

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

DATE: July 14, 2020

FILE NO.: 20-006 DR/VAR/DEV/ADJ

PROJECT NAME: Clackamas County Health Clinic

APPLICANT: Clackamas County (*staff contact: Steve Kelly*)

APPLICANT REPRESENTATIVE: Ankrom Moisan Architecture

OWNER: Clackamas County

LEGAL DESCRIPTION: T2S R4E Section 13 AD, Tax Lot 1001

SITUS ADDRESS: 39831 Highway 26

The above-referenced proposal was reviewed as a Type III Design Review with one variance, three deviations, and one adjustment and the following Findings of Fact are adopted supporting approval of the tentative plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application and Supplemental Application
- B. Narrative
- C. Plan Set
 - Sheet CS: Cover Sheet
 - Sheet G0.11: Existing Site Survey
 - Sheet C0.3: Site Demolition Plan
 - Sheet C1.0: Site Hardscape Plan
 - Sheet A1.01: Site Plan
 - Sheet C2.0: Grading Plan
 - Sheet C3.0: Utility Plan
 - Sheet A3.11: Building Elevations
 - Sheet A4.01: Building Sections
 - Sheet G0.34: Floor Plan
 - Sheet A2.03: Roof Plan
 - Sheet A1.21: Trash Enclosure / Site Details
 - Sheet G1.30: Window Area and Base Calculations
 - Sheet E0.01: Electrical Symbol Legend
 - Sheet E0.02: Lighting Fixture Schedule

- Sheet E1.01: Electrical Site Plan
 - Sheet E1.02: Photometric Site Plan
 - Sheet L1.01: Landscape Plan
 - Sheet L1.02: Landscape Details
 - Sheet L4.00: Landscape Notes and Plant Schedule
 - Sheet L6.01: Planting Details
- D. Exterior Light Fixture Cut Sheets: S1 through S7
- E. Renderings
- F. Exterior Building Materials
- G. Nichiha Details
- H. Traffic Impact Analysis Letter
- I. Shared Parking Letter to Police
- J. Parking Space Lease Agreement with Immanuel Lutheran Church
- K. Stormwater Utility Narrative
- L. 1:60 Vicinity map
- M. 500 foot radius map

Agency Comments

- N. City Engineer (May 29, 2020)
- O. Fire Marshal (June 3, 2020)
- P. Transportation Engineer (June 8, 2020)
- Q. Oregon Department of Transportation ODOT (June 17, 2020)
- R. Public Works Director (June 18, 2020)

Supplemental Documents Provided by Staff

- S. Email from applicant regarding Nichiha
- T. Ten Eyck Road & Pleasant Street Curb & Sidewalk Improvements Final Plans
- U. Staff Report from June 30, 2020

FINDINGS OF FACT

General

1. These findings are based on the applicant’s submittal materials received on February 12, 2020 with additional items received on 3/13/20, 3/24/20, 3/27/20, 3/31/20, and 4/1/20. The application was deemed complete on April 3, 2020. The original 120-day deadline was August 1, 2020; however, in response to COVID-19, the applicant submitted a letter on April 4, 2020 extending the 120-day deadline 30 days to August 31, 2020.
2. The subject site is approximately 0.47 acres and is located on the north side of Highway 26, east of Ten Eyck Road and south of Pleasant Street.
3. The parcel has a Plan Map designation of Commercial and a Zoning Map designation of C-1, Central Business District.
4. Clackamas County submitted this land use application for a new health clinic facility located at 39831 Highway 26. The proposal includes demolishing the existing building and constructing a

new 9,381 square foot building, along with associated site improvements. In addition, the applicant is requesting the following:

- Type II Adjustment to Section 17.90.110(B.3.b) to not include a base material on 18 percent of the building's façade.
 - Type III Design Deviation to Section 17.90.110(B.3.d.1) to use vertical grooved sheet siding.
 - Type III Design Deviation to Section 17.90.120(D.4) to not provide a primary entrance at the corner or within 40 feet of the corner.
 - Type III Design Deviation to Section 17.90.110(D.7) to not provide a primary entrance that faces a public street or civic space.
 - Type III Special Variance to Section 17.90.110(E.2) to not meet the 40 percent window requirement along street frontages and where the building abuts a civic space.
5. Notification of the proposal was mailed to property owners within 500 feet of the subject property on May 27, 2020 and to affected agencies on May 26, 2020. A legal notice was published in the Sandy Post on June 3, 2020.
 6. Per the City Engineer (Exhibit N), a demolition permit is required from the City prior to demolishing the existing building. The applicant applied for a demolition permit on June 15, 2020, which was issued on June 17, 2020.
 7. The Planning Commission reviewed the proposal at the June 30, 2020 hearing. Lori Kellow and Scott Soukup spoke on behalf of the applicant. There was one neutral public comment; Kathleen Walker asked questions about the stone base and the Nichiha siding.

17.42 – Central Business District (C-1)

8. The applicant proposes a health clinic, which is a primary use permitted outright in Section 17.42.20(B.2.g).
9. The C-1 zoning district does not require a minimum front yard setback, but does have a maximum front yard setback of 10 feet. The zoning district does not contain any side yard or rear yard setbacks. There is an existing building on the subject property that will be demolished. Chapter 17.10 contains the following definition for "lot line, front": "In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address." The subject property is a corner lot with frontage on three public streets. The proposed front door faces the parking lot to the east, the driveway is located on Pleasant Street, and the address is on Highway 26. Thus, no two factors currently align to determine the front lot line. While the front door faces the parking lot, it is located towards the north end of the east elevation, closest to Pleasant Street. Moreover, the driveway is located off Pleasant Street so that is how patients who drive to the clinic will access the building. Thus, staff believes it makes the most sense to readdress the health clinic with a Pleasant Street address. This will result in Pleasant Street being the front lot line. The proposed new building is set back 10 feet from Pleasant Street (the front lot line), in compliance with setback standards. **The applicant shall update the address of the site to be addressed from Pleasant Street and shall pay the re-addressing fee (\$206) to the City of Sandy.**

10. Per the submitted Landscape Plan (Exhibit C, Sheet L1.01), the site will include a total of 15 percent landscaping in compliance with the standards of Section 17.42.30(A).

