



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>



NOTICE OF ADOPTED AMENDMENT

November 30, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment
DLCD File Number 008-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 13, 2006

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Tracy Brown, City of Sandy

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NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD not later than 5 working days after adoption
ORS 197.615 and OAR Chapter 660, Division 18

NOV 24 2006

LAND CONSERVATION
AND DEVELOPMENT

See reverse side for submittal requirements

Jurisdiction City of Sandy Local File # 06-022 PD

Date of Adoption - November 21, 2006 Date Mailed - November 21, 2006

Date the Proposed Notice was Mailed to DLCD - July 12, 2006

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

A 15-lot Planned Development Subdivision to include 14 duplexes and an existing single family residence, including dedication of .74 acre of dedicated open space, construction of streets, utilities and associated site improvements.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."
Proposal included a provision of .63 acres of dedicated and improved parkland, and dedication of approximately .11 acres of additional public open space. The adopted ordinance includes the dedication of .74 acres of public open space and no dedicated park land.

Plan Map Change From no change to _____

Zone Map Change From -R-3, High Density remains with designation of P, Planned Development

Location: T2S R4E Section 13C Tax Lot 8801

Acres Involved: 2.96 acres total

Specify Density: Previous Density 20 min., 41 max. New Density 20 min., 41 max.

Applicable Goals: 1,2,10-12,14

Was an Exception adopted? Yes No

DLCD # 008-06
(15375)

DLCD File # _____ DLCD Appeal Deadline _____

Did DLCD receive a Notice of Proposed Amendment 45 days prior to the final hearing?

Yes No The Statewide Planning Goals do not apply

Emergency Circumstances Required Expedited Review

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Tracy A. Brown, Director of Planning Phone: 503-668-4886

Address: City of Sandy, 39250 Pioneer Blvd., Sandy OR 97055

ORDINANCE NO. 2006-10

AN ORDINANCE AMENDING THE CITY OF SANDY ZONING MAP BY ADDING A "P", PLANNED DEVELOPMENT DESIGNATION FOR TAX LOT T2S, R4E, SECTION 13C, TAX LOT 8801, KNOWN AS TRIMBLE PLANNED DEVELOPMENT AND DECLARING AN EMERGENCY.

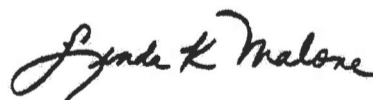
Whereas, the City Council of the City of Sandy reviewed and approved the Final Order for Trimble Planned Development (File No. 06-022 PD) on November 6, 2006.

Whereas, Section 17.64.70 of the Sandy Municipal Code requires when a Planned Development is approved, the official Zoning District be amended by ordinance to denote the new "PD" Planned Development overlay designation.

NOW, THEREFORE, THE CITY OF SANDY DOES ORDAIN AS FOLLOWS:

- Section 1: The Zoning Map adopted by the City of Sandy by Ordinance 9-97 on October 20, 1997 will be amended to add a "P", planned development overlay zoning designation for tax lot T2S, R4E Section 13C, Tax Lot 8801 known as Trimble Planned Development following Final Subdivision Plat approval by the City of Sandy.
- Section 2: If Final Subdivision Plat approval is not completed within the time provisions specified in Section 17.100.60 of the Sandy Development Code, this Ordinance shall be null and void.
- Section 3: The underlying zoning designation of R-3, high density residential, will remain unchanged.
- Section 4: The aforesaid map amendment is supported by the Findings and Conclusions contained in the Final Order for the Trimble Planned Development (File No. 06-022 PD) which is attached hereto as Exhibit A and the staff report incorporated herein as reference.
- Section 5: All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.
- Section 6: In order to maintain the health, peace, and welfare of the City of Sandy and its residents, an emergency is declared and this ordinance shall take effect immediately following its adoption.

THIS ORDINANCE ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 20th DAY OF NOVEMBER, 2006.



Linda K. Malone
MAYOR

ATTEST:


Larry Stohosky
City Recorder



**CITY OF
SANDY**

39250 Pioneer Boulevard • Sandy, OR 97055

Phone 503-668-5533
Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

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

DATE: November 13, 2006

FILE NO.: 06-022 PD

PROJECT NAME: Trimble Planned Development

APPLICANT: Bill Trimble

OWNER: Bill Trimble

LEGAL DESCRIPTION: T2S R4E Section 13C, Tax Lot 8801

DECISION: Approved subject to conditions of approval

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

EXHIBITS

ORIGINAL PLAN SUBMITTALS

Applicant's Original Submittal

- A. Project Narrative
- B. List of Proposed Deviations from Development Code
- C. Storm Drainage Design and Hydrology Report
- D. Geotechnical Report
- E. Wetlands Report
- F. Pre-application Conference Meeting Summary
- G. Preliminary Plan Set
 - Sheet 1 – Cover Sheet
 - Sheet 2 – Existing Features Map
 - Sheet 3 – Tentative Planned Development Plat Map
 - Sheet 4 – Preliminary Site Plan
 - Sheet 5 – Preliminary Grading and Erosion Control
 - Sheet 6 – Preliminary Landscaping Plan
 - Sheet 7 – Tentative Planned Development with Building Footprints

- H. Preliminary Building Plans
- I. Streambank Restoration Plan & Native Vegetation Report
- J. Joint Permit Application Form
- K. Traffic Analysis Letter

Agency Review Comments

- L. City Engineer (7/21/06)
- M. Public Works Director (8/16/06)
- N. Oregon Dept. of Transportation (7/20/06)
- O. Fire District #72 (7/31/06)
- P. Department of State Lands (received 7/28/06)

Items Submitted by Applicant at August 28, 2006 Meeting

- Q. Revised Traffic Analysis Letter (8/28/06)
- R. Available Parking and Vehicle Access Plan
- S. Fire District #72 (8/27/06)

REVISED PLAN SUBMITTALS (SUBMITTED 9/14/06)

