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Design Review, Type III Narrative

Project:

**Cascade Creek Multifamily**

Prepared by:

**BCRA**

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\*Please note, according to SMC 17.54.110(A), the provisions of the Bornstedt Plan design standards shall modify Chapter 17.90 design standards.

#### CHAPTER 17.54 - SPECIFIC AREA PLAN OVERLAY. [...]

##### Sec. 17.54.110. - BVO design standards.

A. *Design Review.* Design review is required for all new uses and structures, and for exterior remodels of commercial uses. The provisions of Chapter 17.90 and other relevant chapters apply unless modified by the following provisions.

Response: Applied.

B. *Single Family Residential and Duplex Design Standards.* All single family dwellings, manufactured dwellings, and duplexes on individual lots of record shall follow the design standard calculations in Chapter 17.90.

Response: Not applicable – no single-family dwellings, manufactured dwellings, or duplexes are proposed.

C. *Variety of Housing Standard for Subdivisions.* In order to reduce repetition of the same building type and promote housing choices, all subdivisions exceeding 40 platted lots, in the R-1, R-2 and R-3 zones, must demonstrate that a variety of lot sizes and/or building types have been provided. This standard is met by providing a different lot size or housing type for at least one-third of the dwellings, by one or more of the following:

Response: Not applicable – A subdivision is not proposed.

D. *Garage Standards.* The following standards apply to new single-family, duplex and zero-lot-line residential development. The purpose for these standards is to:

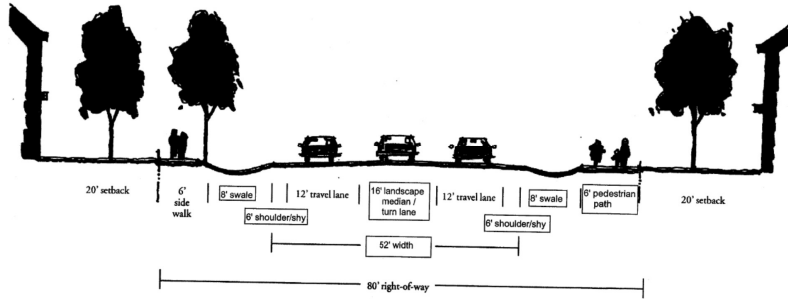
Response: Not applicable – No garage proposed.

E. *Access to Narrow Lots.* In order to minimize the extent of curb cuts on each block, to de-emphasize front-facing garages, and mitigate turning movement conflicts, lots with less than 40 feet of frontage shall receive access from a rear public alley or a shared private driveway. A shared private driveway shall adhere to the standards in Chapter 17.100, Land Division. The Planning Commission may grant exceptions through a Type III Variance process where the applicant demonstrates topography or other conditions preclude compliance with this standard.

Response: Not applicable – no lots with less than 40 feet of frontage.

F. *Landscaping Standards Adjacent to Highway 211.* The street-side yard adjacent to the Highway 211 Parkway (Figure 6 of the Bornstedt Village Specific Area Plan) shall be landscaped to complement the parkway character. At a minimum, trees (minimum two) shall be planted on 50-foot centers together with contiguous groundcover. Less than 50-foot center spacing for trees is encouraged.

Response: Sheet L1 shows large street trees (October Glory Maple) planted 30 feet on center with contiguous groundcover. A total of 14 trees are proposed along Highway 211. Please reference the landscape plan.



Highway 211 Parkway cross-section and traffic signal location are subject to ODOT approval

FIGURE 6  
HWY 211 CROSS SECTION  
BORNSTEDT VILLAGE PLAN  
ORD. 2003-09

**CHAPTER 17.90 - DESIGN STANDARDS. [...]**

**Sec. 17.90.100. – Submission requirements – Type II and Type III. [...]**

C. Project Narrative documenting compliance with applicable code criteria. If the application involves any deviations from the Code standards (i.e., Type III Design Review), the narrative shall describe how the proposal meets or exceeds the intent of the standard(s) for which a deviation is requested.

**Sec. 17.90.110. - Downtown and Village Commercial (C-1 and C-3) design standards.**

Development in the C-1 and C-3 districts shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

**A. Site Layout and Vehicle Access.**

*Intent:* 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. (Figures 17.90.110-C and 17.90.110-D).

1. All lots shall abut or have cross access to a dedicated public street.  
*Response: All lots either abut or have cross access to a dedicated public street. The lots developed with a multi-family use derive access from Cascadia Village Dr. The single-family lot abuts Highway 211, but derives cross access to Cascadia Village Dr. Access from Highway 211 is discouraged in code.*
2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.  
*Response: Not applicable – lots do not have access to a public alley.*

3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within ten feet of the public right-of-way, as shown in Figure 17.90.11-C. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 feet. For lots with frontage of less than 150 feet or less, shared access may be required.  
*Response: The majority of parking is located to the rear or side of buildings. No portion of the parking is within required setbacks or within ten feet of public right-of-way.*
4. Adjacent parking lots shall be connected to one another when the City determines it is practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.  
*Response: Not applicable – parking lots are divided by public right-of-way, which would create safety issues to cross based on the design.*
5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.  
*Response: Pedestrian crossings paved with differing colored concrete pavement and striping are utilized in the parking areas for pedestrian crossings. Please reference the site plan.*
6. Where openings occur between buildings facing Proctor Boulevard or Pioneer Boulevard, pedestrian ways shall connect the street sidewalk to any internal parking areas. Development shall avoid creating barriers to pedestrian circulation.  
*Response: Not applicable – this development is not connected to Proctor Boulevard or Pioneer Boulevard.*
7. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.  
*Response: Not applicable – no public alley exists.*
8. Raised walkways or painted crossings from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or be painted (e.g., colored concrete inlay in asphalt).  
*Response: Walkways are raised from the public street sidewalk to access building entrances and civil spaces adjacent to buildings. Crossings through parking lots and drive aisles from the public street sidewalk to the buildings are included, as necessary for pedestrian circulation. Crosswalks through the parking lots and drive aisles to the buildings are included and will be paved with colored concrete.*
9. 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.  
*Response: Not applicable – there are areas of the plan where interconnections and cross-over easements between parcels are necessary.*

- 10. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary.

Response: Improvements to the property have necessitated the dedication of new public right-of-way. These dedications are designed according to the Bornstedt Village Overlay Plan and the City's current Transportation Plan. Consequently, future street and pedestrian connections to adjacent properties are addressed.

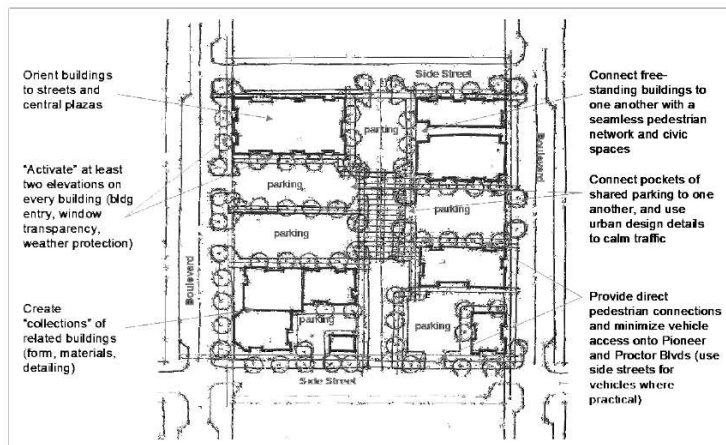
- 11. Through lots and corner lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such access points must conform to the above access spacing requirements and parking must be internalized to the property.

Response: Not applicable – only one access point per lot is proposed.

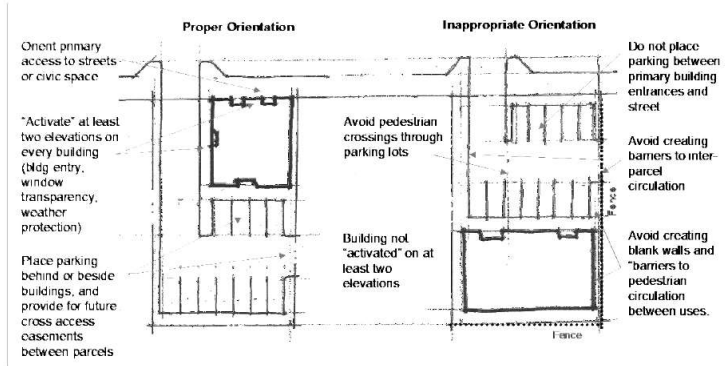
- 12. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and civic spaces.

Response: Free-standing buildings are connected to one another with a seamless pedestrian network which provides access to building entrances and civic spaces.

**Figure 17.90.110-C: Downtown Block Elements**



**Figure 17.90.110-D: Downtown Building Orientation**



**B. Building Facades, Materials, and Colors.**

*Intent:* To provide building façades, materials and colors consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I, Color Palettes (Appendices C and D), and photos (Appendix E).)

1. *Articulation.* The Sandy Style includes asymmetrical building forms, which by definition require buildings to be articulated, varied, and provide visual interest. This standard is met by dividing elevations of a structure visible from an abutting public street or pedestrian way into smaller areas or planes to minimize the appearance of bulk as viewed from the street as follows:
  - a. All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes no more than 30 lineal feet long to include the following:
    - i. Wall planes meeting this standard shall include a feature or variation in the wall plane that projects or recedes at least six inches from the adjacent plane, for a length of at least four feet. Changes in plane may include but are not limited to recessed entries, bays, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features consistent with the Sandy Style.  
*Response:* Wall planes meeting this standard include a variation that recedes at least six inches from the adjacent plan, for a length of at least four feet. *Refer to sheets PR-201 thru PR 202.1.*
    - ii. Wall planes shall incorporate at least one visually contrasting and complementary change in materials or changes in texture or patterns, including trim, moldings, or other ornamental devices.  
*Response:* The pattern of the exterior material changes on the bottom floor in a contrasting and complimentary manner. Other visually contrasting and complementary changes are included, such as trim, molding, and materials. *Refer to architectural set (sheets PR-201 thru PR-300).*

- iii. The lower and upper floors of multi-story buildings shall be clearly delineated by using pedestrian shelters, change in siding materials, heavy timber or natural wood accents (e.g., brackets, paneling or other detailing).  
*Response: The lower and upper floors of the multi-story buildings are clearly delineated by using a change in siding materials from James Hardie "Evening Blue" vertical siding to James Hardie "Khaki Brown" vertical siding. Paneling is used to distinguish the floors. Refer to architectural set (sheets PR-201 thru PR-300).*
2. **Pedestrian Shelters.** Buildings must incorporate pedestrian shelters, as follows:
  - a. Pedestrian shelters shall be provided over the building's primary entrance(s) and pedestrian areas (i.e., sidewalks and civic spaces) abutting the subject building.  
*Response: Pedestrian shelters are provided over the building's primary entrance. Pedestrian areas and civic spaces are not directly abutting the subject building. Refer to sheets PR-201 thru PR-202.1.*
  - b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required.  
*Response: The buildings incorporate porticoes, covered porches, and roof overhangs. Refer to sheets PR-201 thru PR-202.1.*
  - c. Pedestrian shelters must extend at least five feet over the pedestrian area.  
*Response: Pedestrian shelters in the form of Entry Porches extend at least five feet over the pedestrian area. Refer to sheets PR-201 thru PR-202.1.*
  - d. Shelters designed with gables (e.g., over building entrances) are preferred over flat shelters, and must comply with the roof pitch standards in Section 17.90.110.C. Dome or bubble shaped awnings are not permitted.  
*Response: Buildings have been designed with gables over entries and comply with the roof pitch standards in Section 17.90.110.C. Refer to sheets PR-201 thru PR-202.1.*
3. **Building Materials.** Exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style, as follows:
  - a. Buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions, and remodeling such that buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Unity does not mean repetition or mirroring of building elevations.  
*Response: Buildings on the same site are architecturally unified in that they share color schemes, materials, roof forms and other detailing. Refer to architectural set (sheets PR-201 thru PR-300).*
  - b. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, or brick are required. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. 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.

