

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

DATE: August 6, 2020

FILE NO.: 20-017 DR

PROJECT NAME: Sandy Plaza Apartments

APPLICANT: Iselin Architects, P.C.

OWNER: Plaza Group LLC

SITUS ADDRESS: 37955 Meeker Street and 37965 Meeker Street

LEGAL DESCRIPTION: T2S R4E Section 14AA Tax Lot 01100

DECISION: Approved subject to conditions of approval

The above-referenced proposal was reviewed as a Type II design review and 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 Form
- B. Narrative
- C. Civil Plan Set
 - Sheet C1.0: Cover Sheet
 - Sheet C2.0: Existing Conditions
 - Sheet C3.0: Site and Dimension Plan
 - Sheet C4.0: Grading and Erosion Control Plan
 - Sheet C5.0: Spot Grading Plan
 - Sheet C6.0: Utility Plan
 - Sheet C7.0: Details
 - Sheet C8.0: Details
 - Sheet C9.0: Details
 - Sheet C10.0: Details
- D. Architectural Plan Set
 - Sheet A0: General Information
 - Sheet A1.0: Site Plan
 - Sheet A1.1: Building A Main Level Floor Plan
 - Sheet A1.2: Building A Second Level Floor Plan
 - Sheet A1.3: Building A Third Level Floor Plan

- Sheet A1.4: Building B Main Level Floor Plan
 - Sheet A1.5: Building B Second Level Floor Plan
 - Sheet A1.6: Building B Third Level Floor Plan
 - Sheet A2.1: Building A East and South Elevations
 - Sheet A2.2: Building A West and North Elevations
 - Sheet A2.3: Building B East and South Elevations
 - Sheet A2.4: Building B West and North Elevations
 - Sheet L1.0: Planting Plan
 - Sheet L2.0: Irrigation Plan
- E. Photometric Analysis
- F. Lighting Fixture Cut Sheets
- G. Stormwater Report (Firwood Design Group)
- H. Transportation Analysis (Ard Engineering)
- I. Arborist Report (Alder Creek Tree Service, LLC)
- J. Stormwater Facility Easement

Agency Comments

- K. Public Works Director (July 16, 2020)
- L. City Engineer (July 20, 2020)
- M. Fire Marshal (July 23, 2020)

Public Letters

- N. Jennifer Hause et al. (July 15, 2020)
- O. Daniel Copher (July 17, 2020)

Supplemental Document Provided by Staff

- P. Final Order from File No. 16-001 DR
- Q. Final Order from File No. 16-002 MP
- R. Stormwater Facility Easement 2020-047550 (forwarded by Timothy Belanger on 8/3/20)
- S. SandyNet Fiber Infrastructure Requirements Plan

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on May 13, 2020 with additional information received on May 27, 2020 and June 10, 2020. The application was deemed complete on June 12, 2020 and the 120-day deadline is October 10, 2020.
2. The subject property is located north of Meeker Street, west of Bluff Road, and south of the Oregon Trail School District athletic fields.
3. The parcel has a Plan Map designation of High Density Residential and a Zoning Map designation of R-3, High Density Residential.
4. Iselin Architects PC, on behalf of Plaza Group, submitted an application for Design Review to develop an 18-unit apartment complex consisting of two buildings. The apartment complex will

include an on-site manager, 33 off-street parking spaces, and an emergency access to the west. The building design is proposed to contain a variety of siding materials including board and batten, lap, and shingle. The structures are proposed to be three stories in height and contain a mixture of one and two bedroom units.

5. The applicant previously submitted an application for an 18-unit apartment complex at the same site, which was approved with conditions in File No. 16-001 DR. That approval expired and the applicant is re-applying for approval of the proposed apartment complex with this application. The current submittal is more or less the same proposal that was submitted in 2016; however, the applicant has made some changes to the proposal based on the conditions of approval and findings from File No. 16-001 DR.
6. Firwood Design Group, on behalf of Plaza Group LLC, previously submitted an application for a Minor Partition (File No. 16-002 MP) concurrently with the original design review (File No. 16-001 DR) to divide tax lot 1100, a 0.98 acre parcel, into two parcels. That partition has not been recorded yet, but proposed Parcel 1 would be 0.16 acres and contain the duplex and proposed Parcel 2 would be 0.82 acres and contain the proposed apartment complex. Because the partition has not been recorded, the addresses associated with the subject property include the duplex addresses (37955 and 37965 Meeker Street). **The applicant shall record the Minor Partition (File No. 16-002 MP) to divide tax lot 1100 into two parcels: the duplex and the apartment complex.**
7. Notification of the proposal was mailed to property owners within 300 feet of the subject property on July 8, 2020 and to affected agencies on July 14, 2020.
8. Agency review comments were received from the City Engineer, Public Works Director, and Fire Marshal.
9. Two written public comments were received, both of which requested a public hearing.
10. Jennifer Hause (Exhibit N) submitted a letter on behalf of multiple neighbors expressing concerns about traffic, parking, height, density, fire access, development costs, and crime and requesting a public hearing.
11. Daniel Copher (Exhibit O) submitted written comments expressing concerns about traffic and parking and requesting a hearing.
12. Public hearings are not typically required for Type II land use applications. The proposed multi-family use is an outright permitted use in the R-3 High Density Residential zoning district and neither of the public comments included code references nor case law. Although some members of the public requested a hearing, the development code does not automatically grant a hearing if requested. Staff asked the applicant if they would be willing to grant an extension to the 120-day clock, but the applicant declined to offer an extension. To keep this application on track with the 120-day timeline as specified in ORS 227, staff issued a decision without elevating the application to a public hearing, as is typical for a Type II application. Any member of the public

with appeal standings may appeal the decision by following the procedures as outlined in Chapter 17.28.

