

EXHIBIT BB

PRE-APPLICATION CONFERENCE NOTES

Project Name: The Views PD

Pre-Application Conference Date: May 29, 2019

Address: 41717 HWY 26 (24E19 00200) **Owner:** Brad Picking

Address: No situs (24E19 00500) **Owner:** John Knapp

Applicant Name: Mac Even

Engineer Name: All County Surveyors and Planners

Staff: Kelly O'Neill Jr., Greg Brewster, Avi Tayar and Marah Danielson (ODOT)

Applicant Representatives: Tracy Brown, Mike Ard, Ray Moore, Dale Hult, G.W. Hartley

PLANNING DEPARTMENT REVIEW

Sandy Development Code (SDC): Sandy Development Code (SDC) Sections 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning Map Amendments; 17.30 Zoning Districts; 17.36 R-1 Low Density Residential Zoning District; 17.38 R-2 Medium Density Residential Zoning District; R-3 High Density Residential District; C-3 Village Commercial Zoning District; 17.66 Adjustments and Variances; 17.80 Additional Setbacks on Collectors; 17.82 Special Setbacks on Transit Streets; 17.84 Improvements Required with Development; 17.86 Parkland and Open Space; 17.90 Landscaping and Design Standards; 17.92 Landscaping and Screening; 17.98 Parking, Loading and Access Requirements; 17.100 Land Division; 17.102 Urban Forestry; and Chapter 15.30 Dark Sky.

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

Amendments Needed for Proposal

- Comprehensive Map Amendment not needed (Single Family Residential (SFR) will remain)
- Zoning Map Amendment (SFR with PD Overlay), but Chapter 17.26 is not applicable
- Transportation Planning Rule (TPR) findings for the zoning map amendment are required.
- Variances/exceptions to code: setbacks, density, minimum average lot widths, dwelling types, block lengths, parking courts per block and block face, etc. Please list all of the variances/exceptions to the code in the narrative and explain why they are being requested. These will be evaluated by staff.
- Additional consideration to meet the 'outstanding PD Planning' is to provide a viewpoint of Mt. Hood along Park Street similar to the Jonsrud Viewpoint, but necessarily signed as a viewpoint from the highway so it doesn't trigger additional vehicle trips.
- Additional consideration to meet the 'outstanding PD Planning' is to provide a mix of affordable housing units and market rate housing units in the apartment buildings.
- Additional consideration to meet the 'outstanding PD Planning' is to provide a sound barrier wall along HWY 26 on the Knapp property for the lots abutting the ODOT right-of-way.
- Additional consideration to meet the 'outstanding PD Planning' is to make some or all of the townhouses compatible with recreational vehicles (RV). These buildings could be three-stories in height to separate the Johnson RV site better from the single-family home lots and to accommodate rear entry RV parking. Planning staff is not sure how to accommodate off-street single user vehicle parking and an RV, but this could be a unique idea and be of interest to a specific demographic.

PD Process

- Conceptual Plan is reviewed by Planning Commission and then the decision on the proposal is decided by City Council. If adopted by City Council the PD designation is added to the zoning map.
- Detailed Development Plan is reviewed by Planning Commission and shall be submitted within 12 months of the Conceptual Plan approval. The detailed plan is essentially the subdivision plan and the tentative approval is valid for 24 months.

- Density is allowed to exceed 25 percent beyond the normal density for the zoning district, but is not allowed to be less than the minimum density of the base zoning district.
- A detailed building lot area plan will be required with the Conceptual Plan detailing setbacks and area remaining for structures.

Parking Analysis

- No on-street parking will be permitted on Vista Loop Drive.
- Locations of the driveways should be identified for review (SDC 17.90.90.B.5).
- 2 off-street parking spaces per dwelling required (SDC 17.98.20) for single family homes and rowhouses.
- On-street parking plan shall be submitted for review. One space required for every dwelling unit within 200 feet of each lot (SDC 17.98.200).
- Parking Courts:
 - Some of the proposed parking courts on the Knapp property seem to have inadequate distance to Vista Loop Drive.
 - Some of the proposed blocks have multiple parking courts on a block face and more than two parking courts in a block.
 - Several of the parking courts exceed the maximum vehicle parking allowed in a parking court (8 parking spaces is the maximum number allowed).
 - Landscaping and fences in the parking courts to shield headlights and create an aesthetic buffer between parking courts and lots.
 - Must adhere to Section 17.98.200(A)(6) and shall be publicly owned and maintained.
- With regards to the proposed multi-family dwelling development on Lots 70 and 120: 17.98 outlines the parking standards which includes location, design, minimum parking requirements, etc.

Access and Utilities

- Frontage improvements along each proposed street frontage within the development is required per Public Works standards.
- Submit a traffic impact analysis (TIA). TIA should demonstrate that the maximum permitted density of the subject property can be accommodated including multi-family dwelling units. Will require \$1,500 for third party traffic consultant.
- Existing public sanitary sewer location is at Ortiz Street. Pump station needed for sanitary sewer?
- Vision clearance areas must remain unobstructed (SDC 17.74.30).
- Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way.
- What is the plan with the existing fire emergency access on the Johnson RV property?
- VNAR is required along Vista Loop Drive for the Tracts and Lot 120. VNAR will also be required at the east terminus of Park Street and along the south line of the public alley along Johnson RV.
- Proposed Public Access Lane on the Picking property needs to adhere to standards in 17.100.160, including but not limited to the following:
 - The proposed public access lane is 28 feet in width which meets the width requirements of a Type A lane. However, Lots 57 and 62 are located on the ends of the lane, not on single loaded in accordance with the standards of a Type A public access lane.
 - Sidewalk can be curb tight and is required along the lot frontages.
 - Street trees can be located on private property.
 - Parking spaces in the public access lane shall be delineated.
 - What is the plan for fire apparatus access into the public access lane?
- 17.100.110(E) recommends spacing of 8-10 local streets per mile (528-660 feet). With submitted plans detail the local street spacing.
- The proposed 28 foot and 30 foot wide alley's seem adequate in width, but if Johnson RV emergency access is maintained then turning templates for the alley are needed.
- Consolidate the driveway accesses on the cul-de-sacs.
- SandyNet. Conduit and vault infrastructure are required for all new developments. Please coordinate with SandyNet General manager for infrastructure requirements and design standards.

Other Planning Items

- Tracts H and G appear to have an error with path located on private property.
- Tracts L and T should be combined into one tract.
- Density Calculations based on base zoning district. SFR requires between 3 and 5.8 dwelling units per net acre of land.
 - Refer to Density Calculations provided by applicant.
 - Appears the total number of proposed dwelling units is 86 single family homes, 32 row houses, and 48 apartment units for a total of 166 dwelling units.
 - According to applicant density calculations the net site area is 26.17 acres and the restricted development area is 6.635 acres for a unrestricted development area of 19.535 acres.
 - $19.535 \times 3 = 59$ dwelling units
 - $26.17 \times 5.8 = 152$ dwelling units
 - 25 percent increase = dwelling 190 units
- Section 17.80.20 states any structure located on streets identified in the Transportation System Plan as an arterial or collector shall have a minimum setback of 20 feet measured from the property line. This applies to applicable front, rear and side yards.
- Orientation of the multifamily housing on Lot 120 will need to be reviewed.
- Blocks can't be greater than 400 feet unless justified by topographic, natural area, or other physical conditions. Blocks greater than 400 feet require a variance. Blocks greater than 600 feet require a pedestrian and bicycle access way (17.100.120.B).
- A geotechnical study will need to be done for any area at 25 percent slope or greater that is proposed to contain development.
- A wetland mitigation study will define restricted development areas on the site, which in turn will define tree retention requirements in those areas. Applicant responsible for researching and providing any communication from the appropriate agency regarding this element of the project.
- Tree retention at 3 trees per acre. Trees must be 11" DBH or greater and in good health. Identify on the plans which trees are to be removed as well as retained.
- Multi-Family Dwelling proposal would need to be more detailed with site planning, proposed pedestrian connections, parking, design of buildings, etc. Another pre-application meeting to follow just based on the multi-family developments.
- Multi-Family Dwelling shared outdoor recreation area cannot overlap with open space or parkland dedication percentages.

Parkland and Open Space

- A minimum of 25 percent of the development shall be open space.
- Any parkland dedications proposed need to be reviewed by the Parks and Trails Advisory Board and then the decision for dedication will be decided by City Council.
- Per SDC 17.86.10 Minimum Parkland Dedication Requirements the project would need to provide 1.93 acres (69,696 SF) for parks
 - ($118 \times 3 \times .0043 = 1.5222$ rounded to 1.52 acres) SF, Zero Lot line & Duplex
 - ($48 \times 2 \times .0043 = 0.4128$ rounded to 0.41 acres) Multifamily
- Section 17.86.40 details that Cash In-Lieu of Dedication is at the city's discretion. The cash in-lieu amount would be \$241,000 per acre or \$265,000 per acre if a portion of the in-lieu is paid at the individual building permit level.
- Land to be dedicated may need to be identified as Parks and Open Space (POS) and go through a Zone Map Amendment process (can possibly be done simultaneously with any proposed Zone Map Amendments needed for the project).
- Buildings and streets surrounding proposed parks would need to adhere to Section 17.86.20 design standards for layout.

Transit Amenity

- The proposed development will require a transit amenity on Vista Loop Drive. The amenity required is a 5' X 7.5' bus shelter, which includes a bench, mounted on a 7' X 9.5' pad. Discuss with Transit Director.

Application Process: Type IV PD Review, Type III SUB review, tree removal permit, FSH Overlay review. Need to determine process, cost, and scoping of TSP Modification.

Projected Processing Steps:

- Submittal Requirements: Once a desired proposal is chosen staff will provide an accurate submittal list. In the meantime, see requirements lists on City of Sandy website.
<https://www.ci.sandy.or.us/Planning-Requirements/>
- Fees as of May 29, 2019 subject to change: \$4,275 for Conceptual Planned Development plus \$640.00 (+ subdivision fees) for Detailed Development Plan; \$3,210 for Type III subdivision review plus \$86 per lot (\$10,320 for 120 lots); \$750 for FSH Overlay review; \$160 for Tree Removal review; \$1,500 for Third Party traffic consultant. Other fees may be identified.
Does not include Design Review fees associated with Multi-Family Dwelling development.
- Staff review for completeness (30 days max.), if determined incomplete then the applicant submits additional information as required, staff then reviews for completeness again, if the application is deemed complete then the application is processed.

**PLANNING COMMISSION STAFF REPORT
TYPE IV RECOMMENDATION TO THE CITY COUNCIL**

DATE: November 16, 2020

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.

NOTE: The following exhibits, findings of fact and conditions (bold text) are to explain the proposal and assist the Planning Commission in forwarding a recommendation of approval, approval with conditions, or denial to the City Council.

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)

Additional Documents from Staff:

- Z. Pre-application Notes from May 29, 2019

Additional Submission Items from the Applicant:

- AA. Email from Michael Robinson (September 23, 2020)

Public Comments:

- BB. Bonnie Eichel (October 2, 2020)
- CC. Jerry Carlson (October 29, 2020)
- DD. John and Linda Bartmettler (October 29, 2020)
- EE. Dustin and Bonnie Bettencourt (November 3, 2020)
- FF. Georgia Sutherland (November 3, 2020)
- GG. Gerald and Judith Dittbenner (November 5, 2020)
- HH. Tony and Kim Turin (November 6, 2020)
- II. John and Christine Andrade (November 7, 2020)
- JJ. Todd Springer (November 8, 2020)
- KK. John Eskridge (November 9, 2020)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittals received on June 26, 2020, July 29, 2020, and October 28, 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. As explained in Exhibit AA 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 is January 28, 2021.
2. 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."
3. The public hearing for The Views PD was originally scheduled for September 28, 2020. 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.
4. 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.
5. 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.
6. The parcel has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of SFR, Single Family Residential.
7. 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.

8. 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 48 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

9. 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.
10. 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.
11. 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.
12. On November 2, 2020 staff provided DLCD with a revised Plan Amendment (PAPA) notice.
13. Agency comments were received from the City Transportation Engineer, City Engineer, Public Works, SandyNet, Public Works, and Sandy Area Metro.

14. At publication of this staff report ten written comments from the public were received.

17.26 – Zoning District Amendments

15. 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

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

17. 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.

18. 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

19. 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.

20. The applicant is requesting a density bonus in conformance with Chapter 17.64, Planned Developments. The request is for 168 dwelling units. That request is discussed in Chapter 17.64 of this document.

17.34– Single Family Residential (SFR)

21. 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. These modifications are outlined in the review of Chapter 17.64 below.

22. 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.

23. 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

24. 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

25. 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.**
26. 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.**
27. 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.

28. 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.
29. 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.
30. 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.
31. 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.**
32. 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.**
33. 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.**
34. 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.**

35. 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.**
36. 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.
37. 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

38. Chapter 17.64 contains regulations related to Planned Developments.
39. 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.
40. 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.
41. 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 rowhouses and multifamily dwellings which are not listed as permitted outright uses.
 - 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.
42. 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.
43. Section 17.64.40 states that: “The maximum number of allowable dwelling units shall be the sum of densities allowed by the underlying zone(s) unless an increase is authorized as otherwise allowed in this chapter.” The applicant has requested an increase in density. Subsection A, related to “residential zones,” calculates allowable density in planned developments based on “useable site area, exclusive of streets.” According to density calculations earlier in this document the allowable density for this planned development (without a density increase) ranges from 63 to 159 units. Subsection C states: “An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding 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.” The applicant proposes to increase the total number of units to 168, which is a six (6) percent density increase. The applicant states that this density increase is justified given the nature of the development. The narrative (Exhibit B) states: “As detailed on submitted plans, 19.5 percent (6.42 acres) of the 32.87 acre property is contained within restricted development areas and the Planned Development proposal includes the designation of 36.3 percent (11.92 acres) of the site as open space. In addition, no part of any lot will be platted within the FSH or a restricted development area. Other features of the proposal include a mix of housing types and densities; a request to vary development standards to promote flexibility in site planning; an innovative townhouse design exceeding the residential design standards including a two car rear-loaded detached garage and open courtyard; and constructing an array of recreational amenities for the use and enjoyment of the residents of the Planned Development. As a package the applicant believes there is sufficient justification 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 in the SFR zone in order to justify this request.” Staff finds the following elements provide advantages in living conditions not found in similar developments constructed under regular zoning:

- No lots are platted within the FSH overlay.
- There is a mix of housing types and densities which encourages inclusionary zoning.
- The proposed private recreation areas (Tracts A, B, M, and N) integrated within the planned development (though staff notes that a recreation area adjacent to the highway as proposed with Tract M is not the best location for a recreation area with play equipment that might attract small children).
- The proposed allée of trees along a majority of street frontages, with trees planted both in the planter strips and on the private property side of the sidewalks (or on either sides of the walkways where the walkways are proposed to be in private open space tracts).
- The proposed sound wall along Highway 26 which provides additional privacy and noise protection for future residents.
- The use of native pollinator-friendly plant species to promote native biodiversity in tracts A, B, M, and N (see conditions in Chapter 17.92 of this document).
- Open space and active recreation areas totaling 11.92 acres which is 3.67 acres more than is required in a PD.

Staff recommends that the Planning Commission recommend approval of the applicant’s request to exceed the maximum density for the base zone by 6 percent as proposed.

44. Section 17.64.50, Open Space, requires that a minimum of 25 percent of the site be dedicated 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.

45. Section 17.64.60 describes allowed uses through the PD process. These uses include single-family detached and single-family attached dwellings as well as multi-family dwellings, as proposed by the applicant.
46. Sections 17.64.70-90 are procedural in nature. Approval of The Views PD will result in an amendment to the Sandy Zoning Map, indicating that a PD has been approved on this SFR site. The applicant and City have complied with all procedural requirements for conceptual PD approval, as discussed under Section 17.64.10, above.
47. 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.**
48. 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, townhomes, and multifamily 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.

49. 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.

50. 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

51. 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.

64. 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.

