

# EXHIBIT B

Revised

## Project Narrative for Bull Run Terrace Subdivision

40808 and 41010 Highway 26, Sandy, Oregon  
(25E 18CD, tax lots 900 and 1000)



Revised  
September 2022



*Note: This revised project narrative is intended to replace all previously submitted narratives for this project.*

## Project Details

Project Location: 40808 and 41010 Highway 26, south side of Highway 26; directly south across Highway 26 from Vista Loop Drive and east of Meadow Ave.

Legal Description: Map 25E 18CD, Tax Lots 900 and 1000

Existing Comprehensive Plan - V, Village

Proposed Comprehensive Plan - V, Village and POS, Parks and Open Space

Existing Zoning - R-1, Low Density Residential, R-2, Medium Density Residential and C-3, Village Commercial

Proposed Zoning - R-1, Low Density Residential, R-2, Medium Density Residential, R-3, High Density Residential, C-3, Village Commercial, and POS, Parks and Open Space

Site Size: 15.91 ac. (693,058 sf)

### I. Project Description

The subject property consists of two tax lots totaling 15.91 acres. The requested seven-lot subdivision includes four lots to be platted with R-1 zoning (Lots 1 - 4), one lot (Lot 5) zoned R-2, one lot (Lot 6) zoned R-3, and one lot (Lot 7) zoned C-3. Development on Lots 5 - 7 is only conceptual at this time and will to be reviewed with a subsequent design review application submitted following approval of the initial request.

In addition to platting seven lots, the applicant proposes dedicating all public streets and conveying 1.755 acres (76,440 square feet) of parkland (Tract A), a 0.16 acre (7,062 square feet) stormwater tract (Tract B) and a (6,845 square foot) stormwater tract (Tract C) to the City. With the proposed plan, Dubarko Road will be extended through the site to connect with Highway 26 and highway frontage improvements completed.

In addition to these improvements, the applicant is also proposing to cap the number of dwelling units constructed on the site at 200 units. This number was chosen after reviewing the maximum unit count allowed units under existing zoning (226 units) and the maximum unit count with the proposed zoning (213 units). The applicant feels the proposed 200 unit cap represents a reasonable number given previously heard public and Council comments and his goals for developing the site.

### II. Approval Requests

The following approvals are requested with this application:

- Type IV, Comprehensive Plan map amendment to designate 1.755 of land Parks and Open Space (POS);
- Type IV, Zoning Map amendment to change the current zoning designations on the property from a mix of C-3 (Village Commercial), R-2 (Medium Density Residential), and R-1 (Low Density Residential) to a mix of C-3 (Village Commercial, R-3 (High Density Residential), R-2 (Medium Density Residential), R-1 (Low Density Residential), and Parks and Open Space (POS);
- Type IV, Specific Area Plan to shift the zoning designations on the site;
- Type II, seven-lot subdivision;
- Type II, tree removal.

### III. Items Submitted With This Revised Application

- Notification List and Mailing Labels (*Updated September, 2022*)
- Exhibit A - Project Narrative (*Revised September, 2022*)
- Exhibit B - Civil Plans (*Revised September, 2022*)
  - Sheet C1 - Cover Sheet and Future Street Plan
  - Sheet C2 - Preliminary Plat Map
  - Sheet C3 - Existing Conditions and Tree Retention Plan
  - Sheet C4 - Tree Tables
  - Sheet C5 - Master Street and Utility Plan
  - Sheet C6 - Street Sections
  - Sheet C7 - Preliminary Street Tree and Parking Plan
  - Sheet C8 - Proposed Striping Plan
  - Sheet C9 - Preliminary. Grading and Erosion Control Plan
  - Sheet C10 - Slope Analysis
  - Sheet C11 - Concept Plan
  - Sheet C12 - Net Zoning Area Comparison
- Exhibit C - Preliminary Stormwater Report
- Exhibit E - Traffic Impact Study (*Revised September, 2022*)

### IV. Review of Applicable Approval Criteria

Development applications are required to meet development standards set forth in the City of Sandy Development Code. This section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response describing how the proposal complies with this standard in *italics*. Criteria related to the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment are reviewed first followed by a review of the Specific Area Plan request and finally all relevant criteria for the proposed residential subdivision are reviewed last. The following code chapters are reviewed in this narrative:

<u>Chapter</u>	<u>Title</u>
17.24	Comprehensive Plan Amendment Procedures
17.26	Zoning District Amendments
17.54	Specific Area Plan Overlay

### Subdivision Review

17.30	Zoning Districts
17.36	Low Density Residential (R-1)
17.38	Medium Density Residential (R-2)
17.40	High Density Residential (R-3)
17.46	Village Commercial (C-3)
17.56	Hillside Development
17.80	Additional Setbacks on Collector and Arterial Streets
17.82	Special Setbacks on Transit Streets
17.84	Improvements Required with Development
17.86	Parkland and Open Space
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

**CHAPTER 17.24 - COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

**RESPONSE:** *The subject property is designated Village in the City’s Comprehensive Plan. Because the Village Plan designation as described in the Comprehensive Plan does not expressly allow Parks and Open Space zoning and the city is requiring the applicant to dedicate parkland, the city is also requiring the applicant to apply for a Comprehensive Plan Map amendment to designate the proposed 1.755 acre parkland dedication Parks and Open Space (POS). In the previously submitted Bull Run Terrace application the application also requested a Comprehensive Plan amendment to increase the maximum density on the property by more than 20 percent. With that application the applicant proposed increasing the density on the property by 61 percent. With the passage of HB 2001 allowing any lot permitting a single family dwelling is also required to permit construction of a duplex. With the passage of this legislations and incorporation of these regulations into City code, the maximum density allowed on the site with the current zoning designations increased from 139 units to 226 units. As noted above, the applicant is proposing to voluntarily impose a dwelling unit cap of 200 units on the property with the current application. With this cap, the proposal will now contain approximately 12 percent fewer units than the maximum allowed under existing zoning. For this reason, a Comprehensive Plan amendment for this item is no longer needed.*

**17.24.10 INTENT**

This chapter sets forth review criteria and procedural requirements in order to:

- A. Respond to changing conditions and community attitudes;
- B. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan; and
- C. Establish procedures by which the Plan text and map may be amended.

**RESPONSE:** *As noted above, the applicant requests a Comprehensive Plan Map amendment to designate parkland required by the city, Parks and Open Space (POS).*

**17.24.20 INITIATION**

Comprehensive Plan amendments may be initiated by one of the following:

- A. An application submitted by a property's owners or their authorized agents for a specific property; or
- B. A majority vote of the City Council.

**RESPONSE:** *This request has been initiated by the property owner as allowed by Subsection (A).*

#### **17.24.70 REVIEW CRITERIA**

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. Amendments shall be approved only when the following findings are made:

- A. The change being proposed is the best means of meeting the identified public need; and,

**RESPONSE:** *The proposed Plan Amendment will address several public needs with approval of this request and the eventual development of the property. First, construction of the proposed development will extend Dubarko Road through the property to connect with Highway 26. This road is classified as a Minor Arterial in the City's Transportation System Plan (TSP) and has been included in this plan for a number of years. Identified as "Project M20" in this plan, this project is intended to provide an alternative transportation road generally paralleling Highway 26. With improvement of this final unbuilt section, this road will now be complete from 362nd Avenue on the West to Highway 26 on the East. Development of the property and the extension of Dubarko Road will also trigger extensive improvements along Highway 26. The cost of constructing Dubarko Road and improvements to the highway are likely the reasons the project did not move forward in 2006 and 2013.*

*A second public need realized is the proposal to dedicate 1.755 acres of public parkland to the City of Sandy located directly east of the 1.4 acres of previously dedicated parkland as part of the Deer Pointe 2 Subdivision in 2006. The proposed parkland dedication will ensure completion of park improvements in a timely manner.*

*Approval of this request also will facilitate this currently undeveloped commercial property to develop thereby creating additional employment opportunities and goods and services in this area of the community.*

*Another public need the proposal addresses is the need for additional rental housing options. Development of the property with multi-family housing units following approval of the current request strives to fill this market need.*

*The applicant believes the proposed Comprehensive Plan amendment to designate land for Parks and Open Space is the best means to meet the public needs described above. In addition, development of the property as proposed will provide additional tax revenues to the city to provide needed services.*

- B. The change conforms with all applicable Statewide Planning Goals.

**RESPONSE:** As reviewed below, the proposed Comprehensive Plan Map amendment conforms to all applicable Statewide Planning Goals.

Goal 1 - Citizen Involvement The City will provide notification of the proposal to all property owners within 500 feet of the subject property and will place a legal notice in the Sandy Post newspaper. The City will also hold legally noticed and conducted public hearings before the Sandy City Council. Goal 1 is satisfied.

Goal 2 - Land Use Planning Goal 2 requires the City's decision on this application to be coordinated with other governmental agencies and to be supported by an adequate factual base. The City will send notification of the proposal to both the Department of Land Conservation and Development and the Oregon Department of Transportation. The City will consider comments from these agencies in evaluating the proposal. Goal 2 is satisfied.

Goal 3 - Agricultural Lands Goal 3 is not applicable to this proposal.

Goal 4 - Forest Lands Goal 4 is not applicable to this proposal.

Goal 5 - Natural Resources No resources identified on the City's Flood and Slope Hazard map are located on the subject property. An intermittent stream is shown on the City's wetland inventory as "TCL". The applicant contracted with a wetlands consultant to evaluate the status of this resource and to determine if wetlands exist on the site. The conclusion of this report is that the mapping of an intermittent stream is not accurate and the site does not contain any stream or wetland resources. The applicant then sent an Offsite Determination Request to the Department of State Lands who responded that there are unlikely to be jurisdictional wetlands or waterways located on the site. The site contains a number of conifer and deciduous trees. The applicant hired an Arborist to evaluate the size, species, and condition of these trees provided with this application. The applicant then reviewed the tree retention requirements in Chapter 17.102, Urban Forestry Ordinance to develop a tree retention plan that is consistent with these regulations. As reviewed in detail below, the applicant's tree retention plan exceeds the minimum required by City Code. Goal 5 is satisfied.

Goal 6 - Air, Water, and Land Quality - The proposal complies with all regulations relative to air, water, and land quality. Goal 6 is satisfied to the extent it is applicable to the proposal.

Goal 7 - Natural Hazards - The proposal to change the Comprehensive Plan designation for the subject property does not affect compliance with this goal. The site contains minimal steep slopes and no natural hazards are known to exist on the site. Goal 7 is satisfied to the extent it is applicable to the proposal.

Goal 8 - Recreational Needs - No resorts are proposed with this application. The proposal includes dedication of 1.755 acres of parkland as requested by the City of Sandy. This land is proposed to be conveyed to the City as identified on the

preliminary subdivision plat. Goal 8 is satisfied to the extent it is applicable to the decision.

