

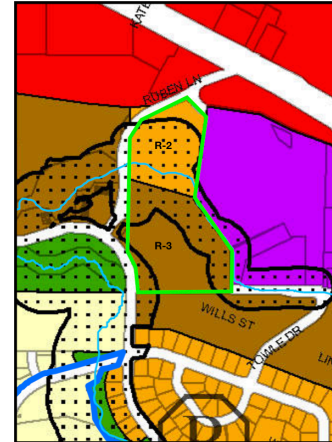
**PROJECT NARRATIVE  
FOR  
TICKLE CREEK VILLAGE  
TICKLE CREEK PROPERTIES, LLC**



**September 2019**

## I. General Project Description

Tickle Creek Properties, LLC is seeking design review approval to construct a 67-unit multi-family/condominium project. The project site has not been assigned an address at this time but is known as tax lot 3100, Township 2 South, Range 4 East, Section 14. The entire property contains approximately 10.38 acres and is vacant. The property is currently split zoned with the northern portion zoned R-2, Medium Density Residential and the southern portion zoned R-3, High Density Residential. Much of the property is located within the Flood and Slope Hazard Overlay and a pond/wetland is located in the center of the property.



The proposed development site (located south the delineated wetland boundary) contains approximately 4.23 acres. Prior to submittal of this application the applicant hired a wetland scientist to delineate the exact boundary of wetlands and produce a report of these findings (Exhibit H). This report was then submitted to Department of State Lands (DSL), the wetlands regulatory agency in Oregon. DSL provided a letter concurring with the wetland boundary identified in the wetland report (Exhibit I). The wetland boundary and the top of bank of “No Name Creek” that runs along the eastern edge of the property have been mapped including required setbacks. The applicant plans to partition the property at a later date in order to segregate the development site from the remainder of the property.

The topography of the development site slopes gradually from south to north towards the wetland. An elevated mound is located in the southern portion of the site and the site also slopes steeply down to Dubarko Road along the western margin. Much of the site is covered with small trees and brush with groups of larger mostly Red Alder trees located in the northwestern corner of the site and along the wetland edge.

The property to south of the subject property currently is constructed with a manufactured home park and is also zoned R-3. The property to the East is zoned I-2 and contains a variety of light industrial buildings and uses. The property to the north and across Ruben Lane is zoned C-2 and contains a medical clinic and the property to the West across Ruben is also zoned R-3 and contains a condominium project similar to that proposed with the current project.

The proposed project consists of 25 buildings containing three different building types. Three-unit Buildings (17 buildings, Units #1 - #17) contain two, 2-bedroom units and one, one-bedroom unit, Two-unit Buildings (7 buildings, Units #19 - #25) contain two, 2-bedroom units only, a Two-unit End Building (Unit #18) contains two, 2-bedroom units only. Each building type contains two single car garages on the ground floor. The development site will be accessed by a single driveway off Dubarko Drive and frontage improvements along this street will be completed as part of the project. The enclosed civil and architectural plans illustrate the details of the proposed project.

## II. Application Approval Requests

The applicant requests the following approvals with this application:

- Type II design review per the requirements of Section 17.90.160; and
- Type II tree removal.
- Type I FSH tree removal

## III. Items Submitted With This Application

- Land Use Application
- Notification List and Mailing Labels
- Exhibit A - Project Narrative
- Exhibit B - Civil Plans
  - Sheet 1 - Cover Sheet and Notes
  - Sheet 2 - Existing Conditions and Demo Plan
  - Sheet 3 - Tree Preservation and Demo Plan
  - Sheet 4 - Tree Preservation Report
  - Sheet 5 - Composite Site Plan
  - Sheet 6 - Utility Plan
  - Sheet 7 - Grading and Erosion Control Plan
  - Sheet 8 - Erosion Control Notes
  - Sheet 9 - Emergency Vehicle Pathway
  - Sheet 10 - Site Area Exhibit
  - Sheet 11 - Landscape and Common Space Plan
- Exhibit C - Architectural Plans
  - Three-unit Building
    - Building Elevations
    - First Floor Plan
    - Second and Third Floor Plans
  - Two-unit Building
    - Building Elevations
    - First Floor Plan
    - Second and Third Floor Plans
  - Two-unit end Building
    - Building Elevations
    - First Floor Plan
    - Second and Third Floor Plans
  - Trash Enclosure Details
- Exhibit D - Materials Selections
  - Paint colors, siding, roofing, retaining wall,
- Exhibit E - Preliminary Stormwater Report (Firwood Design Group)
- Exhibit F - Traffic Impact Study (Lancaster Engineering)
- Exhibit G - Arborist Report (Teragan and Associates)
- Exhibit H - Wetland Delineation Report (Environment Science & Assessment)
- Exhibit I - DSL Wetland Concurrence Letter (July 16, 2018)
- Exhibit J - Subsurface Soil Report (Earth Engineers Inc.)
- Photometric Analysis (*deferred submittal*)

#### IV. Review of Applicable Approval Criteria

Development applications are required to meet development standards set forth in the Sandy Development Code, codified as Title 17 of the Municipal Code. The following section addresses all applicable review criteria. Pertinent code provisions are cited below followed by a response in *italics* identifying how the proposal complies with this standard. The following code chapters have been reviewed in this narrative:

<u>Chapter</u>	<u>Title</u>
17.30	Zoning District
17.40	High Density Residential (R-3)
17.60	Flood and Slope Hazard Overlay
17.80	Additional Setbacks on Collector and Arterial Streets
17.84	Improvements Required with Development
17.86	Parkland and Open Space
17.90	Design Standards
17.92	Landscaping and Screening
17.98	Parking, Loading, and Access Requirements
17.100	Land Division
17.102	Urban Forestry
15.30	Dark Sky Ordinance

#### 17.30.00 ZONING DISTRICT DESIGNATIONS

**Response:** The subject property is identified on the City of Sandy Zoning Map to be zoned R-3, High Density Residential.

