Project Insight

Project Location: Sandy, Oregon, just west of SE Bornstedt Rd.; south of and adjacent to Bornsted Park

Legal Description: Map 24E24BC, Tax Lot 3400, Tax Lot 3500, Tax Lot 3800, Tax Lot 3900

Zones: R1 Low Density Residential
SFR Single Family Residential

Site Size: 10.19 ac. (443,927 sf)

Proposal: 43 Lot Subdivision Development
Type II Subdivision review procedure
Type III Variance for the length of Block A
Type III Variance for the length of Block C
Type III Variance for the length of Block E
Type III Variance for tree mitigation
Minor Amendment to the BVO for Village Blvd.

Representative: All County Surveyors & Planners, Inc.
P.O. Box 955
Sandy, OR 97055
Phone: 503-668-3151
Email: dave@allcountysurveyors.com

Applicant: I&E Construction
9550 SE Clackamas Road
Clackamas, OR 97015
Phone: 503-655-7933
Email: karl@iandeconstruction.com

Owner: AT Properties, LLC
P.O. Box 1873
Sandy, OR 97055
Phone: 503-793-9254
adprecision@yahoo.com
Representative:
Civil Engineer / Surveyor / Planner
All County Surveyors & Planners, Inc.
Ray Moore, P.E., P.L.S.
Dave Reichert
P.O. Box 955
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Fax: 503-668-4730
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Applicant
I&E Construction
9550 SE Clackamas Road
Clackamas, OR 97015
Phone: 503-655-7933
Email: karl@iandeconstruction.com

Owner
AT Properties, LLC
P.O. Box 1873
Sandy, OR 97055
Phone: 503-793-9254
Email: adprecision@yahoo.com
Consultant Team:

Geotechnical Engineer
G2 Associates
P.O. Box 220
Gresham, OR 97030
Phone: 503-292-7939
Email: maryann@westsidesec.com

Traffic Engineer
Lancaster Engineering
321 SW 4th Ave., Suite 400
Portland, OR 97204
Phone: 503-248-0313
Email: rebecca@lancasterengineering.com

Wetland Consultant
Schott and Associates
P.O. Box 589
Aurora, OR 97002
Phone: 503-678-6007
Email: martin@schottandassociates.com

Arborist
Northwest Tree Specialists
2074 NW Aloclek Drive, Suite 403
Hillsboro OR 97124
Phone 503-645-2242
Email: trevor@nwtreespecialists.com
Site and Project Description

This site is comprised of tax lots 3400, 3500, 3800, and 3900 which are just west of Bornstedt Road, south and adjacent to Bornsted Park. The site is also south and adjacent to the Sandy Meadows subdivision. The proposed subdivision is located in the Bornsted Village Overlay.

This site is located within 2 zones: SFR (Single Family Residential) and R1 (Low Density Residential). Tax lots 3400, 3500, and 3800 are all completely zoned R1; and Tax Lot 3900 is within both R1 and SFR. As part of this project, it is proposed that the current zone lines be relocated based on equal area and the locations of proposed streets (see sheet 6 Exhibit D, Reduced Site Plans). The 43 proposed lots will then be in 2 zones and will conform to the requirements of their respective zones. The proposed zone line will **not** cross any proposed lot lines, so each proposed lot will be only in one zone.

Tax Lot 3900’s area is 224,725 sf (5.16 ac.); Tax Lot 3800’s area is 211,171 sf (4.85 ac.); Tax Lot 3400’s area is 5,106 sf (0.12 ac.); and Tax Lot 3500’s area is 2,945 sf (0.08 ac.). A single family house exists on Tax Lot 3900; and a single family house exists on Tax Lot 3800.

The proposed 43-lot development will take access from Oak Avenue and Pine Avenue; and provisions are made for the proposed subdivision to tie into existing utility systems.

A pond exists of the easterly portion of the site as well as wetlands. The easterly portion of the site also falls within the FSH overlay and contains slopes great than 25%. The ground of the entire site falls generally towards the east at varying slopes. The attached geotechnical report outlines the precautions for building on this site (see Exhibit G). Also, there are many mature trees on the property.