**Goal 9 - Economy** - Goal 9 requires the city to maintain a 20 year supply of buildable employment land within the UGB. In 2015 the City completed an Economic Opportunities Analysis (EOA) in accordance with the methodology required by OAR 660-009-0015. This study included an analysis and update of the City’s Comprehensive Plan with respect to Goal 9 and concluded that the Urban Growth Boundary did not contain sufficient employment land to meet projected employment needs. Based on the results of this study, the City then completed an Urban Growth Boundary Expansion Analysis to resolve this issue and the City Council adopted this study and it was acknowledged by DLCD in February 2017. As shown on Table 3.10 from this study below, the city added approximately 38 acres of commercial land and four acres of industrial land to the UGB. In addition, approximately 18 acres of other properties were changed to commercial zoning. With expansion of the UGB and designation of lands as contained in the study, a surplus of land in all land use categories is projected through the year 2034.

**Table 3.10: Area of Land Surplus (deficit) of the Preferred UGB Expansion Alternative**

Land Use Type	Existing Land Needs	Efficiency Measures	Expansion Alternative	Adjusted UGB
LDR	(276.8)	(21.55)	317.50	<b>19.2</b>
MDR	(4.5)	21.55		<b>17.1</b>
HDR	13.9	(1.34)		<b>12.6</b>
Commercial	(51.8)	17.74	37.66	<b>3.6</b>
Industrial	45.0	(16.40)	4.18	<b>32.8</b>

The table below shows data from Table 3.10 of the UGB Expansion Analysis reduced by 2.47 acres (Commercial to HDR) as a result of a previously approved Plan Amendment and the adjusted area based on the applicant’s proposal. As shown on this table, a surplus in all employment land use categories will be maintained over the 20 year planning horizon and Goal 9 is satisfied.

**Adjusted UGB Area**

Land Use Type	Adjusted UGB area (Table 3.10)	Adjusted area previous approval 2.47 acres Commercial to HDR	Proposed area changes (reductions)	Adjusted UGB with proposal
LDR	19.2		(7.46)	<b>11.74</b>
MDR	17.1		(3.77)	<b>13.33</b>
HDR	12.6	15.07	6.50	<b>21.57</b>
Commercial	3.6	1.13	2.61	<b>3.74</b>
Industrial	32.8		0.00	<b>32.8</b>



Goal 10 - Housing - The 2015 Urbanization Report included an analysis and update of the City's comprehensive plan with respect to Goal 10 and concluded the existing UGB did not contain sufficient residential lands to meet the City's housing needs to 2034. To meet this need, the City expanded the Urban Growth Boundary by adding approximately 318 acres of low density residential land and changed the zoning on approximately 22 acres of land zoned another designation to medium density residential. As shown on the Adjusted UGB Area table above, the proposal to reduce the area of LDR and MDR designated land, and add HDR designated land will not adversely affect the city's 20 year buildable lands supply of residential lands. Goal 10 is satisfied.

Goal 11 - Public Facilities - The proposal to change zoning designations on the subject property does not affect the ability of the City to comply with Goal 11. Public facilities are guided by City master plans and the Development Code and the proposal does not affect the assumptions or conclusions in these documents. Goal 11 is satisfied to the extent it is applicable to the proposal.

Goal 12 - Transportation - In order to evaluate compliance with this goal, the applicant contracted with a Traffic Engineer to prepare a Traffic Impact Study. The scope of this study was coordinated with both the City of Sandy and the Oregon Department of Transportation. With development of the project, Dubarko Road will be extended through the property to connect with Highway 26. The subject property currently contains a mix of R-1, R-2, and C-3 zoning. The proposal changes zoning to a combination of R-1, R-2, R-3, C-3, and POS (Parks and Open Space). As detailed in the traffic study, the proposed zone change results in a modest increase in vehicle trips compared to uses under existing zoning. The prior transportation impact study prepared as part of the initial application demonstrated the proposed zone change could comply with the requirements of Goal 12 and the Transportation Planning Rule with implementation of a trip cap of no greater than 340 PM peak hour trips on the subject property. This prior study was scoped and reviewed by City of Sandy and ODOT staff. The revised traffic study prepared for consideration of the revised application which the change in Oregon law which allows duplex development within the R-1 zone (HB 2001) and refreshes the report to include more recent crash data at area intersections and expected development within the C-3 zone. The results of the analysis were substantially similar to the original report, and a trip cap of 340 PM peak hour trips in association with the proposed zone change is recommended. As demonstrated in this study all intersections will operate acceptably upon project completion. As such, the proposed zone change is not expected to degrade the performance of any existing or planned transportation facilities and no mitigation is necessary or recommended. As reviewed in this study, the Transportation Planning Rule and Goal 12 are satisfied.

Goal 13 - Energy Conservation - The City's Development Code contains various criteria to implement Goal 13. The proposal to increase the area designated R-3 and convey parkland to the City ensures Goal 13 is satisfied.

*Goal 14 - Urbanization - The Urbanization Report adopted in 2015 and the Urban Growth Boundary Expansion Analysis adopted in 2017 have both been acknowledged and are part of the City's Comprehensive Plan. As reviewed in Goals 9, Economy and Goal 10, Housing above, the applicant's proposal to change Comprehensive Plan and Zoning designations on the subject property will not affect compliance with these studies. Goal 14 is satisfied.*

*Goals 15 - 19 - Sandy is not subject to these Goals and they are not applicable.*

## **CHAPTER 17.26 - ZONING DISTRICT AMENDMENTS**

### **17.26.00 INTENT**

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to accomplish the following:

- A. Maintain sound, stable, and desirable development within the City;
- B. Permit changes in zoning district boundaries where appropriate;
- C. Ensure zoning changes are consistent with the community's land use policies and goals; and
- D. Lessen the influence of private economic interests in the land use decision-making process.

***RESPONSE:** The applicant requests approval of a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site. As contained in this submittal, the applicant believes the proposed zone changes are critical to the economic viability of the project.*

### **17.26.40 QUASI-JUDICIAL AMENDMENT PROCEDURES**

- A. Initiation-Quasi-Judicial. Initiation of a zoning district change that is quasi-judicial in nature may be accomplished by one of the following ways:
  1. Filing of an application by the owner(s) of the subject property(ies); or
  2. A majority vote of the City Council or Planning Commission following the same procedures used for legislative amendments discussed above.

***RESPONSE:** The property owner filed this application for a quasi-judicial zone change as provided by this section.*

- B. Review Criteria. Quasi-judicial zoning district changes shall be reviewed to:

1. Determine the effects on City facilities and services;

***RESPONSE:** The proposed zone change is necessary to facilitate development of the property. With this development, Dubarko Road will be extended from its current terminus through the site to connect with Highway 26. This road is identified as a necessary future minor arterial in the City's Transportation System Plan. Due to the cost of these improvements, the applicant has determined it is unlikely this road will ever be built without development of the property. A revised Traffic Impact Study completed by a Traffic Engineer evaluated the impacts of the proposed development and the connection of Dubarko Road with Highway 26. The conclusion of this study is the proposed zone change is not expected to degrade the performance of any existing or planned transportation facilities and no mitigation is necessary or recommended. An existing water line is located in the future alignment of Dubarko Road and this facility will be*

*accommodated as this road is constructed. All public facilities will be extended to the farthest extent of the subject property as required. With these facts in mind, the proposal will have a positive effect on City facilities and services in compliance with this criteria.*

2. To assure consistency with the purposes of this chapter;  
**RESPONSE:** *Chapter 17.26 contains relevant criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The intent of these standards as stated in Section 17.26.00 include the following statements:*
  - A. *Maintain sound, stable, and desirable development within the City;*
  - B. *Permit changes in zoning district boundaries where appropriate;*
  - C. *Ensure zoning changes are consistent with the community's land use policies and goals; and*
  - D. *Lessen the influence of private economic interests in the land use decision-making process.*

*The proposal to change zoning on the property represents an appropriate zoning boundary modification and the development represents a sound, stable, and desirable development proposal as detailed in the submitted Economic Analysis submitted with this application. As discussed in this review, the proposed zoning designations are consistent with the Comprehensive Plan and Statewide Planning Goals.*
3. To assure consistency with the policies of the Comprehensive Plan;  
**RESPONSE:** *The applicant requests Comprehensive Plan Map approval to designate 1.755 acres of the property as Parks and Open Space as required by the city and to shift the current zoning designations. A review of all applicable goals and policies of the City of Sandy Comprehensive Plan is included below.*

## **CITY OF SANDY COMPREHENSIVE PLAN**

### **Goal 2 - Land Use Planning**

#### **Specific Area Plans**

3. The City may use Specific Area Plans to refine the Comprehensive Plan and/or the zoning ordinance in order to further implement the Comprehensive Plan policies. A Specific Area Plan designates specific land uses and transportation elements through broad local participation. Specific Area Plans may be developed in a single linear process, including neighborhood workshops, Planning Commission hearing(s), and City Council adoption hearing(s).  
**RESPONSE:** *The applicant has applied for Specific Area Plan approval concurrently with this application.*
4. Specific Area Plans may be used as a tool for coordinating development in a specific area plan, such as a village area. Specific Area Plans should implement coordinated residential and commercial development while integrating surrounding uses and transportation linkages.  
**RESPONSE:** *The subject property is located within a designated Village as identified on the Comprehensive Plan Map and the applicant has applied for a*

*Specific Area Plan concurrently with this request. The proposal includes a seven lot subdivision including the extension of Dubarko Drive through the site.*

5. A Specific Area Plan is developed through an extensive public process that relies upon the contributions of citizens and stakeholders. The creation of a Specific Area Plan Overlay District in the zoning ordinance shall further implement the policies of the Comprehensive Plan.

**RESPONSE:** *The City of Sandy will send notices to affected property owners and agencies as required by SDC Chapter 17.22. In addition, the city will hold a public hearing as required by SDC Chapter 17.20.*

### **Land Use Regulations**

6. The uses, area, and household number projected for each of the villages may be modified by a Specific Area Plan.

**RESPONSE:** *The subject property is located in an area designated as Village on the City's Comprehensive Plan map. The applicant is proposing to dedicate 1.755 acres of parkland and designating this area POS as required by the city. The applicant also proposes shifting zoning district boundaries and has applied for Specific Area Plan approval concurrently with this application.*

7. Land development proposals shall be consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy. The burden of proof with regard to consistency with the applicable standards and codes lies with the prospective developer.

**RESPONSE:** *The applicant proposes constructing a seven-lot subdivision to include four lots (Lots 1 - 4) zoned R-1, Low Density Residential, one lot (Lot 5) zoned R-2, Medium Density Residential, one lot (Lot 6) zoned R-3, High Density Residential, and one lot (Lot 7) zoned C-3. In addition, the proposal includes dedication of 1.755 acres of parkland (Tract A) and two public stormwater facilities (Tracts B and C). The details of the development of Lots 5 - 7 will be evaluated with a design review application at a later date. As discussed in this application, the proposal is consistent with the Sandy Development Code, Municipal Code, and all relevant standards and codes in compliance with this policy.*

11. Where a development offers greater improvement to the community infrastructure than is normally required, or extraordinarily serves to fulfill the objectives of the Sandy Comprehensive Plan, the City of Sandy may provide relief from city standards or requirements in consideration thereof. Relief from standards or requirements can be considered only where there is no infringement to PUBLIC health or safety.

