



NO. 2022-27

**AN ORDINANCE AMENDING THE CITY OF SANDY COMPREHENSIVE PLAN MAP BY CHANGING THE COMPREHENSIVE PLAN MAP DESIGNATION FOR 1.755 ACRES AND CHANGING THE ZONING MAP DESIGNATION FOR 15.91 ACRES (13.68 NET ACRES), AND ADOPTING THE BULL RUN TERRACE SPECIFIC AREA PLAN**

**Whereas**, on December 29, 2020, the City Council issued a decision denying the Bull Run Terrace Subdivision application (File No. 19-050 CPA/ZC/SAP/SUB/TREE). The applicant, Roll Tide Properties Corp., appealed the City Council decision to the Oregon Land Use Board of Appeals (LUBA). The LUBA appeal was then placed on stay until the City could process the Deer Meadows Subdivision proposal for the same subject properties. On May 2, 2022, the City Council issued a decision denying the Deer Meadows Subdivision application. The applicant then appealed that City Council decision to LUBA;

**Whereas**, in accordance with ORS 197.830(13)(b), the applicant asked the City Council to reconsider the Bull Run Terrace Subdivision proposal with certain modifications, including a residential dwelling cap not to exceed 200 dwelling units. The applicant stated that the existing zoning could accommodate 226 dwelling units. The City Council agreed to reconsider the proposal with the modifications;

**Whereas**, the applicant submitted, as part of the Bull Run Terrace subdivision application on reconsideration, a request to change the Comprehensive Plan Map and Zoning Map designation for a property identified as T2S R5E Section 18CD Tax Lots 900 and 1000, and to adopt a Specific Area Plan for the affected properties;

**Whereas**, more specifically, the applicant requested to change the Comprehensive Plan Map designation for 1.755 acres of land from Village to Parks and Open Space (POS), and to change the Zoning Map designation for the identified properties from 6.64 acres of Low Density Residential (R-1), 4.43 acres of Medium Density Residential (R-2), and 2.61 acres of Village Commercial (C-3) (totaling 13.68 net acres) to 0.91 acres of Low-Density Residential (R-1), 1.23 acres of Medium-Density Residential (R-2), 6.50 acres of High-Density Residential (R-3), 3.28 acres of Village Commercial (C-3), and 1.755 acres of Parks and Open Space (POS) (totaling 13.68 net acres), with the establishment of a Specific Area Plan;

**Whereas**, on October 7, 2022, the City provided notice of the proposed map amendments and Specific Area Plan to DLCD in conformance with ORS 197.610;

**Whereas**, the City Council held a public hearing to review the proposal on November 21, 2022.

**NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS,**

Section 1: The Council approves the Comprehensive Map and Zoning Map amendments for a property identified as T2S R5E Section 18CD Tax Lots 900 and 1000. The Comprehensive Plan Map designation for 1.755 acres of land will be changed from Village to Parks and Open Space (POS) as identified in Attachment A, and the Zoning Map designation for the identified property will be changed from 6.64 acres of Low Density Residential (R-1), 4.43 acres of Medium Density Residential (R-2), and 2.61 acres of Village Commercial (C-3) (totaling 13.68 net acres) to 0.91 acres of Low-Density Residential (R-1), 1.23 acres of Medium-Density Residential (R-2), 6.50 acres of High-Density Residential (R-3), 3.28 acres of Village Commercial (C-3), and 1.755 acres of Parks and Open Space (POS) (totaling 11.6 net acres), with the establishment of a Specific Area Plan, as identified in Attachment B. The Council further approves the adoption of the Bull Run Terrace Specific Area Plan as described in Attachment C.

Section 2: The Comprehensive Plan Map and Zoning Map amendments and adoption of the Bull Run Terrace Specific Area Plan are supported by the Findings and Conditions contained in the staff report published on November 14, 2022, attached as Attachment C and incorporated into this Ordinance. Attachment C contains findings supporting the above changes, and those changes are subject to the conditions contained in Attachment C.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 21 day of November 2022

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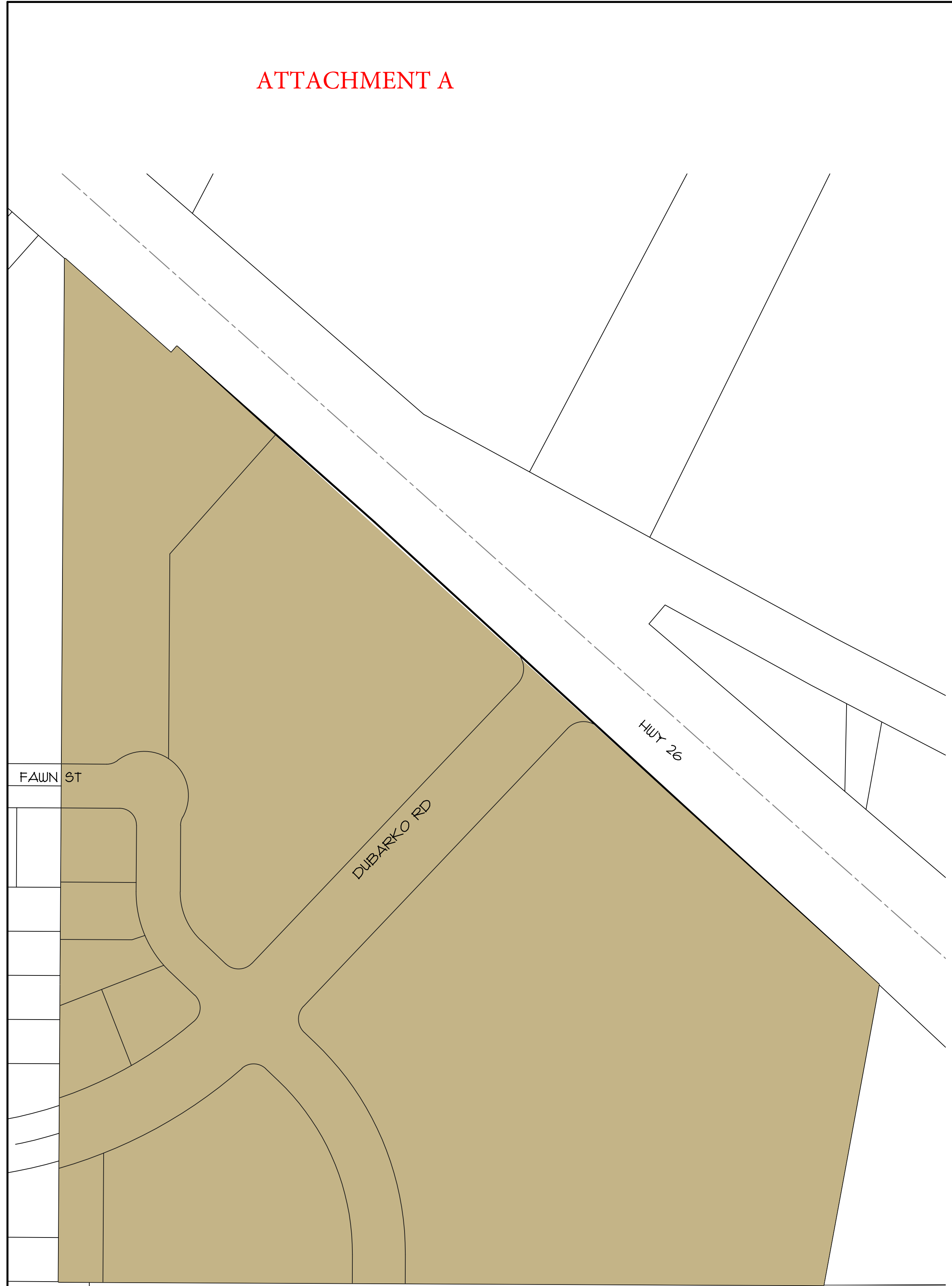
Stan Pulliam, Mayor

ATTEST:

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Jeff Aprati, City Recorder

ATTACHMENT A

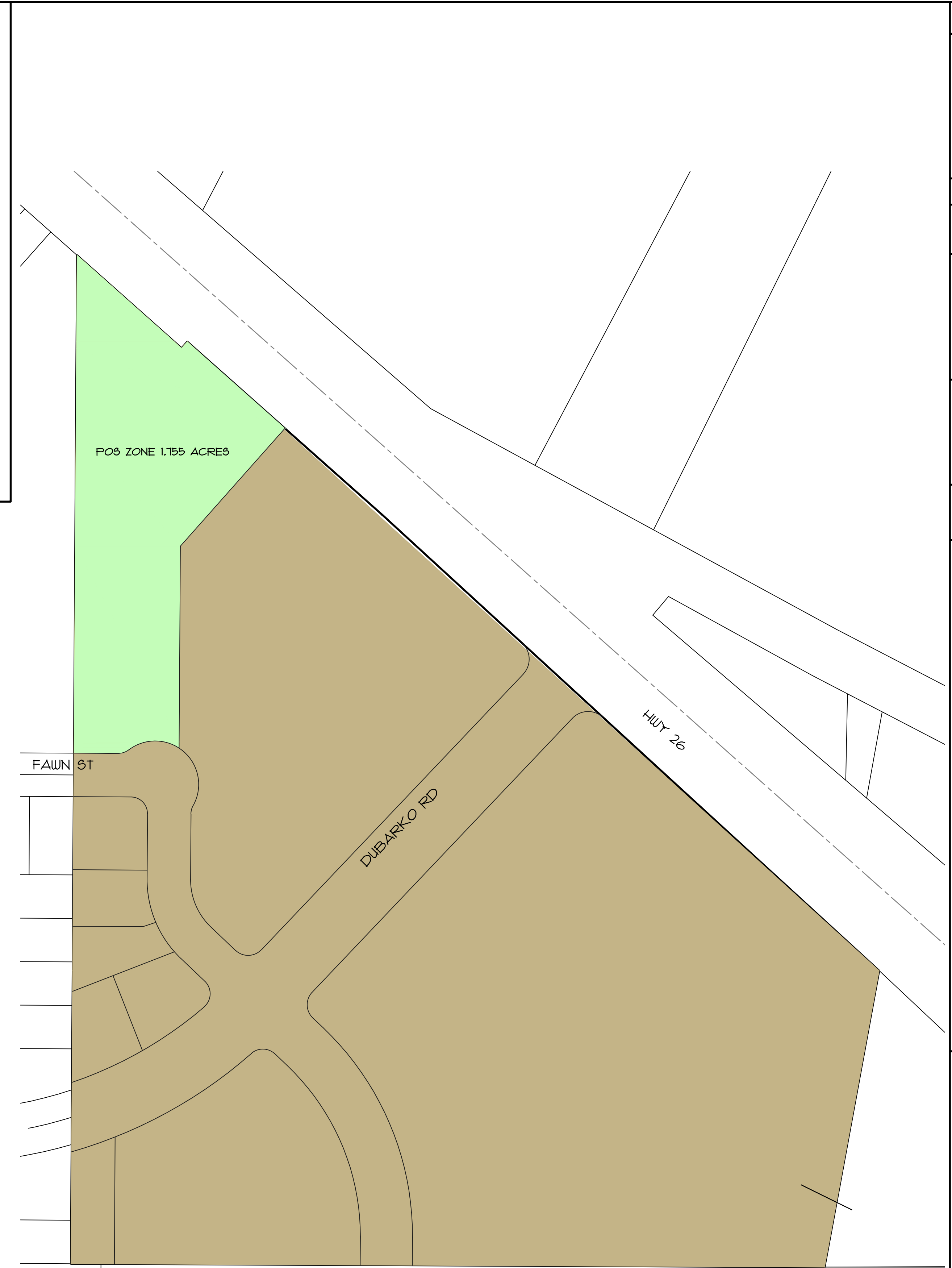


EXISTING COMPREHENSIVE PLAN

SCALE: 1" = 80'

**LEGEND**

	POS ZONE
	VILLAGE



PROPOSED COMPREHENSIVE PLAN

CLIENT: BOLL TIDE PROPERTIES CORPORATION PO BOX 703 CORNELIUS, OR 97113	PROJECT: <b>BULL RUN TERRACE SUBDIVISION</b> COMPREHENSIVE PLAN MAP CHANGE LOCATION: 40808 & 41010 HWY 26, SANDY, OR 97055	SCALE: VERT: N/A HORIZ: 1" = 80' DATE: 11-1-22 FILE: 19-035-CITY-SKETCH/Map LEGAL SECTION: 18 RANGE: 29 TWP: 5E	SHEET <b>SK1</b> OF 1 DESIGNED: CTH DRAWN: CTH CHECKED: RLMT APPROVED: RLMT	REVISION NO. DATE BY






DATE OF PLOT: 11-1-22

**ATTACHMENT B**

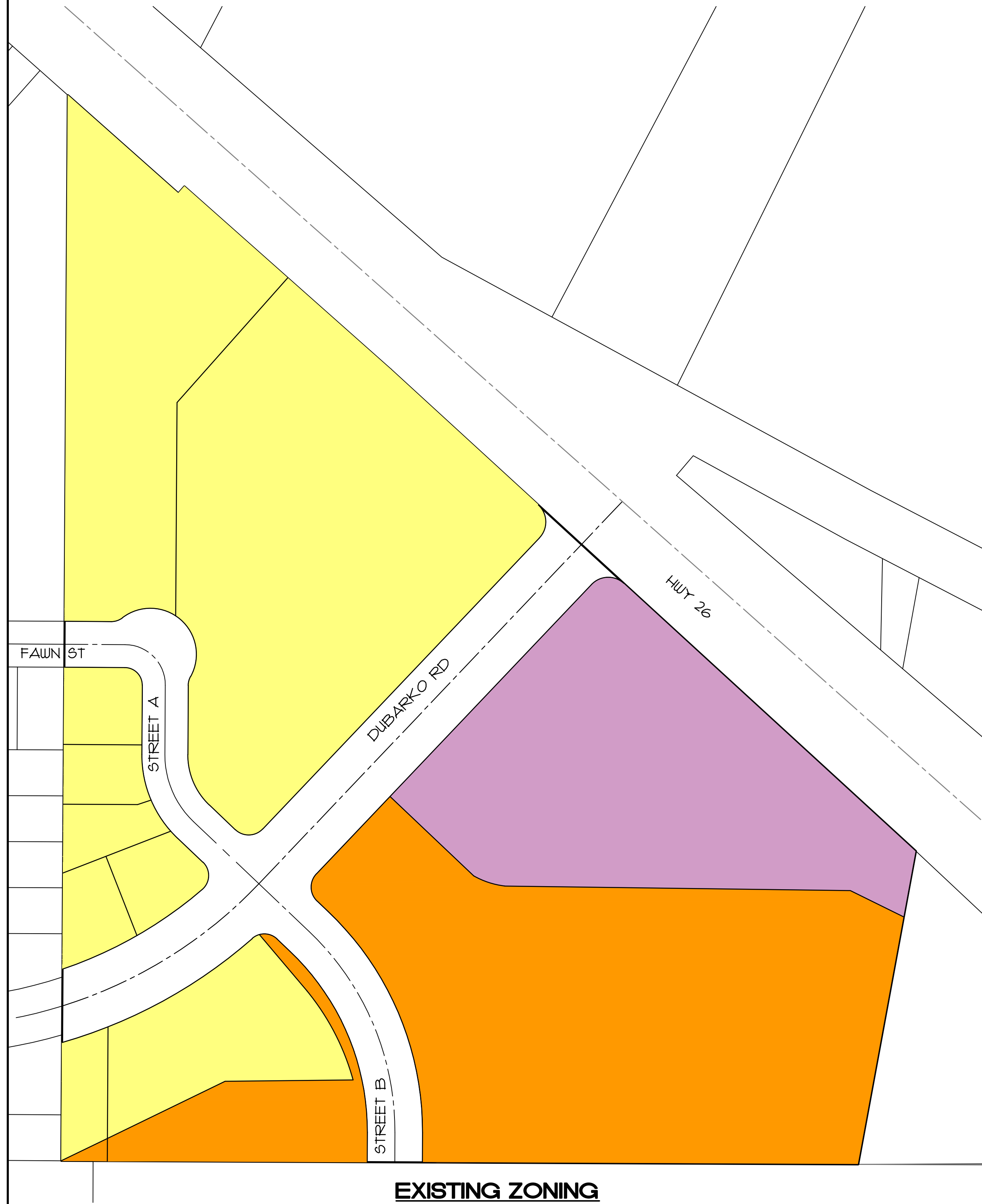
EXISTING NET ZONING AREA	
TOTAL SITE AREA	= 693,051 SF = 15.910 ACRES
R-1 SINGLE FAMILY	= 289,350 SF = 6.643 ACRES
R-2 MULTI-FAMILY	= 192,768 SF = 4.425 ACRES
C-3 COMMERCIAL	= 113,133 SF = 2.611 ACRES
PUBLIC ROW	= 97,205 SF = 2.232 ACRES