Applicant's Revised Submittals

- T. Project Narrative
 - Appendix A – Applicant Response to Staff Report
 - Appendix B – List of Proposed Deviations
 - Appendix C – Density Calculations
 - Appendix D – Individual Lot Details
 - Appendix E – Building Elevations and Floor Plans
- U. Revised Preliminary Building Plans
 - Sheet 1 – Cover Sheet
 - Sheet 2 – Existing Features Map
 - Sheet 3 – Tentative Planned Development Plat Map
 - Sheet 4 – Preliminary Site Plan
 - Sheet 5 – Preliminary Grading and Erosion Control
 - Sheet 6 – Preliminary Landscaping Plan
 - Sheet 7 – Tentative Planned Development with Building Footprints
 - Sheet 8 – Parking Analysis

Additional Agency Comments

- V. Department of State Lands – review of Wetland Delineation Report (9/11/06) and Application Detail (8/23/06)
- W. Public Works Director (9/27/06)

Additional Submittals

- X. Letter from Michael Robinson, Perkins Coie, LLP (11/6/06)
- Y. Letter from Kathleen Walker (11/6/06)

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the staff report dated October 3, 2006, which is incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. These findings are based on the applicant's original submittals received on March 31, 2006 (Exhibits A-K), and revised submittals received on September 14, 2006 (Exhibits T-U).
3. The subject site consists of one parcel with a total area of approximately 2.96 acres.
4. The parcel has a Plan Map designation of HDR and a Zoning Map designation of R-3, High Density Residential.
5. The applicant proposes retaining the existing house, removing the out buildings, and creating a total of 15 lots, including 14 duplexes and 1 single family detached dwelling.
6. Notice of the proposal was mailed to property owners within 300 feet of the site as well as public and private agencies.
7. At the August 28, 2006 Planning Commission meeting, staff received oral testimony in opposition of the proposal from the following: Glen Baker; Richard Esler; Pat Klein; Doris Baker; Christine Cassel, and; Larry Pearson
 - Glen Baker is concerned about increased traffic, more people, and the wetlands/No Name Creek issue. He also noted the construction process will be negative to his quality of life.
 - Pat Klein expressed concern about the increase in traffic, parking enforcement on the proposed private road, proximity of the proposed units and vector abatement due to standing water.
 - Doris Baker expressed concerns related to increased traffic.
 - Christine Cassel requested a fence between her property and the proposed planned development.
 - Larry Pearson discussed privacy and security concerns with the increase in residents. He was also concerned with the accumulation of debris in and around the site.
8. Due to staff's concerns as well as issues raised by neighbors, the applicant requested a continuance of the public hearing. Based on the applicant's request, the Planning Commission continued the August 28, 2006 public hearing to October 10, 2006.
9. At the October 10, 2006 meeting, the Planning Commission received testimony from Christine Cassel, a property owner to the east of the site. Ms. Cassel was concerned about privacy and asked if the applicant would be providing a fence to separate the proposed development from neighboring property owners. The conclusion of this hearing was the Planning Commission closed the public hearing and recommended approval of the proposal with modifications to the City Council. The Planning Commission recommended the road be dedicated to the public rather than privately maintained. In addition, the commission recommended the applicant

construct fences along the north, south, and east property boundaries. The commission installation of a decorative fence along the site along the northern boundary (Tupper Road frontage) of the site. In addition, the commission recommended the applicant work with adjacent property owners on the east and south to determine the design of the fence. The commission also recommended the applicant share the cost of these fences with adjacent property owners.

10. Notice of a November 6, 2006, City Council public hearing were sent on October 18, 2006.
11. The City Council held a public hearing to review the project on November 6, 2006. Prior to the hearing written testimony was received from Michael Robinson, an attorney representing the applicant (Exhibit X) and Kathleen Walker, a member of the public (Exhibit Y). Testimony was heard from the applicant's representative and one member of the public (Larry Pearson, 39005 Sandy Heights Street, Sandy). The conclusion of the public hearing was the City Council closed the public hearing and approved the request with conditions as contained in the staff report and Final Order. The City did not require installation of a fence along the southern property line as recommended by the Planning Commission, required the access road to be dedicated to the public, and made the approval subject to approval of a stream crossing permit from the state and federal agencies.

17.64 – Planned Development

12. The applicant proposes developing the project in a single phase and requested a combined review of both conceptual and detailed development plans. As required by Section 17.64.10, Combined Review, the application must be heard by both the Planning Commission and City Council.
13. The applicant proposes subdividing 15 lots, with 14 duplexes and 1 existing, single family detached dwelling. Because the applicant proposes only 1 single family detached dwelling, the development will be predominantly duplexes.
14. The proposed development is located close to Tupper Road, a collector street, and Highway 211, a major arterial. The applicant proposes a public street, as well as a pedestrian walkway to connect to Tupper Road. The applicant also proposes dedicating 2,595 square feet of public open space at the north portion of the site and 29,639 square feet of public open space to the south of the site.
15. Section 17.64.50 requires 25% of the total site to be dedicated as open space. The applicant proposes dedicating two tracts of dedicated open space totaling .74 acres, equaling 25% of the total site area. The proposed open space dedication therefore meets the code requirements.
16. Section 17.64.50 requires planned developments to dedicate 25 percent of the total site area as public open space. The subject property contains 2.96 acres (128,937.6 square feet) requiring dedication of 32,234 square feet. The applicant proposes dedicating Tract A (29,639 square-feet) and Tract B (2,595 square-feet) as public open space, satisfying the 25 percent requirement as required in Section 17.64.50. In addition, the open space areas shall be dedicated to the City.

