

**PLANNING COMMISSION STAFF REPORT
(DRAFT FINDINGS OF FACT and FINAL ORDER
TYPE IV DECISION)**

DATE: August 14, 2020

FILE NO.: 19-050 CPA/ZC/SUB/SAP/TREE

PROJECT NAME: Bull Run Terrace

APPLICANT/OWNER: Roll Tide Properties Corp

LEGAL DESCRIPTION: T2 R5E Section 18CD, Tax Lots 900 and 1000

The above-referenced proposal was reviewed concurrently as a Type IV comprehensive plan amendment, zone change, subdivision, and specific area plan overlay with tree removal. The following Findings of Fact are adopted supporting approval of the plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Project Narrative (revised July 2020)
- C. Civil Plan Set
 - Sheet 1 – Cover Sheet, Preliminary Plat Map, and Future Street Plan
 - Sheet 2 – Preliminary Plat Map
 - Sheet 3 – Existing Conditions and Tree Retention Plan
 - Sheet 4 – Tree Tables
 - Sheet 5 – Master Street and Utility Plan
 - Sheet 6 – Street Sections
 - Sheet 7 – Street Tree Plan and Parking Analysis
 - Sheet 8 – Proposed Striping Plan
 - Sheet 9 – Preliminary Grading and Erosion Control Plan
 - Sheet 10 – Slope Analysis
- D. Preliminary Storm Drainage Design and Calculations
- E. Public Need Analysis
- F. Traffic Impact Study
- G. Arborist Report
- H. Wetland Determination Report
- I. Geotechnical Report

Agency Comments:

- J. City Engineer (February 20, 2020)
- K. Sandy Fire District No. 72 (February 25, 2020)
- L. PGE (February 25, 2020)
- M. City of Sandy Transit (February 28, 2020)
- N. City Transportation Engineer (February 28, 2020)
- O. ODOT (March 20, 2020)
- P. City of Sandy Public Works (April 29, 2020)
- Q. City Transportation Engineer (August 10, 2020)
- R. City Engineer (August 12, 2020)
- S. Sandy Fire District No. 72 (August 13, 2020)
- T. ODOT (*placeholder*)
- U. City of Sandy Public Works (*placeholder*)

Additional Documents from Staff:

- V. Pre-application Notes from January 10, 2018, October 10, 2018
- W. Incompleteness Letter dated January 27, 2020
- X. Completeness Letter dated February 14, 2020

Public Comments:

- Y. Amelia Williams Robinson (April 23, 2020)
- Z. Miriam Chmykhalov (April 23, 2020)
- AA. Tom and Linda Hunt (April 26, 2020)
- BB. Vincent and Lynn Mandina (April 28, 2020)
- CC. Vadim and Miriam Verbelchul (April 28, 2020)
- DD. Nicola Skinner (April 30, 2020)
- EE. Kathleen Walker (May 1, 2020)
- FF. David and Nancy Allan (May 1, 2020)
- GG. Izaac McKenzie (May 1, 2020)
- HH. Ann Ruhl (May 1, 2020)
- II. Lesley Lowe (May 1, 2020)
- JJ. Lonnie Stermon (May 1, 2020)
- KK. Tom and Linda Hunt (May 5, 2020)
- LL. Gary and Val Roche (May 5, 2020)
- MM. Gary and Val Roche (May 6, 2020)
- NN. Scott Ruehrdanz (May 7, 2020)
- OO. Marion Gunderson (May 26, 2020)
- PP. Christian Vedder (May 27, 2020)
- QQ. Ann Smith Vedder (May 27, 2020)
- RR. Susan Dulle (June 2, 2020)
- SS. Yoshi Hosaka and Itsuo Hosaka (July 28, 2020)
- TT. Gary and Val Roche (July 31, 2020)
- UU. David and Nancy Allan (July 30, 2020)
- VV. David and Nancy Allan (July 31, 2020)
- WW. Dennis Fetter (August 3, 2020)

- XX. Jessica Hutson (August 5, 2020)
- YY. Lee Grundmeyer (August 6, 2020)
- ZZ. Izaac McKenzie (August 7, 2020)
- AAA. Marilyn E. (August 10, 2020)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittals received on December 30, 2019, July 14, 2020, and other information as detailed in this document. Staff deemed the application incomplete on January 27, 2020. The applicant submitted additional materials on February 11, 2020. The application was deemed complete on February 14, 2020 and the original 120-day deadline was June 13, 2020. However, due to the unforeseen effects of COVID-19 affecting the timing of public hearings, the applicant agreed to a deadline extension of 30 days to July 13, 2020.
2. 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.
3. On May 13, 2020 the Development Services Director sent the applicant the following: "Instead of requesting 120-day extensions and going back and forth between the applicant and city staff we are going to invoke ORS 227.178 (10) to remove the 120-day clock provisions for the Bull Run Terrace application." Therefore, this application does not have a 120-day deadline as the proposal includes a comprehensive plan map amendment.
4. This report is based upon the exhibits listed in this document, as well as agency comments and public testimony.
5. The subject site is approximately 15.91 acres. The site is located at 40808 and 41010 Highway 26.
6. The parcel has a Comprehensive Plan Map designation of Village and a Zoning Map designation of R-1, Low Density Residential; R-2, Medium Density Residential; and C-3. Village Commercial.
7. This subject property was previously approved for an 88-lot subdivision known as Vista Loop South (File No. 05-029). Vista Loop South received a few tentative plat extensions and one plat reinstatement, but the subdivision was never constructed, and the approval expired in 2015.
8. The applicant, Roll Tide Properties Corp., requests a Type IV Zone Map Amendment, Comprehensive Plan Map Amendment, Specific Area Plan and development of a 7-lot subdivision for two parcels totaling approximately 15.91 acres. Four lots are proposed to have the R-1 zoning designation and are proposed to each contain a single family dwelling. Two lots are proposed to have the R-3 zoning designation. The exact number of multifamily

dwelling units will be determined with a subsequent design review application for these lots, but according to the applicant the maximum number of dwelling units on the R-3 land is 158 dwelling units. While the C-3 zoning district will have to contain some commercial development there is a decent chance the C-3 land will also contain some residential dwelling units. The development code allows for multi family residential in the C-3 zoning district so long as the dwelling units are above, beside, or behind a commercial business.

