

**FINDINGS OF FACT and FINAL ORDER
TYPE II LAND USE DECISION**

DATE: March 20, 2019

FILE NO.: 18-044 MOD

PROJECT NAME: Double Creek Condos Modification

APPLICANT/OWNER: Sandy Condominiums, LLC

LEGAL DESCRIPTION: T2S R4E Section 14BD Tax Lot 5100

The above-referenced proposal was reviewed as a Type II Design Modification. The following Findings of Fact are adopted supporting approval of the tentative plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Density Calculations
- C. Plan Set
 - Sheet 1 – Cover Sheet
 - Sheet 2 – Grading and Tree Protection Plan
 - Sheet 3 – Detailed Grading Plan
 - Sheet 4 – Site Plan
 - Sheet 5 – Private Stormwater Plan
 - Sheet 6 – Private Sanitary Sewer Plan
 - Sheet 7 – Private Water Plan
 - Sheet 8 – FDC Water Plan
 - Sheet 9 – Details
 - Sheet 10 – Details
 - Sheet 11 – Details
 - Sheet 12 – Details
 - Sheet 13 – Landscape Plan
 - Sheet E1 – Cover Sheet 1200-C Permit
 - Sheet E2 – Grading and Erosion Control Plan
- D. Elevations and Floor Plans
 - Building I
 - Sheet A1 – Elevations and Roof Plan
 - Sheet A2 – First Floor and Foundation Plan
 - Sheet A3 – Second Floor Plan
 - Sheet A4 – Third Floor Plan

Building J

- Sheet A1 – Elevations and Roof Plan
- Sheet A2 – First Floor and Foundation Plan
- Sheet A3 – Second Floor Plan
- Sheet A4 – Third Floor Plan
- Sheet A5 – Cross Sections and Details

Typical Building

- Sheet 1 – Front View
- Sheet 2 – Rear Right View
- Sheet 3 – Rear Left View
- Sheet 4 – Double Creek Apartments Dimensions
- Sheet 5 – Rear Elevation
- Sheet 6 – Left and Right Elevation
- Sheet 7 – Typical Floor Plan 2 Bedroom Unit
- Sheet 8 – Typical Floor Plan 1 Bedroom Unit

Garbage Enclosure

- Sheet 1 – Elevations

E. Photometric Plan

F. Landscape Materials List

G. Arborist Report and Addendum to Arborist Report

Written Public Comments:

H. Matt Moffat, 36910 Eldridge Drive (February 13, 2019)

I. Nancy McMilin (February 14, 2019)

J. Jan Leake, PO Box 352, Gresham, OR (February 18, 2019)

K. Bernice Jordan, 36919 Eldridge Drive (February 19, 2019)

L. Brenda Hackler, 17305 Ruben Lane (February 19, 2019)

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on September 26, 2018 and additional materials received on December 13, 2018. The application was deemed complete on January 3, 2019 and the 120-day deadline is May 3, 2019.
2. The subject site is 5.45 acres. The site is located north of Dubarko Road, west of Ruben Lane, and east of Eldridge Drive.
3. The parcel has a Plan Map designation of High Density Residential and a Zoning Map designation of R-3, High Density Residential.
4. Sandy Condominium, LLC submitted an application to construct 69 condominium units as Phase II of the Double Creek Condominium project located north of Dubarko Road and west of Ruben Lane. The "Double Creek" Condo project was originally approved on February 6, 2003 (File No. 02-031 DR/FSH), which authorized the construction of 103 condominium units. Thirty-four (34) condominium units were constructed with Phase I. The current application is a request to modify the site plan for the remaining 69 units, which include 48 two-bedroom units and 21 one-

bedroom units. The project includes six (6) buildings and 130 parking spaces. Access to the site will be from Ruben Lane. Although referred to in this report as Phase II of the Double Creek Condos projects, the proposed condos are called Sandy Condominiums.

5. Final Order 02-031 DR/FSH contained multiple conditions of approval. Unless otherwise stated, **all conditions of approval described in Final Order 02-031 DR/FSH continue to apply to the property. In the event of a conflict between a condition in this order and a condition in Final Order 02-031 DR/FSH, the condition in this order shall take precedence.**
6. This proposal was noticed to property owners within 200 feet of the subject property on February 7, 2019 as a Type II Administrative Review, meaning the decision would be made administratively by the Planning Director.
7. No agency review comments were received.
8. Five (5) public comments were received. The public comments are summarized as follows:
 - Matt Moffat at 36910 Eldridge Drive (Exhibit H) expressed concerns with the safety of the proposed entrance/exit on Ruben Lane in relation to sight lines, traffic, accidents, and inclement weather. Matt also stated that any exit onto Eldridge Drive would be detrimental to those living on the bottom of Eldridge Drive.
 - Both Nancy McMilin (Exhibit I) and Jan Leake (Exhibit J) stated the new condos should not use the Double Creek name. Jan and Nancy also expressed concerns with traffic safety on Ruben Lane and suggested the new condos gain access from Eldridge Drive. In addition, Nancy is concerned about potential mudslides and damage to the wetlands and trees, and Jan expressed concerns about the nutria population increasing and negatively affecting the wetland.
 - Bernice Jordan at 36919 Eldridge Drive (Exhibit K) is concerned about traffic on Ruben Lane and the impact of the development on the wetland habitat. Bernice also has concerns regarding the effect of the development on the value of her home and whether the development will affect the integrity of her retaining wall.
 - Brenda Hackler at 17305 Ruben Lane (Exhibit L) opposes the proposed development due to its effect on the wetlands and wildlife, increased congestion, and traffic. Brenda also expressed concerns over the quality of the work done on Phase I and does not want to see the same sub-standard quality of work on a second project.