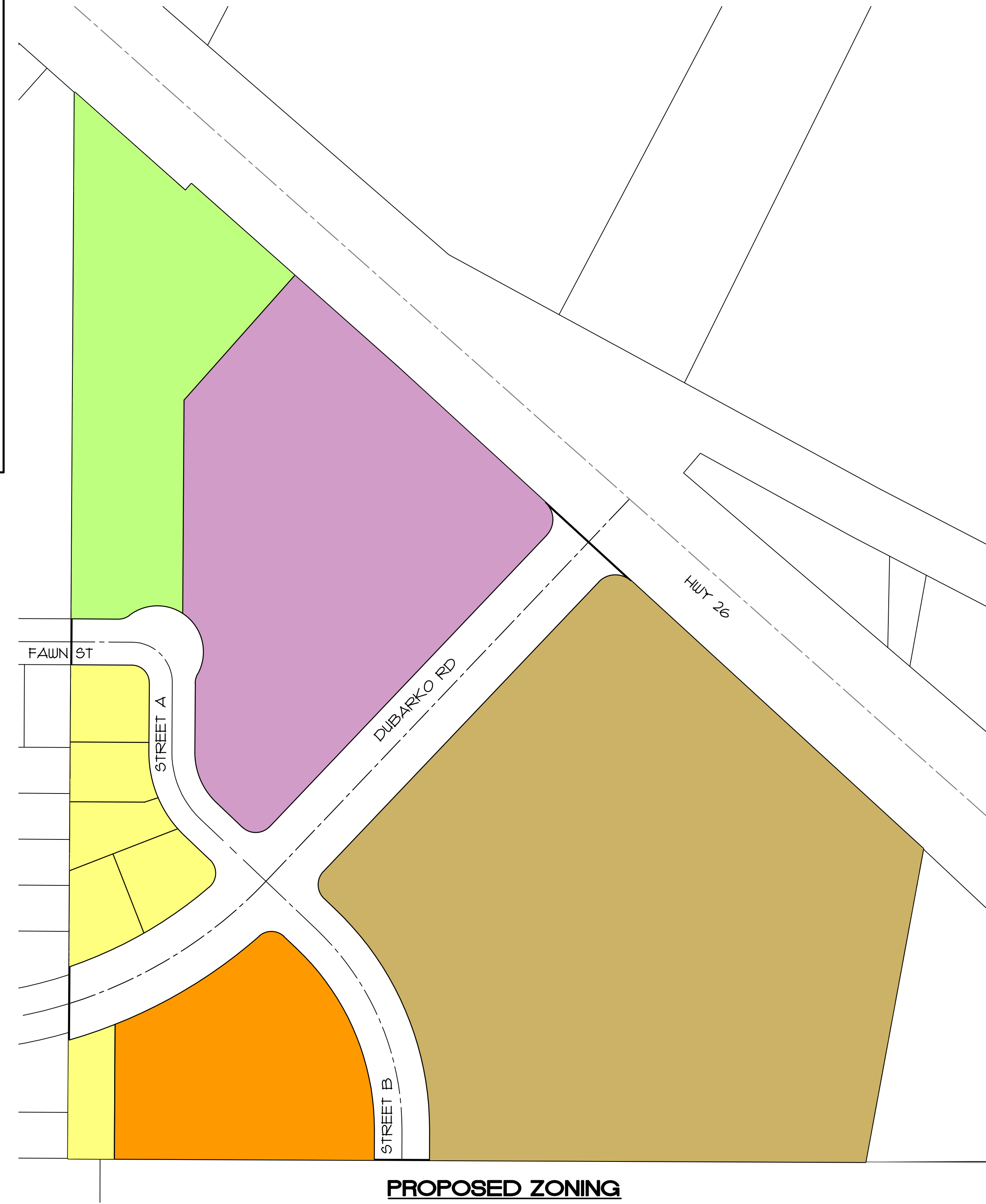
**LEGEND**

	PARKS AND OPEN SPACE ZONE
	R-1 ZONE
	R-2 ZONE
	R-3 ZONE
	C-3 ZONE

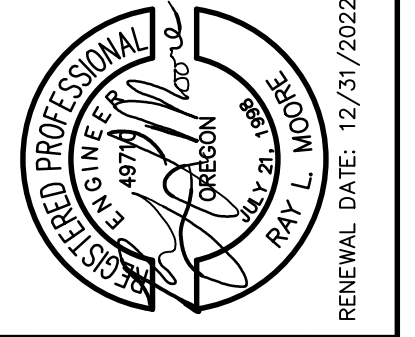
PROPOSED NET ZONING AREA	
TOTAL SITE AREA	= 693,051 SF = 15.910 ACRES
PARKS AND OPEN SPACE	= 76,440 SF = 1.755 ACRES
R-1 SINGLE FAMILY	= 39,466 SF = 0.906 ACRES
R-2 MULTI-FAMILY	= 53,128 SF = 1.233 ACRES
R-3 MULTI-FAMILY	= 283,334 SF = 6.504 ACRES
C-3 COMMERCIAL	= 142,884 SF = 3.280 ACRES
PUBLIC ROW	= 97,205 SF = 2.232 ACRES



**EXISTING ZONING**



**PROPOSED ZONING**

DATE	NO.	REVISION	BY
DESIGNED: CTH			OF 2
DRAWN: CTH			
CHECKED: RLMT			
APPROVED: RLMT			
			

SCALE	VERT. N/A	HORIZ. 1" = 80'
DATE: 11-1-22	FILE: 19-035-CITY-SKETCHING	
SECTION 1B	RANGE 29	5E
LEGAL	TWP.	

**PROJECT:** BULL RUN TERRACE SUBDIVISION  
**NET ZONING AREA COMPARISON**  
**LOCATION:** 40808 & 41010 HWY 26, SANDY, OR 97055

**All County Surveyors & Planners, Inc.**  
 Surveying, Planning and Civil Engineering  
 P.O. Box 955, Sandy, OR 97055  
 Phone: (503) 668-4731  
 Fax: (503) 668-4730  
 DATE OF PLOT: 11-1-22

**CLIENT:**  
 BULL TIDE PROPERTIES CORPORATION  
 PO BOX 703  
 CORNELIUS, OR 97113

**CITY COUNCIL STAFF REPORT (REVISED 11/17/22)**  
**TYPE IV LAND USE PROPOSAL**

This proposal was reviewed concurrently as a Type IV comprehensive plan amendment, zone change, subdivision, and specific area plan overlay with tree removal. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the proposed conditions of approval.

**DATE OF HEARING:** November 21, 2022

**FILE NO.:** 22-038 CPA/ZC/SUB/SAP/TREE

**PROJECT NAME:** Bull Run Terrace Reconsideration

**APPLICANT/OWNER:** Roll Tide Properties Corp.

**PHYSICAL ADDRESS:** 40808 and 41010 Highway 26

**TAX MAP/LOTS:** T2 R5E Section 18CD, Tax Lots 900 and 1000

**EXISTING ZONING DISTRICT DESIGNATIONS:** Low-Density Residential (R-1), Medium-Density Residential (R-2), and Village Commercial (C-3)

**PROPOSED ZONING DISTRICT DESIGNATIONS:** Low-Density Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3), Village Commercial (C-3), and Parks and Open Space (POS)

**COMPREHENSIVE PLAN DESIGNATION:** Village

**PROPOSED COMPREHENSIVE PLAN DESIGNATIONS:** Village and Parks and Open Space (POS)

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## **EXHIBITS**

### **Applicant's Submittals for Reconsideration:**

- A. Cover Letter from Tracy Brown Planning Consultants, LLC
- B. Project Narrative
- C. Civil Plan Set
  - Sheet C1 – Cover Sheet, Preliminary Plat Map, and Future Street Plan
  - Sheet C2 – Preliminary Plat Map and Specific Area Plan
  - Sheet C3 – Existing Conditions and Tree Retention Plan
  - Sheet C4 – Tree Tables
  - Sheet C5 – Master Street and Utility Plan
  - Sheet C6 – Street Sections
  - Sheet C7 – Street Tree Plan and Parking Analysis
  - Sheet C8 – Proposed Striping Plan
  - Sheet C9 – Preliminary Grading and Erosion Control Plan
  - Sheet C10 – Slope Analysis
  - Sheet 11 – Concept Plan
  - Sheet 12 – Net Zoning Area Comparison
- D. Preliminary Storm Drainage Design and Calculations
- E. Traffic Impact Study

### **Additional Documents from First Iteration of Bull Run Terrace:**

- F. Arborist Reports from Teragan and Associates
- G. Geotechnical and Slope Stability Investigation
- H. Wetland Determination Report
- I. Screening Concept Plan
- J. Public Needs Analysis from Johnson Economics

### **Additional Documents Included by Development Services Director:**

- K. Figure 11 from the 2022 Parks and Trails Master Plan

### **Agency Comments:**

- L. Parks and Trails Advisory Board (October 27, 2022)
- M. Director of Sandy Area Metro (October 28, 2022)
- N. Sandy Fire Marshal (October 24, 2022)
- O. City Engineer Curran-McLeod (October 27, 2022)
- P. Assistant Public Works Director (October 28, 2022)
- Q. City Transportation Engineer (October 31, 2022)
- R. City Transportation Engineer Proportional Share Memo (October 27, 2022)
- S. ODOT (November 2, 2022)

### **Public Comments:**

- T. Val and Gary Roche (October 21, 2022)
- U. David and Nancy Allan (October 21, 2022)

# FINDINGS OF FACT

## GENERAL FINDINGS

1. This application was originally submitted on December 30, 2019. The Sandy Development Code in effect at that time is what this reconsideration is being reviewed under. Therefore, it is important to note that modifications that have since occurred to the Sandy Development Code, particularly to Chapter 17.86, Parkland and Open Space, and Chapter 17.100, Land Division, do not apply to this application. However, because of how state legislation was adopted, House Bill 2001 and Senate Bill 458 are allowed to apply to this site, independent of the land use submission date.
2. This application is not subject to the moratorium on development adopted by Resolution 2022-24 because it was submitted prior to the effective date of the moratorium.
3. On December 29, 2020, the City Council issued a decision denying the Bull Run Terrace Subdivision application (File No. 19-050 CPA/ZC/SAP/SUB/TREE). The applicant, Roll Tide Properties Corp., appealed the City Council decision to the Oregon Land Use Board of Appeals (LUBA). The LUBA appeal was then placed on stay by the applicant, meaning ‘on hold’, until the City could process the Deer Meadows Subdivision proposal. On May 2, 2022, the City Council issued a decision denying the Deer Meadows Subdivision application. The applicant then appealed that City Council decision to LUBA. In accordance with ORS 197.830(13)(b), the applicant asked the City Council to reconsider the Bull Run Terrace Subdivision proposal with certain modifications, including a residential dwelling cap not to exceed 200 dwelling units. The applicant states that the existing zoning could accommodate 226 dwelling units. The City Council has agreed to reconsider the proposal with the modifications. This document reviews the reconsideration.
4. The applicant requests a Type IV Zone Map Amendment, Comprehensive Plan Map Amendment, establishment of a Specific Area Plan, approval of a 7-lot subdivision, and tree removal. The subject site is approximately 15.91 acres. The site is located at 40808 and 41010 Highway 26. The development area would total 11.60 acres with the remaining acreage dedicated as right-of-way, two stormwater facilities, and parkland. Four lots totaling 0.59 acres are proposed to be zoned R-1 (low-density residential) and will each contain a single-family dwelling or duplex. One lot at 6.50 acres is proposed to have the R-3 (high-density residential) zoning designation, one lot at 1.23 acres is proposed to have the R-2 (medium-density residential) zoning designation, and one lot at 3.28 acres is proposed to have the C-3 (village commercial) zoning designation. The R-3 and R-2 lots would contain multi-family dwellings and the one lot of C-3 would likely contain a mix of commercial and residential development.
5. The applicant also proposes to dedicate 1.755 acres for the eventual construction of Deer Pointe Park and zone this land as Parks and Open Space (POS). As referenced in Finding 1, above, and per Section 17.32.00 of the Development Code at the time of the original application submittal (December 2019), only publicly owned land can be zoned POS. **The**



**applicant shall dedicate the proposed 1.755 acres of parkland to the City through a dedication deed process, separate from the subdivision plat process.**

6. Staff has retained all original submittal items on file but did not include items that are no longer germane to the proposal as exhibits to this staff report as staff believes the omission of the original materials will make the proposal easier to understand and discuss.
7. The parcel has a Comprehensive Plan Map designation of Village. The designation of Village is not proposed to change, except for the parkland which is being proposed to be designated as Parks and Open Space (POS) on the Comprehensive Plan Map. The reason for this is that the Village designation does not include POS.
8. The City of Sandy completed the following notices:
  - a. A transmittal was sent to agencies asking for comment on October 13, 2022.
  - b. Notification of the proposed application was mailed to affected property owners within 500 feet of the subject property on October 13, 2022.
  - c. A legal notice was published in the Sandy Post on November 2, 2022.
9. Agency comments were received from the Parks and Trails Advisory Board, Director of Sandy Area Metro, Sandy Fire Marshal, City Engineer Curran-McLeod, the Assistant Public Works Director, City Transportation Engineer, and ODOT.
10. At publication of this staff report, two written public comments were received. The main concerns expressed by residents include the following:
  - a. Concerns about the intersection of Highway 26 and Dubarko Road.
  - b. High density residential and commercial being located too close to single family homes.
11. Staff is sympathetic to all concerns raised by the public but the existing designation of Medium Density Residential (R-2) allows multi-family dwellings. Multi-family is listed as a permitted outright use in the R-2 zoning district in Section 17.38.10(A)(6). Even if the applicant were not proposing a comprehensive plan map and zoning map amendment the applicant would still have property rights to construct multi-family housing on the existing R-2 and C-3 designated lands.

