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EXHIBIT T

TRANSMITTAL

DATE: April 26, 2005

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File

VIA:

TO: Mr. Tracy Brown
Director of Planning & Development
City of Sandy
39250 Pioneer Blvd.
Sandy, OR 97055

NUMBER OF PAGES TRANSMITTED: 7

PROJECT NUMBER: 20352

FILE NAME: Brown 04-26-05 trees.doc

PROJECT: Mt Hood Athletic Club

FROM: Chris Caruso

VIA: Fax 503-668-8714

COPIES	DATED	PAGE NO.	DESCRIPTION
1	04-25-05		Tree Covenant

REMARKS:

Tracy,

Here is the tree covenant. I have sent the original to Paul for review and notarization. I hope to have the final document by the end of next week. The trees show up much better on the original document but there are 25 slated for conservation. I hope it meets your expectations. If not, I'll have to notify the lawyer immediately.

Have you come to a conclusion regarding the possible site/parking revisions? I would like to tell Paul and Lila something definitive this week. If you can send me something in writing, stating the City's position, that would be good.

Thanks as always.

After recording return to:

Perkins Coie, LLP
1211 SW 5th Ave., Suite 1500
Portland, Oregon 972104
Attention: Steve Pfeiffer

This space reserved for recorder's use.

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT ("Covenant") is made as of April 27, 2005, by PAUL A. REED and LILA K. REED ("The Reeds") with respect to property they jointly own in the City of Sandy, Oregon.

RECITALS

A. The Reeds are the owners of an 8.45-acre parcel of property more particularly identified as Tax Lot 600 of Section 14, Township 2 South, Range 6 East of the Willamette Meridian, in the City of Sandy, Clackamas County, Oregon (the "Property").

B. The Property is being reviewed as part of an application before the City of Sandy for subdivision into six lots that will comprise the Twin Cedars Subdivision. The subdivision application is being processed as City of Sandy File No. 04-059 SUB. Pursuant to a condition of approval imposed by the City of Sandy as part of that review, the Reeds are required to record a restrictive covenant against the the Property that will protect certain specified trees on the Property. The purpose of this Covenant is to prohibit removal of the specified trees, except under certain circumstances more particularly described below.

COVENANT

NOW, THEREFORE, the Reeds declare and covenant:

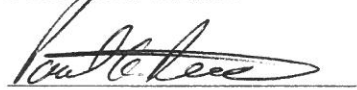
1. Neither the Reeds nor any future owner of the Property shall remove any of the 25 trees on the Property identified on the attached Exhibit A (the "Trees") without

first obtaining approval from the City of Sandy pursuant to Sandy Development Code Chapter 17.102.30, or any successor chapter or ordinance thereto.

2. Removal of any of the Trees shall only be allowed upon a determination by a qualified professional that the Tree is diseased, dead, dying, or otherwise hazardous to persons or property in a way that can only be remediated by complete removal of the Tree.

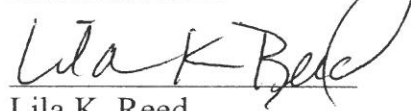
3. This Covenant is intended to and shall run with the land, and shall be binding upon the Reeds, their successors in interest and all future owners of the Property.

PAUL A. REED



Paul A. Reed

LILA K. REED

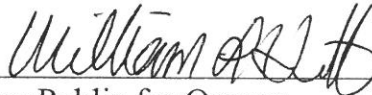


Lila K. Reed

STATE OF OREGON)

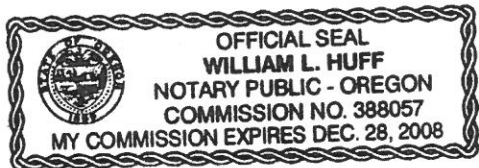
County of CLACKAMAS) ss.

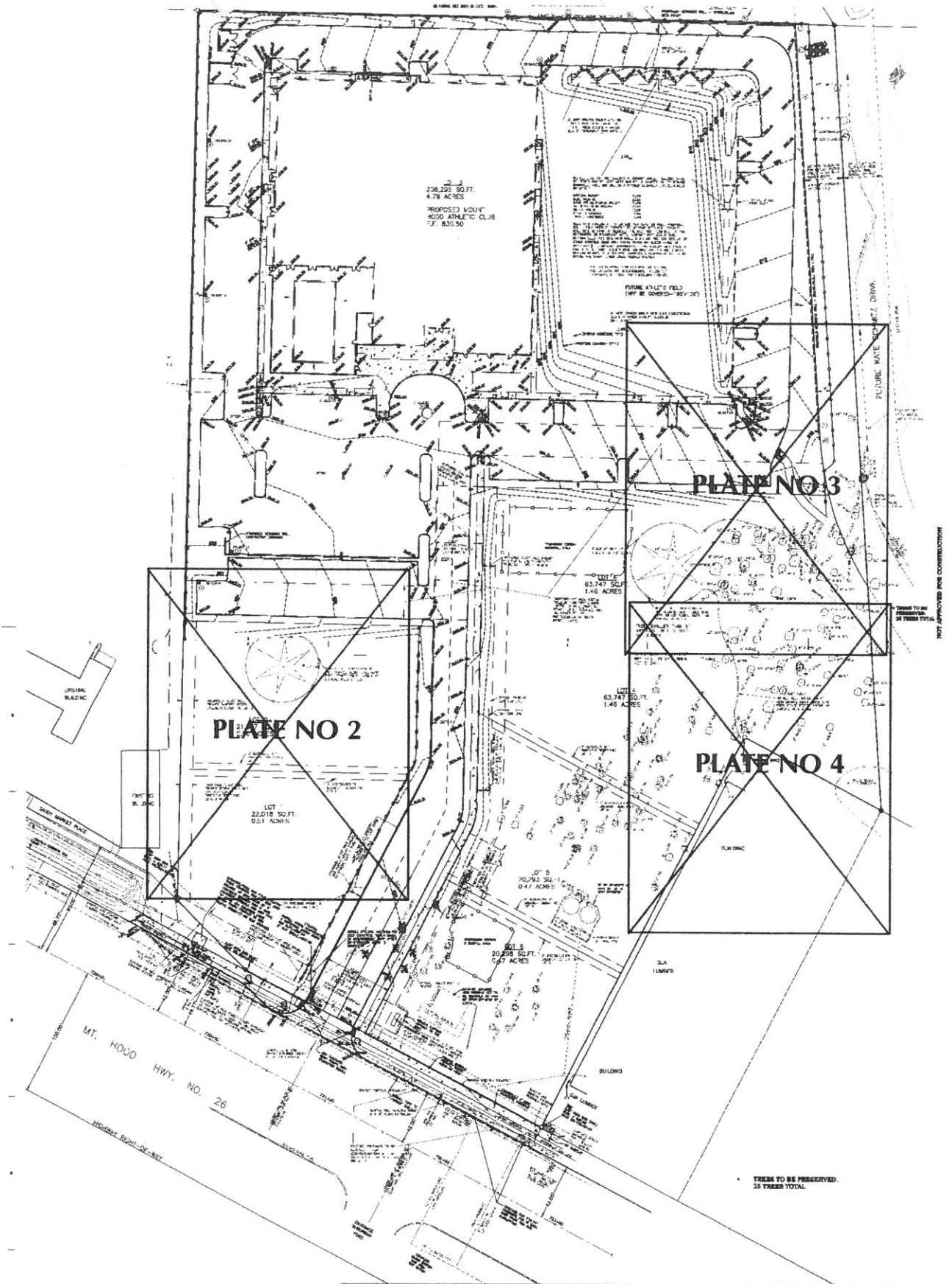
The foregoing instrument was acknowledged before me this 27th day of APRIL, 2005, by Paul A. Reed and Lila K. Reed.