Chapter 17.30 – Zoning Districts

13. Per the submitted narrative (Exhibit B) the total gross acreage for the subject property will be 0.82 acres after the final plat is recorded from the previous partition (File No. 16-002 MP), which separated the existing duplex from the proposed apartment site.
14. Prior to the partition (File No. 16-002 MP), density was calculated for the site as an entire contiguous area (the duplex plus the proposed apartment area) based on 0.98 acres. The minimum density for the 0.98-acre site is $(0.98 \times 10 = 9.8$ rounded to 10 units) 10 dwelling units and the maximum density is $(0.98 \times 20 = 19.6$ rounded to 20 units) 20 dwelling units. The applicant proposes constructing 18 apartment units and retaining the existing duplex (two units) for a total of 20 units as allowed. The proposal of 20 dwelling units is within the required density range for the entire contiguous area.

17.40 – R-3 High Density Residential Zoning District

15. As noted above, the proposed 18-unit multifamily apartment complex plus the two existing units complies with the density range in Chapter 17.40.
16. Multifamily dwellings are a permitted outright use in this zone (Section 17.40.10).
17. The R-3 zoning district does not contain a minimum lot size requirement or a minimum average lot size width for lots with multifamily dwellings.
18. Section 17.40.30 contains development standards for the R-3, High Density Residential zoning district. The R-3 zoning district requires a minimum rear yard setback at 15 feet, front yard setback at 10 feet, side yard setbacks at 5 feet, corner yard setback at 10 feet, and a garage setback at 20 feet. The proposed setbacks for the 18-unit multifamily apartment complex meet the requirements of the R-3 zoning district. In the 2016 submittal, the side setback for Building B to the east lot line did not provide 10 feet for the existing sewer line easement so the applicant was required to submit a revised plan set with Building B located at least 10 feet from the east lot line. The current submittal details Building B at least 10 feet from the east property line so this condition from 2016 has been satisfied.
19. Section 17.36.30 allows a maximum building height of 35 feet. Section 17.10 defines building height as the vertical distance above the highest adjoining ground surface to the average height of the highest gable of a pitched or hipped roof. The submitted plans show the height of Building A to the average height of the highest gable at 29 feet 11 inches, and Building B to the average height of the highest gable at 30 feet on the south side of the building and at 35 feet on the north side of the building. The structures are in compliance with the height standard in the R-3 zoning district.
20. Section 17.36.40 contains minimum requirements for development. The development will obtain water service and sewer service from existing main lines in Meeker Street. The stormwater will collect in a 60-inch detention pipe located underneath the proposed parking area and drain to an

existing stormwater system on the Oregon Trail School District (OTSD) property to the north. The easement has been recorded between the OTSD and the applicant (Exhibit R).

17.74 – Accessory Development

21. Section 17.74.40 specifies, among other things, retaining wall and fence height in front, side and rear yards. Retaining walls in residential zones shall not exceed 4 feet in height in the front yard, 8 feet in height in rear and side yards abutting other lots, and 6 feet in side and rear yards abutting a street. The Spot Grading Plan (Exhibit C, Sheet C5.0) details a retaining wall along a portion of the west and south property lines. Per an email from the project engineer, the maximum wall height is 4.8 feet. The portion of the wall along the south property line is approximately 3 feet in height; the high point of the wall (4.8 feet) is located mid-way along the west property line. An email from the project engineer and project architect states that the wall will be a block wall with cut stone face or a “keystone” type gravity block wall. **The applicant shall submit additional details/confirmation on the proposed retaining wall for staff review and approval.**

17.84 – Improvements Required with Development

22. Section 17.84.30 requires sidewalks along all public streets. The Sandy Transportation System Plan classifies Meeker Street as a local street requiring 50 feet of right-of-way. Per the City Engineer (Exhibit L), the total existing right-of-way width is only 40 feet which means **the applicant shall dedicate five feet for additional right-of-way width along the entire site frontage.** The Meeker Street frontage requires half-street improvements along the entire site frontage including curbs placed at 14 feet measured from the right-of-way centerline, 5-foot-wide planter strip with street trees, 5-foot-wide sidewalk, streetlights, and utility extensions as needed. Per the Public Works Director (Exhibit K), street frontage improvements for the site were completed with the partition (File No. 16-002 MP) and no further frontage improvements are required.
23. Section 17.84.30(B) requires pedestrian and bicyclist facilities that strive to minimize travel distance between residential areas, planned developments, and parks. The access to Meeker Street is the only proposed access for vehicles, with the exception of emergency services that will have access to College Street to the west. The proposal includes a walkway connection from Meeker Street through the subject property to the Oregon Trail School District (OTSD) property north of the site and a walkway connection from the subject site to the existing private drive to the east of the site. The Site Plan (Exhibit D, Sheet A1.0) details both connections as having a lockable 3-foot wide by 6-foot high chain link gate with a ‘Knox Box’ at the existing chain link fence, which was a previous condition of approval in File No. 16-001 DR. As conditioned in File No. 16-001 DR, **both gates shall remain locked until an easement may be granted.** The Site Plan does not detail any walkway connections to the existing sidewalk on the north side of College Street to the west, nor to the proposed sidewalk on the south side of College Street. **The applicant shall update the Site Plan to detail walkway connections to the sidewalks on the north and south sides of College Street to the west. The applicant is required to create and record a pedestrian walkway easement over the walkways on the subject site or record a blanket easement over the entirety of the subject property.**