**PROPOSED ZONING AMENDMENTS – Chapters 17.24, 17.26, 17.30, 17.32, 17.36, 17.38, 17.40, and 17.46**

12. The existing zoning district designations and gross acreage, without dedications for roads, stormwater, or parkland, for the 15.91 acres are as follows:
  - a. Low-Density Residential (R-1): 8.05 acres
  - b. Medium-Density Residential (R-2): 5.01 acres
  - c. Village Commercial (C-3): 2.84 acres
  
13. The applicant’s submitted Plan Set, Sheet 12 (Exhibit C), details the existing net zoning area and the proposed net zoning area for the reconsideration. Staff relied on this sheet as the evidence in the record as it was provided by a licensed surveyor.
  
14. **Existing Net Acres with Existing Zoning.** After removing 2.23 acres of right-of-way for roads, removing 0.32 acres for stormwater facilities, and removing the area for the 1.755-acre park, the remaining existing zoning district designations and acreage would be as follows:
  - a. Low-Density Residential (R-1): 4.57 acres
  - b. Medium-Density Residential (R-2): 4.43 acres
  - c. Village Commercial (C-3): 2.61 acres
  - d. TOTAL = 11.60 acres
  
15. **Proposed Net Acres with Modified Zoning for Reconsideration.** After removing 2.23 acres of right-of-way for roads, removing 0.32 acres for stormwater facilities, and removing the area for the 1.755-acre park, the remaining proposed zoning district designations and acreage would be as follows:
  - a. Low-Density Residential (R-1): 0.59 acres
  - b. Medium-Density Residential (R-2): 1.23 acres
  - c. High-Density Residential (R-3): 6.50 acres
  - d. Village Commercial (C-3): 3.28 acres
  - e. TOTAL = 11.60 acres
  
16. **Maximum Number of Dwelling Units Based on Existing Zoning.** Based on the existing net zoning acreage above and the allowances in House Bill 2001, staff has calculated that the existing zoning designations could potentially accommodate the following number of dwelling units:
  - a. Low-Density Residential (R-1): 74 dwelling units  
For the area zoned R-1, a minimum of 5 and a maximum of 8 units per acre are allowed. The minimum density for 4.57 net acres x 5 units/net acre = 22.85 rounded up to 23 units. The maximum density for 4.57 net acres x 8 units/net acre = 36.56 rounded up to 37 units. The maximum number of 37 dwelling units could be doubled with the introduction of House Bill 2001, to a maximum of 74 dwelling units.
  
  - b. Medium-Density Residential (R-2): 124 dwelling units  
For the area zoned R-2, a minimum of 8 and a maximum of 14 units per acre are allowed. The minimum density for 4.43 net acres x 8 units/net acre = 35.44 rounded down to 35

units. The maximum density for 4.43 net acres x 14 units/net acre = 62.02 rounded down to 62 units. The maximum number of 62 dwelling units could be doubled with the introduction of House Bill 2001, to a maximum of 124 dwelling units.

- c. Village Commercial (C-3): unknown number of dwelling units  
For the area zoned C-3, the exact number of potential residential units is not known at this time because in accordance with Section 17.46.10 (A)(2), multi-family dwellings above, beside or behind a commercial business is an outright permitted use. This means that the applicant could construct one business and designate the remainder of the 2.61 acres to multifamily development. Within the constraints of the existing zoning the exact number of dwelling units on the 2.61 acres of C-3 land is not possible to determine.
- d. TOTAL = 198 dwelling units, plus an unknown number of dwelling units in the C-3 zoning district. While it is unlikely that all the lots in the 4.57 acres of R-1 zoned land and the 4.43 acres of R-2 zoned land would be doubled through House Bill 2001 allowances, it is potentially possible, especially considering that some of the units could be oriented vertically and because House Bill 2001 required that parking requirements are the same for one single-family dwelling as for a duplex.

**17. Maximum Number of Dwelling Units Based on Modified Zoning for Reconsideration.**

Based on the proposed net zoning acreage above and the allowances in House Bill 2001, staff has calculated that the modified zoning designations could potentially accommodate the following number of dwelling units:

- a. Low-Density Residential (R-1): 8 dwelling units  
Low-Density Residential (R-1) Cap: 8 dwelling units  
For the area zoned R-1, a minimum of 5 and a maximum of 8 units per acre are allowed. The minimum density for 0.59 net acres x 5 units/net acre = 2.95 rounded down to 2 units. The maximum density for 0.59 net acres x 8 units/net acre = 4.72 rounded up to 5 units. The maximum number of 5 dwelling units could be doubled with the introduction of House Bill 2001, to a maximum of 10 dwelling units as the proposed subdivision includes individual lots in the R-1 zoning district. However, the applicant is only proposing 4 lots in the R-1 zoning district, so the maximum number of dwelling units is 8 dwelling units. *Note: In accordance with Section 17.30.20 (D) a dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units.*
- b. Medium-Density Residential (R-2): 17 dwelling units  
Medium-Density Residential (R-2) Cap: 17 dwelling units  
For the area zoned R-2, a minimum of 8 and a maximum of 14 units per acre are allowed. The minimum density for 1.23 net acres x 8 units/net acre = 9.84 rounded up to 10 units. The maximum density for 1.23 net acres x 14 units/net acre = 17.22 rounded down to 17 units. The maximum number of 17 dwelling units could be doubled with the introduction of House Bill 2001, to a maximum of 34 dwelling units if the proposal included lots, but the proposed subdivision is for one lot, so House Bill 2001 is not applicable.
- c. High-Density Residential (R-3): 130 dwelling units

High-Density Residential (R-3) Cap: 127 dwelling units

For the area zoned R-3, a minimum of 10 and a maximum of 20 units per acre are allowed. The minimum density for 6.50 net acres x 10 units/net acre = 65 units. The maximum density for 6.50 net acres x 20 units/net acre = 130 units. House Bill 2001 is not applicable to the R-3 zoning district as this zoning district does not permit single-family detached dwellings on new lots of record created with new subdivision plats.

d. Village Commercial (C-3): unknown number of dwelling units

Village Commercial (C-3) Cap: 48 dwelling units

For the area zoned C-3, the exact number of potential residential units is not known at this time because in accordance with Section 17.46.10 (A)(2), multi-family dwellings above, beside or behind a commercial business is an outright permitted use. This means that the applicant could construct one business and designate the remainder of the 3.28 acres to multifamily development. Within the constraints of the existing zoning the exact number of dwelling units on the 3.28 acres of C-3 land is not possible to determine.

- e. **TOTAL with Cap = 200 dwelling units with the proposed cap.** Without the cap instated it is likely that the number of dwelling units would be greater than 200. For instance, the subdivision known as Vista Loop South that was approved in 2006, but never constructed, had 88 lots on the R-1 and R-2 land, which with the introduction of House Bill 2001 could have potentially allowed up to 176 dwelling units on the R-1 and R-2 land. While it is unlikely that all the lots in the 4.57 acres of R-1 zoned land and the 4.43 acres of R-2 zoned land in Vista Loop South would be doubled through House Bill 2001 allowances, it is potentially possible, especially considering that some of the units could be oriented vertically and because House Bill 2001 required that parking requirements are the same for one single-family dwelling as for a duplex. Also, without the cap on the C-3 zoned land there are no assurances on how many multi-family dwellings would be included on the C-3 land.

18. OAR 660-024 contains regulations related to urban growth boundaries and requires local governments to inventory land inside the UGB to determine whether there is adequate capacity to accommodate 20-years of growth. If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the UGB or by expanding the UGB, or both. A city cannot allow the rezoning of land that would bring the land supply for any given zone into a deficit. In accordance with OAR 660-024, the existing zoning designations for land within the UGB have the following 20-year land surplus:

- a. Commercial = surplus of 1.13 acres
- b. Low Density Residential = surplus of 19.20 acres
- c. Medium Density Residential = surplus of 17.10 acres
- d. High Density Residential = surplus of 12.60 acres

19. In accordance with OAR 660-024, the modified zoning designations for land within the UGB would result in the following 20-year land surplus:
  - a. Commercial = surplus of 1.80 acres (increase of 0.67 acres)
  - b. Low Density Residential = surplus of 15.22 acres (reduction of 3.98 acres)
  - c. Medium Density Residential = surplus of 13.90 acres (reduction of 3.20 acres)
  - d. High Density Residential = surplus of 19.10 acres (increase of 6.50 acres)
20. Chapter 17.24, Comprehensive Plan Amendment Procedures, contains review criteria for Comprehensive Plan amendments. The subject property has a comprehensive plan map designation of Village. Parks and Open Space (POS) is not a permitted zoning designation within Village as the Village designation was established in 1997 and the POS designation was only established in March of 2012 with the adoption of Ordinance 2012-01. The comprehensive plan map change is requested to modify 1.755 acres from Village to Parks and Open Space (POS).
21. The previous iteration of the Bull Run Terrace subdivision application also contained a density increase by greater than 20 percent, however, with the adoption of House Bill 2001 and as evident in the above density analysis, this is no longer the case. Therefore, the Comprehensive Plan Amendment with this application is solely for the 1.755 acres of parkland.
22. Section 17.24.70 (A) specifies the change being proposed is the best means of meeting the identified public need. Expanding the Deer Pointe Park is consistent with the goals of the Parks and Trails Advisory Board and the 1997 Parks Master Plan that was applicable at the time of this application. It is worth noting that this proposal is also consistent with the newly adopted 2022 Parks and Trails Master Plan. The concept plan in Figure 11 of the 2022 Parks and Trails Master Plan (Exhibit K) details parkland improvements on the subject property in the location of what is proposed to be dedicated to the City of Sandy and redesignated to POS. Therefore, this comprehensive plan change is the best means of meeting the identified public need as established in the 2022 Parks and Trails Master Plan.
23. Section 17.24.70(B) requires the change to conform to all applicable Statewide Planning Goals. These goals are evaluated concurrently with criteria in Section 17.26.40(B)(4), below.
24. Chapter 17.26, Zoning District Amendments, contains review criteria for zoning map amendments. Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment. The proposed zone map change proposes to add High Density Residential (R-3) and Parks and Open Space (POS), increase Village Commercial (C-3), reduce Medium Density Residential (R-2), and reduce Low Density Residential (R-1).
25. Section 17.26.40(B)(1) requires the City Council to determine the effects on City facilities and services. With the proposed development, Dubarko Road will be extended from its current terminus through the subject site to connect with Highway 26. This road is identified as a necessary future minor arterial in the City's 2011 Transportation System Plan. An existing water line is located in the future alignment of Dubarko Road, and the applicant will accommodate this facility during the construction of this road. This application is not subject

to the moratorium on development adopted by Resolution 2022-24 because it was submitted prior to the effective date of the moratorium. Therefore, this proposed reconsideration does not negatively affect any City facilities or services.

26. Section 17.26.40(B)(2) and (3) requires the Council to assure consistency with the purposes of this chapter and with the policies of the Comprehensive Plan, including the following:
- a. Maintain sound, stable, and desirable development within the City
  - b. Permit changes in zoning district boundaries where appropriate
  - c. Ensure zoning changes are consistent with the community's land use policies and goals
  - d. Lessen the influence of private economic interests in the land use decision-making process

Given that the proposed development conforms with the Sandy Municipal Code and Comprehensive Plan goals, and that multiple conditions have been put in place to ensure that the development meets the intent of the Code and goals, staff finds that these criteria have been met.

27. Section 17.26.40(B)(4) requires the Council to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

**Goal 1: Citizen Involvement**

A public notice was sent to adjoining property owners on October 13, 2022, a legal notice published in the Sandy Post on November 2, 2022, and a notice of the proposal was sent to the Department of Land Conservation and Development on October 7, 2022. Since this is a reconsideration of File No. 19-050 CPA/ZC/SAP/SUB/TREE the Planning Commission does not hear the proposal during this reconsideration. On November 21, 2022, the City Council will hold a public hearing to likely decide on the request. Because the public will have the opportunity to review and comment on the application, the proposal meets the intent of Goal 1.

**Goal 2: Land Use Planning**

The City's Comprehensive Plan guides land uses within the City's Urban Growth Boundary. The City's Zoning Ordinance enforces the Comprehensive Plan. Staff has reviewed the application for conformance with the Comprehensive Plan in review of Chapter 17.24, and Zoning Ordinance in review of Chapter 17.26. The City has sent notification of this proposal to both the Department of Land Conservation and Development as well as the Oregon Department of Transportation.

**Goal 3: Agricultural Lands**

Not Applicable

**Goal 4: Forest Lands**

Not Applicable

### **Goal 5: Natural Resources**

The applicant, along with a consultant, have shown that the subject site does not contain any wetland area (Exhibit H). The applicant worked with an arborist to inventory trees and develop a tree retention plan as required in Chapter 17.102 (Exhibit F). The Planning Commission provided a code interpretation that retention trees only have to be protected consistent with Chapter 17.102, and not consistent with the distance requirements in Chapter 17.92 for a residential subdivision. That said, staff finds that to adequately protect the retention trees, the protection area shall be consistent with Chapter 17.92 and the recommendations of the arborist. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1-inch DBH to protect all of the retention trees in the tree retention conservation easement on Lot 7, for the trees included in the parkland, and for the trees included on Lots 2 and 4 consistent with the arborist reports from Teragan and Associates. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1-inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property.** Additional analysis and conditions are contained in the review of Chapter 17.102 in this document.

### **Goal 6: Air, Water, and Land Quality**

The applicant proposes that the application complies with all regulations relative to air, water, and land quality.

### **Goal 7: Natural Hazards**

The site contains minimal steep slopes, and no natural hazards are known to exist on the site.

