



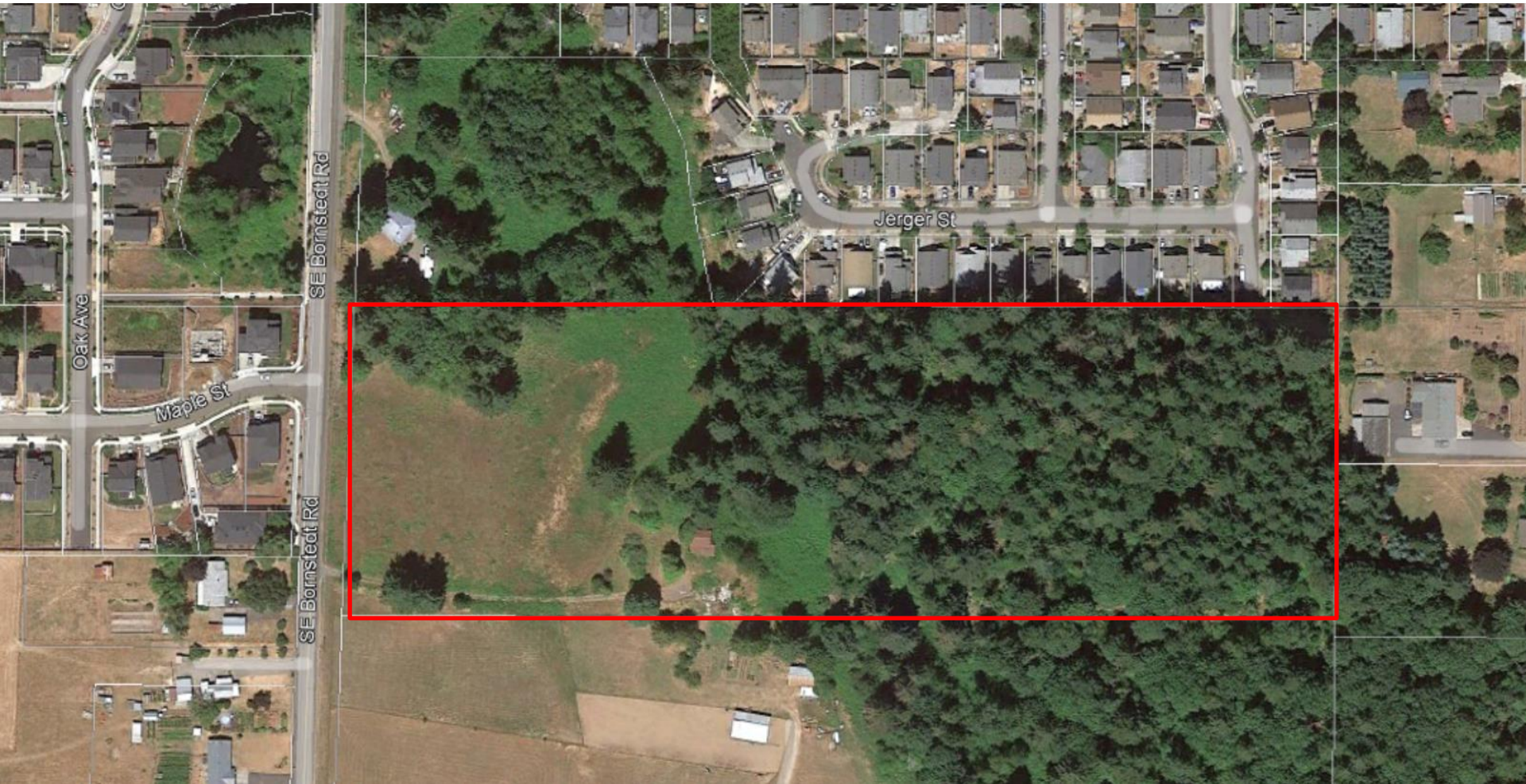
File # 21-021  
SUB/VAR/TREE/HD

# Bornstedt Views Subdivision

Planning Commission  
June 27, 2022

# Vicinity Map

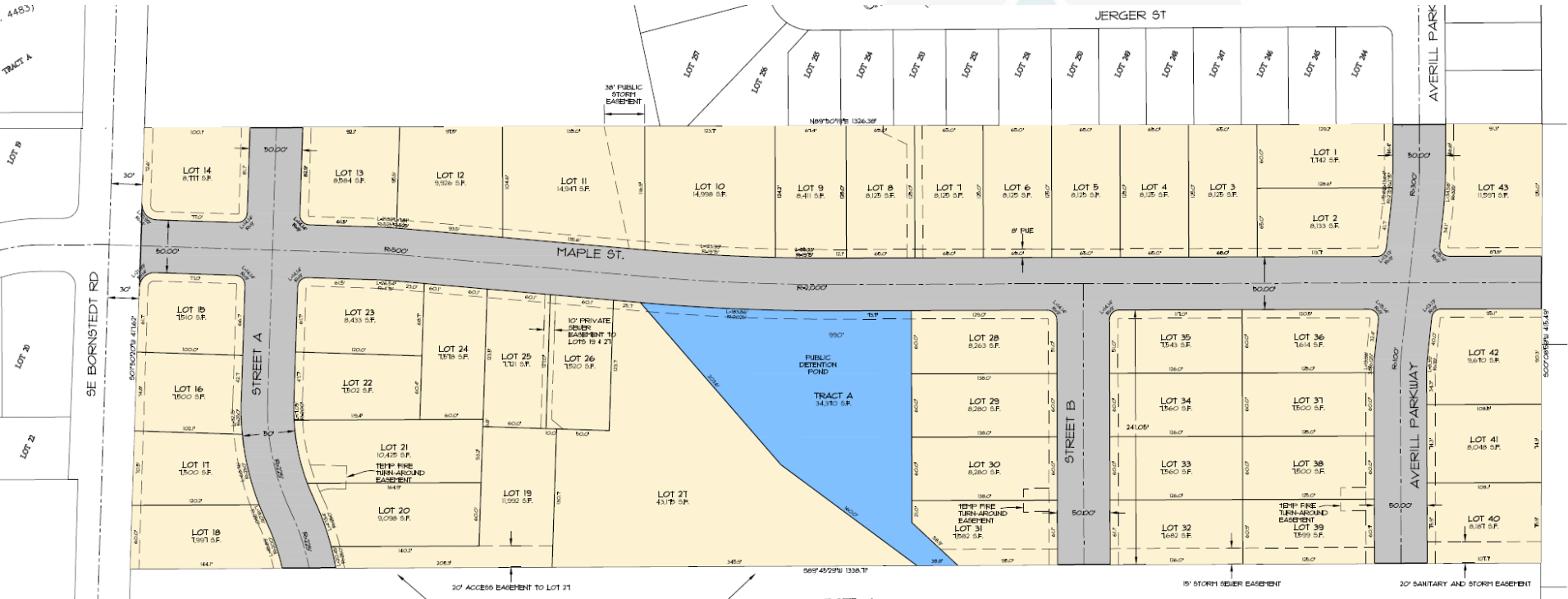




# Proposal

- 43-lot subdivision on 12.64-acre parcel
- Lots will contain single family homes or duplexes and range in size from 7,500 square feet to 43,175 square feet
- Extension of Maple Street to the east and Averill Parkway to the south
- Connection to sewer main in Jerger Street
- Removal of 709 trees

# Plat Map



# Review Procedure

- Type III Subdivision
- Type III Hillside Development
- Type II Tree Removal
- 6 Type III Variances

# Notices

- Transmittal sent to agencies asking for comments on May 24, 2022.
- Notification was mailed to affected property owners within 500 feet of the subject property on May 24, 2022.
- A legal notice was published in the Sandy Post on June 8, 2022.

