

FINDINGS OF FACT and FINAL ORDER TYPE II DESIGN REVIEW and ADJUSTMENT

DATE:	August 26, 2025
CASE NO:	25-041 DR/ADJ
PROJECT NAME:	US Metal Works - Building "D" Addition
ADDRESS:	37378 Industrial Way
MAP/TAX LOT:	24E14 01106
APPLICANT NAME:	Lyle Drucker
OWNER:	USMW#2 LLC
SIZE:	4.00 Acres
ZONING:	I-2 (Light Industrial)
STAFF:	Patrick Depa, Senior Planner

PROPOSAL

The applicant is proposing to remove 3,000 square feet from an existing 5,500 square foot metal building referred to as Building D. The removal of 3,000 square feet will be replaced with an entirely new 6,000 square foot metal building. The new building will be situated directly adjacent to the remainder of the original building but situated at a perpendicular angle.

The building (Building D) is currently used to house a USDA meat cutting facility approved by File No. 04-003 DR and this use will continue. Both the existing building and the proposed building are located on tax lot 1106 with parking located on tax lot 1124 directly to the west. As part of the original approval, a 50-foot-wide easement (2004-037377) was recorded on tax lot 1124 for ingress/egress, parking, loading, and landscaping for the benefit of tax lot 1106. See below image.



EXHIBITS:

Applicant's Submission

- A. Land use application
- B. Narrative
- C. Construction Drawings
- D. Civil Plans
- E. Stormwater Report
- F. US Metals Letter for Future Use Increase
- G. Cost Evaluation for Frontage Improvements

DEPARTMENT/AGENCY COMMENTS

BUILDING

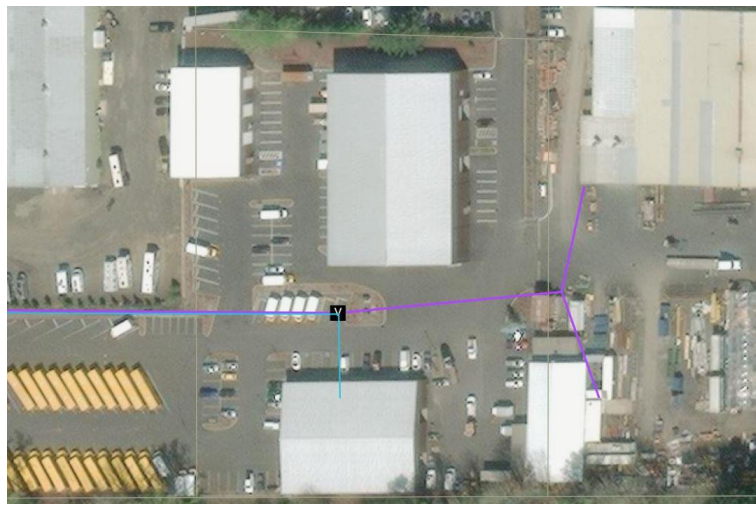
The Building Division will need to review civil engineered drawings addressing soil stabilization along the south property line after part of the building is removed due to proximity to the hill and history of the soil in this area sinking or shifting.

FIRE DISTRICT

Specific comments about fire apparatus access and fire flow requirements will be addressed after the applicant submits engineering plans of the building to Clackamas County Fire if the applicant proceeds with development.

SANDYNET

This site has an existing SandyNet connection. So long as the service is not disturbed, the SandyNet Department has no comments, other than to protect and maintain the line and call for locates when necessary. **The applicant shall call SandyNet if the pipe needs to be adjusted during construction to make sure that it is available after construction is completed.**



PUBLIC WORKS

The Public Works Department received an updated stormwater report dated August 25, 2025, and verified that the existing stormwater facility will not be impacted by peak flows for those storm events and can manage the runoff from an additional 3,000 square feet of impervious surface for this project.

