

**Project Narrative
For
Cedar Creek Heights Subdivision
SE Vista Loop Drive
Sandy, Oregon 97055**



**Prepared by Tracy Brown Planning Consultants, LLC
March 2021**

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Project Details

Project Location: East and west of the eastern end of Vista Loop Drive, east of Highway 26

Legal Description: Map 25E 19, Tax Lots 200 and 500

Zoning District SFR, Single Family Residential

Site Size: Tax Lot 200 - 23.318 acres (41717 SE Vista Loop Drive)
Tax Lot 500 - 9.552 acres (No site address)
Total Site 32.87 acres (1,431,813 sq. ft.)

Applicant

Mac Even
Even Better Homes, Inc.
P.O. Box 2021
Gresham, OR. 97030
Phone: 503-348-5602
Email: mac@evenbetterhomes.com

Representative:

Civil Engineer / Surveyor
Ray Moore, P.E., P.L.S.
All County Surveyors & Planners, Inc.
P.O. Box 955
Sandy, OR 97055
Phone: 503-668-3151
Fax: 503-668-4730
Email: ray@allcountysurveyors.com

Consultant Team:

Planning
Tracy Brown
Tracy Brown Planning Consultants, LLC
17075 Fir Drive
Sandy, OR 97055
Phone: 503-781-0453
Email: tbrownplan@gmail.com

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Geotechnical Engineer

Daniel M. Redmond, P.E., G.E.

Redmond Geotechnical Services, LLC

P.O. Box 20547

Portland, Oregon 97294

Phone: 503-285-0598

Fax: 503-286-7176

Cell: 503-545-9055

Email: RedmondGeotechnicalServices@gmail.com

Traffic Engineer

Mike Ard

Ard Engineering

21370 SW Langer Farms Parkway, Suite 142

Sherwood, OR 97140

Phone: 503-537-8511

Email: mike.ard@gmail.com

Wetland Consultant

Kim Biafora

Schott & Associates

21018 NE Highway 99E

Aurora, OR. 97002

Phone: 503-678-6007

Email: kim@schottandassociates.com

Arborist

Todd Praeger

Teragan & Associates

3145 Westview Circle

Lake Oswego, OR. 97034

Phone: 971-295-4835

Email: todd@teragan.com

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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 two phase residential subdivision on the 32.87 acre site to include the following:

- 90 lots (37 lots in Phase 1 and 53 lots in Phase 2)
- Interconnected system of sidewalks and local public streets
- On-street parking
- Installation of public and franchise utilities
- Protection of FSH natural resources
- Limited tree removal
- Fee-in-lieu payment for parkland dedication
- Mt. Hood viewing area

As a “Needed Housing” application under 197.303.(1)(a) to provide housing within an acknowledged urban growth boundary, ORS 197.307(4) states a local government may apply only clear and objective standards, conditions, and procedures regulating the creation of Need Housing, and such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging Needed Housing through unreasonable cost or delay.

Oregon Courts and the Land Use Board of Appeals (LUBA) have held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development.” *Rogue Valley Association of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998) aff’d, 158 Or App 1 (1999). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on Needed Housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the application of standards and conditions that are not clear and objective and does not waive its right to assert that the Needed Housing statues apply to this application. The exceptions in ORS 197.307(4)(a) and 197.307(5) do not apply to this application. ORS 197.307(7)(a) is controlled by ORS 197.307(4). The City has not taken an exception for Needed Housing under 197.303(3).

II. General Project Description

The project site consists of two parcels located at Township 2 South, Range 5 East, Section 19, tax lots 200 and 500. The property contains a total area 32.87 acres and contains an existing single family home and accessory structures.

Both parcels are zoned SFR, Single Family Residential on the City of Sandy adopted Zoning Map. The applicant proposes constructing a 90 lot subdivision in two phases

and the proposal includes the construction of dwelling types permitted outright in the SFR zone.

The two parcels proposed for this project are abutting each other and separated only by Vista Loop Drive. Tax lot 500 referred to as Phase 1 in this application is located directly across Vista Loop Drive from Phase 2. This property contains about 9.55 acres and is bordered on one side by Vista Loop Drive and the other by Highway 26. The property is gently sloping with about 40 feet of elevation difference between the South and north property lines.