9. While this proposal will undoubtedly increase traffic on Dubarko Road the Average Daily Traffic (ADT) concerns that were recently 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 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 is Fawn Street/Street A. The four proposed single family homes 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. To alleviate potential traffic concerns and to deter trips from heading west on Fawn Street staff recommends that trip distribution is limited from Lot 7. **Staff recommends a condition that the exit on the driveway to Lot 7 on Street A is restricted to left-only turning movements (using a left turn only pork chop design and signage) to deter commercial patrons from entering the Deer Pointe subdivision when exiting Lot 7.**
10. Notification of the proposed application was mailed to affected agencies on February 14, 2020 and to affected property owners within 500 feet of the subject property on April 17, 2020. A correction to the notice was sent on May 5, 2020.
11. Due to concerns raised by City planning staff as well as by surrounding residents, the applicant requested additional time to modify the application for this proposed development. On May 21, 2020, a notification was mailed to affected property owners stating that the Planning Commission meeting was rescheduled to Monday, July 27, 2020 at 7:00 pm. The City Council meeting was rescheduled to Tuesday, September 8, 2020 at 7:00 pm.
12. After additional discussion, the applicant and City staff agreed to move the public hearing dates once more. A notice was sent on July 23, 2020 informing affected property owners that the Planning Commission meeting will be held on August 24, 2020 and the City Council meeting on October 19, 2020.

13. A legal notice was submitted to the newspaper on August 5, 2020 to be published on August 12, 2020 informing residents of the public hearings.
14. Agency comments were received from the City Transportation Engineer, City Engineer, Sandy Transit, Public Works, ODOT, Sandy Fire District No. 72, and PGE.
15. At publication of this staff report 29 written public comments were received. The main concerns expressed by residents include the following:
 - A. The loss of trees, thus lowering the aesthetic quality of the area as well as privacy for existing homes.
 - B. The capacity of the police to effectively patrol multi-family dwelling areas.
 - C. The possibility of criminal activity at multi-family dwelling areas.
 - D. Being previously told that the land would not be developed as residential.
 - E. Acres of commercial land use being put into a deficit.
 - F. Concerns about effects of multi-family housing on property values.
16. Staff is sympathetic to all concerns raised by the public but does not know of any research which shows that an increase in multi-family housing decreases property values for single family homes. There is certainly nothing within the Sandy municipal code which relates multi-family housing and property values, nor is there a way to evaluate this. Furthermore, 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 5.01 acres of R-2 designated land.

17.24 – Comprehensive Plan Amendment Procedures

17. Chapter 17.24, Comprehensive Plan Amendment Procedures, contains review criteria for Comprehensive Plan amendments. The comprehensive plan map change and zone map change proposes to add High Density Residential (R-3) and Parks and Open Space (POS), increase Village Commercial (C-3), remove Medium Density Residential (R-2), and reduce Low Density Residential (R-1). The Comprehensive Plan states that area and density increase within a village may be increased or decreased up to 20 percent. Changes greater than 20 percent will require a Plan Map amendment. The applicant's analysis shows that the maximum residential density with the existing zoning designations on the R-2 and R-1 lands is 101 dwelling units. The applicant's analysis shows that the maximum residential density with the proposed zoning designations on the R-3 and R-1 lands is 163 dwelling units. Therefore, the potential increase in residential density is 61.9 percent which exceeds the threshold as defined in the comprehensive plan. Therefore, a Plan Map amendment is required.
18. Section 17.24.70 (A) specifies the change being proposed is the best means of meeting the identified public need. The City Council adopted an updated Urbanization Study in February 2015 (Ordinance 2015-01). This study projected the land needs for the Urban Growth Boundary to the year 2034 and concluded there is expected to be a surplus of 13.9 acres of

high density residential land and a deficit of 51.8 acres of commercial land for the planning period. The proposed change would increase the commercial land supply by 0.77 acres and reduce the residential land supply by the same amount.

19. The applicant's original proposed modifications would have resulted in the following:

Commercial = deficit of 1.71 acres (previously a surplus of 1.13 acres)
Low Density Residential = surplus of 11.74 acres (previously a surplus of 19.2 acres)
Medium Density Residential = surplus of 12.09 (previously a surplus of 17.1 acres)
High Density Residential = surplus of 23.60 acres (previously a surplus of 12.6 acres)
Industrial is not applicable to this application

20. Because the original proposal would have resulted in a deficit of the 20-year supply of commercial lands and created a Goal 9 violation, the applicant revised their proposal to include commercial land.

21. The applicant's new proposal will result in the following:

Commercial = surplus of 1.90 acres (previously a surplus of 1.13 acres)
Low Density Residential = surplus of 11.74 acres (previously a surplus of 19.2 acres)
Medium Density Residential = surplus of 12.09 (previously a surplus of 17.1 acres)
High Density Residential = surplus of 20.51 acres (previously a surplus of 12.6 acres)
Industrial is not applicable to this application

The applicant's surplus numbers on page 11 of their narrative are slightly different, but the above numbers are the correct numbers based on recent comprehensive plan map amendments.