*Response: Cultured stone has been utilized for this project – specifically, stone veneer. The stone texture, appearance and durability are the same as natural stone. In some cases, the site contains a grade differential which makes construction of a minimum 36-inch base impractical. However, the base does appear to extend 36 inches from the ground. Refer to sheets PR-201 thru PR-202.1.*

- c. Foundations shall be designed to match the scale of the building being supported. Examples include sheathing the foundation structure with base materials and wall siding.  
*Response: The foundation is designed to match the scale of the building being supported. Exposed foundation will be sheathed to match base materials and wall siding to match the building look and character. Refer to sheet PR-203.*
- d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, or a combination of these materials. Stucco, synthetic stucco, and metal are permitted only as specified below. Vinyl, plastic or similar siding is not permitted:
  - i. Where wood siding is used, it shall consist of horizontal (e.g., lap, v-groove, or tongue-and-groove) siding, vertical (board and batten) siding, shingles, or combinations thereof. Vertical grooved (i.e., T1-11) sheet siding and similar materials are prohibited.  
*Response: The siding consists of composite-wood with wood paneling. Refer architectural set sheets PR-201 thru PR-300-*
  - ii. Where board-and-batten siding is used, battens shall be a minimum of two-inches wide by one-inch deep and spaced 24 inches apart or closer; rough-sawn boards (specialty panel) are preferred over panels having a resin overlay.  
*Response: Board-and-batten siding is only being incorporated on the residential buildings C thru F. Their spacing does comply with this section. Refer architectural set sheets PR-201 thru PR-300-*
  - iii. Where masonry siding is used, it shall consist of brick, stone, or rusticated concrete block, and must incorporate decorative patterns over not less than 15 percent of every elevation where it is used. Examples of decorative patterns include multi-toned masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate rusticated stone-type construction. Changes in pattern should be used to accentuate breaks in building stories, corners, windows, structural bays, and building tops (e.g., parapets where flat roofs are allowed).  
*Response: Not applicable – masonry siding is not used. Stone veneer is minimally used on the base.*
  - iv. Where metal siding is used, it shall be used as an accent only, comprising not more than 20 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the approved Color Palette. Metal may also



be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements.

Response: Not applicable – metal siding is not used.

- v. Where stucco or synthetic stucco is used, it shall be used as an accent only, comprising not more than 20 percent of the surface area of the building elevation.  
Response: Not applicable – stucco or synthetic stucco are not used.
- e. Building elevations facing a public right-of-way or civic space shall incorporate at least three of the following features: Using these features may also address other code requirements, such as those related to building articulation, change in relief, pedestrian shelters, and storefront elements:
  - i. Exposed, heavy timbers;  
Response: Building elevations facing a public right-of-way or civic space will incorporate three of the features specified in subsection e. Heavy timbers are incorporated at the Entry Porches, Retail Entry and residential upper deck. Refer to sheets PR-201 & PR-202.
  - ii. Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);  
Response: Building elevations facing a public right-of-way or civic space will incorporate three of the features specified in subsection e. Natural wood beams, posts, roof brackets and window trims are incorporated on Level 1 – retail use. Refer to sheets PR-201 & PR-202.
  - iii. Natural wood color shingles (e.g., used as siding or to accent gable ends);  
Response: Building elevations facing a public right-of-way or civic space will incorporate three of the features specified in subsection e. Natural wood color shingles are incorporated as accents at the gable ends. Refer to sheets PR-201 & PR-202.
  - iv. Metal canopies;  
Response: Building elevations facing a public right-of-way or civic space will incorporate three of the features specified in subsection e.
  - v. Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing; and,  
Response: Building elevations facing a public right-of-way or civic space will incorporate three of the features specified in subsection e.
  - vi. Similar features, consistent with the Sandy Style.  
Response: Building elevations facing a public right-of-way or civic space will incorporate three of the features specified in subsection e.
- f. Materials required on elevations visible from an abutting public street must turn the building corner and incorporate appropriate transitions onto elevations not requiring these materials for a distance of not less than two feet.  
Response: Materials required on elevations visible from an abutting public street are fully used on the turned corner's façade. Refer to sheets PR-201 & PR-202.

4. **Colors.** Building exteriors shall comply with the following standards:
- a. Permitted colors include warm earth tones (tans, browns, reds, grays and greens) conforming to the Color Palette provided in Appendix C.  
*Response: Building exterior colors will comply with the permitted colors. Refer to various Building exterior elevation sheets. Refer to sheets PR-201 thru PR-300.*
  - b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one percent of the surface area of any elevation. Such color shall not be used as primary wall colors.  
*Response: High-intensity primary colors, metallic colors and black are not utilized.*
  - c. Day-glow colors, highly reflective colors, and similar colors are not permitted.  
*[Please navigate to code for Figures]*  
*Response: Highly reflective colors and similar colors are not permitted.*

C. **Roof Pitch, Materials, and Parapets.**

*Intent:* To provide roof forms and detailing consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (See Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I and representative photos in Appendix E)

1. Except as provided in subsections 17.90.110.C.8., below, pitched (gabled or hipped) roofs are required on all new buildings with a span of 50 feet or less. Gable and hipped roof forms must achieve a pitch not less than the following:

Zoning District	Primary Roof Forms (minimum)	Secondary Roof Forms (minimum)
C-1, C-3	6:12	4:12

*Response: The roof pitch at primary roof forms is 6:12. The secondary roof forms is using a 9:12 pitch. Refer to Building exterior elevation sheets for roof slope designations. Refer to sheets PR-201 thru PR-210.*

2. As provided above, "Primary Roof Forms" are those that individually comprise 20 percent or more of the total surface area of a roof elevation. Secondary roof forms (e.g., dormers, towers, cupolas, etc.) are those that comprise less than 20 percent of the roof elevation. See also, Section 17.74.20 Vertical Projections.  
*Response: Will be applied.*
3. When practicable, buildings shall be oriented so the gable end of the roof faces the abutting street.  
*Response: West elevation of Building A has its' gable end facing Village Boulevard. Refer to sheet PR-201.*
4. Pitched roof surfaces visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.

Roof Length	Number of Secondary Roof Forms
30—40 feet	1
41—80 feet	2
81 feet and greater	4

Response: Secondary roof forms will be provided in the quantity specified. Refer to Building exterior elevations for dimensioned roof lengths (sheets PR-201 & PR-202).

5. Visible roof materials must be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D.

Response: Class A composition shingles are used. Refer to sheet PR-300 for designations of finish materials.

6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from view from public rights-of-way and civic spaces by parapets, walls or by other approved means. Roof plans and elevations must show proposed equipment locations, approximate dimensions, and line of sight from public rights-of-way and civic spaces. The reviewing body may require additional equipment setbacks, screen walls, or other mitigation to ensure compliance.

Response: All roof and wall-mounted mechanical, electrical, and communications, and service equipment will be screened from view from public rights-of-way. Roof plans and elevations will show proposed equipment locations, approximate dimensions, and line of sight from public rights-of-way and civic spaces.

7. A-frame buildings and Mansard-style roofs are not permitted.

Response: Not applicable – A-frame buildings and mansard-style roofs are not proposed.

8. Exception to Pitched Roof: When a building requires a roof span greater than 50 feet, or the internal function of the building or a portion of the building makes construction of a pitched roof impractical, the reviewing body may allow an alternative roof form. An alternative roof form includes an "applied pitched roof" or flat roof constructed over the building or portion of the building as specified below. An example when a pitched roof is considered impractical would be the need to have large rooftop stove vents over the kitchen portion of a restaurant. Roof forms constructed under this exception shall comply with the standards below.

- a. Applied Pitched Roof: An "applied pitched roof" is the preferred alternative roof form and shall be considered first. An "applied pitched roof" is a roof form with the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof. An "applied pitched roof" shall be constructed according to the following:

- i. For buildings with a span of less than 50 feet, the "applied pitched roof" shall extend at least 50 percent of the distance from the eave to the ridge as if had been constructed as a pitched roof;

Response: Not applicable – building has a span of more than 50 feet.

- ii. For buildings with a span of 50 feet or greater, the applied pitched roof shall extend at least 12 feet from eave.

Response: The pitched roof will extend at least 12 feet from eave. Refer to sheet PR-201 & PR-202.

- iii. The reviewing body may require buildings with a span of 50 feet or greater to include an "applied pitched roof" in lieu of a flat roof along street facing elevations.

Response: Not applicable – a flat roof is not proposed.

- b. *Flat Roof:* Flat roofs shall comply with the following standards:

- i. Sandy Style stepped parapets and detailed coursing shall be provided on those elevations visible from an abutting public street. Parapets shall be varied so that the length of a parapet does not exceed 30 feet without a change in the parapet height of at least two feet or as necessary to hide rooftop equipment.

Response: Not applicable – flat roof is not proposed.

- ii. Average parapet height shall not exceed 15 percent of the supporting wall height, and the maximum parapet height shall not at any point exceed  $\frac{1}{3}$  of the height of the supporting wall;

Response: Not applicable – flat roof is not proposed.

- iii. A cornice projecting at least six inches from the building face shall be provided at the roofline of all elevations visible from abutting public rights-of-ways and pedestrian ways;

Response: Not applicable – flat roof is not proposed.

- iv. Parapet corners shall be stepped and the parapet be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.

Response: Not applicable – flat roof is not proposed.

#### D. *Building Orientation and Entrances.*

*Intent:* To maintain and enhance downtown and village commercial streetscapes as public spaces, emphasizing a pedestrian-scale and character in new development, 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. (Figures 17.90.110-A, 17.90.110-B, 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I and representative photos in Appendix E)

- 1. Buildings shall be oriented to a public street or civic space. This standard is met when at least 50 percent of the subject site's street frontage is comprised of building(s) placed within ten feet of a sidewalk or an approved civic space and not more than 20 percent of the off-street parking on a parcel as required by SDC 17.98, tract or area of land is located between a building's front façade and the adjacent street(s).

Response: Buildings are oriented to a public street and civil spaces. Due to unusual zone transition from R2 to C3, buildings cannot be placed within ten feet of a sidewalk; however, the buildings are within ten feet of a civic space. Refer to sheet PR-201 & PR-202.

- 2. Where parking is placed between a front façade and a street, a landscaped berm and/or architectural features, such as a knee wall, colonnade, arbor, trellis and/or similar device, shall be placed behind the sidewalk to partially screen the parking area from the sidewalk. The partial

screen shall be designed to achieve at least 50 percent opacity at the time of installation, with openings for walkways connecting to the building's primary entrance.

*Response: This situation does not exist in the project.*

3. Ground floor spaces shall face a public street and shall be connected to it by a direct pedestrian route (i.e., avoid out-of-direction travel). Where the reviewing authority determines that facing the building to a street is not practical, it may require the building to face a civic space.

*Response: Ground floor spaces face public streets and are connected to it by a direct pedestrian route. Due to unusual zone transition from R2 to C3, buildings cannot be placed within ten feet of a sidewalk; however, the buildings are within ten feet of a civic space. Please reference the site plan.*

4. Buildings located at the intersection of two streets shall use a corner building entrance; where a corner entrance is not practical due to the internal functioning of the building space or due to physical constraints of the site (e.g., topography, accessibility, or similar circumstances), a building entrance must be provided within 40 feet of the corner. The building corner must use detailing that emphasizes the corner location and is consistent with the Sandy Style. Examples of acceptable detailing include a rounded or chamfered (beveled) corner, weather protecting canopy, plaza, sculpture, and/or similar pedestrian-oriented features.

*Response: The building entry will be located within 40 feet of the corner. The buildings will also use detailing that emphasizes the corner location and will be consistent with the Sandy Style. Refer to sheets PR-201.1 for dimension.*

5. Upper story residential units shall have an entrance separate from the ground floor (commercial) space and conform to applicable building codes.

*Response: Upper story residential units have an entrance separate from the ground floor commercial space. Refer to sheet PR-201.1 & PR-202.1.*

6. 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., below, and contains a customer entrance with a pedestrian shelter extending at least five feet over an adjacent sidewalk, walkway or civic space. Where providing a customer entrance on two elevations is not practical, the reviewing body may allow a single entrance.

*Response: Providing a customer entrance on two elevations is not practical. Customer entries will provide a pedestrian shelter that extends at least five feet over the sidewalk. Please reference the site plan.*

7. Primary entries shall face a public street or a civic space and shall be spaced not more than 30 feet apart on average. Ancillary shops shall provide entries every 30 feet, on average.

*Response: Primary entries face public streets and civic spaces. They will be space no more than 30 feet apart. Refer to civil Site Plan and architectural sheet PR-201.1 and PR-202.1.*

8. Primary entrances shall be architecturally emphasized and visible from the abutting public right-of-way or civic space and shall be sheltered with a canopy, overhang, or portico with a depth of at least five feet. Architectural emphasis should be provided by a gabled shelter where practical,

consistent with the Sandy Style. Detailing around the base of the building, such as stonework, benches or art, should also be used to emphasize an entrance.

Response: Primary entrances will be architecturally emphasized as specified and visible from the abutting public right-of-way or civic space. Refer to sheet PR-201 thru PR-202.1.

**E. Windows.**

*Intent:* To promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. (See Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, and 17.90.110-I, and representative photos in Appendix E.

1. **Unified Design.** Building plans must provide for unity in window placement and design so that all sides of a building relate to one another and multiple buildings on a development site relate to one another.

Response: Building plans will provide unity in window placement and design. All sides of the building will relate to one another and multiple buildings on the development site. Refer to sheet PR-201 thru PR 202.1.

2. **Ground Floor Windows.** 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 as follows: Lots with multiple street frontages are required to meet this standard on only two frontages.

Building Size	Percentage Windows Required
0—10,000 sq. ft.	40 percent of ground floor elevation
Greater than 10,000 sq. ft.	25 percent of ground floor elevation

- a. Windows shall contain clear glass to allow views to interior activity or display areas. The bottom edge of windows shall be no less than three feet above the adjacent finished grade. Where the internal functions of a building preclude windows at this height, the reviewing body may approve locating windows above or below this height. Display boxes affixed to a building's exterior are not counted in meeting the above standard.