17. Section 17.64.50 (E) requires dedicated open space areas as either natural areas and/or greenways. The City Council found the proposed open space areas conforms to code requirements. However, the applicant did not specify ownership of the proposed open space areas. The City Council requires dedication of Tracts A and B as public open space. The City Council also requires the applicant to provide detailed designs of the proposed pathway, including landscaping and proposed pathway materials prior to issuance of construction plans.
18. The City Council requires the applicant to dedicate open space according to the standards of Section 17.64.50 (F) including submittal of a Phase I Environmental Site Assessment and removal of non-native vegetation species on Tracts A and B prior to Final Plat approval.
19. The Conceptual Development Plan Review Process, Section 17.64.100, requires coordination of architectural styles, building forms and relationships. Designs #370 and #512 (Sheet 7 of the revised site plan) create setback and design issues that can be remedied by revised building designs. Specifically, design #370 emphasizes the garage entrance which serves to de-emphasize the front door. Because the intent of high density zoning is to encourage pedestrian access and circulation within the site, the City Council requires the applicant to alter the design of design #370 used on Lots 4, 10, and 15 so the garage is located behind the front entry and the entry include a covered porch as provided with designs #461 and #512.
20. Section 17.64.120 (B)(2) requires the applicant to discuss the timing, responsibilities, and assurances for all public and nonpublic improvements. The applicant proposes developing the project as a single phase and submitted a description of proposed improvements to be completed prior to recording of the plat for each proposed phase. The proposed improvements will be completed at the time of the proposed development.

17.30 – Zoning Districts

21. The number of dwelling units permitted on a parcel of land is calculated after the determination of the gross site area and the acreage of any restricted development areas. Per staff's request, the applicant submitted density calculations to address this Section. According to the Tentative Plat Map, the total site area is 2.96 acres, with 1.18 acres of dedicated area and .74 acres of open space. The total restricted development area is .906 acres. Subtracting the restricted development area from the gross site area results in 2.05 acres (2.96-.906=2.054).
22. Based on the R-3 zoning of the subject property, the allowed density range is 10 to 20 units per acre. Based a net acreage of 2.05 acres, the site requires a density range of 20 to 41 units. Because the applicant is proposing 29 units, the site density falls within the allowable range for the subject property, in compliance with this requirement.

17.40 – R-3 High Density Residential Zoning District.

23. Density within the R-3 District shall not be less than 10 or more than 20 units per gross acre. The applicant proposes 29 dwelling units on the 2.96-acre site, meeting density requirements.
24. Primary uses permitted in the R-3 zoning district include single-family detached dwellings as well as duplexes.

25. All proposed lots meet the minimum lot frontage standard of 20 feet. In general, homes will be two-stories tall and will maintain the maximum height limitation of 35 feet. As permitted by the Planned Development process, the applicant requests deviations to required building setbacks: 10-foot rear yard setbacks for lots 4, 7-11 and 14. In addition, the applicant requests a reduction in the rear yard setback for Lot 5 adjacent to Tupper Road from 20-feet to 15-feet.
26. The City Council concludes that Lot 4 shall maintain a 14-foot setback and does not require a 10-foot rear-yard setback. According to Sheet 7 of the revised site plan, adequate space exists to shift the dwelling forward 1-foot to meet the required 15-foot rear setback. The City Council requires the applicant to revise lot 4, shifting the location of the dwelling 1-foot to the southeast to accommodate the required 15-foot rear setback. No deviation to code standards is approved for Lot 4.
27. Although the applicant requests changes in the required setbacks to Lots 7-11 and 14, only Lots 7 and 8 require a deviation as requested. The council requires the applicant to shift the footprint of Lot 9, three-feet to the west, creating a 13-foot rear setback. In addition, the council requires Lot 10 to be shifted forward two-feet, to provide a 12-foot rear yard setback. In addition, the council requires the applicant to shift the building footprint on Lot 11, two-feet, to provide a 12-foot rear yard setback. Additionally, the council requires the applicant to shift the footprint of Lot 14 forward three-feet, to provide a 13-foot rear setback. The City Council requires the applicant to adhere to the aforementioned setback changes, and requires the applicant to revise the building design on lots 4, 9-11 and 14 to allow for revised rear-yard setbacks.
28. Based on the revised site plan, the driveway on Lot 13 has a one-foot setback from Lot 12. Although the applicant did not address this deviation, the applicant shall revise the building footprint on lot 13 to maintain the required setbacks. The City Council requires the applicant to revise the location of the dwelling on Lot 13 so the front of the dwelling faces east, shifting the footprint to the south, and keeping the off-street parking to the north side of the lot. With this revision, parking shall be shifted to the east; meeting the required 5-foot side setback and the 20-foot driveway length.
29. According to the site plan, Lot 5 has a 33-foot driveway and does not adequate are to park two vehicles in tandem. For this reason, the City Council requires the applicant to revise the proposed site plan to show that the driveway on Lot 5 maintains a driveway length of 40 feet from the right-of-way.
30. The revised setback deviations for Lots 5, 7-11 and 14 are the minimum necessary to address development standards related to circulation and parking. The City Council therefore supports the modifications to the rear-yard setbacks on Lots 5, 7-11 and 14. In addition to these changes, the City Council also requires the applicant to alter the design of #370 used on Lots 4, 10, and 15 so the garage is located behind the front entry and the entry include a covered porch as provided with designs #461 and #512.
31. Public utilities including water and sewer will be extended through the site to adjacent properties and will serve all proposed lots. Access to the subject property will include a

proposed public street connecting to Tupper Road. The proposed public street is a one-way loop through the proposed development. All proposed lots have frontage on, or access on a proposed street. No zero lot line dwellings are proposed.