Moratorium:

The City is under a moratorium (Resolution 2025-14) restricting the increase of sanitary sewer connections and additional flows into the City's existing system and treatment plant. Because the applicant is proposing the same use that was previously occupying this space and they are not increasing the sanitary flows, the demolition and construction may proceed. If the use of this building changes in the future and/or additional sanitary flows are proposed and the moratorium issues haven't been resolved, the use and/or additional sanitary flows may be denied. US Metal Works submitted a letter addressing any future sanitary sewer use increase and acknowledged that the City would be notified if any increase was considered (Exhibit F).

PUBLIC COMMENTS

No comments were received from the public during the public comment period.

GENERAL FINDINGS OF FACT

Finding 1. These findings are based on the applicant's submittal received on July 15, 2025.

Finding 2. The application was deemed complete on July 16, 2025.

Finding 3. This application is being reviewed as a Type II Design Review and Adjustment.

Finding 4. On July 18, 2025, notification of the proposal was mailed to property owners within 300 feet of the subject property, and an affidavit of mailing was completed.

Finding 5. The applicant attended a pre-application conference with the City on November 6, 2024, in accordance with Section 17.18.20.

Finding 6. The subject property is zoned Light Industrial (I-2). Adjacent zoning to the north, south, east, and west are all zoned Light Industrial (I-2).

Finding 7. The property is located in recorded plat – Sandy Industrial Park (Block 2) which consists of a total of five (5) lots. The subject property is identified as Lot 4.

Finding 8. The subdivision plat was approved and recorded in 1973.

Finding 9. The business is expected to employ the same number of employees following construction. US Metal Works submitted a letter addressing any future sanitary sewer use increase and acknowledged that the City would be notified if any increase was considered (Exhibit F). **US Metal Works shall notify the City if any future sanitary sewer use is proposed to increase. In accordance with the moratorium, no additional sanitary sewer use shall be permitted unless authorized by the City of Sandy.**

FINDINGS APPLYING SANDY DEVELOPMENT CODE CRITERIA

PLANNING DEPARTMENT REVIEW

Sandy Development Code (SDC): Chapters 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.50 I-2 Light Industrial; Section 17.66 - Adjustments and Variances; 17.84 Improvements Required with Development; 17.90 Design Standards; 17.92 Landscaping and Screening; 17.98 Parking, Loading and Access Requirements; and 15.30 Dark Sky.

CHAPTER 17.50 – I-2 LIGHT INDUSTRIAL

Section 17.50.10. Primary Uses Permitted Outright.

- A. 1. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site.

Finding 10. The proposed use is a USDA certified meat cutting facility for wholesale clients which is a permitted use in the I-2 zone.

Sec. 17.50.30. Development requirements.

Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	
Front	30 ft. minimum; 70 ft. maximum from a transit street
Side or Rear	None, unless abutting a more restrictive district; if abutting, the minimum setback is 50 ft.
Corner	15 ft.
Outdoor Display/Sales Lot Area	40% maximum
Lot Coverage	80% maximum
Landscaping Requirement	15% minimum
Structure Height	45 ft. maximum
Transit Street Setback	See Chapter 17.82
Off-Street Parking	See Chapter 17.98

Finding 11. The subject lot is four acres in area and is an existing lot in a recorded subdivision plat. The proposed building complies with all setback requirements, and the proposed height of the building is 23 feet, which is below the maximum height of 45 feet. All the development requirements of the proposed project comply with all applicable development standards and are addressed in this final order.

A. *Special Setbacks—Side or Rear Yard Abutting a More Restrictive District.*

1. An additional ten feet shall be added for each 10-foot increment in building height over 35 feet;
2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located

B. *Off-Street Parking.* Parking shall not be located in a required standard 30 foot setback area. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 feet. For lots with frontage of less than 150 feet or less, a shared driveway may be required.

C. *Screening.* All buildings (regardless of use) that are visible from an arterial street or highway shall be screened from view by a vegetative buffer as specified below:

1. Minimum depth of the buffer shall be 20 feet measured from the property line and run the entire length of the property.
2. Existing trees shall be preserved to the greatest extent possible.
3. Evergreen trees at least eight feet in height and capable of growing to at least 30 feet in height shall be planted at a density that will create a visual screen within five years.
4. If the property does not abut a highway or arterial street, the screening requirement can be met by an offsite screen that has the effect of screening the property from view from arterial streets and highways.