#### 17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

The number of dwelling units permitted on a parcel is calculated after the determination of the net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas consistent with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

**Response:** *The applicant proposes a single development site and the proposed development site contains a gross site area of 4.23 acres. The entire area is zoned R-3, High Density Residential. There are no roadway dedications or public tracts, so the net site area is the same as the gross area. Because the subject property contains restricted development areas (RDA) as defined by Chapter 17.60, these areas are deducted from the net site area to determine the unrestricted site area (USA). The formula used in this calculation is: NSA - RDA = USA.*

*The development site contains 26,367 square feet (0.6 acres) of restricted development area (RDA). Subtracting this area from the 4.23 (NSA) results in an unrestricted site area (USA) of 3.63 acres.*

*The R-3 zone requires a minimum of 10 and allows a maximum of 20 units per net acre. The minimum density is calculated by multiplying the USA x the required minimum density (3.63 acres x 10 = 36.3 units rounded down to 36 units)*

The maximum density is determined by these two formulas using the lesser number of units.

- a. NSA (in acres) x Maximum Density of Zoning District (units/acre).  
(3.63 acres x 20 units/acre = 72.6 (rounded up to 73 units)).
- b. USA (in acres) x Maximum Density of Zoning District (units/acre) x 1.5 (maximum allowable density transfer based on Chapter 17.60)  
(3.62 x acres x 20 units/acre x 1.5 density transfer = 108.6 units (rounded to 109 units))

As a result of these calculations the density range for the subject property is a minimum of 36 units and a maximum of 73 units. The applicant proposes 67 units within the required density range.

## CHAPTER 17.40 - HIGH DENSITY RESIDENTIAL (R-3)

### 17.34.00 - INTENT

This district is intended to implement the High Density Residential Comprehensive Plan designation by providing for housing in close proximity to retail, public amenities; major transportation routes and transit services where public sewer, water and other services are readily accessible. R-3 uses are designed to be a transition area between commercial and industrial uses and low density single family uses. Pedestrian connections are required to ensure a direct walking route to retail shops. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, parks, and commercial. Density shall not be less than 10 or more than 20 units per net acre.

**Response:** As reviewed above the applicant is proposing 67 units in compliance with the density range required by the R-3 zone for this property.

### 17.40.10 - PERMITTED USES

#### A. Primary Uses Permitted Outright:

- 6. Multi-family dwellings.

**Response:** The applicant proposes constructing a condominium project which is considered a multi-family dwelling by code and is a permitted outright use in this zoning district.

### 17.40.30 - DEVELOPMENT STANDARDS

Type	Standard	Proposed
Minimum Average Lot Width - Single detached dwelling - Detached zero lot line - Attached zero lot line - Other permitted uses	40 ft. 30 ft. 20 ft. No minimum	A condo/multi-family project is proposed
Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.160	The subject property contains about 230 feet of frontage in compliance with this standard.

Minimum Average Lot Depth	No minimum	No minimum is required
Setbacks (Main Building) Front yard  Rear yard Side yard (interior) Corner Lot Garage	10 ft. minimum  15 ft. minimum 5 ft. minimum 10 ft. minimum on side abutting the street 20 ft. for front vehicle access	The building closest to the front is 31-feet from this property line. Approximate 47-foot 18-foot south, 27-foot north N/A The face of the garage of all units with garage is a least 20 feet from the access drive.
Projections into Required Setbacks	See Chapter 17.74	The requirements of the section will be reviewed with submittal of building plans.
Accessory Structures in Required Setbacks	See Chapter 17.74	The requirements of the section will be reviewed with submittal of building plans.
Multi-family - Landscaping Setbacks	25% See Section 17.90.230	36% of the site will be landscaped. The reference in this section should be 17.90.160. This section is reviewed below.
Structure Height	35 ft. maximum	Approximately 32 feet
Building Site Coverage	No minimum	No minimum is required
Landscaping	See Chapter 17.92	Addressed below.
Off-Street Parking	See Chapter 17.98	Addressed below.

**Response:** For the purposes of determining setbacks, the Dubarko Road frontage of the property is considered the front lot line, the sides are the northern and southern boundaries and the rear is the eastern boundary. As shown in the table above, the proposal complies with all Development Standards in this section.

#### 17.40.40 - MINIMUM REQUIREMENTS

- A. Must connect to municipal water.  
**Response:** The proposed project will be connected to City water.
- B. Must connect to municipal sewer.  
**Response:** The project will be connected to sanitary sewer service.
- C. The location of any real improvements to the property must provide for a future street network to be developed.  
**Response:** Because of the location of wetland and existing development, no street connections are anticipated.
- D. Must have frontage or approved access to public streets.  
**Response:** The subject property will be developed as a single parcel. This parcel has frontage on Dubarko Road as required. A single access is proposed.

#### 17.40.50 - ADDITIONAL REQUIREMENTS

- A. Design review as specified in Chapter 17.90 is required for all uses.

*Response: The multi-family design standards in Section 17.90.160, are applicable to residential developments. The requirements of this section are reviewed below.*

- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.

*Response: The subject property contains more than 40 feet of frontage. All units will be access by a single private driveway.*

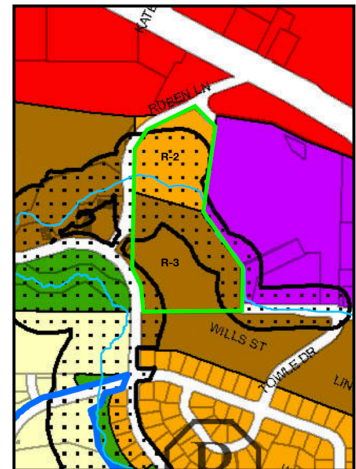
## CHAPTER 17.60 - FLOOD AND SLOPE HAZARD (FSH) OVERLAY

### 17.60.10 - INTERPRETATION AND MAPPING

The Director has the ultimate responsibility for maintaining the FSH Overlay District on the City of Sandy Zoning Map, determining on-site measuring methods, and otherwise interpreting the provisions of this chapter. Technical terms used in this chapter are defined in Chapter 17.10, Definitions. This chapter does not regulate development on lots or parcels entirely outside the FSH Overlay District.