# Public Comments

- 6 public comments were received in response to the original notice for a 42-lot subdivision last fall.
- 1 additional public comment was received in response to the updated notice for a 43-lot subdivision.
- Main topics:
  - Increased traffic
  - Presence of creek and wetland
  - Loss of trees and nature
  - Infrastructure concerns



# Annexation Ordinance

- Annexed in 2019 - Ordinance 2019-16
- Included 4 conditions of annexation approval prior to the future development of the subject property:
  1. The standards and criteria of the Flood & Slope Hazard (FSH) Overlay District (Chapter 17.60) shall be applied to the subject property.
  2. The Flood & Slope Hazard (FSH) Overlay District map shall be updated to include the subject property.
  3. The development shall be limited to no more than 43 single family lots or 388 average daily trips.
  4. An applicant, or representative, shall confirm the conditions associated with Case File No. Z0169-19-HL have been fulfilled.

# Application Timeline

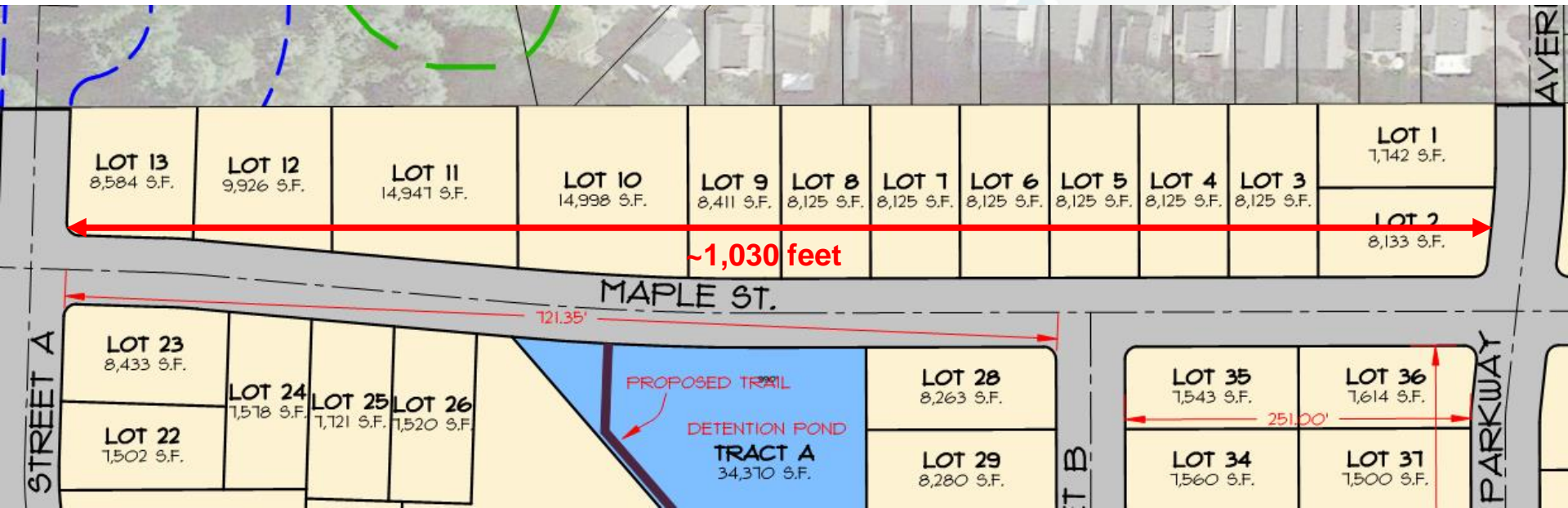
- Original 42-lot subdivision proposal submitted May 6, 2021.
- Planning Commission hearing scheduled for October 25, 2021.
- Staff recommended denial of the original proposal.
- The applicant asked for the hearing to be postponed so they could submit an updated proposal.
- The applicant submitted updated 43-lot subdivision proposal on April 29, 2022, with additional items received May 19, 20, 23, and 26, 2022.

# Goalpost Rule

- Analysis based on code in place at time of submittal (May 6, 2021)
- Four ordinances with code amendments adopted since original submittal date (*these do not apply*)
  - HB 2001
  - Chapter 17.100, Land Division
  - Chapter 17.86, Parkland and Open Space
  - Repeal of Chapter 17.64, Planned Development

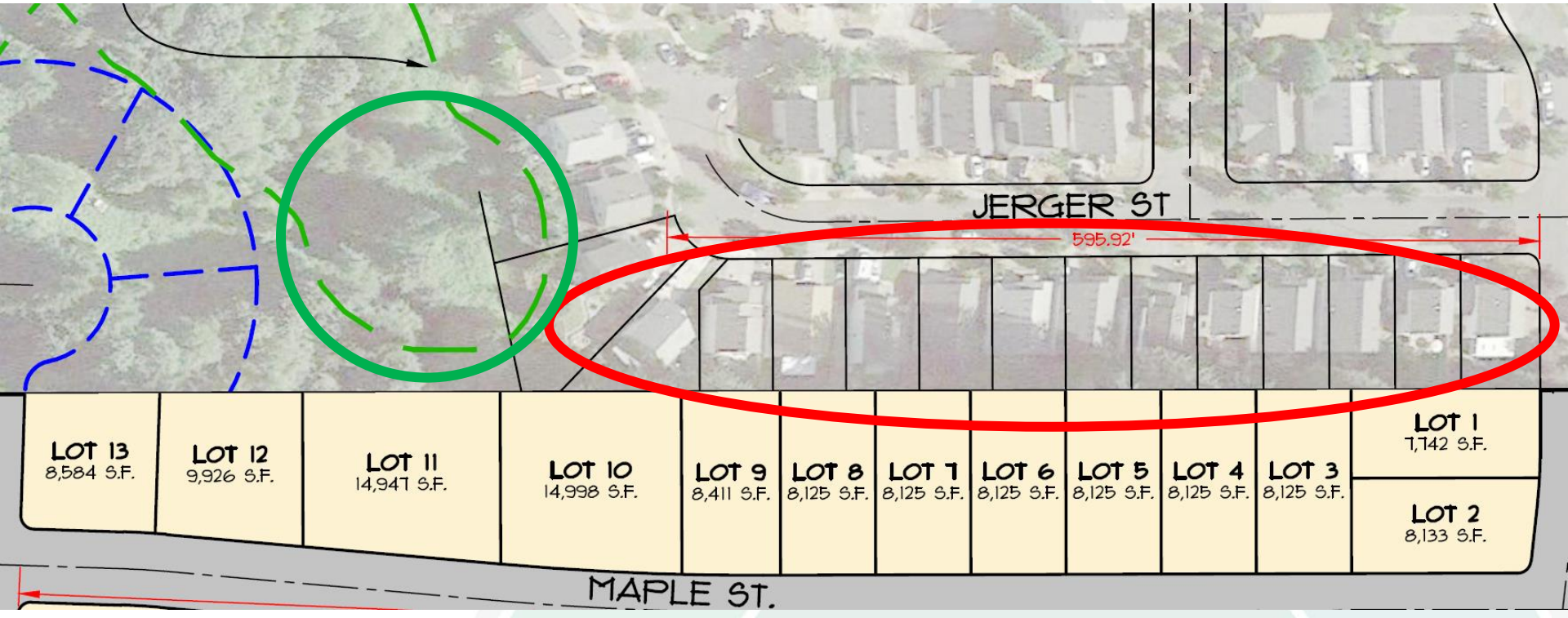
# SIX (6) TYPE III VARIANCES

**VARIANCE A.** Variance to Section 17.100.120(B) to allow the north side of Maple Street between Street A and Averill Parkway to exceed 400 feet.

