## Type III - LAND USE REVIEW

## Applicant's Submittal

6.21.2023

**APPLICANT:** Lango Hansen Landscape Architects

1100 NW Glisan St #3a Portland, OR 97209

**OWNER:** City of Sandy

39250 Pioneer Blvd Sandy, OR 97055

**REQUEST:** We are requesting a Land Use Review for the parks improvements and the following

sections in the Sandy Municipal code as noted below.

LOCATION: 17165 SE Meinig Avenue (Tax Lot numbers 24E13BD00101 & 24E13BA00200)

#### I. BACKGROUND:

- 1. **Existing Conditions**: The existing site consists of a grass sports fields and a running track. The site is roughly divided into two flat areas an upper field and a lower field, with sloped lawn dividing the two. There is a maintenance access road that leads down to the lower level track but there are no routes that meet current accessible standards. There is an existing skate park onsite. The site is surrounded on three sides by mature forest and is directly connected to the Sandy River Park.
- 2. Project Description: The Community Campus Park is a legacy park project for the City of Sandy. The 10 acre park project will provide a skate park, a pump track, an inclusive play area, extensive walking paths, restrooms, a picnic shelter and more. The park will also include onsite parking and a direct trail connection to the adjacent Sandy River Park. Meinig Avenue and Scenic Street will be improved per City standards.

# II. APPROVAL CRITERIA AND RESPONSES:

Municipal Code Standards and Requirements: The following sections of the Sandy Municipal Code are applicable to this land use approval:

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### **REQUIRED CODE RESPONSES:**

#### CHAPTER 17.32 PARKS AND OPEN SPACES

### 17.32.20 Permitted Uses

- A. Primary Uses Permitted Outright:
  - Parks, natural areas and open space, and special use areas identified in Map 5 Existing Park Inventory, Map 8 Proposed Park System, Table 12 Tier 1 Capital Improvement Plan, or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan;

Applicant Response: For the portion of the site that is zoned Parks and Open Space, the project consists entirely of a permitted use of a park. The 2022 Amended Parks and Trails Master Plan Update directly addresses the Sandy Community Campus Park, identifying it as an underdeveloped community park. While future potential uses for the Cedar Ridge pool and buildings are being studied by City Council, the 2022 Master Plan included a preliminary concept for the redevelopment of the park. This concept was created as a part of the Aquatic Facility Analysis. The concept was divided into phases with phase 1 focusing on the redevelopment of the east portion of the park. Improvements included a parking lot, a playground, picnic area, basketball court and a community garden. The master plan highlighted the fact that the Sandy Community Campus Park will "fill a neighborhood park service gap for community members within 1/2- mile of the park." Additionally, there as community support for prioritizing a pump track and the skate park replacement in phase 1, these improvements being achieved by reducing parking.

The proposed park development is a direct response to the previous planning work and public outreach efforts that were conducted, including an extensive site planning exercise conducted in 2018. Using that planning work as a foundation, the 2022 Amended Parks and Trails Master Plan Update generated specific recommendations for the development of the Community Campus site. As recommended by the master plan, improvements include a parking lot, a playground, picnic areas and a pioneer garden. The amenities of the park are designed to fill the current service gap and provide both a neighborhood park and a community park.

Project: Sandy Community Campus Park

The project process has included a significant amount of public outreach including three public open houses, focused open houses for members of Sandy Vista and for seniors, two public surveys, and a series of targeted outreach meetings focusing on the design of the skate park, pump track and jump line.

#### **CHAPTER 17.38 MEDIUM DENSITY RESIDENTIAL**

#### 17.38.20 Conditional Uses

- B. Conditional Uses:
  - 2. Community services;

Applicant Response: A part of the proposed park is located on land zoned Parks and Open Space, so the development of the property as a park is allowed outright. The other portion of the proposed park improvements are on land zoned Medium Density Residential (R-2) and therefore requires a Conditional Use Approval. The current grass fields and walking track do not fully utilize the potential of this park for the neighborhood and the rest of the community. This park will provide for a service gap identified in the 2022 Amended Parks and Trails Master Plan Update that documented the insufficient neighborhood parks serving the adjacent residential neighborhoods. The development of this park will provide the first park in the northeast quadrant of the City. The programming elements in the park, including a play area, walking paths, a picnic shelter and restroom facilities will benefit people living the in the neighborhood as well as those living in other parts of Sandy and adjacent communities.

#### 17.38.30 Development Standards

Setbacks - Front yard 10 ft min., rear yard – 15 ft min, side yard (interior) 5 ft min, corner lot 10 ft min.

Structure Height - 35' max.

**Applicant Response:** The proposed combined restroom facility and picnic shelter is located approximately 120 feet from Scenic Street and 175 feet from Meinig Avenue.