Finding 12. The new metal building is slightly taller than the building being removed and will maintain the existing floor elevation on the west building façade to accommodate two loading bays.

As stated earlier, a 50-foot-wide easement (2004-037377) was recorded on tax lot 1124 for ingress/egress, parking, loading, and landscaping for the benefit of tax lot 1106. The proposed building addition is not on a corner or adjacent to a transit street and does not require any additional screening.

CHAPTER 17.84 – IMPROVEMENTS REQUIRED WITH DEVELOPMENT

Section 17.84.20. Timing of Improvements.

A. All improvements required by the standards in this chapter shall be installed concurrently with development as follows:

Section 17.84.30. Pedestrian and bicyclist requirements.

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
1. Sidewalks shall be a minimum of six feet wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, and that meets the dimensional standards of Subsection 17.92.10.D and of the 2023 City of Sandy Transportation System Plan Typical Street Cross Section Standards (TSP Figures 18-24 and TSP Table 4).

Finding 13. All improvements shall be completed prior to occupancy. The City has received documentation (Exhibit G) confirming that the cost of construction does not exceed the twenty (20) percent threshold to require frontage improvements along Industrial Way as required by Sec. 15.20.030. - Remodeling, alterations and additions—Multi-family, commercial and industrial development.

- B. Safe and convenient pedestrian and bicyclist facilities that minimize travel distance to the extent practicable shall be provided as follows:
1. New non-residential development shall provide safe and convenient bicycle and pedestrian facilities connecting to adjacent commercial developments, industrial areas, residential areas, public transit stops, and neighborhood activity centers such as schools and parks, as follows:
 - a. For the purposes of this section, "safe and convenient" means pedestrian and bicyclist facilities that: are free from hazards that would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip, and considering that the optimum trip length of pedestrians is $\frac{1}{4}$ to $\frac{1}{2}$ mile.
 - d. Pedestrian connectivity shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian pathways shall be provided in accordance with the following standards:

Finding 14. Industrial Way does not have a bike lane or a complete sidewalk system. However, the roadway is largely used for local traffic with low vehicular volumes and has a 25-mph speed limit that is compatible with bicyclists and pedestrians that work in that area. A bike rack is being proposed alongside the proposed building. The existing building and

the new building are close in proximity that accommodate safe and convenient passage between buildings on the property.

CHAPTER 17.90 – DESIGN STANDARDS

Sec. 17.90.40. Type of review.

- B. *Type II—Director's Review.* Type II review includes floor area expansions greater than the thresholds for a Type I review and all other multi-family, commercial, industrial development, and non-residential development on residentially zoned land that is in compliance with code standards, except where a Type III procedure is requested or required.

Finding 15. The proposal was reviewed under the Type II review procedures because review includes floor area expansions greater than the thresholds for a Type I review (3,000 square feet) and because the applicant requested an adjustment.

Section 17.90.130. Light Industrial (I-2) and General Industrial (I-3) design standards.

A. *Access.*

1. All lots shall abut or have legal access to a dedicated public street.
2. All lots that have access to a public alley shall provide for all personal and service access for vehicles from that alley.
3. Joint use of access points and interconnections shall be required, where deemed needed by the Director and Public Works Director.
4. Each lot shall be permitted one access point, except lots with street frontage of 150 feet or more may be permitted one or more additional access points, if approved by the Public Works Director.

Finding 16. The site has a shared access easement to a dedicated street (Industrial Way) for the multiple buildings on site and a secondary connection to the 362nd Drive public right-of-way.

B. *Pedestrian Accessibility.*

1. Special attention shall be given to designing a primary building entrance for each unit within a building that is both attractive and functional (e.g., Sandy Style).
2. Building entries shall comply with the accessibility requirements of the Oregon State Structural Specialty Code.

Finding 17. The proposed building is designed with four (4) pedestrian entranceways and three overhead doors. The proposed canopies are less than the required five (5) foot depth that is required. The applicant applied for a Type II “Adjustment” according to the process defined in Section 17.66.10. that will be addressed later in this document.