24. The Transportation System Plan (TSP) does not identify a bicycle facility on Meeker Street. Local street standards only require sidewalks, not bicycle facilities. No bicycle facilities, except for bicycle parking racks, are required with this land use application.
25. Section 17.84.40 contains standards for public transit and school bus transit. During review of the previous submittal (File No. 16-001 DR), the Transit Director required a transit amenity on the north side of Meeker Street. The Site Plan (Exhibit D, Sheet A1.0) details a transit pad on the north side of Meeker Street at the west edge of the duplex. Per the submitted narrative (Exhibit B), the recently constructed improvements done as part of the approved partition include a transit pad along with a bench located on the frontage of Meeker Street. The transit amenity requirements are complete.
26. Section 17.84.50 contains standards for street improvements and traffic evaluations. The applicant submitted a Transportation Analysis from Ard Engineering dated May 17, 2020 (Exhibit H). The analysis anticipates that the proposed 18-unit apartment complex will generate 8 morning peak hour trips, 10 evening peak hour trips, and 132 daily trips. The analysis concludes that the 18-unit apartment complex will result in a negligible increase in traffic volumes on the streets and intersections in the site vicinity; the transportation infrastructure in the site vicinity is projected to continue to operate acceptably in the future either with or without the addition of site trips from the proposed development. The analysis found that adequate sight distance is available at the proposed site access location and did not recommend any specific safety mitigations. Staff notes that Meeker Street already contains several speed reducing humps.
27. Per the City Engineer (Exhibit L), **the final construction plans shall be submitted to the Sandy Fire District for review and approval to ensure that adequate fire protection and access are provided to the buildings.** The Fire Marshal (Exhibit M) submitted comments regarding fire apparatus access and firefighting water supplies. **The applicant shall confer with the Sandy Fire District to ensure compliance with the requirements of the Sandy Fire Marshal as contained in Exhibit M.** The Fire Marshall identified the following requirements as being of particular importance:
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided.
 - This project will require fire apparatus access from Meeker St. and the Pioneer Meadow Subdivision due to multi-family apartment buildings that exceed three stories or 30 feet in height. An emergency vehicle access and maintenance agreement may be required and will need to be deeded and recorded as a condition of approval.
 - Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to a fire hydrant, exclusive of shoulders) and an unobstructed vertical clearance of 13 feet 6 inches.
 - When the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided.

- Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet exclusive of shoulders or parking, in the immediate vicinity of the building or portion thereof that will accommodate aerial operations.
 - The aerial apparatus access road shall be located not less than 15 feet nor greater than 30 feet from the building and shall be positioned parallel to one entire side of the building.
 - Overhead utility and power lines shall not be located within the aerial fire apparatus access road or between the aerial fire apparatus road and the building.
 - The inside turning radius and outside turning radius for fire apparatus access roads shall be not less than 28 feet and 48 feet respectively, measured from the same center point.
 - Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet (or 26 feet aerial fire apparatus access) of unobstructed driving surface, “NO PARKING-FIRE LANE” signs shall be placed on one or both sides of the roadway and in turnarounds as needed. Red painted curbs marked “NO PARKING FIRE LANE” at approved intervals may be used in lieu of or in addition to signage.
 - Fire department connections (FDC) shall be located within 100 feet of a fire hydrant. All FDC’s shall be permanently labeled with appropriate address in which it serves and shall be accessible and visible from the fire apparatus access road.
28. Section 17.84.60 requires all development to be provided with public water, sanitary sewer, broadband (fiber) and storm drainage. The applicant’s Utility Plan (Exhibit C, Sheet C6.0) depicts the location and type of proposed public utilities including water, sanitary sewer and stormwater. The applicant is hooking into existing utility lines, but is not extending main lines. The SandyNet Manager requires the installation of infrastructure for broadband fiber facilities as indicated on the SandyNet Fiber Infrastructure Requirements plan (Exhibit S). **The applicant shall modify the utility plan to include the location of fiber facilities. In addition, the applicant shall pay plan review, inspection and permit fees as determined by the Public Works Director.**
29. Section 17.84.70 requires installation of public improvements in conjunction with new development. The following paragraphs address the requirements for water, sanitary sewer, and stormwater facilities.

Water. The applicant proposes providing water service for domestic and fire purposes from the existing domestic water line in the Meeker Street right-of-way. The existing domestic water line is a 6-inch main line and is adequate to serve the proposed apartment buildings. The City Engineer (Exhibit L) states that **the final construction plans shall verify that the domestic 2-inch water meter size is adequate based on the meter flow and the building fixture counts found in the most current version of the Oregon Plumbing Specialty Code. If a meter size larger than 2-inches is needed it shall be verified in the AWWA series 700 and the Oregon Specialty Plumbing Code. In addition, the final construction plans shall show a backflow prevention device on the downstream of the water meter as per OAR 333-061-0070.**

Sanitary Sewer. The City Engineer (Exhibit L) states that the sanitary sewer service to the apartment buildings shall connect to the existing sanitary sewer line running along the east property line. The applicant is proposing to connect each apartment building to the existing

sanitary sewer line within the 10-foot easement along the east property line of the subject site. The existing sanitary sewer line is an 8-inch main line and is adequate to serve the proposed apartment buildings.

