

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

DATE: May 19, 2022

FILE NO.: 22-003 FSH/TREE

PROJECT NAME: 362nd Drive and Bell Street

APPLICANT: HHPR, Inc. (on behalf of the City of Sandy)

OWNERS: City of Sandy

LEGAL DESCRIPTION: Road Improvements at T2SR4E11, Tax Lots 3200, 3400, 3401, 3402, and 3500, and T2SR4E10, Tax Lot 5603; and Sandy Bluff Park mitigation at T2SR4E11CA, Tax Lot 18300

The above-referenced proposal was reviewed concurrently as three Type II Flood and Slope Hazard (FSH) overlay reviews and a tree removal permit. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

EXHIBITS:

Applicant's Submittals:

A. Land Use Application

B. Project Narrative

C. Civil Plan Set (December 21, 2021)

- Sheet 1 – Cover Sheet, Sheet Index Map, Legend, Notes, List of Abbreviations (1.0-1.2)
- Sheet 2 – Typical Street Sections (2.0)
- Sheet 3 – Tree Removal Plans (3.0-3.6)
- Sheet 4 – ESCP, 1200C Erosion & Sediment Control Plans (4.0-4.19)
- Sheet 5 – Roadway Geometry & Paving Plans (5.0-5.6)
- Sheet 6 – Street & Storm Sewer Plans (6.0-6.11)
- Sheet 7 – Irrigation Plans
- Sheet 8 – Planting Plans (8.0-8.3)
- Sheet 9 – Curb Return Details & Driveway Details (9.0-9.12)
- Sheet 10 – Sanitary Sewer & Water Plans (10.0-10.10)
- Sheet 11 – Standard Street Details (11.0-11.3)
- Sheet 12 – Standard Storm & Sanitary Sewer Details (12.0-12.2)
- Sheet 13 – Standard Water Main Details (13.0-13.1)
- Sheet 14 – Retaining Wall Plans & Details (14.0-14.3)

- Sheet 15 – Wetland Mitigation Plan at Sandy Bluff Pond (15.0)
 - Sheet 16 – Stormwater Facilities Plans & Details (16.0-16.4)
 - Sheet 17 – Roadway Cross Sections (17.0-17.50)
 - Sheet IL – Illumination Plans & Details (IL-01 – IL-08)
 - Sheet SS – Signing & Striping Plans & Details (SS-01 – SS-11)
 - Sheet TS – Traffic Signal Plans & Details (TS-01 – TS-04)
- D. Updated FSH, Grading, and Erosion Control Sheets (February 2022)
- E. Updated Wetland Mitigation Sheets (March 4, 2022)
- F. Updated Retaining Wall Details (January 2022)
- G. Native Vegetation Report (February 2022)
- H. Wetland Delineation Report and DSL Wetland Concurrence WD # 2021-0689
- I. Wetland Delineation Report and DSL Wetland Concurrence WD # 2020-0412
- J. Wetland Delineation Report and DSL Wetland Concurrence WD # 2021-0207
- K. Wetland and Stream Mitigation Technical Memorandum (December 17, 2021)
- L. Report of Geotechnical Engineering Services (December 6, 2021)
- M. Final Stormwater Management Report (March 4, 2022)
- N. Traffic Impact Analysis (July 20, 2021)
- O. ODOT Highway Approach Application & Conditional Approval
- P. State Historic Preservation Office Report & Cultural Resource Survey (August 10, 2021)
- Q. Clackamas County Doc. No. 2001-033516 Statutory Bargain and Sale Deed
- R. Applicant’s Response to Incompletion Submission (March 10, 2022)

Agency Comments:

- S. DSL (May 13, 2022)
- T. Sandy Fire District No. 72 Fire Marshal (May 13, 2022)
- U. Sandy Transit Director (May 16, 2022)
- V. ODOT (May 16, 2022)
- W. SandyNet Director (May 16, 2022)

Public Comments:

- X. Spencer White (May 4, 2022)
- Y. Leah Benson (May 6, 2022)
- Z. Beverly Basset (May 12, 2022)

FINDINGS OF FACT

General Overview

1. These findings are based on the applicant’s submittals received on January 13, 2022, March 10, 2022, April 15, 2022, April 19, 2022, and April 21, 2022. Staff deemed the application incomplete on January 20, 2022. The application was deemed complete on April 25, 2022, and a 120-day deadline of August 23, 2022, was established.
2. This report is based upon the exhibits listed in this document, as well as agency comments and public testimony.

3. The subject site is approximately 10.1 acres with right-of-way at 7.2 acres, slope easements at 2.3 acres, and areas for utilities totaling 0.6 acres. The proposed road alignment is located north of Highway 26, south of Goldenrain Street, and west of the Sandy High School.
4. The proposed alignment area has a Comprehensive Plan Map designation of Low Density Residential, Medium Density Residential, Commercial, and Parks and Open Space; and a Zoning Map designation of Single Family Residential (SFR), Medium Density Residential (R-2), General Commercial (C-2), and Parks and Open Space (POS).
5. HHPR, Inc. (HHPR) submitted an application on behalf of the City of Sandy to extend and connect Bell Street and 362nd Drive. Street improvements will include sidewalks, planter strips, bike lanes, and utilities. The current western terminus of Bell Street is directly adjacent to a stream and wetland, which are in the City's mapped Flood and Slope Hazard (FSH) overlay district. The extension of Bell Street to the west will require crossing the stream/wetland, grading, and removal of trees in the FSH and will therefore require an FSH review. The applicant is proposing to mitigate for the impacts to the wetland via wetland bank credits. The applicant is also proposing stream mitigation at Sandy Bluff Park, which will primarily include planting native vegetation, including the trees that provide mitigation for the Flood and Slope Hazard overlay impacts to the stream due to the extension of Bell Street.
6. Notice of the proposal was mailed to agencies and City departments on April 28, 2022, and to property owners within 300 feet of the site on April 28, 2022.
7. Agency comments were received from DSL, Sandy Fire District No. 72, the Sandy Transit Director, ODOT, and the SandyNet Director.
8. Three written public comments have been entered into the record and can be found in Exhibits X, Y, and Z.
 - a. Spencer White requested an expansion of Sandy Bluff Park and retaining as much woodland as possible (Exhibit X).
 - b. Leah Benson is adamantly against the proposal, is tired of the constant growth, and has concerns about infrastructure (Exhibit Y).
 - c. Beverly Bassett stated she is against the proposal primarily because of the loss of habitat and trees (Exhibit Z).

Zoning

9. Per Chapter 17.10, Definitions, "new or extended public streets" are defined as a minor public utility.
10. The proposed alignment crosses multiple zoning districts including Single Family Residential (SFR), Medium Density Residential (R-2), and General Commercial (C-2). "Minor utility facility" is listed as an accessory use permitted outright in the SFR and R-2 zoning districts, and a primary use permitted outright in the C-2 zoning district.

11. The proposed mitigation site is zoned Parks and Open Space (POS). Section 17.32.00 states: “Open space includes publicly developed and undeveloped lands and sensitive areas such as wetlands, steep slopes, forested areas, and stream corridors.”
12. The proposed mitigation site and a small portion of the Bell Street extension are also located within the Flood and Slope Hazard (FSH) Overlay District. Planting of native plant species, removal of permitted fill, and removal of non-native/invasive vegetation, dead or dying vegetation that is hazardous to the public, or removal of up to two trees of six inches or greater DBH in a calendar year are all reviewed under the Type I FSH procedure. Construction or expansion of minor public facilities necessary to support development, where no other practical alternative exists, and stream bank restoration are reviewed under the Type II FSH procedure.

