

**PLANNING COMMISSION FINAL ORDER
TYPE III LAND USE PROPOSAL**

This proposal was reviewed concurrently as a Type III design review and major partition with tree removal and variances. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the proposed conditions of approval.

DATE OF ISSUANCE: July 11, 2023

FILE NO.: 22-039 DR/VAR/MP/TREE

PROJECT NAME: Cascade Creek Mixed-Use Development

APPLICANT: Meghan Howey (BCRA)

OWNER: DPS LLC

PHYSICAL ADDRESS: 38272 and 38330 Highway 211

TAX MAP/LOTS: T2 RE Section 24BC, Tax Lots 4400 and 4500

ZONING DISTRICT DESIGNATIONS: Low-Density Residential (R-1), Medium-Density Residential (R-2), and Village Commercial (C-3) with the Bornstedt Village Overlay (BVO)

COMPREHENSIVE PLAN DESIGNATION: Village

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EXHIBITS

Applicant's Submittals:

Exhibit A. Land Use Application

Exhibit B. Supplemental Land Use Application

Exhibit C. Project Narratives

Exhibit D. Plan Set

- Sheet C-001 – Cover Sheet
- Sheet C-101 – Tentative Partition Plan
- Sheet C-102 – Erosion and Sedimentation Control Plan
- Sheet C-201 – Site Plan
- Sheet C-301 – Grading and Drainage Plan
- Sheet C-302 – Roadway Profiles
- Sheet C-401 – Storm Drainage Plan
- Sheet C-501 – Utility Plan

Exhibit E. Landscape Plan Set

- Sheet L1 – Landscape Plan
- Sheet L2 – Enlarged Civic & Park Spaces
- Sheet L3 – Landscape Legend & Notes

Exhibit F. Building Elevations

Exhibit G. Tree Retention Analysis

Exhibit H. Tree Retention Plan

Exhibit I. Geotechnical Report

Exhibit J. Stormwater Report

Exhibit K. Preliminary Traffic Impact Analysis

Exhibit L. Site Lighting Plans

- Sheet E1.1 – Site Lighting Plan
- Sheet E1.2 – Site Lighting Photometrics Plan

Exhibit M. Street Lighting Plans

Agency Comments:

Exhibit N. Parks and Trails Advisory Board (September 15, 2022)

Exhibit O. Sandy Fire Marshal (April 17, 2023)

Exhibit P. Assistant Public Works Director (May 5, 2023)

Exhibit Q. City Engineer Curran McLeod (May 8, 2023)

Exhibit R. SandyNet Director (May 8, 2023)

Exhibit S. Third Party Arborist Todd Prager and Associates (May 10, 2023)

Exhibit T. Director of Sandy Area Metro (May 11, 2023)

Exhibit U. City Transportation Engineer (June 14, 2023)

Public Comments:

Exhibit V. Eric Walland (received May 8, 2023)

Exhibit W. Shibo Paul (received May 16, 2023)

Exhibit X. Delaney Herbst (received May 25, 2023)

FINDINGS OF FACT

GENERAL FINDINGS

1. These findings are based on the applicant's submittal items received on September 21, 2022, with additional items received on January 13, 2023, February 7, 2023, February 22, 2023, February 27, 2023, March 8, 2023, and May 22, 2023. The application was deemed complete on March 20, 2023. The 120-day deadline is July 18, 2023.
2. This final order is based upon the exhibits listed in this document, including the applicant's submittals, agency comments, and public testimony.
3. This application is not subject to the moratorium on development adopted by City Council through Resolution 2022-24 because it was submitted prior to the effective date of the moratorium.
4. The property has a Comprehensive Plan Map designation of Village and a Zoning Map designation of Low Density Residential (R-1), Medium Density Residential (R-2), and Village Commercial (C-3) with the Bornstedt Village Overlay (BVO).
5. The proposal includes two lots (T2 RE Section 24BC, Tax Lots 4400 and 4500) that are oriented south/north that total 8.83 gross acres. The applicant is proposing to dedicate 1.88 acres for right-of-way. The resulting area will contain 6.95 net acres for development.
6. The applicant, BCRA, submitted an application on behalf of the owner, DPS LLC, to construct a mixed-use development that includes a total of 78 multi-family residential units and 10 office spaces. The proposal consists of four (4) multi-family residential buildings to the south of Cascadia Village Drive and two (2) mixed-use office/residential buildings to the north of Cascadia Village Drive, as well as associated parking, landscaping, common open space, and roadway improvements. Cascadia Village Drive and Pine Street will be extended through the site, Village Blvd. will be widened, and frontage improvements will be completed on Highway 211. The applicant is also requesting a major partition to reconfigure the subject lots and the following four (4) variances:
 - a. Type III Variance to Sections 17.100.180(A), 17.84.50(E)(2), and 17.84.50(J)(3) to not provide 150 feet between intersections for Pine Street north and south of Cascadia Village Drive.
 - b. Type III Variance to Section 17.100.120(B) to exceed the 400-foot maximum block length on the west side of Pine Street between Sequoia Street and Cascadia Village Drive.
 - c. Type III Special Variance to Section 17.90.160(D) to not provide 8-foot offsets every 20 feet on all six (6) buildings.
 - d. Type III Variance to Tree Retention requirements in accordance with Section 17.102.70.
7. The City of Sandy completed the following notices:

- a. A transmittal was sent to agencies asking for comment on April 11, 2023.
 - b. Notification of the proposed application was mailed to affected property owners within 500 feet of the subject property on May 2, 2023.
 - c. A legal notice was published in the Sandy Post on June 7, 2023.
 - d. Facebook post about the public hearing on June 22, 2023.
8. Agency comments were received from the Parks and Trails Advisory Board, Sandy Fire Marshal, City Engineer Curran-McLeod, the Assistant Public Works Director, SandyNet Director, Director of Sandy Area Metro, the third-party arborist Todd Prager and Associates, and the City Transportation Engineer.
9. Three written public comments were received ahead of the public hearing and one written public comment was received at the public hearing, although the comment received at the meeting from Roy Shelby was after 4:00 PM and is therefore not part of the record. The main concerns expressed by residents include the following:
- a. Unwarranted behavior from dog owners and dogs in the neighborhood.
 - b. Traffic and parking concerns.
 - c. Wanted an opportunity to be heard at a public hearing.
 - d. Safety and pedestrian connection concerns.
10. At the public hearing, the applicant, Zac Baker with DPS LLC, and Meghan Howey with BCRA, both spoke. During the hearing, three members of the public also spoke. The three members of the public that spoke were Jerry Jones, Roy Shelby, and Jamie Grandy.
11. Staff is sympathetic to all concerns raised by the public, but the applicant is proposing uses that are allowed in the underlying zoning districts and within the density provisions for housing. The proposed street extensions, development layout, and building design meet the Sandy Development Code or can be conditioned to meet the Code.

LAND DIVISION – Chapter 17.100

12. Submittal of preliminary utility plans is solely to satisfy the requirements of Section 17.100.60. **Preliminary plat approval does not connote utility or public improvement plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.**
13. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor partition, major partition, or replat based on the classification procedure (Type I, II or III) and the 20 approval criteria in Section 17.100.40 (D).
- a. Criteria 1: The proposed partition or replat meets the density requirements, setbacks, and dimensional standards for all lots in the base zoning district or zoning districts if multiple zoning districts exist in the proposed partition or replat. As explained in this final order, the three proposed parcels in the partition meet the density requirements, setbacks, and dimensional standards in the three base zoning districts, Chapter 17.80, and the Bornstedt Village Overlay (BVO). Criterion 1 is met.
 - b. Criteria 2: The proposed partition or replat meets the requirements of the Bornstedt Village Overlay (BVO), if the proposed partition or replat is located in the BVO, or other specific area plan, if the proposed partition or replat is located in another specific plan area, as required in Chapter 17.54. As explained in the review of Chapter 17.54 in this final order, the proposed partition meets the requirements of the BVO. Criterion 2 is met.
 - c. Criteria 3: The proposed partition or replat meets the requirements of hillside development as required in Chapter 17.56. This criterion is not applicable as no portion of the development site has slopes exceeding 25 percent.
 - d. Criteria 4: The proposed partition or replat meets the requirements of the flood and slope hazard overlay district as required in Chapter 17.60. This criterion is not applicable as no portion of the development site is encumbered by the Flood and Slope Hazard (FSH) Overlay District.
 - e. Criteria 5: The proposed partition or replat meets the additional setback standards on collector and arterial streets as required in Chapter 17.80. The Site Plan (Exhibit D) details the required 20-foot setbacks to Highway 211, Village Blvd., and Cascadia Village Drive in conformance with Chapter 17.80. Criterion 5 is met.
 - f. Criteria 6: The proposed partition or replat meets the building orientation standards on transit streets as required in Chapter 17.82. Buildings A and B are proposed to face Cascadia Village Drive and the parking lot to the north of the buildings. Buildings A and B are proposed to include pedestrian walkways to Cascadia Village Drive and the applicant is also proposing a walkway from Building A to Village Blvd. Buildings C and E are proposed to face Cascadia Village Drive and the parking lot to the south of the buildings and are proposed to include pedestrian walkways to Cascadia Village Drive. Building D is proposed to face Village Blvd. and the parking lot to the east of the

building and includes a pedestrian walkway to Village Blvd. Building F is proposed to face Cascadia Village Drive and the outdoor recreation area to the south of the building. Building F includes a walkway to Cascadia Village Drive and the applicant is also proposing a walkway from Building F to Pine Street. Criterion 6 is met.

- g. Criteria 7: The proposed partition or replat meets all improvement standards for sidewalks, pedestrian connections including tracts and easements, bicycle facilities, water facilities, sanitary sewer facilities, stormwater facilities, and all other standards as required in Chapter 17.84. As analyzed in this final order, the proposed partition meets the code standards for pedestrian improvements both in the right-of-way and on private property, meets utility requirements, and other standards in Chapter 17.84. There are some right-of-way and utility improvements that were proposed that do not meet Chapter 17.84 or other improvement standards in the Sandy Development Code, but staff has proposed conditions of approval that would require modifications to the development site and adherence with the Sandy Development Code. With the Planning Commission approving the development with the conditions in this final order, Criterion 7 is met.
- h. Criteria 8: The proposed partition or replat includes the dedication of land, or a fee in-lieu of land as required in Chapter 17.86 and the 2022 Parks and Trails Master Plan. Section 17.86.40(A-C) states that the City shall accept a fee in lieu of dedication if the land area proposed for dedication is not identified in the 2022 Parks and Trails Master Plan proposed park system or proposed trail system and if the level of service standard for mini parks described in the 2022 Parks and Trails Master Plan has been satisfied. The Parks and Trails Advisory Board (Exhibit N) reviewed the application and code criteria and recommended a fee-in-lieu of parkland dedication. The current fee-in-lieu amount is \$869,242.00 per acre. A payment in lieu of land dedication is separate from Park Systems Development Charges (SDCs) and is not eligible for a credit of Park SDCs. The applicant shall pay a fee in lieu of parkland dedication in the amount of \$921,396.52 (1.06 acres x \$869,242 per acre) or at a reduced rate per the terms of Resolution 2023-12. The fee in lieu of dedication shall be paid prior to issuance of the first building permit. Criterion 8 is met.
- i. Criteria 9: The proposed partition or replat will meet the requirements of Chapter 17.90 at the time of house construction. This final order includes an exhaustive review of the building and site design standards in Chapter 17.90 of the Sandy Development Code. The proposal meets the design standards in Chapter 17.90 with the exception of the required building offsets as required by Section 17.90.160(D) and other items as noted in this final order. The applicant is requesting a variance to the building offset requirements in Section 17.90.160(D). With the Planning Commission approving the variance to the building offsets and approving the development with the conditions in this final order, Criterion 9 is met.
- j. Criteria 10: The proposed partition or replat meets the landscaping requirements of Chapter 17.92. Landscaping and screening are evaluated in the Chapter 17.92 analysis in this final order. With proposed conditions to the regulations and standards in Chapter 17.92, Criterion 10 is met.

- k. Criteria 11: The proposed partition or replat provides on-street parking, off-street parking, driveway spacing, and driveway widths as required in Chapter 17.98. This final order includes an exhaustive review of Chapter 17.98 of the Sandy Development Code. The proposal meets the parking and access requirements within Chapter 17.98 except as noted in this final order. With the Planning Commission approving the development with the conditions in this final order, Criterion 11 is met.
- l. Criteria 12: The proposed partition or replat provides tree retention as required in Chapter 17.102. This final order includes an exhaustive review of tree retention requirements in Chapter 17.102 of the Sandy Development Code. The applicant submitted tree retention analysis (Exhibit G) and the City had that analysis reviewed by a third-party arborist (Exhibit S). The proposal does not meet the tree retention requirements, but the applicant is requesting a variance to the tree retention requirements in Section 17.102.50 and Section 17.54.140. With the Planning Commission approving the variance to the tree retention requirements, Criterion 12 is met.
- m. Criteria 13: The proposed partition or replat provides a street pattern that meets the dimensional standards for blocks as required in Chapter 17.100 and street cross-sections that meet the width requirements as detailed in Chapter 17.10, Definitions. The applicant is requesting a Type III Variance to Section 17.100.120(B) to exceed the 400-foot maximum block length on the west side of Pine Street between Sequoia Street and Cascadia Village Drive, as detailed in this final order. The proposed block length is approximately 580 feet. Because Pine Street south and Sequoia Street are both local streets, City staff found that a variance process was necessary to exceed the maximum block length of 400 feet. The west side of the development site is along Village Blvd., a collector street, and therefore there is no need to have an east/west street south of Cascadia Village Drive before the south property line of Parcel 3 nor between Cascadia Village Drive and Highway 211. The block length from Village Blvd. to Pine Street south is already set at approximately 610.70 feet due to the width of Bornstedt Park and the existing dedications for Village Blvd. and Pine Street south to the south of the subject property. Also, the City does not want to install a street along the north side of Bornstedt Park. With the Planning Commission approving the variance to the block length and approving the development with the conditions in this final order, Criterion 13 is met.
- n. Criteria 14: The proposed street layout includes the siting of all collector and arterial streets substantially as depicted in the 2011 Transportation System Master Plan. The proposed street layout detailed in the submitted plan set meets the street layout in the 2011 Transportation System Plan and the Bornstedt Village Overlay (BVO) plan. With widening Village Blvd., extending Cascadia Village Drive, and installing Pine Street, Criterion 14 is met.
- o. Criteria 15: The proposed street improvements, including sidewalks, planter strips or swales, street trees, street lighting, curbs, asphalt, and vehicular and bicycle lanes and striping, are consistent with Figures 6 through 13 of the 2011 Transportation System Master Plan. The improvements shall be constructed to the standards described in the

Oregon Standard Specifications for Construction (OSSC) 2021 (or most recent revision) and the AASHTO Policy on Geometric Design of Highways and Streets (Green Book)—2018 (or most recent revision). With the Planning Commission approving the development with the conditions in this final order and the applicant revising the plan set, Criterion 15 is met.

- p. Criteria 16: The proposed partition or replat is consistent with the design standards set forth in this chapter. As explained throughout this final order, the partition proposal meets the majority of the standards for land division. In the few instances that the proposal does not meet the design standards for partition, the development can be either conditioned to make modifications for land division compliance or in the case of intersection spacing and block length, a variance can be approved. With the Planning Commission approving the variance to the block length and the variance to intersection spacing and approving the development with the conditions in this final order, Criterion 16 is met.
- q. Criteria 17: The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy. The proposed streets are proposed in alignment with other existing streets and as detailed in the 2011 Transportation System Plan and the Bornstedt Village Overlay Circulation Plan, Figure 7. Criterion 17 is met.
- r. Criteria 18: The proposed partition or replat creates traffic volumes that do not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions. While this proposal will undoubtedly increase traffic on Village Blvd., there are no Average Daily Traffic (ADT) concerns on local streets. The majority of the anticipated trips will use Village Blvd. and Cascadia Village Drive, which are both designated as collector streets. Due to concerns with illegal turning movements and the City's limited ability to constantly patrol this intersection, bollards shall be placed at Cascadia Village Drive to restrict access to Pine Street and streets east of the proposed development, until such a time that Cascadia Village Drive can be constructed to a full street. With the Planning Commission approving the development with the conditions in this final order, Criterion 18 is met.
- s. Criteria 19: The proposed subdivision includes utilities that meet the requirements of the City of Sandy Water System Master Plan and the City of Sandy Wastewater System Facilities Plan. The Assistant Public Works Director (Exhibit P) and the City Engineer, Curran McLeod (Exhibit Q), both reviewed the plan set and other documents submitted by the developer. With the Planning Commission approving the development with the conditions in this final order, Criterion 19 is met.
- t. Criteria 20: The proposed partition or replat includes the installation of all utilities underground, including electric, natural gas, fiber, telecommunication lines, water, and sanitary sewer, and the required easements for such utilities. The applicant submitted a utility plan (Exhibit D, Sheet C-501) which details the proposed location of proposed public water, sanitary sewer, and stormwater drainage facilities. The utility plan also

details power lines, communication lines, and transformers. Broadband fiber service will be required to be detailed with construction plans. The existing overhead service is proposed to remain to the existing house on Parcel 1. However, in accordance with Chapter 15.20 the existing overhead service lines shall be placed underground. The applicant shall revise the utility plan to detail the existing overhead utility lines over Highway 211 underground and the utility poles removed. With the undergrounding of the existing overhead utility line over Highway 211, Criterion 20 is met.

