 2 which meets the width requirement for a public storm easement. All new public stormwater facilities shall be a minimum of 12-inches in diameter.

79. This subdivision proposal includes a four foot storm detention tank at the rear of Lots 1 and 2. The Public Works Director (Exhibit H) states that the subdivision shall include an all-weather access to the stormwater detention tank at the rear of Lots 1 and 2 in compliance with Clean Water Service standards. **The applicant shall submit additional details on the all-weather access to the stormwater detention tank with construction plans.**
80. Section 17.100.260 states that all subdivisions shall be required to install underground utilities. **The applicant shall install utilities underground with individual service to each lot.**
81. Section 17.100.270 specifies that sidewalks shall be installed on both sides of a public street. The applicant proposes constructing sidewalks along all public street frontages along the subject site.
82. Section 17.100.280 requires that when appropriate, bicycle routes shall be extended within the proposed subdivision. The applicant does not propose any specific bicycle routes.
83. Section 17.100.290 specifies that where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved. Street tree analysis is contained in Chapters 17.84 and 17.92 above.
84. Section 17.100.300 contains requirements for erosion control for new land divisions. **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 and construction of the row homes. **All erosion control and grading shall comply with Section 15.44 of the Municipal Code. The proposed subdivision is greater than one acre which requires the applicant to apply for a DEQ 1200-C Permit.**
85. Install all improvements detailed in Section 17.100.310 as required. **The applicant shall be responsible for all of the improvements detailed in Section 17.100.310, including fiber facilities. The applicant shall work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.** Entry monument signs shall be located entirely outside the public right-of-way and clear vision areas as required by Section 17.74.30. **If entry signs are desired, the applicant shall submit a detailed plan showing the location of such signage.**

### 17.102 – Urban Forestry

86. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. The property contains 1.39 acres and requires conformance with the tree retention requirements of Chapter 17.102.
87. Section 17.102.50 requires the retention of at least three trees 11 inches DBH or greater to be retained for every one acre of contiguous ownership. Chapter 17.102 requires retention of at least 4 (1.39 acres x 3 = 4.17) 11 inches DBH or greater. The applicant submitted an Arborist Report (Exhibit D) and a Tree Inventory (Exhibit C, Sheet 2) for the subject lot to be subdivided. The tree inventory detailed six trees for retention, but one of the trees was labeled at less than 11 inches DBH. On November 30, 2017 staff visited the site to examine the trees proposed for retention. Since the tree assessment was done in 2006 it appears numerous trees have fallen or been removed. Some of the trees were also missing tree identification tags. **Prior to moving forward with tree removal on the site the applicant shall submit an updated arborist report and tree inventory for staff review and approval. The updated report shall contain revised tree species, sizes (DBH), condition, and other details. The trees shall also be retagged for staff to conduct future site visits.**
88. **Once the tree retention plan is approved the applicant shall record a tree protection covenant specifying protection of retained trees and limiting removal without submittal of an Arborist's Report and City approval. This document shall include a sketch identifying the location of required protected trees, and shall be recorded as part of the Final Plat. The applicant shall request an inspection of erosion control measures and tree protection measures as specified in Section 17.102.50(C) prior to construction activities or grading.**

### 8.04 –Declaration of Nuisance

89. On November 30, 2017 staff visited the site and saw junk accumulation, what appeared to be junk vehicles, and other violations of Chapter 8 of the Municipal Code occurring around the existing house at 15545 Bluff Road. **The applicant shall remove the code violations (i.e. junk nuisances) from the subject site by January 5, 2018 or be subject to Code Enforcement regulations.**
90. In addition to the nuisances specifically enumerated within Chapters 8.08 through 8.20, every other thing, substance or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the city is declared to be a nuisance and may be abated as provided in Chapter 8.24. The presence of pests is considered to be a nuisance and potentially detrimental to public health. Prior to development of the site, **the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication is needed. The evaluation from the pest control agent shall be submitted to the City of Sandy for review and approval.**

### 15.30 – Dark Sky

91. Chapter 15.30 contains the City of Sandy's Dark Sky Ordinance. Section 17.100.210 specifies that the applicant is financially responsible for the installation of a lighting system. Olson Street has street lighting on the north side of the street that was installed with development of the View

Point Subdivision (File No. 15-048 SUB). **Street lighting will need to be installed wherever street lighting is determined insufficient by the Public Works Director. The applicant shall specify street light locations with construction plans.**

#### 15.44 – Erosion Control

92. All on-site earthwork activities including any retaining wall construction should follow the requirements of the current edition of the Oregon Structural Specialty Code. **Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties.**
93. All erosion control and grading shall comply with Section 15.44 of the Municipal Code. **The applicant shall submit a grading and erosion control permit, and request an inspection of installed devices prior to any grading onsite. Prior to issuance of a grading plan the applicant shall submit proof of receipt of a DEQ 1200-C Permit.** Any grading performed on the lots shall be certified by a licensed professional geotechnical engineer.
94. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. **The applicant's Erosion Control Plan shall be designed in accordance with these standards.**

#### **DECISION**

The Mairin's Viewpoint Subdivision at 15545 Bluff Road is hereby **approved** as modified by the conditions of approval listed below.