Variances are requested as part of this application submittal. It is proposed that blocks A, C, and E (see sheet 3, Exhibit D) be longer than the SDC’s specified 400 foot maximum. It is also requested that tree mitigation be accepted in lieu of minimum tree retention. Regarding the alignment of Village Blvd., a minor amendment to the BVO circulation plan is requested.

The proposed subdivision will contain one Green Street: Aspen Avenue (see sheet 2, Exhibit D).

As part of this project, half street improvements will be made to Bornstedt Road for approximately 335 lineal feet, along the west side of Bornstedt Road, following the east line of the subject property. The proposed 43-lot development will take access from Oak Avenue and Pine Avenue and will not take vehicular access from Bornstedt Road, though pedestrian access will be provided.
This application contains narrative responses to the following code chapters:

17.30 Zoning Districts
17.34 SFR Single Family Residential
17.36 Low Density Residential (R-1)
17.54 Specific Area Plan Overlay
17.56 Hillside Development
17.60 Flood and Slope Hazard (FSH) Overlay
17.66 Adjustments and Variances
17.80 Additional Setbacks on Collector and Minor Streets
17.84 Improvements Required With Development
17.86 Parkland and Open Space
17.98 Parking, Loading, and Access Requirements
17.100 Land Division
17.102 Urban Forestry
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: See sheet 6 of the plans

17.34 SFR Single Family Residential

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: The density requirement is met.

17.34.10 PERMITTED USES

A. Primary Uses Permitted Outright:
   1. Single detached dwelling subject to design standards in Chapter 17.90;

Response: Single detached dwellings are proposed.

17.34.30 DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Minimum Lot Area - Single detached dwelling - Other permitted uses</td>
<td>7,500 square ft. No minimum</td>
</tr>
<tr>
<td>B. Minimum Average Lot Width - Single detached dwelling</td>
<td>60 ft.</td>
</tr>
<tr>
<td>C. Minimum Lot Frontage</td>
<td>20 ft. except as allowed by Section 17.100.160</td>
</tr>
<tr>
<td>D. Minimum Average Lot Depth</td>
<td>No minimum</td>
</tr>
</tbody>
</table>
### E. Setbacks (Main Building)
- Front yard: 10 ft. minimum
- Rear yard: 20 ft. minimum
- Side yard (interior): 7.5 ft. minimum
- Corner Lot: 10 ft. minimum on side abutting the street

### F. Setbacks (Garage/Carport)
- 22 ft. minimum for front vehicle access
- 15 ft. minimum if entrance is perpendicular to street (subject to Section 17.90.220)
- 5 ft. minimum for alley or rear access

### G. Projections into Required Setbacks
See Chapter 17.74

### H. Accessory Structures in Required Setbacks
See Chapter 17.74

### I. Structure Height
35 ft. maximum

### J. Building Site Coverage
No minimum

### K. Off-Street Parking
See Chapter 17.98

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**Response:** Requirements for minimum lot area, minimum average lot width, minimum lot frontage, building setbacks, and garage setbacks are met and plotted.

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**17.34.40 MINIMUM REQUIREMENTS**

**A.** Must connect to municipal water.

**Response:** The requirement is met. Municipal water connections and new water services are plotted.

**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:

**Response:** The requirement is met. The site is within 200 feet of municipal sewer.

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

**Response:** The requirement is met. See sheet 8, Exhibit D for Future Street Plan.

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

**Response:** The requirement is met. All proposed dwelling units will have frontage along public streets.

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*1 Must comply with clear vision requirements of Chapter 17.74.*
B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.

Response: N/A. All proposed lots have frontage greater than 40 feet.

17.36 Low Density Residential (R-1)

17.36.10 PERMITTED USES

A. Primary Uses Permitted Outright:
   1. Single detached dwelling (subject to design standards in Chapter 17.90);

Response: Single detached dwellings are proposed.