65. 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, **staff recommends the Planning Commission recommend approval of 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. **Staff recommends the Planning Commission recommend 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, 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.**

66. 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, **staff recommends that the Planning Commission recommend 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. If the Planning Commission (and ultimately Council) agree with this recommendation, staff recommends the Planning Commission condition additional architectural, landscaping, and/or design features to enhance the appearance of the proposed sound wall from the Highway 26 right-of-way.**

67. 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

68. 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.
69. 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. **Staff 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

70. 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

71. 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.**
72. 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.
73. 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.**
74. 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

75. 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.**
76. 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 homes. 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. **Staff 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, 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.**

77. 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.
78. 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.
79. 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.
80. 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.** Street frontage improvements include, but are not limited to: street widening, curbs, sidewalks, storm drainage, street lighting and street trees. One of the reasons for providing an urban street section (curbs, sidewalks, lighting, etc.) inside the city limits is to provide motorists with a visual cue that they are entering an urbanized area and to adjust their speed and alertness to match the visual cues. The area on both sides of Highway 26 is within the UBG and Urban Reserve so it will eventually become urbanized. An urbanized right-of-way makes drivers aware that they are entering a city and hopefully lead to adjusted speeds to match the conditions. As the city grows and these areas become urbanized the posted speed limit will likely be lowered to match the conditions. This is the case at the west end of Sandy where Highway 26 is an arterial street instead of a rural highway. This is also the case east of the couplet where the speed limit drops from basic rule to 40 mph and then to 25 mph as one travels west.

81. 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.**
82. 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 T) are expressly incorporated by reference into this document.
83. 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.

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.”

Staff agrees with this analysis completed by Ard Engineering and are not recommending a condition associated with the right turning movement as requested by ODOT.

84. 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.
85. 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).
86. 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.
87. 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.
88. 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. **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).**

89. 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.**
90. 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.
91. 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.**
92. **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.**
93. 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.**
94. 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.**

95. 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.
96. 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.**
97. 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.**
98. **SandyNet shall receive a set of PGE utility plans to design and return a SandyNet broadband deployment plan.**
99. 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.**
100. **The proposed public sidewalks outside of the street right-of-way will require pedestrian scale bollard lighting conforming to the City's standards.** Use of full-cutoff, Type II roadway distribution streetlights will not provide sufficient illumination for pedestrians where the sidewalk is set back so far from the street and obscured by trees.
101. **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

102. 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 maximum development of 48 multifamily units, acres = 48 x 2 x 0.0043 = 0.4128 acres. Combined, this totals 1.96 acres.
103. The applicant proposes paying a fee in lieu of parkland dedication. Based on 1.96 acres the parks fee in-lieu shall be \$472,360 based on the City's current fee schedule if this payment is not deferred and paid prior to final plat approval, and \$519,400 if half of the payment is deferred. If deferred, one-half of this amount (\$259,700) is required to be paid prior to final plat approval with the other half (\$259,700) 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 x \$241,000 = \$373,550 if paid prior to Final plat approval and 1.55 x \$265,000 = \$410,750 if one-half of the payment is deferred. The fee associated with the multi-family units 0.41 x \$265,000 = \$108,650 would be paid with the building permit for these units if that is the ultimate decision of the City Council.
104. 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. Staff 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, 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.**
105. 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

106. 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 townhomes will be reviewed at building permit and multi-family buildings will be reviewed with a future design review application.

17.92 – Landscaping and Screening

107. 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.**

108. 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 and adds an element of exceptional design above and beyond a typical subdivision as required for the PD density bonus. 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.**

109. 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.**

110. **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).

111. 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.**

112. 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*, *Symphotrichum subspicatum*

113. 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.

114. 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.**

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

17.98 – Parking, Loading, and Access Requirements

116. 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.

117. 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).

118. 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.). **The applicant shall update the driveway plan to detail shared driveways for the following pairs of Lots: 43 and 44, 45 and 46, 59 and 60, and 63 and 64.** 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.** Per Section 17.98.100(I), **driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.**

119. 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.**
120. 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.**
121. 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

122. 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.**
123. 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 Z.
124. 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 (PD). 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.
125. 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.
126. 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. **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).**

127. 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.
128. 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.
129. 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. Staff supports a phased approach as proposed by the applicant but finds that **the Planning Commission shall set forth recommendations to the City Council on items such as Parks fee in-lieu and expiration dates related to plat recording.** This is explained in further detail in the recommendations section of this document.
130. 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.
131. 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 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.

132. 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.
133. 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.
134. 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).**
135. 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.
136. 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.
137. 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.

138. 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.

139. 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.

140. 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.”

141. 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.

142. 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.

143. All streets in the proposed subdivision have a minimum curve radius as required by Section 17.100.180(B).
144. **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.**
145. 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).
146. 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.
147. 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.
148. 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).
149. 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.
150. 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.
151. 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.**

152. **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.**
153. 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.**
154. 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.
155. 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.**
156. 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

157. 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.
158. The property contains 32.87 acres requiring retention of 99 trees 11 inches and greater DBH (32.87 x 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.

159. No trees are proposed to be removed within the FSH overlay area. **The applicant shall not remove any trees from the FSH overlay area.**

160. 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.

161. 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

162. 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

163. 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.**
164. **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.**

165. 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.**

166. 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.**

RECOMMENDATION TO FORWARD TO COUNCIL:

If the ultimate decision is to approve this land use application with conditions, all of the conditions (with the exception of standard conditions) are listed in this document in the findings with the use of bold. Instead of creating a conditions list as is typically done in a Planning Commission staff report, staff believes the main objective for the Planning Commission in this application is to answer the requests related to the application and forward a recommendation of approval, approval with conditions, or denial to the City Council.

Staff is generally supportive of the applicant’s request and thinks the applicant has done a commendable job of creating a development proposal that meets the spirit of the Development Code while also incorporating some creative solutions to increase density and deviate from some of the code requirements. Staff has been working closely with the developer and his consultants, but with the public comments received to date and the indeterminate language in Chapter 17.64 staff finds it important to define if the Planning Commission finds that this proposed PD meets the intent of the development code. Some of the indeterminate language in Chapter 17.64 includes things such as, ‘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’ and ‘development standards of the base zone, overlay zone or planned development overlay apply unless they are superseded by the standards of this chapter, or are modified during a Planned Development review’. While staff understands concerns as expressed by the surrounding neighborhood the proposal incorporates a variety of housing price points and supports inclusionary zoning practices.

Staff recommends the Planning Commission provide the City Council a clear recommendation by answering the following questions:

- A. 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.
- B. Does the Planning Commission recommend permitting rowhouses in the SFR zoning district?
- C. Does the Planning Commission recommend permitting multifamily housing in the SFR zoning district?

- D. Does the Planning Commission recommend allowing lot sizes less than 7,500 square feet?
- E. Does the Planning Commission recommend allowing a minimum average lot width less than 60 feet?
- F. Does the Planning Commission recommend allowing interior side yard setbacks at 5 feet, when the typical standard is 7.5 feet?
- G. 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?
- H. 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?
- I. 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?
- J. 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)?
- K. 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?
- L. Does the Planning Commission recommend phasing this development in two distinct phases as proposed by the applicant? If so, what policies should be recommended for the two following requirements?
 - a. Parks fee in-lieu?
Staff recommends the parks fee in-lieu are paid prior to each phase being recorded. The parks fee in-lieu for Phase one, the Lower Views would be the calculation for Lots 1-72. The parks fee in-lieu for Phase two, the Upper Views would be the calculation for Lot 73 – 122.
 - b. Expiration dates?
Staff recommends each phase is allowed two years to complete plating requirements, with the two-year clock starting for the second phase at the recording date of phase one, the Lower Views.

- M. Does the Planning Commission recommend to not require a right turn lane at the intersection of Vista Loop Drive and Highway 26, consistent with staff's recommendation -or- does the Planning Commission recommend a condition to require a right turn lane at this intersection, consistent with ODOT's recommendation?
- N. Does the Planning Commission recommend the proposed future street layout north of Ortiz Street as proposed by the applicant -or- does the Planning Commission recommend a street stub and/or pedestrian connection to the north in the vicinity of where Knapp Street intersects with Ortiz Street?
- O. 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?
- P. Does the Planning Commission have any additional recommendations related to maintenance of the open space owned by a proposed Homeowner's Association (HOA)?
- Q. Does the Planning Commission have any other recommendations related to modifying other findings or conditions?
- R. Does the Planning Commission recommend approval of The Views PD?

EXHIBIT DD

The Views PD

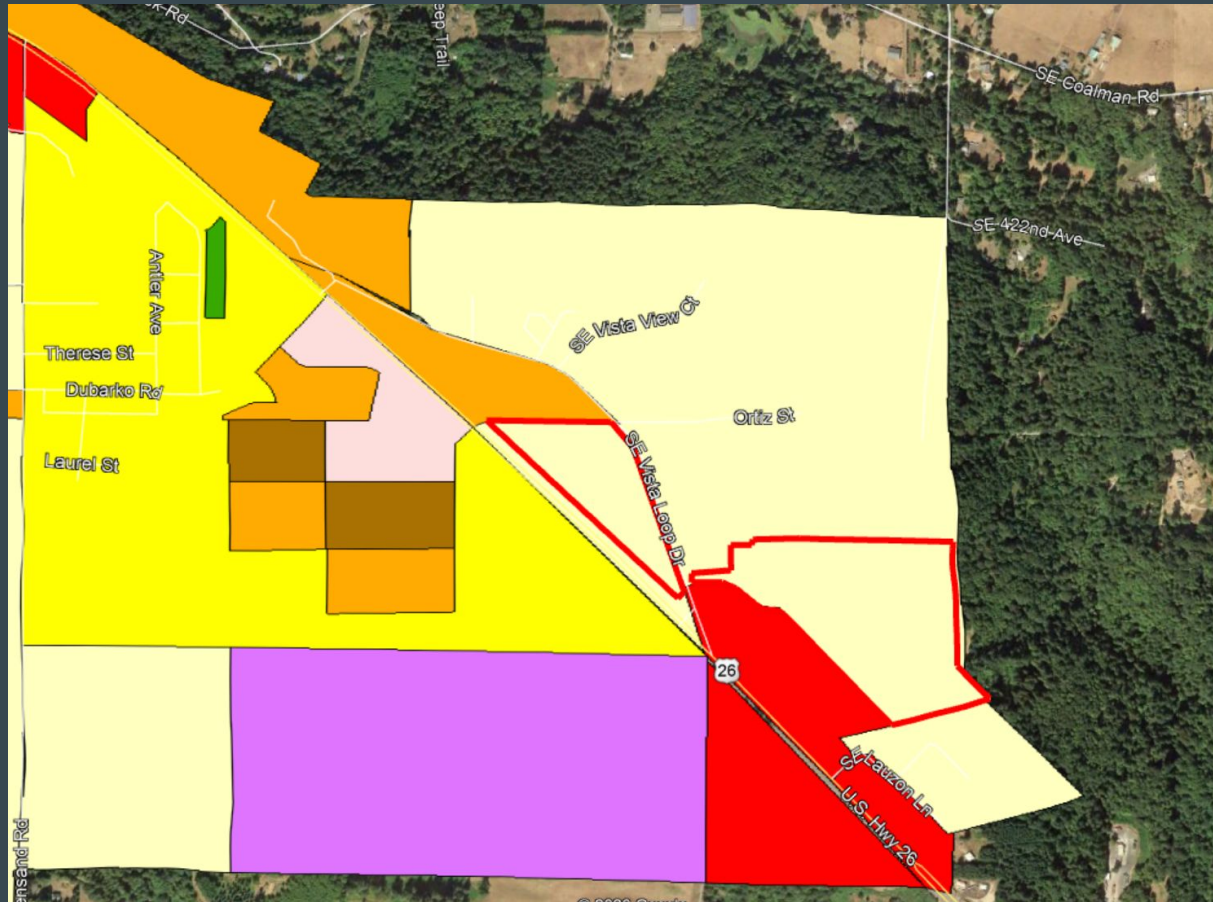


Planning Commission 11/23/2020

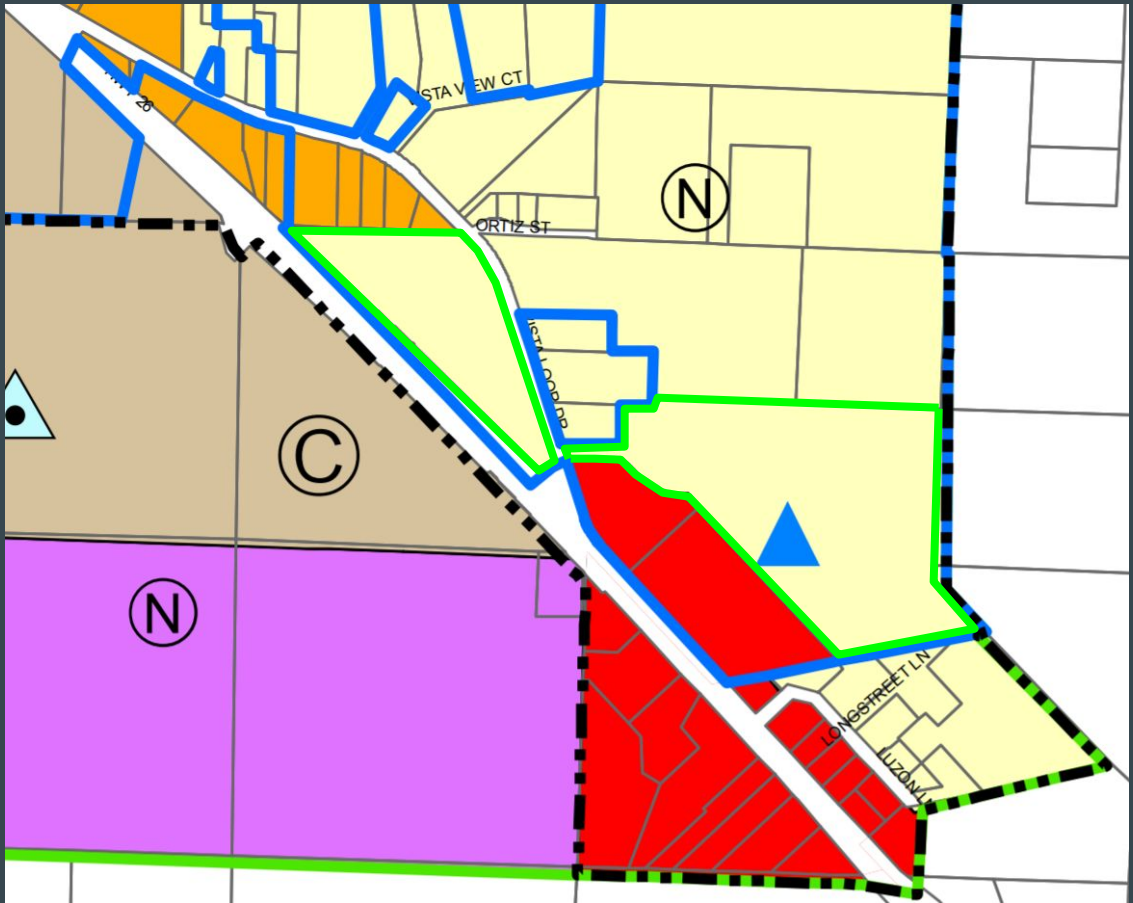
Vicinity Map



Zoning Map



Comprehensive Plan Map



Request

The applicant is requesting the following:

- Planned Development
- Zone map amendment
- Subdivision
- Special Variances
- FSH Overlay
- Tree removal

Background on a Planned Development

- Both a development type and a legal process

Background on a Planned Development

- Both a development type and a legal process
- Intent:
 - Mixture of housing types and densities
 - Flexibility in site planning and land use
 - Encourage environmental conservation
 - Coordination of building form
 - Provide common recreation areas

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- Intent:
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 - Flexibility in site planning and land use
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 - Provide common recreation areas
- Trade off: implementing “outstanding design elements” which may not be explicitly supported by the development code.