#### **CONDITIONS OF APPROVAL**

- A. Remove the code violations (i.e. junk nuisances) from the subject site by January 5, 2018 or be subject to Code Enforcement regulations.**
- B. Prior to moving forward with tree removal on the site the applicant shall submit an updated arborist report and tree inventory for staff review and approval. The updated report shall contain revised tree species, sizes (DBH), condition, and other details. The trees shall also be retagged for staff to conduct future site visits.**
- C. Prior to submittal of construction plans, issuance of permits and/or grading or other construction activities on the site, the applicant shall complete the following:**
  1. Submit a complete revised Plan Set featuring the following details:
    - Detail the driveways for Lots 4 and 5 at least 5 feet from each (measured at the end of the wing) to accommodate a street tree between the driveways.
    - Specify a 10 foot wide private storm drain easement along the south lot line of Lots 3 and 4.
    - Specify a one-foot vehicle non-access reserve strip (VNAR) along the Bluff Road frontage of Lots 5 and 6 and along the Olson Street frontage of Lot 5 for the entirety of the property east of the driveway.

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

1. Submit proof of receipt of a DEQ 1200-C Permit. (*Submit to Planning Department and Public Works Department for approval*)
2. Have a licensed pest control agent evaluate the site to determine if pest eradication is needed. Submit the evaluation to the City of Sandy for review and approval.
3. Install a tree protection area per Section 17.92.10(C) located 5 feet outside of the dripline around all trees to be retained on the site.
4. Request an inspection to verify tree protection fencing is appropriately installed.

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

1. Submit written confirmation from the Sandy Fire District regarding the number and location of required fire hydrants. Submit a revised Parking Plan if required fire hydrants affect on-street parking spaces and submit to staff for review and approval.
2. Submit a revised Street and Utility Plan featuring at least seven street trees on Olson Street and at least four street trees on Dreamcatcher Avenue, spaced approximately 30 feet apart.
3. Submit a revised Utility Plan indicating the location of broadband fiber as detailed and approved by the SandyNet Manager.
4. Specify street light locations as determined insufficient by the Public Works Director.
5. Submit additional details on the all-weather access to the stormwater detention tank at the rear of Lots 1 and 2.
6. Submit a detailed stormwater analysis in conformance with Sandy Development Code Section 13.18 and the City of Portland Stormwater Management Manual (SWMM) Standards.
7. Submit a profile design for a minimum of 200 feet for all future street extensions past the project boundary to ensure future grades can be met.
8. Submit a mail delivery plan, featuring grouped lockable mail facilities for all new and existing mail boxes, to the City and the USPS for review. Mail delivery facilities shall be provided by the developer in conformance with 17.84.100 and the standards of the USPS. Obtain written approval for this plan from the USPS prior to construction.



**F. Prior to Final Plat approval, the applicant shall complete the following tasks or provide assurance for their future completion:**

1. Dedicate additional right-of-way to the City (by deed using the City's standard form) to facilitate construction of Olson Street and Dreamcatcher Avenue and the additional five foot dedication strip along the west side of Bluff Road.
2. Submit easement documents for all easements dedicated to the public for staff review and approval, and reference these easements on the final plat.
3. The future full closure or partial closure (restricted turning movements) of Olson Street at Bluff Road shall be preserved in a plat note. Emergency vehicle access shall be maintained to Bluff Road even if there is a full closure.
4. The following easements shall be detailed on the Final Plat:
  - An eight foot wide public utility easement (PUE) along the frontage of Dreamcatcher Avenue and Olson Street;
  - A 10 foot wide public utility easement (PUE) and public pedestrian easement along the frontage of Bluff Road;
  - A 15 foot wide public storm drain easement along the south lot line of Lots 1 and 2;
  - A 10 foot wide private storm drain easement along the south lot line of Lots 3 and 4; and,
  - A one-foot vehicle non-access reserve strip (VNAR) along the Bluff Road frontage of Lots 5 and 6 and along the Olson Street frontage of Lot 5 for the entirety of the property east of the driveway.
5. Install street lights as identified on the construction plans.
6. Complete street improvements for Bluff Road, Olson Street, and Dreamcatcher Avenue as specified on approved as-builts.
7. Complete sidewalk improvements along the Bluff Road frontage. Street trees can be installed in conjunction with individual lot development.
8. Pave the driveway for the existing house on Lot 4.
9. Connect the existing house on Lot 4 to sanitary sewer and pay appropriate system development charges (SDCs).
10. Record a tree protection covenant specifying protection of retained trees limiting removal without submittal of an Arborist's Report and City approval. This document shall include a sketch identifying the location of required protected trees, and shall be recorded as part of the Final Plat.
11. Pay plan review, inspection and permit fees as determined by the Public Works Director.