The structure is approximately 14' in height.

### 17.38.40 Minimum Requirements.

- A. Shall connect to municipal water.
- B. Shall 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:
- C. The location of any real improvements to the property shall provide for a future street network to be developed.
- D. Shall have frontage or approved access to public streets.

**Applicant Response:** The park will connect to municipal water for the restroom facility, drinking fountains and for irrigation water. The park will also be connected to municipal sewer to serve the

restroom facility. The locations of real improvements on the park property allow for the Scenic Street and Meinig Avenue rights-of-ways to be developed to current City of Sandy standards.

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

### 17.60.20 Approval Standards and Conditions

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

- A. Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.
  - 1. Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.

**Applicant Response:** Currently, there are no onsite stormwater facilities to treat stormwater runoff from impervious surfaces. As a part of the proposed development all of the impervious areas in the park will be treated and detained in stormwater facilities. This will measurably improve the quality of the flowing from the impervious surfaces in the park into the adjacent stream over existing conditions.

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

**Applicant Response:** Impervious areas within the FSH zone have intentionally been kept to a minimum. A large majority of the parking lot is located outside of the FSH zone with only a small portion of a single parking stall located within the FSH. Also, the play area surfacing that was selected is pervious. All impervious surfaces in the park will be treated in a stormwater facility.

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

**Applicant Response:** The construction methods follow the recommendations of the landscape architect and civil engineer and follow best management practices for development in areas of slopes.

4. *Cuts and Fills*. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.

**Applicant Response:** The cut and fill that occurs within the FSH zone has been kept to a minimum. The existing contours of the site were studied in depth and site features have been strategically located to reduce site disturbance. The earthwork taking place in the FSH zone is required to provide the accessible park path network and the accessible play area. In all cases, the angle of the slopes in the proposed development are less steep than the existing slope conditions.

- 5. Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.
- 6. Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a two:one basis according to type and area. Two native trees of at least one and one-half-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.

**Applicant Response:** The proposed development does not impact any wetlands or streams. Additionally, the development of the park will only result in the removal of two native trees within the FSH zone. These trees will be replaced onsite at a two:one ratio, resulting in four new native trees being planted onsite. Currently, there are large patches of invasive blackberries onsite. These blackberries will be removed and native grasses and shrubs will be planted in their place.

- B. All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:
  - 1. The permit requirements of Chapter 17.60 have been satisfied;
  - 2. All other required state and federal permits have been obtained; and,
  - 3. The site is reasonably safe from flooding.

**Applicant Response:** All of the permits will be obtained from Federal agencies as required, including DEQ, DSL and any other applicable agency.

- C. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.
- D. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in <u>Chapter 17.06</u>.

**Applicant Response:** The applicant acknowledges the above conditions, assurances and penalties.

#### **CHAPTER 17.66 ADJUSTMENTS AND VARIANCES**

### 17.66.70 Type II and Type III Variance Criteria

- A. The circumstances necessitating the variance are not of the applicant's making.
- B. The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located.
- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.
- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
- E. The development will be the same as development permitted under this Code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

F. Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

# 17.66.90 Application

An application for an adjustment or variance shall be made on forms provided by the Director and include the following, where applicable:

- A. Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place.
- B. Narrative addressing how the application meets the specified review criteria.
- C. Site plan no larger than 11 inches by 17 inches (include a reduced copy if drawn larger) suitable for photocopy reproduction. The site plan shall be drawn to scale and show:
  - 1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
  - 2. Lot line dimensions;
  - 3. Existing and proposed structures;
  - 4. Structures on adjacent property(ies) affected by the request;
  - Vehicle and pedestrian access points and accessways;
  - 6. Drainageways and any other prominent features;
  - 7. Location of trees and shrubs over three feet in height;
  - 8. Fences and walls;
  - 9. Off-street parking facilities;
  - 10. Any other information relevant to the proposal.

The Director may modify the submission requirements as necessary.

**Applicant Response:** The variances pursued as a part of this project are as outlined below. See also attached plans and elevations

- 17.84.30.A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
  - 1. Sidewalks shall be a minimum of five feet 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.

Applicant Response: Currently, a sidewalk is provided on the east side of Meinig Avenue that provides a continuous pedestrian connection for the entire length of the park site, extending from Idleman Street to Scenic Street. Due to the existing steep slopes on the west side of Meinig Avenue, extensive regrading would be required to locate a new sidewalk in the public right-of-way. In lieu of the required five foot wide sidewalk adjacent to the on-street parking, the park project is proposing an eight-foot pedestrian path that connects the intersection of Meinig Avenue and Idleman Street directly with the central pedestrian plaza in the park. This path continues on to make a direct connection to Scenic Street to the north. The location of the path in the park provides more direct access to site amenities and provides a more pedestrian friendly experience by creating a greater separation between the pedestrian path and the vehicular traffic on the Meinig Avenue.

