



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

October 17, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment
DLCD File Number 006-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 31, 2006

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Tracy Brown, City of Sandy

<paa> ya/



NOTICE OF ADOPTION

DEPT OF

10 12 2006

LAND CONSERVATION
AND DEVELOPMENT

This form must be mailed to DLCD not later than 5 working days after adoption.
ORS 197.615 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction City of Sandy Local File # 05-029

Date of Adoption - October 2, 2006 Date Mailed - October 10, 2006

Date the Proposed Notice was Mailed to DLCD - November 15, 2005

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Subdivision with 91 residential lots and one commercial lot, including variances and a zoning map change. Relocate Zoning District Boundaries (Village Commercial, C-3, Low Density Residential, R-1, and Medium Density Residential, R-2). Change in gross acreage to 7.72 of R-1, 5.40 acres of R-2 and 2.78 acres of C-3. Does not require a comprehensive plan map change because the site is located in a "village" as depicted on the comprehensive plan map and addressed in the development code.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Proposal was 81 residential lots and 2 commercial lots, relocating 2 Low Density Residential Zones (R-1), 1 Medium Density Residential Zone (R-1) and 1 Village Commercial Zone (C-3), with no change in gross acreage for any zone.

Plan Map Change From no change to _____

Zone Map Change From - 7.52 acres of R-1, 4.57 acres of R-2 and 3.81 acres of C-3 to 7.72 acres of R-1, 5.40 acres of R-2 and 2.78 acres of C-3.

Location: T2S R5E Section 18CD Tax Lots 900 and 1000

Acres Involved: 15.9 total [7.72 (R-1) + 5.40 (R-2) + 2.78 (C-3)]

DLCD # 006-05
(14812)

Specify Density: Previous Density 58 min., 135 max. New Density 66 min., 153 max.

Applicable Goals: 1,2,5-14

Was an Exception adopted? Yes No

DLCD File # _____ DLCD Appeal Deadline _____

Did DLCD receive a Notice of Proposed Amendment 45 days prior to the final hearing?

Yes No The Statewide Planning Goals do not apply

Emergency Circumstances Required Expedited Review

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Tracy A. Brown, Director of Planning Phone: 503-668-4886

Address: City of Sandy, 39250 Pioneer Blvd., Sandy OR 97055

ORDINANCE NO. 2006-08

AN ORDINANCE AMENDING THE CITY OF SANDY ZONING MAP BY ADJUSTING THE ZONING DISTRICT BOUNDARIES FOR T2S, R5E, SECTION 18CD, TAX LOTS 900 AND 1000, KNOWN AS VISTA LOOP SOUTH SUBDIVISION, AND DECLARING AN EMERGENCY.


Whereas, the City Council of the City of Sandy reviewed and approved the Final Order for the Vista Loop Subdivision and Zoning Map Amendment (File No. 05-029 SUB/VAR) on October 2, 2006.

Whereas, Section 17.26.60 of the Sandy Municipal Code requires when a Zoning Map Amendment is approved, the City Council to adopt an ordinance approving the amendment.

NOW, THEREFORE, THE CITY OF SANDY DOES ORDAIN AS FOLLOWS:

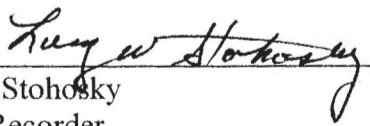
- Section 1: The Zoning Map adopted by the City of Sandy by Ordinance 9-97 on October 20, 1997 is hereby amended to modify the location of the C-3, R-2, and R-1 zoning designations for T2S, R5E Section 18CD, Tax Lots 900 and 1000 known as Vista Loop South Subdivision as shown on Exhibit A.
- Section 2: The Comprehensive Plan designation of Village for the subject parcels will remain unchanged.
- Section 3. The aforesaid map amendment is supported by the Findings and Conclusions contained in the Final Order for the Vista Loop South Subdivision (File No. 05-029 SUB/VAR/ZC) which is attached hereto as Exhibit B and the staff report incorporated herein as reference.
- Section 4. All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.
- Section 5. In order to maintain the health, peace, and welfare of the City of Sandy and its residents, an emergency is declared and this ordinance shall take effect immediately following its adoption.

THIS ORDINANCE ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 2nd DAY OF OCTOBER, 2006.



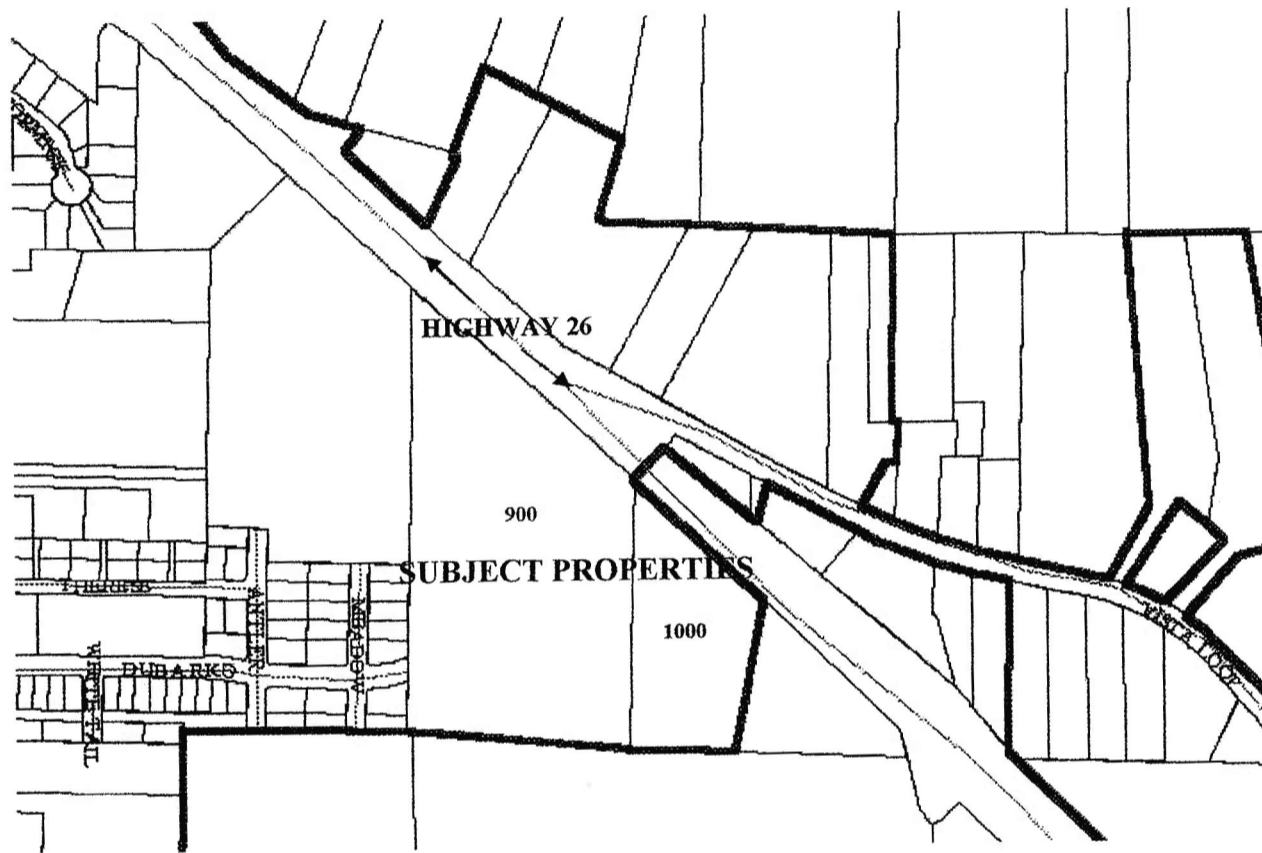
Linda K. Malone
M A Y O R

ATTEST:



