

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

DATE: May 11, 2021

FILE NO.: 21-006 DR/ADJ

PROJECT NAME: Next Adventure Phase III Addition

APPLICANT: Robert Mosier, Architect

OWNER: Adventure Holdings LLC

LEGAL DESCRIPTION: T2S R4E Section 13 CB, Tax Lot 1700

SITUS ADDRESS: 38454 Pioneer Blvd

The above-referenced proposal was reviewed as a Type II Design Review with two Adjustments. 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. Narrative

C. Plan Set

- Sheet A1.1: Cover Sheet, Proposed Site Plan
- Sheet A1.2: Existing Site Plan & Site Grading/Utility Plan
- Sheet C1.0: Storm Sewer Plan
- Sheet C5.0 Storm Sewer Details
- Sheet L1.0: Preliminary Landscape Plan
- Sheet A2.1: Basement & First Floor Plans
- Sheet A2.2: Proposed Roof Plan
- Sheet A3.1: Building Elevations (North and West)
- Sheet A3.2: Building Elevations (South and East)
- Sheet A3.3: Elevations (North and West Ground Floor Glazing Details & Trash Enclosure Elevation and Plan)

D. Photometric Plan and Exterior Lighting Fixture Cut Sheets

E. Trip Generation Analysis Letter

F. Stormwater Report

Agency Comments

G. ODOT (April 30, 2021)

Public Comments

H. Lawrence Mihalas (Received April 21, 2021)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal materials received on February 18, 2021 with additional items received on February 23, 2021, February 25, 2021, March 31, 2021, and April 1, 2021. The application was deemed complete on April 9, 2021. The 120-day deadline is August 7, 2021.
2. The subject site is approximately 0.47 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. Robert Mosier Architect submitted an application on behalf of Adventure Holdings LLC to construct a three-story building, including a full basement, ground floor, and mezzanine, to connect to the recent expansion (File No. 17-054 DR) at 38454 Pioneer Blvd. The proposed building is approximately 5,872 square feet total, not including the mezzanine area. The old Winter Fox building will be demolished. **The applicant shall obtain a demolition permit.** Other site improvements include civic space, landscaping, and alterations to the existing parking area. The applicant is requesting two adjustments to Section 17.90.110(E.2) related to percent ground floor windows: a Type II Adjustment to provide less than 40 percent windows on the ground floor of the north (street-facing) elevation and a Type I Adjustment to provide less than 40 percent windows on the ground floor of the west elevation.
5. Notification of the proposal was mailed to property owners within 300 feet of the subject property and affected agencies on April 16, 2021. One public comment was received. Lawrence Mihalas (Exhibit H) has no objections provided that the proposed project meets the applicable criteria in the Sandy Municipal Code.

17.42 – Central Business District (C-1)

6. The applicant proposes a sporting goods retail store, which is a primary use permitted outright in Section 17.42.10(B.1).
7. The Central Business District (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. The Site Plan (Exhibit C, Sheet A1.1) details the building setback at 10 feet from the front property line. The proposal also includes a covered entry that extends out towards the property line, with a roof extension for an overhead sign that extends slightly into the right-of-way. There will not be any posts in the right-of-way and there will be at least 12 feet of vertical clearance between the sign and the ground. **The applicant will be required to obtain a separate permit for any proposed signage.**

8. Per Section 17.42.30(A), the maximum building height allowed in the C-1 zoning district is 45 feet. The building is proposed at 24 feet-3 inches tall at the north elevation and 33 feet-9 inches tall at the south face of the building in compliance with the code.
9. Minimum landscaping in the C-1 zone is 10 percent. Per the Site Plan (Exhibit C, Sheet A1.1), the site will include a total of 2,396 square feet of landscaping (11.8 percent) in compliance with the code.

17.66 – Adjustments and Variances

10. 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 adjustments:
 - Type I Adjustment to Section 17.90.110(E.2) to provide less than 40 percent windows on the ground floor of the west elevation.
 - Type II Adjustment to Section 17.90.110(E.2) to provide less than 40 percent windows on the ground floor of the north (street-facing) elevation.