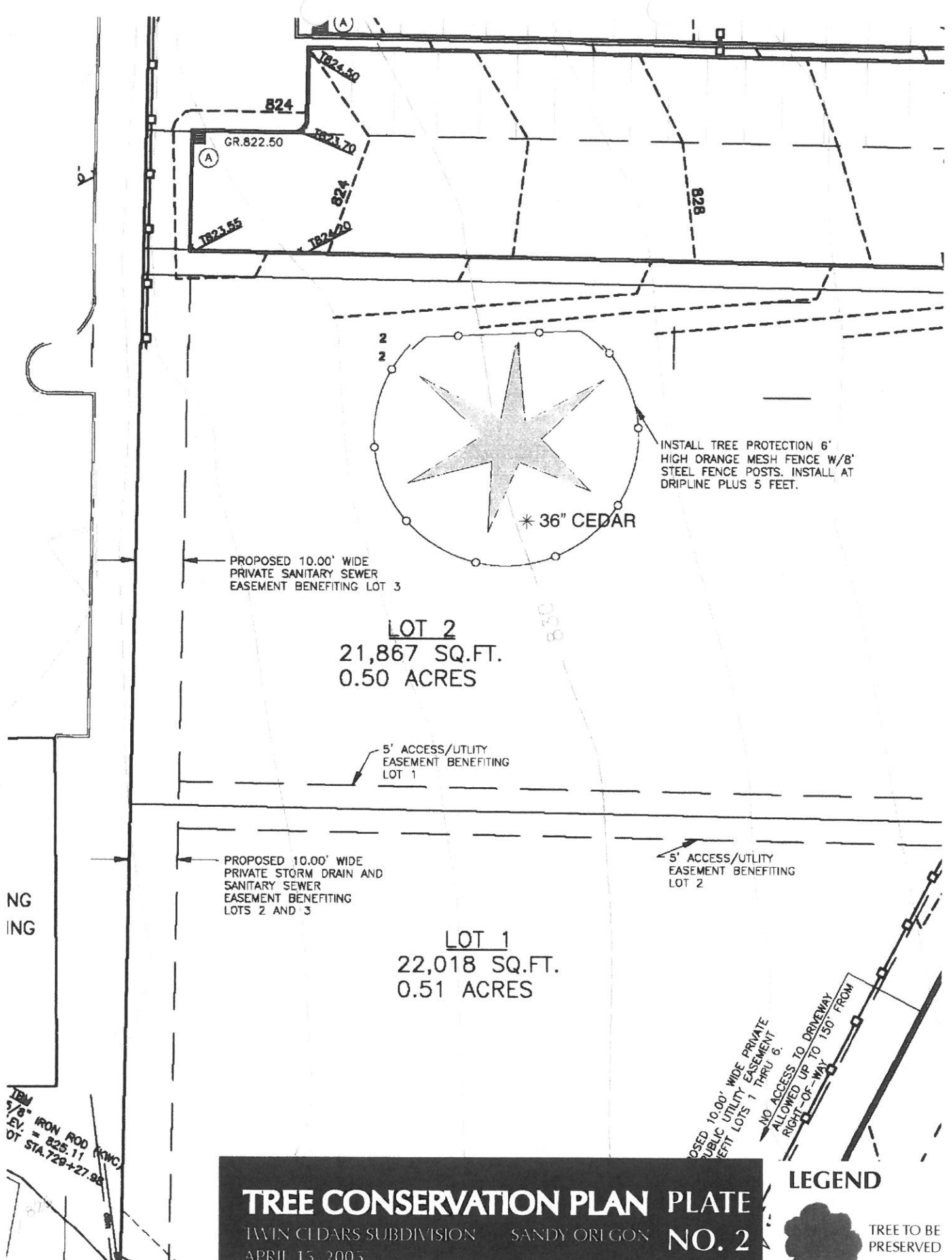
Notary Public for Oregon

My Commission Expires: 12-28-2008





TREE CONSERVATION PLAN PLATE
 TWIN CEDARS SUBDIVISION SANDY OREGON **NO. 1**
 APRIL 15, 2005



INSTALL TREE PROTECTION 6' HIGH ORANGE MESH FENCE W/8' STEEL FENCE POSTS. INSTALL AT DRIPLINE PLUS 5 FEET.