ZONING – Chapters 17.30, 17.36, 17.38, and 17.46

17.30 – Zoning Districts

14. The proposal includes two lots (T2 RE Section 24BC, Tax Lots 4400 and 4500) that are oriented south/north that total 8.83 gross acres. The applicant is proposing to dedicate 1.88 acres for right-of-way. The resulting area will contain 6.95 net acres for development.

17.36 – Low Density Residential (R-1)

15. The subject site has 0.23 acres of Low Density Residential (R-1) at the southeast corner of the site on proposed Parcel 3. The applicant does not propose constructing any dwelling units on the land zoned as R-1, but instead is using that area of Parcel 3 for a portion of the required shared outdoor recreation area as required for multi-family developments in accordance with Section 17.90.160 (I).
16. The density range for the R-1 zoning district is a minimum of five units and a maximum of eight units per net acre. Since no dwellings or structures are proposed on the property zoned R-1, there is no need to analyze density, setbacks, height, or other development standards on the 0.23 acres that is zoned R-1.

17.38 – Medium Density Residential (R-2)

17. The subject site has 3.95 acres of Medium Density Residential (R-2) with 0.50 acres along the southern portion of proposed Parcel 2 directly north of Cascadia Village Drive (Exhibit D, Sheet C-201) and the remaining 3.45 acres on proposed Parcel 3. The applicant proposes constructing 46 multi-family dwelling units on the land zoned R-2, as permitted in this zoning district in accordance with Section 17.38.10 (A)(6).
18. The density range for the R-2 zoning district is a minimum of eight units and a maximum of 14 units per net acre. The applicant is proposing 46 multi-family dwelling units on 3.95 acres. This equates to 11.65 dwelling units per net acre on the land zoned R-2 which is within the density range and in compliance with the Sandy Development Code. With the exception of some extended building entrances for Buildings A and B, no other portions of Buildings A and B are located on the R-2 zoned land on proposed Parcel 2. This means that no dwelling units are proposed on the R-2 zoned land on proposed Parcel 2.
19. The setbacks for the R-2 zoning district are listed in Section 17.38.30 as 10 feet for the front yard, 15 feet for the rear yard, 5 feet for the interior side yard, and 10 feet for the exterior side yard (corner lot). As explained in a later section review in this final order, Chapter 17.80 requires all structures to be setback at least 20 feet on collector and arterial streets. The applicant is proposing at least 20-foot setbacks to all lot lines in compliance with the Sandy Development Code.
20. The maximum height in the R-2 zoning district is 35 feet to the mid-point of the gable. The maximum proposed height of the structures in the R-2 zone is 33 feet and 10.5 inches (Exhibit F, Sheet PR-205), which is below the maximum height of 35 feet. Buildings C-F on the property zoned as R-2 vary between two and three stories.

17.46 – Village Commercial (C-3)

21. The subject site has 2.77 acres of Village Commercial (C-3) on proposed Parcels 1 and 2. Parcel 1 has 1.01 acres and Parcel 2 has 1.76 acres of C-3. The applicant proposes constructing 32 multi-family dwelling units above and beside proposed office space on the land zoned C-3, as permitted in this zoning district in accordance with Section 17.46.10 (A)(2). All of the multi-family dwelling units and office space proposed on land zoned as C-3 are proposed on Parcel 2. The applicant is not proposing any new structures on Parcel 1 but is proposing demolition of one existing house and preservation of one existing house. The existing house is allowed to remain per Section 17.08.50 (E) as its construction predates the R-3 zoning district.
22. The C-3 zoning district does not contain a density standard, but instead relies on parking requirements based on use and landscaping minimums to control density. The applicant is proposing 32 multi-family dwelling units on 1.76 acres on Parcel 2. This equates to 18.18 dwelling units per net acre on the land zoned C-3 on Parcel 2. The applicant proposes demolition of one of the existing houses on Parcel 1 and preservation of one existing house on Parcel 1.
23. There are no setbacks in the C-3 zoning district for residential in conjunction with commercial. However, as explained in a later section review in this final order, Chapter 17.80 requires all structures to be setback at least 20 feet on collector and arterial streets. The applicant is proposing at least 20-foot setbacks to all lot lines in compliance with the Sandy Development Code.
24. The maximum height in the C-3 zoning district is 45 feet to the mid-point of the gable. The maximum proposed height of the structures in the C-3 zone is 43 feet (Exhibit F, Sheet PR-201), which is below the maximum height of 45 feet. Building A on the property zoned as C-3 is proposed as a four-story building and Building B is proposed as a three-story building.

ADDITIONAL SETBACKS AND SPECIAL SETBACKS – Chapters 17.80 and 17.82

25. Chapter 17.80 requires all structures to be setback at least 20 feet on collector and arterial streets. Parcels 1, 2, and 3 all include frontage along collector and arterial streets and shall adhere to the setback standards in Chapter 17.80. Highway 211 is classified as a major arterial, Village Blvd. is classified as a collector, and Cascadia Village Drive is classified as a collector. Pine Street is classified as a local street. The Site Plan (Exhibit D) details the required 20-foot setbacks to Highway 211, Village Blvd., and Cascadia Village Drive in conformance with Chapter 17.80.
26. 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. Section 17.82.20(B) requires that dwellings shall have a primary entrance connecting directly between the street and building interior and outlines requirements for the pedestrian route. 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. Buildings A and B are proposed to face Cascadia Village Drive and the parking lot to the north of the buildings. Buildings A and B are proposed to include pedestrian walkways to Cascadia Village Drive and the applicant is also proposing a walkway from Building A to Village Blvd. Buildings C and E are proposed to face Cascadia Village Drive and the parking lot to the south of the buildings and are proposed to include pedestrian walkways to Cascadia Village Drive. Building D is proposed to face Village Blvd. and the parking lot to the east of the building and includes a pedestrian walkway to Village Blvd. Building F is proposed to face Cascadia Village Drive and the outdoor recreation area to the south of the building. Building F includes a walkway to Cascadia Village Drive and the applicant is also proposing a walkway from Building F to Pine Street.
27. Section 17.82.20(D) requires that if the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect. The proposal complies with this code requirement by requiring entrance orientation on all six buildings to either Cascadia Village Drive or Village Blvd.

BORNSTEDT VILLAGE OVERLAY – Chapter 17.54

28. The subject site is located entirely within the Bornstedt Village Overlay (BVO) district. As such, the proposal is subject to the requirements of Chapter 17.54.
29. Section 17.54.40 identifies the Bornstedt Village as a mixed-use neighborhood. The proposed development was designed to generally address the majority of the standards of the Bornstedt Village Overlay district.
30. Section 17.54.50 explains the intent and planning objectives of the BVO district. The proposed development is conducive to walking and biking while accommodating motor vehicles. Increasing the width of Village Blvd. and installing a center median allows for safer transportation options for residents in the Snowberry subdivision and eventually residents to the south of the terminus of Village Blvd. Extending Cascadia Village Drive and Pine Street provides more connectivity for residents in the surrounding neighborhood and carries out the objectives of the BVO by creating a more complete local street system.
31. Section 17.54.60 states that the zoning map shall be reviewed to determine properties located within the BVO district. The Bornstedt Village Specific Area Plan is depicted on the City of Sandy Zoning Map. Therefore, the subject site must comply with the standards of the Bornstedt Village Overlay (BVO) district.
32. Section 17.54.70 states that all uses shall be consistent with the underlying zoning district. The applicant proposes constructing 46 multi-family dwelling units on the land zoned R-2, as permitted in this zoning district in accordance with Section 17.38.10 (A)(6). The applicant proposes constructing 32 multi-family dwelling units above and beside proposed office space on the land zoned C-3, as permitted in this zoning district in accordance with Section 17.46.10 (A)(2).
33. Section 17.54.80 lists the residential development standards for all four zoning districts. Development on the site shall comply with the development standards of the underlying zoning districts as well as this section. Where there are conflicts between the two sets of development standards, the standards of Section 17.54.80 shall prevail. As analyzed in the zoning section in this final order the proposal meets all requirements for setbacks, structure heights, and other applicable provisions in the underlying zoning district. The proposal will meet all requirements for setbacks, structure heights, and other applicable provisions in the Bornstedt Village Overlay.
34. Section 17.54.110(A) states that design review is required for all new uses and structures in compliance with Chapter 17.90. This proposed development includes a design review. Section 17.54.110(B) lists the BVO design standards for new single-family dwellings. No new single-family dwellings are being proposed. **If the existing single-family dwelling is remodeled or an addition is completed the design shall adhere to the BVO design standards.**

35. Section 17.54.110(C) provides standards for including a variety of housing and promoting housing choices in all new subdivisions exceeding 40 platted lots. This proposal does not include a subdivision exceeding 40 lots, but instead a three-lot partition. Therefore, the analysis for providing a variety of housing types is not applicable to this application.
36. Section 17.54.110(D) contains garage standards for new single-family, duplex and zero-lot-line residential development. This proposal does not include any single-family homes or duplexes and does not include any garages.
37. Section 17.54.110(E) provides standards for access to narrow lots with less than 40 feet of frontage. This proposal does not propose any lots less than 40 feet in width.
38. Section 17.54.110(F) states that landscaping adjacent to Highway 211 shall complement the parkway character. Section 17.54.120(A) states that development shall be consistent with the design of the Highway 211 Parkway cross-section (Figure 6 of the Bornstedt Village Specific Area Plan), subject to ODOT approval. The section of Highway 211 to the north of the development site was transferred to the City of Sandy. Therefore, ODOT is not involved in approving frontage improvements nor highway improvements.
39. Section 17.54.120(C)(2) contains boulevard standards for Village Boulevard. The west side of the proposed development site is required to dedicate 37.5 feet of right-of-way for Village Blvd. Increasing the width of Village Blvd. and installing a center median in accordance with Section 17.54.120(C)(2)(b) allows for safer transportation options for residents in the Snowberry subdivision and eventually residents to the south of the terminus of Village Blvd. The applicant is not proposing any driveways/access points from the development to Village Blvd. in accordance with Section 17.54.120(C)(2)(c). Furthermore, the applicant is proposing walkway connection from Building A and Building D directly to the proposed sidewalk along Village Blvd. in accordance with Section 17.54.120(C)(2)(d).
40. Section 17.54.120(C)(3) contains boulevard standards for Cascadia Village Drive. At approximately the mid-point of the proposed development the applicant is required to dedicate 77 feet of right-of-way for Cascadia Village Drive. Extending Cascadia Village Drive and installing a center median in accordance with Section 17.54.120(C)(3)(a) allows for more connected transportation options for residents in the surrounding neighborhood. The applicant is proposing only one driveway/access point from Parcel 2 and one driveway/access point from Parcel 3 to Cascadia Village Drive. These two proposed driveways are aligned with one another and are the sole access to the development site, and allow approximately 190 feet of stacking distance to the intersection with Village Blvd. The proposed driveways on Cascadia Village Drive minimize the access points on this street and are therefore in compliance with Section 17.54.120(C)(3)(b). Furthermore, the applicant is proposing walkway connections from Building A, B, C, E, and F directly to the proposed sidewalks along Cascadia Village Drive in accordance with Section 17.54.120(C)(3)(c).
41. Section 17.54.120(D) requires the applicant to provide vegetated swales and other green street features along all streets “where practicable.” The applicant is not proposing any green streets along Pine Street, Village Blvd., and Cascadia Village Drive. **The applicant shall**

work with the City Engineer to determine where green streets are practicable and adjust dedication widths and site layout of buildings, parking, and landscaping accordingly.

42. Section 17.54.130 states that existing parks and new parks are identified on the Open Space, Parks and Trails Map in the BVO. The City purchased five acres directly south of the subject property that was developed into Bornstedt Park. The first phase of the park is complete and the second phase will be constructed once additional funding is identified. In accordance with Exhibit N., no additional park land is needed in the vicinity of the proposed development.
43. Section 17.54.140 contains environmental standards within the BVO for the Flood Slope and Hazard (FSH) Overlay in Chapter 17.60, hillside development in Chapter 17.56, and tree retention requirements. Chapters 17.56 and 17.60 are not applicable to the site. The BVO standards require at least six trees per acre are retained for every one-acre of land in the BVO. As noted above, the applicant has requested a Type III Variance to the tree retention standards in Section 17.54.140(3)(A)(1). The criteria for reviewing this request is contained in Section 17.102.70 below.

DESIGN REVIEW – Chapter 17.90

44. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
45. 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.**
46. Section 17.90.110 includes design standard requirements in the Central Business District (C-1) and the Village Commercial (C-3) zoning districts. The review of Section 17.90.110 is applicable to Buildings A and B on Parcel 2, north of Cascadia Village Drive.
47. Section 17.90.110(A) contains site layout and vehicle access standards intended to provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. Buildings A and B are proposed to face Cascadia Village Drive and the parking lot to the north of the buildings. Buildings A and B are proposed to include pedestrian walkways to Cascadia Village Drive and the applicant is also proposing a walkway from Building A to Village Blvd. Buildings C and E are proposed to face Cascadia Village Drive and the parking lot to the south of the buildings and are proposed to include pedestrian walkways to Cascadia Village Drive. Building D is proposed to face Village Blvd. and the parking lot to the east of the building and includes a pedestrian walkway to Village Blvd. Building F is proposed to face Cascadia Village Drive and the outdoor recreation area to the south of the building. Building F includes a walkway to Cascadia Village Drive and the applicant is also proposing a walkway from Building F to Pine Street. The proposal also includes a public walkway in an easement from Cascadia Village Drive to the right-of-way north of Bornstedt Park that borders the park. The proposed layout provides a compact and walkable development site.
48. Section 17.90.110(A)(3) requires that off-street parking shall be located to the rear or side of buildings with no portion located within 10 feet of the public right-of-way. The proposed parking is located to the sides or rear of all buildings and no parking is proposed within 10 feet of the public right-of-way in compliance with Section 17.90.110(A.3).
49. Section 17.90.110(A)(5) and (8) require raised or painted pedestrian crossings in parking lots. The applicant is proposing colored concrete in all locations in the parking lot where the walkway traverses parking lot travel aisles.
50. Section 17.90.110(A)(9) requires that joint use of access points and interconnections and cross-over easements between parcels shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and interconnecting driveways or alleys to comply with access spacing and other applicable code requirements. Parcel 1 is proposed to be accessed through Parcel 2 by means of an access easement as detailed on the Tentative Plat (Exhibit D, Sheet C-101). **The applicant shall revise the tentative plat with a note detailing that the access easement on Parcel 2 benefits Parcel 1.** Also, Parcels 2 and 3 mutually benefit from shared parking and

outdoor recreation areas. **The applicant shall record a restrictive covenant marrying Parcels 2 and 3 in perpetuity.**