- A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department. This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

*Response: The city's Zoning Map dated May 18, 2018 shows a substantial area of the overall property is within the FSH Overlay. The applicant hired a wetland consultant to evaluate the property to determine if any wetlands or waters of the state exist on the subject property. As detailed in the report produced by this effort (Exhibit H) the property contains wetlands. The southern boundary of this resource was delineated and concurrence of this boundary was approved by the Department State Lands (Exhibit I).*



- B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.

*Response: As shown on submitted plans, development is proposed within the FSH Overlay but not within restricted development areas.*

- C. Applicant Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on

site specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:

1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.

*Response: All of this information is provided.*

2. 100-year floodplain and floodway boundaries and elevations as determined by the June 17, 2008 FIS for Clackamas County and Incorporated Areas.

*Response: The 100-year floodplain or floodway boundaries have not been identified for this portion of No Name Creek and does not affect the subject property.*

3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.
6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

*Response: The applicant has shown the FSH Overlay and mapped the wetland resources and setbacks as required as shown on Sheet 2 and 10 of the plan set.*

#### **17.60.20 - PERMITTED USES AND ACTIVITIES**

- A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:

1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
3. Required setback areas as defined in section 17.60.30.

*Response: No development is proposed within restricted development areas except as permitted below.*

- B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:



1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.
3. Planting of native vegetation species included on a list maintained by the Director.
4. Removal of non-native / invasive vegetation, dead or dying trees or vegetation that is hazardous to the public.
5. Removal of up to two trees of 6 inches or greater dbh in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site.
6. Construction or expansion of public facilities or private roads necessary to support permitted development.

**Response:** *The list of allowed uses has been edited to include only those uses requested with this application. The City has asked the applicant to construct a trail through the site within the restricted wetland setback as permitted by subsection B.6. The submitted Site Plan (Sheet 5) shows the general location of this facility. Due to the significant number of trees in this area, the applicant proposes field locating and staking the alignment of the trail in order to avoid trees and prior to constructing this facility. The applicant then intends to request City review of this alignment prior to construction. The applicant also proposes removing non-native species within the RDA and planting native species as needed. As allowed by this section, the applicant also requests a Type I FSH review to remove two big leaf maple trees (Trees #26 and #27) within the RDA. These trees contain multiple stems and are located about 10 feet from the back of Unit #8. The applicant is concerned these trees will become a hazard over time if they are not removed now. To mitigate the removal of these trees, the applicant plans to plant two additional trees for each tree removed within another area of the RDA as required. As shown on submitted plans, a stormwater facility is proposed to be located between Units #2 and #3 partially within the RDA. This location is critical due to the grade of the site as discussed below.*

- C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

**Response:** *This section is not applicable.*

### **17.60.30 - REQUIRED SETBACK AREAS**

- A. Required Setbacks. The required special setback(s) shall be:

1. 70 feet from the top of bank of Tickle Creek;
2. 50 feet from top of bank along other perennial streams, except for “No Name Creek” east of Towle Drive, as provided in Section 17.60.30.C.2 below.
3. 25 feet around the edge of any mapped locally significant wetland; and
4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.

**Response:** *“No Name Creek” flows along the eastern boundary of the site. This resource requires a 50-foot setback and a 25-foot setback to the wetland as shown on submitted plans. No activity except that indicated above will occur within these areas.*

B. Minimize Impacts. Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.

*Response: Only a small portion of the proposed water quality treatment facility is located within the wetland setback. In addition, the city has requested the applicant build a trail along the wetland edge within this setback. The applicant intends removing non-native species and planting native plant species to enhance the RDA on the site. The applicant intends installing a silt fence along the entire RDA boundary to protect this area as shown on Sheet 7.*

#### **17.60.40 - REVIEW PROCEDURES**

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed to ensure consistency with Section 17.60.60-70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director.

*Response: No special reports have been requested by the city with this application.*

#### **17.60.50 - SPECIAL REPORTS**

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A, the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development, and shall be prepared by professionals in their respective fields.

The Director may require one or more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where impacts are minimal and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.

- A. Hydrology and Soils Report.
- B. Grading Plan.
- C. Native Vegetation Report.

*Response: A soils report (Exhibit J) and a Grading Plan (Sheet 7) are included with the application. As noted above, the applicant proposes removing non-native plant species and planting native species with the RDA of the site as needed*

#### **17.60.60 - APPROVAL STANDARDS AND CONDITIONS**

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

- A. Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.
  - 1. Cumulative Impacts. 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.

**Response:** *As shown on submitted plans, only a small portion of the stormwater facility and removal of two trees are proposed within the RDA. The applicant intends enhancing this area by removing non-native plant species and planting native species as needed.*

2. Impervious Surface Area. Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.

**Response:** *No impervious surfaces are proposed within restricted development areas.*

3. Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.

**Response:** *All construction will be consistent with submitted plans and reports.*

4. Cuts and Fills. 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.

**Response:** *No cuts or fills are proposed within the RDA.*

5. Minimize Wetland and Stream Impacts. 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.

**Response:** *The proposal does not affect the quantity and quality of surface and groundwater flows to the locally significant wetland on the site.*

6. Minimize Loss of Native Vegetation. 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.

**Response:** As noted above, two trees (#26 and #27) behind Unit #8 are proposed to be removed within the RDA. The applicant intends planting two native trees for each tree removed in another area of the RDA as required.

### **17.60.90 - WATER QUALITY TREATMENT FACILITIES**

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows:

- A. The water quality facility shall not be constructed in restricted development areas, except where necessary to serve approved development within restricted development areas (e.g., a road) and where no reasonable alternative exists in buildable areas of the site.