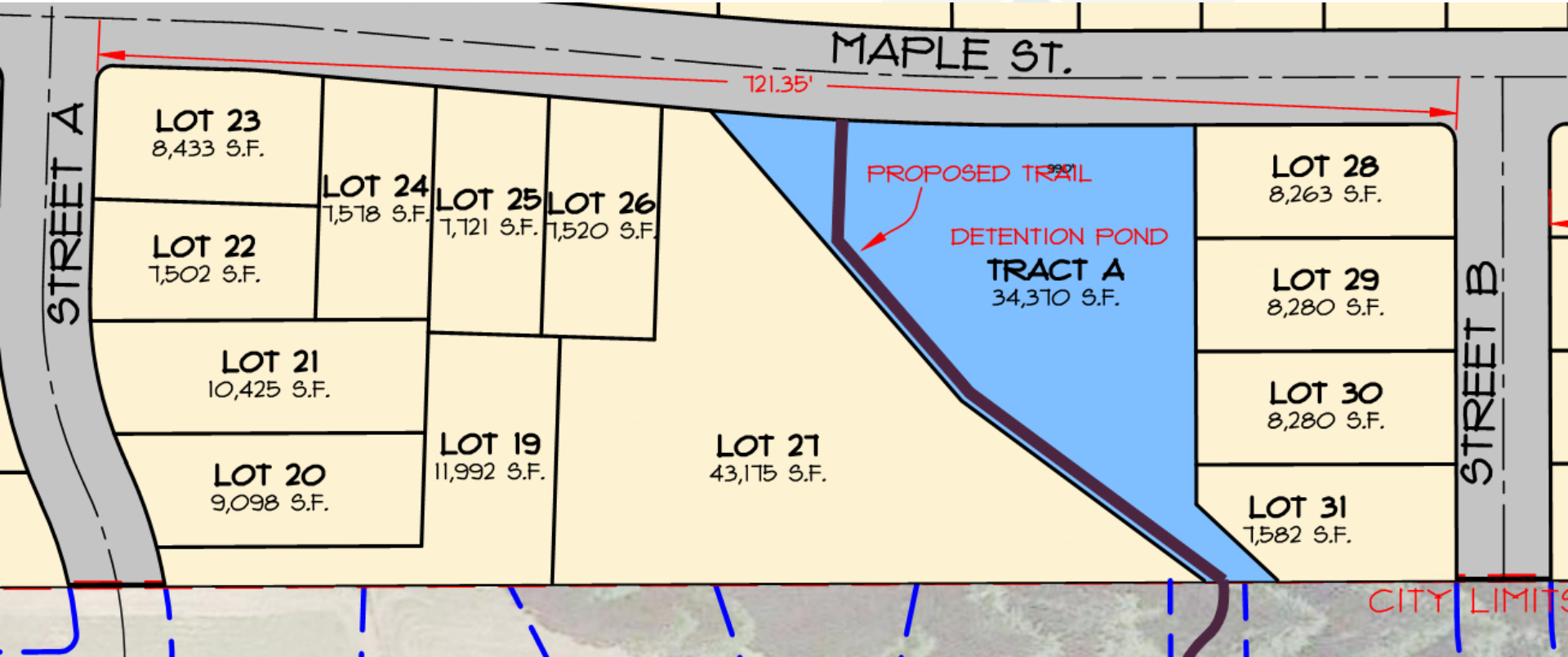


# Recommendation

Staff recommends the Planning Commission **approve** the requested variance to Section 17.100.120(B) to allow the north side of Maple Street between Street A and Averill Parkway to exceed 400 feet.

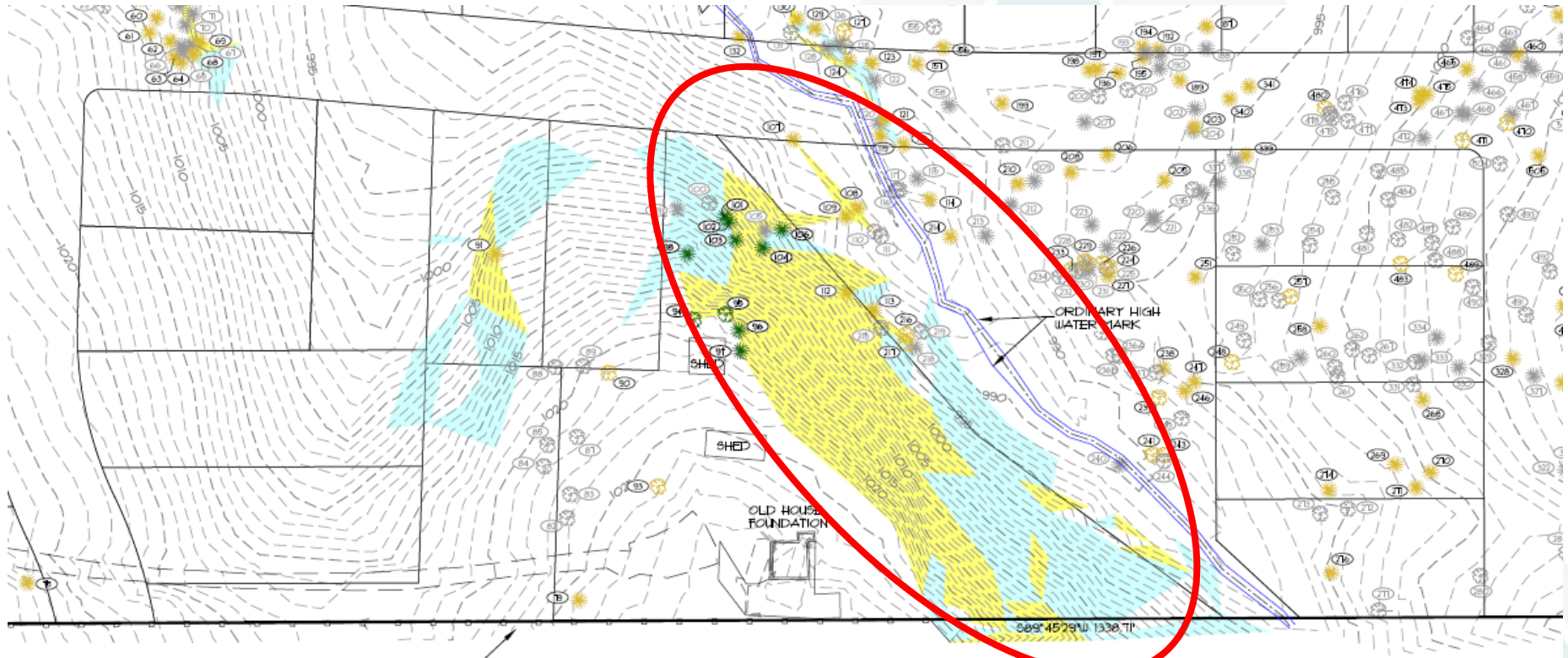


**VARIANCE B.** Variance to Section 17.100.120(B) to allow the south side of Maple Street between Street A and Street B to exceed 400 feet.