22. Section 17.24.70(B) requires the change to conform to all applicable Statewide Planning Goals.

Goal 1: Citizen Involvement

The application is being reviewed through a Type IV process that requires two public hearings. A public notice was sent to adjoining property owners, a legal notice published in the Sandy Post, and a notice of the proposal was sent to the Department of Land Conservation and Development. The Planning Commission will review the application at a public hearing on August 24, 2020 and make a recommendation to City Council who will hold a public hearing on October 19, 2020. 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 G). 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. That said, staff finds that to adequately protect the required retention trees on Lot 7 the protection area shall be consistent with Chapter 17.92. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the 59 retention trees 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 up to 1.426 acres of parkland to the City. This dedication helps expand the existing parkland that will eventually be developed as Deer Point Park. Expanding the Deer Point park is consistent with the goals of the Parks and Trails Advisory Board and the current revisions that are being considered for the Parks Master Plan. Staff finds that parkland dedication is preferable so long as the development to the east of the park is complementary to the parkland. As explained below, 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 or east of the parkland, but instead is proposing future commercial development. The applicant's narrative states, "in order to address the spirit of the requirement in this section, the applicant proposes constructing a widened sidewalk along the eastern park frontage adjacent to Lot 7". 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 commercial development (albeit mixed use or traditional commercial) having active storefronts or patios 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. Additionally, this kind of “active frontage” creates pedestrian interest and engagement. **Staff recommends that the design review approval for Lot 7 shall be conditioned to incorporate storefronts, patios 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. **Staff recommends that the applicant 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. Staff also recommends that the design review approval for Lot 7 incorporate a landscape buffer that provides visibility between Lot 7 and the parkland but provides a visually attractive separation.**

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 revised 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 modifications to the comprehensive plan increases the potential diversity in housing types by providing additional multi-family housing.

Goal 11: Public Facilities and Services

Not Applicable

Goal 12: Transportation

The applicant contracted with a Traffic Engineer to prepare a Traffic Impact Study (Exhibit F). With development of this project, Dubarko Road will be extended through the property to connect with Highway 26. The submitted traffic study evaluated five existing intersections to determine if they are expected to operate within capacity under year 2021 traffic conditions either with or without the addition of site trips from the proposed development. The study did not identify any required mitigation. According to the traffic study, the proposed development would produce 76 peak AM trips, 92 peak PM trips, and 1,194 total daily trips. The proposed zone change is projected to result in a negligible change to traffic volumes as measured under the “reasonable worst case” development scenarios and therefore will not have a significant effect on operation of area roadways and intersections at the planning horizon as defined by Oregon’s Transportation Planning Rule. The City Transportation Engineer (Exhibit M) states that the development will implement a key project in the city’s TSP, namely Dubarko Road. 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.**

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 shown in Finding 21, 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.

17.26 – Zoning District Amendments

23. The applicant is proposing a change in zoning districts as shown in the following table:

Zoning District	Existing Acres	Proposed Acres
R-1	8.05	0.59
R-2	5.01	0.00
R-3	0.00	7.91
C-3	2.84	3.61

24. Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.

25. Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.

26. 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 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.

27. 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.

28. 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.

17.30 – Zoning Districts

29. The total gross acreage for the entire property is 15.91 acres. After removal of the right-of-way and proposed parkland tract, the net site area (NSA) for the subject property is reduced to 11.59 net acres with three zoning districts. The area proposed to be zoned R-1 contains 0.59 net acres. The area proposed to be zoned R-3 contains 7.91 net acres. The area proposed to be zoned C-3 contains 3.61 net acres.

30. For the area zoned R-1, a minimum of 5 and a maximum of 8 units per acre are allowed. 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. The minimum density for the subject area is .59 net acres x 5 units/net acre = 2.95 rounded down to 2 units. The maximum density for the subject area is .59 net acres x 8 units/net acre = 4.72 rounded up to 5 units. The applicant is proposing 4 units which is within the density range.

31. For the area zoned R-3, a minimum of 10 and a maximum of 20 units per acre are allowed. The minimum density for the subject area is 7.91 net acres x 10 units/acre = 79 units. The maximum density for the subject area is 7.91 net acres x 20 units/acre = 158 units. The applicant has not identified the exact number of units which will be built in the subject area. **This will be reviewed in a future design review process.**

17.32 – Parks & Open Space (POS)

32. The applicant proposes dedicating some parkland and zoning the land as Parks and Open Space (POS).

33. Section 17.32.10 contains the permitted uses in the POS zoning district. The applicant proposes a park dedication consistent with parkland in the Parks Master Plan per Section 17.32.10 (A)(1).

17.36 – Low Density Residential (R-1)

34. The applicant proposes constructing four single-family dwellings as permitted in this zoning district. As shown in paragraph 19, the applicant is proposing an appropriate number of units given density requirements.

35. Section 17.36.30 contains the design standards for this zone. As shown on Sheet C2 of the plan set (Exhibit 2), all lots in the proposed subdivision 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 this road. Access to this lot will be across an access easement on Lot 3. The proposed building footprints shown on Sheet C2 indicate that all lots are capable of complying with applicable setbacks in the zone. The details of these development standards will be reviewed with the submittal of building permits.
36. Section 17.36.40(A) requires that water service be connected to all dwellings in the proposed subdivision. Section 17.36.40(B) requires that all proposed dwelling units be connected to sanitary service if currently within 200 feet from the site, which it is. Section 17.36.40(C) requires that the location of any real improvements to the property must provide for a future street network to be developed. Section 17.36.40(D) requires that all dwelling units must have frontage or approved access to public streets. The applicant proposes to meet all of these requirements.
37. 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.
38. Staff questions the building potential of Lots 3 and 4. After making considerations for typical setbacks in the R-1 zoning district, the additional 20 foot setback along Dubarko Road as required by Chapter 17.80, the easement along the west side of Lot 4, and the easement along the north side of Lot 3 these lots will be left with reduced buildable lot area. **Staff recommends the applicant submit a building footprint plan for Lots 1-4 for staff to review and analyze prior to the City Council hearing on October 19, 2020.**

17.40 – High Density Residential (R-3)

39. The applicant proposes dividing the R-3 portion into two lots allowing a maximum of 158 dwellings units. As noted above in this document, the exact number of units will be determined with a future design review application.
40. **The future design review application will include a review of development standards (17.40.30), minimum requirements (17.40.40) and additional requirements (17.40.50).**

17.46 – Village Commercial (C-3)