17.56 – Hillside Development

13. The narrative (Exhibit B) states that portions of the project site have slopes that are greater than 25 percent. The applicant submitted a Report of Geotechnical Engineering Services (Geotech Report) prepared by GeoDesign, Inc. and dated December 6, 2021 (Exhibit L).
14. The Geotech Report includes many recommendations, including, but not limited to, recommendations regarding box culvert footings, retaining wall systems, subgrade improvements, cement amendment, infiltration systems, subgrade protection, structural fill, resistance to sliding, pavement design, and material specifications. The report also recommends that qualified personnel should visit the site with sufficient frequency to detect whether subsurface conditions change significantly from those anticipated and to observe the contractor’s activities to ensure the work is completed in accordance with the construction drawings and specifications. The narrative states that the recommendations of the Geotech Report will be followed during construction of the facility that is funded with the capital improvement funds. **The applicant shall adhere to the recommendations contained in the Report of Geotechnical Engineering Services.**

17.60 – Flood and Slope Hazard (FSH) Overlay District

15. Section 17.60.00 specifies the intent of the Flood and Slope Hazard (FSH) Overlay District, which is to promote the public health, safety, and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides, or degradation of water quality consistent with Statewide Planning Goal 6 (Air, Land and Water Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP).
16. Section 17.60.20 contains permitted uses in the FSH overlay district and Section 17.60.40 contains the FSH review procedures. The extension of Bell Street to the west will require crossing the stream/wetland, grading, and removal of trees in the FSH overlay district. The applicant is proposing to mitigate for vegetation loss in the FSH due to the road construction through stream bank restoration and native planting at the Sandy Bluff Park pond. Construction or expansion of minor public facilities necessary to support development and stream bank restoration are both reviewed under the Type II FSH procedure. The proposal includes removal of 26 trees within the FSH overlay as detailed on the Updated FSH, Grading, and Erosion Control Sheets (Exhibit D), which is more than the two (2) per year

permitted under a Type I FSH procedure. Staff determined that removal of more than two trees in association with a public improvement project identified in a master plan is processed under a Type II FSH procedure. Thus, the applicant is requesting the following three (3) Type II FSH reviews:

- Type II FSH review for construction of the road (minor public facility) within the FSH overlay.
- Type II FSH review for stream bank restoration within the FSH overlay at Sandy Bluff Park.
- Type II FSH review for removal of more than two (2) trees from the FSH overlay in association with a public improvement project identified in the 2011 City of Sandy Transportation System Plan, Project ID M14 and M15.

Any future development within the FSH overlay district shall require separate permit review. The applicant shall update Sheets 1.0, 3.6, 4.9, 4.16, 4.17, and 15.0-15.2 of the Plan Set to include the following language: A violation of the provisions set forth in Chapter 17.60, FSH, (e.g., tree removal without permit authorization or native vegetation removal) shall result in a fine assessed to the contractor as specified in Section 17.06.80.

17. Section 17.60.30 and Figure 1 in Chapter 17.60 outline required setbacks and FSH overlay elements for development around FSH areas. HHPR delineated wetlands and waters in the vicinity of the proposed project and mitigation site in three (3) separate delineations: the area where Bell Street will cross a stream/wetland, the area where 362nd Drive will cross a stream/wetland near where Bell Street and 362nd Drive are proposed to intersect, and the area at the Sandy Bluff Park mitigation site. First, the applicant submitted a Wetland and Waters of the U.S. and State Delineation Report prepared by HHPR and dated August 2020 (Exhibit I) that identified two jurisdictional waterbodies at the location where the Bell Street extension will cross the FSH overlay: one perennial stream, which is an unnamed tributary to Tickle Creek identified as Tributary A, and one adjacent wetland that occurs along both sides of the perennial stream identified as Wetland A. The delineation was approved by the Department of State Lands (DSL) on November 19, 2020, as DSL File No. WD # 2020-0412 (Exhibit I). Second, the applicant submitted a Wetland and Waters of the U.S. and State Delineation Report prepared by HHPR and dated March 2021 (Exhibit J) that identified two jurisdictional waterbodies along the proposed alignment of 362nd Drive near the proposed intersection of Bell Street and 362nd Drive: a pond, which includes wetlands below ordinary high water and is identified as Pond A, and an intermittent or perennial stream, identified as Tributary B, with associated wetlands identified as Wetland B. The delineation was approved by DSL on July 15, 2021, as DSL File No. WD # 2021-0207 (Exhibit J). Third, HHPR delineated and surveyed the wetland and stream boundaries at the Sandy Bluff Park mitigation site and identified two jurisdictional waterbodies at the mitigation site: one perennial stream (part of Tributary A), which includes one in-line man-made pond referred to as the Sandy Bluff pond, and one adjacent wetland, identified as Wetland C, that occurs on the banks of the Sandy Bluff pond. The delineation was approved by DSL on March 16, 2022, as DSL File No. WD # 2021-0689 (Exhibit H). As indicated on Figure 1 in Chapter 17.60, the FSH overlay district includes the area within 100 feet of the top of bank of a

perennial stream as well as the area within 25 feet of a wetland. The City's mapped FSH overlay is a general boundary area and is not based on a detailed survey or delineation. An applicant is required to submit a detailed survey and delineation at the development stage and the FSH map is required to be updated based on the detailed survey and delineation. **The property owners for Tax Lots 3402 and 3500 shall submit an application and receive approval to update the City's zoning map with the surveyed FSH Overlay District prior to future development of Tax Lots 3402 or 3500.** The submitted Wetland and Stream Mitigation Technical Memorandum (Exhibit K) states that flow permanence was not evaluated during delineation of Tributary B, so it's not known whether Tributary B is a perennial or an intermittent stream. It's also unclear whether Wetland B or Pond A are significant local wetlands. **Prior to development of Tax Lot 3200 or 5603, the property owner of Tax Lot 3200 or 5603 shall confirm whether Tributary B is an intermittent or perennial stream and whether Wetland B and/or Pond A is a locally significant wetland. If Tributary B is a perennial stream, the property owner of Tax Lot 3200 or 5603 shall submit an application and receive approval to update the City's zoning map with the surveyed FSH overlay district boundary detailed at 100 feet from top of bank. If Wetland B or Pond A are determined to be locally significant wetlands, the property owner of Tax Lot 3200 or 5603 shall submit an application and receive approval to update the City's zoning map with the surveyed FSH overlay district boundary detailed at 25 feet from the wetland.**

18. Planning staff submitted a Wetland Land Use Notification to DSL on April 29, 2022, and received a Wetland Land Use Notification Response (Exhibit S) on May 13, 2022. The review included the following findings related to wetlands, waterways, and other water features:

- There are/may be wetlands, waterways, or other features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey, and other available information.
- The National Wetlands Inventory shows wetland, waterway, or other water features on the property.
- Local Wetlands Inventory shows wetland, waterway, or other water features on the property.
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- It appears that the proposed project will impact wetland and requires a State Permit.
- A Federal permit may be required by The Army Corps of Engineers: (503)808-4373.

The applicant shall obtain a state permit for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide. The applicant shall obtain a state permit for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream. The applicant shall continue to work with Aquatic Resource Coordinator Katie Blauvelt during the permitting, construction, and mitigation process.