Stormwater. Impervious stormwater is proposed to be collected at six catch basins in the parking lot area and piped to a 60-inch detention pipe underneath the parking area. The stormwater is then proposed to pass through a water quality facility before proceeding north to the existing stormwater facility on the Oregon Trail School District property. The City Engineer (Exhibit L) states that he generally concurs with the stormwater analysis (Exhibit G), but **a more detailed analysis shall be submitted with the final design for review and approval by the City in conformance with Sandy Development Code Standards, Section 13.18, and the 2016 City of Portland Stormwater Management Manual standards that were adopted by reference into the Sandy Development Code.** The Public Works Director (Exhibit K) states that the proposed stormwater conveyance piping appears to be located within the City's existing 10-foot wide sanitary sewer easement recorded at 97-053351. This easement clearly states that "No permanent or temporary surface or underground structure or facility, including private utility line(s) or other improvements or site alterations over and above the permanent easement... shall be constructed without the prior written consent of the Grantee, which shall not be unreasonably withheld." The City Engineer (Exhibit L) states **the proposed north-south storm line along the east property line shall be located outside the existing 10-foot sanitary sewer easement.** The Public Works Director (Exhibit K) states the Stormwater Management Report proposes sufficient storage and detention such that the post-development site runoff rate will not exceed the pre-development rate for the 2, 5, 10 and 25 year recurrence interval storm events. Water quality treatment for storm runoff will be provided by a CDS2015-4 water quality manhole. Discharge from the site will be conveyed to an existing underground stormwater conveyance system on the adjacent property owned by the Oregon Trail School District (Exhibit R). Since the storage and water quality treatment facilities will serve a site under single ownership these facilities will be privately owned and maintained. **The applicant shall be required to submit a private stormwater facility maintenance plan and complete and record form O&M (provided by the City Public Works Department).**

30. Section 17.84.80 contains specifications for franchise utility installations. 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 in conformance with City standards.** With completion of the minor partition (16-002 MP) the applicant will be required to also include an eight (8) foot wide Public Utility Easement (PUE) along the frontage of the subject lot adjacent to Meeker Street. Per the Public Works Director (Exhibit K) the existing overhead utilities (power, phone and CATV) serving the duplex on Parcel 1 of File No. 16-002 MP shall be relocated underground per the requirements of Chapter 15.20 of the Sandy Municipal Code, Finding #17 and Condition of Approval #6 from the Land Use Decision and Final Order. The applicant requested that the relocation of the overhead utilities serving the duplex on Parcel 1 be deferred until the utility plan for the subject application was completed at which time the overhead services could be integrated with the underground services for the Sandy Plaza Apartments development. **The overhead power, phone and CATV services serving 37955 and 37965 Meeker Street shall be converted to underground service per the requirements of**

Chapter 15.20 of the Sandy Municipal Code, and Finding #17 and Condition of Approval #6 from the Land Use Decision and Final Order for File No. 16-002 MP.

31. Section 17.84.90 contains requirements regarding land for public purposes. No land is proposed or required to be dedicated with this application.
32. 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. **Mail delivery facilities shall be provided by the applicant in conformance with Section 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 two mailboxes with tire pedestals along Meeker Street shall be removed and replaced with an approved onsite combined mailbox within two (2) years of the order being issued even if the apartments are not constructed.**
33. **Development of this apartment complex requires payment of system development charges in accordance with applicable City ordinances.**

17.86 – Parks and Open Space

34. The applicant proposes an 18-unit apartment complex. Chapter 17.86 contains standards for parkland dedication and these standards are applied during design review for multi-family developments.
35. Based upon the calculations specified in Section 17.86.10, the required dedication area is 0.15 acres of public parkland (18 proposed units x 2 persons per unit x .0043= 0.1548 rounded to the nearest 1/100 of an acre = 0.15 acres to be dedicated).
36. Section 17.86.40 contains factors for the City to evaluate whether to require parkland dedication based on this formula or collect a fee in lieu of dedication. The subject property is located within walking distance of the Sandy River Park and abuts the existing high school athletic fields. No additional parkland is identified on the subject property in the Parks Master Plan. **For these reasons, the applicant is required to pay a fee in lieu of the required parkland dedication.** Per Resolution 2013-14, the required fee in lieu amount is \$241,000 per acre. Therefore, based on the current Fee Resolution, **the applicant shall pay a fee in lieu of dedication in the amount of \$36,150 (0.15 acres of land to be dedicated x \$241,000) prior to issuance of a building permit.** Ordinance 2013-03 allows payment of a minimum of 50 percent of the fee to receive subdivision final plat approval with the remaining balance to be paid as a proportionate amount with each building permit; however, since this request is not a subdivision, the alternative fee payment option is not available.

17.90 – Design Standards

37. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
38. 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.**

39. Section 17.90.160 contains design standards for multi-family development. Section 17.90.160(A) contains roof standards. Roofs shall have a minimum pitch of 3:12 with at least a 30-inch overhang. The applicant proposes a gabled roof with a primary roof pitch of 6:12 and secondary roof features with an 8:12 roof pitch. All roofs contain at least 30-inch overhangs. This section also specifies that offsets or breaks in the roof elevation shall be at least 3 or more feet in height. The proposal includes breaks in the roof at 6 feet and greater in compliance with this standard.
40. Section 17.90.160(B) contains standards for designing entries. This section requires entries to be sheltered with an overhang, portico, or recessed entry or otherwise articulated with an architecturally detailed entry. This section also specifies that dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible. The proposed design identifies all entries within covered entry alcoves facing a walkway adjacent to the building. Although the two proposed buildings are setback from the street, the two buildings are connected to the internal pedestrian walkway that connects to the Meeker Street sidewalk in compliance with this standard. The entries are accentuated by gabled roofs with shingle siding, and timber bracing.
41. Section 17.90.160(C) requires building facades to be articulated with windows, entries, balconies, and/or bays. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets. The narrative (Exhibit B) states the proposed apartment buildings will be articulated by using a variation in building heights, planes, openings, materials, and colors. The proposed apartment facades will have a combination of board and batten siding and horizontal siding, belly bands separating floors and gable areas, and shingles in gable areas. Building features include upper story balconies, architectural awnings over some windows, and vertical oriented windows. The submitted elevations for the north and south ends of Building A (Exhibit D, Sheets A2.1 and A2.2) are mislabeled/reversed. **The applicant shall submit modified north and south elevations for Building A with the correct elevations identified.**
42. Multi-family developments are not required to comply with the approved color palette. The applicant did not submit details on the exterior paint colors. Staff encourages the applicant to use earth tones, but not use high intensity primary colors, metallic colors, or black.
43. Section 17.90.160(D) requires the vertical face of a structure when facing a public street, pedestrian way, or an abutting residential use to contain building offsets a minimum of eight-feet (recesses and extensions) every 20 feet. An analysis of this section was conducted for Building A and Building B as follows:
- Building A: The east elevation of this building faces a pedestrian walkway, the south elevation faces, and will be highly visible, from Meeker Street, and the west elevation faces an abutting residential use requiring compliance with this section. All elevations on Building A comply with building offset regulations.
- Building B: All sides of Building B require compliance with this section. The south elevation faces Meeker Street, the east and west elevations face abutting residential uses, and the north elevation is facing a pedestrian way on the Oregon Trail School District property. As a condition of File No. 16-001 DR, the applicant was required to submit a revised Elevation Sheet identifying