Tax lot 200 referred to in this application as Phase 2 shares a common property line with the existing Johnson RV recreational vehicle business. This property contains about 23.32 acres and is proposed to gain access by construction of a new local street (Barrett Street) intersecting Vista Loop Drive. Two existing homes and a barn are currently located on this property and will be removed following land use approval. The portion of the property proposed as buildable contains gentle to moderate slopes. A considerable portion of the rest of the property falls within the FSH Overlay identified on the City's Zoning Map with slopes greater than 25 percent. The applicant proposes platting only a small portion of three lots within the FSH Overlay area.

A pre-application conference was held with the City to review the project on February 1, 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
- Exhibit D - Project Narrative
- Exhibit E - Storm Drainage Report
- Exhibit F - Traffic Impact Analysis
- Exhibit G - Arborist Report
- Exhibit H - Geotechnical Report
- Exhibit I - Geotechnical Memo (3/8/21)
- Exhibit J - DSL Wetland Delineation Concurrence
- Exhibit K - Civil Plans (*under separate cover*)
 - Sheet C1 - Cover Sheet
 - Sheet C2 - Preliminary Plat - Phase 1
 - Sheet C3 - Preliminary Plat - Phase 2

- Sheet C4 - Topographic Survey - Phase 1
 - Sheet C5 - Topographic Survey - Phase 2
 - Sheet C6 - Tree Retention and Protection Plan
 - Sheet C7 - Tree Inventory List
 - Sheet C8 - Building Setbacks - Phase 1
 - Sheet C9 - Building Setbacks - Phase 2
 - Sheet C10 - Parking Analysis and Future Street Plan
 - Sheet C11 - Block and Street Dimensions
 - Sheet C12 - Street and Utility Plan - Phase 1
 - Sheet C13 - Street and Utility Plan - Phase 2
 - Sheet C14 - Grading and Erosion Control Plan - Phase 1
 - Sheet C15 - Grading and Erosion Control Plan - Phase 2
- Exhibit L - City Engineer letter to DEQ re: sewer capacity (07/17/20)
- Exhibit M - John Knapp email re: Future Street Plan (10/27/20)

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>
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- | | |
|----------|---|
| 17.18 - | Processing Applications |
| 17.30 - | Zoning District |
| 17.34 - | Single Family Residential (SFR) |
| 17.56 - | Hillside Development |
| 17.60 - | Flood and Slope Hazard Overlay |
| 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 February 1, 2021. Based on input received at this meeting modifications were made to the project layout.*

17.18.90 REAPPLICATION FOLLOWING DENIAL

Upon final denial of a development proposal or a denial of an annexation request by the City Council or the voters, a new application for the same development or any portion thereof or the same annexation or any portion thereof may not be heard for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original of a similar proposal, the Director may waive the one-year waiting period.

Response: *The proposed application is substantially different than “The Views Planned Development”, File No. 20-28 PD/SUB/FSH/TREE denied by the City Council’s Final Order dated March 15, 2021. That application was for a Planned Development to contain 122 lots with a variety of sizes including two lots for multi-family dwellings. The current proposal is for a 90 lot subdivision with all lots containing at least 7,500 square feet, the minimum lot size in the SFR zone.*

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 90 lot subdivision in two phases. In addition, the proposal includes four private drives (Tracts G, H, I, and J), three public stormwater detention and water quality facilities (Tracts A, B and F), and three open space tracts to be owned by the developer (Tracts C, D, and E).*

The subject property contains a gross site area of 32.87 acres. After deducting public rights-of-way (4.755 acres) and stormwater tracts (1.504 acres) proposed to be dedicated to the City, the net site area (NSA) is 26.610 acres. Because the subject property contains restricted development areas (RDA) as defined by Chapter 17.60, these areas are also deducted from the net site area to determine the unrestricted site area (USA). The formula used in this calculation is: NSA - RDA = USA.

The subject property contains 279,768 square feet (6.423 acres) of restricted development area (RDA). Subtracting this area from the net site area (NSA) results in an unrestricted site area (USA) of 20.188 acres.

The SFR zone allows a minimum of 3 and a maximum of 5.8 units per net acre. The minimum density is calculated by multiplying the USA x the required minimum density (20.188 acres x 3 = 60.564 units, rounded to **61 units**)

The maximum density is determined by using the lesser number of units in the following two formulas.

a. NSA (in acres) x Maximum Density of Zoning District (units/acre).