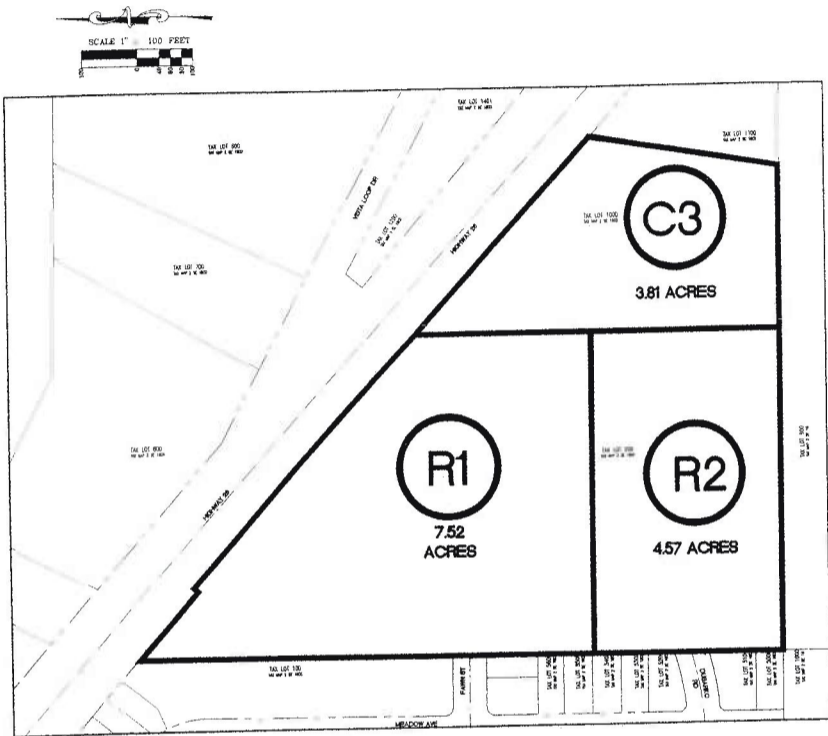
Larry Stohosky
City Recorder

**FILE NO. 05-029 SUB/VAR
VISTA LOOP SOUTH SUBDIVISION
T2S R5E Section 18CD Tax Lots 900 and 1000**

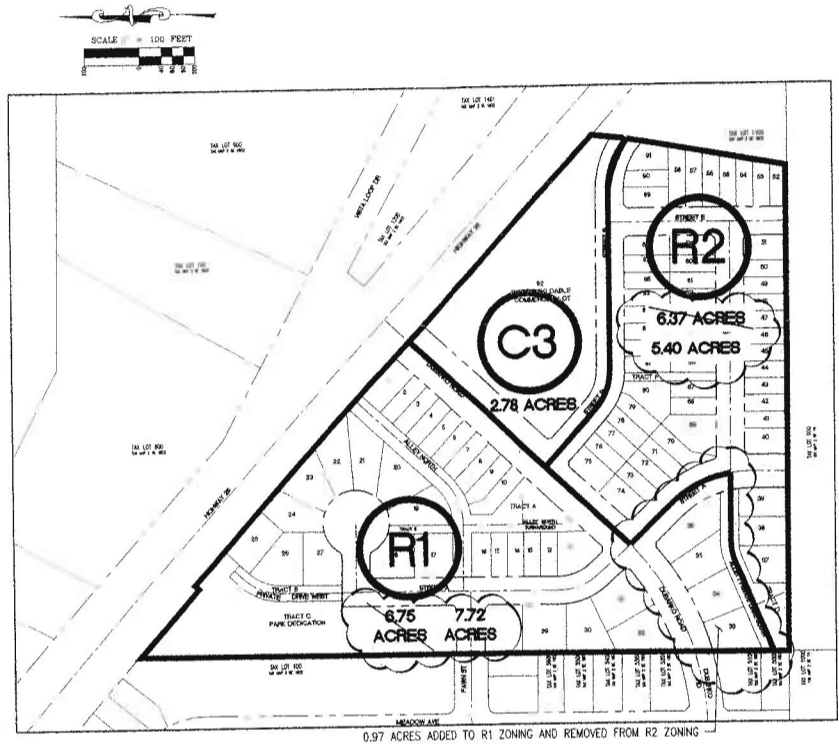


↑
NORTH

EXHIBIT A

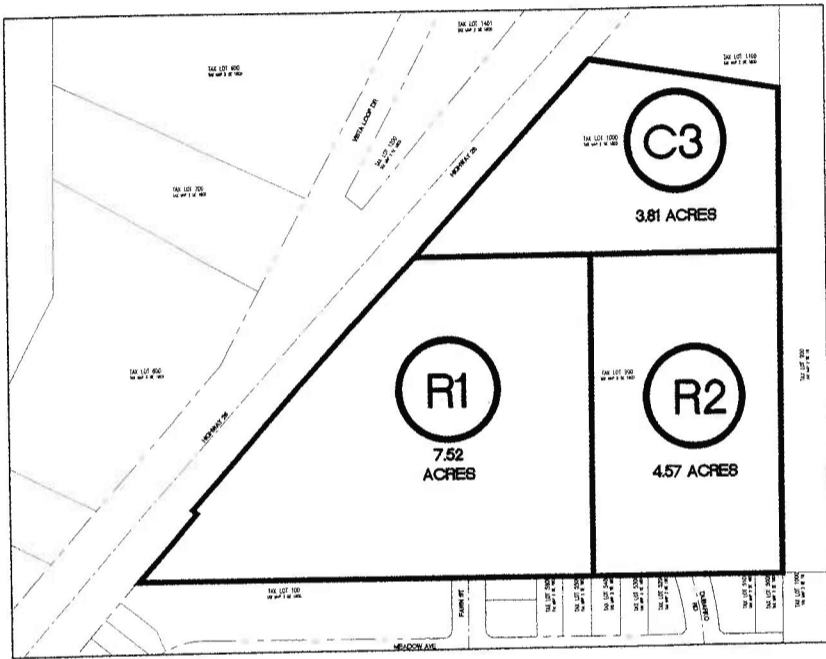
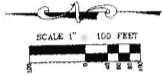


EXISTING ZONING

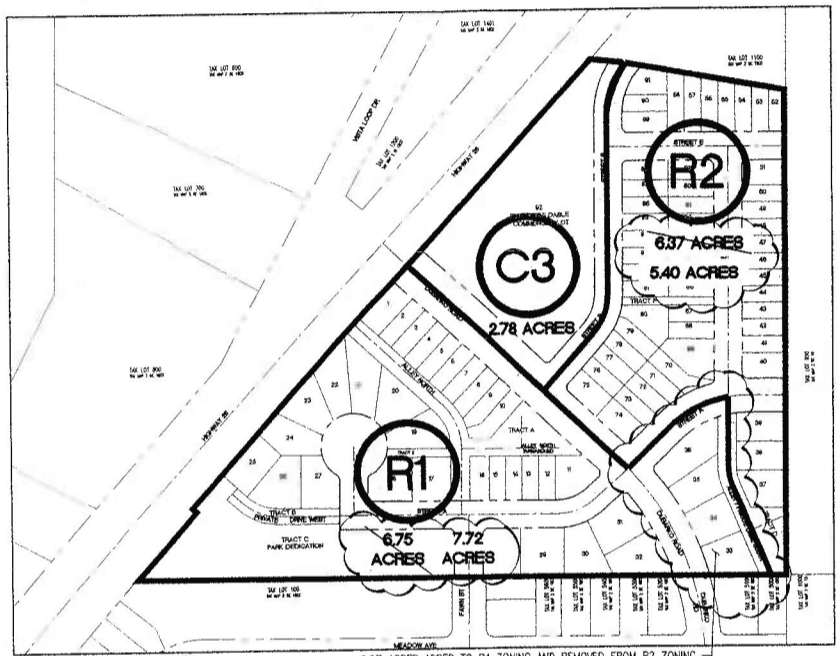
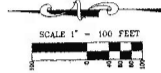


PROPOSED ZONING

REVISIONS: 	ZONE CHANGE PLAN	ENGINEERING PLANNING SURVEYING FORESTRY LICENSED IN OR, WA & AK 	Office Located In: BIRMGHAM, OREGON VANCOUVER, WASHINGTON WWW.AKS-ENGINEERING.COM	DRAWN BY: VBN CHECKED BY: RSN SCALE: AS SHOWN DATE: 10-2-16	PREPARED FOR: HOLTHOMES, INC. P.O. BOX 81970 VANCOUVER, WA 98687-2970 PHONE: (855) 460-0814 FAX: (360) 460-1818	VISTA LOOP SOUTH SANDY TAX LOTS 80 AND 100	PRELIMINARY NOT FOR CONSTRUCTION 	JOB NUMBER 1487 SHEET 2 OF 12
		OREGON CLATSOP COUNTY TAX MAP PRE1820 REVISION DATE: 8/26/17						



EXISTING ZONING



PROPOSED ZONING

REVISIONS:

ZONE CHANGE PLAN

ENGINEERING PLANNING SURVEYING FORESTRY

1819 SW GALEHEATH DR, SUITE 110
 BIRMGHAM, OH 45142
 PHONE: (513) 384-4700
 FAX: (513) 384-4666



Office Located In:
 BIRMGHAM, OHIO
 WACOUVA, WASHINGTON

DESIGNED BY: MSH
 CHECKED BY: MSH
 DRAWN BY: MSH
 DATE: 10-2-06

PREPARED FOR:
 HOLY HOMES, INC.
 P.O. BOX 8370
 WACOUVA, WA 98087-2970
 PHONE: (360) 948-0514
 FAX: (360) 948-1515

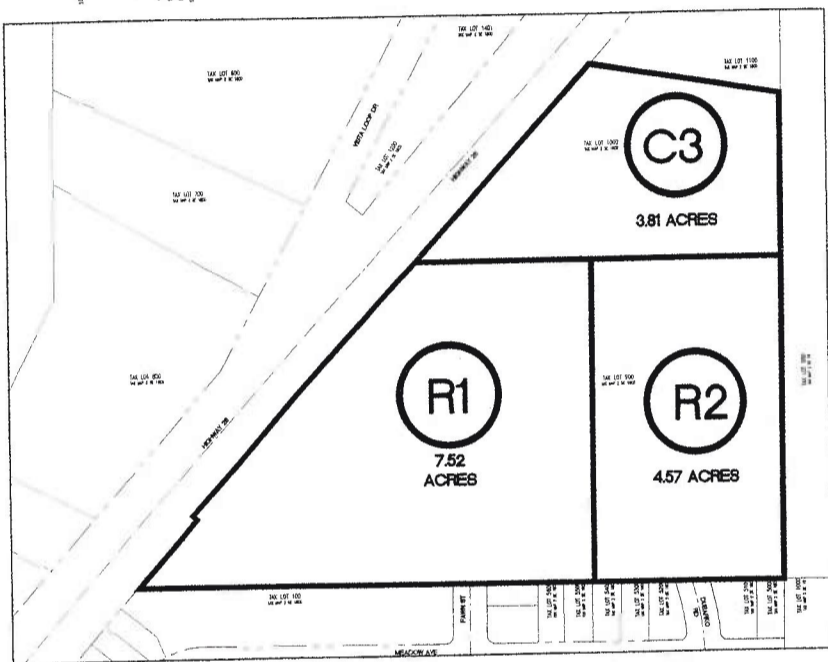
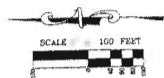
SANDY
 TAX LOTS 80 AND 100

