

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

**DATE:** November 4, 2021

**FILE NO.:** 21-060 DR

**PROJECT NAME:** Ace Hardware Accessory Storage Building

**APPLICANT/OWNER:** John Milward (Milward LLC)

**LEGAL DESCRIPTION:** T2S R4E Section 13 CA, Tax Lot 200

**SITUS ADDRESS:** 39181 Pioneer Blvd

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.

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**EXHIBITS:**

- Applicant’s Submittals**
- A. Land Use Application
- B. Narrative
- C. Site Plan
- D. Elevations

## **FINDINGS OF FACT**

### **GENERAL FINDINGS**

1. These findings are based on the applicant's submittal materials received on October 29, 2021.
2. The subject site is approximately 0.59 acres and is located on the north side of Pioneer Blvd, east of Shelley Avenue, and west of Meinig Avenue.
3. The parcel has a Plan Map designation of Commercial and a Zoning Map designation of C-1, Central Business District.
4. John Milward submitted an application to construct a 24-foot by 16-foot accessory building on the Ace Hardware property at 39181 Pioneer Blvd. The accessory building is for additional storage of products and will be located on the paved no-parking area on the north side of the subject property. The building is designed to be aesthetically compatible with the existing Ace Hardware building. The applicant is not proposing any changes to parking or landscaping.
5. At the pre-application meeting, the Building Official commented that the roof drainage from the proposed accessory building will not be allowed to flow onto the asphalt. It will need to go to an approved storm drainage receptor. The applicant's narrative (Exhibit B) states: "Drainage will meet the standard of an approved storm drainage receptor by excavating and installing rain water drain to meet the existing rain water drain located at the NW corner of the Ace building. Plumbing inspection has been completed and evaluated by a drain camera video to insure proper function and construction of storm drainage receptor." **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.**

**ZONING (Chapter 17.42 – Central Business District (C-1))**

6. The applicant proposes an accessory building, which is a primary use permitted outright in the Central Business District (C-1) zone per Section 17.42.10(C.4).
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 existing Ace Hardware building is the primary building on the site and meets the front setback requirement; the proposed storage building is an accessory building and is not subject to the maximum front yard setback. The zoning district does not contain any minimum side yard or rear yard setbacks. The Site Plan (Exhibit C) does not include a scale but details the accessory building setback at 6 feet from the east property line and approximately 10 feet from the north property line. **The applicant shall verify the location of the property lines prior to constructing the building to ensure the building is constructed on the subject property.**
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 approximately 15 feet tall measured to the average height of the gable in compliance with the code.
9. Minimum landscaping in the C-1 zone is 10 percent. Per the narrative (Exhibit B) the applicant is not proposing any changes to landscaping.
10. Off-street parking is not required in the C-1 zone. The subject property includes existing standard parking spaces as well as an ADA parking space; the applicant is not proposing any changes to parking.

## **DESIGN STANDARDS (Chapter 17.90)**

11. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
12. 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.**
13. 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. The applicant is not proposing any changes to the site layout or vehicle access, with the exception of constructing the accessory building at the rear (north end) of the property.
14. 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, stone base, and changes in siding material.
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. The proposal includes a door on the east elevation but does not include a pedestrian shelter over the door. **The applicant shall update the elevations to detail a pedestrian shelter over the door on the east elevation that extends a minimum of 5 feet.**
16. Section 17.90.110(B.3) specifies approved building materials. Section 17.90.110(B.3.a) requires buildings on the same site to be architecturally unified. Per the submitted narrative (Exhibit B), the proposed accessory building will include Sandy Style architectural features to match the existing primary Ace Hardware building. The building will be painted to match the color of the primary building, which are Sandy Style approved colors, and the roof will be brown metal to match the existing roof on the primary Ace Hardware building, which is a Sandy Style approved roofing color.
17. 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. The front (south) elevation is visible from the public right-of-way and, therefore requires a strong base material. The elevations (Exhibit D) detail a 36-inch high stone base (cultured stone veneer) on the south elevation. Section 17.90.110(B.3.f) requires building materials required on elevations visible from an abutting public street to wrap around the building corner for a distance of not less than 2 feet. The elevations do not detail the stone base wrapping around to the east and west elevations. **The applicant shall update the elevations to detail the stone base wrapping around the east and west elevations for a minimum of 2 feet.**
18. Section 17.90.110(B.3.d) contains approved siding. The applicant is proposing to use a mix of vertical and horizontal siding. As detailed on the elevations (Exhibit D), siding materials include

Hardi Batten and Board style siding and Hardi plank lap siding at the gable end peak on the south side of the building. The applicant did not specify the width of the board and batten siding. Per Section 17.90.110(B.3.d.ii), **battens shall be a minimum of two-inches wide by one-inch deep and spaced 24 inches apart or closer. The applicant shall include information on the width and spacing of the battens on the revised elevations in compliance with Section 17.90.110(B.3.d.ii).**

