

## **PLANNING COMMISSION STAFF REPORT TYPE III LAND USE PROPOSAL**

This proposal was reviewed concurrently as a Type III Design Review with one (1) Type II Variance and one (1) Type III Special Variance. The following exhibits, findings of fact, and conditions explain the proposal and support the staff recommendation.

**DATE:** January 24, 2023

**FILE NO.:** 22-037 DR/VAR

**PROJECT NAME:** Johnson RV Canopy Cover

**APPLICANT/OWNER:** Robert Murray, Johnson RV

**PHYSICAL ADDRESS:** 16800 362nd Drive

**LEGAL DESCRIPTION:** T2S R4E Section 14 Tax Lot 1111

**OVERVIEW:** The applicant is requesting approval to redevelop the site as a recreational vehicle repair and service center. Site improvements include construction of a 7,375 square foot awning on the east side of the existing building, a new access, paving, landscaping, lighting, and stormwater facilities. The applicant is also requesting a Type II Variance to the roof pitch design standard and a Type III Special Variance regarding Industrial Way frontage improvements.

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## EXHIBITS

### **Applicant's Submittals:**

- A. Land Use Applications
- B. Project Narrative
- C. Owner Authorization Letter (dated September 15, 2022)
- D. Civil Plans
  - Sheet C1 – Cover sheet and notes
  - Sheet C2 – Existing conditions
  - Sheet C3 – Site plan
  - Sheet C4 – Utility plan
  - Sheet C5 – Grading/erosion control plan
- E. Architectural Plans
  - Sheet A1.01 – Existing building elevations
  - Sheet A3.01 – Proposed building elevations
- F. Landscape Plans
  - Sheet L101 – Planting plan
  - Sheet L102 – Planting details and notes
- G. Tree Retention Plan
- H. Applicant email regarding tree retention (dated September 14, 2022)
- I. Photometric Analysis and Lighting Cut Sheets
- J. Preliminary Stormwater Report
- K. Traffic Impact Study

### **Agency Comments:**

- L. Fire Marshal (dated June 24, 2022)
- M. City Engineer (dated December 5, 2022)
- N. City Engineer follow up (Dated January 20, 2023)
- O. City Traffic Engineer (dated December 7, 2022)
- P. City Traffic Engineer follow up (dated January 4, 2023)
- Q. City of Sandy Public Works (dated January 9, 2023)

# FINDINGS OF FACT

## GENERAL FINDINGS

1. These findings are based on the applicant's submittal items received on August 31, 2022, with additional items received on November 14, 2022. The application was deemed complete on November 21, 2022. The 120-day deadline is March 21, 2023.
2. This report is based upon the exhibits listed in this document, including the applicant's submittals and agency comments.
3. This application is not subject to the moratorium on development adopted by City Council through Resolution 2022-24 because it was submitted prior to the effective date of the moratorium and because there is not a new sanitary sewer connection proposed.
4. The subject site at 16800 362nd Drive is approximately 3.4 acres in size. There is an existing structure on the site. This application does not propose removal of the existing structure, but rather an addition to it.
5. The subject site has a Comprehensive Plan Map designation of Light Industrial and a Zoning Map designation of Light Industrial (I-2).
6. The applicant, Johnson RV, submitted an application to construct a 7,375 square foot awning on the east side of the existing building with associated site improvements. This awning is intended to accommodate an RV wash area. The applicant is also requesting the following variances:
  - A. Type II Variance to Section 17.90.130(D.1) to change the roof pitch from the required 3:12 to the requested 2:12.
  - B. Type III Special Variance to Section 17.84.30 to waive sidewalk improvement requirements on the south side of Industrial Way.
7. The City of Sandy completed the following notices:
  - A. A transmittal was sent to agencies asking for comment on November 21, 2022.
  - B. Notification of the proposed application was mailed to affected property owners within 500 feet of the subject property on December 19, 2022.
  - C. A legal notice was published in the Sandy Post on January 18, 2023.
8. At publication of this staff report, no written public comments were received.