VISTA LOOP SOUTH

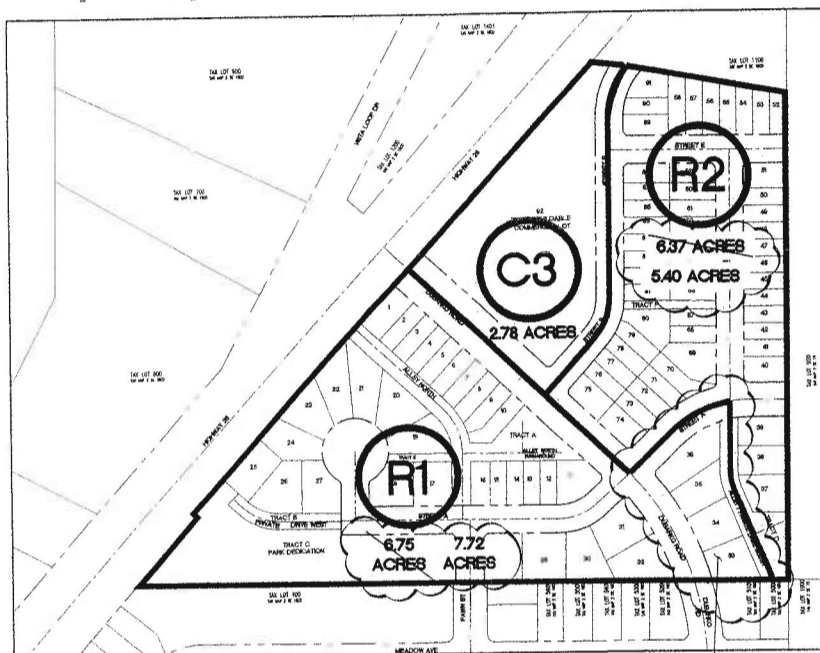
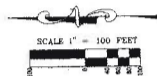
OREGON
 CLATSOP COUNTY TAX MAP 28182C
 GENERAL DATE: 8/26/97

NOT FOR CONSTRUCTION
 PRELIMINARY
 SHEET 2 OF 12

JOB NUMBER 1487



EXISTING ZONING



PROPOSED ZONING

REVISIONS:

ZONE CHANGE PLAN

ENGINEERING PLANNING
 13015 SW SALMON CREEK, SUITE 100
 BIRKENHEAD, OR 97146
 PHONE: (503) 654-4750
 FAX: (503) 654-4889



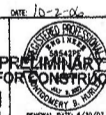
BURVEYING FORESTRY
 Official Licensed in:
 OREGON, WASHINGTON
 VANCOUVER, WASHINGTON
 www.aks-engineers.com

DESIGNED BY:	MBI	PREPARED BY:	PS
DRAWN BY:	MBI	CHECKED BY:	ALM
DATE:	MBI	DATE:	ALM
PREPARED FOR:	HOLT HOMES, INC.		
	P.O. BOX 43770		
	VANCOUVER, WA 98147-1370		
	PHONE: (206) 466-0814		
	FAX: (206) 466-1818		

SANDY
 TAX LOTS 800 AND 1000

VISTA LOOP SOUTH

OREGON
 CLATSOP COUNTY TAX MAP 201302



JOB NUMBER
1487
SHEET
2 OF 12

PRELIMINARY NOT FOR CONSTRUCTION



**CITY OF
SANDY**

39250 Pioneer Boulevard • Sandy, OR 97055

EXHIBIT B

Phone 503-668-5533
Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

**FINDINGS OF FACT and FINAL ORDER
TYPE IV DECISION**

DATE: October 9, 2006

FILE NO.: 05-029 SUB/VAR/ZC

PROJECT NAME: Vista Loop South subdivision

APPLICANT: Monty Hurley, AKS Engineering

OWNERS: Cascade Communities, Inc. (TL 900) and William Brain (TL 1000)

LEGAL DESCRIPTION: T2S R5E Section 18CD Tax Lots 900 & 1000

DECISION:

Approval of a Zoning Map Amendment to relocate Zoning District Boundaries (C-3, R-1, and R-2) including Village Commercial land from the eastern edge of the site to the east side of Dubarko Drive, south of the Hwy 26 intersection. Approval of a 92 lot subdivision including 91 residential lots (36 attached and detached dwellings within the R-1 zone and 55 attached lots in the R-2 zone), and one commercial lot (Lot 92). Approval to allow construction of sanitary sewer and water lines to serve the site; construction of frontage improvements along Hwy 26; new public streets and alleys within the subdivision, dedication and improvement of 1.23 acres of parkland, and; associated site improvements including landscaping, storm drainage facilities and other utilities.

The following Variances are also approved: 1) Type III Variance to 17.100.140(C) to allow parking on one side of a 33-foot (26-foot paved) wide public alley; 2) Type III Variance to 17.100.120 (B) to exceed the 400-foot block length requirement from Street 'A' between Dubarko Drive and Street 'C'; Type II Tree Removal Permit to remove greater than 50 trees.

The proposal was reviewed through a Type III process including concurrent review of the subdivision as well as the requested variance. The following Findings of Fact are adopted supporting approval of the tentative plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

ORIGINAL PLAN SUBMITTALS

Applicant's Submittal:

- A. Land Use Application
- B. Project Narrative (including cover letter dated August 12, 2005)
- C. Supplementary Narrative (dated September 6, 2005)
- D. Plan Set
 - Map 1 – Vicinity and Zoning Map
 - Map 2 – Tax Lot Map
 - Map 3 – Zone Change Map
 - Map 4 – Reduced-size Conceptual Site Plan
 - Map 5 – Existing Features Map
 - Map 5A – Existing Features Map with Proposed Grades
 - Map 6 – Full-sized Conceptual Site Plan
 - Map 7 – Utility Plan
 - Map 8 – Preliminary Plat
 - Map A – Grading Plan
- E. Street Sections
 - A – Dubarko Drive
 - B – Typical Local Street
 - C – Public Alleys
- F. Table 1 – Development Standards
- G. Table 2 – Density Computation
- H. Table 3 – Proposed Land Use by Lot
- I. Table 4 – Proposed Tree Retention Table
- J. Traffic Analysis (October, 2004)
- K. Trip Generation & Queuing Analysis (August 3, 2005)
- L. Geotechnical Report (August 16, 2005)
- M. Soils and Grading Report (August 15, 2005)

Agency and Staff Review Comments

- N. Transit Manager (11/01/05)
- O. City Engineer (11/7/05)
- P. ODOT (11/15/05)
- Q. City Public Works Director (11/21/05)
- R. David Evans Associates - Third Party Review of Traffic Analysis (11/22/05)

Neighboring Property Owner Comments

- S. S. Lind, Caritas Community Housing Corporation (10/31/05)

Other Exhibits

- T. City of Sandy 2040 Zoning Map with All Conceptual Zoning
- U. Original Staff Report dated November 30, 2005
- V. Request for Continuance from 12/7/05 to 2/15/06 (AKS, 12/5/05)
- W. Request for Continuance from 2/15/06 to 4/24/06 (AKS, 1/25/06)

REVISED PLAN SUBMITTALS

Applicant's Revised Submittals

X. Plan Set (Submitted 3/31/06)

- Map 1 – Cover Sheet
- Map 2 – Zone Change Plan
- Map 3 – Existing Conditions
- Map 4 – Preliminary Subdivision Plat
- Map 5 – Preliminary Street and Site Plan
- Map 6 – Preliminary Utility Plan
- Map 7 – Preliminary Grading Plan
- Map 8 – Future Street Plan

Y. Block Length Variance Request (M. Robinson, submitted 4/3/06)

Z. Response to Staff Issues (M. Robinson, submitted 4/3/06)

AA. Response to Staff Report Issues (Winterbrook, submitted 4/8/06)

BB. Revised Land Use Application (Winterbrook, submitted 4/8/06)

CC. Additional Submittals Cover Letter (AKS Engineering, submitted 4/10/06)

DD. Density Requirements Analysis (AKS Engineering, submitted 4/10/06)

EE. Tree Evaluation Letter (AKS Engineering, submitted 4/10/06)

FF. Tree Preservation and Removal Plan (AKS Engineering, submitted 4/10/06)

GG. Tree Table (AKS Engineering, submitted 4/10/06)

HH. Revised Grading Plan (AKS Engineering, submitted 4/10/06)

Agency and Staff Review Comments on Revised Plan

II. City Engineer (4/6/06)

JJ. City Public Works Director (4/13/06)

KK. David Evans Associates - Third Party Review of Traffic Analysis (4/11/06)

LL. ODOT (4/10/06)

MM. Sandy Fire District 72 (4/10/06)

NN. Department of State Lands (4/5/06)

OO. Transit Manager (5/8/06)

PP. Fire District (5/25/06)

QQ. City Public Works Director (6/6/06)

SECOND REVISED PLANS (SUBMITTED 5/23/06)

RR. Plan Set (Dated 5/19/06)

- Map 1 – Cover Sheet
- Map 2 – Zone Change Plan
- Map 3 – Existing Conditions
- Map 4 – Preliminary Subdivision Plat
- Map 5 – Preliminary Building Envelope Plan
- Map 6 – Preliminary Street Plan
- Map 7 – Street Cross Sections
- Map 8 – Preliminary Utility Plan
- Map 9 – Preliminary Grading Plan
- Map 10 – Future Street Plan
- Map T1 – Tree Preservation and Removal Plan
- Map T2 – Tree Table

- SS. Land use application and narrative to address a requested block length variance
- TT. Revised Narrative (5/23/06)
- UU. Transmittal Letter from Montgomery Hurley, AKS Engineering (5/23/06)
- VV. Report regarding drainage issues, The Resource Co. (5/18/06)
- WW. Trip Generation Comparison Letter, Kittelson & Assoc. (5/23/06)
- XX. Market Analysis, Johnson Gardner, LLC (5/23/06)
- YY. Letter to Planning Commission from Skip Stanton (5/22/06)
- ZZ. Arborist Letter from Randy Killen, AKS Engineering (5/26/06)

ADDITIONAL ITEMS SUBMITTED BY APPLICANT (7/24/06)

Applicant's Submittals

- AAA. Revised Market Analysis, Johnson Gardner, LLC (7/12/06)
- BBB. Evaluation of Layout "B", Kittelson & Associates, Inc (7/18/06)
- CCC. Alternate Revised Layouts, Options "B" and "D", AKS (submitted 7/24/06)

Agency and Staff Review Comments on Revised Plans submitted 7/24/06

- DDD. City Engineer (8/1/06)
- EEE. Public Works Director (8/7/06)

ADDITIONAL EXHIBITS

- FFF. Planning Commission Meeting Minutes (8/15/06)

ADDITIONAL EXHIBITS SUBMITTED BY APPLICANT (9/5/06)

- GGG. Plan Set (Dated 9/1/06)
 - Map 1 – Cover Sheet
 - Map 2 – Zone Change Plan
 - Map 3 – Existing Conditions
 - Map 4 – Preliminary Subdivision Plat
 - Map 5 – Preliminary Building Envelope Plan
 - Map 6 – Preliminary Street Plan
 - Map 7 – Preliminary Street Cross Sections
 - Map 8 – Preliminary Utility Plan
 - Map 9 – Preliminary Grading Plan
 - Map 10 – Future Street Plan
 - Map 11 – Tree Preservation and Removal Plan
 - Map 12 – Tree Table
- HHH. Letter and attachments from Monty Hurley (9/18/06)

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the staff reports dated November 30, 2005, April 17, 2006, June 6, 2006, August 8, 2006, and September 21, 2006. These documents are incorporated herein by reference. Where there is a conflict between these findings and these reports, these findings shall control.