additional offsets on the north façade on Building B. With this application, the applicant is proposing additional offsets. Per the submitted narrative (Exhibit B), wall plane changes occur at recessed patios at the second story portion of the building and a projecting section 25 feet wide provides articulation on the third story portion of the building. The average depth of the offsets is 8 feet and the average horizontal spacing is 20 feet-2 inches due to the 25 foot width of the projecting bedroom component on the third story portion of the building. The submitted second floor plan and elevation for the north side of Building B do not match (Exhibit D, Sheets A1.5 and A2.4). The north elevation shows the proposed patios on the second floor, but the floor plans detail the patios on the south side of Building B. **The applicant shall modify the second story floor plan for Building B to detail the proposed patios.**

44. Section 17.90.160(E) contains standards for private outdoor areas. This section requires each dwelling unit to include a minimum of 48 square feet of private outdoor area (balcony, porch, etc.). According to the narrative (Exhibit B) and building floor plans, the one bedroom units contain approximately 59 square feet of patio or balcony space and the two bedroom units contain 69 square feet of patio or balcony space in compliance with this standard.
45. 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. The parking lot does not occupy any percentage of the public street frontage as the lot is a flag lot and only the driveway is adjacent to Meeker Street.
46. Section 17.90.160(G) contains standards for individual storage areas. This section requires each one bedroom unit to provide a minimum storage area of 24 square feet and each two bedroom unit a minimum of 36 square feet. Based on the narrative (Exhibit B) and building floor plans, all one bedroom units will contain 36 square feet and two bedroom units 46 square feet of storage area in compliance with this section.
47. Section 17.90.160(H) requires that if carports and garages are provided they shall be compatible with the complex they serve. The applicant is not proposing garages or carports with this application.
48. 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 outdoor recreation area per dwelling unit. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Gazebos and other outdoor covered spaces are encouraged and qualify as 1.25 square feet for every one square foot of required shared recreation area. The proposed 18-unit apartment building requires a minimum of 3,600 square feet of shared recreation area (18 units x 200 sq. ft. per unit). This section allows the recreation area to include slopes, wetlands, FSH setback areas, and other natural site features, however at least 50% of the recreation area must be located outside the boundaries of such areas. The subject site does not contain any slopes, wetlands, or FSH area. The applicant's narrative (Exhibit B) states the site includes 4,337 square feet of shared outdoor recreation areas in the following three areas:
 - 1,072 sq. ft. area east of Building A, which includes a paved patio area with trellis outside of the office and community laundry room and an extended grass area in front of the building.

- 2,449 sq. ft. area on the north and west side of Building B, which will include a lawn area and playground area.
- 816 sq. ft. plaza area to the south of Building B, which includes a picnic table and connects with a hard surface pathway connecting the site to the Sandy High School property and adjacent property to the east. The pathway includes a resting area and bench near the gate to the High School property.

The applicant shall submit details on the proposed trellis. The playground equipment and/or structures, including the trellis, shall be reviewed and approved by staff and installed prior to final occupancy.

49. Section 17.90.160(J) contains standards to promote safety and security. The proposed apartment buildings will have lighting and windows on all sides of the building. Details regarding proposed lighting are reviewed in Chapter 15.30, below. The narrative indicates there will be a site directory along the primary entry driveway that will be visible from Meeker Street. In addition, building and unit signage will be provided on the two buildings.
50. Section 17.90.160(K) contains standards related to service, delivery, and screening. The applicant proposes constructing a 168 square foot garbage/recycle enclosure in the parking area. No additional garbage/recycle areas are indicated on the plan set. The narrative (Exhibit B) states the collection facility will have 6 foot high masonry walls with a steel-framed, wood-sided gate for collection access and a separate pedestrian access. Hoodview Disposal and Recycling did not make comments on this application, but it is typical that apartment complex developers coordinate with Hoodview to make sure that commercial service trucks have an adequate turnaround and that tree canopy clearance is considered. **The applicant shall coordinate the location of the garbage/recycle enclosure and the size of the enclosure with Hoodview Disposal and Recycling. Modifications to the enclosure shall be reviewed and approved by City staff.**
51. 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 narrative (Exhibit B) states the only anticipated above grade electrical or mechanical equipment will be an electrical transformer that will be screened from view by landscaping. **The applicant shall submit plans detailing ground mounted equipment and electric meters with building plans and provide screening details in compliance with this section.**

17.92 – Landscaping and Screening

52. Section 17.92.20 requires multi-family developments within the R-3 zoning district to contain a minimum of 25 percent landscaping. The General Information page of the architectural plan set (Exhibit D, Sheet A0) states the landscape area on the site is 11,486 square feet or 32 percent of the site. Section 17.92.10 requires all landscaping and related improvements to be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.
53. Section 17.92.30 specifies that street trees shall be chosen from the City-approved list. As required by Section 17.92.30, the site requires trees spaced 30 feet on center along street

frontages and at least 1.5-inch caliper. The submitted Landscape Plan (Exhibit D, Sheet L1.0) details four (4) street trees along Meeker Street. The proposed street trees are 1.5-inch caliper red flowering dogwoods (*Cornus kousa*). Staff conducted a site visit on August 4, 2020 and confirmed the street trees have already been planted.

