



Staff Report

Meeting Date: February 16, 2021
From Shelley Denison, Associate Planner
SUBJECT: 20-028 The Views SUB TREE FSH PD

BACKGROUND:

This application is for a 122 lot Planned Development (PD) to the north of Highway 26 at the east end of Vista Loop Drive. Of the 122 lots, 88 lots are proposed to be single family detached homes, 32 lots are proposed to be single family attached homes (i.e. row homes), and 2 lots are proposed to include multi-family housing. The multi-family lot in the Upper Views will contain 24 dwelling units while the multi-family lot in the Lower Views will contain 15 dwelling units. This comes to a total of 159 proposed dwelling units. The applicant is also proposing a number of recreational amenities, including a dog park, basketball courts, playgrounds, and a Mt. Hood viewing plaza. The applicant is requesting a Type IV Planned Development which will include the subdivision of land into smaller parcels, two Type III Special Variances, an FSH overlay review, and tree removal.

Planned Developments

A Planned Development is a specific kind of development which allows for integrating different kinds of land uses. In this case, the applicant is proposing using mixed housing types with recreational amenities. Additionally, in a PD application, the applicant can request that certain *quantitative* code requirements be waived in order to provide outstanding design elements while still meeting the intent of the code. In this case, the applicant is requesting the following code deviations: smaller lot size, smaller minimum average lot width, smaller interior side yard setbacks, smaller rear yard setbacks, and longer block lengths. In addition, the applicant is requesting row homes and multi-family housing which are not typically permitted outright in the subject zoning district, but are permitted uses in a PD.

Special Variances

As part of this application, the applicant is requesting two special variances. These are variances for *qualitative* code requirements and unlike quantitative code deviations they are not allowed within the context of the PD request. The applicant is requesting that the homes which abut Highway 26 are allowed to face interior streets rather than the Highway and that sidewalks not be required along specific street frontages.

Open Space

As discussed on pages 24 and 25 of the staff report, the applicant is requesting that all private open space and recreational amenities are the responsibility of a Home Owners

Association (HOA). Staff is recommending that in the event of the HOA dissolving, open space, sidewalks, and recreational amenities shall be the responsibility of adjacent property owners, instead of the City of Sandy. Additionally, the applicant is requesting they pay a fee-in-lieu of public dedication of parkland.

History

The history of this application is outlined as follows:

- January 2019 – Applicant begins discussion with City staff
- May 29, 2019 – Pre-application conference
- June/July 2020 – Application is received and deemed complete
- September 2020 – Parks and Trails Advisory Board meeting
- November 23, 2020 – First Planning Commission hearing; continuance granted
- December 16, 2020 – Second Planning Commission hearing

RECOMMENDATION: POSSIBLE MOTIONS

City Council has a number of options for potential motions. Council's decision should be based on the findings in this staff report, all exhibits, staff presentation, relevant municipal code sections, Planning Commission recommendations (pages 6-8 of the following document), and testimony from the applicant and citizens. Decisions on Planned Developments are unique as they tend to be more discretionary than other, more objective land use decisions. Ultimately, the authority to approve or deny this application lies with City Council.

Motion Option A: Approve the requested application with conditions and findings as recommended by the Planning Commission. If you select this option, please also make a motion to either have Mayor Pulliam review the final order as drafted by staff or have the final order with the full conditions list come back before the City Council for consideration.

Motion Option B: Approve the application with conditions and findings determined by the City Council. If you select this option, staff recommends to have the final order with the full conditions list come back before the City Council for consideration.

Motion Option C: Deny the application based on code criteria that you find are not satisfied.

Motion Option D: Ask the applicant to revise the proposal, extend the 120-day clock, and come back before the City Council at a future date with a revised proposal. If you select this option, staff prefers not to determine the continuance date at this time.

Motion Option E: Continue the hearing to a future City Council date to continue Council dialogue prior to issuing a decision. If you select this option, staff prefers you choose a date for the continuance on February 16, 2021 so that additional public notice and legal notice is not required.

LIST OF ATTACHMENTS/EXHIBITS:

Attachment 1: Staff Report

Attachment 2: Exhibits

CITY COUNCIL STAFF REPORT

TYPE IV DECISION

DATE: February 8, 2021

FILE NO.: 20-028 SUB/VAR/TREE/FSH/PD/ZC

PROJECT NAME: The Views PD

APPLICANT: Mac Even, Even Better Homes

OWNERS: Brad Picking, John Knapp

LEGAL DESCRIPTION: 25E 19, Tax Lots 200 and 500

The above-referenced proposal was reviewed concurrently as a Type IV planned development, subdivision, zoning map amendment, special variance, Flood and Slope Hazard (FSH) overlay review, and tree removal permit. The following Findings of Fact are adopted supporting approval of the plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Project Narrative
- C. Supplemental Narrative for Special Variance
- D. Civil Plan Set
 - Sheet 1 – Cover Sheet and Preliminary Plat Map
 - Sheet 2 – Preliminary Plat Map: The Lower Views
 - Sheet 3 – Preliminary Plat Map: The Upper Views
 - Sheet 4 – Topographic Survey
 - Sheet 5 – Topographic Survey: The Upper Views
 - Sheet 6 – Tree Retention and Protection Plan
 - Sheet 7 – Tree Inventory List
 - Sheet 8 – Building Setbacks: The Lower Views
 - Sheet 9 – Building Setbacks: The Upper Views
 - Sheet 10 – Parking Analysis and Future Street Plan
 - Sheet 11 – Block and Street Dimensions
 - Sheet 12 – Street and Utility Plan: The Lower Views
 - Sheet 13 – Street and Utility Plan: The Upper Views
 - Sheet 14 – Grading and Erosion Control Plan: The Lower Views
 - Sheet 15 – Grading and Erosion Control Plan: The Upper Views

- Sheet 16 – Sanitary Sewer Plan and Profile of Site
 - Sheet 17 – Sanitary Sewer Plan and Profile of Site: The Lower Views
 - Sheet 18 – Sanitary Sewer Plan and Profile of Site: The Upper Views
- E. Preliminary Storm Drainage Report
- F. Traffic Impact Study
- G. Arborist Report
- H. Wetland Determination Report
- I. Geotechnical Report
- J. Architectural Plans Booklet
- K. The Views Proposed Homes
- L. The Views Concept Plan
- M. Lower Views Concept Plan
- N. Upper Views Concept Plan
- O. Plant Key
- P. Plant Palette
- Q. DSL Wetland Concurrence
- R. Sound Wall Plans

Agency Comments:

- S. John Replinger, Traffic Engineer (September 14, 2020)
- T. Hassan Ibrahim, City Engineer (September 14, 2020)
- U. Sandy Fire Marshall (September 15, 2020)
- V. SandyNet (September 16, 2020)
- W. ODOT (September 17, 2020)
- X. Sandy Area Metro (September 21, 2020)
- Y. Public Works Director (November 6, 2020)
- Z. Parks & Trail Advisory Board (November 19, 2020)
- AA. John Replinger, Traffic Engineer (November 30, 2020)

Additional Documents from Staff:

- BB. Pre-application Notes from May 29, 2019
- CC. Staff Report from November 23, 2020 PC Meeting
- DD. PowerPoint Presentation from November 23, 2020 PC Meeting
- EE. Minutes from November 23, 2020 PC Meeting
- FF. Staff Report from December 16, 2020 PC Meeting
- GG. PowerPoint Presentation from December 16, 2020 PC Meeting
- HH. Minutes from December 16, 2020 PC Meeting

Additional Submission Items from the Applicant:

- II. Email from Michael Robinson (September 23, 2020)
- JJ. Memo from Tracy Brown (November 22, 2020)
- KK. Email from Michael Robinson (November 28, 2020)
- LL. Supplemental Memo (December 9, 2020)
- MM. Responses to Staff Report Questions (December 9, 2020)
- NN. Sewer Capacity Letter from Ray Moore, PE (December 9, 2020)
- OO. Sewer Capacity Letter from Michael Pinney, PE (December 9, 2020)
- PP. Right Turn Lane Memo from Michael Ard, PE (December 9, 2020)

- QQ. ODOT Slip Lane Removal Plans (December 9, 2020)
- RR. Revised Materials Response from Tracy Brown (January 19, 2021)
- SS. Revised Proposal (January 19, 2021)
- TT. Revised Density Calcs (January 19, 2021)

Public Comments:

- UU. Bonnie Eichel (October 2, 2020)
- VV. Jerry Carlson (October 29, 2020)
- WW. John and Linda Bartmettler (October 29, 2020)
- XX. Dustin and Bonnie Bettencourt (November 3, 2020)
- YY. Georgina Sutherland (November 3, 2020)
- ZZ. Gerald and Judith Dittbenner (November 5, 2020)
- AAA. Tony and Kim Turin (November 6, 2020)
- BBB. John and Christine Andrade (November 7, 2020)
- CCC. Todd Springer (November 8, 2020)
- DDD. John Eskridge (November 9, 2020)
- EEE. Dan and Janine Walton (November 19, 2020)
- FFF. Ed Dewart (November 20, 2020)
- GGG. G. Manley (November 20, 2020)
- HHH. Bonnie and Robert Eichel (November 20, 2020)
- III. Georgina Sutherland (November 20, 2020)
- JJJ. Jason and Mary Dyami (November 24, 2020)
- KKK. Chris Anderson and Jason Shuler (December 7, 2020)
- LLL. Kristina Molina (December 9, 2020)
- MMM. John Andrade (December 10, 2020)
- NNN. Pamela Kim York (December 14, 2020)
- OOO. Tom Orth (December 14, 2020)
- PPP. Gerald Dittbenner (December 14, 2020)
- QQQ. John and Christin Andrade (December 14, 2020)
- RRR. Robert and Bonnie Eichel (December 14, 2020)
- SSS. Brad Picking (December 14, 2020)
- TTT. Buzz Ortiz (December 14, 2020)
- UUU. Dustin and Bonnie Bettencourt (December 14, 2020)
- VVV. John R Eskridge and Lisa Hull (December 15, 2020)
- WWW. John Bartmettler (December 15, 2020)
- XXX. Valerie Walberg (December 15, 2020)
- YYY. Lisa Hull (December 15, 2020)
- ZZZ. Ed Elm (December 17, 2020)

FINDINGS OF FACT

General Overview

1. These findings are based on the applicant’s submittals received on June 26, 2020, July 29, 2020, October 28, 2020, November 22, 2020, and December 9, 2020. Staff deemed the application incomplete on July 24, 2020. The applicant submitted additional materials on July 29, 2020. The application was deemed complete on August 5, 2020 and initially a 120-

day deadline of December 3, 2020 was established. However, it was later determined this application included a comprehensive plan map amendment and therefore the 120-day deadline was determined to not apply. The applicant extended the 120-day deadline by 56 days (the time between September 28 and November 23). With the new applicant submissions received on October 28, 2020 it was determined a comprehensive plan map amendment is no longer needed. The revised 120-day deadline for this application was January 28, 2021, but as explained in this document the applicant has extended the 120-day clock to March 1, 2021 (Exhibit GG).