(26.610 acres x 5.8 units/acre = 154.3 (rounded to **154 units**))

or,

b. USA (in acres) x Maximum Density of Zoning District (units/acre) x 1.5
(maximum allowable density transfer based on Chapter 17.60)

(20.188 x acres x 5.8 units/acre x 1.5 density transfer = 175.6 (rounded to 176 units))

As a result of these calculations the density range for the subject property is a minimum of 61 units and a maximum of 154 dwelling units.

CHAPTER 17.34 - SINGLE-FAMILY RESIDENTIAL (SFR)

17.34.00 - INTENT

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 3 or more than 5.8 units per net acre.

Response: As discussed in Chapter 17.30 above, the proposal to develop 90 lots complies with the density range (61 - 154 units) allowed in the SFR zoning district.

17.34.10 - PERMITTED USES

A. Primary Uses Permitted Outright:

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

17.34.30 - DEVELOPMENT STANDARDS

Response: As shown on the plan set all lots contain at least 7,500 square feet, are at least 60 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.

17.34.40 - 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: The existing dwelling is currently served by a septic system. This system will be decommissioned in accordance with applicable regulations and the applicant will provide proof of the decommissioned system with construction documents.

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

Response: A new street network will be constructed to serve each dwelling as 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 however, eight lots will gain access from four separate private drives connected to a public street.

17.34.50 - 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 except Lots 68 and 69. These lots are proposed to be provided with a shared private driveway as required.

CHAPTER 17.56 - HILLSIDE DEVELOPMENT

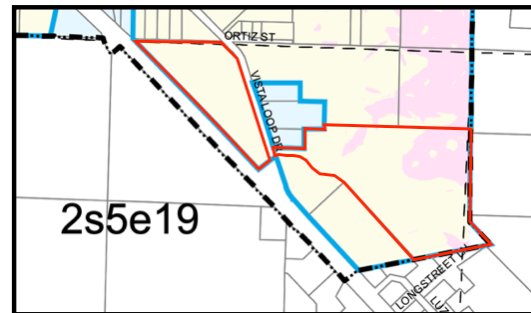
17.56.00 - INTENT

The intent of this chapter is to comply with Statewide Planning Goal 7 (Natural Hazards) by minimizing seismic and landslide hazards, and soil erosion associated with development on steep or unstable slopes. Development may be permitted on potentially hazardous areas, provided that the recommendations of approved studies are implemented as conditions of building permit or land use approval.

17.56.10 - APPLICABILITY

These regulations shall apply to any parcel with slopes greater than twenty-five percent (25%) as shown on the Hillside Development Overlay District Map or with slope hazards mapped by the Department of Geology and Mineral Industries (DOGAMI). This chapter shall apply only to activities and uses that require a building, grading, tree removal and/or land use permit.

Response: As shown on the figure to the right from the City's Hillside Overlay District Map and as shown on the Existing Conditions Plan submitted with this application, several area of the Lower Views contains slopes greater than 25 percent.



A. General. No person shall develop property in areas designated by SDC 17.56.10, without first demonstrating compliance with this chapter.

1. As a condition of permit issuance or land use approval, the applicant shall agree to implement the recommendations of approved studies and to allow all inspections to be conducted.
2. Where a bond, letter of credit or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved.

Response: A Geotechnical Report and supplemental memo has been included with this application. The applicant is comfortable with a condition requiring implementation of the recommendations in these exhibits.

B. Exemptions:

1. An activity or use that avoids slopes of 25% or greater, DOGAMI slope hazard areas, natural drainageways and potentially hazardous analysis areas as defined in Section 17.56.30.A.

Response: As shown on the submitted plans, limited development is proposed on slopes 25 percent or greater. No development is proposed on DOGAMI slope hazard areas, natural drainageways, or hazardous analysis areas.

CHAPTER 17.60 - FLOOD AND SLOPE HAZARD (FSH) OVERLAY

17.60.10 - INTERPRETATION AND MAPPING

The Director has the ultimate responsibility for maintaining the FSH Overlay District on the City of Sandy Zoning Map, determining on-site measuring methods, and otherwise interpreting the provisions of this chapter. Technical terms used in this chapter are defined in Chapter 17.10, Definitions. This chapter does not regulate development on lots or parcels entirely outside the FSH Overlay District.