17.36.30 DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Minimum Lot Area</td>
<td></td>
</tr>
<tr>
<td>- single detached dwelling</td>
<td>5,500 square ft.</td>
</tr>
<tr>
<td>- single detached zero lot line</td>
<td>5,000 square ft.</td>
</tr>
<tr>
<td>- Other permitted uses</td>
<td>No minimum</td>
</tr>
<tr>
<td>B. Minimum Average Lot Width</td>
<td></td>
</tr>
<tr>
<td>- Single detached dwelling</td>
<td>50 ft.</td>
</tr>
<tr>
<td>- Single detached zero lot line dwelling</td>
<td>40 ft.</td>
</tr>
<tr>
<td>- Single attached zero lot line dwelling</td>
<td>30 ft.</td>
</tr>
<tr>
<td>- Other permitted uses</td>
<td>No minimum</td>
</tr>
<tr>
<td>C. Minimum Lot Frontage</td>
<td>20 ft. except as allowed by Section 17.100.160</td>
</tr>
</tbody>
</table>

D. Minimum Average Lot Depth  | No minimum                                    |
E. Setbacks                   |                                               |
| - Front yard                  | 10 ft. minimum                               |
| - Rear yard                   | 15 ft. minimum                               |
| - Side yard (interior)        | 5 ft. minimum                                |
| - Corner Lot                  |                                               |
| - Garage                      | 10 ft. minimum on side abutting the street 3 |
|                               | 22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street (subject to Section 17.90.220) |

2 Excluding zero-lot line development
3 Must comply with clear vision requirements of Chapter 17.74
Response: Requirements for minimum lot area, minimum average lot width, minimum lot frontage, building setbacks, and garage setbacks are met and plotted.

17.36.40 MINIMUM REQUIREMENTS

A. Must connect to municipal water.

Response: The requirement is met. Municipal water connections and new water services are plotted.

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:

Response: The requirement is met. The site is within 200 feet of municipal sewer.

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

Response: The requirement is met. See sheet 8, Exhibit D for Future Street Plan.

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

Response: The requirement is met. All proposed dwelling units will have frontage along public streets.
C. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.

Response: N/A. All proposed lots have frontage greater than 40 feet.

17.54 Specific Area Plan Overlay
17.54.30 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC AREA PLAN

Amendments to an approved specific area plan are classified as administrative, minor, or major amendments.

B. Minor Amendments. A minor amendment to a specific area plan shall be processed as a Type II land use decision. The decision shall include findings demonstrating that the change will not adversely affect:

a. The purpose and objectives of the specific area plan, and
b. The functioning of the specific area plan, and
c. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Response: The submittal proposes straightening Village Boulevard, which will not adversely affect the purpose, objectives, or functioning of the specific area plan; neither will it adversely affect transportation and infrastructure provisions. See Future Street Plan (sheet 8, Exhibit D).

Minor amendments are those that result in any of the following:

a. A change in the circulation/transportation plan that requires a required transportation element including local street, easement, sidewalk or trail to be shifted 50 to 100 feet in any direction from what is depicted on the specific area plan circulation/transportation diagram.

Response: The submittal proposes straightening Village Boulevard, requiring a Minor Amendment.

17.54.40 BORNSTEDT VILLAGE OVERLAY (BVO) DISTRICT

Response: The site falls into the BVO district.

17.54.50 BVO INTENT
The planning objectives for Bornstedt Village are to:

A. **Create a Livable Village** – Create a neighborhood-oriented village that fulfills the village definition in the Sandy Comprehensive Plan, and, responds to the unique opportunities and site conditions of Bornstedt Village.

**Response:** Zion Meadows subdivision fulfills this objective.

B. **Provide Transportation Options and a Local Street Network** – Provide for transportation improvements and a village setting that is conducive to walking, bicycling and transit, while accommodating automobile traffic. Integrate planned land uses with existing and future transportation modes.

**Response:** Zion Meadows subdivision fulfills this objective.

C. **Plan for a New, Village-Oriented Character for Hwy 211, Bornstedt and Jacoby Roads** – Evaluate ways to calm traffic, improve safety, create an attractive character, protect natural resources and generally minimize adverse impacts from traffic on these high-speed roads.

**Response:** Zion Meadows subdivision fulfills this objective.

D. **Protect, Restore, and Enhance Natural Resources in Balance with Creating an Urban Village** – Plan for integration for land use, transportation, and natural resources in the village. This objective seeks to protect, restore and enhance key resources and implement appropriate green and sustainable development practices, all in balance with creating an urban village.

**Response:** Zion Meadows subdivision fulfills this objective.

E. **Plan for a Parks and Open Space** – Provide parks that implement the City of Sandy Parks Master Plan, and other open space opportunities that enhance the livability of the village.