**RESPONSE:** *The proposed subdivision includes the construction of Dubarko Road and a new collector street stubbed to the southern property line. Both of these roads are included in the city's Transportation System and are sized larger than is necessary to provide access to the proposed development. The city has indicated that system development charge credits will be provided to the applicant for constructing these facilities.*

12. It is important that land divisions do not preclude the development of the property or nearby property to planned urban densities. For that reason, land partitioning and subdivision will be controlled to the extent that there are options remaining for the future extension of public facilities and services.

**RESPONSE:** *The submitted subdivision design requires Dubarko Road to be extended through the site to connect to Highway 26. In addition, the City's Transportation System Plan identifies a future collector street intersecting Dubarko Road, extended to the South. Both of these roads will be dedicated with the proposed subdivision. All public facilities will be constructed on the subject property as required to facilitate their extension to adjacent properties as necessary.*

### Interpretation of Comprehensive Plan Map

14. Proposed plan elements such in as parks, roadways, schools, etc., are intended to be conceptual. Actual locations and quantities should be determined through the development process.

**RESPONSE:** *As specified in this policy, the neighborhood park "N" shown on the Comprehensive Plan map is intended to be conceptual.*

### Land Use Designations

#### Parks and Open Space (POS)

This designation is intended to recognize those publicly-owned lands designated or proposed for parks and open spaces. Parks include publicly developed parks and undeveloped park land where typical uses include active and passive outdoor recreation activities, trails, open space, cultural activities, park buildings and structures, concessions, general park operations and maintenance, and storm drainage facilities. Open space includes publicly developed and undeveloped lands and sensitive areas such as wetlands, steep slopes, forested areas, and stream corridors.

**RESPONSE:** *The proposal includes dedication of 1.755 acres of parkland (Tract A) as shown on the Preliminary Plat submitted with this application. The proposed parkland will expand the existing 1.4 acre parkland dedication provided in 2006 with development of the Deer Pointe 2 Subdivision located directly west of the subject property. The proposed 1.755 acre parkland dedication will increase the total parkland in this neighborhood of the city to 3.155 acres.*

#### Low Density Residential (LDR)

The Low Density Residential (R-1) district is intended for 5 to 8 dwelling units per net acre. Intended uses are single family detached and attached units. Duplexes, subject to siting standards, are also allowed in these areas. Low Density Residential districts are located outside village boundaries and on the periphery of the villages.

**RESPONSE:** *The subject property does not contain any restricted development areas. The area proposed for R-1 zoning contains 0.59 net acres after removing the proposed public stormwater tract (Tract B). The minimum density for this area is 2 units ( $0.59 \times 5 = 2.95$ , rounded down to 2 units) and the maximum density is 5 units ( $0.59 \times 8 = 4.72$ , rounded up to 5 units). Four lots are proposed in compliance with*

*the density range. As permitted in this zoning district, the applicant intends to construct either single family detached dwellings or duplexes on these lots as permitted.*

#### Medium Density Residential (MDR)

The Medium Density Residential (R-2) district is intended to implement the Medium Density Residential Comprehensive Plan designation by providing for medium density single-family and multi-family uses in suitable locations, where public sewer, water, and other services are readily accessible. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, and parks. Density shall not be less than eight or more than 14 units per net acre.

**RESPONSE:** *The area proposed for R-2 zoning (Lot 5) contains 1.233 net acres requiring a minimum density of 10 units ( $1.233 \times 8 = 9.86$ ) and allowing a maximum density of 17 units ( $1.233 \times 14 = 17.26$ ). The applicant intends to construct multi-family dwellings, an allowed housing type on this lot. The exact number of dwelling units proposed will be determined with submittal of a separate design review application following approval of the current application.*

#### High Density Residential (HDR)

The High Density Residential (R-3) district is intended for high density residential development at 10 to 20 dwelling units per net acre. Intended uses are apartments, row houses, and townhouses, duplexes, single-family planned developments, and manufactured home parks including existing developed areas and areas suitable for development at this density.

**RESPONSE:** *The area proposed for R-3 zoning (Lot 6) contains 6.504 net acres requiring a minimum density of 65 units ( $6.504 \times 10 = 65.04$ ) and allowing a maximum density of 130 units ( $6.504 \times 20 = 130.08$ ). The applicant intends to construct multi-family dwellings, an allowed housing type on this lot. The exact number of dwelling units proposed on this lot will be determined with submittal of a separate design review application following approval of the current application.*

#### Village

The Village (V) designation provides for a mixture of commercial and residential uses within the context of a village. The village designation is intended to provide flexibility in developing specific area plans. Permitted zoning in a village includes single family residential (when identified as part of a specific area plan), low density residential, medium density residential, high density residential, and village commercial.

A shifting of the underlying zoning district boundaries to accommodate development constraints and land divisions for specific development proposals may be allowed through approval of a Specific Area Plan. Area and density increases may be increased or decreased up to 20%. Changes greater than 20% will require a Plan Map amendment.

**RESPONSE:** *As described in this section, the Village (V) designation is intended to provide a mix of commercial and residential uses within the context of a village. Proposed zoning includes low density residential, medium density residential, high*

*density residential, village commercial, and parks and open space. The applicant requests approval of a Comprehensive Plan amendment to include parks and open space in this village as required by the city. Also as specified in this section, the applicant has requested approval to shift underlying zoning district boundaries through a Specific Area Plan.*

*The applicant proposes increasing the area devoted to C-3 zoning from 2.611 net acres to 2.790 net acres, decreasing the area of R-1 zoning and R-2 zoning, and adding R-3 and POS zoning. With the adoption of HB 2001, any lot permitted to contain a single family dwelling also allows construction of a duplex. The addition of property zoned R-3 as proposed will have a marginal affect on the residential density allowed on the property. Under existing zoning it is estimated that 226 dwelling units could be constructed on the site. With the current proposal it is estimated 213 dwelling units could be constructed. As noted above, the applicant is proposing to impose a dwelling unit cap of 200 units, 26 units less than allowed under current zoning. The submitted application includes both a Specific Area Plan and a Plan Map amendment request as required.*

### **Commercial**

The Village Commercial (C-3) district is primarily oriented to serve residents of the village and the immediately surrounding residential area. The Village Commercial area is intended to help form the core of the villages. Allowing a mixture of residential uses beside and/or above commercial uses will help create a mixed use environment which integrates uses harmoniously and increases the intensity of activity in the area. The orientation of the uses should integrate pedestrian access and provide linkages to adjacent residential areas, plazas and/or parks, and amenities.

**RESPONSE:** *The proposal includes a single lot (Lot 7) zoned C-3 containing 2.790 acres. The location of the area zoned C-3 is located next to the proposed parkland and contains frontage on both Highway 26 and Dubarko Drive. This lot is also located across the street from a lot zoned for high density residential development and four lots zoned for low density residential. Lot 7 is well positioned to serve as a central component of this village. The use proposed on this lot is not known at this time and will be determined with a subsequent land use application following approval of the current application.*

### **Goal 6 - Air, Water, and Land Resources**

This goal is to establish policies to maintain and improve the quality of the air, water, and land resources of the state.

1. Maintain environmental quality by guiding future development and land use activities. Allow activities that will not significantly deteriorate the existing high quality of air, water and land resources.

**RESPONSE:** *As noted above, the subject property does not contain any known protected natural resources. The applicant will dedicate 1.755 acres of parkland with this application in addition to retaining and protecting a significant number of trees on the site.*

- Reduce congestion and delay on major streets to lessen localized pollution impacts of automobile travel through methods such as signal timing, access management, intersection improvements, etc.

**RESPONSE:** *As noted in the Traffic Impact Study submitted with this application, the proposal will not have a significant effect on the operation of area roadways and intersections at the planning horizon as defined by the Oregon Transportation Planning Rule.*

**Goal 8 - Parks and Recreation**

- Ensure that new residential development contributes equitably to park land acquisition, development, and maintenance.

**RESPONSE:** *The applicant proposes dedicating 1.755 acres for park use. This area has been sized based on the proposed 200 dwelling unit cap for the property in conformance with the parkland calculation formula specified in Chapter 17.86.*

- The conceptual location of community and neighborhood parks and areas of open space have been indicated on the City of Sandy Land Use Map. Actual park locations may be determined based on more site-specific information

**RESPONSE:** *As noted above, the Comprehensive Plan map and Parks Master Plan show a future park in the vicinity of the subject property. The applicant proposes dedicating 1.755 acres of parkland with this proposal.*

**Goal 9 - Economic Development**

**Commercial**

- The City of Sandy shall ensure, at each periodic review, an adequate supply of land to meet the forecast 20-year commerce and service needs of the city's residents and trade area.

**RESPONSE:** *As shown on the table below and discussed in the review of Goal 9 for the Comprehensive Plan amendment, with approval of the proposal the city will continue to have an adequate supply of employment lands to meet the forecasted 20-year buildable lands supply. Goal 9 is satisfied with the proposal.*

Adjusted UGB Area

Land Use Type	Adjusted UGB area (Table 3.10)	Adjusted area previous approval 2.47 acres Commercial to HDR	Proposed area changes (reductions)	Adjusted UGB with proposal
LDR	19.2		(7.46)	11.74
MDR	17.1		(3.77)	13.33
HDR	12.6	15.07	6.50	21.57
Commercial	3.6	1.13	2.61	3.74
Industrial	32.8		0.00	32.8

**Village Commercial Policies**

28. One of the central themes in the Comprehensive Plan is the use of Village areas.

These are compact neighborhoods (160-200 acres) which are designed to



encourage travel on foot, and reduce reliance on the car. The center of each village includes housing, retail shops, public uses, a village green or park, and, potentially, a transit stop. The street pattern is connected and designed to provide direct and convenient access to the village center.

**RESPONSE:** *The subject property is located in a designated village as shown on the Comprehensive Plan map. The applicant's proposal to increase the area zoned C-3, add an area zoned R-3, dedicate a 1.755 park, and adjust zoning district boundaries will positively ensure compliance with this policy.*

**Goal 10 - Housing** - This goal is to establish policies to provide for housing needs of the state.

1. Assure an adequate supply of developable land for low, medium, and high density housing to meet the 20-year population projections.

**RESPONSE:** *As reviewed in Goal 10 above and shown on the Adjusted UGB Area table, approval of the proposal will result in a surplus of all residential land categories to meet the city's 20-year population projections.*

### **Residential Districts**

7. Provide for distinct mixed use villages separate from the central core of the city. Villages are to be developed around a commercial center or other focal point.

