

FINDINGS OF FACT and FINAL ORDER
TYPE I DECISION

DATE:	November 15, 2023
FILE NO.:	23-033 DR
APPLICATION:	Type I – Design Review
PROJECT NAME:	Mt. Hood Athletic Water Reclamation Shed
APPLICANT:	Mt. Hood Athletic Club
OWNER:	Paul Reed
ZONING:	C2 (General Commercial)
COMP. PLAN DESIGNATION:	Commercial
MAP AND TAX LOT:	24E14BA, Tax Lot 1100
STAFF CONTACT:	Patrick Depa, Senior Planner

BACKGROUND

On June 13, 2023, the Building Division was informed that there was a wood building being constructed at the east parking lot next to the Mt. Hood Athletic Club building. The Building Official went and looked at the structure and confirmed that four wood framed walls and 2x4 rafters were framed above the walls.

The Development Services Director emailed the building owner and informed him that a building permit and design review was required. On June 15, 2023, the Building Official was told that more work had been done on the building. The Building Official then posted a STOP WORK ORDER due to having started without a building permit.

Subsequently, the Mt. Hood Athletic Club submitted their application on August 28, 2023. The application was to construct a 108 square foot (12' x 9') shed with a metal roof in the northeast corner of their site. The shed is for housing equipment for a rainwater recovery and reclamation system. The recovered rainwater is collected from the roof of the Athletic Club, stored, sent back into the building, and used to flush toilets in the restrooms.

Most of the system was installed at the time of initial building construction more than a decade ago with the intention of someday being initiated.

The above-referenced proposal was reviewed as a Type I Design Review. The following exhibits, findings of fact, and conditions explain the proposal and the conditions of approval.

EXHIBITS

Applicant's Submittals:

- A. Land Use Application
- B. Site Plan
- C. Shelter's Engineering Specifications

COMMENTS

All City or agency comments have been incorporated into this review.

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal received on August 28, 2023, and their revisions sent on November 6, 2023, in response to an incompleteness letter. The subject land use application was deemed complete on November 8, 2023.
2. The subject site is approximately 4.78 acres and shares an access drive with four other parcels. It is Lot 3 of Twin Cedars Subdivision Plat recorded in 2005.
3. The site is located on the north side of Hwy 26 between Kate Schmitz Avenue and 362nd Avenue.
4. The property is zoned C-2 (General Commercial).
5. The adjacent property is zoned C-2 to the north, south, and west. The property to the east is zoned R-2 (Medium Density Residential). The R-2 property is owned by the Oregon Trail School District. It is separated by the unimproved Kate Schmitz Avenue right-of-way.
6. Chapter 17.44 – General Commercial - Section 17.44.10.(C) states that accessory structures are permitted outright in the C-2 (General Commercial) zoning designation. The proposed shed is considered an accessory structure.
7. The proposed structure, essentially a shed, is 12-feet by 9-feet. It will be located in the NE section of the existing parking lot.
8. The proposed shed will take up two parking spaces. In accordance with the pool area expansion in 2013 (File No. 13-001 DR/MOD) the total number of parking spaces required for the Mt. Hood Athletic Club is 151 parking spaces. With the pool area expansion, the number of parking spaces was reduced to 199 parking spaces. This application will remove two parking spaces reducing the total number to 197 parking spaces. The Athletic club still meets their minimum parking requirements outlined in Chapter 17.98.
9. All items listed in Section 17.44.30 Development Standards are in compliance. The shed is roughly eight (8) feet in height which is below the maximum height allowed in the district.
10. No new landscaping is being proposed or required. All existing landscaping and street tree requirements have been met.
11. **All plumbing shall conform to the 2021 Oregon Plumbing Specialty Code. The accessory structure is prohibited from being constructed over the building sewer manholes. (OPSC 719.6 and 721.1).**

12. The proposed shed **will not** be visible from a public right-of-way (Exhibit B).

Chapter 17.90 – Design Standards

13. The shed is comprised of board and batten siding and an anodized standing seam metal roof. The shed's engineering specifications (Exhibit C) display that the proposed roof is metal but does not specify a color. **The applicant shall submit the proposed metal roof color for staff review and approval.**

14. No lighting is proposed. The shed will be illuminated from the existing parking lot lighting.

15. The proposed covered shelter uses approved Sandy Style materials, wood, and metal, thus providing the visual interest required by 17.90.120 (B) - Articulation.

