

Type III – LAND USE REVIEW

Applicant’s Submittal

10.29.2024

APPLICANT: Lango Hansen Landscape Architects
1100 NW Glisan St #3a
Portland, OR 97209

OWNER: City of Sandy
39250 Pioneer Blvd
Sandy, OR 97055

REQUEST: We are requesting a Land Use Review for the park improvements and the following sections in the Sandy Municipal code as noted below.

LOCATION: **18200 Meadow Avenue (Tax Lot numbers 25E18CC13400 & 25E18CD01600)**

I. BACKGROUND:

1. **Existing Conditions:** The existing site consists of a sloping grass field with numerous evergreen and deciduous trees of varying sizes. Storm and sanitary lines have been installed and stubbed out to the eastern edge of the western parcel. Storm drains have been installed onsite with no other above-grade improvements. The site is bordered by Highway 26 to the north, the Deer Pointe subdivision to the west and south and undeveloped land to the east.
2. **Project Description:** Deer Pointe Park is a neighborhood park project for the City of Sandy that will serve the Deer Pointe neighborhood as well as future development to the east of the park site. The 3.15-acre park project will provide an inclusive playground, a picnic shelter, a covered basketball court, open lawn areas, native and climate adapted plantings and more. The park will also include trail connections that link a future sidewalk along Highway 26 to destinations south and west of the park. Meadow Avenue to the east of the park and Fawn Street to the south have been developed with ¾ street improvements. This project will provide sidewalks and street trees along both the Meadow Avenue and Fawn Street frontages currently developed with ¾ street improvements. No lighting is proposed with this park project.

II. APPROVAL CRITERIA AND RESPONSES:

Municipal Code Standards and Requirements: The following sections of the Sandy Municipal Code are applicable to this land use approval:

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REQUIRED CODE RESPONSES:

CHAPTER 17.32 PARKS AND OPEN SPACES

17.32.20 Permitted Uses

A. *Primary Uses Permitted Outright:*

1. *Parks, natural areas and open space, and special use areas identified in Map 5 Existing Park Inventory, Map 8 Proposed Park System, Table 12 Tier 1 Capital Improvement Plan, or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan;*

Applicant Response: The entire park is zoned Parks and Open Space therefore the project consists entirely of a permitted use of a park. The 2022 Amended Parks and Trails Master Plan Update addresses neighborhood park level of service in general and Deer Pointe Park specifically. This park is identified as an underdeveloped park. A concept plan was developed that included a sport court, a multi-use field, a playground, a picnic shelter and walking paths. Since the 2022 master plan, the parcel to the east was acquired, roughly doubling the overall acreage of the park.

The amenities of the park are designed to fill the current service gap and provide a neighborhood park. To confirm the amenities proposed in the park meet the needs and desires of the neighboring community, the project process has included public outreach including two public open houses and three public surveys. The project team also presented the project to the Parks and Trails Advisory Board and the City Council three times each.

CHAPTER 17.66 ADJUSTMENTS AND VARIANCES

17.66.70 Type II and Type III Variance Criteria

- A. *The circumstances necessitating the variance are not of the applicant's making.*
- 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.*
- C. *Granting of the variance will not adversely affect implementation of the Comprehensive Plan.*
- D. *The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.*
- 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.*

- 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.*

17.66.90 Application

An application for an adjustment or variance shall be made on forms provided by the Director and include the following, where applicable:

- A. *Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place.*
- B. *Narrative addressing how the application meets the specified review criteria.*
- C. *Site plan no larger than 11 inches by 17 inches (include a reduced copy if drawn larger) suitable for photocopy reproduction. The site plan shall be drawn to scale and show:*
 - 1. *Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;*
 - 2. *Lot line dimensions;*
 - 3. *Existing and proposed structures;*
 - 4. *Structures on adjacent property(ies) affected by the request;*
 - 5. *Vehicle and pedestrian access points and accessways;*
 - 6. *Drainageways and any other prominent features;*
 - 7. *Location of trees and shrubs over three feet in height;*
 - 8. *Fences and walls;*
 - 9. *Off-street parking facilities;*
 - 10. *Any other information relevant to the proposal.*

The Director may modify the submission requirements as necessary.

Applicant Response: The variances pursued as a part of this project are as outlined below. See also attached plans and elevations.

17.90.120.C.4 Pitched roofs visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.

Applicant Response: Both the basketball court cover structure and the picnic shelter structure are entirely open on all four sides, consisting entirely of columns with no wall structures or enclosed building space. Due to the open-air nature of both structures, secondary roof forms would be contrary to the scale and proportions of the building form.