Additionally, the proposed public sidewalk on the south side of Scenic Street does not go to the west end of Scenic Street. No pedestrian or vehicular connections will be provided from the west end of Scenic Street into the park. Additionally, existing site grades would require a significant regrading effort to bring a public sidewalk to the west end terminus of Scenic Street. Instead of extending the sidewalk for the entire length of Scenic Street, the five-foot public sidewalk makes a direct connection with the eight-foot pedestrian path in the park. This path connects to all onsite amenities.

Finally, the required five-foot wide planter strip is not curb tight as shown on the City's typical detail. Instead, this five-foot planter strip is located behind the sidewalk making the sidewalk curb-tight. This layout was selected for several reasons. First, locating the planter strip at the back of curb would push the sidewalk further south. The existing grades would require a significant regrading effort to construct the sidewalk in this location. This regrading would lead to the loss of additional onsite trees that are currently proposed for preservation. Additionally, linking the five-foot planter strip with the larger planting area in the park allows for a much more diverse selection of trees, shrubs and ground cover plants to be used in this area. Finally, the traffic volumes on Scenic Street will be very low. As such, pedestrian and vehicular conflicts will be minimal.

#### 17.90.120.A Site Layout and Access

3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within ten feet of the public right-of-way, as shown in Figure 17.90.120-A. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 feet. For lots with frontage of less than 150 feet or less, shared access may be required.

**Applicant Response:** There are several key reasons that the parking lot was located between the building and the right-of-way. By locating the parking lot in this way, much less of the site is dedicated to the parking lot, drive aisles and the driveways. More of the site is able to be developed as parkland and provide additional amenities for the public.

Additionally, this location eliminates pedestrian and vehicular conflicts because the pedestrian path does not have to cross through the parking lot or the driveways. Pedestrians are able to access the entire site without crossing the parking lot or a driveway.

Finally, the current site layout allows for the picnic shelter and restroom facility to be more centrally located and provides greater usability for the entire park.

17.90.120.C.4 Pitched roofs visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.

**Applicant Response:** Each of the walls of the combined picnic shelter restroom facility measures approximately 16'-8". On the longer elevations, the remaining 24' of the building elevation is open, consisting entirely of wood timber building columns. Due to the limited amount of wall surface on the

elevation and the amount enclosed building, secondary roof forms would be contrary to the scale and proportions of the building form.

A second picnic shelter measuring approximately 15'x25' will be open on all four sides, having no walls. The material of the columns and the slope and materials of the roof will match the picnic shelter restroom facility outlined above. Due to the open air nature of the picnic shelter, secondary roof forms would be contrary to the scale and proportions of the building form.

# **CHAPTER 17.68 CONDITIONAL USES**

#### 17.68.10. - Procedures.

An application filed for a Minor Conditional Use Permit and/or a Conditional Use Permit shall be on forms provided by the Director and include application materials listed in <u>17.18.30</u> and the following, unless waived by the Director pursuant to subsection (M):

- A. Site plan drawn to scale and showing existing and proposed:
  - 1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage way with sufficient information on land areas within at least 300 feet of the subject property specifically addressing land uses, lot lines, circulation systems (including potential for connectivity of streets and pedestrian ways), public facilities, and unique natural features of the landscape.
  - 2. Boundary of the proposed conditional use and any interior boundaries related to proposed development phases.
  - 3. Lot line dimensions.
  - 4. Location of structures.
  - 5. Vehicle and pedestrian access points and accessways.
  - 6. General location of vegetated areas.
  - 7. Fences and walls.
  - 8. Parking, maneuvering and loading areas.
  - 9. Trash and recycling areas.
  - 10. Direction of traffic flow on the property.
  - 11. Existing site conditions including contours at ten-foot intervals, watercourses, flood plains and natural features.
  - 12. Proposed modifications to existing grades.
- B. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
- C. Architectural elevations of all buildings and structures including heights, entrances and exits, and floor plans, in sufficient detail to permit computation of other requirements.
- D. Landscape plan drawn to scale showing:
  - 1. Location of existing trees and vegetation proposed to be removed or retained on the site.
  - 2. Location and design of landscape areas.
  - 3. Proposed varieties, quantities, and sizes of trees and plant materials.
  - Other pertinent landscape features and details of irrigation system required to maintain plant materials
- E. Narrative relating to applicable Comprehensive Land Use Plan policies.