**RESPONSE:** *The proposal will increase the area of property zoned C-3, Village Commercial by 0.179 acres. The applicant intends developing this property following approval of a subsequent land use application.*

9. Assure that residential densities are appropriately related to site conditions, including slopes, potential hazards, and natural features.

**RESPONSE:** *The proposed project has been designed in consideration of the site conditions as stated in this policy. No excessively steep slopes, potential hazards, or significant natural features exist on the site. The details of the design of structures on the R-2, R-3 and C-3 lots will be determined following submittal of a subsequent land use application.*

10. Link housing density and location to reduce automobile travel by locating higher density housing near village centers, schools, and potential transit routes.

**RESPONSE:** *Lot 5 to contain R-2, zoning and Lot 6 R-3, zoning are located directly across Dubarko Road from Lot 7 zoned C-3, Village Commercial, the proposed village center. Dubarko Road will be constructed through the property and will serve as a transit route. The City's Transit Manager is requiring construction of two bus shelter pads and the installation of two benches on these pads in locations accessible to all residents. The subject property is well suited for residential development.*

### **Goal 11 - Public Facilities and Services**

9. Require developers to install and extend all public utilities to, and through, the property to serve the needs of the development and surrounding properties in a logical manner.

*RESPONSE: The applicant is aware that public facilities will need to be installed to and through the site. Following construction, these facilities will be available to be extended to adjacent properties as appropriate.*

## **Goal 12 - Transportation**

### **Neighborhood Street System**

1. Support a pattern of connected streets, sidewalks, and bicycle routes to: a) provide safe and convenient options for cars, bikes, and pedestrians; b) create a logical, recognizable pattern of circulation; and, c) spread traffic over local streets so that collector and arterial streets are not overburdened.

*RESPONSE: The proposed design includes the extension of Dubarko Road through the site and a new collector street stubbed to the southern property line. All proposed streets will contain sidewalks and bike lanes will be included on streets as required.*

### **Major Roadway Circulation**

22. Submit notice of development proposals impacting Highways 26 and 211 to ODOT for review and comment.

*RESPONSE: The scope of the submitted Transportation Impact Study was coordinated with the Oregon Department of Transportation and the City's Traffic Consultant. ODOT attended the pre-application conference for the proposal and the City will send notification of the proposal to ODOT as part of the required notification process.*

## **Goal 14 - Land Use and Urbanization**

### **Urbanization Policies**

1. Maintain an urban growth boundary with sufficient residential, commercial, industrial, and public use lands necessary to support forecast population and employment for a 20-year horizon. The City will evaluate and update the 20-year land supply at each periodic review plan update.

*RESPONSE: As reviewed in Goal 9 and 10 and shown on the Adjusted UGB Area table above, the proposal will not adversely impact the City's adopted Buildable Lands Inventory and the findings of the UGB Expansion Analysis. With approval of the proposal, an adequate supply of all land use categories to meet the city's 20-year population projections will remain.*

4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

*RESPONSE: A review of all applicable Statewide Planning Goals is included as part of the review of the Comprehensive Plan amendment request in Chapter 17.24 above. As discussed in this review, the proposal is consistent with all applicable Statewide Planning Goals and this policy is satisfied.*

## **CHAPTER 17.54 - SPECIFIC AREA PLAN OVERLAY**

### **17.54.00 - SPECIFIC AREA PLAN DEVELOPMENT AND APPROVAL PROCESS**

- A. Purpose. The purpose of a specific area plan overlay zone is to allow development and approval of specific area plans in the city. A specific area plan is a master plan

coordinating and directing development in terms of transportation, utilities, open space and land use, however, no phasing or timeline is required. Specific area plans may be located anywhere within the Urban Growth Boundary and are intended to promote coordinated planning concepts and pedestrian-oriented mixed-use development.

**Response:** *The City of Sandy Comprehensive Plan, Goal 2, Land Use Designations, Village states: “shifting of the underlying zoning district boundaries to accommodate development constraints and land divisions for specific development proposals may be allowed through approval of a Specific Area Plan”. The applicant proposes shifting zoning district boundaries as noted above and has submitted a Specific Area Plan request according to the standards in this chapter as required.*

- B. Initiation. The process to establish a specific area plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific area plan process. If owners request initiation of a specific area plan process, the City Council may require an application fee to cover the cost of creating the plan.

**Response:** *The proposed Specific Area Plan application requests approval to shift zoning district boundaries currently existing on the property, to add areas zoned R-3 and POS, and to adjust the location of the R-1, R-2, and C-3 properties. As a result of these changes, with the adoption of HB 2001 and the proposed unit cap, the projected residential density for the property is expected to decrease by 12 percent as discussed in Chapter 17.24 above. The Village (V) land use designation as described in the Comprehensive Plan allows a mix of residential and commercial uses including low density residential, medium density residential, high density residential, and village commercial. The applicant’s proposal includes a mix of Low Density Residential, Medium Density Residential, High Density Residential, and Village Commercial. In addition, the applicant proposes dedicating 1.755 acres of parkland to be zoned Parks and Open Space.*

- D. Adoption. A specific area plan shall be adopted through a Type IV process, and shall be evaluated for compliance with the criteria for zoning district amendments and/or comprehensive plan amendments where applicable.

**Response:** *This Specific Area Plan request will be reviewed through a Type IV process and shall comply with the criteria for zoning district and Comprehensive Plan amendments. The criteria in Chapter 17.24, Comprehensive Plan Amendment Procedures and Chapter 17.26, Zoning District Amendments are reviewed above and as reviewed in these chapters, the proposal is found to comply with all required criteria.*

- F. Comprehensive Plan Amendment. A specific area plan is similar to a master plan and does not automatically require a comprehensive plan amendment. A comprehensive plan amendment shall only be required if a need for such an amendment is identified during development of the specific area plan.

**Response:** *The applicant has applied for a Comprehensive Plan Amendment concurrently with this request.*

G. Compliance with Specific Area Plan Standards and Procedures. New construction and land divisions shall meet any development, land division and design standards of the applicable specific area plan. Base zone and land division standards shall apply where no different standard is referenced for the specific plan area.

**Response:** *As reviewed below, the proposal complies with all relevant standards and criteria found in applicable code chapters.*

H. Specific Area Plan Standards. Specific standards for adopted specific area plans are defined below.

**Response:** *Each of these standards are reviewed below.*

#### **17.54.10 - SPECIFIC AREA PLAN CONTENT**

At a minimum, a specific area plan shall include the following text and diagrams:

A. Plan Objectives. A narrative shall set forth the goals and objectives of the plan.  
**Response:** *The details of the goals and objectives of this proposal are articulated throughout the project narrative. In general, the proposal strives to create a mixed-use development to include detached single family dwellings or duplexes, multi-family dwellings, and village commercial development. In addition, the applicant proposes dedicating 1.755 acres to the city for a future park. With this plan Dubarko Road will be extended through the site to complete this TSP identified road segment.*

B. Site and Context. A map of the site and existing context shall identify the project area.  
**Response:** *A map showing the site and context are included with this application.*

C. Land Use Diagram. The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the specific area plan.  
**Response:** *The submitted plan set clearly identifies the distribution of all proposed land uses.*

D. Density. If residential uses are proposed, a narrative shall describe planned residential densities.  
**Response:** *Density calculations are included in Chapter 17.30, Zoning Districts above.*

E. Facilities Analysis. The plan shall include an analysis of the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the specific plan area and needed to support the land uses and densities described in the plan. A review of existing facilities master plans shall be sufficient if these master plans indicate there is adequate capacity to serve the specific plan area.  
**Response:** *A Utility Plan is included with the plan set showing the location of all public facilities proposed to serve the development.*

- F. Circulation/Transportation Diagram. The circulation diagram shall indicate the proposed street pattern for the specific area plan area, including pedestrian pathways and bikeways. Design standards and street cross sections shall be included, if different than normal City standards.

*Response: The submitted plan set shows the location and dimensions of all proposed roads and cross-section drawings of these streets are also included.*

- G. Market Analysis. Specific area plans that include amendments to the zoning map affecting the acreage of Village Commercial (C-3) land within the plan area shall include a market analysis of supportable retail space that verifies demand for the proposed acreage of C-3 land. The analysis should include a market delineation, a regional and local economic review, and a retail market evaluation.

*Response: An Economic Analysis is included as part of the application package.*

- H. Design and Development Standards. If standards differ from normal City standards, design and development standards shall be included in the plan.

*Response: The proposal is anticipated to comply with all design and development standards. The details of this review will be addressed with submittal of subsequent land use applications for development on Lot 5 - 7.*

## **SUBDIVISION REVIEW**

*The applicant requests approval to construct a seven-lot subdivision with this application. Four lots (Lots 1 - 4) will be zoned R-1, Low Density Residential constructed with either single-family residential dwellings or duplexes, one lot (Lot 5) zoned R-2, Medium Density Residential and one lot (Lot 6) zoned R-3, High Density Residential to contain multi-family units, and one lot (Lot 7) zoned C-3, Village Commercial and constructed with buildings in compliance with this zone. In addition, the applicant proposes dedicating 1.755 acres of parkland (Tract A) and constructing and dedicating two public stormwater facilities (Tracts B and C).*

## **CHAPTER 17.30 - ZONING DISTRICTS**

### **17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE**

The number of dwelling units permitted on a parcel of land 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. No areas within the FSH Overlay are located on the subject property.

*Response: The applicant proposes a seven-lot subdivision with three tracts to be dedicated to the city. The subject property contains a gross site area of 15.91 acres. The net area identified to be zoned R-1 contains 0.59 net acres. This zone allows a minimum of 5 and allows a maximum of 8 units per net acre. The minimum density is (0.59 acres x 5 units/net acres = 2.95 units round down to 2 units) and the maximum density is (0.59 acres x 8 units/net acre = 4.72, rounded up to 5 units). As a result of these calculations the density range for this part of the property is a minimum of two units and a maximum of five units. As permitted by HB 2001, duplexes are permitted on any lot where a single family dwelling is permitted. For this reason, a maximum of 10*

units are allowed. The applicant proposes platting four R-1 zoned lots to be constructed with either single family dwellings or duplexes on these lots as permitted. The net area identified to be zoned R-2 (Lot 5) contains 1.233 acres. The R-2 zone requires a minimum of 8 and allows a maximum of 14 units per net acre. The minimum density is (1,233 acres x 8 units/acre = 10 units) and the maximum density is (1.233 acres x 14 units/acre = 17 units). The applicant proposes constructing multi-family dwellings on this lot.

The area identified to be zoned R-3 (Lot 6) contains a net area of 6.504 acres. The R-3 zone allows a minimum of 10 and a maximum of 20 units per net acre. The minimum density is (6.504 acres x 10 units/acre = 65 units) and the maximum density is (6.504 acres x 20 units/acre = 130 units). The applicant proposes constructing multi-family dwellings on this lot.