12. Pay a fee in lieu of park dedication in the amount of \$19,280 (.08 acres of land to be dedicated x \$241,000). If a portion of the fee is deferred, Resolution 2013-14 specifies a per acre fee of \$265,000. Based on this method, the applicant would be required to pay \$21,200 if a portion of the fee is deferred (.08 x \$265,000). A minimum of 50 percent (\$10,600) is required to be paid prior to final plat approval and the remaining 50 percent (\$10,600) divided between the 6 lots (\$1,766.66 per lot). If the deferred option is chosen the \$1,766.66 for Lot 4 shall be paid prior to final plat.
13. Reimburse the City for the cost of installing all required signage.
14. Submit two copies of a Final Plat and fee.
15. The Clackamas County Surveyors Office requires the applicant to resolve any encroachments prior to final plat approval.

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

1. Submit a true and exact reproducible copy (Mylar) of the recorded Final Plat including associated documents and a digital CAD version of the subdivision plat.
2. No building permits will be issued until all public utilities including sanitary sewer and water service are available to serve the development.

**H. Conditions related to individual home construction:**

1. All homes shall provide building design features in conformance with the standards of Section 17.90.150.
2. Homes located on Lots 5 and 6 adjacent to Bluff Road shall maintain a 20 foot setback to Bluff Road. In addition, homes located on these lots shall be oriented to front Bluff Road, including construction of a front porch facing Bluff Road with a walkway connecting the porch to the Bluff Road sidewalk.
3. Plant street trees in the planter strips 30-feet-on-center. Street trees shall have a minimum caliper of 1.5 inches measured 6 inches from grade, and shall be planted and staked in accordance with City standards.
4. The planter strips on Bluff Road, Olson Street, and Dreamcatcher Avenue shall be graded and backfilled as necessary, and bark mulch or vegetation installed prior to occupancy.
5. Development of this subdivision will require payment of system development charges in accordance with applicable City ordinances.

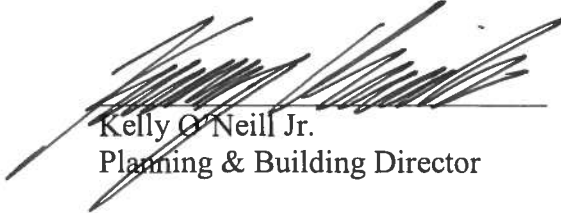
**I. General Conditions of Approval:**

1. The Final Plat shall be recorded as detailed in Section 17.100.60(I).

2. If entry signs are desired, the applicant shall submit a detailed plan showing the location of such signage.
3. All work within the public right-of-way and within the paved area shall comply with the American Public Works Association (APWA) and City requirements.
4. Since utility service lines were installed without approved plans the City reserves the right to cause the relocation, realignment, or removal of water services and/or sanitary sewer laterals during construction plan review.
5. All proposed homes and the existing home shall connect to municipal water and municipal sewer.
6. All franchise utilities shall be installed underground and in conformance with City standards.
7. The location of street lighting, hydrants, mail boxes, driveways, utilities, and other amenities shall be considered when locating street trees.
8. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties.
9. Water line sizes shall be based upon the Water Facilities Master Plan and shall be sized to accommodate domestic fire protection flows on the site.
10. All public sanitary sewer, waterline mains and stormwater facilities shall be extended to the plat boundaries to provide for future connections to adjoining properties.
11. As required by Section 17.92.140, the developer shall maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.
12. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
13. All improvements listed in Section 17.100.300 shall be provided by the applicant including drainage facilities, monumentation, mail facilities, sanitary sewers, storm sewer, sidewalks, street lights, street signs, street trees, streets, traffic signs, underground communication lines including telephone and cable, underground power lines, water lines and fire hydrants.
14. 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.
15. Comply with all standards required by Section 17.84 of the Sandy Development Code. Public and franchise improvements shall be installed or financially guaranteed in accordance with Chapter 17 of the Sandy Municipal Code prior to temporary or final occupancy of structures.

Water lines and fire hydrants shall be installed in accordance with City standards. All sanitary sewer lines shall be installed in accordance with City standards.

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

  
Kelly O'Neill Jr.  
Planning & Building Director

12/8/17  
Date

### **RIGHT OF APPEAL**

A decision on a land use proposal or permit may be appealed to the City Council 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.