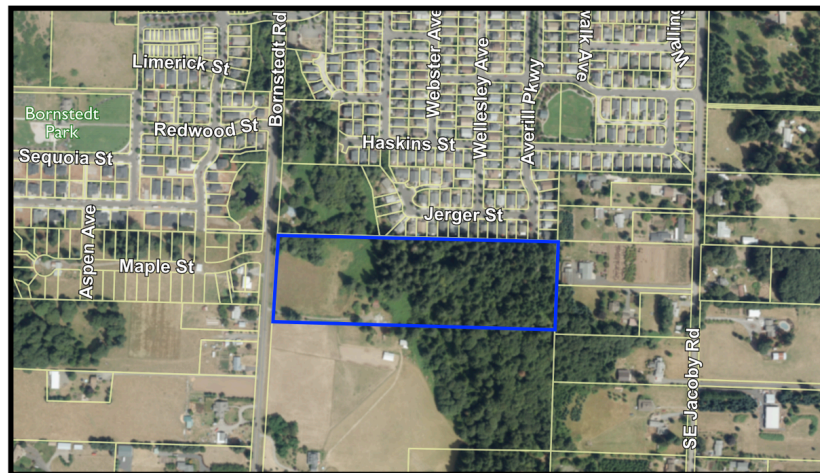


Exhibit B

Revised
Project Narrative
For

The Bornstedt Views Subdivision
19618 SE Bornstedt Road
Sandy, Oregon 97055



Prepared by Tracy Brown Planning Consultants, LLC
April 2022

(page left blank intentionally)

Project Details

Project Location: East side of Bornstedt Road at 19618 SE Bornstedt Rd.
Legal Description: Map 24E 24C, Tax Lot 100
Zoning District SFR, Single Family Residential
Site Size: 12.739 acres

Applicant

Mac Even
Even Better Homes, Inc.
P.O. Box 2021
Gresham, OR. 97030
Phone: 503-348-5602
Email: mac@evenbetterhomes.com

Representative:

Civil Engineer / Surveyor
Ray Moore, P.E., P.L.S.
All County Surveyors & Planners, Inc.
P.O. Box 955
Sandy, OR 97055
Phone: 503-668-3151
Fax: 503-668-4730
Email: ray@allcountysurveyors.com

Consultant Team:

Planning
Tracy Brown
Tracy Brown Planning Consultants, LLC
17075 Fir Drive
Sandy, OR 97055
Phone: 503-781-0453
Email: tbrownplan@gmail.com

(page left blank intentionally)

Geotechnical Engineer

Daniel M. Redmond, P.E., G.E.

Redmond Geotechnical Services, LLC

P.O. Box 20547

Portland, Oregon 97294

Phone: 503-285-0598

Fax: 503-286-7176

Cell: 503-545-9055

Email: RedmondGeotechnicalServices@gmail.com

Environmental Consultant

Jason Smith

Environmental Consulting

849 Woodpecker Drive

Kelso, WA. 98626

Phone: 360-353-3285

Email: jason@castle-rose.net

Arborist

Todd Praeger

Teragan & Associates

3145 Westview Circle

Lake Oswego, OR. 97034

Phone: 971-295-4835

Email: todd@teragan.com

Traffic Consultant

Mike Ard

Ard Engineering

21370 SW Langer Farms Parkway, Ste. 142

Sherwood, OR. 97140

Phone: 503-862-6960

Email: mike.ard@gmail.com

(page left blank intentionally)

I. General Project Description

The project site consists of a single parcel located at Township 2 South, Range 4 East, Section 24C, tax lot 100. The property contains 12.736 acres and a shed and well house located on the site will be removed. The property previously contained a single-family residence that was demolished by a Fire Department practice burn in 2018. The foundation of this structure still remains.

The site is zoned SFR, Single Family Residential. The applicant proposes constructing a 43 lot subdivision in a single phase and intends to remove the existing structures with construction of the subdivision. The parcel fronts Bornstedt Road along its western property line and the existing terminus of Averill Parkway is located in the northeast corner of the site. The property contains moderate to steep slopes running north-south through the center of the site and the western portion of the site contains steeper grades sloping downward to the east. Maple Street currently intersecting the west side of Bornstedt Road across from the development will be extended through the site from Bornstedt to the eastern property line east. The current terminus of Averill Parkway will be extended through the site to the southern property line.

As shown Sheet 8 of the plan set, a four to eight foot tall retaining wall is proposed to be constructed on the south side of Maple Street at Tract A and Lots 26 and 27. The wall will be constructed of split-faced block and will not be visible from Maple Street. The need for the wall is to hold up this portion of Maple Street and to protect trees proposed to be retained on Lot 27.

A pre-application conference was held with the City to review the project on February 26, 2020. The application was originally submitted to the city on May 6, 2021 and was deemed incomplete on June 3, 2021. On August 17, 2021 the applicant submitted additional information as requested and the application was deemed complete on August 17, 2021. After further consideration of the original plan, this plan was modified to include an extension of Maple Street through the site and includes other changes. Because of these changes, the original narrative and a number of the previously submitted exhibits have been revised.

II. Application Approval Requests

The applicant requests the following approvals with this application:

- Type II Subdivision including a Type II Tree Removal Permit;
- Type III Variance or Special Variance to Section 17.82.20 to allow homes constructed on Lots 14 - 18 with frontage on Bornstedt Road to face the internal street rather than Bornstedt Road; and
- Type III Variance or Special Variance to Section 17.100.120(B) requesting approval to exceed the 400 foot block length maximum on the north and south sides of Maple Street.