- A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department. This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

Response: As shown on the city's Zoning Map and submitted plans, a portion of Phase 2 is encumbered by the FSH Overlay District. Only a small portion of three lots (Lots 40 - 42) are proposed to be platted in this area however, no development is proposed to occur within any part of this overlay.

- B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.

Response: As shown on submitted plans, a small portion of three lots (Lots 40 - 42) are proposed to be platted in the FSH overlay district.

- C. Applicant Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on site specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:

1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.

Response: No rivers or streams are located on the subject property.

2. 100-year floodplain and floodway boundaries and elevations as determined by the June 17, 2008 FIS for Clackamas County and Incorporated Areas.

Response: The Lower Views contains a small wetland/drainage as shown on submitted plans.

3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless

modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.

6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

Response: All of this information is included on submitted plans. A portion of the Phase 2 is encumbered by the FSH Overlay and a wetland has been delineated on this property as well. An existing storm drainage pipe and outfall is located within the delineated wetland area that will remain.

17.60.20 - PERMITTED USES AND ACTIVITIES

- A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:
1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
 2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
 3. Required setback areas as defined in section 17.60.30.

Response: A small portion of the FSH Overlay overlaps with Lots 40 - 42 in Phase 2.

- B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:

Response: No uses are proposed within a restricted development area. The portions of Lots 40 - 42 platted within the FSH Overlay are located within the required rear setbacks for these lots.

- C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

Response: As shown on submitted plans only a portion of Lots 40 - 42 are proposed to be platted within a restricted development area. No lot is proposed to be platted exclusively within the FSH overlay or restricted development area.

17.60.30 - REQUIRED SETBACK AREAS

- A. Required Setbacks. The required special setback(s) shall be:

1. 70 feet from the top of bank of Tickle Creek;
3. 25 feet around the edge of any mapped locally significant wetland; and
4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.

Response: The Topographic Survey submitted with the application includes this information as applicable.

- B. Minimize Impacts. Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.

Response: No disturbance or development is proposed within water quality setback areas on the subject property.

17.60.40 - REVIEW PROCEDURES

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed to ensure consistency with Section 17.60.60-70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director.

Response: As noted above, a small portion of Lots 40 - 42 will be platted within the FSH Overlay. No development is proposed within these areas and no special reports have been identified by the Director.

17.60.80 - NOTIFICATION TO OTHER ENTITIES AND RECORD KEEPING

- A. Whenever a watercourse is to be altered or relocated, notification shall be sent to Clackamas County and DLCDD prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- B. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.
- D. Obtain and maintain the following for public inspection and make available as needed:
 1. Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Section 17.60.70(F).
3. Obtain and maintain certification for flood openings when certification is required under Section 17.60.70(E)(5).

Response: As noted above, no development is proposed within the FSH Overlay District

17.60.90 - WATER QUALITY TREATMENT FACILITIES

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows:

- A. The water quality facility shall not be constructed in restricted development areas, except where necessary to serve approved development within restricted development areas (e.g., a road) and where no reasonable alternative exists in buildable areas of the site.
- B. Where the approval authority determines that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed off-site.

Response: As shown on submitted plans, all proposed water quality facilities are located outside the FSH overlay.

17.60.100 - DENSITY TRANSFER PROVISIONS

Residential density transfer may be approved subject to the following:

- A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.

Response: As detailed in Chapter 17.30 above, the density for the site does not allow a density transfer per Chapter 17.60.

- B. Density Maximum. The maximum gross density for the buildable area of the site shall not exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area.

Response: As detailed in Chapter 17.30 above, the maximum density is based on the lesser of the two methods of calculating density. As a result, the maximum density permitted is 154 units.

- C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the PD (planned development) or SAP (specific area plan) process.

Response: The applicant proposes constructing uses permitted in the SFR zone on both phases of this development.

- D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms "primary property"

identify the legal lot from which density is to be transferred to “secondary property(s)”. Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

Response: As discussed in Chapter 17.30 above, the proposal is not permitted to transfer density.

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: Vista Loop Drive is identified in the City’s Transportation System Plan as a collector street and Highway 26 is a major arterial.

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: Vista Loop Drive is identified in the City’s Transportation System Plan as a collector street and Highway 26 is classified a major arterial. This section is applicable

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 the Building Setbacks sheet submitted with this application all structures adjacent to Vista Loop Drive and Highway 26 will be setback at least 20 feet from the property line abutting these streets as required.