2. This report is based upon the exhibits listed in this document, as well as agency comments and public testimony. This code analysis is based on the code that was in effect at the time of the application submission on June 26, 2020 and therefore the code modifications with File No. 20-023 DCA do not apply.
3. The subject site is approximately 32.87 acres. The site is located east and west of the eastern end of Vista Loop Drive, east of Highway 26.
4. The parcel has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of SFR, Single Family Residential.
5. The applicant, Even Better Homes, requests a Type IV combined planned development review to include both conceptual and development plan reviews. A planned development is a specific kind of development which allows for integrating different kinds of land uses. In this case, the applicant is proposing using mixed housing types along with recreational amenities. Additionally, in a planned development application, the applicant can request that certain code requirements be waived in order to provide outstanding design elements while still meeting the intent of the code. The site is divided into two sections: the “Lower Views” on the east side of the site and the “Upper Views” on the west side of the site.
6. The applicant is proposing a 122 lot development with 120 single family home lots and 2 multi-family home lots to accommodate a total of 39 multi-family units. Additionally, the applicant is proposing open space and stormwater detention tracts. The detailed acreage with associated tract letters is as follows:

Tract Letter	Purpose	Acres
Lower Views		
A	Private active open space	1.10
B	Private active open space	0.25
C	Private active open space	0.23
D	Private open space	0.13
E	Private active open space	0.28
F	Private drive	0.06
G	Private drive	0.04
H	Private drive	0.04
I	Private open space	1.66
J	Public stormwater detention pond	0.32

K	Private open space	5.56
L	Private open space	1.03
P	Private open space	0.03
Upper Views		
M	Private active open space	0.92
N	Private active open space	0.75
O	Public stormwater detention pond	0.39

7. Notification of the proposed application was originally mailed to affected agencies on September 8, 2020 and to affected property owners within 500 feet of the subject property on September 8, 2020 for the originally scheduled public hearing on September 28, 2020. A legal notice was submitted to the Sandy Post on September 8, 2020 to be published on September 16, 2020 informing residents of the public hearings.
8. On September 23, 2020 the applicant’s attorney, Michael Robinson with Schwabe Williamson and Wyatt, requested The Views PD agenda item to be removed from the September 28 Planning Commission meeting and instead included on the November 23 Planning Commission meeting agenda. The request was largely made so the applicant could revise some of their proposal as reflected in the exhibits.
9. On September 24, 2020 staff mailed a notice to affected property owners within 500 of the subject property stating that the public hearing scheduled for September 28, 2020 was postponed to November 23, 2020.
10. On October 21, 2020 staff mailed a notice to affected property owners within 500 of the subject sites reminding people of the November 23, 2020 public hearing. On November 2, 2020 staff submitted a legal notice to the Sandy Post to be published on November 11, 2020 informing residents of the Planning Commission public hearing.
11. On November 2, 2020 staff provided DLCD with a revised Plan Amendment (PAPA) notice.
12. Agency comments were received from the City Transportation Engineer, City Engineer, Public Works, SandyNet, Public Works, ODOT, the Parks and Trails Advisory Board, Fire District No. 72, and Sandy Area Metro.
13. At publication of the City Council staff report on February 8, 2021 there were 32 written comments from the public that were entered into the record. These can be found in Exhibits UU through ZZZ.
14. Public comments against the proposed development included the following themes:
 - I. Development encroaching into the Flood Slope Hazard (FSH) overlay
 - II. Concerns for capacity of fire, police, and public utilities
 - III. Increased traffic on already busy streets
 - IV. Removal of wild animal habitat

- V. Significant increase in housing density
- VI. Changing the character of the area
- VII. Lowering the value of the land for existing property owners
- VIII. Lack of amenities for future residents
- IX. Safety walking along streets

15. Public comments for the proposed development included the following themes:

- I. Increased public revenue
- II. The proposed development is by a local developer rather than an “outside” developer

16. This application was reviewed by the Planning Commission on November 23, 2020. At that meeting, the Commission granted a continuance as requested by a resident. This application was again reviewed by the Planning Commission on December 16, 2020.

17. On November 28, 2020, the applicant granted an extension of the 120-day application review period (clock) by 32 days. This 120-day clock extension modified the 120-day deadline from January 28, 2021 to March 1, 2021. This clock extension was to accommodate the City Council hearing for this application on February 16, 2021.

18. On December 9, 2020, the applicant submitted additional information related specifically to the following: Applicant responses to staff questions (Exhibit MM); Engineering memos related to sanitary sewer capacity (Exhibits NN and OO); and an Engineering memo related to the ODOT-requested right turn lane from Highway 26 onto Vista Loop Drive (Exhibit PP). The applicant also provided an explanatory cover memo (Exhibit LL) and an ODOT document related to the closure of the slip lane from Highway 26 to Vista Loop Drive (Exhibit QQ).

Planning Commission Recommendation

19. On December 16, 2020 the Planning Commission reconvened to continue the public hearing for The Views PD. After hearing additional input from staff, the applicant, and the public, the Planning Commission made the following motion:

Motion: Motion to recommend that the City Council approve or deny the application after full consideration of the Planning Commission’s issues, concerns, and recommendations below.

Moved By: Commissioner Mayton

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

The Planning Commission was asked a series of questions in order to provide recommendations on specific requests included in this application. The questions and their votes are in the following table.

Question for PC Review	Yes	No
Does the Planning Commission recommend exceeding the maximum density for the base zone by six (6) percent? To allow this density increase the Planning Commission, and ultimately the City Council, needs to find that the Planned Development is outstanding in planned land use and design, and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning.	N/A as density increase is no longer being requested.	
Does the Planning Commission recommend permitting row houses in the SFR zoning district?	5	2
Does the Planning Commission recommend permitting multi-family housing in the SFR zoning district?	4	3
Does the Planning Commission recommend allowing lot sizes less than 7,500 square feet?	3	4
Does the Planning Commission recommend allowing a minimum average lot width less than 60 feet?	3	4
Does the Planning Commission recommend allowing interior side yard setbacks at 5 feet, when the typical standard is 7.5 feet?	3	4
Does the Planning Commission recommend reducing the rear yard setbacks from 20 feet to 10 feet for lots 47-56 in the Lower Views and 20 feet to 15 feet for lots 84-86 and 88-102 in the Upper Views?	3	4
Does the Planning Commission recommend allowing block lengths at 691 feet on The Views Drive from Vista Loop Drive to Bonnie Street; at 665 feet on the north side of Bonnie Street; and at 805 feet on Knapp Street from Vista Loop Drive to Ortiz Street?	7	0
Does the Planning Commission recommend approval of the request to provide meandering walkways within private open space tracts rather than a traditional sidewalk/planter strip in the public right-of-way with the condition that the tracts maintain a minimum width of 15 feet to accommodate a 5 foot wide walkway with an average of 5 foot wide planter strips on either side?	7	0
Does the Planning Commission recommend approval of the request to not provide a sidewalk on the south side of The Views Drive with the condition that Tract E on the north side of The Views Drive be designed as proposed (i.e. approximately 19 feet wide with 5 feet wide of planting space on either side of the meandering walkway to accommodate street trees on both sides of the walkway)?	7	0
Does the Planning Commission recommend approval of the request to not provide front doors facing Highway 26 and instead allow the lot line abutting Highway 26 to be considered the rear yard so the sound wall can be 6 feet in height?	7	0
Does the Planning Commission recommend phasing this development in two distinct phases as proposed by the applicant?	7	0
Does the Planning Commission recommend to not require a right turn lane at the intersection of Vista Loop Drive and Highway 26, consistent with the City's traffic engineer and staff's recommendation?	6	1
Does the Planning Commission recommend the proposed future street layout north of Ortiz Street as proposed by the applicant?	0	7

Question for PC Review	Yes	No
Does the Planning Commission recommend a pedestrian connection to the north in the vicinity of where Knapp Street intersects with Ortiz Street?	7	0
Does the Planning Commission recommend that additional vegetation is planted between the sound wall and the sidewalk along Highway 26 to make it more pedestrian friendly and to soften the large concrete wall?	6	1
Does the Planning Commission have any additional recommendations related to maintenance of the open space owned by a proposed Homeowner's Association (HOA)?	6	1

Other comments and possible conditions recommended by the Planning Commission included the following:

- Right turn lane from Highway 26 to Vista Loop Drive should be installed by ODOT.
- Research a maintenance agreement option in lieu of the proposed Homeowners Association (HOA).
- Require a sight line analysis to determine if the apartments proposed in the Lower Views (Lot 72) will obstruct any views of Mt. Hood for existing residents in the area.

20. At the Planning Commission meeting, Tracy Brown and Mac Even gave applicant testimony. Chris Anderson, Cassidy Moore, Buzz Ortiz, and Lindsey Sawyer gave proponent testimony. Jason Dyami, Lisa Hull, John Barmettler, and Todd Springer gave opponent testimony. John Andrade gave neutral testimony. A summary of their testimony is included in the Planning Commission meeting minutes (Exhibits EE and HH).

17.26 – Zoning District Amendments

21. This chapter outlines the requirements for zoning district amendments. In accordance with Section 17.64.70, “When a Planned Development project has been approved, the official Zoning Map shall be amended by ordinance to denote the new ‘PD’ Planned Development overlay designation. Such an amendment is a ministerial act, and Chapter 17.26, Zoning District Amendments, shall not apply when the map is amended to denote a PD overlay.”

17.30 – Zoning Districts

22. The subject site is zoned SFR, single family residential.

23. The total gross acreage for the entire property is 32.87 acres. After removal of the right-of-way and proposed stormwater tracts, the net site area (NSA) for the subject property is reduced to 27.475 net acres. Additionally, the site also contains a restricted development area of 279,768 square feet. When this is subtracted from the net site area, the resulting unrestricted site area (USA) is 21.03 acres.

24. The underlying zoning district allows a minimum of 3 and a maximum of 5.8 dwelling units per net acre of unrestricted site area. Minimum density = $21.03 \times 3 = 63.03$, rounded down to 63 units. Maximum density is the lesser of the two following formulas: $NSA \times 5.8$ or $USA \times 5.8 \times 1.5$ (maximum allowable density transfer based on Chapter 17.60).

- I. $27.475 \times 5.8 = 159.11$, rounded to 159 units

II. $21.03 \times 5.8 \times 1.5 = 182.787$, rounded to 183 units

25. As a result of these calculations, the density range for the subject property is a minimum of 63 units and a maximum of 159 units.
26. It is important to note that density bonuses are allowed in Planned Developments. This means that the applicant could apply for more than 159 dwelling units even given the underlying zoning designation of Single Family Residential. However, the applicant is not applying for such a density bonus.

