

I. Introduction

The proposed subdivision is part of the planned progression of land use planning for this area of Sandy and involves the creation of “Needed Housing” under ORS 197.303(1) and 197.307(4) on land zoned for residential uses within the city limits of Sandy. The applicant is submitting this application requesting land use approval to construct a Type II residential subdivision on the 1.166 acre site to include the following:

- 9 lots
- On-street parking
- Installation of public and franchise utilities
- Tree removal
- Fee-in-lieu payment for parkland dedication

II. General Project Description

The project site consists of a single parcel located at Township 2 South, Range 4 East, Section 13AD, tax lot 900. The property contains a total area 1.66 acres and is vacant.

The property is zoned R-2, Medium Density Residential. The proposal will include the construction of dwelling types permitted outright in the R-2 zone.

The parcel contains frontage along Ten Eyck Road on the west, Pleasant Street on the south, and Hood Street on the north. The property is gently sloping from southeast to northwest with about 22 feet of elevation difference between the southeast corner and the northwest corner of the site.

A pre-application conference was held with the City to review the project on January 26, 2021. Based on input received at this meeting modifications were made to the project layout.

II. Application Approval Requests

The applicant requests the following approvals with this application:

- Type II Subdivision;
- Type II Tree Removal

III. Items Submitted With This Application

- Exhibit A - Land Use Application
- Exhibit B - Notification List and Mailing Labels
- Exhibit C - Pre-application Notes (1/26/21)
- Exhibit D - Project Narrative
- Exhibit E - Storm Drainage Report
- Exhibit F - Trip Generation & Sight Distance Report (3/23/21)
- Exhibit G - Arborist Report (2/1/21)
- Exhibit H - Civil Plans (8.5”x 11” and under separate cover)
 - Sheet C1 - Cover Sheet and Preliminary Plat

- Sheet C2 - Existing Conditions and Tree Retention
- Sheet C3 - Preliminary Street and Utility Plan
- Sheet C4 - Preliminary Street Tree Plan
- Sheet C5 - Preliminary Parking Plan
- Sheet C6 - Grading and Erosion Control Plan

IV. Review of Applicable Approval Criteria

Development applications are required to meet development standards set forth in the City of Sandy Development Code. This section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response describing how the proposal complies with this standard in *italics*. The following code chapters have been reviewed in this narrative:

<u>Chapter</u>	<u>Title</u>
17.18 -	Processing Applications
17.30 -	Zoning District
17.38 -	Medium Density Residential (R-2)
17.80 -	Additional Setbacks on Collector and Arterial Streets
17.82 -	Special Setbacks on Transit Streets
17.84 -	Improvements Required with Development
17.86 -	Parkland and Open Space
17.90 -	Design Standards
17.92 -	Landscaping and Screening
17.98 -	Parking, Loading, and Access Requirements
17.100 -	Land Division
17.102 -	Urban Forestry
15.30 -	Dark Sky Ordinance

CHAPTER 17.18 - PROCESSING APPLICATIONS

17.18.00 PROCEDURES FOR PROCESSING LAND USE APPLICATIONS

An application shall be processed under a Type I, II, III or IV procedure. The differences between the procedures are generally associated with the different nature of the decisions as described in Chapter 17.12.

When an application and proposed development is submitted, the Director shall determine the type of procedure the Code specifies for its processing and the potentially affected agencies.

If a development proposal requires an applicant to file a land use application with the city (e.g. a design review application) and if there is a question as to the appropriate procedure to guide review of the application (e.g. a Type II versus a Type III design review process), the question will be resolved in favor of the lower type number.

Response: The applicant has submitted a Type II Needed Housing application in compliance with the clear and objective standards contained in the Sandy Development Code.

17.18.20 PRE-APPLICATION CONFERENCE

A pre-application conference is required for all Type II, III, and IV applications unless the Director determines a conference is not needed.

Response: A pre-application conference was held with the City to review the project on January 26, 2021. Based on input received at this meeting modifications were made to the project layout.

CHAPTER 17.30 - ZONING DISTRICTS

17.30.20 - RESIDENTIAL DENSITY CALCULATION PROCEDURE

The number of dwelling units permitted on a parcel of land is calculated after the determination of the net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas consistent with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

Response: The applicant proposes developing a 9 lot subdivision in a single phase.

The subject property contains a gross site area of 1.166 acres. The project does not require any public rights-of-way or stormwater tract dedication so the net site area (NSA) is the same (1.166 acres). The subject property also does not contain any restricted development areas (RDA) as defined by Chapter 17.60

*The R-2 zone allows a minimum of 8 and a maximum of 14 units per net acre. The minimum density is calculated by multiplying the NSA x the required minimum density (1.166 acres x 8 = 9.328 units, rounded to **9 units**)*

*The maximum density is determined by multiplying the NSA x the maximum allowed density (1.166 x 14 = 16.324, rounded to **16 units**).*

As a result of these calculations the density range for the subject property is a minimum of 9 units and a maximum of 16 dwelling units.

CHAPTER 17.38 - MEDIUM DENSITY RESIDENTIAL (R-2)

17.38.00 - This district intended to implement the Medium Density Residential Comprehensive Plan designation by providing for medium density single-family and multiple-family uses in suitable locations, where public sewer, water and other services are readily accessible. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, and parks. Density shall not be less than 8 or more than 14 units per net acre.