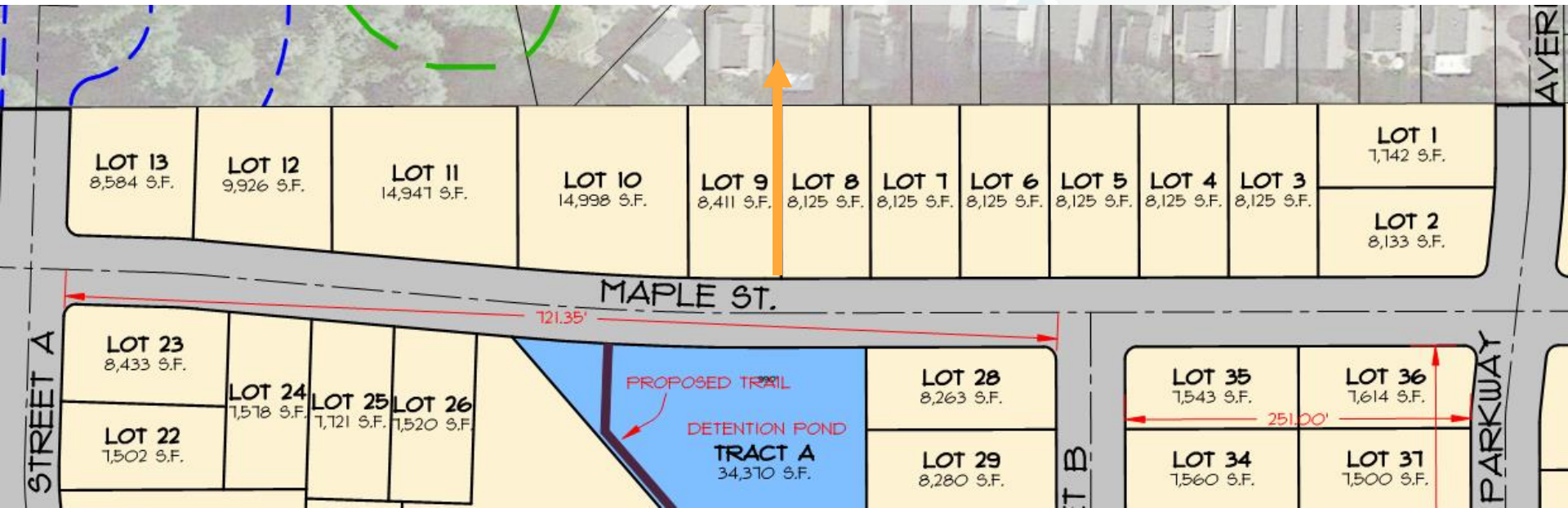
# Recommendation

Staff recommends the Planning Commission **approve** the requested variance to Section 17.100.120(B) to allow the south side of Maple Street between Street A and Street B to exceed 400 feet.





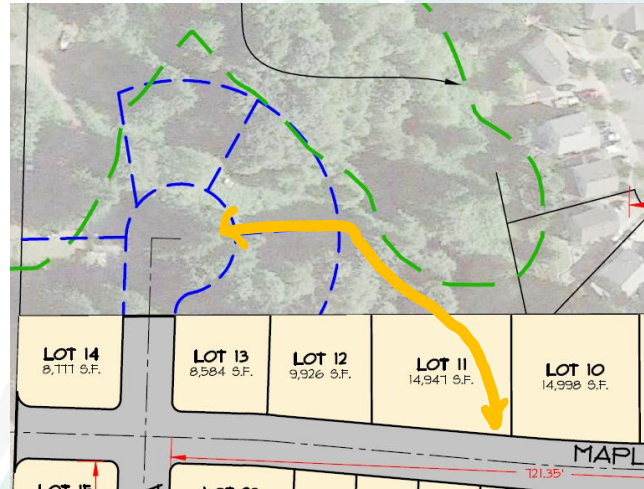
**VARIANCE C.** Special Variance to Section 17.100.120(D) to not include a bike/ped accessway on the north side of Maple Street between Street A and Averill Parkway, which exceeds 600 feet.



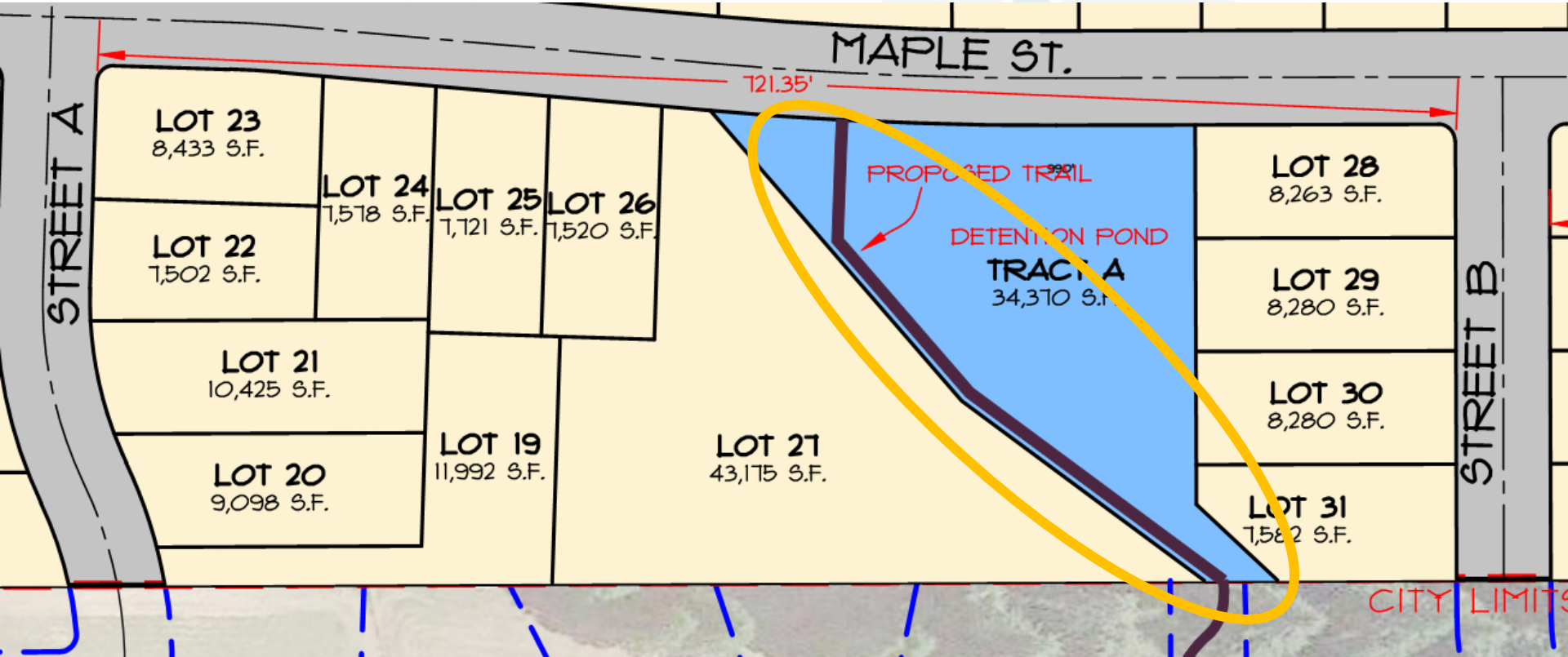
# Recommendation

Staff recommends the Planning Commission **approve** the requested Special Variance to Section 17.100.120(D) to not include a bike/ped accessway on the north side of Maple Street between Street A and Averill Parkway, which exceeds 600 feet.