17.34– Single Family Residential (SFR)

27. Section 17.34.30 contains the development standards for this zone. The applicant is requesting multiple modifications to these development standards as part of the PD process. The applicant is also requesting uses that are not traditionally allowed in the subject zoning district. The requested modifications are outlined in the review of Chapter 17.64 below.
28. Section 17.34.40(A) requires that water service be connected to all dwellings in the proposed subdivision. Section 17.34.40(B) requires that all proposed dwelling units be connected to sanitary sewer service. Section 17.34.40(C) requires that the location of any real improvements to the property must provide for a future street network to be developed. Section 17.34.40(D) requires that all dwelling units must have frontage or approved access to public streets. The applicant proposes to meet all of these requirements. Each new residence constructed in the subdivision will gain access from a public street. However, six lots are proposed to gain access from three separate private drives connected to a public street.
29. Section 17.34.50(B) requires that lots with 40 feet or less of street frontage shall be accessed by a rear alley or shared private driveway. All of the attached single family homes have less than 40 feet of street frontage but are accessed by a rear alley. Many of the detached single family home lots do not have 40 feet of street frontage, but this is a modification being requested by the applicant as part of the PD process as reviewed in Chapter 17.64 below.

17.56 – Hillside Development

30. The applicant submitted a Geotechnical Report (Exhibit I) showing that the subject site contains a small area of slope in the Lower Views exceeding 25 percent. **All recommendations in the conclusions and recommendations section of the Geotechnical Report (Exhibit I) shall be conditions for development.**

17.60 – Flood and Slope Hazard (FSH) Overlay District

31. Section 17.60.00 specifies the intent of the Flood and Slope Hazard (FSH) Overlay District, which is to promote the public health, safety and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides or degradation of water quality consistent with Statewide Planning Goal 6 (Air, Land and Water Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP). **A violation of the provisions set forth in Chapter 17.60, FSH, (e.g. tree removal without permit authorization or native vegetation removal) may result in a fine as specified in Section 17.06.80.**

32. Section 17.60.20 contains permitted uses in the FSH overlay district and Section 17.60.40 contains the FSH review procedures. The applicant is not proposing any development within the FSH overlay district. **Any future development within the FSH overlay district shall require separate permit review. The applicant shall install tree protection fencing at the outer edge of the FSH overlay district prior to grading to ensure no development occurs within the FSH overlay area.** The submitted Tree Plan (Exhibit D, Sheet C6) states: “All dead or dying trees or vegetation that is hazardous to the public may be removed in accordance with Section 17.60.20.” However, the applicant did not provide any additional information regarding the potential location of dead or dying trees or vegetation that is hazardous to the public. Staff does not find how any vegetation would be hazardous to the public considering the area is not open to the public. **The applicant shall not remove any living or dead trees or vegetation that is hazardous to the public from the FSH area without applying for an FSH review for their removal.** The grading plan does not indicate any grading will take place in the FSH overlay area, so staff assumes the applicant is not proposing to grade within the FSH. **The applicant shall not perform any grading activities or cut or fill in the FSH overlay area without applying for an FSH review for the grading/cut and fill.** The code does not allow removal of native vegetation from the FSH overlay nor does it allow planting non-native vegetation in the FSH overlay. **The applicant shall not remove any native vegetation from the FSH overlay area. The applicant shall not plant any non-native vegetation in the FSH overlay area.**
33. Section 17.60.30 outlines required setbacks for development around FSH areas. According to the topographic survey submitted with the application dated June 24, 2020 (Exhibit D, Sheets C4 and C5), no development is proposed within any of the required setback areas.
34. Section 17.60.50 contains requirements for special reports, including a hydrology and soils report, a grading plan, and a native vegetation report. The applicant submitted a Grading Plan (Exhibit D, Sheets C14 and C15) and a Wetland Delineation Report by Schott and Associates, LLC dated February 17, 2020 (Exhibit H) as well as DSL concurrence for the wetland report (Exhibit Q). The applicant did not submit a native vegetation report. The Director may exempt Type II permit applications from one or more of these reports where impacts are minimal, and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.
35. Section 17.60.60 contains approval standards and conditions for development in the restricted development areas of the FSH overlay district. The applicant’s narrative (Exhibit B) did not address any of the criteria in Section 17.60.60.
36. Section 17.60.60(A.1) pertains to cumulative impacts and states “Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.” The applicant submitted a wetland delineation report along with concurrence from DSL (Exhibits H and Q) for tax lot 200. The wetland report identifies two wetlands and two streams on tax lot 200; one wetland and one stream are located in proposed Tract K and one wetland and one stream are located in proposed Tract L.

37. Section 17.60.60(A.2) pertains to impervious surface area and states, “Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.” **No impervious surfaces shall be located within the restricted development area.**
38. Section 17.60.60(A.3) pertains to construction materials and methods and states, “Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.” **Future construction or development within the FSH overlay district shall require separate FSH review.**
39. Section 17.60.60(A.4) pertains to cuts and fills and states “Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.” The grading plan does not show any proposed grading within the FSH overlay area. **Future grading or other development activity within the FSH overlay district shall require separate FSH review.**
40. Section 17.60.60(A.5) pertains to minimizing wetland and stream impacts and states “Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.” The applicant is proposing to add additional stormwater to the outflow in Tract L. **The applicant shall update the Geotech Report or submit an addendum to the Geotech Report that provides analysis of the new stormwater discharge.**
41. Section 17.60.60(A.6) pertains to minimizing loss of native vegetation and states “Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.” The applicant is not proposing to remove any trees from the FSH overlay area nor is the applicant proposing to remove any native vegetation from the FSH overlay area. To better protect the vegetation within the FSH overlay area, **the applicant shall install tree protection fencing at the outer edge of the FSH overlay district. The applicant shall not damage or remove any native vegetation within the FSH overlay district. The applicant shall replace any disturbed understory or groundcover with native understory or groundcover species that effectively cover the disturbed area. The applicant shall retain a qualified arborist on-site for any work done within the critical root zone (1 foot per 1 inch DBH) of retention trees including those within the FSH area to ensure minimum impact to trees and native vegetation.**
42. Section 17.60.90 discusses water quality treatment facilities. The proposed detention ponds (Tracts J and O) are not located within the mapped FSH overlay area.
43. Section 17.60.100 contains density transfer provisions. Due to the density calculation from Chapter 17.30, this site does not qualify for density transfer under Chapter 17.60.

17.64 – Planned Developments

44. Chapter 17.64 contains regulations related to Planned Developments.
45. In accordance with Section 17.64.70, “When a Planned Development project has been approved, the official Zoning Map shall be amended by ordinance to denote the new ‘PD’ Planned Development overlay designation. Such an amendment is a ministerial act, and Chapter 17.26, Zoning District Amendments, shall not apply when the map is amended to denote a PD overlay.”
46. Section 17.64.10 allows for combined review of a Conceptual Development Plan and a Detailed Development Plan. This section requires city approval of both conceptual and detailed development plans and allows for “combined review” of both types of plans. This application is for both conceptual and detailed development plan approval as provided in Section 17.64.10(A). The applicant has met all application requirements for concept and detailed development plan review, as evidenced by the finding that the application was deemed complete on August 5, 2020.
47. The Sandy Development Code does not contain specific language identifying the process for completing a combined review, but rather details the specifics of individual conceptual and detailed reviews.
48. Section 17.64.30(A) states that dimensional and/or quantitative standards of the Sandy Development Code may be varied through the PD review process. The Development Services Director advised the applicant to prepare a detailed list of “modifications” to SDC standards. The applicant believes that the unique nature of the site and amenities offered as part of the PD application warrant this flexibility. The applicant is requesting the following modifications to the development code:
 - a. Section 17.34.10 lists permitted uses in the Single Family Residential zoning district. The applicant is proposing row houses and multi-family dwellings which are not listed as permitted outright uses. However, these uses are allowed in an approved PD.
 - b. Section 17.34.30 requires lot sizes in the Single Family Residential zoning district to be at least 7,500 square feet. The applicant is proposing a variety of lot sizes: Of the single family detached lots, the applicant is proposing 50 lots between 3,400 and 4,999 square feet; 13 lots between 5,000 and 5,999 square feet; 12 lots between 6,000 and 7,499 square feet, and 13 lots greater than 7,500 square feet. Of the lots greater than 7,500 square feet, one is greater than 15,000 square feet, which is the maximum lot size allowed under Section 17.100.220(B) without needing to arrange lots to allow further subdivision. The single family attached lots range in size from 2,160 to 2,695 square feet.
 - c. Section 17.34.30 requires a minimum average lot width to be 60 ft. The applicant is requesting a waiver to this requirement. Given that many lots do not meet the 7,500 square foot requirement, the applicant argues that this requirement is not possible to meet.

- d. Section 17.34.30 requires interior yard setbacks of 7.5 feet. The applicant is requesting that this be reduced to five (5) feet on all lots.
 - e. Section 17.34.30 requires that rear yard setbacks be 20 feet. The applicant is requesting that this be reduced to 10 feet for lots 47-56 in the Lower Views and 15 feet for lots 84-86 and 88-102 in the Upper Views.
 - f. Section 17.100.120 requires a 400 foot maximum block length. The applicant is requesting three variances to this: a 691 foot block length on The Views Drive from Vista Loop Drive to Bonnie Street; a 665 foot block length on the north side of Bonnie Street; and an 805 foot block length on Knapp Street from Vista Loop Drive to Ortiz Street. According to the applicant, these block lengths are necessary to accommodate for the site layout.
49. Section 17.64.30(B) allows for a planned development to be established on any parcel of land, or on more than one parcel of land if those parcels are abutting. The subject property contains two abutting parcels. Per the definition of abutting in Chapter 17.10 of the Development Code: “Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public way, it being the intent of this definition to treat property lying on the opposite sides of a road, street, alley or public way as having a common boundary line or point.”
50. Section 17.64.50, Open Space, requires that a minimum of 25 percent of the site be used as open space. The site is 32.87 acres; thus, the minimum open space dedication is 25 percent of 32.87 acres, or 8.25 acres. The applicant proposes 11.92 acres of total open space, including 8.25 acres of natural area open space and 3.68 acres of active recreation area. Rather than dedicating the open space to the City, the applicant proposes establishing a homeowner’s association to own and maintain the open space areas as permitted by Section 17.86.50. **All private open space tracts shall have a note on the plat that states these tracts cannot be developed. The natural area open space tracts (Tracts I, K, and L) shall also be protected by a conservation easement or similar method.**
51. Section 17.64.60 describes allowed uses through the PD process. These uses include uses permitted in the underlying zoning district, as well as single-family detached, single-family attached dwellings (i.e. row houses), and multi-family dwellings, as proposed by the applicant.
52. Sections 17.64.70-90 are procedural in nature. Approval of The Views PD would result in an amendment to the Sandy Zoning Map, indicating that a PD has been approved on this SFR zoned land. The applicant and City have complied with all procedural requirements for conceptual PD approval, as discussed under Section 17.64.10, above.
53. The proposed public utility layout is provided solely to comply with the planned development submission requirements in Section 17.64.90(B)2. of the Sandy Municipal Code (SMC). **Approval of the land use application does not connote approval of the public improvement plans (which may be submitted and reviewed later) and shall not be considered as such.**

54. Section 17.64.100 sets forth Planned Development approval criteria. There are two relevant criteria: (a) consistency with the intent of the PD Chapter, as found in Section 17.64.00; and (b) compliance with the general provisions, development standards and application provisions of Chapter 17.64, Planned Developments.