Response: As discussed in Chapter 17.30 above, the proposal to construct 9 lots complies with the density range (9 - 16 units) allowed in the R-2 zoning district.

17.38.10 - PERMITTED USES

A. Primary Uses Permitted Outright:

Response: The applicant proposes constructing uses permitted outright in this zone.

17.38.30 - DEVELOPMENT STANDARDS

Response: As shown on the plan set all lots are at least 50 feet wide and can provide minimum setbacks required by this section. Required off-street parking is shown in the plan set and is reviewed in more detail in Chapter 17.98 below.

17.38.40 - MINIMUM REQUIREMENTS

A. Must connect to municipal water.

Response: The applicant proposes extending water service to serve all dwellings in the development.

B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:

1. A county septic permit is secured and a copy is provided to the city;
2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.

Response: There is no existing septic system needing decommissioning. All dwellings will be connected to the city's sanitary sewer system.

C. The location of any real improvements to the property must provide for a future street network to be developed.

Response: The site is constrained by existing streets. A future street plan is not required.

D. Must have frontage or approved access to public streets.

Response: Each new residence constructed in the subdivision will gain access from a public street.

17.38.50 - ADDITIONAL REQUIREMENTS

A. Design review as specified in Chapter 17.90 is required for all uses.

Response: The Residential Design Standard of Section 17.90.150, are applicable to residential development.

B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.

Response: All proposed lots contain greater than 40 feet of street frontage.

CHAPTER 17.80 - ADDITIONAL SETBACKS ON COLLECTOR AND ARTERIAL STREETS

17.80.00 - INTENT

The requirement of additional special setbacks for development on arterial or collector is intended to provide better light, air and vision on more heavily traveled streets. The additional setback, on substandard streets, will protect collector and arterial streets and permit the eventual widening of streets.

Response: Ten Eyck Road is identified in the City's Transportation System Plan as a minor arterial. Pleasant Street and Hood Street are both classified as local streets.

17.80.10 - APPLICABILITY

These regulations apply to all collector and arterial streets as identified in the latest adopted Sandy Transportation System Plan (TSP). The Central Business District (C-1) is exempt from Chapter 17.80 regulations.

Response: Ten Eyck Road is identified in the City's Transportation System Plan as a minor arterial.

17.80.20 - SPECIFIC SETBACKS

Any structure located on streets listed above or identified in the Transportation System Plan as arterials or collectors shall have a minimum setback of 20 feet measured from the property line. This applies to applicable front, rear and side yards.

Response: As shown on submitted plans all structures adjacent to Ten Eyck Road will be setback at least 20 feet from the property line abutting this street.

CHAPTER 17.82 - SPECIAL SETBACKS ON TRANSIT STREETS

17.82.00 - INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

17.82.10 - APPLICABILITY

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

Response: The submitted application is a "Needed Housing" application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and

procedures apply to the application review. The words “adjacent”, “to a transit street”, “unless otherwise designated in the Transit System Plan” as used in this section are subjective words or not properly incorporated into the Development Code. The proposed development is located adjacent to Ten Eyck Road, classified as a minor arterial in the City’s Transportation System Plan.

17.82.20 - BUILDING ORIENTATION

- A. 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.

***Response:** The submitted application is a “Needed Housing” application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words “primary entrances” and “oriented toward” as used in this section are subjective words. Because of the location of the proposed development, the applicant is unsure if compliance with this standard will be problematic.*

- B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.

***Response:** The submitted application is a “Needed Housing” application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words “primary entrances” and “clearly marked convenient, and safe”, and “comparable subsurface as approved” as used in this section are subjective words. As noted in Subsection A above, the applicant is unsure if compliance with this standard will be problematic.*

- C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.

***Response:** All building entrances will be designed in compliance with Residential Design standards contained in this Code.*

- D. 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.

***Response:** This section is not applicable.*

CHAPTER 17.84 - IMPROVEMENTS REQUIRED WITH DEVELOPMENT

17.84.20 - TIMING OF IMPROVEMENTS

A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:

1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.

Response: *All lots in the proposed development will have public and franchise utility improvements installed or financially guarantee these improvements prior to final plat approval.*

2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.

Response: *This section is not applicable because a land division is proposed.*

B. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

Response: *The project will be constructed in a single phase.*

17.84.30 - PEDESTRIAN AND BICYCLIST REQUIREMENTS

A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:

1. Sidewalks shall be a minimum of 5 ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.

Response: *All sidewalks on Pleasant Street and Hood Street are proposed to be five feet wide separated from curbs by a landscape strip as required. As shown on submitted plans, because of the width of the existing street and right-of-way, the applicant is proposing that 1.5 - 2.0 feet of the sidewalk along Pleasant Street be located on private property and contained within a public access easement.*

2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 ft. wide.