As a result of these calculations the density range for the residential portion of the subject property is a minimum of 80 units and a maximum of 157 units and with the C-3 portion of the property included the maximum density is 213 units. At this time the applicant does not know the exact number of units that will be constructed on Lots 5 and 6, however, the applicant is proposing a cap of 200 units be imposed for the entire site. The number of units constructed is likely to be less than the maximum allowed and will be determined with design review applications submitted at a later date.

## **CHAPTER 17.32 - PARKS & OPEN SPACE (POS)**

### **17.32.00 - INTENT**

This district is intended to recognize those publicly-owned lands designated or proposed for parks and open spaces. Parks include publicly developed parks and undeveloped park land where typical uses include active and passive outdoor recreation activities, trails, open space, cultural activities, park buildings and structures, concessions, general park operations and maintenance, and storm drainage facilities. Open space includes publicly developed and undeveloped lands and sensitive areas such as wetlands, steep slopes, forested areas, and stream corridors.

**Response:** The applicant proposes dedicating 1.755 acres (Tract A) to be designated and used as public parkland. The land proposed for parkland abuts the existing 1.4 acres of parkland dedicated in 2007 with the Deer Pointe 2 Subdivision approval along its entire western line. The subject property is generally level and suitable for parkland.

### **17.32.10 - PERMITTED USES**

#### **A. Primary Uses Permitted Outright:**

1. Park improvements identified in the Parks Master Plan or Park Specific Master Plans adopted by the City Council.

**Response:** The City has prepared a master plan for the Deer Pointe Park. With dedication of the additional land with the current proposal, the city now have the area to develop a new 3.155 acre neighborhood park.

### **17.32.40 - DEVELOPMENT STANDARDS**

#### **A. Parks & Open Space**

Lot Area - No minimum

Lot Dimension - No minimum

- Setbacks - No minimum or maximum
- Lot Coverage - No maximum
- Structure Height - 35 ft. maximum
- Off-Street Parking - See Chapter 17.98
- Design Review Standards - See Section 17.90.120

**Response:** *The proposal complies with all applicable development standards. The city will need to determine compliance as the master plan for this new park is prepared and as part of the approval process.*

**17.32.50 - ADDITIONAL REQUIREMENTS**

- A. Where applicable, park improvements shall comply with city design standards.
- B. Provisions for pedestrian and vehicular off-street access to adjoining properties shall be included in park master plans

**Response:** *These items are required to be addressed with preparation of the master plan for this park.*

**CHAPTER 17.36 - LOW DENSITY RESIDENTIAL (R-1)**

**17.36.00 - INTENT**

This district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for an urban level of low-density residential development. It is to be used as a transition between the Single Family Residential zone and the higher densities of a village. The uses are to be fully serviced by public facilities. This zone is intended to provide walkable neighborhoods with excellent linkage between residential areas, schools, parks, and village commercial. This zone is one of four zones included in a village area and is designed as a mixed-use neighborhood with a range of housing types and accessible commercial areas. Density shall not be less than 5 or more than 8 units per net acre.

**Response:** *As detailed in Chapter 17.30 above, the four lots (Lots 1 - 4) proposed to contain R-1 zoning fall within the density range (2 - 5 units) for this area. As noted below, either a single family dwelling or duplex are permitted on this lots.*

**17.36.10 - PERMITTED USES**

**A. Primary Uses Permitted Outright:**

- 1. Single detached dwelling subject to design standards in Chapter 17.90;

**Response:** *The applicant proposes constructing either single-family detached dwellings or duplexes on this lots as permitted.*

**17.36.30 - DEVELOPMENT STANDARDS**

Type	Standard	Proposed
A. Minimum Lot Area - Single detached dwelling - Other permitted uses	5,500 square ft. Minimum No minimum	Lot 1 - 5,708 s.f. Lot 2 - 5,791 s.f. Lot 3 - 7,389 s.f. Lot 4 - 6,671 s.f.
B. Minimum Average Lot Width - Single detached dwelling - Other permitted uses (no min.)	50 ft	Complies

C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.160	<i>Complies.</i>
D. Minimum Average Lot Depth	No minimum	<i>Complies</i>
E. 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 22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street (subject to Section 17.90.220)	<i>All lots are capable of complying with setbacks. Setbacks will be confirmed with submittal of building permits.</i>
F. Projections into Required Setbacks	See Chapter 17.74	<i>No projections are proposed at this time.</i>
G. Accessory Structures in Required Setbacks	See Chapter 17.74	<i>No accessory structures are proposed at this time.</i>
H. Structure Height	35 ft. maximum	<i>To be determined.</i>
I. Building Site Coverage	No minimum	<i>Complies</i>
J. Off-Street Parking	See Chapter 17.98	<i>See Chapter 17.98.</i>

**Response:** As shown on the plan set, all lots in the proposed subdivision contain at least 5,500 square feet, have at least 20 feet of street frontage, and contain an average lot width of at least 50 feet as required. Lot 4 fronts Dubarko Road and will be accessed from Street A across an easement on Lot 3. All lots are capable of complying with applicable setbacks in the zone. All development standards will be reviewed with submittal of building permits. Compliance with required off-street parking has been shown and is reviewed in Chapter 17.98 below.

### 17.36.40 - MINIMUM REQUIREMENTS

A. Must connect to municipal water.

**Response:** The applicant proposes extending water service to serve all dwellings in the new subdivision.

B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:

1. A county septic permit is secured and a copy is provided to the city;
2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.

**Response:** All proposed units 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: A new street network will be constructed to serve each dwelling as required.*

D. Must have frontage or approved access to public streets.

*Response: All lots contain frontage on a public street and all lots will gain access directly from a public street with the exception of Lot 4 which fronts Dubarko Road but will gain access across an easement on Lot 3 fronting Fawn Street (Street A).*

#### **17.36.50 - ADDITIONAL REQUIREMENTS**

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

*Response: Only Section 17.90.150, Residential Design Standards of Chapter 17.90 is applicable to residential developments. This section is 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: All lots contain at least 40 feet of street frontage.*

### **CHAPTER 17.38 - MEDIUM DENSITY RESIDENTIAL (R-2)**

#### **17.38.00 - INTENT**

This district is intended to implement the Medium Density Residential Comprehensive Plan designation by providing for medium density single-family and multi-family uses in suitable locations, where public sewer, water, and other services are readily accessible. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, and parks. Density shall not be less than eight or more than 14 units per net acre.

*Response: As detailed in Section 17.30 above, the applicant proposes one lot (Lot 5) to be zoned R-2 allowing a maximum of 17 dwelling units. The exact number of units will be determined with a future design review application.*

#### **17.38.10 - PERMITTED USES**

A. Primary Uses Permitted Outright:

6. Multi-family dwellings

*Response: The applicant proposes constructing multi-family dwellings on this lot as permitted in this zoning district.*

#### **17.38.30 - DEVELOPMENT STANDARDS**

*Response: The details of this section will be addressed with a design review application for the proposed multi-family dwelling project.*

#### **17.38.40 - MINIMUM REQUIREMENTS**

A. Must connect to municipal water.

*Response: The applicant proposes extending water service to serve all dwellings.*

B. Must connect to municipal sewer.

*Response: The applicant proposes extending water service to serve all dwellings.*

C. The location of any real improvements to the property must provide for a future street network to be developed.

*Response: A new street network will be constructed to serve each dwelling as required.*

D. Must have frontage or approved access to public streets.

*Response: Each lot will be served by construction of a new public street. Units constructed on the lots will be served by a private driveway and parking lot.*

### **17.38.50 - ADDITIONAL REQUIREMENTS**

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

*Response: The requirements of Section 17.90.160, Additional Requirements - Multi-family Development Standards will be addressed as part of a future design review application.*

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

*Response: No lots contain less than 40 feet of street frontage.*

C. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 feet in width.

*Response: No zero lot dwellings are proposed.*

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

### **17.40.00 - 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 detailed in Section 17.30 above, the applicant proposes one lot (Lot 6) zoned R-3 allowing a maximum of 30 dwelling units. The exact number of units will be determined with a future design review application.*

### **17.40.10 - PERMITTED USES**

A. Primary Uses Permitted Outright:

6. Multi-family dwellings

*Response: The applicant proposes constructing multi-family dwellings as permitted in this zoning district.*

**17.40.30 - DEVELOPMENT STANDARDS**

*Response: The details of this section will be addressed with a design review application for the proposed multi-family dwelling project.*

**17.40.40 - MINIMUM REQUIREMENTS**

A. Must connect to municipal water.

*Response: The applicant proposes extending water service to serve all dwellings.*

B. Must connect to municipal sewer.

*Response: The applicant proposes extending water service to serve all dwellings.*

C. The location of any real improvements to the property must provide for a future street network to be developed.

*Response: A new street network will be constructed to serve each dwelling as required.*

D. Must have frontage or approved access to public streets.

*Response: Each lot will be served by construction of a new public street. Units constructed on the lots will be served by a private driveway and parking lot.*

**17.40.50 - ADDITIONAL REQUIREMENTS**

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

*Response: The requirements of Section 17.90.160, Additional Requirements - Multi-family Development Standards will be addressed as part of a future design review application.*

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

*Response: No lots contain less than 40 feet of street frontage.*

C. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 feet in width.

*Response: No zero lot dwellings are proposed.*

**CHAPTER 17.46 - VILLAGE COMMERCIAL (C-3)**

**17.46.00 - INTENT**

The intent of the village commercial district is primarily oriented to serve residents of the village and the immediately surrounding residential area. The Village Commercial area is intended to help form the core of the villages. Allowing a mixture of residential uses beside and/or above commercial uses will help create a mixed-use environment, which integrates uses harmoniously and increases the intensity of activity in the area. The orientation of the uses should integrate pedestrian access and provide linkages to adjacent residential areas, plazas and/or parks, and amenities.

*Response: As shown on submitted plan one lot (Lot 7) is proposed to be zoned C-3.*

#### **17.46.10 - PERMITTED USES**

##### **A. Primary Uses Permitted Outright—Residential**

2. Multi-family dwellings above, beside or behind a commercial business.

*Response: The applicant intends to construct a combination of multi-family dwellings and a commercial business or commercial only as allowed by this section. The exact unit count and the proposed commercial use will be determined at a later date.*

#### **17.46.30 - DEVELOPMENT STANDARDS**

*Response: The details of this section will be addressed with a subsequent design review application .*

### **CHAPTER 17.56 - HILLSIDE DEVELOPMENT**

#### **17.56.10 APPLICABILITY**

These regulations shall apply to any parcel with slopes greater than twenty-five percent (25%) as shown on the Hillside Development Overlay District Map or with slope hazards mapped by the Department of Geology and Mineral Industries (DOGAMI). This chapter shall apply only to activities and uses that require a building, grading, tree removal and/ or land use permit.

