



# BULL RUN TERRACE RECONSIDERATION

City Council 11/21/2022

# VICINITY MAP



# HISTORY

December 2020 - the City Council denied the Bull Run Terrace Subdivision application (File No. 19-050). The applicant 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.

May 2022 - the City Council denied the Deer Meadows Subdivision application. The applicant then appealed that City Council decision to LUBA. The LUBA appeal was then placed on stay by the applicant, meaning 'on hold'.

In accordance with ORS 197.830(13)(b), the applicant then 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 and additional parkland. The applicant states that the existing zoning could accommodate 226 dwelling units. **The City Council agreed to reconsider the proposal with the modifications.**

# REVIEW TYPE

Type IV comprehensive plan amendment, zone change, subdivision, and specific area plan overlay with tree removal.

Quasi-Judicial de novo (starting from the beginning) public hearing to hear testimony from the applicant and the public, and either approve or deny the Bull Run Terrace land use application.

Ordinance No. 2022-27 would have to be adopted to approve the application.

## *TIME LIMITS*

Applicant: 20 minutes for presentation, 10 minutes for rebuttal

Public: 3 minutes per each testimony

# APPLICABLE CODE

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.

# MORATORIUM

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.

If this application is approved, the applicant will still need to work with DEQ to get a sanitary sewer connection and will be potentially limited for building construction by the ERU limitations in effect at that time.

# REQUEST

- Approval of a 7-lot subdivision with tree removal.
- The subject site is 15.91 gross acres and 11.60 net acres after dedication of right-of-way, parkland, and stormwater tracts.
- Four lots totaling 0.59 acres are proposed with the R-1 (low-density residential) zoning designation with four duplexes (8 dwelling units).
- One lot at 1.23 acres is proposed with the R-2 (medium-density residential) zoning designation with 17 multifamily dwelling units.
- One lot at 6.50 acres is proposed with the R-3 (high-density residential) zoning designation with 127 multifamily dwelling units.
- One lot at 3.28 acres is proposed with the C-3 (village commercial) zoning designation with a commercial business and 48 multifamily dwelling units.

# ZONE MAP CHANGE (NET ACRES)

Zoning District	Existing Acres	Proposed Acres
R-1	4.57	0.59
R-2	4.43	1.23
R-3	0.00	6.50
C-3	2.61	3.28



# PROPOSED ZONING MAP CHANGE

## ATTACHMENT B

### EXISTING NET ZONING AREA

TOTAL SITE AREA	= 693,073 SF = 15.910 ACRES
R-1 SINGLE FAMILY	= 289,300 SF = 6.643 ACRES
R-2 MULTIFAMILY	= 192,769 SF = 4.425 ACRES
C-3 COMMERCIAL	= 113,133 SF = 2.611 ACRES
PUBLIC ROW	= 91,205 SF = 2.132 ACRES