41. The applicant proposes 3.61 net acres of C-3 land. This is an increase in commercial land by 0.77 acres. While the C-3 zoning district will have to contain some commercial development there is a decent chance the C-3 land will also contain some residential dwelling units. The exact number of potential residential units is not known at this time. If residential units are proposed on the C-3 land the dwelling units will be assessed in a future design review.
42. **Any future development on the land zoned C-3 will require a design review in accordance with the development standards found in Section 17.46.30 and the Sandy Municipal Code.**

17.54 – Specific Area Plan Overlay

43. 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.”
44. 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”.
45. The applicant proposes shifting of zoning district boundaries 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. That said, staff finds that to adequately protect the required retention trees on Lot 7 the protection area shall be consistent with Chapter 17.92. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the 59 retention trees on the subject property.** Additional 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 submit additional details defining locations for green street swales. If green streets are practicable the plan set shall be modified to detail additional right-of-way to accommodate the swales.**
46. 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 and zone map change proposes to add High Density Residential (R-3) and Parks and Open Space (POS), increase Village Commercial (C-3), remove Medium Density Residential (R-2), and reduce Low Density Residential (R-

1). The Comprehensive Plan states that area and density increase within a village may be increased or decreased up to 20 percent. Changes greater than 20 percent will require a Plan Map amendment. The applicant's analysis shows that the maximum residential density with the existing zoning designations on the R-2 and R-1 lands is 101 dwelling units. The applicant's analysis shows that the maximum residential density with the proposed zoning designations on the R-3 and R-1 lands is 163 dwelling units. Therefore, the potential increase in residential density is 61.9 percent which exceeds the threshold as defined in the comprehensive plan.

47. 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.
48. 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.
49. 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. The applicant's narrative elaborates on the objectives of their proposal and the desire to include a few single family dwellings, multi-family dwellings, and village commercial development. The narrative also elaborates on dedications, including 1.43 acres of parkland.
 - B. Site and Context. A map of the site and existing context shall identify the project area. The applicant submitted a 10-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,

with the exception of Lot 7, which is the Village Commercial lot. The development of 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 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, Public Works Director, ODOT, Fire Marshal and the Transit Director 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 proposal includes increasing the amount of available commercial lands by 0.77 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.

17.56 – Hillside Development

50. The applicant submitted a Geotechnical and Slope Stability Investigation (Exhibit I) showing that the subject site contains a small area of slope exceeding 25 percent. **All recommendations in Section 6 of Exhibit I shall be conditions for development.** The Public Works Director stated the following: “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.**

17.74 – Accessory Development

51. 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.**

17.80 – Additional Setbacks on Collector and Arterial Streets

52. 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 Dubarko Road which is classified as a minor arterial and Street B which is classified as a collector. **The plan set shall be revised to detail 20 foot setbacks on Lots 3, 4, 5, 6, and 7 for Dubarko Road and Street B.**

17.82 – Special Setbacks on Transit Streets

53. 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. Lot 4 will be accessed by an easement across Lot 3 and will be designed in accordance with this standard. Lot 3 will be located at the corner of Dubarko Road and a new local street. **The dwellings on**

Lots 3 and 4 shall be designed to meet all of the requirements as specified in Chapter 17.82 and will be assessed in a future design review.

54. The applicant proposes that all single-family units will meet the requirements of Section 17.82.20(B), which requires that dwellings shall have a primary entrance connecting directly between the street and building interior and outlines requirements for the pedestrian route. **The adherence to this code section for the future multi-family units will be determined in a future design review process.**
55. The applicant proposes that all single-family units will meet the requirements of Section 17.82.20(C), which 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 adherence to this code section for the future multi-family units will be determined in a future design review process.**
56. 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 will be determined in a future design review process.**

17.84 – Improvements Required with Development

57. 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.**
58. 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.
59. As required by Section 17.84.39(A)(2), six-foot sidewalks are proposed to be constructed along Highway 26, Dubarko Road north of Street B, and on Street B. These frontages will include planter strips as required. As required by Section 17.84.39(A)(4), the applicant intends to construct all sidewalk improvements as required by this section.
60. No exceptions or modifications listed in Section 17.84.39(A)(3) are requested with the application.
61. In relation to Sections 17.84.39(B), 17.84.39(C), 17.84.39(D), and 17.84.39(E), no pedestrian or bicycle facilities other than sidewalks and on-street bicycle lanes have been identified or proposed in the application.
62. Section 17.84.40(A) requires that the developer construct adequate public transit facilities. **The proposed development will require 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 1 and Lot 5. Engineering specifications are available from the Transit Department.

63. Section 17.84.50 outlines the requirements for providing a traffic study. The applicant included a Traffic Impact Study with the application (Exhibit F). The study did not identify any required mitigation. According to the traffic study, the proposed development would produce 76 peak AM trips, 92 peak PM trips, and 1,194 total daily trips. The proposed zone change is projected to result in a negligible change to traffic volumes as measured under the “reasonable worst case” development scenarios and therefore will not have a significant effect on operation of area roadways and intersections at the planning horizon as defined by Oregon’s Transportation Planning Rule. The City Transportation Engineer (Exhibit M) states that the development will implement a key project in the city’s TSP, namely Dubarko Road. 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.**
64. The proposed street and utility plan depicts Dubarko Road between its current eastern terminus and proposed Street A with a 76 ft. wide right-of-way consisting of a 0.5 foot monumentation strip, a six-foot sidewalk, a five-foot planter strip, a 0.5 foot curb, a five foot bike lane, a 17-foot travel lane and half of an 8 foot median (i.e. 4 feet) for a total half section equaling 38 feet and a full street section equaling 76 feet. 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 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.**
65. 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. The City Transportation Engineer (Exhibit M) states that a traffic signal at Dubarko Road and Highway 26 will be needed in the near future based on future development but did not recommend a traffic signal at this time. **The applicant shall provide a 40 foot by 40 foot right-of-way dedication or permanent traffic signal easement at the northeast corner of**

Lot 7 to accommodate a future traffic signal. This right-of-way dedication could impact the tree retention area. **The applicant shall submit revised plans showing a 40 foot by 40 foot dedication on Lot 7 and detailing how that will impact the tree retention area. If the tree retention area is negatively impacted the applicant shall preserve additional trees.** 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).

66. 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). **The alignment of the intersection of Street B and Dubarko Road shall be revised to provide the minimum 100 feet of tangent section to comply with the Development Code.**
67. 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.**
68. Dubarko Road will contain a dedicate 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 constructed as necessary to be consistent with local, ODOT, and ADA standards.** As stated by the Public Works Director 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.
69. The proposed development does not include any long straight street segments or cul-de-sac streets and is thus not required to follow the standards in Section 17.84.50(C).
70. Section 17.84.50(D) requires that development sites shall be provided with access from a public street improved to City standards. All single-family homes will gain direct access from a public street improved to city standards with the exception of Lot 4 which will be accessed across an easement on Lot 3. All new streets are proposed as full street improvements with the exception of improvements along Highway 26. No off-site improvements have been identified or are warranted with the construction of this subdivision. All streets are proposed as full streets; with no three-quarter streets being proposed.
71. 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.**

72. 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.
73. Proposed streets meet the requirements of 17.94.50(H). The future street plan (Exhibit C, Sheet 1) 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). No private streets are proposed in the development.
74. Section 17.84.60 outlines the requirements of public facility extensions. The applicant submitted a utility plan (Exhibit C, Sheet 5) 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.
75. Franchise utilities will be provided to all lots within the proposed subdivision as required in Section 17.84.80. The location of these utilities will be identified on construction plans and installed or guaranteed prior to final plat approval. The applicant does not anticipate extending franchise utilities beyond the site. All franchise utilities other than streetlights will be installed underground. The developer will make all necessary arrangements with franchise utility providers. The developer will install underground conduit for street lighting.
76. Section 17.84.90 outlines requirements for land for public purposes. A 15-foot public storm easement is proposed along the back of Lots 1-4 and a storm easement and sanitary sewer easement are identified in Tract A. 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.
77. 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.**

78. 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.
79. The intersection of Dubarko Road and Highway 26 requires a grant of access from ODOT. **Prior to final plat approval the applicant shall obtain a grant of access for the intersection of Dubarko Road and Highway 26 from ODOT.**
80. The City Transportation Engineer (Exhibit M) stated that conditions of approval should be included requiring the development comply with the standards and procedures specified by ODOT. He went on to say that ODOT requirements and standards associated with frontage improvements where the development abuts Highway 26 shall be made conditions of approval with the development.

17.86 – Parkland and Open Space

81. The applicant intends to dedicate parkland as outlined in the requirements of Section 17.86.
82. 17.86.10(2) contains the calculation requirements for parkland dedication. The formula is acres = proposed units x (persons/unit) x 0.0043. For the four single family homes, acres = 4 x 3 x 0.0043 = 0.05 acres. For the maximum development of 158 multifamily units, acres = 158 x 2 x 0.0043 = 1.36 acres. Combined, this totals 1.41 acres. The applicant proposes to dedicate 1.426 acres of parkland and is thus in compliance with this requirement.
83. 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 or east of the parkland, but instead are proposing future commercial development. The applicant’s narrative states, “in order to address the spirit of the requirement of this requirement in this section, the applicant proposes constructing a widened sidewalk along the eastern park frontage adjacent to Lot 7”. 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 commercial development (albeit mixed use or traditional commercial) having active storefronts or patios 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. **Staff recommends that the design review approval for Lot 7 shall be conditioned to incorporate storefronts, patios 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. **Staff recommends that the applicant 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. Staff also recommends that the design review approval for Lot 7 incorporate a**

landscape buffer that provides visibility between Lot 7 and the parkland but provides a visually attractive separation.

84. On June 10, 2020, the applicant brought the parkland dedication proposal to the Sandy Parks and Trails Advisory Board. At the meeting, the Board verbally agreed to provide the applicant SDC credits in exchange for development of the park. This verbal agreement is not a decision as the Parks and Trails Advisory Board cannot make financial decisions but can make recommendations to other hearing bodies. Staff supports the request from the applicant and the verbal agreement from the Parks and Trails Advisory Board. The City Council may consider this offer from the applicant and make a decision regarding the request for SDC credits in lieu of parkland development.
85. 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 applicant shall also provide a Phase I Environmental Assessment.**
86. 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.**

17.92 – Landscaping and Screening

87. 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). Based on the Planning Commission interpretation from May 15, 2019, Subsection 17.92.10(C) does not apply to residential subdivisions. 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.**
88. Section 17.92.20 lists the requirements for minimum landscaping improvements. **The details of this section will be considered with submittal of a design review application for the proposed multi-family units and commercial property.**
89. 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 D, Sheet 7) does not show the distance between trees. **The applicant shall update the Street Tree Plan to show the distance between trees, and this distance shall be 30 feet on center.**

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 either aerate the planter strip soil at the subdivision stage and install fencing around the planter strips to protect the soil from compaction or shall aerate the soil at the individual home construction phase.

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).

90. 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.**
91. 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.**
92. 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.**
93. 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.

17.98 – Parking, Loading, and Access Requirements

94. 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 7.
95. Section 17.98.20(A) requires that each single family dwelling unit is required to provide at least two off-street parking spaces. **Compliance with this requirement will be evaluated during building plan review. Parking for the proposed multi family units will be evaluated as part of a future design review application.**
96. Section 17.98.60 has specifications for parking lot design and size of parking spaces. No lots are proposed to gain access from an arterial or collector street (17.98.80).
97. Section 17.98.90 requires that all streets proposed will be improved to city standards.
98. 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. Staff has concerns with the proposed driveway on Lot 7 as it's within 150 feet of the intersection of Dubarko Road and Highway 26. **The applicant shall revise the driveway locations on Lots 5-7 during construction plan review and after receiving approval for revised locations from the City Public Works Director and City Engineer.**
99. Section 17.98.110 outlines the requirements for vision clearance. **The requirements of this section will be considered in placing landscaping in these areas with construction of homes and will be evaluated with a future design review application for the multi family units.**
100. 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.**
101. 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 7 shows that 20 on-street parking spaces have been identified in compliance with this standard. No parking courts are proposed by the applicant.