16. Section 17.90.120(B)(3) requires that exterior building materials shall convey an impression of durability. The submitted engineering specification and elevations (Exhibit C) detail exposed 4 foot by 4 foot timber posts in compliance with this section.

17. Section 17.90.120(B)(3)(b) requires that the structures shall have a strong base material 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. These materials shall go around all vertical posts visible from a public right-of-way. The shed is not visible from a right-of-way; therefore, no strong base materials are required. In the event Kate Schmitz Avenue is improved, the shed will still be over 50 feet away and the existing open space landscaping will screen the shed from view.

18. Section 17.90.120(B)(4) requires exterior building colors to include warm earth tones that conform to the City's Color Palette. The proposed shed will be comprised of board and batten siding with colors matching the Athletic Club building with a pinecone trim (Sherwin Williams).

19. Section 17.90.120(C)(1) requires a minimum roof pitch of 6:12. The land use specifications and elevations (Exhibit C) detail show a skillion or shed roof at a 6:12 pitch in compliance with this section. Since no roof span/length is greater than 24-feet in length then no secondary roof forms are required.

20. **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.**

21. All other design standards have been met or they are not applicable.

Building Division Requirements

22. The City's Building Code requires that any structure over 120 square feet must contain gutters and downspouts to control the flow of storm water from the roof. The shed is only 108 square feet but is still proposed with gutters and downspouts to control the flow of storm

water from the roof. The stormwater will daylight to the ground and flow to a catch basin a few feet away.

23. The roof rafters are 2' x 4' and are structurally designed to support a 30 lb. roof snow load.
24. New footings will be under the structure. The pavement will be cut and removed to allow for footing construction. The structure will be secured through multiple anchors attached to the shed and the adjacent asphalt.
25. The submitted floor plans show the equipment location and how it ties into an existing manhole that was built when the reclamation system initially went in.
26. All electrical and plumbing permits shall be approved prior to operation of the reclamation system.
27. **Protective bollards shall be installed around the shed due to its proximity to the sites parking lot maneuvering lane.**
28. All engineering stamps are in compliance.

Engineering Requirements

29. The shed will be placed over one manhole which is where the pump equipment will be located and was always designated for the reclamation system. The two adjacent manholes are also part of the reclamation system but are for access and repair.
30. **The applicant shall contact the Public Works Department to set a location for their meter after the installation of the shed to meter their discharge.**
31. **The applicant shall submit a copy of the inspection results for the black flow valve system prior to approval of the final building inspection.**

DECISION

For the reasons described above, the shed for housing equipment for a rainwater recovery and reclamation system is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL

- A. **The applicant shall apply for and receive approval for all necessary building, plumbing, mechanical, and electrical permits prior to any construction. Contact the Building Division for submission requirements. The following information shall be submitted for staff review and approval:**
 1. The proposed metal roof color and information on the wood stain (if applicable) shall be submitted to the City for review and approval.

B. The applicant shall complete the following prior to approval of the final building inspection:

1. Install protective bollards around the shed due to its proximity to the sites parking lot maneuvering lane.
2. Contact the Public Works Department to set a location for their meter after the installation of the shed to meter their discharge.
3. Submit a copy of the inspection results for the back flow valve system.

C. General Conditions of Approval

1. This design review shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.
2. The accessory structure is prohibited from being constructed over the building sewer manholes. (OPSC 719.6 and 721.1).
3. All plumbing shall conform to the 2021 Oregon Plumbing Specialty Code.
4. Comply with all other conditions or regulations imposed by Clackamas County, Clackamas 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



Patrick Depa
Senior Planner

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) calendar days of notice of the decision. Any person interested in filing an appeal should contact the City to obtain the form, “*Notice of Appeal*”, and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;

2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in 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.