III. Items Submitted With This Application

Land Use Application - previously submitted

Notification List and Mailing Labels - previously submitted

Exhibit A - Project Narrative

Exhibit B - Civil Plans (8.5"x 11" and under separate cover)

- Sheet C1 - Cover Sheet and Future Street Plan
- Sheet C2 - Tentative Plan Map
- Sheet C3 - Topographic Survey
- Sheet C4 - Tree Inventory List 1
- Sheet C5 - Tree Inventory List 2
- Sheet C6 - Tree Inventory List 3
- Sheet C7 - Tree Retention and Protection Plan
- Sheet C8 - Street and Utility Plan
- Sheet C9 - Grading and Erosion Control Plan
- Sheet C10 - On-Street Parking Plan

Exhibit C - Storm Drainage Report

Exhibit D - Arborist Report

Exhibit E - Traffic Impact Study

Exhibit F - Updated Stream and Wetland Determination (4/15/22)

Exhibit G - Geotechnical Report

Exhibit H - Email from City Engineer re: street spacing

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*. The following code chapters have been reviewed in this narrative:

<u>Chapter</u>	<u>Title</u>
17.18 -	Processing Applications
17.30 -	Zoning District
17.34 -	Single Family Residential (SFR)
17.60 -	Flood and Slope Hazard Overlay
17.66 -	Adjustments and Variances
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
17.90 -	Design Standards
17.92 -	Landscaping and Screening
17.98 -	Parking, Loading, and Access Requirements
17.100 -	Land Division
17.102 -	Urban Forestry
15.30 -	Dark Sky Ordinance

CHAPTER 17.18 - PROCESSING APPLICATIONS

17.18.00 PROCEDURES FOR PROCESSING LAND USE APPLICATIONS

An application shall be processed under a Type I, II, III or IV procedure. The differences between the procedures are generally associated with the different nature of the decisions as described in Chapter 17.12.

When an application and proposed development is submitted, the Director shall determine the type of procedure the Code specifies for its processing and the potentially affected agencies.

If a development proposal requires an applicant to file a land use application with the city (e.g. a design review application) and if there is a question as to the appropriate procedure to guide review of the application (e.g. a Type II versus a Type III design review process), the question will be resolved in favor of the lower type number.

Response: The application is submitted as a Type II Subdivision application with two Type III Variances.

17.18.20 PRE-APPLICATION CONFERENCE

A pre-application conference is required for all Type II, III, and IV applications unless the Director determines a conference is not needed.

Response: A pre-application conference was held with the City to review the project on February 26, 2020. Based on input received at this meeting modifications were made to the project layout.

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.

Response: The applicant proposes developing a 43 lot subdivision in a single phase.

The subject property contains a gross site area of 12.739 acres. After deducting dedicated rights-of-way and a public stormwater tract (Tract A), the net site area (NSA) is 9.29 acres. As revised in Chapter 17.60 below, the subject property does not contain any restricted development areas (RDA) as defined in this chapter.

The SFR zone allows a minimum of 3 and a maximum of 5.8 units per net acre. The minimum density is calculated by multiplying the NSA x the required minimum density (9.29 acres x 3 = 27.87 units, rounded to 28 units)

The maximum density is determined by multiplying the NSA x the maximum allowed density (9.29 x 5.8 = 53.88, rounded to 54 units).

As a result of these calculations, the density range for the subject property is a minimum of 28 units and a maximum of 54 dwelling units. The proposal includes 43 units in conformance with this section.

CHAPTER 17.34 - SINGLE-FAMILY RESIDENTIAL (SFR)

17.34.00 - INTENT

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 3 or more than 5.8 units per net acre.

Response: As discussed in Chapter 17.30 above, the proposal to develop 43 lots complies with the density range (28 - 54 units) allowed in the SFR zoning district.

17.34.10 - PERMITTED USES

A. Primary Uses Permitted Outright:

Response: The applicant proposes constructing only uses permitted outright in this zone.

17.34.30 - DEVELOPMENT STANDARDS

Response: As shown on the plan set all lots contain at least 7,500 square feet, are at least 60 feet wide, and can provide minimum setbacks required by this section. Required off-street parking is shown on the plan set and is reviewed in more detail in Chapter 17.98 below.

17.34.40 - MINIMUM REQUIREMENTS

A. Must connect to municipal water.

Response: The applicant proposes extending water service to serve all dwellings in the development.

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: A well currently exists on the property and an onsite septic system may exist. These systems will be decommissioned in accordance with applicable regulations and the applicant will provide proof of the decommissioned system with construction documents.

- 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 new residence constructed in the subdivision will gain access from a public street.

17.34.50 - ADDITIONAL REQUIREMENTS

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

Response: The Residential Design Standard of Section 17.90.150 is applicable to residential development.

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

Response: All proposed lots contain greater than 40 feet of street frontage except Lots 19, a flag lot and 27.

CHAPTER 17.60 - FLOOD AND SLOPE HAZARD (FSH) OVERLAY

17.60.10 - INTERPRETATION AND MAPPING

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

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

Response: No areas are shown on the city's Zoning Map encumbered by the FSH Overlay District. At the pre-application conference the city requested the applicant provide a wetland study to define the location of restricted development areas on the site. As requested, the applicant contracted with an environmental consulting company to complete this study. This study included with the application concludes that no wetlands or streams are located on the subject property. The result of this study is there are no FSH

Overlay or restricted development areas on the site and no further analysis is required.

CHAPTER 17.66 - ADJUSTMENTS AND VARIANCES

Adjustments and variances are procedures to vary development standards normally applied to a particular district.

Response: *The applicant requests two Type III Variances or Special Variances with this application as follows:*

- *Variance No. 1 - Section 17.82.20 to allow homes constructed on Lots 14 - 18 with frontage on Bornstedt Road to face the internal street (Street A) rather than Bornstedt Road.*
- *Variance No. 2 - Section 17.100.120(B) to exceed the 400 foot maximum block length standard.*

Variance No. 1 - Section 17.82.20

Type III Variance

The applicant requests a variance to Section 17.82.20 to allow homes constructed on Lots 14 - 18 with frontage on Bornstedt Road to face the internal street rather than Bornstedt Road.

- A. The circumstances necessitating the variance are not of the applicant's making.

Response: *The location of Bornstedt Road, a minor arterial, and site specific constraints are unique to the subject property. Bornstedt Road although classified as a minor arterial street is unlikely to ever have transit service given its location and the rural nature of this road. These conditions are not of the applicant's making. This criteria is satisfied.*

- 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.