51. Section 17.90.110(A)(12) requires free standing buildings on a site to connect to one another with a seamless pedestrian network to building entrances and civic spaces. The applicant's Site Plan (Exhibit D, Sheet C-201) details a well-connected pedestrian environment on both Parcel 2 and Parcel 3 with walkways between buildings, along parking spaces, to outdoor recreation amenities, and to the public sidewalks on all adjacent streets.
52. Section 17.90.110(B) contains standards regarding building facades, materials, and colors intended to be consistent with the Sandy Style. Section 17.90.110(B.1) requires that buildings be articulated, varied, and provide visual interest. The proposed elevations of Buildings A and B include varying wall planes that do not exceed 30 feet in length as detailed in Exhibit F, Sheets PR-201.1 and PR-202.1. Variations include secondary roofs, balconies, stone base, and changes in siding material.
53. Section 17.90.110(B)(2) requires that buildings incorporate pedestrian shelters over primary building entrances. Pedestrian shelters shall extend at least five feet over the pedestrian area. The proposal includes gabled primary pedestrian entries on the south and north elevations, with roof overhangs that exceed the 5-foot minimum.
54. Section 17.90.110(B)(3) specifies approved building materials. Section 17.90.110(B.3.b) requires buildings to include strong base materials such as natural stone, split-faced rusticated concrete block, or brick on all sides of a building visible from an abutting public street. A building's base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from the abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches. The Elevations (Exhibit F) detail a 36-inch high stone base (Mutual Materials "Eldorado Drystack Dark Rundle") on the majority of the elevations. The applicant is not proposing stone base on a portion of the north elevation of Building A, the north elevation of Building B, or a few small sections of the west and east elevations of Building B. All elevations on Buildings A and B will be visible from an abutting public street. **The applicant shall revise the elevations to detail the stone base at the base of all elevations on Buildings A and B.**
55. Section 17.90.110(B)(3)(d) contains approved siding. The applicant is proposing to use a mix of vertical, horizontal, and shingle siding. The proposal also includes the use of wood corbels on Buildings A and B between the ground floor and second floor. Where board and batten is used, the battens shall be a minimum of two inches wide by one-inch deep and spaced 24-inches apart or closer. The applicant did not submit any details specifying the board and batten dimensions. **The applicant shall submit revised Elevations (Exhibit F) detailing the board and batten spacing, batten width, and batten depth.**
56. Section 17.90.110(B)(3)(e) requires that building elevations facing a public street incorporate at least three architectural features from the list in Section 17.90.110(B)(3)(e). The south and

west elevations of Building A and the south and east elevations of Building B face public streets. The south elevations of both Buildings A and B have a number of exposed heavy timbers, a mixture of siding materials, corbels, stone base, and a variety of siding materials. The west elevation on Building A needs an additional gable pediment. **The applicant shall revise the Building Elevations (Exhibit F) to detail an additional gable pediment in the highest gable on the west elevation of Building A. The applicant shall also revise the Building Elevations (Exhibit F) to detail another design feature on the south and west elevations of Building A and the south and east elevations of Building B, such as heavy metal brackets on the gable pediments.**

57. Section 17.90.110(B)(4) specifies approved colors. The applicant is proposing “White Meringue,” “Mountain Sage,” “Tall Grass,” and “Nut Brown” for the siding and trim colors on Buildings A and B. None of these colors are on the approved City of Sandy color palette for the C-3 zoning district. **The applicant shall submit revised Elevations (Exhibit F) detailing colors in compliance with Appendix C of the Sandy Development Code for staff review and approval.**
58. Section 17.90.110(C) requires gable roofs on new buildings with a primary roof form slope of at least 6:12 and a secondary roof form slope of at least 4:12. Buildings A and B are proposed to have gabled roofs with a primary roof slope of 6:12 and a secondary roof form slope of 9:12, both in compliance with Section 17.90.110(C)(1).
59. Section 17.90.110(C)(4) requires secondary roof forms based on roof length. The applicant proposes multiple projections and roof elevation changes on every elevation of both Building A and Building B. For example, the south elevation of Building A is 139 feet in length and includes two gabled roof forms with a 9:12 roof pitch and an additional seven alternating roof levels across the elevation facing Cascadia Village Drive. Staff finds that the applicant’s building design meets the intent of providing multiple secondary roof forms on all elevations of Buildings A and B.
60. Section 17.90.110(C)(5) requires visible roof materials to be wood shingle or architectural grade composition shingle, slate, or concrete tile. The applicant is proposing dark gray composition shingles in compliance with the code. **The applicant shall revise the Elevations (Exhibit F) to detail the shingles as architectural grade shingles, as three-tab shingles are prohibited. The Planning Commission also added that wood shingles cannot be installed due to fire concerns.**
61. Section 17.90.110(D) contains standards regarding building orientation and entrances intended to maintain and enhance downtown and village commercial streetscapes as public spaces by emphasizing a pedestrian scale and character consistent with the Sandy Style; and to provide for a continuous pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. Buildings A and B are proposed to face Cascadia Village Drive and the parking lot to the north of the buildings. Buildings A and B are proposed to include pedestrian walkways to Cascadia Village Drive and the applicant is also proposing a walkway from Building A to Village

Blvd. The design of Buildings A and B meet the intent of providing pedestrian-scale development that emphasizes and promotes pedestrian connectivity.

62. Section 17.90.110(D)(1) requires at least 50 percent of the subject site's street frontage to be comprised of building(s) placed within 10 feet of the sidewalk or an approved civic space. Buildings A and B are a combined 278 feet in length and Parcel 2 is 497.89 feet in length, so the two buildings comprise 55.8 percent of the subject site's frontage on Cascadia Village Drive. Buildings A and B are required to be setback at least 20 feet to the south property line in accordance with Chapter 17.80, but both buildings abut civic space directly south of the buildings as detailed on the Site Plan (Exhibit D, Sheet C-201).
63. Section 17.90.110(D)(4) requires buildings located at the intersection of two streets to use a corner entrance or locate an entrance within 40 feet of the corner. The applicant is proposing an entrance within 40 feet of the corner of Building A in compliance with this code provision.
64. Section 17.90.110(D)(6) specifies that buildings shall provide at least two elevations where the pedestrian environment is "activated." An elevation is "activated" when it meets the window transparency requirements in Subsection 17.90.110(E) and contains a customer entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space. Both the north and south elevations of Buildings A and B meet the pedestrian activation requirement by providing pedestrian entrances and shelters facing Cascadia Village Drive and the parking lot to the north of the buildings, and also providing window glazing meeting the requirements in Section 17.90.110(E).
65. Section 17.90.110(D)(7) specifies primary entries shall face a public street or a civic space and shall be spaced not more than 30 feet apart on average. Buildings A and B are proposed to face Cascadia Village Drive and the parking lot to the north of the buildings. Buildings A and B are proposed to include pedestrian walkways to Cascadia Village Drive and the applicant is also proposing a walkway from Building A to Village Blvd. Buildings C and E are proposed to face Cascadia Village Drive and the parking lot to the south of the buildings and are proposed to include pedestrian walkways to Cascadia Village Drive. Building D is proposed to face Village Blvd. and the parking lot to the east of the building and includes a pedestrian walkway to Village Blvd. Building F is proposed to face Cascadia Village Drive and the outdoor recreation area to the south of the building. Building F includes a walkway to Cascadia Village Drive and the applicant is also proposing a walkway from Building F to Pine Street.
66. Section 17.90.110(E) contains standards for construction and placement of windows. The intent of windows is to promote business vitality, public safety, and aesthetics through effective window placement and design. Section 17.90.110(E)(2) states that the ground floor elevation of all new buildings shall contain display areas, windows, and doorways along street frontages and where the building abuts a civic space. The activated frontages on Buildings A and B include windows and doorways that promote business vitality, public safety, and unified design in accordance with the intent and unified design requirements. Building A is 26,384 square feet and Building B is 19,788 square feet. The building square

footage requires that both buildings contain at least 25 percent window glazing. Building A and Building B exceed the percent window glazing requirement on all four elevations.

67. Section 17.90.110(E)(3) contains standards related to upper floor windows. Section 17.90.110(E)(3)(b) states individual window units shall not exceed five (5) feet by seven (7) feet. Any portion of a window unit with a dimension exceeding four (4) feet shall be divided into smaller panes. Section 17.90.110(E)(3)(c) states at least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two (2) feet by three (3) feet. Per the submitted narrative (Exhibit C), the applicant states that individual window units will not exceed five feet by seven feet in size and that any window portion exceeding four feet will be divided into smaller panes. The narrative goes on to state that at least half of all the windows in the upper floors will be made up of glass panes with dimensions no greater than two feet by three feet. The floor plans for the upper floors (Exhibit F) do not detail that the windows on the side elevations facing east and west of the buildings without patios/balconies actually opening to the inside of the buildings. Also, the windows on the upper floors orient horizontally instead of vertically as required by Section 17.90.110(E)(3). **The applicant shall revise the Elevations (Exhibit F) to detail that the upper floor windows on the sides of Buildings A and B (east and west elevations), without patios/balconies, open to the inside of the buildings and are oriented vertically instead of horizontally to the size specifications in the Development Code.**
68. Section 17.90.110(G) contains standards for civic spaces on development sites. The intent of civic space is to connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for customers and the public. The development code requires developments to provide a civic space area that is at least three percent of the building ground floor area and in no instance is less than 64 square feet. The ground floor area of both Building A and Building B is 6,596 square feet which results in a total need for approximately 198 square feet of civic space for Building A and 198 square feet of civic space for Building B. According to the applicant (not on the plan set), the proposed civic space to the south of Building A is 1,338 square feet and the civic space to the south of Building B is 1,970 square feet. The proposed civic spaces are visible from Cascadia Village Drive and connect to the sidewalk with a walkway. The civic space is proposed to contain a concrete surface, benches, picnic tables, and trellis. **The applicant shall submit additional details on the civic space amenities for staff review and approval.**
69. Section 17.90.110(H) contains standards regarding lighting. **The applicant shall follow all Dark Sky Ordinance requirements as outlined in Chapter 15.30 of this final order.**
70. Section 17.90.110(I) contains standards regarding safety and security intended to promote natural surveillance of public spaces including pedestrian, parking, and loading areas. The design of the site allows for easy surveillance of the civic spaces and parking areas, especially considering the prevalence of streets located on most sides of the development and the number of windows and balconies proposed on Buildings A and B.
71. Section 17.90.110(I)(3) requires street address numbers. **The applicant shall provide street address numbers measuring a minimum of six (6) inches high and of contrasting color,**

which clearly locate buildings and their entries for patrons and emergency services. The applicant shall verify the location of the address with the Building Official and emergency service providers.

72. Section 17.90.110(J) contains standards regarding external storage and screening intended to promote land use compatibility and aesthetics, particularly where development abuts public spaces. As detailed on the Site Plan (Exhibit D, Sheet C-201), the four garbage and recycling enclosures are located in areas where the garbage service provider can access the container. All four trash enclosures are detailed to have concrete floors, screened by 6-foot-tall fences with vinyl slats to match the color of the building siding, and are proposed to include gates on the truck-loading side and a separate pedestrian gate to the site walkway. **The applicant shall verify the size of the trash and recycling containers and appropriate pick-up location with Hoodview.** The submitted plans do not detail mechanical, electrical, or communications equipment. The narrative (Exhibit C) states the following: “Mechanical, electrical, communications equipment including meters and transformers, and service and delivery entrances and garbage storage areas will be screened from view from public rights-of-way and civic spaces.” **Per Section 17.90.110(J.3), mechanical, electrical, communications equipment including meters and transformers, and service and delivery entrances and garbage storage areas shall be screened from view from public rights-of-way and civic spaces. The applicant shall revise the plan set to detail the location of mechanical, electrical, and communications equipment and the proposed screening method for staff review and approval.**
73. Section 17.90.160 includes additional design standards for multi-family developments. The review of Section 17.90.160 is applicable to all six buildings being proposed.
74. Section 17.90.160(A) contains requirements for roofs. The roof pitch for Buildings A and B were reviewed per Section 17.90.110 (C). Buildings C through F are proposed to have gabled roofs with a primary roof slope of 5:12 and a secondary roof form slope of 9:12, both exceeding the 3:12 roof pitch requirement in Section 17.90.160(A)(1). The offsets for the roof elevations are proposed at 4 feet in height which exceeds the code requirement of 3 feet in Section 17.90.160(A)(2).
75. Section 17.90.160(B) contains requirements for entries. All building entrances are proposed to have a minimum 5-foot-deep pedestrian shelter, with some shelters exceeding 5 feet in depth. All entries face a pedestrian walkway with a direct connection to sidewalks, parking areas, or shared outdoor recreation areas. Therefore, staff finds that the proposed entries are in compliance with Section 17.90.160(B).
76. Section 17.90.160(C) states that 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. As detailed on the Elevations (Exhibit F), all facades feature windows, entries, and balconies which do a satisfactory job of providing necessary articulation on all facades. The floor plans for the upper floors (Exhibit F) do not detail that the windows on the side elevations of the buildings without patios/balconies actually opening to the inside of the buildings. Also, the windows on the

upper floors orient horizontally instead of generally required by the design standards throughout Chapter 17.90. **The applicant shall revise the Elevations (Exhibit F) to detail that the upper floor windows on the sides of Buildings C through F, without patios/balconies, open to the inside of the buildings and are oriented vertically instead of horizontally to the size specifications in the Development Code.**

77. Section 17.90.160(D) states that 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. The applicant is requesting a variance to Section 17.90.160(D) to not provide 8-foot offsets every 20 feet on all six (6) buildings. This variance request is discussed in further detail in Chapter 17.66 of this final order.
78. Section 17.90.160(E) contains requirements for private outdoor areas. A separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or porches shall be provided for each dwelling unit located above the ground level. As detailed on the Floor Plans (Exhibit F) all dwelling units have either 50 square feet or 55 square feet of private outdoor areas either in the form of a patio or balcony in compliance with the code.
79. 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 parking lots in the proposed development occupy less than 50 percent of the frontage of any public street abutting the lot or building.
80. 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 to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Individual storage areas are required to be a minimum of 24 square feet and a minimum of 6 feet in height for 1-bedroom units, and a minimum of 36 square feet and 6 feet in height for 2-bedroom units. Individual exterior, enclosed storage areas are provided to each dwelling unit. As detailed on the Floor Plan (Exhibit F) each dwelling unit has either 7 or 8 square feet of individual storage area, far below the minimum individual storage areas that the code requires. **The applicant shall revise the Elevations (Exhibit F) to detail individual storage areas at least 24 square feet for all 1-bedroom dwelling units and at least 36 square feet for all 2-bedroom dwelling units, and the Plan Set (Exhibit D) detailing a modification to the building footprints.**
81. Section 17.90.160(H) contains requirements for carports and garages associated with multi-family housing complexes. Review of this code provision is not necessary as no carports or garages are proposed with this development.
82. 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 78 multi-family units requires 15,600 square feet of shared outdoor recreation area ($78 \times 200 = 15,600$). The Narrative (Exhibit C) states that Parcel 2 provides a minimum of 9,700 square

feet of outdoor recreation area and Parcel 3 provides a minimum of 13,300 square feet of outdoor recreation area for a total of 23,000 square feet of outdoor recreation area. The outdoor recreation area (Exhibit E) includes benches, picnic tables, a playground on Parcel 2, a basketball court on Parcel 3, civic spaces on Parcel 2, and lots of open space in the form of lawn. **The applicant shall install the proposed benches, picnic tables, playground, basketball court, civic spaces, and open lawn areas as proposed.**

83. Section 17.90.160(J) contains requirements for safety and security, which include providing 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, and establishing a directory for apartment complexes of four or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway. Lighting is discussed in further detail in Chapter 15.30 of this final order.
84. Section 17.90.160 (J)(2) states that an apartment directory shall be provided for all multi-family complexes with four or more dwelling units. The submitted plan sheets does not detail an apartment directory. The applicant's narrative (Exhibit C) states, "A directory for the apartment complex, which clearly orients visitors and emergency service providers as to the location of residential units, shall be erected at entries." **The applicant shall submit additional information on the apartment directories for staff review and approval.**
85. Section 17.90.160(K) contains requirements for service, delivery, and screening. The applicant is proposing a mailbox kiosk to the north of Building B and to the south of Building E. The mailbox kiosk will include covers with Hardie plank lap siding and composite siding. **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.** As detailed on the Site Plan (Exhibit D, Sheet C-201), the two garbage and recycling enclosures on Parcel 3 are located in areas where the garbage service provider can access the container. Both trash enclosures are detailed to have concrete floors, screened by 6-foot-tall fences with vinyl slats to match the color of the building siding, and are proposed to include gates on the truck-loading side and a separate pedestrian gate to the site walkway. **The applicant shall verify the size of the trash and recycling containers and appropriate pick-up location with Hoodview.**
86. Section 17.90.160(L) contains requirements for electrical and mechanical equipment. On-grade 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 submitted plans do not detail mechanical, electrical, or communications equipment. The narrative (Exhibit C) states the following: "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 shall revise the plan set to detail the location of mechanical, electrical, and communications equipment and the proposed screening method for staff review and approval.**

VARIANCES – Chapter 17.66

87. The applicant requested the following four (4) variances:
- A. Type III Variance to Sections 17.100.180(A), 17.84.50(E)(2), and 17.84.50(J)(3) to not provide 150 feet between intersections for Pine Street north and south of Cascadia Village Drive.
 - B. Type III Variance to Section 17.100.120(B) to exceed the 400-foot maximum block length on the west side of Pine Street between Sequoia Street and Cascadia Village Drive.
 - C. Type III Special Variance to Section 17.90.160(D) to not provide 8-foot offsets every 20 feet on all six (6) buildings.
 - D. Type III Variance to Tree Retention requirements in accordance with Section 17.102.70.
88. Variances A-C are processed through Chapter 17.66 and are reviewed in detail below. The Type III Tree Removal Variance is processed in accordance with Section 17.102.70 and is discussed in Chapter 17.102 of this final order.