Response: Windows will contain clear glass to allow views to interior activity or display areas. The bottom edge of windows will be less than three feet above the adjacent grade to be able to provide the required transparency percentage along streets and to incorporate a different window type at the commercial level than those upper levels of residences. Per code section –“... the reviewing body may approve locating windows above or below this height.”

- b. Windows shall be square or vertically oriented and may consist of vertically stacked or horizontally banked window units. Windows located over a door or transom windows may be horizontally oriented.

Response: Windows will be square or vertically oriented and will consist of vertically stacked or horizontally banked window units. Refer to sheet PR-201 & PR-202.

- c. Windows with any dimension exceeding six feet shall be divided into smaller panes (e.g., two foot by two foot grid) with real divided panes, vinyl inserts or applied dividers.

Response: Windows with any dimension exceeding six feet will be divided into smaller panes with real divided panes, vinyl inserts or applied dividers. Refer to sheet PR-201 & PR-202.

- d. Windows shall have trim or moldings at least three inches in width around them, or have reveals of at least three inches in depth. Casings shall consist of a drip cap, head casing, side casings, and/or sills.

Response: Windows will have trim or moldings at least three inches in width around them, or will have reveals of at least three inches in depth. Casings shall consist of a drop cap, head casing, side casings, and/or sills.

3. *Upper Floor Window Standards.*

- a. The reviewing authority may require buildings exceeding 20 feet in height to provide upper-story windows along "activated" frontages. Such windows may be required for attic space, or applied to roof forms where no second story exists, to meet the articulation requirements under Section 17.90.110.B.1.

Response: We will await a response from the reviewing authority.

- b. Windows shall be square or vertically oriented. Individual window units shall not exceed five feet by seven feet. Any portion of a window unit with a dimension exceeding four feet shall be divided into smaller panes.

Response: Windows will be square or vertically oriented. Individual window units shall not exceed five feet by seven feet. Any portion exceeding four feet will be divided into smaller panes.

- c. At least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two feet by three feet, unless approved by variance or adjustment. Upper story windows that have one foot by one foot grid inside double pane glass are appropriate and are encouraged.

Response: At least half of all the windows area in upper floors will be made up of glass panes with dimensions no greater than two feet by three feet.

- d. Window trim and moldings shall be compatible with those used on the ground floor.

Response: Window trim and moldings will be compatible with those used on the ground floor.

4. *Prohibited Windows.* The following window types are prohibited:

- a. Darkly tinted windows, mirrored windows, and similar windows are prohibited adjacent to street sidewalks, civic spaces and walkways.

Response: These windows will not be proposed.

- b. Glass curtain windows are not permitted facing public rights-of-way, except where the reviewing body finds that such windows are consistent with the Sandy Style.

Response: These windows will not be proposed.

F. *Landscaping and Streetscape Design.*

*Intent:* To promote business vitality, public safety and aesthetics through effective landscaping and streetscape design, consistent with the Sandy Style; and to provide for a pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (Figures 17.90.110-A, 17.90.110-B, 17.90.110-C, 17.90.110-D,

17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I, and Downtown Sandy Streetscape Design)

1. The provisions of [Chapter 17.92](#), Landscaping and Screening General Standards shall apply except in the C-1 Zoning District where conformance with the Downtown Sandy Streetscape Design, as illustrated in Appendix F is required.

[Response: The provisions of Chapter 17.92 will be applied.](#)

2. Where any conflict arises between provisions of the Sandy Streetscape Design and other city standards (e.g., sidewalk width, materials, or similar specifications), the Streetscape Design shall prevail. All applicable provisions of [Chapter 17.92](#) Landscaping and Screening General Standards must be met, except as modified by the Downtown Sandy Streetscape Design.

[Response: Noted.](#)

G. *Civic Space.*

*Intent:* To connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for the public, consistent with Sandy's Downtown Streetscape Design. (See Figures 17.90.110-H and 17.90.110-I).

1. Not less than three percent of the ground floor area of every development shall be improved as civic space.

[Response: Not less than three percent of the ground floor area of every development will be improved as civic space.](#)

2. All civic spaces shall have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet. No civic space is required if the size of this space results in an area of less than 64 square feet.

[Response: All civic spaces will have dimensions of not less than eight feet across and have a surface area of not less than 64 square feet. No civic space is required if the size of this space results in an area of less than 64 square feet.](#)

3. Civic space improvements may include plazas, private extensions of sidewalks and walkways (i.e., to accommodate outdoor seating), public art, pedestrian-scale lighting, bus waiting areas, tourist amenities (e.g., way finding signs as approved by the city) or similar pedestrian amenities as approved through Design Review.

[Response: Civic spaces include trellis', pedestrian scale lighting and bench seating amenities.](#)

Commented [ZC1]: Coord with Landscape for benches and pedestrian amenities

4. The highest priority locations for civic space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure.

[Response: Civic spaces are oriented near street corners and outside commercial spaces. These civic spaces have a southern exposure.](#)

5. Unless impractical, civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture) or painted. Where a right-of-way connection is not



possible, the owner must provide a public access way easement to the civic space. Civic spaces shall not be gated or closed to public access, unless otherwise required by the city.

Response: Civic spaces are visible from a public right-of-way and connect to it by a sidewalk or pedestrian access way.

- 6. *Exceptions:* Building additions and remodels subject to Type I Design Review are not required to set aside or improve civic space, though they are encouraged to do so.

Response: Not applicable – not a Type I Design Review.

Figure 17.90.110-H: Civic Space Example 1

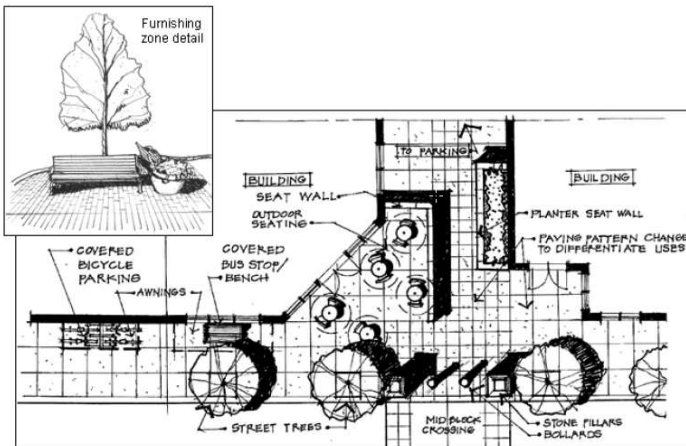
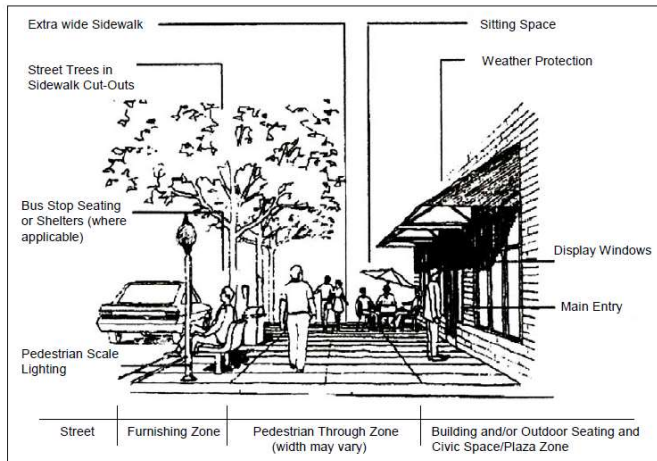


Figure 17.90.110-I: Civic Space Example 2



#### H. Lighting.

*Intent:* To promote business vitality, public safety and aesthetics through effective outdoor lighting, consistent with the Sandy Style.

1. Streetscape lighting shall conform to the Downtown Sandy Streetscape Design and the requirements of Chapter 15.30, Dark Sky Ordinance.

*Response:* Street lighting is designed in accordance with the City of Sandy Street Lighting Guidelines based on street classifications and matching existing conditions on adjacent streets for consistency and the requirements of Chapter 15.30, Dark Sky Ordinance.

2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. On-site light fixtures conforming to the Sandy Style are encouraged.

*Response:* Exterior lighting will be an integral part of the architectural design and will complement the street lighting system and remain in context with the overall architectural character of the district.

3. Lighting must be adequate for safety purposes. Walkways, parking lots, and building entrances should be illuminated at 1.5—2.0 foot candles.

*Response:* Lighting will be adequate for safety purposes. Walkways, parking lots, and building entrances should be illuminated at 1.5—2.0 foot candles.

#### I. Safety and Security.

*Intent:* To promote natural surveillance of public spaces for safety and security.

1. Locate windows in a manner that enables tenants, employees and police to watch over pedestrian, parking and loading areas.

*Response:* Windows will be located in a manner that enables tenants, employees and police to watch over pedestrian, parking and loading areas.

2. In commercial, public and semipublic development, including civic spaces, locate windows in a manner that enables surveillance of interior activity from the public right-of-way.

*Response:* Windows are located in a manner that enables surveillance of interior activity from the public right-of-way.

3. Provide street address numbers measuring a minimum of six inches high, which clearly locates buildings and their entries for patrons and emergency services.

*Response:* Street address numbers measuring a minimum of six inches high, which clearly locates buildings and their entries for patrons and emergency service, will be provided.

4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way and other public areas. (See also, subsection H Lighting.)

*Response:* On-site lighting will be located, oriented, and selected to facilitate surveillance of on-site activities from the public right-of-way and other public areas.

#### J. External Storage and Screening.

*Intent:* To promote land use compatibility and aesthetics, particularly where development abuts public spaces.

1. Exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.

*Response:* Noted.

2. Where such storage is allowed, it must be screened from view from public rights-of-way and civic spaces.

*Response:* Noted.

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.

*Response:* 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.

4. Trash collection and recycling storage areas must be located within the structure or otherwise screened from view in an enclosed facility. Such facilities must be screened from view from public rights-of-way and civic spaces behind a screening wall constructed to match the materials used on the primary building(s) on the subject site.

*Response:* Trash collection and recycling storage areas are located within screened enclosures. These facilities will be screened from view from public rights-of-way and civic spaces behind a screening fence constructed of chain link assembly with coloured vinyl slats (to match those being incorporated at the project buildings) to obscure sight. Refer to sheet PR-211.

5. Exceptions to the above provisions may be allowed through Design Review where no other practical alternative exists and such equipment is made to be visually subordinate to the proposed building and landscape, for example, through the use of common materials for screening walls or landscape berms. The reviewing body may require additional setbacks, screening walls or other mitigation, for aesthetic reasons and to minimize odors or noise impacts on adjoining properties, public rights-of-way or civic spaces.

*Response:* Noted.

**Sec. 17.90.160. - Additional requirements—Multi-family developments.**

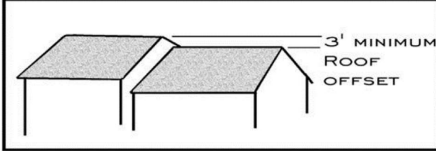
Multi-family residential developments shall comply with the requirements of this chapter as listed above and the following additional requirements:

A. *Roofs.* Roofs shall meet the following additional requirements:

- g. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with at least a 30-inch overhang and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 feet have roofs similar to what is proposed.

*Response:* The roofs are gabled (minimum pitch of 3:12) with a 30-inch overhang using dark grey class A composition shingles. Refer to exterior elevations on sheet PR-201 thru PR-210.

- h. Offsets or breaks in roof elevation shall be at least three or more feet in height.



Response: Offsets or breaks are a minimum of three or more feet in height. Refer to exterior elevations on sheet PR-201 thru PR-210.

B. Entries.

1. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.

Response: Entries are sheltered with a combination portico and recessed entry. Refer to exterior elevations and building plans on sheet PR-201 thru PR-210.

2. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.

Response: Primary entries face public streets or a designated pedestrian way. Entries are visible from the street where feasible. Refer to exterior elevations and building plans on sheet PR-201 thru PR-210.

3. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.

Response: Ground floor units face public streets or a designated pedestrian way. These units are visible from the street where feasible and avoid out-of-direction travel. Upper story units share a recessed entry stairwell. Refer to exterior elevations and building plans on sheet PR-201 thru PR-210.

4. Secondary entries may face parking lots or loading areas.

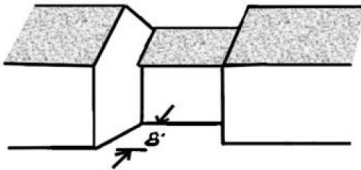
Response: There are no secondary entries proposed.

- C. 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.

Response: Building facades are articulated with windows, entries, and balconies. Refer to exterior elevations on sheet PR-201 thru PR-210.