Response: *As shown on submitted plans the sidewalk proposed along Ten Eyck Road is six-feet wide. The applicant is proposing 1.5 feet of this sidewalk be located in a pedestrian access easement.*

3. Sidewalk improvements shall be made according to city standards, unless the city determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.
 - a) Narrow landscape strips
 - b) Narrow sidewalk or portion of sidewalk to no less than 4 feet in width
 - c) Eliminate landscape strips
 - d) Narrow on-street improvements by eliminating on-street parking
 - e) Eliminate sidewalks

Response: *All sidewalk improvements will be constructed according to city standards except the applicant proposes reducing the landscape planter along Pleasant Street to four feet wide as shown on submitted plans. This proposal is due to the width of the existing 50 foot right-of-way and the width of the existing street paving within this right-of-way.*

4. The timing of the installation of sidewalks shall be as follows:
 - a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.
 - b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
 - c) Where sidewalks on local streets abut common areas, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

Response: *The applicant intends constructing all sidewalk improvements as required by this section. The applicant is open to the city deciding which of these improvements will need to be completed prior to final plat approval. Sidewalks along the local streets will be constructed at the time of home construction.*

- B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:
 1. For the purposes of this section, “safe and convenient” means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.

Response: *As shown on submitted plans all bicycle and pedestrian facilities are located along streets. All facilities are intended to be “safe and convenient” to encourage pedestrian use.*

2. To meet the intent of “B” above, right-of-ways connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with 8 feet of pavement.

Response: *No off-street pedestrian facilities are proposed or required.*

3. 12 feet wide pathways shall be provided in areas with high bicycle volumes or multiple use by bicyclists, pedestrians, and joggers.

Response: *There are no high volume pathways in this development.*

4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The pedestrian circulation system shall be at least five feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
 - b) Walkways at least five feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
 - f) Pedestrian amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.

Response: *All sidewalks except along Ten Eyck Road will be five feet wide as required.*

- C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail

linkage shall occur concurrent with development. Dedication of the trail to the City shall be provided in accordance with 17.84.80.

Response: No trails identified in the City's Transportation System Plan are located on the subject property.

- D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

Response: All sidewalks will be extended to the edge of the subject property as required.

- E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

Response: No off-site pedestrian improvements have been identified.

17.84.40 - TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.

Response: The proposal does not contain greater than 50 dwelling units. No transit improvements have been identified.

- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:
 - 1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
 - 2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

Response: The proposed residential subdivision complies with the requirements of this section.

17.84.50 - STREET REQUIREMENTS

- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require a transportation impact study that evaluates the impact of the proposed development on the

transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study in accordance with the following:

1. A proposal establishing the scope of the study shall be submitted for review to the City Traffic Engineer. The scope shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. Large projects shall assess intersections and street segments where the development causes increases of more than 20 vehicles in either the AM or PM peak hours. Once the City Traffic Engineer has approved the scope of the study, the applicant shall submit the results of the study as part of its development application. Failure to submit a required study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering.
2. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.

Response: *The proposal includes dwellings and this section is not applicable.*

- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(6), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering. The applicant shall prepare the study in accordance with the following:

Response: *A Trip Generation and Sight Distance Report was prepared by Lancaster Mobley a licensed traffic consultant. The conclusion of this report is the proposed subdivision is projected to generate 7 morning peak hour trips, 9 evening peak hour trips, and 84 average weekday site trips. Per Section 17.84.50(B)(6) below, an exception to completing a full Transportation Impact Study is warranted.*

1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections where the development adds more than 20 vehicles during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The determination of peak hour vehicle addition shall include the cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years.

2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.). Analysis of other time periods may be required for uses that generate their highest traffic volumes at other times of the day or on weekends.
4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards and the Oregon Department of Transportation's mobility standard.
5. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code or fails to meet the Oregon Department of Transportation's mobility standard, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.

Response: *As discussed in subsection 6, a transportation impact study is not required.*

6. A transportation impact study is not required under this section if:
 - a) The cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years will generate no more than 20 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation within the past 5 years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action; or
 - c) The application only proposes to convert an existing detached single family dwelling to a duplex.

Response: *As noted above, the submitted Trip Generation and Sight Distance Report projects the proposed development will generate only 7 morning peak hour trips, 9 evening peak hour trips, and 84 average weekday site trips. As such, per this section, a transportation impact study is not required.*

- C. Transportation Impact Study (Dwellings) - Discretionary Track. As an alternative to the process outlined in Section 17.84.50(B), an applicant may choose to follow the process in Section 17.84.50(A).

Response: *This section is not applicable.*

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

1. Arterial streets should generally be spaced in one-mile intervals.
2. Traffic signals should generally not be spaced closer than 1500 ft. for reasonable traffic progression.

Response: *No new arterial streets are required as part of this project.*

E. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, “through traffic” means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and “T” intersections while maintaining pedestrian connectivity.
2. Local streets should typically intersect in “T” configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent “T” intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2 rights-of-way.

Response: *The proposed street design is existing and will not be modified with this proposal.*

3. Cul-de-sacs should generally not exceed 400 ft. in length nor serve more than 20 dwelling units, except in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area. Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

Response: *The section is not applicable.*

F. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.

Response: *All homes will gain access from a public street.*

2. Half-street improvements are considered the minimum required improvement. Three quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that

a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.

Response: *All adjacent streets will include 1/2 street improvements as required by the City of Sandy (Pleasant Street and Hood Street) and Clackamas County (Ten Eyck Road).*

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.

