



MINUTES
City Council Meeting
Monday, April 6, 2020 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, John Hamblin, Councilor, Laurie Smallwood, Councilor, Jan Lee, Councilor, Carl Exner, Councilor, and Bethany Shultz, Councilor

COUNCIL ABSENT:

STAFF PRESENT: Jordan Wheeler, City Manager, Andi Howell, Transit Director, Angie Welty, HR Manager, David Doughman, City Attorney, David Snider, Economic Development Manager, Ernie Roberts, Police Chief, Greg Brewster, IT/SandyNet Director, Jeff Aprati, City Recorder, Kelly O'Neill, Development Services Director, Mike Walker, Public Works Director, Sarah McIntyre, Library Director, Tanya Richardson, Community Services Director, and Tyler Deems, Finance Director

MEDIA PRESENT: Sandy Post

1. (Meeting Format Notice)

- 1.1. The Council conducted this meeting electronically using the Zoom video conference platform. A video recording of the meeting is available on the City's YouTube channel:
https://www.youtube.com/channel/UCbYEclgC6VW_mV2UJGyvYfg

2. City Council Work Session - 6:00 PM

- 2.1. COVID-19 Response Updates (general)

The **City Manager** updated the Council on the City's response to the COVID-19 public health emergency. Facilities are closed to the public; staff is closely following guidance from the State to determine next steps. Whether summer events will proceed remains to be seen - the dates remain reserved. Police distributed PPE items to other departments.

The Library is considering establishing curbside service for limited hours during the day. The **Library Director** stated that other libraries are doing this, including Roseburg, Creswell, and Klamath County (mostly more rural areas). Providing books for residents would be especially useful during this time, particularly with many parents home schooling their children. The consensus

of the Council was to move forward with implementing this idea, provided measures are taken to keep everyone safe and limit possible virus transmission.

The **City Manager** shared that the City intends to create free wifi hotspots for public usage during facility closures. SAM has installed sneeze guards on all buses. Ridership is down over 40% on fixed routes. The weekend schedule is being used. Dial-a-ride demand is down; SAM is helping with transporting goods and services such as Meals on Wheels.

The Council discussed the proposals to extend local budgeting deadlines by 30 days. Fortunately Sandy runs on a biennial budget and does not need to develop a new budget this year.

State permitting inspection requirements are still in place. The Building Official has reduced his weekly hours, but is continuing to conduct inspections.

Police will be focusing on education regarding the Governor's stay at home order. Punitive measures would be the absolute last resort.

2.2. Small Business Emergency Assistance Grant Program

Staff Report - 0248

The **Economic Development Manager** stated that staff has identified approximately \$75,000 in funding for a grant assistance program for local businesses. The initial proposal is to deliver \$5,000 grants to each recipient (in equal amounts to ensure fairness). An alternative would be to lower the grant amount to \$3,000 to increase the number of possible recipients.

Councilor Lee expressed support for the smaller \$3,000 figure. **Mayor Pulliam** suggested that a grant work group could make recommendations as to the number and size of grants. **Councilor Exner** suggested it could be wise to watch the roll out of federal assistance programs and then act to fill any emergent gaps. **Mayor Pulliam** suggested it may be preferable for the City to move faster, even before other assistance arrives.

The Council discussed the strategy of convening an ad hoc work group of three Council members and two local business leaders to make recommendations on how to distribute to funds. It was decided the work group would include **Councilor Exner**, **Councilor Lee**, and **Councilor Pietzold**. The consensus of the Council was to discuss this idea further at the next meeting.

2.3. Transit RFP Update

The **Transit Director** briefed the Council on the progress of the transit operations RFP. The City has received three proposals. Through finding efficiencies in the review process, staff still anticipates bringing a recommendation to the City Council on April 20. Staff has also calculated the estimated cost of retaining transit operations in-house; a high-level Council conversation needs to be had to determine a path forward.

3. City Council Regular Business Meeting - 7:00 PM

4. Pledge of Allegiance

5. Roll Call

6. Changes to the Agenda

7. Public Comment

Makoto Lane, 37828 Rachael Drive: asked whether this was the time to testify about the Bailey Meadows proposal. He was informed that opportunity would occur during the public hearing.

8. PRESENTATIONS

8.1. Swearing-In of New Police Officers

Mayor Pulliam administered oaths of office for two new police officers: Michael Boyes and Halali'i Ling.

9. Consent Agenda

9.1. City Council Minutes

9.2. Sandy Arts Commissioner Appointment

Staff Report - 0245

Moved by Bethany Shultz, seconded by Jeremy Pietzold

Staff Report - 0245

Adopt the Consent Agenda.

CARRIED. 6-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie

Smallwood, Jan Lee, and Bethany Shultz

Abstained: Carl Exner

10. New Business

10.1. 20-009 AP Bailey Meadows subdivision appeal

14 - 54

Staff Report - 0240

Mayor Pulliam opened the quasi-judicial public hearing at 7:13 p.m. The Mayor read hearing instructions and testimony time limits.

No members of the hearing body abstained.

No members of the hearing body cited conflicts of interest.

Ex Parte Contact: **Mayor Pulliam** declared his recent visitation of the site (alone), and the Facebook correspondence he has had which is included in the written record. **Councilor Shultz** has viewed the public signs posted along Tickle Creek, and several Facebook threads, which she did not participate in. **Councilor Exner** visited the site; some members of the public have contacted him seeking to discuss the matter, which he has declined to do. **Councilor Hamblin** has observed conversations on Facebook but has not participated. **Councilor Smallwood** has observed conversations on Facebook but has not participated. **Councilor Pietzold** has viewed the site from Highway 211, but has not participated in any relevant conversations. **Councilor Lee** has had no ex parte contacts.

No challenges to the hearing body were heard.

Mayor Pulliam read further declarations and instructions regarding public testimony.

STAFF REPORT

The **Development Services Director** delivered the staff report. The PowerPoint slides are attached to these minutes. In addition to recapping the report included in the agenda packet and discussing the points on the slides, staff stated that the City has received 80 to 90 letters from residents regarding this matter, as well as from the applicant's and appellants' attorneys. Staff has been seeking an outcome in this matter that is best for all parties involved; balancing the desires of local residents with the legal rights of developers. Many of the conditions of approval included in the Planning Commission's

decision incorporate feedback received from local residents.

APPLICANT PRESENTATION

Michael Robinson, Chris Goodell, Cody Bjugan, Daniel Stumpf, and Monty Hurley delivered the applicant's presentation. The PowerPoint slides are attached to these minutes.

Mr. Robinson stated that the applicant has sought to work collaboratively with the City and local residents. Neighborhood meetings have been held to gather input. He stated that the proposal meets the City's codified standards and requirements. He stated that the City should approve the application, after which the Applicant will enter into a development agreement with the City that will include the construction of Gunderson Road, assuming the UGB expansion is approved by the County. **Mr. Robinson** stated that the average daily trip figures cited in the TSP are not specifically incorporated into the City Code, and thus are not criteria for approval. He stated the Council should uphold the Planning Commission's approval, which was correctly decided. **Mr. Goodell** covered the information contained on the PowerPoint slides (attached). **Mr. Bjugan** stated that he has attempted to address the concerns of local residents, which he takes seriously. He stated he is making a good faith effort, and is going above and beyond to incorporate the needs of the community.

APPELLANTS' PRESENTATION

Kathleen Walker delivered the appellant's presentation. The PowerPoint slides are attached to these minutes.

Ms. Walker raised concerns about whether Gunderson Road will ultimately be constructed, given that it is not a specific part of the application at issue. If the road is indeed constructed, she stated the developer should bear the cost rather than the City. She stated that the City Code requires improvements and funding strategies mitigating level-of-service deficiencies to be considered concurrent with a development proposal. **Ms. Walker** stated that the Traffic Engineer Report (September 2019) estimated 2,490 average daily vehicle trips along Melissa Avenue, which is significantly above preferred capacity limitations. She also raised concerns regarding proposed parkland dedication, specifically relating to minimum parkland standards in the City Code.

PUBLIC TESTIMONY

Public Testimony in Favor

(none)

Public Testimony Opposed

Cary Mallon, 37537 Rachael Drive: The Applicant's counsel states that safety is subjective. But as with parenting, the Council must apply the rules of the game, both in terms of their literal meaning and their intent. Subjectivity by definition runs throughout this issue. Negotiations concerning who pays for Gunderson Road should occur in the light of day. Waiting until after the permit is approved lessens the City's bargaining power. Council must specifically require the construction of Gunderson if they approve this request. **Mr. Mallon** also raised concerns regarding the close association between a member of the Planning Commission and the Applicant, which he stated taints the traffic study.

Richard Sheldon: It feels like the Applicant is running over our development codes. The issue is who will pay for Gunderson Road. He is not opposed to growth, but it must occur in a responsible manner. He asked why the City Attorney is not arguing on behalf of the citizens. This paints a corrupt picture of the approval process. The Applicant has buried the City with a plethora of paper. Planning Commissioner Mobley appears to be acting in an inappropriate manner, and his study should be given additional scrutiny.

Makoto Lane, 37828 Rachael Drive: Melissa Drive is already over capacity, and this proposal would double the traffic volume. This creates liability issues as well given the dangerous conditions. Commissioner Mobley may have known about code loopholes and informed the developer, and he may have purposefully not informed the Planning Commission of said loopholes. His traffic study may be purposefully inaccurate. The City should not subsidize developers.

Rachael, 37524 Rachael Drive: on behalf of her father **Michael:** The Applicant has buried the City in paperwork and threatened an appeal to LUBA. The City Code clearly outlines requirements that must be met for development to be approved. Case law referenced by the Applicant should not preclude the City from requiring that the proposal conform to standards outlined in the TSP. The Applicant is attempting to find every loophole possible to avoid paying. The City should not have to pay for Gunderson Road.

Gigi Duncan, 18275 Rachael Drive: Safety should be the number one factor in any land use decision. Doubling or tripling the traffic on Melissa should have prompted an automatic rejection of the application. The high volume of testimony from concerned neighbors should be considered as the Council

makes this decision. She would like to see this development built, but not at the cost of increasing traffic danger.

Paul Savage, 37506 Rachael Drive: The proposal is an ill-conceived isolated island with 100 homes surrounded by private property with multiple owners. Melissa Drive will not be able to adequately accommodate the added traffic. It is unclear who will pay for Gunderson Road and when it will be constructed. It must be constructed concurrent with the development. He does not agree that meeting TSP requirements is not necessary.

Kathleen Walker asked whether the group of individuals who filed the appeal should actually be considered the Applicants before the City Council, and therefore be allowed to give a rebuttal. The **City Attorney** advised that this is not the case. **Ms. Walker** asked whether she would be allowed three minutes to speak along with other members of the public. The **City Attorney** advised that as a member of the group of Appellants, who were already allotted 20 minutes to deliver a presentation, she should not be granted additional time to testify.

Marie Debatty, 37176 Rachael Drive: raised concerns about construction traffic using Melissa Drive and the impacts this would present. She suggested Gunderson Road should be constructed first to accommodate the construction traffic. She also suggested the subject property should never have been annexed.

Erin Findlay asked whether she may provide testimony during this portion of the hearing. The **Mayor** stated that as a member of the group of Appellants, who were already allotted 20 minutes to deliver a presentation, she would not be granted additional time to testify.

Public Neutral Testimony

(none)

STAFF RECAP AND RECOMMENDATION

The **Development Services Director** stated that he had asked Ms. Walker prior to the hearing whether she planned to use the entirety of the Appellants' 20 minutes. He stated that "level of service" is not the same thing as "average daily trips." It is possible to meet level of service standards even if average daily trips increase substantially. He stated that staff rely on the **City Attorney** as the primary authority on legal compliance, though they value the expertise of other city engineering professionals. He stated that cars parked along Melissa will serve as a traffic calming measure. He stated the front doors of

the houses adjacent to the park would in fact face the parkland. Staff is not manipulating the City Code; they are applying the Code to the facts at hand.

APPLICANT REBUTTAL

Mr. Robinson stated the Applicant has pledged to minimize construction impacts and disturbances to the neighborhood. He stated that Todd Mobely followed required procedures in recusing himself from the Planning Commission's proceedings, but that regardless this *de novo* hearing cures any procedural missteps. He stated that the City is precluded from applying subjective standards or value-laden analysis in deciding needed housing applications. He stated that the ADT standards are not specifically incorporated into the City Code, and that such specific incorporation would be required in order to serve as criteria for making an approval decision. The City has no legal basis to force the Applicant to pay for or build Gunderson road, though they are working with City staff to forge an agreeable Development Agreement.

Moved by John Hamblin, seconded by Carl Exner

Close the quasi-judicial public hearing, but leave the written record open for seven additional days.

CARRIED. 6-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Jan Lee,
Carl Exner, and Bethany Shultz

Absent: Laurie Smallwood

Moved by Bethany Shultz, seconded by John Hamblin

Reconvene on April 20, 2020 to deliberate and make a decision in this matter.

CARRIED. 6-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Jan Lee,
Carl Exner, and Bethany Shultz

Abstained: Laurie Smallwood

[Appellant PowerPoint Presentation - 4.6.2020](#)

[Staff PowerPoint Presentation - 4.3.2020](#)

[Applicant PowerPoint Presentation - 3.31.2020](#)

10.2. 19-043 DCA Chapter 17.98 Code Changes

Staff Report - 0241

The **Development Services Director** introduced the proposed changes to SMC 17.98 regarding parking, access, loading zones, and driveway requirements. The City asked a variety of stakeholders for input into the proposed changes. The main issue at hand is to ease off-street parking requirements in the downtown area to facilitate economic development. The proposed changes would give more discretion to business owners to determine the amount of parking needed, letting market forces play a larger role rather than strict regulation. Outside of the downtown area, minimum requirements would still exist, though they would be eased. Daycares would receive specific requirement reductions due to the city's need for such businesses.

The Planning Commission recommended approval of the proposal, though they changed the recommended minimum requirement for provision of parking in residential areas from 400 feet from the structure to 200 feet. Staff indicated this change was made out of concern the length was too long, especially in hilly neighborhoods. **Councilor Exner** stated that the 400 foot standard favored by developers provides beneficial flexibility. **Councilor Pietzold** stressed the need to provide adequate parking, as housing space continues to tighten.

Mayor Pulliam read the hearing participation instructions. No abstentions from the hearing body were heard. No conflicts of interest from the hearing body were heard.

Staff stated that these proposed changes would bring the City Code into consistency with state statutes given the enactment of HB 2001. **Councilor Exner** asked whether the proposal would affect issues related to the federal ADA. Staff stated that the proposal would not create ADA problems.

PUBLIC TESTIMONY

Testimony in Favor

Dale Holt, 39600 Pleasant: he supports the proposed changes, believing they will result in a variety of new businesses. He supports the 400 foot requirement because of the increased flexibility it would provide.

Testimony Opposed

Kathleen Walker, 15920 SE Bluff: stated that this shouldn't be considered given the deficiencies/loopholes in the City Code that became evident during the Bailey Meadows process. She stated planning staff's time would have been better spent addressing code loopholes. She stated this proposal was

too developer-friendly, given that staff solicited input from developers. She believes the changes would create hardships for residents trying to find and use parking downtown. She is also concerned about insufficient parking in residential areas. She believes that this process has been rushed and has had insufficient public visibility.

Neutral Testimony

(none)

Staff Recap

Staff stated that work has been being performed on the proposed changes long before the Bailey Meadows issue arose; well over a year. Other small cities have adopted similar provisions including Hood River. He stated it was appropriate to gather input from developers; indeed the Council asked him to do so.

Council Discussion

Mayor Pulliam stated that business owners should be tasked with determining how much parking to provide. The market can self-regulate in this regard. Increased commercial development will result in more City funds, thus lessening the need for new taxes. Having more family wage jobs in the community will also improve quality of life for residents. **Councilor Shultz** stated that these changes would be very beneficial for daycares, which are sorely needed. The consensus of the Council was to amend the distance requirement to 300 feet.

Moved by Carl Exner, seconded by Laurie Smallwood

Close the legislative public hearing.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

Moved by Jan Lee, seconded by John Hamblin

Staff Report - 0241

Amend draft Ordinance 2020-06: Change the proposed requirement to provide parking within "200 feet" within residential zones to "300 feet."

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

Moved by John Hamblin, seconded by Carl Exner

Approve the first reading of Ordinance 2020-06, as amended.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

Moved by Jeremy Pietzold, seconded by John Hamblin

Approve the second reading of Ordinance 2020-06, as amended.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

10.3. Sandy Police Association Collective Bargaining Agreement

Staff Report - 0247

The **Finance Director** stated that negotiations have been in process for a number of months. Specific points of negotiation included insurance coverage percentages for individuals and families, and retirement contribution matching. The union has ratified the contract.

Moved by John Hamblin, seconded by Carl Exner

Staff Report - 0247

Authorize the City Manager to sign the Collective Bargaining Agreement between City of Sandy and the Clackamas County Peace Officers' Association on behalf of its affiliate Sandy Police Association.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

10.4. 38888 Pioneer Blvd Hold Harmless Agreement Withdrawal

Staff Report - 0246

The **City Manager** stated that the property owner has declined to sign the hold harmless agreement for the loading zone.

Moved by Jeremy Pietzold, seconded by Bethany Shultz

Staff Report - 0246

Withdrawal authorization to execute the hold harmless agreement for the use of Strauss Avenue as a loading zone for the proposed tenant of 38888 Pioneer Blvd.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

11. Report from the City Manager

The **City Manager** thanked staff and Council for navigating a controversial land use hearing via virtual meeting.

12. Committee /Council Reports

Councilor Lee provided an update on Resiliency Plan development. A grant may be available; the Council encouraged staff to apply.

Councilor Pietzold thanked Sarah Richardson for her efforts seeking a park grant from Moda Health.

Mayor Pulliam echoed thanks for the park grant efforts, and thanked staff for facilitating the hearings. He celebrated the swearing-in of the two new police officers. He encouraged everyone to shop locally, especially during COVID-19.

13. Staff updates

13.1. [Monthly Reports](#)

14. Adjourn



Mayor, Stan Pulliam

A handwritten signature in black ink, appearing to read "Jeff Aprati". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

City Recorder, Jeff Aprati

Bailey Meadows Appellant Presentation



Key Appeal Points:

- Construction of Gunderson Rd by developers
- Parkland Dedication
- Dismissal or avoidance of development and comp plan requirements cannot be based on past LUBA decisions (City of Silverton). Need to understand how Silverton lost.
- Sandy residents/voters are concerned about development that does not pay for itself. We elected you to make sure that they pay.

Bailey Meadows Appellant Presentation



Code 17.20.40 B: Burden and Nature of Proof. ...the burden of proof is upon the applicant. The proposal must be supported by proof that it conforms to any applicable elements of the Comprehensive Plan and to provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

City Ordinance 2011-12 adopted the Sandy Transportation Plan as an element of Sandy's Comprehensive Plan.

ORS 195.197: ...cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations.

LUBA decision for City of Silverton: City officials did not cite key code requirements in their denial of the application. LUBA found that they had more clear and objective transportation code language, but did not cite them in the denial and therefore could not use them in the appeal.

"We conclude that the sections of the SDC that the city relied upon to deny the application, SDC 4.3.140(A)(I), (B)(7), and SDC 3.4.010(A), fall far short of incorporating the LOS D traffic performance standard in (the) TSP, ..."

Bailey Meadows Appellant Presentation

Incorporation of TSP into code - clear and objective:

17.84.50 STREET REQUIREMENTS

A1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. ...

A2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

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

1. Arterial streets should generally be spaced in one-mile intervals.

Bailey Meadows Appellant Presentation

Incorporation of TSP into code - clear and objective:

City of Sandy TSP 2011: Ch 3, p 17 - Functional Classification Management Objectives

TSP: Local Streets - Local streets have the sole function of providing immediate access to adjacent land. These streets have a typical capacity between 800 and 1,000 ADT. Service to through traffic movements on local streets is deliberately discouraged by design.

TSP Tech Memo #3 Page 10: Local Streets: Local streets have the sole function of providing immediate access to adjacent land. These streets have a preferred capacity between 800 and 1,000 ADT. Service to through traffic movements on local streets is deliberately discouraged by design.

Clear and objective? We all can conclude that local streets are intended to accommodate average daily traffic of between 800 and 1000 vehicles.

17.84.50 D2: Half-street improvements are considered the minimum required improvement. Three quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.

Bailey Meadows Appellant Presentation

TSP - Figure 14: Local Street Connectivity



- Gunderson Road alignment in TSP
- Gunderson road alignment proposed

- Gunderson Road not shown as part of this application.
- Traffic engineering studies and staff reports allude to Gunderson being built (to address road capacity issues on Melissa).
- Half of Gunderson Road in TSP is an ON SITE improvement that should be included as part of this application.
- The City puts roads along property lines so that costs are split to either benefitting party. In this case, the developer now appears to own both parcels, so Gunderson Road in the TSP is completely on their property except for its connection with 211.
- They should be building Gunderson across most of south property.
- Revised intersection of Gunderson/211 is standard practice for ground truthing a master plan as part of site planning.

Bailey Meadows Appellant Presentation

City of Sandy Traffic Engineer Report - Exhibit Y - Sept 2019

Contradicted the developer's Traffic Engineering Report and documented the requirement for the new arterial Gunderson Road.

#6. "Gunderson Road is classified in the City of Sandy TSP Figure 5 as a minor arterial street. A minimum off 34 feet right of way dedication will be required along the entire site frontage as per City of Sandy Development Code, chapter 17.84. This roadway will be extended in the future as the surrounding properties develop around this site.

A half improvement would be required on Gunderson Road to include 22 foot wide paved surface, curb cuts on one side, 5 foot planter strips and 6 foot wide sidewalks along the south plat boundary line as per the TSP. At the request of the City we have developed a layout to this site and came up with 98 lots including a 34-foot right of way dedication along Gunderson Road.

Bailey Meadows Appellant Presentation

City of Sandy Traffic Engineer Report - Exhibit Y - Sept 2019

"#7. Melissa Avenue is classified by the City of Sandy TSP figure 5 as a local street and is proposed to be the only access to this development. Currently, the street surface is in bad condition. This site is generating an additional 944 trips while the combined AADT generated from this site and the existing Nicholas Glen No 2 is 2,490 trips.

The traffic volumes increase is deemed to deteriorate the existing street cross section further and potentially cause a complete failure. The TSP alludes to a traffic capacity on local streets between 800 and 1,000 ADT. The projected capacity exceeds the preferred capacity limitations.

We are also concerned that the increase in traffic volumes through one access is detrimental to the overall life and safety in case evacuation is needed..."

Clearly, 2,490 trips is more than 3 times the minimum and almost 2.5 times the maximum ADT standard of 800-1000.

Bailey Meadows Appellant Presentation

City of Sandy Traffic Engineer Report - Exhibit UUU - Jan. 2020

"...I have reviewed materials submitted in support of the Bailey Meadows Subdivision. .. The proposed accesses are **Melissa Avenue to the north and a new extension of Gunderson Road to the south**. The original TIA evaluated access to the north only; the Addendum provides additional information **including an analysis dependent on an extension of Gunderson Road and a new intersection with Highway 211**. The comments below focus on the revised proposal with the new extension of Gunderson Road and the connection with Highway 211 as described in the Addendum. ..."

Conclusions and Recommendations: The engineer concludes that traffic operations will be acceptable at all study area intersections. **The southern access to the subdivision is dependent on constructing a segment of Gunderson Road, which is specified in the TSP.** The engineering analysis described in the Addendum explains why the location for the proposed Gunderson Road/Highway 211 intersection was selected. The Addendum provides justification for an expansion of the UGB and explains that the proposal complies with the TPR. The engineer recommends the installation of a left-turn lane on Highway 211 for the new intersection of Gunderson Road and Highway 211.

Bailey Meadows Appellant Presentation



17.84.50 H: Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

H 1) Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.

17.84.50 H2: Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.

Gunderson Road, which is on the site of this development is in the TSP. Melissa Avenue is at 11%. If Gunderson is not built, then the City is making it a defacto overloaded arterial that shall not exceed 6%

Bailey Meadows Appellant Presentation

17.100.100 STREETS GENERALLY

A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.

B. Transportation Impact Studies. Transportation impact studies may be required by the city engineer to assist the city to evaluate the impact of development proposals, determine reasonable and prudent transportation facility improvements and justify modifications to the design standards. Such studies will be prepared in accordance with the following:

Bailey Meadows Appellant Presentation

17.100.100 STREETS GENERALLY

B 1: A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic engineer registered in the State of Oregon shall prepare such studies.

B2: If the study identifies level-of-service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered as part of the land use decision for the proposal.

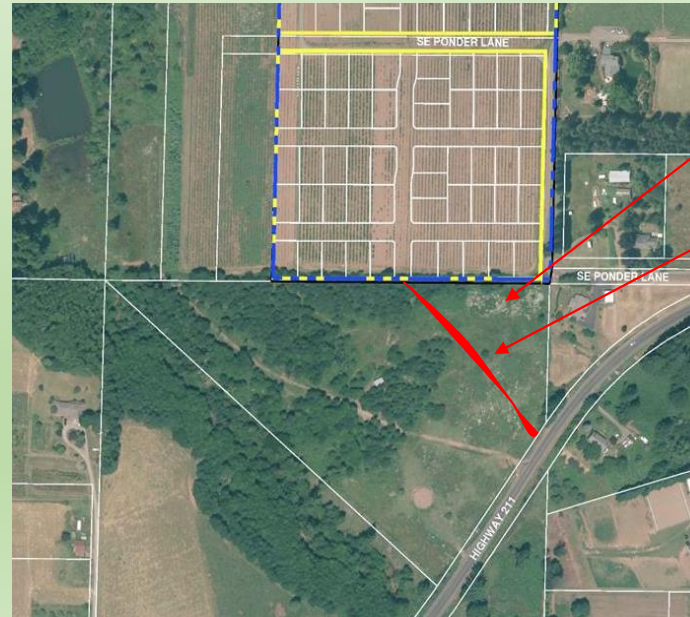
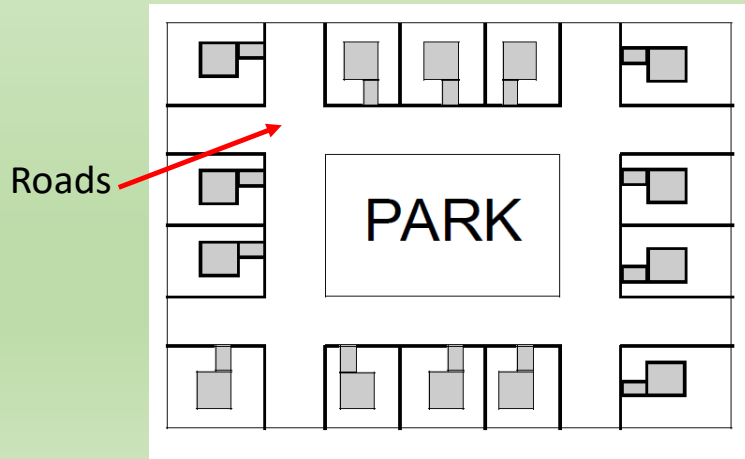
Bailey Meadows Appellant Presentation



Parkland Dedication: Applicant has not proposed any dedication of parkland within this development. Staff has not analyzed off-site parkland dedication. Parkland violates 17.86.20 MINIMUM PARKLAND STANDARDS"

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park, based on the following criteria:

1. Homes must front on the parkland as shown in the example below:

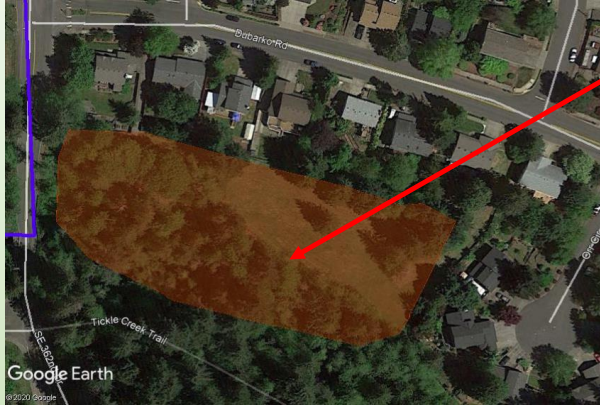


Proposed park land

- **Gunderson Rd. - arterial - no roadside parking.**
- **Homes to the north do not face park. No variance proposed.**

Bailey Meadows Appellant Presentation

Parkland Dedication:



**Tickle Creek "Park" (west end of Tickle Creek Trail)
"Tickle Creek Park" off Dubarko, is a similar example of a park with no road access, and homes not fronting park. It gets little to no use and neighbors use it for dumping dog poop and grass clippings from their back yards.**

- **Condition for approval is unclear as to parkland dedication or fee-in-lieu.**
- **Developer's proposal in planning hearing was unclear which they were proposing. When asked, no variance requested on homes facing park.**
- **An isolated parcel of land, with no parking and no road access does not meet 17.86.20 for parkland dedication.**
- **Require fee-in-lieu of parkland dedication as a condition for approval.**



**Bailey Meadows
Subdivision**

File No. 20-009 AP
Appeal to File No.
19-023
SUB/VAR/TREE

City Council 4/6/20

Hearings

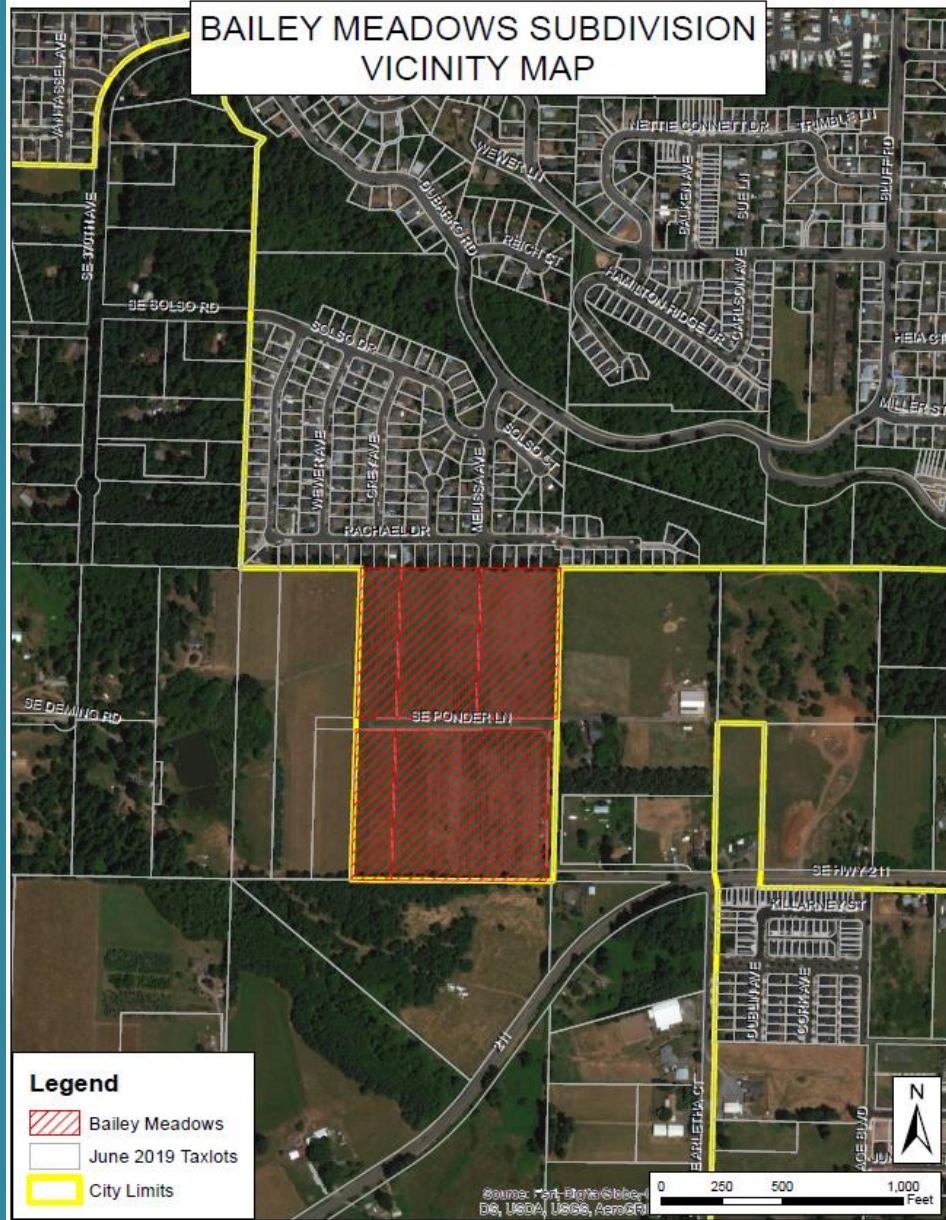
Planning Commission hearings:

- December 17, 2019 (testimony)
- January 23, 2020 (testimony)
- February 11, 2020 (*decision*)

Final Order Issued – February 14, 2020

Appeal – February 26, 2020

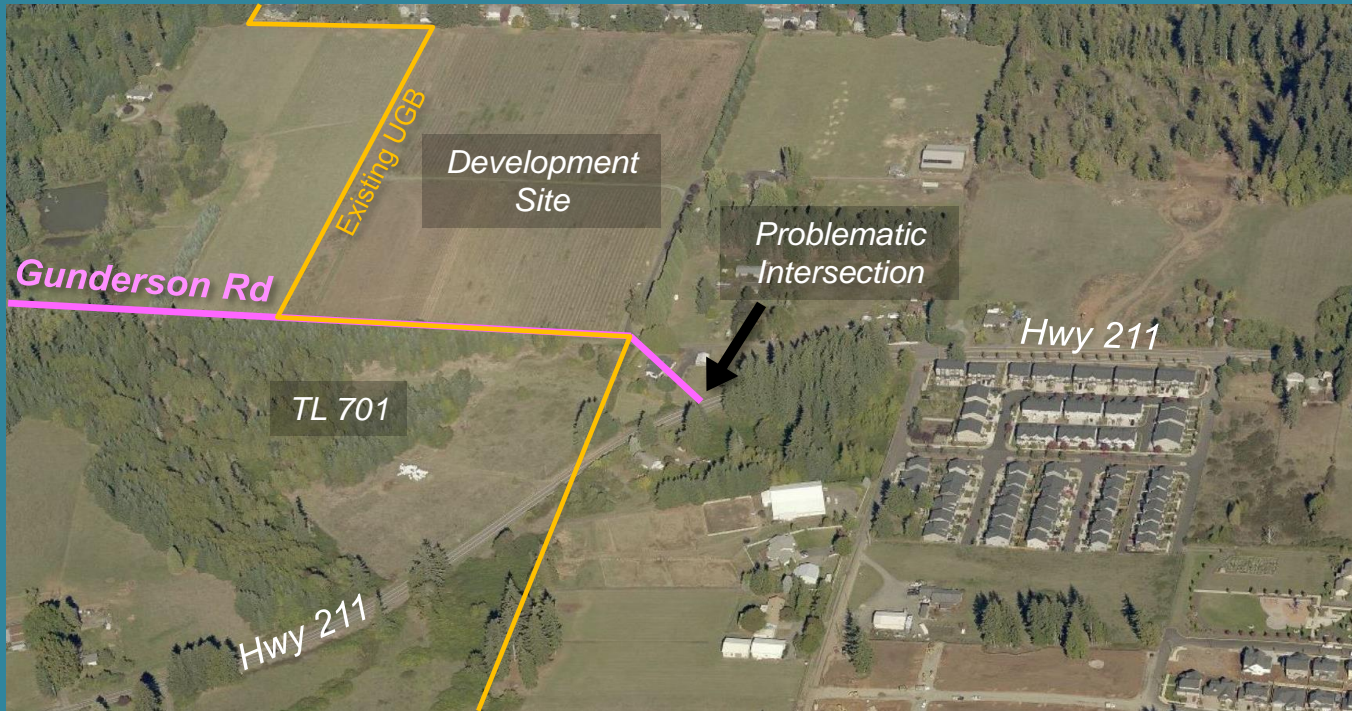
Subdivision Location



Subdivision Layout



TSP Identified Alignment

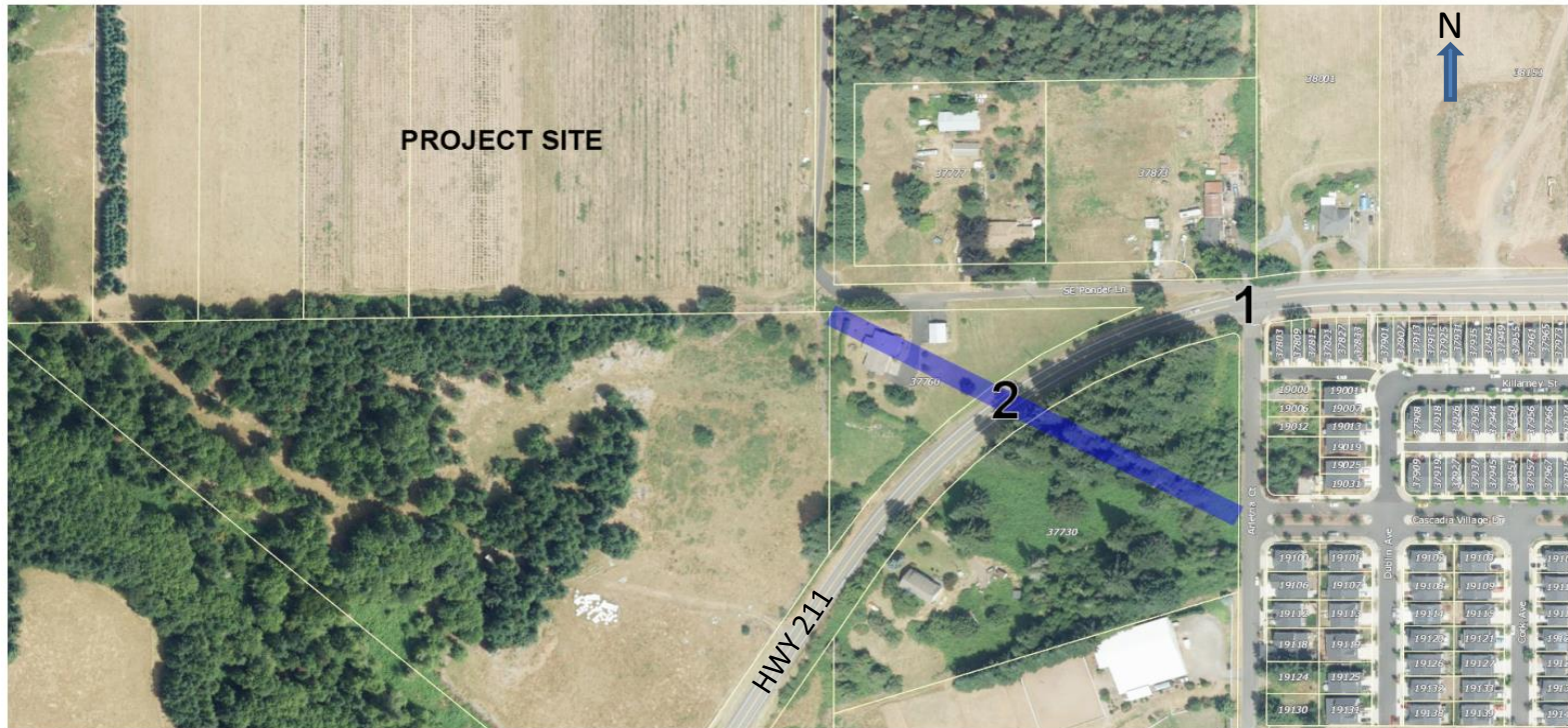


TSP Identified Alignment

EXHIBIT V



SE Ponder Lane/Future SE Gunderson Road Extension

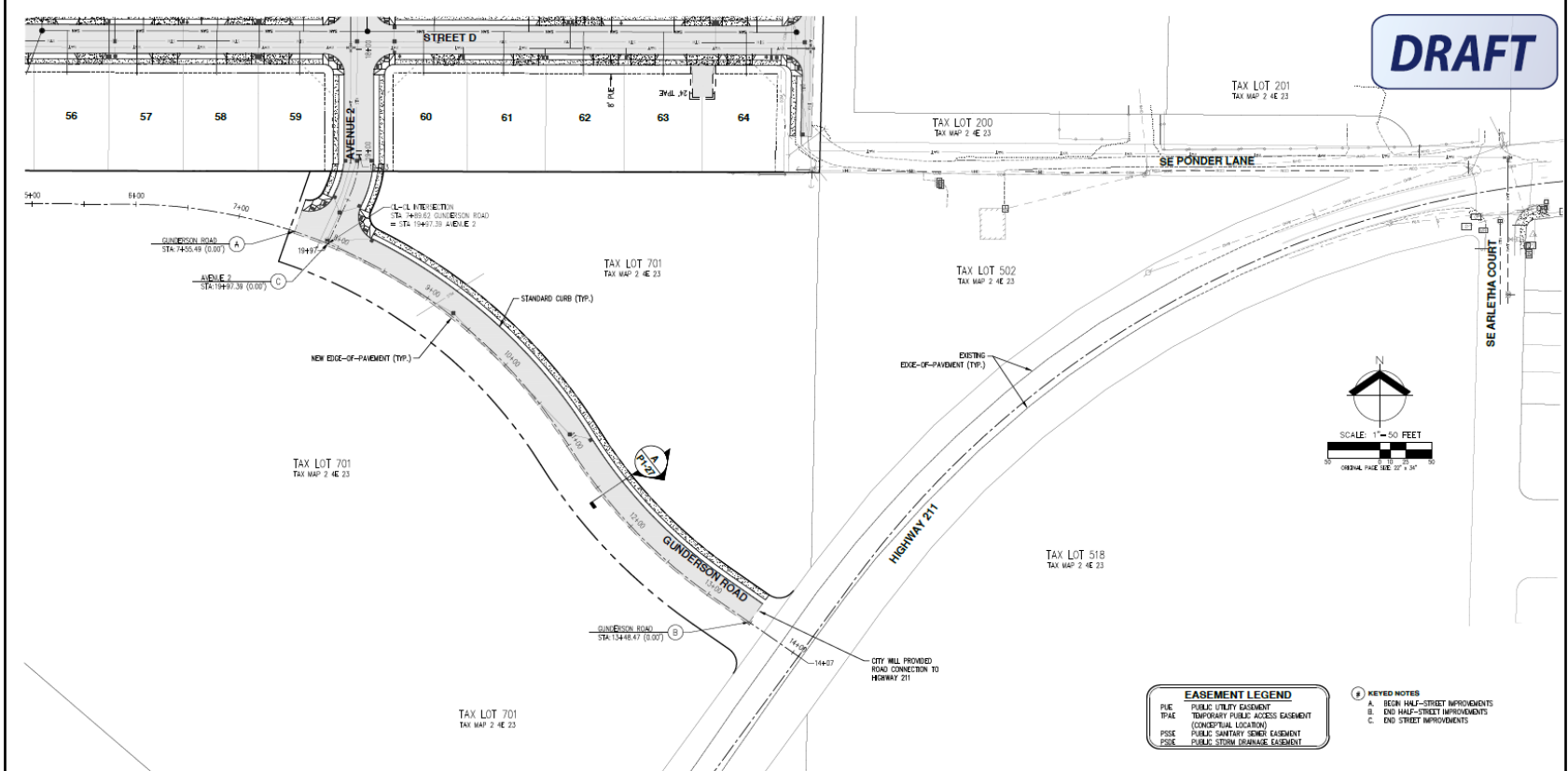


1. Existing Intersection Location
2. TSP-Identified Alignment

Modified Alignment with Park



Gunderson Road Extension



Public Comments

- Items Planning staff cannot address with this application:
 - School capacity and School bus drop off; *staff recommends contacting the Oregon Trail School District (OTSD) to discuss needed modifications to bus routes and drop-off/pickup locations*
 - Icy road conditions; *staff recommends contacting Public Works and ask to apply additional deicer*
 - Property values
 - Fence line disputes; *civil matter between property owners*
 - Fire lane in Nicolas Glen being blocked; *staff recommends contacting the Police Department or Sandy Fire when this occurs*
 - Children playing on adjacent private property

Public Comments

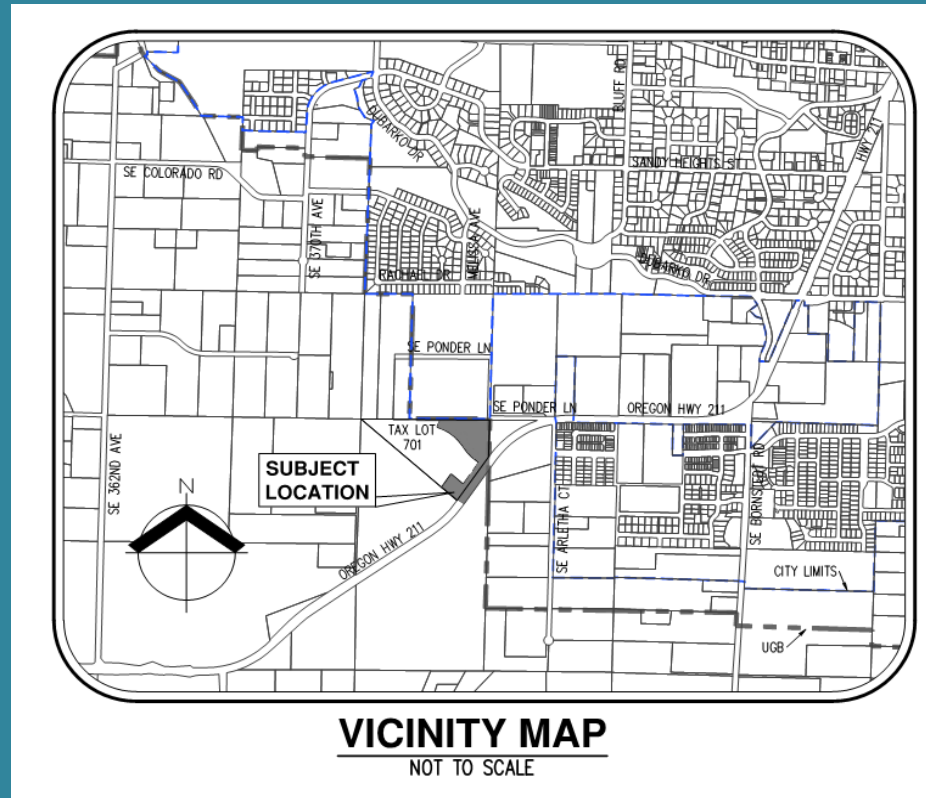
- Additional written testimony the City cannot address:
 - House Bill 2001
 - The accessory dwelling unit portion of House Bill 2001 is now effective.
 - The duplex portion of House Bill 2001 is not applicable until the City adopts the house bill requirements. The City is mandated to adopt the bill requirements for duplexes by June 30, 2021.

Clarification on Public Comments

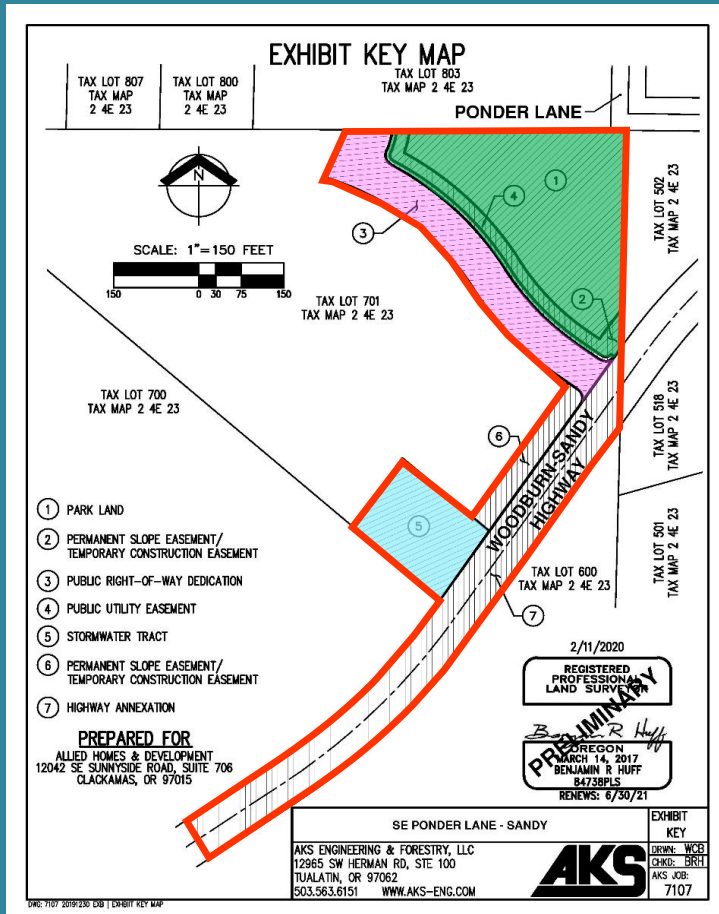
- Written testimony addressed by the Public Works Director in Exhibit FFFFFF (page 1,088):
 - 4 way stop at Melissa and Rachael
 - Speed bumps on Melissa
 - Construction impacts to Nicolas Glen subdivision
 - Expenditures for streets
- Written testimony addressed by the City Attorney in Exhibit EEEEE (page 1,084):
 - Clarification on Needed Housing provisions
 - Clarification on Development Agreement provisions

UGB Expansion hearing dates

- May 6, 2020 – Clackamas County Board of Commissioners



UGB Expansion areas



PUBLIC FACILITY	+/- Acres
Gunderson Rd ROW	1.02
Stormwater Facility	0.69
Park (and adjacent easements)	2.38
Hwy 211	2.05
Easement along Hwy 211	0.28
Total UGB Expansion Area:	6.42

Parkland

- A proposed condition includes the applicant dedicating parkland to the south of Bailey Meadows in the area included in the UGB expansion.
- Alternatively, if the UGB expansion does not occur the applicant would pay a fee in-lieu of \$310,890 for the City to purchase parkland in Sandy in the future.

Gunderson Road Extension

- Melissa Avenue already exceeds the number of vehicle trips typically allowed on a local street.
- The city's Transportation System Plan anticipates the extension of Gunderson to HWY 211 near the southern boundary of the property. If built, the extension would provide a second means of access to the subdivision.

UGB Expansion

- If the UGB is expanded, the applicant would construct the extension and would need to complete it no later than when the City issues the 30th certificate of occupancy.
- If the UGB expansion does not occur, a proposed condition of approval will require the applicant to grant an easement for Gunderson Road to guarantee eventual dedication of the right-of-way and construction of the road.

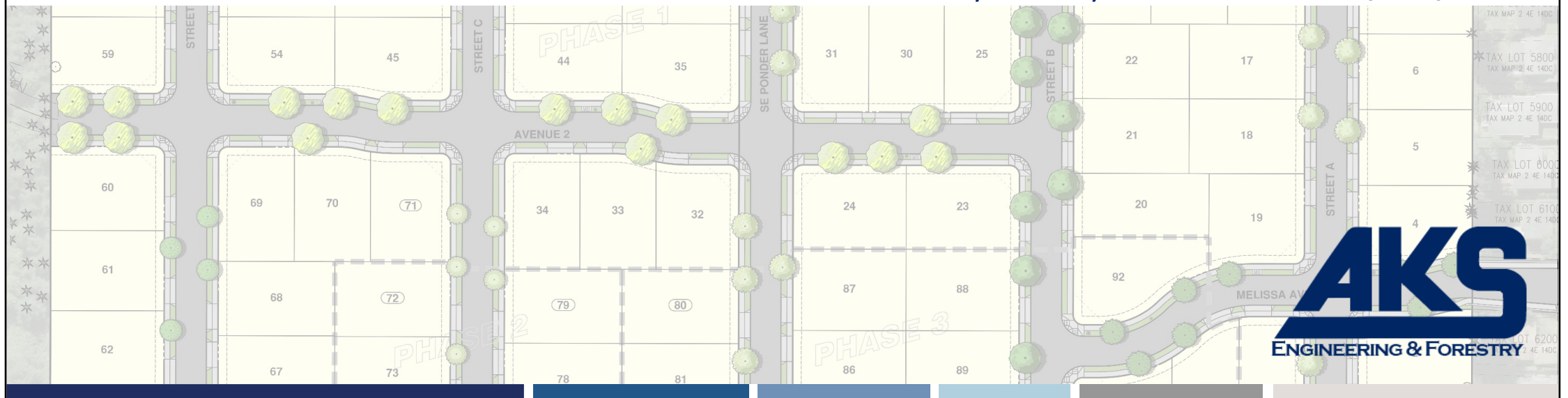
QUESTIONS?

Bailey Meadows Subdivision

Land Use Application

City Council Hearing
Monday, April 6, 2020

City of Sandy File No. **19-023 SUB/VAR/TREE**



Project Team

- » Allied Homes & Development
 - » Applicant
- » AKS Engineering & Forestry, LLC
 - » Land Use Planning, Civil Engineering, Surveying, Landscape Architecture, Arborist, and Natural Resources Consultant
- » Lancaster Mobley
 - » Transportation Engineering Consultant
- » GeoPacific Engineering, Inc.
 - » Geotechnical Engineering Consultant
- » Schwabe Williamson & Wyatt
 - » Legal Counsel



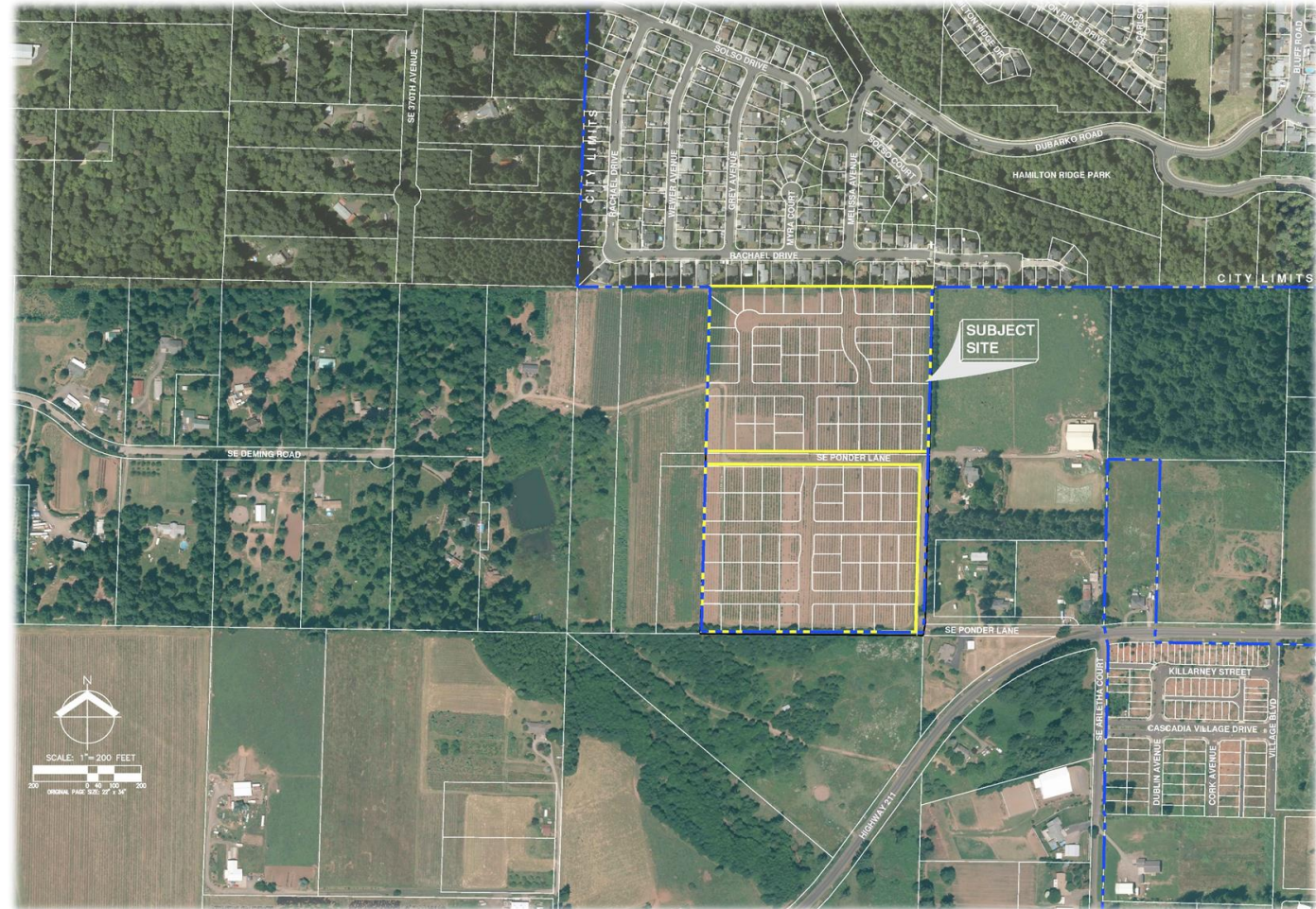
Project Location

Site Overview

- » South of Nicolas Glen Subdivision
- » North of Highway 211
- » ±23.42 acres

Surrounding Land Uses

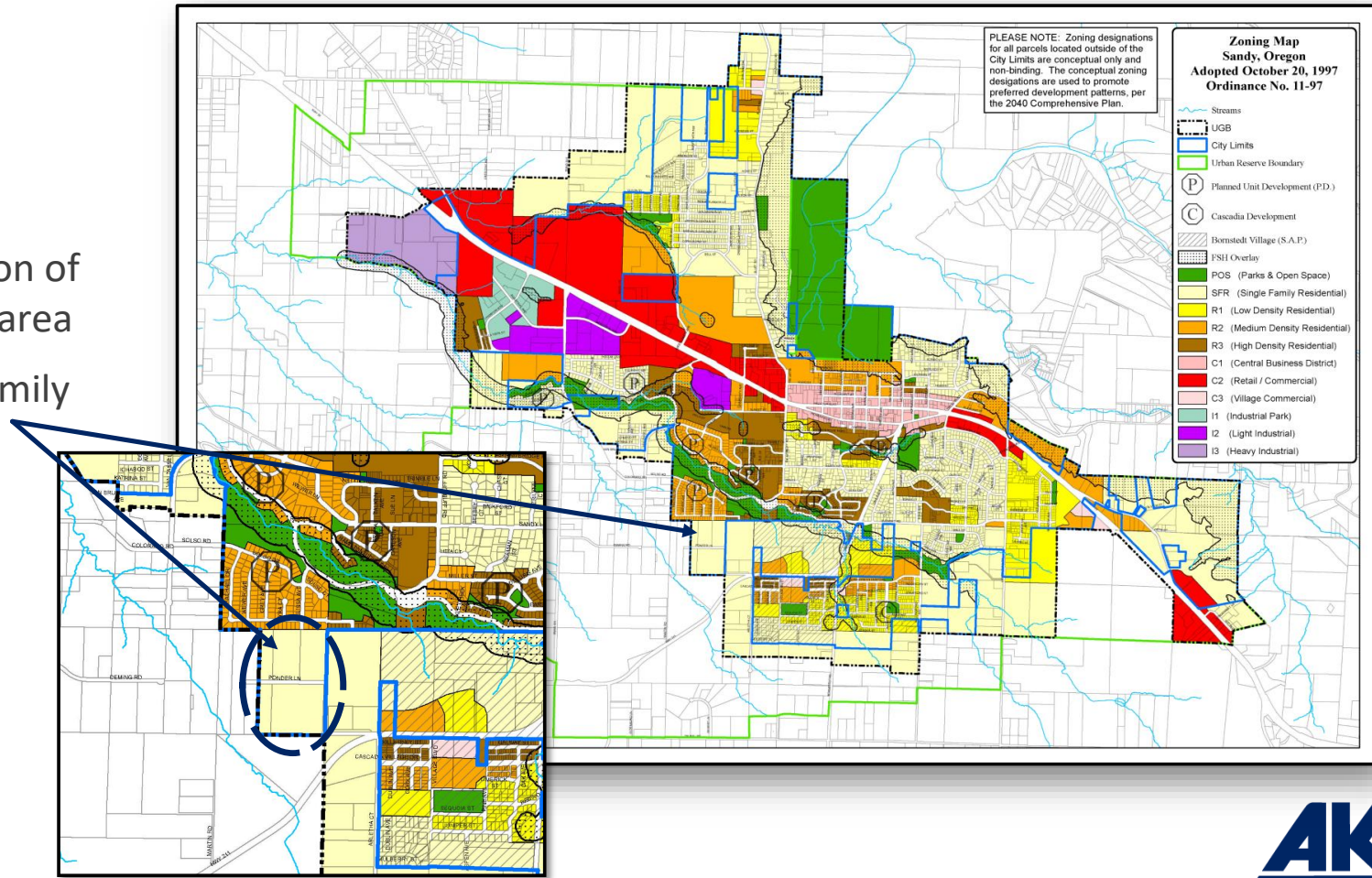
- » City Limits and UGB to the south, east, and west of the property boundaries
 - » South: Clackamas County zoned EFU
 - » East & West: Clackamas County zoned RRFF-5
 - » North: City zoned Medium Density Residential



Application Overview

Needed Housing

- » ORS 197-303(1) and 197.307(4)
- » Part of planned progression of land use planning for the area
- » Property carries Single-Family Residential (SFR) zoning designation

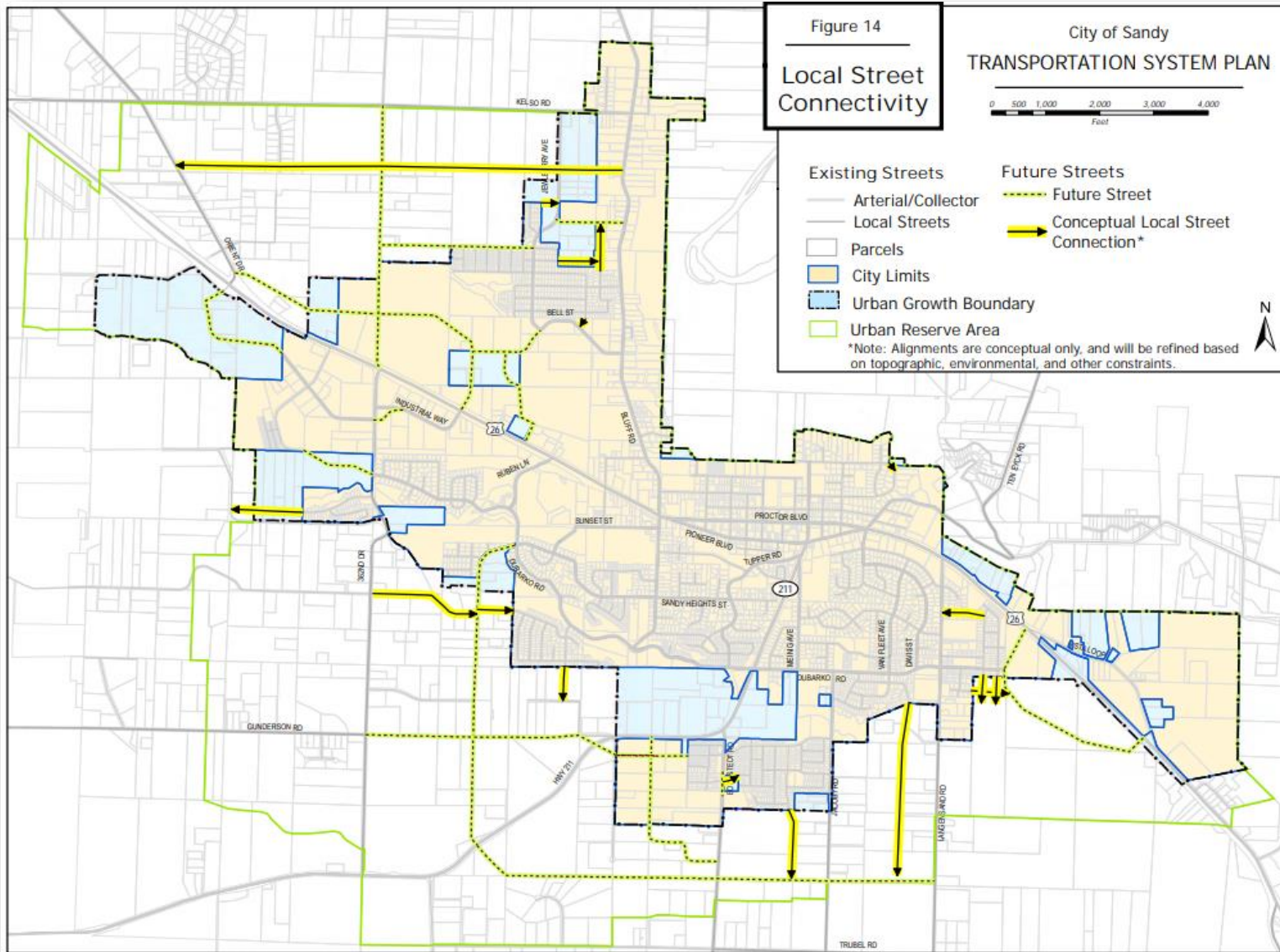


Development Standards

Meets City Density Standards

- » SFR zone allows up to 106 dwelling units on the site
 - » 5.8 units/acre
- » Application is for 100 lots for future single-family detached homes
 - » 4.27 units/acre

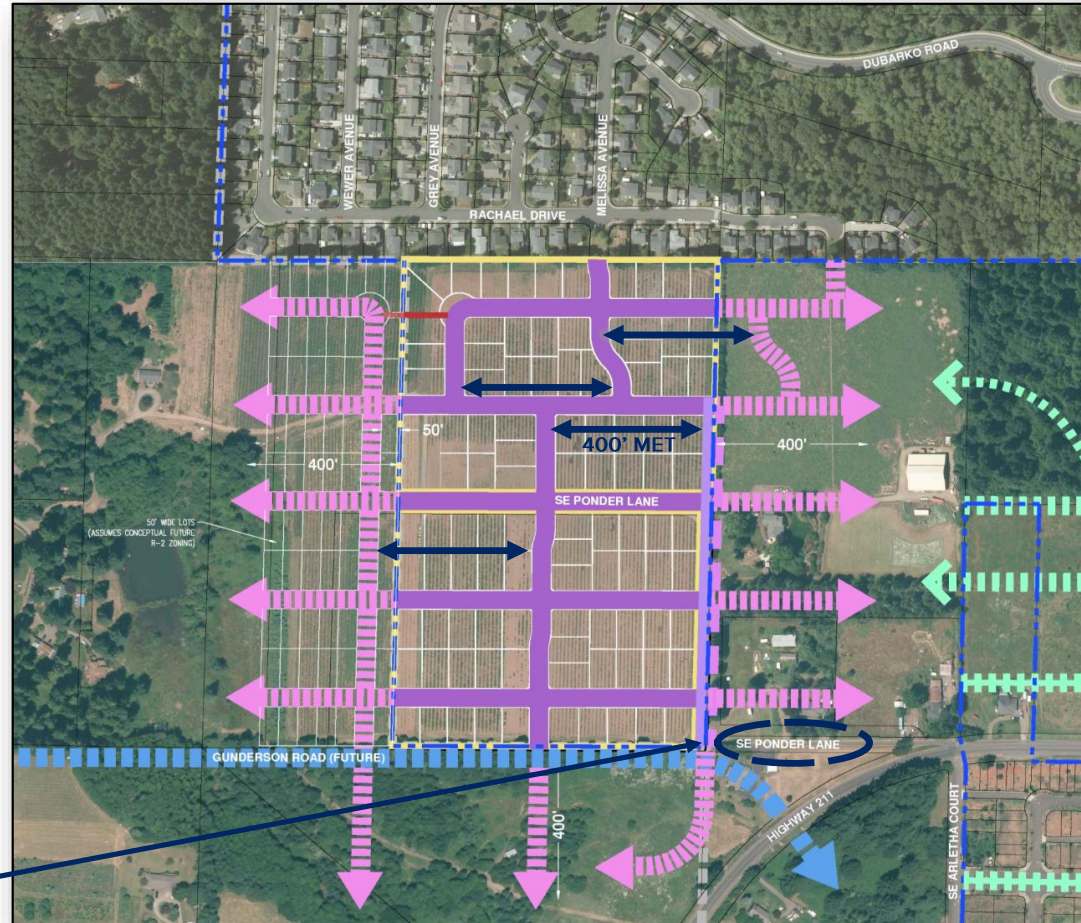




» Melissa Avenue to be extended per City of Sandy TSP

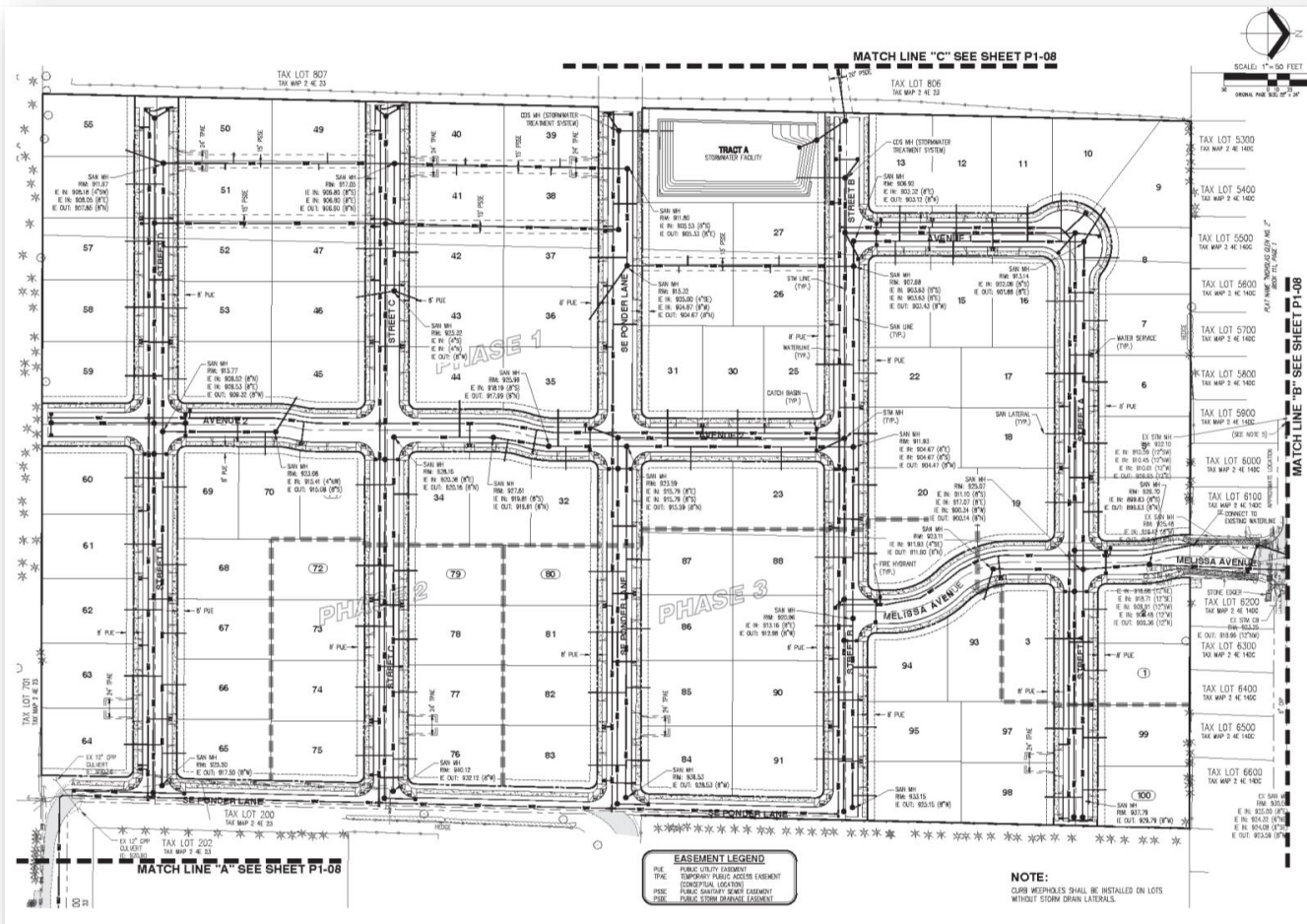
Circulation

- » Block Length
 - » 400-foot standard met
- » Internal Street Plan
 - » Walkable neighborhood
 - » Pedestrian pathway
 - » Provides for 10 street stub connections
- » Secondary emergency access



Infrastructure

- » Sanitary sewer
- » Stormwater management
- » Water
- » Franchise utilities

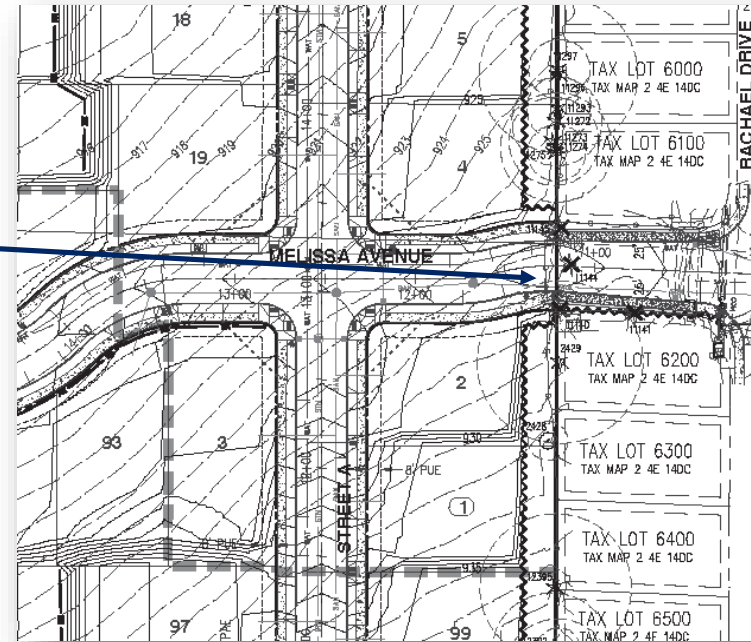


Tree Planting and Preservation

- » Planting of ±120 street trees
- » Stormwater screening and planting
- » Tree preservation and removal

	Existing	Preserved	Removed
Onsite Trees	19	19	0*

*5 offsite trees are planned to be removed to facilitate the installation of roads, utilities, grading, etc. in existing right-of-way and are exempt from urban forestry regulations.



Questions?

Chris Goodell

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(503) 563-6151