Response: *The request to face homes towards the internal local street will not affect uses allowed and constructed on these lots. Granting a variance to this section does not allow otherwise prohibited uses in the SFR zoning district. This criteria is satisfied.*

- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: *Approval of the requesting variance will further the purposes of the Comprehensive Plan by providing the residents of these homes with large, private backyards. This feature is likely to add a level of security for the owners of these homes which would not be enjoyed without approval of the variance. Granting this variance will not adversely affect implementation of the Comprehensive Plan. This criteria is satisfied.*

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
Response: *Approval of this variance will allow the property to be developed with relatively large lots featuring large private backyards. This configuration is similar to all other lots in the subdivision and the majority of similarly sized lots in the City of Sandy. Approval of this variance will only enhance the public welfare of residents living in these homes and will not be injurious to other property in the area. Approval of this variance will also provide homes constructed on these lots the same level of privacy and enjoyment as homes on lots approved by the City directly in the Marshall Ridge Subdivision located directed across Bornstedt Road from the subject property. The proposal complies with this criteria and granting this variance will not adversely affect the public welfare or will it be materially injurious to other property in the vicinity. This criteria is satisfied.*
- 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.
Response: *Approval of the requested variance will allow the property to be developed with a subdivision to create large quality lots for future residential home construction. Approval of the variance will be similar to development permitted in compliance with this standard and will be similar to homes on lots directly in the Marshall Ridge Subdivision across Bornstedt Road. This criteria is satisfied.*
- 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.
Response: *As noted above, the subject property contains frontage on Bornstedt Road and unique topographic constraints. These conditions are generally unique to the subject property and result from physical limitations of the property. This criteria is satisfied.*

Type III Special Variance

One of the following sets of criteria shall be applied as appropriate.

- A. The unique nature of the proposed development is such that:
1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
Response: *A Type III Special Variance is requested to Section 17.82.20 to allow homes constructed on Lots 14 - 18 with frontage on Bornstedt Road to face Street A, rather than Bornstedt Road. The location and roadway classification of Bornstedt Road is generally unique to the subject property. In addition, lots fronting Bornstedt are restricted from gaining access from this by Section 17.100.220(E). Approval of the requested variance would not violate the*

intent or purpose of these regulations. The proposal complies with this criteria.

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

Response: Approval of this variance would allow the property to be developed with relatively large lots featuring large private backyards. This configuration is similar to all other lots in the subdivision and the majority of similarly sized lots in the City of Sandy. Approval of this variance will only enhance the public welfare of residents living in these homes and will not be injurious to other property in the area. Approval of this variance will also provide homes constructed on these lots the same level of privacy and enjoyment as homes on lots approved by the City directly in the Marshall Ridge Subdivision located directed across Bornstedt Road from the subject property. The proposal complies with this criteria.

- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

Response: The requested variance is the minimum needed to allow development of the site as proposed and to provide security for the residents of the site. The proposal complies with this criteria.

- C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

Response: The proposed use is a new use and this criteria is not applicable.

Variance No. 2 - Section 17.100.120(B)

Type III Variance

The applicant requests a Special Variance to Section 17.100.120(B) for the north side of Maple Street from Street A to Averill Parkway and on the south side of Maple Street from Street A to Street B. This standard states: 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.

- A. The circumstances necessitating the variance are not of the applicant's making.

Response: As shown on submitted plans, the north side of Maple Street is constrained from complying with the block length standard by abutting lots accessed by Jerger Street in Cascadia Village and by the location of FSH natural resources north of the site. The south side of Maple Street is constrained by steep slopes and the location of an ephemeral drainage running

through this portion of the site. These conditions are not of the applicant's making. This criteria is satisfied.

- 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.

Response: *Given the unique challenges with developing the site, the requested Variance is the minimum variance needed to accommodate the development. Approval of the variance will not allow otherwise prohibited uses in the SFR zoning district. This criteria is satisfied.*

- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: *Due to the existing development pattern north of Maple Street, it is not practicable to construct a street to the north and due to steep slopes and the location of an ephemeral stream it is not feasible to construct a street to the south. As shown on submitted plans, a trail alignment is proposed south of Maple Street to the southern property line. No streets are shown in these locations on the city's Transportation System Plan or any other long range planning document. Granting this variance will not adversely affect implementation of the Comprehensive Plan. This criteria is satisfied.*

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

Response: *The extension of Maple Street through the property will provide a logical street network from Bornstedt Road to connect with Averill Parkway to the east. Due to natural resource constraints, granting this variance will not adversely affect the public welfare or be materially injurious to other property in the vicinity as construction of streets in these locations is not practical. This criteria is satisfied.*

- 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.

Response: *Approval of the requested variance will allow the property to be developed with a subdivision to create large quality lots for future residential home construction. The applicant proposes a pedestrian access extending from Maple Street to the southern property line. Approval of the variance will be similar to development permitted in compliance with this standard. This criteria is satisfied.*

- 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.

Response: *As noted above, topographic and built constraints and the location of an ephemeral stream on the subject property make construction of streets*

north and south of Maple Street impracticable and undesirable. These conditions are generally unique to the subject property and result from physical limitations of the property. This criteria is satisfied.

Special Variance - Section 17.100.120(B)

One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and

Response: *The applicant requests a Special Variance to Section 17.100.120(B) for the north side of Maple Street from Street A to Averill Parkway and on the south side of Maple Street from Street A to Street B. This standard states: 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. The applicant requests a Special Variance to this standard. As shown on submitted plans, the north side of Maple Street is constrained from complying with the block length standard by abutting lots accessed by Jerger Street in Cascadia Village and by the location of FSH natural resources. The south side of Maple Street is constrained by steep slopes and the location of an ephemeral drainage through this portion of the site. As shown on submitted plans, a trail easement from Maple Avenue to the southern property line is proposed in Tract A.*

The proposal complies with this criteria.

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

Response: *Approval of the requested variance will have no material detriment to the public welfare due to site constraints with the subject property. The proposed trail easement will provide a public benefit in this area of the development. The proposal complies with this criteria.*

B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

Response: *Given the unique challenges with developing the site, the requested Special Variance is the minimum variance needed to accommodate the development. The proposal complies with this criteria.*

C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

Response: *The proposed use is a new use and this criteria is not applicable.*

CHAPTER 17.80 - ADDITIONAL SETBACKS ON COLLECTOR AND ARTERIAL STREETS

17.80.00 - INTENT

The requirement of additional special setbacks for development on arterial or collector is intended to provide better light, air and vision on more heavily traveled streets. The additional setback, on substandard streets, will protect collector and arterial streets and permit the eventual widening of streets.

Response: Bornstedt Road is identified in the City's Transportation System Plan as a minor arterial.

17.80.10 - APPLICABILITY

These regulations apply to all collector and arterial streets as identified in the latest adopted Sandy Transportation System Plan (TSP). The Central Business District (C-1) is exempt from Chapter 17.80 regulations.

Response: Bornstedt Road is identified in the City's Transportation System Plan as a minor arterial.