2. The subject site consists of three parcels with a total area of approximately 15.9 acres located south of Hwy 26 at the intersection of Vista Loop Road.
3. The site has a Comprehensive Plan Map designation of Village and Zoning Map designations of Single Family Residential (SFR), R-1 (Low Density Residential), and R-2 (Medium Density Residential) and C-3, (Village Commercial).
4. The September 21, 2006, staff report is based on the applicant's revised submittal. These findings are based on the revised Plan Set (Exhibit GGG) submitted by the applicant on September 5, 2006 and supplemental narrative (Exhibit HHH).
5. The application was accepted as complete on September 21, 2005. Staff anticipated hearings before the Planning Commission on December 7, 2005, and the City Council on December 19, 2005. The applicant requested four continuances. The Planning Commission reviewed the proposal at public hearings on June 13 and August 15, 2006 and recommends approval as submitted.
6. Notice of the proposal was mailed to property owners within 300 feet of the site as well as public and private agencies.
7. Agency comments were submitted by the City Engineer (Exhibit O, GG and DDD), David Evans Associates (hired by the city for review of traffic related issues – Exhibits R and II), Oregon Department of Transportation (Exhibits P and JJ), Public Works Director (Exhibits Q, HH and EEE), Transit Manager (Exhibit N), Oregon Department of State Lands (Exhibit LL) and Sandy & Boring Fire Departments (Exhibit KK).
8. The Planning Commission held two public hearings to review the application on June 13, and August 15, 2006. Those Planning Commissioner members present at the June 13, 2006 Planning Commission hearing included Vice Chair Redding, and Commissioners Carlton, Exner, Pietzold, Coleman and DeWolf. Those Planning Commission members present at the August 15, 2006 Planning Commission hearing included Vice Chair Redding and Commissioners Carlton, Exner, Pietzold and Coleman. Chairman Crosby and Commissioner DeWolf were excused.
9. On July 10, 2006, staff also attended a workshop with the applicant and members of the Planning Commission to discuss additional design details. As a result of the workshop, the applicant submitted revised street layouts (Exhibit CCC), an updated market analysis (Exhibit AAA) and a revised traffic letter (Exhibit BBB).
10. Vice Chair Redding opened the August 15, 2006 public hearing by reading the announcements required by ORS 197.763(5). No party challenged the Planning Commission's jurisdiction to hear the application.
11. At the August 15, 2006 Planning Commission hearing, the Planning Commission heard the staff report, testimony on behalf of the applicant, testimony by one (1) person in favor of the application and the applicant's rebuttal. The Planning Commission closed the

hearing and voted 5-0 to tentatively to forward their recommendation for approval to the City Council.

12. The following individuals provided verbal testimony on behalf of the applicant at the Planning Commission's public hearing on August 15, 2006:
 - Monty Hurley (AKS Engineering)
 - Michael Robinson (Perkins Coie Attorney)
 - Jerry Johnson (Johnson Gardner)
13. Bill Knapp (PO Box 880, Sandy, OR 97055) spoke in favor of the proposal.
14. The City Council reviewed the proposal at a public hearing on October 2, 2006. No members of the public in support or opposition of the proposal. The council concluded it's discussion by unanimously approving the application based on the applicant's revised submittal (Exhibit GGG) as revised by modifications contained in Exhibit HHH. The City Council also adopted Ordinance No. 2006-08.

Chapter 17.26 – Zoning District Amendments

15. The applicant proposes a mixture of commercial and residential uses. Because the proposed zoning designations are permitted in the Village designation, there is no requirement to amend the Comprehensive Plan Map.
16. The applicant asserts that the current location of land zoned C-3 on the site is not economically sound due to limited visibility and access. The applicant also asserts that stability of the surrounding neighborhood depends upon the economic success of the neighborhood's commercial core because if the commercial area is located elsewhere it will draw commercial traffic through residential areas and decrease livability.
17. The applicant proposes reducing the area devoted to C-3 Zoning by about one acre from 3.81 acres to 2.78 acres (a reduction of 1.03 acres). The applicant submitted an analysis completed by Johnson-Gardner, LLC (Exhibits XX and AAA) indicating that "the resizing of the site from 3.9 to 2.8 acres would not adversely affect the retail supply or demand in the area."
18. The applicant asserts that the proposed configuration will provide appropriate sites for single or multiple small-scale commercial structures.
19. As amended by Exhibit HHH, the applicant proposes decreasing the area devoted to C-3 and increasing the size devoted to R-1 zoning and R-2 zoning. The proposed zoning configuration appears to be a logical division along the center of Dubarko Drive and proposed Street B.
20. The proposed zoning configuration is consistent with this policy when looking at the site in isolation because R-2 designated property is proposed south of the proposed commercial area.

21. The applicant proposes constructing attached dwellings adjacent to the C-3 Zoning District within the R-1 zoned area.
22. The proposal includes construction of one of the last two remaining segments of Dubarko Drive between Hwy 26 and 362nd Avenue. The City Council has a goal for 2005-2007 to work with ODOT to complete the Dubarko Drive project. The proposal is generally consistent with this goal.

Chapter 17.30 – Zoning Districts

23. The total site acreage is approximately 15.9 acres. According to the current City of Sandy Zoning Map, approximately 7.52 acres of the site are designated R-1, 4.57 acres are designated R-2, and 3.81 acres designated C-3 (area calculations provided by applicant). There are no restricted development areas on the site.

Chapter 17.36 – Low Density (R-1) Zoning District

24. Density in the R-1 Zoning District requires a minimum of 3 units and a maximum of 10 units per gross acre. The applicant proposes that 7.72 acres of the site will be zoned R-1 based on the proposed amendment of the zoning map. Therefore a minimum of 23 and a maximum of 77 dwellings shall be constructed within areas designated as R-1. The applicant proposes 36 homes in the R-1 zone in conformance with minimum and maximum density standards.
25. All single family detached dwellings contain at least 5,500 square feet as required.
26. Lots 1-16 have less than 40 feet of frontage on a public street and will be served by an alley. Lots 25-27 will be served by a shared private drive.

Chapter 17.38 – R-2 Zoning District

27. The applicant proposes 5.40 acres of the site to be zoned R-2. Therefore a minimum of 43 and a maximum of 76 dwellings shall be constructed within areas designated as R-2.
28. The applicant proposes 55 homes in the R-2 zone (Lots 37-91) in conformance with minimum and maximum density standards.
29. The applicant proposes a mixture of single family detached, attached zero lot line, and row homes. The applicant proposes permitted housing types in the R-2 zone.
30. All future dwellings in the areas designated R-2 shall comply with the setback standards of Section 17.38.30, except where additional setbacks are required by Section 17.80 (unless a variance is obtained).
31. As shown on the submitted plan a number of lots contain less than 40 feet of frontage on a public street but are not served by rear alleys. The applicant's Building Envelope Plan identifies the location of shared private driveways. With revisions contained in Exhibit HHH all lots appear to be in compliance with shared access requirements.

32. The applicant proposes accessing Lots 37 – 39 from a shared private drive (Tract D). As discussed below, the applicant’s proposal complies with the maximum number of dwellings allowed to be accessed on private drive (six).

Chapter 17.46 – Village Commercial

33. The applicant proposes to reconfigure the village commercial zoning on the site. No uses are proposed at this time. Any future use will require

Chapter 17.56 – Hillside Development

34. The applicant’s revised submittal did not identify slope categories as required. Previous submittals identified approximately 1.5 acres of the site with slopes 25%-35% as depicted on the Existing Features Map (Exhibit D, Map 5a). The applicant proposes building, grading and tree removal in steep slope areas.
35. There are no DOGAMI-mapped slide hazard areas on the site.
36. The Geotechnical Report (Exhibit L, pg. 7) states that there is a 20-foot-high slope on the site inclining at about 35% to 50% grade on the east-central portion of the site. According to the Preliminary Grading Plan grading is proposed in this steep slope area for lots and streets. Because development is proposed on slopes greater than 35%, the applicant is required to submit an Engineering Geology Report and/or a Geotechnical Report. The applicant submitted a Geotechnical Report (Exhibit L) that includes the information required in an Engineering Geology Report, in compliance with submittal requirements.
37. The City Engineer offered the following recommendations: “We recommend all earthwork activities on the project site shall be in compliance with the GeoPacific Engineering, Inc. report dated August 16, 2005. The report shall be referenced on the construction plans and a copy shall be provided for the contractor’s use in order to perform the grading activities in conformance with the contents of the report. The developer shall also retain appropriate professional engineering services for the earthwork activities on the site. The geotechnical engineer shall ensure that all earthwork activities on the project site including excavation, embankment, foundations, slope stability, retaining walls, subdrains, etc. are performed in conformance with the specific recommendations of that report. A final report shall be submitted to the City by the applicant’s Geotechnical Engineer demonstrating that adequate testing and inspections have been performed and all work is in compliance with the report and the International Building Code as amended by the State of Oregon. The final report shall specify observation dates and the conclusions of the observations following completion of the work and shall be submitted prior to Final Plan approval.”