**Response:** Zion Meadows subdivision fulfills this objective.

F. **Provide Housing Choices** – Provide a variety of housing choices that meet the needs of a broad spectrum of Sandy residents.

**Response:** Zion Meadows subdivision fulfills this objective.

G. **Ensure Attractive and Village-Oriented Design** – Identify zoning and design guidelines that will result in attractive design that supports the creation of a walkable village.

**Response:** Zion Meadows subdivision fulfills this objective.

17.54.70  **BVO PERMITTED USES**
Within the Bornstedt Village Overlay district, all uses shall be consistent with the underlying zoning district, as referenced below. Uses are determined through the referenced zone district unless specifically modified or exempted herein.

A. **Single Family Residential (SFR)**
B. **Low Density Residential (R1)**
C. **Medium Density Residential (R2)**
D. **High Density Residential (R3)**
E. **Village Commercial (C-3)**

**Response:** The site falls within zones SFR and R1.

**17.54.80 BVO DEVELOPMENT STANDARDS**

**Residential Development Standards**

<table>
<thead>
<tr>
<th>Type</th>
<th>SFR</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Average Lot Width</strong></td>
<td>50 ft. single family detached; 40 ft. single family detached; 50 ft. duplex; 30 ft. zero lot line; 30 ft. row house</td>
<td>40 ft. single family detached; 30 ft. zero lot line and duplex; 20 ft. row house</td>
<td>40 ft. single family detached; 20 ft. zero lot line, duplex and row house</td>
<td></td>
</tr>
<tr>
<td><strong>Lot Width at Building Line</strong></td>
<td>40 ft. single family detached</td>
<td>40 ft. single family detached; 50 ft. duplex; 20 ft. zero lot line; 20 ft. row house</td>
<td>40 ft. single family detached; 30 ft. duplex; 20 ft. zero lot line and row house</td>
<td>40 ft. single family detached; 20 ft. zero lot line, duplex and row house</td>
</tr>
<tr>
<td><strong>Minimum Lot Frontage</strong></td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td><strong>Minimum Ave. Lot Depth</strong></td>
<td>No minimum</td>
<td>No minimum</td>
<td>No minimum</td>
<td>No minimum</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>10 ft. min.</td>
<td>10 ft. min.</td>
<td>10 ft. min.</td>
<td>10 ft. min.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>20 ft. min.</td>
<td>15 ft. min.</td>
<td>15 ft. min.</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Side Yard (interior)</td>
<td>7.5 ft. min.</td>
<td>5 ft. min.</td>
<td>5 ft. min.</td>
<td>5 ft. min.</td>
</tr>
<tr>
<td>Corner Lot Setback</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
</tr>
<tr>
<td>Garage Setback</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Projection into Required Setbacks</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
</tr>
</tbody>
</table>
### Accessory Structures

<table>
<thead>
<tr>
<th>Type</th>
<th>SFR</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure Height</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
</tr>
<tr>
<td>Building Site Coverage</td>
<td>No maximum</td>
<td>Maximum - 80 percent maximum for manufactured home parks</td>
<td>Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks</td>
<td>Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

Response: Requirements for minimum lot area, lot width at building line, minimum lot frontage, building setbacks, corner lot setbacks, and garage setbacks are met and plotted.

17.54.110 BVO DESIGN STANDARDS

Response: At the time of home construction, it shall be the responsibility of the builders to conform to the design review standards, single family residential design standards, variety of housing standards, and the garage standards.

E. Access to Narrow Lots – In order to minimize the extent of curb cuts on each block, to deemphasize front-facing garages, and mitigate turning movement conflicts, lots with less than 40 feet of frontage shall receive access from a rear public alley or a shared private driveway.

Response: N/A. The proposed subdivision does not contain lots with less than 40 feet of frontage.

F. Landscaping Standards Adjacent to Highway 211

Response: N/A. The site is not adjacent to Highway 211.