Variance A: Intersection Spacing

89. The applicant requested a Type III Variance to Sections 17.100.180(A), 17.84.50(E)(2), and 17.84.50(J)(3) to not provide 150 feet between intersections for Pine Street north and south of Cascadia Village Drive.
90. Criteria A. of Section 17.66.70 states “The circumstances necessitating the variance are not of the applicant’s making.” The Narrative (Exhibit C) states, “Pine Street and Cascadia Village Drive are planned streets in the City’s Transportation Plan. In order to develop this property, the developer is required to complete the street network.” Cascadia Village Drive is detailed in the 2011 Transportation System Plan, but not Pine Street. Pine Street, both north and south of Cascadia Village Drive is detailed in the BVO Circulation Plan (Figure 7). The applicant has to propose Pine Street, both north and south of Cascadia Village Drive, to adhere to the transportation plan component of the BVO. The noncompliant intersection spacing is due to the existing alignment of Pine Street south of Cascadia Village Drive, the placement of existing housing north of Pine Street at Cascadia Village, and due to the property to the north of Building F not being inside City limits and not being developed at this time. The proposed alignment and intersection spacing is not of the applicant’s making. Staff finds that Criterion A is met.
91. Criteria B. of Section 17.66.70 states “The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located.” The applicant has not violated the Code and the uses allowed on the lots will be the same with or without approval of this variance. Granting of this variance will allow the proposed development to comply with the transportation plan component of the BVO. Staff finds that Criterion B is met.

92. Criteria C. of Section 17.66.70 states “Granting of the variance will not adversely affect implementation of the Comprehensive Plan.” The BVO is a neighborhood specific planning overlay that was adopted in 2003 (Ordinance 2003-09) after extensive public participation. The adoption of the BVO is intended to coordinate the separate actions of property owners, the City of Sandy, state agencies, and developers into a cohesive and livable neighborhood. Ordinance 2003-09 amended the Comprehensive Plan to include text changes to Goal 2 and amended the zoning map to detail the boundaries of the overlay. This variance will not have an impact on any of the policies or goals of the Comprehensive Plan. Staff finds that Criterion C is met.
93. Criteria D. of Section 17.66.70 states “The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.” The submitted Narrative (Exhibit C) states, “Increasing travel capacity and connecting pre-existing planned streets is materially beneficial to the public welfare and property in the vicinity. The deviation is minor and unavoidable.” The intersection spacing issue between Pine Street north and Pine Street south can be managed by traffic control devices and access restrictions so that motorists traveling eastbound on Cascadia Village Drive cannot access Pine Street south until such a time that Cascadia Village Drive can be constructed to a full street. At the time that Cascadia Village Drive is constructed as a full street the median on Cascadia Village Drive will be extended so that Pine Street south and Pine Street north are both right-in/right-out. Approval of the variance will not be materially detrimental or injurious to other property owners in the vicinity. Staff finds that Criterion D is met.
94. Criteria E. of Section 17.66.70 states “The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.” The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting economic use of the land. As explained in this final order, the proposal meets applicable code sections, or will be able to meet the code with conditions of approval. As stated in the Narrative (Exhibit C), “This site is subject to a high volume of spatial requirements, due to the Bornstedt Village Overlay and the deviations to it from all adjacent developers, including the City.” When the City of Sandy permitted the siting of housing directly north of where Pine Street terminates into Cascadia Village Drive it eliminated the direct alignment potential north of Cascadia Village Drive. Staff finds that Criterion E is met.
95. Criteria F. of Section 17.66.70 states “Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.” The noncompliant intersection spacing is due to the existing alignment of Pine Street south of Cascadia Village Drive, the placement of existing housing north of Pine Street at Cascadia Village, and due to the property to the north of Building F not being inside City limits and not being developed at this time. The proposed development site is constrained due to past

land use decisions and therefore special circumstances do exist for the subject site. Staff finds that Criterion F is met.

96. For the reasons discussed, **the Planning Commission approved the requested variance to allow the intersection spacing to be less than 150 feet between the intersections for Pine Street north and south of Cascadia Village Drive, but required traffic control devices and access restrictions so that motorists traveling eastbound on Cascadia Village Drive cannot access Pine Street south until such a time that Cascadia Village Drive can be constructed to a full street. At the time that Cascadia Village Drive is constructed as a full street the median on Cascadia Village Drive shall be extended so that Pine Street south and Pine Street north are both right-in/right-out.**

Variance B: Block Length

97. The applicant requested a Type III Variance to Section 17.100.120(B) to exceed the 400-foot maximum block length on the west side of Pine Street between Sequoia Street and Cascadia Village Drive. The proposed block length is approximately 580 feet.
98. Criteria A. of Section 17.66.70 states “The circumstances necessitating the variance are not of the applicant’s making.” The applicant states that the need to have the block length as proposed arose when property was developed to the east of the subject site. This development included a replat, which necessitated Limerick Street. The distance between Limerick Street and Redwood Street is approximately 260 feet and the distance between Limerick Street and Cascadia Village Drive is approximately 130 feet. Consequently, a street added to the north of Bornstedt Park would not comply with code requirements for 150 feet between intersections per Sandy Municipal Code Sections 17.100.180(A), 17.84.50(E)(2), and 17.84.50(J)(3). Also, Chapter 17.86 was amended, and streets are no longer required on all sides of parks. Staff finds that Criterion A is met as the variance request for the requested block length is not of the applicant’s making.
99. Criteria B. of Section 17.66.70 states “The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located.” The applicant has not violated the Code and the uses allowed on the lots will be the same with or without approval of this variance. Granting of this variance will allow for a safer transportation network on Pine Street by removing another intersection at less than 150 feet to the nearest intersection on the east side of Pine Street. Staff finds that Criterion B is met.
100. Criteria C. of Section 17.66.70 states “Granting of the variance will not adversely affect implementation of the Comprehensive Plan.” The applicant’s Narrative (Exhibit C) quotes a number of Goal 12 policies that relate to transportation. As the applicant explains, the policies in the comprehensive plan demonstrates that the intent of block length is to create a pedestrian-friendly environment. The applicant has proposed a pedestrian walkway between Village Blvd. and Pine Street south from Cascadia Village Drive to Bornstedt Park. This walkway includes a pedestrian easement to allow for pedestrian access to Bornstedt Park. Also, the City owns the right-of-way that abuts the south property line of

the development and can construct a trail in the right-of-way if desired. The variance will not have an impact on any of the policies or goals of the Comprehensive Plan and in fact will meet the policies of Goal 12 in the Comprehensive Plan. Staff finds that Criterion C is met.

101. Criteria D. of Section 17.66.70 states “The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.” Approval of the variance will not be materially detrimental or injurious to other property owners in the vicinity. Staff finds that criterion D is met.
102. Criteria E. of Section 17.66.70 states “The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.” The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting economic use of the land. As explained in this final order, the proposal meets applicable code sections, or will be able to meet the code with conditions of approval. As stated in the Narrative (Exhibit C), “This site is subject to a high volume of spatial requirements, due to the Bornstedt Village Overlay and the deviations to it from all adjacent developers, including the City.” Staff finds that Criterion E is met.
103. Criteria F. of Section 17.66.70 states “Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.” As stated in the Narrative (Exhibit C), “The subject site has also been impacted by developer deviations from the Bornstedt Village Overlay Plan on three of four sides. Developers re-routed Cascadia Village Drive and the City shifted Bornstedt Park to the south. Streets were added and changed around the subject site, in a manner that forces the developer to comply with the existing road patterns already approved by the City.” The applicant is correct that past land use decisions and deviations to the BVO have modified the layout significantly enough that compliance for the applicant to meet block length while also meeting other Development Code requirements is impossible. The proposed development site is constrained due to past land use decisions and therefore special circumstances do exist for the subject site. Staff finds that Criterion F is met.
104. For the reasons discussed, **the Planning Commission approved the requested variance to allow the block on the west side of Pine Street south between Sequoia Street and Cascadia Village Drive to exceed the 400-foot maximum block length.**

Variance C: Building Offsets

105. The applicant requested a Type III Special Variance to Section 17.90.160(D) to not provide 8-foot offsets every 20 feet on all six (6) buildings.

106. To be granted a Type III Special Variance, the applicant must meet one of the following criteria in Section 17.66.80:
- A. The unique nature of the proposed development is such that:
 - 1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
 - 2. 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.
 - B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.
 - C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.
107. Staff believes the requested variance to Section 17.90.160(D) to not provide 8-foot-deep recesses and/or extensions every 20 feet meets Criterion A. Section 17.90.160(D) states that 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 and/or extensions (e.g., decks, patios, entrances, floor area, etc.) at a minimum depth of 8 feet. The proposed site layout includes pedestrian walkways and sidewalks around all sides of the buildings; thus, all four elevations of every building are required to meet Section 17.90.160(D) except for the south elevation of Building D. The applicant is proposing alternating storage areas and outdoor patios/balconies, however, they are only extended or recessed 5 feet. In addition, most of the offsets occur approximately 21 feet apart instead of 20 feet apart and some of the offsets are even greater. Some of the sides of the proposed buildings without patios/balconies have a contiguous 30 or 34 feet without offsets and the recesses are only 6 feet-deep instead of the required 8-foot deep. Page 52 of the Narrative (Exhibit C) includes a table that details the proposed offset pattern for all six buildings. Staff finds that the intent of the offset requirement is to break up the wall plane into smaller and varied sections. In addition to the proposed storage/patio area offsets, the applicant is proposing three (3) different siding materials on all four elevations of all six buildings as well as a stone base on two buildings, gabled roof forms, ornamental brackets, and many windows, all of which will provide visual interest.

Providing a variance for the required 8-foot-deep recesses or extensions every 20 feet is commonly requested with multifamily housing proposals in Sandy. In fact, the Planning Commission granted this same variance request on another multi-family housing project, State Street Homes, in 2023. That said, the floor plans for the upper floors (Exhibit F) do not detail that the windows on the side elevations of the buildings without patios/balconies actually open to the inside. Also, the windows on the upper floors orient horizontally instead of vertically as required by Section 17.90.110(E)(3) and as generally required by the design standards throughout Chapter 17.90. **The applicant shall revise the Elevations**

(Exhibit F) to detail that the upper floor windows on the sides of Buildings A through F, without patios/balconies, open to the inside of the buildings and are oriented vertically instead of horizontally to the size specifications in the Development Code.

108. For the reasons discussed, **the Planning Commission approved the requested variance to not provide 8-foot offsets every 20 feet on all six (6) buildings and required offsets as proposed in the table on page 52 in Exhibit C.**

TRANSPORTATION – Chapters 17.84 and 17.100

109. Section 17.84.30(A)(1) requires that all proposed sidewalks on local streets shall be a minimum of five feet wide and separated from curbs by a tree planting area that is a minimum of five feet in width. Pine Street (north) and Pine Street (south) both meet these requirements of providing sidewalks 5 feet in width with a 5-foot-wide planter.
110. As required by Section 17.84.30(A)(2) requires that all proposed sidewalks on arterial and collector streets shall be a minimum of six feet wide and separated from curbs by a tree planting area that is a minimum of five feet in width. The applicant is proposing six-foot-wide sidewalks along Village Blvd., Cascadia Village Drive, and Highway 211, however, there are several proposed right-of-ways with less than 5-foot-wide planters proposed. The substandard planter strips are located along Village Blvd. and Cascadia Village Drive. The proposal to have planter areas less than 5 feet in width does not meet Section 17.84.30(A)(2). **The applicant shall revise the plan set to detail at least 5 feet for all planter strips in the right-of-way.** The applicant details the planter strip on Highway 211 at eight feet in width in compliance with Figure 6 in the Bornstedt Village Specific Area Plan, which is good for maintaining additional separation between pedestrians and vehicles and for providing additional soil space for trees.
111. No exceptions or modifications listed in Section 17.84.30(A)(3) are requested with the application. In relation to Sections 17.84.30(B), 17.84.30(C), 17.84.30(D), and 17.84.30(E), no pedestrian or bicycle facilities other than sidewalks have been identified or proposed in the application.
112. Traffic Study. Section 17.84.50 outlines the requirements for providing a traffic study. The applicant included a Traffic Impact Study from Heath and Associates, Inc. with the application (Exhibit K). According to the traffic study, the assumptions were based on 78 multi-family dwelling units and 11,142 square feet of commercial/office space. The ITE Trip Generation Codes were 220 Multifamily Low-Rise and 822 Strip Retail Plaza. These uses would result in 47 AM peak hour vehicle trips, 84 PM peak hour vehicle trips, and 890 weekday trips. According to the City Transportation Engineer (Exhibit U), it's projected that the intersection of Highway 211 and Dubarko Road will exceed the City of Sandy's Level Of Service (LOS) standard with project conditions in the p.m. peak in 2025, but that all other study intersections will meet the LOS standard. Turn warrants were considered but turning movements do not meet the minimum volume to warrant turn lanes from Village Blvd. to Cascadia Village Drive. The proposed sight distance was evaluated at Cascadia Village Drive and Village Blvd, and at Highway 211 and Village Blvd. and both intersections will meet the sight distance requirements. The City Transportation Engineer (Exhibit U) recommended the following:
- a. The development shall contribute Transportation System Development Charges toward citywide impacts.
 - b. The development shall contribute a proportional share fee for trips through the Highway 211 and Dubarko Road intersection. The cost per trip is \$15,785, based on the planned improvement project of intersection widening and installation of a traffic signal. As shown on page 18 in Figure 6 of the TIA, 46 PM peak hour trips are

expected to use the Highway 211 & Dubarko Road intersection. These trips are based on the estimated trip generation from the Multifamily Low-rise and Strip Retail land use codes. Non-residential trip fees shall be assessed when final approvals are granted and specific non-residential uses are identified. The breakdown of fees follows:

- i. Multifamily Low-rise trips at the intersection constitute 35 percent of the trips through the intersection or 16 PM peak hour trips, resulting in a fee of \$252,560.
 - ii. Primary non-residential trips, currently estimated by the Strip Retail trip rate, constitute 39% of the trips through the intersection or 18 PM peak hour trips, resulting in a fee of \$284,130. The total fee for residential and non-residential uses is \$536,690. Should *all* of the non-residential square footage be used as office space, as approved by the City, the resulting fee shall be based on the reduced trip rate appropriate for Small Office Building (ITE code 712) land use. The expected trip generation for this use is 33 percent of the trip generation for Strip Retail and results in 6 trips through the intersection resulting in a fee of \$94,710. The total fee for residential and non-residential uses is \$347,270.
- c. Half street improvements at Collector standards shall be constructed along Village Boulevard.
 - d. Half street improvements at Minor Arterial standards shall be constructed along Highway 211.
 - e. The Cascadia Village Drive extension within the site shall be constructed at Collector standards.
 - f. The portion of trails project T44 along the southern boundary of the site, as shown in the Parks and Trails Master Plan, shall be constructed to connect from Village Boulevard to Pine Street south.
 - g. The Pine Street north connection to Highway 211 shall not be constructed. The offset distance between the north and south legs of Pine Street is too large to function as a single intersection and the spacing of the two legs violates the public road spacing standards for a collector street. Even as a right-in-right-out intersection with Highway 211 the Pine Street north connection could potentially serve a significant amount of outbound traffic volume depending on the amount of shift from Bornstedt Road. When the parcel to the east of the development site is developed, the Pine Street connection can be constructed without an offset. The half street improvement of Cascadia Village Drive on the eastern portion of the site shall be signed as one-way eastbound and a “No left turn” sign shall be installed at the northbound approach of the existing Pine Street stub.
 - h. Minimum sight distance requirements shall be met at all site driveways. Sight distances should be verified in the final engineering/construction stages of development.