*Response: A portion of the proposed water quality treatment facility will be located within the 25-foot wetland setback. This location is due to the existing grade of the site and the topography. Alternative locations for this facility were explored by the project Engineer but the proposed site was deemed the best and most efficient location for this facility.*

- B. Where the approval authority determines that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed off-site.

*Response: The City has not indicated a regional off-site water quality facility is required.*

## **CHAPTER 17.80 - ADDITIONAL SETBACKS ON COLLECTOR AND ARTERIAL STREETS**

### **17.80.10 - APPLICABILITY**

These regulations apply to all property abutting the following streets:

A. Minor Arterials.

- SE 362nd Avenue (Duncan Road)
- Bluff Road
- Kelso Road
- Ten Eyck Road
- Langensand Road
- Bornstedt Road
- Bell Street

B. CollectorStreets.

- Industrial Way
- Sandy Heights (Wewer Road) Street
- Tupper Road
- Meinig Road (south of Proctor)
- Meinig Road (First Avenue)
- McCormick
- Van Fleet Street
- Gary Street
- Pleasant Street
- Sunset Street

C. Residential Minor Arterial

- Dubarko Road

### **17.80.20 - SPECIFIC SETBACKS**

Any structure located on streets listed above or identified in the Transportation System Plan as arterials or collectors shall have a minimum setback of 20 feet measured from the property line. This applies to applicable front, rear and side yards.

*Response: The subject property fronts Dubarko Road. As shown on attached plans, the nearest building is about 31-feet from this right-of-way in compliance with this standard.*

## **CHAPTER 17.84 - IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

### **17.84.20 - TIMING OF IMPROVEMENTS**

A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:

1. Where a land division is proposed, each proposed 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.

*Response: A land division is not proposed.*

2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.

*Response: The applicant intends install all required public and franchise utilities prior to occupancy.*

B. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

*Response: The section is not applicable.*

### **17.84.30 - PEDESTRIAN AND BICYCLIST REQUIREMENTS**

A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:

1. Sidewalks shall be a minimum of 5 ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.

*Response: This section is not applicable.*

2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 ft. wide.

*Response: A six foot sidewalk is proposed to be constructed along the Dubarko Road frontage as required.*

3. Sidewalk improvements shall be made according to city standards, unless the city determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.

a) Narrow landscape strips

- b) Narrow sidewalk or portion of sidewalk to no less than 4 feet in width
- c) Eliminate landscape strips
- d) Narrow on-street improvements by eliminating on-street parking
- e) Eliminate sidewalks

**Response:** *No exceptions or modifications to the sidewalk standards of this section are requested with this application.*

- 4. The timing of the installation of sidewalks shall be as follows:
  - a) 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.
  - b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
  - c) Where sidewalks on local streets abut common areas, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

**Response:** *The applicant intends constructing all sidewalk improvements as required by this section.*

- B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:

- 1. For the purposes of this section, “safe and convenient” means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.

**Response:** *No pedestrian or bicycle facilities other than sidewalks are proposed.*

- 2. To meet the intent of “B” above, right-of-ways connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with 8 feet of pavement.

**Response:** *As noted above, none of these facilities are proposed.*

- 3. 12 feet wide pathways shall be provided in areas with high bicycle volumes or multiple use by bicyclists, pedestrians, and joggers.

**Response:** *The details of the Tickle Creek Trail have not been determined in the vicinity of the subject property. As requested by the City, the applicant is proposing to construct a 4 - 6 foot wide bark chip path from the access drive through the RDA to the eastern portion of the site.*

4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
  - a) The pedestrian circulation system shall be at least five feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
  - b) Walkways at least five feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
  - c) Walkways shall be as direct as possible and avoid unnecessary meandering.  
**Response:** *The proposal includes several new concrete sidewalks within the project and a bark chip path through the RDA of the site.*
  - d) Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
  - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
  - f) Pedestrian amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.  
**Response:** *The requirements of these sections are not applicable to the proposal.*

C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the City shall be provided in accordance with 17.84.80.  
**Response:** *No trails are identified in the City's Transportation System Plan or Parks Master Plan on the subject property. As noted above, the City has requested the applicant contract a 4 - 6 foot wide bark chip path within the RDA and through the site.*

D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).  
**Response:** *No pedestrian facilities except those noted above are proposed.*

E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning

Commission or Director may require off-site pedestrian facility improvements concurrent with development.

*Response: No off-site pedestrian improvements have been identified.*

#### **17.84.40 - TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS**

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.

*Response: The proposed project contains 67 units. During the pre-application conference the city Transit Manager identified a bus pull out is required on Dubarko Road. This improvement is shown on submitted plans. The Transit Manager also specified a metal bench would be required. This amenity will be detailed on building plans following design review approval.*

- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:

1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

*Response: The proposed project complies with the requirements of this section.*

#### **17.84.50 - STREET REQUIREMENTS**

- A. Traffic evaluations may be required of all development proposals in accordance with the following:
1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved, the applicant shall present the results with and an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer licensed in the State of Oregon.
  2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.



**Response:** A Traffic Impact Study prepared by Lancaster Engineering is included with this application as requested by the City (Exhibit F). This study does not identify any required mitigation.

- B. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:
1. Arterial streets should generally be spaced in one-mile intervals.
  2. Traffic signals should generally not be spaced closer than 1500 ft. for reasonable traffic progression.

**Response:** No new arterial streets are required as part of this project.

- C. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, “through traffic” means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and “T” intersections while maintaining pedestrian connectivity.
2. Local streets should typically intersect in “T” configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent “T” intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2 rights-of-way.

**Response:** These sections are not applicable.

3. Cul-de-sacs should generally not exceed 400 ft. in length nor serve more than 20 dwelling units, except in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area. Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

**Response:** This section is not applicable.

- D. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.