- **RECOMMENDED CONDITION:** Include a pedestrian easement and provide sufficient width for a pedestrian path through the stream, wetland, and tree protection tract between Lots 10 and 11 such that it can connect north to the cul-de-sac detailed on the future street plan upon development of the property to the northwest (Tax Lot 3600).



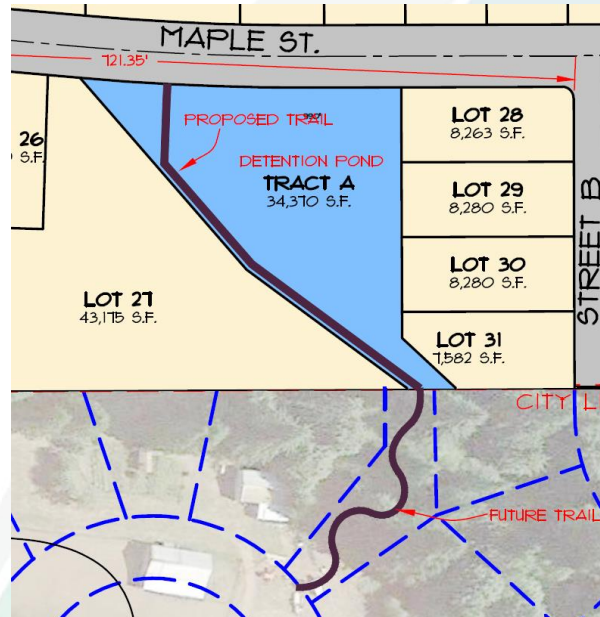
**VARIANCE D.** Special Variance to Section 17.100.120(D) to not include a bike/ped accessway on the south side of Maple Street between Street A and Street B, which exceeds 600 feet.



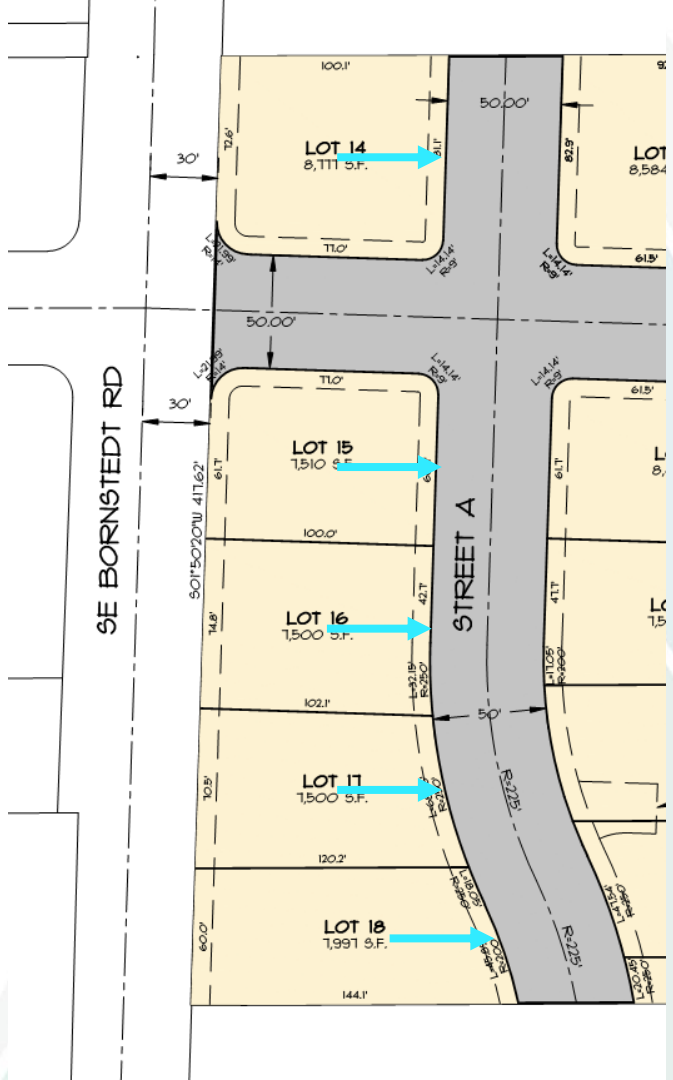
# Recommendation

Staff recommends the Planning Commission **approve** the requested Special Variance to Section 17.100.120(D) to not include a bike/ped accessway on the south side of Maple Street between Street A and Street B, which exceeds 600 feet.

- **RECOMMENDED CONDITION:** Require a six-foot-wide soft-surface trail through Tract A as proposed.



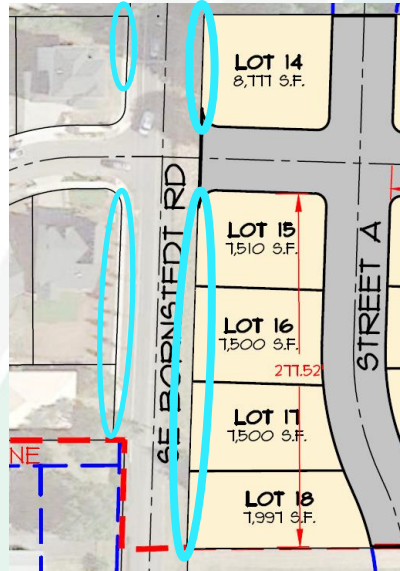
**VARIANCE E.** Special Variance to Section 17.82.20 to allow Lots 14-18 to face the internal street network rather than Bornstedt Road.