## **ZONING – Chapter 17.50**

9. Chapter 17.50 contains the development standards specific to the Light Industrial (I-2) zoning district. The proposed use of the development as RV repair and service is considered a primary use permitted outright per Section 17.50.10(A.2.a).
10. Section 17.50.30 contains development requirements for this zone, including setbacks, landscaping, and structure height.
11. The awning is proposed for the eastern or “rear” yard of the property, and the Code does not specify a rear yard setback.
12. Per the Code, at least 15 percent of the subject site shall be landscaped. Per the landscaping plan (Exhibit F), 15.71 percent of the site will be landscaped.
13. The maximum allowable structure height in the I-2 zone is 45 feet. According to the architectural elevation plans (Exhibit E), the awning is proposed to be 22 feet and eight (8) inches in height.
14. Section 17.50.30(C) requires that all buildings that are visible from an arterial street shall be screened from view by a vegetative buffer of at least 20 feet in depth as measured from the property line and running the entire length of the property. According to Sandy’s current Transportation System Plan, 362nd Drive is a minor arterial street and is visible from the southern, western, and northern property lines. There is an existing vegetative buffer along these edges of the property, but it is currently less than 20 feet in depth in many places. According to the landscaping plan (Exhibit F) and the project narrative (Exhibit B), this buffer will be increased to 20 feet and additional planting provided. Along the northern property line, the Landscape Plan details additional shrubs and trees located within an approximately 10-foot-wide area on the development side of the existing fence; however, no additional landscaping is proposed to be planted in the remaining 10 feet of the landscape buffer on the public right-of-way side of the existing fence. There are many existing conifers along the western property line and the applicant is proposing to plant an additional layer of shrubs behind the existing conifers. In addition, the Landscape Plan details two groupings of proposed evergreen trees located at the northwest corner of the property and where the existing driveway will be removed. However, there are still gaps in the existing and proposed landscaping, particularly just north of the existing conifers on the western property line. Staff conducted a site visit and determined that the existing landscape buffer does not fully screen either the existing building or the RV storage areas and it is likely that some of the proposed shrubs on the submitted Landscape Plan will need to be replaced with evergreen trees capable of growing at least 30 feet in height to accomplish the required screening. **The applicant shall update the landscape plan to detail additional evergreen trees at least eight feet in height and capable of growing to at least 30 feet in height at a density that will create a visual screen within five (5) years.**

## **DESIGN REVIEW – Chapter 17.90**

15. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
16. 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.**
17. Section 17.90.130 contains design standards for the Light Industrial (I-2) zone.

### **Site Access – Section 17.90.130(A)**

18. Section 17.90.130(A) requires that all lots shall abut or have access to a dedicated public street. Additionally, each lot shall be permitted one access point, but lots with street frontage of 150 feet or more may be permitted additional access points as approved by the City Engineer.
19. The subject site abuts 362nd Drive and Industrial Way, which are both public streets. There is currently one access point to the site on 362nd Drive approximately 279 feet from the intersection of 362nd Drive and Industrial Way. The applicant is requesting to relocate the existing access southward by approximately 53 feet. The purpose for this is to align the subject site's access point with the access point of the site to the west. See Sheet C3 of Exhibit D for an illustration of this.
20. The applicant is also requesting to construct an additional access point to the site on Industrial Way. This access, which will be gated, is intended to allow movement of large RVs onto and off of the site. The subject lot has over 800 feet of street frontage, and the addition of the Industrial Way access point has been permitted by the City Engineer (Exhibit N).

### **Pedestrian Accessibility – Section 17.90.130(B)**

21. Section 17.90.130(B) requires that the primary entrance to a building must be both attractive and functional, and that building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code. As no changes are being proposed to the primary entrance of the existing primary structure, this section is not necessary for design review.

### **Building Facades, Materials, and Colors – Section 17.90.130(C)**

22. Section 17.90.130(C.1) outlines facade requirements. Because the proposed development is a canopy cover and does not include facades, this standard is not applicable.
23. Sections 17.90.130(C.2) and 17.90.130(C.3) detail building material and siding requirements. The proposed awning will contain a metal standing seam roof and will be sided with vertical

ribbed metal siding as shown in Exhibit E. Use of metal in this manner is permitted in the subject zoning district.

24. Section 17.90.130(C.4) includes standards related to masonry finishes. No masonry finishes are being proposed as part of this project.
25. Section 17.90.130(C.5) states that buildings must include changes in relief on ten (10) percent of the facades facing public streets. While the architectural plans show changes in relief, it is not clear if they meet the ten (10) percent standard. **The applicant shall submit documentation showing compliance with this standard.**
26. Section 17.90.130(C.6) details color requirements. Earth tones, creams, and pastels of earth tones are preferred for exterior building finishes. The applicant is proposing the paint colors “Sterling Gray” and “Charcoal Gray” for the awning. **The applicant shall submit swatches of these colors for review and approval.**
27. Sections 17.90.130(C.7) through 17.90.130(C.10) do not apply to the design review of this project.

#### Roof Pitch, Materials, and Parapets – Section 17.90.130(D)

28. Section 17.90.130(D) requires that roofs in the I-2 zoning district have a pitch of 3:12. The existing structure has a roof pitch of 2:12. The applicant is proposing that the awning have a roof pitch of 2:12 to match the existing structure, and they have applied for a Type II Variance to this requirement. Analysis of this variance can be found in analysis of Chapter 17.66 of this staff report.