- F. Narrative relating to applicable Sandy Development Code standards.
- G. Flood, Slope and Hazard Analysis, if portions of the site have slopes in excess of 15 percent, floodplains, floodways, wetlands, etc.
- H. Sign Details.
- I. Traffic impact report.
- J. Utility Plan.
- K. Additional data sheet indicating:
  - 1. Square footage of site and structure.
  - 2. Building coverage.
  - 3. Amount of site to be landscaped.
  - 4. Number of parking spaces to be provided.
  - 5. Building materials to be used.
  - 6. Specifications as to type, color, and texture of exterior surfaces of proposed structures.
- Any additional information that may be required by the Director to properly evaluate the proposed site plan. Such additional information shall only be required where its need can be justified on the basis of special and/or unforeseen circumstances.
- M. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

**Applicant Response:** All of the above required information is included in the attached site plans and informational cutsheets.

#### Sec. 17.68.20. - Review criteria.

The Planning Director (Minor Conditional Use Permit) through a Type II process or the Planning Commission (Conditional Use Permit) through a Type III process may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this Code relative to the proposed use are satisfied and consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The following criteria and compatibility factors shall be considered:

A. The use is listed as either a minor conditional use or conditional use in the underlying zoning district or has been interpreted to be similar in use to other listed conditional uses.

**Applicant Response:** A portion of the site is zoned as Parks and Open Space so is able to be developed as a park outright. The section to the south of Scenic Street is zoned Medium Density Residential and a park a conditional use in the underlying zoning district.

B. The characteristics of the site are suitable for the proposed use considering the size, shape, location, topography, and natural features.

**Applicant Response:** The physical characteristics of the site lend itself well to the development as a community park. The north side of the park property was annexed into the City as a part of the Sandy River Park and is located outside of the Urban Growth Boundary (UGB). The pump track and bicycle jump line, both classified as trail uses will be located in this portion of the park as trails are allowed uses

on property located outside of the UGB. The portion of the site that is zoned as Medium Density Residential is immediately adjacent to property zoned as Parks and Open Space as well as adjacent to the 127 acre Sandy River Park and the Sandy River. Being surrounded by a forest of mature Douglas fir and big leaf maple trees, the proposed site is ideally situated. The site will soon have direct trail connections down to the Sandy River, creating a pedestrian connection from downtown Sandy to the Sandy River. Additionally, due to the existing topography of the site a majority of the site sits below the adjacent residential properties. This change in grade creates a natural buffer between the two uses.

C. The proposed use is timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use.

**Applicant Response:** The site is currently accessed from Meinig Avenue. The development of the park will include upgrades and improvements to the surrounding streets, including Meinig Avenue and Scenic Street. This includes a curb on the full length of Meinig Avenue adjacent to the park and a ¾ street section buildout of Scenic Street adjacent to the park. Street lights will be added to both streets to bring the illumination levels up to current City standards. The existing storm line and sanitary line have sufficient capacity to serve the proposed improvements at the park. Water and electrical connections will be provided from existing services located in the Scenic Street right-of-way.

D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district.

Applicant Response: The proposed improvements at the park will greatly enhance the surrounding area and will not limit, preclude or impair the use of the surrounding properties for the primary uses listed in the underlying zoning district. The surrounding lots to east of the park have been developed largely as residential with the exception of one institutional facility, the church. Additionally, this park will help fill a gap in neighborhood parks that was noted in the 2022 Parks and Trails Master Plan Update. This park will function as both a community park and as the first neighborhood park in the northeast quadrant of Sandy. Finally, while the future of the adjacent Cedar Ridge Middle School facility located to the south is still being determined, the development of the park will directly serve this future facility.

E. The proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare.

**Applicant Response:** The proposed development will not create public nuisance. In contrast with being injurious to the public health, safety and welfare, this park will be a great asset for the neighborhood, the City and the region. The aging skate park will be replaced with a modern facility that meets the needs of today's users. The park includes an accessible trail network, active and passive recreation opportunities, an inclusive play area, a picnic shelter and many more amenities. Each of these park improvements directly contribute to the park's ability to meet the goals of the Oregon Parks and Recreation District Statewide Comprehensive Outdoor Recreation Plan and provide safe opportunities

for the public to be active and experience the natural environment. Additionally, the development involve only very limited tree removal. The surrounding forest will be kept completely intact.

- F. The proposed use will be reasonably compatible with existing or planned neighboring uses based on review of the following:
  - 1. Basic site design (organization of uses on the site).

Applicant Response: The proposed park is highly compatible with the surrounding neighborhood. It will serve to blend the existing residential neighborhood with the larger natural spaces that surround the park property. The park will serve as a neighborhood destination to recreate and experience nature as well as a gateway to the Sandy River Park. Because of its location, the park will provide the neighborhood with direct access to nature and recreation opportunities. The more active uses including the parking lot, picnic shelter and restrooms have been located closer to the street and away from the existing forest.