19. Section 17.60.50 contains requirements for special reports, including a hydrology and soils report, a grading plan, and a native vegetation report. The applicant submitted a Report of Geotechnical Engineering Services (Geotech Report) prepared by GeoDesign, Inc. (Exhibit L), which contains information regarding soils and hydrology, a grading plan (Exhibit C, Sheets 4.0-4.19) and a Native Vegetation Report (Exhibit G) as required. The applicant also submitted a Wetland and Waters of the U.S. and State Delineation Report by HHPR dated August 2020 (Exhibit I) and a second dated March 2021 (Exhibit J), as well as DSL concurrence for three (3) Wetland Delineation Reports (Exhibits H, I, and J).
20. Section 17.60.60 contains approval standards and conditions for development in the restricted development areas of the FSH overlay district. Section 17.60.60(A.1) pertains to cumulative impacts and states “Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.” The proposal includes construction of a road, grading, and removal of 26 trees within the FSH overlay, with the potential to remove a 27th tree if Tributary B is determined to be a perennial stream or if either Wetland B or Pond A are determined to be a locally significant wetland. The narrative (Exhibit B) states: “The extension of Bell Street will cross an unnamed tributary designated Tributary A in the [Wetland and Stream Mitigation Technical Memorandum]. As proposed a culvert will span more than seven times the average active channel width of the stream and avoid impacts below the Ordinary High Water Mark (OHWM). In-water work will be avoided at this crossing however, approximately 760 square feet of wetland located along both sides of Tributary A will be impacted via roadway fill, culvert footings, retaining walls, and shading of vegetation inside of the culvert. An additional 280 square feet of temporary impacts are anticipated during construction. The extension of 362nd Drive will cross a second unnamed tributary (designated Tributary B) and a 36-inch diameter culvert will be installed at the tributary crossing. This portion of the project will impact approximately 790 square feet along 100 linear feet of the stream channel. Both crossings impact as little area as possible within the FSH overlay district while still allowing the road to be constructed to City standards and safety requirements.” The Native Vegetation Report (Exhibit G) further states: “Water quantity and quality in Tributary A and Wetland A has been protected by minimizing fill, avoiding springs, and managing stormwater. Stormwater from the new roadway will be collected, treated, and discharged into the riparian area next to Tributary A.” The extension and connection of Bell Street and 362nd Drive is identified in the 2011 Transportation System Plan. All impacts to the FSH overlay area and all proposed tree removal are associated with construction of the roads. No trees will be removed, nor will there be any direct impacts to the FSH overlay area on property outside of the acquired right-of-way. To ensure the FSH overlay area located outside of the limits of construction is protected, **the applicant shall install protective fencing at the outer edge of the FSH overlay district directly adjacent to the construction area and along the limits of the construction boundary where the proposed road crosses the FSH overlay. The protective fencing shall be 6-foot-tall chain link or no-jump horse fencing and shall be installed prior to grading to ensure no development occurs within the portion of the FSH overlay that is located outside of the construction area. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the fencing with a maximum**

distance of 75 feet between signs. The signs shall indicate that the area behind the fence is a protected riparian area and that the fence shall not be removed or relocated. No construction activity shall occur within the protected riparian area, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of the protective fencing prior to any tree or vegetation removal, grading, or other construction activity on the site. The applicant shall install all necessary erosion control or sediment fencing outside of the protected riparian area. The applicant shall fell the trees located within the limits of construction for the proposed rights-of-way such that they do not damage trees located outside of the limits of construction. In addition to the road construction and associated impacts, the proposal includes stream bank restoration within the FSH overlay at Sandy Bluff Park. The proposed stream bank restoration is intended to mitigate for impacts to the stream and wetlands associated with the road construction and is designed to meet DSL mitigation requirements. The proposed restoration does not include construction or other development activity within the FSH overlay district, but rather is intended to improve the riparian area in compliance with the code. The proposed mitigation at the Sandy Bluff Park pond also includes planting 70 native trees to mitigate for trees lost due to construction of the roads. With the recommended conditions of approval, staff finds the proposal can meet Criterion A.1.

21. Section 17.60.60(A.2) pertains to impervious surface area and states, “Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.” The narrative (Exhibit B) states: “The selected design results in the minimum impacts to the resource while still allowing the road to be constructed. Any impervious surface area within the FSH overlay district is necessary to construct the culverts and tributary crossings. This includes the roadway fill, culvert fittings, and retaining walls.” The Native Vegetation Report (Exhibit G) adds: “Proposed impervious surfaces are restricted to the roadway and sidewalks and are limited to the area necessary to construct these improvements.” The existing western terminus of Bell Street is directly adjacent to the FSH overlay district; thus, extension of the road requires crossing through the FSH overlay. The extension of Bell Street is designed to meet the required minor arterial right-of-way width while minimizing impacts to the stream and wetlands using adequately sized culverts and retaining walls. The proposed stream bank restoration and mitigation at Sandy Bluff Park does not include any additional impervious surface. **No impervious surfaces shall be located within the restricted development area, except for impervious surface necessary for the right-of-way, culverts, and retaining walls.** With the recommended condition of approval, staff finds the proposal can meet Criterion A.2.

22. Section 17.60.60(A.3) pertains to construction materials and methods and states, “Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.” The submitted narrative (Exhibit B) states that all construction materials and methods are consistent with the recommendations of the Geotech Report (Exhibit L) and the Wetland and Stream Mitigation Technical Memo (Exhibit K), including design recommendations for foundation, retaining walls, pavement, and infiltration systems. The Native Vegetation Report (Exhibit G) adds: “HHPR natural resources staff worked closely with the design team to identify construction methods and

materials that will minimize impacts. Key examples include utilizing a large, open bottom culvert, avoiding work within the stream channel, avoiding impacts to a significant spring on the banks of Tributary A, adding walls along the crossing location to reduce roadside embankments, and specifying site appropriate native plant materials for revegetation. These and other recommendations have been incorporated into the project plans.” **The applicant shall adhere to the recommendations of the Geotech Report and the Wetland and Stream Mitigation Technical Memo. No heavy machinery shall be permitted in the FSH overlay area, with the exception of the portion of the acquired Bell Street right-of-way located in the FSH overlay district. The applicant shall not remove any trees from the Sandy Bluff Park mitigation site.** With the recommended condition of approval, staff finds the proposal can meet Criterion A.3.

23. Section 17.60.60(A.4) pertains to cuts and fills and states “Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.” The narrative (Exhibit B) states: “Proposed cut and fill is minimized to the extent possible that still ensures slope stability and safety requirements. The [Geotech Report] outlines design recommendations and proposed construction, including excavation, trenches and shoring, and structural fill on the project site.” **The applicant shall adhere to the recommendations of the Geotech Report. Future grading or other development activity within the FSH overlay district shall require separate FSH review.** With the recommended conditions of approval, staff finds the proposal can meet Criterion A.4.

24. Section 17.60.60(A.5) pertains to minimizing wetland and stream impacts and states “Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.” The narrative (Exhibit B) states: “The proposed crossings on the project site are designed to minimize the impacts to the wetlands and tributaries with work avoided within the OHWM that would negatively impact any waterbody on the site.” The Native Vegetation Report (Exhibit G) further states: “Water quantity and quality has been protected by minimizing impacts to wetlands and streams, avoiding springs, and managing stormwater. Impacts to wetlands and waters will be minimized by utilizing a large, open bottom culvert that spans the stream channel and much of the wetland; avoiding work in the stream channel; avoiding impacts to a significant spring on the banks of Tributary A; and adding walls along the crossing location to reduce roadside embankments. Stormwater from the roadway will be collected, treated, and discharged into the riparian area next to Tributary A.” The extensions of Bell Street and 362nd Drive are designed to minimize impact to the FSH overlay area. The use of culverts will minimize impacts to streams and wetlands. To ensure the streams and wetlands located in the FSH overlay area outside of the limits of construction are protected, **the applicant shall install protective fencing at the outer edge of the FSH overlay district directly adjacent to the construction area and along the limits of construction boundary where the proposed road crosses the FSH overlay.** The proposal also includes stream bank restoration around the pond at Sandy Bluff Park, which is intended to improve water quality. With the recommended condition of approval, staff finds the proposal can meet Criterion A.5.