*Response: As shown on the slope analysis submitted with the plan set, the site contains a small area of slopes exceeding 25 percent. A Geotechnical and Slope Stability Investigation is included with the submittal.*

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

#### **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 City's Transportation System Plan identifies Dubarko Road through the subject property as a "Minor Arterial" street, Highway 26 a "Major Arterial", and Street B ("New" street) terminating to tax lot 900 a "Collector Street". The Preliminary Plat shows a 20 foot setback for all lots adjacent to Dubarko Road and Street B. The requirements of this section will be confirmed with submittal of a design review application to construct the proposed dwellings and building permits on these lots.*

### **CHAPTER 17.82 - SPECIAL SETBACKS ON TRANSIT STREETS**

#### **17.82.10 APPLICABILITY**

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

*Response: Lots 3 - 7 of the proposed subdivision are located adjacent to Dubarko Road, a transit street. Lots 3 and 4 will be zoned R-1, Lot 5 will be zoned R2, Lot 6 will be zoned R-3, and Lot 7 will be zoned C-3. The requirements of this chapter will be addressed with the design review application for the dwellings on Lots 5 - 7 as applicable.*

**17.82.20 BUILDING ORIENTATION**

- A. All residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.  
*Response: Lot 4 will be accessed by an easement across Lot 3 and will be designed in accordance with this standard. Lot 3 will be located at the corner of Dubarko Drive and a new local street. The dwelling on this lot can be designed in compliance with this standard as required.*
  
- B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.  
*Response: The dwellings on Lots 3 and 4 will be designed in accordance with this standard. The future dwellings on Lots 5 - 6 and future development on Lot 7 will address this requirement as part of the design review application for these lots.*
  
- C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.  
*Response: The dwellings on Lots 3 and 4 will be designed in accordance with this standard. The multi-family dwellings on Lots 5 - 6 and future development on Lot 7 will address this requirement during design review.*
  
- D. If the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.  
*Response: It is unclear if Highway 26 is identified as a transit street adjacent to the site. If Highway 26 is considered a transit street, Lots 6 will contain frontage on both Dubarko Road and Highway 26 and Lot 7 will contain frontage on Highway 26, Dubarko Road, and Street B ("New Street"). The details of this design will be determined with the future design review application for these lots.*

**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: All lots in the proposed subdivision are required to install public and franchise utility improvements or financially guarantee these improvements prior to final plat approval.*

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: This section is not applicable because a land division is proposed.*

- 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 applicant does not propose constructing the subdivision in phases.*

### **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: All proposed sidewalks on local streets will be five feet wide as required and separated from curbs by a tree planting area.*

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: As shown, six-foot sidewalks are proposed to be constructed along Highway 26, Dubarko Road north of Street B and on Street B. These frontages will include a planter strip 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: As shown on submitted plans, the applicant proposes constructing the sidewalk along Dubarko Road from Street B to Highway 26 five feet rather than six feet due to the increased median width along this section.*

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. The sidewalks along Highway 26, Dubarko Road and Street B will be constructed prior to final plat approval, or at the time of home construction whichever the city prefers. Sidewalks along Street A will be constructed at the time of home construction.*

- 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 and on-street bicycle lanes have been identified or 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, no 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:** *No facilities of this type are proposed with the subdivision.*

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:** *No pedestrian pathways are proposed, only sidewalks adjacent to public streets.*

- 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 walkways, 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 proposed subdivision.*

- 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 and none are proposed.*

- 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 sidewalks 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 subject property is located along Dubarko Road, a future transit street. During the pre-application conference for the project the city Transit*



*Manager identified two required transit amenities. These facilities are shown on the plan set.*

- 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 subdivision 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 is included with this application as requested by the City and ODOT. 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: The extension of Dubarko Road is classified as a minor arterial street. This street has been designed in accordance with this standard as applicable. The applicant understands improvement of this street is eligible for SDC credits.*

- 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:** *The proposed subdivision does not include any long straight street segments. All streets have been designed in accordance with the requirements of these sections.*

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:** *No cul-de-sac streets are proposed.*

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:** *All single-family homes will gain direct access from a public street improved to city standards with the exception of Lot 4 which will be accessed across an easement on Lot 3.*

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:** *All new streets are proposed as full street improvements with the exception of improvements along Highway 26.*

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 subdivision.*

4. Reimbursement agreements for 3/4 street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.

**Response:** *All streets are proposed as full streets. No 3/4 streets are proposed.*

5. A 1/2 street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A 3/4 street improvement includes curbs on both sides of the side and full pavement between curb faces.

**Response:** *The applicant intends to complete frontage improvements along the Highway 26 frontage as required. No 1/2 streets are proposed.*

- E. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal.
2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

**Response:** *The proposed street layout results in one temporary dead-end street (Street B. "New Street") that will be stubbed to the southern property line of the subject property. The applicant is aware the Fire Marshal will need to review the proposal. In addition, the applicant is aware that reserve strips will likely be required at the end of this street.*

- F. Where required by the Planning Commission or Director, 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.

**Response:** *The applicant does not anticipate any public street improvements will be required to be extended beyond the site boundaries. No such improvements were identified at the pre-application conference.*

- G. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

**Response:** *The proposal contains only three street segments: Dubarko Road, an extension of Fawn Street to intersect with Dubarko Road, and Street B ("New Street") from Dubarko Road to the southern property line of the subject property. The City will need to determine if Street A will be named Fawn Street or a different name and the name for Street B.*

- H. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer

provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.

**Response:** *A future street plan is included with this application as part of the plan set. This plan demonstrates that the proposal does not preclude development on adjacent properties. Both Dubarko Road and Street B (“New Street”) are identified on the TSP and proposed to be constructed with this development.*

2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.

**Response:** *Dubarko, a minor arterial is designed to have a grade of 2% to 6%, Street B (“New Street”) a grade of 2% to 10%, and the extension of Fawn Street, a local street will have a grade of 1% to 7%. All streets comply with the standards in this section.*

3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in “T” intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.

**Response:** *Dubarko Road, a minor arterial, will be extended by a continuation of the centerline of this existing street. Street B (“New Road”) is not an extension of an existing street except that it will align with the extension of Fawn Street (Street A).*

4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.

**Response:** *Dubarko Road, a minor arterial is designed with a centerline radii of 500 feet, Street B, a collector with 300 feet, and the extension of Fawn Street will have a centerline radii of 100 feet in compliance with this standard.*

5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:

- a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.

**Response:** *The proposed tangent length from the projected curb line is proposed to be 75 feet on Street B. The applicant requests approval of this design.*

- b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.

- c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
- d) Intersections with arterial streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.  
**Response:** *All proposed streets are designed to intersect at right angles with the intersecting street and comply with the requirements of this section.*

- 6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.  
**Response:** *The proposed right-of-way width of Dubarko Road is 76 feet, Street B (“New Street”) is 60 feet, and the extension of Fawn Street is proposed at 50 feet in compliance this standard.*

- J. Private streets may be considered within a development site provided all the following conditions are met:  
**Response:** *No private streets are proposed.*

**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 proposed public water, sanitary sewer, and stormwater drainage facilities. Broadband fiber service will be detailed with construction plans.*
- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.  
**Response:** *All of the utilities identified above will be constructed concurrent with the 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:** *As shown on the submitted Master Street and Utility Plan, all public facilities are proposed 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: A private sanitary sewer and stormwater drainage connection is proposed to serve Lot 7. All other utilities will be public.*

#### **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: Franchise utilities will be provided to all lots within the proposed subdivision as required. The location of these utilities will be identified on construction plans and installed or guaranteed prior to final plat approval.*

- 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 will determine if the installation of cable television service is 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: A land division is proposed, as such this section is not applicable. With the future review of the proposed multi-family units, this section will be 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 with the exception of street lights as allowed by 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.*

#### **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 majority of public facilities will be located within public rights-of-way including the existing waterline that will be contained within the Dubarko Road right-of-way.*

- 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: Despite the language in this section, eight foot wide public utility easements will be provided along all lots adjacent to street rights-of-way for future franchise utility installations.*

- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.

*Response: The site is not traversed by a drainage way or water course and 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 and none are proposed.*

- 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: The only existing right-of-way adjacent to the development is Highway 26. No additional right-of-way dedication along this street has been identified.*

- 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: All easements and dedications will be identified on the plat as required.*

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

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

### **CHAPTER 17.86 - PARKLAND and OPEN SPACE**

#### **17.86.00 - INTENT**

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Sandy. This chapter implements policies of Goal 8 of the Comprehensive Plan and the Parks Master Plan by outlining provisions for parks and open space in the City of Sandy.

*Response: The city's Parks Master Plan and Comprehensive Plan map show a neighborhood park located on the subject property. The applicant proposes dedicating 1.755 acres parkland with this application.*



### 17.86.10 - MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments.

*Response: The proposed residential subdivision is subject to the provisions of this chapter.*

1. The required parkland shall be dedicated as a condition of approval for the following:
  - a. Tentative plat for a subdivision or partition;
  - b. Planned Development conceptual or detailed development plan;
  - c. Design review for a multi-family development or manufactured home park; and
  - d. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.

*Response: A subdivision to contain single family detached or duplexes and multi-family dwellings is proposed. The applicant proposes dedicating 1.755 acres of parkland with this application.*

2. 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 seven-lot subdivision includes four lots for single-family dwellings or duplexes and the two lots for multi-family dwellings. An additional lot is proposed to be zoned C-3. As noted above, the applicant is proposing a cap of 200 dwelling units for the property to include a maximum of 8 duplex units and 192 multi-family units.*

*As such, the proposal results in the following formulas: 1) Lots 1 - 4: 8 (duplex units) x 3 (persons/unit) x 0.0043 (per person park land dedication factor) = 0.1032 acres rounded to 0.10 acres, and 2) 3 lots (Lots 5 - 7) to contain 192 multi-family units: 192 (proposed multi-family units) x 2 (persons/unit) x 0.0043 (per person park land dedication factor) = 1.6512 acres rounded to 1.65 acres. 3) The combined total required parkland dedication is 1.75 acres (0.10 + 1.65). As shown on submitted plans, the applicant proposes dedicating 1.755 acres of parkland, exceeding the minimum parkland dedication required by this section by 0.005 acres.*

### 17.86.20 MINIMUM PARKLAND STANDARDS

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park, based on the following criteria:

1. Homes must front on the parkland as shown in the example below:

*Response: The diagram in this section shows the preferred relationship of parkland to single family residential dwellings with homes fronting the park. The proposed parkland dedication with this application expands parkland dedicated previously*

*dedicated with the Deer Pointe 2 Subdivision. With this configuration the entire park after dedication with the current application will be bordered on its western border by Meadow Avenue with homes across the street, on the South by an extension of Fawn Street, on the North by Highway 26, and on the East by Lot 7 zoned C-3, Village Commercial. The details of the development of Lot 7 are only conceptual at this time and will be determined following a pre-application conference and approval of a design review application at a later date.*

2. The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.

***Response:** The proposed 1.755 acre parkland dedication will be contiguous to 1.4 acres of parkland previously dedicated as part of the Deer Point 2 Subdivision.*

3. The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.

***Response:** The majority of the proposed parkland contains slopes less than 15 percent as required. As shown on submitted plans, a small area of the proposed park currently exists exceeding this grade and could either be regraded or left in a natural condition in order to provide visual interest or an additional amenity. The subject property is able to accommodate a variety of amenities including those listed in this section. The city's Master Plan for this park will determine appropriate amenities for this park.*

4. Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.