17.60 – Flood and Slope Hazard District

32. The FSH Overlay District only applies to areas identified as FSH Overlay District on the Zoning Map. The southern portion of the site contains a portion of “No Name Creek” as well as steep slopes. The applicant presented a map (Sheet 2) identifying the location of steep slopes, wetlands, and setbacks as required. The applicant proposes constructing a portion of a road and construction of a dwelling (Lot 1) within the required 50 foot water quality setback to “No Name Creek”. The applicant requests a modification to the required 50 foot setback to 25 feet as provided by Section 17.60.30 (C)(2).
33. The applicant submitted a wetlands report (Exhibit E). This report was forwarded by the applicant to the Department of State Lands (DSL) and Army Corps of Engineers regarding the proposed culvert. During their August 28, 2006 meeting, the Planning Commission recommended the applicant provide an open bottom arched culvert instead of the proposed piping. As of the Final Order date (11/6/06), staff is awaiting agency responses to the preferred creek crossing design.
34. Section 17.60.30 (C)(2) allows setbacks to be reduced from 50 feet to 25 feet along “No Name Creek” east of Towle Drive provided submittal of a stream bank restoration plan meeting the standards of Section 17.60.20.B.10. Because the subject property is sited east of Towle Drive, the proposed development is allowed to reduce the 50 foot setbacks to 25 feet in conformance with this section.
35. The applicant submitted a mitigation plan including a stream restoration plan as part of their request to culvert at portion of “No Name Creek”. If approval is obtained by the regulatory agencies, staff will review the applicant’s restoration plan in detail. Additionally, the applicant shall remove all non-native species prior to dedication to the public.
36. Section 17.60.50, Special Reports, requires the applicant to provide several reports including Storm Drainage, Geotechnical and Wetlands Delineation. As required by this Chapter, the applicant submitted the necessary reports related to this Section. All findings and recommendations outlined within these reports shall be incorporated as conditions of approval.
37. According to the Storm Drainage report, the proposed storm drainage system sufficiently satisfies the criterion of this Chapter. The applicant shall submit a more detailed storm water analysis for review and approval with the final construction plans.
38. The third party, Geotechnical report contains recommendations related to earthmoving activities on the site. As such, the Council requires the to comply with these recommendations and to submit a final report from a Geotechnical Engineer prior to Final Plat approval indicating these recommendations have been complied with.

39. The applicant shall supply written proof from the Department of State Lands and Army Corps of Engineer approving the proposed creek crossing and mitigation plan prior to issuance of any permits or construction including vegetation removal and grading on the site. In addition, the applicant shall provide proof of an easement or other guarantee to allow work to occur on the adjacent property (Tax Lot 9000) prior to any construction.

17.80 – Additional Setbacks on Collector and Arterial Streets

40. The site has frontage on Tupper Road, a collector and on State Highway 211, a major arterial. Per the requirements of Chapter 17.80, all structures along these roads shall maintain a minimum 20-foot setback.
41. Based on the proposed site plan, lots 4-7 have frontage on Tupper Road. The applicant proposes reducing the rear yard setback for Lot 5 to 15-feet. In order for the applicant to address street width and parking issues the Council a reduction in the setback in this area is warranted and approves this request.

17.84 – Improvements Required with Development.

42. Section 17.84.30 requires sidewalks to be installed along both sides of arterial, collector and local streets. The applicant proposes a five-foot-wide sidewalk along the outside of the proposed street, continuing around the one-way loop where it terminates at the beginning of the water quality swale to the southwest.
43. Sidewalk improvements along Tupper Road will not be needed because these facilities already exist. In order to accommodate the water quality swale to the south, the applicant proposes a 5-foot landscaping strip to meander along the north portion of Tax Lots 9005 and 9006.
44. The site plan also shows a 5-foot pedestrian path through Tract A. The trail shall be constructed of a pervious material to limit the amount of runoff. Additionally, the applicant shall submit detailed plans for the proposed trails in Tracts A and B, specifying the proposed surface and associated improvements to the area. 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. All improvements required by the standards of Section 17.84 of the code will be installed concurrently with development.
45. The applicant proposes extending all required public improvements to the edge of the Tupper Road. Proposed improvements are shown on the submitted plans.
46. The applicant proposes the installation of a bus shelter at the intersection of Tupper Road and the proposed public street. The preliminary site plan shows the approximate location of this amenity. The applicant shall submit the proposal for review by the Transit Manager to determine the need for and design of this facility.
47. As required by this Chapter, the applicant submitted a traffic analysis letter addressing site distance, trip generation and access issues (Exhibit K).

48. Based on the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, the proposed development is estimated to generate 17 trips in the AM peak hour and 22 trips in the PM peak hour with an average daily traffic is estimated to be 280 trips. This report concludes that pending the maintenance of existing landscaping, the available sight distances can meet required standards.
49. Parking shall only be provided on the inside of the internal loop road along the straight sections and shall not be allowed on the inside curves so the full width of the roadway is available for larger vehicles. The traffic letter notes that although the proposed internal loop road is not consistent with the TSP standards, it can operate in a safe and efficient manner with the one-way circulation and narrower width.
50. As shown on Sheet 4 of the revised submittals, the width of the proposed public street changes from 28-feet on Tax Lots 9005 and 9006, to 16-feet at the traffic island, to 26-feet at the south and east of the loop, to 20-feet along the north and then back to 26-feet along the west. This configuration allows for on-street parking on the inside of the loop and emergency vehicle access and generally complies with the standards established in the "Fire Code Applications Guide" adopted by the Sandy Fire District. The applicant shall be responsible for posting the outside of the portion of the road on the subject property "no parking" and/or painting curbs in this area as required by the Fire District.
51. With the revised plan, including increasing the street width, parking on the inside of the one-way loop, and accommodation of off-street parking and garage setbacks, the City Council supports the revised street design.
52. The proposed local street plan has been designed to facilitate local traffic needs. Because the site plan indicates that the proposed street is a one-way loop, there will be no through traffic. The applicant proposes dedicating all the streets in the Planned Development as public streets. As recommended by the Planning Commission, the City Council requires the one-way public street to be dedicated as a public street.
53. The Public Works Director recommends and the Council requires the applicant to construct a $\frac{3}{4}$ street section on Tax Lots 9005 and 9006 serving the development. The Council also approves use of these tax lots as public right-of-way to serve the development. In addition, the Council requires the applicant to comply with conditions approved by the Council on November 7, 2005 regarding use of these tax lots. As such, the applicant shall be responsible for all survey, document preparation, and recording costs associated with the right-of-way dedication.
54. Because the subject property contains frontage on an unimproved portion of Highway 211, the applicant shall pay for the cost of these improvements in conformance with ODOT and city requirements. As such, the Council requires the applicant to pay a fee in lieu for construction of improvements including curb and sidewalk for the portion of Highway 211 adjacent to the subject property.
55. The applicant has not proposed a street name at this time. The applicant shall conform to the requirements of this section.

56. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. The proposed public street section complies with these standards.
57. Aside from Tax Lot 9000, there are no properties adjacent to the subject property that would be able to utilize the proposed public street. Proposed street grades are below the maximum allowed and are not expected to exceed 4 percent.
58. Section 17.84.50 (H) requires the centerline radii of curves to not be less than 100 ft. on local streets. The applicant requests an exception to the centerline radii of the full width portion of the new street from 100 feet to 39 feet. Prior to approval of this exception, the Council requires the applicant to provide an updated letter from the City Fire District approving this configuration.
59. Due to concerns with site circulation and accessibility, staff recommended the applicant provide a letter from the Fire District specifically approving the proposed design. The applicant submitted such a letter (Exhibit S), stating that the street plan meets the Fire Department's requirements. However, the letter references a previously submitted site plan, stating that the, "looped access is (22-foot drivable)." Because of this discrepancy, the Council requires the applicant to submit a letter from the Fire District, addressing the street widths of the revised site plan.
60. Pending the Fire Districts review of the revised site plan, the radii shall maintain 20 feet at the intersection of Tupper Road. Street lights, transformers and utility pedestals shall be relocated to the opposite side of the street or placed 'behind' the sidewalk so that there will be no obstructions in the sidewalk areas.
61. Section 17.84.60 requires all development sites to be provided with public water, sanitary sewer, and storm drainage. All public sanitary sewer and waterline mains are required to be a minimum of 8 inches in diameter. In addition, utilities shall be stubbed out to the adjoining properties (tax lots 9002 and 9007) if existing services do not already exist. Prior to any disturbance, the applicant shall provide evidence to the City that all work outside the project limits has concurrence easements from the respective property owners. The applicant shall demonstrate that existing and proposed water lines will be adequate to provide the required minimum fire flow for two-family attached dwellings.
62. All franchise utilities will be installed underground and in conformance with City standards.
63. Section 17.84.90 requires the applicant to provide easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities whenever these facilities are located outside a public right-of-way. The applicant proposes a 10 foot public utility easement along the road frontage of all lots. The applicant also indicates that a public sanitary sewer easement will be required prior to final platting.

64. Section 17.84.90 allows the City to require environmental assessments for all lands to be dedicated to the public or City. The applicant shall submit a Level I Environmental Assessment prior to Final Plat approval for the proposed Open Space dedication.

65. Mail delivery facilities shall be provided by the applicant in conformance with this Section 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan to the City for review and provide proof of approval of this plan from the Postmaster prior to Final Plat approval.

17.86 – Parks, Open Space and Recreation Land.

66. According to Section 17.64.50, “[In] addition to required open space, all Planned Developments that include residential housing shall also provide a required parkland dedication as specified in Chapter 17.86.

67. The applicant proposes developing 14 duplexes for a total of 29 units, including the existing single family dwelling. Based upon the calculations contained in Chapter 17.86, the applicant is required to dedicate .36 acres of public parkland ((28 proposed units, credit is given for existing unit) x (3 persons per unit) x .0043= (.3612 acres to be dedicated)).

68. Section 17.86.40 allows the city discretion whether to accept parkland dedication or require payment of a fee in lieu of dedication. The applicant does not propose parkland in compliance with standards contained in Section 17.86.20. The applicant proposes parkland not conducive to accommodating active play structures because it is located within the restricted area of No Name Creek. In addition, the location of the proposed area does not provide good public visibility and the location of the subject property relative to existing parkland (Tupper Park) does not make dedication of parkland on the subject property desirable. As such the Council requires the applicant to pay a fee in lieu of parkland dedication.

69. Per Resolution 2005-05, the required fee in lieu amount is \$241,007 per acre. Therefore, the applicant shall pay a fee in-lieu of dedication for a total of \$86,762.52 (.36 acres of land to be dedicated) x (\$241,007) prior to Final Plat approval.

17.92 - Landscaping and Screening.

70. The applicant submitted a preliminary landscaping plan with the application. The applicant shall provide a detailed landscaping plan with construction plans for the proposed development.

71. According to this Section, landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life. The applicant proposes manual irrigation for the proposed landscaping. The applicant shall maintain these facilities for a period of two years from the date of completion.

72. Areas where natural vegetation has been removed or damaged through grading or construction shall be replanted. The applicant submitted a Native Vegetation Report (Exhibit I), but has not indicated how re-vegetation of natural areas will occur following construction. The applicant shall submit a restoration plan for all disturbed areas with construction plans.

17.98 – Parking, Loading and Access Requirements

73. This Chapter requires the applicant to provide two off-street parking spaces for each dwelling unit. Based on staff's concerns, the applicant revised the site layout to accommodate wider streets and adequate parking, including 2 off street and 1 on street parking spaces per dwelling unit. As identified above, the applicant is required to make adjustments to the building footprints for a number of the lots in compliance with development standards.
74. The applicant's submitted traffic analysis letter recommends that "parking be limited to only the inside of the internal loop road along the straight sections." Additionally, the applicant proposes rolled curbs along the outside of the street to accommodate emergency vehicle access. Staff also requested that the site plan identify 1 additional on-street parking space per dwelling unit (a total of 29). Based on the proposed Vehicle Space Plan, there are 29 on-street parking spaces. Based on staff's review of the revised Vehicle Space Plan, the applicant meets the criteria of this Section.

17.100 – Land Division.