Chapter 17.66 – Adjustments and Variances

38. The applicant requests two variances: a variance to the block length maximum (Section 17.100.120 (B)), and: a variance to allow parking on one side of the proposed alleys and private drives (Section 17.100.140(C)).

Variance #1

39. The applicant proposes a block length for Street 'A' of about 420 feet. The relevant code section requires residential blocks fronting local streets to generally 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.
40. The City Council finds that the circumstances necessitating the variance are due to the geometry of the area being divided, the location of Highway 26 and Dubarko Drive, and not of the applicant's making.
41. The City Council finds that the variance request will not affect the implementation of the Comprehensive Plan.
42. Allowing an increase of the block length in this area will not be materially detrimental to the public welfare. The applicant proposes providing a Alley North and a pedestrian path to connect Street 'A' with Dubarko Drive approximately halfway along the length of Street 'A'. The location of this path will provide a direct pedestrian connection between the proposed park and the future commercial area.
43. The City Council finds that the extra 20-foot block length will be generally the same as development permitted under this code.
44. The City Council also finds that the circumstances necessitating this variance are generally related to the size and shape of the subject property related to the location of Highway 26 and Dubarko Drive. These circumstances are generally unique to the subject property.

Variance #2

45. The applicant's original application requested a variance to allow parking on one side of the proposed alleys and private drives. The applicant's revised plans (Sheet 7) includes cross-sections for "Private Drive South" and "Alley North and Private Drive West" depicting a 33-foot wide tract with a sidewalk on one side with a 26-foot wide paved surface.
46. Section 17.100.140 requires 16-foot wide alley widths and prohibits parking within the alley right-of-way.
47. The Fire District recommends that the alley be posted no parking on both sides or widened to 26 feet if parking on one side is requested. The applicant proposes parking on one side and has widened the width of these facilities to 26-feet as required.
48. The City Council finds that granting this variance will not be detrimental because vehicular access will be unchanged from the required minimum width and the variance will reduce the parking congestion on adjacent streets.

49. Approval of these variances will be effective for a 2-year period from the date of approval unless substantial construction has taken place.

Section 17.80 – Additional Setbacks on Collector and Arterial Streets.

50. The site has frontage on Highway 26 and Dubarko Drive. Highway 26 is identified as a Major Arterial on Figure 4 of the Transportation System Plan. Dubarko Drive is identified as a Residential Minor Arterial according to Section 17.80.10 (C).
51. As identified on the revised plans, all homes along Dubarko Drive and Highway 26 will maintain a 20-foot setback. A Building Envelope Plan was submitted demonstrating compliance with this standard.

Section 17.82 – Special Setbacks on Transit Streets

52. While Figure 17 of the city's transportation system plan does not designate any street in the subdivision as a transit street, the Transit Manager anticipates Dubarko Drive will function as a transit street in the future (Exhibit N). A second memorandum dated May 8, 2006 was also received from the Transit Manager specifying the location of required transit amenities.
53. Section 17.82.20 requires all building to have their primary entrances oriented toward a transit street. The revised plan does not propose facing homes towards Highway 26 and this configuration is not recommended. The applicant does however propose providing front entries oriented towards Dubarko Drive. **To insure compliance with these standards the City Council requires the primary entrance of all homes adjacent to Dubarko Drive to be oriented toward the street and to feature a pedestrian sidewalk between this entrance and the public sidewalk along Dubarko Drive.**

Chapter 17.84 – Improvements Required with Development

54. A land division is proposed and each 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. All improvements required by the standards of Section 17.84 of the code will be installed concurrently with development. The applicant proposes constructing the subdivision in a single phase.
55. The applicant requests development of the site in a single phase. The commercial tract (Lot 92), parkland and all of the Dubarko Drive right-of-way will be platted and Dubarko Drive will be constructed through the entire site in the first phase. Development of the commercial property could occur after platting of the subdivision and approval of a design review application.
56. The applicant submitted revised cross-sections depicting a sidewalk on one side of alley and private drives. The applicant proposes constructing a sidewalk along the entire Highway 26 frontage including adjacent to the public park.

57. The Public Works Director requires landscaped center-medians to be incorporated into the Dubarko Drive right-of-way. In addition, staff recommends that landscape medians in Dubarko Drive be extended to encompass crosswalks at intersections, but curbs should terminate approximately 10 feet back from the curb line extension. The applicant will be required to submit additional details with construction plans.
58. As shown on Sheet 6, the applicant proposes terminating the sidewalk at the southwest corner of Lot 27. As identified on revised plans (Exhibit GGG) and memorandum (Exhibit HHH) the applicant proposes a pedestrian connection within a pedestrian access easement at the southeast corner of Lot 27 to provide a pedestrian connection across Tract B to the park to the west.
59. To ensure compliance with Section 17.84.30, the City Council requires the applicant to complete sidewalks on Highway 26, Dubarko Drive, the public park (Tract C), and Alley North (Tract A), and pedestrian paths within Tracts A, E and F as shown on Sheet 6 of the revised plans prior to Final Plat approval. Sidewalks along all other streets in the subdivision shall be constructed adjacent to individual lots in association with development of homes.
60. Street trees shall be selected from the City's street-tree list and shall be spaced in conformance with city standards.
61. Sidewalks are proposed on all streets and along the south side of the Hwy 26 right-of-way. The applicant proposes constructing sidewalks along all local streets in association with home construction. The applicant proposes to construct sidewalks on both sides of Dubarko Drive with construction of the residential subdivision and improvements along Highway 26. As required by Section 17.84.30 (A.4.a), sidewalks along collector and arterial streets shall be installed with street improvements prior to Final Plat approval.
62. The proposed sidewalks generally provide safe and convenient pedestrian access within the subdivision and connect the site to neighboring properties. Bicycle lanes will be striped on Dubarko Drive. The applicant proposes an 8-foot wide pedestrian path within a 15-foot tract between Lots 18/19 and 66/67. As recommended by the Public Works Director the applicant also proposes constructing a dyed and textured path crossing at the Alley North crossing.
63. The development site contains more than 50 dwelling units, and the Village designated on the Comprehensive Plan Map is intended to become a neighborhood where residents can rely upon mass transit. The applicant proposes installing a pad and transit shelter on the corner of Dubarko Drive and Street 'B' (east bound) and the corner of Dubarko Drive and Street 'A' (west bound) as required by the Transit Manager (Exhibit OO). The Council requires these facilities prior to Final Plat approval.
64. The applicant submitted a Traffic Impact Analysis (Exhibit J), a Trip Generation and Queuing analysis (Exhibit K) with the initial submittal and a Trip Generation Comparison letter with the revised plan. The city hired David Evans Associates, a third-party

consultant, to review the applicant's traffic analysis (Exhibits R and KK). This analysis was also reviewed by the Public Works Director (Exhibits Q, JJ, and QQ) and ODOT (Exhibit P and LL).

65. Both ODOT and David Evans Associates find this proposal to be acceptable. The applicant proposes a 54 ft. section for Dubarko between Hwy 26 and Street "B" and a 44 ft. section between Street "B" and Street "A". The Public Works Director notes that "On-street parking would create numerous conflicts on Dubarko between Hwy 26 and Street "B". The same is the case for on-street parking between Street "B" and Street "A". On-street parking will be prohibited on all of Dubarko Drive and the developer will be responsible for designating no parking areas with signs and curb markings conforming to City standards.
66. The Public Works Director specifies that Dubarko Drive shall be constructed from its existing eastern terminus to the end of the left turn storage to match the existing section in the adjacent Deer Pointe subdivision; two five-foot bike lanes, two eleven-foot travel lanes and an eight-foot wide center median with appropriate breaks at intersections.
67. The applicant proposes constructing a 38 ft. section for Street "A" from Dubarko to the southern property line. As required by the Public Works Director, the Council requires this section be widened to 40 ft. to accommodate two travel lane, two bike lanes, and parking on one side within a 62 ft. right-of-way.
68. The applicant proposes to complete street improvements along the subject site's Highway 26 frontage as part of Final Plat approval. Recommendations from the Oregon Department of Transportation are included as conditions of approval.
69. The applicant has revised plans to provide two streets (Streets A and E) to serve Tax Lot 900 to the south in the future. The applicant proposes constructing Street A to a collector street standard. The Public Works Director requires driveway approaches to be located a minimum of 20 feet from the end of any curb return.
70. Sandy Fire District (Exhibit PP) requires modifications related to Tract A (Alley North) as follows:
 - Provide 13D sprinkler system on all homes in excess of 150 ft. from Street "A", or
 - Provide a turnaround at the east end of Alley North, or
 - Complete as a thru street (can be emergency access with gate).
71. The Fire Department also has concerns about access to homes fronting Street B. These comments include the following recommendations:
 - Post No parking on one side, or
 - Provide an approved turnaround at the end of the street, or
 - Provide 13D sprinkler systems on all homes in excess of 150 ft. from Street D
72. The applicant proposes temporary street names only at this time, with the exception of Dubarko Drive and Fern Road which are approved streets. In order to avoid confusion

with the names of existing streets and to ensure street names conform to the established pattern in the surrounding area, the City shall retain the right to name new public streets.