***Response:** No retaining walls are proposed.*

5. Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

***Response:** The applicant understands the City will assume maintenance responsibility once the land is dedicated.*

### **17.86.30 DEDICATION PROCEDURES**

Prior to approval of the final plat, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

- A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:

1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and,

***Response:** The applicant understands he will be required to clear, grade, and seed the proposed parkland as desired by the City.*

2. The developer shall submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.

**Response:** *The applicant understands submittal of a Phase I Environmental Assessment will be required prior to the City accepting the parkland dedication.*

#### B. Additional Requirements

1. In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Director, will interfere with the use of the land for park, open space or recreational purposes.

The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

**Response:** *The applicant understands this requirement.*

2. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

**Response:** *The applicant proposes including two utility easements within the proposed parkland dedication. These easements are unavoidable given the location of existing utilities.*

#### **17.86.40 - CASH IN LIEU OF DEDICATION**

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 3 acres. A payment in lieu of land dedication is separate from Park Systems Development Charges, and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs.

**Response:** *The applicant proposes dedicating 1.755 acres of parkland with this application rather than paying a fee in lieu. This area exceeds the required dedication calculated in Section 17.86.10(2) above by 0.005 acres.*

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

**Response:** *This chapter has limited applicability to subdivisions so only those applicable sections are reviewed in this submittal.*

#### **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.
- B. Appropriate care and maintenance of landscaping onsite 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.
- 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 requirements of this section do not apply to residential subdivisions per the Planning Commission's Code Interpretation as part of the Jacoby Heights Subdivision (File No. 18-025 SUB/VAR/FSH/TREE/INT). Tree retention requirements are contained in Chapter 17.102, Urban Forestry and are reviewed below. The proposed tree plan proposes to retain more than the minimum required by this chapter.*

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

*Response: The Single Family Residential zone is not listed in this section requiring minimum landscaping. The details of this section will be considered with submittal of a design review application for the proposed multi-family units to be zoned R-2, Medium Density Residential, R-3, High Density Residential, and C-3 portions of the property.*

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

#### **17.98.10 - GENERAL PROVISIONS**

- M. Residential Parking Analysis Plan. A Residential Parking Analysis Plan shall be required for all new residential planned developments, subdivisions, and partitions to include a site plan depicting all of the following:
  - a. Location and dimension of required parking spaces as specified in Section 17.98.200.
  - b. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
  - c. Location and design of parking courts (if applicable).

*Response: A Residential Parking Analysis Plan identifying the location of parking for the four R-1 lots as required by this section is included with the plan set. The details of this analysis is discussed in Section 17.98.200 below.*

**17.98.20 - OFF-STREET PARKING REQUIREMENTS**

A. Off Street Parking Requirements. Off street parking shall conform to the following standards:

- 1. All square footage measurements are gross square feet of total floor area.
- 2. 18 lineal inches of bench shall be considered 1 seat.
- 3. Except as otherwise specified, parking for employees shall be provided based on 1 space per 2 employees for the largest shift in addition to required parking specified in Sections A6-A9 below.
- 4. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections 5-9 below.
- 5. In addition to requirements for residential off street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.200.

*Response: Each single-family dwelling or duplex are required to provide at least two off-street parking spaces. All lots are designed to ensure compliance with this standard and will be evaluated during building plan review. Parking for the proposed multi-family units will be evaluated as part of a future design review application.*

**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.

*Response: The details of this section will be evaluated with submittal of the design review application for the multi-family units.*

**17.98.80 - ACCESS TO ARTERIAL AND COLLECTOR STREETS**

*Response: No lots are proposed to gain access from an arterial or collector street.*

**17.98.90 - ACCESS TO UNIMPROVED STREETS**

*Response: All streets proposed in the subdivision will be improved to city standards.*

**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.

*Response: Lots 5 and 6 to contain multi-family units will be accessed by a 26 foot wide curb cut and driveway approach.*

B. A driveway for a single-family dwelling shall have a minimum width of 10 feet.

*Response: All single family lots will have a 12-foot wide curb cut and driveway approach. This reduction from the typical standard width is proposed to accommodate additional on-street parking.*

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: None of the lots will be developed with two-family dwellings and this section is not applicable.*

- D. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width but such clearance may be reduced in parking structures.

*Response: All driveways will be designed in compliance with this standard.*

- E. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length.

*Response: All driveways will be designed in compliance with this standard.*

- F. The location and design of the driveway shall provide for unobstructed sight per the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

*Response: All driveways will be designed in compliance with this standard.*

#### **17.98.110 - VISION CLEARANCE**

- A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74 and taking into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

*Response: The subject property will contain R-1, R-2, R-3, and C-3 zoning requiring compliance with this section. The requirements of this section will be considered in placing landscaping in these areas with construction of homes and will be evaluated with future design review applications.*

- B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

*Response: The exceptions contained in this section will be considered in the design and placement of these structures.*

#### **17.98.200 - RESIDENTIAL ON-STREET PARKING REQUIREMENTS**

- A. Residential On-Street Parking Requirements. Residential on-street parking shall conform to the following standards:

1. In addition to required off-street parking, all new residential planned developments, subdivisions and partitions shall provide one (1) on-street parking space within 200 feet of each dwelling except as provided in Section 17.98.200(A) (6) below.
2. The location of residential on-street parking shall be reviewed for compliance with this section through submittal of a Residential Parking Analysis Plan as required in Section 17.98.10(M).
3. Residential on-street parking shall not obstruct required clear vision areas and shall not violate any local or state laws.

4. Parallel residential on-street parking spaces shall be 22 feet minimum in length.
5. Residential on-street parking shall be measured along the curb from the outside edge of a driveway wing or curb cut. Parking spaces must be set back a minimum of 15 feet from an intersection and may not be located within 10 feet of a fire hydrant.

**Response:** *This section is only applicable to the portion of the property zoned R-1. A Residential On-Street Parking Analysis designed in compliance with the requirements of this section is included with the application package. One on-street parking space at least 22 feet in length has been identified within 200 feet of each of the 4 lots as required. This analysis shows 20 on-street parking spaces in compliance with this standard.*

6. Portions of residential on-street parking required by this section may be provided in parking courts that are interspersed throughout a development when the following standards are met:

**Response:** *No parking courts are proposed.*

## **CHAPTER 17.100 - LAND DIVISION**

### **17.100.20 - LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES**

C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

1. Existing streets are stubbed to the property boundaries and are linked by the land division.
2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

**Response:** *The proposed subdivision preliminary plat complies with all applicable code requirements to be processed as a Type II application. However, because the application also includes Type IV applications for a Specific Area Plan, Comprehensive Plan Map Amendment, and Zoning Map amendment, the entire application will be processed under the Type IV quasi-judicial procedure.*

### **17.100.60 - SUBDIVISIONS**

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

**Response:** *As defined by this section the seven-lot land division is considered a subdivision.*

A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with city staff to discuss procedures for approval,

applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services.

**Response:** *Pre-application conferences were held with the City on January 10, 2018, June 12, 2018, and October 10, 2018.*

- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:  
**Response:** *All of the items required by this section are included with the submittal.*
- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in Section 17.12 and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.  
**Response:** *As reviewed in the narrative above, the proposed subdivision is consistent with the density, setback, and dimensional standards in the R-1, R-2, R-3, and C-3 zoning districts. The details of the development on Lots 5 - 7 will be addressed with future design review applications.*
  2. The proposed subdivision is consistent with the design standards set forth in this chapter.  
**Response:** *As detailed in this narrative, the proposal complies with the design standards of this chapter.*
  3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.  
**Response:** *As illustrated on the submitted Future Street Plan, the proposed street system is consistent with the City's Transportation System Plan and Comprehensive Plan.*
  4. Adequate public facilities are available or can be provided to serve the proposed subdivision.  
**Response:** *The City has previously indicated that all public facilities have capacity to serve the proposed subdivision.*
  5. All proposed improvements meet City standards.  
**Response:** *As reviewed in this narrative, all improvements in the proposed development are designed in compliance with City standards.*
  6. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.  
**Response:** *The applicant proposes developing the subdivision in a single phase. The applicant intends to submit design review applications for development proposed on Lots 5 - 7 at a later date.*

## 17.100.80 - CHARACTER OF THE LAND



Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

*Response: As reviewed in this narrative, the subject property is suitable for development as proposed. The site does not contain any physical constraints or utility concerns that would make it unsuitable for the proposed subdivision. The proposal is not expected to degrade the performance of any existing or planned transportation facilities and no mitigation is necessary or recommended.*

#### **17.100.90 - ACCESS CONTROL GUIDELINES AND COORDINATION**

A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.

*Response: The subject property abuts Highway 26 and notification of the proposal will be sent to ODOT. The applicant's traffic consultant coordinated with ODOT and the City's traffic consultant prior to the preparation of the traffic impact study submitted with this application. The proposal does not include direct access to Highway 26 with the exception of the Dubarko Road intersection, a planned public road.*

#### **17.100.100 - STREETS GENERALLY**

A. Transportation Impact Studies. Transportation impact studies may be required by the city engineer to assist the city to evaluate the impact of development proposals, determine reasonable and prudent transportation facility improvements and justify modifications to the design standards. Such studies will be prepared in accordance with the following:

1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic engineer registered in the State of Oregon shall prepare such studies.
2. If the study identifies level-of-service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered as part of the land use decision for the proposal.

*Response: A traffic impact study prepared in compliance with city standards is included with the application package. With the exception of a revised striping plan and frontage improvements along the Highway 26 frontage, this study does not identify any issues requiring mitigation by the applicant.*

- B. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.

*Response: None of the special traffic generators listed in this section are located near the subject property. All existing and proposed residential uses have been considered in development of the proposed street pattern. A future street plan is submitted with this application showing how streets can be extended beyond the subject property in the future.*

- C. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.

*Response: The proposed street layout is predominately controlled by the alignment of Dubarko Road that will be extended through the site from the current terminus to connect with Highway 26 and the location of Street B (“New Street”). Both of these streets are identified in the city’s Transportation System Plan as future streets. The only other street in the subdivision is the extension of Fawn Street (Street “A”) on the property. The proposed street layout represents a logical street pattern.*

- D. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.