113. Village Blvd. The applicant is proposing to widen Village Blvd. to its full width as depicted in the Bornstedt Village Overlay (BVO) and the Transportation System Plan (TSP). The existing Village Blvd. right-of-way is 37.5 feet in width. The applicant is proposing the dedication of 37 feet with installation of a 20-foot wide median, a 16-foot northbound travel lane, a 4.5-foot planter strip, and a six-foot wide sidewalk. The proposal also includes an asphalt pour west of the median. The 2011 TSP allows parking on collector streets when staff finds on-street parking appropriate. In this circumstance, staff wants to maximize on-street parking opportunities on Village Blvd. **The applicant shall revise the**

plan set to detail a 6-inch monumentation strip at the back of sidewalk on Village Blvd., the planter strip at least 5-feet in width, two travel lanes at least 13 feet in width, additional asphalt for two 8-foot wide linear on-street parking strips, and a reduced median approximately 9-feet wide to accommodate the modifications to Village Blvd. The Assistant Public Works Director identified the need for additional asphalt at the south terminus of Village Blvd. to allow for a U-turn at the terminus for vehicles, especially emergency service vehicles. **The applicant shall revise the plan set to detail additional paved area in the existing right-of-way for turnaround area at the south terminus of Village Blvd., and the installation of bollards or other street termination devices with signs.** To make sure that sidewalk users on the east side of Village Blvd. can access the park, the applicant needs to extend the sidewalk on the east side of Village Blvd. to meet the existing gravel pathway that currently connects Village Blvd. to Bornstedt Park. **The applicant shall revise the plan set to detail additional sidewalk on the east side of Village Blvd. connecting to the gravel pathway that currently connects Village Blvd. to Bornstedt Park in accordance with Trail T44 in Map 14 of the 2022 Parks and Trails Master Plan.**

114. Cascadia Village Drive. The applicant is proposing to extend Cascadia Village Drive east of its terminus at Village Blvd. as depicted in the Bornstedt Village Overlay (BVO) and the Transportation System Plan (TSP). The proposed street section depicts Cascadia Village Drive with a 77-foot-wide right-of-way consisting of a 20-foot wide median, two 17.5-foot travel lanes, two 4-foot planter strips, two six-foot wide sidewalks, two 6-inch curbs, and two 6-inch monumentation strips. The 2011 TSP allows parking on collector streets when staff finds on-street parking appropriate. In this circumstance, staff wants to maximize on-street parking opportunities on Cascadia Village Drive. **The applicant shall revise the plan set to detail the planter strip at least 5-feet in width on both sides of Cascadia Village Drive, two travel lanes at least 13 feet in width, additional asphalt for two 8-foot wide linear on-street parking strips, and a reduced median approximately 11-feet wide to accommodate the modifications to Cascadia Village Drive.** The proposed alignment of Cascadia Village Drive to the west of Pine Street south needs to be redesigned to meet the curb radius on the east side of Pine Street south. **The applicant shall revise the plan set to align the curb radius at Cascadia Village Drive and the west side of Pine Street south to the curb radius at Cascadia Village Drive and the east side of Pine Street south.** The applicant is proposing only one driveway/access point from Parcel 2 and one driveway/access point from Parcel 3 to Cascadia Village Drive. These two proposed driveways are aligned with one another and are the sole access to the development site and allows approximately 190 feet of stacking distance to the intersection with Village Blvd. The proposed accesses to Cascadia Village Drive are a better solution than placing additional traffic on to the south leg of Pine Street or placing additional traffic on the north leg of Pine Street, which would only be constructed most likely for one-way traffic. The City Transportation Engineer (Exhibit U) states that the half street improvement of Cascadia Village Drive on the eastern portion of the site shall be signed as one-way eastbound and a “No left turn” sign shall be installed at the northbound approach of the existing Pine Street stub. Due to concerns with illegal turning movements and the City’s limited ability to constantly patrol this intersection, bollards shall be placed at Cascadia Village Drive to restrict access to Pine Street and streets east of the proposed development,

until such a time that Cascadia Village Drive can be constructed to a full street. **The applicant shall revise the plan set to detail bollards on Cascadia Village Drive at Pine Street south and approximately 100 feet west of Pine Street south, and along the intersection with Pine Street north.**

115. Pine Street (north). This street is defined as a local street. Local streets shall be 50 feet in width or up to 56 feet in width if swales are on both sides of the right-of-way. The applicant is proposing 25 feet of dedication to include two six-inch curbs, a 14-foot travel lane, one five-foot sidewalk, and one five-foot landscape strip. **The applicant shall revise the plan set to detail at least 26 feet of dedication on Pine Street north to add two 6-inch monumentation strips at the outer edges of the right-of-way.** The City Transportation Engineer (Exhibit U) recommended that the Pine Street connection to Highway 211 not be constructed. With the connection of Pine Street north to Highway 211 eliminated, the applicant will need to revise the plan set to detail the asphalt removed in Pine Street north, but the sidewalk, street trees, and curb from Cascadia Village Drive to the back of sidewalk on Highway 211 shall still be installed, the right-of-way dedication shall remain, and the applicant shall pay a fee in-lieu for the asphalt section of Pine Street north to make a future connection to Galway Street. **The applicant shall revise the plan set to detail the removal of asphalt in Pine Street north and submit an engineer estimate for the asphalt section that is needed for a future street connection to Galway Street to be reviewed and approved by City staff. Once the City agrees to an estimate for the asphalt section the applicant shall pay the fee in-lieu prior to recording of the partition plat. The applicant shall revise the landscape plan to detail additional landscaping in the Pine Street north right-of-way in-lieu of the asphalt.** The intersection spacing issue between Pine Street north and Pine Street south can be managed by traffic control devices and access restrictions so that motorists traveling eastbound on Cascadia Village Drive cannot access Pine Street south until such a time that Cascadia Village Drive can be constructed to a full street. At the time that Cascadia Village Drive is constructed as a full street the median on Cascadia Village Drive will be extended so that Pine Street south and Pine Street north are both right-in/right-out.
116. Pine Street (south). This street is defined as a local street. Local streets shall be 50 feet in width or up to 56 feet in width if swales are on both sides of the right-of-way. The existing right-of-way that was dedicated to the east in The Bluff at Bornstedt Village is a variable width of 26 feet to 27.44 feet in width. The applicant is proposing 25 feet of dedication to increase the asphalt section to approximately 30 feet in width, install a new six-inch curb, a five-foot wide planter strip, and one five-foot sidewalk. The submitted plan set does not detail a monumentation strip at the back of the sidewalk. **The applicant shall revise the plan set to detail a 6-inch monumentation strip at the west edge of the Pine Street south right-of-way. The existing access control for Pine Street south shall be removed once the street improvements are complete.**
117. Highway 211. The existing Highway 211 right-of-way is 80 feet in width. The applicant is proposing to install a six-inch curb, an 8-foot planter strip, and a six-foot wide sidewalk. The proposal also includes an asphalt pour to extend the existing asphalt to the face of curb. The proposed eight-foot-wide planter strip is good for maintaining additional separation

between pedestrians and vehicles and for providing additional soil space for trees. However, there is no monumentation strip identified at the back of sidewalk along Highway 211. **The applicant shall revise the plan set to detail a 6-inch monumentation strip at the back of sidewalk on Highway 211 and the planter strip at 7.5 feet in width. With the connection of Pine Street north to Highway 211 eliminated, the applicant shall revise the plan set to detail the continuation of the curb, planter strip, and sidewalk in Highway 211 to the east boundary line of the subject property.**

118. Proportionate share at Highway 211 and Dubarko Road. The intersection improvements at Highway 211 and Dubarko Road are defined as Project M9 in the 2011 Sandy Transportation System Plan with a project cost exceeding \$10 million. The improvements include eventually constructing a traffic signal, northbound right turn lane, southbound left turn lane, and northbound left turn lane. The proposed Cascade Creek development will add 46 PM peak hour trips to this intersection of Highway 211 and Dubarko Road as detailed in Figure 6 of the Transportation Impact Analysis (Exhibit K). The City Transportation Engineer (Exhibit U) states that due to the impacts this proposed development will have on the intersection of Highway 211 and Dubarko Road, an offsite mitigation for that intersection shall be incorporated into the conditions of approval at \$15,785 per trip. This proportionate share funding plan will collect financial contributions from multiple developments and will fund specific capacity improvements needed to mitigate traffic operation deficiency that is triggered by the impact of new trips from growth. The 78 multifamily dwelling units will produce 16 PM peak hour trips with a total fee of \$252,560 for the residential development and the proposed office development will produce 6 PM peak hour trips with a total fee of \$94,710. **The applicant shall pay a proportional share fee for future capacity improvements at the intersection of Highway 211 and Dubarko Road of \$252,560 (\$15,785 x 16 PM peak hour trips) for the residential development portion of the development and \$94,710 (\$15,785 x 6 PM peak hour trips) for the approved use of office development on Parcel 2 for a total of \$347,270. If some of the commercial on Parcel 2 is converted to another use other than office, or commercial is eventually proposed on Parcel 1 then additional proportionate share fees at Highway 211 and Dubarko Road shall be assessed at that time.**
119. Average Daily Traffic. While this proposal will undoubtedly increase traffic on Village Blvd., there are no Average Daily Traffic (ADT) concerns on local streets. The majority of the anticipated trips will use Village Blvd. and Cascadia Village Drive, which are both designated as collector streets. Due to concerns with illegal turning movements and the City's limited ability to constantly patrol this intersection, the applicant shall install bollards at Cascadia Village Drive to restrict access to Pine Street south and streets east of the proposed development, until such a time that Cascadia Village Drive can be constructed to a full street.
120. Tangent Alignment. The alignment of all the proposed streets appears to provide the minimum 100 feet of tangent alignment as required by Section 17.84.50(H)(5)(a) of the Sandy Municipal Code (SMC). However, this requirement can be waived or modified by the City Engineer. There were no comments from the City Engineer or Assistant Public Works Director on tangent alignment.

121. Future Street Plan. Proposed streets meet the requirements of 17.84.50(H). The proposed streets are proposed in alignment with other existing streets and as detailed in the 2011 Transportation System Plan and the Bornstedt Village Overly Circulation Plan, Figure 7.
122. Street Extensions. Section 17.84.50(E) requires that public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property. The applicant is not proposing any dead ends, other than the existing Village Blvd. terminus which would have to be improved by private development to the south of the site or improved by the City of Sandy. The temporary dead end on Cascadia Village Drive is necessary as the applicant does not own enough property to improve Cascadia Village Drive to its full width.
123. Section 17.84.50(E)(2) requires that “Local streets should typically intersect in "T" configurations rather than four-way intersections to minimize conflicts and discourage through traffic. Adjacent "T" intersections shall maintain a minimum of 150 feet between the nearest edges of the two rights-of-way.” Section 17.84.50(J)(3) states, “As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 150 feet between the nearest edges of the two rights-of-way.” The applicant is requesting a Type III Variance to Sections 17.100.180(A), 17.84.50(E)(2), and 17.84.50(J)(3) to not provide 150 feet between intersections for Pine Street north and Pine Street south, as detailed in this final order.
124. Blocks. The applicant is requesting a Type III Variance to Section 17.100.120(B) to exceed the 400-foot maximum block length on the west side of Pine Street south between Sequoia Street and Cascadia Village Drive, as detailed in this final order. The proposed block length is approximately 580 feet. Because Pine Street south and Sequoia Street are both local streets, City staff found that a variance process was necessary to exceed the maximum block length of 400 feet. The west side of the development site is along Village Blvd., a collector street, and therefore there is no need to have an east/west street south of Cascadia Village Drive before the south property line of Parcel 3 nor between Cascadia Village Drive and Highway 211. The block length from Cascadia Village Drive to the south property line is 257 feet and the block length from Cascadia Village Drive to Highway 211 is 289 feet. The block length from Village Blvd. to Pine Street south is already set at approximately 610.70 feet due to the width of Bornstedt Park and the existing dedications for Village Blvd. and Pine Street south to the south of the subject property. Also, the City does not want to install a street along the north side of Bornstedt Park. However, in accordance with Section 17.100.120(C), “in any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of ten feet within a 15-foot right-of-way, tract, or easement shall be provided through the middle of the block”. The applicant is proposing a 15-foot-wide public access easement bisecting Parcel 3 from Cascadia Village Drive to the City right-of-way north of Bornstedt Park. The proposed easement is proposed to contain a 10-foot-wide paved pedestrian walkway in accordance with the development code. **The applicant shall**

revise the plan set to detail pedestrian scale lighting within the easement and the 15-foot pedestrian easement shall be granted to the City of Sandy and recorded on the face of plat.

125. Street Naming. The proposed development includes the extension or widening of existing streets. No new street names are necessary.
126. Transit. Section 17.84.40(A) requires that the developer construct adequate public transit facilities. The Sandy Area Metro Transit Director submitted a memo (Exhibit T) stating the following: “Per review of Cascade Creek Apartments, the Transit Department requests the addition of a bus stop and shelter. The bus stop design should be at minimum a 7’ X 9.5’ pad with a 5’ X 7.5’ bus shelter. The stop location is marked in this memo and is on Cascadia Village Dr. at the intersection of Village Boulevard.” **The applicant shall revise the Plan Set (Exhibit D) to remove the proposed bus pad on Village Blvd. to the south of Cascadia Village Drive. The applicant shall revise the Plan Set (Exhibit D) to detail a bus shelter with a concrete pad at the NE corner of the intersection of Village Blvd. and Cascadia Village Drive. The applicant shall coordinate the exact location of the shelter and pad with the Transit Director.**
127. The Sandy Development Code has a list of other considerations in the right-of-way that were evaluated as follows:
 - a. Other Access Considerations. No public alleys, flag lots, or public access lanes are proposed in this development.
 - b. Lighting. 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.
 - c. Planter Strips. Planter strips shall be provided along all frontages as required in Section 17.100.290. Unfortunately, there are several proposed rights-of-way with less than 5-foot-wide planters. The substandard planter strips are located along Village Blvd. and Cascadia Village Drive. The proposal to have planter areas less than 5 feet in width does not meet Section 17.84.30(A)(2). **The applicant shall revise the plan set to detail at least 5 feet for all planter strips in the right-of-way.**
 - d. Mail Facilities. Section 17.84.100 outlines the requirements for mail delivery facilities. The applicant is proposing a mailbox kiosk to the north of Building B and to the south of Building E. The mailbox kiosk will include covers with Hardie plank lap siding and composite siding. **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.**

PARKING, LOADING, AND ACCESS REQUIREMENTS – Chapter 17.98

128. Section 17.98.10(O) pertains to unassigned parking for residential developments. Multi-family developments with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development. The Building Elevations Site Plan (Exhibit F, Sheet PR-100.19) details that 31 of the parking spaces will be designated ‘guest’. This equates to 15.4 percent of the overall parking spaces for guests ($31/201 = 0.154$). **If the applicant proposes assigned parking for the multi-family development, at least 15 percent of the total required parking spaces for the multi-family development shall be unassigned and available for use by all occupants and guests of the development.**
129. Section 17.98.20 contains off-street parking requirements. The proposed use on Parcel 1 is just the existing single-family home which has plenty of room for parking. The applicant is proposing new asphalt for the vehicle maneuvering area on Parcel 1. The total number of parking spaces on Parcels 2 and 3 is 201 parking spaces. The proposal does not include any studios or 1-bedroom dwelling units. There are 18 units with 2-bedrooms, 46 units with 3-bedrooms, and 14 units with 4-bedrooms for a total of 78 dwelling units. Per Section 17.98.20(A)(8), a multi-family dwelling unit with 2-bedrooms or greater requires a minimum of 2 parking spaces per dwelling unit. Therefore, the multi-family portion of the development requires 156 parking spaces ($78 \times 2 = 156$). Per Section 17.98.20(A)(10), professional offices require 1 parking space per 400 square feet, plus 1 parking space per 2 employees on the largest shift. The total office area in Buildings A and B combined is 11,142 square feet, which requires a minimum of 28 parking spaces. The applicant states that the total number of employees anticipated to work in the offices on Parcel 2 is 20 employees, which requires a minimum of 10 parking spaces. In total, the multifamily development requires a minimum of 156 parking spaces and the office space on the site requires a minimum of 38 parking spaces for a total requirement of 194 parking spaces. The applicant is proposing 201 parking spaces, which exceeds the code requirement.
130. Section 17.98.160 contains requirements related to bicycle parking facilities. Section 17.98.20(A)(8) requires 1 bicycle space per multifamily dwelling unit and Section 17.98.20(A)(10) requires bicycle spaces at the equivalent of 5 percent the total of the parking spaces or 2 bicycle spaces, whichever is greater. The proposed development requires 78 bicycle spaces for the multifamily dwellings and 2 bicycle spaces for the professional office spaces. The Site Plan (Exhibit D, Sheet C-201) details 32 bicycle spaces on Parcel 2 and 46 bicycle spaces on Parcel 3. **The applicant shall submit a revised plan set to detail two (2) additional bicycle spaces on Parcel 2 to meet the requirement of 80 total bicycle spaces.**
131. Per Section 17.98.160(B) each required bicycle parking space shall be at least two and one-half feet by six feet; vertical or upright bicycle storage structures are exempt from the parking space length. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking. **The applicant shall submit a**

standard detail for the proposed bicycle racks meeting the space and security requirements in Section 17.98.160 for staff review and approval.