**Response:** A single access drive from Dubarko Road is proposed.

2. Half-street improvements are considered the minimum required improvement. Three quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement

would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.

**Response:** *The applicant plans to construct sidewalk improvements along Dubarko Road.*

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.

**Response:** *No off-site improvements have been identified or are warranted with construction of this project.*

#### **17.84.60 - PUBLIC FACILITY EXTENSIONS**

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.

**Response:** *The submitted Utility Plan shows the location of water, sanitary sewer, and stormwater drainage facilities. An existing public sanitary sewer line that traverses the site will be relocated and it will be within the proposed access drive. This modification is necessary to facilitate development of the site. All other facilities on the site are anticipated to be private. Broadband fiber service will be detailed on building plans.*

- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.

**Response:** *All utilities identified above will be constructed concurrent with the proposed development.*

- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

**Response:** *The applicant will extend all utilities as necessary to serve the development as required by this section.*

- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

**Response:** *Except the existing sanitary sewer line noted above, no public facilities are required to be extended through the site to the edge of adjacent properties.*

- E. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:

**Response:** *All facilities onsite with the exception of the existing sanitary sewer line will be private.*

#### **17.84.70 - PUBLIC IMPROVEMENT PROCEDURES**

**Response:** *The applicant is aware of and intends to comply with the requirements of this section.*

**17.84.80 - FRANCHISE UTILITY INSTALLATIONS**

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.

*Response: This section is not applicable.*

B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.

*Response: The applicant does not anticipate extending franchise utilities beyond the site.*

C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:

1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and
3. The development is non-residential.

*Response: The applicant anticipates installing natural gas and cable television service as required.*

D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.

*Response: This section is not applicable.*

E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed aboveground:

1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

**Response:** All franchise utilities will be installed underground in compliance with this section.

- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.

**Response:** The developer will make all necessary arrangements with franchise utility providers as required by this section.

- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:
1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
  2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.
- Response:** The developer will install underground conduit for street lighting in accordance with the requirements of this section as necessary.

#### **17.84.90 - LAND FOR PUBLIC PURPOSES**

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
1. When located between adjacent lots, easements shall be provided on one side of a lot line.
  2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- Response:** The applicant anticipates recording a new public utility to align with the relocated public sanitary sewer line on the site. In addition, the City may require a public easement for the proposed trail.
- B. Public utility easements with a minimum width of 5 feet shall be provided adjacent to all street rights-of-way for franchise utility installations.
- Response:** This section is not applicable.
- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- Response:** This section is not applicable.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.

*Response: No future trail is identified in the TSP on subject property. As noted above, the applicant is proposing to construct a bark chip trail through the site.*

- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.

*Response: This section is not applicable. No dedications have been identified. The applicant intends recording a new easement for the proposed re-located sanitary sewer line and for the trail as required.*

- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.

*Response: This section is not applicable.*

#### **17.84.100 - MAIL DELIVERY FACILITIES**

*Response: The location and type of mail delivery facilities will be coordinated with the City and the Post Office as part of the building permit process.*

### **CHAPTER 17.86 PARKLAND AND OPEN SPACE**

#### **17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS**

Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.00) of an acre: Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0043 (per person park land dedication factor)

*Response: The proposed 67 unit multi-family project results in the following calculation: 67 units x 2 persons/unit x 0.0043 (per person parkland factor) = 0.5762 rounded to the nearest 1/100 = 0.58 acres. Based on the current parkland fee in lieu amount in the City's fee resolution of \$241,000/acre, a payment of \$139,780 (0.58 x \$241,000 = \$139,780) is required to be paid prior with issuance of the building permit.*

### **CHAPTER 17.90 DESIGN STANDARDS**

#### **17.90.160 ADDITIONAL REQUIREMENTS - MULTI-FAMILY DEVELOPMENTS**

Multi-family residential developments shall comply with the requirements of this chapter as listed above and the following additional requirements:

*Response: As noted above the project includes three building types: Three-unit Buildings (17 buildings, Units #1 - #17) contain two, 2-bedroom units and one, one-bedroom unit, Two-unit Buildings (7 buildings, Units #19 - #25) contain two, 2-bedroom units only, a Two-unit End Building (Unit #18) contains two, 2-bedroom units only. Each building type contains a two car garage.*

- A. Roofs. Roofs shall meet the following additional requirement:

1. Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-inch overhang and using shingles or similar roofing materials. Alternatives may be

approved where the developer can demonstrate that abutting structures or the majority of structures within 300 feet have roofs similar to what is proposed.

**Response:** *The proposed structures features a 4:12 pitched hip roof exceeding the minimum 3:12 roof pitch standard. This section also requires roofs to contain at least a 30-inch overhang. The proposed roof overhangs 30-inches measured to the outside edge of the gutter. The proposal complies with this section.*

2. Offsets or breaks in roof elevation shall be at least 3 or more feet in height.

**Response:** *Each building is only 32-feet wide by 42-feet deep and does not warrant an offset or break in the roof elevation. The scale of the buildings and the proposed hip roof structure comply with the intent of this section.*

#### B. Entries.

1. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.
2. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.
3. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.
4. Secondary entries may face parking lots or loading areas.

**Response:** *The entry door for all two-bedroom units face the access drive and walkway and are covered by the balcony above. The access door for the one-bedroom units are located on the ground floor but are not visible from the access drive. These units are accessed by a pedestrian walkway around the back of the unit as shown on the Site Plan. The door of these units are covered by the deck of the unit above.*

- #### C. Building facades shall be articulated with windows, entries, balconies and/or bays. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets.

**Response:** *The front facade of all buildings are articulated by a recessed garage, projecting second story decks, and a considerable number of windows.*

- #### D. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every 20 feet by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of 8 feet.
2. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of 8 feet, with maximum length of an overhang not to exceed 25 feet.
3. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is 8 feet deep and at least 125 sq. ft. in area.