25. Section 17.60.60(A.6) pertains to minimizing loss of native vegetation and states “Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.” The narrative (Exhibit B) states: “The proposed roadway has been designed to minimize the loss of native vegetation. To the extent possible, the design avoids impacting the resource itself and provides wetland and stream mitigation within the same corridor. Proposed mitigation has been planned to meet the standards of both the City of Sandy and the Department of State Lands.” To better protect the existing native vegetation within the FSH overlay area, **the applicant shall install protective fencing at the outer edge of the FSH overlay district directly adjacent to the construction area and along the limits of construction boundary where the proposed road crosses the FSH overlay. The applicant shall not damage or remove any trees or native vegetation within the portion of the FSH overlay that is located outside of the construction area.** The Native Vegetation Report (Exhibit G) states: “Loss of native vegetation will be minimized through the use of walls to reduce the need for road embankments in the FSH. Where temporary disturbance occurs during construction, the area within the FSH will be revegetated with native species... Twelve native trees (6 inches or greater DBH) will be removed from the RDA in order to construct the roadway and will be replaced with 24 native trees. On-site replacement of native trees was prioritized, but limited space required some to be located offsite. Ten native trees will be planted in the right-of-way and easements next to the road, within the RDA. Three native trees will be planted as street trees where the roadway passes through the RDA. The remaining 11 required replacement trees will be located at the Sandy Bluff mitigation site as part of the plantings on the pond bank.” The proposal includes removal of 26 trees within the FSH overlay as detailed on the Updated FSH, Grading, and Erosion Control Sheets (Exhibit D), with the potential to remove a 27th tree if Tributary B is determined to be a perennial stream or if either Wetland B or Pond A are determined to be a locally significant wetland. Removal of 26 trees from within the FSH overlay would require planting 52 native mitigation trees within the FSH overlay; removal of 27 trees would require planting 54 mitigation trees. The Updated Mitigation Plan at Sandy Bluff Pond (Exhibit E, Sheet 15.1) details the following native mitigation trees: 17 *Frangula purshiana*, 14 *Alnus rubra*, 23 *Populus trichocarpa*, eight (8) *Abies grandis*, and eight (8) *Salix sitchensis* for a total of 70 mitigation trees planted at the pond at Sandy Bluff Park in compliance with Section 17.60.60(A.6). In addition, Exhibit 7 of the Native Vegetation Report (Exhibit G) details five (5) native *Frangula purshiana* street trees to be planted on Bell Street within the FSH overlay, and five (5) *Frangula purshiana*, four (4) *Thuja plicata*, six (6) *Alnus rubra*, and two (2) *Prunus emarginata* to be planted in the slope easement areas adjacent to Bell Street and within the FSH overlay. **The applicant shall replace any disturbed understory or groundcover with native understory or groundcover species that effectively cover the disturbed area. The applicant shall replace each tree that is removed from the FSH overlay district with two (2) native trees at a minimum size of 1.5-inch caliper (if deciduous) or 5-foot tall (if conifers).** There have been some issues at Sandy Bluff Park where the tree roots of trees located close to the pedestrian pathway are uprooting the sidewalk, thus staff is not supportive of planting the mitigation trees too close to the pathway. The Updated Mitigation Plan includes a note to maintain 10 feet of clearance between the tree canopy at full growth

and the edge of the asphalt path. **The applicant shall maintain 10 feet of clearance between the tree canopy of the mitigation trees at full growth and the edge of the asphalt path at Sandy Bluff Park.** With the recommended condition of approval, staff finds the proposal can meet Criterion A.6.

26. Staff required a floodway study to make sure the new streets don't affect downhill users. The applicant submitted a letter in response to the incompleteness letter (Exhibit R), which states that the applicant has provided an updated Stormwater Management Report (Exhibit M) that includes an up and downstream analysis in Appendix E of the report. The letter further states: "There will be a nominal impact upstream of the proposed crossing. The report and modeling conducted concludes that that the installation of the culvert at the extension of Bell Street and 362nd Avenue will not impact the downstream water surface elevations during the 100-year storm event but will slightly increase (<0.9') the upstream elevation. Further, the modeled rise will not impact any structures or developable land as the area that will be impacted is within the existing natural resource overlay district."

17.74 – Accessory Development

27. Section 17.74.40 contains standards for fences and retaining walls. Sections 17.74.40(A and B) pertain to fences and walls located in yards on individual lots. Section 17.74.40(D) contains an exception to the fence/wall regulations and states that this regulation does not apply to wetland areas and stormwater detention facilities. The applicant submitted Updated Retaining Wall Details (Exhibit F), which include four (4) lock-n-load retaining walls: two (2) associated with the Bell Street crossing over Tributary A, and two (2) associated with the 362nd Drive crossing over Tributary B. All four (4) walls are located in the public right-of-way and are not on individual lots. **The retaining wall blocks shall have an architectural finish. The applicant shall submit the wall finish for staff review and approval.**

17.84 – Improvements Required with Development

28. Bell Street and 362nd Drive are both minor arterial streets. Section 17.84.30(A.2) requires minor arterial streets to have 6-foot-wide sidewalks separated from the curb by a minimum 5-foot-wide planting area. Per the applicant's narrative (Exhibit B) and Typical Street Sections (Exhibit C, Sheet 2.0), the applicant is proposing to install six-foot wide sidewalks and a 5.5-foot-wide planter strip on the south side of Bell Street and the east side of 362nd Drive, with the exception of a small section of Bell Street between stations 55+00 to 56+00 where the sidewalk is proposed to be five-feet-wide as detailed on Sheet 3.6 of Exhibit C. The narrative states that sidewalks and planter strips will be installed on the north side of Bell Street and the west side of 362nd Drive at the time of future construction on the adjacent lots. Section 17.84.30(A.4.a) pertains to the timing of sidewalk installation along arterial and collector streets and states: "Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred." In this case, the applicant is installing sidewalks and planter strips on the south side of Bell Street and the east side of 362nd Drive and deferring the installation of sidewalks and planter strips on the north side of Bell Street and the west side of 362nd Drive until development of the adjacent properties. **The applicant shall install minimum six-foot-wide sidewalks, minimum five-foot-wide planting areas, and associated frontage improvements (e.g., streetlighting and street trees) along the south side of Bell Street and the east side of 362nd Drive, with the exception of the small section of Bell Street**

between stations 55+00 to 56+00, which shall be permitted to have five-foot-wide sidewalks to match the existing sidewalks on Bell Street to the east of the subject area and to minimize impacts within the FSH overlay district. All sidewalk improvements shall be constructed according to City standards. All ADA ramps shall be designed and inspected by the design engineer and constructed by the applicant to meet the most current PROWAG requirements. Six-foot wide sidewalks shall be installed along the west side of 362nd Drive and the north side of Bell Street at the time of future development of the adjacent property.