132. Section 17.98.60 includes standards on parking lot design, size, and access. The Building Elevations Site Plan (Exhibit F, Sheet PR-100.19) details 114 standard parking spaces, 79 compact parking spaces, and eight (8) ADA parking spaces. The total number of parking spaces proposed requires that at least seven ADA parking spaces are provided. All of the ADA parking spaces have 9 feet by 18 feet parking access aisles; however, one ADA parking space on Parcel 3 has the access aisle on the driver side, which is not in compliance with the code and ORS 447.233. **The applicant shall submit a revised plan set to detail the ADA parking space on Parcel 3 by the basketball court to be closer to the entrance of a building and with the access aisle on the passenger side of the ADA parking space. Signage associated with the ADA parking spaces shall meet the head clearance distance requirement in the Building Code. All approved parking spaces shall be clearly delineated with painted lines and the entrance and exit driveways shall be signed or marked with paint.**
133. Section 17.98.60(B.5) states that no more than 40 percent of the parking stalls shall be compact spaces. The Building Elevations Site Plan (Exhibit F, Sheet PR-100.19) labels 43 parking spaces as compact on Parcel 2 and 36 parking spaces as compact on Parcel 3 for a total of 79 compact parking space. The total number of parking spaces on Parcels 2 and 3 is 201 parking spaces. The proposed 79 compact parking spaces is 39.3 percent of the total parking spaces in compliance with the code.
134. Section 17.98.60(C) contains standards on parking lot aisle width. All proposed parking lot maneuvering aisles are two-way and have parking spaces on both sides of the maneuvering aisle. The Site Plan (Exhibit D, Sheet C-201) details all parking lot maneuvering aisles at least 25 feet wide in compliance with the code.
135. Section 17.98.80(A) requires access from a lower functional order street. The applicant is proposing to remove the two existing accesses/driveways to Highway 211. The applicant is not proposing access/driveways to Highway 211, Village Blvd., nor Pine Street north or south. **The applicant shall revise the Tentative Plat (Exhibit D, Sheet C-101) to detail a Vehicle Non-Access Reservation (VNAR) along Highway 211, Village Blvd., and Pine Street.** The applicant is proposing only one driveway/access point from Parcel 2 and one driveway/access point from Parcel 3 to Cascadia Village Drive. These two proposed driveways are aligned with one another and are the sole access to the development site and allows approximately 190 feet of stacking distance to the intersection with Village Blvd. Staff finds that the proposed accesses to Cascadia Village Drive are a better solution than placing additional traffic on to the south leg of Pine Street or placing additional traffic on the north leg of Pine Street.
136. Section 17.98.120 contains landscaping and screening provisions for parking areas. Section 17.98.120(A) requires screening of parking areas containing 4 or more spaces. The Landscape Plan (Exhibit E) details boundary plantings between the parking areas and

adjacent properties, between parking areas and buildings, between parking areas and street rights-of-way, as well as plantings between parking bays and vehicle maneuvering areas.

137. Section 17.98.120(B) requires parking in a commercial district that adjoins a residential district to include a site-obscuring screen that is at least 80 percent opaque when viewed horizontally from between 2 and 8 feet above the average ground level. The C-3 zoned property is separated by right-of-way on all three sides of Parcel 2 and Parcel 1 is also zoned C-3, so this code standard is not applicable.
138. Section 17.98.120(C) requires parking facilities to include at least 10 percent landscaping. The submitted plans detail landscaping and walkways around all parking areas. The applicant details on the Site Plan (Exhibit D, Sheet C-201) that 35,948 square feet or 36.7 percent of Parcel 2 is landscaped, and that 91,127 square feet or 56.7 percent of Parcel 3 is landscaped.
139. Section 17.98.120(D) restricts parking bays to no more than 20 parking spaces and requires landscape planters at the ends of each parking bay that have a minimum width of five feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. There is no parking bay which exceeds 20 parking spaces without a landscape planted breaking the number of continuous parking space. Each planter shall contain one major structural tree and ground cover. The Landscape Plan (Exhibit E, Sheet L1) details planter bays at the ends of all the parking bays, but some are proposed at less than five feet in width. **The applicant shall revise the plan set to detail all planter bays at least five feet in width (interior dimensions) by 17 feet in length or five feet in width and 34 feet in length for a double bay.** Four planter bays on Parcel 2 and at least four planter bays on Parcel 3 are missing major structural trees. **The applicant shall revise the Landscape Plan (Exhibit E, Sheet L1) to detail major structural trees in all planter bays on both Parcel 2 and Parcel 3.**
140. Section 17.98.120(E) states that parking area setbacks shall be landscaped with major trees, shrubs, and ground cover. Section 17.92.80 requires parking area buffers to contain a balance of low-lying ground cover and shrubs, and vertical shrubs and trees. **As discussed in the review of Section 17.98.120(D), the applicant shall revise the landscape plan to detail major structural trees in all parking lot planter bays.**
141. Section 17.98.120(F) requires wheel stops or other methods to protect landscaped areas and pedestrian walkways. The plan set does not detail wheel stops in any parking spaces. Parking may project over an internal sidewalk, but a minimum clearance of five feet for pedestrian circulation is required. There are 24 parking spaces on Parcel 2 and four parking spaces on Parcel 3 that abut landscaping. There are 65 parking spaces on Parcel 2 that abut a walkway that is less than seven feet in width. **The applicant shall revise the plan set to detail wheel stops in all parking spaces that abut landscaping or walkways that are less than 7 feet in width, and/or increase walkway widths where applicable.**
142. 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.

143. Section 17.98.140 requires parking areas, aisles, and turnarounds to provide adequate provisions for on-site collection of stormwater to eliminate sheet flow onto sidewalks, public rights-of-way, and abutting private property. **The applicant shall comply with the requirements of Section 13.18 of the Sandy Municipal Code.**
144. Section 17.98.150 requires lighting to be provided in all required off-street parking areas. The applicant submitted a lighting fixture schedule for new site lighting, and a photometric plan. These submittals are reviewed in Chapter 15.30 of this final order.
145. Section 17.98.190 contains minimum standards for off-street loading facilities for commercial and industrial developments and states that all commercial and industrial uses that anticipate loading and unloading of products/materials shall provide an off-street area for loading/unloading of products/materials. The proposal includes office space on the ground floor of Buildings A and B on Parcel 2. Offices generally have very little need for unloading of products/materials. Staff finds that the proposed parking lot and access aisles provide ample area for off-street loading in the rare cases that it will be necessary for the offices in Buildings A and B.

UTILITIES – Chapters 17.84 and 17.100

146. Section 17.84.20(A)(1) requires that all improvements shall be installed concurrently with development or be financially guaranteed. **All lots in the proposed subdivision will be required to install public and franchise utility improvements or financially guarantee these improvements prior to final plat approval.**
147. As required by 17.100.130, eight-foot wide public utility easements will be included along all property lines abutting a public right-of-way. The applicant details an eight-foot-wide public utility easement along all public right-of-way, except the south lot line of Parcel 3. **The applicant shall revise the tentative plat to include an eight-foot-wide public utility easement along the south property line of Parcel 3.**
148. The Fire Marshal (Exhibit O) reviewed the proposal and provided general comments as well as comments related to fire apparatus access and firefighting water supplies. **The applicant shall comply with all applicable Oregon Fire Code requirements.** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. **The applicant shall adhere to all Fire Marshal requirements in Exhibit O, including but not limited to the following:**
- a. **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. All construction activities shall comply with the applicable Oregon Fire Code and the Fire Code Application Guide.**
 - b. **The owner or owner’s authorized agent shall be responsible for the development, implementation and maintenance of a written plan establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall address the requirements found in OFC Chapter 33 and shall be made available for review by the fire code official upon request.**
 - c. **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.**
 - d. **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.**
 - e. **A key lock box for building will be required to provide access to common use areas, the fire alarm control panel(s), and the fire sprinkler riser room(s). The Fire District uses KNOX brand boxes. To order a KNOX box keyed for the Sandy Fire District, please visit Sandy Fire’s website (<https://www.knoxbox.com/Products> for ordering information.**
 - f. **Knox Box Contents. When more than one key is secured in the Knox Box, each key shall be legibly identified as to its use, utilizing a round key tag that is a**

minimum of 1-inch in diameter. Necessary keys provided by the building owner or business owner may include: a) Main entrance door, b) Fire Alarm Control Panel, c) Alarm codes, d) Manual pull stations, e) Fire Sprinkler Control padlock/s, f) Mechanical rooms, g) Elevator control, h) Attic or roof access, and i) Any other keys necessary to access building controls.

- g. An emergency vehicle access and maintenance agreement shall be deeded and recorded as a condition of approval.
- h. New buildings four or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3% slope), shall be provided with a stairway to the roof.
- i. Commercial buildings exceeding three stories or 30 feet in height shall have not fewer than two means of fire apparatus access for each building.
- j. A minimum of one on-site fire hydrant shall be provided near the proposed mixed-use development for firefighting operations. If distances between fire hydrants exceeds 500 feet, additional on-site fire hydrants may be required along the fire apparatus access road.
- k. Fire department connections (FDC) are required to be remote and shall be located within 100 feet of a public 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.
- l. 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 (4 1/2-inch NST x 4-inch Storz Adaptor). If a new building, structure, or dwelling is already served by an existing hydrant, the existing hydrant shall also be OSHA safety red and have a 4-inch non-threaded metal faced hydrant connection with cap installed.

149. Water. The applicant shall install all water lines and fire hydrants in compliance with the applicable standards in Section 17.100.230, which lists requirements for water facilities. The Assistant Public Works Director (Exhibit P) analyzed the proposal and defined several items that need to be included with the construction plans. **The applicant shall detail the following on the construction plans: detail one Mueller Super Centurion hydrant for the hydrant at the lowest elevation; detail waterlines outside of the public right-of-way as private with a master-metering system; and detail the meter locations with the plan set.**

150. Sanitary Sewer. This application is not subject to the moratorium on development adopted by Resolution 2022-24 because it was submitted prior to the effective date of the moratorium. The applicant intends to install sanitary sewer lines in compliance with applicable standards in Section 17.100.240. The City Engineer (Exhibit Q) states that the preliminary sanitary sewer shown to serve Parcel 2 will need to be an 8-inch public line in an easement, terminating with a manhole to serve Parcel 1. **The applicant shall revise the utility plan to detail the sanitary sewer line on Parcel 2 as an 8-inch public line with a public manhole on Parcel 1. The applicant shall revise the tentative plat to detail a 15-foot-wide public easement on Parcels 1 and 2 for the public sanitary sewer line.** The Assistant Public Works Director (Exhibit P) also analyzed the proposal and defined two

additional items that need to be analyzed and one condition related to the existing septic systems. **The applicant shall confirm that the upstream manhole on the east end of the property is deep enough to provide service to and through the property. The applicant shall confirm that the downstream pump station adjacent to Cascadia Village Drive has adequate capacity for this development and shall provide details for any connections to manholes including lateral connections. The applicant shall abandon the two existing septic systems and shall submit the decommissioning paperwork to City staff.**

151. Stormwater. Section 17.100.250(A) details requirements for stormwater detention and treatment. The applicant submitted a Preliminary Stormwater Report (Exhibit J) completed by BCRA. The applicant proposes one large buried detention vault at the SW corner of Parcel 2, one large buried detention vault near the middle of Parcel 3, and one stormtech system at the SE corner of Parcel 3. The City Engineer (Exhibit Q) states that the BCRA Engineering draft stormwater report is acceptable but will need to be finalized for design of the public improvement and listed a number of items that need to be confirmed with the City Engineer during construction plan review. **Submit a detailed final stormwater report stamped by a licensed professional engineer for review. The calculations shall meet the water quality/quantity criteria as stated in the City of Sandy Development Code (SDC) Chapter 13.18 Standards and the City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code.**
152. SandyNet. Broadband vault/conduit infrastructure are required for all new developments. The SandyNet Director (Exhibit R) submitted a letter into the record with requirements. **The applicant shall provide SandyNet with a set of PGE utility and street/sidewalk lighting plans to design and return a SandyNet broadband deployment plan to overlay in the dry utility shared trench. SandyNet will provide requirements for layout and acceptable materials for the developer/contractor. SandyNet shall be contacted after installation of infrastructure and coordinated for onsite inspection before backfilling the common trench. Plans for SandyNet design shall be sent to Greg Brewster gbrewster@ci.sandy.or.us, 503-953-4604. The onsite contact for general questions and inspections will be Ron Yow, ryow@ci.sandy.or.us, 541-514-9771.**
153. Section 17.100.260 states that all subdivisions shall be required to install underground utilities. **The applicant shall install utilities underground with individual service to each lot.** Section 17.84.60 outlines the requirements of public facility extensions. The applicant submitted a utility plan (Exhibit D, Sheet C-501) which details the proposed location of proposed public water, sanitary sewer, and stormwater drainage facilities. The utility plan also details power lines, communication lines, and transformers. Broadband fiber service is required to be detailed with construction plans. The existing overhead service is proposed to remain to the existing house on Parcel 1. However, in accordance with Chapter 15.20 the existing overhead service lines shall be placed underground. **The applicant shall revise the utility plan to detail the existing overhead utility lines over Highway 211 underground and the utility poles removed.**

154. Franchise utilities will be provided to all lots within the proposed partition as required in Section 17.84.80. The location of these utilities will be identified on construction plans and installed or guaranteed prior to final plat approval. The applicant does not anticipate extending franchise utilities beyond the site. **All franchise utilities shall be installed underground.** The developer will make all necessary arrangements with franchise utility providers. The developer will install underground conduit for street lighting.
155. Section 17.84.90 outlines requirements for land for public purposes. All proposed public facilities will be located within public rights-of-way. Eight-foot wide public utility easements will be provided along all lots adjacent to street rights-of-way for future franchise utility installations. All easements and dedications will be identified on the final plat as required.

PARKLAND DEDICATION – Chapter 17.86

156. Section 17.86.10 includes minimum parkland dedication requirements and requires residential developments, including multi-family development, to provide parkland to serve the residents of the development. The proposed 78 multi-family units are required to provide 1.06 acres of parkland (78 units x 2 persons/units x 0.0068 per person parkland dedication factor). Section 17.86.10(C) and 17.86.40 pertain to fee in lieu of dedication. Section 17.86.40(A-C) states that the City shall accept a fee in lieu of dedication if the land area proposed for dedication is not identified in the 2022 Parks and Trails Master Plan proposed park system or proposed trail system and if the level of service standard for mini parks described in the 2022 Parks and Trails Master Plan has been satisfied. The Parks and Trails Advisory Board (Exhibit N) reviewed the application and code criteria and recommended a fee-in-lieu of parkland dedication. The current fee-in-lieu amount is \$869,242.00 per acre. A payment in lieu of land dedication is separate from Park Systems Development Charges (SDCs) and is not eligible for a credit of Park SDCs. **The applicant shall pay a fee in lieu of parkland dedication in the amount of \$921,396.52 (1.06 acres x \$869,242 per acre) or at a reduced rate per the terms of Resolution 2023-12. The fee in lieu of dedication shall be paid prior to recording of the plat.**
157. The Parks and Trails Advisory Board supports the Parks and Recreation Department in exploring the option to establish a development agreement to build certain amenities as listed in the Bornstedt Park Phase 2 master plan.

URBAN FORESTRY – 17.102

158. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. The applicant submitted an Arborist Report (Exhibit G) and a Retention Plan (Exhibit H). The tree retention analysis was completed by Washington Forestry Consultants, Inc.
159. In accordance with Section 17.54.140, the BVO standards require at least six (6) trees per acre are retained for every one-acre of land in the BVO. The property contains 8.83 acres requiring retention of 53 trees, 11 inches and greater DBH ($8.83 \times 6 = 52.98$). The applicant mistakenly evaluated the tree retention standards based on net acreage and therefore miscalculated the retention at 42 trees ($6.95 \times 6 = 41.7$).
160. The applicant's Retention Plan (Exhibit H) details the location of all trees 3-inches DBH or greater on the site that are planned for removal and retention. The Retention Plan details retained trees with a critical root zone circle, trees proposed for removal in the right-of-way with an x, and trees that the applicant is proposing to remove and mitigate for on private property with a combination of an x and blue box. The arborist inventoried all 82 trees at 3-inches DBH or greater. The applicant stated that 74 of the trees are 8-inches DBH or greater and are defined as significant in accordance with Section 17.792.10(C) of the development code. The retention plan and arborist report have some conflicting information on the number of trees in the proposed right-of-way. The retention plan states there are 36 trees in the right-of-way, while the arborist report states there are 38 significant trees and 4 non-significant trees that are growing in the existing and planned rights-of-way. The applicant is stating that 24 trees are proposed for retention and has applied for a tree variance in accordance with Section 17.102.70.
161. Under a Type III review process, the Planning Commission may allow newly-planted trees to substitute for retained trees if: A. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and, B. The substitution more nearly meets the intent of this chapter due to: 1. The location of the existing and proposed new trees, or 2. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or 3. An undue hardship is caused by the requirement for retention of existing trees; or, 4. Tree removal is necessary to protect a scenic view corridor.
162. The City hired Todd Prager and Associates to analyze the arborist report and retention plan submitted by Washington Forestry Consultant. Todd Prager and Associates completed a comprehensive analysis (Exhibit S) that staff has relied upon for the analysis of Chapter 17.102 and Section 17.54.140, especially considering there are discrepancies in the retention plan and arborist report.
163. Todd Prager and Associates states there are only 11 trees in good health and 11-inches DBH or greater on the site that are potential tree preservation candidates. These trees are marked as Tree #s 10, 11, 12, 13, 34, 35, 57, 60, 66, 67, and 68, which are highlighted in yellow in Exhibit S. Four of these trees (Tree #s 12, 13, 34, and 67) are not practical to

retain because they are on the edge of the parking areas and one tree (Tree # 11) is located in the center of a parking lot. Two of the trees (Tree #s 10 and 57) need to be evaluated further to define if retention is actually possible. Also, Tree # 35 needs tree protection fencing and a determination if an alternate route for the sanitary sewer service line is possible to avoid the tree's root zone. Todd Prager and Associates states that only four (4) or six (6) trees are actual retention candidates in accordance with the development code. A majority of the trees that the applicant is proposing to retain are in poor condition, very poor condition, or are smaller than 11-inches DBH, and therefore do not qualify as retention trees.

164. Todd Prager and Associates also completed an exhaustive evaluation of the submitted tree replacement plan in accordance with the tree variance listed earlier in this final order. Tree replacement is required at a 2:1 ratio in accordance with Section 17.102.70. Based on the applicant's requirement to retain 53 trees and the ability to only retain four (4) or six (6) trees in good condition and at least 11-inches DBH or greater, the applicant will need to plant 94 to 98 mitigation trees (47 or 49 tree deficit x 2). There is also one tree, Tree # 70 (a 6-inch DBH shore pine) that could likely be counted as mitigation credit as the tree is in good condition and the applicant is proposing to retain the tree. With the retention of Tree #70, that means that 93 to 97 mitigation trees will need to be planted. The proposed Landscape Plan (Exhibit E) details 56 native mitigation trees which results in a deficit of 37 to 41 replacement trees depending on the final tree preservation plan. In addition, several of the replacement trees are closely spaced and will result in excessive competition for space and light that will impact their long-term viability. Spacing of trees should be increased to at least 15 feet on center to be eligible for replacement tree credit.
165. The Planning Commission approved the tree variance and required the applicant follow the recommendations as presented by Todd Prager and Associates (Exhibit S). **The applicant shall submit a revised arborist report and tree retention plan for staff review and approval, including at a minimum:**
 - a. **Additional evaluation of design options to retain Tree #s 10 and 57;**
 - b. **Proof of coordination with the project arborist to evaluate whether trees in poor condition should be retained;**
 - c. **Protection fencing for Tree # 35 and a determination if an alternate route for the sanitary sewer service line is possible to avoid the tree's root zone; and,**
 - d. **Detail 37 to 41 additional native replacement trees and detail a minimum spacing of at least 15 feet on center for all replacement trees or as otherwise permitted by staff.**
166. In addition to the above conditions the applicant shall complete additional conditions prior to grading to make sure that retention trees are adequately protected. The applicant shall complete the following prior to grading:
 - a. **Install tree protection fencing at the critical root zone of 1 foot per 1-inch DBH to protect the four (4) to six (6) retention trees, consistent with the recommendations in the Arborist Report (Exhibit G). Tree protection fencing shall be 6-foot-tall**

chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) every 50 feet to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. 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.

- b. Request an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site. The tree protection fence inspection shall be approved by City staff prior to any grading activity.

- 167. To make sure that tree protection measures are being adequately conducted the applicant shall also consult with an arborist to monitor construction activity by retention trees. **The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property. The project arborist shall be onsite and document the proper protection of Tree # 70 during demolition work in its root zone. The applicant shall submit a post-construction report prepared by the project arborist or other TRAQ qualified arborist to ensure none of the retention trees were damaged during construction.**
- 168. To ensure protection of the retention trees and mitigation trees, the applicant shall record a tree protection covenant, specifying protection of trees on the subject property and limiting removal without submittal of an Arborist's Report and City approval. The tree protection covenant shall list the tree species, size, critical root zones, and location of retention trees, and the species and location of mitigation trees.

LANDSCAPING AND SCREENING – Chapter 17.92

169. Section 17.92.10 contains general provisions for landscaping. As required by Section 17.92.10(C), trees over 25-inches circumference 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. A 25-inch circumference tree measured at 4.5 feet above grade has roughly an eight-inch diameter at breast height (DBH). Tree protection fencing and tree retention is discussed in more detail under Chapter 17.102 in this final order. **Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing. Per Section 17.92.10(D), planter and boundary areas used for required plantings shall have a minimum diameter of five feet (two and one-half foot radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of seven and one-half feet.**
170. Per Section 17.92.10(L), **all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.** Landscaping will be maintained or otherwise enforced by Code Enforcement.
171. Section 17.92.20 contains minimum landscaping area requirements. Parcels 1 and 2 are zoned C-3 which requires a minimum of 10 percent of the site to be landscaped according to Section 17.92.20. Parcel 3 is zoned R-1 and R-2. R-1 does not have a minimum percent landscaping identified. In accordance with Section 17.38.30, R-2 requires a minimum of 25 percent of the site to be landscaped if developed as multifamily. The applicant details on the Site Plan (Exhibit D, Sheet C-201) that 35,948 square feet or 36.7 percent of Parcel 2 is landscaped, and that 91,127 square feet or 56.7 percent of Parcel 3 is landscaped. Parcel 1 is not proposed to be developed and therefor landscaping analysis was not completed. The percent landscaping is in compliance with the Sandy Development Code.
172. Section 17.92.30 specifies that street trees shall be chosen from the City-approved list. As required by Section 17.92.30, the development of the streets requires medium trees spaced 30 feet on center along all street frontages. The submitted Landscape Plan (Exhibit E, Sheet L1) details trees at an appropriate spacing per the development code, except there are three street trees missing along Highway 211. With the requirement to remove the overhead utility lines over Highway 211 these three additional trees can be planted. **The applicant shall revise the Landscape Plan (Exhibit E, Sheet L1) to detail three additional street trees along Highway 211 and the removal of the overhead utility lines.** The trees the applicant has identified are October Glory Maple and Village Green Zelkova, although the quantity of Village Green Zelkova on the Landscape Plan is incorrect. The quantity identified in the plant legend is 3 Village Green Zelkova, although there are 30 proposed in the right-of-way of Cascadia Village Drive. **The applicant shall revise the Landscape Plan (Exhibit E, Sheet L1) to detail the correct quantity of Village Green Zelkova in the plant legend.** Due to concerns with Asian Longhorn Beetle and Emerald Ash Borer as well as an interest in increasing species diversity, staff would prefer that the applicant

proposes fewer maples and no ashes as street trees at this time. **To improve species diversity, the applicant shall revise the Landscape Plan (Exhibit E, Sheet L1) to detail at least five (5) different street tree species, with no more than 10 percent of the proposed street trees as maples.**

173. The applicant is proposing to mass grade the buildable portion of the site. This will remove the top 6-inches to 18-inches of topsoil (Exhibit I) and heavily compact the soil. In order to maximize the success of the required street trees, mitigation trees, and other landscaping, **the applicant shall aerate and amend the soil within the planting areas on the buildable portion of the site and in the planter strips to a depth of 3 feet prior to planting required landscaping. The applicant shall submit a letter from the project landscaper confirming that the soil has been aerated and amended prior to planting required landscaping.**
174. Section 17.92.40 requires that all landscaping shall be irrigated, either with a manual or automatic system. **As required by Section 17.92.140, the developer and lot owners shall be required to maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.**
175. Section 17.92.50 specifies the types and sizes of plant materials that are required when planting new landscaping. Trees are typically required to be a minimum caliper of 1.5-inches measured 6 inches from grade if deciduous, or 5 feet in height if coniferous. Shrubs are required to be a minimum of one gallon in size or two feet in height when measured immediately after planting. The applicant has identified Village Green Zelkova, Shademaster honey locust, Japanese maple, October Glory maple, crape myrtle, Alaskan weeping cedar, shore pine, Western red cedar, Doug fir, and incense cedar, all meeting the minimum size at planting. Due to a decline in Western red cedar, the applicant shall not plant Western red cedars at this time. **The applicant shall revise the Landscape Plan (Exhibit E, Sheet L1) to detail Alaskan yellow cedar, Ponderosa pine, or Western hemlock instead of Western red cedar.** The applicant has identified seven varieties of shrubs, three ornamental grasses, three groundcovers, and lawn all meeting or exceeding the minimum size at planting. The applicant is proposing Portugal laurel which is a nuisance species. **The applicant shall revise the Landscape Plan (Exhibit E, Sheet L1) to detail a substitute shrub for the Portugal laurel, which is a nuisance species. All trees planted on the site shall be a minimum of 1.5-inches in caliper measured 6 inches above the ground (if deciduous) or 5 feet in height (if coniferous) and shall be planted per the City of Sandy standard planting detail. Trees shall be planted, staked, and bark mulch, vegetation, or other approved material installed prior to occupancy. Tree ties shall be loosely tied twine or other soft material and shall be removed after one growing season (or a maximum of 1 year). All shrubs shall be a minimum of one gallon in size or 2-feet in height when measured immediately after planting.**
176. 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.**

177. Section 17.92.90 has details on screening of unsightly views or visual conflicts. While the proposed lots are not unsightly, they are a big difference from the existing view of the natural landscape. The applicant is proposing a robust amount of landscaping (Exhibit E, Sheet L1), especially along the south property line that abuts Bornstedt Park. The other property lines abut right-of-way, but the applicant is proposing required street trees and a mixture of other landscaping mediums. **On-grade 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.**
178. Section 17.92.130 contains standards for a performance bond. The applicant has the option to defer the installation of street trees and/or landscaping for weather-related reasons. Staff recommends the applicant utilize this option rather than install trees and landscaping during the dry summer months. Consistent with the warranty period in Section 17.92.140, staff recommends a two-year maintenance and warranty period for street trees based on the standard establishment period of a tree. **If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the street trees/landscaping, assuring installation within 6 months. The cost of the street trees shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.**

EROSION CONTROL, NUISANCES, DARK SKIES, AND ACCESSORY DEVELOPMENT – Chapters 15.44, 15.30, and 17.74

179. In accordance with the requirements of Chapter 15.44, Erosion Control, the applicant submitted a Geotechnical Report (Exhibit I) completed by Gill Group, Inc. The Gill Group recommended that additional geotechnical work is needed to provide specific geotechnical recommendations for site grading and for the design and construction of foundations and pavements. The analysis included 12 exploratory test pits. No groundwater was encountered in the test pits. Based on the analysis of the soils and site conditions, the Gill Group finds that the site is suitable for development and that the proposed buildings can be supported by shallow foundations. The recommended site preparation includes the removal of the top 6-inches to 18-inches of topsoil from the foundation areas. The City Engineer (Exhibit Q) stated that the preliminary geotechnical report is acceptable but will need to be updated and finalized for design of the public improvements. **The applicant shall complete additional geotechnical work for site grading and for the design and construction of foundations. The applicant shall submit additional materials for the record from the Gill Group or another geotechnical professional defining grading and construction recommendations.**
180. **All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended. The 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 of the subdivision. **All erosion control and grading shall comply with Section 15.44 of the Municipal Code. The proposed development is greater than one acre which typically requires approval of a DEQ 1200-C Permit. The applicant shall submit confirmation from DEQ if a 1200-C Permit will not be required.**
181. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. **The applicant's Grading and Erosion Control Plan shall be designed in accordance with the standards of Section 15.44.50.** Grass seeding shall be completed as required by Section 17.100.300. The applicant submitted a preliminary Grading Plan (Exhibit D, Sheet C-301), but it does not include erosion control details. **A separate Grading and Erosion Control Permit will be required prior to any site grading. The applicant shall request an inspection of erosion control measures and tree protection measures as specified in Section 17.102.50(C) prior to construction activities or grading.**
182. Recent development has sparked unintended rodent issues in surrounding neighborhoods. Prior to development of the site, **the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication, particularly rats, is needed.**
183. 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 Plan Set (Exhibit D, Sheet C-301) details two retaining walls on the site. There is one retaining wall proposed at a maximum of 4 feet in height at the north side of the parking lot on Parcel 2. There is a second retaining wall proposed at a maximum of 2 feet 6 inches in height at the east of the playground on Parcel 2. Both retaining walls appear to comply with the height requirements in the Sandy Development Code. **The applicant shall submit additional details/confirmation on the proposed retaining walls, including heights meeting code requirements and an architectural finish, for staff review and approval.**

184. Chapter 15.30 contains the City of Sandy's Dark Sky Ordinance. The applicant will need to install street lights along all street frontages wherever street lighting is determined necessary at a minimum of 150 feet apart and following the standard detail for street lighting, including Ubiqquia control nodes. **The applicant shall submit street lighting details with the construction plans for City staff review and approval.** Chapter 15.30 requires that on-site lighting is full cut-off, does not exceed 4,125 Kelvins, and does not exceed 0.25 foot candles at 10 feet beyond the property lines. The applicant submitted Site Lighting Plans (Exhibit L, Sheet E1.1) that detail six different light fixture types, full cut-off light fixtures, and not exceeding 4,125 Kelvins. The applicant also submitted a Site Lighting Photometric Plan (Exhibit L, Sheet E1.2) that details foot candles, however, the foot candle imagery is not complete on the plan sheet and some footcandles exceed 0.25 at 10 feet beyond the property line. The foot candle trespass appears to violate the code standard along Cascadia Village Drive, on Village Drive, and along Pine Street north. **The applicant shall submit a revised Photometric Plan (Exhibit L, Sheet E1.2) detailing foot candles on the entirety of the development site and 10 feet beyond the property boundaries and not exceeding 0.25 foot candles at 10 feet beyond the property line. Lights shall not exceed 4,125 Kelvins or 591 nanometers in order to minimize negative impacts on wildlife and human health.**

DECISION

The Planning Commission **approved** the Type III design review, major partition, and four variances associated with the proposed Cascade Creek Mixed- Use Development subject to the conditions of approval below. This proposal meets the applicable approval criteria in the Sandy Municipal Code and achieves some major goals consistent with long range planning objectives in the City of Sandy, including but not limited to the following:

- 1) Widening Village Blvd. and extending Cascadia Village Drive to meet the proposed street layout in the 2011 Transportation System Plan and the Bornstedt Village Overlay (BVO) plan.
- 2) Paying a proportional share fee for future capacity improvements at the intersection of Highway 211 and Dubarko Road of \$252,560 (\$15,785 x 16 PM peak hour trips) for the residential development portion of the development and \$94,710 (\$15,785 x 6 PM peak hour trips) for the approved use of office development on Parcel 2 for a total of \$347,270.
- 3) Extending Pine Street south to connect with Cascadia Village Drive.
- 4) Fulfilling housing needs as defined in the Urbanization Study that was adopted in 2015.



Jerry Crosby
Planning Commission Chair

CONDITIONS OF APPROVAL

A. Submit the following with the trade permits and prior to any grading or tree removal:

1. Revise the plan set with the following:
 - a. Remove the proposed bus pad on Village Blvd. to the south of Cascadia Village Drive. Detail a bus shelter with a concrete pad at the NE corner of the intersection of Village Blvd. and Cascadia Village Drive. The applicant shall coordinate the exact location of the shelter and pad with the Transit Director.
 - b. Detail modifications to the building footprints to accommodate the required individual storage areas at least 24 square feet for all 1-bedroom dwelling units and at least 36 square feet for all 2-bedroom dwelling units.
 - c. Detail the location of mechanical, electrical, and communications equipment and the proposed screening method for staff review and approval.
 - d. Detail wheel stops in all parking spaces that abut landscaping or walkways that are less than 7 feet in width, and/or increase walkway widths where applicable.
 - e. Detail all planter bays at least five feet in width (interior dimensions) by 17 feet in length or five feet in width and 34 feet in length for a double bay.
 - f. Detail the ADA parking space on Parcel 3 by the basketball court to be closer to the entrance of a building and with the access aisle on the passenger side of the ADA parking space.
 - g. Detail two (2) additional bicycle spaces on Parcel 2 to meet the requirement of 80 total bicycle spaces.
 - h. Green streets where practicable. Submit confirmation from the City Engineer if green streets are practicable and adjust dedication widths and site layout of buildings, parking, and landscaping accordingly.
 - i. Detail at least 5 feet for all planter strips in the right-of-way.
 - j. Detail a 6-inch monumentation strip at the back of sidewalk on Highway 211 and the planter strip at 7.5 feet in width.
 - k. Detail the continuation of the curb, planter strip, and sidewalk in Highway 211 to the east boundary line of the subject property.
 - l. Detail at least 26 feet of dedication on Pine Street north to add two 6-inch monumentation strips at the outer edges of the right-of-way.
 - m. Detail the removal of asphalt in Pine Street north.
 - n. Detail a 6-inch monumentation strip at the back of sidewalk on Village Blvd., the planter strip at least 5-feet in width, two travel lanes at least 13 feet in width, additional asphalt for two 8-foot wide linear on-street parking strips, and a reduced median approximately 9-feet wide to accommodate the modifications to Village Blvd.
 - o. Detail additional paved area in the existing right-of-way for turnaround area at the south terminus of Village Blvd., and the installation of bollards or other street termination devices with signs.
 - p. Detail additional sidewalk on the east side of Village Blvd. connecting to the gravel pathway that currently connects Village Blvd. to Bornstedt Park in accordance with Trail T44 in Map 14 of the 2022 Parks and Trails Master Plan.