54. Section 17.92.40 requires that all landscaping be irrigated, either with a manual or automatic system. The applicant submitted an Irrigation Plan for the site (Exhibit D, Sheet L2.0) that details automatic irrigation. **As required by Section 17.92.140, the developer shall be required to 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. After that, the property owner shall be responsible for landscaping. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary water, weeding, pruning, and replacing.**
55. Section 17.92.50 specifies the types and sizes of plant materials for landscaping areas. The Development Code requires that all deciduous trees shall be at least 1.5 inches caliper and all coniferous trees a minimum of 5 feet in height at planting. The submitted Landscape Plan (Exhibit D, Sheet L1.0) includes 9 Japanese snowbell (*Styrax japonica*), 7 crape myrtle (*Lagerstroemia indica*), and 4 red flowering dogwood (*Cornus kousa*) at 1.5 inch caliper. The plan also includes 6 slender Hinoki cypress (*Chamaecyparis obtusa* 'Gracilis') at 6-8 feet in height, and 6 skyrocket juniper (*Juniperus scopulorum* 'Skyrocket') at 5-6 feet in height. The landscape plan also includes numerous shrubs/plants at varying gallon sizes and heights. All shrubs/plants are required to be a minimum of 1 gallon in size or 2 feet in height at planting. The landscape plan also includes ground cover, such as Bearberry Cotoneaster. All of the proposed trees and shrubs/plants meet the height requirements of the Development Code.
56. Section 17.92.60 requires revegetation in all areas that are not landscaped or remain as natural areas. The applicant did not submit any plans for re-vegetation of areas damaged through grading/construction, although most of the areas affected by grading will be improved.

17.98 – Parking, Loading and Access Requirements

57. Section 17.98.20 contains off-street parking requirements. The proposed apartments are to contain 18 dwelling units (six one-bedroom units and 12 two-bedroom units). This section requires one-bedroom units to provide 1.5 parking spaces for each unit and two-bedroom units to provide two (2) parking spaces for each unit. The 18 proposed apartments require a minimum of 33 parking spaces (1.5 parking spaces per unit x 6 units + 2.0 parking spaces per unit x 12 units). The applicant proposes 33 parking spaces for the new apartment buildings in compliance with this standard.
58. ORS 447.233 requires one accessible parking space for each 25 parking spaces up to 100 parking spaces. The proposed 33 parking spaces requires two accessible parking spaces. The submitted Site Plan (Exhibit D, Sheet A1.0) details two accessible parking spaces, including one van accessible ADA space with an access aisle on the passenger side, in compliance with the ORS requirement.

59. Section 17.98.60 contains specifications for parking lot design and size of parking spaces. This section requires standard parking spaces to be at least 9 feet by 18 feet and compact spaces at least 8 feet by 16 feet. The Site Plan (Exhibit D, Sheet A1.0) details that of the 33 parking spaces, 23 spaces are proposed as standard spaces and 10 spaces as compact spaces; however, there are three (3) additional spaces along the east property line that are only 16 feet deep but are not labeled compact. Thus, staff finds that the applicant is proposing 20 standard parking spaces (two of which are ADA spaces) and 13 compact parking spaces. Section 17.98.60(B.5) allows no more than 40 percent of the parking stalls to be compact spaces. The 13 proposed compact spaces comprise 39 percent of the total spaces on the site in compliance with this standard. The site plan identifies 25 foot wide vehicular parking aisles in compliance with the standard for 90 degree, double sided/loaded parking lots with two-way traffic.
60. Section 17.98.100 contains specifications for driveways. The proposed apartment site will include a driveway on Meeker Street. The driveway is proposed at 25 feet in width. Per the City Engineer (Exhibit L), **the proposed driveway shall be a concrete commercial driveway approach constructed to City standards.**
61. The Site Plan details the parking aisle to align with the existing street in the Pioneer Meadows subdivision to the west of the subject property. This alignment is necessary for emergency fire access and for pedestrian connectivity. The Site Plan (Exhibit D, Sheet A1.0) details removable locking bollards with a 'Knox Box' that will be coordinated with the Fire Marshal.
62. Section 17.98.120 contains parking lot landscaping and screening requirements applicable for parking lots containing four or more parking spaces. The 33 parking spaces requires compliance with this section. The proposed parking lot is lower than the grade of Meeker Street and is located approximately 80 feet from Meeker Street. The parking lot is also located behind the existing duplex to the south of the apartment complex so the parking lot will not be highly visible from the public right-of-way of Meeker Street. As detailed on the Site Plan and Landscape Plan (Exhibit D, Sheets A1.0 and L1.0), all parking areas are divided into bays of less than 20 parking spaces and landscape planters are proposed at the end of each parking bay in compliance with this standard.
63. Section 17.98.130 requires that all parking and vehicular maneuvering areas to be paved with asphalt or concrete. The applicant is required to adhere to the paving requirements of Section 17.98.130.
64. Section 17.98.140 contains requirements for drainage. Chapter 17.84 of this order details the stormwater requirements.
65. Section 17.98.160 contains requirements for bicycle parking facilities. The requirement is one bicycle parking space per multifamily dwelling unit. The 18 apartment units require a minimum of 18 bicycle parking spaces. The submitted narrative (Exhibit B) states the site is proposed to have 18 bicycle parking spaces: 8 spaces at Building A and 10 spaces at Building B. Additional vertical bike racks will be provided within storage rooms for secure long term bicycle parking.