Additionally, due to the overall scale of the basketball court structure, the required 6:12 roof pitch would significantly increase the overall scale of the structure. The proposed roof pitch for the basketball court structure is 4:12.

A variance is being pursued for the stone cladding at the base of the basketball court shelter columns. The structure's columns are directly adjacent to the court and cladding the columns in stone would introduce an unnecessary hazard. These variances relating to the picnic shelter and the basketball court structure are directly related to these structures being located in a park.

CHAPTER 17.84 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

Sec. 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 five feet 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.*
 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 six feet wide.*

Applicant Response: A 5-foot sidewalk will be provided along the west side of the park at Meadow Avenue and along the south side of the park at Fawn Street. The sidewalks will be separated from the street by a 5-foot planting strip.

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.*

Applicant Response: Proposed onsite pathways are either 6 or 8-feet wide and link the exterior access points of the site to all of the onsite amenities and destinations. The entire pathway system has been graded at slopes less than 5% in order to accommodate users of all abilities.

- c. *Walkways shall be as direct as possible and avoid unnecessary meandering.*

Applicant Response: The pedestrian pathways provide direct connections without unnecessary meandering.

- d. *Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.*

Applicant Response: The onsite pedestrian paths do not cross any driveways.

- 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).*

Applicant Response: The park does not have any onsite vehicular driveways or driving areas therefore this condition does not apply.

- f. *Pedestrian amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.*

Applicant Response: Benches will be provided as a part of the park improvements and the benches will have direct access to the circulation system. However, these benches are not being calculated to reduce onsite parking requirements.

- 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 17.84.90.D.*

Applicant Response: The onsite pedestrian pathway connects a future sidewalk at Highway 26 to the north to Fawn Street to the south and Meadow Avenue to the west, providing a direct link to all potential trail connections.

- 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).

Applicant Response: The sidewalk being constructed along Meadow Avenue will be built along the entire street frontage. The sidewalk being constructed along Fawn Street will be constructed along the entire street frontage that is currently improved. Per the final findings of the Bull Run Terrace development to the east of the project, that developer will extend the right-of-way improvements on Fawn Street when that development takes place.

- 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.*

Applicant Response: The off-site pedestrian facility improvements will be concurrent with the development of the park.

Sec. 17.84.50. - Street requirements.

- A. *Transportation Impact Study*

Applicant Response: A traffic letter has been provided with this application and is attached as a separate document.

CHAPTER 17.90 DESIGN STANDARDS

Sec. 17.90.120. - General Commercial and Industrial (C-2 and I-1) and non-residential uses in residential zones design standards.

Development in the C-2 and I-1 districts and non-residential uses in a residential zone shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

A. Site Layout and Access.

Intent: To provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. (Figures 17.90.120-A and 17.90.120-B)

- 1. All lots shall abut or have cross access to a dedicated public street.*

Applicant Response: There is no vehicular access proposed to the park site. Pedestrian access will be provided on all developed sides of the park, including Highway 26 to the north, Meadow Avenue to the west and Fawn Street to the south.

- 2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.*

Applicant Response: The site does not have access to an alley therefore this standard does not apply.

- 3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within ten feet of the public right-of-way, as shown in Figure 17.90.120-A. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 feet. For lots with frontage of less than 150 feet or less, shared access may be required.*
- 4. Adjacent parking lots shall be connected to one another when the City determines it is practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.*
- 5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.*
- 6. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.*

Applicant Response: The proposed project does not have a parking lot therefore these standards do not apply.

- 7. Walkways from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or painted (e.g., colored concrete inlay in asphalt).*

Applicant Response: Pedestrian pathways from the public street sidewalk to the proposed picnic shelter and basketball court cover are provided.

8. *Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary. Where openings occur between buildings adjacent to Highway 26, pedestrian ways should connect the street sidewalk to any internal parking areas and building entrances. Development should avoid creating barriers to pedestrian circulation.*

Applicant Response: The public right-of-way streets adjacent to the park that are currently developed to a ¾ street will be fully built out as a part of this development. This includes adding a 5-foot wide sidewalk and planter strip adjacent to the existing curb along both Meadow Avenue and Fawn Street.

9. *Joint use of access points and interconnections and cross-over easements between parcels shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and interconnecting driveways or alleys to comply with access spacing and other applicable code requirements.*

Applicant Response: Given land ownership, joint use of access points and interconnections are not necessary with this development.