19. 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 south elevation of the proposed accessory building faces Pioneer Blvd. As detailed on the elevations (Exhibit D), the south elevation features a stone base, gabled roof, and metal shed roof.
20. Section 17.90.110(B.4) specifies approved colors. The narrative (Exhibit B) states that the “building will be painted to match the color of the main Ace building.” The applicant does not specify if “match” means the same color or a complimentary color. The existing Ace building is painted “Rain Barrel” with “Plymouth Beige” trim. **The applicant shall paint the storage building “Rain Barrel” with “Plymouth Beige” trim or shall submit an alternate, complimentary paint color from the City’s color palette for review and approval by staff.**
21. Section 17.90.110(C) requires gable roofs on new buildings. The proposed building includes a gabled roof on the south and north elevations. The proposed roof pitch is 6:12 in compliance with Section 17.90.110(C.1).
22. Section 17.90.110(C.3) states that, where practicable, buildings shall be oriented so the gable end of the roof faces the abutting street. The gabled end of the roof is proposed on the south and north elevations in compliance with the code.
23. Section 17.90.110(C.4) requires secondary roof forms based on roof length. The proposed roof length is 16 feet, which does not require a secondary roof form. The applicant is proposing a shed roof over the sliding doors on the south elevation.
24. 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 a brown metal roof to match the existing roof on the main Ace building. The existing Ace building roof is “Antique Bronze” by Fabral Metal, which is similar to “Coco Brown” on the City’s metal roof color palette. **The applicant shall install an “Antique Brown” roof or shall submit an alternate, complimentary metal roof color from the City’s metal roof color palette for review and approval by staff.**
25. Section 17.90.110(C.6) requires all roof and wall-mounted mechanical, electrical, communications, and service equipment to be screened from view from the public right-of-way and civic spaces. The narrative (Exhibit B) states that there will be no electricity or plumbing to the building.
26. Section 17.90.110(G) contains standards for civic spaces on development sites. The application is for a Type I Design Review so the subject property is not required to set aside or improve civic space.

27. Section 17.90.110(H) contains standards regarding lighting. The applicant is not proposing any new exterior lighting.
28. 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. Section 17.90.110(J.1) prohibits exterior storage of merchandise and/or materials. **The applicant shall not store merchandise or materials outside of the accessory building.**
29. Section 17.90.110(J.4) requires trash collection and recycling storage areas to be screened from view from public rights-of-way and civic spaces behind a screening wall constructed to match the materials used on the primary building(s) on the subject site. The proposed accessory building will be located where the dumpsters are currently located and the dumpsters will be moved to the west side of the accessory building. The narrative (Exhibit B) and elevations (Exhibit D) indicate that the dumpsters will be placed behind two 75-inch tall steel doors that will extend west from the front wall plane of the accessory storage building and will mirror the materials used on the bypass doors on the accessory building. The elevations (Exhibit D) detail the bypass doors and matching garbage/recycling area doors as having metal facing. 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.**

## **DECISION**

For the reasons described above, the request by John Milward to construct an accessory building on the Ace Hardware site is hereby **approved as modified by the conditions listed below.**

## **CONDITIONS OF APPROVAL**

### **A. Prior to submitting a building permit the applicant shall:**

1. Update the elevations to detail the following:
  - a. A pedestrian shelter over the door on the east elevation that extends a minimum of 5 feet.
  - b. The stone base wrapping around the east and west elevations for a minimum of 2 feet.
  - c. Battens at a minimum of two-inches wide by one-inch deep and spaced 24 inches apart or closer.

### **B. 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.

### **C. Prior to issuance of building permits, the applicant shall:**

1. Submit building permit application along with all required submittal documents for review and approval. Contact [building@cityofsandy.com](mailto:building@cityofsandy.com) for submittal requirements or questions.
2. Provide staff with one copy of the final and complete plan set, including elevations, for the proposal to be included in the land use file for future reference. Provide revised digital materials.
3. 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.
4. Verify the location of the property lines prior to constructing the building to ensure the building is constructed on the subject property.

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

1. Install all building and garbage enclosure improvements as detailed in this final order.
2. Paint the storage building “Rain Barrel” with “Plymouth Beige” trim or paint the building an alternate, complimentary paint color from the City’s color palette that has been reviewed and approved by staff.
3. Install an “Antique Brown” roof or install an alternate, complimentary metal roof with a color from the City’s metal roof color palette that has been reviewed and approved by staff.

### **E. General Conditions of Approval**

1. Design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.
2. The applicant shall not store merchandise or materials outside of the accessory building.

3. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
4. 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.



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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.