11. TYPE I WINDOW PERCENT ADJUSTMENT

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 I Adjustment to Section 17.90.110(E.2) to reduce the percent windows on the ground floor of the west elevation from the required 40 percent to 37.3 percent, which is a 6.7 percent reduction to the required 40 percent.

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 District (C-1) 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(E) is to promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. The proposed development is consistent with the intent of the Central Business District zone by providing a sporting goods retail store. The code requires a minimum of 40 percent windows on the west elevation (as the second activated elevation), but the percent windows can be reduced by up to 20 percent (to 32 percent windows) through the adjustment process. The proposal includes 37.3 percent windows on the west elevation, which is a 6.7 percent reduction to the required 40 percent. 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 windows on the west elevation by 6.7 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 Trip Generation Letter (Exhibit E), the proposed project is projected to have 1.9 PM peak hour trips. The stormwater report (Exhibit F) states that stormwater from the proposed building and parking lot will be directed through a planter for treatment, then to a detention facility for flow control. The site will ultimately discharge through a storm-only pipe to a stream to the south of the site within an easement. 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. Criterion D is met.

Section 17.90.110(D.7) requires buildings to 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. The applicant is proposing the north elevation and the west elevation as the two activated frontages. The proposed building has a primary entrance on the north elevation and there is already a secondary entrance on the west elevation of the existing building, which will be connected to the proposed building. The glazing diagram for the west elevation (Exhibit C, Sheet A3.1) details 37.3 percent windows, which does not meet the minimum 40 percent window standard. Staff believes a 6.7 percent reduction below the 40 percent minimum window coverage on the west elevation 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 applicant’s request for a Type I Adjustment to Section 17.90.110(E.2) to provide 37.3 percent windows on the ground floor of the west elevation is approved.**

12. TYPE II WINDOW PERCENT ADJUSTMENT

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 II Adjustment to Section 17.90.110(E.2) to reduce the percent windows on the ground floor of the north (street-facing) elevation from the required 40 percent to 32.1 percent.

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 District (C-1) 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(E) is to promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. The proposed development is consistent with the intent of the Central Business District zone by providing a sporting goods retail store. The code requires a minimum of 40 percent windows on the north elevation, but the percent windows can be reduced by up to 20 percent (to 32 percent windows) through the adjustment process. The proposal includes 32.1 percent windows on the north elevation, which is 7.9 percent less than the required 40 percent (or a 19.8 percent adjustment to the quantifiable provision of 40 percent). Because the proposal also includes the required stone base, staff acknowledges it would be difficult to meet both the stone base requirement and the 40 percent window requirement since the stone base comprises 3 feet (or one quarter) of the ground floor elevation height. 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 windows on the north elevation by 19.8 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 Trip Generation Letter (Exhibit E), the proposed project is projected to have 1.9 PM peak hour trips. The stormwater report (Exhibit F) states that stormwater from the proposed building and parking lot will be directed through a planter for treatment, then to a detention facility for flow control. The site will ultimately discharge through a storm-only pipe to a stream to the south of the site within an easement. 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. Criterion D is met.

Section 17.90.110(D.7) requires buildings to 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. The applicant is proposing the north elevation and the west elevation as the two activated frontages. The proposed building has a primary entrance on the north elevation. The glazing diagram for the north elevation (Exhibit C, Sheet A3.1) details 32.1 percent windows, which does not meet the minimum 40 percent window standard. Staff believes a 19.8 percent reduction below the 40 percent minimum window coverage on the street-facing elevation 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 applicant’s request for a Type II Adjustment to Section 17.90.110(E.2) to provide 32.1 percent windows on the ground floor of the north (street-facing) elevation is approved.**

17.74 – Accessory Development

13. 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 a maximum 4-foot-tall dry stack block retaining wall at the southwest corner of the developed portion of the site adjacent to parking spaces 7 and 8 in compliance with the code requirements for height.