C. *Building Materials and Colors for All Structures.*

1. *Building Materials.* Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, wood, composite siding, and metal are permitted. Vertical grooved (i.e., T1-11) sheet siding is prohibited.
2. *Masonry Finishes.* Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate a rusticated stone-type construction.
3. *Change in Relief.* Buildings must include changes in relief on ten percent of the facades facing public streets or residential development.
4. *Colors.* Building exteriors shall comply with the following standards:
 - a. Permitted colors include warm earth tones (tans, browns, reds, grays, and greens).
 - b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one percent of the surface area of any elevation. Such color shall not be used as primary wall colors.
 - c. Day-glow colors, highly reflective colors, and similar colors are not permitted.
5. *Ornamental Devices.* Ornamental devices, such as molding, entablature and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.

Finding 18. The proposed building will contain a metal standing seam roof and vertically ribbed metal siding as permitted by this section. There is no masonry material being used other than the foundation. Change of relief does not apply because of the setback from Industrial Way and because the building is not facing a public street nor residential development.

As noted on the submitted Architectural Plans, the metal siding will contain integrated color noted as Cool Dark Bronze. The proposed siding color is an earth tone and complies with this section. The roof is deemed to not be visible; therefore, the white finish that is proposed is not in conflict with this section. Because these colors are different than the color of the existing building, the applicant intends to repaint the entire existing building to match the new color scheme of the proposed building.

D. *Roof Pitch, Materials, and Parapets.*

Zoning District	Minimum Pitch (principal and accessory structures)
I-2 and I-3	1:12

2. Flat roofs (with minimum pitch for drainage) are permitted with detailed stepped parapets or detailed brick coursing.

3. Parapet corners shall be stepped, or the parapet shall be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
4. Visible roof materials shall be architectural grade composition shingle, slate, concrete tile, or metal. Metal with standing or batten seam shall conform to the Color Palette in Appendix D.
5. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls or by other approved means.

Finding 19. The applicant is proposing a standing seam metal roof at a 1:12 pitch in compliance with this section. The roof is deemed to not be visible; therefore, the white finish that is proposed is not in conflict with this section.

E. *Building Orientation and Entrance Standards.*

1. Primary entries shall face a public street or designated pedestrian way that connects to a parking lot.
2. Secondary entries may face parking lots or loading areas.
3. Pedestrian entries, but not garage door entries, shall be sheltered with an overhang or portico with a depth of at least five feet.

Finding 20. The applicant is proposing four pedestrian entrances. None of the entranceways are considered primary and cannot be seen from the public right-of-way but all entrances will have walkway connections to a designated parking area. The applicant is proposing awnings on all entranceways. The proposed building elevations show all awnings projecting four feet from the building face. To be addressed later in Section 17.66 of this decision, the applicant has requested a Type II Adjustment to reduce the required awning depth by one foot or 20 percent from the required 5 feet to a proposed 4 feet.

F. *Windows.*

1. Windows shall be located in a manner that enables tenants, employees, and police to watch over pedestrian, parking and loading areas. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass are prohibited.

Finding 21. The applicant is not proposing windows on the new structure. The USDA meat cutting facility operation doesn't need windows due to several factors, including temperature control and the desire to limit entry points for security reasons. The applicant finds that windows are not a necessity for the proposed building.

G. *Landscaping/Streetscape.*

1. All buildings (regardless of use) that are visible from a local street, collector street, arterial street, or highway shall be screened from view by a vegetative buffer as specified below:
 - a. Minimum depth of the buffer shall be 20 feet measured from the property line and run the entire length of the property.

- b. Existing trees shall be preserved to the greatest extent possible.
- c. Evergreen trees at least eight feet in height and capable of growing to at least 30 feet in height shall be planted at a density that will create a visual screen within five years.



Finding 22. The site has a sufficient, mature and healthy landscape greenbelt along the Industrial Way streetscape that meets the intent of this section for landscape screening.