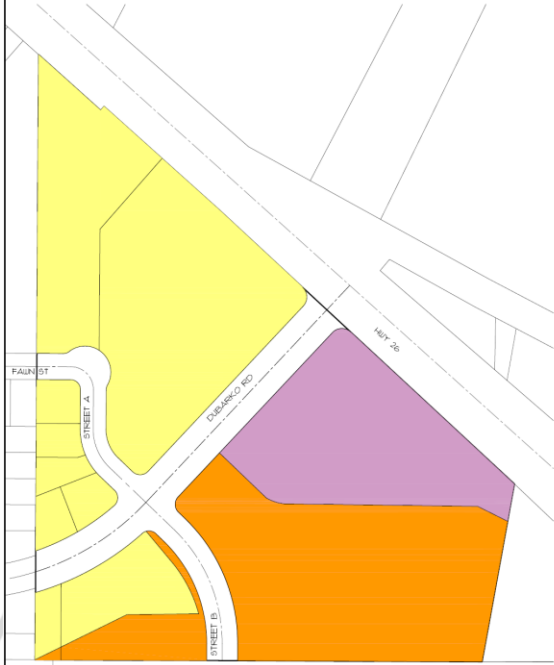


### LEGEND

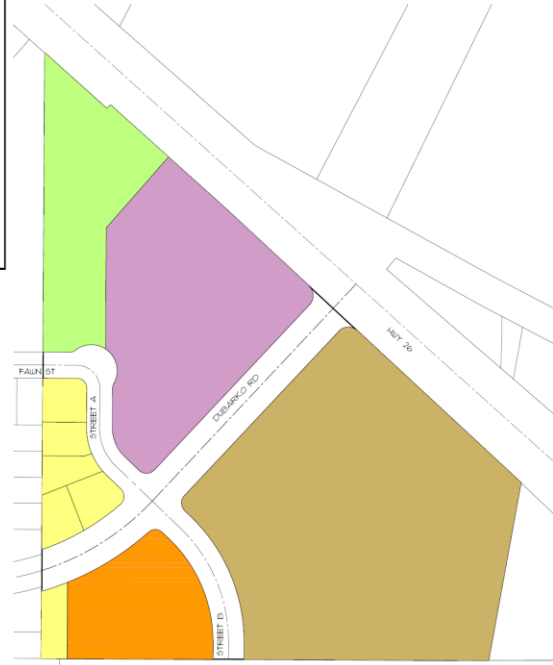
	PARKS AND OPEN SPACE ZONE
	R-1 ZONE
	R-2 ZONE
	R-3 ZONE
	C-3 ZONE

### PROPOSED NET ZONING AREA

TOTAL SITE AREA	= 693,073 SF = 15.910 ACRES
PARKS AND OPEN SPACE	= 16,440 SF = 1.805 ACRES
R-1 SINGLE FAMILY	= 39,844 SF = 0.909 ACRES
R-2 MULTIFAMILY	= 53,126 SF = 1.233 ACRES
R-3 MULTIFAMILY	= 283,334 SF = 6.504 ACRES
C-3 COMMERCIAL	= 142,884 SF = 3.280 ACRES
PUBLIC ROW	= 91,205 SF = 2.132 ACRES



EXISTING ZONING



PROPOSED ZONING

SHEET		SK2	
OF		2	
DATE	NO.	REVISION	BY
			
DATE	SCALE	DATE	SCALE
<b>BULL RUN TERRACE SUBDIVISION</b> <b>NET ZONING AREA COMPARISON</b> 4000B S. 4100 HWY 26, BANDY, OR 97005			
			