**Response:** *As noted above the front building facade is only 32-feet wide providing a townhouse appearance to the buildings. Due to a grade separation between the site and Dubarko Road, only the rear elevation of Units #13 and #14 and the side elevation of Unit #18 will be visible from a public street or pedestrian way. In addition, the southern property line abuts a residential zone (R-3 zone*

constructed as a manufactured home park) and Units #18 - #25 back up to this common property line. The rear of Units #13 and #14 feature an eight foot deep by 13 foot wide deck and the side of Unit #18 (Building Type 3) features an eight foot wide by two foot deep bay window. With these features the proposal complies with this standard.

E. Private Outdoor Areas.

1. A separate outdoor area of not less than 48 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences or shrubs.
2. A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces or porches shall be provided for each dwelling unit located above the ground level.

**Response:** Each 2-bedroom unit is provided with a small 18 square foot front balcony and an approximately 88 square foot rear deck. Each 1-bedroom unit is provided with an approximately 112 square foot ground floor patio. The proposal complies with the requirements of this section.

F. Parking Lots. Parking lots in multi-family developments shall not occupy more than 50% of the frontage of any public street abutting the lot or building.

**Response:** The proposed parking area does not occupy any of the Dubarko Road street frontage in compliance with this section.

G. Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking area required.

Size of Dwelling	Minimum Square Feet	Minimum Height
Studio	24	6
1 Bedroom	24	6
2 Bedroom	36	6
3+ Bedroom	48	6

**Response:** All 2-bedroom units are provided with an approximately 200 square foot garage in addition to an approximately 19.5 square foot storage closet on the rear deck. An additional storage closet is provided along the side of each of these units. All 1-bedroom units are provided with an approximately 22 square foot storage structure along the side of the building and an additional 10 square feet of storage area in a storage closet accessed from the patio. These amenities exceed the minimum requirement of this section.

H. Carports and Garages. If carport and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

**Response:** All 2-bedroom units are provided with a one-car garage integrated into the building and constructed using the same materials and painted the same colors as the living unit.

I. Shared Outdoor Recreation Areas. Multi-family residential development shall provide usable recreation areas for developments containing more than 5 dwelling units at the rate of 200 square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, FSH setback areas, and other natural site features, however, at least 50% of the recreation area must be located outside the boundaries of such areas and slopes may not exceed 15% in the 50% usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as 1.25 square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

1. Provides approximately the same accessibility to the maximum number of dwelling units possible.
2. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room or other activity rooms (bedrooms or bathrooms are not included).
3. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten feet wide;
4. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;
5. Provides a usable surface material such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

**Response:** *The proposed 67 unit project requires 13,400 square feet of shared outdoor recreation area  $67 \times 200 = 13,400$ . Sheet 11 of the plan set shows that 26,955 square feet of shared recreation area is provided. A play area with tot lot and benches is proposed in the middle of the complex and this shared area is extended using a walkway to the East to connect with the trail proposed within the wetland buffer. About 50% of the required 13,400 square feet is located on gentle slopes outside restricted development areas.*

J. Safety and Security.

1. Provide an outdoor lighting system which facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.
2. Establish a directory for apartment complexes of four or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

**Response:** *The applicant requests approval to defer submittal of a Lighting Plan at this time and intends to submit this information with building plans. Each unit will be clearly marked with an address or apartment number to clearly identify the unit for visitors and emergency service providers.*

K. Service, Delivery and Screening.



1. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.
2. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.
3. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.
4. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.
5. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:
  - a. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas.
  - b. Evergreen plant materials which will retain their screening ability and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

*Response: The location and type of postal delivery facilities will be coordinated with the U.S. Postal Service. The complex features two refuse enclosures as shown on the Site. The details of these facilities are shown on Exhibit C.*

- L. Electrical and Mechanical Equipment. On- and above-grade electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be screened with sight obscuring fences, walls or landscaping.

*Response: All electrical and mechanical equipment are either within an enclosed structured or will be screened using landscape materials as required.*

## **CHAPTER 17.92 - LANDSCAPING AND SCREENING GENERAL STANDARDS - ALL ZONES**

**Response:** The C-1 zoning district requires residential development not above commercial development to contain 20 percent landscaping. A Landscape Plan identifying that 36 percent of the site is proposed to be landscaped in compliance with this standard and the requirements of Chapter 17.92 is provided with this application.

### **17.92.10 GENERAL PROVISIONS**

- A. Where landscaping is required by this Code, detailed planting plans shall be submitted for review with development applications. No development may commence until the Director or Planning Commission has determined the plans comply with the purposes clause and specific standards in this chapter. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.

*Response: A Landscape Plan (Sheet 11) containing the details of proposed landscape plantings is included. The applicant understands that all required landscaping shall*

*be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.*

- B. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within 6 months.

***Response:*** *All required landscape materials will be cared for the duration as required.*

- C. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 25-inches or greater circumference measured at a height of 4-1/2 ft. above grade are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5-ft. outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 ft. outside the dripline.

***Response:*** *The proposal preserves trees to the greatest extent practicable to allow development of the site for the proposed use. As shown on Sheet 3, preserved trees will be protected by tree protection fencing as required.*

- D. Planter and boundary areas used for required plantings shall have a minimum diameter of 5-ft. (2-1/2 ft. radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7-1/2 ft.

***Response:*** *All planter areas contain a minimum depth of five feet. All vehicle parking adjacent to landscape planters are provided with wheel stops.*

- E. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.

***Response:*** *The Landscape Plan will be modified as required to address vision clearance requirements necessary.*

- F. Landscaped planters and other landscaping features shall be used to define, soften or screen the appearance of off-street parking areas and other activity from the public street. Up to 35 percent of the total required landscaped area may be developed into pedestrian amenities, including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the Director or Planning Commission.