17.84 – Improvements Required with Development

14. 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.**
15. 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). **Land use approval does not connote utility or public improvements plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.**
16. Section 17.84.30 requires sidewalks and planting areas along all public streets. The existing sidewalk on Pioneer Blvd is in satisfactory condition and will not be required to be upgraded with the construction of the proposed building. ODOT (Exhibit G) reviewed the proposal and notes that while the site's existing driveway is 32 feet wide, the submitted site plan shows a reduced driveway width of 23 feet. ODOT's minimum standard for commercial driveways is 24 feet and ODOT will require the applicant to widen the driveway accordingly. **The applicant shall update the Site Plan to detail the driveway width at 24 feet.** The applicant will also be required to obtain an ODOT approach upgrade permit to ensure the driveway is designed to meet ODOT standards. **The applicant shall contact the ODOT District Contact (Loretta Kieffer, 503-667-7441, loretta.l.kieffer@odot.state.or.us) to determine permit requirements and obtain application information.**
17. Section 17.84.50 contains standards for street improvements and traffic evaluations. The applicant submitted a Trip Generation Analysis Letter (Exhibit E) dated February 12, 2021 and prepared by the project architect using the Institute of Transportation Engineers Common Trip Generation Rates (PM Peak Hour) Table, Trip Generation Manual, 10th Edition. The analysis estimates that the proposed sporting goods store will generate 1.9 PM peak hour trips, which is well below the 20-trip threshold that would trigger additional intersection and street segment analysis per Section 17.84.50(A.1). Therefore, staff finds that no additional mitigation is necessary.
18. 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. The applicant is proposing to connect to the existing utilities in Pioneer Blvd. that already serve the site. Stormwater from the proposed building and parking lot will be directed through a planter for treatment, then to a detention facility for flow control. The site will ultimately discharge through a storm-only pipe to a stream to the south of the site within an easement. The applicant did not indicate where/how runoff from the proposed civic space would drain. **The applicant shall submit additional information on the stormwater management**

plan for the civic space area for staff review and approval. 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.

19. 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.**
20. The Fire Marshal reviewed the proposal and didn't have any comments.
21. 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 Section 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

22. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
23. 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.**
24. 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 and has access to Pioneer Blvd. The proposed Site Plan also details a 12-foot wide driveway located between proposed parking space 3 and 4 that connects to the adjacent property to the west.
25. Section 17.90.110(A.3) requires that off-street parking shall be located to the rear or side of buildings with no portion located within 10 feet of the public right-of-way. The proposed project is a commercial project in the C-1 zoning district and is therefore exempt from minimum off-street parking standards per Section 17.98.20(A.1); however, the proposed project does include a reconfiguration of the off-street parking area. The proposed parking is located to the side (west) of the proposed building and no parking is proposed within 10 feet of the public right-of-way in compliance with Section 17.90.110(A.3).
26. 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, bays, and changes in siding material.