The “Intent” of the PD chapter is described in nine purpose statements. Staff does not interpret each of these statements as individual standards that must be met; rather, staff views these statements as goals that should be achieved through the PD review process. The purpose statements are as follows:

- I. Refine and implement village development patterns designated “V” on the Comprehensive Plan Map.
- II. Allow the relocation of zones within designated villages, provided that the overall intent of the village designation is maintained.
- III. Allow a mixture of densities between base zones within the planned development.
- IV. Promote flexibility in site planning and architectural design, placement, and clustering of structures.
- V. Provide for efficient use of public facilities and energy.
- VI. Encourage the conservation of natural features.
- VII. Provide usable and suitable recreation facilities and public or common facilities.
- VIII. Allow coordination of architectural styles, building forms and relationships.
- IX. Promote attractive and functional business environments in non-residential zones, which are compatible with surrounding development.

The proposal includes a mix of densities in the form of single family detached residences, row homes, and multi-family housing. In addition, the proposal includes three open space natural areas in the lower views, as well as multiple recreational areas in the form of private park-like spaces and wider pedestrian areas. As indicated by the proposed homes (Exhibit K), the project includes two different townhome designs and 10 different single family home designs.

55. Sections 17.64.110-120(A) specifies graphic and narrative requirements and procedures for review of detailed development plans. All graphic requirements are met in the maps, figures, tables, and appendices provided with this application. Staff found the application complete on August 5, 2020. The applicant has elected to submit a combined conceptual and detailed planned development application, thus providing the public, Planning Commission, and the City Council with a complete understanding of exactly what is proposed in this application.

56. Section 17.64.120(B) specifies additional items that must be addressed in the detailed development plan. In addition to the narrative requirements specified for a Conceptual Development Plan, the Detailed Development Plan narrative shall also include:

Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (in ratio to gross floor area or number of units).

- g. All of the items required by this section are included with the application package as shown on the Preliminary Plats and Building Setbacks and Parking Analysis sheets (Exhibit D).

Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.

- h. All open space and landscape areas will be commonly owned and maintained by a Homeowner's Association. Individual homeowners will be responsible for the lot area abutting adjacent public streets.

Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

- i. The Lower Views shares a common boundary with a commercial business (Johnson RV), a large lot residential property in the city limits, and vacant properties outside the UGB. The Upper Views shares a common boundary with large lot residential and vacant properties and a multi-family development all within the city limits.

Statement describing project phasing, if proposed. Phases shall be:

- *Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.*
 - *Properly related to other services of the community as a whole and to those facilities and services yet to be provided.*
 - *Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.*
- j. The applicant is proposing two phases. The Lower Views would be phase one and the Upper Views would be phase two. Each development site is generally independent of the other. The proposed phasing of The Views PD is discussed in further detail in Chapter 17.100 of this document.

17.66 – Adjustments & Variances

57. The applicant is requesting the following two Type III Special Variances:

- Special Variance to Section 17.84.30(A) to not provide a sidewalk on multiple street frontages.
- Special Variance to Section 17.82.20(A and B) to not have the front doors of the proposed lots adjacent to Highway 26 face Highway 26 with direct pedestrian connection from the front doors to the Highway 26 sidewalk.

58. To be granted a Type III Special Variance, the applicant must meet one of the following criteria in Section 17.66.80:

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

59. SIDEWALK ELIMINATION

Chapter 17.84 requires sidewalk and planter strips to be included with development. The applicant is requesting that this requirement be eliminated on the south side of The Views Drive from Vista Loop Drive to the alley and on the majority of the Highway 26 frontage. In addition, the applicant is proposing pedestrian walkways within private open space tracts rather than a traditional sidewalk in the public right-of-way along the south side of Vista Loop Drive, the north side of The Views Drive, and the south side of Bonnie Street.

South side of The Views Drive

Section 17.84.30(A) requires sidewalks to be provided on both sides of the street. On a local street, such as The Views Drive, the sidewalk is required to be a minimum of 5 feet in width separated from the curb by a minimum 5 foot wide planter strip. The requested variance to not provide a sidewalk on the south side of The View Drive does not meet the intent and purpose of this regulation. However, the applicant is proposing a wider pedestrian zone along the north side of The Views Drive, which includes a meandering walkway within an approximately 19-foot wide private open space tract (Tract E). This allows for trees to be planted on both sides of the path, creating an allée-like feel and enhancing the pedestrian environment and contributing to a more outstanding design than would be included in a typical subdivision. Thus, **Planning Commission recommends City Council approve the Special Variance request to not provide a sidewalk on the south side of The Views Drive with the condition that Tract E be designed as proposed (i.e. approximately 19 feet wide with sufficient planting space of at least 5 feet on either side of the meandering walkway to accommodate street trees on both sides of the walkway) and add a note to the plat indicating that Tract E cannot be developed.**

Walkways in private tracts along The Views Drive, Vista Loop Drive, and Bonnie Street

The applicant is proposing to include pedestrian amenities in the form of a meandering walkway located within a private open space tract rather than the traditional sidewalk in a public right-of-way on the following street frontages: the south side of Vista Loop Drive, the north side of The Views Drive, and the south side of Bonnie Street. The meandering walkways meet the intent of having a sidewalk and planter strip, provided sufficient space is provided for planting and the walkways are covered by a pedestrian easement. **Planning Commission recommends the City Council approve the requested special variance to provide meandering walkways within private open space tracts rather than a**

traditional sidewalk/planter strip in the public right-of-way with the condition that the tracts maintain a minimum width of 15 feet to accommodate a 5 foot wide walkway with an average of 5 foot wide planter strips on either side as well as a minimum width of 16 feet on Vista Loop Drive for a 6 foot sidewalk and 5 foot planter strips as Vista Loop Drive is a collector. The applicant shall include a pedestrian easement and a note on the final plat indicating that the meandering walkway tracts are not developable. Staff also recommends a condition that the meandering walkways in the open space tracts remain the responsibility of the homeowner's association. Consistent with sidewalks along street frontages, Planning Commission recommends a plat note or restrictive covenant be recorded that if the homeowner's association dissolves the responsibility to maintain and repair the meandering walkways and associated landscaping including street trees and groundcover shall shift to the adjacent property owners.

60. FRONT DOORS NOT FACING AND CONNECTED TO A TRANSIT STREET

The requirement of building entrances oriented to transit streets, such as Highway 26, is to provide a pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk where transit amenities are located. The applicant requests a special variance to Chapter 17.82.20 to allow the front door of the future homes constructed on Lots 99 and 103-121 to face the internal local street network instead of Highway 26, a designated transit street. The applicant is also proposing a sound wall along Highway 26. This variance request is essentially asking that the front lot line be along the internal street network rather than Highway 26 and that the proposed sound wall can be 6 feet in height, which would be allowed if the Highway 26 lot line is the rear lot line. Though the section of Highway 26 along the subject property is currently in a 65 mph speed zone, it will eventually become urbanized and the speed limit will be reduced. Staff recognizes that proposed Lots 99 and 103-121 will not be allowed to take access from the highway and thus, that all garages and street parking will be located in the internal local street network. While the applicant could design the houses to have two front doors, staff recognizes that the front doors facing Highway 26 would essentially be false front doors, which is not the intent of the code. Thus, **Planning Commission recommends that the City Council approve the applicant's requested variance to not provide front doors facing Highway 26 with direct pedestrian connection from the front door to Highway 26 as required by Chapter 17.82. If approved, this variance request would establish Knapp Street as the front lot line for Lots 103-121 and Ortiz Street as the front lot line for Lot 99. Planning Commission recommends condition additional architectural, landscaping, and/or design features to enhance the appearance of the proposed sound wall from the Highway 26 right-of-way.**

61. Approval of a variance shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place. The Planning Commission (Type III) may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit. The variance approvals shall be consistent with the approved timelines for the subdivision phases.

17.74 – Accessory Development

62. Section 17.74.40 specifies, among other things, fence and wall height in front, side and rear yards. Walls in residential zones shall not exceed 4 feet in height in the front yard, 8 feet in

height in rear and side yards abutting other lots, and 6 feet in height in side and rear yards abutting a street. The proposal includes a sound wall along Highway 26, a retaining wall along the south side of The Views Drive, and a retaining wall along the north side of Lot 72. The sound wall along Highway 26 is proposed to be a 6 foot tall wall. The applicant is requesting a Special Variance to allow the front lot line for Lots 103-121 to be on Knapp Street and the front lot line for Lot 99 to be on Ortiz Street rather than Highway 26, which is reviewed in Chapter 17.66 of this document. If approved, the property line along Highway 26 would be the rear property line for Lots 103-121 and the side property line for Lot 99, both of which would permit a 6 foot tall wall.

63. The applicant proposes using a Verti-Crete wall system for the sound wall along Highway 26 in the Upper Views (Exhibit R). The wall panels have a ledge stone finish on both sides and the posts are Ashlar finished. The applicant proposes installing a six-foot tall wall. The posts are 20 inches by 20 inches. The posts and panels come to the site in a concrete gray color and are stained in the field after the wall is installed. The applicant proposes staining the wall “Nutmeg,” which is a warm-toned brown. **Planning Commission recommends that additional vegetation is planted between the sound wall and the sidewalk to make it more pedestrian friendly and to soften the large concrete wall.**

17.80 – Additional Setbacks on Collector and Arterial Streets

64. Chapter 17.80 requires all residential structures to be setback at least 20 feet on collector and arterial streets. This applies to front, rear, and side yards. Vista Loop Drive is identified in the City’s Transportation System Plan as a collector street. Highway 26 is a major arterial. As shown on the Block and Street Dimensions plan (Exhibit D, Sheets C8 and C9), it appears that all setbacks on lots adjacent to Vista Loop Drive and Highway 26 meet this requirement.

17.82 – Special Setbacks on Transit Streets

64. Section 17.82.20(A) requires that 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. A transit street is defined as a street designated as a collector or arterial. The Upper Views is located adjacent to Highway 26, a major arterial, and Vista Loop Drive, a collector. The lot for the multi-family structure in the Upper Views is proposed to be located adjacent to Vista Loop Drive. **Adherence to this code section for the future multi-family units will be determined in a future design review process.**
65. Twenty (20) single family homes (lots 99 and 103-121) are proposed adjacent to Highway 26. Because a substantial grade separation exists between the subject property and Highway 26 over a majority of the property, the applicant does not propose orienting these structures toward the highway but rather orienting these homes toward the internal street. The applicant is requesting a special variance to not have the front doors of the proposed houses along Highway 26 face Highway 26 with a direct pedestrian connection to the highway. The variance request is reviewed in Chapter 17.66 of this document.
66. Section 17.82.20(B) requires that dwellings shall have a primary entrance connecting directly between the transit street and building interior and outlines requirements for the pedestrian route. The applicant is requesting a special variance to not have the front doors of the

proposed houses along Highway 26 face Highway 26 with a direct pedestrian connection to the highway. The variance request is reviewed in Chapter 17.66 of this document.
Adherence to this code section for the future multi-family units will be determined in a future design review process.