75. The applicant has requested the application be processed through a Planned Development process. As part of this application, the applicant has requested several modifications to the code.
76. ODOT provided comments for the proposed development on July 20, 2006 (Exhibit N). Based on ODOT's recommendations, the applicant shall provide a fee in lieu for construction of curb and sidewalk improvements to Highway 211. Additionally, the applicant shall provide right-of-way dedication necessary to accommodate the planned cross section as specified on Sheet 1 of the revised submittals. The applicant shall obtain an ODOT miscellaneous permit for all proposed work within the ODOT right of way.
77. The chapter requires a future street plan that shows proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur. The applicant proposes a deviation from this section of code. The proposed street does not conform to future street plans as shown within the TSP. Due to the topographic features of the subject property, staff has found that the proposed street plan will not significantly detract from the intent of this section. Therefore, the proposed development conforms to this criterion.
78. This chapter requires blocks fronting local streets to generally not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development. The proposal includes a block exceeding 400 feet in length. Because the Planned Development process allows for review of code deviations, and because of the unique limitations of the site, street connectivity with adjacent properties is not feasible. For this reason, staff recommends approval of a deviation to this section.
79. To enhance public convenience and mobility, Section 17.100.120 requires pedestrian and bicycle access ways to connect cul-de-sacs or between streets and other public or semipublic

lands. To ensure a sufficient bicycle and pedestrian connection to the north, the proposed pedestrian walk in Tract B shall minimize stairs where possible, facilitating its use by pedestrians and bicycles. The trail through Tract B shall also be carefully designed to minimize damage to existing trees, including root zone impacts. As previously discussed, the applicant shall submit additional designs for the proposed public access way through Tract B, as well as the proposed public pathway through Tract A.

80. This Chapter requires a five-foot minimum utility easement along the front, side and rear property lines for all lots within a partition or subdivision. The applicant proposes a 10-foot public utility easement along the frontage of all lots. The applicant shall include all required easements on the final plat.
81. Section 17.100.170 requires a 20 foot minimum curve radius on local and neighborhood collector streets at intersections of rights-of-way. Because the site interests with Tupper Road, a collector street, the centerline at the intersection of Tupper Road shall maintain a 20 foot radius. Additionally, the vertical design grade for the intersection landing at Tupper Road, where controlled by 'stop' signs, shall be no greater than 8 percent for a minimum of 50 feet or two car lengths.
82. The applicant provided a preliminary street lighting plan as required. The developer shall finance the lighting structures as required and will coordinate with the utility and lighting districts.
83. The applicant shall submit proof of onsite inspection by a Geotechnical Engineer prior to final plat approval.
84. Section 17.100.240 requires drainage facilities to connect with off-site drainage ways or storm sewers. The applicant's construction plan shall also conform to the requirements of Chapter 13.18, Storm Water Management. The applicant shall submit required stormwater modifications with construction plans.
85. Section 17.100.280 requires a master street tree plan where planting strips are provided in the public right-of-way. The applicant shall submit a revised street tree planting plan specifying proposed tree species meeting required spacing standards.
86. The applicant shall submit a grading and erosion control permit request prior to any grading onsite.
87. The applicant shall install all improvements listed within Section 17.100.300 as required. In addition, the applicant shall ensure completing the required improvements, as specified within Section 17.100.320 prior to final plat approval.

17.102 – Urban Forestry

88. Section 17.102.50 contains tree retention and protection requirements. This section specifies that at least three trees 11-inches DBH or greater shall be retained for every acre of contiguous ownership. Based on the City Council's review, the applicant conforms to this requirement.

89. To ensure tree protection during construction, the applicant shall submit a tree protection plan as part of an erosion control permit submittal and request an onsite inspection prior to any tree removal activities.

Proposed Deviations to City Code

90. Lots 4, 7-11 and 14 do not meet the 15-foot rear setbacks as required by Chapter 17.40. The City Council supports the applicant's request for the rear-yard setback reduction on Lots 7 and 8 to 10-feet, Lots 9 and 14 to 13-feet and Lots 10 and 11 to 12-feet.
91. Lot 5 does not meet the 20-foot rear setback as required by Chapter 17.80. The City Council supports this deviation as requested. In addition, the driveway length on Lot 5 does not meet the required 40-foot length. The applicant shall revise the driveway length on Lot 5 to 40-feet as requested.
92. The applicant proposes a one-way public street that does not connect to other properties (Section 17.84.50). This exception is necessary because of the location the subject property relative to steep slopes along Tupper Road and "No Name Creek".
93. The proposed public street is not identified on the Sandy Transportation System Plan. Currently, access to the subject property is via a steep private driveway. Because the site's zoning is R-3, the proposed planned development will require additional access. Granting this exception will allow for higher density use within the subject property.
94. The centerline radii of the full portion of the new public street exceed 100'. The applicant shall provide additional details regarding the acceptance of the revised design by the Fire District.

Other Findings

95. Staff requested the applicant submit a letter from the Fire District (Exhibit S), stating the proposed development met the Fire District requirements. Although the applicant submitted such a letter, the Fire District bases their analysis from an earlier site plan. The applicant shall provide written confirmation from the Fire District that the revised proposal is designed in compliance with Fire District requirements for access roads.
96. To allow additional pedestrian circulation throughout the site, the applicant proposes pedestrian access through Tracts A and B. The Final Plat shall provide pedestrian access easements over the entirety of Tracts A and B.
97. The applicant proposes providing two tracts (Tract A, 29,639 square feet and Tract B, 5,174 square feet) to meet the 25 percent open space dedication requirement for Planned Developments. The applicant shall dedicate both tracts to the public.
98. The applicant revised the requested deviations to setback standards to accommodate changes to the street layout. The City Council generally supports the requested setback deviations pending the recommended changes. For this reason, the applicant shall submit revised plans demonstrating compliance with these requirements.