PROPOSED 10.00' WIDE PRIVATE SANITARY SEWER EASEMENT BENEFITING LOT 3

LOT 2
21,867 SQ.FT.
0.50 ACRES

5' ACCESS/UTILITY EASEMENT BENEFITING LOT 1

PROPOSED 10.00' WIDE PRIVATE STORM DRAIN AND SANITARY SEWER EASEMENT BENEFITING LOTS 2 AND 3

LOT 1
22,018 SQ.FT.
0.51 ACRES

5' ACCESS/UTILITY EASEMENT BENEFITING LOT 2

PROPOSED 10.00' WIDE PRIVATE PUBLIC UTILITY EASEMENT BENEFIT LOTS 1 THRU 6.
NO ACCESS TO DRIVEWAY ALLOWED UP TO 150' FROM RIGHT-OF-WAY

ING
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1/8" IRON ROD (KWC)
ELEV. = 825.11
OT STA. 729+27.95

TREE CONSERVATION PLAN PLATE
TWIN CEDARS SUBDIVISION SANDY OREGON
APRIL 15, 2005 **NO. 2**

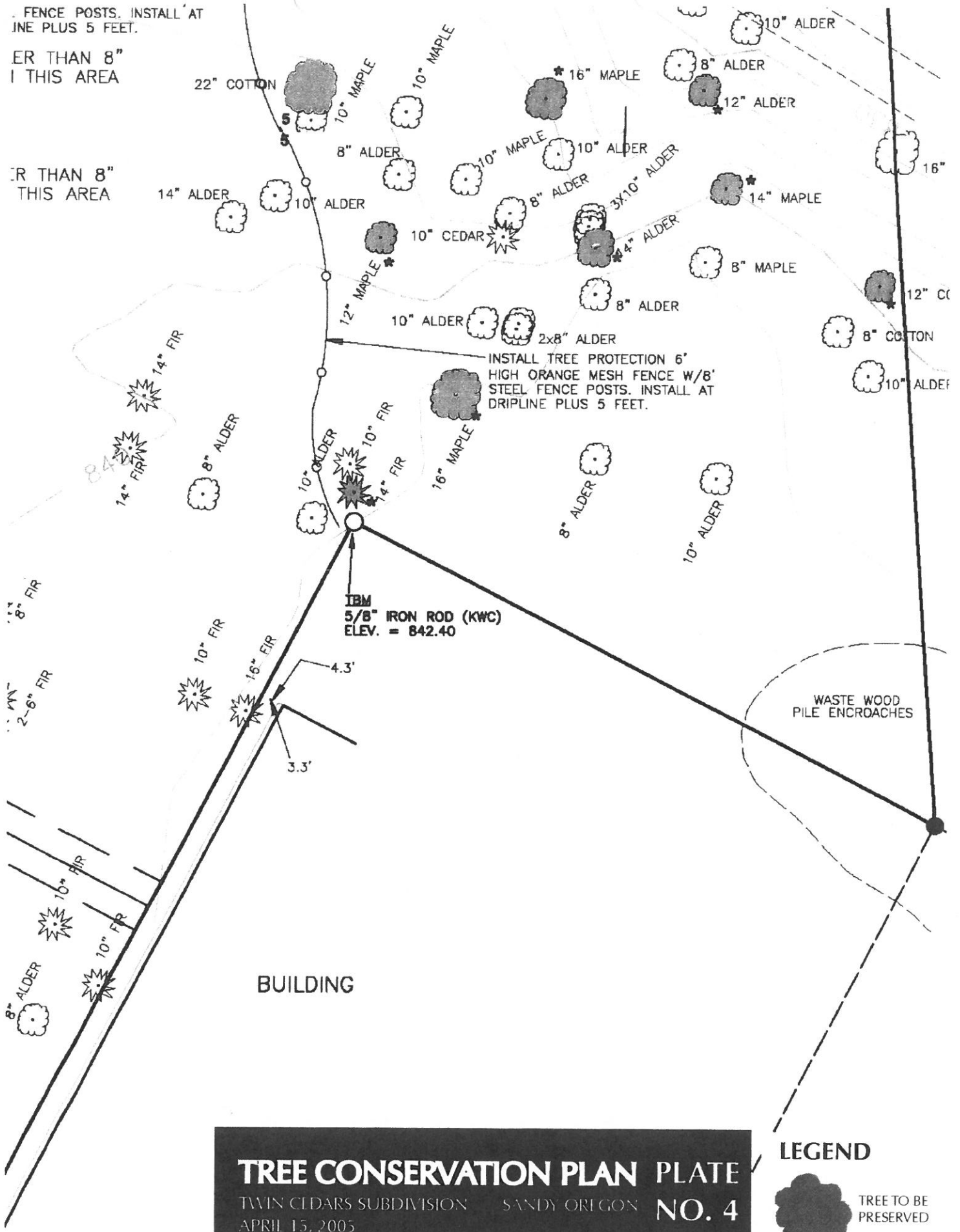
LEGEND



FENCE POSTS. INSTALL AT
LINE PLUS 5 FEET.