Response: *No off-site improvements have been identified or are warranted with construction of this subdivision.*

4. Reimbursement agreements for 3/4 street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.

Response: *No 3/4 streets are proposed.*

5. A 1/2 street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A 3/4 street improvement includes curbs on both sides of the side and full pavement between curb faces.

Response: *As noted above the three abutting streets (Ten Eyck Road, Hood Street and Pleasant Street) will be improved with 1/2 street improvements.*

- G. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal.
2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

Response: *This section is not applicable*

- H. Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

Response: *No public street improvements will be required beyond the site boundaries.*

- I. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

Response: *All abutting streets are existing and their names will not be changed.*

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

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

Response: *All abutting streets are existing. This section is not applicable.*

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

Response: *All abutting streets are existing. This section is not applicable.*

3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.

Response: *All abutting streets are existing. This section is not applicable.*

4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.

Response: *All abutting streets are existing. This section is not applicable.*

5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:

- a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.

- b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.

- c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right

angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.

- d) Intersections with arterial streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.

Response: *All abutting streets are existing. This section is not applicable.*

- 6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

Response: *All abutting streets are existing. This section is not applicable.*

- K. Private streets may be considered within a development site provided all the following conditions are met:

Response: *No private streets are proposed.*

17.84.60 - PUBLIC FACILITY EXTENSIONS

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.

Response: *The submitted Utility Plan shows the location of proposed public water, sanitary sewer, and stormwater drainage facilities. Broadband fiber service will be detailed in construction plans.*

- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.

Response: *All of the utilities identified above will be constructed concurrent with the development.*

- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

Response: *The applicant will extend all utilities as necessary to serve the development as required by this section.*

- D. 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).

Response: *As shown on the submitted Utility Plan, all public facilities are proposed to be extended through the site to the edge of adjacent properties.*

- E. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:

Response: *All facilities will be public except a private storm drainage line is proposed to serve Lots 1 - 5 along the back of these lots. This line will drain*

into the public line along Ten Eyck Road and then into the public storm detention tank in Hood Street.

17.84.70 - PUBLIC IMPROVEMENT PROCEDURES

Response: The applicant is aware of and intends to comply with the requirements of this section.

17.84.80 - FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.

Response: Franchise utilities will be provided to all lots within the proposed development as required. The location of these utilities will be identified on construction plans and installed or guaranteed prior to final plat approval.

- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.

Response: The applicant does not anticipate extending franchise utilities beyond the site.

- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:

1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and
3. The development is non-residential.

Response: The applicant anticipates installing natural gas and cable television service as required.

- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.

Response: A land division is proposed and this section is not applicable.

E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed aboveground:

1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation

impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

Response: *The applicant anticipates under grounding the existing electrical service along Ten Eyck with the exception of the pole containing a street light about mid-way along this frontage. This pole also provides overhead power across Ten Eyck to the extension of Pleasant Street to the west and causing this pole to be placed underground would cause undue expense to the applicant.*

F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.

Response: *The developer will make all the necessary arrangements with franchise utility providers as required by this section.*

G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

Response: *The developer will install underground conduit for street lighting in accordance with the requirements of this section. As noted above, the applicant is proposing to utilize the existing pole and street light along Ten Eyck to provide lighting for this section.*

17.84.90 - LAND FOR PUBLIC PURPOSES

A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:

1. When located between adjacent lots, easements shall be provided on one side of a lot line.

2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.

Response: As noted above, a portion of the sidewalks along both the Ten Eyck Road and Pleasant Street frontages will be located on private property and require platting a public access easement. In addition, as shown on submitted plans, a 10-foot private storm drainage easement is proposed along the back of Lots 2 - 8 for contain a proposed storm drain line for the benefit of Lots 1 - 5.

- B. Public utility easements with a minimum width of 5 feet shall be provided adjacent to all street rights-of-way for franchise utility installations.

Response: Despite the language in this section, an eight foot wide public utility easement will be provided along all lots adjacent to street rights-of-way for future franchise utility installations.

- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.

Response: No public dedication for the purposes in this section is anticipated.

- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.

Response: No future trails are identified in the TSP or other adopted plans on the subject property.

- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.

Response: No public dedications have been identified.

- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.

Response: A 10-foot private storm drainage easement is proposed along the back of Lots 2 -8 for the benefit of Lots 1 - 5 and public access easements will be included along the south line of Lots 1 - 5 for the Pleasant Street sidewalk and along the west line of Lots 5 and 6 for the Ten Eyck Road sidewalk.

17.84.100 - MAIL DELIVERY FACILITIES

Response: The location and type of mail delivery facilities will be coordinated with the City Engineer and the Post Office as part of the construction plan process.

CHAPTER 17.86 - PARKLAND and OPEN SPACE

17.86.00 - INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Sandy. This chapter implements policies of Goal 8 of the Comprehensive Plan and the Parks Master Plan by outlining provisions for parks and open space in the City of Sandy.

Response: The City's adopted Parks Master Plan does not show any parks or trails on the subject property.

17.86.10 - MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments.

Response: The proposed residential subdivision is subject to the provisions of this chapter.