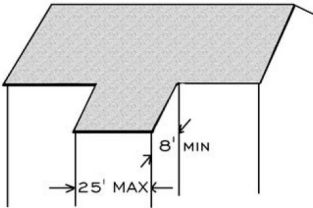
- D. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every 20 feet by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet.



Response: A variance will be applied for to address this section.

2. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of eight feet, with maximum length of an overhang not to exceed 25 feet.



Response: A variance will be applied for to address this section.

3. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is eight feet deep and at least 125 square feet in area.

Response: A variance will be applied for to address this section.

**E. Private Outdoor Areas.**

1. A separate outdoor area of not less than 48 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences or shrubs.

Response: A separate outdoor area of not less than 48 square feet is attached to each ground level dwelling unit. This area is a recessed patio that is separated by elements such as walls, fences, or shrubs. Refer to building plan sheet PR-201.1 thru PR 206.1 for dimensions of Unit Patio.

2. 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.

Response: A separate outdoor area of not less than 48 square feet is attached to each ground level dwelling unit. This area is a recessed patio that is separated by elements such as walls, fences, or shrubs. Please reference the elevations and landscape plans.

- F. Parking Lots.** 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.

Response: The parking lots in the proposed development do not occupy more than 50 percent of the frontage of any public street abutting the lot or building. Please reference the site plan.

- G. **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. Storage areas may be provided within garages if the required storage area is in addition to the required parking area required.

Response: Individual exterior, enclosed storage areas are provided to each dwelling unit. Please reference building exterior. Refer to building plan sheet PR-201.1 thru PR 206.1 for dimensions of Unit Storage.

Size of Dwelling	Minimum Square Feet	Minimum Height
Studio	24	6
1 Bedroom	24	6
2 Bedroom	36	6
3+ Bedroom	48	6

- H. **Carports and Garages.** If carport and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

Response: Not applicable – carports and garages are not provided. Please reference the site plan.

- I. **Shared Outdoor Recreation Areas.** Multi-family residential development shall provide usable recreation areas for developments containing more than five dwelling units at the rate of 200 square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, FSH setback areas, and other natural site features, however, at least 50 percent of the recreation area must be located outside the boundaries of such areas and slopes may not exceed 15 percent in the 50 percent usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as 1.25 square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

Response: There are 78 total dwelling units proposed. 32 dwelling units on Parcel 2 and 48 dwelling units on Parcel 3.

Shared Outdoor Recreation Area Requirements at 200sf per dwelling unit:

Parcel 2 – 32 Units x 200 square feet = 6,400 square feet

Parcel 3 – 46 units x 200 square feet = 9,200 square feet

Total Development – 78 units x 200 square feet = 15,600 square feet

The site plan accommodates more than the required shared outdoor recreation area. North parcel provides a minimum of 9,700 square feet of shared outdoor recreation area. The south parcel provides a minimum of 13,300 square feet. The total shared outdoor recreation area is 23,000 square feet. Please reference the site plan and landscape plans.

1. Provides approximately the same accessibility to the maximum number of dwelling units possible.

Response: The same accessibility is provided to the largest number of dwelling units possible. Please reference the site plan.

2. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room or other activity rooms (bedrooms or bathrooms are not included).

*Response: Windows are located in a manner that maximizes the visibility of entry areas, shared recreational areas, walkways, and parking areas from at least two adjacent dwelling units. These windows are located in either the kitchen, living room, dining room or other activity rooms (bedrooms or bathrooms are not included). Refer to exterior elevation sheet PR-201 thru PR-210.*

3. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten feet wide.

*Response: Parking and driveway areas are separated with a landscaped transition area measuring a minimum of ten feet wide.*

4. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping.

*Response: Access to shared outdoor areas from off-site is controlled by landscaping, such as large trees spaced 30 feet on center. Please reference the landscape plan.*

5. Provides a usable surface material such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

*Response: Usable surface material is provided in the shared outdoor recreation area. Please reference the landscape plan.*

**J. Safety and Security.**

1. Provide an outdoor lighting system which facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.

*Response: 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, shall be implemented. Refer to site lighting plans.*

2. Establish 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.

*Response: 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.*

**K. Service, Delivery and Screening.**

1. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.

*Response: Postal delivery areas are depicted on the site plan near both entries, which is convenient for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements. Please reference the site plan.*

2. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.

*Response: Pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas are shown. Please reference the site plan.*

3. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.

*Response: Garbage collection and recycling areas are in convenient locations for the service provider and residents. Please reference the site plan.*

4. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.

*Response: Garbage collection areas are provided with a concrete floor surface and a gate on the truck-loading side with a separate pedestrian access gate. Please reference the site plan.*

5. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:
  - a. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas.

*Response: A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas. Please reference the architectural details.*

- b. Evergreen plant materials which will retain their screening ability and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

*Response: Not applicable – Sight obscuring fence utilized in subsection a, above.*

- L. **Electrical and Mechanical Equipment.** On- and above-grade electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be screened with sight obscuring fences, walls or landscaping.

*Response: 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. Please see landscape plans.*



## Major Partition, Type III Response to Approval Criteria

Project:  
**Cascade Creek Multifamily**

Prepared by:

**BCRA**  
Meghan Howey  
2106 Pacific Ave., Suite 300  
Tacoma, WA 98402  
(253) 682-8556

January 12, 2023

SMC Sec. 17.100.40. - Minor and major partitions and replats.

Approval of a partition or replat is required for a land division of three or fewer parcels in a calendar year. Partitions or replats that do not require creation or extension of a street for access are classified as a Type I, minor partition or replat. Partitions or replats that require creation or extension of a street for access are classified as Type II, major partitions or replats...

D. *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 following approval 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.**

Response:

Base zoning districts:

The proposed partition lies within the Bornstedt Village Overlay and includes the following zones: Village Commercial (C-3), Medium Density Residential (R-2), and Low Density Residential (R-1).

Setbacks and dimensional standards:

The setbacks and dimensional standards of these zones will not apply due to Sec. 17.54.50, which states, "Where there is a conflict between a referenced section of the Code and this chapter, the BVO district provisions supersede". Accordingly, responses to the setbacks and dimensional standards will be provided under question 2 of this document.

Village Commercial (C-3): SMC 17.46.30 – Development standards.

Medium Density Residential (R-2): SMC 17.38.30 – Development standards.

Low Density Residential (R-1): SMC 17.36.30 – Development standards.

Density requirements:

The BVO district provisions do not include density requirements. Therefore, the base zone provisions will apply. The density calculation procedure is set forward in 17.30.20. There are no restricted development areas on site (RDA).

Village Commercial (C-3): SMC 17.46.00

No minimum/maximum density specified in code.

Parcel 1 NSA = 44,047 SF = 1.01 AC; 1 single family unit to remain = 1 unit/ac

Parcel 2 NSA = 98,472 SF = 2.26 AC; 32 units proposed = 14.2 units/ac

Medium Density Residential (R-2): SMC 17.38.00

Minimum and maximum units per net acre: 8-14.

*Calculation: Net Site Area (NSA) in acres x Maximum Density of Zoning District (units/acre)*

Parcel 3 (R-2 Area) = 160,325 SF = 3.68 AC

Min Density = 3.68 acres x 8 units/acre = 29 units (Rounded down)  
Max Density = 3.68 acres x 14 units/acre = 52 units (Rounded down)

Proposed unit density = 46 units/ 3.68 acres = 12.5 units/AC

Low Density Residential (R-1): SMC 17.36.00

Minimum and maximum units per net acre: 5-8

*Calculation: Net Site Area (NSA) in acres x Maximum Density of Zoning District (units/acre)*

Parcel 3 (R-1 Area) = 10,235 SF = 0.23 AC

Min Density = 0.23 acres x 5 units/acre = 1 unit (Rounded down)  
Max Density = 0.23 acres x 8 units/acre = 2 units (Rounded up)

No units are proposed under this application in the R-1 portion of Parcel 3.

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.**

*Response: This applies. The responses to each requirement are outlined below for ease of reference.*

*“Sec. 17.54.80. - BVO development standards.*

Type	R1	R2
Minimum Average Lot Width	40 ft. single family detached or duplex; 30 ft. zero lot line; 30 ft. row house Response: R-1 portion of Parcel 3 meets these minimum dimensions	40 ft. single family detached or duplex; 30 ft. zero lot line; 20 ft. row house Response: R-2 portion of Parcel 3 meets these minimum dimensions.
Lot Width at Building Line	40 ft. single family detached or duplex; 20 ft. zero lot line; 20 ft. row house Response: R-1 portion of Parcel 3 meets these minimum dimensions	40 ft. single family detached or duplex; 20 ft. zero lot line and row house Response: R-2 portion of Parcel 3 meets these minimum dimensions.
Minimum Lot Frontage	20 ft. Response: R-1 portion of Parcel 3 meets these minimum dimensions	20 ft. Response: R-2 portion of Parcel 3 meets these minimum dimensions.
Minimum Ave. Lot Depth	No maximum Response: Acknowledged.	No maximum Response: Acknowledged.

<b>Setbacks</b>		
<i>Front Yard</i>	<i>10 ft. min.</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>10 ft. min.</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Rear Yard</i>	<i>15 ft. min.</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>15 ft. min.</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Side Yard (interior)</i>	<i>5 ft. min.</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>5 ft. min.</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Corner Lot Setback</i>	<i>10 ft. on side abutting the street</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>10 ft. on side abutting the street</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Garage Setback</i>	<i>20 ft. min.</i> Response: Not applicable, no garage proposed on R-1 portion of Parcel 3.	<i>20 ft. min.</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Projection into Required Setbacks</i>	<i>See Chapter 17.74</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>See Chapter 17.74</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Accessory Structures</i>	<i>See Chapter 17.74</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>See Chapter 17.74</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Structure Height</i>	<i>35 ft. max.</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>35 ft. max.</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Building Site Coverage</i>	<i>Maximum—80 percent maximum for manufactured home parks</i> Response: R-1 portion of Parcel 3 meets these minimum dimensions	<i>Maximum—75 percent maximum for multi-family; 80 percent for manufactured home parks</i> Response: R-2 portion of Parcel 3 meets these minimum dimensions.
<i>Off-Street Parking</i>	<i>See Chapter 17.98</i> Response: R-1 portion of Parcel 3 does not propose parking	<i>See Chapter 17.98</i> Response: Parking proposed in the R-2 zone meets the requirements of Chapter 17.98.

Sec. 17.54.100. - BVO Village Commercial-Residential in conjunction with a commercial business.

<i>Lot Dimension</i>	<i>In conformance with Chapter 17.40 (R3)</i> Response: Setbacks comply with the development standards of Section 17.40.30
<i>Setbacks</i>	<i>In conformance with Chapter 17.40 (R3)</i> Response: Setbacks comply with the development standards of Section 17.40.30
<i>Lot Coverage</i>	<i>No minimum</i> Response: Acknowledged.
<i>Structure Height</i>	<i>45 ft. maximum</i> Response: Structure height complies with 45ft maximum.
<i>Landscaping</i>	<i>20%</i> Response: A minimum of 20% of Parcels 2 and 3 being developed will be landscaped

*Sec. 17.54.110. - BVO design standards.*

A. *Design Review. Design review is required for all new uses and structures, and for exterior remodels of commercial uses. The provisions of Chapter 17.90 and other relevant chapters apply unless modified by the following provisions.*

Response: An application for Design Review, Type III has been submitted. Please reference answers to these questions therein.

B. *Single Family Residential and Duplex Design Standards. All single family dwellings, manufactured dwellings, and duplexes on individual lots of record shall follow the design standard calculations in Chapter 17.90.*

Response: Neither single family residences nor duplexes are proposed, so this does not apply.

C. *Variety of Housing Standard for Subdivisions. In order to reduce repetition of the same building type and promote housing choices, all subdivisions exceeding 40 platted lots, in the R-1, R-2 and R-3 zones, must demonstrate that a variety of lot sizes and/or building types have been provided. This standard is met by providing a different lot size or housing type for at least one-third of the dwellings, by one or more of the following:*

1. A mix of attached and detached dwellings.
2. A variety of lot sizes for detached dwellings where the “varied” lot sizes are at least 20 percent larger or smaller than the average lot size for the remaining lots.
3. A mix of one and two story dwellings.
4. A mix of multi-family housing and detached dwellings, where allowed by the underlying zoning district.
5. Other techniques as approved by the Planning Commission through a Type III review process.

Response: A subdivision is not proposed, so this does not apply.

- D. *Garage Standards.* The following standards apply to new single-family, duplex and zero-lot-line residential development. The purpose for these standards is to:
1. Ensure that there is a physical and visual connection between the living area and entrance of the dwelling and the street.
  2. Enhance public safety for residents and visitors and provide opportunities for community interaction.
  3. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk.  
Garages that are accessed from the front lot area of the dwelling must meet one of the four options listed below, unless the garage is placed behind the dwelling.
    - a. The length of the garage wall may be up to 60 percent of the length of the street-facing building façade when the garage does not extend closer to the front lot line than the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).
    - b. The length of the garage may be up to 70 percent of the length of the street-facing building façade when the garage is recessed at a minimum of two feet from the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).
    - c. The garage may extend up to six feet in front of the longest street-facing wall when its width does not exceed 50 percent of the total street-facing façade, and, the garage is not closer to the street lot line than the front of the porch. As referenced here, the porch must be at least 48 square feet in area, have a solid roof that is not more than 12 feet above the porch (Figure 10b in the Bornstedt Village SAP).
    - d. A garage door that is oriented at least 90 degrees to the street lot line is not subject to standards a.—c. above. Such side-oriented garages must have at least 15 percent of their street-facing wall (measured in square feet) in windows (Figure 10b in the Bornstedt Village SAP).