10. *Through lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such access points must conform to the above access spacing requirements and parking must be internalized to the property.*

Applicant Response: A parking lot is not proposed with this development, therefore this code section does not apply.

11. *Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and adjacent civic spaces.*

Applicant Response: An 8-foot wide concrete path connects the two proposed structures on the site.

12. *Minimum parking requirements are contained in [Chapter 17.98](#). For developments containing more than 150 parking spaces, at least 20 percent of all parking spaces shall be constructed of permeable materials such as permeable asphalt, permeable concrete, pavers, and/or similar materials as approved by the City.*

Applicant Response: Off-street vehicle parking is not required for this Community Service designated land use. 8 bicycle spaces are provided, as required.

B. *Building Facades, Materials, and Colors.*

Intent: To provide building façades, materials and colors consistent with the Sandy Style.

1. *Articulation.*

Applicant Response: The two proposed structures do not have walls, therefore this standard does not apply.

2. *Pedestrian Shelters.*

Applicant Response: The structures are essentially large pedestrian shelters.

3. *Building Materials*

Applicant Response: The base of the picnic shelter columns will consist of ashlar pattern cut stone, providing a strong visual foundation. Exposed members at the picnic shelter portion of the structure will consist of exposed heavy wood timbers. Given the proximity of the columns of the covered basketball structure to the actual basketball court, cladding the columns in stone would present a safety risk therefore a variance will be pursued for this structure. Due to the overall scale of the structure, wood members are not practical. The variance proposes metal columns and the support beams.

4. *Colors*

Applicant Response: The colors selected for the standing seam metal roof will conform with those outlined in Appendix C, Color Palette.

C. *Roof Pitch, Materials and Parapets*

Applicant Response: The roof pitch of the picnic shelter will be 6:12 as outlined. The length of the picnic shelter is less than 40 lineal feet; therefore, this standard does not apply. Because of the use and architectural nature of the basketball court covering, the roof will be 4:12. These variances are covered in 17.66 ADJUSTMENTS AND VARIANCES. The roof of each structure will consist of standing seam metal.

D. *Building Orientation and Entrances*

Applicant Response: The structure does not have a “back” side. All four sides are equally visually appealing and therefore the building is oriented toward the public street.

E. *Windows*

Applicant Response: The structures do not have walls and thus do not have interior spaces. Therefore, this criterion does not apply to this project.

F. *Landscaping and Streetscape Design*

Applicant Response: The project will meet the provisions of 17.92 as outlined in that section of the narrative

G. *Civic Space*

Applicant Response: Given the nature of the uses of these buildings, the entire facility is classified as civic space.

H. *Lighting*

Applicant Response: No lighting is proposed at the shelters as the park is open only from dawn to dusk.

CHAPTER 17.92 LANDSCAPING AND SCREENING GENERAL STANDARDS – ALL ZONES

Sec. 17.92.30. – Required Tree Plantings.

Applicant Response: Large street trees will be planted at 30' on center along Meadow Avenue and along Fawn Street. Numerous mature Douglas fir and big leaf maple trees exist within the park.

Sec. 17.92.40. – Irrigation

Applicant Response: Landscaping installed at the park will be irrigated with a combination of an automatic system as well as supplemental manual watering as needed to sustain viable plant life.

Sec. 17.92.50. – Types and Sizes of Plant Material

Applicant Response: The planting at the park will consist of native and climate adapted trees, shrubs and ground cover plants along with lawn areas for active and passive recreation. All plant material will conform to the container and size standards as outlined in this section. Significant areas of invasive blackberries will be removed and these areas will be replanted with native grasses and shrubs.

Sec. 17.92.80. – Buffer Planting – Parking, Loading and Maneuvering Areas.

Applicant Response: No parking lots, loading areas or maneuvering areas are proposed on this project, therefore this code section does not apply.

Sec. 17.92.90. – Screening (Hedges, Fences, Walls, Berms).

Applicant Response: No parking lots, loading areas or maneuvering areas are proposed on this project, therefore this code section does not apply.

CHAPTER 17.102 URBAN FORESTRY

Sec. 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.*

Applicant Response: Sandy Municipal Code requires that a minimum of three trees per acre be preserved. Approximately ten trees per acre are being preserved. Five evergreen and ten deciduous trees are being removed in order to construct the improvements of the park. Trees proposed for removal will be replaced at a one-to-one ratio. A minimum of 20 trees will be replanted onsite to mitigate the trees that are being removed.