

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

This proposal was reviewed as a Type II Design Review with a Type II Adjustment. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

DATE: August 8, 2023

FILE NO.: 22-041 DR/ADJ

PROJECT NAME: Barlow Trail Vet Clinic

OWNER/APPLICANT: Barlow Properties, LLC

SITUS ADDRESS: 38950 Pioneer Blvd.

LEGAL DESCRIPTION: Parcel 1 of Partition Plat 2022-77 (T2S R4E Section 31CA, 5400)

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EXHIBITS

Applicant's Submittals:

- A. Land Use Application
- B. Narrative
- C. Architectural Elevations
 - A1.1 Site Plan
 - A2.1 Floor Plan
 - A2.3 Roof Plan
 - A4.1 West Elevation
 - A4.2 East Elevation
 - A4.3 Perspectives from Pioneer Boulevard and Straus Avenue
- D. Civil Plans
 - C1 Site Plan
 - C2 Grading & Erosion Control Plan
 - C3 Utility & Drainage Plan
 - C4 Regional Stormwater Facility
 - D1 Existing Conditions/Demo Plan
- E. Landscaping Plan
 - L1 Planting Plan
 - L2 Irrigation Plan
- F. Building Finishes
- G. Stormwater Report
- H. Traffic Impact Study

Agency Comments:

- I. Sandy Fire District No. 71 Marshal Comments (December 9, 2022)
- J. Traffic Engineer Comments (December 23, 2022)
- K. City of Sandy Public Works Comments (March 24, 2023)

Additional Information

- L. Map of applicant's contiguously owned properties (October 26, 2022)
- M. 120-day clock tolling letter (November 17, 2022)
- N. 120-day clock tolling letter (February 14, 2023)
- O. Certificate of cesspool decommission

FINDINGS OF FACT

General Findings

1. These findings are based on the applicant's submittal received on September 30, 2022, and additional information received from the applicant on October 21, 2022, December 6, 2022, and several emails in April of 2023.
2. Initially, the application was deemed complete by staff on October 31, 2022. However, after closer examination of the application materials, staff found that the application did not include the required traffic impact study. The applicant agreed to toll the state mandated "120-day clock" (Exhibit M) on November 17, 2023, to submit the traffic impact study. The traffic impact study was submitted on December 6, 2022. Due to additional incompleteness items related to the proposed stormwater facility and tree removal, the applicant agreed to toll the "120-day clock" (Exhibit N) for a second time on February 14, 2023. The number of days lapsed on the 120-day clock between the initial completeness on October 31, 2022, and the second time the clock was tolled on February 14, 2023, was 88 days.
3. Based on email communication from April through July of 2023, City staff decided to issue a decision for this land use application. Tree removal information was submitted and processed in land use File No. 23-005 TREE. The stormwater facility information was not received prior to issuance of this application, but conditions have been inserted below.
4. The subject site contains approximately 0.51 acres north of Junker Street. The applicant/owner also owns additional contiguously owned parcels totaling 0.86 acres south of Junker, but no development activity is proposed on those parcels.
5. Barlow Properties, LLC submitted an application to construct a new 5,772 square foot veterinary clinic including 13 parking spaces, a garbage enclosure, and landscaping on tax lot 5400 (Parcel 1 of Partition Plat 2022-77). The project also includes frontage improvements on Pioneer Blvd., Strauss Avenue, and Junker Street. Tax lot 5400 is north of Junker Street, has a Comprehensive Plan Map designation of Retail/Commercial, and a Zoning Map designation of C-1, Central Business District. The applicant is also requesting a Type II adjustment to Section 17.90.110(D)(4) to place the main building entrance 7 feet further from the intersection of Pioneer Blvd. and Strauss Avenue than is permitted by the Development Code.
6. When the Sandy Urban Renewal Agency completed demolition of the derelict structures at the subject site, a historic cesspool was discovered underneath one of the derelict structures. The cesspool was covered with a steel plate and remained intact for several years. Barlow Properties, LLC hired Lil' Stinky Environmental Service to pump the cesspool and fill the cesspool cavity. Evidence of the cesspool removal is found in the certificate of cesspool decommission as detailed in Exhibit O.
7. A public notice of development was sent to affected property owners within 300 feet of the subject property on December 13, 2022. No public comments were received.

Chapter 17.42 – Central Business District (C-1)

8. This zone is intended to provide the community with a mix of retail, personal services, offices and residential needs of the community and its trade area in the city's traditional commercial core (Section 17.42.00). Commercial medical facilities up to 30,000 square feet of gross floor area in size are an outright permitted use in this zone (Section 17.42.10 (B)(2)(g)).
9. Section 17.42.30 contains standards for development in the C-1 zoning district. This zone does not have minimum lot area, lot dimension, or lot coverage standards. There are, however, maximum height standards, landscaping standards, and setback standards required for development in this zone.
10. Section 17.42.30 states that no building in the C-1 zone shall exceed 45 feet in height. The proposed clinic has an approximate height of 18 feet and eight (8) inches as measured from the ground to the mid-point between the eave and the ridge as prescribed by Section 17.10.30.
11. Section 17.42.30 states that at least ten (10) percent of the property shall be landscaped. This area includes the civic space as required by Section 17.90.110. According to Sheet C1 of Exhibit D, approximately 25 percent of the property is proposed to be landscaped.
12. Section 17.42.30 states that the C-1 zone has a maximum setback standard of 10 feet that has been interpreted to be from the front property line. The front of the building is setback at varying distances from the front property line, but at its closest is 3 feet to the front property line.
13. Section 17.42.30(B) states that property abutting a more restrictive district shall have the same yard setback as required by the abutting district. The south property line of the subject site abuts properties zoned R-3, High Density Residential. The south end of the subject site, being the rear yard, is required to have the same rear yard setback as found in the R-3 zone. The building is approximately 47 feet to the rear property line in compliance with the code requirement.

Chapter 17.66 – Adjustments and Variances

14. Chapter 17.66 outlines procedures and standards for adjustments and variances. The applicant has requested a Type II Adjustment. According to Section 17.66.30, this type of adjustment is allowed for a request that involves only the expansion or reduction by not more than 20 percent of one or more quantifiable provisions of the Code.
15. The adjustment being requested is to Section 17.90.110(D)(4) regarding the placement of the primary entrance. This section requires that buildings located at the intersection of two streets shall provide the primary entrance within 40 feet of the corner of the building.
16. The applicant has requested to place the primary entrance covered area approximately 47 feet from the intersection of Pioneer Blvd. and Strauss Avenue, constituting a 17.5 percent expansion to the entrance placement standard.
17. There are four approval criteria associated with a Type II Adjustment per Section 17.66.40. First, the proposed development shall not be contrary to the purposes of Chapter 17.66, policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City. The proposed building will have a robust cover over the primary entrance approximately 15 feet in depth with beams, posts, base material, and plentiful window glazing. The proposed entrance to the building meets the Sandy Style. Given the intent of Chapters 17.90.110 and 17.66 and the fact that the applicant is proposing architectural and design features intended to provide visual significance to the primary entrance, staff finds that criterion number one is satisfied.
18. Second, the proposed development shall not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by the Code. There is no reason to believe that the placement of the primary entrance covered area at 47 feet rather than 40 feet from the corner of the building will reduce the privacy enjoyed by users of nearby structures. Additionally, no public comments from owners of nearby properties were received. Staff finds that criterion number two is satisfied.
19. Third, the proposed development will not adversely affect the existing physical systems and natural systems, such as traffic, drainage, dramatic landforms, or parks. There is no evidence to suggest that the proposed placement of the entrance will have any effect on any physical or natural systems. Staff finds that that criterion number three is satisfied.
20. Fourth, 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 placement of the entrance allows for significant architectural styling as prescribed by Sandy Style design, such as a large gabled entry, stone base, and an entry plaza with seating. Staff finds that criterion number four is satisfied.