Response: There are no single-family residences, duplexes, or zero-lot-line residential developments proposed, so this does not apply.

- E. *Access to Narrow Lots.* In order to minimize the extent of curb cuts on each block, to de-emphasize front-facing garages, and mitigate turning movement conflicts, lots with less than 40 feet of frontage shall receive access from a rear public alley or a shared private driveway. A shared private driveway shall adhere to the standards in Chapter 17.100, Land Division. The Planning Commission may grant exceptions through a Type III Variance process where the applicant demonstrates topography or other conditions preclude compliance with this standard.

Response: All lots have more than 40 feet of frontage, so this does not apply. There are no shared private driveways proposed, so this does not apply.

- F. *Landscaping Standards Adjacent to Highway 211.* The street-side yard adjacent to the Highway 211 Parkway (Figure 6 of the Bornstedt Village Specific Area Plan) shall be landscaped to complement the parkway character. At a minimum, trees (minimum two) shall be planted on 50-foot centers together with contiguous groundcover. Less than 50-foot center spacing for trees is encouraged.

Response: Landscaping has been shown to complement the parkway character. Street tree spacing is shown at 30ft on center. Refer to the landscape plan.

Sec. 17.54.120. – BVO circulation.

*New streets and vehicle access shall be developed consistent with the Bornstedt Village Circulation Plan (Figure 7 of the Bornstedt Village Specific Area Plan). Through-roads shown on the circulation plan are considered “required” street connections, however, there is flexibility regarding the specific alignment of the streets. Proposed road “arrows” (shown on Circulation Plan) are considered suggested locations for additional connections between the through streets, recognizing that flexibility is needed for the specific number and location of additional streets. The combination of development of the through streets and additional connections shall provide circulation resulting in a logical and connected network of local neighborhood streets. Figure 8 of the Bornstedt Village Specific Area Plan is an illustrative, non-binding, plan of how this standard could be implemented. Within the Bornstedt Village Overlay District, changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be added or moved more than 100 feet from the location depicted on the specific area plan Circulation diagram, shall be subject to the amendment procedures of Subsection 17.54.30.B. rather than Subsection 17.54.30.C. Changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be eliminated, shall be subject to the amendment procedures of Subsection 17.54.30.C.*

- A. *Highway 211 Parkway Section. 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 parkway cross-section may be modified, as needed, to adjust to topographic and other constraints. Modifications as part of the review of any land use application or development permit shall be approved by City Engineer and are subject to ODOT approval.*

*Response: Highway 211 improvements are shown in conformance with Figure 6 of the Bornstedt Village Specific Area Plan.*

- B. *Traffic Calming on Bornstedt Road. The intersection of Bornstedt Road and Cascadia Village Drive shall be stop controlled. Other traffic calming methods such as striping, reflectors, narrowing of the pavement section, regrading, landscaping and other traffic calming techniques shall be considered during land use reviews and public improvement projects.*

*Response: This section does not apply as the intersection of Bornstedt Road and Cascadia Village Drive is off-site and not being modified by the development.*

- C. *Boulevards.*

1. *The concept for the Barlow Road Boulevard is to build a neighborhood street that:*

- a. *Follows the general alignment of the historic Barlow Road, as shown on Figures 7 and 11 of the Bornstedt Village Specific Area Plan; and*

*Response: This section does not apply as this roadway is off-site and is not being modified by the development.*

- b. *Includes a landscaped park-block section that is a minimum of 20 feet wide and includes interpretive signage and a trail within the median. The conceptual design recognizes that the historic road is no longer visible, but is still valuable and important to incorporate into the design of the neighborhood; and*

*Response: This section does not apply as this roadway is off-site and is not being modified by the development.*

- c. *Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and*

Response: This section does not apply as this roadway is off-site and is not being modified by the development.

- d. *Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.*

Response: This section does not apply as this roadway is off-site and is not being modified by the development.

2. *The concept for the Village Boulevard is to build a neighborhood street that:*

- a. *Extends from the signalized intersection at Highway 211 approximately 1,000 feet to the south and approximately 260 feet to the north; and*

Response: This project proposes to improve the eastern half of the Village Boulevard ROW extending approximately 625 ft south of Highway 211. The western half of the roadway in this location was previously developed except for the median, which will be completed with this project.

- b. *This street should include a landscaped park-block median that is a minimum of 20 feet wide; and*

Response: The street section includes a landscaped park-block median that is 20 ft wide.

- c. *The existing hedgerow of trees located at south end of the boulevard should be incorporated into this street design; and*

Response: This hedgerow as described does not front the development.

- d. *Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and*

Response: Access points are limited with the proposed site plan.

- e. *Encourages pedestrian accessibility by requiring the primary entrance of all residential and commercial development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.*

Response: Primary entrances for the proposed multifamily residential buildings are oriented to Bornstedt Village Drive or Cascadia Village Drive.

3. *The concept for Cascadia Village Drive, west of Bornstedt Road, is to build a neighborhood street that:*

- a. *Features a landscaped park-block median that is a minimum of 20 feet wide, except where the street must avoid areas regulated by Chapter 17.60, the FSH Overlay District; and*

Response: The street section for Cascadia Village Drive includes a landscaped park-block median that is 20 ft wide

- b. *Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and*



Response: Access points are limited with the proposed site plan.

- c. *Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.*

Response: Primary entrances for the proposed multifamily residential buildings are oriented to Bornstedt Village Drive or Cascadia Village Drive.

- D. *Green Streets. Vegetated swales and other green street features, per SDC 17.100, approved by the City Engineer shall be used where practicable in Bornstedt Village.*

Response: Vegetated swales are proposed for Highway 211. Green streets are not practicable along Village Boulevard and Cascadia Village Drive due to spatial constraints of the development, limited infiltration potential for subgrade soils, and the steep profile of the roadways.

*Sec. 17.54.130. - BVO parks.*

*The Open Space, Parks and Trails Map (Figure 9 of the Bornstedt Village Specific Area Plan) illustrates both existing parks and the location of new neighborhood parks. The proposed parks are conceptually located. The parks are an important element of the BVO district, however, they do not bind the subject properties to use as only parkland. Rather, the exact location and size of the parks shall be established through acquisition by the City, parkland dedication during development reviews as required by Chapter 17.86, development agreements, or other means that involve property owner participation. Within the Bornstedt Village Overlay District, changes in the parks plan that cause a required park, path or trail to be added or moved more than 100 feet from the location depicted on the specific area plan parks diagram, shall be subject to the Amendment procedures of Section 17.54.30.B. rather than 17.54.30.C. Changes in the parks plan that cause a required park, path or trail to be eliminated, shall be subject to the Amendment procedures of 17.54.30.C.*

Response: Bornstedt Park, depicted in Figure 9 of the Bornstedt Village Specific Area Plan across the proposed development parcels, was constructed to the south of the proposed alignment of Cascadia Village Drive and therefore was not constructed in conformance with the Specific Area Plan.

Developments to the east and west of the subject site, shifted the location of Cascade Village Drive. Our development proposes the continuation of an already established road location.

Therefore, no amendment to the BVPO is necessary because of the proposed development.

*Sec. 17.54.140. - BVO environmental standards.*

*The BVO district shall utilize the existing environmental standards in the Sandy Development Code. The principal regulations are:*

- A. *Flood Slope and Hazard (FSH) Overlay—See Chapter 17.60*

Response: Not applicable.

- B. *Hillside Development—See Chapter 17.56*

Response: Not applicable.

C. *Urban Forestry—See Chapter 17.102, except where modified by this Chapter*

1. *Tree Retention—The landowner is responsible for retention and protection of retained trees as specified below:*

- a. *Within Bornstedt Village at least nine trees, 11 inches DBH or greater, shall be retained for every one-acre of land under contiguous ownership within 300 feet of the FSH Overlay District as depicted on the Zoning Map, and six trees per acre in other areas of the village.*

Response: The site is not within 300 ft of the FSH overlay District as depicted on the Zoning Map, therefore the required tree retention is 6 trees of 11 inches DBH or greater per acre. The Total required trees to be retained per Net Site Area is  $6.95 \text{ AC} \times 6 = 42 \text{ trees}$

*All other standards of Chapter 17.102 shall remain in effect.*

3. The proposed partition or replat meets the requirements of hillside development as required in Chapter 17.56.

Response: This does not apply – no hillside development.

4. The proposed partition or replat meets the requirements of the flood and slope hazard overlay district as required in Chapter 17.60.

Response: This does not apply – no flood and slope hazard overlay district.

5. The proposed partition or replat meets the additional setback standards on collector and arterial streets as required in Chapter 17.80.

Response: Village Blvd and Cascadia Village Drive are classified as Collector roadways in the City of Sandy's Transportation System Plan. Buildings are shown setback a minimum of 20ft where adjacent to these roadways.

6. The proposed partition or replat meets the building orientation standards on transit streets as required in Chapter 17.82.

*“Sec. 17.82.10. - Applicability.*

*This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.*

Response: Cascadia Village Drive and Village Boulevard are designated as collectors in the Transit System Plan. Highway 211 is designated as a major arterial. Buildings have been oriented to have primary entrances facing the transit street.

*Sec. 17.82.20. - Building orientation.*

- A. *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.*

Response: Building's primary entrances have been oriented toward a public right of way.

- B. *Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from*

*the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.*

Response:

The proposed multi-family development will be accessed from Cascadia Village Dr. which is designated as a collector.

The proposed single-family lot will be accessed through the proposed multi-family development due to other code restrictions.

- According to Sec. 17.100.180 "...Driveways located on a collector or arterial street shall maintain a minimum distance of 150 feet between the nearest edges of the driveway and a right-of-way that intersects with the collector or arterial street." The proposed single-family lot will have approximately 86 feet of frontage along Village Boulevard and Pine Street. Due to the proximity of the intersection and the frontage length, driveway access from these roadways is not feasible.
- Highway 211 is a major arterial. However, driveway access entries are not allowed per conversation with City staff.

- C. *Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least feet in depth.*

Response: The single-family residence is existing. As such, the entry will not be modified. The proposed multifamily development emphasizes the entries which are visible from the street.

- D. *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.*

Response: The site has frontage on both Village Blvd and Cascadia Creek Drive. Both are designated as Collectors. Buildings have main entrances oriented to a transit street in accordance with this section.

- E. *Exception for Flag Lots. Single-family homes, duplexes, or a single-family home converted to a duplex on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street are exempt from the standards of Subsections 17.82.20.B. and C.*

Response: Does not apply.

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.**

Response: A variance has been requested for 17.100.180(A), 17.84.50(E.2), and 17.84.50(J.3) which requires 150 feet in between intersections. The proposed development will meet the improvement standards for sidewalks, pedestrian connections including tracts and easements, bicycle facilities, water facilities, sanitary sewer facilities, stormwater facilities, and other standards as required in Chapter 17.84.

#### Section 17.84

Sec. 17.84.20. - Timing of improvements.

- A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:

1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.  
[Response: Each proposed parcel will be served by public and franchise utility improvements financially guaranteed prior to plat approval.](#)
2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.  
[Response: This section does not apply as a land division is proposed.](#)

- B. Where specific approval for a phasing plan has been granted for a subdivision, improvements may similarly be phased in accordance with that plan.  
[Response: Project will be constructed in one phase.](#)

Sec. 17.84.30. - Pedestrian and bicyclist requirements.

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:

1. Sidewalks shall be a minimum of five feet wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3., below.  
[Response: All sidewalks on local streets are proposed to be five-foot minimum width and are separated from the curb with a landscape strip as required.](#)
2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of six feet wide.  
[Response: All sidewalks on arterial and collector streets are proposed to be six-foot minimum width and are separated from the curb with a landscape strip as required.](#)
3. Sidewalk improvements shall be made according to City standards, unless the City determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.
  - a. Narrow landscape strips.
  - b. Narrow sidewalk or portion of sidewalk to no less than four feet in width.
  - c. Eliminate landscape strips.
  - d. Narrow on-street improvements by eliminating on-street parking.
  - e. Eliminate sidewalks.[Response: Sidewalk improvements will be constructed to meet city standards.](#)
4. The timing of the installation of sidewalks shall be as follows:
  - a. Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.

- b. Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in c., below.
- c. Where sidewalks on local streets abut common areas, tracts, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

Response: The applicant intends to provide financial guarantee for the public improvements and install the improvements with the development of the site.

