

FINDINGS OF FACT and FINAL ORDER
TYPE I DECISION

DATE:	November 7, 2023
FILE NO.:	23-045 DR
APPLICATION:	Type I – Design Review
PROJECT NAME:	Shelters at Sandy Bluff Park
APPLICANTS:	City of Sandy Parks and Recreation Dept.
OWNER:	City of Sandy
ZONING:	POS (Parks and Open Space) and FSH (Flood/Slope/Hazard)
COMP. PLAN DESIGNATION:	Parks and Open Space
MAP AND TAX LOT:	T2S R4E Section 24E, Tax Lot 18200
STAFF CONTACT:	Patrick Depa, Senior Planner

BACKGROUND

The City of Sandy Parks and Recreation Department has submitted an application to construct two open wood shelters with metal roofs in Sandy Bluff Park. The shelters are 144 square feet and 448 square feet in size, are open with no walls, and are just under twelve (12) feet in height. Both shelters are in close proximity to the existing walking/running path in the park (Exhibit B).

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 October 23, 2023. The subject land use application was deemed complete on November 3, 2023.
2. The subject site is approximately 4.85 acres. The site is located on the south side of Goldenrain Street between Steens Street and Bachelor Avenue. The property is a City Park.

3. The property is zoned POS (Parks and Open Space) with an FSH (Flood/Slope/Hazard) overlay.
4. Chapter 17.32 – Parks and Open Space - Section 17.32.20.(B) states that accessory structures are permitted outright in the POS (Parks and Open Space) zoning designation.
 - a) Both structures are considered accessory structures to the primary use of a city park.
 - b) Structure sizes are:
 - 1) 12-feet by 12-feet structure on a 12-feet by 12-feet foundation pad.
 - 2) 16-feet by-28 feet structure on a 16-feet by 28-feet foundation pad.
5. All items listed in Section 17.32.50 Development Standards, are in compliance. Both structures are below the maximum height allowed in the district.
6. The proposed park structures do not require any additional parking spaces or trigger any additional review.
7. No new landscaping is being proposed. All existing landscaping and street tree requirements have been met.

Chapter 17.90 – Design Standards

8. Both structures are comprised of laminated treated wood posts, black metal brackets with a metal roof. The shelter's engineering specifications (Exhibit C) display that the proposed roofs are metal but does not specify a color or seam. **The applicant shall submit the proposed metal roof color and seam type for staff review and approval.**
9. Both shelters are open on all sides. No lighting is proposed under the roofs.
10. The proposed covered shelters use approved Sandy Style materials, wood and metal, thus providing the visual interest required by 17.90.120 (B) - Articulation.
11. 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) details exposed heavy timber posts, metal brackets, and a metal roof in compliance with this section.
12. 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. A building's base must extend to at least 36 inches but not more than 60 inches above the adjacent finished grade. **The applicant shall submit detailing on a strong base around the vertical posts visible from a right-of-way, using materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, brick, or concrete form liner replicating these materials at least 36 inches above finished grade.**

13. 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 covered structure does not have walls. The posts and beams will be heavy timber. **If the applicant uses a wood stain, it shall be a natural wood color.**
14. Section 17.90.120(C)(1) requires a minimum roof pitch of 6:12. The land use specifications and elevations (Exhibit C) detail a gabled 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.
15. 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. Both shelters will require gutters and downspouts to control the flow of storm water from the roof. The purpose is to direct stormwater away from areas and pathways used by pedestrians. The storm water can be directed into any of the existing storm laterals in the park.
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. Both proposed shelters do not provide ADA access to and from the existing path system around the park. The larger building is required to be "Accessible" in compliance with ADA or Oregon Statute.
18. No park furniture is proposed to go under the shelters at his time.
19. All other design standards have been met or they are not applicable.

Chapter 17.60 – FSH (Flood/Slope/Hazard) Overlay

20. A portion of Sandy Bluff Park is in the FSH (Flood/Slope/Hazard) overlay primarily due to its proximity to a tributary of Tickle Creek.
21. The area being proposed with the shelters is completely outside the FSH overlay and are not subjected to any additional restrictions.

DECISION

For the reasons described above, the two open air wood shelters with metal roofs are 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 seam type.
2. Information on the wood stain (if applicable).
3. Identification of a paved or gravel pathway that connects the existing path in the park to the larger of the two shelters.
4. Detail gutters and downspouts to control the flow of storm water from the roof and direct it towards existing storm sewers in the park.
5. Detail a strong base around the vertical posts visible from a right-of-way using materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, brick, or concrete form liner replicating these materials at least 36 inches above finished grade.
6. An engineer's stamp on the plans submitted for permitting purposes must be wet signed by the design professional, or digitally signed as per OAR 820-025-0005.

B. 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. 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 City Council by an affected party by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, “*Notice of Appeal*”, and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

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