29. Section 17.84.30(B) contains standards for safe and convenient pedestrian and bicyclist facilities. The narrative (Exhibit B) states that there will be six-foot-wide bike lanes installed on both sides of Bell Street and 362nd Drive. However, the submitted Typical Street Sections (Exhibit C, Sheet 2.0) detail five-foot-wide bicycle lanes. Staff contacted the applicant for clarification and the applicant stated the bike lanes will be five feet wide.
30. Section 17.84.40(A) requires that the developer construct adequate public transit facilities. Per the Sandy Transit Director (Exhibit U), **the proposed development will require a bus shelter, concrete bus shelter pad, and a green bench (Fairweather model PL-3, powder-coated RAL6028). The bus shelter shall be designed in compliance with Figure 12-4 of the 2020 Sandy Transit Master Plan with a Sandy Style design as described in Chapter 17.90, Design Standards, of the Development Code. The applicant shall consult with the Transit Director on the location of the bus stop(s). Engineering specifications are available from the Transit Department.**
31. Section 17.84.50 outlines the requirements for providing a traffic study. The applicant included a Traffic Impact Analysis (TIA) prepared by DKS Associates and dated July 20, 2021 (Exhibit N). The purpose of the analysis was to evaluate the proposed connection of Bell Street and 362nd Drive to identify the most appropriate transportation improvements. The TIA includes a project description, existing transportation conditions, Opening Year 2022 analysis results, Future Year 2042 analysis results, and recommendations. Based on the TIA recommendations, **the applicant shall complete the following:**
- **Construct the intersection of 362nd Drive and Bell Street as an all-way stop controlled intersection due to uncertainties with future right-of-way acquisitions from adjacent properties. Since future extensions to the north and west of 362nd Drive and Bell Street are not being constructed as part of this project, the intersection will only consist of a northbound right turn lane and a westbound left turn lane.**
 - **If possible, secure right-of-way to construct a roundabout at the intersection of 362nd Drive and Bell Street in the future when connections are made to the north and west. Construct a right turn bypass lane on the south leg of the intersection. The intersection should be re-evaluated in the future to determine whether a roundabout is still practical once the volumes are high enough to warrant further improvements.**
 - **Add a 225-foot westbound right turn lane at the US 26/362nd Drive intersection to ODOT standards.**

- **Convert the two-way left turn lane on the west approach to the US26/362nd Drive intersection to a 275-foot eastbound left turn lane. The space is available, but striping needs to be revised. Construct to ODOT standards.**
- **Construct the southbound approach to include a 300-foot right turn lane, a through lane, and 150-foot dual left turn lanes as shown in Figure 8 on page 22 of the TIA. Construct to ODOT standards.**
- **Convert the northbound right turn lane into a through-right turn lane.**
- **Replace the private driveway on the north leg of the US 26/362nd Drive intersection with the extension of 362nd Drive to the north and create additional accesses along the Bell Street extension for the existing properties on Royal Lane.**
- **The recommended turn lane configurations and storage lengths for the US 26/362nd Drive intersection are shown in Figure 8 on page 22 of the TIA.**

32. ODOT (Exhibit V) reviewed the TIA and acknowledged that ODOT and the City have been working on the grant of access and intersection design details for quite some time and that the project plans are nearly final. The applicant submitted an application for State Highway Approach to the Oregon Department of Transportation (ODOT) for the intersection of 362nd Drive and Highway 26 and received Conditional Approval of Grant of Access (Exhibit O). However, ODOT notes that the traffic analysis highlights the fact that the 362nd Drive/US 26 intersection will not meet mobility targets in the future, in part due to the fact that the dual left turn lanes identified in the TSP were not included with the extension project. ODOT will continue to work with the City through the TSP update to identify solutions and funding sources to address congestion at this location and throughout the US 26 corridor.

33. Section 17.84.50(H) states that public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development. The extension of Bell Street to the west will bisect Tax Lot 3200. **The property owner for Tax Lot 3200 shall submit an application and receive approval for a land partition prior to future development of Tax Lot 3200.**

34. Section 17.84.50(J) contains requirements for location, grades, alignment, and widths for all public streets. As stated in the narrative (Exhibit B) both intersections proposed with this project (362nd Drive & Highway 26, and 362nd Drive & Bell Street) have been designed to be as near right angles as possible while avoiding impacts to wetlands, steep slopes, and private property to the greatest extent possible. Both intersections have over 100 feet of straight alignment perpendicular to the intersection and have a curb corner radius of over 20 feet. Per the Fire Marshal (Exhibit T), the Fire Code Application Guide requires a minimum turning radius of 28 feet inside and 48 feet outside as measured from the same center point. **The applicant shall meet the minimum turning radius requirements of the Fire Code Application Guide.** The Fire Marshal also provided comments related to hydrants stating that the location and spacing of fire hydrants are important to the success of fire-fighting operations. The Fire Code requirement for hydrants installed on streets without structures is that fire hydrants be spaced every 1,000 feet. This allows for protection from hazards such as

car fires or other traffic or transportation related hazards. **The applicant shall install a fire main as well as fire hydrants spaced every 1,000 feet, or as otherwise approved by the Fire Marshal.**

35. Section 17.84.50(J.6) specifies that right-of-way widths shall be as specified by the Transportation System Plan (TSP). As stated in the narrative, the City's 2011 TSP requires minor arterials to have a right-of-way width of 62 to 82 feet. The extension of Bell Street has a proposed right-of-way of 68 feet and the extension of 362nd Drive has a proposed right-of-way of 72.3 feet, meeting the TSP requirements for right-of-way dedication. The TSP requires 5-foot-wide bike lanes provided on both sides, 5-foot-wide planter strips, and 6-foot-wide sidewalks. The modified street section only includes sidewalks on one side but includes adequate right-of-way to allow for the ultimate construction of street improvements in line with the TSP as properties are developed along the street extension.
36. Section 17.84.60 outlines the requirements of public facility extensions. The applicant submitted Sanitary Sewer & Water Plans & Profiles (Exhibit C, Sheets 10.0 – 10.10) and Stormwater Facilities Plans & Details (Exhibit C, Sheets 16.0 – 16.4) which show the location of proposed public water, sanitary sewer, and stormwater facilities. The narrative (Exhibit B) states: "A new 12-inch diameter water line will be constructed with the project between the existing 12-inch water line at the east end of Bell Street and an existing 12-inch water line in Royal Lane. A dry sewer will be extended east from the intersection of Bell Street and Royal Lane to the limit of gravity service. When development of the adjacent properties is proposed, it is expected that public utilities will be extended to fully serve the adjacent sites. All public facilities proposed with this project conform to the City's facilities master plan." Per Section 17.84.20(A.2), where a land division is not proposed, required public and franchise utility improvements shall be installed prior to temporary or final occupancy of structures. **All public sanitary sewer and waterline mains are to be a minimum of 8-inches in diameter and storm drains are to be a minimum of 12-inches in diameter.**
37. The applicant submitted a Final Stormwater Management Report (Exhibit M) prepared by HHPR and dated March 4, 2022. The report states: "Low impact development approach (LIDA) facilities are proposed to treat the proposed impervious surface runoff within several sub-basins to the maximum extent practical. Where open space is limited (proposed 362nd/Bell intersection and 362nd South), mechanical treatment is proposed. Project detention compliance will be met via a proposed pond and a proposed underground (UG) pipe system; with the pond being located NW of the new 362nd/Bell intersection and the UG detention pipe system being located within the Bell Street corridor, east of the new culvert crossing at the east project limit. The project includes the construction of water quality planters, water quality basin, vegetated swale, mechanical treatment facilities, and detention pond and pipe systems." **Stormwater management shall conform to the requirements in the City of Portland 2020 Stormwater Management Manual and the requirements in Sections 13.18 and 13.20 of the Sandy Municipal Code.**
38. Section 17.84.90 outlines requirements for land for public purposes. Eight-foot-wide public utility easements area required along all lots adjacent to street rights-of-way for future franchise utility installations.