67. Section 17.82.20(C) requires that primary dwelling entrances shall be architecturally emphasized and visible from the transit street and shall include a covered porch at least 5 feet in depth. **The adherence to this code section for the future multi-family units will be determined in a future design review process.**

17.84 – Improvements Required with Development

68. Section 17.84.20(A)(1) requires that all improvements shall be installed concurrently with development or be financially guaranteed. **All lots in the proposed subdivision will be required to install public and franchise utility improvements or financially guarantee these improvements prior to final plat approval. All ADA ramps shall be designed and inspected by the design engineer and constructed by the applicant to meet the most current PROWAG requirements.**
69. Section 17.84.30(A)(1) requires that all proposed sidewalks on the local streets will be five feet wide as required by the development code and separated from curbs by a tree planting area that is a minimum of five feet in width. All sidewalks on the internal streets in the Upper Views are proposed to be five feet wide separated from curbs by a landscape strip as required. All sidewalks in the Lower Views are also proposed to be five feet wide with the exception of a six-foot sidewalk proposed on the north side of The Views Drive entrance road from Vista Loop Drive to the proposed alley. The sidewalk is designed to connect to a six-foot meandering sidewalk constructed in front of the proposed row houses. A planned development modification as discussed in Section 17.64.30 has been proposed to modify the typical street section by shifting the road alignment to the southern edge of the right-of-way in order to allow for the construction of a meandering six-foot walkway in this location. The applicant is requesting a special variance to not provide sidewalks on some local street frontages. The special variance request is discussed in Chapter 17.66 of this document.
Planning Commission recommends a condition that the meandering walkways in the open space tracts remain the responsibility of the homeowner's association. Consistent with sidewalks along street frontages, Planning Commission recommends a plat note or restrictive covenant be recorded that if the homeowner's association dissolves the responsibility to maintain and repair the meandering walkways and associated landscaping including street trees and groundcover shall shift to the adjacent property owners.
70. As required by Section 17.84.30(A)(2), six-foot sidewalks are proposed to be constructed along arterial and collector streets. As shown on the submitted plans (Exhibit D) all sidewalks adjacent to Vista Loop Drive, a collector street, are proposed to be six-feet wide. Unlike a typical street section, the sidewalk/walkway along Vista Loop Drive is proposed to meander along the road rather than be parallel to this road. Rather than provide sidewalks in the public right-of-way, the applicant is proposing six-foot-wide walkways in Tracts M and N adjacent to Vista Loop Drive. The applicant's request to not provide sidewalks on the

Vista Loop Drive frontage is a special variance. The special variance request is discussed in Chapter 17.66 of this document.

71. The applicant proposes a six foot wide sidewalk along the Highway 26 frontage of the site. The proposed sidewalk will be located adjacent to the proposed sound wall at the top of the slope.
72. In relation to Sections 17.84.30(B), 17.84.30(C), 17.84.30(D), and 17.84.30(E), the applicant is proposing sidewalk alternatives in multiple locations in the form of meandering pathways in private tracts.
73. Per the Public Works Director, **the applicant shall improve all public street frontages (including the Highway 26 right-of-way, and the street frontage of all tracts) in conformance with the requirements of 17.84.30 and 17.84.50.** The subject property contains frontage along Highway 26. The applicant's plan set shows a six-foot sidewalk is proposed to be constructed at the top of the bank along the site's entire highway frontage. The applicant's Engineer corresponded by email with the City's Public Works Director and an ODOT representative regarding if a curb will be required along the highway frontage. The Public Works Director indicated the decision on a curb is up to ODOT as they have authority over Highway 26. The ODOT representative stated that construction of a curb is not required along Highway 26 and construction of a sidewalk at the top of the bank is acceptable. With this, staff recommends the following condition: **Improvements adjacent to the site's Highway 26 frontage shall consist of a six-foot wide sidewalk constructed at the top of the bank, lighting, and street trees only as approved and permitted by ODOT.** The applicant requested Special Variance approval to only construct a curb on the south side of The Views Drive from the intersection of The Views Drive with Vista Loop Drive to the alley in the Lower Views.
74. Section 17.84.40(A) requires that the developer construct adequate public transit facilities. Per Exhibit X, **the proposed development will require a concrete bus shelter pad and a green bench (Fairweather model PL-3, powder-coated RAL6028). The required pad size is 7' x 9.5' and should be located at the northernmost corner of The View Drive and Vista Loop Drive. Engineering specifications are available from the Transit Department.**
75. Section 17.84.50 outlines the requirements for providing a traffic study. The applicant included a Traffic Impact Study (TIS) with the application (Exhibit F). The study did not identify any required mitigation. According to the traffic study, the proposed development would produce 109 peak AM trips, 136 peak PM trips, and 1,564 total daily trips. The findings from the City Transportation Engineer (Exhibit S) are expressly incorporated by reference into this document.
76. According to the TIS, the study intersections currently operate acceptably and are projected to continue to operate acceptably under year 2022 traffic conditions either with or without the addition of site trips from the proposed development. No queuing-related mitigations are necessary or recommended in conjunction with the proposed development. Based on the crash data, the study intersections are currently operating acceptably with respect to safety.

Based on the warrant analysis, no new traffic signals or turn lanes are recommended. ODOT states (Exhibit W) that the applicant shall provide additional space on Highway 26 to accommodate westbound right turning movements from Highway 26 onto Vista Loop Drive. Ard Engineering explains in the letter from October 27, 2020 the following:

“In addition to the lack of a clear standard used to justify a request for improvements on Highway 26, it should be noted that a recent improvement has already been undertaken at the request of the Oregon Department of Transportation in anticipation of supporting residential development within the subject property. The prior configuration of the intersection of Highway 26 at Vista Loop Drive included a westbound slip lane which allowed vehicles to turn onto Vista Loop Drive at high speeds. At the request of ODOT, this slip lane was removed and the then-existing shoulder was widened by 6.75 feet immediately east of Vista Loop Drive (Exhibit QQ).

This improvement project was required as part of a lot partition and residential development. The condition of approval carried onto both the approval for the Timber Valley Subdivision, and the Johnson RV expansion that occurred on another piece of the partitioned property. Since the condition was applied to both the residential development and the Johnson RV property, the first one to develop ultimately had to make the improvements. When Johnson RV constructed their parking lot expansion, they were required to bond for the street improvements and were required to complete the improvements by October 31, 2018. As a result, the conditioned improvements for Highway 26 at Vista Loop Drive were completed approximately 2 years ago. Notably, the Timber Valley Subdivision was approved on property that is now The Views. Accordingly, the completed mitigation was specifically intended to support residential development on the subject property.

Since warrants are not met for intersection improvements at Highway 26 and Vista Loop Drive in conjunction with the proposed development and recent improvements at the intersection were specifically intended to support both development of the Johnson RV parking lot expansion and the residential development within what is now The Views property, it does not appear to be either appropriate or proportional to request a second round of intersection improvements in association with the current residential development proposal. Accordingly, we request that there be no condition of approval requiring further widening or improvements on Highway 26 at Vista Loop Drive.”

Additionally, the City’s traffic engineer provided further comment on November 30, 2020 (Exhibit AA) reiterating the lack of data required to warrant a dedicated right turn lane. Ard Engineering provided an additional memo on December 9, 2020 reiterating that traffic data does not show a need for a right turn lane (Exhibit PP). Staff and the City’s traffic engineer agree with this analysis completed by Ard Engineering and do not recommend a condition associated with the right turning movement as requested by ODOT.

77. Intersection sight distance was evaluated for the proposed points of access along SE Vista Loop Drive. Based on the analysis it is projected that adequate site distance can be achieved for all access locations with clearing of vegetation from the roadside. No other sight distance mitigations are necessary or recommended.

78. The proposed development does not include any long straight street segments and is thus not required to follow the standards in Sections 17.84.50(C)(1) or (2).
79. Section 17.84.50(C)(3) requires that cul-de-sacs should generally not exceed 400 feet in length nor serve more than 20 dwelling units. Two cul-de-sacs are proposed in the Lower Views and a single cul-de-sac is proposed in the Upper Views. All three proposed cul-de-sacs are less than 400 feet in length. Additionally, none of the cul-de-sacs will serve more than 12 lots.
80. Section 17.84.50(D) requires that development sites shall be provided with access from a public street improved to City standards. All homes will gain access from a public street or a public alley improved to city standards or a private drive accessed from a public street. No off-site improvements have been identified or are warranted with the construction of this subdivision.
81. 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. Temporary dead-ends created by this requirement to extend street improvements to the edge of the adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal. The proposed street layout results in one temporary dead-end street at the East end of the Lower Views. This street end includes sufficient room to accommodate fire equipment to turn around. The only existing street to be extended is Ortiz Street in the Upper Views, which is proposed to be located directly across Vista Loop Drive from the existing street. The applicant submitted a future street plan (Exhibit D, Sheet C10); however, it details the area north of Ortiz Street as future apartments and does not consider this area to lend itself to a traditional subdivision.
82. Section 17.84.50(F) requires that no street names shall be used that will duplicate or be confused with names of existing streets. The application includes proposed street names as shown on submitted plans (Exhibit D). **The applicant shall clarify if the street is intended to be named “The View Drive” or “The Views Drive” as both of these names are used on the application materials. All street names are subject to change prior to recording of the plat.**
83. Proposed streets meet the requirements of 17.84.50(H). The future street plan (Exhibit D, Sheet 1) shows that the proposed development will facilitate and not preclude development on adjacent properties, except with the possibility of the property north of Ortiz Street (i.e. Tax Map 25E18DC, Tax Lots 1000 and 1100). This is discussed in more detail in the subdivision approval criteria in Chapter 17.100 of this document. All proposed streets comply with the grade standards, centerline radii standards, and TSP-based right-of-way improvement widths with the exception of the portion of The Views Drive from the intersection with Vista Loop Drive to approximately the public alley which is proposed to be 31 feet wide. The applicant is requesting a reduction of the right-of-way in this location in order to shift the road to the south to construct a wider sidewalk on the north side of this street within a private landscaped tract. All proposed streets are designed to intersect at right angles with the intersecting street and comply with the requirements of Section

17.94.50.(H)(5). No private streets, with the exception of private drives, are proposed in the development.