#### External Storage – Section 17.90.130(J)

29. Per Section 17.90.130(J), the exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited. The applicant is requesting approval to redevelop the site as a recreational vehicle repair and service center, not as a sales lot for recreational vehicles. **The applicant shall not use the outdoor portion of the property as storage for merchandise and/or related materials unless authorized.**

#### Trash Collection/Recycling Areas – Section 17.90.130(K)

30. The applicant is proposing a new garbage facility on the south side of the building as shown on Sheet C3 of Exhibit D. This facility will be screened by a chain link fence enclosure with vinyl slats. This complies with the requirements of Section 17.90.130(K).

## **FENCES – Chapter 17.74**

31. Section 17.74.30 contains requirements related to vision clearance. Per Section 17.74.30(A), a vision clearance area shall be maintained on each corner of property at the intersection of two streets. No visual obstruction (e.g., sign, structure, solid fence, or vegetation) shall be placed or located in the "vision clearance area" between the height of 36 inches (three feet) and eight and one-half feet measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified in the table below. Based on the submitted Landscape Plan (Exhibit F), it appears that the applicant is proposing to locate the vegetative buffer at the northwest corner of the subject property within the required vision clearance area. **The applicant shall update the Landscape Plan to detail the minimum 20-foot-deep vegetative buffer as required by Section 17.50.30(C) such that it is located outside of the required vision clearance area.**
32. Section 17.74.40 specifies, among other things, fence height in front, side, and rear yards. According to Section 17.74.40, fences in industrial zones shall not exceed six (6) feet in height in the front yard and eight (8) feet in height in rear and side yards. Section 17.74.40(E.1) states that barbed wire fencing may be permitted for industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface and does not extend over a public right-of-way. The maximum height shall not exceed eight feet.
33. Sheet C3 of Exhibit D shows a proposed fenced garbage enclosure in what would be considered the side yard of the property. This fence is proposed to be six (6) feet in height, complying with this standard.
34. Sheet C2 of Exhibit D shows an existing six (6) foot tall chain link fence with barbed wire surrounding the property. A portion of this fence will be relocated to accommodate the new entrances on 362nd Drive and Industrial Way. Per Section 17.74.40(E), **the relocated fences shall be six (6) feet in height with the barbed wire extending no more than two (2) feet above the top of the fence.**



## **VARIANCES – Chapter 17.66**

35. The applicant requested the following two (2) variances:

- A. Type II Variance to Section 17.90.130(D.1) to change the roof pitch from the required 3:12 to the requested 2:12.
- B. Type III Special Variance to Section 17.84.30 to waive sidewalk improvement requirements on the south side of Industrial Way.

### **Type II Variance: Roof Pitch**

36. The applicant has requested a variance to the required roof pitch standard found in Section 17.90.130(D). While the Code standard is 3:12, the applicant proposes a 2:12 roof pitch. The applicant's reasoning for this request is that the existing structure has a 2:12 roof pitch and allowing the awning to match would provide architectural consistency.

37. Variances are a means of requesting a major adjustment to development standards, and the Type II Variance process is generally reserved for major adjustments on individual lots.

38. Section 17.66.70 details the review criteria for a Type II Variance:

- A. The circumstances necessitating the variance are not of the applicant's making. The existing structure has been on the site since before the current Code standard requiring a 3:12 roof pitch. Also, the existing building existed on the subject site prior to the property being purchased by the applicant. This criterion is satisfied.
- B. The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. Staff finds no reason to believe that allowing a 2:12 roof pitch would open the door to prohibited uses being allowed in the I-2 zone. This criterion is satisfied.
- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan. According to the Comprehensive Plan, the I-2 zoning district is intended to provide locations for industrial uses which have minimal impact on their surroundings and do not produce undue noise, light, smoke, odor, or other pollutants. There is no evidence to suggest that allowing a 2:12 roof pitch on the proposed project would violate the intent of the I-2 zone. This criterion is satisfied.
- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity. Neighboring property owners were given notice of this project, and no comments from them were received. Additionally, staff finds no reason to believe that an alternative roof pitch would be materially detrimental to the public welfare or injurious to surrounding properties. This criterion is satisfied.

- E. The development will be the same as development permitted under this Code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land. Save this Variance and the Type III Special Variance (both of which having been applied for appropriately according to the Code), this project complies with the Code. This criterion is satisfied.
- F. Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control. The primary structure on the subject site was constructed prior to the current Code standards. This criterion is satisfied.