*Response: A future street plan in compliance with the requirements of this section is included as part of the application package. This plan assures that access for future development will promote a logical and connected pattern of streets.*

- E. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

*Response: The proposal includes a limited number of streets because of the alignment of Dubarko Road, Street B (“New Street”), and the location of Fawn Street extended into the property. Because the proposed subdivision includes two large lot multi-family development sites proposed on Lots 5 and 6 and future Village*

*Commercial development on Lot 7, the street network is further limited. Given these facts, the proposed street layout represents a logical design.*

#### **17.100.120 - BLOCKS AND ACCESSWAYS**

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.

*Response: All blocks within the proposed subdivision have sufficient width to provide for two tiers of lots.*

- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.

*Response: No blocks exceed 400 feet in length.*

- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

*Response: None of the blocks within the proposed subdivision exceed 600 feet in length.*

#### **17.100.130 - EASEMENTS**

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

*Response: The preliminary plat includes eight foot wide public utility easements along all property lines abutting a public right-of-way. Because access is limited along Dubarko Drive, a shared private drive and access easement is also proposed across Lot 3 to provide access to Lot 4. In addition, a 10-foot PUE/Sidewalk easement is proposed along the Highway 26 frontage of Lot 7 and the majority of the frontage of Tract A. A Conservation Easement is proposed to be platted across the northern portion of Lot 7 to protect retained trees in this area.*

#### **17.100.140 - PUBLIC ALLEYS**

*Response: No alleys are proposed with this development.*

#### **17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES**

*Response: No residential shared private drives as defined by this section are proposed. The proposal does include an access easement to provide access to both Lots 3 and 4. This drive serves only two lots as allowed and will be designed in accordance with this*

*section. A shared maintenance agreement will be recorded with the plat to ensure maintenance for this facility into the future.*

#### **17.100.160 PUBLIC ACCESS LANES**

*Response: No public access lanes are proposed in this development*

#### **17.100.170 - FLAG LOTS**

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.

*Response: No flag lots are proposed.*

#### **17.100.180 - INTERSECTIONS**

A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection elements justified by a traffic study or necessary to comply with the Development Code.

*Response: Both the extension of Fawn Street (Street A) and Street B (“New Street”) are designed to intersect at right angles to the Dubarko Road as required. In addition, Dubarko Road will intersect Highway 26 at a right angle.*

B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

*Response: All streets in the proposed subdivision have a minimum curve radius as required by this section.*

#### **17.100.190 - STREET SIGNS**

The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development. The City Engineer shall specify the type and location of the street signs and/or traffic safety devices.

*Response: The applicant understands it is his responsibility to pay the cost of street signs and the city will install these signs.*

#### **17.100.200 - STREET SURFACING**

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the standards of the Oregon State Highway

Department. An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development. Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

**Response:** *All streets in the proposed subdivision will be improved in accordance with City standards.*

#### **17.100.210 - STREET LIGHTING**

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve an arterial street. Standards and specifications for street lighting shall be coordinated with the utility and any lighting district, as appropriate.

**Response:** *The applicant is aware of the requirements of this section. A lighting plan will be coordinated with PGE and the city as part of the construction plan process and prior to installation of any fixtures.*

#### **17.100.220 - LOT DESIGN**

A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.

**Response:** *All lots in the proposed subdivision have been designed so that no foreseeable difficulties due to topography or other conditions will exist in securing building permits on these lots. A Geotechnical Evaluation is included with the application package.*

B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.

**Response:** *All lots in the R-1 zone comply with the minimum standards in that zone and no lots are proposed to contain more than double the minimum lot size. The R-2 and R-3 zoning districts do not contain a minimum or maximum lot size standard.*

C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.

**Response:** *All lots in the proposed subdivision contain at least 20 feet of frontage along a public street. As noted above, no flag lots are proposed.*

D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

*Response: Lots 6 and 7 both contain frontage on Highway 26 and Dubarko Road. In addition, Lot 7 also contains frontage on Street A (Fawn Street). Because no direct access to Highway 26 is allowed, the creation of a double frontage lot is unavoidable.*

- E. Lots shall avoid deriving access from major or minor arterials. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

*Response: Lots 6 and 7 are proposed to be provided full access to Dubarko Road, a minor arterial. Lot 6 will also have access on Street B (“New Street”), a collector street, but because of the size of this lot and the number of units proposed for this lot, the applicant is proposing two access points. Lot 7 will have access on Street A, a local street and the applicant may request a full access to Dubarko Road in the future.*

#### **17.100.230 - WATER FACILITIES**

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with the standards of the Fire District, the City, and the State.

If the city requires the subdivider to install water lines in excess of eight inches, the city may participate in the oversizing costs. Any oversizing agreements shall be approved by the city manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

*Response: The applicant intends installing all water lines and fire hydrants in compliance with applicable standards.*

**17.100.240 - SANITARY SEWERS** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

*Response: The applicant intends installing sanitary sewer lines in compliance with applicable standards. All lots except Lot 7 are designed to gravity drain to the sanitary sewer line in Dubarko Road. Because Lot 7 is lower in elevation than this line, it will be served by connecting to the existing sanitary sewer line at the North end of Tract A.*

**17.100.250 - SURFACE DRAINAGE AND STORM SEWER SYSTEM**

A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

*Response: A public stormwater water quality and detention facility is proposed as Tract B to be located north of Lot 1 and south of the Fawn Street extension and Tract C, west of Lot 5. These facilities have been sized and located to accommodate the water quality and stormwater detention needs of all streets in addition to those of Lots 1 - 4. The water quality and detention needs of Lots 5 - 7 will be accommodated on each of these lots. Stormwater from Lots 5 and 6 will also be routed to flow through the facility in Tract B. After onsite detention and water quality treatment, Stormwater from Lot 7 will be piped and connected to the existing storm line in Tract A. A stormwater report is included with this application.*

B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.

*Response: No subsurface drain tiles are known to exist on the site.*

C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

*Response: All roof and site drainage will be discharged to curb face outlets or another approved system as required.*

**17.100.260 - UNDERGROUND UTILITIES**

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

*Response: The applicant intends installing all utilities underground as required.*

**17.100.270 - SIDEWALKS**

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

*Response: Sidewalks will be installed on both sides of all streets with the exception of Highway 26 which will only be improved on the frontage adjacent to the subject property.*

**17.100.280 - BICYCLE ROUTES**

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

*Response: No existing, planned, or proposed bicycle routes are proposed with the exception of stripped bike lanes on Dubarko Road. A cross-section showing this improvement is included.*

#### **17.100.290 - STREET TREES**

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

*Response: Planter strips will be provided along all frontages as required. Street trees in accordance with City standards will be provided in these areas. A Street Tree Plan is included with the submittal package.*

#### **17.100.300 - EROSION CONTROL**

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

*Response: Grass seeding will be completed as required by this section. The submitted preliminary Grading and Erosion Control plan provides additional details to address erosion control concerns. A separate Grading and Erosion Control Permit will be required prior to any site grading.*

#### **17.100.310 - REQUIRED IMPROVEMENTS**

The following improvements shall be installed at no expense to the city, consistent with the design standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

- A. Drainage facilities
- B. Lot, street and perimeter monumentation
- C. Mailbox delivery units
- D. Sanitary sewers
- E. Sidewalks
- F. Street lights
- G. Street name signs
- H. Street trees
- I. Streets
- J. Traffic signs
- K. Underground communication lines, including broadband (fiber), telephone, and cable. Franchise agreements will dictate whether telephone and cable lines are required.
- L. Underground power lines
- M. Water distribution lines and fire hydrants

*Response: All of the improvements specified in this section are required to be installed by the developer at no expense to the City of Sandy consistent with the design standards of Chapter 17.84 and applicable standards.*

### **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 15.91 acres and the standards of this chapter are applicable to the proposed subdivision. The applicant intends removing the majority of the trees on the property to accommodate development of this subdivision. The proposed tree removal and protection plan have been designed in accordance with the standards of this chapter. As noted in a review of Chapter 17.92, Landscaping above, the Planning Commission has determined only the requirements of Chapter 17.102 are applicable to residential subdivisions.*

#### **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: An Arborist Report completed by a professional Arborist is included with the submittal package. The Arborist inventoried all trees eleven-inches and greater DBH for the portion of the property proposed to satisfy tree retention requirements (northern portion of Lot 7 and Tract A parkland) as required. This inventory and the proposed retention trees are included in the plan set. The subject property contains 15.91 acres requiring retention of 48 trees, 11 inches and greater DBH ( $15.91 \times 3 = 47.73$  rounded up to 48 trees) and in good condition. Only those trees on the portion of the site proposed to be retained were inventoried because most of the trees on the site except those in the proposed tree retention areas will need to be removed to facilitate development of the project. The plans list all trees in the inventory area by number, species, condition, and whether it is proposed to be retained or removed.*

*The submitted plan identifies 63 trees that will be retained. All of the trees proposed for retention are at least 11-inches DBH, and in "good" condition as*

*identified by the Arborist. The applicant proposes protecting a majority of these trees within a Tree Protection Easement. The proposal complies with the requirements of this section.*

- 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: The Arborist Report provides recommendations for protection of retained trees including identification of the recommended tree protection zone for these trees. As noted above, the applicant proposes protecting the retained trees with a Tree Protection Easement. The requirements of this section will be complied with prior to any grading or tree removal on the site.*

#### **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: No trees are proposed to be replanted at this time.*

#### **17.102.70 - VARIANCES**

*Response: The submitted plan is designed in compliance with the standards of 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)

**15.30.030 - EXEMPTIONS AND EXCEPTIONS**

D. Full cutoff street lighting, which is part of a federal, state, or municipal installation.

**15.30.060 - GENERAL STANDARDS**

D. All outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line of the premises receives no more than .25 (one quarter) of a foot-candle of light from the premises lighting system.

*Response: The applicant understands the requirements of this chapter. A detailed lighting plan will be submitted with construction plans following land use approval.*

**VI. Conclusion**

As reviewed in the submitted narrative, the applicant requests Specific Area Plan approval to shift the zoning district boundaries for the property and a Comprehensive Plan and Map amendment to designate Tract A, a proposed park, as Parks and Open Space (POS). The proposal also includes a Zoning Map amendment to change the zoning designations on the property from a mix of C-3 (Village Commercial), R-2 (Medium Density Residential), and R-1 (Low Density Residential) to a mix of C-3 (Village Commercial), R-3 (High Density Residential), R-2, (Medium Density Residential), R-1 (Low Density Residential), and Parks and Open Space (POS).

The four R-1 zoned lots (Lots 1 - 4) are proposed to contain single-family detached dwellings or duplexes and the two R-2 and R-3 zoned lots (Lots 5 and 6) will contain multi-family dwellings. Lot 7 zoned C-3 will be developed according to the standards of that zone with either a combination of commercial and multi-family dwellings or commercial only. With this application, the applicant proposes dedicating 1.755 acres to the city to be used as a public park and imposing a dwelling cap of 200 units for the entire site. As discussed in this narrative, the proposal complies with all relevant approval criteria, code standards, policies, and goals, and the applicant respectfully requests the application be approved as submitted.