17.30 – Zoning Districts

9. The subject property is 5.45 acres and includes Tax Lots 5100 and 5200. All of the proposed tree retention is on Tax Lot 5300, which is 2.94 acres. Density was originally calculated for the entire Double Creek Condos property during the Phase I development of the site (File No. 02-031 DR/FSH). The original calculations determined that the maximum density for the total site was 123 units and the minimum density was 61 units. The applicant's original proposal was for 103 units, which complied with the density requirements. Thirty-four (34) units were built in Phase I; this design modification request is for the remaining 69 units.

17.40 – High Density Residential Zoning District (R-3)

10. The R-3 zoning district does not contain a minimum average lot size width for lots with multifamily dwellings.
11. The R-3 zoning district requires a density no less than 10 or more than 20 units per net acre. Density meets code requirements as stated in evaluation of Chapter 17.30 within this final order.
12. The R-3 zoning district requires minimum rear yard setbacks at 15 feet, front yard setbacks at 10 feet, side yard setbacks at 5 feet, corner yard setbacks at 10 feet, and garage setbacks at 20 feet. However, because the site fronts on Ruben Lane (a collector street), a 20 foot front setback is required. The submitted Site Plan (Exhibit C, Sheet 4) shows all buildings are located at least 25 feet from all property lines; thus, setback requirements are met.
13. The maximum structure height in the R-3 zoning district is 35 feet. A condition of approval for the original application was that the westernmost units in the two buildings adjacent to the west property line (Buildings I and J) be limited to one-story in height, with the remaining units stepping up in height. With this design modification request, the applicant submitted updated elevations for Buildings I and J that detail buildings that are one-story in height adjacent to the west property line that step up in height to the east.

17.56 – Hillside Development

14. The applicant submitted a geotechnical investigation with the original application (File No. 02-031 DR/FSH). The current proposal contains two retaining walls, one along the FSH area and a second at the north edge of the proposed development. The northern portion of the site contains significant areas of 25 percent or greater slopes. Nancy McMilin (Exhibit I) expressed concerns about potential mudslides and asked what measures are being taken to prevent a mudslide from happening. Based on Table 1 in Section 17.56.40, development proposed on slopes of 25 percent-35 percent requires an engineering geology report and possibly a geotechnical report (depending on the recommendations of the engineering geology report). **The applicant shall submit a geotechnical and structural analysis for both retaining walls and an engineering geology report for the areas of land on the northern portion of the parcel that exceed 25 percent slope.**

17.60 – Flood and Slope Hazard (FSH) Overlay District

15. Chapter 17.60 pertains to development in the Flood and Slope Hazard (FSH) overlay district. The original proposal (File No. 02-031 DR/FSH) included development within the FSH overlay. Specifically, the proposal included a trail, fence, and the planting of vegetation within the FSH. With this modification request, the applicant is not proposing any activity within the FSH overlay to minimize impacts to the wetland and retention trees. The applicant has stated that no trees will be removed within the FSH and that they will not be adding any fill within the FSH. In addition, they are no longer proposing to plant vegetation, construct a trail, or construct a fence within the FSH. **Construction activity shall not encroach within the FSH overlay. The applicant shall install protective fencing around the FSH area to ensure that no construction activity takes place within the FSH overlay. The fencing shall be 6 feet tall no-jump horse fencing supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches**

by 11 inches) to the protection fencing indicating that the area behind the fence is a wetland and tree protection area and that the fence shall not be removed or relocated. The fencing shall remain in place until the end of construction. The applicant shall call for a City inspection of the FSH protective fencing prior to any development activity on the site.

17.74 – Accessory Development

16. Section 17.74.40 contains height standards for fences and retaining walls. Section 17.74.40(A.4) states that the maximum height of retaining walls or fences in the side or rear yard of a residential zone is 8 feet. The proposal includes two retaining walls located in the side yards, one on the south edge of the Phase II development and one on the north of the Phase II development. The submitted Detailed Grading Plan (Exhibit C, Sheet 3) states that the maximum wall reveal will not exceed 7.75 feet. The applicant is also proposing a 5 foot tall black vinyl coated chain link fence set back 3 feet from the top of the retaining wall. In order to not create an imposing 12.75 foot combined retaining wall and fence, **the applicant shall update the retaining wall detail such that the proposed fence is set back at least 5 feet from the retaining wall.**

17.80 – Additional Setbacks on Collector and Arterial Streets

17. Section 17.80.20 specifies that structures located on arterials or collectors shall have a minimum setback of 20 feet measured from the property line. The subject property has frontage on Ruben Lane, which is classified as a collector street; however, the proposed buildings are located towards the interior of the site and the closest building is located approximately 145 feet in from Ruben Lane.

17.82 – Special Setbacks on Transit Streets

18. Section 17.82.20(A) states “All buildings shall have their primary entrances oriented toward a transit street rather than a parking area.” Section 17.82.20(B) states “Buildings shall have a primary entrance connecting directly between the street and building interior.” Ruben lane is a transit street. No buildings are proposed to be located adjacent to or oriented towards Ruben Lane. Typically, this request would require a special variance; however, this application is for a design modification. Rather than process the request as a variance, staff recommends increasing the landscaping between the proposed buildings and Ruben Lane. **The applicant shall update the Landscape Plan to detail additional native shrubs, groundcover, and trees in the area between Ruben Lane and the proposed buildings.**