99. The applicant proposes piping a portion of "No Name Creek" to allow construction of the proposed access road. The applicant submitted a joint permit request to the Department of State Lands and Army Corps of Engineers. As part of this work the applicant also proposes stream restoration and enhancement. The proposed mitigation involves use of Tax Lot 9001 to the west owned by Ron Hughes. Mr. Hughes is a joint applicant in this request. The applicant shall provide proof of an easement or other guarantee that work will be allowed and will be protected. Staff recommends use of an open-bottomed arch culvert for the stream crossing rather than a closed culvert as proposed. Approval of the applicant's request is awaiting agency approval. Prior to issuance of any permits and submittal of plans, the applicant shall submit proof of receipt of joint permit approval.

100. The City Council granted tentative approval for the applicant to use Tax Lot 9005 and 9006 (city owned property) for access to the subject property, subject to compliance with several conditions. For this reason, the applicant shall complete modifications to the proposal necessary to bring the application into compliance.

DECISION

The Trimble Planned Development Tentative Plat is hereby approved as modified by the conditions of approval listed below. These conditions are based on the plans submitted on September 19, 2006.

CONDITIONS OF APPROVAL

A. 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 proof of receipt of a Joint Permit from the Department of State Lands and Army Corps of Engineers allowing work associated with the culverting and restoration of "No Name Creek" to occur.
2. Submit a letter from the Fire Department approving the revised street configuration and centerline radii of the plans submitted on September 19, 2006.
3. Submit a revised Building Footprint Plan (Sheet 7) and Appendix D (Individual Lot Details) to contain changes as described below:
 - Submit a modified building design #370 used on Lots 4, 10, and 15, so that the garage is located behind the front entry and the front entry includes a covered porch as provided with designs #461 and #512.
 - ~~Modify Lot 4 to provide a 15-foot rear yard setback.~~
 - Modify Lot 5 to provide a minimum 40 foot driveway length.
 - Modify Lot 9 to shift home forward three feet.
 - Modify Lot 10 to shift home forward two feet.
 - Modify Lot 11 to shift home forward two feet.

- Modify Lot 13 so that the front of the dwelling faces east, keeping parking to the north but shifting parking to the east so that a five foot setback is maintained along the western property line.

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

1. Apply for and receive approval for a grading and erosion control permit in conformance with City standards detailed in Section 15.44 of the Municipal Code. A grading and erosion control plan shall be submitted that depicts protected trees and tree protection measures conforming to the standards of Section 17.102.50 of the Development Code. *(Submit to Planning Department and Public Works Department for approval)*
2. Submit proof of receipt of a Department of Environmental Quality 1200C permit. *(Submit to Planning Department)*.
3. Identify the trees on the site to be protected on the revised grading plan and install protective barrier fencing as specified in Section 17.102.50 B.
4. Request an inspection of erosion control measures and tree protection measures as specified in Section 17.102.50 C. *(Request to Planning Department)*
5. Provide proof of an easement or other guarantee to allow work to occur on the adjacent property (Tax Lot 9000).

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. Comply with design requirements contained in reports from the Public Works Director (Exhibit M) and City Engineer (Exhibit L).
2. Submit a detailed revised storm water analysis in compliance with recommendation of the City Engineer and city standards.
3. Maintain a 20 foot street radius at the intersection of Tupper Road.
4. The vertical design grade for the intersection landing at Tupper Road, where controlled by 'stop' signs, shall be no greater than 8 percent for a minimum of 50 feet or two car lengths.
5. Identify on plans and submit a design for fencing along the north (Tupper Road) and eastern property boundaries.
6. Relocate street lights, transformers and utility pedestals to the opposite side of the street or placed 'behind' the sidewalk so that there will be no obstructions in the sidewalk areas.

7. Submit a master street tree plan in conformance with Section 17.100.280. Trees planted within open space areas shall be species native to Oregon. The street tree plan shall provide street trees approximately every 30-foot on center. This plan shall include tree installation details and maintenance provisions by the developer until houses are sold. All deciduous trees shall be a minimum 2-inch caliper and evergreens a minimum 5-6-feet in height.
8. Submit a re-vegetation plan demonstrating re-vegetation of areas disturbed by grading/grubbing with native plantings. Additional plantings shall be proposed along the southern property boundary to discourage trespass on the adjacent property to the south.
9. Submit a mail delivery plan to the City for review and approval prior to installation of mailboxes. Submit concurrence from the Postmaster. *(Submit to Planning Dept.)*
10. The number and location of fire hydrants and the private driveway access tract configuration shall be reviewed and approved by the Sandy Fire District.
11. Provide detailed designs of the proposed pathway on Tracts A and B, including landscaping and proposed pathway materials. Trails shall be constructed of a pervious material to limit the amount of runoff. Any required stairs within Tract B shall include hand rails with "anti skateboarding knobs" attached and bicycle grooves on each side.
12. Submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and 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.
13. Submit the bus shelter proposal for review by the Transit Manager to determine the need for and design of this facility.
14. Submit a street lighting plan to PGE for review and approval. Incorporate this approval into the construction drawings to ensure that there is no conflict with city utilities and that the system complies with Sandy Municipal Code Chapter 15.30, Dark Sky Ordinance.
15. Install all improvements detailed in Section 17.100.300 as required. If entry signs are desired, the applicant shall submit a detailed plan showing the location of entry signage. Entry monuments signs shall be located entirely outside the public right-of-way and clear vision areas as required by Section 17.74.30.

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

1. Submit three copies of a Final Plat and fee to contain the following:
 - Identify the proposed street as a public street.
 - Identify any public utility easements located outside public rights-of-way.
 - Depict public utility easements (PUE) along public streets a minimum of eight-feet deep.