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: As shown on submitted plans, five lots (Lots 14 - 18) abut Bornstedt Road, a minor arterial. All structures constructed on these lots will be setback at least 20 feet from this street.

CHAPTER 17.82 - SPECIAL SETBACKS ON TRANSIT STREETS

17.82.00 - INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

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: The proposed development is located adjacent to Bornstedt Road, classified as a minor arterial in the City's Transportation System Plan.

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: As reviewed in Chapter 17.66 above, the applicant requests a Variance to allow homes constructed on Lots 14 - 18 with frontage on Bornstedt Road to be oriented towards the internal street rather than Bornstedt Road as required by this section.

- 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: As reviewed in Chapter 17.66, the applicant requests a Variance to allow home constructed on lots along Bornstedt Road to be oriented towards the internal street rather than Bornstedt Road as required by this section.

- 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: All building entrances oriented towards the internal local street will be designed in compliance with Residential Design standards contained in this Code.

- 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: This section is not applicable.

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 development will have public and franchise utility improvements installed 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 project will be constructed in a single phase.

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 sidewalks on the local streets are proposed to be five feet wide separated from the curb by a landscape strip as required.

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 on submitted plans the sidewalk along Bornstedt Road is proposed to be six-feet wide. This standard is met.

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: All sidewalk improvements will be constructed according to city standards.

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 applicant is open to the city deciding which of these improvements will need to be completed prior to final plat approval. Sidewalks along local streets 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: As shown on submitted plans all bicycle and pedestrian facilities are located along streets with the exception a pedestrian path is proposed to extend from Maple Street through Tract A to the southern property line of the development. All facilities are intended to be “safe and convenient” to encourage pedestrian use.

- 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: No cul-de-sacs are proposed or required.

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

Response: There are no high volume pathways in this development.

- 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.
- 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: *All sidewalks except along Bornstedt Road will be five feet wide as required.*

- 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 identified in the City's Transportation System Plan are located on the subject property.*

- 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: *All sidewalks will be extended to the edge of the subject property as required.*

- 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 proposal contains 43 lots, less than the 50 lot threshold for this section. No transit improvements have been identified.*

- 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 residential subdivision complies with the requirements of this section.*

17.84.50 - STREET REQUIREMENTS

- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require a transportation impact study that evaluates the impact of the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study in accordance with the following:
 - 1. A proposal establishing the scope of the study shall be submitted for review to the City Traffic Engineer. The scope shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. Large projects shall assess intersections and street segments where the development causes increases of more than 20 vehicles in either the AM or PM peak hours. Once the City Traffic Engineer has approved the scope of the study, the applicant shall submit the results of the study as part of its development application. Failure to submit a required study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering.
 - 2. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.

Response: *The proposal includes dwellings and this section is not applicable.*

- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(6), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering. The applicant shall prepare the study in accordance with the following:

Response: A TPR analysis was performed for the subject property when it was annexed in 2019. This analysis indicated development of the property would have no significant effect on the functioning of Highway 211 with development of 43 lots. The proposed 43 lots is the same number as the maximum allowed without performing a TPR analysis. The proposed development contains a street network and an extension of Maple Street intersecting Bornstedt Road. The location of this street was analyzed as part of the approval of the Marshall Ridge Subdivision approval across Bornstedt Road from the subject property. A Traffic Impact Study addressing trip generation and distribution is included with the application package.

1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections where the development adds more than 20 vehicles during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The determination of peak hour vehicle addition shall include the cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years.
2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.). Analysis of other time periods may be required for uses that generate their highest traffic volumes at other times of the day or on weekends.
4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards and the Oregon Department of Transportation's mobility standard.
5. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code or fails to meet the Oregon Department of Transportation's mobility standard, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.

Response: A transportation impact study is included with the application package.

6. A transportation impact study is not required under this section if:
- a) The cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years will generate no more than 20 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation within the past 5 years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action; or
 - c) The application only proposes to convert an existing detached single family dwelling to a duplex.

Response: This section is not applicable.

- C. Transportation Impact Study (Dwellings) - Discretionary Track. As an alternative to the process outlined in Section 17.84.50(B), an applicant may choose to follow the process in Section 17.84.50(A).

Response: This section is not applicable.

- D. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:

1. Arterial streets should generally be spaced in one-mile intervals.
2. Traffic signals should generally not be spaced closer than 1500 ft. for reasonable traffic progression.

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

- E. 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: All streets are proposed to intersect in a “T” configuration as preferred by this section. The only straight street segment is Maple Street which is proposed to traverse the entire site. In addition, Street A is proposed to be located less than 150 feet from Bornstedt Road. This configuration is unavoidable given site specific conditions. Email correspondence from the City’s Engineer approving of this configuration is included with the submittal package.

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-sacs are proposed and this section is not applicable.

- F. 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 homes will gain access from a public street or a private access easement.

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: Only Bornstedt Road will be constructed with 1/2 street improvements as required by the City of Sandy and Clackamas County. All other streets include full street improvements.

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: No 3/4 streets are proposed.

5. A ½ street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A ¾ street improvement includes curbs on both sides of the side and full pavement between curb faces.

Response: *As noted above, only Bornstedt Road abutting the property will be improved with 1/2 street improvements.*

- G. 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: *All streets are proposed to be extended to the edge of the property as required. As shown on submitted plans, temporary fire apparatus turn-arounds are proposed near the end of each north-south street south of Maple Street. These features have been designed in accordance with Fire Department turn-around template standards as shown on the plan set.*

- H. 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: *No public street improvements will be required beyond the site boundaries.*

- I. 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: *Two of the street names, Maple Street and Averill Parkway are extensions of existing streets. Street names for Street A and Street B will be determined prior to Final Plat approval.*

- J. 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: No streets identified in the City's Transportation System Plan affect the subject property. All abutting streets are existing and a Future Street Plan is included with the application package showing how these streets can be extended off the property in the future.

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

Response: All new streets are local streets. The steepest street is Maple Street, east of Street B, with a grade of 12 percent. All proposed streets comply with this standard.

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: Bornstedt Road abutting the western boundary of the property is existing. This section is not applicable.