17.102 – Urban Forestry

66. The Urban Forestry requirements apply to properties that are greater than one acre including contiguous parcels under the same ownership. The proposed apartments are located on a site that is 0.82 acres; however, the properties to the east (tax lots 801 and 802) as well as the duplex property are all under the same ownership and total approximately 1.41 acres.
67. Per Section 17.102.50(A), a minimum of 4 trees need to be retained on the 1.41 acres of contiguously owned property. The trees proposed for retention need to be 11-inches or greater diameter at breast height (DBH), in good condition, and likely to grow to maturity. The applicant submitted an arborist report by Phil Henneman of Alder Creek Tree Service, LLC (Exhibit I) identifying the species, condition, and location of all trees on the 1.41 acres of contiguously owned properties. The report and accompanying map detail five (5) healthy western redcedars between 12 and 17-inches DBH and eight (8) healthy sunset maples between 8 and 14-inches DBH located on the two properties to the west of the subject property (tax lots 801 and 802). The applicant is not proposing to remove any trees with this application. **Future tree removal on the three contiguously owned properties shall require permit approval.** The eight (8) red sunset maples appear to be required street trees that have been planted on the two properties due to the curb-tight sidewalk and lack of a planter strip. **The applicant shall record a tree protection covenant specifying protection of at least 4 of the 5 western redcedar trees. The tree protection covenant shall specify protection of a minimum of 4 western redcedar trees and shall prohibit future removal without submittal of an Arborist's Report and City approval. The tree protection covenant shall include a sketch identifying the species and location of the trees.**
68. Two of the existing trees on the property to the east (tax lot 801) are located close to the property line: the 8-inch DBH red sunset maple in the southwest corner and the 17-inch DBH western redcedar in the northwest corner of the adjacent property to the east. These trees could be impacted during development of the apartment complex due to their proximity to the subject property. The applicant did not submit a tree removal application for the western redcedar, nor did they submit a street tree removal permit for the red sunset maple. **If the applicant is planning to retain the 17-inch western red cedar and the 8-inch red sunset maple located along the west property line of tax lot 801, the applicant shall install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the trees on tax lot 801. The tree protection fencing shall be 6 feet tall no-jump horse fencing or chain link 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 tree protection area and that the fence shall not be removed or relocated. The applicant shall retain an arborist on-site to oversee the proper pruning of roots that are over 2-inches in diameter. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. If one or both of the trees need to be removed due to negative impacts of the construction, the applicant shall apply for the appropriate tree removal permit (a tree removal permit through the Planning Division for removal of the 17-inch western redcedar,**

or a street tree permit through the Public Works Department for removal of the red sunset maple).

15.30 – Dark Sky

69. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. There is an existing street light on Meeker Street to the south of the subject site. No additional street lights are required or proposed.
70. Proposed lighting on the apartment buildings and on the site shall meet the Dark Sky Ordinance regulations of Chapter 15.30. The proposal includes a photometric analysis of the proposed on-site lighting. The applicant submitted lighting cut-sheets (Exhibit F) that include wall sconces, LED arm mounts, and LED bollards. **Fixtures shall be full cutoff and shall not exceed 4,125 Kelvins.**
71. Section 15.30.060(D) specifies that all outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line of the site receives no more than .25 (one quarter) of a foot-candle of light from the on-site lighting system. The submitted Photometric Plan (Exhibit E) does not provide proposed light readings at least 10 feet beyond the property line on the south property line and details foot candles at 0.3 and 0.4 along the driveway at the property line. **The applicant shall submit a revised Photometric Plan that includes foot candles 10 feet beyond the south property lines and demonstrates the foot candles do not exceed 0.25 at 10 feet beyond the property lines in compliance with this standard.**

15.44 – Erosion Control

72. **Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties. The earthwork activities shall be observed and documented under the supervision of the geotechnical engineer.**
73. All erosion control and grading shall comply with Chapter 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. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction. All on-site earthwork activities including any retaining wall construction should follow the requirements of the current edition of the Oregon Structural Specialty Code. 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.**
74. 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.**

DECISION

The Sandy Plaza Apartments Design Review request is hereby **approved** as modified by the conditions of approval listed below. These conditions are based on the civil plans received on July 10, 2020 and the architectural plans received on July 13, 2020.

CONDITIONS OF APPROVAL

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

1. Apply for and receive approval for a City of Sandy grading and erosion control permit in conformance with City standards detailed in Section 15.44 of the Municipal Code. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction.
2. Request an inspection of installed erosion control measures per approved plan. (Request to Public Works Department).
3. If the applicant is planning to retain the 17-inch western red cedar and the 8-inch red sunset maple located along the west property line of tax lot 801, the applicant shall install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the trees on tax lot 801. The tree protection fencing shall be 6 feet tall no-jump horse fencing or chain link 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 tree protection area and that the fence shall not be removed or relocated. The applicant shall retain an arborist on-site to oversee the proper pruning of roots that are over 2-inches in diameter. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. If one or both of the trees need to be removed due to negative impacts of the construction, the applicant shall apply for the appropriate tree removal permit (a tree removal permit through the Planning Division for removal of the 17-inch western redcedar, or a street tree permit through the Public Works Department for removal of the red sunset maple).
4. Request an inspection to verify tree protection fencing is appropriately installed.

B. Prior to construction or issuance of a building permit, the applicant shall:

1. Coordinate the location of the garbage/recycle enclosure and the size of the enclosure with Hoodview Disposal and Recycling and make necessary plan modifications. Modifications to the enclosure shall be reviewed and approved by City staff.
2. Submit a revised Site Plan that details walkway connections to the sidewalks on the north and south sides of College Street to the west.

3. Submit additional details/confirmation on the proposed retaining wall for staff review and approval.
4. Submit details on the proposed trellis.
5. Submit a revised Utility Plan to include the following:
 - Detail the location of fiber facilities.
 - The proposed north-south storm line along the easterly property line shall be located outside the existing 10-foot sanitary sewer easement.
6. Submit modified north and south elevations for Building A with the correct elevations identified.
7. Submit a modified second story floor plan for Building B to detail the proposed patios.
8. The final construction plans shall verify that the domestic 2-inch water meter size is adequate based on the meter flow and the building fixture counts found in the most current version of the Oregon Plumbing Specialty Code. If a meter size larger than 2-inches is needed it shall be verified in the AWWA series 700 and the Oregon Specialty Plumbing Code. In addition, the final construction plans shall show a backflow prevention device on the downstream of the water meter as per OAR 333-061-0070.
9. Submit a more detailed stormwater analysis with the final design for review and approval by the City in conformance with Sandy Development Code Standards, Section 13.18, and the 2016 City of Portland Stormwater Management Manual standards that were adopted by reference into the Sandy Development Code.
10. Submit a private stormwater facility maintenance plan and complete and record form O&M (provided by the City Public Works Department).
11. Submit a revised Photometric Plan that includes foot candles 10 feet beyond the south property line and demonstrates the foot candles do not exceed 0.25 at 10 feet beyond the property lines in compliance with this standard.
12. Submit a mail delivery plan featuring additional grouped lockable mail facilities or using the existing mail facilities, to the City and USPS for review and approval. The two mailboxes with tire pedestals along Meeker Street shall be removed and replaced with an approved onsite combined mailbox within two (2) years of the order being issued even if the apartments are not constructed.
13. Submit plans detailing ground mounted equipment and electric meters with building plans and provide screening details in compliance with this section.
14. Submit payment of system development charges in accordance with applicable City ordinances.

15. Pay plan review, inspection and permit fees as determined by the Public Works Director.

16. Pay the fee in lieu of park dedication in the amount of \$36,150 (0.15 x \$241,000).

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

1. Complete all site improvements including landscaping, building improvements, stormwater facilities, parking, bicycle parking facilities, fire apparatus barricades and Knox boxes, apartment directory, and shared recreation amenities. The proposed playground equipment and/or structures, including the trellis, shall be reviewed and approved by staff and installed prior to final occupancy.
2. Complete half-street improvements on Meeker Street including, but not limited to: street widening, curbs, storm drainage, striping, sidewalks, and landscaping. The street transition from the 17-foot half-street section to the 14-foot half-street section shall be made on the west side of the driveway approach for the proposed apartments.
3. The overhead power, phone and CATV services serving 37955 and 37965 Meeker Street shall be converted to underground service per the requirements of Chapter 15.20 of the Sandy Municipal Code, and Finding #17 and Condition of Approval #6 from the Land Use Decision and Final Order for File No. 16-002 MP.
4. Complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.
5. Record the Minor Partition (File 16-002 MP) to divide tax lot 1100 into two parcels: the duplex and the proposed apartment complex.
6. Record a pedestrian access easement over the walkways on the subject site or record a blanket easement over the entirety of the subject property.
7. Record a pedestrian access easement for the portion of the proposed transit pad located outside the public right-of-way and located as approved by the Transit Director.
8. Record a tree protection covenant specifying protection of at least 4 of the 5 western redcedar trees. The tree protection covenant shall specify protection of a minimum of 4 western redcedar trees and shall prohibit future removal without submittal of an Arborist's Report and City approval. The tree protection covenant shall include a sketch identifying the species and location of the trees.
9. Submit an electronic copy of the recorded minor partition of the subject property as approved by File No. 16-002 MP.

D. 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. Confer with the Sandy Fire District to ensure compliance with the requirements of the Sandy Fire Marshal as contained in Exhibit M. The final construction plans shall be submitted to Sandy Fire District for review and approval to ensure that adequate fire protection and access are provided to the buildings. The Sandy Fire District shall provide confirmation to City staff that the project is in compliance with the requirements of the Sandy Fire Marshal.
3. Connections to adjacent properties shall have a lockable 3-foot wide by 6-foot high chain link gate with a 'Knox Box' at the existing chain link fence; both gates shall remain locked until an easement may be granted. If a fence is constructed along the east property line then a lockable gate in conformance with the Fire District access requirements shall be provided to access the existing driveway on Tract A of Partition Plat 2006-120. The proposed connection to the north of the site shall include a lockable gate in conformance with the Fire District access requirements.
4. Onsite walkways shall be constructed in accordance with the sidewalk standards adopted by the City.
5. The proposed driveway shall be a concrete commercial driveway approach constructed to City standards.
6. All lighting shall comply with the requirements of Chapter 15.30, Dark Skies. Fixtures shall be full cutoff and shall not exceed 4,125 Kelvins.
7. All electrical and mechanical equipment shall be screened with sight obscuring fences, walls or landscaping.
8. 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.
9. All franchise utilities shall be installed underground and in conformance with City standards.
10. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties. The earthwork activities shall be observed and documented under the supervision of the geotechnical engineer.
11. All on-site earthwork activities including any retaining wall construction should follow the requirements of the current edition of the Oregon Structural Specialty Code. 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.
12. As required by Section 17.92.140, the developer shall be required to 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. After that, the property owner shall be responsible for landscaping. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary water, weeding, pruning, and replacing.

13. Future tree removal on the three contiguously owned properties shall require permit approval.
14. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
15. 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.
16. 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.
17. 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.
18. 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
Senior Planner

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.