ER THAN 8"
I THIS AREA

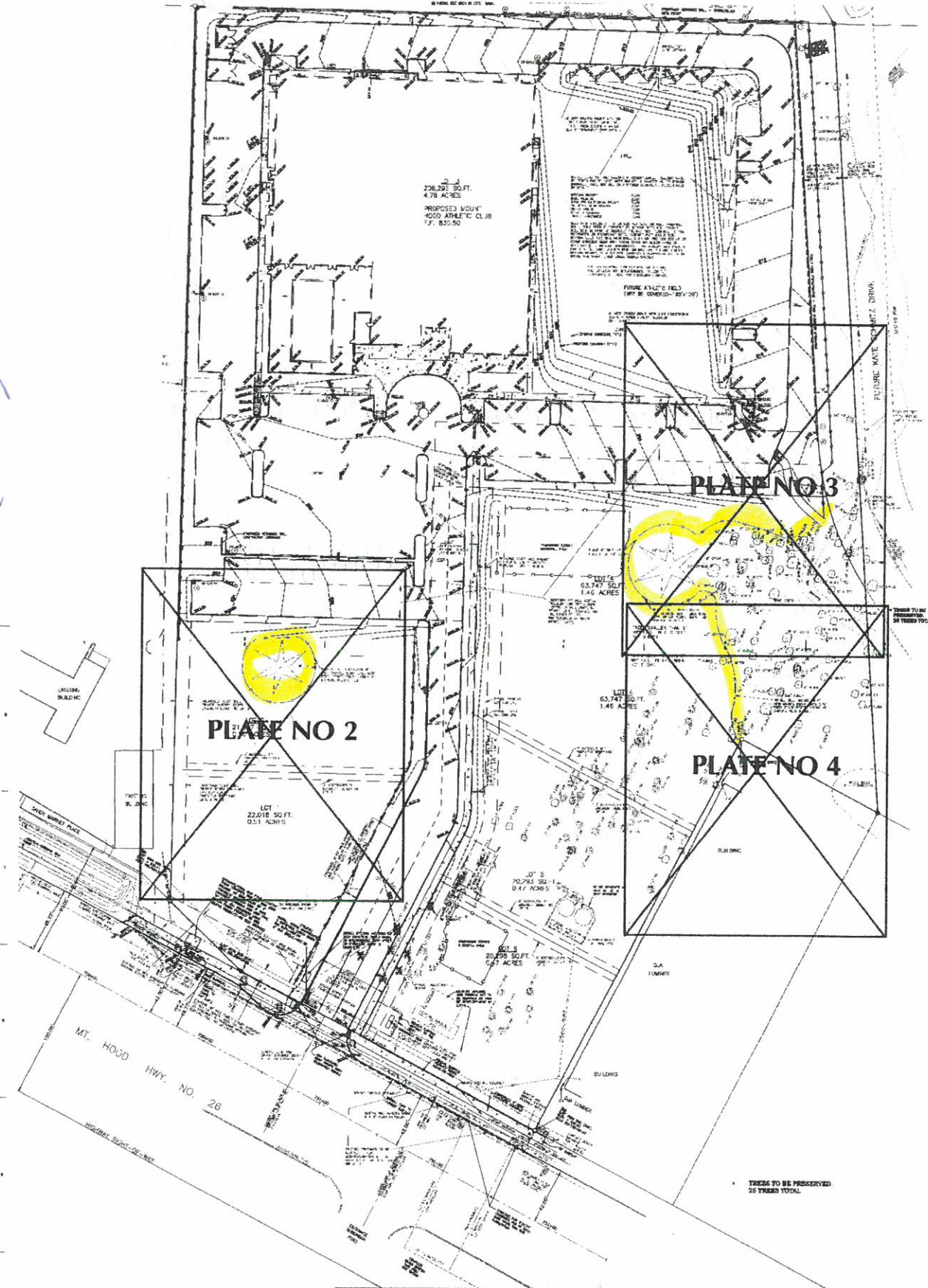
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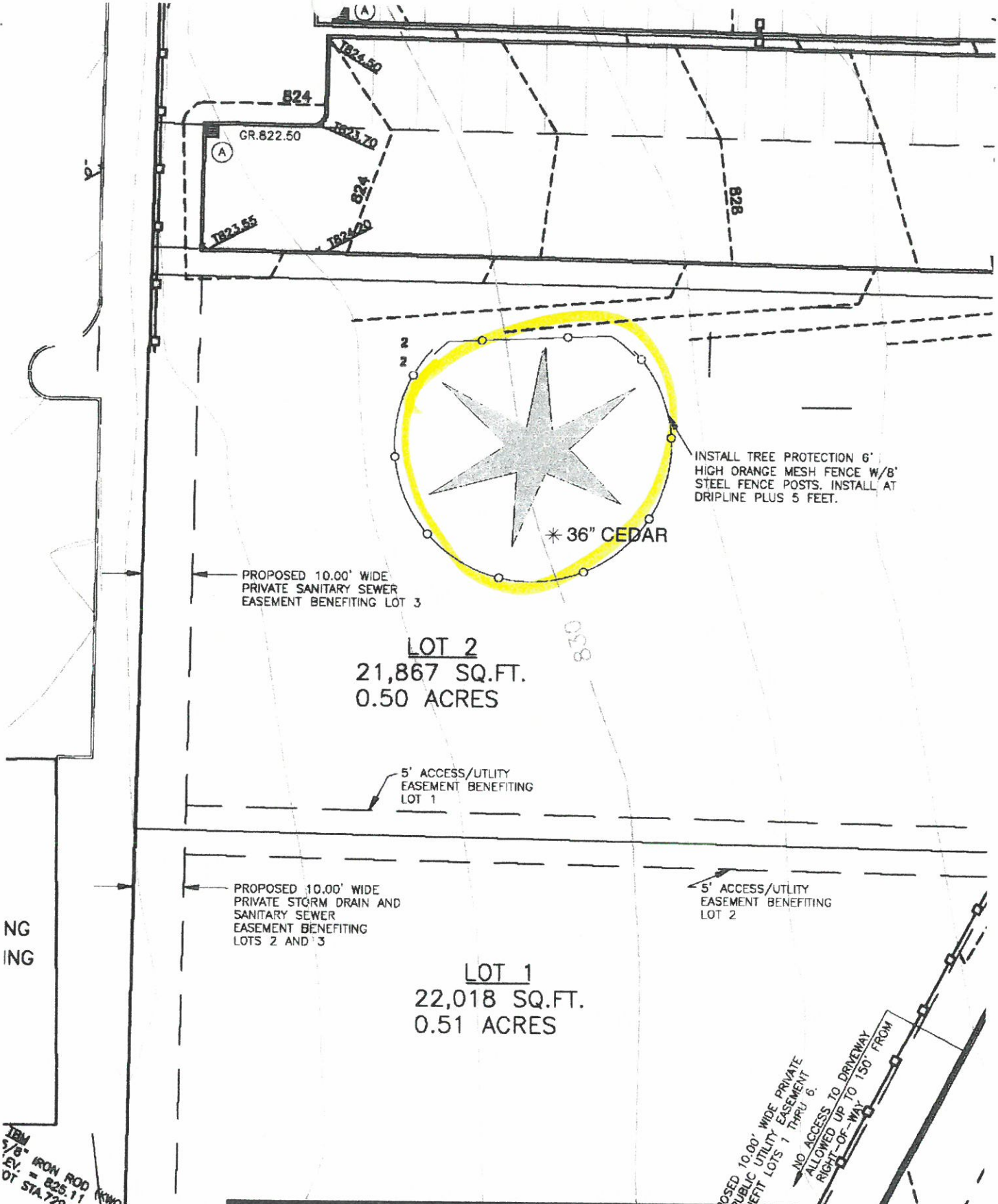
TREE CONSERVATION PLAN PLATE
 TWIN CEDARS SUBDIVISION SANDY OREGON
 APRIL 15, 2005 **NO. 4**