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: All proposed local streets comply 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.
- 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: *The intersection of local streets with another local street and the intersection of Maple Street with Bornstedt Road all intersect at right angles and contain the minimum straight tangent segment as required.*

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: *All streets are designed in accordance with city standards.*

- K. 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. As shown on the submitted Utility Plan, an offsite sanitary sewer connection will be bored in the 10 foot combined side PUE of Lots 253/254 of the Cascadia Village Subdivision to connect to the existing sanitary sewer line in Jerger Street to the north.*

- 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 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: All facilities will be public with the exception a single private sanitary sewer line and easement is proposed along the common line of Lots 25/26 to serve Lots 19 and 27.

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 development 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 cable television service as required.

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

Response: A land division is proposed and this section is not applicable.

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

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

Response: *The applicant anticipates all utilities will be placed underground.*

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 the 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 easements shown on the preliminary plat other than 8-foot PUE's include a variable width public storm easement across Lot 11, a 15*

foot wide sanitary sewer easement centered on Lots 7/8, a 15-foot storm drainage easement along the south line of Lots 31, 32, and 39 and a 20 foot combined storm and sanitary sewer easement across the south line of Lot 40. In addition, temporary fire turn-around easements are shown on Lots 20/21, 30/31, and 38/39 and a 10 foot wide private sanitary sewer easement benefitting Lots 26 and 27 is shown on the common line of Lots 25/26.

- 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 are 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: No public dedication for the purposes in this section is anticipated.
- 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 trails are identified in the TSP or other adopted plans on the subject property.
- 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: No additional public dedications have 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 proposed easements will be shown on the face of the recorded subdivision plat.

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 adopted Parks Master Plan does not show any parks or trails on the subject property.*

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: *No public parkland has been identified on the tentative plat.*

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 43 lots results in the following formula: 43 (proposed s.f. units) x 3 (persons/unit) x 0.0043 (per person park land dedication factor) = 0.554 rounded to 0.55 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:

Response: *The applicant does not propose dedicating any parkland with this development.*

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.

1. The following factors shall be used in the choice of whether to accept land or cash in lieu:
 - a. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
 - b. Potential adverse/beneficial effects on environmentally sensitive areas;
 - c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
 - d. Availability of previously acquired property; and
 - e. The feasibility of dedication.
2. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat or as specified below:
 - a. 50 percent of the payment shall be paid prior to final plat approval, and
 - b. The remaining 50 percent of the payment pro-rated equally among the lots, plus an administrative surcharge as determined by the City Council through a resolution, will constitute a lien against the property payable at the time of sale.

Response: The applicant proposes paying a fee in lieu of parkland dedication in accordance with Subsection 2 of this Section.

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: As previously determined by the Planning Commission, the City's tree protection standards in this section do not apply to residential subdivisions. The regulations of Chapter 17.102, Urban Forestry relevant to this proposal are reviewed below. Landscaping is primarily confined to the proposed stormwater facility and street side landscape planters.

17.92.20 - MINIMUM IMPROVEMENTS - LANDSCAPING AND SCREENING

Response: The Single Family Residential zone is not listed in this section requiring compliance with minimum landscaping requirements.

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: An On-street Parking Plan as required by this section is included in the plan set as Sheet C10. The proposal complies with this section.

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 included 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: *The exact width of proposed driveways have not been determined at this time. All lots will comply with this standard.*

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

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

- 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: *All of the proposed lots will be constructed with a use permitted in this zone in accordance with the requirements of this section.*

- 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.*

- G. 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 fifty 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.

Acronyms on the next page:

PT = point of tangency

PC = point of curvature

PRC = point of reverse curvature

Response: *No cul-de-sacs are proposed and this section is not applicable.*

- H. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. 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: The requirements of this section will be considered in placing landscaping in these areas with construction of homes. Clear vision areas will be shown on the Site Plan with each building permit.

- I. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

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 is located in the SFR zone requiring compliance with this section. Clear vision triangles in accordance with Section 17.74.30 are shown as required.

- 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: An On-Street Parking Plan designed in compliance with the requirements of this section is included with the application package. The proposed 43-lots require 43 on-street parking spaces. As shown on this plan, 97 on-street parking spaces at least 22 feet in length and within 300 feet of each lot are provided. The proposed plan complies 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 proposal is for a Type II residential subdivision with two Type III Variances.

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: The proposal is for a 43 lot 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: A pre-application conference was held with the city on February 26, 2020.

- 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 this narrative, the proposed subdivision is designed to be consistent with density, setback, and dimensional standards in the SFR zoning district.*

2. The proposed subdivision is consistent with the design standards set forth in this chapter.

Response: *With the exception of the two variances requested with this application, the proposal complies with the design standards in this chapter. This criterion is met.*

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. This criterion is met.*

4. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

Response: *All streets are short segments and are not expected to exceed ADT standards. A TIS is included with the application package. This criterion is met.*

5. Adequate public facilities are available or can be provided to serve the proposed subdivision.

Response: *The city has indicated that all other public facilities have adequate capacity to serve the proposed subdivision. This criterion is met.*

6. All proposed improvements meet City standards.

Response: *As reviewed in this narrative, the proposed improvements in this application comply with City standards.*

7. 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 a single phase.

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: The subject property does not contain any of the items identified as “unsuitable” in this section. The subject property is suitable to construct a new residential subdivision.

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 does not abut Highways 26 or 211.

17.100.100 - STREETS GENERALLY

A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected 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 many streets so that key streets (particularly U.S. 26) are not overburdened.

Response: The development features a street connection to Bornstedt Road and Averill Parkway with future street connections provided to the east, north, and south of the subject property. The submitted Future Street Plan shows how the proposed street pattern can be extended to serve adjacent properties.

B. Transportation Impact Studies. An applicant is required to prepare and submit a transportation impact study in accordance with the standards of Chapter 17.84 unless those standards exempt the application from the requirement.

Response: As reviewed in Section 17.84.50(B)(6) above, a transportation impact study is included with the application package.

C. 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: All proposed streets comply with the requirements of this section.

- D. 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 development features an extension of Maple Street, a new east-west street connecting to Bornstedt Road extending through the property. As noted in Chapter 17.66 above, due to physical and natural conditions of the site and the existing development pattern north of the property, a Variance to the block length standard in Section 17.100.120(B) is requested. The proposed street pattern creates a generally rectangular grid pattern adapted to the topographic conditions of the site.
- E. 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 this section is included with the plan set.
- F. 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: As shown on submitted plans, Maple Street on the subject property is aligned with this street across Bornstedt Road from the development. Averill Parkway on the subject property is an extension of this existing street constructed to the north. As shown on the Future Street Plan, all streets are designed as practical to provide connections to abutting properties.