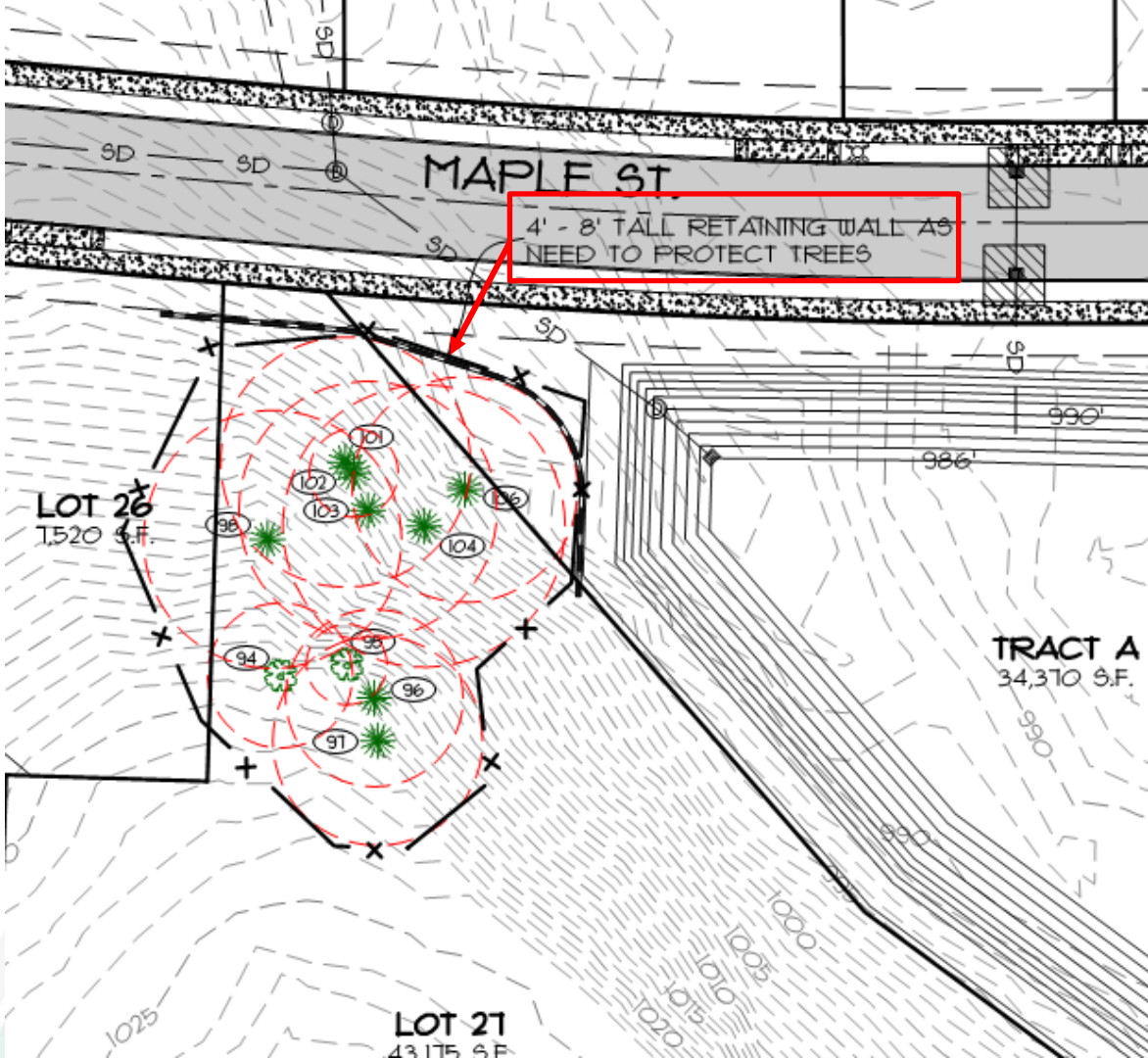
# Recommendation

Staff recommends the Planning Commission **approve** the requested Special Variance to Section 17.82.20 to allow Lots 14-18 to face the internal street network rather than Bornstedt Road.

- **RECOMMENDED CONDITION:** Require the applicant to add additional design elements and decorative fencing along the Bornstedt Road facing sides of Lots 14-18.

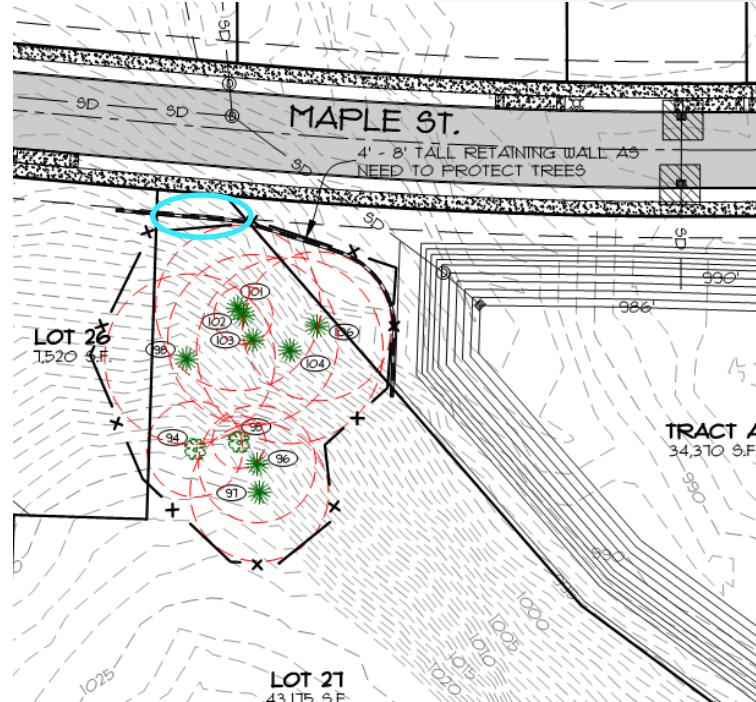


**VARIANCE F.** Special Variance to allow up to an 8-foot-tall retaining wall in the front yard of Lot 27.



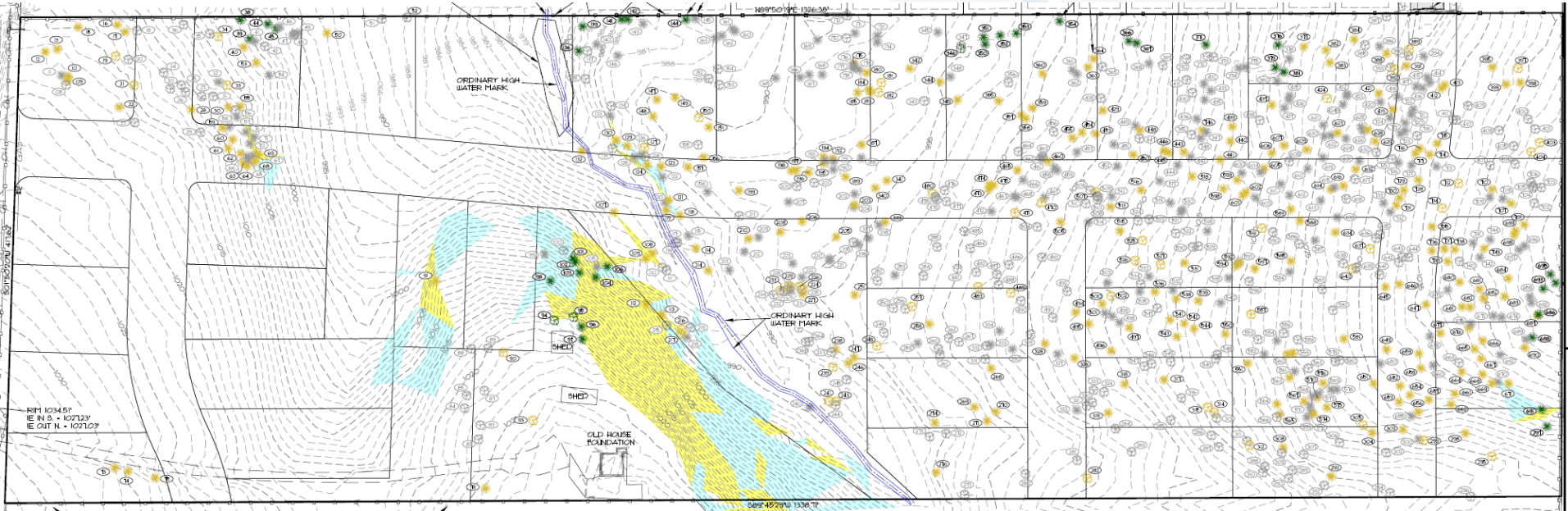
# Recommendation

Staff recommends the Planning Commission **approve** the requested Special Variance to Section 17.74.40(A.2) to allow up to an 8-foot-tall retaining wall in the front yard of Lot 27.