1. The required parkland shall be dedicated as a condition of approval for the following:
 - a. Tentative plat for a subdivision or partition;
 - b. Planned Development conceptual or detailed development plan;
 - c. Design review for a multi-family development or manufactured home park; and
 - d. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.

Response: No public parkland has been identified on the tentative plat.

2. Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.00) of an acre:

Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0043 (per person park land dedication factor)

Response: The proposed 9 lots results in the following formula: 9 (proposed s.f. units) x 3 (persons/unit) x 0.0043 (per person park land dedication factor) = 0.1161 rounded to 0.12 acres.

17.86.20 - MINIMUM PARKLAND STANDARDS

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

Response: The applicant does not propose dedicating any parkland with this development.

17.86.40 - CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 3 acres. A payment in lieu of land dedication is separate from Park Systems Development Charges, and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs.

1. The following factors shall be used in the choice of whether to accept land or cash in lieu:
 - a. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
 - b. Potential adverse/beneficial effects on environmentally sensitive areas;
 - c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
 - d. Availability of previously acquired property; and
 - e. The feasibility of dedication.
2. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat or as specified below:
 - a. 50 percent of the payment shall be paid prior to final plat approval, and
 - b. The remaining 50 percent of the payment pro-rated equally among the lots, plus an administrative surcharge as determined by the City Council through a resolution, will constitute a lien against the property payable at the time of sale.

Response: The applicant proposes paying a fee in lieu of parkland dedication in accordance with Subsection 2 of this Section.

CHAPTER 17.92 - LANDSCAPING AND SCREENING GENERAL STANDARDS - ALL ZONES

Response: This chapter has limited applicability to subdivisions so only those applicable sections are reviewed in this submittal.

17.92.10 - GENERAL PROVISIONS

- A. Where landscaping is required by this Code, detailed planting plans shall be submitted for review with development applications. No development may commence until the Director or Planning Commission has determined the plans comply with the purposes clause and specific standards in this chapter. All

- required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.
- B. Appropriate care and maintenance of landscaping onsite and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within 6 months.
 - C. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 25-inches or greater circumference measured at a height of 4-1/2 ft. above grade are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5-ft. outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 ft. outside the dripline.
Response: As previously determined by the Planning Commission, the City's tree protection standards in this section do not apply to residential subdivisions. The regulations of Chapter 17.102, Urban Forestry relevant to this proposal are reviewed below. Landscaping is primarily confined to the proposed stormwater facilities and street side landscape planters.

17.92.20 - MINIMUM IMPROVEMENTS - LANDSCAPING AND SCREENING

Response: The Single Family Residential zone is not listed in this section requiring compliance with minimum landscaping requirements.

CHAPTER 17.98 - PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.10 - GENERAL PROVISIONS

- M. Residential Parking Analysis Plan. A Residential Parking Analysis Plan shall be required for all new residential planned developments, subdivisions, and partitions to include a site plan depicting all of the following:
 - a. Location and dimension of required parking spaces as specified in Section 17.98.200.
 - b. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
 - c. Location and design of parking courts (if applicable).
Response: A Residential Parking Analysis Plan as required by this section is included in the plan set.

17.98.80 - ACCESS TO ARTERIAL AND COLLECTOR STREETS

Response: No lots are proposed to gain access from an arterial or collector street.

17.98.90 - ACCESS TO UNIMPROVED STREETS

Response: *All streets included in the subdivision will be improved to city standards.*

17.98.100 - DRIVEWAYS

- A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.

Response: *The exact width of proposed driveways have not been determined at this time. All lot will comply with this standard.*

- B. A driveway for a single-family dwelling shall have a minimum width of 10 feet.

Response: *All lots will be designed in compliance with this standard.*

- C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. A driveway approach must be constructed in accordance with applicable city standards and the entire driveway must be paved with asphalt or concrete.

Response: *All of the proposed lots will be constructed with a use permitted in this zone in accordance with the requirements of this section.*

- D. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width but such clearance may be reduced in parking structures.

Response: *All driveways will be designed in compliance with this standard.*

- E. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length.

Response: *All driveways will be designed in compliance with this standard.*

- F. The location and design of the driveway shall provide for unobstructed sight per the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

Response: *All driveways will be designed in compliance with this standard.*

- G. The sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in section B above shall not exceed fifty percent of the circumference of the cul-de-sac bulb. The cul-de-sac bulb circumference shall be measured at the curb line and shall not include the width of the stem street. The nearest edge of driveway approaches in cul-de-sacs shall not be located within 15 feet of the point of curvature, point of tangency or point of reverse curvature of the curb return on the stem street.

Acronyms on the next page:

PT = point of tangency

PC = point of curvature

PRC = point of reverse curvature

Response: *The proposal does not include a cul-de-sac and this section is not applicable.*

- H. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

Response: *Clear vision triangles in accordance with Section 17.74.30 will be shown on the Site Plan with each building permit application.*

- I. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

Response: *All driveways will be designed in compliance with this standard.*

17.98.110 - VISION CLEARANCE

- A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74 and taking into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

Response: *The subject property is located in the R-2 zone requiring compliance with this section. The requirements of this section will be considered in placing landscaping in these areas with construction of homes.*

- B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

Response: *The exceptions contained in this section will be considered in the design and placement of these structures.*

17.98.200 - RESIDENTIAL ON-STREET PARKING REQUIREMENTS

- A. Residential On-Street Parking Requirements. Residential on-street parking shall conform to the following standards:

1. In addition to required off-street parking, all new residential planned developments, subdivisions and partitions shall provide one (1) on-street parking space within 200 feet of each dwelling except as provided in Section 17.98.200(A)(6) below.
2. The location of residential on-street parking shall be reviewed for compliance with this section through submittal of a Residential Parking Analysis Plan as required in Section 17.98.10(M).