27. 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 street (north) elevation of the building with a roof overhang that exceeds the 5 foot minimum.
28. Section 17.90.110(B.3) specifies approved building materials. Section 17.90.110(B.3.b) requires buildings to include strong base materials such as natural stone, split-faced rusticated concrete block, or brick on all sides of a building visible from an abutting public street. A building's base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from the abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches. The front (north) elevation and west elevation are both visible from the public right-of-way and, therefore require a strong base material. The most north portion of the east elevation is partially visible and will also require strong base materials; the south portion of the east elevation will not be visible due to the bay windows and the existing arborvitae, which will be retained or replaced. The Elevations (Exhibit C, Sheets A3.1 and A3.2) detail a 36-inch high stone base (Mutual Materials "Dressed Fieldstone") on the north elevation that wraps around to the west and east elevations. Due to the topography of the site, the stone base varies in height on the west and east elevations as it steps down to follow the slope and is less than 36-inches high in some places, as permitted by code. The stone base on the north most two feet of the west elevation exceeds 60 inches due to the grade differential; however, staff finds that this meets the intent of the code as it results in an appropriate transition between the stone base on the north elevation and the stone base on the west elevation.
29. Section 17.90.110(B.3.d) contains approved siding. The applicant is proposing to use a mix of vertical and horizontal siding. Per the submitted narrative (Exhibit B), siding materials include Board and Batten style siding composed of "rough sawn" cementitious panels with 1-inch by 3-inch vertical battens at 16-inch on center and cementitious shingles at the gable end peaks at the east and west ends of the building and sides of dormers.
30. 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 north elevation of the proposed building faces Pioneer Blvd. Per the submitted narrative (Exhibit B), the north elevation features a "Timber Framed" entry porch with exposed heavy timbers, naturally stained timbers and beams, and heavy metal structural brackets at the post and beam connections. In addition, the north elevation includes a "Dressed Fieldstone" stone base.
31. Section 17.90.110(B.4) specifies approved colors. The applicant is proposing "Pumpkin" for the shingle siding, "Burnt Umber" for the vertical siding, and "Picholine" for the trim and fascia. All three colors are approved colors on the City's color palette.
32. Section 17.90.110(C) requires gable roofs on new buildings. The proposed building includes a gabled roof on the east and west elevations as well as an additional gabled roof over the primary entrance on the north elevation. The proposed roof pitch is 8:12 in compliance with Section 17.90.110(C.1).

33. Section 17.90.110(C.4) requires secondary roof forms based on roof length. The proposed roof length is approximately 60 feet, which requires two (2) secondary roof forms. The applicant is proposing two secondary roofs forms along the length of the primary roof (north elevation). The secondary roof form is a shed dormer at the west end of the roof in compliance with the code.
34. 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 architectural composition shingles in compliance with the code.
35. Section 17.90.110(D) contains standards regarding building orientation and entrances intended to maintain and enhance downtown and village commercial streetscapes as public spaces by emphasizing a pedestrian scale and character consistent with the Sandy Style; and to provide for a continuous pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. The proposed building has frontage on Pioneer Blvd. 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 or an approved civic space. The building occupies more than 50 percent of the street frontage on Pioneer Blvd. in compliance with the code.
36. 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 contains a primary entrance on the north elevation as well a secondary entrance on the west elevation of the existing building, which will be connected to the proposed building. The applicant has requested a Type I Adjustment to allow less than the required 40 percent windows on the west elevation and a Type II Adjustment to allow less than the required 40 percent windows on the north elevation, which are reviewed in Chapter 17.66 of this document.
37. 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 Pioneer Blvd. in compliance with the code.
38. Section 17.90.110(E) contains standards for construction and placement of windows. The intent of windows is to promote business vitality, public safety, and aesthetics through effective window placement and design. Section 17.90.110(E.2) states that the ground floor elevation of all new buildings shall contain display areas, windows, and doorways along street frontages and where the building abuts a civic space. The two activated frontages are the north elevation and the west elevation. The applicant has requested a Type I Adjustment to allow less than the required 40 percent windows on the west elevation and a Type II Adjustment to allow less than the required 40 percent windows on the north elevation. The adjustment requests are reviewed in Chapter 17.66 of this document.
39. Section 17.90.110(E.3) contains standards related to upper floor windows. The proposed building is three stories, including a basement and mezzanine level. Section 17.90.110(E.3.b)

states individual window units shall not exceed five (5) feet by seven (7) feet. Any portion of a window unit with a dimension exceeding four (4) feet shall be divided into smaller panes. Section 17.90.110(E.3.c) states at least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two (2) feet by three (3) feet. Per the submitted narrative (Exhibit B), the upper floor windows are 3 feet by 4 feet single hung windows at the dormer and 3 feet by 5 feet single hung windows at the gable end walls. The upper sash is divided into two separate lites at the dormers and three separate lites at the gable end windows in compliance with the code.

40. Section 17.90.110(F) contains additional landscaping and streetscape design standards. This provision requires properties in the C-1 zoning district to comply with the Downtown Sandy Streetscape Design as contained in Appendix F. Sidewalk enhancements were previously completed for this site with File No. 17-054 DR.
41. Section 17.90.110(G) contains standards for civic spaces on development sites. The intent of civic space is to connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for customers and the public. The development code requires developments to provide a civic space area that is at least three percent of the building ground floor area and in no instance is less than 64 square feet. The ground floor area of the proposed use is 2,948 square feet which results in a total need for approximately 88 square feet of civic space. The proposed civic space is a 202 square foot hardscaped area at the primary entrance along Pioneer Blvd. The civic space is proposed to contain pavers or scored concrete and a bench.
42. 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.**
43. Section 17.90.110(I) contains standards regarding safety and security intended to promote natural surveillance of public spaces including pedestrian, parking, and loading areas. The north elevation contains 32.1 percent windows, which provides adequate visibility for surveillance to the adjacent sidewalk. The west elevation of the proposed building contains 37.3 percent windows. In addition, there is an existing secondary entrance and existing windows on the west elevation of the existing building, providing additional surveillance of the parking area.
44. Section 17.90.110(I.3) requires street address numbers. **The applicant shall provide street address numbers measuring a minimum of six (6) inches high and of contrasting color, which clearly locate buildings and their entries for patrons and emergency services. The applicant shall verify the location of the address with the Building Official and emergency service providers.**
45. 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 at the south end of the parking area. The Trash Enclosure Plan & Elevations (Exhibit C, Sheet A3.3) details a 6 foot by 12 foot enclosure with cementitious panel siding with battens to match the existing building and a metal frame gate with wood slats. 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 size of the trash and recycling containers and appropriate pick-up**

location with Hoodview. The narrative (Exhibit B) indicates that the proposed design does not include any exterior storage visible from the right-of-way and that any mechanical equipment, if required, will be behind a 6 foot tall cedar “Good Neighbor” fence. **Per Section 17.90.110(J.3), mechanical, electrical, communications equipment including meters and transformers, and service and delivery entrances and garbage storage areas shall be screened from view from public rights-of-way and civic spaces. If mechanical or electrical equipment is proposed, the applicant shall submit the screening method to staff for review and approval.**

17.92 – Landscaping and Screening

46. Section 17.92.20 requires that a minimum of 10 percent of the site be landscaped in the C-1 zoning district. The submitted Site Plan (Exhibit C, Sheet A1.1) indicates there will be 2,396 square feet of landscaped area, which equates to a total of 11.8 percent of the site in compliance with the code.
47. 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 site. There are three existing fir trees on the subject property that will be removed to accommodate the proposed building and parking reconfiguration. One of the fir trees is located near the Highway. **If removal of this fir requires staging in and/or closure of the right-of-way, the applicant shall work with the ODOT District Contact.** Existing trees on the undeveloped (south) portion of the site will be retained. In addition, there are existing trees on the adjacent properties to the east and west. **The applicant shall work with an arborist to determine the critical root zone (1 foot per 1 inch DBH) of the existing trees to be retained on the undeveloped portion of the site and the existing trees on adjacent properties. The arborist shall determine whether tree protection fencing needs to be installed at the edge of the slope or as otherwise determined by the arborist and shall be on-site during any construction activity within the critical root zone of these trees.**
48. Section 17.92.30 requires trees to be planted along public street frontages. There are three existing trees along the site frontage, including two street trees in the right-of-way and a third tree north of the northernmost parking space adjacent to the north property line. All three trees will be replaced. The Landscape Plan (Exhibit C, Sheet L.1) indicates that the two existing street trees will be replaced with tricolor European beech trees.
49. Section 17.92.40 requires that all landscaping be irrigated, either with a manual or automatic system. The applicant did not indicate how the landscaping will be irrigated. **The applicant shall submit details on the proposed irrigation system. As required by Section 17.92.140, the developer shall be required to maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period. 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.**
50. Section 17.92.50 specifies the types and sizes of plant materials for landscaped 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 C, Sheet L.1) identifies shore pine at 6 feet in height and tricolor European beech and paperbark