- Identify the existing access easement on Lot 7.
 - Identify the proposed open spaces as Tract A and B to be conveyed to the City of Sandy.
 - Depict a pedestrian access easement over the entirety of Tracts A and B.
 - Depict street-centerline- and intersection curve radii.
2. Complete all public improvements to Tupper Road and the proposed public street including paving, curb, sidewalk, street lighting, and installation of street trees or financially guarantee these improvements in accordance with the provisions of Chapter 17.
 3. Complete all surveying, document preparation, and pay recording costs associated with dedication of Tax Lots 9005 and 9006 as public rights-of-way subject to conditions contained in the City Council approval dated November 7, 2005.
 4. Install street trees on Tax Lots 9005 and 9006 and within Open Space areas. Trees on individual lots can be planted with construction of dwellings.
 5. Install a transit amenity on Tupper Road as required by the Transit Manager.
 6. Install fencing along the northern and eastern property lines as approved on construction plans.
 7. Complete construction of the water quality swale and installation of required plantings on the south side of the proposed access street.
 8. Complete all streambank restoration and wetland mitigation improvements as required by the Joint Permit approval.
 9. Complete removal of non-native vegetation species within the proposed open space tracts.
 10. Install "no parking" signage or paint the curb as required to limit parking as required by the Fire District and the City of Sandy.
 11. Provide proof of DEQ conformance that the existing septic tank has been emptied and properly abandoned, if applicable.
 12. Demonstrate that existing and proposed water lines will be adequate to provide the required minimum fire flow for two-family attached dwellings.
 13. **Submit a report from a certified Geotechnical engineer that construction operations dealing with earthwork and its relation to foundations were observed onsite. This report shall specify observation dates and the conclusion of this observation following completion of this work.**
 14. Submit a Phase I Environmental Assessment indicating a clean environmental record for Tracts A and B.

15. Submit draft C.C.& R's, as applicable for the proposed development. C.C.& R's shall specify limitations on removal of protected trees.
16. Reimburse the City for the cost of installing all required signage.
17. Pay fee in lieu of park dedication of \$86,762.52 ((.36 acres of land to be dedicated) x (\$241,007)).
18. Pay a fee in lieu of construction of improvements including curb and sidewalk for the portion of Highway 211 adjacent to the subject property.
19. Pay plan review, inspection and permit fees as determined by the Public Works Director.
20. 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. All improvements required by the standards of Section 17.84 of the code will be installed concurrently with development.

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

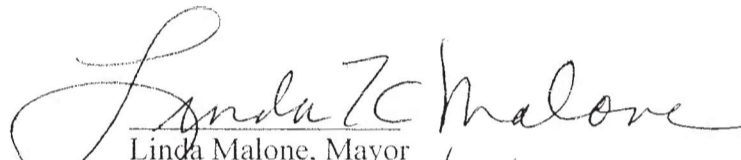
1. Submit a true and exact reproducible copy (mylar or velum) of the recorded Final Plat including associated documents and a digital version of the Trimble Planned Development plat, in conformance with Section 17.100 and/or applicable state or county statutes.
2. Submit a copy of all recorded documents including C.C.& R's and homeowner's associations.
3. Submit a building permit request in compliance with approved building designs and setbacks as identified on the revised Building Footprint Plan and Appendix D.
4. Franchise utilities shall be installed in conformance with Section 17.84.40.

F. General Conditions

1. 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 State Structural Specialty Code" (OSSSC). In addition, each lot shall be evaluated by a geo-technical engineer prior to construction of a house foundation.
2. Conform to the findings and recommendations of the Storm Drainage Report (Exhibit C), the Geotechnical Report (Exhibit D) and the Wetlands Delineation (Exhibit E).
3. All public roads shall be built to current City public street construction standards.
4. All utilities including franchise utilities shall be installed and placed underground by the developer with individual service to each lot.

5. The applicant may apply for Advanced Financed Public Improvement reimbursement conforming to Section 12.14 SMC for the utility and street improvements installed with the proposed project that may benefit adjacent parcels.
6. Street trees shall be planted on all street frontages in association with construction of individual homes. Street trees shall comply with the size and type standards of Section 17.92.50. In order to ensure their success, street trees shall have a minimum caliper of 2 inches, measured 6 inches from grade.
7. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for two years. This guarantee shall insure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.
8. Fences and landscaping shall comply with the clear vision area standards of 17.74.30 at the intersection of Tupper Road.
9. The applicant shall provide street lighting meeting city standards. All street lighting shall meet the City of Sandy Dark Skies standards, Section 15.30, and any other applicable standards.
10. Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area. Erosion control measures shall be provided by the applicant in accordance with Section 15.44 of the Municipal Code.
11. All improvements listed in Section 17.100.300 must 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, and water lines and fire hydrants.
12. The tentative plat shall be valid as detailed in Section 17.100.60 (H).
13. The final plat shall be recorded as detailed in Section 17.100.60 (I).
14. Development of this subdivision will require payment of system development charges in accordance with applicable city ordinances.
15. All utilities shall have separate connections to the public system or, if shared utilities are allowed, an access agreement shall be secured to allow public access on the drive for operation and maintenance of the utilities. Any utilities or facilities shared by two or more property owners shall meet established standards.
16. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.

17. Land use approval does not connote approval of public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase.
18. Comply with all standards required by Section 17.84 of the SDC. 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.
19. Comply with the recommendations of the City Engineer and Public Works Director.
20. Comply with all requirements of Chapter 17.100 – Land Division.
21. 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.


Linda Malone, Mayor
Date Signed: 11/13/06

APPEAL TO THE LAND USE BOARD OF APPEALS (LUBA)

A decision on a land use proposal may be appealed to the Land Use Board of Appeals. A notice of intent to appeal plan and land use regulation amendments processed pursuant to ORS 197.610 to 197.625 shall be filed with the Board on or before the 21st day after the date the decision sought to be reviewed is mailed to parties entitled to notice under ORS 197.615. A Notice filed thereafter shall not be deemed timely filed, and the appeal shall be dismissed.

Any person who appeared, either orally or in writing, before the Planning Commission or City Council with regard to this application is entitled to appeal the decision to the Oregon Land Use Board of Appeals within 21 days of the date the decision is mailed.