- B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.  
Response: Pedestrian and Bicyclist facilities have been designed to provide safe and convenient ways to minimize travel distance to the extent practicable within the new development and adjacent development areas.
2. To meet the intent of B., above, rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 feet wide with eight feet of pavement.  
Response: No cul-de-sacs or unusually long or oddly shaped blocks are proposed.
3. Twelve feet wide pathways shall be provided in areas with high bicycle volumes or multi-use by bicyclists, pedestrians, and joggers.  
Response: Based upon the transportation system plan, we do not anticipate high bicycle volumes or multi-use by bicyclist, pedestrians, and joggers for the proposed roadways. The transportation system plan does recommend a widened shoulder for bicyclists. The project will construct the roadway widening to support this proposed bicycle route.
4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
  - a. The pedestrian circulation system shall be at least five feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
  - b. Walkways at least five feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
  - c. Walkways shall be as direct as possible and avoid unnecessary meandering.
  - d. Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
  - e. With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk

standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

- f. Pedestrian amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.

[Response: All sidewalks are designed to be a minimum of 5ft wide and have been laid out to meet the above access standards.](#)

- C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the City shall be provided in accordance with 17.84.90.D.

[Response: The City's Transportation System Plan does identify a trail linkage from Highway 211 to Bornstedt Park \(Keynote T44, Map 14\). The roadway improvements including 6 ft wide pedestrian sidewalks and dedication of sufficient ROW for the improvements to Village Boulevard will fulfill this requirement.](#)

- D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

[Response: Pedestrian sidewalks are shown extending to the edge of adjacent properties.](#)

- E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

(Ord. No. 2021-16 , § 12(Exh. K), 8-16-2021)

[Response: We understand no off-site improvements beyond the improvements shown along the project's frontage will be required.](#)

#### Sec. 17.84.40. - Transit and school bus transit requirements.

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.

[Response: A bus shelter is shown off Village Boulevard based upon comments received in the pre-application meeting held 4/20/2022.](#)

- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:

1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.

Response: Civic spaces associated with the northern portion of development have been oriented toward Cascadia Village Drive to provide access for pedestrians, bicycles, and transit.

2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30.B.

Response: Public sidewalk connections between the buildings and transit stop have been provided.

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.**

Response: The developer proposes a fee in lieu of dedication.

9. **The proposed partition or replat will meet the requirements of Chapter 17.90 at the time of house construction.**

Response: The requirements of Chapter 17.90 will be met by the proposed buildings.

10. **The proposed partition or replat meets the landscaping requirements of Chapter 17.92.**

Response: Landscaping requirements of Chapter 17.92 are met by the development.

11. **The proposed partition or replat provides on-street parking, off-street parking, driveway spacing, and driveway widths as required in Chapter 17.98.**

Response: On-street parking, off-street parking, driveway spacing, and driveway widths are shown in compliance with this Chapter.

12. **The proposed partition or replat provides tree retention as required in Chapter 17.102.**

Response: A tree variance has been requested since retention requirements cannot be met.

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.**

Response: A variance for block length requirements has been submitted.

14. **The proposed street layout includes the siting of all collector and arterial streets substantially as depicted in the 2011 Transportation System Master Plan.**

Response: Collector and Arterial roadways are shown consistent with the 2011 Transportation System Master Plan.

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).**

Response: Street improvements are consistent with the Transportation Master Plan and are proposed in conformance with the referenced OSSC and AASHTO standards.

16. **The proposed partition or replat is consistent with the design standards set forth in this chapter.**



Response: The proposed partition is consistent with the design standards with exception to the 8-foot offset requirement for buildings. A variance has been applied for to address this requirement.

**17. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.**

Response: The proposed streets are consistent with the Comprehensive plan and the Bornstedt Village Specific Area Plan Report with exception to Pine Street. A variance has been applied for to address the 150' intersection requirement that cannot be met.

**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.**

Response: The proposed partition will create traffic volumes consistent with standards for local streets.

**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.**

Response: Water and Sewer infrastructure are shown meeting the City of Sandy Water System Master Plan and City of Sandy Wastewater System Facilities Plan.

**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.**

Response: Utility installations including required easements are shown on plans.



## Block Length Variance, Type III Narrative

Project:

### **Cascade Creek Multifamily**

Prepared by:

**BCRA**

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2106 Pacific Ave., Suite 300  
Tacoma, WA 98402  
(253) 682-8556

January 12, 2023

## Site Description

Address: 38272 Hwy 211 and 38330 Hwy 211, Sandy, OR 97055

The proposed project is a multi-family development within the City of Sandy. The project is located on parcels 00677173 and 00677164, which are within the Bornstedt Village Overlay Plan. This plan takes precedence over the underlying zones, which include C-3 (Village Commercial), R-2 (Medium Density Residential), and R-1 (Low Density Residential).

This project site lies just north of Bornstedt Park and south of Highway 211. A mix of townhouses and single-family homes lies to the east and west. After Pine Street is extended, the large single-family parcel to the east will no longer abut the subject site.

Following a Major Partition, three lots will be created. One lot will maintain the single-family residence to the north. The other two lots will be developed with multi-family housing. The project will connect many planned streets including Cascadia Village Drive, Pine Street, and a pedestrian easement through the southern segment of the site. Associated parking, landscaping, private and common open space, and roadway improvements are included in the scope.

## Request

The applicant requests a Type III Variance to Section 17.100.120 to exceed the 400-foot maximum block length on the west side of Pine Street between Sequoia Street and Cascadia Village Drive.

*Sec. 17.100.120. - Blocks and accessways.*

*B. Blocks in the Single Family Residential zone, Low Density Residential zone, Medium Density Residential zone, High Density Residential zone, Central Business District zone, General Commercial zone, Village Commercial zone, and Industrial Park zone fronting local streets shall not exceed 400 feet in length.*

## Response to Approval Criteria

Sec. 17.66.70. - Type II and type III variance criteria.

The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for a use not otherwise approvable in the location. The criteria are as follows:

A. The circumstances necessitating the variance are not of the applicant's making.

*Response: The circumstances necessitating the variance are not of the applicant's making. These circumstances arose when property was developed, east of the subject site. This development included a replat, which necessitated Limerick Street. The distance in between Limerick Street and Redwood Street is approximately 280 feet. Consequently, a street added to the north of Bornstedt Park would not comply with code requirements for 150 feet in between intersections per SMC Sections 17.100.180(A), 17.84.50(E.2), and 17.84.50(J.3). The deviation would be approximately 60 feet, which is substantial.*

- B. 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.

Response: The hardship was not created by the applicant and did not arise from a violation of the Code. The reason for the hardship is stated previously. Please reference the reply to subsection "A", prior. Approval would not allow otherwise prohibited uses in the district in which the property is located.

- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: The Comprehensive Plan addresses block length under Goal 12, Transportation:

*"3. Require connected streets that form pedestrian-scaled blocks, except where it is shown that topography, existing land ownership patterns, or other conditions preclude the creation of blocks" (City of Sandy Comprehensive Plan, page 32).*

This statement demonstrates that the intent of block length is to create a pedestrian-friendly environment. This is accomplished by the pedestrian easement which travels from Cascadia Village Drive in to Bornstedt Park and by the location of Bornstedt Park itself.

*"5. Encourage the use of parks and open space corridors as pedestrian and other non-auto-oriented linkages within the urban area. Where possible, connect these pathways to a regional system of trails linking public and private open space, parks, and recreational resources within and between jurisdictions" (City of Sandy Comprehensive Plan, page 32).*

Furthermore, this clause recognizes that conditions may preclude the creation of ideal blocks. This is applicable to the subject site.

To meet block-length requirements, the applicant would need to create a street along the north side of Bornstedt Park. The associated intersection would not be code compliant: Limerick Street's intersection would be less than 150 feet away. The deviation would be substantial – approximately 40%. This is not safe. The Comprehensive Plan frequently emphasizes safety as a goal of transportation within the City:

*"This goal is to establish policies to provide and encourage a safe, convenient, and economic transportation system" (City of Sandy Comprehensive Plan, page 32).*

*"1. Support a pattern of connected streets, sidewalks, and bicycle routes to: a) provide safe and convenient options for cars, bikes, and pedestrians; b) create a logical, recognizable pattern of circulation; and, c) spread traffic over local streets so that collector and arterial streets are not overburdened" (City of Sandy Comprehensive Plan, page 32).*

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

Response: Approving the variance would retain open space and recreational areas, which would be materially beneficial to the public welfare and property in the vicinity. The project substantially complies with transportation requirements. The project will drastically enhance the City's transportation network by connecting Cascadia Village Drive, linking Pine Street to Highway 211, and adding a transit facility. Any transportation needs generated by the addition of multi-family units is outweighed by the improvements to public right-of-way in this area.

- E. 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.

Response: The proposed developed will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitted some economic use of the land. 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.

- F. 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.

Response: 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 other circumstances over which the applicant has no control. There are three zones within the two existing parcels. One zone forms a small triangle in the southeast corner, which limits development. 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.

## Intersection Variance, Type III Narrative

Project:

### **Cascade Creek Multifamily**

Prepared by:

**BCRA**

Meghan Howey  
2106 Pacific Ave., Suite 300  
Tacoma, WA 98402  
(253) 682-8556

January 12, 2023

## Site Description

Address: 38272 Hwy 211 and 38330 Hwy 211, Sandy, OR 97055

The proposed project is a multi-family development within the City of Sandy. The project is located on parcels 00677173 and 00677164, which are within the Bornstedt Village Overlay Plan. This plan takes precedence over the underlying zones, which include C-3 (Village Commercial), R-2 (Medium Density Residential), and R-1 (Low Density Residential).

This project site lies just north of Bornstedt Park and south of Highway 211. A mix of townhouses and single-family homes lies to the east and west. After Pine Street is extended, the large single-family parcel to the east will no longer abut the subject site.

Following a Major Partition, three lots will be created. One lot will maintain the single-family residence to the north. The other two lots will be developed with multi-family housing. The project will connect many planned streets including Cascadia Village Drive, Pine Street, and a pedestrian easement through the southern segment of the site. Associated parking, landscaping, private and common open space, and roadway improvements are included in the scope.

## Request

The applicant requests a Type III Variance to Section 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.

*“Sec. 17.100.180. - Intersections.*

- A. Intersections. Streets shall intersect at right angles. In no circumstances shall a proposed intersection of two new streets be approved at an angle of less than 75 degrees. No more than two streets shall intersect at any one point. Intersections shall maintain a minimum of 150 feet between the nearest edges of the two rights-of-way. Driveways located on a collector or arterial street shall maintain a minimum distance of 150 feet between the nearest edges of the driveway and a right-of-way that intersects with the collector or arterial street.”*

*“Sec. 17.84.50. - Street requirements.*

- E. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, "through traffic" means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:*
- 1. 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.”*

*“Sec. 17.84.50. - Street requirements.*

*J. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network are not adversely affected. The following standards shall apply:*

- 1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.*
- 2. Grades shall not exceed six percent on arterial streets, ten percent on collector streets, and 15 percent on local streets.*
- 3. 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.*
- 4. Centerline radii of curves shall not be less than 500 feet on arterial streets, 300 feet on collector streets, and 100 feet on local streets.*
- 5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:*
  - a. The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 feet of straight (tangent) alignment perpendicular to the intersection.*
  - b. The intersection of a local street with another street shall have a minimum of 50 feet of straight (tangent) alignment perpendicular to the intersection.*
  - c. Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle.*
  - d. Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 feet All other intersections shall have a minimum curb corner radius of ten feet.”*

**Response to Approval Criteria**

Sec. 17.66.70. - Type II and type III variance criteria.

The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for a use not otherwise approvable in the location. The criteria are as follows:

- A. The circumstances necessitating the variance are not of the applicant's making.

*Response: The circumstances necessitating the variance are not of the applicant’s making. These circumstances arose when property was developed, east of the subject site. This development*

included a replat, which necessitated Limerick Street. The distance in between intersections on Pine Street, for Limerick Street and Cascadia Village Drive, is approximately 130 feet, which is about 20 feet shy of the 150 foot requirement. This intersection pattern is existing and therefore cannot be avoided. 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.

- B. 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.

Response: The hardship was not created by the applicant and did not arise from a violation of the Code. The reason for the hardship is stated previously. Please reference the reply to subsection "A", prior. Approval would not allow otherwise prohibited uses in the district in which the property is located.

- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

Response: The Comprehensive Plan addresses transportation under Goal 12:

*"This goal is to establish policies to provide and encourage a safe, convenient, and economic transportation system" (City of Sandy Comprehensive Plan, page 32).*

*"1. Support a pattern of connected streets, sidewalks, and bicycle routes to: a) provide safe and convenient options for cars, bikes, and pedestrians; b) create a logical, recognizable pattern of circulation; and, c) spread traffic over local streets so that collector and arterial streets are not overburdened" (City of Sandy Comprehensive Plan, page 32).*

These statements demonstrate that the intent of intersection spacing is to create safe transportation circulation. Although 150-foot intersection spacing is an important aspect of safe streets, this deviation is minimal. A 20-foot deviation from this code requirement is only a 13% difference.