73. Roads are stubbed to all adjacent properties and will not preclude development of these properties. All roads within the subdivision are designated local streets with the exception of Dubarko Drive which is a residential minor arterial and Street "A" south to the southern property line which is a collector. No information was provided in regard to proposed street grades.
74. Staff recommends the applicant revise the preliminary plat to conform to all City standards as specified by the Public Works Director (Exhibit QQ) and City Engineer (Exhibit II).
75. All utilities will be installed during development of the subdivision, and all public utilities shall be extended through the site to perimeter property lines where deemed appropriate by the Public Works Director and City Engineer. All public utility installations shall conform to the City's facilities master plans (sanitary sewer and waterline mains shall be a minimum of 8 inches in diameter). No private utilities are proposed. No building permits will be issued until all public utilities including sanitary sewer are available to serve the development.
76. The Public Works Director requires the existing 8-inch high-pressure water line in the Dubarko Drive right-of-way (located approximately between Hwy 26 and Fern Road) to be reconstructed to the new street grades. The applicant will be responsible for constructing a new 8" water line and making connections to the existing line and abandoning and decommissioning the buried line in place (Exhibit QQ).
77. The City's water master plan calls for an 18" water line in the Dubarko Drive right-of-way. With construction of the Deer Pointe subdivision this line was extended to the southwest boundary of the subject site. The developer shall extend the 18" water line from the western property line to Hwy 26 (in the Dubarko Drive right-of-way) in conjunction with development (Exhibit QQ).
78. The Public Works Director notes that an existing 12" water line crosses Hwy 26 at the Vista Loop Drive intersection. The developer shall extend the 12" water line along the subject site's Hwy 26 frontage to the eastern property line. The difference in cost between the required 8" diameter line and the 12" line is eligible for System Development Charge credits (Exhibit QQ).
79. All SDC credit-eligible project costs will be reviewed and approved by the City Engineer in conformance with Section 15.28.130. The City and developer will enter into an agreement defining eligible project costs and reimbursement procedures for these projects.
80. The Utility Plan depicts an off-site connection to an existing sanitary sewer in the Deer Point subdivision. There is no public right-of-way or easement between the west line of

the subject site and this existing sanitary sewer line. Provisions for access to the sanitary sewer line can be made during the review of construction plans for Phase II of Deer Point. The applicant and the consultant for the adjacent Deer Point Phase II development are encouraged to coordinate their utility plans. If the Vista Loop South site is developed prior to Deer Point it will be the applicant's responsibility to obtain necessary easements required to connect to the nearest existing public sewer line (Exhibit QQ).

81. The applicant's submittal does not provide information regarding stormwater detention. The previous application depicted a detention pipe located in the proposed park (Tract "C") and a portion of the proposed park dedication on the adjacent site. The Public Works Director indicates this request will require approval by the Parks Board. The applicant will need to coordinate these improvements with the adjoining property owner.
82. The City Engineer requires the applicant to submit a detailed stormwater quantity and quality analysis per the requirements of Section 13.18 of the Sandy Municipal Code and the City of Portland Stormwater Management Manual (SWMM) standards that were adopted by reference into the Sandy Municipal Code. The applicant will be required to provide proof that existing sewer (i.e. septic) and water (i.e. well) services to the existing homes on the site have been disconnected, capped and abandoned in conformance with the applicable regulatory agencies.
83. Private utility services will be submitted for review and approval by service providers and City staff in association with construction plans, and all utility lines will be extended to the perimeter of the site. All franchise utilities shall be installed underground and in conformance with City standards.
84. Public utility easements shall be provided adjacent to all street rights-of-way for franchise utility installations. The council require the applicant to identify on the Final Plat all public utility easements for any public utilities located outside of rights-of-way, and to depict or include notes referring to the required public utility easements adjacent to property lines.
85. No information is provided in regard to mail delivery facilities. Mail delivery facilities shall be provided by the applicant in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and USPS for review. The Council requires the applicant to submit written approval of this plan from the USPS prior to construction.

Chapter 17.86 – Parkland and Open Space (Ord. No. 2004-06)

86. The Planning Commission approved 91 single-family dwellings. The applicant is therefore responsible for dedication of 1.17 acres of parkland ($91 \times 3 \times .0043 = 1.17$ acre, rounded to the nearest 1/100).
87. The Comprehensive Plan Map depicts a neighborhood park in the proposed location. The applicant proposes dedicating 1.23 acres of parkland with this development (Tract C). Lots 17, 18, and 25-27 are located directly across from and will face the park. The

parkland is contiguous. Existing slopes in the parkland area are less than 15% according to the Existing Features Map. Retaining walls are not depicted between adjacent rights-of-way (Fern Road and "Street A") and the park.

88. The Tract C parkland shall be conveyed to the City on Final Plat. Dedication of the Tract C parkland shall occur in compliance with the Dedication Procedures detailed in Section 17.86.30, including submittal of a Phase I Environmental Assessment. In addition, the applicant shall submit a park improvement plan to include clearing, grading, and seeding and complete these improvements to the satisfaction of the City prior to Final Plat approval.
89. The developer proposes parkland dedication rather than cash and the city will accept the parkland as proposed
90. The applicant does not propose dedicating any open space.

Chapter 17.90 - Landscaping and Design Standards

91. The majority of lots will have direct access to a public street or alley. Lot 32 is proposed to be accessed from an easement over Lot 31. The Public Works Director requires public alleys to be constructed of concrete rather than asphalt surfacing used for private alleys.
92. The Soils and Grading Report (Exhibit M) states that all lots will be graded to allow driveways to slope to adjacent streets or alleys. No information was provided in regard to driveway grades. Driveway grades shall comply with Building Code standards.
93. The Building Official will review plans for attached units prior to their construction. Depending upon the size of the dwellings, height and method of construction, the developer may be required to provide fire sprinklers in the dwellings.
94. All homes in the Vista Loop South subdivision shall provide design features to meet the standards of Section 17.90.220

Chapter 17.92 - Landscaping and Screening

95. The applicant did not submit a Landscape Plan with the revised plan set. For this reason, the Council requires the applicant to submit a landscaping plan that includes proposed landscaping for the following areas:
 - The median in Dubarko Drive, to include trees, shrubs and groundcovers.
 - Adjacent to both sides of the pedestrian paths (Tracts A, E and F). Staff recommends low-growing shrubs adjacent to the path in order to maintain visibility and safety of pedestrians.
 - Street trees adjacent to Highway 26, Dubarko Drive, Tract C (public park).
 - The unpaved areas within Tracts A and D.
96. The Council requires street trees planted with a minimum caliper of 2 inches, measured 6 inches from grade.

97. No information was provided in regard to irrigation. The applicant shall provide details in regard to any automatic irrigation system installed to water street trees and landscaped areas in public rights-of-way, including long-term maintenance responsibilities. The developer shall maintain all vegetation planted in the development for two years unless otherwise noted, and shall replace any dead or dying plants during that period.
98. The applicant did not address revegetation efforts following grading activities. The applicant's grading and erosion control plan shall include measures for revegetation of areas disturbed by development activities. The Council requires the applicant to maintain all unlandscaped and/or revegetated areas on the site for a period of two years following the date of recording of the final plat associated with those improvements.

Chapter 17.100 – Land Development.

17.100.60 Subdivisions

99. The applicant requested approval of a Zoning Map amendment and a subdivision. Where the proposal is not in compliance with applicable standards the council has required conditions of approval.
100. The proposed subdivision is generally consistent with the Transportation System Plan as discussed above. The proposed street plan connects with existing streets and allows for the extension of streets to adjacent properties.
101. All public facilities including water, sewer and stormwater are adequate and will be constructed by the applicant to serve the subdivision.
102. The applicant proposes construction of the subdivision in a single phase, although development of the commercial parcel will occur at a later date. Dubarko Drive would be dedicated and constructed in its entirety on the site. Dedication of the parkland is also proposed with this development. Commercial development could occur on the commercially-zoned land after final plat approval and following a separate design review approval.
103. The tentative plat shall be valid for the time period detailed in Section 17.100.60 (H).
104. The final plat shall be recorded within the time period detailed in Section 17.100.60 (I).
105. According to the zoning map, the Flood and Slope Hazard District Overlay is not located on the subject site. However, according to the applicant's Existing Features Map (Exhibit D, Sheet 5A), there are slopes greater than 25% on the site. The applicant submitted a geotechnical report which demonstrates the proposal is feasible (Exhibit L). The City's Wetland Inventory identifies the location of a drainageway (TCL) crossing the subject property in an east-west direction. The applicant proposes filling this resource as part of development of the site.

106. Per State requirements, staff sent a Wetland Notification Form to the Department of State Lands. A response was received (Exhibit NN) on April 5, 2006 (DSL File No. 2006-0122) indicating that a wetland delineation/determination is required and a wetland fill permit may be required. The applicant submitted a preliminary wetland assessment completed by The Resource Company indicating that wetlands do not exist on the site.
107. Despite this information, the Council requires the applicant to obtain approval from DSL and/or the USACE for any alterations to the existing drainageway (Sandy Locally Significant Wetlands Map, TC-L). In addition, the Council requires the applicant to submit correspondence from the Division of State Lands and US Army Corps of Engineers prior to any development verifying that development may occur within and/or around the drainageways identified on the Locally Significant Wetland Map as TC-L.
108. The proposed subdivision has access from Hwy 26 to the north and Dubarko Drive from the south. The proposed revised street plan generally creates a logical pattern of circulation.
109. The applicant submitted a Traffic Impact Analysis (Exhibits J & K) prepared by Kittleson and Associates. This analysis was reviewed by David Evans Associates (Exhibits R and KK) as addressed above in Section 17.84.50 (A). The applicant also submitted a Trip Generation Comparison Letter.
110. DEA (Exhibit KK) recommends that access to the commercial area be located as far from the intersection of Dubarko Drive and Highway 26 as possible. The Public Works Director also concurs with this recommendation. He states, "No access will be permitted until a specific development proposal for the site is approved. It is unlikely that the arterial access spacing standard in Section 17.98.90(A) can be met and still address the concerns raised by DEA. The site has frontage on a lower order street, (Street "B") so access may be prohibited or limited onto Dubarko depending on the type of use proposed for the commercial site. Vehicle non-access restriction will be required along the sites entire Highway 26 frontage, the entire Dubarko Drive frontage, and Street A east of Dubarko Drive (with the exception of Lots 70-74).
111. The proposed street layout for this subdivision relies upon filling the drainageway through the site in order to avoid excessive street grades. The proposed Zoning Map amendment places commercial uses (i.e. traffic generators) adjacent Highway 26 and Dubarko Drive near a future signalized intersection on Hwy 26.
112. The applicant proposes a gridded pattern of curvilinear streets that respond to topography and the applicant's Future Street Plan (Map 10) identifies possible future road connections. The proposed street plan assures access for future development and promotes a logical, connected pattern of streets.
113. The proposed design generally facilitates a connected street system