LEGEND
 TREE TO BE PRESERVED

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TREE CONSERVATION PLAN PLATE
TWIN CEDARS SUBDIVISION SANDY OREGON **NO. 1**
APRIL 15, 2005



NG
ING

IBM
9/8" IRON ROD (KWC)
ELEV. = 825.11
DOT STA. 729+27.92

TREE CONSERVATION PLAN PLATE
TWIN CEDARS SUBDIVISION SANDY OREGON
APRIL 15, 2005 **NO. 2**

PROPOSED 10.00' WIDE PRIVATE
PUBLIC UTILITY EASEMENT
BENEFIT LOTS 1 THRU 6
NO ACCESS TO DRIVEWAY
ALLOWED UP TO 150' FROM
RIGHT-OF-WAY

LEGEND

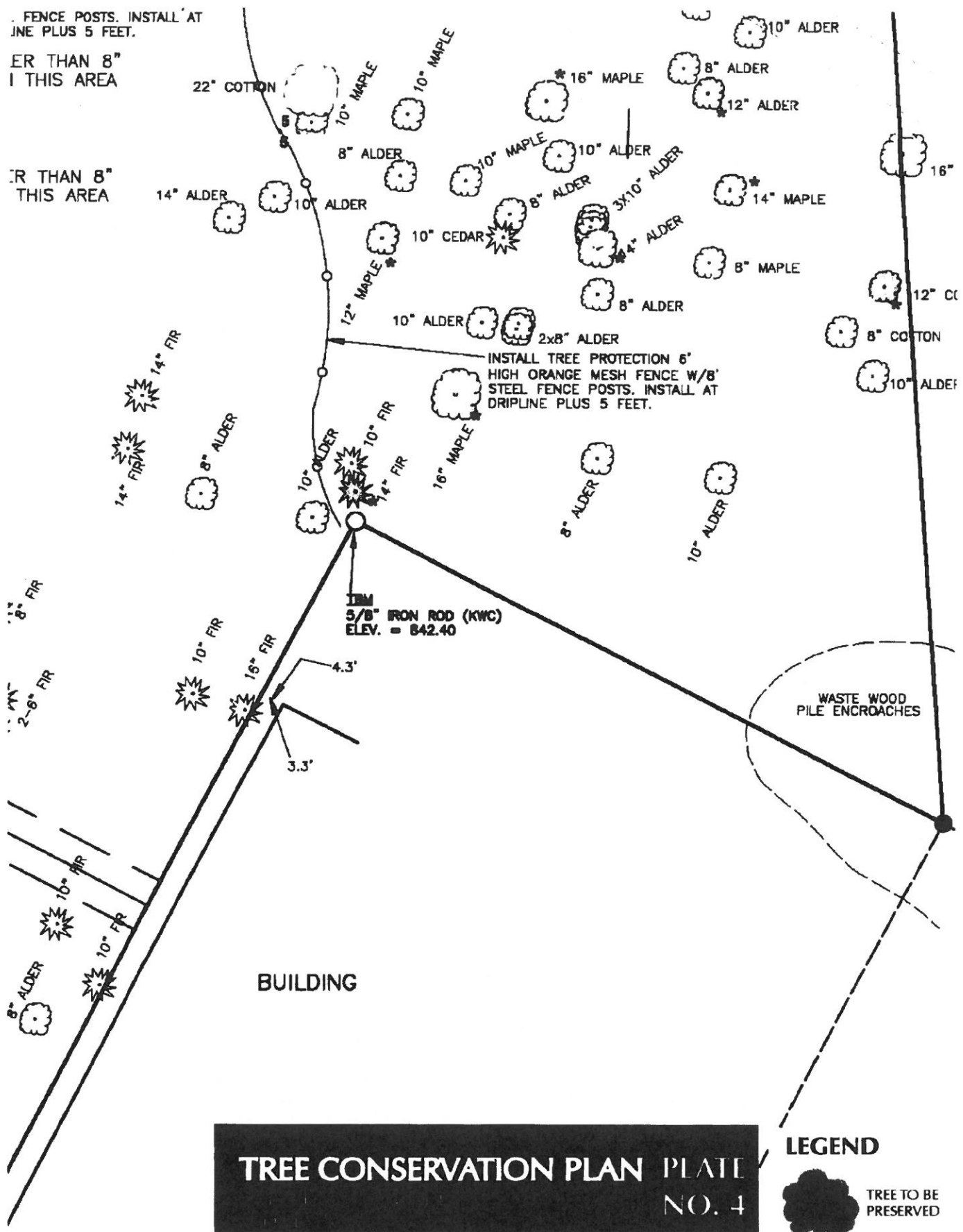


TREE TO BE PRESERVED

FENCE POSTS. INSTALL AT
LINE PLUS 5 FEET.

