

**FINDINGS OF FACT AND FINAL ORDER
TYPE III LAND USE PROPOSAL**

DATE: November 24, 2021

FILE NO.: 21-046 DR/VAR/ADJ/FSH

PROJECT NAME: The Pad Townhomes

APPLICANT: Axis Design Group Architecture and Engineering

OWNER: Miles Rusth

PHYSICAL ADDRESS: 17650 Meinig Avenue

LEGAL DESCRIPTION: 24E 13DB Tax Lot 1500

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EXHIBITS

Applicant's Submittals:

- A. Land Use Application
- B. Project Narrative
- C. Plan Set (July 16, 2021)
 - Sheet G000 – Cover Sheet and Project Description
 - Sheet C1 – Existing Conditions
 - Sheet C2 – Civil Site Design
 - Sheet C3 – Utility Plan
 - Sheet C4 – Grading and Erosion Control Plan
 - Sheet C5 – Tree Preservation Plan
 - Sheet L1 – Planting Plan
 - Sheet L2 – Landscape Notes and Details
 - Sheet A101 – Site Plan (Existing)
 - Sheet A102 – Site Plan (Proposed)
 - Sheet A201 – First and Second Floor Plans
 - Sheet A221 – Exterior Elevations, Proposed North Building “A”
 - Sheet A222 – Exterior Elevations, Proposed South Building “B”
 - Sheet LT1 – Photometric Plan
- D. Updated Plan Set (September 13, 2021)
 - Sheet C4 – Grading and Erosion Control Plan
 - Sheet C5 – Tree Preservation Plan
 - Sheet L1 – Planting Plan
 - Sheet A101 – Site Plan (Existing)
 - Sheet A102 – Site Plan (Proposed)
- E. Stormwater Report
- F. Arborist Report
- G. Traffic Impact Study
- H. Supplemental Narrative (October 18, 2021)

Agency Comments:

- I. BPA (September 28, 2021)
- J. Sandy Fire District No. 72 (September 28, 2021)
- K. Sandy Area Metro (October 18, 2021)
- L. Traffic Engineer (October 19, 2021)
- M. Sandy Public Works (October 27, 2021)

Additional Documents:

- N. Planning Commission Staff Report from November 22, 2021
- O. Staff Presentation from November 22, 2021

FINDINGS OF FACT

GENERAL FINDINGS

1. These findings are based on the applicant's submittals received on July 16, 2021. Staff found the application incomplete on August 13, 2021. Additional materials were received by the applicant on September 15, 2021. With these materials, staff deemed the application complete on September 20, 2021. The 120-day deadline is January 18, 2022.
2. This report is based upon the exhibits listed in this document, including the applicant's submittals and agency comments.
3. The subject site is approximately 0.59 acres. The site is located at 17650 Meinig Avenue. It is important to note that the subject property is just north of where Highway 211 becomes Meinig Avenue. The address for this site is from Meinig Avenue, but that appears to have been assigned in error. The recent jurisdictional transfer of Highway 211 from ODOT to the City of Sandy includes the land to the west of the subject property as part of Highway 211. The applicant shall apply for an address change and pay associated fees.
4. The parcel has a Comprehensive Plan Map designation of High Density Residential and a Zoning Map designation of High Density Residential (R-3).
5. The applicant, Axis Design Group Architecture and Engineering, submitted an application to construct 10 townhouse-style apartment units on the subject property. The proposed name of the development is "The Pad Townhomes", but the actual use is multi-family dwellings as defined in the Sandy Development Code. The proposal also includes frontage improvements, utility extensions, a Type II adjustment, a Type II variance, and a Type II FSH review.
6. The applicant submitted the application as a Type II design review. SDC Section 17.12.20 states: "If the Director contemplates persons other than the applicant can be expected to question the application's compliance with the Code, the Director may elevate an application to a Type III review." Based on generally high public interest in residential development in Sandy and the fact that the proposed development abuts a major park facility, the Development Services Director elevated this application to a Type III decision to be heard and considered by the Planning Commission. Additionally, upon further review of the application, staff discovered that what was applied for as a Type II variance in fact constitutes a Type III Special Variance. The notice labels provided by the applicant were for the properties within 300 feet of the subject property consistent with a Type II land use application. Staff obtained mailing labels for properties within 500 feet, as required for a Type III review, and sent the notice to property owners within 500 feet of the subject property.
7. The City of Sandy completed the following notices:
 - A. A transmittal was sent to agencies asking for comment on September 22, 2021.
 - B. Notification of the proposed application was mailed to affected property owners within 500 feet of the subject property on October 25, 2021.
 - C. A legal notice was published in the Sandy Post on November 10, 2021.

8. No public comments were received prior to the public hearing and no one, other than the applicant's representatives Tracy Brown and Steven Maguire, testified at the Planning Commission hearing on November 22, 2021.
9. The Planning Commission met on November 22, 2021 and approved File No. 21-046 DR/VAR/ADJ/FSH with the staff recommendations and conditions in the staff report, with modifications to the four conditions as presented by the applicant and agreed to by staff.

DENSITY CALCULATIONS – Chapter 17.30

10. The total gross acreage for the entire property is 0.59 acres. There are no right-of-way or other public dedications, so the net acreage is also 0.59 acres.

11. The subject property is zoned High Density Residential (R-3); therefore, a minimum of 10 and a maximum of 20 units per net acre are allowed. The minimum density for the subject property is 6 units ($0.59 \text{ net acres} \times 10 \text{ units/net acre} = 5.9$ rounded up to 6 units). The maximum density for the subject property is 12 units ($0.59 \text{ net acres} \times 20 \text{ units/net acre} = 11.8$ rounded up to 12 units). The applicant is proposing 10 units, which is within the allowable density range.