### Type III Special Variance: Sidewalk Waiver

- 39. The Planning Commission may grant a special variance waiving a specified provision for under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development.
- 40. The applicant has requested a Type III Special Variance to the sidewalk improvement requirements found in Section 17.84.30. Specifically, the applicant is requesting a waiver for the requirement to construct a sidewalk along the Industrial Way frontage. The City's adopted Transportation System Plan from 2011 shows that the eastern leg of the 362nd Drive and Industrial Way intersection is planned to be realigned at some point in the future. Therefore, as a sidewalk will be constructed along the Industrial Way frontage during this realignment, staff is supportive of the applicant's request to waive sidewalk improvement requirements along the south side of the current section of Industrial Way. As recommended by the City's Transportation Engineer (Exhibit O) and in accordance with Section 17.84.20(A.2), **the applicant shall pay a fee-in-lieu of sidewalk improvements along the Industrial Way frontage of the subject property in an amount determined by an approved engineer estimate. Prior to submitting the payment, the applicant shall submit an itemized engineer estimate for sidewalk and street tree installation along the entire frontage of Industrial Way for staff review and approval.**
- 41. Section 17.66.80 details the review criteria for a Type III Special Variance. While three criteria are listed, only one must be met.
- 42. The review criterion found in Section 17.66.80(A) requires that the unique nature of the proposed development is such that the intent and purpose of the regulations and of the provisions to be waived will not be violated; and authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted. Because there are clear plans for sidewalks to be constructed along Industrial Way in the future, staff believes that approving this variance request does not violate the intent of the site improvement standards, nor will it be injurious to the public welfare or nearby properties. In fact, by waiving the sidewalk requirement now and not requiring sidewalk improvements on

Industrial Way with this project but instead with the future realignment, the nuisance inherent to construction activity will be lessened.

## **TRANSPORTATION, UTILITIES, AND IMPROVEMENTS – Chapters 17.84 and 15.30**

43. Chapter 17.84 contains standards for improvements required with development. **All improvements required by the standards in this Chapter shall be installed concurrently with development.**

### **Sidewalk Requirements – Section 17.84.30**

44. Sidewalks are required along both sides of all arterial, collector, and local streets. Industrial Way is a collector street and 362nd Drive is an arterial street as defined by Sandy's adopted Transportation System Plan. However, as the applicant has requested a waiver to the sidewalk requirements along Industrial Way, this section will only address the sidewalk improvements required along 362nd Drive.
45. According to Section 17.84.30(A.2), sidewalks along arterial streets shall be a minimum of six (6) feet wide. Typically, a planter strip is also required to be sited between the sidewalk and the curb. However, exceptions are made as necessary to continue an existing curb-tight sidewalk. The applicant is proposing a curb tight sidewalk to align with the existing sidewalk. As stated in the narrative (Exhibit B), "the applicant proposes constructing a curb tight sidewalk along the unimproved portion of 362nd Drive. The reason for this is due to the curb tight condition of the existing sidewalk abutting the unimproved section and steep slopes along this portion of the unimproved frontage. Construction of a setback sidewalk with planter strip would require extensive grading, construction of a wall, and the dedication of additional frontage. For these reasons the applicant proposes eliminating the landscape strip as allowed by Section 17.84.30(3)(c) and build a curb tight sidewalk in this location." The City Engineer (Exhibit M) reviewed the proposal and concluded that the new curb-tight sidewalk shown on 362nd Drive is acceptable. The Proposed Site Plan (Exhibit D, sheet 3) details an approximately 48 square foot proposed public sidewalk easement or dedication to accommodate the 362nd Drive sidewalk extension at the northwest corner of the subject site. **The applicant shall record a right-of-way dedication to accommodate the 362nd Drive sidewalk extension at the northwest corner of the subject site.**
46. Per the City Engineer (Exhibit M), **an ADA compliant ramp with a truncated dome shall be installed at the corner of 362nd Drive and Industrial Way.**
47. **The required sidewalk along the 362nd Drive frontage shall be installed prior to occupancy of the awning area.**

### **Street Requirements – Section 17.84.50**

48. Section 17.84.50(A) explains that a Transportation Impact Study (TIS) is required in order to evaluate the impact of a proposed development on the transportation system. The applicant provided a TIS prepared by a qualified Professional Engineer licensed in the State of Oregon (Exhibit K). The TIS was reviewed by a third-party traffic engineer contracted by the City (Exhibits N and O).

49. According to the submitted TIS, the site is projected to accommodate 18 site trips during the morning peak hour, 22 trips during the evening peak hour, and 108 daily site trips.
50. Based on a review of the TIS submitted by the applicant, the City-contracted traffic engineer has recommended the following conditions of approval:
- A. **Page 10 states that HCM 6th edition was used. The volume – capacity ratio at the intersection of US 26 and 362nd Drive is based on HCM 2000 results. This is not expected to change the findings but the report shall be updated to reflect the appropriate HCM methodology used.**
  - B. **Page 11 states that the 10th edition of the Trip Generation Manual was used to estimate trip generation while the report in the appendix shows the 11th edition was used. The report shall be updated to reflect the appropriate Trip Generation edition used.**
  - C. **The development shall contribute System Development Charges toward citywide impacts.**
  - D. **The development shall clear vegetation as appropriate to maintain the intersection site distance from the site access along Industrial Way.**
  - E. **Minimum sight distance requirements shall be met at all site driveways. Sight distances should be re-verified in the final engineering/construction stages of development.**

Utilities – Sections 17.84.60 and 17.84.80

51. Per Section 17.84.60, all development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage. **The development shall be connected to these utilities as appropriate.**
52. Section 17.84.60(D) requires that public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies). As shown on Sheet C4 of Exhibit D, an existing public sanitary sewer line currently runs across the front of the subject property. No recorded easement was found to accommodate this facility. As part of the approval for this development, **the applicant shall provide a 15-foot-wide easement for the sanitary sewer facility in compliance with Section 17.84.60(D) and Section 17.84.90(A).**
53. **All public facility installations required with development shall conform to the City's facilities master plans.**

54. **The applicant shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed.**
55. **All franchise utility distribution facilities installed to serve new development shall be placed underground.**
56. **All site runoff shall be detained such that post-development runoff does not exceed the predevelopment runoff rate for the 2, 5, 10 and 25 year storm events. Stormwater quality treatment shall be provided for all site drainage per the standards in the City of Portland Stormwater Management Manual (COP SWMM). The City Engineer (Exhibit M) finds that the submitted stormwater report (Exhibit J) is acceptable.**
57. The applicant has proposed installing a septage receiving station on the property. Per the city engineer, (Exhibit M), **a sampling manhole shall be required downstream of the grease separator.**

### Lighting – Chapter 15.30

58. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. Downward facing, full cut-off lighting shall be required. Lights shall not exceed 4,125 Kelvins or 591 nanometers to minimize negative impacts on wildlife and human health. The applicant submitted lighting plans and lighting fixture cut sheets (Exhibit I). All proposed lighting fixtures are shown to be downward facing and full cut-off at 4,000 Kelvins.
59. Section 15.30.060(D) states that all outdoor lighting systems shall be designed and operated so that the area ten feet beyond the property line of the premises receives no more than one-quarter of a foot-candle of light from the premises lighting system. The submitted Lighting and Photometric Plan (Exhibit I) details a maximum foot candle of 0.25 extending ten (10) feet from the property.

## **PARKING, LOADING, AND ACCESS REQUIREMENTS – Chapter 17.98**

60. The intent of Chapter 17.98 is to outline regulations to provide adequate capacity and appropriate location and design of parking and loading areas as well as adequate access to such areas.

### **Off-Street Parking – Sections 17.98.10 – 17.98.80 and 17.98.160**

61. Section 17.98.10(L) states that **required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.**

62. Section 17.98.20 outlines standards regarding off-street parking. According to Section 17.98.20(A.11), the proposed use of the property requires one (1) parking space per 1,000 square feet of total floor area as well as one (1) parking space per two (2) employees. Additionally, two (2) bicycle parking spaces are required.

63. The combined total floor area of the existing and proposed structures is 22,219 square feet. Additionally, 20 employees work at the site. Using the rounding procedure found in Section 17.98.10(P), 32 off-street parking spaces are required.

64. There are 11 existing parking spaces and two (2) existing bicycle parking spaces. The applicant is proposing adding an additional 19 standard parking spaces.

65. Section 17.98.60 details design, size, and access requirements for off-street parking facilities.

66. **The applicant shall pave all areas for required parking and maneuvering of vehicles with a durable, hard surface such as concrete or asphalt.**

67. Per Section 17.98.60(B.1), a standard parking space shall be nine (9) feet by 18 feet. Sheet C3 of Exhibit D shows that all existing and proposed parking spaces meet this requirement.

68. Because the applicant is proposing a double sided two-way 90 degree parking aisle, the minimum aisle width must be 25 feet. According to the site plan (Exhibit D), the proposed aisle width is approximately 35 feet 9 inches.

69. Per Section 17.98.70, **groups of more than three (3) parking spaces shall be permanently striped and shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way in a forward manner.**

70. As required by Section 17.98.160, bicycle spaces must be 2.5 feet wide and six (6) feet deep. It is unclear from the submitted site plan if the existing bicycle parking spaces meet this requirement. Additionally, as explained in the analysis for Section 17.98.120 of this staff report, a planter will be required in the current location of the site's bicycle parking. **The**

**applicant shall submit an updated site plan showing a new location for bicycle parking in compliance with the requirements found in Section 17.98.160.**

Driveways and Access to Arterial and Collector Streets – Sections 17.98.80 and 17.98.100

71. According to the adopted Transportation System Plan, Industrial Way is a collector street and 362nd Drive is an arterial street.
72. According to Section 17.98.80(A), accesses to arterials or collectors shall be located a minimum of 150 feet from any other access or street intersection. Exceptions may be granted by the City Engineer. The proposed location for the driveway realignment on 362nd Drive is approximately 105 feet from the intersection of 362nd Drive and Industrial Way. Staff and the City's traffic engineer agree that aligning the driveway on 362nd Drive with the driveway on the abutting property to the west justifies waiving the distance requirement (Exhibit O).
73. According to Section 17.98.100(A), a driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive. The proposed site plan (Exhibit D) shows a width of 30 feet for both the driveway on Industrial Way and the driveway on 362nd Drive.

Landscaping and Screening – Section 17.98.120

74. Section 17.98.120(A) requires screening of all parking areas containing four (4) or more spaces according to the underlying zoning district requirements along a public right-of-way.
75. Section 17.98.120(D) states that parking areas shall be divided into bays of not more than 20 parking spaces in parking areas with 20 or more parking spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of five (5) feet and a minimum length of 17 feet for a single depth bay. Each planter shall contain one major structural tree and ground cover. According to the proposed site plan (Exhibit D), no proposed parking bay contains more than 20 parking spaces. While planters of appropriate sizes are shown on the site plan on both sides of the proposed parking bay on the west end of the property, the parking bay next to the building does not show a planter on its north end. According to the landscape plan (Exhibit F), each bay is proposed to have a large Village Green Zelkova tree with Creeping Raspberry ground cover. **The applicant shall update the Landscape Plan to detail a tree in a minimum five (5) foot by 17-foot (inside dimension) landscape planter north of the parking bay in front of the building.**
76. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as required by Section 17.98.120(E) and Chapter 17.92. The submitted landscape plan (Exhibit F) shows trees, shrubs, and groundcover in the parking area setback.
77. Section 17.98.120(F) requires that wheel stops, bumper guards, or other methods to protect landscaped areas and pedestrian walkways shall be provided. As shown on the proposed site plan (Exhibit D), wheel stops are proposed in front of parking spaces adjacent to the building



to prevent vehicles from encroaching on sidewalks. The proposed parking spaces along the west buffer planting do not require wheel stops due to the depth of this planter.

### Drainage – Section 17.98.140

78. 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. The applicant submitted a preliminary stormwater management plan (Exhibit J) which shows compliance with the City of Sandy stormwater management requirements. Additionally, as shown on the utility plan (Sheet C4, Exhibit D), all roof and parking lot storm water will be routed to a proposed underground stormwater detention tank.

## **URBAN FORESTRY – CHAPTER 17.102**

79. In addition to the landscaping requirements of Chapter 17.92, Chapter 17.102 contains Urban Forestry regulations. Per Section 17.102.20, this Chapter applies to properties within the Sandy Urban Growth Boundary that are greater than one acre. Because the subject property is approximately 3.4 acres, the standards of this Chapter are applicable.
80. Based on review of an existing site plan (Exhibit D, Sheet 3), a submitted tree retention plan (Exhibit G), and a site visit (Exhibit H), it was determined that there are only two (2) trees at least eight (8) inches DBH on the property. One (1) of these trees will need to be removed in order to accommodate construction of the driveway on Industrial Way.
81. Typically, a Type I permit would be required in order to remove a tree. However, because the requirement found in Section 17.102.50(A.1) that prescribes retention of at least three (3) trees 11 inches DBH or greater would be impossible to meet as there are no such trees on the property, staff determined that it would be appropriate to waive this permit requirement on this land use application.

## **LANDSCAPING AND SCREENING – Chapter 17.92**

82. Section 17.92.10 contains general provisions for landscaping. **All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy and/or final of the building permit.**
83. **Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way shall be the right and responsibility of the property owner.**
84. Per Section 17.92.10(C), significant plant and tree specimens (8-inch or greater DBH) should be preserved to the greatest extent practicable and integrated into the design of a development. Based on the Existing Conditions Plan (Exhibit D, Sheet 2), a majority of the trees on the subject property are less than 8-inches DBH; however, they are required as part of the landscaping buffer requirement outlined in Section 17.50.30(C). There are three (3) trees on the subject property detailed at 8-inches DBH or greater along the north property line and some additional 8-inch or greater trees located in the Industrial Way right-of-way north of the north property line. Based on the Grading and Erosion Control Plan (Exhibit D, Sheet 5), the applicant is proposing to remove four (4) trees from the subject property, one (1) of which is 8-inches DBH or greater, to accommodate the proposed driveway access to Industrial Way. In addition, the applicant is proposing to remove two (2) trees 8-inches or greater DBH from the Industrial Way right-of-way to accommodate the driveway as well and one (1) additional tree 8-inches DBH or greater at the northwest corner of the site to accommodate the sidewalk extension along 362nd Drive.
85. Section 17.92.20 contains minimum landscaping area requirements. The subject property is zoned Light Industrial, I-2. Section 17.92.20 requires that a minimum of 15 percent of the site be landscaped in the I-2 zoning district. The submitted landscaping plan (Exhibit F) shows a 15.71 percent landscaping area on the property.
86. Section 17.92.30 states that planting of trees is required for all parking lots with four (4) or more parking spaces and along public street frontages. Parking lot trees are required at one (1) medium tree per eight (8) spaces or one (1) large tree per 12 spaces. The applicant is proposing three (3) large canopy trees in the parking area for 32 spaces. Street trees are required at one (1) medium tree every 30 feet or one (1) large tree every 50 feet. According to the landscaping plan (Exhibit F), a number of existing conifer and deciduous trees meeting these spacing requirements and proposed for retention. The 362nd Drive frontage of the site has existing street trees spaced approximately 30 feet on center. The Landscape Plan does not detail a street tree north of the proposed driveway in the space created through the relocation of the existing driveway. **The applicant shall update the Landscape Plan to detail an additional street tree north of the proposed driveway on 362nd Drive spaced approximately 30 feet on center south of the existing street tree at the west Industrial Way intersection.** The applicant is requesting a waiver to frontage improvements along the Industrial Way frontage of the site, including both the sidewalk and the street trees, which is discussed in more detail in Chapter 17.66 of this document.