BULL RUN TERRACE SUBDIVISION PROPOSED ZONING MAP CHANGE COMPLETED: 08/17/23			

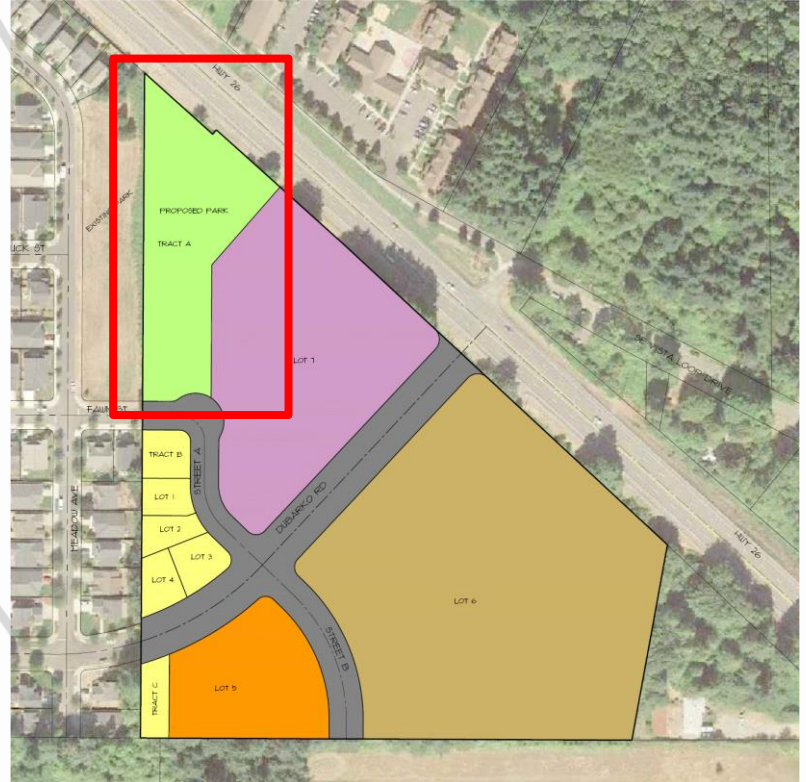
# DENSITY

**The applicant is proposing a density cap of 200 dwelling units.** Without the cap instated it is likely that the number of dwelling units would be greater than 200.

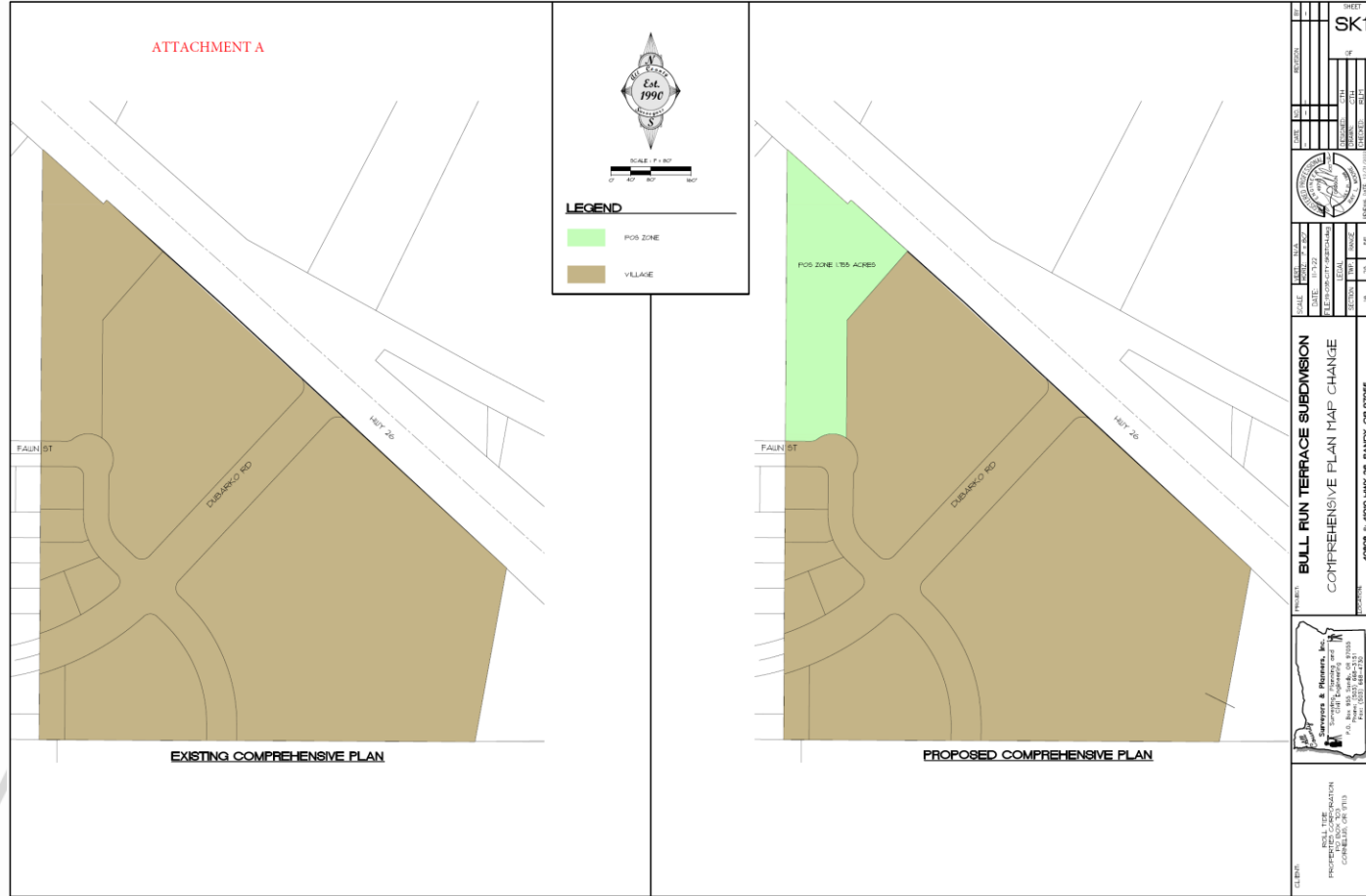
*For instance, the subdivision known as Vista Loop South that was approved in 2006, but never constructed, had 88 lots on the R-1 and R-2 land, which with the introduction of House Bill 2001 could have potentially allowed up to 176 dwelling units on the R-1 and R-2 land. While it is unlikely that all 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.*