HIGH DENSITY RESIDENTIAL – Chapter 17.40

12. The subject property is zoned High Density Residential (R-3). The applicant proposes constructing 10 multi-family dwellings as permitted in this zoning district. Section 17.40.30 contains the design standards for this zone.
13. Section 17.40.30(C) requires all lots to have a minimum lot frontage of 20 feet. The applicant is proposing approximately 235 feet of frontage, meeting this standard.
14. Section 17.40.30(C) requires the following setbacks:
 - A. Front yard: 10 foot minimum; the applicant is proposing 10 foot 7 inch setback.
 - B. Rear yard: 15 foot minimum; the applicant is proposing a 15 foot setback.
 - C. Side yard (interior): 5 foot minimum; the applicant is proposing a 5 foot setback to the south and a 11 foot 5 inch setback to the north.

For the purposes of determining setbacks, the Highway 211 frontage of the property is considered the front lot line, the sides are the north and south property lines, and the east property line is the rear lot line.

15. Section 17.40.30(C) requires that 25 percent of R-3 land be landscaped. The applicant is proposing that 33 percent of the property be landscaped in compliance with the code requirement.
16. Section 17.40.30(C) requires that the maximum height of buildings be 35 feet. The applicant is proposing a maximum building height of 22 feet in compliance with the code requirement.
17. Section 17.40.40(A) requires that water service be connected to all dwellings in the proposed development. Per the submitted narrative (Exhibit B) and utility plan (Exhibit C, Sheet C3), the applicant proposes to extend water service to serve all dwellings on the subject site.
18. Section 17.40.40(B) requires that all proposed dwelling units be connected to sanitary service. Sheet C3 (Exhibit C) shows the proposed sewer plan. According to comments from the Public Works Director (Exhibit L), the utilities plan shows a sanitary sewer connection to an abandoned force main in the Hwy 211 right-of-way. This pipe cannot provide sanitary sewer service to the site. **The applicant shall connect the sanitary sewer lateral to a public sewer line in the adjacent right-of-way. Alternatively, the applicant may obtain a public utility easement for the sewer line through Meinig Park from the city. Under the alternative easement scenario, the applicant shall submit a preliminary design to the Public Works Department for review and request the easement from the Parks and Trails Advisory Board. A final decision to grant the easement must be approved by the City Council.**
19. Section 17.40.40(C) requires that the location of any real improvements to the property must provide for a future street network to be developed. The applicant's narrative (Exhibit B) states that, because of the location of the subject property, no street connections are anticipated.

20. Section 17.40.40(D) requires that all dwelling units must have frontage or approved access to public streets. The subject property will be developed as a single parcel. This parcel has frontage on Highway 211 as required. A single access is proposed.

ADDITIONAL SETBACKS AND SPECIAL SETBACKS – Chapters 17.80 and 17.82

21. Chapter 17.80 requires all residential structures to be setback at least 20 feet to collector and arterial streets. Highway 211 is a major arterial. The applicant is requesting a Type III special variance to this requirement to reduce this setback to 10 feet 7 inches for Building A and 13 feet 11 inches for Building B. The requirements for processing and approving a Type III special variance can be found on page 10 of this document.
22. According to Section 17.80.00, the requirement of additional special setbacks for development on arterial or collector is intended to provide better light, air, and vision on more heavily traveled streets. Because there is a significant amount of unused right-of-way between the subject property and Highway 211, the actual setbacks as measured between the west edges of the buildings and the curb line of Highway 211 would be 30 feet for Building A and 50 feet for Building B. This would meet the intent of Chapter 17.80.
23. Section 17.82.20(A) requires that all residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street. Highway 211 is a transit street. As explained in the supplemental narrative (Exhibit H) and as shown in the updated plan set (Exhibit D, SheetA102), the proposed design features all units oriented to a private walkway connecting to the public sidewalk along Highway 211. This design is intended to provide pedestrians with a convenient, direct, and accessible route to and from the building entrances and the street.
24. Section 17.82.20(B) requires that dwellings shall have a primary entrance connecting directly between the transit street and building interior and outlines requirements for the pedestrian route. A concrete walkway is proposed to be constructed from the front door of each unit to a continuous concrete walkway in front of all units and to the sidewalk along Highway 211.
25. Section 17.82.20(C) requires that primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth. As shown on submitted architectural plans (Exhibit C, Sheets A221 and A222), all units feature a covered porch in compliance with this standard.

ADJUSTMENTS AND VARIANCES – Chapter 17.66

26. The applicant is requesting a Type II adjustment to Section 17.90.160(D) requiring the vertical face of a structure facing a public street, pedestrian way, or an abutting residential use to provide an eight foot offset every 20 feet. As shown on submitted plans (Exhibit C, Sheets A221 and A222), the design features an eight foot recessed entry every 24 feet. As such, the applicant is requesting a Type II adjustment to exceed the 20 foot standard by four feet.
27. Section 17.66.40 outlines four criteria necessary to be met in order to approve a Type II adjustment. They are as follows:
- A. The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City.
 - B. The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code.
 - C. The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks.
 - D. Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.
28. The Planning Commission determined that the Type II adjustment request does not violate any of the criteria listed here.
- A. Approval of a four-foot increase for this standard will not affect the functionality or aesthetics of the proposed design or any other adopted policy or standard.
 - B. Approval of this request to widen the building facade by four feet without an offset will have no effect on the amount of privacy enjoyed by users of nearby structures.
 - C. Approval of this request to widen the building facade by four feet without an offset will not adversely affect traffic, drainage, land forms, or parks.
 - D. The subject property does not abut other property with existing structures within close proximity of the proposed multi-family buildings and the subject site is currently vacant. The nearest structures are Joe’s Donuts, City Hall, and a building located across Highway 211 at 39150 Pioneer Blvd. (i.e., the Smith Building). All of these older structures are different from each other and are not designed according to current development code standards. The proposed multi-family buildings are designed in compliance with adopted design standards with this exception to offset distances. The requested adjustment will not affect the aesthetic quality of the proposed design and the proposal complies with this criteria.
29. As discussed in findings 20 and 21, the applicant also initially requested a Type II variance related to the required setback on Highway 211, a major arterial. Chapter 17.80 requires a 20 foot setback, but the applicant is requesting a variance to this requirement to reduce this setback to 10 feet 7 inches for Building A and 13 feet 11 inches for Building B.