17.100 – Land Division

102. 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.

103. Pre-application conferences were held with the City on January 10, 2018, June 12, 2018, and October 10, 2018 per 17.100.60(A).
104. As required by Section 17.100.60(E), the proposed subdivision is designed to be consistent with the density, setback, design standards, dimensional standards in the R-1 zoning district. **The details of the development in the R-3 district will be addressed with a future design review application.** As illustrated in Exhibit C, Sheet 1, the proposed street system is consistent with the City's Transportation System Plan and Comprehensive Plan. The City has indicated that all public facilities have capacity to serve the proposed subdivision. All improvements in the proposed development are designed in compliance with City standards. The applicant proposes developing the subdivision in a single phase.
105. 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. The application for the subdivision is being processed through a Type IV procedure. The proposal is consistent with density and other dimensional standards of the base zoning district.
106. Section 17.100.60(E)(2) requires subdivisions to be consistent with the design standards set forth in this chapter. Consistency with design standards in this chapter are discussed under each subsection below. Conditions of approval can be adopted where necessary to bring the proposal into compliance with applicable standards.
107. 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 and extending Street B to the south.
108. Section 17.100.60(E)(4) requires that adequate public facilities are available or can be provided to serve the proposed subdivision. All public utilities including water, sewer and stormwater are available or will be constructed by the applicant to serve the subdivision. The applicant also intends to dedicate public parkland, the calculation of which can be found in the review of Chapter 17.86 in this document.
109. Section 17.100.60(E)(5) requires all proposed improvements to meet City standards through the completion of conditions as listed within this final order and as detailed within these findings. The detailed review of proposed improvements is contained in this report. Staff has identified a few aspects of the proposed subdivision improvements requiring additional information or modification by the applicant, but conditions of approval can be adopted to bring the proposal into compliance with City standards. In order to meet the standards as defined in the Sandy Development Code the applicant shall submit items for staff to analyze prior to the City Council hearing. The items shall include the following:

- **Submit a building footprint plan for Lots 1-4 for staff to review and analyze.**
- **Submit a proposal for removal of the trees adjacent to the retention trees for staff to review and analyze.**
- **Revise the plan set to detail the following:**
 - a) **20 foot setbacks on Lots 3, 4, 5, 6, and 7 for Dubarko Road and Street B;**
 - b) **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;**
 - c) **A 15 foot wide pedestrian easement on the east side of Lot 6 or a tract to the east of Lot 6 with an 8 foot wide concrete walkway with light bollards and landscaping to connect Highway 26 to future development south of Lot 6.**
 - d) **Fire turnaround easements on Lots 5 and 6 as approved by the Sandy Fire District Fire Marshal.**
 - e) **Detail the exit on the driveway to Lot 7 on Street A restricted to left-only turning movements (using a left turn only pork chop design and signage) to deter commercial patrons from entering the Deer Pointe subdivision when exiting Lot 7.**
 - f) **Detail the alignment of the intersection of Street B and Dubarko Road to provide the minimum 100 feet of tangent section.**
 - g) **Detail a 40 foot by 40 foot right-of-way dedication or permanent traffic signal easement at the northeast corner of Lot 7 to accommodate a future traffic signal.**
 - h) **Detail the retention trees along Highway 26 in a separate tree preservation tract.**
 - i) **Modify the plat to include a vehicular easement on Lot 4 to accommodate maneuvering for vehicles on Lot 3.**
 - j) **Define locations for green street swales. If green streets are practicable the plan set shall be modified to detail additional right-of-way to accommodate the swales.**
- **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.**

110. 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. That said, the applicant is proposing that the design of the multi family dwellings occurs at a future date.

111. Section 17.100.80 provides standards for denial of a development application due to physical land constraints. The subject site does not contain any physical constraints that would make it unsuitable for the proposed subdivision.

112. The subject property abuts Highway 26 and notification of the proposal was sent to ODOT as required by Section 17.100.90.
113. As required by 17.100.100(A), a traffic impact study prepared in compliance with the City standards was submitted with the application (Exhibit F). With the exception of a revised striping plan and frontage improvements on the Highway 26 frontage, this study does not identify any issues requiring mitigation by the applicant.
114. None of the special traffic generators listed in section 17.100.100(B) are located near the subject site.
115. While 17.100.100(C) calls for a rectangular grid pattern, the proposed street layout is predominantly controlled by the alignment of Dubarko Road that will be extended through the site from the current terminus to connect with Highway 26. The future street plan details Street B extending south consistent with the TSP. The only other street in the subdivision is the extension of Street A into the property. The proposed intersection of Street A and Dubarko Road seems logical and appropriate considering the nearby intersection of Dubarko Road and Highway 26. Staff finds that the proposed street layout represents a logical street pattern.
116. A future street plan in compliance with the requirements of 17.100.100(D) is included in Exhibit C, Sheet 1.
117. Given the requirements in Section 17.100.100(E), the proposed street layout on the subject property is limited because of the alignment of Dubarko Road, Street B, and the location of Fawn Street extended into the property. In addition, because the development type includes two large lot multi family development sites, the street network is further limited. Given these facts, the proposed street layout represents a logical design.
118. 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. **Staff**

recommends that Lot 6 shall include a pedestrian easement on the east side of the property or a tract to the east of Lot 6 that is at least 15 feet wide with an 8 foot wide concrete walkway with light bollards and landscaping to connect Highway 26 to future development south of Lot 6.