### **Goal 8: Recreational Needs**

The applicant is dedicating 1.755 acres of parkland to the City of Sandy. This dedication helps expand the existing parkland that will eventually be developed as Deer Pointe Park. Expanding the Deer Pointe Park is consistent with the goals of the Parks and Trails Advisory Board and the 1997 Parks Master Plan that was applicable at the time of this application. It is worth noting that this proposal is also consistent with the newly adopted 2022 Parks and Trails Master Plan. The concept plan in Figure 11 of the 2022 Parks and Trails Master Plan details parkland improvements on the subject property in the location of what is proposed to be dedicated to the City of Sandy. Staff finds that parkland dedication is preferable so long as the development to the east of the park is complementary to the parkland. The Parks and Trail Advisory Board provided a letter (Exhibit L) which contains a recommendation for the City Council to accept the parkland as it meets the objectives as listed in the 2022 Parks and Trails Master Plan by providing a true neighborhood park in an underserved area of the community. Additional analysis and conditions related to parks are contained in the parkland dedication section review of Chapter 17.86 in this document.

### **Goal 9: Economic Development**

Goal 9 requires cities to provide an adequate supply of buildable lands for a variety of commercial and industrial activities and requires plans to be based on an analysis of the comparative advantages of a planning region. With the reconsideration proposal, staff finds that each type of land use in the Comprehensive Plan will continue to be in surplus.

### **Goal 10: Housing**

This proposal to change residential designations on the subject property does not affect compliance with this goal. In fact, the proposed modification to the zoning map increases the potential diversity in housing types by providing additional multi-family housing.

### **Goal 11: Public Facilities and Services**

Not Applicable

### **Goal 12: Transportation**

With development of this project, Dubarko Road will be extended through the property to connect with Highway 26 in accordance with the 2011 Transportation System Plan (TSP). The applicant included a Traffic Impact Study from Ard Engineering with the application (Exhibit E). According to the revised traffic study, the assumptions were based on 8 duplex units, 192 multi-family units, and a 5,000 square foot office building. These three uses would produce 94 peak AM trips, 115 peak PM trips, and 1,418 total daily trips. Since this application involves a zone change, the traffic engineer also had to evaluate traffic volumes as measured under the “reasonable worst case” development scenarios as defined by Oregon’s Transportation Planning Rule (TPR). The reasonable worst case scenario analysis can be found on pages 13, 14, 15, 26, 27, and 28 of Exhibit E. Based on the TPR, Ard Engineering recommends that a trip cap of 340 PM net new peak hour trips be applied to the subject property as a condition of approval for the proposed zone change. The City Transportation Engineer (Exhibit Q) concurs with the importance of applying a trip cap of 340 PM net new peak hour trips. **The subject property shall be subject to a trip cap of 340 PM net new peak hour trips. Each application for development of a lot within the subject property shall include a report from a licensed traffic engineer stating the number of net new PM peak hour trips expected to be generated by the proposed development, and this number of trips will be deducted from the total trip cap of 340 net new PM peak hour trips upon approval of the application. No development application will be approved that would cause the total net new PM peak hour trips to exceed said cap unless the applicant agrees to pay additional proportionate share fees for the intersection of Highway 211 and Dubarko Road, in an amount determined by the City based on the number of trips in excess of the cap.** Additional analysis and conditions on transportation are contained in the transportation section review of Chapter 17.84 and Chapter 17.100 in this document.

### **Goal 13: Energy Conservation**

Not Applicable



#### **Goal 14: Urbanization**

This proposal accomplishes the objectives of this Statewide Planning Goal by accommodating additional residential and commercial growth within the existing Urban Growth Boundary (UGB) as planned for in the adopted Urbanization Study completed in 2015. As detailed above, the proposed changes will not result in any deficit in available land use.

#### **Goals 15-19**

Not applicable for the City of Sandy as these goals relate to the Willamette River and the Oregon Coast.

28. Section 17.26.90 pertains to the effective date of the proposed zone change and states: “The decision of the City Council made in conjunction with a Zoning Map amendment shall become effective 30 days after passage of the ordinance. No zoning district changes will take effect, however, until and unless the necessary Comprehensive Plan amendment has been implemented by the City Council, if needed.” The comprehensive plan map will need to be amended to reflect the proposed change from Village to POS for the 1.755 acres of parkland. As referenced in Finding 1, above, and per Section 17.32.00 of the Development Code at the time of the original application submittal (December 2019), only publicly owned land can be zoned POS. **The applicant shall dedicate the proposed 1.755 acres of parkland to the City through a dedication deed process, separate from the subdivision plat process.**

#### **17.32 – Parks & Open Space (POS)**

29. The applicant proposes dedicating 1.755 acres of parkland to the City of Sandy and zoning the land as Parks and Open Space (POS). Section 17.32.10 contains the permitted uses in the POS zoning district. The applicant proposes a park dedication consistent with parkland in the 1997 Parks Master Plan and the 2022 Parks and Trails Master Plan.

#### **17.36 – Low Density Residential (R-1)**

30. The applicant proposes constructing four duplexes on the four proposed lots that are proposed to be zoned R-1, as permitted in this zoning district. While the net acreage for the R-1 zoned land is 0.59, the gross acreage including the two stormwater facilities is 0.91 acres. Section 17.36.30 contains the design standards for this zone. As shown in Exhibit C, Sheet C2, all lots four lots proposed as R-1 contain at least 5,500 square feet, have at least 20 feet of street frontage, and contain an average lot width of at least 50 feet as required. Lot 4 has frontage on Dubarko Road, but access is not permitted from Dubarko Road. Access to this lot will be by means of an access easement on Lot 3. **The dwellings on Lots 1, 2, 3, and 4 shall be designed to meet all of the requirements as specified in Chapter 17.36 and will be assessed with future building permits for those four lots.**
31. Section 17.36.50(B) requires that lots with 40 feet or less of street frontage shall be accessed by a rear alley or shared private driveway. No proposed lots have 40 feet or less of street frontage.

**17.38 – Medium Density Residential (R-2)**

32. The applicant proposes constructing 17 multi-family dwelling units on the one proposed lot that is proposed to be zoned R-2, as permitted in this zoning district. Exhibit C, Sheet 11 details a conceptual layout for this lot. **Conformity with the remainder of Chapter 17.38 shall be determined in a future design review process.**

**17.40 – High Density Residential (R-3)**

33. The applicant proposes constructing 127 multi-family dwelling units on the one proposed lot that is proposed to be zoned R-3, as permitted in this zoning district. Exhibit C, Sheet 11 details a conceptual layout for this lot. **Conformity with the remainder of Chapter 17.40 shall be determined in a future design review process.**

**17.46 – Village Commercial (C-3)**

34. The applicant proposes constructing 48 multi-family dwelling units above, beside, or behind a commercial business on the one proposed lot that is proposed to be zoned C-3, as permitted in this zoning district. Exhibit C, Sheet 11 details a conceptual layout for this lot. **Conformity with the remainder of Chapter 17.46 shall be determined in a future design review process.**

## **LAND DIVISION CRITERIA – Chapter 17.100**

35. This application was originally submitted on December 30, 2019. The Sandy Development Code in effect at that time is what this reconsideration is being reviewed under. Therefore, it is important to note that modifications that have since occurred to the Sandy Development Code, particularly to Chapter 17.86, Parkland and Open Space, and Chapter 17.100, Land Division, do not apply to this application.
36. Submittal of preliminary utility plans is solely to satisfy the requirements of Section 17.100.60. **Preliminary plat approval does not connote utility or public improvement plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.** As referenced in Finding 1, above, and per Section 17.100.60(H) of the Development Code at the time of the original application submittal (December 2019), **the final plat shall be delivered to the Director for approval within one year following approval of the tentative plat and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request, grant an extension of the tentative plat approval for up to one additional year.** While the subdivision approval expires one year from approval, if a final plat is not recorded, **the proposed comprehensive plan map and zoning map modifications go into effect 30 days from the date of the ordinance in accordance with Section 17.26.90.**
37. Section 17.100.60(E)(1) requires subdivisions to be consistent with the density, setback, and dimensional standards of the base zoning district, unless modified by a Planned Development approval. Each base zoning district requires that residential development comply with Chapter 17.82. As explained throughout this document, the proposed subdivision meets the standards of the proposed base zoning districts, and adherence to this standard will be verified with future building permits or design reviews, whichever is applicable. Section 17.100.220 includes requirements for lot design. All lots in the proposed subdivision have been designed so that no foreseeable difficulties due to topography or other conditions will exist in securing building permits on these lots as required by Section 17.100.220(A). All lots in the R-1 zone comply with the minimum standards in that zone as required by Section 17.100.220(B). No lots are proposed to contain more than double the minimum lot size. Section 17.100.220 states that all new lots shall have at least 20 feet of street frontage. All lots in the proposed subdivision contain at least 20 feet of frontage along a public street therefore meeting the requirements of Section 17.100.220(C). Lots 6 and 7 both contain frontage on Highway 26 and Dubarko Road. Because no direct access to Highway 26 is allowed the creation of these double frontage lots is unavoidable and is thus allowed as required by Section 17.100.220(D). The proposal meets approval criteria 17.100.60 (E)(1).
38. Section 17.100.60(E)(2) requires subdivisions to be consistent with the design standards set forth in this chapter. In accordance with Section 17.100.70 the design standards in Chapter 17.100 are met as the proposed subdivision follows the 2011 City of Sandy Transportation System Plan by providing the connection of Dubarko Road to Highway 26. In accordance with Section 17.100.100 (A) the proposed subdivision meets the Street Connectivity Principle. Connecting Dubarko Road to Highway 26 provides safe and convenient options

for cars, bikes, and pedestrians; creates a logical, recognizable pattern of circulation; and spreads traffic over many streets so that key streets such as Langensand Road and Highway 211 are not overburdened. The proposal meets approval criteria 17.100.60 (E)(2).

39. Section 17.100.60(E)(3) requires the proposed street pattern to be connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy. The proposed street pattern is consistent with the Comprehensive Plan and the city's standards, including connecting Dubarko Road to Highway 26. The 2011 Sandy Transportation System Plan (TSP) was adopted by Ordinance 2011-12 as an addendum to the Comprehensive Plan. Exhibit A of Ordinance 2011-12 is the TSP. Project M20 in the TSP is the connection of Dubarko Road to Highway 26. Furthermore, the proposal is consistent with OAR 660-012-0045, which requires that local governments implement their TSP. The proposal meets approval criteria 17.100.60 (E)(3).
40. Section 17.100.60(E)(4) requires that adequate public facilities are available or can be provided to serve the proposed subdivision. City water, sanitary sewer, and stormwater are available and will be extended by the applicant to serve the subdivision as detailed in Exhibit C, Sheet C5. The proposal meets approval criteria 17.100.60 (E)(4).
41. Section 17.100.60(E)(5) requires that all proposed improvements meet City standards. Extending Dubarko Road to connect with Highway 26 is consistent with the 2011 TSP and OAR 660-012-0045, which requires that local governments implement their TSP. Pursuant to 17.86.10 of the Development Code, new residential subdivisions "shall be required to provide parkland to serve existing and future residents of those developments." By providing 1.755 acres of parkland, the proposal meets the goals of the 1997 Parks Master Plan that designated Deer Pointe Park as a community park, and the 2022 Parks and Trails Master Plan, specifically Figure 11. By providing street frontage improvements (curbs, sidewalks, street lighting, street trees, storm drainage, etc.) on Highway 26, Dubarko Road, Street B, and Fawn Street, the proposal meets Chapter 17.84 for frontage improvements. The proposal meets approval criteria 17.100.60 (E)(5).
42. Section 17.100.60(E)(6) strives to ensure that a phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops. The applicant is not requesting a phased development per their narrative in Exhibit B. That said, the applicant is proposing that the design of the multi-family dwellings and commercial development occurs at a future date. Reviewing multi-family and commercial development through a separate process is typical. The proposal meets approval criteria 17.100.60 (E)(6).

## **ADDITIONAL SETBACKS AND SPECIAL SETBACKS – Chapters 17.80 and 17.82**

43. Chapter 17.80 requires all residential structures to be setback at least 20 feet on collector and arterial streets. Lots 3, 4, 5, 6 and 7 shall adhere to the setback standards in Chapter 17.80 for Highway 26 which is classified as an arterial, Dubarko Road which is classified as a minor arterial, and Street B which is classified as a collector. The revised Preliminary Plat (Exhibit C) details the 20-foot setbacks to Highway 26, Dubarko Road, and Street B.
44. Section 17.82.20(A) requires that all residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street. Section 17.82.20(B) requires that dwellings shall have a primary entrance connecting directly between the street and building interior and outlines requirements for the pedestrian route. Section 17.82.20(C) requires that primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth. **The dwellings on all lots abutting a transit street shall be designed to meet all of the requirements as specified in Chapter 17.82 and will be assessed with future building permits or design reviews, whichever is applicable.**
45. Section 17.82.20(D) requires that if the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect. **The orientation of the future multi-family units that have frontage on both Highway 26 and Dubarko Road, or Street B and Dubarko Road will be determined in a future design review process.**

## **SPECIFIC AREA PLAN OVERLAY – Chapter 17.54**

46. The purpose of a specific area plan overlay zone is to allow development and approval of specific area plans in the city. The City of Sandy Comprehensive Plan, Goal 2, Land Use Designations, Village states: “shifting of the underlying zoning district boundaries to accommodate development constraints and land divisions for specific development proposals may be allowed through approval of a Specific Area Plan.”
47. The applicant proposes shifting zoning district boundaries as noted in this document and has submitted a Specific Area Plan request according to the standards in the chapter as required. The purpose of a specific area plan overlay zone is to allow development and approval of specific area plans in the city. A specific area plan is a master plan coordinating and directing development in terms of transportation, utilities, open space and land use; however, no phasing or timeline is required. Specific area plans may be located anywhere within the Urban Growth Boundary and are intended to promote coordinated planning concepts and pedestrian-oriented mixed-use development. The City of Sandy Comprehensive Plan, Goal 2, Land Use Designations, Village states: “shifting of the underlying zoning district boundaries to accommodate development constraints and land divisions for specific development proposals may be allowed through approval of a Specific Area Plan.”
48. The applicant proposes shifting of zoning district boundaries and addition of a new zoning designation for the subject properties and therefore submitted a Specific Area Plan request according to the standards in Chapter 17.54. Staff finds that the only other specific area plan in Sandy, the Bornstedt Village Specific Area Overlay, has additional standards related to additional tree retention, green streets, additional design standards for single family homes, etc. Keeping the Bornstedt Village Overlay in mind, staff recommends that additional consideration is given to additional tree protection for the proposed retention trees. The Planning Commission provided a code interpretation that retention trees only have to be protected consistent with Chapter 17.102, and not consistent with the distance requirements in Chapter 17.92 for residential subdivisions. That said, staff finds that to adequately protect the retention trees, the protection area shall be consistent with Chapter 17.92 and the recommendations of the arborist. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1-inch DBH to protect all of the retention trees in the tree retention conservation easement on Lot 7, for the trees included in the parkland, and for the trees included on Lots 2 and 4 consistent with the arborist reports from Teragan and Associates. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property.** The applicant is also proposing to retain five conifers (Exhibit C, Sheet C3), and to plant some maples, incense cedars, katsura, and Silver Queen Port Orford cedars along the common property line with Deer Pointe subdivision per the Screening Concept Plan (Exhibit I). Additional tree retention analysis and conditions are contained in the review of Chapter 17.102 in this document.