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. Phase 1 of the development is located adjacent to Highway 26, a major arterial and Vista Loop Drive, a collector 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. Phase 1 contains frontage along both Vista Loop Drive and Highway 26. Because a substantial grade separation exists between the subject property and Highway 26 over a majority of the property, orienting these structures towards the highway is not practical and would degrade the quality of life for residents in these dwellings if this standard is required. The applicant proposes orienting all homes towards internal local streets.

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 proposes orienting all structures towards the internal local street and a pedestrian route will be provided to this street as required.

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: Phase 1 contains frontage on both Vista Loop Drive and Highway 26. As noted above, the applicant proposes orienting all homes towards the internal local street.

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 applicant requests the flexibility to construct the two areas of the subdivision as two separate phases. The applicant intends to construct the upper portion of the subdivision as Phase 1 and the lower portion as Phase 2.

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 local streets are proposed to be five feet wide separated from curbs by a landscape strip as required.
 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: *All sidewalks constructed adjacent to Vista Loop Drive and Highway 26 will be six-feet wide as required.*

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 is proposing to eliminate the landscape planter strip along a portion of the south side of Barrett Street from Vista Loop Drive to Bonnie Street in Phase 2. As allowed by this section, elimination of the planter strip is due to the existing grade of the adjacent Johnson RV improvements requiring construction of a retaining wall and additional grading in this area. As shown on the Phase 2 Street and Utility Plan, a thick row of evergreen trees that were planted as part of the Johnson RV improvements will remain along this section. The proximity of these trees provide a visual screen of the RV dealership and will soften and enhance the pedestrian experience walking along this side of the street.*

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) Pedestrians 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 on local streets 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 will include greater than 50 dwelling units. During the pre-application conference the city Transit Manager requested a transit amenity be constructed along Vista Loop Drive. This facility will be shown with construction plans.*

- 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. Traffic evaluations may be required of all development proposals in accordance with the following:

1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved, the applicant shall present the results with and an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer licensed in the State of Oregon.
2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

Response: A Traffic Impact Study is included with this application as requested by the City. This study does not identify any required mitigation.

- B. 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.

- C. 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 dependent on the location of Vista Loop Drive and Highway 26 in Phase 1 and topographic considerations in Phase 2. No street segments greater than a quarter mile in length are proposed and all intersections are a minimum of 150 feet apart. The proposal complies with the requirements of this section.*

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: *Due to the location of Vista Loop and Highway 26 in Phase 1, two cul-de-sacs are proposed in this phase. The Ortiz Street cul-de-sac is 227 feet long and is proposed to serve seven lots. The Knapp Street cul-de-sac is 257 feet long and is proposed to serve nine lots. Because of steep slopes and the location of the FSH Overlay, two cul-de-sacs are proposed in Phase 2. The Barrett Street cul-de-sac is 220 feet long and will provide direct access to eight lots and four additional lots served by two private drives for a total of 12 lots served. The Mt. Hood Court cul-de-sac is 161 feet long and will provide direct access to four lot and four lots will be accessed from two private drives at the end of this cul-de-sac for a total of eight lots served by this cul-de-sac. All proposed cul-de-sacs are less than 400 feet long and serve fewer than 20 dwelling units in compliance with this section.*

D. 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 or a private drive accessed 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 new streets are proposed as full street improvements with the exception of Vista Loop Drive abutting Phase 1 which will be constructed with a half-street improvement as required.*

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 only the frontage adjacent to Vista Loop Drive will require 1/2 street improvements.*

- E. 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: *The proposed street layout results in one temporary dead-end street at the East end of Phase 2. This street end includes sufficient room to accommodate fire equipment to turn around. A secondary fire access to Phase 2 is provided by an easement through the Johnson RV site. If this easement is deemed insufficient by the Fire Marshall or an alternative secondary access cannot be obtained, homes in Phase 2 will require installation of fire sprinklers.*

- F. 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: *The applicant does not anticipate any public street improvements will be required beyond the site boundaries. No such improvements were identified at the pre-application conference.*

- G. 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: *The application includes proposed street names as shown on submitted plans.*

H. 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: *A future street plan is included with this application. This plan shows that the proposal will facilitate and not preclude development on adjacent properties. No roads identified on the TSP are shown on the subject property.*

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

Response: *As shown on submitted plans, all streets in the proposed development are local streets and all street grades are less than the maximum allowed by this section. The steepest grade is 11 percent for the Mt. Hood Court cul-de-sac. No other street grade is greater than eight percent (east end of Bonnie Street) with most other streets at about two percent grade.*

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: *No arterial or collector streets are required to be extended with this application.*

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 proposed streets in the subdivision are designed in compliance with this standard.*

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 proposed streets are designed to intersect at a right angle with the intersecting street and comply with the requirements of this section.