30. One of the requirements in applying for a Type II variance is to show that the circumstances necessitating the variance are not of the applicant's making. After conferring with the City Attorney, staff determined that the circumstances are of the applicant's making as the need for the variance is driven by the applicant's specific site plan. Therefore, staff elevated the request to a Type III special variance.
31. According to Section 17.66.80, the Planning Commission may grant a special variance waiving a specified provision under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development.
32. One of three criteria found in Section 17.66.80 must be met in order to approve a Type III special variance. The first criterion is most applicable here:
 - A. The unique nature of the proposed development is such that the intent and purpose of the regulations and of the provisions to be waived will not be violated, and authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.
33. The Planning Commission determined that the Type III special variance request does not violate any of the conditions listed here. The intent and purpose of a 20 foot setback from collector and arterial streets is to provide better light, air and vision on more heavily traveled streets. The additional setback, on substandard streets, will protect collector and arterial streets and permit the eventual widening of streets. As noted in finding 21, because of the large piece of right-of-way existing between the property and the curb of Highway 211, approval of this variance would meet the intent of Chapter 17.80.
34. The Planning Commission also found that approving a Type III special variance would not be detrimental to public welfare or surrounding property. No public comments from surrounding property owners were received and waiving a setback requirement has no connection to adjacent property values or potential land uses. Further, because of the additional right-of-way between the Highway 211 curb and the subject property, vision clearance for drivers will not be negatively impacted by approving this special variance.
35. For the reasons outlined above, the Planning Commission approved a special variance to Section 17.80.20 to reduce the required 20 foot setback to 10 feet 7 inches for Building A and 13 feet 11 inches for Building B.

TRANSPORTATION – Chapter 17.84

36. The applicant submitted a Traffic Impact Study with the application materials (Exhibit G). While a TIS is not required per conditions met in Section 17.85.50(B)(1), this Study was done for a previous townhouse-apartment style development proposal containing 12 dwelling units on the subject site prior to adoption of the aforementioned code section. One limitation of this TIS is that it assumes a connection between Dubarko Road and Highway 26, which was proposed as part of a previously denied subdivision application. However, based on agreement between the City's traffic engineer and Public Works Director, the impacts of this assumption are likely to be minimal.
37. The Traffic Impact Study was performed by Ard Engineering and is dated August 25, 2020. It was reviewed by the City's traffic engineer during the application review process.
38. There was considerable discussion and concern among staff, the applicant team, and the City's traffic engineer regarding the location of the driveway approach on Highway 211 relative to surrounding roads and intersections. Multiple site access points were analyzed by the applicant's traffic engineer at the request of ODOT staff, and the proposed site access on Highway 211 opposite Tupper Road was determined to be the safest.
39. The TIS study area included analysis of Pioneer Boulevard at Highway 211, Highway 211 at the City Hall/Joe's Donuts driveway, and Highway 211 at the proposed site driveway.
40. The AM and PM peak hour traffic counts at the study area intersections were developed from counts conducted on Highway 26 and on Highway 211 during 2019. These counts were utilized because current counts were thought to be unrepresentative of actual conditions due to the COVID-19 pandemic which may have altered traffic volumes.
41. The TIS calculates that a 12-unit multi-family development would produce 6 AM peak hour trips, 7 PM peak hour trips, and 88 total daily trips. We can safely assume that the proposed 10-unit multi-family development would produce fewer peak hour and total daily trips than a similar development with 12-units.
42. In addition to the trip count analysis, a queuing analysis was conducted to determine whether northbound queues on Highway 211 may extend to the proposed driveway during the peak hours. According to the analysis results, the proposed driveway is within the existing 95th percentile queue length during the morning and evening peak hours, although it is outside the average projected queue lengths during the peak hours.
43. Accordingly, the applicant proposes some form of turning movement restriction in order to avoid having vehicles make potentially unsafe left-turn maneuvers through stopped vehicle queues and to avoid congestion within the through travel lanes which may occur when vehicles stop within an otherwise free-flowing travel lane to wait to make left turns across these queues. Such restrictions could include a raised center median in Highway 211 or a right-in right-out "pork chop" diverter within the new driveway approach.

44. However, according to the City's Public Works Director, a center median in Highway 211 could also block the intersection of Tupper Road and Highway 211, turning it into a right-in right-out intersection (Exhibit M). **The applicant shall be required to construct a center median that doesn't interfere with left turns to and from the Tupper Road/Hwy 211 intersection or construct a right-in-right-out site access as mitigation for the traffic, operational, and safety impacts of the development. Construction plans for either option should be submitted to the City for review and approval. Any required street widening on Hwy 211 necessary to accomplish either alternative shall be constructed by the applicant.**
45. Sections 17.84.50(F) and 17.84.50(G) require public streets to be improved to City standards along the entire frontage of the property. **The applicant shall be required to construct site frontage improvements including but not limited to half-street improvements, curbs, sidewalks, street trees, street lighting, and storm drainage improvements. In addition, the applicant shall construct a connection between the proposed site frontage sidewalk and the existing asphalt pedestrian path in Meinig Park that currently extends into the Hwy 211 right-of-way.**

DESIGN STANDARDS – Chapter 17.90

46. Section 17.90.160 includes all design requirements for multi-family developments. Both buildings proposed in this development contain similar design elements. Building A is proposed to contain four units and Building B is proposed to contain six units.
47. Section 17.90.160(A) contains requirements for roofs. Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-inch overhang and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 feet have roofs similar to what is proposed. The proposed structures feature both 6:12 and 8:12 roof pitches exceeding the minimum 3:12 roof pitch standard. The proposed roof overhangs 30-inches measured to the outside edge of the gutter. The proposal complies with this section.
48. Section 17.90.160(B) contains requirements for entries. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible. The entry door for all units will face the access drive and pedestrian walkway and are covered by an awning in compliance with this section.
49. Section 17.90.160(C) contains requirements for facades. Building facades shall 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 front facade of all proposed buildings are articulated by a recessed entry with covered awning, and projecting gable end with a considerable number of windows in compliance with this section.
50. Section 17.90.160(D) contains requirements for articulated building faces. Along the vertical face of a structure, when facing a public street, pedestrian way, or an abutting residential use, offsets shall occur at a minimum of every 20 feet by providing recesses of a minimum depth of eight feet or extensions with a minimum depth of eight feet. As shown on submitted plans the front door of each unit is recessed eight feet and there are 24-feet of vertical face between recesses. The proposed design exceeds this standard by 4-feet and a Type II Adjustment has been requested.
51. Section 17.90.160(E) contains requirements for private outdoor areas. A separate outdoor area of not less than 48 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences or shrubs. Each unit features a 50 square foot outdoor patio area or deck in compliance with this section.
52. Section 17.90.160(F) contains parking lot requirements. Parking lots in multi-family developments shall not occupy more than 50 percent of the frontage of any public street abutting the lot or building. The proposed parking and maneuvering area occupies only 25 percent of the Highway 211 street frontage in compliance with this section.

53. Section 17.90.160(G) contains requirements for individual storage areas. Enclosed storage areas shall be required and may be attached to the exterior of each dwelling unit and are required to be at least 36 square feet for 2 bedroom units. Each unit includes a 38 square foot individual storage area in compliance with this section.
54. Section 17.90.160(I) contains requirements for shared outdoor recreation areas. Multi-family residential development shall provide usable recreation areas for developments containing more than 5 dwelling units at the rate of 200 square feet per dwelling unit. The proposed 10-unit multi-family project requires 2,000 square feet of shared outdoor recreation area (10 x 200 = 2,000). As shown on the Site Plan (Exhibit D, Sheet A102), approximately 2,430 square feet of shared outdoor area is proposed. This area includes two outdoor recreation areas; one located in the center of the multi-family complex with a play structure and benches and a second area to the west of Building B with tables. The proposal complies with this standard to provide outdoor recreation area.
55. Section 17.90.160(J) contains requirements for safety and security. The applicant shall provide an outdoor lighting system which facilitates police observation and resident observation through strategic location, orientation, and brightness without being obtrusive by shining into residential units or adjacent residential developments. A Lighting Plan is included with the plan set (Exhibit C, Sheet LT1) in compliance with this section. **The applicant shall establish a directory which clearly orients visitors and emergency service providers as to the location of residential units. If possible, this system should be evident from the primary vehicle entryway.**
56. Section 17.90.160(K) contains requirements for service, delivery, and screening. Requirements include postal delivery areas and garbage collection and recycling areas in convenient locations. According to the Site Plan (Exhibit D, Sheet A102), a garbage enclosure is included along the rear property line. A mail box is included on the north side of the entrance drive. This section also requires that garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access. Outdoor storage areas, garbage containers and recycling bins shall be screened from view using a six foot solid sight obscuring wall or fence or evergreen plant materials. Additionally, the applicant must provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas, and parking areas. According to the Site Plan (Exhibit D, Sheet A102), the garbage area does have a concrete floor surface, as well as separate truck and pedestrian access points.
57. Section 17.90.160(L) contains requirements for electrical and mechanical equipment. On- and above-grade electrical and mechanical equipment such as transformers, heat pumps, and central air conditioner units shall be screened with sight obscuring fences, walls or landscaping. The applicant proposes that all electrical and mechanical equipment are either within an enclosed structure or will be screened using landscape materials as required.

PEDESTRIAN AND BICYCLE IMPROVEMENTS – Chapter 17.84

58. Section 17.84.20(A)(1) requires that all improvements shall be installed concurrently with development or be financially guaranteed. **The site shall have required public and franchise utility improvements installed or financially guaranteed prior to temporary or final occupancy of structures.**

59. Section 17.84.30(A)(2) requires that all proposed sidewalks along arterial and collector streets shall be separated from curbs with a planting area. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 feet wide. The applicant is proposing a nine-foot sidewalk to be constructed along the Highway 211 frontage, which includes planting areas. However, given the residential nature of the development, **the applicant shall replace the tree wells with a 5-foot-wide planter strip and submit an updated site plan showing this change. This planter strip shall accompany a 6-foot-wide sidewalk.**

60. **Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.**

61. To ensure pedestrian connectivity to Meinig Park, **the applicant shall connect a pedestrian walkway from the subject site to the existing asphalt path in Meinig Park pursuant to Section 17.84.30(B).**

62. No other pedestrian or bicycle improvements are proposed as part of this development.

63. According to an email sent by the Sandy Area Metro Transit Director (Exhibit K), no transit amenities will be required with this development.

PARKING, LOADING, AND ACCESS REQUIREMENTS – Chapter 17.98

64. Section 17.98.20(A)(8) requires that each multi-family dwelling unit with 2 bedrooms or more shall provide at least 2 off-street parking spaces per unit. This development proposal requires a total of 20 off-street parking spaces. As shown on the site plan (Exhibit D, Sheet A102), 21 parking spaces are proposed, including one van accessible ADA space in compliance with this section.
65. Section 17.98.20(A)(8) also requires one bicycle space per multi-family dwelling unit. Section 17.98.160 outlines detailed requirements for bicycle parking facilities. The applicant proposes that each unit's individual storage will be fitted with a hanging rack to accommodate a bicycle as required. In addition, a two-space bike rack is provided near the northwest corner of Building B, presumably for visitors.
66. Section 17.98.50 relates to required setbacks of parking areas. Parking areas are required to be setback from a lot line adjoining a street the same distance as the required building setbacks, and the setback area shall be landscaped as provided in the City's code. The applicant is proposing the same parking facility setback as the building setback. Additionally, according to the landscape plan (Exhibit D, Sheet L1), the area within the parking facility setback is proposed to be landscaped with a mix of groundcover, shrubs, and trees.
67. Section 17.98.60(B) provides measurements for standard, compact, and ADA compliant parking spaces. All proposed parking spaces comply with the standards as specified in the development code, and no compact parking spaces are proposed. One van accessible ADA compliant space is provided as required by ORS 447.233 and the Americans with Disabilities Act. The proposed access aisle is located on the passenger side of the ADA space as required.
68. Section 17.98.60(C) requires that the aisle width for a single-sided, two-way traffic, 90 degree angle parking lot (like the one proposed in this development) is a minimum of 22 feet wide. The submitted site plan (Exhibit D, Sheet A102) details a 22-foot wide aisle behind all parking spaces as required.
69. Section 17.98.100 requires that a driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of 20 feet for a two-way drive. The site plan (Exhibit D, Sheet A102) indicates that a 22-foot wide driveway is proposed to access the proposed parking lot in compliance with this section.
70. Section 17.98.130 requires that all parking and vehicular maneuvering areas shall be paved with asphalt or concrete. As required by Section 17.98.130, **all parking, driveway, and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.**

UTILITIES – Chapters 17.84 and 15.30

71. The applicant submitted a Utility Plan (Exhibit C, Sheet C3) which shows the location of proposed private water, sanitary sewer, and stormwater drainage facilities.
72. Sheet C3 (Exhibit C) shows the proposed sewer plan. According to comments from the Public Works Director (Exhibit L), the utilities plan shows a sanitary sewer connection to an abandoned force main in the Hwy 211 right-of-way. This pipe cannot provide sanitary sewer service to the site. **The applicant shall connect the sanitary sewer lateral to a public sewer line in the adjacent right-of-way. Alternatively, the applicant may obtain a public utility easement for the sewer line through Meinig Park from the city. Under the alternative easement scenario, the applicant shall submit a preliminary design to the Public Works Department for review and request the easement from the Parks and Trails Advisory Board. A final decision to grant the easement must be approved by the City Council.**
73. Sheet C3 (Exhibit C) shows that water connection to the site will be from an existing water line along Highway 211.
74. **Broadband fiber service shall be detailed with building plans.**
75. **All utilities identified above shall be constructed concurrent with the proposed development. The applicant shall extend all utilities as necessary to serve the development as required by Section 17.84.60.**
76. Private utilities are allowed per Section 17.84.60 if the following conditions exist:
 - A. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties.
 - B. The development site remains in one ownership and land division does not occur.
 - C. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.
77. The Planning Commission determined that these conditions are satisfied. First, surrounding properties have already been developed, and therefore extension of a public facility through the site for adjacent development is not anticipated. Second, the applicant is not proposing land division of the subject property and is proposing that it remains under one ownership. Third, the design and construction of the private utility facilities will be reviewed by the City Building Official prior to construction during the building permitting process.
78. The proposed stormwater plan shows a gravity storm drain discharging to an existing roadside ditch in the Highway 211 right-of-way. **The applicant shall extend a storm line in the Highway 211 right-of-way to the existing ditch inlet to convey stormwater in a pipe to the public system.**

79. Section 17.84.80(E) requires that all franchise utility distribution facilities installed to serve new developments shall be placed underground with certain specific exceptions. The developer has proposed that all franchise utilities be installed underground.
80. **The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.**
81. Chapter 15.30 contains the City of Sandy's Dark Sky Ordinance. A lighting plan will be coordinated with PGE and the City as part of the construction plan process and prior to installation of any fixtures as required by Section 17.100.210.
82. The applicant is proposing four lighting fixtures in the parking area. The submitted photometric plan (Exhibit C, Sheet LT-1) shows the luminaire schedule and foot candle calculations for these fixtures.
83. **The locations of these fixtures shall be reviewed in detail with construction plans. Lights shall not exceed 4,125 Kelvins or 591 nanometers to minimize negative impacts on wildlife and human health.**
84. **The applicant shall submit lighting cut sheets to ensure full cut off in compliance with Sections 15.30.050 and 15.30.070.**
85. Section 17.84.100 outlines the requirements for mail delivery facilities. **The location and type of mail delivery facilities shall be coordinated with the City Engineer and the Post Office as part of the construction plan process.**
86. The Fire Marshal (Exhibit J) reviewed the proposal and provided general comments as well as comments related to fire apparatus access and firefighting water supplies. **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 concurrently with building permit submittal. Approved fire apparatus access roadways and an approved water supply for fire protection, either temporary or permanent, shall be installed and operational prior to any combustible construction or storage of combustible materials on site in accordance with OFC Chapter 33. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property, including monument signs. The address shall be plainly legible and visible from the road fronting the property and the same shall be on the dwelling plainly legible and visible when approaching the site. These numbers shall contrast with their background. Each new fire hydrant installed shall be ordered in an OSHA safety red finish and have a 4-inch non-threaded metal faced hydrant connection with cap installed on the steamer port. The applicant shall adhere to all other requirements of the Sandy Fire District.**

87. The Bonneville Power Administration (Exhibit I) reviewed the submitted materials and found no impact to their facilities.
88. As per the Sandy Public Works Director (Exhibit M), public utility and street plans for land use applications are submitted to comply with the requirements of the Sandy Municipal Code. **Land Use approval does not connote approval of utility or street construction plans which are subject to a separate submittal and review process.**

PARKLAND DEDICATION – Chapter 17.86

89. Section 17.86.10 contains a formula for determining the amount of land required to be dedicated. The formula is acres = proposed units x (persons/unit) x 0.0043. For 10 multi-family homes, acres = 10 x 2 x 0.0043 = 0.086 acres, rounded to 0.09 acres. The applicant is proposing to pay a fee-in-lieu of parkland dedication.
90. Per Section 17.86.40, at the City's discretion only, the City may accept payment of a fee in lieu of land dedication. A payment in lieu of land dedication is separate from Park Systems Development Charges and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs. The Parks and Trails Advisory Board (Board) met on October 6, 2021. During the meeting, the Board recommended a fee in lieu of parkland dedication given the size of the development and its proximity to Meinig Park.
91. **The applicant shall pay a fee-in-lieu of parkland dedication in the amount of \$21,690 (0.09 multiplied by \$241,000) to the City prior to issuance of building permits.**

LANDSCAPING AND SCREENING – Chapter 17.92

92. Section 17.92.10 contains general provisions for landscaping. The applicant submitted Landscape Plans (Exhibit D, Sheet L1) as required by this section. **All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.**
93. According to 17.92.10(B), **appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within 6 months.**
94. As required by Section 17.92.10(C), trees over 25-inches circumference (~ 8-inches DBH) measured at a height of 4.5 feet above grade are considered significant and should be preserved to the greatest extent practicable and integrated into the design of a development. The applicant submitted a tree preservation plan (Exhibit D, Sheet C5) and an arborist report detailing tree protection requirements (Exhibit F). The applicant is proposing to remove 17 and retain 2 trees on the subject property: Trees 2823 & 2898. The arborist report states that the inventory was completed on December 24, 2020. While this inventory was completed prior to the ice storms in early 2021, and some trees in the inventory may have been lost, because the subject property is less than an acre, no tree retention is actually required. **All conditions found on the Tree Protection Plan Notes (Exhibit F) shall be conditions for development. Additionally, trees to be retained shall be protected from damage during construction by a construction fence located 1 foot from the tree for every 1 inch trunk diameter. The applicant shall submit updated tree protection plans detailing this fencing.**
95. The subject property is located adjacent to Meinig Park, which contains many existing trees, all of which need to be protected. Per Section 17.92.10(C), **the applicant shall install tree protection fencing located 1 foot from the tree for every 1 inch tree diameter of all existing trees on the adjacent City properties. Tree removal on the subject site shall be completed under the supervision of the project arborist and the applicant shall fell the trees to be removed away from the trees to be retained on the subject property and on the adjacent City properties, so they do not contact or otherwise damage the trunks or branches of the trees to be retained.**
96. **The applicant shall install tree protection fencing located 1 foot beyond the tree for every one-inch trunk diameter to protect the 2 retention trees on the subject property (Trees 2823 & 2898) as well as all trees on the adjacent City properties. The tree fencing shall be installed prior to any development activity on the site, including clearing, tree removal, and erosion control measures, in order to protect the trees and the soil around the trees from disturbance. Sediment fencing shall be located outside the tree protection zones. If erosion control is required inside the tree protection zones, use straw wattles to minimize root zone disturbance of the trees to be retained. The applicant shall not relocate or remove the fencing prior to certificates of occupancy. The tree protection fencing shall be 6-foot-tall chain link or no-jump horse fencing supported with metal**

posts placed no farther than 10 feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches, placed every 75 feet or less) to the tree protection fencing with the following information: **TREE PROTECTION ZONE, DO NOT REMOVE OR ADJUST THE APPROVED LOCATION OF THIS TREE PROTECTION FENCING.** Please contact the project arborist if alterations to the approved location of the tree protection fencing are necessary. No construction activity shall occur within the tree protection zone, including, but not limited to, grading, clearing, excavation, access, stockpiling, dumping, or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of tree protection measures with City staff and the project arborist prior to any tree removal, grading, or other construction activity on the site. The applicant shall retain an arborist on site to monitor any construction activity within the tree protection area of the retention trees or trees on adjacent properties that have a dripline that would be impacted by development activity on the subject property.

97. **The applicant shall submit a post-construction report prepared by a TRAQ certified arborist to assess whether any of the retention trees were damaged during construction, including all trees on the adjacent City properties. If retention trees were damaged and need to be replaced, the mitigation ratio shall be 4:1.**
98. **As required by Section 17.92.10(D), the planter strip and landscape boundary areas used for required plantings shall have a minimum diameter of 5-ft. (2-1/2 ft. radius, inside dimensions).**
99. According to Section 17.92.10(E), in no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. **The applicant shall modify the Landscape Plan as required to address vision clearance requirements as necessary.**
100. Section 17.92.10(F) requires that landscaped planters and other landscaping features shall be used to define, soften, or screen the appearance of off-street parking areas and other activity from the public street. The applicant is proposing landscape planters at the ends of parking bays.
101. Section 17.92.10(K) requires that **all areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.**
102. Per Section 17.92.10(L), **all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.**
103. Section 17.92.20 outlines minimum landscaping and screening improvements according to the underlying zoning designation. High Density Residential (R-3) zoned areas must be 25 percent landscaped. As shown on the Landscape Plan (Exhibit D, Sheet L1), 33 percent of the site is proposed to be landscaped.

104. Section 17.92.30 states that planting of trees is required for all parking lots with four or more parking spaces and along public street frontages. The Landscape Plan (Exhibit D, Sheet L1) indicates that both sides of common parking areas will be bordered with a landscape planter to contain a mix of trees, shrubs, and ground covers.
105. Section 17.92.30 specifies that street trees shall be chosen from the City-approved list. Due to concerns with Asian Longhorn Beetle and Emerald Ash Borer as well as an interest in increasing species diversity, staff are not approving only maples or ashes as street trees at this time. **The applicant shall submit an updated planting plan with at least two-thirds of the proposed maples replaced with a different City-approved species.**
106. Section 17.92.40 requires that all landscaping shall be irrigated, either with a manual or automatic system. **The applicant shall submit details of the irrigation system with building plans.**
107. Section 17.92.50 specifies the types and sizes of plant materials that are required when planting new landscaping. The applicant's Landscape Plan (Exhibit D, Sheet L1) meets the standards of this section.
108. 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. **Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction to maintain erosion control for a period of two (2) years following the date of recording of the final plat associated with those improvements.**
109. Section 17.92.70 requires that landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped. As shown on the Landscape Plan (Exhibit D, Sheet L1), the area between the property and the built section of Highway 211 will be landscaped as required.
110. Section 17.92.80 contains requirements for buffer planting around parking, loading, and maneuvering areas. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. Buffering is required in conjunction with issuance of construction permits for parking areas containing 4 or more spaces, loading areas, and vehicle maneuvering areas. As shown on the Landscape Plan (Exhibit D, Sheet L1), these requirements have been met.
111. Section 17.92.130 contains performance bond requirements. If weather conditions or other circumstances beyond the control of the developer or property owner make completion of the landscaping impractical prior to desired occupancy, an extension of up to six months may be applied for by posting "security" equal to 120 percent of the cost of the landscaping, assuring installation within six months. "Security" may consist of a performance bond, letter of credit, or other such assurance. Upon acceptance of the security, the developer or owner may be allowed occupancy for a period of up to 180 days. If the installation of the landscaping improvement is not completed within 180 days, the

City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation by the city, any portion of the remaining security minus administrative charges of 30 percent shall be returned to the owner. Costs in excess of the posted security shall be assessed against the property and the City shall thereupon have a valid lien against the property, which will come due, and payable.

112. Section 17.92.140 requires that **all landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years. This guarantee shall ensure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.**

FLOOD AND SLOPE HAZARD (FSH) OVERLAY – Chapter 17.60

113. The City’s zoning map dated July 17, 2020 shows a very small portion of FSH Overlay associated with No Name Creek mapped at the southeast corner of the subject property. As shown on the submitted plans, a small portion of the southeast corner of Building B is proposed within the FSH Overlay.
114. The applicant provided the information required for mapping and interpreting the FSH Overlay in Section 17.60.10(C) in the Site Plan (Exhibit D, Sheet A101).
115. Section 17.60.20 outlines permitted uses and activities for development. Some sections of the FSH Overlay are restricted development areas, such as slopes of 25 percent or greater that encompass at least 1,000 square feet and have an elevation differential of at least 10 feet, protected water features, and required setbacks. Although development is proposed within the FSH Overlay, no development is proposed within a restricted development area.
116. Section 17.60.40 contains review procedures for development requests within the FSH Overlay District. “Development that is completely outside restricted development areas” is reviewed under a Type II review procedure per Section 17.60.40(B.7). As noted previously, a portion of the southeast corner of Building B is proposed within the FSH Overlay; however, there are no restricted development areas on the subject property, so the proposed development is completely outside restricted development areas.
117. No special reports have been requested by the City as outlined in Section 17.60.50.

DECISION

The Planning Commission voted 7 (in favor) to 0 (not in favor) to **approve** the Type III Design Review, Type III Special Variance, and Type II Adjustment with all conditions listed below.

CONDITIONS OF APPROVAL

A. Prior to grading and earthwork on the subject site the applicant shall complete the following and receive necessary approvals as described:

1. Submit proof of receipt of a DEQ 1200-C Permit if such a permit is required. (*Submit to Planning Department and Public Works Department for approval*)
2. 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.
3. Install tree protection fencing per Section 17.92.10(C) located 1 foot for every one-inch trunk diameter, around all trees to be retained, including trees on the adjacent City properties. The tree fencing shall be installed prior to any development activity on the site, including clearing, tree removal, and erosion control measures, in order to protect the trees and the soil around the trees from disturbance. Sediment fencing shall be located outside the tree protection zones. If erosion control is required inside the tree protection zones, use straw wattles to minimize root zone disturbance of the trees to be retained. The applicant shall not relocate or remove the fencing prior to certificates of occupancy. The tree protection fencing shall be 6-foot-tall chain link or no-jump horse fencing supported with metal posts placed no farther than 10 feet apart installed flush with the initial undisturbed grade. The applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches, placed every 75 feet or less) to the tree protection fencing with the following information: TREE PROTECTION ZONE, DO NOT REMOVE OR ADJUST THE APPROVED LOCATION OF THIS TREE PROTECTION FENCING. Please contact the project arborist if alterations to the approved location of the tree protection fencing are necessary. No construction activity shall occur within the tree protection zone, including, but not limited to, grading, clearing, excavation, access, stockpiling, dumping, or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of tree protection measures with City staff and the project arborist prior to any tree removal, grading, or other construction activity on the site. The applicant shall retain an arborist on site to monitor any construction activity within the tree protection area of the retention trees or trees on adjacent properties that have a dripline that would be impacted by development activity on the subject property.
4. Submit updated tree protection plans. Trees to be retained shall be protected from damage during construction by a construction fence located 1 foot for every trunk inch diameter from the tree. The applicant shall request an inspection to verify tree protection fencing is appropriately installed.
5. Apply for a grading and erosion control permit.