***Response:*** *Landscape planters at the end of the two parking bays help to define and soften the appearance of these areas.*

G. Required landscaping/open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

*Response: As noted above, about 36 percent of the site is proposed to contain landscaping. All landscaped areas are designed to enhance the appearance of the site to provide visual appeal and interest.*

H. Balconies required for entrances and exits shall not be considered as open space except where such exits and entrances are for the sole use of the unit.

I. Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.

*Response: These sections are not applicable.*

J. Driveways and parking areas shall not be included as open space.

*Response: None of these areas are included in site landscaping calculations.*

K. All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.

*Response: As shown on the Landscape Plan all areas not occupied by buildings and paved surfaces will be landscaped.*

L. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.

*Response: All landscaping is intended to be maintained as required.*

#### **17.92.20 MINIMUM IMPROVEMENTS - LANDSCAPING AND SCREENING**

The minimum landscaping area of a site to be retained in landscaping shall be as follows:

R-3 - 25%

*Response: As shown on the Landscape Plan, 36 percent of the site is proposed to be landscaped exceeding the minimum 25 percent landscaping required.*

#### **17.92.30 REQUIRED TREE PLANTINGS**

Planting of trees is required for all parking lots with 4 or more parking spaces, public street frontages, and along private drives more than 150 feet long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or City adopted street tree plan.

The City maintains a list of appropriate trees for street tree and parking lot planting situations. Selection of species should be made from the city-approved list. Alternate selections may be approved by the Director following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

*Response: The Landscape Plan indicates that both sides of common parking areas will be bordered with a landscape planter to contain a mix of trees, shrubs and ground covers.*

#### **17.92.40 IRRIGATION**

Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life.

*Response: All landscape areas will be irrigated with either a manual or automatic system. The details of this system will be submitted with building plans.*

#### **17.92.50 TYPES AND SIZES OF PLANT MATERIALS**

A. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover except as otherwise authorized by Chapter 17.92.10 F.

D. Deciduous trees shall be balled and burlapped, be a minimum of 7 feet in overall height or 1 1/2 inches in caliper measured 6 inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

F. Shrubs shall be a minimum of 1 gallon in size or 2 feet in height when measured immediately after planting.

G. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within 2 years after planting.

H. Vines for screening purposes shall be a minimum of 1 gallon in size or 30 inches in height immediate after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

I. Groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, ground covers shall be planted in such a manner as to provide complete coverage in one year.

J. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrass and fescues used within the local landscape industry.

K. Landscaped areas may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscape area.

*Response: The submitted Landscape Plan has been designed in accordance with the standards of this section.*

#### **17.92.70 LANDSCAPING BETWEEN PUBLIC RIGHT-OF-WAY AND PROPERTY LINES**

Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

*Response: The hillside between the buildings and Dubarko Road will be landscaped as required.*

#### **17.92.80 BUFFER PLANTING - PARKING, LOADING AND MANUEVERING AREAS**

Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are

used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. Buffering is required in conjunction with issuance of construction permits for parking areas containing 4 or more spaces, loading areas, and vehicle maneuvering areas.

Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying ground cover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements. Exception: truck parking lots are exempt from parking bay buffer planting requirements.

**Response:** *The submitted Landscape Plan has been designed in accordance with these standards.*

## **CHAPTER 17.98 - PARKING, LOADING, AND ACCESS REQUIREMENTS**

### **17.98.20 OFF-STREET PARKING REQUIREMENTS**

Vehicle parking for multi-family dwellings requires the following:

1.5 per studio unit or 1 bedroom

2.0 per 2 bedroom

2.25 per 3 bedroom or greater

In addition, one bicycle space is required for each unit.

**Response:** *The 50 2-bedroom units require a total of 100 vehicle parking spaces (50 x 2 = 100), and the 17, 1-bedroom units require an additional 26 spaces (17 x 1.5 = 25.5 rounded up to 26) for a minimum of 126 spaces required. Each 2-bedroom unit is provided with a one-car garage and one space in front of the garage for a total of 100 spaces. In addition, the Site Plan shows 43 common vehicle spaces, including five ADA spaces, for a total of 143 vehicle parking spaces in compliance with this section.*

*As noted above, the proposal includes five ADA parking spaces (four standard and one van accessible space). Due to grade constraints all of these spaces are located at the Southeast portion of the site. This number is based on the total parking count of 143 spaces which also includes parking within garages. The applicant interprets applicable regulations to read that ADA parking for a condominium project is based only on the number of common parking spaces (43 spaces). If the City agrees with this interpretation the applicant will reduce the number of ADA spaces to two (one standard and one van accessible space) and convert three ADA spaces to standard parking spaces.*

*Each dwelling unit is provided with a bicycle parking space. Each two-bedroom unit will accommodate a bicycle under the stairs in the garage or in the storage shed and each one-bedroom unit will accommodate a bicycle on the entrance patio or in the storage shed. In addition to these spaces, four additional common bicycle parking spaces (two racks) are provided in the area east of vehicle parking space #22.*

### **17.98.50 SETBACKS**

A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.

- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and two-family dwellings, required off-street parking may be located in a driveway.
- C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

*Response: The property abutting the subject property to the South contains a manufactured home park and is also zoned R-3. All parking is proposed internal to the project and is shielded from view by buildings. No parking is located in the front yard of the site.*

### **17.98.60 DESIGN, SIZE AND ACCESS**

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

**A. Parking Lot Design.** All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.

*Response: All parking and maneuvering areas will be constructed using either asphalt or concrete as required.*

#### **B. Size of Space.**

1. A standard parking space shall be 9 feet by 18 feet.
2. A compact parking space shall be 8 feet by 16 feet.
3. Handicapped parking spaces shall be 13 feet by 18 feet. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
4. Parallel parking spaces shall be a length of 22 feet.
5. No more than 35 percent of the parking stalls shall be compact spaces.