17.84 – Improvements Required with Development

19. Chapter 17.84 provides general information regarding improvements required in association with development. **All required improvements shall be installed or financially guaranteed prior to final occupancy of the proposed condo buildings.**
20. Section 17.84.30 requires sidewalks and planting areas along all public streets. A new sidewalk, including planter strip, street trees, and street lighting, is required along the north side of Dubarko Road along the frontage of Tax Lot 5300, the east side of Eldridge Drive along the frontage of Tax Lots 5100 and 5300, and the west side of Ruben Lane along the frontage of Tax Lots 5100 and 5200. Ruben Lane is classified as a collector and Dubarko Road is classified as a minor arterial, which require a minimum six foot wide sidewalk separated from the curb by a minimum five foot wide planting area. Eldridge Drive is a local street, which requires a minimum five foot

wide sidewalk separated from the curb by a minimum five foot wide planting area. The Site Plan (Exhibit C, Sheet 2) details two street trees along the portion of Dubarko Road adjacent to Tax Lot 5300 that will be improved as part of this proposal. However, neither the Site Plan nor the Landscape Plan (Exhibit C, Sheet 13) detail street trees on Eldridge Drive or Ruben Lane. **The applicant shall update the Plan Set to detail street trees along Ruben Lane and Eldridge Drive in compliance with Section 17.84.30. If necessary, the applicant shall dedicate right-of-way or provide a pedestrian easement to accommodate the setback sidewalk.**

21. Section 17.84.30(B) requires pedestrian and bicyclist facilities that strive to minimize travel distance between residential areas, planned developments and parks. Ruben Lane is classified as a collector street and Dubarko Road is classified as a minor arterial; therefore, bike lanes are required. There is currently a bike lane on both Ruben Lane and Dubarko Road. The Plan Set details an internal pedestrian network with a 4 foot wide woodchip path and 6 foot wide walkways connecting buildings on the site as well as providing connections to Ruben Lane and Eldridge Drive. Staff supports inclusion of an internal pedestrian system and providing pedestrian connections to all public streets that the property abuts. **To maximize pedestrian connectivity, all pedestrian connections from the site to adjacent streets, access ways, or private drives shall be ungated.**
22. Section 17.84.60 contains standards for public facility extensions. **The applicant shall meet the Public Works requirements, including those in Chapter 17.84 and the Portland Stormwater Management Manual, at the time of construction plan review.**
23. Section 17.84.70 requires installation of public improvements in conjunction with new development. **The applicant shall secure approval from the Sandy Fire District for the on-site fire protection system, hydrant locations and spacing, and fire apparatus access. SandyNet requires the developer to work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.**
24. Section 17.84.80 contains specifications for franchise utility installations. Per Section 15.20.030(B) of the Municipal Code, private utility services shall be submitted for review and approval by service providers and City staff in association with construction plans, and all utility lines are required to be extended to the perimeter of the site. **The applicant shall underground all telecommunication, CATV and electric power services (including street crossings) serving the development per Chapter 15.20.**
25. Section 17.84.100 contains requirements for mail delivery facilities. The applicant will need to coordinate with the United States Postal Service (USPS) to locate mail facilities and these will be approved by the City and USPS. **The applicant shall provide mail delivery facilities 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 and approval.**
26. **Development of this condominium expansion requires payment of system development charges in accordance with applicable City ordinances.**

17.86 – Parkland and Open Space

27. The original application (File No. 02-031 DR/FSH) was approved for 103 units. The 103-unit development was responsible for 0.886 of an acre (103 x 2 persons/unit x .0043) of dedication. With the original application, the applicant proposed dedicating 0.933 acres to the City as parkland, which was approved by the City Parks and Trails Advisory Board.

17.90 – Design Standards

28. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
29. Section 17.90.70 specifies that **design review approval shall be void after two (2) years from the date of the Final Order, unless the applicant has submitted plans for building permit approval.** When the two-phase Double Creek Condominium project was approved the Sandy Development Code did not contain the existing two-year approval criteria.
30. Three of the six proposed buildings (Buildings F, G, and H) were approved with the original application (File No. 02-031 DR/FSH). Buildings I and J were conditioned to be limited to one-story for the westernmost units, stepping up in height to the east. The applicant submitted updated elevations for Buildings I and J reflecting the change in height. The required reduction in height for Buildings I and J resulted in fewer overall units. With this application, the applicant is proposing to add additional dwelling units to Buildings I and E by increasing the footprint of each building. The applicant did not submit an updated plan or elevation for Building E. **The applicant shall submit an updated elevation and footprint plan for Building E reflecting the increase in dwelling units.**

CONDO BUILDINGS

31. The proposed condos are a multi-family residential development and require compliance with Section 17.90.160.
32. Section 17.90.160 (A) contains standards for roofs. Roofs shall have a minimum pitch of 3:12 with at least a 30 inch overhang, unless the developer can demonstrate that the majority of structures within 300 feet have roofs similar to what is proposed. The buildings were previously approved with a 3:12 roof pitch. The applicant is not proposing any changes to building design, with the exception of adhering to the height step-down requirement that was included as a condition in Final Order 02-031 DR/FSH.
33. Section 17.90.160(E) contains standards for private outdoor areas. This section requires all dwelling units to provide a minimum of 48 square feet of private outdoor area (balcony, porch, etc.). Final Order 02-031 DR/FSH states that ground floor units provide at least 48 square feet of private outdoor area as required.
34. Section 17.90.160(F) contains standards for parking lots in multi-family developments. This section specifies that parking lots in multi-family developments shall not occupy more than 50 percent of the public street frontage. Final Order 02-031 DR/FSH states that parking lots occupy much less than 50 percent of the frontage abutting Dubarko Drive and Ruben Lane as allowed. With this site plan modification request, the closest parking space to Ruben Lane is set back approximately 85 feet from the property line. The closest parking space to Eldridge Drive is set

back approximately 15 feet from the property line and the parking area (parking space and aisle) occupy 40 feet, which constitutes approximately 53 percent of the 75 feet of Eldridge Drive frontage. **In order to minimize the visual impact of the parking area to Eldridge Drive, the applicant shall install a screen wall or some additional feature that screens the parking area from view.**