114. The applicant will complete improvements to Highway 26 and all streets within the subdivision. Dubarko Drive is classified as a residential minor arterial and Street 'A' east of Dubarko Drive will be constructed as a collector. All other streets in the subdivision are local streets.
115. The proposed blocks meet City standards for block width and depth.
116. The subject property is unique in that it is bounded on the north by Highway 26 and Dubarko Drive is planned to traverse the site. The revised preliminary plat generally meets block length standards with the exception of the Street 'A' between Dubarko Drive and Street 'C'. The applicant has requested a variance to this section. The Council approves the applicant's request.
117. The applicant proposes including pedestrian accessways between Lots 17/19 and 66/67.
118. As required by the Clackamas County Surveyors Office only PUE as required shall be shown on the Final Plat. Public utility easements shall be 8-foot-deep adjacent to all public streets or as otherwise necessary. Lots for zero-lot-line dwellings shall provide side-yard easements in conformance with Sections 17.36.50(D) and 17.38.50(C). Additional PUE may required during construction plan review to accommodate public and private utilities.
119. The submitted design includes two alleys (Tracts A and D). The applicant proposes constructing these facilities with 26 feet of paving within a 33 foot tract with a five foot sidewalk on one side. The Council requires these facilities to be identified as private alleys requiring submittal of a private maintenance agreement. In addition, the Council requires these facilities be signed "no parking" on one side.
120. The Fire District requires modifications to related to Tract A (Alley North) as follows:
- Provide 13D sprinkler system on all homes in excess of 150 ft. from Street 'A', or
 - Provide a turnaround at the east end of Alley North, or
 - Complete as a thru street (can be emergency access with gate).
121. The Public Works Director recommends and the Council requires that parking within Tract A be prohibited within 20 feet of the right-of-way line of street "A". In addition, the Council requires this area to be grade-separated and landscaped to prevent parked vehicles from encroaching into the prohibited parking area.
122. The applicant proposes two private drives (Tracts B and D) as shown on the revised plan.
123. To ensure proper maintenance of the private drives, the Council requires the applicant to submit an agreement identifying an undivided ownership interest and maintenance responsibility for benefiting lots. In addition, because of the width of these facilities, the Council requires Tracts B and D to be posted "no parking" on one side.
124. No flag lots are proposed.

125. Intersection radii are not depicted on any of the plans. All street intersection curve radii shall be depicted on the final plat and shall conform with city standards.
126. Street signs shall be provided by the developer in conformance with Section 17.100.180.
127. All streets shall be constructed by the developer in accordance with City standards including street surfacing.
128. Street lighting is not depicted on the proposed plans. The developer shall install street lighting in conformance with City standards. All street lighting shall meet the City of Sandy Dark Skies standards, Section 15.30, and any other applicable standards including 17.100.200.
129. The applicant proposes to extend water lines to serve the site. The specific details of water facilities will be reviewed with construction plans. Water line sizes shall be based upon the Water Facilities Master Plan and shall be sized to accommodate domestic fire protection flows on the site. Fire hydrants with threadless connectors shall be provided in accordance the standards of Fire District No. 72.
130. The applicant proposes to extend a sewer line to serve the subject site. The specific details of sewer facilities will be reviewed with construction plans. Sewer line sizes shall be based upon the Sanitary Sewer Facilities Master Plan.
131. All utilities are required to be installed underground.
132. The applicant proposes constructing sidewalks along all public street frontages including Highway 26.
133. Because it serves as a residential minor arterial, a bicycle lane shall be provided along Dubarko Drive.
134. The Council requires the applicant to submit a grading and erosion control permit and request an inspection of installed devices prior to any grading onsite. The grading and erosion control plan shall include a revegetation plan for all areas disturbed during construction of the subdivision and homes. All erosion control and grading shall comply with Section 15.44 of the Municipal Code.
135. The applicant shall be responsible for all of the improvements detailed in Section 17.100.300. If entry signs are desired, the Council requires the applicant submit a detailed plan showing the location of such signage. Entry monuments signs shall be located entirely outside the public right-of-way and clear vision areas as required by Section 17.74.30, and shall obtain a building permit.

Chapter 17.102 – Urban Forestry

136. The subject property is greater than 1 acre and must comply with tree retention requirements of Section 17.102. The applicant requests a Type II tree removal permit to remove more than 50 trees.

137. The site contains 15.9 acres requiring preservation of a minimum of 48 trees (11"+DBH) (15.9 x 3 = 47.71 = 48). There are approximately 540 existing evergreen trees and 143 deciduous trees on the site. The applicant submitted a narrative (Exhibit ZZ) prepared by a certified Arborist stating that there are 48 healthy trees that either meet or exceed the 11-inch requirement.

138. The Tree Preservation and Removal Plan (Sheet 11) depicts existing evergreen and deciduous trees to be preserved on building lots. This plan indicates that 64 trees, 11-inches or greater will be preserved. An associated table details the species and size (Sheet 12). Trees to be retained are clustered along the back of lots along the southern property line, the back of Lots 20-22, the back of Lots 30 and 31, and on the proposed public park. The submitted plans also identify a number of trees less than 11-inches that will be preserved.

139. The applicant submitted a tree removal and protection plan and a letter from an Arborist reviewing the proposed plan. Staff recommends the applicant make every effort to retain additional trees. Staff will inspect installed tree protection prior to any tree removal on the site is allowed.

ANALYSIS OF CONFORMANCE-SEWER MASTER PLAN

140. Public sanitary sewer facilities are not available to serve the subdivision and must be extended by the applicant. All sewer facilities will be reviewed if/when construction plans are submitted and must be approved by the City Engineer.

ANALYSIS OF CONFORMANCE-WATER MASTER PLAN

141. Public water facilities are not available to serve the subdivision and must be extended by the applicant. All water facilities will be reviewed if/when construction plans are submitted and must be approved by the City Engineer.

ANALYSIS OF CONFORMANCE-PARKS MASTER PLAN

142. The Comprehensive Plan Map depicts a neighborhood park in the proposed location. The applicant proposes dedicating 1.23 acres of parkland with this development (Tract C).

ANALYSIS OF CONFORMANCE-TRANSPORTATION PLAN

143. Public streets are available to serve the subdivision in conformance with the Transportation System Plan. All right-of-way improvements will be reviewed when construction plans are submitted and must be approved by the City Engineer.

DECISION

The City Council approves the revised plan for the Vista Loop South subdivision (File No. 05-029 SUB/VAR/ZC), as submitted (Exhibit GGG) and modified by Exhibit HHH subject to the conditions of approval listed below.

A. Prior to earthwork, grading, excavation, and/or tree removal, the applicant shall complete the following and receive necessary approvals as described.

1. Submit proof of receipt of a Department of Environmental Quality 1200C permit.
(Submit to Planning Department)
2. Submit written correspondence from the Division of State Lands and US Army Corps of Engineers verifying that development may occur within and/or around the drainageway identified on the Locally Significant Wetland Map as TC-L.
3. Submit proof of an ODOT Approach Permit for Dubarko Drive connection to Highway 26 and a Miscellaneous Permit for all work within the public right-of-way.
4. Submit proof of an ODOT Drainage Permit for connection to state highway drainage facilities.
5. Apply for and receive approval for a grading and erosion control permit in conformance with Chapter 15.44 *(Submit 2 copies for approval by Planning Department and Public Works Department)*. The plan shall including the following:
 - Depict existing trees that are required to be protected (including size and species) and tree protection measures. Grading shall be done in a manner that ensures these trees will remain healthy.
 - Include a re-vegetation plan for steep slope areas disturbed during construction of the subdivision and homes. This plan shall describe measures for revegetation with native plant species, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion.
6. Request an inspection of installed erosion control measures following installation per approved plan.
7. Identify trees to be protected as specified on an approved plan and install protective barrier fencing as specified in Section 17.102.50 B.
8. Request an inspection of tree protection measures as specified in Section 17.102.50 C.

**B. Prior to all construction activities, except grading and/or excavation, the applicant shall submit the following additional information as part of construction plans. The applicant shall complete required items identified below during construction:
*(Submit to Public Works unless otherwise noted)***

1. Submit a detailed Street Tree and Landscaping Plan including the following: *(Submit 2 copies for approval by Planning Department and Public Works)*
 - Provide trees, shrubs, and groundcover within the Dubarko Road center median and Tracts A and D.
 - Provide shrubs and groundcover adjacent to the pedestrian paths in Tracts E and F.
 - Provide a street tree plan including trees adjacent to Highway 26, Dubarko Drive, and Tract C (public park) required prior to Final Plat approval. All other street trees can be installed during home construction.
 - Street trees shall be selected from the City's approved list and be a minimum caliper of 2-inches, measured 6-inches from grade.
 - All planting areas in city rights-of-way shall be irrigated with a permanent underground irrigation system.
 - Specify the installation timing of plant materials (i.e. prior to Final Plat approval or prior to issuance of Building Occupancy Permit).
 - Required plantings shall be in conformance with Chapter 17.92 unless otherwise noted.
2. Submit a "Parking Restriction Plan" identifying areas where parking is restriction including:
 - Dubarko Drive
 - One side of Tracts A, B, and D.
 - Both sides within 20-feet of the street intersection and Tracts A and D.
3. Submit proof of an ODOT Drainage Permit for connection to state highway drainage facilities.
4. Submit a Park Improvement Plan to include clearing, grading, and seeding. Detention pipe facilities located under the park will require review and approval by the City's Parks Board.
5. Improvements proposed to Highway 26 frontage shall include a six-foot sidewalk, street trees, and lighting. The sidewalk shall be located to retain as many existing healthy trees as possible.
6. All street grades shall comply with City standards contained in Section 17.84.50 (H.2)
7. Submit proof of an ODOT Approach Permit for Dubarko Drive connection to Highway 26 and a Miscellaneous Permit for all work within the public right-of-way.
8. Submit plans and elevations for all retaining walls located adjacent to public streets, for staff review and approval. Textured-faced blocks shall be used for construction of walls visible from public streets. Any wall over four-feet in height requires a building permit.