Furthermore, the deviation is unavoidable. Strict adherence to the code would prevent the connection of Cascadia Drive and Pine Street – both of which are important corridors in the City's Transportation Plan. Completing Pine Street will connect it to Highway 211, thereby increasing travel capacity.

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

Response: 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.

- E. 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.



Response: The proposed developed will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitted some economic use of the land. 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.

- F. 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.

Response: 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 other circumstances over which the applicant has no control. There are three zones within the two existing parcels. One zone forms a small triangle in the southeast corner, which limits development. 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.

## Special Variance, Type III Narrative

Project:  
**Cascade Creek Multifamily**

Prepared by:

**BCRA**  
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(253) 682-8556

January 12, 2023

## Site Description

Address: 38272 Hwy 211 and 38330 Hwy 211, Sandy, OR 97055

The proposed project is a multi-family development within the City of Sandy. The project is located on parcels 00677173 and 00677164, which are within the Bornstedt Village Overlay Plan. This plan takes precedence over the underlying zones, which include C-3 (Village Commercial), R-2 (Medium Density Residential), and R-1 (Low Density Residential).

This project site lies just north of Bornstedt Park and south of Highway 211. A mix of townhouses and single-family homes lies to the east and west. After Pine Street is extended, the large single-family parcel to the east will no longer abut the subject site.

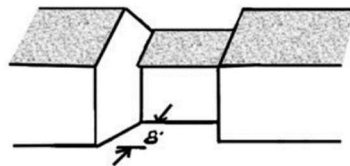
Following a Major Partition, three lots will be created. One lot will maintain the single-family residence to the north. The other two lots will be developed with multi-family housing. The project will connect many planned streets including Cascadia Village Drive, Pine Street, and a pedestrian easement through the southern segment of the site. Associated parking, landscaping, private and common open space, and roadway improvements are included in the scope.

## Request

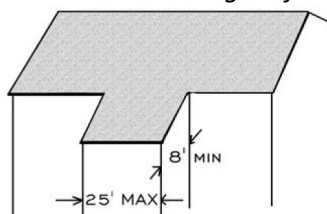
The applicant requests a Type III Special Variance to Section 17.90.160(D) to not provide 8-foot offsets every 20 feet:

*“Sec. 17.90.160. - Additional requirements—Multi-family developments.  
Multi-family residential developments shall comply with the requirements of this chapter as listed above and the following additional requirements:*

- D. 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 any two of the following:
1. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet.



2. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of eight feet, with maximum length of an overhang not to exceed 25 feet.



3. *If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is eight feet deep and at least 125 square feet in area."*

**Response to Approval Criteria**

Sec. 17.66.80. - Type III special variances.

The Planning Commission may grant a special variance waiving a specified provision for under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

One of the following sets of criteria shall be applied as appropriate.

- 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

*Response: The intent of Chapter 17.90 Design Standards is located under Sec. 17.90.00, below. The intent of offsets is to avoid "box-like structures with large, blank, unarticulated wall surfaces". Buildings with some offsets are more aesthetically pleasing.*

*Our request to deviate from code does not fall into section D, which calls out design elements that are inconsistent with the Sandy Style.*

*Our request does not seek to eliminate the requirement; rather, our request seeks to comply with the requirement to the extent feasible. The proposed offset pattern is as follows:*

<b>Building A, Sheet PR201.1</b>	<b>Building B, Sheet PR202.1</b>	<b>Building C Sheet PR-203.1</b>	<b>Building D Sheet PR-204.1</b>	<b>Building E Sheet PR-205.1</b>	<b>Building F Sheet PR-206.1</b>
6'x14' offset	6'x14' offset	6'x13' offset	6'x13' offset	17'x5' offset	9'x13' offset
21'	21'	21'	21'	11'x5' offset	21'
14'x4' offset	14'x4' offset	11'x5' offset	11'x5' offset	21'	11'x5' offset
9'	10'	15'	16'	11'x5' offset	16'
26'x4' offset	26'x4' offset	11'x5' offset	11'x5' offset	16'	11'x5' offset
12'x6' offset	11'x6' offset	21'	21'	11'x5' offset	13'
9'	10'	6'x13'	6'x13'	22'	11'x5' offset
14'x4' offset	14'x4' offset			11'x5' offset	6'x11' offset
21'	21'			17'x5' offset	
6'x14' offset	6'x14' offset				

*"Sec. 17.90.00. - Intent.*

*Chapter 17.90 is intended to implement the following design standards. In addition to these standards, several appendices are included to aid in the implementation of these standards.*

*Applicable appendices are referenced in this chapter and kept on file by the Planning Director at City Hall. In implementing these standards, the reviewing body shall refer to the following objectives in evaluating Design Review requests:*

- A. Protect and enhance the city's quality of life and community image.*
- B. Encourage functional, safe, and aesthetically pleasing development, while maintaining compatibility with the surrounding built and natural environment*
- C. Implement the Sandy Style, as described by this chapter. The Sandy Style is based on the following guiding principles:*
  - 1. Celebrate Sandy as the Gateway to Mount Hood through contextually appropriate landscaping and building designs.*
  - 2. Protect and enhance Sandy's tree canopy, particularly along the Highway 26 Landscape Management Corridor.*
  - 3. Emphasize a "village" scale and character in new development. Village scale means development is compact and walkable, building entrances are oriented to the street sidewalk or a plaza, and large building masses are broken down through a combination of design elements such as articulation, combinations of complementary building materials and detailing.*
  - 4. Express elements of or reflect Cascadian architecture by adapting appropriate elements of English Arts and Crafts Style (1900—1920) and Oregon Rustic Style (1915—1940), and/or similar elements, into new buildings and exterior remodels, except in locations where this Code allows or requires a different architectural style (e.g., C-1 Historic Roadside Commercial District).*
  - 5. Encourage green building practices in new construction, such as the use of renewable energy (e.g., solar and wind), use of recycled materials, integration of water quality facilities in landscapes, capture of rainwater for irrigation, and similar practices.*
- D. The city considers the following elements to be incompatible with the Sandy Style. The reviewing body may deny, or require modifications to, a project with any of the following:*
  - 1. Excessive tree removal and/or grading that may harm existing vegetation within a designated landscape conservation area.*
  - 2. Commercial development where buildings are setback from the street behind surface parking lots.*
  - 3. Excessive surface parking lot paving and redundant driveways*
  - 4. Drive-up facilities adjacent to a street that interrupt pedestrian circulation patterns or create potential safety hazards.*
  - 5. Disjointed parking areas, confusing or unsafe circulation patterns.*
  - 6. Box-like structures with large, blank, unarticulated wall surfaces.*
  - 7. Building materials or colors that do not conform to this Code.*
  - 8. Highly reflective surfaces or heavily tinted glass storefronts.*
  - 9. Strongly thematic architectural styles, forms, colors, materials, and/or detailing, that do not conform to the Sandy Style, including some forms of franchise architectural styles associated with some chain commercial establishments.*
  - 10. Inadequate landscape buffers adjacent to parking lots, walkways and streets.*
  - 11. Visible outdoor storage, loading, and equipment areas.”*

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.

Response: Minimally varying the building offset requirement is not damaging to the aesthetic. The intent of offsets is to avoid “box-like structures with large, blank, unarticulated wall surfaces”. Buildings with some offsets are more aesthetically pleasing. Therefore, the special variance will not be materially detrimental to the public welfare or injurious to other property in the area when compared with the effects of development otherwise permitted. The intent of the code and Comprehensive Manual are met.

- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

Response: The proposed variance to the building offset criteria is the minimum amount necessary to provide functional and practical residential unit layouts within the multifamily residential buildings that are allowed within the zone. If the project strictly adheres to the design code, the functionality of the unit layout will be impacted. This is not practical compliance with the 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.

Response: Noted and accepted.



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## Tree Removal Variance, Type III Narrative

Project:

### **Cascade Creek Multifamily**

Prepared by:

**BCRA**

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January 6, 2023

## Site Description

Address: 38272 Hwy 211 and 38330 Hwy 211, Sandy, OR 97055

The proposed project is a multi-family development within the City of Sandy. The project is located on parcels 00677173 and 00677164, which are within the Bornstedt Village Overlay Plan. This plan takes precedence over the underlying zones, which include C-3 (Village Commercial), R-2 (Medium Density Residential), and R-1 (Low Density Residential).

This project site lies just north of Bornstedt Park and south of Highway 211. A mix of townhouses and single-family homes lies to the east and west. After Pine Street is extended, the large single-family parcel to the east will no longer abut the subject site.

Following a Major Partition, three lots will be created. One lot will maintain the single-family residence to the north. The other two lots will be developed with multi-family housing. The project will connect many planned streets including Cascadia Village Drive, Pine Street, and a pedestrian easement through the southern segment of the site. Associated parking, landscaping, private and common open space, and roadway improvements are included in the scope.

## Narrative

The applicant, Vaughn Bay Construction, Inc., hired Washington Forestry Consultants, Inc. to prepare a “Final Tree Protection Plan” for the subject site. The following narrative is provided by BCRA to request a variance from tree retention requirements. Our summary largely relies on the data contained in the “Final Tree Protection Plan”.

### Retention Calculation:

Tree retention requirements are specified in Chapter 17.102. This Chapter is superseded, in part, by the Bornstedt Overlay Plan’s environmental standards in Sec. 17.54.140(C). This section modifies the standard retention calculation of “3 trees per acre” with “6 trees per acre”. When applied to this project, the calculation is “6 trees \* 6.95 acres = 42 trees”. Since the retention requirement cannot be achieved, a variance has been requested per SMC 17.102.70.

*“Sec. 17.102.70. - Variances.*

*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.*
  4. *Tree removal is necessary to protect a scenic view corridor.”*

**Exemptions:**

According to the “Final Tree Protection Plan”, there are 82 trees on-site. Of these trees, 24 will be retained and 58 removed. However, a number of the removed trees are exempt from the requirements of the chapter:

1. The first basis of exemption is SMC 17.102.10, which states “*For the purposes of this chapter tree means any living, standing, woody plant having a trunk 11 inches DBH or greater*”. Per the “Final Tree Protection Plan”, Table 3 there are 29 trees that are less than 11” DBH. Of the 29 trees that qualify for this exemption, 12 are being retained. Therefore, this exemption will be used for a total of 17 trees.
2. An additional exemption is provided by Sec. 17.102.20(B)(1), which states “*Exceptions: The following tree removals are exempt from the requirements of this chapter. 1. Tree removal as required by the city of public utility for the installation or maintenance or repair of roads, utilities, or other structures*”. According to the civil plans and survey there are a total of 36 trees that will be removed in the current and future public right-of-way. Of these trees, 13 have already been counted under the first exemption because they are less than 11” DBH. Consequently, this section will apply to a total of 23 trees.

**Off-site trees:**






There are 8 trees off-site. Four of these trees need to be removed due to the installment of Pine Street. These trees and their root zones are too close to the property line to survive construction. The remaining four off-site trees will be preserved.

**Variance:**

Because exemption criteria apply to 41 of the 58 trees removed, the variance criteria only apply to 18 trees. Per variance criteria 17.102.70(A), each of the 18 trees removed will be planted at a two-to-one ratio with native quality nursery grown trees. Two-thirds will be conifer species as required by code. A total of 36 trees will be planted. Furthermore, in accordance with subsection B of that section, the substitution more nearly meets the intent of this chapter:

- *“The physical condition of the existing trees or their compatibility with the existing soil and climate conditions”*  
This applies to 10 of the 18 trees. Please reference the “Final Tree Protection Plan”, Table 3 which calls out the health of each tree. The report also states, “The tree evaluation phase used methodology developed by Matheny and Clark (1998). While tree risk ratings are not provided, trees rated as being in ‘Poor’ or ‘Very Poor’ condition are in poor health, and often were structurally defective” (page 2).
  
- *“The location of the existing and proposed new trees, or [...] An undue hardship is caused by the requirement for retention of existing trees”*  
This applies to 8 of the 18 trees. Re-planted trees will be clustered to the extent feasible. Clustered trees are healthier due to the way root systems interact. Research has shown that intertwined root systems enhance the anchoring of trees and exchange nutrients. The intent of the chapter is to “conserve and replenish the ecological, aesthetic and economic benefits of urban forests.” Therefore, trees clustered together will more nearly meet the intent of the chapter because they are demonstrably healthier. Clusters of trees are aesthetically beautiful and sought after by residents because they provide an enhanced visual respite from urban environments.

An undue hardship exists because the site has an unusually high number of development and design requirements. The requirement for several new and improved public right-of-way areas heavily constricts the site, both due to area and subsequent grading.