3. Residential on-street parking shall not obstruct required clear vision areas and shall not violate any local or state laws.
4. Parallel residential on-street parking spaces shall be 22 feet minimum in length.
5. Residential on-street parking shall be measured along the curb from the outside edge of a driveway wing or curb cut. Parking spaces must be set back a minimum of 15 feet from an intersection and may not be located within 10 feet of a fire hydrant.

Response: A Residential On-Street Parking Analysis designed in compliance with the requirements of this section is included with the application package. The proposed 9-lots require nine on-street parking spaces. As shown on the Preliminary Parking Analysis, nine on-street parking spaces at least 22 feet in length has been identified within 300 feet of each lot in compliance with this section. The proposed plan complies with this standard.

6. Portions of residential on-street parking required by this section may be provided in parking courts that are interspersed throughout a development when the following standards are met:

Response: No parking courts are proposed.

CHAPTER 17.100 - LAND DIVISION

17.100.20 - LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES

C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

1. Existing streets are stubbed to the property boundaries and are linked by the land division.
2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

Response: The proposal is for a Type II "Needed Housing" residential subdivision designed in compliance with applicable standards.

17.100.60 - SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

Response: The proposal is a 90 lot subdivision.

- A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with city staff to discuss procedures for approval,

applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services.

Response: *A pre-application conference was held with the city on January 26, 2021.*

- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:

Response: *All of the items required by this section are included with the submittal.*

- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in Section 17.12 and the following approval criteria:

1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.

Response: *The submitted application is a “Needed Housing” application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words “consistent with” as used in this section are subjective words. As reviewed in this narrative, the proposed subdivision is designed in compliance with the density, setback, and dimensional standards in the R-2 zone. This criterion is met.*

2. The proposed subdivision is consistent with the design standards set forth in this chapter.

Response: *The submitted application is a “Needed Housing” application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words “consistent with” as used in this section are subjective words. As discussed in this narrative, the proposed subdivision is consistent with all required design standards in this chapter. This criterion is met.*

3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.

Response: *The submitted application is a “Needed Housing” application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words “connected” and “consisted with” as used in this section are subjective words. All streets are existing. This criterion is met.*

4. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

Response: *As detailed in the submitted Traffic Study traffic volumes on local streets do not exceed ADT standards. This criterion is met.*

5. Adequate public facilities are available or can be provided to serve the proposed subdivision.

Response: The submitted application is a "Needed Housing" application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words "adequate" as used in this section are subjective words. There is no indication by City officials that public facilities are not adequate to serve the proposed subdivision.

6. All proposed improvements meet City standards.

Response: As reviewed in this narrative, the proposed improvements in this application comply with City standards.

7. The 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.

Response: The applicant proposes developing the subdivision a single phase.

17.100.80 - CHARACTER OF THE LAND

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

Response: The subject property does not contain any of the items identified as "unsuitable" in this section. The subject property is suitable to construct a new residential subdivision.

17.100.90 - ACCESS CONTROL GUIDELINES AND COORDINATION

A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.

Response: The subject property does not abut Highways 26 or 211. The applicant's Transportation Engineer coordinated the scope of the submitted Traffic Study regarding Highway 26 with the City and Clackamas County.

17.100.100 - STREETS GENERALLY

A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of

circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.

Response: *All streets are existing and this section is not applicable.*

- B. **Transportation Impact Studies.** An applicant is required to prepare and submit a transportation impact study in accordance with the standards of Chapter 17.84 unless those standards exempt the application from the requirement.

Response: *As reviewed in Section 17.84.50(B)(6) above, the proposed development does not meet the threshold to trigger preparation of a transportation impact study.*

- C. **Topography and Arrangement.** All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.

Response: *The subject property is located directly across Pleasant Street and Ten Eyck Road from properties zoned Central Business District, C-1. All streets abutting the subject property are existing.*

- D. **Street Spacing.** Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.

Response: *All streets abutting the site are existing. All streets generally comply with this section.*

- E. **Future Street Plan.** Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.

Response: *All abutting streets are existing and a future street plan is not required.*

- F. **Connections.** Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

Response: All abutting streets are existing and this sections is not applicable.

17.100.120 - BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.

Response: The submitted application is a "Needed Housing" application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words "sufficient width" and "appropriate depths" as used in this section are subjective. Because of the unique character of the site with Highway 26 and Vista Loop in Phase 1 and the FSH Overlay and existing abutting commercial development in Phase 2, the site does not lend itself to creating blocks with two tiers.

- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.