39. The SandyNet Director (Exhibit W) reviewed the plans and provided the following comments. **SandyNet shall receive a set of PGE utility and street/sidewalk lighting plans to design and return a SandyNet broadband deployment plan to overlay in the dry utility shared trench. SandyNet shall be granted acceptable time during dry utilities installation to inspect and approve infrastructure.**

17.92 - Landscaping and Screening

40. Section 17.92.30 requires the applicant to provide street trees along all public streets. The applicant submitted Planting Plans (Exhibit C, Sheets 8.0-8.3) for 362nd Drive and Bell Street, including street trees and groundcover for the planter strips on either side of the proposed roads as well as groundcover for the proposed median on Bell Street. The Plan Set also includes Street Sections (Exhibit C, Sheet 2.0) that details an intermittent stormwater planter and landscape median along a portion of Bell Street. The median is detailed at 8 feet wide, including curbs on either side; thus, the planting area is 7 feet wide, which is wide enough to accommodate trees. **The applicant shall update the Planting Plans to detail street trees spaced approximately 30 feet on center in the Bell Street median. Staff recommends *Nyssa sylvatica* or *Frangula purshiana* for the stormwater planter portion of the median.**
41. The Planting Plans (Exhibit C, Sheets 8.0-8.3) include a note that states that the intent is to provide 2-inch caliper street trees with 30-foot spacing within the landscape strips on both sides of Bell Street and 362nd Drive. However, the narrative for Chapter 17.92 states that when the individual properties are proposed for development, street trees and all other applicable landscaping standards are expected to be complied with by the developer, and the narrative for Chapter 17.84 states that the applicant is only proposing to install sidewalk and planter strip on one side of Bell Street and one side of 362nd Drive and that the sidewalk and planter strip on the other sides of the streets will be installed at the time of development of the adjacent property. Staff contacted the applicant for clarification and the applicant confirmed that street trees and a planter strip will be installed on the south side of Bell Street and the east side of 362nd Drive as part of the current project. **Street trees and planter strips shall be installed along the west side of 362nd Drive and the north side of Bell Street at the time of future development of the adjacent property.**
42. The Planting Plans detail approximately 233 street trees spaced approximately 30 feet on center. The plans detail all 233 street trees as *Magnolia grandiflora* 'DD Blanchard.' To improve species diversity, **the applicant shall update the Planting Plans to include at least 10 different tree genera, with no more than two (2) species or varieties per genera and with at least five (5) different genera per street. The street tree species shall be selected from the City of Sandy street tree list or as otherwise approved by staff. Due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time. In addition to the proposed DD Blanchard magnolia, staff recommends selecting a second magnolia species or variety and selecting the remaining tree species from the following genera: *Zelkova*, *Ostrya*, *Carpinus*, *Quercus*, *Platanus*, *Liriodendron*, *Cladrastis*, *Gleditsia*, *Cercidiphyllum*, *Ginkgo*, or *Nyssa*.**

43. **Street trees shall be installed approximately 30 feet on center in conjunction with public improvements.** As specified in Section 17.92.50, **street trees shall be a minimum caliper of 1.5-inches measured 6 inches above grade. Street trees shall be planted per the City of Sandy standard planting detail; the applicant shall update the Planting Plans to detail the City’s standard planting detail including ties made of twine. Tree ties shall be loosely tied and removed after one growing season (or a maximum of 1 year). Hard plastic tree ties are not permitted.** The Planting Plans (Exhibit C, Sheets 8.0-8.3) detail three 3) different proposed groundcovers: *Cotoneaster dammeri* ‘Coral Beauty,’ *Juniperus horizontalis* ‘Wiltonii,’ and a third species appropriate for a stormwater facility. **The applicant shall grade and backfill the planter strip as necessary, and bark mulch, vegetation, or other approved material shall be installed. Staff recommends native rushes, sedges, and dogwood for the stormwater facilities. In order to improve the growing conditions for newly planted trees and vegetation, the applicant shall amend and aerate the soil within the planter strips and median. The applicant shall submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street trees and groundcover.**
44. Section 17.92.40 pertains to irrigation of required landscaping. The applicant did not submit irrigation plans but included a note on the Planting Plans stating: “Temporary irrigation can utilize the new 12-inch waterline proposed between Bell (east) and SE Royal Ln. Areas that can’t feasibly be irrigated with a temporary water system should plan on being irrigated by hand, water bags, or other methods.” **The applicant shall utilize the new 12-inch waterline for irrigation of the planter strips and median; areas that can’t be irrigated from the waterline shall be irrigated by hand, water bags, or other methods for the three-year establishment period. All plants shall be irrigated to sustain viable plant life.**
45. As required by Section 17.92.140, **the City or the City's contracted landscaper shall maintain all vegetation planted in the planter strips and median for two years and shall replace any dead or dying plants during that period. After two years, the adjacent property owner shall be responsible for maintaining all vegetation within the adjacent planter strips.**

17.98 – Parking, Loading, and Access Requirements

46. Section 17.98.100 contains specifications for driveways. The applicant submitted Driveway Details (Exhibit C, Sheets 9.8 – 9.12) that include 24-foot-wide driveways to Tax Lots 3400, 3401, and 3402, as well as the existing driveway to the Sandy High School (Tax Lot 4500) and a 15-foot-wide maintenance access drive located to the north of the Bell Street and 362nd Drive intersection. **The maximum driveway approach within the public right-of-way shall be 24 feet wide measured at the bottom of the curb transition. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks in compliance with Section 17.98.100(I).**
47. Section 17.98.110 outlines the requirements for vision clearance. **The requirements of Section 17.98.110 pertaining to vision clearance shall be considered in placing landscaping in these areas with construction of Bell Street and 362nd Drive.**

48. Section 17.98.130 requires that all parking and vehicular maneuvering areas shall be paved with asphalt or concrete. As required by Section 17.98.130, **all parking, driveway, and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.**

17.102 – Urban Forestry

49. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. The subject area contains approximately 10.1 acres with right-of-way at 7.2 acres, slope easements at 2.3 acres, and areas for utilities totaling 0.6 acres and includes proposed tree removal. However, per Section 17.102.20(B.1) “[t]ree removal as required by the city or public utility for the installation or maintenance or repair of roads, utilities, or other structures” is exempt from the requirements of Chapter 17.102. The proposal is for the construction of Bell Street and 362nd Drive and is therefore exempt from the tree retention standards of Chapter 17.102. **Future development of the adjacent lots shall require compliance with Chapter 17.102. All trees located outside of the limits of construction shall be protected and retained. The applicant shall install tree protection fencing at the limits of construction adjacent to all trees being retained on the subject properties outside of the acquired right-of-way (including slope easements). The applicant shall retain a qualified arborist on-site for any work done within the critical root zone (1 foot per 1 inch DBH) of trees that are outside of the limits of construction and not marked for removal on the submitted Plan Set. The applicant shall update Sheets 1.0, 3.0-3.6, 4.0-4.20 and 15.0-15.2 of the Plan Set to include the following language: Tree removal not indicated on the submitted Plan Set shall constitute a violation and shall be enforced and the contractor shall be assessed the maximum fine per Chapter 17.06.**
50. **The applicant shall adhere to the regulations of the Migratory Bird Act. If trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.**

15.30 – Dark Sky

51. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. The applicant will need to install street lights along all street frontages wherever street lighting is determined necessary. **The locations of the street light fixtures shall be reviewed in detail with construction plans. Full cut-off lighting shall be required. Lights shall not exceed 4,125 Kelvins or 591 nanometers in order to minimize negative impacts on wildlife and human health.**

15.44 – Erosion Control

52. The applicant submitted a Report of Geotechnical Engineering Services (Geotech Report) prepared by GeoDesign, Inc. and dated December 6, 2021 (Exhibit L). **The applicant shall retain appropriate professional geotechnical services for observation of construction of earthwork and grading activities. The grading setbacks, drainage, and terracing shall comply with the Oregon Structural Specialty Code (OSSC) requirements and the Geotech Report recommendations and conclusions as indicated in the report. When the grading is completed, the applicant shall submit a final report by the Geotechnical**

Engineer to the City stating that adequate inspections and testing have been performed and all of the work is in compliance with the above noted report and the OSSC. Site grading should not in any way impede, impound, or inundate the adjoining properties.