Consistent with the Bornstedt Village Overlay this development should also consider green streets where practicable. **The applicant shall explore locations for green street swales. If green streets are practicable as determined by the City Engineer in accordance with topography, the plan set shall be modified to detail additional right-of-way or easements to accommodate the swales, if needed.** In addition, the applicant shall be required to adhere to additional design standards for the four duplexes (or single-family homes) similar to the Bornstedt Village Overlay requirements. **Future development on Lots 1-4 shall adhere to the garage standards contained in Section 17.54.110(D).**

49. The process to establish a specific area plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific area plan process. If owners request initiation of a specific area plan process, the City Council may require an application fee to cover the cost of creating the plan. The applicant requests initiation of this specific area plan and has paid the applicable fees. The comprehensive plan map change is requested to modify 1.755 acres from Village to Parks and Open Space (POS). The proposed zone map change proposes to add High Density Residential (R-3) and Parks and Open Space (POS), increase Village Commercial (C-3), reduce Medium Density Residential (R-2), and reduce Low Density Residential (R-1).
50. In accordance with Section 17.54.00(D) a specific area plan shall be adopted through a Type IV process and shall be evaluated for compliance with the criteria for zoning district amendments and/or comprehensive plan amendments where applicable. The applicant states that this specific area plan request will be reviewed through a Type IV process and shall comply with the criteria for zoning district and Comprehensive Plan amendments. As stated by the applicant, the criteria in Chapter 17.24, Comprehensive Plan Amendment Procedures and Chapter 17.26, Zoning District Amendments are reviewed in this document and as reviewed in these chapters, the proposal is found to comply with all required criteria if the conditions of approval as recommended by staff are required.
51. In accordance with Section 17.54.00(G) compliance with specific area plan standards and procedures are required. New construction and land divisions shall meet any development, land division, and design standards of the applicable specific area plan. Base zone and land division standards shall apply where no different standard is referenced for the specific plan area. Staff finds that with adequate conditions of approval the proposal will comply with the standards and procedures of a specific area plan.
52. Section 17.54.10 defines eight items that define the specific area plan by providing text and diagrams with the specific area plan application. The eight items relate to the following: plan objectives; site and context; land use diagram; density; facilities analysis; circulation/transportation diagram; market analysis; and, design and development standards. The eight items are reviewed as follows:
  - a. Plan Objectives. A narrative shall set forth the goals and objectives of the plan. The applicant submitted a robust narrative explaining the proposal for the Bull Run Terrace subdivision reconsideration. The applicant's narrative elaborates on the objectives of their proposal and the desire to include 4 duplexes, 192 multi-family dwellings, and

village commercial development. The narrative also elaborates on dedications, including 1.755 acres of parkland.

- b. Site and Context. A map of the site and existing context shall identify the project area. The applicant submitted a 12-sheet plan set that details the project area and proposed improvements.
- c. Land Use Diagram. The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the specific area plan. The applicant's plan set clearly identifies all proposed land uses (Exhibit C, Sheet 11). The development of commercial on Lot 7 will need to follow the uses as defined in Chapter 17.46, Village Commercial (C-3). If the applicant or successor-in-interest proposes uses in Section 17.46.20(B), Conditional Uses, the proposal will need to be reviewed by the Planning Commission.
- d. Density. If residential uses are proposed, a narrative shall describe planned residential densities. Density calculations were included by the applicant in their narrative and are included in review of Chapter 17.30, Zoning Districts in this document.
- e. Facilities Analysis. The plan shall include an analysis of the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the specific plan area and needed to support the land use and densities described in the plan. A review of existing facilities master plans shall be sufficient if these master plans indicate there is adequate capacity to serve the specific plan area. The applicant included a utility plan within the plan set and a preliminary stormwater report. The Assistant Public Works Director reviewed the applicant's submission and has provided analysis and recommended conditions as explained in this document.
- f. Circulation/Transportation Diagram. The circulation diagram shall indicate the proposed street pattern for the specific area plan area, including pedestrian pathways and bikeways. Design standards and street cross sections shall be included, if different than normal City standards. The applicant included a traffic study from Ard Engineering, a future street plan, a master street plan, and street section details. The City's Transportation Engineer, Assistant Public Works Director, ODOT, Fire Marshal, and the Director of Sandy Area Metro reviewed the applicant's submission and have provided analysis and recommended conditions as explained in this document.
- g. Market Analysis. Specific area plans that include amendments to the zoning map affecting the acreage of Village Commercial (C-3) land within the plan area shall include a market analysis of supportable retail space that verifies demand for the proposed acreage of C-3 land. The analysis should include a market delineation, a regional and local economic review, and a retail market evaluation. The applicant submitted an analysis from Johnson Economics. The revised proposal includes increasing the amount of available commercial lands by 0.67 acres. Johnson Economics explains that the proposal will provide capacity for additional housing options and provide more property that is an active urban use. The analysis states that an increase in multifamily housing



will increase local capacity for residential products that can meet a broad range of price points. The analysis goes on to explain that the Highway 26 infrastructure investment requirements were too great to be offset by the value of the underlying property, but that a zone change to allow more residential units will provide the ability of the site to support necessary infrastructure investments. As Johnson Economics correctly identifies, the extension of Dubarko Road to Highway 26 and the additional land needed for Deer Pointe Park cannot be completed unless the subject site is developed.

- h. Design and Development Standards. If standards differ from normal City standards, design and development standards shall be included in the plan. The applicant states that the proposal is anticipated to comply with all design and development standards. As identified by the applicant, the exact details of site and building review will be primarily addressed with submittal of subsequent land use applications for development on Lot 5, 6 and 7.

## **TRANSPORTATION – Chapters 17.84 and 17.100**

53. Section 17.84.30(A)(1) requires that all proposed sidewalks on the local streets will be five feet wide as required by the development code and separated from curbs by a tree planting area that is a minimum of five feet in width. Street A and Fawn Street both meet these requirements.
54. As required by Section 17.84.30(A)(2), six-foot sidewalks are proposed to be constructed along Highway 26, portions of Dubarko Road, and on Street B. These frontages will include planter strips as required with at least 5 feet wide of soil area. As required by Section 17.84.30(A)(4), the applicant intends to construct all sidewalk improvements as required by this section with the exception of some five-foot wide sidewalks on Dubarko Road. **The applicant shall revise the street sections and plan set to detail all sidewalks on Dubarko Road at least 6 feet in width.**
55. No exceptions or modifications listed in Section 17.84.30(A)(3) are requested with the application. In relation to Sections 17.84.30(B), 17.84.30(C), 17.84.30(D), and 17.84.30(E), no pedestrian or bicycle facilities other than sidewalks and on-street bicycle lanes have been identified or proposed in the application.
56. Traffic Study. Section 17.84.50 outlines the requirements for providing a traffic study. The applicant included a Traffic Impact Study from Ard Engineering with the application (Exhibit E). According to the revised traffic study, the assumptions were based on 8 duplex units, 192 multi-family units, and a 5,000 square foot office building. These three uses would produce 94 peak AM trips, 115 peak PM trips, and 1,418 total daily trips. Since this application involves a zone change, the traffic engineer also had to evaluate traffic volumes as measured under the “reasonable worst case” development scenarios as defined by Oregon’s Transportation Planning Rule (TPR). The reasonable worst case scenario analysis can be found on pages 13, 14, 15, 26, 27, and 28 of Exhibit F. Based on the TPR, Ard Engineering recommends that a trip cap of 340 PM net new peak hour trips be applied to the subject property as a condition of approval for the proposed zone change. The City Transportation Engineer (Exhibit Q) concurs with the importance of applying a trip cap of 340 PM net new peak hour trips. **The subject property shall be subject to a trip cap of 340 PM net new peak hour trips. Each application for development of a lot within the subject property shall include a report from a licensed traffic engineer stating the number of net new PM peak hour trips expected to be generated by the proposed development, and this number of trips will be deducted from the total trip cap of 340 net new PM peak hour trips upon approval of the application. No development application will be approved that would cause the total net new PM peak hour trips to exceed said cap unless the applicant agrees to pay additional proportionate share fees for the intersection of Highway 211 and Dubarko Road, in an amount determined by the City based on the number of trips in excess of the cap.** With its connection to Highway 26, Dubarko Road will become increasingly important to the transportation system in Sandy. The traffic analysis makes several references to a right-in/right-out intersection at Dubarko Road and Highway 26. These references are in the context of analysis of the performance of other study intersections examined in the traffic study and not a proposal to

construct a right-in/right-out intersection at this location. The adopted Transportation System Plan (TSP) does not contemplate a right-in/right-out intersection at Highway 26 and Dubarko Road. **The intersection of Highway 26 and Dubarko Road shall be constructed as a full-access intersection in compliance with the TSP.**

57. Highway 211 and Dubarko Road Intersection. The intersection improvements at Highway 211 and Dubarko Road are defined as Project M9 in the 2011 Sandy Transportation System Plan. The improvements include eventually constructing a traffic signal, northbound right turn lane, southbound left turn lane, and northbound left turn lane. The proposed development will add 17 PM peak hour trips to this intersection. The City Transportation Engineer (Exhibit Q) states that due to the impacts this proposed development will have on the intersection of Highway 211 and Dubarko Road, as offsite mitigation for that intersection shall be incorporated into the conditions of approval. The City Transportation Engineer created a memorandum (Exhibit R) summarizing the development of a proportionate share funding plan to construct improvements at the Highway 211 and Dubarko Road intersection. This proportionate share funding plan will collect financial contributions from multiple developments and will fund specific capacity improvements needed to mitigate traffic operation deficiency that is triggered by the impact of new trips from growth. Exhibit R explains the cost of the new improvement at over \$10 million, the proportionate share fee formula, and the fee analysis results. **The applicant shall contribute a proportional share fee of \$268,345 towards construction of future capacity improvements at the intersection of Highway 211 and Dubarko Road at a cost of \$15,785 per PM peak hour trip.**

58. Dubarko Road. The proposed street sections (Exhibit C, Sheet C6) depict Dubarko Road between its current eastern terminus and proposed Street A with a 76-foot-wide right-of-way consisting of two 0.5-foot monumentation strips, varying sidewalk widths, two five-foot wide planter strips, two 0.5-foot curbs, two five-foot bike lanes, and two varying travel lane widths and varying median width. **The applicant shall revise the street sections and plan set to detail all sidewalks on Dubarko Road at least 6 feet in width.** The standard section for an arterial street in the TSP consists of 11-foot travel lanes with 5-foot bike lanes. It is unclear to staff as to why some of the proposed travel lanes are so wide. The portion of Dubarko Road between Street A to the west boundary of the development should be used to provide a transition from the proposed three lane section with median to a two lane section with median to match the existing section. The proposed 17-foot wide travel lanes will be confusing to motorists. **The applicant shall submit a revised cross-section for the portion of Dubarko Road between the existing terminus and Street A with construction plans for City Engineer review and approval.** The extension of Dubarko Road is classified as a minor arterial street and shall meet the standards of Section 17.84.50(B) which states that arterial streets should generally be spaced in one-mile intervals and traffic signals should generally not be spaced closer than 1,500 ft for reasonable traffic progression. The proposed alignment of Dubarko Road is consistent with the TSP and is an extension of an existing arterial street, not a new arterial street. The traffic study concluded that based on warrant analysis a traffic signal is not warranted, but a traffic signal at Dubarko Road and Highway 26 will be needed in the future based on future development. Therefore, the Preliminary Plat (Exhibit C, Sheet C2) details a 40-foot by 40-foot traffic signal easement at the northeast

corner of Lot 7. The traffic signal easement could impact the tree retention area. **The applicant shall submit revised plans detailing how the traffic signal easement will impact the tree retention area. If the tree retention area is negatively impacted the applicant shall preserve additional trees.**

59. Street B. Street B (defined as ‘New Road in the TSP) is classified as a collector street and does not need to adhere to the standards in Section 17.84.50(B). Street B is proposed with a 60-foot right-of-way consisting of two 0.5-foot monumentation strips, two six-foot sidewalks, two five-foot wide planter strips, two 0.5-foot curbs, and two 18-foot travel lanes. In accordance with Figure 10 of the 2011 TSP, the travel lanes on a collector street may be as narrow as 11 feet wide. **The applicant shall revise the street sections and striping plan to accommodate two 5-foot-wide bike lanes and two 13-foot-wide travel lanes for Street B.**
60. Street A and Fawn Street. Street A and Fawn Street are both classified as local streets. Both streets are proposed with 50-foot right-of-ways consisting of two 0.5-foot monumentation strips, two five-foot wide sidewalks, two five-foot wide planter strips, two 0.5-foot curbs, two 7-foot-wide parking areas, and a combined 14-foot-wide travel lane. These proposed street sections meet the TSP requirements.
61. Credits for Dubarko Road. The widening of Dubarko Road to accommodate the section recommended in the TSP is eligible for Transportation System Development Charge credits. The difference in cost between the required minor arterial improvements and a standard local street section is eligible for credits. **Estimated costs shall be submitted to City staff and reviewed and approved by the City Engineer. The City and the Applicant shall enter into an agreement defining the eligible improvements and estimated costs prior to plat approval. SDC credits shall be based on final audited costs.**
62. Intersection with Highway 26. The extension of Dubarko Road to Highway 26 is defined as Project M20 in the 2011 Sandy Transportation System Plan. The subject property abuts Highway 26 and notification of the proposal was sent to ODOT as required by Section 17.100.90. ODOT provided comments as contained in Exhibit S. Dubarko Road will contain a dedicated left turn and right turn/through lane, a median with street trees, and a dedicated left turn lane to Street B. Highway 26 improvements will include among other things a dedicated right turn lane to Dubarko Road, sidewalks, street trees, and restriping. **The applicant shall adhere to all standards and requirements that are defined by ODOT, including the Dubarko Road connection to Highway 26 and all required improvements along Highway 26 including stormwater facilities constructed as necessary to be consistent with local, ODOT, and ADA standards.** As stated by the Assistant Public Works Director (Exhibit P), any ODOT required improvements on and adjacent to the Highway 26 frontage of the site are not included in the City’s TSP or capital plans and as such are not eligible for SDC credits or reimbursement.
  - a. ODOT recommends that the site layout and development be consistent with the approved and adopted Transportation System Plan, including: the Dubarko Road extension to Highway 26, aligned with the westerly most SE Vista Loop Drive intersection; accommodation of a Collector road terminating at the southern extents of the subject

property to allow the road to extend south from the westernmost leg of the SE Vista Loop Drive intersection; and curb, sidewalks, cross walk ramp, bikeways and road widening along Highway 26 constructed as necessary to be consistent with local, ODOT, and ADA standards.

- b. According to ODOT, the intersection of Dubarko Road and Highway 26 requires a grant of access from ODOT. **The applicant shall assist the City of Sandy in applying for a grant of access or other necessary approval from ODOT for access to Highway 26 at Dubarko Road.**
- c. The conditions of approval shall require the development to comply with the standards and procedures specified by ODOT. **The ODOT grant of access shall be approved and the improvements completed per the grant of access prior to issuance of certificates of occupancy for any structures on the subject property.**

63. Average Daily Traffic. While this proposal will undoubtedly increase traffic on Dubarko Road the Average Daily Traffic (ADT) concerns that were raised during the Bailey Meadows approval process are not present with this land use application. In the Bailey Meadows case, Melissa Avenue is designated a local street and the concerns raised relative to ADT impacted a local street. In the case of Bull Run Terrace, the majority of the anticipated trips will use Dubarko Road, which is designated as a minor arterial, and Street B, which is designated as a collector. According to Chapter 17.10 of the Development Code, arterial streets are defined as helping interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas. Also, in Chapter 17.10, the definition for collector streets states they are meant to provide both access and circulation within residential neighborhoods and commercial/industrial areas. While staff is sympathetic of existing residents to the west of the proposed Bull Run Terrace subdivision, the extension of Dubarko Road has always been intended to occur and the street has been designed to accommodate high traffic volumes. The only street that ADT concerns are valid for is Fawn Street/Street A. The four proposed duplexes in the R-1 zoning district (Lots 1-4) will not cause any concerns, but the potential of trips generated from the C-3 zoned property (Lot 7) could cause additional traffic on Fawn Street/Street A and negatively impact the Deer Pointe subdivision. **The land use application for Lot 7 shall include proposed driveway designs to discourage commercial patrons existing Lot 7 to Street A from entering the Deer Pointe Subdivision on Street A. The designs shall be reviewed and approved by the City Engineer and Public Works Director.**

64. Tangent Alignment. The alignment of Street B and Dubarko Road does not provide the minimum 100 feet of tangent alignment (as measured from the curb line on Dubarko extended) on Street B as required by Section 17.84.50(H)(5)(a) of the Sandy Municipal Code (SMC). However, this requirement can be waived or modified by the City Engineer. In verbal discussions with the City Engineer, Curran-McLeod, and the Assistant Public Works Director, they find the proposed alignment to be adequate.

65. Future Street Plan. Proposed streets meet the requirements of 17.94.50(H). The future street plan (Exhibit C, Sheet C1) shows that the proposed development will facilitate and not preclude development on adjacent properties. Both Dubarko Road and Street B are identified in the TSP and proposed to be constructed with the development. All proposed streets

comply with the grade standards, centerline radii standards, and TSP-based right-of-way improvement widths. Dubarko Road will be extended by a continuation of the centerline of the existing section. All proposed streets are designed to intersect at right angles with the intersecting street and comply with the requirements of Section 17.94.50.(H)(5). Section 17.100.180(A) requires that intersections are designed with right angles. Both the extension of Fawn Street and Street B are designed to intersect at right angles to Dubarko Road as required. Additionally, Dubarko Road will intersect Highway 26 at a right angle. All streets in the proposed subdivision have a minimum curve radius as required by Section 17.100.180(B). **All streets shall meet the requirements of the Fire District as noted in Exhibit N.**

66. Street Extensions. Section 17.84.50(E) requires that public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property. The proposed street layout results in one temporary dead-end street (Street B) that will be stubbed to the southern property line of the subject property. To accommodate fire apparatus turnaround the temporary dead-end of Street B shall include turnarounds, subject to the approval of the Fire Marshal. **The applicant shall revise the plan set to detail fire turnaround easements on Lots 5 and 6 as approved by the Sandy Fire District Fire Marshal. The applicant shall also ensure that water supply requirements are in compliance with the adopted Oregon Fire Code.**
67. Blocks. All blocks within the proposed subdivision have sufficient width to provide for two tiers of lots as required in 17.100.120(A). The local streets of Fawn Street/Street A meet the maximum block length standards of 400 feet. The block length from Street A to Highway 26 is 437 feet and the block length from Street B to Highway 26 is 434 feet. The block length requirements in Section 17.100.120 are in conflict with the preferred spacing standards on arterial and collector streets. While local streets are required to be spaced 8-10 streets per mile in accordance with Section 17.100.110(E), the spacing standards for arterial and collector streets are required to be spaced at much greater distances. The distance from Highway 26 to Street B is needed to maintain distance between the Highway and the collector street (Street B). Fawn Street/Street A has to be aligned with Street B to create a safe intersection. Furthermore, the City Transportation Engineer did not recommend alternative spacing for the streets proposed in the Bull Run Terrace subdivision. Therefore, all block lengths meet the Sandy development code provisions and staff does not recommend any changes to street spacing. The spacing from Dubarko Road to the east property line of Lot 6 is 431 feet. Staff finds that providing a pedestrian connection along the east side of the Bull Run Terrace subdivision will be vital for providing future connectivity for the subject area and development to the south of Bull Run Terrace. **The applicant shall install an 8-foot-wide concrete walkway with pedestrian scale lighting through Lot 6 from the sidewalk on Highway 26 to the southern property line of Lot 6. This facility shall be contained within a pedestrian access easement or tract recorded prior to any certificate of occupancy on this lot.**
68. Street Naming. The proposed development includes the need to name Street B. **The street name shall follow the deer related theme in the development to the west and shall be an 'avenue' as it runs north/south. Staff recommends the name Velvet Avenue.**

69. Transit. Section 17.84.40(A) requires that the developer construct adequate public transit facilities. The Transit Master Plan (TMP) identifies new roads consistent with the 2011 Transportation System Plan. Pages 35 and 36 of the TMP describes long term future plans, including a circulator route that serves Dubarko Road, Vista Loop, and Proctor Blvd., as well as the importance of transit service that provides options along Highway 26. Development proposals, such as Bull Run Terrace, with high density residential and village development, should provide transit access along Highway 26 to support useful and high ridership transit. **The applicant shall install a pull-out transit stop on Highway 26 to the east of the intersection of Dubarko Road and Highway 26 to serve eastbound transit services along Highway 26 (within or by Lot 6). The applicant shall also install two concrete bus shelter pads and green benches (Fairweather model PL-3, powder coated RAL6028). The required pad size is 7 feet by 9 feet 6 inches and the amenities should be located adjacent to Lot 3 or 1 and Lot 6.** Engineering specifications are available from the Director of Sandy Area Metro.
70. The Sandy Development Code has a list of other considerations in the right-of-way that were evaluated as follows:
- a. Other Access Considerations. No public alleys, flag lots, or public access lanes are proposed in this development. One residential shared private drive is being proposed by using an easement over Lot 3 to access Lot 4. **The applicant shall modify the plat to include a vehicular easement on Lot 4 as necessary to accommodate maneuvering for vehicles on Lot 3.**
  - b. Lighting. A lighting plan will be coordinated with PGE and the City as part of the construction plan process and prior to installation of any fixtures as required by Section 17.100.210.
  - c. Planter Strips. Planter strips will be provided along all frontages as required in Section 17.100.290. Street trees in accordance with City standards will be provided in these areas. A Street Tree Plan is included in Exhibit C, Sheet C7.
  - d. Mail Facilities. Section 17.84.100 outlines the requirements for mail delivery facilities. **The location and type of mail delivery facilities shall be coordinated with the City Engineer and the Post Office as part of the construction plan process.**

## **PARKING, LOADING, AND ACCESS REQUIREMENTS – Chapter 17.98**

71. Section 17.98.10(M) requires that the developer provide a Residential Parking Analysis Plan. This plan identifying the location of parking for the four R-1 zoned lots and is included in Exhibit C, Sheet C7.
72. Section 17.98.20(A) requires that each duplex is required to provide at least two off-street parking spaces and that multi-family dwelling units are required to provide 1.5 off-street parking spaces for a studio or one-bedroom unit or provide 2.0 off-street parking spaces for a two-bedroom unit or greater. **Compliance with this requirement will be assessed with future building permits or design reviews, whichever is applicable.**
73. Section 17.98.60 has specifications for parking lot design and size of parking spaces. **Compliance with this requirement will be assessed with future building permits or design reviews, whichever is applicable.**
74. Section 17.98.90 requires that all streets proposed will be improved to city standards.
75. Section 17.98.100 has specifications for driveways. The minimum driveway width for a single-family dwelling is 10 feet. The Public Works driveway approach standard detail specifies a maximum of 24 feet wide for a residential driveway approach. Additionally, all driveways will meet vertical clearance, slope, and vision clearance requirements. **Driveway access locations to Lots 5 -7 shall be determined and approved by the City Public Works Director and City Engineer during design review for these lots.**
76. Section 17.98.110 outlines the requirements for vision clearance. **The requirements of Section 17.98.110 shall be considered in placing landscaping in these areas with construction of homes and will be evaluated with a future design review application for the multi-family units.**
77. Section 17.98.130 requires that all parking and vehicular maneuvering areas shall be paved with asphalt or concrete. As required by Section 17.98.130, **all parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.**
78. Section 17.98.200 contains requirements for providing on-street parking spaces for new residential development. Per 17.98.200, one on-street parking space at least 22 feet in length has been identified within 200 feet of each of the 4 lots zoned as R-1 as required. Exhibit C, Sheet C7 shows that 20 on-street parking spaces have been identified in compliance with this standard. No parking courts are proposed by the applicant.



## **UTILITIES – Chapters 17.84 and 17.100**

79. Section 17.84.20(A)(1) requires that all improvements shall be installed concurrently with development or be financially guaranteed. **All lots in the proposed subdivision will be required to install public and franchise utility improvements or financially guarantee these improvements prior to final plat approval.**
80. As required by 17.100.130, eight-foot wide public utility easements will be included along all property lines abutting a public right-of-way. Because access is limited along Dubarko Road, an access easement is also proposed across Lot 3 to provide access to Lot 4. In addition, a 10-foot PUE/sidewalk easement is proposed along the Highway 26 frontage of Lot 7 and the majority of the frontage of Tract A. A conservation easement is also proposed to be platted across the northern portion of Lot 7 to protect retained trees in this area. The revised Preliminary Plat (Exhibit C, Sheet C2) details a 40 foot by 40 foot traffic signal easement.
81. Water. The applicant shall install all water lines and fire hydrants in compliance with the applicable standards in Section 17.100.230, which lists requirements for water facilities. According to the Assistant Public Works Director (Exhibit P), the existing 8-inch diameter water line resides in an easement granted to the City of Sandy recorded as Clackamas County Document No. 2004-110340. **The applicant shall replace the existing waterline with an 8-inch diameter water line at a depth approved by the City Engineer.** There will be no compensation or credits for replacement of the existing water line. This pipe is a standard pressure line and will be used to provide domestic water service to the development. The Assistant Public Works Director also stated that the City's water master plan shows an 18-inch diameter water line in Dubarko Road south of Highway 26. **The applicant shall install an 18-inch water line in Dubarko Road connected to the existing 18-inch water line at the west end of the site and the existing 12-inch line on Highway 26. The applicant shall extend the existing 12-inch water main in Highway 26 east from the proposed intersection of Dubarko Road and Highway 26 to the east boundary of the site.** The applicant will also need to work with the Sandy Fire Marshal (Exhibit M) to verify fire hydrant locations, fire department connections (FDCs), and fire flow. **The applicant shall modify the plan set to detail new fire hydrants ordered in an OSHA safety red finish and having a 4-inch non-threaded metal faced hydrant connection with cap installed on the steamer port (4 ½-inch NST x 4-inch Storz Adaptor).**
82. Sanitary Sewer. This application is not subject to the moratorium on development adopted by Resolution 2022-24 because it was submitted prior to the effective date of the moratorium. The applicant intends to install sanitary sewer lines in compliance with applicable standards in Section 17.100.240. All lots except Lot 7 are designed to gravity drain to the sanitary sewer line in Dubarko Road. Due to grade, Lot 7 is not able to drain to the line in Dubarko Road but is proposed to connect to the existing sanitary sewer line at the north end of the park property. The Assistant Public Works Director stated that sewer connections will be permitted as proposed (Exhibit P).

83. Stormwater. Section 17.100.250(A) details requirements for stormwater detention and treatment. Two public stormwater quality and detention facilities are proposed as Tract B to be located north of Lot 1 and Tract C in the SW corner of the property. However, the preliminary storm drainage and design calculations was done in November of 2019 and did not detail stormwater Tract C. **The applicant shall revise the storm drainage and design calculations with Tract C. All site runoff shall be detained such that post-development runoff does not exceed the predevelopment runoff rate for the 2, 5, 10 and 25 year storm events. Stormwater quality treatment shall be provided for all site drainage per the standards in the City of Portland Stormwater Management Manual (COP SWMM).**
84. Section 17.100.260 states that all subdivisions shall be required to install underground utilities. **The applicant shall install utilities underground with individual service to each lot.**
85. Section 17.84.60 outlines the requirements of public facility extensions. The applicant submitted a utility plan (Exhibit C, Sheet C5) which shows the location of proposed public water, sanitary sewer, and stormwater drainage facilities. Broadband fiber service will be detailed with construction plans. A private sanitary sewer connection is proposed to serve Lot 7. All other utilities will be public.
86. Franchise utilities will be provided to all lots within the proposed subdivision as required in Section 17.84.80. The location of these utilities will be identified on construction plans and installed or guaranteed prior to final plat approval. The applicant does not anticipate extending franchise utilities beyond the site. **All franchise utilities shall be installed underground.** The developer will make all necessary arrangements with franchise utility providers. The developer will install underground conduit for street lighting.
87. Section 17.84.90 outlines requirements for land for public purposes. The majority of public facilities will be located within public rights-of-way including the existing waterline that will be contained within the Dubarko Road right-of-way. Eight-foot wide public utility easements will be provided along all lots adjacent to street rights-of-way for future franchise utility installations. All easements and dedications will be identified on the final plat as required.

## **PARKLAND DEDICATION – Chapter 17.86**

88. The applicant intends to dedicate parkland as outlined in the requirements of Section 17.86. This application was originally submitted on December 30, 2019. The Sandy Development Code in effect at that time is what this reconsideration is being reviewed under. Therefore, it is important to note that modifications that have since occurred to the Sandy Development Code, particularly to Chapter 17.86, Parkland and Open Space, and Chapter 17.100, Land Division, do not apply to this application.
89. 17.86.10(2) contains the calculation requirements for parkland dedication. The formula is acres = proposed units x (persons/unit) x 0.0043 (per person parkland dedication factor).
- For the four duplexes, the acres equal  $8 \text{ units} \times 3 \text{ persons per unit} \times 0.0043 = 0.103$  acres.
  - For the 192 multifamily units, the acres equal  $192 \times 2 \text{ persons per unit} \times 0.0043 = 1.651$  acres.
  - Combined, this totals 1.754 acres. The applicant proposes to dedicate 1.755 acres of parkland and is thus in compliance with this requirement.
90. Section 17.86.20 has a requirement that all homes must front on the parkland. The applicant is not proposing any houses to the south of the parkland, but instead is proposing a stormwater tract. The applicant is proposing housing to the east of the parkland. are proposing future commercial development. Staff supports the shift of commercial lands from the east side of Dubarko Road to the west side of Dubarko Road if the parkland is accommodated with adequate landscape buffering, pedestrian amenities, and housing facing the parkland. The purpose of having homes front the parkland is to provide eyes on the park and increase safety for park users. Having active storefronts or patios facing the park will provide the same safety measures as homes facing the park. **The applicant shall design Lot 7 to incorporate buildings facing the parkland and usable windows facing the parkland.** An additional consideration should be to connect the sidewalk along Highway 26 to the walkway on the parkland property to accommodate additional pedestrian connectivity. The Revised Master Street and Utility Plan (Exhibit C, Sheet C5) details a meandering walkway in the proposed park. While staff appreciates this preliminary walkway location being identified in the revisions, ultimately the location of the walkway will need to be determined with design of Deer Pointe Park. **The applicant shall install a walkway along the east side of the park or west side of Lot 7 that connects Fawn Street/Street A to the sidewalk on Highway 26 as determined during design of Deer Pointe Park. The design of Lot 7 shall incorporate a landscape buffer that provides visibility between Lot 7 and the parkland but provides a visually attractive separation.**
91. The Parks and Trails Advisory Board provided a letter (Exhibit L) which contains a recommendation for the City Council to accept the parkland as it meets the objectives as listed in the 2022 Parks and Trails Master Plan by providing a true neighborhood park in an underserved area of the community. The Parks and Trails Advisory Board would also like the City to pursue a development agreement with the developer to make initial improvements to the park based on the conceptual plan in the 2022 Parks and Trails Master Plan in-lieu of

paying Systems Development Charges. **The applicant shall work with the City of Sandy to create a mutually agreed upon engineer estimate for the Deer Pointe parkland improvements. The final engineer's estimate shall be used as the basis for an agreement to calculate Park SDC credits for the applicant. If the applicant and City agree to the applicant/developer completing parkland improvements, the park improvements shall be completed with approval from the Parks and Trails Advisory Board and prior to final plat approval or as otherwise established in a development agreement.**

92. Section 17.86.30 lists the requirements of the developer prior to acceptance of required parkland dedications. **The applicant shall clear, grade, and seed the proposed parkland as specified by the City in the construction plans.** The parkland grading could impact proposed tree retention. **The applicant shall submit revised plans detailing how the parkland grading will minimize impacts to tree retention. If tree retention is negatively impacted the applicant shall preserve additional trees.** As referenced in Finding 1, above, and per Section 17.32.00 of the Development Code at the time of the original application submittal (December 2019), only publicly owned land can be zoned POS. **The applicant shall dedicate the proposed 1.755 acres of parkland to the City through a dedication deed process, separate from the subdivision plat process. The applicant shall also provide a Phase I Environmental Assessment prior to dedication. This dedication shall occur within 180 days after approval of Ordinance No. 2022-27.**

93. The applicant proposes including two utility easements within the proposed parkland dedication. However, these easements are unavoidable given the location of existing utilities. **The applicant shall define these utilities on the tentative plat.**

## **URBAN FORESTRY – 17.102**

94. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. Two Arborist Reports were included with the first iteration of Bull Run Terrace (Exhibit F) from Teragan and Associates. The applicant has also included an existing conditions and tree retention plan, and tree tables (Exhibit C, Sheet C3 and C4). The arborist inventoried all trees eleven inches and greater DBH for the portion of the property proposed to satisfy tree retention requirements as required in 17.102.50.
95. The property contains 15.91 acres requiring retention of 48 trees, 11 inches and greater DBH (15.91 x 3 = 47.73). The applicant is proposing to retain 81 trees, however, only 62 of the trees are both 11-inches or greater DBH and in good health according to the Arborist Reports (Exhibit F). The majority of the trees are conifers, with the majority of those being Doug fir. Five of the 81 trees marked for retention have been identified as in poor or very poor condition, but they are located in a grouping of healthy trees which makes removal difficult. The proposed retention is as follows:
- a. Lot 7: 44 trees at 11-inches DBH or greater and in good condition, 4 trees at 11-inches DBH or greater and in fair condition, 5 trees at less than 11-inches DBH and in good or fair condition, 4 trees in poor or very poor condition
  - b. Tract A (parkland): 15 trees at 11-inches DBH or greater and in good condition, 3 trees at 11-inches DBH or greater and in fair condition, 1 tree in poor condition
  - c. Lots 2 and 4: 3 trees at 11-inches DBH or greater and in good condition, 1 tree at 11-inches DBH or greater and in fair condition, 1 tree at less than 11-inches DBH and in good condition
96. The Arborist Reports (Exhibit F) provide recommendations for protection of retained trees including identification of the recommended tree protection zone for these trees. The requirements of 17.102.50(B) will be complied with prior to any grading or tree removal on the site. The Planning Commission provided a code interpretation that retention trees only have to be protected consistent with Chapter 17.102, and not consistent with the distance requirements in Chapter 17.92 for residential subdivisions. That said, staff finds that to adequately protect the retention trees, the protection area shall be consistent with Chapter 17.92 and the recommendations of the arborist. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1-inch DBH to protect the 53 retention trees in the conservation easement on Lot 7, the 18 retention trees on the parkland, and the 5 trees included on Lots 2 and 4, consistent with the arborist reports from Teragan and Associates. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property.**

97. **The tree protection fencing shall be 6-foot-tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) every 50 feet to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site.**
98. The Tree Preservation Plan (Exhibit C, Sheet C3) details a number of trees being removed right next to the trees proposed for retention. **The trees proposed for removal that are adjacent to retention trees shall be removed in a way that does not harm or damage adjacent trees.** The applicant submitted a Tree Removal Plan from Teragan and Associates, Inc. The Tree Removal Plan identifies tree removal options, including directional felling, piece removal, and crane removal. The arborist also identifies options for stumps, including retention or careful surface grinding. **Tree removal and/or snag creation shall be completed without the use of heavy equipment in the tree protection zone; trunks and branches of adjacent trees shall not be contacted during tree removal or snag creation. 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.**
99. **To ensure protection of the required retention trees, the applicant shall record a tree protection covenant for all 76 trees in good or fair retention as defined in Exhibit F, specifying protection of trees on the subject property and limiting removal without submittal of an Arborist's Report and City approval. The 5 trees in poor or very poor condition shall not be included in the covenant. The plat shall also include a conservation easement on Lot 7.**

## **LANDSCAPING AND SCREENING – Chapter 17.92**

100. Section 17.92.10 contains general provisions for landscaping. As required by Section 17.92.10 (C), trees over 25-inches circumference measured at a height of 4.5 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 4.5 feet above grade has roughly an eight-inch diameter at breast height (DBH). Tree protection fencing and tree retention will be discussed in more detail under Chapter 17.102 in this document. **Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.**
101. Section 17.92.20 lists the requirements for minimum landscaping improvements. **The details of this section will be considered with submittal of all design review applications for the proposed multi-family units and commercial property.**
102. Section 17.92.30 specifies that street trees shall be chosen from the City-approved list. As required by Section 17.92.30, the development of the subdivision requires medium trees spaced 30 feet on center along all street frontages. The current street tree plan (Exhibit C, Sheet C7) details trees at an appropriate spacing per the development code, except there are two trees missing to the east of Lot 7 along Dubarko Road. **The applicant shall revise the street tree plan (Exhibit C, Sheet C7) to detail two additional street trees to the east of Lot 7.** The trees the applicant has identified are American hophornbeam, American linden, Greenspire linden, and Green Vase zelkova. These four street tree species are on the approved street tree list.
103. The applicant is proposing to mass grade the buildable portion of the site. This will remove top soil and heavily compact the soil. In order to maximize the success of the required street trees, **the applicant shall aerate the planter strips to a depth of 3 feet prior to planting street trees. The applicant shall submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street trees at the individual construction phase for each lot. If the plans change in a way that affects the number of street trees (e.g., driveway locations), the applicant shall submit an updated street tree plan for staff review and approval. Street trees are required to be a minimum caliper of 1.5-inches measured 6 inches from grade and shall be planted per the City of Sandy standard planting detail. Trees shall be planted, staked, and the planter strip shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy. Tree ties shall be loosely tied twine or other soft material and shall be removed after one growing season (or a maximum of 1 year).**
104. Section 17.92.40 requires that all landscaping shall be irrigated, either with a manual or automatic system. **As required by Section 17.92.140, the developer and lot owners shall be required to maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.**

105. Section 17.92.50 specifies the types and sizes of plant materials that are required when planting new landscaping. Street trees are typically required to be a minimum caliper of 1.5-inches measured 6 inches from grade. **All street trees shall be a minimum of 1.5-inches in caliper measured 6 inches above the ground and shall be planted per the City of Sandy standard planting detail. The applicant shall submit proposed trees specifics to City staff for review and approval concurrent with construction plan review.**
106. Section 17.92.60 requires revegetation in all areas that are not landscaped or remain as natural areas. The applicant did not submit any plans for re-vegetation of areas damaged through grading/construction, although most of the areas affected by grading will be improved. **Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction to maintain erosion control for a period of two (2) years following the date of recording of the final plat associated with those improvements.**
107. Section 17.92.90 has details on screening of unsightly views or visual conflicts. While the proposed lots are not unsightly, they are a big difference from the existing view of the natural landscape. This contrast was identified at the Planning Commission hearing on August 24, 2020 and the applicant was asked to look at some additional screening measures to protect existing trees or add additional landscaping. The applicant took the comments seriously and proposed some additional landscaping along the common property line with the Deer Pointe subdivision (Exhibit I). The applicant is proposing to retain five conifers (Exhibit C, Sheet C3), and to plant some maples, incense cedars, katsura, and Silver Queen Port Orford cedars. **The applicant shall retain the additional five trees on Lots 2 and 4 (Tree Nos. 13439, 13440, 13441, 13421, and 13423) and shall plant maples, incense cedars, katsura, Excelsa Western red cedars, and Silver Queen Port Orford cedars or other trees as approved by staff per the Screening Concept Plan (Exhibit I) along Lots 1, 2, 4, and Tracts B and C. Deciduous trees shall be at least 1.5 inches caliper at planting and the cedars shall be at least 6 to 8 feet in height at planting.**
108. Section 17.92.130 contains standards for a performance bond. The applicant has the option to defer the installation of street trees and/or landscaping for weather-related reasons. Staff recommends the applicant utilize this option rather than install trees and landscaping during the dry summer months. Consistent with the warranty period in Section 17.92.140, staff recommends a two-year maintenance and warranty period for street trees based on the standard establishment period of a tree. **If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the street trees/landscaping, assuring installation within 6 months. The cost of the street trees shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.**



**HILLSIDE DEVELOPMENT, EROSION CONTROL, NUISANCES, AND ACCESSORY DEVELOPMENT – Chapters 17.56, 15.44, 15.30, and 17.74**

109. In accordance with the requirements of Chapter 17.56, Hillside Development, and Chapter 15.44, Erosion Control, the applicant submitted a Geotechnical and Slope Stability Investigation (Exhibit G) showing that the subject site contains a small area of slope exceeding 25 percent. **All recommendations in Section 6 of the submitted Geotechnical and Slope Stability Investigation (Exhibit G) shall be conditions for development.** The geotechnical report (2005) submitted with the application is nearly fifteen years old. It does not appear that there have been physical changes to the existing surface of the site in that time span that would impact the findings and recommendations in the geotechnical report but there may have been changes in industry standards or practices since then. As a result, the Applicant shall submit a letter from the original geotechnical engineering firm indicating that the findings and recommendations from the 2005 report remain substantially unchanged or modifying the original findings and recommendations as necessary. **The applicant shall submit a letter from the original geotechnical engineering firm indicating that the findings and recommendations from the 2005 report remain substantially unchanged or modifying the original findings and recommendations as necessary.**
110. **All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended. The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite.** The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. **All erosion control and grading shall comply with Section 15.44 of the Municipal Code. The proposed subdivision is greater than one acre which typically requires approval of a DEQ 1200-C Permit. The applicant shall submit confirmation from DEQ if a 1200-C Permit will not be required.**
111. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. **The applicant's Erosion Control Plan shall be designed in accordance with the standards of Section 15.44.50.** Grass seeding shall be completed as required by Section 17.100.300. The submitted preliminary Grading and Erosion Control Plan (Exhibit C, Sheet C9) provides additional details to address erosion control concerns. A separate Grading and Erosion Control Permit will be required prior to any site grading.
112. Recent development has sparked unintended rodent issues in surrounding neighborhoods. Prior to development of the site, **the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication, particularly rats, is needed.**
113. Section 17.74.40 specifies, among other things, retaining wall and fence height in front, side and rear yards. Retaining walls in residential zones shall not exceed 4 feet in height in the front yard, 8 feet in height in rear and side yards abutting other lots, and 6 feet in side and rear yards abutting a street. The submitted plan set does not define any retaining walls with the exception of a retaining wall for the stormwater facility in Tract B. **If retaining walls**

**are proposed, the applicant shall submit additional details/confirmation on the proposed retaining walls, including heights meeting code requirements and an architectural finish, for staff review and approval.**

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

## RECOMMENDATION

The Development Services Director recommends the City Council **approve** the Type IV comprehensive plan amendment, zone change, subdivision, and specific area plan overlay with tree removal associated with the proposed development subject to the conditions of approval below. This proposal meets the applicable approval criteria in the Sandy Municipal Code and achieves some major goals consistent with long range planning objectives in the City of Sandy, including but not limited to the following:

- 1) Extending Dubarko Road to intersect with Highway 26 consistent with the Transportation System Plan that was adopted in 2011;
- 2) Installing Street B to the south consistent with the Transportation System Plan that was adopted in 2011;
- 3) Paying a proportional share fee of \$268,345 towards construction of future capacity improvements at the intersection of Highway 211 and Dubarko Road at a cost of \$15,785 per PM peak hour trip;
- 4) Extending Fawn Street to the east;
- 5) Expanding the Deer Pointe Park consistent with the 1997 Parks Master Plan, goals of the Parks and Trails Advisory Board, and Figure 11 of the 2022 Parks and Trails Master Plan;
- 6) Fulfilling housing needs as defined in the Urbanization Study that was adopted in 2015; and,
- 7) Providing a mixture of housing types consistent with the goals of the 2040 Plan that was created in 1997.

## RECOMMENDED CONDITIONS OF APPROVAL

- A. The applicant shall assist the City of Sandy in applying for a grant of access or other necessary approval from ODOT for access to Highway 26 at Dubarko Road.**
- B. The applicant shall dedicate the proposed 1.755 acres of parkland to the City through a dedication deed process, separate from the subdivision plat process. Prior to dedication, the applicant shall provide a Phase I Environmental Assessment for Tract A. This dedication shall occur within 180 days after approval of Ordinance No. 2022-27.**
- C. Prior to earthwork, grading, or excavation, the applicant shall complete the following and receive necessary approvals as described:**
1. Apply for a grading and erosion control permit in conformance with Chapter 15.44. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. (*Submit 2 copies to Planning/Building Department.*)
  2. Submit proof of receipt of a Department of Environmental Quality 1200-C permit or submit confirmation from DEQ if a 1200-C Permit will not be required. (*Submit to Planning/Building Department.*)
  3. Submit a letter from the original geotechnical engineering firm indicating that the findings and recommendations from the 2005 report remain substantially unchanged or modify the original findings and recommendations as necessary.
  4. Submit proof that a licensed pest control agent evaluated the site to determine if pest eradication, particularly rats, is needed.
  5. Submit revised plans detailing how the traffic signal easement will impact the tree retention area and how the parkland grading will impact tree retention. If tree retention is negatively impacted the applicant shall preserve additional trees.
  6. The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1-inch DBH to protect the 53 retention trees in the conservation easement on Lot 7, the 18 retention trees on the parkland, and the 5 trees included on Lots 2 and 4, consistent with the arborist reports from Teragan and Associates. The following shall be followed:
    - a. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1-inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property.

- b. The tree protection fencing shall be 6-foot-tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) every 50 feet to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated.
  - c. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
  - d. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property. Tree removal and/or snag creation shall be completed without the use of heavy equipment in the tree protection zone; trunks and branches of adjacent trees shall not be contacted during tree removal or snag creation.
7. Request an inspection of erosion control measures and tree protection measures as specified in Section 17.102.50 C. prior to construction activities or grading.

**D. Prior to all construction activities, except grading and/or excavation, the applicant shall submit the following additional information as part of construction plans and complete items during construction as identified below: (*Submit to the Assistant Public Works Director unless otherwise noted*)**

1. Submit estimated costs of widening Dubarko Road to City staff for review and approval by the City Engineer. The City and the Applicant shall enter into an agreement defining the eligible improvements and estimated costs prior to plat approval. SDC credits shall be based on final audited costs.
2. Work with the City of Sandy to create a mutually agreed upon engineer estimate for the Deer Pointe parkland improvements. The final Engineer's estimate shall be used as the basis for an agreement to calculate Park SDC credits for the applicant. If the applicant and City agree to the applicant/developer completing parkland improvements, the park improvements shall be completed with approval from the Parks and Trails Advisory Board.
3. Submit written confirmation from the Sandy Fire District regarding the number and location of required fire hydrants. Submit a revised Residential Parking Access Plan if required fire hydrants effect on-street parking spaces.
4. Submit revised plans including the following:
  - a. Detail a revised cross-section for the portion of Dubarko Road between the existing terminus and Street A.
  - b. Detail all sidewalks on Dubarko Road at least 6 feet in width.
  - c. Detail two 5-foot-wide bike lanes and two 13-foot-wide travel lanes for Street B.

- d. Detail a pull-out transit stop on Highway 26 to the east of the intersection of Dubarko Road and Highway 26 to serve eastbound transit services along Highway 26 (within or by Lot 6).
  - e. Detail the locations for green street swales as determined by the City Engineer in accordance with topography. If green street swales are incorporated into the design, the plan set shall be modified to detail additional right-of-way or easements to accommodate the swales, if needed.
  - f. Detail a walkway along the east side of the park or west side of Lot 7 that connects Fawn Street/Street A to the sidewalk on Highway 26 as determined during design of Deer Pointe Park. If Deer Pointe Park is not designed prior to construction plan submission the applicant shall revise the construction plans with the walkway modifications once the Deer Pointe Park design is complete.
  - g. Detail fire turnaround easements on Lots 5 and 6 as approved by the Sandy Fire District Fire Marshal.
  - h. Detail new fire hydrants in an OSHA safety red finish and having a 4-inch non-threaded metal faced hydrant connection with cap installed on the steamer port (4 ½-inch NST x 4-inch Storz Adaptor).
  - i. Detail two additional street trees to the east of Lot 7.
  - j. Detail the locations of streetlights on all streets being improved within and adjacent to the subdivision. Streetlights shall be full cut-off, shall not exceed 4,150 Kelvins, and shall conform to the Dark Sky standards of Chapter 15.30.
  - k. Detail proposed retaining walls, including heights meeting code requirements and an architectural finish.
  - l. Detail a revised utility plan to include broadband fiber locations as detailed by the SandyNet Manager.
5. Submit a detailed drainage report meeting the water quality and water quantity criteria as stated in the City of Sandy Development Code (SDC) 13.18 Standards and the most current City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code. The drainage report and design calculations shall include Tract C.
  6. Submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and the USPS for review. Mail delivery facilities shall be provided by the applicant in conformance with 17.84.100 and the standards of the USPS.
  7. Call PGE Service Coordination at 503-323-6700 when the developer is ready to start the project.

**E. Prior to Final Plat approval, the applicant shall complete the following tasks or provide assurance for their future completion:**

1. Submit two paper copies of a Final Plat and associated fee.

2. Pay a proportional share fee of \$268,345 towards construction of future capacity improvements at the intersection of Highway 211 and Dubarko Road at a cost of \$15,785 per PM peak hour trip.
3. The street name for Street B shall follow the deer related theme in the development to the west and shall be an 'avenue' as it runs north/south. Staff recommends the name Velvet Avenue.
4. Modify the plat to include a vehicular easement on Lot 4 as necessary to accommodate maneuvering for vehicles on Lot 3.
5. Pay plan review, inspection and permit fees as determined by the Public Works Director.
6. Pay addressing fees at the existing rate per the fee schedule.
7. 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.
8. Install all public and private improvements consistent with this decision and the ODOT improvements consistent with the grant of access, the approved construction plans, and the Sandy Municipal Code, including, but not limited to the following:
  - a. A walkway along the east side of the park or west side of Lot 7 that connects Fawn Street/Street A to the sidewalk on Highway 26;
  - b. A pull-out transit stop on Highway 26 to the east of the intersection of Dubarko Road and Highway 26 to serve eastbound transit services along Highway 26 (within or by Lot 6);
  - c. Two concrete bus shelter pads and green benches (Fairweather model PL-3, powder coated RAL6028). The required pad size is 7 feet by 9 feet 6 inches and the amenities should be located adjacent to Lot 3 or 1 and Lot 5. Engineering specifications are available from the Director of Sandy Area Metro.
  - d. Replace the existing waterline with an 8-inch diameter water line at a depth approved by the City Engineer.
  - e. Install an 18-inch water line in Dubarko Road connected to the existing 18-inch water line at the west end of the site and the existing 12-inch line in Highway 26.
  - f. Extend the existing 12-inch water main in Highway 26 east from the proposed intersection of Dubarko Road and Highway 26 to the east boundary of the site.
9. Clear, grade, and seed the proposed parkland as specified by the City in the construction plans. If the applicant and City agree to the applicant/developer completing parkland improvements, the park improvements shall be completed prior to final plat approval or as otherwise established in a development agreement.
10. Retain the additional five trees on Lots 2 and 4 (Tree Nos. 13439, 13440, 13441, 13421, and 13423) and plant maples, incense cedars, katsura, Excelsa Western red cedars, and Silver Queen Port Orford cedars or other trees as approved by staff per the Screening

Concept Plan (Exhibit I) along Lots 1, 2, 4, and Tracts B and C. Deciduous trees shall be at least 1.5 inches caliper at planting and the cedars shall be at least 6 to 8 feet in height at planting.

11. Record a tree protection covenant for all 76 trees in good or fair condition as defined in Exhibit F, specifying protection of trees on the subject property and limiting removal without submittal of an Arborist's Report and City approval. The 5 trees in poor or very poor condition shall not be included in the covenant. The plat shall also include a conservation easement on Lot 7.
12. Submit a true and exact reproducible copy (Mylar) of the Final Plat for final review and signature.

**F. Conditions related to future development of the lots:**

1. Development on Lots 1 through 4 shall meet the standards of the R-1 zoning district and all other development standards in the Sandy Municipal Code. Future development on Lots 1-4 shall adhere to the garage standards contained in Section 17.54.110(D). Development of these four lots will be reviewed by means of a building permit.
2. Development on Lots 5, 6, and 7 shall meet the standards of the underlying zoning district and all other development standards in the Sandy Municipal Code. Development of these three lots will be reviewed by means of a design review.
3. Design review approval for Lot 7 shall incorporate buildings facing the parkland and usable windows facing the parkland. This design review approval for Lot 7 shall also incorporate a landscape buffer that provides visibility between Lot 7 and the parkland but provides a visually attractive separation.
4. Driveway access locations to Lots 5 -7 shall be determined and approved by the City Public Works Director and City Engineer during design review for these lots. The land use application for Lot 7 shall include proposed driveway designs to discourage commercial patrons existing Lot 7 to Street A from entering the Deer Pointe Subdivision on Street A. The designs shall be reviewed and approved by the City Engineer and Public Works Director.
5. The dwellings on all lots abutting a transit street shall be designed to meet all of the requirements as specified in Chapter 17.82 and will be assessed with future building permits or design reviews, whichever is applicable.
6. The orientation of the future multi-family units that have frontage on both Highway 26 and Dubarko Road, or Street B and Dubarko Road will be determined in a future design review process.
7. Aerate the planter strips to a depth of 3 feet prior to planting street trees. The applicant shall submit documentation from the project landscaper stating that the soil has been



amended and aerated prior to planting the street trees at the individual construction phase for each lot.

8. Install an 8-foot-wide concrete walkway with pedestrian scale lighting through Lot 6 from the sidewalk on Highway 26 to the southern property line of Lot 6. This facility shall be contained within a pedestrian access easement or tract recorded prior to any certificate of occupancy on this lot.

**G. General Conditions of Approval:**

1. The Final Plat shall be recorded as detailed in Section 17.100.60 (I). The final plat shall be delivered to the Director for approval within one year following approval of the tentative plat and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request, grant an extension of the tentative plat approval for up to one additional year.
2. The comprehensive plan map and zoning map modifications go into effect 30 days from the date of the ordinance in accordance with Section 17.26.90.
3. The subject property is limited to 200 dwelling units, as follows:
  - a. Low-Density Residential (R-1) Cap: 8 dwelling units
  - b. Medium-Density Residential (R-2) Cap: 17 dwelling units
  - c. High-Density Residential (R-3) Cap: 127 dwelling units
  - d. Village Commercial (C-3) Cap: 48 dwelling units
4. The ODOT grant of access shall be approved and the improvements completed per the grant of access prior to issuance of certificates of occupancy for any structures on the subject property. The intersection of Highway 26 and Dubarko Road shall be constructed as a full-access intersection in compliance with the TSP.
5. Public plans are subject to a separate review and approval process. Preliminary Plat approval does not connote approval of public improvement construction plans, which will be reviewed and approved separately upon submittal of public improvement construction plans.
6. All on-site earthwork activities including any retaining wall construction should follow the requirements of the City of Sandy Development Code and the current edition of the Oregon Structural Specialty Code (OSSC).
7. The subject property shall be subject to a trip cap of 340 PM net new peak hour trips. Each application for development of a lot within the subject property shall include a report from a licensed traffic engineer stating the number of net new PM peak hour trips expected to be generated by the proposed development, and this number of trips will be deducted from the total trip cap of 340 net new PM peak hour trips upon approval of the application. No development application will be approved that would cause the total net new PM peak hour trips to exceed said cap unless the applicant agrees to pay additional

proportionate share fees for the intersection of Highway 211 and Dubarko Road, in an amount determined by the City based on the number of trips in excess of the cap.

8. If entry signs are desired, the applicant shall submit a detailed plan showing the location of such signage and a sign permit application.
9. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
10. 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 as amended and should be constructed to the City's structural streets standards.
11. All on-site earthwork activities including any retaining wall construction shall follow the current requirements of the current edition of the Oregon Structural Specialty Code (OSSC).
12. All recommendations in Section 6 of the submitted Geotechnical and Slope Stability Investigation (Exhibit I) shall be conditions for development.
13. All utilities shall be installed underground and in conformance with City standards. The applicant shall install utilities underground with individual service to each lot.
14. The applicant shall be responsible for the installation of all improvements detailed in Section 17.100.310, including fiber facilities. 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.
15. All public utility installations shall conform to the City's facilities master plans.
16. As required by Section 17.98.130, all parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
17. Water line sizes shall be based upon the Water Facilities Master Plan and shall be sized to accommodate domestic fire protection flows on the site.
18. All new public sanitary sewer and waterlines shall be a minimum of 8-inches in diameter.
19. All stormwater drains shall be a minimum of 12-inches in diameter and shall be extended to the plat boundaries where practical to provide future connections to adjoining properties.
20. All site runoff shall be detained such that post-development runoff does not exceed the predevelopment runoff rate for the 2, 5, 10 and 25 year storm events. Stormwater quality treatment shall be provided for all site drainage per the standards in the City of Portland Stormwater Management Manual (COP SWMM).

21. If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the street trees/landscaping, assuring installation within 6 months. The cost of the street trees shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.
22. If the plans change in a way that affects the number of street trees (e.g., driveway locations), the applicant shall submit an updated street tree plan for staff review and approval. Street trees are required to be a minimum caliper of 1.5-inches measured 6 inches from grade and shall be planted per the City of Sandy standard planting detail. Trees shall be planted, staked, and the planter strip shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy. Tree ties shall be loosely tied twine or other soft material and shall be removed after one growing season (or a maximum of 1 year).
23. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing. As required by Section 17.92.140, the developer shall maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.
24. Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction to maintain erosion control for a period of two (2) years following the date of recording of the final plat associated with those improvements.
25. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
26. 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.
27. 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.
28. Comply with all other conditions or regulations imposed by the Sandy Fire District (Exhibit N) 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.