

**FINDINGS OF FACT and FINAL ORDER
TYPE II LAND USE DECISION**

DATE: January 28, 2020

FILE NO.: 19-038 DR/FSH/VAR/TREE

PROJECT NAME: Tickle Creek Village

APPLICANT/OWNER: Tickle Creek Properties, LLC

LEGAL DESCRIPTION: T2S R4E Section 14 Tax Lot 3100

The above-referenced proposal was originally reviewed as a Type II design review, variance, and FSH review, and a Type I tree removal and FSH review. The following Findings of Fact are adopted supporting approval of the tentative plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Project Narrative
- C. Plan Set
 - Sheet 1 – Cover Sheet and Notes
 - Sheet 2 – Existing Conditions with Overlays
 - Sheet 3 – Tree Preservation and Demo Plan
 - Sheet 4 – Tree Preservation Table
 - Sheet 5 – Site and Dimension Plan
 - Sheet 6 – Site Utility Plan
 - Sheet 7 – Grading and Erosion Control Plan
 - Sheet 8 – Erosion Control Notes and Details
 - Sheet 9 – Emergency Vehicle Pathway
 - Sheet 10 – Site Area Exhibit
 - Sheet 11 – Landscape and Common Space
 - Sheet L1 – Landscape Plan
 - Sheet L2 – Landscape Detail, Unit 3
 - Sheet L3 – Landscape Detail, Units 18 & 19
- D. Building Elevations – Type A 3-Unit Building
- E. Building Elevations – Type B 2-Unit Building
- F. Building Elevations – Type B and Type C 2-Unit Building
- G. Building Elevations – Refuse Building
- H. Wall Plan/Profile
- I. Color Palette
- J. Supplemental Narrative

- K. Arborist Report
- L. Transportation Impact Study
- M. Preliminary Stormwater Report
- N. Wetland Delineation Report
- O. Subsurface Exploration Report

Agency Comments:

- P. City Engineer (December 23, 2019)
- Q. PGE (January 2, 2020)
- R. Public Works Director (January 3, 2020)
- S. City Transportation Engineer (January 9, 2020)
- T. Parks and Trail Advisory Board (January 10, 2020)
- U. Transit Director (January 16, 2020)

Written Public Comments:

- V. Christopher Warnock (received December 23, 2019; letter dated December 20, 2019)
- W. Brenda Hackler (December 26, 2019)

Additional Documents Submitted by Staff

- X. Dedication Deed
- Y. Resolution 2002-07

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on September 20, 2019, with additional items received 9/27/19, 10/29/19, and 11/26/19. The application was deemed complete on November 26, 2019 and the 120-day deadline is March 26, 2020.
2. The subject site is 10.4 acres; however, the applicant is only proposing development on the southern 4.23 acres. The site is located east of Ruben Lane, northeast of Dubarko Road, and north of Wills Street.
3. The southern portion of the parcel has a Plan Map designation of High Density Residential and a Zoning Map designation of R-3, High Density Residential.
4. Tickle Creek Properties, LLC submitted a proposal to construct 25 multi-family/condominium buildings to contain a total of 67 dwelling units. The proposed development is on the southern portion of the property located north of Dubarko Road and east of Ruben Lane. The proposal includes tree removal, including the removal of two trees within the Flood and Slope Hazard (FSH) restricted development area, and a proposed rain garden overflow into the FSH area. The applicant is also requesting a variance to retaining wall height to allow for construction of the sidewalk on Dubarko Road. The buildings will be accessed from a driveway on Dubarko Road.

5. Notification of the proposed application was mailed to affected agencies on December 17, 2019 and to property owners within 300 feet of the subject property on December 13, 2019.
6. Agency comments were received from the City Engineer, PGE, Public Works Director, City Transportation Engineer, and Transit Director.
7. Two written public comments were received. The comments were as follows:
 - a. Christopher Warnock (Exhibit V) states that the existing trees serve as a visual screen to the Mt. Hood Industrial Park and also help buffer the noise. Industrial parks can be noisy so they want to make sure that the proposed development does not impede the industrial property zoning and that the industrial tenants are able to conduct business as usual, which includes Saturdays, without complaint from neighboring residential developments. A good tree buffer should be retained between the proposed development and the industrial park.
 - b. Brenda Hackler (Exhibit W) is concerned about the impact of the development on the wetland area and stream as well as increased traffic on Ruben Lane and Dubarko Road and the impact of the proposed development on the quality of life in Sandy.

17.30 – Zoning Districts

8. The subject property is 10.4 acres; however, the proposed development area according to the applicant is 4.23 acres, with 0.6 acres of restricted development area. A density transfer is allowed from restricted development areas to the buildable area of the site. Thus, there are 3.63 acres of buildable area on the southern portion of the site. Per Section 17.30.20, the net site area (NSA) is 4.23 acres, the restricted development area (RDA) is 0.6 acres, and the unrestricted site area (USA) is 3.63 acres.
9. The minimum number of required dwelling units is 36 ($USA \times \text{minimum density} = 3.63 \times 10 = 36$ units). The maximum allowed number of dwelling units is 85 (lesser of: $NSA \times \text{maximum density} = 4.23 \times 20 = 85$; or $USA \times \text{maximum density} \times 1.5 \text{ density transfer} = 3.63 \times 20 \times 1.5 = 109$). The proposal is for 67 units so the density standard is met.

17.40 – High Density Residential Zoning District (R-3)

10. The R-3 zoning district does not contain a minimum average lot size for lots with multifamily dwellings.
11. The R-3 zoning district requires a density no less than 10 or more than 20 units per net acre. The proposed development portion of the subject property is 4.23 acres; the minimum density is 36 units and the maximum density is 85 units. The proposal is for 67 units so the density standard is met.
12. The R-3 zoning district requires minimum rear yard setbacks at 15 feet, front yard setbacks at 10 feet, side yard setbacks at 5 feet, corner yard setbacks at 10 feet, and garage setbacks at 20 feet. However, because the site fronts on Dubarko Road (a minor arterial street), a 20-foot front setback is required. The submitted Site Plan (Exhibit C, Sheet 5) shows the

furthest east condo buildings at least 15 feet from the rear lot line, the furthest west condo buildings at least 20 feet from Dubarko Road (the front property line), and all buildings at least 15 feet from the side property lines.

17.60 – Flood and Slope Hazard (FSH) Overlay District

13. Chapter 17.60 pertains to development in the Flood and Slope Hazard (FSH) overlay district. The condo buildings are proposed to be developed on the southern portion of the site and the extent of the proposed development area contains a 25 foot wetland buffer as well as an area within 50 feet from the top of bank of a perennial stream (No Name Creek), both of which are restricted development areas per Section 17.60.30. The applicant is proposing a daylight rain garden overflow into the wetland buffer area and removal of two (2) trees from the FSH area. In addition, as indicated in the narrative (Exhibit B), the applicant is proposing to locate a wood chip trail within portions of the FSH, to remove non-native species, and to plant native species as needed.

14. Section 17.60.20 contains permitted uses and activities within the FSH. Section 17.60.20(B) specifies permitted uses in the FSH overlay district, all of which require a permit. Construction of trails and public facilities are permitted uses. Permitted uses related to vegetation include: planting of native vegetation species included on a list maintained by the Director; removal of non-native/invasive vegetation, dead or dying trees or vegetation that is hazardous to the public; and removal of up to two trees 6 inches or greater DBH in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site. Removal of native vegetation of any type is not a permitted use within the FSH overlay district, with the exception of removal of up to two trees 6 inches DBH or greater per calendar year. The proposal includes removal of two (2) trees 6-inches or greater DBH within the FSH overlay, removal of non-native/invasive vegetation from the FSH area and planting native species within the FSH area. Future tree removal or vegetation removal on the subject property requires additional land use review. **The applicant shall apply for a separate FSH review permit for all additional/future vegetation removal or planting requests within the FSH overlay. The applicant shall not remove any native vegetation within the FSH overlay district, with the exception of removal of up to two trees 6 inches DBH or greater per calendar year where approved by permit. 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.**

15. The applicant previously applied for removal of two (2) trees (Trees #19 and 20) within the restricted development area of the FSH (File No. 18-052 FSH/TREE). The final order for File No. 18-052 FSH/TREE included the following conditions:

“The applicant shall plant two western redcedars (at least 6 feet in height) within the FSH overlay of the development area. The applicant shall work with an arborist to identify a species that is resistant to Verticillium wilt for the two (2) additional native mitigation trees that are required to be planted and shall submit the proposed mitigation species for staff review and approval. Upon approval of the species by staff, the applicant shall plant the

two (2) additional native mitigation trees within the FSH overlay of the development area. The two additional mitigation trees shall be 1.5-inches caliper or greater if deciduous, and 6 feet in height or greater if conifers.”

“The applicant shall plant the four (4) required mitigation trees in conjunction with future development of the site. If an application for future development of the site is not submitted by December 31, 2019, the applicant shall be required to plant the four (4) mitigation trees by February 29, 2020. The applicant shall record a tree protection covenant that identifies the species and location of the four (4) mitigation trees. The covenant shall be recorded at the time of future development of the site or by February 29, 2020, if an application for development has not been submitted by December 31, 2019.”