H. *Lighting.*

1. Streetscape lighting shall conform to Chapter 15.30 Dark Sky Ordinance.
2. Exterior lighting shall be an integral part of the architectural design and shall complement any ornamental street lighting and remain in context with the overall architectural character of the district.
3. Lighting shall be adequate for safety purposes. Building entrances, walkways, and parking lots shall be illuminated to at least 1.5—2.0-foot candles.

Finding 23. All new light fixtures are designed to and will be installed in accordance with these regulations. The submitted photometric analysis and lighting fixture cut sheets show that all parking and pedestrian walkways will have sufficient lighting. The fixtures do not meet the maximum Kelvins allowed for new lighting as analyzed below in the review of Chapter 15.30.

I. *Safety and Security.*

1. Provide an identification system that clearly locates buildings and their entries for patrons and emergency services.
2. On-site lighting shall be located, oriented, and selected to facilitate surveillance of onsite activities from the public right-of-way or other public areas.

Finding 24. The proposed building's identification will remain as Building D. **The applicant shall display said building identification on the north elevation for all patrons and emergency services to locate.** The proposed lighting is sufficient to facilitate surveillance and provide security.

J. *External Storage.*

1. The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.

Finding 25. No external storage is proposed.

K. *Trash Collection/Recycling Areas.*

1. All trash collection/recycling areas shall be located within the structure or behind the building in an enclosure in accordance with the provisions of the City of Sandy Design Standards, Appendix A.

Finding 26. Garbage facilities are available for the building on the adjacent property between the subject building and Building A. These facilities are adequate to serve continued use of the Building D.

CHAPTER 17.92 – LANDSCAPING AND SCREENING

Section 17.92.50. Types and sizes of plant materials.

- A. At least 75 percent of the required landscaping area shall be planted with a combination of trees, shrubs, and evergreen ground cover except as otherwise authorized by Subsection 17.92.10.F.
- B. Plant Materials. Use of native plant materials or water-efficient plants for the Willamette Valley is required in compliance with the 2016 Water Management and Conservation Plan. Use of nuisance species listed in the City of Portland Plant List is not permitted.
- C. Trees shall be species having an average mature spread of crown greater than 15 feet and having trunks which can be maintained in a clear condition with over five feet of clear wood (without branches).
- D. Deciduous trees shall be balled and burlapped, be a minimum of seven feet in overall height or one and one-half inches in caliper measured six inches above the ground at the time of planting. Bare root trees will be acceptable to plant during their dormant season.
- E. Coniferous trees shall be a minimum five feet in height above ground at time of planting.
- F. Shrubs shall be a minimum of one gallon in size or two feet in height when measured at the time of planting.
- G. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within two years after planting.

Finding 27. The only area of new landscaping proposed is to the south of the refurbished parking lot on the west side of the building. The I-2, Light Industrial zone district requires that a minimum of 15 percent of the site is to be landscaped. Per File No. 17-071 STA- Bus Parking Lot Redesign, the final decision required a master landscape plan to be submitted for review, approval, and installation. The applicant states that plan was approved and installation was verified in 2019. Upon recent inspection, all designated landscaping areas displayed on “master landscape plan” remain intact and all landscaping remains irrigated and healthy and therefore complies with current standards.

CHAPTER 17.98 – PARKING, LOADING, AND ACCESS REQUIREMENTS

Section 17.98.10. General provisions.

- D. *Alteration of Existing Structures.* When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification. Alteration of existing structures, increased intensity, and change in use per Sections 17.98.10.D., E. and F. does not apply to commercial uses in the Central Business District (C-1).
- E. *Increased Intensity.* When increased intensity (e.g., adding floor area or dwelling units or changing to a use with a higher parking ratio) requires no more than four vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than four spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.

Finding 28. The addition of floor space will not increase the number of employees for the existing operation, and the use cannot intensify due to the current sanitary sewer moratorium. Therefore, no additional parking spaces are required as there is no increase in parking facility intensity.

Section 17.98.20.A.11. Off-street parking requirements.

Industrial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Storage, Distribution, Warehousing, or Manufacturing establishment; trucking freight terminal	1 per employee on the largest shift	2
Required Parking	Number of employees = 4 Parking required = 4	
Proposed Parking	4 regular parking spaces and 1 ADA space - Complies	2 existing spaces

Manufacturing establishments require at least 1 parking space per employee on the largest shift and two bicycle parking spaces.