17.54.120 BVO CIRCULATION

C. Boulevards.

2. The concept for the Village Boulevard is to build a neighborhood street that:
a. Extends from the signalized intersection at Highway 211 approximately 1,000 feet to the south and approximately 260 feet to the north; and

Response: Village Boulevard is the west-most public street of the Zion Meadows subdivision. The centerline of Village Boulevard falls on the west boundary line of the subject property.

b. This street should include a landscaped park-block median that is a minimum of 20 feet wide; and

Response: N/A. The total right of way width of Village Boulevard is 60’ as it passes through Zion Meadows, and therefore medians will not be constructed as part of this project.

c. The existing hedgerow of trees located at south end of the boulevard should be incorporated into this street design; and

Response: N/A. The hedgerow exists well north of the site.

d. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and

Response: The requirement is met. Village Boulevard is only intersected on site by Redwood St. and Zion Way, both of which are side streets.

e. Encourages pedestrian accessibility by requiring the primary entrance of all residential and commercial development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.

Response: The requirement is met. Village boulevard encourages pedestrian accessibility via 5 foot wide residential sidewalks.

D. Green Streets – Vegetated swales and other green street features, per SDC 17.100, approved by the City Engineer shall be used where practicable in Bornstedt Village.

Response: Vegetated swales and other features are not practical for most proposed streets within the development because the continuity of the swales would be frequently disrupted by driveway entrances, and because of the gradients of the proposed streets. However, it is proposed that Aspen Avenue be a “green” street; and it is designed and shown as such.

17.54.130 BVO PARKS
Response: N/A. No new parks are created as part of this project.

17.54.140 BVO ENVIRONMENTAL STANDARDS

The BVO district shall utilize the existing environmental standards in the Sandy Development Code. The principal regulations are:

1. Flood Slope and Hazard (FSH) Overlay – see Chapter 17.60

Response: A portion of the property falls in the FSH Overlay.

3. Urban Forestry – see Chapter 17.102, except where modified by this Chapter

   A. Tree Retention – The landowner is responsible for retention and protection of retained trees as specified below:

   1. Within Bornstedt Village at least 9 trees, 11 inches DBH or greater, shall be retained for every one-acre of land under contiguous ownership within 300 feet of the FSH Overlay District as depicted on the Zoning Map, and 6 trees per acre in other areas of the village.

   All other standards of Chapter 17.102 shall remain in effect.

Response: The trees on site fall into the two areas described above: within 300 feet of the FSH overlay area, and outside of 300 feet of the FSH overlay area. The proposed number of trees to be retained is less than what is required by the criteria, and therefore a variance is requested (see 17.66 SDC). The criteria has been used for tree mitigation calculations. There is a total deficiency of 43 trees to be retained. See response 17.102.70 SDC.
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.

Response: See sheet 4 for sloped areas. See geology report for site information. There is an existing grading plan issued by the City of Sandy. The 25% or greater sloped are all man made on the site and from previous grading activities. They are from house siting and over-excavation of a non-wetland pond that has already been filled in. Some of the stock piles remain and will be leveled and used as fill material as approved by the geologist. Depending on how it is calculated there could be less than 50 yards within the 25% and greater areas.

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: The limits of the FSH Overlay are plotted based on the City of Sandy Zoning Map.

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: The half street improvements of Bornstedt Rd. falls into the FSH Overlay. The Oregon Division of State Lands has already approved the filling of
wetlands in the FSH Overlay per fill permit 52049-GP, which is necessary for the construction of the half street improvements.

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: N/A. No streams or rivers flow through the subject site.

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

Response: N/A. No portion of the site falls in the 100-year floodplain.

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

Response: N/A. No streams or rivers flow through the subject site.

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

Response: N/A. No portion of the site falls in the 100-year floodplain.

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: Items 3-10 are plotted.

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: Items 1-3 are plotted.

B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:
   1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.

Response: The FSH Overlay area is primarily contained within Tract A, which is proposed to be open space.

3. Planting of native vegetation species included on a list maintained by the Director.

Response: Planting of native trees is proposed within the FSH Overlay area as part of the necessary tree mitigation.

6. Construction or expansion of public facilities or private roads necessary to support permitted development.

Response: Planting of native trees is proposed within the FSH Overlay area as part of the necessary tree mitigation.

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: The requirement is met. No proposed lot falls exclusively within the FSH Overlay area.

17.60.30 REQUIRED SETBACK AREAS

A. Required Setbacks. The required special setback(s) shall be:
   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: Setback lines are plotted per all applicable SDC requirements.
B. Minimize Impacts. Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.

