

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

**DATE:** January 12, 2021

**FILE NO.:** 20-050 DR

**PROJECT NAME:** Community Center Porte-Cochère and ADA upgrades

**APPLICANT:** Blane Skowhede, Keystone Architectural & Planning

**OWNER:** City of Sandy

**LEGAL DESCRIPTION:** T2S R4E Section 13 CB, Tax Lot 2200

**SITUS ADDRESS:** 38348 Pioneer Boulevard

The above-referenced proposal was reviewed as a Type I Design Review. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

**EXHIBITS:**

**Applicant's Submittals**

- A. Land Use Application
- B. Civil Plan Set
  - Sheet C1: Cover Sheet and Topographic Survey
  - Sheet C2: Proposed Site Plan
  - Sheet C3: Detailed Grading Plan
  - Sheet C4: Construction Details
  - Sheet EC1: Erosion Control and Demo Plan
- C. Architectural Plan Set
  - Sheet A0.00: Cover Sheet and Existing Site Plan
  - Sheet A0.01: General Construction Notes and Product Specifications
  - Sheet A1.02: Existing Elevations
  - Sheet A2.01: Partial Site Plan
  - Sheet A3.01: Proposed Elevations
  - Sheet A5.01: Canopy Sections
- D. Landscape Plan

**Agency Comments**

- E. Public Works Director (January 4, 2021)

## FINDINGS OF FACT

### General

1. These findings are based on the applicant's submittal materials received on November 30, 2020. The application was deemed complete on December 29, 2020.
2. The subject site is approximately 0.65 acres and is located on the south side of Pioneer Blvd., east of Bluff Road and west of Beers Avenue.
3. The parcel has a Plan Map designation of Commercial and a Zoning Map designation of C-1, Central Business District.
4. Blane Skowhede submitted an application on behalf of the City of Sandy to renovate the porte-cochère located at the rear entrance of the Community Center at 38348 Pioneer Blvd. The proposal includes modifications to the ADA parking and associated accessible route to the south entry of the building. The portions of the parking lot that are being modified will also come into conformance with the parking lot landscaping requirements.

### 17.42 – Central Business District (C-1)

5. The applicant is not proposing to change the use of the site. The existing use is a community center, which is a permitted outright use per Section 17.42.20(B.2.d).
6. The applicant is not proposing any changes to setbacks, building height, or other development standards. The proposal will add landscaping to the existing parking lot.

### 17.84 – Improvements Required with Development

7. Chapter 17.84 provides general information regarding improvements required in association with development. **All required improvements shall be installed or financially guaranteed prior to approval of the Building permit final.**
8. Section 17.84.30(B) contains standards related to pedestrian facilities. As noted by the Public Works Director, the walkway along the west side of the building is 4.5 feet wide and the curb appears to be 6 inches above the sidewalk elevation, which could pose a tripping hazard especially for older pedestrians who could easily trip stepping onto or off of the sidewalk. **The applicant shall update the grading plan to detail the curb flush with the walkway on the west side of the building.**
9. Sections 17.84.60 and 17.84.70 relate to public utilities, including storm drainage. **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 applicant is proposing to add four (4) landscape planters to the existing parking lot, which will result in a 291 square foot decrease in impervious surface area; therefore, a stormwater report is not needed. The applicant is proposing that the landscape planters function as rain gardens that collect and detain stormwater from the adjacent parking and walkway areas. As detailed on the Proposed Site Plan (Exhibit B, Sheet C2), planter A has an outlet adjacent to a parking space connected to a pedestrian walkway with a flush curb. Section 17.98.140 states that parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public

rights-of-way and abutting private property. Per the Public Works Director (Exhibit E), **the flow from stormwater planter area A shall be conveyed to stormwater planter area B by a pipe instead of surface flow to prevent sheet flow from parking areas across a sidewalk or pedestrian route as required by Section 17.98.140. The existing surface outfall for planter A shall be converted to a buried structure and the curb cut shall be eliminated.** As detailed on the Grading Plan (Exhibit B, Sheet C3), planters C and D are graded so water will be conveyed from the pipe outlet to the surface outlet. **The applicant shall install check dams or flow spreaders in planters C and D as needed so that the water spreads out laterally instead of traversing the shortest distance between the pipe outlet and the surface outlet.** The Public Works Director notes that the outfall from planter D is approximately 6 inches higher than the elevation of the concrete splash pad so there could be up to 6 inches of water in the south end of the planter until it infiltrates through the plant and soil matrix. Staff asked for additional clarification from the project engineer on January 7, 2021. The project engineer stated: “That planter will flow southerly from the inlet at 913' to the low point at 911.75'. The overflow water during higher storms will outfall at elevation 912.53'. These are intended to infiltrate as much water as they can before overflow. The splashpad in this case is an emergency overflow.”

#### 17.90 – Design Standards

10. The applicant proposes an upgrade to the porte-cochère and ADA parking. As such, the proposal is subject to all the requirements for Design Review as stated in Section 17.90.00. Because the subject property is located in the C-1 zoning district the application was reviewed for compliance with the provisions of Section 17.90.110. Requirements relevant to the design of the porte-cochère and ADA parking upgrades are addressed below.
11. 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.**
12. Section 17.90.110(A)(3) requires that off-street parking shall be located to the rear or side of buildings with no portion located within 10 feet of the public right-of-way. The applicant is proposing changes to the ADA parking configuration but is not altering the overall footprint of the parking area, which is located to the south and west of the existing building.
13. Section 17.90.110(A)(5) states that 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. The applicant is proposing to relocate the ADA parking to the parking aisle along the west property line. The Proposed Site Plan (Exhibit B, Sheet C2) details installation of 2 foot wide by 6 foot long white painted ADA crossing stripes connecting the proposed ADA parking area to the rear entrance of the community center. The proposal also includes ADA detectable warnings on the walkways on either side of the ADA crossing stripes as well as installation of a hand rail along the ramp connecting the ADA crossing to the rear entrance. Staff notes that the ADA crossing stripes will fade over time and will need to be repainted; therefore, it would be best practice to clearly delineate the ADA route in a more permanent way. **The applicant shall update the plan set to detail a concrete parking lot crossing connecting the concrete walkway to the west of the ADA parking spaces across the parking lot to the walkways adjacent to the building.**

14. Section 17.90.110(B) contains standards regarding building facades, materials, and colors intended to be consistent with the Sandy Style.
15. 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. 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). The existing porte-cochère has a gabled roof that extends out from the rear entrance approximately 22 feet in compliance with this standard. The proposed upgrades to the porte-cochère will not affect the extent or pitch of the porte-cochère roof, both of which will remain the same. The City of Sandy is working with a contractor to install a five foot cover over the exit/entrance on the west side of the building. This cover was approved with building permit number 755-20-000323-STR and is scheduled to be installed in mid-January 2021. This cover was designed to match the redesigned porte-cochère with matching wood stain and timbers.
16. Section 17.90.110(B.3) specifies approved building materials. Per the submitted Proposed Elevations (Exhibit C, Sheet A3.01), the applicant is proposing a mix of cement fiber shingles and tongue and groove cedar siding with rough sawn cedar trim and synthetic stone veneer at the base of the porte-cochère pillars on the north and south sides. The tongue and groove cedar siding will have a cedar stain to match the soffit and the trim will be rough sawn cedar. The product specifications (Exhibit C, Sheet A0.01) indicate that the stone base will be cultured dressed fieldstone. The plan set does not indicate the color/stain of the cement fiber shingles. **The applicant shall submit a proposed wood stain or proposed color from the City's approved color palette for the cement fiber shingles.**
17. Section 17.90.110(B.3.e) requires building elevations facing a public right-of-way or civic space to incorporate at least three (3) Sandy Style features. The applicant is proposing upgrades to the rear of the building, which is not facing a public right-of-way or civic space. However, the rear entrance is the primary entrance to the building and the applicant is proposing to incorporate the following Sandy Style elements: heavy wood beams, metal brackets, stone base, and a gabled roof.
18. Section 17.90.110(C) requires gable roofs on new buildings. The existing porte-cochère has a gabled roof. The proposed upgrades to the porte-cochère will not affect the roof pitch.
19. 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. Per the Existing Elevations (Exhibit C, Sheet A1.02), the applicant is proposing to remove the roofing and substrate down to the plywood and install new asphalt composition shingles. **The proposed composition shingles shall be architectural grade shingles, or, if metal is preferred, the proposed metal roof shall adhere to the approved color palette in Appendix D.**
20. Section 17.90.110(H) contains standards regarding lighting. The applicant is not proposing any new exterior lighting as part of this project; however, the proposed south elevation (Exhibit C, Sheet A3.01) includes a luminaire label. **The applicant shall update the proposed south elevation to remove the luminaire label.**

### 17.92 – Landscaping and Screening

21. 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 applicant is not proposing any changes to existing landscaping but will be adding four new landscape planters in the parking lot in the areas that are being modified in association with the ADA parking upgrades.
22. Section 17.92.30 contains required tree plantings. Planting of trees is required for all parking lots with 4 or more parking spaces. The proposed modifications to the parking lot include the addition of four landscape planters. The Landscape Plan (Exhibit D) details a structural tree in each proposed landscape planter.
23. Section 17.92.40 requires that all landscaping be irrigated, either with a manual or automatic system. The applicant did not submit an irrigation plan. **The applicant shall submit details on the type of proposed irrigation system with the building permit. Formal irrigation plans shall be submitted with construction plans. As required by Section 17.92.140, the applicant 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. After that, the property owner shall be responsible for landscaping. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary water, weeding, pruning, and replacing.**
24. 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 (Exhibit D) identifies proposed trees at 1.5-inch caliper as well as a mix of shrubs and grasses, all of which meet the minimum 1 gallon in size requirement. **The trees shall be planted per the City of Sandy standard planting detail. If the trees are staked, the ties shall be loose twine so as not to damage the trunk; the twine shall be removed after one growing season (or a maximum of 1 year).** The applicant has indicated that they would like the landscape planters to function as rain gardens. The proposed planters are designed to have a 3:1 slope in from the edges (see detail on Sheet C2 of Exhibit B) and will have curb cuts connecting to and from the parking lot. All the proposed plants are acceptable species from the City of Portland Stormwater Management Manual (SWMM) for use in public stormwater facilities. **The applicant shall design and install the landscape planters in compliance with the City of Portland SWMM, including but not limited to, overall design, plant selection, and soil depth and specifications. The applicant shall retain a professional on-site to oversee the installation of the topsoil and plantings. The applicant shall not install any floating groundcover material, such as bark chips, that could get carried out of the planter into the parking area.**

### 17.98 – Parking, Loading, and Access Requirements

25. Section 17.98.20 contains off-street parking requirements. Section 17.98.20(A.1) exempts commercial uses in the Central Business District (C-1) from off-street parking requirements. As detailed on the existing topographic survey and Proposed Site Plan (Exhibit B, Sheets C1 and C2), the parking lot modifications include relocating the ADA parking from south of the building to west of the building and installing four landscape planters. This will result in a loss of two parking spaces on the subject property.

26. ORS 447.233 requires one accessible parking space for each 25 parking spaces up to 100 parking spaces. Per the Community Services Director, the subject property and contiguously owned property to the east currently have a total of 43 parking spaces and five ADA parking spaces in compliance with ORS 447.233. The subject property contains three of the ADA spaces, which are currently located south of the building. The applicant is proposing to relocate all three spaces to the west parking aisle. The Proposed Site Plan (Exhibit B, Sheet C2) details each of the three accessible parking spaces at 9 feet in width by 18 feet in length with access aisles between them such that two of the spaces have an 8-foot-wide access aisle on the passenger side of the ADA space as required by ORS.
27. 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 applicant is modifying the parking spaces to the south of the building from three ADA parking spaces to four standard parking spaces. The applicant is modifying the parking area to the west of the building from six standard parking spaces to three ADA parking spaces. All proposed parking spaces area detailed at 9 feet wide by 18 feet deep and two of the proposed ADA parking spaces have an additional access aisle as stated in a finding earlier in this document. The western parking aisle is two-way with angled spaces on one side and is detailed at 24.47 feet at its shortest width in compliance with the code. The southern parking aisle is two-way with 90-degree parking on both sides and is detailed at 25.16 feet wide in compliance with the code.
28. 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 applicant is not changing the overall size or location of the parking area but rather is modifying the parking areas south and west of the building. As part of the modification, the applicant is proposing to install landscape planters at each end of the modified parking areas to meet the landscaping requirement for a total of four new landscape planters. The Landscape Plan (Exhibit D) details one structural tree and groundcover in each of the proposed landscape planters.
29. Section 17.98.120 (F) contains requirements for wheel stops to protect landscaping and pedestrians. The submitted Proposed Site Plan (Exhibit B, Sheet C2) details wheel stops in the three new ADA parking spaces west of the building but does not detail wheel stops in the new standard parking spaces south of the building. **The applicant shall update the Site Plan to detail wheel stops in the four proposed standard parking spaces south of the building.**
30. 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 south and west of the building. The Proposed Site Plan (Exhibit B, Sheet C2) states that the new parking and drive aisle areas will be paved with asphalt and the ADA walkway will be concrete in compliance with the development code.
31. Section 17.98.140 contains requirements for drainage and states that parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property. Per the Public Works Director (Exhibit E), **the flow from stormwater planter area A**

shall be conveyed to stormwater planter area B by a pipe instead of surface flow to prevent sheet flow from parking areas across a sidewalk or pedestrian route as required by Section 17.98.140.

17.102 – Urban Forestry

32. Chapter 17.102 contains urban forestry requirements. The subject property is 0.65 acres; however, the adjacent property to the east is 0.47 acres and under contiguous ownership. Thus, the two contiguously owned parcels total 1.12 acres and are subject to the provisions of Chapter 17.102. The applicant is not proposing any tree removal with this application. **If the proposed excavation is anticipated to impact existing trees on the subject property or on adjacent properties, the applicant shall consult with an ISA Certified Arborist and follow their recommendations to minimize negative impact to the trees. Any future tree removal shall require additional permit approvals.**

15.30 – Dark Sky Ordinance

33. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance, which regulates outdoor lighting in order to reduce or prevent light pollution. The Dark Sky ordinance requires that all new lighting be full-cutoff and downward facing. The applicant is not proposing any new exterior lighting as part of this project; however, the proposed south elevation (Exhibit C, Sheet A3.01) includes a luminaire label. **The applicant shall update the proposed south elevation to remove the luminaire label. If exterior lights are desired in the future, the applicant shall submit a photometric analysis and lighting fixture cut sheets for staff review and approval; proposed lighting shall comply with Dark Skies requirements (including downward facing, full-cutoff lights that do not exceed 4,125 Kelvins).**

15.44 – Erosion Control Regulations

34. 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.**
35. **Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system. 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 request by Blane Skowhede on behalf of the City of Sandy to upgrade the porte-cochère and ADA parking area is hereby **approved as modified by the conditions of approval listed below.**

## **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. Submit a revised Plan set to include all changes as identified in this Order including:
  - Update the proposed south elevation to remove the luminaire label.
  - Submit details on the type of proposed irrigation system with the building permit. Formal irrigation plans shall be submitted with building permit plans.
  - Update the Site Plan to detail wheel stops in the four proposed standard parking spaces south of the building.
  - The flow from stormwater planter area A shall be conveyed to stormwater planter area B by a pipe instead of surface flow to prevent sheet flow from parking areas across a sidewalk or pedestrian route as required by Section 17.98.140. The existing surface outfall for planter A shall be converted to a buried structure and the curb cut shall be eliminated.
  - Update the grading plan to detail the curb flush with the walkway on the west side of the building.
  - Update the plan set to detail a concrete parking lot crossing connecting the concrete walkway to the west of the ADA parking spaces across the parking lot to the walkways adjacent to the building.
2. Submit a proposed wood stain or proposed color from the City's approved color palette for the cement fiber shingles.
3. The proposed composition shingles shall be architectural grade shingles, or, if metal is preferred, the proposed metal roof shall adhere to the approved color palette in Appendix D.

### **C. The Final Construction Plans shall include the following:**

1. The applicant shall design and install the landscape planters in compliance with the City of Portland SWMM, including but not limited to, overall design, plant selection, and soil depth and specifications. The applicant shall retain a professional on-site to oversee the installation of the topsoil and plantings. The applicant shall not install any floating groundcover material, such as bark chips, that could get carried out of the planter into the parking area.
2. The applicant shall install check dams or flow spreaders in planters C and D as needed so that the water spreads out laterally instead of traversing the shortest distance between the pipe outlet and the surface outlet. 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.



**D. Prior to the approval of the Building permit final, the applicant shall complete the following:**

1. All required improvements shall be installed or financially guaranteed.
2. Install all landscaping, building improvements, and other site improvements as detailed in this final order.

**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. Trees shall be planted per the City of Sandy standard planting detail. If the trees are staked, the ties shall be loose twine so as not to damage the trunk; the twine shall be removed after one growing season (or a maximum of 1 year).
3. If the proposed excavation is anticipated to impact existing trees on the subject property or on adjacent properties, the applicant shall consult with an ISA Certified Arborist and follow their recommendations to minimize negative impact to the trees. Any future tree removal shall require additional permit approvals.
4. If exterior lights are desired in the future, the applicant shall submit a photometric analysis and lighting fixture cut sheets for staff review and approval; proposed lighting shall comply with Dark Skies requirements (including downward facing, full-cutoff lights that do not exceed 4,125 Kelvins).
5. As required by Section 17.92.140, the applicant 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. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary water, weeding, pruning, and replacing.
6. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
7. 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.
8. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system.
9. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
10. 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.



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Emily Meharg  
Senior Planner

## **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.