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: The subject property abuts Bornstedt, a minor arterial, along its western boundary. Because of moderate slopes on the subject property to the

east, development of the site does not lend itself to creating blocks with two tiers. The proposal complies with this section.

- 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:** *As noted above, the applicant requests a Type III Variance to this section for both the north and south sides of Maple Street. The details of this request are reviewed in Chapter 17.66 above.*

- 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:** *As noted above, the blocks from Street A to Averill Parkway on the north side of Maple Street and from Street A to Street B on the south side of Maple Street exceed 600 feet in length. As shown on submitted plans, a pedestrian connection is proposed south of Maple Street from Maple Street to the southern property line in compliance with this section. Because of the existing lot configuration and natural resource constraints on the north side of Maple Street, no logical location exists to provide a similar pedestrian connection to the north.*

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: *Eight foot wide public utility easements will be included along all property lines abutting a public right-of-way. In addition, following public easements are proposed in the following locations:*

- *Variable width public storm easement across Lot 11;*
- *15 foot wide sanitary sewer easement centered on Lots 7/8;*
- *15-foot storm drainage easement along the south line of Lots 31, 32, and 39; and a*
- *20 foot combined storm and sanitary sewer easement across the south line of Lot 40.*

In addition to these utility easements, temporary fire turn-around easements are proposed on Lots 20/21, 30/31, and 38/39 and a 10 foot wide private sanitary

sewer easement benefitting Lots 26 and 27 is shown on the common line of Lots 25/26.

17.100.140 - PUBLIC ALLEYS

Response: No alleys are proposed or required.

17.100.150 - RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
2. The construction of a local street is determined to be unnecessary.

Response: No private drives are proposed.

B. Design

1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.
5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

Response: No private drives are proposed and this section is not applicable.

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: Only a single flag lot, Lot 19 is proposed. This lot contains 20 feet of street frontage.

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: All streets are designed to intersect abutting streets at right angles. The proposal complies with the requirements of this section.

- 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 proposed streets comply with the standards of 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 will be 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 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 prior to installation of these 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: The subdivision contains a logical lot layout and no difficulties in securing building permits to build on any of these lots is anticipated.

- 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: As discussed above, all lots, except Lot 27, contain less than double (15,000 square feet) the minimum lot standard in the SFR zoning district. As shown on submitted plans, Lot 27 is proposed to contain 43,175 square feet, more than double the 7,500 square foot minimum. The reason for this configuration is due to site topography and difficulty in serving this area with street access. As shown on the topographic survey, a considerable portion of this lot contains slopes in excess of 25 percent. In addition, a substantial grove of trees proposed to be retained is located on the northern portion of the lot. For this reason, access to the only developable portion of this lot in the southwest corner, will be needed from an easement across the pole portion of Lot 19. These features and conditions limit division of this lot in the future.

- 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. The proposal complies with this section.

- 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: None of the lots contain double frontage as defined by this section except Lots 14 - 18 abutting Bornstedt Road. Because direct access to these lots from Bornstedt Road is not permitted, a double frontage lot configuration 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: All lots are proposed to gain access from a new local street. No direct access to Bornstedt Road, a minor arterial, is proposed.

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 to install 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 to install sanitary sewer lines in compliance with applicable standards. All lots will be served by gravity sewer.

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 single stormwater water quality and detention facility (Tract A) is proposed. This facility has been sized and located to accommodate public stormwater generated by the subdivision. A preliminary stormwater report is included with the application package as required.

- 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: As shown on improvement plans the applicant intends to install 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: As shown on submitted plans, sidewalks will be constructed along the east side of Bornstedt Road and on both side of all new streets.

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 bicycle routes are existing, planned, or proposed on the subject property.

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. As noted on Sheet C10, the proposed tree species will be selected from the City's approved tree list.

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 erosion control plan provides additional details to address erosion control concerns.

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 improvements specified in this section will 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 12.739 acres and the standards of this chapter are applicable to the proposed application. As shown on submitted plans and detailed in the Arborist Report, development of the site requires removal of the majority of the trees on the site. The proposed tree removal and protection plan has been designed in accordance with the standards of this chapter.

17.102.50 - TREE RETENTION AND PROTECTION REQUIREMENTS

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

Response: The subject property contains 12.739 acres requiring retention of three trees, 11 inches and greater DBH ($12.739 \times 3 = 38.217$ rounded down to 38 trees). As stated in this section, trees proposed for retention shall be "healthy and likely to grow to maturity". This section also has a preference for retaining conifer trees over deciduous. The submitted Arborist Report provides a description and quality assessment of each of the trees on the site. As noted on the plan set, the site contains 747 trees, 333 of which meet tree retention requirements. The majority of these trees are located on the eastern portion of the site within proposed building envelopes or roadways. As shown on these plans, 38 trees are proposed to be retained, the same number required by this section. Trees to be retained are generally located in the back of lots along the northern property line, the back of lots along the eastern property line, and on the northern portion of Lot 27. This standard is met.

- 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: Root protection zones exceeding these tree protection standards for retained trees are shown on submitted plans.

17.102.60 - TREE REPLANTING REQUIREMENTS

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

Response: The requirements of this section as applicable will be completed with construction of subdivision improvements.

17.102.70 - VARIANCES

Under a Type III review process, the Planning Commission may allow newly-planted trees to substitute for retained trees if:

1. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and
2. The substitution more nearly meets the intent of this ordinance due to:
 - a. The location of the existing and proposed new trees, or
 - b. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or
 - c. An undue hardship is caused by the requirement for retention of existing trees.
 - d. Tree removal is necessary to protect a scenic view corridor.

Response: As noted above, the proposed tree retention plan complies with the tree retention requirements of Section 17.102.50 above. A variance to this section has not been requested or is one 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.

V. Conclusion

The applicant requests approval to construct a 43 lot residential subdivision in compliance with standards in the Single Family Residential Zoning District. As reviewed in this narrative and shown on submitted plans and studies including the submitted Traffic Impact Study, Arborist Report, Geotechnical Report, and Stream and Wetland Determination, the proposed subdivision complies with all applicable standards with the exception of the two standards, due to site specific conditions. Variances have been requested to these standards. Given these facts, the applicant respectfully requests this application be approved as submitted.

BORNSTEDT VIEWS SUBDIVISION
Supplemental Narrative
Prepared by Tracy Brown Planning Consultants, LLC
May 26, 2022

INTRODUCTION

The purpose of this narrative is to supplement the revised project narrative for the Bornstedt Views Subdivision (File No. 21-021) previously submitted to the City of Sandy. During their preliminary review of the revised plan, the City identified three additional variances they believe are required to allow the subdivision design to be approved as submitted. Each of these variances are reviewed below.

The following additional variances were identified:

- Type III Variance to Section 17.74.40(A)(2) to allow the retaining wall in the front yard of Lot 27 to exceed four feet in height.
- Type III Variance to Section 17.100.120(B) to exceed the 400 foot maximum block length standard for Maple Street.
- Variance to Section 17.100.120(D) to allow the mid-block pedestrian path proposed to be constructed on the south side of Maple Street to be constructed as a six-foot soft-surface path rather than an “improved surface of 10 feet” as specified in this section.

CHAPTER 17.66 - ADJUSTMENTS AND VARIANCES

Adjustments and variances are procedures to vary development standards normally applied to a particular district.

Response: All of the criteria for both a Type III Variance and a Type III Special Variance for each request are reviewed below.

Variance No. 1 - Section 17.74.40(A)(2)

The City asked the applicant to apply for a Type III Variance to Section 17.74.40(A)(2) to allow the retaining wall proposed in the front yard of Lot 27 to exceed four feet. As shown on submitted plans, the 4 - 8 foot wall proposed to be constructed along the front of Lot 27 is needed to hold up the extension of Maple Street through the property and to protect retained trees on this lot. This wall is designed to raise the road grade of this portion of the road and will not be visible from either the road surface or the sidewalk along this street. As shown on submitted plans, because of site grading and the location of retained trees, access to Lot 27 will be across an easement on Lot 19. As such, although Maple Street is technically considered the front lot line, access to Lot 27 from Maple Street is not possible.

Type III Variance - Section 17.74.40(A)(2)

- A. The circumstances necessitating the variance are not of the applicant's making.

Response: *The proposed retaining wall is necessary due to topographic conditions of the site and the need to elevate the road grade for this portion of the Maple Street extension. In addition, this wall is necessary to provide adequate protection for retained trees on Lot 27. These conditions are not of the applicant's making and this criteria is satisfied.*

- 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.

Response: *The request to construct a 4 - 8 foot wall to allow construction of the proposed Maple Street extension through the property and to provide protection for retained trees on this residential lot does not arise from a code violation. Granting a variance to this section will not allow an otherwise prohibited use in the SFR zoning district where this property is located. This criteria is satisfied.*

- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: *Approval of the requested variance will further the purposes of the Comprehensive Plan by reducing the grade of Maple Street and protecting retained trees. Granting this variance will not adversely affect implementation of the Comprehensive Plan. This criteria is satisfied.*

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

Response: *Approval of this variance will allow Maple Street to be extended through the property and trees to be retained and protected in perpetuity. Approval of this variance will only enhance the public welfare of residents living in this neighborhood. The proposal complies with this criteria and granting this variance will not adversely affect the public welfare or will it be materially injurious to other property in the vicinity. This criteria is satisfied.*

- 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.

Response: *Approval of the requested variance will allow the extension of Maple Street through the property and retained trees to be protected. Approval of the variance will be similar to development permitted in compliance with this standard and will be similar to other development permitted under this code. This criteria is satisfied.*

- 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. **Response:** *The subject property contains considerable topographic constraints as shown on submitted plans and the city has required Maple Street to be extended through the property. In addition, the location of trees on the subject property requires trees to be protected on Lot 27. These conditions are generally unique to the subject property and are the result of physical limitations and natural characteristics of the property. This criteria is satisfied.*

Type III Variance - Section 17.74.40(A)(2)

One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and

Response: *The City has asked the applicant to apply for a Type III Variance to Section 17.74.40(A)(2) to allow the retaining wall proposed in the front yard of Lot 27 to exceed four feet height. Although it is not contained in the code, it can be assumed the purpose of this requirement is to limit the height of a wall or fence in the front yard of residential lots to present a more aesthetically appealing street presence for homes constructed on these lots. The proposed 4 - 8 foot wall is necessary to hold up a portion of Maple Street extended through the property and to protect retained trees. As shown on submitted plans, because of site grading and retained trees, Lot 27 will be accessed across an easement on Lot 19. As such, although Maple Street is technically considered the front lot line, access to this street is not possible. Approval of the requested variance will not violate the intent or purpose of these regulations. The proposal complies with this criteria.*

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

Response: *Approval of this variance is needed to allow Maple Street to be extended through the property and to protect retained trees. The proposal complies with this criteria and granting this variance will only enhance the public welfare and will not be materially injurious to other property in the vicinity. This criteria is satisfied.*

B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

Response: *The requested variance is the minimum needed to allow construction of Maple Street through the site and to meet tree retention requirements. The proposal complies with this criteria.*

C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the

restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

Response: The proposed use is a new use and this criteria is not applicable.

Variance No. 2 - Section 17.100.120(B)

Because the block length on both the north and south sides of Maple Street exceed 400 feet and the conditions requiring this design are similar, the applicant previously submitted a single variance request to the block length standard for both sides of the road. The City has now asked the applicant to submit a narrative and pay for a separate variance to Section 17.100.120(B) for each side of the road. This standard states: 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. The supplemental narrative is similar to that previously submitted.

Type III Variance - Section 17.100.120(B)

A. The circumstances necessitating the variance are not of the applicant's making.

Response: As shown on submitted plans, the north side of Maple Street is constrained from complying with the block length standard by abutting lots accessed by Jerger Street in Cascadia Village and by the location of FSH natural resources north of the site. The south side of Maple Street is constrained by steep slopes and the location of an ephemeral drainage that runs through this portion of the site. These conditions are not of the applicant's making. This criteria is satisfied.

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.

Response: Given the unique challenges with developing the site, the requested variance is the minimum needed to accommodate this development. Approval of the variance will not allow otherwise prohibited uses in the SFR zoning district. This criteria is satisfied.

C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: Due to the existing development pattern north of Maple Street, it is not practicable for the applicant to construct a street north of this street. Also, due to steep slopes and the location of an ephemeral stream, it is not feasible for the applicant to construct a street to the south. As shown on submitted plans, a trail is proposed south of Maple Street to the southern property line to satisfy the intent of Section 17.100.120(D). No streets are shown in these locations on the city's Transportation System Plan or any other long range planning document. As detailed above, approval of this variance will not adversely affect implementation of the Comprehensive Plan. This criteria is satisfied.

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
Response: *The extension of Maple Street through the property provides a logical street network from Bornstedt Road to connect with Averill Parkway to the east. Due to natural resource constraints, granting this variance will not adversely affect the public welfare or be materially injurious to other property in the vicinity as construction of streets to create additional blocks in these locations is not practical. This criteria is satisfied.*
- 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.
Response: *Approval of the requested variance will allow the property to be developed with a subdivision to create large quality lots for future permitted residential home construction. As shown on submitted plans, a pedestrian access extending from Maple Street to the southern property line is proposed to allow pedestrian movement between the subject property and the property to the south when it develops. Approval of this variance will allow the property to be developed similar to development permitted in compliance with this standard. This criteria is satisfied.*
- 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.
Response: *As noted above, topographic and built constraints and the location of an ephemeral stream on the subject property make construction of streets north and south of Maple Street impracticable and undesirable. These conditions are generally unique to the subject property and result from physical limitations of the property. This criteria is satisfied.*

Type III Special Variance - Section 17.100.120(B)

One of the following sets of criteria shall be applied as appropriate.

- A. The unique nature of the proposed development is such that:
1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
Response: *The applicant requests a Special Variance to Section 17.100.120(B) for the north side of Maple Street from Street A to Averill Parkway and on the south side of Maple Street from Street A to Street B. This standard states: 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. The applicant requests a Special Variance to this standard. As shown on submitted plans, the north side of Maple Street is constrained from complying with the block length standard by abutting lots accessed by Jerger Street in*

Cascadia Village and by the location of FSH natural resources. The south side of Maple Street is constrained from complying with this standard by steep slopes and the location of an ephemeral drainage on this portion of the site. As shown on submitted plans, a trail easement from Maple Avenue to the southern property line is proposed in Tract A. The proposal complies with this criteria.

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

Response: Approval of the requested variance will have no material detrimental affect on the public welfare or will it be injurious to other property in the area. The proposed trail easement will provide a public benefit in this area of the development. The proposal complies with this criteria.

- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

Response: Given the unique challenges with developing the subject property, the requested Special Variance is the minimum needed to accommodate this development. The proposal complies with this criteria.

- C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

Response: The proposed use is a new use and this criteria is not applicable.

Variance No. 3 - Section 17.100.120(D)

The applicant requests a Special Variance to Section 17.100.120(D) to vary the design standard for the proposed mid-block pedestrian path. Section 17.100120(D) requires any block in a residential district over 600 feet in length include a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract. As shown on submitted plans, the block south of Maple Street exceeds 600 feet in length. For this reason, the applicant proposes constructing a pedestrian path through Tract A from Maple Street to the southern property line in compliance with this section. Due to relatively steep grades in this area and the length of this facility, the applicant requests approval to construct a six-foot wide soft-surface trail in this location.

Type III Variance

- A. The circumstances necessitating the variance are not of the applicant's making.

Response: As shown on submitted plans, the applicant is proposing to construct a mid-block pedestrian path through Tract A from Maple Street to the southern property line of the property. Due to the grade of this facility

and the grade of the property south of the subject property, construction of a 10-foot wide “improved surface” pedestrian and bicycle accessway is not practicable. For this reason, the applicant requests a variance to allow construction of a six-foot wide soft surface trail using wood chips or gravel. These site specific conditions are not of the applicant’s making and this criteria is satisfied.

- 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.

Response: *Given the unique challenges with developing the site, the requested variance is the minimum needed to accommodate the proposed facility. Approval of the variance will not allow an otherwise prohibited use in the SFR zoning district. This criteria is satisfied.*

- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: *The applicant proposes an alternative trail width and material for the required facility. The proposal is intended to ensure pedestrian connectivity between the subject property and a future development south of the subdivision. Granting this variance will not adversely affect implementation of the Comprehensive Plan. This criteria is satisfied.*

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

Response: *The applicant is requesting variance is to vary the trail design standard in this section, not to eliminate this facility. Because of natural resource constraints on the subject property, approval of this variance will not adversely affect the public welfare or be materially injurious to other property in the vicinity as construction of this facility as specified is not practical without extensive excavation and construction of retaining walls. This criteria is satisfied.*

- 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.

Response: *Approval of the requested variance will allow construction of the required facility to provide a pedestrian connection between the subject property and a subdivision constructed on the abutting property to the south in the future. Approval of the variance will be similar to development permitted in compliance with this standard. This criteria is satisfied.*

- 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.

Response: As noted above, the applicant is requesting a variance to vary the design standard for the proposed mid-block pedestrian path south of Maple Street. Section 17.100120(D) requires any block in a residential district over 600 feet in length include a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract. As shown on submitted plans, the block south of Maple Street exceeds 600 feet in length. For this reason, the applicant proposes constructing a pedestrian path through Tract A from Maple Street to the southern property line in compliance with this section. Due to relatively steep grades in this area and the length of this facility, the applicant requests approval to construct a six-foot wide soft-surface trail in this location. This request is directly related to topographic conditions of the site over which the applicant has not control. This criteria is satisfied.

Special Variance - Section 17.100.120(D)

One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and

Response: As shown on submitted plans, a pedestrian path is proposed to be constructed through Tract A from Maple Street to the southern property line in compliance with this section. Due to relatively steep grades in this area and the length of this facility, the applicant requests approval to vary the design of this facility to include six feet wide soft-surface surfaced with bark chips or gravel. The intent of this section is to provide connectivity between properties and the proposed design satisfies this intent. The proposal complies with this criteria.

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

Response: The proposed trail easement and path are intended to provide a public benefit in this area of the development by allowing residents of the subject property and the future development to the south to walk between these properties. The request to vary the design of trail will not have a materially detrimental affect on the public welfare or will it be injurious to other property. The proposal complies with this criteria.

B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

Response: Given the unique challenges with developing the site, the requested variance is the minimum variance needed to accommodate the construction of this facility. The proposal complies with this criteria.

C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the

restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

Response: The proposed use is a new use and this criteria is not applicable.

CONCLUSION

As reviewed in this supplemental narrative, the City identified three additional variances they believe are required to allow the subdivision design to be approved as submitted. As reviewed above, each variance complies all applicable criteria and the applicant requests these variances be approved.