# PARKLAND DEDICATION

- Dedicate 1.755 acres for the eventual construction of Deer Pointe Park and zone this land as Parks and Open Space (POS).
- Necessitates a comprehensive plan map change from Village to POS.
- 0.33 acres larger than the 2019 proposal with Bull Run Terrace.



# PROPOSED COMPREHENSIVE PLAN MAP CHANGE



# LOW DENSITY RESIDENTIAL (R-1)

## Lots 1, 2, 3, and 4

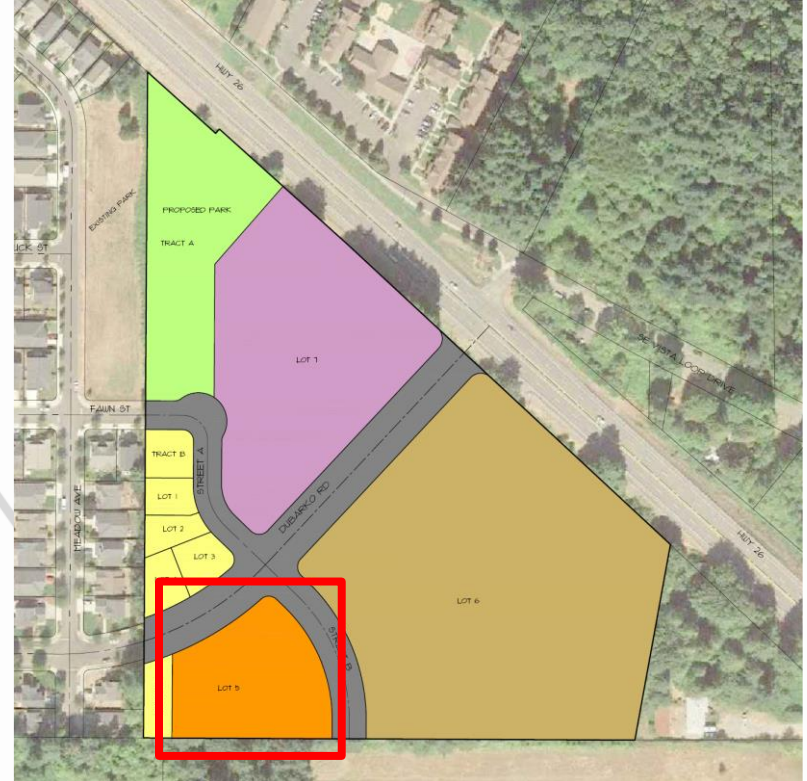
- Maximum density = 8 dwelling units
- Proposed Cap = 8 dwelling units
- Each lot is at least 7,500 sq ft
- Tracts B and C are stormwater facilities but are real property so have a zoning designation.