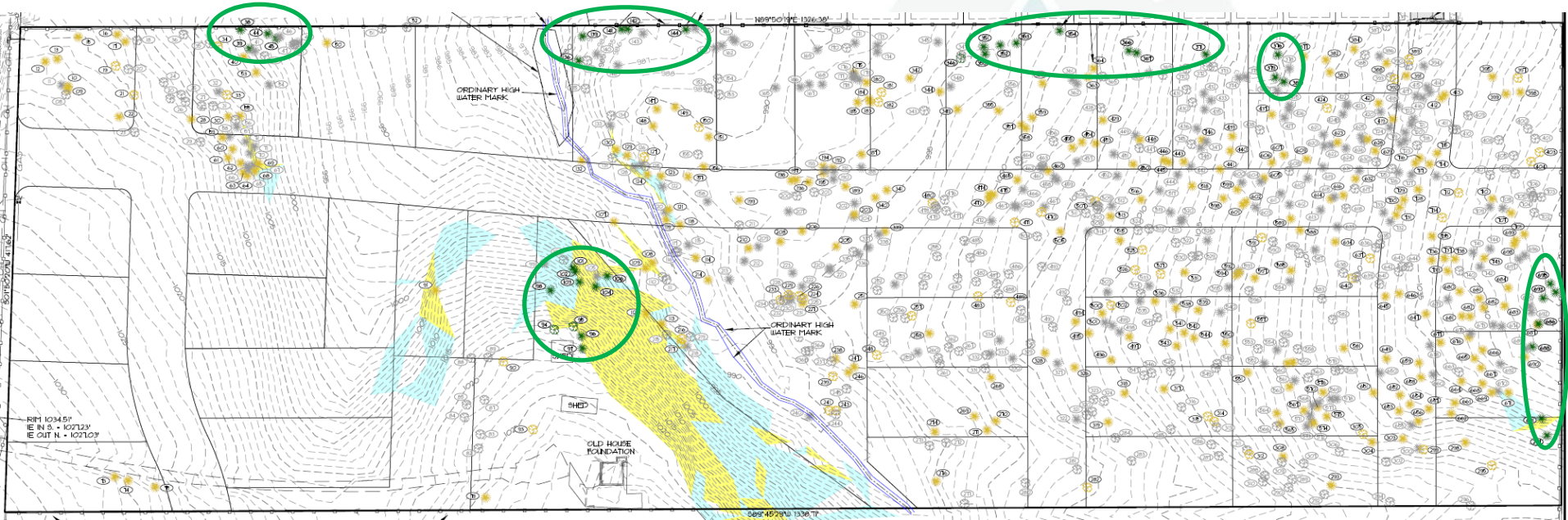




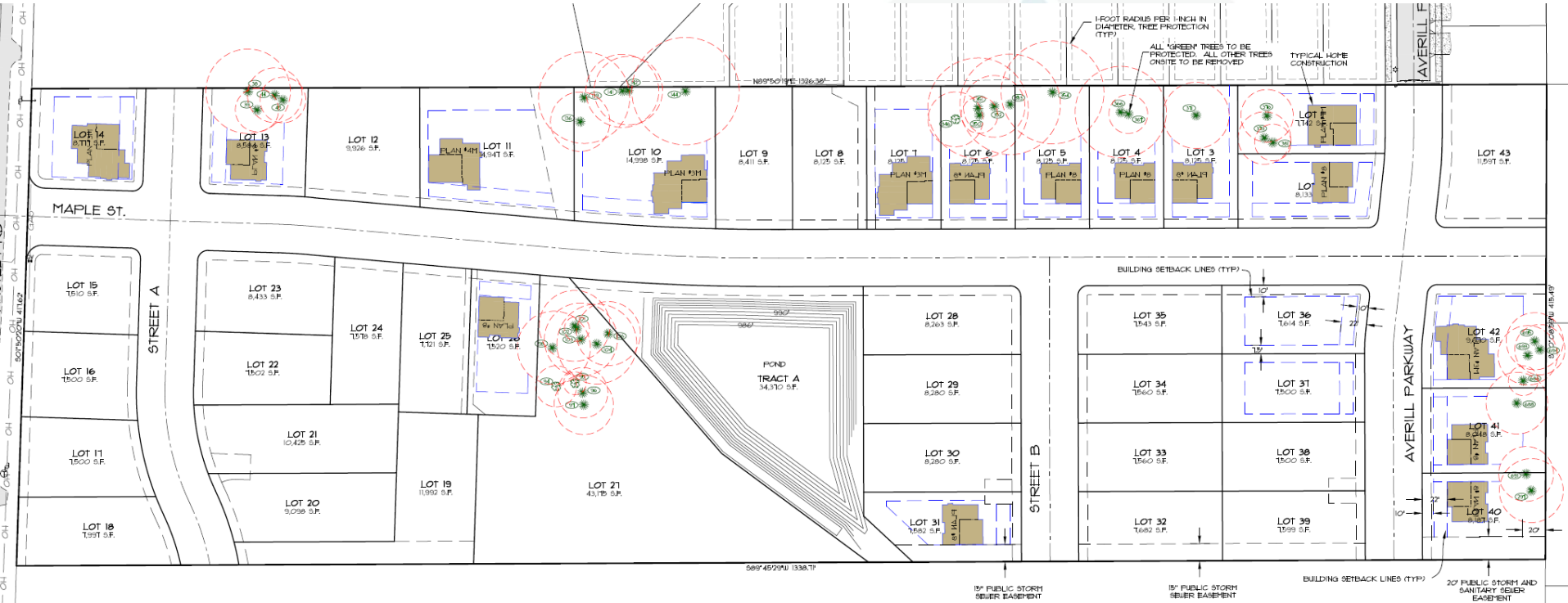
# Existing Trees



# Retention Trees – Proposed to be preserved



# Retention Trees with CRZs



# Tree Summary

- Minimum retention requirement = 38 healthy trees, 11" DBH or greater, and likely to grow to maturity
- Applicant's proposal is to retain 38 trees
- Inventory conducted in July 2020
- Third party arborist evaluated applicant's 38 trees June 2022
  - 1 dead
  - 13 additional trees cannot be adequately protected by the root protection zone on the subject property
- Updated tree retention plan needed

# RECOMMENDATION

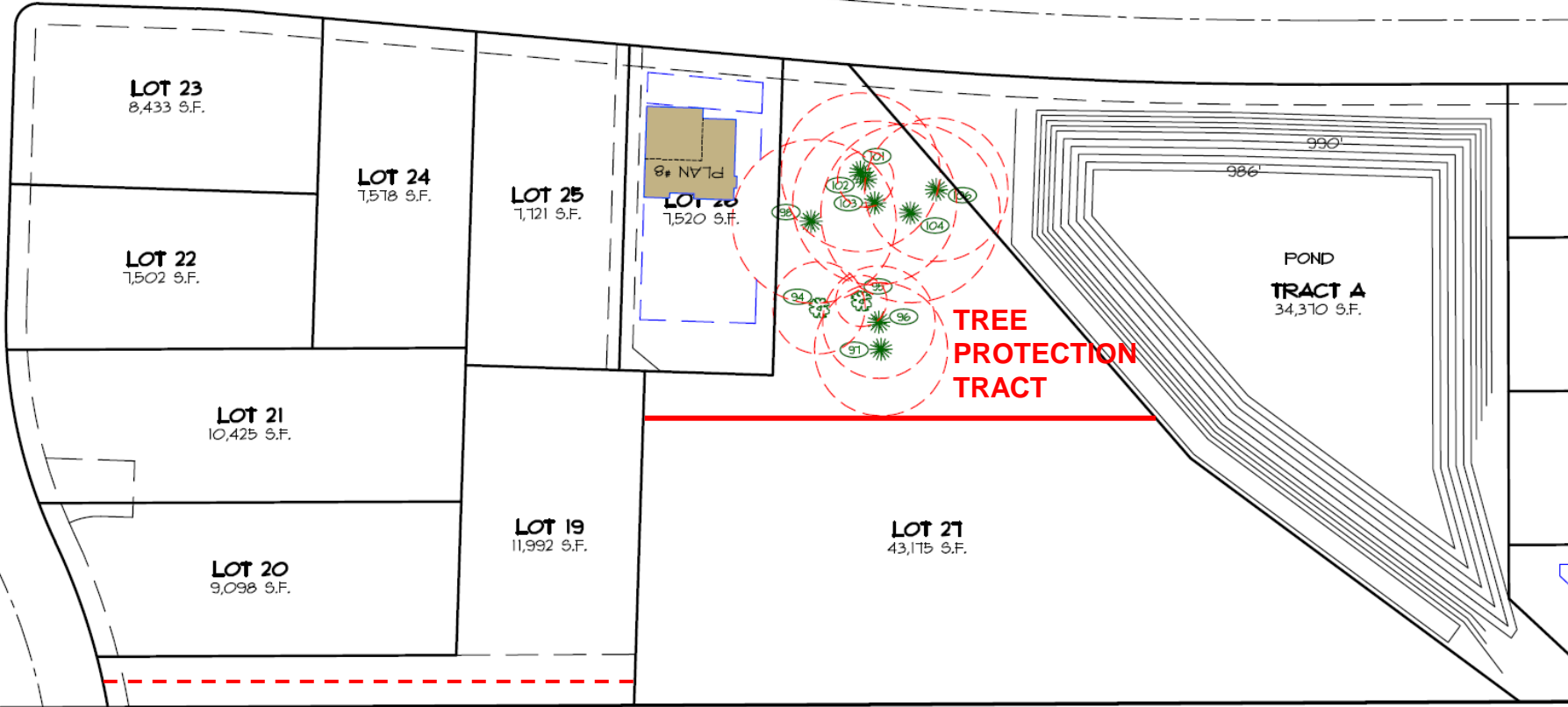
Staff recommends the Planning Commission **approve** the subdivision request **with conditions**.

Staff recommends the Planning Commission **approve** the six requested Type III variances **with conditions**.

# ADDITIONAL RECOMMENDATIONS

1. Majority of retention trees located in a separate tree retention tract.
2. Increase Tract A to include the clump of retention trees on the north end of Lot 27 such that Tract A becomes a joint storm detention facility and tree protection tract dedicated to the City – OR – create a separate tree protection tract to be owned and maintained by an HOA or other private owner.
  - To accomplish this, staff recommends the Planning Commission approve 2 variances to Section 17.34.30(C) to allow Tax Lots 19 and 27 to each have only 10 feet of frontage on a public street (Street A) for a total combined width of 20 feet. This is effectively the same as the applicant's proposal in which Tax Lot 19 has a 20-foot-wide flagpole with an access easement to Tax Lot 27.

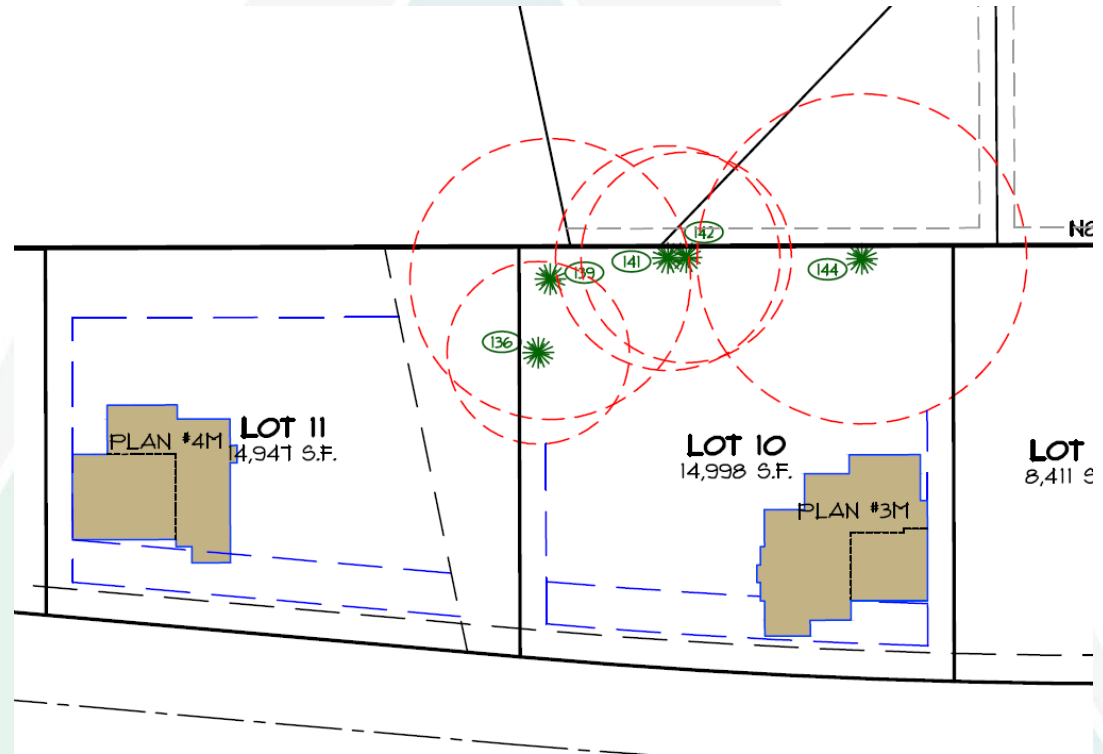
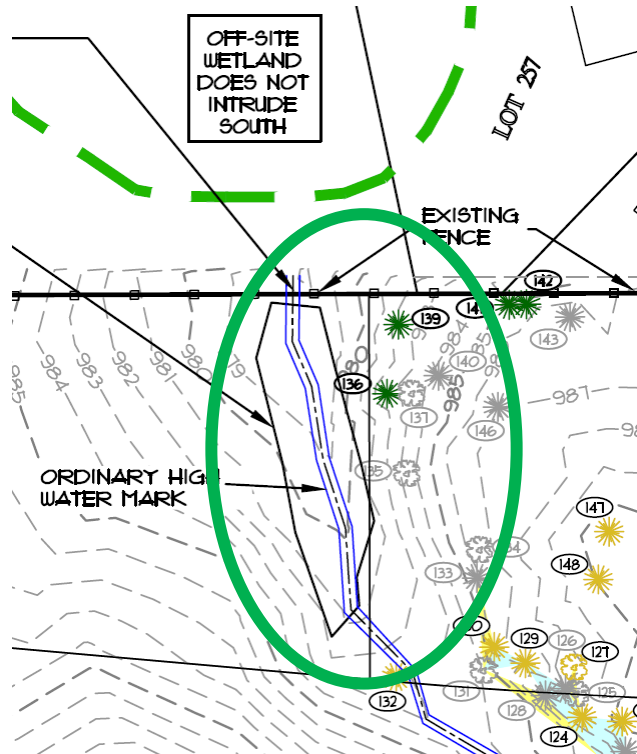
STREET A



889°45'29"W 1338.71'

# ADDITIONAL RECOMMENDATIONS

3. Joint tree protection and stream/wetland protection tract between Lots 10 and 11 either to be dedicated to the City or owned and maintained by an HOA or other private owner.





# ADDITIONAL RECOMMENDATIONS

4. Require the applicant to submit a cash payment to cover half the estimated cost of terminating the temporary fire turnaround easements, removing the paved fire turnarounds on the private lots and replacing with landscaping, and removing the driveway approaches and replacing them with curb, planter strip, and street trees.