- 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 new right-of-way widths are proposed to be 50 feet wide as required.

- J. 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 each phase of 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 submitted Utility Plans, 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: No private utilities are proposed.

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: *All franchise utilities will be installed underground with the exception of street lights as allowed by this section.*

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 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.*

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: *No public easements for the purposes specified are anticipated.*

- 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, eight foot wide public utility easements 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 are 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: *The only existing right-of-ways adjacent to the development are Vista Loop Drive and Highway 26. No additional dedication is required for these roads.*
- 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: *All easements and dedications will be identified on the plat as required.*

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 as discussed below.

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 90 lots results in the following formula: 90 (proposed s.f. units) x 3 (persons/unit) x 0.0043 (per person park land dedication factor) = 1.161 rounded to 1.16 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 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 choice between dedication and payment of a fee in lieu of land dedication is subjective, as is the procedure to make the recommendation on the choice. The words “topography, geology, access to, parcel size, and location of land in the development available for dedication” and “potential adverse/beneficial effects on environmentally sensitive areas”, “compatibility with”, “availability” and “feasibility” as used in this section are subjective. The applicant proposes paying a fee in lieu of parkland dedication in accordance with Subsection 2 of this Section.

17.86.50 - MINIMUM STANDARDS FOR OPEN SPACE DEDICATION

The applicant through a subdivision or design review process may propose the designation and protection of open space areas as part of that process. This open space will not, however, be counted toward the parkland dedication requirement of Sections 17.86.10 through 17.86.40.

1. The types of open space that may be provided are as follows:
 - a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
 - b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.

Response: The proposal includes the designation of three private open space natural areas: Tract C - 0.67 acres, Tract D - 5.43, and Tract E - 1.44 acres for a total of 7.54 acres of open space.

2. A subdivision or design review application proposing designation of open space shall include the following information as part of this application:
 - a. Designate the boundaries of all open space areas; and
 - b. Specify the manner in which the open space shall be perpetuated, maintained, and administered; and
 - c. Provide for public access to trails included in the Park Master Plan, including but not limited to the Tickle Creek Path.

Response: All of this information is provided. The applicant proposes all open space areas as private. No public access to these areas is proposed.

3. Dedication of open space may occur concurrently with development of the project. At the discretion of the city, for development that will be phased, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.

Response: The applicant intends that all open space areas will be privately owned by the developer.

4. Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
 - a. Dedication to the City of Sandy or an appropriate public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.
 - b. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
 - c. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
 - d. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.

Response: As noted above, all open space areas will be owned and maintained by the developer as permitted by subsection (4)(d) of this section.

5. In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.

Response: The applicant does not anticipate this section being applicable.

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 proposed 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 majority of lots will have a standard 20 foot wide curb cut and driveway approach.*

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

Response: *The majority of lots will have a standard 20 foot wide curb cut and driveway approach.*

- 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: *As shown on the diagrams included with the plan set, all proposed cul-de-sacs comply with the requirements of this section.*

- 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 visions triangles in accordance with Section 17.74.30 will be shown on the Site Plan with all building permit applications.*

- 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 SFR 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 37 lots in Phase 1 require 37 on-street parking spaces. As shown on the On-street Parking Plan, 67 on-street parking spaces have been identified within 300 feet of each lot in compliance with this section. The 53 lots in Phase 2 require 53 on-street parking spaces. As shown on submitted plans, with parking allowed on the north side of Barrett Street only, 82 on-street parking spaces will be provided. The proposal 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 February 1, 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 SFR 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. As illustrated on the submitted Future Street Plan, the proposed street system is consistent with the City’s Transportation System Plan and Comprehensive Plan. Due to location of Vista Loop Drive and Highway 26 in Phase 1 and steep slopes and other physical constraints in Phase 2, street connectivity around the entire development is limited. 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. As discussed in the the City Engineer’s letter to DEQ dated July 17, 2020 included with this application, the City’s sewage treatment system has adequate capacity to serve the proposed development. All other public facilities including water, stormwater, and streets are also available and adequate to serve the development. As detailed on submitted plans, because of the depth of the existing sewer line in Vista Loop, several lots in Phase 2 identified on submitted plans require installation of individual grinder sump systems to pump sanitary waste from these dwellings to a gravity sewer line.