# MEDIUM DENSITY RESIDENTIAL (R-2)

## Lot 5

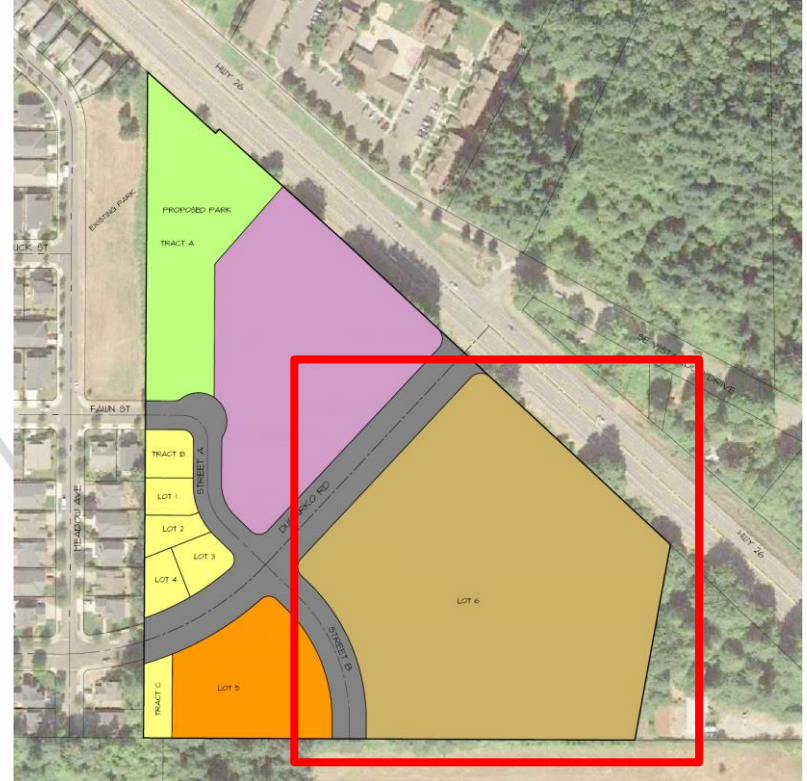
- Maximum density = 17 dwelling units
- Proposed Cap = 17 dwelling units
- The future design review application will include a review of development standards, minimum requirements, and additional requirements.



# HIGH DENSITY RESIDENTIAL (R-3)

## Lot 6

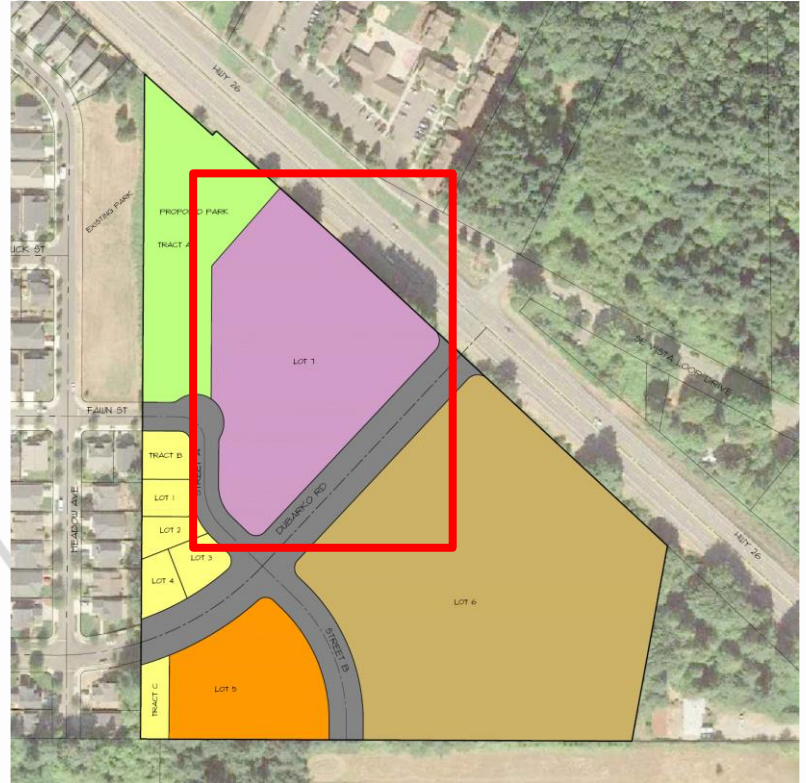
- Maximum density = 130 dwelling units
- Proposed Cap = 127 dwelling units
- The future design review application will include a review of development standards, minimum requirements, and additional requirements.



# VILLAGE COMMERCIAL (C-3)

## Lot 7

- Allows for mix of commercial and residential uses.
- Maximum density = unknown
- Proposed Cap = 48 dwelling units
- The future design review application will include a review of development standards, minimum requirements, and additional requirements.





# SPECIFIC AREA PLAN OVERLAY

The City of Sandy Comprehensive Plan, Goal 2, Land Use Designations, Village states: **“development within village areas is governed by a specific area plan approved by the city as a Type IV land use decision”** and, **“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.”**

Therefore, the City required submission of a Specific Area Plan (SAP) Overlay request.

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.

# SPECIFIC AREA PLAN OVERLAY

With the Bornstedt Village Overlay in mind, staff recommends the additional provisions:

- Additional trees retained and additional retention requirements. **Additional requirements from the first Bull Run Terrace iteration.**
- Additional plantings along the common property line with Deer Pointe subdivision per the Screening Concept Plan (Exhibit I).
- The requirement to install green street swales anywhere that topography will allow.
- More restrictive garage design standards on Lots 1, 2, 3, and 4. **Additional requirements from the first Bull Run Terrace iteration.**

# APPROVAL CRITERIA

Staff finds that this proposed application meets the applicable approval criteria in the Sandy Development Code. These approval criteria are more specially listed as:

- Comprehensive Plan Amendment: Section 17.24.70, criteria A. and B.
- Zoning Map Amendment: Section 17.26.40 B., criteria 1. through 4.
- Specific Area Plan Overlay: Section 15.54.10 A. through H.
- Subdivision Approval: Section 17.100.60 E., criteria 1. through 6.

# MAIN POTENTIAL PUBLIC BENEFITS

- Extending Dubarko Road to intersect with Highway 26 consistent with the Transportation System Plan that was adopted in 2011.
  - Installs a much-needed transportation connection that is more suitable for turning movements than Langensand Road
- 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.
  - The developer helps pay for intersection improvements at a location that is in need of modifications

# MAIN POTENTIAL PUBLIC BENEFITS

- Expanding the Deer Pointe Park by 1.755 acres, consistent with the goals of the Parks and Trails Advisory Board and Figure 11 of the 2022 Parks and Trails Master Plan.
  - 0.33 acres larger than the 2019 proposal with Bull Run Terrace
  - Parkland dedication would occur prior to plat recording with a separate deed process
  - Potential to partner with the developer to help develop the park property

# OTHER POTENTIAL PUBLIC BENEFITS

- Installing Street B to the south consistent with the Transportation System Plan that was adopted in 2011
- Extending Fawn Street to the east
- Fulfilling housing needs as defined in the Urbanization Study that was adopted in 2015
- Providing a mixture of housing types consistent with the goals of the 2040 Plan that was created in 1997

# RECOMMENDATION

- Approve the Bull Run Terrace subdivision per the findings and conditions in the staff report for File No. 22-038.
- Adopt Ordinance No. 2022-27.