35. Section 17.90.160(G) contains standards for individual storage areas. Each studio and one-bedroom unit is required to have a minimum of 24 square feet and each two-bedroom unit have a minimum of 36 square feet. Final Order 02-031 DR/FSH states that all one-bedroom units contain at least 24 square feet of storage and two-bedroom units 36 square feet of storage as required.
36. Section 17.90.160(H) states that carports and garages shall be compatible with the complex they serve. The original submittal with File No. 02-031 DR/FSH included garages. The garages have been removed with this site modification request.
37. Section 17.90.160(I) contains standards for shared outdoor recreation areas. This section requires developments containing more than 5 dwelling units to provide a minimum of 200 square feet of shared outdoor recreation area per dwelling unit. The original application (File No. 02-031 DR/FSH) was for 103 dwelling units. Final Order 02-031 DR/FSH states “The plans include a total of 175,631 square feet of shared outdoor area, not including 127,942 square feet of fenced wetland. Of this amount about 16,885 square feet are outside FSH areas. This amount exceeds the requirement of 20,200 square feet of area with 10,100 square feet outside FSH areas.” The submitted Landscape Plan (Exhibit C, Sheet 13) states that the minimum shared outdoor recreation area required with this current proposal is 13,800 square feet and that 14,874 square feet of shared outdoor recreation spaces is being provided. The Landscape Plan (Exhibit C, Sheet 13) details proposed playground equipment in the shared outdoor recreation area located south of Building J. The playground equipment may include a swing set, merry-go-round, and picnic table. **The applicant shall submit information on the proposed playground equipment for staff review and approval. This standard is met.**
38. Section 17.90.160(J) contains standards to promote safety and security. The lighting plan includes wall-mounted and pole lighting sufficient to light the internal walkways and parking areas. Staff provides additional review of the lighting plan in Chapter 15.30.
39. The proposal did not detail a directory for the condominium units. **The applicant shall revise the Plan Set to detail the location of a condominium directory. The applicant shall apply for a sign permit for the condominium directory.**
40. Section 17.90.160(K) contains standards related to service, delivery and screening. The Site Plan (Exhibit C, Sheet 4) details a cluster mail box located near the entrance to the condo building area. It is not clear whether the mail box area will be covered. **The applicant shall update the Plan Set to detail a “Sandy Style” enclosure over the mail area to be reviewed and approved by staff. The applicant shall coordinate with the US Postal Service on the location and type of postal delivery facility. Postal delivery areas shall meet the requirements of Section 17.84.100.**

41. The proposal includes one (1) communal trash/recycling area located at the end of the driveway leading into the Phase II condo building area from Ruben Lane. As a condition of approval of File No. 02-031 DR/FSH, the trash/recycle enclosures were required to be redesigned to utilize masonry blocks or similar materials. The submitted garbage enclosure elevations (Exhibit D, Garbage Enclosure, Sheet 1) detail 8-inch CMU block walls.
42. Section 17.90.160(L) contains standards for screening electrical and mechanical equipment. This section requires all on and above ground electrical and mechanical equipment to be screened with sight obscuring fences, walls, or landscaping. The applicant did not provide details showing the location and design of electrical or mechanical equipment. **Because staff is not able to analyze conformance with Section 17.90.160 (L), the applicant shall submit additional details addressing the location and screening of the proposed electrical and mechanical equipment.**

17.92 – Landscaping and Screening

43. Section 17.92.10 includes general landscaping provisions. Per Section 17.92.10 (C.), trees over 25-inches circumference measured at a height of 4-½ feet above grade are considered significant and should be preserved to the greatest extent practicable and integrated into the design of a development. A 25-inch circumference tree measured at 4-½ feet above grade has roughly an eight-inch diameter at breast height (DBH). The subject property has many trees 8 inches DBH or greater. Per the Grading and Tree Protection Plan (Exhibit C, Sheet 2), the applicant is proposing to retain all trees within the FSH overlay on tax lots 5100 and 5300. **The applicant shall retain all trees within the FSH overlay on tax lots 5100 and 5300.** Per Section 17.92.10(C), tree protective fencing shall be located 5 feet outside of the dripline around all trees to be retained. **Since the applicant is not proposing any tree removal or other development activity within the FSH overlay, the applicant shall install tree protection fencing along the FSH overlay boundary. In places where the canopy of trees within the FSH overlay extends beyond the FSH overlay boundary, the applicant shall install the tree protection fencing 5 feet beyond the dripline. The fencing shall be 6 feet tall no-jump horse fencing supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the protection fencing indicating that the area behind the fence is a wetland and tree protection area and that the fence shall not be removed or relocated. The fencing shall remain in place until the end of construction. The applicant shall call for a City inspection of the tree protection/FSH protective fencing prior to any development activity on the site.**
44. Per Section 17.92.10(L), **all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing. The applicant shall submit an irrigation plan detailing how landscaping will be irrigated and maintained.**
45. Section 17.92.20 requires the R-3 zoning district to contain a minimum of 25 percent landscaping. Final Order 02-031 DR/FSH states that 30 percent of the site will be landscaped, which meets the minimum landscaping percent requirement.