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- Intent:
 - Mixture of housing types and densities
 - Flexibility in site planning and land use
 - Encourage environmental conservation
 - Coordination of building form
 - Provide common recreation areas
- Trade off: implementing “outstanding design elements” which may not be explicitly supported by the development code.
- Applicant is allowed to modify quantitative code requirements



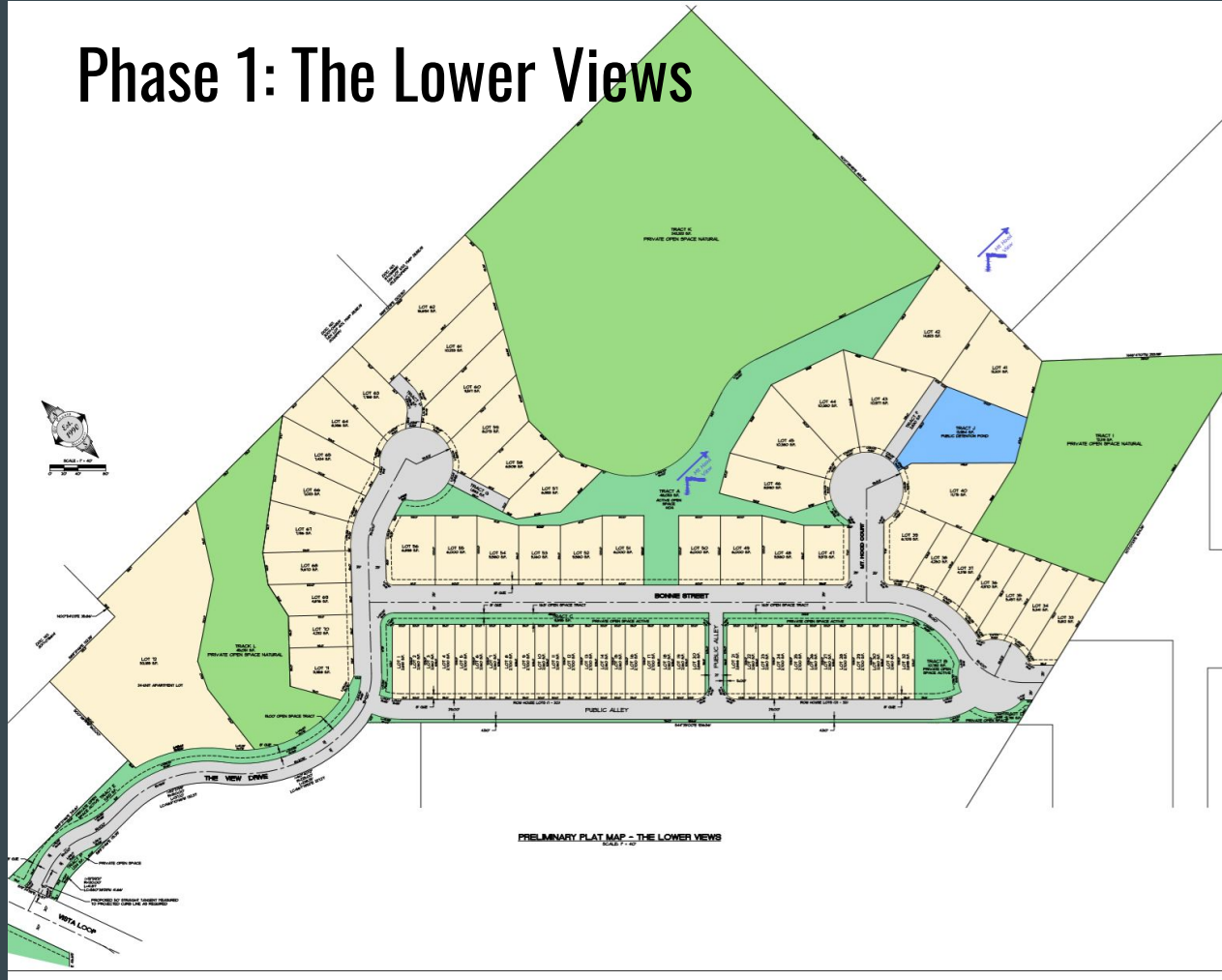
LOWER VIEWS
PHASE 1



UPPER VIEWS
PHASE 2

HIGHWAY 26

Phase 1: The Lower Views



Zone Map Amendment

- 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.”

Density

- Under current SFR zoning, a minimum of 63 and a maximum of 159 single family homes are allowed.
- The applicant is requesting a density increase as part of the PD process:
 - 17.64.40: “An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding 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.”
 - The applicant is requesting a 6% density increase

“Outstanding” Design Elements

- No lots are platted within FSH
- Mix of housing types and densities
- Private recreation tracts integrated into development
- Proposed allee of trees along majority of street frontages
- Sound wall along Highway 26
- Open space and active recreation areas totalling more than is required

Additional PD Code Deviation Requests

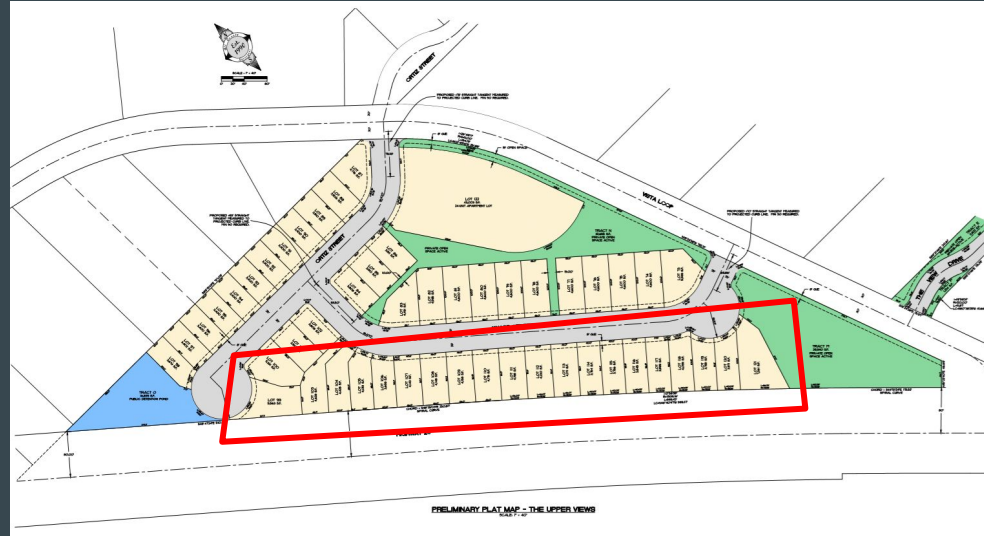
- Rowhouses and multi-family housing
- Smaller lot sizes
- Smaller minimum average lot width
- Smaller interior side yard setbacks
- Smaller rear yard setbacks
- Longer block lengths

Special Variances

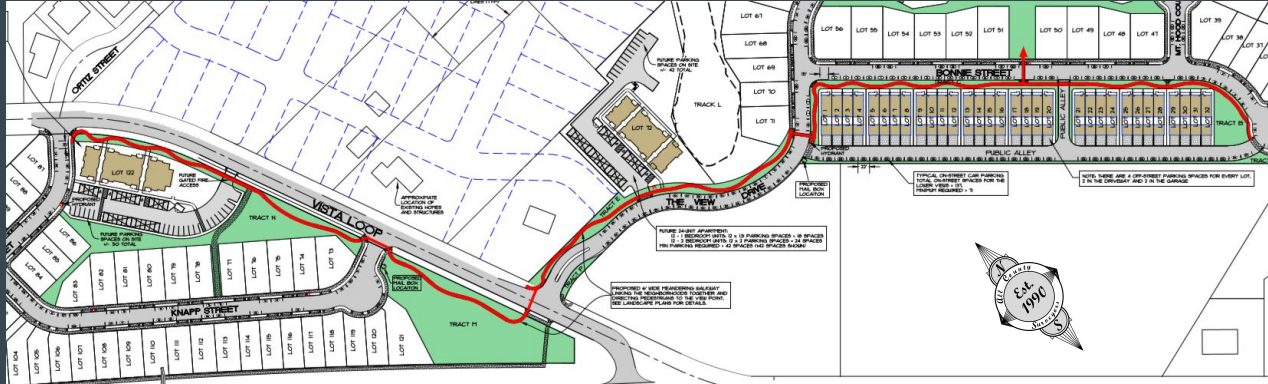
- Required for qualitative code deviations:
 - Front doors on SW side of The Upper Views facing internal streets rather than Highway 26.
 - Removing sidewalk from various street frontages.

Special Variances

- SDC Section 17.82.20 says that homes abutting a transit street must face the transit street.
- Lots 99 and 103-121 in The Upper Views abut Highway 26
- Applicant is requesting that these homes face the internal streets.



Special Variances



- SDC Section 17.84 requires sidewalks and planter strips along streets.
- The applicant is requesting to waive this requirement along the south side of The View Drive.
- The applicant is requesting to install a meandering walkway along Bonnie Street, The View Drive, and Vista Loop in lieu of sidewalks.

Phasing

- Phase 1: The Lower Views
- Phase 2: The Upper Views

Phasing

- Phase 1: The Lower Views
- Phase 2: The Upper Views
- Parks fee-in-lieu:
 - Staff recommends the parks fee in-lieu are paid prior to each phase being recorded. The parks fee in-lieu for phase one would be the calculation for Lots 1-72 (The Lower Views). The parks fee in-lieu for phase two would be the calculation for Lot 73 – 122 (The Upper Views).
- Expiration dates:
 - Staff recommends each phase is allowed two years to complete plating requirements, with the two-year clock starting for the second phase at the recording date of phase one.

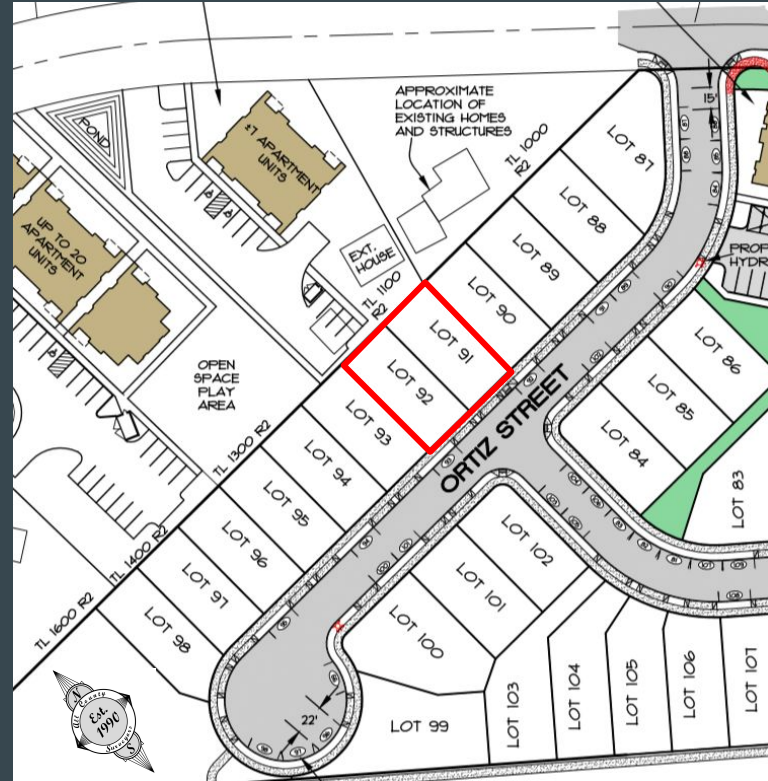
Right Turn Lane

- ODOT recommends a right turn lane from Highway 26 onto Vista Loop Drive.
- The applicant claims that because recent improvements have already been made to support residential development, additional improvements aren't necessary.



Future Street Layout

- Staff recommends street stub for Knapp Street or pedestrian connection through Lots 91 and 92 to create connectivity for future development.



Homeowners' Association

- Applicant is proposing that an HOA be responsible for upkeep and maintenance of open space tracts and meandering sidewalk.
- In the event that the HOA dissolves, responsibility will be transferred to adjacent property owners.
- If maintenance of these areas is not sufficiently performed, the City can maintain them and charge the appropriate party.

Sound Wall

- 6 feet tall, made from Verti-Crete
- Staff recommends planting additional vegetation between sound wall and Highway 26 sidewalk



Parks and Trails Advisory Board Recommendations

- Trail easement to accommodate 2021 Parks Master Plan trails as a condition for approval
- Accept parks fees in lieu based on actual density, not zone density
- Concern about HOA eventually dissolving

Fair Housing Council of Oregon Recommendation

- Add additional Goal 10 analysis

Public Comments

- **15 public comments as of Nov. 23**
- Common concerns:
 - Encroaching development in FSH
 - Capacity of fire, police, and public utilities
 - Increased traffic on already busy streets
 - Removal of wild animal habitat
 - Significant increase in housing density
 - Changing the character of the area
 - Lowering value of land
 - Lack of amenities for future residents
 - Safety walking along streets

Questions to Consider

- Is the proposed Planned Development outstanding in planned land use and design, and does it provide exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning?
 - PD requests include density bonus, rowhousing and multi-family housing, smaller lot sizes, and longer block lengths.
- Does Planning Commission recommend approval for special variance requests?
 - Eliminating sidewalk along south side of The View Drive and utilizing meandering walkways throughout development.
 - Permitting homes to face internal streets rather than Highway 26.

Questions to Consider

- Does Planning Commission recommend approval of phasing?
 - Affects both parks fees-in-lieu as well as expiration dates
- What is Planning Commission's recommendation for a right turn lane from Highway 26 onto Vista Loop Drive?
- What is Planning Commission's recommendation for extending Knapp Street?
- Does Planning Commission recommend additional planting requirements along sound wall?
- Does the Planning Commission have any additional recommendations related to maintenance of the open space owned by a proposed HOA?
- Does the Planning Commission have any other recommendations related to modifying other findings or conditions?

EXHIBIT EE

Sandy Planning Commission Regular Meeting Monday, November 23, 2020

Chairman Crosby called the meeting to order at 7:02 p.m.

1. MEETING FORMAT NOTICE: Instructions for electronic meeting

2. ROLL CALL

Commissioner Carlton – Present
Commissioner Lesowski – Present
Commissioner Maclean-Wenzel – Present
Commissioner Logan – Excused
Commissioner Mobley – Present
Commissioner Mayton – Present
Chairman Crosby – Present

Others present: Development Services Director Kelly O'Neill Jr., Senior Planner Emily Meharg, Associate Planner Shelley Denison, City Attorney Chris Crean

3. APPROVAL OF MINUTES

3.1 APPROVAL OF MINUTES – October 26, 2020

Motion: Approve the Planning Commission minutes for October 26, 2020 with corrections noted. The correction was to change the signature line from Crosby to Carlton.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: Chairman Crosby

The motion passed.

4. REQUESTS FROM THE FLOOR – CITIZEN COMMUNICATION ON NON-AGENDA ITEMS:

None.

5. DIRECTOR'S REPORT

Kelly O'Neill Jr. summarized the director's report. The December Planning Commission meeting will be dependent on the outcome of tonight's meeting. The January meeting will have chair/vice chair appointments, House Bill 2001 code changes, Rogue Fabrication zone change, and Sandy High School batting facility. O'Neill, Crosby, and three council members will meet with the Planning Commission candidates the first week of December.

Carlton asked about vet clinic project. O'Neill stated the vet clinic owner purchased the property and had a pre-app with the intention of eventually constructing a new veterinary clinic for Barlow Trail Veterinary Clinic.

Carlton asked about a project near the library where an accountant used to be. O'Neill thinks it will be a new medical clinic but likely won't trigger land use review.

Maclean-Wenzel thanked staff for the land use application matrix on the website. O'Neill mentioned there will be an interactive map in the future too.

6. COMMISSIONER'S DISCUSSION

Commissioner Carlton asked a question about the new Planning Commission members and having three public hearings for their first meeting and whether there would be any training. O'Neill will send new members a book and info from Beery Elsner and Hammond (BEH). John Morgan might do a training with Council and the Planning Commission in late winter/early spring through his training program, the Chinook Institute. Carlton suggested starting the January meeting early to get acquainted.

7. NEW BUSINESS:

7.1 The Views PD (20-028 SUB/TREE/FSH/PD/VAR):

Chairman Crosby opened the public hearing on File No. 20-028 SUB/TREE/FSH/PD/VAR at 7:17 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission. Lesowski mentioned Brad Picking, who owns one of the parcels, is a good friend of his, but they haven't discussed the proposal, he has nothing to gain financially, and Picking is not the developer. Attorney Crean stated he is not concerned about bias.

Crosby stated the Planning Commission's role is to make a recommendation to Council.

Staff Report:

Associate Planner Shelley Denison summarized the staff report and provided an in-depth presentation related to the Planned Development (PD) request. Denison presented an overview of the proposal and focused on the zone map amendment, PD, and special variances. Denison outlined the requested density bonus and "outstanding" design elements as well as the quantifiable deviations the applicant is requesting as part of the PD process. Denison listed comments that were received between the PC hearing and when the staff report was published. Denison finished with a review of questions for the PC to consider. O'Neill mentioned the documents on the website, which include the staff report published on November 16, additional documents/comments received after the staff report was published, additional documents from the applicant that weren't included with the original staff report, requested modifications from the applicant received on November 22, and the letter from the Fair Housing Council of Oregon received on November 23.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown introduced the applicant's team.