84. The applicant has submitted a turning diagram demonstrating that there should be sufficient room for a 22 foot long vehicle to back out of a driveway (with an adjacent parked car in the driveway) and into the public alley with cars parked on the opposite side of the alley in a single motion without any conflict. **The garage face setback from the alley shall meet or exceed that shown in the turning diagram.**
85. **The various streets and public alleys shall include a minimum four-foot wide utility and sign easement on both sides to provide enough room for street name, traffic control and regulatory signage and utility pedestals, fire hydrants, water meters, etc.**
86. The plans detail all street intersections provide at least 50 foot tangents as required per 17.84.50(H)(5)(C). **The vertical design grade for landing at all the Tee intersections where controlled with “Stop” signs shall be no greater than 8 percent for a minimum of 50 feet or two car lengths.**
87. Section 17.84.60 outlines the requirements of public facility extensions. The applicant submitted a utility plan (Exhibit D, Sheets 12 and 13) which shows the location of proposed public water, sanitary sewer, and stormwater drainage facilities. Broadband fiber service will be detailed with construction plans. No private utilities are proposed. **All public sanitary sewer and waterline mains are to be a minimum of 8 inches in diameter and storm drains are to be a minimum of 12 inches in diameter. These shall be extended to the plat boundaries where practical to provide future connections to adjoining properties. All utilities are extended to the plat boundary for future connections.**
88. According to the applicant’s supplemental memos regarding sanitary sewer capacity dated December 9, 2020 (Exhibits NN and OO), both the applicant and the city engineer anticipate adequate sewer capacity to accommodate new development:
- “New commercial/residential loads are minor by comparison to the [infiltration and inflow] impact, and adding additional development has a nearly negligible impact on the system loading” (Exhibit NN).
- Additionally, the applicant suggests that SDC credits associated with the development will assist in paying for the City’s existing plans to update the sanitary sewer system.
89. Franchise utilities will be provided to all lots within the proposed subdivision as required in Section 17.84.80. The location of these utilities will be identified on construction plans and installed or guaranteed prior to final plat approval. The applicant does not anticipate extending franchise utilities beyond the site. All franchise utilities other than streetlights will be installed underground. The developer will make all necessary arrangements with franchise utility providers. The developer will install underground conduit for street lighting.
90. Section 17.84.90 outlines requirements for land for public purposes. The only public easements anticipated with this development are public pedestrian access easements located

over sidewalks not located within a public right-of-way, trails within the private open space tracts, and the recreation area tracts. Eight-foot wide public utility easements will be provided along all lots adjacent to street rights-of-way for future franchise utility installations. **All easements and dedications shall be identified on the final plat as required.**

91. Section 17.84.100 outlines the requirements for mail delivery facilities. **The location and type of mail delivery facilities shall be coordinated with the City Public Works Director and the Post Office as part of the construction plan process.**
92. **SandyNet shall receive a set of PGE utility plans to design and return a SandyNet broadband deployment plan.**
93. There are two private storm drain lines crossing the proposed right-of-way of The Views Drive. These storm lines serve private developments to the south of the site. Private utility facilities serving single sites are not permitted in public rights-of-way. When the land use application for the private development south of the site was processed the City identified that the location of these lines would present a conflict if a public right-of-way was ever dedicated across these private lines. Staff believes there are three options available: 1) relocate these lines outside the public right-of-way; 2) Replace the existing lines with materials conforming to City standards or demonstrate that the pipeline materials comply with and were installed in conformance with City standards and dedicate these improvements as public; or, 3) Have the owner of the adjacent site served by these lines apply for a revocable permit to place private drainage facilities in a public right-of-way. **Since the exact location relative to proposed improvements in the right-of-way is unknown at this time the City will determine the most suitable option during construction plan review.**
94. **The proposed public sidewalks located outside of the street right-of-way shall provide lighting levels in conformance with City standards.**
95. **An ODOT Permit to Occupy or Perform Operations Upon a State Highway shall be obtained for all work in the State highway right-of-way.** When the total value of improvements within the ODOT right-of-way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the ownership, maintenance, and operations of any improvements or alterations made in highway right-of-way. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the project standards that must be followed, compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements, and any other ODOT requirements for project construction, including costs for ODOT staff time for project approvals, inspection, and completion.

17.86 – Parkland and Open Space

96. The applicant intends to pay a fee in lieu of parkland dedication as outlined in the requirements of Chapter 17.86. Section 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 = 120 x 3 x 0.0043 = 1.548 acres. For the proposed

development of 39 multi-family units, acres = $39 \times 2 \times 0.0043 = 0.3354$ acres. Combined, this totals 1.89 acres.

97. The applicant proposes paying a fee in lieu of parkland dedication. Based on 1.88 acres the parks fee in-lieu shall be \$455,490 based on the City's current fee schedule if this payment is not deferred and paid prior to final plat approval, and \$500,850 if half of the payment is deferred. If deferred, one-half of this amount (\$250,425) is required to be paid prior to final plat approval with the other half (\$250,425) evenly split and paid with each building permit. Because two of the lots are proposed to contain multi-family dwellings at a later date, the applicant requests the parks fee for these units be paid with the building permit for these units rather than at the time of final plat approval. If this proposal is accepted the amount of cash-in-lieu to be paid with the final plat would be based on the area of parkland required for the single family units which is 1.55 acres. This results in the following amounts $1.55 \times \$241,000 = \$373,550$ if paid prior to Final plat approval and $1.55 \times \$265,000 = \$410,750$ if one-half of the payment is deferred. The fee associated with the multi-family units $0.34 \times \$265,000 = \$90,100$ would be paid with the building permit for these units if that is the ultimate decision of the City Council.
98. As explained in the findings for Chapter 17.64, maintenance for the dedicated open space areas will be the responsibility of a Homeowners Association. **The applicant shall submit a draft agreement between the City and the HOA detailing the minimum maintenance requirements and responsibilities including a means for the City to remedy any failure to meet the agreed-upon standards. The agreement shall be finalized and recorded prior to plat approval and referenced on the face of the plat. Consistent with sidewalks along street frontages, staff recommends a plat note or restrictive covenant be recorded that if the homeowner's association dissolves the responsibility to maintain and repair the meandering walkways and associated landscaping including street trees and groundcover shall shift to the adjacent property owners.**
99. Per Section 17.86.50(5), in the event that any private owner of open space fails to maintain it according to the standards of the Sandy Municipal Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. **All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.**

17.90 – Design Standards

100. Chapter 17.90 contains design standards for development based on type and zone. **All future buildings shall adhere to the design standards in Chapter 17.90.** Single family residences and row homes will be reviewed at building permit and multi-family buildings will be reviewed with a future design review application.

17.92 – Landscaping and Screening

101. Section 17.92.10 contains general provisions for landscaping. As previously determined by the Planning Commission, the City's tree protection standards in this section do not apply to residential subdivisions. Per Section 17.92.10(L), **all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.**

102. Section 17.92.30 specifies that street trees shall be chosen from the City-approved list. As required by Section 17.92.30, the development of the subdivision requires medium trees spaced 30 feet on center along street frontages. The applicant did not submit a separate street tree plan but the conceptual plan (Exhibit L) details street trees along all of the proposed streets, except Highway 26. **The applicant shall update the street tree plan to detail street trees along Highway 26.** A majority of the streets include both street trees and trees in the front yards of the private property, which creates an allée of trees. The Landscape/Conceptual Plan (Exhibits L, M, and N) identifies tree species, size, and quantities of trees. The landscape/conceptual plan does not show much variety in tree species; for example, both sides of the entire length of Bonnie Street are proposed to have Japanese styrax. Staff would like to see more diversity in street tree species in general and within each block. **The applicant shall update the plan set to detail a minimum of two (2) different tree species per block face for staff review and approval.** In addition, the applicant is proposing red maples along The Views Drive, public alleys, and cul-de-sacs. Due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not recommending maples or ashes at this time. **The applicant shall update the plant palette to detail an alternate species for the red maple that is not a maple or an ash.**
103. The applicant is proposing to mass grade the buildable portion of the site. This will remove top soil and heavily compact the soil. In order to maximize the success of the required street trees, **the applicant shall aerate the planter strips and other areas proposed to contain trees to a depth of 3 feet prior to planting street trees. The applicant shall either aerate the planter strip soil at the subdivision stage and install fencing around the planter strips to protect the soil from compaction or shall aerate the soil at the individual home construction phase.**
104. **If the plan set changes in a way that affects the number of street trees (e.g., driveway locations), the applicant shall submit an updated street tree plan for staff review and approval. Street trees are required to be a minimum caliper of 1.5-inches measured 6 inches from grade and shall be planted per the City of Sandy standard planting detail. Trees shall be planted, staked, and the planter strip shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy. Tree ties shall be loosely tied twine and shall be removed after one growing season (or a maximum of 1 year).**
105. Section 17.92.40 specifies that landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life. The proposal includes numerous private tracts with landscaping. The applicant did not submit an irrigation plan nor did the applicant address Section 17.92.40 in the narrative. **The applicant shall submit an irrigation plan.**
106. Section 17.92.50 contains standards related to types and sizes of plant materials. The applicant submitted a plant key (Exhibit O) and landscape plans (Exhibits L, M, and N) that detail plant sizes in compliance with this section. Section 17.92.50(B) encourages the use of native plants or plants acclimatized to the PNW. The applicant is proposing two species of *Prunus* that are nuisance species: *Prunus laurocerasus* ‘Otto Luyken’ and *Prunus lusitanica*. **The applicant shall update the plant palette to include two alternate species**

to replace the nuisance *Prunus* species. Chapter 17.60 requires that any plants planted in the FSH overlay area are native. **The Landscape Plan shall detail native plants for all vegetation planted in the FSH overlay area and native or PNW acclimatized pollinator friendly species for all vegetation planted in the recreation tracts and private walkway tracts.** Staff recommends the following native or PNW acclimatized pollinator species:

- Trees: *Rhamnus purshiana*, *Prunus virginiana*, *Amelanchier alnifolia*, *Malus floribunda*
- Shrubs: *Ceanothus spp.*, *Berberis aquifolium*, *Perovskia atriplicifolia*, *Solidago canadensis*, *Helenium autumnale*, *Agastache foeniculum*
- Groundcover: *Eschscholzia californica*, *Madia elegans*, *Symphytotrichum subspicatum*

107. The applicant submitted a conceptual plan that details extensive landscaping in the proposed private open space tracts and stormwater tracts. The inclusion of the recreation area tracts and the wider, more pedestrian friendly walkways with an allée of trees are two elements that set this planned development apart from a typical subdivision. On the streets where the meandering walkways with allées of trees are not proposed, the applicant is detailing additional trees planted in the front yards of houses to continue the allée feel. In addition, the proposal details trees in the rear yards of Lots 103-121, which will help buffer the noise from the highway, and trees in the public alley and private drives. **The applicant shall install landscaping in the private open space tracts, front yards, rear yards, public alleys, and private drives as detailed on the submitted conceptual plan and in accordance with the requirements for the updated landscape plan.** The applicant is proposing three natural area open space tracts, one of which will have a trail, which is a permitted use in otherwise undeveloped open space. The applicant is also proposing four recreation area tracts, which are proposed to contain sports courts and/or playground equipment. **The applicant shall install the proposed sports courts and playground equipment per the conceptual plan and prior to recording the plat of the associated phase. The applicant shall submit details on the sports courts and playground equipment to staff for review and approval.**

108. Section 17.92.130 contains standards for a performance bond. The applicant has the option to defer the installation of street trees and/or landscaping for weather-related reasons. Staff recommends the applicant utilize this option rather than install trees and landscaping during the dry summer months. Consistent with the warranty period in Section 17.92.140, staff recommends a two-year maintenance and warranty period for street trees based on the standard establishment period of a tree. **If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the street trees/landscaping, assuring installation within 6 months. The cost of the street trees shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.**

109. **Landscaping requirements for the multi-family units will be addressed with a subsequent design review application.**

17.98 – Parking, Loading, and Access Requirements

110. Section 17.98.10(M) requires that the developer provide a Residential Parking Analysis Plan. This plan identifying the location of parking is included in Exhibit D, Sheet 10.