B. Submit the following with the building permit:

1. Submit a revised Site Plan to include the following:
 - Tree wells within the sidewalk along Highway 211 replaced with a 5 foot planter strip accompanying a 6 foot sidewalk.
2. Submit a revised Landscape Plan to include the following:
 - Address vision clearance requirements as necessary.
 - Replace two-thirds of the proposed maples with a different City-approved species.
3. Submit an Irrigation Plan detailing how landscaping will be irrigated.
4. Submit construction plans that 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.
5. Submit construction plans for either a center median that doesn't interfere with left turns to and from the Tupper/Hwy 211 intersection or a right-in-right-out site access as mitigation for the traffic, operational, and safety impacts of the development. Construction plans for either option shall be submitted to the City for review and approval.
6. Submit construction plans detailing broadband fiber service to the SandyNet Director for review and approval.
7. Submit construction documents detailing compliance with fire apparatus access and fire protection water supply requirements to the Sandy Fire District for review and approval.
8. Make necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
9. Submit lighting cut sheets to ensure full cut off in compliance with Sections 15.30.050 and 15.30.070.
10. Provide construction documents detailing compliance with fire apparatus access and fire protection water supply requirements to Sandy Fire District for review and approval.

C. Prior to building permit issuance, the applicant shall:

1. Submit payment of system development charges in accordance with applicable City ordinances/resolutions.
2. Pay plan review, inspection, and permit fees as determined by the Public Works Director.

3. Pay the fee in lieu of park dedication in the amount of \$21,690 (0.09 x \$241,000).
4. Coordinate with the City Engineer and the Post Office as part of the construction plan process to determine the location and type of mail delivery facilities.

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

1. Complete all site improvements including but not limited to landscaping, building improvements, stormwater facilities, parking, pedestrian walkways, and bicycle parking facilities.
2. Complete site frontage improvements including but not limited to half-street improvements, curbs, sidewalks, street trees, street lighting, and storm drainage improvements. In addition, the applicant shall construct a connection between the proposed site frontage sidewalk and the existing paved pedestrian path in Meinig Park and the Highway 211 right-of-way.
3. All required landscaping and related improvements shall be completed or financially guaranteed.
4. Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.
5. Install or financially guarantee all required public and franchise utilities.
6. Construct a center median that doesn't interfere with left turns to and from the Tupper Road/Highway 211 intersection or a right-in-right-out site access as mitigation for the traffic, operational, and safety impacts of the development.
7. Connect the sanitary sewer lateral to a public sewer line in the adjacent right-of-way. Alternatively, the applicant may obtain a public utility easement for the sewer line through Meinig Park from the City. Under the alternative easement scenario, the applicant shall submit a preliminary design to the Public Works Department for review and request the easement from the Parks and Trails Advisory Board. A final decision to grant the easement must be approved by the City Council.
8. Install an apartment directory which clearly orients visitors and emergency service providers as to the location of residential units. If possible, this system should be evident from the primary vehicle entryway.
9. Extend a storm line in the Hwy 211 right-of-way to the existing ditch inlet to convey stormwater in a pipe to the public system.
10. Complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.

11. Install a fire suppression system in all buildings.
12. Submit a post-construction report prepared by a TRAQ certified arborist to assess whether any of the retention trees were damaged during construction, including all trees on the adjacent City properties. If retention trees were damaged and need to be replaced, the mitigation ratio shall be 4:1.
13. Plant and stake street trees and grade and backfill the planter strip as necessary.

E. 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. Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction to maintain erosion control for a period of two (2) years following the date of recording of the final plat associated with those improvements.
3. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two (2) years. This guarantee shall ensure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.
4. 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 un gated.
5. All parking, driveway, and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
6. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within 6 months.
7. All lighting shall comply with the requirements of Chapter 15.30, Dark Skies. LED bulbs shall not exceed 4,125 Kelvins or 591 nanometers.
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. Any required street widening on Highway 211 necessary to accomplish either access alternative shall be constructed by the applicant.
12. The applicant shall follow ODOT's Analysis Procedure Manual for trip distribution, signal cycle plan, and saturation flow rate.
13. Approved fire apparatus access roadways and an approved water supply for fire protection, either temporary or permanent, shall be installed and operational prior to any combustible construction or storage of combustible materials on site in accordance with OFC Chapter 33.
14. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property, including monument signs. The address shall be plainly legible and visible from the road fronting the property and the same shall be on the dwelling plainly legible and visible when approaching the site. These numbers shall contrast with their background.
15. Each new fire hydrant installed shall be ordered in an OSHA safety red finish and have a 4-inch non-threaded metal faced hydrant connection with cap installed on the steamer port.
16. All franchise utilities shall be installed underground and in conformance with City standards. The existing overhead power line on the site shall be buried underground.
17. 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.
18. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system.
19. All on-site grading shall be performed in accordance with the most current Oregon Structural Specialty Code and shall be observed and documented under the supervision of a geotechnical Engineer or his/her representative.
20. Tree removal on the subject site shall be completed under the supervision of the project arborist and the applicant shall fell the trees to be removed away from the trees to be retained on the subject property and on the adjacent City properties, so they do not contact or otherwise damage the trunks or branches of the trees to be retained.
21. 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.

22. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
23. 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.
24. 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.
25. 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.



Jerry Crosby
Planning Commission Chair

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the City Council 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.