- q. Detail the planter strip at least 5-feet in width on both sides of Cascadia Village Drive, two travel lanes at least 13 feet in width, additional asphalt for two 8-foot wide linear on-street parking strips, and a reduced median approximately 11-feet wide to accommodate the modifications to Cascadia Village Drive.
 - r. Align the curb radius at Cascadia Village Drive and the west side of Pine Street south to the curb radius at Cascadia Village Drive and the east side of Pine Street south.
 - s. Detail a 6-inch monumentation strip at the west edge of the Pine Street south right-of-way.
 - t. Detail bollards on Cascadia Village Drive at Pine Street south and approximately 100 feet west of Pine Street south, and along the intersection with Pine Street north.
 - u. Detail pedestrian scale lighting within the 15-foot pedestrian easement.
2. Revise the elevations with the following:
- a. Detail the stone base at least 36 inches in height on all elevations of Buildings A and B.
 - b. Detail an additional gable pediment in the highest gable on the west elevation of Building A.
 - c. Detail another design feature on the south and west elevations of Building A and the south and east elevations of Building B, such as heavy metal brackets on the gable pediments.
 - d. Detail the shingles as architectural grade shingles, as three-tab shingles are prohibited. Wood shingles cannot be installed due to fire concerns.
 - e. Detail the board and batten spacing, batten width, and batten depth.
 - f. Detail colors in compliance with Appendix C of the Sandy Development Code.
 - g. Detail that the upper floor windows on the sides of Buildings A through F (east and west elevations), without patios/balconies, open to the inside of the buildings and are oriented vertically instead of horizontally to the size specifications in the Development Code.
 - h. Detail individual storage areas at least 24 square feet for all 1-bedroom dwelling units and at least 36 square feet for all 2-bedroom dwelling units.
3. Revise the landscape plan with the following:
- a. Detail three additional street trees along Highway 211 and the removal of the overhead utility lines.
 - b. Detail additional landscaping in the Pine Street north right-of-way in-lieu of the asphalt.
 - c. Detail the correct quantity of Village Green Zelkova in the plant legend.
 - d. Detail at least five (5) different street tree species, with no more than 10 percent of the proposed street trees as maples.
 - e. Detail Alaskan yellow cedar, Ponderosa pine, or Western hemlock instead of Western red cedar.
 - f. Detail a substitute shrub for the Portugal laurel, which is a nuisance species.
 - g. Detail major structural trees in all planter bays on both Parcel 2 and Parcel 3.
 - h. Detail 37 to 41 additional native replacement trees and detail a minimum spacing of at least 15 feet on center for all replacement trees.

4. Revise the utility plan with the following:
 - a. Detail the sanitary sewer line on Parcel 2 as an 8-inch public line with a public manhole on Parcel 1.
 - b. Detail the existing overhead utility lines over Highway 211 underground and the utility poles removed.
5. Revise the tentative plat with the following:
 - a. Detail a Vehicle Non-Access Reservation (VNAR) along Highway 211, Village Blvd., and Pine Street north and south.
 - b. Revise the tentative plat to include an eight-foot-wide public utility easement along the south property line of Parcel 3.
 - c. Detail a 15-foot-wide public easement on Parcels 1 and 2 for the public sanitary sewer line.
 - d. Add a note detailing that the access easement on Parcel 2 benefits Parcel 1.
 - e. Detail at least 26 feet of dedication on Pine Street north to add two 6-inch monumentation strips at the outer edges of the right-of-way.
6. Submit a revised arborist report and tree retention plan with the following:
 - a. Additional evaluation of design options to retain Tree #s 10 and 57.
 - b. Proof of coordination with the project arborist to evaluate whether trees in poor condition should be retained.
 - c. Protection fencing for Tree # 35 and a determination if an alternate route for the sanitary sewer service line is possible to avoid the tree's root zone.
 - d. Detail 37 to 41 additional native replacement trees and detail a minimum spacing of at least 15 feet on center for all replacement trees or as otherwise permitted by staff.
7. Submit a standard detail for the proposed bicycle racks meeting the space and security requirements in Section 17.98.160 for staff review and approval.
8. Submit additional details on the civic space amenities for staff review and approval.
9. Submit additional information on the apartment directories for staff review and approval.
10. Submit a plan detailing the proposed automatic irrigation system.
11. Submit a revised Photometric Plan detailing foot candles on the entirety of the development site and 10 feet beyond the property boundaries and not exceeding 0.25 foot candles at 10 feet beyond the property line.
12. Submit an engineer estimate for the asphalt section of Pine Street north that is needed for a future street connection to Galway Street for staff review and approval.
13. Complete additional geotechnical work for site grading and for the design and construction of foundations. The applicant shall submit additional materials for the record

from the Gill Group or another geotechnical professional defining grading and construction recommendations.

14. Submit additional details/confirmation on the proposed retaining walls, including heights meeting code requirements and an architectural finish, for staff review and approval.

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

1. Apply for a grading and erosion control permit in conformance with Chapter 15.44. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision.
2. Submit proof of receipt of a Department of Environmental Quality 1200-C permit or submit confirmation from DEQ if a 1200-C Permit will not be required.
3. Submit proof that a licensed pest control agent evaluated the site to determine if pest eradication, particularly rats, is needed.
4. Install tree protection fencing at the critical root zone of 1 foot per 1-inch DBH to protect the four (4) to six (6) retention trees, consistent with the recommendations in the Arborist Report (Exhibit G). Tree protection fencing shall be 6-foot-tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) every 50 feet to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. 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.
5. Request an inspection of erosion control measures and tree protection measures as specified in Section 17.102.50(C) prior to construction activities or grading. The tree protection fencing and erosion control measures shall be approved by City staff prior to earthwork, grading, or excavation.

C. Prior to all construction activities, except grading and/or excavation, the applicant shall submit the following additional information as part of the construction plans and complete items during construction as identified below:

1. Pay plan review, inspection, and permit fees as determined by the Public Works Director or their designee.
2. Confirmation that the upstream manhole on the east end of the property is deep enough to provide service to and through the property.

3. Confirmation that the downstream pump station adjacent to Cascadia Village Drive has adequate capacity for this development and details for any connections to manholes including lateral connections.
4. Detail waterlines outside of the public right-of-way as private with a master-metering system.
5. Detail the meter locations.
6. Detail street lighting details with a minimum spacing of 150 feet apart and following the standard detail for street lighting, including Ubiquia control nodes.
7. Submit written confirmation from the Sandy Fire District regarding the number and location of required fire hydrants. Detail one Mueller Super Centurion hydrant for the hydrant at the lowest elevation.
8. Green streets where practicable. Submit confirmation from the City Engineer if green streets are practicable and adjust dedication widths and site layout of buildings, parking, and landscaping accordingly.
9. Submit a detailed final stormwater report stamped by a licensed professional engineer for review. The calculations shall meet the water quality/quantity criteria as stated in the City of Sandy Development Code (SDC) Chapter 13.18 Standards and the City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code.
10. Submit a set of PGE utility and street/sidewalk lighting plans to design and return a SandyNet broadband deployment plan to overlay in the dry utility shared trench. SandyNet will provide requirements for layout and acceptable materials for the developer/contractor. SandyNet shall be contacted after installation of infrastructure and coordinated for onsite inspection before backfilling the common trench. Plans for SandyNet design shall be sent to Greg Brewster gbrewster@ci.sandy.or.us, 503-953-4604. The onsite contact for general questions and inspections will be Ron Yow, ryow@ci.sandy.or.us, 541-514-9771. Call PGE Service Coordination at 503-323-6700 when the developer is ready to start the project.
11. Submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and the USPS for review. Mail delivery facilities shall be provided by the applicant in conformance with 17.84.100 and the standards of the USPS.

D. Prior to Final Plat approval, the applicant shall complete the following tasks or provide assurance for their future completion:

1. Submit two paper copies and one digital copy of the Final Partition Plat and pay the associated fee.

2. Include the 15-foot-wide pedestrian easement granted to the City of Sandy and detailed on the face of plat.
3. Record a restrictive covenant marrying Parcels 2 and 3 in perpetuity.
4. Pay a fee in lieu of parkland dedication in the amount of \$921,396.52 (1.06 acres x \$869,242 per acre) or at a reduced rate per the terms of Resolution 2023-12.
5. Pay a proportional share fee for future capacity improvements at the intersection of Highway 211 and Dubarko Road of \$252,560 (\$15,785 x 16 PM peak hour trips) for the residential development portion of the development and \$94,710 (\$15,785 x 6 PM peak hour trips) for the approved use of office development on Parcel 2 for a total of \$347,270.
6. Pay the fee in-lieu for the Pine Street north asphalt section as agreed in the engineer estimate.
7. Pay addressing fees at the existing rate per the fee schedule.
8. Submit decommissioning paperwork for the two existing septic systems.
9. Complete all public improvements per the approved construction plans.
10. Install all required fire hydrants. 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 (4 ½-inch NST x 4-inch Storz Adaptor). If a new building, structure, or dwelling is already served by an existing hydrant, the existing hydrant shall also be OSHA safety red and have a 4-inch non-threaded metal faced hydrant connection with cap installed.
11. The existing access control for Pine Street south shall be removed once the street improvements are complete.
12. Submit a true and exact reproducible copy (Mylar) of the Final Plat for final review and signature.

E. Prior to receiving a Certificate of Occupancy (C of O), the applicant shall complete the following:

1. Submit a post-construction report prepared by the project arborist or other TRAQ qualified arborist to ensure none of the retention trees were damaged during construction. Retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property. The project arborist shall be onsite and document the proper protection of Tree # 70 during demolition work in its root zone.

2. Record a tree protection covenant, specifying protection of trees on the subject property and limiting removal without submittal of an Arborist's Report and City approval. The tree protection covenant shall list the tree species, size, critical root zones, and location of retention trees, and the species and location of mitigation trees.
3. Plant all approved landscaping, including street trees. If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the street trees/landscaping, assuring installation within 6 months. The cost of the street trees shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.
4. Submit documentation from the project landscaper stating that the soil has been amended and aerated in the planter strips and anywhere mitigation trees are planted to a depth of 3 feet prior to planting street trees and mitigation trees.
5. Install the required outdoor recreation areas, including but not limited to benches, picnic tables, the playground, basketball court, civic spaces, and open lawn areas.
6. Install screening for all electrical, mechanical, and communication equipment. On-grade 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.
7. Install all parking and maneuvering areas. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material. If the applicant proposes assigned parking for the multi-family development, at least 15 percent of the total required parking spaces for the multi-family development shall be unassigned and available for use by all occupants and guests of the development. Signage associated with the ADA parking spaces shall meet the head clearance distance requirement in the Building Code. All approved parking spaces shall be clearly delineated with painted lines and the entrance and exit driveways shall be signed or marked with paint.
8. Install all building improvements that are included on the approved building plans and as addressed in the findings and conditions in this final order.
9. Install the trash and recycling enclosures. Verify the size of the trash and recycling containers with Hoodview.
10. Install all public improvements, including the pedestrian improvements in the easement in Parcel 3, or bond for the improvements in accordance with Section 17.100.330.
11. Record the partition plat.

F. General Conditions of Approval:

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. Public plans are subject to a separate review and approval process. Preliminary Plat approval does not connote approval of public improvement construction plans, which will be reviewed and approved separately upon submittal of public improvement construction plans.
3. If the existing single-family dwelling is remodeled or an addition is completed the design shall adhere to the BVO design standards.
4. If some of the commercial on Parcel 2 is converted to another use other than office, or commercial is eventually proposed on Parcel 1 then additional proportionate share fees at Highway 211 and Dubarko Road shall be assessed at that time.
5. At the time that Cascadia Village Drive is constructed as a full street the median on Cascadia Village Drive shall be extended so that Pine Street south and Pine Street north are both right-in/right-out.
6. All on-site earthwork activities including any retaining wall construction should follow the requirements of the City of Sandy Development Code and the current edition of the Oregon Structural Specialty Code (OSSC).
7. If entry signs are desired, the applicant shall submit a detailed plan showing the location of such signage and a sign permit application.
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 as amended and should be constructed to the City's structural streets standards.
9. All on-site earthwork activities including any retaining wall construction shall follow the current requirements of the current edition of the Oregon Structural Specialty Code (OSSC).
10. All utilities shall be installed underground and in conformance with City standards. The applicant shall install utilities underground with individual service to each lot.
11. The applicant shall be responsible for the installation of all improvements detailed in Section 17.100.310, including fiber facilities. 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.

12. The applicant shall comply with all applicable Oregon Fire Code requirements. The applicant shall adhere to all Fire Marshal requirements in Exhibit O, including but not limited to the following:
 - a. The owner or owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall address the requirements found in OFC Chapter 33 and shall be made available for review by the fire code official upon request.
 - b. A key lock box for the building shall be required to provide access to common use areas, the fire alarm control panel(s), and the fire sprinkler riser room(s). The Fire District uses KNOX brand boxes. To order a KNOX box keyed for the Sandy Fire District, please visit Sandy Fire's website for ordering information.
 - c. Knox Box Contents. When more than one key is secured in the Knox Box, each key shall be legibly identified as to its use, utilizing a round key tag that is a minimum of 1-inch in diameter. Necessary keys provided by the building owner or business owner may include: a) Main entrance door, b) Fire Alarm Control Panel, c) Alarm codes, d) Manual pull stations, e) Fire Sprinkler Control padlock/s, f) Mechanical rooms, g) Elevator control, h) Attic or roof access, and i) Any other keys necessary to access building controls.
 - d. New buildings four or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3% slope), shall be provided with a stairway to the roof.
 - e. Commercial buildings exceeding three stories or 30 feet in height shall have not fewer than two means of fire apparatus access for each building.
 - f. A minimum of one on-site fire hydrant shall be provided near the proposed mixed-use development for firefighting operations. If distances between fire hydrants exceeds 500 feet, additional on-site fire hydrants may be required along the fire apparatus access road.
 - g. Fire department connections (FDC) are required to be remote and shall be located within 100 feet of a public 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.
13. All public utility installations shall conform to the City's facilities master plans.
14. Water line sizes shall be based upon the 2023 Water Facilities Master Plan and shall be sized to accommodate domestic fire protection flows on the site.
15. All new public sanitary sewer and waterlines shall be a minimum of 8-inches in diameter.

16. All stormwater drains shall be a minimum of 12-inches in diameter and shall be extended to the plat boundaries where practical to provide future connections to adjoining properties.
17. All site runoff shall be detained such that post-development runoff does not exceed the predevelopment runoff rate for the 2, 5, 10 and 25 year storm events. Stormwater quality treatment shall be provided for all site drainage per the standards in the City of Portland Stormwater Management Manual (COP SWMM).
18. Lights shall not exceed 4,125 Kelvins or 591 nanometers in order to minimize negative impacts on wildlife and human health.
19. If the plans change in a way that affects the number of street trees (e.g., driveway locations), the applicant shall submit an updated street tree plan for staff review and approval. Street trees are required to be a minimum caliper of 1.5-inches measured 6 inches from grade and shall be planted per the City of Sandy standard planting detail. Trees shall be planted, staked, and the planter strip shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy. Tree ties shall be loosely tied twine or other soft material and shall be removed after one growing season (or a maximum of 1 year).
20. Per Section 17.92.10(D), planter and boundary areas used for required plantings shall have a minimum diameter of five feet (two and one-half foot radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of seven and one-half feet.
21. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing. As required by Section 17.92.140, the developer shall maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.
22. 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.
23. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
24. 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.

25. 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.
26. Comply with all other conditions or regulations imposed by the Sandy Fire District (Exhibit O) 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.

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) days of notice of the decision. The notice of 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 at least the following:

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 Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision), 500 feet of the subject property for appeal of a Type II, III, or IV decision, or 1,000 feet for appeal of an annexation request. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal.