

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

DATE: December 22, 2021

FILE NO.: 21-057 DR

PROJECT NAME: Mt. Hood Cleaners Addition

APPLICANT/OWNER: Dave Purcel

LEGAL DESCRIPTION: 24E14 T2S R4E Tax Lot 1401504

ADDRESS: 37625 Sunset Street

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 Form
- B. Storage Building Plans from Web Steel
- C. Stormwater Plans and Site Plan from Firwood Design Group
- D. Incompleteness Items

Agency Comments

- E. Fire Marshal (November 9, 2021)

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on October 4, 2021. The application was deemed incomplete on October 12, 2021. The applicant then submitted additional materials on October 28, 2021. The application was deemed complete on October 29, 2021. The 120-day deadline is February 26, 2022.
2. The subject property is located at 37625 Sunset Street.
3. The subject property has a comprehensive plan designation of Industrial and a zoning district designation of I-2, Light Industrial. The applicant is proposing a 1,200 square foot addition to an existing structure to be used for storage for window products.
4. The proposed building addition necessitates the requirement to treat and retain stormwater. Firwood Design Group submitted stormwater plans (Exhibit C) detailing the installation of a 72 square foot planter at the east end of the new addition. **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.**

17.50 – Light Industrial (I-2) Zoning District

5. The applicant proposes an addition to an existing structure which is permitted under the standards of this zoning designation.
6. According to Section 17.50.30, no minimum rear or side setbacks are required in the I-2 zoning district unless a subject parcel abuts a more restrictive district, in which case a 50-foot minimum rear yard or side setback is required. The subject site proposed for development abuts a parcel zoned R-2, or Medium Density Residential. This district is more restrictive in its design standards than I-2. Sheet 3 of Exhibit B details the structure setback from the east property line by approximately 30 feet. Because the adjacent parcel to the east currently contains a similar industrial use rather than a residential use, and because both parcels are owned by the same property owner, the Development Services Director has chosen to waive this setback requirement. The intent of this requirement is to preserve an additional setback to a residential use, but the property to the east of the subject property has an industrial use and therefore the 50-foot setback is unnecessary. The setback to the nearest R-2 zoned property with a residential use is to the southeast of the subject property at approximately 60 feet.
7. According to Section 17.50.30, there is a maximum allowable structure height of 45 feet in this zoning district. The Storage Building Plans (Exhibit B) detail the building height (as measured from the base of the structure to halfway between the eave and the peak) to be approximately 14 feet 4 inches, meeting this requirement.
8. According to Section 17.50.40(B), **all process and storage shall be entirely enclosed within a building unless otherwise screened from public rights-of-way.**

17.90 – Design Standards

9. The proposal is subject to all the requirements for Design Review as specified in Sections 17.90.00 and 17.50.40(A). 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.**
10. Section 17.90.130 contains all the specific design requirements for structures in the I-2 zoning district.
11. Section 17.90.130(C) outlines standards for building facades, materials, and colors. Details relating to these standards were not included with the application submittal. **The applicant shall submit information specifying building materials and paint colors for review and approval by staff.**
12. Section 17.90.130(D) outlines standards for roof pitch, materials, and parapets. In the I-2 zoning district, a roof pitch of 3:12 is required. The applicant is proposing a 3:12 roof pitch. **Visible roof materials shall be wood or architectural grade composition shingle, slate, tile, or sheet metal with standing or batten seam. The applicant shall submit information specifying roof materials for review and approval by staff.**
13. According to the plan set (Exhibit B), the applicant is proposing an entry to the proposed building addition. According to Section 17.90.130(E), entries shall be sheltered with an overhang or portico with a depth of at least four feet. **The applicant shall submit plans for an entry shelter in compliance with Section 17.90.130(E) for review and approval by staff.**
14. **The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.**

17.92 – Landscaping and Screening

15. Planting of trees is required for all parking lots with four or more parking spaces. The existing site has 13 parking spaces. The existing parking is one continuous row of parking spaces. Per Section 17.98.120 (D) of the Development Code, parking rows are required to include landscape bays at the ends of all parking rows at a minimum width of 5 feet and a minimum length of 17 feet and include one major structural tree and ground cover. In lieu of bringing the entire subject site into compliance with the landscaping percentage requirements in Chapter 17.92, the applicant shall install two new landscape bays at the ends of the existing parking row. **The applicant shall submit a revised site plan detailing two landscape bays at the ends of the existing parking row at least 5 feet by 17 feet in size with curb to protect the landscaping. The revised site plan shall include proposed trees at least 1.5-inch in caliper DBH and shall include information on irrigation. The landscape details shall be reviewed and approved by staff.**

17.98 – Parking, Loading, and Access Requirements

16. According to Section 17.98.20, the industrial use of light equipment storage requires one parking space per 1,000 square feet plus one parking space per two employees. The total

building footprint including the existing structure and the proposed addition totals 6,800 square feet. The applicant did not indicate how many people are employed at the facility. The existing 13 parking spaces are proposed to remain. No additional parking spaces are being proposed.

15.30 – Dark Sky Ordinance

17. All exterior lighting in all zones in the City shall conform with the requirements established by Chapter 15.30. The lighting plans submitted by the applicant do not meet the Sandy Municipal Code. **The applicant shall modify the proposed lighting and submit plans indicating the information required by Section 15.30.050(A), including cut sheets and photometric data. The lighting fixture cut sheets and photometric plans shall be reviewed and approved by staff.**

DECISION

For the reasons described above the request by Dave Purcel to construct a 1,200 square foot addition to an existing structure is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL

Conditions to be completed prior to construction activities:

1. Prior to any onsite grading or earthwork the applicant shall 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. 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. Include the following submissions with the building permit for staff review and approval:
 - a. Submit information specifying building materials and paint colors in conformance with Section 17.90.130(C);
 - b. Submit information specifying roof materials in conformance with Section 17.90.130(D);
 - c. Submit plans for an entry shelter in conformance with Section 17.90.130(E);
 - d. Submit a revised site plan detailing two landscape bays at the ends of the existing parking row at least 5 feet by 17 feet in size with curb to protect the landscaping. The revised site plan shall include proposed trees at least 1.5-inch in caliper DBH and shall include information on irrigation; and,
 - e. Submit information on the proposed lighting and submit plans indicating the information required by Section 15.30.050(A) including lighting fixture cut sheets and photometric data.

Condition to be completed prior to the certificate of occupancy:

1. Install the approved building addition, stormwater facility, two landscape planters, two structural trees in the two landscape planters, approved lighting fixtures, and any other requirements in the permit applications (building, mechanical, plumbing, and electrical).

General conditions:

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. All utilities shall be installed underground and installed to City standards.
3. All process and storage shall be entirely enclosed within a building unless otherwise screened from public rights-of-way. The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.

4. The applicant shall be responsible for on-going maintenance of the site.
5. The applicant shall obtain a separate permit for any proposed signage.
6. 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.
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). 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 issuance of building permits.
10. Approval of this use may be revoked if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site. Any use of the site may be prohibited until such time as all required improvements are completed.
11. Any conditions or regulations required by Clackamas County, Fire District No. 72, or state or federal agencies are hereby made a part of this permit and any violation of these conditions and/or regulations or conditions of this approval will result in the review of this permit and/or revocation.



Kelly O'Neill Jr.
Development Services Director

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within 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.