46. Section 17.92.30 specifies required tree plantings. Trees are required to be planted along public street frontages, in parking lots with more than four parking spaces, and along private drives more than 150 feet long. The Site Plan (Exhibit C, Sheet 2) details two street trees along the portion of Dubarko Road adjacent to Tax Lot 5300 that will be improved as part of this proposal. However, neither the site plan nor the Landscape Plan (Exhibit C, Sheet 13) detail street trees on either Eldridge Drive or Ruben Lane. Section 17.84.30 of the Sandy Municipal Code (SMC) requires a six foot wide sidewalk separated from the street by a five foot wide planter strip on collector and arterial streets (such as Ruben Lane and Dubarko Road) and a five foot sidewalk separated by a 5 foot wide planter strip on local streets (such as Eldridge Drive). **The applicant shall update the Plan Set to detail street trees along Ruben Lane and Eldridge Drive.**
47. Section 17.92.30 also requires trees to be planted in parking lots with more than four (4) parking spaces. The proposal includes Zelkovas in many of the landscape planters at the ends of the parking bays. Staff provides additional review of trees in parking lots in Section 17.98.120 (D) of this final order.
48. Section 17.92.30 also requires trees to be planted along driveways more than 150 feet long. The driveway for the property is more than 150 feet long so trees along the driveway are required. The submitted Landscape Plan (Exhibit C, Sheet 3) details a few trees along the driveway, including river birch, katsura, and tupelo. **The applicant shall update the Landscape Plan to detail additional trees along the driveway.**
49. Section 17.92.40 requires that all landscaping be irrigated, either with a manual or automatic system. Final Order 02-031 DR/FSH stated that the applicant indicates that an automatic underground irrigation system will be provided to irrigate proposed landscaping. **The applicant shall confirm that an automatic underground irrigation system is still proposed or shall submit an alternative irrigation plan detailing how landscaping will be irrigated. As required by Section 17.92.140, the developer shall be required to maintain all vegetation planted with the development of the apartments for two (2) years from the date of completion and shall replace any dead or dying plants during that period.**
50. Section 17.92.50 specifies the types and sizes of plant materials for landscaping areas. The Landscape Materials List (Exhibit F) identifies proposed plant species, size at planting, and quantity for both phases of the proposed development. The plant list includes *Prunus laurocerasus* 'Otto Luyken.' *P. laurocerasus* is identified as a Rank C nuisance species on the Portland Nuisance Plant List. **The applicant shall update the Landscape Plan and plant materials list to remove *Prunus laurocerasus* and replace it with an alternative native shrub.**
51. Section 17.92.60 requires that areas where natural vegetation has been removed or damaged through grading or construction shall be planted with vegetation, with a preference given to native plants. According to Final Order 02-031 DR/FSH, "the applicant purchased a site that had been previously stripped of a majority of vegetation and is actively eroding. As such, the applicant proposes replanting the lower slope to the north of Buildings G and H with a combination of native and hybridized native trees and shrubs. The upper slope area is proposed to be re-vegetated with a combination of hydroseeded grass and wild flower mix and several native

tree species (including Douglas fir, Western red cedar, Incense cedar, and Western hemlock. These trees are specified to be 5 – 6 feet tall. The applicant has not proposed a schedule for re-vegetating this area.” Since 2002, many trees have grown back in the sloped area north of Buildings G and H. **The applicant shall submit a revegetation plan for any areas where natural vegetation has been removed or damaged. The applicant shall revise the landscaping plan to include native species exclusively within the sloped area north of Buildings G and H.**

52. Section 17.92.80 contains standards for buffer planting and Section 17.92.90 contains standards for screening unsightly views or visual conflicts. The applicant is proposing parking and driveway areas in close proximity to Ruben Lane and Eldridge Drive. **The applicant shall update the Landscape Plan to detail a mix of trees, shrubs, and groundcover in all landscape buffers.** As discussed in Section 17.90.160(F) of this document, **the applicant shall install a screen wall or some additional feature that screens the parking area adjacent to Eldridge Drive from view in order to minimize the visual impact of the parking area to Eldridge Drive.**

17.98 – Parking, Loading and Access Requirements

53. Section 17.98.20 contains off-street parking requirements. Phase II of the Double Creek Condos includes 48 two-bedroom units and 21 one-bedroom units, which requires 128 off-street parking spaces and 69 bicycle parking spaces as follows:
- 21 one-bedroom x 1.5 = 31.5 parking spaces, rounded up to 32
 - 48 two-bedroom x 2.0 = 96 parking spaces

The Site Plan (Exhibit C, Sheet 4) includes a total of 130 off-street parking spaces; thus, the requirements of Section 17.98.20 are met. This parking number is an increase from the 121 parking spaces originally approved.

54. Section 17.98.50 contains setback requirements. The minimum front yard setback in the High Density Residential (R-3) zoning district is 10 feet and the minimum rear yard setback is 15 feet. The proposed parking spaces are set back 85 feet from the current lot line along Ruben Lane and 15 feet from the lot line along Eldridge Drive; thus, this section is met.
55. Section 17.98.60(A) contains specifications for parking lot design. All areas required for parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt. The submitted standard pavement detail (Exhibit C, Sheet 9, Detail 3) indicates the parking surface will be asphalt.
56. Section 17.98.60(B) contains specifications for size of parking spaces. Standard parking spaces shall be at least 9 feet by 18 feet and compact spaces shall be at least 8 feet by 16 feet. The plan set identifies 76 standard surface parking spaces, 46 compact surface parking spaces, and eight (8) accessible (ADA) parking spaces. Per ORS 447.233, a proposal with 101-150 parking spaces requires five (5) ADA spaces. In addition, van accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide; the access aisle shall be located on the passenger side of the parking space. The ADA parking dimension requirement is satisfied on the proposed site plan. Section 17.98.60(B.5) states that no more than 35 percent of

the parking spaces shall be compact in size. The proposal identifies 46 of the proposed spaces as compact spaces, which is 35 percent of the 130 total spaces in compliance with the code.