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 in two phases. Phase 1 is proposed as the upper portion of the property adjacent to Highway 26 and Phase 2 is the lower portion of the property accessed by a new street system from Vista Loop Drive.

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 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 "unsuitable", "reasonably be harmful", and "adequate" as used in this section are subjective words. A significant portion of Phase 2 is affected by the FSH overlay identified by the City of Sandy. Only a small portion of these lots are proposed to be platted within this area. A Geotechnical Evaluation and supplemental memo from the Geotechnical Engineer is included with the application package. Except for the areas designated as open space, all areas of both phases are suitable for development and do not pose any issues due to flooding, etc as stated in this section.

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 project Transportation Engineer coordinated the scope of the submitted Traffic Study regarding Highway 26 with ODOT. No direct access to Highway 26 is proposed and a VNAR is likely to be required along this roadway.

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: The proposed street pattern is constrained by the location of Highway 26, Vista Loop Drive, and existing development in Phase 1 and existing development, topographic constraints, and the city limits/urban growth boundary in Phase 2. The proposal complies with this standard as practicable.

- B. Transportation Impact Studies. Transportation impact studies may be required by the city engineer to assist the city to evaluate the impact of development proposals, determine reasonable and prudent transportation facility improvements and justify modifications to the design standards. Such studies will be prepared in accordance with the following:
1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic engineer registered in the State of Oregon shall prepare such studies.
 2. If the study identifies level-of-service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements

and funding strategies mitigating the problem shall be considered as part of the land use decision for the proposal.

Response: *A traffic impact study prepared in compliance with city and ODOT standards by a Transportation Engineer is included with the application package. This study does not identify any issues requiring mitigation by the applicant.*

- 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: *None of the special traffic generators listed in this section are located near the subject property. All existing and proposed residential uses have been considered in development of the proposed street pattern. A future street plan included with this application shows how streets could be extended beyond the subject property in the future.*

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

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 word "generally" as used in this section is subjective. Due to existing infrastructure in Phase 1 (Highway 26 and Vista Loop Drive) and topographic constraints in Phase 2, the site does not lend itself to creating a rectangular gridded street pattern.*

- 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: *A future street plan designed in compliance with the requirements of this section is included as part of the application package. This plan indicates that because of the curving nature of Vista Loop Drive north of the site and the short distance between the north line of the subject property and Vista Loop Drive a street connection to the north in Phase 1 is not warranted. An email from the property owner adjacent to the subject property is included with the application package.*

- 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 that have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood. Local streets shall align and connect with other roads when crossing collectors and arterials per the criteria in Section 17.84.50K(5)(e).

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: The site specific conditions of the subject property limits construction of an interconnected street system. The only existing street to be extended is Ortiz Street in Phase 1 which is proposed to be located directly across Vista Loop Drive from this existing street.

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 Highway 26 and the steep grades along this roadway, the south side of Knapp Street exceeds 400 feet in length. In addition, because of steep grades and the location of the FSH Overlay to the east and a grade separation between the site and the commercial use west of the site, Barrett Street from Vista Loop Drive to Bonnie Street exceeds 400 feet and Bonnie Street from Barrett Street to Mt. Hood Court also exceeds 400 feet in length. Because of these constraints with a “Needed Housing” application, requiring a break in the block and construction of a street in these locations or application of a variance is unreasonable.

- 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: *No pedestrian and bicycle access way requirements are proposed. As noted above, because of the location of Highway 26 and Vista Loop Drive in Phase 1 and topographic and physical constraints in Phase 2, compliance with the block length requirement in Section 17.100.120(B) is unreasonable or is not required. As such, inclusion of a pedestrian and bicycle accessway through the middle of these blocks would provide not benefit to enhance public convenience or mobility as specified in this section.*

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. In addition, Lot 25 is proposed to be accessed by an easement across Lot 24 and Lot 36 will be accessed by an easement across Lot 37. No other easements for public utility purposes are required.*

17.100.140 - PUBLIC ALLEYS

Response: *No alleys are proposed.*

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: *As shown on submitted plans Phase 2 includes four private drives serving two lots each. These private drives are proposed due to the topographic constraints with the subject property.*

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 four proposed private drives in Phase 2 are designed to serve only two lots each as permitted. A shared access easement and maintenance agreement will be established for each private drive as part of the Final Plat. Public utility easements will be accommodated along these private drives as necessary to serve these lots. As shown on submitted plans, each private drive is proposed to include a 20-foot wide all weather surface within a 21-foot wide tract and will be posted "no parking". The proposal complies with this standard.