Response: The submitted application is a "Needed Housing" application pursuant to ORS 197.303(1) and ORS 197.307(4), therefore only objective standards and procedures apply to the application review. The words "unless topographic, natural resource, or other similar physical conditions justify longer blocks" as used in this section are subjective. Due to existing location of all streets, it is not practical or reasonable to require a break in the block and construction of a street between Pleasant Street and Hood Street.

- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

Response: As part of File No. 18-010 MP/VAR a variance to the requirements of this section was approved. No improvement is required with the current application.

17.100.130 - EASEMENTS

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-

of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

Response: *Eight foot wide public utility easements will be included along all property lines abutting a public right-of-way. No other easements for public utility purposes are required. As shown on submitted plans, a 10-foot wide private storm drainage easement is proposed to be platted along the back of Lots 2 - 8 for the benefit of Lots 1 - 5.*

17.100.140 - PUBLIC ALLEYS

Response: *No alleys are proposed or required.*

17.100.150 - RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
2. The construction of a local street is determined to be unnecessary.

Response: *No private drives are proposed.*

B. Design

1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.
5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

Response: *The requirements of this section is not applicable.*

17.100.160 - PUBLIC ACCESS LANES

Response: *No public access lanes are proposed in this development*

17.100.170 - FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
Response: No flag lots are proposed.

17.100.180 - INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection elements justified by a traffic study or necessary to comply with the Development Code.

Response: All streets abutting the proposed subdivision are existing.

- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

Response: All streets abutting the proposed subdivision are existing.

17.100.190 - STREET SIGNS

The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development. The City Engineer shall specify the type and location of the street signs and/or traffic safety devices.

Response: The applicant understands it will be his responsibility to pay the cost of street signs and the city will install these signs.

17.100.200 - STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the standards of the Oregon State Highway Department. An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development. Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

Response: All streets will be improved in accordance with City standards.

17.100.210 - STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases

where the subdivider is required to improve an arterial street. Standards and specifications for street lighting shall be coordinated with the utility and any lighting district, as appropriate.

Response: *The applicant is aware of the requirements of this section. A lighting plan will be coordinated with PGE and the city prior to installation of these fixtures.*

17.100.220 - LOT DESIGN

A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.

Response: *The subdivision layout is logical and there are should be no difficulties in securing building permits to build on any of these lots.*

B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.

Response: *All lots comply with the lot dimension and minimum standards as specified for lots platted within the R-2 zoning district.*

C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.

Response: *All lots in the proposed subdivision contain at least 20 feet of frontage along a public street.*

D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

Response: *None of the lots contain double frontage as defined by code. Two lots (Lots 5 and 6) are on the corner of a local street and Ten Eyck Road, but are not considered double frontage lots.*

E. Lots shall avoid deriving access from major or minor arterials. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

Response: *All lots are proposed to gain access from an existing local street.*

17.100.230 - WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with the standards of the Fire District, the City, and the State.

If the city requires the subdivider to install water lines in excess of eight inches, the city may participate in the oversizing costs. Any oversizing agreements shall be approved by the city manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

Response: The applicant intends to install all water lines and fire hydrants in compliance with applicable standards.

17.100.240 - SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

Response: The applicant intends to install sanitary sewer lines in compliance with applicable standards.

17.100.250 - SURFACE DRAINAGE AND STORM SEWER SYSTEM

A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

Response: A single stormwater water quality and detention tank is proposed to be buried under the sidewalk or street as preferred by the city with the Hood Street right-of-way. This facility has been sized and located to accommodate public stormwater generated by the subdivision. A preliminary stormwater report is included with this application as required.

B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.

Response: *No subsurface drain tiles are known to exist on the site.*

- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

Response: *All roof and site drainage will be discharged to curb face outlets or another approved system as required. Lots 1 - 5 will drain to a rear drain line contained within an easement to drain into the buried tank as discussed above.*

17.100.260 - UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

Response: *As shown on improvement plans the applicant intends to install all utilities underground as required with the exception of a single pole currently containing a street light on Ten Eyck Road. This pole also provides service across Ten Eyck Road to the west. The applicant requests approval to provide underground service to this pole but not be required to underground the pole.*

17.100.270 - SIDEWALKS

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

Response: *As shown on submitted plans, sidewalks will be constructed along the development side of all street frontages.*

17.100.280 - BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

Response: *No bicycle routes are existing, planned, or proposed on the subject property.*

17.100.290 - STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

Response: *Planter strips will be provided along all frontages as required. Street trees in accordance with City standards will be provided in these areas. The proposed tree species will be selected from the City's approved tree list.*

17.100.300 - EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The

seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

Response: Grass seeding will be completed as required by this section. The submitted erosion control plan provides additional details to address erosion control concerns.

17.100.310 - REQUIRED IMPROVEMENTS

The following improvements shall be installed at no expense to the city, consistent with the design standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

- A. Drainage facilities
- B. Lot, street and perimeter monumentation
- C. Mailbox delivery units
- D. Sanitary sewers
- E. Sidewalks
- F. Street lights
- G. Street name signs
- H. Street trees
- I. Streets
- J. Traffic signs
- K. Underground communication lines, including broadband (fiber), telephone, and cable. Franchise agreements will dictate whether telephone and cable lines are required.
- L. Underground power lines
- M. Water distribution lines and fire hydrants

Response: All improvements specified in this section will be installed by the developer at no expense to the City of Sandy consistent with the design standards of Chapter 17.84 and applicable standards.

CHAPTER 17.102 - URBAN FORESTRY

17.102.20 - APPLICABILITY

This chapter applies only to properties within the Sandy Urban Growth Boundary that are greater than one acre including contiguous parcels under the same ownership.

- A. General: No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.
 - 1. As a condition of permit issuance, the applicant shall agree to implement required provisions of this chapter and to allow all inspections to be conducted.
 - 2. Tree removal is subject to the provisions of Chapter 15.44, Erosion Control, Chapter 17.56, Hillside Development, and Chapter 17.60 Flood and Slope Hazard.

Response: The subject property contains 1.166 acres and the standards of this chapter are applicable to the proposed application. As shown on

submitted plans and detailed in the Arborist Report development of the site requires removal of the majority of the trees on the site. The proposed tree removal and protection plan has been designed in accordance with the standards of this chapter and the provisions in Chapters 15.44, 17.56, and 17.60 as applicable.

17.102.50 - TREE RETENTION AND PROTECTION REQUIREMENTS

- A. Tree Retention: The landowner is responsible for retention and protection of trees required to be retained as specified below:
1. At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership.
 2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
 3. Trees proposed for retention shall be healthy and likely to grow to maturity, and be located to minimize the potential for blow-down following the harvest.
 4. If possible, at least two of the required trees per acre must be of conifer species.
 5. Trees within the required protected setback areas may be counted towards the tree retention standard if they meet these requirements.

***Response:** The subject property contains 1.166 acres requiring retention of three trees, 11 inches and greater DBH ($1.166 \times 3 = 3.498$ rounded down to 3 trees). As stated in this section trees proposed for retention shall be "healthy and likely to grow to maturity". This section also has a preference for retaining conifer trees over deciduous. The submitted Arborist Report provides a description and quality assessment of each of the trees on the site. Most of the trees are in "good" condition but have only a "fair" structural rating. A number of trees are also identified as having "Significant structural defects". Trees in this category have multiple leaders with included bark due to past top failures, wounding, or growth patterns which increase their susceptibility to structural failure. For trees with structural defects the Arborist Report notes, "The likelihood of failure increases in situations where adjacent trees are removed and retained trees are exposed to wind loads to which they are not adapted."*

Given the requirements of this section for retained (trees 11-inches and greater in good condition, non-nuisances species and without major structural defects) and required frontage improvements, only two of the 21 trees on the site (trees #21 and #22) meet the requirements of this section and are proposed to be retained.

- B. Tree Protection Area: Except as otherwise determined by the Planning Director, all tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after

completion of all construction activity. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.

1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than 10 horizontal feet from the outside edge of the trunk.
2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.
3. 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.

Response: As shown on the submitted Tree Retention and Protection plan both of the retained trees are located on Lot 6. The submitted Arborist report contains additional recommendations for protection of these trees during construction.

17.102.60 - TREE REPLANTING REQUIREMENTS

1. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species within 30 days of harvest during the active growing season, or by June 1st of the following spring.
2. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.
3. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.
4. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.
5. Tree Removal not associated with a development plan must be replanted following the provisions of OAR Chapter 629, Division 610, Section 020-060

Response: The requirements of this section as applicable will be completed with construction of subdivision improvements.

17.102.70 - VARIANCES

Under a Type III review process, the Planning Commission may allow newly-planted trees to substitute for retained trees if:

1. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and
2. The substitution more nearly meets the intent of this ordinance due to:
 - a. The location of the existing and proposed new trees, or
 - b. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or
 - c. An undue hardship is caused by the requirement for retention of existing trees.

d. Tree removal is necessary to protect a scenic view corridor.

Response: As noted above, because only two trees on the site will not be impacted by required site improvements and meet the tree retention requirements of Section 17.102.50 above, a variance to this section has not been requested or is one required.

CHAPTER 15.30 - DARK SKY ORDINANCE

15.30.000 - PURPOSE

The purpose of the Sandy Dark Sky Ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security. (Ord. 2002-11)

15.30.030 - EXEMPTIONS AND EXCEPTIONS

D. Full cutoff street lighting, which is part of a federal, state, or municipal installation.

15.30.060 - GENERAL STANDARDS

D. All outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line of the premises receives no more than .25 (one quarter) of a foot-candle of light from the premises lighting system.

Response: The applicant understands the requirements of this chapter. A detailed lighting plan will be submitted with construction plans following land use approval.

V. Conclusion

The proposed subdivision is part of the planned progression of land use planning for this area of Sandy and involves the creation of “Needed Housing” under ORS 197.303(1) and 197.307(4) on land zoned for residential uses within the city limits of Sandy. The applicant is submitting this application requesting land use approval to construct a Type II residential subdivision on the 1.166 acre site to include the following:

- 9 lots
- Frontage improvements
- On-street parking
- Installation of public and franchise utilities
- Tree removal
- Fee-in-lieu payment for parkland dedication

As reviewed in this narrative and shown on submitted plans and studies including the submitted Trip Generation & Sight Distance Report and Arborist Report, the proposed subdivision complies with all applicable standards. Given these facts the applicant respectfully requests this application be approved as submitted.