119. 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. Finally, a public storm easement is proposed along the back of Lots 1, 2, and 4 and public and private utility easements are proposed across Tract A.
120. 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. **Staff recommends the applicant modify the plat to include a vehicular easement on Lot 4 to accommodate maneuvering for vehicles on Lot 3.**
121. 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.
122. All streets in the proposed subdivision have a minimum curve radius as required by Section 17.100.180(B).
123. 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.
124. 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).
125. 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.
126. 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 29 feet of frontage along a public street therefore meeting the requirements of Section 17.100.220(C).
127. 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).

128. 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 Public Works Director the existing 8 inch diameter water line resides in an easement granted to the City of Sandy recorded at 2004-110340. **The applicant shall replace the existing waterline with an 8 inch diameter water line with no more than 42 inches or less than 36 inches of cover.** 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 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 Rd. connected to the existing 18 inch water line at the west end of the site and the existing 12 inch line on Highway 26.** Due to the elevation of the site relative to the existing water reservoirs on Vista Loop Drive this line will be a low-pressure, high volume line and will be used for fire protection. The cost difference between a standard diameter water line and the required 18 inch water line is eligible for Water System Development Charge (SDC) credits. The amount of the credit provided will be based on the Water System Construction Cost Credit table in the Water System Development Charge Methodology adopted by City Council motion on September 5, 2017. Section 17.84.60D SMC states: "As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies)". **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 cost difference between a standard diameter (8 inch) water line and the required 12 inch water line is eligible for Water System Development Charge (SDC) credits. The amount of the credit provided will be based on the Water System Construction Cost Credit table in the Water System Development Charge Methodology adopted by City Council motion on September 5, 2017.
129. 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. According to the Public Works Director the recently adopted Wastewater System Facilities Plan (2019) identified a capacity deficiency in the Southeast pump station and force main as well as several conveyance lines downstream. The City will adopt a Sanitary Sewer SDC surcharge on each Equivalent Residential Unit developed in the basin served by the Southeast pump station. The surcharge amount will be calculated by dividing the estimated cost of the required capacity improvements by the estimated number of dwelling units that can be built in the pump station drainage basin. The surcharge will be collected with each building permit issued in the basin.
130. Section 17.100.250(A) details requirements for stormwater detention and treatment. A public stormwater quality and detention facility is proposed as Tract B to be located north of Lot 1 and south of the Fawn Street extension. This facility has been sized and located to accommodate the water quality and stormwater detention needs of all streets in addition to Lots 1-4. The water quality and detention needs of Lots 5-7 will be accommodated on each

of those lots and stormwater from Lots 5 and 6 will be routed to flow through Tract B. After onsite detention and water quality treatment, stormwater from Lot 7 will be piped and connected to the existing storm line in the park. **All site runoff (including new runoff from the widened surfaces of Highway 26) 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).**

131. 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.**
132. 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 7.
133. Grass seeding shall be completed as required by Section 17.100.300. The submitted preliminary Grading and Erosion Control Plan (Exhibit C, Sheet 9) provides additional details to address erosion control concerns. A separate Grading and Erosion Control Permit will be required prior to any site grading. Erosion control requirements are defined in greater detail in Chapter 15.44 of this document.

17.102 – Urban Forestry

134. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. An Arborist Report is included as Exhibit G. 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. The inventory is included in Exhibit C, Sheet 4 and the proposed retention trees are shown in Exhibit C, Sheet 3.
135. The property contains 15.91 acres requiring retention of 48 trees, 11 inches and greater DBH ($15.91 \times 3 = 47.73$). The submitted plan identifies 59 trees that will be retained. All of the trees proposed for retention are conifers, primarily Doug fir, at least 11 inches DBH, and in good condition as identified by the arborist.
136. A majority of the proposed retention trees are located along Highway 26 in Lot 7, which is proposed to be zoned C-3, Village Commercial. As indicated on the Preliminary Plat (Exhibit C, Sheet C-2), the applicant is proposing to place a conservation easement over an area that encompasses the retention trees along Highway 26, including their critical root zones. Staff believes there could be a future conflict between retention trees along the Highway and future commercial property visibility on Lot 7. Thus, staff recommends the retention trees be placed into a separate tree retention tract. **The applicant shall update the site plan to detail the retention trees along Highway 26 in a separate tree preservation tract.**

137. The Arborist Report (Exhibit G) provides recommendations for protection of retained trees including identification of the recommended tree protection zone for these trees. The requirements of 17.102.50(B) will be complied with prior to any grading or tree removal on the site. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the 59 retention trees on the subject property as well as all trees on adjacent properties. The tree protection fencing shall be 6 foot tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property.**

138. The Tree Preservation Plan (Exhibit C) 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 shall submit a proposal for removal of the trees adjacent to the retention trees for staff review and approval.** Staff recommends that the applicant not fully remove the trees adjacent to the retention trees but rather leave snags. **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.**

139. **To ensure protection of the required retention trees, the applicant shall record a tree protection covenant specifying protection of trees on the subject property and limiting removal without submittal of an Arborist's Report and City approval.**

15.30 – Dark Sky

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

15.44 – Erosion Control

141. The applicant submitted a Geotechnical Engineering Report (Exhibit I) prepared by GeoPacific Engineering, Inc., dated August 16, 2005. The Public Works Director stated the following: “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.**
142. **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.**
143. 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.**
144. 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 is needed.**

RECOMMENDATION:

Staff recommends the Planning Commission **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 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) Extending Fawn Street to the east;

- 4) Expanding the Deer Point park consistent with the goals of the Parks and Trails Advisory Board and the current revisions that are being considered for the Parks Master Plan;
- 5) Creating available commercial land in the C-3 zoning district consistent with the 2040 Plan that was created in 1997;
- 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.