17.66 – Adjustments and Variances

11. Chapter 17.66 contains regulations associated with adjustments and variances. Adjustments are a means to vary the development standards normally applied in a particular district and variances are a means of requesting a complete waiver or major adjustment to certain development standards. The applicant requested the following adjustment and variance:

- Type II Adjustment to Section 17.90.110(B.3.b) to not include a base material on 18 percent of the building's façade.
- Type III Special Variance to Section 17.90.110(E.2) to not meet the 40 percent window requirement along street frontages and where the building abuts a civic space.

12. BASE MATERIAL ADJUSTMENT

Section 17.90.110(B.3.b) states: "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."

Request: The applicant requests a Type II Adjustment to Section 17.90.110(B.3.b) to not include a base material on 18 percent of the building's facade. The proposed gaps in base material are as follows:

- East elevation: one (1) 10'-4" gap and one (1) 3'-6" gap
- South elevation: one (1) 22'-6" gap and one (1) 26'-3" gap
- West elevation: two (2) 14'-8" gaps

Section 17.66.40 contains Type I and Type II Adjustment criteria. Criteria A of Section 17.66.40 states "The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City." The Comprehensive Plan states that the Central Business (C-1) District is intended to provide the community with a mix of civic, retail, personal services, offices and residential needs of the community and its trade area in the city's traditional commercial core. The intent of Section 17.90.110(B) is to provide building façades, materials and colors consistent with the Sandy Style. The proposed development is consistent with the intent of the Central Business zone by providing a community service. The proposal includes Sandy Style elements and contains base material on 82 percent of the building's facades. Criterion A is met.

Criteria B states "The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code." The proposal to reduce the percent of base material from 100 to 82 percent will not affect the amount of privacy enjoyed by users of nearby structures. Criterion B is met.

Criteria C states “The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks.” Based on the Transportation Impact Analysis (TIA), the proposed development will result in 34 net new AM peak hour trips, 30 net new PM peak hour trips, and 335 net new daily trips. The TIA analyzed the intersection of Highway 26 and Ten Eyck Road and the intersection of Pleasant Street and Ten Eyck Road; both intersections were found to meet ODOT and City operational standards either with or without development. The City’s Transportation Engineer (Exhibit P) reviewed the TIA and did not find a need for mitigation measures to address traffic impacts of the development or to address safety issues. Criterion C is met.

Criteria D states “Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.” The proposed building will be designed to be compatible with Sandy Style and includes gabled roofs, secondary roof forms, a mix of siding material, and strong base material. The subject property is directly west of the Sandy Police Station, which also includes many Sandy Style elements. Criterion D is met.

Staff believes that an 18 percent reduction in base material on the building’s frontages is not contrary to the Comprehensive Plan or other City policies, does not reduce the amount of privacy enjoyed by users of nearby structures, will not adversely affect existing systems, and will be compatible to the design character of existing structures on adjoining properties. **The Planning Commission approves a Type II Adjustment to allow the proposed building to not include a base material on 18 percent of the building’s facades.**

13. WINDOW PERCENT SPECIAL VARIANCE

Section 17.90.110(E.2) states: “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.” Buildings up to 10,000 square feet in size are required to provide windows on 40 percent of the ground floor elevation.

Request: The applicant requests a Type III Special Variance to Section 17.90.110(E.2) to not meet the 40 percent window requirement along street frontages and where the building abuts a civic space.

Section 17.66.80 contains criteria for granting a Special Variance. The Planning Commission may grant a special variance waiving a specified provision under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. 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

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.
- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.
 - C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

The applicant is proposing to provide windows as follows:

- 43 percent windows on the east façade (parking lot)
- 27 percent windows on the south façade (Highway 26)
- 28 percent windows on the west façade (Ten Eyck Road)
- 23 percent windows on the north façade (Pleasant Street)

The proposed building is approximately 9,381 square feet, which is just under 10,000 square feet. The percent of ground floor windows required for buildings greater than 10,000 square feet is 25 percent of the ground floor elevation. Per the submitted narrative (Exhibit B), it is not practical to have 40 percent windows on two of the elevations due to the use of the building as a health clinic. The applicant is proposing 43 percent windows on the east elevation; however, the east elevation faces the parking lot and not a street. The applicant is not proposing to meet the 40 percent window requirement on any of the three street-facing facades. Staff believes a reduction below the 40 percent minimum window coverage on the street-facing facades will not violate the intent of the code nor be detrimental to public welfare, in compliance with Criterion A. Because the proposed use is a health clinic, staff understands the need for a certain degree of privacy. Alternatively, the applicant could install additional windows with permanent window coverings to provide privacy, but staff finds this method as overly burdensome and an unnecessary expense. **The Planning Commission approves a Special Variance to Section 17.90.110(E.2) to not provide 40 percent window coverage along street frontages.**

17.74 – Accessory Development

14. Section 17.74.40(B) contains height requirements for fences and retaining walls in commercial and industrial zones. The subject property is zoned Central Business District (C-1). The applicant is proposing two screening fences along the south edge of the site adjacent to Highway 26. The proposed fences are 8 feet in height, which is the maximum height allowed for walls/fences in the rear yards of commercial properties. As discussed in Chapter 17.42 of this document, the applicant will be required to re-address the site to a Pleasant Street address such that Pleasant Street is the front lot line. Once this occurs, Highway 26 will be the rear lot line and the proposed 8 foot tall screening fences will be allowed per the code. **If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval. All retaining walls shall have architectural finish.**

17.84 – Improvements Required with Development

15. Chapter 17.84 provides general information regarding improvements required in association with development. **All required improvements shall be installed or financially guaranteed prior to final occupancy.**

16. Section 17.84.20 provides information on timing of improvements. Submission of preliminary street and utility plans during the land use review process is solely for compliance with the data requirements of Section 17.100.60 (D). **Preliminary plat approval does not connote utility or public improvements plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.**
17. Section 17.84.30 requires sidewalks and planting areas along all public streets. Per the Public Works Director (Exhibit R), **the applicant shall remove the existing west driveway approach onto Pleasant Street.** The existing driveway approach doesn't meet the minimum spacing standard in Section 17.98.80(A) or the maneuvering standard in Section 17.98.70(B). **The applicant shall improve the Pleasant Street frontage of the site including but not limited to: curbs, sidewalks, storm drainage, streetlighting, and street trees per the requirements in Chapter 15.20 and Section 17.84.30 of the Sandy Municipal Code. The sidewalk shall be five feet wide separated from the curb with a five-foot-wide planter strip including street trees specified by the City on 30 foot centers. Alternatively, the sidewalk may be curb-tight, minimum 8 feet in width with street trees specified by the City in tree wells on 30 foot centers.** Per the City Engineer (Exhibit N), **where the existing driveway is removed on Pleasant Street, it shall be replaced with sidewalks and an ADA ramp shall be constructed at the intersection with Ten Eyck Road to current PROWAG requirements as required by Clackamas County.** Ten Eyck Road is a County road so the City Engineer recommends the County require sidewalks to be constructed along the entire site frontage to match the existing sidewalks on Highway 26. Per the Public Works Director (Exhibit R), the existing driveway approach onto Ten Eyck Road from the site does not meet the minimum spacing standards in Section 17.98.80(A) of the Sandy Municipal Code (SMC). **The applicant shall abandon the existing driveway approach and improve the Ten Eyck Road frontage of the site including but not limited to: curbs, sidewalks, storm drainage, streetlighting, and street trees per the requirements in Chapter 15.20 and Section 17.84.30 of the Sandy Municipal Code.** This section of Ten Eyck Road is under the jurisdiction of Clackamas County. **The applicant shall coordinate with the Clackamas County Department of Transportation and Development (DTD) to determine the required section for Ten Eyck Road. This may include relocating the existing fire hydrant at the intersection of Ten Eyck Road and Pleasant Street to install ADA compliant access ramps.** Ten Eyck Road is a minor arterial street. Both Clackamas County and the City of Sandy require minimum 6-foot-wide sidewalks on arterial streets. The County standard and the proposed ultimate section for Ten Eyck Road will only permit a curb tight sidewalk in the available right-of-way. The City recently designed a pedestrian improvement project on Ten Eyck Road at the subject site. The Clackamas County DTD plan review fee has been paid and the plans have been approved by DTD. **The applicant shall be responsible for these improvements and is welcome to use the approved plan set (Exhibit T) for this work.** The Urban Renewal Agency has agreed to reimburse the applicant \$14,000 for completing the Ten Eyck Road improvements.
18. 17.84.50 contains standards for street improvements and traffic evaluations. The applicant submitted a Transportation Impact Analysis (TIA; Exhibit H) dated March 12, 2020 and prepared by John Manix of PBS. The City's Transportation Engineer (Exhibit P) reviewed the TIA and concurs with the TIA's conclusions. The Transportation Engineer does not find a need for mitigation measures to address traffic impacts of the development or to address safety issues. The Transportation Engineer recommends that ODOT requirements and standards associated

with frontage improvements where the development abuts Highway 26 are made conditions of approval for the development. ODOT (Exhibit Q) reviewed the proposal and Traffic Impact Analysis and determined that a westbound right turn lane at the Highway 26 and Ten Eyck Road intersection is not warranted. ODOT further determined that there will be no significant impacts to state highway facilities and no additional state review is required. Per the Public Works Director (Exhibit R), **the applicant shall improve the Highway 26 frontage of the site in compliance with ODOT requirements including modifying the existing slip/right-turn lane to reduce the curb radius at the corner to accommodate east-west and north-south ADA compliant ramps if required by ODOT. This may require right-of-way dedication at the NE corner of Highway 26 and Ten Eyck Road. The applicant shall dedicate sufficient right-of-way at the SW corner of the site to accommodate the required street section and pedestrian improvements including ADA-compliant ramp(s) at the intersection with Highway 26. The exact dedication area shall be determined during construction plan review. The applicant shall be responsible for providing legal descriptions and sketch maps of the dedication area, dedicating the right-of-way using the City's standard documents, and paying all recording costs.**

19. Sections 17.84.60 and 17.84.70 relate to public utilities. Utility and right-of-way improvement plans are submitted with the land use application solely for conformance with the submittal requirements in Section 17.100.60(D). Land use approval does not connote approval of public improvement plans. Per the Public Works Director (Exhibit R), the site is served by the existing 16-inch water main in Highway 26 and the existing 8-inch sanitary sewer main in Pleasant Street. The applicant is proposing a drywell for stormwater disposal. Typically, the soils in Sandy do not permit treatment and discharge of stormwater in this manner. **Stormwater management shall conform to the requirements in the City of Portland Stormwater Management Manual and the requirements in Sections 13.18 and 13.20 of the Sandy Municipal Code.** The City Engineer reviewed the preliminary stormwater calculations and found that the calculations do not meet the water quality/quantity criteria as stated in the City of Sandy Municipal Code 13.18 Standards and the 2016 City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code. **The water quality shall be designed based on 0.19 in/hr rate for 5 minutes time of concentration. While the water quality shall be designed for 2, 5, 10, and 25-year storm events and not 25-year and 100-year storm events only. A detailed final report stamped by a licensed professional shall be resubmitted for review with the final construction plans.**
20. Section 17.84.80 contains standards for franchise utility installation. Private utility services will be submitted for review and approval by service providers and City staff in association with construction plans, and all utility lines will be extended to the perimeter of the site. **All franchise utilities shall be installed underground and in conformance with City standards. The applicant shall call the PGE Service Coordinators at 503-323-6700 when the developer is ready to start the project.**
21. The Fire Marshal (Exhibit O) reviewed the proposal and states **the new fire department connection (FDC) shall be relocated to the Highway 26 side of the proposed fire vault to be as close as possible to the existing fire hydrant located in that area.** Per the City Engineer (Exhibit N), **the final construction plans shall be submitted to the Sandy Fire Marshal for review and approval to ensure that the proposed vault has adequate fire protection.**

22. Section 17.84.100 contains requirements for mail delivery facilities. The applicant will need to coordinate with the United States Postal Service (USPS) to relocate mail facilities and these will be approved by the City and USPS. **Mail delivery facilities shall be provided by the applicant in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan to the City and USPS for review and approval prior to installation of mailboxes.**

17.90 – Design Standards

23. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
24. Section 17.90.70 specifies that **design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.**
25. Section 17.90.110(A) contains site layout and vehicle access standards intended to provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. All lots shall abut or have cross access to a dedicated public street. The subject property abuts Highway 26, Ten Eyck Road, and Pleasant Street.
26. Section 17.90.110(A)(3) requires that off-street parking shall be located to the rear or side of buildings with no portion located within 10 feet of the public right-of-way. All parking spaces are proposed to the east side of the proposed building.
27. Section 17.90.110(A)(5) states that raised walkways or painted crossings shall be provided from the sidewalk to entrances of buildings. The primary building entrance is located on the east elevation facing the parking area. The proposal includes a pedestrian walkway along the east elevation that's connected to the Pleasant Street sidewalk through a civic area. In addition, the proposal includes walkway connections to the Highway 26 sidewalk from two exit doors and an exterior staff break area on the south elevation.
28. Section 17.90.110(A)(9) states that joint use of access points and cross-over easements between parcels shall be required where the City determines it is practicable and necessary. **Prior to occupancy the applicant and the City of Sandy shall record cross-over easements for vehicular and pedestrian traffic and a shared parking agreement. The terms of that agreement shall be negotiated by the two parties.**
29. Section 17.90.110(B) contains standards regarding building facades, materials, and colors intended to be consistent with the Sandy Style. Section 17.90.110(B.1) requires that buildings be articulated, varied and provide visual interest. The proposed elevations of the structure include varying wall planes that do not exceed 30 feet in length. Variations include secondary roofs, wall projections, and changes in siding material.
30. Section 17.90.110(B.2) requires that buildings incorporate pedestrian shelters over primary building entrances. Pedestrian shelters shall extend at least five feet over the pedestrian area. The proposal includes a gabled primary pedestrian entry on the east façade of the building with a five (5) foot roof overhang. In addition, there are two pedestrian doors for staff use on the south façade and a third on the north façade. Based on the submitted Floor Plan (Exhibit C, Sheet

G0.34), the door from the break room on the south facade has a metal canopy overhang that extends at least 5 feet. The canopy overhangs on the door from the hallway on the south side and the door on the north facade are only 4 feet; however, neither door is a primary entrance or a public entrance.

31. Section 17.90.110(B.3) specifies approved building materials. Section 17.90.110(B.3.b) requires buildings to include strong base materials such as natural stone, split-faced rusticated concrete block, or brick on all sides of a building visible from an abutting public street. All four elevations are visible from the public right-of-way and, therefore, require a strong base material. The applicant is requesting a Type II Adjustment to not include base material on 18 percent of the building's facade. The Adjustment request is reviewed in Chapter 17.66 of this document.
32. Section 17.90.110(B.3.d) contains approved siding. The applicant is proposing to use a mix of vertical and horizontal siding, both of which are Nichiha siding, which is a panelized fiber cement product. Per Section 17.90.110(B.3.d.1) "Vertical grooved (i.e., T1-11) sheet siding and similar materials are prohibited." Therefore, the applicant is requesting a design deviation to Section 17.90.110(B.3.d.1) to allow the use of Nichiha vertical grooved sheet siding. Per email correspondence with the applicant (Exhibit S), "The vertical ribbed Nichiha product is a panelized fiber cement product with 1 5/8" vertical slats and 3/8" reveals between each slat which add depth and rustic texture to the facade. The product is available in custom colors that can match any selected Miller or Sherwin Williams paint. The ribbed fiber cement is not the same as board-and-batten siding or T1-11 sheet siding. The product can be installed either vertically or horizontally. In terms of design, the vertical siding is a darker earth tone and is the bulk of the siding. The vertical orientation was selected to distinguish it from the horizontal redwood Nichiha material pops of warm color at the bump outs and recesses in the facade. Both siding products are Nichiha so all the siding can come from a single source manufacturer. This will make the construction process smoother and simplify the detailing. The vertical siding has been selected as the main siding, because the vertical orientation is better for cleaning and maintenance over time." The applicant submitted photo samples of the Nichiha siding (Exhibit G) along with the proposed colors: redwood for the horizontal siding and weathered copper for the vertical siding. Staff believes the Nichiha siding meets the intent of the code. **The Planning Commission approves the applicant's request for a design deviation to Section 17.90.110(B.3.d.1) to allow the use of Nichiha siding.**
33. Section 17.90.110(B.3.e) requires that building elevations facing a public street incorporate at least three architectural features from the list in Section 17.90.110(B.3.e). The proposed building features natural wood color trim around windows, metal canopies, gabled roofs, and a rusticated stone base. The Planning Commission discussed these elements at the June 30, 2020 hearing and were split as to whether or not the proposed building design met the code and the intent of the Sandy Style. While gabled roofs and a rusticated stone base aren't explicitly listed as elements, the sixth element option is 'similar features, consistent with the Sandy Style.' Figures 17.90.110(E, F, and G) detail typical building elements in the Sandy Style. These figures explicitly call out 'stone, masonry or rusticated concrete base' and 'pitched roof' as Sandy Style elements, thus staff interprets these to be similar features consistent with the Sandy Style. Ultimately, the Planning Commission determined that the proposed building design meets the requirements of Section 17.90.110(B.3.e).

34. Section 17.90.110(B.4) specifies approved colors. The applicant is proposing a redwood color for the horizontal siding and a weathered copper color for the vertical siding. Staff is unsure if these proposed colors are stains or actual paint colors. If they are paint colors, they are not on the City's approved color palette. **The applicant shall provide clarification on the proposed redwood and weathered copper colors. If they are paint colors, the applicant shall choose alternate colors from the City's approved color palette, or shall apply for a Design Deviation.** The trim and fascia are Sturgis Gray, which is an approved color on the City's color palette.
35. Section 17.90.110(C) requires gable roofs on new buildings. The proposed building includes a gabled roof on the south elevation as well as a shed roof on the east elevation of the primary entrance. All primary roof pitches are 6:12 or greater in compliance with Section 17.90.110(C.1).
36. Section 17.90.110(C.4) requires secondary roof forms based on roof length. The applicant is proposing secondary shed roofs at a different pitch (4 1/2:12) than the primary roof to break up the roofline in compliance with the code.
37. Section 17.90.110(C.5) requires visible roof materials to 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 of the development code. The applicant is proposing to use standing seam metal roof panels with the proposed color of Old Town Gray. **The applicant shall choose a metal roof color from the City's approved metal roof color palette or shall apply for a Design Deviation.**
38. Section 17.90.110(D) contains standards regarding building orientation and entrances intended to maintain and enhance downtown and village commercial streetscapes as public spaces, 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. The proposed building has frontage on Highway 26, Ten Eyck Road, and Pleasant Street. Section 17.90.100(D)(1) requires at least 50 percent of the subject site's street frontage to be comprised of building(s) placed within 10 feet of the sidewalk. The building occupies more than 50 percent of the street frontage on all three abutting streets.
39. Section 17.90.110(D.4) specifies 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 applicant is proposing to locate the public entrance on the east elevation of the proposed building and is therefore requesting a Design Deviation to Section 17.90.110(D.4) to not provide a primary entrance at the corner or within 40 feet of the corner. Per the applicant's narrative (Exhibit B), "a direct corner entrance is not practical due to the nature of the building's use as a health clinic and its relation to the parking lot." Staff recognizes that the parking lot is existing and that it makes sense to have a primary entrance near the parking. While it would be feasible to have a second pedestrian entrance at the corner, staff and the Planning Commission realize that this is less practical due to the nature of a health clinic, which typically has one central public entrance with a reception desk and waiting area. **The Planning Commission approves the requested Design Deviation to Section 17.90.110(D.4) to not provide a corner entrance.**

40. Section 17.90.110(D.6) specifies that buildings shall provide at least two elevations where the pedestrian environment is “activated.” An elevation is “activated” when it meets the window transparency requirements in Subsection 17.90.110(E) and contains a customer entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space. Where providing a customer entrance on two (2) elevations is not practical, the reviewing body may allow a single entrance. The proposed building does not meet the window percent requirements on any elevations and the applicant has requested a Special Variance, which is reviewed in Section 17.90.110(E) of this document. The proposed building includes a single primary public entrance that faces the parking lot. The applicant’s narrative (Exhibit B) states: “There is an entrance with a pedestrian shelter facing Hwy 26 and facing Pleasant Street, however, due to the nature of the clinic, these are staff entrances, not customer entrances. The patient entrance faces the parking lot. Patients may leave the other (2) doors, but these are primarily intended for clinic staff.” Staff concurs that it is not practical to provide a second public entrance due to the nature of the health clinic.
41. Section 17.90.110(D.7) specifies primary entries shall face a public street or a civic space and shall be spaced not more than 30 feet apart on average. The proposed primary entrance faces the parking lot. The applicant is requesting a Design Deviation to Section 17.90.110(D.7) to not provide a primary entrance that faces a public street or civic space. Staff recognizes that the parking lot is existing and that it makes sense to have a primary entrance near the parking area. While it would be feasible to have a second pedestrian entrance facing a street, staff and the Planning Commission realize that this is less practical due to the nature of a health clinic, which typically has one central public entrance with a reception desk and waiting area. **The Planning Commission approves the requested Design Deviation to Section 17.90.110(D.7) to not provide a public entrance facing a street or civic space.**
42. Section 17.90.110(E) contains standards for construction and placement of windows. The intent of windows is to promote business vitality, public safety, and aesthetics through effective window placement and design. Section 17.90.110(E)(2) specifies that the activated frontage shall contain a minimum of 40 percent of the building elevation in windows and that lots with multiple street frontages are required to meet this standard on two frontages. The proposed percent windows on each elevation are as follows:
- 43 percent windows on the east façade (parking lot)
 - 27 percent windows on the south façade (Highway 26)
 - 28 percent windows on the west façade (Ten Eyck Road)
 - 23 percent windows on the north façade (Pleasant Street)
- Only the east elevation, which faces the parking area, meets the 40 percent window requirement. The applicant requested a Special Variance to Section 17.90.110(E.2) to not meet the 40 percent window requirement along two (2) street frontages. The Special Variance request is reviewed in Chapter 17.66 of this document.
43. Section 17.90.110(F) contains additional landscaping and streetscape design standards for parcels along Highway 26 and all other adjacent rights-of-way. This provision requires properties in the C-1 Central Business District to comply with the Downtown Sandy Streetscape Design as contained in Appendix F. The proposal includes street trees planted in tree wells located within the right-of-way as opposed to the traditional landscape strip as these two

frontages are not intended to have landscape strips. The streetscape on Highway 26 is required to conform to the standards of Appendix F - Streetscape Design Detail, therefore **the applicant shall update the plan set to indicate conformance with the sidewalk tree grate and lighting details identified in Appendix F of the development code. Additionally, the streetscapes on Pleasant Street and Ten Eyck Road shall conform to the Curb & Sidewalk Improvements final plan (Exhibit T).**

44. Section 17.90.110(G) contains standards for civic spaces within developments. The intent of civic space is to connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for customers and the public. The development code requires developments to provide a civic space area that is at least three percent of the building ground floor area and in no instance is less than 64 square feet. The ground floor area of the proposed use is 9,381 square feet which results in a total need for approximately 281 square feet of civic space. The proposal includes a total of 320 square feet of civic space in the form of a hardscaped area at the northeast corner of the building adjacent to Pleasant Street. The civic space is proposed to contain planters and two benches.
45. Section 17.90.110(H) contains standards regarding lighting. **The applicant shall follow all Dark Sky Ordinance requirements as outlined in Chapter 15.30 of this document.**
46. Section 17.90.110(I) contains standards regarding safety and security intended to promote natural surveillance of public spaces. The proposed parking area is located adjacent to the east elevation of the proposed building. The east elevation (Exhibit C, Sheet A3.11) identifies windows along the east façade, which enables both surveillance of the parking area from inside as well as surveillance of the interior from the parking area. In addition, the proposal includes windows on the north, south, and west façades, which provides visibility to the adjacent sidewalks.
47. Section 17.90.110(I.3) requires street address numbers. **The applicant shall provide street address numbers measuring a minimum of six (6) inches high, which clearly locate buildings and their entries for patrons and emergency services. The applicant shall verify the location(s) of the address with the Building Official and emergency service providers.**
48. Section 17.90.110(J) contains standards regarding external storage and screening intended to promote land use compatibility and aesthetics, particularly where development abuts public spaces. The proposal includes a garbage/recycle enclosure in the parking area along the Highway 26 frontage. The enclosure is an 8 foot by 10 foot concrete block enclosure. Per the submitted narrative (Exhibit B), “trash and recycling storage is in a split face CMU enclosure in the southeast corner of the site. Enclosure CMU matches the color of the concrete block veneer base of the building.” In addition, the metal roof of the trash enclosure matches the metal roofing color for the primary structure. Hoodview Disposal and Recycling typically requires the applicant to verify the level of service to determine if the trash/recycling enclosure is adequate size. **The applicant shall verify the location of the trash and recycling enclosure with Hoodview.**
49. The proposal includes mechanical and fire equipment at the southeast corner of the building along Highway 26. The equipment will be screened from the public right-of-way by an 8 foot tall wood stained fence.

17.92 – Landscaping and Screening

50. The subject property is zoned Central Business District, C-1. Section 17.92.20 requires that a minimum of 10 percent of the site be landscaped in the C-1 zoning district. The submitted Landscape Plan (Exhibit C, Sheet L1.01) details 3,250 square feet of landscaped area, which equates to a total of 15 percent of the site.
51. Section 17.92.10(C) requires significant plant and tree specimens to be preserved to the greatest extent practicable and integrated into the design of a development. Per the Existing Site Survey (Exhibit C, Sheet G0.11), there are two (2) existing 8-inch DBH conifers located in the southwest portion of the site. The Demolition Plan (Exhibit C, Sheet C0.3) indicates that these trees will be removed to allow for construction of the proposed building. The subject property is only 0.47 acres; the proposed building and parking area take up almost the entire site. The building size would need to be reduced significantly in order to retain the trees. Thus, staff determined that retention of the two trees is not practicable. The applicant will be planting additional trees in the parking area and installing additional landscaping around the entire building.
52. Section 17.92.30 requires trees to be planted along public street frontages. There are existing street trees on Highway 26 and the east end of the subject property's Pleasant Street frontage. Medium sized street trees spaced 30 feet on center will be required for both Ten Eyck Road and Pleasant Street. The Landscape Plan (Exhibit C, Sheet L1.01) details street trees along all three frontages of the subject property. The proposed street trees along Pleasant Street and Ten Eyck Road are 2-inch caliper Red Rage Tupelo (*Nyssa sylvatica* 'Hayman's Red'). **All street trees shall be a minimum of 1.5-inches in caliper measured 6 inches above the ground and shall be planted per the City of Sandy standard planting detail. All street trees shall be staked and tied with loose twine so as not to damage the trunk; the twine shall be removed after one growing season (or a maximum of 1 year).** Per the Public Works Director (Exhibit R), **street tree and landscaping placement shall conform to the sight distance recommendations in the traffic impact analysis submitted by the applicant.**
53. The parking lot is proposed to contain additional Red Rage Tupelo (*Nyssa sylvatica* 'Hayman's Red') trees. The Landscape Plan (Exhibit C, Sheet L1.01) details a structural tree at the ends of each parking bay with the exception of the parking bay directly in front (east) of the building. **The applicant shall update the Landscape Plan to detail one structural tree at the north and south ends of the parking bay east of the building.**
54. Section 17.92.40 requires that all landscaping be irrigated, either with a manual or automatic system. The Landscape Plan (Exhibit C, Sheet L1.01) states: "all landscape areas within the site including turf, shrub beds and tree areas shall be irrigated with an automatic irrigation system. The irrigation system shall be adjusted to meet the water requirements of the individual plant material." **As required by Section 17.92.140, the developer shall be required to maintain all vegetation planted in the development for two years from the date of completion and shall replace any dead or dying plants.**
55. Section 17.92.50 specifies the types and sizes of plant materials for landscaping areas. The development code requires that all deciduous trees shall be at least 1.5 inches caliper and all coniferous trees shall be a minimum of 5 feet in height at planting. All shrubs/plants are required

to be a minimum of 1 gallon in size or 2 feet in height at planting. The Landscape Plan Plant Schedule (Exhibit C, Sheet L4.00) identifies proposed trees at 2-inch caliper as well as a mix of shrubs, grasses, and vines, all of which meet the minimum 1 gallon in size requirement.

56. Section 17.92.130 details performance bond standards as they associate to required landscaping. The applicant has the option to defer the installation of street trees and/or landscaping for weather-related reasons. Staff recommends the applicant utilize this option rather than install trees and landscaping during the dry summer months. **If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the landscaping, assuring installation within 6 months. The cost of street trees shall be based on the street tree plan and at least \$500 per tree. The cost of landscaping shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.**

17.98 – Parking, Loading, and Access Requirements

57. Section 17.98.20 contains off-street parking requirements. As detailed on the Site Plan (Exhibit C, Sheet A1.01), the Clackamas County Health Clinic site is proposed to contain 14 parking spaces and two bicycle parking spaces. Two bicycle parking spaces are proposed to be located under the overhang adjacent to the primary entrance. At the time of this land use application submittal medical offices/clinics were required to contain one vehicle parking space per 300 square feet of retail area, plus one parking space per two employees on the largest shift, and 5 percent or 2 bicycle parking spaces, whichever is greater. Per the submitted narrative (Exhibit B), the building will have approximately 8,345 square feet of clinic space (excluding hallways, restrooms, mechanical rooms, etc.). Based on this square footage of clinic area, the site is required to provide 28 parking spaces. The narrative states that the largest shift will have 12 employees requiring 6 additional parking spaces for a total of 34 required parking spaces. The property is in the C-1 zone, which at the time of this land use application submittal the development code allowed for a 25 percent reduction in required parking spaces; thus, 26 parking spaces are required with the allowed parking reduction. In addition to the 14 parking spaces on site, there are six (6) additional spaces shared with the adjacent property to the east. The applicant has also entered into a seven (7) year lease agreement for the use of 17 parking spaces for employees in the Immanuel Lutheran Church parking lot east of the subject property on the south side of Pleasant Street. Moreover, since the applicant submitted this land use application, the parking chapter of the development code (Chapter 17.98) was modified to remove minimum parking requirements for the C-1 zone.
58. ORS 447.233 requires one accessible parking space for each 25 parking spaces up to 100 parking spaces. The Site Plan (Exhibit C, Sheet A1.01) details one proposed ADA parking space on the east side of the proposed building. The accessible parking space is detailed at 9 feet in width with an 8-foot-wide access aisle on the passenger side of the ADA space as required by ORS.
59. Section 17.98.60 contains specifications for parking lot design and size of parking spaces. Standard parking spaces shall be at least 9 feet by 18 feet and compact spaces shall be at least 8 feet by 16 feet. The proposal provides a total of 14 parking spaces on site, including seven (7) standard spaces at 9 feet wide by 18 feet deep, six (6) compact parking spaces at 8 feet wide by 16 feet deep, and one (1) ADA space as specified above. The parking spaces are 90-degree spaces with a minimum 25-foot-wide drive aisle in compliance with the development code.