*Response: All parking spaces comply with these standards. No compact parking spaces are proposed.*

#### **C. Aisle Width**

This section requires the aisle width for single-side 90 degree angle parking lots to be a minimum of 25 feet for either one way or two way traffic.

*Response: The submitted site plan proposes a 25-foot wide aisle behind all parking spaces as required.*

### **17.98.100 DRIVEWAYS**

- A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.
- B. A driveway for a single-family dwelling shall have a minimum width of 10 feet.

- C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. A driveway approach must be constructed in accordance with applicable city standards and the entire driveway must be paved with asphalt or concrete.

*Response: The site plan indicates that a 30-foot wide driveway is proposed to access the project in compliance with this section.*

#### **17.98.120 LANDSCAPING AND SCREENING**

- A. Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and Chapter 17.98. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5-ft. depth of buffer plantings adjacent to the right-of-way.
- B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscuring screen that is at least 80% opaque when viewed horizontally from between 2 and 8 feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within 3 years after installation.
- C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than 10% of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.
- D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.
- E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.
- F. Wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for safe pedestrian circulation is required.

*Response: All common vehicle parking spaces will be screened from public view by topography and buildings. All of these spaces are divided into bays containing less than 20 spaces as required. Parking bays are broken up with a landscape planter at the end and along the largest parking bay. Wheel stops are proposed for all common parking spaces to protect landscaping and sidewalks.*

#### **17.98.130 PAVING**

- A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to city standards for off-street vehicle areas.
- B. Gravel surfacing shall be permitted only for areas designated for non-motorized trailer or equipment storage, propane or electrically powered vehicles, or storage of tracked vehicles.

*Response: Pervious asphalt is proposed for the entrance drive as shown. All other areas of the access drive and all parking spaces will be paved using either regular asphalt or concrete as required.*

#### **17.98.140 DRAINAGE**

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

*Response: A preliminary stormwater management plan is provided as part of the application submittal. This plan has been designed in accordance with the City of Sandy Stormwater Management requirements.*

#### **17.98.150 LIGHTING**

Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

*Response: As noted above, the applicant is requesting approval to defer submittal of a lighting plan at this time. The applicant intends submitting this information with building plans.*

#### **17.98.160 BICYCLE PARKING FACILITIES**

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities. The intent of this section is to provide secure bicycle parking that is visible from a building's primary entrance and convenient to bicyclists.

##### **A. Location.**

1. Bicycle parking shall be located on-site, convenient to primary building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal structure.
2. Bicycle parking areas shall be visible from building interiors where possible.
3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

*Response: As noted above, each dwelling unit is provided with a bicycle parking space. Each two-bedroom unit can accommodate a bicycle under the stairs in the garage or in the storage shed and each one-bedroom unit can accommodate a bicycle on the entrance patio or in the storage shed. In addition to these spaces, four additional common bicycle parking spaces (two racks) are provided in the area east of vehicle parking space #22.*



## CHAPTER 17.102 - URBAN FORESTRY

### 17.102.20 - APPLICABILITY

This chapter applies only to properties within the Sandy Urban Growth Boundary that are greater than one acre including contiguous parcels under the same ownership.

A. General: No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.

1. As a condition of permit issuance, the applicant shall agree to implement required provisions of this chapter and to allow all inspections to be conducted.
2. Tree removal is subject to the provisions of Chapter 15.44, Erosion Control, Chapter 17.56, Hillside Development, and Chapter 17.60 Flood and Slope Hazard.

*Response: The subject property contains 4.23 acres and the standards of this chapter are applicable to the proposed development. The applicant intends removing only those trees on the property necessary to accommodate development of the project. The proposed tree retention plan is designed in accordance with the standards of this chapter and the provisions in Chapters 15.44, 17.56, and 17.60 as applicable.*

### 17.102.50 - TREE RETENTION AND PROTECTION REQUIREMENTS

A. Tree Retention: The landowner is responsible for retention and protection of trees required to be retained as specified below:

1. At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership.
2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
3. Trees proposed for retention shall be healthy and likely to grow to maturity, and be located to minimize the potential for blow-down following the harvest.
4. If possible, at least two of the required trees per acre must be of conifer species.
5. Trees within the required protected setback areas may be counted towards the tree retention standard if they meet these requirements.

*Response: The subject property contains 4.23 acres requiring retention of 13 trees, 11 inches and greater DBH ( $4.23 \times 3 = 12.69$  rounded up to 13 trees). As shown on Sheets 3 and 4, the applicant proposes retaining 16 trees, 11-inches and greater with this project. As shown on Sheet 3, the site contains a number of trees within the RDA that are less than 11-inches that will also be retained.*

B. Tree Protection Area: Except as otherwise determined by the Planning Director, all tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after completion of all construction activity. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.

1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than 10 horizontal feet from the outside edge of the trunk.

2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.
3. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.

*Response: Sheet 3 shows tree protection fencing proposed with this project.*

#### **17.102.60 - TREE REPLANTING REQUIREMENTS**

1. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species within 30 days of harvest during the active growing season, or by June 1st of the following spring.
2. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.
3. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.
4. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.
5. Tree Removal not associated with a development plan must be replanted following the provisions of OAR Chapter 629, Division 610, Section 020-060

*Response: The requirements of this section will be completed as applicable.*

#### **17.102.70 - VARIANCES**

*Response: The submitted plan is designed in compliance with the standards in this chapter and a variance to these standards is not requested or required.*

### **CHAPTER 15.30 - DARK SKY ORDINANCE**

#### **15.30.000 Purpose.**

The purpose of the Sandy Dark Sky Ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security. (Ord. 2002-11)

*Response: As noted above, the applicant is requesting to defer submittal of a Lighting Plan until the building permit.*

## **V. Conclusion**

The applicant requests design review approval to construct a 67 unit multi-family/condominium project on property zoned R-3, High Density Residential. As demonstrated with this submittal, the proposal complies with or exceeds all relevant code standards and the applicant respectfully requests this application be approved.