Response: The natural vegetation within the FSH Overlay area will be protected via minimal grading.

17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the 100-year floodplain and floodway.

Response: The site does not fall within the 100-year floodplain and floodway.

17.60.80 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: A storm water quality structure will be constructed on-site, outside of the FSH Overlay area.

17.60.90 DENSITY TRANSFER PROVISIONS

Response: The provisions of this section are not necessary to the subdivision’s density calculations.
CHAPTER 17.66 ADJUSTMENTS AND VARIANCES

17.66.70 TYPE II AND TYPE III VARIANCE CRITERIA

The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for a use not otherwise approveable in the location. The criteria are as follows:

Response: Four variances are requested as part of this application submittal.

- Variance #1 is a request that the block length of Block A (see sheet 3 Exhibit D) be greater than the maximum residential block length per 17.100.120.B SDC. The proposed block length is 617.2 feet. However, Tract B is proposed within this block, which is a strip of land that will provide pedestrian access from Redwood Street to Zion Way. Therefore, Block A is essentially broken up into 2 blocks: one length being 200.0 feet and the other being 402.2 feet.

- Variance #2 is a request that the block length of Block C (see sheet 3 Exhibit D) be greater than the maximum residential block length per 17.100.120.B SDC. The proposed block length is 455.0 feet.

- Variance #3 is a request that the block length of Block E (see sheet 3 Exhibit D) be greater than the maximum residential block length per 17.100.120.B SDC. The proposed block length is 480.3 feet.

- Variance #4 is a request that tree mitigation per 17.102.70 SDC be accepted in lieu of retaining the minimum number of trees per 17.54.140.3.A.1 SDC.

A. The circumstances necessitating the variance are not of the applicant’s making.

Response: Regarding variance #1, Bornstedt Park exists immediately adjacent to Block A. Also, the location of Village Boulevard at the west end of Block A is fixed by the Specific Area Plan Overlay. The east end of Block A is fixed by Pine Avenue which is improved. The parent shape of the lot was not my clients configuration. Having a long east west axis creates long block lengths.

Regarding variance #2, wetlands and steep slopes exist in the FSH overlay area at the east end of the site, which control the size and locations of Lots 12-16. The extension of Oak Avenue is then controlled by the existing location of Oak Avenue and the locations of Lots 12-16. The only way to shorten the length of Block E would be to create a street that begins at Oak Avenue and goes east. This is not feasible because of the existing wetlands and steep slopes, and it would create a new entrance onto Bornstedt Road (an arterial street). Therefore, the length of Block E must extend all the way to the south end of the
The parent shape of the lot was not my clients configuration, nor is the location of the wetlands.

Regarding variance #3, wetlands and steep slopes exist in the FSH overlay area at the east end of the site, which control the size and locations of Lots 12-16. The extension of Oak Avenue is then controlled by the existing location of Oak Avenue and the locations of Lots 12-16. The length of Block C is then controlled by the location of Oak Avenue. The parent shape of the lot was not my clients configuration, nor is the location of the wetlands.

Regarding variance #4, it would not be feasible to do any amount of residential subdivision regarding of the site and retain the required number of trees. Also, the number of healthy trees with a DBH of 11” or greater that is required to meet the code is barely sufficient in the current state, prior to any development. The trees were existing prior to my client purchase of the site.

B. The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located.

Response: Variances #1, #2, #3, and #4 create a violation of the SDC and will not allow any prohibited uses. No prohibited uses are requested by this variance.

C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: Regarding variance #1, #2, and #3, a greater-than-400 foot block, no effect of the implementation of the Comprehensive Plan. Each variance is specific and does not change the underlying code. Regarding variance #4, tree mitigation in lieu of tree retention will not adversely affect the implementation of the Comprehensive Plan. Variance #4 is specific and does not change the underlying code.

D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

Response: Regarding variance #1, #2, and #3 a greater-than-400 foot block length will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity. No one will be harmed by granting this variance. The block length is the standard however much larger block length already exist in Sandy which are also not harmful. Regarding variance #4, tree mitigation in lieu of tree retention will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
welfare or materially injurious to other property in the vicinity. Trees will be planted to help mitigate. No person will be harmed by granting the variance.