111. Section 17.98.20(A) requires that each single family dwelling unit is required to provide at least two off-street parking spaces. **Compliance with this requirement will be evaluated during building plan review. Parking for the proposed multi-family units will be evaluated as part of a future design review application.** Section 17.98.60 has specifications for parking lot design and size of parking spaces. No lots are proposed to gain access from an arterial or collector street (Section 17.98.80).

112. Section 17.98.100 has specifications for driveways. **The minimum driveway width for a single-family dwelling shall be 10 feet and the maximum driveway approach within the public right-of-way shall be 24 feet wide measured at the bottom of the curb transition.** Shared driveway approaches may be required for adjacent lots in cul-de-sacs in order to maximize room for street trees and minimize conflicts with utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.). As shown on the applicant’s submittal (Exhibit D), allowing each cul-de-sac lot to be accessed by a separate driveway complies with the requirements of this section. Additionally, all driveways will meet vertical clearance, slope, and vision clearance requirements. All driveways appear to meet these criteria, but this will be verified at time of building permit submission and prior to excavation for the footings. Per Section 17.98.100(G), **the sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in Section 17.98.100(B) shall not exceed fifty percent of the circumference of the cul-de-sac bulb.** The applicant submitted additional analysis (Exhibit FF) showing that cul-de-sacs in the development comply with this standard. This requirement is satisfied. Per Section 17.98.100(I), **driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.**

113. Section 17.98.110 outlines the requirements for vision clearance. **The requirements of this section will be considered in placing landscaping in these areas with construction of homes and will be evaluated with a future design review application for the multi-family units.**

114. Section 17.98.130 requires that all parking and vehicular maneuvering areas shall be paved with asphalt or concrete. As required by Section 17.98.130, **all parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.**

115. Section 17.98.200 contains requirements for providing on-street parking spaces for new residential development. Per Section 17.98.200, one on-street parking space at least 22 feet in length has been identified within 300 feet of each lot as required. Exhibit D, Sheet 10 shows that a minimum of 120 on-street parking spaces have been identified in compliance with this standard. No parking courts are proposed by the applicant.

17.100 – Land Division

116. Submittal of preliminary utility plans is solely to satisfy the requirements of Section 17.100.60. **Preliminary plat approval does not connote utility or public improvement plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.**
117. A pre-application conference was held with the City on May 29, 2019 per Section 17.100.60(A). The pre-app notes are attached as Exhibit BB.
118. As required by Section 17.100.60(E), the proposed subdivision is designed to be consistent with the density, setback, design standards, and dimensional standards in the SFR zoning district with the exception of the requests as part of the Planned Development. Dimensional and/or quantitative variations to development standards are permitted as part of the PD process per Section 17.64.30(A). See findings for Chapter 17.64 in this document.
119. Section 17.100.60(E)(2) requires subdivisions to be consistent with the design standards set forth in the chapter. Consistency with design standards in this chapter are discussed under each subsection below. Conditions of approval can be adopted where necessary to bring the proposal into compliance with applicable standards.
120. Section 17.100.60(E)(3) requires the proposed street pattern to be connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy. Given the requirements in Section 17.100.100(E), the site specific conditions of the subject property, particularly the location of the FSH overlay area, limits construction of an interconnected street system. The only existing street to be extended is Ortiz Street in the Upper Views, which is proposed to be located directly across Vista Loop Drive from the existing street. The applicant submitted a future street plan (Exhibit D, Sheet C10); however, it details the area north of Ortiz Street as future apartments and does not consider this area to lend itself to a traditional subdivision.
121. Section 17.100.60(E)(4) requires that adequate public facilities are available or can be provided to serve the proposed subdivision. All public utilities including water, sanitary sewer and stormwater are available or will be constructed by the applicant to serve the subdivision. As detailed on the submitted plans and because of the depth of the existing sewer line in Vista Loop, eleven lots in the Lower Views (Lots 39-46 and 61-63) and five lots (Lots 96-100) in the Upper Views will require installation of individual grinder sump systems to pump sanitary waste from these dwellings to a gravity sewer line.
122. Section 17.100.60(E)(5) requires all proposed improvements to meet City standards through the completion of conditions as listed within this document and as detailed within these findings. The detailed review of proposed improvements is contained in this document.
123. Section 17.100.60(E)(6) strives to ensure that a 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. The applicant proposes building The Lower Views as Phase 1 and The Upper Views as Phase 2.

124. Section 17.100.80 provides standards for denial of a development application due to physical land constraints. A significant portion of the Lower Views is affected by the FSH overlay identified by the City of Sandy. The applicant does not propose any development within this area. A Geotechnical Evaluation (Exhibit I) for the property is included with the application package. Except for the areas designated as open space, all areas of the Lower Views and all of the Upper Views property are suitable for development and do not pose any issues due to flooding.
125. The subject property abuts Highway 26 and notification of the proposal was sent to ODOT as required by Section 17.100.90. ODOT's comments are included as Exhibit W. One of ODOT's comments reads as follows: "The proposed land use notice is to construct 128 single family residential units and 48 [sic] multi-family units within the vicinity of the US 26/Vista Loop Drive intersection. The "Upper Views" site is located adjacent to the highway. ODOT has review the Traffic Impact Study prepared by Ard Engineering for the development. The development will increase the number of vehicles turning right onto Vista Loop Drive from the highway. The posted speed on the highway is 55 mph and vehicles making this turning movement must to slow down significantly to safely make the turn. Due to the high speed of through traffic, increasing the number of vehicles turning from the through lane onto Vista Loop Drive is a safety concern. In order to separate the right turning vehicles from the through movement, ODOT recommends that the city require the applicant to provide space for right turning vehicles to utilize while turning right onto Vista Loop Drive." After additional discussion with the City Transportation Engineer, prior to conditioning additional asphalt area for turning movements, he recommends the applicant's transportation engineer provides further analysis to be reviewed by ODOT and the City of Sandy. This analysis by Ard Engineering is contained in Exhibit F and explained in further detail in Chapter 17.84 of this document.
126. As required by Section 17.100.100(A), a traffic impact study prepared in compliance with the City standards was submitted with the application (Exhibit F). This study does not identify any issues requiring mitigation by the applicant. The findings from the City Transportation Engineer (Exhibit S) are expressly incorporated by reference into this document. None of the special traffic generators listed in Section 17.100.100(B) are located near the subject site.
127. While Section 17.100.100(C) calls for a rectangular grid pattern, due to topographic constraints in the Lower Views and existing infrastructure in the Upper Views (Highway 26 and Vista Loop Drive) the site does not lend itself to creating a rectangular gridded street pattern.
128. Section 17.100.100(E) requires applicants to provide a future street plan within a 400 foot radius of the subject property(ies). Given the requirements in Section 17.100.100(E), the site specific conditions of the subject property, particularly the location of the FSH overlay area, limits construction of an interconnected street system. The only existing street to be extended is Ortiz Street in the Upper Views, which is proposed to be located directly across Vista Loop Drive from the existing street. The applicant submitted a future street plan (Exhibit D, Sheet C10); however, it details the area north of Ortiz Street as future

apartments and does not consider this area to lend itself to a traditional subdivision. **The Planning Commission needs to determine if an additional street stub or pedestrian access shall be extended north (i.e. in the location of Lots 91 and 92).**

129. Section 17.100.120(A) requires blocks to 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. All blocks within the proposed subdivision have sufficient width to provide for two tiers of lots as required in Section 17.100.120(A), with the exception of blocks along Highway 26 and blocks adjacent to the FSH overlay district. The unique character of the site does not lend itself to creating blocks with two tiers due to the existing location of Highway 26 and the FSH overlay area.
130. Section 17.100.120(B) requires that blocks fronting local streets shall not exceed 400 feet in length, although blocks may exceed 400 feet if approved as part of a Planned Development. Due to site specific and topographic conditions, all streets do not comply with the 400 foot block length standard. The applicant is requesting an exception to this standard as part of the Planned Development request as identified in Chapter 17.64 of this document.
131. Section 17.100.120(D) requires that in any block 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. The applicant proposes establishing a ten foot wide sidewalk within a 15-foot wide pedestrian access easement in the middle of Knapp Street to provide a sidewalk connection from this street to Vista Loop Drive. In order to provide sufficient room for landscaping, **the walkway shall be shifted to one side of the 15 foot wide pedestrian access easement to accommodate a landscaping strip that is at least 5 feet in width with trees.**
132. As required by Section 17.100.130, eight-foot wide public utility easements will be included along all property lines abutting a public right-of-way. Eight foot wide public utility easements shall be included along all property lines abutting a public right-of-way. Only public pedestrian access easements will be needed to allow public access along some of the sidewalks located within private tracts. Staff does not believe that any other easements for public utility purposes are required but will verify this during construction plan review. **Preliminary plat approval does not connote utility or public improvement plan approval including easement locations which will be reviewed and approved separately upon submittal of public improvement construction plans.**
133. Section 17.100.140 requires that public alleys shall have a minimum width of 20 feet. A 28-foot wide paved alley within a 29-foot public right-of-way is proposed in the Lower Views. This alley is designed to provide access to the 32 single family detached dwellings abutting this right-of-way. The proposed alley width is designed to accommodate public parking on the south side of the alley. The proposed alley widths include Type C vertical curb with 7 inch exposure per the street sections diagram.
134. Section 17.100.150 outlines requirements for residential shared private drives. A shared private drive is intended to provide access to a maximum of two dwelling units. One of the following two criteria must be met: Direct access to a local street is not possible due to

physical aspects of the site including size, shape, or natural features; or the construction of a local street is determined to be unnecessary. As shown on submitted plans the Lower Views includes three private drives serving two lots each. These private drives are proposed due to the topographic constraints with the subject property. The design of the lots should be such that a shared access easement and maintenance agreement shall be established between the two units served by a shared private drive, public utility easements shall be provided where necessary in accordance with Section 17.100.130, and 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, and parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly. The proposed three private drives in the Lower Views are designed to serve only two lots each as permitted. **A shared access easement and maintenance agreement shall be established for each private drive as part of the Final Plat.** Public utility easements will be accommodated along these private drives as necessary to serve these lots. As shown on submitted plans each private drive is proposed to include a 20-foot wide all weather surface within a 21-foot wide tract and shall be posted “no parking.”