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 in the proposed subdivision have been designed to intersect at right angles to the opposing street as required.

- 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 in the proposed subdivision have a minimum curve radius as required by this section.

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 in the proposed subdivision 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 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 "no foreseeable difficulties" and "other conditions" as used in this section are subjective. All of the lots in the proposed subdivision have been designed so that no foreseeable difficulties due to topography or other conditions exist in securing building permits on these lots. A Geotechnical Evaluation report demonstrating the proposal is suitable for the proposed development is included with this application.

- 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: *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 “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.” as used in this section is subjective. The lot dimension of all lots comply with the minimum standards in this Code. Only Lots 48, 69, and 70 are proposed to contain more than double the minimum lot size (7,500 square feet) in the SFR zone. Due to their location, topographic constraints, and the requirement that no more than two lots be accessed on a private drive, no further division of these lots is possible.*
- 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 with the exception of lots proposed to be accessed by private drives.*
- 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: *Only Lots 9 and 11 - 23 are designed to have frontage on both an internal local street (Knapp Street) and Highway 26. Lots 24 and 25 will have double frontage on both Highway 26 and Vista Loop Drive and Lot 26 will have frontage on both Knapp Street and Vista Loop Drive. This configuration is unavoidable because of the location of Vista Loop Drive and Highway 26 and limitations for access to these roads.*
- 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: *No lots are proposed to gain access from an arterial 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. As noted above, because of the depth of the existing sewer in Vista Loop, several of the lots in Phase 2 as shown on the plan set will require installation of a grinder sump system installed at each of these dwellings to pump sanitary waste from these dwellings to a gravity sewer line in the development.

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 facility (Tract A) is proposed to be located in the western area of Phase 1 and two facilities (Tracts B and F) are proposed in Phase 2. These facility's have 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.

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: The applicant intends to install all utilities underground as required.

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: Sidewalks on both sides of all streets will be constructed as required with the exception the developer will only construct a sidewalk abutting the development on Vista Loop Drive as is required.

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. The applicant is aware that street improvements on Vista Loop Drive may require completion of a bicycle lane along this frontage.

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.

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 32.87 and the standards of this chapter are applicable to the proposed application. The applicant intends removing some of the trees on the property to accommodate development of a residential subdivision. 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:** As shown on the submitted plan set, the majority of trees on the subject property are located within the FSH Overlay portion of Phase 2. The subject property contains 32.87 acres requiring retention of 99 trees, 11 inches and greater DBH ($32.87 \times 3 = 98.61$ rounded up to 99 trees) and in good condition. The submitted Arborist Report indicates that 99 trees, 11-inches DBH or greater and in good condition are proposed to be retained in compliance with this section. In addition, as detailed in the Arborist report, 76 of the 99 retained trees are a conifer species as preferred by subsection 4 above. No trees are proposed to be removed within the FSH Overlay area.*

- 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 the majority of retained trees are not proposed to be retained on any lot or within any area proposed for development. The submitted Arborist report contains additional recommendations for tree protection.*

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

Response: The submitted plan is designed in compliance with the standards of this chapter and a variance to these standards is not requested or 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 two phase residential subdivision on the 32.87 acre site to include the following:

- 90 lots (37 lots in Phase 1 and 53 lots in Phase 2)
- Interconnected system of sidewalks and local public streets
- On-street parking
- Installation of public and franchise utilities

- Protection of FSH natural resources
- Limited tree removal
- Fee-in-lieu payment for parkland dedication
- Mt. Hood viewing area

As reviewed in this narrative and shown on submitted plans and studies including the submitted Traffic Impact Analysis, Geotechnical Report and supplemental memo, and Arborist Report, the proposed subdivision complies with all applicable standards. Given these facts the applicant respectfully requests this application be approved as submitted.