Finding 29. The applicant is providing four parking spaces (one ADA) to be located along the remaining portion of the existing building. When the moratorium is lifted, there is available area south of the existing building to accommodate more parking spaces for future growth.

All future vehicle and bicycle parking will be located on the adjacent lot where existing parking is located. As noted above, an easement has been recorded to allow for access and parking on the adjacent lot. All off-street parking areas have to be paved with concrete or asphalt.

Section 17.98.70. On-site circulation.

A. Groups of more than three (3) parking spaces shall be permanently striped.

Finding 30. All proposed parking spaces will be permanently striped, and the site has sufficient space to allow all vehicles to turn around to exit the site in a forward manner.

Section 17.98.80. Access management.

A. *Access Spacing.* All proposed developments shall have access to a public right-of-way. Spacing requirements for access points and intersections are shown in the City of Sandy 2023 Transportation System Plan Tables 5 and 6 and in the following tables:

Finding 31. The site contains an existing access on Industrial Way, a collector street. This access will remain and this standard is met.

CHAPTER 15.30 – DARK SKY ORDINANCE

Section 15.30.020. Scope and applicability.

A. *New Lighting.* All exterior outdoor lighting installed after the effective date of this Chapter in any and all zones in the City shall conform with the requirements established by this Chapter and Title 17 of the Sandy Municipal Code unless otherwise exempted. This chapter does not apply to indoor lighting.

Section 15.30.070. Non-permitted lighting.

- A. Newly installed fixtures, which are not downward-facing, full-cutoff fixtures.
- B. Lighting for non-residential uses which presents a clear hazard to motorists, cyclists, or pedestrians; or lighting for residential uses which does not meet all the applicable standards of this chapter.
- C. Lighting with a color temperature that exceeds 4,125 Kelvins (4,125K).

- D. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- E. Holiday laser light displays that pose safety risks to people, vehicles, or aircraft, or create a nuisance to neighboring properties are prohibited.

Finding 32. All proposed lighting is new and mostly meets the intent of this chapter. The submitted photometric plan meets the parameters outlined in the code. No more than one quarter (0.25) of a foot-candle of light exceeds 10 feet beyond the property lines. All proposed lighting is directed downward towards specific intended areas. The proposed lighting units are not designed to allow light to bleed into unwanted areas or outside property lines.

The applicant has submitted a detailed lighting plan, cutsheets, and photometric analysis for the lighting requirements. The fixtures meet all the specification maximum for the light fixture except for the proposed color intensity (Kelvins). The fixtures are rated at 5,000 Kelvins which exceeds the code allowance for Kelvins. **The applicant shall submit revised lighting cut sheets detailing lighting that does not exceed 4,125 Kelvins.** No laser lighting will be used in security or any other practice.

CHAPTER 17.66 – ADJUSTMENTS AND VARIANCES

Section 17.66.10. Adjustments.

Adjustments are a Type II procedure that provides a means to vary the quantifiable development standards applied in a particular district or design standard. This option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot.

Except in the case of a nonconforming development or use, the Director may grant or deny an adjustment if the request involves only the expansion or reduction of not more than 20 percent (20%) of one or more quantifiable provisions of this Code.

Finding 33. The applicant has applied for an adjustment to reduce the required awning depth by one foot or 20 percent from the required 5 feet to a proposed 4 feet. A 20 percent adjustment is the maximum limit to qualify for an adjustment. For the adjustment to be approved, the applicant shall meet all the criteria set forth in Section 17.66.40. Adjustment Criteria.

Section 17.66.40. Adjustment criteria.

- A. **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;**

Finding 34. Pedestrian entries shall be sheltered with an overhang, awning, canopy, or portico with a depth of at least five feet. The applicant is proposing an awning attached to the building with no support posts. The proposed reduction of the depth of the awnings by one foot, from five feet to four feet, will still achieve the purposes of a sheltered overhang and still provide a change in relief at the door of the building and weather protection for users of the building.