53. **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. The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. All erosion control and grading shall comply with Section 15.44 of the Municipal Code. The proposed subdivision is greater than one acre which requires approval of a DEQ 1200-C Permit.**
54. 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 the standards of Section 15.44.50.**
55. Development at both the Zion Meadows subdivision and the remodel of the Pioneer Building (former Sandy High School) have sparked unintended rodent issues in the surrounding neighborhoods. Prior to construction of the road, **the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication for rats is needed.**

DECISION

For the reasons described above, the request by HHPR, Inc. on behalf of the City of Sandy to extend and connect Bell Street and 362nd Drive is hereby **approved with the following conditions.**

CONDITIONS OF APPROVAL

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

1. Obtain a grading and erosion control permit in conformance with Chapter 15.44. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. *(Submit 2 copies to the Building Division)*
2. Prior to work in wetlands, obtain a state permit for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
3. Prior to work in Essential Salmonid Habitat, obtain a state permit for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent

off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

4. Submit proof of receipt of a Department of Environmental Quality 1200-C permit. *(Submit 2 copies to the Building Division)*
5. Update the Grading and Erosion Control Plans to detail protective fencing at the outer edge of the FSH overlay district directly adjacent to the construction area and along the limits of construction boundary where the proposed road crossed the FSH overlay and to detail tree protection fencing at the limits of construction adjacent to all trees being retained on the subject properties outside of the acquired right-of-way (including slope easements). Detail sediment fencing outside the tree and FSH protection zones. If erosion control is required inside the tree protection zones, the applicant shall use straw wattles to minimize root zone disturbance of the trees to be retained.
6. Update Sheets 1.0, 3.0-3.6, 4.0-4.20 and 15.0-15.2 of the Plan Set to include the following language: Tree removal not indicated on the submitted Plan Set shall constitute a violation and shall be enforced and the contractor shall be assessed the maximum fine per Chapter 17.06.
7. Update Sheets 1.0, 3.6, 4.9, 4.16, 4.17, and 15.0-15.2 of the Plan Set to include the following language: A violation of the provisions set forth in Chapter 17.60, FSH, (e.g., tree removal without permit authorization or native vegetation removal) shall result in a fine assessed to the contractor as specified in Section 17.06.80.
8. Install protective fencing at the outer edge of the FSH overlay district directly adjacent to the construction area and along the limits of construction boundary where the proposed road crosses the FSH overlay. The protective fencing shall be 6-foot-tall chain link or no-jump horse fencing and shall be installed prior to grading to ensure no development occurs within the portion of the FSH overlay that is located outside of the construction area. The applicant shall affix laminated signs (minimum 8.5 inches by 11 inches) to the fencing with a maximum distance of 75 feet between signs. The signs shall indicate that the area behind the fence is a protected riparian area and that the fence shall not be removed or relocated. No construction activity shall occur within the protected riparian area, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. No heavy machinery shall be permitted in the FSH overlay area, with the exception of the portion of the acquired Bell Street right-of-way located in the FSH overlay district. The applicant shall not remove any trees from the Sandy Bluff Park mitigation site.
9. Install tree protection fencing at the limits of construction adjacent to all trees being retained on the subject properties outside of the acquired right-of-way (including slope easements). The applicant shall retain a qualified arborist on-site for any work done within the critical root zone (1 foot per 1 inch DBH) of trees that are outside of the limits of construction and not marked for removal on the submitted Plan Set.

10. Request an inspection of the protective fencing prior to any tree or vegetation removal, grading, or other construction activity on the site. The applicant shall install all necessary erosion control or sediment fencing outside of the protected riparian area. The applicant shall fell the trees located within the limits of construction for the proposed rights-of-way such that they do not damage trees located outside of the limits of construction. Receive an approval of riparian area and tree protection measures prior to grading activities.
11. Request an inspection of erosion control measures. Receive an approval of erosion control measures prior to grading activities.
12. Submit confirmation from a licensed pest control agent that the site was reviewed to determine if pest eradication for rats is needed.
13. Adhere to the regulations of the Migratory Bird Act. If trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.

B. 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:

1. Submit the retaining wall finish for staff review and approval. The retaining wall blocks shall have an architectural finish.
2. Update the Planting Plans to detail street trees spaced approximately 30 feet on center in the Bell Street median. Staff recommends *Nyssa sylvatica* or *Frangula purshiana* for the stormwater planter portion of the median.
3. Update the Planting Plans to include at least 10 different tree genera, with no more than two (2) species or varieties per genera and with at least five (5) different genera per street. The street tree species shall be selected from the City of Sandy street tree list or as otherwise approved by staff. Due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time. In addition to the proposed DD Blanchard magnolia, staff recommends selecting a second magnolia species or variety and selecting the remaining tree species from the following genera: Zelkova, Ostrya, Carpinus, Quercus, Platanus, Liriodendron, Cladrastis, Gleditsia, Cercidiphyllum, Ginkgo, or Nyssa.
4. Submit plans detailing the locations of the street light fixtures with the construction plans. Full cut-off lighting shall be required. Lights shall not exceed 4,125 Kelvins or 591 nanometers in order to minimize negative impacts on wildlife and human health.
5. SandyNet shall receive a set of PGE utility and street/sidewalk lighting plans to design and return a SandyNet broadband deployment plan to overlay in the dry utility shared

trench. SandyNet shall be granted acceptable time during dry utilities installation to inspect and approve infrastructure.

C. Prior to opening the streets for public use, the applicant shall complete the following tasks:

1. Install minimum six-foot-wide sidewalks, minimum five-foot-wide planting areas, and associated frontage improvements (e.g., streetlighting and street trees) along the south side of Bell Street and the east side of 362nd Drive, with the exception of the small section of Bell Street between stations 55+00 to 56+00, which shall be permitted to have five-foot-wide sidewalks to match the existing sidewalks on Bell Street to the east of the subject area and to minimize impacts within the FSH overlay district. All sidewalk improvements shall be constructed according to City standards. All ADA ramps shall be designed and inspected by the design engineer and constructed by the applicant to meet the most current PROWAG requirements.
2. Install public utilities. All public sanitary sewer and waterline mains are to be a minimum of 8-inches in diameter and storm drains are to be a minimum of 12-inches in diameter.
3. Install a fire main as well as fire hydrants spaced every 1,000 feet, or as otherwise approved by the Fire Marshal.
4. Amend and aerate the soil within the planter strips and median prior to planting. The applicant shall submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street trees and groundcover. The requirements of Section 17.98.110 pertaining to vision clearance shall be considered in placing landscaping in these areas with construction of Bell Street and 362nd Drive.
5. Install street trees approximately 30 feet on center in conjunction with public improvements. As specified in Section 17.92.50, street trees shall be a minimum caliper of 1.5-inches measured 6 inches above grade. Street trees shall be planted per the City of Sandy standard planting detail; the applicant shall update the Planting Plans to detail the City's standard planting detail including ties made of twine. Tree ties shall be loosely tied and removed after one growing season (or a maximum of 1 year). Hard plastic tree ties are not permitted. The applicant shall grade and backfill the planter strip as necessary, and bark mulch, vegetation, or other approved material shall be installed. Staff recommends native rushes, sedges, and dogwood for the stormwater facilities.
6. Utilize the new 12-inch waterline for irrigation of the planter strips and median; areas that can't be irrigated from the waterline shall be irrigated by hand, water bags, or other methods for the three-year establishment period. All plants shall be irrigated to sustain viable plant life.
7. Construct driveway approaches. The maximum driveway approach within the public right-of-way shall be 24 feet wide measured at the bottom of the curb transition. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks in compliance with Section 17.98.100(I). All parking,

driveway, and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.