9. All public utility lines shall be sized to comply with city standards and shall be reviewed and approved by the City Engineer. Water line sizes shall be constructed based upon review by the City Engineer and shall be sized to accommodate domestic fire protection flows on the site.
10. Sewer line sizes shall be constructed based on review by the City Engineer.
11. All public utilities shall be extended through the site to perimeter property lines.
12. Submit a detailed stormwater analysis in conformance with the water quality/quantity standards of Section 13.18, as well as the City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code. The detailed report shall be stamped by a licensed professional and be submitted for review with the final construction plans. Water quality facilities shall be designed to remove 70% of the total suspended solids (TSS) from runoff generated by a design storm to include 0.83 inches of rainfall over a 24-hour period. Water quality facilities shall be designed to control the flow generated from the 2, 5, 10 and 25-year storm events to pre-development conditions based on precipitation rates of 3.25, 4.05, 4.40 and 5.30 inches falling over a 24-hour period.
13. Submit a street lighting plan to PGE for review and approval. Incorporate this approval into the construction drawings to ensure that there is no conflict with city utilities and that the system complies with Sandy Municipal Code Section 15.30, Dark Sky Ordinance.
14. Submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and USPS for review. Mail delivery facilities shall be provided by the developer in conformance with 17.84.100 and the standards of the USPS. Obtain written approval for this plan from the USPS prior to construction.
15. Submit plans identifying fire hydrant locations for review and approval by Fire District No. 72. All hydrants shall be installed with threadless connectors.
16. Follow all requirements identified by the City Engineer (Exhibit O, II, DDD) and Public Works Director (Exhibit Q, JJ, EEE) except where no longer relevant due to the revised plan (as determined by the City Engineer and Public Works Director).
17. Follow all recommended conditions of approval identified by ODOT in Exhibit P.

D. Prior to Final Plat approval, the applicant shall complete the following:

1. Each lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17.

2. Complete all public improvements including paving, sidewalks, street trees, and lighting in the following locations: entire Highway 26 frontage, all of Dubarko Drive, and adjacent to the public park (Tract C).
3. Install transit pads and shelters as required by the Transit Manager.
4. Install a barricade at the southern terminus of "A" and "E" Streets. The developer shall reimburse the city for the cost of installation of signage, mounted on these barriers, indicating that these public streets will be extended at a future date.
5. Complete park improvements as specified on the approved park improvement plan.
6. Complete pedestrian paths and adjacent landscaping in Tracts A, E and F as shown on Sheet 6 of the revised plans.
7. Install 'no parking' signs or paint the curb as specified by the Fire Dept. and Public Works Director in the following locations:
 - Dubarko Road
 - One side of Tracts A, B, and D
8. Submit three copies of a draft Final Plat with fee for review to include the following items:
 - Vehicle non-access restrictions (VNAR) along the entire Highway 26 frontage, the entire Dubarko Road frontage, Street 'A' east of Dubarko with the exception of adjacent to Lots 70-74, north side of Street 'A' west of Dubarko Drive, from the intersection Street 'A' and Dubarko to Tract A.
 - Reserve strips at the terminus of Street 'A', Street 'B', and Street 'E'.
 - Eight foot PUE along all public rights-of-way or as otherwise needed.
 - Submit draft street names for consideration by the City. The City shall retain the right to name new public streets.
 - Zero lot line lots shall provide side-yard easements in conformance with Sections 17.36.50(D) and 17.38.50(C)
9. Submit draft maintenance agreements to ensure maintenance of Tracts A, B, and D.
10. Submit a Phase I Environmental Assessment per the requirements of Section 17.86.30 (A.2).
11. Submit an operations and maintenance plan for all city approved stormwater facility designs.
12. Submit draft CC&Rs for staff review and approval that:
 - Specify no parking is allowed on one side of Tracts A, B, and D and violators will be towed at their own expense.

- Specify that property owners shall provide the city with a report by a certified arborist report if a preserved tree needs to be removed for any purpose (e.g. health of tree, etc.).
13. Abandon any on-site sewage disposal systems in conformance with DEQ requirements.
 14. Submit proof that sewer (i.e. septic) and water (i.e. well) services to the existing homes on the site have been disconnected, capped and abandoned in conformance with the applicable standards of regulatory agencies.
 15. Identify all public dedications including Tracts C, E and F, on the face of the plat and/or convey by general warranty deed. The land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Director, will interfere with the use of the land for open space or recreational purposes.
 16. Pay plan review, inspection and permit fees as determined by the Public Works Director.
 17. Submit a report stamped by a certified geotechnical engineer specifying that construction operations dealing with earthwork and its relation to foundations were observed onsite. This report shall specify observation dates and the conclusion of this observation following completion of this work. This report shall also ensure compliance with the International Building Code as amended by the State of Oregon.
 18. Submit written confirmation from the Sandy Fire District indicating that installed fire hydrants are acceptable.
 19. Submit proof of approval by the Sandy Fire District to address modifications to Tract A (Alley North) as follows:
 - Provide 13D sprinkler system on all homes in excess of 150 ft. from Street 'A', or
 - Provide a turnaround at the east end of Alley North, or
 - Complete as a thru street (can be emergency access with gate).
 20. Complete re-vegetation of disturbed areas as specified on the city-approved erosion control plan.
 21. Street signs shall be provided by the developer in conformance with Section 17.100.180. Reimburse the City for the cost of installing all required signage.
 22. Street lighting shall be provided by the developer in conformance with City standards. All street lighting shall meet the City of Sandy Dark Skies standards, Section 15.30, and any other applicable standards including 17.100.200.

23. The applicant shall be responsible for all of the improvements detailed in Section 17.100.300.
24. If entry signs are desired, the developer shall submit a detailed plan showing the location of such signage and obtain a sign permit in conformance with the standards of Section 15.32 of the Municipal Code. Entry monuments signs shall be located entirely outside the public right-of-way and clear vision areas as required by Section 17.74.30.

E. Prior to issuance of building permits, the applicant shall submit the following:


1. Submit a reproducible copy of the final recorded subdivision plat and a paper copy of all recorded related documents including CC&Rs, maintenance agreements, and deed restrictions.
2. Submit a digital drawing of the final plat survey.
3. Submit a recorded easement between zero-lot-line dwellings and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 feet in width.
4. The Building Official will review plans for row homes/zero-lot-line homes prior to construction. Depending upon the size of the dwellings, height, and methods of construction, the builder may be required to provide fire sprinklers in the dwellings.
5. Individual home construction may require submittal of a detailed geotechnical report as required by the Building Official.

F. General Conditions

1. All dwellings shall comply with all development standards including setbacks and design standards contained in Section 17.90.220.
2. All dwelling located adjacent to Highway 26 and Dubarko Drive shall maintain a 20-foot setback.
3. All homes located adjacent to Dubarko Drive shall feature a front door oriented toward this street and include a pedestrian walkway between this entrance and the public sidewalk.
4. All earthwork activities on the project site shall be in compliance with GeoPacific Engineering, Inc. report dated August 16, 2005. The above noted report shall be referenced on the construction plans and a copy provided for the Contractor's use in order to perform the grading activities in conformance with the contents of the report.

5. The developer is responsible for watering all vegetation, including street trees, in order to sustain viable plant life. The developer shall ensure that all plant materials including street trees survive in good condition and shall guarantee replacement of dead or dying plant materials for two years from the date of final plat approval.
6. All franchise and public utilities shall be installed underground and in conformance with City standards.
7. The final plat shall be delivered to the Director for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The tentative plat shall be valid for the time period detailed in Section 17.100.60 (H).
8. No building permits will be issued until all public utilities including sanitary sewer and water service are available to serve the development.
9. All disturbed soils shall be seeded prior to September 30 per Section 17.100.290.
10. The final plat shall be valid for the time period detailed in Section 17.100.60 (I).
11. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within thirty days after the date the last required approving signature has been obtained.
12. Onsite seeps uncovered during the development process shall be directed, where practicable, to natural drainages and water quality swales.
13. Approval of this use may be revoked if conditions of approval are not met. Subdivision approval does not grant authority for the unrestricted use of the structure or site. Any use of this site may be prohibited until such time as all required improvements are completed.
14. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
15. Land Use approval does not connote approval of public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase.
16. Comply with all requirements of Chapter 17.84 – Improvements Required with Development unless specifically exempted by this approval.
17. Comply with all requirements of Chapter 17.100 – Land Division unless specifically exempted by this approval.

18. Comply with all other conditions or regulations imposed by Clackamas County, Fire District No. 72, or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.


Linda Malone, Mayor
Date Signed: 10-9-06

APPEAL TO THE LAND USE BOARD OF APPEALS (LUBA)

A decision on a land use proposal may be appealed to the Land Use Board of Appeals. A notice of intent to appeal plan and land use regulation amendments processed pursuant to ORS 197.610 to 197.625 shall be filed with the Board on or before the 21st day after the date the decision sought to be reviewed is mailed to parties entitled to notice under ORS 197.615. A Notice filed thereafter shall not be deemed timely filed, and the appeal shall be dismissed.

Any person who appeared, either orally or in writing, before the Planning Commission or City Council with regard to this application is entitled to appeal the decision to the Oregon Land Use Board of Appeals within 21 days of the date the decision is mailed.