Chapter 17.74 – Accessory Development - Additional Provisions and Procedures

21. Section 17.74.40(B) outlines requirements for fencing in commercial zones. This section requires that fences and retaining walls in a front yard shall not exceed four (4) feet and that fences and retaining walls in side yards and rear yards shall not exceed eight (8) feet.
22. The applicant is proposing a fenced exercise area for animals being treated at the clinic to be sited at the southwest corner of the building with frontage in the side and rear yards. The applicant is proposing that the fence around the exercise area be six (6) feet in height, meeting the standard. **The applicant shall submit details on the fence for City staff review and approval, and the fence shall not be galvanized chain link.**
23. The applicant is also proposing retaining walls around the property in order to protect cut areas. A retaining wall which will vary in height but will be a maximum of 2.5 feet in height is proposed along a portion of the front property line. This wall is intended to hold cut area to the north and will not be visible from Pioneer Boulevard. A short wall less than two (2) feet tall is also proposed between the most south building wall and the parking lot to the south. Finally, the applicant is proposing two parallel walls on either side of a crawl space ramp facing Junker Street ranging from six (6) inches in height to nine (9) feet in height. This height is fine as the crawl space ramp is below grade. **The applicant shall submit finish details and elevations, including proposed railing, on these retaining walls to City staff for review and approval.**

Chapter 17.84 – Improvements Required with Development

24. Section 17.84.20 requires that **the site shall have required public and franchise utility improvements installed or financially guaranteed prior to temporary or final occupancy of structures.**
25. Strauss Avenue has a one-way south bound travel lane and Junker Street has a one-way east bound travel lane. Strauss Avenue is proposed to have three parking spaces on the east side of the travel lane and in accordance with the Junker Street Master Plan, Junker Street is proposed to have at least four parking spaces on the north side of the travel lane. The travel lane on Strauss Avenue is approximately 14 feet in width and the travel lane on Junker Street is approximately 13 feet in width. All parking spaces on both streets are approximately seven feet in width. **The applicant shall work with the Public Works Department during construction plan review to determine the extent of asphalt that shall be poured on Strauss Avenue and Junker Street. The applicant shall also work with the Public Works Department during construction plan review to determine the extent of curbs on the south side of Junker Street along Tax Lots 7100 and 7200.** Right-of-way improvements on the west side of Strauss Avenue and along the south side of Junker Street to the east of Tax Lot 7100 will happen concurrently with future development of abutting property.
26. Section 17.84.30 (A)(1) requires that sidewalks along local streets shall be a minimum of five (5) feet wide. According to the current City of Sandy Transportation System Plan, Strauss Avenue and Junker Street are local streets. All local streets shall have sidewalks separated from curbs with planting areas landscaped with trees and plant materials approved by the City. The applicant is proposing 5-foot-wide planter strips and 5-foot-wide sidewalks along Strauss Avenue in accordance with Section 17.84.30. In accordance with the Junker Street Master Plan, the applicant is proposing dedication of seven (7) feet of right-of-way to bring the total right-of-way width to 27 feet. **The applicant shall dedicate seven (7) feet of right-of-way along the entirety of the south property line of Junker Street.** Also, in accordance with the Junker Street Master Plan, the applicant is proposing 5-foot-wide curb tight sidewalks on the north side of Junker Street.
27. Section 17.84.30 (A)(2) requires that sidewalks shall be constructed along both sides of arterial, collector, and local streets. Sidewalks along arterial and collector streets shall be a minimum of six (6) feet wide, with the exception of Pioneer Blvd. which shall adhere to the streetscape design in the Downtown Sandy Streetscape Design in Appendix F. The streetscape design requires three rows of 2 foot by 2 foot scored concrete with 6 foot by 6 foot tree wells, two rows of pavers, and two 4 foot by 4 foot scored patterns for a total depth of approximately 16 feet from the face of curb to the back of sidewalk. Exhibit D, Sheet C1, details a five-foot dedication along Pioneer Blvd. to accommodate additional right-of-way improvements, but the applicant is only proposing approximately 4.5 feet of sidewalk with 4 foot by 4 foot tree wells. As advised at the pre-app meeting, the City Development Code requires at least 8 feet of sidewalk along Pioneer Blvd. behind the tree wells. With the 5-foot dedication on Pioneer Blvd. the right-of-way is approximately 13 feet from the face of curb to the new property line. **The applicant shall dedicate five (5) feet of right-of-way along the entirety of the north property line of Pioneer Blvd.** These 13 feet will allow for the curb, two rows of 2 foot by 2 foot scored patterns with 4 foot by 4 foot tree wells, a paver inlay and sidewalk at 8 feet in

depth, and a 6 inch monumentation strip for future maintenance purposes. **The applicant shall revise the plan set to detail two rows of 2 foot by 2 foot concrete scored patterns with 4 foot by 4 foot tree wells, a paver inlay and sidewalk at 8 feet in depth, decorative tree well grates per Appendix F, and a 6 inch monumentation strip in the right-of-way of Pioneer Blvd. for future maintenance purposes in compliance with the intent of the Downtown Sandy Streetscape Design in Appendix F. The applicant shall also redesign the retaining walls, staircase, and landscaping in the dedication area of Pioneer Blvd. to accommodate the additional sidewalk.**