Mac Even
PO Box 2021
Gresham, OR 97030

Mr. Even introduced himself and stated he wants to do a PD to provide a mix of housing types and protect the FSH overlay area. The intent of the proposal is that amenities will be for the surrounding community, not just an exclusive community. A management company will manage

the proposed Homeowner's Association (HOA). Mr. Even intends to retain multi-family units so he has a vested interest in the HOA succeeding.

Mr. Brown presented a slide show summarizing the applicant's proposal and showing images of the proposed site amenities and townhomes.

Ray Moore
All County Surveyors and Planners, Inc.
PO 955
Sandy, OR 97055

Mr. Moore noted that the on-street parking requirement will be exceeded by 67 parking spaces, including a widened public alley that will provide public parking the entire length. He pointed out that the meandering sidewalk doesn't have any driveways along it. The Highway 26 right-turn lane improvements are not triggered by this development.

O'Neill noted that it's not typical for staff to not follow an ODOT recommendation but in this case, staff feels the current property owner, Brad Picking, already met the requirements of ODOT for future development with a previous application two years ago. Carlton asked what ODOT could do if the Planning Commission and ultimately the City Council doesn't include a condition imposed by ODOT. O'Neill stated ODOT could appeal the decision, but beyond that not much else. Crean agreed with O'Neill and stated that ODOT would have the same appeal rights as anyone else with standing. Lesowski states you need to drop your speed significantly to make a right turn onto Vista Loop Drive from Highway 26. Mobley stated he reviewed all the info and that the slip lane was removed for a safety improvement specified by ODOT and that the objective standards for when a right turn is needed is not warranted based on the applicant's analysis. Maclean-Wenzel asked how soon after that intersection does the speed limit drop. Lesowski said it's after the other end of Vista Loop Drive.

Proponent Testimony:

None.

Opponent Testimony:

Mary Dyami
41625 SE Vista Loop Drive
Sandy, OR 97055

Ms. Dyami stated she has not seen anything about the apartments, which is their biggest issue. Apartments could block their view and jeopardize their American dream. Three houses on Vista Loop Drive are outside the city limits and will lose everything they moved there for. She stated she worked for Johnson RV and you need to come almost to a complete stop to make a right turn onto Vista Loop Drive. Requests multi-family is not approved. Requests a continuance so they can talk to neighbors.

John Barmettler
41613 SE Vista Loop
Sandy, OR 97055

Mr. Barmettler said he is concerned about multi-family lot in the Lower Views. Not clear about how many multi-family homes are being proposed. Moved to Sandy because it was a small town in a somewhat rural area but has since seen a trend to build as many houses as possible, which seems contrary to the Sandy look. New homes will increase foot traffic on Vista Loop Drive. Daily traffic back-ups on and off of Highway 26 from Vista Loop Drive is a concern. Not convinced parking won't back up onto Vista Loop Drive. Can utilities handle the load? Rental

properties will destroy nature and value of existing homes. Completely not in favor of the proposal. Too many houses, too close together.

Todd Springer
18519 Ortiz Street
Sandy, OR 97055

Mr. Springer said he agrees with prior residents. Asked the Planning Commissioners to drive down Vista Loop Drive and feel lumps in the road and drive down it at night because it's extremely dark. Designed for SFR and that's what it should remain.

Randy Olson
18515 Ortiz Way
Sandy, OR 97055

Mr. Olson understands why they're trying to build and expand and that change will happen. Intersection of Ortiz Street and Vista Loop Drive will be a nightmare. Vista Loop Drive is a terrible road. Will affect existing residents adversely. Bought home to retire in and didn't expect 100 plus houses to be added. If ODOT says Highway 26 and Vista Loop Drive needs to be changed, it does. Intersection is dangerous now, especially if there's a second car. Parks are great, but parks will bring more people to an area that's already congested. This area was meant to be a calm neighborhood, not a busy city. Knows development can't be stopped but wants it to be a little more livable and less congested.

John Andrade
18509 Ortiz Street
Sandy, OR 97055

Mr. Andrade said he has concerns and would like to see the applicant meet the City code requirements. He is not in favor of the zoning change. Is intent to turn Sandy into Gresham? Mac and Tracy are romanticizing living in the proposed development. Why change zoning to little lots and a dissolved HOA that will be a burden on the city and taxpayers? Is Fire Department ok with this? Area has already been zoned. Is the only way to get things done in the city is to be a large developer and offset infrastructure costs by putting in small houses and impacting current residents?

Neutral Testimony:

None

Staff Recap:

Denison stated that the apartment design would be reviewed in a separate application. Granting a continuance as requested is up to the discretion of the Planning Commission. Denison clarified there are 122 lots proposed, 120 are proposed to have one single-family home each, while two of the lots are proposed to have apartment complexes, each with 24 units for a total of 168 dwelling units.

O'Neill stated that the Planning Commission has to grant a continuance if it's requested since it's the first evidentiary hearing. O'Neill explained that staff started working with applicant over 2 years ago on this proposal. The Sandy Development Code allows PDs in all zones and row-homes and multi-family are both allowed uses in PDs. Applicant could have come in with a typical SFR subdivision, but we probably would have lost some of the benefits being proposed. O'Neill explained that the applicant has the right to propose a PD so that's what staff needs to evaluate even if staff sympathizes with existing residents. Residents could lobby Council to improve Vista Loop Drive, but otherwise the mechanism for transportation improvements is

concurrent with development. O'Neill explained that if the City didn't grow, current utility rate payers would pay more money to construct the expansion on the sewage treatment plant. He also reminded everyone that the entire area near the proposal is in the UGB and will be developed at some point.

Applicant Rebuttal:

Tracy Brown asked Mike Ard to speak about traffic.

Mike Ard
17790 SW Dodson Drive
Sherwood, OR 97140

Ard stated that traffic volumes with a PD are lower than what would be expected with SFR development. He reminded everyone that the existing site would allow 159 single family homes. Ard explained that the proposal includes multi-family homes, which generate less traffic than single family homes. ODOT has specific warrants for when right-turn lane would be warranted. Any time there are fewer than 20 right-turn vehicles in an hour then a right-turn lane is not warranted. He explained that the volume of traffic in the outer lane doesn't even warrant a shoulder treatment.

Mr. Brown agreed a continuance needs to be granted and requested it be continued to the December 16 meeting.

Discussion:

Chairman Crosby brought up the continuance. Chris Crean stated they could continue the hearing, which would allow more public testimony at the next hearing, or they could close the public hearing and leave the written record open and meet again later to make a recommendation to Council. O'Neill stated the amount of additional staff work associated with closing the hearing and leaving the written record open was not worth the effort and staff would prefer continuing the hearing to allow additional verbal testimony. The Planning Commission proposed to continue the hearing to the December 16 meeting.

Mayton asked about the 120 single family home lots and the difference between row-homes and detached units. Denison explained detached homes are what we typically think of for a house and that while row-houses are attached they are considered single family homes. There will be 88 detached single family homes.

O'Neill stated that once HB 2001 is adopted (by June 2021), single family home zoning in medium-sized cities in Oregon will be over. The Views PD is proposing a lot of lots smaller than 7,500 sq ft. If lots were all kept at 7,500 sq ft, there would probably be the same number of units as there would likely be duplexes. Moving forward, larger lot sizes won't always mean it's just one single family home after HB 2001 is implemented. Chris Crean states law would allow a doubling in density, but that probably won't happen. Lesowski asked clarification about the 21 acres of buildable land and how many lots they could plat if lots were 7,500 square feet or greater. O'Neill mentioned there could be more development in the FSH Overlay. Carlton stated he wants to better understand the Planning Commission's decision space. For example, can the Planning Commission recommend 7.5 foot side yard setbacks instead of 5 feet? Crosby wondered how the Planning Commission should handle questions staff asked at the end of the staff report. O'Neill stated staff wants the Planning Commission's recommendations. Maclean-Wenzel wants clarification on whether the Planning Commission is going to have a discussion tonight or not. Maclean-Wenzel stated she heard the public's concerns and the Planning Commission is trying to follow existing code and do what's in the best interest of the community.

Maclean-Wenzel encouraged commissioners to visit the site. Crosby stated the Planning Commission will focus their attention on the questions at the end of the staff report at the next Planning Commission meeting. Lesowski suggested voting on each one. Crosby stated the Planning Commission could pass along recommendations to Council without making an overarching recommendation. Chris Crean stated that the Planning Commission's role is more advisory in this case. Lesowski wants to know how much latitude or flexibility the Planning Commission gets in their decision making on a Planned Development. O'Neill asked Chris Crean to put together a memorandum with the next staff report that states where the Planning Commission has authority to say no because they don't like it or where they need to find criterion to say no to a request. O'Neill asked if there's anything else the Planning Commission wants to see in a revised staff report. Denison asked the Planning Commission to think about the PD request fundamentally as the PD is inherently subjective. Mayton asked if the staff slide show is public record and if it's available for public viewing. Denison stated the Planning Commission can ask for the slideshow and O'Neill stated it will be part of the next staff report.

Motion: Motion to continue the public hearing to December 16, 2020.

Moved By: Commissioner Mobley

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed at 9:50 p.m.

8. ADJOURNMENT

Motion: To adjourn

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mobley

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 9:51 p.m.

Chairman Jerry Crosby

Attest:

Kelly O'Neill Jr., Development Services
Director

Date signed: _____

EXHIBIT FF

PLANNING COMMISSION STAFF REPORT TYPE IV RECOMMENDATION TO THE CITY COUNCIL

NOTE: Text in red are new additions since the previous staff report dated November 16, 2020.

DATE: December 11, 2020

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.

NOTE: The following exhibits, findings of fact and conditions (bold text) are to explain the proposal and assist the Planning Commission in forwarding a recommendation of approval, approval with conditions, or denial to the City Council.

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 (November 23, 2020)

Additional Submission Items from the Applicant:

- EE. Email from Michael Robinson (September 23, 2020)
- FF. Memo from Tracy Brown (November 22, 2020)
- GG. Email from Michael Robinson (November 28, 2020)
- HH. Supplemental Memo (December 9, 2020)
- II. Responses to Staff Report Questions (December 9, 2020)
- JJ. Sewer Capacity Letter from Ray Moore, PE (December 9, 2020)
- KK. Sewer Capacity Letter from Michael Pinney, PE (December 9, 2020)
- LL. Right Turn Lane Memo from Michael Ard, PE (December 9, 2020)
- MM. ODOT Slip Lane Removal Plans (December 9, 2020)

Public Comments:

NN. Bonnie Eichel (October 2, 2020)
OO. Jerry Carlson (October 29, 2020)
PP. John and Linda Bartmettler (October 29, 2020)
QQ. Dustin and Bonnie Bettencourt (November 3, 2020)
RR. Georgina Sutherland (November 3, 2020)
SS. Gerald and Judith Dittbenner (November 5, 2020)
TT. Tony and Kim Turin (November 6, 2020)
UU. John and Christine Andrade (November 7, 2020)
VV. Todd Springer (November 8, 2020)
WW. John Eskridge (November 9, 2020)
XX. Dan and Janine Walton (November 19, 2020)
YY. Ed Dewart (November 20, 2020)
ZZ. G. Manley (November 20, 2020)
AAA. Bonnie and Robert Eichel (November 20, 2020)
BBB. Georgina Sutherland (November 20, 2020)
CCC. Jason and Mary Dyami (November 24, 2020)
DDD. Chris Anderson and Jason Shuler (December 7, 2020)
EEE. Kristina Molina (December 9, 2020)
FFF. John Andrade (December 10, 2020)

FINDINGS OF FACT

General

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. 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."
3. The public hearing for The Views PD was originally scheduled for September 28, 2020. 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.

4. 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.
5. 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.
6. The parcel has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of SFR, Single Family Residential.
7. 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.
8. 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 48 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

9. 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.
10. 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.
11. 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.
12. On November 2, 2020 staff provided DLCD with a revised Plan Amendment (PAPA) notice.
13. Agency comments were received from the City Transportation Engineer, City Engineer, Public Works, SandyNet, Public Works, and Sandy Area Metro.
14. At publication of this staff report ~~ten~~ 19 written comments from the public were received. **These can be found in Exhibits NN through FFF.**
15. **Public comments against the proposed development include the following:**
 - I. **Encroaching development in FSH**
 - II. **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**
 - VIII. **Lack of amenities for future residents**
 - IX. **Safety walking along streets**
16. **Public comments for the proposed development include the following:**
 - I. **Increased public revenue**
 - II. **The proposed development is by a local developer rather than an “outside” developer**

17. 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 will again be reviewed by the Planning Commission on December 16, 2020.
18. Since the previous staff report dates November 16, 2020, the applicant requested edits to specific conditions in this report. Staff reviewed the proposed edits and determined that they were appropriate as they further clarified the applicant's proposal (Exhibit FF).
19. On November 28, 2020, the applicant granted an extension of the 120-day application review period (clock) by 32 days. This changes the 120-day deadline from January 28, 2021 to March 1, 2021. This is to accommodate the City Council hearing for this application on February 16, 2021 (Exhibit GG).
20. On December 9, 2020, the applicant submitted additional information related specifically to the following: Applicant responses to the questions at the end of this staff report (Exhibit II); Engineering memos related to sanitary sewer capacity (Exhibits JJ and KK); and an Engineering memo related to the ODOT-requested right turn lane from Highway 26 onto Vista Loop Drive (Exhibit LL). The applicant also provided an explanatory cover memo (Exhibit HH) and an ODOT document related to the closure of the slip lane from Highway 26 to Vista Loop Drive (Exhibit MM).

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. The applicant is requesting a density bonus in conformance with Chapter 17.64, Planned Developments. The request is for 168 dwelling units. That request is discussed in Chapter 17.64 of this document.

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. These 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. 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.

46. 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.
47. 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 rowhouses and multifamily dwellings which are not listed as permitted outright uses.
 - 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.

48. 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.
49. Section 17.64.40 states that: “The maximum number of allowable dwelling units shall be the sum of densities allowed by the underlying zone(s) unless an increase is authorized as otherwise allowed in this chapter.” The applicant has requested an increase in density. Subsection A, related to “residential zones,” calculates allowable density in planned developments based on “useable site area, exclusive of streets.” According to density calculations earlier in this document the allowable density for this planned development (without a density increase) ranges from 63 to 159 units. Subsection C states: “An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding 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.” The applicant proposes to increase the total number of units to 168, which is a six (6) percent density increase. The applicant states that this density increase is justified given the nature of the development. The narrative (Exhibit B) states: “As detailed on submitted plans, 19.5 percent (6.42 acres) of the 32.87 acre property is contained within restricted development areas and the Planned Development proposal includes the designation of 36.3 percent (11.92 acres) of the site as open space. In addition, no part of any lot will be platted within the FSH or a restricted development area. Other features of the proposal include a mix of housing types and densities; a request to vary development standards to promote flexibility in site planning; an innovative townhouse design exceeding the residential design standards including a two car rear-loaded detached garage and open courtyard; and constructing an array of recreational amenities for the use and enjoyment of the residents of the Planned Development. As a package the applicant believes there is sufficient justification 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 in the SFR zone in order to justify this request.” Staff finds the following elements provide advantages in living conditions not found in similar developments constructed under regular zoning:
- No lots are platted within the FSH overlay.
 - There is a mix of housing types and densities which encourages inclusionary zoning.
 - The proposed private recreation areas (Tracts A, B, M, and N) integrated within the planned development (though staff notes that a recreation area adjacent to the highway as proposed with Tract M is not the best location for a recreation area with play equipment that might attract small children).
 - The proposed allée of trees along a majority of street frontages, with trees planted both in the planter strips and on the private property side of the sidewalks (or on either sides of the walkways where the walkways are proposed to be in private open space tracts).
 - The proposed sound wall along Highway 26 which provides additional privacy and noise protection for future residents.

- The use of native pollinator-friendly plant species to promote native biodiversity in tracts A, B, M, and N (see conditions in Chapter 17.92 of this document).
- Open space and active recreation areas totaling 11.92 acres which is 3.67 acres more than is required in a PD.

Staff recommends that the Planning Commission recommend approval of the applicant's request to exceed the maximum density for the base zone by 6 percent as proposed.

50. Section 17.64.50, Open Space, requires that a minimum of 25 percent of the site be dedicated 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 single-family detached and single-family attached dwellings as well as multi-family dwellings, as proposed by the applicant.
52. Sections 17.64.70-90 are procedural in nature. Approval of The Views PD will result in an amendment to the Sandy Zoning Map, indicating that a PD has been approved on this SFR site. 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, townhomes, and multifamily 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.

64. 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.

65. 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, **staff recommends the Planning Commission recommend approval of 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. **Staff recommends the Planning Commission recommend 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, 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.

66. 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, **staff recommends that the Planning Commission recommend 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. If the Planning Commission (and ultimately Council) agree with this recommendation, staff recommends the Planning Commission condition additional architectural, landscaping, and/or design features to enhance the appearance of the proposed sound wall from the Highway 26 right-of-way.**

67. 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

68. 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.

69. 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. **Staff 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

70. 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

71. 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.**
72. 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.
73. 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.**
74. 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

75. 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.**
76. 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 homes. 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. **Staff 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, 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.**
77. 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.
78. 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.
79. 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.

80. 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.** ~~Street frontage improvements include, but are not limited to: street widening, curbs, sidewalks, storm drainage, street lighting and street trees. One of the reasons for providing an urban street section (curbs, sidewalks, lighting, etc.) inside the city limits is to provide motorists with a visual cue that they are entering an urbanized area and to adjust their speed and alertness to match the visual cues. The area on both sides of Highway 26 is within the UBG and Urban Reserve so it will eventually become urbanized. An urbanized right of way makes drivers aware that they are entering a city and hopefully lead to adjusted speeds to match the conditions. As the city grows and these areas become urbanized the posted speed limit will likely be lowered to match the conditions. This is the case at the west end of Sandy where Highway 26 is an arterial street instead of a rural highway. This is also the case east of the couplet where the speed limit drops from basic rule to 40 mph and then to 25 mph as one travels west. 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.~~
81. 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.**
82. 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 T) are expressly incorporated by reference into this document.
83. 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 MM).

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 Z) 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 LL). 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.

84. 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.

85. 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).
86. 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.
87. 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.
88. 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. **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).**
89. 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.**
90. 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.

91. 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.**
92. **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.**
93. 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.**
94. 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.**
95. **According to the applicant’s supplemental memos regarding sanitary sewer capacity dated December 9, 2020 (Exhibits JJ and KK), 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 JJ).

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.
96. 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.

97. 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.**
98. 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.**
99. **SandyNet shall receive a set of PGE utility plans to design and return a SandyNet broadband deployment plan.**
100. 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.**
101. ~~The proposed public sidewalks outside of the street right-of-way will require pedestrian scale bollard lighting conforming to the City's standards. Use of full-cutoff, Type II roadway distribution streetlights will not provide sufficient illumination for pedestrians where the sidewalk is set back so far from the street and obscured by trees.~~ The proposed public sidewalks located outside of the street right-of-way shall provide lighting levels in conformance with City standards. **The applicant shall submit a photometric analysis demonstrating that pedestrian lighting standards are met along all pedestrian facilities outside a public right-of-way.**
102. **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

103. 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 = $120 \times 3 \times 0.0043 = 1.548$ acres. For the maximum development of 48 multifamily units, acres = $48 \times 2 \times 0.0043 = 0.4128$ acres. Combined, this totals 1.96 acres.
104. The applicant proposes paying a fee in lieu of parkland dedication. Based on 1.96 acres the parks fee in-lieu shall be \$472,360 based on the City's current fee schedule if this payment is not deferred and paid prior to final plat approval, and \$519,400 if half of the payment is deferred. If deferred, one-half of this amount (\$259,700) is required to be paid prior to final plat approval with the other half (\$259,700) 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 $0.41 \times \$265,000 = \$108,650$ would be paid with the building permit for these units if that is the ultimate decision of the City Council.
105. 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. Staff 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, 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.**
106. 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

107. 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 townhomes will be reviewed at building permit and multi-family buildings will be reviewed with a future design review application.

17.92 – Landscaping and Screening

108. 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.**

109. 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 and adds an element of exceptional design above and beyond a typical subdivision as required for the PD density bonus. 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.**

110. 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.**

111. **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).**

112. 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.**

113. 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*, *Symphotrichum subspicatum*

114. 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.**

115. 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.**

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

17.98 – Parking, Loading, and Access Requirements

117. 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.

118. 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).

119. 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.). **The applicant shall update the driveway plan to detail shared driveways for the following pairs of Lots: 43 and 44, 45 and 46, 59 and 60, and 63 and 64.** 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.**

120. 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.

121. 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.**
122. 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

123. 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.**
124. 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.
125. 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 (PD). 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.
126. 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.
127. 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. **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).**

128. 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.
129. 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.
130. 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. Staff supports a phased approach as proposed by the applicant but finds that **the Planning Commission shall set forth recommendations to the City Council on items such as Parks fee in-lieu and expiration dates related to plat recording.** This is explained in further detail in the recommendations section of this document.
131. 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.
132. 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 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.

133. 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.
134. 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.
135. 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).**
136. 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.
137. 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.
138. 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.**

139. 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.
140. 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.
141. 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.”
142. 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.
143. 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.
144. All streets in the proposed subdivision have a minimum curve radius as required by Section 17.100.180(B).

145. **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.**
146. 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).
147. 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.
148. 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.
149. 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).
150. 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.
151. 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.
152. 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.**

153. **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.**
154. 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.**
155. 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.
156. 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.**
157. 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

158. 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.
159. 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.

160. No trees are proposed to be removed within the FSH overlay area. **The applicant shall not remove any trees from the FSH overlay area.**

161. 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.**

162. 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

163. 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

164. 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.**

165. **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.**

166. 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.**

167. 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.**

RECOMMENDATION TO FORWARD TO COUNCIL:

If the ultimate decision is to approve this land use application with conditions, all of the conditions (with the exception of standard conditions) are listed in this document in the findings with the use of bold. Instead of creating a conditions list as is typically done in a Planning Commission staff report, staff believes the main objective for the Planning Commission in this application is to answer the requests related to the application and forward a recommendation of approval, approval with conditions, or denial to the City Council.

Staff is generally supportive of the applicant’s request and thinks the applicant has done a commendable job of creating a development proposal that meets the spirit of the Development Code while also incorporating some creative solutions to increase density and deviate from some of the code requirements. Staff has been working closely with the developer and his consultants, but with the public comments received to date and the indeterminate language in Chapter 17.64 staff finds it important to define if the Planning Commission finds that this proposed PD meets the intent of the development code. Some of the indeterminate language in Chapter 17.64 includes things such as, ‘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’ and ‘development standards of the base zone, overlay zone or planned development overlay apply unless they are superseded by the standards of this chapter, or are modified during a Planned Development review’. While staff understands concerns as expressed by the surrounding neighborhood the proposal incorporates a variety of housing price points and supports inclusionary zoning practices.

Staff recommends the Planning Commission provide the City Council a clear recommendation by answering the following questions:

- A. 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.
- B. Does the Planning Commission recommend permitting rowhouses in the SFR zoning district?
- C. Does the Planning Commission recommend permitting multifamily housing in the SFR zoning district?
- D. Does the Planning Commission recommend allowing lot sizes less than 7,500 square feet?

- E. Does the Planning Commission recommend allowing a minimum average lot width less than 60 feet?
- F. Does the Planning Commission recommend allowing interior side yard setbacks at 5 feet, when the typical standard is 7.5 feet?
- G. 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?
- H. 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?
- I. 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?
- J. 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)?
- K. 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?
- L. Does the Planning Commission recommend phasing this development in two distinct phases as proposed by the applicant? If so, what policies should be recommended for the two following requirements?
 - a. Parks fee in-lieu?
Staff recommends the parks fee in-lieu are paid prior to each phase being recorded. The parks fee in-lieu for Phase one, the Lower Views would be the calculation for Lots 1-72. The parks fee in-lieu for Phase two, the Upper Views would be the calculation for Lot 73 – 122.
 - b. Expiration dates?
Staff recommends each phase is allowed two years to complete plating requirements, with the two-year clock starting for the second phase at the recording date of phase one, the Lower Views.
- M. Does the Planning Commission recommend to not require a right turn lane at the intersection of Vista Loop Drive and Highway 26, consistent with staff's recommendation -or- does the Planning Commission recommend a condition to require a right turn lane at this intersection, consistent with ODOT's recommendation?

- N. Does the Planning Commission recommend the proposed future street layout north of Ortiz Street as proposed by the applicant -or- does the Planning Commission recommend a street stub and/or pedestrian connection to the north in the vicinity of where Knapp Street intersects with Ortiz Street?
- O. 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?
- P. Does the Planning Commission have any additional recommendations related to maintenance of the open space owned by a proposed Homeowner's Association (HOA)?
- Q. Does the Planning Commission have any other recommendations related to modifying other findings or conditions?
- R. Does the Planning Commission recommend approval of The Views PD?

EXHIBIT GG

The Views PD

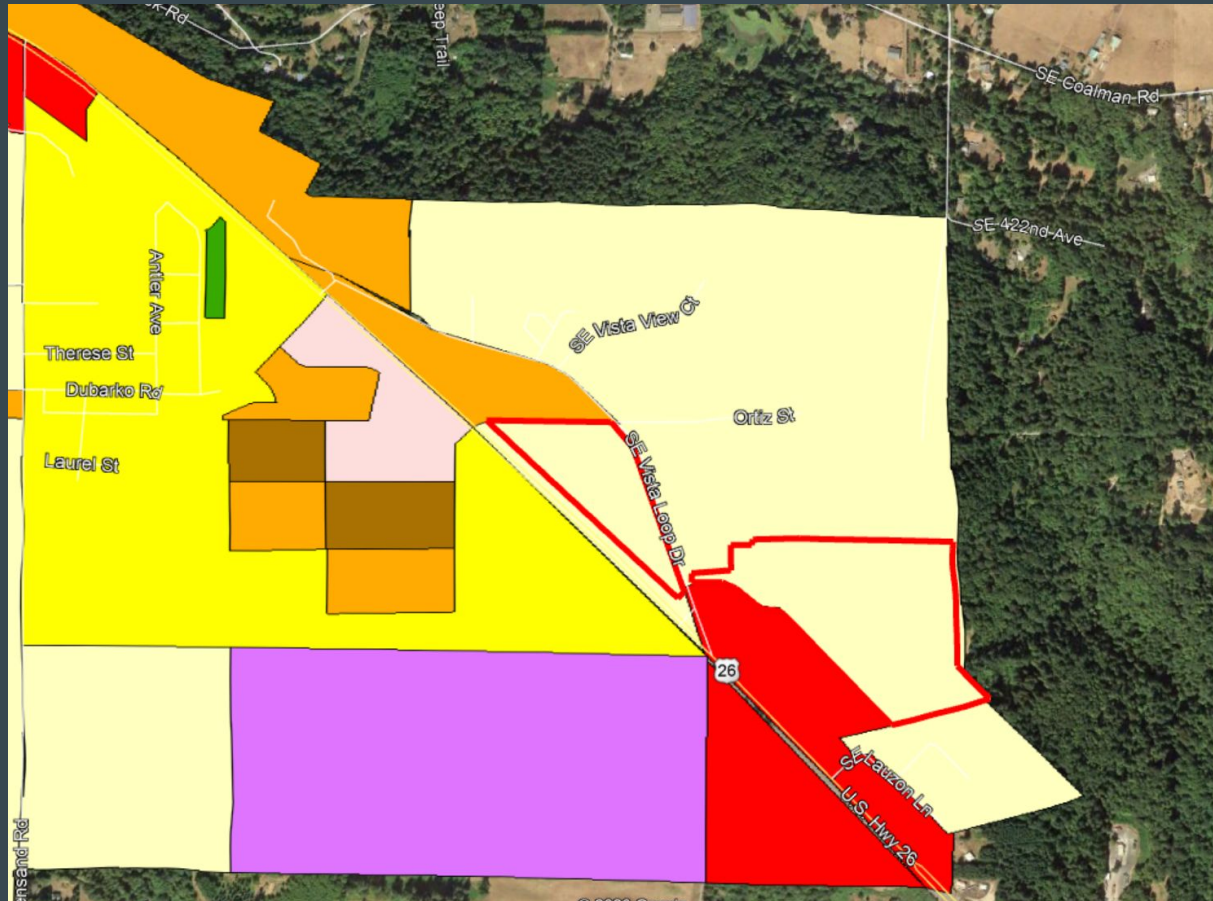


Planning Commission 12/16/2020

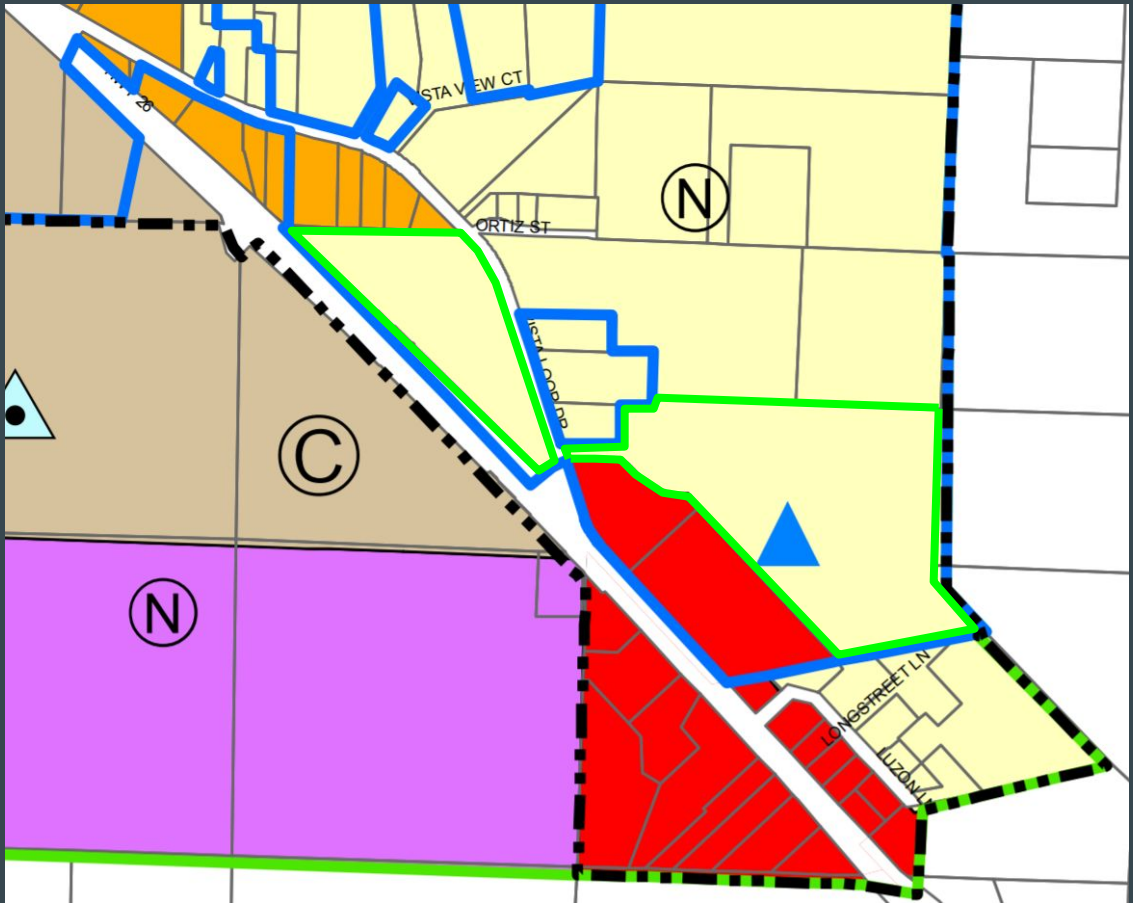
Vicinity Map



Zoning Map



Comprehensive Plan Map



Request

The applicant is requesting the following:

- Planned Development
- Subdivision of land into parcels
- Type III Special Variances
- FSH Overlay Review
- Tree removal

History

- January 2019: Applicant begins discussion with City staff
- May 29, 2019: Pre-application conference
- June/July 2020: Application materials submitted and application deemed complete
- November 23, 2020: First Planning Commission hearing
- December 16, 2020: Second Planning Commission hearing

Background on a Planned Development

- Both a development type and a legal process.

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- Intent:
 - Mixture of housing types and densities
 - Flexibility in site planning and land use
 - Encourage environmental conservation
 - Coordination of building form
 - Provide common recreation areas

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 - Provide common recreation areas
- Trade off: implementing “outstanding design elements” which may not be explicitly supported by the development code.
- Applicant is allowed to request modifications to quantitative code requirements, including underlying zoning district density.



LOWER VIEWS
PHASE 1

UPPER VIEWS
PHASE 2



BONNIE STREET

MT. HOOD COURT

HIGHWAY 26

Google earth

Google earth

ORTIZ STREET

VISTA LOOP

KNAPP STREET

THE VIEW DRIVE

PUBLIC ALLEY

TRACT K
OPEN SPACE

TRACT A

TRACT J
POND

TRACT I
OPEN SPACE

TRACT L
OPEN SPACE

TRACT C

TRACT E

TRACT G

TRACT H

TRACT I

TRACT J

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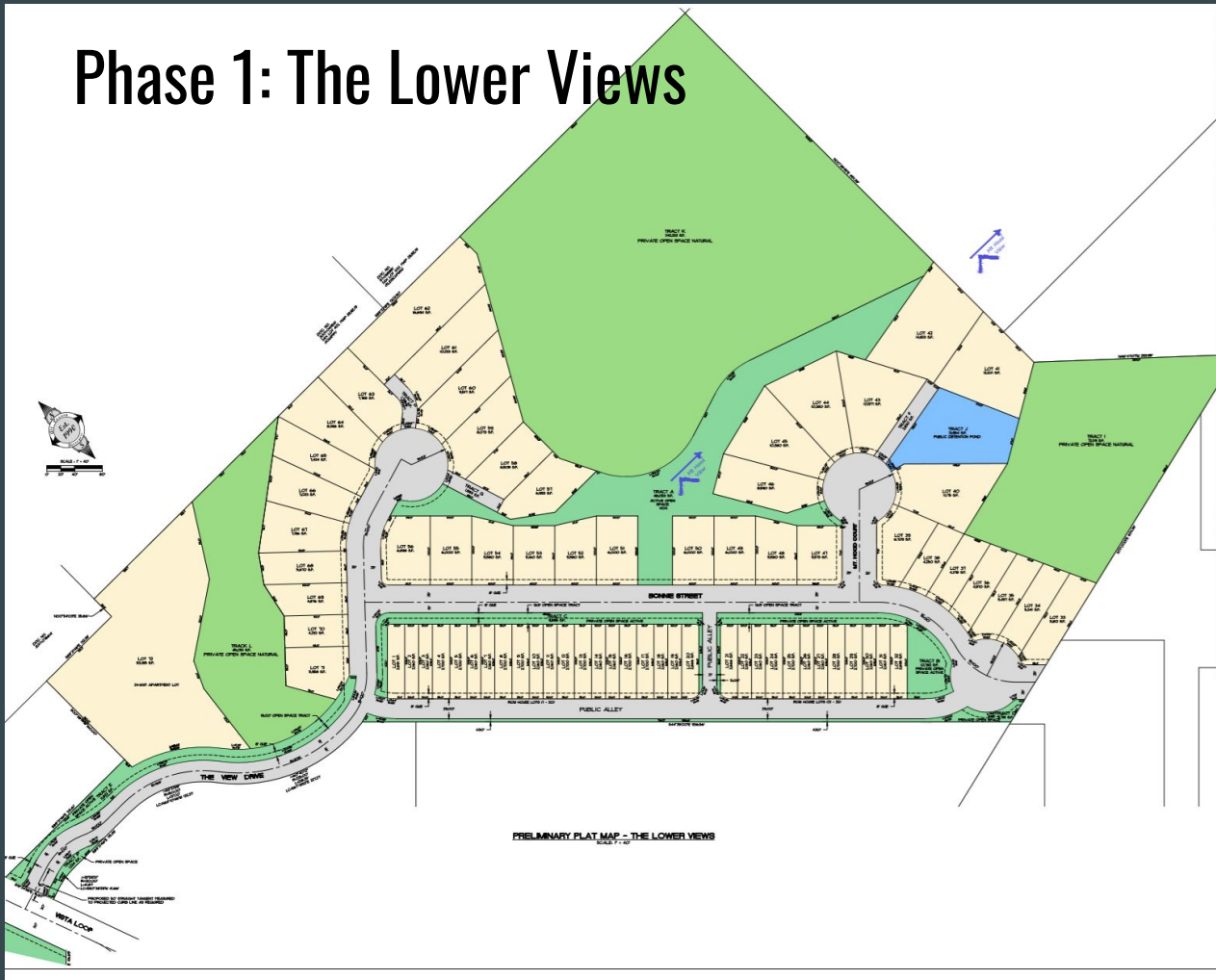
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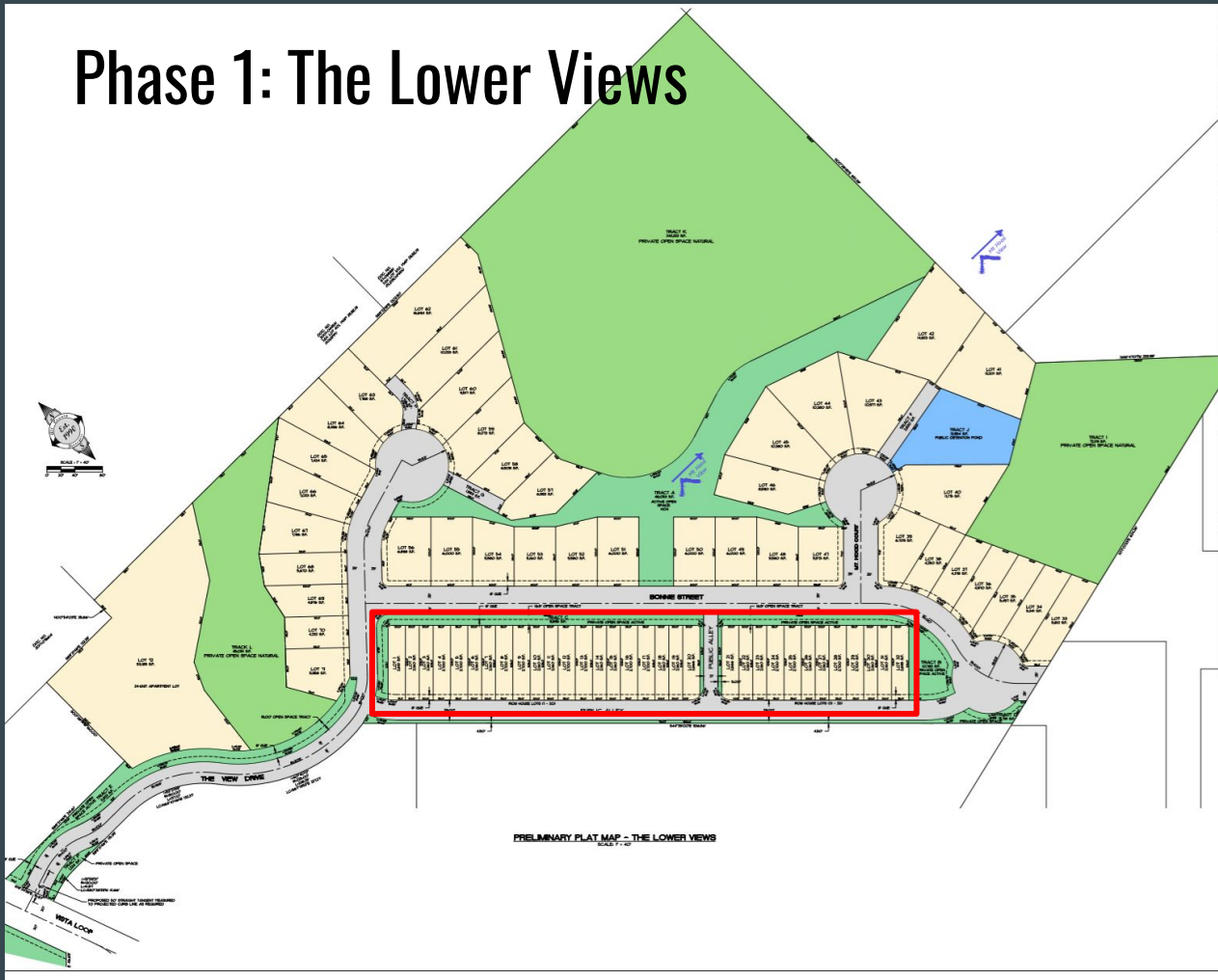
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Phase 1: The Lower Views



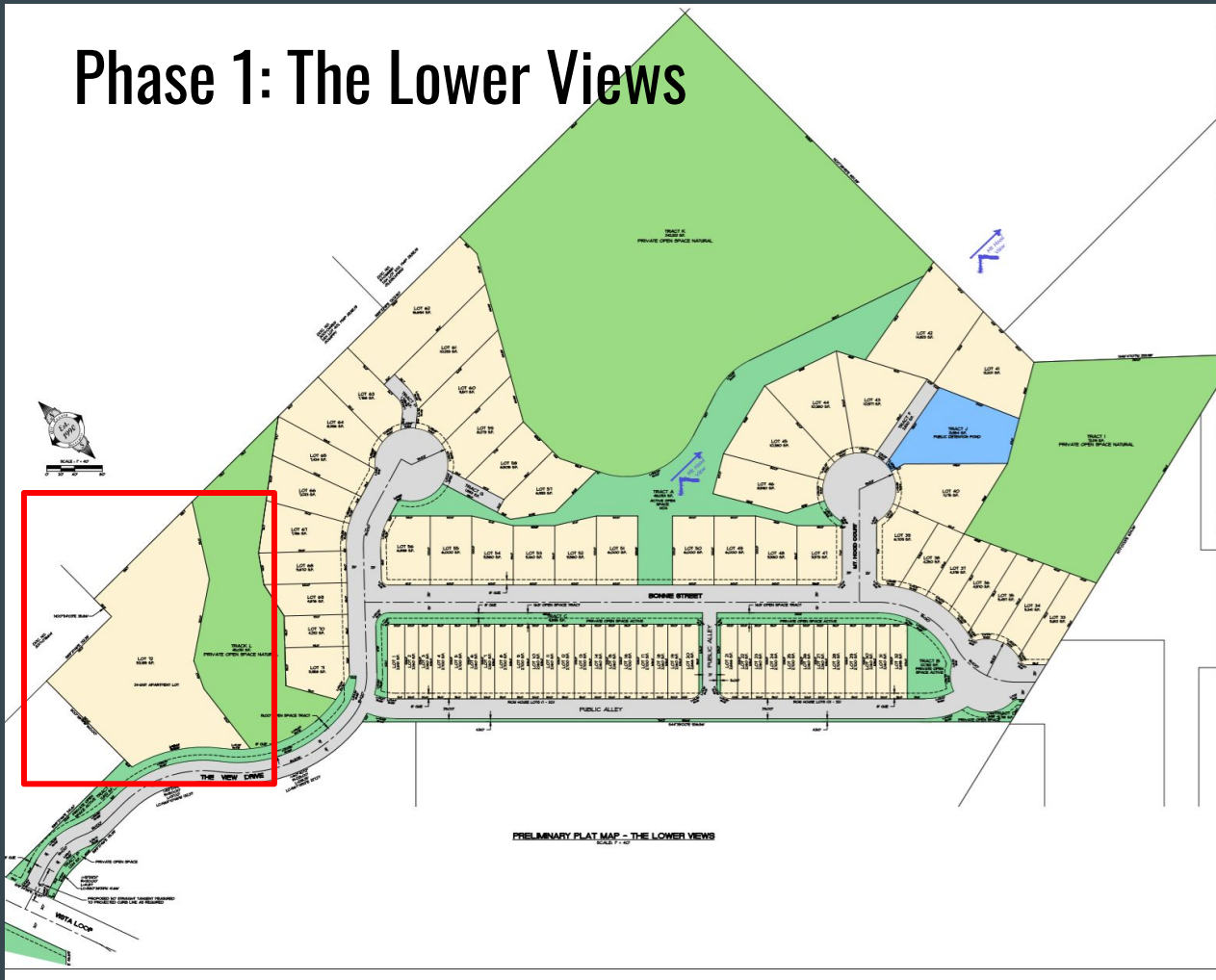
- 39 single family detached homes
- 32 single family attached homes
- 24 multi-family homes

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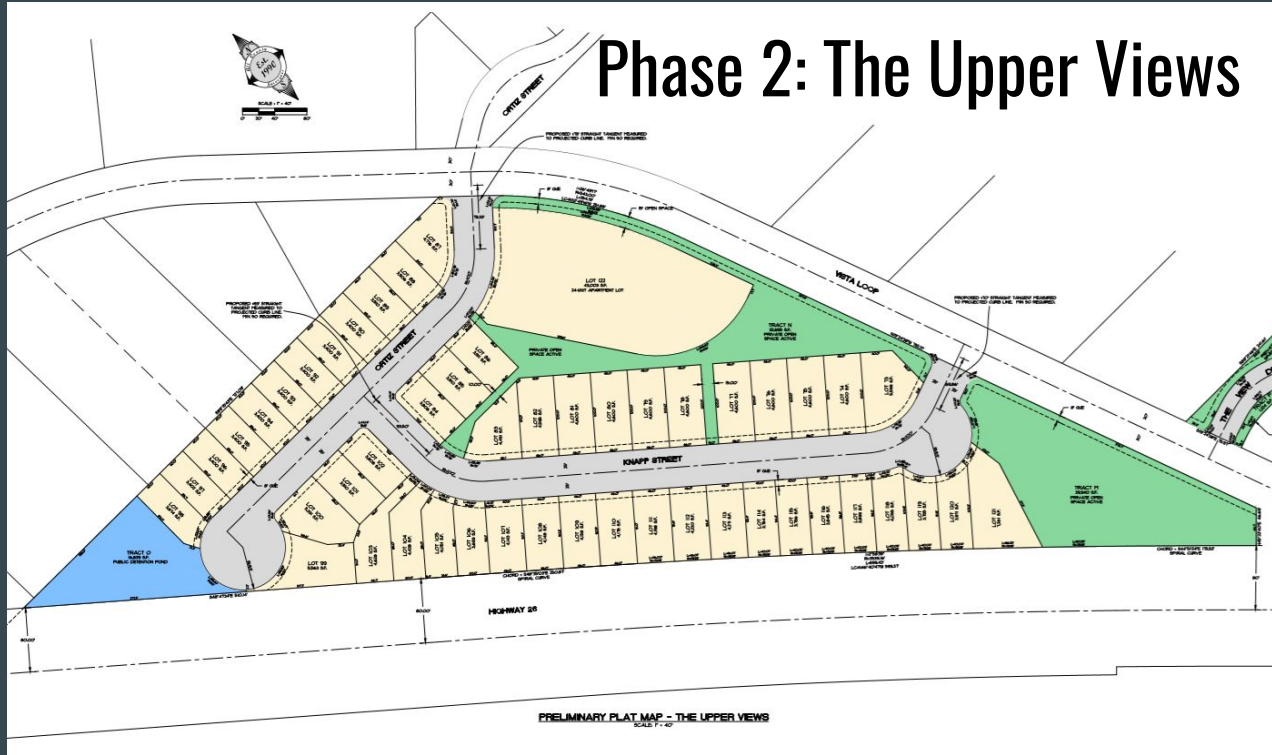
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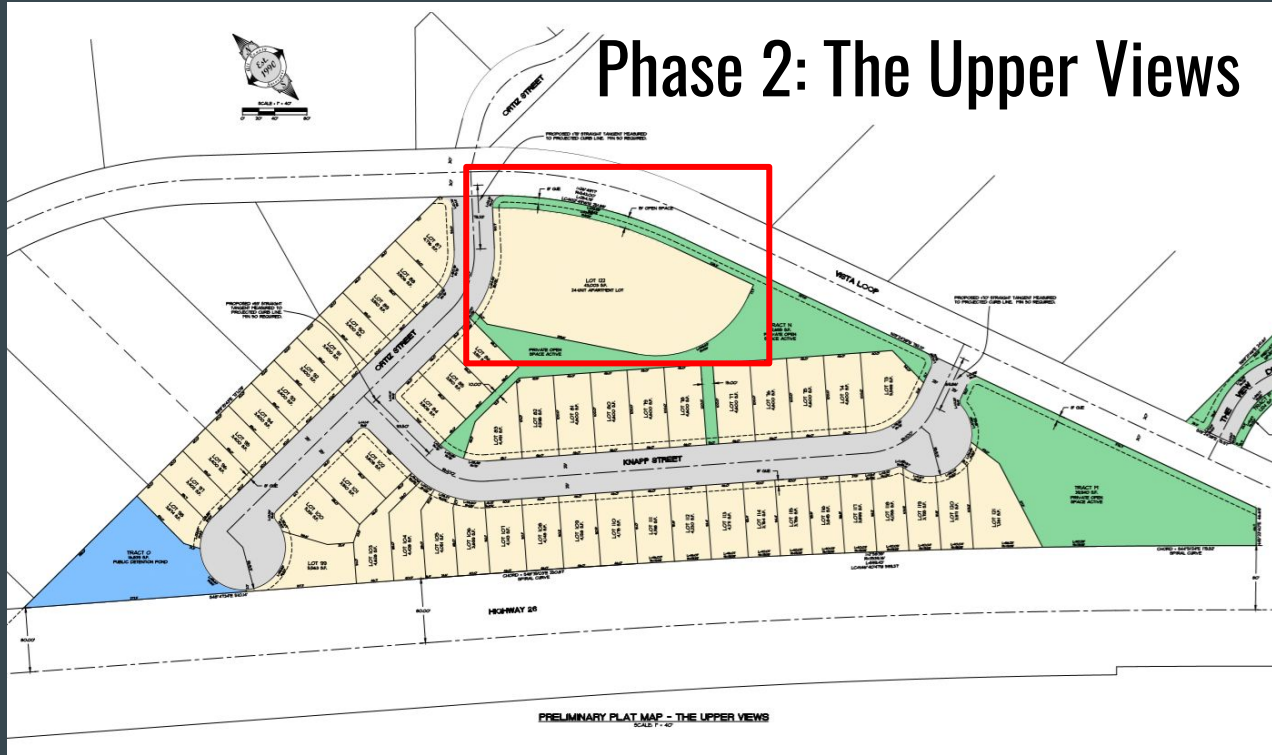
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Phase 2: The Upper Views



- 49 single family detached homes
- 24 multi-family homes

Phase 2: The Upper Views



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- 24 multi-family homes

122 Lots



120 Single Family

2 Multi Family



32 attached

88 detached

24 units each

= 168 total dwelling units

Density

- Under current SFR zoning, a minimum of 63 and a maximum of 159 single family homes are allowed according to net acreage.*
- The applicant is requesting a density increase as part of the PD process:
 - 17.64.40: “An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding 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.”
 - The applicant is requesting a 6% density increase

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* Because of House Bill 2001, some or all of these homes could be duplexes, potentially leading to as many as 318 units.

“Outstanding” Design Elements

- Mix of housing types and densities
- Private recreation tracts integrated into development
- Proposed allee of trees along majority of street frontages
- Sound wall along Highway 26
- Open space and active recreation areas totalling more than is required

Additional PD Code Deviation Requests

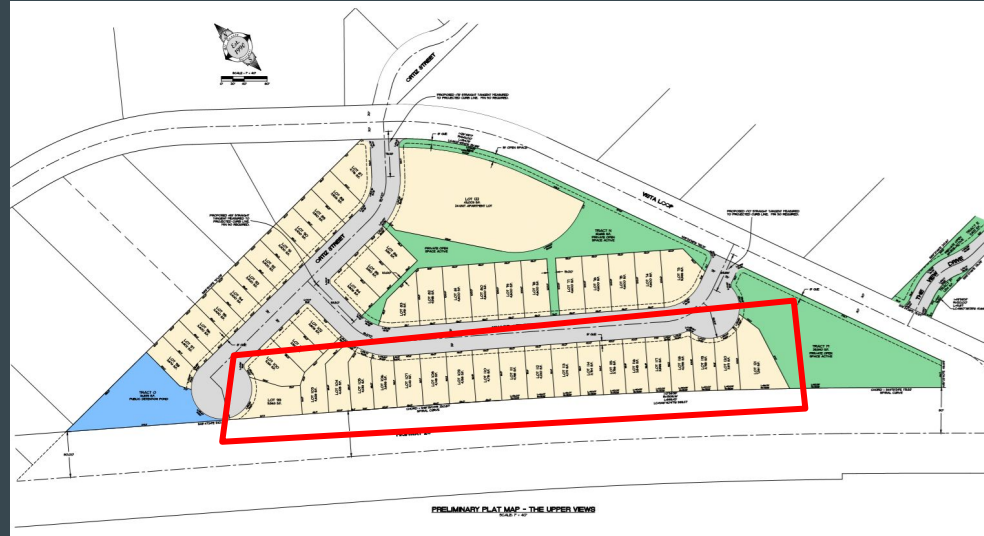
- Rowhouses and multi-family housing
- Smaller lot sizes
- Smaller minimum average lot width
- Smaller interior side yard setbacks
- Smaller rear yard setbacks
- Longer block lengths

Special Variances

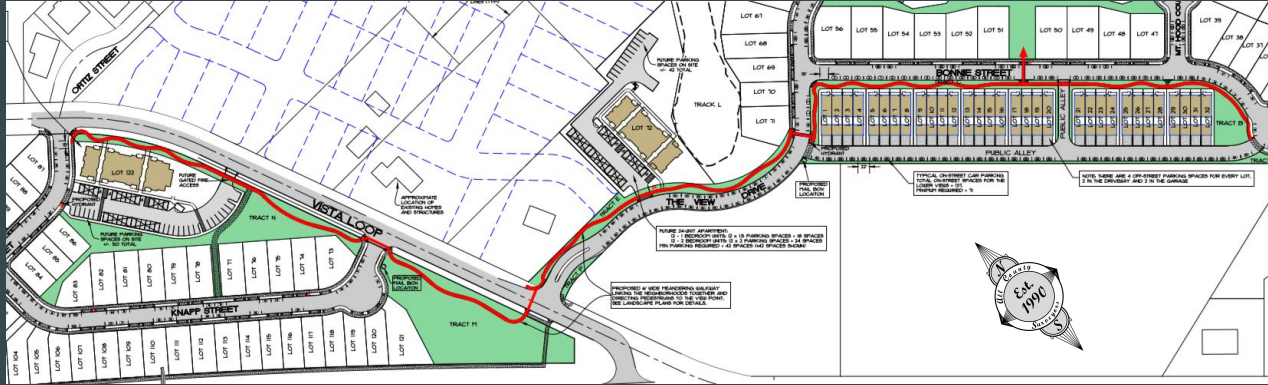
- Required for qualitative code deviations:
 - Front doors on SW side of The Upper Views facing internal streets rather than Highway 26.
 - Removing sidewalk from various street frontages.

Special Variances

- SDC Section 17.82.20 says that homes abutting a transit street must face the transit street.
- Lots 99 and 103-121 in The Upper Views abut Highway 26
- Applicant is requesting that these homes face the internal streets.



Special Variances



- SDC Section 17.84 requires sidewalks and planter strips along streets.
- The applicant is requesting to waive this requirement along the south side of The View Drive.
- The applicant is requesting to install a meandering walkway along Bonnie Street, the north side of The View Drive, and Vista Loop in lieu of sidewalks.

Public Comments

- As of 12/16/2020, 31 public comments have been received
- Key concerns:
 - Traffic safety
 - Lack of code-required improvements
 - Ignoring requests of existing residents
 - Encroaching development in FSH
 - Capacity of fire, police, and public utilities
 - Increased traffic on already busy streets
 - Removal of wild animal habitat
 - Significant increase in housing density
 - Changing the character of the area
 - Lowering value of land
 - Lack of amenities for future residents
 - Safety walking along streets
- Support:
 - Local developer
 - Increased public revenue
 - Support to pay for new wastewater treatment facilities
 - Improvement of Vista Loop Drive

FSH Review

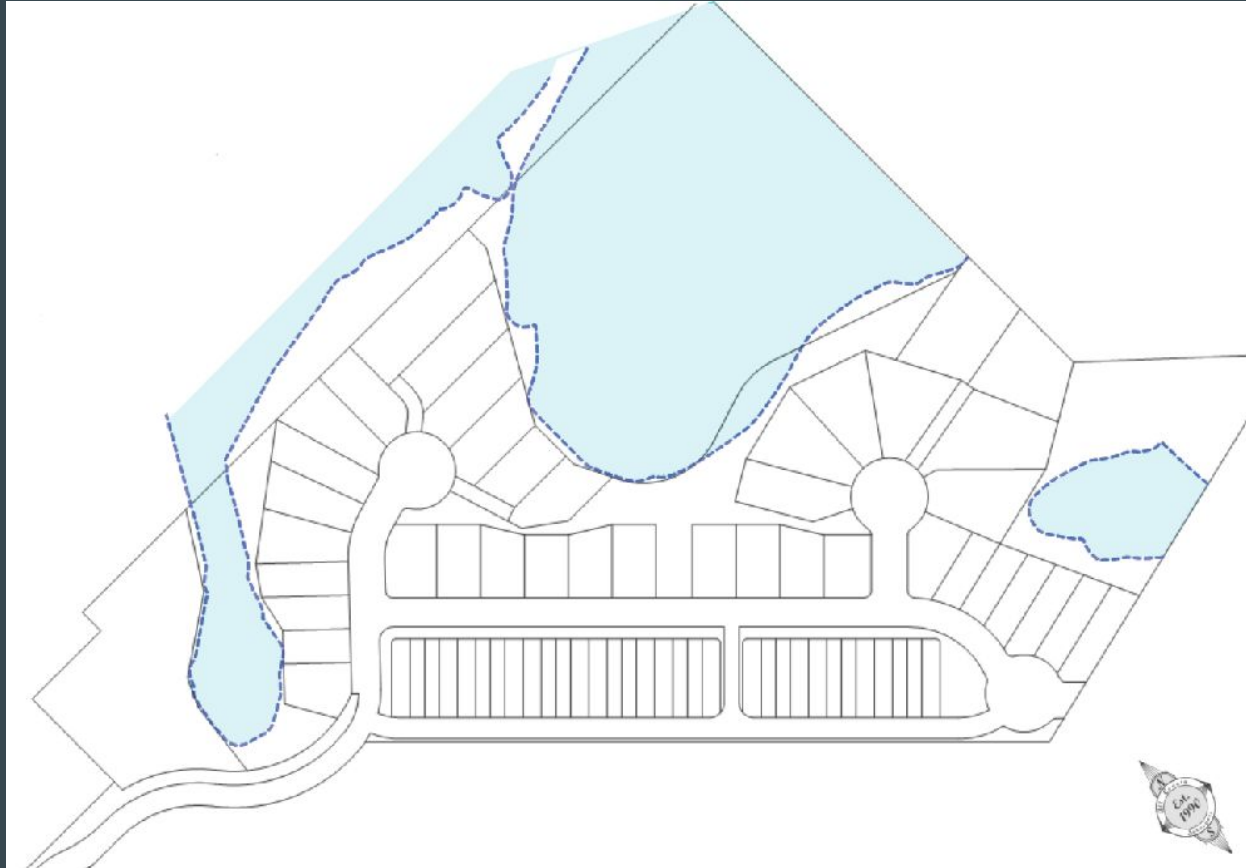


EXHIBIT HH

Sandy Planning Commission Regular Meeting Wednesday, December 16, 2020

Chairman Crosby called the meeting to order at 7:03 p.m.

1. MEETING FORMAT NOTICE: Instructions for electronic meeting

2. ROLL CALL

Commissioner Carlton – Present
Commissioner Lesowski – Present
Commissioner Maclean-Wenzel – Present
Commissioner Logan – Present
Commissioner Mobley – Present
Commissioner Mayton – Present
Chairman Crosby – Present

Others present: Development Services Director Kelly O'Neill Jr., Senior Planner Emily Meharg, Associate Planner Shelley Denison, City Attorney Chris Crean, City Recorder Jeff Aprati

3. APPROVAL OF MINUTES

3.1 APPROVAL OF MINUTES – November 23, 2020

Motion: Approve the Planning Commission minutes for November 23, 2020.

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mobley

Yes votes: All Ayes

No votes: None

Abstentions: Commissioner Logan

The motion passed.

4. REQUESTS FROM THE FLOOR – CITIZEN COMMUNICATION ON NON-AGENDA ITEMS:

None.

5. COMMISSIONER'S DISCUSSION

Chairman Crosby asked about the new Planning Commissioners. O'Neill gave an update on the new Planning Commissioners. Commissioner Mayton was reappointed and a new Planning Commissioner, Steven Hook, was appointed. There is still one vacancy. Chairman Crosby expressed sadness over the departure of Commissioners Mobley and Logan from the Planning Commission and thanked them for their service as did the other Commissioners.

6. OLD BUSINESS:

6.1 The Views PD (20-028 SUB/TREE/FSH/PD/VAR) Continuance:

Chairman Crosby opened the public hearing continuance on File No. 20-028 SUB/TREE/FSH/PD/VAR at 7:12 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to

any individual member of the Planning Commission. No challenges were made. Chairman Crosby stated he received three emails sent directly by one or more members of the public but didn't open them. Commissioner Carlton received an email from John Andrade and another from someone else. He opened them, but then forwarded them to O'Neill. Commissioner Mayton also received two emails, read the first few lines on the first, and forwarded it to O'Neill, and read the second one after it was sent to all Commissioners. Commissioners Logan, Lesowski, Maclean-Wenzel, and Mobley also received the emails but didn't open them or respond. O'Neill emphasized the need for the public to send emails to planning@cityofsandy.com. City Attorney Crean asked if any commissioners had any conversations with the emailers. None of the commissioners did. Commissioner Logan stated he watched the video 1.5 times, read the minutes, and read all of the material. The applicant's attorney, Robinson, asked if the emails received by the Commissioners were now part of the record. O'Neill confirmed the emails were made part of the record. Robinson also wanted to clarify that there were no conversations between the Commissioners and the emailers. It was confirmed that no conversations took place.

Crosby stated the Planning Commission's role is to make a recommendation to Council and that there will be another public hearing on this proposal before the City Council in the future.

Staff Report:

Associate Planner Denison summarized the staff report and provided an updated presentation related to the Planned Development (PD) request. Denison presented an overview of the proposal, history of the project, and explained the intent of a PD. Denison clarified the requested use types and number of proposed lots. Denison outlined the requested density bonus and "outstanding" design elements as well as the quantifiable deviations the applicant is requesting as part of the PD process and the two additional special variance requests. Denison mentioned that HB 2001 would allow for duplexes on all of the lots. Denison summarized comments that were received between the November 23 Planning Commission hearing and the December 16 Planning Commission hearing, including both concerns and support for the proposal. Denison clarified that no development is proposed in the Flood Slope Hazard (FSH) overlay.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown referenced additional documents the applicant provided and showed a slideshow presentation. The applicant is proposing a "Welcome to Sandy" sign. Brown showed images associated with the proposed development and explained the PD process. Brown summarized the developer's vision, what makes this development unique, and why the proposal should be approved. Brown responded to the concerns received from the public.

Mac Even
PO Box 2021
Gresham, OR 97030

Mr. Even introduced himself and provided background on his history as a builder. Even stated he wants to make a long-term investment in the community. Even and Engineer Moore met with approximately a dozen neighbors the morning of December 16, 2020 to discuss the proposal. Even mentioned the apartments are being included to help offset the infrastructure costs and to create inclusionary housing for all income levels to enjoy the same kinds of amenities.

Even stated the apartments on Lot 72 are proposed at 3 stories in height, but he is now proposing to remove 9 units from that building and make it a 2 story building to help preserve views for the neighbors. This would also reduce the number of units to 159, which means he's no longer asking for a density bonus. Even stated that if they did duplexes instead, they would not be able to include the passive and active recreation areas.

Proponent Testimony:

Chris Anderson
17150 University Ave

Mr. Anderson said he thinks the project is great and appreciates that the developer is removing one floor from the apartments on Lot 72. Prefers the PD proposal over duplexes. Asked some questions about the proposed HOA.

Cassidy Moore
1912 SW 6th Ave
Portland, OR

Ms. Moore stated she is excited to see growth.

Buzz Ortiz
41525 SE Vista Loop
Sandy, OR 97055

Mr. Ortiz said he supports the project because the alternative is rentals and duplexes.

Lindsey Sawyer
18085 Scenic Street
Sandy, OR 97055

Ms. Sawyer said she owns a property management company in Sandy and is excited for this proposal. Loves profit and rentals as a property manager but wants to see affordable housing too. Thinks having the developer assume park construction and having the park be maintained by an HOA is a good idea. Encourages everyone to think outside of the box.

Opponent Testimony:

Jason Dyami
41625 SE Vista Loop Drive
Sandy, OR 97055

Mr. Dyami expressed concerns about the additional impacts of traffic in the City of Sandy and wastewater treatment concerns. He stated that the FSH Overlay area already can't be built on so wondered if that space is included in the required open space. Wonders if there is a better location for apartments in a different part of town. He asked, why do the apartments need to be behind his house? Hard for him to swallow why current residents of the community need to suffer or lose what they've worked hard for so someone else can gain.

Lisa Hull
18265 SE Vista View Ct.
Sandy, OR 97055

Ms. Hull stated that she attended the informal meeting held by Mac Even on the morning of December 16. Her biggest disappointment is that most of the people that live in this neighborhood have worked all their lives to afford to live in this neighborhood and enjoy beauty, peace, and quiet that it provides. She stated that development will be nice for some people, but it takes the neighborhood down a notch and they've worked all their lives to be where they are today. A lot of the people living on Vista Loop are retired. She said that she learned that the

eastern third of Vista Loop will be improved, but she is not sure residents of the new development will only use a third of Vista Loop. Sent a letter about her concerns about traffic safety with the influx of people and wanted to make sure her email was received. Highway 26 is already unsafe at the east end of Vista Loop and therefore suggests lowering the speed limit from 55 mph to 45 mph like on the west side of Sandy. Ms. Hull said there used to be a slip lane like a highway off ramp to exit Highway 26, which felt safer. The recent improvements to the intersection removed the slip lane and made it a hard right without a right turn lane. Parking analysis indicates no on-street parking but wants to know how that is going to be enforced based on the existing issues at the west end of Vista Loop.

John Barmettler
41613 SE Vista Loop
Sandy, OR 97055

Mr. Barmettler voiced that his biggest concern is the apartment buildings, regardless of the number of stories. He stated that he finds it preposterous. Sent emails out and wants everyone to know he's very upset about the whole thing. Concerned about the proposed location of Knapp Street intersecting with Vista Loop, which will point headlights into his bedroom. Doesn't doubt we need housing for people who can't afford high-end living, but the proposed location for apartments is the wrong place. He also stated that justifying the Planned Development (PD) by saying there are multiple housing types is circular logic.

Todd Springer
18519 Ortiz Street
Sandy, OR 97055

Mr. Springer stated that his biggest concern is schools and the size of the classrooms. His grandson had 23 kids in his kindergarten class last year. He would like to see speed controls, such as speed bumps. Mr. Springer is concerned about the safety of his five grandchildren who play in his yard.

Neutral Testimony:

John Andrade
18509 Ortiz Street
Sandy, OR 97055

Mr. Andrade stated that he met with Mac Even the morning of December 16. He is concerned about three-story apartments. For example, police recently responded to apartments on the west end of Vista Loop. Likes the developer's team but wants Planning Commissioners to hear the public's concerns, including that neighbors are used to having less traffic. Wants to hold Mac Even to HOA but knows many HOAs dissolve and ultimately the City and taxpayers absorb costs.

Staff Recap:

Denison reiterated that all letters and emails received are part of the record and Planning Commission has received them. Clarified that the applicant is proposing an HOA and that the applicant has completed a TIA, which was reviewed by a third-party traffic engineer. Speed limit reduction request would be a different application but feels the sidewalk on Highway 26 and the Welcome to Sandy sign should aid in traffic calming. Parking enforcement will be done through the City's current enforcement procedures. The Planning Commission can't take schools into account, but multi-family housing statistically has fewer children than single-family homes. Sounds like Mac Even's meeting with neighbors went well, which is great. Constitution protects property rights and economic viability of land so City can't say "no, you can't develop the land." Concern about apartments is not unique but there's great research on multi-family housing.

O'Neill stated there will be additional vehicles on the highway because of the proposed development but the traffic generated from the new units will have very little impact on the 33,000 vehicles already on Highway 26 (based on 2011 numbers). He stated to contact the Public Works Director or City Manager regarding Wastewater Treatment or speed bumps. The Sandy code enforcement officer will enforce no on-street parking. ODOT would need to review a speed limit reduction request and asked concerned citizens to ask Council to get this started. Classroom size is an Oregon Trail School District (OTSD) issue and people should contact Julia Monteith with concerns. However, additional property taxes and school excise taxes collected with development should help fund additional teachers and classroom expansion. You can't develop within the restricted development area of the FSH, but the remainder of the FSH is an analysis area. Many other developments include lots platted with some FSH area which becomes a code enforcement nightmare. This area is included inside the UGB so the subject property will be developed, whether it's the proposed development or another in the future. O'Neill stated that he hopes Mac Even submits additional details on reduction of the apartment building in the Lower Views from 3-stories to 2-stories, which ultimately means the density bonus is no longer applicable and development doesn't need to be considered outstanding anymore.

Applicant Rebuttal:

Brown emphasized that Mac Even intends to have an HOA and will retain ownership of the apartments himself. Single-family residents that are in the neighborhood will also have eyes on the development if there's a problem. Understands concern about change in the neighborhood, but the only way the road will be improved is with development. If this development isn't approved the alternative probably won't have all the benefits that are being proposed.

Discussion:

Chairman Crosby reiterated the Commission's task is to forward a recommendation to City Council with any adjustments they want to make or concerns they have. Crosby wants the Commission to respond to staff's questions. O'Neill stated that if there are questions the Commission feels they don't need to discuss, that's fine. Logan talked about House Bill (HB) 2001 and wondered how many questions could be considered moot once HB 2001 provisions are adopted and duplexes are allowed where single-family residences are allowed.

Carlton stated the proposed development area is zoned SFR, which won't really exist after HB 2001, though single-family detached homes will still be built. Needed housing refers to all housing needs, not just higher density. Need to listen to Sandy's citizens. Carlton reviewed the UGB expansion analysis and determined there's R-2 and R-3 land available, so every project doesn't need to include R-2- or R-3-like development. The subject PD proposal doesn't provide analysis on effect on urban growth expansion analysis. Carlton also stated that he hasn't seen a memo from City Attorney Crean, which was requested at the last meeting. Section 17.64.30(A) states that the underlying base zone standards apply unless superseded by the PD process, which allows modification of quantifiable standards. Base zone is still SFR. The Commission and Council can make a determination on each modification request, but Section 17.34.10 doesn't include townhomes or multi-family as permitted uses. Smaller lot areas lead to smaller lot widths. Applicant doesn't provide rationale for reduced setbacks. Is block length modification a variance or can that be done as part of the PD process even though it's in Chapter 17.100 and not Chapter 17.34? Carlton states that if property were to develop as SFR, there would still be FSH areas, there wouldn't be mix of housing types, and there might still be some recreation areas still due to odd shaped areas. Doesn't feel proposal is outstanding. Believes the SFR base zone standards should apply and not be modified. O'Neill stated that block length request

can be processed through the PD process because it's a dimensional and quantitative standard in the Development Code.

Lesowski stated that he appreciates the preservation of the natural areas and incorporation of rowhouses to separate residential and commercial properties. Loves the public areas and amenities with meandering paths and views of Mt Hood. However, he feels the proposed quantitative modifications are too drastic. SFR would require minimum 7,500 square foot lots; proposal includes 50 lots under 5,000 square feet. A duplex on a 7,500 square foot lot would probably give more outside space and be more functional than 2 separate lots that are 3,400 square feet each with single family homes. He feels the high number of smaller lots push the proposal past decency. Commission is not supposed to be looking at development costs, even though it always comes up in the conversation. Most of the amenities are in the Lower Views and it would have been nice to spread out the amenities to the Upper Views too.

Mayton said he believes the proposed PD is a great concept and would add benefit to the community. His six "Nos" are around lot size and setbacks. Right-turn is also a "No" for him. He drove it three times at 5pm and was nervous. It's a tough right turn to make. Entrance into Vista Loop needs to be changed to make it feel safe for drivers, though he understands the traffic analysis found otherwise. Mayton is not sure about the last four questions but would support the PD with a lot of conditions tacked on, but in its current state he wouldn't be supportive.

Logan stated that he agrees that the concept, mix of uses, and open spaces are all great. He lives in a PD in Sandy and loves it, but his neighborhood doesn't have apartment buildings. Happy to hear Mac Even and Ray Moore met with the neighbors this morning. He stated that he doesn't like the apartment building on Lot 72 but doesn't have a problem with the lot sizes and widths given the amenities proposed. Finds the right turn off the highway to Vista Loop is problematic. Understands the issues with parking on Vista Loop Drive and that maybe code enforcement isn't doing their job or people aren't complaining.

Maclean-Wenzel said that she agrees with Logan. Feels for neighbors and understands it must be hard to have a new development go in next door, but the Commissions job is to review the proposed development and determine if it meets code. HB 2001 will allow duplexes and therefore change is on the horizon. Feels the developer has worked hard to put together a nice plan with lots of amenities. She is happy the developer met with neighbors on the morning of December 16 and likes the proposal to reduce the apartment building to 2 stories on Lot 72. As a PD, she finds the proposal is outstanding and will look nicer than some of the other subdivisions that have been approved. Her biggest concern is the right turn off Highway 26 at Vista Loop Drive.

Mobley is less concerned about smaller lot sizes and thinks they're more common now. He lives on one. Recognizes that smaller lots could create parking issues but thinks overall the project is well designed. Likes that the design preserves views of Mt Hood. Understands neighbors wouldn't anticipate multi-family housing in a SFR zone. The right turn lane was fixed recently by taking out the slip lane at the intersection of Highway 26 and Vista Loop. Doesn't disagree with the technical analysis but understands the issues people are having with the comfort of making a right turn. Would be in favor of a speed zone analysis on that section of highway. Overall, he is in support of the development proposal.

O'Neill stated there's nothing in the evidence submitted by ODOT, or the developer's traffic engineer, or the City's third party traffic engineer that proves the intersection of Highway 26 and Vista Loop is unsafe. O'Neill believes ODOT should pay for improvements because property

owner Picking already made improvements in 2018 as approved by ODOT. He stated that concerned citizens should voice concerns to ODOT. He reiterated that ODOT originally installed the slip lane, then asked a property owner to fix it by removing the slip lane and is now asking the same property owner to pay to fix it again.

Crosby agrees the overall design and appearance of the plan is wonderful, especially the meandering wide sidewalk area. Crosby reiterated the PD intent section. No one has referenced the first two points related to villages, which was a big part of the 2040 Comprehensive Plan. An essential theme in the Comprehensive Plan is village areas, which are compact developments designed to increase reliance on pedestrian mobility and reduce reliance on cars. How does a developer get to apply a PD anywhere? The Comprehensive Plan map includes designated village areas, though they never gained traction in Sandy. Other village areas have a mix of zones. This property is SFR. Crosby questioned the applicability of a PD request on SFR zoned land outside a village. O'Neill responded that last PD approved was in 2008 so no one on staff has processed one. Initially, staff believed PDs could only be applied in areas designated as Villages on the Comprehensive Plan Map but realized that almost all existing PDs in Sandy have been approved in areas that don't have the Village designation. At that time, Attorney Doughman pointed out that intent sections aren't criteria, and that Section 17.64.20 states PDs are allowed in all zones. So, the attorney interpretation was that PDs could be requested in any area. Crosby thanked O'Neill for the explanation and stated he struggles with the idea that a PD essentially throws away residential zoning. Crosby acknowledged that the HOA is proposed to be professionally run, but that staff included a condition that should the HOA dissolve that maintenance responsibility is assumed by adjacent homeowners. There's a huge area in the north views with one lot that is adjacent so would that lot take on responsibility for the entire open space area if the HOA dissolves? Crosby would like to see a requirement that the HOA cannot be disbanded. O'Neill stated that the intent of the condition is that meandering path areas would need to be maintained by adjacent landowners. City Attorney Crean stated the City can't control HOAs or keep them from dissolving, but the City can try to anticipate downstream effects of an HOA dissolving. He explained that the HOA is responsible for paying taxes on open space too so if the HOA dissolves, eventually they would foreclose and the County would try to sell them to adjacent property owners. Crean acknowledges there's a focus on villages in the PD section but that they aren't limited to those areas. The code allows a PD in all zones; even if the focus is on villages, it's not limited to villages.

Carlton stated he appreciates the reduction of the apartment building by one story but is not sure if that will help maintain neighbors' views or not. Carlton mentioned previous open space areas were deeded to the City so that the City would maintain them instead of relying on an HOA. HOAs generally fail. City Council could ask the developer to dedicate the open space areas.

Applicant Attorney Robinson stated the Commission hasn't closed the record and is creating new conditions. Robinson mentioned there are other ways to maintain areas besides HOAs, for example maintenance agreements that run with the land.

Logan mentioned the City is getting \$472,000 from park fee-in-lieu dedication so wonders if that money could go towards maintaining open space areas if the HOA dissolves. O'Neill stated areas could be maintained but SDCs could not be used to make improvements without revising the SDC methodology. City Attorney Crean brought up a city that keeps an eye on HOAs that go defunct and then buys the property but is not sure it's possible to condition that the property would automatically go to the City if the HOA dissolves. O'Neill stated the City has acquired some land in the past that way.

Crosby requested the public hearing be closed.

Motion: Motion to close the public hearing at 10:20 p.m.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Logan

Yes votes: All Ayes

No votes: None

Abstentions: None

O'Neill stated he has a good idea of Commission's concerns and what they think the developer is doing well. Lesowski asked about process and wants to clarify Commission's points on all the questions. Mayton wants to get to a consensus on the 18 questions. Crosby believes the Commission is leaning towards moving the proposal to City Council but with serious concerns.

- A. Doesn't apply with the removal of nine dwelling units.
- B. Rowhouses allowed in SFR: 5 yes, 2 no
- C. Multi-family allowed in SFR: 4 yes, 3 no
- D. Lot sizes less than 7,500 sq. ft.: 3 yes, 4 no
- E. Minimum avg lot widths less than 60 ft: 3 yes, 4 no
- F. Reduce interior side yard setbacks to 5 feet: 3 yes, 4 no
- G. Reduce rear yard setback to 10 feet, or 15 feet: 3 yes, 4 no
- H. Block lengths at 691 feet, 655 feet and 805 feet: 7 yes, 0 no
- I. Meandering walkways instead of traditional right-of-way sidewalks: 7 yes, 0 no
- J. No sidewalk on south side of The Views Drive with Tract E condition: 7 yes, 0 no
- K. No front doors facing Highway 26: 7 yes, 0 no
- L. Two development phases (Lower Views and Upper Views): 7 yes, 0 no
- M. Not require right turn lane at Vista Loop and Highway 26 to be burden of developer: 6 yes, 1 no, but want right-turn lane to be installed by ODOT. Mayton stated he believes the developer has some responsibility to help improve the intersection, regardless of whether they pay for it or not.
- N. Proposed future street layout north of Ortiz proposed by applicant or street stub or pedestrian path connection: pedestrian path connection 7 yes, 0 no
- O. Additional vegetation between the sound wall and sidewalk on Highway 26: 6 yes, 1 no. Mobley stated he thinks additional vegetation could be a maintenance issue.
- P. Alternative maintenance option research (i.e. instead of HOA): 6 yes, 1 no
- Q. Other recommendations: Crosby stated that looking into a maintenance agreement option in lieu of the proposed HOA is his preference. Mayton wants formal documentation on developer's proposal to lower apartment on Lot 72 to two stories instead of three stories. O'Neill also brought up Carlton's request for sight line analysis. Crosby asked if that should be done now or when the apartment comes in for Design Review. Carlton said it would be nice to know now. O'Neill stated the sight line analysis could determine a maximum height now, though the design of the apartment could be done later. 7 yes, 0 no to condition line of sight analysis.
- R. Recommend approval of PD: City Attorney Crean stated the Commission does not need to make a formal recommendation of approval or denial. Carlton thinks a motion would give Council an idea of Planning Commission support. Mayton states a motion will be difficult because there are some questions where consensus might be yes, but a particular Commissioner strongly disagrees but might be amenable if a condition is included. Crean suggests that the recommendation could be that Council approve or deny the application after full consideration of the Planning Commission's concerns and recommendations.

Motion: Motion to recommend to the City Council that the 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 motion passed at 10:56 p.m.

Mayton expressed his appreciation for Commissioner’s Logan and Mobley. O’Neill wanted to make sure there will be a quorum in January. Sounds like there will be one. Denison is still trying to figure out what a “village” is in Sandy and it will be part of the Comprehensive Plan update. Crosby mentioned that the village concept hasn’t gained traction because we’re not seeing commercial developed. Carlton wants staff and the Planning Commission to think about implications about allowing PDs anywhere and what that means for residential zoning.

7. ADJOURNMENT

Motion: To adjourn
Moved By: Commissioner Mobley
Seconded By: Commissioner Logan
Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

Chairman Crosby adjourned the meeting at 11:02 p.m.

Chairman Jerry Crosby

Attest:

Kelly O’Neill Jr., Development Services
Director

Date signed: _____