135. Section 17.100.170 outlines requirements for flag lots. Lots 103 and 104 are proposed as flag lots. Both lots contain a minimum 15 feet of street frontage as required.
136. Section 17.100.180(A) requires that intersections are designed with right angles. All streets in the proposed subdivision have been designed to intersect at right angles to the opposing street as required.
137. All streets in the proposed subdivision have a minimum curve radius as required by Section 17.100.180(B).
138. **A lighting plan shall be coordinated with PGE and the City as part of the construction plan process and prior to installation of any fixtures as required by Section 17.100.210.**
139. All lots in the proposed subdivision have been designed so that no foreseeable difficulties due to topography or other conditions will exist in securing building permits on these lots as required by Section 17.100.220(A).
140. Section 17.100.220(B) requires that 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 applicant may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots. As allowed by Chapter 17.64 for Planned Developments, the applicant has proposed modifications to the minimum lot size and dimension standards specified in the Single Family Residential zone. Only Lot 62 (16,694 square feet) is proposed to contain more than double the minimum lot size (7,500 square feet) in the SFR zone. Due to its location and topographic constraints no further division of this lot is possible and therefore staff supports the proposed square footage of Lot 62.
141. Section 17.100.220 states that all new lots shall have at least 20 feet of street frontage. All lots in the proposed subdivision contain at least 20 feet of frontage along a public street with

the exception of one flag lot and the six lots that are proposed to be accessed by three private drives.

142. Only Lots 99 and 103-121 are designed to have frontage on both an internal local street (Knapp Street) and Highway 26. This configuration is unavoidable because of the location of Highway 26 and limitations for access to this roadway and is thus allowed as required by Section 17.100.220(D).
143. The applicant shall install all water lines and fire hydrants in compliance with the applicable standards in Section 17.100.230, which lists requirements for water facilities.
144. The applicant intends to install sanitary sewer lines in compliance with applicable standards in Section 17.100.240. As noted above, because of the depth of the existing sanitary sewer in Vista Loop, 11 lots in the Lower Views (Lots 39-46 and 61-63) and five lots (Lots 96-100) in the Upper Views will require installation of a grinder sump system installed at each of these dwellings to pump sanitary sewer waste from these dwellings to a gravity sanitary sewer line in the development.
145. Section 17.100.250(A) details requirements for stormwater detention and treatment. A stormwater water quality and detention facility is proposed to be located in the eastern portion of the Lower Views and the western area of the Upper Views as shown on submitted plans. These facilities have been sized and located to accommodate public stormwater generated by the subdivision. A stormwater report (Exhibit E) is included with this application as required. Stormwater calculations are found to meet the water quality/quantity criteria as stated in the City of Sandy Development Code 13.18 Standards and the 2016 City of Portland Stormwater Management Manual Standards that were adopted by reference into the Sandy Development Code. **However, a detailed final report stamped by a licensed professional shall be submitted for review with the final construction plans.**
146. **The detention ponds shall be constructed to meet the requirements of the 2016 City of Portland Stormwater Management Manual for landscaping Section 2.4.1 and escape route Section 2.30. The access to the detention ponds shall be paved of an all-weather surface to a minimum of 12-foot in width per the 2016 City of Portland Stormwater Management Manual.**
147. Section 17.100.260 states that all subdivisions shall be required to install underground utilities. **The applicant shall install utilities underground with individual service to each lot.**
148. Section 17.100.270 requires that sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision. Sidewalks will be installed on both sides of all streets with the exception that a sidewalk is proposed to be constructed on only the north side of The View Drive from its intersection with Vista Loop Drive to the proposed public alley. The applicant is proposing this design to allow the road surface to be shifted to the south side of the public right-of-way to construct a six-foot sidewalk within a widened landscaped buffer. The applicant believes this design will provide a more aesthetically pleasing and desirable environment for pedestrians walking between the upper

and lower parts of the development. The roadway width in this location will be 28 feet wide in compliance with city standards.

149. Planter strips will be provided along all frontages as required in Section 17.100.290. Street trees in accordance with City standards will be provided in these areas. **The applicant shall provide a revised street tree plan with alternative species as explained in Chapter 17.92 of this document.**
150. Grass seeding shall be completed as required by Section 17.100.300. Grass seeding will be completed as required by this section. The submitted erosion control plan (Exhibit D) provides additional details to address erosion control concerns. **A separate Grading and Erosion Control Permit will be required prior to any site grading.**

17.102 – Urban Forestry

151. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. An Arborist Report by Todd Prager of Teragan & Associates (ASCA Registered Consulting Arborist #597, ISA Board Certified Master Arborist, WE-6723B, ISA Qualified Tree Risk Assessor) is included as Exhibit G. The arborist inventoried approximately 530 trees. The inventory is included in Exhibit D, Sheet 6 and the proposed retention trees are shown in Exhibit D, Sheet 7.
152. The property contains 32.87 acres requiring retention of 99 trees 11 inches and greater DBH ($32.87 \times 3 = 98.61$). The submitted Tree Retention Plan (Exhibit D Sheets C6 and C7) identifies 219 trees that will be retained. Of the 219 trees proposed for retention, 105 are 11 inches DBH or greater and in good condition as required. Five (5) of the proposed retention trees are nuisance species: Tree #149 is an English holly and Trees #223, 224, 225, and 227 are sweet cherries. In addition, 76 of the 105 trees (72 percent) are conifer species as preferred by Section 17.102.50(4). The applicant submitted a supplemental Tree Protection Plan and Table prepared by the project arborist that details an additional seven (7) retention trees within the FSH overlay district that weren't previously inventoried that meet retention tree standards and aren't nuisance species. With these additional seven retention trees, the applicant is proposing to retain 101 trees that meet the retention standards and aren't nuisance species.
153. No trees are proposed to be removed within the FSH overlay area. **The applicant shall not remove any trees from the FSH overlay area.**
154. The Arborist Report (Exhibit G) provides recommendations for protection of retained trees including identification of the recommended tree protection zone for these trees. The requirements of Section 17.102.50(B) will be complied with prior to any grading or tree removal on the site. Per the Pacific Northwest International Society of Arboriculture (ISA), the ISA defines the critical root zone (CRZ) as "an area equal to a 1-foot radius from the base of the tree's trunk for each 1 inch of the tree's diameter at 4.5 feet above grade (referred to as diameter at breast height)." Often the drip-line is used to estimate a tree's CRZ; however, it should be noted that a tree's roots typically extend well beyond its drip-line. In addition, trees continue to grow, and roots continue to extend. Thus, a proactive approach to tree protection would take into consideration the fact that the tree and its root

zone will continue to grow. The submitted arborist report details a root protection zone radius of 1 foot per 1 inch DBH and a minimum construction setback radius of 0.5 feet per 1 inch DBH. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the 101 retention trees on the subject property as well as all trees on adjacent properties. The tree protection fencing shall be 6 foot tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. 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. The applicant shall request an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property. The applicant shall submit a post-construction report prepared by the project arborist or other TRAQ qualified arborist to ensure none of the retention trees were damaged during construction.**

To ensure protection of the required retention trees, **the applicant shall record a tree protection covenant specifying protection of all retention trees, including trees in the FSH Overlay per the recommendations of the applicant's arborist report of 1 foot per 1 inch DBH. The tree protection covenant shall specify limiting removal of the retention trees without submittal of an Arborist's Report and City approval. This document shall include a sketch identifying the required retention trees and a 1 foot per 1 inch DBH radius critical root zone around each tree consistent with the applicant's arborist report. All trees marked for retention shall be retained and protected during construction regardless of desired or proposed building plans; plans for future houses on the proposed lots within the subdivision shall be modified to not encroach on retention trees and associated tree protection fencing.**

155. The arborist report contains additional recommendations related to tree protection, directional felling, stump removal, tree crown protection, monitoring of new grove edges, and sediment fencing. **The applicant shall follow the recommendations outlined in the arborist report related to tree protection, directional felling, stump removal, tree crown protection, monitoring of new grove edges, and sediment fencing.**

15.30 – Dark Sky

156. Chapter 15.30 contains the City of Sandy's Dark Sky Ordinance. The applicant will need to install street lights along all street frontages wherever street lighting is determined necessary. **The locations of these fixtures shall be reviewed in detail with construction plans. Full cut-off lighting shall be required. Lights shall not exceed 4,125 Kelvins or 591 nanometers in order to minimize negative impacts on wildlife and human health.**

15.44 – Erosion Control

157. The applicant submitted a Geotechnical Report (Exhibit I) prepared by Redmond Geotechnical Services dated May 15, 2020. **The applicant shall retain appropriate professional geotechnical services for observation of construction of earthwork and grading activities. The grading setbacks, drainage, and terracing shall comply with the Oregon Structural Specialty Code (OSSC) requirements and the geotechnical report recommendations and conclusions as indicated in the report. When the grading is completed, the applicant shall submit a final report by the Geotechnical Engineer to the City stating that adequate inspections and testing have been performed on the lots and all of the work is in compliance with the above noted report and the OSSC. Site grading should not in any way impede, impound or inundate the adjoining properties.**
158. **All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended. The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite.** The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. **All erosion control and grading shall comply with Section 15.44 of the Municipal Code. The proposed subdivision is greater than one acre which typically requires approval of a DEQ 1200-C Permit. The applicant shall submit confirmation from DEQ if a 1200-C Permit will not be required.**
159. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. **The applicant's Erosion Control Plan shall be designed in accordance with the standards of Section 15.44.50.**
160. Development at both the Zion Meadows subdivision and the remodel of the Pioneer Building (former Sandy High School) have sparked unintended rodent issues in the surrounding neighborhoods. Prior to development of the site, **the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication is needed.**

POSSIBLE MOTIONS

City Council has a number of options for potential motions. Council's decision should be based on the findings in this staff report, all exhibits, staff presentation, relevant municipal code sections, Planning Commission recommendations (pages 6-8 of this document), and testimony from the applicant and citizens. Decisions on Planned Developments are unique as they tend to be more discretionary than other, more objective land use decisions. Ultimately, the authority to approve or deny this application lies with City Council.

- 1) Motion Option A: Approve the requested application with conditions and findings as recommended by the Planning Commission. If you select this option, please also make a motion to either have Mayor Pulliam review the final order as drafted by staff or have the final order with the full conditions list come back before the City Council for consideration.

- 2) Motion Option B: Approve the application with conditions and findings determined by the City Council. If you select this option, staff recommends to have the final order with the full conditions list come back before the City Council for consideration.
- 3) Motion Option C: Deny the application based on code criteria that you find are not satisfied.
- 4) Motion Option D: Ask the applicant to revise the proposal, extend the 120-day clock, and come back before the City Council at a future date with a revised proposal. If you select this option, staff prefers not to determine the continuance date at this time.
- 5) Motion Option E: Continue the hearing to a future City Council date to continue Council dialogue prior to issuing a decision. If you select this option, staff prefers you choose a date for the continuance on February 16, 2021 so that additional public notice and legal notice is not required.