28. The applicant proposes 4 foot by 4 foot tree wells on Pioneer Blvd., a 5-foot-wide planter strip on Strauss Avenue, and no planter strip on Junker Street. In accordance with the Junker Street Master Plan there is no planned planter street between the sidewalk and curb on Junker Street as there is not sufficient right-of-way width. Proposed tree species and plant materials are reviewed in Chapter 17.92 of this final order.
29. Section 17.84.50 outlines street requirements. Section 17.84.50(A) requires that an applicant submit a traffic impact study prepared by a qualified and licensed Professional Engineer in order to evaluate the impact of the proposed development on the transportation system. The applicant's submitted traffic study can be found in Exhibit H. According to the traffic impact study, the site is projected to accommodate 21 trips during the morning peak hour, 20 trips during the evening peak hour, and 124 daily site trips. No operational mitigations or safety improvements were recommended by the traffic engineer. The traffic engineer did, however, recommend that **the driveway on Strauss Avenue be limited to entering vehicles only.**
30. The traffic impact study was reviewed by the City contracted third party engineer, DKS Associates (Exhibit J). In accordance with this review, the following shall be conditions of development:
 - a. **Heavy vehicle percentages that should be assigned to the southbound approach at Strauss Avenue and Pioneer Boulevard (US 26) are assigned to the westbound approach (which has no volume). The AM and PM Highway Capacity Manual (HCM) analysis at Strauss Avenue and Pioneer Boulevard (US 26) shall be updated and reflected in the analysis results section. This update is not expected to significantly change the findings of the HCM analysis but due to the high proportion of heavy vehicles in the AM peak period it needs to be updated for completeness.**
 - b. **The development shall contribute Transportation System Development Charges toward citywide impacts.**
 - c. **Site frontage improvements on Junker Street shall follow the cross-section dimensions included in the Junker Street Circulation plan.**
 - d. **Minimum sight distance requirements shall be met at all site driveways. Sight distances should be verified in the final engineering/construction stages of development.**
31. In accordance with Section 17.84.60, all development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.

32. Water and Sanitary Sewer. The applicant is proposing to connect the building to the existing public water line in Strauss Avenue. It is unclear where the sanitary sewer connection is proposed, but the utility plans detail several sanitary sewer laterals extending to the property lines of the subject site. The Assistant Public Works Director submitted a memo (Exhibit K) providing comments on utilities, ADA requirements, and notes/callouts that shall be included in future construction plan sets. **The applicant shall confirm the sanitary sewer connection point, abandon and cap all unused sanitary sewer laterals, and pay all sanitary sewer SDCs. The applicant shall include the location of double check valve assembly for irrigation and confirm if the water meter on the north side of the property will be used at this site.**
33. Stormwater. The Assistant Public Works Director (Exhibit K) stated that it is unclear if the stormwater facility will be constructed as part of this project. **The applicant shall identify the location of curb inlets, swales, etc., and provide specifications for catch basins and trench drains proposed on the site for City 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.**
34. The Sandy Fire Marshall submitted comments on the proposed development of the Barlow Trail Veterinary Clinic. The comments were submitted on December 9, 2022, and are included as Exhibit I. The applicant shall adhere to the following conditions:
- a. **All future construction activities shall comply with the applicable Oregon Fire Code and the Fire Code Application Guide. Construction documents detailing compliance with fire apparatus access and fire protection water supply requirements shall be provided to the Sandy Fire District for review and approval concurrently with building permit submittal.**
 - b. **Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided.**
 - c. **Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property, including monument signs.**
 - d. **A key lock box for building access will be required. The Fire District uses KNOX brand boxes. To order a KNOX box, padlock, or key switch that is keyed for the Sandy Fire District, please visit Sandy Fire's website for ordering information.**
 - e. **Medical gases shall comply with OFC Section 5306. Per this section, a one-hour exterior room separated from the remainder of the building by a fire barrier will be required.**
 - f. **The minimum available fire-flow and flow duration for commercial and industrial buildings shall be as specified in OFC Appendix B. In no case shall the resulting fire-flow be less than 1,500 gpm at 20 psi residual.**
 - g. **Fire flow testing of the nearest fire hydrant is required to determine available fire flow. Testing will be the responsibility of the applicant. The applicant shall contact**

the City of Sandy Public Works Department for testing information and requirements and notify the Fire Marshal prior to fire flow testing.

- h. If applicable, fire department connections (FDC) are required to be remote and shall be located within 100 feet of a fire hydrant. All FDC's shall be permanently labeled with the appropriate address in which it serves and shall be accessible and visible from the fire apparatus access road.**
- i. The minimum number and distribution of fire hydrants shall be in accordance with the City of Sandy requirements and OFC Appendix C. Based on estimated fire-flow requirements (determined by building square footage and construction type) there is a potential that a minimum of two fire hydrants will be required with an average spacing between the fire hydrants of 450-feet. This would require the installation of a new fire hydrant on Pioneer Blvd.**
- j. Fire hydrants installed within the Sandy Fire District shall be reviewed and approved by the Sandy Fire District prior to installation. Each new fire hydrant shall be ordered in an OSHA safety red finish and have a 4-inch non-threaded metal faced hydrant connection with a cap installed on the steamer port (4 ½-inch NST x 4-inch Storz Adaptor). If a new building, structure, or dwelling is already served by an existing hydrant, the existing hydrant shall also be OSHA safety red and have a 4-inch non-threaded metal faced hydrant connection with cap installed.**

Chapter 17.90 – Design Standards

35. The design standards for development in the C-1 zoning district are found in Section 17.90.110 and are applicable to this land use application.
36. Section 17.90.100(A)(1) states that all lots shall abut or have cross access to a dedicated public street. The development is proposed to have vehicular access to Strauss Avenue and Junker Street, and pedestrian access to Pioneer Blvd., Strauss Avenue, and Junker Street.
37. Section 17.90.110(A)(3) states that off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within ten feet of the public right-of-way. The submitted site plans show off-street parking to the rear and side of the building, with no portion of the parking lot located between the proposed building and the Pioneer Boulevard right-of-way nor in the 10-foot setback, in compliance with the intent of the development code.
38. Section 17.90.110(A)(5) states that urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas. In this particular application all of the parking spaces abut either walkways or landscaping areas. Based on the parking lot design and functionality there is little concern with providing provisions for traffic calming in the subject parking lot and therefore this code provision is not applicable to this application.
39. Section 17.90.110(A)(6) states where openings occur between buildings facing Proctor Boulevard or Pioneer Boulevard, pedestrian ways shall connect the street sidewalk to any internal parking areas. The applicant is proposing a walkway/plaza connection from the public sidewalk in Pioneer Blvd. to the primary entrance of the building and the parking lot in compliance with the development code.
40. Section 17.90.110(A)(8) requires that raised walkways or painted crossings from the public street sidewalk to the building entrance(s) are required. The applicant is proposing a plaza area to connect the sidewalk in Pioneer Blvd., the primary building entrance, and the parking lot. Exhibit D (Sheet C1) identifies seating and bicycle parking in the plaza and states the plaza will include a ‘diamond score pattern’. **The applicant shall submit additional details on the seating, bicycle parking, and diamond score pattern in the plaza for staff review and approval.**
41. Section 17.90.110(A)(11) requires that through lots and corner lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. The application includes a 22-foot-wide driveway entrance on Strauss Avenue and a 22-foot-wide driveway entrance on Junker Street. The applicant is not permitted to access directly to Pioneer Blvd. The existing driveway on Pioneer Blvd. will be abandoned and replaced with new right-of-way improvements. **The applicant shall record a Vehicle Non-Access Reservation (VNAR) along the entire frontage of Pioneer Blvd.**
42. Section 17.90.110(B) outlines standards for building facades, materials, and colors. Façade articulation is required per Section 17.90.110(B)(1): All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes no more than 30 lineal feet

long. Wall planes meeting this standard shall include a feature or variation in the wall plane that projects or recedes at least six (6) inches from the adjacent plane, for a length of at least four (4) feet. Wall planes shall incorporate at least one visually contrasting and complementary change in materials or changes in texture or patterns, including trim, moldings, or other ornamental devices. According to the submitted architectural plans (Exhibit C), building articulation is proposed according to the required dimensions on all sides abutting public streets. Additionally, the applicant is proposing a number of changes in materials including a base brick veneer and wainscoting.