Legend for Summary Table				
Color	Action	Number	Relevant code section	Code
N/A	Total	82 trees	N/A	N/A
	Retain	24 trees	N/A	N/A
Basis of removal for remaining 58 trees				
	Remove, exempt	17 trees	SMC 17.102.10	“For the purposes of this chapter tree means any living, standing, woody plant having a trunk 11 inches DBH or greater.”
	Remove, exempt	23 trees	SMC 17.102.20(B)(1)	“Exceptions: The following tree removals are exempt from the requirements of this chapter. 1. Tree removal as required by the city of public utility for the installation or maintenance or repair of roads, utilities, or other structures.”
	Remove, variance	10 trees	17.102.70(B)(2)	“The physical condition of the existing trees or their compatibility with the existing soil and climate conditions”
	Remove, variance	8 trees	17.102.70(B)(1 and 3)	“The location of the existing and proposed new trees, or [...] An undue hardship is caused by the requirement for retention of existing trees.”

Summary						
#	Species	DBH (in)	Calculated DBH for Multi-Stem Trees (in)	Condition	Project Plan	Removal Justification per Code
1	Douglas-fir	10,7,5	14.3	Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
2	Cherry	12		Fair	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship
3	Cherry	14		Fair	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship
4	Douglas-fir	11		Fair	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship
5	Douglas-fir	45		Very poor	Remove	Variance per 17.102.70(B)(2) - Health
6	Bigleaf maple	12, 16, 12, 10	25.4	Very poor	Remove	Variance per 17.102.70(B)(2) - Health
7	Hawthorne	4 to 8	19.9	Very poor	Remove	Variance per 17.102.70(B)(2) - Health
8	Austrian pine	26		Poor	Retain	N/A
9	Photina	6,8	10	Fair	Retain	N/A
10	Blue atlas cedar	21		Good	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship
11	Flowering cherry	11.1		Good	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship
12	Flowering cherry	15		Good	Remove	Exempt per 17.102.20(B)(1) - ROW
13	Flowering cherry	15		Good	Remove	Exempt per 17.102.20(B)(1) - ROW
14	Douglas-fir	3		Good	Remove	Exempt per 17.102.10 – DBH
15	Ponderosa pine	10		Very poor	Remove	Exempt per 17.102.10 – DBH
16	Ponderosa pine	13		Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
17	Ponderosa pine	15		Poor	Remove	Exempt per 17.102.20(B)(1) - ROW
18	Ponderosa pine	14		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW
19	Ponderosa pine	9		Fair	Remove	Exempt per 17.102.10 – DBH
20	Ponderosa pine	11		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW
21	Ponderosa pine	21		Poor	Remove	Exempt per 17.102.20(B)(1) - ROW
22	Ponderosa pine	16		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW
23	Ponderosa pine	11		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW
24	Ponderosa pine	10		Poor	Remove	Exempt per 17.102.10 – DBH
25	Ponderosa pine	8		Very poor	Remove	Exempt per 17.102.10 – DBH
26	Ponderosa pine	17		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW

27	Ponderosa pine	24		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW
28	Ponderosa pine	8,8,8	13.9	Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
29	Austrian pine	9,8	12	Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
30	Cherry	12,9	15	Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
31	Austrian Pine	9		Poor	Remove	Exempt per 17.102.10 – DBH
32	Douglas-fir	10		Good	Remove	Exempt per 17.102.10 – DBH
33	Douglas-fir	10		Good	Remove	Exempt per 17.102.10 – DBH
34	Douglas-fir	13		Good	Remove	Exempt per 17.102.20(B)(1) - ROW
35	Douglas-fir	30		Good	Retain	N/A
36	Western white pine	25		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW
37	Douglas-fir	26		Fair	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship
38	Pacific yew	6,6	8.5	Very poor	Retain	N/A
39	Ponderosa pine	13		Poor	Remove	Variance per 17.102.70(B)(2) - Health
40	Ponderosa pine	16		Poor	Retain	N/A
41	Ponderosa pine	16		Poor	Retain	N/A
42	Ponderosa pine	12		Fair	Retain	N/A
43	Ponderosa pine	10		Fair	Retain	N/A
44	Ponderosa pine	15		Poor	Retain	N/A
45	Ponderosa pine	17		Poor	Retain	N/A
46	Ponderosa pine	16		Poor	Remove	Variance per 17.102.70(B)(2) - Health
47	Ponderosa pine	16		Poor	Remove	Variance per 17.102.70(B)(2) - Health
48	Ponderosa pine	19		Very poor	Remove	Variance per 17.102.70(B)(2) - Health
49	Ponderosa pine	15		Poor	Remove	Variance per 17.102.70(B)(2) - Health
50	Ponderosa pine	14		Poor	Remove	Variance per 17.102.70(B)(2) - Health
51	Ponderosa pine	13		Very poor	Remove	Variance per 17.102.70(B)(2) - Health
52	Flowering plum	8.5		Very poor	Remove	Exempt per 17.102.10 – DBH
53	Flowering plum	7.5		Very poor	Retain	N/A
54	Flowering plum	7		Very poor	Retain	N/A
55	Western redcedar	10		Good	Remove	Exempt per 17.102.10 – DBH
56	Deodar cedar	12		Fair	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship

57	Douglas-fir	12		Good	Remove	Variance per 17.102.70(B)(1 and 3) – Location/Hardship
58	Pt. Orford Cedar	17		Fair	Retain	N/A
59	Douglas-fir	8.9		Very poor	Retain	N/A
60	Douglas-fir	21		Good	Retain	N/A
61	Blue atlas cedar	9		Fair	Retain	N/A
62	Blue atlas cedar	9		Fair	Retain	N/A
63	Blue atlas cedar	4,5	6.4	Very poor	Retain	N/A
64	Flowering cherry	8,7,8	13.3	Very poor	Retain	N/A
65	Deodar cedar	8		Fair	Retain	N/A
66	Douglas-fir	11		Good	Retain	N/A
67	Douglas-fir	25		Good	Remove	Exempt per 17.102.20(B)(1) - ROW
68	Douglas-fir	12		Good	Retain	N/A
69	Ponderosa pine	8,4	8.9	Fair	Remove	Exempt per 17.102.10 – DBH
70	Shore pine	6		Good	Retain	N/A
71	Douglas-fir	6		Good	Remove	Exempt per 17.102.10 – DBH
72	Flowering plum	6,6,4	9.4	Very poor	Remove	Exempt per 17.102.10 – DBH
73	Douglas-fir	9		Fair	Remove	Exempt per 17.102.10 – DBH
74	Douglas-fir	9		Fair	Retain	N/A
75	Flowering cherry	10,6	11.7	Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
76	Apple	12		Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
77	Apple	6		Very poor	Remove	Exempt per 17.102.10 – DBH
78	Apple	9,6,6	12.4	Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
79	Ponderosa pine	17,16	23.3	Very poor	Remove	Exempt per 17.102.20(B)(1) - ROW
80	Scotch pine	9,6	10.8	Poor	Remove	Exempt per 17.102.10 – DBH
81	Scotch pine	17		Fair	Remove	Exempt per 17.102.20(B)(1) - ROW
82	Ponderosa pine	7		Very poor	Remove	Exempt per 17.102.10 – DBH

## CHAPTER 17.102 - URBAN FORESTRY

### Sec. 17.102.00. - Intent.

- A. This chapter is intended to conserve and replenish the ecological, aesthetic and economic benefits of urban forests, by regulating tree removal on properties greater than one acre within the Sandy Urban Growth Boundary.
- B. This chapter is intended to facilitate planned urban development as prescribed by the Sandy Comprehensive Plan, through the appropriate location of harvest areas, landing and yarding areas, roads and drainage facilities.
- C. This chapter shall be construed in a manner consistent with Chapter 17.60 Flood and Slope Hazard Overlay District. In cases of conflict, Chapter 17.60 shall prevail. [...]

### Sec. 17.102.30. - Procedures and application requirements.

A person who desires to remove trees shall first apply for and receive one of the following tree cutting permits before tree removal occurs: [...]

- A. Type III Permit. The following applications shall be reviewed under a Type III procedure:
  1. Request for a variance to tree retention requirements as specified in Section 17.102.50 may be permitted subject to the provisions of 17.102.70.
- B. An application for a Type III Permit shall contain the same information as required for a Type I permit in addition to the following:
  1. A list of property owners on mailing labels within 300 feet of the subject property.
  2. A written narrative addressing applicable code sections 17.102.50, 17.102.60, and 17.102.70.

### Sec. 17.102.40. - Permit review.

An application for a Type II or III tree removal permit shall demonstrate that the provisions of Chapter 17.102.50 are satisfied. [...]

### Sec. 17.102.50. - Tree retention and protection requirements.

- A. Tree Retention. The landowner is responsible for retention and protection of trees required to be retained as specified below:
  1. At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership.  
*Response: Sandy Municipal Code (SMC) Sec. 17.54.140(C) – BVO environmental standards supersedes Chapter 17.102 - Urban Forestry. Therefore, 6 trees per acre are to be preserved instead of 3. When applied to this project, the calculation is “6 trees per acre \* 6.95 acres = 42 trees”. This retention requirement cannot be met, so a variance has been requested per SMC 17.102.70.*

2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.  
Response: N/A – variance for tree retention proposed. However, most of the preserved trees are clustered in the single-family area.
  3. Trees proposed for retention shall be healthy and likely to grow to maturity, and be located to minimize the potential for blow-down following the harvest.  
Response: N/A – variance for tree retention proposed.
  4. If possible, at least two of the required trees per acre must be of conifer species.  
Response: N/A – variance for tree retention proposed. However, two-thirds of the replanted trees will be conifer species. The “Final Tree Protection Plan” recommends “that western redcedar, incense cedar, and Douglas-fir species should be used for replanting. The trees should be 6-7 ft. tall balled and burlap stock the meet the ANSI Z60.1 standards for nursery stock. They should be planted according to industry standards to include mulching and staking” (page 5).
  5. Trees within the required protected setback areas may be counted towards the tree retention standard if they meet these requirements.  
Response: N/A – variance for tree retention proposed.
- B. Tree Protection Area. Except as otherwise determined by the Planning Director, all tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after completion of all construction activity. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.
1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than ten horizontal feet from the outside edge of the trunk.  
Response: This requirement will be specified on the building permit plan set.
  2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.  
Response: This requirement will be specified on the building permit plan set.
  3. 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.  
Response: This requirement will be specified on the building permit plan set.



- C. Inspection. The applicant shall not proceed with any tree removal or construction activity, except erosion control measures, until the City has inspected and approved the installation of tree protection measures. Within 15 days of the date of accepting an application for a Type I permit, the city shall complete an onsite inspection of proposed activities and issue or deny the permit. Within 15 days of issuing a Type II or Type III permit, the city shall complete an onsite inspection of proposed activities.

[Response: This requirement will be specified on the building permit plan set.](#)

For ongoing forest operations, the permit holder shall notify the city by phone or in writing 24 hours prior to subsequent tree removal. The city may conduct an onsite re-inspection of permit conditions at this time.

**Sec. 17.102.60. - Tree replanting requirements.**

- A. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species within 30 days of harvest during the active growing season, or by June 1 of the following spring.

[Response: This requirement will be specified on the building permit plan set.](#)

- B. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.

[Response: This requirement will be specified on the building permit plan set.](#)

- C. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.

[Response: No hazard trees were identified in the "Final Tree Protection Plan".](#)

- D. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.

[Response: This is not applicable. The subject site does not lie in the FSH Overlay District.](#)

- E. Tree Removal not associated with a development plan must be replanted following the provisions of OAR Chapter 629, Division 610, Section 020-060

[Response: This is not applicable. There is no tree removal \*not\* associated with a development plan.](#)

**Sec. 17.102.70. - Variances.**

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  
*Response: A total of 58 trees are proposed for removal. However, as outlined previously in this narrative, 40 of these trees qualify for exemption. That leaves a remainder of 18 trees that will be removed. These trees will be planted at a two-to-one ratio with quality nursery grown trees. This results in a total of 36 new trees. Two-thirds of these trees will be conifer species.*
  
- B. The substitution more nearly meets the intent of this chapter due to:
  1. The location of the existing and proposed new trees, or  
*Response: Re-planted trees will be clustered to the extent feasible. Clustered trees are often healthier due to the way root systems interact. Research has shown that intertwined root systems enhance the anchoring of trees and exchange nutrients, among other interesting and beneficial reasons. The intent of the chapter is to “conserve and replenish the ecological, aesthetic and economic benefits of urban forests”. Therefore, trees clustered together will more nearly meet the intent of the chapter because they are demonstrably healthier. Clusters of trees are aesthetically beautiful and sought after by residents because they provide an enhanced visual respite from urban environments.*
  
  2. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or  
*Response: The “Final Tree Protection Plan”, Table 3 shows a total of 10 trees which will be removed due to “very poor” or “poor” health.*
  
  3. An undue hardship is caused by the requirement for retention of existing trees.  
*Response: The subject site has an unusually high number of development and design requirements. The requirement for several new and improved public right-of-way areas heavily constricts the site, both due to area and subsequent grading.*
  
  4. Tree removal is necessary to protect a scenic view corridor.  
*Response: This is not applicable – there are no scenic view corridors in the immediate vicinity of the subject site.*