Staff is not sure if the two trees requested for removal in File No. 18-052 FSH/TREE have been removed. **The applicant shall confirm whether Trees #19 and 20 were removed. If the trees have already been removed or will be removed in the future, the applicant shall provide updated information on the species and location of the four (4) native mitigation trees and shall plant them as part of this application. All conditions of approval for File No. 18-052 FSH/TREE shall still apply.**

16. The applicant is requesting removal of two additional trees within the FSH with this application. Based on the submitted materials, it is unclear exactly which two trees the applicant is requesting to remove within the FSH. The narrative (Exhibit B) states that the request is to remove Trees #26 and 27. The Arborist Report (Exhibit K) states that the applicant is proposing to remove Trees #27 and 28; however, Tree #28 is not included in the tree inventory table. The Tree Preservation Plan (Exhibit C, Sheet 3) details removal of many trees from the FSH area, including Trees #26 and 27, Trees #206-212, and 4-5 unlabeled trees in a clump located in the proposed daylight rain garden area to the south of Trees #155-158 and Trees #166-167. **The applicant shall provide additional information clarifying which trees (two maximum) are proposed for removal within the FSH area with this application. The applicant shall update the Tree Preservation Plan detailing removal of a maximum of two (2) trees within the FSH area. The applicant shall update the Landscape Plan to detail the species and location of two (2) mitigation trees per one (1) tree removed from the FSH area.**
17. The applicant’s submittal does not specify a tree protection plan for other nearby trees that will not be removed. **The applicant shall have the removed trees felled such that they do not negatively impact adjacent trees. If a felled tree damages an adjacent tree, the applicant may be subject to a fine. Per Section 17.60.60(A)(6), the applicant shall replace any disturbed understory or groundcover with native understory or groundcover species that effectively cover the disturbed area.**
18. Section 17.60.40 contains the FSH review procedures. The proposed daylight rain garden overflow and the trail within the FSH area are processed as Type II FSH reviews. Removal of two (2) trees from the FSH area, removal of non-native/invasive vegetation from the FSH area, and planting native vegetation in the FSH area are processed as Type I FSH reviews. The proposal contains a total of five (5) separate FSH review requests; however,

staff only charged the applicant one Type I FSH review fee and one Type II FSH review fee.

19. 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 Subsurface Exploration Report (Exhibit O) and a Grading Plan (Exhibit C, Sheet 7), as well as a Wetland Delineation Report (Exhibit N). The applicant did not submit a native vegetation report; however, the Director may exempt Type II permit applications from one of 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. The applicant is proposing to remove non-native/invasive vegetation from the FSH area and to plant native species to enhance the restricted development area. Staff is supportive of this approach; however, the applicant did not submit any specific plans for staff to evaluate. Staff needs additional information on the areas within the FSH overlay where the applicant proposes to remove non-native/invasive species and to plant native species. The applicant's previous request for tree removal in the FSH (File No. 18-052 FSH/TREE) included the following condition (condition 2): "a native vegetation report shall be required for any land use applications that include development within the FSH overlay." **The applicant shall submit a native vegetation report. The native vegetation report shall include a general restoration plan for invasive vegetation removal and replanting with native species.**
20. Section 17.60.60 contains approval standards and conditions for development proposed within the restricted development area (RDA) of the FSH overlay.
21. 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 narrative (Exhibit B) states that only a small portion of the stormwater facility and removal of two trees are proposed within the RDA. The narrative response to Section 17.60.90(A) states that the location of the proposed water quality treatment facility within the 25-foot wetland setback "is due to the existing grade of the site and the topography. Alternative locations for this facility were explored by the project Engineer but the proposed site was deemed the best and most efficient location for this facility." The Landscape Plan (Exhibit C, Sheet L1) details a swale in the stormwater rain garden and specifies turf outer areas and river cobble in a center swale with 40 1-gallon sized *Juncus patens* (Oregon rush). **To ensure only native species are planted in the FSH area, the applicant shall update the Landscape Plan to specify a native turf (or other native ground cover) in the rain garden.** The site plan indicates that 4-5 trees will need to be removed within the FSH area in the north part of the proposed stormwater rain garden. **The applicant shall update the Plan Set to detail retention of all trees within the FSH area, with the exception of a maximum of two trees that can be removed from the FSH area. If the proposed rain garden cannot be constructed without removal of the trees, the applicant shall update the plan set to relocate the rain garden such that it does not require removal of trees from the FSH area (in excess of the maximum of two trees total that can be removed from the FSH**

area). The applicant proposes to remove non-native/invasive species and plant native species to enhance the FSH area. As previously stated, **the applicant shall submit a native vegetation report for staff review and approval.** The applicant is also proposing a wood chip trail that is partially in the FSH area. Staff is supportive of a trail along the wetland area that will provide a connection between the Tickle Creek Trail to the southwest of the subject site and the Sunset Street right-of-way to the east. In a previous conversation with the applicant, staff provided a general trail concept that located a trail between the proposed condos and the wetland area. Staff’s proposed alignment for the trail detailed the trail mostly outside of the 25-foot wetland buffer. The applicant’s proposal details the trail further north and primarily within the 25-foot wetland buffer. Since the trail will be constructed of wood chips, it shall not require compacting of soil as is typical for gravel, and can be field located to minimize impacts to trees. Staff is agreeable to portions of the trail meandering into the FSH area; however, the primary goal is to minimize impacts within the FSH area. **The applicant shall work with the project arborist and City staff to determine a trail alignment that minimizes impact to trees and native vegetation within the FSH restricted development area. This may require moving the proposed trail further south towards the condos and outside of the FSH restricted development area, where possible.**

22. 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.” The narrative (Exhibit B) states that no impervious surfaces are proposed within the restricted development area. The proposed trail will be constructed of wood chips and the proposed rain garden will be turf, cobble rock, and Oregon rushes.
23. 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.” The narrative (Exhibit B) states that all construction will be consistent with submitted plans and reports. The applicant is proposing to remove two trees from the FSH area, to locate a rain garden facility and a wood chip trail in the FSH area, and to remove non-native/invasive vegetation and replant with native species. **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 and within the FSH area to ensure minimum impact to trees and native vegetation. The applicant shall follow the recommendations of the native vegetation report.**
24. 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.” Per the narrative (Exhibit B) no cuts or fills are proposed within the RDA.
25. 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 narrative (Exhibit B) states that the proposal does not affect the quality or quantity of surface and groundwater flows to the locally significant wetland.

26. 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 narrative (Exhibit B) states that two trees are proposed for removal from the RDA and will be replaced with two native trees per each tree removed in another area of the RDA. As previously stated, there is confusion regarding which two trees are proposed for removal from the FSH area. **The applicant shall provide additional information clarifying which trees (two maximum) are proposed for removal within the FSH area. The applicant shall update the Tree Preservation Plan detailing removal of a maximum of two (2) trees within the FSH area. The applicant shall update the Landscape Plan to detail the species and location of two (2) mitigation trees per one (1) tree removed from the FSH area.** The applicant is also proposing to remove non-native/invasive vegetation and replant with native species. As stated previously, **the applicant shall submit a native vegetation report for staff review and approval.** In addition, the applicant is proposing to locate a wood chip trail partially within the FSH area. **The applicant shall work with the project arborist and City staff to determine a trail alignment that minimizes impact to trees and native vegetation within the FSH area. This may require moving the proposed trail further south towards the condos and outside of the FSH area, specifically the restricted development area, where possible.** The applicant is also proposing to locate a rain garden facility partially within the FSH area. The Tree Preservation Plan (Exhibit C, Sheet 3) details removal of 4-5 trees within the FSH area along the north portion of the proposed rain garden. **The applicant shall update the Plan Set to detail retention of all trees within the FSH area, with the exception of a maximum of two trees that can be removed from the FSH area. If the proposed rain garden cannot be constructed without removal of the trees, the applicant shall update the plan set to relocate the rain garden such that it does not require removal of trees from the FSH area (in excess of the maximum of two trees total that can be removed from the FSH area).**
27. Section 17.60.90 contains standards related to water quality treatment facilities. The applicant is proposing to locate a rain garden facility partially within the FSH area. The narrative (Exhibit B) states, “A portion of the proposed water quality treatment facility will be located within the 25-foot wetland buffer. This location is due to the existing grade of the site and the topography. Alternative locations for this facility were explored by the project Engineer but the proposed site was deemed the best and most efficient location for this facility.” **If the proposed rain garden cannot be constructed without removal of the trees, the applicant shall update the plan set to relocate the rain garden such that it does not require removal of trees from the FSH area (in excess of the maximum of two trees total that can be removed from the FSH area).**

17.66 – Adjustments and Variances

28. The applicant applied for one (1) Type II Variance:
 - A variance to Section 17.74.40; the applicant is requesting to increase the maximum reveal height of the retaining wall parallel to Dubarko Road from 4 feet to 6.5 feet.

29. Section 17.66.70(A) states “The circumstances necessitating the variance are not of the applicant’s making.” Increasing the maximum wall height for the proposed retaining wall along Dubarko Road is based on the existing topography and the need to construct a sidewalk along Dubarko Road, neither of which are of the applicant’s making. This criterion is met.

30. Section 17.66.70(B) states “The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located.” The approval of a retaining wall at either the allowed height of 4 feet or at a taller height will not modify the use for the subject site. The subject site is zoned R-3 and multi-family dwellings are allowed regardless of the retaining wall height. This criterion is met.

31. Section 17.66.70(C) states “Granting of the variance will not adversely affect implementation of the Comprehensive Plan.” The Comprehensive Plan contains general goals and policies related to the various Statewide Planning Goals. The Plan does not contain specific policies related to retaining walls. This criterion is met.

32. Section 17.66.70(D) states “The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.” Due to the location and circumstances of the request, approval of the variance should not be materially detrimental to the public welfare or injurious to other property in the vicinity. In fact, the retaining wall is needed for the construction of a sidewalk on Dubarko Road, which will contribute to public welfare. This criterion is met.

33. Section 17.66.70(E) states “The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.” Allowing the retaining wall to be 6.5 feet in height will allow the applicant to construct a sidewalk on Dubarko Road. Approval of this variance allows for development similar to development allowed without a retaining wall variance. This criterion is met.

34. Section 17.66.70(F) states “Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.” The subject property has an existing topographic constraint that creates a slope along the west portion of the proposed development along Dubarko Road. The natural slope and subsequent need for a retaining wall to allow for the construction of a sidewalk on Dubarko Road is a special circumstance that does not apply generally to other properties near the subject property and therefore this criterion is met.

35. Staff finds the requested variance meets criteria A-F and, therefore, staff approves a Type II variance to allow the retaining wall along Dubarko Road to have a 6.5 foot wall reveal. **The applicant shall propose an appropriate architectural treatment for the wall, such as stamped concrete, for staff review and approval.**
36. The City Engineer (Exhibit P) reviewed the retaining wall request and does not have any concerns with the proposed retaining wall height variance request as long as the intersection sight distance requirements are met. Per the City Engineer, **the design engineer shall submit a letter certifying that the sight distance in both directions meet AASHTO published requirements. The minimum sight distance requirements are 280 feet in the south direction and 240 feet in the north direction based on the posted speed of 25 MPH.**

17.80 – Additional Setbacks on Collector and Arterial Streets

37. Section 17.80.20 specifies that structures located on streets designated as arterials or collectors shall have a minimum setback of 20 feet measured from the property line. Two proposed condo buildings contain frontage on Dubarko Road, which is classified as a minor arterial street. Both structures are set back more than 20 feet from Dubarko Road and therefore meet this code chapter.

17.82 – Special Setbacks on Transit Streets

38. Section 17.82.20(A) states “All buildings shall have their primary entrances oriented toward a transit street rather than a parking area.” Section 17.82.20(B) states “Buildings shall have a primary entrance connecting directly between the street and building interior.” Dubarko Road has an existing transit route. Two proposed buildings (13 and 14) have frontage on Dubarko Road; however, due to existing topography, the applicant will need to install a retaining wall in order to construct the required sidewalk along Dubarko Road. In addition, Buildings 13 and 14 are set back greater than 30 feet from the right-of-way. The proposal includes a walkway along the south side of the proposed driveway that connects the development as a whole to the Dubarko Road sidewalk. Staff reviewed the feasibility of installing a path that more directly connects Buildings 13 and 14 to Dubarko Road and determined that the distance between the point between Buildings 13 and 14 where the path would connect and the proposed pedestrian connection at the driveway approach is only 60 feet. Considering the minimal difference in distance as well as the existing topography of the site, staff determined that the proposed pedestrian connection at the driveway approach meets the intent of the code.

17.84 – Improvements Required with Development

39. Chapter 17.84 provides general information regarding improvements required in association with development. **All required improvements shall be installed or financially guaranteed prior to final occupancy of the proposed apartment buildings.**
40. Section 17.84.30 requires sidewalks and planting areas along all public streets. A new sidewalk, including planter strip, street trees, and street lighting, is required along the northeast side of Dubarko Road along the frontage of the subject site. Dubarko Road is classified as a minor arterial street which requires a minimum 6-foot wide sidewalk

separated from the curb by a 5-foot wide planting area. Per the City Engineer (Exhibit P), a **6-foot wide concrete sidewalk shall be constructed along the entire site frontage with Dubarko Road meeting PROWAG requirements.** The Public Works Director (Exhibit R) states “given the number of pedestrian trips generated by the development, the limited street frontage on the site and the limited development potential for the adjacent parcel it is not unreasonable to require off-site improvements related to the impacts of the development.” **The applicant shall extend the sidewalk on Dubarko Road off-site approximately 120 feet to the corner of Ruben Lane and Dubarko Road to complete the pedestrian connection. It appears that the sidewalk connection can be completed with limited grading or grading wholly within the existing right-of-way. Should a retaining wall be necessary to maintain the same sidewalk and planter section within the onsite right-of-way the City may be able to reimburse the developer for the retaining wall cost.**

41. Section 17.84.30(B) requires pedestrian and bicyclist facilities that strive to minimize travel distance between residential areas, planned developments and parks. Dubarko Road is classified as a minor arterial; therefore, bike lanes are required. There is currently a bike lane on Dubarko Road; however, the striping is faded. **The applicant shall repaint the bike lane striping on Dubarko Road if it is faded.** The Plan Set details an internal pedestrian network with 5-foot walkways connecting buildings on the site as well as providing a connection to Dubarko Road. In addition, the applicant is proposing a bark chip pathway along the wetland area north of the condo buildings that will eventually provide a trail connection between Dubarko Road and Sunset Street. **The applicant shall grant a variable width pedestrian easement from Dubarko Road through the site connecting to the existing Sunset Street right-of-way at the SE corner of the site. The applicant shall work with City staff and the project arborist to determine the appropriate location for the easement through the subject property.** This would allow a water-level pedestrian access to and from the site adjacent to No-Name Creek.
42. Section 17.84.40 contains standards for public transit and school bus transit. The Transit Director (Exhibit U) states: “The proposed development will require a transit amenity. The amenity required is a 6 foot long green metal bench (Fairweather model PL-3, powder-coated RAL6028) mounted on a 7 foot by 9.5 foot pad which could accommodate a 5 foot by 7.5 foot bus shelter and painted cross walk.” **The applicant shall install a concrete pad with a metal bench as required by the Transit Director; the applicant shall contact the Transit Director for specific location, amenity information, and pad engineering specifications at 503-489-0925 or ahowell@ci.sandy.or.us.** Due to the location of the Tickle Creek Trail connection directly across Dubarko Road from the south end of the subject property, the Transit Director requires a painted crosswalk. City of Sandy staff will coordinate to determine the best location for the crosswalk and will install the crosswalk as determined necessary.
43. Section 17.84.50 contains standards for street improvements and traffic evaluations. Section 17.84.50(A) contains traffic evaluation requirements. The applicant submitted a Transportation Impact Study (TIS) prepared by Lancaster Engineering dated July 2, 2018 (Exhibit L). The TIS was based on 72 apartment units, rather than the 67 proposed units,

and predicts 33 weekday AM peak hour trips, 40 weekday PM peak hour trips, and 528 average weekday trips. The Public Works Director (Exhibit X) reviewed the TIS and states “The Traffic Impact Analysis was prepared assuming that 72 apartment units would be developed. This proposal is for 67 condominium units. Trip generation for condominiums (0.52 PM peak hour trips/unit) is lower than for apartment units (0.62 PM peak hour trips/unit) so the trip generation described in the TIA should be conservative.” The City Transportation Engineer (Exhibit S) states “Based on the revised dwelling count, the TIS overstates the impact by 10 percent.” The City Transportation Engineer concludes that there’s no need for mitigation for the traffic impacts of the proposed development.

44. Section 17.84.50(H) contains standards related to location, grades, alignment, and widths for all public streets. Table 3 in the Transportation System Plan (TSP) details minimum access spacing standards for City street facilities. The section of Dubarko Road adjacent to the subject property is classified as a minor arterial, and therefore requires 300 foot spacing between private accesses and other private accesses or public streets per the TSP. Per the City Engineer (Exhibit P), the access spacing requires the proposed driveway to be a minimum of 300 feet from the nearest public street or private access. The proposed access appears to be less than 300 feet and doesn’t meet the access spacing requirements, so the City Engineer recommended the applicant obtain a variance. However, the 300 foot spacing standard does not appear in the Development Code so no variance is needed. Section 17.98.80 of the Development Code specifies that access to arterials shall be located a minimum of 150 feet from a street intersection. The proposed driveway is approximately 175 feet from the corner of Ruben Lane and Dubarko Road.
45. Section 17.84.60 contains standards for public facility extensions. The City Engineer (Exhibit P) states **the final construction plans shall verify the domestic 3-inch meter size is adequate based on the meter flow and the building fixture counts found in the 2017 Oregon Plumbing Specialty Code, if larger than 3-inch meter size is needed it shall be verified in the AWWA Series 700 and the Oregon Plumbing Specialty Code.**
46. The Public Works Director (Exhibit R) notes that the applicant shows several units over or encroaching into the existing 20-foot wide sanitary sewer trunk line easement and proposes relocating approximately 500 linear feet of this line to the common drive and parking areas. Per the City Engineer (Exhibit P), **the final construction plans shall include a plan and profile for the relocation of the existing sanitary sewer trunk line. A minimum of 15-foot wide public sewer easement shall be dedicated to the City.** The Utilities Plan details individual sanitary sewer service laterals connected directly to the relocated 15-inch sanitary sewer trunk line. Typically, individual service laterals connected directly to a sanitary sewer trunk line are discouraged. **In addition to the required relocation of the sanitary sewer trunk line the City reserves the right to require a separate 8-inch local sanitary sewer line to serve the development site.** The recently adopted Wastewater System Facilities Plan shows a diversion pump station near the intersection of Dubarko Road and Ruben Lane and a force main located along the south line of the subject property. **The applicant shall grant a 15-foot wide sanitary sewer easement along the south boundary of the site to accommodate this future force main. The 15-foot wide easement should fit in the 18-foot wide side yard setback proposed on the site plan.**

47. The City Engineer (Exhibit P), reviewed the preliminary stormwater calculations that were provided with the submittal (Exhibit M). The calculations are found to meet the water quality/quantity criteria as stated in the City of Sandy Development Code (SDC) 13.18 Standards and the City of Portland Stormwater Management Manual (SWMM) standards that were adopted by reference into the Sandy Development Code. However, the City Engineer states that **a detailed final stormwater report stamped by a licensed professional shall be submitted for review with the final construction plans.**
48. Section 17.84.70 requires installation of public improvements in conjunction with new development. The Public Works Director (Exhibit R) notes that the emergency vehicle pathway shown on Sheet 9 of the applicant's submittal conflicts with the proposed center median near the site access. A 20-foot wide clear path is shown whereas the actual dimension between the island and the curb is 12 feet. The right turn onto the private driveway between units 2 and 13 depicts the turning template overlapping the planter and the staircase. **The proposed median shall be eliminated and the planter adjacent to the staircase shall be altered to allow a clear wheel path for emergency vehicles. Emergency vehicle access lanes shall be signed and marked per the Clackamas County Interagency Fire Code Access Guide. Per the City Engineer (Exhibit P), the final construction plans shall be submitted to the Sandy Fire Department for review and approval to ensure that adequate fire protection and access are provided to all proposed buildings. SandyNet requires the developer to work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.**
49. Section 17.84.80 contains specifications for franchise utility installations. Per Section 15.20.030(B) of the Municipal Code, private utility services shall be submitted for review and approval by service providers and City staff in association with construction plans, and all utility lines are required to be extended to the perimeter of the site. **The applicant shall underground all telecommunication, CATV and electric power services (including street crossings) serving the development per Chapter 15.20.** PGE submitted a comment (Exhibit Q) stating they did not find any conflicts with any of their current projects and that the customer/contractor should contact PGE Coordinators when they are ready to start the project. **The applicant shall call PGE's Service Coordination at 503-323-6700 when they are ready to start the project.**
50. Section 17.84.90(E) states that where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. Per the Public Works Director (Exhibit R), the right-of-way for Dubarko Road adjacent to this site was dedicated by a previous property owner to the City with a Dedication Deed (Exhibit X) which was never recorded. **The applicant shall dedicate the right-of-way occupied by the existing roadway on the subject parcel to remedy the recording of the dedication deed. The dedication shall be made using the City's standard deed form and the existing legal description. The City will pay all recording costs. The applicant shall dedicate an additional five feet of right-of-way on the Dubarko Road frontage of the site from the southern boundary to approximately**

station 9+35 (using the stationing on the site plan) and 10 feet of right-of-way from approximately station 9+35 to the west line of the parcel in order to provide the necessary right-of-way for a left turn pocket and transition tapers in the future. The additional right-of-way may be dedicated via a separate document or included with the right-of-way dedication for the existing Dubarko Road roadway.

51. Section 17.84.100 contains requirements for mail delivery facilities. The applicant will need to coordinate with the United States Postal Service (USPS) to locate mail facilities and these will be approved by the City and USPS. **The applicant shall provide mail delivery facilities in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan featuring grouped lockable mail facilities to the City and USPS for review and approval.**
52. **Development of this multifamily project requires payment of system development charges in accordance with applicable City ordinances.**
53. Per the Public Works Director (Exhibit R), **this site is subject to an Advanced Financed Public Improvement resolution reimbursement for the construction of Dubarko Road per Resolution 2002-07 (Exhibit Y). The original amount was \$57,242 and has accrued interest at 5.75% annually since December 2002. As of January 1, 2020, the reimbursement amount plus interest is \$113,196. This amount is separate and distinct from any Transportation System Development Charges and shall be paid upon issuance of a building permit on the site. The applicant has indicated the intent is to construct the condominium units two buildings at a time instead of all at once. The AFRD resolution did not contemplate incremental payment of the reimbursement as building permits are issued. Staff will recommend that the Council allow this amount to be paid down incrementally (interest will still accrue) as building permits are issued. If approved and based on 67 units, the amount per unit would be \$1,689.50 per unit plus interest from December 2002.**

17.86 – Parkland and Open Space

54. The applicant proposes a 67-unit condo complex. As required by Chapter 17.86, parkland dedication is required during design review for multi-family development.
55. Based upon the calculations specified in Section 17.86.10, the required dedication area is 0.58 acres of public parkland (67 proposed units x 2 persons per unit x .0043, rounded to the nearest 1/100 of an acre = 0.58 acres to be dedicated).
56. Section 17.86.40 contains factors for the City to evaluate whether to require parkland dedication based on this formula or collect a fee in lieu of dedication. This section specifies that it is entirely at the City's discretion to accept payment of a fee in lieu of the land dedication or require the dedication. The Parks and Trail Advisory Board (Exhibit T) reviewed the proposal and voted to recommend a fee-in-lieu of parkland. Per Resolution 2013-14, the required fee in lieu amount is \$241,000 per acre. Therefore, based on the current Fee Resolution, **the applicant shall pay a fee in lieu of parks dedication in the amount of \$139,780 (0.58 acre park land dedication x \$241,000 payment in lieu per acre)**

prior to issuance of building permits. Alternatively, the applicant shall submit an appraisal for the land in the restricted development area north of the proposed condo buildings that the applicant wants to dedicate to the City and City Council will decide if/how much credit will be applied to the parks fee-in-lieu. If the land north of the proposed condo buildings is dedicated the applicant shall maintain a setback of at least 5 feet to the new property line. The applicant shall also submit a cost estimate from an engineer for the woodchip trail for staff review and the City of Sandy will determine whether a reduction of the Parks SDC is warranted.

17.90 – Design Standards

57. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
58. Section 17.90.70 specifies that **design review approval shall be void after two (2) years from the date of the Final Order, unless the applicant has submitted plans for building permit approval.**
59. The proposed condos are a multi-family residential development and require compliance with Section 17.90.160.
60. Section 17.90.160 (A) contains standards for roofs. Roofs shall have a minimum pitch of 3:12 with at least a 30 inch overhang, unless the developer can demonstrate that the majority of structures within 300 feet have roofs similar to what is proposed. The 25 condo buildings feature gabled roofs with a 4:12 roof pitch and 30-inch overhangs in compliance with the code.
61. Section 17.90.160(B) contains standards for designing entries. The buildings are set back and at a higher elevation than the public right-of-way due to the existing topography of the site. Each building has two condo units that face the internal public walkway and have a covered entry that is 4 feet in depth. In addition, the 3-unit buildings have an additional unit at the rear of the building that is connected to the internal walkway and contains a covered entry located under a 7 foot by 16 foot second floor deck.
62. Section 17.90.160(C) contains provisions for building facades. All proposed building facades demonstrate architectural articulation including windows, patios/balconies, and covered entries.
63. Section 17.90.160(D) contains standards related to building recesses, extensions and partially enclosed covered porches. This section requires the vertical face of a structure when facing a public street, pedestrian way, or an abutting residential use to contain building offsets at a minimum depth of eight-feet (recesses and extensions) every 20 feet. The front elevations of all 2-unit buildings face an internal pedestrian walkway and contain an 8 foot offset in the form of an extension between the two garages. The rear of Buildings 13 and 14 face Dubarko Road. Per the narrative (Exhibit B), the rear of Buildings 13 and 14 feature an eight foot deep by 13 foot wide deck in compliance with the code. The side of Building 18 faces Dubarko Road; however, it is set back 61 feet from the right-of-way and

located at a higher elevation. In addition, a cluster of retention trees is located between Building 18 and Dubarko Road. For these reasons, staff does not find that Building 18 meets the definition of facing Dubarko Road. Staff determined that no other buildings face a public street.

64. Section 17.90.160(E) contains standards for private outdoor areas. This section requires all dwelling units to provide a minimum of 48 square feet of private outdoor area (balcony, porch, etc.). The Type A 3-unit Building elevations (Exhibit D, Sheets A.2 and A.3) detail a 7 foot by 16 foot (112 square foot) patio area for the first floor unit, and an 8 foot by 12 foot-2 inch (97.3 square foot) deck for each of the two second floor units. The Type B and Type C 2-unit Building elevations (Exhibits E and F, Sheet A.3) details an 8 foot by 12 foot-2 inch (97.3 square foot) deck for each unit. Thus, this requirement for minimum private outdoor area is met.
65. Section 17.90.160(F) contains standards for parking lots in multi-family developments. This section specifies that parking lots in multi-family developments shall not occupy more than 50 percent of the public street frontage. The proposed parking is located internal to the site and is not along a public street frontage.
66. Section 17.90.160(G) contains standards for individual storage areas. Each studio and one-bedroom unit is required to have a minimum of 24 square feet and each two-bedroom unit is required to have a minimum of 36 square feet of enclosed storage area. As detailed on Sheet A2 (Exhibit D), each one-bedroom unit is proposed to have 11 square feet of closet storage connected to the patio and a 16 square foot storage area on the side of the building for a total of 27 square feet. Each two-bedroom unit is proposed to have a 22 square foot storage area connected to the deck as well as a 16 square foot storage area on the side of the building for a total of 38 square feet.
67. Section 17.90.160(H) states that carports and garages shall be compatible with the complex they serve. The applicant is not proposing any carports or separate garages.
68. Section 17.90.160(I) contains standards for shared outdoor recreation areas. This section requires developments containing more than 5 dwelling units to provide a minimum of 200 square feet of outdoor recreation area per dwelling unit. The proposed project is for 67 dwelling units. Thus, the proposal is required to provide 13,400 square feet (67 units x 200 square feet per unit) of shared outdoor recreation area. The Landscape and Common Space Plan (Exhibit C, Sheet 11) details 26,955 square feet of shared outdoor recreation area including a bark chip path along the wetland area and a lawn area with a tot lot in the central area near Buildings 15-17. Of the 26,955 square feet, 14,876 square feet is located in the restricted development area (i.e. within the 25 foot wetland buffer and the 50 foot setback from the stream). Per Section 17.90.160(I), recreation area may include FSH setback areas provided that at least 50 percent of the required recreation area is located outside of the FSH area. The minimum required shared outdoor recreation area is 13,400 square feet; therefore, a minimum of 6,700 square feet must be located outside the FSH area. The proposal includes 12,079 square feet of shared outdoor recreation area located outside the restricted development area in compliance with the code. **To enhance the outdoor**

recreation area, staff recommends the applicant install benches along the wood chip trail; the benches shall be located outside of the FSH area. If the applicant decides to dedicate a portion of the subject property to the City, the applicant shall submit updated outdoor recreation area calculations to confirm that the minimum of 13,400 square feet of outdoor recreation area is provided on the subject property that will remain under private ownership.

69. Section 17.90.160(J) contains standards to promote safety and security. The applicant is requesting to defer submittal of a lighting plan until building permit review.
70. The proposal did not detail an apartment directory. **The applicant shall revise the Plan Set to detail the location of an apartment directory. The applicant shall apply for a sign permit for the apartment directory.**
71. Section 17.90.160(K) contains standards related to service, delivery and screening. The proposal did not detail the location of a mail area. **Staff recommends the applicant update the Plan Set to detail a mail area with a “Sandy Style” enclosure over the mail area to be reviewed and approved by staff. The applicant shall coordinate with the US Postal Service on the location and type of postal delivery facility and label the mail area on the site plan. Postal delivery areas shall meet the requirements of 17.84.100.**
72. The proposal includes one (1) communal trash/recycling area located adjacent to the shared parking north of Building 25 and west of Buildings 10 and 11. The applicant submitted building elevations for the garbage/recycling enclosure (Exhibit G) that contain lap siding with metal gates and appear to match the proposed condo buildings. The applicant did not indicate a paint color for the garbage/recycling enclosure but submitted four different color schemes for the condo buildings (Exhibit I). **The applicant shall specify a paint color for the garbage/recycling enclosure from the City of Sandy color palette that matches or compliments the proposed paint colors for the condo buildings.**
73. Section 17.90.160(L) contains standards for screening electrical and mechanical equipment. This section requires all on and above ground electrical and mechanical equipment to be screened with sight obscuring fences, walls, or landscaping. The narrative (Exhibit B) states that all roof-mounted electrical and mechanical equipment will be either within an enclosed structure or screened with landscaping. However, the applicant did not provide details showing the location and design of the equipment. **Because staff is not able to analyze conformance with Section 17.90.160(L), the applicant shall submit additional details addressing the location and screening of the proposed electrical and mechanical equipment.**

17.92 – Landscaping and Screening

74. Section 17.92.10 includes general landscaping provisions. Per Section 17.92.10 (C), trees over 25-inches circumference measured at a height of 4-½ feet above grade are considered significant and should be preserved to the greatest extent practicable and integrated into the design of a development. A 25-inch circumference tree measured at 4-½ feet above grade has roughly an eight-inch diameter at breast height (DBH). The subject property has many

trees that are 8-inches DBH or greater as well as many trees that are 6-inches DBH or greater in the FSH area. The applicant is proposing to remove two trees from the restricted development area of the FSH (although it is unclear which two trees are being proposed for removal) and a majority of the trees on the development portion of the site outside of the restricted development area. The applicant is proposing to retain 16 trees in good health that are 11-inches or greater DBH. Further analysis of the retention trees is discussed in Chapter 17.102 of this document. In order to better meet 17.92.10(C), **staff recommends the applicant retain Trees #26 and 30 if the project arborist determines it's feasible.**

75. The submitted plans do not detail the irrigation system. **The applicant shall submit an irrigation plan detailing how landscaping will be irrigated and maintained.**
76. Per Section 17.92.10(L), **all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.**
77. Section 17.92.20 requires the R-3 zoning district to contain a minimum of 25 percent landscaping. The submitted narrative (Exhibit B) and the Landscape and Common Space Plan (Exhibit C, Sheet 11) state that the proposal includes 36 percent landscaping, which meets the minimum landscaping percent requirement.
78. Section 17.92.30 specifies required tree plantings. Trees are required to be planted along public street frontages, in parking lots with more than four parking spaces, and along private drives more than 150 feet long. The Plan Set (Exhibit C) does not detail street trees along the Dubarko Road frontage of the site. **The applicant shall update the Plan Set to detail street trees placed approximately 30 feet on center along the Dubarko Road frontage of the site as well as the off-site portion of Dubarko Road that connects the proposed development site to the intersection of Ruben Lane and Dubarko Road. Per the Public Works Director (Exhibit R), the proposed bus pullout should be eliminated in order to maintain the setback sidewalk and planter strip on Dubarko Road.**
79. Section 17.92.30 also requires trees to be planted in parking lots with more than four (4) parking spaces. The proposal includes trees in some of the landscape planters at the ends of the parking bays. Staff provides additional review of trees in parking lots in Section 17.98.120 (D) of this document.
80. Section 17.92.40 requires that all landscaping be irrigated, either with a manual or automatic system. **The applicant shall submit an irrigation plan detailing how landscaping will be irrigated. As required by Section 17.92.140, the developer shall be required to maintain all vegetation planted with the development of the condos for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.**
81. Section 17.92.50 specifies the types and sizes of plant materials for landscaping areas. The Landscape Plan (Exhibit C, Sheet L1) identifies general planting plans for different areas, such as the parking lot, a screening area along the south edge of the property, and the hillside area on the west edge of the property. The plan calls for planting Douglas firs and

western redcedars but does not include a detailed planting plan for these areas. The plan details tree locations in the parking lot area but notes that parking lot trees are to be determined. The plan does not show street trees along the Dubarko Road frontage of the property. **The applicant shall propose street trees from the City's street tree list and parking lot trees ; due to concerns with Asian Long-horned Beetle and Emerald Ash Borer and to introduce additional species per the Comprehensive Plan, the applicant shall choose species that aren't maples or ashes.**

82. The Landscape Plan (Exhibit C, Sheets L2-L3) also identifies a mix of shrubs and groundcover for the proposed buildings. The plan identifies all shrubs at least one gallon in size.
83. Section 17.92.90 contains standards for screening. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Per Section 17.92.90(A), where landscaping is used for required screening, it shall be at least 6 ft. in height and at least 80 percent opaque, as seen from a perpendicular line of sight, within 2 years following establishment of the primary use of the site. Based on one public comment received, there is some concern about maintaining a visual and acoustic screen to the adjacent industrial businesses. The Tree Preservation Plan (Exhibit C, Sheet 3) details retention of a majority of the existing trees along the south property line, which abuts the mobile home park, as well as a majority of the existing trees along the east property line, which abuts the industrial area. In addition, the Landscape Plan (Exhibit C, Sheet L1) details a screening area for the mobile homes along the south property line, which will include planting additional Douglas firs and western redcedars.

17.98 – Parking, Loading and Access Requirements

84. Section 17.98.20 contains off-street parking requirements. The proposed development includes 17 one-bedroom units and 50 two-bedroom units, which requires 67 bicycle parking spaces and 126 off-street parking spaces as follows:
 - 17 one-bedroom x 1.5 = 26 parking spaces
 - 50 two-bedroom x 2.0 = 100 parking spaces

The Site Plan (Exhibit C, Sheet 5) includes one (1) garage space and one (1) driveway space for each of the 50 two-bedroom units, plus an additional 43 shared parking spaces for a total of 143 off-street parking spaces; thus, the requirements of Section 17.98.20 are met.

85. Section 17.98.50 contains setback requirements. The minimum front yard setback in the High Density Residential (R-3) zoning district is 10 feet, the minimum side yard setback is 5 feet, and the minimum rear yard setback is 15 feet. The proposed parking spaces are located in the interior of the proposed development and are outside of the required setback areas; thus, this section is met.
86. Section 17.98.60(A) contains specifications for parking lot design. All areas required for parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt. The site plan (Exhibit C, Sheet 5) details a pervious asphalt driveway but does not

indicate surface type for parking and maneuvering areas. **All parking and maneuvering areas shall have a durable surface in conformance with Section 17.98.60(A).**

87. Section 17.98.60(B) contains specifications for size of parking spaces. Standard parking spaces shall be at least 9 feet by 18 feet and compact spaces shall be at least 8 feet by 16 feet. The plan set identifies 38 standard parking spaces that are 9 feet by 18 feet or larger, and five accessible parking spaces, one of which has a passenger side loading area. Per ORS 447.233, a proposal with 101-150 parking spaces requires five (5) ADA spaces. In addition, van accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide; the access aisle shall be located on the passenger side of the parking space. The ADA parking dimension requirement is satisfied on the proposed site plan.
88. The proposed parking areas within the garages are dimensioned at a minimum of 18 feet in depth. The parking area in the A unit garages measures 19'-6" by 11'-4" with an 8-foot wide garage door opening. The parking area in the B and C unit garages measures 20'-0" by 11'-4" with an 8-foot wide garage door opening. Garages in all units are in compliance with the 18-foot depth standard.
89. Section 17.98.60(C) contains specifications for aisle width. All proposed parking is 90 degree. The proposal includes both single-sided and double-sided two-way access. All aisles, including the double-sided two-way access aisles, are detailed at 24 feet in width. Most of the aisles also have a 1-foot mountable curb, with the exception of the aisle located between spaces 37-39 and 40-43. **The applicant shall update the Plan Set to detail the double-sided two-way access parking aisles at a minimum width of 25 feet. The 1-foot mountable curb may count towards the 25-foot minimum aisle width.**
90. Section 17.98.100 has specifications for driveways. The submitted Plan Set details one 30-foot wide driveway entering the property from Dubarko Road. Per the Public Works Director (Exhibit R), **the proposed driveway approach shall be reduced in width from 30 feet to 24 feet to minimize crossing distance and conflicts for pedestrians on Dubarko Road.** Per the City Engineer (Exhibit P), **the proposed driveway access at Dubarko Road shall be a concrete commercial driveway approach constructed to City standards and meeting PROWAG requirements. The new driveway approach and sidewalk shall conform to the US Access Board PROWAG requirements for cross slope and running grade and the current ADA Guidelines.**
91. Section 17.98.120 contains requirements for landscaping and screening in parking areas. Since the proposal is for more than four parking spaces, compliance with the standards of Section 17.98.120 is required. Per Section 17.98.120(D), there shall be planters at the ends of each parking bay at a minimum of 5 feet by 17 feet and containing one major structural tree and ground cover. The Site Plan details parking areas divided into bays of not more than 20 spaces. Some of the bays contain landscape planters that meet the 5 foot by 17 foot minimum for a single depth bay and the Landscape Plan (Exhibit C, Sheet L1) details structural trees in some of the landscape planters; however, additional landscape planters and/or structural trees and groundcover will be needed. To fulfill the requirement of

Section 17.98.60(D), **the applicant shall update the Plan Set to detail a minimum 5 foot by 17 foot landscape planter west of parking space #1, east of parking space #4, north of parking space #43, and west of parking space #29. Each landscape planter shall contain a structural tree and groundcover.** This modification should not affect the number of proposed parking spaces as many exceed the 9 foot wide minimum and, therefore, could be reduced to allow for a planter area. For example, reducing the width of parking spaces 40-43 from 10 feet to 9 feet would allow for an additional 4 feet of planter space north of parking space #43. Parking spaces #1-4 and parking space #23 can also be reduced to allow for a landscape planter west of parking space #1 and west of parking space #29. The proposal includes refuse areas west of parking space #5 and east of parking space #23. Staff finds that providing the required landscape planter adjacent to the refuse area will meet the intent of the code. **The applicant shall update the Landscape Plan to detail a minimum 5 foot by 17 foot planter area with a structural tree and ground cover to the east of the refuse area east of parking space #23 and to the west of the refuse area to the west of parking space #5. The applicant shall relocate the proposed path north of parking space #39 further north to accommodate a minimum 5-foot by 17-foot planter area north of parking space #39. All landscape planters shall include at least one major structural tree and groundcover.**

92. Section 17.98.120(F) states that wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided. The proposed Site Plan details wheel stops in all 43 surface parking spaces. Parking spaces #5-22 abut an internal pedestrian 5-foot wide walkway. **Wheel stops shall be placed an adequate distance from the walkways to prevent vehicles from encroaching on the pedestrian walkway area.**
93. Section 17.98.140 contains requirements for drainage. **The applicant shall comply with the requirements of Section 13.18 of the Sandy Municipal Code and the 2014 City of Portland Stormwater Management Manual, as discussed in Chapter 17.84 above.**
94. Section 17.98.150 contains lighting requirements for parking areas. Lighting is discussed in Chapter 15.30 below.
95. Section 17.98.160 contains requirements for bicycle parking facilities. The requirement is to provide one bicycle parking space per multifamily dwelling unit. The proposal includes one bicycle parking space for each unit. Each two-bedroom unit can accommodate a bicycle in the storage space under the stairs in the garage and each one-bedroom unit can accommodate a bicycle on the entrance patio or in the storage shed. In addition, the proposal includes two (2) racks for a total of four (4) common bicycle parking spaces in the area east of parking space #22.

17.102 – Urban Forestry

96. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. The development portion of the subject property contains 4.23 acres and, therefore, compliance with this chapter is required.

97. Section 17.102.50 contains tree retention and protection requirements. Section 17.102.50(A) requires retention of at least 13 ($4.23 \times 3 = 12.69$) trees in good condition that are 11-inches and greater (DBH) on the development portion of the property. Per Section 17.92.10(C), significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of the development. Significant trees are defined as 25-inch circumference (approximately 8-inch DBH) or greater. No trees are proposed for removal from the northern portion of the property that is outside of the proposed development area. **The applicant shall not remove any trees from the north portion of the property without a permit.** The Arborist Report prepared by Todd Prager of Teragan & Associates (Exhibit K) inventoried 130 trees on the southern 4.23 acres proposed to be developed. Of those, the narrative (Exhibit B) states that 16 trees 11-inches and greater are proposed to be retained. In addition, the narrative states that the site contains a number of trees within the restricted development area that are less than 11-inches DBH that will also be retained. The submitted arborist report (Exhibit K), Tree Preservation Plan and Tree Preservation Table (Exhibit C, Sheets 3 and 4), and narrative (Exhibit B) are not consistent, which makes it difficult to determine which trees are being proposed for retention and which trees are being proposed for removal. This is particularly true for trees located in the FSH restricted development area, which is discussed in more detail in Chapter 17.60 of this document. Based on the tree table included in both the arborist report and plan set (Sheet 4), the 16 trees proposed for retention that meet the retention standards (good condition and 11-inches or greater DBH) include the following:

- Tree #10: 19-inch DBH Douglas fir in good condition
- Tree #10.1: 15-inch DBH bigleaf maple in good condition
- Tree #13: 14-inch DBH sweet cherry in good condition
- Tree #13.1: 14-inch DBH red alder in good condition
- Tree #14: 32-inch DBH Douglas fir in good condition
- Tree #15: 28-inch DBH Douglas fir in good condition
- Tree #18: 17-inch DBH sweet cherry in good condition
- Tree #21: 13-inch DBH bigleaf maple in good condition
- Tree #22: 26-inch DBH western redcedar in good condition
- Tree #23: 23-inch DBH western redcedar in good condition
- Tree #24: 23-inch DBH western redcedar in good condition
- Tree #25: multi-stemmed 10-, 9-, 8-, and 7-inch DBH red alder with a single DBH of 17-inches in good condition
- Tree #31: 28-inch DBH black cottonwood in good condition
- Tree #194: multi-stemmed 7-, 6-, 6-, and 5-inch DBH western redcedar with a single DBH of 12-inches in good condition
- Tree #198: 13-inch DBH red alder in good condition
- Tree #200: 12-inch DBH sweet cherry in good condition

Based on the plans, it appears that Trees #14 and 21 may be on the adjacent properties to the south and east, respectively. In addition, three (3) of the retention trees (Trees #13, 18, and 200) are sweet cherries (*Prunus avium*), which are considered to be nuisance species. This leaves 11 trees proposed for retention that are located on the subject property, 11-inches or greater DBH, in good condition, and not nuisance species. However, based on the

Tree Preservation and Demo Plan (Exhibit C, Sheet 3) it appears that Tree #101 (a 24-inch DBH western redcedar in fair condition), Trees #121, 184, and 187 (three 10-inch DBH red alders in good condition), and Tree #181 (a 10-inch DBH black cottonwood), are also proposed for retention. Though trees #121, 181, 184, and 187 do not meet the minimum 11-inch DBH retention standard, they are close (10-inches DBH) and staff supports allowing them to count as retention trees at a 2 to 1 ratio. Thus, with retention of Trees # 101, 121, 181, 184, and 187, an additional 3 trees are retained for a total of 14 trees retained on the subject property, 11-inches or greater DBH (with allowance for two 10-inch DBH trees to count as one 11-inch DBH retention tree), in good condition, and not nuisance species. In addition, staff believes the applicant may be able to retain Tree #30 (a 20-inch DBH red alder in good condition) and possibly Tree #29.1 (a 12-inch DBH western redcedar in good condition). **Staff recommends retaining Tree #30 if the project arborist determines it's feasible.**

As discussed in more detail in Chapter 17.60 of this document, it is unclear which two trees the applicant is proposing to remove within the restricted development area of the FSH. The arborist report states Trees #27 and 28 are proposed for removal (Attachment 1 of the arborist report shows a Tree #28; however, neither the Tree Inventory (Attachment 2 of the arborist report, and Exhibit C, Sheet 4) nor the Tree Preservation Plan (Exhibit C, Sheet 3) include a Tree #28), the narrative states Trees #26 and 27 are proposed for removal, and the Tree Preservation Plan details removal of far more than two trees from within the FSH, including Trees # 26 and 27, among many others. Based on the proposed layout, it appears that Tree #26 (a multi-stemmed 32, 12, 6, and 6-inch DBH bigleaf maple with a single DBH of 35-inches in good condition) could be retained, as is shown in the arborist report. **The applicant shall submit clarification on which trees are proposed for removal from the restricted development area of the FSH. Mitigation trees shall be planted within the restricted development area of the FSH at a ratio of two mitigation trees per 1 tree proposed for removal from the FSH. Staff recommends the applicant retain Tree #26, if the project arborist determines it's feasible.**

98. **The applicant shall maintain all mitigation trees in good condition, including the mitigation trees planted with this application as well as the mitigation trees planted in association with File No. 18-052 FSH/TREE. Per Sections 17.92.10 (L) and 17.92.60 (B), maintenance shall include necessary watering, weeding, and pruning at intervals sufficient to assure survival and growth. The applicant shall replace any dead or dying mitigation trees.**
99. Section 17.102.50(B) contains standards related to tree protection. Section 17.102.50(B.1) requires tree protection fencing be placed no less than 10 horizontal feet from the outside edge of the trunk. 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 dripline is used to estimate a tree’s CRZ; however, it should be noted that a tree’s roots typically extend well beyond its dripline. Section 17.92.10(C) requires tree protection fencing located 5 feet beyond the dripline of a tree, taking into account that there are many roots beyond the dripline and that

trees continue to grow. The submitted arborist report does not address tree protection standards; however, the attached tree inventory lists a minimum tree root protection zone of 0.5 feet per 1 inch DBH, which is the minimum setback to be protected from the trunk of a tree in feet when impacted on one side of the root system. As previously stated, the root system of a tree typically extends to the drip line and beyond. The submitted Tree Protection Detail (Exhibit C, Sheet 8) states that tree protection fencing will be located at the outer perimeter of the drip line or as noted on the plan. The Tree Preservation Plan (Exhibit C, Sheet 3) details fencing located at the minimum root protection zone of 0.5 feet per 1-inch DBH. **Tree protection fencing shall be installed around all retention trees at the standard critical root zone (CRZ) of 1 foot per 1 inch DBH, or as otherwise determined by the project arborist and City staff during a site visit. The tree protection fencing shall be 6 feet tall no-jump horse fencing supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the protection fencing indicating that the area behind the fence is a wetland and tree protection area and that the fence shall not be removed or relocated. Up to 25 percent of the area between the minimum root protection zone (0.5 feet per 1-inch DBH) and the critical root zone (1-foot per 1-inch DBH) may be impacted by development provided the work occurs under supervision of the project arborist or another qualified arborist; however, no construction activity shall occur within the minimum root protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. Once the fence has been installed, the applicant shall call for an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site. 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.**

100. **To ensure protection of the required retention trees, the applicant shall record a tree protection covenant that identifies the species and location of the retention trees (Trees #10, 10.1, 13.1, 14, 15, 21, 22, 23, 24, 25, 31, 101, 121, 181, 184, 187, 194, and 198) and the two (2) mitigation trees per tree removed from the FSH, up to four (4) mitigation trees total for this application, plus up to four (4) mitigation trees total associated with File No. 18-052 FSH/TREE. The covenant shall also identify the FSH overlay area. The covenant shall state that no tree shall be removed without first obtaining approval from the City of Sandy pursuant to Sandy Development Code Chapter 17.102.30 and/or Chapter 17.60, and a determination by a qualified professional that the tree is diseased, dead, dying, or otherwise hazardous to persons or property in a way that can only be remediated by complete removal of the tree. This document shall include a sketch identifying the species and location of the mitigation trees and retention trees as well as the critical root zone around the retention trees detailed at 1 foot per 1 inch DBH.**
101. **If the trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a**

professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.

15.30 – Dark Sky

102. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. **All exterior lighting shall conform to the requirements of Chapter 15.30.**

103. Per the submitted narrative, the applicant is requesting to defer submittal of a Lighting Plan and intends to submit one with building plans. In the incompleteness letter dated October 17, 2019, staff noted that deferral of lighting analysis will add additional review time at building permit review. **The applicant shall submit a Photometric Plan that includes foot-candles for the property at 10 feet beyond all property lines before building permit submittal.**

104. The dark sky ordinance requires that all new lighting be full-cutoff and downward facing. **All proposed exterior lighting shall be full-cutoff and not exceed 4,125 Kelvins. The applicant shall submit lighting fixture cut-sheet information for all proposed exterior lighting that details the lighting fixtures as full-cutoff and not exceeding 4,125 Kelvins.**

15.44 – Erosion Control

105. Chapter 15.44 is intended to regulate land disturbing activities that may lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, and public and private property. Per the City Engineer (Exhibit P), **all earthwork activities shall follow the requirements of the most current edition of the Oregon Structural Specialty Code. The earthwork activities shall be constructed in conformance with the “Subsurface Exploration Report,” prepared by Earth Engineers, Inc., dated September 25, 2019, inspected and documented under the supervision of the geotechnical engineer or his/her representative.**

106. All erosion control and grading shall comply with Section 15.44 of the Municipal Code. **The applicant shall submit a grading and erosion control permit, and request an inspection of installed devices prior to any additional grading onsite. Prior to issuance of a grading plan the applicant shall submit proof of receipt of a DEQ 1200-C Permit. 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 grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the site.

107. 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 these standards. The applicant shall complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.**

8.04 – Nuisances General Provisions

108. Section 8.04.20 pertains to public nuisances. The presence of pests is considered to be a nuisance and potentially detrimental to public health. 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. The results of the evaluation shall be submitted to staff.

DECISION

The Tickle Creek Villages Design Review and FSH review requests are hereby **approved** as modified by the conditions of approval listed below. These conditions are based on the plans dated October 2018, with client updates on 9/12/19. The applicant's request for a variance to Section 17.74.40 to increase the maximum reveal height of the retaining wall along Dubarko Road from 4 feet up to a maximum height of 6.5 feet is also **approved**.

CONDITIONS OF APPROVAL

A. Prior to issuance of the grading and erosion control permit the applicant shall complete the following and receive necessary approvals as described:

1. Submit proof of receipt of a DEQ 1200-C Permit. (*Submit to Planning Department and Public Works Department for approval*)
2. Have a licensed pest control agent evaluate the site to determine if pest eradication is needed. Submit the evaluation to the City of Sandy for review and approval.
3. Request a site visit with staff and the project arborist to determine the location of the tree protection fencing prior to its installation.
4. Install tree protection fencing around all retention trees at the standard critical root zone (CRZ) of 1 foot per 1 inch DBH or as otherwise determined by the project arborist and City staff during a site visit. The tree protection fencing shall be 6 feet tall no-jump horse fencing supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the protection fencing indicating that the area behind the fence is a wetland and tree protection area and that the fence shall not be removed or relocated. Up to 25 percent of the area between the minimum root protection zone (0.5 feet per 1-inch DBH) and the critical root zone (1-foot per 1-inch DBH) may be impacted by development provided the work occurs under supervision of the project arborist or another qualified arborist; however, no construction activity shall occur within the minimum root protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
5. Once the fence location has been identified and installed, call for an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site.

B. Prior to submittal of a building permit, the applicant shall:

1. Submit a revised Plan Set to include the following:
 - Detail retention of all trees within the FSH area, with the exception of a maximum of two trees that can be removed from the FSH area. If the proposed rain garden cannot be constructed without removal of the trees, the applicant shall update the plan set to relocate the rain garden such that it does not require removal of trees from the FSH area (in excess of the maximum of two trees total that can be removed from the FSH area).
 - Work with the project arborist and City staff to determine a trail alignment that minimizes impact to trees and native vegetation within the FSH restricted development area. This may require moving the proposed trail further south towards the condos and outside of the FSH restricted development area, where possible.
 - Detail the location of an apartment directory. The applicant shall apply for a sign permit for the apartment directory.
 - Detail street trees placed approximately 30 feet on center along the Dubarko Road frontage of the site as well as the off-site portion of Dubarko Road that connects the proposed development site to the intersection of Ruben Lane and Dubarko Road.
 - Detail extension of the sidewalk on Dubarko Road off-site approximately 120 feet to the corner of Ruben Lane and Dubarko Road to complete the pedestrian connection. It appears that the sidewalk connection can be completed with limited grading or grading wholly within the existing right-of-way. Should a retaining wall be necessary to maintain the same sidewalk and planter section within the onsite right-of-way the City may be able to reimburse the developer for the wall cost.
 - Eliminate the proposed bus pullout in order to maintain the setback sidewalk and planter strip on Dubarko Road.
 - Detail the double-sided two-way access parking aisles at a minimum width of 25 feet. The 1-foot mountable curb may count towards the 25 foot minimum aisle width.
 - The final construction plans shall include a plan and profile for the relocation of the existing sanitary sewer trunk line. A minimum of 15-foot wide public sewer easement shall be dedicated to the City.
 - The proposed median shall be eliminated and the planter adjacent to the staircase shall be altered to allow a clear wheel path for emergency vehicles.
 - The proposed driveway approach shall be reduced in width from 30 feet to 24 feet to minimize crossing distance and conflicts for pedestrians on Dubarko Road.

2. Submit a revised Landscape Plan to include the following:
 - Detail the species and location of two (2) mitigation trees per one (1) tree removed from the FSH area.
 - Specify a native turf (or other native ground cover) in the rain garden.
 - Detail a minimum 5 foot by 17 foot landscape planter west of parking space #1, east of parking space #4, north of parking space #43, west of parking space #29. Each landscape planter shall contain a structural tree and groundcover.
 - Detail a minimum 5 foot by 17 foot planter area with a structural tree and ground cover to the east of the refuse area east of parking space #23 and to the west of the refuse area to the west of parking space #5. The applicant shall relocate the proposed path north of parking space #39 further north to accommodate a minimum 5 foot by

17 foot planter area north of parking space #39. All landscape planters shall include at least one major structural tree and groundcover.

3. Submit a revised Tree Preservation Plan to include the following
 - Detail removal of a maximum of two (2) trees from within the FSH area.
4. Submit an Irrigation Plan detailing how landscaping will be irrigated.
5. Confirm whether Trees #19 and 20 were removed. If the trees have already been removed or will be removed in the future, the applicant shall provide updated information on the species and location of the four (4) native mitigation trees and shall plant them as part of this application. All conditions of approval for File No. 18-052 FSH/TREE shall still apply.
6. Provide additional information clarifying which trees (two maximum) are proposed for removal from within the FSH area with this application.
7. Submit a native vegetation report. The native vegetation report shall include a general restoration plan for invasive vegetation removal and replanting with native species.
8. Submit a letter certifying that the sight distance in both directions meet AASHTO published requirements. The minimum sight distance requirements are 280 feet in the south direction and 240 feet in the north direction based on the posted speed of 25 MPH.
9. Specify a paint color for the garbage/recycling enclosure from the City of Sandy color palette that matches or compliments the proposed paint colors for the condo buildings.
10. Submit additional details addressing the location and screening of the proposed electrical and mechanical equipment.
11. Propose street trees from the City's street tree list and parking lot trees; due to concerns with Asian Long-horned Beetle and Emerald Ash Borer and to introduce additional species per the Comprehensive Plan, the applicant shall choose species that aren't maples or ashes.
12. Submit an update to the Plan Set to detail a "Sandy Style" enclosure over the mail area to be reviewed and approved by staff. Provide mail delivery facilities in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan featuring grouped lockable mail facilities to the City and USPS for review and approval. The applicant shall coordinate with the US Postal Service on the location and type of postal delivery facility and label the mail area on the site plan.
13. Submit details on the architectural treatment for the retaining wall, such as stamped concrete, to be reviewed and approved by staff.

14. Submit a Photometric Plan that includes foot-candles for the property and 10 feet beyond all property lines. Submit lighting fixture cut-sheet information for all proposed exterior lighting that details the lighting fixtures as full-cutoff and not exceeding 4,125 Kelvins.
15. If the applicant decides to dedicate a portion of the subject property to the City, the applicant shall submit updated outdoor recreation area calculations to confirm that the minimum of 13,400 square feet of outdoor recreation area is provided on the subject property that will remain under private ownership.

C. Prior to issuance of building permits, the applicant shall also complete the following:

1. Submit payment of system development charges in accordance with applicable City ordinances.
2. This site is subject to an Advanced Financed Public Improvement resolution reimbursement for the construction of Dubarko Road per Resolution 2002-07 (Exhibit Y). The original amount was \$57,242 and has accrued interest at 5.75% annually since December 2002. As of January 1, 2020 the reimbursement amount plus interest is \$113,196. This amount is separate and distinct from any Transportation System Development Charges and shall be paid upon issuance of a building permit on the site. The Applicant has indicated that the intent is to construct the condominium units two at a time instead of all at once. The AFRD resolution did not contemplate incremental payment of the reimbursement as building permits are issued. Staff will recommend that the Council allow this amount to be paid down incrementally (interest will still accrue) as building permits are issued. If approved and based on 67 units the amount per unit would be \$1,689.50 per unit plus interest from December 2002.
3. Pay plan review, inspection and permit fees as determined by the Public Works Director.
4. Pay the fee in lieu of park dedication in the amount of \$139,780 (0.58 acre park land dedication x \$241,000 payment in lieu per acre) prior to issuance of building permits. Alternatively, the applicant shall submit an appraisal for the land in the restricted development area north of the proposed condo buildings that the applicant wants to dedicate to the City and City Council will decide if/how much credit will be applied to the parks fee-in-lieu. If the land north of the proposed condo buildings is dedicated the applicant shall maintain a setback of at least 5 feet to the new property line. The applicant shall also submit a cost estimate from an engineer for the woodchip trail for staff review and the City of Sandy will determine whether a reduction of the Parks SDC is warranted.

D. The applicant shall submit the following items with construction plan review:

1. The final construction plans shall verify the domestic 3-inch meter size is adequate based on the meter flow and the building fixture counts found in the 2017 Oregon Plumbing Specialty Code, if larger than 3-inch meter size is needed it shall be verified in the AWWA Series 700 and the Oregon Plumbing Specialty Code.

2. The final construction plans shall include a plan and profile for the relocation of the existing sanitary sewer trunk line. A minimum of 15-foot wide public sewer easement shall be dedicated to the City. In addition to the required relocation of the sanitary sewer trunk line the City reserves the right to require a separate 8 inch local sanitary sewer line to serve the development site.
3. A detailed final stormwater report stamped by a licensed professional shall be submitted for review with the final construction plans.
4. The final construction plans shall be submitted to the Sandy Fire Department for review and approval to ensure that adequate fire protection and access are provided to all the buildings.

E. Prior to occupancy (temporary or final) the applicant shall complete the following or provide assurance for their completion:

1. Complete all site improvements including but not limited to landscaping, building improvements, stormwater facilities, parking, bicycle parking facilities, the retaining wall, on-site walkways, street trees, etc.
2. Construct a 6-foot wide concrete sidewalk along the entire site frontage with Dubarko Road meeting PROWAG requirements.
3. Repaint the bike lane striping on Dubarko Road if it is faded.
4. Record a tree protection covenant that identifies the species and location of the retention trees (Trees #10, 10.1, 13.1, 14, 15, 21, 22, 23, 24, 25, 31, 101, 121, 181, 184, 187, 194, and 198) and the two (2) mitigation trees per tree removed from the FSH, up to four (4) mitigation trees total for this application, plus up to four (4) mitigation trees total associated with File No. 18-052 FSH/TREE. The covenant shall also identify the FSH overlay area. The covenant shall state that no tree shall be removed without first obtaining approval from the City of Sandy pursuant to Sandy Development Code Chapter 17.102.30 and/or Chapter 17.60, or any Successor chapters or ordinances thereto, and a determination by a qualified professional that the tree is diseased, dead, dying, or otherwise hazardous to persons or property in a way that can only be remediated by complete removal of the tree. This document shall include a sketch identifying the species and location of the mitigation trees and retention trees as well as the critical root zone around the retention trees detailed at 1 foot per 1 inch DBH.
5. Complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.
6. Grant a variable width pedestrian easement from Dubarko Road through the site connecting to the existing Sunset Street right-of-way at the SE corner of the site. Work with City staff and the project arborist to determine the appropriate location for the easement through the subject property.

7. Grant a 15-foot wide sanitary sewer easement along the south boundary of the site to accommodate this future force main. The 15-foot easement width fits in the 18-foot wide side yard setback proposed on the site plan.
8. Dedicate the right-of-way occupied by the existing roadway on the subject parcel to remedy the recording of the dedication deed. The dedication shall be made using the City's standard deed form and the existing legal description. The City will pay all recording costs. The applicant shall dedicate an additional five feet of right-of-way on the Dubarko Road frontage of the site from the southern boundary to approximately station 9+35 (using the stationing on the site plan) and 10 feet of right of way from approximately station 9+35 to the west line of the parcel in order to provide the necessary right-of-way for a left turn pocket and transition tapers in the future. The additional right-of-way may be dedicated via a separate document or included with the right-of-way dedication for the existing Dubarko Road roadway.
9. Plant and stake street trees and grade and backfill the planter strip as necessary.
10. Install a concrete pad with a metal bench as required by the Transit Director; contact the Transit Director for specific location, amenity information, and pad engineering specifications at 503-489-0925 or ahowell@ci.sandy.or.us.
11. 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.


F. General Conditions:

1. Design review approval shall be void after two (2) years from the date of the Final Order, unless the applicant has submitted plans for building permit approval.
2. Apply for a separate FSH review permit for all additional/future vegetation removal or planting requests within the FSH overlay. The applicant shall not remove any native vegetation within the FSH overlay district, with the exception of removal of up to two trees 6 inches DBH or greater per calendar year where approved by permit. 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.
3. Fell trees such that they do not negatively impact adjacent trees. If a felled tree damages an adjacent tree, the applicant may be subject to Chapter 17.06
4. Replace any disturbed understory or groundcover with native understory or groundcover species to effectively cover the disturbed area per Section 17.60.60(A)(6).
5. Retain a qualified arborist on-site for any work done within the critical root zone (1 foot per 1 inch DBH) of retention trees and within the FSH area to ensure minimum impact to trees and native vegetation. Follow the recommendations of the native vegetation report.

6. The applicant shall not remove any trees from the north portion of the property without a permit.
7. Call PGE's Service Coordination at 503-323-6700 when the applicant is ready to start the project.
8. The proposed driveway access at Dubarko Road shall be a concrete commercial driveway approach constructed to City standards and meeting PROWAG requirements.
9. Wheel stops shall be placed an adequate distance from the walkways to prevent vehicles from encroaching on the pedestrian walkway area.
10. Comply with the requirements of Section 13.18 of the Sandy Municipal Code and the 2014 City of Portland Stormwater Management Manual.
11. Maintain all mitigation trees in good condition including the mitigation trees planted with this application as well as the mitigation trees planted in association with File No. 18-052 FSH/TREE. Per Sections 17.92.10 (L) and 17.92.60 (B), maintenance shall include necessary watering, weeding, and pruning at intervals sufficient to assure survival and growth. The applicant shall replace any dead or dying mitigation trees.
12. If trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.
13. Emergency vehicle access lanes shall be signed and marked per Clackamas County Interagency Fire Code Access Guide.
14. All earthwork activities shall follow the requirements of the most current edition of the Oregon Structural Specialty Code. The earthwork activities shall be constructed in conformance with the "Subsurface Exploration Report," prepared by Earth Engineers, Inc., dated September 25, 2019, inspected and documented under the supervision of the geotechnical engineer or his/her representative.
15. Onsite walkways shall be constructed in accordance with the sidewalk standards adopted by the City. All pedestrian connections from the site to adjacent streets, access ways, or private drives shall be ungated.
16. The new driveway approach and sidewalk shall conform to the US Access Board PROWAAC requirements for cross slope and running grade and the current ADA Guidelines.
17. All parking and maneuvering areas shall have a durable surface in conformance with Section 17.98.60(A).

18. All lighting shall comply with the requirements of Chapter 15.30, Dark Skies. All proposed exterior lighting shall be full-cutoff and not exceed 4,125 Kelvins.
19. All electrical and mechanical equipment shall be screened with sight obscuring fences, walls or landscaping.
20. Pavement markings shall be re-painted periodically as lines become faded.
21. All work within the public right-of-way and within the paved area shall comply with the American Public Works Association (APWA) and City requirements.
22. All franchise utilities shall be installed underground and in conformance with City standards.
23. SandyNet requires the developer to work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.
24. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system.
25. All on-site grading shall be performed in accordance with the most current Oregon Structural Specialty Code and shall be observed and documented under the supervision of a geotechnical Engineer or his/her representative.
26. As required by Section 17.92.140, the developer shall maintain all vegetation planted in the development for two years from the date of completion, and shall replace any dead or dying plants during that period. Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.
27. The applicant shall consider the following staff recommendations:
 - Install benches along the wood chip trail; the benches shall be located outside of the FSH area.
 - Retain Trees #26 and #30 if the project arborist determines it's feasible.
 - Detail a mail area with a "Sandy Style" enclosure over the mail area to be reviewed and approved by staff.
28. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
29. All improvements listed in Section 17.100.300 shall be provided by the applicant including drainage facilities, monumentation, mail facilities, sanitary sewers, storm sewer, sidewalks, street lights, street signs, street trees, streets, traffic signs, underground communication lines including telephone and cable, underground power lines, water lines and fire hydrants.

30. Land use approval does not connote approval of utility or public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase by the City Engineer and Public Works Director.
31. Comply with all standards required by Section 17.84 of the Sandy Development Code. Public and franchise improvements shall be installed or financially guaranteed in accordance with Chapter 17 of the Sandy Municipal Code prior to temporary or final occupancy of structures. Water lines and fire hydrants shall be installed in accordance with City standards. All sanitary sewer lines shall be installed in accordance with City standards. Postal delivery areas shall meet the requirements of 17.84.100.
32. Comply with all other conditions or regulations imposed by the Sandy Fire District or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.



 Emily Meharg
 Senior Planner

1/28/2020

 Date

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.