43. Per Section 17.90.110(B)(2), buildings must incorporate pedestrian shelters over primary entrance(s) and pedestrian areas. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required, and pedestrian shelters must extend at least five (5) feet over the pedestrian area. A large entrance feature approximately 15 feet in depth is proposed over the primary entrance and civic space and an awning approximately 5 feet in depth is proposed over the secondary entrance at the rear of the building. In addition, an awning is proposed over the pedestrian sidewalk on the west side of the building. All of these shelters measure at least five (5) feet over pedestrian areas.
44. Section 17.90.100(B)(3) details building material standards. Exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, brick, or concrete form liner replicating these materials are required. 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 an abutting public street. The applicant is proposing a 36-inch base of brick veneer along all building elevations. **The applicant shall submit a sample of the brick veneer to City staff for review and approval.**
45. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, concrete form liner or a combination of these materials. Proposed siding materials include a combination of composite, horizontal lap siding, board and batten, and shingles in the upper part of the gable ends.
46. Where wood siding is used, it shall consist of horizontal (e.g., lap, v-groove, or tongue-and-groove) siding, vertical (board and batten) siding, shingles, or combinations thereof. According to the submitted architectural plans, areas covered with wood-like materials include horizontal lap siding, board and batten, and shingles. Where board-and-batten siding is used, battens shall be a minimum of two (2) inches wide x one (1) inch deep and spaced 24 inches apart or closer. The architectural plans show that areas covered with board and batten siding feature three (3) inches wide by one (1) inch deep battens spaced 16-inches on center apart in compliance with this standard.
47. Building elevations facing a public street shall incorporate at least three (3) features found in Section 17.90.110(B)(3)(e). As shown on submitted plans, the Pioneer Blvd. frontage features window trim, natural wood color shingles, and exposed heavy timbers. The Strauss Avenue frontage features window trim, natural wood color shingles, exposed heavy timbers, exposed brackets, and a metal canopy. The Junker Street frontage features window trim, natural wood

color shingles, and exposed heavy timbers. All elevations comply with the requirements of this section.

48. According to Section 17.90.110(B)(4), permitted colors include warm earth tones (tans, browns, reds, grays and greens) conforming to the Color Palette as approved by the City. As shown on submitted plans, the following paint colors selected from the approved Color Palette are proposed: Hitching Post, Tyson Taupe, Saxon Blue, and Parsnip. In addition, all wood columns and beams will be stained Chestnut color, semi-transparent stain. The proposal complies with this section.
49. Section 17.90.110(C) details standards related to roof pitch, materials, and parapets. Pitched (gabled or hipped) roofs are required on all new buildings with a span of 50 feet or less. Gable and hipped roof forms must achieve a pitch not less than 6:12 for primary roof forms and 4:12 for secondary roof forms. Per the architectural elevations (Exhibit C), the structure has one primary and one secondary roof form both at a 6:12 pitch.
50. Pitched roof surfaces visible from an abutting public street shall provide a specific number of secondary roof forms based on the length of the roof as prescribed by Section 17.90.110(C)(4). All four elevations are visible from abutting public streets, although the east elevation is facing another private property. The north, west, and south elevations face Pioneer Blvd., Strauss Avenue, and Junker Street, respectively. Due to the placement of east and west facing gables, there are no roof spans 30 feet or greater on the north and south elevations, thus no secondary roof forms are required. The east elevation (Exhibit C, Sheet A4.2) details a central gabled roof form with independent roof lines that extend partway up the north-south roof span and is 40 feet in width. The west elevation (Exhibit C, Sheet A4.1) details a central gabled roof form as well as a smaller second gabled roof form at the north end. The roof span on the west elevation is approximately 80 feet 4 inches in length and therefore requires two (2) secondary roof forms as proposed by the applicant.
51. Section 17.90.110(C)(5) requires that visible roof materials must 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 City's color palette. The applicant is proposing metal with standing seam materials in a "Dark Brown" color as selected from the approved color palette.
52. Section 17.90.110(D) outlines standards related to building orientation and entrances and states that buildings shall be oriented to a public street or civic space. This standard is met when at least 50 percent of the subject site's street frontage is comprised of building(s) placed within ten feet of a sidewalk or an approved civic space and not more than 20 percent of the off-street parking on a parcel as required by Chapter 17.98, tract or area of land is located between a building's front façade and the adjacent street(s). The proposed building is oriented to both Pioneer Blvd. and the proposed civic space. The front of the building is setback at varying distances from the front property line, but at its closest is 3 feet to the front property line. According to Exhibit C, Sheet A1.1, the front property line is 150 feet in length and 83 feet four (4) inches (about 55 percent) is occupied by a building within 20 feet of the front sidewalk in compliance with the code. No parking is located between the building and the front property line.

53. Ground floor spaces shall face a public street and shall be connected to it by a direct pedestrian route (i.e., avoid out-of-direction travel) per Section 17.90.110(D)(3). The proposed building entrance is connected directly to the sidewalk on Pioneer Blvd. as required.
54. Section 17.90.110(D)(4) states that buildings located at the intersection of two streets shall use a corner building entrance. This would require that the primary entrance be located at the corner of Pioneer Blvd. and Strauss Avenue. However, the applicant is seeking a Type II Adjustment to this standard (see Findings for Chapter 17.66).
55. Per Section 17.90.110(D)(6), 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 feet over an adjacent sidewalk, walkway, or civic space. The north (Pioneer Blvd.) and south (Junker Street) building elevations have been designated as the "activated" elevations. The entrance at the northwest corner of the building is less than ten (10) feet from the sidewalk along Pioneer Boulevard and a large, covered entry feature connecting the entry to the sidewalk is provided. In addition, as shown on the architectural elevations (Exhibit C), this elevation also complies with the 40 percent window glazing requirement in Section 17.90.110(E). The south elevation facing Junker Street also features a covered entrance connected to a sidewalk and features 40.6 percent window glazing in compliance with this standard.
56. Section 17.90.110(D)(8) requires that primary entrances shall be architecturally emphasized and visible from the abutting public right-of-way or civic space and shall be sheltered with a canopy, overhang, or portico with a depth of at least five feet. Architectural emphasis should be provided by a gabled shelter where practical, consistent with the Sandy Style. Detailing around the base of the building, such as stonework, benches or art, should also be used to emphasize an entrance. The proposed primary entrance includes a 13 foot by 16 foot gabled entry structure consistent with the architectural style of the rest of the building, which includes exposed heavy timber and stonework.
57. Section 17.90.110(E) contains window standards. The ground floor of a structure is required to contain a certain percentage of window space along elevations abutting public streets (with a maximum of two elevations) based on the total square footage of the building. Buildings less than 10,000 square feet in size are required to have 40 percent of their ground floor elevation as windows per Section 17.90.110(E)(2). As shown on the Architectural Elevations (Exhibit C), the north elevation contains 40.1 percent windows, and the south elevation contains 40.6 percent windows.
58. Per Section 17.90.110(E)(2)(a), windows shall contain clear glass to allow views to interior activity or display areas. The bottom edge of windows shall be no less than three (3) feet above the adjacent finished grade. The applicant is proposing clear glass, and all windows are greater than three (3) feet above grade per the Architectural Elevations (Exhibit C).
59. Windows shall be square or vertically oriented and may consist of vertically stacked or horizontally banked window units per Section 17.90.110(E)(2)(b). The applicant is proposing square windows or windows divided into vertically oriented units.

60. Section 17.90.110(E)(2)(d) requires that windows shall have trim or moldings at least three (3) inches in width around them or have reveals of at least three (3) inches in depth. As detailed on the Architectural Elevations (Exhibit C), all windows are proposed to include four (4) inch wide window trim.
61. Section 17.90.110(F) states that the intent of landscaping and streetscape design in the Central Business District is to promote business vitality, public safety and aesthetics through effective landscaping and streetscape design, consistent with the Sandy Style; and to provide for a pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (Figures 17.90.110-A, 17.90.110-B, 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I, and Downtown Sandy Streetscape Design). The streetscape design of Pioneer Blvd. shall meet the Downtown Sandy Streetscape Design in Appendix F. The streetscape design requires three rows of 2 foot by 2 foot scored concrete with 6 foot by 6 foot tree wells, two rows of pavers, and two 4 foot by 4 foot scored patterns for a total depth of approximately 16 feet from the face of curb to the back of sidewalk. Exhibit D, Sheet C1, details a five-foot dedication along Pioneer Blvd. to accommodate additional right-of-way improvements, but the applicant is only proposing approximately 4.5 feet of sidewalk with 4 foot by 4 foot tree wells. As advised at the pre-app meeting, Appendix F. details at least 8 feet of sidewalk along Pioneer Blvd. behind the tree wells. With the 5 foot dedication on Pioneer Blvd. the right-of-way is approximately 13 feet from the face of curb to the new property line. The 13 feet will allow for the curb, two rows of 2 foot by 2 foot scored patterns with 4 foot by 4 foot tree wells, a paver inlay and sidewalk at 8 feet in depth, and a 6 inch monumentation strip for future maintenance purposes. **The applicant shall revise the plan set to detail two rows of 2 foot by 2 foot concrete scored patterns with 4 foot by 4 foot tree wells, a paver inlay and sidewalk at 8 feet in depth, decorative tree well grates per Appendix F, and a 6 inch monumentation strip for future maintenance purposes in compliance with the intent of the Downtown Sandy Streetscape Design in Appendix F. The applicant shall also redesign the retaining walls, staircase, and landscaping in the dedication area to accommodate the additional sidewalk.**
62. Section 17.90.110(G) states that not less than three (3) percent of the ground floor area of every development shall be improved as civic space. The submitted site plan (Exhibit D) shows a plaza with seating at appropriately 917 square feet, in compliance with the development code. **The applicant shall submit additional details on the seating, bicycle parking, and diamond score pattern in the plaza for staff review and approval.**
63. Section 17.90.110(G)(5) requires that civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way, and access ways shall be identifiable with a change in paving materials or painted. The proposed plaza abuts the Pioneer Boulevard right-of-way and will include a diamond shaped pattern.
64. Section 17.90.120(H) contains standards related to lighting and states that walkways and parking lots should be illuminated at 1.5 to 2.0 foot-candles. Lighting is further reviewed in Chapter 15.30 of this document.
65. Section 17.90.110(I) details requirements for safety and security. Windows shall be located in a manner that enables tenants, employees, and police to watch over pedestrian, parking and

loading areas. Additionally, in commercial, public, and semipublic development, including civic spaces, windows shall be located in a manner that enables surveillance of interior activity from the public right-of-way. Windows located on the west and south building elevations are located to allow viewing of these areas as required.

66. Section 17.90.120(I)(3) contains standards related to addressing and requires street address numbers measuring a minimum of six (6) inches high, which clearly locate buildings and their entries for patrons and emergency services. **The applicant shall provide street address numbers measuring a minimum of six (6) inches high, which clearly locates the dining facility building and its entries for patrons and emergency services. The applicant shall verify the location(s) of the address with the Building Official and emergency service providers.**

67. Section 17.90.110(J) contains standards for external storage and screening. No exterior storage of merchandise or materials is proposed with this application. Section 17.90.110(J)(3) requires that 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. Exhibit C (Sheet A1.1) details a concrete pad for HVAC equipment but does not include specifications on what will be located on the pad nor how it will be screened. The applicant's narrative (Exhibit B) states that the equipment will be screened per the landscape plan, but the submitted landscape plan (Exhibit E) does not detail screening around the HVAC equipment. This HVAC equipment has the opportunity to be highly visible from Pioneer Blvd. and the commercial site to the east. **The applicant shall submit additional details regarding the screening of the mechanical, electrical, and communications equipment for staff review and approval.**

68. Section 17.90.110(J)(4) requires that trash collection and recycling storage areas must be located within the structure or otherwise screened from view in an enclosed facility. Such facilities must 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 site plan and architectural elevations (Exhibits C and D) shows the location of the proposed gated trash and recycling enclosure at the southeast corner of the site. The applicant did not provide any specifications on the trash and recycling enclosure. **The applicant shall submit details on the trash and recycling enclosure for staff review and approval. The enclosure shall match the materials used on the primary building.**

Chapter 17.92 – Landscaping and Screening

69. Section 17.92.10 contains general provisions for landscaping. As required by Section 17.92.10(C), trees over 25-inches circumference measured at a height of 4.5 feet above grade are considered significant and should be preserved to the greatest extent practicable and integrated into the design of a development. Per Section 17.92.10(D), planter and boundary areas used for required plantings shall have a minimum diameter of five feet (two and one-half foot radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of seven and one-half feet. Planter boundaries along the west and south areas of the parking lot are not proposed to include parking spaces.
70. Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing. Landscaping will be maintained or otherwise enforced by Code Enforcement.
71. Section 17.92.20 contains minimum landscaping area requirements. The subject property is zoned Central Business District, C-1. Section 17.92.20 requires that a minimum of 10 percent of the site be landscaped in the Central Business District (C-1) zoning district. The submitted Preliminary Site Plan (Exhibit D, Sheet C1) details that 25 percent of the site is landscaped in compliance with Section 17.92.20.
72. Section 17.92.30 states that planting of trees is required for all parking lots with four or more parking spaces, public street frontages, and along private drives more than 150 feet long. Parking lot trees are required at 1 medium tree per 8 parking spaces, or 1 large tree per 12 parking spaces and street trees are required to be planted approximately 30 feet on center. The Landscape Plan (Exhibit E, Sheet L1) details three trees at the ends of the parking rows, nine trees along the east property line, four trees along Pioneer Blvd., four trees along Strauss Avenue, two trees along the back of sidewalk along Junker Street, and four additional trees on the site. In total, the applicant is proposing 26 trees. Based on the Junker Street frontage length, at least two additional street trees shall be planted along the back of sidewalk along Junker Street. **The applicant shall revise the Landscape Plan to detail two (2) additional trees along the back of sidewalk along Junker Street.** The City is currently not approving ashes due to concerns with the Emerald Ash Borer (EAB).
73. The applicant is proposing to mass grade the area of the subject properties that will be developed as detailed on the Grading and ESC Plan (Exhibit D, Sheet C2). This will remove topsoil and will heavily compact the existing soil. To maximize the success of the landscaping required to be planted, **the applicant shall aerate and amend the soil within the planting areas on the buildable portion of the site to a depth of 3 feet prior to planting required landscaping. The applicant shall submit a letter from the project landscaper confirming that the soil has been aerated and amended prior to planting required landscaping.**
74. Section 17.92.40 requires that all landscaping shall be irrigated, either with a manual or automatic system. The Preliminary Planting Plan (Exhibit E, Sheet L2) details that the irrigation system will be an automated underground system design. **The applicant shall submit details on the proposed automatic irrigation system with building plans. Per Section 17.92.10(L),**

all landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.

75. 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 6 inches from grade if deciduous, or 5 feet in height if coniferous. Shrubs are required to be a minimum of one gallon in size or two 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 6 inches above the ground (if deciduous) or 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 growing season (or a maximum of 1 year). All shrubs shall be a minimum of one gallon in size or 2-feet in height when measured immediately after planting.** The proposed Landscape Plan (Exhibit E) appears to meet this requirement.
76. Section 17.92.50(B) encourages the use of native plant materials or plants acclimatized to the Pacific Northwest where possible. The Planting Plan (Exhibit E, Sheet L1) includes a plant legend; however, there is only one native species proposed (*Arctostaphylos uva-ursi*). Staff recommends the applicant update the Preliminary Planting Plan to detail native species or water-efficient plants acclimated to the Willamette Valley, consistent with the conservation benchmarks in the City of Sandy 2016 Water Management and Conservation Plan.
77. 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 grading/construction. The entirety of Tax Lot 5400 will be improved. Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted.
78. 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.
79. 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-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 6 months. The cost of the trees 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.**

Chapter 17.98 – Parking, Loading, and Access Requirements

80. Section 17.98.10 states that **required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary certificate of occupancy and/or final building inspection or final certificate of occupancy.**
81. According to Section 17.98.20(A)(10), a medical clinic requires one parking space per exam room, one space per four seats in the waiting room, and one space per two employees. The structure will contain six exam rooms and 16 seats in the waiting area. Additionally, between seven and 10 people will be employed there. This sums to a total of 15 spaces. The applicant is proposing a total of 13 spaces; however, because the C-1 zoning district is exempt from off-street parking minimums per Section 17.98.20(A)(1), the applicant is not required to provide 15 spaces.
82. Section 17.98.60(A) requires that all areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt. **The applicant shall construct all parking, driveway, and maneuvering areas with asphalt, concrete, or other approved material.**
83. The applicant is proposing seven standard spaces which will be nine feet by 18 feet and five compact spaces which will be nine feet by 16 feet. The applicant is also proposing one ADA accessible space with an access aisle on the passenger side in compliance with ORS 447.233 and the federal Americans with Disabilities Act.
84. Section 17.98.60(C) details aisle widths in parking lots. The applicant is proposing a single sided one-way parking aisle. Section 17.98.60 requires that the aisle width be at least 22 feet. The proposed aisle width is 22 feet, meeting this requirement. **Groups of more than three parking spaces shall be permanently striped. Accessible parking spaces and accompanying access aisles shall be striped regardless of the number of parking spaces.**
85. Section 17.98.100 details driveway requirements. The proposal includes two driveways each 22 feet in width accessing Strauss Avenue and Junker Street. The driveways meet the code requirements in Section 17.98.100 for width, grade, and placement. The applicant's traffic engineer stated the following in the Traffic Impact Study (Exhibit H): "Based on the intersection sight distance analysis and in consideration of the traffic patterns and conflicts surrounding the site access driveways, it is recommended that the driveway on Strauss Avenue be limited to entering vehicles only. The site access driveway on Junker Street can safely and efficiently accommodate both entering and exiting traffic." The City Traffic Engineer (Exhibit J) stated: "The site access along Strass Avenue is recommended to be left in only with no left out permitted." **The applicant shall stripe and sign the driveway on Strauss Avenue as in only and no permitted exiting.**
86. Section 17.98.120 contains landscaping and screening provisions for parking areas. Section 17.98.120(A) requires screening of parking areas containing 4 or more spaces. Section 17.92.80 requires buffering in conjunction with issuance of construction permits for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. The proposal includes a parking area, two driveways, and maneuvering aisles. The Landscape

Plan (Exhibit E) details boundary plantings between the parking areas and adjacent properties. All landscape buffers are detailed at a minimum of 5 feet in width (inside dimension) as required by Section 17.92.10(D).

87. Section 17.98.120(D) restricts parking bays to no more than 20 spaces and requires landscape planters at the ends of each parking bay that have a minimum width of five feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. The two parking bays are proposed to contain six spaces and seven spaces, both below the maximum 20 parking space requirement. The submitted Preliminary Site Plan (Exhibit D, Sheet C1) and Landscape Plan (Exhibit E) comply with the size requirements for all planters at the ends of parking bays and detail a Green Vase Zelkova in each planter in compliance with the code requirements.
88. Section 17.98.120(E) states that parking area setbacks shall be landscaped with major trees, shrubs, and ground cover. Section 17.92.80 requires parking area buffers to contain a balance of low-lying ground cover and shrubs, and vertical shrubs and trees. The submitted Landscape Plans (Exhibit E) appear to accomplish this code requirement, with the exceptions as otherwise noted throughout this final order.
89. Section 17.98.120(F) requires wheel stops or other methods to protect landscaped areas and pedestrian walkways. The applicant is proposing wheel stops and curbs along all 13 parking spaces. **The applicant shall install wheel stops along all parking spaces to protect landscaped areas and pedestrian walkways.**
90. Section 17.98.130 requires that all parking and vehicular maneuvering areas shall be paved with asphalt or concrete. As required by Section 17.98.130, **all parking, driveway, and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.**
91. Section 17.98.140 states that parking areas, aisles, and turnarounds shall have adequate provisions made for the on-site collection of drainage water. **The applicant shall identify the location of curb inlets, swales, etc., and provide specifications for catch basins and trench drains proposed on the site for City 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.**
92. Section 17.98.150 requires lighting to be provided in all required off-street parking areas. The applicant submitted a lighting fixture schedule for new site lighting, and a photometric plan. These submittals are reviewed in Chapter 15.30 of this document.
93. Section 17.98.160 details bicycle parking facility requirements. The requirement for the proposed use with 13 parking spaces is two bicycle parking spaces. Commercial uses are required to provide secure bicycle parking that is visible from the building's primary entrance. The applicant is proposing a bicycle rack to accommodate two bicycles under the main building entrance.

94. Section 17.98.190 details off-street loading facility requirements for commercial and industrial uses. The required loading berth shall be at least 10 feet in width by 35 feet in length. The proposed loading berth meets the size requirements in Section 17.98.190(B), is aligned with the trash and recycle containers, and allows for maneuvering through the parking lot. The loading berth could potentially block five parking spaces for limited durations; however, Chapter 17.98 does not even require parking spaces for commercial uses in the C-1 zoning district so the limited duration encumbrance to the five parking spaces is of no concern.

Chapter 17.102 – Urban Forestry

95. In addition to the landscaping requirements of Chapter 17.92, Chapter 17.102 contains Urban Forestry regulations. The total gross acreage for the entire contiguously owned property is 1.37 acres. Based on this amount of acreage, the overall contiguously owned property is required to retain 4 trees (1.37 x 3) with at least three of the required trees per acre being of conifer species, if possible. While Parcel 1 of Partition Plat 2022-77 (Tax Lot 5400) to the north of Junker Street is part of the contiguously owned property, there are no trees on that site. All the tree retention will be located on the property south of Junker Street as there are no trees existing on the property north of Junker Street. The applicant received approval to remove 28 trees with land use File No. 23-005 TREE.

Chapter 15.44 and 8.04 – Erosion Control

96. A separate Grading and Erosion Control Permit will be required prior to any site grading.

The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite.

97. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. **All erosion control and grading shall comply with Section 15.44 of the Municipal Code. The proposed development is greater than one acre which typically requires approval of a DEQ 1200-C Permit.**

98. **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.**

99. Recent development has sparked unintended rodent issues in surrounding neighborhoods. Prior to development of the site, **the applicant shall have a licensed pest control agent evaluate the site to determine if rat eradication is needed. The result of the evaluation shall be submitted to staff.**

Chapter 15.30 – Dark Sky Ordinance

100. Chapter 15.30 regulates outdoor lighting in order to reduce or prevent light pollution. The Dark Sky ordinance requires that all new exterior lighting be full-cutoff and downward facing, not exceeding 4,125 Kelvins, and does not exceed one-quarter of a foot candle of light 10 feet beyond the property lines. The applicant’s narrative (Exhibit B) states: “All new light fixtures will be designed and installed in accordance with these regulations. A photometric analysis and lighting fixture cut-sheets are included with the application package.” However, the application package did not include lighting cut sheets nor a photometric plan. **The applicant shall submit lighting fixture cut sheets and a photometric plan detailing all exterior lighting fixtures for staff review and approval. The lighting shall be full-cutoff and downward facing, not exceeding 4,125 Kelvins, and not exceeding one-quarter of a foot candle of light 10 feet beyond the property lines.**

DECISION

For the reasons described above, the request by Barlow Properties, LLC (Shan Hill) to construct a new veterinary clinic with a Type II Adjustment to Section 17.90.110 (D) (4) is hereby **approved as modified by the conditions of approval listed below.**



Kelly O'Neill Jr.
Development Services Director

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 Plan Set to detail the following:
 - a. Additional details on the seating, bicycle parking, and diamond score pattern in the plaza for staff review and approval.
 - b. Detail two rows of 2 foot by 2 foot concrete scored patterns with 4 foot by 4 foot tree wells, a paver inlay and sidewalk at 8 feet in depth, decorative tree well grates per Appendix F, and a 6 inch monumentation strip along Pioneer Blvd. for future maintenance purposes in compliance with the intent of the Downtown Sandy Streetscape Design in Appendix F.
 - c. Redesign the retaining walls, staircase, and landscaping in the dedication area of Pioneer Blvd. to accommodate the additional sidewalk.
 2. Update the Building Elevations to detail the following:
 - a. Details on the trash and recycling enclosure for staff review and approval. The enclosure shall match the materials used on the primary building.
 3. Update the Landscape Plan and Irrigation Plan to detail the following:
 - a. Redesigned landscaping and irrigation in the dedication area of Pioneer Blvd. to accommodate the additional sidewalk.
 - b. Additional details regarding the screening of the mechanical, electrical, and communications equipment for staff review and approval.
 - c. Two (2) additional trees along the back of sidewalk along Junker Street.
 4. Submit lighting fixture cut sheets and a photometric plan detailing all exterior lighting fixtures for staff review and approval. The lighting shall be full-cutoff and downward facing, not exceeding 4,125 Kelvins, and not exceeding one-quarter of a foot candle of light 10 feet beyond the property lines.
 5. Submit a sample of the brick veneer to City staff for review and approval.
 6. Submit details on the fence for City staff review and approval, and the fence shall not be galvanized chain link.
 7. Submit finish details and elevations, including proposed railing, on the retaining walls to City staff for review and approval.
 8. Submit confirmation that the sanitary sewer connection point, including information on the location of the double check valve assembly for irrigation, and confirm if the water meter on the north side of the property will be used at this site.

9. Submit details identifying the location of curb inlets, swales, etc., and provide specifications for catch basins and trench drains proposed on the site for City 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.
10. Work with the Public Works Department to determine the extent of asphalt that shall be poured on Strauss Avenue and Junker Street, and to determine the extent of curbs on the south side of Junker Street along Tax Lots 701 and 702.
11. Submit the following information for review and approval by the City Traffic Engineer:
 - a. A revised Traffic Study detailing that heavy vehicle percentages that should be assigned to the southbound approach at Strauss Avenue and Pioneer Boulevard (US 26) are assigned to the westbound approach (which has no volume). The AM and PM HCM analysis at Strauss Avenue and Pioneer Boulevard (US 26) shall be updated and reflected in the analysis results section.
 - b. Details on the minimum sight distance requirements for all site driveways.

B. Prior to earthwork, grading, or excavation, the applicant shall complete the following and receive necessary approvals as described:

1. Apply and receive approval for a Grading and Erosion Control Permit and request an inspection of installed devices prior to any 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. (*Submit to Planning Division and Public Works Department for approval*)
2. Submit proof of receipt of a Department of Environmental Quality 1200-C permit or submit confirmation from DEQ if a 1200-C Permit will not be required.
3. Request an inspection of erosion control measures. Inspections of erosion control measure by the Public Works Department shall be completed prior to any earthwork or grading being conducted onsite.
4. Prior to grading or any earthwork have a licensed pest control agent evaluate the site to determine if rat eradication is needed. The result of the evaluation shall be submitted to staff and if required the evaluation shall include eradication techniques.

C. Submit the following information with the Building Permit:

1. Submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and USPS for review and approval prior to installation of mailboxes.
2. Submit details on the proposed automatic irrigation system with building plans.

3. Submit information identifying the location of curb inlets, swales, etc., and provide specifications for catch basins and trench drains proposed on the site.
4. Submit a detailed final stormwater report stamped by a licensed professional engineer for review. 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.
5. Call the PGE Service Coordinators at 503-323-6700 when they are ready to start the project.
6. Provide SandyNet with a set of PGE utility and street/sidewalk lighting plans to design and return a SandyNet broadband deployment plan to overlay in the dry utility shared trench. SandyNet will provide requirements for layout and acceptable materials for the developer/contractor. SandyNet shall be contacted after installation of infrastructure and coordinated for onsite inspection before backfilling the common trench. Please send plans for SandyNet design to Greg Brewster gbrewster@ci.sandy.or.us, 503-953-4604. On site contact for general questions and inspection will be Ron Yow, ryow@ci.sandy.or.us, 541-514-9771.
7. Pay System Development Charges prior to issuance of the building permits.

D. Prior to receiving a certificate of occupancy, the applicant shall complete all of the following improvements or provide financial assurance for their future completion:

1. Install the building, all required landscaping, the parking lot and parking lot improvements, all on-site lighting, the stormwater facility, and all required right-of-way improvements.
2. Abandon and cap all unused sanitary sewer laterals.
3. Stripe and sign the driveway on Strauss Avenue as in only and no permitted exiting.
4. Dedicate seven (7) feet of right-of-way along the entirety of the south property line of Junker Street and dedicate five (5) feet of right-of-way long the entirety of the north property line of Pioneer Blvd.
5. Provide the building with an approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property or as otherwise approved by the Building Official, including monument signs. Provide street address numbers measuring a minimum of six (6) inches high, which clearly locates the dining facility building and its entries for patrons and emergency services. The applicant shall verify the location(s) of the address with the Building Official and emergency service providers.

6. Submit a letter from the project landscaper confirming that the soil has been aerated and amended prior to planting required landscaping.
7. Record a Vehicle Non-Access Reservation (VNAR) along the entire frontage of Pioneer Blvd.

E. General Conditions

1. Approval of this land use application shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place. The Director (Type I) may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.
2. All mechanical, electrical, and communications equipment shall be screened from view from all public rights-of-way and civic spaces.
3. No fencing on the site shall be galvanized chain link.
4. Signage associated with the ADA parking spaces shall meet the head clearance distance requirement in the Building Code.
5. All approved parking spaces shall be clearly delineated with painted lines and the entrance and exit driveways shall be signed or marked with paint. Install wheel stops along all parking spaces to protect landscaped areas and pedestrian walkways.
6. All parking, driveway, and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
7. Site frontage improvements on Junker Street shall follow the cross-section dimensions included in the Junker Street Circulation plan.
8. 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.
9. Aerate and amend the soil within the planting areas on the buildable portion of the site to a depth of 3 feet prior to planting required landscaping. Per Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.
10. All trees planted on the site shall be a minimum of 1.5-inches in caliper measured 6 inches above the ground 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 growing season (or a maximum of 1 year). All shrubs shall be a minimum of one gallon in size or 2-feet in height when measured immediately after planting.

11. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.
12. 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.
13. 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 6 months. The cost of the trees 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.
14. Comply with the requirements of Section 13.18 of the Sandy Municipal Code.
15. All franchise utilities shall be installed underground. The developer shall make all necessary arrangements with franchise utility providers.
16. Adhere to the following Fire Marshal requirements:
 - a. All future construction activities shall comply with the applicable Oregon Fire Code and the Fire Code Application Guide. Construction documents detailing compliance with fire apparatus access and fire protection water supply requirements shall be provided to the Sandy Fire District for review and approval concurrently with building permit submittal.
 - b. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided.
 - c. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property, including monument signs.
 - d. A key lock box for building access will be required. The Fire District uses KNOX brand boxes. To order a KNOX box, padlock, or key switch that is keyed for the Sandy Fire District, please visit Sandy Fire's website for ordering information.
 - e. Medical gases shall comply with OFC Section 5306. Per this section, a one-hour exterior room separated from the remainder of the building by a fire barrier will be required.
 - f. The minimum available fire-flow and flow duration for commercial and industrial buildings shall be as specified in OFC Appendix B. In no case shall the resulting fire-flow be less than 1,500 gpm at 20 psi residual.
 - g. Fire flow testing of the nearest fire hydrant is required to determine available fire flow. Testing will be the responsibility of the applicant. The applicant shall contact the City of Sandy Public Works Department for testing information and requirements and notify the Fire Marshal prior to fire flow testing.

- h. If applicable, fire department connections (FDC) are required to be remote and shall be located within 100 feet of a fire hydrant. All FDC's shall be permanently labeled with the appropriate address in which it serves and shall be accessible and visible from the fire apparatus access road.
 - i. The minimum number and distribution of fire hydrants shall be in accordance with the City of Sandy requirements and OFC Appendix C. Based on estimated fire-flow requirements (determined by building square footage and construction type) there is a potential that a minimum of two fire hydrants will be required with an average spacing between the fire hydrants of 450-feet. This would require the installation of a new fire hydrant on Pioneer Blvd.
 - j. Fire hydrants installed within the Sandy Fire District shall be reviewed and approved by the Sandy Fire District prior to installation. Each new fire hydrant shall be ordered in an OSHA safety red finish and have a 4-inch non-threaded metal faced hydrant connection with a cap installed on the steamer port (4 ½-inch NST x 4-inch Storz Adaptor). If a new building, structure, or dwelling is already served by an existing hydrant, the existing hydrant shall also be OSHA safety red and have a 4-inch non-threaded metal faced hydrant connection with cap installed.
17. 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.
18. All earthwork activities to include grading, foundation excavation, site and sub-grade preparation, cut and fill slopes shall be observed and documented by a geo-technical engineer to assure compliance with IBC standards as amended by the state of Oregon and referenced as "Oregon Structural Specialty Code" (OSSC). Site grading shall not in any way impede or impound or inundate the surface drainage flow from the adjoining properties without a proper collection system. The earthwork activities shall be observed and documented under the supervision of the geotechnical Engineer.
19. 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).
20. Utilities shall be installed pursuant to the requirements of the applicable utility company. All franchise utilities shall be installed underground and in conformance with City standards.
21. Erosion control measures shall be provided by the applicant in accordance with Section 15.44 of the Municipal Code.
22. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
23. Comply with all other conditions or regulations imposed by the Sandy Fire District, or state and federal agencies. Compliance is made a part of this approval and any violations

of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.

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 twelve (12) days of notice of the decision. The notice of 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 at least the following:

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 Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision), 500 feet of the subject property for appeal of a Type II, III, or IV decision, or 1,000 feet for appeal of an annexation request. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal.