

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

DATE: February 10, 2021

FILE NO.: 20-052 MOD

PROJECT NAME: Trickle Creek Apartments (Double Creek Condos Phase 2) Modification

APPLICANT/OWNER: Sandy Multi, LLC

LEGAL DESCRIPTION: T2S R4E Section 14BD Tax Lot 5100

The above-referenced proposal was reviewed as a Type I Design Review Modification. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Narrative
- C. Plan Set
 - Sheet A1.1 – Site Plan
 - Sheet A1.2 – Mail Hut and Trash Enclosure Floor Plans and Elevations
 - Sheet A5.1 – Building E Elevations
 - Sheet A5.2 – Building F Elevations
 - Sheet A5.3 – Building G Elevations
 - Sheet A5.4 – Building H Elevations
 - Sheet A5.5 – Building I Elevations
 - Sheet A5.6 – Building J Elevations

Agency Comments:

- D. Fire Marshal (February 8, 2021)

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on December 22, 2020. The application was deemed complete on January 19, 2021 and the 120-day deadline is May 19, 2021.
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. On September 26, 2018, 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 (File No. 18-044 MOD). 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 Phase II application (File No. 18-044 MOD) requested a modification to the site plan for the remaining 69 units, which include 48 two-bedroom units and 21 one-bedroom units. The Phase II proposal included six (6) buildings and 130 parking spaces, with access to the site from Ruben Lane.
5. With this application (File No. 20-052 MOD), the applicant is requesting additional modifications to the previously approved design review (File No. 02-031 DR/FSH) and modification (File No. 18-044 MOD). As detailed in the narrative (Exhibit B), the proposed modifications are to site plan design, site amenities, and building exterior design. The primary changes include an increase in the overall building footprints, a decrease in shared outdoor recreation area, the addition of an office, the addition of a covered mail facility, relocation of the trash/recycling facility, relocation of the fire sprinkler riser rooms, and changes to the building elevations in relation to roofs, entries, stairwells, and siding and base materials.
6. Final Order 02-031 DR/FSH contained multiple conditions of approval, with modifications as approved in the final order for File No. 18-044 MOD. Unless otherwise stated, **all conditions of approval described in Final Order 02-031 DR/FSH as modified by Final Order 18-044 MOD shall continue to apply to the subject property. In the event of a conflict between a condition in this order and a condition in Final Order 02-031 DR/FSH or Final Order 18-044 MOD, the condition in this order shall take precedence.**
7. 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 in 2003, the Sandy Development Code did not contain the existing two-year approval criteria. The modification request (File No. 18-044 MOD) was approved March 20, 2019 and will expire March 20, 2021 unless the applicant has submitted plans for building permit approval. With approval of this application (File No. 20-052 MOD), the expiration will be extended an additional two (2) years to February 10, 2023. **No additional extensions shall be granted for this proposal; the design review approval shall be void after February 10, 2023.**
8. This modification proposal is a Type I review so neighborhood notice is not required.
9. Agency comments were received from the Fire Marshal (Exhibit D).
10. The submitted elevations for Building E (Exhibit C, Sheet A5.1) contain proposed lettering on the east elevation, which would be considered a sign and would need to be processed through a

separate sign permit application. **The applicant shall obtain a separate permit for any proposed signage.**

11. With this modification request (File No. 20-052 MOD), the applicant is proposing apartments. The previous design review and modification applications (File Nos. 02-031 DR/FSH and 20-052 MOD) were for condos. The final order for File No. 20-052 MOD contained a condition related to addressing condos; however, apartments have a different addressing fee. **The applicant shall pay addressing fees per the adopted fee schedule.**
12. The following findings are organized by proposed modifications to site plan design, site amenities, and building exterior design based on the applicant's modification requests identified in the submitted narrative (Exhibit B).

Site Plan Design Modifications

13. The narrative (Exhibit B) indicates that the applicant is requesting modifications to four elements of site plan design: building footprints, inclusion of a rental office, apartment covered entry/stairwell, and fire sprinkler riser rooms.
14. Building Footprints. The narrative (Exhibit B) states: "The Proposed redesign features slightly larger Living Unit floor plans that have been modified to conform to current A.D.A. and ANSI handicap codes and to improve overall livability. The revised building footprints maintain the previous front wall locations and building lengths of the previous site plan. The change occurs with the front to rear dimension." Section 17.90.80(B) contains provisions for a minor modification request and states that Minor Modifications may include any of the changes listed under major modifications in Section 17.90.80(A) provided the change is below the quantifiable thresholds for a Major Modification. Section 17.90.80(A.5) states that an increase in the total ground area proposed to be covered by structures or parking by more than 10 percent from what was previously specified is processed as a major modification. The narrative (Exhibit B) states: "The net effect of the building footprint changes equals an increase of total ground floor area from 22,393 s.f. to 23,998 s.f. This represents an increase of 1,605 s.f. or a 7.2% increase from the approved site plan." A 7.2 percent increase in the building footprint area is less than the 10 percent threshold and can therefore be processed as a minor modification. The requested building footprint increase does not affect required setbacks. In particular, the setback from the west property boundary was required to be 25 feet per the City Council Decision for File No. 02-031 DR/FSH. The Site Plan (Exhibit C, Sheet A1.1) details Buildings I and J at 25'-2" and 25' from the west property boundary, respectively, in compliance with the Council's decision. In addition, Buildings E and F remain located outside of the 25-foot setback from 25 percent or greater slopes.
15. Rental Office. The narrative (Exhibit B) states: "A new on-site rental office is proposed at the east end of building "G". The total gross floor area of the new office and storage = 400 s.f. total." The rental office is proposed to be attached to Building G and the area of the rental office is part of the requested increase in building footprints, which is within the threshold for a minor modification. The addition of an on-site office will require additional parking analysis, which is covered in Finding 18 of this document.

16. Apartment Covered Entry/Stairwells. The narrative (Exhibit B) states: “The exterior entry stairwells widths have increased for improved tenant pedestrian access and fire exiting at Buildings “E”, “F”, “H” & “I”. The space for this increase is taken from within the living units.” As indicated in the narrative, the additional stairway width is being taken from within the apartment buildings and is not increasing the overall building footprints.
17. Fire Sprinkler Riser Rooms. The narrative (Exhibit B) states: “The fire sprinkler riser rooms have been relocated from the Common Entry stairwell to the center rear of each building.” The Fire Marshal reviewed the updated proposal and provided comments (Exhibit D). **Construction documents detailing compliance with fire apparatus access and fire protection water supply requirements shall be provided to Sandy Fire District for review and approval upon building permit submittal. The applicant shall adhere to all conditions outlined in the Fire Marshal comments (Exhibit D) including providing a key lock box (KNOX brand) located at the riser room of each building.**
18. The overall increase in building footprint results in decreased area outside of the building footprints (i.e., the overall site), which results in less shared outdoor recreation area. Section 17.90.80(A.6) states that a reduction of project amenities provided, such as civic space, recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified is processed as a major modification. The narrative states: “The proposed changes decrease the Common Outdoor Recreation area from 15,600 s.f. to 14,380 s.f. This represents a decrease of 1,220 s.f. or a 7.8% decrease from the approved site plan.” A 7.8 percent decrease in common outdoor recreation area is less than the 10 percent threshold and can therefore be processed as a minor modification. Per the submitted Site Plan (Exhibit C, Sheet A1.1), the 69-unit proposal requires 13,800 square feet of shared outdoor recreation area. The modified proposal submitted as part of this application (File No. 20-052 MOD) includes 14,380 square feet of shared outdoor recreation area in compliance with Section 17.90.160(I).
19. The proposed Site Plan (Exhibit C, Sheet A1.1) details 129 parking spaces, which is one less than the previous submittal with File No. 18-044 MOD. However, based on the 69 proposed units, the previous submittal only required 128 parking spaces. The modified proposal includes a new 400 square foot office with one office employee who lives on-site. Thus, the proposed modification requires a minimum of 128 parking spaces for the 69 apartment units, as previously identified, as well as 1 parking space per 400 square feet of office space plus 1 per 2 employees. Because the office employee will be living in one of the units on-site, the parking required for that employee is already accounted for in the apartment parking analysis. Based on the proposed 400 square foot office area, one (1) additional parking space will be required for a total of 129 parking spaces, as detailed in the submitted Site Plan. Of the 129 required parking spaces, 79 will be standard parking spaces, 45 will be compact parking spaces, and 5 will be ADA parking spaces, in compliance with Chapter 17.98 and ORS 447.233.

Site Amenity Modifications

20. The narrative (Exhibit B) indicates that the applicant is requesting three site amenity modifications: covered mail, outdoor patio adjacent to office, and trash/recycling facilities.

21. Covered Mail. The narrative (Exhibit B) states: “The two covered mail areas have been combined into a single central mail structure located near the new rental office. This location was previously occupied by the trash/recycling structure.” The applicant submitted a floor plan and elevations for the proposed mail structure (Exhibit C, Sheet A1.2). The elevations detail a gabled roof, wooden posts and trim, and a stone base, all of which are SandyStyle elements. The elevations also detail hardie cement shingle siding on the gabled ends, which will be painted. **The applicant shall choose a paint color for the covered mail facility from the approved Sandy Color Palette in Appendix C of the Development Code that matches or compliments the color palette of the primary buildings. The applicant shall submit the proposed color to staff for review and approval.**
22. Outdoor Patio Adjacent to Office. The narrative (Exhibit B) states: “A concrete patio with space for a picnic table and bike parking is proposed on the east end of Building “G”, adjacent to the central mail structure. This area will provide a common gathering spot for tenants visit or sort review their mail.” The proposed location of the office and patio was a landscaped area with the previous submissions (File No. 02-031 DR/FSH and 18-044 MOD). The submitted Site Plan (Exhibit C, Sheet A1.1) indicates that the minimum landscaping requirements will continue to be met with the proposed modifications.
23. Trash/Recycling Facilities. The narrative (Exhibit B) states: “The revised trash/recycling enclosure is re-located to a more central site location with a slightly larger size to accommodate a trash compactor unit. The on-site trash compactor is proposed to reduce the frequency of trash collection traffic. A split face masonry enclosure wall is proposed at 8 feet in height to screen all containers and equipment from public view.” The applicant submitted a floor plan and elevations for the trash/recycling enclosure (Exhibit C, Sheet A1.2). The proposed walls will be “Integral Color – Split Face CMU.” **The applicant shall confirm that the proposed integral stone CMU matches or compliments the primary buildings in terms of stone type and color.** Hoodview Disposal and Recycling typically requires the applicant to verify the level of service to determine if the trash/recycling enclosure is adequate size. **The applicant shall verify the size of the trash and recycling containers and appropriate pick-up location with Hoodview.**
24. The proposed locations for the mail and trash/recycling facilities are adjacent to required landscape planters at the ends of parking bays, which are required to contain a structural tree and groundcover. As a condition of approval for File No. 18-044 MOD, the applicant is required to submit an updated Landscape Plan in conformance with Chapters 17.92 and 17.98. That condition still stands.

Building Exterior Design Modifications

25. The narrative (Exhibit B) states that the applicant is requesting modifications to four elements of building design: building roof lines, building entry designs, exterior siding materials, and building wainscot base.
26. Building Roof Lines. The narrative (Exhibit B) states: “Roof lines have been simplified with the elimination of intermediate saddle and hip roofs. Large gables on the front of the buildings have been scaled down and some changed to dormers to reduce the overall scale of all building primary facades.” Section 17.90.160 (A) contains standards for roofs and requires roofs to have a

minimum pitch of 3:12 with at least a 30-inch overhang. The proposed elevations (Exhibit C, Sheets A5.1-A5.6) detail a combination of 7:12 and 4:12 roof pitches in compliance with the code. The elevations do not include a scale and roof overhangs are not dimensioned out. **The applicant shall confirm that the roof overhangs are at least 30 inches.**

27. Building Entry Designs. The narrative (Exhibit B) states: “All covered entries to apartments and the new office feature a low entry structure with an open timbered truss appearance with a vaulted roof. The roof pitch of these entry structures has been increased to create more importance to each entry. Each stairwell has been opened up with the elimination of the front wall to introduce more natural light into the covered stairways and promoted better Fire Department access.” Section 17.90.160(B) contains provisions for building entries. The applicant is not proposing changes to the location of the building entries; the primary changes are to open up the stairwells to natural light and increase the roof pitch over the entries. Section 17.90.160(B.1) requires entries to be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry. The proposed modifications to the entries include gabled roofs at a 9:12 pitch with wood posts and a decorative stone base, which are all common SandyStyle elements.
28. Exterior Siding Materials. The narrative (Exhibit B) states: “The revised building exterior elevation designs incorporate the same cladding materials as the previous with the addition of board and batten siding and an additional (broader) lap siding profile.” Section 17.90.160 does not contain specific standards for siding. The submitted elevations (Exhibit C, Sheets A5.1-A5.6) detail hardie cement panel board and batt siding (vertical), hardie cement lap siding (horizontal) hardie cement wide exposure lap siding, hardie cement shingle, hardie trim board, hardie belly band, hardie wainscot trim, and decorative stone veneer, all of which are common SandyStyle siding materials. The submitted elevations do not detail proposed colors. **The applicant shall submit proposed building colors in compliance with the Sandy Color Palette in Appendix C of the Development Code for staff review and approval. The applicant shall submit additional details on the color/material of the proposed decorative stone veneer.**
29. Building Wainscot Base. The narrative (Exhibit B) states: “The previous design had a decorative stone veneer on the front the buildings and no wainscot on the sides or rear. The proposed design introduces a second wainscot type with the addition of a horizontal trim board aligning with the top of the stone veneer and a new (broader) lap siding profile below. This additional wainscot type allows for the wainscot base to extend around the ends of all buildings and the rear on the downhill buildings “E”, “F” and “J”. The use of the decorative stone veneer wainscot is now concentrated at the entry structure column bases and at the protruding wall elements on the front facades of each building. This combination of wainscot materials helps visually to scale-down the perceived height of the buildings and create a hierarchy of materials focusing on the main entries and predominate façade elements. The wainscot at the rear of buildings “E”, “F” and “J” has a taller height of 5’ to 7’ which occurs below the first floor decks and creates a strong and interesting base material scaling down these taller walls exposed to public view.” Section 17.90.160 does not contain specific standards for base material. The mix of decorative stone veneer and hardie cement wide exposure lap siding is consistent with the SandyStyle.

30. Section 17.90.80 states that a substantial change in building elevation and materials is processed as a major modification. While the building elevations submitted with this application (File No. 20-052 MOD) look different than those submitted with the previous applications (File No. 02-031 DR/FSH and 18-044 MOD), staff finds that the proposed changes are consistent with the code. The narrative (Exhibit B) states: “In general the exterior architecture has been modified to be more consistent with the character of the “Sandy Style” promoted by the Sandy development code.” Staff agrees that the modified building exterior elevations contain more SandyStyle elements than the previous approval. Because the proposed changes to the building elevations don’t bring the proposal out of compliance with the code (and arguably align better with SandyStyle), the changes to building elevation are not considered ‘substantial’ in terms of the code and can be processed as a minor modification.

DECISION

The Trickle Creek Apartments (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 21, 2020.

CONDITIONS OF APPROVAL

- A. Unless otherwise stated, all conditions of approval described in Final Order 02-031 DR/FSH as modified by Final Order 18-044 MOD shall continue to apply to the subject property. In the event of a conflict between a condition in this order and a condition in Final Order 02-031 DR/FSH or 18-044 MOD, the condition in this order shall take precedence.**
- B. Prior to issuance of the grading and erosion control permit the applicant shall pay addressing fees per the adopted fee schedule.**
- C. Prior to submittal of a building permit, the applicant shall:**
1. Submit proposed building colors in compliance with the Sandy Color Palette in Appendix C of the Development Code for staff review and approval.
 2. Submit a proposed color for the covered mail facility to staff for review and approval. The applicant shall choose a paint color from the approved Sandy Color Palette in Appendix C of the Development Code that matches or compliments the color palette of the primary buildings.
 3. Submit additional details on the color/material of the proposed decorative stone veneer.
 4. Confirm that the roof overhangs are at least 30 inches.
 5. Confirm that the proposed integral stone CMU matches or compliments the primary buildings in terms of stone type and color.

6. The applicant shall verify the size of the trash and recycling containers and appropriate pick-up location with Hoodview.

D. Prior to occupancy, obtain approved final inspections for all permits.

E. Construction documents detailing compliance with fire apparatus access and fire protection water supply requirements shall be provided to Sandy Fire District for review and approval upon building permit submittal. The applicant shall adhere to all conditions outlined in the Fire Marshal comments (Exhibit D) including providing a key lock box (KNOX brand) located at the riser room of each building.

F. 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. No additional extensions shall be granted for this proposal; the design review approval shall be void after February 10, 2023.
2. The applicant shall obtain a separate permit for any proposed signage.
3. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
4. 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.
5. 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.