60. Section 17.98.100 has specifications for driveways. The site has one existing driveway on Ten Eyck Road and two existing driveways on Pleasant Street. The applicant is proposing to remove the existing driveway on Ten Eyck Road and to remove the existing west driveway on Pleasant Street. The existing driveway on Ten Eyck road is a safety concern due to the spacing to the intersection of Ten Eyck Road and Highway 26. Per the City Engineer (Exhibit N), **the proposed driveway access on Pleasant Street shall be a concrete commercial driveway approach constructed in conformance with the applicable City of Sandy driveway details and meeting PROWAG requirements.**
61. Section 17.98.120 contains requirements for landscaping and screening in parking areas. Since the proposal is for more than four parking spaces, compliance with the standards of Section 17.98.120 is required. The location of the parking lot already exists. The area between the parking areas and the right-of-way is at least 5 feet in planting depth. As detailed on the Site Plan (Exhibit C, Sheet A1.01), the proposed parking areas are divided into bays of less than 20 spaces. Landscaping is proposed at the ends of some but not all parking rows. The parking row directly east of the proposed building is flanked by hardscaped areas – the proposed civic space to the north and a hardscaped area for the fire vault to the south. These areas could still contain structural trees in tree wells. **The applicant shall update the Landscape Plan to detail one structural tree at the north and south ends of the parking bay east of the building.**
62. Section 17.98.120 (F) contains requirements for wheel stops to protect landscaping and pedestrians. The submitted Site Plan (Exhibit C, Sheet A1.01) details wheel stops in every parking space.
63. Section 17.98.130 requires all parking and vehicular maneuvering areas to be paved with asphalt or concrete. The applicant is proposing to remove and replace the existing parking area. Per the narrative (Exhibit B) preamble asphalt will be used for the new parking lot surface in compliance with the development code.
64. Section 17.98.140 contains requirements for drainage. Chapter 17.84 of this document details the stormwater requirements.
65. Section 17.98.160 contains requirements for bicycle parking facilities. The requirement is bicycle parking at 5 percent of the vehicle parking or two bicycle parking spaces, whichever is greater. The Site Plan (Exhibit C, Sheet A1.01) details two (2) bicycle parking spaces under the overhang adjacent to the primary building entrance.

15.30 – Dark Sky Ordinance

66. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. The applicant submitted a Photometric Plan (Exhibit C, Sheet E1.02) that details foot candles on the subject property and 10 feet beyond the property lines. All outdoor lighting systems must be designed so that the area 10 feet beyond the property line of the premises receives no more than .25 (one quarter) of a foot-candle of light from the proposed lighting system. The Photometric Plan details readings that exceed 0.25 (one-quarter) of a foot-candle 10 feet beyond the south property line along Highway 26. **The applicant shall adjust the location and/or illumination of the S1 lighting fixture located in the middle of the four (4) compact parking spaces on the south edge of the parking lot such that the area 10 feet beyond the property line does not exceed 0.25 of a**

foot candle. The applicant shall submit the revised photometric analysis for staff review and approval.

67. The submitted Photometric Plan (Exhibit C, Sheet E1.02) and lighting cut-sheets (Exhibit D) detail all lights at 3,500 Kelvins or less and downward facing. **All exterior lights shall be full cut-off and shall not exceed 4,125 Kelvins.**

15.44 – Erosion Control Regulations

68. All erosion control and grading shall comply with Section 15.44 of the Municipal Code. **All on-site earthwork activities including any retaining wall construction shall follow the requirements of the most current edition of the Oregon Structural Specialty Code (OSSC). If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval. The earthwork activities shall be observed and documented under the supervision of a geotechnical engineer.**
69. **Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system. All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended. The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite.** The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. **All erosion control and grading shall comply with Section 15.44 of the Municipal Code.**

DECISION

For the reasons described above, the Planning Commission voted 4 (in favor) to 3 (not in favor) to **approve** the request by Clackamas County to construct a building and modify the site **as modified by the conditions of approval listed below.**

In addition, the Planning Commission voted 4 (in favor) to 3 (not in favor) to **approve** the following requests as modified by the conditions of approval:

- Type II Adjustment to Section 17.90.110(B.3.b) to allow the proposed building to not include a base material on 18 percent of the building's facades.
- Special Variance to Section 17.90.110(E.2) to not provide 40 percent window coverage along street frontages.
- Design Deviation to Section 17.90.110(B.3.d.1) to allow the use of Nichiha siding.
- Design Deviation to Section 17.90.110(D.4) to not provide a corner entrance.
- Design Deviation to Section 17.90.110(D.7) to not provide a public entrance facing a street or civic space.

CONDITIONS OF APPROVAL

A. Prior to any onsite grading or earthwork the applicant shall complete the following:

1. Submit and obtain a grading and erosion control permit and request and obtain an approved inspection of installed devices prior to any onsite grading. The grading and erosion control plan

shall include a re-vegetation plan for all areas disturbed during construction. All erosion control and grading shall comply with Section 15.44 of the Municipal Code.

B. Prior to building permit submittal, the applicant shall complete the following and receive necessary approvals as described below:

1. Provide staff with one copy of the final and complete plan set, including elevations, for the proposal to be included in the case file for future reference.
2. Update the plan set to indicate conformance with the sidewalk tree grate and lighting details identified in Appendix F of the development code. Additionally, the streetscapes on Pleasant Street and Ten Eyck Road shall conform to the Curb & Sidewalk Improvements final plan (Exhibit T).
3. Update the Landscape Plan to detail one structural tree at the north and south ends of the parking bay east of the building.
4. Submit a revised photometric plan that adjusts the location and/or illumination of the S1 lighting fixture located in the middle of the four (4) compact parking spaces on the south edge of the parking lot such that the area 10 feet beyond the property line does not exceed 0.25 of a foot candle.
5. If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval. All retaining walls shall have architectural finish.
6. Provide clarification on the proposed redwood and weathered copper colors. If they are paint colors, the applicant shall choose alternate colors from the City's approved color palette or shall apply for a Design Deviation.
7. Choose a metal roof color from the City's approved metal roof color palette or apply for a Design Deviation.
8. Update the address of the site to be addressed from Pleasant Street and pay the re-addressing fee (\$206) to the City of Sandy.

C. The Final Construction Plans shall include the following:

1. Stormwater management shall conform to the requirements in the City of Portland Stormwater Management Manual and the requirements in Sections 13.18 and 13.20 of the Sandy Municipal Code. The water quality shall be designed based on 0.19 in/hr rate for 5 minutes time of concentration. While the water quality shall be designed for 2, 5, 10, and 25-year storm events and not 25-year and 100-year storm events only. A detailed final report stamped by a licensed professional shall be resubmitted for review with the final construction plans.
2. The final construction plans shall be submitted to the Sandy Fire Marshal for review and approval to ensure that the proposed vault has adequate fire protection.

D. Prior to the certificate of occupancy for the site, the applicant shall complete the following:

1. All required improvements shall be installed or financially guaranteed.
2. Record a cross-over easements for vehicular and pedestrian traffic and a shared parking agreement with the City of Sandy. The terms of that agreement shall be negotiated between the applicant and the City of Sandy.
3. Submit a signed copy of the parking space lease agreement with Immanuel Lutheran Church.
4. Abandon the existing driveway approach and improve the Ten Eyck Road frontage of the site including but not limited to: curbs, sidewalks, storm drainage, streetlighting, street trees per the requirements in Chapter 15.20 and Section 17.84.30 of the Sandy Municipal Code. Coordinate with the Clackamas County Department of Transportation and Development to determine the required section for Ten Eyck Road. This may include relocating the existing fire hydrant at the intersection of Ten Eyck Road and Pleasant Street to install ADA compliant access ramps. Ten Eyck Road is a minor arterial street. Both Clackamas County and the City of Sandy require minimum 6-foot-wide sidewalks on arterial streets. The County standard and the proposed ultimate section for Ten Eyck Road will only permit a curb tight sidewalk in the available right-of-way. The applicant shall be responsible for these improvements and is welcome to use the approved plan set (Exhibit T) for this work.
5. Remove the existing west driveway approach onto Pleasant Street. Improve the Pleasant Street frontage of the site including but not limited to: curbs, sidewalks, storm drainage, streetlighting, and street trees per the requirements in Chapter 15.20 and Section 17.84.30 of the Sandy Municipal Code. The sidewalk shall be five feet wide separated from the curb with a five-foot-wide planter strip including street trees specified by the City on 30 foot centers. Alternatively, the sidewalk may be curb-tight, minimum 8 feet in width with street trees specified by the City in tree wells on 30 foot centers. Where the existing driveway is removed on Pleasant Street, it shall be replaced with sidewalks and an ADA ramp shall be constructed at the intersection with Ten Eyck Road to current PROWAG requirements as required by Clackamas County.
6. The proposed driveway access on Pleasant Street shall be a concrete commercial driveway approach constructed in conformance with the applicable City of Sandy driveway details and meeting PROWAG requirements.
7. Improve the Highway 26 frontage of the site in compliance with ODOT requirements including modifying the existing slip/right-turn lane to reduce the curb radius at the corner to accommodate east-west and north-south ADA compliant ramps if required by ODOT. This may require right-of-way dedication at the NE corner of Highway 26 and Ten Eyck Road. The applicant shall dedicate sufficient right-of-way at the SW corner of the site to accommodate the required street section and pedestrian improvements including ADA-compliant ramp(s) at the intersection with Highway 26. The exact dedication area shall be determined during construction plan review. The applicant shall be responsible for providing legal descriptions and sketch maps of the dedication area, dedicating the right-of-way using the City's standard documents, and paying all recording costs.

8. The new fire department connection (FDC) shall be relocated to the Highway 26 side of the proposed fire vault to be as close as possible to the existing fire hydrant located in that area.
9. Install street address numbers measuring a minimum of six (6) inches high, which clearly locate buildings and their entries for patrons and emergency services. The applicant shall verify the location(s) of the address with the Building Official and emergency service providers.
10. Install all landscaping, building improvements, and other site improvements as detailed in this final order.
11. Install mail delivery facilities in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan to the City and USPS for review and approval prior to installation of mailboxes.

E. General Conditions of Approval

1. Design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.
2. The applicant shall follow all Dark Sky Ordinance requirements as outlined in Chapter 15.30. All exterior lights shall be full cut-off and shall not exceed 4,125 Kelvins.
3. All street trees shall be a minimum of 1.5-inches in caliper measured 6 inches above the ground and shall be planted per the City of Sandy standard planting detail. All street trees shall be staked and tied with loose twine so as not to damage the trunk; the twine shall be removed after one growing season (or a maximum of 1 year). Street tree and landscaping placement shall conform to the sight distance recommendations in the traffic impact analysis submitted by the applicant.
4. The applicant shall be responsible for the installation of all improvements detailed in Section 17.100.310, including fiber facilities. SandyNet requires the developer to work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.
5. All new utility lines and franchise utilities for future development shall be installed underground and in conformance with City standards.
6. The applicant shall call the PGE Service Coordinators at 503-323-6700 when the developer is ready to start the project.
7. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.
8. As required by Section 17.92.140, the developer shall be required to maintain all vegetation planted in the development for two years from the date of completion, and shall replace any dead or dying plants during that period.
9. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
10. The applicant will be required to obtain a separate permit for any proposed signage.

11. The applicant shall verify the location of the trash and recycling enclosure with Hoodview.
12. Preliminary plat approval does not connote utility or public improvements plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans. Utility and right-of-way improvement plans are submitted with the land use application solely for conformance with the submittal requirements in Section 17.100.60(D). Land use approval does not connote approval of public improvement plans.
13. All on-site earthwork activities including any retaining wall construction shall follow the requirements of the most current edition of the Oregon Structural Specialty Code (OSSC). If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval. The earthwork activities shall be observed and documented under the supervision of a geotechnical engineer.
14. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system. All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended.
15. If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the landscaping, assuring installation within 6 months. The cost of street trees shall be based on the street tree plan and at least \$500 per tree. The cost of landscaping shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.
16. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
17. Comply with all other conditions or regulations imposed by the Sandy Fire District, or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.



Jerry Crosby
Planning Commission Chair

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the City Council by an affected party by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, “*Notice of Appeal*”, and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.