ADDITIONAL REVIEW NEEDED PRIOR TO THE CITY COUNCIL HEARING:

1. Submit a building footprint plan for Lots 1-4 for staff to review and analyze.
2. Submit a proposal for removal of the trees adjacent to the retention trees for staff to review and analyze.
3. Revise the plan set to detail to detail the following:
 - a) 20 foot setbacks on Lots 3, 4, 5, 6, and 7 for Dubarko Road and Street B;
 - b) 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;
 - c) A 15 foot wide pedestrian easement on the east side of Lot 6 or a tract to the east of Lot 6 with an 8 foot wide concrete walkway with light bollards and landscaping to connect Highway 26 to future development south of Lot 6.
 - d) Fire turnaround easements on Lots 5 and 6 as approved by the Sandy Fire District Fire Marshal.
 - e) Detail the exit on the driveway to Lot 7 on Street A restricted to left-only turning movements (using a left turn only pork chop design and signage) to deter commercial patrons from entering the Deer Pointe subdivision when exiting Lot 7.
 - f) Detail the alignment of the intersection of Street B and Dubarko Road to provide the minimum 100 feet of tangent section.
 - g) Detail a 40 foot by 40 foot right-of-way dedication or permanent traffic signal easement at the northeast corner of Lot 7 to accommodate a future traffic signal.
 - h) Detail the retention trees along Highway 26 in a separate tree preservation tract.
 - i) Modify the plat to include a vehicular easement on Lot 4 to accommodate maneuvering for vehicles on Lot 3.
 - j) Define locations for green street swales. If green streets are practicable the plan set shall be modified to detail additional right-of-way to accommodate the swales.
4. 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.

CONDITIONS:

A. The applicant shall submit a complete set of revised plans to the Planning Division.

B. 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 proof that a licensed pest control agent evaluated the site to determine if pest eradication is needed.
4. Install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the 59 retention trees on the subject property as well as all trees on adjacent properties. The tree protection fencing shall be 6 foot tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property. 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.
5. 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.

C. 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 Public Works 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. 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).
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 affect on-street parking spaces.
4. Revise the driveway locations on Lots 5-7 after receiving approval for revised locations from the City Public Works Director and City Engineer.
5. Submit a revised cross-section for the portion of Dubarko Road between the existing terminus and Street A.
6. Specify the locations of street lights on all streets being improved within and adjacent to the subdivision. Street lights shall be full cut-off, shall not exceed 4,150 Kelvins, and shall conform to the Dark Sky standards of Chapter 15.30. The locations of light fixtures shall be reviewed in detail with construction plans.
7. 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.
8. Submit additional details/confirmation on any proposed retaining walls, including heights meeting code requirements and an architectural finish.
9. 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.
10. Submit a revised utility plan to include broadband fiber locations as detailed by the SandyNet Manager.
11. Call PGE Service Coordination at 503-323-6700 when the developer is ready to start the project.

D. 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 plan review, inspection and permit fees as determined by the Public Works Director.
3. Pay addressing fees at \$40 for the subdivision plus \$5 per lot.
4. Obtain a grant of access for the intersection of Dubarko Road and Highway 26 from ODOT.
5. 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 15 foot wide pedestrian easement on the east side of Lot 6 or a tract to the east of Lot 6 with an 8 foot wide concrete walkway with light bollards and landscaping to connect Highway 26 to future development south of 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 1 and Lot 5. Engineering specifications are available from the Transit Department.
 - d) Replace the existing waterline with an 8 inch diameter water line with no more than 42 inches or less than 36 inches of cover.
 - e) An 18 inch water line in Dubarko Rd. connected to the existing 18 inch water line at the west end of the site and the existing 12 inch line on 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.
6. Clear, grade, and seed the proposed parkland as specified by the City in the construction plans. The applicant shall also provide a Phase I Environmental Assessment.
7. Aerate the planter strips to a depth of 3 feet prior to planting street trees. The applicant shall either aerate the planter strip soil at the subdivision stage and install fencing around the planter strips to protect the soil from compaction or shall aerate the soil at the individual home construction phase.
8. Record a tree protection covenant specifying protection of trees on the subject property and limiting removal without submittal of an Arborist's Report and City approval.
9. Submit a true and exact reproducible copy (Mylar) of the Final Plat for final review and signature.

E. Conditions related to future development of the lots:

1. Design review approval for Lot 7 shall incorporate storefronts, patios and usable windows facing the parkland.
2. Design review approval for Lot 7 shall incorporate a landscape buffer that provides visibility between Lot 7 and the parkland but provides a visually attractive separation.
4. The future design review application will include a review of development standards (17.40.30), minimum requirements (17.40.40) and additional requirements (17.40.50) for R-3 zoned development.
5. Any future development on the land zoned C-3 will require a design review in accordance to the development standards found in Section 17.46.30 and the Sandy Municipal Code.
7. The dwellings on Lots 3 and 4 shall be designed to meet all of the requirements as specified in Chapter 17.82 and will be assessed in a future design review.
8. Orientation of the future multi-family units that have frontage on both Highway 26 and Dubarko Road will be determined in a future design review process.

F. General Conditions of Approval:

1. The Final Plat shall be recorded as detailed in Section 17.100.60 (I).
2. 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.
3. If entry signs are desired, the applicant shall submit a detailed plan showing the location of such signage and a sign permit application.
4. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
5. 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.
6. 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).
7. All utilities shall be installed underground and in conformance with City standards. The applicant shall install utilities underground with individual service to each lot.

8. 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.
9. All public utility installations shall conform to the City's facilities master plans.
10. The intersection of Highway 26 and Dubarko Road shall be constructed as a full-access intersection in compliance with the TSP.
11. As required by Section 17.98.130, all parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
12. 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.
13. All new public sanitary sewer and waterlines shall be a minimum of 8 inches in diameter.
14. 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.
15. All site runoff (including new runoff from the widened surfaces of Highway 26) 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).
16. 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.
17. 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).
18. 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.

19. 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.
20. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
21. 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.
22. 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.
23. Comply with all other conditions or regulations imposed by the Sandy Fire District or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.
24. 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 constructed as necessary to be consistent with local, ODOT, and ADA standards.