87. Section 17.92.40 requires that all landscaping shall be irrigated, either with a manual or automatic system. **The applicant shall submit details on the proposed automatic irrigation system with building plans. As required by Section 17.92.140, the applicant 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. Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.**
88. Section 17.92.50 specifies the types and sizes of plant materials that are required when planting new landscaping. Trees are typically required to be a minimum caliper of 1.5-inches measured six (6) inches from grade if deciduous, or five (5) feet in height if coniferous. Shrubs are required to be a minimum of one (1) gallon in size or two (2) feet in height when measured immediately after planting. **All trees planted on the site shall be a minimum of 1.5-inches in caliper measured six (6) inches above the ground (if deciduous) or five (5) feet in height (if coniferous) and shall be planted per the City of Sandy standard planting detail. Evergreen trees needed to meet the requirements of Section 17.50.30(C) shall be a minimum of eight (8) feet in height and capable of growing to at least 30 feet in height. Trees shall be planted, staked, and bark mulch, vegetation, or other approved material installed prior to occupancy and/or the final of the building permit. Tree ties shall be loosely tied twine or other soft material and shall be removed after one (1) growing season (or a maximum of one (1) year). All shrubs shall be a minimum of one (1) gallon in size or two (2) feet in height when measured immediately after planting. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.**
89. Section 17.92.60 requires revegetation in all areas that are not landscaped or remain as natural areas. The applicant did not submit any plans for re-vegetation of areas damaged through construction. **Exposed soils shall be covered by mulch, sheeting, temporary seeding, or other suitable material following construction to maintain erosion control.**
90. Section 17.92.80 requires boundary plantings in parking, loading, and vehicle maneuvering areas to buffer these uses from adjacent properties and the public right-of-way. Parking lot buffer landscaping is discussed in further detail in Section 17.98.120 of this document.
91. Section 17.92.130 contains standards for a performance bond. The applicant has the option to defer the installation of trees and other landscaping for weather-related reasons. Staff recommends the applicant utilize this option rather than planting trees and landscaping during the dry summer months. Consistent with the warranty period in Section 17.92.140, staff recommends a two (2) year maintenance and warranty period for trees and landscaping. **If the applicant chooses to postpone tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the trees/landscaping, assuring planting within six (6) months. The cost of the trees shall be based on the average of three (3) 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 (2) year maintenance and warranty period.**

## RECOMMENDATION

Staff recommends the Planning Commission **approve** this design review application and two variances **with conditions as outlined below**.

## RECOMMENDED CONDITIONS OF APPROVAL

**A. Prior to submittal of trade permits and/or grading or other construction permits, the applicant shall update the plans submitted with the land use application to include the following items as specified below:**

1. Update the architectural elevation plans to show compliance with the change in relief standard found in Section 17.90.130(C.5).
2. Submit paint swatches of proposed colors to show compliance with Section 17.90.130(C.6).
3. Update the Transportation Impact Study with the following:
  - a. Page 10 states that HCM 6th edition was used. The volume – capacity ratio at the intersection of US 26 and 362nd Drive is based on HCM 2000 results. the report shall be updated to reflect the appropriate HCM methodology used.
  - b. Page 11 states that the 10th edition of the Trip Generation Manual was used to estimate trip generation while the report in the appendix shows the 11th edition was used. The report shall be updated to reflect the appropriate Trip Generation edition used.
4. Update the landscaping plan with the following:
  - a. Detail additional evergreen trees at least eight (8) feet in height and capable of growing to at least 30 feet in height at a density that will create a visual screen within five (5) years.
  - b. Detail the minimum 20-foot-deep vegetative buffer as required by Section 17.50.30(C) such that it is located outside of the required vision clearance area.
  - c. Detail a tree in a minimum five (5) foot by 17-foot (inside dimension) landscape planter north of the parking bay in front of the building.
  - d. Detail an additional street tree north of the proposed driveway on 362nd Drive spaced approximately 30 feet on center south of the existing street tree at the west Industrial Way intersection.
5. Update the site plan to show a new location for bicycle parking in compliance with the

requirements found in Section 17.98.160.