E. The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

Response: Regarding variance #1, #2 and #3, the layout of Blocks A, C, and E is intended to meet as much of the SDC and City standards as possible. Regarding variance #4, 17.102.70 SDC makes provision for tree mitigation; therefore, the code requirement is met. The proposed residential subdivision development creates an economic use of the land.

F. Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

Response: The applicant has no control over the location of Bornstedt Park, nor to the location of the wetlands, nor the original shape of the lot. The client also did not determine the Specific Area Plan Overlay location for Village Boulevard, the existing location of Pine Avenue, the existing location of Oak Avenue, or the number of preexisting, sizeable, and healthy trees. The applicant did not have control of any of the above items. Also the topography was not part of any grading done by the applicant.

CHAPTER 17.80 ADDITIONAL SETBACKS ON COLLECTOR AND ARTERIAL STREETS

17.80.10 APPLICABILITY

These regulations apply to all property abutting the following streets:

A. Minor Arterials.
   • Bornstedt Road

Response: The site abuts Bornstedt Road.

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: The portion of the proposed subdivision that abuts Bornstedt Road is Tract A (open space) and will not contain any new structures.

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: A land division is proposed. Public utilities are shown, servicing all proposed lots. Eight foot wide public utility easements are plotted, and will accommodate franchise utilities.

   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: N/A. 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: N/A. The proposed subdivision will not be phased.

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 proposed sidewalks shall be separated from curbs by a tree planting area excepted for the sidewalk associated with the half street improvements to Bornstedt Road.

   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: Bornstedt Road is an arterial street. It is proposed that the new sidewalk along the west side of Bornstedt Road be curb tight.

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: It is requested that the requirement for a new landscape strip along the west side of Bornstedt Road be eliminated. Building a landscape strip in that location would impose more adverse impacts to natural features, would require the removal of additional mature trees, and would require undue grading.

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 requirements shall be met during 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: The requirement is met.
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: N/A.

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

Response: N/A.

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.

Response: The requirements of 4a)-c) are met.

   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: N/A. The requirements of 4d)-f) do not apply.

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: N/A.
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: The requirement is met.

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: The proposed subdivision sufficiently provides vehicular and pedestrian access to the above.

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: The Preliminary Traffic Impact Study is attached as Exhibit F.

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. N/A. There are no new arterial streets 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: No new 4-way intersections are created as part of this project. The requirements are met. The site discourages “through traffic.”

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: N/A. No Cul-de-sacs are proposed.

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: The requirement is met. Abutting public streets are improved.

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: Half-street improvements are proposed for Bornstedt. Road.

5. A ½ street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A ¾ street improvement includes curbs on both sides of the side and full pavement between curb faces.

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 requirements are met.**

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: N/A.**

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 requirement is met.**

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.

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

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.

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.

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.

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: The requirements are met.

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

Response: N/A. 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 requirement is met. All proposed lots are provided with public water, sanitary sewer, storm drainage, and public utility easements.

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

Response: The requirements is met. Utilities shall be installed concurrent with all site development improvements.

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

Response: The requirements is met. Off-site public facilities necessary to serve the proposed subdivision shall be upgraded or constructed concurrent with all site development improvements.

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: The requirements is met. Site utilities and public utility easements are designed to extend to the ends of proposed roads for future development.
F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:

Response: N/A. No private on-site sanitary sewer and storm drainage facilities are proposed.

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.

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.

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.

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.

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.

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.

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 franchise utility requirements are met. Eight foot wide public utility easements are plotted, and will accommodate franchise utilities.

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: N/A. Easements for public sanitary sewer, water, storm drain, pedestrian or bicycle facilities are not proposed.

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: Eight foot wide public utility easements are plotted, and will accommodate franchise utilities.

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

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.
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: Items C-E are N/A.

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: Easements and dedications will be recorded on the plat.

17.84.100 MAIL DELIVERY FACILITIES

Response: The nature and locations of mail delivery facilities will be coordinated with the City Engineer and the Post Office as part of this project.
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.

17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

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.

Response: There is a city park adjacent to the site. City staff has requested fee in lieu.
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: The Residential Parking Analysis Plan is found on Sheet 3 of Exhibit D.

