

**FINDINGS OF FACT and FINAL ORDER  
TYPE I ADJUSTMENT**

**DATE:** February 14, 2024

**FILE NO.:** 24-005 ADJ

**PROJECT NAME:** Barlow Trail Veterinary Clinic Window Adjustment

**APPLICANT/OWNER:** Barlow Properties, LLC

**SITUS ADDRESS:** 38950 Pioneer Blvd.

**LEGAL DESCRIPTION:** Parcel 1 of Partition Plat 2022-77 (T2S R4E Section 13CA, 5400)

The above-referenced proposal was reviewed as a Type I Adjustment. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

**EXHIBITS:**

**Applicant's Submission**

- A. Land Use Application
- B. Narrative
- C. Revised Window Glazing Elevations

**Additional Documents Submitted by Staff**

- D. Final Order for File No. 22-041 DR/ADJ

**FINDINGS OF FACT**

1. These findings are based on the applicant's submittal received on February 1, 2024. This application was deemed complete on February 7, 2024.
2. The applicant previously received approval for the Barlow Trail Veterinary Clinic (File No. 22-041 DR/ADJ) on August 8, 2023. All conditions of approval for File No. 22-041 DR/ADJ shall be met. The applicant requests one (1) Type I Adjustment to Section 17.90.110 (E)(2) to reduce the required percentage of windows required on a building elevation facing a street frontage. The building is proposed at less than 10,000 square feet and therefore requires 40 percent of the ground floor elevation to be comprised of windows. The applicant is proposing 39.4 percent of the ground floor elevation to be comprised of windows.
3. This application is a Type I, so notification of the proposal is not required.

#### Chapter 17.42 – Central Business District (C-1)

4. The subject property is zoned C-1, Central Business District. 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.

#### Chapter 17.66 – Adjustments and Variances

5. The applicant is requesting an adjustment to Section 17.90.110 (E)(2) to reduce the required percentage of windows required on a building elevation facing a street frontage. The building is proposed at less than 10,000 square feet and therefore requires 40 percent of the ground floor elevation to be comprised of windows. Lots with multiple street frontages are required to meet this standard on two frontages. The applicant is proposing that 39.4 percent of the ground floor elevation on the south elevation to be comprised of windows.
6. The Type I Adjustment procedure allows the Director to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Sandy Development Code by not more than 10 percent. The request to reduce the window percent from 40 percent to 39.4 percent is 1.5 percent reduction to the standard.
7. Adjustment Criteria A. Criterion A states: “The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City.” The reduction from 40 percent to 39.4 percent window glazing on the south building elevation is insignificant and does not introduce anything contrary to the purposes of the development code or comprehensive plan. Criteria A is met.
8. Adjustment Criteria B. Criterion B states: “The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code.” The slight reduction in window glazing will have no affect on privacy enjoyed by users of nearby structures. Criteria B is met.
9. Adjustment Criteria C. Criterion C states: “The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks.” The reduction in window glazing will not adversely affect existing physical systems and natural systems such as traffic, drainage, dramatic landforms, or parks. There are no retention trees, wetlands, or streams on the subject lot. Criteria C is met.
10. Adjustment Criteria D. Criterion D states: “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 reduction in window glazing will not impact the proposed building’s ability to be compatible with buildings on adjoining properties. The proposed Barlow Trail Veterinary Clinic is a good representation of the Sandy Style. Criteria D is met.

## **DECISION**

The applicant's request for one (1) Type I Adjustment to reduce the window glazing on the south elevation from 40 percent to 39.4 percent is **approved with conditions** in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40.

## **CONDITIONS OF APPROVAL**

1. The applicant shall obtain the appropriate permits from the City of Sandy and Clackamas County prior to construction of the veterinary clinic.
2. All conditions of approval for File No. 22-041 DR/ADJ shall be met.
3. The City may revoke this Type I Adjustment if the conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.



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Kelly O'Neill Jr.  
Development Services Director

## **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.