**B. Submit the following information with the Building Permit:**

1. Submit details on the proposed automatic irrigation system for staff review and approval. As required by Section 17.92.140, the installer and/or developer shall be required to maintain all vegetation planted with the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.
2. Submit a detailed final stormwater report stamped by a licensed professional engineer for staff review and approval. The calculations shall meet the water quality/quantity criteria as stated in the City of Sandy Development Code (SDC) Chapter 13.18 Standards and the City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code.
3. Submit an itemized engineer estimate for sidewalk and street tree installation along the entire frontage of Industrial Way for staff review and approval.
4. Submit draft documents for the 15-foot-wide utility easement and right-of-way dedication for staff review and approval.

**C. Prior to receiving a certificate of occupancy and/or final of the building permit, the applicant shall complete all of the following improvements or provide financial assurance for their future completion:**

1. Install all required landscaping.
  - a. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way shall be the right and responsibility of the property owner.
  - b. Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.
  - c. All trees planted on the site shall be a minimum of 1.5-inches in caliper measured six (6) inches above the ground if deciduous) or five (5) feet in height (if coniferous) and shall be planted per the City of Sandy standard planting detail. Trees shall be planted, staked, and bark mulch, vegetation, or other approved material installed prior to occupancy. Tree ties shall be loosely tied twine or other soft material and shall be removed after one (1) growing season (or a maximum of one (1) year). All shrubs shall be a minimum of one (1) gallon in size or two (2) feet in height when measured immediately after planting. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.
  - d. Exposed soils shall be covered by mulch, sheeting, temporary seeding, or other suitable material following construction to maintain erosion control.

- e. If the applicant chooses to postpone tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the trees/landscaping, assuring planting within six (6) months. The cost of the trees shall be based on the average of three (3) 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 (2) year maintenance and warranty period.
2. Install all required improvements concurrently with development.
    - a. An ADA compliant ramp with a truncated dome shall be installed at the corner of 362nd Drive and Industrial Way.
    - b. The required sidewalk along the 362nd Drive frontage shall be installed with street improvements or with development of the site if street improvements are deferred.
    - c. Pave all areas for required parking and maneuvering of vehicles with a durable, hard surface such as concrete or asphalt.
    - d. The development shall be connected to public utilities as appropriate.
    - e. All public facility installations required with development shall conform to the City's facilities master plans.
    - f. The applicant shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed.
    - g. All franchise utility distribution facilities installed to serve new development shall be placed underground.
  3. Record a 15-foot-wide public utility easement along 362nd Drive and submit a copy of the recorded easement to the Development Services Department.
  4. Record a right-of-way dedication to accommodate the 362nd Drive sidewalk extension at the northwest corner of the subject site and submit a copy to the Development Services Department.
  5. Pay a fee in-lieu of sidewalk improvements and street tree installation along the Industrial Way frontage of the subject property in an amount determined by an approved engineer estimate.
  6. Submit verification from the project engineer detailing that sight distances are met for both driveways.
  7. Install a sampling manhole downstream of the grease separator.

## **D. 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. Per Section 17.74.40(E), the relocated perimeter fences shall not be greater than six (6) feet in height with the barbed wire extending no more than two (2) feet above the top of the fence.
3. The applicant shall not use the outdoor portion of the property as storage for merchandise and/or related materials unless authorized.
4. The development shall clear vegetation as appropriate to maintain the intersection site distance from the site access along Industrial Way.
5. All site runoff shall be detained such that post-development runoff does not exceed the predevelopment runoff rate for the 2, 5, 10 and 25 year storm events. Stormwater quality treatment shall be provided for all site drainage per the standards in the City of Portland Stormwater Management Manual (COP SWMM).
6. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
7. Groups of more than three (3) parking spaces shall be permanently striped and shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way in a forward manner.
8. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing. As required by Section 17.92.140, the developer shall 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.
9. Exposed soils shall be covered by mulch, sheeting, temporary seeding, or other suitable material following grading or construction to maintain erosion control for a period of two (2) years following the date of recording of the final plat associated with those improvements.
10. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
11. Comply with all standards required by Section 17.84 of the Sandy Development Code. Public and franchise improvements shall be installed or financially guaranteed in accordance with Chapter 17 of the Sandy Municipal Code prior to temporary or final



occupancy of structures. Water lines and fire hydrants shall be installed in accordance with City standards. All sanitary sewer lines shall be installed in accordance with City standards.

12. Comply with all other conditions or regulations imposed by the Sandy Fire District or state and federal agencies.