maple at 1.5-inch caliper. **Due to concerns with Asian Long-horned Beetle and Emerald Ash Borer, the applicant shall update the Landscape Plan to detail a tree species other than a maple (or an ash). Trees shall be planted per the City of Sandy standard planting detail. If trees are staked and tied, they shall be 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).** The Landscape Plan also identifies a mix of shrubs that meet the minimum 1-gallon size requirement.

51. Section 17.92.60 requires revegetation of areas where natural vegetation has been removed or damaged in areas that are not proposed to be occupied by structures or other improvements. **The applicant shall revegetate all areas where natural vegetation has been removed or damaged in areas that are not proposed to be occupied by structures or other improvements.**
52. Section 17.92.130 details performance bond standards as they relate 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 or letter of credit 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

53. 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; however, the applicant is proposing to include parking as part of the proposal.
54. Section 17.98.60(B) contains parking size requirements. The proposed parking area includes three standard parking spaces at 9 feet by 18 feet, five compact parking spaces at 8 feet by 16 feet, and one standard ADA parking space with an 8 foot by 18-foot aisle on the passenger side.
55. Section 17.98.60(C) contains aisle width requirements. The proposed aisle width for the portion of the parking area that is double sided is 25 feet in width in compliance with the code.
56. Section 17.98.120 contains landscaping requirements for parking areas. Section 17.98.120(D) requires minimum 5 foot by 17 foot landscape planters with a structural tree and groundcover at each end of every parking bay, with the exception of truck parking and loading areas. The Landscape Plan (Exhibit C, Sheet L.1) details landscape planters with a structural tree with groundcover adjacent to each parking bay, with the exception of the area north of the loading area, which is exempt. The structural tree is detailed as a paperbark maple. As noted previously, **the applicant shall update the Landscape Plan to detail an alternate tree species that is not a maple or an ash.**
57. Section 17.98.120(F) requires that wheel stops, bumper guards, or other methods to protect landscaped areas and pedestrian walkways shall be provided. The Site Plan (Exhibit C, Sheet A1.1) details wheel stops in all parking spaces.

58. Two bicycle spaces are required for a sporting goods store per Section 17.98.20(A.10). The Site Plan (Exhibit C, Sheet A1.1) details two bicycle parking spaces to the east of the primary entrance on Pioneer Blvd.

15.30 – Dark Sky Ordinance

59. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. The applicant submitted a Photometric Plan (Exhibit D) 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. As detailed in the submitted Photometric Plan, there is one area where the foot-candle readings 10 feet beyond the property lines exceeds 0.25 foot candles. The location where the foot candle reading exceeds 0.25 foot candles is 12.5 feet beyond the west property line in the southwest corner of the developed portion of the site. **The applicant shall install a shield or use an alternative light such that light trespass does not exceed 0.25 foot candles 10 feet beyond the property line. The applicant shall submit information on the proposed alternative light or shield for staff review and approval.**

60. The submitted lighting cut-sheets (Exhibit D) detail all lights at 3,000 Kelvins, full cut-off, and downward facing in compliance with the code.

15.44 – Erosion Control Regulations

61. 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). The earthwork activities shall be observed and documented under the supervision of a geotechnical engineer.**

62. **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.**

Miscellaneous

63. The applicant did not indicate whether the existing storage building would remain open to customers during construction or whether any temporary structures will be needed. **The applicant shall provide additional information regarding the plans for whether the existing storage building will remain open during construction. If the applicant plans to use a temporary structure, the applicant shall apply for a temporary structure permit.**

DECISION

For the reasons described above, the request by Robert Mosier on behalf of Adventure Holdings LLC to construct an addition to the Next Adventure building is hereby **approved as modified by the conditions listed below**.