57. Section 17.98.60(C) contains specifications for aisle width. All proposed parking is 90 degree. The proposal includes both single-sided and double-sided two-way access. All access aisles are 25 feet in width in compliance with the code.
58. Section 17.98.100 has specifications for driveways. The submitted Site Plan (Exhibit C, Sheet 4) details one 20-foot wide commercial driveway entering the property from Ruben Lane. **The new driveway approach and sidewalk shall conform to the US Access Board PROWAAAC requirements for cross slope and running grade and the current ADA Guidelines.**
59. Section 17.98.120 contains requirements for landscaping and screening in parking areas. Since the proposal is for more than four parking spaces, compliance with the standards of Section 17.98.120 is required. Per Section 17.98.120(A), screening along a public right-of-way shall include a minimum 5 foot depth of buffer plantings adjacent to the right-of-way. The proposed parking on the east and west sides of the property near Ruben Lane and Eldridge Drive will require screening at a minimum 5 foot depth. The submitted Landscape Plan (Exhibit C, Sheet 13) details low growing vegetation (compact Oregon grape) in the 15 foot buffer between Eldridge Drive and the western parking spaces, and dwarf evergreens (Kosteri hinoki and Bennet hemlock) and a hedge (privet) in the approximately 85 feet between Ruben Lane and the easternmost parking spaces. **The applicant shall update the Landscape Plan to detail a mix of trees, shrubs, and groundcover in all landscape buffers. In addition, the applicant shall install a screen wall or some additional feature that screens the parking area adjacent to Eldridge Drive from view in order to minimize the visual impact of the parking area to Eldridge Drive.**
60. Per Section 17.98.120(D), there shall be planters at the end of each parking bay containing one major structural tree and ground cover. The Site Plan (Exhibit C, Sheet 4) details parking areas divided into bays of not more than 20 parking spaces. A majority of the parking bays contain landscape planters at each end that meet the 5 foot by 17 foot minimum for a single depth bay; however, the planter located within the row of compact parking spaces in the southwest section of the site is detailed to contain a path and no landscaping. The proposed path connects the wood chip path adjacent to the FSH area to the proposed playground area south of Building J. In order to accommodate both the path and the required landscaping, **the applicant shall update the Plan Set to remove two (2) compact parking spaces adjacent to the landscape bays with the path and shall update the Landscape Plan to detail landscaping, including a structural tree and ground cover in the landscape planter located in the compact parking row in the southwest section of the site.** This will result in 128 parking spaces, which still meets the minimum requirement. In addition, the Landscape Plan (Exhibit C, Sheet 13) only details trees in the landscape planters. **The applicant shall revise the Landscape Plan to include locations of at least one major structural tree and groundcover in all landscape planters, or shall submit a standard landscape planter detail that details one structural tree and groundcover for all landscape planters. For the smaller landscape planters, a smaller tree or dwarf variety is acceptable, but shall be submitted for staff review and approval.**

61. Section 17.98.120(E) requires parking area setbacks to be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92. The submitted Landscape Plan (Exhibit C, Sheet 13) details low growing vegetation (compact Oregon grape) in the 15 foot buffer between Eldridge Drive and the western parking spaces, and dwarf evergreens (Koteri hinoki and Bennet hemlock) and a hedge (privet) in the approximately 85 feet between Ruben Lane and the easternmost parking spaces. **The applicant shall update the Landscape Plan to detail a mix of trees, shrubs, and groundcover in all landscape buffers.**
62. Section 17.98.120(F) states that wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided. The proposed Site Plan does not detail any wheel stops or bumper guards. **Wheel stops shall be placed an adequate distance from the walkways, retaining wall, and landscaped areas to prevent vehicles from encroaching on the pedestrian walkway area or driving into the landscaping or retaining wall.**
63. Section 17.98.140 contains requirements for drainage. **The applicant shall comply with the requirements of Section 13.18 of the Sandy Municipal Code and the 2014 City of Portland Stormwater Management Manual, as discussed in Chapter 17.84 above.**
64. Section 17.98.150 contains lighting requirements for parking areas. Lighting is discussed in review of Chapter 15.30 below.
65. Section 17.98.160 contains requirements for bicycle parking facilities. The requirement is one bicycle parking spaces per multifamily dwelling unit. The proposal requires 69 bicycle parking spaces and includes 30 bicycle parking spaces; however, staff feels this is adequate. Staff is unable to determine if all of the bicycle spaces meet the requirement of being 2.5 feet by 6 feet. **The applicant shall submit details on the type and dimensions of the proposed bike parking; the bicycle spaces shall meet the 2.5 foot by 6 foot requirement.**

17.102 – Urban Forestry

66. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. The subject property, including Tax Lots 5100, 5200, and 5300, contains 8.39 acres and, therefore, compliance with this chapter is required. Chapter 17.102 requires retention of 25 ($8.39 \times 3 = 25.17$) trees 11-inches and greater (DBH).
67. Section 17.102.50 contains standards related to tree protection. Section 17.102.50(B.1) requires tree protection fencing be placed no less than 10 horizontal feet from the outside edge of the trunk. Per the Pacific Northwest International Society of Arboriculture (ISA), the ISA defines the critical root zone (CRZ) as “an area equal to a 1-foot radius from the base of the tree’s trunk for each 1 inch of the tree’s diameter at 4.5 feet above grade (referred to as diameter at breast height).” Often the drip-line is used to estimate a tree’s CRZ; however, it should be noted that a tree’s roots typically extend well beyond its drip-line. Section 17.92.10(C) requires tree protection fencing located 5 feet beyond the drip-line of a tree, taking into account that there are many roots beyond the drip-line and that trees continue to grow. The applicant is proposing to retain all trees within the FSH overlay district on tax lots 5100 and 5300. The submitted arborist’s report and addendum (Exhibit G) identify 21 healthy retention trees within the FSH that will be retained (18 trees in fair or good condition identified in the original arborist report

and an additional 3 trees in fair or good condition identified in the addendum). **The applicant shall submit an assessment from the project arborist identifying four (4) additional healthy trees 11-inches or greater DBH. Tree protection fencing shall be located at least 5 feet beyond the dripline of all retention trees. The tree protection fencing shall be 6 feet tall no-jump horse fencing supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the protection fencing indicating that the area behind the fence is a wetland and tree protection area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request a site visit with staff and the project arborist to determine the location of the tree protection fencing prior to its installation. Once the fence location has been identified and installed, the applicant shall call for an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site.**