ER THAN 8"
I THIS AREA

ER THAN 8"
THIS AREA

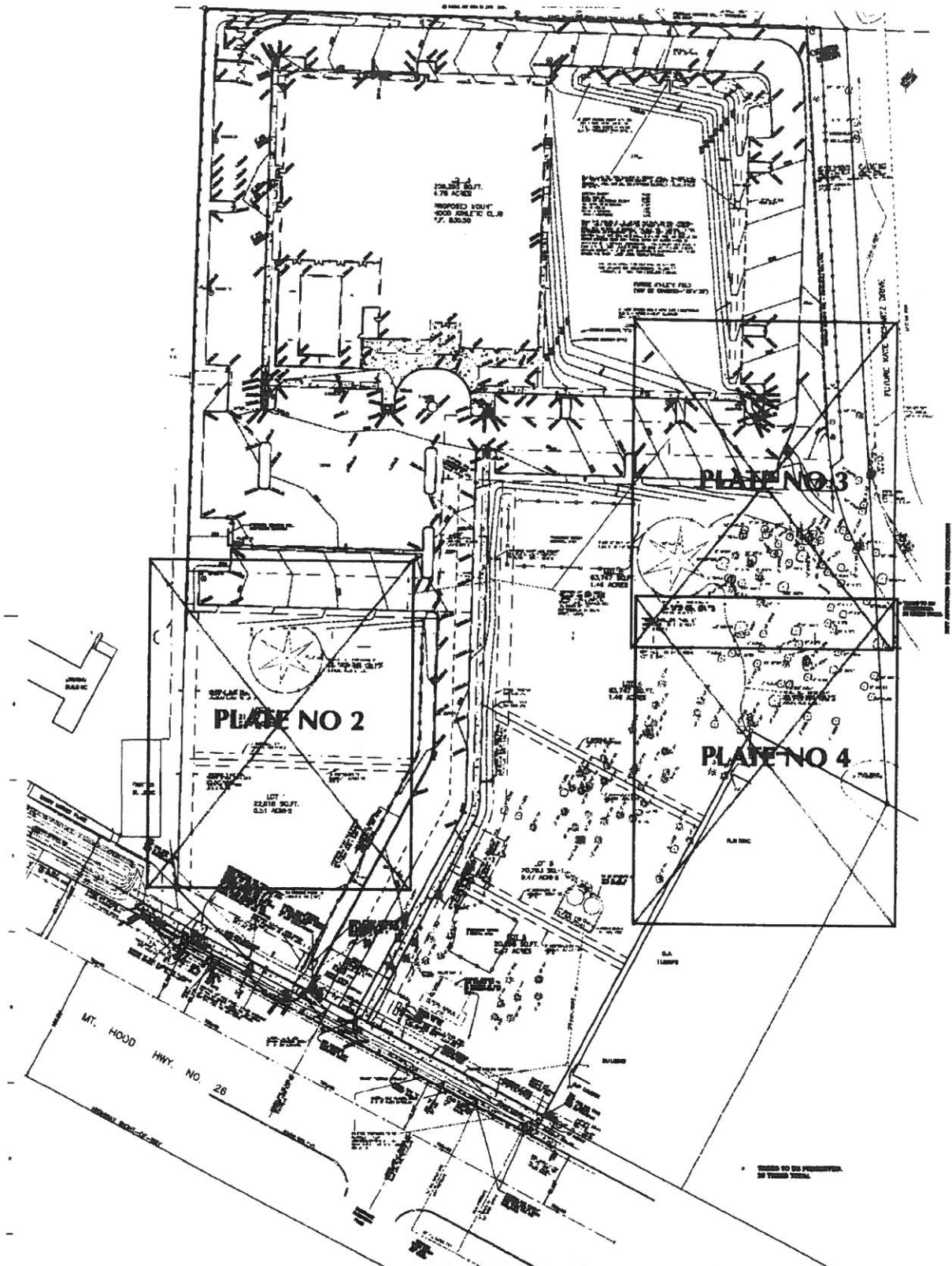


TREE CONSERVATION PLAN PLATE
NO. 4

LEGEND



TREE TO BE
PRESERVED



TREE CONSERVATION PLAN PLATE
NO. 1

PRE-APPLICATION CONFERENCE NOTES

Project Name: 37133 Highway 26 Multi-family
Pre-Application Conference Date: January 15, 2020
Applicant Name: State Street Homes (Brandon)
Staff: Mike Walker, Emily Meharg, Kelly O'Neill Jr., Terre Gift

ODOT COMMENTS – See separate letter from ODOT.

PLANNING DEPARTMENT REVIEW

Applicable Code Chapters: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.44 C-2 General Commercial Zoning District; 17.80 Additional Setbacks on Collector and Arterial Streets; 17.82 Special Setbacks on Transit Street; 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; 17.102 Urban Forestry; and Chapter 15.30 Dark Sky Ordinance.

***Caveat:** This analysis includes a review of those code sections that may conflict with the proposed design as submitted. This review is not intended to be a comprehensive analysis of all applicable code sections nor shall this review nullify code requirements that are determined necessary during land use review.*

CODE EVALUATION:

Zoning District and Setbacks (Chapters 17.48, 17.80):

- The proposal contains one mixed-use building with 4 wings that consists of commercial space, mini storage, and apartments. The proposed commercial use is permitted outright in the C-2 zoning district; the ground floor residential apartment unit in wing D is not. Are the storage units part of the apartment use? A multi-family dwelling *above* a commercial business is the only residential use permitted outright. As proposed the proposal would need a special variance.
- Kate Schmitz Avenue is considered the front lot line. The setbacks shall follow the setbacks in Section 17.44.30, Chapter 17.80, and Chapter 17.82. Kate Schmitz Avenue is a collector street so the building(s) will require a 20 foot setback to the Kate Schmitz Avenue right-of-way.

Improvements Required with Development (Chapter 17.84):

- Kate Schmitz Avenue frontage requires full improvements (sidewalk, curb, planter strip, street trees, streetlighting, drainage) to City standards for collector street. Possible for applicant to pay fee in-lieu for these improvements to complete them with the remainder of the Kate Schmitz street improvements.
- Traffic Impact Analysis is required along with \$1,500 third party review fee. Additional analysis will be needed for access to the site and will need to adhere to Section 17.84.50 of the Development Code. Coordinate scope with ODOT and City Traffic Engineer. This property is located in the Twin Cedars subdivision which used to have a trip cap, but the trip cap was since removed on July 15, 2009.

Design Standards (Chapter 17.90):

- Adherence to Sections 17.90.120 (C-2 Design Standards) and 17.90.160 (Multi-family Design Standards) will be required. *Staff cannot evaluate compliance with many of these design standards without submittal of building elevations.*
- Walkways from the public street (Kate Schmitz Ave.) to the building entrance(s) are required.

[17.60.120(A.7)]

- The buildings shall meet the articulation standards in 17.90.120(B) for all elevations visible from an abutting public street or pedestrian way.
 - Pedestrian shelters shall be provided over the building's primary entrance(s) and all pedestrian areas abutting the building. Shelters must extend at least 5 feet.
 - Strong base materials such as natural stone, split-faced rusticated concrete block, brick, or concrete form liner replicating these materials is required for the base at least 36 inches in height on building side visible from an abutting public street. The City of Sandy prefers Dressed Fieldstone or like material.
 - Siding materials shall be wood, composite-wood, stone, brick, split-faced or rusticated block, concrete linear form, or a combination of these materials. Metal is only to be used as an accent.
 - Three elements identified within Subsection 17.90.120(B)(3)(e) must be implemented on all facades facing a public street.
 - Permitted building colors include warm earth tones conforming to the City of Sandy Color Palette.
 - Minimum roof pitch of 6:12 required. When practicable, buildings shall be oriented so the gable end of the roof faces the abutting street (Kate Schmitz Ave.).
 - The building shall meet the activated elevation requirements found in Section 17.90.120(D), Building Orientation and Entrances.
 - 17.90.120(B.1) - Building shall orient to a public street/civic space and at least 50 percent of the site's frontage must be building(s) placed within 20 feet of a sidewalk, walkway, or civic space.
 - 17.90.120(B.3) – Ground floor spaces shall face a public street or civic space and shall be connected to it by a direct pedestrian route.
 - 17.90.120(B.7) – Buildings shall provide at least 1 elevation where the pedestrian environment is “activated.” An elevation is activated when it meets the window transparency requirements in Subsection 17.90.120(E) and contains a public entrance with a pedestrian shelter extending at least 5 feet.
 - 17.90.120(B.8) – Primary entrances shall be architecturally emphasized and visible from the right-of-way and shall be sheltered with a canopy, overhang, or portico with a depth of at least 5 feet. Gabled shelters preferred.
 - Activated frontage shall contain 25% windows.
 - The site is proposed to include 34,388 square feet of gross floor area requiring at least 1,032 square feet of civic space. Civic space shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way. Improvements may include plazas, private extensions of sidewalks, public art, pedestrian-scale lighting or similar pedestrian amenities. Is the water feature area part of the proposed civic space?
 - The location of the garbage/recycling will need to be verified with Hoodview Disposal. The garbage/recycle enclosure elevations shall be submitted for review and meet Section 17.90.120(J.4).
 - The land use application shall specify the location of exterior electrical panels and ground mounted equipment, which shall be screened from view from all public rights-of-way and civic spaces.
 - A separate outdoor area of not less than 48 square feet shall be attached to each dwelling unit.
- [17.90.160(E)]
- Enclosed storage areas for each unit are required as follows: minimum of 24 square feet for a studio or 1-bedroom, minimum of 36 square feet for a 2-bedroom, and minimum of 48 square feet for 3 or more bedrooms. [17.90.160(G)] Is this what the first-floor storage units are providing (i.e. trying to accomplish)?
 - Shared outdoor recreation areas are required at the rate of 200 square feet per dwelling unit. Based on 25 dwelling units, the required shared outdoor recreation area is 5,000 square feet.

Landscaping and Parkland (Chapters 17.92 and 17.86):

- Submittal of a Landscape Plan is required. Minimum of 20% landscaping required. What percentage of the site is proposed with landscaping?
- Trees 8 inches and greater DBH should be preserved to the greatest extent practicable and incorporated into the design of a development.
- Based on the proposal for 25 residential units, 0.22 acres of parkland dedication will be required ($25 \times 2 \times .0043 = 0.215$ rounded to 0.22 acres). At the City's discretion, the city may accept a fee-in-lieu of parkland dedication. The fee in-lieu of dedication is \$241,000 per acre or in this case \$53,020 ($\$241k \times 0.22$). This property will almost definitely warrant a fee in-lieu which will be paid at time of building permit issuance with the parks SDC and other SDCs (transportation, water, and sewer).

Parking/Access (Chapter 17.98)

- Parking shall be calculated based on use.
 - Commercial: minimum parking spaces will be based on use and square footage, plus 1 space per 2 employees on the largest shift.
 - Mini-storage: minimum parking spaces will be 1 space per employee on the largest shift, plus 1 per 2 employees, if mini-storage units are not associated with the proposed residential use.
 - Multi-family: 1.5 spaces are required per studio or 1-bedroom, 2 spaces per 2-bedroom, and 2.25 spaces per 3 or more bedrooms. Based on the proposal, the residential portion of the project will require 47 parking spaces ($8 \text{ studios/1-bedrooms} \times 1.5 = 12$; $12 \text{ two-bedrooms} \times 2 = 24$; $5 \text{ three-bedrooms} \times 2.25 = 11$).
- At least 3 ADA parking spaces are required if the minimum number of parking spaces is between 51-75 spaces.
- Bike parking is required. Identify location of bike parking on the plan and the proposed bike racks.
- Parking spaces are required to contain minimum dimensions of 9 feet by 18 feet. Compact parking spaces are 8 feet by 16 feet and can comprise no more than 35 percent of the total parking spaces.
- Landscape planters (minimum 5 feet by 17 feet) are required at each end of every parking bay. Planter shall contain one structural tree and groundcover.
- Parking adjacent to five-foot-wide walkways shall be provided with wheel stops or widened sidewalks at seven feet in width. Parked vehicles can not impede walkway clearance.
- Minimum 25 foot aisle width required for double-sided, two-way, 90 degree parking. 24 feet (as proposed) would require an adjustment.

Tree Removal (Chapter 17.102):

- The Development Code requires retention of a minimum of 3 trees per acre (11-inches DBH and greater and in good condition) for property greater than 1 acre. An arborist will need to conduct a tree evaluation of all trees 8-inches DBH and greater and a tree retention plan shall be submitted with the application. The tree conditions shall be rated as good, fair, poor, and dead/dying. Site is 1.3 acres.
- You will want to review File No. 04-059 SUB to see which trees were retained as part of the Twin Cedars subdivision process. Removal of the large cedar tree, which is a retention tree, will need to follow the same process as File No. 17-070 TREE.

Lighting Standards (Chapter 15.30):

- Submittal of a lighting plan, lighting cut-sheets, and photometric analysis is required in compliance with Chapter 15.30. All exterior lighting shall be full cut-off and no more than 4,125 Kelvins. The area 10 feet beyond the property lines shall receive no more than one quarter (0.25) of a foot-candle of light.

Other

- What is the common space patio by the commercial area on the ground floor? Is this an area for eating?
- What is the plan for the mini-storage? Are these storage units associated with the proposed residential? Or are they separate, rentable units?
- Are there any elevators proposed?
- Is there a fire suppression system proposed?
- What is the 11 foot easement along the west property line? Plat indicates this should be a variable width public utility easement to benefit Lots 7-12.
- How wide are the driveways? What do they align with?
- You will need to review the conditions in File No. 04-059 SUB, File No. 04-058 DR, File No. 07-035 MRP, and File No. 11-032 MRP, as well as the plat for Twin Cedars #2 and Partition Plat 2012-021.
- Stormwater Management Plan complying with the COP SWMM will be required.

Application Process: Type III Design Review (or Type II Design Review if not requesting deviations or variances), and a Tree removal application.

Projected Fees (fees are subject to change):

Type	Fee
Type II Design Review (if not requesting any variances/deviations; based on valuation of project)	\$3,292 (if \$100k - \$1 million) \$7,682 (if over \$1 million)
Type III Design Review (if requesting variances/deviations; based on valuation of project)	\$3,949 (if \$100k - \$1 million) \$7,682 (if over \$1 million)
Tree Removal Permit	\$103 (Type I); \$442 (Type III)
Third Party Review (potentially required)	\$1,500
Type II Variance (if requested)	\$657 per request
Type III Special Variance (if requested)	\$1,099 per request
Type III Design Deviation (if requested)	\$442 per deviation
Type I Adjustment (up to 10%) (if requested)	\$329 per request
Type II Adjustment (up to 20%) (if requested)	\$442 per request

Next Steps:

- Submittal. Submit the following for land use review:
 - signed land use application and applicable fees;
 - narrative for applicable code sections;
 - mailing labels and list for all property owners within 500 feet of the subject property with attached radius map and affidavit (a title company can create this);
 - building elevations;
 - site plan;
 - landscape plan;
 - utility plan;
 - grading and erosion control plan;
 - photometric analysis and lighting fixture cut sheets;
 - stormwater report;
 - traffic impact analysis detailing trip counts;
 - arborist report and tree inventory if any trees are removed or if structures are proposed in dripline of trees

- **Completeness.** Staff review for completeness (30 days max. per state law), if determined incomplete then the applicant submits additional information as required within 180-days, staff then reviews for completeness again, if the application is deemed complete then the application is processed within 120-days per state law.
- **Planning Commission Hearing.** This application may be required to have Planning Commission approval if there are special variances or deviations. Planning Commission meetings are typically the fourth Monday of the month at 7:00 PM, but sometimes are scheduled on different days. The applicant should be prepared to present their case to the Planning Commission. Staff typically presents the facts and code analysis to Planning Commission with their recommendation. Staff recommendations are not necessarily in favor of the applicant's proposal.
- **Approval.** If the application is approved by the Planning Commission, then you submit for building permits following the conditions outlined by Planning Commission in the final order. *The final order is the land use decision.*
- **Denial.** If the application is denied by the Planning Commission, then you can file an appeal to City Council within 12 days of receiving the final order. An appeal cannot be filed until the final order is issued.