

Memorandum

VIA E-MAIL

**To:** Jerry Crosby, Chair, and Sandy Planning Commission Members  
**From:** Michael C. Robinson  
**Date:** October 11, 2021  
**Subject:** City of Sandy File No. 21-014 SUB/TREE; Part of Applicant's First Open Record Period Submittal

**File No.:**

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Dear Chair Crosby and Sandy Planning Commission members,

Attached are two pages from the Staff Report for the December 7, 2020 Sandy City Council public hearing for the Bull Run application, the prior application concerning this property. These pages are submitted to support the Applicant's argument that the Dubarko Road frontage improvements cannot be based on any City plan, incorporated or otherwise, and that a connection to U.S. Highway 26 requires a Grant of Access.

**Exhibit 1** is Finding 75 from Staff Report page 22 which explained that the U.S. Highway 26 improvements requested by ODOT are not based on the City's Transportation System Plan (the "TSP"). Without the TSP as a basis for the proposed exaction and because applicable law prevents the improvements as an exaction, the City is without authority to require the improvements for this Application, especially because the Application's vehicle trips will not access U.S. Highway 26.

**Exhibit 2** is Finding 86 from Staff Report page 24 which explained that the Dubarko Road connection requires a Grant of Access, the argument made by the Applicant in this Application.


MCR:jmhi  
Attachments

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**easement will impact the tree retention area. If the tree retention area is negatively impacted the applicant shall preserve additional trees.** Street B (defined as 'New Road in the TSP) is classified as a collector street and does not need to adhere to the standards in Section 17.84.50(B).

73. The alignment of Street B and Dubarko Road does not provide the minimum 100 feet of tangent alignment (as measured from the curb line on Dubarko extended) on Street B as required by Section 17.84.50(H)(5)(a) of the Sandy Municipal Code (SMC). **The alignment of the intersection of Street B and Dubarko Road shall be revised to provide the minimum 100 feet of tangent section to comply with the Development Code or as otherwise approved by the City Engineer.**
74. The widening of Dubarko Road to accommodate the section recommended in the TSP is eligible for Transportation System Development Charge credits. The difference in cost between the required minor arterial improvements and a standard local street section is eligible for credits. **Estimated costs shall be submitted to City staff and reviewed and approved by the City Engineer. The City and the Applicant shall enter into an agreement defining the eligible improvements and estimated costs prior to plat approval. SDC credits shall be based on final audited costs.**
75. Dubarko Road will contain a dedicate left turn and right turn/through lane, a median with street trees, and a dedicated left turn lane to Street B. Highway 26 improvements will include among other things a dedicated right turn lane to Dubarko Road, sidewalks, street trees, and restriping. **The applicant shall adhere to all standards and requirements that are defined by ODOT, including the Dubarko Road connection to Highway 26 and all required improvements along Highway 26 including stormwater facilities constructed as necessary to be consistent with local, ODOT, and ADA standards.** As stated by the Public Works Director any ODOT required improvements on and adjacent to the Highway 26 frontage of the site are not included in the City's TSP or capital plans and as such are not eligible for SDC credits or reimbursement.
76. The proposed development does not include any long straight street segments or cul-de-sac streets and is thus not required to follow the standards in Section 17.84.50(C).
77. Section 17.84.50(D) requires that development sites shall be provided with access from a public street improved to City standards. All single-family homes will gain direct access from a public street improved to city standards with the exception of Lot 4 which will be accessed across an easement on Lot 3. All new streets are proposed as full street improvements with the exception of improvements along Highway 26. No off-site improvements have been identified or are warranted with the construction of this subdivision. All streets are proposed as full streets; with no three-quarter streets being proposed.
78. Section 17.84.50(E) requires that public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property. The proposed street layout results in one temporary dead-end street (Street B) that will be stubbed to the southern property line of the subject property. To accommodate fire apparatus turnaround the

Collector road terminating at the southern extents of the subject property to allow the road to extend south from the westernmost leg of the SE Vista Loop Drive intersection; and curb, sidewalks, cross walk ramp, bikeways and road widening along Highway 26 constructed as necessary to be consistent with local, ODOT, and ADA standards.

 86. The intersection of Dubarko Road and Highway 26 requires a grant of access from ODOT. **Prior to final plat approval the applicant shall obtain a grant of access or other necessary approval from ODOT for access to Highway 26 at Dubarko Road.**

87. The City Transportation Engineer (Exhibit M) stated that conditions of approval should be included requiring the development comply with the standards and procedures specified by ODOT. He went on to say that ODOT requirements and standards associated with frontage improvements where the development abuts Highway 26 shall be made conditions of approval with the development.

**17.86 – Parkland and Open Space**

88. The applicant intends to dedicate parkland as outlined in the requirements of Section 17.86.

89. 17.86.10(2) contains the calculation requirements for parkland dedication. The formula is acres = proposed units x (persons/unit) x 0.0043. For the four single family homes, acres = 4 x 3 x 0.0043 = 0.05 acres. For the maximum development of 147 multifamily units, acres = 147 x 2 x 0.0043 = 1.26 acres. Combined, this totals 1.31 acres. The applicant proposes to dedicate 1.426 acres of parkland and is thus in compliance with this requirement.

90. If the applicant proposes multifamily dwellings as part of the development of Lot 7 which is proposed to be zoned C-3 the applicant is eligible for parks fee in-lieu credit up to 0.11 acres (the rounded difference between the required amount of parkland dedication and the proposed amount of parkland dedication). **The applicant can propose up to 13 multifamily units (13 x 2 x 0.0043 = 0.11 acres) prior to incurring parks fee in-lieu charges. Anything beyond 13 multifamily units on Lot 7 will incur parks fee in-lieu fees per the calculations as defined in the Sandy Development Code. However, if the applicant does not propose any multifamily units on Lot 7 the applicant will not be owed a monetary credit.**

91. Section 17.86.20 has a requirement that all homes must front on the parkland. The applicant is not proposing any houses to the south or east of the parkland, but instead are proposing future commercial development. The applicant's narrative states, "in order to address the spirit of the requirement of this requirement in this section, the applicant proposes constructing a widened sidewalk along the eastern park frontage adjacent to Lot 7". Staff supports the shift of commercial lands from the east side of Dubarko Road to the west side of Dubarko Road if the parkland is accommodated with adequate landscape buffering, pedestrian amenities, and commercial development (albeit mixed use or traditional commercial) having active storefronts or patios facing the parkland. The purpose of having homes front the parkland is to provide eyes on the park and increase safety for park users. Having active storefronts or patios facing the park will provide the same safety measures as homes facing the park. **Staff recommends that the design review approval for Lot 7 shall**