2. Visual elements (scale, structural design and form, materials, and so forth).

**Applicant Response:** The materiality and colors of the site structures, site amenities, playground elements and skate park features will blend seamlessly with the natural environment. Priority will be given to natural colors. The materiality and colors of the site structures, site amenities, playground elements and skate park features will blend seamlessly with the natural environment.

3. Noise.

**Applicant Response:** Noise from the park will be largely buffered by the grade separation between many of the main park features and the surrounding neighborhood. Vegetation will also help reduce any impacts of noise.

4. Noxious odors.

**Applicant Response:** The improvements at the park will not result in any noxious odors.

5. Lighting.

**Applicant Response:** Site lighting will be limited to the parking lot and picnic shelter and will include proper shielding to eliminate light trespass.

6. Signage.

**Applicant Response:** Park signage will be consistent with the City'sh standards and will match the character and materiality as found at other parks in Sandy.

7. Landscaping for buffering and screening.

**Applicant Response:** The landscaping in the park will consist largely of native and adapted plants that will help integrate the park into the surrounding woodland setting. Large patches of existing blackberries will be removed and replanted with native and climate adapted grasses and shrubs

8. Traffic.

**Applicant Response:** As a part of the development of the park, ¾ street improvements will be built out on the portion of Scenic Street that is immediately adjacent to the park. Improvements include a pedestrian sidewalk, street lighting and landscape planting. This will improve neighborhood access to the park site as well as through the neighborhood itself. Two driveways are being provided to the park parking lot to ease congestion.

9. Effects on off-street parking.

**Applicant Response:** The park currently has no off-street parking. The proposed site design includes an off-street parking lot with approximately 43 parking spaces. This amount of parking is in keeping with other parks in the region that provide a similar level of amenities that are proposed at this park.

10. Effects on air quality and water quality.

**Applicant Response:** The park will have no negative effect on the air or water quality. Currently, the site does not have any stormwater facilities to treat stormwater runoff from impervious surfaces. The runoff from the existing track, for example, is sent untreated directly to the adjacent creek. The proposed park will treat and detain all stormwater runoff from impervious surfaces before being released into the adjacent stream

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

Sec. 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.

**Applicant Response:** The combined restroom and picnic shelter structure will be set back approximately 175 feet from Meinig Avenue and 125 feet from Scenic Street.

### CHAPTER 17.84 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

# Sec. 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 five feet 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.

 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 six feet wide.

**Applicant Response:** A 5-foot sidewalk will be provided along the south side of Scenic Street, between the park and the right-of-way. Due to the very low traffic volumes traveling on this portion of Scenic Street, instead of providing a landscape strip between the curb and the sidewalk, the required landscape strip will be provided at the back of the curb. This will combine the planter strip with the planter area in the park. Because the planting area will be much wider than it otherwise would be, a much greater diversity of plant material can be planted in this planting area. In lieu of providing a 5-foot sidewalk on the west side of Meinig Avenue, an 8' wide public path will travel through the park site itself. This is covered in more detail under 17.66 ADJUSTMENTS AND VARIANCES.

- 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.

**Applicant Response:** 8-wide pedestrian pathways link the exterior access points of the site to all of the onsite amenities and destinations. The entire pathway has been graded at slopes less than 5% in order to accommodate users of all abilities.

c. Walkways shall be as direct as possible and avoid unnecessary meandering.

**Applicant Response:** The pedestrian pathways provide direct connections without unnecessary meandering.

 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.

**Applicant Response:** The onsite pedestrian paths have been designed to avoid driveway crossings and the associated conflicts entirely. From the onsite parking lot, direct access is provided to the central pedestrian plaza and from there to the onsite pedestrian paths. Pedestrian paths lead from offsite points of origin to the central plaza and all onsite destinations.

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).

**Applicant Response:** The pedestrian paths are grade separated from the vehicular parking area. Additionally, the pedestrian paths will be constructed of concrete and the vehicular driving areas will be constructed of asphalt. This material difference will provide a clear distinction between the two use zones.

f. Pedestrian amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.

**Applicant Response:** Numerous benches will be provided as a part of the park improvements and the benches will have direct access to the circulation system. However, these benches are not being calculated to reduce onsite parking requirements.

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 17.84.90.D.

**Applicant Response:** A trail that leads from the Sandy River Park and connects to the northwest corner of the park is currently under construction. The park pathway system will provide a direct connection to the trail and link the trail to the public right-of-way.

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).

**Applicant Response:** The sidewalk being constructed along Scenic Street will be built along the entire Scenic Street frontage. The onsite walkway that will serve Meinig Avenue will connect the far southeast corner of the park side, across from Idleman Street, all the way north to Scenic Street.

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.

**Applicant Response:** The off-site pedestrian facility improvements will be concurrent with the development of the park.

## Sec. 17.84.50. - Street requirements.

A. Transportation Impact Study

**Applicant Response:** A traffic impact study has been provided with this application and is attached as separate document.

#### CHAPTER 17.90 DESIGN STANDARDS

Sec. 17.90.120. - General Commercial and Industrial (C-2 and I-1) and non-residential uses in residential zones design standards.

Development in the C-2 and I-1 districts and non-residential uses in a residential zone shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

A. Site Layout and Access.

Intent: To provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. (Figures 17.90.120-A and 17.90.120-B)

1. All lots shall abut or have cross access to a dedicated public street.

Applicant Response: The development will have access to both Meinig Avenue and Scenic Street.

2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.

**Applicant Response:** The site does not have access to an alley therefore this standard does not apply.

3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within ten feet of the public right-of-way, as shown in Figure 17.90.120-A. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 feet. For lots with frontage of less than 150 feet or less, shared access may be required.

**Applicant Response:** The location of the off-street parking is between the public right-of-way and the restroom / picnic shelter building. This is addressed in more detail in 17.66 ADJUSTMENTS AND VARIANCES.

4. Adjacent parking lots shall be connected to one another when the City determines it is practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.

**Applicant Response:** The proposed development has a single parking lot therefore this standard does not apply.

5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.

**Applicant Response:** The parking lot is adjacent to the public plaza so there is a direct path from all parking stalls to the pedestrian circulation system. Given the small scale and the specific layout, the parking lot does not necessitate separate internal pedestrian pathways.

6. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.

**Applicant Response:** The project does not include any alleys therefore this standard does not apply.

7. Walkways from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or painted (e.g., colored concrete inlay in asphalt).

**Applicant Response:** Separated pedestrian pathways from the public street sidewalk to the buildings are provided. These pathways do not cross through the parking lot.

8. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary. Where openings occur between buildings adjacent to Highway 26, pedestrian ways should connect the street sidewalk to any internal parking areas and building entrances. Development should avoid creating barriers to pedestrian circulation.

**Applicant Response:** The public right-of-way streets adjacent to the park will be fully built out as a part of this development. Therefore this standard does not apply.

9. Joint use of access points and interconnections and cross-over easements between parcels shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and interconnecting driveways or alleys to comply with access spacing and other applicable code requirements.

**Applicant Response:** Given land ownership, joint use of access points and interconnections are not possible with this development.

10. Through lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such access points must conform to the above access spacing requirements and parking must be internalized to the property.

**Applicant Response:** The parking lot will have a driveway on both Meinig Avenue and Scenic Street, in conformance with the above standard.

11. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and adjacent civic spaces.

**Applicant Response:** The development only includes a single structure, therefore this standard does not apply.

12. Minimum parking requirements are contained in <u>Chapter 17.98</u>. For developments containing more than 150 parking spaces, at least 20 percent of all parking spaces shall be constructed of permeable materials such as permeable asphalt, permeable concrete, pavers, and/or similar materials as approved by the City.

**Applicant Response:** The parking lot contains approximately 43 spaces, therefore this standard does not apply.

B. Building Facades, Materials, and Colors.

Intent: To provide building façades, materials and colors consistent with the Sandy Style.

1. Articulation.

**Applicant Response:** The longest street-facing elevation of the structure is only approximately 16-feet in length and therefore meets the articulation requirements. Additionally, each of the wall planes incorporate at least one visually contrasting and complementary change in material and texture.

2. Pedestrian Shelters.

**Applicant Response:** The structure will incorporate a pedestrian shelter over the primary entrance. The shelter will extend 5-feet past the face of the building over the pedestrian area.

3. Building Materials

**Applicant Response:** The base of the building will consist of textured cast stone, providing a strong visual foundation. The upper portion of the building will consist of cement fiber board and batt pattern. Exposed members at the picnic shelter portion of the structure will consist of exposed heavy wood timbers.

4. Colors

**Applicant Response:** The colors selected for the cement fiber board and batt pattern and for the standing seam metal roof will confirm with those outlined in Appendix C, Color Palette.

C. Roof Pitch, Materials and Parapets

**Applicant Response:** The roof pitch of the shelter will be 6:12 as outlined. Given the open nature of the picnic shelter that comprises more than half of the usable space of the building, the roof is not proposing to have any secondary roof forms. This is covered in 17.66 ADJUSTMENTS AND VARIANCES. The roof will consist of standing seam metal.

D. Building Orientation and Entrances

**Applicant Response:** The structure does not have a "back" side. All four sides are equally visually appealing and therefore the building is oriented toward the public street.

E. Windows

**Applicant Response:** The interior uses of the building consist of restrooms and storage space. Because of these uses, windows are not included in the building. Therefore this criteria does not apply to this project.

F. Landscaping and Streetscape Design

**Applicant Response:** The project will meet the provisions of 17.92 as outlined in that section of the narrative

G. Civil Space

**Applicant Response:** Given the nature of the uses of this building, restrooms and a picnic shelter, the entire facility is classified as civic space.

H. Lighting

**Applicant Response:** The picnic shelter portion of the structure will include area lighting mounted in the eave of the roof.

CHAPTER 17.92 LANDSCAPING AND SCREENING GENERAL STANDARDS – ALL ZONES

Sec. 17.92.30. – Required Tree Plantings.

**Applicant Response:** Large street trees will be planted at 30-50' on center along Scenic Street. Numerous mature douglas fir and big leaf maple trees exist along Meinig Avenue in the location where street trees would be planted and exist in sufficient to meet the street tree planting standard. A mix of medium and large parking lot trees will be planted in the parking lot at a rate of 1 per 8 and 1 per 12 cars accordingly.

Sec. 17.92.40. – Irrigation

**Applicant Response:** Landscaping installed at the park will be irrigated with a combination of an automatic system as well as supplemental manual watering as needed to sustain viable plant life.

Sec. 17.92.50. – Types and Sizes of Plant Material

**Applicant Response:** The planting at the park will consist of native and climate adapted trees, shrubs and ground cover plants along with lawn areas for active and passive recreation. All plant material will conform to the container and size standards as outlined in this section. Significant areas of invasive blackberries will be removed and these areas will be replanted with native grasses and shrubs.

Sec. 17.92.80. – Buffer Planting – Parking, Loading and Maneuvering Areas.

**Applicant Response:** Appropriate buffering plants will be located between the parking lot and the two adjacent rights-of way; Meinig Avenue and Scenic Street. This will include a mix of existing and new trees, shrubs and ground cover plant material, strategically located to soften the view between the right-of-way and the parking lot.

Sec. 17.92.90. – Screening (Hedges, Fences, Walls, Berms).

**Applicant Response:** The parking lot will be screened from the public rights-of-way by planting areas that are a minimum of 5' deep. These planting areas will consist of native and climate adaptive shrubs and ground cover. Additionally, the parking lot sits considerably lower than the adjacent streets, with the grade difference effectively creating a berm between the two uses.

### CHAPTER 17.98 PARKING, LOADING AND ACCESS REQUIREMENTS

## Sec. 17.98.20. – Off-street Parking Requirements

**Applicant Response:** Parks are not listed as a specific use with an associated parking quantity requirement. To determine the appropriate amount of parking for this park, other parks in the region with similar amenities and usage levels were analyzed. The quantity of 43 parking stalls is right in the middle of the amount of parking being offered at other similar parks.

#### Sec. 17.98.50. - Setbacks.

- A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.
- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and duplexes, required off-street parking may be located in a driveway.
- C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of five feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this Code.

**Applicant Response:** The parking lot is set back a minimum of 22 feet from Meinig Avenue and 75 feet from Scenic Street.

## Sec. 17.98.60. - Design, size and access.

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

- A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.
- B. Size of Space.
  - 1. A standard parking space shall be nine feet by 18 feet.
  - 2. A compact parking space shall be eight feet by 16 feet.
  - 3. Accessible parking spaces shall be nine feet by 18 feet and include an adjacent access aisle meeting ORS 447.233. Access aisles may be shared by adjacent spaces. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
  - 4. Parallel parking spaces shall be a length of 22 feet.
  - 5. No more than 40 percent of the parking stalls shall be compact spaces.
- C. Aisle Width. Single sided Two-way 22 feet

**Applicant Response:** The parking lot will be paved with asphalt. All spaces will be standard sized, nine feet by 18 feet. Two accessible spaces will be provide and they will measure nine feet by 18 feet and the required access stall is provided. The drive aisle width is 22 feet.

#### Sec. 17.98.70. - On-site circulation.

- A. Groups of more than three parking spaces shall be permanently striped. Accessible parking spaces and accompanying access aisles shall be striped regardless of the number of parking spaces.
- B. Backing and Maneuvering. Except for a single family dwelling, duplex, or accessory dwelling unit, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

**Applicant Response:** The parking lot spaces, including the accessible parking spaces and access aisles will be permanently striped. Onside looped vehicular circulation allows for vehicles to enter toe right-ofway in a forward manner. No backing across sidewalks or public streets is required for site circulation.