15.30 – Dark Sky

68. **Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. All exterior lighting shall conform to the requirements of Chapter 15.30.**
69. The applicant submitted a Photometric Plan that shows that the areas 10 feet beyond the property lines receive no more than 0.25 (one quarter) of a foot-candle of light in compliance with the municipal code.
70. The dark sky ordinance requires that all new lighting be full-cutoff and downward facing. Based on recommendations from the Audubon Society of Portland and the International Dark-Sky Association, **all proposed lighting shall be full-cutoff and not exceed 3,000 Kelvins. The applicant shall submit lighting fixture cut-sheet information for all proposed exterior lighting that details the lighting fixtures as full-cutoff and not exceeding 3,000 Kelvins.**

15.44 – Erosion Control

71. Chapter 15.44 is intended to regulate land disturbing activities that may lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, and public and private property. **All earthwork activities shall follow the requirements of the most current edition of the Oregon Structural Specialty Code. Site grading shall not in any way impede or impound or inundate the surface drainage flow from the adjoining properties without a proper collection system. The earthwork activities shall be observed and documented under the supervision of the geotechnical Engineer.**
72. All erosion control and grading shall comply with Section 15.44 of the Municipal Code. **The applicant shall submit a grading and erosion control permit, and request an inspection of installed devices prior to any additional grading onsite. Prior to issuance of a grading plan the applicant shall submit proof of receipt of a DEQ 1200-C Permit. All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the site.**

73. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. **The applicant's Erosion Control Plan shall be designed in accordance with these standards. The applicant shall complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.**

8.04 – Nuisances General Provisions

74. Section 8.04.20 pertains to public nuisances. The presence of pests is considered to be a nuisance and potentially detrimental to public health. Jan Leake (Exhibit J) and Brenda Hackler (Exhibit L) expressed specific concerns regarding nutria in the wetlands area. Prior to development of the site, **the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication is needed. The results of the evaluation shall be submitted to staff.**

DECISION

The Double Creek Condos Phase II Design Modification request is hereby **approved** as modified by the conditions of approval listed below. These conditions are based on the plans dated December 11, 2018.

CONDITIONS OF APPROVAL

- A. Unless otherwise stated, all conditions of approval described in Final Order 02-031 DR/FSH continue to apply to the property. In the event of a conflict between a condition in this order and a condition in Final Order 02-031 DR/FSH, the condition in this order shall take precedence**
- B. Prior to issuance of the grading and erosion control permit the applicant shall complete the following and receive necessary approvals as described:**
1. Pay addressing fees at \$40 for the facility plus \$5 per unit for a total of \$385.
 2. Submit proof of receipt of a DEQ 1200-C Permit. (*Submit to Planning Department and Public Works Department for approval*)
 3. Submit a grading and erosion control permit, and request an inspection of installed devices prior to any additional grading onsite.
 4. Have a licensed pest control agent evaluate the site to determine if pest eradication is needed. Submit the evaluation to the City of Sandy for review and approval.
 5. Submit an assessment from the project arborist identifying four (4) additional healthy trees 11-inches or greater DBH.
 6. Request a site visit with staff and the project arborist to determine the location of the tree protection fencing prior to its installation.

6. Install tree protection fencing along the FSH overlay boundary and tree protection area per Section 17.92.10(C) located 5 feet outside of the dripline around all trees to be retained. In places where the canopy of trees within the FSH overlay extends beyond the FSH overlay boundary, the applicant shall install the tree protection fencing 5 feet beyond the dripline. The fencing shall be 6 feet tall no-jump horse fencing supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the protection fencing indicating that the area behind the fence is a wetland and tree protection area and that the fence shall not be removed or relocated. The fencing shall remain in place until the end of construction. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
7. Request an inspection to verify tree protection fencing is appropriately installed.
8. Submit a geotechnical and structural analysis for both retaining walls and an engineering geology report for the areas of land on the northern portion of the parcel that exceed 25 percent slope.

C. The applicant shall meet the Public Works requirements, including those in Chapter 17.84 and the Portland Stormwater Management Manual, at the time of construction plan review.

D. Prior to submittal of a building permit, the applicant shall:

1. Submit a revised Plan Set to include the following:
 - Detail street trees along Ruben Lane and Eldridge Drive.
 - Detail the location of a condominium directory. The applicant shall apply for a sign permit for the condominium directory.
 - Detail a “Sandy Style” enclosure over the mail area to be reviewed and approved by staff.
 - Remove two (2) compact parking spaces adjacent to the landscape bays with the path and detail landscaping.
 - Detail wheel stops placed an adequate distance from the walkways, retaining wall, and landscaped areas to prevent vehicles from encroaching on the pedestrian walkway area or driving into the landscaping or retaining wall.
2. Submit a revised Landscape Plan to include the following:
 - Detail additional trees along the driveway.
 - Remove *Prunus laurocerasus* and replace it with an alternative native shrub.
 - Detail native species exclusively within the sloped area north of Buildings G and H.
 - Detail a mix of trees, shrubs, and groundcover in all landscape buffers.
 - Detail a screen wall or some additional feature that screens the parking area adjacent to Eldridge Drive from view in order to minimize the visual impact of the parking area to Eldridge Drive.