8. Complete the following:
 - a. Construct the intersection of 362nd Drive and Bell Street as an all-way stop controlled intersection due to uncertainties with future right-of-way acquisitions from adjacent properties. Since future extensions to the north and west of 362nd Drive and Bell Street are not being constructed as part of this project, the intersection will only consist of a northbound right turn lane and a westbound left turn lane.
 - b. If possible, secure right-of-way to construct a roundabout at the intersection of 362nd Drive and Bell Street in the future when connections are made to the north and west. Construct a right turn bypass lane on the south leg of the intersection. The intersection should be re-evaluated in the future to determine whether a roundabout is still practical once the volumes are high enough to warrant further improvements.
 - c. Add a 225-foot westbound right turn lane at the US 26/362nd Drive intersection to ODOT standards.
 - d. Convert the two-way left turn lane on the west approach to the US26/362nd Drive intersection to a 275-foot eastbound left turn lane. The space is available, but striping needs to be revised. Construct to ODOT standards.
 - e. Construct the southbound approach to include a 300-foot right turn lane, a through lane, and 150-foot dual left turn lanes as shown in Figure 8 on page 22 of the TIA. Construct to ODOT standards.
 - f. Convert the northbound right turn lane into a through-right turn lane.
 - g. Replace the private driveway on the north leg of the US 26/362nd Drive intersection with the extension of 362nd Drive to the north and create additional accesses along the Bell Street extension for the existing properties on Royal Lane.
 - h. The recommended turn lane configurations and storage lengths for the US 26/362nd Drive intersection are shown in Figure 8 on page 22 of the TIA.
9. Submit a final report by the Geotechnical Engineer to the City stating that adequate inspections and testing have been performed and all of the work is in compliance with the above noted report and the OSSC.
10. Install a bus shelter, concrete bus shelter pad, and a green bench (Fairweather model PL-3, powder-coated RAL6028). The bus shelter shall be designed in compliance with Figure 12-4 of the 2020 Sandy Transit Master Plan with a Sandy Style design as described in Chapter 17.90, Design Standards, of the Development Code. The applicant shall consult with the Transit Director on the location of the bus stop(s). Engineering specifications are available from the Transit Department.

D. The following list includes conditions related to FSH review:

1. Future grading or other development activity within the FSH overlay district shall require separate FSH review.
2. The applicant shall update Sheets 1.0, 3.6, 4.9, 4.16, and 4.17 of the Plan Set to include the following language: A violation of the provisions set forth in Chapter 17.60, FSH, (e.g., tree removal without permit authorization or native vegetation removal) shall result in a fine assessed to the contractor as specified in Section 17.06.80.
3. No impervious surfaces shall be located within the restricted development area, with the exception of impervious surface necessary for the right-of-way, culvert, and retaining walls.
4. The applicant shall adhere to the recommendations of the Geotech Report and the Wetland and Stream Mitigation Technical Memo.
5. The applicant shall not damage or remove any trees or native vegetation within the portion of the FSH overlay that is located outside of the construction area.
6. The applicant shall replace any disturbed understory or groundcover with native understory or groundcover species that effectively cover the disturbed area.
7. The applicant shall replace each tree that is removed from the FSH overlay district with two (2) native trees at a minimum size of 1.5-inch caliper (if deciduous) or 5-foot tall (if conifers). The applicant shall maintain 10 feet of clearance between the tree canopy of the mitigation trees at full growth and the edge of the asphalt path at Sandy Bluff Park.
8. No heavy machinery shall be permitted in the FSH overlay area, with the exception of the portion of the acquired Bell Street right-of-way located in the FSH overlay district.
9. The applicant shall not remove any trees from the Sandy Bluff Park mitigation site.

E. Conditions Related to Future Development, but not tied to this land use approval:

1. Six-foot wide sidewalks, street trees, and planter strips shall be installed along the west side of 362nd Drive and the north side of Bell Street at the time of future development of the adjacent property.
2. Future development on lots that currently have sole access to Royal Lane will need to connect to Bell Street or, where possible, to connect to a lower order street.
3. A minimum setback of at least 20 feet shall be required for all future development on Bell Street and/or 362nd Drive.

4. Future residential development on the R-2 and/or SFR zoned lots adjacent to the Bell Street extension shall comply with Chapter 17.82.
5. The property owner for Tax Lot 3200 shall submit an application and receive approval for a land partition prior to future development of Tax Lot 3200.
6. The property owners for Tax Lots 3402 and 3500 shall submit an application and receive approval to update the City's zoning map with the surveyed FSH Overlay District prior to future development of Tax Lots 3402 or 3500.
7. Prior to development of Tax Lot 3200 or 5603, the property owner of Tax Lot 3200 or 5603 shall confirm whether Tributary B is an intermittent or perennial stream and whether Wetland B and/or Pond A is a locally significant wetland. If Tributary B is a perennial stream, the property owner of Tax Lot 3200 or 5603 shall submit an application and receive approval to update the City's zoning map with the surveyed FSH overlay district boundary detailed at 100 feet from top of bank. If Wetland B or Pond A are determined to be locally significant wetlands, the property owner of Tax Lot 3200 or 5603 shall submit an application and receive approval to update the City's zoning map with the surveyed FSH overlay district boundary detailed at 25 feet from the wetland.

F. General Conditions of Approval:

1. The applicant shall adhere to the recommendations contained in the Report of Geotechnical Engineering Services.
2. The applicant shall continue to work with DSL Aquatic Resource Coordinator Katie Blauvelt during the permitting, construction, and mitigation process.
3. An ODOT Permit to Occupy or Perform Operations Upon a State Highway shall be obtained for all work in the State highway right-of-way.
4. 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 as amended.
5. All ADA ramps shall be designed, inspected by the design engineer, and constructed by the contractor to meet the most current PROWAG requirements.
6. Stormwater management shall conform to the requirements in the City of Portland 2020 Stormwater Management Manual and the requirements in Sections 13.18 and 13.20 of the Sandy Municipal Code.
7. The applicant shall retain appropriate professional geotechnical services for observation of construction of earthwork and grading activities. The grading setbacks, drainage, and terracing shall comply with the Oregon Structural Specialty Code (OSSC) requirements and the Geotech Report recommendations and conclusions as indicated in the report. All on-site earthwork activities including any retaining wall construction shall follow the

current requirements of the current edition of the Oregon Structural Specialty Code (OSSC).

8. SandyNet requires the developer to work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70. SandyNet shall receive a set of PGE utility plans to design and return a SandyNet broadband deployment plan.
9. The City or the City's contracted landscaper shall maintain all vegetation planted in the planter strips and median for two years and shall replace any dead or dying plants during that period. After two years, the adjacent property owner shall be responsible for maintaining all vegetation within the adjacent planter strips and the City shall be responsible for maintaining all vegetation within the median. Maintenance includes necessary watering, weeding, pruning, and replacing.
10. All trees located outside of the limits of construction shall be protected and retained.
11. All public utility installations shall conform to the City's facilities master plans.
12. The applicant shall meet the minimum turning radius requirements of the Fire Code Application Guide.
13. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties.
14. Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction to maintain erosion control for a period of two years following the date of recording of the final plat associated with those improvements.
15. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
16. 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.
17. Comply with all other conditions or regulations imposed by the Sandy Fire District or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.



Emily Meharg
Senior Planner

RIGHT OF APPEAL

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

An application for an appeal shall contain:

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