### Sec. 17.98.80. - Access to arterial and collector streets.

- A. Location and design of all accesses to and/or from arterials and collectors (as designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 feet from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
- B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as approved by the City Engineer. Evaluations of exceptions shall be based on a traffic impact analysis and parking and circulation plan and consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

**Applicant Response:** Meinig Avenue is classified as a collector street. The driveway on Meinig is aligned with the centerline of Idleman Street in order to increase visibility and eliminate potential vehicular and pedestrian conflicts. Only one driveway off of Meinig Avenue is being proposed with this park development. A second driveway is being proposed to access the site off of Scenic Street. This will allow for ease of access and movement of emergency vehicles. It will also more evenly distribute traffic to the surrounding street network.

Sec. 17.98.100. - Driveways.

- A. A driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.
- B. A driveway for a single-family dwelling or duplex shall have a minimum width of ten feet. The driveway approach within the public right-of-way shall not exceed 24 feet in width measured at the bottom of the curb transition. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete. Shared driveway approaches may be required for adjacent lots in cul-de-sacs in order to maximize room for street trees and minimize conflicts with utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.).
- C. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 12 feet for their entire length and width, but such clearance may be reduced in parking structures as approved by the Director.
- D. No driveway shall exceed a grade of 15 percent at any point along the driveway length, measured from the right-of-way line to the face of garage or furthest extent of the driveway.
- E. The nearest edge of a driveway approach shall be located a minimum of 15 feet from the point of curvature or tangency of the curb return on any street.
- F. The sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in section B., above shall not exceed 50 percent of the circumference of the cul-de-sac bulb. The cul-de-sac bulb circumference shall be measured at the curb line and shall not include the width of the stem street. The nearest edge of driveway approaches in cul-de-sacs shall not be located within 15 feet of the point of curvature, point of tangency or point of reverse curvature of the curb return on the stem street.
- G. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in <u>Section 17.74.30</u>. 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.
- H. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

**Applicant Response:** The driveways are both 22 feet wide with no overhead elements to limit vertical clearances. The driveways are sloped a between two and three percent. The slope of both driveways is directed back toward the site, routing stormwater back onsite and not across the public sidewalk.

# Sec. 17.98.120. - Landscaping and screening.

- Screening of all parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and <u>Chapter 17.98</u>. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum five feet depth of buffer plantings adjacent to the right-of-way.
- B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscuring screen that is at least 80 percent opaque when viewed horizontally from between two and eight feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within three years after installation.
- C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than ten percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.

- D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of five feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.
- E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.
- F. Wheel stops, bumper guards, or other methods to protect landscaped areas and pedestrian walkways shall be provided. No vehicle may project over a property line or into a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of five feet for pedestrian circulation is required.

**Applicant Response:** The parking lot will be buffered from Scenic Street and from Meinig Avenue by a mix of evergreen and deciduous trees and shrubs. The planting area will be a minimum of 5' deep, typically much wider in most locations between the parking lot and the adjacent rights-of-ways. The parking lot consists of both interior parking islands and surrounding perimeter landscape beds that provide approximately 6,600 sf of landscaping or 28% of the overall parking lot area. The parking lot is broken up by planting islands so that there are no more than 9 contiguous stalls. Trees and ground cover will be planted in each planter. The landscaped areas will be protected by a concrete curb.

## Sec. 17.98.130. - Paving.

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

Applicant Response: The parking lot, driveways and aisles will be paved with asphalt.

### Sec. 17.98.140. - Drainage.

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

**Applicant Response:** The parking lot is graded to drain the stormwater runoff to catch basins. Runoff will not be directed to sheet flow across sidewalks and public rights-of-way.

### Sec. 17.98.150. - Lighting.

The Dark Sky Ordinance in Chapter 15 of the municipal code applies to all lighting. Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

**Applicant Response:** Dark Sky Ordinance compliant lighting will be provided in the parking lot. The lighting will be directed onto the site and arranged to not produce direct glare to adjacent properties. This incudes the use of shields to prevent light trespass.

#### **CHAPTER 17.102 URBAN FORESTRY**

## Sec. 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.

Applicant Response: The following trees are being removed in order to construct the required ¾ street improvements of Scenic Street: (1) 8", (1) 10", (2) 12" and (1) 18" Pseudotsuga menziesii – Douglas fir and (1) 8" Acer macrophyllum – big leaf maple. (1) 6" Alnus rubra – red alder is being removed to install site pathways. A total of (7) trees are proposed to be removed, all in good condition. All trees proposed for removal will be replaced at a two-one ratio. A minimum of 14 native trees will be replanted onsite to mitigate for the trees that are being removed.