17.98.60 DESIGN, SIZE AND ACCESS

B. Size of Space.
   a. A standard parking space shall be 9 feet by 18 feet.
   d. Parallel parking spaces shall be a length of 22 feet.

Response: The Residential Parking Analysis uses a 9 foot by 22 foot unstriped parking space.

17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS

Response: N/A. The development does not propose creating any new access to an arterial or a collector street.

17.98.90 ACCESS TO UNIMPROVED STREETS

Response: N/A. The development does not propose creating any new access to an unimproved street.

17.98.100 DRIVEWAYS

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

Response: The calculations for the Residential Parking Analysis use a 24 foot maximum width driveway. Twenty-four foot wide driveways are plotted for all lots.
E.  No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length.

Response: Based on the locations of proposed building setbacks, garage setback, street grades, and site grades, all driveways will fulfill the requirement.

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: The requirement is fulfilled.

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.

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

Response: The requirement is fulfilled.

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: The requirements are met and plotted on Sheet 3, Exhibit D.

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: N/A. No parking courts are proposed.
CHAPTER 17.100 LAND DIVISION

17.100.60 SUBDIVISIONS

Response: This project is a residential subdivision and will follow the City of Sandy land division and platting processes accordingly.

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 land is of such character as it is able to be subdivided without special approval.

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: N/A. The subdivision does not propose access to Highways 26 or 211.

17.100.100 STREETS GENERALLY

A. 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: The requirement is met. The Preliminary Traffic Impact Study is attached as Exhibit F.
B. **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.

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

D. **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.

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

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

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

**Response:** The requirements for items C-F are met.

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 requirement is met.

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:** Variances to this requirement are requested for blocks A, C, and E (see sheet 3 Exhibit D, see response to 17.66.70 SDC above)
Response: A variance is requested for blocks A, C, and E (see sheet 3 Exhibit D). The length of block A is 617.2’ due to the existing locations of rights-of-way surrounding Bornstedt Park, the approved location of Village Blvd., and the existing location of Pine St.

The length of block C is 455.0’ due to the existing wetlands within Tract A (adjacent and east of block C).

The length of block E is 480.3’ due to the existing wetlands within Tract A (adjacent and east of block C) and the existing location Oak Ave.

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: Block A is 617.2’ and provides access from Redwood St. to Zion Way via Tract B (Public, 15’ wide).

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 (8) foot public utility easements are shown on the proposed plat map.

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: Lot 21 is the only flag lot on the site and meets the requirements.
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 design elements justified by a traffic study or necessary to comply with the Development Code.

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 proposed intersections meet the requirements.

17.100.200 STREET SURFACING

**Response:** Street surfacing shall conform to the applicable 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:** Proposed street lights are plotted.

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.**

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.

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.

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.

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: The requirements are met.

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 requirements are met. See sheet 2 Exhibit D.

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 requirements are met. See sheet 2 Exhibit D.

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.

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.

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: The requirements are met. See Exhibit E and sheet 2 Exhibit D.

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: Public utilities easements are shown and will accommodate underground utilities.

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 are plotted and meet the requirements.

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: Street trees are plotted and meet the requirements.

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: The requirements are met.

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: These requirements are superseded by 17.54.140 SDC since the site is subject to BVO and FSH requirements.

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: The requirement is fulfilled. Tree protection fencing is plotted.

17.102.60 TREE REPLANTING REQUIREMENTS

4. 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.

5. 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.

6. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.

7. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.

Response: The above erosion control and replanting measures will be taken during construction.

17.102.70 VARIANCES

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

1. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and

2. The substitution more nearly meets the intent of this ordinance due to:
   a. The location of the existing and proposed new trees, or
   b. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or
   c. An undue hardship is caused by the requirement for retention of existing trees.
   d. Tree removal is necessary to protect a scenic view corridor.

Response: It is requested that newly-planted trees substituting for retained trees be accepted. Substituted tree locations are plotted and their number is based on the two-to-one ratio. There is a total of 86 trees to be mitigated based on the criteria set forth in 17.54.140.3.A.1. Mitigated trees are plotted. (See narrative response to 17.66.70 for variance request).
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.

Response: Full cutoff street lighting will be installed on proposed streets.

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 requirement is fulfilled.