- Detail landscape bays with the path and detail landscaping, including a structural tree and ground cover in the landscape planter located in the compact parking row in the southwest section of the site.
 - Include locations of at least one major structural tree and groundcover in all landscape planters, or submit a standard landscape planter detail that details one structural tree and groundcover for all landscape planters. For the smaller landscape planters, a smaller tree or dwarf variety is acceptable, but shall be submitted for staff review and approval.
3. Confirm that an automatic underground irrigation system is still proposed for the site or submit an alternative irrigation plan detailing how landscaping will be irrigated and maintained.
 4. Submit an updated elevation and footprint plan for Building E reflecting the increase in dwelling units.
 5. Submit a revised retaining wall detail that details the proposed fence is set back at least 5 feet from the retaining wall.
 6. Submit a revegetation plan for any areas where natural vegetation has been removed or damaged.
 7. Submit details on the type and dimensions of the proposed bike parking; the bicycle spaces shall meet the 2.5 foot by 6 foot requirement.
 8. Submit information on the proposed playground equipment for staff review and approval.
 9. Submit lighting fixture cut-sheet information for all proposed exterior lighting that details the lighting fixtures as full-cutoff and not exceeding 3,000 Kelvins.
 10. Submit additional details addressing the location and screening of the proposed electrical and mechanical equipment.
 11. Submit a Right-of-Way Permit for quarter-street improvements on Dubarko Road, Ruben Lane, and Eldridge Drive. If necessary, the applicant shall dedicate right-of-way or provide a pedestrian easement to accommodate the setback sidewalk.

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

1. Submit payment of system development charges in accordance with applicable City ordinances.
2. Pay plan review, inspection and permit fees as determined by the Public Works Director.
3. Submit proof of approval from the Sandy Fire District for the on-site fire protection system, hydrant locations and spacing, and fire apparatus access.
4. Verify the domestic water meter size based on the meter flow and the building fixture counts found in the 2014 Oregon Plumbing Specialty Code, table 6-6, if larger than 2-inch meter size

is needed shall be verified in the AWWA series 700 and the Oregon Plumbing Code, appendix A, charts A-2 and A-3 respectively.

F. Prior to occupancy (temporary or final) the applicant shall complete the following or provide assurance for their completion:

1. Complete or financially guarantee all site improvements including but not limited to landscaping, playground equipment, building improvements, the condominium directory, mail enclosure, stormwater facilities, parking, bicycle parking facilities, the retaining wall, and on-site walkways.
2. Complete quarter-street improvements on Dubarko Road, Ruben Lane, and Eldridge Drive including, but not limited to: sidewalks, street lighting, and landscaping (street trees).
3. Complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.
4. Install a screen wall or some additional feature that screens the parking area adjacent to Eldridge Drive from view in order to minimize the visual impact of the parking area to Eldridge Drive.

G. General Conditions:

1. Design review approval shall be void after two (2) years from the date of the Final Order, unless the applicant has submitted plans for building permit approval.
2. Construction activity shall not encroach within the FSH overlay. The applicant shall retain all trees within the FSH overlay on tax lots 5100 and 5300.
3. Onsite walkways shall be constructed in accordance with the sidewalk standards adopted by the City. All pedestrian connections from the site to adjacent streets, access ways, or private drives shall be ungated.
4. All pedestrian connections from the site to adjacent streets, access ways, or private drives shall be ungated.
5. The new driveway approach and sidewalk shall conform to the US Access Board PROWAAAC requirements for cross slope and running grade and the current ADA Guidelines.
6. All parking and maneuvering areas shall have a durable surface in conformance with Section 17.98.60(A).
7. All lighting shall comply with the requirements of Chapter 15.30, Dark Skies. All proposed lighting shall be full-cutoff and not exceed 3,000 Kelvins.
8. All electrical and mechanical equipment shall be screened with sight obscuring fences, walls or landscaping.

9. Pavement markings shall be re-painted periodically as lines become faded.
10. All work within the public right-of-way and within the paved area shall comply with the American Public Works Association (APWA) and City requirements.
11. Provide mail delivery facilities 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 and approval. The applicant shall coordinate with the US Postal Service on the location and type of postal delivery facility.
12. The applicant shall adhere to SandyNet requirements to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.
13. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system.
14. All earthwork activities shall follow the requirements of the most current edition of the Oregon Structural Specialty Code. Site grading shall not in any way impede or impound or inundate the surface drainage flow from the adjoining properties without a proper collection system. The earthwork activities shall be observed and documented under the supervision of the geotechnical Engineer.
15. As required by Section 17.92.140, the developer shall maintain all vegetation planted in the development for two years from the date of completion, and shall replace any dead or dying plants during that period. Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.
16. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
17. All improvements listed in Section 17.100.300 shall be provided by the applicant including drainage facilities, monumentation, mail facilities, sanitary sewers, storm sewer, sidewalks, street lights, street signs, street trees, streets, traffic signs, underground communication lines including telephone and cable, underground power lines, water lines and fire hydrants.
18. Comply with the requirements of Section 13.18 of the Sandy Municipal Code and the 2014 City of Portland Stormwater Management Manual.
19. Land use approval does not connote approval of utility or public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase by the City Engineer and Public Works Director.
20. Comply with all standards required by Section 17.84 of the Sandy Development Code. Public and franchise improvements shall be installed or financially guaranteed in accordance with

Chapter 17 of the Sandy Municipal Code prior to temporary or final occupancy of structures. Water lines and fire hydrants shall be installed in accordance with City standards. All sanitary sewer lines shall be installed in accordance with City standards. Postal delivery areas shall meet the requirements of 17.84.100. All franchise utilities shall be installed underground and in conformance with City standards. The applicant shall underground all telecommunication, CATV and electric power services (including street crossings) serving the development per Chapter 15.20. Any existing overhead power line on the site shall be buried underground.

21. Comply with all other conditions or regulations imposed by the Sandy Fire District 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.



Emily Meharg
Associate Planner

3/20/19
Date

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.