Reducing the area from five feet to four feet will still provide an adequate amount of refuge from the elements. None of the four awnings nor the building are visible from a public right-of-way. The current operation is only open to employees and not the general public and will see only limited use due to existing staff. The reduced depth of the awning will not constrain access for emergency services.

Reducing the awnings will not be contrary to the purposes of the Sandy Development Code or the policies of the Comprehensive Plan. The applicant will apply for a building permit and both the Building and Planning Divisions will have to review the plans. All remaining items reviewed for a building in the Light Industrial (I-2) District have been met for the purposes of this design review, with the exception of the roof color.

The development code allows for the option of an adjustment for these circumstances where uniform, unvarying rules would prevent a more efficient use of a lot. **Criteria A is met.**

B. 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;

Finding 35. The adjustment will not adversely affect the privacy of surrounding properties. A reduction of one foot below the minimum allowed depth of the sheltered overhangs would be hard to reconcile visually due to the distance from the general public's view and the scale of the building it is attached to.

The decrease in depth will have no effect on privacy or compromise the enjoyment by the residents or operations on neighboring properties. No surrounding property owners will be encumbered by the reduction in size of the awnings any more than they are now.

The City sent notice of this proposed adjustment to property owners within 300 feet of the subject property and no objections or comments were received. **Criteria B is met.**

C. The proposed development will not adversely affect existing physical systems and natural systems, such as the existing or planned transportation network, stormwater facilities, slopes greater than 25 percent, wetlands, creeks, or parks; and

Finding 36. The proposed adjustment will have no effect on existing physical or natural systems, including the existing or planned transportation network. Public and private utilities will not be negatively affected. **Criteria C is met.**

D. Architectural features of the proposed development will be compatible with the design character of existing structures on adjoining properties and on the proposed development site.

Finding 37. Smaller awnings are traditionally more standard when the building doesn't have a heavily trafficked entranceway, like on a typical industrial structure that is usually not open to the general public. The proposed four-foot awnings will be the same awning type and size used over the doors of all buildings built on the site within the last several years. The smaller awning will not be out of scale with increased height of the building considering the rest of the buildings to the west (Buildings A, B, and C) are of similar height and scale.

The awnings are largely confined to the central portion of the structure, minimizing visual impact. There is no evidence to suggest approval of the adjustment would be contrary to the purposes of this chapter. **Criteria D is met.**

DECISION

The applicant's request for a Type II Design Review and Adjustment to reduce the canopy overhang from five feet to four feet, a reduction of 20 percent, is **approved** with the conditions below in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40.

CONDITIONS OF APPROVAL

A. Prior to the issuance of building permits, the applicant shall submit the following for staff review and approval:

1. Submit building permits in accordance with the State of Oregon Building Codes, including engineering stamps in compliance with structural plan requirements.
2. Specific comments about fire apparatus access and fire flow requirements will be addressed after the applicant submits engineering plans of the building to Clackamas County Fire, if the applicant proceeds with development.
3. Submit revised lighting cut sheets detailing lighting that does not exceed 4,125 Kelvins.

B. Prior to the issuance of a Certificate of Occupancy for the addition to Building D, the applicant shall:

1. The Building Division will need to review civil engineered drawings addressing soil stabilization along the south property line due to proximity to the hill and history of the soil in this area sinking or shifting.
2. The applicant shall display the Building D identification on the north elevation for all patrons and emergency services to locate.
3. Install all improvements as approved with the building permit.

C. General Conditions of Approval:

1. US Metal Works shall notify the City if any future sanitary sewer use is proposed to increase. In accordance with the moratorium, no additional sanitary sewer use shall be permitted unless authorized by the City of Sandy.
2. Pave all off-street parking areas with concrete or asphalt.
3. The applicant shall call SandyNet if the pipe needs to be adjusted during construction to make sure that it is available after construction is completed.
4. This design review approval shall be void two (2) years after the date of the Final Order unless the applicant has submitted plans for building permit approval.
5. No new signage has been proposed at this stage of the review. All future signage, including directional signage, shall be submitted to the Planning Division for review and 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) days 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:

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.