In addition, the following requests are **approved as modified by the conditions of approval**:

- Type I Adjustment to Section 17.90.110(E.2) to provide 37.3 percent windows on the ground floor of the west elevation.
- Type II Adjustment to Section 17.90.110(E.2) to provide 32.1 percent windows on the ground floor of the north (street-facing) elevation.

CONDITIONS OF APPROVAL

A. The applicant shall obtain a demolition permit. The applicant shall provide additional information regarding the plans for whether the existing storage building will remain open during construction. If the applicant plans to use a temporary structure, the applicant shall apply for a temporary structure permit.

B. 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.
2. Work with an arborist to determine the critical root zone (1 foot per 1 inch DBH) of the existing trees to be retained on the undeveloped portion of the site and the existing trees on adjacent properties. The arborist shall determine if tree protection fencing needs to be installed at the edge of the slope or as otherwise determined by the arborist and shall be on-site during any construction activity within the critical root zone of these trees. If the arborist determines tree protection fencing is needed, the applicant shall install 6 foot tall chain link or no-jump horse fencing as indicated by the arborist and shall call for a tree fencing inspection prior to issuance of the grading and erosion control permit.

C. The Final Construction Plans shall include the following:

1. Stormwater management conforming 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 issuance of building permits, the applicant shall:

1. Submit all pertinent permit applications (building, mechanical, plumbing (electrical goes through Clackamas County)) along with all required submittal documents for review and approval. Contact building@cityofsandy.com for submittal requirements or questions.
2. Submit details on the proposed irrigation system with building permit submittal.

3. Submit the proposed screening method for any mechanical or electrical equipment, if proposed, to staff for review and approval.
4. Submit revisions to the Landscape Plan to detail a tree species other than a maple (or an ash).
5. Submit revisions to the Site Plan to detail the driveway width at 24 feet.
6. 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. Provide revised digital materials.
7. Submit additional information on the stormwater management plan for the civic space area for staff review and approval.
8. Submit information on the proposed alternative light or shield for staff review and approval. The applicant shall install a shield or use an alternative light such that light trespass does not exceed 0.25 foot candles 10 feet beyond the property line.
9. Contact the ODOT District Contact (Loretta Kieffer, 503-667-7441, loretta.l.kieffer@odot.state.or.us) to determine permit requirements and obtain application information. If removal of this fir requires staging in and/or closure of the right-of-way, the applicant shall work with the ODOT District Contact.
10. Call the PGE Service Coordinators at 503-323-6700 when the developer is ready to start the project.
11. Verify the size of the trash and recycling containers and appropriate pick-up location with Hoodview. Provide City staff a copy of the Hoodview approval.

E. 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. Install street address numbers measuring a minimum of six (6) inches high and of contrasting color, which clearly locate buildings and their entries for patrons and emergency services. Verify the location of the address with the Building Official and emergency service providers.
3. Install all landscaping, building improvements, and other site improvements as detailed in this final order.
4. Any areas disturbed during modification of the existing site shall be re-vegetated to pre-project condition.
5. Install mail delivery facilities in conformance with Section 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.

F. General Conditions of Approval

1. Design review approval and adjustment 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. Trees shall be planted per the City of Sandy standard planting detail. If trees are staked and tied, they shall be 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).
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. As required by Section 17.92.140, the developer shall be required to maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period. 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.
7. The applicant shall obtain a separate permit for any proposed signage.
8. All electrical and mechanical equipment shall be screened with sight obscuring fences, walls, or landscaping. Per Section 17.90.110(J.3), mechanical, electrical, communications equipment including meters and transformers, and service and delivery entrances and garbage storage areas shall be screened from view from public rights-of-way and civic spaces.
9. Land use 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).
10. 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). The earthwork activities shall be observed and documented under the supervision of a geotechnical engineer.
11. 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), City, and ODOT requirements as amended.
12. If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond or letter of credit 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.

13. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
14. Comply with all other conditions or regulations imposed by the Sandy Fire District, county, 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.



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.